California TRANSPORTATION PLAN 2040

Integrating California's Transportation Future

TRIBAL LISTENING SESSION SUMMARY REPORT

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California Transportation Plan 2040
TRIBAL LISTENING SESSION
SUMMARY REPORT

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Executive Summary

The California Transportation Plan (CTP) is a statewide, long-range transportation plan to meet California's future mobility needs and reduce greenhouse gas emissions. The CTP defines performance-based goals, policies and strategies to achieve a collective vision for California's future statewide, integrated, multimodal transportation system. The public participation process for the CTP Update supports Caltrans' mission to involve the Tribal Governments in the transportation decision-making process and responds to the Moving Ahead for Progress in the 21st Century Act (MAP-21) requirements. It was determined that the best way to initiate consultation with Tribal Governments was through a set of four Tribal Listening Sessions held across the State between July 2013 and December 2013 in San Diego, Woodland, Redding, and Lemoore.

The listening sessions proved to be an invaluable interactive approach to soliciting feedback from the Tribal Governments and their representatives. It gave Caltrans the opportunity to provide the Tribes with information related to the CTP and Caltrans' Statewide modal plans and encouraged the Tribes to provide input on these plans as well as discuss their transportation concerns and challenges. A majority of the Tribal input centered on ***funding***, ***Tribal consultation***, ***cultural resources***, ***emergency preparedness***, ***traveler safety (all modes)***, and ***access to public transit***.

With respect to Tribal involvement, the major feedback received during the sessions was as follows:

- Some Tribes prefer the CTP to include a separate chapter devoted entirely to Tribal Transportation, while others prefer the information to be included throughout the entire CTP document
- California has a large number of tribes and each is uniquely individual with different goals, priorities, issues and concerns. The best way to ensure that all Tribal issues are reflected in the CTP is to not treat them as a collective group and to meet with them on a more individual basis. Smaller Tribes often lack the resources to attend these types of meetings face to face and would like Caltrans to strive to travel to these Tribes directly
- It is important to the Tribes that Caltrans acknowledge the past mistreatment of them in the planning process. While the Tribes are pleased with the new direction of Tribal coordination, they want these meetings to yield results and continue into the future
- There must be consistency in the ways that agencies consult with Tribal Governments. Tribes are currently treated differently by different agencies, for each different planning process, and for different regions (Northern versus Southern California)

The Tribes identified numerous concerns and challenges on a variety of topics. The major concerns and challenges are as follows:

- Funding was not only identified as the biggest concern, but also the biggest challenge. Tribes felt they are currently competing with other municipalities for funding and have a disadvantage for a number of reasons:
    1. Lack of Tribal long-range transportation plans. Preparation of these plans would greatly assist Tribes in accessing available funding; however, this poses another challenge because many Tribes lack resources to prepare the plans
    2. Lack of data on roads through Tribal land
    3. Poor working relationships with some of the Regional Transportation Planning Agencies (RTPAs)
- Ineffective requirements for protecting and preserving cultural sites were also identified as major concerns. Tribes must be included in the planning process at the beginning of the process to ensure that cultural resources are not disturbed or destroyed because it is likely that Caltrans is not aware of the exact location of such resources
- Ensuring that all Tribes are represented in the planning processes poses a major challenge for several reasons:
    1. Some Tribes are not interested in participating or there is a lack of resources to participate
    2. Each Tribe is very different, and it is difficult to incorporate Tribal input into the CTP without separating the issues into separate sections for Northern, Central, and Southern California regions (which is not desirable to the Tribes)
- Efficient public transit, especially for rural areas, is often an issue for Tribes. Tribes in rural areas do not always have medical services nearby. With California Tribes experiencing a growth in their aging population there are concerns for accessibility to transit services which will allow them medical access. Safety is a concern for Tribes as well. Highways with narrow shoulders and sharp turns pose potential hazards for bicyclists, pedestrians and vehicles
- Environmental preservation and emergency preparedness were also identified as concerns in most of the listening sessions

Introduction

According to the 2010 Census, California has more residents of Native American heritage than any other state in the country (12% of the entire Native American population in the US). There are 109 Tribes officially recognized by the federal government and an additional 78 Tribal entities that have petitioned for federal recognition. The Tribes range in size from as little as 5 to as many as 4,000 members and are located throughout the entire State.

While California contains the highest population of Native Americans, it contains a fairly small amount of Tribal land in comparison. Only 0.6% of land in California is reserved as Tribal land which encompasses almost 100 reservations or Rancherias and additional Tribal land referred to as Indian Country.

Total Tribal land area in California may be less than 1%, but consideration of Tribal issues and concerns is still important to the transportation planning process. Tribal Governments have been excluded from participating in the planning process in the past, but the State of California is now striving to encourage Tribal involvement and improve relationships with Tribal Governments. There are several organizations and committees that are instrumental in facilitating Tribal involvement and bringing Tribal issues and elements to the forefront in various planning efforts.

The Native American Advisory Committee (NAAC) was established to ensure that Caltrans receives direct input from the Native American community related to all modes of travel. It is beneficial to Caltrans and Tribes because it facilitates government-to-government relationships and gives Tribes the opportunity to participate in the Caltrans planning process.

The Caltrans Native American Liaison Branch (NALB) works with the NAAC and serves as the liaison between Caltrans, the federally recognized Tribes, transportation agencies, and stakeholders. They ensure that federal and State regulations as well as Caltrans policies are met with respect to Tribal involvement in the transportation planning and programming processes.

The Bureau of Indian Affairs (BIA) provides a broad spectrum of services to the nation's federally recognized Tribes and their members. Some of these services relate to natural resources management, economic development, law enforcement, housing improvement, repair and maintenance of roads and bridges, and social services to name a few. The BIA also helps represent the needs and issues of smaller Tribes that may lack the staff and resources to participate directly in the planning process.

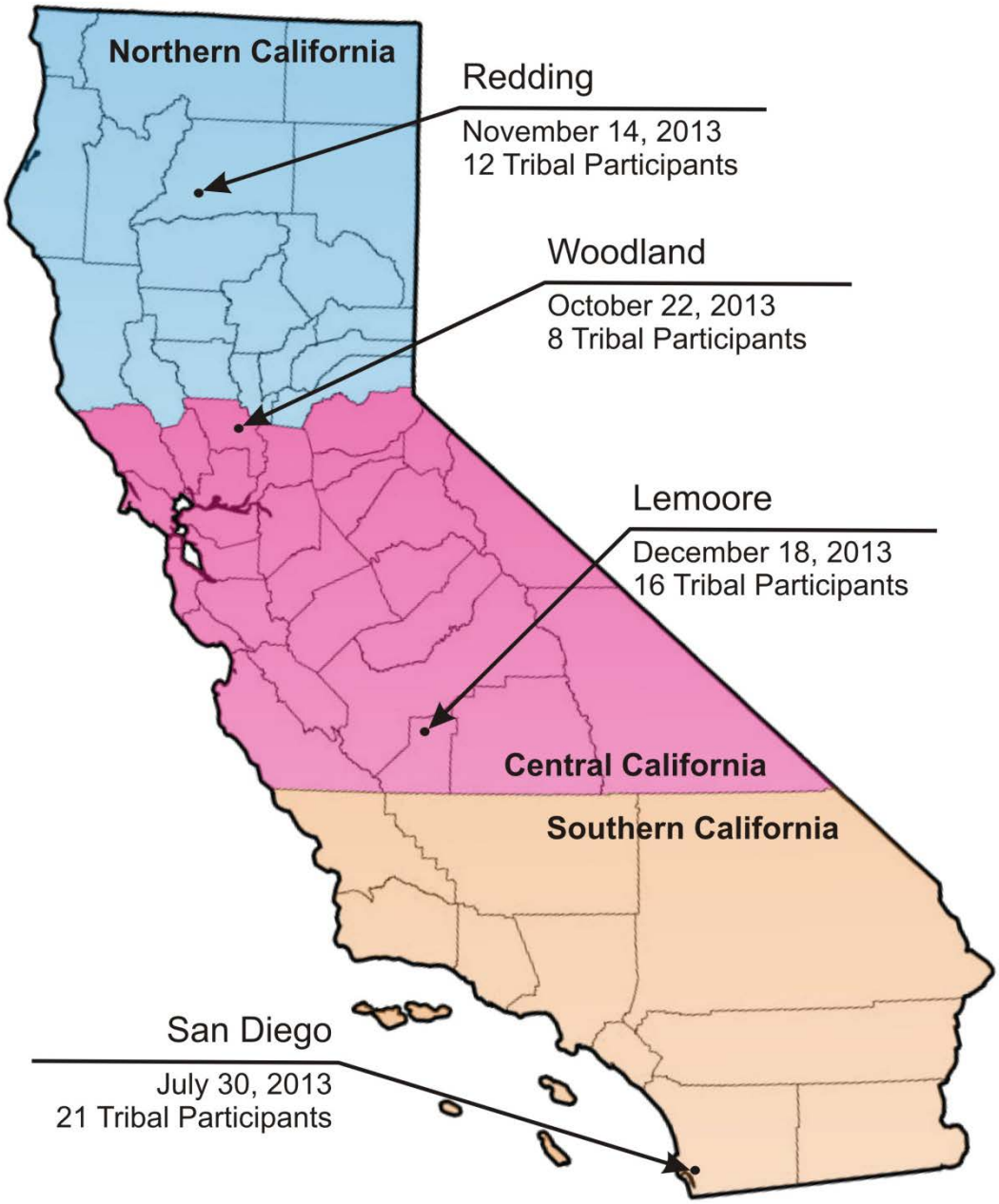
CTP Tribal Listening Sessions

The California Transportation Plan (CTP) is a statewide, long-range transportation plan to meet California's future mobility needs and reduce greenhouse gas emissions. The CTP defines performance-based goals, policies and strategies to achieve a collective vision for California's future statewide, integrated, multimodal transportation system. The plan envisions a sustainable system that improves mobility and enhances the quality of life. The CTP is prepared in response to federal and state laws and regulations and is updated every five years. The CTP is not project specific; rather, it is a policy driven document designed to shape California's transportation vision for the next 20 years or more.

The Public Participation Plan (PPP), which was updated in June 2013, supports Caltrans' mission to involve the Tribal Governments in the transportation decision-making process and responds to the Moving Ahead for Progress in the 21st Century Act (MAP-21) requirements as well as other federal and state laws, regulations, and policies. As part of the public participation process, it was determined that the best way to initiate consultation with Tribal Governments was through a set of Tribal Listening Sessions. Listening Sessions were chosen because they allow Caltrans Headquarters and District staff to meet with Tribal Governments regionally to gather feedback on the CTP content as well as the Tribal engagement process. Caltrans staff facilitated sessions providing information related to the CTP as well as other Statewide modal plans. Sessions were designed to encourage the Tribal representatives to provide input on the CTP 2040. The valuable feedback varied from issues of concern, suggestions for continued Tribal engagement, and funding options for transportation projects.

Redding Tribal Listening Session

To initiate Tribal involvement in the CTP 2040 update, four (4) Tribal listening sessions were conducted across the State as shown below and were attended by numerous Tribes referenced on the following page:



San Diego

- Agua Caliente Band of Cahuilla Indians
- Barona Band of Mission Indians
- Colorado River Indians Tribe
- Jamul Indian Village
- La Jolla Band of Luiseno Indians
- Lipay Nation of Santa Ysabel
- Mesa Grande Band of Mission Indians
- Morongo Band of Mission Indians
- Pala Band of Mission Indians
- Pechanga Band of Luiseno Indians
- Rincon Band of Luiseno Indians
- San Pasqual Band of Diegueno Mission Indians
- Santa Rosa Band of Cahuilla Indians
- Sycuan Band of the Kumeyaay Nation
- Valley Center Community Recreation Center

Woodland

- Colusa Indian Community Council
- Dry Creek Rancheria Band of Pomo Indians
- Federated Indians of Graton Rancheria
- Ione Band of Miwok Indians
- Jackson Rancheria Band of Miwuks
- Wilton Rancheria

Redding

- Cahto Tribe
- Elk Valley Rancheria
- Hoopa Valley Tribe
- Karuk Tribe
- Native American Advisory Council
- Pit River Tribe
- Redding Rancheria
- Susanville Indian Rancheria
- Yurok Tribe

Lemoore

- Big Sandy Rancheria Band of Western Mono Indians
- Dunlap Band of Mono Indians
- Haslett Basin Committee
- Kern Valley Indian Council
- North Fork Rancheria
- Santa Rosa Rancheria Tachi Yokut Tribe
- Tejon Indian Tribe
- Traditional Choinumni Tribe
- Tubatulabal Tribe of Kern Valley
- Tule River Indian Tribe

Summary of Feedback

Feedback received during the listening sessions is summarized below and listed under specific categories:

- Tribal Involvement – feedback related to the Tribal engagement process, relationship between the Tribes and other government entities, and suggestions to improve Tribal consultation and input
- Tribal Concerns – feedback related to the issues the Tribes encounter in transportation planning, past and current Tribal involvement efforts, and the areas that require significant improvement
- Tribal Challenges – feedback related to issues that must be overcome to ensure successful transportation planning, Tribal coordination, and CTP update
- CTP and Statewide Modal Plans – feedback providing specific suggestions for the CTP and/or Statewide modal plans including issues the Tribes would like referenced or addressed and how the plans should be structured

More detailed notes from the listening sessions are included as Exhibits A through D.

Tribal Involvement

- ✓ The Tribes had mixed feelings on the effectiveness of the outreach process used for recruiting participation for these listening sessions. Some felt the submittal of invitation letters sent to each Tribe was not an adequate approach because the letters may not have been addressed to the appropriate person or department. Others felt it was adequate because their Tribes received several letters addressed to various persons and departments

Woodland Tribal Listening Session

- ✓ The Tribes would prefer more frequent face-to-face meetings between Caltrans and individual Tribes. A three level approach (executive level, management level, and field level) would ensure that everyone is included and able to participate. Policies to this effect could also be added to the CTP

- ✓ The regional agencies should be informed of the listening sessions and these discussion topics because they were mentioned during the sessions and could also benefit from the feedback

- ✓ It is important that Caltrans acknowledge that there has been long-term mistreatment of the Tribes in the past. Tribes have been excluded from the Caltrans planning process and have been party to negative interactions when included. A mistrust of Caltrans still exists based on this past treatment. The Tribes are pleased that Caltrans is trying to improve relations and make a better effort to involve the Tribes in current planning processes. The Tribes would like to see this new Tribal engagement process become policy with an agreed upon set procedure so it does not revert back to the previously, unsuccessful involvement process

- ✓ Tribes are sovereign nations and should have direct access to Caltrans District Directors to discuss issues, when necessary

- ✓ Due to the large number of Tribes located within the State, only one or a few Tribes are typically contacted to provide input into the planning processes and their input is expected to represent all Tribes. This is ineffective because the Tribes are very different from each other. If Caltrans is interested in receiving quality Tribal input, they must ensure that all (or most) Tribes are consulted. This will be a difficult endeavor because there are some Tribes who are not interested in participating due to lack of staff, expertise, or resources

- ✓ It is unrealistic to expect that all Tribes will be able to send representatives to meetings due to the long travel distances and lack of staff and resources. It is essential that Caltrans make an attempt to "go to them". Caltrans could also attend regularly scheduled meetings such as the NAAC to engage the Tribes and discuss planning issues

- ✓ The BIA should be involved in the Tribal engagement process because they represent many of the smaller Tribes. The Tribes, together with Caltrans, can approach the BIA and request that they host a meeting

- ✓ The implications of agency consultation with Tribal Governments need to be fully understood at all levels of government (State, regional, and local) since it is now required by the Governor. A Consultation Plan could be prepared that requires Tribal consultation be included in the Regional Transportation Plan (RTP) guidelines. The agencies need to be held accountable for consulting with Tribal Governments

- ✓ The ways in which State, regional and local agencies coordinate with the Tribes is inconsistent. Not only does it vary from agency to agency, but it also varies depending on the planning process. Consistency should be encouraged in order to facilitate optimal coordination between Tribal Governments and other agencies

- ✓ Caltrans treats Tribes in Northern and Southern California differently. It appears that Tribes in Southern California receive more funding and are more involved in the planning process. This may be due to the fact that many of the Southern California Tribes have banded together and have larger land bases

- ✓ Coordination between the California Highway Patrol (CHP) and Tribal Governments is needed regarding safety, data collection, and enforcement. Gaps in accident data on Tribal lands can be filled if a shared data system is developed that allows Tribal Governments to input their own data and ensure it is being accurately reflected and recorded. Tribal Governments could be granted access to Statewide Integrated Traffic Records System (SWITRS) to input their own data; however, they would want assurances that the data would be accepted even if it was not witnessed by the CHP. Alternative methods to collect and document data should be considered so that the CHP is not entirely responsible for the collection and documentation of data. Currently, the CHP has a 2-year backlog on SWITRS data entry

- ✓ It is important that the Tribes be consulted during update of the Highway Plan because they were omitted from the previous planning process

Tribal Concerns

- ✓ Funding is one of the most important Tribal concerns. Tribes feel they are last to receive any funding and they worry that funding will not be available when it is their turn to receive it

- ✓ The Tribes often have to compete with municipalities for transportation funding and have a disadvantage due to their lower population and/or smaller amount of traffic along roadways providing access to their Tribal land. It was suggested that instead of Tribes seeking a specific percentage of funding for improvements, they would be designated a certain number of miles (or lane miles) for projects. Tribes also want to be on a level playing field with other municipalities and get an equal portion of the funding, dollar for dollar. The Tribes should not have to compete with local governments for anything

- ✓ Since the Highway Safety Improvement Program (HSIP) funding is data-driven, Tribes are concerned they will not be eligible to receive any funding due to the lack of data collected on Tribal lands. They requested guidance on becoming equally competitive with other agencies

- ✓ While Tribal Governments in Southern California have a good working relationship with the San Diego Association of Governments (SANDAG), they recognize there are Tribes in other parts of the State that do not have good relationships with their Regional Transportation Planning Agencies (RTPAs). This makes it difficult for some Tribes to incorporate their plans into the Statewide modal plans because the current planning structure requires that the Tribes go through an RTPA. This issue should be addressed in the CTP and policies that provide more guidance for coordination between agencies should be included. It is important that the RTPAs understand the benefits of coordinating and partnering with Tribal Governments and refrain from considering them as a source of competition for funding

- ✓ Cultural sites are continuously disturbed or destroyed because existing requirements to protect them are not effective. Coordination with Tribal Governments needs to be initiated at the beginning of the planning process and not when the project is under construction. Agencies need to be more receptive to the Tribes when they indicate there is a cultural resource present. Tribal monitors should be the primary decision-makers regarding a site's cultural significance. Agencies also need to be more respectful of areas designated as an Environmentally Sensitive Area (ESA). There may also be issues with Native American Graves Protection and Repatriation Act (NAGPRA) requirements when there is consultation with Tribal religious leaders versus Tribal Government officials

- ✓ When construction work temporarily closes highways, traffic is sometimes rerouted through Tribal lands, which could potentially impact a cultural site and cause emergency management issues. Caltrans should consult with Tribes throughout the planning process to avoid these situations

- ✓ Tribes can be very different with respect to transportation issues, concerns, and priorities. Some Tribes are located near metropolitan areas and some are very rural. There are also differences between Tribes located in Northern, Central, and Southern California. Due to these differences, the Tribes are concerned about how their input will be incorporated into the CTP

- ✓ Caltrans needs to be straightforward and honest throughout the planning process. The river crossing situation between California and Arizona was identified as an example of Caltrans not being willing to compromise or pay Tribal Employment Rights Office (TERO) fees. In the Tribes' opinion, Caltrans did not appear to be straightforward and open during the entire process

- ✓ The Tribes are most concerned about increasing accessibility to multimodal transportation systems , improving safety, bicycle and pedestrian facilities, public transit and passenger rail (especially in rural areas), reducing single occupancy vehicles, and achieving social equity.

Interregional travel (or travel between small communities) using public transit is highly inefficient

- ✓ Bicycle safety along highways is a major concern for the Tribes because some of the highways do not have an adequate (or wide enough) shoulder to accommodate bicycle and vehicular travel. More bicycle signage should be provided along Highways 16, 49, 88, and 104. In addition, pedestrian safety near schools is an issue in some locations due to lack of sidewalks and shoulders

- ✓ Some of the existing transportation routes used to transport goods and services to and from Tribal lands do not appear safe for the amount of semi-trucks given the number of hairpin turns, narrow shoulders, and other safety issues. Highway 76 was specifically identified as a potentially hazardous route

- ✓ While the Tribes are not concerned about population increasing in the future, they are concerned about an aging population, especially if they may not have good access to public transit or medical facilities

- ✓ Maintaining existing roadways should be a higher priority than improving roadways

- ✓ State agencies are incorrectly interpreting Congressional Indian Law

- ✓ There is limited cell phone service in some rural areas, which is a safety concern with respect to emergency services

- ✓ Environmental preservation, such as fires caused by auto crashes, is a concern. Emergency access on Tribal lands in rural areas may be hindered because there limited routes in and out

- ✓ Some highways are closed due to heavy snow during the winter months (e.g. Highway 88 from Previtali Road to Pine Grove). The Tribes have been responsible for plowing the snow in the past, which they do using their own equipment and staff with no assistance from Caltrans or the counties. The Tribes request that Caltrans commit to making one pass with the snow plow to assist the Tribes

- ✓ If roadways that serve as casino routes are shown with higher accident rates, those Tribes worry the casinos will be expected to fund improvements and the transportation projects will not be eligible for other funding

Tribal Challenges

- ✓ Funding is one of the most important challenges identified. A majority of funding comes from local sources but there needs to be a better union of planning and funding to assist the Tribes in accessing funding. Preparation of Tribal long-range transportation plans would also assist. The Tribes requested that Caltrans help fund preparation of these plans if possible, which has been done in the past

- ✓ Most Tribes have not developed long-range transportation plans. The Tribes recognize there is a lack of long-term planning (land use, transportation, jobs, health, etc.) on the parts of Tribal Governments. Now that Tribes are being included in the planning process, they feel they are unable to provide all necessary input since they lack long-range plans and it is difficult to identify future transportation needs without them. In addition, many of the roadways that service Tribal lands (and especially casinos) were not designed to accommodate the amount of traffic they now experience, which indicates a need for better integration of land use and transportation planning

- ✓ Due to the differences between Tribes, a major challenge associated with the update of the CTP will be ensuring that all Tribes are represented in the planning process without separating them geographically (Northern, Central, and Southern California). Some ways that may help achieve this include: a) Tribes working with regional agencies, b) Tribes creating a Reservation Regional Transportation Agency, and c) potentially new legislation/regulations requiring that agencies conduct proper outreach before they are eligible to receive funding

- ✓ Federal and State legislation regarding cultural resources represents a challenge because existing guidelines do not match with Tribal cultural values. The level of cultural significance is not always fully understood by non-Tribal agencies, which often disregard the input received from Tribal Governments. Due to the sensitivity of cultural resources, Tribal Governments are typically unwilling to divulge their exact location; therefore agencies may not be aware if a proposed project would disturb the resources. This makes it essential that Tribal Governments be consulted during the planning process to ensure that cultural resources are protected. Complying with Section 106 should not be viewed by the State as fulfilling its requirement to consult with the Tribes unless it yields results

- ✓ Some of the rural Tribes do not have any public transit service, which is especially challenging for the elderly who need access to medical services and do not have personal transportation

- ✓ Many Tribes experience interstate highways, State facilities, and county roads throughout their lands. Inter-jurisdictional issues and coordinating with multiple agencies poses a challenge that needs to be resolved

- ✓ Accommodating all modes of travel safely (e.g. complete streets) along all State and local routes that travel through, or are adjacent to, Tribal lands is a challenge. At a minimum, these routes need to be properly maintained

- ✓ Some Tribes contribute funding to maintain roadways in their region. However, heavy farm equipment also causes road deterioration and farmers do not contribute any funding for maintenance

- ✓ Some Tribes are hesitant to discuss development plans with other agencies for fear they will have more required mitigation (e.g. penalized)

- ✓ California receives less than 1% of federal funding allocated to the Indian Reservation Roads (IRR). Although MAP-21 has changed the process, a Tribe must have a long-range transportation plan and place roadways on the inventory in order to qualify for funding

CTP and Statewide Modal Plans

- ✓ A separate chapter in each of the modal plans should be devoted to Tribal transportation

- ✓ Although some Tribes preferred that "Tribal Transportation Planning" be represented in a separate chapter in the CTP, others preferred that it be referenced throughout the document, where appropriate. It was suggested that each Tribe determine their own issues and policies and identify where they should be referenced

- ✓ The Tribes are not listed as partners in the current CTP, which indicates a major disconnect between Tribal Governments and other regional and local governments

- ✓ A chapter that discusses "Tribal Consultation" should be added to the CTP. Caltrans needs to be sensitive to the fact that Tribes are cautious about the word "consultation" because it has no universal meaning and its interpretation varies by agency. The term must be clearly defined in the CTP. A policy should be added that requires RTPAs to coordinate with Tribes on a regular basis (e.g. annually, every 6 months, or quarterly) and become educated about how Tribal Governments operate

- ✓ The existing Tribal long-range transportation plans should be referenced in the CTP. Since there are many Tribes that do not have long-range transportation plans, the CTP should contain policies that encourage Tribes to develop them

- ✓ To limit any misunderstanding, an explanation of existing legislation should be added to the beginning of the CTP

- ✓ The CTP should contain policies and strategies that support funding for Tribal roadway projects

- ✓ The CTP needs to consider creative financing to fund certain projects and mitigation measures, especially for roadways that service isolated reservations. A collective bond measure or borrowing from the MAP-21 allocation are some examples. The process for making projects more competitive for funding is of particular interest to the Tribes

- ✓ The CTP needs to explain that many of the maps that identify areas of cultural significance were developed almost a century ago. It is likely the information provided at that time was not completely accurate due to the Tribes' mistrust of State government and fear of negative implications for disclosing exact location of cultural resources. Therefore Tribes should be allowed to intervene in the planning process when it is possible that cultural resources may be disturbed

- ✓ Policies that enhance and conserve cultural resources should be included in the CTP. A policy that facilitates conversation between the Tribes and contractors during construction projects would be especially beneficial. These policies will also be important as the High-Speed Rail (HSR) project progresses

- ✓ The CTP needs to explain the TERO, its requirements, and how it functions. It should also explain other legal acts, such as the Joint Powers Act (JPA)

- ✓ The CTP should contain a discussion regarding emergency services and preparedness. Many of the Tribal Governments are responding to and supporting their own communities. The routes used to support emergency services need to be maintained. Some of the Tribes are also interested in coordinating with State agencies to prepare a "what if" plan for emergencies, which could identify effective detours in case of floods, fires, etc.

- ✓ The CTP should contain a map of Reservations in California and the location of medical facilities. Many of the rural Tribes are located a significant distance from medical facilities and have access to limited transportation options

- ✓ The Tribes are not well informed about the State's proposed transportation projects and their schedules, specifically those roadways that affect them. If the Tribes had access to this information, it would allow them to better collaborate amongst themselves and provide input and suggestions on the modal plans in a way that would benefit them

- ✓ The Fact Sheet should discuss the Tribes' vibrant economies and types of industry

- ✓ There should be two Fact Sheets developed; one that discusses the CTP and one that discusses transportation in general

- ✓ In the future, a Tribal Trails Program should be incorporated into the CTP that would include non-motorized travel and safety, recreational travel, tourism, and hiking

Other Tribal Suggestions

- ✓ Caltrans and the Tribes should partner on projects to obtain federal funding (e.g. MAP-21 funding) for projects, similar to the process in Oklahoma. It is important to understand the Tribal transportation program and its significance to the State, aside from the Tribal context

- ✓ The Tribes recognize they need to make an effort in forging partnerships with other agencies and that they should not rely solely on these other agencies to initiate coordination efforts

- ✓ The safety of certain highways should be improved by providing more turnouts and signage explaining the turnouts (e.g. Jackson Highway and Highway 49)

- ✓ Tribal members should be considered and hired for transportation construction jobs that occur on Tribal lands

- ✓ Tribal transportation projects should be included in the State Transportation Improvement Plan (STIP). The State needs to be aware of those projects

- ✓ Aboriginal names should be considered for roadways/highways near Tribal lands that could brand the region and enhance tourism

- ✓ More and safer rest areas should be provided on State facilities. Since there are numerous rest areas that are currently closed, this could be achieved by renovating and opening the existing rest areas

Lemoore Tribal Listening Session

EXHIBIT A

San Diego Tribal Listening Session Summary Notes

SAN DIEGO TRIBAL LISTENING SESSION – MEETING NOTES

Tuesday, July 30, 2013

Tribal Participants:

Sheilla Alvarez, Barona Band of Mission Indians

Tom Bumgardner, Valley Center Community Recreation Center

Gregory Fisher, Colorado River Indians Tribe

Adam Geisler, La Jolla Band of Luiseno Indians

Eric Haley, Transportation Consultant to Morongo Band of Mission Indians

Virginia Hill, Lipay Nation of Santa Ysabel

Harry Hobson, San Pasqual Band of Diegueno Mission Indians

Anna Hohag, Pala Band of Mission Indians

Anna Hoover, Pechanga Band of Luiseno Indians

Ray Hunter, Jamul Indian Village

Howard Maxcy Jr., Pala Band of Mission Indians

Cody Martinez, Sycuan Band of the Kumeyaay Nation

Margaret Park, Agua Caliente Band of Cahuilla Indians

Lavonne Peck, La Jolla/Southern California Tribal Chairmen's Association

Albert ("Boxie") Phoenix, Barona Band of Mission Indians

D. Rodriguez, Rincon Band of Luiseno Indians

Mark Romero, Mesa Grande Band of Mission Indians

Mahoss Sass, Rincon Band of Luiseno Indians

Merv Scott, Colorado River Indians Tribe

David Toler, San Pasqual Band of Diegueno Mission Indians

Veronica Urle, Santa Rosa Band of Cahuilla Indians

Caltrans Participants:

Alyssa Begley
Lonora Graves
Kimberly Johnston-Dodds
Gabriel Corley
Laurie Waters
Ilene Gallo
Connery Cepeda
Gus Silva
Trent Clark
Lorna Foster

Other Participants:

Jeff Stine, VRPA Technologies, Inc.

Information Packets (provided to participants):

- Agenda
- Tribal Listening Session PowerPoint Presentation
- California Transportation Plan (CTP) 2040 Draft Vision Statement and Policy Framework
- Transportation Project and Planning Programming – Partnerships and Communication Diagram
- Tribal Listening Sessions – Discussion Questions
- The California Transportation Plan and Native American Tribes
- CTP 2040 Fact Sheet
- CTP 2040 Scope Document & Timeline

SAN DIEGO TRIBAL LISTENING SESSION – MEETING NOTES

Tuesday, July 30, 2013

- Interregional Transportation Strategic Plan Fact Sheet
- Freight Mobility Plan Fact Sheet
- California State Rail Plan Fact Sheet
- Statewide Transit Strategic Plan Fact Sheet
- California Aviation System Plan Fact Sheet

1) Introductions and Welcome – Laurie Waters

- Caltrans thanked everyone for attending
- This is the 1st listening session held across the State and the first time that Caltrans has consulted with the Tribes this early in the process regarding the California Transportation Plan (CTP). There will be 3 other sessions – in Redding, Woodland, and in the Fresno area
- This consultation is very early in the process, so feedback and discussion will be incorporated into the CTP and other Statewide modal plans

2) Presentation on the CTP and other Statewide Plans – Laurie Waters and Lonora Graves

- The CTP is the State's long-range transportation plan with a minimum 20-year horizon and is updated every 5 years. It is a policy document and does not list specific projects
- The previous plan was the CTP 2025, and an addendum was prepared for 2030 to address the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU). An update should have been prepared for 2035, but new legislation (Senate Bill 391) in 2009 added requirements to the CTP and the Federal Highways Administration (FHWA) extended the deadline
- Tribal consultation and public outreach for the CTP is ongoing. There will be three more Tribal listening sessions in the fall 2013, focus groups with the general public during summer and fall 2013, and public workshops in the fall 2014. The CTP will go to the legislature in 2015. If requested, Caltrans can also have a formal consultation with the Tribes
- Caltrans coordinates with the regional transportation planning agencies to be consistent with the Regional Transportation Plans (RTPs)
- The CTP will define the goals, policies, and strategies of the future statewide multi-modal transportation system and identify the system needed to meet climate change goals. The CTP 2040 will also consider transportation modeling results, which will be used to analyze future scenarios and policies. This is a new element of the CTP. The CTP integrates all of the statewide modal plans and builds upon the RTPs, Sustainable Communities Strategies (SCSs) required by SB 375, and the Tribal transportation plans
- The CTP is important because it provides a common policy framework statewide and guides transportation decisions and investments. It should be consistent with all other transportation plans
- Just like the CTP 2025, the CTP 2040 includes the vision of the 3 E's – a prosperous economy, quality environments, and social equity. The CTP 2040 will have updated goals and policies
- A Policy Advisory Committee (PAC) has been formed and two meetings have already occurred. There are three Tribal representatives on the PAC: Sandy Tripp from the Karuk Tribe, Jackie Hostler from Trinidad, and Connie Reitman-Solis from the Inter-Tribal Council of California.

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Kimberly Johnston-Dodds from the Caltrans Native American Liaison Branch also attends the PAC. Since there are no Tribal representatives from Southern California on the PAC, Tribal leaders are encouraged to attend the PAC meetings, which occur every other month. There is an option to attend via teleconference as well

- The CTP 2040 will have a new vision statement since two new issues have been identified since the last update – public health and social equity. These issues will be more prevalent in the CTP 2040. The policy framework is still a draft (and subject to change) until it is finalized in 2015
- All of Caltrans modal plans will be integrated into the CTP. The purpose of this listening session is to receive feedback on the CTP as well as these other plans
    - The Interregional Transportation Strategic Plan (ITSP), also known as the Highway Plan, was last finalized in 1998. The purpose of the ITSP is to recommend improvements to the Interregional Roads System (IRRS) and identify the highest priority for completion (Focused Routes). Caltrans just completed an administrative update, which did not add or remove any routes from the 1998 plan. Caltrans will now begin the full update, which will reassess the routes
    - The California Freight Mobility Plan (CFMP), also known as the Freight Plan, is currently being prepared. It is the update to the Goods Movement Action Plan and will focus on more contemporary issues such as community impacts and greenhouse gas emissions reduction strategies. There will also be a separate chapter regarding Tribal issues, which will also be referenced throughout. The draft plan is expected in December 2013 and the approved plan is expected in December 2014. There is a Freight Advisory Committee (FAC) that has Tribal representation – Adam Geisler and Isaac Kinney
    - The Rail Plan was just finalized
    - The Statewide Transit Strategic Plan, also known as the Transit Plan, was updated in 2012
    - The Aviation Plan was finalized in 2011
- Adam Geisler of La Jolla Band of Luiseno Indians elaborated on the Freight Plan with respect to Tribal issues. There are now 111 Tribes in California that have their own economies that need access to the State system, but there are mobility issues. The San Diego Association of Governments (SANDAG) is currently considering how they prioritize projects so the Tribes are more competitive. The Tribes would like a separate chapter in each of the modal plans

➢ *Is there going to be a financial element to the revised Focused Routes on the IRRS?*
    - The Plan will not be fiscally-constrained. The projects would become fiscally-constrained when included in the RTPs. Caltrans would need to work with the Regional Transportation Planning Agencies (RTPAs) to get the projects included in the local plans

➢ *Are you assuming 25% of the State pot of funding to fund the ITSP statewide?*
    - Yes, that is the assumption

- The Tribes have an opportunity now to coordinate with Caltrans on the Highway Plan to make sure the routes (and connections) that are important to them are included, especially if they were omitted from the 1998 plan
- Tribal transportation plans were not well reflected in the previous CTP. This time, Caltrans would like the Tribes to suggest how Tribal transportation planning and programming can be reflected in the CTP. Caltrans would also like other feedback from the Tribes including information on successful partnerships (on transportation projects), what a "vibrant economy"

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means, and how people can move beyond the car. Caltrans would like this type of coordination and feedback on the other modal plans as well

- A major difference between the Tribal and regional/State transportation planning processes is that a project needs a funding allocation before it can be prioritized in the regional and State planning processes. A project initiation document (PID) must be prepared, which looks at the scope, cost, schedule, and alternatives. For this to occur, it must be included in the 20-year regional or State plan
- ➢ *With the current structure, there is not a way for Tribes to get their plans into the State Transportation Plan without going through an RTPA. How does this work for Tribes that are located in regions with unfriendly RTPAs?*
    - There are statutes that require coordination with Tribal agencies, but they do not have a lot of "teeth" yet. The CTP is intended to inform regions in their planning process. This is an issue that needs to be addressed and may need to be incorporated into the policies
    - SANDAG is one of the best examples in the State that has collective power – planning, funding, taxing authority, Council of Governments, transit, Board of Supervisors, and City reps. SANDAG has a good working relationship with the Tribes
- Caltrans would like the CTP to explain how Tribal transportation projects get funded, how the process works, and potential ways to improve it
- A Technical Advisory Committee (TAC) has been established that is helping with the new element of transportation modeling using the Statewide Travel Demand Model. Several strategy packages will be modeled – 1) "base case" that includes the RTPs, SCSs, ITSP, and other modal plans, 2) addition of vehicle miles traveled (VMT) reduction strategies, and 3) addition of the Air Resources Board (ARB) "vision tool" regarding greenhouse gas emission reductions
- There may be data gaps (in the modeling and from the California Household Travel Survey) with respect to Tribal areas and if the data does not exist, the CTP may need to make a recommendation with respect to data collection
- This session is being recorded and notes will be prepared and sent out to all attendees for review and feedback. Once all Tribal listening sessions have been conducted, an overall summary report will be prepared
- Caltrans is planning to prepare a Fact Sheet of the CTP and Tribes. Caltrans would like to develop it in coordination with the Tribes and it would be used in future outreach
- If anyone has any comments or questions that are not asked during the session, there are comment cards that can be filled out and submitted to Caltrans
- The Caltrans contacts for the CTP:
    - Lorna Foster – District 8 Tribal Liaison
    - Jess Silva and Trent Park – District 11 Tribal Liaisons
    - Kimberly Johnston-Dodds – Headquarters Native American Liaison Branch Lead
    - Lonora Graves and Bennie Lee – Headquarters Native American Liaison Branch
    - Alyssa Begley – Office Chief
    - Laurie Waters – CTP Tribal Content Lead
    - Gabe Corley – Project Manager

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3) Presentation on Tribal Engagement – Kimberly Johnston-Dodds

- Thank you to all who have attended (with a special thank you to Boxie Phoenix). Another special thank you to Mahoss Sass and Chairman Mazzetti for helping to set up this meeting
- Coordination between agencies and Tribal governments has come a long way in the past generation
- The previous CTP only mentions Native American Tribes in small sections and Caltrans recognizes that needs to change. That is the reason these listening sessions are happening so early in the process. Caltrans wants to hear directly from the Tribes and find out what is important in the Tribal communities. This is meant to be a conversation to find out the issues and concerns, as well as the innovations the Tribes are implementing
- The notes taken during this session will be distributed to all attendees for review to make sure they are accurately reflected. The results of the listening sessions will ultimately be presented to the Native American Advisory Committee (NAAC) and the Caltrans Director
- The Fact Sheet will be an important piece to share with the local agencies and RTPAs. It would be beneficial for the Tribes to be involved in developing the Fact Sheet so it accurately reflects what the Tribes want included. It may even be appropriate to do more than one Fact Sheet (based on different issues/concerns in each region)
- The Native American Liaison Branch has also been tasked with preparing a position paper on Moving Ahead for Progress in the 21st Century (MAP-21) Act and the new Tribal Transportation Program. Some of the feedback from the listening sessions may assist in that policy document as well. If any Tribal representatives are interested in being a part of the position paper, they are encouraged to participate

Discussion

- The Tribes do not know the State's schedule of projects for the roadways that affect them. Having that information would allow them to collaborate amongst themselves to provide suggestions for a plan that would benefit the Tribes
    - Caltrans suggested that the CTP 2040 list strategies and a discussion under each identified goal. A goal could potentially be added that encourages effectively coordinating and sharing from the regional and State perspective with the Tribes. Tribal priorities and needs could also specifically be stated in each section
- The Tribes are concerned how the Tribal input will be incorporated into the CTP if all the Tribes are so different. Most of the Tribes are rural and located 35-40 minutes from certain amenities (hospitals, grocery stores, etc.). Another concern is that the Tribes often have to compete with municipalities for funding. It was suggested that the Tribes request a "number of miles" instead of a certain percentage of funding
- Expansive Tribal input is not sought in many planning processes, but only one or a few Tribes are expected to speak for all Tribes. But that is not effective because each Tribe is so different. If Caltrans wants Tribal input, then they must make sure all (or more) Tribes are represented
- A challenge will be to ensure that all Tribes are represented in the CTP without it being separated by Southern, Central, and Northern regions

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- The Tribes are not even listed as partners on the CTP, which shows a disconnect. Caltrans acknowledged this and encouraged the Tribes to review the CTP and critique it. The Tribes should definitely be listed as partners on applicable goals
- Caltrans needs to be straightforward and honest throughout the planning process. The situation regarding the bridge crossing the river into Arizona was specifically mentioned because there was a standstill when Caltrans was not willing to compromise on the Tribal Employment Rights Office (TERO) fees. It appears the statutes prohibit Caltrans from paying the Tribes directly. It is important that Caltrans recognize each Tribe is different (varying numbers of members and resources)
- Caltrans should work with the Tribes to obtain federal funding, like it is done in Oklahoma
- Caltrans summarized that the CTP needs to include a discussion on TERO and this is potentially a catalyst for the larger document that explains what private transportation looks like in California. In addition, effective consultation and coordination with Tribes is not well represented in the current CTP and needs to be incorporated into various sections in the CTP 2040 to guide Caltrans in the future
- The CTP should detail existing legislation in the beginning of the document so there are no misunderstandings (similar to what you would find in legal documents)
- The CTP needs to explain TERO, its requirements, and how it works. It needs to include other legal acts such as the Joint Powers Act
- Tribal consultation is now required by the Governor – this understanding needs to trickle down to the local and regional planning agencies. It is difficult to achieve consultation with Tribes when projects are unfunded. So there needs to be consideration about how to continue consultation while designating funding in each of the planning budgets
- The CTP should include a discussion on emergency services. Many of the Tribes are responding to and supporting their own communities, whether required to or not. The Fact Sheet should outline the number of Tribal fire stations compared to County stations, the number of personnel, and the service miles. Those routes should be maintained so that the Tribes can continue to provide those services
- The Fact Sheet should also discuss industry and how the Tribes have vibrant economies and are involved in many types of industries (rail, freight, etc.)
- The location of medical facilities needs to be identified in relation to the Tribal lands
- Some Tribes will want to be involved and provide input on the CTP and others will not. We need to consider them even if they do not provide input
- Some Tribes are worried about discussing development plans with other agencies because of fear they will be penalized for it (e.g.: required to provide more mitigation)
- The CTP needs to consider creative financing plans to pay for certain projects and mitigation measures. Some examples might be a collective bond measure or borrowing from the MAP-21 allocation

4) Lunch Break

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5) Discussion – Facilitated by Caltrans

- Highway 76 has many hairpin turns that may not be safe for the amount of semi-trucks that use the route to transport goods and services. If the Tribes knew of Caltrans' long-term plans for the route, then they could potentially consolidate the different facets to obtain funding
    - Caltrans stated there is information available in Caltrans' Route Concept Reports, as well as the RTPs. Tribes can also contact Gabe Corley (Caltrans) or the District Liaison
- Some Tribes are located in well-established communities near highways that are identified as focused routes, but rural Tribes are not. There is federal money for the Indian Reservation Roads (IRR) but the Tribes must have a long-term transportation plan in order to qualify for the funding and the roads must be placed onto the inventory. Some Tribes place roads into the inventory specifically to get funding. California gets less than one percent of the funds allocated for IRR. To compensate, the Tribes started adding more roads to the inventory; however, MAP-21 has changed the process
- The Tribes have worked with SANDAG and the Tribal Transportation Working Group to identify corridors of concern, but they don't qualify for inclusion based on population and traffic. Some of the Tribes have a large land base, but not a large population base
- The Tribes would like to look to the State for a funding source. How can we get creative and get funding for an area that services isolated reservations?
- The Freight Plan will include a list of projects. There isn't a funding source currently identified for the projects, but 92% of the funding would come from a federal source. The FAC will be looking into the funding options
- The biggest challenge for Tribes and the CTP is centered around funding - how to leverage the monies available and be included in future planning
- Though population increase is not a concern, an aging population is
- Federal and State legislation is a challenge, especially with respect to cultural resources. There are transportation facilities planned that will go through Tribal lands and may impact sensitive areas. These need to be addressed in the transportation planning process. There are guidelines that exist, but agencies do not listen to the Tribes when they identify a culturally sensitive area. The guidelines do not always match with cultural values. A potential solution is for the Tribes to develop their own guidelines to present to the federal government
    - The key word is "significant". What is significant to the Tribes may not seem significant to the State. The Tribes need to do more to inform the determination of significance
    - The Tribes feel like the Section 106 process, which may be similar to the CTP process, is more about the State fulfilling their requirement to talk with the Tribes. But nothing gets accomplished. The Tribes want to see results
    - This issue needs to be addressed from the beginning of the planning process. The Tribes have voiced this issue early on, but agencies typically tell the Tribes that these are policy documents and the right time to discuss cultural issues is when a project is initiated. But the Tribes want it addressed in the policy documents so it trickles down and the information gets carried on into the future
    - Many of the maps that show areas of significance were created almost a century ago. Tribes then, and even now, are not comfortable sharing the exact location of areas of cultural significance. The CTP needs to explain that the information the State has

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regarding cultural areas may not be accurate and that the Tribes are allowed to intervene early in the planning process
    - ✓ Caltrans noted Goal 6, Policy 2 may be an appropriate place to address the concerns listed above
  - The Tribes are continually having the same issues with the other government agencies because they do not listen to the Tribes when they explain cultural significance. The rules that have been set up to protect the Tribes do not work. They continually fight with the federal, State, and local governments and lose. Cultural sites are disturbed and destroyed. The plans are developed and then the Tribes are brought in when it's done and it's too late
    - ✓ Caltrans corrected that the CTP is just beginning, it has not been completed
  - Tribal monitors should be the primary decision makers regarding a site's cultural significance versus a Caltrans consultant
- One of the biggest challenges is that the Tribes do not have long-range transportation plans. Now that Tribes are being included in the planning process, they are being asked to identify their needs. But since the Tribes do not have the long-range plans, they don't have answers. The Tribes need to figure out the long-range plans and determine where they fit in. They would like to see Caltrans attend a SANDAG Tribal Working Group meeting
  - Caltrans has plans to attend
- How would the Tribes like to be represented in the CTP?
  - Some Tribes would like to be referenced where appropriate throughout the CTP, versus having a separate chapter. It is possibly appropriate to have both, a separate chapter, as well as referenced throughout
  - Each Tribe should determine their issues and policies and where they should be referenced in the CTP
  - There should be policies or strategies that support Tribes getting funding for roadway projects
  - There should be a reference for Tribes' long-range transportation plans, or the need for them
  - A map should be added that shows Reservations throughout California
  - Each Tribe has their own priorities, which may differ from another Tribe
  - It will be difficult to reflect everyone's needs in one place. Some possible ways to achieve this:
    - ✓ The Tribes work with the regional agencies
    - ✓ Create a reservation regional transportation agency
    - ✓ Make it a requirement that agencies conduct proper outreach in order to receive all of their funding
- 60% of all transportation money spent in 2007 came from local sources. It is much easier to deal with local agencies than federal bureaucrats. The California Transportation Commission (CTC) will ultimately approve the CTP and send it to the legislature. The CTC is the critical point that makes the financial decisions. There needs to be a union of planning and finance. How can the Tribes gain access to the half-cent sales tax revenue?
  - The Tribes need to prepare long-range transportation plans that identify their projects. That is the best way to get funded. Many Tribes do not have plans because the Tribal

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Chairmen do not understand them or follow-up, they lack funding, or they lack in-house expertise to prepare one. Some Tribes have formed a consortium to get them completed. Some have been able to get grant funding to hire engineers
  - SANDAG and the Tribal Working Group have been assets to the Tribes
  - Caltrans feels the Tribal Transportation Plans are extremely helpful and informative in their planning process, but there are not many available
- *Can Caltrans set aside some funding so the Tribes can put together transportation plans?*
  - Caltrans can definitely discuss this
  - The Tribes believe a potential downside is that if Caltrans funds the plans, then they will expect projects to be developed. But some Tribes lack the resources to see a project through. Things have changed and the focus is more data-driven
  - Caltrans provided funding in the past for needs assessments that ultimately developed into Tribal transportation plans. Caltrans will consider whether this is still an option
- Some Tribes experience interstate highways, State facilities, and county roadways through their reservations, which fall under different agency jurisdictions and this may pose a challenge in dealing with multiple agencies
- Some Tribes feel the problem doesn't lie with improving the roadways, but maintaining the existing ones
- The Tribes have a great relationship with Caltrans District 11 and SANDAG, but it seems that not all Tribes have great relationships with other agencies. The Tribes need to reach out to the agencies to form partnerships because it cannot be a one-sided effort
- The need for senior transportation, a paratransit system in the rural areas was identified as a challenge. It was also mentioned that the roads need to be better maintained by Caltrans and the county. Some of the roads are not wide enough or have inadequate shoulders. The Tribes are not asking for large expensive projects, just safe and adequate roads
- The CTP should also consider emergency preparedness and planning for all communities

6) Closing – Kimberly Johnston-Dodds and Gabe Corley

- Caltrans "intent of process" is not just to check off a box because they are required to consult with the Tribes. This is just the beginning of the CTP process and Caltrans would like to continue to work with the Tribes in whatever format is appropriate – listening sessions, attendance at SANDAG meetings, formal consultation at the individual Tribes, etc.
- The notes from this session will be sent out to all attendees for review and comment and will ultimately be included in a summary report for the Caltrans Director and Advisory Committee
- The Tribes requested clarification on what type of feedback Caltrans is looking for
  - Caltrans would like to know what was missed or what the Tribes would like to see that was not captured
- Caltrans will try to have Bruce De Terra, Caltrans Office Chief, attend the next SANDAG meeting to provide more information on the Rail Plan
- *How do the Tribes get a representative on the CTP PAC?*
  The Tribes can tell Caltrans who should be added to the PAC, and they will be added
  - Mahoss Sass of Rincon Band of Luiseno Indians agreed to be on the PAC
- Caltrans thanked everyone for attending and Rincon for hosting the event

EXHIBIT B
Woodland Tribal Listening Session Summary Notes

WOODLAND TRIBAL LISTENING SESSION – MEETING NOTES

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Tribal Participants:

Larry Forst, Jackson Rancheria Band of Miwuks
Anthony Burris, Ione Band of Miwok Indians
Ryan Edson, CICC
Steven Hutchason, Wilton Rancheria
David DeLira, Dry Creek Rancheria Band of Pomo Indians
Gillian Hayes, Federated Indians of Graton Rancheria
Randy Yonemura, Ione Band of Miwok Indians
Heather Baugh, Ione Band of Miwok Indians

Caltrans Participants:

Barbara Hempstead
Maria Rodriguez
Bruce de Terra
Alex Fong
Nora Hogan
Blesilda Gebreyesus
Kim Johnston-Dodds
Rose Agacer-Solis
Pam Korte
Laurie Waters
Lonora Graves
Bennie Lee

Other Participants:

Georgiena Vivian, VRPA Technologies, Inc.
Allen Rose, Nisbett Beebe (stenographer)

Information Packets (provided to participants):

- Agenda
- Tribal Listening Session PowerPoint Presentation
- CTP 2040 Draft Vision Statement and Policy Framework
- Transportation Project and Planning Programming – Partnerships and Communication Diagram
- Tribal Listening Sessions – Discussion Questions
- The California Transportation Plan and Native American Tribes
- CTP 2040 Fact Sheet
- CTP 2040 Scope Document & Timeline
- Interregional Transportation Strategic Plan Fact Sheet
- Freight Mobility Plan Fact Sheet
- California State Rail Plan Fact Sheet
- Statewide Transit Strategic Plan Fact Sheet
- California Aviation System Plan Fact Sheet

1) Introductions and Welcome – Pam Korte

- This is the 2nd of four (4) Tribal Listening Sessions throughout the State
- Purpose of the Sessions is to have a dialogue and discussion and get early input on the California Transportation Plan (CTP) 2040
- *What is the deadline for submitting comments on the document?*

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  - July of 2015. The document will then be distributed in December of 2015. The next big event will be the six (6) public workshops throughout the State which will occur in October 2014
- Introductions – All introduced themselves

2) Presentation on the CTP – Laurie Waters and Lonora Graves

- The CTP 2025 is the current plan which was finalized in April 2006. Due to SAFETEA-LU requirements, an Addendum was prepared for the year 2030
- The CTP is generally updated every 5 years, but the current deadline was extended in order to address new requirements from Senate Bill (SB) 391 passed in 2009
- What is the CTP? – It is the State's long-range transportation plan that describes the goals, policies, and strategies for the future multi-modal network. It should also incorporate Tribal transportation plans. It has a minimum 20-year planning horizon and is prepared in response to State and federal requirements. It used to be a strictly policy document, but now it includes data from modeling
- There is, or should be, coordination between Caltrans, regional agencies, and the Tribal organizations for transportation planning
- A general description was provided of the various plans that will be integrated into the CTP
- There is a difference between the Statewide and Tribal transportation processes which relates to the TIP and project initiation document process and program
- *How does a project get into a STIP or TIP?*
  - There needs to be fiscal feasibility identified for the project – the money must be identified for whichever phase of the project is to be programmed
- *Will the CTP include a section that specifically addresses Tribal consultation or Tribal transportation planning?*
  - There will definitely be a discussion, and most likely a separate section in the CTP. The CTP 2025 did not have any Tribal components and Caltrans recognizes that and is taking a different approach this time
- Caltrans is preparing a CTP and Tribal Fact Sheet to help the District Liaisons when talking with the Tribes and it will be one of the first products out of the Tribal Listening Sessions
- The transportation modeling process will be used to analyze the three (3) alternatives and their strategies to determine the potential outcomes
- There are various ways to provide input – web portal, Tribal Listening Sessions, Policy Advisory Committee, Technical Advisory Committee, workshops, and formal presentations

3) Presentation on Other Statewide Plans (Freight, Rail, Highway) – Bruce de Terra

- The Freight Plan is now required based on legislation just signed by the Governor. The Freight Advisory Committee (FAC) was formed in the spring and includes a couple of Tribal representatives. Once the Freight Plan is developed it will be presented to organizations for input, there will be Tribal consultation, and then public workshops
- *Who is on the FAC?*

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  - 62 members that include Adam Geisler, a member of the Yurok Tribe, freight industry, regional governments, environmental organizations, community groups, advocates, Ports of LA, Long Beach, and Oakland, SFO, and LAX
- *By excluding Highway 88 and 16 from the Freight Plan, would they be excluded from any of the funding?*
  - No, they are still eligible for the interregional funds that Caltrans has an influence on
- All input on the Plans should be provided to the Office of State Planning, through the liaisons, or through the website (which isn't operational yet)
- The State Rail Plan includes both freight and passenger rail. The NAAC and others have indicated Caltrans did a poor job in Tribal outreach for the plan. Caltrans did make some minimal changes to acknowledge that. However, they have started the next update which has new federal and State requirements for Tribal coordination. The new plan is due in the spring of 2017 and the new process will include Tribal discussion, meeting with the NAAC, and Tribal representation on the advisory committee
- *Where can we get a copy of the applicable legislation?*
  - Assembly Bill (AB) 528 is for rail and AB 14 is for freight. Laurie Waters or Bruce de Terra can provide the information
- SB 45 was the State legislation that enacted the 75/25 funding split for Caltrans and regional governments. In 1998, Caltrans identified the set of 10 corridors and their design concepts for the Highway Plan. Since not much had been done since, Caltrans is preparing an update and reevaluating these routes and others and it will give consideration to Tribal lands and access
- *Has there been any consultation on this Highways Map that was approved?*
  - The NAAC were informed about what was occurring, but the map doesn't change anything that was decided in 1998, it only shows the status of each design concept (What has been accomplished to date)
- *Were the Tribes involved in 1998?*
  - No, only a small group of people identified the corridors and concepts
- Caltrans is currently updating the guidelines regarding how planners make decisions about highway routes. The guidelines will now specify Tribal consultation, which had only been "understood" before and not documented
- *What is the definition of "consultation"?*
  - Formal consultation with the Deputy Director. It would be part of an ongoing process

Discussion/Input from Tribes

- The Tribes are specifically concerned with receiving their share of federal funding and ensuring they are on a level playing field with other agencies. Dollar for dollar, Tribes need an equal part of the funding
- There is inconsistency when Caltrans, and other agencies, deal with Tribal Governments and it also varies depending on the Plan. There needs to be consistency put in place to make it easier for both Tribal Governments and other agencies to coordinate
- Tribal Fact Sheets should only relate to the CTP and not transportation in general. A separate Fact Sheet should be developed to deal with transportation in general

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- State agency people are trying to interpret Congressional Indian law and policy and the interpretations vary. This needs to stop
- We need to include the Bureau of Indian Affairs (BIA) and possibly hold meetings at their facility. The BIA represents a lot of smaller Tribes. The best approach would be for Caltrans and Tribal Representatives to approach the BIA together and ask them to host a meeting. One aspect that is sometimes forgotten is that the BIA has technical advisory as well
- It would be beneficial to Caltrans and the Tribes to partner on projects especially as it relates to MAP-21 funding. We also need to understand the Tribal transportation program outside of the Tribal context and its significance to Caltrans and the State, and then be able to communicate that to others. We need to work on the discussions now because the MAP-21 update is being initiated
- It is important to make sure the Tribes are involved in the Highway Plan this time. The Freight Office, Highway Planning Office, and Rail Office used to be separate, but have now been combined which should aid in this effort

4) Lunch Break

5) Discussion – Facilitated by Caltrans

- Laurie Waters referenced the discussion questions handout from the packets to start the discussion
- What do you see as the major transportation challenges facing California's Tribes now and into the future?
    - Funding. MAP-21 has changed how Tribal transportation projects are funded
    - It is important that the Tribal projects be included in the STIP and the State needs to be aware of them. The regional agencies are putting together their STIPs and regional programs now to be submitted to the transportation commission on December 15th. Now is the time to get these projects included for the short-term 2 year planning horizon
- Generically speaking, what are the needs of the Tribes?
    - During the winter, several roadways (including Highway 88 from Previtali Road to Pine Grove) are shut down due to the snow because Caltrans and the county are not able to keep up with the snow plowing. Then traffic is forced through Tribal land to access Ridge Road and the Tribal agency is required to plow the road with no assistance from Caltrans or the County of Amador. The Tribe would be happy if Caltrans could make one pass through their road. The Tribe does have their own plows and they try to keep the roadways to and from Jackson Rancheria open for the safety of their guests, which is their #1 priority
    - The process of transportation planning, programming, and funding does not seem to be working for the Tribes. The projects first have to go through local agencies, then regional, and then State. In addition, this process is not clearly defined in the CTP. Another complication is when a project goes through multiple jurisdictions or counties
    - There is some competition among local agencies and the Tribes to get on the regional plans and compete for the same funds. This doesn't seem fair and it seems that the Tribes aren't getting the representation they need. A suggestion was that Caltrans partner with the Tribes on projects to compete for federal funding

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- It would be very helpful for all Tribes to have transportation plans. Although all of them should, many may not due to lack of ability or funding. There may be grants available to help the Tribes prepare these transportation plans. There also seems to be a lack of long-term land use planning on the part of Tribal governments. Land use, transportation, housing, jobs, health, etc. all need to be looked at together

- What should be the main focus for improving the transportation system?
  - On Jackson Highway and some parts of Highway 49, we need to provide more turnouts and signage explaining the turnouts which are necessary for public safety
  - When work was done on Highway 50 last year, traffic was rerouted to Iron Mountain Road. This has negatively impacted the Tribes because people were originally unfamiliar with this alternate route. Now there is more traffic which has negatively impacted access to cultural areas. When road work is done and traffic needs to be rerouted, Caltrans need to talk to the Tribes in advance because it also causes emergency management issues. Susanville has similar issues
  - There needs to be equal treatment of Tribal governments with other government agencies because they are sovereign nations. The Tribes shouldn't have to compete with local governments for anything. It is critical to involve the BIA so there isn't misinterpretation of the laws by other agencies. A chapter needs to be added to the CTP on Tribal Consultation; however, the Tribes are very cautious about the word "consultation" because it currently has no meaning and is interpreted differently. It needs to be clearly defined. Caltrans needs to prove to the Tribes that they are truly trying to change the relationship and not doing the "same old song and dance"
  - Caltrans treats Northern and Southern California Tribes differently. The Tribes in Southern California have a larger land base and have banded together so they get a say with respect to funding. The rest of the Tribes need to band together and create their own districts which may be advantageous when dealing with local governments. Some of the Tribes in Northern California have been meeting, but have not established a consortium. They have found that the Tribes are not used to banding together, but instead are used to competing with each other. A good example of Tribes joined together is the North Coast Tribal Commission
  - The Tribes should be able to make up their own areas for participation and support for each other and this should be discussed with the State legislature. The BIA may be able to help in determining the boundaries. Laurie Waters requested clarification on this point from Randy Yonemura at a later date
  - Caltrans pointed out that the Tribal outreach process being utilized for the CTP will be evaluated for its success and potentially used for future projects. If these Listening Sessions are successful, it may become part of the formal outreach process that Caltrans can apply to all projects…which will lend itself to a consistent approach
  - There is a lack of participation in this process by all Tribal agencies. Caltrans sent letters to all Tribes and followed up with phone calls. Some felt that this is not adequate because Tribal agencies have different departments and the appropriate people may not be receiving all their mail. However, others felt that this process seemed to work because their Tribal agency received multiple letters to various departments. It was noted that the

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BIA could help fill the gaps at those smaller Tribes who don't have transportation departments

- It is not realistic to expect all Tribes to travel great distances (several hours) to attend meetings like this and Caltrans needs to go to them. Caltrans would be happy to if they received invites from the Tribes, like they did in Bishop. In the recently updated Public Participation Plan, it is noted that Caltrans should try to attend meetings that are already scheduled and take advantage of that opportunity to meet with Tribes
- Participants were favorable to the idea that Caltrans should conduct comprehensive outreach and include all applicable plans and projects. This would be the most effective and efficient use of time
- Some areas that are important to the Tribes include increasing accessibility to transportation (multi-modal), improving safety, improving bike and pedestrian facilities, improving public transit and passenger rail (especially in rural areas), reducing single occupancy vehicles, and social equity. Providing public transit from main arteries like Amtrak coming out of Stockton, providing bus service to Amador, El Dorado, and Calaveras Counties were specifically mentioned. There isn't any interregional transportation from San Joaquin to Amador County. It is not efficient to take public transit between the smaller communities because it may take you all day to travel 15 miles, if it is even possible
- Another concern for the Tribes regarding poor public transportation service is with respect to elderly communities. Those elderly that live in small communities do not have good access to medical services outside of their immediate area. Public transit agencies need to do a better job of advertising their routes so that people are aware of them and can take advantage of them
- Tribes are also concerned about the safety of bicyclists on roads with no shoulders. Although a law just passed that requires cars to give bikes 3 feet of clearance, some of the roads have no shoulders and there isn't proper signage which is dangerous
- The Tuolumne Miwok are updating their Tribal transportation plan and they have cited a safety issue due to lack of sidewalks and shoulders for those walking from the high school to the Rancheria
- Jackson Rancheria would like to be able to call local maintenance stations for assistance when they have snow storms and people abandon their vehicles on Ridge Road. They would also like to see more signage on Highways 104, 88, 16, and 49 related to bicycle travel
- Safety is a big issue in general for the Tribes because data shows that accident rates are worse in Indian Country
- Dry Creek Rancheria has similar issues with lack of shoulders on Highway 128 and Alexander Valley. They recently partnered with the County and are developing a sidewalk program for next year

- What are the barriers for establishing more partnerships between Caltrans, the Tribes, and other agencies?
  - We need to have a project in mind and then pool resources related to engineering, construction management, environmental, etc. A good partnership opportunity might be along Highway 188 with Dry Creek Rancheria

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- Is there legislation that is causing a barrier?
- Are there barriers on the side of Caltrans to forming partnerships?

6) Summary of Discussion – Bruce de Terra

- Caltrans needs to talk to the Tribes on equal footing, and this needs to happen at the beginning of the planning process
- There are big picture funding issues. Transportation funding has been steadily declining and relies heavily on bond programs currently
- It will benefit all if partnerships are established with Caltrans, the Tribes, and other agencies on projects. This will also assist in receiving funding for these projects

Discussion – Facilitated by Caltrans

- State and other regional agencies can learn a lot from how Tribal agencies get projects accomplished because they are more efficient and don't have as much unnecessary red tape. There is too much money spent trying to get the projects approved that once they are, there isn't any money left for construction
- It was agreed that the public outreach process that Caltrans now undertakes with its projects can ultimately increase the cost and extend the schedule. However, it can also result in a better product. An example of this is the Bay Bridge which now includes bike and pedestrian facilities
- *What does Caltrans mean when they say they will include a formal consultation with the Tribes as part of the outreach?*
  - The Tribal Chair, elected leadership of the Tribe, would request a meeting with the District Director. These meetings can also include other Tribal members and Caltrans staff
- *How can people provide input on the Freight Plans?*
  - Through the California Freight Advisory Committee webpage
- It's important to the Tribes that Caltrans recognize there have been long-term mistreatments in the past. Interactions have been negative, Tribes have been left out, and this has created mistrust. It seems like Caltrans is really trying to improve the relationship and it is critical that this new approach needs to become policy and procedure so it doesn't disappear with changes in time and staff
- Tribes are favorable to the increased outreach methods and feel that it's important to be flexible because different projects will need different outreach methods, formal or informal
- Two (2) separate Fact Sheets are needed; one for the CTP and one for the overall Caltrans transportation issues
- The Tribes and Caltrans need to partner together to influence federal funding (MAP-21)
- Caltrans needs to ensure that the Tribes understand the existing funding procedure
- The CTP needs to include a separate section for Tribal government, but it also needs to be incorporated throughout the entire document
- The main issues, questions, and discussions should be provided to the remaining Tribes and the the session transcripts, summary, and sign-in sheets should be sent out to Tribal representatives. The next step involves setting up a meeting with the BIA

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- It should be clear that the Tribes are a sovereign nation, not like the local government and Caltrans. The Tribes need access to Caltrans through the District Director
- The Tribes need to be able to set up their own districts but this shouldn't have to happen through the legislature. A similar example is the RTA which includes 16 Tribes
- All additional comments on the CTP and/or Tribal Listening Session can be submitted in writing to Laurie Waters
- The Tribes thanked Caltrans for the meeting and Caltrans thanked the Tribes for attending and providing input

EXHIBIT C
Redding Tribal Listening Session Summary Notes

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Tribal Participants:

David Gensaw, Sr., Councilman for Yurok Tribe
Aaron Oliver, Cahto Tribe
Rob Krikorian, Redding Rancheria
Loren Norton, Hoopa Valley Tribe
Sandi Tripp, Karuk Tribe
James Hayward, Redding Rancheria
Joe Myers, Native American Advisory Council (NAAC)
Joey Silvas, Pit River Tribe
Herb Quinn, Pit River Tribe
Joe James, Yurok Tribe
Crista Stewart, Elk Valley Rancheria
Russell Burriel, Susanville Indian Rancheria

Caltrans Participants:

Pam Korte
Bruce de Terra
Kimberly Johnston-Dodds
Laurie Waters
Dave Moore
Joan Sollenberger
Kendee Vance
Bennie Lee
Austin Hicks
Steve Pendergast

Other Participants:

Georgiena Vivian, VRPA Technologies, Inc.
Allen Rose, Nisbett Beebe (stenographer)

Information Packets (provided to participants):

- Agenda
- Tribal Listening Session PowerPoint Presentation
- California Transportation Plan (CTP) 2040 Draft Vision Statement and Policy Framework
- Transportation Project and Planning Programming – Partnerships and Communication Diagram
- Tribal Listening Sessions – Discussion Questions
- The California Transportation Plan and Native American Tribes
- CTP 2040 Fact Sheet
- CTP 2040 Scope Document & Timeline
- Interregional Transportation Strategic Plan Fact Sheet
- Freight Mobility Plan Fact Sheet
- California State Rail Plan Fact Sheet
- Statewide Transit Strategic Plan Fact Sheet
- California Aviation System Plan Fact Sheet

1) Introductions and Welcome – Laurie Waters and Dave Moore (with Opening Prayer by James Hayward)

- Thank you to James Hayward for opening, Redding Rancheria for the facility, and Rob Krikorian for organizing the facility
- November is Native American Heritage Month. Also, thank you to all veterans in the room

California TRANSPORTATION PLAN 2040
Integrating California's Transportation Future

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- This is the 3rd Listening Session held across the State, with one or two more to follow
- The sessions build upon each other and we are gathering input on what the transportation plan should look like. This session will include presentations and an open discussion
- The main purpose of the sessions is public outreach. They will also be used to prepare a Fact Sheet
- Introductions – All introduced themselves
- The presentations conducted will be high level and not overly detailed. If anyone wants more in-depth presentations, this can be accommodated and Caltrans can meet directly with each Tribe or attend other scheduled meetings (such as the one that occurred at the California Indian Manpower Consortium in Bishop)

2) Presentation on the CTP – Laurie Waters and Kimberly Johnston-Dodds

- The CTP 2040 is the State's long-range transportation plan and includes all transportation in California, not just Caltrans facilities. It defines both policies and strategies to achieve the future vision of transportation and includes all statewide plans (including Tribal). It has a minimum 20-year planning horizon. The CTP 2040 is due to the legislature in December of 2015
- The CTP 2025 is the current plan. Due to Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) requirements, an Addendum was prepared for the year 2030
- For the first time, this updated CTP will include transportation modeling
- How can the CTP be more useful to you (the Tribes)?
- Why is the CTP important to you?
    - The Tribes can help inform the statewide transportation policy framework
    - The Tribes can ensure their issues are included
    - It provides a great forum to raise important Tribal issues
    - It gives direction to the regional transportation plans and guides transportation investments
- One of the important issues to be included in the CTP relates to funding of Tribal transportation projects
- The regional agencies and metropolitan planning organizations (MPOs) the Tribes should be coordinating with are:
    - Cahto Tribe – Mendocino Council of Governments
    - Karuk Tribe – Humboldt and Siskiyou
    - Susanville Tribe – Lassen County Regional Transportation Plan
    - Humboldt County, North Coast Humboldt County Association Of Governments, and Del Norte in District 1
    - Shasta County in District 2
    - If Tribes are unclear who they should be coordinating with, contact the Native American Liaison
- The overall vision for the CTP is the Three E's – Economy, Equity, and Environment
- The Policy Advisory Committee (PAC) contains three (3) Tribal members – Sandi Tripp, Jacque Hostler from Trinidad Rancheria, and Connie Reitman-Solas from Inter-Tribal Council of California

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- The policy framework is still a work in progress and the Tribes should consider it and have the opportunity to provide feedback
- The proposed Vision Statement now also includes public health and social equity
- The CTP integrates other statewide modal plans – highway plan, freight plan, rail plan, transit plan, and aviation plan. The CTP also incorporates the Strategic Highway Safety Plan (SHSP), the State Highway Operations and Protection Program (SHOPP) Ten-Year Plan, the Smart Mobility Action Plan, and the Transportation Management System Plan
- *As the Tribes review the Fact Sheets for each of the Plans, if they see something they want to be included on/involved with, who should they contact?*
    - The District Native American Liaison, or Kimberly Johnston-Dodds or Bennie Lee
- With respect to statewide planning, the CTP acts as an umbrella document with everything underneath. The CTP does not include projects, but is a policy document that guides the development of other plans (some of the other plans include specific projects)
- Under Moving Ahead for Progress in the 21st Century Act (MAP-21), Tribes can go directly to apply for transportation funding instead of going through a local sponsor. Caltrans is in the process of figuring out how the process will work
- One of the major issues identified by the Tribes is that they are trying to work with and coordinate with the regional and local agencies, but they aren't seeing any results
- It was suggested that the CTP include that Regional Transportation Authorities coordinate with Tribes annually, every 6 months, or quarterly and come to them to be educated and learn how Tribal governments work
- Suggestion for the Strategic Highway Safety Plan - It was mentioned that there needs to be coordination between California Highway Patrol (CHP) and the Tribal officers with respect to safety. The Yurok Tribe has been told that nothing can be done (with respect to improvement projects) until there are fatalities on a roadway. But if fatalities occur but are not documented by CHP, then nothing is done. The Tribes don't just want to attend meetings, they want to be heard, they want to be involved, and they want things to get done
- How do we bridge the gap and hold the regional planning agencies and committees accountable to listen to the Tribes and follow up on the issues? The Cahto Tribe has tried to discuss their Caltrans development policy with the regional transportation committee but they don't get any response. There needs to be accountability. On a bridge project, the Tribe had to use other avenues (they pursued a grant) outside the policies of Caltrans to get funding
- Another major issue identified by the Tribes is that there isn't a system of shared data. Tribal land is considered private property by the CHP so car accidents are not included in the national system. It was suggested that there needs to be a system that allows Tribes to enter this information, either through CHP or the Tribe's transportation department. Or we can create a shared service system
- The process for outreach, Tribal outreach, and Tribal consultation is ongoing throughout the CTP process
- The next steps for the CTP: a) First draft of the document completed in January or February, b) focus groups were conducted, c) Tribal listening sessions are occurring now (with the next one to be conducted in the Central Valley in December), d) Tribal discussion is ongoing, e) modeling scenario analysis in summer of 2014, f) public workshops in the fall of 2014, g) CTP delivered to legislature in December 2015

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3) Presentation on Other Statewide Plans (Freight, Rail, Highway) – Bruce de Terra

- The Freight Plan is now required based on legislation just signed by the Governor in September. It's consistent with federal law under MAP-21 and provides new guidance that is consistent nationally and with the State. The federal law identifies specific content, but the plan is optional under federal law. The new State law says it has to be consistent with the federal law
- The federal guidelines include – 1) create a Freight Advisory Committee (FAC), 2) designate a freight network, 3) coordinate with Tribal governments
- The national freight network has a limit of 30,000 centerline miles and is very focused on highways. Since this is limited, the State is looking at identifying a State freight network that is more expansive
- The FAC has grown and now includes 62 members, 2 of which are Tribal representatives (Isaac Kinney from the Yurok Tribe and Adam Geisler in La Jolla – both are also on the NAAC)
- The federal guidelines reference coordination with Tribal governments, but the language isn't strong. Based on recent feedback received, Tribal coordination has been given more presence in the Plan
- Senate Bill (SB) 391 requires us to reduce our greenhouse gas emissions to 80% below 1990 levels by the Year 2050. The Freight Plan will identify the projects and strategies for the freight industry that might help achieve that
- The Freight Plan is looking at the horizon year of 2050 because we want to make sure we don't preclude some options in the future through the decisions we make today. The Freight Plan is one of the plans that will identify projects
- The current federal transportation bill is a 2-year bill (with 11 months left) but there isn't any freight money identified for the projects to be implemented. There is hope that the next transportation bill will contain funding, so we want to make sure we have projects identified that could be eligible
- The current freight system in California is a mix of private ownership, public ownership, and public and private operators. There are 12 deepwater ports with navigation channels. The entire state rail network is included, which is mostly made up of the Union Pacific Railroad and Burlington Northern Santa Fe Railway. All of the short line railroads are included. Intermodal facilities are included because it is where freight is transferred between modes. It includes the 12 largest air cargo airports. Southern California dominates the freight industry in the country and in North America. The Freight Plan is also required to address pipelines

➢ *If a Tribe has the need for the rail system (transporting product), should they try to get that project into the Plan even though there aren't any funds?*
  - Yes, that could be included in the Freight and/or Rail Plans. The Tribes should contact Kimberly Johnston-Dodds or the Native American Liaison

➢ *Are all of the railways shown on the Freight Plan currently operational?*
  - Yes, they are all operational, though not necessarily currently active

➢ *Are you satisfied with the California Public Utilities Commission handling the pipeline infrastructure aspect of the Freight Plan?*
  - Not answered, discussion continued

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- *Are the vendors or Tribal governments responsible when buses are cited by CHP for being too long for the roadways?*
    - Over-sized trucks and buses are a safety problem on many roadways throughout the State and CHP has the authority to enforce the law. The two options for getting around the citations are to have a CHP escort that gets paid independently, or to change the geometrics of the roadway to accommodate the over-sized vehicles which is a huge undertaking. But if we can show that there is a need to widen the roads, then we can try to move forward with projects to improve the access. You can also request transportation permits for extralegal long or extra high loads, but these would be denied if the facilities cannot handle the vehicle size
- In 1997, SB 45 split the available funding and designated 75% of the funding for regional agencies and 25% for Caltrans in cooperation with the California Transportation Commission (CTC). As part of the Highway Plan, the ten most significant state highways for providing connectivity between major regions were identified. For these ten highways, the areas that needed to be upgraded were also identified (for example, widening from 2-lane highway to 4-lane expressway)
- Caltrans just completed a status update of what has been accomplished on these state highways since 1998. They are now going to start a process to determine whether these routes are still appropriate for interregional transportation funds
- *Does the Plan also identify the cost of the improvements?*
    - No, the Plan is just a visionary document and not financially constrained. The cost will be determined when the project goes through the development process
- *Does the Plan identify existing issues (deteriorated roadways)?*
    - The color coding on the maps identifies whether there is a concept for the roadway in the future. There are programs for repairing failing roadways. Some of the projects may not fall within the long-range plans for preservation, so they become emergency projects in the SHOPP, although there is a funding shortfall there as well
- *Is the State eligible for Federal Emergency Management Agency (FEMA) funds for some of these projects?*
    - To be eligible for FEMA funding, there has to be a declaration of an emergency on the federal level. But Caltrans can check with FEMA to confirm this

4) Lunch Break

5) General Discussion – Kimberly Johnston-Dodds

- It is important that we increase and improve coordination between the regional and local governments and Tribal governments. The Tribes are encouraged to contact Secretary Brian Kelly of the Governor's Office
- Last spring, the Caltrans District Directors sent letters to the federally recognized Tribes inviting consultation. If the Tribes want to initiate that, they can contact the District Directors and Liaisons
- The stenographer is transcribing each of the listening sessions to help in recording all feedback, and then a summary report will be prepared. These will be sent out to all attendees for review.

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These will also be incorporated into an overall summary for the Native American Advisory Committee

- There will likely be several Fact Sheets since some of the issues may be specific to certain regions. The CTP will also contain a chapter for Tribal governments, but then information will also be presented throughout
- *The Yurok Tribe would like to have Secretary Kelly come to Yurok for some dialogue. How would that be coordinated?*
    - Kimberly Johnston-Dodds will discuss it with the liaison and work with Secretary Kelly's office. Councilman Gensaw requested it be coordinated through Joe James on the Tribal side. Kendee Vance suggested that the CTP consultation policy be drafted to include this information as well so that Tribes know the process for requesting meetings with the Secretary or agencies (who do you contact and what is the process/protocol?). The Federal Highways Guide for Tribal Transportation contains a section for consultation that would be a good starting point
- The Tribes requested that the regional agencies be informed that they are being discussed in these listening sessions and make sure they receive the Tribal feedback as well
- The Tribes feel that some entities are not coordinating with them, and don't want to coordinate with them because they are afraid their funding will be used for Tribal projects. They need to understand the benefits of partnering
- Within the last few years, the Hoopa Valley Tribe has been successfully coordinating with Humboldt County Association of Governments, but it has been a long road
- The Tribes in areas with smaller populations are concerned that it will be difficult to compete for funding with the rest of the State because their population (and traffic count numbers) is lower. They are worried they won't receive much attention
- The Tribes suggested that a Consultation Plan be prepared that makes the regional agencies accountable for consulting with Tribal governments. It could be something added to the Regional Transportation Plan (RTP) guidelines – to have consultation plans that are required, not optional
- The Tribes would like to have their members hired for Caltrans jobs that occur on their lands

6) Continued Presentation on Other Statewide Plans (Freight, Rail, Highway) – Bruce de Terra

- Once the draft national highway network is released, there will likely be a 30-day comment period. Caltrans will distribute the network and ask for comments and will consult with the Freight Advisory Committee (FAC)
- The Freight Plan is due in December 2014
- The State Rail Plan was just approved by the Federal Railroad Administration. It is required by both federal and State laws and includes both passenger and freight rail. Once the Rail Plan was completed, new guidelines were released that require the Plan to be redone. It is due in early spring of 2017 but the process will begin in spring 2014
- During the last process for the Rail Plan, there was a late and inadequate consultation with the Tribes. This time, Caltrans plans to consult with Tribes up front and throughout the process
- The Rail Plan will contain projects that are financially constrained and unconstrained. A project must be included in the Plan for it to be eligible for federal funding

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- The Rail Plan will discuss High Speed Rail (HSR) as well as existing passenger rail
- ➢ *The Rail Plan is mandated, but no funding is provided?*
    - o There is staff that is funded, but Caltrans is not provided with specific funding to develop the Rail Plan
- ➢ *Is this funding going to be sufficient for getting the Rail Plan completed?*
    - o Caltrans will make it sufficient
- The Highway, Freight, and Rail Plans are being prepared consistent with each other
- The FAC meetings are broadcast online so those interested can watch. Legally, the FAC is not allowed to receive feedback from the public over the web access

7) Presentation on Strategic Highway Safety Plan Requirements – Joan Sollenberger

- SAFETEA-LU was the first to require the Strategic Highway Safety Plan (SHSP). The first Plan was developed in 2005-2006 and did not include any Tribal involvement, which wasn't required at the time. New requirements call for consultation with Tribal governments
- The SHSP includes all public roads, including Tribal roads that aren't just private limited access. It is a full partnership between Caltrans, CHP, Office of Traffic Safety, National Highway Safety Transportation Administration, Education, and Department of Defense (DOD), with Caltrans as the lead
- One of the differences between the SHSP and the CTP is that the CTP is comprehensive and a strategic plan is focused on the most important things - where to apply resources where they are needed most to make the most out of the improvement. But the SHSP and the CTP must be consistent with each other
- Safety at the federal level is represented by the four E's – Engineering (Caltrans), Enforcement (CHP), Education (stakeholders), and Emergency Service
- Many Tribes are interested in coordinating with State agencies to prepare a "what-if" plan for emergencies in case of flood, fire, etc. The plan would also identify effective detours
- At the annual SHSP Executive Leadership Meeting last year, all leaders of the applicable agencies/organizations attended and identified their top priorities. Priorities included updating the plan and the traffic safety culture
- A lot of accomplishments have been made over the last 6 years and there has been improved safety on the State highway system
- Under MAP-21, the process is now going to be data-driven. We have data in some areas, but not all. The data is showing that we need to do more on the local system, including all local public roads
- The Highway Safety Improvement Projects (HSIP) is a funded pot of money, with half of the money going to the State and half going to local jurisdictions. Tribal governments are also eligible for the local portion
- ➢ *Is the HSIP funding process through the RTP or a competitive grant process?*
    - o It is a State administered program and it's most likely a competitive grant process based on benefit-cost of the project. When the grants are made, then the project needs to be amended into the regional programs
- ➢ *How are the Tribes assured that there is going to be any funding left once they get data?*

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  - It's an ongoing program. Caltrans needs to better prepare the Tribes so they can be competitive. The SHSP will help drive future actions and investments. It will need to look at how the Tribes will be able to collect data and whether the collection process will work with others (like the CHP). The Tribes are concerned about the funding being data driven because they just don't have the data. How do the Tribes become equally competitive? This is something that still needs to be explored
- *How do Tribes apply for the HSIP?*
  - Since Tribes are sovereign nations and not considered a city or local agency, they apply directly to Caltrans and would probably need a funds transfer agreement. But Caltrans is still working on figuring out the process. The guidelines may come from the State, but it is not a State program. But typically once the federal funding is given to Caltrans, the selection process is at Caltrans' discretion. So there is still a gray area here that requires discussion with Federal Highways and Caltrans
- On January 6th, the proposed rules on the safety performance measures and the HSIP program should be released by the federal government. There will be a comment period
- *What is the possibility of earmarking funds for Tribal roads or public roads on Tribal land?*
  - Not answered, discussion continued
- Based on the trust responsibility in the past, the Tribes don't have a lot of confidence that the agencies will coordinate with them now. At the Tribal Safety Summit, some of the Federal Highways staff spoke and stated they know there have been issues in the past, but they are trying to make it right. It is important that the Tribes help Caltrans and Federal Highways understand their needs
- The Tribes are concerned that by the time there is funding, there won't be any left for them because they are at the tail end. Caltrans promised to help with an interactive dialogue
- There are still some issues with MAP-21. There wasn't a lot of guidance provided in some areas, so it is still being figured out. Plus, there is some unknown about what is going to happen after the 2-years of the bill, though it could be extended. But safety is a top priority and the HSIP funds are popular, so the funding pot should always be there
- It is important that Caltrans, Federal Highways, and the Tribes come together to clarify some points because there is differing information depending on who you are discussing with, which causes confusion for everyone
- The data goes into the Statewide Integrated Management System and is entered by CHP, sheriffs, and cities but there is often a backlog, which is a problem
- UC Berkeley's SafeTREC (Transportation Research and Education Center) is under contract with Caltrans to pull from the Statewide Integrated Traffic Records System (SWITRS) database and do analysis. They noticed there is a lot of data missing for Tribal routes, therefore collisions on Tribal lands are very underrepresented
- The Tribes are also concerned if data shows that there are higher rates of collisions on routes leading to casinos. Will they receive funding or will agencies expect the casinos to fund improvements? And some Tribes don't have casinos, so how are they affected? But since the process is data-driven, you need the data to show the clusters of collisions so you can see where the problem areas are located. It isn't a casino issue, it is an issue regarding lack of data
- *Is SWITRS the only program you compare data from?*

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  - All State and local roads use SWITRS and that is where CHP enters their data, although there is a 2-year backlog
- *When CHP enter data for collisions on Tribal lands, it is all entered as one code, except for fatalities. And they don't do GPS. If Tribes don't have access to SWITRS, but have their own Tribal police force, can they collect their own data and submit it to Caltrans?*
  - Caltrans is unsure. At the Tribal Safety Summit, it was stated that all data entered into SWITRS must be witnessed by CHP or other law enforcement agency. It is unclear whether a Tribal police force would apply. The Tribes would like to see their Tribal police force given access to SWITRS to make sure all incidents are entered and entered accurately. In the meantime, Caltrans suggested the Tribes continue to collect their data and put together a package, and maybe it can be added to SWITRS. The Tribes are still concerned that they will submit the data but their projects won't be selected because the data wasn't collected by CHP. They feel this would be a breach of trust
- *Can you submit a grant for data collection?*
  - The funding is flexible to be used for data collection. But we may have to change the State statute to make it available for data. This is something that needs to be explored further
- In some of the rural areas, there are zones that do not have cell service which is a safety issue due to delays in emergency services, etc.
- In the maps shown during the presentation, it could be seen that there was more data for Tribal areas in Southern California than for the rest of the state. There is very little data shown, and the data that is shown is generally along State highways
- Several Tribes applied for direct funding from the federal government for a Tribal safety plan. Hoopa Valley Tribe, Yurok Tribe, and Karuk Tribe won grants. The funding may include strategies, activities, or projects on public roads that are consistent with the SHSP
- Caltrans has offered to help assist the Tribes in developing their plans and giving them guidance with regards to data collection
- The SHSP needs to be approved by Secretary Kelly by August 1st of 2015. If it is not completed in time, California cannot participate in the redistribution of funds, which amounts to hundreds of millions of dollars for projects. Most regional planning agencies haven't addressed safety much at all, so it is an area in need of improvement. Instead of looking at specific safety spots, we need to develop a safety strategy

8) Discussion – Facilitated by Caltrans

- *What do you see as the major transportation challenges facing California's Tribes now and into the future?*
  - We need to accommodate all modes of travel safely on all State and local routes that travel through or are adjacent to Tribal lands (Complete Streets). These routes need to be maintained. Safe Routes to School is also a component of this
  - We need to begin the process of identifying how we can develop agreements between Tribal governments and other regional and government agencies in order to secure funding (direct access) and get projects constructed. These can be policies that are included in the CTP

REDDING TRIBAL LISTENING SESSION – MEETING NOTES

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- Note: The Transportation Enhancement (TE) Program is now the Transportation Alternative Program (TAP) which incorporates Safe Routes to School. It is currently being updated
- There should be a Tribal Trails Program that is incorporated into the CTP in the future. It would include non-motorized, safety, recreation travel, tourism, hiking – all modes of transportation
- The approach to consultation between agencies and Tribal governments needs to move away from the past history of notification, and move to more regular face-to-face consultation and discussion on policy. It would be helpful to have the face-to-face consultation with individual Tribes. It should be a three-level approach – executive level, management level, and field level so that everyone can contribute and be included. These can be policies that are included in the CTP. The consultation needs to start at the beginning, and not after Caltrans is moving forward in the planning stages of a project
- We need to change the CHP policy for documenting incidents on Tribal lands (as private property) and for accepting reports from Tribal police forces. Potentially we could use smartphones to generate reports and input to the database. We need to look at other ways to collect data and not solely rely on the CHP. We should work with the Commissioner to try to change the CHP's policy
- Caltrans needs to work on its consultation program with respect to cultural resources and sites
- The Hoopa Valley Tribe would like the Trinity Bridge Project included in the HSIP. The bridge was built in 1965 and is very narrow with no pedestrian facilities. It is in the middle of the reservation and there are lots of fatalities, trucks drive very fast. How will they be able to go after the funding? What is the process?
- The Karuk Tribe has a good relationship with the Districts in their area, but the maintenance crews are not always receptive to information provided by the Tribe which is a concern near cultural areas. We need to ensure that their supervisor is aware so better coordination needs to occur. They should respect the Environmental Sensitive Area (ESA) fencing and know to keep out
- We need to make sure that when we have the "consultation", they aren't just words, that they are acted upon as well
- In the rural areas, it is difficult to get funding for public transportation
- The Yurok Tribe is considering a ferry boat system to connect the lower and upper parts of the reservation

➢ *What was the situation down in the Willits area with the Sherwood Rancheria?*
- The Native American Liaison in that area, Kathleen Sartorius, would have the best information. But generally, the Tribal consultation efforts were incomplete and there was a lack of documents on them. There was a known, recorded site that was destroyed. It was apparently incorrectly mapped outside of the impact zone and was discovered while it was being destroyed. Tina Biorn of District 1 can also be contacted for more information
- The most important aspect that requires coordination between Tribal governments and other agencies is preservation of cultural places. Once the sites are destroyed, you can't get them back

REDDING TRIBAL LISTENING SESSION – MEETING NOTES

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  - The Tribes would like to invite Tina Biorn to the next NAAC meeting to give a report on the Willits incident so that it can be added to the record
  - There can also be issues with regard to Native American Graves Protection and Repatriation Act (NAGPRA) requirements, when there is the option of consulting with Tribal religious leaders versus Tribal government officials
  - The Hoopa Valley Tribe has had good experience dealing with Caltrans recently on a resurfacing project. They worked with Darrell Cardiff who made sure the scheduled project did not interfere with Tribal dances. Darrell consulted with both government and religious leaders. Since Tribal dances are typically scheduled based on the moon, and not an exact date, there needed to be compromises made for project scheduling, which worked out in the end
  - The Tribes, Caltrans, and the contractors need to consult together on projects like this and the consultation needs to happen from the beginning once cultural sites are identified. This is also a multi-tiered situation – sometimes there are sites that are not in the databases that only the Tribes know about. And some may not be forthcoming about where the sites are, but they can identify if there is something that needs to be protected. During projects, there should be a Tribal monitor there to make sure work is happening as it should
  - The CTP should include a policy enhancing and conserving cultural resources and a policy for facilitating conversation between the Tribes and contractors
- All additional comments on the CTP and/or Tribal Listening Session can be submitted in writing to Laurie Waters
- Caltrans thanked the Tribes for attending and providing input
- A transcript of the session will be prepared and sent out to attendees as well as a summary of the major issues. Caltrans will also share the information with the NAAC, the transportation agencies, and the Caltrans Director
- Caltrans previously sent a letter out to all Tribes offering consult on the CTP (and we can also include the SHSP). All Tribes are encouraged to contact their liaison to schedule consultation

EXHIBIT D
Lemoore Tribal Listening Session Summary Notes

LEMOORE TRIBAL LISTENING SESSION – MEETING NOTES

Wednesday, December 18, 2013

Tribal Participants:

Louise Akers, Tubatulabal Tribe of Kern Valley
Ron Alec, Haslett Basin Committee
David Alvarez, Traditional Choinumni Tribe
Margie Alvitre, Kern Valley Indian Council

Shana Brum, Santa Rosa Rancheria Tachi Yokut Tribe
Sharon Carter, Big Sandy Rancheria Band of Western Mono Indians
Chris Cisco, Traditional Choinumni Tribe
Mike Cisco, Santa Rosa Rancheria Tachi Yokut Tribe

Florence Dick, Dunlap Band of Mono Indians
Elaine Fink, North Fork Rancheria
Robert Gomez, Tubatulabal Tribe of Kern Valley
Richard Guerrero, Tubatulabal Tribe of Kern Valley

Tina Guerrero, Tubatulabal Tribe of Kern Valley

Katherine Montes-Morgan, Tejon Indian Tribe

Phil Morgan, Tejon Indian Tribe
Vernon Vera, Tule River Indian Tribe

Caltrans Participants:

Mark Barry
Alyssa Begley
Shelly Chernicki
Dr. Nick Compin
Bruce De Terra
Marta Frausto
Lonora Graves

Alec Kimmel
Pam Korte
Bennie Lee
Mandy Marine
Paul Marquez
Maria Rodriguez
Laurie Waters

Other Participants:

Georgiena Vivian, VRPA Technologies, Inc.

Devra Joy, Nisbett Beebe (stenographer)

Information Packets (provided to participants):

- Agenda
- Tribal Listening Session PowerPoint Presentation
- California Transportation Plan (CTP) 2040 Draft Vision Statement and Policy Framework
- Transportation Project and Planning Programming – Partnerships and Communication Diagram
- Tribal Listening Sessions – Discussion Questions
- The California Transportation Plan and Native American Tribes
- CTP 2040 Fact Sheet
- CTP 2040 Scope Document & Timeline
- Interregional Transportation Strategic Plan Fact Sheet
- Freight Mobility Plan Fact Sheet
- California State Rail Plan Fact Sheet
- Statewide Transit Strategic Plan Fact Sheet
- California Aviation System Plan Fact Sheet

California TRANSPORTATION PLAN 2040
Integrating California's Transportation Future

LEMOORE TRIBAL LISTENING SESSION – MEETING NOTES

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1) Introductions and Welcome – Laurie Waters and Paul Marquez (with Opening Prayer by Mike Cisco)

- Thank you to Mike Cisco for the opening prayer and Santa Rosa Tachi Tribal Council and Tribal Members for hosting the session (specifically Lalo Franco, the Cultural Resources Director)
- This is the 4th and final listening session held across the State and is reflective of the District 6 area which includes 5 counties from Madera down to Kern
- All of the Caltrans program managers and some of the office chiefs from Sacramento are present to explain the different plans, listen to Tribal input, and incorporate the input into the plans
- The ultimate goal of the sessions is to engage in discussions with the Tribes about the long-range transportation planning processes and gain perspective on Tribal values and concerns
- Introductions – All introduced themselves

2) Presentation on Tribal Engagement – Lonora Graves

- The California Transportation Plan (CTP) update process has just begun. Caltrans wants to do a better job in understanding and incorporating Tribal concerns into the CTP
- This is not a formal consultation. For those that want to be engaged, the Tribal consultation will be ongoing throughout the entire planning process
- The Caltrans district directors sent out letters previously about the CTP and encouraged formal consultation. If requested by the Tribes, Caltrans can also attend scheduled Tribal meetings (such as the North Coast Tribal Transportation Commission) to present and discuss the CTP
- The CTP is a visioning document and will present goals and policies, but it is not project-level
- The California State Transportation Agency has prepared a very draft consultation policy document that is available on their website
- The High Speed Rail (HSR) Authority is under the same planning umbrella as Caltrans but is focusing on the project-level
- Input provided today on the CTP will also be incorporated into the other applicable plans (e.g. Highway Plan, Rail Plan, etc.). These plans are going to be consistent with each other and also inform the CTP
- This meeting is being recorded and transcribed and a summary document will be prepared and sent out to all attendees. All four listening session summaries will be combined into a single summary document which will be shared with the Caltrans Director, Native American Advisory Committee, and those working on the state planning documents

3) Presentation on the CTP – Laurie Waters and Lonora Graves

- This is an informal session, so attendees are encouraged to speak up with comments and questions during the presentations. There will be presentations, but the point is to hear from the Tribes
- All of the previous listening sessions have been unique with different topics raised by the Tribes
- The currently adopted plan is the CTP 2025 which defines policies and strategies for the future multi-modal transportation system. It integrates all of the Statewide modal plans and builds upon the Regional Transportation Plan (RTP) and includes the transportation system for the

entire state, not just Caltrans facilities. The CTP 2040 is due to the legislature at the end of 2015 and will include a technical element related to modeling, which is a new feature. It will also include Tribal transportation plans as a new element

- The CTP is a high-level document that will influence all other transportation plans down to the local level and also guide transportation investments. This represents a good forum to raise Tribal issues. Since Tribal transportation funding is very complicated, the CTP update will include discussion on this as well as ways to improve it
- The overall vision of the CTP is based on the three E's of sustainability: economy, equity, and the environment. The major issues that have come up since the last CTP are social equity, public health, and having a more multi-modal system. These will be dealt with in more detail in the CTP 2040
- The CTP and the Regional Transportation Plans (RTP) have parallel processes. The difference is that the RTP includes a list of projects and the CTP does not (policy only)
- Senate Bill (SB) 375 now requires the RTPs to include a Sustainable Communities Strategy (SCS) for reducing greenhouse gas emissions. SB 391 is similar and requires the State to explain the Statewide transportation system needed to reduce greenhouse gas emissions
- The planning process considers land use, economic goals, environmental issues, and cultural concerns
- One difference between the State and Tribal transportation processes is that the State requires a project initiation document before prioritizing a project. This means that some preliminary engineering must be done and the project needs to be included in the Statewide Transportation Improvement Program (STIP). Therefore, if any Tribes want to coordinate on a project, the coordination needs to happen early
- Caltrans is currently updating the policy framework, and is being assisted by a Policy Advisory Committee (PAC) which includes four Tribal representatives: Sandi Tripp of the Karuk Tribe, Jacque Hostler of the Trinidad Rancheria, Connie Reitman-Solas of the Inter-Tribal Council of California, and Mahoss Sass of the Rincon Band of Luiseno

➢ *Is there anyone specifically representing the Central Valley on the PAC?*
    - No. The Native American Advisory Committee suggested those who may be interested in being on the PAC. People can still be added to the PAC. There is a call-in option provided for most of the meetings, in case people cannot attend in person

- There are many plans that need to be consistent with each other and will be incorporated into the CTP, including the Strategic Highway Safety Plan (SHSP), State Highway Operation and Protection Program (SHOPP), Smart Mobility Action Plan, Transportation Management System Business Plan, Highways Plan, Freight Plan, Rail Plan, Aviation Plan, etc.
- The public outreach for the CTP includes these Tribal listening sessions, focus groups that were conducted last summer, and workshops that will be conducted next fall. One of the expected products from the Tribal listening sessions is a Tribal Fact Sheet that will be a summary of the listening sessions and it will assist the Native American Liaisons in their outreach efforts. The Fact Sheet will most likely be sent out to the Tribes for review. Other products include the transcripts and a summary report
- The first draft of the CTP should be released in February and the technical modeling will be done next summer

LEMOORE TRIBAL LISTENING SESSION – MEETING NOTES

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- The CTP will likely have its own chapter on Tribes and transportation, but will also contain Tribal information throughout
- If Tribes need to contact Caltrans regarding the CTP, the contacts are: Marta Frausto – District 6 Tribal Liaison, Mandy Marine – Native American Coordinator, Kimberly Johnston-Dodds – Native American Liaison Branch, Lonora Graves, Bennie Lee, Laurie Waters – California Transportation Plan Tribal content lead, Gabriel Corley – Project Manager
- *What does the SHSP entail?*
  - The plan considers strategies and funding to improve the safety of roads in California
- *Would that include road closures or off-highway parking?*
  - It does include roadways that are not on the State system, but it doesn't include anything on private property
- *If you have a road coming out of Forest Service property onto a highway, would it include access or parking along that particular roadway?*
  - Not sure, because the Forest Service is federal
- The Highway Safety Improvement Program (HSIP) is the funding program for safety projects
- The Tulatulabal Tribe discussed a scenario on Highway 178 going east. California Highway Patrol (CHP) and Caltrans have blocked access to a cultural site but 200 yards up the road, hunters and motorcyclists have access to another route which represents an imbalance. Caltrans acknowledged that this conversation has touched on several issues, including inter-jurisdictional coordination. Caltrans will also follow up with the Tribe to determine how to resolve the issue
- *When Caltrans says they control all roads, is there a distinction between roads through federal lands or is it jurisdictional coordination with the federal government?*
  - Caltrans has rights of access for the roadway and is responsible for it within its designated boundary. But Caltrans is not responsible for roadways in national parks that have been turned over to the park service
- *Who should the Tribes contact if they want a particular roadway included in the CTP?*
  - Contact Marta Frausto of District 6

4) Presentation on the Strategic Highway Safety Plan – Dr. Nick Compin

- The SHSP includes all roads in California, not just highways. It was first prepared in 2005 and is updated regularly. It includes behavioral, infrastructure, and technology strategies addressing the four E's: engineering, enforcement, education, and emergency services
- The SHSP annual executive leadership meeting occurred in September 2013 and the attending agencies identified their top three priorities: 1) update the SHSP, 2) local, regional, and Tribal involvement, 3) improve data
- Moving Ahead for Progress in the 21st Century (MAP-21) is the 2-year federal authorization for transportation spending in the United States. It requires a data-driven strategic approach to improving safety on all public roads. A highway safety improvement project is any strategy, activity, or project on a public road that is consistent with the SHSP and it's funded by the HSIP. MAP-21 also allows eligible Tribes to directly compete for funding from the HSIP instead of going through the regional agency
- The Statewide Integrated Traffic Records System (SWITRS) is maintained by the CHP and processes all reported collisions that occur on the state highways and public roadways. Local

collisions will only be investigated by the CHP if a crime is involved or if requested by the Tribe, otherwise it is investigated by the local Tribal agency and likely doesn't make it into SWITRS. This could be problematic because then there may not be data documented to support a problem area designation and the project can't compete for funding

- Based on research of available data, it appears that collisions on Tribal lands are very underreported. A priority task is that we develop a system for more accurate estimation of traffic collisions in Tribal areas
- The SHSP is still early in the process, but the plan is due in March 2015 which isn't much time to complete all of the necessary coordination
- The challenges for the SHSP include good and reliable data, high-risk rural roads with little data, short time frame, and the need for more Tribal safety plans to identify the issues. If the SHSP is not completed on time, there is a federal sanction that reduces the amount of funding provided to the state

➢ *For a roadway that is county-maintained, but is on Tribal land, would that fall under the Tribal transportation safety plan or under a regional transportation safety plan?*
  - Most likely both

- The Santa Rosa Rancheria discussed a situation on 17th Avenue in which they suggested to the County that they install a crosswalk with blinking lights, a stop sign, or speed bumps, but the County disagreed for the following reasons: it is a rural area and they discourage any speed bumps, it isn't eligible for a stop sign, and it isn't considered an intersection so it doesn't qualify for a crosswalk either. Since children cross there, it may fall under Safe Routes to School

5) Lunch Break

6) Presentation on Other Statewide Plans (Freight, Rail, Highway) – Bruce de Terra

- The Goods Movement Action Plan was prepared in 2007 and is now being updated as the California Freight Mobility Plan. It included a number of projects in the San Joaquin Valley, some of which are on Highway 99
- MAP-21 provides guidelines for the Freight Plan including topics that should be included. It also suggested a Freight Advisory Committee (FAC) and a national freight network be established
- In September 2013, a State law was passed that required that Caltrans prepare a Freight Plan consistent with MAP-21 guidelines. It also specified the agencies that must be on the FAC including the CHP, California Transportation Committee (CTC), Public Utilities Commission, Energy Commission, and Air Resources Board. The FAC was established a year ago with the goal of 25-30 members. There are now 62 members, two of which are Tribal representatives: Adam Geisler and Isaac Kinney representing the Native American Advisory Committee (NAAC)
- The State law requires the Freight Plan be submitted to the Governor, legislature, CTC, and other agencies no later than December 2014. Based on the short timeframe, a draft of the Freight Plan must be completed by June
- Congress requires the Federal Department of Transportation (DOT) designate a 27,000 centerline mile highway system called the Primary Freight Network. The highways included were determined based on number of annual average daily trucks, weight of cargo, value of cargo, and connectivity. Highways connecting all major US cities with population greater than 200,000

are also included. This network was issued on November 18 for a 30-day public comment period which has been extended by another 30 days. Once finalized, the network will be set for the next 10 years. California received 2,700 miles, the most of any state. In the San Joaquin Valley, Interstate 5 (I-5), Highway 99, and Highway 58 were included. Almost every freeway in the Los Angeles Basin made it onto the primary network as well. There are some states that didn't get any miles and some that got very few considering the amount of freight that moves through them. These states are unhappy and are putting together their comments

- One of the criticisms of the network for the San Joaquin Valley is there is not an east-west highway included. Although there is a significant amount of truck traffic during certain parts of the year, the data is averaged for the entire year. Therefore, those east-west routes are not included because their annual average is not high enough
- Caltrans is in the process of obtaining feedback from members of the FAC on the freight network to include in their comment letter
- If a project is in the approved plan on this primary network, it is eligible for a 95% federal funding share for that freight project. If the project is off the system but still part of the larger freight network, it is eligible for 90% share. The problem is there is a funding shortfall because this plan is not a funding program. However, it is still important to make sure projects are included in the plan, in case funding should become available and a state program is developed
- Since the 27,000 mile limit is difficult to attain and artificially imposed by Congress, the DOT also prepared an expanded network based on their criteria which led to a 41,000 mile network
- The updated Freight Plan will have a chapter on Native American Tribal governments in relationship to freight. The chapter will make it clear that Tribal governments are not a subset, but are on an equal footing with regional and local agencies. Based on previous listening sessions, Caltrans has already received some comments/feedback that will be included:
    - Many Rancherias and reservations are located along rural highways that don't allow full-size trucks. This causes issues with deliveries as well as safety
    - Some Tribes are located along trans-national railroads that do not stop within the Tribal land. Therefore, they are experiencing the impacts but not the benefits
    - Tribes would like to gain more access to freight jobs as well as construction jobs for projects that occur on Tribal land
- The Freight Plan also includes non-highway facilities: the entire freight rail network, the 12 deep-water seaports, and 12 air cargo airports
- Since the freight network runs across the entire state, it impacts and can also benefit all Tribes which is why Tribal input is very important
- All of the FAC meetings are broadcast online, for those who are interested. You can find the link on the department's homepage, or type in "CFAC" and link to it that way. The materials are also available online, and you can submit comments
- In 1998, a highway network was identified that showed the highest priority for roadway upgrades (e.g. two-lane highway that needs to be expanded to four lanes, or four-lane highway that needs to be converted into a freeway). It identified routes that were most important to providing connectivity throughout the state and reaching the major metropolitan regions. The interstates are not included in this plan because they are covered under the Interstate Highway System. Many of the highways identified in 1998 have since been improved, but some have not because they have not yet secured all funding needed

LEMOORE TRIBAL LISTENING SESSION – MEETING NOTES

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- Caltrans just completed a status update of the 1998 plan to identify what projects have been accomplished. The CTC suggested Caltrans reexamine the highway network and determine if all identified routes still need to be included and if any need to be added. Since this may dilute the funding, we may also need to reprioritize the projects
- ➢ *Can you give some examples of the types of funding opportunities available to Tribes? Specifically for those Tribes that are not federally recognized?*
    - It is assumed the Tribe would need to partner with a government entity (which could include a recognized Tribe). It depends on the funding source as to what type of government agency (public entity) is eligible. There is also a new definition for environmental justice that includes indigenous groups from North America. This allows unacknowledged Tribes to bid in the environmental district category
- The Rail Plan was prepared in May 2013 and released in October. But in September, the federal government issued new guidelines which meant the Rail Plan needs to be redone. Then Assembly Bill (AB) 528 was passed that requires the Rail Plan be finalized in spring of 2017. Caltrans is working on a scope as well as a consultation plan and outreach plan. Caltrans was criticized for not doing an adequate job with Tribal consultation in the previous plan
- The current Rail Plan is the most comprehensive that Caltrans has ever done. It includes the entire rail system and the proposed HSR. Caltrans is trying to build an integrated, coordinated system that works together. But there are still a lot of unknowns about the HSR, so as things develop the Rail Plan will reflect this
- If anyone is interested in receiving a printed version of the plans, please contact Shelly Chernicki. You can also view the files online through a link on the Caltrans homepage
- All of these plans are project-specific and will feed into the CTP (policy document) and the CTP will inform all plans so they are consistent and try to achieve the same goals. One of the environmental goals relates to air quality and AB 32 mandates that the state reduce its greenhouse gas emissions by 2050 to 80% below the 1990 levels. The California Air Resources Board also has a goal that the freight industry will have zero or near zero emissions by 2050

7) Discussion – Facilitated by Caltrans

- ➢ *Tule River Tribe is currently preparing a road safety plan which was federally funded. It must be consistent with federal and state plans. Will that make the Tribe eligible for state funding also?*
    - If the plan meets federal and state requirements, then it should be eligible to directly apply for funding. The project must be in the plan before it can compete for HSIP funding. But Dr. Nick Compin will check on this and reply back to Tule River Tribe
- ➢ *In the future, will Caltrans earmark special money just for Tribes? The Tribes are currently competing with large Metropolitan Planning Organizations (MPO) and having a difficult time getting funding.*
    - Typically, Tribes have been very competitive in the environmental justice grant program. There is a one-year hiatus of the environmental justice community-based transportation planning grants. But Alyssa Begley will discuss with the team at the Office of Community Planning for consideration
- ➢ *What are the biggest transportation challenges the Tribes face?*

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- The Tulatulabal Tribe would like to see more aboriginal names used for streets instead of the traditional names (e.g. Mary Lee, Kimberly, etc.). A suggestion was using "Tulatulabal Highway" or something similar that could brand a particular region and be a catalyst for tourism
- Big Sandy Rancheria is concerned about environmental protection and preservation from fires (caused by auto crashes) and funding. Due to its location, Big Sandy is vulnerable and they are concerned about protecting their assets and land from things that may happen on Highway 168

- *Santa Rosa Rancheria has its own Tribal security that takes reports of accidents that occur on the reservation. Would that qualify as data that could be used to receive funding through the safety grants?*
  - Yes. It would be best if the Tribe could coordinate with CHP to get the data entered into SWITRS. However, the CHP is currently 2 years behind in uploading data. The SHSP update will consider ways that the system can be improved to make sure that Tribal data is recorded and that the data is kept up-to-date
  - In previous listening sessions, Tribes have requested that their law enforcement agencies be allowed access to SWITRS so they can input data
  - It was suggested that maybe there is a way that data can be logged through technology – smart phones, iPads, etc. But at the Tribal Safety Summit in Sacramento, CHP Officer Bob Clark mentioned that there are still a lot of dead zones in rural areas
  - Another issue with CHP incident reports on Tribal land is that they use a generic code for all types of incidents which leads to less accurate data collection. The Tribes are encouraged to contact their local CHP Commander to help achieve consistency in data collection
  - Caltrans feels these issues need to be raised and possibly dealt with at a higher level – the California State Transportation Agency which has a responsibility for Caltrans and the CHP. Some clarifications also need to occur with respect to jurisdictions and who has responsibility in certain areas
- *What should be the main focus for improving the transportation system?*
  - The Tule River Tribe is concerned about emergency access because they are located in a rural area with one access road into the reservation. As part of their planning grant, they are considering a heliport for emergency access – looking more towards aviation instead of roads. That may also be dealt with in Caltrans Aeronautics Plan
  - One of the issues that the Santa Rosa Rancheria deals with is that they provide money to help maintain roads, but farmers with heavy equipment also use the roads which can cause a lot of damage and be expensive to repair and farmers are not contributing funds to maintain the roads
  - Dunlap Band of Mono Indians suggests providing more turnouts and safe rest stops. There are a lot of rest stops that exist, but are currently closed. Caltrans stated the reason is that Caltrans is not funded to construct rest stops or maintain them. But Caltrans is currently responsible for the rest stops and the maintenance is currently contracted. Recent legislation was passed that allows Caltrans to transfer ownership of the rest stops to local governments. But Caltrans is not planning to construct any new rest stops but is renovating some of the existing ones

LEMOORE TRIBAL LISTENING SESSION – MEETING NOTES

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- Dunlap Band of Mono Indians feels that the highways are not well maintained and are dirty and littered with trash. On some highways, like 99, one lane is well maintained and one is not, so all traffic utilizes the good lane. Caltrans stated that maintenance is partially funded by the federal and state gas taxes, neither of which has increased in a long time and funding has decreased as cars get more efficient. Previous focus in planning processes has been on constructing new roads. But the California State Transportation Agency is now shifting focus to maintain the roads we already have. There may be an initiative on the November ballot to provide funding for maintenance. The system is too broad and the funding too limited to improve all roadways. With these plans that are being prepared, we are trying to strategically invest in the system so it is important that the Tribes identify the roadways that are most important to them

- *What are some of the main transportation safety issues on Tribal lands?*
  - The population is growing and Tribes are constructing more businesses, but the roads were constructed so long ago they weren't meant to handle the increase in traffic they are now experiencing. We need better integrated land use and transportation planning. This is especially problematic for Tribes that have a casino with increased casino traffic. For the counties that have a regional sales tax, that can be a source of maintenance revenue
- *Are there any transit issues that need to be addressed?*
  - There are some small areas (on 178 east of Lake Isabella, on 14 in Mojave, and Dunlap Band land east of Fresno) that do not have any public transit. This is especially problematic for elderly people who need access to health clinics located outside the area
- *Since the goal for freight is to reduce to zero emissions, does this mean there will be a change to the rail system?*
  - The State is looking to electrify some of the system. They are also considering converting locomotives to natural gas or hybrids. In terms of changing the system, there may be a different sort of fueling infrastructure
- *If the fueling infrastructure is going to change and there are more solar farms, will the effects of the solar farms on sensitive areas be considered?*
  - Either the Energy Commission or the Public Utilities Commission is responsible for funding the solar farms, but when one is proposed it typically has to go through the local planning commission and the public is able to voice their concerns. There have been instances of solar farms not being approved because they were proposed on sensitive agricultural land
- *Will the Tribes be involved in cultural monitoring with respect to the HSR?*
  - Consultation with Tribes is incorporated into Section 106. But since discussions about HSR are still so broad, it is too early to discuss ground disturbance more explicitly. We need to recommend monitoring as a component since we don't know the details of ground disturbance yet. Caltrans will send a link to the Tribes that shows the consultation policy so they can review and comment and make sure it includes Tribal coordination (at least for cultural resources) for projects like the HSR. North Fork Rancheria mentioned that "consultation" to them means meeting with the Tribal Council

LEMOORE TRIBAL LISTENING SESSION – MEETING NOTES

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8) Closing – Pam Korte

- Caltrans thanked the Santa Rosa Tachi Tribal members for hosting the session, Mike Cisco for leading the welcome blessing and lunch prayer, Headquarters staff for setting up the meeting, District staff for spreading the word and helping with attendance, the presenters, and VRPA Technologies, Inc. for facilitating
- If anyone is interested in formal consultation regarding the CTP, SHSP, or other plans mentioned, please contact, Marta Frausto, and Caltrans is happy to coordinate
- As a follow up, Caltrans will send out a link to the draft consultation policy and a link to the other planning documents. They will also send a copy of this session's transcripts
- Tribes thanked Caltrans for the VISA gift cards
- Ron Alec said the closing blessing