

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:

Georgiana 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

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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

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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
- The CTP will likely have its own chapter on Tribes and transportation, but will also contain Tribal information throughout

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- 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 Tulatubal 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.

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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

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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
- 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

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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?*
 - 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

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- 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
 - 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

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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

8) Closing – Pam Korte

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- 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