LEGISLATIVE SUMMARY SHEET
Tracking No. 0073-19

DATE: March 21, 2019

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; RESCINDING CO-50-13; DECLARING THE NAVAJO NATION'S INTENTION TO MOVE BEYOND COAL SOURCE REVENUES AND FORWARD TO SUSTAINABLE AND RENEWABLE ENERGY SOURCES; DIRECTING THE DEPARTMENT OF JUSTICE TO DRAFT THE NAVAJO NATION ENERGY POLICY OF 2019 IN CONFORMITY WITH THIS DECLARATION; ESTABLISHING THE NAVAJO GENERATING STATION-KAYENTA MINE TRANSITION TASKFORCE; DIRECTING DIVISION DIRECTORS TO REPORT REGARDING ADHERENCE TO THE CHANGE IN THE NATION'S ENERGY POLICY

PURPOSE: If approved this legislation would rescind CO-50-13 which is the Navajo Nation Energy Policy of 2013. The legislation would also direct the Navajo Nation Department of Justice to draft the Energy Policy of 2013 which would move the Navajo Nation beyond coal source revenues and forward to sustainable, renewable energy sources.

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

5-DAY BILL HOLD PERIOD: SNOTAH
Website Posting Time/Date: 5:50pm 3/21/19
Posting End Date: 3/26/2019
Eligible for Action: 3/27/2019

Resources and Development Committee
Thence
Naabik'íyáti Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL—First Year, 2019

INTRODUCED BY

Elmer P Begay

Primary Sponsor

TRACKING NO. 0073-19

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; RESCINDING CO-50-13; DECLARING THE NAVAJO NATION'S INTENTION TO MOVE BEYOND COAL SOURCE REVENUES AND FORWARD TO SUSTAINABLE AND RENEWABLE ENERGY SOURCES; DIRECTING THE DEPARTMENT OF JUSTICE TO DRAFT THE NAVAJO NATION ENERGY POLICY OF 2019 IN CONFORMITY WITH THIS DECLARATION; ESTABLISHING THE NAVAJO GENERATING STATION-KAYENTA MINE TRANSITION TASKFORCE; DIRECTING DIVISION DIRECTORS TO REPORT REGARDING ADHERENCE TO THE CHANGE IN THE NATION'S ENERGY POLICY

BE IT ENACTED:

Section One. Authority

A. The Navajo Nation Council established the Resources and Development Committee as a Navajo Nation standing committee and empowered Resources and Development Committee to exercise oversight authority over land pursuant to 2 N.N.C. § 500(C).

B. Naabik'íyáti' Committee as a Navajo Nation Council standing committee and proposed resolution that requires final action by the Navajo Nation Council shall be assigned to the the Naabik'íyáti' Committee. 2 N.N.C. §§ 700 (A), 164 (A)(9).

C. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102.

Section Two. Findings

A. The energy resources of the Navajo Nation are owned by the Navajo Nation and are to be administered and managed by the Nation for the benefit of all Diné.

B. For several decades, the Navajo Nation has generated revenue from coal resources; the latest examples of such endeavors are the Navajo Generating Station and the Kayenta Mine.

C. The time has come for the Navajo Nation to begin the movement from coal source revenues to more sustainable and renewable energy sources.

D. This move to sustainable, renewable energy sources adheres to the Navajo traditional relationship to the natural world recognized in 1 N.N.C. 202 as Nahasdzáán dóó Yádiłhił bitsą́ądę́ę́ beehaz'áanii (Natural Law). The Natural Law provides "sanctuary for the Diné life and culture, our relationship with the world beyond the sacred mountains, and the balance we maintain with the natural world." The Navajo People have traditionally lived with Mother Earth, Father Sky, the four-legged, winged beings and the insects on Mother Earth recognizing the kinship of all. This policy movement from coal source revenues to sustainable, renewable energy sources is in conformity with this fundamental understanding of Navajo traditional thinking.

Section Three. Rescinding CO-50-13

A. The Navajo Nation Council hereby rescinds CO-50-13, the Navajo Nation Energy Policy of 2013.

Section Four. Declaring the Navajo Nation's intention to move beyond coal source revenues and forward to sustainable and renewable energy sources

The Navajo Nation Council hereby declares the intention of the Nation to move beyond coal source revenues and forward to sustainable and renewable energy sources.

Section Five. Directing the Department of Justice to draft the Navajo Nation Energy Policy of 2019 in conforming with the Navajo Nation's declaration to move beyond coal source revenues and forward to sustainable and renewable energy sources

A. Department of Justice is hereby directed to draft the Navajo Nation Energy Policy of 2019 in conforming with the Navajo Nation's declaration to move beyond coal source revenues and forward to sustainable and renewable energy sources.

B. The draft of the Navajo Nation Energy Policy of 2019 shall be presented to the Navajo Nation Council at a work session and later presented to the Navajo Nation Council for final adoption.

Section Six. Establishing the Navajo Generating Station-Kayenta Mine Transition Taskforce

A. The Navajo Nation Council hereby establishes the Navajo Generating Station-Kayenta Mine Transition Taskforce (Taskforce) to provide recommendations to the Navajo Nation Council regarding replacement revenues for the Nation; to provide recommendations for reclamation and re-purposing of the Navajo Generating Station and Kayenta Mine sites; and to provide recommendations for assistance to displaced workers such as job training, placement services, and priority hiring for coal mine reclamation and coal plant decommissioning. The Taskforce's duties shall conform to the policy of the Navajo Nation moving beyond coal source revenues and forward to sustainable and renewable energy sources.

B. The Navajo Generating Station-Kayenta Mine Transition Taskforce members shall be composed of the Director of the Division of Economic Development, the Director of Natural Resources, the Director of the Division of Community Development, the President of the Navajo Nation, the Speaker of the Navajo Nation Council or their designees. The Director of the Division of Economic Development shall be the chairperson of the Taskforce and the Division of Economic Development shall provide the support staff for generating the Taskforce's reports. The Department of Justice shall provide legal assistance to the Taskforce.

C. The Navajo Generating Station-Kayenta Mine Transition Taskforce shall convene its first meeting no later than two weeks after the enactment of this resolution and shall convene regular meetings.

D. The Navajo Generating Station-Kayenta Mine Transition Taskforce shall provide a report to the Navajo Nation Council no later than June 7, 2019 at which time the Navajo Nation Council may decide whether to continue the Taskforce, reconfigure its functions, or delegate the Taskforce's responsibilities to other divisions, departments or entities.

Section Seven. Directive to the Division of Economic Development, Division of Natural Resources, Division of Community Development, and Environmental Protection Agency to present reports to their oversight committees and the Navajo Nation Council on how they are conforming to the policy on transition beyond coal source revenues to a more sustainable and renewable energy source

A. The Division of Natural Resources, Division of Economic Development, Division of Community Development and the Environmental Protection Agency are directed to present reports to their oversight committees showing how they are conforming to the transition beyond coal source revenues to a more sustainable and renewable energy source.

B. The Division of Natural Resources, Division of Economic Development, Division of Community Development and the Environmental Protection Agency are directed to present proposed changes to their plans of operation to conform to the transition beyond coal source revenues to a more sustainable and renewable energy source.

Office of Legislative Counsel
Telephone: (928) 871-7166
Fax # (928) 871-7576



Honorable Seth Damon
Speaker
24th Navajo Nation Council

MEMORANDUM

TO: Honorable Elmer Begay
Dilcon, Indian Wells, Teesto, Whitecone, Greasewood Springs Chapters

FROM: Mariana Kahn
Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: March 21, 2019

SUBJECT: PROPOSED NAVAJO NATION COUNCIL RESOLUTION, AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; RESCINDING CO-50-13; DECLARING THE NAVAJO NATION'S INTENTION TO MOVE BEYOND COAL SOURCE REVENUES AND FORWARD TO SUSTAINABLE AND RENEWABLE ENERGY SOURCES; DIRECTING THE DEPARTMENT OF JUSTICE TO DRAFT THE NAVAJO NATION ENERGY POLICY OF 2019 IN CONFORMITY WITH THIS DECLARATION; ESTABLISHING THE NAVAJO GENERATING STATION-KAYENTA MINE TRANSITION TASKFORCE; DIRECTING DIVISION DIRECTORS TO REPORT REGARDING ADHERENCE TO THE CHANGE IN THE NATION'S ENERGY POLICY

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution as drafted is legally sufficient. As with any action of government however, it can be subject to review by the courts in the event of proper challenge.

The Office of Legislative Counsel confirms the appropriate standing committee(s) based on the standing committees powers outlined in 2 N.N.C. §§301, 401, 501, 601 and 701. Nevertheless, "the Speaker of the Navajo Nation Council shall introduce [the proposed resolution] into the legislative process by assigning it to the respective oversight committee(s) of the Navajo Nation Council having authority over the matters for proper consideration." 2 N.N.C. §164(A)(5).

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0073-19__ SPONSOR: Elmer Begay

TITLE: An Action Relating To Resources And Development Committee, NAABIK'IYATI' Committee, And The Navajo Nation Council; Rescinding CO-50-13; Declaring The Navajo Nation's Intention To Move Beyond Coal Source Revenues And Forward To Sustainable And Renewable Energy Sources; Directing The Department Of Justice To Draft The Navajo Nation Energy Policy Of 2019 In Conformity With The Declaration; Establishing The Navajo Generating Station-Kayenta Mine Transition Taskforce; Directing Division Directors To Report Regarding Adherence To The Change In The Nation's Energy Policy

Date posted: March 21, 2019 at 5:50 PM

Digital comments may be e-mailed to 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.: 0073-19

SPONSOR: Honorable Elmer Begay

TITLE: An Action Relating to Resources and Development Committee, Naabik'íyáti' Committee, and the Navajo Nation Council; Rescinding CO-50-13; Declaring the Navajo Nation's intention to move beyond coal source revenues and forward to sustainable and renewable energy sources; Directing the Department of Justice to Draft the Navajo Nation Energy Policy of 2019 in Conformity with the Declaration; Establishing the Navajo Generating Station- Kayenta Mine Transition Taskforce; Directing Division Directors to report regarding adherence to the Change in the Nation's Energy Policy

Posted: March 21, 2019 at 5:50pm

5 DAY Comment Period Ended: March 26, 2019

Digital Comments received:

Comments Supporting	*1) Elsa Johnson, 0073-19 Resolution to rescind CO-50-13* *2) Percy Deal, Strongly supports Legislation 0073-19* *3) Nicole Horseherder*
Comments Opposing	*None*
Inconclusive Comments	*None*

Legislative Secretary
Office of Legislative Services

3/27/19 8:30am
Date/Time

0073-19 Resolution to rescind CO-50-13

Elsa Johnson <asdza.ej@gmail.com>

Mon 3/25/2019 10:31 PM

To: comments <comments@navajo-nsn.gov>;

Dear Speaker of Navajo Council:

Please rescind Energy Policy of 2013 and move our Nation toward renewable energy production. We need to take advantage of the abundant sunshine plus Dine' bikeyah is located in the high plateau both make for great clean energy. Navajo Nation should've been the Solar Capital of the U.S. by now. We've lost eough time on fossil fuels. Let's set a precedence for the rest of Native America and go Solar!

Thank you.

Elsa Johnson
Phoenix, AZ
Forest Lake Chapter

Legislation # 0073 - 19

Percy Deal <deal.percy@gmail.com>

Tue 3/26/2019 11:36 AM

To: comments <comments@navajo-nsn.gov>;

The Honorable Members of the Navajo Nation Council:
Please accept my comment on Legislation 0073-19. However, first I want to thank the members of Council for their decision on Legislation 0044-19, I must say your decision is commendable and sets the course toward a new direction. A direction of sustainable reality which would lead to a healthier Nation. Having said that, Legislation 0073 - 19 by the Honorable Elmer Begay is only the first step toward that end. All the states in the southwest US are leading in that direction with renewable energy. We must join in. I strongly believe the Nation has all the assets, tools and resources to begin as negotiated in 2017 Extension Agreement. To go down the road we must first readdress the Nation Energy Policy to conform with the surrounding states. Legislation 0073 - 19 will certainly provide the necessary vehicle. I'm asking for your support to approve the proposed measure.

I also wish to offer some recommendations to the legislation as follows:

- I like to recommend the Transition Taskforce involve the Executive Director of Navajo Government Development, the legislation will definitely cause some change to the way the Nation is currently set up.
- Second, I like to recommend the Transition Taskforce also involve NTUA. NTUA and SRP are already a good partners in the Navajo solar project in Kayenta.
- The Taskforce should also have a member of a Navajo Medicine Person, Legislation 0073 is based on the Natural Law as outlined in Title 1 of the Navajo Nation Code. It would be appropriate to have a Navajo Medicine Person to help guild the new policy.
- The Taskforce should have the authority to call upon the federal and state governments to provide technical assistances as necessary to ensure conformity.
- The Taskforce should have authority to call upon Dine'/Native American Solar Company to offer help and recommendations.
- The Taskforce should be required to hold public hearings to insure public input.

Once again I strongly support the Legislation 0073 - 19 and encourage the Council to give it their full support for passage. I thank you in advance.

Re: My Comments on Legislation 0073-19

Nicole Horseherder <nhorseherder@gmail.com>

Tue 3/26/2019 6:14 PM

To: Ed Becenti <rezztone@yahoo.com>;

Cc: comments <comments@navajo-nsn.gov>;

Yes this is good

On Tue, Mar 26, 2019, 5:34 PM Ed Becenti <rezztone@yahoo.com> wrote:

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

Greetings,

Legislation 0073-19 An Action Relating To Resources And Development Committee, NAABIK'IYATI' Committee, And The Navajo Nation Council;

Rescinding CO-50-13;

Declaring The Navajo Nation's Intention To Move Beyond Coal Source Revenues And Forward To Sustainable And Renewable Energy Sources;

Directing The Department Of Justice To Draft The Navajo Nation Energy Policy Of 2019 In Conformity With The Declaration;

Establishing The Navajo Generating Station-Kayenta Mine Transition Taskforce (including two grassroots members from the Black Mesa, AZ community area);

Directing Division Directors including the new Navajo Department of Energy To Report Regarding Adherence To The Change In The Nation's Energy Policy

The Navajo Nation Energy Policy 0f 2019 needs to end fossil fuel extraction(s) and create a 100% renewable energy goal for 2022 and beyond. Clean energy being wind, solar and hydro only.

Ed Becenti
P.O. Box 121
St. Michaels, AZ 86511
48-313-8070

RESOURCES AND DEVELOPMENT COMMITTEE
24th NAVAJO NATION COUNCIL

FIRST YEAR 2019

COMMITTEE REPORT

Mr. Speaker,

The **RESOURCES AND DEVELOPMENT COMMITTEE** to whom has been assigned:

> **Legislation # 0073-19**: An Action Relating to Resources and Development and Naabik'Iyati Committees; and the Navajo Nation Council; Rescinding CO-50-13; Declaring the Navajo Nation's Intention to Move Beyond Coal Source Revenues and Forward to Sustainable and Renewable Energy Sources; Directing the Department of Justice to Draft the Navajo Nation Energy Policy of 2018 in Conformity with the Declaration; Establishing the Navajo Generating Station – Kayenta Mine Transition Taskforce; Directing Division Directors to Report Regarding Adherence to the Change in the Nation's Energy Policy. *Sponsor: Honorable Elmer P. Begay*

Has had it under consideration and reports the Committee deleted the matter off the agenda with a directive to the Sponsor Elmer Begay to schedule a work session for the 24th Navajo Nation Council.

And thereafter the matter was deleted off the agenda.

Respectfully submitted,

Rickie Nez, Presiding Chairperson
Resource and Development Committee of
the 24th Navajo Nation Council

Date: April 10, 2019 - Regular Meeting
Meeting Location: NDOT Administrative Complex, Tse Bonito, NM

NO MAIN MOTION ESTABLISHED BECAUSE THERE WAS
MOTION TO DELETE OFF THE AGENDA WITH DIRECTIVE:
M: Herman M. Daniels S: Thomas Walker, Jr. Vote: 3-1-1
Yeas: Herman M. Daniels, Wilson Stewart, Jr., and Thomas Walker, Jr.
Nays: Mark Freeland
Excused: Kee Allen Begay, Jr.

RESOURCES AND DEVELOPMENT COMIMTTEE
24th Navajo Nation Council
Regular Meeting

ROLL CALL
VOTE TALLY SHEET:

Legislation # 0073-19: An Action Relating to Resources and Development and Naabik'Iyati Committees; and the Navajo Nation Council; Rescinding CO-50-13; Declaring the Navajo Nation's Intention to Move Beyond Coal Source Revenues and Forward to Sustainable and Renewable Energy Sources; Directing the Department of Justice to Draft the Navajo Nation Energy Policy of 2018 in Conformity with the Declaration; Establishing the Navajo Generating Station – Kayenta Mine Transition Taskforce; Directing Division Directors to Report Regarding Adherence to the Change in the Nation's Energy Policy. *Sponsor: Honorable Elmer P. Begay*

Date: April 10, 2019
Meeting Location: NDOT Administrative Complex, Tse Bonito, NM

NO MAIN MOTION ESTABLISHED BECAUSE THERE WAS MOTION TO DELETE OFF THE AGENDA WITH DIRECTIVE:
M: Herman M. Daniels S: Thomas Walker, Jr. Vote: 3-1-1
Yeas: Herman M. Daniels, Wilson Stewart, Jr., and Thomas Walker, Jr.
Nays: Mark Freeland
Excused: Kee Allen Begay, Jr.

Honorable Rickie Nez, Presiding Chairman
Resources and Development Committee

Shammie Begay, Legislative Advisor
Office of Legislative Services

24th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
First Year 2019

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0073-19

An Action Relating to Resources and Development Committee, Naabik'íyáti' Committee, and the Navajo Nation Council; Rescinding CO-50-13; Declaring the Navajo Nation's intention to move beyond coal source revenues and forward to sustainable and renewable energy sources; Directing the Department of Justice to Draft the Navajo Nation Energy Policy of 2019 in Conformity with this Declaration; Establishing the Navajo Generating Station-Kayenta Mine Transition Taskforce; Directing Division Directors to report regarding adherence to the Change in the Nation's Energy Policy

Sponsored by: Honorable Elmer P. Begay

Has had it under consideration and reports the same that the legislation **WAS REFERRED TO A NAABIK'ÍYÁTI' COMMITTEE WORK SESSION**.

Respectfully Submitted,

Honorable Daniel Tso, Chairman Pro Tem
NAABIK'ÍYÁTI' COMMITTEE

11 APRIL 2019

REFERRAL MOTION
Motion to refer legislation 0073-19 for a Naabik'íyáti' Committee work session, for all 24 Council Delegates, within 90 days.
Motioned by: Honorable Herman M. Daniels
Seconded by: Honorable Wilson C. Stewart, Jr.
Vote: 13 in Favor, 01 Opposed (Chairman Pro Tem D. Tso Not Voting)

MAIN MOTION
Motioned by: Honorable Pernell Halona
Seconded by: Honorable Jimmy Yellowhair
Vote: VOTE PENDING

NAVAJO NATION

138

4/11/2019

Naa'bik'iyati Committee

04:08:35 PM

Amd# to Amd#	Motion to Refer Legislation	PASSED
MOT Daniels	0073-19 to Naabikiyati Committee	
SEC Stewart, W	for Work Session for all 24	
	Council Delegates within 90 days	

Yea : 13 **Nay : 1** **Excused : 0** **Not Voting : 9**

Yea : 13

Begay, P	Daniels	James, V	Tso, E
BeGaye, N	Freeland, M	Nez, R	Wauneka, E
Brown	Halona, P	Stewart, W	Yellowhair
Crotty			

Nay : 1

Begay, E

Excused : 0

Not Voting : 9

Begay, K	Henio, J	Tso, C	Walker, T
Charles-Newton	Smith	Tso, O	Yazzie
Damon			

Presiding Chair: Tso, D

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW SUMMARY

LEGISLATION NO.: 0073-19

SPONSOR: Honorable Elmer Begay

TITLE: An Action Relating to Resources and Development Committee, Naabik'íyáti' Committee, and the Navajo Nation Council; Rescinding CO-50-13; Declaring the Navajo Nation's intention to move beyond coal source revenues and forward to sustainable and renewable energy sources; Directing the Department of Justice to Draft the Navajo Nation Energy Policy of 2019 in Conformity with the Declaration; Establishing the Navajo Generating Station- Kayenta Mine Transition Taskforce; Directing Division Directors to report regarding adherence to the Change in the Nation's Energy Policy

Posted: March 21, 2019 at 5:50pm

5 DAY Comment Period Ended: March 26, 2019

Digital Comments received:

Comments Supporting	*None*
Comments Opposing	*None*
Inconclusive Comments	*1) Jonathan Nez, Navajo Nation President*

Legislative Secretary
Office of Legislative Services

5-29-19 4:02pm
Date/Time

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT

May 28, 2019

Hon. Seth Damon, Speaker
Members, 24th Navajo Nation Council
Post Office Box 3390
Window Rock, AZ 86515

SUBJECT: Comments of the Hayoołkaał "Sunrise" Work Group regarding Legislation #0073-19

Dear Speaker Damon & Honorable Delegates,

On April 15, 2019, I formed the Hayoołkaał Work Group (or the "Work Group") comprised of staff from the Division of Natural Resources, Department of Justice, Navajo Environmental Protection Agency, Division of Economic Development, Division of Community Development, Navajo Washington Office, and the Office of the President and Vice President. With the need for a new economic vision for the Navajo people through healing the land, fostering clean energy development and providing leadership for the energy market for the Navajo people, this work group will focus on various tasks that promote the Navajo Hayoołkaał Proclamation issued by myself and Vice President Myron Lizer on April 2, 2019.

Legislation #0073-19 proposes to rescind CO-53-13 (approving the Navajo Nation Energy Policy of 2013); declaring the Navajo Nation's intention to move beyond coal source revenues and forward to sustainable and renewable energy sources; directing the Department of Justice to draft the Navajo Nation Energy Policy of 2019 in conformity with this declaration; establishing the Navajo Generating Station-Kayenta Mine transition taskforce; directing Division Directors to report to their oversight committees regarding adherence to the change in the Nation's Energy Policy.

In response to Legislation #0073-19, the Hayoołkaał Work Group offers the following comments and recommendations:

1. The Energy Policy of 2013 should be amended, not rescinded

Section Three, Subsection A of the legislation, rescinds legislation CO-50-13, which adopted the Navajo Nation Energy Policy of 2013 (or the "Energy Policy of 2013"). However, the Work Group strongly recommends that legislation CO-50-13 remain intact and the current legislation, 0073-19, simply state that the Energy Policy of 2013 be amended, not rescinded. The development of the Energy Policy of 2013 was a year-long process. It involved the participation of multiple stakeholders and several public meetings with the Navajo people before it was ultimately approved by the Navajo Nation Council. A similar process should be followed to determine appropriate amendments to the Energy Policy of 2013. The policy should remain intact as this process is

occurring. It is much easier to amend an existing policy than to create a brand new energy policy. As will be discussed below, the Energy Policy of 2013 has good information that should be the starting point to any updated Navajo Nation energy policy.

2. The phrase "move beyond coal source revenues" is vague and should be clarified

Section Four of the legislation states that the Nation will "move beyond coal source revenues and forward to sustainable and renewable sources". It is unclear what this phrase means. Does it mean that all current coal and other fossil fuel production needs to end? Do current leases need to be cancelled? What does it mean for the Four Corners Power Plant and Navajo Mine? Does the statement mean that the Nation will not agree to any new fossil fuel development? This policy could have serious repercussions for the Navajo Transitional Energy Company and the Navajo Nation Oil and Gas Company.

Coal and other fossil fuel production contribute the majority of the funding to the Nation's general fund in the form of royalties, lease payments, taxes, etc. This legislation seems to be suggesting a monumental shift in terms of the sources of the Nation's revenue. A diverse energy portfolio (e.g. coal, oil and gas, renewables, etc.) allows the Navajo Nation to remain flexible to adapt to any changes in the energy market. It would also allow the Nation to maintain a steady stream of revenue when adapting to these changes. The Work Group recommends that the policy statement from the Navajo Nation Council should provide enough detail to clearly state the Nation's approach to energy development and revenue generation moving forward.

3. The language directing the Department of Justice to draft the Navajo Nation Energy Policy of 2019 needs to be clarified

The Work Group interprets Section Five of the legislation as directing the Department of Justice (DOJ) to develop/create the Navajo Nation Energy Policy of 2019. However, the Work Group believes the development/creation of the Navajo Nation Energy Policy of 2019 should be tasked to the Division of Natural Resources (DNR). Among other things, DNR took the lead in creating the Energy Policy of 2013. DOJ is willing to offer legal assistance in crafting an amended energy policy and is willing to assist with the actual drafting of the new energy policy. The Work Group recommends that Section Five of the legislation clearly reflect this approach.

4. The Hayoołkaał Work Group believes the establishment of the "Navajo Generating Station-Kayenta Mine Transition Taskforce" is unnecessary

The Hayoołkaał Work Group has been tasked to deal with various energy and economic development issues, which are: the shutdown of NGS and the Kayenta Mine, the eventual shutdown of the San Juan Generating Station and Four Corners Power Plant, the PNM/Chevron mine reclamation, energy policy, development of a DNR energy office, renewable energy projects, workforce development, partnerships, transition funds, technical assistance, purchase power agreements, and other pertinent issues. It appears that most of these tasks, if not all, correspond to what would be tasked to the "Navajo Generating Station-Kayenta Mine Transition Taskforce". Therefore, the Work Group believes that this taskforce would be redundant to work that is already in progress or will be done in the near future by the Work Group.

5. If the Navajo Nation Council does establish a task force, the responsibilities of the "Navajo Generating Station-Kayenta Mine Transition Taskforce" need to be clearly defined

The scope of this proposed taskforce is unclear. Section Six of the legislation states that the taskforce will provide recommendations "regarding replacement revenues for the Nation" related to the shutdown of the Navajo Generating Station (NGS) and Kayenta Mine. Is the focus of these replacement revenues only energy-related or should the recommendations go beyond energy to other forms of revenue generation? The answer to this question could determine which Navajo programs and departments should serve on the taskforce.

The Work Group recommends that the responsibility of the taskforce to provide recommendations for "reclamation" of the NGS and Kayenta Mine sites be deleted from the legislation. Reclamation of the NGS site is governed by the terms of the NGS Extension Lease approved by the 23rd Navajo Nation Council. *See* CJN-33-17. Reclamation of the Kayenta Mine is governed primarily by the federal Surface Mining Control and Reclamation Act (or "SMCRA"). *See* 30 U.S.C. § 1201 *et seq*. Reclamation of the Kayenta Mine is overseen by the federal Office of Surface Mining Reclamation and Enforcement.

The legislation designates the Division of Economic Development as the chairperson of the taskforce. However, the Work Group believes that the chairperson should be selected by the members of the taskforce. Additionally, it should be the taskforce that determines which department(s) should provide support staff and administrative assistance to the taskforce.

The Work Group believes the deadline of June 7, 2019 for the taskforce to present a final report to the Navajo Nation Council is unrealistic. The directive to this taskforce appears to be a very large undertaking. Numerous stakeholders will need to be consulted. The taskforce may even need to hire one or more outside consultants. Therefore, the deadline should be extended appropriately to give the taskforce adequate time to develop a complete and detailed report on replacement revenues for NGS and the Kayenta Mine.

6. The Navajo Nation Environmental Protection Agency's role with respect to this legislation should be clarified

The Navajo Nation Environmental Protection Agency ("Navajo EPA") is not a member of the taskforce created under this legislation, nor is the Work Group suggesting that they should be. However, Section Seven of the legislation directs Navajo EPA to present to their oversight committee about how Navajo EPA is complying with the legislation's requirement "to move beyond coal source revenues and renewable energy source". As Navajo EPA is tasked with environmental regulatory oversight and is not one of the Navajo Nation departments tasked with revenue generation, it is unclear why Navajo EPA was identified under this particular section of the legislation. The Work Group recommends that Navajo EPA's role be clarified in the legislation or the reference to Navajo EPA be deleted from this section.

7. If the Taskforce is created, it should be up to the taskforce members to determine the best and most efficient way to present to their oversight committee

The Resources and Development Committee (RDC) is the oversight committee for the Division of Natural Resources, the Division of Economic Development and the Division of Community Development. As all of these divisions are members of the taskforce, it should be up to these divisions to determine the best and most effective way to present updates to RDC on the work of the taskforce.

8. Initial recommendations of the Hayoołkaał Work Group related to amendments to the Energy Policy of 2013

The Work Group's full and comprehensive recommendations for amendments to the Energy Policy of 2013 will be forthcoming. However, the Work Group presents the following recommendations as a starting point for amendments to the Energy Policy of 2013:

A. The Energy Policy of 2013 should be the starting point for an updated Navajo Nation energy policy.

B. The Navajo Nation Energy and Natural Resources Economic Development Roadmap developed in October 218 (commonly referred to as the "Energy Roadmap") is an up-to-date and accurate report depicting the Nation's energy resources and should be a key document to develop updates to the Nation's energy policy.

C. Energy Policy of 2013 § 4 (Navajo Fundamental Law): Since there are no written listings and information on the Navajo Medicine Men's Association, possible new language could state that a "community Hataalii could be consulted".

D. Energy Policy of 2013 § 9 (Coal): Coal is one of the natural resources that makes up the Nation's energy mix. While current economic trends have deemed energy generated by coal to be generally uneconomical, the Nation still has abundant coal reserves. Coal should still be considered a potential revenue generator at some point in the future. Among other things, DNR's Energy Office would monitor the advanced coal technology which could be an option for coal development and revenue generation for the Nation in the future.

E. Energy Policy of 2013 § 10 (Renewable Energy): Language could be added to enhance this particular section. DNR has identified seven Renewable Energy Sites for renewable energy development. Language should be added to make it clear that developers should submit their inquiries to the Energy Office. This would reiterate the statement in Section 1301(c) of the policy.

F. Energy Policy of 2013 § 12 (Electrical and Energy Distribution Systems): A new section 1203 should be added dealing with the use of existing Transmission Systems. This new section would include language noting the Nation's acquisition of the use of 500MW from the NGS Transmission Systems and the potential interest in transmission rights related to other power plants, including the San Juan Generating Station's Transmission Systems.

I look forward to working with the 24th Navajo Nation Council on developing an energy strategy for the Navajo Nation. Together we can plan for the future of the Nation and for our children. Should you need additional information please contact Paulson Chaco, Chief of Staff, Office of the President and Vice President.

Sincerely,

Jonathan Nez, President
The Navajo Nation

cc: Hayoołkaał Work Group

24th NAVAJO NATION COUNCIL
NAABIK'ÍYÁTI' COMMITTEE REPORT
First Year 2019

The **NAABIK'ÍYÁTI' COMMITTEE** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0073-19

An Action Relating to Resources and Development Committee, Naabik'íyáti' Committee, and the Navajo Nation Council; Rescinding CO-50-13; Declaring the Navajo Nation's intention to move beyond coal source revenues and forward to sustainable and renewable energy sources; Directing the Department of Justice to Draft the Navajo Nation Energy Policy of 2019 in Conformity with this Declaration; Establishing the Navajo Generating Station-Kayenta Mine Transition Taskforce; Directing Division Directors to report regarding adherence to the Change in the Nation's Energy Policy

Sponsored by: Honorable Elmer P. Begay

Has had it under consideration and reports the same that the legislation **FAILED AND SHALL BE REFERRED TO THE NAVAJO NATION COUNCIL**.

Respectfully Submitted,

Honorable Seth Damon, Chairman
NAABIK'ÍYÁTI' COMMITTEE

11 July 2019

MAIN MOTION
Motioned by: Honorable Pernell Halona
Seconded by: Honorable Jimmy Yellowhair
Vote: 05 in Favor, 11 Opposed (Chairman Damon Not Voting)

FAILED AMENDMENT
Amendment #1
1. Page 1, line 12, amend the language as follows:

AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, NAABIK'ÍYÁTI' COMMITTEE, AND THE NAVAJO NATION COUNCIL; ~~RESCINDING CO-50-13;~~ DECLARING THE NAVAJO NATION'S INTENTION TO MOVE BEYOND COAL SOURCE REVENUES AND FORWARD TO SUSTAINABLE AND RENEWABLE ENERGY SOURCES; ~~DIRECTING THE DEPARTMENT OF JUSTICE TO DRAFT THE NAVAJO NATION ENERGY POLICY OF 2019 IN CONFORMITY WITH THIS DECLARATION;~~ ESTABLISHING THE ~~NAVAJO GENERATING STATION KAYENTA MINE TRANSITION~~ ENERGY POLICY TASK FORCE; ~~DIRECTING DIVISION DIRECTORS TO REPORT REGARDING ADHERENCE TO THE CHANGE IN THE NATION'S ENERGY POLICY~~

2. Page 2, lines 12 and 13, Paragraph B, amend the language as shown below:

   B. For several decades, The Navajo Nation has generated revenue from coal resources~~; the latest examples of such endeavors are the Navajo Generating Station and the Kayenta Mine.~~

3. Page 2, lines 27-28, amend the language as shown below:

   ~~Section Three. Rescinding CO-50-13~~
   ~~A. The Navajo Nation Council hereby rescinds CO-50-13, the Navajo Nation Energy Policy of 2013.~~

4. Page 3, lines 7-16, strike all of the language in section five as shown below:

   ~~Section Five. Directing the Department of Justice to draft the Navajo Nation Energy Policy of 2019 in conforming with the Navajo Nation's declaration to move beyond coal source revenues and forward to sustainable and renewable energy sources.~~

   ~~A. Department of Justice is hereby directed to draft the Navajo nation Energy Policy of 2019 in conforming with the Navajo Nation's declaration to move beyond coal course revenues and forward to sustainable and renewable energy sources.~~

   ~~B. The draft of the Navajo Nation Energy Policy of 2019 shall be presented to the Navajo Nation Council at a work session and later presented to the Navajo Nation Council for final adoption.~~

5. Page 3, lines 18-19, amend as follows:

   Section Six. Establishing the ~~Navajo Generating Station Kayenta Mine Transition~~ Energy Policy Taskforce

6. Page 3, lines 20-21, amend as follows:

A. The Navajo Nation Council hereby establishes the ~~Navajo Generating Station Kayenta Mine Transition~~ Energy Policy Taskforce (Taskforce) to move beyond coal source revenues and forward to sustainable and renewable energy sources and to ~~provide recommendations~~ draft and present a new energy policy to the Navajo Nation Council, ~~regarding replacement revenues for the Nation; to provide recommendations for reclamation and re-purposing of the Navajo Generation Station and Kayenta Mine sites; and to provide recommendations for assistance to displaced workers such as job training, placement services, and priority hiring for coal mine reclamation and coal mine decommissioning. The taskforce's duties shall conform to the policy of the Navajo Nation moving beyond coal source revenues and forward to sustainable and renewable energy resources.~~

B. The Energy Policy Task Force Shall Consist of:

a. The Office of Navajo Government Development
b. Navajo Nation Energy Office
c. Navajo Nation Division of Natural Resources
d. (3) Community-based Non-Governmental Organization Representatives
e. The Navajo Tribal Utility Authority and (2) other representatives from other energy utilities that serve the Navajo Nation.
f. Navajo Transitional Energy Company
g. Navajo Nation Environmental Protection Agency
h. (1) Navajo Traditional Practitioner
i. (2) Academic/research institutions
j. Navajo Nation Division of Economic Development
k. Office of the Navajo Nation President and Vice President
l. Navajo Nation Division of Community Development
m. Navajo Nation Department of Justice

C. Duties

a. The Task Force shall develop a new Navajo Nation energy policy and present it to the Navajo Nation Council within 90 days of the establishment of the task force.

b. The Office of Navajo Government Development shall call a meeting within 14 days after the passage of this legislation to identify members of the task force.

c. Rules governing meetings, including selection of a chairperson shall be determined by the task force. Provided every member of the task force shall be allowed to participate, debate, and vote on all matters.

D. Resources

a. The members of the task force, for its meeting attendance and in fulfilling its delegated functions, shall be compensated (where permitted by law, rule or regulation) and reimbursed for expenses from the respective programs they are employed with.

b. The task force may reach out to other resources not specified for any technical assistance.

Existing paragraphs B, C, and D are hereby overstricken accordingly

7. Page 4, lines 19-29 through page 5 lines 1-5, strike all of the language in section seven as shown below:

~~Section Seven. Directive to the Division of Economic Development, Division of Natural Resources, Division of Community Development, and Environmental Protection Agency to present reports to their oversight committees and the Navajo Nation on how they are conforming to the policy on transition beyond coal source revenues to a more sustainable and renewable energy source~~

~~A. The Division of Natural Resources, Division of Economic Development, Division of Community Development, and the Environmental Protection Agency are directed to present reports to their oversight committees showing how they are conforming to the transition beyond coal sourced revenues to a more sustainable energy source.~~

~~B. The Division of Natural Resources, Division of Economic Development, Division of Community Development, and the Environmental Protection Agency are directed to present proposed changes to their plans of operation to conform to the transition beyond coal source revenues to a more sustainable and renewable energy source.~~

Motioned by: Honorable Pernell Halona
Seconded by: Honorable Vince James
Vote: 07 in Favor, 09 Opposed (Chairman Damon Not Voting)

NAVAJO NATION

220

7/11/2019

Naa'bik'iyati Committee

01:52:29 PM

Amd# to Amd#	Legislation 0073-19: Rescinding	FAILED
MOT Halona, P	CO-50-13; Declaring the Navajo	
SEC Yellowhair	Nation's intention to Move	
	Beyond Coal Source Revenues...	

Yea : 5 **Nay : 11** **Excused : 4** **Not Voting : 3**

Yea : 5

Begay, E	Halona, P	Henio, J	James, V
Charles-Newton			

Nay : 11

Begay, K	Nez, R	Tso, E	Wauneka, E
Begay, P	Smith	Tso, O	Yellowhair
Daniels	Tso, D	Walker, T	

Excused : 4

Tso, C	Freeland, M	BeGaye, N	Brown

Not Voting : 3

Crotty	Yazzie	Stewart, W

Presiding Chair: Damon

NAVAJO NATION

219

7/11/2019

Naa'bik'iyati Committee

01:51:07 PM

Amd#1 to Amd#	Page 1 line 12 amend the	FAILED
MOT Halona, P	language as follows: An Action	
SEC James, V	Relating To Resources and Development Committee,....	

Yea : 7 **Nay : 9** **Excused : 4** **Not Voting : 3**

Yea : 7

Begay, E	Halona, P	James, V	Yellowhair
Charles-Newton	Henio, J	Tso, D	

Nay : 9

Begay, K	Nez, R	Tso, E	Walker, T
Begay, P	Smith	Tso, O	Wauneka, E
Daniels			

Excused : 4

Tso, C	Freeland, M	BeGaye, N	Brown

Not Voting : 3

Crotty	Stewart, W	Yazzie

Presiding Chair: Damon

24th NAVAJO NATION COUNCIL
ACTION REPORT
First Year 2019

The **NAVAJO NATION COUNCIL** to whom has been assigned:

NAVAJO LEGISLATIVE BILL #0073-19

An Action Relating to Resources and Development Committee, Naabik'íyáti' Committee, and the Navajo Nation Council; Rescinding CO-50-13; Declaring the Navajo Nation's intention to move beyond coal source revenues and forward to sustainable and renewable energy sources; Directing the Department of Justice to Draft the Navajo Nation Energy Policy of 2019 in Conformity with this Declaration; Establishing the Navajo Generating Station-Kayenta Mine Transition Taskforce; Directing Division Directors to report regarding adherence to the Change in the Nation's Energy Policy

Sponsored by: Honorable Elmer P. Begay

Has had it under consideration and reports the same that the legislation was **TABLED AND STAYS WITH THE NAVAJO NATION COUNCIL**.

Respectfully Submitted,

Honorable Seth Damon, Speaker
24th NAVAJO NATION COUNCIL

16 JULY 2019

TABLING MOTION:
Motion to Table Legislation 0073-19 until July 17, 2019 or within 90 Days.
Motioned by: Honorable Pernell Halona
Seconded by: Honorable Nathaniel Brown
Vote: 11 in Favor, 10 Opposed (Speaker Damon Votes in Favor)

MAIN MOTION:
Motioned by: Honorable Wilson C. Stewart, Jr.
Seconded by: Honorable Eugenia Charles-Newton
Vote: VOTE PENDING

NAVAJO NATION

135

7/16/2019

NNC 2019 Summer Session

04:06:47 PM

Amd# to Amd# | Table Legislation 0073-19 to | PASSED

MOT Halona, P

Wednesday, July 17th, 2019

SEC Brown

Yea : ~~10~~ 11 Ny. **Nay : 10** **Excused : 3** **Not Voting : 0**

Yea : 10

Begay, E	Halona, P	Smith	Walker, T
Brown	Henio, J	Tso	Wauneka, E
Charles-Newton	Nez, R		Damon (Broke tie) Ny

Nay : 10

Begay, K	Freeland, M	Tso, C	Yazzie
Begay, P	James, V	Tso, D	Yellowhair
Daniels	Stewart, W		

Excused : 3

BeGaye, N	Crotty	Tso, E

Not Voting : 0

Presiding Speaker: Damon