

**Native American Advisory Committee
Quarterly Meeting Minutes
Woodland, California
March 20, 2013**

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 Business, Transportation, and Housing Agency Secretary, Brian Kelly.

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

Adopt Agenda: The Agenda was adopted for the March 2013 meeting.

Approved Minutes: Joe Myers moved to approve the December 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; Luther Salgado Sr., Cahuilla Band of Indians; Paul Irwin, North Fork Rancheria; Adam Geisler, La Jolla Band of Luiseno Indians; Isaac Kinney, Yurok Tribe; Aaron Brazzanovich, Jr., Susanville Indian Rancheria; Tracy Blue, Bishop Paiute Tribe; Dennis Hendricks, Tuolumne Band of Me-Wuk Indians.

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

Others in Attendance: Dore Bietz, Tuolumne Band of Me-Wuk Indians; Ben Henthorne III, Redwood Valley Rancheria; Kelly Myers, NIJC; Tim Seward, Trinidad Rancheria; Steve Wilkie, BIA; Christy Cottonwood, BIA; Kathleen Sartorius, Caltrans District 1; Nora Hogan, Caltrans District 3; Mandy Marine, District 6; Lorna Foster, District 8; Maria Rodriguez, District 10; Gustaf Silva, Caltrans District 11; Chris Kuzak, Caltrans NALB; Heidi Sykes, HQ Design; Anmarie Medin, Caltrans Environmental; Brian Kelly, Secretary BT&H; Carol Farris, Deputy Secretary BT&H; Janis Offermann, URS/HSRA; John Sharp, HSRA; Cynthia Gomez, Tribal Advisor to the Governor; Heather Hostler, Assistant to the Tribal Advisor to the Governor.

Agenda Items:

1. **Welcome and Introductions.** Joe Myers welcomed BT&H Acting Secretary, Brian Kelly to the Committee meeting and BT&H update (agenda item 3) followed Secretary Kelly's introduction.
2. **Business, Transportation, & Housing Update.** Secretary Kelly introduced himself and Deputy Secretary Carol Farris and acknowledged the Committee as a model of working with Tribal leadership to improve government-to-government relations and of a willingness to come together. He noted BT&H was in transition in accordance with the Governor's realignment

plan, whereby departments are being organized in simpler and more accessible ways for citizens and partners. BT&H employs 42,000 people currently and is responsible for a large variety of programs. It is being reorganized to focus on just transportation and will include High Speed Rail, Caltrans, California Highway Patrol, The Office of Traffic Safety, and other transportation related departments.

Secretary Kelly discussed an agency workgroup that is being put together to make recommendations to the Governor. It will look at issues like integrating High Speed Rail into the current rail system as well as SB 375, preserving current transportation system, and building efficiencies into it. He noted that Agency is developing its consultation policy in response to Executive Order B-10-11. He and Carol Farris met with Cynthia Gomez to that end, and that he looks forward partnering with tribes in the future. He also encouraged tribal involvement in various agency-level committees, including the California Freight Advisory Committee, in which Chairman Myers, Isaac Kinney, and Adam Geisler expressed an interest.

- 3. Native American Advisory Committee Overview.** Chairman Myers introduced Cynthia Gomez to discuss the background of the Committee. Ms. Gomez gave a brief roundup of the Committee's history, including its origin as an idea of Bob McKay's, and noted the longtime involvement of members, such as Vice Chair Mazzetti, in the development of the Committee and the evolution of its focus. Vice Chair Mazzetti said one early issue tackled by the Committee was signage, while Dore Bietz acknowledged the important work the Committee continues to do. Lorenda Sanchez said she began participating on the committee because Bob McKay wanted a TERO person on the committee, and she also said it has been a great experience. Chairman Myers added TERO is still a work in progress and requested that the TERO Workgroup present suggestions at a future meeting to resolve outstanding TERO issues.
- 4. Consultation—A Tribal Perspective.** Chairman Myers began the discussion by acknowledging the importance of Secretary Kelly's presence for consultation and asked that consultation be considered a partnership. He said tribes have often been left out of the planning process, stressed the importance of talking as planning occurs, and noted that problems happen when people do not start as partners. Vice Chair Mazzetti followed Chairman Myers and, in discussing a proposed roundabout alternative on a project on State Route 76 (EA 11-40570) and suggested that tribes have a level to appeal to above the District Director to discuss project alternatives if there is a disagreement. Members suggested other ideas to improve consultation as well such as including tribes early in the planning process prior to the project delivery phase (or PA&ED); annual consultation meetings; creating a policy acknowledging tribes as public entities; and creating agreements to better define how to work through the consultation process (maintenance agreements, Joint Powers Authority, etc.). Secretary Kelly acknowledged the members' suggestions, the importance of early consultation and of working as partners in transportation, and encouraged involvement in agency workgroups again.

Vice Chair Mazzetti asked about Caltrans intersection policy and about issues related to adjusting speed limits in places where drivers speed through tribal lands. Kome Ajise acknowledged the importance of consultation, but added that there are complicated dynamics to the consideration of design alternatives; Caltrans is required to consider viable alternatives, such as roundabouts, as a matter of both policy and law. Speed limits are also complicated to

adjust because the courts are involved in the determination of and enforcement of speed limits; it is not just a decision that Caltrans can make independently.

Chairman Myers offered to attend the California Freight Advisory Committee meeting in April as a placeholder until a permanent person from the Committee could be identified. Kelly Myers noted that Caltrans was farther along in its consultation efforts than other agencies and gave some examples of agencies that failed to do adequate consultation. She discussed the challenges of consultation when personnel at agencies change and when agencies fail to realize the cost-savings of doing consultation.

- 5. Caltrans Update.** Kome Ajise began by apologizing for the Director not being able to attend the meeting (while he wanted to be present, the Director was unable to attend because his Senate Confirmation hearing conflicted with the NAAC). Mr. Ajise noted Caltrans was beginning one of its biggest construction seasons ever, that the State carried 10% nation's goods, and that Caltrans will work with stakeholders and partners to continue to make this happen. He also spoke about Caltrans' program review and said Caltrans is developing a new plan as a result. He acknowledged the rail plan informational meeting held with tribes was not adequate consultation but hoped it would set the stage for future improvement. To that end, he said Caltrans also plans to improve consultation on a statewide planning level and will impress upon regional partners the importance of consultation. Mr. Ajise introduced Katie Benouar, the Division Chief, Transportation Planning, and Carla Sutcliff, Chief Engineer, the first woman to hold that position (Ms. Sutcliff was not in attendance). Mr. Ajise talked about Transportation Planning resources being redirected to Native American liaisons in the Districts in the next fiscal year.

Bo Mazzetti followed Mr. Ajise's comments by noting that tribal requests for transportation funding should be supported by Caltrans given the current state of transportation funding. Adam Geisler noted members of the NAAC were developing a white paper to look at some of the problems with MAP-21, while Sandi Tripp added the paper would discuss the problem of the inventory not generating funding for California Tribes. Secretary Kelly suggested the white paper would be timely since MAP-21 had a short funding cycle and a MAP-21 successor is already being discussed, and he hoped the white paper would lead to principles that Caltrans and tribes could articulate to the federal government. Cynthia Gomez noted the important work Caltrans and the tribes did under SAFETEA-LU to bring more roads onto the inventory and increase funding for tribes.

- 6. Tribal Advisor to the Governor.** Cynthia Gomez thanked Secretary Kelly for his attendance and updated the NAAC on the progress of several agencies in developing their consultation policies. Ms. Gomez asked Committee members to consider appointment opportunities if they are interested, particularly in the area of health; noted Marshall McKay, Chairman of Yocha Dehe Wintun Nation, was appointed to the State Historical Resources Commission; and added that two additional appointments will be made to the Native American Heritage Commission. The following website has information on appointments: http://gov.ca.gov/m_appointments.php. Ms. Gomez said the Governor's Office of the Tribal Advisory website is up (<http://www.tribalgovtaffairs.ca.gov/>) and includes a California map that shows Caltrans district boundaries among other layers. The website includes federally

recognized tribes and elected leaders: trust land boundaries are on it, and notations are made for tribes without lands.

- 7. Western TTAP Report.** Kelly Myers gave an overview of the TTAP program, discussing the focus of the program (safety, infrastructure management, workforce development, and organizational excellence), and the LTAP-TTAP strategic plan, which is required. Currently, Ms. Myers said TTAP is developing a needs assessment to see what kind of technical assistance/ training is needed, though sequestration will affect their abilities to meet these needs in ways that are still somewhat unknown. Ms. Myers invited members to an upcoming TRB Safety Summit which will also involve the Bureau of Indian Affairs and Caltrans participation and will take place in August 2013. She also encouraged NAAC members to submit research proposals and to participate in the TRB Committee on Native American Issues meeting that is taking place in Sacramento in July 2013.
- 8. Transportation Research Board.** Anmarie Medin began by encouraging members to attend the TRB Native American Programs Committee and Archaeology Committee joint meeting in Sacramento. The meeting will offer an opportunity to connect with transportation experts from around the nation and to discuss a variety of issues. Ms. Medin also discussed SB 659, a bill to amend CEQA by formalizing archaeological qualifications. It will not affect tribal monitors. Kelly Myers noted the TRB meeting is available to anyone who is interested and encouraged everyone to attend and participate. There will be a fee to attend, but this unique opportunity is one to consider.
- 9. Tribal Transportation Coordinating Committee.** Tim Seward, representing Jacque Hostler, began by noting the April meeting of the Tribal Transportation Program Coordinating Committee (PCC) has been canceled and the new meeting date is likely to be the third week of May. He noted the government is operating under a continuing resolution that is set to expire at the end of March, but that the House has passed a new one and the Senate is set to follow. The PCC is beginning reauthorization discussions and will need tribal input. MAP-21 and regulation updates are being discussed since IRR regulations were not updated after the passage of SAFETEA-LU. Mr. Seward said regulation updates were supposed to be sent to tribes and consultation sessions set up, but due to funding issues, it's not clear how regional meetings will be held. He noted that environmental streamlining might aid tribes in delivering projects and that formula implementation is a big topic of discussion since many tribes will not be receiving as much funding as in the past. FHWA sent letters to tribes regarding the road inventory; tribes that did not respond were cut out. He closed by informing the NAAC that aspects of MAP-21 will not be under the PCC's purview, including High Priority Projects (HPP).
- 10. Bureau of Indian Affairs (BIA) Update.** Steve Wilkie discussed some of the current challenges faced by the BIA, including a 9% cut affecting all programs and the adoption of a new finance system that is making it difficult to get payments to tribes. The BIA is working on getting HPP projects ready so that when funding becomes available there are competitive projects on the shelf. Mr. Wilkie mentioned meeting with Joe Myers, Kelly Myers, Cynthia Gomez, and Lonora Graves to discuss training and a potential stakeholders meeting. Kome

Ajise noted he wanted the meeting to be done right and suggested two days in August as a time period to examine.

Cynthia Gomez asked if the BIA provided CTC information on the transportation needs of tribes as discussed at an earlier meeting so that it could be included in the statewide Needs Assessment report as this report was submitted to ensure the support of the State and tribal needs needed to be represented during the discussions. Steve acknowledged it had not been done but said he would look into it. Adam Geisler asked if the Program Agreement template was finished and Steve answered that it was.

11. Intersection Control Evaluation (ICE) Policy. Heidi Sykes discussed Caltrans intersection control policy, particularly as it relates to roundabouts. She noted that roundabouts are considered as a design alternative, stated that their selection includes traffic and safety considerations, and mentioned that they have reduced traffic fatalities. Several NAAC members stressed the need for consultation when it comes to considering design alternatives like roundabouts. Discussion ensued that touched on several issues including emergency vehicle training and design alternative selection during delivery. Kome Ajise noted that Caltrans changed its policy to consider roundabout alternatives because of court rulings and changes in federal regulations.

12. California High Speed Rail Authority (CHSRA). John Sharp and Janice Offerman presented on the status of the development of the California High Speed Rail system. Mr. Sharp began by introducing Janice, then noted that CHSRA is in the very early stages of the development for phase 2 in Southern California and efforts are currently focused on the Central Valley. The Central Valley is seen as the backbone of the system and current funding is allocated for it. The CHSRA expects to begin work this year on the first Valley segment, Merced to Fresno, and will finish the EIR/EIS for the Fresno to Bakersfield segment this year as well. A discussion ensued about jobs and Tracy Blue noted that he is getting tribal businesses signed up as Disadvantaged Business Enterprises so that Tribal businesses can be prepared to compete for jobs away from the reservation and to be a part of the construction of the high speed rail system. He noted HSRA has an aggressive small business and DBE goal and companies will hire locals to make up the core of the workforce.

Mandy Marine inquired about consultation efforts, noting that she hears from tribes in District 6 that they are not part of the dialogue. Mr. Sharp acknowledged some of CHSRA's efforts in the past were not what they should have been, but noted the CHSRA intends to do MOAs for each segment where the consultation process is defined. Mr. Sharp also said some of the concerns were NEPA concerns, such as growth inducement issues, outside the realm of Section 106. Kelly Myers requested a list of tribes that received consultation from Mr. Sharp. She noted that some tribes would like to talk and are not sure where they can get information. Ms. Myers offered the assistance of the National Indian Justice Center in outreaching to such tribes. Joe Myers extended an invitation to the CHSRA to attend the next NAAC meeting.

The meeting was adjourned at 1:55 pm.