

**2007 REGIONAL TRANSPORTATION PLAN
ISSUE PAPER:
TRIBAL NATIONS AND
REGIONAL TRANSPORTATION
PLANNING**

October 26, 2006

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ABSTRACT

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2007 Regional Transportation Plan Issue Paper

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ABSTRACT: As part of the process of the comprehensive update of the 2007 Regional Transportation Plan (RTP) as series of issue papers are being developed. This paper focuses the issues related to tribal nations within San Diego County and the identification of tribal transportation issues in region. This paper is based on the results of a transportation needs survey in which all tribal nations in San Diego participated and dialogue with tribal governments through technical and policy level workshops. It provides a background on tribal governments, current transportation-related conditions, identification of problems, an analysis and recommended actions, based on government-to-government discussions, for inclusion in the 2007 RTP.

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Regional Transportation Plan Issue Paper:

TRIBAL NATIONS AND REGIONAL TRANSPORTATION PLANNING

PROBLEM STATEMENT

Introduction

The U.S. Constitution and treaties recognize Native American communities as separate and independent political communities within the territorial boundaries of the United States. In the San Diego region, there are 17 federally recognized tribal nations with jurisdiction over 18 reservations – the most in any county in the United States (Attachment A – Tribal Lands Map).

Federal legislation requires that federally recognized tribal governments be consulted in the development of Regional Transportation Plans (RTP) and programs (Title 23, U.S.C. 450.312). In particular, the new federal transportation bill, the Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU), passed in 2005, reinforces federal emphasis on tribal government participation. How this consultation should occur is left to the Metropolitan Planning Organizations (MPOs) and the tribal governments. SANDAG is working to increase communication, coordination, and collaboration with tribal governments in the regional transportation planning process.

Objectives for 2007 RTP

The objectives for the 2007 RTP with regard to tribal nations and regional transportation planning are to:

- Engage federally recognized tribal governments in the region in the transportation planning process in a timely, meaningful, and effective manner;
- Develop a framework for government-to-government engagement at a regional level; and
- Understand current and future needs related to transportation, including: roadways, transit, funding, and information sharing/technical assistance.

Background

Of the 107 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 entire region for more than 10,000 years, taking advantage of the 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 is today Baja California.

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In the years just prior to California becoming a state, the federal government developed treaties with California's Indian Nations in an effort to reduce tribal and settler violence at the end of the U.S.-Mexican War and the onset of the Gold Rush. However, these treaties were never ratified—they were thwarted on the Senate floor by pressure from the new California Senators — and the tribal nations who had signed the treaties were never informed. In 1875, President Ulysses S. Grant signed an Executive Order based on several of the “lost treaties” creating tribal reservations for the Santa Ysabel, Pala, Sycuan, La Jolla, Rincon, and Capitan Grande.¹ Most of the current tribal reservations were established by the end of the 19th century; however, several were established well into the 20th century.² Today, these four Indian nations are distributed over 18 reservations and are represented by 17 federally recognized tribal governments.³

As domestic sovereign nations, tribes are subject to federal regulations, but are not subject to local or state regulations, unless the U.S. Congress delegates implementation of federal law to the state. From a governance perspective, tribal governments are considered a separate category of government from the federal, state, and local governments. In addition to the standard governmental functions of regulating, taxing, and delivering services, tribal governments act to preserve and protect tribal culture and the tribal community, including determining tribal membership. Tribal governments also are responsible for the development, management and operation of tribal economic enterprises. Most of the land within the boundaries of reservations is owned by tribes and held in trust by the federal government.⁴ Native American reservations currently cover more than 116,000 acres in the San Diego region, approximately 4 percent of the region's land.

Current Conditions

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

Gaming is a traditional social activity among many tribal nations, however, tribal gaming enterprises expanded exponentially nationwide in the early 1990s as a result of the passage of the Federal Indian Gaming Regulatory Act (IGRA). The IGRA was the result of a legal battle between the

¹ The Capitan Grande Reservation included the Bands that would later become the Barona Band of Mission Indians re-located to the Barona Valley Ranch (1932) and subsequently the Barona Indian Reservation, and the Viejas Band of Kumeyaay Indians who re-located to Baron Long Ranch (1934) and subsequently the Viejas Indian Reservation.

² The Jamul Indian Village did not receive federal recognition as a reservation until 1975; other bands that are still landless, such as the San Luis Rey Band of Mission Indians continue to seek recognition.

³ 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 U.S. 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 jointly managed by the Barona and Viejas governments.

⁴ For many tribal governments land ownership is complex as often the reservations 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.

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Cabazon Band of Mission Indians and the State of California.⁵ The State claimed that Cabazon was violating state anti-gambling laws, while the tribe asserted their sovereign right to pursue their own economic interests. The U.S. Supreme Court ruled in favor of Cabazon, prompting Congress to pass a federal gaming regulatory act to define how gaming should be conducted nationwide and what role the states should have in that activity. Although several tribes in the San Diego region already had bingo facilities, by the 1990s, most of the tribes developed or have agreements to develop gaming facilities as a means of economic development. San Diego County now has eight tribal gaming facilities, two under construction, and at least three more proposed, which is the greatest number of Indian gaming facilities in any county in the United States.

Gaming-related and other types of development have led to rapid economic growth for these tribes, while also providing jobs and stimulating the regional economy.⁶ In the San Diego region, statistics show that the Indian gaming industry as a whole has created more than 12,000 permanent jobs in the region, resulting in a \$1 billion industry with approximately \$500 million in goods and services purchased annually and \$500 million in payroll. It should be noted, however, that poverty levels among the Native American population remain below the national average and some gaming tribes have been much more successful than others.

This growth has been accompanied by increases in traffic, jobs-housing accessibility issues, and the need for additional resources such as water and energy.⁷ Even those tribes that do not have gaming facilities continue to have economic development, transportation, and infrastructure needs which have not been met.

Historically, the relationship between local governments and federally recognized tribal governments has been contentious. While the federal-tribal relationship is well-established, the local-tribal government relationship has not been as clearly defined. Despite efforts to reach out to local governments, tribal governments indicate that for many years they were not received. This has changed considerably in recent years. With the advent of gaming, local perceptions, according to various tribal representatives, have changed. As a condition of development of gaming compacts, tribes are required to negotiate with the local land use authorities adjacent to them. What has not been clearly delineated by the state or federal government is the mechanism for inclusion of tribal inputs into regional transportation plans. The federal government requires 'consultation' with tribal governments, however the definition of meaningful consultation, or more in depth coordination and cooperation is being developed on a case by case basis. There is clearly an increasing need to better coordinate and assess the impacts of tribal development and future plans on the regional transportation system, as well as how regional plans affect tribal development.

⁵ Neuman, Lisa. 2005. "Commentary: From Clean Water to Casinos: Why Sovereignty is Important to Native Americans." *Maine Policy Review*. Vol 13(2): 30-32

⁶ For additional discussion on the impact of tribal gaming in California see The Center for California Native Nations, "An Impact Analysis of Tribal Government Gaming in California." University of California at Riverside. ND

⁷ For a comprehensive overview see San Diego County study "Update on Impacts of Tribal Economic Development Projects in San Diego County," April 2003. PDF version available from <http://www.sdcounty.ca.gov/cnty/cntydepts/landuse/tedp.html>.

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Tribal Developments

Since the mid-1990s tribal governments in San Diego have been in the process of developing gaming compacts with the State of California which have allowed them to plan and develop gaming facilities on their reservations. The framework for the RTP is one of concentrating development in existing urban areas and connecting transit to appropriate land use patterns. Neither Mobility 2030, nor its predecessor RTP 2020, considered tribal land use patterns in forecast modeling as limited information was available from tribal governments. 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 the subject to negotiation between the tribal government and the local land use authority adjacent to them. However, there are currently no protocols in place for exchanging information regarding long term land use and transportation plans on tribal lands.

The County of San Diego, in its capacity as the adjacent land use authority to all tribal developments in this region, has been conducting traffic needs assessments related to tribal developments which intensified after the 1988 IGRA. In its 2003 report on the impact of tribal development on its roadways, the County requested that SANDAG consider the impacts of tribal development on the regional transportation system.

"It is estimated that 38.5 miles of County-maintained arterials in the vicinity of the Reservations will need additional road capacity improvements. Of those 38.5 miles, approximately 15.6 were identified under Baseline Conditions as needing improvements solely due to non-tribal development in the unincorporated area. The additional 22.9 miles is due to existing and near-term development of tribal projects." (p. 42).

The County undertook a traffic impact assessment and, based on that information, negotiated cooperative agreements with several tribes for "fair share" funding of traffic impact mitigation. Nonetheless, according to the County report, levels of service (LOS) on several road segments in the State Route (SR 76), State Route (SR 67), and State Route (SR 94) corridors were estimated to deteriorate with increased traffic volume associated with the gaming facilities. Both Caltrans and the County called for additional corridor studies in the unincorporated area associated with gaming facilities.

Currently, the main input required to accurately incorporate tribal land use into forecast modeling for the RTP is the square footage of gaming area which produces the most Average Daily Trips (ADT). Currently, eight tribal gaming facilities are in operation. The square footage is indicated in Attachment B – Square Footage of Gaming Facilities for Trip Generation Estimates. It is anticipated, that through government-to-government discussions with tribal governments, more accurate protocols can be developed for assessing impacts.

Tribal Reservation Access to the Regional Transportation System

At the same time that there is concern about the impact of the development of gaming facilities on the regional transportation system, tribal lands are isolated from the regional transportation system as their lands are located in the unincorporated portion of the county. Although all non-gaming

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tribes⁸ in San Diego County receive funding from gaming tribes in the form of a Revenue Sharing Trust Fund (RSTF)⁹ to support the administration of their nations, their isolation from the transportation system, both in terms of infrastructure and transit services, is a limiting factor in their ability to improve the health and well-being of tribal members who reside on the reservation, as well as their exploration of alternative means of self-sufficiency.

Tribal Transportation Needs Assessment

Access to most of the reservations is via county roads, rural highways, and sometimes state highways. Tribal government transportation issues are complex and vary from tribe to tribe. One tribe may have issues about general access to its reservation, while another tribe's main concern may be improving its existing reservation roads. Road maintenance issues impact all tribes, yet, according to the National Indian Justice Center, there is often confusion regarding which agency has the financial responsibility for maintaining reservation roads.¹⁰

To better understand the transportation needs of the tribal nations in the region Caltrans District 11 and SANDAG designed, developed, and implemented a joint Tribal Transportation Needs Survey in 2005. It served as a component of an overall transportation needs assessment to: (a) to initiate a process of building better relationships with tribes in San Diego and Imperial Counties; (b) to establish a baseline of awareness of the transportation issues affecting each tribe in order to facilitate partnerships between Caltrans, tribal governments, and the regional transportation agencies; and (c) to promote more efficient identification of mutual transportation concerns and the development of appropriate solutions.

A desired outcome was that tribes could identify common transportation concerns and develop partnerships with Caltrans and the MPOs, giving the Tribes a stronger voice in state and regional transportation planning. The issues raised in this paper are derived from the results of that survey and a collaborative analysis process based on a regional government-to-government framework.

Identification of Problems

For the purpose of examining long-range transportation issues, the tribal nations in the region were grouped into three clusters based on key transportation corridors: State Route 76 (SR 76) which runs east-west in North County; SR 79 which runs north-south in the eastern half of the county; and Interstate 8 which runs east-west in the southern area of the county (Attachment C – Tribal Lands Transportation Corridors Map). The tribal groupings by transportation corridor are the following:

⁸ 1999 Compact defines a 'non-gaming' tribe as a tribe that 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.

⁹ The State Controller's Office began distributing checks to tribal governments in August of 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: http://www.calindian.org/nl_fall2001.htm

¹⁰ National Indian Justice Center, "Environmental Justice in Transportation for California Tribes," 2004

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- *State Route 76:*

La Jolla Band of Luiseno Indians; Pala Band of Mission Indians; Pauma & Yuima Band of Mission Indians; Rincon Band of the Luiseno Nation; and the San Pasqual Band of Mission Indians.

- *State Route 79:*

The tribal governments whose primary corridor is the SR 79 include: Inaja-Cosmit Reservation; Los Coyotes Band of Cahuilla Indians; Mesa Grande Band of Mission Indians; and Santa Ysabel Band of Mission Indians.

- *Interstate 8:*

The tribal governments whose primary corridor for their reservation is Interstate 8 include: Barona Band of Mission Indians; Campo Band of Kumeyaay Indians; Ewiiapaayp Band of Kumeyaay Indians; Jamul Indian Village, La Posta Band of Mission Indians; Manzanita Band of Kumeyaay Indians; Sycuan Band of the Kumeyaay Nation; and the Viejas Band of Kumeyaay Indians.

Lack of Mechanism for Communication, Cooperation, and Coordination

The survey revealed that, in general, communication between tribal governments and the three public agencies they must interact with regarding transportation – Caltrans, County of San Diego, and SANDAG – was adequate. However, tribal representatives indicated they were often unclear which agency they should approach on any given transportation related issue. Tribal representatives indicated a need for a better understanding of agency processes and clearer guidelines on how to approach the agencies. In general, there was a lack of understanding regarding the regional transportation planning processes. Two of the main barriers to tribal government involvement in the transportation planning process were: (a) the lack of adequate staff to dedicate exclusively to this area of planning, and (b) information related to these processes was not sufficiently shared among both tribal staff and elected officials.

Lack of Long-Range Transportation Planning

The majority of the tribal governments in the San Diego region do not have Tribal Transportation Plans (TTPs) in place. Most cited the lack of funding and personnel as the reason for not having one. There are several who do have long range transportation plans in place, such as San Pasqual. As tribal developments become more and more complex, the need to incorporate transportation plans into their overall strategies becomes increasingly important. In recent years, several tribes have pooled their resources and developed circulation elements with the assistance of an intertribal transportation organization – the Reservation Transportation Authority.

Lack of Protocols for Sharing Comprehensive Land Use Plans

Eleven tribal governments have a general or comprehensive plan to guide development and facilities. Most indicated that although these are not public documents, under specific circumstances they would be willing to share the information with other agencies. Increasingly, tribal governments are expanding their areas of development from the commercial development of casinos to other forms of land use, including expanding housing options for tribal members.

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It will be important in the near-term to establish mutually acceptable protocol for sharing this information with other jurisdictions in the region. At the moment, various tribes are taking significant steps to reach out to neighboring communities in the unincorporated area of the county through liaison meetings with community planning groups, as well as private initiatives such as the Alpine Revitalization effort, the Sycuan-Dehesa Subcommittee, and the North County Inland Regional Leadership forum.

Lack of Training Opportunities

Tribal government representatives have indicated that they have had limited access to relevant training opportunities. They are generally interested in receiving specialized training and/or technical assistance and cited most frequently the following areas: (1) tribal transportation planning, (2) ways to become more involved in the transportation planning process, (3) grant proposal writing, (4) approaches for developing a funding strategy, and (5) transportation engineering.

Lack of Transportation Funding

According to the survey results, most of the tribes in San Diego County do not operate with an annual transportation budget, but rather on an “as needed basis.” The funding is sporadic and largely dependent on funding from the Bureau of Indian Affairs (BIA) for specific projects. Most of the tribes acknowledged that they do not receive funding from outside sources. Of those that do, revenues ranged from \$5,000 to \$1.9 million annually, depending on the project. Of those tribes that have allocated specific transportation budgets, many indicated that these budgets are a small portion of the overall tribal budget.

The main source of federal funding for tribal roads within the reservations is the BIA Indian Reservations Roads (IRR) Program. However, this funding is very limited. Federal IRR funding is allocated according to a “relative need” formula. Tribes from other states, particularly those with larger land bases, benefit from the formula because they are able to demonstrate a greater need based upon larger inventories of road miles, vehicle miles traveled, and population figures. California tribes, which generally have smaller reservations, receive a very low allocation, not nearly enough to meet their needs. In 1999, the California Transportation Commission (CTC) identified \$275 million in needed road improvements on tribal lands. According to a report by Caltrans, if the funding formula remains as it is, the expected IRR funding over the next 10 years would be just \$50 million, only 18 percent of the identified needs. Caltrans concluded that at current funding levels it would take 55 years to fund existing needs, not taking future needs into account.¹¹ Tribes are also eligible to receive most types of state transportation funds. However, tribes have had limited participation in past regional transportation planning efforts.

Priorities for Transportation Improvements

This section presents the two main transportation improvements identified by the tribes in order of their overall ranked importance and provides examples of some of the concerns/needs that various tribes expressed regarding that issue area. Overall, there was a consensus among the tribal

¹¹ State of California Department of Transportation, “Transportation Guide for Native Americans,” November 2002.

DRAFT FOR REVIEW

governments surveyed regarding transportation improvement priorities; however, there were some differences when responses were grouped by the three previously described transportation corridors. For the tribes in the SR 76 corridor, they ranked road system as the principal area for improvement, followed by public transit, bikeways, and park/ride facilities. Tribal governments in the SR 79 corridor prioritized road system, emergency vehicles, and bikeways. While the tribal governments in the I-8 corridor prioritized road system, public transit, emergency vehicles, and pedestrian walkways. The two highest ranked transportation needs in the survey were improvements to the road system and public transit.

- *Road System*

Sixteen of the 17 San Diego tribes who participated in the survey indicated that their highest priority was roads on or accessing their reservation. Current roadway uses include accessing destinations such as health care services, residential areas, educational facilities, and casinos. Tribes in all three corridors rated the need for roadway system improvements as high. Tribal representatives cited a variety of road system needs such as: (a) paving and erosion control; (b) accessibility to the reservation; (c) maintenance of paved roads; (d) safety issues related to specific state routes; (e) alleviating traffic flow; and (f) traffic calming.

An issue mentioned by almost all of the tribes was the complexity of which jurisdiction ultimately has the responsibility for maintenance of the roads on the reservation, as well as a growing concern for engaging in discussions related to access to the reservations from either county roads or state highways.

- *Public Transit*

For tribal members who have been living on their reservation for many years, access to public transportation is critical to their well-being. In recent years, many tribes in the region have been encouraging the return of tribal members to live on reservation land. In many cases, the first priority is given to tribal elders who have limited mobility. As this population grows, the availability of public transit to meet their transportation needs and service the reservations will need to be addressed.

Eleven tribes currently have bus service on their reservations and indicated that improvements to current bus service are needed. Respondents indicated the following needs: (a) increased hourly stops; (b) additional bus stop locations in general, and specifically near convenient locations; and (c) bus services to accommodate the needs of special populations needing to access medical services, educational facilities, and social services.

Tribal representatives in the SR 76 and I-8 corridors indicated that improvements to bus service were the second most important improvement needed. La Posta, for example, indicated that the closest transit stop is four or five miles from the reservation. The children of Los Coyotes have to be taken by their parents to the La Jolla reservation to catch the school bus; their day begins at 5 a.m. and they do not return home until early evening.

The rural bus routes that service tribal reservations are currently limited (see Attachment D – Proximity of Rural Transit Routes to Tribal Lands). In the spring of 2006, MTS approved the implementation of a large-scale series of changes to its bus services, as part of its Comprehensive

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Operational Analysis (COA). The objective of the COA was to re-align services to best serve productive market segments and develop a financially sustainable service. This will have some impact on the mobility options for people living and working in the rural areas of the region, including where many tribal lands are located.

DISCUSSION

Potential Solutions/Alternatives

Emerging Regional Government-to-Government Framework

As reservations continue to develop and interregional planning issues become more related to surrounding jurisdictions rather than federal and state agencies, the need for establishing a government-to-government framework at a regional level has become more and more 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 when engaging Native American tribes. Government-to-government interaction with Native American tribes should follow the principles of coordination, cooperation, and consultation.

Regional Partners

Caltrans was the first state agency in California to enact an agency-wide policy on tribal consultation. In subsequent years, counties and regional agencies, such as SANDAG, have been exploring mechanisms for increased tribal involvement in regional transportation planning processes. In San Diego, a regional framework for government-to-government relations between various public agencies and the tribal nations in the region is emerging. Today, all three principal transportation planning agencies in the region have tribal liaisons.

- **Caltrans District 11:** Native American Liaison program was established in 2002 to work with the 19 tribes in its jurisdiction. Its objectives are to: (a) establish close coordination and early project involvement with tribal governments to streamline funding, environmental, and project delivery processes in areas on or near reservations; (b) ensure that Caltrans programs do not adversely affect important California Native American sites, traditions, or practices; (c) encourage cooperation between other agencies and local tribal governments; (d) assist with training, information dissemination, and project delivery; and (e) 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.

DRAFT FOR REVIEW

- **SANDAG:** It is through the Borders Committee that SANDAG has been pursuing government-to-government relations with tribal governments in the region. The Borders Committee discusses policy issues related to planning from three perspectives: interregional, binational, and tribal. In 2002, SANDAG held a Tribal Summit as part of the development of its MOBILITY 2030 RTP. Since that time the agency has incorporated tribal liaison work into its work plan, designated a tribal liaison, and incorporated “tribal government-to-government” consultation into its Public Involvement Policy. Consistent with federal and state requirements, the Board of Directors adopted a Public Involvement Policy which includes tribal consultation as an integral component.

Intertribal organizations are playing a key role as facilitators for this emerging regional government-to-government framework. SANDAG is building working relationships with two key intertribal associations to strengthen communication and coordination with area tribes.

- **Reservation Transportation Authority (RTA):** The RTA, founded in 1998, is a consortium of Southern California Indian tribal governments designated as a Public Law 93-638 contracting entity that provides transportation education, planning, and program administration for tribal government members. SANDAG signed a Memorandum of Understanding (MOU) with the RTA in August 2005 to strengthen liaison activities and tribal involvement in transportation planning. The activities outlined in the MOU were funded by an environmental justice grant from Caltrans to RTA. Collaborative efforts focused on: creating systematic mechanisms of communication between tribal governments and SANDAG; providing information about SANDAG to the tribal nations; developing and implementing a strategy for tribal involvement in the RTP process; and facilitating policy discussions on tribal representation in the SANDAG structure.
- **Southern California Tribal Chairmen’s Association (SCTCA):** The SCTCA is a multi-service, non-profit corporation established in 1972 by a consortium of 19 federally recognized Indian tribes in Southern California. As an intertribal council, the SCTCA serves as a forum for a wide variety of issues for its member tribes. In June 2005, the SCTCA joined as an advisory member of the Borders Committee, similar to SANDAG’s relationships with other associations of governments, including Imperial Valley Association of Governments (IVAG) and Western Riverside Council of Governments (WRCOG). It is hoped that SCTCA’s involvement in the Borders Committee will further dialogue with area tribes on issues of mutual concern in all areas of regional planning, including transportation planning.

Mechanism: 2006 San Diego Regional Tribal Summit

SANDAG convened its first Tribal Summit as a mechanism for consulting with tribal governments in 2002 to attain tribal input for the MOBILITY2030. In 2004, Reservation Transportation Authority was awarded a grant from Caltrans to improve government-to-government relations between the tribes in Southern California and their respective regional transportation planning agencies. As part of the MOU signed with SANDAG in August of 2005, the RTA agreed to collaborate on the organization of a second Tribal Summit between elected tribal leaders from the 17 tribes in the San Diego region and the SANDAG Board of Directors.

DRAFT FOR REVIEW

Building on strengthened relationships with the RTA and the SCTCA, the Borders Committee formed an ad hoc interagency taskforce representing the RTA, SCTCA, County of San Diego, Caltrans, and SANDAG to plan the Tribal Summit. Regular planning meetings were hosted by the RTA to develop a mutually determined agenda and protocol. Chairman Robert H. Smith, Chair of the SCTCA, offered to host the event at the Pala Casino Conference Center, located on the Pala Indian Reservation.

Tribal leaders stated an interest in the Summit being an opportunity for local government officials to learn more about tribal nations as well as an opportunity for tribal leaders to understand better the policy areas that SANDAG deals with as a regional planning forum. It was suggested that a framework be developed for the Tribal Summit to channel the dialogue constructively and take full advantage of the presence of regional policymakers to arrive at specific recommendations/action items. In light of the development of the 2007 RTP, the 2006 San Diego Regional Tribal Summit was focused on a bilateral analysis of tribal transportation issues.

The mechanism of the Tribal Summit appears to be a useful tool as a forum for discussing policy-level planning issues of mutual concern between the SANDAG Board of Directors and the tribal governments of the region.

Analyses

In preparation for the 2006 San Diego Regional Tribal Summit, SANDAG, Caltrans, County of San Diego, SCTCA, and RTA staff worked together to hold a technical transportation workshop to discuss the results of the Tribal Transportation Needs Survey and provide an opportunity for tribal transportation managers to discuss issues and strategies to improve tribal transportation programs in the region with the transportation planning staff from SANDAG, Caltrans, the County, MTS, NCTD, and the BIA.

The group analyzed the current situation of transportation programs in the region discussing first the obstacles to overcome in order to improve tribal transportation programs and then those strengths in the region that could be leveraged for improvement. Among the obstacles tribal representatives mentioned: (a) the lack of communication and follow-up from agencies; (b) complex government processes and a lack of understanding of tribal processes; (c) lack of understanding of the transportation funding process and how to access it; (d) disconnects between transportation planning priorities of agencies and tribal governments; and (e) rigid organizational cultures and legal constraints that limit collaboration.

Among the strengths that are currently available that can be leveraged to improve tribal transportation-related programs, the group mentioned the following: (a) tribal governments acknowledged that agencies are recognizing the problems and are willing to work on them; (b) that agencies have been working more effectively in recent years and there is an increased one-on-one respect; (c) the existence of tribal liaisons in the agencies has facilitated communication and coordination; (d) policy mandates from the federal and state level are helping to create the political will to cooperate; (e) intertribal councils such as the RTA and the SCTCA are focusing more on policy level tribal needs and partnerships; (f) increasing evidence of a desire on both parts to understand each other and work on collaborative solutions.

DRAFT FOR REVIEW

The group then developed a set of strategies to improve tribal transportation programs in the region. The following strategies are grouped by category and are not in any priority:

Government-to-Government Framework

- Tribes should be voting members on regional decision-making bodies, such as SANDAG.
- Form tribal transportation agencies or committees that can address/discuss regional transportation concerns.
- Government agencies should understand tribal plans, how they are developed and implemented.
- Tribes will each develop an internal consultation policy/agreement and disseminate to other government agencies.
- Create mechanisms for identifying common concerns related to land use developments.

Transportation Infrastructure

- Tribes and MPOs should develop a collective Indian Reservation Road (IRR) road inventory to assure that California gets its fair share of federal IRR funds.
- The tribal governments, Caltrans, SANDAG, the County, and the transit agencies need to conduct more transportation corridor studies, such as the SR 76 east of I-15, to address the long-term needs of the region.

Transportation Funding

- Create opportunities for pooling or leveraging transportation funding for mutually important projects.
- Collaborate and advocate for new transportation funding for the region.
- Identify mechanisms for providing ongoing funding for new or additional transportation programs, including transit services.

Information Sharing/Technical Assistance

- Develop a useful, accessible interagency directory of agencies/contact information for specific transportation issues (bus stops, road improvements, etc.) and keep it updated.
- Create a single Web-based clearinghouse with information on transportation programs and processes.
- Agencies will provide ongoing training to tribal governments on funding processes, transportation, and regional planning.
- Look for opportunities to streamline processes through an audit/evaluation of agency procedures.

DRAFT FOR REVIEW

These strategies were taken to the Tribal Summit for the SANDAG Board of Directors and elected tribal leaders from each of the 17 nations in the San Diego region to discuss, analyze, and develop their priorities for action at a policy level.

Issues and Policy Implications

The participants at the Tribal Summit went through the strategies, discussed them, and then participated in an interactive polling exercise to determine where there were areas of mutual concern to identify possible areas of collaboration (Attachment E – Polling Results). The following are the results of the top five strategies indicated for:

Tribal Government Priorities:

- Tribal governments should be voting members on regional decision-making bodies, such as SANDAG (69 percent).
- Develop collective Indian Reservation Roads Inventory so that California gets its fair share (62 percent).
- Collaborate/advocate for new transportation funding for the region (62percent).

SANDAG Board of Directors Priorities:

- Create opportunities for pooling/leveraging funding for transportation projects of mutual interest (62 percent).
- Develop collective Indian Reservation Roads Inventory so that California gets its fair share (54 percent).
- Collaborate/advocate for new transportation funding for the region (54 percent).

Overall Priorities (Tribal Representatives/Board of Directors):

- Develop collective Indian Reservation Roads Inventory so that California gets its fair share (58 percent).
- Collaborate/advocate for new transportation funding for the region (55 percent).
- Area agencies should collaborate on more corridor studies to address long-term needs of the region (55 percent).

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RECOMMENDATIONS

The recommendations for inclusion of tribal transportation issues for the 2007 RTP Update are derived from various inputs including: tribal transportation survey; tribal transportation technical workshop; and the 2006 San Diego Regional Tribal Summit.

For the 2007 RTP Update

Strengthen the Mechanisms for Engaging Tribal Governments

The integrated work plan which was developed in collaboration with the Reservation Transportation Authority, SCTCA, Caltrans, and the County of San Diego for the planning of the Tribal Summit 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 transportation planning process.

- Create an Interagency Technical Working Group on Tribal Transportation Issues to monitor and advise on planning activities.

Strengthen Regional Government-to-Government Framework

The regional government-to-government framework for working with tribal nations in the region is in its initial stages. The priority at this stage is building institutional trust that will form the basis for future cooperation. It is important to work together on action items which have been identified that would have immediate results, as well as to build strategic alliances for more long-term solutions.

- SANDAG should collaborate with tribal governments in the region to address the following issues through its Executive Committee: (a) tribal representation in the SANDAG structure at the Board and/or Policy Advisory Committee level; and (b) a collaborative legislative agenda which could include advocating for new funding for transportation in the region and updating the Indian Reservation Roads Inventory.

Current and Future Transportation Needs

There are four principal transportation-related policy areas to consider in the 2007 RTP which resulted from the bilateral analysis with tribal governments, as well as for future collaboration: roadway infrastructure; funding; transit; and information sharing/data gathering.

Roadway Infrastructure:

- Coordinate the incorporation of existing Tribal Transportation Plans (TTP) into the 2007 RTP.
- Identify corridors critical to tribal reservations and coordinate the implementation of relevant studies, including funding.
- Identify critical regional arterials serving tribal nations which should be included in the RTP.

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Transportation Funding:

- Examine mechanisms for leveraging existing funds between local governments and tribal nations to improve transportation projects of mutual concern.
- Collaborate/advocate for additional transportation funds for the region.

Transit

- Collaborate with interested tribal governments on a Reservation Transit Feasibility Study to examine potential alternatives for transit and private/public partnerships in selected corridors.

Information Sharing/Data Collection/Technology Transfer

- Create and maintain useful, accessible interagency directory to orient tribal governments on which agencies to approach for specific transportation issues.¹²
- Provide ongoing training to tribal governments on funding processes and transportation and regional planning.
- Provide technical support for planning and data analysis services to tribal governments parallel to member agencies.

For Future Analysis

Roadway Infrastructure

- Collaborate on developing an accurate/up-to-date Indian Reservation Roads Inventory for the San Diego region.
- Coordinate with tribal governments and the Reservation Transportation Authority (RTA) on the development of Tribal Transportation Plans (TTP) and their inclusion in future RTPs.

Transportation Funding

- Examine existing mechanisms for allocating transportation mitigation funds from tribal compacts.

Transit

- Consider the potential of collaborating on the issue of reverse commuting for tribal enterprise employees to reduce traffic congestion and improve the safety of rural routes to reservations with gaming facilities.

¹² This could include a Web-based clearinghouse for information on transportation programs and processes.

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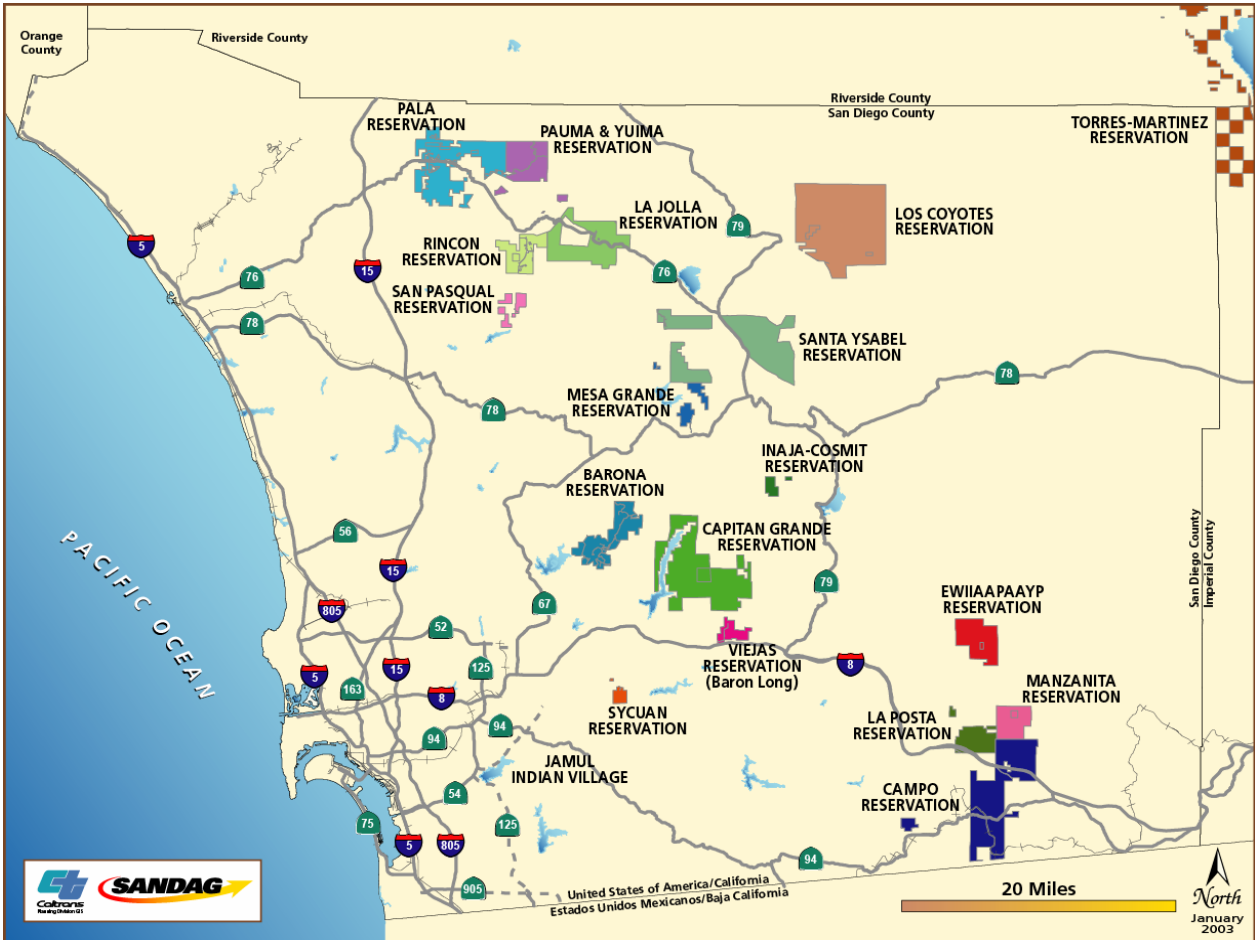
Information Sharing/Data Collection/Technology Transfer

- Look for opportunities to streamline processes related to tribal governments through an audit/evaluation of agencies procedures.
- Develop inter-institutional protocols for sharing land use and transportation data relevant to the development of regional comprehensive and transportation plans.

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TRIBAL LANDS MAP



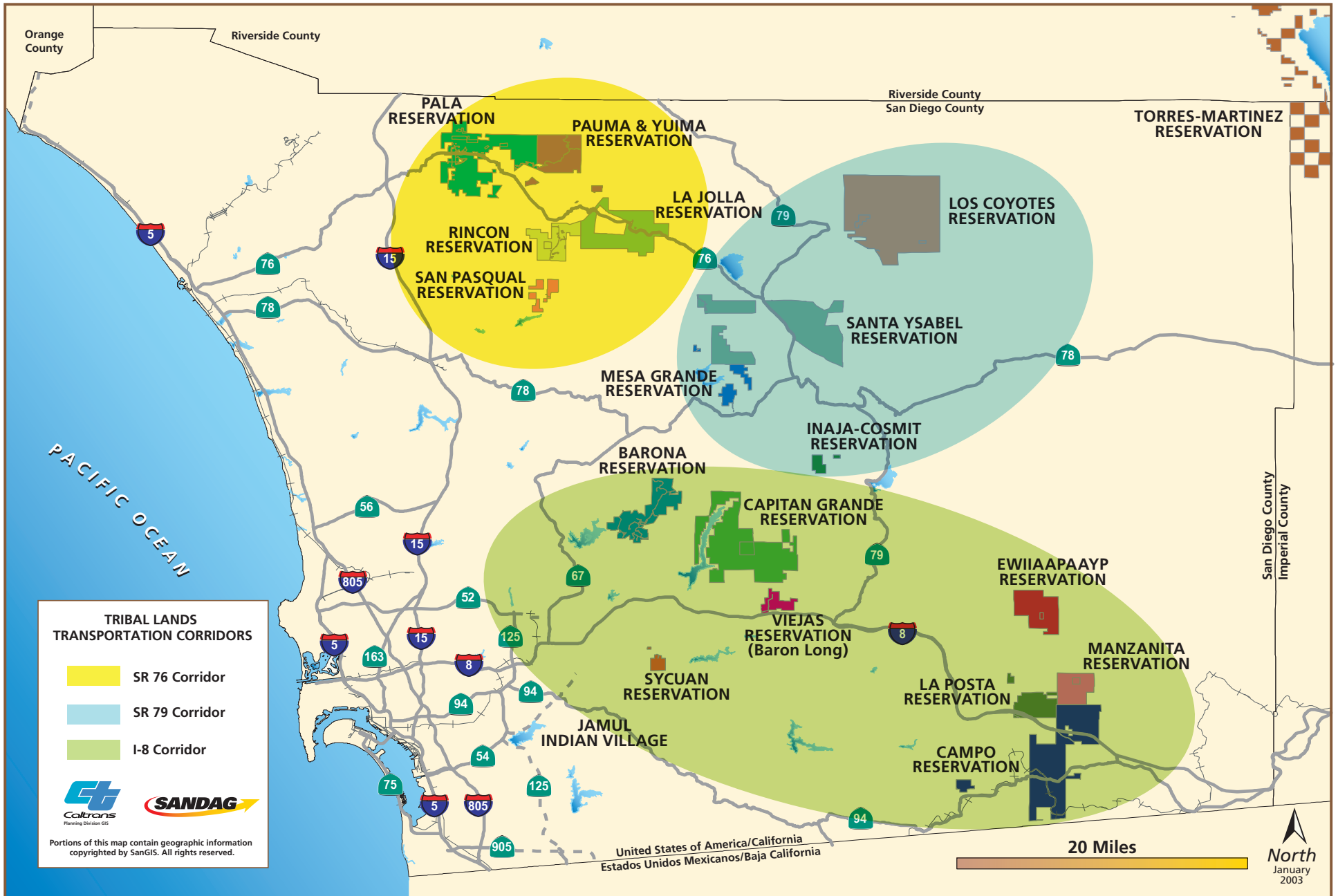
SQUARE FOOTAGE OF GAMING FACILITIES FOR TRIP GENERATION ESTIMATES

Name**	Casino Name	Year Opened	Square Footage Of Existing Operation	Number Of Restaurants	Square Footage Of Gaming Floor	Number Of Gaming Machines; Tables	Number Of Employees
SR76 Corridor							
Pala Band of Mission Indians	Pala Casino Resort & Spa	2001	650,000	8	70,000	2,250; 85	1,800
Pauma Band of Mission Indians	Casino Pauma	2001	65,000	3	35,000	1,050; 23	500
Rincon Band of Luiseño Nation	Harrah's Rincon Casino & Resort	2002	263,000	8	59,000	1,600; 46	1,500
San Pasqual Band of Mission Indians	Valley View Casino	2001	42,000	1	30,000	1,250; 10	629
I-8 Corridor							
Barona Band of Mission Indians	Barona Valley Ranch Resort & Casino	1994	712,000	9	310,000	2,000; 63	3,500
Campo Band of Kumeyaay Indians	Golden Acorn Casino	2001	60,000	1	40,000	750; 12	485
Sycuan Band of the Kumeyaay Nation	Sycuan Casino & Resort	1983	233,000	6	115,000	2,000; 63	2,500
Viejas Band of Kumeyaay Indians	Viejas Casino & Turf Club	1991	285,000	5	95,000	2,240; 96	2,800
Totals:			2.3 million	41	754,000	13,140; 398	13,714
(2005:			2.3 million	38	754,000	12,680; 388	13,295)

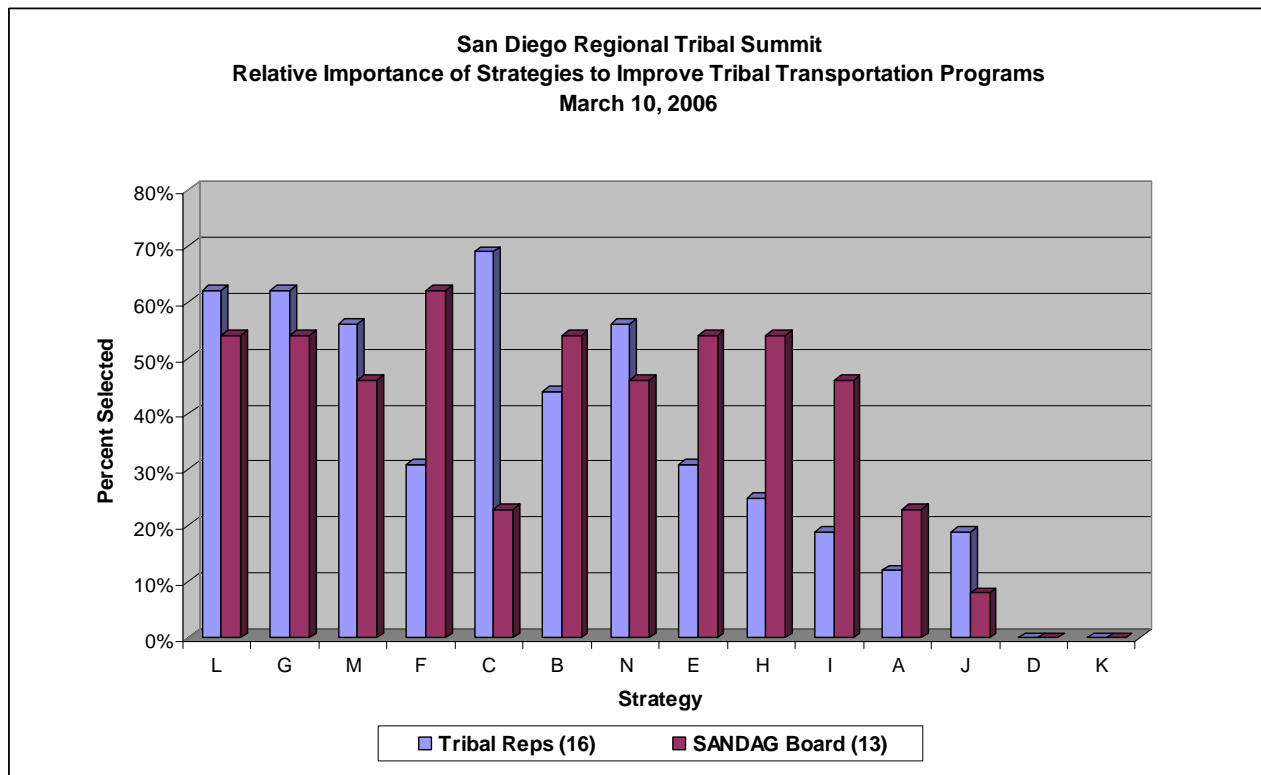
Source: Cruz, Manny, "San Diego Indian Gaming," *San Diego Metropolitan Magazine*, April 2006, pp. 58-59

* The Santa Ysabel and La Posta Tribal Governments each have agreements with the County of San Diego for developing gaming facilities with a maximum of 350 gaming machines and are expected to open in early 2007.

Tribal Lands in the San Diego Region



POLLING RESULTS



- A. Tribes will each develop an internal consultation policy/agreement and disseminate to other government agencies.
- B. Government agencies should understand Tribal Plans, how they are developed and implemented.
- C. Tribes should (will) be voting members on regional decision-making bodies, such as SANDAG, SCAG, and IVAG.
- D. Create a single Web-based Clearinghouse for agencies information on transportation programs and processes.
- E. Agencies will provide ongoing training to Tribal Governments on funding processes, transportation, and regional planning.
- F. Create opportunities for pooling or leveraging funding for transportation funds for mutually important projects.
- G. Collaborate and advocate for new transportation funding for the region.
- H. Create mechanisms for identifying common concerns related to developments.

- I. Identify mechanisms for providing ongoing funding for new or additional transportation programs, including transit services.
- J. Develop a useful, accessible interagency directory of agencies/contact information for specific transportation issues (bus stops, road improvements, etc.) and keep it updated.
- K. Look for opportunities to streamline processes through an audit/evaluation of agency procedures.
- L. Tribes and MPOs should develop a collective Indian Reservation Road (IRR) road inventory so that California gets its fair share.
- M. The Tribal Governments, Caltrans, SANDAG, the County, and the transit agencies need to conduct more corridor studies, such as the SR76, to address the long-term needs of the region.
- N. Form Tribal transportation agencies or committees that can address/discuss regional transportation concerns.