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PUEBLO OF ACOMA
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**INDIAN AFFAIRS COMMITTEE JOINT MEETING WITH THE TRANSPORTATION
INFRASTRUCTURE REVENUE SUBCOMMITTEE**
Regional Transportation Challenges

Pueblo of Santa Clara
Santa Claran Hotel & Casino, Espanola, New Mexico
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Madame Co-Chair Georgene Louis, Co-Chairman John Pinto and Chairman Roberto “Bobby” Gonzales and Honorable Members of the Indian Affairs Committee and Transportation Infrastructure Revenue Sub-Committee. Good morning! My name is Raymond Concho Jr. I am the First Lieutenant Governor at the Pueblo of Acoma. Thank you for providing me the opportunity to address you this morning regarding the priority needs at the Pueblo. No doubt many of the issues that I will highlight also exist in many, if not all, of our tribal communities throughout the state.

Let me provide a little bit of background information about myself. Prior to my appointment in 2016 as First Lieutenant Governor, I was the Director for the Acoma Pueblo Planning and Engineering Office. I was in charge of planning and managing transportation and other infrastructure projects. I was also the former Chairman for the Northwest New Mexico Regional Transportation Planning Organization. Over the past 15 years, Acoma Pueblo has made significant progress in addressing the following infrastructure and transportation challenges:

Acoma Housing Crisis. In 2014, the U.S. Department of Housing and Urban Development completed a study on housing needs for American Indians and Alaskan Natives, and that included the Pueblo of Acoma. The study focused on three areas: determinants that contributed to housing needs, emphasizing trends in demographic, social and economic conditions; secondly, housing conditions and needs; and finally, housing policies and programs, focusing on the intent of the 1995 Native American Housing and Self-Determination Act. The report noted that the worst conditions existed in a significant number of New Mexico and Arizona counties. Here’s what the data showed:

- High rates of overcrowding - 16%
- Incomplete bathrooms - 9.8%
- And, incomplete kitchen facilities - 8.5 percent.

Those percentages reflect many of the housing conditions in homes at Acoma Pueblo. Sadly, many are considered substandard. What the numbers don't show is that up until this year, 2018, there were no housing opportunities for families, who could be described as moderate or middle income. These families need homes. Unfortunately, many don't qualify for federal housing programs or assistance. That has created a housing crisis at Acoma. Here is what I am requesting on behalf of the Pueblo: **Legislative support and funding for a land use study that will be used for planning and designing a residential housing development effort including subdivisions for moderate to middle income families. We are in the process of creating a mortgage financing program, but we need funding for planning and construction funds for roads and infrastructures systems.**

Economic Development – Small Business Development. For the historians on the Committee, Indian Gaming in New Mexico started at the Pueblo of Acoma. Besides that factual piece of state-tribal history, the Pueblo is also known internationally for its traditional pottery and culture. Many families continue the tradition of pottery making. It's their sole source of income. Many have small businesses operating out of their homes utilizing very slow internet speed to conduct business, or in many cases, no internet access at all. With joint funding from Acoma Pueblo and the New Mexico Finance Administration through the Department of Economic Development, the Pueblo completed conceptual plans to develop a tribal main street corridor for business and governmental activity. This main street is called Pinsbaari Drive. Along with Interstate 40 and historic Route 66, these two routes lead to Acoma Sky City, the oldest, continuously occupied village in the United States. Tourism is a major industry in Cibola County and the State of New Mexico. **Acoma Pueblo requests funding for small business and economic development including infrastructure, roads, buildings, information technology and training for small business owners. About \$14,200,000 is needed for 12.4 miles of road, that leads from Pinsbarri Drive to Haak'u Road and onto one of New Mexico's top tourist attraction, Acoma Sky City.**

Education – Elementary and secondary school students at Acoma Pueblo are the product of federal, state, and local school district policies that have served to negatively impact the family structure on Acoma Pueblo lands. History records the efforts to dissolve the central family structure in all Native American tribes. In the case of Acoma Pueblo, these efforts persisted for decades under colonial America and contemporary statutes and policies that further marginalized Indian tribes and greatly impacted Native children. The effect of these policies is supported by data and statistics that demonstrate the challenges that Indian students must overcome to be academically and socially successful. The isolation of tribal communities and the lack of economic development and infrastructure presents tremendous barriers and challenges for Acoma students. In order for them to complete a high school education and to go on to college or other post-secondary opportunities, they must overcome two major challenges, time and distance. With the advancement in technology, it has become possible for students to complete post-secondary education within a rural community. Acoma Pueblo has made significant steps in addressing the educational needs of its students, including contracting our community school from the Bureau of Indian Education, initiating language preservation projects with community elders, developing a 12,000-word electronic dictionary, and, in partnership with Iowa State University, crafting preliminary designs for a multi-purpose education center and

community campus, and other initiatives. **The Pueblo seeks legislative support and funding for the design and construction of the Acoma Tribal Education Multi-Purpose Center, library, teacher housing, and broadband infrastructure.**

Energy Development – The U.S. Department of Energy, Office of Indian Energy Policy and Programs and Acoma Pueblo Tribal Council combined funds to take “First Steps Toward Developing Renewable Energy and Energy Efficiency on Tribal Lands.” Acoma Pueblo is planning and building capacity to establish, operate, and maintain a natural gas and electrical distribution system under the established Acoma Utility Authority. With joint funding from the Acoma Pueblo Tribal Council and New Mexico Gas Company, the Pueblo will connect natural gas to over 600 residential homes. Acoma Pueblo will be the third New Mexico Indian tribe to manage an electric utility by January 1, 2020. **Acoma Pueblo requests Legislative support for its sovereign right to manage natural gas and electric utility systems.**

Water and Wastewater - There is a construction need of over \$160,000,000 and each year, only \$600,000 has been made available to fund these projects. That funding comes from the federal Department of Health and Human Services, Indian Health Service, and the Sanitation Facilities Construction, within the Albuquerque IHS Service Area. To upgrade and construct Acoma’s water, wastewater and solid waste infrastructure through the IHS Sanitation Deficiency System (SDS) is a very competitive process. Historically, the federal agencies I have listed have been Acoma’s main source of funding for these types of infrastructure projects, but over the past several years, the Pueblo has been forced to branch out to other federal and state agencies to rebuild and enhance its utility system.

At this point, my intent is to provide a visual picture of the need that exists at the Pueblo – safe roads are needed to our homes, schools, hospital, jobs, tourism destinations, utility structures, shopping centers, and many other destination points.

Infrastructure – Road Maintenance – For road maintenance on tribal lands, the Department of Interior, Bureau of Indian Affairs (BIA), Southwest Regional Office, Road Maintenance Program are the official sources of funding. For FY 2017, Acoma Pueblo received \$80,000 from the BIA Tribal Program Allocation (TAP) Road Maintenance Program to maintain BIA and tribal roads and bridges that are on the BIA road and bridge inventory. Also, for FY 2018, \$330,000 was programmed from the FHWA Tribal Transportation Program (TTP). There are about 662 miles of roadways within the exterior boundaries of Pueblo of Acoma lands. However only 363.8 miles are on the BIA inventory. This includes paved, gravel and dirt roads. Each year, a road maintenance plan is developed and every quarter a Level of Service (LOS) Report documents what has been done and a Deferred Maintenance Report (DMR) lists roads that were not maintained due to no road maintenance funds. For all four quarters within 2018, Acoma Pueblo’s DMR report is very extensive, which demonstrates the need for additional funding. **The Pueblo recommends that an annual funding allocation of \$727,600 be awarded to maintain the entire 363.8 miles within the Acoma road inventory. The New Mexico Department of Transportation (NMDOT) also needs to work with Acoma Pueblo and surrounding communities to bring historic Route 66 (NM 124) to meet current safety design specifications, which is about 13 miles**

that are on or near Acoma Pueblo lands. In addition, the State needs to direct NMDOT to have the Pueblo assume oversight of NM 124 for design, re-construction and maintenance and award and transfer state funds to the FHWA TTP, which will in turn award funds to Acoma Pueblo under FAST Act, 23 USC 202(a)(9).

New Mexico Department of Transportation (NMDOT) – The NMDOT Region 6 District has oversight on Interstate I-40, NM 124 (historic Route 66) and NM 117. All 3 road corridors are on or near Acoma Pueblo Lands. The Pueblo has made repeated road maintenance requests to NMDOT to repair potholes, pavement raveling, pavement settling and mowing. In addition, the Pueblo applies annually for NMDOT Local Government Road Fund (LGRF), but never receives adequate funding to pay for either the pre-construction or construction activities. Interestingly, NMDOT reports they awarded LGRF funds to Acoma Pueblo and other NM Indian tribes. The Pueblo either has to wait until enough funding is banked or is available to supplement LGRF funds with Tribal Transportation Program (TTP) funds to address existing transportation needs. The Pueblo applies to the NMDOT Transportation Alternative Program (TAP), but its population base places the Pueblo in the least funded category. **The Pueblo recommends that the State direct the NMDOT to increase LGRF, TAP and other state funds for rural communities. When funds are approved for Indian tribes, and again, as noted above, transfer state funds to the FHWA TTP to award funds to NM Indian tribes under FAST Act, 23 USC 202(a)(9).**

New Mexico Department of Transportation – Training – The NMDOT Local Technical Assistance Program (LTAP) center in New Mexico provides training and technical assistance to local and tribal governments. The NMDOT Cradle to Grave training is comprehensive and appropriate. This training curriculum needs to be revised to incorporate FHWA TTP and BIA regulations. For example, the BIA has federal oversight to right-of-ways on tribal lands. In addition, the FHWA TTP has oversight to utility certifications including meeting NEPA requirements. Compliance with NMDOT requirements adds duplication and complexity.

New Mexico and Acoma Pueblo’s Mesa Hill Bridge and Road Project – With joint funding from the State of New Mexico (GRIP II funds) and the federal Indian Reservation Road (IRR, now TTP) program funds, the design and preliminary engineering work for the Mesa Hill Bridge and Road Project is complete and construction-ready. The engineers estimate has escalated to \$30 million. The Pueblo applied for 8 years for construction funding and has been denied 8 times. It has applied for US DOT Transportation Investment Generating Economic Recovery (TIGER) grant funds and most recently the US DOT Infrastructure for Rebuilding America (INFRA) grant funds but has been unsuccessful. The Pueblo applied for US DOT Better Utilizing Investments to Leverage Development (BUILD) Transportation Discretionary Grant funds. Awards will not be made until December 2018. The BUILD amount applied for was \$25 million with a \$5 million non-cash and cash match. **Acoma Pueblo requests that the State Legislature provide matching funds to leverage and secure federal transportation construction funds.**

Transportation Innovation and Successes– FHWA Every Day Counts (EDC) – In 2012, Acoma Pueblo, NMDOT and 4 other state transportation agencies met with U.S. Department of Transportation FHWA officials to discuss innovation to accelerate (reduce time) and reduce costs

for transportation projects. As a result, the Pueblo of Acoma was the first Indian tribe in the country and the State of New Mexico to procure and manage a Construction Management General Contractor (CMGC) contract to bundle several infrastructure projects under one General Contractor contract. When infrastructure projects were complete, about \$990,000 was saved and was added to complete 3.3 miles of additional roadway construction. Multiple funding sources included the NMDOT LGRF, NM Capital Outlay, FEMA, FHWA TTP, and FHWA Accelerated Innovation Deployment (AID) Demonstration Program funds. I have provided a link in a printed copy of my presentation: <https://www.fhwa.dot.gov/pressroom/fhwa1567.cfm>.

Project partners include NMDOT, New Mexico Department of Indian Affairs, New Mexico Department of Finance and Administration, NM Department of Homeland Security and Emergency Management, FHWA, BIA SWRO, and many others. Acoma Pueblo will release an RFP announcement for CMGC-2 by next month.

REVENUE AND AGREEMENTS. Acoma Pueblo and NMDOT executed an Agreement in 2015 for the re-construction of the bridge on Interstate 40 at Exit 96. The Agreement allowed for Acoma to apply its taxes to the project and also provide authority for Acoma Law Enforcement to issue traffic citations on Interstate 40 and enforce citations in Acoma Tribal Courts. **The current Agreement with the New Mexico Revenue and Taxation Office should be amended to allow Acoma Pueblo to retain 100% of Acoma gross receipt taxes, rather than retain the current amount of 75% with 25% going to the State. Revenue will allow for infrastructure planning, design and construction as itemized above.**

Thank you, Madame Chair and members of the Committee. This concludes my presentation. I stand for questions.