

LEGISLATIVE SUMMARY SHEET

Tracking No. 0246-22

DATE: December 8, 2022

TITLE OF RESOLUTION: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁI' COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CO-50-13; APPROVING AMENDMENTS TO THE PLAN OF OPERATION FOR THE NAVAJO NATION DIVISION OF NATURAL RESOURCES ADMINISTRATION; AND APPROVING THE PLAN OF OPERATION FOR THE CLEAN ENERGY AND STRATEGIC DEVELOPMENT PLANNING OFFICE

PURPOSE: This resolution, if approved, will approve an amendment to Resolution CO-50-13, authorizing the development of the Clean Energy and Strategic Development Planning Office within the Division of Natural Resources in phases, and, at a future date, when the Clean Energy and Strategic Development Planning Office has developed sufficient capacity, the structure should be revisited to determine if the office should be separate and distinct from the Division of Natural Resources. This resolution, if approved, will also approve an amendment to the plan of operation for the Navajo Nation Division of Natural Resources Administration and will approve the Plan of Operation for the Clean Energy and Strategic Development Planning Office.

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.

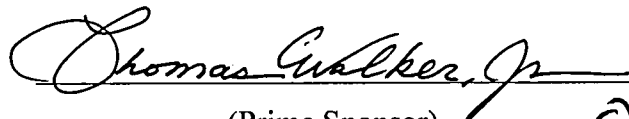
5-DAY BILL HOLD PERIOD: Johnson
Website Posting Time/Date: 9:30pm; 12-12-22
Posting End Date: 12-17-22
Eligible for Action: 12-18-22

Resources & Development Committee
Thence
Naabik'iyati' Committee
Thence
Navajo Nation Council

PROPOSED NAVAJO NATION COUNCIL RESOLUTION

24th NAVAJO NATION COUNCIL -- Fourth Year, 2022

INTRODUCED BY


(Prime Sponsor) *WCSJWax*

TRACKING NO. 0246-22

AN ACTION

RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, THE
NAABIK'ÍYÁÍ' COMMITTEE AND THE NAVAJO NATION COUNCIL;
AMENDING CO-50-13; APPROVING AMENDMENTS TO THE PLAN OF
OPERATION FOR THE NAVAJO NATION DIVISION OF NATURAL RESOURCES
ADMINISTRATION; AND APPROVING THE PLAN OF OPERATION FOR THE
CLEAN ENERGY AND STRATEGIC DEVELOPMENT PLANNING OFFICE

BE IT ENACTED:

SECTION ONE. AUTHORITY

- A. The Navajo Nation Council is the governing body of the Navajo Nation. 2 N.N.C. § 102 (A).
- B. The Navajo Nation Council established the Naabik'iyati' Committee was a Navajo Nation Council Standing Committee. All proposed legislation that requires final action by the Navajo Nation Council shall be assigned to the Naabik'iyati' Committee. 2 N.N.C. §§ 164 (A) (9), 700 (A).
- C. The Resources and Development Committee (RDC) is established as a Standing Committee of the Navajo Nation Council with oversight authority for the Division of Natural Resources. 2 N.N.C. § 501 (C) (1).

SECTION TWO. FINDINGS

- 1 A. The Navajo Nation Council adopted the Navajo Nation Energy Policy of 2013
2 (“Energy Policy”) through Resolution CO-50-13 which is attached as **Exhibit 1**.
- 3 B. Exhibit A of CO-50-13, the Energy Policy, calls for the creation of an Energy Office
4 that “should be separate and distinct from all existing divisions, departments,
5 programs, enterprises and any other Navajo Nation entities or political subdivisions,
6 and with appropriate staffing and budget.” See, **Exhibit 1**, CO-50-13, Exhibit A,
7 page 10, Section 13 (b) (Navajo Energy Office).
- 8 C. The Division of Natural Resources has developed a plan of operation for the creation
9 of the Energy Resources and Strategic Development Planning Office (the “Energy
10 Office” or “Energy Resources and Strategic Development Planning Office”) in
11 fulfillment of the Energy Policy. The plan of operation will place the Energy Office
12 within the Division of Natural Resources.
- 13 D. The Executive Director, Division of Natural Resources, recommends that the Energy
14 Office be developed in phases and at a future date, after the Energy Office develops
15 sufficient capacity, the structure should be revisited to determine if the Energy Office
16 should be separate and distinct from the Division of Natural Resources.
- 17 E. The proposed amended Plan of Operation for the Navajo Nation Division of Natural
18 Resources Administration is attached as **Exhibit 2**.
- 19 F. The proposed Plan of Operation for the Navajo Nation Clean Energy and Strategic
20 Development Planning Office is attached as **Exhibit 3**.
- 21 G. The Navajo Nation supports the creation of the Energy Office within the Division of
22 Natural Resources as shown by funding of \$252,245.00 in the Navajo Nation’s
23 Comprehensive Budget for Fiscal Year 2023. Page 1 of the Division of Natural
24 Resources Report A, Fiscal Year Budget, Division Summary by Fund Type
25 Resolution, CS-42-22, Exhibit K (Detail Budget Book), is attached as **Exhibit 4**.
- 26 H. The Resources and Development Committee is authorized to approve plans of
27 operation for the Division of Natural Resources. 2 N.N.C. §501 (B) (2) (g).
28 However, with the need to establish the Energy Office within an expedited manner,
29 the Navajo Nation Council, as the governing body of the Navajo Nation, will approve
30 the initial Plan of Operation for the Clean Energy and Strategic Development

1 Planning Office and the amended Plan of Operation for the Navajo Nation Division
2 of Natural Resources Administration.

- 3 I. After the Navajo Nation Council approves this amendment to Section 13(b) of CO-
4 50-13's Exhibit A, the Plan of Operation for the Navajo Nation Clean Energy and
5 Strategic Development Planning Office and the amended Plan of Operation for the
6 Navajo Nation Division of Natural Resources Administration, the Resources and
7 Development Committee shall approve amendments to the plan of operation for the
8 Energy Office and the Navajo Nation Division of Natural Resources Administration.
9 J. The Energy Resources and Strategic Development Planning Office Plan of Operation
10 has been reviewed by the Department of Justice and determined to be sufficient. The
11 Section 164 Review Form is attached as **Exhibit 5**.

12
13 **SECTION THREE. AMENDING CO-50-13, THE NAVAJO NATION ENERGY**
14 **POLICY OF 2013**

15 The Navajo Nation hereby amends CO-50-13, Exhibit A, Section 13 (b) as follows:
16

17 (b) Structure. A Navajo Energy Office should be ~~separate and distinct from all~~
18 ~~existing divisions, departments, programs, enterprises and any other Navajo Nation~~
19 ~~entities or political subdivisions and with appropriate staffing and budget developed~~
20 within the Division of Natural Resources in phases, and, at a future date, when the
21 office has developed sufficient capacity, the structure should be revisited to determine
22 if the office should be separate and distinct from the Division of Natural Resources.
23

24 **SECTION FOUR. WAIVING 2 N.N.C. §501 (B) (2) (g)**

25 The Navajo Nation hereby waives 2 N.N.C. §501 (B) (2) (g) to the extent necessary for
26 the Navajo Nation Council to approve and amend plans of operations of programs within
27 the Division of Natural Resources. This is intended as a one-time waiver. Any further
28 amendments made to the Division of Natural Resources programs' plans of operations
29 addressed in this resolution are within the oversight authority of the Resources and
30 Development Committee.

1 **SECTION FIVE. APPROVING THE AMENDMENTS TO THE PLAN OF**
2 **OPERATION FOR THE DIVISION OF NATURAL RESOURCES**
3 **ADMINISTRATION AND APPROVING THE PLAN OF OPERATION FOR**
4 **THE NAVAJO NATION CLEAN ENERGY AND STRATEGIC**
5 **DEVELOPMENT PLANNING OFFICE**

6 A. The Navajo Nation hereby approves the amended Plan of Operation for the
7 Navajo Nation Division of Natural Resources Administration, attached as
8 **Exhibit 2.**

9 B. The Navajo Nation hereby approves the Plan of Operation for the Navajo Nation
10 Clean Energy and Strategic Development Planning Office, attached as **Exhibit 3.**

11
12 **SECTION SIX. DIRECTIVES**

13 A. The Navajo Nation hereby directs all energy-related Navajo Nation enterprises
14 and utilities, including Navajo Transitional Energy Company, Navajo Nation Oil
15 and Gas Company, and Navajo Tribal Utility Authority, and all related Navajo
16 Nation divisions, programs, departments, and agencies to work collaboratively
17 with the Energy Office to maximize the potential opportunities available from the
18 Navajo Nation's energy resources consistent with Navajo values.

19 B. The Navajo Nation hereby directs the Energy Office to provide technical
20 assistance and information regarding the energy environment to Navajo Nation
21 communities. This technical assistance will be done in coordination with the
22 Division of Community Development.

23
24 **SECTION SEVEN. EFFECTIVE DATE**

25 The amendments enacted herein shall be effective pursuant to 2 N.N.C. §221.
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Exhibit 1

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

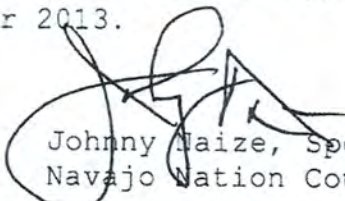
- p. The Nation is situated to provide pipeline and electrical transmission service provides access to more direct routes between energy sources and energy customers. The Nation's non-renewable energy resources require transportation and transmission to energy markets. Pipeline and transmission infrastructure 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 22nd 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

Adopting the Navajo Nation Energy Policy of 2013

PREAMBLE:

The Navajo Nation ("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 Diné; to create a self-sustaining economic future for the Diné 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 ("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 Diné; 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 Diné; and
7. 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

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 Diné. 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 provide 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 the 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 Diné. 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 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 Diné 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

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 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..

- A. 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.
- B. Electricity transmission infrastructure. Includes high voltage and distribution transmission lines, substations and related infrastructure.

- C. 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.
- D. 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.
- E. High Voltage. Includes 69KV and higher.
- F. 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 Diné, Diné Law, and Diné 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 territorial 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 guided by the process shown on the flow chart attached hereto and titled "Navajo Nation Project Development Process" and will 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 the 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. The financial benefits from such projects shall be equal to five percent (5%) of the annual lease payment each lease year.

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 in 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 (REPS). The Nation will evaluate the appropriateness of implementing a Renewable Energy Portfolio Standard (REPS) for electricity used on the Nation. If an REPS 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 REPS.

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 a Navajo Energy Office. It is the intent of the Navajo Nation Council to establish a Navajo Energy Office within the Executive Branch of the Navajo Nation government as outlined herein.

- (a) Creation. The Navajo Nation Department of Justice and the Office of Legislative Counsel shall work together to develop the appropriate statutory and regulatory language, including but not limited to a Plan of Operation, consistent with this section for the Navajo Nation Council's consideration.
- (b) Structure. A Navajo Energy Office should be separate and distinct from all existing divisions, departments, programs, enterprises and any other Navajo Nation entities or political subdivisions, and with appropriate staffing and budget.
- (c) Responsibilities. The Navajo Energy Office should 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.
- (d) Strategic, Integrated Approach to Energy Planning. The Navajo Energy Office should develop a long-term Strategic Energy Plan. A 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 and inventory the reserves and 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, et seq.;
- 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.



Navajo Nation Project Development Process

Preliminary Investigation Development Financing Construction Testing Operations and Maintenance

MOU or LOI Energy Development Agreement Partnership Agreements Operating Agreement

1. Exclusivity
2. Development Capitol
3. Parties
4. Managing Development
5. Dispute Resolution

Feasibility Studies

Formation of a Development Entity

Construction of Facilities

Operations

Land Access Permits

Business Feasibility Study

1. Revocable Use Permit
2. Conditional Use Permit
3. Emergency Operating Agreement

Business Plan

Land

1. 415(e)Navajo Lease
2. 415(a)Federal Lease

- A) Survey
- B) Arch Clearance
- C) Historic
- D) Letter of Application

Chapter Consensus Bldg

Due Diligence

Right of Way (ROW)

Resource Assessment

Engineering and Design

Technology - Access

Environmental Permits

1. Prevention of Significant Deterioration Permit

Interconnection Agreements

Power Purchase Agreements

RESOLUTION OF THE
NAVAJO TRIBAL COUNCIL

Establishment and Adoption of the
Navajo Nation Energy Policy

WHEREAS:

1. The Advisory Committee of the Navajo Tribal Council by Resolution ACAP-41-80 recommended the establishment and adoption of the Navajo Nation Energy Policy; and
2. The Economic Development and Planning Committee and the Resources Committee of the Navajo Tribal Council on the 24th day of April, 1980, recommended the establishment and adoption of the Navajo Nation Energy Policy; and
3. The Navajo Nation is not only a principal supplier of crucial energy resources critical to the development of the United States economy, but also bears a disproportionate share of the often irreversible social costs of environmental disruption; and
4. It is clear that other sovereigns are the principal tax and income beneficiaries of Navajo cooperation and resources contribution, and these benefits not only exceed the Navajo share of its own non-renewable resources, but the Navajo people receive little benefit from this transfer of wealth to other sovereign entities, leaving the Navajo Nation in a state of technological and economic poverty; and
5. While the Navajo Nation is a great energy producer, with some of the largest coal mines in the United States, and large electrical generating plants located on, but not owned by the Navajo Nation, many of our own people lack adequate water, electricity, paved roads, employment, housing, and other social and economic opportunities; and
6. The Navajo Nation must rely on its own resources, its own people, and its own will and determination to develop its own land and energy resources for the full economic use and benefit of its present and future generations; and
7. The United States is currently facing an "Energy Crisis" due to the insufficient supply and production of oil and gas to meet demands, and it is apparent that existing reserves will be exhausted within a few years at the current level of consumption; and

8. The history of relations between the Indian people and non-Indians has shown that whenever Indian people have something valuable (land, water, gold, oil, gas, coal, etc.); legal, moral, and ethical obligations are ignored and the virtual confiscation and exploitation of Indian resources takes place; and

9. The Navajo people historically have come to the aid of the United States in times of national emergency, and yet America has not reciprocated by permitting the Navajo Nation to share equitably in America's wealth; indeed, it has not permitted the Navajo Nation to share in a fair portion of its own energy resources.

NOW THEREFORE BE IT RESOLVED THAT:

1. For the purpose of gaining control over the Navajo Nation's energy resource management and development; to assure optimal returns and equity to the Navajo people from energy resource development and to invest in economic development ventures which will replace benefits derived from depleting resources, thereby diversifying the economy; the Navajo Tribal Council hereby establishes the following as the Navajo Nation Energy Policy:

- a) All energy resources of the Navajo Nation belong to the Navajo Nation. Navajo energy resources shall be developed to meet the present and future needs and for the full use and benefit of the Navajo people;
- b) The Navajo Nation shall become self-sustaining with respect to energy by 1990;
- c) All development shall be consistent with the highest standards of resource conservation and environmental protection; while taking into consideration and respecting the sacred nature of Navajo lands;
- d) The Navajo Nation shall maximize proceeds from energy resource development and take immediate steps to secure a more equitable share in its present agreements;
- e) As a sovereign government, the Navajo Nation shall exercise its right to receive all benefits from energy related federal legislation, regulations, and direct appropriations;
- f) The Navajo Nation shall cause the efficient utilization of its own resources through Navajo-owned and controlled enterprises and ventures,

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emphasizing a development policy which promotes Navajo self-reliance, so that Navajo people have sufficient energy resources to meet their needs;

- g) In the course of using outside management, technical and financial assistance; contracts and agreements shall emphasize Navajo ownership and the transfer of technology and management to the Navajo people;
- h) Adverse results from resource development shall be minimized and mitigated whenever and wherever possible and the resulting costs shall be borne by the developer of the resource;
- i) Recognize the special legal position and community needs and interest of the Eastern Navajo Agency, including the communities of Ramah, Alamo, and Canoncito;
- j) The interests and need of energy impacted Navajo communities shall be considered in all resource development and appropriate steps shall be taken to assure that all chapters and communities share from the benefits from the development of energy;
- k) The administration shall provide for the systematic and maximum utilization of its organizational bodies and staff resources in the development, review and evaluation of proposals and its associated documents;
- l) The Navajo Nation, in the event of infeasible (high technology) projects, encourages alternative low technology energy resource development.

2. The Chairman of the Navajo Tribal Council shall prepare for the approval of the Advisory Committee, the Economic Development and Planning Committee, and the Resources Committee of the Navajo Tribal Council:

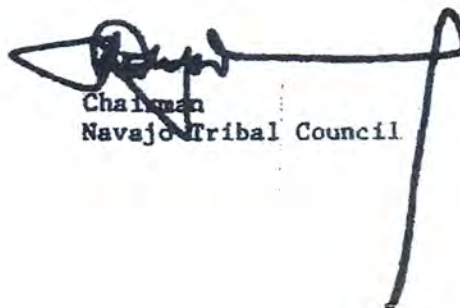
- a) A report describing how the Navajo Nation Energy Policy is being implemented, including a discussion and introduction of appropriate and proposed codes, amendments, regulations, and a report on resource inventory.
- b) A report outlining the progress of immediate action being taken by the Navajo Nation to institute interim measures acquiring more equitable shares from existing contracts, leases, and agreements.

3. These reports shall be submitted no later than ninety (90) days after the certification of this resolution.

4. A moratorium is declared on all new energy development, including leases, permits and right-of-ways, except those presently under negotiation. This moratorium shall be in effect until the appropriate aforementioned reports are reviewed and approved by the appropriate committees of the Navajo Tribal Council.

CERTIFICATION

I hereby certify that the foregoing resolution was duly considered by the Navajo Tribal Council at a duly called meeting at Window Rock, Navajo Nation (Arizona), at which a quorum was present and that same was passed by a vote of 59 in favor and 0 opposed, this 29th day of April, 1980.

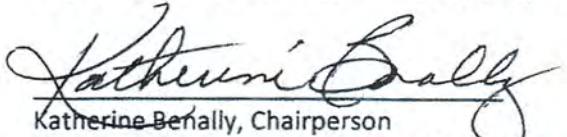

Chairman
Navajo Tribal Council

**COMMITTEE REPORT
OF THE
RESOURCES AND DEVELOPMENT COMMITTEE**

22 nd Navajo Nation Council Third Year – 2013	LEGISLATION 0276-13 Presenting Sponsor: Honorable Roscoe D. Smith, Council Delegate
An action relating to Resources and Development and Naabik'iyati'; Rescinding CAP-34-80; approving the Navajo Nation Energy Policy of 2013	

Mr. Speaker:

The Resources and Development Committee, to whom has been referred Legislation 0276-13, has had it under consideration and reports a **DO PASS** recommendation and thence **REFERRED TO THE NAABIK'IYATI' COMMITTEE** on this 8th day of October, 2013.


Katherine Benally, Chairperson
RESOURCES AND DEVELOPMENT COMMITTEE

COMMITTEE ACTION:

Motion to Support: Leonard H. Pete
Second: George Apachito
Vote: 4-0-0

22nd NAVAJO NATION COUNCIL

Third Year 2013

The NAA'BIK'IYATI' COMMITTEE to whom has been assigned:

LEGISLATION No. 0276-13

An Action Relating To Resources And Development And Naa'bik'iyati'; Rescinding CAP-34-80; Approving The Navajo Nation Energy Policy Of 2013. (*Sponsored by Honorable Roscoe Smith, Honorable Johnny Naize, Honorable Charles Damon II*)

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with two amendments:

Amendment No. 1 (Motion by Honorable Walter Phelps and Second by Honorable Charles Damon II; VOTE 11-1)

On Page 3 of 5, lines 22 to 27 strike section (I) in its entirety:

~~I. 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 interest of the Navajo Nation; and~~

Amendment No. 2 (Motion by Honorable Dwight Witherspoon and Second by Honorable Walter Phelps; VOTE 11-1)

On attached 'Exhibit A', page 9 of 12, Section 9: Coal, Section 901: after 'legislation' delete "~~and adapt to the new federal regulatory environment~~"

And therefore, referred to the NAVAJO NATION COUNCIL

Respectfully submitted,

Adopted: _____

Legislative Advisor

Not Adopted: _____

Legislative Advisor

Johnny Naize, Chairman

Date: October 10, 2013

The vote was 8 in favor and 4 opposed

Motion: Honorable Danny Simpson

Second: Honorable Jonathan L. Hale

22nd NAVAJO NATION COUNCIL

Third Year 2013

The NAA'BIK'IYATI' COMMITTEE to whom has been assigned:

LEGISLATION No. 0276-13

An Action Relating To Resources And Development And Naa'bik'iyati'; Rescinding CAP-34-80; Approving The Navajo Nation Energy Policy Of 2013. *(Sponsored by Honorable Roscoe Smith, Honorable Johnny Naize, Honorable Charles Damon II)*

Has had it under consideration and reports the same with the recommendation that it **DO PASS** with two amendments:

Amendment No. 1 (Motion by Honorable Walter Phelps and Second by Honorable Charles Damon II; VOTE 11-1)

On Page 3 of 5, lines 22 to 27 strike section (I) in its entirety:

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Amendment No. 2 (Motion by Honorable Dwight Witherspoon and Second by Honorable Walter Phelps; VOTE 11-1)

On attached 'Exhibit A', page 9 of 12, Section 9: Goal, after 'federal' delete "coal fuel legislation and adapt to the new federal Regulatory Environment"

And therefore, referred to the NAVAJO NATION COUNCIL

Respectfully submitted,


Johnny Naize, Chairman

Adopted: 

Legislative Advisor

Not Adopted: _____

Legislative Advisor

Date: October 10, 2013

The vote was 8 in favor and 4 opposed

Motion: Honorable Danny Simpson

Second: Honorable Jonathan L. Hale

Navajo Nation Council Special Session – October 16, 2013

Relating to Resources and Development and Naabik'iyáti; Rescinding CAP-34-80;
Approving the Navajo Nation Energy Policy of 2013

Main Motion:

Walter Phelps
Katherine Beanly

Naabik'iyáti' Committee Amendments: No. 1

Amendment No. 1: Motion made by Honorable Walter Phelps, second by Honorable Charles Damon, II

On Page 3 of 5, lines 22-27 strike Section (1) in its entirety

The vote was 14-0.

Amendment No. 2: Made by Honorable Dwight Witherspoon, second by Honorable Walter Phelps;

On Exhibit "A", on page 9 of 12, Section 9: Coal, after the word legislation delete "and adapt to the new federal regulatory environment."

The vote was 11-1.

Navajo Nation Council Amendments: 10/16/13

Amendment No. 1, In Exhibit A, under Section 2 Scope and Review: which reads as follows: "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. Add the word Navajo before Nation, in the first sentence.

Amendment No. 2, Motion made by Honorable Leonard Tsosie, second by Leonard Pete;

On Page 5, Line 15, insert a new paragraph which would become t.

- s. Approving 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.

On Page 7 of Exhibit "A" add a new 609 under General Provisions as follows:

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

And renumber or re-letter succeeding paragraphs or sections accordingly, if necessary.

The vote was 14-0

Amendment No. 3: Motion made by Walter Phelps, second by David L. Tom

On Exhibit "A", page 6 of 12, Section 401:

Delete the word "shall" and replace with the word "may". The sentence will read: " the Navajo Nation Medicine Men's Association may be consulted....."

The vote was 10-4.

The Council lost a quorum before final vote.

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



Johnny Naize
Speaker of the Navajo Nation Council

MEMORANDUM

To : Honorable Johnny Naize
Speaker, Navajo Nation Council

From : Mariana Kahn
Mariana Kahn, Acting Chief Legislative Counsel
Office of Legislative Counsel

Date : November 27, 2013

Re : Correction to the engrossment Exhibit A of CO-50-13

In the haste to complete the engrossments after the 2013 Fall Navajo Nation Council Session, an inadvertent error was made in the engrossment of Exhibit A of Navajo Nation Council Resolution CO-50-13. The necessary correction has been made. A copy of the corrected Exhibit A is attached. I have instructed Tom Platero, Executive Director of the Office of Legislative Services, to hand-deliver a corrected copy to the President of the Navajo Nation and to send a corrected copy to the Navajo Nation Records Department.

XC: Tom Platero, Executive Director, Office of Legislative Services
Honorable Ben Shelly, Navajo Nation President
Navajo Nation Records Department

MASTER
PLAN OF OPERATION
OF THE
DIVISION OF NATURAL RESOURCES



I. ESTABLISHMENT

There is hereby established the Division of Natural Resources within the Executive Branch of the Navajo Nation Government.

II. PURPOSES

- A. To provide for the protection restoration, conservation, management and sustainable development of Navajo natural resources, under the guidance and direction of the people of the Navajo Nation, of the Navajo Nation Council, and of the President and Vice-President.
- B. To ensure that the highest quality of natural resources are available for the enjoyment and use of present and future generations of Navajo people.
- C. To comprehensively manage the multiple uses of Navajo natural resources and to preserve the Nation's cultural resources.
- D. To coordinate with appropriate Divisions and Departments the development, recommendation and implementation of rules and regulations governing effective and efficient resource management, preservation of cultural resources and restoration of damaged resources.
- E. To ensure the employment of professional staff by Department directors to integrate resource planning and management efforts with the Departments within the Division.
- F. To solicit Navajo public input and participation in the development of regulation for the integrated and efficient management and administration of natural resources.
- G. To ensure the most judicious, sustainable, and profitable use and development of Navajo resources to provide for the needs of the Navajo people and those of future generations.
- H. To provide for the accommodation of visitors to the Navajo Nation with quality services and facilities that are under the authority of the Division of Natural Resources.

III. PERSONNEL AND ORGANIZATION

A. Personnel

1. The Division of Natural Resources shall be administered by an Executive Director, who shall be appointed by the President of the Navajo Nation, and confirmed by the Navajo Nation Council
2. All personnel within the Division other than the Executive Director shall be subject to the Personnel Policies and Procedures of the Navajo Nation and such positions as are budgeted and approved.

B. Organization

1. The Division of Natural Resources shall comprise of such programs and administrative components as may be deemed necessary subject to legislative review and approval of the department's and/or program's Plans of Operation.
2. The Division of Natural Resources shall consist of the following Departments:
 - a. Navajo Land Department
 - b. Fish and Wildlife Department
 - c. Minerals Department
 - d. Forestry Department
 - e. Department of Resource Enforcement
 - f. Department of Water Resources
 - g. Navajo AML Reclamation Department/UMTRA
 - h. Navajo Parks and Recreation Department
 - i. Navajo Nation Heritage and Historic Preservation Department
 - k. Navajo Nation Museum
 - l. Department of Agriculture
 - m. Administration
 - n. General Land Development Department
 - o. Clean Energy and Strategic Development Planning Office
3. The organizational structure of the Division of Natural Resources is shown on the attached chart. Figure 1, and incorporated herein.
4. Each Office and Department within the Division of Natural Resources consist of Programs or Sections or Branches as established and authorized by their respective Plans of Operation.

IV. AUTHORITY, RESPONSIBILITIES AND DUTIES

The Executive Director, Division of Natural Resources is hereby authorized to:

- A. Be responsible for the efficient management and administration of the Division of Natural Resources;
- B. Coordinate with Departments of the Division the administrative, financial and operating policies for the Division;
- C. Supervise Department directors within the Division of Natural Resources and delegate authority as necessary;
- D. Implement rules and regulations and interdisciplinary resource teams to protect, restore, conserve, manage and ensure sustainable development and optimum utilization of the Nation's natural resources, including energy resources, and cultural resources through integrated resources management;
- E. Represent the Navajo Nation government within the area of responsibility and authority of the Division of Natural Resources' dealings and relations with all persons and organizations outside the Navajo Nation government, including consultation with those persons and organizations and coordination with other Indian tribes for improvement of resource management on Indian Lands by working with congress and federal agencies;
- F. Provide technical assistance to all persons and organizations as appropriate and educate all persons and organizations as appropriate;
- G. Set priorities and participate in overall department and program budget planning process;
- H. Coordinate the establishment of enterprise funds with the appropriate Departments and Programs and to coordinate with Department directors for departments' effectiveness and progress in accordance with approved operating budget;
- I. Serve as a catalyst in initiating and coordinating comprehensive land use planning on Navajo lands by working with the Divisions and Departments of the Executive Branch and the standing committees of the Navajo Nation Council;
- J. Develop regulations and policies governing approval or review potential impacts to the Nation's natural and cultural resources and of authorized permits, contracts, or leases, for the use of the Nation's natural resources including but not limited to rights-of-way, housing, forest product use and development, grazing and mineral development, surface mining and reclamation, environmental protection projects, and water usage;

- K. Represent the Division at executive level planning session and other meetings as required.
- L. Oversee the enforcement of Navajo Nation and federal rules and regulations, and laws pertaining to the protection of natural resources; and
- M. Develop and implement regulations governing the issuance of cease and desist orders prohibiting any threatened or continuing activity that may present an imminent and substantial harm to natural resources.

V. LEGISLATIVE OVERSIGHT

- A. Pursuant to 2 NN.C. § 501 (C) (I) the Resources and Development Committee of the Navajo Nation Council is the oversight committee for the Division of Natural Resources
- B. Pursuant to 2 N.N.C. § 501 (B) (3) the Resources and Development Committee may delegate certain authorities to the Executive Director of the Division of Natural Resources, which shall include administrative rules and regulations and enforcement for the optimized management of the Nation's natural resources and the efficient administration of the Division of Natural Resources.

VI. AMENDMENTS

This Master Plan of Operation may be amended by the Resources and Development Committee of the Navajo Nation Council upon the recommendation of the Executive Director, Division of Natural Resources.

Clean Energy and Strategic Development Planning Office

Plan of Operation

I. Establishment

In accordance with Section 13 of the Navajo Nation Energy Policy of 2013, the Clean Energy and Strategic Development Planning Office ("Energy Office") is established as a department within the Division of Natural Resources within the Executive Branch of the Navajo Nation.

II. Purpose

The Purpose of the Energy Office is:

- A. To establish short and long-term strategic energy planning for clean energy development;
- B. To provide a collective and comprehensive clean energy strategy that looks across applicable energy resources of the Nation in consideration of and collaboration with division, department, enterprise, and Chapter planning;
- C. To benefit the Navajo Nation and its people through proactive, strategic and responsible development of energy resources for sustainable economic, financial and non-financial benefit in a manner consistent with Navajo culture;
- D. To foster an inclusive, market driven, and competitive business environment to attract qualified investors and accelerate clean energy economic development on the Nation to support a sustainable energy economy, in alignment with the Energy Policy of 2013 and to meet total return on investment criteria;
- E. To serve as a central, neural point for energy-related data and information from all sources so as to understand the entire energy market: providing data, metrics and reports to assist and support the Nation's leadership in short and long-term decision making;
- F. To provide a central point for initial internal and external energy development communication, access to documented energy development processes, and referrals for easy and consistent access by internal and external parties, in accordance with applicable Navajo Nation laws, regulations, leases and other agreements;
- G. To support a positive environment to promote sustainable clean energy development through effective policy, legislation, regulation and planning;
- H. To recommend private and Navajo Nation enterprise energy projects to the Nation's leaders for lease execution;
- I. To provide technical assistance and information to Navajo Nation communities considering energy development projects and;
- J. To supersede any and all prior versions of an energy office or enterprise established to direct and control comprehensive energy development on the Navajo Nation.

III. Personnel

- A. There is established the position of Strategic Clean Energy Manager to oversee and manage the Energy Office. This and other such positions may from time to time be

- budgeted by the Navajo Nation Council as might be acceptable to the Navajo Nation President.
- B. The Strategic Clean Energy Manager may create such positions as are necessary to carry out the purpose, authorities, duties, and responsibilities as stated herein. These positions shall be created in accordance with applicable Personnel Policy and Procedures.
- C. All personnel hired shall be compensated pursuant to applicable Navajo Nation Personnel Policies and Procedures.

IV. AUTHORITY, DUTIES, AND RESPONSIBILITIES

- A. The Strategic Clean Energy Manager, Energy Resources and Strategic Development Planning Office, is hereby authorized and directed to:
- a. Represent the Energy Office at executive-level planning and accomplish all necessary programming and budgeting for the Office;
 - b. Prepare and execute programs and budgets for the Energy Office;
 - c. Represent the Navajo Nation with agencies, activities, and organizations within and outside the Navajo Nation on matters relating to energy development;
 - d. Be responsible for the efficient management and administration of the Energy Office;
 - e. Formulate overall administration and operation policies and procedures for the Energy Office as necessary;
 - f. Direct the activity of the Energy Office, delegate authority as necessary, and oversee supervision of all assigned personnel;
 - g. Hire all Energy Office Staff and ensure all hiring is accomplished consistent with the Navajo Nation Personnel Policies and Procedures;
 - h. Retain contractors as necessary to address specific expertise that cannot be achieved through staff hiring alone;
 - i. Implement the Purposes listed herein;
 - j. Develop the Navajo Nation's comprehensive clean energy strategy. Clean Energy resources are defined as those resources used to generate energy with no carbon emissions. Clean energy-related resources are defined as those resources that facilitate or enable the generation, movement, use or saving of energy. The comprehensive strategy and planning includes and is not limited to the following, except where expressly limited by Navajo Nation law:
 - i. Clean Energy – non-carbon emitting energy including an emphasis on renewable energy which is wind, solar, biomass, hydro, geothermal
 - ii. Infrastructure - electric transmission and distribution, pipelines, electric vehicle fueling and charging facilities
 - iii. Energy Efficiency - industrial, governmental, commercial, residential;
 - k. Carry out the Purpose, Mission, and Scope listed above, and, as referenced in Section 13 of the Navajo Nation Energy Policy of 2013;
 - l. Oversee Resource Identification & Management by:

- i. Identifying, inventorying, mapping, assessing and modeling the Nation's regionally diverse clean energy-related natural resources in collaboration with the Nation's divisions, departments and enterprises incorporating all existing information from internal, external resources and third-party sources.
 - ii. Tracking all energy development and operations for the Nation, including but not limited to actual and forecast data for financial and non-financial parameters for Navajo Nation-owned and non-Navajo Nation owned facilities;
- m. Facilitate Clean Energy Development by:
 - i. Acting as a clearing house for all clean energy-related proposals and projects within the Nation's territorial jurisdiction providing a centralized point of communication, by receiving and evaluating all clean energy-related proposals and letters of interest, conducting appropriate due diligence and recommending projects on behalf of the Navajo Nation separate from existing division, department and enterprise processes.
 - ii. Establish total return on investment criteria, both quantitative and qualitative for assistance in approving, prioritizing, scheduling, and determining funding levels for the Nation's energy development.
 - iii. Organizing, facilitating, and/or supporting as appropriate, all clean energy and energy related projects on the Navajo Nation by working collaboratively with the Nation's divisions, departments, enterprises and outside organizations on current and future clean energy-related development projects to understand strategic fit and total return on investment for the Navajo Nation.
 - iv. Recommending, creating, supporting and/or implementing where appropriate well-defined clean energy development processes and procedures for use by clean energy developers to make the Nation competitive in attracting best-in-class clean energy development opportunities.
 - v. Consulting with Navajo Chapters impacted by clean energy development to enable them to provide input and indicate their level of 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 as outlined in the Navajo Nation Energy Policy of 2013 Section 802.
 - vi. Coordinating and collaborating with any division, department, enterprise, or similar entity of the Navajo Nation engaged in an energy or energy-related project aligned with the strategic plan.
 - vii. Leading and compelling cooperation among existing Navajo Nation divisions, departments, and enterprises dealing with energy development matters.

- viii. Investigating and gathering information related to energy strategy, markets, development and issues, including renewable energy technology and;
- n. Strategize and Plan Energy Resource Development by:
 - i. Establishing and providing in an ongoing manner, a comprehensive clean energy strategy and plan including, but not limited to, a rolling five-year plan and long-term (10-30 year) strategic energy plan incorporating relevant internal and external sources of data and information with the intent to increased economic, financial, and non-financial benefits from energy development, build and maintain energy infrastructure, and diversify the Navajo energy economy.
 - ii. Fostering a competitive business environment to attract qualified private investors to energy projects on the Navajo Nation and strategically engage the key governmental and community representatives on energy projects.
 - iii. Recommending the appropriate supporting business structures to facilitate and foster various avenues of sustainable clean energy development for the benefit of the Nation and its people.
 - iv. Developing and proposing policies, plans, legislation, and regulations for implementation regarding energy development, operation and use, including amendments to the Energy Policy of 2013 or the creation of subsidiary programs as needed; and
- o. Grow the Navajo Nation's Energy Capacity by increasing the Nation's institutional and human capacity to manage its own energy resources including general education and energy workforce development.

B. LEGISLATIVE OVERSIGHT

- a. The Resources and Development Committee of the Navajo Nation Council serves as the oversight committee for the Division of Natural Resources.
- b. Pursuant to 2 N.N.C. § 501(B) (11), the Resources and Development Committee of the Navajo Nation Council may delegate certain authorities to the Strategic Clean Energy Manager of the Energy Office, which may include administrative rules and regulations and enforcement for the efficient and administration of the Energy Office and pursuant to its plan of operation.

C. VII. AMENDMENTS

This plan of operation may be amended from time to time by the Resources and Development Committee of the Navajo Nation Council.

THE NAVAJO NATION



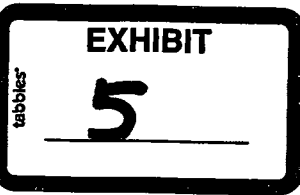
Fiscal Year 2023 Budget Division Summary by Fund Type

Date: 8/29/2022
Time: 4:30 PM

Office of Management and Budget

DIVISION OF NATURAL RESOURCES

Business Unit	Description	# POS	General Fund	Indirect Cost	Proprietary Fund 1)	Fiduciary Fund	Special Revenue Fund		TOTAL
							Internal	External 2)	
115001	DIV OF NAT. RESOURCES - ADM	6	459,957	235,938					695,895
115002	AGR - DIST. GRAZING COMM.	0	1,797,726						1,797,726
115004	MINERALS DEPARTMENT	6	821,540					5,289,070	6,110,610
115005	AGR - EASTRN NAD/JL BOARDS	0	496,519						496,519
115007	AGR - MAJOR IRRGTN FARM B	0	816,578						816,578
115009	DWR - WATER RES. MGMT.	3	233,128					105,686,508	105,919,636
115011	DEPARTMENT OF WATER RES. (DWR)	4	332,466					1,715,325	2,047,791
115012	DWR - TECH./CONSTRUCTION	21	2,458,984					3,132,173	5,591,157
115013	DWR - OPS./MAINTENANCE	49	3,599,987					29,149,781	32,749,768
115016	PARKS & REC. DEPT (P&R)	0	250,000					137,600	387,600
115017	NN MUSEUM	9	321,179		190,000				511,179
115018	DEPT OF AGRICULTURE (AGR)	9	1,066,978		150,000				1,216,978
115021	NAVAJO LAND DEPARTMENT	20	2,095,677						2,095,677
115023	FORESTRY DEPARTMENT	2	198,733					4,358,235	4,556,968
115024	HISTORIC PRESV. DEPT (HPD)	11	606,537					3,255,973	3,862,510
115025	DEPT OF FISH & WILDLIFE (DFW)	19	1,252,776		825,000			14,284,787	16,362,563
115026	DFW - ANIMAL CONTROL PRG	19	1,829,748		24,000				1,853,748
115027	DEPT OF RESOURCE ENFORCEMENT	25	2,187,780						2,187,780
115034	DOA-VET & LIVESTOCK PROGRAM	9	498,222		172,000				670,222
115035	DEPT OF FISH & WILDLIFE - ZOO	6	1,206,064						1,206,064
115037	NAVAJO TITLE PLANT SYSTEM	7	570,655						570,655
115038	GENERAL LAND DEVELOPMENT	8	520,913					2,183,797	2,704,710
115039	NAVAJO NATION ENERGY OFFICE	1	252,245						252,245
115044	F&W - COLORADO RANCH	0	100,000						100,000
415000	LAND ACQUISITION TRUST FUND	3	0				3,661,309		3,661,309
515005	WATER CODE SPECIAL REVENUE	7	0				600,000		600,000
915001	PARKS & REC. ENTERPRISE	109	0		7,000,000				7,000,000
915003	RANCH & EASTERN LAND MGMT.	4	0		711,000				711,000

Document No. 019835Date Issued: 12/02/2022**SECTION 164 REVIEW FORM**Title of Document: Approving Amendments PoO Energy Office Contact Name: HOLGATE, BRENDA FAYEProgram/Division: DIVISION OF NATURAL RESOURCESEmail: bholgate@navajo-nsn.gov Phone Number: 928-871-6593Division Director Approval for 164A: Robert O. Allan

Check document category: only submit to category reviewers. Each reviewer has a maximum 7 working days, except Business Regulatory Department which has 2 days, to review and determine whether the document(s) are sufficient or insufficient. If deemed insufficient, a memorandum explaining the insufficiency of the document(s) is required.

Section 164(A) Final approval rests with Legislative Standing Committee(s) or Council

<input checked="" type="checkbox"/>	Statement of Policy or Positive Law:								
	1. OAG: <u>Ag</u>		Date: <u>12/2/22</u>			<input checked="" type="checkbox"/>	Sufficient	<input type="checkbox"/>	Insufficient
<input type="checkbox"/>	IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)								
	1. OMB:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	2. OOC:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	3. OAG:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	

Section 164(B) Final approval rests with the President of the Navajo Nation

<input type="checkbox"/>	Grant/Funding Agreement or amendment:								
	1. Division:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	2. OMB:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	3. OOC:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	4. OAG:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>	Subcontract/Contract expending or receiving funds or amendment:								
	1. Division:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	2. BRD:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	3. OMB:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	4. OOC:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	5. OAG:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>	Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:								
	1. Division:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	2. OAG:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
<input type="checkbox"/>	M.O.A. or Letter of Assurance expending or receiving funds or amendment:								
	1. Division:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	2. OMB:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	3. OOC:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	
	4. OAG:		Date:			<input type="checkbox"/>		<input type="checkbox"/>	



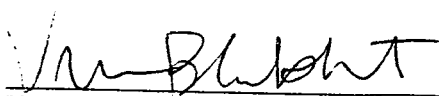
NAVAJO NATION DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL

DOREEN N. MCPAUL
Attorney General

KIMBERLY A. DUTCHER
Deputy Attorney General

MEMORANDUM

TO: ALL CONCERNED

FROM: 
Veronica Blackhat, Assistant Attorney General
Natural Resources Unit, Department of Justice

DATE: July 1, 2021


SUBJECT: **STANDING DELEGATION OF AUTHORITY**

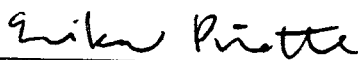
Please be advised that the personnel listed below will be delegated, authority to act in the capacity of the Assistant Attorney General, Natural Resources Unit (NRU) during my absence, from time to time because of travel or leave, from NRU. Also, the personnel listed below, in order of succession, will have surname authority for NRU matters during my absence. This delegation will be effective immediately.


The authorized delegation will include all routine duties of the Assistant Attorney General. Any matters regarding personnel issues will be held for my review/decision upon my return to NRU. This Standing Delegation of Authority supersedes all previous NRU delegations.

Thank you for your cooperation.


ADMINISTRATIVE REVIEW

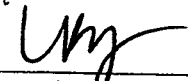

April A. Quinn, Principal Attorney
Natural Resources Unit, NNDOJ

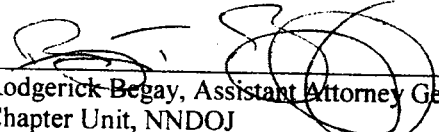

Erika R. Pirotte, Attorney
Natural Resources Unit, NNDOJ

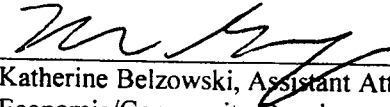

Brian Curley-Chambers, Attorney
Natural Resources Unit, NNDOJ

SURNAME AUTHORITY


Paul Spruhan, Assistant Attorney General
Litigation Unit, NNDOJ


LaTonia E. Johnson, Assistant Attorney General
Human Services & Government Unit, NNDOJ


Rodgerick Begay, Assistant Attorney General
Chapter Unit, NNDOJ


Katherine Belzowski, Assistant Attorney General
Economic/Community Development Unit, NNDOJ

THE NAVAJO NATION

JONATHAN NEZ | PRESIDENT MYRON LIZER | VICE PRESIDENT



MEMORANDUM

TO: ALL CONCERNED

FROM:

A handwritten signature in black ink, appearing to read "B. Becker".

Bidtah N. Becker, Division Director
Division of Natural Resources
The Navajo Nation

DATE: November 30, 2022

SUBJECT: Delegation of Authority – DNR Division Director

Effective Thursday, December 1, 2022 at 8:00 AM, and Friday, December 2, 2022 ending at 12:00 PM, Mr. Robert O. Allan, Principal Attorney with Division of Natural Resources will be delegated as the Division Director for the Division of Natural Resources.

The delegation will cover day-to-day operations and shall be responsible for the administration and management of the Division of Natural Resources and supervising all personnel. This includes ensuring compliance with all applicable Navajo Nation laws and policies.

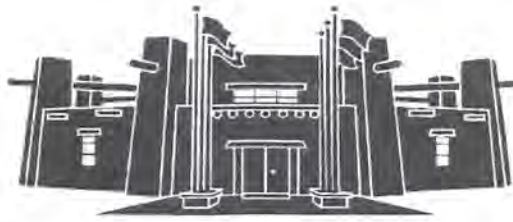
Thank you in advance for your cooperation. If you have any questions, I can be reached by email at bidtah-becker@navajo-nsn.gov

ACKNOWLEDGED:

A handwritten signature in black ink, appearing to read "Robert O. Allan".

Robert O. Allan, Principal Attorney
Division of Natural Resources
The Navajo Nation

Cc: Distribution



MEMORANDUM

TO: Honorable Thomas Walker, Jr.
Cameron, Coalmine Canyon, Birdsprings, Leupp, Tolani Lake Chapters

FROM:

Mariana Kahn

Mariana Kahn, Attorney
Office of Legislative Counsel

DATE: December 8, 2022

SUBJECT: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIK'ÍYÁÍ COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CO-50-13; APPROVING AMENDMENTS TO THE PLAN OF OPERATION FOR THE NAVAJO NATION DIVISION OF NATURAL RESOURCES ADMINISTRATION; AND APPROVING THE PLAN OF OPERATION FOR THE CLEAN ENERGY AND STRATEGIC DEVELOPMENT PLANNING OFFICE

Pursuant to your request, attached is the above-referenced proposed resolution and associated legislative summary sheet. Based on existing law 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.

The Office of Legislative Council confirms the appropriate standing committee(s) reviews 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).

Please review the proposed resolution to ensure it is drafted to your satisfaction. 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.

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0246-22_

SPONSOR: Thomas Walker, Jr.

TITLE: An Action Relating to Resources and Development Committee, the Naabik'iyáti' Committee and the Navajo Nation Council; Amending CO-50-13; Approving Amendments to the Plan of Operation for the Navajo Nation Division of Natural Resources Administration; and Approving the Plan of Operation for the Clean Energy and Strategic Development Planning Office

Date posted: December 12, 2022 at 9:30PM

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.: 0246-22

SPONSOR: Honorable Thomas Walker, Jr.

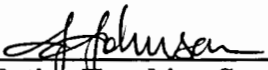
TITLE: An Action Relating to Resources and Development Committee, the Naabik'iyáti' Committee and the Navajo Nation Council; Amending CO-50-13; Approving Amendments to the Plan of Operation for the Navajo Nation Division of Natural Resources Administration; and Approving the Plan of Operation for the Clean Energy and Strategic Development Planning Office

Posted: December 12, 2022 at 9:30 PM

5 DAY Comment Period Ended: December 17, 2022

Digital Comments received:

Comments Supporting	<i>None</i>
Comments Opposing	<i>None</i>
Comments/Recommendations	1) Sam Woods 2) Harrison Tsosie


**Legislative Tracking Secretary
Office of Legislative Services**

December 19, 2022; 8:30 AM
Date/Time

Good morning, Delegates Walker, and Stewart,

My name is Sam Woods and I'm a member of the Navajo Nation with more than 20 years of extensive experience and expertise in energy & power, natural resources, construction, and mining. I'm a Senior Executive with Tosidoh, LLC and senior professional with a background in Electrical Engineering (NMSU '01) from the Klipsch School of Electrical & Computer Engineering.

I have been around the world and throughout Indian Country working as an Energy Professional. My prior experiences include the startup and management of the Navajo Transitional Energy Company (NTEC). Within NTEC, I have worked on numerous strategies, plans and teams to set NTEC and the Navajo Nation solvent for many years to come.

I have previously worked on large EPC projects during my engineering career and facilitated over 1,500 MW of Combined-Cycle Gas Turbine and 600 MW of Simple-Cycle Gas Turbine Projects. I also supported the financial raise of over \$115 million of capital funds and facilitated over \$285 million in mergers and acquisitions. I have led and been part of a negotiating team to support over \$2 billion in security revenues for private-business and Tribes (in particularly, the Navajo Nation).

Most recently, my colleagues and I have organized the first Professional Chapter for the American Indian Science and Engineering Society (AISES) in the Four Corners Region. Four Corners AISES mission is to empower and inspire Native American students, early professionals, and communities by promoting Science, Technology, Engineering and Math (STEM) initiatives and program throughout the Four Corners' region. In the inaugural year of Professional Chapter, I served as the President of the organization and Four Corners AISES was recognized in 2020 by the National AISES organization for winning the prestigious "Chapter of the Year Award."

Today, I serve on various organizations, such as Four Corners AISES, IEEE, PMI, and other non-profit/for profit organizations.

I have read legislation 0246-22 and with this provide my comments to this legislation.

COMMENTS TO LEGISLATION 0246-22

PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT COMMITTEE, THE NAABIKIYAI COMMITTEE AND THE NAVAJO NATION COUNCIL; AMENDING CO-50-13; APPROVING AMENDMENTS TO THE PLAN OF OPERATION FOR THE NAVAJO NATION DIVISION OF NATURAL RESOURCES ADMINISTRATION; AND APPROVING THE PLAN OF OPERATION FOR THE CLEAN ENERGY AND STRATEGIC DEVELOPMENT PLANNING OFFICE

1. The proposed Navajo Nation Energy Office name is long and drawn out. Keep it simple. The Navajo Nation Council should revise the name to reflect a traditional name and an English name. The English name is something like, "Navajo Energy Office", or the Navajo name could be something like, "Dine Bi Ahoodziil Nahata". The clean part of the energy program can be established within the Energy Office as a department. Also, the Strategic & Planning program can be a department within the Energy Office.
2. Legislation 0246-22 should include a phase timeline for the Navajo Energy Office to be independent and solvent from the Division of Natural Resources. This timeline (schedule) will allow the people to accept the inaugural Navajo Energy Office to be within the Division of Natural Resources.
3. The funding of \$252,245.00 in the Navajo Nation Comprehensive Budget for Fiscal Year 2023 is insufficient regarding the scope of the Navajo Energy Office outlined in Exhibit 3.

a. Example: Salary & Benefits (Avg Salary per Market outside Navajo):

	Base Pay (low)	Benefits (52.06%)	Total
i. Manager:	\$83,500	\$43,470	\$127,022
ii. Project Manager:	\$78,000	\$40,606	\$118,606
			Total: \$245,628

Which leaves you \$6,616 for office supplies, office rental, computers, travel expenses, fleet expenses, vehicle, etc.

This tells me your Navajo Energy Office will not fulfill the requirements of Exhibit 3. A new budget for the Navajo Energy Office should be included with this legislation to reflect the executable activities for Year 1 for the Navajo Energy Office.

4. The Directives in Section Six should include working with Navajo Nation Communities and State/Federal Partners – such as the Department of Energy, National Renewable Energy Laboratory, Universities/Colleges, etc. This direction should be rewritten to say that the Navajo Energy Office will create a working Energy Group.

- a. The directive needs to include a working schedule for Year 1, Year 2, and Year 3. The Navajo People need to see timelines and executable activities for the Navajo Energy Office.
5. Plan of Operation for the Energy Office should include the planning, collaboration, and development of the Navajo Nation Strategic Energy Plan.
6. Clean Energy should also include the following: Green Hydrogen, Pump Storage, etc.
7. Infrastructure should include the following: microgrids, substations, etc.
8. Working jointly with the Navajo Nation Department of Minerals to plan, develop, and create a Natural Resources Inventory.

There so much to include into this legislation, but most importantly is to reflect a healthy budget for Energy Office to attract Navajo Energy Professionals. Secondly, is the timeline for the Energy Office to be independent. Lastly, the directive needs more substance.

MEMORANDUM

TO: Executive Director, Office of Legislative Services
FROM: Harrison Tsosie
DATE: December 14, 2022
SUBJECT: Legislation No: 0246-22 Approving Amendments to the Plan of Operation for the Navajo Nation Division of Natural Resources Administration; and Approving the Plan of Operation for the Clean Energy and Strategic Development Planning Office

I respectfully submit the following comments and concerns regarding Legislation No: 0246-22. The primary concern with the proposed legislation is the creation of additional conflicts of interests in the Navajo Nation Government and the exclusion of certain fuels sources from the definition of Clean Energy.

The 2013 Navajo Nation Energy Policy contemplates the creation of a Navajo Energy Office to address all energy issues related to the Navajo Nation, not just a Clean Energy and Strategic Development Planning Office. Is the Nation intending to great a Navajo Energy Office for carbon bases fuels like coal and oil while also creating a Clean Energy and Strategic Development Planning Office with different Directors? In the last fifty years, the Navajo Nation has primarily relied on coal and oil revenues to fund the General Fund Account. I suspect this trend will continue into the near future, however, there will be no office to provide guidance to the leadership.

The 2013 Navajo Nation Energy Policy further provides that "a Navajo Energy Office should be separate and distinct from all existing divisions, departments, programs, enterprises and any other Navajo Nation entities or political subdivisions, and with appropriate staffing and budget." This recommendation in the Energy Policy of 2013 is to prevent the mingling and approval of energy related projects under one Division Director. Housing the proposals and technical research of energy project and the consent or approval of land use should be in separate divisions to prevent a conflicts of interest.

The proposed Clean Energy and Strategic Development Office Plan of Operation also has deficiencies. On December 13, 2022, the United States Department of Energy announced success of Ignition of a Fusion Process which it daubed as the most significant development of the 21st Century. The proposed Plan of Operation for Clean Energy and Strategic Development Office at IV(j)(i) defines Clean Energy as non-carbon emitting energy including an emphasis on renewable energy which is wind, solar, biomass, hydro, geothermal. It does not mention nuclear fusion as Clean Energy or direct the proposed Office to concentrate on the "most significant development of the 21st Century" in clean energy development.

I must also mention that hydrogen as a fuel source is missing from the definition of Clean Energy. Recently, major automotive companies have announced significant break-throughs in hydrogen fuel

cells to provide electricity to power electric cars. A thorough strategic energy planning office should include both nuclear fusion and hydrogen as a fuel source for investigation.

Also missing from the Plan of Operation for Clean Energy and Strategic Development Office is consultation with Allottees and other folks with land rights. Recently, there was concern expressed by Allottee surrounding the Chaco National Park due to lack of consultation. Their interests were not addressed in the decision making process to create a buffer zone.

Lastly, the Plan of Operation for Clean Energy and Strategic Development Office does not address the heating of buildings. Currently, the Navajo Nation does not address the problem of heating homes with wood or coal. This creates a health hazard to Navajo people as most heating stoves are substandard to use either wood or coal. If Navajo families are subjected to daily use of substandard stoves, it may create many of the respiratory health issues among Navajos. The Office should study such concerns and provide reports concerning current practices.

In summary, I thank the Office of Legislative Services for the opportunity to express my concerns with Legislation No: 0246-22.