Members
John Minto, Chair
Vice Mayor, City of Santee
(Representing East County)

Greg Cox, Vice Chair
Supervisor, County of San Diego

David Alvarez
Councilmember, City of San Diego

John Renison
Supervisor
(Representing Imperial County)

Lorraine Wood
Councilmember, City of Carlsbad
(Representing North County Coastal)

Jim Cunningham
Councilmember, City of Poway
(Representing North County Inland)

Serge Dedina
Mayor, City of Imperial Beach
(Representing South County)

Alternates
Ruth Sterling
Councilmember, City of La Mesa
(Representing East County)

Dianne Jacob
Supervisor, County of San Diego

Mark Kersey
Councilmember, City of San Diego

VACANT
(Representing Imperial County)

Dwight Worden
Councilmember, City of Del Mar
(Representing North County Coastal)

Ed Gallo
Councilmember, City of Escondido
(Representing North County Inland)

Bill Sandke
Councilmember, City of Coronado
(Representing South County)

Advisory Members
Laurie Berman
District 11 Director, Caltrans

Remedios Gómez-Arnau
Consul General
Consulate General of Mexico

Jim Ferryman
(Representing Orange County)

Marsha Swanson
City of Wildomar
(Representing Riverside County)

Elsa Saxod
San Diego County Water Authority

Michael Garcia (Ewiiaapaayp)
Southern California Tribal Chairmen’s Association

Naresh Amatya
Southern California Association of Governments

Gary L. Gallegos
Executive Director, SANDAG

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AGENDA HIGHLIGHTS

- INTRAREGIONAL TRIBAL TRANSPORTATION STRATEGY
- OVERVIEW OF ASSEMBLY BILL 52
- UPDATE ON THE STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY PROJECT

PLEASE SILENCE ALL ELECTRONIC DEVICES DURING THE MEETING

YOU CAN LISTEN TO THE BORDERS COMMITTEE MEETING BY VISITING OUR WEBSITE AT 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.

San Diego Association of Governments · 401 B Street, Suite 800, San Diego, CA 92101-4231
(619) 699-1900 · Fax (619) 699-1905 · sandag.org
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 the Committee Clerk seated at the front table. Members of the public may address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Public speakers are limited to three minutes or less per person. The Borders Committee may take action on any item appearing on the agenda.

Public comments regarding the agenda can be sent to SANDAG via comment@sandag.org. Please include the agenda item, your name, and your organization. Email comments should be received no later than 12 noon, two working days prior to the Borders Committee meeting. Any handouts, presentations, or other materials from the public intended for distribution at the Borders Committee meeting should be received by the Committee Clerk no later than 12 noon, two working days prior to the meeting.

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## BORDERS COMMITTEE

**Friday, November 20, 2015**

<table>
<thead>
<tr>
<th>ITEM NO.</th>
<th>RECOMMENDATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>+1.</td>
<td>APPROVE</td>
</tr>
<tr>
<td>APPROVAL OF MEETING MINUTES</td>
<td>The Borders Committee is asked to review and approve the minutes from its October 23, 2015, meeting.</td>
</tr>
<tr>
<td>2.</td>
<td></td>
</tr>
<tr>
<td>PUBLIC COMMENTS/COMMUNICATIONS</td>
<td>Members of the public shall have the opportunity to address the Borders Committee on any issue within the jurisdiction of the Committee that is not on this agenda. Anyone desiring to speak shall reserve time by completing a “Request to Speak” form and giving it to the Borders Committee coordinator prior to speaking. Public speakers should notify the Borders Committee coordinator if they have a handout for distribution to Committee members. Public speakers are limited to three minutes or less per person. Committee members may provide information and announcements under Agenda Item No. 3.</td>
</tr>
</tbody>
</table>

### REPORTS

| 3.       | INFORMATION |
| SUBREGIONAL REPORTS FROM BORDERS COMMITTEE MEMBERS | Members of the Borders Committee may report issues and activities within their subregion that are of interest or within the purview of the Borders Committee. |

| 4.       | INFORMATION |
| REPORT FROM THE CONSUL GENERAL OF MEXICO | Hon. Remedios Gomez-Arnau, Consul General of Mexico in San Diego, will provide a presentation on the Mexican Consulate’s role in enhancing San Diego-Mexico connections. |

| +5.      | INFORMATION |
| INTRAREGIONAL TRIBAL TRANSPORTATION STRATEGY | SANDAG, in partnership with the Southern California Tribal Chairmen’s Association, successfully competed for a Caltrans Strategic Partnership Planning Grant to develop an Intraregional Tribal Transportation Strategy. Adam Geisler, Co-Chair of the Tribal Transportation Working Group, will provide an overview of the project. |

| +6.      | INFORMATION |
| OVERVIEW OF ASSEMBLY BILL 52 | Ebru Ozdil, Planning Specialist for the Pechanga Band of Mission Indians, will provide an overview of Assembly Bill 52 (Gatto, 2014), which took effect on July 1, 2015. The new law establishes a consultation process for Tribal Cultural Resources. |
7. UPDATE ON THE STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY PROJECT (Mario Orso, Caltrans)

The State Route 11 and Otay Mesa East Port of Entry Project will improve the movement of people and goods between the United States and Mexico. SANDAG and Caltrans are working to develop a new border crossing and associated transportation network, which includes an Investment Grade Traffic and Revenue Study and an Intelligent Transportation System Concept of Operations. Mario Orso, Caltrans Corridor Director, will summarize progress to date, proposed next steps, and the project’s overall schedule.

8. CONTINUED PUBLIC COMMENT

If the five speaker limit for public comments was exceeded at the beginning of this agenda, other public comments will be taken at this time. Subjects of previous agenda items may not again be addressed under public comment.

9. UPCOMING MEETINGS

The next meeting of the Borders Committee is scheduled for Friday, January 22, 2016, at 12:30 p.m.

10. ADJOURNMENT

+ next to an agenda item indicates an attachment
The Borders Committee was called to order by Chair John Minto (East County) at 12:35 p.m. See the attached attendance sheet for Borders Committee member attendance.

Chair Minto welcomed the Borders Committee and guests. Chair Minto introduced the new Borders Committee Tribal Advisory Member, Vice Chair Michael Garcia (Ewíiaapaayp), representing the Southern California Tribal Chairmen’s Association. Chair Minto announced that Remedios Gómez-Arnau, Consul General of Mexico in San Diego, would not be present.

4. REPORT FROM THE CONSUL GENERAL OF MEXICO (INFORMATION)

The Consulate General of Mexico was unable to attend to present Item No. 4.

1. APPROVAL OF MEETING MINUTES (APPROVE)

Action: Upon a motion by Councilmember Ed Gallo (North County Inland), and a second by Mayor Serge Dedina (South County), the Borders Committee approved the minutes from the September 25, 2015, meeting. Yes – Chair Minto, Councilmember David Alvarez (City of San Diego), Mayor Serge Dedina, Councilmember Gallo and Supervisor Greg Cox (County of San Diego). No – None. Abstain – None. Absent - Supervisor John Renison (Imperial County) and Councilmember Lorraine Wood (North County Coastal)

2. PUBLIC COMMENTS/COMMUNICATIONS

There were no additional public comments.

REPORTS

3. SUBREGIONAL REPORTS FROM BORDERS COMMITTEE MEMBERS (INFORMATION)

Members of the Borders Committee report on issues and activities within their subregion that are of interest or under the purview of the Borders Committee.

Mark Baza, Imperial County Transportation Commission (ICTC), announced the upcoming ground-breaking ceremony for the Calexico West Port of Entry expansion project scheduled on Thursday, November 12, 2015.
Mayor Dedina provided an update on the recent hurricane off the coast of Mexico, in addition to storms off the coast of California. He mentioned that the latest Binational Committee meeting reports on El Niño planning in our region. Mayor Faulconer is working with the City of Imperial Beach and City of Tijuana on cross-border sewage, polluted water, waste and Tijuana River Valley rescues.

Laurie Berman, District 11 Director (Caltrans), announced the groundbreaking for State Route (SR) 905, SR 125, and SR 11 Northbound Connectors project scheduled on Monday, October 26, 2015.

Chair Minto provided an update on the unanimous approval of San Diego Forward: The Regional Plan by the SANDAG Board of Directors. This decision is the culmination of four years of hard work by the talented staff of this agency.

Tomas Oliva, Southern California Association of Governments (SCAG), congratulated SANDAG on the approval of San Diego Forward: The Regional Plan.

Councilmember Jim Dahl (Orange County) announced that over the next few months, a tremendous amount of construction work will be conducted at night on Interstate 5 in Southern Orange County.

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

**+5. CALIFORNIA’S INTEGRATED BORDER APPROACH STRATEGY: PHASE 1 FINAL REPORT (INFORMATION)**

Sergio Pallares, Caltrans, presented the final report for Phase I of the California Integrated Border Approach Strategy, a multi-agency initiative that seeks to improve mobility and the traveler experience at California’s border communities.

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

Sergio Pallares, Caltrans, presented this item.

**6. GO GLOBAL SAN DIEGO - GLOBAL TRADE INITIATIVE (INFORMATION)**

Sean Barr, San Diego Regional Economic Development Corporation, provided an overview of Go Global San Diego, an initiative that seeks to maximize San Diego’s economic competitiveness through increased global engagement.

Sean Barr, San Diego Regional Economic Development Corporation, presented the item and responded to questions.

**Action:** This item was presented for information only.
7. **CONTINUED PUBLIC COMMENT (INFORMATION)**

If the five speaker limit for public comments was exceeded at the beginning of this agenda, other public comments will be taken at this time. Subjects of previous agenda items may not again be addressed under public comment.

There were no additional public comments.

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

8. **UPCOMING MEETINGS (INFORMATION)**

The next meeting of the Borders Committee is scheduled for Friday, November 20, 2015, at 12:30 p.m. *(Please note, this meeting will be held on the third Friday of the month due to the holiday schedule.)*

9. **ADJOURNMENT**

Chair Minto adjourned the meeting at 1:38 p.m.
## CONFIRMED ATTENDANCE
### SANDAG BORDERS COMMITTEE MEETING
### OCTOBER 23, 2015

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<th>GEOGRAPHICAL AREA/ORGANIZATION</th>
<th>JURISDICTION</th>
<th>NAME</th>
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<tr>
<td>South County</td>
<td>City of Imperial Beach</td>
<td>Serge Dedina</td>
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<td>City of Coronado</td>
<td>Bill Sandke</td>
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<td>North County Coastal</td>
<td>City of Carlsbad</td>
<td>Lorraine Wood</td>
<td>Member</td>
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<td>City of Del Mar</td>
<td>Dwight Worden</td>
<td>Alternate</td>
<td>No</td>
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<td>North County Inland</td>
<td>City of Poway</td>
<td>Jim Cunningham</td>
<td>Member</td>
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<td>Ed Gallo</td>
<td>Alternate</td>
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<td>East County</td>
<td>City of Santee</td>
<td>John Minto (Chair)</td>
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<td>City of La Mesa</td>
<td>Ruth Sterling</td>
<td>Alternate</td>
<td>Yes</td>
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<td>City of San Diego</td>
<td>----</td>
<td>David Alvarez</td>
<td>Member</td>
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<td></td>
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<td>Mark Kersey</td>
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<td>County of San Diego</td>
<td>----</td>
<td>Greg Cox (Vice Chair)</td>
<td>Member</td>
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<td>Dianne Jacob</td>
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<td>Imperial County</td>
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<td>John Renison</td>
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<td></td>
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<td>County of Riverside</td>
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<td>Marsha Swanson</td>
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<td>Shellie Milne</td>
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<td>Republic of Mexico</td>
<td>Consul General of Mexico</td>
<td>Remedios Gomez-Arnau</td>
<td>Member</td>
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<td>Deputy Consul of Mexico</td>
<td>Fernando Vargas Briones</td>
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<td>Southern California Tribal Chairmen’s Association</td>
<td>Ewiiapaayp</td>
<td>Michael Garcia</td>
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<td></td>
<td>Jamul</td>
<td>Cody Martinez</td>
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<tr>
<td>Caltrans</td>
<td>Laurie Berman</td>
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<td>Bill Figge</td>
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<td>San Diego County Water Authority</td>
<td>Elsa Saxod</td>
<td>Member</td>
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<td>Ken Olson</td>
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<tr>
<td>SCAG</td>
<td>Naresh Amatya</td>
<td>Member</td>
<td>No</td>
<td></td>
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<tr>
<td></td>
<td>Tomás Oliva</td>
<td>Alternate</td>
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<tr>
<td>County of Orange</td>
<td>Costa Mesa Sanitary District</td>
<td>Jim Ferryman</td>
<td>Member</td>
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</tr>
<tr>
<td></td>
<td>County of Orange</td>
<td>Jim Dahl</td>
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INTRAREGIONAL TRIBAL TRANSPORTATION STRATEGY

Introduction

SANDAG and the Southern California Tribal Chairmen’s Association (SCTCA) successfully competed for a Caltrans Partnership Planning Grant which was awarded recently. Using the SANDAG Borders framework, the objective of this project is to develop an Intraregional Tribal Transportation Strategy (ITTS) with the tribal nations and other agencies that influence tribal transportation in the region. This project supports one of the Near-Term Actions identified in Chapter 5 of the recently approved San Diego Forward: The Regional Plan. The planning study will identify key multimodal projects that will improve tribal mobility while meeting regional, state, and federal goals. The Scope of Work is included as Attachment 1 for information.

Discussion

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

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 access to housing, jobs, education, healthcare, and entertainment for its citizens. To most effectively identify and serve the transportation needs of the tribal communities, these small land based tribes appreciate the opportunity to evaluate their mobility issues collectively in a regional context and determine collective priorities for further analysis.

SANDAG’s Borders framework for collaborative planning has resulted in several successful interregional partnerships and led to interregional and binational strategic plans with neighboring jurisdictions, including the Interstate 15 (I-15) Interregional Partnership with southwestern Riverside and the Otay Mesa/Mesa de Otay Binational Corridor Strategic Plan with the Republic of Mexico. In both cases, the partnerships addressed transportation issues from a more comprehensive perspective and led to specific improvements such as the design and development of the planned Otay Mesa East port of entry. Through the recent process of developing San Diego Forward: The Regional Plan, an initial planning map of tribal corridor improvements has been drafted (Attachment 2a-Northern Tribal Corridor; Attachment 2b-Southern Tribal Corridor). This project
would allow SANDAG/SCTCA to conduct a more comprehensive review and analysis generating an Intraregional Tribal Transportation Strategy.

SANDAG, in partnership with SCTCA, Reservation Transportation Authority (RTA), County of San Diego, North County Transit District (NCTD), the Metropolitan Transit System (MTS), Caltrans, and the Bureau of Indian Affairs (BIA), will work together to develop a strategy that identifies key multimodal projects that will improve tribal mobility while meeting regional, state, and federal goals.

**Project Objectives**

- Understand the existing conditions for tribal multimodal transportation in a regional context
- Identify areas of need for improving tribal mobility that achieve regional, state, and federal goals
- Identify transportation projects that will improve tribal mobility
- Estimate costs for projects
- Develop criteria for prioritizing projects
- Prioritize projects
- Determine responsible parties/jurisdictions
- Develop a strategic plan for improving tribal multimodal access to the transportation system

**Next Steps**

The SANDAG Interagency Technical Working Group on Tribal Transportation Issues (Tribal TWG) will act as a project advisory group. SANDAG and the SCTCA are currently in the process of procuring a technical consultant to begin project implementation in January 2016. Staff will provide periodic updates to the Borders Committee at key milestones.

CHARLES “MUGGS” STOLL
Director of Land Use and Transportation Planning

Attachments:  
1. Intraregional Tribal Transportation Strategy - Scope of Work
2a. North Corridor Tribal Transportation Improvement - Map
2b. South Corridor Tribal Transportation Improvement - Map

Key Staff Contact: Jane Clough, Ph.D., (619) 699-1909, jane.clough@sandag.org
INTRODUCTION:
Description –
The 2050 Regional Transportation Plan/Sustainable Communities Strategy (2050 RTP/SCS) focuses transportation investments in the most urbanized areas, where there is existing and planned transportation infrastructure. At the same time, the transportation system must also support the needs of federally recognized tribal nations whose reservations are located in the sparsely-populated eastern rural areas of the region. Using the The San Diego Association of Government (SANDAG) Borders framework, the objective of this project is to develop an Intraregional Tribal Transportation Strategy (ITTS) with the tribal nations and other agencies that influence tribal transportation in the region. SANDAG, in partnership with the Southern California Tribal Chairmen’s Association (SCTCA), Reservation Transportation Authority (RTA), County of San Diego, North County Transit District (NCTD), the Metropolitan Transit System (MTS), Caltrans, and the Bureau of Indian Affairs (BIA) will work together to develop a strategy that identifies key multimodal projects that will improve tribal mobility while meeting regional, state, and federal goals. The strategy will include: project priorities; cost estimates; identifying responsible parties; and, developing a funding approach.

Background –
The United States Constitution and treaties recognize Native American communities as domestic sovereign nations within the territorial boundaries of the United States. In the San Diego region, there are 18 federally recognized tribal governments with jurisdiction over 19 reservations — the most in any one county in the United States (Attachment 1 – Tribal Lands in San Diego Region Map; Attachment 2 – List of Federally Recognized Tribal Governments and Reservations).

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

As with all land use authorities, improvements in transportation infrastructure are a key to improving the potential of each tribal nation’s ability to compete in a global economy and provide access to housing, jobs, education, healthcare, and entertainment for its citizens. To most effectively identify and serve the transportation needs of the tribal communities, these small land based tribes would like an opportunity to evaluate their mobility issues collectively in a regional context and determine collective priorities for further analysis.

SANDAG’s Borders framework for collaborative planning has resulted in several successful interregional partnerships and led to interregional and binational strategic plans with neighboring jurisdictions, including the Interstate 15 (I-15) Interregional Partnership with southwestern Riverside and the Otay Mesa/Mesa de Otay Strategic Plan with the Republic of Mexico. In both cases, the partnerships addressed transportation issues from a more comprehensive perspective and led to specific structural improvements such as the design and development implementation of
Otay Mesa East. Through the recent process of developing San Diego Forward: The Regional Plan we have an initial sketch up (Attachment 3-Northern Tribal Corridor; Attachment 4-Southern Tribal Corridor). This project would allow SANDAG/SCTCA to conduct a more comprehensive review and analysis generating an Intraregional Tribal Transportation Strategy.

This project would build on work already completed in the area of tribal transit in the region. In 2008 the SANDAG, the RTA, and the Interagency Technical Working Group on Tribal Transportation Issues (Working Group) conducted a Tribal Transit Feasibility Study to examine the connections between the urban transit system and tribal reservations. The study identified tribal transit corridors, identified felt needs in the tribal communities, and made recommendations for new routes and services as well as enhancements to existing services. The study provided the technical basis for the RTA to apply successfully as a tribal consortium to the FTA Tribal Transit grant program, resulting in federal funding to support the study recommendations. To date the RTA has received over $3 million to fund transit enhancements to NCTD serving tribal communities routes and capital improvements to several routes.

The San Diego ITTS strongly promotes both State and Federal transportation goals. Federal funding must support the mobility of tribal nations, however, the focus on investing transportation funding in highly populated areas detracts from the region’s ability to meet their needs. SANDAG has an ongoing commitment to inclusion of tribal transportation issues in the planning process. Through the Tribal Liaison Program SANDAG dedicates significant resources to ensuring tribal issues are considered its plans, programs, and projects. This project would provide more planning level information for incorporation of more specific tribal concerns in the next cycle of the Regional Transportation Plan.

**Project Area –**

The San Diego ITTS project area encompasses the entire region of San Diego, including its 18 cities, unincorporated areas of the County of San Diego, military bases, and 19 federally recognized tribal reservations. The focus of the project is improving the mobility of tribal nations, however, rural populations as well as everyone who visits the reservations would benefit from any improvements that resulted from this planning study. The rural eastern portion of the County will be the focus of the study as this is the area of most interest to tribal nations. The population of the entire region is over three million.

**RESPONSIBLE PARTIES:**

SANDAG in partnership with the SCTCA and with the assistance of a qualified consulting firm will be responsible for performing this work. The SCTCA Board is comprised of the Chairmen of each of the 18 tribes in the San Diego region. The Interagency Technical Working Group on Tribal Transportation Issues will serve as the Project Advisory Group (Attachment 5 – Working Group Roster). The Working Group consists of all of the major stakeholders in tribal transportation in the region, including the RTA, the County, Caltrans D11, the transit agencies (MTS and NCTD), the BIA and all tribes who want to participate (13 are currently voting members).
OVERALL PROJECT OBJECTIVES:

- Understand the existing conditions for tribal multimodal transportation in a regional context
- Identify areas of need for improving tribal mobility that achieve regional, state, and federal goals
- Identify transportation projects that will improve tribal mobility
- Estimate costs for projects
- Develop criteria for prioritizing projects
- Prioritize projects
- Determine responsible parties/jurisdictions
- Develop a strategic plan for improving tribal multimodal access to the transportation system

1. Project Initiation

**Task 1.1 Project Kick-off**

Meeting between Caltrans, SANDAG, and the SCTCA to review grant scope of work, schedule, budget, invoicing requirements, and any other start-up grant administration activities.

Responsible Party: SANDAG

**Task 1.2 Coordinate Project Development Team**

A Project Development Team will be formed and meet regularly throughout the project to keep the agencies involved informed of the progress and contribute to the development of the study. Members shall include: D11, SCTCA staff, RTA, BIA, MTS, NCTD, and consultant.

Responsible Party: SANDAG

**Task 1.3 Consultant Procurement**

SANDAG will select a qualified consultant firm using SANDAG's procurement process to conduct the technical aspects of this work effort. The consultant that is selected must have prior experience working with tribal nations.

Responsible Party: SANDAG

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<tr>
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<td>1.3</td>
<td>Copy of Executed Contract</td>
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2. Public/Stakeholder Outreach/Involvement

**Task 2.1 Coordination with SCTCA Board**
The SCTCA Board comprised of the 18 Tribal leaders in the region will be involved throughout the entire scope of the project. The SCTCA meets monthly and will participate actively in the implementation of this study. They will serve as the policy board along with the SANDAG Borders Committee or Board of Directors. The Project Managers from SANDAG and the SCTCA will coordinate with the respective Boards to provide updates on the project, as well as workshops at key decision-making points in the process.

Responsible Party: SCTCA/SANDAG

**Task 2.2 Coordination with Tribal Transportation Working Group**
The Interagency Technical Working Group on Tribal Transportation Issues (Working Group) will serve as the Project Advisory Group. The Working Group is comprised of representatives of most of the tribes in the region (all can be voting members), as well as advisory members from key agencies that influence tribal transportation (BIA, Caltrans, County, transit agencies, and SANDAG). The Working Group meets quarterly, however, throughout this project meetings will be more frequent as dictated by the project schedule in order to receive input at key decision-making points in the study.

Responsible Party: SCTCA/SANDAG

**Task 2.3 Mobile Workshops with Key Stakeholders**
The consultant will coordinate mobile workshops to examine areas across the region the tribes have identified as problematic. These could be key interchanges, on and off ramps to tribal reservations, or connection points between city and county roads that are proving to be choke points for tribal nations, and other rural communities.

Responsible Party: Consultant/SCTCA/SANDAG

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<tr>
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<td>Meeting agendas, notes, attendance</td>
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<td>2.3</td>
<td>Workshop(s) agenda(s) and report(s)</td>
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3. Existing Conditions

**Task 3.1 Mobility Needs Assessment with Tribes**
Consultant will develop a survey to administer to all of the tribal governments in the region and canvas all tribes. The substance of the survey will be developed in consultation with SANDAG and the SCTCA. The SCTCA will ensure all tribes collaborate with the survey. The results will be presented to the SCTCA Board and the Working Group and used as a basis for conducting the mobile workshops to examine specific areas of concern.

Responsible Party: Consultant
**Task 3.2 Prepare Existing Conditions Report**
Consultant will produce an Existing Conditions Report. The Report should draw on at least the following: a literature review of relevant case studies from other states/other regions of California attempting to address similar issues: review of existing studies and reports, GIS and Google Earth analysis, survey results from area tribes, and additional fieldwork where necessary.

Responsible Party: Consultant

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<td>Memo on Survey Results</td>
</tr>
<tr>
<td>3.2</td>
<td>Existing Conditions Report</td>
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</table>

**4. Identify Transportation Projects**

**Task 4.1 Identify Specific Transportation Projects**
Conduct a GIS mapping analysis that identifies the projects of concern to the tribal nations with co-benefits for other rural communities, based on input from the survey and mobile workshops, as well as identifying the jurisdiction(s) and/or transportation agencies that correspond to the project area.

Responsible Party: Consultant/SCTCA/SANDAG

**Task 4.2 Cost Estimates/Identify Funding Opportunities**
Based on the results of Task 4.1 the Consultant will collect cost estimates for those projects already identified or which have some level of information from other agencies, as well as develop high level planning cost estimates for those identified projects where no information exists. In addition, Consultant will identify funding opportunities and options for each project identified.

Responsible Party: Consultant

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<td>Identify Specific Transportation Projects (multimodal)</td>
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<td>Develop Cost Estimates/Identify Funding Opportunities</td>
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**5. Develop Strategic Plan**

**Task 5.1 Develop Criteria for Prioritization of Projects**
Working with the key stakeholders through the Working Group, Consultant will develop methodology for establishing objective criteria and establish systematic criteria based on tribal concerns as well as state/federal guidelines to prioritize identified projects.

Responsible Party: Consultant/SCTCA/SANDAG

**Task 5.2 Prioritize Projects**
Based on the criteria established and accepted in Task 5.1, the Consultant would facilitate a process with the stakeholders to prioritize the projects.

Responsible Party: Consultant/SCTCA/SANDAG
Task 5.3  Develop Strategic Plan
Based on the data and information collected, the prioritized projects, and the funding opportunities, the Consultant will facilitate the development of a strategic plan with the Working Group. The recommendations will be presented to the SCTCA and SANDAG Boards for consideration.

Responsible Party: Consultant/SCTCA/SANDAG

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<td>Memo documenting prioritization process and criteria</td>
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<td>5.2</td>
<td>Memo, list of prioritized projects</td>
</tr>
<tr>
<td>5.3</td>
<td>Draft Strategic Plan</td>
</tr>
</tbody>
</table>

6. Implementation/Next Steps

Task 6.1  Complete the draft and final report with recommendations for implementation
The Consultant will work with the Working Group to develop a set of recommendations/next steps to ensure that the ITTS study leads towards implementation. With the recommendations, the Consultant will prepare a comprehensive draft report that incorporates the findings from Tasks 3, 4, and 5. After review, the Consultant will prepare a Final Strategic Plan that includes the comments and feedback from the stakeholders.

Responsible party: Consultant/SANDAG

Task 6.2  Present findings to SCTCA/SANDAG Boards/Policy Committees and Tribal Networks
The Consultant will develop a PowerPoint presentation that summarizes the San Diego Intraregional Tribal Transportation Strategy. SANDAG and SCTCA staff will make presentations to the Working Group, Policy Committees, and the Boards of SANDAG and the SCTCA. Seek opportunities to share experience with statewide/national tribal forums/networks.

Responsible Party: Consultant/SCTCA/SANDAG

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<td>Draft and Final Strategic Plan w/next steps</td>
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<tr>
<td>6.2</td>
<td>PowerPoint Presentations</td>
</tr>
</tbody>
</table>
7. Project Administration

**Task 7.1  Invoicing**
SANDAG will track consultant invoices on a monthly basis and submit invoices to Caltrans for reimbursement showing local match contributions on a quarterly basis.

Responsible Party: SANDAG

**Task 7.2  Quarterly Reporting**
SANDAG will prepare quarterly reports summarizing the progress of each task, the funds expended, list any problems that were encountered, anticipated work for the next quarter, and transmit any completed deliverables.

Responsible Party: SANDAG

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<td>Quarterly Reports</td>
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South Corridor Tribal Transportation Improvement

October 2015

Transit Network Improvements
- Increased Frequency
- Proposed Route

Highway Network Improvements
- General Purpose Lanes
- Toll Lanes
- Operational Improvements

C = Conventional Highway
OPS: Operational Improvements
F = Freeway
T = Toll Road

Map Area
San Diego Region

San Diego
Chula Vista
Poway
El Cajon
Santee
San Diego
Tecate, B.C.

Barona Casino
Barona Reservation
Capitan Grande Reservation
Sycuan Reservation
Viejas Casino
Viejas Reservation
Sycuan Casino
Jamul Casino (proposed)
Ewiaapaayp Reservation
Manzanita Reservation
Campo Reservation
La Posta Reservation
La Posta Casino (closed)
Campo Casino (Golden Acorn)
Sycuan Casino
Barona Casino
Chula Vista
San Diego
Tecate, B.C.
OVERVIEW OF ASSEMBLY BILL 52

Governor Brown signed Assembly Bill 52 (AB 52) (Gatto, 2014) into law on September 25, 2014. AB 52 establishes procedures and requirements under the California Environmental Quality Act (CEQA) related to tribal cultural resources. In May 2015, the Governor’s Office of Policy and Research distributed the Discussion Draft Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA to provide guidance and information resources for public agencies (Attachment 1).

CHARLES “MUGGS” STOLL
Director of Land Use and Transportation Planning

Attachment: 1. Discussion Draft Technical Advisory: AB 52 and Tribal Cultural Resources in CEQA

Key Staff Contact: Jane Clough, Ph.D., (619) 699-1909, jane.clough@sandag.org
Discussion Draft Technical Advisory:
AB 52 and Tribal Cultural Resources in CEQA
(May 2015)

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I. Purpose
The purpose of this advisory is to provide guidance to lead agencies regarding recent changes to the California Environmental Quality Act requiring consultation with California Native American tribes and consideration of tribal cultural resources. It summarizes the reasons for the legislative changes, and explains the substantive and procedural requirements that go into effect on July 1, 2015. Finally, it summarizes relevant case law, and provides a list of additional resources.

II. Legislative Intent
The legislature added the new requirements regarding tribal cultural resources in Assembly Bill 52 (Gatto, 2014). By including tribal cultural resources early in the CEQA process, the legislature intended to ensure that local and Tribal governments, public agencies, and project proponents would have information available, early in the project planning process, to identify and address potential adverse impacts to tribal cultural resources. By taking this proactive approach, the legislature also intended to reduce the potential for delay and conflicts in the environmental review process. ((AB 52 § 1 (b)(7).))

1 Assembly Bill 52 (Gatto, 2014). Section 1 of the bill states the legislature’s intent as follows:In recognition of California Native American tribal sovereignty and the unique relationship of California local governments and public agencies with California Native American tribal governments, and respecting the interests and roles of project proponents, it is the intent of the Legislature, in enacting this act, to accomplish all of the following:(1) Recognize that California Native American prehistoric, historic, archaeological, cultural, and sacred places are essential elements in tribal cultural traditions, heritages, and identities.(2) Establish a new category of resources in the California Environmental Quality Act called “tribal cultural resources” that considers the tribal cultural values in addition to the scientific and archaeological values when determining impacts and mitigation.(3) Establish examples of mitigation measures for tribal cultural resources that uphold the existing mitigation preference for historical and archaeological resources of preservation in place, if feasible.(4) Recognize that California Native American tribes may have expertise with regard to their tribal history and practices, which concern the tribal cultural resources with which they are traditionally and culturally affiliated. Because the California Environmental Quality Act calls for a sufficient degree of analysis, tribal knowledge about the land and tribal cultural resources at issue should be included in environmental assessments for projects that may have a significant impact on those resources.(5) In recognition of their governmental status, establish a meaningful consultation process between California Native American tribal governments and lead agencies, respecting the interests and roles of all California Native American tribes and project proponents, and the level of required confidentiality concerning tribal cultural resources, at the earliest possible point in the California Environmental Quality Act environmental review process, so that tribal cultural resources can be
(AB 52, § 1(b).) To accomplish those goals, the legislature added or amended the following sections in the Public Resources Code: 21073, 21074, 21080.3.1, 21080.3.2, 21082.3, 21083.09, 21084.2, and 5097.94. These changes are summarized below.

III. Summary of New Requirements for Consultation and Tribal Cultural Resources

The Public Resources Code now establishes that “[a] project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment.” (Pub. Resources Code, § 21084.2.)

To help determine whether a project may have such an effect, the Public Resources Code requires a lead agency to consult with any California Native American tribe that requests consultation and is traditionally and culturally affiliated with the geographic area of a proposed project. That consultation must take place prior to the determination of whether a negative declaration, mitigated negative declaration, or environmental impact report is required for a project. (Pub. Resources Code, § 21080.3.1.)

If a lead agency determines that a project may cause a substantial adverse change to tribal cultural resources, the lead agency must consider measures to mitigate that impact. Public Resources Code §20184.3 (b)(2) provides examples of mitigation measures that lead agencies may consider to avoid or minimize impacts to tribal cultural resources.
These new rules apply to projects that have a notice of preparation for an environmental impact report or negative declaration or mitigated negative declaration filed on or after July 1, 2015. Specific provisions of the new law are described in more detail below.

A. Definition of Tribal Cultural Resources
New § 21074 of the Public Resources Code defines “tribal cultural resources.” In brief, in order to be considered a “tribal cultural resource,” a resource must be either:

(1) listed, or determined to be eligible for listing, on the national, state, or local register of historic resources, or

(2) a resource that the lead agency chooses, in its discretion, to treat as a tribal cultural resource.2

In the latter instance, the lead agency must determine that the resource meets the criteria for listing in the state register of historic resources3. In applying those criteria, a lead agency must

2 Pub. Resources Code, § 21074
(a) “Tribal cultural resources” are either of the following:

(1) Sites, features, places, cultural landscapes, sacred places, and objects with cultural value to a California Native American tribe that are either of the following:

(A) Included or determined to be eligible for inclusion in the California Register of Historical Resources.

(B) Included in a local register of historical resources as defined in subdivision (k) of §5020.1.

(2) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of §5024.1. In applying the criteria set forth in subdivision (c) of §5024.1 for the purposes of this paragraph, the lead agency shall consider the significance of the resource to a California Native American tribe.

(b) A cultural landscape that meets the criteria of subdivision (a) is a tribal cultural resource to the extent that the landscape is geographically defined in terms of the size and scope of the landscape.

(c) A historical resource described in §21084.1, a unique archaeological resource as defined in subdivision (g) of §21083.2, or a “nonunique archaeological resource” as defined in subdivision (h) of §21083.2 may also be a tribal cultural resource if it conforms with the criteria of subdivision (a).

3 Pub. Resources Code § 5024.1 (c): A resource may be listed as an historical resources in the California Register if it meets any of the following National Register of Historic Places criteria:
(1) Is associated with events that have made a significant contribution to the broad patterns of California’s history and cultural heritage.
(2) Is associated with the lives of persons important in our past.
consider the value of the resource to the tribe. For example, in considering the criterion that a resource is “associated with the lives of persons important in our past,” a lead agency would ask whether the resource is associated with the lives of persons important to the relevant tribe’s past. That determination must be supported with substantial evidence. Note that because the statute gives lead agencies discretion regarding how to treat non-listed resources, evidence of a fair argument is insufficient by itself to compel a lead agency to treat it as a tribal cultural resource if the lead agency determines otherwise. *(Berkeley Hillside Preservation v. City of Berkeley* (2015) 60 Cal. 4th 1086, 1117 (“the fair argument standard does not govern …’ an agency's determination of whether a building qualifies as a ‘historical resource’”) (quoting *Valley Advocates v. City of Fresno* (2008) 160 Cal.App.4th 1039, 1072.).

**B. Consultation**

Public Resources Code § 21080.3.1(a) defines “consultation” with a cross-reference to Government Code § 65352.4, which applies when local governments consult with tribes on certain planning documents. That section states:

> “consultation” means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance. *(Gov. Code, § 65352.4.)*

OPR’s *Tribal Consultation Guidelines* provide further explanation of what “consultation” means. For example, the Guidelines explain that consultation “is a process in which both the

(3) Embodies the distinctive characteristics of a type, period, region, or method of construction, or represents the work if an important creative individual or possesses high artistic values.
(4) Has yielded, or may be likely to yield, information important in prehistory or history.

4 Public Resources Code § 21080 (e) defines “substantial evidence” to mean “fact, a reasonable assumption predicated upon fact, or expert opinion supported by fact.” Notably, new § 21080.3.1(a) states: “The Legislature finds and declares that California Native American tribes traditionally and culturally affiliated with a geographic area may have expertise concerning their tribal cultural resources.”

5 Since 2004, cities and counties have had to consult with California Native American Tribes before adoption or amendment of a general plan, specific plan or designation of open space. *(Gov. Code, § 65352.4., “Senate Bill 18” (Burton, Chapter 905, Statutes of 2004).)* The Tribal Consultation Guidelines explain those requirements in detail. The new requirements in the Public Resources Code do not change those ongoing responsibilities. In instances in which the
tribe and local government invest time and effort into seeking a mutually agreeable resolution for the purpose of preserving or mitigating impacts to a cultural place, where feasible.” (At p. 15.) It further states:

Effective consultation is an ongoing process, not a single event. The process should focus on identifying issues of concern to tribes pertinent to the cultural place(s) at issue – including cultural values, religious beliefs, traditional practices, and laws protecting California Native American cultural sites – and on defining the full range of acceptable ways in which a local government can accommodate tribal concerns. (At p. 16.)

The new provisions in the Public Resources Code enumerate topics that may be addressed during consultation, including tribal cultural resources, the potential significance of project impacts, the type of environmental document that should be prepared, possible mitigation measures and project alternatives. (Pub. Resources Code, § 21080.3.2(a).)

C. Timing in the CEQA Process and Consultation Steps

The new provisions in the Public Resources Code proscribe specific steps and timelines governing the notice and consultation process.

Those steps are summarized below and in the graphic entitled Compliance Timeline and Consultation Process Flowchart in Section V.

1) The Native American Heritage Commission will provide each tribe with a list of all public agencies that may be lead agencies under CEQA within the geographic area with which the tribe is traditionally and culturally affiliated, the contact information of those public agencies, and information on how the Tribe may request consultation. This list must be provided on or before July 1, 2016. (Pub. Resources Code, § 5097.94 (m).)

2) If a tribe wishes to be notified of projects within its traditionally and culturally affiliated area, the tribe must submit a written request to the relevant lead agency. (Pub. Resources Code, § 21080.3.1 (b).)

3) Within 14 days of determining that a project application is complete, or to undertake a project, the lead agency must provide formal notification, in writing, to the tribes that have requested notification of proposed projects as described in step 2, above. That notice must include a

requirements of both the Government Code and the Public Resources Code apply to a project, while there may be substantial overlap, the lead agency must ensure that it complies with the requirements of both statutes.
description of the project, its location, and must state that the tribe has 30 days to request consultation.

4) If it wishes to engage in consultation on the project, the tribe must respond to the lead agency within 30 days of receipt of the formal notification described in step 3, above. The tribe’s response must designate a lead contact person. If the tribe does not designate a lead contact person, or designates multiple people, the lead agency shall defer to the individual listed on the contact list maintained by the Native American Heritage Commission.

5) The lead agency must begin the consultation process with the tribes that have requested consultation within 30 days of receiving the request for consultation.

6) Consultation concludes when either: 1) the parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource, or 2) a party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code, § 21080.3.2 (b)(1) & (2).) Note that consultation can also be ongoing throughout the CEQA process.

D. Confidentiality

Under existing law, environmental documents must not include information about the location of an archeological site or sacred lands or any other information that is exempt from public disclosure pursuant to the Public Records Act. (Cal. Code Regs. § 15120(d); Clover Valley Foundation v. City of Rocklin (2011) 197 Cal.App.4th 200, 220). Native American graves, cemeteries, and sacred places and records of Native American places, features, and objects are also exempt from disclosure. (Pub. Resources Code, §§ 5097.9, 5097.993.) This exclusion reflects California’s strong policy in favor of protecting Native American artifacts. Confidential cultural resource inventories or reports generated for environmental documents should be maintained by the lead agency under separate cover and shall not be available to the public. (Clover Valley at 221, citing Governor’s Office of Planning and Research, Cal. Tribal Consultation Guidelines, (Nov. 14, 2005 supp. p. 27).)

In Clover Valley, the trial court denied petitions for writ of mandate challenging a city’s approval of a subdivision project. Revisions to the project included transferring prehistoric Native American artifacts for preservation. The city prepared a recirculated draft environmental impact report to analyze the revised project. The locations and specific characteristics of the cultural resources were not described. The city provided additional information briefly describing the characteristics of the cultural resources, the project’s effects on them, and planned mitigation measures. The Court of Appeal affirmed the trial court’s ruling, holding that the additional information did not require recirculation because the changes were not significant in light of disclosure restrictions pertaining to cultural resources. (Gov. Code, § 6254(r); Pub. Resources Code, §§ 5097.9, 5097.993; Cal. Code Regs., (d)).
The new provisions in the Public Resources Code include additional rules governing confidentiality during tribal consultation. (Pub. Resources Code, §21082.3(c).)

First, information submitted by a California Native American tribe during the environmental review process may not be included in the environmental document or disclosed to the public without the prior written consent of the tribe. Consistent with current practice, confidential information may be included in a confidential appendix. A lead agency may exchange information confidentially with other public agencies that have jurisdiction over the environmental document. (Pub. Resources Code, § 21082.3 (c)(1).) This confidentiality protection extends to a tribe’s comment letter on an environmental document. A lead agency can summarize tribal comment letters in general way, while still maintaining confidentiality consistent with the holding in Clover Valley.

Second, an exception to the general rule prohibiting disclosure is that the lead agency and the tribe may share confidential information regarding tribal cultural resources with the project applicant and its agents. In that case, the project applicant is responsible for keeping the information confidential, unless the tribe consents to disclosure in writing, in order to prevent looting, vandalism, or damage to the cultural resource. The project applicant must use a reasonable degree of care to protect the information. Additionally, information that is already publically available, developed by the project applicant, or lawfully obtained from a third party that is not the tribe, lead agency, or another public agency may be disclosed during the environmental review process. (Pub. Resources Code, § 21082.3(c)(2).)

Third, the new law does not affect any existing cultural resource or confidentiality protections. (Pub. Resources Code, § 21082.3 (c)(3).)

Fourth and finally, the lead agency or another public agency may describe the information in general terms in the environmental document. This is so that the public is informed about the basis of the decision, while confidentiality is maintained. (Pub. Resources Code, § 21082.3(c)(4).) The decision in Clover Valley Foundation v. City of Rocklin (2011) 197 Cal.App.4th 200 provides a useful description of how a lead agency may balance the need for confidentiality with disclosure obligations under CEQA.

E. Mitigation
Public agencies shall, when feasible, avoid damaging effects to any Tribal cultural resource. (Pub. Resources Code, §21084.3 (a).)

If the lead agency determines that a project may cause a substantial adverse change to a tribal cultural resource, and measures are not otherwise identified in the consultation process, new provisions in the Public Resources Code describe mitigation measures that, if determined by the lead agency to be feasible, may avoid or minimize the significant adverse impacts. (Pub. Resources Code, § 21084.3 (b).) Examples include:
(1) Avoidance and preservation of the resources in place, including, but not limited to, planning and construction to avoid the resources and protect the cultural and natural context, or planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.

(2) Treating the resource with culturally appropriate dignity taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:

(A) Protecting the cultural character and integrity of the resource
(B) Protecting the traditional use of the resource
(C) Protecting the confidentiality of the resource

(3) Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places

(4) Protecting the resource (Ibid.)

IV. Updating Appendix G
The statute directs OPR to develop proposed updates to the sample initial study checklist in Appendix G of the CEQA Guidelines to do both of the following: (a) separate the consideration of paleontological resources from tribal cultural resources and update the relevant sample questions, and (b) add consideration of tribal cultural resources with relevant sample questions. The Natural Resources Agency must complete its regulatory process for adoption of updates on or before July 1, 2016.

As noted above, the substantive and procedural requirements added in AB 52 go into effect on July 1, 2015. Because the environmental checklist in Appendix G is a sample and not mandatory, lead agencies need not wait for the Appendix G update before updating their own procedures.

In this interim period, OPR suggests that lead agencies consider asking the following question in their environmental documents:

Would the project cause a substantial adverse change in the significance of a tribal cultural resource as defined in Public Resources Code 21074?
V. Compliance Timeline and Consultation Process Flowchart

California Native American Tribe (Tribe) requests to be on Agency notification list
PRC, § 21080.3.1(b)(1).

Agency decides to Undertake Project or Determines Project Application is Complete.

Within 14 Days

Lead agency provides formal notice to the Tribal contact on the list. PRC, § 21080.3.1(d).

Within 30 Days

The Tribe writes the lead agency requesting consultation on the project. PRC, § 21080.3.1(b)(1).

Within 30 Days

Lead agency begins consultation with the Tribe PRC, § 21080.3.1(b).

Consultation can be an ongoing process.

Consultation ends when either:
1) Both Parties agree to measures to avoid or mitigate a significant effect on a TCR.
Agreed upon mitigation measures shall be recommended for inclusion in the environmental document. PRC, § 21082.3(a)
   OR
2) A Party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. PRC, § 21080.3.2(b)(1)-(2), PRC, § 21080.3.1(b)(1).

Release of Environmental Document
VI. Bibliography of Resources

A. California Government Resources
Assembly Bill No. 52 (2013-2014 Reg. Sess.)


Governor’s Office of Planning and Research, Tribal Consultation Guidelines: Supplement to General Plan Guidelines (Nov. 14, 2005)

California Energy Commission, Tribal Consultation Policy (Nov. 2014)

California Department of Transportation, Native American Liaison Web Site (2007)


B. Federal Government Resources


C. Cases Interpreting Provisions in the Public Resources Code Governing Analysis of Historic Resources

_Clover Valley Foundation v. City of Rocklin_ (2011) 197 Cal.App.4th 200 [holding that CEQA does not require a lead agency to disclose confidential information regarding the location and nature of cultural resources sites and that a lead agency need only provide a general description of those resources and mitigation measures in an EIR]

_Citizens for the Restoration of L Street v. City of Fresno_ (2014) 229 Cal.App.4th 340 (holding that the fair argument standard does not apply to a lead agency’s discretionary determination of whether a non-listed building or district is an historical resource for purposes of CEQA) (see also _Valley Advocates v. City of Fresno_ (2008) 160 Cal.App.4th 1039)]
UPDATE ON THE STATE ROUTE 11 AND OTAY MESA EAST PORT OF ENTRY PROJECT

Introduction

SANDAG and Caltrans, in collaboration with the Mexican government and other project stakeholders, have continued to make progress to advance the Otay Mesa East (OME) – Mesa de Otay II Port of Entry (POE) and connecting roads on both sides of the border. Since our last presentation to the Borders Committee in January 2015, staff working together with project stakeholders, has completed the following major milestones:

- Obtained approval from the California Transportation Commission for the allocation and reprogramming of funds to explore additional right-of-way acquisition.
- Groundbreaking for the construction of three freeway-to-freeway connector ramps linking State Route (SR) 905 and the nearly complete Segment 1 of SR 11 to northbound SR 125.
- Activated a Federal Interagency Policy Committee (IPC) to commence regular project development meetings with SANDAG and Caltrans to develop a scope of work for the project. Two key project studies, the Investment Grade Traffic and Revenue Study and the Intelligent Transportation System (ITS) Concept of Operations (ConOps), inform discussions with the IPC.
- Intensified the frequency of meetings with Mexican counterpart agencies at the federal, state, and local levels.

Discussion

SANDAG, in cooperation with Caltrans, U.S. Customs and Border Protection, the U.S. General Services Administration, counterpart agencies in Mexico, and other project stakeholders, continues to work on developing the new OME POE and associated transportation network, SR 11. The proposed project is located approximately two-miles east of the existing Otay Mesa border crossing and will constitute a third major border crossing along the San Diego region’s border with Tijuana. Two key studies provide the foundation to further project development.

Investment Grade Traffic and Revenue Study

In June 2014, SANDAG completed the SR 11/OME POE Investment Grade Traffic and Revenue (T&R) Study. The purpose of the study is to estimate the potential traffic (passenger and commercial vehicles) forecasted to use the OME POE and subsequent toll revenues generated over a 40-year period of operations (2017-2056), and provides a revenue baseline that the project partners use in discussions.
While the T&R Study focuses on the toll revenue generating capacity, the IPC group is developing capital and operational cost estimates.

**ITS Concept of Operations**

At this stage in the new cross-border project, a general understanding of how the proposed POE and connected roadways will operate is critical. While much of the draft ConOps is focused on systems and operations around the planned border crossing, it also is intended to highlight the critical role that regional border transportation, mobility, and management play in the overall economic vitality and prosperity of the greater San Diego/Baja California region. The ConOps also is intended to help guide the region to develop an accurate border wait time monitoring system which will eventually be supported by a Border Traffic Management Center. The premise of the ConOps and the overall OME POE Project is that the border must function as a system of interrelated crossings, and that the operations of the new OME crossing must be designed to interact and coordinate within the larger California/Mexico border crossing environment.

This draft ConOps continues to be reviewed and serves to capture and reflect stakeholder input as part of the evolving character of the overall project. Additionally, ITS Systems Requirements are currently being developed with our Mexican counterpart agencies that will specifically define what functions will be performed by new system elements, and how they will be performed.

**Next Steps**

The T&R Study and the ITS ConOps continue to be the focal point of discussions with project stakeholders, and are the backbone documents underpinning the regular meetings between the SANDAG/Caltrans Project Development Team and the Federal IPC Group. These regularly scheduled meetings enable key stakeholders to add more detail to the planned cost of construction, as well the cost of sustaining both the operations and maintenance for OME. These ongoing discussions about balancing the interrelated elements (revenues, costs, ConOps) serve to sharpen the complete picture of the project's overall plan of finance.

Finally, the SANDAG/Caltrans team also has been carrying on discussions with Mexican counterpart agencies regarding how to allocate toll revenues (and debt service) while keeping project schedules aligned on both sides of the border. Concurrently, ITS technical staff is having continuous discussions with representatives from Mexico on the ConOps and ITS Binational Systems Requirements that specifically define what functions will be performed by new traffic management system and how they will be performed.

CHARLES “MUGGS” STOLL  
Director of Land Use and Transportation Planning  

Attachment: 1. SR 11/Otay Mesa East Port of Entry Fact Sheet  

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Border congestion in the San Diego-Baja California region costs the United States and Mexico a combined $7.2 billion in annual economic output and more than 62,000 jobs each year. Bottlenecks at the Otay Mesa Port of Entry (POE), the region’s main commercial border crossing, and the San Ysidro POE, the busiest land border crossing in the Western Hemisphere, constrict the flow of people and freight, choking off economic opportunities.

Improvements to the San Ysidro POE have reduced wait times for individuals and passenger vehicles, resulting in an increase in the demand to cross the border. Recently, wait times have begun to creep back up – a strong indication that a new POE is still needed to meet the demand. Since the San Ysidro POE does not process commercial traffic, a pressing need remains for a new commercial POE to accommodate the billions of dollars in trade carried by trucks.

The Opportunity

The State Route 11/Otay Mesa East POE Project will provide fast, predictable, and secure crossings via tolled approach roads that connect directly to a new state-of-the-art POE that serves both personal and commercial vehicles. The goal is to operate the new POE with an average 20-minute border wait time. Efficiencies will be achieved through a host of innovations and technologies, including:

- An integrated approach to managing traffic congestion at the region’s major ports of entry
- A new border wait time detection system that provides advanced traveler alert information
- Using electronic variable toll rates as a demand management strategy
- Partnership approaches to financing value-added amenities
Project Status

The SR 11/Otay Mesa East POE Project is being developed in three segments:

**Segment 1:**
SR 11 from SR 905 east to Enrico Fermi Drive began construction in December 2013 and is scheduled to open to traffic in late 2015. This segment of the four-lane highway is estimated to cost $103.4 million, with $71.6 million coming from the Proposition 1B Trade Corridor Improvement Fund and $31.8 million from the federal Coordinated Border Infrastructure Program. Construction started in October 2015 on the freeway ramps to connect SR 905 and SR 11 to northbound SR 125.

**Segment 2:**
Segment 2 will complete the highway by constructing a tolled segment, extending SR 11 from Enrico Fermi Drive to Siempre Viva Road, and the commercial vehicle enforcement facility (CVEF).

**Segment 3:**
Segment 3 will build the new port of entry. Construction of Segments 2 and 3 is contingent on securing financing. See info below.

Making it Happen: Binational Project Financing

- **Costs:** The total cost of the project for facilities on both sides of the border is estimated to be around $800 million.
- **Financing:** Tolls collected on the approach roads leading up to the POE will serve as the backbone for financing the remainder of the project. Other advantageous funding mechanisms also are being explored, including federal credit assistance through the Transportation Infrastructure Finance and Innovation Act (TIFIA).
Intra-regional Tribal Transportation Strategy

November 20, 2015
Borders Committee
Project Overview

- Caltrans Strategic Partnership Grant FY16-FY18
- SCTCA – SANDAG/consultant
- Project Cost $200,000
  - SCTCA In Kind Match - $20,000
  - SANDAG Cash Match - $20,000
  - Grant - $160,000

- Coordination between SANDAG/SCTCA
- Role of the Tribal Transportation Working Group
- Consultant
- Mobile Workshops
Key Milestones

• Existing Conditions
• Identify Transportation Projects
  – Identify Specific Projects
  – Cost Estimates/Identify Funding Opportunities
• Develop Strategic Plan
  – Develop Criteria for Prioritization of Projects
  – Prioritize Projects
  – Develop strategy
• Implementation/Next Steps
  – Draft/Final Report
  – Present findings to stakeholders

Next Steps

• Processing contracts for:
  – MOU with SCTCA
  – On-call Consultant
• Kickoff with Working Group – January 2016
Basic Summary

- Tribal Governments are formally recognized as governments with specific expertise concerning their tribal resources.
- Native American tribes have a defined consultation process in CEQA that is collaborative in nature.
- California Native American tribes are defined using the same definition as in SB 18.
- There will be a new category called Tribal Cultural Resources (TCRs) in the CEQA Initial Study Checklist Form (Appendix G).
- A CEQA project with a significant impact to a TCR cannot be approved unless tribal consultation has occurred, and AB 52 encourages avoidance of TCRs.
Basic Summary

- An impact to Tribal Cultural Resources is a significant effect on the environment
- Public agencies shall, when feasible, avoid damaging effects to any Tribal Cultural Resources
- Tribal information submitted to a lead agency and developer/applicant shall be confidential
- AB 52 preserves existing CEQA standards
- NAHC will have a role to assist Tribes and Lead Agencies with participation in CEQA process for AB52 compliance

Basic Summary

- AB 52 now applies, as of July 1, 2015, to projects that will have a mitigated negative declaration, a notice of preparation for an EIR or a notice of negative declaration.

- The revisions to CEQA guidelines and AB52 regulations will be drafted by the Office of Planning and Research in the coming year and have a deadline of July 1, 2016. OPR is currently working on an interim draft Technical Advisory
AB 52 Timelines

- Tribes initiate AB 52 consultation by sending a written request to lead agencies to be contacted regarding formal notification of projects.
  - Without this request, there is no requirement that a lead agency must consult with a tribe under AB 52.
  - Within **14 days** of determining an application for a project is complete, or decision by a public agency to undertake a project, agency must formally notify tribes who have requested to be contacted.
  - Tribe must respond in writing within **30 days** of receipt of the formal notification that it would like to consult on subject project.

Consultation Process for CEQA Projects

- The Lead Agency shall begin the consultation process within **30 days** of receiving a California Native American tribe’s request for consultation and prior to the release of a ND, MND, EIR.
  - Early consultation
  - The initial study cannot be completed without direct tribal input and consultation to determine type of environmental review (See PRC 21080.3.2(a)).
TCR Mitigation

- Public agencies shall, when feasible, avoid damaging effects to any TCR.
- Mitigation examples kick in only if there is a substantial adverse change to a TCR.
- Both Lead Agency and Tribe agree on MMs.
- If no agreed upon MMs (PRC 21082.3(e)): Examples of MMs that, if feasible, may be considered, to avoid or substantially lessen potential significant impacts:
  - Avoidance and preservation of the resources in place.
  - Treating resources with culturally appropriate dignity.
  - Permanent conservation easements or other interests in real property with culturally appropriate management criteria for purposes of preserving or utilizing places.
  - Protect the resource.
SANDAG Toll Authority Legislation Approved (SB 1486)

California Transportation Commission (CTC) approved implementation of the project in multiple segments

MOU signed between California and Mexico to form a binational oversight committee to expedite project delivery

Investment grade Traffic and Revenue Study as well as ITS ConOps completed

Segment I groundbreaking

SANDAG completed a study on the economic impacts of border wait times

Obtained U.S. Presidential Permit

Environmental Report (EIS/EIR) completed

Accomplishments
2015 Milestone: Completion of Segment 1 of SR 11

2015 Milestone: Start of Construction for Northbound SR 905/125/11
Northbound Connectors

Project Overview
Existing Bottlenecks – NB Commercial Traffic

T&R Study – Baseline Scenario Assumptions

Main Assumptions
- 10 x 10 configuration
- Variable tolling method
- 20 minute wait time target at OME
- Annual growth rate in demand for border-crossing travel of 1.6% for PV and 1.8% for CV
- Traffic processing rates at OME POE similar to existing POEs
- Current pattern of CBP lane operations will continue in future, including hours of operation
- San Ysidro’s expansion operational in 2017
## Baseline Revenue Forecast

<table>
<thead>
<tr>
<th>Vehicle Type</th>
<th>40-Year Revenue Estimate (in millions of 2012 dollars)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Undiscounted</td>
</tr>
<tr>
<td>Passenger Vehicles</td>
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</tr>
<tr>
<td>Commercial Vehicles</td>
<td>$1,006</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>$4,231</strong></td>
</tr>
</tbody>
</table>

Based on traffic models developed by HDR

Baseline revenue results for 40 years of operation, by direction of flow

- Northbound: $3,789 (90%)
- Southbound: $443 (10%)

## Financial Strategy

Diagram showing the balance between costs and funding with categories such as U.S., Mexico, Toll, and U.S. Participation.
The Path Forward

Next Steps

- Project scoping on both sides of the border
- O&M + Staffing
- ITS Concept of Operations Consensus
- Tolling/Debt Sharing Agreement

The Path Forward

Financing

- Project scoping on both sides of the border
- O&M + Staffing
- ITS Concept of Operations Consensus
- Tolling/Debt Sharing Agreement
Putting All the Pieces Together

Next Steps

Financing

Construction Begins

Partnering + Innovation = The Path Forward

Questions and Discussion

Thank You!