To provide for the temporary extension of the applicability of the NEPA analysis with respect to lease of Navajo Generating Station and Kayenta Mine Complex near Page, Arizona, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

Mr. Gosar introduced the following bill; which was referred to the Committee on ____________________

A BILL

To provide for the temporary extension of the applicability of the NEPA analysis with respect to lease of Navajo Generating Station and Kayenta Mine Complex near Page, Arizona, and for other purposes.

1 Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,
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4 SECTION 1. SHORT TITLE.
5 This Act may be cited as the “Tribal Jobs Protection
6 and Energy Security Act of 2018”.

SEC. 2. TEMPORARY EXTENSION OF APPLICABILITY OF NEPA ANALYSIS WITH RESPECT TO LEASE OF NAVAJO GENERATING STATION AND KAYENTA MINE COMPLEX.

(a) IN GENERAL.—Subject to the requirements in subsection (b), section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) shall not apply with respect to a lease issued by—

(1) the Navajo Nation and approved by the Bureau of Indian Affairs, in consultation with the Bureau of Reclamation, to a lessee for the operation of the Navajo Generating Station located near Page, Arizona; or

(2) the Navajo Nation and Hopi Tribe and approved by the Office of Surface Mining, in consultation with the Bureau of Reclamation, to a lessee for the operation of the Kayenta Mine Complex located near Page, Arizona.

(b) REQUIREMENTS.—

(1) OPERATION.—The subsequent lessee shall operate the Navajo Generating Station or Kayenta Mine Complex in substantially the same manner as such station was operated under the lease extension for which the environmental assessment entitled “Environmental Assessment Navajo Generating Station Extension Lease” and dated November, 2017,
was prepared until such time that an environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to the lease described in subsection (a) is finalized. Such cessation of mining and operations on December 22, 2019, at the Navajo Generating Station and Kayenta Mine, as mandated in the environmental assessment referenced in paragraph (1), shall not apply.

(2) PROGRESS TOWARD COMPLIANCE WITH NEPA.—Subsection (a) shall not apply during any time period for which the Secretary of the Interior determines that progress is not being made by the Bureau of Reclamation and the Bureau of Indian Affairs and other relevant agencies and federally recognized Indian Tribes, toward completing any document that would be required under section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)) with respect to the lease referred to in subsection (a) if subsection (a) did not apply to such lease.

(c) HIGH PRIORITY INFRASTRUCTURE PROJECT.—The Chairman of the Council on Environmental Quality shall treat the issuance of the leases referred to in subsection (a) as a high priority infrastructure project under
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SEC. 3. REQUIREMENT ON CENTRAL ARIZONA WATER CONSERVATION DISTRICT.

The Central Arizona Water Conservation District shall purchase as much of its total power requirements as possible from the Navajo Generating Station until its $1,100,000,000 debt obligation and accrued interest for the Central Arizona Project and the Navajo Generating Station to the Federal Government is repaid.

SEC. 4. PRESERVATION OF THE PLANT.

In no event may the facilities, plant, and appurtenances be disabled, destroyed or significantly diminished until and unless the Central Arizona Water Conservation’s debt obligation and accrued interest for the Central Arizona Project and the Navajo Generating Station to the Federal Government is repaid.

SEC. 5. STUDY ON EFFECTS OF REGIONAL HAZE RULE.

(a) STUDY REQUIRED.—The Administrator of the Environmental Protection Agency shall conduct a study on—

(1) the effects of the final rule, including economic impacts, issued by the Administrator of the Environmental Protection Agency entitled “Regional
Haze Regulations” (64 Fed. Reg. 35714 (July 1, 1999)); and

(2) the extent to which regional haze is impacting visibility in units of the National Park system.

(b) REPORT REQUIRED.—Not later than December 20, 2020, the Administrator of the Environmental Protection Agency shall submit to Congress a report on the results of the study conducted under subsection (a).

SEC. 6. APPLICABILITY OF REGIONAL HAZE REGULATIONS TO THE NAVAJO GENERATING STATION.

(a) IN GENERAL.—Any requirements pursuant to section 169A or 169B of the Clean Air Act (42 U.S.C. 7491, 7492; relating to visibility protection) shall cease to apply to the Navajo Generating Station if the Administrator of the Environmental Protection Agency, the Secretary of the Department of the Interior or the Secretary of the Department of Energy determine any Federal implementation plan promulgated by the Administrator of the Environmental Protection Agency would—

(1) adversely impact employment at the Navajo Generating Station or other coal-fired power plants and coal mines on tribal lands in northern Arizona;

(2) directly or indirectly diminish the revenue received by the Federal Government or any State, tribal, or local government by reducing the amount
(3) cause a reduction in revenue to meet financial obligations required by federally authorized Indian water rights settlements, pursuant to section 403(f) of the Colorado River Basin Project Act (43 U.S.C. 1543(f));

(4) reduce the amount of coal, or increase the cost of coal, that is available for the Navajo Generating Station’s Federal responsibility to deliver water and power, as authorized by the Colorado River Basin Project Act (43 U.S.C. 1501 et seq.);

(5) expose the United States to liability for taking the value of tribally-owned coal in northern Arizona; or

(6) increase the risk of rolling blackouts or brownouts and jeopardize the grid reliability of the United States.

(b) **Judicial Review.**—Such determination (including this section) shall not be subject to judicial review.