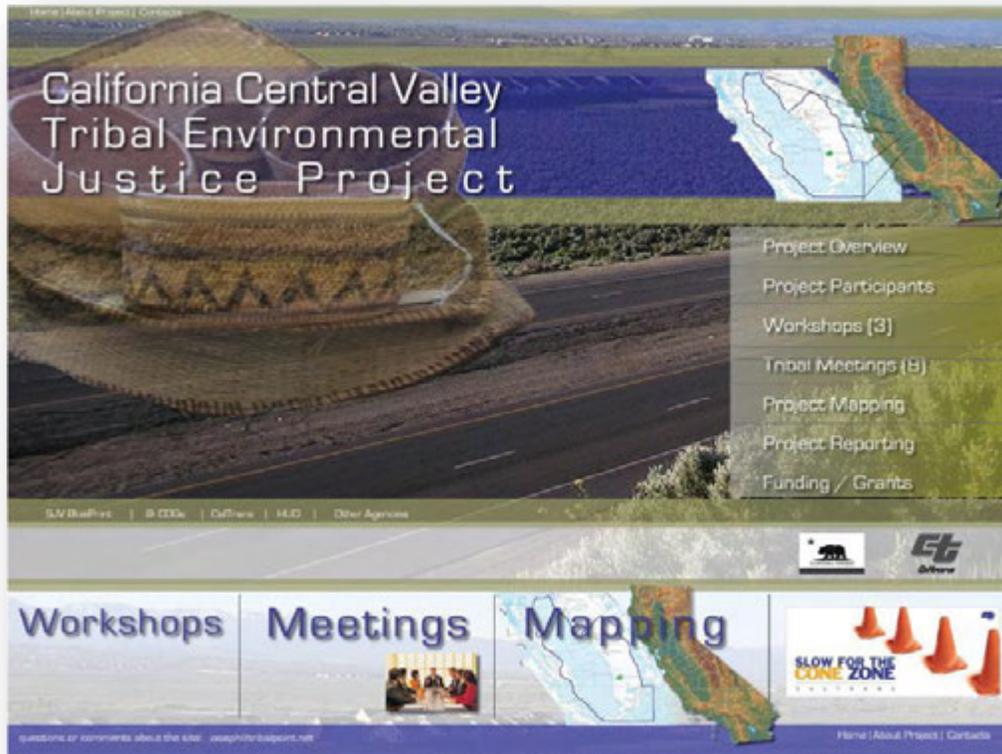

**California Central Valley
Tribal Transportation Environmental Justice Collaborative Project
“End of Project Final Report”**



Prepared by:

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Prepared for Caltrans Districts 6 and 10, and the eight San Joaquin Valley Regional Transportation Planning Agencies: San Joaquin Council of Governments (SJCOG), Stanislaus Council of Governments (StanCOG), Merced County Association of Governments (MCAG), Madera County Transportation Commission (MCTC), Council of Fresno County Governments (Fresno COG), Kings County Association of Governments (KCOG), and Kern Council of Governments (KCOG) and Grant Participants

www.caltribalej.com

November 9, 2010

Preface

This grant report is dedicated to the California Tribal Ancestors and current day Tribal Leaders who understood the need to balance the protection of cultural resources and plan for sustainable communities. We also pay tribute to Darrel Hildebrand, Kern Council of Government (KCOG) – Assistant Director. Darrel passed away on November 5, 2009. Darrel promoted the importance for Tribal input to County and California Statewide Regional Blueprint planning process. Darrel encouraged KCOG to apply for this Caltrans Environmental Justice Planning Grant and collaborated with Kern County area Tribes regarding San Joaquin Blueprint and local and regional planning.

This grant invited 47 California Central Valley Tribes to participate in this grant project. We thank the Tribal participants for all their input, report writing, and support. In the past, many of the participating Tribal leaders had developed trust and good rapport with Anthropologists, Archeologists, Linguists, and other environmental and historical researchers. However, today - there is still a need to continue to develop Tribal rapport and trust with local and regional government representative and planners.

This report incorporates the following environmental justice context provided by Dr. Dorothea “Dotty” Theodoratus, Anthropologist/Ethnographer (May, 2009):

“Protection of our non-renewable resources is an important part of environmental justice. This does not necessarily mean cancelling impeding or cancelling the construction of a proposed project. It does mean that we move from a „frozen“ perception of landscape by a non-native society to a concept of a dynamic native property that could influence project outcomes on a conceptual level, possibly leading to consensus on accommodation of native values in planning, and may or may not result in construction. We are not talking about eliminating or cancelling project construction. We are talking about management strategies that consider native cultural perspectives.

We are talking about the progression from past to present to future cultural relevance as an important part of landscapes. We are talking about individual landscapes, about networks of landscapes that encompass a larger landscape. We are talking about trails connecting places and leading to places of relevance. Landscape can be considered as scientific, recreational, mundane, or even sacred. Meaning and validity are perceived in different ways by different cultural groups. Environmental justice requires the inclusion of divergent perceptions in a planning process creating an opportunity for participants to cooperate and perhaps most important, to educate each other about the legitimacy of places from their various perspectives.”

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Executive Summary

The California Central Valley Tribal Environmental Justice (EJ) Collaborative project identified the following key issues in transportation planning:

- Improve Tribal Participation in the Planning Process
- Improve Tribal consultation guidelines and process at local, regional and state levels.
- Transportation funding hindered by what can be placed on a federally recognized Tribe's Indian Reservation Roads Inventory (IRRI).
- Tribes do share similar transportation needs such as access to housing, jobs, education, and public transportation. However, many of the California Central Valley Tribes are located in very remote and rural areas.
- Allotment lands (lands held in trust by the U.S. Department of Interior – Bureau of Indian Affairs) are not included in present day funding formulas.
- Cultural sensitivity courses and improved knowledge of California Central Valley Tribal history should be incorporated in State, Regional and Local planning and staff development.
- Tribal allotment lands that are “land locked” may not have road or utility access to their allotment lands.
- Suggested Tools for the Tribes include but are not limited to: on-site Native American Monitoring services, memorandum of agreements (MOA) with U.S. Forestry and Local Governments, outline for culturally sensitivity training, and basic California Central Valley Tribal history overview of Tribes to use in working with schools and local, regional, and state governments.
- There is a need to promote the past and current existence of Tribal people and their languages in road or highway names, rest stop or public visitors' areas, parks, and other public viewing or information sources.
- Tribal languages and interpretative descriptions of places and roads are not used within the public highway names or local road planning

In addition to these Tribal identified issues, cultural resource mapping and other critical transportation and environmental justice elements are included in this report.

Introduction

Project Description

In early March 2009, the Kern Council of Governments (KCOG) and Tubatulabals of Kern Valley Tribe were notified by California State Transportation Department (Caltrans) to proceed with the approved —California Central Valley Tribal Environmental Justice (EJ) Collaborative” project (March 2009 through October 2010). This collaborative grant project included the eight counties that contain the San Joaquin Valley (San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern) and invited 47 California Central Valley Tribes with interests in these counties. The Counties and Cities in the project area were represented by the each county’s regional transportation planning agency. These regional government agencies are also known as transportation commissions, associations of governments and councils of government or simply — COGs. . The project had four goals:

- Goal 1:** To build a knowledge base of Tribal related Transportation Environmental Justice issues and priorities – through meetings and workshops.
- Goal 2:** Promote Tribal participation and reporting on Tribal Transportation Environmental Justice issues and other long-range planning issues through the SJV Blueprint and SJV Partnership processes and through workshops, meetings, and surveys.
- Goal 3:** Promote preservation of our cultural heritage while adding certainty to the timely delivery of projects in the region by developing a Cultural Sensitivity Tribal Resource Map and protocol for Tribal monitoring within the SJV Eight Counties – through meetings, analysis, workshops, and collaboration.
- Goal 4:** Explore the possibility of creating a Tribal coalition for the region that could encourage streamlined participation of tribal nations in government planning and delivery of projects and services – through workshops and meetings.

This final grant report provides an update of these goals and also valuable information to be used in the California Central Valley – state and regional transportation planning and San Joaquin Valley (SJV) Blueprint Plan. In addition, the grant web site www.catribalej.com has all workshops, research papers, tools, and other information to assist both California Tribes and Counties with improved understanding of Tribal environmental justice, SJV Blueprint Planning, and Culturally Sensitive Resource Mapping.

Note: Acronyms used in this grant effort are included in Appendix A.

Caltrans Environmental Justice Context Sensitive Planning 2008/2009 in Appendix B.

Implementation of Grant Project

Phase I- Public Outreach and Education

Development of Tribal and County Council of Government Contacts, Workshops 1-3 to address goals 1-4 of this grant project, and on-going bi-monthly phone conference meetings help to identify and outline the concepts of Tribal EJ, land use and transportation planning, Tribal current issues and solutions, and effective tools to address transportation and land use planning.

Phase II- Research

Tribal, Anthropology, Archaeology, Mapping, and Cultural Preservation reports, lectures, and other information sharing was required to develop a better understanding of Tribal EJ and methods to improve Tribal participation with San Joaquin Valley Regional Blueprint planning process. Culturally sensitive resource mapping and predictable modeling required extensive research and development of trust with ~~the~~ "Tribal" Tribe.

Phase III- Analysis

Based on Phase I and Phase II – workshops, bi-monthly phone conference meetings, and on-going dialog with both Tribes and Metropolitan Planning Organizations (MPOs), data was developed and analyzed to help provide input to Caltrans Statewide Regional Transportation Planning (RTP) Guidelines 2011, RTP planning, and the San Joaquin Valley Blueprint 2010 planning process.

Phase IV- Administration/ Coordination

Throughout this grant project, the Tubatulabals of Kern Valley provided project management, risk management, administrative support, facilities management for workshops, and monthly and final reporting.

Overall, this grant was managed with project management key elements: time, budget, scope, communication, risk management, contract management, activity dependencies, and documentation (i.e., reporting, workshop summaries, web page). Kern Council of

Governments was lead agency in this grant project. Total grant budget expenditures were \$243,700.54 (see Appendix C – Grant Budget)

Grant Project Participants and Partners

Grant Project Participants Overview

Originally, this grant project was to include 30 California Tribes from the Central Valley area. However, a total of 47 Tribes (15 federally recognized and 32 non-federally recognized) were identified using the Tribal contact listings from Native American Heritage Commission (Senate Bill – SB18), Caltrans – District 10 and 6, Kern Council of Governments, and Inter-Tribal Council of California. Listed below are the Tribes invited to participate in this grant project:

	Tribe - Federal Recognize
1	Big Sandy Rancheria
2	Buena Vista Rancheria of Me-Wuk Indians
3	California Valley Miwok Tribe
4	Chicken Ranch Rancheria of Me-Wuk Indians
5	Cold Springs Rancheria
6	Ione Band of Miwok Indians
7	Jackson Rancheria Band of Mi-Wuk Indians
8	Lone Pine Paiute-Shoshone Reservation
9	North Fork Rancheria
10	Picayune Rancheria of Chuckchansi
11	Santa Rosa Rancheria
12	Table Mountain Rancheria
13	Tule River Indian Reservation
14	Tuolumne Band of Me-Wuk Indians
15	Wilton Rancheria *

	Tribe - Non-Federally Recognize
1	Amah Mutsun Tribal Band
2	CA Choinumni Tribal Project
3	Calaveras Band of Mi-Wuk Indians
4	Calaveras Mountain Miwok Tribe
5	Chaushilha Tribe of Yokuts
6	Choinumni Cultural Association Burial Board
7	Choinumni Tribe 109
8	Chukchansi Tribe
9	Chumash Council of Bakersfield
10	Chumash Native Nation
11	Costanoan Tribe of Santa Cruz and San Juan
12	Dumna Wo-Wah Tribal Government
13	Dunlap Band of Mono Indians
14	Eshom Valley Band of Indians/Wuksachi Tribe
15	Kawaiisu Tribe
16	Kern Valley Indian Council
17	Kern Valley Paiute Tribe
18	Kings River Choinumni Farm Tribe
19	Kitanemuk & Youlumne Tejon Indians
20	North Fork Mono Tribe
21	North Valley Yokuts Tribe
22	Salinan-Chumash Nation
23	Santa Rosa Rancheria
24	Sierra Foothill Wuksachi Yokuts Tribe
25	Southern Sierra Miwuk Nation
26	Table Mountain Rancheria
27	Tehachapi Indians
28	Tejon Indian Tribe
29	The Choinumni Tribe of Yokuts
30	Traditional Choinumni Tribe
31	Tubatulabals of Kern Valley
32	Wukchumni Tribe

* Note: In June 2009, Wilton Rancheria Tribe federal recognition status has been restored.

Project partners and consultants include representatives from the eight Councils of Governments (San Joaquin, Stanislaus, Merced, Madera, Fresno, Kings, Tulare, and Kern), Caltrans, Tribal Non-profits or community based organizations, U.S. Housing and Urban Development (US HUD), and other federal, state, and local governments. Listed below are the participating Project Partners and Consultants (Total of 65):

	First	Last	Title	Organization
1	Bryan	Williams	Representative	Assemblymember Jean Fuller
2	Jerry	Pierce	CHP Officer - PIO	CA Highway Patrol - Hanford
3	Jasper	Begay	Research and Planning Section	CA Highway Patrol (CHP)
4	Larry	Myers	Executive Secretary	CA State Native American Heritage Commission
5	Dave	Singleton	Research and Consulting	CA State Native American Heritage Commission
6	Michelle	Hoaglin	Executive Director	California Indian Basketweavers Association
7	Sandra	Rivera	CalTrans District - Redding	CalTrans - Redding
8	Gwyn	Alcock	Assoc. Environmental Planner, Archaeologist	CalTrans - Riverside
9	Mandy	Marine	Associate Environmental Planner/Archaeologist	Caltrans Dist 6 Environmental
10	Marta	Frausto	Native American Liaison	Caltrans Dist. 6 - Tribal Liaison
11	Brian	Wickstrom	Environmental Specialist	Caltrans Dist. 6 Environmental
12	Hector	Rangel	Transportation Project Manager	Caltrans Dist. 6 Project Manager
13	Dan	Brewer	Community Development	Caltrans District 10
14	Kathleen	McClafflin	Native American Liaison	Caltrans District 10
15	Kim	Johnston-Dodds	Acting Branch Chief	CalTrans HQ Native American Branch
16	Barbara	Goodwin	Consultant	COG Coordination Consultant
17	Laura	Elton	M.S. - Social Work	CSU Bakersfield
18	Marissa	Guenther	Anthropologist - Student	CSU Bakersfield
19	Dr. Brian	Hemphill	Archeologist	CSU Bakersfield
20	Mike	Dozier	SJV Partnership	CSU Fresno
21	Dr. Pei Lin	Yu	Anthropology Professor	CSU Sacramento
22	Ignacio	Dominguez	Hazardous Substances Scientist	Department of Toxic Substances Control
23	Albert	Fujitsu	Hazardous Substances Scientist	Department of Toxic Substances Control
24	Tony	Boren	Executive Director	Fresno COG
25	Todd	Sobrado	Planner II	Fresno COG
26	Barbara	Steck	Deputy Director	Fresno COG
27	Cuachtemoc	Gonzalez	ORP Representative	Governor's Office of Research and Planning (ORP)
28	Bill	Delo	Tribal Consultant	IBI Group
29	Steve	Wilks	Tribal Consultant	IBI Group
30	Reola	Parks	Conference Planner	Inter-Tribal Council of California
31	Connie	Solas	Executive Director	Inter-Tribal Council of California
32	Rob	Ball	Senior Planner - Project Oversight	Kern COG
33	Becky	Napier	Regional Planner III	Kern COG
34	Bruce	Abanthie	Regional Planner	Kings CAG
35	Terri	King	Executive Director	Kings CAG
36	Chris	Lehn	Regional Planner	Kings CAG
37	Richard	Poythress	Transportation Planner	Madera CTC
38	Patricia	Taylor	Executive Director	Madera CTC
39	Jess	Brown	Executive Director	Merced CAG
40	Marjie	Kim	Deputy Executive Director	Merced CAG
41	Jane	Clough-Riquelme	Tribal Liaison	San Diego Association of Governments (SANDAG)
42	Kim	Anderson	Associate Planner	San Joaquin COG
43	Bo	Mazzetti	Advisor	So. Cal - Reservation Transportation Authority
44	Jeanette	Fabela	Interim Associate Planner	StanCOG
45	Vincein	Harris	Executive Director	StanCOG
46	Scott	Philips	Interim Senior Planner	StanCOG
47	Olin	Jones	Native American Affairs Director	State Attorney Generals Office
48	Gary	Manross	Chairman/CEO	Strategy Research Institute
49	Kathleen	McBride	Anthropologist	Theodoratus Consulting
50	Dr. Dorothea	Theodoratus	Anthropologist / Ethnographer	Theodoratus Consulting
51	Joseph	Arthur	Tribal Consultant - WebDesignerGraphicArtist	Tribal Point Consulting
52	Donna	Miranda-Begay	Tribal Consultant - Project Manager	Tubatulabals of Kern Valley
53	Josie	Petersen	Tribal Secretary/Treasurer - Project Admin.	Tubatulabals of Kern Valley
54	Christine	Chavez	Regional Planner	Tulare CAG
55	Ted	Smalley	Executive Director	Tulare CAG
56	Troy	Burdick	Superintendent	U.S. BIA - CA Central Agency
57	Dale	Morris	Director	U.S. BIA - Pacific Region
58	Dennis	Dougherty	Archeologist	U.S. Forest Service - Sequoia
59	Rick	Larsen	Ranger	U.S. Forest Service - Sequoia
60	Karen	Miller	Archeologist	U.S. Forest Service - Sequoia
61	Tina	Terrell	Superintendent	U.S. Forest Service - Sierra/Sequoia
62	Dirk	Charley	Native American Liaison	U.S. Forest Services
63	Dr. Marta	Macri	Linguistics and Native American Studies	UC Davis
64	Larry	Roselle	Community Development	US Housing & Urban Development
65	Rollie	Smith	Field Office Director	US Housing & Urban Development

This grant project also included academic and research based reports about the CA Central Valley Tribes (both historical and current day) from the following consultants:

Dr. Dotty Theodoratus, CSU – Sacramento and Theodoratus Consulting: ethnography and anthropology perspective of the California Central Valley Tribes (historic to present day).

Dr. Brian Hemphill, CSU Bakersfield: archeological county records and mapping services to assist in long-term planning in the Kern County area.

Dr. Marta Macri, UC Davis – Native American Studies and Linguistics Studies: Native Linguistics perspective of the California Central Valley Tribes (historic to present day).

Dr. Jane Clough-Riguelme, San Diego Association of Governments (SANDAG): overview of Southern California Tribal Chairmen Association (SCTCA) approach of developing Regional Tribal Transportation Authority (RTA) and Tribal representation within SANDAG.

North Fork Rancheria's Tribal Chairwoman – Elaine Fink, Lone Band of Miwoks – Tribal Chairman Matt Franklin, North Fork Mono Tribe's Tribal Chairman – Ron Goode, and Tubatulabals of Kern Valley Tribe's Tribal Council Member – Robert Gomez: oral and written presentations that address past and current Tribal Transportation, Local Government Collaboration strategies, CA Indian history and policies, Native American —~~the~~ project" monitoring agreements and service, climate change views, need for traditional ceremonial and gathering areas, and views on culturally sensitive resource mapping and Tribal Consultation.

Many other CA Central Valley Tribal Chairpersons and Council Members: overview of their Tribe's current transportation and environmental justice challenges and solutions (past to current).

Laura Elton and Katie Valenzuela, Graduate Students from both CSU Bakersfield and UC Davis: assisted in developing their personal perspectives (social work and tribal

identification) of improving government-to-government transportation planning and regional planning with Tribal governments and communities.

Grant Project Goals Summary

Based on the established four goals for this grant project, the major activities resulted in the following outcomes:

Project Goals	Activities and Outcomes
<p>Goal 1: To build a knowledge base of Tribal related Transportation Environmental Justice issues and priorities – through meetings and workshops.</p>	<p>Workshops provided Tribal and topic experts the ability to describe the meaning of Tribal Transportation EJ issues. Protection of cultural resources, access to jobs and health care, and inclusion with local and regional government planning were identified as high priority</p>
<p>Goal 2: Promote tribal participation and reporting on Tribal Transportation Environmental Justice issues and other long-range planning issues through the SJV Regional Blueprint and SJV Partnership processes – through workshops, meetings, surveys.</p>	<p>Through workshops and bi-monthly conference call meetings, local and regional governments planning agencies and Caltrans provided the Tribes methods and updates on how to get involved with SJV Regional Blueprint planning and impact the California State’s Regional Transportation Planning (RTP) guidelines. Tribes also responded to how to best participate with these types of regional transportation planning processes.</p>
<p>Goal 3: Promote preservation of our cultural heritage while adding certainty to the timely delivery of projects in the region by developing a Cultural Sensitivity Tribal Resource Map and protocol for tribal monitoring the SJV Eight Counties – through meetings, analysis, workshops, and collaboration.</p>	<p>Through Tribal meetings and bi-monthly conference call meetings, the concepts of Tribal territories, current day local government boundaries, Caltrans Districts’ areas, and protection of cultural resources were described. Also, the Southern San Joaquin Valley Information Center developed Tribal beta map with a pilot Tribe – Tubatulabals of Kern Valley regarding their culturally sensitive areas (i.e., prehistoric cultural sites).</p>
<p>Goal 4: Explore the possibility of creating a tribal coalition for the San Joaquin Valley region that could encourage streamlined participation of tribal nations in local and regional planning and delivery of projects and services – through workshops, and meetings.</p>	<p>In workshop 3, SANDAG – San Diego Area of Governments’ Tribal Liaison provided an overview of their area’s regional Tribal Transportation organization (manages Tribal reservation road capital improvements) and their membership on regional planning committees. CA Central Valley Tribes supported this model, however – the selection of which Tribes (federally or non-federally recognized) would be involved with this type of organization and resources required for Tribal representation on these regional planning committees within the CA Central Valley would need to be determined.</p>

Note: see Appendix D, E, and F for Workshop 1, 2, and 3 Agenda and Summaries.

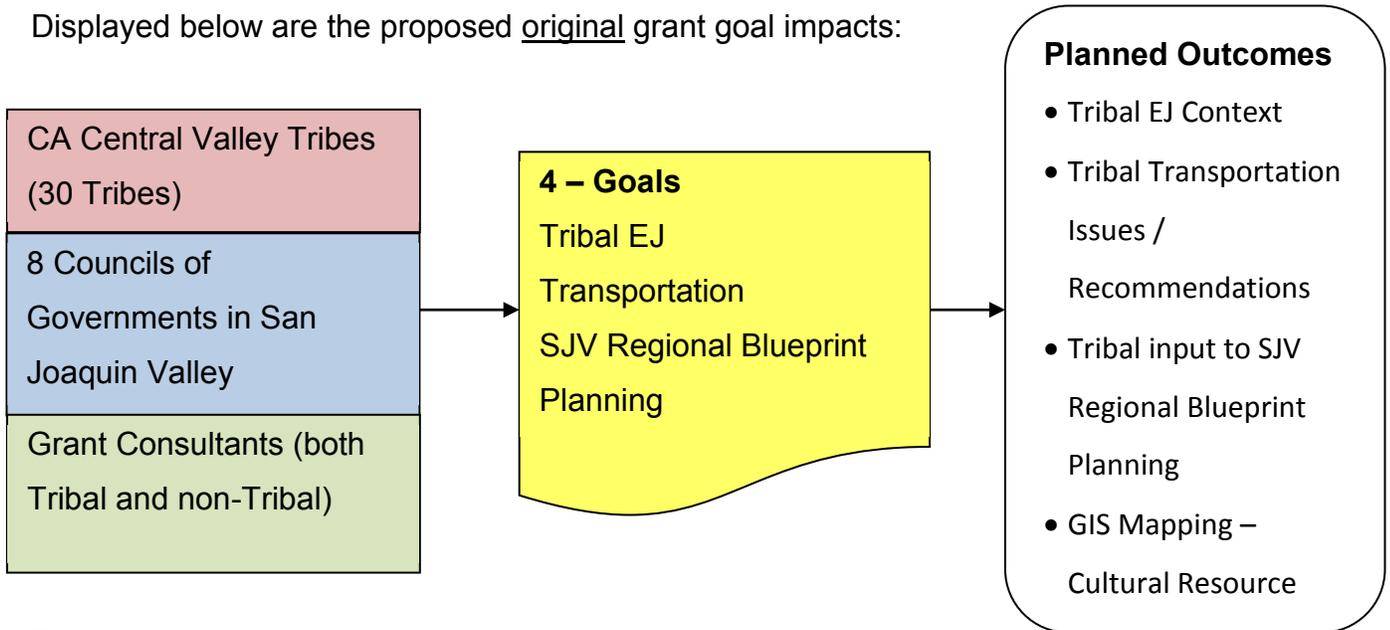
Tribal EJ Transportation Issues and Priorities

Participating Tribes identified through workshop surveys and one-on-one meetings the following key environmental justice transportation issues:

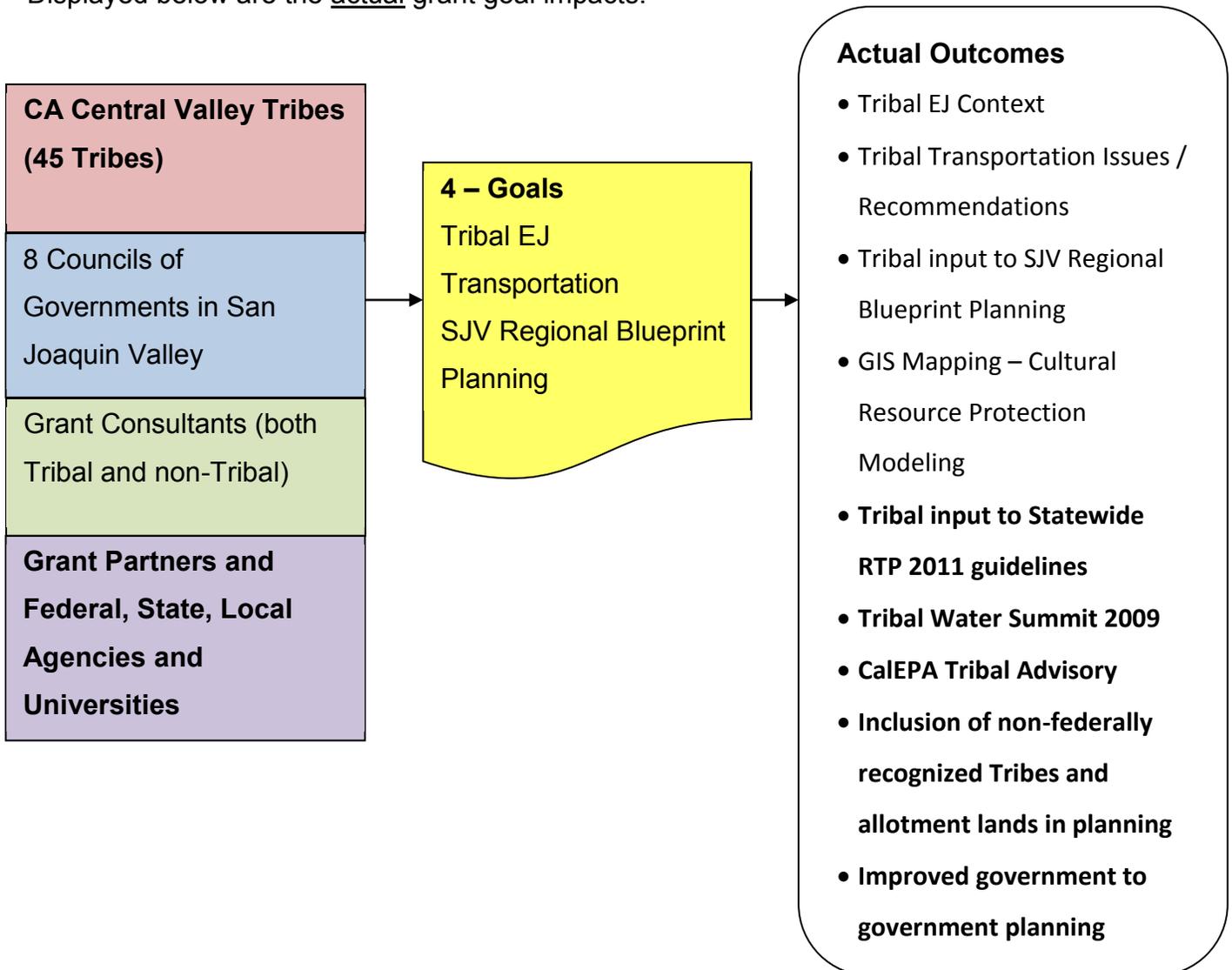
Priority	Issue Description	Proposed Action To Address Issue [implementer(s)]
1	Improve Tribal Participation in the Planning Process – required by Federal Title VI environmental justice regulation and new state legislation, Provide resources for direct collaboration between state/regional/local and Tribal governments. CEQA loopholes undermine efforts. .	State Senate Bill (SB) 18 (2004) - requires more extensive language to improve on enforcement and supportive resources (funding, staff, Tribal Cultural Preservation Representatives, and state, regional and local on-going training) to accomplish the intent of protection of cultural and sacred Tribal areas. [Tribes, state legislature]
1	Improve Tribal consultation guidelines and process at state/regional/local level. It is important to note: each Tribe may be different in their approach and definition of consultation. Early consultation can avoid late challenges to environmental documents that delay and increase the cost of projects.	On-going communication and collaboration can lead to formal consultation and builds a good working relationship between Tribal and state/regional/local governments. Recommend Caltrans/COGs outreach and conduct "face to face" dialog about Tribal related transportation planning issues early in the process (San Joaquin Valley Regional Blueprint). Explaining the transportation planning process is key to success. [Tribes, COGs] Caltrans has develop a programmatic agreement template for highway construction projects that will assist in the outlining of how Native American Ancestors remains and artifacts will be addressed, handled, monitored, protected and curated. [Caltrans, Tribes, COGS]
1	Transportation funding hindered by what can be placed on a federally recognize Tribe's Indian Reservation Roads Inventory (IRRI). The Federal formula used by the Office of Management Budget (OMB) to allocate funding by area does not provide California Tribes enough funding for construction and maintenance, and misconception by legislators that all Tribes in California have profitable casino operations that should pay for their roads.	Important for US Congressional Representatives and US Senators from California understand this national Tribal Transportation formula that benefits large land based Tribes - formula does not properly address unique rural and remote Tribal and surrounding roads for California Tribes. Extend funding eligibility to offsite roads that benefit Tribes. Caltrans assisting Tribes with improved IRRI - however, requires County and US Congressional level support. [Tribes, federal legislature, COG's/County]
1	Tribes do share similar transportation needs such as access to housing, jobs, education, and public transportation. However, many of the California Central Valley Tribes are located in very remote and rural areas. Taking a bus to a doctor's or dentist's appointment can be an all-day challenge. Emergency response for 911, medical, firefighting, and other emergencies can be delayed due to poor conditions of Tribal roads (on and near reservation, Rancherias, allotments, and rural communities) and unrecorded rural or allotment roads.	Regional Transportation planning should include Tribal input and context. Historical presence of CA Tribes and their development of Indian trails and trade routes should be included in transportation planning and describing current day highways and major roadways. Directly outreach and talk with Tribes about their unique access needs to public transportation. Develop a tribal notification map. [Tribes, Caltrans, COGs]. Counties can provide an outline process to assist Tribes with their reservation, Rancherias, allotments, and rural road naming and County recording.
2	Allotment lands (lands held in trust by the U.S. Department of Interior – Bureau of Indian Affairs) are not included in present day funding formulas. As a result, allotment lands (40, 80, and 160 acres) do not have any transportation funding support. It only takes one good rain storm to wipe out a 2-3 mile dirt road. This results in restricted road access for work, emergency response, school, and other road usage.	Important for US Congressional Representatives and U.S. Senators from California to understand this funding challenge for Tribal allotment lands. Also, many Tribal allotment lands are assigned to non-federally recognized Tribal family (ies). Non-federally recognized Tribes and allotment lands are not in the national transportation or BIA budget. Letter of support to US President, US BIA, and US Office of Budget Management may help to open the dialog on this issue. [Tribes, Federal, Legislature, COGs]

Priority	Issue Description	Proposed Action To Address Issue
2	Sustainable ability for Tribes to have a central communication and coordinating organization for on-going Tribal regional transportation planning. The Central California tribal website (www.catribalej.com) is the first step in providing this capacity to local tribes.	This would require centralized Tribal organization, resources, and good communication. This would require coordinated planning and support from Caltrans and the Councils of Governments and majority of CA Central Valley Tribes. [Tribes, Caltrans]
2	Cultural sensitivity courses and improved knowledge of California Central Valley Tribal history should be incorporated in State, Regional and Local transportation planning and staff development.	Several CA Central Valley Tribes and Inter-Tribal Council of California have the ability to provide culturally sensitivity training. [Caltrans Transportation Planning Grant Program]
2	Tribal allotment lands that are “land locked” may not have road or utility access to their allotment lands. There needs to be a process to negotiate or work out an agreement with private land and allotment land owners.	U.S. Bureau of Indian Affairs does not provide support for the allotment lands (lands held in trust) due to limited resources. However, the US BIA will declare that they have jurisdiction of these Indian allotment lands. When it comes to private lands – there is no support to help negotiate potential installs or building of roads or utilities for these “land locked” allotments. Federal or State legislation would need to be developed to help open up the dialog or negotiations for “unlocking” these type of allotments. [Tribes, federal/state legislatures]
3	Suggested Tools for the Tribes include but not limit to: on-site Native American Monitoring services, memorandum of agreements (MOA) with U.S. Forestry and Local Governments, outline for culturally sensitivity training, and basic California Central Valley Tribal history overview of Tribes to use in working with schools and local/regional governments.	On the grant web site (www.catribalej.com) - there are examples of MOA, Tribal Historical Outline, Native American Monitoring, and other tools for Tribal transportation and land use planning. A proposed Caltrans Tribal EJ Mapping grant has also been developed to provide more "hands-on" and capacity building GIS mapping for Tribes. Continued funding to support the two Valley Archeological Information Centers predictive modeling and mapping collaboration with the tribes could be used in future Regional Blueprint conservation planning efforts. [Caltrans Transportation Planning Grant Program, Tribes]
3	Tribes continue to learn and teach their cultures and languages. There is a need to promote the past and current existence of Tribal people and their languages in road or highway names, rest stop or public visitors’ areas, parks, and other public viewing or information sources.	Tribes are making major strides to revitalize their traditional languages. The help of Owens Valley Career Development and grant opportunities have provided Tribes the ability to establish and sustain a Tribal language program. In this grant project, linguistics plays a key role in defining traditional Tribal areas. [Tribes]
3	Tribal languages and interpretative descriptions of place and roads are not used within the public highway names or local/regional road planning. Public visitor rest stops do not incorporate the Tribal perspective of CA history or place.	CA Central Valley Tribes should develop historical outlines and context to offer state and local governments for public information or for use in naming of highways and roads. Through this grant project, the Tribes met their MPO(s) and briefly discussed this issue about Tribal languages and descriptions. It will take both Tribes and MPOs effort to provide an opportunity for public awareness and usage of tribal highway and road descriptions. In San Diego County – there is the Kumeyaay Nation Highway (I-8). In Fresno County – there is a sign for Chukchansi Park, and for federal recognized tribe there are road signs for their Tribal Reservation or Rancheria. [Tribes, Caltrans/local government street naming]

Displayed below are the proposed original grant goal impacts:



Displayed below are the actual grant goal impacts:



2011 Regional Planning Guidelines and Memorandum of Understanding

In January 2010, Dr. Donna Miranda-Begay (Grant Project Manager) provided Caltrans Transportation Planning Branch with CA Central Valley Tribal input on “EJ” and Tribal transportation planning issues that were discussed in this grant’s workshops. Displayed below are a few examples of how the CA Central Valley Tribes’ RTP input (see red font for changes) will be implemented in 2011 RTP Guidelines:

1.4 Purpose of the Regional Transportation Plan

Transportation planning by MPOs/RTPAs is a collaborative process, led by the MPO/RTPA, state, **tribal**, and other key stakeholders in the regional transportation system. The process is designed to foster involvement by all interested parties, such as the business community, **California Tribal Governments**, community groups, environmental organizations, the general public, and local jurisdictions through a proactive public participation process conducted by the MPO/RTPA in coordination with the State and transit operators. It is essential to extend public participation to include people who have been traditionally underserved by the transportation system and services in the region. Neglecting public involvement early in the planning stage can result in delays during the project stage.

7. Promotion of consistency between the California Transportation Plan, the regional transportation plan and other plans developed by cities, counties, districts, **California Tribal Governments**, and state and federal agencies in responding to statewide and interregional transportation issues and needs;
8. Providing a forum for: (1) participation and cooperation and (2) to facilitate partnerships that reconcile transportation issues which transcend regional boundaries; and,
9. Involving community-based organizations as part of the public, Federal, State and local agencies, **California Tribal Governments**, as well as local elected officials, early in the transportation planning process so as to include them in discussions and decisions on the social, economic, air quality and environmental issues related to transportation.

1.6 SAFETEA-LU Items Impacting the Development of RTPs

Public Participation Plan/Outreach – Each MPO shall provide citizens, affected public agencies, representatives of public transportation employees, freight shippers, private transportation providers, representatives of public transportation users, representatives of pedestrian walkways and bicycle transportation facilities users, representatives of the disabled, and other interested parties with a “reasonable opportunity” to comment on the RTP. The public participation plan must be developed prior to updating the RTP and FTIP and shall provide for input from interested stakeholders, **including California Tribal Governments if applicable**, during its preparation. (Title 23 CFR Part 450.316)

Example of Tribal to County Regional Transportation Planning

A good example of a Regional Transportation Planning effort is described by Christine Chavez, Tulare County Association of Governments - Regional Planner: "Improvements consisting of road turnouts were constructed on Reservation Road in Tulare County - a regionally significant road just Southeast of Porterville. After discussions among the TCAG

Board and the Tribal Council, a joint MOU was formed between TCAG, Tulare County, and the Tule River Indian Reservation Tribe to implement the project. The project used Regional Transportation Improvement Program (RTIP) funds on the project and required Caltrans approval. The project was completed in 2007".

Memorandum of Understanding

The CA Central Valley Tribes have identified a potential need for both Caltrans programmatic agreement and memorandum of understanding (MOU). Currently, there is a programmatic agreement between Caltrans, Federal Highway Administration, the Advisory Council of Historic Preservation, and the California State Historic Preservation Officer regarding compliance with Section 106 of the National Historic Preservation Act as it pertains to highway projects with federal funding. The 106 PA authorizes Caltrans to make certain determinations and findings on behalf of FHWA and also allows for streamlining the Section 106 compliance process. There are no programmatic agreements between Caltrans and Tribal governments.

Caltrans does have a template for a Memorandum of Understanding between tribal governments and Caltrans, examples of which are Caltrans District 2's MOAs with the Karuk Tribe of California, the Winnemem Wintu Tribe and Pit River Tribe of California. These MOUs can be found on the District 2 website. Also, a Caltrans MOU template is included —Appendix H – Caltrans MOU Tribal Template”.

San Joaquin Valley Regional Blueprint Planning Process

Based on Tribal input to this grant project and the participation of the San Joaquin Valley 8 Councils of Governments, the —San Joaquin Valley, and Blueprint Roadmap Summary - Public Review Draft Report” (dated June 2010) included Tribal Governments and referenced this Tribal EJ Grant effort (Harnish, 2010).

In July/August 2010, each of the 8 COGs adopted their 2011 Regional Transportation Plan (RTP) with the San Joaquin Valley Regional Transportation Overview as an appendix. The Overview included the following task: *“Engage Environmental Justice Communities, Tribal Governments, and Resource Agencies. The SJV COGs held a workshop in early 2007 with*

the purpose of engaging Environmental Justice Communities, Tribal Governments (both federally recognized and non-recognized tribes of Native Americans), and Resource Agencies in the SJV Regional Blueprint process". Also, the 8 RTPs include the following statement about formally working with Tribal governments: "Tribal Governments - As a result of the inaugural workshop, ongoing engagement has been formalized with Tribal representatives. Numerous meetings have been held with Native American participants, including: Santa Rosa tribe, Tubatulabals, Chumash, Tejon Indians, and Tule River tribe." The RTP also makes reference of this Tribal Transportation EJ Grant project.

Overall, Tribal participation in the San Joaquin Valley Regional Blueprint and Regional Transportation Planning process is not the same as public participation. Tribes are very challenged in their ability to attend the public Blueprint and Regional Transportation Planning efforts due to Tribal governments affairs and numerous meetings on other resource committees (i.e., State Water planning, US EPA, Caltrans Native American Advisory Committee, CalEPA Tribal Advisory, Tribal Council and Committee meetings). CA Central Valley Tribes did support the need to have Tribal representation in the SJV Blueprint planning and RTP processes, however – this may require a central Tribal organization and/or funding source to assist Tribes.

Beyond Tribal “EJ” Transportation Grant Scope

During March 2009 through September 2010, this grant effort has resulted in effective Tribal input to the development of the following state agencies and departments:

CalEPA (California Environmental Protection Agency): October 2009, CalEPA and Governor’s office approves CalEPA “Working with California Tribes” policy and establishes Tribal Advisory Committee with two Tribal representatives for Central California and Non-Federally Recognized Tribes. This CalEPA Tribal policy web site is located at: <http://www.calepa.ca.gov/Tribal/2009/CIT01Policy.pdf>

Caltrans Native American Advisory Committee – focus on Tribal Employment Rights Office (TERO) support in State transportation contracting process, development of proposed Native American Monitoring Consulting Classification, Tribal involvement in the State Transportation Strategic Planning, Regional Transportation Planning (RTP) Guidelines 2011 and CA Regional Blueprint Planning, and Caltrans Department Director met with Caltrans Native American Advisory Committee regarding short fall funding for reservation roads from the U.S. Bureau of Indian Affairs and U.S. Federal Highways Agency. The Caltrans Native American Liaison Branch web site is located at: http://www.dot.ca.gov/hq/tpp/offices/orip/na/naac_page.html

California Department of Water Resources (DWR) – during 2009 through 2010, DWR established Tribal Communication Committee (TCC) to discuss CA Tribal water issues. In November 2009, DWR TCC held a CA Tribal Water 2-day Summit in Sacramento. Based on seven Tribal Regional Plenary meetings, the Tribal Water summits focused on environmental justice, cultural resources, water rights, dams and rivers, state water planning, and require legislative changes. As of September 2010, DWR has concluded the purpose of the TCC and will be establishing an on-going formal Tribal Advisory Committee to help address the Tribal Water Summit proceedings and outcomes. Transportation planning involves federal, state, local, and tribal roads that align, cross, and potentially could impact rivers, lakes, watershed, and storm water runoffs. Ensuring the protection of quality drinking water and Tribal water rights were identified as high priority for CA Tribes. DWR Tribal web site is located at: <http://www.waterplan.water.ca.gov/tribal2/index.cfm>

Caltrans Transportation Planning – an evolving process

FY-2008/2009	FY-2010/2011
<p>CALIFORNIA TRANSPORTATION PLAN GOALS</p> <ol style="list-style-type: none"> 1. Smart or strategic land use and opportunities for affordable housing and jobs 2. Congestion relief 3. Efficient movement of people, goods, and services 4. Safe and healthy communities 5. Pedestrian, bicycle, and transit mobility and access 6. Public and stakeholder participation 7. Measures to reduce air pollution and greenhouse gas emissions 8. Conservation of energy and other natural resources 9. Protection of sensitive habitat and farmland 	<p>CALIFORNIA TRANSPORTATION PLAN GOALS</p> <ol style="list-style-type: none"> 1. Improve Mobility and Accessibility: Expanding the system and enhancing modal choices and connectivity to meet the State's future transportation demands. 2. Preserve the Transportation System: Maintaining, managing, and efficiently utilizing California's existing transportation system. 3. Support the Economy: Maintaining, managing, and enhancing the movement of goods and people to spur the economic development and growth, job creation, and trade. 4. Enhance Public Safety and Security: Ensuring the safety and security of people, goods, services, and information in all modes of transportation. 5. Reflect Community Values: Finding transportation solutions that balance and integrate community values with transportation safety and performance, and encourage public involvement in transportation decisions. 6. Enhance the Environment: Planning and providing transportation services while protecting our environment, wildlife, and historical and cultural assets.

Displayed above is an example of the evolving transportation planning process for Caltrans. In presenting the FY-2008/2009 Caltrans planning goals to the CA Central Valley Tribes, their input included the following changes and recommendations (see **blue font** for additions):

Goal 6: Public, **Tribal Government**, and stakeholder participation

Goal 9: Protection of **Native cultural resources**, sensitive habitat and farmland

New Goal 10: Environmental Justice

CA Central Valley Tribes participating in workshop #1 described the need for Tribes to have specialized Tribal forums for regional transportation planning. Also, protection of cultural resources must be a high priority during the planning and construction process. Ability for the State to hire qualified and trained Tribal Monitors should be established. A transportation goal to focus on environmental justice should be developed. Based on this Tribal input, both state and regional transportation planning could include these Tribal recommendations.

Culturally Sensitive Resource Mapping

During July 2009 through March 2010, Southern San Joaquin Valley Information Center took existing pre-historical archeological records for Kern County and developed a GIS (Geographical Information System) map. The Tubatulabals of Kern Valley volunteered to be a “tribe” for culturally sensitive resource mapping. Displayed below is a portion of the Sierra view GIS “culturally sensitive resource mapping”.

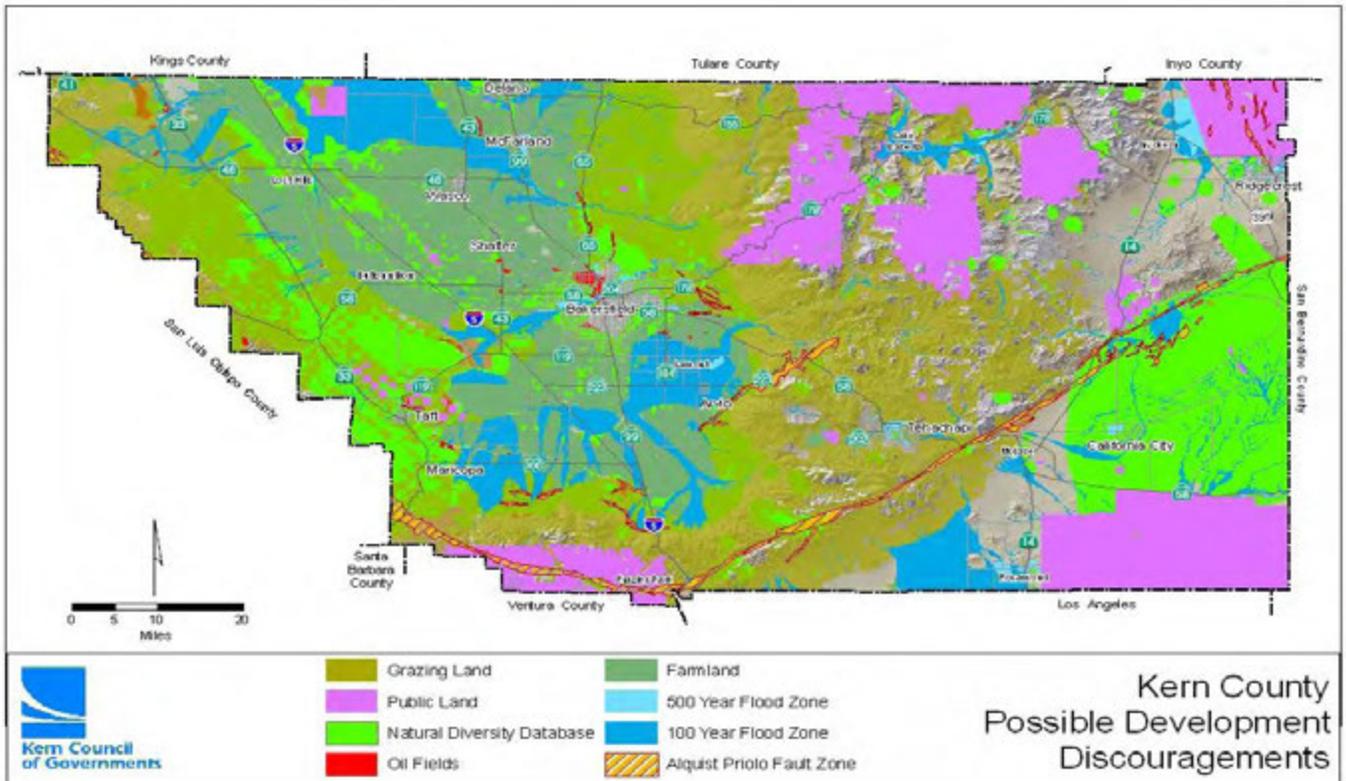


This mapping is very high level with buffer mapping levels that clearly do not expose exact cultural resource pre-historic sites. There were four Kern County views that included: coastal, central valley, desert, and sierra. In addition, a GIS mapping of Kern County was prepared with predictive modeling of culturally sensitive areas. This GIS mapping was based on binary regression logistics.

Dr. Brian Hemphill, Archaeology Professor at California State University of Bakersfield (CSUB) and Director Southern San Joaquin Valley Information Center, was contracted to develop this culturally sensitive resource mapping model. This predictable model is based on 3,485 pre-historic archeological records. This mapping data must be protected, but use of predictive modeling —“binary regression logistics” offers a method of communicating cultural resource concerns and can be a very proactive planning tool for Kern County.

CA Central Valley Tribes who have geographical areas of interest from Merced to Kern County are encouraged to develop a Memorandum of Agreement with Southern San Joaquin Valley Information Center to access cultural resource information (See Appendix G – MOA Template Example).

Additional planning mapping should include sensitive land use (grazing, public, farmland, flood, oil fields, and fault lines) GIS mapping (see below – example of this type of map for Kern County):



Culturally sensitive lands should also be included in County land and transportation development planning. It is also important to note, there are varying levels of Tribal acceptance of culturally sensitive mapping. However, Tribes do agree that there is a need to work with local and regional governments in protection of cultural resources and assisting with notification, identification, and on-site Native American monitoring of these cultural resources areas.

One specific challenge identified by the grant participating Tribes was the volume of planning notices and zoning changes received from County and Caltrans Planning Offices. One example, the Tubatulabals of Kern Valley have identified their traditional territories as north east Kern County and southeastern Tulare County. However, this Tribe receives numerous planning notices outside their territories due to SB 18 Protection of Indian Lands (2004 Burton bill), which is based on county level notifications.

Ethnographic Perspective Mapping

In this grant project, Ethnographer Dr. Dorothea Theodoratus provided an extensive Tribal EJ report of the CA Central Valley Tribes (both federally and non-federally recognized). Based on an ethnographic perspective, Dr. Theodoratus and Kathleen McBride provide ethnography mapping, description of Tribes, and listing of CA Central Valley Tribes by County.

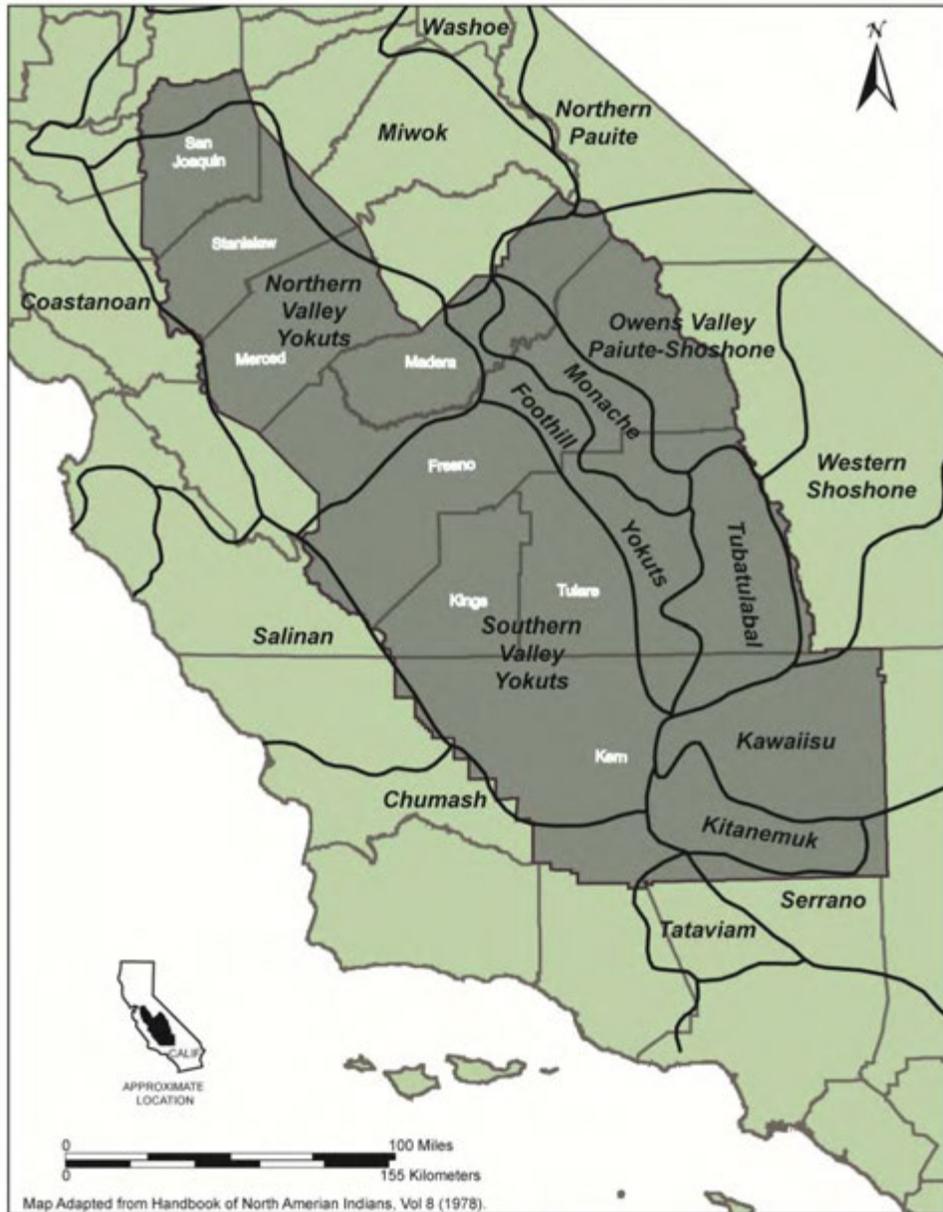


Figure 2. Map of Ethnographic Territories in Eight County Study Area”

Descriptions of each of the pre-contact, indigenous territories by county are as follows:

- The Northern Valley Yokuts territory extended from the southern two-thirds of San Joaquin County, through Stanislaus, Merced, and western Madera counties to the northwest portion of Fresno County.
- The Miwok territory was in the northern third of San Joaquin County, and this group included a small area on the eastern end of Stanislaus County, and the northeastern corners of Merced and Madera Counties.
- The Costanoan were in a small area on the southwestern corner of Stanislaus, and the northwest side of Merced Counties.
- The Paiute extended their territory into the eastern side of the high Sierra, in Madera and Fresno Counties, and the northeastern tip of Tulare County.
- The Mono (Monache) were immediately west of the Paiute in a territorial strip running from the northwest to the southeast through Madera, Fresno and Tulare Counties.
- The Foothill Yokuts paralleled the Mono and Tubatulabal on their western sides in a strip on the lower foothills running from Madera County through Fresno and Tulare Counties and into a portion of Kern County. To their west were the Southern Valley Yokuts extending from Fresno County, through Tulare and Kings Counties, to include a large portion of western Kern County.
- Fresno, King, and Kern Counties are touched on the western fringe by the Salinan tribal territory in the north and the Chumash in the south. The Tubatulabal area was in eastern Tulare County below the highest Sierra Mountains and into the northern part of Kern County. A small area of northeast Kern County and a slim strip on the eastern side of Tulare County was claimed by the Shoshone. South of the Tubatulabal and Shoshone were the Kawaiisu, then the Kitanemuk, and a small portion of Tataviam in Kern County. A small section of Kern County between the Kitanemuk and Tataviam is the traditional territory of the Serrano. The area east of the Kitanemuk is Vanyume territory.

“Figure 3. Counties, Tribal Categories, Present-day Tribal Groups”

County	Tribal Category	Present-day Tribes# * Federally recognized
San Joaquin	Miwok	*Ione Band of Miwok Indians
		*Wilton Miwok Rancheria
	N. Valley Yokuts	*Jackson Rancheria
		*Buena Vista Rancheria
		Choinumni Council of Yokuts Northern Valley Yokut Tribe California Valley Miwok Tribe (CVMT)
Stanislaus	Miwok	*Tuolumne Rancheria
		*Chicken Ranch Rancheria
	N. Valley Yokuts	Choinumni Council of Yokuts
		Northern Valley Yokut Tribe
Costanoan	Indian Canyon Band of Costanoan/Mutsun People	
	Amah Mutsun Tribal Band of Costanoan Indians	
Merced	Miwok	*Tuolumne Rancheria
		*Chicken Ranch Rancheria
	N. Valley Yokuts	Choinumni Council of Yokuts
		Northern Valley Yokut Tribe
Costanoan	Amah Mutsun Tribal Band of Costanoan Indians	
	Indian Canyon Band of Costanoan/Mutsun People	
Madera	Miwok	Southern Sierra Miwok Nation
	N. Valley Yokuts	Choinumni Council of Yokuts
		Northern Valley Yokut Tribe
	Foothill Yokuts	*Picayune Rancheria of Chukchansi Indians
		Chukchansi Yokotch Tribe
	Mono	*North Fork Rancheria North Fork Band of Mono
Paiute	*Owens Valley groups: Bishop, Big Pine, Fort Independence, Lone Pine	

Fresno	N. Valley Yokuts	Choinumni Council of Yokuts Northern Valley Yokut Tribe	
	S. Valley Yokuts	*Santa Rosa Rancheria	
	Foothill Yokuts	Sierra Foothill Wuksachi Yokuts Tribe *Table Mountain Rancheria Dumna Wo-Wah Tribal Government Wukchumni Council (Tribe) Traditional Choinumni Tribe Northern Band of Mono-Yokuts	
	Mono	*North Fork Rancheria of Mono Indians North Fork Band of Mono *Big Sandy Rancheria *Cold Springs Rancheria Dunlap Band of Mono Indians	
	Paiute	*Owens Valley groups: Bishop, Big Pine, Fort Independence, Lone Pine	
	Salinan	Salinan Tribe Salinan Nation Salinan Nation Cultural Preservation Association	
	Kings	Southern Valley Yokuts	*Santa Rosa Rancheria
		Salinan	Salinan Tribe Salinan Nation Salinan Nation Cultural Preservation Association
			*Owens Valley groups: Bishop, Big Pine, Fort Independence, Lone Pine
	Tulare	Southern Valley Yokuts	*Santa Rosa Rancheria
Foothill Yokuts		*Tule River Reservation Wukchumni Council Wukchumni Indian Tribe Sierra Foothill Wuksachi Yokuts Tribe	
Paiute/Kawaiisu		Mono Indian Tribe	
Paiute/Shoshone		*Owens Valley groups: Bishop, Big Pine, Fort Independence, Lone Pine	
Tubatulabal		Tubatulabals of Kern Valley	
Kern	Southern Valley Yokuts	*Santa Rosa Rancheria	
	Foothill Yokuts	*Tule River Reservation	

Tubatulabal	Tubatulabals of Kern Valley
Kawaiisu	Tejon Indian Tribe Kawaiisu Tribe (aka Kern Valley Indian Council) Tehachapi Indian Tribe
Shoshone	Kern Valley Paiute Tribe
Kitanemuk	Tinoqui-Chalola Council of Kitanemuk and Vanyume Tejon Indians
Serrano/Vanyume	*San Manuel Band of Mission Indians *Morongo Reservation
Tataviam	Fernandeno/Tataviam Tribe
Salinan	Salinan Tribe Salinan Nation Cultural Preservation Association Salinan-Chumash Nation
Chumash	Salinan-Chumash Nation Chumash Council of Bakersfield
<u>Paiute/Kawaiisu</u>	<u>Kern Valley Indian Council</u>

Tribal territories include more than one county; groups may appear multiple times.

Dr. Theodoratus also provides this description about the Tribal listing by County:

–This work will include the traditional territories of the tribes as they were known prior to the counties’ existing boundaries. The tribes will be discussed under the broad tribal divisions or ethno-linguistic groups (e.g., Yokuts, Mono, and Tubatulabal). These groupings are internally consistent with linguistic similarities and shared culture, although there are differences in their natural environments. Variation exists among the subgroups (e.g., Northern Valley Yokuts, Foothill Yokuts, and Southern Valley Yokuts) and these variations are described. The core area and subareas will be discussed followed by a cultural summary. Tribal summaries will provide background information that will contribute to an understanding of cultural patterns, especially tribal areas of distribution, subsistence and settlement systems, sociopolitical organization, and sacred and ceremonial data. This will promote the establishment of a predictive modeling framework for the future identification of potential resources. Finally, present day groups will be discussed”. (Theodoratus & McBride, 2009)

Linguistic Mapping Perspective

In this grant project, Linguistic and Native American Studies Professor, Dr. Marta Macri, provides the linguistic mapping perspective of the CA Central Valley Tribes – language stock:



Dr. Macri offers this description to provide support of Tribal language and their physical presence: “In order to understand both present and past relationships between the various Indian groups, it is necessary to clarify the non-equivalence of several features that are commonly, and unconsciously, equated: language, ethnic identity, biological genetic relationship, material culture, economy, and social/political organization. Even though the distinctions among these features are obvious, becoming more aware of each of them as a separate characteristic allows for a more accurate understanding of California as it existed in

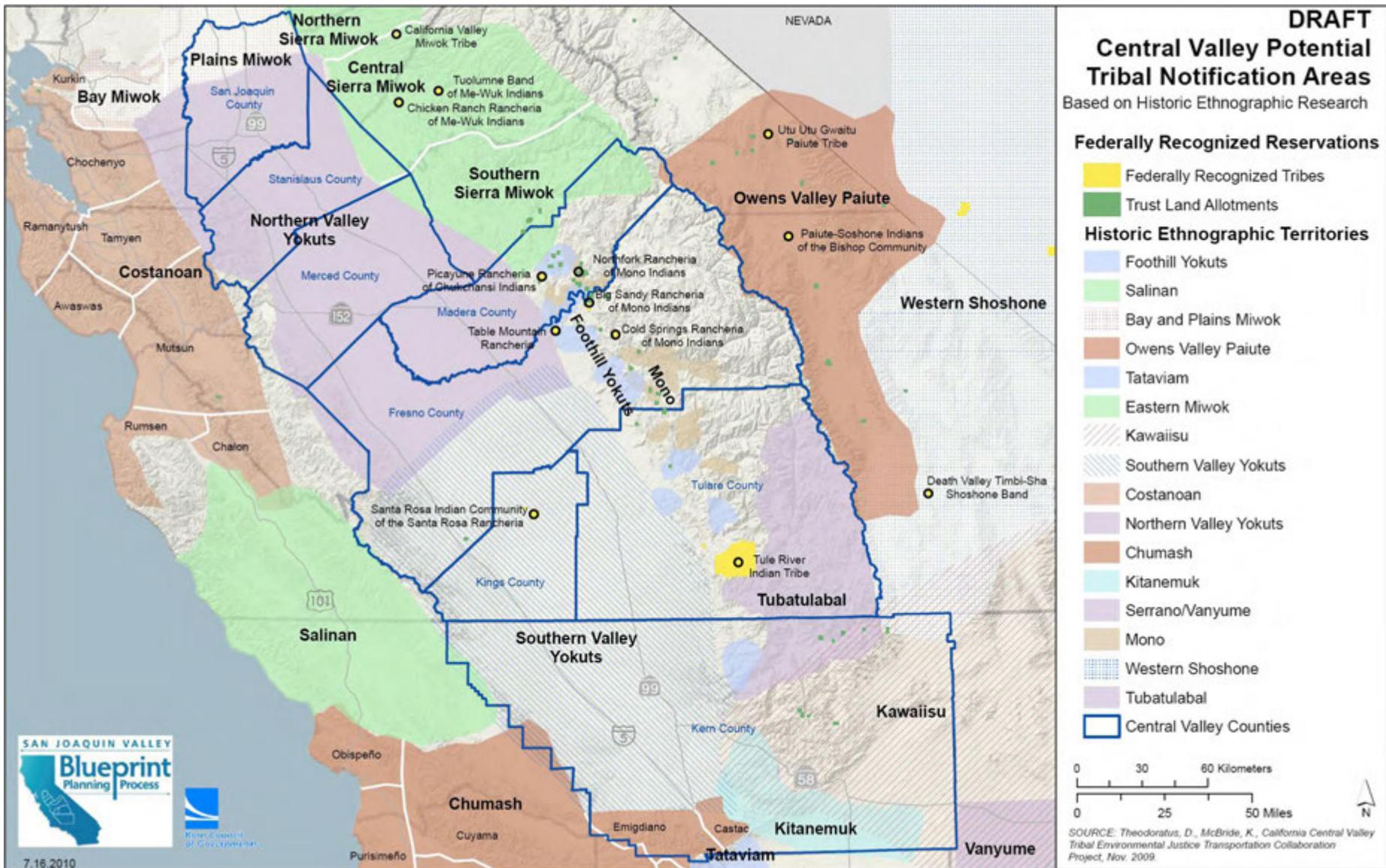
centuries and millennia prior to the arrival of Europeans in the sixteenth century.” (Macri, 2009)

Purpose and Defining of Cultural Sensitive Resource Mapping

In Tribal communities there is both support and non-support for cultural resource mapping of Tribal areas. In this grant project, several Tribes provided their perspective of cultural resource mapping of sensitive Tribal areas. Maps that have been publicly released in the Smithsonian Institute “Handbook on California Indians” and high level language group maps of California have been published to the broader public. However, the disclosing of sacred or cultural Tribal sites is not broadly accepted by the CA Central Valley Tribes.

In California, there are pre-historical and historical archeological records that are maintained by the California Historical Records and Information System (CHRIS). Most of these records are in paper format. Some California Tribes have established memorandums of agreements with their local CHRIS center (there are 11 centers in California). However, many Tribes do not have electronic access to the records for their own mapping purposes. In this grant, the Tubatulabals of Kern Valley arranged for the Kern County CHRIS pre-historic records to be placed into a GIS protected system. Today, this data has been used by the Tribe to reply very timely to the numerous public notices of proposed land use developments (EIR - Environmental Impact Reports, General Plan Changes, Zoning Changes, and other public land use changes). In addition, this data has been used to educate their Cultural Preservation and Language team about existing known archeological sites. One recent use, includes the local State Route 178 Caltrans Transportation Concept Report (TCR). The GIS mapping data can be overlaid with proposed new road or construction mapping routes to help protect cultural resource areas.

Overall, it will take time, resources, mapping knowledge, and trust building to further explore and develop culturally sensitive resource mapping. In the grant effort, the concept of building a Tribal Notification area (or area of influence) was positively received by many of the grant participating Tribes. A prototype of this type of mapping is shown on the next page – this is only a proposed concept and would require additional Tribal communication, collaboration, and consultation. Participating grant Tribes have also expressed a need for improved understanding and tools for GIS map building.



Tribes and SJV COGs were requesting that a proposed Tribal Notification Area map be developed to help with properly identifying Tribal areas and improve communication. The proposed Tribal Notification map is a compilation of maps included in a report prepared by Dr. Theodoratus for the California Central Valley Tribal Environmental Justice Transportation Planning Collaboration project. The map shows current federally recognized tribal lands in yellow, existing federally allotted trust lands in dark green, as well as historic areas of occupation where ethnologists from the 1800s to the early 1900s identified distinct peoples. The information is being provided to the existing tribal nations in the 8 counties of the Central Valley region to assist in the creation of potential notification areas for archeological finds that may occur during construction excavation activity, as well as notification for new developments and other projects in the region. Note that many of the ethnographic territories overlap. It is anticipated that each of the tribal notification area may have considerable overlaps with neighboring tribal notification areas, reflecting each tribal nation's geographical area of interest.

To implement such a map, the following process would be necessary:

1. Get approval by the CA Central Valley Tribes (understand that there will be overlaps of Tribal territories)
2. Obtain overview of how CA Central Valley Tribes determine their territorial areas or areas of interest
3. Ensure and clearly define the specific use of this type of map to be used for communication and notification purposes
4. Legislative change to SB 18 to include this type of notification mapping option (do you want option or mandate?)
5. Develop online access to this map at the county level for Tribes Land Use and Transportation Planning, Planners, and Public
6. Implement notification mapping – host workshops, Tribal forums, and on-going outreach to Tribes, MPOs, and the Public

Conclusion

Current Reality

Since 2007, the State of California's economy has certainly been negatively impacted by the global recession. This grant project's participants have also been impacted by the recession (i.e., higher costs for gas, food, and housing, high unemployment, and access to limited public services). However, this grant project funding assisted with the following:

- Tribal participants' attendance at three key workshops and expert report writing on protection of cultural resources.
- Tribal leaders environmental justice and transportation planning discussions, Sub-contractors' ethnographic, anthropological, Native linguistics, archeological and social economic perspectives of CA Central Valley Tribal history and current transportation challenges and solutions.
- Grant Project Manager's travel to State transportation and environmental protection Tribal Advisory Councils and meetings with Tribal Councils.
- Design, Testing, and Development of Culturally Sensitive Resource Mapping Modeling for Kern County (Prehistoric Archeological Mapping).

During this grant project, California government has experienced a financial deficit resulting in —~~full~~ough Fridays" (1st three Fridays of the month – no work and no pay). In addition, County governments also experienced the impact of the U.S. recession. Overall, both State and County government grant participants were able to continue their support for this grant effort. The focus of the grant project —Tribal EJ" and timing of Tribal input to the State's development of the Regional Transportation Planning Guidelines and SJV Blueprint Regional Planning process proved to be very effective.

As of December 2009, transportation planning in California has become high priority for the State of California (AB32 The California Global Warming Solutions Act of 2006 and SB375 – Integrated transportation and land development planning), Federal Transportation and Highways Agency (FHWA, United States (U.S.) Presidential focus on Global Warming, U.S. Bureau of Indian Affairs – Roads Program, and National Congress for American Indians (NCAI) – Revised Public Policy to address improved Tribal consultation. There are federal and state planning efforts that target transportation and Tribal specific funding. Caltrans is

also currently updating their —California Transportation Plan 2010”. Caltrans is promoting the California Interregional Blueprint and also seeking Tribal input through their Tribal Native American Advisory Committee (Tribal elected Federally Recognized California Tribal Leaders and three Tribal non-profit organizations). Federally recognized Tribes have been extremely busy with understanding and applying for the federal —ARRA – American Recovery and Reinvestment Act” funding. Non-federally recognized Tribes with non-profits can also apply for ARRA funding; however the opportunities are very limited for these Tribes.

Caltrans has also funded the Tribal Transportation Needs Assessment Project and Indian Reservation Roads Inventories assessments and other —EJ” transportation planning grants. It was important to explain the purpose of this grant project to Tribal participants – to avoid any confusion about the other Caltrans “EJ” funded projects and in-house transportation management assignments. It is also important to note that proposed grants or funded projects that maybe targeting California Tribes be considerate and provide notification to target Tribes, prior to awarding a grant or funding. It should not be assume that all Tribes will want to participate in local, regional, state or federal grant or funded projects.

As this grant project reaches the end of the grant funding period, the focus of anthropology and archaeology academic programs within the California State Universities (CSU) and Universities of California (UC) have experienced severe funding and staffing cuts. This will certainly impact the long-term collaboration and consultation efforts required by existing federal and state laws (need for archeologists, anthropologists, ethnographers). Another critical issue includes the —fast track” permit process for alternative energy projects (i.e., geothermal, solar, wind, biomass). In Kern County there are 12 proposed solar projects; Tribes are expected to respond timely to notices of preparation (NOP). In this specific county, there are no federally recognized Tribes – the existing non-federally recognized Tribes may or may not have the resources to respond to the NOPs.

Environmental justice (EJ) includes the ability to participate and allowing Tribes to define their perspectives of Tribal EJ, consultation, social justice, cultural resources, mapping or no mapping, and many other land and transportation planning elements.

Grant Project Close Out Summary

The CA Central Valley Tribal EJ Transportation Planning grant project has led to effective input to SJV Regional Blueprint planning, the CA Central Valley Regional Transportation Plans, statewide Transportation planning strategies and 2011 RTP Guidelines, and improved government to government relationships and communications. This grant project has met the expected goals through a series of workshops, bi-monthly conference phone call meetings, some one-on-one Tribal meetings, and on-going discussions with Tribes, Local Government, regional transportation planning agencies and Grant Partners.

As of September 2010, U.S. President Obama's Administration has established a focus on —Environmental Justice” through the Federal Interagency Working Group on Environmental Justice. EJ will begin to renew its appearance in federal and state programs and funding opportunities. This Tribal EJ Transportation Planning grant has provided a major step forward towards addressing clearly identified Tribal EJ Transportation Planning and Cultural Resources issues. More information about this federal focus on EJ can be found at <http://www.epa.gov/environmentaljustice/interagency/index.html>

This report is a reflection of the participating Tribal Governments of the CA Central Valley. Tribal Chairwoman of North Fork Rancheria, Elaine Fink, provides a good overview of Indian country and transportation planning challenges: —Transportation is a problem for our people in North Fork. Our community is made up of winding roads, some steep and dangerous curves because of the mountain terrain. Because of the distances to anywhere it's expensive to live there. It's expensive to commute to a job because of the wear and tear on your vehicle and the gas expense. There is no employment in North Fork unless it's the Forest Service, PG&E, or the Rancheria. This town's economy went down when the saw mill closed and logging shut down. The community is looking to the tribe to revitalize North Fork and we are sure trying.” (Workshop #3 held in June 2009). The Chairwoman Elaine's Tribal view is shared within California Indian Country

The Tubatulabals of Kern Valley appreciate the opportunity of working directly with the 8 County Councils of Governments and their member agencies (the cities and counties), 45 CA Central Valley Tribes, and many other grant partners. The grant web site

www.catribalej.com will be up and running until March 2012. This grant information will also be presented at the US Federal Highways Agency Tribal Transportation Conference and California American Planning Association Conference in November 2010.

Appendix A – Grant Project Acronyms

**CA Central Valley Tribal Environmental Justice Transportation Collaboration
Grant Project - Acronyms
(as of September 7, 2009 – submit to email: drbegay@aol.com)**

AB - Assembly Bill
ADA - Americans with Disabilities Act of 1990
ADT - Average Daily Traffic
BIA – U.S. Bureau of Indian Affairs
CA - California
CAG – County Association of Governments
CALTRANS- California Department of Transportation
CCR - California Code of Regulations
CEQA - California Environmental Quality Act
CHP – California Highway Patrol
COG - Council of Governments
CSU – California State University of
CTC - California Transportation Commission
DOI – U.S. Department of Interior
DOT – U.S. Department of Transportation
EIR - Environmental Impact Report
EIS - Environmental Impact Statement
EJ – Environmental Justice
EPA - Environmental Protection Agency
FCOG – Fresno County of Governments
FHWA - Federal Highway Administration
FLPMA - Federal Land Policy and Management Act of 1976
FTA - Federal Transit Administration
FY - Fiscal Year
GIS - Geographic Information Systems
GPS – Global Positioning Systems
HUD – U.S. Housing and Urban Development
ICWA – Indian Child Welfare Act
IHS – U.S. Indian Health Services
IRR – Indian Reservation Roads
ITIP - Interregional Transportation Improvement Plan
KCOG – Kern Council of Governments
KCAG – Kings County Association of Governments
MOA – Memorandum of Agreement
MOU - Memorandum of Understanding
MCTC – Madera County Transportation Commission
MCAG - Merced County Association of Governments
MPO - Metropolitan Planning Organization
NAGPRA – Native American Graves Protection and Repatriation Act
NAHC – Native American Heritage Commission
NEPA – National Environmental Projection Act 1969
NHPA - National Historic Preservation Act of 1966
PD – Public Domain (Allotment Land)
PAC - Policy Advisory Committee
PL – Public Law
PSR - Project Study Report
PUC - Public Utilities Code/Commission
RFP - Request for Proposals
RTIP - Regional Transportation Improvement Program
RTP - Regional Transportation Plan
RTPA - Regional Transportation Planning Agency
SB - Senate Bill
SH - State Highway
SIP - State Implementation Plan
SR - State Route
STIP - State Transportation Improvement Program
SJCOG – San Joaquin Council of Governments
STANCOG – Stanislaus Council of Governments
SVJ – San Joaquin Valley
TAC - Technical Advisory Committee
TCAG – Tulare County Association of Governments
TPA - Transportation Planning Agency
TPC - Transportation Policy Committee
TTC - Transportation Technical Committee
UC – University of California
VMT - Vehicle Miles of Travel

Appendix B – Caltrans EJ Justice Context-Sensitive Planning 2008/2009

Caltrans Grant Requirements for Environmental Justice: Context-Sensitive Planning

Outlined below are the 2008/2009 fiscal year –Caltrans Grant Requirements for Environmental Justice: Context-Sensitive Planning” requirements:

Environmental Justice: Context-Sensitive Planning

PURPOSE

Environmental Justice: Context-Sensitive Planning Grants are intended to promote the involvement of low-income and minority communities, and Native American Tribal Governments, in the planning for transportation projects to prevent or mitigate disproportionate, negative impacts while improving their mobility, access, safety, and opportunities for affordable housing and economic development.

GRANT SPECIFIC OBJECTIVE

Proposed projects should have a clear focus on transportation and community development issues that address the interests of low-income, minority, Native American, and other under-represented communities.

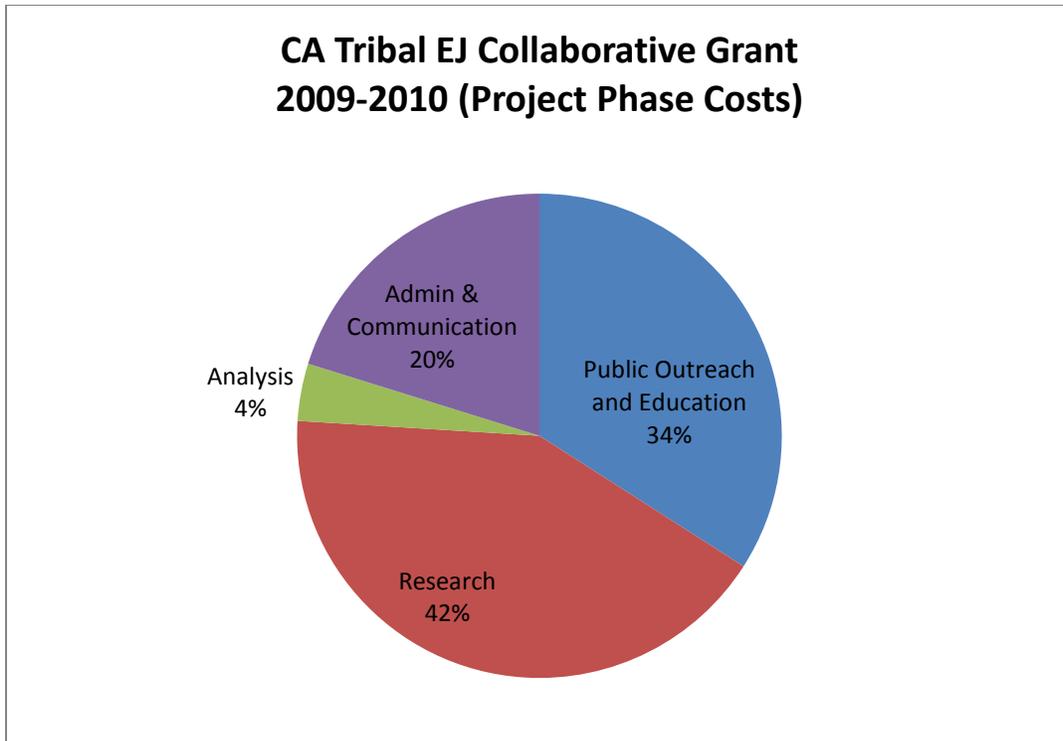
EXAMPLES OF PROJECT TYPES

- Environmental Justice: Context-Sensitive Planning grants were created to fill a void and are targeted to reach populations that are often left out of the Transportation Planning process.
- Identifying and involving under-represented groups in planning and project development
- Improving demographic and socioeconomic analysis to identify emerging communities
- Improving access and safety for pedestrians and bicyclists
- Planning and safety improvements for pedestrians and bicycles for the low-income, minority, and Native American Tribal communities
- Feasibility studies for transportation improvements in under-served communities
- Planning transportation improvements that have a clear component of economic revitalization
- Improving cooperation between public agencies and communities in community development
- Developing guidelines and supporting information for the environmental justice element of the General Plan
- Bilingual services for hearings, workshops, and promotion of transportation services
- Private Sector partnerships and foundation investment to enhance economic vitality, equity, and environmental protection while improving opportunities for affordable housing
- Promoting application of intelligent transportation systems (ITS); i.e., traveler information for under-served communities
- Community-based design and public art associated with transportation facilities and right of way.
- Planning for transportation projects with community health and safety benefits
- Improving access to telecommunication and Internet where a transportation benefit is clearly demonstrated
- Transportation and land use projects in central and inner cities and older suburbs
- Transportation projects in underdeveloped rural and agricultural areas
- Infill development and brown field redevelopment with a transportation benefit for under-served communities
- Promoting community development in planning for seaport or airport expansions
- Transportation planning that enhances the business climate, affordable housing, and economic development in under-served communities
- Assessing goods movement, air quality, greenhouse gases, and energy efficiency and their effect on low-income, minority, and Native American Tribal communities
- Transportation planning that enhances the assessment of goods movement in the low-income, minority, and Native American Tribal communities
- Promoting Tribal Government involvement in transportation planning
- Improving safety and access to jobs, health care, and education on Tribal lands

Appendix C – Grant Budget

Grant Project Budget Summary – as of October 20, 2010

This grant project has a \$250,000 budget for 16 month grant period. Listed below is a summary of budget distribution among participating Tribes, project management and administration, and consultants (both academic and Tribal Elders).

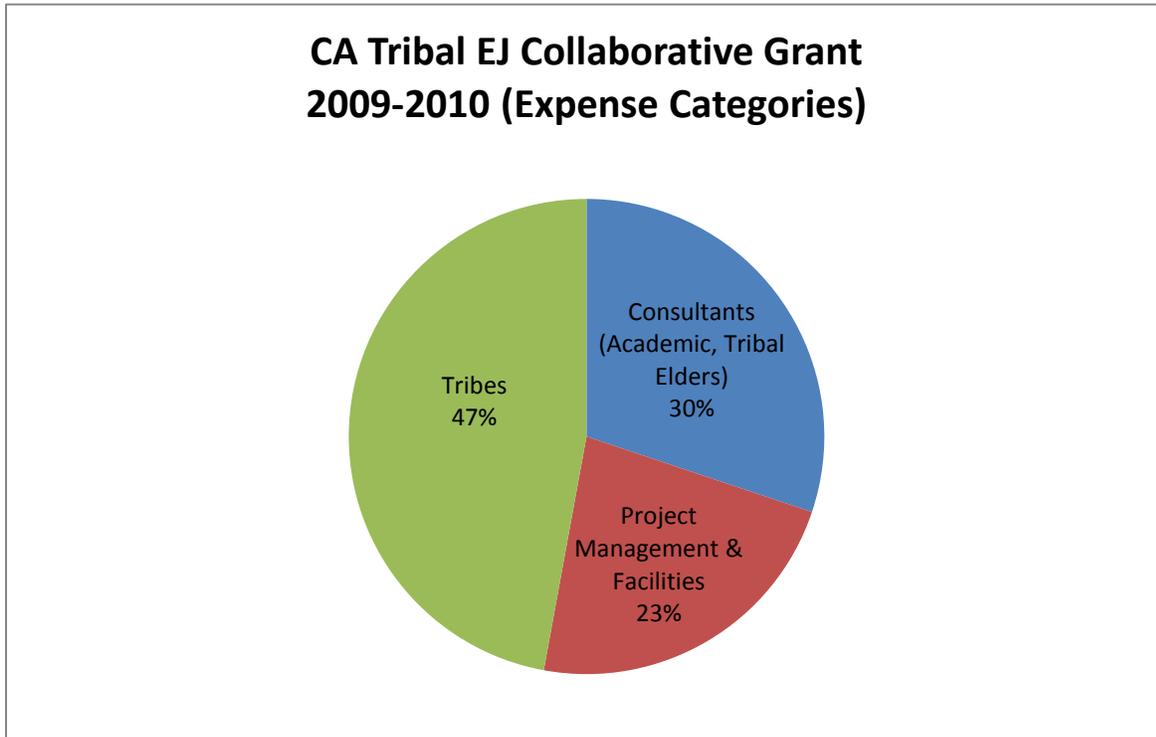


Public Outreach and Education	\$	81,880.31
Research	\$	103,241.77
Analysis	\$	9,600.00
Admin & Communication	\$	48,978.46
	\$	<u>243,700.54</u>

Note: Local In-kind match of the COGS = \$27,000

(Through workshop attendance, analysis, technical expertise, fiscal administration, and communication support costs)

Another budget view of this grant project includes costs for Tribal participation, Consultants – Academic professionals and Tribal Elders, and project management and administration. This grant project’s budget included Tribal input and perspectives and modern day technical and academic support (i.e., ethnographic, linguistics, geographical information systems, and data modeling). This project was managed by Tubatulabals of Kern Valley.



Consultants (Academic, Tribal Elders)	\$	73,470.95
Project Management & Facilities	\$	55,396.16
Tribes	\$	114,833.43
	\$	243,700.54

Appendix D – Workshop 1 (April 21, 2009) Agenda and Summary



AGENDA - April 21, 2009
#1 Workshop of 3

CA Central Valley Tribal Environmental Justice Transportation Collaboration
and Sensitive Resource Mapping Project
Ramada University
324 East Shaw Avenue - Fresno, CA 93710

- 8:00am Registration
- 9:00am Introduction – Opening Prayer
Workshop Facilitator – Connie Solas, ITCC Executive Director
Project Mgr. – Donna Miranda-Begay, Tribal Chairwoman – Tubatulabals of Kern Valley
- 9:30am Regional Collaboration in the San Joaquin Valley: Opportunities for the Tribes
- Welcome on behalf of the SJV Regional Planning Agencies Directors
Tony Boren, Executive Director, Council of Fresno County Governments (Fresno COG)
- Who are the Valley COGs and what do they want?
Rob Ball, Senior Planner, Kern Council of Governments (Kern COG)
- Opportunities for the Tribes in the San Joaquin Valley Partnership
Mike Dozier, Executive Director, San Joaquin Valley Partnership - CSU Fresno
- 10:00am Environmental Justice / Federal and State EPA
Connie Solas / Donna Miranda-Begay
Governor's Office of Research and Planning (OPR) / SB 18 – Cuauhtemoc Gonzalez
- 10:45am Break
- 11:00am Tribal Environmental Justice Transportation – CalTrans
- U.S. HUD – Fresno – Rollie Smith, Field Director
- American Recovery and Reinvestment Act (ARRA) – Stimulus Funding
- Tribal Perspective – Wilfred Nabahe, Lone Pine Paiute-Shoshone Tribe, Environmental Coordinator and RTOC (Regional Tribal Operations Committee) – U.S. EPA Reg. 9
- Noon Lunch (provided) / "open mic" – announcements / information sharing
- 1:00pm IBI Group – Tribal Transportation Assessment
IRR Inventory Project Overview, Steve Wilks
- 1:30pm Tribal Environmental Justice – Round Table / Strategies Ideas
- 2:15pm Tribal EJ Transportation Summarize / Needs Assessment - Identification of tools / resources
- 2:45pm Break
- 3:00pm Cultural Preservation / Transportation Planning / Cultural Sensitive Mapping
- 3:30pm Next Steps – workshop #2 of 3 and meeting #1 of 8
- 4:00pm Closing (meeting area open until 5:00pm for other networking)





DRAFT 2 (4/28/2009)

**California Central Valley Tribal EJ Transportation Collaboration Project - Workshop 1 of 3
"Outreach – Introduction of Caltrans EJ Grant Project"**

April 21, 2009 - Meeting Summary Notes

Approximately 31 attendees
Meeting held in Fresno, California (Ramada University Hotel)

In Attendance:

Donna Miranda-Begay, Tubatulabals of Kern Valley	Rob Ball, KCOG (Kern Council of Governments)
Lonnie Bill, Cold Springs Rancheria – EPA	Eric Smith, Cold Springs Rancheria – EPA
Josie Peterson, Tubatulabals of Kern Valley	Mary Motola, Picayune Rancheria
Hector Rangel, Caltrans	Katherine Valenzuela, U.C. Davis
Miles Baty, Big Sandy Rancheria	Dirk Charley, USDA Forest Service – Sierra Forest
Marta Frausto, Caltrans Dist. 6	Francesca Smith, Choinumni Tribe
Marvin Marine, Maidu Tribe	Rosemary Smith, Choinumni Tribe
Leland e. Daniels, Wilton Miwok Rancheria	Rollie Smith, U.S. HUD – Fresno
Chris Lehn, KCAG (Kings Council of Government)	Linda Silvas, Chumash Native Nation
Dee Dominguez, Kitanemuk and Yowlamne Tejon Indians	
Tony Boren, Fresno COG	Mike Doziak, CSU Fresno
Wilfred Nabahe, Lone Pine Paiute-Soshone Reservation	
Steve Wilks, IBI Group	Kim Anderson, San Joaquin COG
Cuachtemoc Gonzalez, Governor's Office – OPR	Tina Silvas, Chumash Native Nation
Richard Poythress, Madera CTC	Todd Sobredo, Fresno COG
Christine Chavez, Tulare CAG	Laura Bustamante, Chumash Native Nation

Opening Prayer – Maidu Tribal Elder: Marvin Marine

Workshop Facilitator – Connie Solas, ITCC Executive Director: providing welcoming and introduction of the guest speakers.

Project Mgr.– Donna Miranda-Begay, Tribal Chairwoman – Tubatulabals of Kern Valley – Overview of the Grant Proposal and Goals for the Project. Express importance for the opportunity for Tribes to participate in San Joaquin Valley Blueprint planning, Caltrans Transportation planning, and other public sector planning processes. This project is moving from ~~outreach~~ to ~~collaboration~~. This is not a ~~consultation~~ project, but the overall efforts of this project could help to building towards Tribal Consultation with their area's COG(s).

Tony Boren, Executive Director, Council of Fresno County Governments (Fresno COG) – provided a welcome to Tribes and support for this Caltrans Tribal EJ Transportation grant project. Tony outlined the following: challenges of political jurisdiction of each of the County of Governments, this grant project will help to ~~level~~ the playing field" in transportation planning process / model, and potentially bring additional resources to meet Tribal and COG transportation needs.

Rob Ball, Senior Planner, Kern Council of Governments (Kern COG)

Rob Ball – ~~Who~~ the COGs are?" and ~~What~~ do they want?" – Overview of Council of Governments and their planning goals in working with Federal, Tribal, State, and Local governments. Rob express the need to establish a good working relationship with the Tribes to help with meeting Tribal transportation needs, avoid law suits, keep project on-time, and help to ensure protection of sacred and cultural resources, endangered habitat, and historical sites. Tribal input to the overall SJV Blueprint planning process is critical and can be accomplished through this collaborative grant project.

Mike Dozier, Executive Director, San Joaquin Valley Partnership - CSU Fresno

Mike Dozier – SJV Partnership - 2 ~~consortia~~ seats left on the Council. Opportunity to work with the Governor's Partnership. CSU Fresno recently selected to lead San Joaquin Valley Partnership planning process.

Cuahtemoc Gonzalez, Governor's Office of Research and Planning (OPR) / SB 18 (Burton, 2004)

Since the passage of SB 18 Tribal Sacred Lands (Senator Burton, 2004), Cuahtémoc has provided 28 training workshops on SB 18 throughout California. There has been a positive impact of SB 18 training and education for both Tribes and local governments in the following: improved collaboration, Tribes engaged in general plan process, adding SB 18 language into the general plan, promoting consultation, and implementation of new policies to help promote the SB18 intent to protect sacred Tribal sites. Although positive strides with SB 18 have been made, there needs to be additional legislation to promote stronger enforcement and implementation of SB 18.

U.S. HUD – Fresno – Rollie Smith, Field Director – Rollie provided the concept for Tribes to lead policy and planning process change by the meaning of **“Authority”**. The term **“Authority”** was described as the following: 1) Interests – economic and life needs, 2) Values – culture, and 3) Affiliation – political, relation. To create change and also gain support for effect program policy or planning engagement, you have to know what interest, values, and affiliation links are to be able **“to move a person”**. We often look at **“Authority vs. Power”** – but we should also look at **“Power to change authority”**. Rollie also provided a listing of existing federal stimulus funding opportunities for Tribes for housing, energy, and other Tribal resources. U.S. HUD – Fresno Unit is a partner in this Tribal Transportation grant project.

Tribal Perspective – Wilfred Nabahe, Lone Pine Paiute-Shoshone Tribe, Environmental Coordinator and RTOC (Regional Tribal Operations Committee) – U.S. EPA Reg. 9 – Provided his role as Tribal EPA Coordinator and the Lone Pine Paiute-Shoshone Reservation Tribe's experience with Tribal Environmental Justice. Issue not with local governments but with Federal and LADWP. Slow progress seen through lawsuits. Wilfred offered an outside San Joaquin Valley perspective of Tribal EJ challenges and strategies in leveraging existing federal environmental justice laws. What **“EJ”** means to Wilfred's Tribe – history, forced relocation, language – what does it tell you? (i.e., L.A. Aqueduct Diversion, Indian Problem – hindrance for mining and ranching), and Indian living next to the water **“not fitting into the plan”**.

Dirk Charlie, U.S. Forest Services (Fresno Office) Sequoia District – Native American Liaison provided information about upcoming federal contractors' workshop for Tribes. This would be an opportunity for Tribes to learn more about becoming a federal contractor.

Steve Wilks, IBI Group – Tribal Transportation Assessment - IRR Inventory Project Overview – IBI Group consulting firm has been awarded Caltrans contract to assist with **“Indian Reservation Roads” (IRR) Tribal transportation assessment**. This contract project will take about 1-1/2 years to complete. In the past, federally recognized Tribes in California have not been provided the larger funding base as Tribes in Arizona, Alaska, and the Dakota states. IBI Group's efforts with IRR assessment may result in improved funding for California Tribes. Two IRR Assessment and planning workshops will be held this year.

Tribal Environmental Justice – Round Table / Strategies Ideas

Listed below are the round-table ideas and discussions of the workshop participants.

Caltrans Transportation Goals (Note: blue font – recommended goal description changes)

Goal 1 – Smart or strategic land use and opportunities for affordable housing and jobs

- Affordable sustainable and efficient housing.
- Need good land to put these homes on. Many tribes are on rocky land (40/50% not usable – too rocky or steep)
- Water availability (quality and quantity)
- Putting land into trust – Interest in gaming is a barrier.
- Tribal lands are more difficult and slower to develop. County ordinances too strict to build on tribal lands.
- Septic tank, leach fields require review
- Housing and road encroachment on allotment lands may impact sacred sites
- Taking up farmland
- Water rights link to the ability to provide housing.
- Sustainable landscaping, Native plants
- Where are the jobs
- Energy efficient
- UN treaty (Johannesburg Commitment by Bush Administration) sustainable/economic development.
- Access to clean drinking water.
- Sustainable economic development
- Link policy to implementation (push Caltrans to exercise laws)
- Establishing housing development plan for Tribal families to return to land (infrastructure, roads, utilities)
- Tribes in diverse geographical area – prove unique challenges (land ownership, infrastructure, governance)
- Include public domain allotments and rural residency in transportation planning
- Address policy limitations
- Develop infrastructure to support housing/jobs
- Recognized need to mitigate prior to building/roads to ensure homes are available/replaced

- Land Use — "intensification" mixed land use
- — "Sustainable" landscaping — native plants
- Energy efficient

Goal 2 – Congestion Relief

- Improve Rail and Bus System — Commuter rails
- New people from LA and not enough roadways
- Congestion in the outskirts of Bakersfield, Fairfax, Panama Area. Not enough stop signs, traffic lights. Pedestrian Safety.
- Require transportation improvements prior to development
- Congestion relief creates growth that increases people moving to outlying areas.
- Air quality, water quality and native food quality. (i.e. native mushrooms watered by fog coming up from the valley).
- Congestion relief is a false statement. People are moving and taking the water, the air and the land.
- Transparency in Roads Planning inventory.
- Need for Tribes to access their own maps and data. Don't trust other people's data.
- Impacts of Tribes at higher elevations don't have access to monitor what is in their air.
- Air not getting better. Toxins in air affecting water in Mountain areas.
- Contrails from air planes. What is in those long lines?
- Asthma and health problems of tribal groups
- Infrastructure process needed for data and remote sensing (Caltrans comment)
- Pollution is affecting Tribal areas (especially foothills on east side of CA Central Valley)
- Support Commuter transportation
- Require roads development prior to building homes
- Road run off containments impact environment (water, land, plants)
- Need toxic pollution monitoring / rural area sensing — air quality
- Transparency in roads planning impact inventory and access to EIRs.

Goal 3 – Efficient movement of people, goods, and services.

- Repair/expand/maintain roads to Tribal areas
- Evaluation of impact on cultural sites, plants = moving, relocating, replanting, before mitigation
- More systematic inclusion of Tribal people on the front side of planning (outreach, engagement)
- Affordable transportation, access to services / healthcare / etc..
- Not only about roads but bus and transit services, taxis
- Effective Airports in more remote areas
- Military air operations — Does Mid Air Refueling exercise affect water or air quality?
- Evaluation of cultural resources
- Relocate native plants rather than bulldozing
- Slow down the process — Too efficient or fast paced may not be good.
- Efficient, affordable moving people. Vs. Goods.
- Stop Urban Sprawl
- Commuting issues

Goal 4 – Safe and healthy Communities

- Native American Children have the highest obesity rates
- Need more pedestrian and bicycle in Native American areas to counteract obesity
- Long trips to medical services
- Catch 22: We want to improve our lands but we don't want too much growth and too many people affecting native plants, cultural resources, and life style on lands.
- Improve the roads for accessibility for emergency services but not too much.
- Signage — traditional Tribal trails, now county and highway roads / — "Tribal Highway signs"
- Small tribal population means that a death is a serious loss for the community. 5 deaths for and intersection improvement is un-acceptable. — "Almost an endangered species."
- Assess the tribes to see what is the hotspot that they are interested.
- Air Quality, environmental impacts.
- Emergency access. More than one-way in and out.
- Emergency response planning (Exit Plan).
- Call Box on 178 out of service for last 3 months. Between Onyx and Canebrake.
- Include bike/walking paths as part of roads planning — promote healthy life styles on Reservations/Rancherias
- Improve land — but not too accessible for other that might access tribal land — "growth factor / — "impacts" environment (Could be a negative impact)
- Address egress / ingress provisions to reduce accidents
- Assessment of Tribes to address transportation impact on safety and health of tribal communities.
- Emergency response planning egress / ingress

Goal 5 – Pedestrian, bicycle, and transit mobility and access

- Promote/support carpooling
- Closer Bus systems
- Traffic safety for people with disability and their electronic wheel chairs

Goal 6 – Public, Tribal, and Stakeholder participation

- Should read —public, tribal, and stakeholder participation”
- Tribes don't always recognize that project actually affect them. (retrofits)
- Seat for Tribes on the COG
- Define who the representation from Tribes might be
- How will Tribal Representative provide information back to all Tribes being represented?
- Environmental Justice Plan Document (Fresno COG)
- Tribal access to the State Archeological Information Center Data
- Integrate to system provisions for outreach / engagement of Tribal people
- Work within Tribe to get information together to take to planning meetings
- Review of COG documentation / plans
- Define representation (Tribal, representative, staff, member) – roles and responsibilities
- Recognized Tribes as government for participation on COGs.

Goal 7 – Measures to reduce air pollution and greenhouse gas emissions

- Create and maintain native greenbelts
- Use alternative energy improvements such as solar
- Retain Native greenbelts
- Updated technology and inclusion of new technology to reduce pollution

Goal 8 – Conservation of energy and other natural resources

- Use alternative energy solar
- Respect/stewardship for natural resources.
- Wind energy
- Getting on the grid in remote areas.
- Making enough energy to sell back
- Promote alternative energy and sustainable resources

Goal 9 – Protection of Native cultural resources, sensitive habitat and farmland

- Protection of —cultural resources” sensitive...
- Planting native species
- Protection of Native Cultural resources (greater than 50 years ago)
- Environmental Justice – education and advocacy Tribal perspective
- Formulate policy = put in action and application
- Identify Tribal —definition” of cultural sensitive areas
- Retention, tracking of information, data, resources
- Sharing of documents and information
- Enforcement of laws to protect Native Culture, etc.

New Goal 10 – Environmental Justice

Stand Alone Issue

Education/Advocacy of Environmental Justice in Transportation

State needs to implement Environmental Justice

Concerns over any mapping of cultural resources. Maps become treasure maps.

Also for native plants. Over harvesting, sage in pinion nuts. Planting non-native plants. Marijuana. Number of Oaks needed to provide a supply of acorns. Maps only go to the tribe such as the PhotoMapper of Reservation roads.

No maps.

Cultural Preservation / Transportation Planning / Cultural Sensitive Mapping

Culturally Sensitive layers may be combined with other layers such as habitat, cultural, and sacred.

Avoid potential litigation areas

Improve Monitoring of sites

Development of Tribal Organization to promote input

Be sure to identify who from each Tribe is authorized to really represent / approve information.

COG – Building Blocks

State Archaeological Information Centers
Maps include warning about culturally sensitive areas
Tribes' authority over any products to be released to public

On-line meetings

Geared to do work needed for next workshop

Who is going to be there?

Materials, information, presenters

Timelines to prep materials for various activities, complete mile stones, etc.

Website development, additions, modification

Content

Access

Revisions/additions

Articles, information to be submitted

COGs to host meetings in different areas

Recommendations on SB 18

May 14, 2009 – Workshop #2 - Tentative Agenda

Ethnographic Information

Anthropology – Mapping

Cultural Information Sharing

Historical perspective

Current information – whatever you want to share

CIBA Representative

Cultural resources specialist

Have COG Representatives / Staff – welcome the group

COG Representative Update

COG Participate whole session

Cultural Resources Monitoring

What is going to be on mapping from COG – how will they protect information?

Have “model” example of cultural mapping has been done

Examples of Strategic Planning

Accessibility of COG planning, mapping, etc.

COG Presentation

Working with Tribal Governments

How to address overlapping of sites by Tribes?

Workshop 3 – ideas

Best Practices for Monitoring

ID of monitoring representative(s)

Next Steps – workshop #2 of 3 and meeting #1 of 8

Closing (3:45pm) - Maidu Tribal Elder: Marvin Marine

Appendix E – Workshop 2 (May 14, 2009) Agenda and Summary



Agenda #2 Workshop of 3

CA Central Valley Tribal Environmental Justice Transportation Collaboration
"Cultural Sensitive Resource Mapping"
May 14, 2009

Location: Madera Municipal Golf Course – Club House
23200 Avenue 17, Madera, CA 93637
West of HW-99 (exit #157) / North of Madera City

- 8:30am Registration
- 9:00am Introduction – Opening Prayer
Project Mgr. Donna Miranda-Begay, Tribal Chairwoman – Tubatulabals of Kern Valley
- Welcome From: Patricia Taylor, Executive Director, Madera County Transportation Commission (One of the 8 COGs partnering in this effort)
- Kathleen McClaflin, CalTrans - District 10: "2035 California Transportation Plan update"
- 9:25am Cultural Resources Mapping – introduction / experiences / policies
Dave Singleton – CA State Native American Heritage Commission
"Understanding and Applying State and Federal Cultural Resource Laws"
- 9:45am Dr. Dotty Theodoratus – Anthropologist / Ethnographer, Project Consultant
"CA Tribal History / Overview / Cultural Resources – field experiences"
- 10:30am Break
- 10:45am Tribal Perspectives – Cultural Preservation / Planning / Roads
- Robert Gomez – Cultural & NAGRPA Director, Tubatulabals of Kern Valley
"Tribal responsibilities and interactions with local governments and academics"
- Bob Robinson – Cultural Preservation, Kern Valley Indian Community
Case Study – "Energy Project / Roads / Protection of Culture and Sovereignty"
- 12:15pm Lunch (provided) – Tribal Guest Speakers
Lou Beihn, Environmental Program, North Fork Rancheria
- 1:15pm Dr. Brian Hemphill – CSU Bakersfield, Archeologist, Project Consultant
"Mapping, Data, and Information services – meaningful, safeguard, and learning"
- 2:15pm Rob Ball, Senior Planner, Kern Council of Governments (Kern COG)
"How Will Urban Growth Modeling and Cultural Resource Mapping Benefit Tribal Nations"
- 2:45 pm Break
- 3:00pm Cultural Resources Mapping – Round Table / Strategies Ideas
- 3:30 pm Project Update – CalTrans Strategic Planning and Collaborative to Consultation Models – Tribal Transportation
- 3:45pm Next Steps – workshop #3 of 3 and meeting #1 of 8
- 4:00pm Closing (meeting area open until 5:00pm for other networking)





DRAFT 2 (5/26/2009)

**California Central Valley Tribal EJ Transportation Collaboration Project - Workshop 2 of 3
"Outreach – Culturally Sensitive Resource Mapping"**

May 14, 2009 - Meeting Summary Notes

Approximately 39 attendees

Meeting held in Madera, California (Municipal Conference Center – Madera Public Golf)

In Attendance:

Donna Miranda-Begay, Tubatulabals of Kern Valley
 Josie Peterson, Tubatulabals of Kern Valley
 Kathy Montes Morgan, Tribal Chairwoman - Tejon Tribe
 Lawrence Bill, Mono/Yokut
 Sandra Rivera, Caltrans
 Dene Fink, North Fork Rancheria, EPA
 Mandy Marine, Caltrans Dist. 5
 Eric Smith, Cold Springs Rancheria – EPA

Rob Ball, KCOG (Kern Council of Governments)
 Robert Gomez, Tubatulabals of Kern Valley
 Philip Morgan, Tejon Tribe
 Lester P. Osborne, Wakshic Yokut
 Kim Johnston-Dodds, Caltrans HQ
 Lance Fink, North Fork Rancheria
 Lonnie Bill, Cold Springs Rancheria – EPA
 Elaine Fink, Tribal Chairwoman - North Fork Rancheria
 Julie Dick Tex, Dunlap Mono
 Kathleen McClafflin, Caltrans 10
 Christine Chavez, TCOG
 Dr. Brian Hemphill, CSUB – Archaeology Dept.
 Christina McDonald, North Fork Rancheria
 Patricia Taylor, MCTC
 Todd Soprano, Fresno COG
 Jennie Contreras, Tule River Indian Res., Planning Assist.
 Katie Valenzuela, UC Davis Student, Chumash
 Rosemary Smith, Choinumni
 Florence Dick, Dunlap Band of Mono Indians

Dr. Dotty Theodoratus, Anthropologist/Ethnographer
 Carly Tex, Dunlap / Northfork Mono
 Kim Anderson, SJCOG
 Jeanette Favela, Stan COG
 Marissa Guenther, CSUB – Archaeology Student
 Christie Mansard, North Fork Rancheria
 Hector Rangel, Caltrans 6
 Richard Poythress, Madera CTC
 Chris Lehn, Kings COG Regional Planner
 Francesca Smith, Choinumni
 Enrique Rudi no, Choinumni
 Mary Motola, Picayune Rancheria

Opening Prayer – Lawrence Bill – Mono/Yokut

Project Mgr.– Donna Miranda-Begay, Tribal Chairwoman – Tubatulabals of Kern Valley – Many of the Tribal participants for this workshop were new to the Tribal EJ Transportation Grant project. As a result, an overview of the Grant Proposal and Goals for the Project were provided. Donna express importance for the opportunity for Tribes to participate in San Joaquin Valley Blueprint planning, Caltrans Transportation planning, and other public sector planning processes. This project is moving from "outreach" to "collaboration." This is not a "consultation" project, but the overall efforts of this project could help to building towards Tribal Consultation with their area's COG(s). **Grant project web site: www.catribalej.com (up and running by May 20, 2009)**

Welcome From: Patricia Taylor, Executive Director, Madera County Transportation

Commission (One of the 8 COGs partnering in this effort). Patricia provided a welcoming statement to the workshop participants and express Madera's County of Transportation planning process to include the three "C's": Coordinate, Communicate, and Collaborate.

Kathleen McClafflin, Caltrans - District 10 Native American Liaison: Cal Trans is currently working on the "2035 California Transportation Plan (CTP) update." Tribal input from our workshops and other statewide transportation planning efforts will be incorporated into this plan. Target date for the CTP update is by October 2010. The 2010 CTP update will include a Tribal component that will be organized by HQ Transportation Planning staff, Caltrans Tribal Liaison Branch and Tribal Advisory Council. Please visit CTP 2035 web portal www.californiatransportationplan2035.org for CTP updates and to leave comments. Tribal input is valuable to this plan.

Native American Heritage Commission – unable to attend, their topic was to include —Cultural Resources Mapping – introduction / experiences / policies” by Dave Singleton – CA State Native American Heritage Commission “Understanding and Applying State and Federal Cultural Resource Laws.”

Dr. Dotty Theodoratus – Anthropologist / Ethnographer, Project Consultant - “CA Tribal History / Overview / Cultural Resources – field experiences.” Dr. Dotty Theodoratus provided a historical view of research and studies of California Native American Tribes. Dr. Dotty has worked as a Tribal Consultant on legal issues, cultural resources, federal recognition, heritage preservation, NAGPRA, TCPs, and other Tribal related projects. Today, she describes her focus as —Ethnographer or an Ethno historian” and works on mostly —sacred geography” – preservation of sacred sites. In the late 1950s, Dr. Dotty’s initial career was working with Sam Barrett, first Ph.D in Anthropology Department at University California – Berkeley. Since 1966, after obtaining an advance degree, Dr. Dotty return to California and has been involved with California Tribes as an Ethnographer. Dr. Dotty provided her perspective of Environmental Justice (from Executive Order 12988), this current Caltrans EJ grant, the need to focus on culturally sensitive resource mapping, development of sensitive resources mapping for transportation planning and other development by counties an municipalities, and the need to consider cross cultural contexts. Per Dr. Dotty:

—want to remind you that cultural context means more than on the ground sites. I learned a long time ago when I did the G-O Road study that culture also means sight, sound, smell and ambiance. That is far more than saying, oh here is a living site. What does a place mean to you and how do you —atch” that meaning into who you and who your tribal people are? We are talking about things that are difficult to capture and then how do you convey them to an agency.”

Dr. Dotty also provided a brief overview of California Indian history and examples of the need to consider social context and —lace” when conducting transportation planning and implementing environmental justice. Dr. Dotty will offer her edited speech in our final project report. Another important statement by Dr. Dotty includes the following:

—You have to be instructors and think of yourselves as conveying a perception of landscape. Explain your concepts involving land, especially those that include qualities of energy, power, movement, intensity, awareness and so forth. Your task is to translate the very distinctive and consequential aspects of ‘place’ into potent categories of meaning so decisions can be accomplished with wisdom and prudence. Take serious thought about how you translate cultural meaning. Careful decisions can be made and the executive order dictates your involvement.”

Robert Gomez – Cultural & NAGRPA Director, Tubatulabals of Kern Valley – “Tribal Perspectives – Cultural Preservation / Planning / Roads”. Robert Gomez provided a Tribal perspective of importance of language, cultural, geographical presence, reburial ceremonies, and need for reburial sites.

Tü-bat-ü-labal (Pinon Nuts / Place – Kern Valley) and Palatalap – Bakersfield —the place where the sun and water sets”, Indians of these two areas have had a strong biological and cultural relationship in the past and which still continues to the present.

Pre-history written by Kroeber – described San Joaquin Valley people – trading, war, and hunting. However, 1850’s – San Sebastian Reservation, (Tejon Rancheria) was another effort of the United States’ concept of —manifest destiny of group us (Indians) as one tribe, which resulted in unsigned and non-ratified treaties.. Many Tubatulabals were taken to or merely migrated to the Tachi Santa Rosa Reservation, Tule River Indian Reservation, and some stayed in the Bakersfield and Tejon area, when San Sebastian was disbanded.

The 1920’s and succeeding years saw the – forced boarding schools which eventually saw the Eisenhower Termination Policy, of the 1950-60s – wherein, with the —stroke of a pen” tribes were no longer considered as being federally recognized.

The 1970’s is what I consider as the Renaissance/Activist period of Social awareness and disorder. There was a renewal of our culture and our —Native self.” Great strides have been made in revitalization of culture, languages and values.

Today – a certain segment of our population (those born in the 1930s and 1940s) just two generations away from our ancestors that were alive during the pre-European contact. We were able to hear stories from our grandparents and parents of how our culture —used to be.” Luckily, some of our Tribes still have their language. We are recapturing our language, culture, and ceremonies.

Tribal responsibility – in working with Archeologists: consultation and monitoring. Follow-up with those processes and get involved with other entities. Robert provided example of his involvement with National Veterans Cemetery Executive Committee and seeking opportunity for Native American Veterans Cemetery. We must let them know that we are still here and we must be like the —squeaky wheel” in order to get the grease.

Robert also expressed a need for reburial sites within the central valley area and especially in Kern County, which has no Indian land, for our ancestors’ remains that are housed in the UC and CSU Campuses, museums, and other locations.

Remains of our ancestors will be forthcoming from the Smithsonian Museum in the near future and we have no land in Kern County to rebury them. Robert expressed “If we can provide for our military personnel human remains safe return and burial in the U.S., as is honorable and the right thing to do; then why can we not provide for our Native American ancestors’ remains this same opportunity?”

Lunch time Tribal Guest Speaker - Katie Valenzeula, UC Davis Student, Chumash. Katie described her personal journey in exploring her Tribal background, student development, and importance of education. For this project, Katie has developed cultural, personal, and social connections. She is studying at UC Davis, Community Development (City Planning, Cultural, SB 375, and Sustainable – what values are we basing this on?). As a Native Scholar – she brings in unique perspective, is very involved with academics, Tribes are unique but also diverse, and they create a body of knowledge. —Study the now, is also the present” – Katie will continue to be involved with this project and expand her knowledge in the Tribal outreach and collaboration approach for future community development body of knowledge.

Dr. Brian Hemphill – CSU Bakersfield, Archeologist, Project Consultant - “Mapping, Data, and Information services – meaningful, safeguard, and learning.” Marissa Guenther, Anthropology Masters CSUB Student, assisted Dr. Brian in their presentation on —Central Valley Tribal Collaboration EJ’ Planning GIS-based Archaeological Sensitivity Project.” Dr. Brian provided a very interesting and detail overview of resource preservation history, legislation, and impact on archaeological studies and cultural preservation. Marissa provided overview of Southern San Joaquin Valley (SSJV) Information Center, Predictive modeling, examples of culturally sensitive resource mapping, and technical components on predictive modeling. Marissa describe modeling “as an ongoing process” that must include: More detailed management plans, Consideration of new variables, Particular problems and relationships, Understanding of the archaeology, and Expansion development. Marissa concluded on the following: Archaeological Sensitivity Maps can be used for Development Planning (by avoidance and monitoring of cultural sensitive resources) and Cultural Resources Vigilance (Concentration of Efforts and more Effective Vigilance).

Rob Ball, Senior Planner, Kern Council of Governments (Kern COG) - "How Will Urban Growth Modeling and Cultural Resource Mapping Benefit Tribal Nations?" Rob Ball provided examples of planning maps for evaluating urban growth developed for the San Joaquin Valley Blueprint visioning process. The process developed planning growth scenarios of future urban areas for 2050. The maps used an urban growth model that used both urban growth attraction and discouragement lands (layers). Discouragement layers in some counties can include oil, habitat, public lands, grazing, farmland, flood zones, and fault zones. More than 90% of Kern County is covered by one of these potential discouragement areas for future urban growth. Discouragement growth areas can be mapped out and urban growth can be redirected away from these zones/areas to avoid the potential for costly mitigation later in the development process. Cultural resource areas can also be included – however, this requires identification of general areas identify as high, medium and low culturally sensitive areas. This type of map is call a predictive model and does NOT show the specific locations of sacred and historic sites, but large areas where they might be more likely to be found. Cultural resource areas can be included in with other discouragement layers to further hide the information. Mr. Ball presented maps of three Alternatives to discuss the pros and cons of creating and using a discouragement layer for tribal cultural resources in an urban growth model for the 8-county region.

Alternative 1 Sample Cultural Resource Discouragement Layer	
<p>PROS Identifies areas to avoid future urban growth Identifies areas to conserve Others?</p> <p>Comment/question: go up – not out in the growth direction How can we ensure all stakeholders involved in process? What if growth happens faster?</p>	<p>CONS Still may make it easier for public to find sensitive sites Little info for prioritization of conservation efforts Others? Puts unknown sites at risk</p> <p>BLUE FONT – from workshop participants</p>
Alternative 2 – Multi Layer: Cultural Resource combined with other layers such as protective native plants layers, farmland, and habitat corridors.	
<p>PROS Identifies areas to avoid future urban growth Prioritizes areas to conserve Harder to find sensitive sites than alternative 1 Others? Opportunity for establishment of easements (added protection)</p> <p>Comment/question: How to make solution sustainable?</p>	<p>CONS Still may make it easier for public to find sensitive sites than no map at all. Others? Need assurance of actual preservation Needs to impact infrastructure development as well (roads, rail, etc.) May not be immune from eminent domain</p>

Alternative 3 – No Cultural Layer and only native plants, farmland, habitat corridors	
PROS No information on culturally sensitive sites Identifies areas to avoid future urban growth Prioritizes areas to conserve Harder to find sensitive sites than alternative 1 & 2 Others?	CONS May re-direct future urban growth modeling into areas where sensitive sites are. Others? Doesn't change anything with regards to cultural sensitive sites.
Alternative 4 – Development of a conservation easement area	
PROS Based on predictive model which considers both known and unknown cultural sites. State and Federally recognized Tribes need to unite, as well as state and Tribal governments. Who determines level of importance? De-listing Prioritizing Involve Tribal people with data and analysis Prevent resource exploitation / threats Protect Tribal rights to resources	CONS Archeological data not sufficient – need collaboration in knowledge (Tribal knowledge / Plants) Doesn't consider context of sites – like resources needed to live nearby Doesn't capture pre-cultural history – before archaeology and anthropology

Overall, the introduction and alternatives for mapping of culturally sensitive resources – is certainly not without controversy and concern for data and information protection. However, a few Tribes in Kern County area may volunteer for a discreet pilot project for culturally sensitive resource mapping in their area interest. Alternative #4 received a few votes of support from Tribal Participants but the majority of tribal participants abstained from selecting an alternative. Mary Motola of Chukchansi, Kathy Morgan of Tejon Tribe, and Julie Dick Tex of Dunlap Mono volunteered to stay afterwards to discuss Alternative 4. At that meeting interest of performing a discreet pilot project for predictive mapping of cultural resource areas for the Chukchansi and possibly another Tribe was discussed, to be brought back to the next workshop meeting. A map of areas of interest for each Tribe was requested. Any predictive high/medium/low maps would not be circulated without the permission of the Tribe that requested it.

Also, it is apparent that Tribes have different levels of mapping knowledge and capacity to support mapping systems. The following ideas and questions were developed when talking about “Tribal Mapping Capacity – survey”:

- Who makes decisions, or how are decisions made about culturally sensitive things?
- If you had mapping resources, would you use them?
- Are there things to leverage to protect data (laws)?
- How is SB 18 working for you?
- What access do you have to county mapping? Is it working or do you need something else?

Next Steps – Workshop #3 of 3

Workshop #3 Registration (Free) – RSVP by 6/29/2009

Contact - Donna Miranda-Begay, drbegay@aol.com (916) 599-6860

Scheduled for June 30, 2009 (Tachi Yokut Palace Hotel Conference Center – Lemoore, CA)

—Government-to-Government Collaboration and SJV Blueprint planning”

Need Tribal Presenters – Transportation planning collaborative model / projects (work / didn't work)

Closing (4:00pm)

Workshop #2 Survey – Comments

Speakers	Evaluation Score (5 highest to 0 lowest)
Dr. Doty Theodoratus – Anthropologist / Ethnographer, Project Consultant - —CA Tribal History / Overview / Cultural Resources – field experiences	4.42
Robert Gomez – Cultural & NAGRPA Director, Tubatulabals of Kern Valley – —Tribal Perspectives – Cultural Preservation / Planning / Roads.”	4.27
Dr. Brian Hemphill – CSU Bakersfield, Archeologist, Project Consultant - —Mapping, Data, and Information services – meaningful, safeguard, and learning.”	4.25
Rob Ball, Senior Planner, Kern Council of Governments (Kern COG) - "How Will Urban Growth Modeling and Cultural Resource Mapping Benefit Tribal Nations?"	4.34
<p>Most Useful: Rob Ball – Sensitive to Cultural Issues, most important Networking and useful information provided by others Dr. Theodoratus – I would like copy of her speech, very interesting. Knowing that someone wants to map out cultural sensitive land Technology aspects of GIS systems discussion We finally got some feedback and are getting a better feel for what people / Tribes want or their concerns Enjoyed food and coffee – Josie did a great job. Having Native speakers as presenters helps to put the work into perspective that it is about Indian communities. The UC Davis Grad Student offered an excellent perspective on how the collaboration, if nothing else, has brought the Indian Community together. Information Center presentation was well organized and informative. I liked that a Grad Student is involved and experiencing the interactions that she might deal with post-graduation, it's good hands on experience. Place cards on tables for participants would help to know people. The history by Robert Gomez was good. Basic information on additional resources would be useful (ERSI, GIS, GPS) – would like to learn on own time. Your overview of basic maps used by your Tribe made map use less complicated. Copy of Dr. Hemphill powerpoint would be nice. Information on the project. The Information. Great participation How Tribes can be involved?</p> <p>Recommendations for future workshops: I would like to see more of the audience speak on their own Tribal issues regarding roads and transportation. Need area to be zone with certain people responsible to their Tribes when any organization wants to enter to do "business", they must contact the response people. How would a time frame work on decision or a template on what one would look like? – do the 3 mapping of historical and cultural sites. Get a good microphone – some speakers spoke very low. The powerpoints were excellent – Lunch was "super." Discussion on "Trust" (or lack of) – examples of maps More language concerning violation of laws, enforcement, and accountability. Need to research issue on cultural easement used anywhere in California or rest of U.S.</p>	

Appendix F – Workshop 3 (June 30, 2009) Agenda and Summary

Agenda - #3 Workshop of 3



CA Central Valley Tribal Environmental Justice Transportation Collaboration

“Government-to-Government Collaboration, SJV Blueprint Planning, and Tribal Transportation Planning” June 30, 2009

Location: Tachi Yokut Palace Hotel Conference Center – Lemoore, CA

- 8:30am Registration
- 9:00am **Welcome and Opening Prayer – Santa Rosa Rancheria Tachi Yokuts Tribal Vice-Chairman Elmer Thomas and Cultural Tribal Representatives**
- Welcome from Kings County Association of Governments (KCAG) – Bruce Abanthie, Regional Planner, KCAG (One of the 8 COGs partners for this project)**
- Introductions / Project Update**
Project Mgr. Donna Miranda-Begay, Tribal Chairwoman – Tubatulabals of Kern Valley
- 9:15am Tribal Chairwoman Elaine Fink, North Fork Rancheria
“North Fork Rancheria Transportation Planning – Issues and Successes”
- 9:50am Tribal Chairman Matt Franklin, Lone Band of Miwoks
“Government to Government - How to engage the Locals?”
- 10:30am Break (10-15 minutes)
- 10:45am Dr. Jane Clough-Riquelme, Tribal Liaison - San Diego Association of Governments (SANDAG) – **“MPO-Tribal Relations: Sharing the San Diego Experience”**
- 12:00pm Lunch (provided) – Officer Jerry Pierce, CHP Hanford Public Information Officer - **“Highways, Working with Tribal Governments, Seniors Program, and Public Safety”**
- 1:00pm Barbara J. Steck, Deputy Director, Fresno County of Governments (FCOG)
Rob Ball, Senior Planner, Kern Council of Governments (KCOG)
San Joaquin Valley (SJV) Blueprint Plan - “Where we’ve been and Where we’re headed”
- 1:30pm **Tribal SJV Blueprint Planning – Round Table Discussions**
- 2:00pm **“The Roles of the Caltrans Native American Liaisons & Cultural Resources Coordinators”**
Kathleen McClaffin, Caltrans District 10 Native American Liaison
Marta Frausto, Caltrans District 06 Native American Liaison
Mandy Marine, Caltrans District 06 Native American Coordinator
- 2:30 pm Break (10-15 minutes)
- 2:45 pm Robert Gomez, Tribal Council Member and Cultural & NAGRPA Director, and Lyric Gomez, Tubatulabals of Kern Valley. **“Tribal Experience – Government to Government”**
- 3:15pm Ted Smalley, Executive Director, Tulare County Association of Governments (TCAG) – Transportation Technical Advisory Council. **“Tribal Collaboration in Tulare County”**
- 3:45 pm **Next Steps: Grant Project, SJV BluePrint, CalTrans Planning and meeting #1 of 8**
- 4:00pm Closing (meeting ends at 5:00pm for other networking)





California Central Valley Tribal EJ Transportation Collaboration Project - Workshop 3 of 3
“Government-to-Government Collaboration,
SJV Blueprint Planning, and Tribal Transportation Planning”

June 30, 2009 - Meeting Summary Notes

Approximately 71 attendees

Meeting held in Lemoore, California (Santa Rosa Rancheria – Tachi Yokut Palace Hotel Conference Center)

In Attendance:

Rob Ball, Kern COG	Elmer. Thomas, Tribal Vice-Chairman - Santa Rosa Rancheria
Kim Anderson, SJ COG	Ray Gonzales, Santa Rosa Rancheria
Jeanette Fabela, StanCOG	Lalo Franco, Wukchumni Tribe
Richard Poythress, Madera CTC	Matthew Franklin, Tribal Chair - Lone Band of Miwok Indians
Todd Sobrado, Fresno COG	Robert Marquez, Tribal Chair -Cold Springs Rancheria Mono Indians
Barbara Steck, Fresno COG	Elaine Fink, Tribal Chair - North Fork Rancheria
Christine Chavez, Tulare CAG	Valentin Lopez, Tribal Chair - Amah Mutsun Tribal Band
Ted Smalley, Tulare CAG	Joni Drake, Tribal Chair Choinumni Tribe 109
Bruce Abanthie, Kings CAG	Kenneth Woodrow, Tribal Chair -Wuksachi Tribe
Hector Rangel, Project Manager	Kathy Morgan, Tribal Chair - Tejon Indian Tribe
Marta Frausto, Caltrans Dist. 6 - Tribal Liaison	Donna Miranda-Begay, Tribal Chair Tubatulabals of Kern Valley
Mandy Marine, Caltrans Dist 6 Environmental	Katherine Valenzuela, Student / Chumash-Yokut - U.C. Davis
Josie Petersen, Tubatulabals of Kern Valley	Bob Pennell, Cultural Resources Director - Table Mountain Rancheria
Kathleen McClaffin, Caltrans District 10 – Tribal Liaison	Mary Sanchez, Admin. Assistant III, Table Mountain Rancheria
Steve Wilks, Tribal Consultant - IBI Group	Samantha Riding-Red-Horse, Tubatulabals of Kern Valley
Marvin Marine, Maidu Elder / Cultural Preservation	Carly Tex, Cultural Consultant - Dunlap Band of Mono Indians
Lonnie Bill, EPA Director - Cold Springs Rancheria	Enrique Rudino, Safety Commissioner - CA Choinumni Tribal Project
Francesca Smith, Choinumni Tribe	Lawrence Bill, Mono/Yokut - Sierra Nevada Native American Coalition
Leland E.Daniels, Wilton Miwok Rancheria	Christina McDonald, Administrative Assistant - North Fork Rancheria
Linda Silvas, Tribal Chair - Chumash Native Nation	Christie Hansard, Environmental Tech. - North Fork Rancheria
Laura Bustamante, Chumash Native nation	Paul Mondragon, Vice-Chairman - Amah Mutsun Tribal Band
Mary Motola, Picayune Rancheria of Chuckchansi	Steve Gonzales, Tribal Film Producer - Tubatulabals of Kern Valley
Robert Gomez, Tubatulabals of Kern Valley	Florence Dick, Tribal Council - Dunlap Band of Mono Indians
Julie Dick Tex, Dunlap Band of Mono Indians	Maricel Tex, Executive Director - CA Choinumni Tribal Project
Avis Punkin, Tribal Treasurer - North Fork Rancheria	Jerry Pierce, CHP Officer – PIO, CHP – Hanford
Phil Morgan, Tejon Indian Tribe	Janice Cuara, Tribal Administrator - Santa Rosa Rancheria
Thomas Drake, Choinumni Tribe 109	Bill Delo, Tribal Consultant - IBI Group
Jeffery Lee, Vice-Chairman - Cold Springs Rancheria	Laura Elton, M.S. - Social Work, CSU Bakersfield
Phyllis Lewis, Big Sandy Rancheria	Jeremy Lugue, Chumash Native Nation
Albert Fujitsu, Department of Toxic Substances Control	Tim Fahey, Tribal Grant Writer - Santa Rosa Rancheria
Norma Soto, Rec. Asst. Director - Santa Rosa Rancheria	Shelly Hinch, Benefits Manager - Santa Rosa Rancheria
Lisa Garcia, Secretary - Big Sandy Rancheria	Christina Moreno, Table Mountain Rancheria
Lester Osbourne, Wakshci Yokut - Sierra Nevada Native American Coalition	
Jane Clough-Riquelme, Tribal Liaison - San Diego Association of Governments (SANDAG)	
Edward Ketchum, Council Member & Tribal Historian - Amah Mutsun Tribal Band	
Larry Galupe, Director of Community Planning, Tule River Indian Council	
Judith Red Tomahawk, Director of Government Affairs - Table Mountain Rancheria	
Arrow Sample, Tribal Council - Member at large Big Sandy Rancheria	
Robert Robinson, Historic Preservation Officer - Kern Valley Indian Council	
Ignacio Dominguez, Hazardous Substances Scientist –Depart. of Toxic Substances Control	

Tribal Welcome – Tachi Yokut Santa Rosa Rancheria Tribal Vice-Chairman Elmer Thomas

Opening Prayer – Tachi Yokut Santa Rosa Rancheria – Lalo Franco and Ray Gonzales, Cultural Tribal Representatives

Kings County Welcome - Bruce Abanthie, Regional Planner, KCAG (One of the 8 COGs partners for this project). Bruce Abanthie provided welcoming for Workshop #3 – representing Kings County of Governments.

Project Mgr.– Donna Miranda-Begay, Tribal Chairwoman – Tubatulabals of Kern Valley – Many of the Tribal participants for this workshop were new to the Tribal EJ Transportation Grant project. As a result, an overview of the Grant Proposal and Goals for the Project were provided. Donna express importance for the opportunity for Tribes to participate in San Joaquin Valley Blueprint planning, Caltrans Transportation planning, and other public sector planning processes. This project is moving from “outreach” to “collaboration.” This is not a “consultation” project, but the overall efforts of this project could help to building towards Tribal Consultation with their area’s COG(s). **Grant project web site:** www.catribalej.com

Tribal Chairwoman Elaine Fink, North Fork Rancheria

“North Fork Rancheria Transportation Planning – Issues and Successes” – Tribal Chairwoman Elaine Fink provided a Tribal historical overview of North Fork Rancheria’s experience with Tribal transportation, environmental justice, working with local government and Caltrans, and challenges / solutions for improved working relationships between Tribes and State/Local governments. Specific issues outlined by Elaine: **LAND:** In 1958 Tribe’s federal recognition status was terminated under the Rancheria Act, 1983 Tribe’s federal recognition was restored through legal battle, 1987 existing private lands - 80 acres was declared a Rancheria for the North Fork Tribe (Tribe is considered landless – no reservation).

TRANSPORATION/ROADS: Elaine described need for improved maintenance support of Tribal roads, on-going challenge to get a bridge project completed (Road 222 Bridge, 10 year effort at this time), protection of sacred sites and gather of traditional / cultural resources, challenges of working with multiple “lotment” land owners (Heirs),and limited Rural Public Transportation service (requires all day commitment to ride to/from Oakhurst - route requires a ride through Madera). **ECONOMIC**

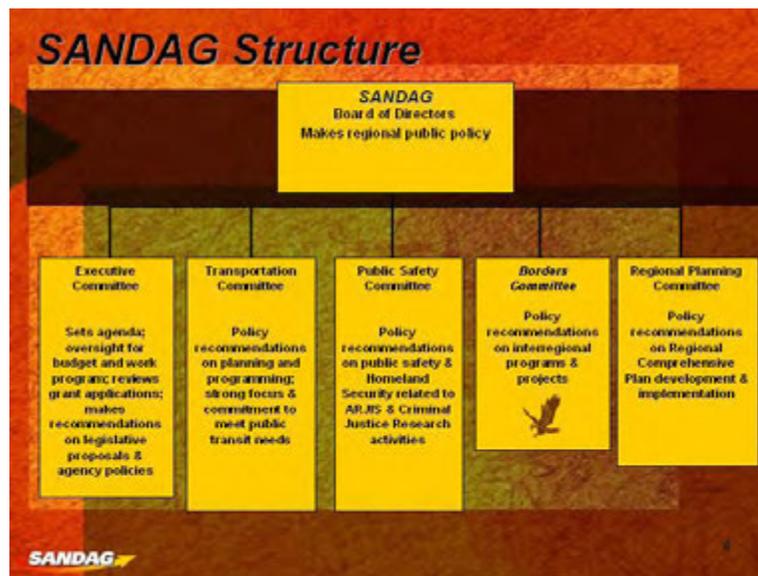
DEVELOPMENT: Economic development also requires local government support and “road” / “highway” access is certainly required. Elaine provided the notes for her speech – this information will be included on grant web site and in final Caltrans report.

Tribal Chairman Matt Franklin, Lone Band of Miwoks

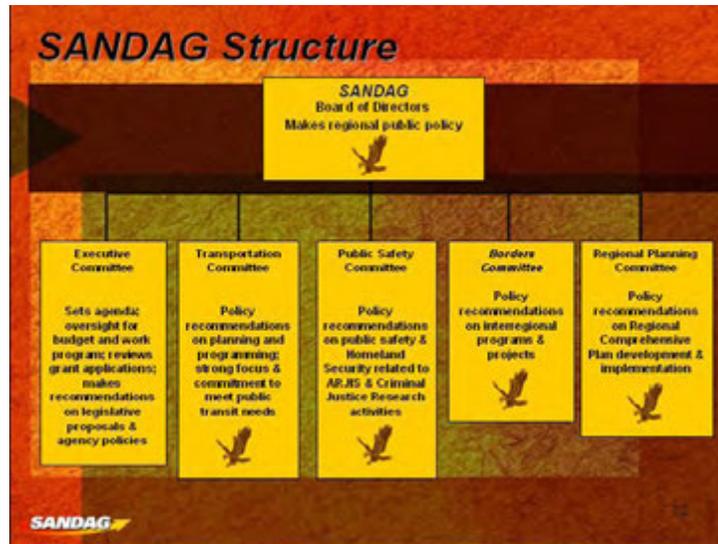
“Government to Government - How to engage the Locals?” – Tribal Chairman Matt Franklin provided a Tribal historical overview of Lone Band of Miwoks (currently landless Tribe). Matt outline the following: Collaboration – What is it?, Example of protecting bedrock mortar (with grinding holes) in Lone Park area, working with Caltrans, Native American Monitoring, and challenges/success – working with local governments, Tribal staff development, and Characteristics of successful engagement of the Locals. Matt provided powerpoint file for his speech – this information will be included on grant web site and in final Caltrans report.

Dr. Jane Clough-Riquelme, Tribal Liaison - San Diego Association of Governments

(SANDAG) – “MPO-Tribal Relations: Sharing the San Diego Experience” – Jane provided an overview of the greater San Diego. In the past, Tribal governments had individual had limited input to the overall San Diego County transportation planning efforts. During 2002, a San Diego area Tribal transportation summit was held to discuss strategies for improved Tribal involvement and County Tribal Consultation process. In addition, state legislation that focused on southern U.S. Board safety had to also include both Local and Tribal government planning and policies.



From 2002 through 2006, on-going planning had occurred that resulted in formation of —Partnership with Reservation Transportation Authority (RTA)”, —Southern California Tribal Chairmen’s Association (SCTCA) joins Borders Committee as Advisory Member”, and —Joint Planning of 2006 San Diego Regional Tribal Summit”. The 2006 summit established these Tribal priorities: Tribal Governments should be voting members of SANDAG, Indian Reservation Roads inventory should be updated, Advocate for new transportation funding for the region, Leverage funding for transportation projects, and Conduct more tribal-related corridor studies.



Above SANDAG Structure illustrates (with eagle logo) the Tribal involvement of SANDAG. RTA provides a collective approach to provide Tribes with construction planning and funding – under P.L. 638.

Lunch (provided) – Officer Jerry Pierce, CHP Hanford Public Information Officer - Kings County.

“Highways, Working with Tribal Governments, Seniors Program, and Public Safety” – Officer Jerry Pierce outline the CHP role in public transportation safety. Jerry also offer challenges in working in rural and cultural diverse communities. Jerry (a Caucasian) grew up in East Los Angeles and speaks Spanish fluently. Jerry played CHP safety roads video – good video regarding highway safety, CHP risks on the job, and various public safety programs offered. CHP provides support for Tribal large scale public events that require traffic control, public safety and government-to-government relations.

Barbara J. Steck, Deputy Director, Fresno County of Governments (FCOG)

Rob Ball, Senior Planner, Kern Council of Governments (KCOG)

San Joaquin Valley (SJV) Blueprint Plan - “Where we’ve been and Where we’re headed” – Barbara provided overview of San Joaquin Valley Blueprint Planning process. Proposed community growth strategies were outlined, SJV Blueprint planning status and need for Tribal input was discussed. Rob Ball also provided overview of KCOG efforts in the SJV Blueprint and working with Tribes in Kern County. Based on this overview – Tribal participants were asked to join the eight COGs that were present at this workshop and discussed these two questions (listed below – by County table are the responses:

Tribal SJV Blueprint Planning – Round Table Discussions

What visions – should come from Tribal Nations - that should be included in SJV Blueprint planning?	
San Joaquin	<ul style="list-style-type: none"> • Need to go where people are to reach them and gain input/collaboration • Transit system doesn’t adequately serve a spread-out and diverse Tribal population
Stanislaus	<ul style="list-style-type: none"> • Tribes want local agencies to proactively include them in the planning process. • Reimbursement costs to be involved.
Madera	<ul style="list-style-type: none"> • Consider the concerns expressed by Tribal Chairwoman Elaine Fink, North Fork Rancheria • Add protection of presentation of cultural resources (flora, fauna, sites of Native culture relevance) to principle #7 of SJV Blueprint Plan
Fresno	<ul style="list-style-type: none"> • Disaster Planning – including Tribes and collaboration in disaster planning • Real Estate investment program • Listening to Tribes – regarding chemical spraying – how can we protect our Native plants and foods? • Tribal support for improved medication, safety, communication, planning,

	transportation, and energy.
Kings	<ul style="list-style-type: none"> • Improved pre-development collaboration • Tribal Groups included in the stakeholders group
Tulare	<ul style="list-style-type: none"> • Better Tribal collaboration with all government plans and issues – air quality, water, and land use planning.
Kern	<ul style="list-style-type: none"> • Transportation issue for outlying areas • Lack of access to natural resources (i.e., Kern River) • Ministerial permitting

2) What Tools to include in the toolkit for the Tribes? (i.e. CTP Goals – “environmental justice missing” – more activities or processes like SANDAG or Protocol for Local Governments to assist to repatriation).	
Madera	<ul style="list-style-type: none"> • Early outreach and consultation with Tribes in the land use and transportation planning process • Add cultural sensitivity training to principle #3 of SJV Blueprint Plan.
Merced	<ul style="list-style-type: none"> • Recognized that there were Tribal people in every area of SJ Valley. • Educate the people of the SJ Valley of these people. • Methods of introducing Tribes. • Outreach from governments. • Share accurate and control data base (that is kept current) of Tribal peoples, concerns, cultural areas, etc... • Scheduled meetings, agenda, and open effective communication
Fresno	<ul style="list-style-type: none"> • Disaster Recovery Planning – process / tools / template: Tribal Lands specific and integrated with local governments • Program / Cultural sensitivity / policy – chemical spraying of Native plants and foods • Announcement Tribal Conferences (Tribal EPA Region 9, ARRA – American Recession and Recovery Act funding opportunities).
Kings	<ul style="list-style-type: none"> • Williamson Act / How is this referenced by Blueprint? Williams Act can be removed City or County control – need Tribal Planner.
Stanislaus	<ul style="list-style-type: none"> • Accurate shared database contact list
Tulare	<ul style="list-style-type: none"> • Cultural resource sensitivity training for local government • Collaboration with all Tribes – both federally recognized and non-recognized Tribes
Kern	<ul style="list-style-type: none"> • Increased input from entire community (to address lack of access to natural resources – Kern River) • Sample ordinances from communities with successful permit experiences (Ministerial permitting) • Access to grants and planners, particularly for federally unrecognized Tribes. • Information sharing and maps to highlight games in transportation service of outlying areas.

Kathleen McClafflin, Caltrans District 10 Native American Liaison

Marta Frausto, Caltrans District 06 Native American Liaison

Mandy Marine, Caltrans District 06 Native American Coordinator

“The Roles of the Caltrans Native American Liaisons & Cultural Resources Coordinators”

Kathleen, Marta, and Mandy provided an overview of Caltrans approach in working with Tribes in California. Caltrans has a Native American Branch who works directly with Caltrans Executive, Planning, and Tribal Government. Caltrans has a Native American Advisory Council (18 Federally Recognized Tribal appointed members) who meet quarterly. The Native American Branch was established in 1999 to assist Caltrans in working with Tribes, Federal Agencies (i.e., Bureau of Indian Affairs, Federal Highway Agency – Tribal Governmental Affairs and Research), and Inter-agency related issues. There are both Caltrans Liaisons and Coordinators who work with the Tribes (both federally and non-federally recognized). These positions help to support Tribal involvement in environmental and cultural resource protection and transportation planning. Caltrans also assist Tribes with the federal Indian Reservation Roads inventory, obtaining environmental justice grants, and improved local government to government collaboration and consultation. For this grant project – both Caltrans District 6 and 10 have provided resources to support this grant project.

Robert Gomez, Tribal Council Member and Cultural & NAGRPA Director, “Tribal Experience – Government to Government” -

Tribal Councilman Robert Gomez provided a Tribal historical overview of —Government to Government” which included —Recollection, Recognition, and Regeneration”. Recollection of prehistory and historical trails and road of Kern County, Native American trails to European trails, and roads/highways of today. Recollection of modern road systems, —sporadic” input by Native Americans in current day highways and roads, and consideration of —How working with Tribes - who should you work – Tribal Council, Cultural, EPA, Elders, and Tribal Representatives” and —What is consultation?” Recognition – includes federal recognition – but not the non-federally recognized Tribes: this impacts the way public policies are developed and implemented. Native Americans also have responsibilities: —Input, input, input – proactive and viable information”, work collaboratively towards

objective, and provide the Native American perspective. Regenerate —make new and vigorous life” – restore, revitalize and create new opportunities. New laws and policies – become inclusive and recognized the —consultation” process. Government to government – transparency: open relationships, early and continuous consultation / collaboration, documentation and continuous communication, flexibility and efficiency, identify interest and participants, evaluate and re-evaluate, and negotiation (not a one-sided affair). **“What were once trails have evolved to roads and highways - Native Americans MUST give their input and policy makers should recognize their Native American passion for the land.”** Robert provided powerpoint file for his speech – this information will be included on grant web site and in final Caltrans report.

Ted Smalley, Executive Director, Tulare County Association of Governments (TCAG) – Transportation Technical Advisory Council. *“Tribal Collaboration in Tulare County”* – Ted provided an overview of TCAG’s efforts in transportation planning, working with local communities, working directly with Tule River Indian Reservation regarding county roads maintenance and improvements. TCAG is also actively involved in the SJV Blueprint planning process. TCAG has a Tribal Representative membership position.

Next Steps: Grant Project, SJV BluePrint, Caltrans Planning and conference call meeting #1 of 8

Closing

Workshop ended at 4:05pm

Note: Meeting area open until 5:00pm for other networking – a lot of good post-workshop networking occurred. Potential need for a final workshop to discuss the final report and progress of this grant effort. Received very positive feedback for workshop #3 – very good collaboration and support for this grant project.

Appendix G – Memorandum of Agreement Template / Example (SSJVIC)

<TRIBE NAME>

<TRIBE MAILING ADDRESS>

Memorandum of Agreement

Pertaining to Access to Historical Resources Records

By and Between the

<TRIBE NAME>

and the

Southern San Joaquin Valley Information Center
California Historical Resources Information System

Representatives hereby agree to the terms of the **Memorandum of Agreement**

<Tribal Representative Name>
<TRIBE NAME>

Date

Brian Hemphill Ph.D.
Director
Southern San Joaquin Valley Information Center

Date

Memorandum of Agreement

Whereas, the California State Historical Resources Commission (SHRC) under the California Public Resources Code, Section 5020.4 is responsible for maintaining a comprehensive statewide inventory of historical resources, and

Whereas, California Public Resources Code, Section 5024.6 delegates the SHRC's responsibility for maintaining a statewide inventory of historical resources to the California State Historical Preservation Officers (SHPO); and

Whereas, the SHPO fulfills the responsibility for maintaining a statewide inventory of historical resources through the California Historical Resources Information System (CHRIS), which includes twelve information centers and the California Office of Historical Preservation; and

Whereas, the statewide inventory of historical resources includes information pertaining to buildings, structures, objects, sites and districts; and

Whereas, California Government Code, Section 6254.10 establishes that the records maintained for the SHRC relating to archaeological resources are exempt from the disclosure requirements of the California Public Records Act (California Government Code Sections 6250-6270); and

Whereas, the Section III, Paragraph D of the ***California Historical Resources Information System Information Center Rules of Operation Manual*** (2008) (~~*IC Rules of Operation Manual*~~) allows for the creation of a memorandum of agreement to guide access to CHRIS information; and

Whereas, the Southern San Joaquin Valley Information Center of the CHRIS, located at the California State University, Bakersfield campus is the Information Center responsible for maintaining a portion of the statewide inventory pertaining to the <TRIBE NAME> of the <Tribe Location>, <COUNTY or COUNTIES NAMES>, CA;

NOW THEREFORE BE IT RESOLVED that the <TRIBE NAME>, <COUNTY or COUNTIES>, CA, shall be provided access to CHRIS information in accordance with the following stipulations:

I. ACCESS TO CHRIS INFORMATION

1. The request for information must be made by an officially designated Tribal representative.
2. The request for information must be typed on the Tribe's official letterhead and signed by the Tribal Chairperson, who is the official signatory for the <TRIBE NAME>, <COUNTY or COUNTIES NAMES>, CA.
3. The request must include a research proposal or written rationale and specify a geographical area.
4. Confidential information pertaining to the request for information will only be provided to the designated Tribal representative or other specifically designated member of the <TRIBE NAME>. All <TRIBE NAME> members granted access shall sign an **Access Agreement** consistent with **Section III, Paragraph H** of the **IC Rules of Operation Manual**.
5. As outlined in the **IC Rules of Operation Manual**, the Southern San Joaquin Valley Information Center may charge fees for services it provides.
6. The Southern San Joaquin Valley Information Center retains the right to deny access and services per **Section III, Paragraphs K and L** of the **IC Rules of Operation Manual**.
7. This Memorandum of Agreement does not bestow upon the <TRIBE NAME> of <COUNTY or COUNTIES NAMES>, CA any Information Center duties, rights, services, and/or responsibilities.

II. USE AND DISTRIBUTION OF CHRIS INFORMATION

1. Only the designated tribal representative(s) may develop, print, or duplicate hard copy or electronic documents or disks of information, such as reports, lists, maps, etc. Any of these outputs that contain confidential information must remain in the possession of the designated tribal representative(s). Confidential information includes but is not limited to, the locations of sensitive archaeological sites.
2. Non-confidential information may be distributed without limit to any party. Non-confidential information includes, but is not limited to, summaries of CHRIS information such as the presences or absence, quantity, and general character of historical (cf. archaeological) resources within a specific geographical area.
3. Any confidential information provided by the Southern San Joaquin Valley Information Center to the <TRIBAL NAME> of <COUNTY or COUNTIES NAMES>, CA shall not be disclosed to the public.

III. LETTER OF CONDITIONS

Copies of confidential information utilized for non-specific projects (eg. General research or data collection) and housed separately from the San Joaquin Valley Information Center shall not be made until a <TRIBE NAME> of <COUNTY or COUNTIES NAMES>, CA, **Letter of Conditions** is accepted by the Southern San Joaquin Valley Information Center.

A **Letter of Conditions** shall include:

- A. An explanation of the need to maintain copies of Confidential Information separate and apart from the Southern San Joaquin Valley Information Center;
- B. Acknowledgement of bearing costs for copying confidential Information;
- C. An explanation of how copies will be stored;

- D. A list of <TRIBE> of <COUNTY OR COUNTIES NAMES>, CA representative(s) having access to the copies; and
- E. Guaranteed return of copies of Confidential Information should any part of this Agreement be breached.
- F. Any additions, deletions, or modifications of any sort shall be made to this Agreement upon proper notification, consultation, and concurrence between representative(s) of the <TRIBE> of <COUNTY OR COUNTIES NAMES>, CA and the Southern San Joaquin Valley Information Center, Bakersfield. Such additions, deletions or modifications shall be appended to the original document as an Addendum document, and executed with a signatory page between both parties.

IV. AMENDMENTS

- 1. The signatory parties may amend this Agreement with written concurrence.

V. TERMINATION OF AGREEMENT

- 1. Signatory parties may terminate this Agreement by providing a 30-day written notice to the other party.
- 2. In the case of termination of this Agreement the <TRIBE> of <COUNTY OR COUNTIES NAMES>, CA, shall return to the Southern San Joaquin Valley Information Center al copies of CHRIS information.

VI. EXECUTION OF AGREEMENT

- 1. This Agreement shall become effective upon date of the last signature appended upon this document.
- 2. The signatory page of this document is as listed on the cover page.

Appendix H – Caltrans MOU Tribal Template

MEMORANDUM OF UNDERSTANDING BETWEEN (Insert Name) TRIBE OF CALIFORNIA AND THE CALIFORNIA DEPARTMENT OF TRANSPORTATION

Section 1. Purpose

This Memorandum of Understanding (MOU) is made and entered into effective (Insert Date), between the (Insert Name) Tribe (Tribe) and the California Department of Transportation (Department), hereinafter collectively the Parties, for the following purposes:

- A. To establish a protocol for clear, open, and ongoing communication between the Tribe and the Department.
- B. To establish, ensure, and maintain government-to-government consultation on Departmental and Tribal projects as those projects impact State Highways or Tribal roads on, or adjacent to Tribal Lands, consisting of both (federally recognized Tribal Reservations and Rancheria properties).

Section 2. Department Projects and Activities

- A. The Department agrees to consult with the Tribe on State Highway project development, construction and maintenance activities that directly impact Tribal Communities from initiation through completion.
- B. The Department shall consult with and involve the Tribe in developing planning documents, including but not limited to, District System Management Plans, Transportation Concept Reports, Project Initiation Documents, and State Highway Operation and Protection Plans as they directly pertain to or impact the Tribal Community.
- C. The Department will consult with the Tribe as appropriate and/or mandated by federal and state laws and regulations for the protection of prehistoric, archeological, cultural, spiritual, and ceremonial sites (Tribal Sites) located within or adjacent to present and planned State Highways.
- D. The Tribe agrees to provide timely responsive information; reviews and notification to the Department regarding all proposed Department supplied and noticed planning documents and project activities.
- E. The Department shall work with the Tribe to help foster a government-to-government relationship between the Tribe and the appropriate Regional Transportation Planning Agency (RTPA) or Metropolitan Planning Organization (MPO).

Section 3. Tribal Projects and Activities

- A. Pursuant to both federal and state law, the Department is required to review all planning and proposed development activity that has the potential to impact state transportation facilities or resources under the Department's jurisdiction and to then recommend conditions of project approval that eliminate or reduce those impacts.
- B. The Department will review Tribal planning and proposed development activity through Intergovernmental Review (IGR), California Environmental Quality Act (CEQA), National Environmental Policy Act (NEPA), or the tribal Environmental Impact Report processes as applicable.
- C. Tribe agrees to notify the Department of any Tribal project that may impact the State transportation system.

Section 4. Contact Information

- A. The Department shall designate one or more representative(s) responsible for maintaining a continuous working relationship with the Tribe and their designated representatives.
- B. The Tribal shall designate one or more Tribal representative(s) responsible for maintaining a continuous working relationship with the Department.
- C. In case of a known threat to a Tribal site, an emergency on a State Highway on or adjacent to Tribal Lands, or a Tribal road emergency, the Party first having notice will contact the other Party immediately. The contact persons delegated to act are listed on the attached contract list that is to be updated by the Parties as necessary.
- D. A list of key Tribal and Department contacts for the various program duties specified in this MOU is attached.

Section 5. Preservation of Rights

- A. This MOU is a joint policy declaration and is neither an enforceable binding contract nor a funding encumbrance for actual projects. All such projects will be addressed by separate agreements.
- B. This MOU does not affect the existing rights and interests of the Parties in lands, properties, and related issues concerning projects or activities within each Party's jurisdictional limits. The Parties agree, to the greatest extent possible, to attempt to resolve issues and concerns between them in a manner to facilitate the objectives of each.

Section 6. Authorized Delegates and Duration of MOU

The individual delegated to oversee this MOU government-to-government relationship for the Department is the District Director. The responsible individual for the Tribe is the Tribal Chairperson.

This MOU shall remain in effect until terminated by a thirty- (30)-days advance written notice directed to either Party. This MOU can be revised and modified as necessary by mutual consent by both Parties through the issuance of a written amendment, signed and dated by both Parties.

DATE: _____

(Insert Name)
State of California
Department of Transportation
District (Blank) Director

DATE: _____

(Insert Name)
Tribal Chairperson
(Insert Name Tribe of California)

References

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Theodoratus, Dorothea, PhD. and McBride, Kathleen (2009). *California Tribal Environmental Justice Collaborative Grant Project*— report for California Tribal Environmental Justice Collaborative Grant Project. November, 2010. Retrieved on June 6, 2010 from web site: <http://www.catribalej.com/reporting.html>

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