

# 2010 Tribal-State Transportation Conference

Conference Report



**Partnering To Do More With Less:  
Getting The Tools To Succeed.**



**Washington State  
Department of Transportation**

## **Table of Contents**

Conference Summary	3
Acknowledgements	5
Workforce Development Track Summary	6
Cultural Resources Track Summary	9
Transportation Planning Track Summary	16
Conference Attendee List	20

## Conference Summary

The 2010 Tribal / State Transportation Conference was held at the Tulalip Resort in Tulalip, Washington and was co-hosted by WSDOT and the Tulalip Tribes. The theme of the conference was *Doing More with Less: Getting the Tools to Succeed*. As each of our governments struggle during these difficult economic times, it's critical that we work together to the benefit of all Washington citizens.

The Conference was a success by many standards: over 150 people attended, representing 25 tribes, three tribal organizations and 15 state and federal agencies. It served as an important opportunity for tribal, state and federal leadership and staff to discuss a range of issues and identify ways we can work together to advance our transportation needs.

The opening plenary session focused on transportation leadership. Attendees heard remarks from the Chairman of the Tulalip Tribes and a number of state and federal agency directors. These speakers returned to the stage later for a Transportation Leadership Panel for which they each identified a partnership opportunity.



Leadership Panel From left: Megan Cotton, WSDOT (at podium), Linda Gehrke (FTA), Paula Hammond (WSDOT), Dan Mathis (FHWA), Lowell Porter (WTSC), Craig Bill (GOIA), Theresa Sheldon (Tulalip Tribes),

We were fortunate to have US Congressman Rick Larsen join us as our keynote speaker. Congressman Larsen discussed a number of topics including the role of transportation in supporting the US economy and the House Transportation and Infrastructure Committee's role in passing the next Surface Transportation Act. USDOT Secretary Ray LaHood and US Senator Patty Murray participated in the conference through video addresses. State representative John McCoy joined us to discuss upcoming tribal issues in the Washington State Legislature.

A diverse panel discussion on the next Surface Transportation Act rounded out the plenary session. Panelists provided local tribal, national tribal and state perspectives on this important legislation. Tribal and agency leaders in attendance renewed their commitment to work together through the passage of the next act.



Reauthorization Panel from left: Richard Rolland (NW TTAP), Gwen Salt (NCAI), Kirk Vinish (Lummi Nation), Larry Ehl (WSDOT)

We took time during the conference to honor two great men for their passion and dedication to Tribal Employment Rights in Washington State: Bob Louie (Colville) and Jesse Fischer (Puyallup). Both of these men helped organize a TERO Team that met on a regular basis, and helped pave the way for our improved communication and outreach on workforce development. Representatives participating in the Conference's Workforce Development Track made the commitment to resume regular TERO Team meetings.



From Left: John Bastian (Quinault), Ernie Williams (Colville Confederated Tribes), Teri Gobin (Tulalip Tribes), Kim Turnipseed (Puyallup Tribe)

In keeping with the tradition of this conference, participants wasted no time in getting to work during our breakout sessions. The Conference was organized into three breakout tracks: Cultural Resources, Planning and Workforce Development. The participants were engaged and respectful. Each track was a good balance between tribal, state and other agency participants. The following track reports include discussion summaries and action items from each of the breakout tracks.

Conference participants also took advantage of three free pre-conference training opportunities that were offered: WSDOT Funding Programs; Transit Programs and Funding; and TERO 101. The Tribal Transportation Planning Organization held their quarterly meeting on Tuesday afternoon in conjunction with the conference. These sessions were well attended and will improve both technical skills and general understanding in each of the areas.

Overall the conference was a success and we came away with a meaningful list of items for the state and tribes to work together on over the next two years.

## A Special Thanks

### *To Our Planning Committee Volunteers:*

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John Bastian, Quinault Nation  
Michael Cardwell, Tulalip Tribes  
Megan Cotton, WSDOT  
Lynn Drake, WA Traffic Safety Commission  
Teri Gobin, Tulalip Tribes  
Elissa Hicks, WSDOT  
Willy Leiste, WSDOT  
Jim Longley, Nisqually Tribe  
Elizabeth Mares, Yakama Nation

Annette Nesse, Jamestown S'Klallam Tribe  
Megan Nicodemus, WSDOT  
Brian Porter, Swinomish Tribe  
Richard Rolland, NW TTAP  
Theresa Sheldon, Tulalip Tribes  
Steve Shipe, WSDOT  
Kirk Vinish, Lummi Nation  
Scott Williams, WSDOT

### *Our Conference Sponsors:*

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During these difficult economic times, their support was essential!

- The Tulalip Tribes
- NW Tribal Technical Assistance Program
- Washington Traffic Safety Commission
- Federal Highway Administration
- Jamestown S'Klallam Tribe
- Parametrix
- Red Plains Professional, Inc
- Shea-Carr-Jewell
- Harlow's Bus Sales
- Gibson Traffic Consultants Inc

\*A special thanks to Michael Cardwell for the use of his photography in this report\*

## Workforce Development Track Summary

Track Co-Chairs: John Bastian (Quinalt), Brian Porter (Swinomish) and Marvin Jenkins (WSDOT)

### Panel on Tribal Employment, Contractor Bank and Networking Opportunities

Brian Porter (Swinomish Tribe)

- Brian provided an overview of the Tribal Employment Rights Ordinance (TERO).
- He noted that TERO fees may differ from tribe to tribe.
- Discussed the high unemployment rate each tribe across the state has experienced. He stated that the average unemployment rate per tribe is approximately 60%.
- The role of the TERO, or tribal employment office, is to maintain a pool of eligible candidates and provide job referrals.

### Doing Business with Washington State Department of Transportation

Gregory Bell (WSDOT OEO), Randy Dubigk (WSDOT Construction), Marvin Jenkins (WSDOT OEO), Kari Slusser (WSDOT Contract Ad & Award)

- Gregory Bell (WSDOT) provided an overview of the Disadvantaged Business Enterprise (DBE) Program, and reasons why a contractor should become a certified firm. He also offered to provide free training to all the tribes in these areas;
  - Contract Compliance and Tracking System
  - Disadvantage Business Enterprise (i.e. accounting principles, how to bid projects)
  - How to get state certified
- Randy Dubigk (WSDOT Construction) discussed the state 15% apprenticeship utilization required on all WSDOT projects. He further explained how the apprenticeship (entry level) requirements may benefit tribes across the state.
- Marvin Jenkins (WSDOT OEO) discussed the On the Job Training Supportive Services Program. This program offers free assistance to individuals to get into an apprenticeship program of interest by helping overcome barriers to employment.
- Kari Slusser (WSDOT Contract Ad & Award) provided a summary of the Contract Ad and Award Office. She explained how to access the website and check when a project is coming out for bid, and view which contractor has been awarded a specific contract. The TERO Office can then notify their small contractor with information, regarding who to contact (prime contractor) for potential sub-contracting opportunities.
- Tribal TEROs requested to be notified when WSDOT has any emergency work projects on or near the reservation.
- TEROs want to be invited to participate in all pre-construction conferences. These serve as an important coordination opportunity with the contractor.
- Tribes request that TERO language be added in the contract specs for all WSDOT projects on or near the reservation. TEROs want WSDOT to adopt an “on or near” policy for tribal preference.
- If a prime contractor refuses to pay a TERO tax, the TEROs request that WSDOT withhold payment to the prime contractor.
- TEROs would like WSDOT to be more consistent with its application of the TERO preferences.

### New Nationwide Tribal Agreements

#### Lee Adolph (Council on Tribal Employment Rights (CTER))

- Lee discussed how the CTER is promoting the Tribal Labor Agreement (TLA) to all of the tribes across the state.
- The TLA is designed for tribal projects only.
- Lee does not believe that any Native American companies have received contracts as a result of WSDOT making for the following change to contract specific language: contractors “may” to “shall” work with tribes.
- TEROs want WSDOT to recognize Native American Owned Business Certification (NAOB) as a DBE.
- TEROs want WSDOT and Contractor to recognize and enter into TLAs.

### State Employment Beyond Construction

#### Lily Keeffe (Small Business Transportation Resource Center), Eddie Maiava Jr. (Washington State Employment Security Department), John Lynch (WA General Administration)

- Lily Keeffe discussed their US Department of Labor funded scholarship program. She stated the purpose of the program was to assist individuals gain training opportunities with state government agencies.
- Eddie Maiava Jr. provided an overview of the multiple training and employment services at their One Stop Centers across the state.
- John Lynch discussed statewide employment and construction contracting opportunities offered by his agency. He provided a contact person and website information for those who might be interested in bidding on their construction project.

### TERO Team Group Discussion

- Discussion on resuming TERO Team meetings. WSDOT and Tribes are willing to resume regular TERO Team meetings.
- Given limited staffing and travel resources, it’s important that the meetings are well organized and productive. We shouldn’t meet just for the sake of meeting.
- The TERO team will begin meeting monthly as they did before, and then evaluate the frequency after a few months.
- Meetings should have a conference call capability for those who want to participate but cannot travel.

### Wrap Up Session

- Tribes request the WSDOT Construction Office hire a Tribal Liaison to work with tribes. Tribes prefer that the Tribal Liaisons and coordinators are tribal people.
- The CTER has offered to provide TERO training to WSDOT employees.
- TEROs request that WSDOT regions be more consistent in their application of Indian Preference across the state.

### **Action Items**

- TERO Team meetings will resume. The Puyallup Tribe will host the first meeting in November. The TERO team will work to address the many issues that were identified and discussed during the conference.
- TERO staff will update their contacts lists and share with WSDOT.

- WSDOT agreed to provide training opportunities for tribes on the following:
  - How to become a State Certified DBE / MWBE
  - DBE Program Services
  - Equal Employment Opportunity/ Contract Compliance (Contractor and Employee Tracking System)
- The CTER has offered to provide TERO training to WSDOT employees.

## Cultural Resources Track Summary

Track Co-Chairs: Scott Williams (WSDOT) and Hank Gobin (Tulalip)

### Panel Discussion: Tribal experiences with ethnography studies on WSDOT Projects

Laura Murphy (Muckleshoot Tribe), Dennis Lewarch (Suquamish Tribe), Megan Cotton (WSDOT)

#### Discussion:

- Ethnographies have not traditionally been part of Cultural Resources studies on WSDOT projects. The process is evolving though there have been a few stumbling blocks.
- Many complicating factors can arise during the consultation process, including various hand-offs due to changes in personnel and consulting firms.
- The Tribe has the responsibility to maintain involvement as identified in the protocol discussed with WSDOT and CRM firm.
- Traditionally, the agency comes in and has already scoped the project, chosen a consultant and tries to schedule interviews with members of the Tribe.
- Ethnographic studies become 'Hit and Run' or 'Drive By' ethnographies with limited focus and results focus on the academic interests of the Anthropologist rather than meeting the requirements of the project.
- The WSDOT CR Program has been helpful in changing processes and listening to the concerns and issues brought up by the tribe with current projects but this has been an ongoing issue.
- CRM firms don't often have on staff an Ethnographer or the individual is not trained in CRM, doesn't understand the protocols or the complex administrative structure of the Tribe.
- The tribe should be involved early and often in the design and scoping process to have input on who will conduct the study, the design or focus of the study and who will retain the intellectual property rights of the information.
- Tribes may have a preference on who they wish to conduct the study and work with Tribal Elders.
- Researchers may not know who to speak with in the tribe, the Cultural Resources staff may not be able to relate the necessary information, rather notification should be sent to the Tribal Chair. This request can then filter to the appropriate Cultural Staff who can work with Elders and Tribal Counsel on developing the ethnographic study.
- Information from ethnographies have been shared and broadcasted to all tribes involved in a project or referenced for later studies. Intellectual property rights should remain with the Tribes to ensure protection of sensitive information.
- WSDOT mega projects schedules rule the timeline and what needs to happen, however, Tribes do not work under these same timelines and should be provided appropriate time to consult with in performing these studies.
- WSDOT has given power over to the 'expert' Anthropologist, without a scope to identify who to speak to, how to conduct, etc..
- WSDOT needs to look closer at the contract system, these contracts should be clear as far as ownership of material when project is complete, such as raw materials (tapes, documents, etc)

containing sensitive data, information contained in an ethnography should not show up later 'from memory' for future studies and projects.

- Intellectual property right is a big issue for Tribes. The protocol will be different for each tribe and should be defined ahead of time to ensure steps are followed appropriately for each tribe. Tribes may have existing protocol / guidelines on how to conduct ethnographic studies/ interviews. WSDOT will work with tribes to collect these to keep on file.
- The CRC (Columbia River Crossing) Project adopted a different approach, 10 tribes were consulted and provided opportunity to contract with WSDOT on conducting ethnographic studies themselves. The Warm Springs and Umatilla agreed to contract with WSDOT. The Tribes provided a scope of work which were reviewed by Scott Williams (WSDOT) and the contract stipulated the area of interest and what thresholds WSDOT would need additional information. The Tribes conducted the ethnography and WSDOT reviewed their work and provided comments. This proved to be a successful model for working with tribes interested and able to contract on conducting ethnographic studies, rather than hire an outside consultant. By doing so the agency limited their liability. The tribes retained the intellectual property and 'proof' or additional information was not required to be provided by the tribe outside of what was outlined in contract. A product or deliverable was required but information held within the community remained in the community.
- WSDOT learned from the Port Angeles Graving Dock project that Cultural Resources Staff don't always have all the information, and that some information is held within the community. Thus it's important for outreach to occur to the greater Tribal community.
- Suggestion was made that Tribes should visit the WSDOT Tribal Liaison site online periodically to review the tribal liaison contacts for their tribe and ensure the names identified as contacts are correct and appropriate.
- By working together (WSDOT and Tribes) we can ensure projects move forward with proper involvement by both.
- WSDOT has Tribal Liaisons, Tribal Coordinators and Cultural Resources Specialists (Archaeologists) these are not one and the same. WSDOT attempted to hire a Cultural Anthropologist to assist in these studies but have been unable to due to the current hiring freeze. There has been staff turnover and we need help identifying when things fall through the cracks.
- Consulting with Tribes during the scoping process allows Tribes time to find contacts and data to accumulate the information needed. Anthropologists come in and speak with Elders and not know how to interpret the information conveyed (Us vs. I- Family vs. Community), there has to be a certain level of Tribal understanding (thinking) to appropriately interpret the data- Oral histories may not be relative to time period.
- Department of Archeology and Historical Preservation (DAHP)'s stance is hands off with ethnographies. They are rarely seen or submitted to DAHP due to sensitive nature of material and should be retained by those involved. They have in the past reviewed significantly redacted versions of reports, missing ethnographic data and other sensitive materials, for purposes of Section 106 review to determine eligibility of resources. DAHP does not insert themselves into the process. DAHP can provide mediation for differences and help negotiate process between WSDOT and Tribes.

- WSDOT needs to work with the tribes early to identify who will review the information and what will happen with the data after the project is complete rather than relying on Tribes to request that themselves.
- It has been difficult for WSDOT and Tribes to find Anthropologists to conduct ethnographic studies.
- Ethnographic information you may have may not be relevant to project scope and is an issue with confidentiality of sensitive information.
- Ethnographic information may not be relevant to the project; the goal must be focused and appropriate to the study- outside of a generic overview of traditional use areas for hunting / fishing or a history.
- Ethnographies may provide a creative mitigation resource- some material or aspects could be used for mitigation purposes not just a final deliverable as a document / report.
- Can WSDOT get copies of ethnographic study protocols (written guidelines) by tribes who have them documented to help in the process?
- Not all tribes have documented processes but you should be directed to the appropriate parties / contacts at the Tribe when involving them early in the project scoping and working through the THPO, Tribal Council / Chair, etc. Tribes are concerned with putting sensitive information out there so would be best to involve Tribes as early as possible.
- Contracting Office of WSDOT is separate from the Tribal Liaison Office and Cultural Resources Program. Tribal Contracts are supposed to be routed through the Tribal Liaison's office for review. Some tribes reported their contracts were being held up because of disagreements over legal language. Megan Cotton offered to help see these through the process.
- It is in the best interest of the agency (and preference) to use the Tribes whenever possible to conduct ethnographic studies- however contracting can be an issue.
- Many tribes have familial relations across tribes and international boundaries who they may consult (or should be consulted) with on ethnographic studies and other projects.
- WSDOT has mapped 'consultation' areas (soft boundaries / changing) delineated by the Tribes to ensure consultation occurs with the appropriate parties. These are updated at the discretion of the tribes and should be reviewed to ensure they are still appropriate.
- WSDOT Tacoma HOV Project has been a successful endeavor in communicating with Tribes on project activities. Early consultation was key to settle disputes and work out issues as they arose, Cultural Resource Staff established trust with the Tribe and could serve as a buffer between project office and tribes with information sharing.
- WSDOT is construction focused and the Cultural Resources program helps to bring up these issues on projects. Please contact Megan Cotton or Cultural Resources Staff to discuss issues, questions or concerns.

#### Partnering with Tribes to curate artifacts from WSDOT Projects

Matt Sterner (DAHP), Gretchen Kaehler (DAHP)

- Curation has been an issue Archaeologists have been discussing at the Federal, Tribal, State and Local Government level through the Curation Summit.

- How do we deal with curating artifacts? Where do the artifacts go? Who do they go to? What preparation needs to occur?
- Do artifacts need to go to a federally approved curation facility? What makes a federally approved curation facility?
- Who owns the artifacts? WSDOT works on agreements for curation of artifacts but who is the official owner? Federal Agency, public or private? Artifacts recovered, despite federal curation policy, may not be intended for public viewing / exhibit / research.
- WSDOT can only define curation process where they have legal ownership of materials, not as representative of another party.
- What is the maintenance / storage cost for artifacts housed at a University Museum- Burke at UW, WSU? Would it be better to build a facility with the tribes to house materials? Tribes could retain ownership of artifacts (human remains, etc.).
- WSDOT has entered into agreement with Burke on materials recovered from the Mega Projects. The Burke could reasonably house some but not all under current space limitations. WSDOT provided state funds to increase the storage facility for artifacts (within a building owned by the University) to meet the Projects curation needs. FWHA does not pay for creating curation space and the Mega projects didn't support putting money toward facility conversion but argued WSDOT should allocate funds not out of Projects budget.
- WSDOT could work with Tribes as part of project mitigation to convert / create space for curation of artifacts.
- Artifacts collected with federal dollars must be accessible or made available for exhibit, research, etc. under federal law. Tribes may not agree to the level of accessibility called for under federal law.
- The Tulalip now has the certification to curate materials; the process took 10-15yrs to train Tribal staff and Museum staff (with Burke, Smithsonian, etc) in curation and archives.
- Tribe has the ability and facility but nearing space limitations.
- Non-native museums will not give back the Tribes history unless that tribe has a facility and solid foundation in curation processes.
- Tulalip may curate artifacts for other tribes but Tulalip does not maintain ownership of materials, but rather houses materials and controls access.
- Talking to other tribes with curation facilities. However, these are the first to face budget cuts when the tribe faces economic pressures.
- What are the goals of archaeologists revisiting artifact collections and should that information be disseminated?
- Human remains are discovered every 3 days in Washington State. Issues come up on treatment of these materials in a respectful manner before they can be repatriated.
- Tribes are faced with financial responsibility of taking on these materials. Tribal government says to take them yet carrying that out may be a hardship.
- WSDOT's preference is to turn materials over to Tribes first. The challenge is where the curation dollars come from? The agency is constrained by state and federal law. The federal law applies only to projects on federal property not to projects on state property funded with federal dollars.
- WSDOT does a lot of work off WSDOT property including Federal, Private and Public lands. WSDOT needs to address treatment of artifacts in contracts with the landowner.

- If private land is within the reservation, ownership still belongs to the landowner but the process is flawed. The agency should still work with Tribes despite landownership early on- discussion should include tribes and landowner.
- There has been a lot of confusion over the legal ramifications private landowners face working with Tribes (i.e., they may lose their land). WSDOT should step in and help clarify in these instances.

#### Hibulb Cultural Center & Natural History Preserve- Tulalip Tribe

Hank Gobin (Tulalip CR Manager)

The Tulalip Tribe will be opening the Hibulb Cultural Center (HCC) & Natural History Preserve and curation facility (anticipated March 2011). Hibulb was the principal village of the Snohomish people at the mouth of the Snohomish River. The center has a contemporary design to accommodate changing exhibits. HCC meets the standards, procedures and guidelines followed by Federal and State agencies to curate artifacts. The HCC currently houses over one million artifacts. At this time, the HCC is the only registered tribal repository on the DAHP Certification list.

#### Discussion following HCC Presentation and Curation Roundtable

- Great facility WSDOT could send artifacts to. What facilities do smaller tribes have that artifacts could be sent to or when could HCC take collections temporarily for them?
- The Curation Summit came up with a questionnaire and documentation requirements to meet the standard for a federally approved curation facility. Up to a year ago the Burke was the only federally approved curation facility, HCC now meets this criteria.
- EWU (AHS) and WSU curate materials but have yet to provide documentation for approval as a curation facility. WSDOT does not have a handle on where all collections recovered have been curated in the past. Funding has not been provided to track collections but the hope is to design a database to track collections at curation facilities throughout the state that could be linked through DAHP's WISAARD.
- AHS (Eastern WA University) houses small collections from WSDOT projects. They have contacted Larry Campbell and others on returning materials to the tribes.
- What is WSDOT's protocol for collecting artifacts from state transportation projects - collect or return to ground? WSDOT goes with the preference of Tribes and tries to work with the Tribes early to identify their wishes in respect to conducting archaeological work (size of screen, treatment of and collecting artifacts).
- Larry Campbell noted that there may be microscopic remnants of human remains or contain spiritual elements and should be treated as a burial site.

#### Discussion: Cultural Resources Issues beyond Section 106

Carol Lee Roalkvam (WSDOT), Ray Willard (WSDOT)

- What are the issues that come up in the Section 106 process but do not fall under the 106 regulatory umbrella? Under the NEPA process consultation should be comprehensive and not only focused on Cultural Resources ; Hunting, fishing, gathering rights, TCPs, Civil Rights Act, Environmental Justice Executive Order, Natural Resources Protection, Stormwater, Water Quality,

Fish Passage, Economic Development, Safety- Cumulative Effects, Climate Change, Maintenance issues of Highways and Roads by WSDOT (Native plant access and plantings in right of ways- shoulder access / parking)

- Cultural Resource definition is so broad; it encompasses these issues of natural resources and the environment, which all fall under the cultural resources definition.
- CR Program does not automatically associate these resources as cultural resources. It's great to identify and start changing how we approach CR management to include these resources and bring up issues with the different areas of WSDOT.
- Maintenance has plans to identify plant resources, managing these resources to establish a stable native plant population along roads, right of ways, shoulders, etc.
- Have these plans been developed in consultation with tribes? No, there has not been a lot of awareness of these issues in Maintenance.
- If the project falls on tribal land, Maintenance will work with the Tribal contact to create a management plan for these areas of right of way, shoulder, roadside, etc.
- Tribes need to help identify areas outside of reservation land to help create an appropriate management plan (modify existing) to accommodate for those needs identified by the tribe.
- What is the jurisdiction for road maintenance (feet off roadway surfaces)?
- Maintenance includes roadside and vegetation management. The main focus is adjacent to the road for clear line of sight in the DOT Right of Way and a defined line where property ends.
- What about Wetland Mitigation Sites and Stormwater? Wetland management falls under the Environmental Program for 10 years before the maintenance and management of the site transfers to Maintenance.
- Tribes may request individuals be brought in from other WSDOT Environmental programs to help address these concerns related to Road Maintenance, etc.
- Each Region and Division should be scheduling a meeting at least once a year to go over projects in that area. Please contact Megan Cotton or your WSDOT Region to get more information.
- WSDOT has a statewide Horticulturalist on staff and Landscape Architects (Eastside and Westside).
- Are wildlife addressed in management plans by WSDOT? Yes, WSDOT will be working with Tribes on corridor studies to address wildlife patterns and behavior near roadways.
- Natural Resource issues are being addressed in WSDOT long range planning. It is very helpful to get the tribal perspectives on these issues to incorporate into the planning process. (Copies of the WSDOT Sustainable Transportation plan were distributed).
- Funding for WSDOT projects are often allocated 3-4 years before information ever makes it to the tribes. Tribes need to be involved earlier during the scoping process, prior to the meetings after the money has been approved and budgeted by the legislature to better take into account the costs for Cultural and Natural Resources work.
  - "If you always do what you've always done, you'll always get what you've always got. If we don't do better at our jobs we'll be in the same place as we've been."

## Session Wrap-up

Scott Williams (WSDOT) and Steve Shipe (WSDOT)

The Cultural Resources Program has been growing and WSDOT is in the largest construction program in years with all the mega projects but at the same time a hiring freeze has been implemented. These comments and your participation will help the Cultural Resources Program and WSDOT be more successful in addressing the needs of the tribes and Cultural Resources management in their undertakings.

## **Action Items**

- Scott will get out and meet with the THPOs and Tribes (carryover from 2008).
- WSDOT needs to develop and circulate Ethnography Protocols to tribes for comment.
- WSDOT needs to develop policy for working with private landowners before testing is done, to determine disposition of artifacts.
- The Cultural Resources Program and Tribal Liaisons need to work to push agreements with tribes through Contracting.
- Scott will follow up with AHS on collection status.
- Scott will set up meeting with Maintenance to consult on vegetation management plans to address natural / cultural resource concerns.
- Scott will coordinate with Tribes on providing electronic (pdfs) APE notifications on WSDOT projects either through email notification or SharePoint site hosted by WSDOT.

## Planning Track Summary

Track Co-Chairs: Kirk Vinish (Lummi), Megan Nicodemus (WSDOT)

### Tribal Traffic Safety

Lowell Porter (Washington Traffic Safety Commission (WTSC)), John Nisbet (WSDOT)

- Incorporating safety into planning for transportation and transit needs begins with gathering accurate data.
- Lowell spoke about the most recent version of “Target Zero”, the Washington State Highway Safety Plan that sets a statewide goal of zero traffic fatalities and serious injury accidents.
- The most recent version contains improved sections on tribal traffic safety issues, but there is still a large data gap of crash information from tribal communities.
- To address this, the WTSC has improved outreach and communication efforts with tribal communities and has committed resources to assist in capturing and transmitting crash data. For example, a partnering effort with the Colville Tribe in Eastern Washington to share data has worked out extremely well with encouraging results.
- Lowell stressed that data sharing with the WTSC is available to all tribes and the WTSC will provide resources and technical assistance for any tribe wishing to participate.
- John Nisbet, WSDOT Traffic Engineer reviewed the engineering aspects of safety issues that could be identified and integrated into the planning process.
- John covered the different engineering approaches to studying safety and the different methods of collecting data for use in justifying needs when planning.
- John briefly reviewed safety countermeasures, the road safety audit procedure, costs, and best practices.

### Tulalip Tribes: Best Practice in Safety Data Collection

Ed Koltonowski (Gibson Traffic Consultants)

- Ed Koltonowski, Senior Engineer from Gibson Traffic Consultants, presented information on the Tulalip Tribes Accident Database project and shared the background and history of how it was developed. It is a successful tribal project focused on collecting and sharing accident and crash data.
- The Tulalip Tribes Accident Database standardizes collision data that is now easily shared with surrounding jurisdictions so that everybody benefits from a more complete picture of accident rates and problem areas where the tribe and their partner jurisdictions can target resources.
- The data is also used in planning to identify and develop improvement projects and to obtain funding, and is directly tied to the Tribe’s Indian Reservation Roads Inventory. The tribe has successfully planned and developed safety improvements, due in part, to having accurate and complete data.

### Infrastructure and Economic Development

George Schlender (Rural Communities Assistance Corporation), Shana Barehand (WA State Department of Revenue), Maury Forman (WA State Department of Commerce)

- Discussed the connection between infrastructure and economic development in rural / tribal communities.
- Water / wastewater, roads, broadband, and investing in the tribal workforce are all areas where tribes should invest resources in order to invite economic development.
- The message of the presentation was to remember that economic development is not quick, it takes time to expand and grow a community and create jobs.

### Washington State Transportation Commission

Latisha Hill (Commissioner), Paul Parker (Senior Policy Analyst)

- Discussion of Commission activities
- Presented on the draft Washington State Transportation Plan (WTP) 2030. The WTP 2030 Plan is the policy plan that supports and reinforces other state modal plans and the Commission would like tribal input and comment on the draft WTP 2030 during development.
- Tribes are invited to review and comment on the draft, the Commission is particularly interested in community perspectives on what are the pressing transportation needs in tribal communities.

### Infrastructure Finance Options

Paul Johnson (USDA), Kyle Kitchel (FHWA)

- Paul shared information on the various USDA funding programs, and noted that tribes are eligible for all of the USDA programs.
- He cautioned, however, that USDA offers few grants, and that most of the funds are loan-based.
- Kyle Kitchel discussed IRR funding basics and the calendar / timeline for submittals, and the importance of having a complete IRR Inventory.
- Kyle covered fund availability from the High Priority Project program and other Discretionary fund programs such as Public Lands Highway.

### State Connections: Overview of Regional Transportation Planning Organizations (RTPOs) and Metropolitan Planning Organizations (MPOs)

Julie Rodwell (WSDOT)

- Julie Rodwell, Manager of the Regional Coordination Branch from the WSDOT Transportation Planning Office, briefly reviewed the State Transportation Improvement Program (STIP) and Transportation Improvement Programs (TIPs).
- She explored the most efficient way for tribes to participate in these processes.

### Livability & Climate Change Impacts on Tribal Transportation Planning

Ed Knight (Swinomish)

- Ed presented the tribe's approach for addressing Climate Change impacts on tribal transportation planning.
- The tribe identified high risk zones, short and long term impacts and effects of climate change and potential effects to facilities and tribal lands and used the information in planning.
- The Swinomish Tribe intends to stay involved regionally in order to take the opportunities available to prioritize important projects on more than just the Tribal TIP.

### Wrap Up Session

Kirk Vinish (Lummi), Julie Rodwell (WSDOT), Jonathan Ciesla (Quinalt)

- Attendees in the planning track wrap up session developed a list of transportation and transit needs for tribes located in Washington State.
- The group organized this list into three categories:
  - High: requiring immediate attention
  - Medium: the topic is very important
  - Low: important topics that must be addressed soon.
- The topics within each category were not prioritized.
- Several members of the group volunteered to work on the topics and will report back with outcomes at the next Tribal / State Transportation conference.

## Action Items

Below is the final list of tribal transportation priorities sorted according to priority:

H=High M=Medium L=Low

### High Priority Action Items:

1. Simplify the transference of Federal funds (IRR monies) to tribes located in WA State.
2. Work to inject greater tribal emphasis into the Washington Transportation Plan, and Regional Transportation Planning Organization products too.
3. Work to reflect Tribal regional transportation plans into RTPO / MPO plans and into the WSDOT Unified Plan Work Plan Guidance.
4. Develop next steps on Target Zero from the tribal view; discuss a possible spring safety conference.
5. TERO needs: Ensure Indian preference on all WSDOT projects that fall under TERO; define and clarify "on or near the reservation" and "reasonable commuting distance".
6. Ensure that emergency work on or near the reservation is offered to affected tribes, including snow removal.
7. Develop a formal recommendation for WSDOT to have a Tribal Liaison in each region.
8. Ensure that tribes are recognized as a jurisdiction within WA State MPOs and RTPOs.
9. Send a thank-you to Transportation Secretary Hammond for Cost to Construct data efforts on IRR. Bureau has not yet accepted data; develop a letter to be sent from WSDOT to BIA in Albuquerque.
10. Coordinate the WA State tribal position on next Surface Transportation Act with WSDOT.
  - a. Update the 2009 tribal position paper on the Surface Transportation Act and tribal needs.
11. Develop a small task force to track the federal bill process.
  - a. Ensure that tribal leaders endorse the WA State tribal position.
  - b. Allocate safety funds based on 'worst' first categories.
12. Ensure Tribal consultation before the release of transit funds.
  - a. Include Tribes in WSDOT transit planning process.
  - b. Work with local governments and transit providers to ensure tribes are considered during the establishment of transit routes.
  - c. Reward transit that accesses/services reservations.
13. Work on getting Tribal Council representation at this conference.
14. Confirm more Tribal presenters to communicate our accomplishments at the next Tribal / State Transportation Conference.

### Medium Priority Action Items

1. Ensure that tribal projects are included in the Washington State Highway System Plan.
2. Engage further with the Washington State Transportation Commission
3. Invite to attend Quarterly Tribal Transportation Planning Organization meetings.

4. Encourage Secretary Hammond to travel out and visit tribes and develop relationships.
5. Identify a Tribal representative from each region to personally invite MPOs and RTPOs to engage at Tribal related conferences and meetings.
6. Increase tribal representation on professional organizations to act as liaisons.
7. Report tribal gas tax successes to the Department of Licensing (DOL) now.

#### Low Priority Action Items

1. Investigate whether the use of public funds by the TTPO will always limit the subject matter they are able to discuss.
2. Develop research topics for Transportation Research Board (TRB) Native American Transportation Issues Committee.
  - a. Example: alternative power sources in Indian Country
    - i. Fuels (i.e. CNG)
    - ii. Rural lighting
  - b. Example: Unique trip characteristics of trip generation in Indian Country.
  - c. Example: University of Washington TRAC program for research.
  - d. Explore all research opportunities.
  - e. Invite WSDOT Research group to come to Tribal meeting(s).
3. Provide tribal boundary and road maps to WSDOT for GIS.

## Conference Attendees

<b>Attendee</b>	<b>Organization</b>	<b>Attendee</b>	<b>Organization</b>
Abrahamson, Randy	Spokane Tribe	Conyers, Ed	WSDOT
Adolph, Lee	Council for Tribal Employment Rights	Cotton, Megan	WSDOT
Alexander, Jay	WSDOT	Cronmeyer, Cinco	Bureau of Indian Affairs
Arnold, Greig	Makah Tribe	Decoteau, Thomas	Sauk-Suiattle Tribe
Arthur, Ed	Cowlitz Indian Tribe	Desiderio, Denise	US Senate Indian Affairs Committee
Auyoung, Dillon	WSDOT	Ehl, Larry	WSDOT
Barehand, Shana	WA State Department of Revenue	Eng, Lorena	WSDOT
Barney, Lyle	Sauk-suiattle Indian Tribe	Ernst, David	Spokane Tribe
Barry, Edward	WSDOT	Ferry, Jackie	Samish Indian Nation
Bartlett, Jeff	Makah Tribe	Finkbonner, Sr., Ronald	Lummi Indian Business Council
Bartlett, Jill	Makah Tribe	Fisher, Austin	Parametrix
Bastian, John	Quinault Indian Nation	Foley, Margaret	Squaxin Island Tribe
Bell, Greg	WSDOT	Forman, Maury	WA State Dept. of Commerce
Berry, Carrie	WSDOT	Freeman-Hayes, Denise	WSDOT- Ferries Division
Bessette, Harry	Colville Confederated Tribes	Frey, David	Sovereign Nations' Services, LLC
Biles, Renee	People For People	Gehrke, Linda	FTA
Bill, Craig	Governors Office of Indian Affairs	Giles, Penni	Squaxin Island Tribe
Bonga, Joseph	Bureau of Indian Affairs	Gilleland, Coey	Stillaguamish Tribe
Bray, Debbie	Tulalip Tribes	Ginnard, Ken	Washington State Patrol
Brophy, James	USDOT	Gobin, Hank	Tulalip Tribes
Brown, Carol	Lower Elwha	Gobin, Krisan	Tulalip Tribes
Burlingame, Dave	Cowlitz Indian Tribe	Gobin, Teri	Tulalip Tribes
Burrus, Mark	Parametrix	Gould, William	WSDOT
Butters, Aaron	WSDOT	Hamilton, Mark	Tulalip Tribes
Campbell, Larry	Swinomish Tribe	Hammond, Paula	WSDOT
Campbell, Neal	WSDOT	Harrison, Pierce	Bureau of Indian Affairs
Capps, Melinda	WSDOT	Heath, Deanna	Colville Tribe -Roads Program
Cardwell, Michael	Tulalip Tribes	Holden, Merle	PTAC
Carlson, Todd	WSDOT	James, Justine	Quinault Nation
Chidley, Michael	WSDOT	Jenkins, Marvin	WSDOT
Ciesla, Jonathan	Quinault Indian Nation	Jewell, Bob	Shea Carr Jewell

<b>Attendee</b>	<b>Organization</b>
Johnson, Josh	WA State Dept of Licensing
Johnson, Paul	Department of Licensing
Johnson, Paul	US Dept. of Agriculture
Johnston, Eric	Shea Carr Jewell
Jollie, Colleen	WHPacific, Inc.
Jones, Sev	Kalispel Tribe of Indians
Kay, Charlene	WSDOT
Kiers, Roger	WSDOT
Kitchel, Kyle	USDOT
Knight, Ed	Swinomish Tribal Community
Koltonowski, Edward	Gibson Traffic Consultants, Inc.
Kovich, George	WSDOT
Larsen, Rick	U.S. House of Representatives
Leiste, Willy	WSDOT
Lewarch, Dennis	Suquamish Tribe
Longfellow, Happy	Parametrix
Longley, Jim	Nisqually Tribe
	Confederated Tribes of the Chehalis Reservation
Loudermilk, Amy	Dept. of General Administration
Lynch, John	Skokomish Indian Tribe
Magnus, Lennea	Employment Security Department
Maiava, Eddie	Yakama Nation
Mares, Elizabeth	WSDOT
Mariman, Dave	PNW Reg. Council of Carpenters
Marshall, Rockey	Lummi Nation
Martin, Connie	Parametrix
Martin, Sue	FHWA
Mathis, Dan	House of Representatives
McCoy, John	Colville Confederated Tribes
Miller, Geoff	Skokomish Tribe
Miller, Kris	Cowlitz Indian Tribe
Morton, Becky	Washington State Ferries/DOT
Moseley, David	Snoqualmie Tribe
Mullen, Ray	Muckleshoot Tribe
Murphy, Laura	

<b>Attendee</b>	<b>Organization</b>
Narte, Phillip	WSDOT WSF
Neilson, Gordon	Skokomish Indian Tribe
Nelson, Charlene	Shoalwater Bay Tribe
Nesse, Annette	Jamestown S'Klallam Tribe
Nicodemus, Megan	WSDOT
Nisbet, John	WSDOT
Nnambi, Brenda	WSDOT
Palmer, Matt	Gibson Traffic Consultants
Parr, Melissa	Tulalip Tribes
Porter, Brian	SITC TERO
Porter, Lowell	WA Traffic Safety Commission
Proszek, Kristina	Yakama Nation
Quinlan, Mark	Harlow's Bus Sales Inc.
Radford, Chamisa	The Spokane Tribe of Indians
Radford, Scott	Antithesis Research
Ramos, Bill	FTA
Reinmuth, Steve	WSDOT
Repin, Jake	Snoqualmie Indian Tribe
Reynon, Brandon	Puyallup Tribe
Roalkvam, Carol Lee	WSDOT
Robideau, Chris	Red Plains Professional, Inc.
Rodwell, Julie	WSDOT
Rolland, Richard	Northwest TTAP
Salt, Gwen	Nat'l Congress of American Indians
Sanchey, Elizabeth	Yakama Nation
Santiago, Amber	Puyallup Tribe
Schlender, George	Rural Communities Assistance Corp.
Sexton, Gracie	People For People
Seyler, Julia	Kalispel Tribe of Indians
Sheldon, Mel	Tulalip Tribes
Sheldon, Theresa	Tulalip Tribes
Shepherd, Keri	Quileute Tribe
Shipe, Steve	WSDOT
Shufelt, Sarah	WSDOT

<b>Attendee</b>	<b>Organization</b>
Siedenburg, Michele	Northwest TTAP
Silins, Cathy	WSDOT
Skunes, Ronald	Bureau of Indian Affairs
Smith, Jack-lyn	Skokomish Indian Tribe
Stell, Melody	WSDOT
Sterner, Matthew	DAHP
Stevens, Casey	Stillaguamish Tribe
Strobel, Andrew	Puyallup Tribe
Stube, Kim	Cowlitz Indian Tribe
Suing, Troy	WSDOT
Swanson, Leah	Nisqually Tribe
Tanner, Tom	Iron Workers
Taylor, Katy	WSDOT
Tesch, Nicole	Samish Indian Nation
Triezenberg, Ed	PNWRCC
Turnipseed, Kimberly	Puyallup Tribe of Indians
Turrey, Joe	Lower Elwha Klallam Tribe
Van Soest, Karen	N.E.W. RTPO
Van Wormer, Mark	WHPacific
Van Wormer, Mark	WHPacific
Vinish, Kirk	Lummi Nation
Visconty, Sasha	Axis Environmental
Washington, Tom	WSDOT
White, Bill	Lower Elwha Klallam Tribe
Willard, Ray	WSDOT
Williams, Ernie	Colville Tribes
Williams, Scott	WSDOT
Wills, Heather	Columbia River Crossing
Zimmerman, Sharon	WSDOT