

THE NAVAJO NATION

NAVAJO NATION TOUR AND GUIDE SERVICE ACT REGULATIONS

Navajo Nation Law (Title 5, Navajo Nation Code, §2501 *et seq.*), as amended, provides for the regulation of tour operations and guide services within the jurisdictional limits of the Navajo Nation. This law gives the Navajo Nation Parks and Recreation Department (Authority) specific authority to issue reasonable rules and regulations to implement this Act, and which rules and regulations are herein prescribed.

PURSUANT TO:

CHAPTER 1: PERMITS

A. Application

Any person(s) desiring to provide and conduct commercial tour and guide services on the Navajo Nation must first apply to the Authority by submitting a complete application along with the listed supporting documents and permit fees in accordance with the Navajo Nation Tour and Guide Services Act rules and regulations. The requirements are listed below.

B. Types of Tour Permits

1. Vehicle Tours – Tours conducted in motorized vehicles.
2. Horseback – Tours conducted on horseback.
3. Hiking – Tours conducted by walking.
4. Location Scout – Services provided to companies involved in movies, commercials or advertising productions to find locations.
5. Aircraft – Services conducted in fixed wing aircraft and helicopters.
6. Guide – An individual employed to accompany tour groups for compensation.
7. Other – Other tour and guide services not included in the above, such as hot air balloons or water craft.

C. Copy of Business License or Article of Incorporation

Each applicant shall furnish the Authority a true and correct copy of the Articles of Incorporation or Business License of company, or any other documented proof of business establishment and operation such as a Navajo Preference Certification, Internal Revenue Service Employer Identification Number, or Navajo Tax Commission Form 100.

D. Commercial General Liability Insurance

Upon application, proof of possession of a Commercial General Liability Insurance Policy which lists the Navajo Nation as Additional Insured shall be provided. The certificate or copy of the policy shall be furnished to the Authority and the Insurance Agent's name, address and telephone

number shall be included for verification purposes. Signed waivers of liability are not acceptable as insurance coverage.

Minimum Commercial General Liability Insurance coverage required is as follows:

Vehicle	\$ 750,000 per occurrence
Hiking	\$ 250,000 per occurrence
Horseback	\$ 1,000,000 per occurrence
Aircraft	\$ 2,500,000 per occurrence

E. Automobile and Aircraft Liability Insurance

Upon application, proof of possession of an Automobile and/or Aircraft Liability Insurance Policy which carries a minimum amount coverage as required by state law for commercial transportation of passengers must be presented. The certificate or copy of the policy shall be furnished to the Authority and the Insurance Agent's name, address and telephone number shall be included for verification purposes. Any insurance policy shall be renewed no later than thirty (30) days prior to its expiration date and the renewal certificate shall be forwarded directly to the Authority by the insurance agency.

F. Verified Statement of Fees – Schedule of Routes, Distance and Times of Tours

Each applicant shall furnish the Authority a verified statement showing rates to be charged for each tour or service, a description of routes, distances, times, and a map showing tour routes shall accompany the verified statement. The Authority shall review the application with attached documents and upon complete satisfaction that all prerequisites of obtaining a tour permit are met, a permit will be issued in Permittee's company name.

G. Agreement between the Tour Company and the Navajo Nation

A contractual agreement shall be executed between the parties involved which will serve as the regulatory control. The agreement shall contain at a minimum the following information:

1. Terms and conditions of the Agreement and Permitted Area
2. Indemnification
3. Consent to Navajo Laws and Courts
 - a. Preference in Employment
 - b. Navajo Business Preference
4. Any special arrangements as negotiated between Permittee and Navajo Nation

H. Fee Schedule

At the time of approval of the application and prior to the issuance of the tour permit, a fee will be payable in the form of money order or cashier's check to the Authority (no personal checks), as follows:

Type of Service	Navajo	Application	Non-Navajo	Application
Vehicle	\$ 1,000.00	\$ 50.00	\$ 3,000.00	\$ 50.00
Horseback	\$ 1,000.00	\$ 50.00	XXX	XXX
Hiking	\$ 500.00	\$ 25.00	XXX	XXX
Aircraft	XXX	XXX	\$3,000.00	\$50.00
Guide/Scout	\$ 500.00	\$ 25.00	\$ 2,500	\$ 50.00

I. Other Fees

The Navajo Nation charges other fees that may be applicable such as camping, back country, special use, commercial photography, and other fees. These fees are not included in the annual tour or guide service permit and will be collected at time of tour or guide activity.

J. Permit Renewal

All tour and guide service permits are issued on a calendar year basis (January – December) and are not prorated. Upon expiration of a permit, the permittee may apply for a renewal pursuant to this section.

CHAPTER 2. OPERATION OF TOUR SERVICE ON NAVAJO NATION

Upon issuance of Tour Permit, Permittee is subject to all applicable Navajo, Federal and State laws, rules and regulations, and to the terms and conditions on the contractual agreement. Permittee shall comply with terms and conditions in the operation of tour and guide services and must adhere strictly to same.

A. Permittee shall conduct business in an orderly, professional and accountable manner not to the detriment of the Navajo Nation, and to make reports regarding the tour operation monthly on standard forms to be provided by the Authority.

B. The permit shall allow strictly for the transportation or guidance of customers or clients between points and places and within locations as particularly described on the map submitted with the verified fee schedule. Any deviations from the submitted and approved routes and schedules, as filed with the Authority, must be approved prior to taking new routes or implementing new schedules.

C. Each tour operation/business and guide service shall possess a valid tour permit that shall be kept in possession at all times during tour operation and are not transferable, assignable or to be sold. Copies of the original permit issued by the Navajo Nation shall be made and said copies shall accompany each tour or guide service by the Permittee or Permittee's Agent.

D. Brochures, Tour Guides, First Aid

1. Dissemination of Information

Permittee and its employees will disseminate only accurate information and distribute to all its customers or clients any informative brochures or pamphlets to supplement the tour or guide service.

2. Trained employees

Permittee shall insure that all employees, tour guides or other persons conducting tours, giving lectures, or other informational talks or otherwise issuing information about the Navajo Nation or its people, are properly trained and orientated before conducting tour or guide services.

3. Non-Navajo Guides

All non-Navajo guides employed by the tour or guide service, where applicable, shall first be licensed and pay such fees pursuant to Title 5, Navajo Nation Code, §3001 *et seq.*

4. Tour Attendance by Officials

Officials and employees of the Navajo Nation on official business related to the tour or guide service may at any time attend, free of charge, tours or lectures given by Permittee or its employees in the course of conducting its operation or service within the Navajo Nation for quality assurance purposes.

5. First Aid

All Permittees, employees, or persons, who serve as tour guide, shall have had prior training in first aid and possesses a first aid certification. Employees who conduct tour and guide services shall have additional certification in CPR.

E. Vehicles Insured, Driver's License, Park Rules and Regulations, Employment Preference

1. Vehicles and Vehicles Insured, including Aircraft

Permittee and employees shall utilize only those passenger vehicles and aircraft which are insured for such purposes and which vehicles are listed on the insurance certificate and filed with the application. Navajo Tribal Park employees and the Navajo Police and Rangers are authorized to question operators and/or owners of vehicles being used to transport tour passengers to insure that the vehicles are properly insured and that the company has a valid tour and guide service permit.

2. Operator's License

The tour vehicle or aircraft operator shall be the holder of a valid Operator's License (driver or pilot) issued by the state in which the individual resides and shall have such license in his possession at all times when he is operating a motor vehicle in the conduct of tour operations or services, and shall upon request or demand, display the same to any tribal official, Navajo Police or Ranger.

3. Transportation of Tourists

Permittee agrees to transport only the number of passengers as there are manufactured seats in tour vehicles or aircraft and not to allow any passengers to stand in vehicles or sit on bumpers or other vehicle parts not designed for passenger seating while the vehicle or aircraft is in operation.

4. Park Boundaries; Park Rules and Regulations

Navajo Tribal Parks may develop, implement and enforce additional rules and regulations applicable to tour activities and guide services for the purpose of protecting park values and property, natural resources and visitors. Failure to abide by and comply with such rules and regulations after being notified by Park officials shall constitute a breach of contractual agreement.

5. Employment Preference

Permittee shall give preference in employment in its Navajo Nation operations to members of the Navajo Nation and shall further pay said employees not less than the prevailing minimum wage as may be set by the Navajo Nation Office of Navajo Labor Relations.

6. Employee Status

Permittees are encouraged to provide fringe benefits to their employees, including workmen compensation, social security and health coverage. Employees on at-will status shall agree to and sign a contractual agreement which specifically informs them of their employment status.

CHAPTER 3. CONDITIONS FOR SANCTIONS AND OPERATION WITHOUT PERMIT

A. Conditions for Sanctions

1. Any inaccuracies about the Navajo Nation or its people, or failure to follow prescribed guidelines, shall result in the issuance of a written notice to Permittee and shall require correction within ten working days.

2. Roads and Trails

All tour vehicles and horseback rides shall remain on established roads or trails at all times and Permittee shall adhere to routes filed with the application. Anyone found in violation of this section by making new roads and trails that are adversely damaging or defacing Navajo Nation resources shall be just cause for suspension and/or revocation of privilege to conduct such activities within the jurisdictional limits of the Navajo Nation. Aircraft shall remain within approved air tour routes.

3. Tribal Parks

Permittee shall abide by and comply with the rules and regulations as developed, implemented and enforced by individual Navajo Tribal Parks. Violation of said rules and regulations shall be considered a breach of contractual agreement with the Navajo Nation.

4. Cultural and Scientific Resources

The unauthorized possession, buying, holding for sale, or encouraging illicit trade of objects of cultural, historical, archaeological, paleontological or scientific value by persons or employees shall be good cause for withdrawing a business license privilege, including a guide and tour service permit, pursuant to Navajo Nation law.

5. Unlawful activities

Permittee shall not offer for sale or gift any intoxicating liquors or controlled substances, or promote or condone any activity unlawful under Navajo Nation law.

6. Federal Law

Permittee shall comply with all appropriate Federal laws and regulations for the protection of the natural environment and wildlife, including threatened and endangered species.

B. Operation without Permit

1. Any non-Navajo person, who shall furnish, provide or conduct any of the prescribed activities without first obtaining and without having in its possession a valid permit therefore shall be directed to cease and desist such service and may be subject to exclusion from the Navajo Nation under Navajo Nation law.

2. Notwithstanding any exclusion proceedings, the Authority is hereby authorized to initiate an action in the District Court of the Navajo Nation, at the discretion of the Navajo Nation and when circumstances warrant, and to recover on behalf of the Navajo Nation an amount not exceeding \$500 for each separate occurrence. Jurisdiction over such actions is hereby specifically granted to the District Courts of the Navajo Nation.

3. Any Navajo person who shall furnish, provide and conduct any tour activities or guide service without first obtaining a valid permit; therefore, shall be subject to citation for Operating Without a Permit, and to impoundment of equipment or property upon repeated willful violations of this section. The Navajo Police and/or Resource Enforcement Agency (Tribal Rangers) shall withhold the violating equipment or property until fees equal to those which would have been payable if such persons had been duly permitted, are paid to the Navajo Nation; provided, however, that whenever any seized equipment has been held in custody by a court of the Navajo Nation for one full year, and the owner has not been located and has not come forward of his own initiative to reclaim the equipment, the equipment shall be forfeited pursuant to Navajo Nation law.

CHAPTER 4. SUSPENSION; REVOCATION OF PERMIT

If during the period of any permit, the Authority shall determine that any permittee or his employee shall have failed to abide by the reasonable rules and regulations or directives adopted and published by the Navajo Nation, said Permit may be suspended or revoked depending on the seriousness of the violation. A written notification of any discrepancy or violation shall be issued by the Authority to such permittee requiring correction of the discrepancy within five working days. Failure to make correction in five working days shall be result in the Permit being suspended or revoked and the applicable person shall not be permitted to conduct such activities within the Navajo Nation until such discrepancies are corrected. If after thirty days, such required correction has not been made, the Permit shall be revoked.

CHAPTER 5. ADMINISTRATIVE HEARING PROCEDURE

Upon denial, suspension or revocation of a permit, an aggrieved party shall have the right to file an appeal with the Navajo Nation. An aggrieved party may appeal such denial, suspension or revocation within five working days to the issuing authority. If the aggrieved party is not satisfied with the decision, they may appeal within seven working days to the Navajo Nation Office of Hearings and Appeals in accordance with established procedures. Review by the Office of Hearings and Appeals Hearing Officer shall be limited to questions of abuse of discretion and lack of reasonable basis for denial, suspension or revocation. After hearing the appeal, the Hearing Officer may either affirm or remand for further negotiation. Evidence or information not presented to the Navajo Nation shall not be admissible before or considered by the Hearing Officer. Any decision by the Hearing Officer requiring correction or reconsideration shall be corrected within seven working days.

CHAPTER 6. SEVERABILITY

If any section of the rules and regulations are found to be illegal and invalid, the remaining sections shall remain in force.