

**MINUTES
of the
SECOND MEETING
of the
INDIAN AFFAIRS COMMITTEE**

**July 21, 2011
Gallup-McKinley County School District Administration Building
Gallup**

**July 22, 2011
Bureau of Indian Affairs Forestry and Fire Management Building
Pueblo of Zuni**

The second meeting of the Indian Affairs Committee (IAC) was called to order by Representative James Roger Madalena, co-chair, at 10:18 a.m. on Thursday, July 21, 2011, at the Gallup-McKinley County School District administration building in Gallup.

Present

Rep. James Roger Madalena, Co-Chair
Sen. John Pinto, Co-Chair
Sen. Rod Adair (7/22)
Rep. Ray Begaye
Rep. Sandra D. Jeff (7/21)
Sen. Lynda M. Lovejoy
Rep. Patricia A. Lundstrom
Sen. Richard C. Martinez
Sen. George K. Munoz
Rep. Jane E. Powdrell-Culbert (7/21)
Sen. Nancy Rodriguez
Rep. James E. Smith (7/21)

Absent

Sen. John C. Ryan

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Ernest H. Chavez
Rep. Debbie A. Rodella (7/21)

Sen. Eric G. Griego
Sen. Stuart Ingle
Sen. Timothy Z. Jennings
Rep. Ben Lujan
Rep. Antonio "Moe" Maestas
Rep. Nick L. Salazar
Sen. William E. Sharer

(Attendance dates are noted for those members not present for the entire meeting.)

Staff

Damian Lara
Teresa Ryan
Cassandra Jones

Guests

The guest list is in the meeting file. The visitor sign-in sheet from the Bureau of Indian Affairs forestry and fire management building at the Pueblo of Zuni is also included.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Thursday, July 21 — Gallup-McKinley County School District Administration Building, Gallup

Committee and staff introduced themselves. Johnnie Henry, Jr., Churchrock Chapter (CRC) president, gave an invocation.

Welcome and Introductions

Ben Shelly, president of the Navajo Nation, introduced himself. He expressed hope of a continued strong relationship between the State of New Mexico and the Navajo Nation and pointed out that the relationship had allowed the Navajo Nation to make headway in several areas, including infrastructure, development and strong tribal relations. President Shelly reported that the reason that many Navajo people cannot get jobs or pay taxes is that they do not have a trade. He expressed a desire for Navajo youths to train in construction and industrial manufacturing.

President Shelly requested that the legislature observe the federal Voting Rights Act of 1965 when addressing the issue of redistricting in the special session. The Navajo Nation will advocate for the fair representation of its citizens.

President Shelly indicated that delegates and chapter officials would represent the Navajo Nation for the rest of the meeting.

Navajo Nation Division of Community Development

Arbin Mitchell, director of the Navajo Nation Division of Community Development, introduced himself. He stated that the Navajo Nation had been appropriated \$3.8 million for capital outlay projects for FY11 and that a balance of approximately \$15,000 remained. He also told the committee that there are still six projects pending, and he asked the committee to encourage the Department of Finance and Administration to begin spending for these projects.

Tourism Department

Senator Martinez introduced Mark Trujillo, North American tour trade director from the Tourism Department, and invited him to speak. Mr. Trujillo introduced himself and spoke about his new position as the head of Native American tourism. He stated that he represents all 22 tribes in New Mexico and that he honors and respects all of the tribes. He mentioned that he wants to meet with the tribes in order to learn what he can and cannot do. He stated that he plans to promote the tribes cautiously, and he asked for assistance from tribal leaders.

Navajo Nation Council

Former New Mexico Senator Leonard Tsosie from the Navajo Nation Council spoke about having learned a lot as a member of the New Mexico Legislature. He told the committee that the Navajo Nation Council has downsized from 88 members to 24. He is pleased with the change

and the new government system. For instance, he said, when an amendment is proposed at the committee level and fails, it is not introduced at the legislative level. The only exception to this rule is if a majority of the committee gives written permission. Senator Tsosie gave the committee an example of this government system, which comes from a Navajo phrase meaning "let's talk it out".

On behalf of Johnnie Naize, speaker of the Navajo Nation Council, and the Navajo Nation Council, Senator Tsosie thanked the State of New Mexico for helping with projects over the years. Senator Tsosie asked for fairness in the redistricting special session by ensuring that the composition of districts in Indian Country allows for Indians in those districts to have a representative of their choice.

Senator Tsosie asked the committee to represent concerns of the native people. He stated that New Mexico courts and state administrative tribunals are beginning to disregard Indian jurisdiction. For instance, over 99 percent of the population in Crownpoint is Navajo, but state figures disagree. Lastly, Senator Tsosie endorsed the idea of an Indian center located in Gallup.

Churchrock Chapter — Status Update

Mr. Henry introduced Louise Jim, CRC treasurer; Alvin Billie, community services coordinator; and Titus Nez, senior planner/staff assistant. Mr. Henry also acknowledged Larry King, community member and representative of Eastern Navajo Diné Against Uranium Mining (ENDAUM). Mr. Henry expressed his pleasure with working with the IAC and the Indian Affairs Department (IAD) on projects over the past two years. He told the committee that the CRC is close to being certified under the Navajo Nation's Local Governance Act (LGA), which will give the chapter more power to bring in business. He said that the CRC will be the largest chapter in the eastern region of the Navajo Nation after the 2010 census count.

Mr. Henry told the committee about the Sundance-Rehoboth Powerline Extension Project. He said that the cost of the project is approximately \$1.2 million and that it will be completed over 26 months. The project will serve more than 100 families. Mr. Henry said that the Navajo Area Indian Health Service (NAIHS) is working on a 6.9-mile water line project. Some families will have running water and bathroom services for the first time as a result of this project.

The CRC is seeking money for a new senior center and to renovate the Head Start center. Only one of the four Head Start facilities in the CRC is functioning. Mr. Henry expressed the need for the community to reopen Head Start centers or to build a new one. He described conditions within the CRC: water lines often break and sewers often leak. The cost to renovate vital buildings is between \$200,000 and \$750,000. He stated that the CRC also needs a veterans' facility, which would cost between \$1.5 million and \$3 million. The CRC house has been there since 1963, and the chapter is close to shutting it down because the building does not comply with code. The CRC would like a new complex. Mr. Henry said that he is looking forward to working with the state, the IAD and the Navajo Nation to achieve these long-term goals. He indicated that the new county commissioner has not been in contact with the CRC and that several road projects cannot move forward without the county commissioner's approval. Mr. Henry requested the state's help in improving roads and buildings, and he told the committee that the CRC will soon be home to more than 3,000 residents.

A committee member inquired into the chapter's position on the federal district court's decision concerning uranium mining. Mr. Henry replied that CRC officials have taken a neutral

position until the community expresses its preference. CRC officials are hoping to bring in Hydro Resources, Inc., and Uranium Resources, Inc., to explain how the community might benefit if uranium mining returns to the area.

Another committee member asked Mr. Henry how much it will cost to complete the water line project. Mr. Jim stated that the NAIHS considers the water line to be part of the project that it is fully funding. In response to a committee member's inquiry, Mr. Henry stated that some roads are paved but most of them are gravel and that the county is responsible for the roads' maintenance.

A committee member told CRC representatives that perhaps trying to access federal funds would be the best approach to meet their needs.

Mariano Lake Chapter — Status Update

Anthony Begay, president of the Mariano Lake Chapter, introduced himself. He expressed disappointment that HB 467 and HB 218 were postponed indefinitely. He told the committee that his chapter was the first to acquire its own right of way and name, and he described the chapter's recent progress. The chapter has a plant for making asphalt, and community members have volunteered to help with road maintenance.

Mr. Begay expressed dissatisfaction with financial institutions in New Mexico and indicated that the Mariano Lake Chapter bank is in Arizona. He said that New Mexico banks do not treat the chapter fairly and that programs at the chapter's current bank in Arizona oversee the chapter in order to keep it financially accountable. The chapter has created a Facebook page to communicate with members of the community. The chapter meeting structure has also been streamlined, and regular meetings no longer last more than two hours.

Mr. Begay told the committee that the chapter has finished 2.5 miles of a road project with \$22,000 of Navajo Nation general fund money. Another project underway is a \$2 million waterway that will serve 52 homes.

A committee member extended an invitation to all chapter officials to join the Redistricting Committee at its August 3-5 meeting.

Another member of the committee asked Mr. Begay to elaborate on why the chapter is dissatisfied with New Mexico banking institutions. Mr. Begay replied that these institutions make it difficult to access government accounts and that they often charge \$6.00 or \$7.00 to cash one of the bank's own checks.

Indian Water Rights Settlements: Funding the State's Share

John D'Antonio, New Mexico state engineer, and Estevan Lopez, director of the Interstate Stream Commission, presented the status of the proposed Indian water rights settlement. The state's share of the total cost of \$870 million is approximately \$120 million; \$50 million goes toward the Navajo Nation settlement, \$50 million is for the *Aamodt* settlement and approximately \$20 million is for the Taos settlement. Mr. D'Antonio noted that on page four of his handout, in the second paragraph under the subheading "state contribution", the date should be February 7, 2011 instead of June 7, 2011.

A member of the committee asked Mr. D'Antonio if money the state has already appropriated toward certain projects would count toward New Mexico's part of the cost. Mr. D'Antonio responded that state-appropriated money will be considered for credit toward the cost-share. He mentioned that he has been working with the City of Gallup to coordinate efforts to maximize state credit.

A member of the committee requested that Mr. D'Antonio update the Legislative Finance Committee on, and explain the legal issues associated with, the pending water rights settlement funds.

Mr. D'Antonio explained that the spreadsheet on the last page of the handout has an overview of each of the settlements. He said that it is reasonable to assume that the state will receive \$20 million in credit for past contributions, which leaves approximately \$90 million that the state still is required to contribute. He also explained that the \$60 million attributed as the state's share of the Navajo Nation settlement includes \$10 million for non-mandatory funding for non-Indian ditch rehabilitation. He recommended that the state appropriate \$90 million over six years, the equivalent of \$15 million per year, in order to avoid cost increases due to inflation indexing and putting the infrastructure in place. Committee members discussed funding options and said that they will think about the issue carefully in order to arrive at a solution.

A committee member asked whether, because the governor of New Mexico may replace Mr. D'Antonio, his staff would be able continue working on this important project without him. Mr. D'Antonio explained that the agency has 77 vacancies but that water rights are one of its highest priorities.

Senator Munoz made a motion requesting that the committee write a letter to the governor in support of Mr. D'Antonio. The motion was seconded by Senator Rodriguez and passed without opposition.

Members of the committee asked if water can be sold to other states. Mr. D'Antonio explained that statutes allow for the sale of water with a permit from the state engineer. In order to get a state engineer's permit, the state engineer must assess the public welfare. A state that has a limited water supply, such as New Mexico, can deny requests from other states. He assured the committee that no additional legislation need be presented in order to keep water in the state.

Minutes

Upon a motion by Senator Martinez, seconded by Senator Rodriguez, the committee approved the minutes from the first meeting of the IAC for the 2011 interim.

Navajo Nation Legislative Branch

Speaker Naize told the committee that the 2010 census indicated that more than 300,000 Navajos live on the reservation and that the population and voter base are increasing. He asked for fairness from the legislature regarding redistricting. He stated that Native Americans greatly respect Mt. Taylor, and he asked the state to help protect it as a sacred site. Lastly, he mentioned that the Navajo Nation has been working with the federal government on uranium cleanup, and he asked that the state support measures to make New Mexico safe from all radioactive materials. A member of the committee requested information from the speaker about the Navajo Nation's growth demographics.

Improving Native American Student Achievement: Teach for America and Save the Children

David Neff, regional director, Save the Children, explained that there are three regional offices in the United States that deliver programs. The largest encompasses California, Washington, New Mexico, Colorado and other states. The most essential component of Save the Children is the literacy program, which works with struggling readers that are at least one grade level behind to achieve at least grade-level reading. Save the Children focuses its efforts on economically disadvantaged areas where parents are generally not well-educated. Mr. Neff told the committee about the program's literacy block, an after-school program that is offered four days a week and throughout the summer. The program will cost \$600,000 this year, and half will come from the state's Indian education provision. Save the Children's match will double the investment.

A member of the committee suggested that Teach for America participate in a partnership with Northern New Mexico College, and she mentioned that she would help facilitate a relationship.

Representative Begaye made a motion to write a letter to Governor Martinez suggesting that she support the retention and full funding of the services provided by Teach for America and Save the Children programs in her recommendation for the education budget through an independent line item in the general appropriation bill of 2012. The motion was seconded by Representative Smith and passed with no opposition.

Adequate Yearly Progress: The Navajo Nation Alternative Formula

Timothy Benally, assistant superintendent of the Department of Diné Education, and Dr. Calvin White, education administrator of the Department of Diné Education, introduced themselves. They spoke to the committee about the Navajo student achievement gap and asked why public schools have not consulted the Navajo Nation on how best to work with Navajo children. The presenters asked the committee to consider an alternative adequate yearly progress formula. They told the committee that New Mexico does not share state data with the Navajo Nation and that tribal education agencies are seeking to amend laws that preclude this data collection. Mr. Benally and Dr. White expressed a concern that New Mexico school districts do not communicate with the Navajo Nation even though they collect money for the attendance of Native American students. The presenters also noted that the Indian Education Act needs more funding.

A member of the committee requested that the Department of Diné Education make a presentation before the Legislative Education Study Committee. Another member advised the Department of Diné Education to bring its concerns to the New Mexico Indian Education Advisory Council.

Closing the Native American Student Achievement Gap

Dr. José Z. Garcia, secretary of higher education, Glenn Walters, deputy secretary of higher education, and Ricky Serna, P-20 policy analyst, Higher Education Department (HED), introduced themselves to the committee. The HED representatives told the committee that the department plans to change the funding formula for the first time in 30 years because the current formula rewards institutions for attracting students. This system worked well when the need was

to get students into schools, but because demographics have changed, it no longer makes sense to reward universities for competing with one another for students.

Secretary Garcia explained that the new funding formula would encourage a work force that would be beneficial to New Mexico. Major employers in the state will make suggestions to the department regarding work force projections. That information will be compiled and called a consensus work force projection. The HED will change the formula to reflect that information. The new formula will reward institutions for reducing the gap between today's work force and that of the future. The new formula would also give specific rewards every year to institutions that are successful in reducing the achievement gap. Secretary Garcia noted that for the first time in New Mexico history, the population between the ages of 45 and 64 is better educated than the population between the ages of 25 and 44. Lastly, he stressed the importance of closing the achievement gap in New Mexico.

Deputy Secretary Walters said that the HED may not have all the answers, but it is looking for effective, statewide programs that help students succeed. Mr. Serna told the committee that he is responsible for reviewing legislation aimed at increasing Indian education achievement across New Mexico. Deputy Secretary Walters stated that a major concern of the department is how credits transfer from one institution to another. The department has begun to look at matriculation. The secretary mentioned that he would like to consult with the tribes and their representatives to determine what kind of relationship they would like with the HED.

Deputy Secretary Walters told the committee that department staff will meet with the boards of regents on August 3 to discuss major issues. He stressed the importance of leadership in dealing with issues such as matriculation between institutions.

Navajo Nation Emergency Management

John Billison, executive director of the Navajo Nation Division of Public Safety (NNDPS), Johnny Johnson, program and project specialist from the Crownpoint office, and James Sorrelhorse, program and project specialist from the Shiprock office, introduced themselves. Mr. Billison told the committee that the NNDPS is responsible for community outreach, training meetings and mediation, and he stressed that adequate funding is vital. The following are critical expenses: personnel salaries, vehicle rental, mileage and insurance. The Navajo Nation is actively seeking external funds to augment its Emergency Management Division (EMD). Mr. Billison expressed appreciation for the state's financial assistance. Mr. Johnson told the committee that the NNDPS is funded through the IAD and special appropriations. Mr. Sorrelhorse explained that the personnel budget will be reduced by over \$19,000 this year. He said that the NNDPS is responsible for mitigation, prevention, response and recovery. His office gives presentations at various chapters to teach incident prevention. It also responds to emergencies and works with families after an incident has occurred. Mr. Johnson told the committee that, though the community expects emergency management always to be available, the NNDPS lacks the necessary financial resources. He stated that disaster has no boundaries and can occur at any time or place.

A member of the committee asked if Arizona has the same system of funding. Mr. Billison explained that Arizona and Utah receive general funds for their emergency management. The committee member asked how much Arizona and Utah appropriate from their general funds. He was told that Arizona appropriates \$290,000, an amount adequate for three staff persons, one

liaison and one office manager. The member requested a spreadsheet of costs and supplies, including insurance, so that New Mexico can see how much money the Navajo Nation is contributing to the EMD.

The secretary-designate of the IAD, Arthur P. Allison, asked to comment. He stated that a key element of emergency management is preparation. He discussed recent issues in the state concerning small fires in key areas and the need to move the elderly and the infirm. He expressed a need to develop homeland security within the Navajo Nation and told the committee that emergency management is critical.

A member of the committee remarked that the division's budget should be restored to \$300,000 in the governor's recommendations. Another member asked Secretary-Designate Allison why his department had decided to allocate only \$225,000. Rebecca Martinez, capital outlay manager for the IAD, introduced herself and stated that the department's budget had been cut by 30 percent. Reductions were made in all cost categories. She explained that the special project line item was reduced from \$1.2 million to \$900,000 and that cuts were necessary.

A member of the committee suggested that the EMD might be able to collaborate with other organizations in order to continue looking after the health, safety and welfare of Navajos.

Following the presentation by the NNDPS, Representative Madalena recessed the meeting at 5:33 p.m.

Friday, July 22 — Bureau of Indian Affairs Forestry and Fire Management Building, Pueblo of Zuni

Senator Pinto reconvened the meeting at 9:43 a.m. at the Bureau of Indian Affairs forestry and fire management building at the Pueblo of Zuni. Zuni Governor Arlen Quetawki, Sr., gave an invocation.

Welcome and Status Update — Pueblo of Zuni

Governor Quetawki told the committee that the main priority of the Zuni tribe is economic development. The tribe has a 67 percent unemployment rate. He said that other issues such as health, infrastructure and education are also very important. He introduced Andrew Othole, director for the Office of Planning and Development at the Pueblo of Zuni, and Dr. Loretta DeLong, superintendent of the Zuni Public School District.

Representative Madalena asked that Representative Alcon chair the meeting because it was taking place in his district.

Mr. Othole told the committee that his office has been seeking economic opportunities and initiatives locally and regionally. The pueblo has been trying to get funding for a new water system, a project that is now completed. The wells and reservoirs connect to the water system to provide water to the community and have allowed for housing development. The tribe now needs \$5 million in order to construct an additional wastewater system.

Mr. Othole told the committee that the pueblo would also like to build a restaurant and travel center. He said that Zuni is almost the same size as Grants, with a population of more than

10,000 people. He thinks that hospitality-based businesses would attract tourists, provide a facility for meetings and promote tax generation. The facility would provide service space and quality goods and allow the tribe to develop. He told the committee that he is happy to report that the tribe's state capital outlay and tribal infrastructure fund is empty. The tribe has used the entire \$1.7 million for the projects he described.

Representative Lundstrom proposed a motion to write a letter to Rick Martinez of the New Mexico Finance Authority requesting that he be mindful of Indian nations. The motion was seconded by Representative Begaye and passed without opposition.

Dr. DeLong told the committee that Zuni was once a part of the Gallup School District, but the Zuni people formed their own school district approximately 30 years ago. She said that there are 1,365 students in pre-kindergarten through twelfth grade and that the public school district employs more than 350 staff members. She has spent the last year working on a strategic plan to engage the community in a five-year plan. Though many positive things have happened, there have also been obstacles since the time Zuni pulled away from the Gallup school district. Zuni is the only public school district located entirely on Indian lands, and because Zuni does not have a tax base, the district never has enough resources to provide the kind of programming that the community needs.

A member of the committee commented that a lot of progress has been made as a result of the *Zuni* lawsuit. The member offered to recommend that the Public School Capital Outlay Oversight Task Force add to its agenda Dr. DeLong and the topic of impact aid. The member also asked that Dr. DeLong explain impact aid to the committee and offer suggestions that might equalize the formula for the Zuni tribe.

Dr. DeLong said that the funding formula was in place before the Zuni School District was established and when no one anticipated that schools would be located entirely on tribal lands. She suggested that the state view Zuni differently from other school districts. The Zuni tribe has facts, figures and statistics in a packet that Dr. DeLong will submit to the committee at another time. The superintendent explained that impact aid is federal money that comes through the state, and it is intended to supplement, not replace, existing funding. She said that other states do not take any part of the impact aid.

A member of the committee suggested that Dr. DeLong give the committee a presentation on the fiscal impact of the state giving Zuni all of its impact aid as well as complete state funding. The presentation should also illustrate ways the state could replenish the lost funding. Dr. DeLong explained the process that allows the school to receive impact aid.

Secretary-Designate Allison introduced Barbara Alvarez, a policy analyst with the IAD. Ms. Alvarez said that she has done research on impact aid and has found that any change in the formula must be made at the federal level. She mentioned that Arizona schools receive all of the impact aid that they generate and that New Mexico is one of only three states that does not do this. Dr. DeLong also suggested that the state pay a tribal employment rights ordinance tax for contracts executed on Zuni land.

A member of the committee asked that the secretary-designate and his staff provide an analysis and the fiscal impact of a waiver or exception to the regular funding formula for school

districts that are wholly located within the external boundaries of a federally recognized Indian reservation or trust land and do not have a property tax base. The committee member also requested a recommendation, analysis or position from the department on the impact of tribal employment rights offices on state contracts imposed by the Pueblo of Zuni for public school capital outlay projects.

Mr. Othole said the state should pass a law or policy that would provide certificates to tribes so they are not taxed on reservations. Another member of the committee suggested that the committee ask the secretary of public education to include this issue in her reform considerations so that the Public Education Department can take into consideration the uniqueness of the Zuni district.

Results of the 2010 Census: Making Native Americans Count

Amadeo Shije, tribal partnership data specialist from the Denver Regional Census Center, introduced himself. He told the committee that the U.S. Census Bureau has dropped six regional offices, leaving six in operation. The region encompassing New Mexico now also includes Kansas, Texas and Oklahoma. In the fall of 2012, data will be released concerning tribes, tribal affiliation and the population of tribal individuals in certain cities, counties, states and municipalities. Questions that have been on the census in previous decades have been removed, but they are now part of the American community survey, a continuously updated survey that includes questions that have been cut from the census. The information on the survey will be released on a yearly basis. Mr. Shije discussed different programs that have helped educate tribal leaders and community members on 2010 census information and in navigating the census web site.

A member of the committee expressed concerns about people in his community that were not included in the census count due to their choice not to participate, and he asked if incarcerated Native Americans were included in the count. Mr. Shije responded that information on incarcerated individuals was collected. Another member asked if duplicate forms are counted twice. Mr. Shije explained that the national processing center has a system for eliminating duplicate forms. A member of the committee asked what would define a member of the population as "hard to count", and Mr. Shije noted that people who receive mail at places other than their homes are difficult to count. Committee members discussed the fact that many Native Americans do not receive mail at their homes and expressed concern that the committee is responsible for a population often considered to be hard to count.

State Land Office: The Mt. Taylor Traditional Cultural Property Memorandum of Understanding

Ray Powell, commissioner of public lands, introduced himself. He explained that the State Land Office (SLO) is trying to be as transparent as possible. He spoke about the status of the SLO when he took over, and he expressed concern for Native American tribes. He assured the committee that he would confer with the tribes about decisions regarding land that is important to them, whether or not that land is covered by the memorandum of understanding (MOU) he presented to the committee. A member of the committee asked that Commissioner Powell provide information on all land exchanges. Another member suggested that the SLO might be able to help the state replenish funds lost if a waiver system were put in place for Zuni schools.

A member of the committee asked if cultural property protection is determined by elevation. Commissioner Powell explained that it is, but that he is determined to work with tribes on any issue of land that they consider important, and he stated that he is always willing to visit with any of the nations about any issues that concern them.

Governor Randall Vicente of the Pueblo of Acoma stated that he would like to work closely with other entities involved with the development of uranium mining around Mt. Taylor, and he also expressed a desire to speak with Commissioner Powell about the possibility of a land swap with the State of New Mexico. He invited the commissioner and the committee to the St. Esteban feast day at the Pueblo of Acoma on September 2, 2011.

Mark Mitchell, governor of the Pueblo of Tesuque, introduced himself to the committee and stated that his pueblo is financially poor but culturally rich, and he expressed a need for the tribe to exercise its sovereignty and a desire to work cooperatively with the state.

First Lieutenant Governor Harry Antonio, Jr., of the Pueblo of Laguna asked the state to be mindful of collaboration efforts and to understand that Indian communities do not put a dollar value on sacred sites.

Chandler Sanchez, senator and former governor of the Pueblo of Acoma, thanked Commissioner Powell for the MOU and for opening a dialogue with the tribes. He told the committee that five tribes nominated Mt. Taylor as a sacred site and that more also consider it sacred.

A member of the committee expressed a desire to accommodate the interests of all with respect to Mt. Taylor.

Mr. Othole said that non-Native Americans do not always understand the importance of sacred sites, and he stated that the issue is complex and sensitive.

Licensing of Uranium In-Situ Leaching: The State's Role

Jerry Schoepner from the Ground Water Quality Bureau of the New Mexico Department of Environment (NMED) and Charles Lundstrom, Native American liaison, NMED, introduced themselves. They explained the differences between in-situ leaching methods of mining and conventional methods as well as the risks and benefits involved with each. They also explained to the committee the process for a company to receive a discharge permit for mining purposes. A member of the committee asked where the HRI mining company is located and was told that it is north of the CRC.

The committee invited Leona Morgan of ENDAUM to speak. Ms. Morgan told the committee that an injunction has recently been filed against the NMED, citing the department's failure to follow its own policies in regard to its communication with HRI representatives. The injunction would stop any action that would cause damage to drinking water aquifers on Navajo lands. Ms. Morgan presented the committee with a copy of the injunction. Mr. Schoepner told the committee that the NMED's future actions regarding the injunction are under consideration and that he has not been a part of the conversation. Ms. Morgan explained the reasons for the injunction and pointed out specific examples from the exhibits attached to the injunction. The

committee asked representatives from the NMED about communication with HRI and requested that the NMED explain the findings of independent studies on uranium mining.

Mr. Schoeppner explained that in order to receive a discharge permit, a company must prove financial solvency and its ability to clean up a site once mining is completed. A member of the committee asked about water at the site that is contaminated before in-situ leach mining takes place. Mr. Schoeppner told the committee that in most cases, the water is previously contaminated. Members of the committee discussed the health and safety issues involved in in-situ leaching mining as well as the positive consequences.

Representative Lundstrom made a motion to request one additional meeting from the New Mexico Legislative Council so the committee can become more informed on the issue of uranium mining. The motion was seconded by Senator Lovejoy. A member of the committee requested that aquifer mapping be included in the meeting. The motion passed with opposition by Senator Adair.

Members of the committee questioned the CRC's neutral position on uranium mining with regard to the Navajo Nation. Mr. Henry of the CRC told the committee that the issue has not been fully presented to the chapter by both sides and that conflicting reports of the risks and benefits involved have caused chapter officials to take a neutral position until members of the community have had a chance to voice their opinions. Members of the audience voiced their opinions on uranium mining.

Public Defender Office: Gallup Location

David Eisenberg, contract counsel from the Public Defender Department, told the committee that the public defender has been trying to open an office in Gallup since 2009 but has experienced setbacks. Mr. Eisenberg explained that the public defender is hoping to open a temporary office in the vacant McKinley County sheriff's building until the new McKinley County magistrate building is completed. He told the committee that studies show that 80 percent of public defender clients in Gallup are Native American.

The committee asked Mr. Eisenberg where public defenders for McKinley County currently work. Mr. Eisenberg explained that public defender services are provided by private lawyers who have contracts with the Public Defender Department. This costs between \$250,000 and \$500,000 annually. The public defender will use money not spent on contracts to pay the lease on the new building and to fund personnel. Mr. Eisenberg also spoke about personnel currently working in Albuquerque in order to train as public defenders for the Gallup office.

Adjournment

There being no further business before the committee, the second meeting of the IAC for the 2011 interim adjourned at 4:15 p.m.