

TAOS



PUEBLO

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Taos Pueblo

Governor Gary Lujan

Remarks before the Interim Indian Affairs Committee

October 18, 2023

Good morning Madame Chair and members of the Committee. My name is Gary Lujan, Governor here at Taos Pueblo. On behalf of Pueblo, I want to welcome you to one of the oldest and continuously inhabited tribal communities in the country. We appreciate the Committee choosing to spend the day holding its hearing and engaging in meaningful dialogue and addressing critical state issues that affect tribal communities both here at Taos and across New Mexico. As background, Madame Chair, I have no doubt that some members of the committee are already familiar with the status and standing of tribes and tribal governments. But to refresh your understanding, Taos Pueblo is a duly recognized Sovereign Tribal Government consisting of a Tribal Council, Governor, and War Chief. We each have our own respective staff. As leaders within tribal Government, we are responsible for asserting our sovereign and inherent rights to protect our People, our lands, culture, and our way of life.

We are an ancient People with a language that's unique and distinct. We have a worldview, a belief system, and a set of cultural practices that connects us deeply to this land, this place. We are of this earth. Our traditional homelands extend

north and east from Tuah-Tah, the Place of the Red Willows, clear into Colorado. We have cultural sites in many of those areas that have established our presence in this area for hundreds of years.

We have over 2,746 tribal members living both here at the Pueblo and in communities across the state and around the country. Our People consist of traditional leaders who oversee, protect, and preserve our culture and our ceremonies. We also have working professionals from our Pueblo – tribal members who are teachers, lawyers, artists, and administrators who oversee our tribal programs and projects. We also have a skilled and dedicated workforce, consisting of tribal and non-tribal employees. However, we still struggle with joblessness, access to adequate health care, mental and behavior health, poverty, and other inequities. We do have programs that provide for our elderly, our children, and our families. We have social services, educational, housing, courts, law enforcement, detention services, land, and natural resources programs, even a herd of buffalo along with our agricultural program.

I want to share some key issues and concerns that we have identified - some we have been able to address quickly, but there are some that just seem to remain a persistent and unwavering challenge. But I also want to make sure you are aware of projects that we are especially proud of, including this building- the Heritage Center and the surrounding area. Some of the plans, ideas and collective effort have started to come fruition. It is one of our major economic development initiatives – an achievement that my staff can certainly take credit for. We will also give you a visual accounting of how we have used state funds in recent years restoring sections of the old village. I am certain the tourism industry in our state and around the world are familiar with the image. I am hoping you might have

time to drive over to the old village. It is not only a UNSECO world site, but the homes and the structure are a visual reminder of what is most sacred to us.

1) Infrastructure

Let me begin by saying that we are extremely thankful for the support Taos Pueblo has received from the state over the years especially in the form of capital outlay. We have put those appropriated dollars to good use installing new infrastructure and replacing aging and outdated water and sewer lines. However, the need here at the Pueblo far exceeds our tribal resources. We need adequate housing for our families, new construction, including installing water lines to a new subdivision, trenching sewer lines to existing homes, repairing and maintaining large sections of roadways, funding for the final phase of construction for an elderly day care center so we can provide the most vulnerable in our community with the care they deserve, a new library to broaden the learning experiences of our children, a wellness center that meets the health needs of the community and a justice center that will house tribal courts, law enforcement, and detention services, a place that will provide safety and security for our growing community.

Chronic infrastructural needs and underfunding have put tribal communities in the worst possible situation especially when COVID-19 became prevalent in many of our Pueblos and communities. We've begun to recover and have been steadfast in our efforts to overcome the economic setbacks and the challenges created when we had to shut down our casino, close off our village to tourists, and shield our community from one of the greatest health threats in recent memory.

As we recover, Taos Pueblo will continue to request the support from the State – not just for capital outlay to address our infrastructure needs, but in other areas critical to the educational needs of our children.

2) Tribal Education Framework – A Priority

We've engaged in government-to-government discussions and formal consultation with the state and at the district level. But we have yet to see full and complete compliance with the mandates contained in the *Yazzie/Martinez* court ruling. We've witnessed only piecemeal approaches. What's needed is bold, forward thinking when it comes to educational initiatives, along with adequate, targeted, and recurring funding. Tribal leaders like me have continued to point out that the Tribal Remedy Framework offers the equitable and transformative solutions necessary to meet the needs of New Mexico's Native children and their tribal communities. The Tribal Remedy Framework is grounded in strategies that recognize tribal education sovereignty and a shared responsibility with the state and school districts for the public education of our children. I respectfully ask the Committee not to shy away from doing the right thing. Remember – bold, forward thinking.

I am aware that the State legislature has argued it has provided and budgeted large amounts in at-risk funding, as part of its response to the 2018 landmark *Yazzie/Martinez* ruling. This past session, the legislature slightly increased the at-risk formula and the funding amount in the state budget. But Native students attending public schools are not identified as specific recipients and beneficiaries of at-risk funding, and school districts are not held accountable for how they spend that funding. The *Yazzie/Martinez* court explicitly includes Native students in the at-risk student category, not the least of which is based on their lack of proficiency in math, reading and science, compared to the proficiency levels of students in other demographic groups.

I firmly believe compliance with the court ruling requires significant targeted funding for Native students, along with a systematic framework and a comprehensive plan that meets their needs. We want to be partners in the process.

We have this sacred trust - an obligation to provide our children with an education that gives them a deep sense of personal achievement, but one that isn't at the expense of their culture, our way of life, and our language.

3) Indian Family Protection Act (IFPA)

Respectfully, the corrective action plan (CAP) related to the Kevin S. case has not yet been fully implemented. A major collaboration tool that needs improvement is the JPA process between tribes and CYFD. Specifically, Taos Pueblo has requested an updated Joint Powers Agreement for over 4 years, with substantive discussions, including a meeting with the Cabinet Secretary, in November of 2019. While we understand the Pandemic may have distorted timelines, we have been given several deadlines over these years where drafts would be available for review; none of those deadlines have been met. The JPA would provide a clear understanding of the legal, financial, and programmatic relationships between Taos Pueblo and CYFD and allow for greater collaboration in service to the most vulnerable population that we serve. We understand that resources for youth are always a challenge, but agreements such as the JPA and improved collaboration between the State and Tribes would help leverage the State, Federal, and Tribal resources available for Tribes and improve outcomes for our youth.

Taos Pueblo recently met with the Co-Neutral Representatives and representatives from NM CYFD, from this meeting several areas of importance were discussed:

- Technical Assistance is imperative for tribes to navigate the Joint Powers Agreement (JPA) process between tribes and CYFD. As there are single-use agreements and overarching agreements that can be developed to meet the needs of tribes and families. In addition, assistance in developing Resource Families.

- Resource identification is also key when developing agreements with tribes. Tribes are not always aware of the resources that can be included in the JPAs or single-use agreements that may include reimbursement.
- Online forms accessible to tribes for home visits, etc.
- Add data-sharing capabilities as part of the JPAs with tribes.
- Co-Neutrals/ CYFD has been meeting with tribes; tribes want to see follow-up and action.

4) Economic Development

Economic development here at Taos Pueblo is an investment in both our community and future generations. That's at the core of our mission to create resources, jobs, prosperity, and an overall sense of community well-being and that includes cultural integrity, community sustainability, resource development, building tribal capacity and creating economic opportunities without diminishing our core values. Let me provide some key pieces of information about this property.

- The Heritage Center along with the surrounding property is within the Taos Pueblo Land Grant and the Pueblo's aboriginal lands.
- The Pueblo has secured a 20-year license agreement to own and operate 2 Marriott hotels on this property.

We have developed a master site plan featuring Taos Pueblo Heritage Buildings, a Hotel, Event Center, Shops, Restaurants, and a Plaza. The Pueblo is working to secure funding for construction, utility, and site infrastructure.

Staff will provide you with additional details and information. But I want to quickly point out a couple of things:

The Mansion and the Museum sit on 14.74 acres and are located a half mile from Taos Plaza. The Main House with its incredible scenic views was built in the 1930's, and has 9 bedrooms, 8 baths. There's a casino in the basement. Just kidding.

As you can tell, we are extremely proud of this economic development effort. But it is far from completion. Funding is always a challenge especially when you are starting from the bottom up with basic infrastructure. We hope the next time you are here we will have more to share with you.

Legislative Priorities

1) Protection of Tribal Lands—Partnerships

When it comes to legislative priorities, we are focused on protecting our lands and natural resources – that includes protections from any impacts especially wildland fires. We believe it is necessary to create state partnerships when it comes to mitigation efforts. Taos Pueblo has utilized the Tribal Forest Protection Act to network with state forestry. However, there is a need to further collaborate in identifying the funds necessary to alleviate impacts coming from adjacent lands, including wildfires that may occur on federal lands.

The Tribe has a Wildland Preparedness Program. But funding from the Bureau of Indian Affairs (BIA) is limited by formula and does not provide enough resources to adequately address the gradual increase of fuel accumulations occurring in high mountainous areas. Over time the fuel and hazard accumulation will continue to pose a greater hazard and threat, and possible loss of natural resources if gone unchecked as the state has realized with the Hermits Peak/Calf Canyon wildfire. Taos Pueblo continues to seek MOU's/MOA's with state agencies and departments where resources can be used to leverage investments in restoration efforts and

other projects of significant cultural value to Taos Pueblo, especially areas that border our tribal lands.

Taos Pueblo supports state policy and legislation that provides protections for our natural resources, funding to support the management of these resources, and policies that require State -Tribal collaboration whenever natural resources and sacred sites are threatened.

2) Indian Water Rights Fund:

Taos Pueblo has been involved in major court battles to secure its senior water rights. Pueblo water rights are not mere claims on paper, but reflect a long, historic Pueblo presence, a cultural identity, and a desire to maintain our way of life on our ancestral lands – and that includes access to fresh water and preservation of natural springs and aquifers. That is a critical part of our claim. Taos Pueblo reached a settlement agreement with the State several years back, which was later approved by Congress. The Water Rights Settlement Agreement is known as the Abeyta Settlement. A key element is state funding to finish wells and pipelines for Mutual Benefit Projects that benefit the Acequias, the Town of Taos and the El Prado Water and Sanitation District, the Mutual Domestic Consumer Association and Taos Pueblo. Changes in that economy have created some unforeseen issues. State and federal contributions were not inflation adjusted producing a shortfall that will require the state legislature to respond with sufficient funding hopefully this coming session. We will be seeking an appropriation that will cover the State's fiscal obligation to provide funding for non-tribal costs associated with water rights settlement agreements. This is a fundamental principle in federal and state policy known as the non-Indian cost share, which is borne by the state. It is a requirement of every water rights settlement agreement with tribes. We are currently in discussions with the State Engineer's Office over an amount.

3) Public Safety

Law enforcement here at the Pueblo is difficult due the complex system of federal, state, and tribal laws governing Indian Country. This complex patchwork typically creates jurisdictional gaps that adversely affect policing efforts. Although law enforcement officers follow the rules, criminals do not recognize jurisdictional boundaries and, thus, often evade accountability.

Issuance of State commissions to the Toas Pueblo police department will permit its tribal police officers to handle violations of State law committed by non-Indians within its Reservation boundaries without needing to always rely on a State law enforcement agency. We will also be able to provide law enforcement coverage off reservation, if necessary.

We currently have officers who are all trained, certified, and are covered by the department's liability insurance. Continued cross-commissioning would provide legal protection to our officers who are enforcing state laws outside the boundaries of the Pueblo.

We hope a bill - similar to the piece of legislation sponsored by Senator Shendo will get re-introduced this coming session to further strengthen public safety protections both on and off the reservation.

4) Capital Outlay & Tribal Education Funds

We are aware that lawmakers have been advised there would be a projected \$3.6 billion available in "new" money for the next fiscal year based on estimates provided during interim committee hearings. The historic amount in revenue will certainly create tremendous opportunities for the state. This period in the state's

economy is unlike any other time in recent history. Hopefully, this increase in projected revenue will include New Mexico's tribes becoming beneficiaries of more capital outlay for capital projects on tribal lands as well as funding for tribal education initiatives.

Major Education budget items should include the following:

- Creating a Tribal Education Trust Fund with a major state investment
- Increasing the funding for the Indian Education Act Fund
- Providing capital outlay for Tribal libraries
- Increasing pre-K funding for public, private, tribally run programs.

When it comes specifically to our Pueblo, we will be seeking capital outlay for our Wellness Center, the Justice Center, the Senior Day Care Center, and infrastructure for the next phase of the Spider Rock Housing subdivision. We will be approaching our two lawmakers, the Governor, and other members of the legislative body for your support.

Madame Chair and members of the Committee, I want to thank you for allowing time to address you this morning. I appreciate both your time and attention. I am available to take a few questions. But, I will have to leave to take care of some tribal obligations at the village. When I leave, I'd like for several of my staff to provide additional details on the Heritage Center project and restoration efforts at the old village. Thank you again Madame Chair.

Taa'ah