



NEW MEXICO  
**STATE-TRIBAL LEADERS SUMMIT**

**2009 SUMMIT STATUS REPORT**


**April 2010**

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## 2009 STATE-TRIBAL LEADERS SUMMIT AGENDA

May 5, 2009 Sky City Casino and Hotel

- 8:30am Introduction/Opening Prayer—Conroy Chino, Facilitator and 2nd Lt. Governor Ron Charlie, Pueblo of Acoma
- 8:45am Welcome Remarks—Governor Chandler Sanchez, Pueblo of Acoma
- 9:00am Welcome Remarks—Governor Bill Richardson, State of New Mexico
- 9:15am Description of the Summit Process—Conroy Chino, Facilitator
- 9:30am **Topic 1: Tribal Infrastructure**
- Presentation of Issue by Designated State / Tribal Leaders
  - Dialogue on Possible Solutions
  - Next Steps
- 10:40am Break
- 10:50am **Topic 2: Tribal Economic Development**
- Presentation of Issue by Designated State / Tribal Leaders
  - Dialogue on Possible Solutions
  - Next Steps
- 12:00pm Governor / Tribal Leaders Lunch
- 1:15pm **Topic 3: Indian Education**
- Presentation of Issue by Designated State / Tribal Leaders
  - Dialogue on Possible Solutions
  - Next Steps
- 2:25pm Break
- 2:40pm **Topic 4: Indian Healthcare**
- Presentation of Issue by Designated State / Tribal Leaders
  - Dialogue on Possible Solutions
  - Next Steps
- 3:50pm **Topic 5: DWI State-Tribal Collaboration**
- Presentation of Issue by Designated State / Tribal Leaders
  - Dialogue on Possible Solutions
  - Next Steps
- 5:00pm Summary—Secretary Alvin Warren, Indian Affairs Department
- 5:15pm Closing prayer—2nd Lt. Governor Ron Charlie, Pueblo of Acoma
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## I. INTRODUCTION

### SECRETARY OF INDIAN AFFAIRS

ALVIN H. WARREN

The State-Tribal Collaboration Act (“STCA”) was a top priority during the 2009 legislative session. It was passed unanimously by both the New Mexico Senate and House of Representatives and then signed into law by Governor Richardson on March 19, 2009. It serves as another significant milestone in the journey of tribal and state leaders to forge partnerships to address issues important to all New Mexicans. This landmark Act is a national model for institutionalizing mutually beneficial policies and protocols between state and tribal governments.

The State of New Mexico and the 22 tribes, nations and pueblos have recognized in past agreements that their sovereign governments have shared interests that should be addressed by maintaining respectful and open communication and cooperation. The passage of the STCA embodies the commitment of both entities to build stronger and more productive government to government relationships for the future.

The annual State-Tribal Leaders Summit is one of STCA’s requirements. This annual meeting is a positive step in promoting the relationship between the tribes and the governor of the State of New Mexico and focuses on building channels of communication at the highest levels of government to foster the resolution of issues and implementation of workable

solutions. Additionally, the Summit provides the opportunity for the coordination of resources between the state and tribal governments to address shared priorities that will result in higher quality and more effective services to our more than 200,000 Native American citizens.

The inaugural 2009 Summit focused on tribal and state priorities in the areas of health, economic development, infrastructure, education, and state-tribal DWI coordination. It resulted in a series of commitments by Governor Bill Richardson and several of his cabinet secretaries as well as by tribal leaders. Action on these commitments was coordinated by the Governor’s Office and the Indian Affairs Department (“IAD”) and primarily involved the Department of Finance and Administration (“DFA”), the Department of Health (“DOH”), the Human Services Department (“HSD”), the Higher Education Department (“HED”), the Public Education Department (“PED”), and the Economic Development Department (“EDD”).

The IAD has compiled this Status Report to serve as an important record of the Summit development, discussions, commitments and action taken to address those commitments. In addition to describing specific initiatives and accomplishments toward priority issues, this Status Report also reflects the continued progress being made in New Mexico to improve state-tribal relations. It should not be forgotten that the numerous hours of work by both state and tribal

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leaders and staff to develop and implement workable solutions took place against a backdrop of one of the most challenging fiscal times for the State of New Mexico in decades. Although there will always be opportunities to improve the implementation

of the STCA, I believe this Status Report demonstrates the strong first steps the state and the tribes have taken together toward real, substantive, and respectful relationships that result in positive action that benefits all citizens in New Mexico.



Governor Bill Richardson at 2009 State-Tribal Leaders Summit



## II. EXECUTIVE SUMMARY


May 4 and 5, 2009 marked the first annual State-Tribal Leaders Summit, pursuant to the STCA of 2009. On May 4, tribally-designated representatives of the 22 tribes, nations and pueblos (hereinafter “tribes”) met in a Pre-Summit Meeting at the Haak’u Museum / Sky City Cultural Center. The Pre-Summit Meeting provided tribal representatives with the opportunity to prepare for their presentation and discussion with Governor Richardson on the identified issues and solutions for the Summit. After this meeting, Governor Richardson, state agency representatives, tribal governors, presidents, Lt. governors, vice-presidents and other special guests were invited by the Pueblo of Acoma to attend a dinner reception at the Haak’u Museum. With traditional dances, entertainment by Native American singer Jana Mashonee, and exceptional cuisine, the evening reception presented state and tribal leaders with an excellent opportunity for informal conversation and relationship-building.

The 2009 State-Tribal Leaders Summit began at 8:30 a.m. on May 5, 2009 with a traditional prayer given by 2nd Lt. Ron Charlie, Pueblo of Acoma, followed by opening remarks from Governor Richardson and Governor Chandler Sanchez of Pueblo of Acoma. The Summit was organized around five broad topics. The first four: Tribal Economic Development, Tribal Infrastructure, Native American Healthcare, and Indian Education were identified by tribal

leadership through their planning committee while Governor Richardson selected State-Tribal DWI (“Driving While Intoxicated”) Coordination as the fifth topic for the Summit. Tribal representatives presented the problem statements and proposed solutions as described in four individual Issue Papers and then raised additional perspectives and concerns, some of which are highlighted in the “Summit Issues, Proposed Solutions, and Commitments” section below. Governor Richardson and his executive agencies then responded constructively to the tribes’ requests and proposed solutions, making commitments and presenting ways to address the issues collaboratively.

For example, Governor Richardson committed to creating a state-tribal task force on economic development to work on legislative proposals for Native enterprise zones and to look at other options for bringing high-wage jobs to Indian Country. He also directed the IAD and DFA to develop proposals to increase funding and create a permanent funding source for the Tribal Infrastructure Fund (“TIF”). Governor Richardson committed to work with tribes to ensure they receive the maximum amount of funding available under the American Recovery and Reinvestment Act (“ARRA”). Additionally, he promised to add two more American Indian representatives to the State’s Competitive Grants Advisory Team which worked to ensure New Mexico fully competes for competitive grant funding from the ARRA.

State agencies were directed to ensure that tribal



communities have greater access to New Market Tax Credits for economic development on tribal land, and Governor Richardson ordered the DOH and IAD to develop programs that promote the recruitment and retention of Native Americans in health professions. Governor Richardson also pledged to work with the Water Trust Board to make American Indian water projects a priority for funding.

The PED was directed by Governor Richardson to work with tribes and the Indian Education Advisory Committee to develop culturally relevant curriculum materials and recruit more Native teachers. And, he highlighted a planned summit to be held in 2009 to address the achievement gap and education disparities among American Indian and Hispanic students.


From tribes, Governor Richardson sought participation and commitment on several issues, including asking each tribe to submit its top priority water project for review by the state. Governor Richardson also requested tribes to work on expediting capital outlay projects so that appropriations are spent down in a timely fashion, and he asked for input on how tribes can derive greater benefit from state tourism resources, particularly in the area of eco-tourism. Governor Richardson hoped that tribes can take more advantage of the New Mexico film industry by participating with the New Mexico Film Office in providing locations for filming and workforce development opportunities.

The Summit concluded with a discussion of greater collaboration between the State of New Mexico

and tribes in preventing DWI. Toward this end, Governor Richardson asked for tribes to consider submitting tribal arrest records to the state, participating in the Superblitz efforts to curtail DWI and developing cross-jurisdiction agreements between the state, local and tribal patrols to prevent DWI fatalities. The Summit concluded at 5:30 pm with a closing prayer given by 2nd Lt. Ron Charlie.

Throughout this past year, IAD worked along with the agencies to coordinate taskforces, workgroups and meetings to address the commitments made by Governor Richardson on the issues presented at the Summit. These efforts resulted in many accomplishments in the five topic areas.

Several initiatives were undertaken to address the tasks and commitments for Tribal Infrastructure. Included among these was the request by Governor Richardson for tribes to submit their top priority water/wastewater project for funding consideration by the Water Trust Board. As a result, four tribal projects were included in HB 56, NMFA Water Fund Projects, which Governor Richardson signed into law on March 8, 2010. Additionally, DFA and IAD convened four special meetings of the TIF Board to develop legislative proposals and to look at other options to increase funding and create a permanent funding source for the TIF. The TIF Board submitted a report to the Governor's Office in December, 2009 that included six major recommendations including the drafting of legislation to dedicate a percentage of the annual Senior Severance Tax Bond capacity to the TIF. On March 5, 2010,



Governor Richardson signed HB 162, Severance Tax Bonds for Tribal Infrastructure into law.

The Tribal Economic Development Task Force was also created by Governor Richardson following the Summit. This task force was charged with many items, including examining the potential benefits of Native American Enterprise Zones, finding incentive options to bring high wage jobs to Indian Country and finding ways to include tribes in the promotion and development of tourism opportunities. The Task Force met several times in the Fall of 2009 and provided Governor Richardson's Office with a final report outlining 22 recommendations in December of 2009. Also in December, EDD provided Governor Richardson's Office with the Native American New Market Tax Credit and Economic Development Assistance Guide which EDD worked with select state and tribal representatives to create. Additionally, IAD created and distributed the Native American Programs and Services Directory listing state agency programs and services available to Native Americans.

One of the key accomplishments for Indian Education was the convening of the Native American Education Task Force created to oversee Governor Richardson's Achievement Gap Summit. The Task Force addressed and made recommendations for the several issues raised at the Summit including, providing more resources to school districts with high Native American students, supporting curriculum that better prepares Native American student for advanced

learning, and the recruitment and retention of Native American teachers. Additionally, the Task Force aligned several of its recommendations with recommendations received from the Native American Solutions Summit, the Indian Education Advisory Council and the 2009 State-Tribal Leaders Summit including recommendations for language revitalization, enforcement of the Indian Education Act and P-20 Transitions. The IAD and PED will be working with Governor Richardson's Office to determine which recommendations to move forward with this year.

In Native American Healthcare, Governor Richardson sent a letter to New Mexico's Congressional Delegation supporting increases in the Medicare reimbursement rate for services to tribal populations. The DOH and IAD also convened a state-tribal workgroup to develop recommendations to support recruitment and retention of Native American health professionals, including looking at increasing information resources. In December 2009, the HSD conducted a tribal consultation on Medicaid cost containment and redesign and has subsequently convened a state-tribal workgroup to follow-up with several tribal concerns that arose from the consultation.

Finally several developments are underway addressing the issue of DWI. After the Summit, the Tribal DWI Coordinator, Department of Transportation ("DOT"), and the NM Motor Vehicle Division ("MVD") continued to meet with tribes regarding their concerns with participating in

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the MVD License Revocation Program. As a result of these meetings and the Summit, a Memorandum of Understanding (“MOU”) was developed to address the tribal concerns and several tribes are now considering entering into a MOU with the state to participate in the program. Additionally, Governor Richardson’s Office has reported that tribal participation in the state’s SuperBlitz efforts has increased and most tribes are actively participating in the DWI Task Force and other related activities.

The 2009 State-Tribal Leaders Summit represented a milestone achievement and marked the beginning of the state’s and tribes’ commitment to work together to address shared issues of concern. This commitment is reflected in the significant amount of work and accomplishments that were made throughout the year and paves the way for ongoing dialogue to identify workable solutions and achieve results that will continue into the future.



2009 State-Tribal Leaders Summit Participants



### III. SUMMIT PREPARATION

On February 6, 2009, prior to enactment of the STCA, Governor Richardson met with tribal leaders during the legislative Indian Day events and committed to holding a State-Tribal Leaders Summit. At this meeting, the tribal leaders asked the IAD to work with a Planning Committee for the Summit, which was made up of the following tribal leaders:

- Eight Northern Indian Pueblos Council Chairman Governor Mark Mitchell;
- Eight Northern Indian Pueblos Council Vice-Chairman Governor Walter Dasheno;
- Jicarilla Apache Nation President Levi Pesata;
- Mescalero Apache Tribe President Carleton Naiche-Palmer;
- Navajo Nation President Joe Shirley;
- Navajo Nation Council Speaker Lawrence Morgan;
- Pueblo of Zuni Governor Norman Cooyate;
- Southern Pueblos Governors Council Chairman Governor Chandler Sanchez; and
- Southern Pueblos Governors Council Vice-Chairman Governor Ivan Pino.

Because of the government-to-government nature of the Summit between Governor Richardson and the leaders of the 22 tribes, IAD worked directly with this Planning Committee to prepare for the Summit and served as a facilitator and recorder. IAD has also coordinated with Governor Richardson's Office and with particular cabinet

secretaries and agency staff, as appropriate.

The Planning Committee met five times to craft the Summit agenda, issues to be discussed, participants, location and logistics. At the Planning Committee's direction, IAD sent a survey to the leadership of all 22 tribes on March 16, 2009. Based on the tribal leaders' response to this survey, the Planning Committee decided to focus on the following broad topics at the Summit: Tribal Economic Development, Tribal Infrastructure, Indian Healthcare, and Indian Education. In this survey, the tribal leaders also identified May 4-5, 2009, as the best date for the Summit and Pre-Summit Meeting.

The Planning Committee then asked IAD to send out a second survey to all of the tribal leadership on March 30, 2009, to give tribal leadership an opportunity to identify more specific issues within these broad topics as well as proposed solutions to be discussed at the Summit. The Planning Committee reviewed all the responses and, in a seven hour meeting on April 8, identified three specific issues and solutions under each of the four topic areas. "Issue Papers" describing these proposed issues and solutions were then created by the IAD Policy Unit and were provided to the Planning Committee and the leadership of all 22 tribes for final review. Also based on responses in the second survey, the Planning Committee selected the Pueblo of Acoma to host the 2009 Summit in response to the generous offer by Governor Chandler Sanchez. Concurrent with this planning process, Governor Richardson's Office added a fifth topic to the



Summit agenda—DWI Coordination. With the five Summit topics determined, IAD shared the draft Issue Papers with cabinet secretaries and tribal liaisons from agencies directly responsible for those topics and coordinated with them to create responses for Governor Richardson to consider

in addressing these specific issues at the Summit. For the Summit on May 5, Governor Richardson’s Office made the determination as to which agencies would be required to attend the Summit to address the pre-selected main issues and solutions.



Woman’s Healing Center, Shiprock Behavioral Health Center



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#### IV. SUMMIT ISSUES, PROPOSED SOLUTIONS AND COMMITMENTS

##### Tribal Infrastructure

Problem Statement, as developed by the Planning Committee, submitted to Governor Richardson and presented by Navajo Nation Vice-President Ben Shelly:

Tribes in New Mexico have inadequate and antiquated infrastructure and lack sufficient resources to plan, design, and construct infrastructure. The absence of such infrastructure affects the ability of Native American communities to improve educational performance, attract and retain economic development ventures, and achieve acceptable standards of healthcare and quality of life. The TIF, while beneficial, is not a reliable source of funding because there is no certainty that it will be funded from year to year and the amounts appropriated to the TIF are far below the actual need. In addition, tribes cannot fully benefit from other established funding streams because of state matching requirements. Finally, though funding is available to address tribal infrastructure needs from the ARRA many tribes are struggling with how to access these funds.

**Solution #1:** Support legislation to dedicate a percentage of annual tribal gaming revenues from the General Fund to establish a permanent funding stream to the TIF.

**Solution #2:** Adopt policy or support legislation to waive matching requirements for tribal governments for infrastructure grants through state agencies and entities, including through the New Mexico Finance Authority (“NMFA”).


**Solution #3:** Explain how the State of New Mexico will coordinate with tribal governments to ensure they receive ARRA funding.

##### **Tribal Perspectives**

Tribal comments were provided by: Ben Shelly, Vice-President, Navajo Nation; Governor John Antonio, Sr., Pueblo of Laguna; Governor Everett Chavez, Pueblo of Santo Domingo; Governor Leon Roybal, Pueblo of San Ildefonso; Governor Ivan Pino, Pueblo of Zia; Governor Marcelino Aguino, Ohkay Owingeh; Governor Ruben Romero, Pueblo of Taos; Governor Norman Cooyate, Pueblo of Zuni; President Levi Pesata, Jicarilla Apache Nation; Governor Walter Dasheno, Pueblo of Santa Clara; and Governor Richard Mermejo, Pueblo of Picuris.

Governor Norman Cooyate noted that the TIF is too limited and, given the large number of tribal projects, results in piecemeal infrastructure that does not work for anyone. He further stated that many challenges and barriers to development arise when tribes are asked to waive sovereign immunity to access funding.

President Levi Pesata spoke about problems with the maintenance of roads running through the



reservations and other issues including water and electrical infrastructure. He suggested that state agencies look into entering into joint powers agreements with tribes to improve the infrastructure on tribal lands. He also explained the difficulties his tribe has in collateralizing funding and expressed his concerns with waivers of sovereign immunity.

Vice-President Ben Shelly suggested that the state examine its funding criteria and requirements and adjust them in such a way that would allow the Navajo Nation to pool their funds to complete projects.

Governor Marcelino Aguino stressed the need to improve water and telecommunications infrastructure. He also spoke about the potential benefits of forming partnerships with non-Indian communities on these types of projects.

Additional comments and concerns related to Tribal Infrastructure:

- Tribes lack funding to plan, design and engineer infrastructure projects.
- Wastewater infrastructure, water supply and treatment facilities are inadequate and raise additional health concerns.
- Gaming revenues should be acceptable recurring revenue sources for NMFA and Mortgage Finance Authority loans.
- Problems with matching requirements.
- Tribal concerns regarding the release of audit

information to the state in order to submit applications for funding need to be addressed.

### **State Perspectives**

Secretary Ron Curry, Environment Department (“NMED”), spoke about his agency’s work with the Environmental Protection Agency (“EPA”) in trying to find new ways to improve community services. He also noted that the state works with the EPA on funding requirements and will work to find way ways to make the process workable for tribes.

Deputy Secretary Rick Martinez, DFA, explained that there are ways to waive matching requirements. He also encouraged tribes to apply for funding through the Water Trust Board and expressed a willingness to explore new ways to find funding sources for tribal projects.


### **State Commitments and Recommendations:**

Governor Richardson, agency heads and other state agency representatives made the following commitments to address the three noted concerns.

#### **1. Lack of sufficient Capital Outlay TIF funds; uncertain, limited and varied annual funding levels for the TIF.**

- The DFA and IAD were directed to work with tribes to develop legislative proposals and options to increase funding and create

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a permanent funding source for the TIF. Proposals and options were to be sent to Governor Richardson by September 1, 2009.

- Each tribe was requested to submit their top priority water project to the IAD by May 29, 2009. Governor Richardson pledged to work with the Water Trust Board to make Native American water projects a priority for funding.
- Tribes were requested to work to expedite capital outlay projects so that appropriations are spent down in a timely fashion.
- The Regulation and Licensing Department was urged to include tribes in the definition of “industrial investor.” This will allow tribes that opt-in to participate in a broader array of products and investments.
- The EDD and other executive staff will be directed to work with the counties and tribes to see how tribes can better access Industrial

Revenue Bonds.

- Agencies were urged to use the Uniform Funding Application (“UFA”) for their grant and loan programs to leverage additional funds for tribal water projects.
- NMED was to provide on-site technical assistance to tribes with using the UFA.
- IAD was to develop a database on infrastructure funding.

**2. Limited funding from tribes makes it a challenge to meet the matching requirements for many loans.**

- DFA and the NMFA were directed to work with stakeholders to look at options for waiving matching requirements for tribes for certain state grants.



Sandia Field Project

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### 3. Coordination of American Recovery and Reinvestment Act.

- Governor Richardson stated that two more Native Americans would be added to the federal stimulus funding Competitive Grants Advisory Team.
- Governor Richardson’s administration committed to working closely with the tribes to ensure that tribes compete for and receive the maximum amount.

#### Tribal Economic Development

Problem Statement, as developed by the Planning Committee, submitted to Governor Richardson and presented by Zuni Governor Norman Cooneyate:

The Committee identified three specific issues that present significant barriers for tribes in achieving successful economic development on tribal land. First, many tribes have difficulty attracting businesses (particularly publically-held companies


and franchises) to locate on tribal land. Second, tribal governments need additional guidance and technical assistance with navigating the process for accessing and utilizing current state economic development programs, funds, and technical assistance. Finally, tribal lands lack sufficient broadband infrastructure and access, which is vital to increase commerce and economic development as well as provide for public safety.

**Solution #1:** Propose legislation providing for a Gross Receipts Tax (“GRT”) rebate as an incentive for new businesses that locate on tribal land. This would be implemented using existing or future tribal-state GRT sharing agreements.

**Solution #2:** Direct the EDD and IAD to create a “template” or guide for tribes to access and utilize existing programs, technical assistance, and funding for economic development through the EDD, NMFA, DFA and other agencies with economic development and infrastructure programs. This should be disseminated using workshops that provide training and technical assistance for such programs.



Smith Lake Veterans Center Project



**Solution #3:** Commit an appropriate level of current and potential resources (including from the ARRA) to develop broadband infrastructure and access on all tribal land in New Mexico and direct the EDD, IAD and Governor Richardson's staff to work with tribal leaders and staff to accomplish this.

### **Tribal Perspectives**

Tribal comments were made by: Vice-President Ben Shelly, Navajo Nation; Governor Everett Chavez, Pueblo of Santo Domingo; Governor Marcelino Aguino, Ohkay Owingeh, Governor Leon Roybal, Pueblo of San Ildefonso; Lt. Governor Paul Rainbird, Pueblo of San Ildefonso; Governor Mark Mitchell, Pueblo of Tesuque; Governor Chandler Sanchez, Pueblo of Acoma; Governor Walter Dasheno, Pueblo of Santa Clara; Governor David Toledo, Pueblo of Jemez; Governor Norman Cooyate, Pueblo of Zuni; Former Governor Regis Pecos, Pueblo of Cochiti; 1st Lt. Gov Mark Thompson, Pueblo of Acoma; Governor John Antonio, Sr., Pueblo of Laguna, Former Governor Joe Garcia, Ohkay Owingeh; and Governor Richard Mermejo, Pueblo of Picuris.

Governor Richard Mermejo, spoke about the limited resources available to non-gaming rural tribes. He explained that tribal economic development ventures are often complicated by economic instability and government bureaucracy.

Lt. Governor Mark Thompson, expressed concern


about how too much bureaucracy hinders access to economic development programs. He stated that because tribes deal with numerous funding sources the various processes can become complex. He suggested that tax incentives and other programs be tailored to fit the tribes' needs.

Former Governor Regis Pecos noted that because Indian tourism is a huge industry in New Mexico, the state and tribes need to find ways to manage tourism in such a way that will reduce the impacts on cultural resources and find ways to revitalize tribal villages and communities. He suggested that programs and funds made available for revitalizing cities and municipalities be considered to extend similar funding to tribes to assist them in maintaining their cultural sites and for preservation of their historical communities.

Governor Everett Chavez stated that non-gaming tribes depend on other types of resources for business development and tribal revenue and that financing for business growth is a continued challenge.

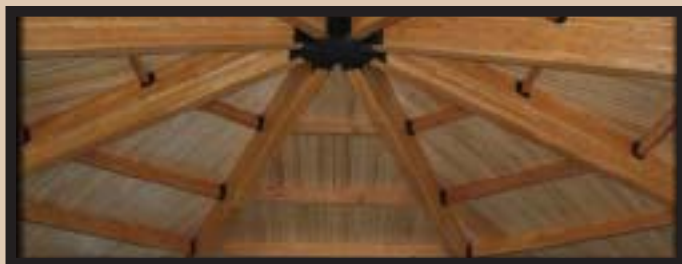
Governor Mark Mitchell stressed the need for business diversification. He discussed the benefits for tribes in developing agricultural programs that promote selling natural grown crops and noted that the Pueblo of Tesuque currently sells traditional seeds both nationally and internationally. He suggested that the state become a genetically modified organism free zone so that traditional seeds are protected.

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Additional issues and concerns related to tribal economic development include:

- Problems of dual taxation in Indian country discourage economic development.
- Lack of tribal capacity to access readily available financing and need for technical assistance for managing funds.
- Find ways to provide tax incentives for alternative energy projects and to attract other outside business to Indian country.
- Explore the use of renewable energy and how the state can assist tribes in promoting economic development opportunities in this.
- Consider green projects to manage wastewater issues.
- Tribes have largely undeveloped land bases that can be used to combat emissions from industry so tribes should explore how they may benefit from carbon credits.
- Expanding broadband opportunities to Indian Country.
- Improving the delivery of electrical services to tribal customers.



Smith Lake Veterans Center Project

## State Perspectives

Responses and comments were provided by: Governor Richardson; Secretary Fred Mondragon, EDD; Jim Nunn, Taxation and Revenue Department (“TRD”); Allan Oliver, Director of Cabinet Affairs for Governor Richardson’s Office and Trish Lopez, New Mexico Film Office.

Secretary Fred Mondragon, recommended exploring the issues of tax rebates, development districts, and suggested forming a task force that would include representatives from tribes to address these issues. He also believed that developing a Native American Tax Credit and Incentive Guide would make it easier for tribes to navigate through state, federal and private funding options.

Jim Nunn noted that TRD was working on reducing double taxation on reservation lands and would be looking at ways to reduce other disincentives. He stressed the need to look at existing incentives and figure out why they are not serving Native American goals and needs.

## State Commitments and Recommendations:

Governor Richardson, agency heads and other state agency representatives made the following commitments:

1. **Lack of resources to create economic development through grants, bonds, capital outlay, TIF, and tax incentives.**

- NMFA and EDD would review their policies and regulations to see if there are ways to increase tribal access to New Market Credits.
- EDD would create a State-Tribal Taskforce on economic development to develop legislative proposals for Native American Enterprise Zones and look at current and potential incentive options to bring high wage jobs to Indian Country, including GRT incentives.
- A select group of state and tribal representatives would create a Native American Market Tax Credit and Incentive Guide. This guide would be a “template” or checklist for tribes to navigate state, federal and private funding options. EDD and NMFA would be tasked with examining their policies to become more tribal/user friendly.

**2. A more streamlined process by which tribes can access monetary resources and technical assistance.**

- EDD and other state agencies would increase technical assistance to tribes and bring that assistance to them rather than waiting for tribes to come to the agencies, including development of field seminars and a Native American economic development guide of state, federal and private resources.
- Ways would be identified to provide more assistance to tribes to ensure they benefit from tourism and have resources to manage the impacts of tourism in their communities.
- State resources available for training, career and

workforce development, and location filming would be identified to assist tribes in accessing economic development opportunities in the film industry.

- Tribes were requested to identify ways in how they can best benefit from the tourism resources provided by the state, including resources for eco-tourism.
- Tribes were requested to respond to the annual New Mexico Film Office survey, designate a film liaison and inform the Film Office if they have people interested in working in the film industry.

**3. Improve broadband development and infrastructure in tribal communities to support commerce and economic prosperity.**


- EDD, TRD, IAD and Governor Richardson’s science advisor were tasked with identifying how the state can leverage resources to develop broadband technology to benefit tribal communities.

**Indian Education**

Problem Statement, as developed by the Planning Committee, submitted to Governor Richardson and presented by Zuni Governor Norman Cooyate:

There were many compelling issues presented by the Committee related to Indian Education. Many Native American-serving schools struggle to meet Adequate Yearly Progress at all levels of elementary

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and secondary education and Native Americans matriculate and persist through higher education at lower rates than their peers in all other races. In addition, schools that serve Native American students lack appropriate curricula, technological resources, and a sufficient number of qualified Native American teachers to ensure such students are prepared for higher education. Finally, tribal leaders feel there are inadequate resources for public school districts that serve Native American students and federal impact aid dollars should be used more effectively to improve the quality of Indian Education in those districts.

**Solution #1:** Support legislation to change the current state “equalization formula” to provide greater resources to public schools so they will better address the unique educational needs of Native American students.

**Solution #2:** Direct the PED to work with the HED to use Indian Education funding to recruit, train, and mentor Native high school students into careers in Elementary and Secondary Education and provide scholarships that can be used at public and tribal colleges for this purpose.

**Solution #3:** By Executive Order, create a Task Force to review state curriculum standards and requirements, including those pursuant to the No Child Left Behind Act, and recommend legislative or policy measures that could be undertaken to ensure public school curricula serving Native American students prepares them for advanced

learning skills and appropriately incorporates Native language, culture, and history content. This Task Force should include: Native teachers/administrators; Indian education representatives from the Bureau of Indian Education (“BIE”) and PED, including the Indian Education Advisory Board; tribal leaders; the IAD and representatives from the Tribal Higher Education Commission.


### **Tribal Perspectives**

Tribal comments were made by: President Levi Pesata, Jicarilla Apache Nation; Ida Nelson, Navajo Nation Division of Education, on behalf of Ben Shelly, Vice-President, Navajo Nation; Governor Ivan Pino, Pueblo of Zia; Governor Mark Mitchell, Pueblo of Tesuque; Governor John Pecos, Pueblo of Cochiti; Governor Marcelino Aguino, Ohkay Owingeh; Councilmember Joe Garcia, Ohkay Owingeh; Governor Richard Mermejo, Pueblo of Picuris; and Governor Norman Cooyate, Pueblo of Zuni.

Governor Marcelino Aguino recommended that Indian Education funds be used to support tribal language programs. Additionally, he felt more effort needs to be made in recruiting, training, and educating Native teachers.



Acoma Well Site



Councilmember Joe Garcia suggested that the legislature look into funding the American Indian Post-Secondary Education Act (HB 50) so that it can be fully implemented. He further noted that there should be better effort made to transition students from each grade level to the next.

President Levi Pesata stressed the need to address the low graduation rates and asked that the mechanisms used to test students be re-examined.

Governor Norman Cooyate recommended that the state allocate a portion of state lottery funds directly to tribal scholarship programs.

Former Governor Regis Pecos stressed the importance of preserving and teaching Native American languages and recommended that a task force be established to modify the state funding formula to including funding for Native language curriculum in local school districts.

Governor John Antonio, Sr., suggested developing a student loan forgiveness program for Native American education professionals that return to tribal lands as educators and administrators. This program would be similar to the one used for medical professionals who work in tribal communities.

Additional issues and concerns related to Indian Education include:

- Language preservation in schools and the need to address funding limitations and the bureaucracy

to allow tribes to better access programs and contract Native American certified language teachers.

- Appoint a task force of Native American educators to revisit the funding formula to permanently fund indigenous language programs.
- Appoint a task force to evaluate non-compliance with PL 561 which required every school district to adopt policies and procedures in prioritizing the unmet needs of Native American students in their districts and consider including tribal leaders in the budget process.
- Expand School Based Health Centers to tribal schools.
- Extend the Lottery Scholarship to tribal colleges.
- Offer incentives to higher education institutions to better prepare Native American students for college.

### **State Perspectives**

Responses and comments were provided by: Governor Richardson; Deputy Secretary Katherine Cross Maple, PED and Dr. Matthew Martinez, Director of Indian Education/Tribal Liaison, HED.

Deputy Secretary Katherine Cross Maple spoke about how the Indian Education Act (“IEA”) provides the infrastructure to build children’s futures and has guided PED’s work in ensuring

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Native students have full access to the public education system. She also noted PED would be implementing a new high school readiness system in which students could demonstrate high school competence in addition to the No Child Left Behind Assessment. Called “Carve Your Path”, this student management system will ensure that all students are prepared for college and careers by providing students with necessary content and skills they will need to succeed in college and on the job. She also shared some of the department’s successes such as the K-12 Navajo Language assessment which is currently used in six schools and available for use in other public and BIE schools. She mentioned the possibility of students demonstrating successful completion of high school requirements by using an assessment such as this.

Dr. Matt Martinez noted that although New Mexico leads the nation in the number of Native students matriculating out of two year colleges and tribal colleges, challenges and barriers remain for Native students who attend four year institutions. He also stated that while Native American students and families do qualify for federal and state need

based aid these resources are underutilized. As such, HED is working to conduct outreach that will assist students and parents in applying for free aid.

**State Commitments and Recommendations:**

Governor Richardson, agency heads and other state agency representatives made the following commitments:

**1. Address the equalization formula.**

- The PED would look at the feasibility of adjusting the equalization formula to provide more resources to rural school districts and those districts with significant numbers of Indian students.

**2. Increase the recruitment and training of qualified Native American teachers.**

- Native Teachers would be trained and recruited utilizing Indian Education funding and scholarships will be provided for recruitment.



Sheep Springs Navajo Chapter Tourism Facility,  
Capital Outlay Project

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**3. Improve preparation of Native American students for post-secondary education.**

- A task force would be created to work with the Indian Education Advisory Council, the Indian Education Division (“IED”) of PED and the IAD to look at developing culturally relevant curriculum while ensuring that New Mexico schools still meet the requirements of No Child Left Behind Act. This task force would also look for ways to recruit and retain Indian teachers.
- Ways would be explored to expand school based health centers in tribal schools.
- Work would be done with the state legislature to expand eligibility for the Lottery Scholarship to Native American students who attend tribal colleges.
- PED would convene a Summit to address the achievement gap and education disparities among Native American and Hispanic students.
- Work would be done toward funding the American Indian Higher Education Act.
- PED would continue to focus on Native language preservation.




Smith Lake Veterans Center Project

**Native American Healthcare**

Problem Statement, as developed by the Planning Committee, submitted to Governor Richardson and presented by Governor Mark Mitchell, Pueblo of Tesuque:

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Native Americans face persistent health disparities that impact their quality of life and outcomes; despite this, the federal government continues to provide inadequate funding for Indian healthcare, limiting the services and treatments available to Native American communities. Tribal leaders felt that current Medicare and Medicaid reimbursement rates are too low and providers are unwilling to provide coverage for services. These reimbursements are critical because the Indian Health Service (“IHS”) relies on them for up to a third of its budget. In addition, tribal leadership identified the need to continue improving Native American access to Medicaid and Medicare, increase the number of Native American health providers in the state, and increase resources for tribal community-based health programs as ways to improve the health and wellbeing of Native American in New Mexico.

**Solution #1:** Direct the HSD to: increase state Medicaid and Medicare enrollment activities within tribal communities, including but not limited to outstationing ISD workers at IHS facilities and facilities used by Native American elders; review and increase Medicaid and Medicare reimbursement rates for IHS and tribal providers; and ensure that HSD consults with tribes on a government-to-government basis on any proposed changes to the Medicaid state plan or other policies and procedures that may impact tribes.

**Solution #2:** Direct DOH and IAD to support the recruitment and retention of Native American health professionals by seeking enhancements to tax and education incentives for Native American health professionals to locate on or near tribal lands and by cost-sharing with hospitals and medical providers to create internships and mentoring programs for Native American students and professionals in the medical field.

**Solution #3:** Create a recurring Indian-specific set-aside in the DOH for grants to tribal community-based health programs to support community-based prevention activities (e.g. case management, diabetes, Sexually Transmitted Diseases, tuberculosis prevention, and HPV).



Acoma Well Site



## Tribal Perspectives

Tribal comments were provided by: Ben Shelly, Vice-President, Navajo Nation; Governor Walter Dasheno, Pueblo of Santa Clara; Governor Ivan Pino, Pueblo of Zia; Governor Chandler Sanchez, Pueblo of Acoma; Governor Richard Mermejo, Pueblo of Picuris; Vice-President Ty Vicenti, Jicarilla Apache Nation; Governor Ruben Romero, Pueblo of Taos; Governor Norman Cooyate, Pueblo of Zuni; Councilwoman Hazel Spottedbird, Mescalero Apache Tribe; Governor Robert Benavides, Pueblo of Isleta

Governor Ivan Pino spoke about the inadequacy of health services provided to Native American and stressed the need for healthcare reform. He also asked that more technical assistance be provided to assist tribes in finding available resources to fund activities and projects.

Vice-President Ben Shelly expressed concerns about the health disparities among American Indians and Alaska Natives. He also recommended that the state look at using tribal population and disease burden (rates and ratios of incidence, mortality, disability) as criteria for funding distribution.

Governor Robert Benavides noted problems with water quality and the dumping of waste in the Rio Grande that has led to increased health problems for tribal members such cancer and other disease. He stressed the need for better laws and regulations to govern these issues and requested that a

groundwater study of the area be conducted.

Governor Chandler Sanchez spoke about his concerns with the ACL Hospital's very poor condition, noting that services available are inadequate and stressing the need for a new dialysis center. He also talked about a new wellness center that was being built as part of prevention program and although the tribe did not receive funds from the state to build this facility there were efforts made to get help at the national level.

Vice-President Ty Vicenti requested that Governor Richardson visit tribes to see the situations they are dealing with due to the impacts of inadequate healthcare within their communities. He noted that these visits will provide the state with a better picture of what types of tribal healthcare facilities exist and the types of emergency services available to people in need of medical attention.

Councilwoman Hazel Botella Spottedbird stressed the need for a bigger healthcare facility and ambulance service in Mescalero to serve the tribe's population of 4000. The tribe's current facility is equipped to serve 2000.

Governor John Antonio, Sr., expressed his appreciation for school based health centers ("SBHC") and noted his strong supports student loan forgiveness program for Native American medical professionals who return to work in tribal communities. He also asked that the state look into supporting instate dental programs.

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Additional issues and concerns related to Indian Healthcare include:

- Decreases in IHS funding.
- Need to improve coordination of services for Native Veterans.
- Finds ways to better address the needs of off-reservation Indians.
- State agencies should conduct site visits to see the issues first hand and offer more technical assistance to tribes.
- State should increase reimbursement rates.
- Need to address funding for communities to assist with alcohol, drug abuse, and gang activity awareness
- Increase block grants to tribes.
- Consider the health impacts from uranium drilling and mining.

### State Perspectives

Comments and responses were provided by:

Governor Richardson; Secretary Alfredo Vigil, DOH and Deputy Secretary Katie Falls, HSD.

Deputy Secretary Katie Falls spoke on the issue of Medicaid enrollment. She noted that HSD has multiple outstationed eligibility workers at IHS/ Native American clinics around the state and would be placing two new eligibility workers at Zuni. As to the problems with outreach, she stated that this is just part of the issue of Medicaid enrollment. Outreach is a way to get into the program but there are difficulties in keeping people enrolled. In 2007, HSD redesigned the procedures for people to stay in the program and have since noticed a positive effect. For Native Americans, HSD has seen a 10% increase in children and 8% overall enrollment. She also shared that HSD has been approached by the Southern Institute for Children and Families, who will help the state figure out ways to simplify enrollment procedures and other aspects to improve enrollment and will be contacting tribes to participate in this.



2009 State-Tribal Leaders Summit Participants

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## State Commitments and Recommendations:

Governor Richardson, agency heads and other state agency representatives made the following commitments:

### 1. Need to improve access to Medicaid program for Native Americans.

- Governor Richardson would contact the New Mexico Congressional delegation to see what can be done to change the methodology for calculating Medicare rates.
- Governor Richardson would contact the Congressional delegation to discuss the Indian Health Service and Tribal 638 facilities reimbursement rates set by the Office of

Management and Budget.

- HSD would undertake more Medicare/Medicaid outreach in Indian Country and find new ways to address current eligibility.
- HSD would ensure that Southern Institute for Children and Families contacts tribes to participate in helping find ways to simplify enrollment procedures and other ways to improve enrollment.

### 2. Low number of Native Americans in health-medical field.

- The DOH and IAD would work to develop innovative programs that support the recruitment and retention of Native American health professionals.



Ramah Water Project, Tribal Infrastructure Fund Project

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## State-Tribal DWI Coordination

Problem Statement and Solutions as presented to tribal leaders by Rachel O'Connor, Governor Richardson's DWI Czar:

Approximately 25% of all alcohol-related fatalities in New Mexico occur on tribal land. Native American fatalities caused by DWI incidents in New Mexico may actually be higher than the national statistics which show that Native Americans die in alcohol related crashes at a rate two to three times higher than any other ethnic group in the United States. Significant efforts in our State to address the high number of Native American fatalities caused by DWI began in 2003 when Governor Richardson signed legislation allowing the sharing of DWI conviction data between the State and Tribal governments. A more concerted effort, however, began in 2006 when Governor Richardson established the State-Tribal DWI Task Force and a Tribal DWI Coordinator was hired to work closely with the DWI Czar to establish and enhance Tribal partnerships to reduce fatalities caused by DWI in our State. However, because of turnover in Tribal leadership, there exists a need to continually inform Leaders of the true problem that exists and the resources and cooperative initiatives that are available that could combat this significant problem.

**Solution #1:** Request Tribal participation (preferably through written agreement) in the NM MVD License Revocation Program.

**Solution #2:** Commitment for continued or enhanced tribal participation on the Governor Richardson's State-Tribal DWI Task Force and related initiatives and in statewide DWI programs.


**Solution #3:** Development of Intergovernmental Agreements, including but not limited to Cross-Commission Agreements entered into by tribes and counties (and approved by Governor Richardson) and/or Memoranda of Agreement which authorize a multi-agency Law Enforcement DWI Task Force to patrol and increase the number of DWI checkpoints and saturation patrols.

## **State Perspectives**

Comments were provided by: Governor Richardson; Rachel O'Connor, Governor Richardson's DWI Czar; Michelle Brown-Yazzie, NM DWI Tribal Coordinator; Lt. Tom Mumford, McKinley County Sheriff's Office; Captain Darren Soland, NM State Police, Gallup District and Scott Ford, Deputy Chief, NM State Police.

Rachel O'Connor provided a PowerPoint presentation highlighting the 2006 EO which created the State-Tribal DWI Task Force. The task force identified the sharing of arrest data for administrative and criminal purposes as appropriate to:

- Enhance DWI partnerships between the state and tribes;
- Enhance deterrence of DWI to individuals



arrested on tribal lands in NM;

- Send a strong message that drunk driving will not be tolerated on tribal lands; and
- Participate in task force activities to reduce alcohol related accidents. Ms. O'Connor noted that in 2007, the first ever Native American DWI public service announcement called "It Takes a Community" was broadcasted on local TV. This was followed up with another popular billboard "I Care" campaign featuring local actors and released in the Four Corners and other select areas with current plans for expansion. She also shared that in 2008 New Mexico had the lowest alcohol fatality rate in the state's history.

Michelle Brown-Yazzie spoke about the state's administrative license revocation ("ALR") program and how tribes could participate in the program by sending DWI arrest citations to the MVD. By sending this information in, the tribe would be requesting that the state revoke the individual's drivers' license. Current tribal participants in the ALR include the pueblos of Tesuque, Pojoaque, and Laguna. Any tribe wishing to participate in the programs would be provided training and technical assistance by the MVD.

Additionally, the state requested the tribes consider participating in the state Superblitz efforts and apply for BIA traffic safety funding.

### **Tribal Perspectives**

Comments and responses were provided by: Councilwoman Hazel Spottedbird, Mescalero Apache Tribe; Ben Shelly, Vice-President, Navajo Nation; Vice-President Ty Vicenti of Jicarilla Apache Nation; Governor Mark Mitchell, Pueblo of Tesuque; Governor John Antonio, Sr., Pueblo of Laguna; and Governor Robert Benavides, Pueblo of Isleta.

Councilwoman Hazel Botella Spottedbird applauded the efforts of the program and encouraged tribal leaders to support the efforts of the state to lower alcohol related fatality rates.

Govern John Antonio, Sr., stressed to tribal leaders the need to take responsibility for protecting their people. He stated that the Pueblo of Laguna chose to become involved in the effort in order to lower the DWI fatality rates on Laguna tribal lands. DWI citations issued in Laguna have been sent to MVD since October, 2008.

Additional issues and concerns related to DWI include:

- Sovereign immunity and jurisdiction; and
- Sharing of information with outside entities.



## V. PROGRESS MADE TOWARD 2009 SUMMIT COMMITMENTS

The success of the first Annual State-Tribal Leaders Summit marked a high point in the history of state-tribal relations in New Mexico. To build on the dialogue concerning the important issues and needs in tribal communities, Governor Richardson and tribal leaders committed to work on a number of the issues presented in the coming year. Furthering his commitment to strengthen the government-to-government relationships with the tribes, Governor Richardson's Office has worked closely with the named agencies to ensure implementation of the commitments made at the Summit.

Additionally, the IAD has played a pivotal role in the implementation and follow-up of the Summit commitments. Throughout the year, IAD actively worked to address the Summit issues and honor the Summit-related commitments. IAD prepared an initial proposal for Summit follow-up to the agencies and continued to promote and provide support for inter-agency coordination necessary for achievement of the goals established during the Summit. IAD also provided updates to the tribes on the agencies progress as they were reported to IAD.

In preparation for the 2010 State-Tribal Leaders Summit, IAD conducted a survey of tribal leaders to gather their feedback on the 2009 Summit. The survey found that many tribal leaders were very satisfied with the planning process and their

participation in developing the Summit issues. However, some found the Pre-Summit Meeting for Tribal Leadership lacking in focus and tribal leadership indicated the need to have more meetings to prepare for the Summit. Overall, the majority of tribal leaders were very satisfied with Summit. These findings were presented to tribal leaders at meetings on June 2, 2009, December 14, 2009 and February 2, 2010.

After the conclusion of the 2009 Summit, state agencies, including the IAD began reviewing and strategizing ways to accomplish the tasks set forth for them during the Summit. The IAD worked with multiple agencies and helped coordinate several task forces and workgroups to respond to several commitments made by Governor Richardson and agency heads in the areas of Economic Development, Indian Education, Infrastructure, Health and DWI.


The following lists some of the principal accomplishments by state agencies and tribes, as of March 15, 2010, in regards to the 2009 Summit commitments.

### **Tribal Infrastructure**

The following summarizes progress made by state agencies toward the commitments expressed by Governor Richardson and agency heads at the 2009 Summit in regards to Tribal Infrastructure:

- The DFA and IAD convened four special

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meetings of the TIF Board to develop legislative proposals and options to increase funding and create a permanent funding source for the TIF. Based on these meetings, the TIF Board provided a report to Governor Richardson in December, 2009 outlining six major recommendations, including supporting legislation to dedicate a percentage of the Senior Severance Tax Bond capacity annually to the TIF. As a result, Governor Richardson supported House Bill 162, “Severance Bonds for Tribal Infrastructure,” in his State of State Address and the IAD and DFA worked closely with legislators, tribal representatives and the TIF Board to secure passage of HB 162. Governor Richardson signed HB 162 on March 5, 2010.

- Each tribe was requested to submit its top priority water project to the IAD by May 29, 2009. In June, 2009, IAD submitted a memo to Governor Richardson with a spreadsheet listing the top water and/or wastewater projects of each of the twenty-two tribes. The Water Trust Board requires a rigorous application process and only four tribes completed and submitted the application by the deadline. The four projects submitted by Isleta Pueblo, Mescalero Apache Tribe, Ohkay Owingeh, and Santa Clara Pueblo were included in House Bill 56, “NMFA Water Fund Projects,” which passed the legislature and was signed into law by Governor Richardson on March 8, 2010.
- Tribes made progress in expediting capital outlay projects so that appropriations are expended in a timely fashion. For example, 179 tribal capital

outlay projects managed by IAD were closed out in Fiscal Year 2009, totaling \$25,009,886. IAD and other agencies that manage tribal capital outlay funding continue to work with tribes to expedite projects.

- IAD contracted with the UNM Indigenous Planning Institute to produce a tribal planning resource guide. The Guide contains funding sources and resources for tribal infrastructure planning and community development, case studies, examples of tribal comprehensive plans as well as local, regional, and national reports on tribal planning.
- The TIF Board and IAD conducted extensive research into Industrial Revenue Bonds (“IRB”). Several aspects of IRBs make them challenging for tribes, including: the case by case evaluation a tribe must go through to qualify for a Transactional Exemption as an “institutional investors” under the New Mexico Uniform Securities Act; the impact a blanket sovereignty waiver may have on non-gaming, less wealthy tribal entities; the securities purchase protection may be viewed by some tribes as an infringement on tribal sovereignty; and if a tribe runs afoul of the Internal Revenue Service provisions regarding bonding, they may encounter complex tax regulations, securities issues, and federal tax audits.
- The TIF Board and IAD determined that some tribes have experienced that the Uniform Funding Application (“UFA”) -- while a tremendously useful mechanism for applicants to fill out an infrastructure funding

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application which is common to all state and federal funding agencies that provide money for water and wastewater improvements -- does not accurately gauge tribal water and wastewater systems and includes questions that are not directly applicable to tribal governments and water systems. Accordingly, the TIF Board recommended that IAD and NMED continue their cooperative effort to modify the UFA so it can more accurately assess tribal water and wastewater funding applications.


- Governor Richardson added two more Native Americans to the federal stimulus funding Competitive Grants Advisory Team in May, 2009.
- Throughout the year, IAD has tracked the amount of ARRA funding received by the tribes. To date, the state has been awarded a total of \$2,072,106,510 from ARRA with tribes receiving approximately 11.5%. IAD estimates the total amount of ARRA awards to New Mexico tribes to be approximately \$239,088,300 which includes a recent award of \$32 million to the Navajo Nation for broadband development and Headstart programs in Albuquerque. ARRA awards that came through the state as opposed to directly from the federal government for tribal projects are estimated to be \$8,268,590.

### **Tribal Economic Development**

The following summarizes progress made by state agencies toward the commitments expressed by Governor Richardson and agency heads at



Wastewater Line, Shiprock Behavioral Health Center




the 2009 Summit in regards to Tribal Economic Development:

- The NMFA and the EDD submitted a request to the US Treasury for a New Markets Tax Credit allocation of \$10 million specifically for filming on tribal land.
- By Executive Order 2009-037 Governor Richardson created the Tribal Economic Development Task Force. It was charged with: determining if Native American Enterprise Zones could be beneficial in New Mexico; examining current and potential incentive options to bring high wage jobs to Indian Country; identifying ways for the state to include tribes, nations and pueblos in the development of tourism and tourism resources, including eco-tourism, initiatives; and identifying state resources to assist with tribal film opportunities. The 10 member Task Force met several times in the Fall of 2009 and submitted a final report to Governor Richardson's Office in December 2009 with 22 recommendations. EDD and IAD are currently developing a workplan to implement the key recommendations.
- On July 13, 2009 Chief of Staff Brian Condit directed EDD Secretary Fred Mondragon to work with a select group of state and tribal representatives to create a Native American New Market Tax Credit and Economic Development Assistance Guide. The Guide was to be submitted to the Governor Richardson's Office by December 15, 2009.
- The Tourism Department is in the process of

developing a tribal ecotourism promotion plan by March 2010 and EcoNewMexico is scheduled to meet with the Eight Northern Indian Pueblo Council and the Mescalero Apache Tribe in March, 2010.

- EDD and IAD are currently working on a strategic plan to include the numerous tribal communities and tribal working entities for the purpose of increasing technical assistance.
- IAD and the American Indian Chamber of Commerce of New Mexico developed tribal infrastructure and economic development baseline profiles of the 19 New Mexico Pueblos, two Apache tribes/nations, and 48 Chapters of the Navajo Nation.
- IAD completed and distributed a 120 page Native American Programs and Services Directory organized into 30 chapters and listing the programs and services available to Native Americans in 29 cabinet-level state agencies (including EDD) as well as the NMFA.
- IAD contracted with a 100 percent-Native owned and operated consulting firm, to manage a project entitled—Building Capacity for Community & Economic Development, that continues through February 2010. The year-long program includes a tribal assessment of economic development capacity for each tribe in New Mexico; interactive training workshops based on analysis of current capacity; resource and tool development in support of capacity building within tribal communities; direct follow-up with tribes and technical support to tribes on self-selected projects.


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- The New Mexico Film Office completed its annual survey of tribes in 2009. Tribes have designated a point of contact to coordinate film opportunities. In addition, seven tribes provided the location for the filming of eight films during 2009.
  - EDD, TRD, IAD and Governor Richardson's science advisor worked to identify how the state can leverage resources to develop broadband technology to benefit tribal communities. This endeavor coincided with the announcement of funding from the ARRA for the development of broadband access in rural communities. The state worked with tribal representatives during weekly meetings at the Department of Information Technology ("DoIT") to develop plans for broadband access for tribal communities. In July 2009, the state reviewed and forwarded independent applications from the All Indian Pueblo Council and the Navajo Nation. From these applications, DoIT prepared and submitted letters of support from Governor Richardson for these applications to the Federal Departments of Commerce and Agriculture. DoIT is still waiting for final announcement of grant winners; however they have begun preparing a recently awarded broadband project from a \$1.9 million grant. They are continuing to work with the tribes, including the Navajo Nation, to plan for broadband access, including implementing a planning and mapping to collect and map broadband infrastructure throughout NM including tribal lands. IAD also continues to monitor tribal input to the second round of

broadband funding through ARRA.

### **Indian Education**

The following summarizes progress made by state agencies toward the commitments expressed by Governor Richardson and agency heads at the 2009 Summit in regards to Indian Education:

- PED Secretary Veronica Garcia and IAD Secretary Warren created a task force in October, 2009 to attend and oversee the Native American Solutions Summit that took place on November 9, 2009. In addition, the Task Force was asked to examine and recommend strategies and initiatives through the Summit to: provide more resources to school districts with significant numbers of Native American students; support curricula that better prepares Native American students for advanced learning skills and appropriately incorporates Native language, culture, and history content while ensuring that public schools still meet the requirements of No Child Left Behind Act, including appropriate changes to state educational standards; and identify strategies to recruit and retain Native American teachers. The Task Force created a matrix aligning various recommendations from the Native American Solutions Summit, the Indian Education Advisory Council and the 2009 State-Tribal Leaders Summit including recommendations for language revitalization, enforcement of the Indian Education Act and P-20 Transitions. The



Task Force recommendations were presented to Governor Richardson in December of 2009. Secretaries Garcia and Warren are in discussion with Governor Richardson's Office regarding which recommendations to move forward this year.


- \$110,000 was allocated in FY09 by PED IED to fund the UNM Native American Teacher Program to recruit and train Native American teachers. PED plans to allocate \$121,200 in FY10.
- Because of state budget limitations it was determined that expansion of SBHC is currently not feasible and that alternative sources to fund SBHC should be explored. IAD has spoken at the opening / expansion of SBHC in Laguna and Tohajilee. IAD spoke with the Alliance for School Based Health and has hired a consultant to identify ways to support expansion of SBHC with non-state funding.
- In the 2010 Legislative Session, Rep. Ray Begaye introduced HB 102 to expand eligibility for the Lottery Scholarship to Native American students who attend tribal colleges. IAD and HED strongly supported the legislation, which passed the House but failed to pass the Senate. HB 90, creating a dual-credit program for BIE students and tribal colleges, did pass and was signed into law on March 5, 2010.
- Recommendations regarding Native language preservation are among the Native American Solutions Summit and Native American Education Task Force recommendations. PED IED also allocated funding for tribal language

projects (\$740,000 in FY10) and \$776,409 to exemplary programs in public schools, including Native American language.

### **Native American Healthcare**

The following summarizes progress made by state agencies toward the commitments expressed by Governor Richardson and agency heads at the 2009 Summit in regards to Native American Healthcare:

- Governor Richardson sent a letter on September 18, 2009 to the five members of the New Mexico Congressional Delegation supporting increases in the Medicare reimbursement rate for services to tribal populations, particularly in IHS and tribal 638 facilities.
- HSD has not been able to fill some vacant outstation ISD workers at IHS facilities due to the hiring freeze. This is causing a backlog of Medicaid applications by eligible Native Americans. HSD conducted tribal consultation on Medicaid cost containment and redesign on December 18, 2009 and has formed a state-tribal workgroup to address tribal concerns raised at the consultation.
- The DOH and IAD convened three meetings of a workgroup of state, tribal, university and non-profit representatives to develop innovative recommendations to support the recruitment and retention of Native American health professionals. The workgroup discussed ways to increase Native student enrollment and mentoring in the health professions as well as




increasing information resources for students about health careers. Seven recommendations were provided to Governor Richardson's Office in November, 2009.

- One recommendation involved providing additional funding to the University of New Mexico's Center for Native American Health to support their successful program funded primarily by a 5-year federal grant that concluded in September, 2009. IAD identified funds and provided a grant of \$44,700 to CNAH for their health careers mentorship and student development program
- The DOH utilizes resources such as the State Health Professional Loan Repayment Program, the New Mexico Health Service Corps, and the National Health Service Corps Loan Repayment Program to attract and retain Indian health professionals in a variety of settings throughout the state - including many of their home communities; sharing this information is an effort to increase the number of students in the health professions.
- New Mexico Health Resources, funded by DOH, has entered into agreements with both the Albuquerque Area Indian Health Services and Navajo Area to, at no cost to IHS, advertise positions to Native American health professionals and to post IHS and tribal 638 clinic opportunities.
- The DOH Tribal Liaison has been working with the New Mexico Health Resources to distribute health scholarship and application resources to all eligible Indian students in the community.

- The DOH Rural Health Care Practitioner Tax Credit Program provides a tax credit to all qualified licensed medical and allied health medical providers who provide rural health services in New Mexico.
- The NM Health Policy Commission will collaborate, to the extent possible with limited staffing and resources, with the IHS and the Center for Native American Health at the University of New Mexico to assess the shortage of different categories of health professionals (specifically MDs and nurses). This will be specifically targeted at those areas which serve Native Americans including off-reservation populations. They will seek to assess the percentage of:
  - o Native Americans currently in health career education programs around the state, including tribal colleges and ways in which Native American students find out and access these programs.
  - o Additionally, Native American students that graduate and find jobs in New Mexico in their chosen field within 6 months and 1 year.

### **State-Tribal DWI Coordination**

The following summarizes progress made by tribes and state agencies toward the commitments requested by Governor Richardson at the 2009 Summit in regards to DWI State-Tribal Coordination:

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- Three tribes are currently fully participating in the NM MVD License Revocation Program by submitting notices of revocation to the MVD
  - Throughout the year, a team of state representatives comprised of the Tribal DWI Coordinator, DOT, and MVD continued to meet with tribes to address tribal concerns raised at the Summit. As a result of these meetings and the Summit, an MOU was developed taking into consideration concerns raised by tribal leadership, including issues with protecting tribal sovereignty and limiting the use of arrest information to ALR purposes only. While several tribes are now considering entering into an MOU with the state, participation in the ALR program does not require tribes to enter an MOU which may be preferable to some tribes.
  - According to information provided to Governor Richardson's Office, as of August 2009 tribal participation in the state's Superblitz efforts has increased.
  - Several Pueblos and the Navajo Nation have developed cross-commissioning agreements that authorize a multi-agency Law Enforcement DWI Task Force to patrol and increase the number of DWI checkpoints and saturation patrols, including one agreement recently entered into between Navajo Nation and Socorro County. These agreements allow state/local/tribal patrols to take place in and around tribal lands.
  - To date, most tribes actively participate in the DWI taskforce and related activities.



2009 State-Tribal Leaders Summit



## VI. SUMMARY OF THE STATE-TRIBAL COLLABORATION ACT

Endorsed by the Interim Indian Affairs Committee, Governor Richardson's "State-Tribal Collaboration Act" builds on the 2003 Statement of Policy and Process and Executive Order 2005-004 by moving into state statute a proven structure for effective government-to-government communication and collaboration between state and tribal governments. Annual tribal-state consultation summits, tribal liaisons and formal communication through the use of the pilot state consultation policies have prompted an improvement in services to our New Mexico Native American citizens and enhancements to state agency interactions with tribal governments. Now the STCA creates greater consistency across state government and ensures that this effective structure continues into future administrations. The STCA requires:

- Annual Summit - The Governor of the State of New Mexico and the 22 tribal leaders will be required to meet annually to address issues of mutual concern.
- Communication and Collaboration Policies - All 34 cabinet-level agencies are required to implement policies that promote positive government-to-government relations with tribal governments..
- Tribal Liaisons - All cabinet-level agencies are required to designate a tribal liaison as a point of contact to ensure compliance with the

proposed legislation, have regular contact with the agency's cabinet secretary or their office, and maintain ongoing communication with the Tribes. 59 tribal liaisons or agency contacts currently exist in 33 agencies.

- Training for State Employees – In order to give state agency managers and employees the greatest chance for success in working with their tribal counterparts, those who have regular contact with tribes are to be provided training through the State Personnel Office. SPO is developing this training in collaboration with IAD.
- An Annual Report – Each cabinet-level agency is required to submit an annual report to the Governor of the State of New Mexico through IAD on that agency's implementation of the STCA and listing the programs and services directly affecting American Indians and Alaska Natives. IAD is responsible for compiling these into an annual report that is submitted to the Governor's Office and the state legislature.

The STCA allows for proactive identification of common issue areas and strategies to address them. It will lead to improvements in the design and accountability of state programs and services to 10% of our state's population. It will expedite the expenditure of state funds to benefit Native American communities and support greater collaboration of federal, tribal and state funding and resources to improve the quality of life of all New Mexicans.



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