

**Native American Advisory Committee  
Quarterly Meeting Minutes  
Woodland, California  
June 29, 2011**

**Welcome and Introductions:** Vice Chairman Bo Mazzetti 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:** The Agenda was then adopted for the June 2011 meeting.

**Approved Minutes:** Stacy Dixon moved to approve the October 2010 minutes. Dore Bietz seconded the motion. Lorenda Sanchez moved to approve the February 2011 minutes. Chris Howard seconded the motion. The minutes were approved.

**Members in Attendance:** 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.; Dore Bietz (Alternate), Tuolumne Rancheria; Kelly Myers (Alternate), National Indian Justice Center.

**Director's Representatives in Attendance:** Alyssa Begley, Chief, Office of Community Planning; Lonora Graves, Branch Chief, Native American Liaison Branch.

**Others in Attendance:** John D. Green, Elk Valley Rancheria; David Cohen, Federal Highway Administration (FHWA); Dawn Foster, CT Safe Routes to Schools Program Manager; Chad Riding, CT District 3; Marta Frausto, CT District 6; Kathleen McClafflin, CT District 10; Anmarie Medin, CT Chief, Cultural Studies Office; Kimberly Johnston-Dodds, CT NALB; Tony Snow, CT NALB.

**Old Business:**

- 1. Welcome and Introductions.** Vice Chairman Mazzetti welcomed the NAAC members and meeting attendees who introduced themselves.
- 2. Legislative Status Report.** Kimberly Johnston-Dodds briefly reviewed the legislative report and provided status information on the bills that might be of interest to the NAAC such as AB 307, AB 787, AB 968, and AB 1221. Bo Mazzetti noted AB 307 regarding joint powers agreements and federally recognized tribes is moving forward without tribes paying attention to it, but it is one to be aware of because it has important implications. Chesebro's Bill, AB 798, is specific to Smith River Rancheria, while AB 307 is general and applies to all federally recognized tribes throughout the state.

3. **California State Office of Indian Affairs.** Bo Mazzetti provided his report on the initiative to create a California State Office of Indian Affairs during the legislative status report because AB 968 is related to the topic. There is a current initiative to create an Agency/Office for Indian Affairs, instead of a Secretary of Indian Affairs in the Governor's Office, because an agency would be more sustainable in the long term. On Monday, June 27, 2011, an all-tribes meeting was held in Sacramento, and those in attendance indicated support of the initiative. The goal is to have the agency/office in place by the end of September. Additional information was provided to the NAAC in their meeting packets.
4. **Tribal Safety Summit.** Kelly Myers, CA/NV TTAP, Lonora Graves, NALB, and David Cohen, FHWA provided overviews and highlights of various presentations at the Tribal Transportation Safety Summit held at Rincon, May 23-24, 2011. Kelly Myers acknowledged and thanked Sharon Scherzinger for initially supporting the summit when Caltrans was approached by FHWA. The summit delivery was shaped by the efforts of a planning team that was formed to help focus the information that was covered during the meeting. Kelly stated that the next steps are to review the preliminary report that is to be prepared by the consultant, Cambridge Systematics, and then prepare the set of recommendations that were the outcome of the summit. NAAC members will receive a copy of the final report.

Lonora Graves provided information about the Smith River Rancheria Road Safety Audit (RSA) presentation. Participants in the RSA had a positive experience and Smith River is willing to share the related reports with Tribes. Lonora also provided an overview of the RSA training module that was provided by FHWA and held the two days after the summit. This training provided technical expertise that made participants aware of what to look for in regards to road safety and it allowed representatives of federal (FHWA, BIA), state (Caltrans D-11 and NALB), and tribal leadership and staff to collectively do a site visit, look at the safety issues/concerns, and think through possible solutions to issues that might exist. Participants felt that this type of training builds shared support and understanding.

David Cohen, FHWA, gave a synopsis of his presentation at the summit regarding the federal Strategic Highway Safety Plan (SHSP) and its alignment with the four E's of safety: engineering; education; enforcement; and emergency medical services. The SHSP addresses high level policies to raise visibility of core safety issues. Connie Reitman-Solas, Inter-Tribal Council of California, noted that US Dept. of Transportation's Regional Management attends the meetings of the Western Regional Partnership where a number of issues related to safety and emergency services in Indian Country have been raised. She provided information about the Western Regional Partnership Tribal Relations Committee and suggested that David may be interested in participating at some level.

Lonora Graves noted that there was a productive conversation at the summit about how to effectively engage California tribes in FHWA processes, in Caltrans processes, and in the implementation of the SHSP. NALB is working to understand which safety challenge areas of the SHSP are most relevant to the Tribes and how they might be meaningfully engaged in the process. At the summit, everyone noted that the gaps in data collection and accuracy are significant. Kendee Vance, Native American Liaison District 2, added that safety information databases may not include all the accidents that take place on rural roads as they are not all reported.

Kelly Myers and Lonora Graves noted that the law enforcement panel shared valuable information regarding jurisdictional issues unique to California (PL-280) which precipitated discussions among the summit attendees. Kelly noted that she, along with others, learned critical information regarding what happens when there are pre-disaster barriers to communication between local law enforcement (CHP, county sheriff, etc.), local fire/emergency services personnel, and tribal emergency personnel. Some barriers can be remedied easily in advance of an emergency. For example, Tribes need to make sure that all of their emergency services staff/first responders names (whether living on or off the reservation) are shared with law enforcement and the local fire captains on a regular basis. If their names are not on the list, when a hard closure of roads or access points during the incident is implemented and enforced, they will not be allowed into the incident areas. Other issues raised included the need for tribes to conduct emergency exit planning as most California tribes have only one way in and one way out for emergency purposes (access to ingress/egress roads), and the idea that tribes should be recording their data themselves and keeping track of key statistics.

David Cohen, FHWA, then answered a number of general questions posed by NAAC members related to various federal programs and funding for tribes. The discussion included state administered, federally assisted programs, and state interpretations of the 2008 technical corrections to SAFETEA-LU regarding tribes; FHWA Scenic Byways Programs; Highway Safety Improvement Program (HSIP); and PedSafe (a program, not a project).

- 5. Encroachment Fact Sheet.** Tony Snow, NALB, reviewed the existing Encroachment Permits Fact Sheet and asked that as the fact sheet is utilized, tribal users identify any information gaps to make it a better tool. NAAC members raised additional issues to explore including the need for CT district encroachment offices to engage with the tribes and the Native American Liaison more frequently to get to know key players and issues in advance of the receipt of a permit request, and to maintain access over an encroachment (state highway) that is the only ingress/egress onto tribal lands.

Kelly Myers reminded the NAAC that this fact sheet addresses driveways, special events, and gathering only. The right-of way issues were set aside for separate discussion. Bo Mazzetti suggested that since the fact sheet is an important document

and a lot of NAAC members were absent, the NAAC should vote on supporting the fact sheet at the next NAAC meeting in August 2011.

**6. Tribal Technical Assistance Program.** Kelly Myers shared the California/Nevada TTAP progress report of activity that has taken place since the last NAAC meeting. She reported on a curriculum on creating and sustaining tribal transit service that is being developed which outlines how to create a transit program and identifies funding sources that are available. The next step will be recommending that TRB institute a training program surrounding the curriculum. Kelly also reported that she is working with TRB to develop a list of critical issues for Indian Country. Topics currently being considered include accident and data collection in Indian Country, right-of-way in Indian Country, and funding mechanisms for tribal transit and infrastructure. She asked that anyone who had any additional ideas please share them with her. Other TTAP activities highlighted were:

- April 13-15 – Tribal Transportation 101 Training in Las Vegas brought Nevada DOT and Tribal transportation staff together in Nevada. Nevada DOT has not had any DOT activity with the tribes. This year however, the DOT was able to hire someone to start a dialogue with the tribes. Another challenge has been that in the past, the state did not have a formal long range transportation plan, thus little long-range coordination has occurred between Nevada DOT and the Tribes.
- April 13 – GIS Workshop. In addition to transportation staff, students also participated in the course, and there appeared to be interest by even younger individuals.
- RIFDS – CA/NV TTAP is trying to bring RIFDS training back to California and is working with BIA to schedule the training with Sheldon Kipp, Albuquerque, BIADOT.

#### **New Business:**

**7. Caltrans Update.** Alyssa Begley, Chief, Office of Community Planning provided an update on the following items:

- **Caltrans Leadership.** Malcolm Dougherty is currently the Acting Director of Caltrans and has been in that capacity since May 2011 when Cindy McKim retired.
- **2011 CTC Needs Assessment.** In 1999, the California Transportation Commission (CTC) conducted an overview assessment of the transportation needs across the State of California. This information was used as a tool to share the scope and magnitude of needs in the State. Now CTC is preparing a similar overview, and this time around, the Tribes are mentioned in the draft report. California Tribes were asked to provide input for this report, but because the input was requested in a format that was not necessarily conducive to Tribal projects,

what was included in the draft CTC needs assessment report was not specific data, but a section on Tribal transportation planning needs that was prepared in conjunction with the Tribes throughout the state who provided input during the comment periods.

- **Grant Funding Update.** The 2011-12 Environmental Justice grant awards will be announced in late July or early August.
- **Caltrans Highway Design Manual (HDM) Update.** The draft updates for the HDM are out for review, and the changes are mainly to incorporate the complete streets concept into the design manual. NAAC members were encouraged to provide comments on the draft. The HDM can be found on the Caltrans website, and the comment period ends at 5 pm on July 8, 2011.
- **Program Directive 99-03 NALB Findings.** Alyssa Begley followed up on a request made during the last NAAC meeting by reporting that after searching the branch's records, reviewing minutes from past NAAC meetings, and having conversations with Cynthia Gomez and others who were involved in drafting of Traffic Operations Program Directive 99-03 on the subject of Signing for Indian Reservations and Rancherias, it was found that the purpose of this directive was to identify reservations and rancherias that were on or near the State Highway System for Tribes who wanted to be acknowledged and that as it stands, the policy appears to be serving its purpose. The NAAC agreed to leave the program directive as it is for now.
- **TERO Template Memorandum of Understanding (MOU) and Guidance Materials Update.** NALB is still working to incorporate all of the comments that were raised during the September 2010 meeting by the TERO Working Group, by the NAAC, and through the Caltrans review process during the fall into a draft MOU framework. A draft is expected to be ready by the end of July, the workgroup will meet. The NALB plans to have a framework to share with NAAC at the next meeting (August 24).

In the meantime, District 1 developed a temporary MOU with the Yurok Tribe for a project that was advertised earlier this year. During that process, a question was raised about why work that is impacting other Tribes is not being included in temporary MOUs. The TERO policy is not retroactive, and the Yurok example was a project that had not yet gone out for bid. The TERO provisions were included in the scoping document for this project, and even then, not everything was able to be included in time.

**San Diego County TERO Update.** Adam Geisler, NAAC member, shared information regarding efforts that are taking place in Southern California. Maria Bloom at the US Department of Labor is working with Tribes and companies in San Diego County on TERO issues. Currently, the plan is to create a TERO clearing house where companies/major vendors receiving federal funding can post their jobs. Postings will be accessible for viewing, and individuals will be able to

apply for jobs. US Dept. of Labor wants to ensure that TERO is incorporated into projects receiving federal funding. He believes that this outreach is growing in Southern California based on Caltrans' TERO policy. Other discussions between Southern California Tribes and companies have been related to capturing information about in-house job skills training, and how this system might be used to link those who have completed training to jobs as well.

Lorenda Sanchez, NAAC member, suggested that the model underway in Southern California can hopefully be replicated in Northern and Central California, and maybe even on a national level.

Adam requested to be put on the agenda for the August NAAC meeting to provide an update regarding the continuing TERO efforts being implemented in Southern California.

- **Caltrans Travel Restrictions.** Governor Brown's Executive Order has severely restricted Caltrans representatives' ability to travel and to hold training/meetings. The NAAC meeting and the Tribal Transportation Safety Summit were two of only four meetings that were exempted from this ban, which speaks highly to the value placed on these activities.

8. **California State Office of Indian Affairs.** This item was discussed earlier during the Legislative Status Report update.
9. **Safe Routes to School, Cycle 3** – Dawn Foster reviewed the current Safe Routes to School Cycle 3 program. The call for projects was released on April 15, and is due in July 2011. There were changes made to the guidelines specific to cycle 3, so it is recommended that any Tribes who are interested in applying for this funding take a look at the website and become familiar with the guidelines. For Cycle 3, Tribes are able to apply for both infrastructure and non-infrastructure projects directly, but partnering with an MPO or RTPA could be beneficial for all.

NAAC members asked questions regarding funding infrastructure versus non-infrastructure projects, tribes' limited internet services/access to online grant applications due to their remote locations, and tribal cultural and/or educational centers' eligibility to apply. Caltrans was asked to clarify how a school is defined on Tribal lands.

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

Chris Howard, moved to adjourn the meeting, Adam Geisler seconded the motion. Vice Chairman Mazzetti adjourned the meeting at 12:01 p.m.