

SAN DIEGO TRIBAL LISTENING SESSION – MEETING NOTES

Tuesday, July 30, 2013

Tribal Participants:

Sheilla Alvarez, Barona Band of Mission Indians	Cody Martinez, Sycuan Band of the Kumeyaay Nation
Tom Bumgardner, Valley Center Community Recreation Center	Margaret Park, Agua Caliente Band of Cahuilla Indians
Gregory Fisher, Colorado River Indians Tribe	Lavonne Peck, La Jolla/Southern California Tribal Chairmen's Association
Adam Geisler, La Jolla Band of Luiseno Indians	Albert ("Boxie") Phoenix, Barona Band of Mission Indians
Eric Haley, Transportation Consultant to Morongo Band of Mission Indians	D. Rodriguez, Rincon Band of Luiseno Indians
Virginia Hill, Lipay Nation of Santa Ysabel	Mark Romero, Mesa Grande Band of Mission Indians
Harry Hobson, San Pasqual Band of Diegueno Mission Indians	Mahoss Sass, Rincon Band of Luiseno Indians
Anna Hohag, Pala Band of Mission Indians	Merv Scott, Colorado River Indians Tribe
Anna Hoover, Pechanga Band of Luiseno Indians	David Toler, San Pasqual Band of Diegueno Mission Indians
Ray Hunter, Jamul Indian Village	Veronica Urle, Santa Rosa Band of Cahuilla Indians
Howard Maxcy Jr., Pala Band of Mission Indians	

Caltrans Participants:

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

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- 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