

New Mexico Indian Affairs Department



REPORT TO TRIBAL LEADERS AUGUST 2021

DEPARTMENT OVERVIEW & BACKGROUND

The New Mexico Indian Affairs Department (IAD or Department) leads the intergovernmental and interagency coordination of programs and matters that concern 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 just one example of the State's commitment to honor the government-to-government relationship with New Mexico'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:

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

The Department is guided by its core values which are: 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

Throughout the year, the Department has served as a hub for tribal leadership and tribal communities by providing regular communication on resources and services throughout the COVID-19 pandemic. The Department continues to work with the Department of Health (DOH) to coordinate testing in tribal communities, contact tracing, and vaccine distribution. Collaborative recurring zoom meetings with tribal emergency managers and incident commanders were held to coordinate efforts, provide support and resources identified by the tribal communities. The meetings included sharing best practices and mitigation strategies. Bi-weekly COVID-19 updates were shared with tribal leaders.

Tribal Vaccine Distribution & Coordination

Three pueblos opted to work with the New Mexico DOH for the allocation and distribution of the vaccine. NMDOH staff coordinated with tribal emergency managers and leadership on strategies for efficient distribution and vaccination events.

The state will continue to support all tribal communities as we continue to move through the pandemic. The State commends tribal leadership and tribal communities for their response to COVID-19 which reflects love and respect for family, community, elders, future generations, and the broader community.



(l) Tribal members from 3 pueblos received their vaccines in cooperation with DOH. (r) Indian Affairs Department Secretary Lynn Trujillo receives her first COVID-19 vaccine at a DOH vaccine distribution event at the Sandia Pueblo.

INDIAN AFFAIRS DEPT.'S STATE TRIBAL COLLABORATION ACT WORK

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.
- **Tribal Liaisons-** Tribal liaisons are key players 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.

The Department is in process of creating a consultation toolkit and guidebook for Tribal Liaisons and state agencies to provide consistency in practicing consultations to help agencies comply with the STCA. The Department executed a first draft with the support of contractors. The current document is a draft, intended to be shared with Tribal consultation experts, advisors, and tribal liaisons for further review.

- **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.

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.

INDIAN AFFAIRS DEPARTMENT LEGISLATIVE AND POLICY WORK

I. 2021 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 60-day 2021 Legislative session was unlike any experienced before, due to the pandemic and the virtual nature of the session. Despite this, over 900 bills were introduced during the 2021 legislative session. The Department tracked more than 100 bills related to Indian communities and provided analysis of 63 bills impacting New Mexico's nations, tribes, pueblos, and Native Americans.

The Department advocated for vital infrastructure investments to tribal communities. A total of \$58,110,118 in capital outlay was appropriated in the 2021 session. With respect to education, the 2021 legislative session provided the state with an opportunity to pass HB 6 Impact Aid which ends the long history of inequity of impact aid and fundamentally changes the way the state funds public education and provides that money flow directly to school districts where native students are generating federal impact aid funds. The Department co-led with PED the \$18,115,700 million investment into the Tribal Remedy Framework policy and education infrastructure initiatives. The Department secured funding in addition to its budget in the amount of \$670,200 to develop programs and grants that directly benefit tribal communities.



Gov. Lujan Grisham is joined by tribal leaders, legislative leaders and IAD Secretary Trujillo for the executive signing of the historic Impact Aid Legislation after the 2021 legislature.

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This report summarizes tribal related legislation signed by Governor Lujan Grisham, provides an overview of some state investments. The list provided is not meant to be exhaustive.

Title	DESCRIPTION	BILL	DEPARTMENT
Tribal Capital Outlay	<p>Tribal infrastructure investments for selected projects that were submitted to the Governor and the legislature through capital outlay.</p> <p>Investment through IAD - 148 Projects totaling \$49,039,582.</p> <p>Investment through other agencies - 26 Projects totaling \$9,070,536.</p> <p>Total projects funded: 174 Projects.</p> <p>Total state investment in tribal infrastructure: \$58,110,118</p>	HB285 (Capital Outlay Bill)	IAD, DOT, ALTSD, HED
Impact Aid	<p>Gives districts with federally impacted land access to more than \$60 million to better serve their students. It also requires transparency and accountability for the use of discretionary funds.</p>	HB 6	PED
Tribal Remedy Framework-Policy Priorities and Infrastructure Projects	<p>In support of the Governor’s ongoing priority of improving education for Native American students, the legislature appropriated:</p> <ul style="list-style-type: none"> - \$4.5 million – for tribal education departments in each of New Mexico's twenty-three nations, tribes, and pueblos to develop and implement education blueprints and governance structures, engage in collaborations with school districts and plan and deliver community-based education programs and social support services for Native American students identified in HB 85. - \$4.5 million – for tribal libraries in each of New Mexico's twenty-three nations, tribes, and pueblos to develop and staff culturally and linguistically relevant after-school student services and community-based summer programs identified in HB 85. 	SB 377 (Junior Bill) & HB285 (Capital Outlay Bill) & HM26	PED IAD (capital project)

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	<ul style="list-style-type: none">- \$1,615,700 – for tribally based Native American language programs to plan and develop programs; recruit, train and certify language teachers; coordinate curriculum and materials development; and develop culturally and linguistically appropriate student, teacher and program assessments and evaluations identified in HB 85.- \$5 million to the broadband project through the Santa Fe Indian School identified in HB 86 through capital outlay. Administered by IAD.- \$2.5 million to the Education resource center and early childhood center at Pueblo of Jemez. <p>Total: \$18,115,700</p>		
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<p>Investments in Indian Affairs Department Budget</p>	<p>\$100,000 for entrepreneur training programs for Native Americans.</p> <p>\$97,600 to contract for critical resources for Native Americans living in urban and rural areas.</p> <p>\$90,000 for the Pueblo empowerment program.</p> <p>\$57,600 for the Missing and Murdered Indigenous Women (MMIW) initiative.</p> <p>\$150,000 for suicide prevention in tribal communities.</p> <p>\$100,000 for coordination with Indian education experts for research and development regarding native language program units.</p> <p>\$75,000 to support policy and youth leadership programs at SFIS.</p> <p>Total: \$670,200</p>	<p>HB 377</p>	<p>IAD</p>
<p>Requiring Tribal Agreement for Consolidating, Closing Native American Polling Locations</p>	<p>Provides protections for polling locations in an Indian Nation, tribal or pueblo land and requires an agreement from a Native American governing body before polling locations on Native American land can be closed or consolidated.</p>	<p>HB 231</p>	<p>Secretary of State</p>
<p>Connect New Mexico Act</p>	<p>Creates and defines duties for the Broadband Development Division in the Department of Information Technology (DoIT) to streamline the efforts of state, local, federal, and tribal entities in broadband programs and development. Requires several state agencies to cooperate with the Division. This bill establishes the Connect NM Fund and creates a Connect NM Council that requires three members representing tribal governments, appointed by IAD.</p>	<p>HB 10</p>	<p>DoIT</p>
<p>Statewide Digital Access & Broadband</p>	<p>Establishes the Office of Broadband Access and Expansion to create and implement a three-year statewide broadband plan to systematically reduce the digital divide.</p>	<p>SB 93</p>	<p>DoIT</p>

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No School Discrimination for Hair	Prohibits discrimination against students for wearing traditional hairstyles, including braids and religious and cultural headdresses.	SB 80	PED
Family Income Index	Creates a pilot program to target additional funds to schools serving large populations of very low-income students.	SB17	PED
Increase the Number of Indigenous and Bilingual Early Childhood Educators	<p>Endowed early childhood positions at NM public and tribal institutions of higher education, contingent on matching funds. Additional funding is included for endowed early childhood positions for increasing the number of Indigenous and bilingual early childhood educators. Does not have to be endowed but can hire additional staff to build the capacity of institutions to increase access. ECECD is working in partnership with HED to distribute funds.</p> <p>Special appropriations include:</p> <ul style="list-style-type: none"> • \$7M in special appropriation to build capacity of state and tribal colleges to recruit and support bilingual and indigenous educators. 	HB2	ECECD
Permanent Fund for Early Childhood	Proposes an amendment to the New Mexico Constitution to allow the Land Grant Permanent fund to distribute 1.25 percent to early childhood (60% to early childhood; 40% to K-12). This proposed amendment will be on the ballot and decided on by New Mexico voters.	HJR 1	ECECD

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Prescribed Burning Act	Expands the safe use of prescribed fire on private lands as part of a statewide strategy to reduce the frequency and severity of catastrophic wildfire and restore the ecological function of forests and watersheds.	HB 57	EMNRD
Grow Your Own Teachers Act	HB 22 amends the Grow Your Own Teachers Act signed in 2019 by Governor Lujan Grisham to expand the definition of who may qualify for the scholarship program and permit all educational assistants, regardless of scholarship awardee status, to seek professional leave toward the completion of a four-year teaching program. \$500,000 investment. Students should contact their institution’s Financial Aid office and College of Education for application details.	HB 22	HED
NM Opportunity Scholarship	The New Mexico Opportunity Scholarship provides support for part-time and non-traditional students who attend public and tribal institutions. \$18 million. Students should contact their public post-secondary educational institution’s financial aid advisor for eligibility verification.	HB 2	HED
Tribal College Dual Credit	A program that allows high school students to enroll in college-level courses offered by a public, post-secondary educational institution or tribal college that may be academic or career-technical, but not remedial or developmental, and simultaneously earn credit toward high school graduation and a postsecondary degree or certificate. Amount of funding available: \$263,900; Tribal colleges will receive these funds for their dual credit programs with secondary schools in New Mexico.	HB 2	HED
Tribal Library Grants	Department of Cultural Affairs received funding in their budget for grants to tribal libraries.	HB 2	DCA
Wildlife Conservation	Proposes the Wildlife Protection and Safety Act to prohibit use of traps, snares or poison on public land and provides exceptions. Makes violation a	SB 32	DGF

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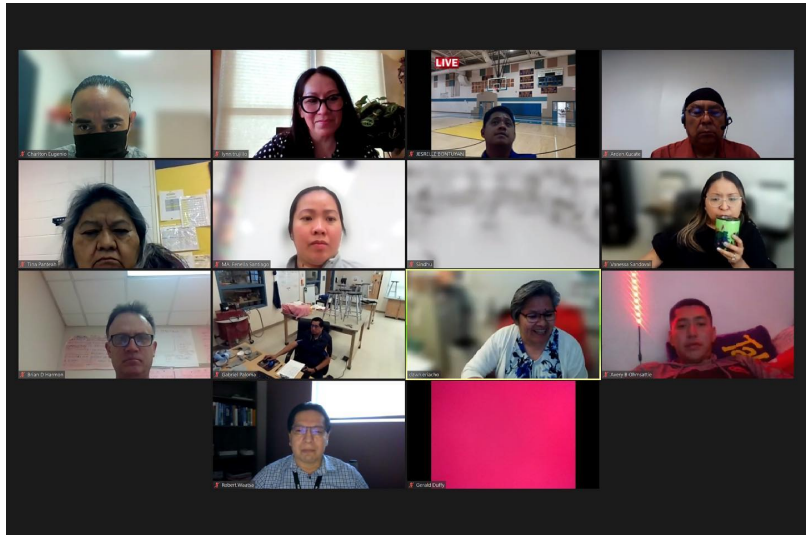
and Public Safety Act	misdemeanor with possible imposition of restitution to the state.		
Sustainable Economy Task Force	Creates the Sustainable Economy Task Force of 24 members, administratively attached to the Department of Finance and Administration, to develop annual strategic plans to transition the state economy away from reliance on natural resource extraction. Directs each cabinet secretary to implement the strategic plans. Allows for eight representatives from tribal governments, appointed by IAD. Secretary of IAD is a voting member of the Task Force.	SB 112	EDD
Civil Rights Act: Qualified Immunity	Cited as the New Mexico Civil Rights Act, establishes the right of an individual to bring a claim against a public body or anyone acting on behalf of a public body for violation of constitutional rights, privileges, or immunities.	HB 4	
GRT and Permanent Fund for LEDA Projects	Provides for “recovery grants” of up to \$100,000 for small businesses with declines in business in 2020 over 2019. Allows portions of state and local gross receipts and compensating tax receipts to be dedicated for public support of certain economic development projects. Declares an emergency.	HB 11	EDD
Air Quality Permit Denial	Amends the Air Quality Control Act to allow the Department of Environment to deny any permit application or revoke a permit based on applicant’s specific acts constituting poor enforcement history; requires permit applicants with certain exceptions to file disclosure statements.	HB 76	NMED
Maternal Mortality & Morbidity Prevention Act	Amends the Maternal Mortality and Morbidity Prevention Act by clarifying the types of cases reviewed by the Maternal Mortality Review Committee and making changes to the structure of committee leadership, creates a deadline of December 31, 2021, for adopting rules meant to reduce maternal mortality and clarifies the committee process. This requires two members to be appointed by IAD.	SB 96	DOH

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<p>Community Solar Act</p>	<p>Authorizes community solar projects and provides for the development and operation of community solar facilities within the service territory of investor-owned electric utilities and, on an opt-in basis, of rural electric cooperatives.</p>	<p>SB 84</p>	<p>PRC</p>
<p>Cannabis Regulation Act</p>	<p>Decriminalizes the possession, use, production, transportation, and sale of commercial cannabis for nonmedical adult use and creates a regulatory and taxation structure. Creates the Cannabis Control Division and directs them to promulgate rules for licensing and regulating commercial cannabis activities no later than January 1, 2022. The legislation provides for a Cannabis Regulatory Advisory Committee of which the superintendent of RLD shall appoint one member of a pueblo, tribe, nation with relevant expertise.</p> <p>Provides for the department to enter into intergovernmental agreements with tribal governments to coordinate cross jurisdictional administration of state and tribal laws related to cannabis.</p>	<p>HB2</p> <p><i>2021 Special Session</i></p>	<p>RLD</p>
<p>Local Economic Development Act</p>	<p>Amends the state’s Local Economic Development Act to add Gross Receipts Tax sharing for large economic development projects. The bill allows 50 percent of some state and local gross receipts tax and compensating revenue from large LEDA projects (over \$350 million in construction and infrastructure costs) to be placed into the LEDA fund to help with recruitment of those large projects.</p>	<p>SB1</p> <p><i>2021 Special Session</i></p>	<p>EDD</p>

II. HEALTHCARE

American Indians 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, suicide prevention, and youth wellness initiatives.



IAD Secretary Lynn Trujillo checks in with educators and students at Zuni High School during online learning sessions

- **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 are to: (1) Strengthen and expand behavioral health services to ensure a coordinated system of care; (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 state governor. The BHPC meetings are held bi-monthly, and the executive meetings occur regularly. This year, IAD assisted in planning and participated in the virtual 2021 Behavioral Health Day that took place in January 2021.

Native American Subcommittee (NASC)—IAD Cabinet Secretary Lynn Trujillo chairs the BHPC’s NASC, making IAD the only state agency that serves in an official capacity in both the BHC and the BHPC. The NASC consists of community members, providers, and five Native American-specific Local Collaboratives (“LC”). The LC’s include LC 14 – Acoma Pueblo, Isleta Pueblo, Jicarilla Apache Nation; Laguna Pueblo, and Mescalero Apache Tribe; LC 15 – Navajo Nation; LC 16 – Cochiti Pueblo, Jemez Pueblo, Kewa Pueblo, Sandia Pueblo, San Felipe Pueblo, Santa Ana Pueblo, and Zia Pueblo; LC 17 – Urban Native Areas including the Albuquerque Metropolitan Area; and LC 18 – Nambe Pueblo, Ohkay Owingeh, Picuris Pueblo, Pojoaque Pueblo, San Ildefonso Pueblo, Santa Clara Pueblo, Taos Pueblo, and Tesuque Pueblo.

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In the past year, the NASC met regularly to strategize, plan, and facilitate the bi-monthly NASC meetings. The 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.

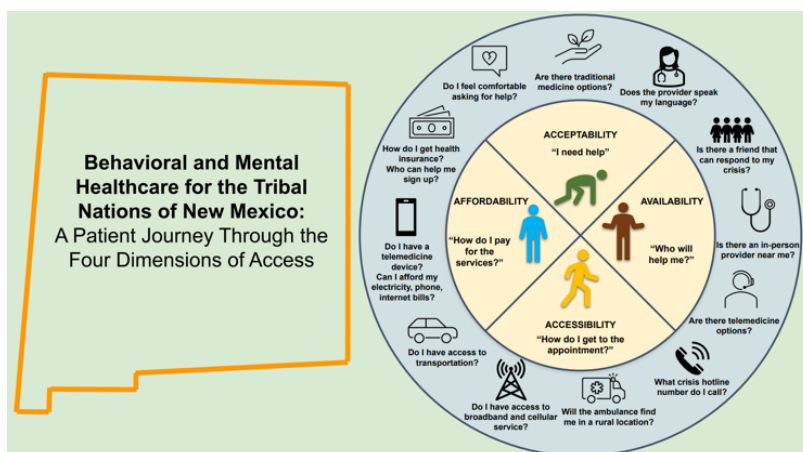
The NASC also led numerous COVID-19 relief efforts, including essential item distributions, mask-making and distribution; and a series of community-organized behavioral health events. The NASC helped to fund the Pueblo of Isleta's Summer elder-youth programming; the Jicarilla Apache Nation's youth holistic wellness workshop; Mescalero Apache Tribe's Color Run; and the Pueblo of Zuni's two youth events focused on understanding mental health through traditional teachings.

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 Department of Health's Suicide Prevention Coalition; and the Governor's Office ad hoc behavioral health workgroup, including the Native American subgroup. In these partnerships, the IAD co-established the DOH Suicide Prevention Coalition's Native American workgroup and led the production and dissemination of Native American-specific COVID-19 relief public service announcements that aired on statewide media outlets.

External Partnerships—From its participation in these behavioral health initiatives, IAD expanded its efforts through collaborating with external partners, such as Harvard University and the Native American tribal Behavioral Health Providers Association.

Harvard University. The IAD continued its partnership with Harvard University as a client for its course Native Americans in the 21st Century: Nation-Building II ("NBII"). This graduate course is a field-based research course that culminates in the preparation and presentation of a comprehensive research paper based on field investigation.



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The IAD-Harvard team's project "Overcoming the Distance: New Mexico Tribal Behavioral and Mental Health Response to the COVID-19 Pandemic" looked to identify Indigenous challenges and innovations in delivering behavioral and mental health care during the COVID-19 Pandemic through a series of tribal partner interviews. This project was led by graduate students Philip Essienyi, MPH and Marina Zambrotta, MD, along with expert partners Teresa Gomez, MA (Isleta Pueblo) and Jennifer Nanez, MSW, LMSW (Acoma Pueblo). The final report may be found on the IAD's website at https://www.iad.state.nm.us/wp-content/uploads/2021/05/NMIAD_NBII_FINAL_REPORT.pdf.

New Mexico Tribal Behavioral Health Providers Association (NMTBHPA). The IAD collaborated and endorsed the establishment of the New Mexico Tribal Behavioral Health Providers Association (NMTBHPA) with the New Mexico Recovery Project (Program Director: Sindy Bolaños-Sacoman, MPH) and UNM's Division of Community Behavioral Health (Teresa Gomez, MA) and expert partner (Jennifer Nanez, MSW, LMSW) in January 2021. NMTBHPA seeks to provide space for tribal behavioral health providers to address their behavioral health, workforce, billing, and capacity building needs as well as other tribal priorities that are different from other providers.

- **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 participates in the New Mexico Suicide Prevention Coalition and its Native American-specific workgroup.

At the conclusion of the 2021 Regular Legislative Session, the IAD was appropriated \$150,000 for suicide prevention efforts, particularly with the state's indigenous youth. The IAD will work with tribal communities and partners to develop on-going plans for utilizing this recurring appropriation.

- **Indigenous Youth Council**

The IAD formed its inaugural Indigenous Youth Council (IYC or Council) in early 2021. The formation of the Council followed two listening sessions that IAD held with Tribal youth from across the state. The IAD selected members representing the state’s 23 Nations, Tribes, and Pueblos and the urban Native community to engage with the Department and help steer the work related to the issues raised at the listening sessions. One of the main issues raised at the listening sessions was the need for improved access to mental health resources.

In the spring of 2021, the IYC partnered with Honoring Native Life (HNL) to develop and execute a statewide youth summit. The IYC and HNL hosted the 2021 Indigenous Youth Wellness Summit “Community Resilience: Nurturing and Protecting Youth Wellness”, convening fifty indigenous youth aged 16-25 years old from across the state.



Members of the Indigenous Youth Council meet with US Surgeon General Dr. Vivek Murthy and Governor Michelle Lujan Grisham to discuss youth behavioral health programs in tribal communities.

The Summit participants discussed the holistic view of wellness, expanding the understanding that mental wellness is influenced by all parts of being: physical, mental, social & emotional, and spiritual & cultural well-being. Following the two-day virtual summit, the Indigenous Youth Council produced a final report with recommendations based on indigenous youth feedback that will be presented to Governor Lujan Grisham and Tribal Leaders at the 2021 State Tribal Leaders Summit.

III. 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**

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.

- **Cultural Patrimony & Protection of Human Remains**

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:

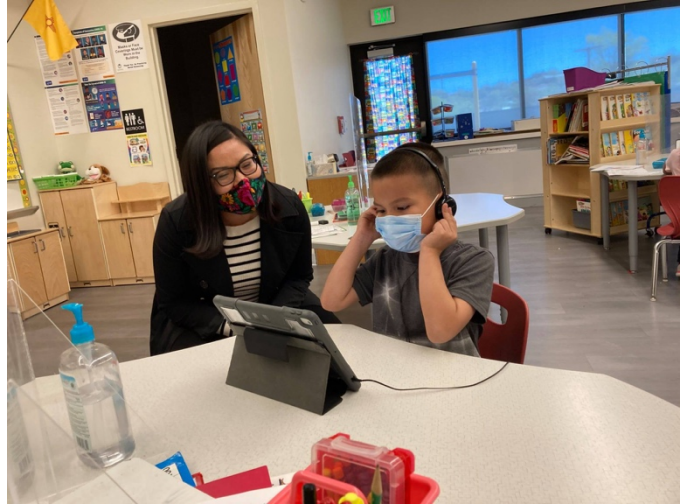
- Research how the New Mexico Reburial Grounds Act relates to specified state laws (ex. New Mexico Cultural Properties Act) and federal laws (ex. Native American Graves and Repatriation Act; the Safeguard Tribal Objects of Patrimony) in the issue areas of state/federal compliance; tribal consultation; 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.

Currently, The Ropes & Gray team has started to engage in interviews with State Historic Preservation Officers and Archaeologists from Colorado, Iowa, and Washington; in addition to local tribal experts to discuss their processes related to NAGPRA, return and reburial of human remains, and cultural patrimony.

The interviews and research will serve as the foundation for future discussions with tribal leadership and will prepare DCA to lead in modernizing the Reburial Grounds Act and processes.

IV. CHILD WELLBEING AND EDUCATION

The Department continues to build its partnerships with sister agencies primarily responsible for the education and wellbeing of native children. The mission of the New Mexico Indian Affairs Department is founded on the commitment to be a resource to tribes, nations, and pueblos throughout the state. The Department has become more engaged in policy work related to child wellbeing and education, and the state's tribal response to the Martinez/Yazzie lawsuit.



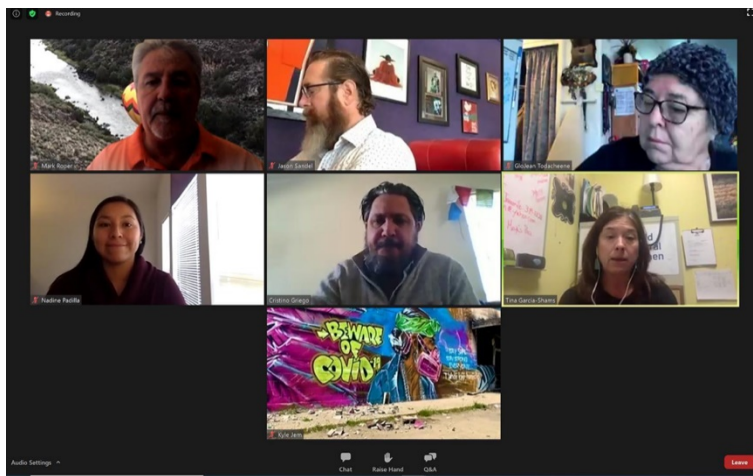
In response to the Martinez/Yazzie lawsuit the IAD provides support and guidance to state agencies. The IAD has accomplished the following in response to Martinez/Yazzie:

- The IAD helps to lead legislative investments for the Tribal Remedy Framework, a body of legislative policy developed by tribal communities in response to Martinez/Yazzie.
- In collaboration with PED and ECEDC in 2020 the IAD received \$1 million from the General Appropriations Act for a priority in the Tribal Remedy Framework. Through this funding tribal education departments were eligible to apply for a one-time grant of up to \$45,450 per tribe. The purpose of the grant was to support the development of early childhood cultural and linguistic relevant curriculum, to design cultural and linguistic relevant assessment tools, and culturally appropriate teacher and program evaluation instruments.
- In 2021 the IAD co-led with PED the \$18,115,700 million investment into the Tribal Remedy Framework policy and infrastructure initiatives.
- Secured multi-million-dollar infrastructure investments from the legislature that further quality and access to education for native students in New Mexico. Infrastructure investments include new educational facilities, libraries, broadband, roads, school buses and more, and infrastructure priorities identified in the Tribal Remedy Framework.
- Advisement to PED on tribal consultation, collaboration, and communication to ensure that PED fulfills its obligations under the New Mexico State Tribal Collaboration Act with the State's twenty-three (23) sovereign nations.
- Bridging jurisdictional barriers between the different school systems that native students attend (tribally controlled/Bureau of Indian Education (BIE) and state education systems) by facilitating collaboration and communication.

V. ENERGY

Governor Lujan Grisham signed SB 489, the Energy Transition Act (ETA), into law in March 2019. The Energy Transition Act sets statewide renewable energy standards making New Mexico a leader in renewable energy. The ETA creates three funds, totaling an estimated \$20 million, 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. “Affected communities” is defined as “a New Mexico county located within one hundred miles of a New Mexico facility producing electricity that closes, resulting in at least forty displaced workers.”

The Energy Transition Act requires the three Departments to appoint three conveners. The three Conveners are Jason Sandel, GloJean Todacheene, and Tom Taylor. The ETA also requires that a Community Advisory Committee be formed to decide how funds should be spent. The Community Advisory Committee includes representation from the Navajo Nation Office of the President and Vice President, representation from the 24th Navajo Nation Council, and the Jicarilla Apache Nation, as well as impacted community members.



IAD Deputy Secretary Nadine Padilla working alongside Workforce Solutions and Economic Development staff to review proposals for funding new industries and job training programs in the Four Corners – a key component of the Energy Transition Act

While not required, IAD is leading a more extensive community engagement process, which prior to the pandemic, included visits to every Navajo chapter within the affected community to solicit feedback and recommendations. The Department’s primary goal is that Native communities lead the transition, and that economic development is in line with the community’s values and goals. In addition to individual chapter outreach and the community hearings, the IAD has also presented before the various agencies on the

Navajo Nation, including the Northern Agency and the Eastern Agency. The IAD continues to keep our NGO partners involved and in the loop. They’ve helped to organize various forums where we can share information. Our partners at several of the grassroots organizations have been instrumental in sharing and distributing information on our behalf.

Currently, IAD, DWS, and EDD have held two community meetings and will schedule the third in the fall of 2021. The first meeting was held at the end of 2019 at San Juan College in Farmington, NM. While we were planning the second meeting to be held in Shiprock, the COVID-19 pandemic



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forced us to hold the second meeting virtually in October of 2020. For the third public meeting, we are planning to host it in Navajo, provided it is safe to do so.

This past year, even during the pandemic, the three state agencies initiated a process where community members can submit ideas for how the funds should be spent. Project ideas and proposals can be viewed at this link, under “ETA RFI Proposals.” We are happy to report that a significant number of proposals came from Indian-owned businesses and grassroots organizations. The Community Advisory Committee heard from everyone that had submitted a proposal at the second ETA meeting. The proposals remain under review. 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. <https://www.dws.state.nm.us/ETA>

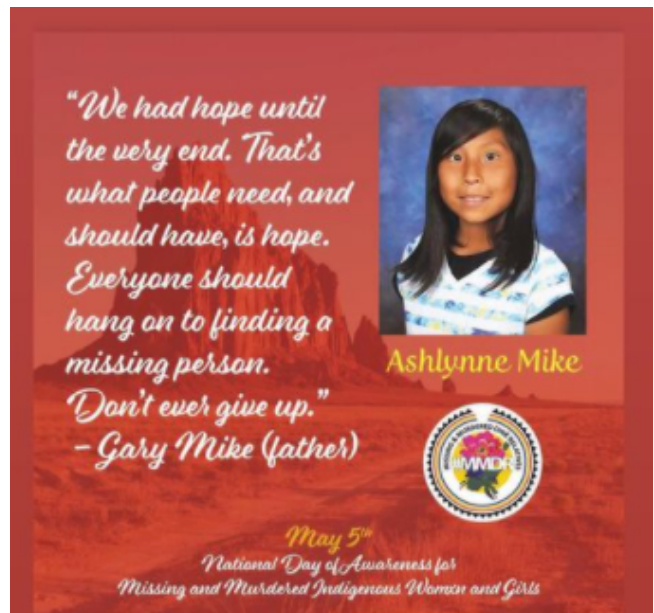
IAD and our partner agencies are required to do tribal consultation. Those consultations will occur in 2021, scheduling permitting.

IAD is grateful for the partnerships that we have built throughout the community and with tribal leadership to ensure that the ETA is beneficial for impacted communities. We look forward to our continued partnerships and getting the ETA funds out to impacted communities.

VI. PUBLIC SAFETY

Addressing crime and developing partnerships to enhance public safety response remains a priority for this Administration. Since 2019, the Missing and Murdered Indigenous Women and Relatives (MMIWR) Task Force has worked diligently to learn about the causes and contributors to MMIWR incidents here in New Mexico. In December 2020, the task force released its final report and recommendations to the Governor and Legislature. During the 2021 legislative session, the task force successfully obtained recurring funding for the MMIWR work.

Most notably, on May 5th, the National Day of Awareness for MMIW, Governor Lujan Grisham signed Executive Order 2021—13 that extended and expanded the MMIWR Task Force. The newly formed 40-member task force will be working to develop a State Response Plan through the formation of subcommittees that will focus on public safety collaboration and communication, reporting and tracking of MMIWR incidents, and finally community support needs such as education, outreach, and resources. The State Response Plan will also identify how this critical work can be sustained long term. The report will be provided to the Governor and Legislature before the 2022 Legislative Session.



Harvard University. The Department partnered with Harvard University as a client for its course Native Americans in the 21st Century: Nation-Building II (“NBII”). This graduate course is a field-based research course that culminates in the preparation and presentation of a comprehensive research paper based on field investigation.

The report titled “New Mexico Indian Affairs, Missing & Murdered Indigenous Women & Relatives Task Force was compiled by Heidi K. Brandow, Yasmine El-Baggari, Isaac Moore, and Lillian Sparks-Robinson prioritizes 2020 MMIWR Task Force Report recommendations and includes a draft Executive Order that served as the initial draft of the final Executive Order that was signed by Governor Lujan Grisham on May 5, 2021.

VII. 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.



Pueblo of Jemez Governor Michael Toledo Jr. and IAD Secretary Lynn Trujillo tour a data center connecting the new Jemez broadband network to the internet.

- **Water Infrastructure:** The 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. The Department is building its partnerships with the New Mexico Office of the State Engineer, DigDeep, the Water Foundation, and the Thornburg Foundation, and other actors to identify more ways to assist tribes in meeting their water needs.
- **Broadband:** The IAD is committed to ensuring the digital divide is closed in tribal communities. In FY 21, the Department contract with technology experts to develop a preliminary assessment of tribal broadband needs in tribal communities. Eighteen tribes participated in the assessment. The Department also provided \$250,000 to the Santa Fe Indian Schools Cultivating Our Own to Lead (COOL) Sustainable Networks workforce training cohort project. This innovative project trained a cohort of tribal members to develop a native wireless internet service provider (WISP) workforce.

INFRASTRUCTURE & PROGRAMS ADMINISTERED BY IAD ADMINISTRATIVE SERVICES DIVISION

The Administrative Services Division (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:

- Capital Outlay
- Technical Assistance, Training and System Improvements
- Special Project Grants Program
- Tobacco Cessation and Prevention Programs
- Tribal Infrastructure Fund
- Special Appropriations

I. 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 2021, there was a total of \$58,110,118 of state investments in tribal capital outlay. The Department received the lion share of this money and is administering 148 projects totaling \$49,039,582. During the Lujan Grisham administration over \$167,019,202 in capital outlay was invested in tribal infrastructure. The Department administers this multi-million dollar portfolio along with the Tribal Infrastructure Fund portfolio in an efficient and transparent manner with an ASD staff of four professionals--three that work directly on capital outlay.

II. 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 2021, the TIF Board funded \$26,630,794 in projects focused on water (regional connections), wastewater, roads, and community infrastructure construction projects. During the Lujan Grisham Administration over \$60M in TIF were distributed to tribal governments for vital projects.

III. TECHNICAL ASSISTANCE, TRAINING AND SYSTEM IMPROVEMENTS

The ASD provides technical assistance and training to tribal governments throughout the year. Although the COVID-19 pandemic greatly impacted the number 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.

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IV. SPECIAL PROJECTS GRANTS PROGRAM

In Fiscal Year (FY) 2021, the Department granted \$546,758.00 of general funds to support special projects in tribal communities. The Department worked with multiple grantees on projects that ranged from youth leadership projects, housing, self-help home construction program, veterans, and language.

V. TOBACCO CESSATION & PREVENTION GRANT PROGRAM

In FY 2021, 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 multiple grantees and tribal serving organizations 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.

VI. SPECIAL APPROPRIATION--EARLY CHILDHOOD EDUCATION PROGRAM

In FY 2021, the Department received a general fund transfer from the Public Education Department in the amount of \$1,000,000.00 for indigenous, multilingual, multicultural, and special education, including for tribal departments of education, to develop early childhood culturally and linguistically relevant curriculum, to design culturally and linguistically relevant assessment tools and culturally appropriate teacher and program evaluation instruments, to conduct needs assessments of early childhood education facilities and to develop plans for constructing needed facilities. Nineteen nations, tribes and pueblos applied for and received this funding.



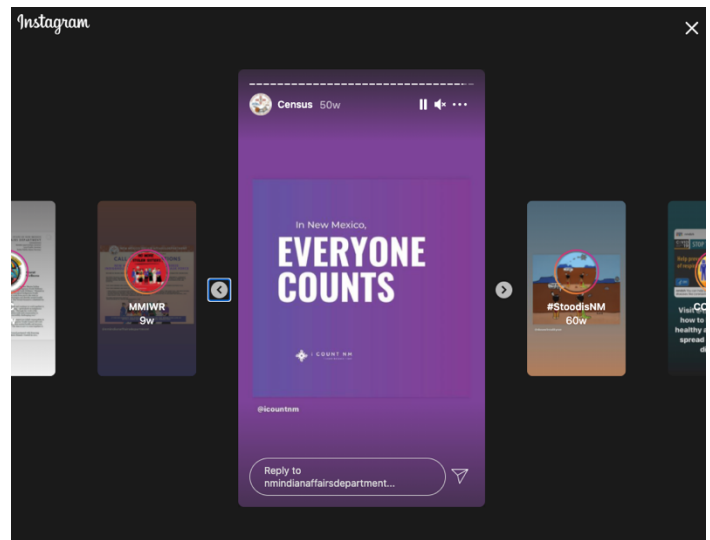
Kewa Pueblo used Federal and State pandemic aid to restore historic adobe homes in the original pueblo site.

IAD PUBLIC RELATIONS, COMMUNICATION AND OUTREACH

IAD has advanced its mission of being both a clearinghouse and a vital link between tribes and state government. IAD has established itself as a trusted source of information for tribal, state, and federal audiences. The Department tactfully relays critical information to tribal communities in a culturally relevant and appropriate manner. The communications component of the IAD strives to highlight the extraordinary work being done by all partners, including the Office of the Governor, state agencies, and Tribal communities.

Some of the 2021 highlights from our communications department include:

- IAD communications department initiated a vaccination and food drive event held at the Indian Pueblo Cultural Center targeting the urban native American population in Albuquerque and partnered with state agencies, nonprofits, and tribal consortium APCG to vaccinate and deliver food boxes to over 600 people.
- Worked alongside state, tribal, and native serving organizations to plan and promote vaccination efforts and outreach.
- Created a clearinghouse for the Department's work on MMIWR.
- The reach of the Department's existing social media accounts expanded during the past 12 months, proving that our outreach efforts have been successful. Collectively, our pages reach more than 18,629 people per month and are continuing to grow.
 - o Facebook: 3,495 followers
 - o Instagram: 2,489 followers
 - o Twitter: 1,005 followers
- Strengthening our outreach by scheduling social media campaigns focusing on the scope of work for the Department and administration.
- The Department has sustained a media presence that includes features in local and national media outlets.



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Boards, Commissions, and Committees

The Department pursuant to legislation and executive orders either leads or serves on twenty-eight (28) 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, the Water Trust Board, and the Outdoor Recreation Advisory Committee.

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