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Navajo Nation pleased to work with U.S. EPA on proposed carbon rule



President Ben Shelly has worked tirelessly with Navajo EPA and the U.S. EPA on the proposed carbon rule for Indian Country. Energy development was a cornerstone of his administration. (Photo by Rick Abasta)

WINDOW ROCK, Ariz. - On Oct. 29, the U.S. EPA issued a proposed rule for tribes and U.S. territories under the Clean Power Plan, which is aimed at reducing carbon emissions from large carbon emitting sources on tribal lands and within U.S. territories.

The “Carbon Pollution Emission Guidelines for Existing Stationary Sources” is a proposed supplemental rule to U.S. EPA’s June 18 proposed carbon rule (the Clean Power Plan), which requires states to regulate greenhouse gas emissions from existing fossil fuel-fired power plants. The Clean Power Plan targets meaningful progress toward carbon emission reductions by 2020 and reduced carbon emission levels by 2030. It sets state-specific goals for reducing carbon dioxide emissions and provides guidance for state plans

to meet those goals.

The proposed supplemental rule sets tribal-specific goals for reducing carbon dioxide emissions and provides guidance for tribes to achieve those goals. It also allows the Navajo Nation to develop its own tribal carbon reduction plan if it chooses to do so. Tribes also have the opportunity to participate in multi-jurisdictional plans with the states in order to meet their reduction goals. The proposed supplemental rule will not require the existing power plants on the Navajo Nation to make further carbon emissions reductions. The proposed rule recognizes the significant reduction in carbon emissions from the early retirement of three units at Four Corners Power Plant and the one unit closure at Navajo Generating Station, which stemmed from U.S. EPA’s Best Available Retrofit Technology decisions for both plants to reduce nitrogen oxides emissions to improve visibility in Class I areas within the region.

President Ben Shelly led the Navajo Nation Carbon Team in its September 15 consultation with U.S. EPA. In that consultation, President Shelly expressed the Navajo Nation’s concerns with the pending supplemental rule, including the importance of keeping the power plants operating and the retention of carbon credits or allowances. He asked U.S. EPA to “think outside the box” when developing the supplemental rule for the Navajo Nation. Although U.S. EPA did consider future carbon reductions resulting from the BART determinations,

they also incorporated the four building blocks used to develop the state emission rates set under the Clean Power Plan. President Shelly is concerned that such an approach is not appropriate for the Navajo Nation because of its unique situation compared to the states, including extremely high levels of poverty and unemployment.

President Shelly also said he believes U.S. EPA did incorporate some the Nation’s concerns into the supplemental rule, but that there is still room for improvement.

“It is clear from reading the supplemental rule that U.S. EPA did listen to the Navajo Nation and reflect on what we had to say,” President Shelly said. “But we know this is an ongoing discussion with them and that there is still room for improvement. I believe we can meet the goals of the Clean Power Plan and also develop a plan that creates a better future for the Navajo people. I look forward to those discussions.”

President Shelly added that the Navajo Nation will continue working in partnership with federal agencies and other stakeholders in addressing climate change, particularly measures directed at reducing carbon emissions, ensuring the continued economic viability of the Navajo, and protecting health and environment on the Navajo Nation.

He said, “Under this proposed scenario, we have an opportunity to optimize our energy resources, including development and management of natural gas resources and other zero-

carbon emitting or low-carbon emitting resources. The Navajo Nation Energy Policy of 2013 highlights the importance of future development of cleaner renewable energy for the Nation.”

Stephen Etsitty, executive director for Navajo EPA, was pleased U.S. EPA adopted an emissions reduction plan for the Navajo Nation as a whole, not a plan only focused on NGS and FCPP. Etsitty noted that such a plan would provide the framework the Navajo Nation needs to retain and manage carbon credits and potentially participate in a carbon-trading program with other jurisdictions. Participation in such a trading program could provide an economic boost to the Navajo Nation economy.

The Navajo Nation Carbon Team is the Navajo Nation, Navajo EPA, Division of Natural Resources, Navajo Tribal Utility Authority, Navajo Transitional Energy Corporation and Navajo Nation Oil and Gas Company. Etsitty and Harrison Tsosie, Navajo Nation Attorney General, are co-chairs of the Navajo Nation Carbon Team. The purpose of the Navajo Nation Carbon Team is to take the lead in determining the course of action that will be best from an environmental, economic and cultural perspective in response to U.S. EPA’s Clean Power Plan.

The Navajo Nation looks forward to participating in the public meeting on Nov. 19, 2014 and submitting comments on the proposed supplemental rule by Dec. 19, 2014.

