

**Native American Advisory Committee
Quarterly Meeting Minutes
Woodland, California
December 5, 2012**

Welcome and Introductions: Chairman Joseph Myers opened the meeting at 9:10 AM with a prayer. 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 December 2012 meeting.

Approved Minutes: Jo Myers moved to approve the May 2012 meeting minutes and they were approved.

Members in Attendance: Joseph Myers, National Indian Justice Center; Bo Mazzetti, Rincon Band of Luiseño Indians; Lorenda Sanchez, California Manpower Consortium, Inc.; Sandi Tripp, Karuk Tribe of California; Connie Reitman-Solas, InterTribal Council of California, Inc.; Valerie Stanley, Sherwood Valley Rancheria; Glenda Nelson, Enterprise Rancheria; Luther Salgado Sr., Cahuilla Band of Indians; Paul Irwin, North Fork Rancheria; Adam Geisler, La Jolla Band of Luiseno Indians; Jacque Hostler, Trinidad Rancheria; Joel Bravo, Smith River Rancheria.

Director's Representatives in Attendance: Kome Ajise, Deputy Director; William A. Mosby, Acting Chief, Division of Transportation Planning; Alyssa Begley, Chief, Office of Community Planning; Lonora Graves, Branch Chief, Native American Liaison Branch.

Others in Attendance: Darrell Moorehead, Smith River Rancheria; Russ Crabtree, Smith River Rancheria; Aaron Brazzanovich, Jr., Susanville Indian Rancheria; Steve Wilkie, BIA; Christy Cottonwood, BIA; Ryan Morris, BIA; Kendee Vance, Caltrans District 2; Nora Hogan, Caltrans District 3; Lorna Foster, Caltrans District 8; Maria Rodriguez, Caltrans District 10; Kang Tang, Caltrans District 4; Trent Clark, Caltrans District 11; Kathleen Sartorius, Caltrans District 1; Chris Kuzak, Caltrans NALB; Annmarie Medin, Caltrans Environmental; Tina Biorn, Caltrans Environmental; Margaret Buss, CT Local Assistance; Lilibeth Green, CT Programming; Heather Hostler, Office of Tribal Advisor to the Governor; Cynthia Gomez, Office of Tribal Advisor to the Governor; Shelly Chernicki, Caltrans Rail; Dawn Foster, Caltrans Local Assistance; Chris Willeges, System Metrics Group.

Agenda Items:

1. **Welcome and Introductions.** During introductions, Adam Geisler discussed grants for Indian communities while Bo Mazzetti discussed a proposed roundabout project on State Route 76. Jo Myers moved to have the roundabout discussion moved to later in the meeting, which was agreed to.

- 2. Caltrans Update.** Kome Ajise introduced William A. Mosby, Acting Chief and discussed several topics including the Program Review, the Department of Finance (DOF) audit, Environmental Justice Grants, and MAP-21 from a Caltrans perspective. Regarding program review, Mr. Ajise noted it is complete and the report can be found on the Caltrans website. The review makes recommendations to improve efficiency during tight budgets. The DOF audit report is nearly complete, but the final outcome is still uncertain at this point. Mr. Ajise also discussed the short duration of MAP-21, how it changed certain transportation programs, and noted the Legislature is pursuing new legislation to conform to the law. Chairman Myers inquired into the whereabouts of the Caltrans Director and Mr. Ajise agreed it would be beneficial to have the Director attend a NAAC meeting.
- 3. Tribal Advisor to the Governor.** Cynthia Gomez, the Governor's Tribal Advisor, introduced her new assistant, Heather Hostler, who is working in her office. Ms. Gomez discussed several topics including the progress of agencies toward developing consultation policies; the growing understanding within agencies of the need to have liaisons at the director's level; and the need to improve coordination between agencies when it comes to consultation. She suggested the possibility of having joint meetings between various department committees and liaisons. She will be using "all tribes meetings" as a forum where agency secretaries can present consultation policies and various other issues to tribes, and she wants to discern ways to make consultation meaningful. A suggestion was made to follow the federal model offered by the President, where there is a one-stop-shop forum for tribal leaders. There was a question about recording meetings and Ms. Gomez said they would probably record issues that came up. A concern was expressed about agencies not listening to the concerns and suggestions of tribes. Ms. Gomez acknowledged the issue and asked members to bring such problems to her when they arise. Action item: send letter to Cynthia's office to support the intra-agency communication efforts.
- 4. Tribal Transportation Program Coordinating Committee.** Jacque Hostler discussed a letter that was sent out by the Committee to the FHWA and BIA about the importance of consultation. Draft regulations for MAP-21 will be rolled out after the next committee meeting in January. A "Dear Tribal Leader" letter needs to go out prior to the draft regulations. Grandfathered routes and the IRR inventory were discussed. Tribes in California can add routes but state/county roads will not generate funding. Members agreed that this is a problem. Tribes were also encouraged to draft safety plans at this time since tribes need plans to receive safety dollars.
- 5. Tribal Transportation in MAP-21.** Jacque Hostler gave a presentation on MAP-21 and the Tribal Transportation Program. The bridge inspection program is now the responsibility of tribes rather than the BIA, but according to Steve Wilkie, it is not clear how this will be implemented. The current TTP funding formula is based on the FY 2012 inventory even though the 2012 fiscal year is not yet finalized. A question was asked regarding how the year 2004 came up in MAP-21. Jacque noted 2004 is in MAP-21 because SAFTEA-LU regulations were not finalized until 2005. Steve Wilkie later clarified that 2004 is the date SAFTEA-LU was passed.

Cynthia Gomez asked whether or not tribes argued that all grandfathered roads should be included when MAP-21 was being drafted. Ms. Hostler noted that tribes spoke with several congress people, including Don Young of Alaska. Mr. Young was able to restore High Priority Projects. Ms. Hostler suggested California tribes begin advocating their case as soon as possible since MAP-21 is a two-year bill. Look at possible coalition to advocate for funding in forthcoming authorization.

- 6. BIA Update.** Steve Wilkie focused mainly on MAP-21, but updated the Committee on fiscal challenges faced by the BIA, including potential cutbacks related to the fiscal cliff. There are still big questions about what MAP-21 means in terms of dollars for tribes. Mr. Wilkie noted that there are lots of routes that are not fund generating in the inventory, only BIA/Tribal Roads are counted now in the new formula. In response to an earlier question about the 2004 date in MAP-21, Mr. Wilkie noted it is in the legislation because it is the date the legislation was passed. Chairman Myers asked about Question 10 and MAP-21. Mr. Wilkie noted Question 10 was a factor in creating the 2012 inventory and is what the current inventory is based on. Roads added now will not generate funding under MAP-21.

A discussion ensued about the role of the Committee in the next transportation bill. The Committee already drafted a letter for the Caltrans Director but it was tabled. Jacque Hostler discussed drafting a white paper prior to the All Tribes Meeting in Albuquerque on February 28, 2013 so California tribes can speak with a unified voice. An earlier white paper can be used as basis for new one. Cynthia Gomez, Jacque Hostler, Russ Crabtree, Adam Geisler will draft a white paper; Lonora Graves will facilitate.

- 7. Safe Routes to School Program under MAP-21.** Dawn Foster spoke about changes to the Safe Routes to School Program under MAP-21. MAP-21 eliminates support for the program but the CTC approved \$21 million for surface transportation projects. The program administrator hopes to do outreach for tribes similar to what was done in 2011 when she attended the Tribal Safety Summit and spoke at a NAAC meeting. Dawn also hopes to have case studies, like the successful Fort Yuma Safe Routes to School plan example, to outline what is working and to prioritize projects. Several options were mentioned to improve outreach and funding. Adam Geisler mentioned looking at the Rural Resource Toolkit, which some of the tribes have had some difficulties with. Looking at TTAP was also suggested. Difficulties contacting LTAP at Sacramento State University were discussed, and Kome Ajise recommended that he be copied on emails to ensure a response. Action items include informing DNALs/NALB of grant cycles and sending a Safe Routes to School survey link to Lonora so that it can be sent out to NAAC members.
- 8. North State Transportation for Economic Development Study.** Chris Williges discussed the NSIFED study, which is being sponsored by the North Super Region including 16 counties. The purpose of the study is to align spending and economic development in the Region and to highlight projects to better compete for resources. The Region does not always operate in unity, but instead appears to be a group of different sub-regions, which is a challenge. NAAC members mentioned that Tribes may be suspicious about the study; a listening session and explanation of the way the study will benefit tribes was suggested to enhance participation. Other suggestions were made regarding how to include tribes in the study, including looking at

the ways tribes contribute to economic development and the challenges they face; reviewing existing documents; linking up with the ITCC; attending a NCTT Committee meeting; and talking to SANDAG about the way that organization funded a position to enhance tribal participation. Cynthia Gomez offered to share links to existing documentation relevant to the study while Adam Geisler offered to send his contact (Jane) for SANDAG. Lonora will obtain a copy of the letter sent out to tribes for the study.

- 9. California State Rail Plan.** Emily Burstein discussed the general layout of the state rail plan document, including the fact that it is more detailed and extensive than prior plans. Issues related to consultation for the plan were discussed. Several members noted that attendance at the NAAC meeting did not constitute consultation. Cynthia Gomez suggested the plan include a discussion of cultural resources. Lonora agreed to help facilitate the consultation process for the plan.
- 10. Tribal Employment Rights Ordinance.** Chris Kuzak offered a status update on the TERO MOU being developed by the TERO Workgroup. The MOU is nearly complete and it is expected to be finalized prior to the next NAAC meeting. A general discussion about the definition of Tribal Land in the MOU and DD-74-R2 ensued. This terminology may need to be clarified.
- 11. Programming and Consultation on Local Projects.** Lillibeth Green and Margaret Buss presented the basics of Local Assistance projects, how they are funded, and Caltrans oversight role in them. Jacque Hostler noted that tribes have a different experience with Local Assistance. Kendee Vance also noted that tribes are beginning to ask about TERO in local projects. Ms. Buss offered to let Lonora know about forthcoming Local Assistance training opportunities for tribes.
- 12. Tribal Technical Assistance Program (TTAP) CA/NV.** Jo Myers discussed TTAP. It is funded by FHWA and BIA with a 5 year agreement. Recently, funding was extended. It is now Western TTAP and serves tribes in Nevada and California. A safety summit for Nevada tribes will be occurring in 2013 and Kelly Myers will be sending out information on Safety Plans for California tribes. Ms. Myers is co-Chair of the Native American Committee of Transportation Research Board. The Committee will be focusing on aviation issues in Indian Country and a workshop on the topic will be sponsored by individuals who run Navajo aviation facilities. The meeting will take place in January 2013.
- 13. Minutes and 2013 Meeting Schedules.** The July NAAC Meeting minutes were approved. Meeting dates of February 13, May 8, July 31, and October 23 were approved. It was agreed, per the offer of Bo Mazzetti, the July 31 meeting would be held at Rincon.
- 14. 2013-2014 Elections.** The following individuals were elected or reelected to the 2013-2014 term: Isaac Kinney, Aaron Brazzanovich, Jr., Tracy Blue, Dennis Hendricks, Paul D. Irwin, Adam Geisler, Bo Mazzetti, Robert H. Smith, Lorenda T. Sanchez, and Jo Myers.

- 15.** State Route 76. A Caltrans roundabout project in District 11 on SR 76 was briefly discussed. Bo Mazzeti suggested that Caltrans should reconsider the project due to the roundabout design, noting the Rincon Tribe's opposition. NAAC members expressed concern about ensuring intersection control device alternatives be ones that enhance safety on and near reservations. Trent Clark agreed to discuss the project with the tribe.

The meeting was adjourned at 1:38 pm.