Appendix C

Tribal Consultation

Appendix Contents

Introduction .................................................. C-2
Background................................................... C-5
Tribal Nations in San Diego............................. C-5
A Regional Government-to-Government
Framework ..................................................C-13
Milestones in Collaborative
Tribal Transportation Planning .....................C-19
2050 RTP Process –
Integration of Tribal Nations .......................C-31
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 – nations within a nation. 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, as shown in Figure C.1.1

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 and 316(c)). In particular, the current federal transportation authorization, the Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU) reinforces the federal emphasis on tribal government participation. President Obama in his November 5, 2009, Memorandum on Tribal Consultation (Federal Register, vol. 74, No. 215, 11/9/09) reiterated the directive for public agencies to incorporate tribal consultation into their plans and programs in a timely and meaningful manner. In February 2010 the Department of Transportation led the way with a revised Tribal Consultation Plan that resulted from extensive consultation with tribal leadership across the country.2

How this consultation should occur is left to the Metropolitan Planning Organizations (MPOs) and the tribal governments. SANDAG, as an MPO, has forged a strong working relationship with the tribal nations in our region, based on a regional framework of communication, coordination, and collaboration in the regional transportation planning process. This appendix documents the tribal consultation process for the 2050 RTP. It includes: the background on the transportation needs, as the tribal nations in the region identified them; a discussion of the development of the regional government-to-government framework that has emerged in recent years; documentation of milestones in collaborative transportation planning that have occurred since the 2030 RTP; and the tribal transportation strategies for the 2050 RTP discussed and agreed upon at the 2010 San Diego Regional Tribal Summit. The objectives for the 2050 RTP, with regard to tribal nations and regional transportation planning, were to:

- Engage federally recognized tribal governments in the region in the transportation planning process in a timely, meaningful, and effective manner
- Strengthen the current framework for government-to-government engagement at a regional level
- Based on a government-to-government dialogue and negotiation, pursue a set of mutually agreed upon prioritized strategies to improve tribal transportation in the region in four areas: roadways, transit, funding, and information sharing/technical assistance
Background

Historically, the relationship between local governments and federally recognized tribal governments has been contentious. While the federal-tribal relationship is well established, the local-tribal government relationship has not been as clearly defined. Despite efforts to reach out to local governments, tribal governments indicate that for many years they were not well received. This has changed considerably in recent years. With the advent of gaming, local perceptions have changed, according to various tribal leaders. As a condition of the development of more recent gaming compacts, some tribes are required to negotiate mitigation agreements with the local land use authorities adjacent to them. What has not been clearly delineated by the state or federal government is the mechanism for including 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 being developed on a case-by-case basis in various parts of the country. 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 and planning principles, such as smart growth strategies, affect tribal development.

Tribal Nations in San Diego

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

In the years just prior to California becoming a state, the federal government developed treaties with Native Nations in the region in an effort to reduce tribal and settler violence at the end of the U.S.-Mexican War and during the onset of the Gold Rush. However, these treaties were never ratified; they were thwarted on the U.S. Senate floor by pressure from the new California Senators, and the tribal nations that had signed the treaties were never informed. In 1875, President Ulysses S. Grant signed an Executive Order based on several of the “lost treaties,” creating the Santa Ysabel, Pala, Sycuan, La Jolla, Rincon, and Capitan Grande tribal reservations. Most of the current tribal reservations were established by the end of the 19th century; however, several 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 C.1.

As domestic sovereign nations, tribes are subject to federal regulations, but they 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. Tribes are a distinct category of land use authority. Native American reservations currently cover more than 116,000 acres in the San Diego region, approximately four percent of the region's land base.

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 county roads, such as Los Coyotes. Inadequate access to and from the

<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>Ewiiapaayp***</td>
<td>Ewiiapaayp 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. A Kumeyaay Nation</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 Kumeyaay Indians</td>
</tr>
</tbody>
</table>

Source: SANGIS, Bureau of Indian Affairs

*tribe with gaming facility
**tribe with less than 350 slot facility
***Previously known as 'Cuyapaip'e
reservations often results in a lack of economic opportunity, as well as insufficient health, social, and cultural services.

**Tribal Economic Development**

Gaming is a traditional social activity among many tribal nations. However, tribal gaming enterprises expanded exponentially nationwide in the early 1990s as a result of the passage of the Federal Indian Gaming Regulatory Act (IGRA). The IGRA was the result of a legal battle between the Cabazon Band of Mission Indians and the State of California over the issue of the definition of sovereignty. The State claimed that Cabazon was violating the state’s anti-gambling laws, while the tribe asserted its sovereign right to pursue its own economic interests. In 1987, 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 states should have in that activity.

Although several tribes in the San Diego region already had well-established bingo facilities, by the 1990s most of the tribes had developed or had agreements to develop gaming facilities as a means of economic development. San Diego County now has ten tribal gaming facilities, which is the greatest concentration of Indian gaming facilities in any county in the United States (refer to Table C.1).

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. 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 about $500 million in goods and services purchased annually and $500 million in payroll. It should be noted, however, that the poverty level among the Native American population remains below the national average. Some gaming tribes have been much more successful than others, and there are six tribes in the region that are not involved in gaming.

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

Since the mid-1990s, tribal governments in San Diego have been developing gaming compacts with the State of California that have allowed them to plan and develop gaming facilities on their reservations. The planning framework used for the RTP is one of concentrating development in existing, more urban areas and connecting public transit to appropriate smart growth opportunity areas. The 2050 RTP considered existing tribal land use patterns in land use and transportation forecast modeling. But it did not consider forecast land use because 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 are subject to negotiation between the tribal government and the land use authority adjacent to it. However, there are currently no protocols for exchanging information about long-term land use and transportation plans on tribal lands for the regional planning process.

The County of San Diego, in its capacity as the adjacent land use authority to all tribal developments in the San Diego region, conducted traffic needs assessments related to tribal developments, which intensified after the enactment of the federal 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. xi

"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, about 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."

Based on that information, the County negotiated cooperative agreements with several tribes for “fair share” funding to mitigate traffic impacts. Nonetheless, according to the County report, level of service (LOS) on several road segments in the State Route (SR) 76, SR 67, and SR 94 corridors was estimated to deteriorate because of increased traffic volumes 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 transportation forecast modeling for the RTP is the square footage of gaming area which produces the estimate of Average Daily Trips (ADT). Currently, ten tribal gaming facilities are in operation. The estimated square footage of each facility is shown in Table C.2. It is anticipated that through government-to-government discussions with tribal governments, more accurate protocols can be developed for assessing traffic impacts. The available 2009 data on square footage devoted to gaming was incorporated into the travel forecasting for the 2050 RTP.

At the same time that there are concerns about the impact of gaming facilities on the regional transportation system, some tribal lands are isolated from the regional transportation system because they are situated in unincorporated portions of the county. All non-gaming tribes xii in San Diego County receive funding from gaming tribes in the form of a Revenue Sharing Trust Fund (RSTF) xiii to support the administration of their nations. But their isolation from the transportation system – in terms of infrastructure and transit services – limits their ability to improve the health and well-being of tribal members who reside on the reservation, as well as their ability to explore alternative means of self-sufficiency. As more tribal members return to their reservations to live, this will continue to be an issue regardless of the success of tribal enterprises. Regardless of the overall goal of the 2050 RTP, the region’s tribes must be serviced by the federally funded regional transportation system. It is critical to balance the needs of the region with the needs of the tribal nations for a system that serves everyone.
Table C.2 – Square Footage of Gaming Facilities for Trip Generation Estimates

<table>
<thead>
<tr>
<th>Name</th>
<th>Casino Name</th>
<th>Year Opened</th>
<th>Square Footage of Existing Operation</th>
<th>Number of Restaurants</th>
<th>Square Footage of Gaming Floor</th>
<th>Number of Gaming Machines; Tables</th>
<th>Number of Employees</th>
</tr>
</thead>
<tbody>
<tr>
<td>SR 76 Corridor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Pala Band of Mission Indians</td>
<td>Pala Casino Resort &amp; Spa</td>
<td>2001</td>
<td>650,000</td>
<td>10</td>
<td>210,000</td>
<td>2,000; 80</td>
<td>1,775</td>
</tr>
<tr>
<td>Pauma Band of Luiseño-Yuima Indians</td>
<td>Casino Pauma</td>
<td>2001</td>
<td>65,000</td>
<td>3</td>
<td>37,000</td>
<td>1,090; 18</td>
<td>500</td>
</tr>
<tr>
<td>Rincon Band of Luiseño Indians</td>
<td>Harrah’s Rincon Casino &amp; Resort</td>
<td>2002</td>
<td>263,000</td>
<td>8</td>
<td>55,000</td>
<td>1,600; 59</td>
<td>1,500</td>
</tr>
<tr>
<td>San Pasqual Band of Diegueño Indians</td>
<td>Valley View Casino</td>
<td>2001</td>
<td>124,000</td>
<td>3</td>
<td>75,000</td>
<td>2,016; 30</td>
<td>1,100</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SR 79 Corridor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Iipay Nation of Santa Ysabel*</td>
<td>Santa Ysabel Casino Resort</td>
<td>2007</td>
<td>30,000</td>
<td>1</td>
<td>15,000</td>
<td>349; 8</td>
<td>169</td>
</tr>
<tr>
<td>I-8 Corridor</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Barona Band of Mission Indians</td>
<td>Barona Resort &amp; Casino</td>
<td>2003**</td>
<td>305,000</td>
<td>11</td>
<td>101,550</td>
<td>2,000; 85</td>
<td>3,000</td>
</tr>
<tr>
<td>Campo Band of Kumeyaay Mission Indians</td>
<td>Golden Acorn Casino</td>
<td>2001</td>
<td>60,000</td>
<td>1</td>
<td>40,000</td>
<td>750; 12</td>
<td>325</td>
</tr>
<tr>
<td>La Posta Band of the Kumeyaay Nation***</td>
<td>La Posta Casino</td>
<td>2007</td>
<td>20,000</td>
<td>1</td>
<td>20,000</td>
<td>349; 0</td>
<td>90</td>
</tr>
<tr>
<td>Sycuan Band of the Kumeyaay Nation</td>
<td>Sycuan Casino &amp; Resort</td>
<td>1983</td>
<td>238,000</td>
<td>4</td>
<td>100,000</td>
<td>2,271; 85</td>
<td>2,000</td>
</tr>
<tr>
<td>Viejas Band of Kumeyaay Indians</td>
<td>Viejas Casino &amp; Turf Club</td>
<td>1991</td>
<td>333,000</td>
<td>6</td>
<td>210,000</td>
<td>2,000; 85</td>
<td>2,000</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals 2009:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2,088,000</td>
<td>46</td>
<td>1,072,000</td>
<td>14,425; 447</td>
<td>12,459</td>
</tr>
</tbody>
</table>

Source: Cruz, Manny, "San Diego Indian Gaming," San Diego Metropolitan Magazine, April 2009
* Not considered a gaming tribe for the purposes of the Special Distribution Trust Fund.
** Barona Big Top opened in January 1994
*** Not considered a gaming tribe for the purposes of the Special Distribution Trust Fund.
Tribal Transportation Needs Assessment

To better understand the transportation needs of tribal nations in the region, Caltrans District 11 and SANDAG designed, developed, and implemented a joint Tribal Transportation Needs Assessment in 2005, as part of the 2030 RTP process. It served as a component of an overall transportation needs assessment. The goal of this component was to: (a) initiate a process of building better relationships with tribes in San Diego and Imperial Counties; (b) establish a baseline of awareness of the transportation issues affecting each tribe in order to facilitate partnerships among Caltrans, tribal governments, and the regional transportation agencies; and (c) promote more efficient identification of mutual transportation concerns and the development of appropriate solutions.

For the purpose of examining long-range transportation issues, tribal nations in the region were grouped into three clusters based on key transportation corridors: 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 (I-8), which runs east-west in the southern area of the county (Figure C.2).

Technical Workshop – Identifying Strategies

In preparation for the 2006 San Diego Regional Tribal Summit, staff from SANDAG, Caltrans, the County of San Diego, the Southern California Tribal Chairmen’s Association (SCTCA), and the Reservation Transportation Authority (RTA) worked together to hold a technical transportation workshop hosted by the Viejas Band of Kumeyaay Indians. The goal was to discuss the results of the Tribal Transportation Needs Assessment and provide an opportunity for tribal transportation managers to discuss issues and strategies to improve tribal transportation programs in the region with transportation planning staff from SANDAG, Caltrans, the County of San Diego, the Metropolitan Transit System (MTS), the North County Transit District (NCTD), and the Bureau of Indian Affairs (BIA).

The group analyzed the current state of transportation programs in the region. It first discussed the obstacles to overcome in order to improve tribal transportation programs. It then discussed those strengths in the region that could be leveraged for improvement. Among the obstacles tribal representatives mentioned were: (a) the lack of communication and follow-up from agencies; (b) complex government processes and a lack of understanding of tribal processes; (c) the lack of understanding of the transportation funding process and how to access it; (d) disconnects between transportation planning priorities of local and regional agencies and tribal governments; and (e) rigid organizational cultures and legal constraints that limit collaboration.
Among the strengths that could 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) agencies have been working together more effectively in recent years, and there is an increased mutual 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; and (f) there is increasing evidence of a desire on both parts to understand one another and work on collaborative solutions.

The group then developed a set of strategies to improve tribal transportation programs in the San Diego region, including: (a) government-to-government framework; (b) transportation infrastructure; (c) transit; (d) transportation funding; (e) information sharing/technical assistance. The policy-level strategies were submitted to the SCTCA and SANDAG Boards for consideration as part of the 2006 San Diego Regional Tribal Summit organized by the two intergovernmental councils and hosted by the Pala Band of Mission Indians.

A Regional Government-to-Government Framework

The integrated work plan, which was developed in collaboration with the RTA, SCTCA, Caltrans, and the County of San Diego for the planning of the 2006 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. One of the major outcomes of the Summit was the commitment among various regional partner agencies to strengthen the current government-to-government framework for engaging tribal nations in the planning process.

Regional Partners

The core of the framework is an ongoing institutional dialogue among key stakeholders at the regional level. Today, all three principal transportation planning agencies in the region have full-time tribal liaisons: SANDAG, Caltrans, and the County of San Diego.
Public Agencies

**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. 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 the 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.

**San Diego Association of Governments (SANDAG):** SANDAG has been pursuing government-to-government relations with tribal governments in the region through the Borders Committee. This committee discusses policy issues related to borders-related planning from three perspectives: interregional, binational, and tribal. In 2005, the Southern California Tribal Chairmen’s Association joined the Borders Committee as an Intertribal Council of Governments to engage in a dialogue on tribal planning issues with other neighboring Councils of Government, including Imperial, 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 to the Board of Directors and other Policy Advisory Committees.

Intertribal Organizations

Intertribal organizations play a key role as facilitators for this regional government-to-government framework. SANDAG has a strong working relationship with two key intertribal associations to strengthen communication, coordination, and collaboration with area tribes.

**Southern California Tribal Chairmen’s Association (SCTCA):** The SCTCA is a multiservice, nonprofit 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 the Imperial County Transportation Commission and Western Riverside Council of Governments. The SCTCA now has a legislative analyst who serves as staff counterpart to the SANDAG Tribal Liaison to facilitate follow through on the directives of elected officials.
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. Their intertribal service area includes tribes in San Bernardino, Riverside, San Diego, and Imperial Valley (Figure C.3). At a technical level, SANDAG and the RTA have collaborated on a number of tribal transportation planning projects, particularly in the area of mobility management in recent years.

Framework – Policy Level

The regional government-to-government framework for working with tribal nations in the region has been strengthened during the last several years. The priority was to build the institutional trust that would form the basis for future cooperation. It was important to work together on action items that were identified at the 2006 Tribal Summit that would have immediate results, as well as to build strategic alliances for more long-term solutions.

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. By bringing together the entire board of each agency, it offers an opportunity for tribal and non-tribal elected officials from the region to engage in a diplomatic dialogue, 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 2006 Summit was tribal representation on SANDAG. 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 in 2006 regarding the development of a formula for tribal representation which would involve tribal governments in policy decisions at SANDAG, while respecting tribal sovereignty. At a policy level, SCTCA and the SANDAG signed a Memorandum of Understanding (MOU) on January 26, 2007 memorializing the agreement to have the SCTCA join the SANDAG Board of Directors and Policy Advisory Committees, including the Transportation, Borders, Regional Planning, and Public Safety Committees, as advisory members. As meetings are scheduled monthly or twice a month (Board/Transportation Committee) and last for two to three hours, the commitment of the tribal leadership to participate is significant. Tribal leaders are now part of the regional decision-making process at a policy level, offering a tribal perspective to complex regional issues on an ongoing basis.
Tribal Liaison to SCTCA Board of Directors

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 major initiatives in which SANDAG was engaged also were shared directly with the entire tribal leadership. Therefore, the SANDAG Tribal Liaison coordinates with the SCTCA representatives to SANDAG to bring briefings on major, agency-wide initiatives to inform the tribal leadership and obtain feedback from all tribal nations to the process. This has included diverse SANDAG work efforts, such as the Coordinated Public Transit Plan – Human Services Transportation, the Regional Energy Strategy, and the TransNet Environmental Mitigation Program, among others. This creates a systematic feedback loop to ensure that all tribal nations are involved in the process and have an opportunity to raise issues and provide feedback.

Tribal Issues brought to SANDAG Policy Advisory Committees

As members of the various SANDAG Policy Advisory Committees, SCTCA representatives have brought tribal issues to their respective committees. Several presentations on a number of issues have been made, including: background on Public Law 280 and its impact on tribal nations in California; the Intertribal Court System among San Diego tribes; tribal energy planning efforts; intertribal initiatives on fire recovery; and tribal transit initiatives, among others. On a periodic basis, the SANDAG Tribal Liaison meets with the SCTCA representatives to discuss current issues, develop an agenda of presentations, and provide technical assistance when requested to bring these briefings to the appropriate Policy Advisory Committees. In 2010, the SCTCA approved its legislative analyst to become a counterpart staff member for facilitating follow up on tribal issues.

Framework – Technical Level

Interagency Technical Working Group on Tribal Transportation Issues

One of the critical technical outcomes of the 2006 Tribal Summit was the strategic action of creating an ongoing forum for discussion on tribal transportation issues between the tribal nations and public agencies that have an influence on tribal transportation. The Boards of SCTCA and SANDAG approved the charter for the Interagency Technical Working Group on Tribal Transportation Issues (Working Group) during the summer of 2006. The Barona Band of Mission Indians hosted the Working Group’s kick off meeting in October 2006. The Working Group reports to the Borders Committee and all tribes in San Diego can be members. Currently, 14 of the 17 tribes in the region are formal members of the Working Group (Table C.3 – Current Membership Roster). At the request of the tribal nations, the Working Group has two co-chairs, a tribal leader, and the Chief Deputy Executive Director of SANDAG. Tribes stated that this would ensure that their concerns and issues were discussed directly at the executive level. The Working Group is staffed by SANDAG, meets quarterly, and tribal nations alternate hosting the meetings at different reservations. Since 2006, Pala, Pauma, Rincon, San Pasqual, Barona, Campo, and Viejas have hosted the Working Group meetings.
Figure C.3
Reservation Transportation Authority (RTA): Intertribal Service Area
October 2011

MILES
0  5  10  15
0  5  10  15

KILOMETERS

SANDAG 2050 Regional Transportation Plan C-17
### Table C.3 – Current Membership Roster: Interagency Technical Working Group on Tribal Transportation Issues

**MEMBERS (Tribal Governments)**

- Albert ‘Boxie’ Phoenix  
  **Barona Band of Mission Indians**

- Monique LaChappa (Tribal Chair)  
  **Campo Band of Mission Indians**

- William Micklin (Executive Director)  
  **Ewiaapaayp Band of the Kumeyaay Nation**

- Virgil Perez (Tribal Chair)  
  **Iipay Nation of Santa Ysabel**

- Ray Hunter (Tribal Councilmember)  
  **Jamul Indian Village. A Kumeyaay Nation**

- La Vonne Peck (Tribal Chair)  
  **La Jolla Band of Luiseño Indians**

- Eric LaChappa (Tribal Secretary/Treasurer)  
  **La Posta Band of the Kumeyaay Nation**

- Milton Campbell (Tribal Councilmember)  
  **Los Coyotes Band of Cahuilla/Cupeño Indians**

- Mark Romero (Tribal Chair)  
  **Mesa Grande Band of Mission Indians**

- Ana Venegas (Tribal Consultant)  
  **Pala Band of Mission Indians**

- Marlaine Bojorquez (Tribal Vice Chair)  
  **Pauma Band of Luiseño Indians**

- Bo Mazzetti (Tribal Chair)  
  **Rincon Band of Luiseño Indians**

- Carmen Mojado (Tribal Secretary)  
  **San Luis Rey Band of Luiseño Indians**

- Dave Toler (Tribal Delegate; Co-Chair, Working Group)  
  **San Pasqual Band of Diegueño Indians**

- Robert ‘Cita’ Welch (Tribal Vice Chairman)  
  **Viejas Band of Kumeyaay Nation**

**ADVISORY (Public Agencies)**

- Superintendent Robert ‘RJ’ Eben  
  **Bureau of Indians Affairs (BIA), Southern California Agency**

- Gustaf Silva (Tribal Liaison)  
  **Caltrans, District 11**

- Teresa Brownyard (Tribal Liaison)  
  **County of San Diego**

- Devin Braun (Senior Transportation Planner)  
  **Metropolitan Transit System (MTS)**

- Timothy McCormick (Director of Service Planning)  
  **North County Transit District (NCTD)**

- Tony Largo (Construction Manager)  
  **Reservation Transportation Authority (RTA)**

- Renée Wasmund (Chief Deputy Executive Director; Co-Chair, Working Group)  
  **San Diego Association of Governments (SANDAG)**
The purpose of the Interagency Technical Working Group on Tribal Transportation Issues 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 RTA, the Working Group monitors and provides input on implementing strategies and planning activities related to transportation, which were mutually developed through the San Diego Regional Tribal Summit.

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 provides feedback and comments on current and planned activities, and provides 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.

SANDAG-RTA Partnership for Tribal Transportation Planning

SANDAG and the Reservation Transportation Authority signed a Memorandum of Understanding (MOU) in 2005 to collaborate on tribal transportation. SANDAG and the RTA have pursued and obtained funding for a number of tribal transportation planning projects since the 2006 Summit, which are detailed in the next section. The focus of much of the collaborative planning work between the RTA and SANDAG has been in expanding the RTA’s mission from roadway infrastructure on tribal reservations to mobility, including transit and transportation demand management (TDM). In so doing, the RTA has become one of several mobility partners of SANDAG, taking the lead on integrating tribal mobility projects into the system. This has benefited not only tribes, but rural population as well.

Milestones in Collaborative Tribal Transportation Planning

For the 2030 RTP, a set of objectives was established for tribal transportation planning. Through the consultation process, which included a survey of tribal transportation needs, a joint technical workshop to analyze the results, and a policy-level summit, a set of cooperative strategies to improve tribal transportation was developed between the SCTCA and the SANDAG Board of Directors. Table C.4 is a timeline of activities that shows the recommendations, actions, and milestones achieved through the period since the adoption of the 2030 RTP. There are four principal transportation-related policy areas that were considered in the 2030 RTP as a result of the consultation process with tribal governments, and these have continued as areas for future collaboration. They are: roadway infrastructure, funding, transit, and information sharing/data gathering. The matrix highlights the collaborative nature of all of the various efforts. In some cases, tribal nations took the lead, while in other areas the County of San Diego, Caltrans, SANDAG, or the RTA led the effort.
<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Strengthen the Mechanisms for Engaging Tribal Governments</strong></td>
<td>Held policy-level summit</td>
<td>Developed collaborative action agenda</td>
<td>Created interagency working group on tribal transportation issues</td>
<td>Created interagency working group on tribal transportation issues</td>
<td>Created interagency working group on tribal transportation issues</td>
<td>Created interagency working group on tribal transportation issues</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>* SR76 Operational Improvements Study</td>
<td>* SR76 East widening to Rosemary Quarry</td>
<td>* SR78 at Ipaay Nation entrance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>2. County/Reservation Roads</td>
<td>2. County/Reservation Roads</td>
<td>2. County/Reservation Roads</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>* Valley Center Road</td>
<td>* Valley Center Road</td>
<td>* Valley Center Road</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>* Pala Mission Road (outlet improvement)</td>
<td>* Pala Mission Road (outlet improvement)</td>
<td>* Pala Mission Road (outlet improvement)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>* Viejas Grade/Willows Road intersection</td>
<td>* Viejas Grade/Willows Road intersection</td>
<td>* Viejas Grade/Willows Road intersection</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>* Dehesa Road at Sycuan entrance</td>
<td>* Dehesa Road at Sycuan entrance</td>
<td>* Dehesa Road at Sycuan entrance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>* Lake Wohlford Improvements at Valley View entrance</td>
<td>* Lake Wohlford Improvements at Valley View entrance</td>
<td>* Lake Wohlford Improvements at Valley View entrance</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>* Valley Center Road Bridge Replacement</td>
<td>* Valley Center Road Bridge Replacement</td>
<td>* Valley Center Road Bridge Replacement</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>* Black Canyon Rd Improvement near Mesa Grande</td>
<td>* Black Canyon Rd Improvement near Mesa Grande</td>
<td>* Black Canyon Rd Improvement near Mesa Grande</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transit/Mobility Planning</strong></td>
<td>Sought funding and implement tribal-focused transit planning projects</td>
<td>1. Tribal Transit Feasibility Study</td>
<td>2. FTA Tribal Transit Program</td>
<td>3. Tribal TOD Outreach – Phase I (San Diego)</td>
<td>4. Tribal TOD Outreach – Phase II (Riverside)</td>
<td>4. Tribal TOD Outreach – Phase II (Riverside)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Transportation Funding</strong></td>
<td>Created opportunities for pooling/leveraging transportation funding</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>1. Pala Mitigation Agreement with County</td>
<td>2. Pauma Mitigation Agreement with County</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Information/Technical Assistance</strong></td>
<td>Agencies provided ongoing training to tribal governments on funding processes, transportation, and regional planning</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### Table C.4 – Collaborative Tribal Transportation Planning Milestones/Accomplishments (2006–2010)

<table>
<thead>
<tr>
<th>Lead Agency/Group</th>
<th>Caltrans</th>
<th>County of SD</th>
<th>Reservation Transportation Authority (RTA)</th>
<th>SANDAG/ALL</th>
<th>Tribe(s)</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>FY06</th>
<th>FY07</th>
<th>FY08</th>
<th>FY09</th>
<th>FY10</th>
</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>2007</td>
<td>2008</td>
<td>2009</td>
<td>2010</td>
</tr>
</tbody>
</table>

*Note: Details on specific projects and funding sources can be found in the table.*
Transportation Infrastructure

As with all land use authorities, improvements in transportation infrastructure are key to improving the potential of each tribal nation’s ability to compete in a global economy and provide its citizens with access to housing, jobs, education, healthcare, and entertainment. Efforts have been made to help tribes increase funding for their own transportation planning, by updating their Indian Reservation Roads (IRR) Inventory through the BIA. Tribal governments also have made significant contributions to county and state road infrastructure as part of their mitigation agreements with the County of San Diego.

Supported the Indian Reservation Roads Inventory

One major change for tribal nations that occurred as part of SAFETEA-LU was the change to the IRR program. Traditionally, the formula for tribes to receive transportation funding through the BIA had been based on the number reservation road miles. For small land-based tribes like those in California, the prior IRR formula resulted in only minimal IRR funding. However, SAFETEA-LU acknowledged that tribal transportation systems for many tribes include access to state highways as well as county and city roads. Therefore, under SAFETEA-LU, tribes can include segments of roads and highways not owned by them in their inventory. In order to do that, a letter of acknowledgement is required from the owner of the road.

In 2008, Caltrans headquarters received a grant from the Federal Highway Administration (FHWA) to support tribal efforts in California to update IRR inventories to increase tribal shares of federal funding. Most of the tribal nations in the San Diego region participated in that initiative. The tribes and agencies that form the Working Group collaborated to ensure that all tribes in the region that wanted to update their inventory in order to increase their federal transportation planning funding had the support to do so. Caltrans hired a consultant to work with tribes to complete the technical inventories. Caltrans then sent every participating tribe a compact disc with all of the completed data. Each tribe, then, was responsible for submitting a Tribal Transportation Plan, a council resolution indicating the road segments to be considered in their inventory, and letters of acknowledgement from the owners of the non-tribal road segments to be included. Caltrans and the County of San Diego, through the Working Group, provided to the tribes that requested them letters of acknowledgement for the segments of roads or state highways that are critical to their tribal transportation system.
Despite some regional setbacks, California tribes have so far increased their share of IRR funding from 1 to 5 percent. The current funding formula has been so successful for California tribes that there is now a controversy among large land-based tribes and small land-based tribes over whether to maintain the current formula. The National Tribal Advisory Committee to the BIA IRR program continues to discuss whether the formula should be continued or modified in the next federal surface transportation reauthorization. Currently, the Pacific Region of the BIA is working with the tribes in the San Diego region to correct their inventories and submit for funding. The RTA is taking the lead in coordinating these efforts with the BIA.

As tribal nations are developing and updating their reservation roads inventories, competition has increased exponentially among tribal nations across the country. The BIA now requires tribes to prioritize their projects through a long-range Tribal Transportation Plan (TTP) that justifies the request for funding and shows how the road will contribute to their long-range goals and objectives. Often, tribes (especially small land-based tribes) do not have these. As such, their IRR inventories are incomplete. In an effort to set tribal transportation systems in the context of the RTP, SANDAG is including the TTPs of any tribes that would like them included, as a diplomatic courtesy. Technical Appendix 8 includes TTPs or summary TTPs for those tribes that provided them to SANDAG, along with a map that shows how each tribe is connected to the regional transportation system.

Identified Tribal Corridors and Coordinated Relevant Studies/Projects

State Routes: A number of collaborative projects undertaken since 2006 affected the SR 76, SR 79, and SR 67 corridors. One particular project highlights the importance of collaboration for infrastructure improvements, and it has received national attention as a model for how state Departments of Transportation (DOTs) should work on a government-to-government basis with tribal nations. Caltrans and the RTA conducted a study of SR 76 east of the I-15 to determine what kinds of operational improvements could be made to improve the safety of the SR 76 East corridor. The study identified estimated costs for potential operational improvements, as well as a methodology for allocating fair share contributions to the developing property owners in the corridor. Additionally, this study identified potential alternative funding options from federal, state, local, and private sources. The study was funded in part by a statewide Caltrans grant. The Pala Band of Mission Indians provided the local match, and the RTA conducted the study. By bringing together the State (through Caltrans), the tribes, the County of San Diego, SANDAG, environmental resource agencies, and the public during the study process, new and innovative measures were explored for strengthening the State’s existing ability to plan and fund transportation improvements. The recommendations from the study were incorporated into the 2050 RTP.

County/Reservation: A number of infrastructure projects have been planned, designed, and implemented since 2007. These projects are a combination of Caltrans-permitted projects, County-permitted projects, and County Capital Improvement Program (CIP) projects. These were all projects that involved collaborations between the County Department of Public Works and various tribes. For example, the Valley Center Road Widening project (completed in 2009) was designed and constructed by the County with funding contributions from San Pasqual, Rincon, Pauma, and Pala. In some cases, the tribe was the lead, such as for the
Lake Wohlford improvements at the entrance to Valley View, or the improvements to Black Canyon Road near Mesa Grande funded by a grant Mesa Grande received. Another example is the Viejas Grade/Willows Road intersection improvement project. The recommendations for road improvements were the result of the Viejas Band’s collaboration with adjoining property owners and San Diego County Supervisor Dianne Jacob. The County Department of Public Works (DPW) designed the project, and construction was funded in full by the Viejas Band.

Transit/Mobility Planning

Another area of tribal transportation planning that emerged since the 2006 Tribal Summit was a focus on transit and mobility planning. Transit and mobility management are two areas in which more short-term solutions to access the transportation system can be addressed. Through collaborative planning in this area, the tribes, SANDAG, and the two transit agencies have developed innovative projects, which are contributing to improved mobility in tribal communities and for other rural residents.

Tribal Transit Feasibility Study

Caltrans awarded SANDAG a transit assistance planning grant to determine the feasibility of implementing transit service in one or two key transportation corridors between selected tribal reservations and cities and/or urbanized community planning areas in the unincorporated area of San Diego County. This report examined traditional public transit services, as well as the potential for nontraditional services that could be funded by private sources and/or public-private partnerships.

The study was a collaborative effort among SANDAG, the RTA, and the region’s transit agencies — the Metropolitan Transit System and the North Country Transit District. SANDAG contracted with a consultant to conduct the technical analysis for this study, which provided the information needed to leverage additional funding for transit service for the 17 federally recognized tribal governments in San Diego County. The Working Group provided guidance to the consultant throughout the study.

The study identified transportation corridors and service options to improve connections between the tribal reservations and the urban transit system. Recommendations included potential service enhancements to existing services, and new rural transit routes focused on connecting the tribal community (Figures C.4 and C.5). The study provided a financial assessment and identified potential sources of funding.

FTA Tribal Transit Grant Program

The Tribal Transit Feasibility Study provided the technical basis for the Working Group to pursue funding to implement the recommendations. The RTA applied successfully for FY 2007 through FY 2010 funding, for a total of $1.6 million. Although the RTA received the highest level of funding for each cycle, the awards were significantly less than the total project costs to fund the entire plan. The Working Group discussed the options available and decided to focus the funds on supporting an enhanced service on one of the NCTD routes, Route 388/389, which runs from the Escondido Transit Center through Valley Center to Pala. One of the principal recommendations for the Northern Corridor was to enhance that service and create an express portion of the route that would run up and down the I-15 corridor from the Escondido Transit Center to Pala, completing a service loop and permitting those on the SR 76 corridor (including members of five tribes) to take an express bus to and from the Escondido Transit Center.
In addition to the operating funds provided by the FTA Tribal Transit program, the RTA successfully applied for American Recovery and Reinvestment Act of 2009 (ARRA) funds associated with the FY 2009 funding cycle. Only FY 2008 Tribal Transit grant recipients could compete for these ARRA funds. The RTA received $1.1 million for transit capital improvements for the region through this program, and it is now collaborating with the transit agencies and SANDAG to implement the projects. This includes improvements to the Park and Ride on the I-15/SR 76 interchange. The proposal was based on the recommendations in the Tribal Transit Feasibility Study.

Tribal TDM Outreach – Phase I (San Diego)
The objective of this collaborative project between the RTA and SANDAG was to strengthen the participation of tribal nations in the San Diego region in the regional TDM program.

The tribal gaming facilities are now major employers in the region, yet their involvement in the region’s commuter services program (iCommute) was limited. Sycuan, Viejas, Barona, and Campo in the I-8 corridor employ about 9,000 people. In the SR 76 corridor, Pala, Pauma, Rincon, Viejas, Sycuan, and Santa Ysabel. In FY 2009/2010, the RTA successfully applied for a grant for Phase II of this project. The goal was to focus efforts on their tribal members in the Riverside area through a Caltrans planning grant provided to them through District 8.

SANDAG, the RTA, and the SCTCA collaborated on an assessment of the needs of tribal employers and developed a strategy to meet these needs. SANDAG assisted the RTA in developing a business marketing plan for establishing a Tribal Transportation Management Association (TTMA) that would coordinate with the SANDAG iCommute program. The tribal TMA, a private, nonprofit, member-controlled organization, would provide 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 commuter surveys in their facilities. They included: Pala, Pauma, Rincon, Viejas, Sycuan, and Santa Ysabel. In FY 2009/2010, the RTA successfully applied for a grant for Phase II of this project. The goal was to focus efforts on their tribal members in the Riverside area through a Caltrans planning grant provided to them through District 8.
Transportation Funding

One of the action items established at the 2006 Tribal Summit was to create opportunities for pooling or leveraging transportation funding. Since the 2006 Summit, the County of San Diego and several tribal nations have negotiated innovative mitigation agreements, which include components for supporting collaborative transit and TDM initiatives.

Pala Mitigation Agreement with County of San Diego

In 2007, the County of San Diego and the Pala Band of Mission Indians entered into an agreement related to the expansion of their gaming facility, which included considering future TDM and transit improvements. They include: (a) a TDM program being developed by the RTA with assistance from SANDAG; (b) a possible Park-and-Ride facility at the I-15/SR 76 junction; (c) a possible Interregional Transit Service Plan being developed by SANDAG and the Riverside County Transportation Commission (RCTC); and (d) support for an NCTD bus stop. Pala was an active member of the RTA’s initial TDM Outreach program.

Pauma Mitigation Agreement with County of San Diego

In 2008, the County of San Diego and the Pauma Band of Luiseño Indians entered into an agreement related to the building of a gaming facility and hotel, which included support for TDM and transit as well as fair share contributions for the operational improvements on SR 76 East, as determined from the Caltrans Operational Improvements Study. The agreement included a commitment to support the tribal effort to create a TTMA. It included consideration of membership with a specific contribution based on the RTA’s business plan, should the TTMA be formed. Pauma also committed to having 20 percent of its employees participate daily in carpools, vanpools, or other rideshare programs.

Information Sharing/Technology Assistance

One of the commitments that resulted from the 2006 Tribal Summit was to provide ongoing training to tribal governments on funding processes, as well as transportation and regional planning. SANDAG has worked closely with the Tribal Transportation Assistance Program (TTAP), currently managed by the National Indian Justice Center (NIJC) under contract with Caltrans, to ensure that tribal nations in San Diego are aware of and have appropriate and timely information for taking advantage of funding opportunities and other training for tribal transportation planning. The NIJC has been invited to the Working Group on a number of occasions to share information and training opportunities with area tribes. The Working Group has become an important venue for discussing statewide transportation issues with San Diego tribes.

In addition, SANDAG, through its Service Bureau, has made available to tribal governments technical support for planning and data analysis services. A number of tribes have taken advantage of these services for their own planning efforts.

2050 RTP Process – Integration of Tribal Nations

Building on the successes of the last RTP, members of the Working Group were asked to review the tribal transportation planning objectives and strategies developed during the last cycle for the 2030 RTP. The objective was to determine which of them have been accomplished and which ones continue to be issues that should be addressed, and to identify any new areas that should be
considered. The Working Group developed a tribal consultation work plan, beginning as soon as the SANDAG Board approved the overall 2050 RTP work plan. The Working Group and the SCTCA Board were involved in each step of the development of the 2050 RTP.

**Recommended Strategies**

Several workshops were held with the Working Group, as well as the RTA and the SCTCA Board, between September and November 2009 to obtain input on updating the 2030 Tribal Transportation Strategies for the 2050 RTP planning process. Their recommendations are listed in Table C.5, and they were discussed at the 2010 San Diego Regional Tribal Summit between the Boards of SANDAG and the SCTCA. The objective was to identify and prioritize a set of strategies to be considered in the development of the 2050 RTP.

**2010 San Diego Regional Tribal Summit**

On April 9, 2010, the Rincon Band of Luiseño Indians hosted the 2010 San Diego Regional Tribal Summit. The summit was the result of collaboration among SANDAG, SCTCA, Caltrans, and the County of San Diego. The purpose was to bring together elected leaders from local governments who make up the SANDAG Board of Directors and the 17 federally recognized tribal governments in the San Diego region. Their goal was to identify policy-level issues of mutual concern related to transportation and regional planning, and to formulate a set of priority areas for actions that can be addressed over the next few years. In particular, the Tribal Summit provided a timely opportunity to discuss tribal input regarding transportation and important regional planning issues for inclusion in the 2050 RTP. The Tribal Summit drew more than 100 participants, including elected officials from 13 tribal governments in the region, the SANDAG Board of Directors, members of SANDAG’s policy advisory committees, various public agencies that work with tribal governments, and interested organizations and stakeholders.

Among the key issues raised were:

- The value of the SCTCA being represented on the SANDAG Board and Policy Advisory Committees.
The critical importance of working together on statewide issues

The importance of developing a collaborative legislative agenda

The importance of nontribal elected officials understanding tribal sovereignty

Opportunities for developing a collaborative funding strategy for transportation

After a plenary discussion among the SANDAG and SCTCA boards, during which recommended strategies were clarified and considered, the Board members prioritized their “Top Five” strategies for consideration in the 2050 RTP using interactive polling technology. The overall top five strategies, identified by combining the scores of the SANDAG and SCTCA Boards to form the collaborative agenda, were:

- Developing a collaborative legislative agenda that benefits the region (83 percent)
- Identifying critical regional arterials serving Tribal Nations that should be incorporated into the 2050 RTP (83 percent)
- Incorporating existing Tribal Transportation Plans into the 2050 RTP (71 percent)
- Coordinating the funding and implementation of planning studies, in order to identify critical transportation corridors to tribal reservations and adjacent communities (58 percent)
- Providing ongoing information to tribal governments on funding processes, transportation, and regional planning (50 percent)

Integration of Tribal Governments into the 2050 RTP

Through the government-to-government framework in place, tribal nations in the San Diego region were able to have an unprecedented voice in the process of the development of the 2050 RTP.

As with other stakeholder groups, input was sought from tribal nations during each step of the process that led to the selection of the Revenue Constrained Transportation Scenario which forms the basis of the 2050 RTP, including:

- Goals/Objectives
- Project Evaluation Criteria
- Performance Measures
- Corridors for travel times
- Sustainable Communities Strategy
- Alternative Scenarios

With input from the Tribal Working Group, the SANDAG Board on June 11, 2010, approved the 2050 RTP Project Evaluation Criteria, incorporating tribal lands into the overall set of criteria for transit and highway corridors and connectors, as well as the movement of goods. When considering the selection of travel time corridors, options were discussed with tribal leaders, leading to two of the ten corridors focusing on tribal connections. All revenue constrained scenarios were discussed with the Working Group and with the SCTCA Board in detail. Their issues and concerns were incorporated, and the SCTCA Board endorsed the Hybrid Scenario—which was accepted by the SANDAG Board as the Preferred Alternative for the 2050 RTP.
Table C.5 – 2050 RTP – Recommended Strategies for Tribal Transportation

<table>
<thead>
<tr>
<th>Strategic Area</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government-to-Government Framework</td>
<td>Public agencies should understand tribal plans, how they are developed and implemented</td>
</tr>
<tr>
<td></td>
<td>Develop collaborative legislative agenda that benefits the region</td>
</tr>
<tr>
<td>Transportation Infrastructure</td>
<td>Identify corridors critical to tribal reservations and coordinate the funding and implementation of relevant studies</td>
</tr>
<tr>
<td></td>
<td>Identify critical regional arterials serving tribal nations which should be included in the RTP</td>
</tr>
<tr>
<td></td>
<td>Coordinate the incorporation of existing Tribal Transportation Plans (TTP) into the current RTP</td>
</tr>
<tr>
<td>Transit</td>
<td>Collaborate on the issue of reverse commuting for tribal enterprise employees and pursuing funding opportunities</td>
</tr>
<tr>
<td></td>
<td>Collaborate on the pursuit of funding opportunities to implement the recommendations from the <em>Tribal Transit Feasibility Study</em></td>
</tr>
<tr>
<td></td>
<td>Collaborate on the development of a Tribal Transportation Management Association (TTMA) for increased tribal participation in TDM programs regionwide.</td>
</tr>
<tr>
<td>Transportation Funding</td>
<td>Create opportunities for pooling/leveraging transportation funding for mutually important projects</td>
</tr>
<tr>
<td></td>
<td>Collaborate and advocate for new transportation funding in the region, including transit and TDM</td>
</tr>
<tr>
<td></td>
<td>Identify mechanisms for providing ongoing funding for new or additional transportation programs, including transit services and TDM</td>
</tr>
<tr>
<td>Information Sharing/Technical Assistance</td>
<td>Agencies will provide ongoing training to tribal governments on funding processes, transportation, and regional planning</td>
</tr>
<tr>
<td></td>
<td>Provide information on technical support for planning and data analysis services to tribal governments parallel to member agencies</td>
</tr>
</tbody>
</table>
Barona and Viejas have joint power authority over the 18th reservation – Capitan Grande.


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.

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

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 tribal governments.

For many tribal governments, land ownership is complex because 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.


Several new projects or expansions have been approved, but put on hold due to the current economy.

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. January 2006

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.

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.

The State Controller’s Office began distributing checks to tribal governments in August 2001. “Eighty-five of the 109 federally recognized tribes in California (those that have either small or no gaming operations) will receive checks that will provide these Tribes with funds to help meet the critical needs of their communities. Tribes will manage the RSTF distributions in a variety of ways, including providing per capita distributions of direct cash benefits.” Source: www.calindian.org/nl_fall2001.htm

The Working Group includes one California tribe, the San Luis Rey Band of Luiseno Indians, which has state recognition but is currently not federally recognized as they are landless. That brings the Working Group membership to fifteen tribes.

For more information on the CA/Nevada TTAP program through the National Indian Justice Center (NIJJC), see www.nijc.org/ttap.html