



2012 State-Tribal Leaders Summit

Proposed Solutions & Commitments

New Mexico Indian Affairs Department

**State-Tribal Leaders Summit
held at
Inn of the Mountain Gods
Mescalero, NM
June 8, 2012**



2012 Summit Priorities

- Indian Education
- Water Rights and Natural Resources
- Tribal Infrastructure and Economic Development
- Implementing State-Tribal Relations



Indian Education

Issue Statement

Tribal Leaders identified the following concerns relating to Indian Education:

- Impact Aid funds are not used to directly address the known Achievement Gap. Request Public Education Department (PED) to report specifically how Impact Aid dollars are used and consider changes to the state equalization formula.
- Request PED to create an administrative code in consultation with Tribes to ensure execution of the Indian Education Act (IEA). If school districts are not in compliance with IEA, PED should provide for sanctions.
- Abolish the earmarking of funds for non-Native American entities.
- Ensure adequate funding for indigenous language instruction.
- Increase consultation with school districts regarding Indian Policies & Procedures.
- Not all teachers who teach Native students are competent in culturally appropriate ways, directly resulting in lower student achievement and higher drop-out rates. Could be addressed through cultural sensitivity trainings and a N.M. history class.



Indian Education

Proposed Solutions

Tribal Leaders made the following recommendations to the State:

- Direct PED to convene a task force to create an administrative code to ensure the implementation and accountability for the Indian Education Act, the Bilingual Multicultural Education Act, and the statutes governing teacher certification.
- Direct PED to provide clarification on how Impact Aid dollars are used and consider changes to the state equalization formula.
- Consider amending appropriate statutes to: (1) Support and include instruction for proficiency in indigenous languages, and (2) Require teachers to demonstrate competency in culturally appropriate teaching methods.
- Direct state agencies to prioritize a greater amount of current funding to improve academic achievement and graduation rates through supplemental and enrichment programs.
- Mandate that educators who work with Native students complete cultural competency training facilitated by IAD.



Indian Education Commitments

Governor Martinez and the State have committed to:

- PED will coordinate with IAD to begin the process of offering cultural competency training for educators who work with Native American students.
- A budget questionnaire will be administered to districts which addresses compliance with Indian Education Act, IPPs, and bilingual programs.
- PED will provide further information to Tribal and Pueblo Leaders on Impact Aid and Indian Set-Aside Funds.
- Close the Achievement Gap by directing \$8.5 million of next year's budget toward meaningful, early reading initiatives for all students, as well as nearly \$1 million will be dedicated toward college and career readiness for all students.
- Creation and unveiling of New Mexico's "Reads to Lead" program.
- Open the Teaching Support and Rural Literacy for RFP so all entities can utilize these valuable set-asides.



Water Rights and Natural Resources

Issue Statement

Tribal Leaders identified the following concerns relating to Water Rights and Natural Resources:

- Urge the State to fully fund the State's cost share obligations agreed upon for the recently approved Taos, Aamodt, and Navajo settlements.
- Work with the State to improve the negotiation process so that future water settlement negotiations can proceed in a more timely manner.
- Improvements to the process of obtaining a State Engineer permit authorizing the transfer of a water right.
- Coordination of environmental regulations.
- Opportunity for co-management of resources.



Water Rights and Natural Resources

Issues Continued

- Protection of sacred sites and access to public lands for cultural purposes.
- Clean energy initiatives.
- Protection of legislation appropriations for the Indian Water Rights Settlement Fund from being waived or used for other purposes.
- Meaningful consultations and technical assistance needed regarding natural resources.
- More information regarding the Abousleman case.
- More aggressive prevention methods against wildfires.



Water Rights and Natural Resources

Proposed Solutions

Tribal Leaders made the following recommendations to the State:

- Seek resources and/or legislation to fully fund the State's cost share obligations in the three pending Indian water rights settlements (Navajo, Aamodt, and Taos).
- Make known the State's position of pursuing settlement as opposed to litigation on current and future Indian water rights disputes.
- Request OSE review and discuss with Tribes the current methods utilized by OSE to determine hydraulic impacts of ground water pumping on aquifers and rivers and ensure the use of the best available science.
- Request OSE review and discuss with Tribes the statutorily required process surrounding the issuance of water transfer permits.
- Inform Tribal officials of the Jemez, Santa Ana, and Zia Pueblos on the progress or lack of progress regarding the Jemez River Adjudication.



Water Rights and Natural Resources Commitments

Governor Martinez and the State have committed to:

- Governor Martinez supported \$15 million toward the Indian Water Rights Settlement Fund, but the appropriation did not make it through the legislative process. OSE will continue to keep the legislature educated on these issues and highlight that the State's cost share of current water settlements will be used to fund those portions of water projects that serve non-Indian communities.
- OSE will continue efforts to keep the Indian water settlements moving forward so as to minimize the risk of funds in the Indian Water Rights Settlement Fund being taken and reallocated.
- Collaboration with OSE on ensuring the use of the best available science.
- Increase efforts to work with Tribes, Nations, and Pueblos to keep the state safe from wildfires.



Tribal Infrastructure and Economic Development

Issue Statement

Tribal Leaders identified the following concerns relating to Tribal Infrastructure and Economic Development:

- Request the State to ensure that tribal communities receive some return from dollars generated on tribal lands.
- Tribal leaders stress the importance of maintaining the valuable funding source of the Tribal Infrastructure Fund to face such problems as water development, waste water development, housing, energy development, and transportation infrastructure.
- The Tribes request the assistance of the State in effectively navigating the State funding processes, including the Capital Outlay process.
- The Tribes, Nations, and Pueblos continue to encounter obstacles with utilizing existing tax and economic development incentives.
- Forest fires have taken a toll on Indian lands. Tribes are looking for a development opportunity to deal with forest fires and to add jobs.



Tribal Infrastructure and Economic Development *Proposed Solutions*

Tribal Leaders made the following recommendations to the State:

- Continue and advance current efforts to develop an environment within the State that is conducive to local business creation.
- Direct IAD to facilitate the revival of the Tribal Economic Development Advisory Council.
- Direct IAD to collaborate with appropriate state agencies, tribal governments and corporations, and Native American organizations to enhance state government support for tribal economic development ventures.
- Begin discussions with Tribal leadership to explore developing a mechanism to equitably afford a return to tribal communities for economic dollars generated through tourism.



Tribal Infrastructure and Economic Development

Proposed Solutions Continued

- Ensure funding to the Tribal Infrastructure Fund remains at current levels.
- Increase efforts to offer technical assistance training to the Tribes, Nations, and Pueblos with regard to identifying funding sources for infrastructure and economic development ventures.
- Support the Tribes' right to tax on tribal lands. Clarify the position of the Executive that any revisions to the tax code that impact tribal communities should begin with consultation as opposed to legislation.
- Continue to stress that government-to-government consultations are a high priority between the State and Tribes.



Tribal Infrastructure and Economic Development *Commitments*

Governor Martinez and the State have committed to:

- Veto every measure that will hurt businesses.
- Working with the Balloon Fiesta to bring Indian dancers to the annual event.
- Continue to work with travel companies that will develop packages exclusively for Tribes.
- Continue to work with Governor Quetawki and the Zuni Pueblo to establish the first Native American MainStreet Program.
- Advocate against a reduction in TIF funding.
- IAD's Economic Development Division Director willing to meet with each Tribe to develop Economic Development initiatives and provide technical assistance.



Implementing State-Tribal Relations

Issue Statement

Tribal Leaders identified the following concerns relating to Implementing State-Tribal Relations:

- Request tribal consultation on health care, especially regarding the New Mexico Centennial Care Plan.
- Reaffirm the existing tax policy regarding economic activity on tribal land. Taxation issues and proposed changes should be addressed through negotiation.
- Reaffirm the state's government-to-government relationship with the Tribes.
- Zia Sun Symbol issue.
- Effective and better communication between Tribal Leadership and state officials.
- Advocate and promote public policy for Tribes.
- Gaming Compacts.



Implementing State-Tribal Relations

Proposed Solutions

Tribal Leaders made the following recommendations to the State:

- Reaffirm the commitment to developing effective communications with Tribes by requesting one on one meetings with tribal leaders.
- Accept as many invitations as possible to join tribal leadership in the celebration of each Pueblo's feast days.
- Direct state officials to engage in the necessary follow up to continue addressing the issues presented at the 2012 State-Tribal Leaders Summit.
- For effective and better communication, ensure that each State agency maintains a tribal liaison who will establish a working relationship with Tribes.
- Direct State agencies to review and reaffirm their tribal collaboration policies and begin dialogue with Tribes.



Implementing State-Tribal Relations *Commitments*

Governor Martinez and the State have committed to:

- Have an open door policy in her office regarding when Tribal Leaders wish to discuss areas of mutual concern.
- The Indian Affairs Department (IAD) commits to the necessary follow up to the 2012 State-Tribal Leaders Summit.
- IAD will continue to provide cultural competency trainings to State employees.
- IAD will work to improve interagency coordination to facilitate consideration of Native American concerns and recommendations in state policymaking, resource allocation and service provision.



Thank You!

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