

No Just Transition without Indigenous Consultation

**Senate Bill 489
Energy Transition Act**

**Open Letter to Governor Michelle Lujan Grisham and New Mexico Legislators
from Indigenous Peoples of the Southwest & Allies**

PNM will close the coal-fired San Juan Generating Station in 2022. SB489 is a bill currently being debated and considered in the NM legislature to address closure issues and renewable energy targets.

We ask allies to stand with Indigenous Peoples and not the Public Service Co. of New Mexico (PNM). Energy policy decisions directly and disproportionately impact our communities. Our ancestral lands in the Four Corners region was officially designated a national sacrifice zone by the Department of Energy under the Nixon administration in 1973. Since then we have experienced high levels of extraction activities including the siting of five coal plants, four coal mines, and thousands of oil and gas drill pads. Being from frontline communities, we bear the biggest impacts to our health and the devastation of our land, water, air, plants and animals. In an era of climate change we must stand united for a Just Transition that is inclusive of all Indigenous communities. Without amendments, we do not support The Energy Transition Act (SB 489).

[Read our FAQ at WhatsNextNM.com](https://www.whatsnextnm.com)

Supported by big Environmental Groups and PNM, SB 489 does not address the biggest concerns of impacted Indigenous communities such as:

- The full remediation and restoration of the impacted areas, including vital water sources that have become contaminated through these operations.
- Support for addressing long-term health impacts from being surrounded by these power plants. Our health has suffered as a result of air, water, and land contamination with members of our communities losing years of their lives and loved ones to asthma, lung disease, heart disease, cancer, and neurological disorders. The American Lung Association estimates that 16,000 people in the region (15% of the population) suffers from lung disease probably caused by plant emissions.
- Support for infrastructure needed to support a Just Transition: Despite providing electricity to the rest of the state for over 56 years, our people continue to go without adequate access to water, electricity and roads. A Just Energy Transition bill would address these structural inequalities to invest in the infrastructure we need to build a just economy.
- Support for traditional economic lifeways, including farming and agriculture, that have been compromised because of contamination and investments in extractive economies that undermined these practices.
- Consultation with Indigenous communities in all stages of decision-making.

Entities that have benefited from the extraction of natural resources and exploitation of Indigenous lands and peoples must be held accountable and contribute to the cleanup and just transition of impacted communities and economies. Based on our analysis of the bill, we have asked the large environmental groups that support this bill to address the lack of inclusion of Indigenous people by including our amendments that address our biggest concerns. Those who should be our strongest allies have dismissed our voices.

It has always been up to us to stand up for our rights and protect our lands, waters and ecosystems!

Respect our Right to Consultation: Indigenous community members and leaders in the impacted area should be consulted in setting the energy transition policy. The United Nations Declarations on the Rights of Indigenous Peoples (UNDRIP) sets the minimum standard that must be respected, especially article 32, the right to “Free, Prior, and Informed Consent” (FPIC).

Respect our Right to Free Prior and Informed Consent: US government agencies at all levels must provide Indigenous Peoples with adequate and accessible information and allow consensus and consent to be determined in accordance with Indigenous Peoples’ customary laws and practices, free from any external manipulation or coercion. We hold our allies to this same standard as this applies to our right to full participation in setting the terms and defining the economic, societal, cultural, spiritual and environmental needs resulting from bearing the impacts of the extractive industry. Indigenous communities should have the right to explore all of the issues associated with the abandonment of the San Juan Coal Plant through an evidentiary hearing at the New Mexico Public Regulation Commission before issues are legislated.

Right to Self-Determination: Any proposals for economic transition and environmental cleanup must be led by impacted communities most affected by pollution, ecological damage, and economic restructuring. Investments made for economic transition and recovery as well as renewable energy development should be designed to benefit communities that have historically borne the brunt of energy extraction in addition to the frontline workers impacted by the closure. Any proposals for “green” or renewable and net-zero or carbon-free energy supplies must not include nuclear energy, carbon-marketing, or other false market solutions which have destroyed Indigenous lands and negatively impacted Indigenous communities.

We can and must do better! In the past decade, Indigenous activism has led to great victories in challenging the unjust practices of fossil fuel industries. Without Indigenous activism, the climate movement in this country would not have the strength that it has today. We found alliance in our shared concern for the earth, and future generations. But Indigenous peoples have been at this much longer and have much more at stake. We do the work because it is necessary for the survival of our lifeways and for future generations and we don’t have the luxury of compromising our concerns and priorities. Supporting this bill without our amendments is a violation of our Indigenous rights and a violation of our collective vision for a just, equitable, and sustainable future.

Our proposed amendments:

- PNM should share in the costs associated with shutdown, as a responsible party.
- A timeline of reclamation and decommissioning should be included in the bill to hold PNM accountable.
- “No nuclear” should explicitly be stated in the bill.
- Electricity and roads should be provided to communities living in close proximity to SJGS.
- Consultation with Tribes needs to be included in the bill.
- There should be more hearings in impacted tribal communities regarding the economic development plan.
- Money should be allocated to solarize schools and chapter houses in the impacted area.
- PNM should help fund renewable energy programs at tribal colleges.
- Funds are needed to study contamination and actual decommissioning and reclamation costs.
- Funds are needed for a comprehensive health study and a needs assessment.
- Funds are needed for transmission studies to examine if the facility can be transitioned to other power sources.
- Break up the Monopoly- Pueblos and sovereign Native Nations should be allowed to produce and sell clean energy, PNM should NOT be allowed to own all replacement power.

**Join us in our struggle to be heard against SB 489!
STAND WITH INDIGENOUS PEOPLE OF NM NOT PNM!!**

**100% RENEWABLE ENERGY CAN NOT HAPPEN JUSTLY, WITHOUT
INDIGENOUS PEOPLE!**

Signed: Indigenous Peoples of the Southwest & Allies

3 Sisters Collective
4-Corners Collaborative
Anna M. Rondon, Kinya aa anii, Dine'
Black Mesa Water Coalition
Climate Justice Alliance
Concerned Citizens of Wagon Mound & Mora County
Duane "Chili" Yazzie, President of Shiprock Chapter, Navajo Nation
Diné Introspective Inc.
Donna House
Council Delegate Daniel Tso (Eastern Agency-Littlewater, Pueblo Pintado, Torreon, Whitehorse
Lake, Baca/Brewitt, Casamero Lake, Ojo Encino, Counselor)
Dooda Fracking
Earth Care NM
Frontera Water Protector Alliance
Four Bridges Traveling Permaculture Institute
Honor The Earth
Honor Our Pueblo Existence
I-Collective
Indigenous Environmental Network
Indigenous Goddess Gang
Janene Yazzie
Kim Smith
Los Jardines Institute
Native Youth Leadership Alliance
Makai Lewis, Dine'
Multicultural Alliance for a Safe Environment
Preston Johnson, Dine' tribal member, NTU Student
Reyes Devore-Jemez Pueblo
Sixth World Solutions
SouthWest Organizing Project
The Seed Keepers & Food Stewards of Taste of Native Cuisines
Tewa Women United
To Bei Nihi Dzil
UNM Chicanx Studies Student Collective
Unidos llegaremos a la liberación de los Pueblos Originarios de las Americas