State-Tribal Collaboration Act Agency Report

2011

Fiscal Year 2011
8/31/2011
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I. EXECUTIVE SUMMARY

A. Summary of Overall Report Focused on Accomplishments

The Energy, Minerals and Natural Resources Department protects and conserves the state’s natural resources and provides recreational opportunities throughout New Mexico. The department has a long history of tribal interaction and collaboration.


FY 2011 activities included: continued collaboration with three tribal organizations on American Recovery and Reinvestment Act funded projects – Jicarilla Apache Nation, Jemez Pueblo, and Institute of American Indian Arts; provision of technical assistance to numerous tribal programs regarding forest and watershed health issues impacting their lands; more than fifteen tribal consultations for State Park projects or State Park management plans.

II. AGENCY OVERVIEW/BACKGROUND

A. Mission Statement

The Energy, Minerals and Natural Resources Department Mission:
To position New Mexico as a national leader in the energy and natural resources areas for which the Department is responsible.

The Energy, Minerals and Natural Resources Department Vision:
A New Mexico where individuals, agencies and organizations work collaboratively on energy and natural resource management to ensure a sustainable environmental and economic future.

The Energy, Minerals and Natural Resources Department Goals:
To make our state a leader in developing reliable supplies of energy, and energy efficient technologies and practices, with a balanced approach towards conserving our renewable and non-renewable resources,

To protect the environment and ensure responsible reclamation of land and resources affected by mineral extraction,

To be effective in leading our state in growing healthy, sustainable forests and managing them for a variety of users and ecologically sound uses, and
To improve the state park system into a nationwide leader that protects New Mexico’s natural, cultural and recreational resources for posterity and contributes to a sustainable economy statewide.

B. Agency Overview

The Energy, Minerals and Natural Resources Department (EMNRD) protects and conserves the state’s natural resources and provides recreational opportunities throughout New Mexico.

The department was created in 1987 through a merger between the Natural Resources and Energy and Minerals departments; the agency employs a staff of more than 500 professionals.

The department is home to five programmatic divisions and one supportive division:

- Energy Conservation and Management (ECMD)
- State Forestry (Forestry)
- Mining and Minerals (MMD)
- Oil Conservation (OCD)
- State Parks (Parks)
- Program Support

The Energy Conservation and Management Division develops and implements effective clean energy programs - renewable energy, energy efficiency and conservation, alternative transportation and fuels - to promote environmental and economic sustainability for New Mexico and its citizens. To this purpose, the division provides technical assistance, and plans and administers statutorily-required state and federal clean energy programs.

The Forestry Division promotes healthy, sustainable forests in New Mexico for the benefit of current and future generations. The division assists forested communities by evaluating those most vulnerable to damage from wildfire and insects and then develops management programs and implements mitigation projects that will improve the overall health of forests and watersheds. The division has statutory responsibility for wildfire suppression on all non-federal, non-municipal, non-tribal and non-pueblo lands (about 42 million acres); and it provides technical advice on forest and resource management to private landowners. Forestry field offices are located in Bernalillo, Capitan, Chama, Cimarron, Las Vegas, Los Lunas, Silver City, and Socorro. The division operates the New Mexico Forest and Watershed Health Office in Albuquerque.

The Mining and Minerals Division promotes the public trust by ensuring the responsible utilization, conservation, reclamation and safeguarding of land and resources affected by mining. The division regulates coal and hard rock mining, reclaims abandoned mine lands, and provides public information on mining.

The Oil Conservation Division assurs the protection, conservation, management and responsible development of oil, gas and associated natural resources through professional, dynamic regulation and advocacy for the ultimate benefit of New Mexico. The division regulates oil, gas, and geothermal
activities, gathers oil and gas production data, permits new wells, establishes pool rules, and monitors underground injection wells. Field offices are located in Aztec, Artesia, Hobbs, and Santa Fe.

The State Parks Division operates 35 parks located throughout the state that provide a variety of educational and recreational activities for New Mexicans and visitors from all over the world.

Its mission is to protect and enhance natural and cultural resources, provide first-class recreational and education facilities and opportunities, and promote public safety and education to benefit and enrich the lives of visitors.

The Program Support Division helps all divisions meet their goals and objectives by providing administrative services as well as policy direction and management. Program Support consists of the Office of the Secretary (OFS), Administrative Services and the Information Technology Office, which provide legal, human resources, fiscal and information technology support. OFS also administers the Waste Isolation Pilot Project (WIPP) Transportation Safety Program and Youth Conservation Corps.

The WIPP Transportation Safety Program is a cooperative effort among the shipment-corridor states, tribes, local officials and the U.S. Department of Energy. Its goal is the safe and uneventful transport of radioactive materials.

The Youth Conservation Corps (YCC), administratively attached to EMNRD, promotes the education, success and well-being of the youth of New Mexico through the conservation and enhancement of the state’s natural resources and lasting community benefits. The YCC provides funding to community programs that employ New Mexico youth in public space improvement projects.

YCC Rules:
11.2.171.7, Section C. “project sponsor” means any local public body, state or federal agency, not-for-profit entity or Native American Tribe that will agree to do projects consistent with the program.

YCC Act:
9-5B-5, Section A. (5) five members of the general public appointed by the governor to reflect the geographic diversity of the state, one of whom is knowledgeable in the current policies of the United States forest service and one of whom is Native American.
III. AGENCY EFFORTS TO IMPLEMENT POLICY

A. Describe agency’s efforts in FY2011 to communicate, collaborate and consult with tribe as described in your Tribal Collaboration and Communication Policy


Energy Conservation and Management: notifies tribal organizations of funding opportunities through e-mail notices and division website. The American Recovery and Reinvestment Act (ARRA) funding was made available in FY10 to tribal organizations through ECMD as administrator of the U.S. Department of Energy (DOE) State Energy Program (SEP). Awards were made in FY10 to tribal organizations, as well as schools, universities, and state agencies, to implement clean energy projects. In FY11, ECMD continued working with three tribal organizations on ARRA-funded projects: Jicarilla Apache Nation, Jemez Pueblo, and Institute of American Indian Arts. See the table in Appendix B for funding amounts, FY11 payments, and FY12 anticipated payments.

ECMD is also available to provide technical assistance in clean energy to tribal organizations, through ECMD’s administration of SEP.

State Forestry: provided technical assistance to numerous tribal programs regarding forest and watershed health issues impacting their lands during FY 2011.

Mining and Minerals: have three programs that conduct consultations under the State Tribal Collaboration Act: the Coal Mine Regulatory Program, the Mining Act Regulatory Program, and the Abandoned Mine Lands Program. Many associated activities have the potential to effect properties or places of concern to Native American Tribes. During FY 2011, MMD spent a considerable amount of effort communicating and educating Native American Tribes about our programs, permits and projects.

The most significant State-Tribal issue has been the increased activity in the Grants Uranium Belt. Much of the permitting in that area has been associated with exploration, although some new uranium mine permit applications are also being processed. In FY 2011 MMD processed or is processing three uranium mining permits and at least a dozen uranium exploration applications.

MMD sent approximately two hundred STCA notifications, concerning permits or construction projects, to Tribal Governments. Over the past year, the division has communicated with all twenty-two Tribal Governments in New Mexico.

MMD expanded STCA notification beyond state borders to include federally recognized Tribal Governments that have an interest in our activities, for example Hopi Tribe, Chiricahua Apache Governments in Arizona and the Ft. Sill Apache of Oklahoma. The division conducted government to
government meetings with the Acoma, Laguna and Hopi Tribal governments to discuss their concerns about various permits.

**State Parks:** Under State law and State Parks Division policy, State Parks provides written consultation letters regarding standard projects, followed up by phone calls to key contacts at the tribes or pueblos to ensure that tribes have the opportunity to comment and that comments are received in a timely manner. Further, State Parks communicates with tribes and pueblos via press releases, posts to the State Parks website, phone calls, face-to-face meetings, and by sharing information with the Department of Indian Affairs.

If the consultation required is more time-intensive, such as for feasibility studies or for traditional cultural properties, State Parks has face-to-face meetings, particularly between the State Parks Director, other EMNRD staff, and the appropriate contacts at the tribes or pueblos, to include governors, lieutenant governors or other staff.

Increasing our face-to-face tribal relationships and ramping up our regular project-related consultation to more intensive levels have been accomplishments for State Parks. In addition, State Parks is working to activate a new Parks Advisory Board (PAB), one member of which will be an invited tribal member. State Parks faces challenges with turn-over in tribal governments, and needs to work constantly to ensure a smooth and consistent communication and consultation process. Efforts in FY11 included regular attendance of the NMSP tribal liaison at the quarterly meetings of tribal liaisons hosted by the Department of Indian Affairs. Further, NMSP has completed, or is in the process of completing, more than fifteen tribal consultations for park projects or park management plans.

In addition, State Parks has sought to establish more consistent, programmatic relationships with tribes and pueblos where possible. For example, over the past five years, State Parks has implemented an Outdoor Classroom Program (OCP) that aims to connect schools and students to parks. State Parks has completed outreach in recent years to Native American schools and areas of New Mexico with high concentrations of Native Americans. This effort has produced some good results and encouraged consistent response from teachers at schools with predominantly Native American student populations. In FY11, State Parks provided a Kids-to-Parks transportation grant to Santo Domingo Elementary School as part of that pueblo’s very active outdoor classroom program. Another effort was the completion of phase one of interpretive signs at Living Desert Zoo and Gardens State Park, which included Native American components.

In the realm of hiring, State Parks staff recruited Native Americans for State Park jobs, providing promotional information to tribes and at career fairs, to include the Santa Fe Indian School.

Finally, the State Parks Archaeologist has consistently been involved in the Galisteo Basin Archaeological Sites Protection Act working group, particularly as it relates to Cerrillos Hills State Park and Native American consultation. This group has actively worked on plans to protect sites in the basin, to educate the public about the rich history of the area and to seek funding for such
initiatives. The State Park Archaeologist has taken on the role of facilitator for the Native American subcommittee of this group.

Required Cultural Competency training for key State Parks staff has been initiated, with 29 key staff members completing the SPO-sponsored course to date. State Parks will actively communicate with Department of Indian Affairs to be sure this can be continued in FY12.

**Youth Conservation Corps:** consulted with thirty tribes regarding YCC projects that may have been in the tribe’s area of cultural interest. Projects that were subject to the Tribal Consultation policies were not allowed to begin until the consultation procedures were completed.

During the request for proposal process, YCC staff sends out notices of funding opportunities to all tribes in New Mexico. Potential applicants are encouraged to call the YCC office if they have questions about the application process.

**IV. CURRENT AND PLANNED PROGRAMS AND SERVICES FOR AMERICAN INDIANS/ALASKA NATIVES**

**A. Provide a description of current and planned programs and services provided to or directly affecting American Indians or Alaska Natives and the amount of funding for each program**

**Energy Conservation and Management:** Tribal organizations are eligible for funding through DOE and state appropriations administered by ECMD for clean energy programs in New Mexico. The current and planned activities through FY12 are implementation of the three tribal projects shown in the table in Appendix B. There are no additional funds available at the current time through ARRA, SEP, or the state-funded Clean Energy Projects and Energy Innovation Fund.

**State Forestry:** Forestry has adopted and is utilizing EMNRD’s tribal consultation policy.

Forestry outreach includes working with all levels of tribal government. If requesting natural resource information, the request will go through the respective tribal President, Chairman, or Governor’s office. If developing forest health, fuel reduction, or fire mitigation projects, contact will be through the Tribal Natural Resources Department.

Forestry notifies tribes about funding opportunities, RFPs, available grants, or announcing training opportunities, by sending letters to the Tribal President, Chairman, or Governor’s office as well as to the Tribal Natural Resource Department or fire department. Forestry also has a Joint Powers Agreement with the Bureau of Indian Affairs outlining how we will work together on Wildfire suppression events. The Forestry Division has coordinated with several tribes on wildland fires that have burned across jurisdictional boundaries.

Forestry will continue to work with tribes on an as needed basis to improve forest health.
**Oil Conservation Division:** has established a process for scanning oil and gas well reports for wells drilled on tribal lands, and posting them on the OCD website and public database for informational purposes only. This activity does not require funding.

In another example of services, OCD read a geothermal newsletter where there was tribal funding for a geothermal project in northern New Mexico (Class V Geothermal Injection Wells.) OCD voluntarily contacted the project lead to offer OCD regulations and forms to assist the tribe with their geothermal project.

The Oil Conservation Commission, the rule-making body for the Oil Conservation Division, promulgated special rules for oil and gas activity in Santa Fe County and the Galisteo Basin. Among the requirements that affect NM tribes are submission of a map that plots tribal surface ownership and legal notice of exploration and development plans provided to “the governor, chairperson or president of each tribe, pueblo and nation located in or partially located in New Mexico,” as well as the state historic preservation officer.

On Tribal lands, Underground Injection Control (UIC) permits for injection or disposal are issued by either the US EPA or the Tribe if “primacy” has been granted to that tribe. The OCD issues injection/disposal permits, authorized by New Mexico law, even on Tribal lands where the OCD does not have UIC jurisdiction, because OCD’s injection permitting, unlike the UIC program, is designed to protect oil and gas resources, as well as fresh water.

**State Parks:**
- **Education and outreach** – State Parks has funding through the Kids to Parks Personal Income Tax contribution to support the OCP. In FY12, State Parks will continue to promote tribal and pueblo participation in the program, to provide transportation grants to parks and to provide teacher resources for qualified applicants.
- **Hiring** – State Parks will continue to recruit Native Americans for State Parks jobs, providing career information and attending job fairs.

**Youth Conservation Corps:** funded projects that began in FY11 and were completed in FY12. These projects are presented in the table below:

<table>
<thead>
<tr>
<th>Project Sponsor</th>
<th>County</th>
<th>Number of Youth</th>
<th>Amount Awarded</th>
<th>Narrative</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alamo Navajo School Board, Inc</td>
<td>Socorro</td>
<td>15</td>
<td>$70,405.53</td>
<td>YCC members constructed two rammed earth walls on the school campus of the Alamo Navajo School Board, Inc. The area around the wall was landscaped with low water use plants.</td>
</tr>
<tr>
<td>Pueblo of Santa Clara</td>
<td>Rio Arriba/Sandoval/Los Alamos</td>
<td>20</td>
<td>$70,732.63</td>
<td>This project had two distinct components: 1. YCC members created a cultural accurate farming area where they practiced traditional farming techniques.</td>
</tr>
</tbody>
</table>
2. Continued restoration of the historic Puye Cliffs dwellings. The Los Conchas fire was active during the first month of this project. YCC worked with the Pueblo as much as possible to mitigate problems that arose due to fire location and smoke problems.

<table>
<thead>
<tr>
<th>Pueblo of Pojoaque</th>
<th>Santa Fe</th>
<th>20</th>
<th>$104,517.17</th>
</tr>
</thead>
<tbody>
<tr>
<td>This year's project employed youth to plan; design, construct and work together to complete two covered shelters for the Pojoaque soccer field/ track (a public facility).</td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th>Southwest Conservation Corps</th>
<th>Cibola</th>
<th>43</th>
<th>$145,789.39</th>
</tr>
</thead>
<tbody>
<tr>
<td>Corps members completed three significant community projects in Acoma Pueblo: 1. One crew worked to conserve Acoma Pueblo's limited water resources by refurbishing the irrigation system. High water use plants were removed from the canal system 2. The second crew constructed a public fitness trail from the Sky City Community School in the Skyline Neighborhood. This crew also removed cholla from 20 acres in the mesa area. 3. The third crew constructed erosion control structures in the mesa close to Sky City.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

B. Main agency accomplishments and challenges regarding tribes, AI/AN and/or Indian organizations, including significant state-tribal issues, recommendations and/or priorities addressed in FY 2011.

**Energy Conservation and Management:** There are no significant issues to report concerning ECMD’s relationships with tribal organizations.

**State Forestry:** Accomplishments are reflected in the table shown in part VII. D. of this report.

**Mining and Minerals:** continues to facilitate a significant level of coordination with Native American Tribes.

Many of our permitting actions involve federal lands. As a result, MMD has had to integrate our activities under the STCA with federal policies and regulations.

MMD continues to make an effort to educate our regulated community about the importance of better communications with the tribes.

**Oil Conservation:** reports that the Ute Mountain Ute Tribe brought suit in United States District Court for the District of New Mexico against the New Mexico Taxation and Revenue Department, challenging the right of the State of New Mexico to impose severance taxes on the interest of non-
Indian producers in the production of oil and gas from Ute lands. The District Court held that the state does not have power to tax production from Ute lands, and included in its findings a statement that the Oil Conservation Division has no jurisdiction to regulate oil and gas activities on those lands (although no issue about OCD regulation was directly involved). This case was appealed to the United States Court of Appeals for the Tenth Circuit which reversed the District Court holding. The time for the Tribe to file a Motion for Rehearing or Certiorari petition has not run.

In another judicial development, a panel of the United States Court of Appeals for the Tenth Circuit ruled that fee lands located in the “checkerboard area” lying east of the Navajo Reservation in Northwest New Mexico are within “Indian Country” and therefore are excluded from OCD’s jurisdiction for purposes of the Underground Injection Control program that OCD administers under the federal Safe Drinking Water Act. The Court of Appeals granted a motion for rehearing in that case by all judges of the court sitting “en banc,” and they reversed their panel’s holding that fee lands within the Navajo “checkerboard” area are “Indian Country.” The panel held that the land at issue is not in Indian Country, and therefore the State of New Mexico and not USEPA has UIC primacy as to those lands.

**State Parks:**
- **Cultural Resource Consultation** – State Parks will build on the success of its cultural resource management program by continuing to partner and consult with tribal and pueblo governments regarding park projects and initiatives. Challenges related to such consultation often relate to the changes in tribal government or the number of park projects and timelines. However, the agency is committed to continuing open communication and consultation with tribes and pueblos.

- **Education and outreach** – Despite a limited budget, State Parks was able to supply Santo Domingo Elementary with a transportation grant to the Rio Grande Nature Center for outdoor classroom programming. Also, State Parks completed a significant interpretive sign phase at Living Desert with a Native American component on most signs.

- **Galisteo Basin Archaeological Sites Protection Act working group** – The State Parks Archaeologist has taken on a key role in facilitating the Native American participation in this working group. She has met the challenges of ensuring good communication within this group, as there are very different viewpoints regarding interpretation within the basin.

- **Hiring** – State Parks hiring was slow in FY11 due to budget constraints, but State Parks will continue to recruit Native Americans for positions within its system.

**Youth Conservation Corps:** staff continue to expand partnerships with pueblos and tribes.
C. Goals for Fiscal Year 2012 relating to tribes, AI/AN and/or Indian organizations.

Energy Conservation and Management: goals for FY12 are to monitor and close out the three (ARRA-funded projects. A total of $646,795 in ARRA funding has been paid to tribal organizations through SEP for their work as of the end of FY11.

In FY12, these tribal organizations will be reimbursed for up to $152,790 in ARRA funding if implementation and monitoring are completed. The IAIA project was implemented and monitoring initiated in FY11. ECMD’s project managers will work with their tribal organization contacts and conduct inspections at the project sites for Jemez Pueblo and Jicarilla Apache in FY12. Implementation of the Jemez Pueblo project is on hold until they receive additional federal funds that the Pueblo has applied for from DOE. They are unable to complete this project without the additional federal funds. Upon completion of implementation, monitoring of energy performance data will commence in FY12 for each of these projects, continuing through the remainder of the contract term.

ECMD may respond to emergency needs of tribal organizations in the area of vehicle fuel. ECMD administers the DOE State Energy Program, which includes the state’s energy emergency management plan for fuel.

State Forestry: Continue working with cooperating tribes in regard to wildfire protection and forest management and continue to improve upon strong working relationships now established with Tribes.

Mining and Minerals: Continue to educate Tribal Governments and Industry on the need to strengthen communications.

Oil Conservation: Maintain good working relationships with the tribes and their environmental oil and gas regulators.

State Parks:
- Cultural Resource Consultation – State Parks will continue and build upon its successful consultation program.

- Education and outreach – State Parks will continue to work with tribes and pueblos to fund transportation grants and teacher resources and training through the OCP. State Parks will also complete phase two of the sign project at Living Desert Zoo and Gardens State Park, which will have a significant Mescalero Apache component. State Parks interpretive planning for exhibits at Cerrillos Hills State Park will also include Native American consultation.

- Hiring – State Parks will continue to recruit Native Americans for State Park jobs.

- Training – State Parks will continue to train staff regarding consultation and communication with Native Americans.

- Galisteo Basin Archaeological Sites Protection Act working group – The State Parks Archaeologist will continue to be involved in the working group and the Native American
connections will assist in interpretation and exhibits at the new Cerrillos Hills State Park visitor center. Funding is being sought through this working group.

**Youth Conservation Corps:** Continue to contact Pueblos and Tribes directly through the governors’/presidents’ office, the natural resources office and through the tribal cultural management bureau. We will also post Requests for Proposals on the Department of Indian Affairs website in addition to our own website.

V. **TRAINING AND EMPLOYEE NOTIFICATION**

A. **STCA Training Certification**

The EMNRD policy is developed and implemented to ensure that all EMN RD agency managers and employees who have ongoing communication with Indian nations, tribes, or pueblos complete the training provided by the State Personnel Office. Employees will be trained and certified to promote effective communication and collaboration between state agencies and Indian Nations, tribes or pueblos, to develop positive state-tribal government-to-government relations, and to develop cultural competency in order to provide effective services to American Indians or Alaska Natives. In FY 2011, seventeen EMN RD staff participated in the STCA training provided by the State Personnel Office.

B. **Employee Notification about STCA**

To ensure all employees are aware of EMN RD’s policy pursuant to the State-Tribal Collaboration Act 2009, the policy is posted on the department’s intranet, and will be incorporated into all future employee orientation, and will be part of each new employee’s hiring packet.

VI. **KEY NAMES AND CONTACT INFORMATION**

<table>
<thead>
<tr>
<th>Program Support Division</th>
<th>Energy Conservation and Management Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Alexis Lotero</td>
<td>Brian Johnson</td>
</tr>
<tr>
<td>505-476-3240</td>
<td>505-476-3313</td>
</tr>
<tr>
<td><a href="mailto:alexis.lotero@state.nm.us">alexis.lotero@state.nm.us</a></td>
<td><a href="mailto:brian.k.johnson@state.nm.us">brian.k.johnson@state.nm.us</a></td>
</tr>
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</table>

<table>
<thead>
<tr>
<th>State Forestry Division</th>
<th>Mining and Minerals Division</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rhonda Fitzgerald</td>
<td>Steven Lakatos</td>
</tr>
<tr>
<td>505-476-3272</td>
<td>505-476-3405</td>
</tr>
<tr>
<td><a href="mailto:rhonda.fitzgerald@state.nm.us">rhonda.fitzgerald@state.nm.us</a></td>
<td><a href="mailto:steven.lakatos@state.nm.us">steven.lakatos@state.nm.us</a></td>
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<table>
<thead>
<tr>
<th>Oil Conservation Division</th>
<th>Office of the Secretary</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sonny Swazo</td>
<td>Anne deLain W. Clark – Tribal Liaison</td>
</tr>
<tr>
<td>505-476-3463</td>
<td>505-476-3224</td>
</tr>
<tr>
<td><a href="mailto:sonny.swazo@state.nm.us">sonny.swazo@state.nm.us</a></td>
<td><a href="mailto:anne.clark@state.nm.us">anne.clark@state.nm.us</a></td>
</tr>
</tbody>
</table>
VII. APPENDICES, LIST, & TABLE

A. Appendices

1) Executive Order (“EO”) 2005-004, Statewide Adoption of Pilot Tribal Consultation Plans
2) New Mexico State Parks Division/Section 9a/General Tribal Government Consultation and Communication
3) Memorandum of Understanding between the State of New Mexico and the Navajo Nation
4) No longer applicable
5) "Protecting and Promoting New Mexico's Environment Group" ENERGY MINERALS AND NATURAL RESOURCES DEPARTMENT | Tribal Communication and Collaboration Policy
6) First Amended PROGRAMMATIC AGREEMENT Regarding the Abandoned Mine lands Program in New Mexico By and Among the U.S. Department of Interior, Office of Surface Mining, Advisory Council on Historic Preservation, the State Historic Preservation Officer, and the Energy, Minerals and Natural Resources Department

B. List of agency-specific and applicable/relevant state or federal statutes or mandates.

1) Programmatic Agreement Between EMNRD, Office of Surface Mining and the Advisory Council on Historic Preservation for AML Program Grants
2) State Parks is required to conduct tribal consultation on a state level through its Tribal Consultation Policy (State Parks Section 9A). State Park’s actions also fall under the State-Tribal Collaboration Act of 2009 (SB 196A) and the New Mexico Cultural Properties Act (NMAC Title 4, Chapter 10). As State Parks manages federal properties or receives federal funding, the National Historic Preservation Act (NHPA), Native American Graves Protection and Repatriation Act (NAGPRA) and the Archaeological Resources Protection Act (ARPA) apply as well.
3) During the 2009 legislative session, State Parks was directed by the legislature to partner with the Department of Game and Fish to create Pecos Canyon State Park, which will have a direct impact on traditional cultural properties in the canyon, such as Terrero Cave. The mandate to continue efforts for the designated park is ongoing for FY11.
4) State Parks was also directed by the legislature in 2008 and again in 2009 to explore partnerships with the Navajo Nation at Shiprock, and if the preferred alternative is followed, this will have an impact on the Navajo Nation. The mandate to continue efforts for a possible park is ongoing for FY11.
C. Any relevant tables, charts, graphs, statistics, maps or data sheets.

Energy Conservation and Management: - Tribal Projects

<table>
<thead>
<tr>
<th>Tribe</th>
<th>Total Project Funding</th>
<th>FY11</th>
<th>FY12</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Cumulative Payments for Completed Tasks</td>
<td>Implementation Task Due Date</td>
<td>Anticipated Payments by Contract</td>
</tr>
<tr>
<td>Jicarilla Apache Nation</td>
<td>$350,000</td>
<td>$296,875</td>
<td>8-31-11</td>
</tr>
<tr>
<td>Jemez Pueblo</td>
<td>$99,990</td>
<td>$16,000</td>
<td>9-30-11</td>
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<tr>
<td>Institute of American Indian Arts</td>
<td>$349,595</td>
<td>$333,920</td>
<td>9-30-10</td>
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<tr>
<td>TOTAL</td>
<td>$ 799,585</td>
<td>$646,795</td>
<td></td>
</tr>
</tbody>
</table>

A. Glossary or definitions of special agency terms and acronyms.

ARPA - Archaeological Resources Protection Act
ARRA – American Recovery and Reinvestment Act
DOE – U.S. Department of Energy
ECMD – Energy Conservation and Management Division
EMRND – N.M. Energy, Minerals and Natural Resources Department
FY – Fiscal Year
MMD – Mining and Minerals Division
NAGPRA - Native American Graves Protection and Repatriation Act
NHPA - National Historic Preservation Act
OCD – Oil Conservation Division
OFS – Office of the Secretary
OCP – Outdoor Classroom Program
PAB – Park Advisory Board
RFP – Request for Proposal
SEP – State Energy Program
STCA – State Tribal Collaboration Act
WIPP – Waste Isolation Pilot Project
B. Agreements, MOUs/MOAs with tribes that are currently in effect using the following table format. This information will be compiled into a master listing.

<table>
<thead>
<tr>
<th>Tribe</th>
<th>Agency</th>
<th>Broad Activity</th>
<th>Agreement Name</th>
<th>Current Status</th>
<th>Contacts</th>
<th>Phone #</th>
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</thead>
<tbody>
<tr>
<td>Jicarilla Apache Nation</td>
<td>EMNRD</td>
<td>Renewable Energy</td>
<td>Agricultural building solar &amp; geothermal</td>
<td>In effect</td>
<td>Steve Lucero</td>
<td>505 476-3324</td>
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<tr>
<td>Jemez Pueblo</td>
<td>EMNRD</td>
<td>Renewable Energy</td>
<td>Visitor Center biomass heating</td>
<td>In effect</td>
<td>Edward Trujillo</td>
<td>505-827-9688</td>
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<tr>
<td>Institute of American Indian</td>
<td>EMNRD</td>
<td>Energy Efficiency</td>
<td>Museum roof insulation</td>
<td>In effect</td>
<td>Michael McDiarmid</td>
<td>505-476-3319</td>
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<tr>
<td>Mescalero Apache Tribe</td>
<td>EMNRD Forestry</td>
<td>Forest Inventory Analysis $43,850</td>
<td>Mescalero Apache Tribe - Forest Inventory Analysis on Tribal Land</td>
<td>Active</td>
<td>Mary Stuever, Lindsey Quam</td>
<td>505-476-3343</td>
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<tr>
<td>Navajo Nation</td>
<td>EMNRD Forestry</td>
<td>Forest Inventory Analysis $154,300</td>
<td>Navajo Nation - Forest Inventory Analysis on Tribal Land</td>
<td>Active</td>
<td>Mary Stuever, Lindsey Quam</td>
<td>505-476-3343</td>
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<tr>
<td>Ramah Navajo Chapter</td>
<td>EMNRD Forestry</td>
<td>Forest Inventory Analysis $19,200</td>
<td>Ramah Navajo Chapter - Forest Inventory on Tribal Land</td>
<td>Cancelled due lack of JPA</td>
<td>Lindsey Quam</td>
<td>505-476-3343</td>
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<tr>
<td>Santa Ana Pueblo</td>
<td>EMNRD Forestry</td>
<td>Vegetative planting $8,000</td>
<td>Pueblo of Santa Ana</td>
<td>Completed</td>
<td>Andrew Frederick</td>
<td>505-476-3343</td>
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<tr>
<td>Santa Clara Pueblo</td>
<td>EMNRD Forestry</td>
<td>Forest Inventory Analysis $3,600</td>
<td>Santa Clara Pueblo - Forest Inventory on Pueblo Land</td>
<td>Active</td>
<td>Mary Stuever, Lindsey Quam</td>
<td>505-476-3343</td>
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<tr>
<td>Santa Clara Pueblo</td>
<td>EMNRD Forestry</td>
<td>Hazardous fuel treatment $6,187,350</td>
<td>Santa Clara Ecosystem Restoration</td>
<td>Active</td>
<td>Lindsey Quam</td>
<td>505-476-3350</td>
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<tr>
<td>Santa Clara Pueblo</td>
<td>EMNRD Forestry</td>
<td>Hazardous Fuels Non-Federal Lands (NFL) $299,945</td>
<td>Clara Peak Hazardous Fuels Thinning Project</td>
<td>Active</td>
<td>Lindsey Quam</td>
<td>505-476-3350</td>
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<td>Taos Pueblo</td>
<td>EMNRD</td>
<td>Non-Federal Lands</td>
<td>Fuel Break</td>
<td>Active</td>
<td>Ernie</td>
<td>575-376-2204</td>
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<td>Forestry</td>
<td>(NFL) $300,000</td>
<td>Lopez</td>
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<td>Santa Ana Pueblo EMNRD Forestry</td>
<td>Hazardous Fuels treatment $15,000</td>
<td>Active</td>
<td>Todd Haines</td>
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<tr>
<td></td>
<td>piñon/juniper thinning</td>
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<tr>
<td>Alamo Navajo Chapter EMNRD Forestry</td>
<td>Hazardous fuels treatments</td>
<td>Active</td>
<td>Joe Carrillo</td>
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<td></td>
<td>Use of Chapter fuels reduction crews on two projects in the Mt. Taylor area</td>
<td></td>
<td>Doug Boykin</td>
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<td>575-835-9359</td>
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<tr>
<td>Ramah Navajo Chapter EMNRD Forestry</td>
<td>Hazardous fuels treatments</td>
<td>Completed</td>
<td>Lawrence Crane</td>
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<tr>
<td></td>
<td>Use of Chapter fuels reduction crews on two projects in the Chama and San Augustine areas</td>
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<td>505-867-2334</td>
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<tr>
<td>Pueblo of Pojoaque YCC</td>
<td>Youth constructed two covered shelters for the Pojoaque soccer field/track (a public facility).</td>
<td>In effect, close to completion</td>
<td>Wendy Kent</td>
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<td>505-827-1437</td>
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<tr>
<td>Southwest Conservation Corps YCC</td>
<td>Projects completed included removal of invasive species, erosion control and trail construction.</td>
<td>In effect, close to completion</td>
<td>Wendy Kent</td>
<td></td>
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<td>505-827-1437</td>
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<tr>
<td>Alamo Navajo School Board, Inc YCC</td>
<td>YCC members constructed two rammed earth walls on school property.</td>
<td>In effect, close to completion</td>
<td>Wendy Kent</td>
<td></td>
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<tr>
<td>Pueblo of Santa Clara YCC</td>
<td>Cultural project involving restoration of ancient pueblo walls. Also developed skills in traditional farming techniques.</td>
<td>In effect, close to completion</td>
<td>Wendy Kent</td>
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<td>505-827-1437</td>
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