Appendix G

Tribal Consultation Process for San Diego Forward: The 2019 Federal Regional Transportation Plan: Communication, Cooperation, and Coordination

Appendix Contents
Introduction
Setting the Stage
A Regional Government-to-Government Framework
Collaborative Policy Area: Tribal Transportation
Collaborative Emerging Regional Policy Areas
Legislative Context
2018 San Diego Regional Tribal Summit
Consultation for the 2019 Federal Regional Transportation Plan
Attachments:
1. Tribal Transportation Working Group (TWG) Revised Charter
2. Tribal TWG Membership Roster
3. Regional Tribal Transportation Accomplishments
4. A. Northern Tribal Corridor Map
   B. Southern Tribal Corridor Map
Tribal Consultation Process for San Diego Forward: The 2019 Federal Regional Transportation Plan: Communication, Cooperation, and Coordination

Introduction
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 181 federally recognized tribal governments with jurisdiction over 19 reservations – the most in any county in the United States.

Figure G.1
Tribal Lands in the San Diego Region

Federal legislation requires that federally recognized tribal governments be consulted in the development of Regional Transportation Plans (RTP) and programs (23 CFR 450.316). In particular, the current federal transportation authorization, the Fixing America’s Surface Transportation (FAST) Act, emphasizes the importance of tribal government participation. It directs public agencies to incorporate tribal consultation into their plans and programs in a timely and meaningful manner.

At the state level, Governor Edmund G. Brown Jr.’s administration emphasized the importance of tribal–state relations through the creation of the Office of the Tribal Advisor (Executive Order B-10-11) in 2010. The Tribal Advisor’s charge is to serve as a direct link between the tribes in California and the Governor, facilitate communication and
consultations between tribes and state agencies, and review and provide recommendations on state legislation and regulations affecting tribes.

At the regional level, the manner of consultation is left to the Metropolitan Planning Organizations (MPOs) and the tribal governments. For more than ten years, the San Diego Association of Governments (SANDAG), as the MPO 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. Each regional planning cycle integrates collaborative strategies and actions.

This appendix documents the collaborative effort undertaken to consult with tribes on regional transportation planning issues including the development of San Diego Forward: The 2019 Federal Regional Transportation Plan (2019 Federal RTP) and highlights issues of tribal concern.

**San Diego Forward: The 2019 Federal Regional Transportation Plan**

The 2019 Federal RTP, led by SANDAG, combines an overall vision for the region’s future with a plan for implementing that vision and turning it into a reality. As the San Diego region’s MPO, SANDAG is responsible for developing an RTP every four years. Each cycle of the RTP is an iterative planning process in which the region’s long-term transportation goals and project priorities are revisited and discussed through a public involvement process among diverse stakeholders. The previous RTP was incorporated into San Diego Forward: The Regional Plan (2015 Regional Plan) and its Sustainable Communities Strategy (SCS) and was approved by the SANDAG Board of Directors in October 2015.

As sovereign nations within the boundaries of the San Diego region, it is important that the region’s tribes have a voice in shaping the 2019 Federal RTP. The objectives for the 2019 Federal RTP with regard to tribal nations and regional transportation planning 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 regional tribal transportation across 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

SANDAG and the Southern California Tribal Chairmen’s Association (SCTCA) developed a Tribal Consultation Plan for the 2019 Regional Plan during fall 2017. The Tribal Consultation Plan was approved by the SCTCA Board in June 2017 and by the SANDAG Board of Directors in July 2017.

The Tribal Consultation Plan included:

- **An informational workshop** – A workshop for tribal leaders regarding the role of SANDAG in regional and transportation planning (spring 2017).
- **Convene leadership meetings between the SCTCA and SANDAG** – Engaged the tribal leaders in a smaller setting to enable the leadership to get to know each other prior to the Summit in April 2018. Facilitated opportunities for meaningful dialogue to inform regional transportation planning as well as other regional issues such as transportation funding strategies (June and October 2017).
• Policy listening sessions – Organized sessions with issue area experts supported by SANDAG and SCTCA staff focused on the other regional policy issues identified during previous cycles of the regional transportation plan to elicit ideas for potential collaborative strategies (February and March 2018).

• Interagency Technical Working Group on Tribal Transportation Issues (Working Group) – The Working Group provided input for the development of transportation aspects of the regional transportation plan and informs the SCTCA (ongoing; quarterly meetings).

• Policy Discussion Paper – Based on the input provided, SCTCA and SANDAG staff prepared a Policy Discussion Paper to serve as a basis for informed dialogue between the tribal nations and SANDAG.

• 2018 San Diego Regional Tribal Summit – Convened the 2018 San Diego Regional Tribal Summit between SANDAG and SCTCA Boards on April 13, 2018, to facilitate timely and meaningful input in the process of developing the regional transportation plan. Key policy issues were discussed for consideration in the regional transportation plan and a draft collaborative agenda was developed.

• Incorporate tribal issues into the 2019 Federal RTP – Collaborated on drafting the Tribal Consultation Appendix and other tribal elements in the 2019 Federal RTP. Incorporated strategic actions identified at the Summit.

Setting the Stage
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. Past efforts by tribal governments to reach out to local governments often were not well received, however, 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 required to negotiate mitigation agreements with the adjacent local land use authorities. Still, what has not been clearly delineated by either the state or federal government is an effective 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. Historically, the tribal members of today’s bands represent four Indian cultural/linguistic groups who have populated this 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.
In the years immediately preceding California’s statehood, 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 that the treaties had not been fully executed. 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. Most of the current tribal reservations were established by the end of the 19th century; however, several other reservations were established well into the 20th century. Today, these four ethnic groups are distributed across 18 reservations and are represented by 17 federally recognized tribal governments, as shown in Table G.1.

As domestic sovereign nations, tribes are subject to federal regulations, but are not subject to local or state regulations absent Congressional delegation. From a governance perspective, tribal governments are considered a separate category of government from 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. 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 G.1
American Indian Reservations and Federally Recognized Tribal Governments in the San Diego Region

<table>
<thead>
<tr>
<th>Reservation Name</th>
<th>Tribal Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barona*</td>
<td>Barona Band of Mission Indians</td>
</tr>
<tr>
<td>Campo*</td>
<td>Campo Band of Mission Indians of the Kumeyaay Nation</td>
</tr>
<tr>
<td>Capitan Grande</td>
<td>Joint Power Authority between Barona and Viejas</td>
</tr>
<tr>
<td>Ewiaapaayp</td>
<td>Ewiaapaayp Band of Kumeyaay Indians</td>
</tr>
<tr>
<td>Inaja and Cosmit</td>
<td>Inaja Cosmit Band of Diegueño Mission Indians</td>
</tr>
<tr>
<td>Jamul Indian Village*</td>
<td>Jamul Indian Village of California</td>
</tr>
<tr>
<td>La Jolla*</td>
<td>La Jolla Band of Luiseño Indians</td>
</tr>
<tr>
<td>La Posta**</td>
<td>La Posta Band of the Kumeyaay Nation</td>
</tr>
<tr>
<td>Los Coyotes</td>
<td>Los Coyotes Band of Cahuilla/Cupeño Indians</td>
</tr>
<tr>
<td>Manzanita</td>
<td>Manzanita Band of Diegueño Mission Indians</td>
</tr>
<tr>
<td>Mesa Grande</td>
<td>Mesa Grande Band of Diegueño Mission Indians</td>
</tr>
<tr>
<td>Pala*</td>
<td>Pala Band of Mission Indians</td>
</tr>
<tr>
<td>Pauma and Yuima*</td>
<td>Pauma Band of Luiseño Indians</td>
</tr>
<tr>
<td>Rincon*</td>
<td>Rincon Band of Luiseño Indians</td>
</tr>
<tr>
<td>San Pasqual*</td>
<td>San Pasqual Band of Diegueno Mission Indians</td>
</tr>
<tr>
<td>Santa Ysabel**</td>
<td>Iipay Nation of Santa Ysabel</td>
</tr>
<tr>
<td>Sycuan*</td>
<td>Sycuan Band of the Kumeyaay Nation</td>
</tr>
<tr>
<td>Viejas*</td>
<td>Viejas Band of the Kumeyaay Indians</td>
</tr>
</tbody>
</table>

Source: SANDAG; Bureau of Indian Affairs
*tribe with gaming facility
**tribe that has closed gaming facility

Current Conditions
Several planning issues are relevant to these reservations, all of which are located in remote areas outside of incorporated areas.9 Reservation locations range 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 reservations frequently 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, and commercial 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.10 The State claimed that Cabazon was violating state anti-gambling laws, while the tribe asserted its sovereign right to advance its economic interests. In 1987, the United States Supreme Court ruled in favor of Cabazon, prompting Congress to pass federal gaming legislation clarifying how gaming should be conducted nationwide and what role states should have in that activity.11
Several tribes in the San Diego region had bingo facilities prior to IGRA, but 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 ten tribal gaming facilities, which is the greatest number of Indian gaming facilities in any county in the United States (Table G.1).12

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.13 In the San Diego region, statistics show 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. Despite the scale of gaming related economic activity, tribal poverty levels remain above the national average, and some gaming tribes have enjoyed far greater success than others.

Gaming industry growth has been accompanied by increases in traffic, jobs–housing accessibility issues, and the need for additional resources such as water and energy.14 Those tribes who do not have gaming facilities continue to struggle with unmet economic development, transportation, and infrastructure needs.

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 purposes of regional planning, making effective coordination a continuing challenge.

**Tribal Transportation**

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

Based on its study, the County negotiated cooperative agreements with several tribes for “fair share” funding of traffic impact mitigation. Notwithstanding these agreements, the County estimated that 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 would deteriorate due to 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. Ten tribal gaming facilities are currently in operation. More accurate protocols could be developed for assessing traffic impacts through further government-to-government discussions with tribal governments.

In addition to concerns about the impacts of gaming industry growth on the regional transportation system, there are also concerns about the lack of tribal access to that same system. Located in the unincorporated portion of the county, tribal lands are largely isolated from the regional transportation system. Although all non-gaming tribes15 in San Diego County receive funding from gaming tribes through the Revenue Sharing Trust Fund (RSTF)16 to support the administration of their nations, their physical isolation—both in terms of infrastructure and transit services—is a significant limiting factor in their ability to: (1) improve the health and well-being of tribal members who reside on the
reservation, and (2) explore alternative sources for economic development. As more tribal members return to their homelands to live, this will continue to be a challenge 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 when it comes to 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 spans 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 2015 FAST Act retained that change. As a result, many of the San Diego region’s tribes lack the resources needed to plan for their mobility needs and to address the problem areas 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. This is the case even though many of the issues that impact tribal mobility and access to the regional transportation system are common to several tribes along transportation 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 mechanism 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.

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% 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 led to confusion and at times created tensions between the tribes and their neighbors. Another challenge is habitat conservation. Although habitat conservation is an important concern for tribal nations, tribal lands are only a fraction of the acreage originally
agreed to in the treaty negotiations in the 1800s and are often fully surrounded by land controlled by federal, state, or private parties. Nonetheless, habitat conservation efforts often lead to pressure for tribal lands to be considered open space or protected habitat for endangered species. As sovereign land use authorities, however, tribal governments have the right to define their own land use and are not properly subject to external land use designations. Conversely, due to the fact that reservations represent only a fraction of traditional native territories, there are many important natural areas with cultural significance that are located off-reservation in areas where there is limited tribal 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.

A Regional Government-to-Government Framework

As development on tribal reservations continues and interregional planning issues become more relevant for surrounding jurisdictions, the need for establishing a government-to-government framework at a regional level has become increasingly apparent. Tribes operate under independent constitutions, have their own systems of governance, and establish and administer their own laws. This sovereign status of tribal governments dictates that the United States and all agencies operating within it are expected to engage in government-to-government relationships with Native American tribes. Government-to-government interaction with Native American tribes should follow the principles of coordination, cooperation, and consultation.

For more than ten years, SANDAG and the SCTCA have developed a government-to-government framework to engage in planning dialogue and action at the regional level. The success of this model has demonstrated that working collaboratively, public agencies and tribal governments can create a mechanism for timely, meaningful, and effective involvement of tribal governments in the regional and transportation planning process.

Regional Partners

The core of the framework is an ongoing dialogue among key stakeholders at the regional level. Today, three main public agencies in the region have tribal liaisons: SANDAG, Caltrans, and the County of San Diego.

- **SANDAG** – It is through the Borders Committee that SANDAG has been pursuing government-to-government relations with tribal governments in the San Diego region. The Borders Committee discusses policy issues related to borders-related planning from three perspectives: interregional, binational, and tribal. In 2005, the SCTCA joined the Borders Committee as an intertribal council of governments to engage on tribal planning issues with other neighboring councils of government, including Imperial Valley, Riverside, and Orange counties as well as the Republic of Mexico (as represented by the Consul General in San Diego). The SANDAG Tribal Liaison is a member of the Land Use and Transportation Planning Department, which provides technical support to the Borders Committee as well as the Board of Directors and other Policy Advisory Committees.

- **SCTCA** – The SCTCA is an intertribal council of governments in the San Diego region and is a tribal counterpart to SANDAG. The SCTCA is a multiservice, nonprofit corporation established in 1972 by a consortium of 20 federally recognized Indian tribes in Southern California. The primary mission of the SCTCA is to serve the health, welfare, safety, education, cultural, economic, and employment needs of its tribal members and descendants in the San Diego County urban areas. A board of directors composed of tribal chairpersons from each of its member Tribes governs SCTCA. As an intertribal council, the SCTCA serves as a forum for a wide variety of issues for its member tribes.

- **Caltrans District 11** – Caltrans was the first state agency in California to enact an agency-wide policy on tribal consultation. The Native American Liaison program was established in 2002 to work with the 19 tribes in its jurisdiction (San Diego and Imperial counties). Its objectives are to establish close coordination and early project
involvement with tribal governments to streamline funding, environmental, and project delivery processes in areas on or near reservations; to ensure that Caltrans programs do not adversely affect important California Native American sites, traditions, or practices; to encourage cooperation between other agencies and local tribal governments; to assist with training, information dissemination, and project delivery; and to consider Tribal Employment Rights Ordinance (TERO) from individual tribes for employment and contracting opportunities for Native Americans on Caltrans projects on or near reservations.

- **County of San Diego** – The county’s Tribal Liaison was established in 2001. Liaison responsibilities include identifying and resolving issues related to impacts of tribal economic development projects on infrastructure and other county services in unincorporated areas; providing support and tracking legislation and policy matters related to tribes for the County Board of Supervisors and the Chief Administrative Officer; participating in regional land use and transportation planning, economic and services forecasting, funding, and development activities; and assisting tribes with permitting and other issues.

**Policy Level**

The regional government-to-government framework for working with tribal nations in the San Diego region has been strengthened during the last several years. Institutional trust has been built over time through a combination of policy dialogue and technical action, forming the foundation for communication, cooperation, and collaboration.

**Periodic Summits**

An overarching element of the government-to-government framework is having periodic summits between the Boards of Directors of the two principal intergovernmental agencies—SCTCA and SANDAG. Bringing together these two government agencies offers an opportunity for tribal and local elected officials from the region to engage in diplomatic conversations, identify issues of mutual concern, and develop priority actions that can be carried out through the partnership framework.

**SCTCA Representation on SANDAG**

One of the key issues raised by the tribal leaders at the inaugural 2006 San Diego Regional Tribal Summit (2006 Summit) was tribal representation on the SANDAG Board of Directors. The SANDAG Board of Directors and the tribal governments recognized the benefits to be gained by taking a cooperative approach to planning for an improved quality of life for the San Diego region. The leadership of SANDAG and SCTCA had discussions over several months following the 2006 Summit regarding the development of a formula for tribal representation which would respect tribal sovereignty and involve tribal governments in policy decisions at SANDAG. It was agreed that the tribal leaders should be involved in SANDAG at a policy level, representing the intertribal council in the same way that other associations of government are represented. The SCTCA and SANDAG signed a Memorandum of Understanding on January 26, 2007, memorializing the agreement to have the SCTCA join the SANDAG Board of Directors and Policy Advisory Committees as advisory members, including the Transportation, Regional Planning, Borders, and Public Safety Committees. Tribal leaders are now part of the regional decision-making process at a policy level, offering a tribal perspective to complex regional issues.

**Mutual Exchange of Policy-Level Information**

At the policy level, the representatives of the SCTCA sit on the various SANDAG Policy Advisory Committees. However, the SCTCA also wanted to ensure that information on major SANDAG initiatives was also shared with the entire tribal leadership. Liaison staff from the SCTCA and SANDAG work together to ensure that briefings on major agency-wide initiatives are brought to the entire SCTCA Board to inform the tribal leadership and obtain feedback. Similarly, staff supports SCTCA representatives who bring tribal issues to their respective SANDAG Policy Advisory
Committees. This creates a systematic, ongoing feedback loop to ensure that all tribal nations are involved in the process and have an opportunity to raise issues and provide feedback.

**Technical Level**
The other element of the government-to-government framework is a technical mechanism for pursuing collaborative action. Another key outcome of the 2006 Summit was the strategic creation of an ongoing forum for discussion on tribal transportation issues between the tribal nations and public agencies that influence tribal transportation.

*Interagency Technical Working Group on Tribal Transportation Issues*
The Boards of SCTCA and SANDAG approved the charter (Attachment 1 – Tribal Transportation Working Group Charter) for the Working Group in the summer of 2006. The Working Group reports to the Borders Committee and all tribes in San Diego can be members. Currently, almost all of the 17 tribes in the region are formal members of the Working Group (Attachment 2 – Current Tribal Working Group Membership Roster). At the request of the tribal nations, the Working Group has two co-chairs, a tribal leader, and a SANDAG executive staff member. The Working Group is staffed by SANDAG, meets quarterly, and tribal nations alternate hosting the meetings at different reservations. Since 2014, Barona, Jamul, Pala, Rincon, San Pasqual, and Viejas all have hosted the quarterly Working Group meetings.

The purpose of the Working Group is to serve as a forum for tribal governments in the San Diego region to discuss and coordinate transportation issues of mutual concern with the relevant public planning agencies, including SANDAG, Caltrans, the County of San Diego, and the transit operators. In partnership with the SCTCA, the Working Group monitors and provides input on the implementation of the strategies and planning activities related to transportation that were identified at the San Diego Regional Tribal Summit.

Working Group responsibilities include reviewing current activities and plans being implemented by SANDAG and the tribal governments in an effort to coordinate programs, address issues of concern, and ensure that the needs and issues of tribal governments are being incorporated into the regional transportation planning process. The Working Group provides feedback and comments on current and planned activities, as well as technical advice on the implementing these activities. The Working Group also assists with the associated outreach to the tribal community on transportation issues of regional significance.

*Collaboration with federal and state agencies*
The Working Group is an important forum for engaging federal and state agencies in tribal transportation issues and to ensure effective information exchange and technical support. The Caltrans Native American Liaison Branch coordinates efforts with the Working Group, as does the National Indian Justice Center (NIJC). Recently, FHWA engaged in a Collaborative Long-Range Transportation Plan (CLRTP) to integrate the transportation needs of Federal Lands into Statewide and the Metropolitan Transportation Planning process in California. FHWA approached the Working Group to understand the needs of tribal nations in the San Diego region.
Collaborative Policy Area: Tribal Transportation

For the past decade, the principal focus of regional consultation and collaboration with tribal nations has been tribal transportation. Since 2007, each update of the RTP has considered, analyzed, and reprioritized issues and actions of mutual concern. Four primary transportation-related policy areas were considered in the 2015 Regional Plan and 2019 Federal RTP as a result of the consultation process with tribal governments: roadway infrastructure, funding, transit, and information sharing/data gathering. These policy areas are proposed to continue as promising areas for future collaboration.

Progress in Tribal Transportation Planning

Through the Tribal Liaison Program, SANDAG dedicates significant resources to ensuring that tribal issues are considered in SANDAG’s plans, programs, and projects. Since 2006, effort has been made in all of the strategic areas identified at the 2006 Tribal Summit. Attachment 3 – Regional Tribal Transportation Accomplishments provides a summary table of those transportation strategic accomplishments.

Tribal transportation issues have been increasingly integrated into the development of the RTP. During the 2050 RTP (2011), a tribal component was added to both the Project Evaluation Criteria and the Performance Measures. In addition, tribes have submitted their own long-range tribal transportation plans (LTTPs) as an appendix to the RTP. For the 2050 RTP (2011), eight tribes submitted their LTTPs, while for the 2015 Regional Plan, 12 tribes submitted their LTTPs. For the 2015 Regional Plan, tribes were also asked to highlight projects with regional significance, which were then mapped in the tribal consultation appendix of the 2015 Regional Plan to illustrate the connectivity issues.

Public transit has been another area of focus over the last several years. SANDAG was awarded a technical assistance grant from Caltrans in 2007, which was used to fund the Working Group’s first project - the Tribal Transit Feasibility Study. The project analyzed the connections between two transit districts and the tribal reservations and identified potential corridors and types of service. The study results served as the basis for an intertribal transportation agency—the Reservation Transportation Authority (RTA)—application for federal tribal transit set aside FTA Section 5311c funding. One of the study recommendations was operate an enhanced route in North County Transit District (NCTD), (Route 388/389), running an express segment from Escondido on Interstate 15 (I-15) to SR 76. The RTA successfully competed for more than $2 million of these funds over several years for a total of more than $2 million, subsidizing NCTD operation of this enhanced route. In addition, the RTA received a $1.2 million capital improvement grant in FY 2009 under the American Recovery and Reinvestment Act of 2009 to construct a bus stop at the Park & Ride at I-15 and SR 76, as well as making enhancements to bus stops along NCTD bus routes (Routes 864, 888, 891, 892, and 894).

Transportation Demand Management (TDM) is another strategic area that has been collaboratively pursued. For tribal nations with rural reservations, TDM offers a significant solution to mobility needs. There have been a number of collaborative projects over the years encouraging tribal enterprises to adopt TDM policies.

Although tribal gaming facilities are now major employers in the region, their involvement in the region’s commuter services program (iCommute) remains limited. Barona, Campo, Sycuan, and Viejas in the Interstate 8 corridor have approximately 6,000 total employees. In the SR 76 corridor, Pala, Pauma, Rincon, and San Pasqual have almost 5,000 combined employees. It is estimated that each gaming facility attracts a daily count of anywhere from 6,000 to 12,000 guests. The tribal governments invest extensively in the San Diego region. Statistics show that the Indian gaming industry purchases approximately $263 million in goods and services annually. Although many tribal members now live on the reservations, non-tribal employees travel from all over the region and other counties, including Riverside, Imperial, and Orange counties to gaming industry jobs on the reservations. These commutes would be considered “reverse” commutes as urban residents are traveling to rural employment opportunities.
Several years ago, SANDAG, RTA, and the SCTCA collaborated on an assessment of the needs of tribal employers and developed a strategy to meet their needs. SANDAG then assisted the RTA in developing a business/marketing plan for establishing a Tribal Transportation Management Association (TMA) that would collaborate with the SANDAG iCommute program. The tribal TMA, a private, nonprofit, member-controlled organization, provided the institutional framework for the recommended TDM programs and services that were developed as a result of the study. Six tribal enterprises participated in the study and completed commute surveys in their facilities, including Pala, Pauma, Rincon, Viejas, Sycuan, and Santa Ysabel. This transportation focus holds tremendous potential for future collaboration.

Lastly, the regular functioning of the Working Group has offered consistent benefits to tribal nations and other regional, state, and federal agencies. The Working Group has served as a forum for information sharing and technical assistance both regionally and at the state and federal levels. As an example, when the State of California began its listening sessions for its 2040 Statewide Plan, it used the regular meetings of the Working Group to engage tribal governments in the San Diego region in the process.

**Intraregional Tribal Transportation Strategy**

The 2015 Regional Plan focused primarily on 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 developing an Intraregional Tribal Transportation Strategy21 by the tribal nations and other agencies that influence tribal transportation in the San Diego region. In 2015, SANDAG and 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 NCTD, the Metropolitan Transit System (MTS), Caltrans, and the BIA to identify key multimodal transportation projects for improving tribal mobility while meeting regional, state, and federal goals. The recently completed strategy included projects, criteria, cost estimates, potential partners, and funding opportunities.

Development of the Strategy22 was initiated in January 2016. The Working Group served as the Project Advisory Group. Key development milestones 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.

**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 below. (Attachment 4a–4b ITTS North Corridor Project Map and ITTS South Corridor Project Map).

Many of the roadways highlighted in the 2015 Regional Plan were in urbanized areas due to the congestion concerns and population density of these areas. Tribal reservations are located in rural areas of the county, however, and transportation needs revolve primarily around issues such as safety, road maintenance, expansion of multimodal facilities, and design issues rather than capacity expansions. In an effort to address long-range tribal transportation issues, the key transportation corridors providing transportation into and out of the reservations were identified, including:
• SR 76, which generally runs east–west in the northern area of the county.

• SR 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.

• SR 94, which generally runs east–west in the southern area of the county.

The Strategy report describes these corridors and tribal transportation issues in these areas in greater detail.

**Tribal transportation issues**

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

Tribal communities need road, bridge, and highway improvements to adequately connect their communities to other communities, and to advance opportunities for economic, social, cultural, and community development. They also need better transit to and from their communities in order 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, is distributed to tribes via a complex TTP funding formula. This formula considers factors such as land base, road inventory, and population. But because California tribes are smaller in enrolled population and land base than many other tribes across the United States, California tribes have not received a proportion of TTP funds commensurate with their number of tribal governments, resulting in a lack of funding and consequent deterioration of critical tribal infrastructure.

In developing the Strategy, tribal representatives discussed possible goals/issues in transportation and their relative importance. The top goal was improving safety, followed closely by improving roadway conditions, enhancing economic vitality, and improving regional connectivity. Important considerations for transportation improvements, as indicated by tribal representatives in the San Diego region, are shown in Figure G.3.

**Figure G.3**

Relative Importance of Goal Areas for Transportation Improvements

<table>
<thead>
<tr>
<th>Goal Area</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safety</td>
<td>22.4%</td>
</tr>
<tr>
<td>Roadway condition</td>
<td>20.9%</td>
</tr>
<tr>
<td>Economic vitality</td>
<td>18.3%</td>
</tr>
<tr>
<td>Regional connectivity</td>
<td>16.6%</td>
</tr>
<tr>
<td>Transit mobility</td>
<td>12.1%</td>
</tr>
<tr>
<td>Bicycle and pedestrian mobility</td>
<td>9.8%</td>
</tr>
</tbody>
</table>

Source: Tribal Mobility Needs Assessment Survey 2017

**Tribal Mobility Needs Assessment Survey**

A key component of the Strategy was developing and administering 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 the 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 in order to identify opportunities for partnerships and further coordination on funding opportunities. Approximately 126 transportation improvement projects were identified through the survey process. These projects 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 project inventory then 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 G.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, across 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 implementing 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 Strategy brought together the region’s tribal nations to work collectively with key agencies, including Caltrans, the County of San Diego, SANDAG, and the transit agencies, to develop this Strategy, which will serve as a guide for addressing the transportation needs of tribal communities. The Strategy identified four key strategic objectives to guide future tribal transportation solutions:
- support partnerships/collaboration
- coordinate collaborative planning
- share data supporting tribal transportation
- create opportunities to fund priority tribal transportation projects and programs

These strategic objectives provide a flexible structure for continued collaboration on tribal multimodal access to the transportation system, and create an effective framework for near-term and future efforts. The Strategy provides short-term and ongoing actions for the Working Group to consider as it moves forward in the transportation planning process.

**Collaborative Emerging Regional Policy Areas**

The RTP is comprehensive and involves policy issues beyond transportation. Consequently, the RTP presents an opportunity for tribal nations and SANDAG to identify non-transportation areas of mutual concern and develop collaborative strategies for addressing these issues.

The tribal nations have identified four such policy areas in which the interests of the tribes and SANDAG intersect: Cultural Resources, Habitat Conservation, Economic Development, and Energy. A fifth topic, Emergency Preparedness and Management, was raised at several previous San Diego Regional Tribal Summits, after which the County and tribal nations developed and implemented a range of agreed upon recommendations. In the course of discussions preceding the 2018 Tribal Summit, the related topic of Public Safety was introduced. The legislative context, background, tribal initiatives, and ideas for potential collaboration were presented for each policy area and are summarized below.

**Cultural Resources**

Because many California tribes were moved off of their traditional lands, or had their land base significantly reduced in size, it is often the case that lands of cultural significance to the tribes exist outside the boundaries of the reservation. This is a frequent source of conflict between tribes and developers and/or land use authorities that propose development on land that the tribe does not control, but that nonetheless retains cultural or religious significance. These conflicts can be compounded when coastal communities lack an understanding of the coastal history of many of the tribes.

Modern day reservation lands represent a small fraction of the traditional lands under the direct authority of the tribal nations. Indirectly, through federal and state law, tribal nations continue to play an extensive role in assessing the impacts of development on cultural resources, the protection or disposition of human remains, religious items, and biological resources. For local governments and businesses, however, not understanding these roles and authorities can result in significant conflict and, at times, added costs to proposed developments. For tribal nations, the lack of early involvement in the process often makes it very difficult to define a course of action that minimizes impacts to all parties.
**Legislative context**

California and federal legislation address tribal cultural resources to some extent through the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). California also provides specific protections through the Native American Historic Protection Act (Public Resources code, Div.5, Ch 1.76). The repatriation of human remains is primarily governed through the federal Native American Graves Protection and Repatriation Act (NAGPRA, 25 U.S.C. 3001 et seq.).

- **NEPA** – NEPA requires federal agencies to consider the environmental impacts of their proposed actions and analyze reasonable alternatives to those actions. Tribal interests are addressed in conjunction with Section 106 of the National Historic Preservation Act, which requires that tribes be a part of the consultation process when development may affect their cultural or sacred sites.

- **NAGPRA** – Agencies and institutions that receive federal funding are required to comply with the Native American Graves Protection and Repatriation Act. This relates to the disposition of Native American cultural items and human remains under the control of federal agencies and institutions that receive federal funding (museums), as well as the ownership or control of cultural items and human remains discovered on federal or tribal lands after November 16, 1990.

- **CEQA** – CEQA requires state and local agencies in California to identify the significant environmental impacts of their actions, including impacts to cultural resources, and to avoid or mitigate those impacts if feasible.

- **Native American Historic Resource Protection Act (Public Resources code, Div.5, Ch 1.76)** – This state act makes it a crime to unlawfully and maliciously excavate upon, remove, destroy, injure, or deface a Native American historic, cultural, or sacred site that is listed or may be eligible for listing in the California Register of Historic Resources.

- **Senate Bill 18 (Burton, 2004) (SB 18) (Tribal Consultation)** – This state law went into effect in March 2005 and requires cities and counties in California to conduct consultations with tribal nations in their region when updating any element of a General Plan. These consultations are for preserving or mitigating impacts to Native American historic, cultural, or sacred sites, features, and objects located within the city or county.

- **Assembly Bill 52 (Gatto, 2016) (AB 52)** – In an effort to preserve culturally significant and sacred lands, tribes worked with Assembly member Mike Gatto to pass an amendment to CEQA that establishes a new category, “tribal cultural resources,” and requires consideration of tribal cultural value in addition to scientific and archeological value. AB 52 recognizes California Native Americans as potential experts with regard to tribal histories and practices.

**Background**

Although NEPA and CEQA have consultation requirements, tribal nations have reported that the consultation on specific projects often comes too late in 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 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 earlier within the specified timeframe. These problems will continue to grow absent cooperative efforts at increasing the response capacity of the tribal nations.
Tribal initiatives

- **Tribal Historic Preservation Offices** – Several reservations have developed or are developing Tribal Historic Preservation Offices to address the protection of cultural resources both on-reservation and within their traditional cultural region. These offices provide local control and expertise in ensuring that tribal concerns are addressed and reduce reliance on the State Historic Preservation Office.

- **Conservation easements** – One method of conserving cultural resources is the use of private property conservation easements under state law. One organization, the Kumeyaay Diegueño Land Conservancy, was created as a 501(c)3 under California law specifically for that purpose. State law conservation easements avoid the lengthy and sometimes expensive process of protecting lands through the federal fee-to-trust process.

- **Tribal museums/facilities** – A persistent problem with tribal acquisitions is the lack of adequate storage facilities for items that can be fragile or susceptible to deterioration. To address this problem, storage facilities on reservations are being created, usually in conjunction with tribal museums or cultural departments. These facilities are supplemented by working arrangements with existing archive facilities to allow access to items for educational or cultural purposes. However, tribal storage capacity remains inadequate, and most do not meet the national repository standards.

- **Monitors** – Under both federal and California actions, monitors are often hired to oversee construction and ensure that identified cultural resources are protected by alerting the project developer to resources discovered in the construction process. The high variability in the skill levels of monitors has been an issue of concern for many in the tribal community. Many tribal communities are endeavoring to define a baseline monitoring skill set and thereby aid in providing a reliable pool of monitors for off-reservation projects.

Habitat Conservation

The area of habitat conservation provides a number of opportunities for collaboration, including creating frameworks for addressing environmental concerns such as: storm water runoff management, air quality monitoring, and solid waste management. There are also opportunities for collaborating on the Regional Multiple Species Conservation Program and other habitat conservation programs. Traditional land management techniques are still relevant and are adaptable to many present-day ecosystems. Tribal harvest techniques, fire management, water management, and plant utilization are all topics studied and, at times, implemented in many areas of the state.

Legislative context

Habitat conservation is important to both tribes and local jurisdictions in the San Diego region. However, a lack of information sharing and coordination has created some challenges. Lack of tribal consultation in the planning process can exacerbate situations where programs and legislation fail to include or protect tribal interests. Some examples of these legislative gaps are:

- **The Sustainable Groundwater Management Act** was implemented in 2016 to provide a framework for local and regional agencies to provide sustainable groundwater management for a groundwater basin or sub-basin. Several tribes have participated in ongoing outreach efforts by the State as they move forward with the Sustainable Groundwater Management Act. Many concerns regarding the methodologies of defining basins and the potential of impacts to long-term planning on reservation lands have been brought forward in early discussions.

- **The Multiple Species Conservation Plan and the Multiple Habitat Conservation Plan** were created to preserve the region’s distinct, native habitats and wildlife for future generations. These regional conservation efforts are intended to work across political boundaries, protect watersheds and water quality, and ensure compliance with federal and state endangered species acts. Tribal nations have expressed several concerns, including the lack of
inclusion of tribal boundaries, the failure to actively involve tribal land managers in watershed protection, and agency failures to incorporate tribal nations’ lists of important species and habitats of cultural significance into either the Multiple Species Conservation Plan or the Multiple Habitat Conservation Plan.

- **The TransNet Environmental Mitigation Program** – The TransNet Extension Ordinance and Expenditure Plan, approved by the voters in November 2004, include the Environmental Mitigation Program (EMP), which provides funding to mitigate habitat impacts from regional and local transportation projects, and provides funding for regional land management and biological monitoring. The EMP is a unique component of the TransNet Extension Ordinance in that it goes beyond traditional mitigation for transportation projects by including a funding allocation for habitat acquisition, management, and monitoring activities to help implement the regional habitat conservation plans. This funding allocation is tied to mitigation requirements and the environmental clearance approval process for projects outlined in the Regional Transportation Plan. Each year, the SANDAG Board of Directors allocates $4 million toward implementation of regional land management and biological monitoring pursuant to a Memorandum of Agreement with state and federal agencies on the implementation of the EMP. Tribal governments are eligible to apply for land management and monitoring funds, although few have. It should be noted, though, that some grants to other organizations have benefitted the tribes. An example is the grant to California Wildlife Services to control a feral pig population that was affecting areas of the unincorporated area, including several tribal reservations.

- **Integrated Regional Water Management** is an initiative aimed at developing long-term water supply reliability, improving water quality, and protecting natural resources. The Statewide Integrated Regional Water Management (IRWM) Program is supported by bond funding provided by the California Department of Water Resources to fund competitive grants for projects that improve water resources management. The IRWM Program began in 2005 as an interdisciplinary effort by water retailers, wastewater agencies, storm water and flood managers, watershed groups, the business community, tribes, agriculture, and nonprofit stakeholders to improve water resources planning in the San Diego IRWM Region.

**Background**

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 efforts toward inclusion of tribal conservation values have resulted from 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.

**Tribal initiatives**

Each tribe has its own habitat-conservation concerns based on where its land is located and what kind of development plans the tribe has in place. Some tribal lands come into contact with larger municipalities more than others do, in which case the considerations become more complex. Some examples of projects with the tribes include creek realignment, wetlands restoration projects, habitat restoration along San Luis Rey and Trujillo Creek, and oak tree monitoring partnerships with the California Native Plant Society.

- **Tribal Environmental Protection Agency (EPA) offices** – Most of the tribal nations of the San Diego region have an environmental office or department in place. They provide a broad range of programs, including environmental education, drinking water oversight, surface water pollution control, solid waste management, air quality...
monitoring, and more. Many tribes have incorporated water conservation into their economic development. These tribes have included the use of reclaimed water in facilities and for landscape, enhanced recharge through wetlands development, native plant nurseries and landscaping.

- **Intertribal efforts** – Along with individual tribal projects, there also are intertribal efforts such as the Kumeyaay Diegueño Land Conservancy (KDLC). The KDLC is a collaborative effort among ten of the Kumeyaay nations. The purpose of the KDLC is to assist with protection and preservation of former use areas as well as sacred sites. Their mission is to protect and preserve and work collaboratively with entities with similar goals and ambitions. The KDLC currently owns or directly manages over 600 acres, and has ongoing relationships to support conservation and management with California State Parks, the U.S. Bureau of Land Management, and the U.S. Fish and Wildlife Service. KDLC also is working with other land trust organizations to co-manage thousands of additional acres.

- The **Native American Environmental Protection Coalition (NAEPC)** is a tribally-led organization that provides technical assistance, environmental education, professional training, information networking, and intertribal coordination. Established in 1997 and becoming a 501(c)3 nonprofit in 2006, the NAEPC currently counts 23 Southern California tribes as members.

**Economic Development**

Tribal economic development has a complicated history rooted in many layers of past government policies of assimilation and political and cultural termination. In addition, tribal leaders note there are often misperceptions of tribal business enterprises as “taking” from the off-reservation economy.

**Legislative context**

Tribal economic development is complex because laws apply differently to tribal governments than they do to states, counties, and cities. The laws regarding taxation create the greatest level of confusion. Tribal nations do not have the authority to displace taxing of reservation property and commerce by the state and county, effectively depriving tribes of the ability to take advantage of the tax incentives that federal, state, and local governments use to support local investment.

**Background**

A common misconception is that all tribes have gaming facilities and that all tribal members are directly benefitting as a result of gaming. In fact, less than 50% of tribes have gaming facilities, and of those tribes, only a small percentage are making enough money to provide regular income for tribal members. Some tribes are successful and are able to support the tribal members financially, some barely break even, and some fail altogether, leaving tribes in debt. In the San Diego region, nine tribes have gaming facilities. While gaming has helped many San Diego tribes, it comes with no guarantees and some substantial risks. As a result, most local tribes are working to diversify their economic development opportunities.

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 tribes’ 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 places tribal economies at a competitive disadvantage when pursuing economic development outside of the gaming industry.
An added burden can sometimes be the clash between tribes and local governments with respect to differing views on long-term planning, as well as mistrust over tribal regulations and enforcement. This can result in lengthy and costly legal fights.

In 2012, the United States government enacted the Helping Expedite and Advance Responsible Tribal Homeownership (HEARTH) Act amendments to the Indian Long-Term Leasing Act. The HEARTH Act helps promote economic growth and job creation on tribal lands by significantly restructuring the lease approval process. Ewiiaapaayp and Rincon are the first two tribes in San Diego County to receive approval of their regulations under the HEARTH Act.

**Tribal initiatives**

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 also instances where tribes support local jurisdictions through a contracting process, such as fire protection.

There also are tribal businesses on tribal land. The businesses tribes choose to develop often are dependent on the location of the reservation and availability of space. Some examples of businesses that local tribes run, aside from gaming facilities, include motocross race tracks, campgrounds, wind/energy projects, gas stations, restaurants, shopping centers, and ballparks. Tribes bring outside businesses onto their land under varied business agreements. Private-sector investment in tribal communities is limited due to the present tax structure, which can make some types of tax-based private-sector investment so problematic as to be infeasible.

Since the 2010 San Diego Regional Tribal Summit, the issue of tribal employment has been increasingly discussed. Transportation projects with federal funding must do their due diligence and make every effort to hire tribal members from reservations within the area of influence of the project. Many tribes have a TERO. There has been an extensive effort by the U.S. Department of Labor to educate contractors doing business with the federal government of this requirement. In 2012, the SCTCA sponsored the development of a program to address the need for matching qualified tribal members with employment opportunities called Nativehire.

This is a nonprofit organization owned and operated by the SCTCA. Nativehire.org is a job search engine developed to meet the unique employment needs of Native Americans.

**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 (TERAs) under the Energy Self-Determination Act of 2005, which was in turn augmented 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. An open 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.
**Legislative Context**

Tribal governments across the country have been developing energy projects with varying difficulties and degrees of success. With the federal Energy Self-Determination Act in 2005 came the ability to establish TERAs, under which a tribe may enter into leases and business agreements for the purpose of energy resource development on tribal land. Leases and business agreement may encompass exploration, extraction, or other development activities related to energy mineral resources located on tribal land. These activities may include: marketing or distribution; construction or operation of an electric generation, transmission, or distribution facility located on tribal land; and construction or operation of a processing or refining facility for energy resources developed on tribal land. Under an approved TERA, a tribe may grant rights-of-way for purposes of energy resource development on tribal land, or for construction or operation of a pipeline or electrical transmission or distribution line serving an electric generation, transmission, or distribution facility located on tribal land, or a facility located on tribal land that processes or refines energy resources developed on tribal land.

**Background**

Some Southern California tribes have expressed interest in energy development, particularly alternative or green energy development. Some tribes have already established wind and solar energy projects as commercial enterprises or net-meter projects. Tribal governments have identified several obstacles to developing tribal energy projects, including funding, land availability area, and location. One challenge is that the funding resources available to assist tribes are usually for feasibility studies rather than implementation of operations. Another challenge is that smaller projects often are too small and costly to be effective. Wind farms, solar farms, and other large projects often are difficult to achieve because of the large amount of land required. Many reservations are in remote locations and are not close enough to be part of the local municipal electric grid. As such, these tribal areas often are run entirely on propane- or diesel-powered generators. These reservations tend to rely on well water, which requires the use of electric pumps.

Tribal meetings identified several challenges to energy implementation, including:

- Difficulties in establishing partnerships across jurisdictional boundaries, and in particular, the limited ability of tribes to work directly as suppliers to federal jurisdictions.
- Lack of consideration for the unique aspects of reservation jurisdictions in utilizing community renewables and governmental use in net metering.
- Difficulties in utilizing renewable energy incentive programs that are tax-credit-based.
- Impacts to tribal communities from the depowering of the rural electric transmission lines during high winds.

**Tribal initiatives**

Tribes in the San Diego region are at various stages of energy development. Campo and Rincon were two of the first tribes to pursue large-scale projects. Many other tribes have incorporated renewable energy into the local tribal portfolio. Many casinos have begun to provide power stations for electric vehicles, although this effort has been primarily offered as a service to casino patrons. In sum, the opportunity to expand and incorporate the reservations in the regional planning for power stations has not been fully realized.

**Emergency Preparedness**

Both the 2010 and 2014 San Diego Regional Tribal Summits identified the need to coordinate on emergency preparedness. Interagency coordination, community resilience, training, planning, and resource management are all key issue areas in which tribal nations and the local jurisdictions can and have collaborated. Some of these issue areas could be extended to regional initiatives.
**Legislative context**

At the federal level, the passage of the Disaster Mitigation Act of 2000 (DMA 2000) (Public Law 106-390) provides the legal basis for Federal Emergency Management Agency (FEMA) mitigation planning requirements for state, local, and tribal governments as a condition of mitigation grant assistance. The DMA 2000 repealed prior mitigation planning statutes and replaced them with a new set of requirements that emphasizes the need for state, local, and tribal governments to closely coordinate mitigation planning and implementation efforts. As an incentive to strengthen coordination activities, the DMA 2000 made up to 7 percent of Hazard Mitigation Grant Program funds available to a state for the development of collaborative mitigation plans. FEMA further updated their implementation rules to streamline the process for mitigation planning in 2016. Most tribes have Hazard Mitigation Plans in place and maintain a current emergency response plan. Many of the tribes have entered into agreements with the Hazardous Incidents Response Team to respond to hazardous materials incidents on reservations. This program has worked well in providing tribes with access to the expertise of the local Hazardous Materials Response Team at a reasonable rate.

At the state level, California Assembly Bill 307 (Nestande, 2011) went into effect on January 1, 2012, and created a state and local mechanism for federally recognized tribes to be considered public agencies for purposes of entering into Joint Power Agreements (JPAs). On October 11, 2012, the Viejas Band of Kumeyaay entered into a JPA with Heartland Fire Authority (HFA), thereby becoming one of the first tribal governments to enter into a JPA in the state. The JPA grants the Viejas tribe full member status to HFA and provides access to its training facility and full voting rights over operational and budgetary issues involving the existing and new facilities.

At the regional level, the Unified Disaster Council (UDC) is the governing body of the Unified San Diego County Emergency Services Organization. The UDC comprises the San Diego County Board of Supervisors—who serves as Chair of the Council—and representatives from the 18 incorporated cities. The County of San Diego Office of Emergency Services (OES) serves as staff to the UDC. In this capacity, OES is a liaison between the incorporated cities, the California Emergency Management Agency, and FEMA, as well as nongovernmental agencies such as the American Red Cross.

**Background**

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 JPAs. Tribes and tribal emergency service personnel have been very active in managing intertribal efforts, as well as coordinating with local, state, federal, and private-sector partners.

Collectively, the 11 Tribal Fire Departments represent a tremendous resource to the region. For many of the departments, the bulk of calls are off-reservation. Reservations are the training grounds for many of the first responders who go on to work in the urban fire departments after gaining experience with the tribes. This is all done without the traditional tax-base-generated revenues enjoyed by most jurisdictions. In fact, some private inholdings actually are assessed a fire protection fee that goes to the off-reservation jurisdiction even though the property relies almost exclusively on the reservation for fire protection.

**Tribal initiatives**

The Inter Tribal Long Term Recovery Foundation (ITLTRF) was formed in the aftermath of San Diego County’s catastrophic wild fires in 2007. Seven tribal nations came together to ensure that unmet needs of the American Indian community would be addressed during the long-term recovery. The recovery work group formed a 501(c)3 with a mission to help people and tribal nations affected by wildfires and other disasters recover and become more resilient.
A decade later, ITLTRF membership has more than doubled. With 15 tribal nations serving on its Executive Board of Directors, the ITLTRF is a regional and national model for intertribal cooperation, philanthropy, community preparedness, and recovery. The ITLTRF recently revised its charter to expand its membership statewide and is in the process of expanding nationally. Through corporate and government grants obtained by the ITLTRF, ITLTRF has helped its member tribes and partners secure more than $1 million in equipment, staffing, and community resources. The Executive Officers are the heart of the organization, and their passion to serve their communities is anchored in their individual and collective memories of their tribal communities’ experience surviving wildfires and floods. Councilman Steve Cope (San Pasqual) is the current Chairperson of the Board, Adam Geisler (La Jolla) is Vice Chairperson, Chairman Robert Smith (Pala) serves as Treasurer, and Councilwoman Laurie Gonzalez (Rincon) serves as Secretary. The vision of the ITLTRF is to gather and share resources for American Indian people to create resilient communities.

**Public Safety**

Public safety is a primary concern on all reservations. As the reservations begin developing their economies, increasing resident populations as well as 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.

**Legislative context**

**Public Law 83-280 (PL 280)** – In 1953, PL 280 was passed by the federal government as a part of a policy of termination of Indian tribes in the 1950s and early 1960s. Even though terminations were ended and ultimately reversed for many tribes in California, PL 280 continues to be applied. This has resulted in California tribes lagging further and further behind tribes in other states, where tribes have been able to improve and expand their capabilities. PL 280 on affected reservations did the following: a) transferred most federal Indian country criminal jurisdiction to the state; b) authorized state criminal jurisdiction under a broader scope than previously applied under federal jurisdiction; c) opened state civil courts to suits against Indians; d) after 1968, authorized retrocession upon Department of Interior acceptance of a state’s request; and e) pursuant to the Tribal Law and Order Act, authorized tribes to request that federal authorities reassume concurrent federal jurisdiction.

**Criminal Justice Clearinghouse/Automated Regional Justice Information System** – At the regional level, the SANDAG Applied Research Division, in conjunction with the Automated Regional Justice Information System (ARJIS) created the Criminal Justice (CJ) 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. The Clearinghouse was initiated as a pilot program in 1977 with state funds. After the pilot program ended in the mid-1990s, the SANDAG Board of Directors saw the value of continuing to fund the Clearinghouse through an annual member assessment from all of the region’s cities and the County. Over time, the primary functions of the Criminal Justice Research (CJR) at SANDAG have evolved to include: (1) compiling crime and arrest trends; (2) serving as a resource for information about crime and justice for member agencies and provider agencies (justice and social services); (3) conducting independent and objective assessments of specific programs geared to address crime and social issues through additional dedicated funding; and (4) providing staff support to the Public Safety Committee (PSC). In recent years, Sycuan joined ARJIS as the first tribal government to become a member.
**Background**

PL 280 authorizes state criminal jurisdiction and opened state civil courts to suits against Indians. It has often been misconstrued, and it is important to note what it *did not* do. It did not terminate tribes nor release trust status of tribal land. It did not make state regulations applicable to American Indians, nor did it give the states taxing authority over tribes. PL 280 did not make county or city laws applicable to tribes. Neither did PL 280 abrogate the tribes’ federally protected hunting and fishing rights, nor eliminate the tribes’ civil and criminal jurisdictions.

Further, there are provisions for tribes to retrocede from the Act upon a state request accepted by the Department of Interior. There is also a provision under the Tribal Law and Order Act for tribes to request that federal authorities reassume concurrent federal jurisdiction.

With the withdrawal of federal support for local law enforcement, tribal nations have, in many cases, become dependent on the local county law enforcement for services. Efforts to increase the local role in law enforcement have met resistance as tribes have pushed for co-licensing or improved response. There is little support on the state level for tribes to retrocede from the Act. According to tribal leaders, county law enforcement has generally been reluctant to enforce tribal laws.

**Tribal initiatives**

**Intertribal Court** – The Intertribal Court of Southern California originated in 2002 when the SCTCA received a U.S. Department of Justice grant. The court began operations in August 2006. Each tribe determines which kinds of cases it will authorize the court to hear. Currently, the court hears a wide variety of cases, including peace and security code violations, environmental issues, conservator issues, contracts, tort claims, family law (including Indian Child Welfare Act cases), evictions, enrollment, exclusions, and more. The court hears all evictions for the All Mission Indian Housing Association and handles cases for several tribes not formally part of the tribal court consortium on a case-by-case basis.

**Federal Licensing** – Several tribes in San Diego County have successfully pursued a federal licensing program for their tribal police allowing the right to investigate and enforce numerous federal laws on tribal lands.
2018 San Diego Regional Tribal Summit

The 2019 Federal RTP serves as the long-term planning framework for the San Diego region. It provides a broad context in which local and regional decisions can be made that move the region toward a sustainable future—a future with more choices and opportunities for all residents of the region. In addition to SANDAG, there are many agencies in the region that are responsible for helping to implement the 2019 Federal RTP. As domestic sovereign nations and neighbors within the region, tribes are part of this landscape and must be part of that future.

The 2018 Tribal Summit was held on April 13, 2018, and was hosted by the Pala Band of Mission Indians. The summit was the result of collaboration between SANDAG and the SCTCA. The purpose was to bring together elected leaders from the 19 local governments who make up the SANDAG Board of Directors and the 17 federally recognized tribal governments in the San Diego region to discuss policy issues of mutual interest related to transportation and regional planning. The goal was to identify priority actions that could be addressed through continued collaboration and coordination. In particular, with work underway on the 2019 Regional Transportation Plan, the Tribal Summit provided a timely opportunity for tribal input regarding transportation and regional planning issues (for a complete description, see 2018 San Diego Regional Tribal Summit Proceedings).

The one-day forum, which was opened by SANDAG Board Chairman Terry Sinnott of Del Mar and SCTCA Chairman Robert Smith of the Pala Band of Mission Indians, was attended by more than 80 participants, including the Boards of SANDAG and the SCTCA, as well as advisory members to SANDAG such as Caltrans, MTS, NCTD, and the San Diego City Water Authority. In addition, representatives from other agencies participated, including the California State Assembly, the Governor’s Office, the Office of Senator Dianne Feinstein, the San Diego County Sheriff’s Department, and the Southern California Association of Governments.
In his keynote speech, California Assembly member Todd Gloria brought a unique perspective to the importance of tribal engagement in transportation and regional planning. As an active member of an Alaskan Tribe, Assembly member Gloria spoke to the blessings and challenges tribes have in developing their nations, diversifying their economies, and defending their sovereignty, while also noting that many of these tribal challenges are shared by local jurisdictions in planning for the future regarding transportation. He added that although he has tremendous respect for sovereignty and will staunchly defend it, tribes are not isolated entities and all jurisdictions are interdependent. Assembly member Gloria challenged the group to think of the Regional Transportation Plan as reflecting the needs, wants, and desires of the entire region, not just certain jurisdictions. In his closing remarks, he stated his hope is that local elected officials can develop an authentic, durable relationship with tribal counterparts that will benefit everyone.

SANDAG staff presented an overview of the outcomes and collaborative actions taken at the Tribal Summits conducted by the SCTCA and SANDAG in 2002, 2006, 2010, and 2014. Facilitator Adam Geisler, a member of the La Jolla Band of Luiseño Indians, briefed the assembly on several topic areas to set the context for dialogue. The areas identified were transportation, habitat conservation, energy, cultural resources, public safety and emergency-preparedness, and economic development. SCTCA and SANDAG Board members and other participants were seated at round tables to review and prioritize possible collaborative actions and exchange thoughts on the identified policy areas.

Based on the dialogue at the Summit and follow-up discussions with the SANDAG and SCTCA Boards, the following strategies and actions were developed and approved. Table G.2 provides a framework for collaborative planning in both transportation and regional planning issues.
Consultation for the 2019 Federal Regional Transportation Plan

On February 22, 2019, the SANDAG Board of Directors approved an action plan to develop a bigger and bolder vision for San Diego Forward: The 2021 Regional Plan that will transform the way people and goods move throughout the San Diego region, offering true alternatives to driving, protecting the environment, creating healthy communities, and stimulating economic growth to benefit all San Diegans. This new vision for the region’s future will guide development of an innovative transportation network for the 2021 Regional Plan, anticipated to be adopted by the SANDAG Board of Directors in late 2021.

Table G.2
2019 Regional Transportation Plan – Tribal Strategic Objectives by Policy Area

<table>
<thead>
<tr>
<th>Strategic Area</th>
<th>Objective</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government-to-Government</td>
<td>• Share legislative agendas and explore opportunities to collaborate on legislation of mutual interest that benefits the region</td>
</tr>
<tr>
<td>Transportation</td>
<td>• Coordinate the incorporation of existing Tribal Long-Range Transportation Plans in San Diego Forward: The 199–2050 Regional Plan (2019 Regional Plan)</td>
</tr>
<tr>
<td>Cunstruction</td>
<td>• Implement the Intraregional Tribal Transportation Strategy through the Interagency Technical Working Group on Tribal Transportation Issues</td>
</tr>
<tr>
<td>Cultural Resources</td>
<td>• Collaborate on a way to provide information regarding the location of culturally significant resources without compromising the preservation of the resource</td>
</tr>
<tr>
<td></td>
<td>• 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)</td>
</tr>
<tr>
<td>Habitat Conservation</td>
<td>• Support the protection of habitat from a cultural perspective as well as environmental perspective</td>
</tr>
<tr>
<td></td>
<td>• Explore opportunities to engage tribal nations in regional habitat conservation efforts</td>
</tr>
<tr>
<td></td>
<td>• Use SANDAG working groups as regional forums to bring tribes, local jurisdictions, resource agencies, and environmental stakeholders together for better collaboration and coordination</td>
</tr>
<tr>
<td>Energy</td>
<td>• Explore opportunities to engage tribal nations in regional energy planning coordination</td>
</tr>
<tr>
<td>Public Safety/Emergency</td>
<td>• Provide educational opportunities for local and state elected officials and emergency responders on Public Law 280</td>
</tr>
<tr>
<td>Preparedness</td>
<td>• 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</td>
</tr>
<tr>
<td></td>
<td>• Identify ways to craft policy and agreements concerning mutual aid opportunities in accordance with tribal public safety laws</td>
</tr>
<tr>
<td>Economic Development</td>
<td>• Seek funding and partnerships to develop economic impact analysis of tribal enterprises for the regional economy</td>
</tr>
</tbody>
</table>
The 2019 Federal RTP carries forward the projects, programs, and policies included in the 2015 Regional Plan while development of the 2021 Regional Plan continues. The 2019 Federal RTP uses the latest modeling tools and Regional Growth Forecast as well as updated costs and revenue assumptions and meets all federal RTP requirements. The 2019 Federal RTP strives to obtain air quality conformity from the U.S. Department of Transportation and to preserve eligibility for transportation funding while the 2021 Regional Plan is being developed.

As part of this process and in addition to the consultation on the Strategy described above, consultation specific to the 2019 Federal RTP was conducted with tribal nations through the following activities:

**February 19, 2019** – The new SANDAG Executive Director, Hasan Ikhrata, addressed the SCTCA and described the action to be discussed by the SANDAG Board on February 22, 2019.

**April 17, 2019** – The Interagency Technical Working Group on Tribal Transportation Issues convened at the Pala Reservation to discuss both the 2021 Regional Plan and the 2019 Federal RTP.

**June 28, 2019** – 2019 Tribal Symposium – A joint meeting between the SCTCA and the SANDAG Borders Committee was held at SANDAG to discuss collaborative strategies for inclusion in both efforts.

**July 24, 2019** – The Interagency Technical Working Group on Tribal Transportation Issues convened at Viejas Reservation to review the draft network for the 2019 Federal RTP and discuss next steps for the ITTS.

**August 20, 2019** – The SANDAG Executive Director, Hasan Ikhrata, presented the 2019 Federal RTP Draft Network to the SCTCA Board.

**October 2, 2019** – SANDAG staff presented information on the 2019 Federal RTP, including the upcoming public comment period, outreach event, and public hearing, at the Interagency Technical Working Group on Tribal Transportation Issues Transportation Workshop held at the Barona Reservation.
References


2001 California Indian Legal Service, California Makes Distribution of Revenue Sharing Trust Fund, CILS News, Vol. 8, Fall.


2013 Federal Highway Administration, Tribal Transportation Program (TTP) Fact Sheet.

2007 Intergovernmental Agreement between the County of San Diego and the Pala Band of Mission Indians Pursuant Section 10.8 of Pala’s Tribal-State Gaming Compact.


2012 Intergovernmental agreement between the County of San Diego and the Sycuan Band of the Kumeyaay Nation.


2009 State of California Department of Transportation/San Diego Association of Governments/Reservation Transportation Authority. Tribal Transportation Demand Management Study.
Endnotes

1 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, for planning purposes, the tribe engages with the Southern California Association of Governments region.

2 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.

3 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.

4 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.

5 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.

6 As defined in the United States Constitution.

7 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.

8 Several official sources alternately refer to the Ewiaapaayp tribe by the Spanish spelling “Cuyapaipe.”


12 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. La Jolla opened a gaming facility in 2019.

13 For additional discussion on the impact of tribal gaming in California, see California Nations Indian Gaming Association California Tribal Government Gaming Impact Study 2016.

14 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.

15 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.

16 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: cgcc.ca.gov

17 The SCTCA Board has several tribal governments from Riverside.

18 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

19 sandag.org/TribalTransitStudy

20 For more information on the Reservation Transportation Authority Transportation Demand Management Study, visit sandag.org/RTATDMStudy

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

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

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

24 Tribal Court Clearinghouse – A project of the Tribal Law and Policy Institute. For more information, visit tribal-institute.org/lists/pl280.htm
CHARTER
Interagency Technical Working Group
on Tribal Transportation Issues

PURPOSE

The purpose of the Interagency Technical Working Group on Tribal Transportation Issues (Working Group) is to serve as a forum for tribal governments in the region to discuss and coordinate transportation issues of mutual concern with the various public planning agencies in the region, including SANDAG, Caltrans, the County of San Diego, and the transit operators. In partnership with the Reservation Transportation Authority (RTA), the Working Group will monitor and provide input on the implementation of the strategies and planning activities related to transportation mutually developed through the San Diego Regional Tribal Summit. There is currently no other working group that can serve this function.

LINE OF REPORTING

The Working Group reports to the Borders Committee and the Transportation Committee, which report to the Board of Directors on tribal-related transportation activities.

RESPONSIBILITIES

The Working Group responsibilities include reviewing current activities and plans being implemented by SANDAG and the tribal governments in an effort to coordinate programs, address issues of concern, and ensure that the needs and issues of tribal governments are being incorporated into the transportation planning process at the regional level. The Working Group will provide feedback and comments on current and planned activities and provide technical advice on the implementation of these activities. The Working Group also assists with the associated outreach to the tribal community on transportation issues of regional significance.

MEMBERSHIP

The voting membership of the Working Group shall be comprised of one representative from each of the federally recognized tribal governments and California tribes in San Diego County. These voting members shall be appointed by the leadership of their respective tribes for a term of one calendar year. Caltrans, the County of San Diego, the Reservation Transportation Authority, Metropolitan Transit System and North County Transit District shall each be entitled to appoint one advisory member of the working group. Each entity represented in the working group, whether voting or advisory, may additionally appoint an alternate representative to serve in the primary member’s absence. Any member who misses two meetings in a row or three meetings in a calendar year shall be removed and replaced by that member’s alternate, if any. Should a vacancy occur in the position of a primary or alternate member, a represented entity shall be entitled to appoint a replacement representative.
MEETING TIME AND LOCATION

The Working Group will meet quarterly as determined by the group. The location will rotate among tribal reservations, and, when deemed appropriate, at the SANDAG offices. Whenever possible, locations will alternate between southern and northern reservations to allow everyone to attend.

SELECTION OF THE CHAIR

The Working Group shall have two “Co-Chairs” – a Tribal Leader and a SANDAG Executive Team representative. In addition, the Working Group shall have a second Tribal Co-Chair, to serve in the capacity of Tribal “Vice-Chair,” in the event that the first Tribal Co-Chair is unavailable for the meeting.

The Tribal Co-Chairs will be elected by the voting members of the group every two years, and the representative from SANDAG’s Executive Team will be appointed by its Executive Director.

DURATION OF EXISTENCE

The Working Group will continue as long as the tribal governments and participating agencies determine that it serves as an effective means of communication and coordination, subject to annual review.
Interagency Technical Working Group on Tribal Transportation Issues

Membership

The purpose of the Interagency Technical Working Group on Tribal Transportation Issues (Working Group) is to serve as a forum for tribal governments in the region to discuss and coordinate transportation issues of mutual concern with the various public planning agencies in the region including SANDAG, Caltrans, the County of San Diego, and the transit operators. The Working Group monitors and provides input on the implementation of the strategies and planning activities related to transportation, mutually developed through the San Diego Regional Tribal Summit.

The Working Group reports to the Borders Committee, which reports to the Board of Directors on tribal-related transportation activities. The Working Group meets quarterly. The location rotates among tribal reservations and, when deemed appropriate, the SANDAG offices.

Staff contact: Jane Clough, SANDAG Tribal Liaison, (619) 699-1909, jane.clough@sandag.org

TRIBAL CO-CHAIR
Erica Pinto
Tribal Chair, Jamul Indian Village of California

TRIBAL VICE CHAIR
Andrew Orosco, Jr.
Tribal Planning Director, San Pasqual Band of Diegueño Indians

MEMBERS (TRIBAL GOVERNMENTS)

Edwin "Thorpe" Romero
Tribal Chair, Barona Band of Mission Indians

Harry Cuero, Jr.
Vice Chair, Campo Band of Mission Indians

Jesse Morales
Vice Chair, Mesa Grande Band of Mission Indians

Virgil Perez
Tribal Chair, Iipay Nation of Santa Ysabel

Fred Nelson Jr.
Tribal Chair, La Jolla Band of Luiseño Indians

Eric LaChappa
Tribal Secretary/Treasurer, La Posta Band of the Kumeyaay Nation

Ray Chapparosa
Spokesperson, Los Coyotes Band of Cahuilla and Cupeño Indians

Angela Elliott Santos
Tribal Chair, Manzanita Band of the Kumeyaay Nation

Robert Smith
Tribal Chair, Pala Band of Mission Indians

Vanessa Brown
Councilmember, Pauma Band of Luiseño Indians

Alfonso Kolb Sr.
Councilmember, Rincon Band of Luiseño Indians

Cody Martinez
Tribal Chair, Sycuan Band of Kumeyaay Nation

John Christman
Tribal Chair, Viejas Band of Kumeyaay Indians
ADVISORY MEMBERS (PUBLIC AGENCIES)

SANDAG Co-Chair
Coleen Clementson
Acting Director of Land Use and Transportation Planning, SANDAG

Leonard Gilmore
Transportation Specialist, Bureau of Indian Affairs, Southern California

Chi Vargas
Tribal Liaison, Caltrans District 11

Erica Lardy
Chief, Advanced Planning, County of San Diego

Denis Desmond
Manager of Planning, Metropolitan Transit System

Chris Duddy
Transit Planner, North County Transit District

ADVISORY MEMBERS (INTERTRIBAL AGENCIES)

Denis Turner
Executive Director, Southern California Tribal Chairmen’s Association
## Regional Tribal Transportation Collaborative Strategy Accomplishments

### Summary 2006-2018

<table>
<thead>
<tr>
<th>Strategic Area</th>
<th>Action</th>
<th>Accomplishments</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Government-to-Government Framework</strong></td>
<td>- Develop collaborative legislative agenda that benefits the region</td>
<td>- Supported tribal efforts to pass Assembly Bill 52 (Gatto, 2016)</td>
</tr>
<tr>
<td><strong>Transportation Infrastructure</strong></td>
<td>- Identify corridors critical to tribal reservations and coordinate the funding and implementation of relevant studies</td>
<td>- Developed the Intraregional Tribal Transportation Strategy (2018)</td>
</tr>
<tr>
<td></td>
<td>- Identify critical regional arterials serving tribal nations which should be included in the Regional Transportation Plan (RTP)</td>
<td></td>
</tr>
<tr>
<td></td>
<td>- Coordinate the incorporation of existing Tribal Transportation Plans (TTPs) into the current RTP</td>
<td>- 8 tribes submitted TTPs for 2050 RTP/Sustainable Communities Strategy (2011)</td>
</tr>
<tr>
<td></td>
<td>- 12 tribes submitted for the 2015 Regional Plan (2015)</td>
<td></td>
</tr>
<tr>
<td><strong>Transit</strong></td>
<td>- Collaborate on the issue of reverse commuting for tribal enterprise employees and pursue funding opportunities</td>
<td>- Collaborated on an assessment of the needs of tribal employees and developed a business/marketing plan for establishing a Tribal TMA (2009)</td>
</tr>
<tr>
<td></td>
<td>- Collaborate on the pursuit of funding opportunities to implement the recommendations from the Tribal Transit Feasibility Study</td>
<td>- 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)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- 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</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Received $1.2 million capital improvement grant in FY 2009 under American Recovery and Reinvestment Act of 2009:</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Constructed a bus stop at the Park &amp; Ride at Interstate 15 (I-15) and State Route 76 (SR 76)</td>
</tr>
<tr>
<td></td>
<td></td>
<td>- Enhancements to bus stops along bus routes 864, 888, 891, 892, and 894</td>
</tr>
<tr>
<td></td>
<td>- Collaborate on the development of a Tribal Transportation Management Association for increased tribal participation in Transportation Demand Management (TDM) programs regionwide</td>
<td>- 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)</td>
</tr>
<tr>
<td>Strategic Area</td>
<td>Action</td>
<td>Accomplishments</td>
</tr>
<tr>
<td>----------------</td>
<td>--------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Transportation Funding</td>
<td>Create opportunities for pooling/leveraging transportation funding for mutually important projects</td>
<td>Collaborated on the update of tribal road inventories Many tribes increased their transportation funding from the IRR program (2007) IRR Program replaced by a new program called TTP:(2008) • Funds from the Highway Account Trust Fund are allocated among the Tribes using a new statutory formula Received a grant from the Centers for Disease Control and Prevention Communities Putting Prevention to Work, also known as a “Healthy Communities” grant (2010) • La Jolla received $70,000 to develop a walkability study • Campo received $10,000 to design a community park</td>
</tr>
<tr>
<td></td>
<td>Collaborate and advocate for new transportation funding in the region, including transit and TDM</td>
<td>Implementation of tribal gaming mitigation agreements: Pala Band of Mission Indians (2008) • TDM program supported by SANDAG • Park &amp; Ride facility at the I-15/SR 76 junction • Support for an NCTD bus stop Pauma Band of Luiseño Indians (2008) • 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 Sycuan Band of the Kumeyaay Nation (2012) • Traffic improvements related to the Fee to Trust application¹ La Jolla Band of Luiseño Indians (2016) • Successfully competed for statewide Active Transportation grant for the reservation – $4.1 million</td>
</tr>
<tr>
<td></td>
<td>Identify mechanisms for providing ongoing funding for new or additional transportation programs, including transit services and TDM</td>
<td>Developed the Intraregional Tribal Transportation Strategy (2018)</td>
</tr>
</tbody>
</table>

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.
<table>
<thead>
<tr>
<th>Strategic Area</th>
<th>Action</th>
<th>Accomplishments</th>
</tr>
</thead>
</table>
| 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):  
  - NIJC invited to speak on a number of occasions at Working Group meetings  
  - 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):  
    o Caltrans Environmental Justice Grant for $189,000 to develop an online training program  
    o Production of a video, online course, and support materials |