San Diego Association of Governments

BORDERS COMMITTEE

March 18, 2005

AGENDA ITEM NO.: 1

Action Requested: APPROVE

BORDERS COMMITTEE DISCUSSION AND ACTIONS

Meeting of February 18, 2005

The regularly scheduled meeting of the San Diego Association of Governments (SANDAG) Borders Committee was called to order at 1:07 p.m., by Chair Crystal Crawford (North County Coastal). The attendance sheet for the meeting is attached.

Chair Crawford welcomed all visitors and thanked all for attending. She noted that this is a special meeting as it forms part of the strategic initiative to improve communications with tribal governments and the presentations will be made by the tribal governments. She added that the Borders Committee is looking forward to learning more about how tribal governments work and how SANDAG can coordinate better with the area’s 17 tribal governments. Self introductions were made. The following tribal members were present: Chairman Robert Smith (Pala) of the Southern California Tribal Chairmen’s Association (SCTCA); Chairman Kevin Siva (Los Coyotes Band) of the Reservation Transportation Authority (RTA); Edward Arviso (Inaja-Cosmit Band), RTA Executive Board Member; Ben Magante (Pauma), RTA Executive Board Member; Joe Loya (Torres Martinez Band of Cahuilla), RTA Board Member; Chair John Currier (Rincon Luiseño Band of Indians); Vice Chair Jack Musick (La Jolla Band of Mission Indians); and Reva Wassana, Tribal Consultants.

Chair Crawford (North County Coastal) mentioned that Supervisor Carrillo (Imperial County) sends his regrets for not being able to attend the meeting, but emphasized his interest in the issue.

1. APPROVAL OF BORDERS COMMITTEE MEETING MINUTES

   Action: Councilmember McCoy (South County) made the motion and Councilmember David Allan (East County) seconded the motion to approve the minutes from the January 21, 2005 meeting. One member abstained.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

   Chair Crawford (North County Coastal) announced that there will be a joint meeting between the Southern California Association Government’s (SCAG’s) Southwest Compact Task Force and SANDAG’s Borders Committee on Thursday, February 24, 2005. The meeting will be held from 11 a.m. to 1 p.m. in San Juan Capistrano. Staff noted that they will be handling all the travel arrangements for those Committee members that are interested in attending.
Councilmember McCoy (South County) mentioned that the United States will be celebrating Wetlands Day this year and will be recognizing three Wetlands of International Importance under “The Convention on Wetlands of International Importance,” more commonly known as the Ramsar Convention. The Three Wetlands of International Importance are the Tijuana River National Estuarine Research Reserve, the National Reserve in Merced, and the National Reserve in Hawaii. This is a significant accomplishment because the Tijuana River watershed drains from Mexico to the United States with the majority being in Mexico. All members will receive invitations to the opening.

Vice Mayor Harris-Ebert (North County Inland) asked about the environmental impact of the third border fence being proposed by the Department of Homeland Security (DHS) on the quality of the Tijuana River National Estuarine Research Reserve. Councilmember McCoy (South County) responded that all DHS projects at the border are under suspension when it comes to environmental laws. The California Coastal Commission opposed the third border fence project, but it went to Congress anyway. She added that the DHS proposal of the third fence has received approval in Washington, D.C. at the House of Representatives level – now it needs to be approved in the Senate.

CONSENT ITEMS (3 through 5)

3. COMMITTEE ON BINATIONAL REGIONAL OPPORTUNITIES (COBRO) MEETING SUMMARY AND ACTIONS (INFORMATION)

4. SANDAG’S 2005 BINATIONAL CONFERENCE UPDATE (INFORMATION)

5. TRIBAL OVERVIEW (INFORMATION)

**Action:** Supervisor Cox (County of San Diego) made the motion and Councilmember Allan (East County) seconded the motion to accept Consent Items 3 through 5.

Chair Crawford (North County Coastal) mentioned that the map attached to Item #5 – Tribal Overview – was a joint effort between SANDAG, Caltrans, and the Reservation Transportation Authority. Changes can be made to the map if necessary. She noted that San Diego has more tribal governments within its boundaries than any other county in the nation. She thanked all that worked on the map.

REPORTS

6. TRIBAL GOVERNANCE IN SAN DIEGO COUNTY (INFORMATION)

Reva Wassana (Tribal Consultants), the designated liaison to SANDAG for the RTA, provided a general overview of tribal nations in the San Diego region and their governance structure to the Committee. There are 562 federally-recognized tribes in the United States. Of those,
107 are in California, with 17 of those tribes being located in the San Diego region. These 17 tribes are descendants of four Indian nations.

Kevin Siva (RTA Chair) noted that the 17 tribes in San Diego are descendants of four main tribes: Luiseño, Cahuilla, Cupeño, and Kumeyaay.

Ms. Wassana noted that it was an honor to be the tribal liaison, even though she is not a member of any of the tribal nations in the San Diego region. She is an enrolled member of the Arapaho Tribe of Oklahoma, but she comes from both the Arapaho and Wichita Nations.

Tribal governments in California have gone through a very long process to attain the current sovereignty that they now enjoy. As most of you know, the Bureau of Indian Affairs, authorized in the early 1800s shifted the focus of its mission from military control of the tribes to civilian control at about the same time that California became a state. The development of the reservation system actually gained momentum in the mid-1850s after experimentation with reservation policy in California.

Public Law 280, enacted by Congress in 1953, further shifted the role of Indian affairs from the federal government to the states by enabling states to assume criminal, as well as civil, jurisdiction in matters involving Indians as litigants on reservation land. PL280 transferred legal authority (jurisdiction) from the federal government to the states, including California, which significantly changed the division of legal authority among tribal, federal, and state governments.

Tribal nations operate similarly to city, county, and state governments and have the same types of responsibilities. They also share common problems and issues and are seeking common solutions. As with local governments, tribal governments often form associations or coalitions to help address these issues. There was a study conducted by Harvard University in 1987, which determined that the two most important indicators for success in economic development for tribes was their ability to govern themselves and to protect their cultural integrity. For tribal nations, securing stable sources of funding is a serious issue; not all tribes have gaming compacts or independent sources of economic development.

Chair Crawford (North County Coastal) asked for additional comments and/or questions from members.

Mayor Pro Tem Gallo (North County Coastal) asked for the definition of TERO, as it is mentioned in the map attached to the Agenda Item #5. Chairman Siva responded that TERO stands for Tribal Employment Rights Organization (which is similar to a union).

John Currier (Chair of the Rincon Nation of Luiseño) commented that not all tribes agree with each other, and they cannot be treated as a consensus block. It is important to know that all tribal governments are separate.

Chair Crawford (North County Coastal) noted that SANDAG has been informed that each tribe is a sovereign nation and should be treated on an individual basis.
Councilmember Allan (East County) requested copies of the PowerPoint presentations.

Chair Crawford (North County Coastal) stated that PowerPoint presentations will be made available to all interested Committee members.

**Action:** The Borders Committee accepted this report for information.

7. **SOUTHERN CALIFORNIA TRIBAL CHAIRMEN’S ASSOCIATION (INFORMATION)**

Robert H. Smith (Chair of the Southern California Tribal Chairmen’s Association) provided the Committee with an introduction to the SCTCA, including its mission, goals and objectives, and governance structure. The SCTCA is a multi-service, non-profit corporation established in 1972 by a consortium of 19 federally-recognized Indian tribes in Southern California.

Councilmember Allan (East County) thanked Chairman Smith for his hospitality while visiting with him at the Pala reservation. The important issue is to recognize that there are so many people at the table, and it is important to include them all to resolve issues of mutual concern.

Councilmember Monroe (South County) was pleased that this meeting is taking place. He added that he appreciates the sovereignty of each tribal government and also that consensus is important. He remarked that he was pleased that Chairman Smith was here to represent the consortium at the Borders Committee to discuss their issues. He noted that he is looking forward to working together on improving communication with the tribal governments in San Diego.

Supervisor Cox (County of San Diego) stated that he is happy to be seated at the table with the tribal governments today. He asked how many of the 17 tribal governments participate in the SCTCA. Chairman Smith responded that all tribal governments are invited to attend and participate in the consortium.

Councilmember McCoy (South County) asked if any of the tribal governments do business with any of the tribes in Baja California. Chairman Smith (SCTCA) stated that his tribe regularly sends representatives to Mexico. Even though Mexico doesn’t have the fiscal resources to reciprocate, they do business together.

Councilmember McCoy (South County) suggested that the Borders Committee meet with the tribes individually. Chairman Smith (SCTCA) responded that the Borders Committee is welcome to attend the SCTCA meetings whenever it is convenient for them.

Chair Crawford (North County Coastal) commented that the SANDAG Board of Directors visited several tribal lands during its tour of East County.

Louis Guassac stated that the Kumeyaay tribal representatives are working with DHS to get special visa waivers to enable tribal members in Baja California to come across the border for cultural activities and ceremonies. It is important to know that the Kumeyaay Nation existed as one before the United States and Mexico border was created; the lands of the
Kumeyaay people go all the way to the tip of Baja California. There are traditional cultural sites of importance to the Kumeyaay on both sides of the border. Currently, there are four bands of Kumeyaay who live in Baja California.

Javier Diaz (Consulate General of Mexico) commented that the Consulate is currently working with the Consulate of the United States in Tijuana on a program with the Kumeyaay Indians, which will allow them to cross the border to share in cultural celebrations and ceremonies.

Chair Crawford (North County Coastal) stated that the Borders Committee has been charged by the SANDAG Board of Directors to reach out to San Diego’s neighboring jurisdictions, including the Counties of Imperial, Riverside, and Orange, as well as Mexico and the Tribal Nations. She recognizes that plans and programs need to be developed that will include common issues with the tribal governments. She apologized for taking a little longer to get together with the tribal governments, but is pleased to have them here today to begin building a much needed relationship.

Councilmember Monroe (South County) was unsure whether there was a space on the agenda to hear what the priorities of tribal governments have so that issues can be identified where both groups can work together.

Chair Crawford (North County Coastal) stated that issue is implicit in today’s agenda and can be discussed.

Action: The Committee received this item for information.

8. RESERVATION TRANSPORTATION AUTHORITY (INFORMATION)

Kevin Siva (Chair of the Reservation Transportation Authority) thanked the Borders Committee for allowing him to make today’s presentation. Mr. Siva provided the Committee with an overview of the RTA. Founded in 1998, it is the only organization of its kind in the nation. The RTA is a consortium of Southern California Indian tribal governments established by sovereign nations and designated by Public Law 93-638 as a contracting entity on behalf of those tribes. The RTA organization allows each tribe to select a representative that serves on its Board of Directors.

He provided a breakdown of the RTA organization. The RTA has a threefold mission: (1) to develop roads for the needs of all tribes; (2) to acquire new road construction and road maintenance experience to serve as a resource for the member tribal governments; and (3) to provide transportation planning, training, and research for member tribal governments. The RTA feels that there is a need for the tribal governments to understand the regional planning process and how they might become involved, as well as for the local governments to understand the needs of the tribes. All groups have something to offer. Funding for the work of the RTA is made available through Public Law 93-638.

He highlighted some of the RTA accomplishments and noted that the RTA services tribal governments in Imperial, Riverside, San Diego, San Bernardino, and Santa Barbara Counties. He again thanked the SANDAG Borders Committee for its time.
Chair Crawford (North County Coastal) commented that the map doesn’t show any roads connecting to Chairman Siva’s reservation, Los Coyotes. She suggested that there might be opportunities for additional roads and road improvements. Chair Siva (RTA) noted that there are reservations throughout San Diego County, and not all are connected to each other. Those types of problems and needs are more directly related to the County of San Diego as the reservations are mostly located in the unincorporated area of the County, as well as some cities.

Chair Crawford (North County Coastal) stated that there should be adequate infrastructure to allow for emergency services and other access issues. Chair Siva (RTA) responded that there are other transportation issues faced by each individual tribal government.

Chair Crawford (North County Coastal) asked if tribal governments have overall planning documents. Chairman Smith (SCTCA) replied that Pala has a planning document that includes a project that crosses the San Luis Rey River. He added that when the growth of the tribes began to affect the cities near each reservation, it activated the need for compromise between the tribes and the individual communities.

Councilmember McCoy (South County) mentioned that by looking at the numbers on the map, it appears that there are very few people living on reservations. Chairman Smith (SCTCA) stated that the numbers used on the map are from the 2000 Census. Since that time, there has been infrastructure added that has allowed for families to move back to the reservations. Currently, all reservations have families living on them.

Staff commented that the map in the agenda was developed by using statistics from the 2000 Census, which only indicates people actually living on the reservation and not total tribal membership. There are many more Native Americans and members of the San Diego tribes living in urban areas in the San Diego region.

Chair Crawford (North County Coastal) stated that it would be helpful to have data regarding the levels of activities on the reservations and how much housing is being developed on each reservation.

Mario Orso, Caltrans District 11 Tribal Government Liaison, noted that the RTA has assisted Caltrans with gaining approval of a document that has allowed Caltrans to have government-to-government relations with various tribes. Caltrans has worked closely with the tribal governments to develop the document. The Northern California tribal liaison is working with the Northern California tribes to develop a similar type of agreement.

Pedro Orso-Delgado (Caltrans) mentioned that Caltrans has been working closely with tribal governments across California, including the San Diego region. There will be a great deal of land development because of the casino developments that generate impacts in the communities surrounding them. There needs to be a way to begin work with each tribal government to develop solutions and identify funding that will solve the transportation needs of both the County and the tribal governments.

Chair Currier (Rincon Nation of Luiseno) asked what the areas were for which Caltrans will be seeking grants. Mr. Orso-Delgado stated that current grants will include SR 76 east of
I-15 for operational improvements only. However, any major improvements to that corridor have not been contemplated in the SANDAG Regional Transportation Plan (RTP).

Joe Loya (Torres Martinez Band of Cahuilla) indicated that over the past five years, every tribe had a different goal, and what was being proposed has not been enough to resolve existing and future needs. Part of the problem is that some tribal governments are not as financially stable as others. There needs to be a document that not only provides an overall plan for projects, but also provides a way to get the jobs completed. The tribal governments do not have all the resources necessary to accomplish all of their goals. Many funding opportunities are being passed by because of the lack of understanding of the planning process.

Staff thanked and welcomed the tribes for attending today’s meeting. Staff noted that a key component to funding issues is timing. Across the country and the state, different regions develop long-range regional transportation plans (RTPs) in accordance with state and federal requirements. There are often more projects listed in each RTP than there is funding available. Plans always have more demands than resources, and staff is continually looking for resources to satisfy planning needs. The good thing is that the RTP is updated every three years, which allows for the addition and or deletion of specific projects.

The upcoming 2030 RTP update provides an opportunity for SANDAG to work with the RTA, SCTCA, and the 17 tribal governments in the region on long-range transportation planning issues. This is a great opportunity to engage with the RTA and solicit its help in facilitating tribal involvement while recognizing the sovereignty of each of the 17 nations. It is clear that current and future gaming impacts local roads. The 18 cities and the county government need to understand what the tribal governments’ needs are and how their economic development affects the long-range viability of the regional transportation system. Working with the RTA and the SCTCA will provide a vehicle for communication with all of the 17 tribal governments.

Chair Crawford (North County Coastal) commented that in the Borders Chapter of the Regional Comprehensive Plan (RCP), there is a policy objective related to strengthening SANDAG’s relationship with the tribal governments in the region. That document too will be updated, and it would be helpful to include realistic needs of the tribal governments. It also would be helpful to have tribal government representation at future Borders and Transportation Committee meetings.

Staff noted that the Regional Planning Committee Stakeholders Working Group has recently been formed, and Chairman Siva was selected as a member of that group.

Vice Mayor Harris-Ebert (North County Inland) suggested that a tribal government representative be added to the Borders Committee. Staff responded by stating they will investigate that option.

Chair Crawford (North County Coastal) added that staff will continue to work closely with the tribal governments in order to facilitate communication between SANDAG and the RTA and the SCTCA as well as with each of the tribal governments.
Councilmember Monroe (South County) mentioned that there are a lot of requirements for projects, but there is not enough funding. It is important to figure out a way to establish priorities and create a balance that works for all tribal governments. Safety is a key issue for the transportation projects, with vehicle safety being at the top of the list.

**Action:** The Committee received this item for information.

9. **CALTRANS STATE ROUTE 76 EAST CORRIDOR STUDY (INFORMATION)**

Mario Orso, Caltrans District 11 Tribal Government Liaison, stated that Caltrans currently has two grants that will help strengthen tribal government relationships in the region. The first is an Environmental Justice Grant that was awarded to the RTA. Through this grant, RTA will work on improving communication and coordination efforts on regional transportation planning issues with Councils of Governments, specifically SCAG and SANDAG. This is a pass-through grant with SANDAG acting as the pass-through agency. The second is the SR 76 East Corridor Study funded by a federal grant. This is a planning grant that was awarded to Caltrans to conduct a study to evaluate operational improvements on the SR 76 corridor east of the I-15.

Caltrans also holds tribal government academies to help Metropolitan Planning Organizations (MPO) understand the function and needs of the tribal governments and to help the tribal governments better understand the regional transportation planning process. SR 76 has been impacted by both tribal and housing developments; fatal accidents have increased significantly in recent years. The purpose of the SR 76 grant is to develop a study to identify the traffic needs in that specific area. In order to move forward with necessary improvements, Caltrans needs to have a reasonable assessment of what operational improvements are necessary. The Pala Band provided the local matching funds to enable Caltrans District 11 to activate the grant. This is an opportunity to bring together key stakeholders in the area of influence of the corridor to examine the problems and to develop solutions together.

Chair Currier (Rincon Tribe) asked what the study entails. Mario Orso indicated that the boundaries of the study will be SR 76 from I-15 to the junction with SR 79.

Councilmember Allan (East County) commented that as a former fire fighter from East County, he saw that during the fires last year, the tribal governments collaborated extensively with emergency services. As a result of their efforts, a second helicopter is available in the County of San Diego.

Public Comment: Larry Glavinic (Vice Chair of the Valley Center Planning Group) was gratified to see the focus of this meeting and the presence of tribal governments, as it is critical to have all stakeholders involved in the process of developing solutions. He noted that the state and federal governments also need to be at the table for these discussions. He mentioned that Valley Center is surrounded by five tribes within a 10-mile radius. Wonderful things will be happening in that area, and a broader view should be considered to develop solutions to common problems. Dissemination of information is the challenge. The question could be asked, “What is the purpose of all this?” The purpose is to move people. How do you maintain the entertainment level and not contribute to the traffic
congestion. An alternative is a light rail that would do a loop around the casinos and at the same time, does not destroy the natural habitat. He suggested that Caltrans re-consider what it is trying to accomplish. Does looking for existing funds resolve all the problems?

Mr. Mario Orso mentioned that Caltrans is in the middle of conducting a tribal transportation needs assessment, which is tied to a grant that was given to SANDAG. Caltrans and SANDAG decided to conduct a joint survey of reservation transportation needs. The instrument was developed and tested. Caltrans/SANDAG teams will begin interviews next week. The survey includes questions regarding transportation needs, alternate means of transportation, such as transit, and other pertinent issues. After the information is gathered, Caltrans will forward the transit portion of the needs assessment to SANDAG to include in its own report. Caltrans will first present its findings to the tribal governments for their review and comments.

Chair Crawford (North County Coastal) asked if the study will consider what is happening now and also what will be happening in the future. Mr. Orso stated that the survey asks questions such as whether or not planning documents are available; will there be gaming issues in the future; and if there will be future school and housing needs, among other issues. He added that this will be a government-to-government interview, and each tribe has already been informed of the survey and asked whether or not they would like to participate. He added that the needs assessment will only work if the tribes are willing to participate in the interview process.

Chair Crawford (North County Coastal) questioned if the tribal governments are aware of the study. Mr. Smith (SCTCA Chair) responded that some tribal governments are aware of this and some are not. He agreed to distribute this information to all individual tribes.

Chair Crawford (North County Coastal) asked if this is something to which the tribal governments would be receptive. Mr. Smith (SCTCA Chair) replied that Pala is already on board, and he hopes that all other tribes also will be receptive.

Chair Crawford (North County Coastal) asked when the report will be distributed to the public. Mr. Orso stated that the target completion date for the report is late this summer.

Ben Magante (RTA Executive Board member) requested to receive a copy of the minutes from this meeting. Staff replied that copies of the draft minutes will be forwarded to all tribal representatives present for their review prior to being included in next month’s Borders Committee agenda packet.

Chair Crawford (North County Coastal) added that if the draft minutes misses something, please let staff know. Mr. Magante (RTA Executive Board member) responded that he also would like to see a final version of the minutes.

Mr. Loya (Torres Martinez Band of Cahuilla) asked what the Borders Committee was expecting to accomplish at today’s meeting.
Chairman Smith (SCTCA) indicated that he will continue to attend meetings to continue the dialogue and work with SANDAG. He added that he appreciated the opportunity to participate in today's meeting.

Chairman Siva (RTA) referred to the Caltrans survey and commented that when responding to the questionnaire, he would be willing to help other tribal governments respond to the document. He again thanked the Borders Committee for making this meeting happen.

Councilmember Monroe (South County) mentioned that at the SANDAG retreat, the Board members spent a majority of the discussion on Friday on public safety issues. It is important to know that every tribe that has the resources is willing to make sure that their fire and safety systems are compatible with those of the surrounding cities and the county.

Chair Crawford (North County Coastal) commented that it is important that the tribal governments are aware of the fact that different SANDAG Policy Advisory Committee's discuss different specific issues.

Mr. Loya (Torres Martinez Band of Cahuilla) indicated that Chairman Siva initiated this meeting and would like to keep this momentum going. He requested that the Borders Committee add a standing item on the monthly agendas so that the commitment is firm.

Chair Crawford (North County Coastal) stated that she was not opposed to discussing tribal government issues at future meetings.

Chair Currier (Chair of the Rincon Nation of Luiseño) commented that tribal gaming is contributing to the local economy in the San Diego region. The more the tribes can be successful economically, the more the tribes can be helpful in providing assistance to the surrounding cities. If the tribes are willing to contribute their fair share to the streets and roads leading to the casinos, they would like to have signs showing their contributions. It is very offensive for the tribes to do their fair share and not be recognized.

Chair Crawford (North County Coastal) mentioned that having the Board of Supervisors, Caltrans, and SANDAG representatives at these meetings is beneficial to the tribal governments in getting their issues resolved.

Supervisor Cox (County of San Diego) stated that he would like to have this dialogue in more depth in the future. He appreciated the forum provided through the Borders Committee to discuss tribal issues. He added that he has direct contact with the California State Association of Counties (CSAC), and he would like to continue the government-to-government relationship that has been established in San Diego County with all of the tribes. He noted that this is not a perfect system, but the County is willing to work on it.

Chair Crawford (North County Coastal) noted that the County of San Diego’s Tribal Liaison, Chantal Saipe, will be at the Borders Committee meeting next month to present the County’s program.
Mayor Pro Tem Gallo (North County Inland) stated that it is important that this group is finally thinking regionally. It would be ideal to have a tribal government representative to attend each meeting.

Councilmember Allan (East County) again thanked all of the tribal governments for being committed to making this relationship work. He also thanked SANDAG staff for all its hard work in promoting communication with the tribal governments.

Mr. Magante (RTA and Pauma Tribe) commented that as long as the communication continues, the relationship will continue to move forward.

Chair Crawford (North County Coastal) stated that she is looking forward to seeing some or all of the tribal government representatives at the meeting next month.

Action: The Committee received this item for information.

9. NEXT MEETING DATE AND LOCATION (INFORMATION)

The next meeting of the Borders Committee will be held at 12:30 p.m. on Friday, March 18, 2005, in SANDAG’s 7th Floor Conference Room.

10. ADJOURNMENT

The meeting was adjourned at 2:54 p.m.
## CONFIRMED ATTENDANCE
### BORDERS COMMITTEE MEETING
#### February 18, 2005
12:30 to 2:30 p.m.

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<th>GEOGRAPHICAL AREA/ORGANIZATION</th>
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### ADVISORY/LIAISON

| COBRO                          | ---                     | Paul Ganster             | Member           | No        |
|                                | ---                     | Cindy Gomppers-Graves    | Alternate        | Yes       |
| County of Riverside            | City of Lake Elsinore   | Thomas Buckley           | Member           | No        |
| Republic of Mexico             | Consul General of Mexico| Luis Cabrera Cuaron     | Member           | No        |
|                                | Deputy Consul           | Javier Diaz              |                 | Yes       |
|                                | Deputy Consul           | Lydia Antonio            |                 | Yes       |
| Caltrans                       | ----                    | Pedro Orso-Delgado/Bill Figge | Member | Yes       |
| San Diego County Water Authority| ----                    | Howard Williams          | Member           | Yes       |
| County of Orange               | ----                    | Vacant                   | Member           | ---       |