

## New Mexico Tribal Consultation Process Case Study

New Mexico has the second highest proportion of Native Americans in the United States, which presents both opportunities and challenges for working with Tribes to address their transportation needs. Tribal consultation has been a part of New Mexico's long-range transportation planning process since 1999. Over the past several years, the New Mexico Department of Transportation (NMDOT) has greatly improved its partnerships with Tribal governments through the Native American Tribal Liaison Program, which helps maintain NMDOT's government-to-government relationships with the 22 Tribes in the State.

### Foundations of Successful Relationships

NMDOT's partnership with Tribal governments is grounded in the 2009 State Tribal Collaboration Act, which guides government-to-government communication and collaboration between State agencies and Tribal governments. The Act charges cabinet-level agencies with developing policies that promote cooperation with Tribal governments and to designate a Tribal liaison, although such a position existed within NMDOT prior to the passage of the requirement in 2009.



Construction of a new roundabout at Exit 102 on I-40 has led to significant improvement in safety for pedestrians and motorists alike. (Courtesy of Raymond Concho, Acoma Pueblo)

A series of Joint Powers Agreements form the basis for NMDOT's Tribal Transportation Program, which provides a mechanism for Tribes to identify Tribal roadways to include in the State's inventories and funding processes. NMDOT has signed such agreements with each of the State's resident Tribes, along with other relevant State and Federal agency signatories such as the New Mexico Transportation Commission, the Bureau of Indian Affairs, and the New Mexico Department of Finance and Administration. Memoranda of Agreement (MOAs) between NMDOT and the State's Tribal entities provide a formal partnership framework that outlines the roles and responsibilities of specific Tribes and NMDOT Districts working together on particular projects.

### NMDOT's Tribal Liaison Program

New Mexico Tribal entities are federally-recognized Pueblos and Indian Nations. Because most of the Pueblo Tribes in New Mexico have traditional governmental structures

in which Tribal Governors and other officials are appointed to serve one-year terms, turnover of Pueblo Tribal officials in New Mexico is especially high. This initially posed a challenge for NMDOT's communication with the Pueblo Tribes, as it made it difficult to form lasting relationships with Pueblo Tribal leadership. To improve NMDOT's communication and coordination with Tribes, the Agency established its Tribal Liaison Program in 2005. The program created a full-time Native American Liaison position at NMDOT with the responsibility of maintaining relationships with all 22 Tribal entities in the State. Since its creation, the position has been held by both a former Tribal Governor and a non-Native experienced in working with the State's Tribal entities.

One goal of the NMDOT Tribal Liaison Program is to promote Tribal involvement and partnership in the statewide transportation planning process. The Tribal Liaison makes use of several strategies to accomplish this goal, including attending monthly or quarterly meetings between NMDOT

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District staff and Tribal Planning staff, assisting NMDOT Districts and Headquarters staff in communicating with the Tribes, providing support to Tribes applying for State and Federal grant funding, and directly responding to concerns from Tribal entities on cultural resource issues and other matters. The liaison arranges government-to-government meetings as needed and provides guidance to NMDOT on individual transportation projects and policies that may affect Tribal relations. Because New Mexico encourages Tribal participation in the Metropolitan Planning Organization (MPO) and Regional Transportation Planning Organization (RTPO) transportation planning processes, the Liaison also offers information and guidance on Tribal needs and concerns to MPOs, RTPOs, and other local agencies that have established working relationships with the New Mexico Tribes.

### **The Tribal Liaison Program in Action: the Reconstruction of I-40 Exit 102**

The New Mexico Department of Transportation's strong connections to the State's Tribal entities have allowed the State to collaborate closely with Tribes on their transportation priorities. NMDOT's collaboration with Acoma Pueblo on the reconstruction of Exit 102 along I-40 on Tribal lands illustrates the value of NMDOT's close working relationships with the State's resident Tribes. The project had been a top priority for Acoma Pueblo for many years due to safety concerns

near I-40, an important and heavily-trafficked commercial trucking route. Although a motor vehicle fatality of a tribal member on the off ramp of the interchange in the late 1990s galvanized Tribal support for improvements to the interchange, the project was stalled for many years.

The NMDOT recognized the importance of establishing a Tribal Liaison Program to address specific needs and concerns of the tribal entities within the State of New Mexico, including but not limited to the Statewide Transportation Improvement Program and Long-Range Transportation Plan. The safety issue at Exit 102 is one of many that became a high priority for the Tribal Liaison, who provided strong advocacy for the reconstruction of the interchange and followed through on an existing MOA with the Tribe to move the project forward. With this support, the Pueblo of Acoma funded the preliminary design of the project and collaborated with NMDOT to identify additional Tribal funding sources to complete the design and construction of the project. The project, which included the first roundabouts designed to accommodate 18-wheeled vehicles along I-40, has won awards from the American Council of Engineering Companies, the American Association of State Highway and Transportation Officials, and the American Road and Transportation Builders Association. Now in place, the interchange project has led to a significant improvement in safety

for pedestrians and motorists and has improved the potential for economic development on Tribal lands adjacent to the interchange.

### **Benefits of Effective Consultation**

New Mexico's relationship with its resident Tribes demonstrates that strong communication and well-established partnerships are essential for developing and maintaining robust Tribal consultation processes. The NMDOT Tribal Liaison is proactive in conducting outreach, coordinating MOAs, mediating misunderstandings, and building close relationships based on experience and accountability. The Tribal Liaison fosters partnership agreements between NMDOT and the Tribes by facilitating communication between Tribal transportation staff and NMDOT District Offices. Overall, New Mexico's active approach to partnering with Tribes is essential for planning projects and implementing policies that best serve the needs of Tribal members and other users of transportation infrastructure on Tribal lands.

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