



2019

TRIBAL SYMPOSIUM

2019 Joint SANDAG Borders Committee – Southern California Tribal Chairmen’s Association

Friday, June 28, 2019

Hospitality Room open from 11:30 a.m. to 12:30 p.m.

Conference Room 7

Elected officials from tribal nations, local jurisdictions, and other stakeholder organizations are invited to network before the meeting. A light lunch will be hosted by SANDAG.

Meeting from 12:30 to 2:30 p.m.

SANDAG Board Room

401 B Street, 7th Floor

San Diego, CA 92101

This is a joint meeting between the Southern California Tribal Chairmen’s Association and the SANDAG Borders Committee to discuss policy issues of mutual concern.

The Keynote Speaker is Christina E. Snider, Tribal Advisor, Office of Governor Gavin Newsom.

Please silence all electronic devices during the meeting

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by visiting our website at sandag.org**



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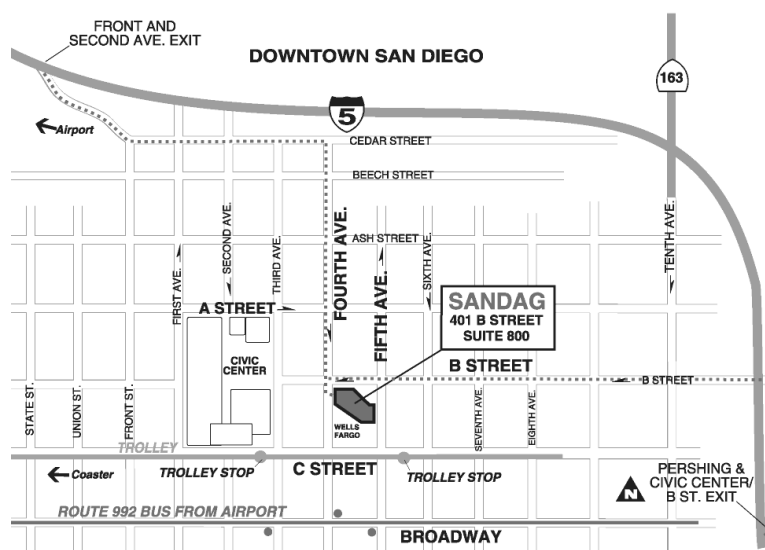
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2019
TRIBAL SYMPOSIUM

**2019 Joint SANDAG Borders Committee – Southern California Tribal Chairmen’s Association
Tribal Symposium, June 28, 2019**

Agenda

| Item No. | | Action |
|-----------------|---|---------------|
| 1. | Opening Remarks <i>Chairman Edwin “Thorpe” Romero, Barona Band of Mission Indians and Southern California Tribal Chairmen’s Association (SCTCA)</i> <i>Councilmember Ronn Hall, SANDAG Borders Committee Vice Chair</i> | |
| 2. | Birdsinging <i>Chairman Henry Paul Cuero, Campo Kumeyaay Nation (SCTCA)</i> Bird songs represent one aspect of oral knowledge traditions for all Tribal Nations of the San Diego region. | |
| 3. | Sovereignty and Tribal Nations in the San Diego Region <i>Chairman Robert Smith, Pala Band of Mission Indians (SCTCA)</i> The United States Constitution and treaties recognize Native American communities as sovereign nations within the territorial boundaries of the United States. In the San Diego region, there are 17 federally recognized tribal governments with jurisdiction over 18 reservations—the most in any county in the United States. A video that provides a background on sovereignty and the tribal nations in the San Diego region will be shared. | |
| 4. | Keynote Christina Snider, Tribal Advisor, Office of the Governor <i>Introduced by Chairwoman Erica Pinto, Jamul Indian Village of California (SCTCA)</i> Christina Snider was appointed by Governor Edmund G. Brown Jr. in February 2018 and reappointed by Governor Gavin Newsom in February 2019 to serve as the Governor’s Tribal Advisor and Executive Secretary of the Native American Heritage Commission. Ms. Snider’s work focuses primarily on tribal law and policy, with experience in tribal tax, economic development, gaming, child welfare, juvenile justice, cultural resource protection, voting rights, and government relations at the state and federal levels. She is an enrolled member of the Dry Creek Rancheria Band of Pomo Indians. | |



2019

TRIBAL SYMPOSIUM

Consent

- +5. Tribal Nations, Consultation, and Regional Planning** **Information**
Jane Clough, SANDAG Tribal Liaison
Michael Connolly Miskwish, SCTCA Consultant
 This report provides an overview of tribal nations in the San Diego region, the tribal consultation process, and policy issues of mutual interest.

Reports

- +6. Tribal Transportation Strategy Update and Discussion** **Discussion**
Charles "Muggs" Stoll, SANDAG
Chairwoman Erica Pinto, Jamul Indian Village of California (SCTCA)
 Panelists from Caltrans District 11, the County of San Diego, and SANDAG will discuss opportunities for moving forward in collaboration with tribal nations.

- +7. San Diego Forward: The 2021 Regional Plan: Policy Areas of Opportunity and Collaboration** **Discussion**
Chairman Bo Mazzetti, Rincon Band of Luiseño Indians (SCTCA)
Mike Connolly Miskwish, SCTCA Consultant
Shasta Gaughen, EPA Director, Pala Tribal Government
 A review of collaborative policy areas for inclusion in San Diego Forward: The 2021 Regional Plan will be provided, including an update on progress made toward the development of procedural guidelines on tribal cultural resources to assist in compliance with Assembly Bill 52 (Gatto, 2016).

- 8. Public Comments/Communications/Member Comments**
 Members of the public shall have the opportunity to address the Borders Committee and the SCTCA on any issue within their jurisdictions that is not on this agenda. Anyone desiring to speak shall reserve time by completing a Request to Comment form and giving it to the meeting coordinator prior to speaking. Public speakers should notify the meeting coordinator if they have a handout for distribution to Tribal Symposium attendees. Public speakers are limited to three minutes or less per person. Borders Committee members also may provide information and announcements under this agenda item.

- 9. Closing Remarks**
Chairman Edwin "Thorpe" Romero, Barona Band of Mission Indians (SCTCA)
Councilmember Ronn Hall, SANDAG Borders Committee Vice Chair

- 10. Adjournment**

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June 28, 2019

Tribal Nations, Consultation, and Regional Planning

Overview

Federal legislation requires that federally recognized tribal governments be consulted in the development of Regional Transportation Plans (RTP) and programs (23 U.S.C. 450.312). In particular, the current federal transportation authorization bill, the Fixing America’s Surface Transportation (FAST) Act, reinforces federal emphasis on tribal government participation. It directs public agencies to incorporate tribal consultation into their plans and programs in a timely and meaningful manner.

The San Diego Association of Governments (SANDAG), as the metropolitan planning organization for the San Diego region, has forged a working relationship with the tribal nations in the region based on a diplomatic framework of communication, coordination, and collaboration in the regional transportation planning process. With each regional planning cycle, strategies and actions have been pursued collaboratively.

Action: **Information**

This report provides an overview of tribal nations in the San Diego region, the tribal consultation process, and policy issues of mutual interest.

Fiscal Impact:

None.

Schedule/Scope Impact:

None.

Key Considerations

As sovereign nations within the boundaries of the San Diego region, it is important that the region’s tribes engage in shaping the Regional Plan (Attachment 1 – Tribal Nations and Regional Planning Issues). The objectives for tribal consultation are:

- To engage federally recognized tribal governments in the regional planning process in a timely, meaningful, and effective manner through the established framework for government-to-government engagement
- To pursue a set of mutually agreed-upon prioritized strategies based on government-to-government dialogue and negotiation to improve tribal transportation in the region in four areas: roadways, transit, funding, and information sharing/technical assistance
- To explore mechanisms for collaboration in regional policy areas of mutual concern, such as energy, habitat conservation, cultural resources, economic development, and emergency preparedness

A Tribal Consultation Plan was developed collaboratively with the Southern California Tribal Chairmen’s Association (SCTCA) to engage in the development of San Diego Forward: The 2019–2050 Regional Plan (Attachment 2 – 2019 Regional Plan – Tribal Consultation Plan [July 2017 – September 2019]). A key milestone in that process was the 2018 San Diego Regional Tribal Summit, in which the boards of SANDAG and the SCTCA discussed regional policy issues of mutual concern and potential collaborative actions for consideration in the update of the Regional Plan ([Tribal Summit Proceedings](#)). A set of collaborative strategies in transportation and other policy areas was developed and approved for inclusion in the update of the Regional Plan (Attachment 3 – Tribal Collaborative Strategic Objectives by Policy Area). Agenda Item No. 7 includes a status update on these collaborative strategies.

On February 22, 2019, the SANDAG Board of Directors approved an action plan to extend the adoption of the Regional Plan to develop a bold new vision for San Diego Forward: The 2021 Regional Plan (2021 Regional Plan)

with the goal to transform the way people and goods move throughout the San Diego region by providing compelling alternatives to driving. This new vision for the future will build upon the significant public input received so far—including consultation with tribal nations—as well as ensure social equity and sustainability and support land use, housing, and economic opportunities. During the development of the 2021 Regional Plan, SANDAG will prepare the 2020 Federal RTP to comply with federal requirements and protect funding for the region’s transportation investments.

Next Steps

In light of the extension of the Regional Plan process to develop a bold new vision for the region as well as to comply with federal requirements for the RTP, it is important to ensure that the tribal nations have an opportunity to participate in this visioning process and incorporate a tribal perspective. The structure of the Tribal Consultation Plan allows for additional points of engagement at both policy and technical levels. The details for extending the consultation process for both the 2020 Federal RTP and the 2021 Regional Plan will be discussed and agreed upon with the SCTCA.

Charles “Muggs” Stoll, Director of Land Use and Transportation Planning

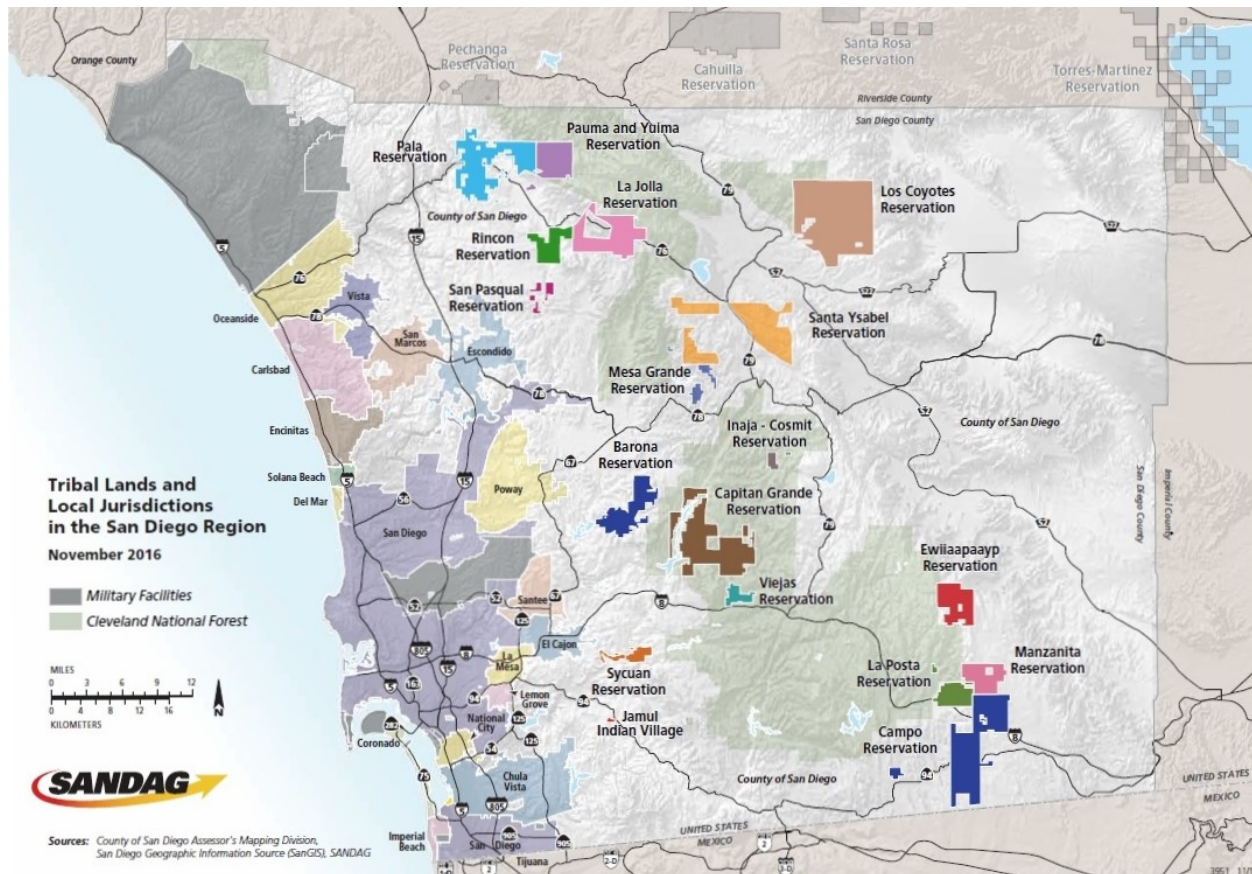
Key Staff Contact: Jane Clough, (619) 699-1909, jane.clough@sandag.org

- Attachments:
1. Tribal Nations and Regional Planning Issues
 2. 2019 Regional Plan – Tribal Consultation Plan (July 2017 – September 2019)
 3. San Diego Forward: The 2019–2050 Regional Plan – Tribal Collaborative Strategic Objectives by Policy Area

Tribal Nations and Regional Planning Issues¹

The United States Constitution and treaties recognize Native American communities as separate and independent sovereign nations within the territorial boundaries of the United States. In the San Diego region, there are 17² federally recognized tribal governments with jurisdiction over 18 reservations – the most in any county in the United States.

Figure 1 – Tribal Lands in San Diego



Historically, the relationship between local governments and federally recognized tribal governments has been contentious. While the federal-tribal relationship is well established, the local-tribal government relationship has not been as clearly defined. Despite efforts to reach out to local governments, tribal governments indicate that for many years they were not well received. This dynamic has changed considerably in recent years. According to various tribal leaders, local perceptions have changed with the advent of gaming. As a condition of the development of more recent gaming compacts, some tribes are

¹ SANDAG. Excerpts from Policy Discussion Paper Tribal Sovereign Nations in a Regional Landscape, p. 1-8. April 2018. sandag.org/uploads/projectid/projectid_551_25166.pdf

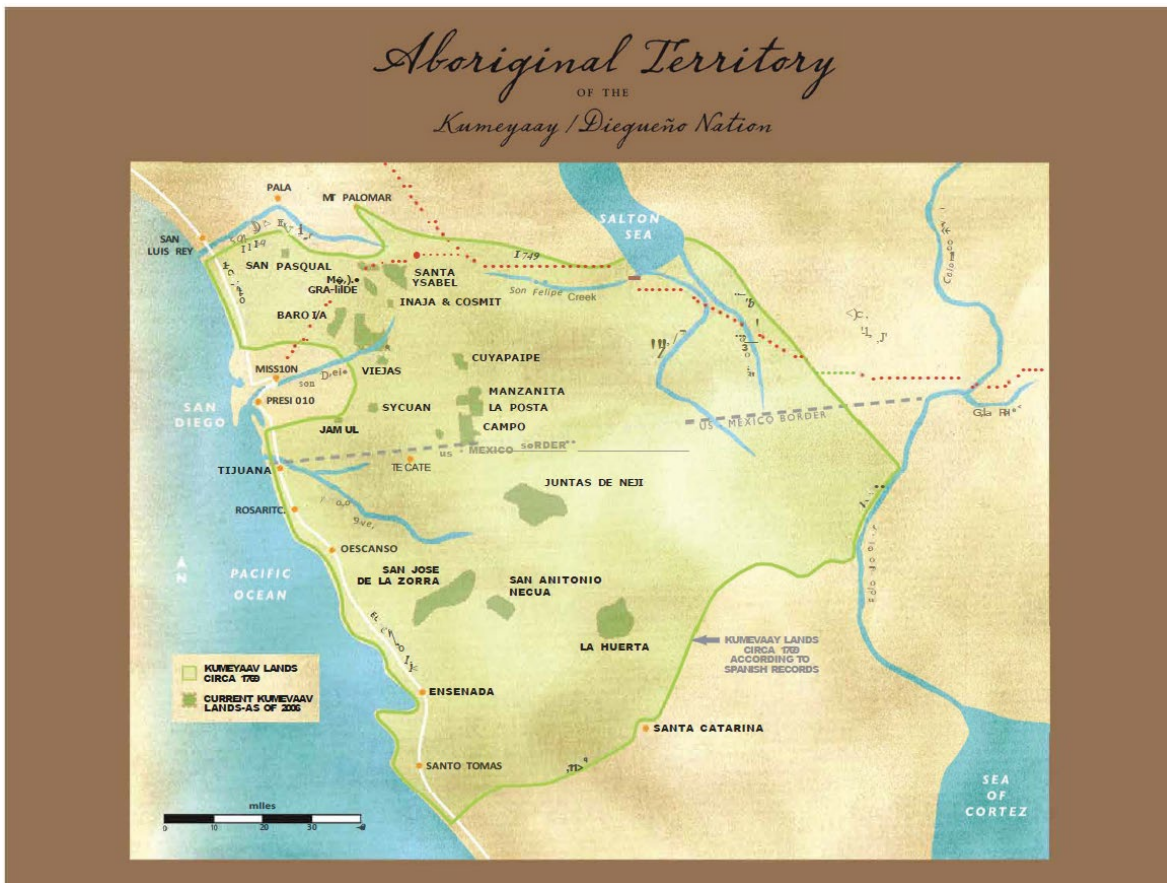
² Pechanga Band of Luiseño Indians acquired some trust land in San Diego as a result of Bureau of Land Management transferring a conservation easement to the tribe. However, the tribe, for planning purposes engages the Southern California Association of Governments region.

required to negotiate mitigation agreements with the local land use authorities adjacent to them. What has not been clearly delineated by the state or federal government is the mechanism for inclusion of tribal input into the regional transportation planning process. The federal government requires “consultation” with tribal governments; however, the definition of meaningful consultation, or more in-depth coordination and cooperation, is emerging in various parts of the country. As the San Diego region continues to grow, there is an increasing need to better coordinate our tribal and regional planning efforts to make the best use of resources while protecting and enhancing the quality of life for all our region’s residents.

Tribal Nations in San Diego

Of the 109 federally recognized Indian tribes in California, 17 are located in San Diego County.³ Historically, the tribal members of today’s bands represent four Indian cultural/linguistic groups who have populated this entire region for more than 10,000 years, taking advantage of its abundant natural resources and diverse ecological system for their livelihoods. The four nations are: the Luiseño, who traditionally inhabited the land along the San Luis Rey River in north and northwestern San Diego County; the Cahuilla, who live in the mountains in the northeastern part of the county and into the Coachella and Imperial Valleys; the Cupeño, who live in the Warner Springs area; and the Kumeyaay (Northern Ipai/Southern Tipai), who live in the southern part of the county from the coast to the mountains and all the way to what today is Baja California

Figure 2 – Kumeyaay Historical Map



³ There are 566 federally recognized tribes in the United States. The next-highest concentration in a county after San Diego is Riverside County, with 16 federally-recognized tribes.

In the years just prior to California becoming a state, the federal government developed treaties with Native Nations in the region in an effort to reduce tribal and settler violence at the end of the United States-Mexican War and the onset of the Gold Rush. However, these treaties were never ratified—they were thwarted on the United States Senate floor by pressure from the new California Senators—and the tribal nations that had signed the treaties were never informed. In 1875, President Ulysses S. Grant signed an Executive Order based on several of the “lost treaties,” creating tribal reservations for Santa Ysabel, Pala, Sycuan, La Jolla, Rincon, and Capitan Grande.⁴ Most of the current tribal reservations were established by the end of the 19th century; however, several were established well into the 20th century.⁵ Today, these four ethnic groups are distributed across 18 reservations and are represented by 17 federally recognized tribal governments, as shown in Table 1.⁶

As domestic sovereign nations,⁷ tribes are subject to federal regulations, but are not subject to local or state regulations, unless the United States Congress delegates implementation of federal law to the state. From a governance perspective, tribal governments are considered a separate category of government from the federal, state, and local governments. In addition to the standard governmental functions of regulating, taxing, and delivering services, tribal governments act to preserve and protect tribal culture and the tribal community, including determining tribal membership. Tribal governments also are responsible for the development, management, and operation of tribal economic enterprises. Most of the land within the boundaries of reservations is owned by tribes and held in trust by the federal government.⁸ Native American reservations currently cover more than 127,000 acres in the San Diego region, approximately 4 percent of the region’s land base.

Table 1 – American Indian Reservations and Federally-Recognized Tribal Governments in the San Diego Region

| Reservation name | Tribal government |
|-------------------------|--|
| Barona* | Barona Band of Mission Indians |
| Campo* | Campo Band of Kumeyaay Indians |
| Capitan Grande | Joint Power Authority between Barona and Viejas |
| Ewiiapaayp | Ewiiapaayp Band of Kumeyaay Indians ⁹ |
| Inaja and Cosmit | Inaja-Cosmit Band of Indians |
| Jamul Indian Village* | Jamul Indian Village of California |
| La Jolla | La Jolla Band of Luiseño Indians |

⁴ The Capitan Grande Reservation included the Bands that would later become the Barona Band of Mission Indians relocated to the Barona Valley Ranch (1932) and subsequently the Barona Indian Reservation, and the Viejas Band of Kumeyaay Indians that relocated to Baron Long Ranch (1934) and subsequently the Viejas Indian Reservation.

⁵ The Jamul Indian Village did not receive federal recognition as a reservation until 1975; other landless California tribes such as the San Luis Rey Band of Mission Indians continue to seek federal recognition.

⁶ The original inhabitants of the still-federally-recognized Capitan Grande reservation established in the 1890s were moved to two different ranches in 1932 when the City of San Diego, by act of the United States Congress, acquired more than 7,000 acres of land inside that reservation territory to build the El Capitan Reservoir. Capitan Grande is currently uninhabited and is jointly managed by the Barona and Viejas tribal governments.

⁷ As defined in the United States Constitution.

⁸ For many tribal governments, land ownership is complex, as the reservations often have non-Indian-owned in-holdings and/or allotments or individual land parcels owned by tribal members. This complicates land and resource management for tribal governments.

⁹ Several official sources alternately refer to the Ewiiapaayp tribe by the Spanish spelling “Cuyapaipe.”

| | |
|------------------|---|
| La Posta** | La Posta Band of Mission Indians |
| Los Coyotes | Los Coyotes Band of Cahuilla and Cupeño Indians |
| Manzanita | Manzanita Band of the Kumeyaay Nation |
| Mesa Grande | Mesa Grande Band of Mission Indians |
| Pala* | Pala Band of Mission Indians |
| Pauma and Yuima* | Pauma Band of Luiseño Indians |
| Rincon* | Rincon Band of Luiseño Indians |
| San Pasqual* | San Pasqual Band of Mission Indians |
| Santa Ysabel** | Iipay Nation of Santa Ysabel |
| Sycuan* | Sycuan Band of the Kumeyaay Nation |
| Viejas* | Viejas Band of Kumeyaay Indians |

*tribe with gaming facility

**tribe that has closed gaming facility

Source: SANDAG; Bureau of Indian Affairs

Current Conditions

A number of planning issues surround these reservations, as they are all located in remote areas outside of incorporated areas.¹⁰ The degree of remoteness ranges from those that are outside the urban transportation system, but near major highways such as Viejas, to those that are not even fully connected to county roads, such as Los Coyotes. Inadequate access to and from the reservations often results in a lack of economic opportunities, as well as insufficient health, social, and cultural services.

Tribal Economic Development

Gaming is a traditional social activity among many tribal nations; however, tribal gaming enterprises expanded exponentially nationwide in the early 1990s as a result of the passage of the Federal Indian Gaming Regulatory Act (IGRA). The IGRA was the result of a legal battle between the Cabazon Band of Mission Indians and the State of California over the issue of the definition of sovereignty.¹¹ The State claimed that Cabazon was violating state anti-gambling laws, while the tribe asserted its sovereign right to pursue its own economic interests. In 1987, the United States Supreme Court ruled in favor of Cabazon, prompting Congress to pass a federal gaming regulatory act to define how gaming should be conducted nationwide and what role states should have in that activity.¹² Although several tribes in the San Diego region already had bingo facilities, by the 1990s most of the tribes had developed or had agreements to develop gaming facilities as a means of economic development. San Diego County now has nine tribal gaming facilities, which is the greatest number of Indian gaming facilities in any county in the United States (Table 1).¹³

Gaming-related and other types of development have led to rapid economic growth for a number of tribes, while also providing jobs and stimulating the regional economy.¹⁴ In the San Diego region, statistics show

¹⁰ Banegas, Ethan L., "The Socioeconomic Impact of Indian Gaming on Kumeyaay Nations: A Case Study of Barona, Viejas, and Sycuan, 1982 - 2016" (2017). Theses. 14.

¹¹ Neuman, Lisa. 2005. *Commentary: From Clean Water to Casinos: Why Sovereignty is Important to Native Americans*. Maine Policy Review. Vol. 13(2): 30-32

¹² California v. Cabazon Band of Mission Indians, 480 U.S. 202 (1987).

¹³ Two smaller gaming facilities—La Posta and Santa Ysabel—closed their operations. Viejas and Sycuan added hotels to their facilities, while Pala and Rincon expanded their existing hotels/parking facilities.

¹⁴ For additional discussion on the impact of tribal gaming in California, see California Nations Indian Gaming Association (CNIGA) *California Tribal Government Gaming Impact Study*.

that the Indian gaming industry as a whole has created more than 10,000 jobs in the region, resulting in a \$1 billion industry with approximately \$263 million in goods and services purchased annually and \$500 million in payroll. It should be noted, however, that poverty levels among the Native American population remain below the national average, and some gaming tribes have been much more successful than others.

This growth has been accompanied by increases in traffic, jobs-housing accessibility issues, and the need for additional resources such as water and energy.¹⁵ Those tribes who do not have gaming facilities continue to have economic development, transportation, and infrastructure needs, which have not been met.

Since the mid-1990s, tribal governments in San Diego have been in the process of developing gaming compacts with the State of California that have allowed them to plan and develop gaming facilities on their reservations. As part of the gaming compact process, tribal governments are required to submit to the state a Tribal Environmental Impact Report, the findings of which are subject to negotiation between the tribal government and the local land use authority adjacent to it. However, there are currently no protocols or requirements in place for exchanging information regarding long-term land use and transportation plans on tribal lands for the purposes of regional planning. This makes the Regional Transportation Plan (RTP) process, making coordination a challenge.

Tribal Transportation

In 2003, the County of San Diego, in its capacity as the adjacent land use authority to most tribal developments in the San Diego region, conducted traffic impact assessments related to tribal developments, which intensified after the enactment of the federal IGRA. In its report on the impact of tribal development on its roadways, the County requested that SANDAG consider the impacts of tribal development on the regional transportation system.

Based on that study, the County negotiated cooperative agreements with several tribes for “fair share” funding of traffic impact mitigation. Nonetheless, according to the county report, levels of service on several road segments in the State Route 76 (SR 76), State Route 67 (SR 67), and State Route 94 (SR 94) corridors were estimated to deteriorate with increased traffic volume associated with the gaming facilities. Both Caltrans and the County of

San Diego called for additional corridor studies in the unincorporated area associated with gaming facilities to better understand the situation.

Currently, the main input required to accurately incorporate tribal land use into transportation forecast modeling for the RTP is the square footage of gaming area which produces the estimate of average daily trips. Nine tribal gaming facilities currently are in operation. It is anticipated that more accurate protocols can be developed for assessing traffic impacts through government-to-government discussions with tribal governments.

While there is concern about the impact of the development of gaming facilities on the regional transportation system, tribal governments have long advocated for better access to that same system. Located in the unincorporated portion of the county, tribal lands are largely isolated from the regional transportation system.

¹⁵ For a comprehensive overview, see San Diego County study, *Update on Impacts of Tribal Economic Development Projects in San Diego County*, April 2003. Contact the Department of Land Use and Planning for a copy of this document.

Although all non-gaming tribes¹⁶ in San Diego County receive funding from gaming tribes through the Revenue Sharing Trust Fund (RSTF)¹⁷ to support the administration of their nations, their physical isolation—both in terms of infrastructure and transit services—is a significantly limiting factor in their ability to improve the health and well-being of tribal members who reside on the reservation, as well as their ability to explore alternative sources for economic development. As more tribal members return to their homelands to live, this will continue to be an issue regardless of the success of tribal enterprises. Federal regulations for transportation require that regional transportation systems address the needs of federally recognized tribal reservations.

Federally-recognized tribes face a dilemma for transportation planning and funding. Most of their transportation funding comes through the federal Bureau of Indian Affairs (BIA) through a national competitive process among all tribal nations in the country. The funding formula is based on population, road inventory, and average tribal shares. Small land-based tribes with small populations and few on-reservation roads do not compete well against larger tribes with extensive road inventories, such as the Navajo Nation, which expands over three states. From 2005 to 2009, under the Safe, Accountable Flexible, Efficient Transportation Equity Act: A Legacy for Users, the Indian Reservation Roads (IRR) program funding formula was revised to allow tribes to include off-reservation transportation facilities critical to reservation ingress and egress as part of their tribal transportation system. This allowed tribes in the San Diego region to compete successfully for funds. With the 2012 passage of the Moving Ahead for Progress in the 21st Century Act, the provision was removed, and the FAST Act, passed in 2015, maintains that change. As such, the San Diego region's tribes lack resources needed to plan for their mobility needs and to address problem areas in the region that most hinder their regional connectivity.

In addition to limited resources, the process to plan for and implement transportation projects is complicated and involves many agencies and jurisdictions. At a federal level, tribes work with the BIA, the Tribal Transportation Program (TTP) of the Federal Highway Administration (FHWA), and in more recent years with the Federal Transit Administration. In most cases, tribes in the region have worked on an individual basis, not as a group. However, many of the issues that impact their mobility and access to the regional transportation system are shared by several tribes along corridors. The federal government has no mechanism for examining the regional needs of tribes. Each tribe submits a long-range tribal transportation plan and updates their own road inventory, but there is no forum for assessing their collective concerns. At the state level, the tribes work with Caltrans through the Native American Liaison Branch, which has been highly successful in analyzing the needs of tribes on state transportation facilities. The state receives the Tribal Transportation Improvement Programs for inclusion in the State Transportation Improvement Program, but again there is no forum for evaluating their collective needs in a regional context.

Tribal Environmental Context

Tribes face a variety of environmental and topographical challenges. Several reservations are in valleys surrounded by mountainous terrain, like Barona, while others are situated on steep slopes, like Los Coyotes. Historically, Indian reservations were established in remote, rocky, steep, and desolate areas of the region in which agriculture and other subsistence activities were limited.

¹⁶ The 1999 Compact defines a “non-gaming” tribe as a tribe that has no gaming or operates less than 350 gaming devices. Gaming devices are defined to be Class III devices. Class II devices, or bingo gaming devices, are not included in this count.

¹⁷ The State Controller’s Office began distributing checks to tribal governments in August 2001. “Eighty-five of the 109 federally recognized tribes in California (those that have either small or no gaming operations) will receive checks that will provide these Tribes with funds to help meet the critical needs of their communities. Tribes will manage the RSTF distributions in a variety of ways, including providing per capita distributions of direct cash benefits.” Source: www.cgcc.ca.gov

Today, there are a number of environmental issues that tribal communities share with non-tribal communities, such as air and water quality, threats from hazardous and solid waste, and illegal dumping. The 2003 and 2007 regional fires decimated several reservations. The Poomacha fire in 2007 destroyed 99 percent of the La Jolla Band of Luiseño Reservation including homes and open space.

Other environmental challenges are unique to tribal lands because of their sovereign status. For example, many reservations in the region are in watersheds with groundwater. The rules and regulations governing surface water and groundwater are different for tribes than for the communities that surround them. This has often created confusion and at times led to tensions. Similarly, habitat conservation is important to tribal nations, but tribal lands are only a fraction of the acreage originally agreed to in the treaty negotiations in the 1800s and are now surrounded by land controlled by federal, state, or private parties. As efforts increase to preserve habitat throughout the region, pressure for tribal lands to be considered open space or endangered species habitat have risen. As sovereign land use authorities, however, tribal governments have the right to define their own land use. At the same time, as reservations are a fraction of traditional native territories, there are many important natural areas with cultural significance located outside the reservation in areas where tribes have limited influence or control. This highlights the importance of diplomatic discussions to identify ways in which tribes, as land use authorities, can join the regional dialogue on habitat conservation and habitat planning.



**2019 REGIONAL PLAN -
TRIBAL CONSULTATION PLAN**
(July 2017 – September 2019)



Task

1. Kick-off and Assessment

- Convene an informational workshop on the content of San Diego Forward: The Regional Plan (Regional Plan) to establish familiarity with the existing Regional Plan and the role of tribal nations in the regional context.

Format: Specially convened meeting or incorporated into a Southern California Tribal Chairmen's Association(SCTCA) Board meeting

2. Convene Leadership Meetings between SANDAG and SCTCA

- Engaging the tribal leaders in a smaller setting will enable the leadership to get to know each other prior to the San Diego Regional Tribal Summit (Summit) in April 2018 and facilitate a meaningful dialogue, which can inform the Tribal Consultation Plan for the 2019 Regional Plan, as well as other regional issues such as transportation funding strategies.

3. Policy Area Listening Sessions

- Convene series of workshops in summer/fall 2017 to discuss the tribal perspective on collaborative regional policy areas (non-transportation) identified in the Regional Plan including:
 - Cultural Resources
 - Energy
 - Economic Development
 - Environmental Conservation
- These listening sessions would be gather subject matter experts from as many of the tribes as possible to meet with SANDAG subject matter experts and generate a dialogue on issues of common concern and potential collaborative strategies for consideration.
- The results from the listening sessions would be brought to the SCTCA Board and SANDAG Borders Committee for discussion, and incorporated into the Summit policy paper.

4. Transportation Issues Collaboration

- The Interagency Technical Working Group on Tribal Transportation Issues (Working Group) would serve as the Advisory Group for the transportation elements of the Regional Plan and implementation of the *Intraregional Tribal Transportation Strategy* developed as a near-term action of the Regional Plan.
- At key decision-making points for the 2019 Regional Plan, the Working Group will provide recommendations to the SCTCA for tribal consideration and relay this input to the SANDAG Transportation Committee through their representation on that Policy Advisory Committee.
- The Working Group will provide a forum for action related to the transportation issues in the Regional Plan, including the inclusion of Long-Range Tribal Transportation Plans in the Regional Plan.

5. Develop Tribal Policy Paper for Regional Plan

- Based on the outcomes of the series of policy workshops and the Working Group, SANDAG/SCTCA staff will prepare a policy paper on the tribal perspective for the Regional Plan.

- The paper will be taken to the SCTCA Board and Borders Committee for review and comment.
- The policy paper will serve as the basis for discussion at the Summit

6. Convene San Diego Regional Tribal Summit

- At a timely and meaningful moment in the process of developing the 2019 Regional Plan, the Summit will be convened between the Boards of SANDAG and the SCTCA to discuss key policy issues for inclusion in the Regional Plan and a potential collaborative agenda.
- The discussion will include collaborative strategies and strategic actions that can be taken on identified policy issues.
- The strategic actions agreed upon in the Summit will be included in the Regional Plan, as well as issues of concern to tribal nations.

7. Incorporate Tribal Issues into the Draft Regional Plan

- Collaborate on drafting Tribal Consultation Chapter and other tribal elements in the draft Regional Plan.
- Incorporate strategic actions identified at the Summit.

8. Collaborate on outreach for Draft Regional Plan

- The SCTCA will support outreach to all tribal nations to collect input/comments on the draft 2019 Regional Plan from their tribal communities.

Approved:

June 20, 2017: Southern California Tribal Chairmen’s Association Board meeting
 July 28, 2017: Incorporated into the Public Involvement Plan for the Regional Plan

| San Diego Forward: The 2019–2050 Regional Plan – Tribal Collaborative Strategic Objectives by Policy Area | |
|--|--|
| Strategic Area | Objective |
| Government-to-Government | <ul style="list-style-type: none"> • Share legislative agendas and explore opportunities to collaborate on legislation of mutual interest that benefits the region |
| Transportation | <ul style="list-style-type: none"> • Coordinate the incorporation of existing Tribal Long-Range Transportation Plans in San Diego Forward: The 2019-2050 Regional Plan (2019 Regional Plan) • Implement the Intraregional Tribal Transportation Strategy through the Interagency Technical Working Group on Tribal Transportation Issues |
| Cultural Resources | <ul style="list-style-type: none"> • Collaborate on a way to provide information regarding the location of culturally significant resources without compromising the preservation of the resource • Explore ways to collaborate in communicating information to local jurisdictions regarding legal requirements of tribal consultation such as Senate Bill 18 (Burton, 2004) and Assembly Bill 52 (Gatto, 2014) (AB 52) • Develop methodological template Programmatic Agreement or Memorandum of Understanding for tribal consultation pursuant to AB 52 for the 2019 Regional Plan that will be applied to projects as they come through the Regional Transportation Improvement Program |
| Habitat Conservation | <ul style="list-style-type: none"> • Support the protection of habitat from a cultural perspective as well as environmental perspective • Explore opportunities to engage tribal nations in regional habitat conservation efforts • Use SANDAG working groups as regional forums to bring tribes, local jurisdictions, resource agencies, and environmental stakeholders together for better collaboration and coordination |
| Energy | <ul style="list-style-type: none"> • Explore opportunities to engage tribal nations in regional energy planning coordination |
| Public Safety/ Emergency Preparedness | <ul style="list-style-type: none"> • Provide educational opportunities for local and state elected officials and emergency responders on Public Law 280 • Continue exploring opportunities for coordination and collaboration between the Inter Tribal Long Term Recovery Foundation and other established emergency management organizations, based upon mutually-agreed priorities • Identify ways to craft policy and agreements concerning mutual aid opportunities in accordance with tribal public safety laws • Expand efforts to plan, evaluate, and test joint exercises for emergency preparedness |
| Economic Development | <ul style="list-style-type: none"> • Seek funding and partnerships to develop economic impact analysis of tribal enterprises for the regional economy |



June 28, 2019

Tribal Transportation Strategy Update and Discussion

Overview

A near-term action from the 2015 Regional Plan was to develop an Intraregional Tribal Transportation Strategy (Strategy) with the tribal nations and other agencies that influence tribal transportation in the San Diego region. In 2015, SANDAG, in partnership with the Southern California Tribal Chairmen’s Association (SCTCA), successfully competed for a Caltrans Strategic Partnership Planning grant to support this effort. The funding allowed SANDAG and the SCTCA to work together with the County of San Diego, the North County Transit District, the Metropolitan Transit System, Caltrans, and the Bureau of Indian Affairs to develop a strategy that identifies key multimodal transportation projects that will improve tribal mobility while meeting regional, state, and federal goals. The recently completed strategy included identifying projects, criteria, cost estimates, potential partners, and funding opportunities.

Action: **Discussion**

Panelists from Caltrans District 11, the County of San Diego, and SANDAG will discuss opportunities for moving forward in collaboration with tribal nations.

Fiscal Impact:

None.

Schedule/Scope Impact:

None.

Key Considerations

The Intraregional Tribal Transportation Strategy project brought together the region’s tribal nations to work collectively with the key agencies including Caltrans, the County of San Diego, SANDAG, and various transit agencies to develop this Strategy, which will serve as a guide to help the region better address the transportation needs of tribal communities. Attachment 1 provides a more detailed description of the Strategy project.

The Strategy identified four key strategic objectives to guide future processes aimed at addressing these needs:

- Support partnerships/collaboration
- Coordinate collaborative planning
- Share data supporting tribal transportation
- Create opportunities to fund priority tribal transportation projects and programs

The strategic objectives and associated actions described in the Strategy provide a structure to continue the process of collaboration focusing on tribal multimodal access to the transportation system and create a logical framework for near-term and future efforts. These strategic objectives and actions are intended to be flexible enough to allow the Interagency Technical Working Group on Tribal Transportation Issues to define how to implement each one. The Strategy document provides short-term and ongoing actions for the Working Group to consider in identifying next steps in the planning process.

Next Steps

Panelists from Caltrans District 11, the County of San Diego, and SANDAG will discuss opportunities for moving forward in collaboration with tribal nations.

Charles “Muggs” Stoll, Director of Land Use and Transportation Planning

Key Staff Contact: Jane Clough, (619) 699-1909, jane.clough@sandag.org

- Attachments:
1. Collaborative Policy Area: Tribal Transportation
 - a. San Diego Forward: The 2021 Regional Plan – Regional Tribal Transportation Collaboration Accomplishments, Summary 2006–2019
 2. Tribal Transportation Strategy Maps
 - a. Tribal Transportation Strategy Map – North
 - b. Tribal Transportation Strategy Map – South

COLLABORATIVE POLICY AREA: TRIBAL TRANSPORTATION¹

During the last ten years, the principal area of consultation and collaboration with tribal nations at the regional level has been in tribal transportation. For each update of the Regional Transportation Plan since 2007, issues of mutual concern and priority actions have been revisited, analyzed for progress, and re-prioritized. There are four primary transportation-related policy areas that were considered in the 2015 Regional Plan as a result of the consultation process with tribal governments: roadway infrastructure, funding, transit, and information sharing/data gathering. Through the Tribal Liaison Program, SANDAG dedicates significant resources to ensuring that tribal issues are considered in its plans, programs, and projects.² Since the 2006 Tribal Summit, efforts have been made in all of the transportation strategic areas identified. Attachment 1A provides a summary table of those transportation strategic accomplishments.

Intraregional Tribal Transportation Strategy

The 2015 Regional Plan focuses transportation investments in the most urbanized areas, where there is existing and planned transportation infrastructure. At the same time, the transportation system must support the needs of federally recognized tribal nations whose reservations are in the sparsely populated eastern rural areas of the region. To most effectively identify and serve the transportation needs of the tribal communities, the 17 tribal nations in the region sought an opportunity to evaluate their mobility issues collectively in a regional context and determine collective priorities for further analysis.

A near-term action from the 2015 Regional Plan was to develop an [Intraregional Tribal Transportation Strategy \(Strategy\)](#)³ with the tribal nations and other agencies that influence tribal transportation in the San Diego region. In 2015, SANDAG, in partnership with the SCTCA, successfully competed for a Caltrans Strategic Partnership Planning grant to support this effort. The funding allowed SANDAG and the SCTCA to work together with the County of San Diego, the North County Transit District, the Metropolitan Transit System, Caltrans, and the BIA to develop a strategy that identifies key multimodal transportation projects that will improve tribal mobility while meeting regional, state, and federal goals. The recently completed strategy included identifying projects, criteria, cost estimates, potential partners, and funding opportunities.

Development of the [Strategy](#)⁴ was initiated in January 2016. The Tribal Transportation Working Group (Working Group) served as the Project Advisory Group. Updates at key milestones in development were shared with the SCTCA Board and the SANDAG Transportation and Borders Committees. A Project Development Team composed of staff from SANDAG, SCTCA, County of San Diego, Caltrans, and a representative from the Working Group led the project with consultant assistance. All 17 tribal nations in the San Diego region participated actively in the project.

¹ SANDAG. Excerpt from Policy Discussion Paper Tribal Sovereign Nations in a Regional Landscape, p. 12-16. April 2018. sandag.org/uploads/projectid/projectid_551_25166.pdf

² In 2005, Caltrans and SANDAG conducted an initial Tribal Transportation Needs Assessment to determine the overall status of tribal transportation planning and needs. For more information on this assessment, visit sandag.org/TribalTransportationAssessment

³ For more information on the Intraregional Tribal Transportation Strategy (ITTS), visit sandag.org/ITTS

⁴ For more information on the Intraregional Tribal Transportation Strategy (ITTS), visit sandag.org/ITTS

Tribal corridors

The 2015 Regional Plan developed a multimodal plan of improvements for the San Diego County region. Roadways included in the plan are shown in Attachment 2A – ITTS North Project Map and Attachment 2B – ITTS South Project Map.

Many of the roadways in the Regional Plan are focused in urbanized areas because of congestion concerns and because population is denser in these areas. However, tribal reservations are located in rural areas of the county, and transportation needs focus on issues such as safety, road maintenance, expansion of multimodal facilities, and design issues rather than capacity expansions. For the purpose of examining long-range transportation issues of the tribal nations, key transportation corridors were identified that provide transportation into and out of the reservations and include:

- State Route 76, which generally runs east–west in the northern area of the county.
- State Route 79, which generally runs north–south in the eastern half of the county.
- Interstate 8 (I-8), which runs east–west in the southern area of the county and is subdivided into the I-8 east and I-8 west corridors. It should be noted that SR 67 projects have been included as part of the I-8 west corridor.
- State Route 94, which generally runs east–west in the southern area of the county.

The [Strategy](#)⁵ report describes these corridors and tribal transportation issues in these areas in more detail.

Tribal transportation issues

Tribal nations have unique transportation concerns. Many tribes, located in rural areas with a small population base, lack funding resources to maintain existing roads and address new improvements. In some cases, tribal roads are not built to the same standards as surrounding jurisdictions, which can cause transportation safety issues.

Tribal communities need improvements to roads, bridges, and highways to adequately connect their communities to other communities, thereby enhancing the opportunity for economic, social, cultural, and community developments. They also need better transit to and from their communities to take advantage of job and education opportunities in surrounding communities. As new economic and community development ventures expand in tribal communities, transportation is becoming a major planning component for land use, mobility, and accessibility.

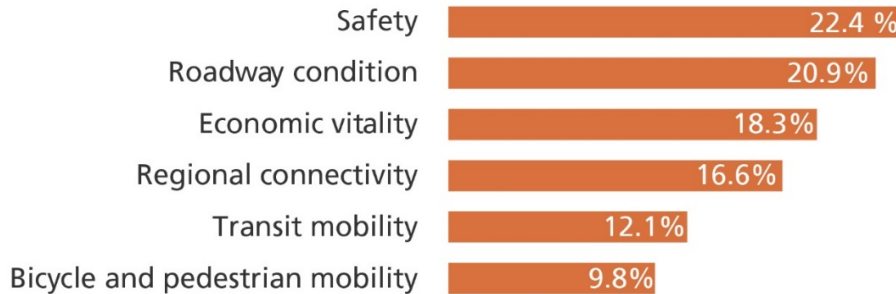
As detailed in the Caltrans Transportation Guide for Native Americans (March 2017), the current level of annual funding to California tribes from the TTP, the successor to the IRR Program, are distributed to tribes via a complex TTP funding formula, which takes only factors such as land base, road inventory, and population into account. Because California tribes are smaller in enrolled population and land base than many tribes, California tribes have not received a proportion of TTP funds commensurate with their number of tribal governments, causing critical infrastructure to deteriorate.

During the course of developing the Strategy, tribal representatives discussed possible goals/issues in transportation and then were surveyed on their relative importance. The most important goal was improving safety, followed closely by improving roadway conditions, enhancing economic vitality, and improving

⁵ For more information on the Intra-regional Tribal Transportation Strategy (ITTS), visit sandag.org/ITTS

regional connectivity. Important considerations for transportation improvements, as indicated by tribal representatives in the San Diego region, are shown in Figure 3.

Figure 3 – Relative importance of goal areas for transportation improvements



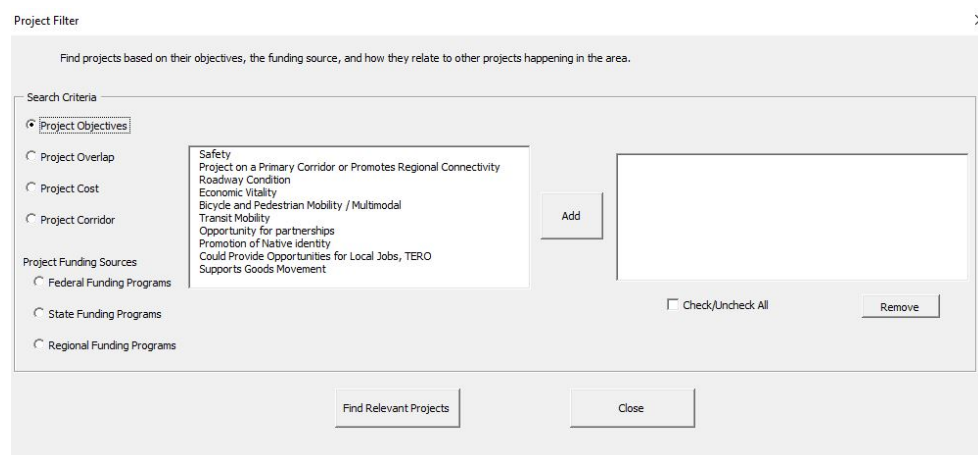
Source: Tribal Mobility Needs Assessment Survey 2017

Tribal Mobility Needs Assessment Survey

A key component of the development of the Strategy was the development and administration of the Tribal Mobility Needs Assessment Survey. One-on-one meetings were conducted with tribal representatives over several months to discuss the survey questions and responses. The survey was tailored to each tribal nation by including a list and maps of transportation projects that had previously received consideration. Through their survey responses, tribes provided essential project details, feedback on transportation modes and priorities most important to their governments, and information regarding cultural resource awareness considerations.

This survey was conducted to determine the specific transportation needs for each tribal community and then to use this information to identify opportunities for partnerships and further coordination on funding opportunities. Approximately 126 transportation improvement projects were identified through the survey process. Projects identified include roadway and intersection improvements; safety improvements; and travel demand management, transit, bicycle, and pedestrian improvements. In order to identify opportunities for potential coordination, projects were summarized by region, corridor, tribal nation, and project type. The inventory of projects was mapped and entered into a database with information such as the project description and planning level cost estimate, among other information. See the Intraregional Tribal Transportation Strategy for the project lists and the database for additional information.

Figure 4 – Project screening tool



An interactive tool was developed to facilitate the clustering of projects with potential regional partners and funding opportunities. The tool allows for easy sorting of the 126 identified projects, each with approximately 45 data fields including cost estimates, potential funding sources, and project readiness. With the screening tool, a user can easily enter a query to find projects that may align with potential funding opportunities, partnerships, or cost goals.

The ability to cluster and rapidly sort through projects will facilitate the organization of the Strategy. New funding opportunities and potential partnerships often emerge rapidly. With governments increasingly budget-conscious, competition for external dollars is increasingly high. The project screening tool allows users to quickly identify projects that could be eligible for these emerging opportunities and focus more time on the application process and less on the project identification. The tool will continue to be updated and utilized by the Working Group.

Strategies and actions

The Intraregional Tribal Transportation Strategy project brought together the region's tribal nations to work collectively with the key agencies including Caltrans, the County of San Diego, SANDAG, and the transit agencies to develop this Strategy, which will serve as a guide to help the region better address the transportation needs of tribal communities. The Strategy identified four key strategic objectives to guide future processes aimed at addressing these needs:

- support partnerships/collaboration
- coordinate collaborative planning
- share data supporting tribal transportation
- create opportunities to fund priority tribal transportation projects and programs

The strategic objectives and associated actions described in the Strategy provide a structure to continue the process of collaboration focusing on tribal multimodal access to the transportation system and create a logical framework for near-term and future efforts. These strategic objectives and actions are intended to be flexible enough to allow the Working Group to define how to implement each one. The Strategy document provides short-term and ongoing actions for the Working Group to consider in identifying next steps in the planning process.

**San Diego Forward: The 2021 Regional Plan
Regional Tribal Transportation Collaboration Accomplishments**

Summary 2006–2019

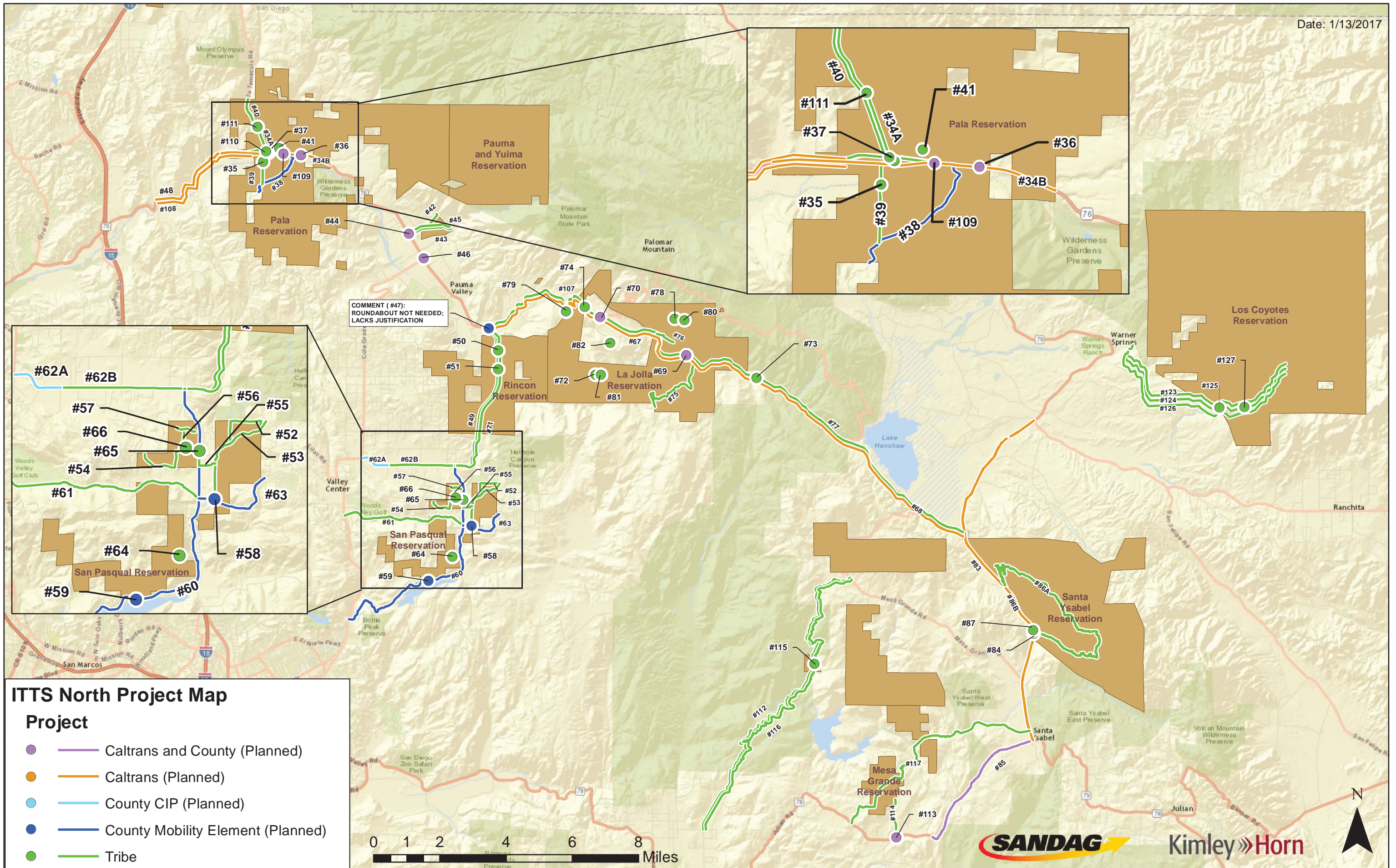
| Strategic Area | Action | Accomplishments |
|---|---|---|
| Government-to-Government Framework | Develop collaborative legislative agenda that benefits the region | Supported tribal efforts to pass Assembly Bill 52 (Gatto, 2016) |
| Transportation Infrastructure | Identify corridors critical to tribal reservations and coordinate the funding and implementation of relevant studies | Developed the Intraregional Tribal Transportation Strategy (2017) |
| | Identify critical regional arterials serving tribal nations which should be included in the Regional Transportation Plan (RTP) | Developed the Intraregional Tribal Transportation Strategy (2017) |
| | Coordinate the incorporation of existing Tribal Transportation Plans (TTPs) into the current RTP | 8 tribes submitted TTPs for 2050 RTP/Sustainable Communities Strategy (2011) 12 tribes submitted for the 2015 Regional Plan (2015) |
| Transit | Collaborate on the issue of reverse commuting for tribal enterprise employees and pursue funding opportunities | Collaborated on an assessment of the needs of tribal employees and developed a business/marketing plan for establishing a Tribal TMA (2009) |
| | Collaborate on the pursuit of funding opportunities to implement the recommendations from the Tribal Transit Feasibility Study | Assisted the Reservation Transportation Authority on development of proposal for the Federal Transit Administration Tribal Transit Program based on recommendations of the Tribal Transit Feasibility Study (2008) <ul style="list-style-type: none"> • Received \$2.1 million in operating funds (annual grants of approximately \$300,000-400,000) to enhance service of North County Transit District (NCTD) Route 388/389 • Received \$1.2 million capital improvement grant in FY 2009 under American Recovery and Reinvestment Act of 2009: <ul style="list-style-type: none"> ○ Constructed a bus stop at the Park & Ride at Interstate 15 (I-15) and State Route 76 (SR 76) ○ Enhancements to bus stops along bus routes 864, 888, 891, 892, and 894 |
| | Collaborate on the development of a Tribal Transportation Management Association for increased tribal participation in Transportation Demand Management (TDM) programs regionwide | Collaborated on a Tribal Transportation Demand Management Study with funding from Caltrans Environmental Justice Planning Grant to assess the needs of tribal employees and develop a business/marketing plan for establishing a Tribal Transportation Management Association (TTMA) (2009) |

| Strategic Area | Action | Accomplishments |
|--------------------------------------|--|--|
| <p>Transportation Funding</p> | <p>Create opportunities for pooling/leveraging transportation funding for mutually important projects</p> | <p>Collaborated on the update of tribal road inventories</p> <p>Many tribes increased their transportation funding from the IRR program (2007)</p> <p>IRR Program replaced by a new program called TTP:(2008)</p> <ul style="list-style-type: none"> • Funds from the Highway Account Trust Fund are allocated among the Tribes using a new statutory formula <p>Received a grant from the Centers for Disease Control and Prevention Communities Putting Prevention to Work, also known as a “Healthy Communities” grant (2010)</p> <ul style="list-style-type: none"> • La Jolla received \$70,000 to develop a walkability study • Campo received \$10,000 to design a community park <p>Received a grant from the Highway Safety Improvement Program (Cycle 9; 2018)</p> <ul style="list-style-type: none"> • Barona received \$248,706 to make intersection and sidewalk improvements • San Pasqual received \$351,200 to upgrade existing guardrails • Viejas received \$73,900 to make roadway improvements |
| | <p>Collaborate and advocate for new transportation funding in the region, including active transportation, transit and TDM</p> | <p>Implementation of tribal gaming mitigation agreements:</p> <p>Pala Band of Mission Indians (2008)</p> <ul style="list-style-type: none"> • TDM program supported by SANDAG • Park & Ride facility at the I-15/SR 76 junction • Support for an NCTD bus stop <p>Pauma Band of Luiseño Indians (2008)</p> <ul style="list-style-type: none"> • Fair share contributions for operational improvements on SR 76 East • Commitment to a specific goal of having 20 percent of their employees participate in carpools, vanpools, or other rideshare programs <p>Sycuan Band of the Kumeyaay Nation (2012)</p> <ul style="list-style-type: none"> • Traffic improvements related to the Fee to Trust application¹ <p>La Jolla Band of Luiseño Indians (2016)</p> |

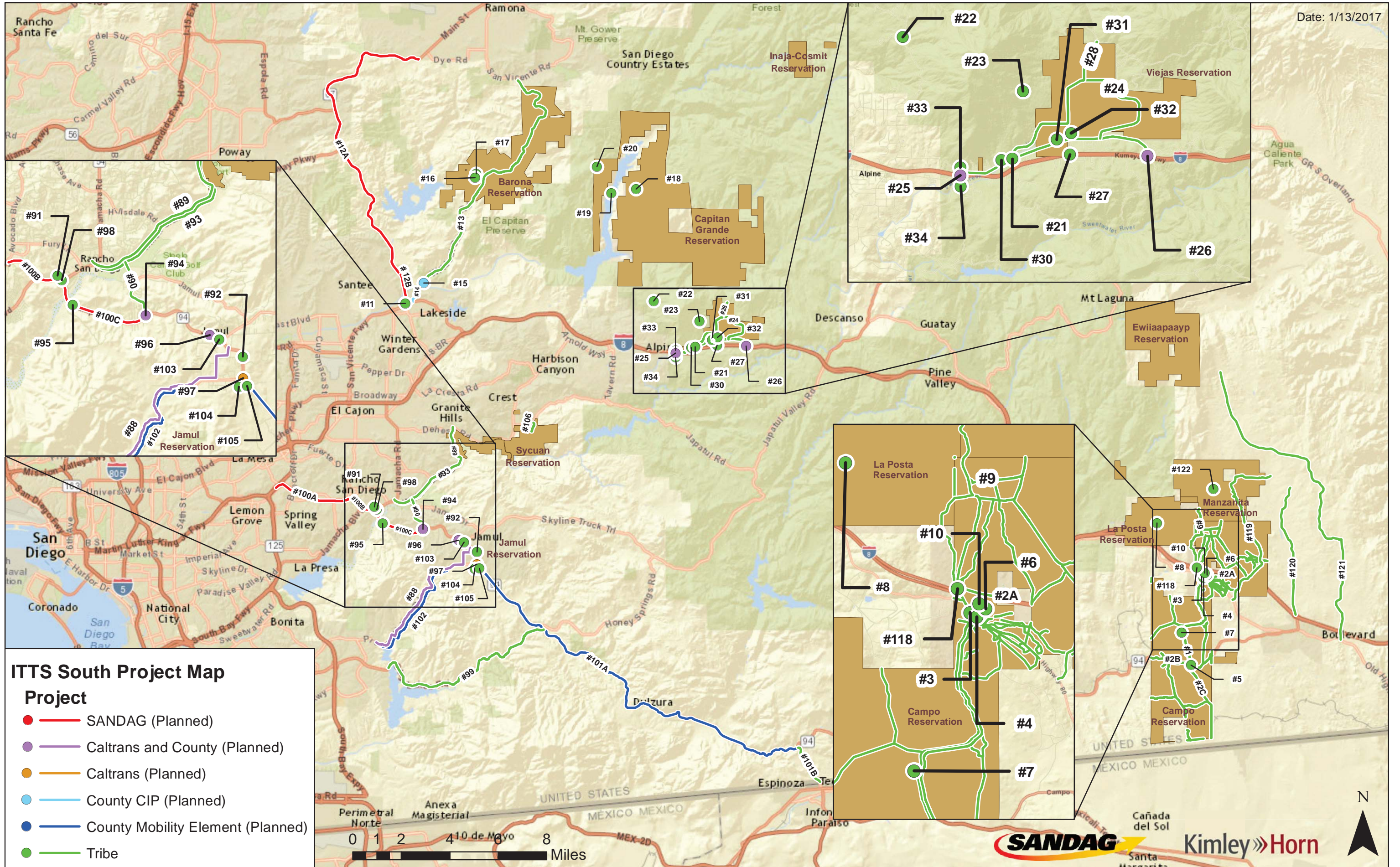
¹ The process by which a tribe petitions the Department of the Interior to absorb County land owned by the tribe to be converted to reservation land held in trust thereby expanding the reservation.

| Strategic Area | Action | Accomplishments |
|----------------|---|---|
| | | <ul style="list-style-type: none"> • Successfully competed for statewide Active Transportation grant for the reservation – \$4.1 million Jamul Indian Village of California (FY 2019-2020) • Awarded \$225,000 for a tribal transportation climate change adaptation project as part of the Caltrans Planning Grants Sustainable Communities Program Pala Band of Mission Indians (FY 2019-2020) • Awarded \$330,833 to conduct a SR-94 multi-use path feasibility study as part of the Caltrans Planning Grants Adaptation Planning Program |
| | Identify mechanisms for providing ongoing funding for new or additional transportation programs, including transit services and TDM | Developed the Intraregional Tribal Transportation Strategy (2017) |

| Strategic Area | Action | Accomplishments |
|--|--|--|
| Information Sharing/ Technical Assistance | Agencies will provide ongoing training to tribal governments on funding processes, transportation, and regional planning | Worked closely with the Tribal Transportation Assistance Program (TTAP) managed by National Indian Justice Center (NIJC): <ul style="list-style-type: none"> • NIJC invited to speak on a number of occasions at Working Group meetings |
| | Provide information on technical support for planning and data analysis services to tribal governments parallel to member agencies | <ul style="list-style-type: none"> • SANDAG makes technical support available to tribal governments for planning and data analysis services • Served as pass through agency for statewide project led by NIJC • Created the Tribal Road Safety Audit Education Program that supports the Western Regional TTAP (2016): <ul style="list-style-type: none"> ○ Caltrans Environmental Justice Grant for \$189,000 to develop an online training program ○ Production of a video, online course, and support materials |



COMMENT (#47):
 ROUNDABOUT NOT NEEDED;
 LACKS JUSTIFICATION





June 28, 2019

San Diego Forward: The 2021 Regional Plan: Policy Areas of Opportunity and Collaboration

Overview

As San Diego Forward: The 2021 Regional Plan (2021 Regional Plan) is comprehensive, involving policy issues beyond transportation, tribal nations and SANDAG have an opportunity to identify other policy areas of mutual concern in which strategies for collaboration can be developed and included.

Through several iterations of the Regional Plan, tribal nations identified several policy areas in which the tribes and SANDAG intersect in interest and potential collaboration. Initially, these were Cultural Resources, Habitat Conservation, Economic Development, and Energy. During the last cycle of the Regional Plan update, two additional areas emerged – Emergency Preparedness and Management, as well as Public Safety.

Action: Discussion

A review of collaborative policy areas for inclusion in San Diego Forward: The 2021 Regional Plan will be provided, including an update on progress made toward the development of procedural guidelines on tribal cultural resources to assist in compliance with Assembly Bill 52 (Gatto, 2016).

Fiscal Impact:

None.

Schedule/Scope Impact:

None.

Key Considerations

Based on direction provided by both the Southern California Tribal Chairmen’s Association (SCTCA) and SANDAG, staff have been collaborating on and implementing several strategic objectives. Attachment 1 provides a status on actions taken. Staff will report out, highlighting several areas where there are opportunities for early action.

Attachment 2 provides a brief description of the issues of mutual concern raised in these policy areas. For more detail, including the legislative context of the policy area as well as the background, tribal initiatives, and potential collaborative strategies, see the [2018 Tribal Policy Paper](#) (beginning p. 17) prepared for the 2018 San Diego Regional Tribal Summit.

Next Steps

The collaborative strategic objectives will be included in the 2021 Regional Plan. The Borders Committee provided direction in recent months on pursuing several early actions that require existing institutional resources. There are others, however, that will require additional resources that can be pursued together through grants. SCTCA and SANDAG staff will continue to pursue those tribal collaborative strategic objectives highlighted and report back to both agencies periodically.

Charles “Muggs” Stoll, Director of Land Use and Transportation Planning

Key Staff Contact: Jane Clough, (619) 699-1909, jane.clough@sandag.org

- Attachments:
1. Update Matrix – Tribal Collaborative Strategies for the 2021 Regional Plan
 2. Tribal Policy Areas – Background Information

Tribal Collaborative Strategies for the 2019–2050 Regional Plan

Update report from SCTCA

| Topic | Action Item | Current Action by SCTCA | Proposed Action |
|---------------------------------|--|---|---|
| Government-to-Government | Share legislative agendas and explore opportunities to collaborate on legislation of mutual interest that benefits the region | Initial symposium scheduled for June 28 Borders Committee meeting | Developing framework for higher frequency, smaller, topic specific meetings. Discuss with new Director |
| Transportation | Coordinate the incorporation of existing Tribal Long-Range Transportation Plans in San Diego Forward: The 2021–2050 Regional Plan (2021 Regional Plan) | Interagency Technical Working Group on Tribal Transportation Issues | Continue with present efforts |
| | Implement the Intraregional Tribal Transportation Strategy through the Interagency Technical Working Group on Tribal Transportation Issues | Interagency Technical Working Group on Tribal Transportation Issues | Continue with present efforts |
| Cultural Resources | Collaborate on a way to provide information regarding the location of culturally significant resources without compromising the preservation of the resource. | None | Initial meetings with tribes had mixed reviews. When tried in the past developers assumed any unmapped sites were open for development. Need further discussion |
| | Explore ways to collaborate in communicating information to local jurisdictions regarding legal requirements of tribal consultation such as Senate Bill 18/ Assembly Bill 52 (AB 52) | Working with SANDAG and tribal cultural groups to structure training program for local jurisdictions. Outline of general guidelines for RTIP in discussion with cultural groups | Present outline of training program to March 2019 SCTCA Board Meeting |

| Topic | Action Item | Current Action by SCTCA | Proposed Action |
|-----------------------------|--|---|--|
| | Develop methodological template Programmatic Agreement or Memorandum of Understanding for tribal consultation pursuant to AB 52 for the 2021 Regional Plan that will be applied to projects as they come through the Regional Transportation Improvement Program | | Integrate with the development of the training program |
| Habitat Conservation | Support the protection of habitat from a cultural perspective as well as environmental perspective | In-work | Develop a proposal to analyze existing CEQA process & State Standards to determine potential courses of action. Estimate of budget and qualifications of contractor presented to SCTCA Board |
| | Explore opportunities to engage tribal nations in regional habitat conservation efforts | Initial meeting attended. Mitigation working group is looking for wetland banking opportunities. There may be an opportunity for tribal participation in this program. Tribal program staff expressed interest in working with the seed banking program. Contacts were supplied | Continue working with the EMWG and Tribal Environmental Officers to identify potential participants and collaborations, update SCTCA Board on progress |
| | Use SANDAG working groups as regional forum to bring tribes, local jurisdictions, resource agencies, and environmental stakeholders together for better collaboration and coordination | See Policy Section | |

| Topic | Action Item | Current Action by SCTCA | Proposed Action |
|----------------------|--|--|--|
| Energy | Explore opportunities to engage tribal nations in regional energy planning coordination | Attended work group meeting. Met with CSE Director and discussed EV chargers. Discussed with Env. Program staff. Some staff were interested in participating in work group | Continue attending Energy Working Group and request membership if desired by the SCTCA Board |
| | Provide educational opportunities for local and state elected officials and emergency responders on Public Law 280 | In-work | Contact National Indian Justice Center and get an estimate on the costs per training session. |
| Public Safety | Continue exploring opportunities for coordination and collaboration between the Inter Tribal Long Term Recovery Foundation and other established emergency management organizations, based upon mutually-agreed priorities. Potential membership in Unified Disaster Council | In-work | Attended initial Public Safety Committee meeting. Need to meet with the ITLTRF, nothing scheduled yet |
| | Identify ways to craft policy and agreements concerning mutual aid opportunities in accordance with tribal public safety laws | None | Contact individual tribes and put together a listing of existing mutual aids. Present to SCTCA along with suggestions on how to support such efforts |
| | Expand efforts to plan, evaluate, and test joint exercises for emergency preparedness | None | Include in the task above |
| Economy | Seek funding and partnerships to develop economic impact analysis of tribal enterprises for the regional economy | In-work | Work with SANDAG economist to develop proposal. Not scheduled yet |

Tribal Policy Areas – Background Information¹

As the Regional Plan is comprehensive, involving policy issues beyond transportation, tribal nations and SANDAG have an opportunity to identify other policy areas of mutual concern in which strategies for collaboration could be developed.

In the development of the 2015 Regional Plan, tribal nations identified several policy areas in which the tribes and SANDAG intersect in interest and potential collaboration. The four topics were Cultural Resources, Habitat Conservation, Economic Development, and Energy. During the last cycle of the Regional Plan update, two additional areas emerged: Emergency Preparedness and Management and Public Safety. The following are brief descriptions of the issues of mutual concern raised in these policy areas. For more detail including the legislative context of the policy area, as well as the background, tribal initiatives, and potential collaborative strategies, see the [2018 Tribal Policy Paper](#) (p. 17) prepared for the 2018 San Diego Regional Tribal Summit.

Cultural Resources

Although the National Environmental Protection Act and California Environmental Quality Act have consultation requirements, tribal nations have reported that the consultation on specific projects often comes too late into the process, when decisions have already been made or development is underway. In addition, tribes have reported that consultation does not necessarily result in the avoidance of impacts to culturally significant or sacred land. On the other hand, agencies carrying out projects have followed procedures outlined in Senate Bill 18 (Burton, 2004) (SB 18) and have sometimes found tribes nonresponsive. There have been occasions when tribes contact the agency much later in the process even though they were contacted in the specified timeframe.

Habitat Conservation

Tribes are invested in environmental and habitat conservation, but they are often not included in planning efforts. Tribal concerns, values, and impacts are not broadly known. While most conservation planning is done from a species and biological perspective, tribal conservation planning comes from a cultural perspective. Certain plants and animals have great cultural significance to local tribes, but do not necessarily fit the definition of an endangered species.

Positive actions toward inclusion of tribal conservation values have occurred as a result of SB 18, which requires local jurisdictions to consult with tribes when amending their general plans. The challenge for tribes is that consultation is an unfunded mandate. Small, non-gaming tribes often cannot afford to spend limited resources and staff time on a consultation process.

Economic Development

Economic development beyond gaming is subject to many constraints. The issues of remote locations and lack of access to capital and infrastructure are compounded by the limited ability to fully utilize the tax base of reservation lands. Property, sales, possessory interest, and income taxes from businesses on reservation lands are diverted from the reservation economy with little or no consideration for government services provided by the tribal nation, which has put many aspects of tribal economies at a competitive disadvantage when pursuing economic development outside of the gaming industry.

¹ SANDAG. Excerpt from Policy Discussion Paper “Tribal Sovereign Nations in a Regional Landscape”, p. 17–28. April 2018. sandag.org/uploads/projectid/projectid_551_25166.pdf

Each local tribe has its own plan for economic development and diversification. There are many markets being explored, such as renewable energy, ecotourism, waste management, recreational facilities, and more for essentially state-run enterprises. Some tribes choose to run their own businesses, while others select contractors to operate their enterprises. Some tribal business ventures have been off-reservation, such as purchases of small businesses, historic buildings, golf courses, and land. There are some cases wherein tribes can support local jurisdictions through a contracting process, such as fire protection.

Energy

Southern California tribes continue to explore the potential for energy development on their lands. Tribes have been working at the state and federal levels to promote renewable energy opportunities for reservations. The federal government has sought to streamline the review process for energy development through Tribal Energy Resource Agreements under the Energy Self-Determination Act of 2005; this was enhanced by the HEARTH Act of 2012. With the passage of the federal Energy Self-Determination Act, tribal nations can develop energy plans without waiting for the approval of the Secretary of the Interior. During the past few years, SANDAG has updated the Regional Energy Strategy and prepared a Climate Action Strategy for the San Diego region. A topic for discussion is how tribal nations and SANDAG could work together to address energy reliability and independence and the development of clean, alternative, and reliable energy resources.

Emergency Preparedness

Disasters know no boundaries, and the regional risks of catastrophic wildfire, earthquakes, and severe weather are shared. Mutual aid agreements have been a part of the Reservation Fire Departments since their inception. The ability to cross political boundaries to attack a fire early has been key to preservation of life and property for many years. These early agreements have been built on in recent years to include Joint Powers Agencies. Tribes and tribal emergency service personnel have been very active in coordinating efforts amongst each other and with local, state, federal, and private-sector partners.

Tribes have a strong record of coordinating, sharing, and leveraging resources for emergency services, but there is an uneven level of cooperation and missed opportunities to jointly plan, mitigate, and prepare more effectively for a truly unified regional response to emergency situations.

Public Safety

Public safety is a primary concern on all reservations. As the reservations begin developing their economies, increasing populations of residents and visitors bring corresponding increases in crimes against people and property. Prior to the 1950s, law enforcement was primarily under the authority of the federal government. In many tribal communities, local public safety was enforced through tribal leaders under tribal traditions. With the passage of Public Law 83–280 (PL 280) in 1953, a tremendous shift occurred in the legal authority between tribal, federal, and some state governments, including California.

At the regional level, the SANDAG Applied Research Division, in conjunction with the Automated Regional Justice Information System (ARJIS), created the Criminal Justice Clearinghouse, which provides timely, accurate, and objective information so that policymakers can make informed decisions about resource allocation to prevent, reduce, and control crime. ARJIS is an essential source of regional information on public safety, health, substance abuse, crime and arrest, and crime-prevention strategies. In recent years, Sycuan became the first tribal nation to join ARJIS.