



Virtual State Tribal Leaders Summit 2020

Final Report

Reflections on State-Tribal Consultation During COVID-19 and Beyond
November 17, 2020

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Final Report**

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I. Introduction

On Tuesday, November 17, 2020, the Indian Affairs Department (IAD) hosted the annual State Tribal Leaders Summit. This was the second State Tribal Leaders Summit held during the Lujan Grisham Administration. As with the first Summit under this administration, Governor Lujan Grisham, Lt. Governor Morales, and the Governor's entire cabinet attended the entire day of the Summit. State leadership were joined by tribal leaders, Native American legislators, congressional office representatives, state department's tribal liaisons, IAD staff, and other partners. Due to the COVID-19 pandemic, this year's summit was held fully online over Zoom.

The State-Tribal Collaboration Act of 2009 requires the Governor of New Mexico to meet annually with leaders of Indian Nations, Tribes, and Pueblos in a State Tribal Leader Summit (Summit) to address issues of mutual concern. The goal of Summit is to facilitate meaningful dialogue between New Mexico's sovereign tribal governments and the administration on the most pressing issues. This year's Summit was markedly different due to the worldwide COVID-19 pandemic. The COVID-19 pandemic has hit tribal communities especially hard in New Mexico. In the days leading up to this year's Summit, many tribal communities were experiencing a sharp uptick in cases. Despite the emergency, the Summit continued.

In preparation for the Summit, IAD convened a planning committee to organize the logistics, identify priority issues to discuss at Summit, select speakers, and prepare materials. The planning committee consisted of tribal liaisons, tribal leaders, IAD staff, and other state agency representatives. Special thank you to Governor Mora of Tesuque Pueblo for his commitment to serving on the planning committee and guiding the Indian Affairs Department to a successful Summit.

Through IAD's outreach, we heard from tribal leaders that the following issues were top priority: education, COVID-19 response, and economic recovery. IAD worked with the planning committee and state partners to create an agenda that would allow for full discourse on each issue. We were successful in partnering with the Public Education Department, the Early Childhood Education and Care Department, and the Higher Education Department to host their Government-to-Government meeting with tribal nations the day immediately following the State Tribal Leaders Summit. This allowed Summit to focus on COVID-19, economic recovery, the state budget, and the upcoming legislative session, while allowing education issues to be discussed at length the following day at the Education Government-to-Government meeting.

II. Opening Remarks

The 2020 Virtual State Tribal Leaders Summit began with an opening invocation by Governor Moquino, Jr. of Kewa Pueblo. Governor Moquino provided a traditional prayer in Keres, followed by a blessing in English. Indian Affairs Department Secretary Lynn Trujillo provided introductory remarks, followed by Governor Lujan Grisham, who introduced two youth

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speakers- Jackson Suazo and Leah Mountain. Following the youth speakers, Mescalero Apache President Aguilar provided remarks, followed by President Nez of the Navajo Nation, and Governor Herrera of Laguna Pueblo.

Below are brief excerpts of what each leader stated in their opening remarks. The excerpts were edited slightly for clarity and do not capture all that was stated.

Secretary Lynn Trujillo

“Thank you for those beautiful prayers and blessings. I want to thank everybody and welcome all of you, and express my respect to each of you Honorable Tribal Leaders, our Governor Lujan Grisham, Lieutenant Governor Morales, I also want to thank my fellow cabinet secretaries, and the dedicated staff of the Indian Affairs Department, who worked really hard to prepare for this year's Summit.

We gather today for this 2020 State Tribal Leader's Summit. This Summit is unlike any other before it. Together we are facing a global pandemic, unlike anything the world has seen in over a century. And rather than sitting across the table or sharing a meal, we instead find ourselves, looking at each other on computer screens. But even though we are physically apart this Summit and in this pivotal time in history, it gives us an opportunity to work closer together.

Although we are struggling through many challenges at this time, our communities are counting on us, and we must work respectfully to forge collaborative solutions to ensure that our state, our tribal and federal resources are coordinated and maximized to protect and support them. I find myself reflecting on where we were a century ago, during the 1918-1919 global flu pandemic. At that time, there was no such thing as state-tribal relations in New Mexico. The state was not yet ten years old, and our tribal communities were in the middle of an onslaught of federal boarding school and allotment-era policies. In the century that followed, we have made slow but steady progress to forge a relationship as governments and as fellow state citizens. In recent years, our partnership has grown rapidly, codified in multiple pieces of legislation, reiterated in many joint sessions of the legislature, addressed in executive orders, and key decisions made by leaders.

Today, we should remind ourselves that this is our collective legacy. The work of many around this virtual table, and who came before us. Who believed that people in New Mexico, including our shared citizens, have more to gain from cooperation than conflict, and even at a time like this when we are all so very tired - when we are all working so very hard to address this pandemic, when we are having to make some of the hardest choices we've ever faced as leaders in order to care for and protect our people, we can't give up. We can't give up on this vision or allow circumstances to drive us further apart. Instead, this is our opportunity to turn towards each other, knowing that sometimes the greatest challenges can present the greatest opportunities. It's time for us to forge even stronger state-tribal relations, and through our partnership, remind each other, that there are better days ahead of us. Welcome to the 2020 State Tribal Leaders Summit.”

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Governor Michelle Lujan Grisham

"We've started with an incredible invocation - Governor Moquino, as always, we are moved and honored by your incredible words of wisdom and strength. I hope that we all set aside the stresses of the day, and lean in and make sure that it's how we feel about each other and our relationships that allow us, guide us, to having a fruitful Summit today.

This is a hard day. I got up this morning and got to see President Nez on CNN, talking about the incredible challenges we all still face as a nation, he faces at the Navajo Nation, and that we get up every single morning and worry about every single tribal community member, and the communities at large as we fight this pandemic. And it reminds me that as Secretary Trujillo indicated, just two years ago, we were celebrating incredible appointments and elections. We agreed collectively together that we would make sovereign nations and issues of education, economic development, health care, and access to broadband connectivity, and energy, water, electricity, major priorities moving forward.

We came together and did remarkable work, and frankly, even in year two, and while at the end of last legislative session, there was more than a hint that trouble was on the horizon. We knew that this horrible deadly virus was moving around the globe. We knew that in January, right at the beginning of the legislative session and while world leaders denied that that was the case, including the White House, New Mexico got ready.

I want to just commend you for these things that are now and should be receiving national attention. Our containment strategies, in every single tribal community, elevated work together to both utilize Indian Health Service but also state resources for testing contact tracing, delivery of necessary items including personal items, food and water, making sure that guard personnel were available to manage traffic and tourists, to make sure that every single community was safe. And the reality is, and I want to quote President Nez this morning- while the country has seen multiple surges and multiple problems, we're in our second, and that is because we collectively worked together. And if there was ever an indication that we can do and will work productively together, attacking this virus, and slowing it's spread, and protecting each other, is uniquely that moment in our history that called us all to action in brand new ways, and we answered that call, all of us.

That strength and resilience tells me that while the next several weeks I fear will be incredibly challenging, difficult, and heart wrenching - we will in fact, together, get through them and in getting through them, as the Secretary said, getting to the other side, we will be stronger for it.

We'll be ready to tackle it with an even more aggressive stance - our economic, education, healthcare, public safety and infrastructure investments, that are still woefully underrepresented in each of our sovereign nations. You have this Governor's commitment, you have the Lieutenant Governor's commitment, and you have a unified sense of purpose by every single cabinet member and their staff and tribal liaison to do exactly the same thing.

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We are very clear about our moral compass that as I declare again, with all of you present today, we will rebuild our economic futures together, and all of that effort still has to be on the table. We have to make sure that those priorities, no matter what the fiscal realities and challenges are, are manifested in a unified, while individually purposed, collective efforts at the federal level, at the state level, and the local level to make sure that we're reinvesting in each and every one of you, and each and every one of your communities.

Lastly, today is that chance to make sure that that collective wisdom comes together so that the next two years we are clear that the virus is managed, that the treatments, vaccine distribution efforts to make sure that every family is resilient, that all must occur, and our collective efforts not just to manage the virus but crush it again in our communities. Getting through the winter, which I mentioned in my remarks, I think it's going to be incredibly hard. This is when we look to our families. This is when we look inward for strength. This is when we celebrate our communities. Family and community gatherings are exactly what the virus needs in order to spike and ravish through the state again. So, looking to you for every single effort and strategy to make sure that it can't do that through the Thanksgiving holiday or Christmas holiday. It is going to be incredibly challenging, but I know that we can do it.

I know that tomorrow we're going to focus on education. It goes without saying that education still has to be a foundational aspect of the productive efforts that we must commit ourselves to make sure that we close the gaps, that we bring equity, and that we meet, not just the spirit of the law of the Yazzie/Martinez lawsuit, which was very clear about the lack of state resources being invested in the places where it really gets to the students who are supposed to be the recipients of those investment resources and support.

And then the last thing I want to say - this election was an incredible one for me. I got to bear witness to young people and young people of color, all around this country who participated for the first time whether they were first of legal age to vote, whether they were in their early 20s and had not yet been motivated and whoever they voted for in this election - these new voices are hungry for action and involvement and respect. They hold the key to our successes tomorrow, and every single day thereafter. And I think New Mexico has an incredible opportunity not just to really recognize and respect those voices, that wisdom, that bring that appetite for doing better, and making sure that we do that statewide. To make sure that we include those voices in our efforts today. And I'm very excited that as I close my opening remarks and then as I say again, how honored and grateful I am, except for the aspect that I can't be there with you directly and how much I think this cabinet has done together with your leadership locally to manage this virus to manage the economic calamity and to bring every single resource to bear, to make sure that every single person that we represent is protected, is honored, is served, and is part of our collective solutions."

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Jackson Suazo, Youth Speaker

[Traditional introduction in Keres]

“Good morning, Honorable Tribal Governors, Presidents and Governor Michelle Lujan Grisham. I am pleased to be speaking in front of you today being a college student and proud of being from four Pueblos. Ever since I left for school, the words that kept me strong were from my elders and they were this: ‘Hastrameh estowa, be strong! You are our future. So, papa, be strong in what you have been taught. Our ways have undergone so much and our sovereignty isn’t like it used to be but that will never push us away from trying to give the best future possible for our people.’ Until today, I had always taken those words to mean that it is up to my generation, currently going to school, to bring our people out of such horrible times.

Yet I am here with you all today to acknowledge your present power and opportunity, specifically today's responsibility, will balance only if the goal of collaboration is shared between all of us. We have seen leaders come together on large issues such as Yazzie/Martinez and that collaboration, the enactment of STCA, and the way we have come together in our response to COVID-19. But this virus, the virus has greatly impacted us all. And the very thought of losing any more than we have is heartbreaking. But prior to this year, too little do we acknowledge the fact that sometimes multiple tribal nations are going to have the same problem. Maybe at different times and maybe with different resources, but that problem still exists today and I hope that today is not a competition between any tribal nation, but the opportunity to grow and who knows what collaboration we have yet to explore and, the ideas yet to be manifested. And this year, if it has taught us anything should be that we all should be looking out for each other. And to all state and tribal leadership today and representatives, you are all here to listen as much as we are here to speak. And while in the midst of the most trying times of our lifetime with this pandemic we must stay united. Thank you.”

Leah Mountain, Youth Speaker

[Traditional Introduction in Tewa]

“Good morning everyone. I am Leah Mountain and before I get started, I would like to recognize the Honorable Governor Michelle Lujan Grisham, and my Governor, Perry Martinez and Lt. Governor Chris Moquino. I would also like to express my gratitude and respect to all the tribal leadership here today representing their communities.

Today I will be expanding on the importance of education. With our history and the past struggles that we as tribal people have faced in education, it continues to impact us today. It all started with the first contact which immediately became colonialism, genocide, and attempted extermination. We continue as sovereign peoples, to fight for something that is rightfully ours, that we shouldn’t have to fight for, but here we are today.

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As COVID-19 continues we are now left asking questions like “What does our future hold for our education, our tribal communities, and our existence?” It is now more important than ever. Education is POWER. Education is a way to shape a better future. With the right education and the right tools, our people have a fighting chance.

This history leaves us with obstacles like, stereotyping, racial intolerance, and marginalization to name a few. Today I charge leaders to think about these two questions - Why is education important? And how does the history of Indian education impact us today? We, as the youth and the next generation, are simply advocating and asking for a quality education but we want access to a quality education that fits every student’s needs. Access to a quality education is beyond important because without a quality education how will we be able to give back to our communities? With a quality education we can give back to our tribal communities like many of the leaders sitting here today.

Lastly, I am asking you all to come together today. With love, respect, and humility - set aside your differences, have respectful dialogue, and leave in a good and strong way, shoulder to shoulder. Thank you.”

President Gabe Aguilar, Mescalero Apache Tribe

“Good morning, Honorable Governor, Lieutenant Governor Morales, Secretary Trujillo, and members of the state legislature, and other state representatives and tribal leaders. For those of you who don't know me, my name is Gabe Aguilar and I'm the President of the Mescalero Apache Tribe. This is my first term as President and let me start by saying, there are a lot of people listening today that I respect for their strong leadership and experience. In particular, I've watched many tribal leaders listening here today, as you lead your people before I took office as President - I learned a lot from you.

The State Tribal Collaboration Act states that at least once a year, the Governor shall meet with leaders of Indian Nations, Tribes, and Pueblos in a State Tribal Leaders Summit to address issues of mutual concern. This is all the Act says about the Summit. It goes without saying that there are a lot of issues of mutual concern. Whether it's the economy, or the coronavirus - what the state does affects tribes and vice versa. The Act talks about effective communication and collaboration. Positive government-to-government relations and cultural competency that Act aspires to ensure that the State of New Mexico will recognize the special status of tribes, as sovereign governments, with unique histories and cultures.

Unfortunately, tribes and pueblos have seen how an administration can go through the motions by doing the bare minimum to comply with state law without really listening to tribal concerns or respecting the government-to-government relationship. This is why I think the Summit is important, and this should be one of our goals of our meeting. Each tribe and pueblo should have an opportunity to say on behalf of themselves ‘yes, we are communicating effectively, or no we need to talk, we need to work on cultural competency.’ I am happy to say that your administration, Governor Lujan Grisham, does more than go through the motions. I can say this

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with confidence because I came into office last November. I have met with, called, texted, or emailed, you, your staff, Lieutenant Governor Morales, Secretary Trujillo, other Cabinet Secretaries, Deputy Secretaries, more times than I can count.

Access to you, and other state leadership has been outstanding. This should continue. This is key to making sure the state isn't just going through the motions. Tribal leaders should be able to call upon state leadership. This is how the state shows that it respects our sovereign status, this is how you build trust. If someone won't answer the phone, how can I believe that our perspective on a particular issue is being heard. Being able to talk to you Governor, and other state leaders, lets us advocate for our people before major decisions are made. It allows us to explain how a particular decision will affect each of our unique tribal circumstances. We must be able to speak with each other often and directly, especially now with the pandemic. We all know that the situation can change quickly, and we all know the stakes are high. I can't say it enough- access to state leadership is key.

For example, I remember when we saw our first coronavirus case here at Mescalero, I remember reaching out to the state for mass testing. I wanted to have mass testing in the next day or two. My staff was hesitant to ask for things to happen so quickly. They didn't think it could be done, but the state came through and just one or two days later there was a mass testing and we were able to stop the spread of the virus at that time. Access to the state leadership was key to making sure this happened.

I want to close by saying that we are dealing with a lot right now. Some days I feel like we are bombarded with problems and there is nothing but bad news. I'm sure you feel the same way. I want nothing more than to be able to spend time with my loved ones, as much as possible. The virus prevents me from doing this, and my obligation to my people prevent me from doing this. Please stay strong. Keep doing what you feel is right for your people. We will get through this together. Thank you for all your time, and God bless all the tribes. Thank you."

President Jonathan Nez, Navajo Nation

"Good morning. Thank you, Secretary Trujillo and Governor, good morning to you and your cabinet, and of course, the state and tribal leaders throughout the State of New Mexico. The staff that have been working around the clock, it seems, throughout this pandemic. And we want to say thank you to all our frontline workers, our warriors, that are on the battlefields against this monster, as we deem here on Navajo, that has snuck into our homes, our communities, our nation, and of course, the State of New Mexico. Our relatives that are joining us, our friends, good morning from the Navajo Nation.

I just wanted to highlight our partnership with many of you, throughout this pandemic and, as was mentioned by President Aguilar, that we are all in this together, what affects us here in our tribal nations, affects the state, the southwest region, and vice versa.

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As a warrior, you have to be equipped with your armor and your weapons; you could say that wearing a mask is part of our armor, our weapons are some of the teachings that have come from generation to generation to today, and also the newer information that we receive from the CDC and the state. These are weapons to combat these monsters. It's not just COVID-19 but it's also diabetes and suicide and depression. Behavioral and mental health services should be at the top of our list as a priority during this pandemic. Our people are struggling. People are at home. I commend those fathers, of course and mothers, but more fathers for staying home on our nation to take care of their family. They are the ones that usually go off our nation to provide for their families. But they chose to stay home to protect their families. And so that means there's no income coming in. And that's where we, as tribes and community members step in to assist those individuals, those families that are going through some tough times and it's not just in Indian Country it's all across the country. I just saw yesterday, thousands of people wanting to get a care package, a food package. This country is going through one of the toughest times in our generation.

It's very important that we stay in communication with one another, that partnership that this Governor has stood upon and the cabinet has stood on since their election, I appreciate the Governor for her stance and sometimes I know what you go through Governor, you have to put some strict public health orders in place to protect our citizens, but they'll come around. They will see that that was in the best interest for their families and for their communities. It's not about taking freedom away. It's about protecting our elders and our most vulnerable populations in our communities.

We have here on the Navajo Nation lost over 600 of our Navajo people to this monster, over 600 families impacted, and thousands more that have gotten the virus. And there's this perception out there that if you catch this virus or you just hunker down for 14 days, you'll be okay, but let me just say some of our citizens who have gone through this virus still have some long-term effects from COVID-19, their breathing, they're still coughing, permanent effects that they're living with today. So, this is a serious, serious pandemic and all of us that have been protecting our loved ones, I want to say thank you. I want to say thank you to the many tribes who have assisted us and the state for assisting us. And I call you all the friends of the Navajo Nation; since time immemorial we've been helped by friends of our Nation.

But looking to the future, COVID-19 is going to stick around until there's a vaccine. Even when there's a vaccine not everybody's going to take it. I think many of us will see this COVID-19 be around for our tenure in our office, so this is kind of the new norm. I just got off a zoom with the students and what they're learning now, this is probably going to be the new norm in our communities, in our schools. I'm hopeful with this transition that's happening with the new administration, we are engaged in those discussions, but we can't wait until they get into office, we got to do it now and if this administration can't do it and help us, let us do it. Let us have our partners step in, like the state and the tribes, so we can show this country that we are taking this virus seriously. And we can bring those numbers down, it's been done before and we can do it again, we're all in this together. So, thank you Governor, thank you tribal leaders

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for your attention. I appreciate the Navajo Nation Council, the 24th Navajo Nation Council for doing an outstanding job in their communities, giving out food, giving out hygiene kits to their constituents so they can hunker down through these trying times. Some of those leaders will be speaking, later on today. God bless you, our prayers are with you as well, Governor, and tribal leaders. Thank you.”

APCG Chairman Wilfred Herrera Jr., Laguna Pueblo

“I’d like to first again acknowledge Governor Lujan Grisham and thank you for joining us at this Summit. You made that commitment early on in your Administration to work with the tribes of New Mexico and you made good on that effort and I commend you for that. I’d also like to acknowledge all the tribal leaders at this summit. This morning, President Nez and your administration, all the Pueblo Governors, Governor brothers, Lieutenants, our staff, and especially for Secretary Trujillo and your staff. So, with that, I’d just like to acknowledge everyone.

Let me begin with this, as we began the year, 2020, and our continued leadership roles and responsibilities as a service and stewards of our people, our lands and our natural resources. Many of us begin the year, reflecting on the past year in regard to accomplishments, successes, failures, challenges, and losses. We asked ourselves- what were the lessons learned to assist us in moving forward in a positive manner in 2020? We remind ourselves that we as elected leadership, we have the responsibility to protect, preserve, and ensure sustainability of the people, and provide stewardship over natural and financial resources, such areas as literacy in history, culture, language, government, and especially core values are important in our efforts to protect, preserve, and sustain. Past decisions and even inactions by prior and current administrations have set before us, again the challenges, the work and the need for solution crafting to address and resolve matters. We continue to seek and develop the strategies, plans and resources to continue to build our economy, address matters of education, environment, healthcare, and elder care services. As governments, we are large and diverse operations. We must work, not in isolation but with other governments at the national, state, and local levels.

Here we are at the 2020 State Tribal Summit. Convening a meeting to have a dialogue among sovereign governments. We visit in matters, discussions, reflection and perhaps even contemplating - is this the right approach to take, brings to mind a lot of things. The State Tribal Collaboration Act of 2009, which is the guiding document we look to in our Summit, in our relationships, with our sovereign government, state and our tribes.

Again, hoping that our meeting and discussion, are not just words but will have value and substance, and most of all be impactful. There's a lot to contemplate when we convene in this manner- will we work to create solutions in accordance with common goals, do our expectations fulfill the intent of the Collaboration Act, and most of all seeking positive outcomes from the Summit. What fiscal considerations are on the table, what partnerships will be built or reaffirmed, what jurisdiction questions will be identified and answered, what

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priorities will be established, what will be the next takeaways, and next steps following the Summit?

When Governor Lujan Grisham took office, many of our leadership, we were on track to make progress. Then the COVID-19 virus came into our nation, our state, our Pueblos, and unfortunately into our lives.

Just about every Pueblo has in place protective orders, curfews, and no access/closures to tribal lands, these have been necessary. We are working to ensure the safety, protection, and wellbeing of our people, and communities. These efforts to minimize and eliminate the exposure and the spread of this contagious virus. Our Pueblo people have a strong sense of community and family values, the values we share in common, are love, respect, compassion, obedience, discipline, and most of all - caring for one another. Our communities are encouraged to foster intergenerational relationships to teach and pass on language, culture, and traditions from elders down to children and grandchildren. The net scale and impact of this emergency pandemic has disrupted our traditional ways and strained community relationships.

Reliance on our local health care providers who are on the front lines making sure families and individuals are receiving medical care and essential supplies, the impact to work incomes, furloughs, social isolation have tested many and continues to test our faith, our strength and resilience. We have had to do without. And do with what we have. In many ways, learning survival skills, and being creative. Understanding how important family is, and the need to both tolerate and support each other during this time. Learning to take responsibility for our children and our elders in our homes and communities. Our children, parents, teachers, and staff encourage, strength, resilience and teamwork.

The worldwide pandemic of the COVID-19 virus does not discriminate, and no one is immune. There is no vaccine yet and if one is developed it will take time for it to reach people throughout the world. Our Pueblo leadership and operation personnel have been engaged in the implementation of many efforts, as we all know, our people and their safety, protection, and wellbeing is foremost.

Federal trust responsibility, tribal sovereignty, continue to be forgotten, challenged and under assault. Lack of parity in resourced appropriations, government shutdowns, and continued resolutions, impact funding, and not being able to process grants, contracts, and the ability to provide direct services such as social services law enforcement, and completion of capital outlay projects.

I encourage and request that we take the time to put our phones and electronic devices away for a short period of time each day. Let us take the time to visit and talk to our family members, face to face, express words of love, appreciation, encouragement, support, and advice to one another. Reflect and be mindful, and appreciative of the jobs, services, and lessons we have received throughout 2020. Appreciate the blessings of our elders and children, appreciate our

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students being challenged but also doing well in school, and growing in our culture and language.

We as leadership are trying our best and continue to ask our people, our citizens, for prayers, patience, and support in the work that we do on their behalf. My sincere best wishes and regards to all of you, your families and communities. Have faith, foster good relations, be safe, well and take care of one another. May you all be blessed with all you need in life, especially good health. In closing, what has been handed down in our beliefs and teachings, as taught by ancestors, that certain events and illnesses will be seen and faced by mankind, by humanity. We are encouraged to be mindful and embrace our belief that we are blessed, protected, and to rely on faith and prayer as our strength. Thank you for this opportunity and I wish you all to be safe and well and I wish everybody a good day, and a successful 2020 Summit. Thank you.”

III. State of Tribal Nations—Tribal Leaders

Following the opening statements, each tribal leader was given time to address the Governor and her cabinet. The statements that were provided ranged widely and focused on various issues depending on the tribal leader and tribal community. Below is a compilation of the tribal leaders’ State of Tribal Nations. Some tribal leaders provided IAD with written statements.

COVID-19

The first item of discussion during the Summit was the pandemic. Many tribal leaders shared the impacts of COVID-19 on their respective tribal communities as well as what each sovereign government was doing to protect its tribal citizens. Tribal leaders shared that they have implemented such protocols as lockdowns, curfews, issued public health orders and put in place other restrictions to mitigate the spread of the virus within their communities. This time provided an opportunity for the State to hear directly from tribal leadership as well as an opportunity for tribal leaders to hear from each other on this pressing matter.

Many tribal leaders commended the Governor for her leadership and her efforts to protect the citizens of New Mexico. They also commended the Governor and the State for strong communication and collaboration early in the pandemic and throughout. Tribal leaders requested that the State continue to communicate and collaborate with tribal nations and keep the lines of communication open.

Among the top priorities that tribal leaders expressed with respect to COVID-19 were:

- The safety of and coordinated distribution of the COVID-19 vaccine when it becomes available.
- The importance of receiving critical public health information in a timely manner so that tribal leaders can make informed decisions to protect their people and communities.
- The continuation of tribal communities receiving vital resources in order to respond to the pandemic.

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- Ensuring that tribal, state and federal efforts are better coordinated and that resources are leveraged.
- Concerns regarding the stigma associated with contracting the virus and the role of leadership in setting an example.
- COVID-19 relief and recovery, especially economic recovery.

As the pandemic remains the most pressing issue for tribal leadership, some leaders reflected that this has made it challenging for them to focus on other priorities of their administrations.

State Tribal Collaboration and State Tribal Relationships

The pandemic and the State's response to supporting tribal nations is an example of the strong government-to-government relationship the Lujan Grisham Administration has built with the 23 sovereign nations. It is a relationship rooted in mutual respect and a sacred trust that underlies the State's response to COVID-19 in tribal communities. Tribal leaders echoed the need for continued government-to-government dialogue and tribal consultation even more now during the pandemic. There was a call to strengthen the State Tribal Collaboration Act (STCA) and to adhere to the mandates and protocols put in place by STCA.

Education

Almost all tribal leaders addressed education in their opening statements to Governor Lujan Grisham. It is clear providing resources to Native student populations is a key priority for tribal leadership. Many tribal leaders committed to working with the Governor and her Administration to implement Yazzie/Martinez remedies and to resolve the long-standing issue of impact aid. For many tribal leaders, both Yazzie/Martinez and impact aid remain top education priorities.

In addition to these two issues, the pandemic also highlighted:

- The lack of broadband infrastructure and reliable service in tribal communities and how this lack of connectivity creates challenges for students who are attending school virtually. Some tribal leaders expressed that these challenges will negatively impact the education received by Native students in their communities and will only exacerbate the learning gap of Native students. Tribal leadership requested the State to fund broadband infrastructure projects in tribal communities.
- The need for proper tribal consultation and respect of tribal sovereignty by the Public Education Department (PED) and school districts. The pandemic has impacted how students are receiving a public education. Decisions by the State and local school districts to engage in hybrid learning have come into conflict with decisions by sovereign nations to impose lockdowns or limit ingress and egress to protect their citizens. In particular, the Navajo Nation, has requested virtual only learning options for their student population. Another tribal leader noted his concern that hybrid learning puts tribal communities at risk. The Navajo Nation requested that PED, local school boards and superintendents be educated on the importance of tribal sovereignty.

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Infrastructure and Capital Outlay

The pandemic has highlighted the need for more funding to address critical infrastructure in tribal communities. For many tribal leaders, the availability of capital outlay dollars to fund critical infrastructure within their respective tribal communities remains a priority. Tribes rely on capital outlay appropriations to fund projects such as:

- Water and Wastewater systems
- Broadband (for education, employment, telehealth)
- Housing
- Energy projects (solar)
- Education and Health Facilities

Tribal leaders were eager to hear from the State as to its budget projections to better understand whether there will be any capital outlay funding available for tribal projects going into the 2021 legislative session.

Economic Relief and Recovery—Providing Economic Development Opportunities

Many tribes have exercised their sovereign right to shut down tribal enterprises due to the pandemic. Tribal governments use revenues derived from tribal enterprises to support vital governmental functions and to provide services to tribal members. As tribes have shuttered their businesses and governments, tribal leaders want to know how the State will support tribes with economic relief and what economic recovery will look like moving through the pandemic.

Tribal leaders acknowledged that everyone has suffered significant economic loss and that it will take everyone working together to get the economy back on track. And while tribal governments have been creative in diversifying tribal economies there still needs to be assistance from the State. There is a hope that economic recovery will lead to more economic development opportunities for tribes and individual tribal members.

A couple of comments made by tribal leadership:

- One tribal leader identified the legalization of cannabis as a potential economic development opportunity.
- One tribal leader expressed that tribes have more restrictions placed on them for reporting and yet receive the least amount of support.
- One tribal leader noted the significant economic impact to individual tribal members such as artists and asked what type of assistance is available to them.
- One tribal leader requested the State to support deferment and forgiveness of revenue sharing. Defaults have already negatively impacted the tribe's economic recovery.

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Other Issues and Recommendations

In addition to the above issues, some tribal leaders expressed the importance of settling water rights and ensuring that there is adequate funding for these settlements, the protection of sacred sites and restricting access through tribal communities.

IV. “Rebuilding Together After COVID”- 2021 Revenue Forecast

After tribal leadership provided their “State of the Nation” addresses, the state provided a presentation on the state’s revenue forecast. This presentation was requested from tribal leadership.

Department of Finance Administration (DFA) Cabinet Secretary Debbie Romero opened up the “Rebuilding Together After COVID” section of the tribal summit by giving a presentation to tribal leadership on the state’s revenue forecast for 2021. DFA’s presentation set the budget context for economic recovery and legislative presentations that followed. Cabinet Secretary Romero’s budget forecast presentation covered:

- 1) macro-economic conditions,
- 2) the forecast for the state's general fund,
- 3) expenditure and eligibility status of the state’s CARES Act grants to tribes,
- 4) causes of uncertainty in revenue; and
- 5) a status update of a new federal COVID relief package from Congress.

Following DFA’s presentation, tribal leaders discussed ways that Tribes, Nations, and Pueblos are utilizing CARES Act funding and the barriers to expending the funds due to federal guidance. There was also a call to action by the state requesting tribal leaders to ask the federal government for an extension to expend CARES ACT funding beyond December 30th.

V. State-Tribal Economic Recovery Discussion

Economic Development Department (EDD) Cabinet Secretary Alicia Keyes and Tourism Department (TD) Cabinet Secretary Jen Schroer gave a joint presentation on state-tribal economic recovery. First, EDD set the context for the joint presentation by giving an update on the state of the economy.

EDD presented on current initiatives to invest in research and innovation. Secretary Keyes highlighted the nine sectors that the state has focused on to help the state regain momentum in economic development. Those sectors are: 1) aerospace, 2) film and television, 3) outdoor recreation, 4) biosciences, 5) global trade, 6) sustainable green energy, 7) cybersecurity, 8) intelligent manufacturing, and 9) sustainable and value-added agriculture. She invited tribal leadership to partner with the department on any of the nine sectors. Additionally, Secretary Keyes presented on film and outdoor recreation partnerships with tribes and noted the commitment by Netflix and NBC Universal to work in New Mexico.

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Cabinet Secretary Keyes also shared with tribal leadership a long-term economic development planning initiative. EDD was awarded a grant of \$1.5 million from the US Economic Development Administration to create a comprehensive statewide economic development strategy, including recovery and long-term economic diversification. The strategy will aim to strengthen the economic health of New Mexican businesses, by improving access to capital and technical assistance. Finally, the strategy will develop and improve the FUNDIT program and Opportunity Zone Response.

The presentation by Tourism Department Cabinet Secretary Jen Schroer emphasized the detrimental impact the pandemic has had on tourism as a whole. Her presentation covered resources the industry has been utilizing to assist with operations during the pandemic in addition to the \$25 million investment the state will be making in New Mexico's tourism economy post-pandemic.

Open discussion with tribal leadership followed the joint presentation. Many tribal leaders expressed interest in partnering with the state on film industry opportunities. Tribal leaders were interested in being a part of the conversation to regain economic momentum post-pandemic and noted that some tribes will experience an even greater challenge due to their location and assets. There was a request to know more about what the Governor's Economic Recovery Council will propose regarding economic development initiatives. The Governor committed to developing a tribal-specific economic recovery council to ensure the state is mindful of tribal interests and opportunities to leverage partnership in economic development moving forward.

VI. 2021 State and Tribal Legislative Priorities

Victor Reyes, Legislative Director with the Office of the Governor, and Governor James Mountain, Consultant with the Indian Affairs Department, led the presentation on state and tribal legislative priorities for the 2021 legislative session.

Governor Lujan Grisham announced that there will be a Special Legislative Session on Tuesday, November 24, 2020. The special session will be to determine how remaining CARES Act funding should be spent. There is approximately \$300 million that, instead of allowing to revert, should be reallocated to address critical needs. Critical needs that could be met include: additional support to New Mexicans on unemployment, support for businesses impacted by the pandemic, increasing available support for emergency housing assistance, and support to food banks experiencing shortages due to increased demand.

The Administration is developing its legislative priorities but have identified the following preliminary initiatives for the 60-day session: funding for early childhood education, supporting New Mexico's businesses, childcare and welfare reform, protecting New Mexicans from predatory lending practices, recreational cannabis, and educational priorities.

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Funding for Early Childhood Education

- The Administration is seeking to pass a constitutional amendment that would boost funding for education. The state is committed to meeting the educational needs of students.
- Secretary Groginsky, Early Childhood Education and Care Department- “This investment is critical in a child’s early years. We need to invest in the workforce and ensure they have the compensation and credentials that they need. We need to have a strong focus on culture and languages. We need to invest early, support our educators, and support our families. Doing this will pay off for future generations.”

Supporting New Mexico’s Businesses

- The Administration is considering changes to the procurement code to give preference to New Mexico’s businesses and potentially Native American businesses.
- Secretary Ortiz, General Services Department- “We are excited about this initiative to increase opportunities to contract with and support Native American businesses. We have been working with the American Indian Chamber of Commerce and have provided resources and training on issues such as procurement and staying in good standing for tax compliance.”

Childcare and Welfare Reform

- Legislation will be drafted to codify the Indian Child Welfare Act (ICWA). This will help protect Native American children and help ensure Indigenous children remain with their families and communities.
- Secretary Blalock, Children, Youth and Families Department- “We have been working with experts from all 23 tribes on strengthening protections of ICWA. We look forward to working with you all and protecting the sovereign-to-sovereign relationship through the state ICWA legislation.”

Protecting New Mexicans from Predatory Lending Practices

- Triple digit interest rates create cycles of debt. Currently, 64% of these businesses are located within 15 miles of tribal land. All New Mexicans deserve access to fair credit under reasonable terms.

Recreational Cannabis

- This is one of the greatest economic potentials for our state. This could create 11,000 new jobs and generate over \$620 million by its fifth year. Public safety and workplace safety are a priority. Intergovernmental agreements will be included.

Education Priorities

- Education issues are a priority for this Administration.

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- Secretary Stewart, Public Education Department- “We will be discussing these issues in depth tomorrow with tribal leaders at the Government-to-Government (G2G) meeting.”

Capital Outlay and Infrastructure

- In the first two years of this Administration, there has been over \$100 million in investments for the direct benefit of sovereign nations. Resources will be more limited this coming session. The Administration wants to talk with sovereign nations to prioritize critical needs, including broadband connectivity, water and wastewater, electricity and power, and public safety.

2021 Tribal Legislative Priorities

Prior to the summit, the Indian Affairs Department collected tribal priorities for the 2021 legislative session through phone calls and written surveys to tribal leadership. During the Summit, tribal leaders presented these requests to Governor Lujan Grisham and her cabinet. The top legislative priorities identified by tribal leadership are listed and summarized below.

1. Indian Education

Yazzie/Martinez- Since the landmark Yazzie/Martinez decision in 2018, tribes have engaged the state on initiatives that they, and other educational experts, believe will assist the state in addressing the shortcomings identified in the lawsuit related to Native American students. Tribal leaders reiterated their support for the efforts by various groups to increase state funding for at-risk children, particularly Native American students. Specific funding requests include:

- a) Increase funding to Tribal Departments of Education to fully implement education blueprints developed by the tribes and the New Mexico Public Education Department as assigned by HB 250, passed in the 2019 legislative session.
- b) Increase funding to tribal language programs to recruit, train and certify language teachers, develop language programs, and develop curriculum and instructional materials.
- c) Increase funding for tribal libraries to establish staff and develop after school programs and summer community-based programs.
- d) Increase funding to Tribal Departments of Education to develop early childhood curriculum, design assessment tools, support culturally appropriate teacher and program evaluation instruments, conduct needs assessments of early childhood education facilities, and develop plans for construction where necessary.

Impact Aid- Tribes have widely contested the way the state utilizes federal impact aid dollars for Native American students to fund public education in New Mexico since the creation of the State Equalization Guarantee (SEG) in the 1970s. Tribal leaders reiterated their discontentment with the structure of the SEG and requested that the state remove

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the impact aid credits in the SEG in the 2021 legislative session so the funds can stay within the public school districts that generate the dollars.

2. Capital Outlay Funding

Tribal infrastructure funding continues to be a priority across tribal nations in New Mexico. The request varies depending on each tribes' unique needs. Tribes continue to leverage state funding to complete large infrastructure projects that serve tribal communities and oftentimes nearby non-tribal communities as well. Common infrastructure requests to the state include water infrastructure, public safety, educational facilities, health facilities, renewable energy projects, and economic development projects.

3. Opposition to Racino Legislation

Racinos operating in New Mexico have proposed "Gaming Recovery Act" legislation to be introduced in the 2021 legislative session. The bill would prematurely open up the state-tribal gaming compacts by allowing racinos to engage in "Las Vegas-style" gaming with comps for food, alcohol and transportation. The bill would also allow the racinos to offer sports betting and internet gaming. Although there are proposed tribal incentives included in the bill, gaming tribes in New Mexico are solidly opposed to the proposal. Tribes asked the state to honor the 2015 compact that was negotiated in good faith by the state and tribes and to reject the racino's "Gaming Recovery Act" proposal in the 2021 legislative session.

4. Broadband Funding

Tribal leadership identified broadband funding as a priority for the 2021 legislative session. The COVID-19 pandemic has highlighted broadband infrastructure disparities in several tribal communities. Broadband is a critical resource for public service initiatives including public safety, education, healthcare, and economic development.

5. Behavioral Health Funding

Tribal leadership requested funding and resources be provided to state agencies and programs that promote and provide services in relation to mental and behavioral health, access to telehealth, and support for tribal communities' awareness of the importance of physical, mental, and spiritual health. Tribal leaders shared that the COVID-19 pandemic has exacerbated existing behavioral health issues in tribal communities.

6. COVID-19 Pandemic

The health disparities within tribal communities have become even more apparent as a result of the ongoing pandemic. Tribes expressed the importance of having strong partnerships between the state and Indian Health Services to ensure that tribal communities are served. Tribal leadership requested that the state agencies and programs that address the health needs of Pueblos, Tribes, and Nations continue to be

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funded and if possible gain access to additional funding to support awareness and prevention for health issues such as diabetes, heart conditions, obesity, cancer related to tobacco, and other health issues in tribal communities.

7. Water Settlement Funding

Tribal leaders advocated for increased funding for the Office of the State Engineer (OSE) for more staff. Additionally, tribal leaders advocated that the OSE implement changes in their office to require more resources and time be devoted to tribal water rights settlement negotiations. Leadership believes the OSE and Interstate Stream Commission should devote more of their existing resources to Indian water rights settlements by re-assigning current personnel to these settlements. Further, tribal leadership would like to see the state set aside funds for mediation and provide funds for mediators in key Indian water rights settlements. The state should establish an Indian Water Rights Settlement Fund to pay its share of financial contributions to these settlements.

VII. Introduction of the Education Government-to-Government

Following the legislative session discussion and sharing of state and tribal legislative priorities, the Summit transitioned to providing an overview of the Education Government-to-Government (G2G) that would occur the following day.

Secretary Trujillo and Secretary Stewart, with the Public Education Department, presented during this section of the agenda. Both Secretaries provided statements recognizing that education issues are a top priority for all tribal nations and the state. Due to the importance of education issues, IAD worked with the state's education departments on the Education Government-to-Government the day following the State Tribal Leaders Summit. This allowed for a full day of conversation between Governor Lujan Grisham, state leaders and tribal leaders to have a deeper discussion on issues of Yazzie/Martinez and impact aid. Also covered at the G2G were presentations from the Early Childhood Education and Care Department and the Higher Education Department.

The newly appointed Assistant Secretary of Indian Education Lashawna Tso was formally introduced to tribal leadership during this time. Assistant Secretary Tso joins the Public Education Department from most recently serving as Legislative Chief of Staff for the Navajo Nation Office of the Speaker, where she supported policy development and worked on intergovernmental issues.

The New Mexico Indian Education Act, passed in 2003, requires the Assistant Secretary for Indian Education to ensure resources are allocated to develop and implement culturally relevant curriculum and programs; establish and support the Indian Education Advisory Council; ensure school districts and charter schools are engaging in tribal consultation; and seek funds to implement a plan to increase tribal teachers and school leaders. At PED, Assistant Secretary Tso will lead the Indian Education Division, which directs state policy on effective

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implementation of the Indian Education Act, including significant and meaningful collaboration and communication with Native communities and leaders.

Assistant Secretary Tso will also oversee implementation of solutions in response to Yazzie/Martinez and will ensure that Native American students are provided a culturally and linguistically responsive education that prepares them for college, career and service to their community.

VIII. Closing Statements

Closing statements for the 2020 Virtual State Tribal Leaders Summit were provided by Governor Lujan Grisham, President Nez, President Velarde, Governor Martinez, and Governor Zuni. Governor Concha from the Pueblo of Taos provided the closing prayer to end the Summit.

Governor Lujan Grisham thanked tribal leaders for their time and expressed what an honor it was to be a part of this year's Summit. Governor Lujan Grisham thanked tribal leaders for their strong, collective action against COVID-19 and the measures tribal leaders took to protect their tribal members. Governor Lujan Grisham touched upon the many issues brought up throughout the day, including education, broadband, infrastructure, vaccine distribution, environmental issues, investments in healthcare, and the upcoming special session and 2021 legislative session.

Tribal leaders thanked IAD, Secretary Trujillo, and all those involved for organizing the Summit. Tribal leaders expressed their appreciation to the Governor, the Lieutenant Governor, and the cabinet for their full participation and attention. There were requests for the state to continue its "open door" policy and continue open dialogue in responding to COVID-19 and economic recovery proposals. Tribal leadership reiterated the importance of education, responding meaningfully to Yazzie/Martinez, impact aid, water rights settlements, broadband, state-tribal relations, taxation agreements, tourism, infrastructure, food security, mental and behavioral health, and services for elders. Tribal leaders expressed their readiness to engage in education discussions the following day at the G2G.

Both state and tribal leadership expressed a commitment to state-tribal relationships and to continue to strengthen and improve government-to-government relations. Leaders brought up the elections and the opportunities to work with the new presidential administration.

IX. Post Summit Follow Up Summary

The day was spent discussing issues of mutual concern. There were several key areas of follow up that emerged from the dialogue between the state and tribal leadership. Below is a summary that provides a snapshot of some of the key commitments that were captured during the full day virtual Summit.

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State Tribal Leaders Summit Follow-up Summary	
COVID-19	The state and tribal governments will continue to communicate and collaborate with each other to address COVID-19 in tribal communities.
Economic Recovery	The state and tribal governments will work together to develop a tribal specific economic recovery workgroup to inform the state’s economic recovery with respect to sovereign nations.
State Tribal Collaboration	The state and tribal governments will work together to strengthen state tribal collaboration by enhancing the State Tribal Collaboration Act. The state will adhere to the mandates, protocols and policies that govern the implementation of the Act.
Education	The state and tribal governments will work together to implement Yazzie/Martinez remedies and resolve impact aid.
Capital Outlay Funding	The state and tribal governments will work together to prioritize critical needs to ensure that vital infrastructure is funded through capital outlay in the 2021 legislative session.
Broadband	The state and tribal governments will work together to identify opportunities to expand broadband infrastructure, programming and build sustainable networks.
Behavioral Health	The state and tribal governments will work together to address the growing need for behavioral health resources and support in tribal communities, especially as this has increased due to the pandemic.
Water Settlements	The state and tribal governments will work together to resolve outstanding tribal water rights settlements by increasing the Office of the State Engineer’s resources toward settlement.

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STATE OF NEW MEXICO INDIAN AFFAIRS DEPARTMENT



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Lynn Trujillo
Cabinet Secretary

Nadine Padilla
Deputy Cabinet Secretary

Virtual State Tribal Leader Summit 2020 Agenda

Reflections on State-Tribal Consultation During COVID and Beyond
November 17, 2020

Time	Agenda 8:00am-5:00pm
8:00 - 8:10 am	Invocation , Governor Thomas Moquino, Jr, Kewa Welcome , Secretary Lynn A. Trujillo
8:10 - 8:50 am	Opening Remarks Governor Michelle Lujan Grisham, State of New Mexico Youth Speakers President Gabe Aguilar, Mescalero Apache Tribe President Jonathan Nez, Navajo Nation Governor Wilfred Herrera, Jr., APCI Chairman
8:50 -10:40 am	Tribal Leaders – “State of Tribal Nations”
10:40- 11:10 am	Tribal COVID-19 Response - Video: “How NM Tribes Helped Flatten the Curve”
11:10-11:50 am	“Rebuilding Together After COVID” 2021 Revenue Forecast Cabinet Secretary Debbie Romero, New Mexico Department of Finance
11:50-12:30 pm	LUNCH- Tribal Youth Dance Performance
12:30- 2:00 pm	New Mexico State-Tribal Economic Recovery Discussion Cabinet Secretary Alicia Keyes, Economic Development Department Cabinet Secretary Jen Schroer, Tourism Department
2:00 – 3:40 pm	2021 Tribal and State Legislative Priorities Governor’s Legislative Priorities Victor Reyes, Legislative Director, Office of the Governor Tribal Legislative Priorities & Open Discussion
3:40 – 3:50 pm	BREAK
3:50- 4:05 pm	Overview of Virtual PED G2G Summit Cabinet Secretary Lynn A. Trujillo, Indian Affairs Department Cabinet Secretary Ryan Stewart, Public Education Department Assistant Secretary of Indian Education Lashawna Tso, Public Educ. Dept.
4:05- 4:55 pm	Closing Statements Governor Michelle Lujan Grisham President Jonathan Nez, Navajo Nation President Edward Velarde, Jicarilla Apache Nation Governor Max A. Zuni, Pueblo of Isleta Governor Perry M. Martinez, Pueblo de San Ildefonso
4:55-5:00 pm	Closing Prayer , Governor Edwin Concha, Pueblo of Taos

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