



About Caltrans

Native American Liaison Branch

The Native American Liaison Branch (NALB) was formed in 1998 to facilitate Caltrans' working relationships with tribal governments. It is housed in the Division of Transportation Planning and provides tools, resources, and connections needed for Caltrans to meaningfully engage with Native Americans on transportation issues that may be of importance to their communities. NALB also addresses policy-level issues in the department and acts as staff to the Caltrans Native American Advisory Committee (NAAC). Each Caltrans district with a federally recognized tribe has a District Native American Liaison, who is the primary contact for day-to-day interaction with the local tribal communities.



NALB Employees at 2014 Native American Day



Tribal Design on Guardrail on a State Highway

Did you know?...

- California has 110 federally recognized tribes.
- California is home to 750,000 Native Americans, the highest population of any state.
- California Native American tribes are ethnically, culturally, and linguistically diverse and each has a unique culture and government.
- Tribal lands are found throughout California.
- Tribal governments provide basic infrastructure, including roads and bridges, as well as a broad range of governmental services on tribal lands.

Tribal Sovereignty

- During the pre-contact period, Native American people lived in organized societies with their own forms of government.
- Native American tribes are sovereign nations, which means they have the right to make their own laws and be governed by them.
- Federal recognition is formal acknowledgement by the United States federal government of sovereignty and of the political status of that tribe as a government. The federal government has a special trust relationship with federally recognized tribes and has responsibilities toward tribes.
- The process of obtaining federal recognition is long, complex, and extremely stringent. As a result, there are also unrecognized tribes that are organized and culturally active but do not have federal recognition. Many are currently seeking recognition.
- Self-governance allows Native American tribes to protect their unique cultures and identities and to remain viable as distinct groups of people.
- Although tribal governments have the responsibility to provide basic services to their members, including transportation services, some tribes do not have the means or resources to do so.
- The State of California does not have civil regulatory authority over tribal lands.
- Tribal governments possess sovereign immunity. Sovereign immunity allows tribal governments to carry out their governmental duties while being shielded from lawsuits challenging their actions or decisions. This means they cannot be sued without their consent or congressional authorization.



Young Pomo Woman Proudly Dressed in Traditional Regalia

Tribal Lands

Before European settlement, Native American tribal communities inhabited all of California. This land contains their sacred sites, gathering sites, and other traditionally significant places and resources. As a result of the historical trauma due to European expansion, many tribes were left with a fraction of their ancestral lands. To preserve their land base and exercise more control, federally recognized tribes have generally opted to have their lands placed in trust, which means that cities and counties cannot tax their land or exercise regulatory control over those lands, such as zoning regulations. Reservations are federally designated lands that the federal government has taken into trust for tribes. Rancherias are another name for reservations for some California tribes.

Tribes can make decisions on those lands based on their sovereign authority and can regulate taxes and behavior of tribal members on those lands. Many tribes also have lands that have not been placed in trust. Finally, some tribes do not have a land base but are seeking to acquire one.



Performer at 2014 Native American Day Celebration

Federal Laws Applicable to Indian Tribes

Here are some of the most important federal laws relevant to Indian Tribes:

- **US Supreme Court Rulings**—The U.S. Supreme Court is the final arbiter of disputes and constitutional questions. Litigation involving tribal jurisdiction, treaty rights and federal laws applicable to tribes are generally heard in the federal courts.
- **Indian Reorganization Act (IRA) of 1934**—The act curtailed allotment of tribal communal lands to individuals and provided for the return of surplus lands to the tribes rather than to homesteaders. It promoted tribal constitutions and governments.
- **Public Law 280 (P.L. 280)** - Public Law 280 mandated that certain states including California would be responsible for criminal jurisdiction over tribal lands replacing federal criminal jurisdiction. Tribes have concurrent criminal jurisdiction over tribal members for crimes committed on their tribal lands and now over non-Indians committing qualifying domestic violence misdemeanors pursuant to the Violence Against Women Act.
- **Executive Order 13175 (2000)** requires federal agencies to engage in consultation with Indian tribes whenever an action will affect them.
- **The latest federal transportation legislation, Moving Ahead for Progress in the 21st Century Act (MAP-21)**, mandates that state and regional agencies consult with Indian Tribes on plans and projects that impact tribal communities. MAP-21 sets forth the Tribal Transportation Program which provides funding to tribes for transportation planning, construction and maintenance including a set aside for safety projects.

National Historic Preservation Act, Section 106 Planning

Tribal cultures and traditions provide the foundation for Native American communities. Land is of great cultural and spiritual significance to Native Americans.

- There are several laws that are designed to protect tribal sacred sites including Native American Graves Protection and Repatriation Act (NAGPRA), National Historic Preservation Act (NHPA), and American Indian Religious Freedom Act (AIRFA). Section 106 of the National Historic Preservation Act (NHPA) requires consultation with tribes regarding projects or activities that may impact tribal cultural resources.
- Cultural resources are present in tribal ancestral lands, not just tribal trust lands.
- Section 106 applies when federal funds are used, which includes most Caltrans-constructed projects.
- Caltrans works with the State Historic Preservation Officer in the California State Parks' Office of Historic Preservation on Section 106 Compliance.
- Caltrans Division of Environmental Assessment's Cultural Studies Office coordinates with Caltrans HQ and district functional units to oversee Section 106 compliance efforts within Caltrans.



Child in Traditional Regalia at 2006 Native American Day



Indian Grinding Rock State Park

AB 52 (2014)

- AB 52 establishes new consultation procedures with California Native American tribes, and provides that an adverse change to a tribal cultural resource is a significant impact under CEQA.
- Lead agencies under CEQA must work with Native American tribes on avoiding or mitigating impacts to these cultural resources.
- Because it is a new law, guidelines are being written to implement it.



Young Women in Traditional Regalia at 2009 Native American Day



Flag Bearer for Cortina Rancheria at 2013 Native American Day

California Policies Regarding Native Americans

- Governor’s [Executive Order B-10-11](#) directs State agencies to work with tribal governments on developing policies that affect them and also allow them meaningful opportunities to give input on those matters.
- California State Transportation Agency (CalSTA) [Tribal Consultation Policy](#) says that all departments under CalSTA must engage in consultation with California tribes under the principles of collaboration, communication, education, process, and timely notice.
- Caltrans [Director’s Policy 19 “Working with Native American Communities”](#) directs that all Caltrans employees will conduct good-faith relations with tribes and will act in a “knowledgeable, sensitive and respectful manner.”
- Caltrans [Deputy Directive-74-R2 “Tribal Employment Rights Ordinances \(TERO\)”](#) establishes guidelines for implementing TEROs for projects on tribal lands. Memorandums of Understanding (MOUs) between Caltrans and tribes cover TERO fees to support tribal employment programs and Indian hiring preference for those projects.



Desert Cahuilla Woman ca. 1926
Edwin S. Curtis Collection
Northwestern University



Color Guard and Flag Procession at 2013 Native American Day

Consultation

In addition to Caltrans' policies and directives, state and federal law requires consultation with Native American tribes throughout every phase of a project, including planning. In order to achieve meaningful and successful consultation it's imperative to understand and respect Tribal sovereignty. All Caltrans employees are expected to keep this in mind as they work with our Tribal partners. The following are some suggestions for effective consultation:

- Caltrans and tribes can only come to agreements by working together.
- Caltrans is required by federal and state laws to engage, consult, and coordinate with tribes early and often.
 - To engage is to develop and maintain a working relationship with the tribe.
 - To consult is to seek advice from the tribe prior to making decisions for resolution and better understanding.
 - To coordinate is to work together with a tribe for a common purpose.

Why are engagement, consultation, and coordination important?

- When Caltrans works in good faith with tribes, it can build projects faster, face less opposition, better serve their communities, and show respect for tribal governments' sovereignty.
- Tribal communities are often economically or socially disadvantaged, and consultation takes their unique needs into account. It's the right thing to do, too.



Traditional Cultural Item at 2009 Native American Day



Color Guard at 2013 Native American Day



Color Guard at 2013 Native American Day

TERO

Federal policy has encouraged preferential hiring for Indians in Indian Country. A tribal council can adopt a Tribal Employment Rights Ordinance (TERO). A TERO seeks to reduce the high unemployment that is present in many tribal communities. The ordinance can cover such issues as Indian hiring preference on projects on their trust lands, fees to be paid by employers on tribal lands to support tribal employment programs, and dispute resolution provisions. The TERO is adopted by the tribal council and is implemented by a TERO office. Caltrans is working under DD-74-R2 (see page 5) to implement this policy by working with tribal governments and functional units of Caltrans.



Indian Grinding Rock State Park

Did you *also* know?...

- Native American tribes are engaged in a variety of economic activities. These tribal enterprises include tourism, outdoor recreation, lumber, minerals, hospitality, business services.
- Some of California's most famous tourist locations have a strong connection with Native Americans. For example, Alcatraz Island was the site of protests during the 1960s and 1970s that brought attention to the plight of Native Americans. (Source: National Park Service)
- 61 federally-recognized tribes (56%) are within California Metropolitan Planning Organization (MPO) areas. Also, 58 (53%) of federally-recognized tribes are within Regional Transportation Planning Agency (RTPA) areas.
- Tribes are located throughout California. Ten of twelve Caltrans Districts have federally-recognized tribes.
- One-third of tribal lands intersect the California State Highway System (SHS). Three-quarters are within two miles of the SHS. And 88% of tribal lands are within five miles of the SHS.



Attendees in Traditional Regalia at
2014 Native American Day



Honored Elders at 2014 Native American Day

Native American Advisory Committee (NAAC)

The NAAC was established in 1996 to advise Caltrans on California Native American issues. Members are nominated by tribes throughout the state, with five each from Northern, Central, and Southern California. There are also three Representatives from intertribal organizations. The

NAAC meets every quarter with high-level Caltrans management to discuss current issues and provide guidance. NAAC members have offered invaluable advice on projects and policies to the Director and the Department. For more information, please see the NAAC website at http://dot.ca.gov/hq/tpp/offices/ocp/nalb/naac_page.html

Successful Partnerships with California Tribes

Caltrans strives to work effectively with California tribes to provide innovative transportation solutions. Successful projects are only possible through the engagement, consultation, and coordination with tribal governments. They provide significant benefits to tribal members and to the general public. Here are a few examples of the many projects:

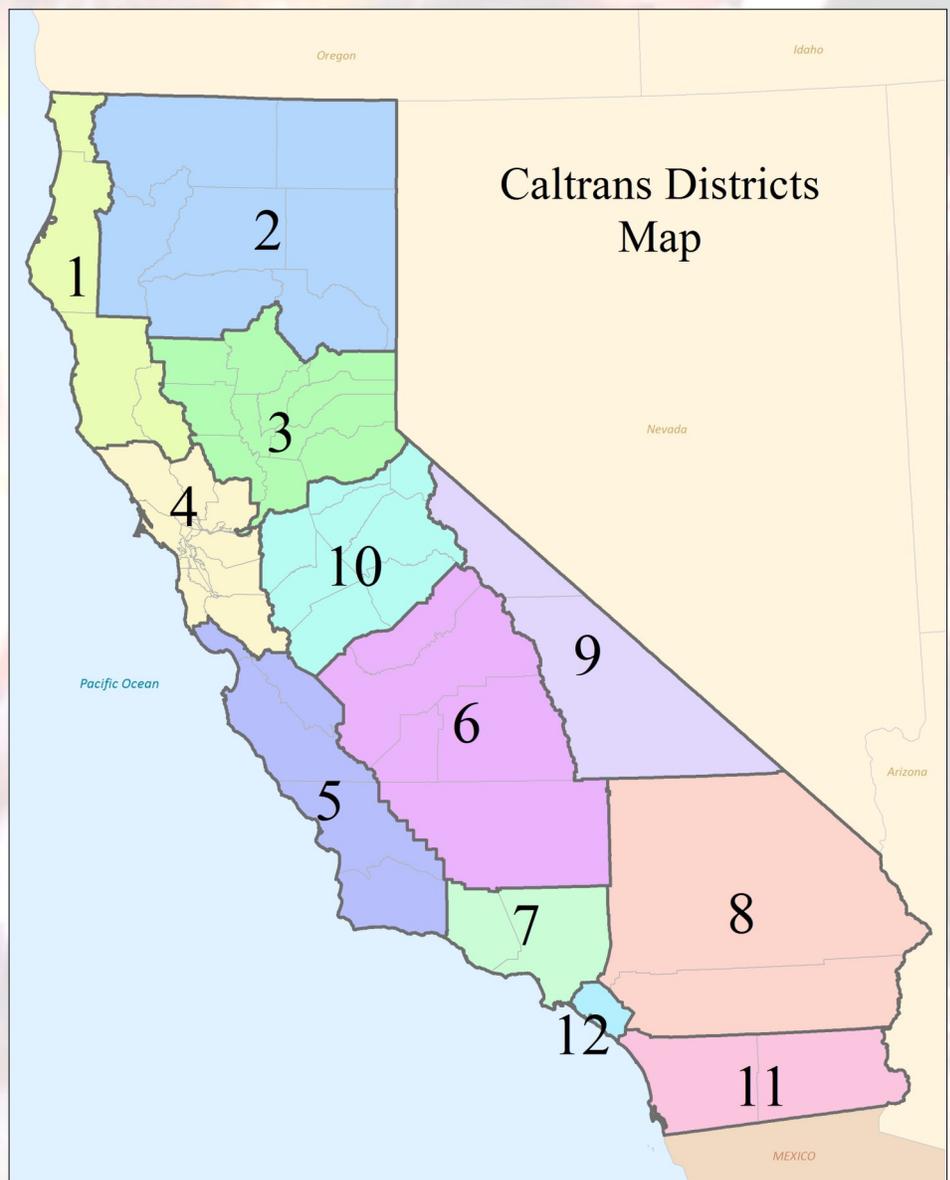
- On State Route (SR) 186 in Imperial County, Caltrans is working with the Quechan Tribe to build a walking path for safe pedestrian travel to the border crossing. This walking path will have tribal landscaping and cultural elements as well as shade for the elderly.
- In 2007 Caltrans District 11 partnered with the Reservation Transportation Authority, a consortium of 16 tribes, to conduct a corridor study of SR 76 in San Diego County.
- District 6 is working with the Tule River Tribe to include tribal participation and designs on a roundabout at State Route 190 and County Road 284.



Tribal Flags at 2013 Native American Day

District Native American Liaisons (DNALs)

- DNALs are Caltrans employees who conduct the day-to-day communications and relations with tribal governments.
- DNALs actively engage in consultation, meetings, communication, and coordination with tribal communities. They are often engaged in developing general and TERO MOUs with the tribes.
- As one DNAL stated, they serve as “ambassadors to sovereign governments.” To many tribal governments, DNALs are the face of Caltrans.
- Some districts have more than one DNAL to help coordinate and support complex planning and projects.
- DNALs attend NAAC meetings, meet with tribal government officials, attend tribal council meetings when appropriate, and engage with tribes. They often initiate contact with tribes about an issue on behalf of Caltrans.
- DNALs assist district staff in their efforts to establish good working relationships with the Native American community.



Dist.	Liaison
1	Jaime Hostler
2	Kendee Vance
3	Gary Arnold
4	Blesilda Gebreyesus
4	Kang Tang
5	Larry Newland
6	Marta Frausto
8	Lorna Foster
9	Brandon Fitt
10	Maria L. Rodriguez
11	Chi Vargas



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