

**Native American Advisory Committee
Quarterly Meeting Minutes
Woodland, California
August 27, 2014**

Welcome and Introductions: Chairman Joseph Myers opened the meeting at 9:07 AM. He welcomed the Native American Advisory Committee (NAAC) members and participants.

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

Adopt Agenda: The Agenda was adopted for the August 2014 meeting. Didn't hear.

Approved Minutes: One correction made to the minutes from May 2014. The corrected minutes were approved unanimously.

NAAC Members in Attendance: Joseph Myers, National Indian Justice Center; Anthony Duncan, Robinson Rancheria; Dore Bietz, Tuolumne Rancheria; Isaac Kinney, Yurok Tribe; Margaret Park, Agua Caliente Band of Cahuilla Indians; Virgil Perez, I'Pay Nation of Santa Ysabel; Paul Irwin, North Fork Rancheria of Mono; Sandi Tripp, Karuk Tribe; Jacque Hostler-Carmesin, Trinidad Rancheria; Lorenda Sanchez, California Indian Manpower Consortium; Vernon Vera, Tule River;

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

Others in Attendance: Heather Hostler, Assistant to the Tribal Advisor; Michael Hostler, Hoopa Valley; Sarah Allred, High Speed Rail Authority; Annie Parker, High Speed Rail Authority; Vince Mammano, FHWA; Jermaine Hannon, FHWA; Jack Lord, FHWA; Shomari West, FHWA; Keaton Browder, FHWA; Marta Frausto, Caltrans District 6; Trent Clark, Caltrans District 11; Lorna Foster, Caltrans District 8; Maria Rodriguez, Caltrans District 10; Kathleen Sartorius, Caltrans District 1; Gary Arnold, Caltrans District 3; Scott Sauer, Caltrans; Terri Price, DMV; Muhaned Aljabiry, Caltrans; Lauren Prehoda, Caltrans HQ Legislative Affairs; Kimberly Johnston-Dodds, Caltrans; Joan Sollenberger, Caltrans Traffic Operations; Ursula Stuter, Caltrans Traffic Operations; Laurie Waters, California Transportation Commission; Joanne McDermott, Caltrans; Stephanie Lucero, CCP; Priscilla Martinez-Velez, Caltrans; Linda Rosas, Redwood Valley Rancheria; Bennie Lee, Caltrans Native American Liaison Branch; Chad Riding, Caltrans Native American Liaison Branch.

Agenda Items:

- 1. Greetings from the Caltrans Director.** Malcolm echoed the comments of Chairman Myers by extending his thanks to the member of the NAAC for their continued service and dedication to the Committee. Malcolm then mentioned the earthquake that struck Napa Valley and noted that the transportation system withstood the 6.0 earthquake rather well. There was one rupture in pavement, which was quickly fixed. Minor bridge damage occurred, and Caltrans staff fixed it quickly. There was no damage to Bay Area bridges. A 6.2 magnitude earthquake is where major damage may begin to occur on bridges. Caltrans leadership discussed how to better prepare for earthquakes..

Malcolm noted that California is still in a drought and that Caltrans has taken measures to reduce water consumption, such as a 50% reduction in landscaping water use.

Malcolm also reported on the Mission and Vision Statements, which have been updated to reflect what Caltrans now does as a transportation agency. The Caltrans Mission Statement now reads as follows: "Provide a safe, sustainable, integrated and efficient transportation system to enhance California's economy and livability." The goals were also updated. Malcolm then read the goals and their explanatory statements. He will soon go on a speaking tour of all Caltrans districts to emphasize the importance of the new statements.

The *Mile Marker*, which measures Caltrans' performance, is available online and provides information about Caltrans' functions. The California Transportation Commission adopted the Active Transportation Program (ATP) Round 1. The second round will take place soon.

Malcolm answered questions from NAAC members. Isaac Kinney from Yurok Nation asked for further bridge training for tribal staff. Malcolm responded that some training may be done in-house while some will be conducted by outside consultants. Sandi Trip from Karuk Tribe asked about the status of TERO across the state. Malcolm responded that the Deputy Directive 74-R2 was sought to be broad. It should be utilized where appropriate. Lonora Graves commented that there have been some issues with implementation and the definition of tribal lands, but Caltrans will continue the work to implement this program. Caltrans determined that any project on tribal lands could qualify for Indian preference. Sandi stated that there was a concern about contractors hiring large numbers of people who were not tribal members.

Jacque Hostler-Carmesin from Trinidad Rancheria spoke of an interchange project involving tribal land that is having a difficult time being approved because of the need for a design exception for the interchange. She asked whether a tribe can come to Malcolm if all other government-to-government consultation efforts have been exhausted. Malcolm stated that he would prefer that the tribe meet with Charlie Fielder (D1 Director) before meeting with Malcolm, but if the process becomes stuck, Malcolm would become engaged as appropriate.

Paul Irwin from the North Fork Rancheria asked if an ATP grant application that did not receive funding in the first round can be resubmitted in future ATP grant rounds. Malcolm clarified that the second round for large MPOs will draw from a new set of applications. There

are several opportunities to apply. Sandi Tripp asked whether tribes can receive funds directly from CTC. Michael Hostler from the Hoopa Valley Tribe noted that the tribe has received funds directly from CTC..

- 2. Caltrans Update.** Katie Benouar gave an update on staffing. Chad Riding joined the NALB in July and has some experience in Caltrans District 3 and HQ Traffic Operations. Kathleen Sartorius, District 1, will retire in November after several years as Native American liaison. Kathleen will be missed in the transportation community. In regards to statewide planning efforts, the California Transportation Plan, the Strategic Highway Safety Plan, the California Freight Mobility Plan, and the Interregional Transportation Strategic Plan are all being updated now. They are important as vision- and policy-setting documents. About \$360 million in ATP projects will be awarded in 2014. Around 770 applications were received in Round 1. Each application was scored by three people. The La Jolla Tribe had one project awarded funding. The CTC is working on a tribal consultation policy and the next group of ATP guidelines. A Section 106 workshop was held on process and programmatic agreements. That was hosted by FHWA in July. Western Tribal Technical Assistance Program (TTAP) assisted. A Section 106 meeting in Southern California will be held in October. Vince Mammano from FHWA encouraged attendance.

Malcolm noted that Jody Jones from District 3 has retired. Her replacement is Amarjeet Benipal. Native American tribal consultation is mentioned with district directors on a regular basis, and Amarjeet is aware of the need for consultation.

- 3. Carol Farris, California State Transportation Agency (CalSTA).** CalSTA has adopted a consultation policy and will revise the policy as recommendations are made. A meeting will be held, tentatively scheduled for October, to discuss the policy with tribal leaders. Educational sessions will be conducted for directors of agencies under CalSTA. Terri Price was introduced as the liaison at DMV to California tribes. The CTC will speak with tribal leaders about consultation, and CalSTA will work with others as much as possible. Joe Myers said that the policy was developed in an appropriate manner. Isaac Kinney asked whether the CTC would be open to having a TTAP or NAAC member be on the ATP guidelines team. Laurie said she would take that back to CTC but that there is not a foreseeable problem with that.
- 4. Tribal Advisory to the Governor.** Heather Hostler attended in Cynthia Gomez's place. Consultation policies are being developed across state government agencies. Carol Farris was recognized as having developed an excellent consultation policy. There has been much work on the drought. Cynthia and Heather are alternating attendees on the Governor's drought task force. Several agencies have worked in drafting policies regarding water and have successfully worked with tribes in getting tribal input. The Advisor and the Broadband Council have worked in getting better access to broadband on tribal lands. The First Net Broadband Network for first responders is being constructed, and the goal is to cover as much of the United States as possible. The Advisor is working to get this implemented for tribal communities. Dore Bietz, who is working on the First Net, stated that this work is being coordinated with tribes.

- 5. Federal Highway Administration Update.** Jermaine Hannon and Vince Mammano gave an update on FHWA activities. President Obama signed an extension on MAP-21 that will last until May 31, 2015. About \$10.8 billion were transferred from the General Trust Fund to the Highway Trust Fund on the national level. Malcolm explained that the previous bill (SAFETEA-LU) was extended 10 times. A group is looking at road user costs. On other fronts, the planning NPRM closes Sept 2. More NPRMs are coming up. The biggest change in MAP-21 has been performance measures, and these are reflected in the NPRMs.

Vince Mammano explained that there are five political appointees in FHWA. There is the Federal Aid side and the Federal Lands unit. Vince is on the Federal Aid side for California, and Joyce Curtis is the associate administrator of the Federal Lands side. Joyce's position is changing. The Federal Lands side deals with the TTPCC.

- 6. Notice of Proposed Rulemaking: Caltrans Comment Letters Coordination.** Lauren Prehoda updated the NAAC on the comment letters on the NPRMs. Caltrans included a comment that MPOs should include closer cooperation and involvement with tribes when the MPOs update long-range transportation plans. Safety will warrant further consideration, such as setting specific targets for tribal involvement. Vince Mammano stated that positive aspects of NPRMs should be highlighted to encourage their further inclusion in other NPRMs and transportation policies. Changes to the national transit database are in a recently released NPRM, and the Division of Mass Transit is looking at this. The CMAQ Weighting Factor is also included in an NPRM, and those comments are due October 3.

Muhaned Aljabiry from Caltrans Programming gave information about the CMAQ program NPRM. More funds have been allocated to regional planning agencies. MAP-21 allocated a lump fund to states and did not direct how to allocate the lump sum. It did not give direction on the 25% of the CMAQ funds, and the NPRM works on this. It proposes a weighting factor of 5, or 25% of the CMAQ funds. This rule gives further direction in regards to PM 2.5. It generally only gives funds to one area. Further applicant tracking is also necessary. A team will meet to help discuss this NPRM. Isaac Kinney asked if Caltrans will provide a comment on the NTD NPRM. Its impact on transit will be very big.

- 7. Emergency Services Coordination and Access.** Isaac Kinney, a transportation planner at the Yurok Tribe, gave a report on emergency services and tribes. Isaac mentioned that the South Klamath River is the lifeline of the Yurok Tribe. A river taxi system will run from Klamath to Weitchpec to provide transportation to tribal members and will serve as an emergency evacuation route. Tribal members' wells went dry in June 2014. The tribal government notified the Eradication Taskforce, which restored water in short order. Few people realize the importance of the land and resources to tribal members. In terms of fire, the Yurok Nation received a fire truck from the Tuolumne tribe to help fight fires. A youth trails crew composed of tribal members eliminated brush to reduce fire risk. In terms of emergency response, about 20 miles of tribal land do not have road access.

Dore Beitz noted that last year they were fighting the Rim Fire. Tribes often loan each other equipment. Tribal fire services will also help other tribes. A grant through Caltrans funded the tribal transportation plan, which helped provide road access to Tuolumne tribe. GIS mapping

is very important to tribes because it provides vital information for first responders, such as housing locations. Partnerships with state agencies and Tuolumne County are very important to ensure optimal coordination. Some tribes have advanced plans for emergency management while others do not. September is emergency preparedness month, so all tribes should work on updating or writing an emergency preparedness plan. Tribes worked hard on water and forest fire fuel reduction. Town halls on First Net will occur, and there is a tribal advisory piece to this.

Joe Myers noted the importance of GIS and how a group of young California Native Americans presented GIS posters at the ESRI conference in San Diego. Of all conference goers, they were the only youth group in attendance.

- 8. Tribal Transportation Program Coordinating Committee.** Jacque Hostler-Carmensin reported that tribes will receive \$300 million in Tribal Transportation Program funding up front. There is a push to have tribes speak with legislators to advocate additional funding for tribes. The Tribal Transportation Unity Caucus is working for greater funding, speaking with Barbara Boxer of the Environment and Infrastructure Committee. This is important as the extension lasts until May 31, 2015. The TTPCC will meet before the National Tribal Transportation Conference in September in Anchorage and will meet again in November and February. Because these meetings are scheduled, it is easier to complete the necessary work. The TTPCC Strategy Development and Business Plan will replace the Stewardship Plan. They are working to get tribes' concerns incorporated in the document. Tribal safety concerns are so important to Native Americans but are not highlighted like tribes would like. A letter to FHWA leaders expressed this fact. Her term on the TTPCC will end at the end of this year, but she has been re-nominated. Sandi Tripp has also been nominated for the TTPCC as Jacque's alternate. Jacque and Sandi would like a letter of support from Caltrans. The NAAC unanimously voted to support the letter request, and Joe Myers and Lonora Graves provided one from the NAAC.
- 9. Legislative Update.** Bennie Lee of the NALB presented the legislative update. The legislative session has ended. The last day for amendments was August 22. AB 52 was amended August 19. All other bills that affect Native Americans are given in the packet. August 31 is the last day for a house to pass a bill. The Governor then makes a decision on the bills. The 47th Native American Day will take place on the North Side of the State Capitol. The theme is "Water is Sacred." It will be very educational for Caltrans employees.
- 10. High Speed Rail.** Sarah Allred and Annie Parker gave an overview of High Speed Rail (HSR). Annie Parker from HSR stated that California is an important market for rail. HSR provides another alternative to air and automobile travel in the state and helps reduce greenhouse gas emissions. There is a mix of several different funds, such as Federal, Proposition 1A, and one quarter of the Cap and Trade funds. Environmental Clearance from Fresno to Merced is secured, and Federal clearance from Fresno to Bakersfield has been received. Construction is underway from Madera to Fresno, and there is a bid out for Fresno to Bakersfield. Environmental documents are being done in other parts of the state. Many jobs will be created in the construction sector with several permanent jobs during operation. There is a goal for DVBE participation at 30%.

Joe Myers asked how many tribal members were employed in the project. Annie stated that jobs are promoted through the DVBE. A large percentage will go towards helping disadvantaged communities, including building stations in disadvantaged communities. Sandi asked how tribal lands will be affected. Sarah stated that no tribal trust lands are affected and that there is an effort to avoid heritage lands of tribes. Someone questioned what will happen if any remains are found. HSR representative stated that there are ongoing meetings regarding tribal heritage lands and important archaeological sites.

A short presentation on HSR followed. Scoping and engagement was scheduled to take place early in the process to allow maximum tribal input.

- 11. Caltrans Sustainable Transportation Planning Grant Program.** Priscilla Martinez-Velez from Caltrans ORIP gave the presentation on the grant program. This is newly updated. The grant program was realigned to the new Mission Statement and other efforts. There will be a 2-month grant application period, with applications due Oct 31. A resolution is only required upon reward, not with the application. There are two grant programs: the Strategic Partnerships and Sustainable Communities. The Strategic Partnerships was previously Partnership Planning and is available to MPOs/RTPAs and amounts to \$500,000 maximum. These are for regional deficiencies. The Sustainable Communities Grant replaces the Environmental Justice, Transit, and Environmental Justice Grants. This Grant solve deficiencies in the multimodal system. The local match is 11.7%. The match can be in kind or cash or any combination of both. The minimum is \$50,000 and the maximum is \$500,000. A total of \$8.3 million will awarded in 2015/16. Tribes are eligible recipients of these funds. Workshops and a webinar will spread information about this. A preliminary letter will be issued in March, award letters will be given in April, and funds will be distributed in July.

Sandi Tripp noted that the grant administration portion was very cumbersome for disadvantaged communities. Priscilla responded that additional helps will be available to applicants to ease the administrative burden.

- 12. Consultation in Regional Transportation Plans.** Kimberly Johnston-Dodds gave a report on consultation with Native American tribes in regards with Regional Transportation Plans. She is working on an update to the Regional Transportation Plan Guidelines. In general, the MPOs must have plans updated every four years, and RTPAs must have their plans updated every five years. The criteria for the update are based on federal and state requirements. Chapter Four of the guidelines is the consultation section, and this chapter contains policies that are of particular importance to tribes. The evaluation report, which Kim will write, will evaluate how well MPOs and RTPAs are consulting with tribes.

Sandi Tripp noted that some agencies are very good with consultation while others are not. Sandi stated that tribes would appreciate more information on the process of how tribes can have projects added to the RTP. Joe Myers recommended that at the next meeting there should be a workshop on how to get tribal projects into RTPs and RTIPs and how the planning and programming process works. Joan Sollenberger commented that there was a resource binder produced about ten years ago that explains the planning and programming processes. This

binder was useful for tribes. Virgil Perez clarified that data is necessary for inclusion in planning documents and that the tribes should collect that data. He also said that tribal transportation plans help tribes receive project funding.

- 13. Strategic Highway Safety Plan.** Stephanie Lucero, a consultant working on the SHSP, explained that the Plan guides safety improvements on state highways. Tribal roads are included in the SHSP. The Plan is data-driven. The SHSP contributes to projects in the Highway Safety Improvement Program (HSIP), which is the improvement program that supports safety improvements. The SWITRS database of the CHP provides much of the data for the SHSP. There are two main emphasis, or challenge, areas, which are based on crash factors from the data. Caltrans would like more data from tribes to accurately reflect tribes' safety needs. A variety of factors are being used in the development of the SHSP, including emergency response. This Plan is important for tribal communities because they are greatly impacted by traffic safety. The SHSP does not have funding itself but is a key component of the HSIP, which is the funding program. There are several tribes included as key contacts for the plan, but tribes know who the best contacts for their tribes are. Two safety summits in mid-November will facilitate the tribal engagement process. The SHSP consultants would also like to meet with tribes themselves. There will also be a webinar just for tribes. The timeframe is short so there can be a draft out by mid-December. Consultation will also occur after the first draft is released. This consultation may be coordinated with the Tribal Safety Summit.
- 14. California Transportation Plan.** Gabe Corley presented information about the CTP. The tribal listening sessions gave a lot of good information for the CTP. A preliminary draft was released on August 11, and Sandi reviewed it for the advisory committee. Several groups within Caltrans have seen it. The CTP branch inserted several placeholder titles for sections about tribal transportation, and there will be a separate tribal chapter. There is an ongoing relationship with the NAAC and its members to gain the tribal perspective. A request was made for a NAAC work group to help draft the chapter and the language for the placeholder sections. Lonora commented that the tribal listening sessions will form a basis for the development of these sections and then it will be forwarded to the working group for input and further drafting. Any NAAC member may add comments and help draft it. Sandi Tripp, Kelly Myers, Adam Geisler, Larry Forst, and Margaret Park all volunteered or had previously volunteered to be on this CTP tribal working group.
- 15. State Transportation Improvement Program Guidelines Update.** Laurie Waters gave a presentation on the STIP. The current 2014 STIP was adopted in March 2014. The 2016 STIP will be adopted by April 1, 2016. The guidelines for the 2016 STIP are being updated, and they are slated to be adopted by August 2015. Three STIP guideline workshops were held throughout the state to gain public input. The regional agencies have developed an RTIP template for consistency's sake. A common website will be developed for all RTIPs in California. A draft guidelines document will be ready by the next CTC meeting on October 8. Tribes are eligible recipients, but the contracting issue complicates their receiving funds. Work is being done on clarifying the contracting issue.
- 16. Interregional Transportation Specific Plan.** Scott Sauer from Caltrans System Planning presented the ITSP, which is now being updated. The ITSP is the long-range planning

document for interregional transportation and informs the projects in the Interregional Transportation Improvement Program (ITIP). There will be 10 focus routes in the updated plan where improvements are being concentrated. These routes will be chosen for providing the best north-south and east-west for all parts of the state. The ITSP concerns both the highway and rail networks. The highway component of ITSP has about \$300 million per year, which is only a small amount of transportation funding. Scott presented information about state transportation funding. Freight connectivity, safety, integration, economic support, and environmental sustainability are goals of the ITSP. Outreach and consultation will occur. Tribes will be included in the mapping and data gathering component of the ITSP update. There will be workshops regarding the ITSP, and one webinar will be hosted. A draft should be ready by March. Chairman Myers asked how improvements can be made to benefit the greatest number of users. Scott responded that planning studies will evaluate where improvements should be made. The corridor concept, with a broad look at surrounding facilities and multimodal opportunities, will serve as the basis for this approach. Sandi noted that innovation will be important to reach all communities, and especially tribal communities, which tend to be small. She would like to see that small communities are able to benefit from these plans.

- 17. California Freight Mobility Plan.** Joanne McDermott from Caltrans Freight Mobility Branch presented information on the California Freight Mobility Plan. The chapters in the draft CFMP reflect the structure of MAP-21 and its requirements. An emphasis is on a source of committed funding for CFMP. Creating a California strategic network for freight is an important goal in the Plan. The Freight Branch is working on identifying tribal lands and rural connectors. A draft chapter on freight and Native American connections received input from Adam Geisler of NAAC. Fact sheets also help explain freight in a concise manner for the public, as do the regional summary sections. Public comments will help the Plan reflect the freight needs in the state. Several reviews will occur, so tribes can continue to comment and provide input at several future points. The public input in regard to goals has been particularly insightful.
- 18. TTAP Summary.** Joe Myers gave information regarding TTAP's recent activities. Kelly Myers gave three presentations on pedestrian curriculum in Blue Lake, Rincon, and Santa Rosa. Attendance was light, but the material was excellent. Indian Country lacks many facilities for pedestrians, and this lack poses difficulties for tribal communities' safety. Kelly also participated in a road safety audit at La Jolla and is coordinating a tribally-themed magazine issue for TRB (Winter issue). She is the co-chair of the Native American Committee of TRB. Joe stated that the *Mile Marker* would benefit from a tribally-themed issue. Katie Benouar voiced her support for this, and staff would ask on how to get an issue published.

Meeting Adjourned.