

**Native American Advisory Committee  
Quarterly Meeting Minutes  
Woodland, California  
February 29, 2012**

**Welcome and Introductions:** Chairman Joseph Myers opened the meeting at 9:10 AM with a prayer. He welcomed the Native American Advisory Committee (NAAC) members and participants.

**Roll:** Kimberly Johnston-Dodds, Native American Liaison Branch (NALB) took roll call.

**Adopt Agenda:** The Agenda was adopted for the February 2012 meeting.

**Approved Minutes:** Bo Mazzetti moved to approve the November 2011 meeting minutes. Stacy Dixon seconded the motion, and the minutes were approved.

**Members in Attendance:** Joseph Myers, National Indian Justice Center; Bo Mazzetti, Rincon Band of Luiseño Indians; Stacy Dixon, Susanville Indian Rancheria; Lorenda Sanchez, California Manpower Consortium, Inc.; Sandi Tripp, Karuk Tribe of California; Connie Reitman-Solas, InterTribal Council of California, Inc.; Chris Howard, Elk Valley Rancheria; Valerie Stanley, Sherwood Valley Rancheria; Glenda Nelson, Enterprise Rancheria; Luther Salgado Sr., Cahuilla Band of Indians; Paul Irwin, North Fork Rancheria; Shirley Laos, Trinidad Rancheria (Alternate); Rachelle Sullivan, Smith River Rancheria (Alternate); Dore Bietz, Tuolumne Band of Me-Wuk Indians.

**Director's Representatives in Attendance:** Martin Tuttle, Deputy Director; Shirley Choate, Acting Chief, Division of Transportation Planning; Alyssa Begley, Chief, Office of Community Planning; Lonora Graves, Branch Chief, Native American Liaison Branch.

**Others in Attendance:** Darrell Moorehead, Smith River Rancheria; Isaac Kinney, Yurok Tribe; Mervin Hess, Timbisha Shoshone Tribe; Steve Wilkie, BIA; Ryan Morris, BIA; Christy Cottonwood, BIA; Kendee Vance, Caltrans District 2; Chad Riding, Caltrans District 3; Richard Olson, Caltrans District 3; Blesilda Gebreyesus, Caltrans District 4; Kang Tang, Caltrans District 4; Maria Rodriguez, Caltrans District 10; Gus Silva, Caltrans District 11; Kimberly Johnston-Dodds, Caltrans NALB; Tony Snow, Caltrans NALB; Don Farrimond, Caltrans DOTP; Annmarie Medin, Caltrans Environmental; Tina Biorn, Caltrans Environmental.

**Agenda Items:**

1. **Welcome and Introductions.** Marty gave an update on Caltrans activities, thanked the Interim Planning Division Chief, Shirley Choate, and announced that interviews for the DOTP division chief took place yesterday. Announcement of the new Division Chief should be made by mid month. Though there is not yet a new Caltrans director, there is now an Acting Secretary for Business Transportation and Housing. It is likely that this person will also be secretary of the new Transportation Agency (CHP, CT, DMT, CTC, HSR) if that is finalized. The recommendation needs to go through the legislature, but the name will be released soon.

The internal Caltrans program review was discussed: Caltrans is doing an assessment of what we, can do to be more efficient. A program review draft report is going to be produced by March and forwarded for review. Laurie Berman is heading up this effort.

2. **Legislative Update.** Last Friday was the deadline for the placeholder bills to be introduced into the legislature. Chesbro introduced AB 2092, which will amend the language in the government code so that instead of saying that state agencies are encouraged to work with tribal governments, it will say that the tribal government advisor will work on a consultation policy that state agencies will be required to comply with. There was discussion about the origin of this bill and how this will impact the Governor's Executive Order that created the Tribal Advisor position. The other bills mentioned were just placeholder bills that we will track.
3. **Contracting with Tribes.** A coalition of Tribal members met with Caltrans a couple of months ago to try to get clear language on how a Tribe can contract with Caltrans. Proposed bill language was prepared and submitted by the Tribes. The member who was considering sponsoring the bill decided not to move forward because it did not appear that State agencies were prohibited from working with Tribes. A question was raised about whether the extension of Joint Powers Authority to Tribal Governments (SB-307) would have an impact on how the State moved forward in this case. The problem appears to be that in some cases, Tribes are not defined as public entities. There was discussion about the source of this opinion, and a request was made that if there is a legislative council opinion stating that State agencies can contract with tribes, that a copy be given to Caltrans so that we can try to use that to move the issue forward internally.

Discussion on JPA followed: since the changes to the JPA definition gives Tribes ability to be a part of the local transportation commission meetings, a NAAC member asked how a Tribe participates on a committee. Joe suggested requesting it of the agency. Chris Howard gave an example of Smith River recently joining the JPA in Del Norte County. The questions of sovereignty and limited waivers were discussed in relation to contracting. It was suggested that a lack of understanding by agencies of sovereignty, distance from the issues, and a tendency to look at concerns solely through a legal point of view often makes cooperation more difficult. The issue was tabled temporarily with a suggestion of the NAAC consider the possibility of collectively writing a letter expressing the concerns on sovereignty to the Director.

4. **Reauthorization.** Don Farrimond gave an overview of the surface transportation program, reviewed some of the legislation and acts relative to the federal transportation system, and explained how it has evolved over time. He discussed how the Highway Trust Fund was established in 1956, and how it is running out of money. Don also reviewed some of the provisions of the Senate Bill, Moving Ahead for Progress in the 21st Century (MAP-21) and the House Bill, The American Energy and Infrastructure Jobs Act, both of which are still being discussed. Don mentioned that Caltrans DOTP and NALB analyzed these bills and have found some challenges in both bills. A question was asked about why the funding is running out, and Don explained that the system is supposed to be funded by the equivalent of a "user fee," and one challenge is that fuel efficiency has led to decreased gas tax revenue. A new revenue source is needed, and raising the gas tax is not a popular option. Other possibilities are being explored to help resolve this problem.

Discussion took place on how under the tribal transportation program provisions of HR-7 and MAP-21, a few tribes in California will benefit, but the majority will lose. There were specific concerns about the changes to the funding formula, the elimination of the bridge program and High Priority Projects program, and the changes to the scenic byways program. A question was asked about how the tribal issues have been moved forward. Bo sent several letters and Senator Boxer's office has not responded. The division of transportation planning and NALB have also analyzed the bills and made recommendations, but these have had limited circulation. A recommendation was made that the NAAC move forward with a collective voice on reauthorization, share their concerns with the Caltrans Director, and recommend that Caltrans move these concerns forward as appropriate. Sandi said the Karuk tribe and a few larger Tribes in Northern CA will benefit from MAP-21 tribal transportation funding formula, but they'd also lose a lot of important programs. They see that in whole Tribal transportation funds need to be increased for all tribes, and California needs to speak with a unified voice.

Bo Mazzetti moved that the NAAC support the maintenance and extension of SAFETEA-LU. He further moved that a letter be prepared expressing the concerns of the tribes and recommending to the CT Director that the tribes, as represented by the NAAC, want to extend SAFETEA-LU. Chris Howard seconded the motion. The NAAC discussed the issue and added that in addition to going to Caltrans, the letter also needs to be sent to the Governor's office and to the Tribes in the State. The NAAC passed this motion with Sandi Tripp abstaining. This letter will be prepared for Joe Myer's signature by Friday.

- 5. Indian Reservation Roads Program Coordinating Committee.** Shirley Laos gave an update on the IRR PCC meeting that took place in Sacramento February 28-March 1, 2012. The PCC was created under SAFETEA-LU and the committee provides input and recommendations to BIA and FHWA in developing IRR Program policies and procedures. The group tries to meet in different regions so that tribes in those regions have opportunities to attend the meetings and state their positions on various items.

Question 10 was one of the items the committee worked on, and the discussions are still going on because there needs to be committee agreement for things to pass. Reauthorization was also discussed, and there were mixed feelings about MAP-21 and H.R. 7. Bo Mazzetti said he spoke with the Alaskan delegation and they too are planning to endorse retention of SAFETEA-LU tribal transportation provisions. Shirley said there was a good turnout for this meeting, and there was a lot of public comment. The meeting was still going on at the time of the NAAC, so a final update will need to be provided later.

- 6. Bureau of Indian affairs.** Steve Willkie was introduced and he shared some of his plans for the IRR program in the BIA Pacific Region Office including a desire to enhance the government-to-government relationship with the tribes. He plans to work with NALB, to stay in touch, and to meet on a monthly basis. BIA is also going to develop their ability to be better liaisons and to communicate with and to work in partnership with the Tribes, the State, and the Counties to better coordinate transportation priorities. The Pacific Region Office is currently working with some student assistants who are there to assist Tribes in gathering documents, compiling strip maps, and collecting other data required for the IRR inventory update.

Steve Willkie also mentioned that the maintenance program is underfunded, BIA owned roads in California get less than \$300 per mile for maintenance, and the lack of ability to maintain roads could lead to loss of pavement. Sandi Tripp asked about BIA's strategy for increasing funding for maintenance, and Steve stated the fastest way to make an impact to the system is to update the cost to construct numbers because they are currently working with an estimate of \$95,000 per mile for gravel and pavement. Bo Mazzetti suggested that Caltrans cost to construct numbers can be used in this case (along with some additional documentation). BIA is going to work with the District 11 Native American Liaison to try to obtain the Caltrans numbers and to get this information updated. Finally, the NAAC encouraged BIA to stay engaged on a statewide level and to maintain the connection with the Tribes, Caltrans, the NAAC, and other relevant forums because these conversations allow for partnership and mutual support. Steve said that he plans to be at all of the upcoming NAAC meetings.

7. **Tribal Technical Assistance Program (TTAP) CA/NV.** Kelly Myers will prepare a written report and send it to the NAAC members.
8. **Tribal Employment Rights Ordinance.** Kimberly Johnston-Dodds reviewed the updated TERO guidance calling special attention to the acknowledgements page and expressing appreciation for the more than 43 people who worked on moving the policy into a reality on a local level; this included Director Cindy McKim, Caltrans management, district liaisons, and Tribal leadership, all of whom worked collaboratively to define the details for implementation. While the guidance is not finished yet, we're well on our way. Kim reviewed some of the information that has changed since the last NAAC meeting and let the committee know that the draft will be made available on the NALB webpage.

Kim also mentioned the TERO education that took place during a Pacific Northwest TERO meeting where the Caltrans policy and the process was explained. A "TERO 101" workshop will be taking place on March 7 at Smith River Rancheria. The purpose of this training is to provide a chance for all the players, Tribal and Caltrans, to come together and gain a common understanding of the policy and of how it will be implemented. Bo was asked to have the same kind of training in Southern California as well and volunteered to host the workshop because creating a common understanding of the goal is an important starting point.

The entire NAAC celebrated all the hard work that Kim did in preparing the TERO guidance and in her time with Caltrans, and she was presented a token of appreciation.

9. **Governor's Tribal Advisor Appointment.** Cynthia Gomez was selected as the Native American advisor to the governor. Friday she will be sworn in and will hit the ground running Monday, March 5. Cynthia will be invited to the next NAAC Meeting.

The meeting was adjourned at 12:10 pm