

# New Mexico Indian Affairs Department

## 2020 Report to Tribal Leaders

*November 2020*



# Department Overview & Background

The New Mexico Indian Affairs Department (“IAD” or “Department”) takes the lead in coordinating intergovernmental and interagency programs concerning tribal governments and the State of New Mexico. The Department is one of just two cabinet-level Indian affairs agencies in the nation. This is an expression of the State’s commitment to honoring the government-to-government relationship with the State’s twenty-three (23) sovereign nations.

As a cabinet level Department, IAD is uniquely positioned to support state-tribal relations and enhance inter-governmental collaboration between the Governor’s Office, state agencies, and the state’s Nations, Tribes, and Pueblos on programs and issues affecting Native Americans in New Mexico. The Department’s broad statutory authority in the Indian Affairs Department Act (NMSA §9-21-0 to 9-21-16) provides the IAD with the authority to:

1. Investigate, study, consider and act upon the entire subject of Indian conditions and relations within New Mexico, including areas of health, economy, education and the effect of local, state, and federal legislative, executive and judicial actions; and
2. Assist in setting the policy, and act as the clearinghouse, for all state programs affecting the Indian people of New Mexico.

The Department administers the following initiatives and programs through the Office of the Secretary and the Administrative Services Division:

- Policy and Legislation
- Communication and Clearinghouse
- Boards, Commissions and Committees
- Special Projects Grants Program
- Tobacco Cessation & Prevention Grant Program
- Tribal Infrastructure Fund
- Capital Outlay
- Agency Partnerships

The Department is guided by the following core values: service, respect, and community. Our vision is that tribal nations and tribal communities are happy, healthy, and prosperous, where traditional ways of life are honored, valued, and respected.

The Department is committed to serving as a resource for tribal communities by:

- Advocating for tribal interests through policy and legislative advocacy.
- Supporting tribes with access to resources, technical assistance, and funding opportunities; and
- Building relationships between tribes and the executive branch, state departments, and the legislature.

# Covid-19 Pandemic— Prioritizing Support for New Mexico Tribal Communities and Indian People

This year brought unprecedented challenges due to the COVID-19 pandemic and added a new dimension of work for the Department. COVID-19 has disproportionately impacted tribal communities. The Department has served as a hub for tribal leadership and tribal communities by providing regular communication on resources and services throughout the pandemic. Since March, the Department has held weekly tribal leader calls and assigned staff to engage directly with specific tribal communities to provide one-on-one outreach during the height of the pandemic.

Early in the pandemic, the Department mobilized and assigned Kalee Salazar to serve as a tribal liaison at the State Emergency Operations Center (“EOC”) to provide support to tribal communities and serve as a conduit between the EOC, IAD and the Tribes. The Department also produced the Tribal Response Plan COVID-19 (“Plan”) to offer guidance and strategies on quarantine, containment, and surge preparations. Nothing like this existed at the time.

Throughout the pandemic, the Department coordinated efforts with other departments to provide resources to tribal communities such as PPE, food, water, culturally relevant behavioral health information, and internet access. The Department created informational resources to assist Nations, Tribes, and Pueblos in navigating CARES Act funding, Pandemic Unemployment Assistance, FEMA reimbursements, and Rapid Response Protocols.

The Department continues to work with the Department of Health (“DOH”) to coordinate testing in tribal communities, contact tracing, and most recently engaging with tribal leadership in a government-to-government dialogue on COVID-19 vaccine planning. IAD continues to be engaged in all aspects of COVID-19 response in tribal communities.

**The following are specific initiatives:**

## IAD Tribal Response Plan—COVID 19

A comprehensive document prepared by the Department with input from professionals and subject matter experts to assist tribal governments with information such as testing, screening, restricting access to tribal lands, and working with the State. The goal of the plan was to provide guidance and clarity in understanding what measures can be instituted to minimize the spread of COVID-19 in tribal communities.

## Emergency Operations Center (“EOC”)

IAD staff member, Kalee Salazar, served as a tribal liaison for five (5) months at the Department of Homeland Security and Emergency Management. The tribal liaison team served as an Emergency Support Function (“ESF”) to the EOC by communicating regularly with tribal emergency managers and leadership, providing COVID-19 best practice information, information on state processes, and assisting the tribes with any needs requested. The team worked closely with ESF-11 and ESF-6 to provide goods and water to all tribes. The tribal liaison team worked with ESF6 and EOC partners to place tribal people in need of shelter in state sponsored hotels for isolation. In rare instances, where the State could not aid, the tribal liaison team reached out to other partners to aid.

## Behavioral Health

The Department along with the Behavioral Health Services Division of the New Mexico Human Services Department, collaborated on the Native American COVID-19 Emergency Toolkit campaign to raise awareness and educate New Mexicans and specifically members of tribal nations on how to take necessary precautions to prevent the spread of COVID-19 and protect tribal communities, families, and cultures. This collaboration led to the creation of a COVID-19 coloring book that was developed in association with renowned Kewa Pueblo cartoonist Ricardo Caté. The coloring book was distributed to the State's Nations, Tribes, and Pueblos as well as urban Indian centers and Local Collaboratives 15, 16, and 18. The Department secured additional funding through the Thornburg Foundation to support the production of more coloring books.

## Broadband

There is a severe lack of, and limited access to broadband within and around the state's Nations, Tribes, and Pueblos. Broadband connectivity is integral in COVID-19 response. The Department has partnerships with the Public Education Department ("PED"), the Department of Information and Technology ("DoIT"), the Native American Budget and Policy Institute ("NABPI"), the NAVA Education Project, Santa Fe Indian School, High Water Mark, LLC, the Navajo Tribal Utility Authority, and commercial carriers like Verizon and T-Mobile to support connectivity in tribal communities.

IAD contracted with the NABPI to investigate the lack of broadband connectivity's impact on New Mexico's tribal communities. The final report "COVID-19: Internet Access and the Impact on Tribal Communities in New Mexico" assesses the lack of broadband connectivity's economic, educational, and health impacts on tribal communities as well as proposes what can be done to help fill the digital gap.

## Meals to You

IAD assisted the Children, Youth, and Families Department ("CYFD") to enroll tribal communities in the U.S. Department of Agriculture's Meals to You Program. The Meals to You ("MTY") program provides meal boxes containing ten (10) breakfasts and ten (10) lunches to tribal communities. Each child (age 1 – 18) receives a box; and shipments occur every two (2) weeks until the tribe halts the shipments. The meal boxes contain shelf-stable meals.

## Infant Care Supplies Donations

IAD assisted the Early Childhood Education and Care Department ("ECECD") to supply the state's Nations, Tribes, and Pueblos with two sets of infant care donations. IAD and ECECD delivered infant formula for emergency stockpile to all tribal communities to ensure that mothers had immediate access to formula. Through this donation, IAD and ECECD continued to encourage all tribal communities to enroll all eligible families into the Tribal Women, Infants, and Children's ("WIC") program. The second round of donations included tribal infant packages that contained diapers, wipes, onesies, formula, bassinets, baby books, and baby food to the state's Nations, Tribes, and Pueblos.

## **Pandemic Unemployment Assistance Program**

IAD assisted the Department of Workforce Solutions to conduct tribal outreach regarding the Pandemic Unemployment Assistance (“PUA”) Program. The PUA is an unemployment insurance benefits program geared towards artists and other self-employed individuals who do not meet the general federal unemployment insurance eligibility requirements. Through IAD’s assistance, all tribal nations were notified, and most tribes were trained on how to enroll their eligible community members.

## **Economic Recovery Council’s Tribal Gaming Subcommittee**

IAD supported the Economic Recovery Council’s Tribal Gaming Subcommittee to develop COVID-19 Safe Practices (“CSPs”) for tribal gaming operations and to encourage consistency across the tribal gaming industry in the state. IAD facilitated the discussion surrounding the CSPs and eventually compiled the subcommittee’s recommendations and submitted them to the Economic Recovery Council (“ERC”). The ERC later utilized the CSPs developed by the Tribal Gaming Subcommittee as the foundation for the CSPs that were applied to the entire gaming industry in the state.

## **Rapid Response Protocols**

IAD collaborated with the DOH and a working group formed from the Tribal Gaming Subcommittee to develop Rapid Response Protocols for tribal enterprises and communities. The protocols offer a step-by-step process that tribal nations may follow in the event they have positive cases of COVID-19 within an enterprise, governmental agency, or widespread cases within a community. The goal of the protocols was to ensure that there was a streamlined state-tribal response for rapid response.

## **FEMA Guidance Document**

In response to the confusion surrounding FEMA assistance to tribal nations due to the COVID-19 pandemic, IAD elected to support tribal nations by creating a guidance document. The guidance document was created with support from a local expert familiar with FEMA processes and was later reviewed and revised by the FEMA Recovery Division. The document was posted to IAD’s website as a resource for tribal nations.

## **COVID-19 Relief—Grant Funding for Tribes**

The Department in partnership with the NABPI and the Center for Social Policy created a resource document that included federal, state, and foundation funding opportunities open to tribal nations. This document included links to the application, deadlines, and information about each opportunity.

# Indian Affairs Department Policy and Legislative Work

## State-Tribal Relationships

This Administration respects the leaders of the 23 sovereign Nations, Tribes, and Pueblos. Guided by the State Tribal Collaboration Act (“STCA”), the Department continues to strengthen the government-to-government relationship between this Administration and the sovereign nations in the state.

## State-Tribal Consultation

The Department supports consultation between the state and NM’s sovereign nations by coordinating, planning, and addressing difficult topics through consultation, meetings, and informal discussions to ensure that concerns of both entities are addressed in a timely and constructive manner. The Department advises state agencies on how to effectively address difficult topics with tribal leadership. The Department’s collective experience in navigating tribal politics, and the relationships that have been cultivated with tribal leadership and community leaders, allows IAD to guide the state’s approach and bridge communication when challenges arise.

### Consultations:

- Energy Minerals and Natural Resources / Work Force Solutions (ETA)
- DOH (COVID- 19)
- Governor’s Office (Economic Development)

IAD has also taken steps to improve existing consultation practices by hiring a contractor, Jaclyn Roessel, to review STCA compliance, hear from tribal leaders about where consultation can be improved, and provide recommendations to the state and develop documents that identify best practices, and offer guidance on how to successfully conduct tribal consultation.

## Tribal Liaisons

Tribal liaisons are key actors in state-tribal relations, they facilitate effective communication and collaboration between state agencies and tribal nations. IAD continues to examine the role of tribal liaisons to see where the department can offer more support to ensure better communication and collaboration.

After the 2019 State Tribal Leaders Summit (“STLS” or “Summit”), IAD worked with tribal liaisons to begin addressing commitments that were made at Summit. The areas that were addressed at Summit included: Education and Public Safety, Healthy Communities, and Water and Cultural Sites Protection. IAD and the tribal liaisons established working groups to begin addressing each commitment outlined in the 2019 STLS Report. Working group efforts were hampered by COVID-19. The following is what was accomplished:

### **Education & Public Safety:**

Departments involved in this working group included: Early Childhood Education and Care Department (“ECECD”), Public Education Department (“PED”), Higher Education Department (“HED”),

Children, Youth and Families Department (“CYFD”), Department of Public Safety (“DPS”). The working group began addressing the following commitments made at the 2019 State Tribal Leaders Summit:

### **Public Education Department**

- Developed the NM DASH Annual Plan and requiring schools to submit a 90-day plan at the start of the school year showing compliance with the Indian Education Act. All districts will be required to comply by the 2020-2021 school year.
- Consultation on House Bill 250 occurred on January 8, 2020.
- School district annual reports have been reviewed by PED and the recommendations will be included in the annual state-wide tribal education report submitted to all NM Tribes.
- The Indian Education Advisory Council (“IEAC”) and PED have held various work sessions and an open house for advisory councils. In addition, PED regularly communicates with IEAC members, tribal education directors, school districts and stakeholders.
- In progress – PED has conducted outreach for K-5 Plus and is engaging tribal leadership around curriculum and instructional materials and will do so more formally at the 2020 G2G meeting.

### **Higher Education Department**

- Quarterly meetings between the Tribal College and University Presidents and the Office of the Secretary began in 2019 and will continue indefinitely.
- The Tribal Liaison and the Office of the Secretary conduct every-other-month meetings with all Tribal Higher Education Directors and the Tribal College and University Presidents to jointly share updates, provide feedback and identify critical issues.
- FY20 was first year for tribal lottery scholarships; students attending Diné College, Navajo Technical University, and the Institute of American Indian Arts are now eligible to receive lottery scholarships.
- In progress – Meetings have been held between HED and tribal leaders to discuss the quality of different programs highly attended by Native Students (dual credit program, adult education program).
- Early Child Education and Care Department
- In progress – ECECD is working to establish an internal working group of tribal liaisons who represent each division and bureau within the new department. This working group will develop and implement strategic communications and consultation with tribal partners and tribal leadership.

### **Department of Public Safety**

- A meeting was held in June 2019 with Acoma, Laguna, Zuni, and Ramah police departments.

### ***Healthy Communities:***

Departments involved in this working group included: Department of Health (“DOH”), Human Services Department (“HSD”), CYFD, and Behavioral Health Division of the New Mexico Human Services Department, Department of Finance and Administration (“DFA”), Aging and Long-term Services Department (“ALTSD”), Department of Workforce Solutions (“DWS”). The working group began addressing the following commitments made at the 2019 State Tribal Leaders Summit:

## **Children Youth and Families Department**

- The Indian Child Welfare Act (“ICWA”) unit within CYFD was established and staff are going through training.
- Developed Kinship-Guardianship Practices and Procedures to increase placement with relatives to comply with ICWA preferred placements.

Tribal IV-E Joint Powers Agreement (inter-governmental) allowed Tribes to access federal funding for monthly foster care maintenance payments and incidentals, adoption, and guardianship subsidies, and extended foster care on behalf of Title IV-E eligible children and youth.

- In progress – CYFD is working with Butterfly Healing Center and Kewa House to expand services and provide financial support to these local youth facilities that support youth who require a higher level of behavioral health care.

## **Department of Health**

- Strengthened tribal agricultural systems through a collaboration between DOH’s Office of Tribal Liaison and Obesity, Nutrition, and Physical Activity Program (“ONAPA”), Women, Infant, Children (“WIC”), and Farmers Market and Senior Farmers Market programs to provide a fourth annual gathering of tribal farmers and ranchers at Santa Ana Pueblo, Tamaya Wellness Center, covering topics like farm to school procurement, farm to table, WIC, creating a better image of agricultural products, and extending the selling season by creating value-added products.
- Prevention activities were funded to address the prevalence of youth suicide disproportionately impacting Native American youth; additionally, thirty Natural Helpers Peer-to-Peer Programs were funded in the 2019-2020 school year.
- In progress – DOH is working to integrate tribal health planning into the State Health Improvement Plan and DOH’s strategic plan by developing a survey to get tribal leadership feedback about tribal health priorities.

## **Department of Workforce Solutions**

- Provided information to tribes about the Workforce Innovation and Opportunity Act and other federal funding opportunities.

## ***Water and Cultural Sites Protection***

Departments involved in working group: Department of Cultural Affairs (“DCA”), State Historic Preservation Office (“SHPO”), Department of Game and Fish (“DGF”), Energy, Minerals, and Natural Resources Department (“EMNRD”), Environment Department (“NMED”), Tourism Department, Agriculture Department (“NMDA”), and Office of State Engineer (“OSE”). The working group began addressing the following commitments made at the 2019 State Tribal Leaders Summit:

### **Office of State Engineer**

- In progress – OSE is working to establish an Indian water rights unit. During the 2021 legislative session the State Engineer, in conjunction with DFA approval, will request additional funding to properly staff a dedicated Indian water rights settlement team.
- Energy Minerals and Natural Resources Division

- Consultations and collaborations occurred with tribes in fiscal year 2020 regarding mining permits, oil and gas drilling permits, methane regulation, energy efficiency, renewable energy development, state parks construction projects, and wildland fire training.
- EMNRD collaborations included technical assistance on forest and watershed health programs and renewable energy programs.

## Cultural Competency Training for State Employees

Under STCA, all state employees that work directly with tribal communities are required to take a cultural competency training. The training is offered through the State Personnel Office with support from IAD. The goal of the training is to support state employees by ensuring they receive a high-quality training that provides them with skills and tools that they need to effectively communicate, serve, and collaborate with tribes in the state.

IAD worked with contractor Jaclyn Roessel to revamp the existing training and offer a revised cultural competency training titled “Building Cultural Equity with Native Nations.” This revised training integrates community building practices, decolonizing methodologies along with cultural justice and equity ideologies to offer a curriculum that is culturally competent and responsive to meet the needs of our tribal communities and state employees.

The Building Cultural Equity with Native Nations training is offered to state employees and other partners 12 times a year. Each of the 12 trainings are offered to new and current state employees and provide context around the current landscape of Native Nations, Pueblos, and communities in New Mexico. The trainings integrate the relevance of historical context and key understandings about Native Nations, Pueblos and communities’ cultures, protocol, language, and challenges. The training builds off the objectives of the Indian Affairs Department, feedback from previous trainings, and input from tribal community members, tribal leaders, and practitioners.

## Healthcare

American Indian and Alaska Natives continue to suffer significant disparities in health care status. This Administration is prepared to step in and reverse the damage to the state’s physical and behavioral health systems. The Department has focused its work on behavioral health and suicide prevention initiatives.

## Behavioral Health

### ***Behavioral Health Collaborative (“BHC”)***

IAD plays an integral role in the state’s BHC, by participating in the open quarterly meetings, the monthly cabinet-level strategic planning meetings, and the monthly liaison working group meetings. The four goals set by the BHC: (1) Expand behavioral health provider network; (2) Develop community-based mental health services for children and families; (3) Effectively address substance use disorder (SUD); and (4) Effectively address behavioral health needs of justice- involved individuals.

### ***Behavioral Health Planning Council (“BHPC”)***

IAD also participates in the BHPC which is the BHC’s advisory council consisting of consumers, families, and other members with relevant expertise, all members are appointed by the Governor.

The BHPC meetings are held bi-monthly, and the executive meetings occur regularly. This year, IAD assisted in planning the 2020 Behavioral Health Week that took place in January 2020.

### ***Native American Subcommittee (“NASC”)***

IAD Cabinet Secretary Lynn Trujillo also chairs the BHPC’s NASC, making IAD the only state Department that serves in an official capacity in both the BHC and the BHPC. The NASC consists of community members, providers, and three Local Collaboratives (“LC”). The LC’s include LC 15 – Navajo Nation; LC 16 – Pueblos of Cochiti, Jemez, Kewa, Sandia, San Felipe, Santa Ana, and Zia; and LC 18 – Pueblos of Nambe, Ohkay Owingeh, Picuris, Pojoaque, San Ildefonso, Santa Clara, Taos, and Tesuque.

The NASC team met regularly to strategize, plan, and facilitate the bi-monthly NASC meetings. NASC meetings typically include updates from IAD, the BHPC, the LC’s, and the overall NASC community. These meetings also provide opportunities for keynote presentations related to behavioral health within Native American communities, and strategic planning and execution of the NASC outreach projects. IAD looks to expand and maximize the efficacy and reach of the NASC in the coming year to best serve New Mexico’s Nations, Tribes, Pueblos, and urban Indian population.

### ***Inter-Agency Collaboration***

Additionally, IAD participates in the Human Services Department’s Native American Technical Advisory Committee (“NATAC”); the Native American Suicide Prevention Advisory Council (“NASP-AC”); the National Governors Association Policy Academy New Mexico Team; and the NM Developmental Disabilities Planning Council.

### ***External Partnerships***

From its participation in these behavioral health initiatives, IAD expanded its efforts through collaborating with external partners, such as Pew Charitable Trusts, John Hopkins University, and Harvard University.

- **Pew Charitable Trusts and Johns Hopkins.** IAD and other sister agencies began collaborating with Pew Charitable Trusts and John Hopkins University to conduct a New Mexico behavioral health systems assessment. The objective of Pew Charitable Trusts and John Hopkins University research teams is to expand access to effective treatment for substance use disorders, including medication-assisted treatment. To reach its objective, the team is assessing the state’s behavioral health system, engaging stakeholders, including tribal communities and entities, and developing evidence-based and emerging practices. The team will produce a final report with recommendations that will be released in November 2020. IAD continues to connect the research team with tribal partners and stakeholders that began with an initial tribal stakeholder meeting in March 2020.
- **Harvard University.** IAD partnered with Harvard University as a client for its course Native Americans in the 21st Century: Nation-Building II (“NBII”). Funded by Harvard University’s Native American Program (“HUNAP”), the university graduate course is a field-based research course that culminates in the preparation and presentation of a comprehensive research paper based on field investigation.
- IAD oversaw the development, execution, and reporting of the project “Bolstering the Behavioral Health Workforce: Supporting Suicide Prevention and Postvention in Indigenous Communities”. This project was led by graduate students Madison Esposito (Tyme Maidu Tribe), Kimberly Fabian, and Mia Fernandes (Mattakeeset Nation) with support by the University of New Mexico’s

Community Behavioral Health Program’s Teresa Gomez and Indian Health Service – Albuquerque Area’s Jennifer Nañez.

- The objective of the project was to address suicide prevention and postvention programming in the state of New Mexico through on-the-ground efforts in tribal communities. The graduate team analyzed the current status of behavioral health workforce development accessible to tribal communities, centering on research and interviews with the First Nations Community Healthsource; the Pueblo of Acoma Behavioral Health Department; and the Pueblo of Zuni Department of Health and Human Services. The project concluded with a final presentation and report submission in May 2020. This work will help steer IAD’s behavioral health policy initiatives.

## Suicide Prevention

Suicide continues to impact tribal communities in the state at alarming rates. IAD continues to advocate to provide the state’s sovereign nations and indigenous communities with the tools required to effectively respond and intervene when a tribal member attempts suicide or has suicidal ideations. IAD participates in the Native American Suicide Prevention Advisory Council (“NASP-AC”), which is a partner with the University of New Mexico Community Behavioral Health program to develop policies, protocols, and priorities for programs under the auspices of the clearinghouse Honoring Native Life (“HNL”). IAD has joined and will continue to participate in the state’s Department of Health’s Suicide Prevention Coalition that was re-established in 2019, to ensure that tribal voices are included in this initiative.

## Cultural Resources

Loss of aboriginal lands and the increase in growth of surrounding communities have impeded access to and threatened the protection of sacred places and cultural sites. Cultural resources and landscapes must be protected to preserve tribal culture. The Department advocates for and supports the State’s Nations, Tribes and Pueblos in preserving cultural heritage and sacred site protection.

## Cultural Heritage

### ***Protect Native Songs and Dances—House Memorial 70 (2019)***

IAD engaged the Southwest Indian Law Clinic (SILC) students to study and examine legal mechanisms to protect Native American songs and dances within existing law. Their work comprised of identifying new legal avenues for protection through international mechanisms for safeguarding intangible cultural heritage and researched proposals for future legislation. The SILC team presented and submitted a final report that included their findings and policy recommendations. IAD will utilize the report to help steer its policy work in this area.

### ***Climate Change Task Force’s Cultural Heritage Climate Action Team-***

IAD participates in this initiative with the Department of Cultural Affairs, the Department of Tourism, and the State Land Office. The action plan related to cultural heritage and climate change will be incorporated into the state’s annual Climate Change report. The action plan consists of the following goals: (1) assess and mitigate climate risks to preservation of sites (indoor and outdoor); (2) ensure continued access to sites; and (3) effectively and proactively incorporate tribal leadership in the state’s cultural heritage matters.

## Sacred Site Protection

### ***Native Americans in the 21st Century: Nation-Building II (NBII) Harvard University Partnership***

IAD led the development, execution, and reporting of the project “Sacred and Cultural Site Protection in New Mexico.” The project was led by graduate students Dakotah Kennedy, Jimmy O’Leary, and John Wigle (Tuscarora Nation) and had support from local experts at the Chestnut Law Office, attorneys Ann Rodgers and Aaron Sims. The goal was to find avenues to better protect and manage tribal nation’s sacred sites and cultural resources by identifying recommendations to modernize the New Mexico Cultural Properties Act. Their research centered on interviews with the Pueblos of Acoma and Zuni, as well as the Navajo Nation. The project concluded with a final presentation and report submission in May 2020, which consisted of recommendations and a red-lined version of the Cultural Properties Act.

### ***New Mexico Reburial Grounds Act***

The Department is collaborating with Ropes & Gray LLP to modernize the New Mexico Reburial Grounds Act (§§ 18-6-24 through 18-6-27) to better support tribal nations’ efforts to protect and defend their cultural heritage. The firm agreed to conduct this work on a pro bono basis.

The project’s scope of work consists of:

- Discussing with New Mexico tribal leadership the Reburial Grounds Act, identifying them as experts in the field. IAD will set up meetings with tribal leadership and the firm during the contract period.
- Research how the New Mexico Reburial Grounds Act relates to specified state laws (ex. New Mexico Cultural Properties Act) and federal laws (ex. Native American Graves and Protection and Repatriation Act; the Safeguard Tribal Objects of Patrimony) in the issue areas of state/federal compliance; tribal consultation; and reburial processes;
- Research state law and policies in Colorado, Iowa, Arizona, and other specified states that relate to the repatriation and reburial of Native American remains in the United States.
- Develop recommendations to IAD to further implement the Act; to address consultation, confidentiality concerns, and notice and inclusion of tribes in the process; and to identify best practices for the reburial of culturally unidentifiable remains; and
- Produce a final report for IAD that includes those recommendations and any draft legislation amendments.

At the project’s conclusion in 2021, IAD intends to utilize the report’s finding and recommendations to propose state legislation for the 2022 Legislative Session.

### ***Chaco Canyon Comments from NMIAD***

IAD submitted comments to the Bureau of Land Management’s Resource Management Plan Amendment (“RMPA”) and Environmental Impact Statement (“EIS”) opposing the continuation of the oil and gas drilling near Chaco National Historical Park, citing to lack of consultation and compliance with the National Environmental Policy Act (“NEPA”) and the National Historic Preservation Act (“NHPA”).

## Child Wellbeing and Education

The Department has become more engaged in policy work related to child wellbeing and education. The Department is part of the Children’s Cabinet and through our grant programs we support work in the areas of health, education, and community involvement. Moreover, the Secretary participates on the ECECD transition committee.

### *Partnerships with ECECD, PED and HED*

The Department continues to build its partnerships with sister agencies primarily responsible for the education and wellbeing of native children.

During the 2020 legislative session, the Department received a \$1 million appropriation through House Bill 2 transferring money from PED to IAD to assist with developing early childhood culturally and linguistically relevant curriculum, assessment tools, teacher and program evaluation instruments; and to conduct needs assessments of early childhood education facilities.

The Department collaborated with PED and ECECD to implement this appropriation so that it meets the needs of tribal communities. A core group was tasked to work directly with Tribal Education Directors and experts in field. An online survey was created and sent to the Indian Education Advisory Council to provide feedback and guidance to the group on priorities for expenditure of the funds.

There were four areas identified: 1) professional development for teachers; 2) development of culturally and linguistically curricula; 3) development of data evaluation instruments; and 4) facility assessment. Lastly, the survey responses received from Tribal Education Directors prioritized the needs of their early childhood program. The survey results listed the top three objectives for utilization of the funds:

- **80%** – Culturally relevant curricula in instructional materials that would be developed by the tribes.
- **77%** – High-quality professional development for teaching professionals and paraprofessionals in early childhood.
- **29%** – Assessment of facilities for early learning environments.

Included in the long-term goals were recommendations to increase capital for tribal education facility improvements.

## Energy

This Administration has made New Mexico a leader in renewable energy through the Energy Transition Act (“ETA”). The ETA sets statewide renewable energy standards and creates three funds to be managed by the Workforce Solutions Department, the Economic Development Department, and the Indian Affairs Department. The three departments are required to hold three community meetings in the affected community to solicit feedback on how funds should be spent. To date, one meeting has been held.

While not required, the IAD is leading a more extensive community engagement process, which prior to the pandemic included visits to every Chapter within the affected community to solicit feedback and recommendations. The Department’s primary goal is that Native communities lead the transition and that there is culturally appropriate economic development in northwestern NM.

Three Conveners and a Community Advisory Committee (“Committee”) have been appointed to guide the process and outreach. The Community Advisory Committee will hold the second and third community meeting in late 2020 and in the spring of 2021. The Conveners released a Request for Information to solicit ideas on possible projects to fund. The Request for Information period closed at the end of October 2020. The Conveners will now review these proposals and present them at the second community meeting. Funds are expected to be available in 2022 and the state is well-positioned to make recommendations on the use of the funds generated through the Energy Transition Act.

## Public Safety

Every citizen deserves to live without fear of crime. This Administration knows that crime is damaging to our communities. Governor Lujan Grisham signed legislation establishing the Missing and Murdered Indigenous Women (“MMIW”) Task Force to study the crisis of MMIW in New Mexico.

The MMIW task force has worked diligently this year to gather information about the state of the MMIW crisis in New Mexico. Specifically, the task force focused on data collection by submitting Inspection of Public Records Act (“IPRA”) requests to law enforcement agencies to get aggregate counts for missing persons and murder/homicide cases from 2014-2019. Other data collection efforts include hosting task force meetings with opportunities to gather community input. Task force meetings were organized to center around the goals and objectives provided for in House Bill 278, like support services, law enforcement collaboration, missing persons protocols, and inter-governmental cooperation. These meetings, along with the data findings has contributed to the task force’s initial phase of reporting to the state on the status of MMIW. The report, which is due November 2020 will include next steps for the state and legislators to consider in the 2021 Legislative Session.

### ***NM Cross Commissioning Report***

IAD partnered with the student attorneys at the Southwest Indian Law Clinic (“SILC”) to work on a report outlining challenges and barriers that exist with cross-commission agreements and one-way commissions between the state and tribal law enforcement agencies. The report by SILC was provided to the tribal liaison for the Department of Public Safety. Also, sections of the Cross Commissioning Report are included in the final MMIW report to help explain the challenges that exist with commissioning agreements.

## Infrastructure

In New Mexico, many homes in tribal communities lack basic infrastructure. In addition to the administration of the Tribal Infrastructure Fund (“TIF”) and capital outlay projects, the Department is building partnerships with state agencies, non-profit organizations, and foundations to work on addressing infrastructure needs in tribal communities. The Department has focused its work on broadband and water infrastructure.

## Broadband Infrastructure

Broadband connectivity is essential for tribal communities, especially in accessing educational tools, telehealth resources, and small business and other entrepreneurial opportunities, among others. To fill the digital divide in the state's tribal nations, IAD is focusing on short to long-term solutions.

### *Partnerships and Collaboration*

The Department works with the Department of Information Technology ("DoIT"), the Public Education Department ("PED"), and the Department of Cultural Affairs ("DCA") to identify tribal broadband needs, especially in tribally controlled schools and libraries; to procure necessary assets and devices for immediate Wi-Fi access, such as Cellular on Wheels (COW) trailers and pre-paid Wi-Fi hotspots; and to secure external partnerships for tribes with internet service providers and other actors in the field.

To address midterm solutions, the Department continues to build upon its working relationship with Verizon Wireless, T Mobile, and other regional and national carriers to ensure the completion of existing broadband connectivity projects on tribal lands, such as the erection of vertical towers and other assets in tribal communities.

The Department is working closely with tribal community partners such as tribal IT departments, Santa Fe Indian School's Technology Office, and the Notah Begay III Foundation to conduct several long-term projects that will ensure lasting internet access into the homes, schools, and tribal buildings of our tribal nations.

## Water Infrastructure

IAD is committed to assisting the State's Nations, Tribes, and Pueblos in their water-related initiatives to meet their needs, overcome challenges, and ensure access to clean running water.

### *Water Foundation*

The Department is in the early stages of developing its partnership with the Water Foundation. The Foundation awarded \$75,000.00 to the Department to conduct tribal community town halls and focus groups to assess tribal water needs, identify barriers to meeting these needs, and produce recommendations on how to move forward. This collaboration will continue into 2021.

### *Other Partnership*

The Department is building its partnerships with the New Mexico Office of the State Engineer, DigDeep, Watery, and other actors to identify more ways to assist tribes in meeting their water needs.

## Census 2020

IAD supported the critical mission of achieving a complete and accurate count of New Mexico's tribal citizens in 2020. The Department partnered with sister-agencies, community-based organizations, and tribes to support on-the-ground operations throughout tribal communities. IAD received \$800,000 through two appropriations to directly support tribal communities with grant funds for census efforts. These funds were used by tribal governments and their CCC's to:

- Raise awareness of the Census and express the urgency of responding.

- Assist tribes with accessing field plans, templates for graphics, radio and print collateral and a messaging framework.
- Support on-the-ground promotion of the Census including COVID-safe canvassing, phone-banking, and social media and radio buys.

The Department also entered into contracts with community-based organizations Native American Voters Alliance Education Project (“NAVAEP”) and the Center for Civic Policy (“CCP”) to ensure every tribal Complete Count Committee (“CCC”) was supported for field operations, messaging for print, radio and online campaigns.

## Legislative Work

Every legislative session the Department responds to requests for analysis from the Legislative Finance Committee on legislation that impacts the Nations, Tribes and Pueblos and Indian people. The Department tracks bills that impact Indian communities and the Department.

### *2019 and 2020 Legislative Sessions*

During the 2019 and 2020 legislative sessions there were several bills that directly impacted the Department and tribal communities which are now a part of the Department’s policy and programmatic work.

- **House Bill 278 (2019):** Missing and Murdered Indigenous Women (“MMIW”) Taskforce—directs the Department to convene the MMIW taskforce to study and report on the crisis of MMIW in New Mexico.
- **Senate Bill 489 (2019):** Energy Transition Act (“ETA”)—directs the Department to administer the ETA Indian Affairs Fund to assist Native communities and people in the affected area following the closure of the San Juan Generating Station.
- **House Memorial 70 (2019):** Protect Native Songs and Dances—requests IAD to work with state agencies and Indian nations, tribes and pueblos to enhance the protection of Pueblo, Navajo, Apache and intertribal dances and songs as protected state cultural resources.
- **Senate Bill 228 (2019):** Wildlife Corridors Act—provides opportunities for Nations, Tribes and Pueblos to enter in joint powers agreements for wildlife migration corridors across state and tribal lands. IAD is a part of the Wildlife Corridor Interagency Working Group.
- **House Bill 1 (2020):** Appropriations Bill—provides a \$23 million dollar set aside of state CARES Act funds for tribal governments. This amount was subsequently increased to \$28 million through Governor Lujan Grisham’s leadership. The Department worked with DFA on the distribution of CARES Act funding to tribal governments.
- **House Bill 2 (2020):** Education Appropriation Act of 2020 for Early Childhood—provides the Department with \$1 million appropriation to support tribes in early childhood education.

## Communication and Outreach

Throughout the COVID-19 pandemic IAD has advanced its mission of being both a clearinghouse and a vital link between tribes and state government. IAD’s communications work has focused on delivering vital information to tribal leadership and hosting government-to-government discussion on

a variety of issues. From hosting weekly tribal leadership calls to the production of a PBS COVID television program, IAD has been at the forefront of the state's response to COVID in Indian country.

**Some of the highlights from our communications team include:**

- COVID-19 NMPBS Townhall - <https://youtu.be/TLZvpluKICk>
- Over 500k interactions from the NMPBS Tribal Townhall.
- Over 175k impressions over social media channel Facebook on COVID-19.
- Weekly tribal leadership virtual meetings with state and federal agencies, and NM's congressional delegation.
- Sustained media presence that includes features in local and national media outlets.

IAD has established itself as a trusted source of information for tribal, state, and federal audiences. The Department tactfully relays critical and important information to tribal communities in a manner that is culturally relevant and appropriate. The communications team strives to highlight the great work being done by all partners including the Governor's Office, state agencies and tribal communities.

## Boards, Commissions and Committees

The Department pursuant to legislation and executive orders either leads or serves on twenty-one (21) different boards, commissions, and committees. This work is in addition to the Department's own initiatives and programs. The Department participates in these boards, commissions, and committees to advocate for tribal interests. Some of these boards and commissions include but are not limited to the Office of the Medical Investigator Board, Martin Luther King Jr. Commission, Water Trust Board, and the Outdoor Recreation Advisory Committee, among others.

## Indian Affairs Programs Administered by Administrative Services Division (ASD)

ASD manages all fiscal and administrative functions of the Department which includes overseeing all procurement and contractual agreements with vendors/grantees, manages all general ledger activity for the Department, completes monthly fund reconciliations, and coordinates annual financial audit and financial statement drafting. The ASD supports the Department by overseeing the following:

- Special Project Grants Program
- Tobacco Cessation and Prevention Programs
- Tribal Infrastructure Fund
- Capital Outlay; and
- Technical assistance and training to grantees.

## Special Projects Grants Program

In Fiscal Year (“FY”) 2020, the Department appropriated \$297,324.00 of general funds to support special projects in tribal communities. The Department worked with seven (7) grantees on projects that ranged from youth projects, language preservation, veterans outreach services, aging and elder services, education cultural enrichment, and drug and alcohol awareness.

During the 2020 NM legislative session, the Department received a general fund appropriation to support special projects in fiscal year 2021 that benefit tribal communities. The Department has appropriated \$350,000.00 for projects that focus on providing COVID-19 recovery in five main support areas:

1. Behavioral health;
2. Education;
3. Childcare;
4. Hunger; and
5. Technical assistance.

## Tobacco Cessation & Prevention Grant Program

In FY 2020, the Department received \$249,000.00 from the Tobacco Settlement Fund to fund direct tobacco cessation and prevention campaigns in Native American communities. The Department worked with nine (9) grantees to build tribal capacity to implement culturally appropriate tobacco cessation and prevention initiatives that recognize the unique ceremonial uses of tobacco while reducing the use of commercial tobacco and its harmful effects. Despite the pandemic, the grantees were able to outreach to their tribal communities to continue to educate on commercial tobacco use and its harmful effects.

During the 2020 NM legislative session, the Department received an Interagency Transfer Fund Appropriation from the Tobacco Settlement Fund to support Tobacco Cessation & Prevention Projects in the State. Department has \$249,300.00 available for tribal-specific tobacco cessation and prevention initiatives.

## Tribal Infrastructure Fund (TIF)

The Tribal Infrastructure Fund was created by the Tribal Infrastructure Act in 2005. This act recognizes that many of New Mexico’s tribal communities lack basic infrastructure, including, but not limited to water and wastewater systems, roads, and electrical power lines. Through this competitive funding, all federally recognized tribes, nations and pueblos within New Mexico have an opportunity to submit a project proposal for their community.

The TIF remains a vital funding opportunity for Nations, Tribes, and Pueblos by funding critical infrastructure projects within tribal communities. In 2019, the TIF Board funded \$14,050,394.00 in water system improvements, a fire station, and construction of an education facility. In 2020, the TIF Board funded \$19,896,635.00 in projects focused on water, wastewater, roads, and critical community facility construction projects.

## Capital Outlay

The Lujan Grisham Administration has invested more in direct capital outlay funds in tribal communities than both the Martinez and Richardson administrations combined. In the first year of the Administration, the Department received \$75,070,124.00 in direct investments with an additional \$30.7 million administered through other state agencies such as the Department of Transportation, Aging and Long-Term Services and Education. During the 2020 legislative session, an additional \$13,450,317.54 in capital outlay investments were made in tribal communities. With an ASD staff of four (4) professionals, the Department administers millions of dollars in capital outlay in an efficient and transparent manner.

## Technical Assistance, Training and System Improvements

The ASD provides technical assistance and training to throughout the year. Although the COVID-19 pandemic greatly impacted the amount of in-person trainings, the Department provided guidance remotely.

The ASD is currently working on a dashboard that will highlight projects all over the state showing real time obligations and expenditures by tribe, county, and region. The interactive dashboard will enable the Department in preparing materials for operating budget project and financials. The dashboard will provide yet another layer of transparency showing how public dollars are being expended and enable grantees to monitor project progress.

## Additional Agency Partnerships

The IAD builds its capacity to serve tribal communities through partnerships. The IAD partners with agencies, non-profits, higher education institutions and foundations. Below is a list of partnerships that IAD has built and will continue to build upon to bring vital resources to tribal people.

### Agency Partnerships:

#### ***Aging and Long-Term Services Department (ALTSD)***

- Collaborator with Elder Center meal services.

#### ***Children, Youth and Families Department (CYFD)***

- Collaborator on EMT Training Initiative.
- Participates in the Tribal Customary Adoption working group.

#### ***Department of Cultural Affairs (DCA)***

- Member of the Community Information Gathering Subcommittee to work on the tribal libraries' initiative.

#### ***Department of Game and Fish (DGF)***

- Contributor to the Pecos Wildlife Corridors.

#### ***Department of Public Safety (DPS)***

- Supported DPS with finalizing a commissioning agreement with the Pueblo of Laguna.

### ***Department of Transportation (DOT)***

- Worked with NMDOT to set up road closures to minimize traffic through tribal communities at the onset of the COVID-19 pandemic.
- Supporting NMDOT with their broadband deployment initiative.
- When a right of way issue arises, IAD advises and assists in the response.

### ***Energy, Minerals, and Natural Resources Department (EMNRD)***

- Member of EMNRD's Energy Conservation and Management Division's Methane Community Impact initiative.
- Member of the Produced Water Consortium with the Environment Department, serving on the Government Advisory Board.

### ***Human Services Department (HSD)***

- Collaborator on Indigenous Managed Care Entities and ESF-6 processes.

### ***New Mexico Attorney General (NMAG)***

### ***New Mexico Environment Department (NMED)***

- Supporting NMED on Navajo Nation regulatory agreements (Navajo Gallup Water Supply Project).

### ***Office of the Governor (GOV)***

- Member of the Governor's Advisory Council for Racial Justice, assisting as support staff to the Health Subcommittee.
- Member of the Governor's Supporting Youth Emotional Needs workgroup, co-leading the Tribal Youth subcommittee with ECECD, HED, and HSD.

### ***United States Attorney's Office, District of New Mexico***

## **Non-Profits:**

### ***Eight Northern Indian Pueblos Council, Inc. (ENIPC)***

### ***New Mexico Indian Centers – Albuquerque Indian Center, Hozho Center for Personal Enhancement, and Santa Fe Indigenous Center***

- Contracted to three Indian centers to produce a report of services that the centers provide to Native Americans living in the urban areas of Albuquerque, Gallup, and Santa Fe.

### ***National Congress of American Indians***

### ***Native Women Lead***

### ***Regional Development Corporation (RDC)***

## Foundations:

***Kellogg Foundation***

***McCune Foundation***

***New Mexico Foundation***

- Provider of disinfectant and cleaning supplies for Jicarilla Apache Nation during first surge of cases.

***Notah Begay III (NB3) Foundation***

- Donated over 400 masks for the NB3 distributions to families in the Albuquerque area.

***Santa Fe Community Foundation***

## Higher Education Institutions:

***Internship Program—Stanford University, New Mexico State University***

***New Mexico Highlands University Native American Social Work Studies Institute***

***UNM Center for Social Policy***

***UNM Health Services Center***

- AD serves on the Office of the Medical Investigator Board.

***UNM Indian Law Section***

## Other:

***City of Albuquerque (CABQ)***

***Center to Stop Violence Against Native Women***

***Indian Pueblo Cultural Center – Pueblo Relief Fund***

- In the event the state could not provide resources, IAD would reach out to the Pueblo Relief Fund to coordinate services and share resources with Tribal Emergency Managers.

***Missing Murdered Dine Relatives***

***New Mexico Administrative Code (NMAC)***

# Agency Contact Information

- **Lynn Trujillo**  
Cabinet Secretary  
505-490-1447  
[Lynn.Trujillo@state.nm.us](mailto:Lynn.Trujillo@state.nm.us)
- **Nadine Padilla**  
Deputy Secretary  
505-469-3290  
[Nadine.Padilla@state.nm.us](mailto:Nadine.Padilla@state.nm.us)
- **Stephanie Salazar**  
General Counsel  
505-690-4079  
[Stephanie.Salazar@state.nm.us](mailto:Stephanie.Salazar@state.nm.us)
- **Poqueen Rivera**  
Director of Government Relations  
505-470-0688  
[Poqueen.Rivera2@state.nm.us](mailto:Poqueen.Rivera2@state.nm.us)
- **Keegan King**  
Policy, Legislative Analysis &  
Communications Bureau Chief  
505-552-2090  
[Keegan.King@state.nm.us](mailto:Keegan.King@state.nm.us)
- **Drew Roybal-Chavez**  
CFO/HR Coordinator  
505-690-2997  
[Drew.Roybal-Chavez3@state.nm.us](mailto:Drew.Roybal-Chavez3@state.nm.us)
- **Chandler Kahawai**  
CPO/Capital Outlay Administrator  
505-660-7270  
[Chandler.Kahawai@state.nm.us](mailto:Chandler.Kahawai@state.nm.us)
- **Kelly Barela**  
Procurement and Contracts Specialist  
505-470-3481  
[KellyT.Barela@state.nm.us](mailto:KellyT.Barela@state.nm.us)
- **Vanessa Gutierrez**  
General Ledger Accountant  
505-690-5694  
[Vanessa.Gutierrez4@state.nm.us](mailto:Vanessa.Gutierrez4@state.nm.us)
- **Eldred Lesensee**  
Policy Analyst  
505-670-2027  
[Eldred.Lesensee@state.nm.us](mailto:Eldred.Lesensee@state.nm.us)
- **Geneva Becenti**  
Policy Analyst  
505-795-1775  
[Geneva.Becenti2@state.nm.us](mailto:Geneva.Becenti2@state.nm.us)
- **Sherrie Catanach**  
Public Relations Coordinator  
505-469-7599  
[Sherrie.Catanach2@state.nm.us](mailto:Sherrie.Catanach2@state.nm.us)
- **Kalee Salazar**  
Executive Assistant to Cabinet Secretary  
505-690-4563  
[Kalee.Salazar@state.nm.us](mailto:Kalee.Salazar@state.nm.us)
- **Aurora Martinez**  
Executive Assistant  
505-699-3354  
[Aurora.Martinez2@state.nm.us](mailto:Aurora.Martinez2@state.nm.us)



**New Mexico Indian Affairs Department**

1220 S. St. Francis Drive

Santa Fe, NM 87505

[www.iad.state.nm.us](http://www.iad.state.nm.us)