

**Native American Advisory Committee
Quarterly Meeting Minutes
Woodland, California
November 30, 2011**

Welcome and Introductions: Chairman Joseph Myers opened the meeting at 9:05 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: Chris Howard moved to adopt the agenda, Bo Mazzetti seconded the motion. The Agenda was adopted for the November 2011 meeting.

Approved Minutes: The August 2011 minutes will be circulated via e-mail for review and approval.

Members in Attendance: Joseph Myers, National Indian Justice Center; Bo Mazzetti, Rincon Band of Luiseño Indians; Stacy Dixon, Susanville Indian Rancheria; Lorenda Sanchez, California Manpower Consortium, Inc.; Sandi Tripp, Karuk Tribe of California; Adam Geisler, La Jolla Band of Luiseño Indians; Connie Reitman-Solas, InterTribal Council of California, Inc.; Chris Howard, Elk Valley Rancheria; Greybuck Espinoza, Viejas Band of Kumeyaay Indians; Rachele Sullivan, Smith River Rancheria (Alternate); Kelly Myers (Alternate), National Indian Justice Center.

Director's Representatives in Attendance: Martin Tuttle, Deputy Director; Shirley Choate, Acting Chief, Division of Transportation Planning; Alyssa Begley, Chief, Office of Community Planning; Lonora Graves, Branch Chief, Native American Liaison Branch.

Others in Attendance: Dion Wood, Karuk Tribe; Philip Schneider, Federated Indians of Graton Rancheria; Ken Tipon, Federated Indians of Graton Rancheria; Valerie Stanley, Sherwood Valley Rancheria; Russ Crabtree, Smith River Rancheria; Darrell Moorehead, Smith River Rancheria; Anna Kimber, Smith River Rancheria; Cynthia Gomez; Terry Supahan; Tim Seward, Hobbs Straus; Jim Glaze, Sonosky Firm (via web broadcast); Tina Biorn, Caltrans HQ; Kendee Vance, Caltrans District 2; Chad Riding, Caltrans District 3; William Velasco, Caltrans District 4; Maria Rodriguez, Caltrans District 10; Gus Silva, Caltrans District 11; Kimberly Johnston-Dodds, Caltrans NALB; Tony Snow, Caltrans NALB.

Old Business:

1. **Welcome and Introductions.** Chairman Myers welcomed the NAAC members and meeting attendees who introduced themselves.
2. **Caltrans Update.** Martin Tuttle introduced Shirley Choate, the acting Division Chief for the Division of Transportation Planning. Shirley will be acting until March 2012.

Lonora provided information on the Environmental Justice Grant application process. She explained the types of grants available as well as their purpose. Four of the five tribal entities who applied received Environmental Justice grants last year: Yurok, Elk Valley, NIJC, and Tuolumne.

Marty showed the recently completed California Interregional Blueprint (CIB) promotional video that can be found on the website: www.californiainterregionalblueprint.org. Marty explained that one goal of this effort is to have the CIB database online so that all can see what is planned in the State and therefore better coordinate. The next round of workshops on the CIB interim report will be held in April, 2012 and the report is scheduled to be complete by December 2012. Marty invited Tribes to participate in the April workshop, and NALB will update the NAAC on the April workshop schedule.

Though this is not a Caltrans project, Alyssa Begley informed the NAAC that the California High Speed Rail Authority had released the "Draft California High Speed Rail Program 2012 Business Plan" for review. Concern was raised about the sacred sites and burial grounds that might be impacted by the high speed rail project and by the lack of consultation that has taken place with the Tribes in the State on the project. Joe Myers suggested that tribes should come together and work on some of the issues that exist. Connie reported that she has been getting calls from representatives from the High Speed Rail Authority, and they are seeking individuals to be in touch with on the cultural aspects of projects. High Speed Rail (HSR) could have an impact to the Tribes economically and socially, so another concern raised was whether or not Tribes would have access to the HSR jobs. HSR is supposed to create a number of jobs, and it could be helpful to engage the Tribes in that aspect as well. CA Rural Legal Services has taken an active role in trying to get Tribes involved in the jobs aspect of this project. Marty reiterated that this is not a CT project; HSR is being worked on by a separate agency. It was requested that NALB provide Gregg Albright's contact information to the NAAC.

3. **Contracting With Tribes** - Bo Mazzetti and Cynthia Gomez met with various Caltrans representatives about proposing legislation on the State's ability to contract with Tribes. There doesn't seem to be any opposition to this proposal at this time. The NALB will keep the NAAC informed on the progress of this proposed bill. Martin Tuttle expressed the hope that it will improve Caltrans' ability to work with the Tribes in the future.
4. **Tribal Employment Rights Ordinance** - Kimberly began her update on the Caltrans TERO guidance development by acknowledging everyone who has been working to develop this in-depth document. She shared the fact that what is now being called the TERO guidance began as a MOU template, but as the working group got involved in the process, the scope of this project was widened so that the final product will be a resource for individuals with various degrees of knowledge on TERO to use and can be a tool not only for Caltrans staff but also for Tribes. The guidance document encourages including the possibility of TERO in Caltrans projects during the planning/programming phase and suggests that this needs to be followed through to the end of construction. To help facilitate this activity, TERO has been incorporated into a checklist for the Project Initiation Document preparation guidance. Currently Caltrans is working with Caltrans legal, the workgroup, and others to find a

working definition of Tribal Lands to include in the guidance document. Kelly Myers will provide some suggested language for the guidance.

The next workgroup meeting will be phone conference on December 7; the defined terms and appendices need to be completed, and the statutes, regulations, and guidelines related to TERO will be incorporated into the document. The goal is to get this draft to Caltrans management by the end of December for review. The TERO MOU Template and the TERO Highway Construction Permit Template still need to be developed and will be created in conjunction with the workgroup using models from Districts 1 and 2.

- 5. Office Engineer Website** – Lynne Anderson gave a presentation that helped explain the necessity of coordinating the TERO and the Caltrans Construction processes in order to effectively implement Caltrans Deputy Directive 74-R2. Lynne also explained some of the components of the Caltrans contracting process and the Standard Specification regulations which dictates why Caltrans does business as we do, and linked these processes to components that would need to be reflected in any future TERO MOU between Caltrans and a Tribe with TERO. Finally, Lynne reviewed a number of Caltrans websites that are useful in identifying past, current, and future Caltrans projects including the Office Engineer webpage, the Project Look Ahead Database, the Advertised Projects site, and the emergency contractor Interest Site.

NAAC members discussed the usefulness of this information in explaining the Caltrans process and there was discussion about scheduling a future webinar so that this information could be shared further. Members also suggested that the website information could provide useful tools for coordinating not just on TERO but also for monitors and other project-related activities.

- 6. Tribal Technical Assistance Program (TTAP) CA/NV** - Kelly handed out the TTAP schedule and provided a quick update of the Annual NTTTC that took place November 14-17. The CA/NV TTAP is in its 5th year, and NIJC will be asking for letters of support for their TTAP application. NIJC has activities scheduled through February/March 2012; if something needs to happen after that timeframe, it might be pushed back to next fiscal year.
- 7. Indian Reservation Roads PCC meetings Update** – Tim Seward presented on Jacque Hostler’s behalf because she was in DC attending the Indian Affairs briefing where later this afternoon, public comments will be taken on the formula included in MAP-21. The Chairman of the house transportation and infrastructure committee announced that the house will not mark up the transportation bill until early next year. On the Senate side, Tribes have been working with the Indian Affairs committee on transportation issues to develop a package of amendments to put together to include in the TRIP bill. A white paper that showed that key Tribal priorities that were not included was distributed because it outlines an issue that needs to be considered in the discussion of the new bill.
- 8. Tribal Transportation in the Next Highway Bill** – James Glaze from Sonosky Firm shared information on the proposed Senate Reauthorization Bill, Moving Ahead for Progress in the 21st Century (MAP-21) with the NAAC by webinar. He stressed that it is important that

Tribes be recognized in the Next Highway Bill (MAP21), and began by showing some of the good news regarding this bill including the fact that Tribal capacity has been improved to deliver successful transportation projects and there have been tremendous strides in working collectively with tribes. James suggested that we don't want to see great accomplishments that have started to build up shift away as a result of this new bill. Tribes were very successful in SAFETEA-LU because they had a united front, but that hasn't happened this time around. The bills that have recently come out of Congress do nothing at all to address traffic safety and a huge amount of non-IRR program funding will be lost with this consolidated bill. The bridge program will be folded into the tribal transportation program, and some of the other programs for which Tribes can apply will be eliminated in this new bill: byways, public lands discretionary grants, high priority projects, and safe routes to school and transportation enhancement funding, for example. The Transportation Infrastructure and Finance program (TIFIA) did get an increase; however, the way the program would include new requirements. There might be room for tailoring in this case, especially in places like California or Alaska.

James Glaze offered some ideas of possible items behind which Tribes might unify and suggested there be an effort to make sure the program grows in some small way. States are getting an increase to account for inflation, Tribes should get the same. There has already been a loss of \$100 million. There needs to be an authorization for national tribal organizations/firms to advocate on their behalf for the consensus priorities even if they're not able to take sides on the IRR program funding formula dispute. James suggested it is necessary to make sure that Tribal self governance agreements are maintained and there should be small increases for TTAPs. Finally, James discussed changes to the funding formula as a result of MAP-21.

NAAC members expressed concern over the proposed changes, and questions were raised about whether Senator Boxer's staff had been involved in the discussion thus far. Cynthia Gomez raised a concern that even with the increased IRR Inventory mileage in California, the percentage of funding that comes to California is still very low and concerns were raised that if we revert back to the pre-2004 formula, the funding CA tribes get would be further reduced. A request was made to get the analysis BIA did to determine the distribution in California, but BIA has gotten direction from higher up in the Department of the Interior not to share these runs. Bo Mazzetti and Cynthia Gomez agreed to work together to draft a letter requesting a meeting with Senator Barbara Boxer on MAP-21 and the impact it could have on the Tribes in the State. The draft letter will be shared with the NAAC for comment in the next two weeks.

9. 2012-2013 NAAC Elections – Elections were held for the 2012-2013 Native American Advisory Committee membership, and the NAAC elected the following individuals:

- Joel Bravo – Smith River Rancheria
- Greybuck Espinoza – Viejas
- Jacque Hostler – Trinidad Rancheria
- Chris Howard – Elk Valley Rancheria
- Glenda Nelson – Enterprise Rancheria
- Connie Reitman-Solas – Inter-tribal Council of California, Inc.

- Luther Salgado Sr. – Cahuilla Band of Indians
- Valerie Stanley – Sherwood Valley
- Sandi Tripp – Karuk Tribe

10. 2012 NAAC Meeting Schedule: The 2012 NAAC meetings were scheduled, and the dates are as follows: February 29, 2012; May 16, 2012; August 1, 2012; and November 14, 2012. The August meeting will be held in Southern California in conjunction with the For All My Relations Conference which will be taking place at the Hilton Los Angeles/ Universal City.