

NAVAJO NATION
ENVIRONMENTAL POLICY ACT

TITLE 4, NAVAJO NATION CODE
CHAPTER 9, THE NAVAJO NATION ENVIRONMENTAL POLICY ACT

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SUBCHAPTER 1. GENERAL PROVISIONS

901. Policy

It is the policy of the Navajo Nation to promote harmony and balance between the natural environment and people of the Navajo Nation, and to restore that harmony and balance as necessary. To this end, the Navajo Nation Council declares that the protection, restoration and preservation of the environment is a central component of the philosophy of the Navajo Nation; that the quality of life of the Navajo People is intimately related to the quality of the environment within the Navajo Nation; that all persons and entities--including agencies, departments, enterprises and other instrumentalities of the Navajo Nation itself and agencies of other governments--can and do affect the environment; and that it is the policy of the Navajo Nation to use all practicable means to create and maintain conditions under which humankind and nature can exist in productive harmony.

902. Authority

The Navajo Nation, acting through the Navajo Nation Environmental Protection Agency, shall exert to the fullest extent its authority to regulate, monitor and enforce performance with appropriate environmental standards throughout all of the Navajo Nation, including the exercise of its authority to limit or eliminate environmental contaminants emitted outside the Navajo Nation, but which may migrate into or otherwise adversely affect the lands, waters or air of the Navajo Nation. The Navajo Nation will employ any and all authority it may have pursuant to its inherent sovereign authority, delegations of authority from the United States and any cooperative arrangements entered into between the Navajo Nation and other governmental institutions where such arrangements are approved by the Navajo Nation Council or its duly authorized committee or committees.

903. Purposes

The Navajo Nation shall employ its governmental authority pursuant to section 2 hereof, using all practicable means consistent with other essential governmental functions, for the following purposes:

- (A) To fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;
- (B) To assure for all residents of and visitors to the Navajo Nation a safe, healthful, productive, aesthetically pleasing and culturally appropriate environment;

- (C) To promote to the fullest extent practicable recycling and the use of renewable resources to ensure that the level of use of renewable resources does not exceed that which is sustainable; to reduce or eliminate the waste of resources; to designate, conserve and protect unique ecosystems; to eliminate unnecessary destruction, depletion, degradation, and disturbance of natural resources in the extraction or use of other resources; and to attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable consequences;
- (D) To ensure that activities within the Navajo Nation that may substantially disturb the environment are conducted in a manner to minimize such disturbance to the extent feasible and practicable; to ensure that any person or entity doing business on or otherwise carrying on activities within the Navajo Nation is required to remediate any environmental damage caused in the course of business and to provide ample security for the costs of any such remedial actions in the event that such person or entity fails to satisfy such requirements;
- (E) To ensure that damage to or contamination of the environment which occurred in the past is remedied, and that the appropriate person or entity be held accountable for the costs of such remediation;
- (F) To preserve important cultural, religious, historic, and natural aspects of the Navajo Nation; and
- (G) To achieve and maintain, wherever possible, an environment which supports diversity; and to achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities.

904. Navajo Nation government

All agencies, departments, enterprises and other instrumentalities of the Navajo Nation shall review their current plans of operation, charters, and policies and procedures to determine if they should be amended in order to better fulfill and promote the purposes set forth in section 3 hereof, and shall pursue such amendments pursuant to Navajo law. All such agencies, departments, enterprises and other instrumentalities shall consider carefully in decision-making, and prepare appropriate documentation of, any adverse environmental impacts which may occur as a result of any proposed action, the extent to which environmental impacts may be reduced or mitigated, and other alternatives, including no action, to the proposed action which may reduce or eliminate significant adverse environmental impacts.

905. Limitations

Nothing in this Navajo Nation Environmental Policy Act 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 N.T.C. 351, 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 this Act.

906. Severability

If any part of this Navajo Nation Environmental Policy Act is declared by a court of competent jurisdiction to be invalid, the other provisions shall not be affected, but shall continue to remain in force to the extent possible.