

Tribal Transportation Planning Organization

Minutes

April 14, 2010

1. Introduction, Opening remarks and Minutes – Kirk Vinish

TTPO Chairman, Kirk Vinish, opened the meeting by recognizing our meeting hosts, the Swinomish Indian Tribal Community. Larry Campbell, Cultural Officer, Swinomish Tribe, welcomed the TTPO and thanked us for the tribal transportation work we are responsible for. A beautiful, traditional Shaker Church prayer was said by Joe McCoy.

Ed Knight, Swinomish Senior Planner and Tara Tisdale, Swinomish Associate Planner, shared a power point presentation on “Climate Change Impacts on Regional Transportation”. This study was motivated by the Swinomish Tribe’s concerns about a multitude of environmental factor on ancestral homelands, by regional recognition of these factors and the potential sea level rise of the Puget Sounds over the next 100 years. New high tide levels could impact the Tribe’s transportation system as well as affect economic development, housing, infrastructure, governmental operations and more.

Motion by Michael Cardwell, to adopt the minutes of the January 27, 2010 TTPO meeting as presented. Second by Jim Longley. Motion carries.

2. Legislative Update – Craig Bill, Governor’s Office of Indian Affairs (GOIA) Larry Ehl, Federal Liaison, WSDOT

Craig expressed his commitment to honor the invitation to attend as many TTPO meetings as possible. The legislature finally convened in mid-April with a final budget that included both budget cuts (including a .5 FTE reduction for GOIA) and increased taxes. Representative McCoy presented a bill to strengthen the government to government relationship between the Tribes and the state; Senator Kauffman addressed the naming of Washington State ferries; the Centennial Accord Meeting is scheduled for June 8, location pending, likely Muckleshoot, Governor Gregoire was invited to the White House to address health care issues. Craig urged Tribes to take every opportunity to educate legislators about tribal issues. Kirk suggested that the federal transportation reauthorization could be supported by GOIA with a letter regarding the issue to including county roads in the Indian Reservation Roads system. Craig agreed to reach out to legislative staff in regards to this important issue. Ed Knight noted that under SAFETEA-LU some classifications of roads became ineligible for the IRR system. He questioned “who will take care of tribal roads and where will the funding come from?”

Larry noted that Congress extended SAFETEA-LU through December 31, 2010 which provides some funding security. The transportation reauthorization bill for 2009 is still pending as it was overshadowed by the health care bill. He expects a transportation bill will be finalized in May with programmatic, but not financial, details. Congress could come back in a November “lame duck” session to pass a transportation bill. It is more realistic to expect that a bill will not be passed until March or April 2011. The Environmental Protection Agency, the Department of Housing and Urban Development and Department of Transportation are combining efforts on livability/sustainability to support sidewalks, bike paths and transit opportunities when new or upgraded roadways are constructed. Larry feels the jobs bill is on “life support” and that ARRA II funding is unlikely to allow for an extension of unemployment benefits to support of stimulate jobs growth. Over 4000 TIGER grants were submitted with only a very few funded. He cautioned that Tribes interested in submitting an application make sure that the project is eligible and applications are complete. Per Kirk’s request, Larry agreed to visit the Office of Indian Affairs in DC to make a pitch for tribal issues.

3. Fuel Tax Update – Kelly Croman, Marine View Ventures, Inc.
Karla Laughlin, Department of Licensing

Karla Laughlin, Department of Licensing Fuel Tax Administrator, was on hand to introduce DOL's new Tribal Liaison, Josh Johnston. Karla explained that her responsibilities continue to be to provide administrative oversight while Josh will be responsible for tribal relations and outreach. Karla highlighted the DOL's "2009 Tribal Fuel Tax Agreement Report" and provided copies. Karla agreed to provide the Powerpoint version of her presentation and Julie Rodwell indicated that she will post the report and the presentation to the TTPO website. Jim Longley requested a comparison between the 2007 tax revenues and the post-2007 revenues under the new compacts.

Kelly Croman, General Counsel for Marine View Ventures, Inc. (a Tribally chartered entity of the Puyallup Tribe of Indians), was on hand to discuss a recent challenge to tribal gas station operations and the subsequent generation of fuel tax rebate revenues. Although the revenues are accomplishing what they were meant to for tribal governments (i.e., the support and funding of Tribal transportation programs and projects), some fuel station owners/operators have complained that tribes are gaining an unfair advantage over other non-tribal fuel stations. Although the complainants are planning to file suit, Kelly feels they are reacting to incorrect information. The DOL's report will prove useful in demonstrating that tribes are spending their fuel tax revenues on transportation related programs and projects.

Welcome from Swinomish Tribal Chairman - Brian Cladoosby, Swinomish Tribal Chairman, arrived during lunch and welcomed the TTPO to Swinomish. Brian was recently re-elected as Chair for his 14th year, with 26 years on the Tribal Council. Brian continues to educate politicians and agency staff regarding tribal transportation issues. He noted that fuel tax revenues have been very helpful in providing funding to advance tribal transportation projects. He shared the history of the Thousand Trails Campground acquisition noting that the current site of the campground was historically a special place to the Swinomish Tribe. The land changed from trust to fee, was purchased by Thousand Trails and was then gifted back to the Tribe which now leases it back to the campground on an annual basis.

4. TTPO Business Discussion – Annette Nesse, Jamestown S'Klallam Tribe/TTPO Secretary

Although the TTPO membership aspires to becoming an official non-profit entity, the decision about the actual type of IRS non-profit designation is pending. Which designation is most appropriate? The 501(c) 3 status would be useful for accessing funds as it allows contributors a tax break but a 501(c) 6 status might allow us to include political work, such as lobbying. Remember our mission is not lobbying but rather education. Kirk suggested hiring an attorney to advise us on which IRS designation is most appropriate.

Our existing by-laws need to include the position of secretary/treasurer in place of the current position of secretary. It was agreed that we adopt the language suggested by Jamestown S'Klallam legal staff as follows:

"Secretary/Treasurer: The Secretary/Treasurer shall be charged with recording and summarizing the activities and meetings of the TTPO, ensuring that the TTPO has a complete set of minutes for distribution to the membership and posting on the Internet for general distribution. Additionally, this position is charged with managing the TTPO financial accounts, arranging for appropriate insurance coverage, such as errors and omissions, and bonding for those persons responsible for the corporations financial accounts, as directed by the Board, providing a financial status report to the Board at each regularly scheduled TTPO meeting and acting as one of the two signers on the TTPO financial accounts. The Secretary/Treasurer shall exercise all other duties logically necessary to perform the requirements of the office."

Motion by Michael Cardwell, to amend our existing by-laws to include the position of secretary/treasurer. Second by Casey Stevens. Motion Carries.

Motion by Casey Stevens, to empower the TTPO officers to enter into a contract to spend money under the fiscal responsibilities of the treasurer for the purpose of conducting TTPO business. Second by Keri Shepherd. Motion carries.

5. Indian Preference on ARRA Funded Projects – Kirk Vinish

The application of Indian Preference on ARRA funded projects was discussed. The WSDOT took the position on a Lummi project with ARRA funds that Indian Preference would not apply. Federal Lands Highways was of the opinion that Indian Preference could be used for projects where ARRA funds came through them, they also thought that the WSDOT ARRA funds could also use Indian Preference. This issue only applied to those Tribes who received WSDOT ARRA funds, which were very few, several alternatives were discussed for those facing this situation. Individuals who wished further information were urged to contact Federal Lands Highways or Kirk Vinish.

6. Scenic Byways Consultation Report – Annette Nesse

Development of a State Scenic and Recreational Highways Strategic Plan was initiated in June 2009. Since then, WSDOT has held a series of public Steering Committee Meetings statewide, and 2009, six Tribal governments requested formal consultation with WSDOT due to lack of consultation with the individual Tribes in Washington State. A letter from Secretary Hammond was issued on January 20, 2010 inviting all tribes in Washington State to consult with WSDOT on the development of this plan. A meeting with Secretary Hammond, her staff and representatives of five of the six tribes that initially requested formal consultation was held at WSDOT headquarters on February 10, 2010.

The formal consultation meeting was held on April 13, 2010 with eleven tribes in attendance. The first half of the meeting was dedicated to establishing a plan to create formal government to government consultation protocols for consideration of statewide transportation issues with the potential to affect all tribes. An interim working group was identified to prepare information to share at the upcoming Centennial Accord meeting. The second half of the consultation was dedicated to tribe's presenting their comments about the draft plan. WSDOT agreed to prepare a "red line" version of the plan, to include all tribal comments.

7. Announcements

Centennial Accord – June 8, 2010 – location TBD.
Tribal/State Conference – October – Tulalip
Northwest Tribal Transportation Symposium – April 19 – 22, 2010 – Portland

8. Good of the Order

Next meeting – July – location Spokane, Kalispel as host pending approval by their Tribal Council.

Adjournment

* The sign up sheet listing all meeting participants is posted on TTPO website.