Document No. 000076 Date Issued: 07/17/2013

SECTION 164 REVIEW FORM

Title of Document: Rescinding CAP-34-80; Approving Navajo N Contact Name: HENRY, MICHELLE A

Program/Division: DIVISION OF NATURAL RESOURCES

Email: michellehenry@navajo-nsn.gov Phone Number: 928-871-7947

Division Director Approval for 164A:

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

			Sufficient	Insufficient
☒ **Statement of Policy or Positive Law:**				
1. OAG:		Date: 7/30/13	☑	☐
☐ **IGA, Budget Resolutions, Budget Reallocations or amendments: (OMB and Controller sign ONLY if document expends or receives funds)**				
1. OMB:		Date:	☐	☐
2. OOC:		Date:	☐	☐
3. OAG:		Date:	☐	☐

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

☐ **Grant/Funding Agreement or amendment:**				
1. Division:		Date:	☐	☐
2. OMB:		Date:	☐	☐
3. OOC:		Date:	☐	☐
4. OAG:		Date:	☐	☐
☐ **Subcontract/Contract expending or receiving funds or amendment:**				
1. Division:		Date:	☐	☐
2. BRD:		Date:	☐	☐
3. OMB:		Date:	☐	☐
4. OOC:		Date:	☐	☐
5. OAG:		Date:	☐	☐
☐ **Letter of Assurance/M.O.A./M.O.U./Other agreement not expending funds or amendment:**				
1. Division:		Date:	☐	☐
2. OAG:		Date:	☐	☐
☐ **M.O.A. or Letter of Assurance expending or receiving funds or amendment:**				
1. Division:		Date:	☐	☐
2. OMB:		Date:	☐	☐
3. OOC:		Date:	☐	☐
4. OAG:		Date:	☐	☐

DOJ
DATE/TIME 7/19/13 @ 4:09p
DOC: 000076
UNIT: NM

NAVAJO NATION DEPARTMENT OF JUSTICE

REQUEST FOR SERVICES

RECEIVED JUL 19 2013 DEPARTMENT OF JUSTICE RECEPTIONIST DESK

-CLIENT TO COMPLETE-

DATE OF REQUEST: July 19, 2013 DIVISION: NATURAL RESOURCES
REQUESTING PARTY: Michelle Henry DEPARTMENT: Administration
PHONE NUMBER: (928) 871-7947 PROGRAM: Administration

COMPLETE DESCRIPTION OF LEGAL NEED AND SERVICES REQUESTED (attach documents):

SAS#000076 - Rescinding CAP-34-80; Approving the Navajo Nation Energy Policy of 2013.

DEADLINE: REASON:

RECEIVED JUL 19 2013 DEPARTMENT OF JUSTICE NATURAL RESOURCES UNIT

-DOJ SECRETARY TO COMPLETE-

DATE/TIME IN UNIT: RESPONSIBLE STAFF PERSON: Bidtah
REVIEWED AND ASSIGNED: TIME/HRS/MIN: 4:00pm COMPLETION DATE: 7/30/13

[✓] REVIEW FOR LEGAL SUFFICIENCY
[ ] REQUEST FOR LEGAL OPINION
[ ] RESOLUTION:
[✓] SURNAME
[ ] APPOINTMENT/CONFERENCE/MEETING
[ ] REVIEW & ADVISE

-DOJ ATTORNEY/ADVOCATE TO COMPLETE-

legally sufficient.

REVIEWED BY: DATE: TIME: Hrs. Min.
SURNAMED BY: DATE: 7/30/13 TIME: 2 Hrs. — Min.

DATE SENT TO DOJ RECEPTIONIST: Called for document pickup. Date: Time: By:

PICKED UP BY: DATE/TIME: 7/30/pm 4:45pm

PLEASE PRINT *PLEASE PRINT* PLEASE PRINT* PLEASE PRINT

LEGISLATIVE BRANCH
NAVAJO NATION

HONORABLE JOHNNY NAIZE
Speaker, 22nd Navajo Nation Council

September 11, 2013

MEMORANDUM

TO : *Honorable* Members
Resources and Development Committee
Naa'bik'iyati' Committee
Navajo Nation Council

FROM : Hon. Johnny Naize, *Speaker*
22nd Navajo Nation Council

SUBJECT : **ASSIGNMENT OF LEGISLATION**

Pursuant to 2 N.N.C § 164 (A)(4), this memorandum serves to inform and advise you that I assign the following legislation to the Resources And Development Committee, Naa'bik'iyati' Committee and the Navajo Nation Council;

Legislation No. 0276-13

RELATING TO RESOURCES AND DEVELOPMENT AND NAA'BIK'IYATI'; RESCINDING CAP-34-80; APPROVING THE NAVAJO NATION ENERGY POLICY OF 2013.

As the Committee assigned to consider the legislation, Legislation No. 0276-13 must be placed on the Resources And Development Committee, Naa'bik'iyati' Committee and the Navajo Nation Council's agenda at the next regular meeting for final consideration.

ATTACHMENT: Legislation No. 0276-13

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

OFFICE OF THE SPEAKER / NAVAJO NATION LEGISLATIVE BRANCH / POST OFFICE BOX 3390 / WINDOW ROCK, ARIZONA 86515
TELEPHONE (928) 871-7160 FAX (928) 871-7255

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

Johnny Naize
Speaker of the Navajo Nation Council

M E M O R A N D U M

TO: Honorable Roscoe Smith
Crystal, Fort Defiance, Red Lake, Sawmill Chapters

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

DATE: August 10, 2013

SUBJECT: PROPOSED NAVAJO NATION COUNCIL RESOLUTION; AN ACTION RELATING TO RESOURCES AND DEVELOPMENT AND NAABIK'ÍYÁTI'; RESCINDING CAP-34-80; APPROVING THE NAVAJO NATION ENERGY POLICY OF 2013

As requested, I have prepared the above-referenced proposed resolution and associated legislative summary sheet pursuant to your request for legislative drafting. Based on existing law and review of documents submitted, the resolution drafted is legally sufficient. However, as with all legislation, it is subject to review by the courts in the event of challenge. You are encouraged to review the proposed resolution to ensure that it is drafted to your satisfaction.

If you are satisfied with the proposed resolution, please sign it as "sponsor" and submit it to the Office of Legislative Services where it will be given a tracking number and sent to the Office of the Speaker for assignment.

If the proposed resolution is unacceptable to you, please contact me at the Office of Legislative Counsel and advise me of the changes you would like made to the proposed resolution.

Thank you for your service to the Navajo Nation.

13-520-1

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION

LEGISLATION NO: _0276-13_____ SPONSOR: Roscoe Smith

TITLE: An Action Relating To Resources And Development And Naabik'iyati'; Rescinding CAP-34-80 Approving The Navajo Nation Energy Policy of 2013

***Date posted*: September 11, 2013 at 4:15 pm**

Digital comments may be e-mailed to comments@navajo-nsn.gov

Written comments may be mailed to:

Executive Director
Office of Legislative Services
P.O. Box 3390
Window Rock, AZ 86515
(928) 871-7590

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.: 0276-13

SPONSOR: Honorable Roscoe Smith

TITLE: An Action Relating To Resources And Development And Naabik'iyati'; Rescinding CAP-34-80 Approving The Navajo Nation Energy Policy Of 2013.

Posted: September 11, 2013 at 4:15 pm

5 DAY Comment Period Ended: September 16, 2013

Digital Comments received: ***none***

Executive Director
Office of Legislative Services

9.17.2013. 9:00 Am

Date

COMMITTEE REPORT
OF THE
RESOURCES AND DEVELOPMENT COMMITTEE

22nd 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 (l) in its entirety:

> ~~l. 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 Unites 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,

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

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

Navajo Nation Energy Policy of 2013

PREAMBLE:

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

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

WHEREAS:

1. The Navajo Nation Council adopted the Navajo Nation Energy Policy (CAP-34-80) on April 29, 1980 ("1980 Energy Policy"); and

2. The Nation acknowledges the enduring principles and motivations set forth in the 1980 Energy Policy; and

3. The Nation desires to update and amend the energy policies of the Nation by rescinding the 1980 Energy Policy (CAP-34-80) and, hereby adopting this 2013 Energy Policy; and

4. The energy resources of the Nation are owned by the Nation and are to be administered and managed by the Nation for the benefit of all Dine; and

5. The Nation will seek to maximize its level of autonomy in managing its energy resources and energy use on the Nation; and

6. The Nation will take a leadership role in exploring and developing its energy resources to exercise its political sovereignty, to build true economic sovereignty, and to promote greater self-determination for future generations of Dine'; and

7. The Nation has established wholly owned businesses that explore develop and manage certain of its energy resources. To optimize the Nation's use, management and conservation of its energy resources, the Nation may choose to utilize a combination of its wholly owned entities and outside energy companies to take advantage of the best technologies and capabilities to achieve the optimal balance of cost and results; and

8. The 1980 Energy Policy helped build capacity of the Nation to realize many successes in the form of more favorable contracts and greater ownership of certain energy resources. It is acknowledged that the Nation can make improvements in the areas of governance, ownership, management, community involvement, health impacts, conservation and environmental protection of the Nation's energy resources; and

9. The Navajo government should ensure that the local impacted communities are educated on relevant energy development and related issues. Prior energy development and related projects occurred with little or no consultation or results; and

10. Energy forms a cornerstone of the Navajo economy by providing jobs for our people, electricity for our homes and businesses, and revenues for our local and central government. Developing energy resources will expand government revenues, create new industries and promote sustainable jobs for the Dine. This economic base provides opportunities for Navajos to pursue technical and managerial careers in many energy-related product, service and supporting industries. The ability for Navajos to build stable careers while remaining close to their families will build the strength of our families and communities that have been fragmented by the need of our people to find work in metropolitan centers. A growing Navajo economy draws educated and experienced tribal members back to the Nation, and provides the economic growth to support Navajo entrepreneurs and business owners; and

11. The Navajo People have made invaluable contributions to the strength of the United States and its economy by permitting and assisting in the extraction of uranium over several decades. Numerous uranium mines across the Nation were not properly reclaimed leading to widespread contamination and illness of our people and livestock; and

12. The Nation's coal resources make a significant contribution to the support of many Navajo families and to the financial stability of the Navajo Nation government and its communities. The current policies of the federal government of the United States do not favor the use of coal. These policies negatively impact the Navajo Nation and the lives of its residents, and are contrary to the interests of the Navajo Nation; and

13. The United States is the trustee of the resources of the Navajo Nation. In this role the United States government has a duty to protect the Nation's energy resources and to assist the Nation to manage such resources for the benefit of the Dine. The United States government is to engage in government-to-government dialogue and understanding and to respect Navajo Nation's decision in the uses of its resources.. Historically, the United States government has sought to control the Nation's resources to benefit external interests in the uses of its natural resources or refrained from assisting the Nation in the protection of its interests; and

14. The Nation's depletable fossil fuels are abundant, however, some fossil fuels are currently out of favor with federal and state regulatory and environmental policies. A balanced portfolio of fossil fuel and cleaner renewable energy resources will provide the Nation with greater economic and financial stability; and

15. The Nation has the great potential of solar and wind energy resources. The development of these cleaner renewable resources can provide our communities with cleaner energy and generate substantial economic value when sold to surrounding communities and metropolitan regions; and

16. Many of the Nation's residents, businesses and institutions are located in growth centers while many others are dispersed in remote regions and lack access to electric power. Greater access to electric power will provide a greater number of opportunity and access to modern conveniences for the Navajo residences; and

17. The Nation is situated to provide pipeline and electrical transmission service providers with access to more direct routes between energy sources and energy customers. The Nation's non-renewable and renewable energy resources require transportation and transmission to energy markets. Pipeline and transmission infrastructure can have a substantial impact on the environment, communities and the viewscape. Establishing energy corridors are encouraged to enable the Nation to increase its revenues while minimizing the impact on the Nation.

18. Future development of cleaner renewable energy for export to metropolitan regions can generate substantial rents and business profits. These profits may be utilized to subsidize the cost of utilities for the Nation's residents, institutions and businesses; and

19. By developing and executing a comprehensive energy strategy, the Nation can establish energy independence and build its economy for future generations. Diverse revenue streams from a balanced portfolio of energy extraction,

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

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

EXHIBIT A

NAVAJO NATION ENERGY POLICY OF 2013

Section 1: Short Title

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

Section 2: Scope and Review

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

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

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

Section 3: Definitions

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

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

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

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

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

High Voltage. Includes 69KV and higher.

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

Section 4: Navajo Fundamental Law

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

Section 5: Sustainable Energy Economy

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

Section 6: General Provisions

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

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

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

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

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

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

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

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

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

Section 7: Large-Scale Energy Developments

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

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

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

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

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

Section 8: Community and Economy

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

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

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

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

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

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

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

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

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

Section 9: Coal

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

Section 10: Renewable Energy

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

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

Section 11: Nuclear Matters

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

Section 12: Electrical and Energy Distribution Systems

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

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

Section 13: Navajo Energy Office

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

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

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

Section 14: Research and Development

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

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

Section 15: Taxation

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

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

Section 16: Limitations

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

a) Alter, amend or diminish in any way the sovereign immunity of the Navajo Nation or constitute a waiver of the sovereign immunity of the Navajo Nation, as defined in 1 N.N.C. § 551 .;

b) Abrogate any authority conferred by the Navajo Nation Council upon any agency, enterprise or other instrumentality of the Navajo Nation;

c) Repeal in whole or in part any law or regulation duly promulgated by the Navajo Nation or any of its agencies;

d) Authorize or sanction the breach of any contractual duty or diminish any vested property rights; or

e) Provide the basis for a private cause of action by or against any person or entity, or confer jurisdiction upon any court for any cause of action predicated on the 2013 Energy Policy.