

RESOLUTION OF THE
RESOURCES AND DEVELOPMENT COMMITTEE
23rd Navajo Nation Council --- Fourth Year, 2018

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE; APPROVING AND
ADOPTING THE NAVAJO NATION TRANSPORTATION UNMANNED AERIAL
VEHICLES ("UAV") POLICY

BE IT ENACTED:

SECTION ONE. AUTHORITY

The Navajo Nation Council established the Resources and Development Committee ("RDC"), as a standing committee of the Navajo Nation Council. RDC is empowered to conduct legislative oversight for matters concerning transportation and air transportation and serves as oversight for the Division of Transportation. 2 N.N.C. §§ 500(A), 500(C), 501(B)(2)(g).

SECTION TWO. FINDINGS

- A. "The purpose of the Navajo Nation Division of Transportation is to exclusively administer the Navajo Nation transportation programs within the Navajo Nation, to ensure an effective and efficient transportation operation to promote the improvement of the transportation system and to provide the necessary resources to accomplish the objectives herein." 2 N.N.C. § 1371.
- B. The Division of Transportation has promulgated its Unmanned Aerial Vehicle Policy ("UAV Policy"), which is attached hereto as **Exhibit A** and incorporated herein by reference.
- C. The policy is created to provide the Navajo Nation's divisions, departments, entities, offices, political subdivisions, programs, officials, personnel, representatives and agents with direction and guidance regarding the operation of civil small unmanned aerial vehicles, commonly referred to as "drones". See **Exhibit A** at §1.1.
- D. The policy will permit the Navajo Division of Transportation to issue, enforce and administer the UAV Policy. See **Exhibit A** at §1.2.

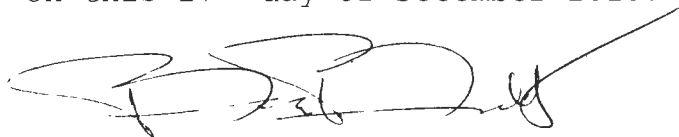
- E. The policy will also permit the establishment of a UAV Advisory Committee to, *inter alia*, monitor, advise and make recommendations to NDOT and, otherwise, the Navajo Nation regarding the implementation of this policy. See **Exhibit A** at §1.4.
- F. The Navajo Department of Justice has provided a review of the UAV Policy and has provided comments for revision and is attached hereto as **Exhibit B**.
- G. The Resources and Development Committee finds the approval and adoption of the Navajo Division of Transportation Unmanned Aerial Policy is in the best interest of the Navajo Nation and consistent with applicable laws, regulations, rules and policies of the Navajo Nation and United States.

SECTION THREE. APPROVAL

The Resources and Development Committee of the Navajo Nation Council hereby approves and adopts the Navajo Nation Division of Transportation Unmanned Aerial Vehicle Policy, attached hereto as **Exhibit A** and incorporated herein by reference.

CERTIFICATION

I, hereby, certify that the following resolution was duly considered by the Resources and Development Committee of the 23rd Navajo Nation Council at a duly called meeting at the Navajo Nation Council Chambers, Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 3 in favor, and 0 opposed, on this 27th day of December 2018.



Benjamin Bennett, Vice-Chairperson
Resources and Development Committee
of the 23rd Navajo Nation Council

Motion: Honorable Walter Phelps
Second: Honorable Davis Filfred

Vice-Chairperson Benjamin Bennett not voting.



Navajo Nation Government Unmanned Aerial Vehicles Policy

1.0 PURPOSE; AUTHORITY AND ADMINISTRATION

- 1.1 The purposes and objectives of this Navajo Nation Unmanned Aerial Vehicle Policy (this “Policy”) are to provide the Navajo Nation’s divisions, departments, offices, programs, officials, employees, personnel, representatives, and agents (referred to, collectively, as the “Navajo Nation”) direction and guidance regarding the regulation and proper operation of civil small unmanned aircraft systems or unmanned aerial vehicles (“UAVs”),¹ otherwise referred to as “drones,” within the Navajo Reservation and, otherwise, Navajo Indian Country² for official purposes, including, guidelines regarding the purchase, registration, and safe, efficient, and lawful use of drones. The purposes and objectives of this Policy are also to inform and make the Navajo Nation aware of the manners in which drones may be used to promote efficiency and greater effectiveness in the collection of data, protection of property and personal safety, and the detection of potential dangers and exposure to liabilities that may not, otherwise, be known, seen, or discovered without the use of drones. Further, the Navajo Nation Division of Transportation’s (the “NDOT”) issuance of this Policy is designed to ensure that the Navajo Nation’s drone operators exercise reasonable efforts to avoid the inadvertent invasion of individuals’ reasonable expectations of privacy during the operation of drones.
- 1.2 The NDOT has proper authority to issue, enforce, and administer this Policy.
- 1.3 The NDOT’s Department of Airports Management (or successor) shall administer this Policy and propose or recommend necessary or prudent amendments and modifications hereof and hereto, as may be applicable and appropriate in accordance with the laws, regulations, and policies of the Navajo Nation and upon approval of the Resources and Development Committee of the Navajo Nation Council.
- 1.4 The NDOT shall establish a UAV Advisory Committee to monitor, advise, and make recommendations to the NDOT and, otherwise, the Navajo Nation regarding the implementation of this Policy, necessary changes to this Policy, and the purchase or acquisition of UAVs and UAV services by the Navajo Nation. The UAV Advisory Committee shall be overseen by the Program Manager of the NDOT’s Department of Airports Management and will be comprised of and, otherwise, include Navajo Nation 14 C.F.R. Part 107 certified UAV operators and such other persons as the Program Manager of the NDOT’s Department of Airports Management may deem appropriate in his or her discretion. The UAV Advisory Committee shall meet as may be deemed necessary in the discretion of the Director of the NDOT’s Department of Airports Management.

2.0 ORGANIZATIONS AFFECTED

All Divisions, Departments, Offices, and Programs of the Navajo Nation government.

3.0 REFERENCES

¹ UAVs are, more-specifically, defined as “[s]mall unmanned aircraft . . . weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft . . . , associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system . . . , [and] “aircraft operated without the possibility of direct human intervention from within or on the aircraft.”).

² See, e.g., 7 N.N.C. § 254 (providing that the Nation’s territorial jurisdiction “shall extend to Navajo Indian Country, defined as all land within the exterior boundaries of the Navajo Indian Reservation or of the Eastern Navajo Agency, all land within the limits of dependent Navajo Indian communities, all Navajo Indian allotments, all land owned in fee by the Navajo Nation, and all other land held in trust for, owned in fee by, or leased by the United States to the Navajo Nation or any Band of Navajo Indians.”).

- 2 N.N.C. §§ 81 et seq., as amended.
- 2 N.N.C. § 1371, as amended.
- 49 U.S.C. § 40102, as amended.
- 14 C.F.R. § 1.1, as amended.
- 14 C.F.R. Part 21, as amended.
- 14 C.F.R. Part 43, as amended.
- 14 C.F.R. Part 61, as amended.
- 14 C.F.R. Part 107, as amended.
- Operation and Certification of Small Unmanned Aircraft Systems, 81 Fed. Reg. 42,064-01 (June 28, 2016) (codified at 14 C.F.R. pts. 21, 43, 61, 91, 101, 107, 119, 133, and 183).
- Interpretation of the Special Rule for Model Aircraft, 79 Fed. Reg. 36,172 (June 25, 2014) (codified at 14 C.F.R. pt. 91).
- Federal Aviation Administration, *Public Aircraft Operations*, Advisory Circular 00-1.1A (Feb. 12, 2014).
- Federal Aviation Administration, *Unmanned Aircraft Systems*, National Policy N 8900.227 (Effective Date July 30, 2013, Cancellation Date July 30, 2014).
- Federal Aviation Administration, *Restricted Category Type Certification*, National Policy 8110.56A (Effective Date Sept. 30, 2008, Cancellation Date July 19, 2017).
- Unmanned Aircraft Operations in the National Airspace, 72 Fed. Reg. 6,689 (Feb. 13, 2007) (codified at 14 C.F.R. pt. 91).

4.0 POLICY

- 4.1 This Policy concerns the Navajo Nation’s purchase or acquisition, registration, use, and operation of UAVs, and the Navajo Nation’s regulation of the operation of UAVs within its territory. UAV includes, but is not limited to, drones and all equipment, communications, control stations, data links, navigation, telemetry, and matters or, otherwise, issues associated therewith. The NDOT shall administer and oversee the regulation of UAVs and all matters or, otherwise, issues associated therewith on behalf of the Navajo Nation in accordance with 2 N.N.C. § 1371, as amended.
- 4.2 All UAV operations and attendant functions and actions shall be performed and, otherwise, conducted consistent with this Policy, including, the procurement or purchase and, otherwise, acquisition of any UAV and other equipment necessary or, otherwise, incidental to its operation by the Navajo Nation.
- 4.3 Any drone or other UAV shall be operated by a pilot having been properly permitted to do so by the NDOT in accordance with this Policy and, otherwise, consistent with the regulations set forth within 14 C.F.R. Part 107, as amended, or, otherwise, authorized to do so consistent with the standards applied by the Federal Aviation Administration (the “FAA”), unless the NDOT has expressly approved and, otherwise, consented to other

experience and, otherwise, training being acceptable for performance or conduct of any such operation(s) in writing.

- 4.4 All drone or other UAV flights—except those performed or conducted by the Navajo Nation’s Division of Public Safety (“DPS”) and other first-responders to emergencies, incidents, or recognized exigencies—shall require a flight plan approved by the NDOT pursuant to a NDOT Drone Flight Plan Approval Form having been properly submitted to the NDOT. However, the Navajo Nation’s DPS and other excepted first-responders shall develop, create, and promulgate internal Standard Operating Procedures (“SOPs”) regarding UAV operation and matters or, otherwise, issues incidental thereto or associated therewith, which shall be submitted to, and approved by, the NDOT. Upon the NDOT’s approval of any such SOPs, the relevant division, department, office, program, official, employee, personnel, representative, or agent of the Navajo Nation will, then, be authorized and empowered to administer its operation of UAVs in its discretion, in accordance with such approved SOPs and the forward of UAV flight plans to the NDOT and, otherwise, necessary and appropriate or, otherwise, relevant authorities.
- 4.5 All officials, officers, employees, personnel, representatives, and agents of the Navajo Nation operating and, otherwise, using UAVs shall be knowledgeable of, adhere to, and comply with this Policy and all restrictions on their functions and activities proscribed hereby and, otherwise, applicable laws, regulations, rules, and policies; provided, however, that such restrictions, limitations, and proscriptions shall be made by the NDOT to the Navajo Nation.
- 4.6 Each UAV pilot shall be accompanied by an authorized and appropriately-trained visual observer, consistent with 14 C.F.R. Part 107, to assist such UAV operator in keeping said UAV within unaided sight, which visual observer shall be positioned to assist said UAV operator in scanning the relevant area for potentially conflicting air traffic and ensuring overall navigational awareness. Neither a UAV operator nor an assisting visual observer may be responsible for more than one (1) UAV at any time.
- 4.7 All UAV operators and other personnel of the Navajo Nation assigned to work with UAVs and, otherwise, their operation shall be responsible for the proper (neat, clean, orderly, and workmanlike fashion) maintenance and upkeep of UAVs in accordance with this Policy and, otherwise, 14 C.F.R. Part 107.
- 4.8 Officials, officers, employees, personnel, representatives, and agents of the Navajo Nation who may witness a drone or other UAV being flown or, otherwise, operated in an unsafe manner or, otherwise, any manner inconsistent with applicable laws, regulations, rules, and policies shall report the same to the NDOT and DPS.

5.0 DEFINITIONS

- 5.1 “Control station” means an interface used by the UAV operator or, otherwise, remote pilot to control the flight path of the UAV.
- 5.2 “Corrective lenses” means spectacles or contact lenses.
- 5.3 “Operator” includes “pilot” and means any person who operates and, otherwise, controls a UAV or drone from the ground, or otherwise.
- 5.4 “Unmanned Aerial Vehicle” or “UAV” includes “done” and means any small unmanned aircraft weighing less than fifty-five (55) pounds on takeoff, including everything that is on board or otherwise attached to the aircraft, including, associated elements (including communication links and the components that control the small unmanned aircraft) that

are required for the safe and efficient operation of the small unmanned aircraft and, otherwise, aircraft operated without the possibility of direct human intervention from within or on the aircraft.

- 5.5 “Visual observer” means a person who is designated by the operator or pilot to assist the same in the operation of a UAV, keep said UAV within unaided sight, scan the relevant area for potentially conflicting air traffic, and ensure overall navigational awareness.

6.0 PROCEDURE

6.1 Purchasing Drones

- 6.1.1 Should the Navajo Nation be interested in the procurement or, otherwise, acquisition of a UAV, the relevant division, department, office, program, or entity shall contact NDOT regarding the kinds or types of UAV platforms authorized for use in and, otherwise, by the Navajo Nation. The division, department, office, program, or entity at issue shall consult NDOT and, or otherwise, the UAV Advisory Committee regarding the proposed purchase or acquisition of a UAV.

7.0 REGISTRATION

7.1 Registering Drones

- 7.1.1 All drones and other UAVs shall be registered with the NDOT, and copies of all registration documents shall be maintained on file with the NDOT, unless an exemption or exception to this requirement is, otherwise, specifically granted by the NDOT.
- 7.1.2 As may be relevant and applicable, drones and other UAVs registered with the NDOT may be required to also be registered with the FAA in accordance with applicable laws, regulations, rules, and policies.

8.0 CERTIFICATION OF DRONE PILOTS

8.1 Pilot Certification

- 8.1.1 Any division, department, office, program, or entity of the Navajo Nation seeking to certify its official(s), officer(s), employee(s), personnel, staff, representative(s), or agent(s) may consult with the NDOT and, otherwise, the UAV Advisory Committee regarding training for the same.
- 8.1.2 Pilot certification and maintenance of said certification for operation of a drone or other UAV shall be consistent, and comply with, the requirements of 14 C.F.R. Part 107, as well as compliance with required training renewals and, otherwise, updates that may be required by applicable laws, regulations, rules, and policies, including, this Policy, as the same may be amended, modified, or restated.
- 8.1.3 All pilots and operators of UAVs shall maintain certification and, otherwise, comply with necessary or required update training within a reasonable time after such an update training is announced by the NDOT or, otherwise, the FAA to continue lawfully operating and, otherwise, piloting drones and, otherwise, UAVs within the Navajo Nation. Training maintenance, refreshment, and update standards established and, otherwise, applied by the FAA will, otherwise, be accepted as the default or normal standard to be applied in respect of, or to, the same.

- 8.1.4 Every person authorized to lawfully operate a UAV within the Navajo Nation pursuant to this Policy shall perform no less than three (3) hours in every fiscal quarter of UAV flight operation to maintain his or her proficiency in the operation of UAVs.

9.0 DRONE OR OTHER UAV OPERATIONS

9.1 Flight Approval

The NDOT shall review and approve or reject flight plans submitted thereto in its discretion. Whenever possible, the NDOT's reasoning and guidance regarding the approval or rejection of a proposed flight plan may be provided to the body or, otherwise, person having submitted a proposed flight plan to the NDOT.

9.2 Flight Safety

- 9.2.1 All drone and other UAV pilots and operators shall conduct or, otherwise, perform the operation of any UAV consistent with applicable laws, regulations, rules, and policies, including, this Policy, with safety (both their own safety and the safety of third-parties) being the operator's or pilot's primary consideration and concern. Further, every operator and, otherwise, pilot of a UAV shall know, understand, and comply with all regulatory requirements and safety standards, policies, and procedures set forth in applicable laws, regulations, rules, and policies.
- 9.2.2 Any operator or, otherwise, pilot of a UAV shall immediately report any damage to public or private property and, otherwise, any harm or injury having occurred from the operation of a UAV to his or her immediate supervisor and the NDOT.

9.3 Flight Data Processing

- 9.3.1 Any particular or, otherwise, specific information or data required or, otherwise, requested by the NDOT shall be included with any proposed flight plan submitted to the NDOT.
- 9.3.2 If specific data is needed from the flight or, otherwise, operation of a UAV, then the image section of the flight plan submitted to the NDOT shall be filled out as completely and, otherwise, with as much detail and information as is possible.
- 9.3.3 Depending on type or character of the information or data desired by the NDOT or, otherwise, the Navajo Nation, the NDOT may advise or, otherwise, require the division, department, office, program, or entity of the Navajo Nation to procure the services of outside consultants in lieu of in-house drone use by said division, department, office, program, or entity of the Navajo Nation that is subject to this Policy.
- 9.3.4 The NDOT will not participate in, or provide, a timeline for the processing of any information or data collected or, otherwise, associated with the operation of a UAV, unless specifically required by, or pursuant to, a valid contract, other agreement, or other requirement of a specific project.

9.4 Protection of Rights & Privacy

- 9.4.1 All UAV operators shall abide by all Navajo Nation and applicable federal and state laws, regulations, rules, and policies and perform or conduct all UAV operations consistent with all reasonable expectations of privacy and, otherwise,

protect against all intentional and inadvertent intrusions on the affairs of citizens and residents of the Navajo Nation.

- 9.4.2 Whenever any UAV is flown with an onboard camera, such camera shall be kept in a position so as to be facing away from occupied structures and, otherwise, to minimize the risk of inadvertent filming or capturing of still images of persons and property not, otherwise, designed to be filmed as a part of an approved flight plan.
- 9.4.3 All video and still images shall be obtained and, otherwise, retained or maintained consistent with all Navajo Nation laws, regulations, rules, and policies.
- 9.4.4 Inquiries regarding the data collected from, or pursuant to, operation of a UAV shall be submitted to the NDOT and shall be treated as a public records request pursuant to the Navajo Nation Privacy and Access to Information Act, 2 N.N.C. §§ 81 *et seq.*, as amended.
- 9.4.5 The NDOT shall review any action outside of an expressed flight plan, operation of a UAV without an approved flight plan, or operation of a UAV outside of the intended use of the UAV performed by a pilot authorized by the Navajo Nation pursuant to this Policy and may result in the loss of authorization to operate UAVs within the Navajo Nation and, otherwise, within the Navajo Nation. Additionally, failure to abide by this Policy may also result in fines, fees, assessments, and charges imposed by the NDOT and, otherwise, other authorities of the Navajo Nation.



NAVAJO NATION DEPARTMENT OF JUSTICE



REQUEST FOR SERVICES



DOJ 12-5-18 2:50p DATE/TIME 2873 RFS #: 18-2873 UNIT: NRU

RESUBMITTAL

*** FOR NNDJ USE ONLY - DO NOT CHANGE OR REVISE FORM. VARIATIONS OF THIS FORM WILL NOT BE ACCEPTED. ***

CLIENT TO COMPLETE: DATE OF REQUEST: 12/5/2018, ENTITY/DIVISION: Transportation, CONTACT NAME: Carl Slater, DEPARTMENT: Airports Mgmt., PHONE NUMBER: 928-245-7253, E-MAIL: cslater@navajodot.org, gfwatson@navajodot.org. COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (Attach Documents): Review changes to UAV policy for legal sufficiency before dropping to legislative process. DEADLINE: ASAP, REASON: Del. Shepherd wants to drop as leg. ASAP. DOJ SECRETARY TO COMPLETE: DATE/TIME IN UNIT: 12/5/18 3:12 pm, REVIEWING ATTORNEY/ADVOCATE: Veronica B. DATE TIME OUT OF UNIT: 12-13-18 2:40, PREPARED BY (initial): DOJ ATTORNEY / ADVOCATE COMMENTS: see comments to attached draft. REVIEWED BY: (PRINT) VBlackhat, DATE / TIME: 12/13/18 10:58 AM. DOJ Secretary Called: Gerri Watson for Document Pick Up on 12-13-18 at 2:30, By: J. PICKED UP BY: (PRINT), DATE / TIME:

NNDJ/DRRF July 2013

NNDJ'S COPY



Navajo Nation Division of Transportation – Draft Internal UAV Policy

1.0 PURPOSE; AUTHORITY AND ADMINISTRATION

1.1 The purposes and objectives of this Navajo Nation Division of Transportation Unmanned Aerial Vehicle Policy (this “Policy”) are to provide the Navajo Nation’s divisions, departments, offices, programs, officials, employees, personnel, representatives, and agents (referred to, collectively, as the “Navajo Nation”) direction and guidance regarding the regulation and proper operation of civil small unmanned aircraft systems or unmanned aerial vehicles (“UAVs”),¹ otherwise referred to as “drones,” within the Navajo Reservation and, otherwise, Navajo Indian Country² for official purposes, including, guidelines regarding the purchase, registration, and safe, efficient, and lawful use of drones. The purposes and objectives of this Policy are also to inform and make the Navajo Nation aware of the manners in which drones may be used to promote efficiency and greater effectiveness in the collection of data, protection of property and personal safety, and the detection of potential dangers and exposure to liabilities that may not, otherwise, be known, seen, or discovered without the use of drones. Further, the Navajo Nation Division of Transportation’s (the “NDOT”) issuance of this Policy is designed to ensure that the Navajo Nation’s drone operators exercise reasonable efforts to avoid the inadvertent invasion of individuals’ reasonable expectations of privacy during the operation of drones.

1.2 The NDOT has proper authority to issue, enforce, and administer this Policy.

1.3 The NDOT’s Department of Airports Management (or successor) shall administer this Policy and make, propose, or recommend necessary or prudent amendments and modifications hereof and hereto, as may be applicable and appropriate in accordance with the laws, regulations, and policies of the Navajo Nation.

1.4 The NDOT shall establish a UAV Advisory Committee to monitor, advise, and make recommendations to the NDOT and, otherwise, the Navajo Nation regarding the implementation of this Policy, necessary changes to this Policy, and the purchase or acquisition of UAVs and UAV services by the Navajo Nation. The UAV Advisory Committee shall be overseen by the Director of the NDOT’s Department of Airports Management and will be comprised of and, otherwise, include Navajo Nation 14 C.F.R. Part 107 certified UAV operators and such other persons as the Director of the NDOT’s Department of Airports Management may deem appropriate in his or her discretion. The UAV Advisory Committee shall meet as may be deemed necessary in the discretion of the Director of the NDOT’s Department of Airports Management.

Change to be consistent w/ existing Plan of Operations - Department or Program Manager

2.0 ORGANIZATIONS AFFECTED

All Divisions, Departments, Offices, and Programs of the Navajo Nation government.

3.0 REFERENCES

- 2 N.N.C. §§ 81 *et seq.*, as amended.

*1 - Will NDOT be developing rules for UAV Advisory Committee?
2 - What authorities will this committee have?
3 - How will committee members be chosen or selected?*

¹ UAVs are, more-specifically, defined as “[s]mall unmanned aircraft . . . weighing less than 55 pounds on takeoff, including everything that is on board or otherwise attached to the aircraft . . . , associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft in the national airspace system . . . , [and] “aircraft operated without the possibility of direct human intervention from within or on the aircraft.”).

² See, e.g., 7 N.N.C. § 254 (providing that the Nation’s territorial jurisdiction “shall extend to Navajo Indian Country, defined as all land within the exterior boundaries of the Navajo Indian Reservation or of the Eastern Navajo Agency, all land within the limits of dependent Navajo Indian communities, all Navajo Indian allotments, all land owned in fee by the Navajo Nation, and all other land held in trust for, owned in fee by, or leased by the United States to the Navajo Nation or any Band of Navajo Indians.”).

- 2 N.N.C. § 1371, as amended.
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 - 14 C.F.R. § 1.1, as amended.
 - 14 C.F.R. Part 21, as amended.
 - 14 C.F.R. Part 43, as amended.
 - 14 C.F.R. Part 61, as amended.
 - 14 C.F.R. Part 107, as amended.
- Does NDOT have these?*
- Operation and Certification of Small Unmanned Aircraft Systems, 81 Fed. Reg. 42,064-01 (June 28, 2016) (codified at 14 C.F.R. pts. 21, 43, 61, 91, 101, 107, 119, 133, and 183).
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4.0 POLICY

- 4.1 This Policy concerns the Navajo Nation's purchase or acquisition, registration, use, and operation of UAVs, and the Navajo Nation's regulation of the operation of UAVs within its territory. UAV includes, but is not limited to, drones and all equipment, communications, control stations, data links, navigation, telemetry, and matters or, otherwise, issues associated therewith. The NDOT shall administer and oversee the regulation of UAVs and all matters or, otherwise, issues associated therewith on behalf of the Navajo Nation in accordance with 2 N.N.C. § 1371, as amended.
- 4.2 All UAV operations and attendant functions and actions shall be performed and, otherwise, conducted consistent with this Policy, including, the procurement or purchase and, otherwise, acquisition of any UAV and other equipment necessary or, otherwise, incidental to its operation by the Navajo Nation.
- 4.3 Any drone or other UAV shall be operated by a pilot having been properly permitted to do so by the NDOT in accordance with this Policy and, otherwise, consistent with the regulations set forth within 14 C.F.R. Part 107, as amended, or, otherwise, authorized to do so consistent with the standards applied by the Federal Aviation Administration (the "FAA"), unless the NDOT has expressly approved and, otherwise, consented to other experience and, otherwise, training being acceptable for performance or conduct of any such operation(s) in writing.

- 4.4 All drone or other UAV flights—except those performed or conducted by the Navajo Nation’s Division of Public Safety (“DPS”) and other first-responders to emergencies, incidents, or recognized exigencies—shall require a flight plan approved by the NDOT pursuant to a NDOT Drone Flight Plan Approval Form having been properly submitted to the NDOT. However, the Navajo Nation’s DPS and other excepted first-responders shall develop, create, and promulgate internal Standard Operating Procedures (“SOPs”) regarding UAV operation and matters or, otherwise, issues incidental thereto or associated therewith, which shall be submitted to, and approved by, the NDOT. Upon the NDOT’s approval of any such SOPs, the relevant division, department, office, program, official, employee, personnel, representative, or agent of the Navajo Nation will, then, be authorized and empowered to administer its operation of UAVs in its discretion, in accordance with such approved SOPs and the forward of UAV flight plans to the NDOT and, otherwise, necessary and appropriate or, otherwise, relevant authorities.
- 4.5 All officials, officers, employees, personnel, representatives, and agents of the Navajo Nation operating and, otherwise, using UAVs shall be knowledgeable of, adhere to, and comply with this Policy and all restrictions on their functions and activities proscribed hereby and, otherwise, applicable laws, regulations, rules, and policies; provided, however, that such restrictions, limitations, and proscriptions shall be made by the NDOT to the Navajo Nation.
- 4.6 Each UAV pilot shall be accompanied by an authorized and appropriately-trained visual observer, consistent with 14 C.F.R. Part 107, to assist such UAV operator in keeping said UAV within unaided sight, which visual observer shall be positioned to assist said UAV operator in scanning the relevant area for potentially conflicting air traffic and ensuring overall navigational awareness. Neither a UAV operator nor an assisting visual observer may be responsible for more than one (1) UAV at any time.
- 4.7 All UAV operators and other personnel of the Navajo Nation assigned to work with UAVs and, otherwise, their operation shall be responsible for the proper (neat, clean, orderly, and workmanlike fashion) maintenance and upkeep of UAVs in accordance with this Policy and, otherwise, 14 C.F.R. Part 107.
- 4.8 Officials, officers, employees, personnel, representatives, and agents of the Navajo Nation who may witness a drone or other UAV being flown or, otherwise, operated in an unsafe manner or, otherwise, any manner inconsistent with applicable laws, regulations, rules, and policies shall report the same to the NDOT and DPS.

5.0 DEFINITIONS

- 5.1 “Control station” means an interface used by the UAV operator or, otherwise, remote pilot to control the flight path of the UAV.
- 5.2 “Corrective lenses” means spectacles or contact lenses.
- 5.3 “Operator” includes “pilot” and means any person who operates and, otherwise, controls a UAV or drone from the ground, or otherwise.
- 5.4 “Unmanned Aerial Vehicle” or “UAV” includes “drone” and means any small unmanned aircraft weighing less than fifty-five (55) pounds on takeoff, including everything that is on board or otherwise attached to the aircraft, including, associated elements (including communication links and the components that control the small unmanned aircraft) that are required for the safe and efficient operation of the small unmanned aircraft and, otherwise, aircraft operated without the possibility of direct human intervention from within or on the aircraft.

- 5.5 “Visual observer” means a person who is designated by the operator or pilot to assist the same in the operation of a UAV, keep said UAV within unaided sight, scan the relevant area for potentially conflicting air traffic, and ensure overall navigational awareness.

6.0 PROCEDURE

6.1 Purchasing Drones

- 6.1.1 Should the Navajo Nation be interested in the procurement or, otherwise, acquisition of a UAV, the relevant division, department, office, program, or entity shall contact NDOT regarding the kinds or types of UAV platforms authorized for use in and, otherwise, by the Navajo Nation. The division, department, office, program, or entity at issue shall consult NDOT and, or otherwise, the UAV Advisory Committee regarding the proposed purchase or acquisition of a UAV.

7.0 REGISTRATION

7.1 Registering Drones

- 7.1.1 All drones and other UAVs shall be registered with the NDOT, and copies of all registration documents shall be maintained on file with the NDOT, unless an exemption or exception to this requirement is, otherwise, specifically granted by the NDOT.
- 7.1.2 As may be relevant and applicable, drones and other UAVs registered with the NDOT may be required to also be registered with the FAA in accordance with applicable laws, regulations, rules, and policies.

8.0 CERTIFICATION OF DRONE PILOTS

8.1 Pilot Certification

- 8.1.1 Any division, department, office, program, or entity of the Navajo Nation seeking to certify its official(s), officer(s), employee(s), personnel, staff, representative(s), or agent(s) may consult with the NDOT and, otherwise, the UAV Advisory Committee regarding training for the same.
- 8.1.2 Pilot certification and maintenance of said certification for operation of a drone or other UAV shall be consistent, and comply with, the requirements of 14 C.F.R. Part 107, as well as compliance with required training renewals and, otherwise, updates that may be required by applicable laws, regulations, rules, and policies, including, this Policy, as the same may be amended, modified, or restated.
- 8.1.3 All pilots and operators of UAVs shall maintain certification and, otherwise, comply with necessary or required update training within a reasonable time after such an update training is announced by the NDOT or, otherwise, the FAA to continue lawfully operating and, otherwise, piloting drones and, otherwise, UAVs within the Navajo Nation. Training maintenance, refreshment, and update standards established and, otherwise, applied by the FAA will, otherwise, be accepted as the default or normal standard to be applied in respect of, or to, the same.
- 8.1.4 Every person authorized to lawfully operate a UAV within the Navajo Nation pursuant to this Policy shall perform no less than three (3) hours in every fiscal

quarter of UAV flight operation to maintain his or her proficiency in the operation of UAVs.

9.0 DRONE OR OTHER UAV OPERATIONS

9.1 Flight Approval

The NDOT shall review and approve or reject flight plans submitted thereto in its discretion. Whenever possible, the NDOT's reasoning and guidance regarding the approval or rejection of a proposed flight plan may be provided to the body or, otherwise, person having submitted a proposed flight plan to the NDOT.

9.2 Flight Safety

- 9.2.1 All drone and other UAV pilots and operators shall conduct or, otherwise, perform the operation of any UAV consistent with applicable laws, regulations, rules, and policies, including, this Policy, with safety (both their own safety and the safety of third-parties) being the operator's or pilot's primary consideration and concern. Further, every operator and, otherwise, pilot of a UAV shall know, understand, and comply with all regulatory requirements and safety standards, policies, and procedures set forth in applicable laws, regulations, rules, and policies.
- 9.2.2 Any operator or, otherwise, pilot of a UAV shall immediately report any damage to public or private property and, otherwise, any harm or injury having occurred from the operation of a UAV to his or her immediate supervisor and the NDOT.

9.3 Flight Data Processing

- 9.3.1 Any particular or, otherwise, specific information or data required or, otherwise, requested by the NDOT shall be included with any proposed flight plan submitted to the NDOT.
- 9.3.2 If specific data is needed from the flight or, otherwise, operation of a UAV, then the image section of the flight plan submitted to the NDOT shall be filled out as completely and, otherwise, with as much detail and information as is possible.
- 9.3.3 Depending on type or character of the information or data desired by the NDOT or, otherwise, the Navajo Nation, the NDOT may advise or, otherwise, require the division, department, office, program, or entity of the Navajo Nation to procure the services of outside consultants in lieu of in-house drone use by said division, department, office, program, or entity of the Navajo Nation that is subject to this Policy.
- 9.3.4 The NDOT will not participate in, or provide, a timeline for the processing of any information or data collected or, otherwise, associated with the operation of a UAV, unless specifically required by, or pursuant to, a valid contract, other agreement, or other requirement of a specific project.

9.4 Protection of Rights & Privacy

- 9.4.1 All UAV operators shall abide by all Navajo Nation and applicable federal and state laws, regulations, rules, and policies and perform or conduct all UAV operations consistent with all reasonable expectations of privacy and, otherwise, protect against all intentional and inadvertent intrusions on the affairs of citizens and residents of the Navajo Nation.

- 9.4.2 Whenever any UAV is flown with an onboard camera, such camera shall be kept in a position so as to be facing away from occupied structures and, otherwise, to minimize the risk of inadvertent filming or capturing of still images of persons and property not, otherwise, designed to be filmed as a part of an approved flight plan.
- 9.4.3 All video and still images shall be obtained and, otherwise, retained or maintained consistent with all Navajo Nation laws, regulations, rules, and policies.
- 9.4.4 Inquiries regarding the data collected from, or pursuant to, operation of a UAV shall be submitted to the NDOT and shall be treated as a public records request pursuant to the Navajo Nation Privacy and Access to Information Act, 2 N.N.C. §§ 81 *et seq.*, as amended.
- 9.4.5 The NDOT shall review any action outside of an expressed flight plan, operation of a UAV without an approved flight plan, or operation of a UAV outside of the intended use of the UAV performed by a pilot authorized by the Navajo Nation pursuant to this Policy and may result in the loss of authorization to operate UAVs within the Navajo Nation and, otherwise, within the Navajo Nation. Additionally, failure to abide by this Policy may also result in fines, fees, assessments, and charges imposed by the NDOT and, otherwise, other authorities of the Navajo Nation.

RESOURCES AND DEVELOPMENT COMMITTEE
Special Meeting

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0432-18: Relating to Resources and Development;
Approving and Adopting the Navajo Nation Transportation Unmanned
Aerial Vehicles "UAV" Policy. *Sponsor: Honorable Alton Joe Shepherd*

MAIN MOTION:

M: Walter Phelps S: Davis Filfred Vote: 3-0-1 (VCNV)

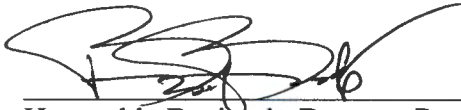
YEAS: Alton Joe Shepherd, Walter Phelps, and Davis Filfred

NAYS:

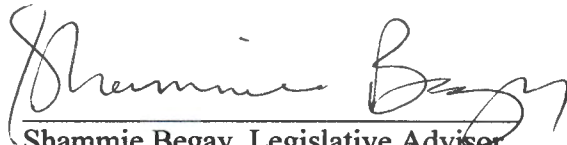
EXCUSED: Jonathan Perry and Leonard Pete

Date: December 27, 2018 –Special Meeting

Meeting Location: Navajo Nation Council Chambers, Window Rock, Arizona



Honorable Benjamin Bennett, Presiding Vice-Chairman
Resources and Development Committee



Shammie Begay, Legislative Advisor
Office of Legislative Services