

**Native American Advisory Committee
Quarterly Meeting Minutes
April 21, 2010**

Welcome and Introductions: Chairman Joseph Myers opened the meeting at 9:15 AM with a prayer. He welcomed the Native American Advisory Committee (NAAC) members and participants.

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

Adopt Agenda: The Agenda was adopted for the April 21, 2010 meeting.

Approved Minutes: The Minutes were corrected to spell Member Stacy Dixon's name correctly, and a motion to approve the amended January 21, 2010 Minutes was made by Member Stacy Dixon, second by Member Dennis Hendricks. Chairman Myers approved the corrected Minutes.

Members in Attendance: Bo Mazzetti, Rincon Band of Luiseño Indians; Dennis Hendricks, Tuolumne Rancheria; Dore Bietz (Alternate), Tuolumne Rancheria; Stacy Dixon, Susanville Indian Rancheria; Ralph Troy Hatch, Ione Band of Miwok Indians; Chris Howard, Elk Valley Rancheria; John D. Green, (Alternate), Elk Valley Rancheria; Chairman Joseph Myers, National Indian Justice Center (NIJC), Kelly Myers (Alternate), National Indian Justice Center, CA/NV TTAP; Joel Bravo, Smith River Rancheria; Timothy Bactad, Viejas Band of Kumeyaay Indians; Jacque Hostler, Trinidad Rancheria; Shirley Laos, Trinidad Rancheria; Sandi Tripp, Karuk Tribe.

Director's Representatives in Attendance: Sharon Scherzinger, Chief, Division of Transportation Planning; Tom Neumann, Chief, Office of Community Planning; Lonora Graves, Branch Chief, Native American Liaison Branch.

Others in Attendance: Ambrose Tayaba, Shingle Springs Rancheria; Ron Andrade, Los Angeles Indian Commission; Lisa Haws, Staff, Viejas Band of Kumeyaay Indians; Donald Brafford, Indian Health Services; Kanu Patel, Bureau of Indian Affairs (BIA); Christy Cottonwood, BIA; Steve Wilks, IBI Group; Kathleen Sartorius, Caltrans D-1; Sandra Rivera, Caltrans D-2; Cassandra Evenson, Caltrans D-3; Matthew Lum, Caltrans D-4; Jo Sanford, Caltrans D-8; Maen Shaar, Caltrans D-8; Sandra Rivera, Caltrans D-2; Jo Sanford, Caltrans D-8; Kimberly Johnston-Dodds, NALB; Tyler Monson, NALB.

Old Business:

1. TERO Update.

Sharon Scherzinger updated the NAAC on the current Caltrans response to TERO: though the Attorney General's Opinion has been filed, Caltrans is still waiting for top management to provide direction on future action. A suggestion was made that once a new Caltrans Director is named, that the NAAC might want to have a meeting with

him/her to provide a perspective on TERO from a Tribal Government point of view. The committee agreed that this activity would be worthwhile.

Kelly Myers provided a detailed analysis of the Attorney General's Opinion on TERO, outlining the details of the response and the case law the Attorney General used to arrive at this conclusion. Right of way was raised as an ongoing issue, and there was much discussion about the challenge of finding legal documentation required to prove right of way. Bo Mazetti suggested that the only way to definitively know whether a road is within legal rights of way held by the state is to go back to the original documentation.

The NAAC raised some questions about the delay in Caltrans' response to the Attorney General's Opinion and wanted to know what kinds of questions were being considered. A suggestion was made that going to the Attorney General directly on any areas that are unclear might be worthwhile for Caltrans.

2. California Legislative Analysis Report.

Kimberly Johnston-Dodds provided a brief update on legislative activity including a bill on Safe Routes to School which will be watched carefully. New rules from US EPA that expand the Air Quality general regulations was also discussed because it clarifies the tribal implementation plans and suggests that tribes will need to be consulted on any federal action that the agencies intend to take.

3. Bureau of Indian Affairs (BIA) Indian Reservation Roads Inventory Program Update –

Kanu Patel provided a status update on ARRA funding. The deadline for submittals has passed, and California received \$10 million for construction and \$150 million for road maintenance. Seven tribes submitted complete applications, and approval for six construction projects was received. Reporting is important for ARRA funding; once the contract is executed, reports need to be submitted every 30 days. Failure to submit 3 reports will lead to the end of the contract.

The NAAC raised some concerns about BIA staffing levels, responses to tribal needs, and barriers beyond the Pacific region staff that impact the inclusion of projects in the IRR.

4. California Position Paper; Indian Reservation Roads Program.

Jacque Hostler provided a status update on the Question 10 issue. Though the inventory update brought some additional money to California, Question 10 may cause a challenge regarding which state and county roads are included in the IRR Inventory. The IRR committee sent a letter that summarized the issues that have been pending since 2006 to Assistant Secretary Echohawk, and received a response. This response will be e-mailed to the NAAC members and to tribes statewide. Meetings are being scheduled with FHWA to do a joint agency position on Question 10. The interpretations in this position paper will be based on input from Indian Country, so it

is important for California tribes to respond. The intent is to be as fair as possible and to look at the issue from an equity standpoint.

NAAC raised a question about projects being held up because of possible staffing problems at BIA. The NAAC was informed that BIA is working with FHWA to complete a quality control review. There was discussion about sending a letter in support of that quality control team.

5. Tribal Technical Assistance Program (TTAP) CA/NV.

Kelly Myers provided an overview of recent training initiatives including the Federal Highway Administration's Tribal Transportation Summit that's taking place in May, and a program on working effectively with tribal governments that initially began with a request from Cal EPA. To see the TTAP newsletter and to get a list of upcoming training, go to the TTAP website: <http://www.nijc.org/training.html>

6. NAAC Ad Hoc Technical Research Workgroup – Encroachment.

This discussion item was tabled because the encroachment workgroup was planning to meet that afternoon.

7. NAAC Ad Hoc Technical Research Workgroup – Federal Transportation Act Authorization.

There was not a lot to update because everything is at a standstill.

New Business:

1. Caltrans Update.

Sharon Scherzinger described the reorganization of the Division of Transportation Planning, shared that the Native American Liaison Branch has been moved to the Office of Community Planning, and introduced Tom Neumann to the NAAC. The changes that are taking place in Caltrans were outlined, and Sharon Scherzinger shared that Randall Iwasaki has left Caltrans and the Department is waiting for a new director to be named. The Strategic Highway Safety Plan (SHSP), a document that guides safety activities within the State of California regarding all roadway users on public roadways, was discussed. Additional information on the SHSP can be found at the following website: <http://www.dot.ca.gov/SHSP/> .

2. Needs Assessment Update

Sixteen needs assessments were completed as a result of a contract between Caltrans and IBI Group, and Steve Wilks reported on this process. The purpose of the assessments was to provide baseline transportation data that could improve the competitive standing of California tribes to receive federal funding and to provide information that could be used to update the IRR inventory. Some of the common concerns that were found during the assessment process include a need for better communication and coordination between the tribes and other agencies, the desire for additional training on issues like planning for tribal needs, and the necessity of

developing funding strategies. NAAC suggested that a summit needs to be convened to discuss these issues in the future.

3. Road Safety/Tribal Safety Summit –

There was significant discussion about an opportunity to have a Tribal Safety Summit brought to California. FHWA will partially sponsor this conference and needs the help of the NAAC or other leaders to define the scope of the workshop. At the request of the NAAC, Kelly Myers of TTAP and NALB will do some further research on the necessary steps to make this happen. Jacque Hostler also expressed an interest in being a part of this process.

The NAAC raised some safety issues that are important to consider in the development of the Tribal Safety Summit including the fact that counter safety measures like rumble strips seem to be missing in Indian country, and these features can help save lives. The committee also raised the need for the participants in this Summit to come from multijurisdictional areas.

Announcements: Written announcements for upcoming meetings and workshops were provided on the agenda.

The meeting was adjourned by Chairman Joseph Myers at approximately 12:40 p.m.