

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

**October 17, 2016
San Juan Chapter House
Waterflow**

**October 18, 2016
Sheep Springs Chapter House
Sheep Springs**

**October 19, 2016
Henderson Fine Arts Center, San Juan College
Farmington**

The fourth meeting of the Indian Affairs Committee (IAC) was called to order by Senator John Pinto, co-chair, on October 17, 2016 at 10:54 a.m. at the San Juan Chapter House in Waterflow.

Present

Rep. Sharon Clahchischilliage, Co-Chair
Sen. John Pinto, Co-Chair
Rep. D. Wonda Johnson (10/18, 10/19)
Rep. James Roger Madalena
Sen. Richard C. Martinez (10/18, 10/19)
Sen. Cliff R. Pirtle (10/17, 10/18)
Sen. Nancy Rodriguez
Sen. Benny Shendo, Jr.(10/19)
Rep. James E. Smith

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Carlos R. Cisneros
Rep. Patricia A. Lundstrom (10/18, 10/19)
Sen. Cisco McSorley
Rep. Debbie A. Rodella (10/18, 10/19)

Absent

Sen. Ted Barela
Rep. Zachary J. Cook
Rep. Yvette Herrell
Rep. Georgene Louis
Sen. William P. Soules

Sen. Stuart Ingle
Sen. Daniel A. Ivey-Soto
Sen. George K. Munoz
Rep. Patricia Roybal Caballero
Rep. Nick L. Salazar
Sen. Clemente Sanchez

Guest Legislator

Rep. Idalia Lechuga-Tena (10/18, 10/19)

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

Staff

Peter Kovnat, Staff Attorney, Legislative Council Service (LCS)

Shawna Casebier, Staff Attorney, LCS

Diego Jimenez, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

All handouts and other written testimony are in the meeting file.

Monday, October 17 — San Juan Chapter House**Call to Order**

Senator Pinto called the meeting to order at 10:54 a.m. and an invocation was given by Rick Nez, president of the San Juan Chapter. Committee members, staff and the audience introduced themselves.

Welcome and Status Update

President Nez welcomed the committee to the San Juan Chapter. He described the area as a community of many farmers and some ranchers and said that they are fortunate to have the San Juan River. He emphasized the importance of farming to the culture and for teaching youth how to work hard. He also remembered with the committee the tragic news of Ashlynne Mike and stressed that an AMBER Alert system is still needed.

President Nez said that a proposed bridge to cross the San Juan River is hoped to be started and completed in the next few years. The bridge is needed for public safety and school bus routes. For example, the bridge is imperative for fire trucks needing to get to the other side of the river, and there have been instances in which the fire trucks have arrived too late to put out a fire because no convenient route to cross the river exists. A member suggested that the committee could help the San Juan Chapter get the money needed for the bridge.

As to implementing an AMBER Alert system, the committee discussed what it would take to make that happen. It was noted that big obstacles to activating an AMBER Alert when Ashlynne Mike went missing were jurisdictional issues and a lack of communication between the Federal Bureau of Investigation and the Navajo Nation. The jurisdictional issues continue to hamper the implementation of a an AMBER Alert system on the Navajo Nation as coordination is needed among four states in addition to the federal government. Although the Navajo Nation

Council passed a law requiring implementation of a system within 60 days, it was vetoed by Navajo Nation President Russell Begaye. Additional efforts have been stalled by a lack of funding for equipment and the training of law enforcement personnel. Committee members suggested that capital outlay funds for infrastructure or sharing the costs with Arizona and Utah could be solutions. It was also suggested by members that New Mexico's congressional delegation should be asked to assist, in addition to encouraging the Navajo Nation Council to act on the issue. President Nez added that the Navajo Nation's memorandum of understanding (MOU) with the New Mexico State Police needs to be revisited as well.

DNA People's Legal Service

Loretta Danzuka, manager of DNA People's Legal Services, Inc. (DNA), said that DNA is a nonprofit entity that provides legal services to indigent people in the Four Corners area of New Mexico, southern Utah and in Arizona's Apache and Coconino counties. Its mission is to provide legal assistance to the community to help stamp out poverty, foster individuals' dignity and independence and protect tribal sovereignty. Operating with funds from 60 different grants, DNA provides its clients with legal services in the areas of domestic relations and domestic violence, consumer (debt collection, car purchases, car repossessions, garnishments and consumer fraud), benefits (Supplemental Nutrition Assistance Program (SNAP), Medicaid, Medicare and general assistance), tax controversies and probate. She stated that through the "Medical Legal Partnership", one of the first legal organization partnerships with a hospital in the United States, DNA has an MOU with the Indian Health Service and clients will be referred to DNA when a doctor discovers a legal issue, such as domestic violence, through an examination. Ms. Danzuka said that DNA does not have a defined service area and that it tries to help everyone who comes for assistance; however, the caseloads are very high, and there are not enough attorneys to address the legal concerns associated with the endemic poverty of the area.

In response to a question about caseloads, Ms. Danzuka noted that DNA's attorneys have to carry 45 to 50 cases each, but that they cannot go over 60 cases and still provide competent representation. Asked about the status of the Navajo Nation forfeiture laws, Ms. Danzuka stated that she has not heard of any forfeiture cases from the Navajo Nation; however, testimony is being given to the Human Rights Commission regarding the conflicting laws on the Navajo Nation and in New Mexico. She said that the state violates civil rights by not setting usury caps; the Navajo Nation has an 18% cap, but to fight for the rights of the poor people on the Navajo Nation, the Navajo Nation has to fight with the state.

Asked about problems the Navajo Nation has with New Mexico's law enforcement, Ms. Danzuka stated that the biggest issues involve self-help repossession and the serving and enforcing of protection orders by the county. She stated that New Mexico does not touch custody cases with Native Americans even if they live off a reservation, and if an individual lives on a reservation, the state will not process divorce petitions or resolve child custody disputes. In these cases, the state claims that the Navajo Nation has jurisdiction even though the people meet the residency requirements of both the state and the Navajo Nation. As to process of service, she said that neither the state nor a county will serve protective orders on the Navajo Nation, and the

Navajo Nation will not serve protective orders off the reservation even though reciprocity exists. She said that because of the jurisdictional misunderstanding, there are serious issues with due process and a failure by the state of getting needed assistance to children and seniors.

The Environmental Impact of the Gold King Mine Spill and the Current State of Clean-Up Efforts

Dennis McQuillan, chief scientist, Department of Environment (NMED), gave an overview of the natural geological contamination from iron and other metals in natural acid rock drainage that predates mining and the discharge of waste into the Animas River from mining, milling and smelting operations during the twentieth century. He noted that a late-1950s survey of the Durango smelter/mill effluent and surrounding river environment found significantly high, "off-the-charts" by today's standards, levels of radioactivity in the river mud and uptake into the food web. As to the August 5, 2015 Gold King Mine (GKM) spill, Mr. McQuillan described how the federal Environmental Protection Agency (EPA) committed, in the opinion of the NMED, gross negligence in its digging into the collapsed mine tunnel, which triggered the blowout of the impounded water, the level of which the EPA had underestimated. Mr. McQuillan noted that although the initial plume has passed down river, concerns remain about the resuspension of toxic particles during storm events and the buildup of heavy metals in reservoirs, such as Lake Powell.

Mr. McQuillan stated that the NMED has done extensive testing of public drinking water systems and private domestic wells and that no customers have received drinking water exceeding the drinking water standards for the GKM metals nor has any evidence been found that private domestic wells have been impacted by the plume. The NMED and New Mexico State University (NMSU) are testing crops and cropland soil for heavy metals and river monitoring is ongoing. Mr. McQuillan also said that efforts are being made to better understand the ground water flow and aquifer-river interactions and that evidence suggests that surface water contaminants entered the ground water in Aztec, although it is unclear when or how the contaminants got there. As to fish, livestock and wildlife protection, there has been no evidence of unusual impacts on livestock or wildlife, but more funding is needed to investigate algae nutrient processing and metals uptake into the food web. The NMED continues to sample soil, sediment and crop tissue for heavy metals, because metals stored in sediment can be resuspended during high flow; contaminated sediment can release metals into surface water; and metals may sequester into ground water. He also noted that some tested sediment contains metals exceeding residential risk levels; for instance, Animas River sediment near Durango, Colorado, tested in February 2016, contained 3,100 milligrams/kilograms (mg/kg) of lead, and the EPA standard is 400 mg/kg.

To keep the public informed of potential exposure risks, the NMED created the Animas and San Juan Watersheds New Mexico Exposure and Risk Dashboard, which can be found at: https://www.env.nm.gov/wp-content/uploads/2016/07/160708_Animas-San-Juan-Risk-Dashboard.pdf. In 2015, the NMED created a Citizens' Advisory Committee for stakeholders to provide input. Mr. McQuillan said that Governor Susana Martinez has a long-term monitoring

plan to obtain good data on the impacts of the spill, but funding for the monitoring is inadequate. Governor Martinez submitted a \$6 million federal Clean Water Act grant application to the EPA to fund long-term monitoring, but the EPA only approved \$465,000, and state resources are limited.

Mr. McQuillan summarized how the responses of the EPA and the State of Colorado continue to be grossly inadequate, are biased and play down the seriousness of the contamination resulting from the spill, including providing misleading data, misrepresentations and unsubstantiated assertions that metal levels have returned to pre-event levels. He stated that the EPA is not holding itself accountable at the same high standards it poses on industry and that an independent watershed-scale monitoring program is needed. Mr. McQuillan briefly reviewed the litigation that has been initiated by New Mexico and the Navajo Nation, and he expressed disappointment that the U.S. Department of Justice has failed to pursue criminal prosecution of any EPA employee. As to the Superfund site process, Mr. McQuillan said that the EPA must fully fund states and tribes to perform independent monitoring and that New Mexico and other stakeholders downstream must be treated as such and allowed to participate in the process. Lastly, he reviewed how New Mexico has the capacity through the New Mexico Office of Natural Resources Trustee to return natural resources and the services they provide to the condition they would have been in if the release of contamination has not occurred, and he provided the Terrero Mine and El Molino Mill tailings cleanups as successful examples.

In response to a question about lead contamination and the impact on children in particular, Mr. McQuillan said that the issue is interesting in light of what happened in Flint, Michigan, where people were prosecuted for their role in the contamination. He noted that the EPA's GKM spill monitoring plan includes monitoring of humans and urine testing for heavy metals, but lead is found in blood, not urine, and it is up to individual parents to get their children tested. He stated that the difference here from Flint is that in Flint, the lead was in the public drinking water; because the exposure pathways are different in New Mexico, the lead uptake in humans will be slower. In rural areas, outreach about the testing programs is being done by the San Juan Soil and Water Conservation District and the Citizens' Advisory Committee. George Baloo, retired engineer, and President Nez, representing the community, are on the Citizens' Advisory Committee. Its next meeting will have a presentation about how individuals can file claims with the EPA.

Asked what the benefit to New Mexico is of declaration of the spill area as a Superfund site, Mr. McQuillan said that the EPA listed it on September 7, 2016, but the declaration does not go further south than Durango; lead was not included in the hazard ranking package; and technical assistance grants have not been made available to New Mexico and Utah, where the waste has migrated. He said that the New Mexico Attorney General's Office and the Governor's Office are fully on board with the NMED's assessment of the situation, and the NMED is working to update the long-term monitoring program and the lead testing program with the Department of Health. Asked if lead ever leaves the body, Mr. McQuillan explained that the risk is greatest to children because they absorb lead faster and can suffer irreparable harm and be

disabled for the rest of their lives. Michaelene Kyrala, director, strategic initiatives and policy, NMED, added that the lawsuit filed by New Mexico requests funding for further testing.

In response to a question from a member, Mr. McQuillan clarified that prior to mining lots of rivers ran red because of natural acid drainage, but that mining has accelerated it. He said that the concern is that radioactive metals do not biodegrade and the question is where do they all go. He said that it may be technically infeasible to clean up the GKM spill and the biggest failure of the EPA has been not figuring out where the contaminants have gone. Mr. McQuillan said he is fearful that the window of opportunity to remove the contaminated sediments may have closed as so much has been distributed down the watershed and nobody knows where it is now. He stated that this is why New Mexico has launched its own investigation in Colorado as no cleanup is happening except source control at the mine site. He said a letter is being drafted to the U.S. Congress requesting that the EPA be relieved of its monitoring responsibilities and asking the United States Geological Survey (USGS) to take over the monitoring and the U.S. Army Corps of Engineers (ACOE) to take over responsibility for the Superfund site. He said that to get good science, the state needs the USGS and ACOE to step in.

Asked what the possibility is of a similar spill happening again in New Mexico, Mr. McQuillan noted that while there are a number of gold mines in the south, the same situation as that which occurred at the GKM does not exist. Uranium mines in Gallup and Grants are below the level of ground water, but the tailings piles below Pecos will have to be managed over a long period of time. A member noted that the federal government has cleaned up uranium on federal lands and inquired as to what the state has done on state lands. Mr. McQuillan said that there has been no significant uranium clean-up action by the state, as the state does not have that type of funding.

Public Comment

Gloria Emerson expressed the belief that if the spill had occurred on the Rio Grande near Santa Fe and Albuquerque, there would have been a greater response. She said many Navajos have died from the danger of uranium and there has been little response. She stated that more money needs to be put into testing and the testing should be done by independent scientists who love and care about the Navajo people.

The committee recessed at 3:13 p.m.

Tuesday, October 18 — Sheep Springs Chapter House

Senator Pinto reconvened the meeting at 10:31 a.m. Louise Charley, vice president, Sheep Springs Chapter, gave an invocation. The committee members, staff and audience introduced themselves. Senator Pinto asked Representative Smith to chair the remainder of the meeting.

Welcome and Status Update

Amber Crotty, Navajo Nation Council delegate, updated the committee on the community's needs, including E-911, power line expansion and establishing an AMBER Alert system. She thanked the committee for the legislative appropriations to build the four-lane highway and noted that the next phase needs to focus on safety. She said that there is resiliency in the community and that it wants children to remain in Sheep Springs and be committed to who they are. She said that there is a troubling level of violence in schools and that the community is partnering, with the assistance of federal and state funds, with public safety officers to address the concerns. Because the community is between Gallup and Farmington, it is pulling resources from all sources. She noted that with \$70,000 from the state, the community was able to refurbish the senior center and install a new stove.

Ernest Smith, president, Sheep Springs Chapter, welcomed the committee and described the renovations that had taken place at the senior center and the ongoing demolition of the warehouse. He said that there are many arts and crafts in the community, including sand painting, jewelry and rug weaving, in addition to cattle, sheep and horse ranching. He described some of the activities in the community for the youth and elderly, including volleyball tournaments, a cancer walk and community get-togethers and dinners.

Patricia Begay, chapter manager, Sheep Springs Chapter, updated the committee on the community's five major projects. First, a multipurpose building is being planned to house administrative functions, as well as a gym, computer center and small wellness center. She indicated that the project was shovel ready, but that \$3.5 million is needed to complete the project. Second, she requested reauthorization of an \$80,000 appropriation for the demolition of the warehouse and purchase of a new metal building for the warehouse. Third, she described how a \$65,000 appropriation had been used for bathroom additions that addressed the issue of families living without water and bathroom facilities. Fourth, she noted that \$240,000 was appropriated and expended for the planning and design of the multipurpose building. Lastly, she noted that \$70,000 in tribal infrastructure funds (TIF) were used to complete the renovation of the senior center.

Ms. Crotty advised the committee that the area has a high rate of cancer and that nutrition is being looked at as a solution. Noting that Sheep Springs is in a food desert, she said that the community is looking to restore both the foodshed and the watershed. Through partnering with the state and other chapters, the community is improving the quality of life in the region. She added that an economic opportunity exists to use the chapter's kitchen to create value-added products from local agriculture.

In response to a question, Ms. Begay explained that the chapter had received \$3.5 million for the planning and design of the multipurpose building through TIF and that the chapter had contributed \$20,000 toward the effort. She noted that the chapter is looking to TIF, the Navajo Nation Tribal Infrastructure Fund and chapter funds to complete the project.

Asked about the high rate of cancer in the area, Ms. Crotty said that people in the area mostly suffer from breast, colon and kidney cancers. She said that chapter officials are trying to understand the correlation between the natural watershed, the uranium mining that had taken place 45 miles upwind and the rate of cancer. She also noted that the introduction of processed foods and nutritional deficiencies are contributing factors. There is an effort to bring fresh, local, traditionally based foods back to the community and access the traditional knowledge of food and farming to address health concerns. A member raised a concern that due to the state's budget situation, funds had been taken out of the Tobacco Settlement Program Fund that were to be used for cancer research.

Ms. Crotty mentioned that the Head Start facility had burnt down a couple of months ago and that the community is working to add a Head Start component to the multipurpose building so that it will serve intergenerational needs.

Report on Local Foodshed and Food Policy

Sharon Sandman of the Small Backyard Garden Alliance and Diné Food Sovereignty Alliance, Sonlatsa Jim-Martin, REACH policy analyst at Community Outreach Patient Empowerment (COPE), and Ms. Crotty presented to the committee about the local foodshed and food policy.

Ms. Sandman said that she is helping elders with concerns about health at the senior center and that backyard gardening is a way to get the elders to be active. She said the Small Backyard Garden Alliance started as one family garden, but with funding from NMSU's Cooperative Extension Service and the council of governments, it has grown to 21 gardens. The next step will be to reach out to schools, students, senior centers and convenience stores to see who is interested in buying produce from producers. There has been big interest from the schools, and Twin Lakes Elementary will be one of the first schools to have a garden through the support from NMSU, the council of governments and COPE. Efforts have also been made to establish farmers' markets, of which there are two in Sheep Springs and one in Naschitti.

Ms. Jim-Martin told the committee that COPE is a nonprofit out of Gallup, which was established six years ago. COPE serves the Navajo Nation and works with public health and community health organizations in rural communities. COPE, in coordination with the Navajo Nation and the Harvard Food Law and Policy Clinic, developed a toolkit that provides an overview of food laws and policies that impact the food environment in the Navajo Nation and recommends programs, policies and strategies to be implemented federally and in all three states that encompass the Navajo Nation. She noted that this report was the first time that the Harvard Food Law and Policy Clinic had partnered with a tribal nation and noted the uniqueness of the recommendations given the maze of jurisdictional issues and federal programs in the states. The report may be found here:

<http://www.chlpi.org/wp-content/uploads/2013/12/Navajo-Food-Policy-Toolkit-May-2015.pdf>.

Ms. Jim-Martin said that the report is broken into areas that consider: Diné food traditions and the importance of tribal engagement; the role of the federal and state governments; food production; food processing, distribution and waste; access to healthy food; food assistance programs; and school food and nutrition education. She said that some strategies are to address issues with: water; land use; agricultural infrastructures; food processing; healthy food aggregation; food waste; access to healthy foods; the Healthy Corner Store Initiative; and improvements to food assistance programs.

A committee member asked if efforts were being duplicated by the Navajo Nation through its creation of a seed bank and if partnerships had been established with NMSU and others. Ms. Crotty explained that the Navajo Nation's interest in seeds goes beyond them just being a product; there are cultural and geographic elements involved and concerns about giving authority to the United States Department of Agriculture to modify seeds.

A discussion ensued regarding the taxation of junk food or a wellness tax. A member commented that SNAP purchases cannot be taxed, but junk food can, and the member averred that it is important to show people how to grow their own food and that perhaps schools are the natural place for this to happen, as many schools have a lot of land. Another member noted that there has been resistance to taxing junk food because of merchants' inability to know what should and should not be taxed. It was suggested that money should be appropriated to develop a computer program that would help small grocers to tell whether or not food is taxed. A member also noted that resolutions are needed from the Navajo Nation regarding its position on raising taxes on tobacco and alcohol. Asked how the Navajo Nation distributes the proceeds of its wellness tax, Ms. Crotty answered that taxes were removed on food generally and then imposed on a lengthy list of high-salt, high-sugar and high-fat foods; the tax is collected into a separate account with a fund management plan and can only be used for wellness activities.

Asked about any duplication of wellness efforts and programs, Ms. Crotty noted that the Navajo Nation is: restructuring its Department of Health; comparing its programs to state and federal programs; and creating more accountability.

Representative Clahchischilliage chaired the remainder of the day's meeting.

Sentencing Disparity Between State and Federal Court and Its Impact on Native Americans Convicted of Crimes

Representative Rodella advised the committee that the disparities in federal and state criminal sentencing are not just an issue for Native Americans, but for all people of color. She said that she proposed a resolution to the National Hispanic Caucus of State Legislators and that the National Caucus of Native American State Legislators is also considering the resolution. She said that federal sentencing often results in longer sentences than those that would be imposed in state court for the same crimes because of mandatory minimum sentences and that New Mexico's congressional delegation should look into the issue.

Mr. Kovnat informed the committee that the topic is one of disproportionate criminal sentences for Native Americans convicted of crimes based on jurisdiction and the differences in the state and federal sentencing structures. He noted that the sentencing disparities exist for the person who committed the crime, and not for the crime itself. Referring to a flowchart handout, he said that criminal jurisdiction is very complicated and is dependent on a maze of different statutes.

Historically, he said that criminal prosecution of Native Americans was vested in the federal court because it was believed that the state courts were less sensitive to treaty rights and would not give a fair trial to a Native American defendant. Today, however, the states handle more criminal prosecutions and because criminal prosecution takes up less of the federal budget, it is easier for the federal government to justify the budget expenditures required for imposing mandatory minimum sentences. The result is that crimes committed across the street from one another, in different jurisdictions, have the potential for vastly different sentences. Often, in New Mexico, it is not obvious which jurisdiction applies given who the defendant is, who the alleged victim is, where the crime occurred and what the crime is. For example, non-Native Americans who commit a crime on tribal land would fall under state law.

Mr. Kovnat explained that the federal sentencing guidelines require much longer minimum sentences and that they may not be proportional to the crime. In contrast to federal court, in New Mexico, judges have a lot more flexibility in sentencing, and Section 31-20-3 NMSA 1978 allows suspension of the entirety of the sentence. "Stacking" of sentences in federal court is also an issue with mandatory minimums, as the sentences must be consecutive and cannot be concurrent, and federal good-conduct time credit policies ensure that a defendant serves, at minimum, 87.5% of the defendant's time.

As to implications for New Mexico's Native American communities, Mr. Kovnat said that because there are no federal prisons in New Mexico and the federal sentences are longer, it is much harder for people getting out of prison to reassimilate into their communities, and because sex offenders under federal law are usually forbidden by the courts to be around children, released prisoners from multigenerational families who were convicted of sex offenses can never go home.

The committee discussed what could be done to change the federal law regarding sentencing. It was suggested that the committee should work with New Mexico's congressional delegation to change the laws to give more discretion to federal judges and get rid of mandatory minimums. A member cautioned that it is important to know the tribes' position on the issue and what changes, if any, to the criminal jurisdictional requirements they would support. A member noted that there is uniformity through all 50 states with federal laws, but that because of jurisdictional issues, especially for crimes committed on tribal lands, that sometimes cases are dismissed.

Motion

Upon a motion, seconded and without opposition, the committee voted to draft a joint memorial requesting that New Mexico's congressional delegation address the issue of federal criminal sentencing.

Approval of Minutes

Upon a motion, seconded and without opposition, the committee voted to approve the minutes from the committee's August 29-31, 2016 meeting.

Tour of Senior Center and Garden

The committee toured the senior center and community garden.

Wednesday, October 19 — San Juan College, Farmington

The committee was reconvened by Senator Pinto at 10:13 a.m., and Representative Clahchischilliage gave an invocation. The committee, staff and audience introduced themselves.

Welcome and Status Update

Dr. Toni Pendergrass, president, San Juan College, welcomed the committee and, referring to her handout, presented an update on San Juan College's programs. She said that San Juan College received reaffirmation of its academic quality program accreditation from the Higher Learning Commission through 2022 and 100% of its programs are approved to be offered online. In 2014 and 2015, San Juan College received the Government Finance Officers Association Excellence in Financial Reporting Award; in 2012, San Juan College won a New Mexico Association of Commerce and Industry Vision, Investment, Vitality and Action Award; and the School of Energy received the 2016 Grand Prize of Show from the Associated General Contractors of New Mexico. She noted that San Juan College is the on-shore trainer of choice for BP America and won the design build program grand prize.

Additionally, San Juan College has been ranked: first in the nation out of 1,108 community colleges for issuing credentials earned in less than one year to Native American students; eleventh in the nation for granting one- to two-year credentials to Native American students; and second in the nation for granting associate degrees to Native American graduates. The majority of the students in the disciplines of drafting in the School of Trades and Technology, office administration in the School of Business and engineering in the School of Science, Math and Engineering are Native Americans.

Dr. Pendergrass stated that San Juan College is focusing on the four strategic directions of: student success and completion; community partnerships and economic development; institutional effectiveness; and valuing people. Through these directions, San Juan College is working to help students surpass their educational goals, build a strong workforce, ensure that students get jobs and promote a culture of shared values at the college.

Next, Roger Fragua, president, Cota Holdings LLC, and Butch Blazer, former deputy undersecretary of natural resources and environment of the United States Department of Agriculture, presented on San Juan College's tribal energy management (TEM) degree program, the first of its kind in the nation. Although roughly 20% of the United States' energy resources are located on or near tribal lands, they noted that leadership of tribal members in the energy sector is limited, few Native Americans own or manage energy-related businesses and many Native Americans do not have access to utilities. The TEM program aims to foster tribal member leadership in the development of the energy industry and to develop the human capital needed to advance the goals and innovations of the tribe. Through educational programs that sustain a traditional, natural-resource-based culture and in partnership with tribal organizations and industry, TEM is a comprehensive program that provides a technical, tribal energy business and management/leadership education. Students will gain both academic and real-world experience through the program. Topics covered will include: federal Indian policy; Indian energy development; tribal governance, sovereignty and regulations; tribal business, finance and human resources; and doing business in tribal communities.

Asked about the funding formula for new programs, Dr. Pendergrass said that for research and public service projects, most colleges and universities will receive funding after a couple of years based on the number of students who complete the program. Until that time, San Juan College looks to leverage funding from community and industry partners and grants.

In response to a member's question, Mr. Fragua stated that there were a couple of different ways a student could participate in the TEM program. There is a two-year path for a tribal energy associate degree, and professionals or others interested could complete the program in a semester and receive a certificate. Discussions are occurring as to how to do the program sustainably, and a seminar rate versus a degree program enrollment rate is in the works. Dr. Pendergrass added that the program needs at least five graduates over three years to ensure that the program becomes part of the funding formula. Asked what credits from the program would transfer to a bachelor of arts degree, Dr. Pendergrass said that San Juan College is working on the issue with partner institutions, such as Bismarck State College, and that New Mexico Highlands University accepts energy credits for its Oil and Gas Management Program.

Asked how San Juan College was handling budget cuts from the recent special session, Dr. Pendergrass stated that the college had cut \$2.3 million out of its budget before the special session and that cutting another \$1.25 million is challenging. The college is looking at every program, the viability of education opportunities at other campuses and reductions in staffing.

In response to a member's questions, Mr. Fragua said that some efforts have been made to install broadband infrastructure in the area, especially federal entities on Indian land such as the Bureau of Indian Affairs and Indian Health Service, but there is more to do and there needs to be a way to pay for it.

In regard to money to the Navajo Nation from the uranium mine clean-up settlements, a member asked if San Juan College is training students in this work. Dr. Pendergrass said that San Juan College representatives had met with the president of the Navajo Nation to discuss training needs and San Juan College agreed to provide any training needed relating to hazardous materials, occupational safety, Head Start and criminal justice. A member commented that employees are being brought from out of state to do the uranium clean-up work and there is a need to train and employ locals to do the work.

Update on the San Juan Generating Station

Carlos Lucero, manager, state and federal government affairs, Public Service Company of New Mexico (PNM), and Tom Fallgren, plant manager, San Juan Generating Station, PNM, referring to their handout, addressed the committee on the Public Regulation Commission's rate review final order and updates on the San Juan Generating Station and PNM's tribal workforce training efforts.

As to the rate review case, Mr. Lucero stated that PNM was disappointed in the decision and that the rate increase, although not significantly less than what PNM requested, only represents one-fifth of the recovery cost of investments at the Palo Verde Nuclear Generating Station in Arizona.

As to the San Juan Generating Station, Mr. Fallgren stated that PNM's stated goal is to balance environmental benefits with affordability and reliability while minimizing the economic impact to the state. He said that the new coal agreement will provide \$340 million in savings to customers over the next six years, although two of the units will shutter by the end of 2017 in accordance with the federal regulations. Currently, there are nine different owners of the generating station, and PNM owns 50%. He said that the generating station is already in full compliance with the federal environmental regulations, but the shuttering of the two units will result in less coal megawatts on PNM's system. He stressed the need to find the right energy mix balance and noted that as the percentage of coal decreases in the energy mix, it is likely that the percentage of nuclear power will increase.

Next, Mr. Lucero informed the committee that PNM works with 14 different tribes in its operations and that 26% of PNM's total electric transmission lines cross tribal lands. Since 2011, PNM has offered summer internships at the Albuquerque Electric Service Center and the San Juan Generating Station. Eighteen Native American students have completed paid internships, and it was noted that the program helps keep the students focused to continue their degrees. In 2013, PNM committed \$1 million over five years to train Navajo tribal members in the PNM-Navajo Nation Workforce Training Program, with funds being given directly to partnering schools for scholarships.

In response to a question about renewable energy, Mr. Lucero stated that PNM has met the goal of 15% renewables by 2015 and that it is on target to meet the goal of 20% renewables by 2020. He noted that customers are benefiting because PNM has met the renewable portfolio

standard and kept costs low. In regard to geothermal energy, Mr. Lucero indicated that PNM has a 10-megawatt plant south of Lordsburg, but that it is a small part of PNM's portfolio. It was suggested that more exploration needs to be done for hot pockets.

Asked if PNM would discontinue its scholarship program because of the rate case, Mr. Lucero replied that PNM is committed to keeping the scholarships going, but the rate case makes it more difficult to operate.

Several members expressed concern about the area losing high-paying jobs, and especially Native Americans losing jobs, from the closing of the two units at the San Juan Generating Station.

Adjournment

There being no further business before the committee, the fourth meeting of the IAC for the 2016 interim adjourned at 12:35 p.m.