



## 23<sup>rd</sup> NAVAJO NATION COUNCIL LEGISLATION SPONSORSHIP WITHDRAWAL

I, Lorenzo Bates, Primary  
Sponsor of proposed legislation hereby withdraw my  
sponsorship of the proposed legislation. The legislation  
tracking number is 01103-15.

If there are any co-sponsors, they may re-sponsor the same  
bill by beginning a new legislation.

SPONSOR SIGNATURE:

A handwritten signature in dark ink, appearing to read "Lorenzo Bates", is written over a horizontal line.

DATE:

A handwritten date "6-23-15" is written over a horizontal line.

**LEGISLATIVE SUMMARY SHEET**

**Tracking No. 0143-15**

**DATE:** May 7, 2015

**TITLE OF RESOLUTION:** AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE APPOINTMENT OF COMMITTEE MEMBERS IN ESTABLISHING THE NAABIK'ÍYÁTI' SUBCOMMITTEE ON ENERGY POLICY IMPLEMENTATION

**PURPOSE:** This resolution, if approved, will approve the appointment of Standing Committee members to a Naabik'íyáti' subcommittee on implementing the Navajo Nation's Energy Policy and to report to the Naabik'íyáti' Committee and the Navajo Nation Council before or at the Fall Sessions of the 23<sup>rd</sup> Navajo Nation Council.

**This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.**

PROPOSED STANDING COMMITTEE RESOLUTION  
23<sup>rd</sup> NAVAJO NATION COUNCIL -- First Year, 2015

INTRODUCED BY



(Prime Sponsor)

TRACKING NO. Dile 3-15

AN ACTION

RELATING TO NAABIK'ÍYÁTI' COMMITTEE; APPROVING THE  
APPOINTMENT OF COMMITTEE MEMBERS IN ESTABLISHING THE  
NAABIK'ÍYÁTI' SUBCOMMITTEE ON ENERGY POLICY IMPLEMENTATION

**Section One. Findings**

- A. The Navajo Nation established the Naabik'íyáti' Committee as a Navajo Nation Council standing committee and as such the Naabik'íyáti' Committee may establish a subcommittee for assigned tasks and to report to the Naabik'íyáti' Committee. 2 N.N.C. § 186.
- B. The Naabik'íyáti' Committee shall have the authority to delegate its responsibilities and authorities as appropriate for efficiency and streamlining of government processes to appropriate entities. 2 N.N.C. § 701(B).
- C. The Navajo Nation approved the Navajo Nation Energy Policy of 2013 in which the Navajo Nation will seek to maximize its level of autonomy in managing its energy resources and energy use on the Nation and where the Navajo Nation will take a leadership role in exploring and developing its energy resources to exercise its political sovereignty, to build true economic sovereignty, and to promote greater self-

determination for future generations of Diné. See CD-50-13 and Navajo Nation Energy Policy of 2013 attached as Exhibit A.

- D. The Naabik'íyáti' Committee's Subcommittee on Energy Policy Implementation will be comprised of member representatives from the standing committees of the Navajo Nation Council, chaired by the Speaker of the Navajo Nation Council, and include ex officio members from the Executive Branch Divisions and departments related to energy development or energy policy.

## **Section Two. Naabik'íyáti' Committee's Subcommittee on Energy Policy Implementation**

- A. The Navajo Nation hereby establishes the Naabik'íyáti' Committee's Subcommittee on Energy Policy Implementation, for the following purposes:

1. In concert with the Navajo Nation Energy Policy of 2013, to create and recommend to the Naabik'íyáti' Committee and the Navajo Nation Council a strategic plan to guide and direct the Navajo Nation regarding energy development; and,
2. In concert with the Navajo Nation Energy Policy of 2013, to evaluate current trends in energy development and preview proposed energy projects as it relates to the resources of the Navajo Nation; and,
3. In concert with the Navajo Nation Energy Policy of 2013, to recommend to the Naabik'íyáti' Committee and the Navajo Nation Council the feasibility of the Navajo Nation Department of Energy; and,
4. In concert with the Navajo Nation Energy Policy of 2013, to collaborate with Executive Branch Divisions and departments to follow through in developing and executing a comprehensive energy strategy so the Navajo Nation will establish energy independence and build its economy for future generations.

- B. The Naabik'íyáti' Committee's Subcommittee on Energy Policy Implementation, shall be comprised of one member from the Navajo Nation Council Standing Committees, as appointed by the Speaker of the Navajo Nation Council, as follows:

1. Health, Education and Human Services Committee: Hon. Tuchoney Slim, Jr.
2. Budget and Finance Committee: Hon. Dwight Witherspoon
3. Law and Order Committee: Hon. Raymond Smith, Jr.
4. Resources and Development Committee: Hon. Alton Joe Shepherd
5. Naabik'íyáti' Committee: Hon. Benjamin Bennett

See Exhibit B.

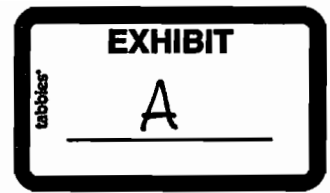
The subcommittee shall also include ex officio members from the Executive Branch as follows:

1. Division of Natural Resources Executive Director or designee
2. Navajo Nation Environmental Protection Agency Director or designee
3. Navajo Nation Department of Justice Attorney General or designee.

C. The Naabik'íyáti' Committee's Subcommittee on Energy Policy Implementation, shall present a report to the Naabik'íyáti' Committee prior to the Fall Sessions of the Navajo Nation Council and to the Navajo Nation Council at the Fall Sessions of the 23<sup>rd</sup> Navajo Nation Council.

### **Section Three. Subcommittee Term**

The Naabik'íyáti' Committee's Subcommittee on Energy Policy Implementation shall exist until their assigned tasks are completed or to the close of the 23<sup>rd</sup> Navajo Nation Council; and shall report their recommendations to the Naabik'íyáti' Committee and the Navajo Nation Council at each year's Fall Session of the 23<sup>rd</sup> Navajo Nation Council.



CO-50-13

**RESOLUTION OF THE  
NAVAJO NATION COUNCIL**

**RELATING TO RESOURCES AND DEVELOPMENT AND NAABIKI'ÍYÁTI;  
RESCINDING CAP-34-80; APPROVING THE NAVAJO NATION ENERGY  
POLICY OF 2013**

**BE IT ENACTED:**

1. The Navajo Nation makes the following findings with respect to this resolution.
  - a. The Navajo Nation Council adopted the Navajo Nation Energy Policy, CAP-34-80 on April 29, 1980 ("1980 Energy Policy"); and
  - b. The Nation acknowledges the enduring principles and motivations set forth in the 1980 Energy Policy; and
  - c. The Nation desires to update and amend the energy policies of the Nation by rescinding the 1980 Energy Policy (CAP-34-1980) by approving this 2013 Energy Policy; and
  - d. The energy resources of the Nation are owned by the Nation and are to be administered and managed by the Nation for the benefit of all Diné; and
  - e. The Nation will seek to maximize its level of autonomy in managing its energy resources and energy use on the Nation; and
  - f. The Nation will take a leadership role in exploring and developing its energy resources to exercise its political sovereignty, to build true economic sovereignty, and to promote greater self-determination for future generations of Diné; and

- g. The Nation has established wholly owned businesses that explore for, develop and manage certain of its energy resources. To optimize the Nation's use, management and conservation of its energy resources, the Nation may choose to utilize a combination of its wholly owned entities and outside energy companies to take advantage of the best technologies and capabilities to achieve the optimal balance of cost and results; and
- h. The 1980 Energy Policy helped build capacity of the Nation to realize many successes in the form of more favorable contracts and greater ownership of certain energy resources. It is acknowledged that the Nation can make improvements in the areas of governance, ownership, management, community involvement, health impacts, conservation and environmental protection of the Nation's energy resources; and
- i. The Navajo government should ensure that the local impacted communities are educated on relevant energy development and related issues. Prior energy development and related projects occurred with little or no consultation or results; and
- j. Energy forms a cornerstone of the Navajo economy by providing jobs for our people, electricity for our homes and business, and revenues for our local and central government. Developing energy resources will expand government revenues, create new industries and promote sustainable jobs for the Diné. This economic base provides opportunities for Navajos to pursue technical and managerial careers in many energy-related products, service and supporting industries. The ability for Navajos to build stable careers while remaining close to their families will build the strength of our families and communities that have been fragmented by the need of our people to find work in metropolitan centers. A growing Navajo economy draws

educated and experienced tribal members back to the Nation, and provide the economic growth to support Navajo entrepreneurs and business owners; and

- k. The Navajo People have made invaluable contributions to the strength of the United States and its economy by permitting and assisting in the extraction of uranium over several decades. Numerous uranium mines across the Nation were not properly reclaimed leading to widespread contamination and illness of our people and livestock; and
- l. The United States is the trustee of the resources of the Navajo Nation. In this role the United States government has a duty to protect the Nation's energy resources and to assist the Nation to manage such resources for the benefit of the Diné. The United States government is to engage in government-to-government dialogue and understanding and to respect Navajo Nation's decision in the users of its resources. Historically, the United States government has sought to control the Nation's resources to benefit external interests in the uses of its natural resources or refrained from assisting the Nation in the protection of its interests; and
- m. The Nation's depletable fossil fuels are abundant; however, some fossil fuels are currently out of favor with federal and state regulatory and environmental policies. A balanced portfolio of fossil fuel and cleaner renewable energy resources will provide the Nation with greater economic and financial stability; and
- n. The Nation has the great potential of solar and wind energy resources. The development of these cleaner renewable resources can provide our communities with cleaner energy and generate substantial economic value if sold to surrounding communities and metropolitan regions; and
- o. Many of the Nation's residents, businesses and institutions are located in growth centers while many others are dispersed in remote regions and lack access to electric



power. Greater access to electric power will provide a greater opportunity and access to modern conveniences for the Navajo residences; and

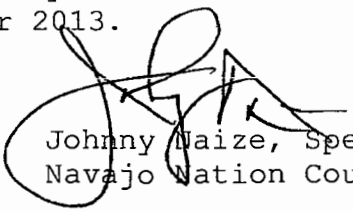
- p. The Nation is situated to provide pipeline and electrical transmission service provides access to more direct routes between energy sources and energy customers. The Nation's non-renewable energy resources require transportation and transmission to energy markets. Pipeline and transmission infrastructure can have a substantial impact on the environment communities and the viewscape. Establishing energy corridors are encouraged to enable the Nation to increase its revenues while minimizing the impact on the Nation; and
- q. Future development of cleaner renewable energy for export to metropolitan regions can generate substantial rents and business profits. These profits may be utilized to subsidize the cost of utilities for the Nation's residents, institutions and businesses; and
- r. By developing and executing a comprehensive energy strategy, the Nation can establish energy independence and build its economy for future generations. Diverse revenue streams from a balanced portfolio of energy extraction, generation and transmission will provide the Diné with economic stability, career opportunities and business opportunities.
- s. Approval and implementation of energy policies and agreements affect all parts of the Navajo Nation and it is important that the Executive Branch and Legislative Branch both be involved in the negotiation and approval of energy agreements.

2. The Navajo Nation hereby rescinds CAP-34-80, the 1980 Energy Policy.

3. The Navajo Nation hereby approves the Navajo Nation Energy Policy of 2013, attached hereto as Exhibit A.

**CERTIFICATION**

I hereby certify that the foregoing resolution was duly considered by the Navajo Nation Council at a duly called meeting in Window Rock, Navajo Nation (Arizona) at which a quorum was present and that the same was passed by a vote of 13 in favor and 6 opposed, this 22<sup>nd</sup> day of October 2013.

  
Johnny Naize, Speaker  
Navajo Nation Council

10-24-13

Date

Motion: Honorable Walter Phelps  
Second: Honorable Katherine Benally

**ACTION BY THE NAVAJO NATION PRESIDENT:**

1. I hereby sign into law the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (10), on this \_\_\_\_\_ day of OCT 24 2013 2013.



Ben Shelly, President  
Navajo Nation

2. I hereby veto the foregoing legislation, pursuant to 2 N.N.C. § 1005 (C) (11), this \_\_\_\_\_ day of \_\_\_\_\_ 2013, for the reason(s) expressed in the attached letter to the Speaker.

\_\_\_\_\_  
Ben Shelly, President  
Navajo Nation

## Navajo Nation Energy Policy of 2013

### PREAMBLE:

The Navajo Nation (hereinafter the "Nation"); to protect the energy natural resources and assets of the Nation; to ensure such resources and assets are used for the benefit of the Dine'; to create a self-sustaining economic future for the Dine' on their lands; to ensure sovereign control by the Nation over the extraction and flow of resources from the Nation's lands; to supply Navajo communities with the benefits afforded by energy development through total resource sovereignty, hereby establishes the Navajo Nation Energy Policy of 2013 (hereinafter the "2013 Energy Policy").

This 2013 Energy Policy provides guidance in common language for elected officials, community leaders, managers in the Nation's government, board members and managers of the Nation's enterprises, federal and state regulatory authorities and Navajo and non-Navajo business interests dealing with energy issues on the Nation. The 2013 Energy Policy serves to guide in consideration of specific legislation, rules and regulations, energy strategies, board resolutions, management policies, programs and decisions related to energy in and around the Nation.

### WHEREAS:

1. The Navajo Nation Council adopted the Navajo Nation Energy Policy (CAP-34-80) on April 29, 1980 ("1980 Energy Policy"); and
2. The Nation acknowledges the enduring principles and motivations set forth in the 1980 Energy Policy; and
3. The Nation desires to update and amend the energy policies of the Nation by rescinding the 1980 Energy Policy (CAP-34-80) and, hereby adopting this 2013 Energy Policy; and
4. The energy resources of the Nation are owned by the Nation and are to be administered and managed by the Nation for the benefit of all Dine; and
5. The Nation will seek to maximize its level of autonomy in managing its energy resources and energy use on the Nation; and
6. The Nation will take a leadership role in exploring and developing its energy resources to exercise its political sovereignty, to build true economic sovereignty, and to promote greater self-determination for future generations of Dine'; and

7. The Nation has established wholly owned businesses that explore develop and manage certain of its energy resources. To optimize the Nation's use, management and conservation of its energy resources, the Nation may choose to utilize a combination of its wholly owned entities and outside energy companies to take advantage of the best technologies and capabilities to achieve the optimal balance of cost and results; and
8. The 1980 Energy Policy helped build capacity of the Nation to realize many successes in the form of more favorable contracts and greater ownership of certain energy resources. It is acknowledged that the Nation can make improvements in the areas of governance, ownership, management, community involvement, health impacts, conservation and environmental protection of the Nation's energy resources; and
9. The Navajo government should ensure that the local impacted communities are educated on relevant energy development and related issues. Prior energy development and related projects occurred with little or no consultation or results; and
10. Energy forms a cornerstone of the Navajo economy by providing jobs for our people, electricity for our homes and businesses, and revenues for our local and central government. Developing energy resources will expand government revenues, create new industries and promote sustainable jobs for the Dine. This economic base provides opportunities for Navajos to pursue technical and managerial careers in many energy-related product, service and supporting industries. The ability for Navajos to build stable careers while remaining close to their families will build the strength of our families and communities that have been fragmented by the need of our people to find work in metropolitan centers. A growing Navajo economy draws educated and experienced tribal members back to the Nation, and provides the economic growth to support Navajo entrepreneurs and business owners; and
11. The Navajo People have made invaluable contributions to the strength of the United States and its economy by permitting and assisting in the extraction of uranium over several decades. Numerous uranium mines across the Nation were not properly reclaimed leading to widespread contamination and illness of our people and livestock; and
12. The Nation's coal resources make a significant contribution to the support of many Navajo families and to the financial stability of the Navajo Nation government and its communities. The current policies of the federal government of the United States do not favor the use of coal. These policies negatively impact the Navajo Nation and the lives of its residents, and are contrary to the interests of the Navajo Nation; and

13. The United States is the trustee of the resources of the Navajo Nation. In this role the United States government has a duty to protect the Nation's energy resources and to assist the Nation to manage such resources for the benefit of the Dine. The United States government is to engage in government-to-government dialogue and understanding and to respect Navajo Nation's decision in the uses of its resources.. Historically, the United States government has sought to control the Nation's resources to benefit external interests in the uses of its natural resources or refrained from assisting the Nation in the protection of its interests; and
14. The Nation's depletable fossil fuels are abundant, however, some fossil fuels are currently out of favor with federal and state regulatory and environmental policies. A balanced portfolio of fossil fuel and cleaner renewable energy resources will provide the Nation with greater economic and financial stability; and
15. The Nation has the great potential of solar and wind energy resources. The development of these cleaner renewable resources can provide our communities with cleaner energy and generate substantial economic value when sold to surrounding communities and metropolitan regions; and
16. Many of the Nation's residents, businesses and institutions are located in growth centers while many others are dispersed in remote regions and lack access to electric power. Greater access to electric power will provide a greater number of opportunity and access to modern conveniences for the Navajo residences; and
17. The Nation is situated to provide pipeline and electrical transmission service providers with access to more direct routes between energy sources and energy customers. The Nation's non-renewable and renewable energy resources require transportation and transmission to energy markets. Pipeline and transmission infrastructure can have a substantial impact on the environment, communities and the viewscape. Establishing energy corridors are encouraged to enable the Nation to increase its revenues while minimizing the impact on the Nation.
18. Future development of cleaner renewable energy for export to metropolitan regions can generate substantial rents and business profits. These profits may be utilized to subsidize the cost of utilities for the Nation's residents, institutions and businesses; and
19. By developing and executing a comprehensive energy strategy, the Nation can establish energy independence and build its economy for future generations. Diverse revenue streams from a balanced portfolio of energy extraction,

generation and transmission, will provide the Dine with economic stability, career opportunities and business opportunities.

NOW, THEREFORE, BE IT RESOLVED THAT THE NAVAJO NATION COUNCIL  
HEREBY RESCINDS THE 1980 ENERGY POLICY (CAP-34-80) AND ADOPTS THE  
NAVAJO NATION ENERGY POLICY OF 2013, ATTACHED HERETO AS EXHIBIT A:

## EXHIBIT A

### NAVAJO NATION ENERGY POLICY OF 2013

#### Section 1: Short Title

The Navajo Nation Energy Policy of 2013 hereinafter is referred to as the "2013 Energy Policy". The Navajo Nation hereinafter is referred to as the "Nation"

#### Section 2: Scope and Review

This 2013 Energy Policy sets forth principles relating to the exploration, development, sustainable management and use of energy resources on the Navajo Nation. The energy resources and assets of the Nation addressed by the 2013 Energy Policy include fuel resources, mines, generation facilities, transmission and distribution infrastructure and pipelines. The energy uses addressed by the 2013 Energy Policy include, but are not limited to, residential, commercial, industrial and governmental uses, including heating, cooling, mechanical, industrial process and transportation uses.

The 2013 Energy Policy addresses the Nation's natural resource endowment in the areas of resource assessment, exploration, severance, development, production, preservation, management, protection, and distribution in order to maximize revenue and job creation for the benefit of the citizens of the Nation.

This 2013 Energy Policy may be amended by the Nation if, and when, circumstances require. The Navajo Energy Office, referenced herein, will recommend proposed amendments to the 2013 Energy Policy as needed.

#### Section 3: Definitions

Section 301: The following terms are defined for the purposes of this document as follows.

**Electricity generating facilities.** Includes facilities that burn fossil and biomass fuels to generate electricity; facilities that convert renewable resources to electricity (such as wind, solar, geothermal and hydroelectric); and, facilities generating electricity through nuclear fusion or fission for use on the Nation and for export for use off the Nation.

**Electricity transmission infrastructure.** Includes high voltage and distribution transmission lines, substations and related infrastructure.

Fuel minerals. Includes petroleum (e.g. oil, natural gas and associated liquids and gasses), coal, coal bed methane, uranium and any derivatives or associated minerals.

Large-scale energy developments. Includes (a) electricity generating facilities with capacity of one (1.0) megawatt or greater, (b) energy-related facilities utilizing five (5) acres of land or more, and (c) transmission lines or pipelines extending more than five hundred (500) feet.

High Voltage. Includes 69KV and higher.

Pipelines. Includes oil and gas pipelines, coal slurry lines and related compression and pumping infrastructure.

#### Section 4: Navajo Fundamental Law

Section 401: Before commencement of any Large-Scale Energy Development or other projects utilizing the Nation's energy resources, the Navajo Medicine Men's Association may be consulted to ensure the proper ceremonies, prayers and other rituals are conducted to maintain the Navajo people's Great Covenant with the deities. By doing so, the Nation shall strive to maintain a proper balance with the natural world.

#### Section 5: Sustainable Energy Economy

Section 501: Chapter 2 of the Navajo Nation Code entitled "The Foundation of the Dine', Dine' Law, and Dine' Government" describes the four sacred elements of life as "air, light/fire, water, and earth/pollen" and provides that "in all their forms [they] must be respected, honored, and protected for they sustain life". Recognizing the sacredness of these elements, the Nation desires to establish a sustainable energy economy based on the Nation's human capital, natural resources, capital resources and the exercise of its inherent sovereign authorities. A sustainable Energy Economy ensures an acceptable quality of life for Navajo people; proper planning and management by governmental officials; energy security; environmental stewardship; adequate rents, royalties, bonuses and taxes to ensure benefits for a sustainable Nation.

#### Section 6: General Provisions

Section 601: Applicability of the Nation's Laws and Regulations. The Nation's laws and regulations will apply to energy projects located within the Nation's jurisdiction.



Section 602: Long-Term Sustainability of Energy Developments. Energy developments on the Nation will be designed to be sustainable over the long-term based on economic considerations and environmental and community impacts.

Section 603: Lease Rent and Royalty Rates. Lease rental and royalty rates and charges for easements and rights-of-way will be equal to or greater than fair market value including energy projects where the Nation or an affiliate is an owner, taking into consideration the direct and indirect economic benefits of the energy project to the Nation.

Section 604: Renewal of Leases for Existing Energy Infrastructure. When negotiating renewals of rights-of-ways, leases for existing power generating facilities, transmission infrastructure and pipeline infrastructure and related water allocations, the Nation will maximize the total value of consideration to be received by the Nation.

Section 605: Selecting External Development Partners. External development partners of the Nation and its enterprises must possess relevant experience in the industry and those specific technologies required for the proposed energy development, as well as sufficient financial resources to adequately fund their portion of development expenses and contemplated investment in the project.

Section 606: End of Project Life. Leases and rights-of-way for energy projects will require the lessees to return the land to its original condition, or better, at the end of the projects, except where the Nation desires to retain improvements and related infrastructure after lease or right-of-way termination.

Section 607: Consistency in Energy-Related Decision Making. The development and management framework for the Nation's energy resources will encourage consistency in decisions involving the use of Navajo resources. The process for making energy development decisions shall be clearly communicated to the Nation and its stakeholders.

Section 608: Impact on Other Resources. New energy projects shall minimize negative impacts on other scarce and valuable resources of the Nation and manage such impacts in accordance with the Nation's laws, policies and plans for its resources, and will mitigate adverse impacts where necessary.

Section 609: Negotiation of Energy Agreements. The Executive and Legislative Branches of the Navajo Nation shall be involved in the negotiation and approval of energy agreements.

## **Section 7: Large-Scale Energy Developments**

Section 701: Maximize Ownership, Control and Revenues. The Nation promotes majority ownership by the Nation or its entities of large-scale energy projects that utilize

the Nation's resources in order to optimize the Nation's participation in profits, in balance with the risks; maximize control and revenues; and, to ensure the interests of the Navajo people are protected. The Nation will have the option to purchase a majority of the equity of new large-scale energy projects on the Nation, including expansions of existing facilities and developments.

**Section 702: Maximizing Navajo Return on Investment.** When the Nation invests in energy projects, the primary goal will be to maximize profits and return on investment, in light of the attendant risks, for the benefit of the Nation.

**Section 703: Navajo Ownership and Development Representatives.** The Nation may acquire or designate an entity as its representative in any energy project in which the Nation desires to take ownership of a portion of such project.

**Section 704: Operating Capabilities.** The Nation will ensure that energy developments, including where the Nation or its enterprises possess a degree of ownership, will be operated and managed by entities that possess appropriate industry experience and capabilities.

## **Section 8: Community and Economy**

**Section 801: Expanding Rural Electrification.** The Nation will continue to seek ways to expand electrical services to the residents of the Nation in balance with the cost to serve remote regions.

**Section 802: Local Community Input, Support for, and Benefits from Energy Developments.** Communities impacted by energy development will have the opportunity to provide input on and to indicate their support for such projects, and where substantially and adversely impacted by the development to share in a portion of the financial benefits of such projects.

**Section 803: Managing the Cost of Energy for Residents of the Nation.** The Nation will continue to seek ways to manage the cost of electricity and fuel for its residents to minimize the financial burden on Navajo communities.

**Section 804: Navajo-Owned Small Businesses.** The Nation will encourage the development of Navajo-owned small businesses that will support the Nation's energy industries.

**Section 805: Fostering Economic Development, Developing Capabilities and Creating Career Opportunities.** Energy projects will be developed to foster industrial and commercial growth, create career opportunities, and build the management skills and capabilities of the Navajo workforce in order to build the Nation's institutional capacity to manage its own energy resources.

Section 806: Distributed Electricity Generation. The Nation supports the development of distributed electricity generation and community scale electricity generation for use on the Nation.

Section 807: Science, Technology, Engineering, and Mathematics Education (STEM). The Nation shall support the pursuit of educational studies in STEM by its youth in order to create an interest in careers in the energy industry and to build a workforce that is prepared for technical and managerial careers in the energy industry.

Section 808: Health and Safety. The Nation will strive to protect the safety and health of Navajo communities when considering new energy developments and regulating existing energy developments.

Section 809: Energy Efficiency and Conservation. The Nation will continue to seek ways to enhance and promote energy efficiency and conservation on the Nation in order to manage future energy demand, reduce environmental impacts, reduce the financial energy costs for the residents of the Nation and build energy efficient industries.

#### Section 9: Coal

Section 901: The Future of Coal and Coal-Fired Power Plants. Coal and coal-fired plants are a significant component of the Navajo economy and the Nation's revenues. The Nation will encourage a future coal as a key component of the Nation's energy mix as a coal producer that derives a significant amount of royalties, rent, fees, jobs and tax revenue from coal mining and production of electricity. The Nation will pursue federal coal fuel legislation.

#### Section 10: Renewable Energy

Section 1001: Renewable Energy Development. The Nation will continue to develop a renewable portfolio of power generating facilities that balances coal, gas or oil-fired generation with economically viable renewable energy generation from such sources as wind, solar, hydro, geothermal and biomass.

Section 1002: Renewable Energy Portfolio Standard (RPS). The Nation will evaluate the appropriateness of implementing a Renewable Energy Portfolio Standard (RPS) for electricity used on the Nation. If an RPS is established, the Nation will strive to mitigate the impacts of increased costs of electricity for residential customers within the Nation caused by the implementation of an RPS.

#### Section 11: Nuclear Matters

Section 1101: Uranium Mining and Nuclear Power Generation. The Nation currently supports the moratorium on uranium mining on tribal trust, allotted trust and fee lands on the Navajo Nation. The Nation will continue to monitor uranium technologies and secondary mineral extraction techniques as well as market conditions to assess the safety, viability and potential of these activities for the future.

## Section 12: Electrical and Energy Distribution Systems

Section 1201: New Electricity Transmission and Pipeline Infrastructure. The Nation supports the development of new electricity transmission infrastructure that provides the Nation with an opportunity to unlock the value of its vast renewable and conventional energy resources by providing transmission corridors to metropolitan centers.

Section 1202: Energy Corridors. The Nation will establish energy corridors to manage and minimize the impact on Navajo communities resulting from future electrical transmission, pipeline and railroad infrastructure.

## Section 13: Navajo Energy Office

Section 1301: Establishment of the Navajo Energy Office. The Navajo Energy Office shall be established under the Executive Branch of the Navajo Nation government, and with appropriate staffing and budget.

Section 1302: Responsibilities. The Navajo Energy Office shall act as a clearinghouse for energy related projects, to facilitate energy development on the Nation and to increase institutional capacity on energy issues within Navajo Nation governmental agencies and enterprises. The Navajo Energy Office will act under the established Plan of Operation.

Section 1303: Strategic, Integrated Approach to Energy Planning. The Navajo Energy Office will develop a long-term Strategic Energy Plan. The Strategic Energy Plan will be designed to stimulate increased revenues from energy projects, spur energy infrastructure development, and diversify the Navajo energy economy. The Strategic Energy Plan will address opportunities to foster a competitive business environment to attract private investors to energy projects on the Nation, address how the Nation will strategically engage the key governmental and community representatives on Navajo energy projects, investigate the potential of all the Nation's available energy resources in all regions and serve as a resource to assist the Nation's leadership to prioritize energy projects

## Section 14: Research and Development

Section 1401: Support for Technologies that Enhance the Use of Navajo Coal. The Nation will support clean coal technologies being developed through research and development which lessen the environmental impact of coal based electricity generation and maximize the efficient use of the Nation's coal resources.

Section 1402: Support for Technologies that Enable and Enhance the Use of All of the Nation's Resources. The Nation shall support the research and development of technologies that will allow the Nation to use its resources to maximize their benefit to the Nation and also lessen the environmental impact of their use.

## Section 15: Taxation

Section 1501: Navajo Nation Taxation. The Nation shall seek to exert primacy in the taxation of energy development on the Nation to contribute to the funding of essential governmental services on the Nation.

Section 1502: Tax Incentive. The Nation may provide tax incentives to encourage the development of the Nation's energy resources, while balancing the need to provide supporting infrastructure, services and the Nation's finances.

## Section 16: Limitations

Section 1601: Limitations. Nothing in the 2013 Energy Policy is intended to, nor shall it be construed to:

- a) Alter, amend or diminish in any way the sovereign immunity of the Navajo Nation or constitute a waiver of the sovereign immunity of the Navajo Nation, as defined in 1 N.N.C. § 551 .;
- b) Abrogate any authority conferred by the Navajo Nation Council upon any agency, enterprise or other instrumentality of the Navajo Nation;
- c) Repeal in whole or in part any law or regulation duly promulgated by the Navajo Nation or any of its agencies;
- d) Authorize or sanction the breach of any contractual duty or diminish any vested property rights; or
- e) Provide the basis for a private cause of action by or against any person or entity, or confer jurisdiction upon any court for any cause of action predicated on the 2013 Energy Policy.



LEGISLATIVE BRANCH  
NAVAJO NATION




HONORABLE LORENZO BATES  
Speaker, 23<sup>rd</sup> Navajo Nation Council

**MEMORANDUM**

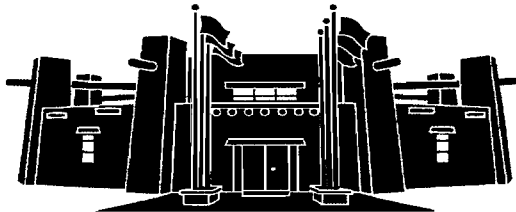
DATE : May 4, 2015

TO : Honorable Dwight Witherspoon  
Honorable Tuchoney Slim, Jr.  
Honorable Alton Joe Shepherd  
Honorable Raymond Smith, Jr.  
Honorable Benjamin L Bennett

FROM :   
Honorable Lorenzo Bates,  
Speaker, 23rd Navajo Nation Council


SUBJECT : **APPOINTMENT TO NAABIK'IYATI' SUBCOMMITTEE ON ENERGY  
POLICY IMPLEMENTATION**

Honorable Delegates of the 23<sup>rd</sup> Navajo Nation Council, you are hereby appointed to the Naabik'iyati' Subcommittee on Energy Policy Implementation. Each of you will be representing your respective Committee's as it relates to the broad impacts of energy development on the Navajo Nation. As you are most certainly aware, energy represents over 2/3rds of our overall General Funds affecting every Navajo man, women and child residing both on and off the Navajo Reservation. With your guidance and wisdom, as well as the responsibility you each bear as representatives of both your communities as well as your committees, I am confident that the good of our Nation will be well served by your appointment.



## MEMORANDUM

**TO:** Hon. LoRenzo C. Bates, Speaker  
23<sup>rd</sup> Navajo Nation Council

**FROM:**   
Levon B. Henry, Chief Legislative Counsel  
Office of Legislative Counsel

**DATE:** May 7, 2015

**SUBJECT:** AN ACTION RELATING TO NAABIK'ÍYÁTI' COMMITTEE;  
APPROVING THE APPOINTMENT OF COMMITTEE MEMBERS IN  
ESTABLISHING THE NAABIK'ÍYÁTI' SUBCOMMITTEE ON ENERGY  
POLICY IMPLEMENTATION

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law and review of the documents submitted, the resolution as drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of a challenge.

Please review the proposed resolution to ensure it is drafted to your satisfaction. If this proposed resolution is acceptable to you, please sign it where it indicates "Prime Sponsor", and submit it to the Office of Legislative Services for the assignment of a tracking number and referral to the Speaker.

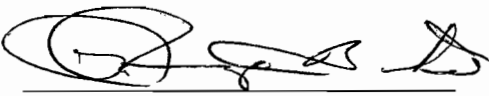
If the proposed resolution is unacceptable to you, or if you have further questions, please contact me at the Office of Legislative Counsel and advise me of changes you would like made to the proposed resolution. You may contact me at (928) 871-7166. Thank you.



May 7, 2015

**MEMORANDUM**

**TO :** *Honorable Members  
Naabik'iyati' Committee*

**FROM :**   
*Hon. LoRenzo C. Bates, Speaker  
23<sup>rd</sup> Navajo Nation Council*

**SUBJECT :** **ASSIGNMENT OF LEGISLATION**

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Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Naabik'iyati' Committee;

**Legislation No. 0163-15**

**RELATING TO NAABIK'IYATI' COMMITTEE; APPROVING THE APPOINTMENT  
OF COMMITTEE MEMBERS IN ESTABLISHING THE NAABIK'IYATI'  
SUBCOMMITTEE ON ENERGY POLICY IMPLEMENTATION.**

As the Committee assigned to consider the legislation, Legislation No. 0163-15 must be placed on the Naabik'iyati' Committee's agenda at the next regular meeting for final consideration.

**ATTACHMENT:** Legislation No. 0163-15

xc: Hon. Ben Shelly, *President*  
The Navajo Nation  
Harrison Tsosie, *Attorney General*  
Mark Grant, *Controller*  
Dominic Beyer, *Executive Director, OMB*  
Honorable LoRenzo C. Bates, Council Delegate (*Prime Sponsor*)



THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: \_0163-15\_

SPONSOR: Lorenzo L. Bates

**TITLE: An Action Relating To NAABIK'IYATI' Committee; Approving The Appointment Of Committee Members In Establishing The NAABIK'IYATI' Subcommittee On Energy Policy Implementation**

***Date posted:*** May 8, 2015 at 5:20PM

Digital comments may be e-mailed to [comments@navajo-nsn.gov](mailto:comments@navajo-nsn.gov)

Written comments may be mailed to:

Executive Director  
Office of Legislative Services  
P.O. Box 3390  
Window Rock, AZ 86515  
(928) 871-7586

**Comments may be made in the form of chapter resolutions, letters, position papers, etc. Please include your name, position title, address for written comments; a valid e-mail address is required. Anonymous comments will not be included in the Legislation packet.**

**Please note:** This digital copy is being provided for the benefit of the Navajo Nation chapters and public use. Any political use is prohibited. All written comments received become the property of the Navajo Nation and will be forwarded to the assigned Navajo Nation Council standing committee(s) and/or the Navajo Nation Council for review. Any tampering with public records are punishable by Navajo Nation law pursuant to 17 N.N.C. §374 *et. seq.*

THE NAVAJO NATION  
LEGISLATIVE BRANCH  
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0163-15

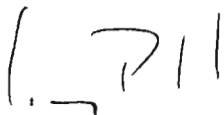
SPONSOR: Honorable LoRenzo C. Bates

TITLE: Relating To Naabik'iyati' Committee; Approving The Appointment Of Committee Members In Establishing The Naabik'iyati' Subcommittee On Energy Policy Implementation.

Posted: May 7, 2015 at 5:20 PM

5 DAY Comment Period Ended: May 12, 2015

Digital Comments received: *No comments were received.*



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Executive Director  
Office of Legislative Services

5/13/2015 - 9:10 AM

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Date/Time