



March 19, 2019

Anne L. Idsal, Regional Administrator
Environmental Protection Agency, Region VI
1445 Ross Avenue
Suite 1200 (Mail Code 6RA)
Dallas, TX 75202

**Re: Pueblo of Laguna's Application for Treatment as a State for Clean Air Act
§§ 107(d)(3) and 126**

Dear Administrator Idsal:

I am pleased to provide you with the Pueblo of Laguna's application for Treatment as a State ("TAS") for purposes of the Clean Air Act ("CAA") § 107(d)(3), 42 U.S.C. § 7407(d)(3), and § 126(a)&(b), 42 U.S.C. § 7426(a)&(b), submitted pursuant to section 301(d) 42 U.S.C. § 7601(d), and 40 C.F.R. §§ 49.6 and 49.7. This application covers all air resources within the exterior boundaries of the formal Laguna Indian Reservation and all tribal trust property outside the formal reservation boundaries.

The Pueblo seeks TAS approval for these provisions in light of increasing development in neighboring areas and the potential impacts that such development may have on the Pueblo's air quality. TAS approval for CAA § 107(d)(3) and § 126(a)&(b) will contribute to the Pueblo's ability to protect and maintain the air quality on the reservation, which currently is in attainment with NAAQS.

If there are any questions concerning this application, please feel free to contact me at (505) 552-7512 or Jill Grant, environmental attorney for the Pueblo, at (202) 821-1950.

Sincerely,

Steven Etter, Director
Laguna Pueblo Laguna Environmental and Natural
Resources Department

Anne Idsal
March 19, 2019
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Cc: Tina Alvarado, EPA Region VI
Wilfred Herrera, Jr., Governor of the Laguna Pueblo
James Burson, Counsel, Laguna Pueblo
Steve Etter, Director, Laguna Pueblo Environmental Program
Martina Gauthier, Counsel, Laguna Pueblo
Jill Grant, Jill Grant & Associates



APPLICATION FOR "TREATMENT AS A STATE" FOR PURPOSES OF CLEAN AIR ACT § 107(d)(3) AND § 126(a)&(b)

The Pueblo of Laguna ("Pueblo") hereby applies to the U.S. Environmental Protection Agency ("EPA") under Section 301(d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7601(d), and 40 C.F.R. §§ 49.6 and 49.7 for "treatment as a state" ("TAS") for two CAA provisions that could help protect the Pueblo's air quality: CAA § 107(d)(3), 42 U.S.C. § 7407(d)(3), and CAA § 126(a)&(b), 42 U.S.C. § 7426(a)&(b). The first of these provisions would entitle the Pueblo to receive certain notices and participate in EPA's redesignations, including petitioning for such redesignations, regarding the status of the Pueblo's air quality control regions with respect to attainment or nonattainment of the national ambient air quality standards ("NAAQS"). The second would require certain major proposed new or modified sources in a neighboring state to notify the Pueblo of air pollution levels that may be affected by that source and also would allow the Pueblo to petition EPA for a finding that a specific major source or group of stationary sources of air pollution would contribute to nonattainment on the Pueblo, interfere with maintenance of any national primary or secondary air quality standard, or interfere with prevention of significant deterioration of the Pueblo's air quality or visibility on the Pueblo. The Pueblo submits this application with the understanding that approval for TAS under CAA § 126(a)&(b) does not require separate TAS approval under CAA § 110(a)(2)(D)(i), 42 U.S.C. § 7410(a)(2)(D)(i), and does not require a tribe to submit a Tribal Implementation Plan ("TIP") as a prerequisite to submitting a petition under CAA § 126(a)&(b).

The Pueblo seeks TAS approval for these provisions in light of increasing and threatened development in neighboring areas and the potential impacts that such development may have on the Pueblo's air quality. TAS approval for CAA § 107(d)(3) and § 126(a)&(b) will contribute to the Pueblo's ability to protect and maintain the air quality on the reservation, which is currently in attainment with the NAAQS. The Pueblo seeks TAS approval with respect to these CAA provisions for all air resources within the exterior boundaries of the Pueblo's reservation, including tribal trust land outside formal reservation boundaries.

The Pueblo previously applied for TAS for CAA § 505(a)(2), 42 U.S.C. § 7661d(a)(2), and its application was approved on October 3, 2011. The Pueblo also received TAS under Section 518(e) of the Clean Water Act ("CWA"), 33 U.S.C. § 1377(e), to administer water quality standards and certification programs under CWA Sections 303(c) and 401, 33 U.S.C. §§ 1313 (c) and 1341 (approved on December 20, 2016) and to receive program development grants under CWA § 106, 33 U.S.C. § 1256 (approved on July 2, 2002). The CAA TAS rule at 40 C.F.R. § 49.7(a)(8) provides:

Where the applicant has previously received authorization for a Clean Air Act program or for any other EPA-administered program, the applicant need only identify the prior authorization and provide the required information which has not been submitted in the previous application.

This application therefore does not repeat all the information that has already been submitted to and approved by EPA, but instead refers EPA to the previous TAS approvals referenced above for such information. This application focuses on “the required information which has not been submitted in the previous application,” namely, the jurisdictional and capability requirements indicated in items 3 and 4 below.

1. Recognition of the Pueblo of Laguna by the Secretary of the Interior [40 C.F.R. § 49.7(a)(1)]

In approving the Pueblo’s previous TAS applications, EPA necessarily found that the Pueblo of Laguna is recognized by the Secretary of the Interior. The Pueblo of Laguna also is listed as a federally recognized tribe in the Federal Register. 83 Fed. Reg. 4,235, 4,238 (January 30, 2018).

2. Demonstration that the Pueblo of Laguna has a Governing Body Carrying Out Substantial Governmental Duties and Powers [40 C.F.R. § 49.7(a)(2)]

EPA already found that the Pueblo satisfies this requirement by approving the Pueblo’s previous TAS applications, which addressed the same requirement (*see* 40 C.F.R. §§ 49.6-49.7(CAA), 130.6(d)(1) (CWA)).

3. Descriptive Statement of Laguna Pueblo’s Authority to Regulate Air Quality [40 C.F.R. § 49.7(a)(3)]

The Pueblo of Laguna asserts jurisdiction for purposes of CAA §§ 107(d)(3) and 126(a)&(b) for all areas of the Pueblo’s reservation, which includes all areas within the formal reservation, regardless of land status, and all tribal trust land outside the formal reservation boundaries. Pursuant to 40 C.F.R. § 49.7(a)(3), the Pueblo previously has identified with clarity and precision, through maps and legal descriptions, both the exterior boundaries of the formal Laguna Indian Reservation and the areas of trust land outside the formal reservation over which the Pueblo asserts jurisdiction. This application does not repeat information already provided to, and approved by, EPA Region 6, for the reasons noted above. Instead, this application includes a map and legal description only of a parcel taken into trust for the Pueblo of Laguna after the Pueblo’s CWA TAS application (the most recent of the Pueblo’s prior TAS applications) was submitted. The parcel is known as the Rayellen property, and it is entirely within the formal reservation boundaries.¹ This application also includes a jurisdictional statement provided by the Pueblo’s legal counsel, as required by 40 C.F.R. § 49.7(a)(3)(ii), which asserts that all the land over which the Pueblo is asserting jurisdiction is within the Pueblo’s congressionally delegated authority under CAA § 301(d)(2)(B).²

As noted in the Pueblo’s previous TAS applications, the Pueblo has a written constitution which provides in Article IV that the Pueblo Council is the governing body of the Pueblo and has regulatory authority over all of the lands and persons within the Pueblo (except to the extent

¹ A legal description and map of the Rayellen property are included as Exhibit 1 to the Pueblo’s jurisdictional statement.

² The jurisdictional statement is included as Attachment 1.

precluded by federal law), including authority to regulate for the protection of the health and welfare of its members. The Pueblo Council also has enacted various ordinances that demonstrate its authority to regulate to protect the health and welfare of its members and the environment. These ordinances have been codified into a Pueblo of Laguna Code of Laws, and include laws regarding domestic water supply, natural resource management, and solid waste management, among others.³

4. Narrative Statement Describing Laguna Pueblo's Capability to Implement CAA §§ 107(d)(3) and 126(a)&(b) [40 C.F.R. § 49.7(a)(4)]

The Pueblo of Laguna has the capability to review State Implementation Plans ("SIPs") from neighboring states to ensure they comply with CAA § 110(a)(2)(D); receive notices of and participate in EPA's redesignations regarding attainment or nonattainment of NAAQS within the Pueblo's air quality control regions and, if desired, request redesignations; and receive notice and petition EPA for a finding under CAA § 126(a)&(b) that a major source or group of stationary sources of air pollution may adversely affect the Pueblo's air quality. First, the Pueblo has extensive management experience in all areas of government, as described in the Pueblo's previous TAS applications, thus meeting the criteria specified by 40 C.F.R. § 49.7(a)(4)(i).

Moreover, the Pueblo administers several programs specifically addressing public health and the environment, including the Laguna Pueblo Environmental Program ("LPEP"), also as described in the Pueblo's previous TAS applications. The Pueblo therefore satisfies the criteria in 40 C.F.R. § 49.7(a)(4)(ii).

The Pueblo of Laguna has a tripartite tribal government, consisting of the Tribal Council (legislative branch), the Office of the Governor (executive branch), and the Office of Judicial Services (judicial branch). *See* 40 C.F.R. § 49.7(a)(4)(iii) (requiring description of tribal government). These three branches of the Pueblo government also were described in the Pueblo's CAA § 505(a)(2) and CWA §§ 303 & 401 Applications.

The Pueblo's CAA § 505(a)(2) and CWA §§ 303 & 401 TAS Applications also described the LPEP and noted that, by virtue of being subject to oversight by the Pueblo Chief of Operations and ultimately by the Pueblo Office of the Governor, it is separate from the tribal entities that it may be called on to regulate, since those entities are subject to the oversight of the Tribal Council. The LPEP therefore meets the requirements of 40 C.F.R. § 49.7(a)(4)(iv).

Upon approval of its CAA TAS Application in 2011, the LPEP began its formal protection of air quality at the Pueblo by participating in the CAA Title V permit process pursuant to CAA § 505(a)(2). Under that program, the LPEP has received notification of and reviewed a number of Title V permit applications; that work is very similar to the work anticipated to arise under CAA § 126(a)&(b) and has therefore provided relevant training and capacity-building for the program.

In addition, LPEP is in the process of establishing an Air Quality monitoring program, which will strengthen LPEP's capability relevant to reviewing SIP provisions, receiving notices and potentially petitioning EPA under CAA § 107(d)(3) and § 126(a)&(b). Obtaining TAS under these provisions will strengthen LPEP's ability to ensure ongoing protection of the Pueblo's air quality during any future development activities, which is an important objective for the Pueblo.

³ The Pueblo of Laguna Code is available online at: http://lagunapueblo-nsn.gov/POL_Codes.aspx.

Finally, the LPEP program staff have the technical and administrative capability to review SIPs from neighboring states to ensure they comply with CAA § 110(a)(2)(D); receive notices of and participate in any proposed redesignations, or petition EPA for the same, under CAA § 107(d)(3); and receive notice from and potentially petition EPA for a finding that a specific source or group of sources of air pollution may adversely affect air quality under CAA § 126(a)&(b), and so satisfy the requirements of 40 C.F.R. § 49.7(a)(4)(v). The LPEP staff members who would be working on air quality issues include the Environmental Program Manager and the Environmental Specialist. In addition, the Director of the Pueblo Environmental and Natural Resources Department (“ENRD”) is available to the LPEP staff for consultation and advice. Finally, LPEP currently is advertising to fill the position of Environmental Technician, who also will assist with air program duties. Position descriptions for these personnel are attached and demonstrate the necessary capabilities.⁴

The ENRD Director is required to plan, organize and supervise all functions required to operate program activities. The Director is responsible for oversight of all of the Pueblo’s Environmental and Natural Resources programs and advises the Pueblo on local applicability of environmental program requirements. Minimum requirements for the position include a bachelor’s degree in Environmental Sciences or a related field and ten years’ progressive work experience, including three years’ management experience.

The Environmental Program Manager is required to have a bachelor’s degree in environmental sciences or a related field plus five years’ progressive work experience, including one year of supervisory experience; knowledge of environmental concepts and methodologies, research methodologies, and data analysis; and skill in reviewing and interpreting complex technical documents.

The Pueblo’s Environmental Specialist is required to have an associate’s degree plus two years of experience with environmental fieldwork, such as monitoring and sampling; basic knowledge of environmental conservation and management and sampling techniques; and the ability to collect data, establish facts, and draw valid conclusions related to environmental issues. A bachelor’s degree in environmental sciences or a related field is preferred.

Finally, the Pueblo’s Environmental Technician is required to have a high school diploma plus six months of directly related experience with environmental fieldwork, including monitoring and sampling; and the ability to interpret applicable laws and regulations.

The LPEP staff more than satisfy the criteria listed in their position descriptions.⁵ For example, the Director has a Bachelor of Science degree in Agronomy from Brigham Young University and a Master in Public Administration from the Harvard Kennedy School of Government. He has worked extensively with the Navajo Nation, including establishing Soil and Water Conservation Districts and a low-cost veterinary service. In addition, he has wide-ranging experience with non-profits and grant management. The Director is responsible for oversight of the budget, program direction, reports, grant application and management, subcontracts, wildlife management, site assessments and representation of the Pueblo in environmental matters.

⁴ Position descriptions for the positions described in this paragraph are included as Attachment 2.

⁵ Resumes of listed personnel are included as Attachment 3.

The Environmental Program Manager has a Bachelor's degree in business administration from the University of New Mexico and ten years of experience working for the Pueblo, including four years as the Environmental Program Manager, and as a Supervisor at Laguna Industries. He has experience with issues related to the General Assistance Program (GAP), Underground Storage Tank Program and Air Quality Program.

The Environmental Technician has an Associate's degree in Applied Science in Environmental Safety and Health and has worked at LPEP since May 2008, including two years as an environmental specialist, more than four years as an air quality specialist, and three years as an environmental technician. She has attended training sessions to increase her knowledge and technical capabilities while undertaking CAA program development, as detailed in her attached resume.

These qualifications demonstrate the capability of the LPEP staff to implement programs under CAA § 107(d)(3) and § 126(a)&(b). Moreover, program staff will continue their training concerning air quality monitoring and climate change. They intend to incorporate this training into future grant activities, including by beginning to build a baseline of data on air pollution that may be impacting the Pueblo. They also are willing to engage in additional air quality program training, depending on what EPA may find to be necessary or desirable and on the availability of funding. The Institute for Tribal Environmental Professionals offers a significant number of Air Quality trainings, including "Introduction to Tribal Air Quality," "Reviewing Air Quality Permits" and "Clean Air Act and Permitting," among others, that program staff can participate in, as appropriate, upon approval of this TAS application.

Attachments

1. Jurisdictional Statement
 2. LPEP Position Descriptions
 3. Resumes
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ATTACHMENT 1

Jurisdictional Statement



STATEMENT OF COUNSEL FOR THE PUEBLO OF LAGUNA REGARDING THE REGULATORY AUTHORITY AND JURISDICTION OF THE PUEBLO

I. Introduction

The Pueblo of Laguna ("Pueblo") is submitting this jurisdictional statement as part of the Pueblo's application for treatment as a state ("TAS Application") under Section 301(d) of the Clean Air Act ("CAA"), 42 U.S.C. § 7601(d), and 40 C.F.R. §§ 49.6-49.7, for purposes of CAA § 107(d)(3), 42 U.S.C. § 7407(d)(3), and CAA § 126(a)&(b), 42 U.S.C. § 7426.

The Pueblo of Laguna covers approximately 500,000 acres in west-central New Mexico and is comprised of six villages located along the Rio San Jose and its tributaries and along the Rio Puerco.¹ Its capital, the Village of Laguna, is located off of Interstate-40 some 55 miles west of Albuquerque.

All the lands within the formal Reservation boundaries are trust land and Pueblo fee land except for a small checkerboard area in the southern portion of the reservation and a few private fee parcels in the northwest, as shown on the Jurisdictional Maps included as Appendix C of the December 20, 2016 Decision Document approving the Pueblo's application for TAS under Clean Water Act ("CWA") Sections 303(c) and 401.

The Pueblo seeks TAS for two CAA provisions that could help protect the Pueblo's air quality: CAA § 107(d)(3), 42 U.S.C. § 7407(d)(3), and CAA § 126(a)&(b), 42 U.S.C. § 7426. The first of these provisions would entitle the Pueblo to receive certain notices and participate in EPA's redesignations, including petitioning for such redesignations, regarding the status of the Pueblo's air quality control regions with respect to attainment or nonattainment of the national ambient air quality standards ("NAAQS"). The second would require certain major proposed new or modified sources in a neighboring state to notify the Pueblo of air pollution levels that may be affected by that source and also would allow the Pueblo to petition EPA for a finding that a specific major source or group of stationary sources of air pollution would contribute to nonattainment on the Pueblo, interfere with maintenance of any national primary or secondary air quality standard, or interfere with prevention of significant deterioration of the Pueblo's air quality or visibility on the Pueblo. The Pueblo asserts that activities it might take pursuant to these provisions pertain to the management and protection of air resources within the exterior boundaries of the "reservation," where "reservation" includes both the formal Laguna Indian Reservation and

¹ The six villages are Seama (the farthest west), Paguete, Encinal, Paraje, Laguna, and Mesita (the farthest east).

trust land outside the Reservation borders.

II. Jurisdiction

CAA § 301(d)(2)(B), 42 U.S.C. § 7601(d)(2)(B), authorizes EPA to treat an Indian tribe as a state for purposes of CAA §§ 107(d)(3) and 126(a)&(b), among other provisions of the Act, if:

the functions to be exercised by the Indian tribe pertain to the management and protection of air resources within the exterior boundaries of the reservation or other areas within the tribe's jurisdiction.

Both the air resources within the boundaries of the Laguna Indian Reservation and the air resources within tribal trust land outside the formal Reservation boundaries are "within the exterior boundaries of the reservation," as discussed below, *see* 63 Fed. Reg. 7254, 7258 (Feb. 12, 1998).

As noted in the TAS Application, the Pueblo previously has been approved for TAS under CAA § 301(d) for CAA § 505(a)(2), 42 U.S.C. § 7661d(a)(2), on October 3, 2011; and under CWA § 518(e), 33 U.S.C. § 1377(e), to receive program development grants under CWA § 106, 33 U.S.C. § 1256, on July 2, 2002; and to administer water quality standards and certification programs under CWA §§ 303(c) and 401, 33 U.S.C. §§ 1313(c) and 1341, on December 20, 2016. The CAA Tribal Authority Rule at 40 C.F.R. § 49.7(a)(8) provides:

Where the applicant has previously received authorization for a Clean Air Act program or for any other EPA-administered program, the applicant need only identify the prior authorization and provide the required information which has not been submitted in the previous application.

EPA found in the previous TAS approvals that all areas within the boundaries of the formal Laguna Indian Reservation and within tribal trust land outside the formal Reservation boundaries are "within the exterior boundaries of the reservation," as that term is used in both the CAA and the CWA, and that the Pueblo therefore has jurisdiction over those areas. This application therefore does not repeat all the information that has already been submitted to and approved by EPA.

A. Air Resources Under the Jurisdiction of the Pueblo of Laguna

The formal Laguna Indian Reservation includes tribal trust land and Pueblo fee lands, as well as some state trust land, Indian allotments, BLM land, and non-Indian owned fee land.² The

² The formal Reservation includes six trust properties added to the Reservation since 2002. EPA acknowledged the first five of these properties as part of the formal Reservation in its revised CAA § 505(a)(2) TAS approval (Oct. 31, 2011), at 5 n.1. The Silver Dollar Ranch had not yet been formally declared reservation but had been taken into trust as of the date of the CAA § 505(a)(2) TAS Approval. *See* Appendix A to EPA's Revised CAA § 505(a)(2) TAS Approval (including warranty deed dated Sept. 24, 2011 confirming the trust status of the Silver Dollar Ranch). Since then the Silver Dollar Ranch has also been formally declared reservation. 77 Fed. Reg. 49455

air resources on all of these lands are “within the exterior boundaries of the reservation,” CAA § 301(d)(2)(B), since they are within the formal Laguna Indian Reservation, and so are subject to the Pueblo’s jurisdiction for purposes of CAA §§ 107(d)(3) and 126(a)&(b). See 40 C.F.R. § 49.2(b) (“Reservation means all land within the limits of any Indian reservation under the jurisdiction of the United States government, notwithstanding the issuance of any patent, and including rights-of-way running through the reservation”).

As discussed in the TAS approval for CAA § 505(a)(2), the Laguna Indian Reservation is considered a reservation even though it partially consists of a Spanish land grant.³ Additionally, “EPA will consider lands held in fee by nonmembers within a Pueblo to be part of a ‘reservation’ under 40 CFR 49.6(c) and 49.7(a)(3).” 63 Fed. Reg. at 7258. Likewise, the definition of “reservation” in 40 C.F.R. § 49.2 specifically includes “all land within the limits of any Indian reservation . . . notwithstanding the issuance of any patent, and including rights-of-way running through the reservation” (emphasis added). *Accord*, 18 U.S.C. § 1151(a) (definition of “Indian country”). Thus, the few areas of BLM land, private fee land, and state land within the formal Reservation boundaries, as shown in the jurisdictional maps submitted with previous TAS applications, also are subject to Pueblo jurisdiction for purposes of the Clean Air Act.⁴

B. The Pueblo of Laguna has Jurisdiction to Regulate Activities of Nonmembers within the Formal Reservation and on Tribal Trust Lands outside the Formal Reservation

In certain circumstances where the Pueblo seeks to regulate the activities of non-Indians, the Pueblo must demonstrate either that the non-Indians have entered into “consensual relationships with the tribe or its members, through commercial dealing, contracts, leases, or other arrangements,” or that the conduct the Pueblo seeks to regulate “threatens or has some direct effect on the political integrity, the economic security, or the health or welfare of the tribe.” *Montana v. United States*, 450 U.S. 544, 565-66 (1981). These circumstances do not exist here, however.

As noted above, CAA § 301(d)(2)(B), 42 U.S.C. § 7601(d)(2)(B), provides for EPA to treat tribes as states if “the functions to be exercised by the Indian tribe pertain to the management and protection of air resources within the exterior boundaries of the reservation.” As discussed in the Pueblo’s approved TAS application under the CAA, EPA has interpreted this language as a congressional delegation of authority to tribes over all areas within the exterior boundaries of their reservations. Similarly, EPA has interpreted CWA Section 518(e) as an express congressional delegation of civil regulatory authority to eligible tribes, eliminating the need for applicant tribes

(Aug. 16, 2012). EPA recognized the Silver Dollar Ranch as part of the reservation in the CWA TAS approval dated December 20, 2016.

³ See revised CAA § 505(a)(2) approval (Oct. 31, 2011), at 5 and CWA §§ 303(c) and 401 approval (Dec. 20, 2016), at 5.

⁴ A parcel of land known as the Rayellen property was recently taken into trust and is located entirely within the exterior boundaries of the formal Reservation. A legal description and maps of the Rayellen property are included as Exhibit 1 to this jurisdictional statement.

to demonstrate their inherent authority to regulate reservation waters.⁵ The main focus under these statutes, therefore, is in establishing the geographic boundaries of the Indian reservation area over which the authority would apply. The geographic boundaries of the Pueblo of Laguna reservation already have been established, as recognized in EPA's previous TAS application approvals, listed above.


A *Montana* analysis demonstrating a tribe's inherent authority over non-Indians is not required for a tribe's congressionally delegated authority, which makes no distinction between activities conducted by Indians or non-Indians. *Arizona Public Service Co. v. EPA*, 211 F.3d 1280, 1288 (DC Cir. 2000), *cert. denied sub nom. Michigan v. EPA*, 121 S. Ct. 1600 (2001) (CAA § 301(d) "express[es] congressional intent to grant tribal jurisdiction over nonmember owned fee land within a reservation without the need to determine, on a case-specific basis, whether a tribe possesses 'inherent sovereign power' under Montana"); *cf. Montana*, 450 U.S. at 564 ("exercise of tribal power beyond what is necessary to protect tribal self-government or control internal relations . . . cannot survive without express congressional delegation").

Finally, the Pueblo is applying for TAS so that it may receive notices of and participate in EPA's redesignations regarding attainment or nonattainment of NAAQS within the Pueblo's air quality control regions and, if desired, request redesignations, pursuant to CAA § 107(d)(3), 42 U.S.C. § 7410(a)(2)(D); and so that it may petition EPA for a finding that a specific upwind source of air pollution is adversely affecting the Pueblo's air quality under CAA § 126(a)&(b), 42 U.S.C. § 7426, should such a petition be necessary. Because neither of these activities involves the Pueblo exercising regulatory authority under the Clean Air Act, there is no need for EPA, in approving this TAS application, to address the impacts of *Montana* or *Nevada v. Hicks*, 121 S. Ct. 2304 (2001), concerning tribal authority to regulate non-Indians.

III. Conclusion

The Pueblo of Laguna therefore demonstrates that the activities for which it seeks TAS "pertain to the management and protection of air resources within the exterior boundaries of the reservation," and that the Pueblo has jurisdiction over such resources pursuant to CAA § 301(d) for purposes of obtaining TAS for CAA § 107(d)(3) and § 126(a)&(b).

Respectfully submitted,


Jill Elise Grant
Gussie A. Lord
JILL GRANT & ASSOCIATES, LLC
Counsel to the Pueblo of Laguna

⁵ See EPA's *Revised Interpretation of Clean Water Act Tribal Provision*, 81 Fed. Reg. 30183 (May 16, 2016).

EXHIBIT 1

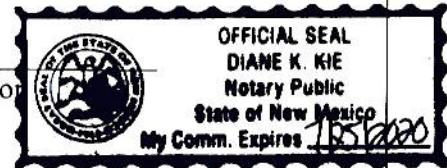
Legal Description and Maps of Rayellen Property

WARRANTY DEED

The Pueblo of Laguna ("Grantor"), a federally recognized Indian tribe duly organized pursuant to the Indian Reorganization Act of 1934, ch. 576, 48 Stat. 984, of P.O. Box 194, Laguna, New Mexico 87026, for consideration paid, hereby grants to the United States of America in trust for the Pueblo of Laguna, with warranty covenants, the real estate in Cibola County, New Mexico containing 160 acres, more or less, and described in Exhibit A attached hereto and made a part hereof, together with all rights and easements appurtenant thereto, including without limitation all legal or equitable right, title, or interest which Grantor may have to water rights, subject to reservations, restrictions, and easements of record insofar as the same are in force and applicable.

Witness my hand this 13th day of July 2017.

Virgil A. Siow
Pueblo of Laguna, by Virgil A. Siow, Governor



Acknowledgment

State of New Mexico
County of Cibola
My commission expires:

July 25, 2020

The foregoing instrument was acknowledged
before me this 13th day of July
2017 by Virgil A. Siow.

Diane K. Kie
Notary Public

Acceptance and Approval

This Deed is hereby accepted
and approved pursuant to 25
U.S.C. § 465, 209 DM 8, 230
DM 1, and 3 IAM 4.

Southwest Regional Office
Bureau of Indian Affairs
United States Department of the Interior
1001 Indian School Road NW
Albuquerque, New Mexico 87104

July 25, 2017
Date

[Signature]
Acting Regional Director




EXHIBIT A

The Northeast quarter of Section 30 in Township 9 North, Range 3 West, New Mexico Principal Meridian, Cibola County, New Mexico, containing 160 acres, more or less, but,

Excluding and excepting therefrom the following described real property:

A certain tract or parcel of land conveyed by the Warranty Deed from Lee S. Evans and Lou C. Evans, husband and wife, to the State Highway Commission of New Mexico, recorded July 7, 1960, containing 14.536 acres, more or less.

201701555 Page 2 of 2B 025 P 03469 08/02/2017 03:27 PM
Michelle E. Dominguez, Cibola County, NM Clerk and Recorder

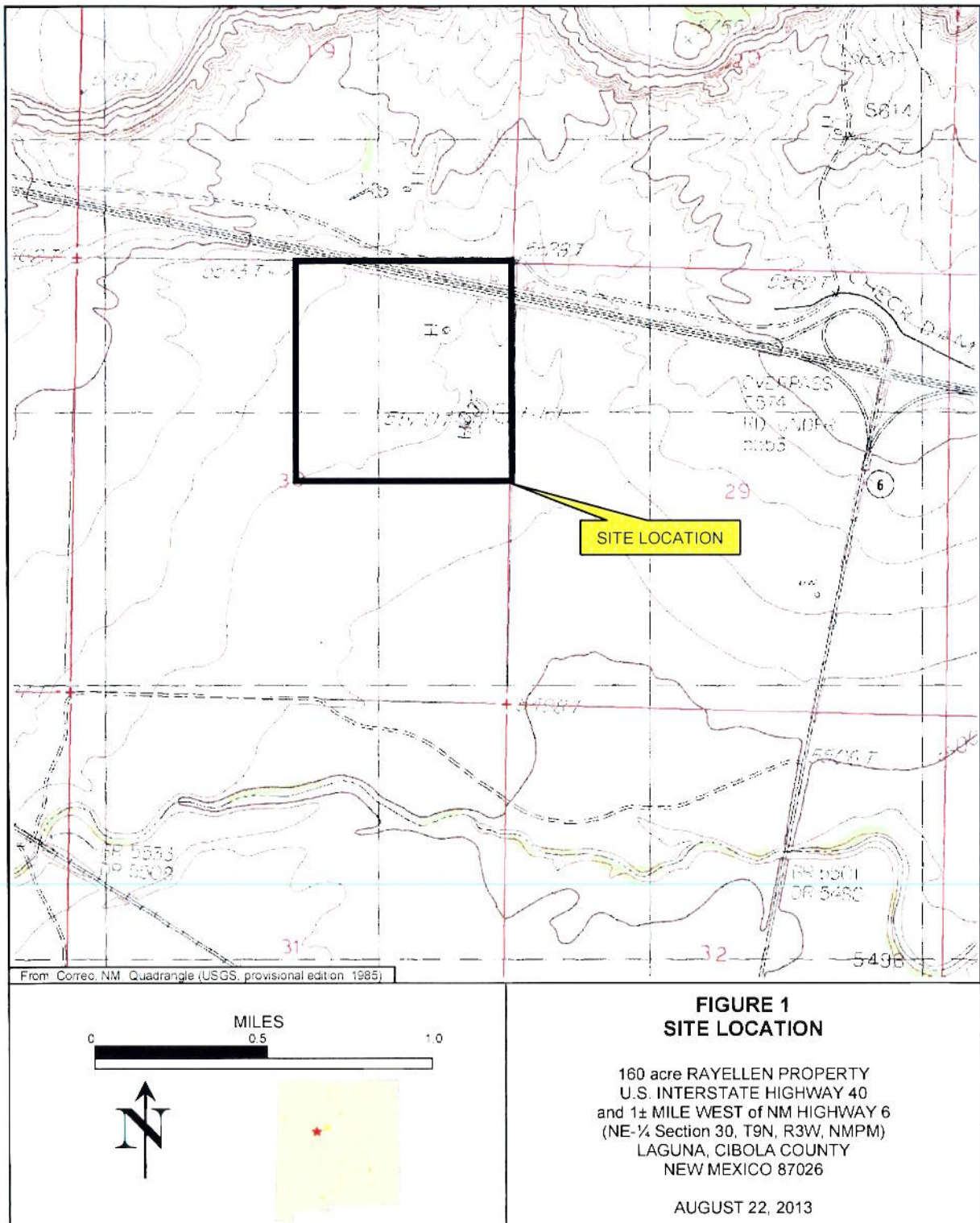


Cibola County, NM
Michelle E. Dominguez
Clerk and Recorder
700 East Roosevelt, Ste. 50
Grants, New Mexico, 87020

Receipt: 32197

Product	Name	Extended
D14	Warranty Deed	\$25.00
# Pages 2, Document # 201701555, Have you confirmed # Pages? yes, # Of Additional Entries 0, In-Person false Recording Fee \$7.00, 576 Equipment Fund General Recording \$18.00		
Total		\$25.00
Tender (Check)		\$25.00
Check# 14545, Paid By QUEST TITLE CO/HP		

Thank You!



August 22, 2013
C05813

313 Aliso Drive SE
Albuquerque, NM 87108

REAL ESTATE ENVIROMENTAL SERVICES COMPANY

Telephone & FAX
(505) 254-0928

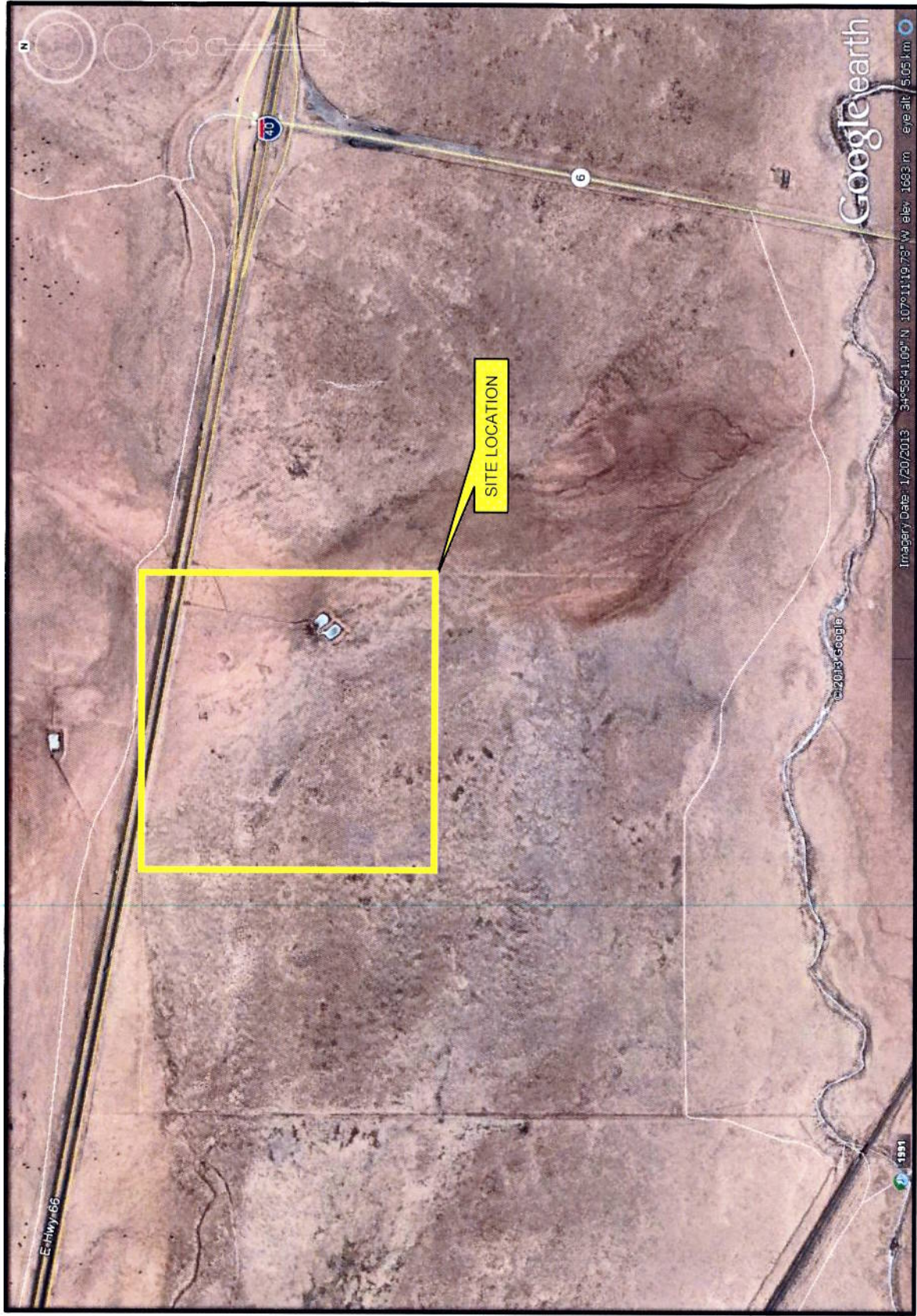
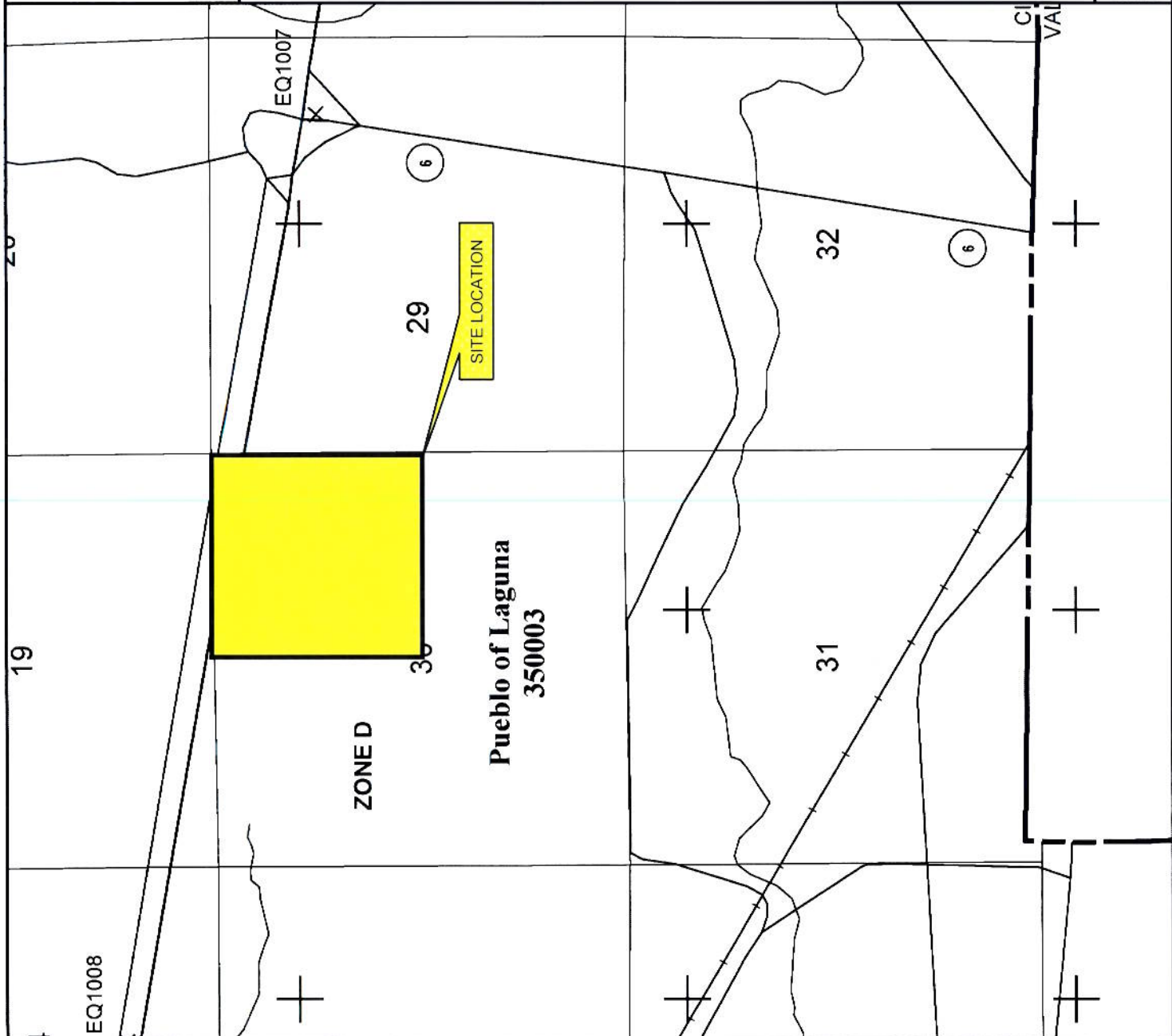



Figure 2. 2013 aerial image of the 160 acre Rayellen Property located at I-40 and 1± mile west of NM6, Cibola County, NM 87026 (the site) and the site's surrounding area provided by GoogleEarth.com (2013).



MAP SCALE 1" = 2000'

NATIONAL FLOOD INSURANCE PROGRAM

PANEL 1250C			
FIRM			
FLOOD INSURANCE RATE MAP			
CIBOLA COUNTY,			
NEW MEXICO			
AND INCORPORATED AREAS			
PANEL 1250 OF 2475			
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)			
CONTAINS:	NUMBER	PANEL	SUFFIX
COMMUNITY	350003	1250	C
LAGUNA PUEBLO OF			
			
MAP NUMBER			
35006C1250C			
EFFECTIVE DATE			
December 17, 2010			
Notice to User: The Map Number shown below should be used when placing map orders. The Community Number shown above should be used on insurance applications for the subject community.			
Federal Emergency Management Agency			

This is an official copy of a portion of the above referenced flood map. It was extracted using F-MIT On-Line. This map does not reflect changes or amendments which may have been made subsequent to the date on the title block. For the latest product information about National Flood Insurance Program flood maps check the FEMA Flood Map Store at www.msc.fema.gov

ATTACHMENT 2

LPEP Position Descriptions

Pueblo of Laguna

Position Classification and Description



POSITION TITLE: Director
CLASSIFICATION: Exempt
GRADE: DOE
DEPARTMENT: Environmental and Natural Resources
SUPERVISOR: Chief of Operations

Position Summary:

Under general direction of the Chief of Operations, accomplishes The Environmental and Natural Resources department's strategic objectives by providing complete oversight of all functions required to operate and maintain departmental activities and services.

This list of duties and responsibilities is illustrative only of the tasks performed by this position and is not all-inclusive.

Essential Duties & Responsibilities:

- Develops and implements a strategic plan and is accountable for maintaining and / or expanding capacity to deliver effective and efficient departmental services to the Pueblo of Laguna.
- Develops, establishes and implements department goals and objectives based on the Pueblo's priorities, essential governmental services provided to the community and available resources.
- Directs and manages all aspects of department's goals and objectives and is responsible for desired outcomes.
- Accountable for achieving departmental financial objectives by ensuring development and management of the department's annual budgets in accordance with policies, regulations, and directives.
- Ensures departmental effectiveness by identifying short-term and long-range issues and implements directives to sustain effective operations.
- Secures additional funding and grant monies for continuation and expansion of departmental services.
- Manages employee relations and labor issues by developing, celebrating, coaching, counseling, training, evaluating and disciplining department employees and obtains feedback from employees for continual management improvement.

- Effectively communicates organizational values, strategies, and objectives to all department employees through Director's meetings, Department Manager meetings and Program Staff meetings.
- Delegates tasks to appropriate department employees to ensure department goals are met and promotes responsibility and accountability throughout the department.
- Represents the department and the Pueblo through effective communication and relationship building initiatives to internal and external entities in all matters regarding departmental operations.
- Provides departmental information to internal and external entities by via written and / or verbal presentations and reports.
- Establishes and implements department and program evaluation tools and assessments.
- Ensures continuous monitoring and management of evaluation tools and assessments and ensures they are in line with goals and objectives; accountable for outcomes.
- Assesses department's operating needs to formulate, develop or change, and implement codes, laws, regulations policies and procedures.
- Ensures compliance with Pueblo, federal, state or local regulations, law, ordinances or other requirements within the department.
- Ensures community outreach, public information initiatives and education programs regarding all applicable aspects of the department operations and implements customer / client feedback mechanisms to evaluate departmental service to the community.
- Serves as an active member on committees and boards as selected or appointed.
- As a member of the management team, contributes to the organization's effectiveness, by offering pertinent information, insight and opinion on issues that have impact on the department and the Pueblo's operations.
- Maintains professional and technical knowledge to ensure success in the Director position.
- Performs other duties as required / directed.

Minimum Qualifications:

Bachelor's Degree in Environmental Sciences, Natural Resources, Biological Sciences, Ecology, Business Management, Public Administration, or related field, plus ten years progressive work experience including three years' experience supervising upper level managers / supervisors; Master's degree preferred; relevant experience may be considered in lieu of education. Fluency in the Laguna language preferred. Must be insurable under the Pueblo's liability carrier. Must be able to successfully pass a pre-employment drug/alcohol screen and background investigation with fingerprint check.

Knowledge, Skills, Abilities, and Certifications:

- Knowledge of the Pueblo of Laguna's government structure, business environment, customs and traditions, and concepts applicable to departmental operations.
- Knowledge of applicable Pueblo of Laguna, federal, state, county and local laws, regulations, ordinances, and legislation.
- Knowledge of business English, proper spelling, grammar, and punctuation, and basic arithmetic.

- Ability to communicate effectively in the English language, and preferably in the Laguna language, both verbally and in writing.
- Ability to interpret applicable Pueblo of Laguna, federal, state, county and local laws, regulations, requirements, ordinances, and legislation.
- Ability to maintain confidentiality.
- Ability to analyze situations, take appropriate courses of action, make solid decisions and exercise independent judgment.
- Ability to establish and maintain professional relationships with co-workers at all levels.
- Ability to work independently and meet strict time lines.
- Ability to be on call 24 hours a day / 7 days a week.
- Ability to be persuasive and tactful in controversial situations.
- Ability to create and present effective speeches, presentations and facilitate meetings.
- Ability to define problems, collect data, establish facts, and draw valid conclusions.
- Ability to demonstrate a high level of sensitivity to community issues and concerns.
- Skill in intermediate word processing, spreadsheet development, presentation building and electronic communications in a Windows environment.
- Skill in analyzing problems, projecting consequences, identifying solutions, and implementing directives.
- Skill in preparation, implementation and directing project time lines and staffing plans.
- Skill in preparing, analyzing and administering budgets, financial documents, and operational reports.
- Skill in providing leadership to, supervising, training, and evaluating assigned staff.

Physical Demands:

While performing the duties of this job, the employee regularly is required to sit; use hands and fingers to handle or feel; and talk or hear. The employee frequently is required to stand; walk; and reach with hands and arms. The employee occasionally is required to climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. The employee must occasionally lift and/or move up to 25 pounds.

Work Environment:

Work is regularly performed in an office setting with a moderate noise level. Occasions may arise requiring work outdoors where exposure to natural weather conditions and various dusts and mists may occur. Evening and/or weekend work will be required. 24 hour a day / 7 day a week on call status is required. Travel is required for training, meetings, conferences, presentations, and other events.

Approvals:

Immediate Supervisor: _____

Date: 1.24.12

Department Director: _____

Date: 1/24/12

Human Resources:

Jay Choe

Date:

1/23/12

Chief of Operations:

[Signature]

Date:

1.24.12

PUEBLO OF LAGUNA

JOB DESCRIPTION



POSITION TITLE: Environmental Program Manager
CLASSIFICATION: Exempt
GRADE: E-16; \$51,763 - \$77,645
DEPARTMENT: Environmental and Natural Resources
SUPERVISOR: ENRD Director

Position Summary:

Under general direction of the ENRD Director, plans, organizes, and supervises all functions required to operate and maintain the Environmental Program activities. Oversees the General Assistance, Water Quality, Air Quality, NALEMP, and other environmental programs included in strategic plan. Maintains confidentiality of all privileged information. Consistently applies the Pueblo's Core Values in support of Workforce Excellence.

This list of duties and responsibilities is illustrative only of the tasks performed by this position and is not all-inclusive.

Essential Duties & Responsibilities:

- Develops and implements a strategic plan to maintain and/or expand capacity to deliver effective and efficient environmental program services to the Pueblo of Laguna.
- Directs the establishment, implementation, and communication of goals, objectives, policies, environmental standards and procedures in accordance with strategic plan and applicable laws, regulations, ordinances, and regulatory agencies.
- Identifies short-term and long-range issues and goals; provides information and commentary pertinent to deliberations; recommends options and courses of actions; implements directives.
- Develops recommendations for the annual program budget, including goals and objectives; recommends staffing levels and operational expenditures. Monitors expenditures, develops budget modifications, prepares required financial reports.
- Secures additional funding and grant monies for continuation and expansion of program services.
- Develops issue and discussion papers, comments and responses on proposed environmental policies and procedures, and environmental concerns for Pueblo development purposes.
- Serves as the authoritative advisor to the Pueblo of Laguna on issues within the parameters of environmental law, interpretation, and local applicability.

- Manages staff relations by celebrating, coaching, counseling, and disciplining employees. Encourages feedback from staff for continual management improvement.
- Evaluates staff performance in a timely manner. Promotes self-responsibility and accountability.
- Develops and implements training plans to support, develop, and expand the capacity of staff.
- Develops required narrative and statistical reports. Ensures compliance with grant requirements.
- Effectively communicates organizational values, strategies, and objectives to program employees through staff meetings.
- Delegates tasks to appropriate program employees to ensure department goals are met.
- Coordinates the technology needs of the office; ensures staff is fully trained on systems, policies and procedures.
- Conducts annual evaluation and assessments of program components; identifies areas for improvement; develops/offers strategies for resolution; ensures the implementation of agreed upon changes in procedures and/or activities.
- Coordinates with Emergency Management on HazMat issues.
- Develops public information and education for the community regarding solid waste disposal, mitigation and environmental awareness, impact and alleviation measures.
- Maintains professional and technical knowledge by conducting research; attending relevant training and conferences and establishing networks with like programs.
- Obtains HazMat certification within one year of hire.
- Performs other duties as required.

Minimum Qualifications:

- Bachelor's Degree in Environmental Management, Natural Resources, Ecology, Geology, Hydrology, or related field required.
- Five years of progressive work experience in the above referenced fields required.
- One year of supervisory experience required.
- A combination of directly related education and relevant experience may be considered.
- HazMat certification preferred. Must obtain within one year of hire and maintain throughout employment.
- Fluency in the Laguna language preferred.

Background Investigation Requirements:

The Pueblo of Laguna has a Suitability Policy for background investigation processes. Every position in the government operation is reviewed and designated at one of three risk levels. The determination is commensurate with public trust responsibilities and attributes of the position which includes job duties. The Environmental Program Manager is designated as a High Risk Public Trust position.

Type of Background Check	Required
Pre-Employment Drug Screening	X
Background Investigation (Criminal Check, Sex Offender Check, Social Security Trace, Driving Record, Civil Court Check – if applicable, Tribal Criminal Check – if applicable)	X
Employment Verification, Education / License Verification, Personal Reference Verification	X
Fingerprint Verification	
Must Be Able to Drive a Pueblo Issued Vehicle	X
Other	

Knowledge, Skills, Abilities, and Certifications:

- Knowledge of and ability to interpret applicable laws, ordinances, legislation, regulations, and requirements.
- Knowledge of the principles of environmental concepts, methodologies, and applicability to determine and evaluate necessary corrective or other modified action to specific issues or situations.
- Knowledge of the Pueblo of Laguna's lands and water resources.
- Knowledge of research methodologies and data analysis.
- Ability to communicate effectively, both verbally and in writing. Fluency in the Laguna language highly preferred.
- Ability to establish and maintain professional relationships with co-workers at all levels.
- Ability to maintain confidentiality.
- Ability to analyze situations and adopt appropriate courses of action.
- Ability to work independently, make solid decisions, and meet strict time lines.
- Ability to be persuasive and tactful in controversial situations.
- Ability to create and present effective speeches and presentations.
- Ability to identify and secure alternative funding or revenue sources.
- Ability to define problems, collect data, establish facts, and draw valid conclusions.
- Skill and ability to interpret highly technical publications and determine relevance to the Pueblo.
- Skill in use of Word, Excel, Access, Outlook, and software specific to program field.
- Skill in preparation of project time lines and staffing plans.
- Skill in budget preparation and administration.
- Skill in preparing, reviewing, and analyzing operational and financial reports.
- Skill in providing leadership to, supervising, training, and evaluating assigned staff.
- Skill in operating GIS/GPS applications.

Physical Demands:

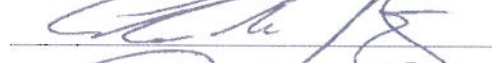
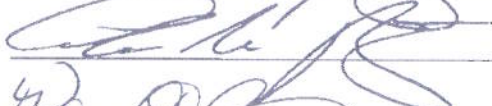
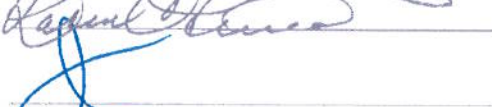

While performing the duties of this job, the employee regularly is required to sit; use hands and fingers to handle or feel; and talk or hear. The employee frequently is required

to stand; walk; and reach with hands and arms. The employee occasionally is required to climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. The employee must occasionally lift and/or move up to 25 pounds.

Work Environment:

Work is regularly performed in an office setting with a moderate noise level. Occasions may arise requiring work outdoors where exposure to natural weather conditions and various dusts and mists may occur. Prolonged standing and walking may be on uneven surfaces or unstable ground. Situations where safety-toe shoes, safety goggles, gloves, protective face shields, or hardhats are needed may occur. Evening and/or weekend work will be required. Travel is required for training, meetings, and other events.

Approvals:

Immediate Supervisor:		Date: 9-28-16
Department Director:		Date: 9-28-16
Human Resources:		Date: 09/29/16
Chief of Operations:		Date: 9.29.16

PUEBLO OF LAGUNA

JOB DESCRIPTION



HUMAN RESOURCES

POSITION TITLE: Environmental Specialist
CLASSIFICATION: Non-Exempt
GRADE: NE-12; \$35,152 - \$52,728
DEPARTMENT: Environmental and Natural Resources / Environmental
SUPERVISOR: Environmental Manager

Position Summary:

Under general direction of the Environmental Manager, the Environmental Specialist protects the land, natural resources, and eco-system conditions of the Pueblo of Laguna by assessing environmental impacts of past, present, and future operations. Conducts tests and field investigations to obtain data for use to determine sources and methods of controlling pollutants in air, water, and land. Maintains confidentiality of all privileged information.

This list of duties and responsibilities is illustrative only of the tasks performed by this position and is not all-inclusive.

Essential Duties & Responsibilities:

- Provides assistance in establishing goals, objectives, and initiatives of environmental programs in accordance with the Environmental Protection Agency (EPA) grants and needs of the Pueblo.
- Achieves financial objectives by preparing and monitoring budgets in accordance with specified grant, scheduling expenditures, and analyzing variances.
- Secures additional funding for environmental programs for the continuation and expansion of program services.
- Accomplishes environmental objectives by establishing action plans and deadlines, and leading personnel in their responsibilities in accordance with defined objectives.
- Coordinates planning, testing, and operational phases of each program.
- Keeps agencies and Pueblo leadership informed through submission of monthly, quarterly, and annual reports; analyzes reports to evaluate program effectiveness and budgetary needs.
- Provides technical assistance to the Pueblo concerning environmental issues and documents.
- Conducts inspections of environmental issues located throughout the Pueblo of Laguna.
- Enforces and communicates the Pueblo's Solid Waste Code.
- Fulfills the responsibilities of the EPA General Assistance Program (GAP) work plan.
- Complies and updates annual Quality Assurance documents.
- Acts as liaison between the Pueblo of Laguna and federal state, tribes and other environmental agencies on all environmental issues.

- Communicates with co-workers, management, vendors and the general public in a courteous, professional, customer focus manner.
- Maintains professional and technical knowledge related to position by conducting research; attending seminars, educational workshops, classes and conferences; reviewing professional publications; establishing networks; participating in professional societies; conferring with representatives of contracting agencies and related organizations.
- Contributes to a team effort toward accomplishing tasks and achieving related results as required.
- Consistently applies the Pueblo's Core Values and Workforce Values supporting Workforce Excellence.
- Performs other duties as required.

Minimum Qualifications:

Associates Degree in Environmental Sciences, Environment Health, Natural Resources, or related field required. Must have at least two (2) years of environmental field work. Bachelor's Degree in Environmental Sciences, Environment Health, Natural Resources or related field preferred. An equivalent combination of education and experience may be considered. Fluency in the Laguna language preferred.

Background Investigation Requirements:

The Pueblo of Laguna has a Suitability Policy for background investigation processes. Every position in the government operation is reviewed and designated at one of three risk levels. The determination is commensurate with public trust responsibilities and attributes of the position which includes job duties. The Environmental Specialist is designated at a Moderate Risk Public Trust (MRT) position.

Type of Background Check	Required
Pre-Employment Drug Screening	X
Background Investigation (Criminal Check, Sex Offender Check, Social Security Trace, Driving Record, Civil Court Check – if applicable, Tribal Criminal Check – if applicable)	X
Employment Verification, Education / License Verification, Personal Reference Verification	X
Fingerprint Verification	
Must Be Able to Drive a Pueblo Issued Vehicle	X
Other:	

Knowledge, Skills, Abilities, and Certifications:

- Knowledge of traditional form of government and pueblo customs and traditions.
- Knowledge of the functions and structure of the Pueblo of Laguna.

- Knowledge of applicable federal, state, county and local laws, regulations, and requirements.
- Knowledge of environmental issues and their impact as well as methods to manage resources effectively to correct deficiencies or problems.
- Knowledge of research methodologies and data analysis.
- Knowledge of business English, proper spelling, grammar, and punctuation, and basic arithmetic.
- Ability to communicate effectively in the English language, and preferably in the Laguna language, both verbally and in writing.
- Ability to establish and maintain good working professional relationships with co-workers at all levels
- Ability to interpret applicable federal, state, county and local laws, regulations, requirements, ordinances, and legislation.
- Ability to maintain confidentiality.
- Ability to create and present effective speeches and presentations.
- Ability to make solid decisions and exercise independent judgment.
- Ability to work independently, handle multiple tasks, and meet strict time lines.
- Ability to define problems, collect data, establish facts and draw valid conclusions.
- Ability to interpret applicable federal, state, county, and local laws, regulations, and requirements.
- Skill in operating business computers and office machines, including Windows environment, specifically Word, Excel, Access, Outlook, and presentation software such as PowerPoint.
- Skill in analyzing problems, projecting consequences, identifying solutions, and implementing recommendations.
- Skill in budget preparation and administration.
- Skill in preparing, reviewing, and analyzing operational and financial reports.

Physical Demands:

While performing the duties of this job, the employee regularly is required to stand; walk; use hands and fingers to handle, or feel; reach with hands and arms; and talk or hear. The employee occasionally is required to sit; climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. The employee must occasionally lift and/or move up to 50 pounds.

Work Environment:

Work is generally performed outdoors where exposure to natural weather conditions and various dusts and mists may occur. Prolonged standing and walking may be on uneven surfaces or unstable ground. Situations where safety-toe shoes, safety goggles, gloves, or protective face shields are needed may occur. Evening and/or weekend work may be required. Travel is required for training, meetings, conferences, presentations, and other events.

Approvals:

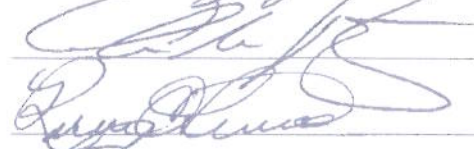
Immediate Supervisor:



Date:

11/20/15

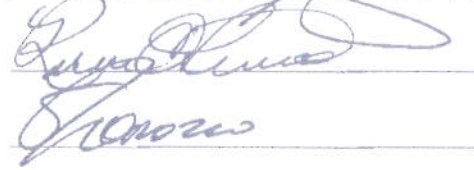
Department Director:



Date:

11/20/15

Human Resources:



Date:

11/20/15

Chief of Operations:

Acting



Date:

11/25/15

Pueblo of Laguna

Position Classification and Description



POSITION TITLE: Environmental Technician
CLASSIFICATION: Non-Exempt
GRADE: NE-8; \$29,390 - \$38,210
DEPARTMENT: Environmental and Natural Resources / Environmental
SUPERVISOR: Environmental Program Manager

Position Summary:

Under direct supervision of the Environmental Program Manager, assists the Environmental Program staff in conducting field work by gathering specific data and information, and supporting the programs scope of work. Maintains confidentiality of all privileged information.

This list of duties and responsibilities is illustrative only of the tasks performed by this position and is not all-inclusive.

Essential Duties & Responsibilities:

- Assists in conducting field work by gathering data pertinent to the Environmental Program which will be incorporated into work performed by various entities.
- Conducts regular inspections of the community recycling drop-off centers and coordinates with Laguna Utility Authority transfer of solid waste.
- Develops databases and project plans including: photograph and label sites; location (latitude and longitude); presents environmental conditions; soil and sediment sampling; air and water sampling; brief descriptions of problems; and catalogs sites.
- Assists program staff with data entry.
- Provides appropriate reports and makes recommendations regarding findings and resolving problems; discusses plans and actions to be taken in making decisions.
- Conducts water quality parameter measurement and sampling.
- Transports samples to testing laboratories.
- Monitors former dump sites and reports illegal dump sites for cleanup to supervisor.
- Participates in clean-up, removal, and closure of underground storage tanks.
- Conducts HazMat investigations and clean-up as needed.
- Negotiates with vendors for purchase of equipment and supplies.
- Assists with building and maintaining technical reference library.
- Provides outreach to community and tribal programs in order to promote various environmental protection projects.
- Develops working relationships with Federal, State and other tribal entities.

- Attends staff and work group meetings, including meetings of the Tribal Emergency Response Committee, to exchange information helpful in work system operations.
- Maintains professional and technical knowledge by conducting research; attending relevant training and conferences, and by establishing networks.
- Contributes to a team effort and makes individual effort to support Pueblo of Laguna Workforce Excellence.
- Performs other duties as required.

Minimum Qualifications:

Associate's Degree in Environmental Sciences, Hydrology, Natural Resources, Environmental Technology or related field plus six months of directly related experience required. An equivalent combination of related education and experience may be considered. Fluency in the Laguna language preferred. Must successfully pass a pre-employment drug/alcohol screen and background investigation.

Background Investigation Requirements:

Type of Background Check	Required
Pre-Employment Drug Screening	X
Background Investigation (Criminal Check, Sex Offender Check, Social Security Trace, Driving Record, Civil Court Check – if applicable, Tribal Criminal Check – if applicable)	X
Employment Verification, Education / License Verification, Personal Reference Verification	X
Fingerprint Verification	
Must Be Able to Drive a Pueblo Issued Vehicle	X
Other	

Knowledge, Skills, Abilities, and Certifications:

- Knowledge of applicable federal, state, county, and local environmental laws, regulations, and requirements.
- Knowledge of the principles of environmental conservation and management.
- Knowledge of the techniques, methods, and devices used to obtain samples for testing.
- Knowledge of proper spelling, grammar, punctuation, and basic arithmetic.
- Ability to communicate effectively, both verbally and in writing. Fluency in the Laguna language preferred.
- Ability to interact and maintain good working relationships with individuals of varying social and cultural backgrounds.
- Ability to interpret applicable laws, regulations, requirements, ordinances, and legislation.
- Ability to maintain confidentiality.

- Ability to make solid decisions and exercise independent judgment; to work independently and meet strict time lines.
- Ability to define problems, collect data, establish facts, and draw valid conclusions related to environmental issues.
- Skill in operating office machines and computer use, including Word, Excel, Access, PowerPoint and software applicable to the environmental field.
- Skill in GIS/GPS applications and in statistical compilation and analysis.


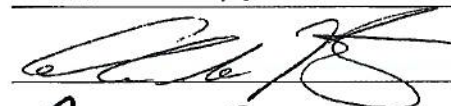
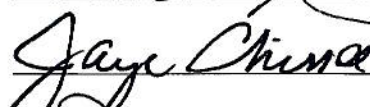

Physical Demands:

While performing the duties of this job, the employee frequently is required to stand; walk; use hands and fingers to handle or feel; reach with hands and arms; and talk or hear. The employee occasionally is required to sit; climb or balance; stoop, kneel, crouch, or crawl; and taste or smell. Employee must be able to see both short and long distances (corrected or uncorrected). The employee must occasionally lift and/or move up to 50 pounds.

Work Environment:

Work is generally performed outdoors. Exposure to natural weather conditions and various dusts and mists may occur while performing outdoor duties. Prolonged standing and walking may be on uneven surfaces or unstable ground. Situations where safety-toe shoes, safety goggles, gloves, protective face shields, or hardhats are needed may occur. Evening and/or weekend work may be required. Travel is required for training, meetings, conferences, presentations, and other events.

Approvals:

Immediate Supervisor:	^{ACTING} 	Date: <u>2/21/13</u>
Department Director:		Date: <u>2/21/13</u>
Human Resources:		Date: <u>3-8-13</u>
Chief of Operations:		Date: <u>3-13-13</u>

ATTACHMENT 3

Resumes

**Director of Environmental and Natural Resources
Pueblo of Laguna
Resume**

Education

Harvard University

J. F. Kennedy School of Government, Cambridge, MA, graduated, May 1996.
Master in Public Administration, recipient John F. Kennedy and Leon W. Redpath Scholarships. Course work in public sector management and organizational change, political process and advocacy, micro and macro economics, statistics and program evaluation, negotiation and communication, poverty and social systems and public policy.

Brigham Young University

Department of Agronomy and Horticulture, Provo, UT, graduated, April 1985.
Bachelors of Science, Agronomy. Course work included plant and animal science, soil science, chemistry, agribusiness, farm and ranch management, micro and macroeconomics.

Work Experience

Navajo Technical University, Crownpoint, New Mexico

September 2017 to Present – Salary \$48,000

Land Grant Program Manager at a 1994 Land Grant Tribal College serving the Navajo Nation. Responsible for coordinating the Land Grant Programs in the areas of agriculture and animal science under the direction of the Land Grant Program Director.

Lucinda Ann Lewis DDS, PC, Aurora, Colorado

January 2002 to June 2017 – Salary: \$70,000

Self employed. Currently manage a for-profit, family owned, pediatric dental office. Responsible for all aspects of a small business management including employee supervision and human resources, accounting, marketing, management systems, finance, long and short range planning. I was responsible to the initial purchase of the practice which included conducting a business analysis and developing a business plan, conducting the purchase contract negotiations and arranging financing for the final purchase. Over the past three years I have grown the practice from \$320,000 annual gross to \$920,000 for the year ending in December 2013.

Children's Service Society of Utah, Salt Lake City, Utah.

March 2001 to January 2002 – Salary: \$45,000

Executive Director for a large nonprofit child welfare agency serving the Salt Lake Metro Region. Programs included Childcare Resource and Referral, Parent Advocate Program, Pregnancy Counseling, Infant and Special Needs Adoption. Responsibilities included supervision of 26 professional staff, grant writing and fund development, state contract compliance, fiscal control for a 1.6 million annual budget.

University of Arizona Cooperative Extension, Shiprock Agency, Navajo Nation

April 1997 to January 2001 – Salary: \$46,000

Managed a non-profit organization targeting community issues affecting the health and well being of families and children. Programs included nutrition education, diabetes prevention, farm safety, child restraint compliance, DWI prevention, youth development, water quality and food safety. Responsibilities included community education, developing issue based programs, recruiting and training volunteers, curriculum development, fiscal management, supervising academic staff, grant writing and applied research.

University of California, Placer and Nevada Counties, Auburn, California

June 1989 to March 1997 -- Salary: \$45,500

Managed a community based youth development program that provided educational programs for children ages 5-19. Program served 400 volunteers and 1,300 children. In addition, we provided year-round childcare for 1,000 children at 14 sites in the two county area. Responsibilities included recruiting and training volunteers, supervising academic staff, fundraising, fiscal management, curriculum development, conducting educational programs as well as applied research.

Director, Department of Agriculture, Navajo Nation, Window Rock, Arizona

October 1985 to May 1989 – Salary: 32,000

Managed an agriculture and extension education organization conducting programs in range and natural resources, veterinary medicine, marketing, irrigation development, soil and water conservation, archeology, and the Navajo Nation 4-H Youth Program. Supervised approximately 35 employees. Responsible for recruiting, hiring, training, and supervising management level staff in assigned programs. Responsible for setting and achieving department goals, improving general operations and procedures, managing departmental performance, and developing agricultural policy. Fiscal and administrative responsibilities including annual budgeting (1.2 million annually), accounting, internal governmental relations and reporting.

Major Career Accomplishments

- ◆ Established five Soil and Water Conservation Districts (the first in the country exclusively serving Native American agricultural producers) and institutionalized funding for their support. This effort opened the door for the Navajo producers to participate in USDA programs designed to conserve and protect their natural resources. From 1985 to 1989, we constructed range improvement projects valued at over four million dollars.
- ◆ Established a program providing low cost veterinary services to thousands of Navajo producers in an area covering 27,000 square miles and three states.
- ◆ Established a 4-H Youth Program on the Navajo reservation that grew to 1100+ members in two years.
- ◆ Helped establish the Intertribal Agricultural Council (national organization) and the subsequent congressional allocation of \$1,600,000 for Cooperative Extension programs for Native Americans nationally.
- ◆ Established the first Cooperative Extension office dedicated exclusively to the service of Native Americans in California.
- ◆ Awarded a W.K. Kellogg National Leadership Fellowship in 1991. One of 45 individuals awarded the three-year fellowship by the Kellogg foundation. The program is recognized as one the Nation's premiere leadership development programs. Personal program focus: The Quality of Elementary and Secondary Education on Indian Reservations and the Effects of Colonization on Native People. Travel and independent study in Guatemala, Nicaragua, Costa Rica, Mexico, Australia, New Zealand, Russia, Canada and throughout the United States.
- ◆ Published a sixth grade cultural reader for the Bi-lingual Intercultural Program in Bluefields, Nicaragua.
- ◆ Developed a cross-age tutoring project called Children Helping Children; An Approach to Reading Literacy at Margaret Keating Elementary School in Del Norte County, CA. The project was designed to evaluate cross-age tutoring methodologies with older at-risk Native American Children (5th and 6th grades) working as reading tutors for younger children (2nd and 3rd grades). Children in both age groups showed an average 1.75 years growth in reading scores in a one-year period.
- ◆ Developed community car seat program to address low infant/toddler car seat compliance rates in three counties. As a result, car seat use increased in the Shiprock Agency increased from 17.9 to 43% and from 0 to 32% in Southern Utah over a three year period.

- ◆ Developed a community exercise and nutrition program to combat diabetes. Funded by Indian Health Service, the program includes a summer-long Hike and Bike Program for obese children, three mountain bike camps, a community bike repair clinic and a bike repair shop operated by volunteers and summer students. The program was featured in New Mexico Resources Magazine's winter 2000 issue and Arizona Land and People magazine, volume 47. The curricula developed for the project was distributed statewide in New Mexico.
- ◆ Conducted the first detailed study of the Navajo Nation livestock industry. The report and subsequent papers have been used by tribal and federal agencies on the reservation to redesign services and programs better serve the Navajo people.

Grants Received

- ◆ Extension Indian Reservation Program Grant: Awarded \$75,000 each of five years to conduct educational programs for the Hoopa and Yurok Tribes of Northern California. Total Award – \$375,000
- ◆ WK Kellogg Foundation: Awarded \$3,500 to produce a cultural reader for sixth grade children in Bluefields, Nicaragua.
- ◆ Humboldt Area Foundation: Awarded \$10,000 to develop a reading literacy program for Native children at Margaret Keating Elementary School in Klamath, CA.
- ◆ University of California Opportunity Grant: Awarded \$3,000 to conduct a Native American Youth Leadership Camp for the Marysville Joint Unified School District.
- ◆ USDA Fund for Rural America Grant: Awarded \$25,000 to develop a strategic plan for the Navajo wool and mohair industry.
- ◆ IHS Diabetes Prevention Program Grant: Awarded \$15,000 each of three years to develop and conduct nutrition education and exercise programs for Native children “at risk” of developing diabetes. Total award — \$45,000
- ◆ IHS Injury Prevention Community Grant: Awarded \$15,000 each of three years to address car seat compliance issues in the Shiprock service unit. Additional funds were received to conduct programs for the Chinle Agency (\$15,000) and the Kayenta Agency (\$15,000). Total award — \$75,000
- ◆ Utah State Highway Department: Awarded \$52,000 over a two-year period to address car seat compliance issues in Southern Utah.
- ◆ BIA Natural Resource Grant: Awarded \$3,500 to conduct a study of the Navajo

Nation livestock industry.

- ◆ USDA Sustainable Agriculture Producer Grant: Awarded \$3,300 to develop a demonstration/education project on the use of irrigated cool season grasses in a livestock grazing rotation.
- ◆ BIA Noxious Weeds Program Grant: Awarded \$38,000 over a two-year period to coordinate noxious weed control efforts in the Shiprock Agency.
- ◆ EQIP Education Program Grant: Awarded \$26,000 to develop a 250-page agriculture training manual and conduct a series of educational programs for Navajo producers. Training materials were distributed to NRCS and Extension offices reservation wide.
- ◆ University of Arizona Youth Camping Grant: Awarded \$2,600 to conduct youth summer camp for obese children.
- ◆ UNM Farm Safety Program Grant: Three-year program designed to reduce farm related injuries. Funded \$12,000 for year one and \$20,000 for years two and three. Total award — \$52,000
- ◆ NMSU Water Quality Program Grant: Awarded \$105,000 to conduct educational programs to address water quality issues in a three county area.
- ◆ USDA Food Safety Education Program Grant: Awarded \$92,000 to conduct educational programs on food safety in communities across the reservation. Three Navajo language videos were developed as well as educational materials to support small and limited resource farmers on the reservation.
- ◆ Navajo Nation 4-H Program Grant: Awarded \$30,000 to develop new 4-H Club Programs serving children ages 9 to 19 reservation wide.
- ◆ NMSU Summer Diabetes Education Project Grant: Awarded \$1,800 to conduct summer nutrition workshops for children in area Boys and Girls Clubs.
- ◆ Community Bike Program Grant: Awarded \$10,000 to conduct summer cycling projects for children.

Professional Activities and Appointments

- | | |
|-----------|---|
| 1987-1989 | Appointed to serve on the Agricultural Advisory Committee for the Crownpoint Institute of Technology, Crownpoint, NM. |
| 1988-1989 | Selected to serve on the Navajo/Hopi Task Force of the Relocation Commission, Window Rock, AZ. |
| 1988 | Invited to address the Inter-Tribal Agricultural Association on "A |

Successful Tribal Agricultural Program”, Reno, NV.

- 1990-1992 Northern California representative to the University of California Youth Advisors Advisory Council, Davis, CA
- 1990 Recipient of the University of California, Division of Agriculture and Natural Resources Affirmation Action Award for outstanding efforts in affirmative action programming.
- 1991-1994 Appointed to the California State 4-H Curriculum Council by Regional director Terrell P. Salmon.
- 1991-1993 Northern Regional Representative to the California 4-H Association.
- 1995 Presentation – California Indian Education Association Annual Conference – Cross-age Tutoring in At-Risk Children, Sacramento, CA.
- 1996 Awarded the John F. Kennedy Fellowship and Leon W. Red Path scholarships to attend Harvard University.
- 1997-2000 Appointed to serve as Fair Coordinator, Northern Navajo Fair, Shiprock NM.
- 1998 Appointed to serve on the IHS Community Health Grants Advisory Board, Shiprock, NM.
- 1998-2000 Selected as Chairperson of the Navajo Nation Extension Partnership Youth Committee, Window Rock, AZ.
- 1999 Invited to address the Utah State University Faculty Conference on “Successful Extension Programs for Diverse Audiences; The Navajo Model”, Logan, UT.
- 2000 Invited to address the University of Arizona Cooperative Extension Staff Conference on “Diversity in Action; Successful Extension Programs for Native Communities”, Tucson, AZ.
- 1998-2000 Elected Vice President, Board of Education, Central Consolidated School District, Shiprock, NM.
- 1998 Appointed to serve on the NMSU Agricultural Experiment Station Advisory Board, Farmington, NM
- 1999 Awarded Honorary Chapter Farmer, Shiprock High School FFA.
- 1999 Selected to coordinate national lobby effort for Extension Indian

Reservation Program funds through the 1999 Farm Bill.

ENVIRONMENTAL MANAGER

MANAGEMENT PROFILE

PROJECT MANAGEMENT



PROPOSAL DEVELOPMENT



CUSTOMER SERVICE

Dynamic, results-driven management professional with a twelve-year record of success managing operations and staff in fast paced, pressured environment. Demonstrated accomplishments by developing, implementing and administrating government contracts and grants, process improvements, and quality systems. Strong leader apt at building motivated teams based on mutual respect, accountability, and a focused dedication to quality and top-level customer service. I have a strong background in report writing and data analysis.

Core Competencies:

• Program Management	• Contract Management	• Process Improvement
• Budget Development	• Proposal Development	• Auditing Quality Systems
• Training Development	• Environmental Policy Development	• Process Reengineering

PROFESSIONAL EXPERIENCE

PUEBLO OF LAGUNA, Laguna, NM

Environmental Manager (10/2014 - Present)

Management of three Environmental Protection Agency (EPA) grants in the areas of Water, Air, and General Assistance Program (GAP). Coordinate proposal development and grant submittals for annual funding. Responsible for monthly and annual reports to the EPA. Prepare annual tribal budget and monitor financial expenditures throughout the fiscal year. Meet with tribal members and community on program updates and environmental concerns facing the Pueblo.

IEC ELECTRONICS, Albuquerque, NM

Contracts Administrator II (7/2010- 1/2014)

Customer liaison in matters regarding contract reviews, pricing issues, order status & contract audits by either customer or government agencies. Other responsibilities have included Sales Order/Project setup and processed in timely manner. Organized and maintained contract files and historical data. Prepared and presented program updates and proposals to customers such as Raytheon , Lockheed Martin and Rockwell Collins.

LAGUNA INDUSTRIES, INC., Laguna, NM 2001-2007

Program Manager (2003-2007)

Managed multi-million dollar hi-tech manufacturing and technical services supporting primarily government customers. Developed and implemented policies, procedures, and corrective actions plans to ensure delivery of quality technical products within budget and contractual timelines. Collaborated regularly with executive/management staff on contract administration, accounting, purchasing, and quality assurance issues. Interacted daily with external customers. Managed contracts, estimate to complete, labor hours/dollars spent, and contract issues for executive management team. Analyzed labor costs and prepared estimates and long-term labor forecasts. Developed and monitored project schedules. Performed periodic ISO 9001 audits on operating procedures. Coordinated, prepared for and performed periodic Program Management Review and Technical Interchange meetings for government and non-government customers.

Key Achievements:

- Managed several multi-million dollar proposals successfully
- Achieved 100% on-time delivery for all contractual product for past 4 years
- Achieved 10% profit on \$12 million dollar ISYSCON government contract

- Received satisfactory performance ratings from government customers for the past 5 years

Bid and Proposal Manager (2001-2003)

- Oversight and development of low dollar and multi-million dollar proposals for DoD and prime contractors such as (Northrop Grumman, General Dynamics, Raytheon, etc) . Oversaw proposal development which was coordinated with company capacity, strengths, man-loading, equipment resources, capabilities, and processes.
- Prepared for and conducted periodic internal program status meetings. Participated in government post award audits on delivery and financial status. Interacted daily with both internal and external customers. Ensured proposals were complete, accurate and compliant with Federal Acquisition Requirements (FAR) and company policies and procedures.

HONEYWELL H&BC(MANPOWER TEMPORARY SERVICES) , Albuquerque, NM 2001-2001

Performed incoming inspections on raw material for **Honeywell H&BC**. Experienced in the Oracle MRP System. Coordinate with buyers the return of nonconforming material back to the suppliers. Work with stockroom personnel for inspection of suspect material.

LAGUUNA INDUSTRIES, INC., Laguna, NM

Production Supervisor (1997-1998)

Managed 35 employees in a manufacturing setting. Employer was a government contractor that specialized in building mobile communications shelters for the US Army. I supervised two workstations- final assembly and electrical fabrication. Responsible for implementing new and effective work processes which resulted in significant cost savings. Also implemented many team building operations.

EDUCATIONAL/PROFESSIONAL DEVELOPMENT

ANDERSON SCHOOL OF MANAGEMENT, UNIVERSITY OF NEW MEXICO, ALBUQUERQUE, NM
Bachelor of Business Administration (BBA)- General Studies (2001)

Certificate in Contract Negotiations from NCMA (2005)

Truth In Negotiations Act (TINA) Training (2003)

American Indian Business Association- Member

Current Board Member of the Santa Fe Indian School Board of Trustees

Certificate in Building Successful Native American Businesses from Tuck School of Business at Dartmouth

TECHNICAL EXPERTISE

Proficient in Microsoft Word, Excel, Project, PowerPoint, Visio; Primavera Project Planning , IFS

Environmental Specialist

Education:

Associates of Applied Science in Environmental Safety and Health, May 2009
Central New Mexico Community College
Albuquerque, NM

Data Processing, Certificate, May 1992
Southwestern Indian Polytechnic Institute
Albuquerque, NM

Work Experience:

Pueblo of Laguna
Environmental Specialist
February 2016 – Current

Responsible for the management of the Environmental Protection Agency (EPA) Indian General Assistance Program (GAP), duties include all the administrative grant functions and technical duties associated with the development, planning and implementation of EPA – Tribal Environmental Plan which includes: Solid and Hazardous Waste, Recycling, Brownfields, Superfund and Underground Storage Tanks compliance. Other grant functions include development and submission of annual grant funding proposal application, grant reporting, liaison between EPA and the Pueblo, and grant budget management to assure grant budget requirements are in compliance with EPA and the Pueblo of Laguna (POL) policies. Additional duties are participation in the Region 6 – Regional Tribal Operations Committee, Pueblo of Laguna -Tribal Emergency Response Committee and assisting partners, (Universities, EPA, New Mexico Environment Department (NMED), and Pueblo entities and schools) educational outreach on various environmental topics during community events and setting long and short term goals. Also, writing necessary documents to upper Pueblo management and EPA regarding management of EPA grant, guidelines, rules, regulations, law, and ordinances.

Air Quality Specialist
October 2011 – January 2015

Responsible for the management of the Environmental Protection Agency (EPA) Clean Air Act Section 103 air grant project, duties include all the administrative grant functions and technical duties associated with the development of an air program. Grant functions include development and submission of annual grant funding proposal application, grant reporting, liaison between EPA and the Pueblo, and grant budget management to assure the air project is in compliance with EPA and the Pueblo of Laguna (POL) regulations. Other duties include: Developing a strategic plan for an air program, such as building capacity in air quality monitoring, permitting, and planning and monthly participation in national and regional work groups such as National Tribal Air Association – Executive Committee – Region 6 - 2015 and Region 6 – Regional Tribal Operations Committee. Additional duties include: assisting universities and national laboratories with air quality studies on

the Pueblo. Setting long and short term goals and writing necessary documents to ensure the air project complies with EPA and POL guidelines, rules, regulations, law and ordinances.

Environmental Technician

May 2008 – Oct 2011

Assisted EPA funded Clean Water Act Section 106 and General Assistance Program with program activities which included; collection of surface water quality samples , quality assurance and uploading of water quality data management into EPA's national database, responsible for cleaning and storing water quality sampling equipment, monitoring and reporting of former dumpsites and illegal dumpsites, development of outreach materials and assisting tribal entities on the collection of recyclable material. Assisted EPA with remedial investigation for superfund site.

Intel Corporation

Manufacturing Technician

August 2000 to August 2007

Responsible for the coordination of thirty (30) or more staff to meet daily production goals. Performed general maintenance and processed microprocessors on semiconductor equipment. Assisted engineering staff with equipment and microprocessor studies to improve quality and reduce cost efficiency. Other duties include: verifying quality assurance, participate in work safety teams, area coordinator, team leader, equipment trainer, and equipment technician to produce quality semiconductor product and meet daily goals.

Air Quality Training Certifications:

Climate Change Adaptation Planning

Tribal Environmental Management and Planning Course - Northern Arizona University

Air Dispersion Modeling

Air Pollution Modeling

Air Pollution Technology

Tribal Participation in the State Implementation Plan

Treatment as State (TAS) and Tribal Implementation Plans (TIP) Part I

Reviewing New Source Review (NSR) and Title V Permits

Tribal New Source Review

Clean Air Compliance Workshop – EPA Alliance Training Group

Emissions Inventory/Tribal Emissions Inventory Systems Software

Management of Tribal Air Programs and Grants

GIS for Air Quality

Air Quality Computations

Introduction to Tribal Air Quality

Indoor Air Quality in Tribal Communities

Indoor Air Quality – Diagnostics Tools

Other Training Certifications:

Environmental Sampling Methods

Quality Management Plan-Quality Assurance Project Plan

Introduction to Quality Assurance Management

Data Quality Objectives

40 and 8 hours Hazwoper, CPR, and First aid training

Preliminary Assessment and Site Inspection
Climate Change on Tribal Lands
Climate Change Adaptation Planning
Tribal, US, Territories and Insular Areas Grant Management and DBE Rule Training
4 hour Accounting for Non-Accountants Training
Water Quality Standards Academy Basic Course for Tribes
Selling and Sustaining Your Program
Quality Project and Program Management
Phase I – II Environmental Site Assessments for Commercial Real Estate Course
101 Digital Cartography
WST – Hazardous Materials First Responders Awareness level
Emergency Management Framework for Tribal Governments

