

THE NAVAJO NATION
LEGISLATIVE BRANCH
INTERNET PUBLIC REVIEW PUBLICATION



LEGISLATION NO: _0041-23_

SPONSOR: Amber Kanazbah Crotty

TITLE: An Action Relating to the Resources and Development and Naabik'iyáti' Committees; Affirming the Memorandum of Understanding on Cooperation Among the Navajo Nation, U.S. Department of Energy and Other Federal Agencies; Appointing 25th Navajo Nation Council Members to the Navajo Nation and Federal Agencies Collaborative Team for Economic Revitalization and Energy Transition

Date posted: March 16, 2023 at 10:03PM

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LEGISLATIVE SUMMARY SHEET

Tracking No. 0041-23

DATE: March 16, 2023

TITLE OF RESOLUTION: AN ACTION RELATING TO THE RESOURCES & DEVELOPMENT AND NAABIK'ÍYÁTI' COMMITTEES; AFFIRMING THE MEMORANUDUM OF UNDERSTANDING ON COOPERATION AMONG THE NAVAJO NATION, U.S DEPARTMENT OF ENERGY AND OTHER FEDERAL AGENCIES; APPOINTING 25th NAVAJO NATION COUNCIL MEMBERS TO THE NAVAJO NATION & FEDERAL AGENCIES COLLABORATIVE TEAM FOR ECONOMIC REVITALIZATION AND ENERGY TRANSITION

PURPOSE: This resolution, if approved, will affirm the Memorandum of Understanding between the Navajo Nation and the Department of Energy and Other Federal Agencies and assign five (5) Navajo Nation Council Delegates to the Navajo Nation & Federal Agencies Collaborative Team for Economic Revitalization and Energy Transition

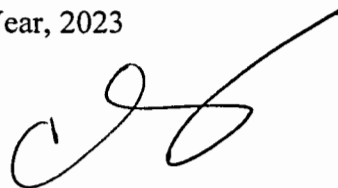
This written summary does not address recommended amendments as may be provided by the standing committee. The Office of Legislative Counsel requests each committee member to review the proposed resolution in detail.

5-DAY BILL HOLD PERIOD: J. Johnson
Website Posting Time/Date: _____
Posting End Date: 03-21-23
Eligible for Action: 03-22-23

Resources & Development Committee
Thence
Naabik'íyáti' Committee

1 PROPOSED NAVAJO NATION COUNCIL RESOLUTION
2 25th NAVAJO NATION COUNCIL - First Year, 2023

3 Introduced by:



4 _____
5
6 (Prime Sponsor)

7
8 Tracking No. 0041-23
9

10 AN ACTION
11 RELATING TO THE RESOURCES & DEVELOPMENT
12 AND NAABIK'ÍYÁTI' COMMITTEES; AFFIRMING THE MEMORANUDUM OF
13 UNDERSTANDING ON COOPERATION AMONG THE NAVAJO NATION, U.S
14 DEPARTMENT OF ENERGY AND OTHER FEDERAL AGENCIES; APPOINTING
15 25th NAVAJO NATION COUNCIL MEMBERS TO THE NAVAJO NATION &
16 FEDERAL AGENCIES COLLABORATIVE TEAM FOR ECONOMIC
17 REVITALIZATION AND ENERGY TRANSITION
18

19 BE IT ENACTED:
20

21 SECTION ONE. AUTHORITY

- 22 A. The Resources & Development Committee is a standing committee of the Navajo
23 Nation Council with designated authority “[t]o establish Navajo Nation policy with
24 respect to the optimum utilization of all Navajo Nation [natural] resources” and “[t]o
25 represent the Navajo Nation at local, state, and federal levels, in cooperation and
26 coordination with the President of the Navajo Nation . . . on proposed resolutions and
27 actions affecting natural resources, energy resources, [and] economic and community
28 development . . .” 2 N.N.C. §§ 500 (C)(1) and 501 (B)(5).
29 B. The Naabik'íyáti' Committee is a standing committee of the Navajo Nation Council
30 designated authority “[t]o coordinate all federal, county and state programs with other

1 standing committees and branches of the Navajo Nation government to provide the
2 most efficient delivery of services to the Navajo Nation” and “[t]o review and
3 continually monitor the programs and activities of federal and state departments and to
4 assist development of such programs designed to serve the Navajo People and the
5 Navajo Nation through intergovernmental relationships between the Navajo Nation and
6 such departments.” 2 N.N.C. §§ 701 (A)(4) and (A)(7).

7 8 **SECTION TWO. FINDINGS**

- 9 A. On January 27, 2021, President Biden signed Executive Order (E.O.)14008, Tackling
10 the Climate Crisis at Home and Abroad, attached as **Exhibit A**. Section 218 of E.O.
11 14008 established the federal Interagency Working Group (IWG) on Coal and Power
12 Plant Communities and Economic Revitalization, with the recognition that mining and
13 power plant communities and workers "drove the industrial revolution and the
14 economic growth that followed and have been essential to the growth of the United
15 States" and that Federal leadership is necessary to "foster economic revitalization of
16 and investment in these communities." The Executive Order directs the Interagency
17 Working Group ("IWG") to prepare an initial Report describing "mechanisms,
18 consistent with applicable law, to prioritize grant making, Federal loan programs,
19 technical assistance, financing, procurement, or other existing programs to support and
20 revitalize the economies of coal and power plant communities."
- 21 B. Section 223 of E.O. 14008 created the Justice40 Initiative, which sets a goal of flowing
22 at least 40 percent of certain Federal investments to disadvantaged communities.
23 Section 223 establishes that "recommendations shall focus on investments in the areas
24 of clean energy and energy efficiency; clean transit; affordable and sustainable housing;
25 training and workforce development; the remediation and reduction of legacy
26 pollution; and the development of critical clean water infrastructure. The
27 recommendations shall reflect existing authorities the agencies may possess for
28 achieving the 40 percent goal as well as recommendations on any legislation needed to
29 achieve the 40 percent goal."
- 30 C. Recent federal legislation offers funding opportunities to Tribal communities,

1 including through direct support to energy communities in transition. Currently, the
2 IWG has identified \$193 billion of open and planned Federal funding for investment in
3 energy communities experiencing energy transition and maintains a clearinghouse of
4 these funding opportunities. The Infrastructure Investment and Jobs Act (IIJA), Pub.
5 L. No. 117-58 (2021), provides more than \$13 billion in funding to directly support
6 Tribal communities and makes Tribes eligible to apply for or request billions in
7 discretionary, formula, and other funding. The Inflation Reduction Act (IRA), Pub. L.
8 No. 117-169 (2022), directs \$720 million in climate resilience and energy funding
9 directly to Tribes, including money for drought relief and electrification. BIL and IRA
10 also provided additional funding explicitly for energy communities- for example,
11 abandoned mine land remediation, grants and bonus tax credits for clean energy
12 manufacturing and deployment associated with coal mines and plants, and loan
13 authority for energy infrastructure reinvestment. Tribes are also eligible to access \$280
14 billion in funding opportunities through the Creating Helpful Incentives to Produce
15 Semiconductors (CHIPS) and Science Act, Pub. L. No. 117-167 (2022). **Exhibit A.**

16 D. The Navajo Nation has a long history of coal mining and coal fired energy generation
17 in its Nation, including the largest coal fired power plant west of the Mississippi. These
18 energy transition communities are impacted both through job loss and revenue loss due
19 to transitioning away from coal development. Access to Federal resources to support
20 the Nation's desired future can be a challenge, which is correlated with a wide range of
21 needs including basic infrastructure, environmental remediation, economic
22 development, and workforce support. The recent COVID-19 pandemic
23 disproportionately impacted the Navajo Nation and shined a light on the lack of
24 infrastructure. The Navajo Nation lies in the heart of the Colorado River Basin and at
25 the heart of the water-energy nexus, as exemplified by the use of water for coal mining
26 and coal fired power generation. As the mines and power plants close, they leave
27 behind valuable assets that can aid the Nation's infrastructure development and energy
28 transition. The resources to support this wide range of needs reside in at least a dozen
29 Federal agencies adding to the challenge facing the Navajo Nation in realizing its
30 desired future. Direct support from the Federal agencies involved is needed to lower

1 barriers to access and facilitate positive outcomes.

2 E. In response to the Navajo Nation's need for direct support from Federal agencies, the
3 Department of Energy and Department of Interior, in consultation with the Navajo
4 Nation Division of Natural Resources, spearheaded the development of the
5 MEMORANUDUM OF UNDERSTANDING ON COOPERATION AMONG THE
6 NAVAJO NATION, U.S DEPARTMENT OF ENERGY AND OTHER FEDERAL
7 AGENCIES ("MOU"), attached as **Exhibit B**. As stated in the MOU, it is the mutual
8 intention of the Parties to collaborate to build capacity, provide needed technical
9 assistance, and identify funding needs and opportunities for the Navajo Nation for the
10 direct benefit of their people, and enhance coordination and collaboration among these
11 entities and the Federal Government to maximize the benefit of both public and private
12 investment in the development of an equitable energy future.

13 F. President Jonathan Nez signed the MOU on behalf of the Navajo Nation on December
14 1, 2022. **Exhibit B**.

15 G. The MOU provides a framework for collaboration among the Navajo Nation, DOE,
16 and other Federal agencies to ensure that infrastructure, manufacturing, research and
17 development, and workforce training and development investments are invested in a
18 strategic, coordinated, efficient, and equitable manner.

19 H. Through the MOU, the Navajo Nation, DOE, and other Federal agencies express their
20 intent to work together to:

- 21 1. Develop community strategic plans for energy, economic development, and
22 infrastructure;
- 23 2. Designate DOE and other Federal agency staff to participate in meetings and
24 activities related to the fulfillment of the MOU;
- 25 3. Support and work with a Navajo Nation or community energy manager;
- 26 4. Convene national, regional, Navajo Nation, and private sector actors and
27 organizations to foster coordination across all the agencies, advance common
28 goals, and tackle shared challenges;
- 29 5. Develop capacity building opportunities -
30 a. For energy established programs: build skills/expertise that support

1 deployment of energy resources;

2 b. For circumstances where no energy program has been established: work
3 with signatories to determine what program(s) will be helpful;

4 6. Enhance coordination among Navajo Nation entities, DOE, and other Federal
5 agencies to leverage existing policies and programs with Federal funding, while
6 also understanding the role of public and private sector investment and
7 engagement;

8 7. Create a user-friendly, inclusive communications feedback loop among Navajo
9 Nation entities, DOE, and other Federal agencies to ensure effective,
10 coordinated and timely funding for planning and implementation;

11 8. Identify data, technical, and programmatic assistance needs of Navajo Nation
12 entities and implement plans to maximize the effectiveness of BIL, IRA and
13 CHIPS and Science Act programs; and

14 9. Support outreach and engagement with impacted communities- hi-
15 directionality. Provide opportunity to community members and community
16 organizations to provide meaningful participation and guidance.

17 I. Under the MOU, the Navajo Nation, among other things, expresses its intent to:

18 1. Identify and coordinate a collaborative team, with representatives from the
19 Navajo Nation and wholly owned entities of the Navajo Nation that are engaged
20 in energy activities as described in the MOU.

21 2. This collaborative team will identify the various energy related projects they
22 are undertaking and the resources with which they need assistance.

23 J. The first task of the collaborative team, hereinafter “Navajo Nation & Federal Agencies
24 Collaborative Team for Economic Revitalization and Energy Transition”, is to develop
25 an implementation plan by May 31, 2023.

26 K. The Navajo Nation Council determines that affirming the MOU and including Navajo
27 Nation Council leadership on the Navajo Nation & Federal Agencies Collaborative
28 Team for Economic Revitalization and Energy Transition is in the best interests of the
29 Navajo Nation.

30

1 **SECTION THREE. AFFIRMING THE NAVAJO NATION – FEDERAL AGENCIES**
2 **MEMORANUM OF UNDERSTANDING**

3 The Naabik'iyáti' Committee of the 25th Navajo Nation Council hereby affirms the
4 Memorandum of Understanding between the Navajo Nation and the Department of Energy
5 and Other Federal Agencies, attached as **Exhibit A**.

6
7 **SECTION FOUR. APPOINTING 25th NAVAJO NATION COUNCIL MEMBERS**
8 **TO THE NAVAJO NATION & FEDERAL AGENCIES COLLABORATIVE TEAM**

9 The Naabik'iyáti' Committee of the 25th Navajo Nation Council hereby appoints three (3)
10 Naabik'iyáti' Committee members and two (2) Resource and Development Committee
11 members to the Navajo Nation & Federal Agencies Collaborative Team for Economic
12 Revitalization and Energy Transition (“Collaborative Team”):

- 13 1. _____ (RDC member)
14 2. _____ (RDC member)
15 3. _____ (Naabik'iyáti' Committee member)
16 4. _____ (Naabik'iyáti' Committee member)
17 5. _____ (Naabik'iyáti' Committee member)

18
19 **SECTION FOUR. EFFECTIVE DATE OF APPOINTMENTS**

20 The appointments made herein shall become effective upon certification of the presiding
21 Naabik'iyáti' Committee Chairperson and shall remain in effect until the end of the 25th
22 Navajo Nation Council, unless otherwise directed by the Naabik'iyáti' Committee through
23 resolution.