2050 REGIONAL TRANSPORTATION PLAN
WHITE PAPER

NATIONS WITHIN A NATION:

Collaborative Transportation Planning in a Regional Landscape

April 2010

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SANDAG

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PROBLEM STATEMENT

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

Federal legislation requires that federally recognized tribal governments be consulted in the development of Regional Transportation Plans (RTP) and programs (Title 23, U.S.C. 450.312). In particular, the current federal transportation authorization, the Safe, Accountable, Flexible, and Efficient Transportation Act: A Legacy for Users (SAFETEA-LU) reinforces federal emphasis on tribal government participation. President Obama in his November 5, 2009, Memorandum on Tribal Consultation (Federal Register, vol. 74, No. 215, 11/9/09) reiterated the directive for public agencies to incorporate tribal consultation into their plans and programs in a timely and meaningful manner.

How this consultation should occur is left to the Metropolitan Planning Organizations (MPOs) and the tribal governments. SANDAG as an MPO has forged a strong working relationship with the tribal nations in the region, based on a regional framework of communication, coordination, and collaboration in the regional transportation planning process. This paper is intended to: provide background on the transportation needs as self-identified by the tribal nations in the region; discuss the development of the regional government-to-government framework that has emerged in recent years; document milestones in collaborative transportation planning that have occurred since the 2006 Tribal Summit; and discuss the proposed tribal transportation strategies for the 2050 RTP, as well as other regional policy issues, which have emerged through dialogue with tribal leadership and the Interagency Technical Working Group for Tribal Transportation Issues for consideration at the 2010 San Diego Regional Tribal Summit.

2050 RTP Objectives
The RTP is a long-term blueprint of a region’s transportation system. The plan identifies and analyzes transportation needs of the metropolitan region and creates a framework for project priorities. As the San Diego region’s MPO, SANDAG is responsible for developing an RTP every four years. Each cycle of the RTP is an iterative process in which the region’s long-term transportation goals and project priorities are considered during an extensive public involvement process among diverse stakeholders. The most recent RTP approved by the SANDAG Board of Directors in December 2007 was entitled “2030 RTP: Pathways to the Future.” The foundation of the 2030 RTP lies in better connecting our freeway, transit, and road networks to our homes, schools, work, shopping, and other activities.

The horizon year for the RTP currently under development is 2050. The 2050 RTP will build upon the existing transportation system in place today and the major projects in progress from the 2030 RTP. The proposed objectives for the 2050 RTP with regard to tribal nations and regional transportation planning are to:
• Engage federally recognized tribal governments in the region in the transportation planning process in a timely, meaningful, and effective manner;
• Strengthen the current framework for government-to-government engagement at a regional level; and
• Based on a government-to-government dialogue and negotiation, pursue a set of mutually agreed upon prioritized strategies to improve tribal transportation in the region in four areas: roadways, transit, funding, and information sharing/technical assistance.

BACKGROUND

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

Tribal Nations in San Diego

Of the 107 federally recognized Indian tribes in California, 17 are located in San Diego County (Attachment B – California Native American Trust Lands). Historically, the tribal members of today’s bands represent four Indian cultural/linguistic groups who have populated this entire region for more than 10,000 years, taking advantage of its abundant natural resources and diverse ecological system for their livelihoods. The four nations are: the Luiseño, who traditionally inhabited the land along the San Luis Rey River in north and northwestern San Diego County; the Cahuilla, who live in the mountains in the northeastern part of the county and into the Coachella and Imperial Valleys; the Cupeño, who live in the Warner Springs area; and the Kumeyaay (Northern Ipai/Southern Tipai), who live in the southern part of the county from the coast to the mountains and all the way to what is today Baja California (Attachment C - Kumeyaay Historical Map).
In the years just prior to California becoming a state, the federal government developed treaties with Native Nations in the region in an effort to reduce tribal and settler violence at the end of the U.S.-Mexican War and the onset of the Gold Rush. However, these treaties were never ratified—they were thwarted on the U.S. Senate floor by pressure from the new California Senators — and the tribal nations that had signed the treaties were never informed. In 1875, President Ulysses S. Grant signed an Executive Order based on several of the “lost treaties” creating tribal reservations for the Santa Ysabel, Pala, Sycuan, La Jolla, Rincon, and Capitan Grande. Most of the current tribal reservations were established by the end of the 19th century; however, several were established well into the 20th century. Today, these four ethnic groups are distributed across 18 reservations and are represented by 17 federally recognized tribal governments as shown in Table 1.

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

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1 The Capitan Grande Reservation included the Bands that would later become the Barona Band of Mission Indians relocated to the Barona Valley Ranch (1932) and subsequently the Barona Indian Reservation, and the Viejas Band of Kumeyaay Indians that relocated to Baron Long Ranch (1934) and subsequently the Viejas Indian Reservation.
2 The Jamul Indian Village did not receive federal recognition as a reservation until 1975; other landless California tribes such as the San Luis Rey Band of Mission Indians continue to seek federal recognition.
3 The original inhabitants of the still federally recognized Capitan Grande reservation established in the 1890s were moved to two different ranches in 1932 when the City of San Diego, by act of the U.S. Congress, acquired more than 7,000 acres of land inside that reservation territory to build the El Capitan Reservoir. Capitan Grande is currently uninhabited and jointly managed by the Barona and Viejas tribal governments.
4 For many tribal governments land ownership is complex as the reservations often have non-Indian owned in-holdings and/or allotments or individual land parcels owned by tribal members. This complicates land and resource management for tribal governments.
<table>
<thead>
<tr>
<th>Reservation Name</th>
<th>Tribal Government</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barona*</td>
<td>Barona Band of Mission Indians</td>
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<tr>
<td>Campo*</td>
<td>Campo Band of Mission Indians of the Kumeyaay Nation</td>
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<tr>
<td>Capitan Grande</td>
<td>Joint Power Authority between Barona and Viejas</td>
</tr>
<tr>
<td>Ewiiaapaayp</td>
<td>Ewiiaapaayp Band of Kumeyaay Indians⁵</td>
</tr>
<tr>
<td>Inaja and Cosmit</td>
<td>Inaja Cosmit Band of Diegueño Mission Indians</td>
</tr>
<tr>
<td>Jamul Indian Village</td>
<td>Jamul Indian Village. A Kumeyaay Nation</td>
</tr>
<tr>
<td>La Jolla</td>
<td>La Jolla Band of Luiseño Indians</td>
</tr>
<tr>
<td>La Posta**</td>
<td>La Posta Band of the Kumeyaay Nation</td>
</tr>
<tr>
<td>Los Coyotes</td>
<td>Los Coyotes Band of Cahuilla/Cupeño Indians</td>
</tr>
<tr>
<td>Manzanita</td>
<td>Manzanita Band of Diegueño Mission Indians</td>
</tr>
<tr>
<td>Mesa Grande</td>
<td>Mesa Grande Band of Diegueño Mission Indians</td>
</tr>
<tr>
<td>Pala*</td>
<td>Pala Band of Mission Indians</td>
</tr>
<tr>
<td>Pauma and Yuima*</td>
<td>Pauma Band of Luiseño Indians</td>
</tr>
<tr>
<td>Rincon*</td>
<td>Rincon Band of Luiseño Indians</td>
</tr>
<tr>
<td>San Pasqual*</td>
<td>San Pasqual Band of Diegueno Mission Indians</td>
</tr>
<tr>
<td>Santa Ysabel**</td>
<td>Iipay Nation of Santa Ysabel</td>
</tr>
<tr>
<td>Sycuan*</td>
<td>Sycuan Band of the Kumeyaay Nation</td>
</tr>
<tr>
<td>Viejas*</td>
<td>Viejas Band of the Kumeyaay Indians</td>
</tr>
</tbody>
</table>

Source: SANGIS, Bureau of Indian Affairs; * tribe with gaming facility; ** tribe with less than 350 slot facility

**Current Conditions**

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

⁵ Several official sources alternately refer to the Ewiiaapaayp tribe by the Spanish spelling “Cuyapaipe.”
**Tribal Economic Development**

Gaming is a traditional social activity among many tribal nations, however, tribal gaming enterprises expanded exponentially nationwide in the early 1990s as a result of the passage of the Federal Indian Gaming Regulatory Act (IGRA). The IGRA was the result of a legal battle between the Cabazon Band of Mission Indians and the State of California over the issue of the definition of sovereignty.\(^6\) The State claimed that Cabazon was violating state anti-gambling laws, while the tribe asserted their sovereign right to pursue their own economic interests. In 1987, the U.S. Supreme Court ruled in favor of Cabazon, prompting Congress to pass a federal gaming regulatory act to define how gaming should be conducted nationwide and what role the states should have in that activity.\(^7\) Although several tribes in the San Diego region already had bingo facilities, by the 1990s, most of the tribes had developed or had agreements to develop gaming facilities as a means of economic development. San Diego County now has ten tribal gaming facilities, which is the greatest number of Indian gaming facilities in any county in the United States (Table 1).\(^8\)

Gaming-related and other types of development have led to rapid economic growth for these tribes, while also providing jobs and stimulating the regional economy.\(^9\) In the San Diego region, statistics show that the Indian gaming industry as a whole has created more than 12,000 permanent jobs in the region, resulting in a $1 billion industry with approximately $500 million in goods and services purchased annually and $500 million in payroll. It should be noted, however, that poverty levels among the Native American population remain below the national average, and some gaming tribes have been much more successful than others.

This growth has been accompanied by increases in traffic, jobs-housing accessibility issues, and the need for additional resources such as water and energy.\(^10\) Even those tribes that do not have gaming facilities continue to have economic development, transportation, and infrastructure needs, which have not been met.

Since the mid-1990s tribal governments in San Diego have been in the process of developing gaming compacts with the State of California that have allowed them to plan and develop gaming facilities on their reservations. The planning framework used for the RTP is one of concentrating development in existing, more urban areas and connecting transit to appropriate smart growth opportunity areas. Neither the 2030 RTP, nor its predecessor, Mobility 2030, considered tribal land use patterns in land use and transportation forecast modeling as limited information was available from tribal governments at the time those RTP updates were developed. As part of the gaming compact process, tribal governments are required to submit to the State a Tribal Environmental Impact Report, the findings of

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\(^8\) Several new projects or expansions have been approved, but put on hold due to the current economy.


\(^10\) For a comprehensive overview, see San Diego County study “Update on Impacts of Tribal Economic Development Projects in San Diego County,” April 2003. Contact the Department of Land Use and Planning for a copy of this document.
which are subject to negotiation between the tribal government and the local land use authority adjacent to it. However, there are currently no protocols in place for exchanging information regarding long-term land use and transportation plans on tribal lands into the regional planning process.

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

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

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

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

At the same time that there is concern about the impact of the development of gaming facilities on the regional transportation system, tribal lands are isolated from the regional transportation system, since their lands are located in unincorporated portions of the county. Although all non-gaming tribes in San Diego County receive funding from gaming tribes in the form of a Revenue Sharing Trust Fund (RSTF) to support the administration of their nations, their isolation from the transportation system, both in terms of infrastructure and transit services, is a limiting factor in their ability to improve the health and well-being

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11 The 1999 Compact defines a ‘non-gaming’ tribe as a tribe that has no gaming or operates less than 350 gaming devices. Gaming devices are defined to be Class III devices. Class II devices, or bingo gaming devices, are not included in this count.

12 The State Controller’s Office began distributing checks to tribal governments in August 2001. “Eighty-five of the 109 federally recognized tribes in California (those that have either small or no gaming operations) will receive checks that will provide these Tribes with funds to help meet the critical needs of their communities. Tribes will manage the RSTF distributions in a variety of ways, including providing per capita distributions of direct cash benefits.” Source: www.calindian.org/nl_fall2001.htm
of tribal members who reside on the reservation, as well as their exploration of alternative means of self-sufficiency. As more tribal members return to their reservations to live, this will continue to be an issue regardless of the success of tribal enterprises.

**Tribal Transportation Needs Assessment**

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

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

**Technical Workshop - Identifying Strategies**

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

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

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

The group then developed a set of strategies to improve tribal transportation programs in the San Diego region. The policy-level strategies were submitted to the SCTCA and SANDAG boards for consideration as part of the 2006 San Diego Regional Tribal Summit organized by the two intergovernmental councils and hosted by the Pala Band of Mission Indians.

<table>
<thead>
<tr>
<th>Strategic Area</th>
<th>Action</th>
</tr>
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<tbody>
<tr>
<td>Government-to-Government Framework</td>
<td>a) Pursue formula for tribal representation in the SANDAG structure</td>
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<tr>
<td></td>
<td>b) Develop a collaborative legislative agenda</td>
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<tr>
<td></td>
<td>c) Form interagency working group on tribal transportation issues as an ongoing forum</td>
</tr>
<tr>
<td>Transportation Infrastructure</td>
<td>a) Support tribal efforts to update Indian Reservation Roads Inventory</td>
</tr>
<tr>
<td></td>
<td>b) Identify corridors critical to tribal reservations and coordinate implementation of relevant studies</td>
</tr>
<tr>
<td>Transit</td>
<td>a) Collaborate with interested tribes on Tribal Transit Feasibility Study</td>
</tr>
<tr>
<td></td>
<td>b) Pursue funding to support tribal transit needs</td>
</tr>
<tr>
<td>Transportation Funding</td>
<td>a) Create opportunities for pooling/leveraging transportation funding for mutually important projects</td>
</tr>
<tr>
<td></td>
<td>b) Collaborate and advocate for new transportation funding in the region, including transit and transportation demand management (TDM)</td>
</tr>
<tr>
<td></td>
<td>c) Identify mechanisms for providing ongoing funding for new or additional transportation programs, including transit services and TDM</td>
</tr>
<tr>
<td>Information Sharing/Technical Assistance</td>
<td>Provide ongoing training to tribal governments on funding processes, transportation, and regional planning</td>
</tr>
</tbody>
</table>

**2006 San Diego Regional Tribal Summit**

The SANDAG and SCTCA Boards at the 2006 Tribal Summit went through the strategies, discussed them, and then participated in an interactive polling exercise to determine where there were areas of mutual concern to identify possible areas of collaboration. Table 2
indicates the cooperative action agenda which emerged out of the 2006 Summit and was approved by both the SANDAG and SCTCA Boards and which have been the focus of collaborative planning since that time.

**A REGIONAL GOVERNMENT-TO-GOVERNMENT FRAMEWORK**

As reservations continue to develop and interregional planning issues become more related to surrounding jurisdictions rather than only to federal and state agencies, the need for establishing a government-to-government framework at a regional level has become increasingly apparent. Tribes operate under independent constitutions, have their own systems of governance, and establish and administer their own laws. This sovereign status of tribal governments dictates that the United States and all agencies operating within it are expected to engage in government-to-government relationships when engaging Native American tribes. Government-to-government interaction with Native American tribes should follow the principles of coordination, cooperation, and consultation.

The integrated work plan, which was developed in collaboration with the RTA, SCTCA, Caltrans, and the County of San Diego for the planning of the 2006 Tribal Summit, demonstrated that working collaboratively, public agencies and tribal governments can create a mechanism for timely, meaningful, and effective involvement of tribal governments in the regional transportation planning process. One of the major outcomes of the Summit was the commitment among various regional partner agencies to develop a framework for engaging tribal nations in the planning process.

**Regional Partners**

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

**Public Agencies**

**Caltrans District 11:** Caltrans was the first state agency in California to enact an agencywide policy on tribal consultation. The Native American Liaison program was established in 2002 to work with the 19 tribes in its jurisdiction. Its objectives are to: (a) establish close coordination and early project involvement with tribal governments to streamline funding, environmental, and project delivery processes in areas on or near reservations; (b) ensure that Caltrans programs do not adversely affect important California Native American sites, traditions, or practices; (c) encourage cooperation between other agencies and local tribal governments; (d) assist with training, information dissemination, and project delivery; and (e) consider Tribal Employment Rights Ordinance (TERO) from individual tribes for employment and contracting opportunities for Native Americans on Caltrans projects on or near reservations.

**County of San Diego:** The County’s Tribal Liaison was established in 2001. Liaison responsibilities include: identifying and resolving issues related to impacts of tribal economic development projects on infrastructure and other county services in unincorporated areas;
providing support and tracking legislation and policy matters related to tribes for the County Board of Supervisors and the Chief Administrative Officer; participating in regional land use and transportation planning, economic and services forecasting, funding, and development activities; and assisting tribes with permitting and other issues.

**San Diego Association of Governments (SANDAG):** It is through the Borders Committee that SANDAG has been pursuing government-to-government relations with tribal governments in the region. The Borders Committee discusses policy issues related to borders-related planning from three perspectives: interregional, binational, and tribal. In 2005 the Southern California Tribal Chairmen’s Association joined the Borders Committee as an intertribal council of governments to engage in a dialogue on tribal planning issues with other neighboring councils of government, including Imperial Valley, Riverside, and Orange Counties, as well as the Republic of Mexico (as represented by the Consul General in San Diego). The SANDAG Tribal Liaison is a member of the Land Use and Transportation Planning Department, which provides technical support to the Borders Committee as well as the Board of Directors and other Policy Advisory Committees.

**Intertribal Organizations**

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

**Southern California Tribal Chairmen’s Association (SCTCA):** The SCTCA is a multiservice, nonprofit corporation established in 1972 by a consortium of 19 federally recognized Indian tribes in Southern California. As an intertribal council, the SCTCA serves as a forum for a wide variety of issues for its member tribes. In June 2005, the SCTCA joined as an advisory member of the Borders Committee, similar to SANDAG’s relationships with other associations of governments, including Imperial Valley Association of Governments (IVAG) and Western Riverside Council of Governments (WRCOG).

**Reservation Transportation Authority (RTA):** The RTA, founded in 1998, is a consortium of Southern California Indian tribal governments designated as a Public Law 93-638 contracting entity that provides transportation education, planning, and program administration for tribal government members. Their intertribal service area includes tribes in San Bernardino, Riverside, San Diego, and Imperial Valley (Attachment G – RTA Intertribal Service Area for Riverside and San Diego). At a technical level, SANDAG and the RTA have collaborated on a number of tribal transportation planning projects, particularly in the area of mobility management in recent years.

**Framework – Policy Level**

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

An overarching element of the government-to-government framework is having periodic summits between the Boards of Directors of the two principal intergovernmental agencies — SCTCA and SANDAG. By bringing together the entire board of each agency, it offers an opportunity for tribal and non-tribal elected officials from the region to engage in a diplomatic dialogue, identify issues of mutual concern, and develop priority actions that can be carried out through the partnership framework.

SCTCA Representation on SANDAG

One of the key issues raised by the tribal leaders at the 2006 Summit was tribal representation on SANDAG. The SANDAG Board of Directors and the tribal governments recognized the benefits to be gained by taking a cooperative approach to planning for an improved quality of life for the San Diego region. The leadership of SANDAG and SCTCA had discussions over several months regarding the development of a formula for tribal representation which would respect tribal sovereignty and involve tribal governments in policy decisions at SANDAG. At a policy level, SCTCA and the SANDAG signed a Memorandum of Understanding (MOU) on January 26, 2007 memorializing the agreement to have the SCTCA join the SANDAG Board of Directors and Policy Advisory Committees, including the Transportation, Regional Planning, and Public Safety Committees, as advisory members. Tribal leaders are now part of the regional decision-making process at a policy level, offering a tribal perspective to complex regional issues.

Tribal Liaison to SCTCA Board of Directors

At the policy level, the representatives of the SCTCA sit on the various SANDAG Policy Advisory Committees; however, the SCTCA also wanted to ensure that major initiatives in which SANDAG was engaged also were shared directly with the entire tribal leadership. Therefore, the SANDAG Tribal Liaison coordinates with the SCTCA representatives to SANDAG to bring briefings on major, agencywide initiatives to inform the tribal leadership and obtain feedback from all tribal nations to the process. This has included diverse SANDAG work efforts, such as the Coordinated Plan for Health and Human Services Transportation, the Regional Energy Strategy, and the Transnet Environmental Mitigation Program, among others. This creates a systematic feedback loop to ensure that all tribal nations are involved in the process and have an opportunity to raise issues and provide feedback.

Tribal Issues Brought to SANDAG Policy Advisory Committees

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

Framework – Technical Level
Interagency Technical Working Group on Tribal Transportation Issues

One of the critical technical outcomes of the 2006 Tribal Summit was the strategic action of creating an ongoing forum for discussion on tribal transportation issues between the tribal nations and public agencies that have an influence on tribal transportation. The Boards of SCTCA and SANDAG approved the charter (Attachment H – Tribal Working Group Charter) for the Interagency Technical Working Group on Tribal Transportation Issues (Working Group) in summer 2006. The Barona Band of Mission Indians hosted the Working Group’s first meeting in October 2006. The Working Group reports to the Borders Committee, and all tribes in San Diego can be members. Currently 13 of the 17 tribes in the region are formal members of the Working Group (Attachment I – Current Membership Roster). At the request of the tribal nations, the Working Group has two co-chairs, a tribal leader, and a SANDAG executive staff member. The Working Group is staffed by SANDAG, meets quarterly, and tribal nations alternate hosting the meetings at different reservations. Since 2006, Pala, Pauma, Rincon, San Pasqual, Barona, Campo, and Viejas have hosted the Working Group meetings.

The purpose of the Interagency Technical Working Group on Tribal Transportation Issues is to serve as a forum for tribal governments in the region to discuss and coordinate transportation issues of mutual concern with the various public planning agencies in the region, including SANDAG, Caltrans, the County of San Diego, and the transit operators. In partnership with the RTA, the Working Group monitors and provides input on the implementation of the strategies and planning activities related to transportation, which were mutually developed through the 2006 San Diego Regional Tribal Summit.

The Working Group responsibilities include reviewing current activities and plans being implemented by SANDAG and the tribal governments in an effort to coordinate programs, address issues of concern, and ensure that the needs and issues of tribal governments are being incorporated into the transportation planning process at the regional level. The Working Group provides feedback and comments on current and planned activities and provides technical advice on the implementation of these activities. The Working Group also assists with the associated outreach to the tribal community on transportation issues of regional significance.

SANDAG-RTA Partnership for Tribal Transportation Planning

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

MILESTONES IN COLLABORATIVE TRIBAL TRANSPORTATION PLANNING

For the 2030 RTP, a set of objectives was established for tribal transportation planning. Through the consultation process, including a survey of tribal transportation needs, a joint technical workshop to analyze the results, and a policy-level summit, a set of cooperative strategies to improve tribal transportation were developed between the SCTCA and the SANDAG Board of Directors. Attachment J – Milestones in Cooperative Tribal Transportation is a timeline of activities that shows the recommendation, action, and the milestone achieved. There are four principal transportation-related policy areas that were considered in the 2030 RTP as a result of the consultation process with tribal governments, and these have continued as areas for future collaboration: roadway infrastructure, funding, transit, and information sharing/data gathering. The matrix highlights the collaborative nature of all of the various efforts. In some cases tribal nations took the lead, while in other areas the County, Caltrans, SANDAG, or the RTA led the effort.

Transportation Infrastructure

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

Supported the Indian Reservation Roads Inventory

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

Caltrans headquarters received a grant from the Federal Highway Administration (FHWA) to support efforts of the tribes in California to update their IRR inventories to increase their share of federal funding, and most of the tribal nations in the San Diego region were able to participate in the initiative. The tribes and agencies that form the Working Group have been collaborating to ensure that all tribes in the region that want to update their
inventory to increase their federal transportation planning funding have the support to do so. Caltrans hired a consultant to work with tribes to do the technical inventories. Caltrans then sent every participating tribe a compact disc with all of the completed data. Each tribe, then, is responsible for submitting a Tribal Transportation Plan, a resolution indicating the road segments to be considered in their inventory, and letters of acknowledgement from the owners of the non-tribal road segments to be included. Caltrans and the County of San Diego, through the Working Group, provided the tribes that requested them with letters of acknowledgement for the segments of roads or state highways that are critical to their tribal transportation system.

To date, California tribes have increased their share of IRR funding from 1 percent to 5 percent. The current funding formula has been so successful for California tribes that there is now a controversy among large, land-based tribes and small, land-based tribes as to whether to maintain the current formula. Many of the applications for updating the IRR inventories of San Diego tribes have been held up in the Albuquerque office of the BIA. The National Tribal Advisory Committee to the BIA IRR program continues to discuss the formula and whether it should be continued or modified in the next federal surface transportation authorization.

**Identified Tribal Corridors and Coordinated Relevant Studies/Projects**

*State Routes*

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

*County/Reservation Roads*

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

**Transit/Mobility Planning**

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

**Tribal Transit Feasibility Study**

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

The study was a collaborative effort between SANDAG, the RTA, and the region’s transit agencies—the Metropolitan Transit System and the North Country Transit District. SANDAG contracted with consultant to conduct the technical analysis for this study, which provides the information needed to leverage additional funding for transit service for the 17 federally recognized tribal governments in San Diego County. The Interagency Technical Working Group on Tribal Transportation Issues (Working Group), composed of tribal members and agency staff advisory members, provided guidance to the consultant throughout the study.

The study identified transportation corridors and service options to make better connections between the tribal reservations and the urban transit system. Recommendations included potential service enhancements to existing services and new rural transit routes focused on connecting the tribal community (Attachments K and L – Tribal Transit Corridor Maps). The study provided a financial assessment and identified potential sources of funding.

**FTA Tribal Transit Grant Program**

The Tribal Transit Feasibility Study provided the technical basis for the Working Group to pursue funding to implement the recommendations. The Working Group directed the RTA to develop a proposal for the Federal Transit Administration (FTA) Tribal Transit program,
based on the recommendations of the Tribal Transit Feasibility Study. The RTA applied successfully for FY2007, FY2008, and FY2009 funding for a total of $1.2 million. Although the RTA received the highest level of funding for each cycle, the awards were significantly less than the total project costs to fund the entire plan. The Working Group discussed the options available and decided to focus the funds on supporting an enhanced service of one of the NCTD routes, the Route 388/389, which runs from the Escondido Transit Center through Valley Center to Pala. One of the principal recommendations for the Northern Corridor was to enhance that service and create an express portion of the route that would run up and down the Interstate 15 corridor from the Escondido Transit Center to Pala, completing a service loop and permitting those on the SR 76 corridor to take an express bus to and from the Escondido Transit Center (Attachment M – 388 Flyer). In addition to the operating funds provided by the FTA Tribal Transit program, the RTA successfully applied for American Recovery and Reinvestment Act of 2009 (ARRA) funds associated with the FY08 funding cycle. Only FY2008 Tribal Transit grant recipients could compete for these ARRA funds. The RTA recently announced they received $1.1 million for transit capital improvements for the region through this program. The proposal was based on the recommendations in the Tribal Transit Feasibility Study.

**Tribal TDM Outreach - Phase I (San Diego)**

The objective of this collaborative project between the RTA and SANDAG was to strengthen the participation of tribal nations in the San Diego region in the regional TDM program.

The tribal gaming facilities are now major employers in the region, yet their involvement in the region’s commuter services program (iCommute) was limited. Sycuan, Viejas, Barona, and Campo in the Interstate 8 corridor have an approximately 9,000 total employees. In the SR 76 corridor Pala, Pauma, Rincon, and San Pasqual have a total of 5,500 employees. It is estimated that each gaming facility attracts a daily count of anywhere from 7,000 to 15,000 guests. The tribal governments invest extensively in the San Diego region. Statistics show that the Indian gaming industry as a whole purchases approximately $263 million in goods and services annually. Although many tribal members now live on the reservations, non-tribal employees travel from all over the region and other counties, including Riverside, Imperial, and Orange Counties, to jobs on the reservations. These commutes would be considered ‘reverse’ commutes as urban residents are travelling to rural employment opportunities.

SANDAG, the RTA, and the SCTCA collaborated on an assessment of the needs of tribal employers and developed a strategy to meet their needs, and SANDAG assisted the RTA in developing a business/marketing plan for establishing a Tribal Transportation Management Association (TTMA) that would collaborate with the SANDAG iCommute program. The tribal TMA, a private, nonprofit, member-controlled organization would provide the institutional framework for the recommended TDM programs and services that were developed as a result of the study. Six tribal enterprises participated in the study and completed commute surveys in their facilities, including: Pala, Pauma, Rincon, Viejas, Sycuan, and Santa Ysabel.
Tribal TDM Outreach – Phase II (Riverside)

The RTA successfully applied for a Caltrans Environmental Justice–Context-Sensitive grant to expand their Tribal TDM project to their member tribes in Riverside and San Bernardino Counties. That project was initiated in February 2010 and will involve the Southern California Association of Governments (SCAG), the Riverside County Transportation Commission (RCTC), and the San Bernardino Associated Governments (SANBAG). The RTA also will continue to refine their business plan for the TTMA with technical assistance provided by SANDAG.

Transportation Funding

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

Pala Mitigation Agreement with County of San Diego

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

Pauma Mitigation Agreement with County of San Diego

In 2008, the County of San Diego and the Pauma Band of Luiseño Indians entered into an agreement related to the building of a gaming facility and hotel, which included support for TDM and transit as well as fair share contributions for the operational improvements on the State Route 76 East as determined from the Caltrans Operational Improvements Study. The agreement included a commitment to support the tribal effort of creating a TTMA. It included consideration of membership with a specific contribution based on the RTA’s business plan, should the TTMA be formed. Pauma also made a commitment to a specific goal of having 20 percent of their employees participate daily in carpools, vanpools, or other rideshare programs.
Table 3
2050 RTP - Proposed Strategies for Tribal Transportation

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

**Information Sharing/Technology Assistance**

One of the commitments that resulted from the 2006 Tribal Summit was to provide ongoing training to tribal governments on funding processes and transportation and regional planning. SANDAG has worked closely with the Tribal Transportation Assistance Program (TTAP) currently managed by the National Indian Justice Center (NIJC) under contract with
Caltrans, to ensure that tribal nations in San Diego are aware of and have the appropriate and timely information for taking advantage of funding opportunities and other tribal transportation planning training.\textsuperscript{13}

The NIJC has been invited to the Working Group on a number of occasions to share information and training opportunities with area tribes. The Working Group has resulted in an important venue for discussing statewide transportation issues with San Diego tribes.

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

**2050 RTP PROCESS - RECOMMENDED STRATEGIES**

Building on the successes of the last RTP, the members of the Working Group were asked to review the tribal transportation planning objectives and strategies developed in the last cycle for the 2030 RTP, determine which have been accomplished, which continue to be issues that should be addressed, and identify any new areas that should be considered in the process (Attachment N – 2050 RTP Tribal Transportation Strategies).

Several workshops were held with the Working Group, as well as the RTA and the SCTCA Board, between September and November 2009 to obtain input on updating the 2030 Tribal Transportation Strategies for the 2050 RTP planning process. Their recommendations are listed in Table 3 above and will be the subject of discussion at the 2010 San Diego Regional Tribal Summit. The objective is to identify and prioritize a set of strategies to be considered in the development of the 2050 RTP.

**OTHER REGIONAL POLICY AREAS**

At the 2006 Tribal Summit, breakout sessions were held on regional policy issues other than transportation, and these other issues have been discussed at various SANDAG Policy Advisory Committee meetings during the past few years.

**Energy**

One of the issue areas raised at the 2006 Summit and discussed in the Regional Planning Committee was the increasing need to collaborate on energy planning. With the passage of the federal Energy Self-Determination Act in 2005, tribal nations can develop energy plans without waiting for the approval of the Secretary of the Interior. During the past few years, SANDAG has updated the Regional Energy Strategy and prepared a Climate Action Strategy for the San Diego region. A topic for discussion is how tribal nations and SANDAG could work together to address energy reliability and independence and the development of clean, alternative, and reliable energy resources.

\textsuperscript{13} For more information on CA/Nevada TTAP program through the NIJC, go to www.nijc.org/ttap.html
Cultural Resources

Another issue area that was identified at the 2006 Summit was cultural resources and local land use planning. In March 2005, Senate Bill 18 (SB 18) went into effect. The law requires that any land use authority (city or county) that updates its General Plan or any General Plan element must consult with California Native American tribes (not only federally recognized tribes) to ensure that sacred sites and areas of cultural importance are not impacted. It has been suggested that local jurisdictions need to understand better how to implement this law. In a similar vein, it was suggested that local jurisdictions could address Native American heritage in their planning initiatives in a more proactive way; there are several positive examples in the region. While not specifically addressed by SB 18, another area identified was the need to look at transportation corridors from a cultural perspective and to evaluate the possibility of creating cultural corridors.

Environment

In the area of environmental management, there are a number of opportunities for collaboration, including creating frameworks for discussing environmental concerns. These might include stormwater runoff management, air quality monitoring, or solid waste management. In habitat conservation, there are opportunities for collaborating on the Regional Multiple Species Habitat Program and other habitat conservation programs. For example, after the devastation of the 2007 Firestorm, several tribes submitted applications for the TransNet Environmental Mitigation Program. Tribes are eligible entities for these funds, and they could assist those whose lands were devastated by the fires to restore critical habitat.

Public Safety

Since the 2006 Tribal Summit, the Public Safety Committee has received presentations on tribal emergency services and intertribal efforts in public safety. At the 2006 Summit, the need to coordinate on emergency preparedness was identified as an issue area. Issues such as interagency coordination, community resilience, training, planning, and resource management were identified. The 2007 fires in the San Diego region left in stark relief the importance of these issues, as many reservations were decimated and left in isolation in those initial days following the fires. Out of that disaster, several tribes formed the Intertribal Long-Term Recovery Foundation to address the shortcomings demonstrated in the 2007 fires. Several tribes have invested heavily in building facilities, training staff, and developing programs to support their communities and the surrounding areas.

Another area identified for potential collaboration is in crime prevention and alcohol and drug prevention education. SANDAG has for many years operated a Criminal Justice Research Clearinghouse that serves as an essential source of information for local communities on public safety and public health, crime data, and crime-reduction strategies being implemented countywide. SANDAG also administers the Automated Regional Justice Information System (ARJIS), which supports a regional, Web-based, secure network that contains a variety of information to support law enforcement activities. The County of

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14 For more information on SB 18, go to www.opr.ca.gov/programs/training/SB-18_Overview.PPT
San Diego administers the countywide programs in Health and Human Services, while the SCTCA administers Health and Human Service programs for the urban Native American population and the reservations. Discussion is opportune on specific areas for collaboration and future actions.

At the 2010 Summit, the boards of SANDAG and the SCTCA will discuss these strategic areas and prioritize strategies for consideration in the next update of the Regional Comprehensive Plan (RCP). The RCP serves as the long-term planning framework for the San Diego region. It provides a broad context in which local and regional decisions can be made that move the region toward a sustainable future—a future with more choices and opportunities for all residents of the region. In addition to SANDAG, there are many agencies in the region that are responsible for helping to implement the RCP. It is hoped that the discussion at the 2010 Tribal Summit will lay the foundation for future, policy-level discussions between the tribal nations and relevant agencies.
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