

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

**July 11, 2022
Breadsprings Chapter House
190 Rodeo Road A
Vanderwagen**

**July 12, 2022
Hospitality Center
Navajo Technical University
Lowerpoint Road, State Highway 371
Crownpoint**

**July 13, 2022
Thoreau Senior Citizen Center
1 2nd Avenue
Thoreau**

The second meeting of the Indian Affairs Committee was called to order by Representative D. Wonda Johnson, co-chair, on June 11, 2022 at 10:02 a.m. at the Breadsprings Chapter House in Vanderwagen.

Present

Rep. D. Wonda Johnson, Co-Chair
Sen. Shannon D. Pinto, Co-Chair
Rep. Eliseo Lee Alcon
Rep. Anthony Allison
Sen. Brenda G. McKenna
Sen. Cliff R. Pirtle (7/11, 7/12)
Sen. Nancy Rodriguez (7/11)
Rep. Patricia Roybal Caballero
Sen. Joshua A. Sanchez (7/11, 7/12)
Sen. Benny Shendo, Jr.
Rep. Martin R. Zamora

Advisory Members

Sen. Linda M. Lopez (7/12)
Rep. Patricia A. Lundstrom (7/11)
Sen. Michael Padilla (7/11)

Absent

Rep. Zachary J. Cook
Rep. Kelly K. Fajardo
Sen. Leo Jaramillo
Rep. Derrick J. Lente
Rep. Georgene Louis
Sen. William E. Sharer

Rep. Gail Chasey
Rep. Doreen Y. Gallegos
Rep. Harry Garcia
Sen. Stuart Ingle
Sen. Bill B. O'Neill
Sen. William P. Soules
Rep. Elizabeth "Liz" Thomson

Guest Legislators

Sen. George K. Munoz (7/11)

Rep. Debra M. Sariñana (7/11)

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

Staff

Lenaya Montoya, Staff Attorney, Legislative Council Service (LCS)

Sara Wiedmaier, Research Assistant, LCS

Sheila Keleher, Research Assistant, LCS

Hunter Thomas, Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file and posted on the legislature's website.

References to Webcast

The time reference noted next to each agenda item in this document is cross-referenced to the webcast of the committee meeting, which can be found at www.nmlegis.gov, under the "Webcast" tab. The presentations made and committee discussions for agenda items can be found on the recorded webcast for this meeting.

Monday, July 11 — Breadsprings

Welcome and Introductions (10:02 a.m.)

Representative Johnson welcomed everyone to the meeting and asked committee members, guest legislators and members of the public to introduce themselves. Gloria Skeet, chapter manager, Baahaali Chapter, Navajo Nation, opened with a prayer and welcomed everyone to Breadsprings.

Baahaali Chapter Update (10:29 a.m.)

David Emerson, secretary-treasurer, Baahaali Chapter, Navajo Nation, and Ms. Skeet outlined some of the chapter's immediate challenges, including food shortages among seniors, housing issues and road repairs. They reported that obtaining rights of way from the Navajo Nation is a lengthy process, often taking years, thereby causing extensive delays in capital projects. Ms. Skeet reported on the shortage of recycling centers in the area and the high number of illegal dumping sites in Navajo District 6. A committee member stated that a fund should be set up at the end of the interim to address these illegal dumping sites.

Uranium Mine Cleanup Efforts (11:41 a.m.)

Susan Gordon, coordinator, Multicultural Alliance for a Safe Environment, and Teracita Keyanna, Red Water Pond Road Community Association, presented an overview of the

legislative process culminating in the passage of House Bill 164 (2022), which establishes the Uranium Mining Reclamation Revolving Fund and directs the Department of Environment to coordinate the state's efforts to clean up and reclaim former uranium mine and mill sites. Ms. Keyanna and Ms. Gordon reported that the federal Environmental Protection Agency's current plan to move several tons of contaminated soil to a new location just one-half mile from the Red Water Pond Road Community poses significant health risks and contamination dangers to nearby populations. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071122%20Item%202%20MASE%20presentation.pdf>.

Navajo Code Talkers Museum (12:51 p.m.)

Derek Meier, senior project manager, and Lance Begaye, architect intern, Wilson & Company, Inc., presented an update on the planning status of the future museum and current funding estimates. Regan Hawthorne, chief executive officer, Navajo Code Talkers Museum, and Paulson Chaco, chief of staff, Office of the President and Vice President, Navajo Nation, discussed the new status of the organization and current funding issues. The presentation documents can be found here:

<https://www.nmlegis.gov/Committee/Handouts?CommitteeCode=IAC&Date=7/11/2022&ItemNumber=3>.

Public Comment

There was no public comment.

Tohatchi Safety Complex (1:58 p.m.)

Elvis Bitsilly, legislative district assistant for council delegate Pernell Halona, 24th Navajo Nation Council, updated the committee on the Tohatchi safety complex.

McKinley County Drug Treatment Court (2:17 p.m.)

Virginia Yazzie, judge, McKinley County Magistrate Court, and Shanell Franklin, coordinator, DWI Drug Court, McKinley County Magistrate Court, presented an update on the DWI Treatment Court program and its collaborative intervention services. Maura Schanefelt, operations manager, Four Corners Detox Recovery Center, provided a description of the recovery center and its support programs. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071122%20Item%205%20%20FCDRC%20presentation.pdf>.

Motion

Upon a motion made by Senator Pinto, seconded by Representative Alcon and without objection, the committee moved to send a letter to the funding entities in support of the McKinley County Drug Treatment Program initiative for more resources to help individuals overcome addictions and to create better lives for the community by reducing recidivism and criminal activity.

Public Comment

There was no public comment.

Water Issues Impacting the Gallup Community (3:46 p.m.)

Crystal Tulley-Cordova, principal hydrologist, Water Management Branch, Department of Water Resources, Navajo Nation; Marc DePauli, owner, DePauli Engineering & Surveying, LLC; Bart Deming, P.E., construction engineer, Four Corners Construction Office, United States Bureau of Reclamation; and Harry "Sonny" Moore, Jr., president, Tohatchi Chapter, Navajo Nation, presented an overview and status update on the Navajo-Gallup Water Supply Project. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071122%20Item%206%20NGWSP%20Update.pdf>.

Recess

The meeting recessed at 4:56 p.m.

Tuesday, July 12 — Crownpoint

Reconvene

Representative Johnson reconvened the meeting at 10:20 a.m.

Welcome and Invocation (10:36 a.m.)

Rita Capitan, president, Crownpoint Chapter, Navajo Nation, opened the meeting with a prayer and welcomed the committee to Crownpoint. Ms. Capitan and Leonard Perry, vice president, Crownpoint Chapter, Navajo Nation, expressed their concerns about the funding delays that the chapter is experiencing from the Navajo Nation. Ms. Capitan reported the dire need for a building complex for the Eastern Navajo Agency of the Navajo Nation, given that many of the buildings currently being used are contaminated with asbestos and mold.

Update from Navajo Technical University (NTU) (11:08 a.m.)

Dr. Elmer Guy, president, NTU, and Jason Arviso, vice president of operations, NTU, welcomed everyone to NTU and gave an overview of the capital outlay projects and various outreach programs available for recruiting students. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071122%20Item%208%20NTU%20presentation.pdf>.

Update from Sacred Wind Communications (11:51 a.m.)

John Badal, co-founder and chief executive officer, Sacred Wind Communications, and co-founder, New Mexico Broadband Initiative Consortium, outlined the collaborative and innovative principles guiding the consortium's broadband connectivity projects. Teresa Hopkins, director, Government and Tribal Affairs, Sacred Wind Communications, presented a history and overview of the organization and its broadband projects. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071122%20Item%209%20%20SWC%20and%20Consortium%20presentation.pdf>.

Report on Tribal Roads, Construction, Jurisdiction Issues and Joint Powers Agreements (12:44 p.m.)

Edwin Begay, senior planner, Department of Planning, Navajo Division of Transportation, Navajo Nation, presented an overview of the Navajo Division of Transportation services and jurisdictional issues. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071122%20Item%2010%20NN%20DOT%20presentation.pdf>.

Update on the Transportation Project Fund (TPF) and Dust Areas Along New Mexico State Highway 371 and United States Highway 491 (12:55 p.m.)

Rick Padilla, executive director of highway operations, Department of Transportation (DOT); John Romero, division director of highway operations, DOT; Lisa Vega, P.E., District 6 engineer, DOT; and Javier Martinez, P.E., assistant District 5 engineer, DOT, reviewed the TPF for tribal governments to apply for state-funded grants. Right-of-way issues and sand removal along New Mexico State Highway 371 and United States Highway 491 following sandstorms were also discussed. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071122%20Item%2010%20Transportation%20Project%20Fund.pdf>.

Public Comment (2:18 p.m.)

A list of individuals making public comment is available in the meeting file.

Update on Chaco Canyon Buffer Zones (2:35 p.m.)

Daniel Tso, council delegate, 24th Navajo Nation Council; Mario Atencio, vice president, Torreon/Starlake Chapter, Navajo Nation; and Samuel Sage, service coordinator, Counselor Chapter, Navajo Nation, provided background information on the Chaco Canyon buffer zones. The panel reported that oil and gas development has had a detrimental effect on their communities, causing significant health issues due to the poor air quality from methane emissions and from dust generated by the heavy truck traffic traveling back and forth to the wells.

Mr. Tso noted that the chapters have not been consulted regarding road development, approval of pipelines or positioning of compressors. The panel reported that the Oil Conservation Division of the Energy, Minerals and Natural Resources Department has granted a state waiver to bypass federal regulations regarding the proximity of wells to residential housing while also allowing an oil company to pull large quantities of water from a Counselor Chapter well, despite the serious drought and the fact that many residents are without running water. Mr. Tso also noted that the Navajo Nation does not receive royalties from the oil and gas companies.

Legislative Request

After several legislators expressed concerns about the environmental injustices occurring, Representative Johnson announced that the committee will make requests to the Office of the State Engineer, the Oil Conservation Division of the Energy, Minerals and Natural

Resources Department and the Environmental Improvement Board to appear before the committee and provide transparency, justification and accountability for crucial decisions that were made without consultation with tribal communities.

Update on Old Church Rock Mine Bridge Renovation (3:44 p.m.)

Rodney Skersick, road superintendent, McKinley County Road Department, presented the committee with an update on the replacement of the Old Church Rock Mine bridge. Mr. Skersick reported that the majority of McKinley County bridges were built over 50 years ago, and these bridges were only intended to be temporary structures.

Approval of Minutes (3:53 p.m.)

Upon a motion made by Representative Alcon, seconded by Representative Roybal Caballero and without objection, the committee moved to approve the minutes of the May 25, 2022 meeting.

Recess

The committee recessed at 3:53 p.m.

Wednesday, July 13 — Thoreau

Reconvene

Representative Johnson reconvened the meeting at 10:09 a.m.

Welcome and Status Update from the Thoreau Chapter (10:25 a.m.)

Edmund Yazzie, council delegate, 24th Navajo Nation Council, opened with a prayer and welcomed the committee to Thoreau. Mr. Yazzie and Valerie Arviso, president, Thoreau Chapter, Navajo Nation, provided the committee with an update on infrastructure needs, including a new chapter house, school buildings and road repairs. Mr. Yazzie also reported a dire need for a state enforcement agent for underage alcohol sales.

Veterans' Affairs in Tribal Communities (11:16 a.m.)

Terry Obago, program manager, Native American Veterans Program, New Mexico Veterans Affairs Health Care System, United States Department of Veterans Affairs, presented an overview of the services available to Native American veterans.

Access to Health Services on Tribal Lands (11:44 a.m.)

Gerilyn Antonio, tribal liaison, New Mexico Alliance of Health Councils (NMAHC), and Sharon Finarelli, executive director, NMAHC, presented an overview of the collaborative efforts among tribal communities and the priorities of the NMAHC. Teresa Meehan, executive director, Health and Human Services, Pueblo of Acoma, and Christopher Hudson, program coordinator, McKinley Community Health Alliance, presented a review of and update on their local health councils and the many challenges in trying to establish health equity. The presentation can be found here:

<https://www.nmlegis.gov/handouts/IAC%20071122%20Item%2016%20NMAHC%20presentation.pptx.pdf>

Public Comment (12:44 p.m.)

A list of individuals making public comment is available in the meeting file.

Adjournment

There being no further business before the committee, the meeting adjourned at 12:57 p.m.