BORDERS COMMITTEE AGENDA

Friday, May 23, 2008
12:30 to 2:30 p.m.
SANDAG Board Room
401 B Street, 7th Floor
San Diego

AGENDA HIGHLIGHTS

• SAN DIEGO-IMPERIAL COUNTY INTERSTATE 8 (I-8) CORRIDOR STRATEGIC PLAN JOINT POLICY ADVISORY WORKING GROUP

• REVIEW OF SANDAG-SCTCA COLLABORATIVE PLANNING AGENDA SINCE 2006 TRIBAL SUMMIT

• PUBLIC LAW 280 AND THE NEW INTERTRIBAL COURT OF SOUTHERN CALIFORNIA

• UPDATE ON TRIBAL ENERGY ISSUES

• IMPACT ANALYSIS OF TRIBAL GOVERNMENT GAMING IN THE CALIFORNIA ECONOMY

PLEASE TURN OFF CELL PHONES DURING THE MEETING

YOU CAN LISTEN TO THE BORDERS COMMITTEE MEETING BY VISITING OUR WEB SITE AT WWW.SANDAG.ORG

MISSION STATEMENT

The Borders Committee provides oversight for planning activities that impact the borders of the San Diego region (Orange, Riverside and Imperial Counties, and the Republic of Mexico) as well as government-to-government relations with tribal nations in San Diego County. The preparation and implementation of SANDAG’s Binational, Interregional, and Tribal Liaison Planning programs are included under this purview. It advises the SANDAG Board of Directors on major interregional planning policy-level matters. Recommendations of the Committee are forwarded to the Board of Directors for action.
Welcome to SANDAG. Members of the public may speak to the Borders Committee on any item at the time the Committee is considering the item. Please complete a Speaker’s Slip, which is located in the rear of the room, and then present the slip to Committee staff. Also, members of the public are invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Borders Committee may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under meetings on SANDAG’s Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. E-mail comments should be received no later than noon, two working days prior to the Borders Committee meeting.

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<table>
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<th>ITEM #</th>
<th>RECOMMENDATION</th>
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<td>+1.</td>
<td>APPROVAL OF THE FEBRUARY 22, 2008, MEETING MINUTES</td>
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<td>2.</td>
<td>PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS</td>
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Members of the public will have the opportunity to address the Borders Committee on any issue within the jurisdiction of the Committee. Speakers are limited to three minutes each and shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Committee members also may provide information and announcements under this agenda item.

**CONSENT ITEM (#3)**

| +3.   | SANDAG’S ANNUAL BINATIONAL EVENT (Hector Vanegas, SANDAG) | INFORMATION |

Since 1997, SANDAG organizes an annual event to address binational topics. This year, the event will build upon and advance actions identified in the Otay Mesa – Mesa de Otay Binational Corridor Strategic Plan and focus on opportunities for collaboration on Smart Growth planning and sustainability on the border.

**CHAIR’S REPORT ITEM (#4)**

| +4.   | SAN DIEGO-IMPERIAL COUNTY INTERSTATE 8 (I-8) CORRIDOR STRATEGIC PLAN JOINT POLICY ADVISORY WORKING GROUP (Chair Patricia McCoy) | APPROVE |

The Borders Committee will be asked to approve the San Diego-Imperial County Joint Policy Advisory Group Charter and to approve the appointment of Committee members and one alternate to serve on the Joint Policy Advisory Group. This Group is being formed to review and provide policy input on the development of the I-8 Corridor Strategic Plan.


+5. REVIEW OF SANDAG-SCTCA COLLABORATIVE PLANNING AGENDA SINCE 2006 TRIBAL SUMMIT  
(Chairman Robert Smith, SCTCA and Chair Patricia McCoy)

The Southern California Tribal Chairmen’s Association (SCTCA) and SANDAG Boards held a Regional Tribal Summit in 2006 that focused on transportation issues. A set of strategic priorities was established at that Summit and a set of next steps was approved by both Boards following the Summit. A brief summary of actions and accomplishments following that Summit will be provided.

6. PUBLIC LAW 280 AND THE NEW INTERTRIBAL COURT OF SOUTHERN CALIFORNIA (Chairman Robert Smith, SCTCA; Chief Judge Brandenburg, Intertribal Courts of Southern California; Dorothy Alther, Center for Indian Legal Services)

At the April 18, 2008, Public Safety Committee meeting, the SCTCA representative, Councilmember Carline Chamberlain and tribal colleagues briefed that Committee on several areas of tribal public safety. Two issues are being brought to the Borders Committee for information purposes. Dorothy Alther will brief the Committee on the context of tribal legal issues in California as a PL280 state. Judge Brandenburg will brief the Committee on a new initiative of tribal nations in San Diego – the Intertribal Court of Southern California.

7. UPDATE ON TRIBAL TRANSPORTATION WORKING GROUP  
(Ed Arviso, Reservation Transportation Authority [RTA]; Diane Eidam, Working Group Co-Chairs)

One of the agreements between SANDAG and the SCTCA following the 2006 Summit was the creation of an ongoing technical working group on tribal transportation issues. The purpose of the Working Group is to provide an ongoing forum for tribal governments to discuss transportation issues with public agencies; advise on projects; and stay informed about major ongoing regional transportation efforts and funding opportunities. The Committee will be briefed on the Working Group’s accomplishments and current projects.
8. UPDATE ON TRIBAL ENERGY ISSUES  
(Chairman Hernandez, SCTCA; Chairman Devers, Council of Energy Resource Tribes)  

Chairman Hernandez represents the SCTCA on SANDAG’s Regional Planning Committee. At its February 8, 2008, meeting, Chairman Hernandez briefed that Committee on tribal energy issues. Chairman Hernandez and Chairman Devers (Council of Energy Resource Tribes) will discuss tribal energy issues and suggest some areas for further collaboration.

+9. IMPACT ANALYSIS OF TRIBAL GOVERNMENT GAMING IN THE CALIFORNIA ECONOMY (Chairman Chris Devers, SCTCA)  

Members of the SCTCA Board would like to supplement the findings of the Regional Economic Prosperity Strategy with information regarding the contribution of tribal enterprises to the surrounding communities and the regional economy. Chairman Devers will share with the Borders Committee the attached report produced by the Center for California Native Nations at the University of California, Riverside, which highlights some key findings regarding the positive contributions of tribal enterprises in the region.

10. FIRESTORM UPDATE: LONG TERM RECOVERY PLAN FOR TRIBES IN SAN DIEGO (Theresa Gregor, Intertribal Long Term Recovery Foundation)  

Since the last Borders Committee meeting focusing on tribal issues in November 2007, tribal nations in San Diego have formed an intertribal organization to develop a long term recovery plan and to develop a regional emergency response plan for their nations. Theresa Gregor will update the Borders Committee on the status of recovery efforts and this new organization’s mission and purpose.
ITEM # | RECOMMENDATION

11. UPDATE ON TRIBAL ISSUES IN HOMELAND SECURITY (Louis Guassac, Kumeyaay Border Task Force) INFORMATION

The passage of the Real Identification Act will require States to identify their citizens through a criteria established by the Department of Homeland Security (DHS). Tribal Governments have been in negotiations with the DHS regarding the impact of this Act on their nations. Louis Guassac of the Kumeyaay Border Task Force will brief the Committee on the latest developments and issues facing the tribal community.

12. UPCOMING MEETINGS

The next meeting of the Borders Committee is the Joint Meeting with the Committee on Binational Regional Opportunities (COBRO) and the City of Tijuana, scheduled for Friday, June 13, 2008, at 12:30 p.m.

13. ADJOURNMENT

+ next to an item indicates an attachment
BORDERS COMMITTEE DISCUSSION AND ACTIONS
MEETING OF FEBRUARY 22, 2008

The meeting of the Borders Committee was called to order by Chair Patricia McCoy (South County) at 12:30 p.m. See the attached attendance sheet for Borders Committee member attendance.

1. APPROVAL OF MEETING MINUTES

Action: Upon a motion by Councilmember John Minto (East County) and a second by Vice Chair Greg Cox (County of San Diego), the Borders Committee approved the minutes from the January 11, 2008, meeting.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Chair McCoy introduced Honorable Remedios Gómez-Arnau, Consul General of Mexico in San Diego.

Consul General Gómez-Arnau spoke of her commitment to the Borders Committee in working toward expediting the construction of the new Port of Entry, and other joint solutions.

Chair McCoy announced San Diego County Chairman Cox has agreed to continue in his position as Vice Chair to the Borders Committee.

Chair McCoy also announced that Hector Vanegas, Borders Committee Coordinator, had recently become a United States citizen.

There were no public comments/communications.

CONSENT ITEM (#3)

3. NEW MEMBERSHIP LIST FOR COMMITTEE ON BINATIONAL REGIONAL OPPORTUNITIES (COBRO) (ACCEPT)

Action: Upon a motion by Councilmember Minto and a second by Mayor Jim Desmond (North County Inland), the Borders Committee unanimously accepted the revised COBRO Membership List.
REPORT ITEMS (#4 through #8)

4. CITY OF HUNTINGTON BEACH AND THE ORANGE COUNTY WATER DISTRICT GROUNDWATER REPLENISHMENT SYSTEM (INFORMATION)

Huntington Beach Mayor Debbie Cook (Orange County) introduced the joint venture project between the Orange County Water District (OCWD) and the Orange County Sanitation District (OCSD).

Steve Sheldon (President of the Board of Directors of the OCWD) and Mike Markus (General Manager of the OCWD) stated this project is an example of two independent agencies, the OCWD and the OCSD, working cooperatively to increase Orange County’s water supply. They presented a PowerPoint on the Groundwater Replenishment System (GWRS) which included background information; an explanation of the advanced purification technology and processes; information on the project funding and timing; the benefits of the GWRS; and, an explanation of the proactive community outreach. The system has been operational since January 2008 and it is expected that other water and sanitation districts throughout the U.S. will replicate the project.

Councilmember Phil Monroe (South County) inquired about the San Diego acre/foot cost of water and if OCWD's price of reused water was comparable to water from northern California.

Howard Williams (San Diego County Water Authority) responded that it was approximately $550 per acre/foot. He stated that desalinization costs remain high but are in the process of coming down.

Supervisor Victor Carrillo (Imperial County) commented on the low $256 per acre/foot price which the Imperial Irrigation District charges for its water.

Supervisor Pam Slater-Price recommended this presentation be made for the San Diego County Water Authority, City of San Diego, and the County Board of Supervisors.

Mr. Sheldon offered the presentation to anyone that might wish for further information.

Vice Chair Cox referred to the term “toilet to tap” and asked how they addressed the issue.

Mr. Sheldon said that on occasion, it came up; however, it was not a major issue.

Mr. Markus explained that “toilet to tap” is a misconception, as the water is not going from the wastewater treatment plant into the water distribution system. They found that transparency was key in allaying any fears, along with education regarding technology, and tours of the plant.

Angelika Villagrana (COBRO) informed that the San Diego Regional Chamber of Commerce would also be interested in a presentation.
Mayor Cook said that many are already drinking “toilet” water, as many counties receive river water from inland cities, which are already tertiary treating their water. The positive aspects of this project were the two public agencies forming a partnership, the project’s transparency, and the fraction of the energy cost necessary to treat the water.

Chair McCoy inquired as to how much “lift” was required to pump the water.

Mr. Markus stated that there was approximately 200 feet gradual difference in elevation.

Chair McCoy asked if the system was enclosed in order to address the issue of odor.

Mr. Markus said extensive measures for odor control were implemented, including the enclosure of the primary clarifiers and the water treatment and filtration system.

Chair McCoy informed that water received from Las Vegas has already been used by 66 municipalities. She suggested a group tour of the Orange County site.

Mr. Sheldon said he would be glad to coordinate a tour of the facility along with presentations to the City of San Diego, County Board of Supervisors, San Diego Water Authority, and others.

**Action:** This item was presented for information only.

5. **UPDATE ON THE I-15 INTERREGIONAL PARTNERSHIP (IRP): PHASE III AND AMENDMENTS TO THE IRP JOINT POLICY COMMITTEE CHAPTER (ACCEPT)**

Jane Clough-Riquelme, Project Manager (SANDAG), said the goal of the I-15 IRP is to foster collaborative strategies in economic development, transportation, and housing that will improve the quality of life for residents in both counties by reducing the impacts of interregional commuting creating more jobs in housing-rich areas and more housing in job-rich areas. She provided information on the project’s background, presented an overview of Phases I and II accomplishments, and updated the Committee on funding availability for Phase III.

Kevin Viera of Western Riverside Council of Governments (WRCOG) informed on the Scope of Work for Phase III, which will continue to facilitate and develop cooperative actions in the three strategic areas (transportation, economic development, and housing) between western Riverside County and northern San Diego County.

Councilmember Minto inquired about the Web portal tool and asked if they were familiar with a program entitled “The Connectory.”

Mr. Viera responded they were familiar with the program and they hope to develop a Riverside County database which would be included in the “The Connectory.” The idea is not to compete, but to develop a cooperative system where cluster businesses can make connections to one another.
Ms. Clough-Riquelme added that Phases I and II provided a comparative database of San Diego and Riverside employment clusters and how they’re related. During Phase III, work will focus on encouraging the identified cluster industries to develop an action plan for collaboration.

Deputy Mayor Crystal Crawford (North County Coastal) inquired if the only change to the revised Charter was to the last sentence to indicate the duration, “includes Phase III and goes through January 2010.”

Ms. Clough-Riquelme responded that this was correct.

Deputy Mayor Crawford moved that the Committee accept the updated Charter.

Councilmember Tony Young (City of San Diego) asked for further information regarding the grant.

Mr. Viera explained that the Caltrans grant was received through San Bernardino/Riverside Caltrans District 8.

Councilmember Young inquired about the process that will be used to implement Phase III and whether they had much “buy-in” from other entities.

Mr. Viera stated the agencies responsible for implementing Phase III are SANDAG, the Riverside County Transportation Commission (RCTC), and the Riverside Transit Agency (RTA). For the economic development component of the project, WRCOG and SANDAG are the lead agencies. He said it is hoped that through the workshops, the cluster industries will become stakeholders in the process. This would thereby encourage the implementation of economic development to be a coordinated effort between agencies in Riverside and San Diego.

Councilmember Young reiterated that implementation could only be encouraged.

Ms. Clough-Riquelme stated that in the case of economic development that was true, however, in the case of the transportation and housing components the partner agencies are responsible. She noted the strategies listed on Attachment 3 of the report are short- and long-term strategies developed by the partner agencies. The agencies have been pursuing these strategies systematically since Phase I and making substantive progress as funding is available to pursue them.

Councilmember Young inquired as to the number of agencies planning to participate.

Mr. Viera said the City of Temecula is interested in implementing the strategy of Smart Growth. He reiterated that the coordination between SANDAG and WRCOG on transportation matters brought about the process of bringing all the agencies together to review the common challenges and begin implementing strategies to address the challenges.

Councilmember Young noted that it was a good idea to bring agencies together; however, he expressed concern over actual implementation of the strategies.
Ms. Clough-Riquelme responded that the I-15 Joint Policy Committee, which consists of members from the Boards of Directors of RCTC, WRCOG, SANDAG, and RTA, is responsible for monitoring the process and deciding the strategies to focus on.

Councilmember Young suggested students from Cal State University San Marcos (CSUSM) serve as a possible workforce in the development of the database.

Mr. Viera said representatives from CSUSM and the Riverside County EDA have attended their meetings.

Councilmember Thomas Buckley (Riverside County), IRP Co-Chair, referred to the Express Bus, vanpool, and increased communication between the two Caltrans districts as examples of the accomplishments of the IRP and the cooperation between SANDAG and RCTC. He requested clarification regarding the vanpool incentive programs.

Mr. Viera noted that the vanpool incentive programs for SANDAG and RCTC are different. SANDAG has a permanent subsidy for vanpools, while RCTC provides a subsidy for the first three months and then it sunsets. The rationale for RCTC is that once riders get to try vanpools, they will continue even if the subsidy goes away. Currently, part of the IRP process is for RCTC and SANDAG to discuss their respective incentive programs and see how best to coordinate them for the most effective outcome for the both regions.

Referring to the economic development component, Councilmember Buckley noted that establishing an economic development database would also allow the possibility of hosting industry-to-industry networking functions. Regarding Smart Growth, the City of Temecula has an interest, and the City of Lake Elsinore’s new General Plan already incorporates it. He said there will be more tangible outcomes for the IRP in Phase III.

Deputy Mayor Crawford stated that the I-15 IRP was the first project undertaken by the Borders Committee in 2002. As a result of this project there has been an increase in vanpool ridership, improvement to the Park-n-Ride areas along the I-15 corridor, and additional coordination and interaction between SCAG, WRCOG, RCTC, RTA, and SANDAG. She suggested staff brief Councilmember Young in greater detail on the project.

Councilmember Young welcomed the opportunity to be briefed.

Ms. Clough-Riquelme offered to provide Councilmember Young the final report on Phase II.

Councilmember Monroe asked if the I-15 border problem had been solved.

Councilmember Buckley stated that the concepts regarding Riverside’s desire for multi, high speed, and carpool lanes are moving forward.

Councilmember Monroe expressed frustration over the many studies, strategies, and analyses and communicated his desire to know what the outcome would be, should this be successful.
Chair McCoy offered to bring the item back in order to explore it in more depth and requested an update be presented quickly. She asked that a report be provided to Councilmember Young, conversations be conducted with Councilmember Monroe in order to obtain his ideas, and the attainment of further information from Councilmember Buckley regarding I-15.

Councilmember Buckley suggested staff present Councilmember Monroe’s concerns regarding standards of failure and success for the next 2½ years at the next IRP meeting in summer, in order to have specific performance measures.

**Action:** Upon a motion by Deputy Mayor Crawford and a second by Mayor Desmond, the Borders Committee unanimously accepted the updated Charter for the I-15 IRP Joint Policy Committee, which extends its existence through Phase III.

6. **IMPERIAL VALLEY: CALIFORNIA’S RESOURCE OF OPPORTUNITY – REGIONAL PROFILE (INFORMATION)**

Eusebio Arballo, Imperial Valley Economic Development Corporation, explained that the Imperial Valley considers itself the last frontier in Southern California and presented a PowerPoint regarding the vast lands, numerous opportunities, and border issues which will be experienced in the near future.

Councilmember Monroe requested clarification on the amount of geothermal power potential available.

Supervisor Carrillo commented that presently, several geothermal plants have opened north of Brawley, in the Salton Sea area. As a result, the capacity is over 3,000 megawatts and the potential is unlimited regarding north Imperial County becoming the geothermal energy capital of the United States.

Mr. Arballo added that there are many areas in the Imperial Valley that remain unexplored for geothermal energy.

Supervisor Slater-Price recommended increased encouragement toward organic foods and cage-free (free-range) chickens and eggs.

Mr. Arballo responded that many area farmers are switching to the organic process.

Chair McCoy stated that, due to the many issues covered, she would like Mr. Arballo to return to present further detail on the progress being made.

**Action:** This item was presented for information only.
7. REPORT ON IMPERIAL COUNTY/MEXICALI ECONOMIC IMPACT OF DELAYS AT THE BORDER (INFORMATION)

Supervisor Carrillo presented a PowerPoint on the Imperial Valley/Mexicali Economic Delay Study, which was performed in order to understand the economic significance of border delays, measure the economic impacts of wait times, and develop a new model for testing public policy solutions. The key objectives of the study were to improve traffic flow for pedestrians and vehicles and improve the function of the current infrastructure. The study found that current border delays are responsible for significant economic losses on both sides of the border, which are expected to double over the next ten years. Delays and losses can be reduced with improved infrastructure and border management. Regarding the use of toll lanes, it was found that 25 percent of those polled would pay $3 if it would reduce the wait time to 20 minutes or less, and they would use the toll lanes several times a week. It was also found that 70 percent of those polled would use the toll lanes at least once a week.

Vice Chair Cox asked for clarification regarding the 60-minute southbound wait time.

Supervisor Carrillo stated that this occurred during the winter produce season, from mid-October through April, and was caused by trucks being inspected on both sides of the border.

Councilmember Gallo requested a presentation at a future meeting to examine the correlation between both the Imperial Valley and San Diego border issues.

Supervisor Carrillo stated that Calexico is the third busiest land port on the southwest border, with San Ysidro/Tijuana first, and El Paso/Juarez second. As a result, plans are in progress to replace the existing downtown port with a 16-lane port of entry, which will have the capability to expand to 32 lanes. Also, the Calexico East Port, located 6 miles east of Calexico, will be expanded with four additional lanes. Supervisor Carrillo offered to provide further information at a future meeting.

Councilmember Gallo commented that it must be a very exciting time to be in the Imperial Valley.

Bill Figge, Deputy Director (Caltrans), reported the studies have produced a clear picture of the state-to-state relationship between California and Baja California in terms of the economic impacts of border wait times and allow the issues to be addressed from a large regional perspective. He presented a PowerPoint which reflected the combined annual economic output, and job losses due to the traffic delays which are expected to double over the next ten years.

Supervisor Carrillo recognized and thanked Caltrans, the collaborating agencies, and SANDAG for producing and facilitating the studies which have had very important far-reaching impacts on other entities and governmental agencies.
Chair McCoy praised Elisa Arias, Principal Planner (SANDAG), who spearheaded the Economic Impacts of Border Wait Times at the San Diego-Baja California Border Region study.

**Action:** This item was presented for information only.

8. **REPORT ON I-8 INTERREGIONAL PARTNERSHIP WITH IMPERIAL COUNTY (INFORMATION)**

Supervisor Carrillo reported Imperial Valley Association of Governments (IVAG) received a grant from Caltrans to develop a Strategic Plan for the I-8 corridor, similar to the I-15 IRP.

Mr. Figge informed that a study will be performed and data from the study will be used to develop strategies to address future potential interregional commuting issues in the corridor.

Rosa Lopez (IVAG) stated that a consultant will be selected soon and the project is expected to be completed in less than a year.

Deputy Mayor Crawford commented that the various studies have been very useful and beneficial in providing reliable documented data essential for policymakers and others making decisions, changes, and obtaining support and funding for what is becoming a mega region.

Councilmember Gallo expressed his support of the project.

Consul Lydia Antonio announced that representatives from the Mexican Consulate and the San Diego Chamber of Commerce will be traveling to Mexico City in April to discuss the ports of entry, border delays, and other issues with federal authorities.

Pedro Orso-Delgado, Director (Caltrans), reported on the progress of two major projects, the second phase of SR 905 and the new Port of Entry and SR 11.

Ms. Villagrana, San Diego Chamber of Commerce, reported on the February 8, border conference which was held for the purpose of receiving recommendations and comments on border region issues. The information will be presented at the April summit in Mexico City. Ms. Villagrana offered to present summit information to the Committee at a future meeting.

Chair McCoy agreed that perhaps a short report could be presented at the April meeting. She also reported that the Borders Committee had its sixth anniversary in February.

**Action:** This item was presented for information only.

9. **UPCOMING MEETINGS**

The next regular meeting of the Borders Committee is scheduled for Friday, April 25, 2008, at 12:30 p.m.
11. ADJOURNMENT

Chair McCoy adjourned the meeting at 2:37 p.m.

Attachment: Attendance Sheet
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**ADVISORY/ LIAISON MEMBERS**

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SANDAG’S ANNUAL BINATIONAL EVENT

Introduction

At the October 2, 2007, meeting, the Committee on Binational Regional Opportunities (COBRO) recommended that SANDAG staff organize early staff-level meetings with the new administration of the City of Tijuana, its Municipal Planning Institute (IMPlan), and the State of Baja California. Two staff-level meetings took place in January and February 2008. The purpose of these meetings was to brief the new staff on SANDAG’s binational work, to learn about the new administration’s priorities as they relate to binational issues, and lay the foundation for planning SANDAG’s Binational Annual Event. This year’s annual event will consist of a binational seminar to be held on June 3, 2008. The seminar will give stakeholders from both sides of the border an opportunity to connect with one another and discuss opportunities for sharing planning techniques and strategies as they relate to smart growth planning and sustainability on the border.

Discussion

To continue SANDAG’s overall approach of pursuing effective binational planning through the advancement of strategies identified in the Otay Mesa-Mesa de Otay Binational Corridor Strategic Plan, SANDAG and IMPlan are organizing a binational event to be held on Tuesday, June 3, 2008, at Caltrans, District 11’s Garcia Conference Room.

The event will be a follow up to the strategy in the Otay Mesa-Mesa de Otay Binational Corridor Strategic Plan that calls for collaboration with IMPlan and the Urban Land Institute (ULI) on “sharing resources, planning techniques, and strategies as they relate to Smart Growth planning.” The event is organized in a format that includes a roundtable discussion on challenges and opportunities for smart growth and sustainable development on the border, where experts, planners and other stakeholders from the United States and Mexico will share their perspectives to gain better insight and to benefit from each other’s experiences.

A flyer and the draft agenda for the seminar are attached.

BOB LEITER
Director of Land Use and Transportation Planning

Attachments:
1. Flyer Smart Growth and Sustainability on the Border: Opportunities for Collaboration with Strategic Partners
2. Draft Agenda of the June 3, 2008, Binational Seminar

Key Staff Contact: Hector Vanegas, (619) 699-1972, hva@sandag.org
smart growth and sustainability on the border
opportunities for collaboration with strategic partners

To continue working toward the implementation of effective crossborder planning with Mexico, the SANDAG annual binational event will work to advance the strategies identified in the Otay Mesa-Mesa de Otay Binational Corridor Strategic Plan recently developed by SANDAG and the City of Tijuana. This year’s annual event will consist of a binational seminar to be held on June 3rd, 2008. The seminar will give stakeholders from both sides of the border an opportunity to connect with one another and discuss transportation, economic development, housing, and environmental issues within the study area of the binational corridor of Otay Mesa and Mesa de Otay.

At the June 3rd seminar, a panel of experts will discuss opportunities for sharing resources, planning techniques, and strategies as they relate to smart growth and sustainability planning in the border. Organizers hope to create opportunities for planners and other stakeholders from the United States and Mexico to gain better insight and to benefit from each other’s experiences. In addition, the panel’s work will help to achieve broader goals, such as sustainable development practices, which focus on issues including water availability, water quality, clean air, habitat conservation, and energy.

Please RSVP with Antoinette Meier at ame@sandag.org by Wednesday, May 28, 2008 to reserve your space.

Transportation: You can use the Trolley to arrive at Caltrans. From the San Ysidro station at the border, take the Blue Line to the Old Town Station. Caltrans is located directly across from the station on Taylor Street.
smart growth and sustainability on the border
opportunities for collaboration with strategic partners

Tuesday, June 3, 2008 Caltrans, District 11. 4050 Taylor Street, San Diego, CA 92110 Garcia Conference Room

8:30 a.m. – 12 p.m.

1. REGISTRATION AND NETWORKING TIME (Light Breakfast)  8:30 a.m.
   (30 min.)

2. WELCOME AND INTRODUCTORY REMARKS (Chair Patricia McCoy, Mayor ProTem City of Imperial Beach, Borders Committee; Hon. Remedios Gómez-Arnau, Consul General of Mexico in San Diego; and Luis Duarte, Director of IMPlan, City of Tijuana)  9:00 a.m.
   (15 min.)

3. SETTING THE STAGE FOR A DISCUSSION ON SMART GROWTH AND SUSTAINABILITY IN THE BORDER AREA (Gary Gallegos, SANDAG)  9:15 a.m.
   (10 min.)

   Our binational region shares infrastructure, transportation systems, environment, and social and economic ties that make it a unique and dynamic place to live. This presentation discusses how collaboration towards Smart Growth and sustainable development planning would benefit the entire San Diego/Tijuana region.

4. OVERVIEW OF REGIONAL SUSTAINABLE PLANNING ACTIVITIES IN TIJUANA (Luis Duarte, Director of IMPlan)  9:25 a.m.
   (20 min.)

   In early 2008, the City of Tijuana held two public forums to discuss regional sustainable planning in connection with its Municipal Development Plan update and other programs. This presentation provides an overview of findings and possible next steps.

5. THE SMART GROWTH EXPERIENCE IN THE SAN DIEGO REGION (Carolina Gregor, SANDAG)  9:45 a.m.
   (25 min.)

   In 2004, the SANDAG Board adopted the San Diego Regional Comprehensive Plan (RCP). The RCP is based on principles of smart growth and sustainability. SANDAG staff will present an overview of local smart growth principles, smart growth planning efforts in the San Diego region, and future challenges and opportunities, especially as related to our shared San Diego/Tijuana international border area.

6. SUSTAINABLE DEVELOPMENT: EMERGING ISSUES AND NEXT STEPS IN THE SAN DIEGO REGION (Rob Rundle and Brian Holland, SANDAG)  10:10 a.m.
   (10 min.)

   This presentation will provide an overview of the linkages among sustainable development, including habitat and energy planning, with land development patterns, vehicle travel, energy demand, and greenhouse gas emissions.

7. BREAK  10:20 a.m.
   (5 min.)

8. ROUNDTABLE DISCUSSION ON CHALLENGES AND OPPORTUNITIES FOR SMART GROWTH DEVELOPMENT ON THE BORDER (Binational Panel)  10:25 a.m.
   (60 min.)

   Experts and stakeholders will share their perspectives on the potential challenges and opportunities to implementing Smart Growth and adopting sustainable land use patterns in the border.

9. OPEN DISCUSSION  11:25 a.m.
   (15 min.)

   Participants will have an opportunity to provide input and pose questions to the panelists.

10. SEMINAR CONCLUSIONS (Hon. Crystal Crawford, Deputy Mayor, City of Del Mar; and Luis Duarte, IMPlan)  11:40 a.m.
    (20 min.)

11. END OF SEMINAR  12:00 p.m.
SAN DIEGO-IMPERIAL COUNTY I-8 CORRIDOR STRATEGIC PLAN

JOINT POLICY ADVISORY WORKING GROUP

File Number 3003200

Introduction

Since last reported at the February 22, 2008, Borders Committee meeting, the Imperial Valley Association of Governments (IVAG) has made progress advancing work on the Caltrans Transportation Planning Grant it received in 2007. In April 2008, IVAG, in consultation with Caltrans and SANDAG staff, retained PMC as the consulting group to assist in completing tasks identified in the grant's Scope of Work. In addition, a kickoff meeting was held on May 8, 2008, to discuss the Scope of Work and next steps. The grant calls for IVAG to develop a Strategic Plan that would identify issues, establish goals and objectives, and develop interregional strategies in the areas of transportation, housing, and employment to ensure adequate levels of service on the I-8 corridor.

Discussion

In April 2008, IVAG approved the San Diego-Imperial County Joint Policy Advisory Group Charter. The primary goal of this Joint Policy Advisory Group is to review and provide policy input on the development of the I-8 Corridor Strategic Plan. This Advisory Group is similar to the one created for the I-15 Interregional Partnership.

In addition, a Joint Technical Advisory Group will be established to provide stakeholder input and feedback on the components of the I-8 Corridor Strategic Plan. Membership on this group will include representatives from local governments, industry groups, and academic institutions.

Next Steps

The Joint Technical Advisory Group is scheduled to meet monthly through the project’s completion in February 2009, while the Joint Policy Advisory Group is expected to meet approximately three times during this same period. As the work of the Joint Technical Advisory Group progresses, SANDAG staff will seek policy guidance from the Borders Committee at key project milestones. The Borders Committee’s input will be shared with the Joint Policy Advisory Group.

BOB LEITER
Director of Land Use and Transportation Planning

Attachment: 1. San Diego-Imperial County Joint Policy Advisory Group Charter

Key Staff Contact: Ron Saenz, (619) 699-1922, rsa@sandag.org
CHARTER
San Diego-Imperial County I-8 Corridor Strategic Plan
Joint Policy Advisory Group

PURPOSE
The primary goal of the San Diego-Imperial County Interstate 8 (I-8) Corridor Strategic Plan Joint Policy Advisory Group is to review and provide policy input on the development of the I-8 Corridor Strategic Plan. The Strategic Plan will identify issues, establish goals and objectives, and develop interregional strategies in the areas of transportation, housing, and employment to ensure adequate levels of service on the I-8 corridor. It also will identify employment opportunities in Imperial County, and integrate smart growth principles into planned land use/transportation projects that benefit the quality of life in the San Diego/Imperial County regions.

LINE OF REPORTING
The I-8 Corridor Strategic Plan Joint Advisory Group will report its recommendations to both the SANDAG Borders Committee and the Imperial Valley Association of Governments (IVAG) Regional Council.

RESPONSIBILITIES
The responsibilities of the Advisory Group include reviewing and providing policy-level feedback on the goals and objectives for this Strategic Plan, a survey of interregional commuters and a comprehensive listing and report of existing conditions based on data from the survey, as well as land use, population, and economic data. The Advisory Group will provide input to staff on how these studies could be used to develop collaborative interregional strategies for infrastructure planning and public policy.

MEMBERSHIP
The Advisory Group is composed of no more than three elected officials from the San Diego region and three from the Imperial County region. The elected officials and any alternates from San Diego County will be selected by SANDAG Borders Committee. IVAG shall select the elected officials and any alternates from Imperial County. Changes to the membership shall be approved by the SANDAG Borders Committee and/or IVAG as appropriate. The Brown Act shall apply to the Advisory Group and a quorum of at least four voting members shall be required for actions or recommendations.

MEETING TIME AND LOCATION
The Advisory Group will meet periodically to discuss progress and receive full status reports on the development of the strategies; to receive the draft reports on each component and provide feedback for the final draft; and to make a recommendation regarding the final draft. The meetings will be jointly noticed by SANDAG and IVAG and alternate between locations in Imperial County and San Diego County.

DURATION OF EXISTENCE
The Advisory Group will continue to exist through the completion of the I-8 Corridor Strategic Plan and the completion of the final report in February 2009.
Introduction

Over the past several years, SANDAG, through its Borders Committee, has been building a government-to-government framework for engaging tribal nations at a regional level in land use and transportation planning processes. The Southern California Tribal Chairmen’s Association (SCTCA) and SANDAG Boards held a Regional Tribal Summit in March of 2006 which focused on transportation issues. A set of strategic priorities was established at that Summit and a set of next steps was approved by both Boards following the Summit. In the summer of 2007 the SCTCA suggested an additional set of policy issues for SANDAG’s consideration to be discussed through the Policy Advisory Committee. This report reviews those action items, documents milestones achieved, and identifies areas for further development.

Discussion

2006 San Diego Regional Tribal Summit

On March 10, 2006, the 2006 San Diego Regional Tribal Summit, hosted by the Pala Band of Mission Indians, was held. The purpose was to bring together elected officials from the 17 federally recognized tribal nations in the San Diego region and the elected officials from the local cities and County, as represented by the SANDAG Board of Directors, to discuss land use and transportation planning policy issues of mutual concern. The Summit was the result of collaboration between SANDAG, the SCTCA, the Reservation Transportation Authority (RTA), Caltrans, and the County of San Diego.

During the first portion of the Summit, the tribal representatives raised some key planning issues of concern to them:

- That local governments and regional agencies be more respectful of tribal sovereignty
- That SANDAG recognize that Tribal Nations are part of the region
- An interest in increased collaboration on issues of mutual concern
- The importance of learning more about each other and our governance processes
- Willingness to pay fair share, but that should be accompanied by representation
Adherence to new laws such as Senate Bill 18, The importance of representation in regional decision-making bodies, such as SANDAG

Collaborative Action Items Agreed Upon Following 2006 Tribal Summit

In the summer of 2006 the SCTCA and SANDAG Boards developed and approved a set of strategic priority actions to increase tribal involvement in the regional planning. Attachment 1 highlights those action items.

Milestones

SCTCA Representation on SANDAG

The leadership of SANDAG and the SCTCA held discussions over several months following the Summit regarding the development of a formula for tribal representation which would respect tribal sovereignty and involve tribal governments in policy decisions at SANDAG.

At a policy level, a jointly developed proposal was presented to both the SANDAG and SCTCA Executive Committees for consideration. It was forwarded for recommendation to both Boards of Directors in December 2006 and approved by both Boards. These actions resulted in the SCTCA joining the SANDAG Board and Policy Advisory Committees. This historic action was incorporated into a Memorandum of Understanding (MOU) between SANDAG and SCTCA signed into effect at the SANDAG Board of Directors meeting on January 26, 2007.

Formation of the Interagency Technical Working Group on Tribal Transportation Issues

At a technical level, it was agreed that a tribal working group should be formed to discuss tribal transportation issues on a regular basis. The Intertribal Transportation Working Group serves as a forum for tribal governments in the region to discuss and coordinate transportation issues of mutual concern with the various public planning agencies in the region, including SANDAG, Caltrans, the County of San Diego, and the transit operators. The Working Group forms part of the SANDAG structure and reports to the Borders Committee and all tribes in San Diego can be members.

The kickoff meeting for the Working Group was held in October of 2006 and it has been meeting quarterly since that time. Several tribal governments have hosted these meetings including: Barona, Pala, Pauma, Rincon, Viejas, and San Pasqual. The current co-chairs of the Working Group are Boxie Phoenix, Barona Tribal Elder, and Diane Eidam, SANDAG’s Deputy Chief Executive Director.

The Working Group responsibilities include reviewing current activities and plans being implemented by SANDAG and the tribal governments in an effort to coordinate programs, addressing issues of concern, and ensuring that the needs and issues of tribal governments are being

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1 Senate Bill 18 went into effect on March 1, 2005. It requires all local land use authorities (cities and counties) to consult with registered California tribes registered with the Native American Heritage Commission when updating their General Plans. It also changes the definition of Open Space to include cultural sites and adds tribal governments to the list of entities that can hold or acquire conservation easements.
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 has been active in the development of several tribal-related transportation planning projects including:

- Tribal Transit Feasibility Study
- Tribal Transportation Demand Management Project
- Federal Transit Administration (FTA) Tribal Transit Program Grant (5311c)

The Working Group also assists with the associated outreach to the tribal community on transportation issues of regional significance.

Through the Working Group, the tribal nations in the region successfully applied for FTA funding for a Tribal Transit Fund program which will allow them to improve the transit connections between tribal lands and the urban transit system. The FTA awarded the RTA a $425,000 grant for the first year of a four year program. Although this was the largest grant awarded to a tribal consortium in this nationwide competition, it was 50 percent of what was requested. Acting as fiscal agent, RTA will work with the working group regarding refinements to the service plan and rescoping of the project based on reduced funding.

In addition, one issue raised at the Summit and developed through the Working Group was the need to collaborate on tribal updates to their Indian Reservation Roads Inventory. The tribes and the public agencies discussed how to support the tribal governments to effectively update their inventories in order to bring additional funds to the region. At issue was the need for tribes to receive acknowledgement letters from non-tribal jurisdictions for segments the tribes plan to include in their inventories. The issue was resolved and several tribes have now completed and submitted their inventories to the Bureau of Indian Affairs (BIA).

**SCTCA Involvement in Policy Advisory Committees**

As the Borders Committee was preparing its work plan for its 2007/2008 meeting schedule, the SCTCA Board requested its representatives develop a set of policy level issues which could be discussed through SANDAG’s Policy Advisory Committee structure. The SCTCA representatives identified several topics and issue areas that could be developed with potential collaborative actions which were presented to the Borders Committee in September of 2007 (Attachment 2 – SCTCA Policy Issues).

Since then, several presentations by SCTCA representatives have been made to the Regional Planning, Transportation, and Public Safety Committee including: Tribal Energy Issues, Public Law 280, Intertribal Courts, Emergency Interoperability, and updates on tribal transportation projects. Discussions are underway regarding potential next steps and actions in these areas.

**SANDAG Outreach to SCTCA Board**

As requested by the SCTCA Board in their letter of September 14, 2007, SANDAG staff have kept the Board informed on a variety of regional planning issues and initiatives, including: 2007 Regional Transportation Plan, Coordinated Plan, Regional Energy Strategy, Quality of Life Measure, and the Service Bureau.
Areas for Further Action

On transportation-related activities, the Working Group will be involved in providing technical advice on the development of a service plan for the Tribal Transit Program and the implementation of the Tribal Transportation Demand Management project. These will require a significant level of interagency cooperation both among the tribes and the public agencies involved. The Working Group provides a constructive venue for furthering these projects.

Through the SCTCA’s advisory membership on the SANDAG Transportation, Regional Planning, Public Safety, and Borders Committees, tribal leaders are now able to identify key points of mutual interest and concern in a wide variety of issues from the development of a regional energy strategy to the development of the environmental mitigation strategy. SCTCA representatives will continue to work with their respective Policy Advisory Committees on specific follow up actions that can be undertaken.

BOB LEITER
Director of Land Use and Transportation Planning

Attachments 1. 2006 San Diego Regional Tribal Summit - SCTCA-SANDAG Action Items
2. SCTCA Policy Issues

Key Staff Contact: Jane Clough-Riquelme, (619) 699-1909, jcl@sandag.org
## Next Steps

<table>
<thead>
<tr>
<th>Action Item</th>
<th>Tribal Partner</th>
<th>Executive Committee</th>
<th>Borders Committee</th>
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<tbody>
<tr>
<td>Work with Tribal Nations to address the following issues:</td>
<td>SCTCA</td>
<td>X</td>
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<td>▶ Tribal representation on the SANDAG Board and/or PACs</td>
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<td>▶ Collaborative legislative agenda</td>
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<td>Continue to strengthen communication and coordination with tribal governments through Borders Committee</td>
<td>SCTCA</td>
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<td>X</td>
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<td>Form Interagency Technical Working Group on Tribal Transportation (RTA, Caltrans, County, MTS, NCTD, BIA) to provide input and address the following:</td>
<td>RTA</td>
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<td>▶ 2007 RTP issue paper</td>
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<td>▶ Strategies outlined from February 8, 2006 technical workshop</td>
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<td>▶ Tribal Transit Feasibility Study</td>
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<td>▶ Tribal-related corridor studies and funding for their Implementation</td>
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<td>▶ Collaborative funding issues/strategies</td>
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<td>The Working Group to meet on a quarterly basis and report to the Borders Committee.</td>
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<td>Review outcomes from the policy breakout sessions at the Tribal Summit and identify next steps, including consideration of cultural corridors</td>
<td>SCTCA</td>
<td>KU/KBT CTBA</td>
<td>X</td>
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BIA = Bureau of Indian Affairs  
CTBA = California Tribal Business Alliance  
KBT = Kumeyaay Border Taskforce (part of KU)  
KU = Kumeyaay Unity  
RTA = Reservation Transportation Authority  
SCTCA = Southern California Tribal Chairmen’s Association
Chairman Chris Devers, our representative to the Borders Committee, presented the proposed agenda schedule for FY08 for the Borders Committee at our July Board meeting. In the interest of developing a set of tribal policy issues our representatives can pursue through SANDAG, the Board directed SCTCA representatives to SANDAG to meet and develop potential areas that could be pursued.

The outcome of their brainstorming meeting, in which SANDAG's tribal liaison participated, was presented to the SCTCA Board at its August meeting. On behalf of the SCTCA Board, Chairman Devers will present the following suggested tribal policy areas and topics for consideration to the Borders and other Policy Advisory Committees:

**Borders Committee**

- **Native American Communities of San Diego:** The SCTCA would like to facilitate the education of the SANDAG Board and Committees on the history, culture, and governance of Native American communities in the San Diego region. As new elected officials join SANDAG it will be necessary to brief new members periodically.

- **Visit to indigenous communities in Baja California:** The indigenous organization called ADESU visited the Borders Committee several months ago. SCTCA would like to coordinate with SANDAG to visit their communities and participate in their ecotour program.

**Executive Committee**

- **Collaboration on the Transportation Reauthorization Bill:** There is a national tribal effort to strategize for the next transportation reauthorization bill. The SCTCA would like to work with SANDAG through the Tribal Transportation Working Group to develop a mutually beneficial strategy to bring additional funding to the region and strengthen the tribal components.

- **Information Sharing Protocols/Agreements:** Tribal governments have developed protocols for information sharing with various types of public agencies. As the tribes work more closely with SANDAG it seems prudent to discuss how to share data/information. In addition, the SCTCA is aware that SANDAG offers services to its member jurisdictions for conducting surveys, GIS work, etc. The SCTCA would like to discuss ways in which tribal governments could access these services.

**Transportation Committee**

- **Tribal Transit Program** – Interagency Technical Working Group on Tribal Transportation Issues (Working Group) has been working for the last several months with a SANDAG consultant on the Tribal Transit Feasibility Study. The results of this study provided the basis for a tribal transit grant
application to the FTA submitted by the Reservation Transportation Authority (RTA) on behalf of the San Diego tribes for a four year program with a $2.68 million budget. The SCTCA would like to see the Working Group to continue refining this proposal, working with the transit agencies, and report back to the Borders and Transportation Committees, when appropriate.

- **Tribal TDM Outreach Project**: The Reservation Transportation Authority (RTA) and SANDAG received an Environmental Justice grant from Caltrans to increase tribal involvement in Transportation Demand Management (TDM) programs, such as vanpools. This project is centered on strengthening the institutional capacity of RTA to expand its services to include TDM for tribes in Southern California. The SCTCA recommends that the RTA bring periodic updates on this project to the Borders and Transportation Committees.

- **IRR Inventory – SAFETEA LU** allows tribes to identify and include regional arterials/county roads in their inventory to increase access to Bureau of Indian Affairs (BIA) funding. The tribes in San Diego are currently updating their inventories and would like to report on their progress, as well as some challenges they are facing with the inventory process.

**Public Safety Committee**

- **SANDAG’s Annual Report on Crime in San Diego** – Our representative on the Public Safety Committee informed the SCTCA Board that crime on reservations is not reported in this report. The SCTCA would like to work with SANDAG to ensure that tribal crime statistics are included in the future.

- **Tribal Participation in the Adam Walsh Act**: The Act expands the National Sex Offender Registry. It now requires that all states and tribes that decided to “opt in” participate in an integrated, uniform registry system. This may be an area in which SANDAG and the SCTCA could collaborate to provide assistance to those tribes who will need to comply with the requirements.

- **Public Law 280** - SCTCA representatives recommend that SANDAG’s legal counsel and the legal departments of the cities be trained in P.L.280 and understanding its implications for law enforcement and jurisdictional issues. California is one of five states for which this law applies.

- **Emergency Preparedness Interoperability**: There is concern that in the development of the countywide fire department tribes are included in the jurisdictions considered in the planning. Related to this is the interoperability for police. SCTCA suggests the need to make sure that the Southern California Tribal Fire Chiefs Association is involved in the work of the Public Safety Committee and any interoperability initiatives.

- **Homeland Security**: The SCTCA would like to have a clearer understanding of the degree of tribal involvement in the County/City disaster planning network. It is not clear how this is being done.

**Regional Planning Committee**

- **Regional Energy Strategy**: The SCTCA is aware that a regional energy strategy is being developed. SCTCA has a business plan for becoming an energy cooperative. Various tribes are pursuing alternative energy initiatives that could be instructive to the process. The SCTCA would like to see that tribal governments have an opportunity to contribute to the development of this strategy.

- **Environmental Mitigation Program**: Transnet Extension has a program for Environmental Mitigation at a regional level with funding to identify, acquire, and manage conservation units. As SB18 authorizes tribes to do the same, tribal conservation initiatives should be taken into consideration. Tribal governments should be involved in the development of the policies associated with this regional program.
• Water Rights/Groundwater Issues/Sustainable Yield: Several tribes have raised the issue of fair policies related to rights to groundwater. Although the Water Authority is the lead agency, there are regional discussions beginning regarding groundwater that may take place at SANDAG. Tribes should be involved in these discussions.

The SCTCA Board would also like to request that it continue to receive presentations on major SANDAG initiatives, such as the draft 2007 Regional Transportation Plan. We have received timely reports from various SANDAG staff on the Coordinated Plan, the 2007 Regional Transportation Plan, among others. This has facilitated our understanding of issues being discussed at SANDAG and allowed our Board to provide feedback, both to SANDAG staff and our representatives on the Policy Advisory Committees. Our Board has directed the SCTCA representatives to SANDAG to meet on a regular basis to monitor tribal-related issues and coordinate with SANDAG staff on the development of reports to each of the committees. We are also discussing with the University of California at San Diego, the possibility of participating in their urban planning program and having policy interns assist our representatives to the Policy Advisory Committees.

The SCTCA looks forward to working on specific issues with the Borders Committee and other Policy Advisory Committees to ensure that tribal-related issues are discussed in the regional planning process.

Robert Smith
Chairman of the Board of SCTCA
September 14, 2007
IMPACT ANALYSIS OF TRIBAL GOVERNMENT GAMING IN THE CALIFORNIA ECONOMY

Introduction

Members of the Southern California Tribal Chairmen’s Association (SCTCA) Board would like to supplement the findings of the Regional Economic Prosperity Strategy with information regarding the contribution of tribal enterprises to the surrounding communities and the regional economy. Chairman Devers will share with the Borders Committee a report produced by the Center for California Native Nations at the University of California, Riverside, which highlights some key findings regarding the positive contributions of tribal enterprises in the region.

BOB LEITER
Director of Land Use and Transportation Planning

Attachment: 1. Center for California Native Nations Report

Key Staff Contact: Jane Clough-Riquelme, (619) 699-1909, jcl@sandag.org
An Impact Analysis of Tribal Government Gaming in California

Background

In 1987, the United States Supreme Court decided the *Cabazon* case that re-affirmed the right of tribal governments to offer gaming on their own lands. In 1988, the U.S. Congress passed the Indian Gaming Regulatory Act (IGRA), which placed various restrictions on tribal government gaming and the use of gaming revenues. One such limit is the requirement that tribal governments sign gaming compacts with state governments in order to offer casino-style gaming. On September 10, 1999, California Governor Gray Davis signed tribal-state gaming compacts with 61 tribes, which were then ratified by the citizens of California when Proposition 1A passed with 64.5% of the vote in March 2000. Additional tribes have signed compacts to bring the total number of compacted tribes in California to 66. Of these, 55 are currently involved in tribal government gaming.

Purpose

The objective of this research is to evaluate the social and economic impacts of tribal government gaming operations on tribal and local governments in California. The absence of such analysis has impaired public discussions about tribal government gaming and related public policy issues. The study relies primarily upon publicly available data, especially the 1990 and 2000 Censuses. Close analysis of Census data offers a “before and after” snapshot of conditions in California during Indian gaming’s initial growth phase. However, the Census data does not capture effects of California’s tribal-state gaming compacts since they did not go into effect until 2000. To analyze Indian gaming impacts since 2000, the research team conducted surveys of tribal and local government officials and performed in-depth case studies of individual tribal governments.¹ More definitive analysis of post-2000 trends will have to await the 2010 Census.

The study did not measure tribal government charitable giving, problem gambling, or other forms of gaming in California (i.e. horse racing, card clubs, the California lottery, etc.) or elsewhere. It is also beyond the scope of the study to make specific policy recommendations or predictions regarding the future of gaming in California.

¹ These studies will be available at the Center’s website at www.ccnn.ucr.edu.
Defining Framework

This study finds that the impacts of tribal government gaming in California are directly related to two identifiable features of the enterprises themselves: A) the fact that the casinos are owned by tribal governments; B) the fact that they must be located on existing tribal trust lands. On the one hand, because this form of gaming is owned and managed by tribal governments operating under federal law, tribal gaming revenues in California are invested primarily in community and governmental activities. On the other hand, because this form of gaming is currently confined to existing tribal trust lands and these lands for historical and political reasons were located typically in poorer regions of the state, the economic activity that results tends to concentrate employment and other benefits in counties that need economic development the most. Both of these features---tribal government ownership and location on existing tribal trust lands---also contribute to the fact that tribal government gaming benefits in California generally accrue to local communities both on and near tribal trust lands.

Specific Findings

A. Tribal Government Gaming Benefits Tribes Involved in Gaming and also Sets Natural Limits on the Spread of Casino Gaming in California.

- *The location of Indian reservations in California places a natural limit on the size and scope of tribal government gaming in California.*

Characteristics of the communities near Indian reservations, mainly population density and income, largely determine which tribal governments pursue gaming as an economic development strategy. Dozens of recognized tribal governments, located far from population centers, have not entered into gaming compacts with the state.

In 2005, thirty-three counties, representing 74% of California’s population, are non-gaming. When examined at the tract level, only 11% of California’s population lives within 10 miles of a gaming facility.

In 2005, average gaming density among California counties with gaming is 5.4 slot machines per 1,000 inhabitants. San Diego and Riverside Counties have 4.4 and 6 slots per 1,000 people, respectively. Colusa County has the highest casino density at has 41 slots per 1,000 people.

- *There is no typical Indian gaming experience in California since each tribal government and reservation has unique challenges and opportunities.*

Population of the surrounding area is a key predictor of how large a tribal government’s gaming operation will be.

There is substantial variation in the size of Indian gaming facilities located in California. In 2005, 19 Indian gaming facilities had fewer than 350 slot machines, 22
facilities had between 350 and 2,000 slot machines, 11 facilities had 2,000 slot machines and 4 had more than 2,000 machines.

- **Tribal government gaming in California differs from Indian gaming in other states in some important ways. In other ways, California is a subset of the national experience.**

Three distinctive features differentiate California reservations from the rest of the reservations in the United States: large population growth, small sized reservations, and proportionally fewer people living on reservations with gaming enterprises.

Income growth rates on reservations in California vary dramatically and in 2000 there was a larger inequality between gaming and non-gaming reservations than in the reservations in the rest of U.S. Even among tribal governments with gaming there was substantial variation in growth rates.

Between 1990 and 2000, the U.S. Census figures for real income per capita reveal that 22% (17 tribes) of the California tribes exhibit consistent growth, 22% (17 tribes) aggressive growth, 18% (14 tribes) anemic growth, and 38% (30 tribes) decline. Gaming tribes have fared better than non-gaming tribes, with gaming tribes’ per capita average income increasing 55% between 1990 and 2000 as opposed to 15% on non-gaming reservations.

- **In spite of significant economic growth and social investment among tribal governments in California, these improvements have not been in place long enough to correct centuries of substandard conditions.**

The average income for American Indians in California remains well below the national average; in 1990 it was 42% of the national average and by 2000 it experienced only a modest increase by reaching 53% of the national average income.

Between 1990 and 2000, the gaming tribes in California experienced a reduction in the percentage of families in poverty from 36% in 1990 to 26% in 2000. At the national and state level, however, the percentage of families in poverty is between 9% and 10%.

**B. Locating Tribal Gaming on Reservations Distributes Benefits to Poor Regions and Residents of California who live Near Reservations.**

- **Tribal government gaming in California, located on reservation lands, concentrates employment and other benefits in counties that need development the most.**

Tribal government gaming has not erased poverty on or near reservations in California, where poverty rates hovered around 14% in 2000 in both gaming and non-gaming tracts. However, tribal government gaming did help poor families in
measurable ways. Indian gaming facilities first opened in impoverished areas of California and then expanded to relatively better off parts of the state. For instance, median family income in Census tracts within 10 miles of an Indian gaming facility in 1990 was merely $32,515 (in constant 2000 prices), as against $46,255 in the non-gaming tracts. By 2000, median family income grew significantly more in the gaming than in the non-gaming tracts (55% versus 33%).

Between 1990 and 2000 the establishment of tribal gaming was associated with the largest increases in median family income and greatest decreases in the number of families on public assistance among the poorest communities.

- **The off-reservation impacts of Indian gaming in California are significantly positive and local governments near Indian gaming facilities recognize their benefits.**

Analysis of Census tracts in 1990 and 2000 reveals that the introduction of gaming in an area had the effect of raising median family incomes in neighboring tracts by as much as 30-60 percent at very low levels of income. As median family income rises, this effect diminishes, meaning that tribal government gaming helps those that need it most.

Census tracts in close proximity to reservations with tribal government gaming experienced a more significant increase in overall employment growth (about 3.9 percent) between 1990 and 2000 than tracts not in close proximity to Indian gaming, even after controlling for population growth.

Gaming is observed to be associated significantly with a decline (of about 4%) in the number of individuals with less-than-high-school education, an increase of 7% in the population having a high school education, and an increase of 2% in the number of persons with post-secondary education.

A survey conducted as part of this research suggests the off-reservation spill-over benefits of a tribal government enterprise are recognized by local government officials. According to the Center’s survey of local governments, officials in counties with tribal government gaming associate gaming more with benefits than costs.

**Significance**

Comparing the 1990 and 2000 U.S. Census data reveals important information regarding the ways that tribal government gaming in California differs from the national experience and ways that it is a subset. For example, while the economic and population growth resulting from tribal government gaming in California during the 1990s was impressive, these benefits were limited by the insecure political and legal environment that resulted from not having an approved tribal-state gaming compact throughout the decade.
The finding that tribal government gaming in California developed unevenly in the 1990s and resulted in increased economic inequalities between gaming and non-gaming tribes reveals the wisdom of the 2000 tribal-state gaming compacts, which created a policy mechanism—the Revenue Sharing Trust Fund (RSTF)—to address these inequalities before they were statistically substantiated. Since its creation, tribal governments with gaming have put more than $148 million into the RSTF to be shared with non-gaming tribes.

Survey research in 2005 suggests that payments to the RSTF have been invested in ways that address these inequalities and that tribal governments without casinos have expanded the number of services offered to tribal members at a rate similar to that of tribes with gaming.

**Conclusion**
While the benefits of tribal government gaming in California have been substantial for tribal members and their neighbors, it will take more time for the economic and social benefits of tribal government gaming to be fully realized. As this Census analysis shows, large gaps remain between the conditions on Indian reservations in California and those enjoyed by other Americans.

The decade from 2000-2010 is a critical developmental period for tribal government gaming in California and the 2010 Census will yield important data about the effectiveness of the primary tribal-state gaming compact in effect, the Davis Compact, and its two major provisions, the Revenue Sharing Trust Fund and the Special Distribution Fund.

**Acknowledgments**
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Additional support came from the Center for California Native Nations (CCNN) at the University of California in Riverside. The U.S. Census data for Indian Country was provided by the Harvard Project on American Indian Economic Development, a program of the Kennedy School of Government.
Public Law 280

May 23, 2008
California Indian Legal Services
Dorothy Alther, Senior Staff Attorney

Three Areas of Jurisdiction

1. Criminal - Tribe vs. Dorothy
   Remedy could be fine, incarceration, restitution

2. Civil - Joe vs. Dorothy
   Remedy could be money (damages), injunctive, specific performance

3. Regulatory - Tribal regulation of land, resources, water, animals, etc.
P.L. 280

- Federal law passed in 1953
- Effected six states: California, Wisconsin, Minnesota, Nebraska, Oregon, and Alaska
- Two parts to P.L. 280: Criminal (18 U.S.C. 1161) and Civil (28 U.S.C. 1360)
- Tribes in six mandatory states were not consulted with nor did they consent to P.L. 280
- 1968 passage of Indian Civil Rights Act makes Tribal consent mandatory before a Tribe is subject to P.L. 280
- A state may retrocede its concurrent jurisdiction under P.L. 280 back to the federal government

How Did P.L. 280 Affect Tribal Jurisdiction?

- P.L. 280 did not divest or take away California Tribes’ jurisdiction
- Concurrent (Shared) Criminal Jurisdiction
  - Tribe v. Dorothy and/or State v. Dorothy
- Concurrent (Shared) Civil Jurisdiction
  - Joe v. Dorothy either in Tribal or state court
- Regulatory Jurisdiction Remains Exclusively with the Tribes
  - No state zoning, labor laws, health and safety laws, animal control, etc. on Tribal lands.
What P.L. 280 Did Not Do

- Terminate Tribes
  - Federal recognition was maintained
  - Trust status of land was maintained
  - Federal obligation to continue services to Tribes remained
- Authorize jurisdiction over Tribes
- Make state regulation applicable to Indians

Express Exceptions to the Grant of State Concurrent Jurisdiction

- No state jurisdiction over trust lands:
  - Cannot probate
  - Cannot tax
  - Cannot regulate use
  - Cannot encumber
  - Cannot determine ownership or right of possession
Tribal Court and Law Enforcement Development in California

- Establishing Tribal courts to hear cases
  - Child dependency cases
  - Housing cases
  - Environmental cases
  - Peace and security
  - All civil cases
  - Hiring Tribal police officers
Working to Re-unite Kumeyaay Culture and Family Values through an artificial Border

Presentation:
By Louis Guassac, Executive Director

May 23, 2008
Historical Review of Border Crossing and Trans-Border Tribes

- 1998 – BIA – DOJ- Consultation with Tribes
- Legislative Solution versus Administrative Solution
- KBTF & Administrative Solution
  - Process and Agreement Protocols between DHS and KBTF

Passage of Real ID ACT: Federal Registrar on March 9, 2007, at Volume 72, Number 46: DHS docket number DHS-2006-0030

- Tribal Governments were not consulted violation of Executive Order No.13175
- Tribes consulting with DHS in order to have their tribal issued ID cards recognized
- Recent progress Tribal ID’s are recognized document for Identification for passing into the United States from land base borders.
- TSA accepts Tribal ID cards for Airline travel.
- Tribal Governments along with DHS will be working on a document (MOU) to recognize Tribal ID’S.
San Isodoro

KBTF Christmas Toy Drive brought a lot of smiles to children who were present.

Nejí
La Huerta

La Huerta
Potential Solar Generation from Tribal Lands

Potential Annual Solar Generation* (billion kWh/yr)
- 0 - 50
- 50 - 100
- 100 - 500
- 500 - 1,000
- 1,000 - 4,300

Indian Reservations

Total Tribal Solar Generation Potential: 17,606 Billion kWh/yr

U.S. Total Electric Generation (2004 Est.): 3,853 Billion kWh/yr (EIA)

* Generation estimated using annual average solar resource from a tilted collector. The formula is: Resource (kWh/m²/day) * 365 * Area (m²) * 0.03, where 0.03 represents solar panels covering 30% of the total reservation area with a panel efficiency of 10%.
Potential Installed Solar Power on Tribal Lands

Total Tribal Potential Installed Solar Power: 6,029,320 MW

U.S. Total Installed Electric Power (2004 Est.): 944,000 MW (EIA)

Potential Installed Solar Power*
(thousands of MW)
- 0 - 50
- 50 - 100
- 100 - 500
- 500 - 1,000
- 1,000 - 1,500

* Installed power is estimated using annual average solar resource from a tilt = latitude collector. The formula is:

Resource (kWh/m²/day) * 365 * 8760 * Area (m²) * 0.01, where 0.01 represents solar panels covering 30% of the total reservation area, producing energy 33% of the time and with a panel efficiency of 10%.

Indian Reservations

U.S. Department of Energy
National Renewable Energy Laboratory

DHJul3004solpow
Potential Wind Generation from Tribal Lands

Potential Annual Wind Generation* (Billion kWh/yr)
- 0.001 - 1
- 1 - 5
- 5 - 10
- 10 - 50
- 50 - 104

Indian Reservations

Total Tribal Wind Generation Potential: 535 Billion kWh/yr
U.S. Total Electric Generation (2004 Est.): 3,853 Billion kWh/yr (EIA)

* Generation estimated for areas of class >= 4 annual average wind resource, assuming 5 MW/km² of installed capacity, and capacity factors ranging from 25.1% (class 4) to 41.4% (class 7).

Aggregate technical estimate of 209 GW does not account for sacred sites, transmission access, water bodies, or other factors that will significantly impact development potential.
Potential Installed Wind Power on Tribal Lands

Potential Installed Wind Power* (MW)
- 0.2 - 1,000
- 1,000 - 5,000
- 5,000 - 10,000
- 10,000 - 20,000
- 20,000 - 41,000

Total Tribal Potential Installed Wind Power: 209,639 MW

U.S. Total Installed Electric Power (2004 Est.): 944,000 MW (EIA)

* Installed power estimated for areas of class >=4 annual avg. wind resource assuming 5 MW/km² of installed capacity.

Aggregate technical estimate of 209 GW does not account for sacred sites, transmission access, water bodies, or other factors that will significantly impact development potential.
San Diego Region 2007 WILDFIRE PERIMETERS

- Tribal Lands
- Final 2007 Wildfire Perimeters

SANDAG
**Potential Solar Generation from Tribal Lands**

**Potential Annual Solar Generation**
(billion kWh/yr)
- 0 - 50
- 50 - 100
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- 500 - 1,000
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* Indian Reservations

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U.S. Department of Energy
National Renewable Energy Laboratory

DH-Jul3004solgen
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Potential Installed Solar Power*
(thousands of MW)
- 0 - 50
- 50 - 100
- 100 - 500
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Indian Reservations

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**Potential Installed Wind Power**

(MW)

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**Indian Reservations**

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