CAP-34-80
Class "B" Resolution
Area Approval Required.

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

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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;

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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.

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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

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