

**Native American Advisory Committee
Quarterly Meeting Minutes
Woodland, California
May 28, 2014**

Welcome and Introductions: Chairman Joseph Myers opened the meeting at 9:05 AM with a prayer. He welcomed the Native American Advisory Committee (NAAC) members and participants.

Roll: Lonora Graves, Native American Liaison Branch (NALB) took roll call.

Adopt Agenda: The Agenda was adopted for the March 2014 meeting.

Approved Minutes:

NAAC Members in Attendance: Joseph Myers, National Indian Justice Center; Adam Geisler, La Jolla Band of Luiseno Indians; Isaac Kinney, Yurok Tribe; Aaron Brazzanovich, Jr., Susanville Indian Rancheria; Larry Forst, Jackson Rancheria; Anthony Duncan, Robinson Rancheria; Margaret Park, Agua Caliente Band of Cahuilla Indians; Virgil Perez, I'Pay Nation of Santa Ysabel; Russ Crabtree, Smith River Rancheria (Alt); Paul Irwin, North Fork Rancheria of Mono, Sandi Tripp, Karuk Tribe, Leslie Sanders; Trinidad Rancheria (Alt); Dave Nenna, Tule River (Alt)

Caltrans Director's Representatives in Attendance: Malcolm Dougherty, Director; Kome Ajise, Deputy Director; Katie Benouar, Chief, Division of Transportation Planning; Alyssa Begley, Chief, Office of Community Planning; Lonora Graves, Branch Chief, Native American Liaison Branch; Carol Farris, Deputy Secretary California State Transportation Agency (CalSTA);

Others in Attendance: Heather Hostler, Assistant to the Tribal Advisor, Steve Rhoades, Pit River Tribe; Terry Supahan; Sarah Allred, High Speed Rail Authority; Vince Mammano, FHWA; Jack Lord, FHWA, Shawn Oliver, FHWA; Cheng Yan, FHWA; John Mason, CA High Speed Rail; Kang Tang, Caltrans District 4; Marta Frausto, Caltrans District 6; Gustaf Silva, Caltrans District 11; Kendee Vance Caltrans District 2; Lorna Foster, Caltrans District 8; Maria Rodriguez, District 10; Blesilda Gebreyesus, Caltrans District 4; Kathleen Sartorius, Caltrans District 1; Tina Biorn, Caltrans Office of Cultural Studies; Lauren Prehoda, Caltrans HQ Legislative Affairs; Kelly Hobbs, Caltrans Environmental; Anmarie Medin, Cultural Studies Office; Bruce DeTerra, Caltrans Freight and Goods Movement; Joan Sollenberger; Caltrans Traffic Operations; Gary Slater, Caltrans District 8 Director of Planning; Tim Hart, Caltrans Traffic Operations; Tom Schriber, Caltrans Traffic Operations; Ursela Stuter, Caltrans Traffic Operations; Bennie Lee, Caltrans Office of Community Planning/Native American Liaison Branch

Agenda Items:

- 1. Greetings from the Caltrans Director.** At the last NAAC Meeting a tribal consensus letter on reauthorization, about issues that are relevant to the California Tribes and Caltrans, was discussed. Malcolm received the resolution on the Tribal Transportation Reauthorization Principles, and he has signed off on the resolution agreeing that Caltrans will promote these principles in areas where Caltrans and tribal objectives agree as the Department has discussions about reauthorization. Caltrans continues to work to prepare comments to FHWA on the MAP-21 Rulemaking, and Malcolm reiterated MAP-21 Rulemaking is something to be mindful of because when the rules are finalized, they are likely to set the tone and details for policy for the foreseeable future. The timeline for MAP-21 Rulemaking continues to evolve with deadlines extensions. Malcolm referenced GROW America, which is a new proposed bill to provide transportation funding. MAP-21 will expire at the end of September, at about the same time the Highway Trust Fund is due to run out of funding, which will impact the federal funding that California receives.

Malcolm also shared that Caltrans has new mission and vision statements that are intended to be more descriptive than Caltrans' previous mission statement which was focused on improving mobility across California. That mobility focus is still reflected in Caltrans' new goals, but the revised Department mission, to "provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability" and vision, "A performance-driven, transparent and accountable organization that values its people, resources and partners, and meets new challenges through leadership, innovation and teamwork," better reflect Caltrans vision. Over the last 18 months there has been a top down program review of Caltrans' processes, programs, and organizational structure to determine where efficiencies can be made. Also, the State Smart Transportation Initiative (SSTI) Assessment examined and gave Caltrans an external perspective of its processes. Both efforts resulted in reports that offer up quite a few recommendations. Five workgroups have been formed to follow up and address the recommendations stated in the SSTI Report. Some recommendations can be achieved in the near future, but some recommendations may take longer to address. The SSTI report document can be found on Caltrans website www.dot.ca.gov.

Caltrans has endorsed the National Association City Transportation Officials (NACTO) Urban Street Design Guidelines. This is a progressive guide for designing safer streets for all users, including pedestrians and bikes, and Caltrans has incorporated some of the principles outlined into the Highway Design Manual. This was done as part of Caltrans' ongoing effort to integrate a multimodal and flexible approach to transportation planning and design and to provide Californians with more transportation choices.

The deadline for the first call for projects for the Active Transportation Program (ATP) was May 21, 2014; there has been a significant response/ submission of applications, which are still in the process of being reviewed. Adam Geisler mentioned that the La Jolla Band of Luiseño Indians had some concerns regarding the development of the Active Transportation Program (ATP) Guidelines that were adopted by the California Transportation Commission (CTC). They submitted a letter to Andre Bustro and Secretary Brian Kelly on this issue suggesting that tribal consultation should have been conducted by the CTC, but there was a breakdown and it

did not happen. The NAAC asked if there are any Tribal Members on the working committee or in the higher level of State Government or if there was another way to voice Tribes' concerns on issues like this with CTC or other departments under CalSTA.

Malcolm stated that Caltrans does not act on the CTC's behalf (or vice versa). CTC has a responsibility to set transportation policy and allocate funds, and CTC should have an obligation to have some degree of consultation with the tribes. Malcolm said he is willing to work with Secretary Kelly to discuss representation and proper interaction with the Native American Tribes, and he is going to see if the California Transportation Improvement Program (CTIP) has Tribal representatives on the committee because that is where the policy discussion occurs. There was additional discussion by the NAAC about the need to do some education with CTC and to ensure that the commission understands the need to work with CA tribes and adheres to a tribal consultation policy. Heather Hostler suggested that the Governor's office could work with the CTC to develop a consultation policy similar to those of other Commissions in the State.

Isaac Kinney commended Caltrans District 1 for listening to Yurok Tribe concerns regarding HWY 96, Caltrans acted proactively and promptly on adding signage to help identify Tribe specific interest points.

2. **Caltrans Update.** Kome gave updates on the CA Freight Mobility Plan which is being drafted and for which public meetings are being held statewide. There is a Native American component to the Freight Plan that Adam and Isaac have been involved with by way of their participation in the Policy Advisory Commission. The California Transportation Plan 2040 Statewide Tribal Listening Session transcripts have been posted online on the Caltrans website, (http://www.dot.ca.gov/hq/tpp/californiatransportationplan2040/native_american_tribal.html), and feedback is welcome. There was some discussion regarding the desire to follow up with the CTP planning team, and this item will be placed on the agenda for the next NAAC Meeting. Bruce DeTerra mentioned that tribal consultation letters have been sent out for the California Freight Mobility Plan from the Caltrans District Directors and tribes should be receiving them soon, if they haven't received them already.
3. **Tribal Advisory to the Governor.** Heather Hostler updated the NAAC on the activity in the Governor's Tribal Advisor Office; Cynthia Gomez could not attend due to a Drought Task Force Committee Meeting. The focus of their work has been on the drought crisis and on tribal engagement. Heather shared that they hold conference calls on a monthly basis to keep the tribes informed of important information like funding availability, fire issues, and drinking water systems concerns. The Governor's Office is working with Indian Health Services to try to better coordinate their efforts with those taking place at the State and Federal levels and is assisting California Health and Human Services Agency (CHHS) in the development of their consultation policy. CHHS held their initial consultation session third week of March. A NAAC member asked if there was an email broadcast notifying Tribes of the webinar and if so who sent out the email. Heather stated that an email was sent from the Tribal Advisor Office in coordination with BIA (Lonora Lam) to Tribal Leaders. There was some discussion on ensuring information reached appropriate parties.

- 4. Amended Section 106/Programmatic Agreement.** Kelly Hobbs, from Caltrans Environmental Analysis Cultural Resource Division, gave a presentation on the revised Section 106/ Programmatic Agreement Process. FHWA plays a facilitation role, but Caltrans was delegated responsibility for a decision role. When a decision cannot be made at the state project level, FHWA steps in and helps facilitate a decision

Anmarie Medin, Caltrans Environmental Analysis Cultural Resource Division, announced that Caltrans will be holding a Tribal Section 106/Programmatic Agreement Workshop on July 10, 2014. FHWA is hosting the workshop at their Downtown Sacramento Headquarters building, and Western Tribal Technical Assistance Program (W/TTAP) is assisting with the session enrollment. They recently sent out a broadcast email that NAAC members and tribes in the state should have received.

- 5. Notice of Proposed Rulemaking: Caltrans Comment Letters for HSIP and Performance Measures Proposed Rule.** Lauren Prehoda updated the NAAC on Caltrans efforts to provide coordinated comments on FHWA's Notice of Proposed Rule Making (NPRM) for HSIP and Performance Measures as amended by MAP-21. The comment period for the first two NPRMs was extended from to June 30. Caltrans will delay submitting comment letters for the first two rulemaking measures to allow time for additional commenting now that that State, Metropolitan, and Non-Metropolitan Planning NPRM has been published.

Lauren reiterated that rulemaking is the process of developing regulations, and the comment period is part of this process. Caltrans encourages everyone to provide comments on the NPRMs to FHWA. Caltrans will be submitting a comment letters from the state perspective. Because there are many different perspectives that need to be voiced to FHWA, all comments, suggestions, recommendations, and alternatives should be voiced in individual letters.

Representatives from Caltrans Division of Traffic Operations have been working with NALB to ensure the public is aware of the HSIP and Safety Performance Measures NPRMs, to get input for consideration as Caltrans drafts our own comment letters, and to encourage the public to submit comments of their own directly to U.S. DOT. Tim Hart, Caltrans Traffic Ops, was key in compiling these comments. He reviewed a few key concerns including figuring out how the performance measures and targets will tie into the Highway Safety Improvement program, and how all public roads can be accounted for when accident data is a challenge. Tim reviewed some of the concerns that were raised during the Tribal Conference Call for these NPRMs, and Lonora acknowledged the work that was done by Traffic Operations to ensure that the majority of the issues raised during that call were reflected in Caltrans comment letters to FHWA.

- 6. Federal Highway Administration (FHWA) Update.** Vince Mammano, FHWA California Division Administrator, provided general updates on the Highway Trust Fund, on MAP-21, and on the administration's proposal for the next transportation authorization bill, Generating Renewal, Opportunity, and Work with Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America (GROW America). MAP-21 is due to expire at end of September 2014. GROW America is a \$302 billion program over a 4 year period and is expected to help fund the highway trust fund up to \$150 billion. Adam Geisler

wanted to know if there is a sponsor for GROW America, like Barbara Boxer was (the sponsor) for MAP-21. Vince could not respond due to job confidentiality.

Jack Lord reported when the NPRM for State, MPO, and Non-MPO Planning will soon be out for review, and mentioned that it might be worthwhile for the Tribes to take a close look at consultation as defined in this NPRM, identify areas that Tribal Consultation is called for or needs to be enhanced or modified, and comment on the NPRM because that is where change to consultation will take place. The rules determine how agencies will act in the future.

Jack also reported that FHWA and Caltrans are in the process of developing technical assistance, educational workshop/Tribal transportation summit, with a delivery timeframe of 2015 or 2016. Currently, CT and FHWA are in the information-gathering phase, but will be working toward the 2016 deadline.

- 7. Western Tribal Technical Assistance Program (TTAP) Update.** Joe Myers provided a brief update on Western TTAP activities, and directed the NAAC to resources on the web and in the Newsletter that they can review for additional information. Joe reported that the Road Safety Audits training module and resources are available on the NIJC website, and he shared information on the Annual Conference on Tribal Transportation which will take place September 22-25, 2014 in Anchorage AK.

- 8. California High Speed Rail (HSR) Authority Update.** Sarah Allred, the designated Tribal Liaison for CA High Speed Rail Authority spoke briefly on her area of primary responsibility: coordinating with tribes on cultural resources, environmental review, and project delivery-related concerns for the HSR project. Fostering awareness in tribal communities so there can be coordination early in process is one of HSR's main goals. There will be nine sections of HSR statewide. The entire project will be constructed in phases with construction of the first phase, Fresno to Bakersfield, beginning later this year. Construction phases are bid for each environmental review section, so each segment requires an environmental analysis. Sarah is starting tribal outreach early for the Southern California phases: Palmdale to Los Angeles and Bakersfield to Palmdale. HSR is trying to identify alternatives to carry forward, and this is where Tribal input regarding concerns for cultural resources is important. Alignment on these project phases has not been set, and there is still some leeway on the alignment decision.

John Mason from HSR presented information on station area planning and early investments. Initial operating service will be from Merced to Palmdale, HSR is working with seven communities on station area planning: Gilroy, San Jose, Fresno, Palmdale, Merced, Bakersfield, and Hanford. There are two forms of station area planning: the environmental phase planning that contains design and construction, and station area planning which HSR is charged to do with the agreement with FRA. HSR has to work with entities within a half-mile to a mile radius of a proposed HSR station. Station planning money, currently funded at \$4million, is not for station design. It's for planning and land use purposes. HSR is trying to identify the needs and concerns of potentially impacted Native American Communities as they relate to station area planning. The City of Fresno is the lead agency for the first phase of HSR station planning, and Fresno will be holding public outreach sessions.

9. **Caltrans Legislative Update.** Bennie Lee reported that Assembly Joint Resolution (AJR) 42, Indigenous Peoples: Declaration of Rights, is in its third reading. He also reported on AB-52 (Native Americans: California Environmental Quality Act), SB 1368 (State Highways: Relinquishment), SB990 (Transportation Funds: Disadvantaged Small Communities).
10. **Strategic Highway Safety Plan.** An update on the Strategic Highway Safety Plan (SHSP) progress was given. Traffic Operations' approach to the SHSP is to see how the plan fits into other transportation plans, and to piggyback on other public outreach sessions related to Caltrans plans, like the CTP 2040.

The process has begun to select a consultant to help draft the SHSP. Work on this plan is projected to start in June and a SHSP draft is scheduled to be complete by mid December 2014. SHSP leads Joan Sollenberger and Ursula Stuter welcome invitations to tribal meetings to engage the tribal community's ideas/concerns. One of the issues related to updating the SHSP is related to available data. Traffic Accident Data varies from database systems especially on tribal roads. Joan presented a pie chart showing that the bulk of the severe accidents occur on local public roads, but that data does not include all the tribal roads according to the data from SWTRS.

The SHSP involves thirteen different California State Agencies which evolved into a committee in 2006. MAP-21 mentions Tribes and consultation for the first time in the SHSP. Baseline performance standards need to be established to accurately assess situations, data gaps, and severity of accidents because there are many different variations. Joan stated performance standards may have to be based on a regional basis versus statewide as other states have done.

Joan asked a question: in what way can data collection improve to get a better picture of what is happening on tribal roads (a Western TTAP article addressed these data gap issues on Tribal roads). Caltrans Division of Traffic Operations would like to have dialogue with Tribal Communities related to safety and transportation and data gap issue and to work with tribes that have safety plans so that these can be taken into consideration as the SHSP is developed. Joan mentioned that some Tribes have received grants to develop a safety plan and shared a chart showing some of this activity.

The Southern California Tribal Chairman's Association and the North Coast Tribal Transportation Committee were mentioned as resources or opportunities to share information as the SHSP is developed, and NAAC members stated that Northern California is developing an Association too. There was discussion about the need to have one unified system/reporting database for Tribal Communities to input traffic/transportation data.

11. **Tribal Transportation Program Coordinating Committee (TTP CC).** Leslie Saunders, who attended for Jacque, distributed a Tribal Transportation Unity Caucus Memo to the meeting attendees. She reported that the TTP CC met in Washington but due to high priority items, budgets cuts and schedule the committee has not been able to meet on a regular basis as intended. The Tribes requested the Assistant Secretary and Associate Administrator approve 2014-2015 TTP CC Meeting dates in order for other Tribes be able to plan to attend the future

meetings. Tribes would like to discuss Indian Country Highway Safety concerns, and request that FHWA/U.S. DOT start following up on coordinating committee recommendations and use the committee for what it was designed for, instead of just accepting recommendations and not taking any action on the recommendations.

- 12. Caltrans Freight, System and Rail Planning Update.** An update of the State Rail Plan has begun. This plan was just finalized, but due to new federal and state guidance, it needs to be updated again. Currently, the rail planning team is in the process of selecting a consultant for the Rail Plan development. Consultation will take place for the update of the Rail Plan. It is clearly articulated in the contract that consultation is a requirement and part of the process.

Bruce also shared information on the California Freight Mobility Plan (CFMP), sharing that a draft is out for comment and providing dates for outreach sessions. The deadline to provide comments is July 31, 2014. After that a formal full draft copy of the CFMP will be ready for public viewing. The deadline for the final CFMP is December 2014. There is a chapter on Native American Issues in the CFMP, and Bruce presented it for the NAAC. The Tribal chapter discusses Tribal communities' connections and access to the freight system. Conditions and performance measures are required to be in the Freight Plan by State law.

The Office of Freight Planning can schedule consultation with Tribes to discuss the Freight Plan draft if there is an interest or request made. Consultation schedule will depend on the interest expressed by Tribes, and consultation can be one on one, be scheduled by the District Director, or take place on a regional or statewide level as requested.

The meeting was adjourned at 12:17 p.m.