

Tribal Transportation Planning Organization
Jamestown S'Klallam Tribe, Sequim, WA
March 11, 2014

Minutes

1. Introductions

Casey Stevens (Stillaguamish Tribe) thanked Jamestown S'Klallam for hosting and welcomed everyone to the meeting. Liz Muller Vice-Chairwoman of Jamestown S'Klallam Tribe welcomed the TTPO.

Two tribes had more than 1 voting member present, Stillaguamish and Skokomish. Casey Stevens will vote for Stillaguamish Tribe and Lennea Wolf will vote for Skokomish Tribe.

Members present on the phone, Richard Rolland (NWWTTAP), Megan Nicodeamus (WSDOT), Cynthia Stonick (WSDOT), Robin Kieffer (Spokane Tribe), Dan Toliver (Upper Skagit Tribe), Mary Beth Frank (Nez Perce Tribe).

Minutes from 8/20/13 and 12/3/13 were tabled until the next TTPO meeting.

Elections and Annual TTPO Meeting will occur at the end of this regular quarterly TTPO meeting.

2. Recognition Presentation

Annette Nesse (Jamestown S'Klallam Tribe) gave a presentation on the 20 years of transportation at Jamestown S'Klallam Tribe. This included discussions on the pedestrian tunnel under SR101 between the two tribal campuses (2004), measures to slow traffic on Old Byn Highway (2007), and realignment of the intersection at Chicken Coop Road and Zaccardo (currently underway, design is almost complete). Megan Cotton asked if the Tribe applied for TIGER funds, Annette stated yes. She stated the additional work that the tribe has been doing is expanding transit service by creating Route 50 via Clallam Transit, and the creation of additional mileage on the Discover Trail. The Discover Trail was funded via the Scenic Byways program and runs along old railroad beds along Discovery Bay. Once fully complete, it will travel from Port Townsend to La Push, WA. Casey Stevens (Stillaguamish Tribe) asked what type of crash data is there for these areas. Annette stated there isn't a lot of crash data, mainly potential for crashes. Jim Longley (Nisqually Tribe) asked why the tunnel was dug vs. a bridge over SR101. George Kovich (WSDOT) stated that it was easier and more cost effective to dig under the highway. Jim Longley asked if there have been any crime issues with the tunnel. Annette stated no due to low crime rates, and good safe design. Gordon Neilson (Skokomish Tribe) stated that the ADA accommodations on the other side of the tunnel are very well designed. Annette said thank you and said the Tribe has future plans to relocate all of their campus to the other side of the 101 due to flooding issues.

3. Tribal Project Advocacy

Casey Stevens introduced Phil Parker (Washington Transportation Commission) and Paul Parker (Washington Transportation Commission). Phil thanked the group for the invitation and requested input of the WTP 2035 Plan update and gave a brief overview of the update. Paul distributed a handout and reviewed a PowerPoint for the group as to where the process of the updated plan is and what they have done so far. There is a large need for preservation and maintenance. Phase I of the plan is to have the state plan update completed by 12-31-2014,

Phase II is to have the federal plan completed in 2015. The federal plan will basically be the same as the state plan and comply with Map-21.

Paul then requested any comments from the group. Lennea Wolf (Skokomish Tribe) stated that some Tribes still have issues with not being allowed to vote in their MPOs and RTPOs, and cannot be on their policy boards, this needs to change. Secondly, funding projects based on VMT shouldn't be a major factor, as some projects simple don't have high numbers but are the only access route to communities. There needs to be a better way. Her third item was that there needs to be a clear connection with transit in all of these planning documents and that level of service need to be addressed in these plans.

Richard Rolland (NWTTAP) stated the plan needs to show connectivity between WSDOTs other plans (i.e. LRTP, Target Zero, and Coordinated Human Services Transportation Plan). There needs to be a more accurate Indian Reservation Road Inventory (IRR) in the state system. There needs to be better crash data and tribal law enforcement data in the state system.

Andrew Strobel (Puyallup Tribe) stated that the unique perspective of tribes needs to be addressed in this plan, like sovereignty, fisheries, cultural sites, and culvert issues. The state needs to integrate these topics into the WTP2035 plan. Additionally, there is the tolling /finance system, the state needs to address how they are going to deal with tribes not tolling and having funding issues for roadways not owned by the tribes. The plan needs to identify how the state will serve tribal needs in this area.

Gordon Nielson (Skokomish Tribe) stated that he would like to see WTP 2035 tell the story of what tribes are doing in transportation (i.e. transits, economic development) in the state and how it impacts the systems. Additionally, corridor capacity needs to be addressed and measure all modes (foot, bus, car etc...). It needs to show coordinated management of the infrastructure and what is working.

Michael Cardwell (Quinault Nation) wanted to know what other revenue sources are going to be accessible to Tribes and would like these to be identified. The state needs to look into what is going to happen to Tribes if VMT is added into funding distributions and how will it impact gas tax. Is there a plan to tax bike riders and walkers and does the funding go towards some of their projects or will it be pooled with the other revenue sources.

Julia Seyler (Kalispell Tribe) and Coey Gilleland (Stillaguamish Tribe) stated that there is a constant fight with transit agencies regionally and tribes for funding transit programs. It needs to be shown that Tribes are key players in regional transit systems. The need to fund tribal transit programs should be brought to the front in this plan.

Richard Rolland stated that the progress of the plan update from the WA Transportation Commission is available online and gave details on how/when to provide comment on WTP 2035.

Kim Stube (Cowlitz Tribe) requested comments from the TTPO for the WA State Coordinated Human Services Transportation Plan update, as she is the tribal representative on that committee, by April 16th, 2014. The main issue in the past was the RTPO/MPO and tribal working relationships. The committee got twice the funding for outreach as they did last year to address this. If the RTPO /MPO are not working with their local Tribe(s), please let her know so this can be addressed.

4. Tribal Transit

Julia Seyler presented on the draft position paper Bill Ramos is crafting along with the TTPO transit subgroup regarding MAP-21 and the TTP funds for transits. Coey Gilleland stated that there are 12 Tribes that have transits running in WA State; the majority of them are losing large sums of funding due to the new formula.

Kim Stube asked when the next ITA meeting will be and the location. Mary Beth Frank (Nez Perce Tribe and ITA Representative) stated that it will be in Polson, MT, June 4th-6th, 2014. Mary Beth Frank gave a briefing on ITA and stated that NW Tribes should come and start getting active with the organization. ITA is in an MOA with NCAI to form a position paper on MAP-21 and the new TTP Program. The work done on the draft paper in Denver, CO, recently was very productive on forming a unified position.

Evan Olson (WSDOT) introduced and presented on transit and the ALPACA tool that WSDOT has released to help deal with Title IV compliance. It assists with demographic data and really helps with outreach and demographics for smaller regions. The SOW for this program will be for it to be interactive, expandable, and usable by different interest groups. It will primarily focus on rural and smaller areas, as they have the most issues getting access to accurate data. It will be up and running within 1 year and it will be simple and intuitive. Currently, the plan is that you will be able to access 5 year estimates using census data and political boundaries. It will allow you to draw up your service area, print map with data table, upload data via GIF or CVS and compare various areas (regions). Gordon Neilson requested another source other than the American Community Survey be used for data because it isn't necessarily very accurate for Tribes. Skokomish Tribe is poor (75% below poverty) however, there are very rich people close in the area (Bill Gates, Nordstrom, etc...) and this causes inaccurate income reporting (averages), which greatly influence funding.

5. Training Opportunities

Casey Stevens introduced Sky Miller (Cardno Entrix) to present with him on wetland mitigation banking. Areas purchased to create wetland mitigation banks must be in the same watershed and future construction projects (same service area). There is an interagency regulatory guide from ACE, WDFW, and DOE that shows how to establish mitigation banking. Average time to create a functioning habitat that can be used for banking is 7 years. Another way to create a mitigation bank is "In Lieu Fee Program". This allows money to be collected from developers and then that money is used (over time) to establish a bank. It tends to be less beneficial because you may only need 2 acres of land but end up paying for 4. Tom Washington (WSDOT) asked if there a specific value per credit. Sky stated yes, it depends on how things need to be mitigated (how much habitat do you need and what kind(s)). Sky Miller distributed a handout with more detail. Andrew Strobel asked how credits were assigned to the Stillaguamish Tribe for their land needs. That's the point. The Tribal has never had any wetland mitigation credits built up before a project starts. Casey Stevens stated that the Tribe had to do wetland mitigation on the same parcel they did a road project on. This delayed the project substantially. Sky Miller indicates that there are **3 main options** for wetland mitigation. 1) Build a mitigation bank which you can use yourself and/or put shares of that bank up for sale in the open market. This is potentially very lucrative but "return on investment" can take 10-20 years, if ever. 2) Advanced mitigation – you preemptively build a mitigation bank that only your organization can use in the future. Up front capital is needed. If a project comes up with mitigation needs, having a wetland mitigation site already permitted and built will save considerable time. The Stillaguamish Tribe is considering using the Advanced Mitigation option. 3) Fee in Lieu Program - No capital is invested before a road project starts. Lowest cost option. You must start a project from scratch. If there are wetland mitigation needs, i.e. Mitigation planning, permitting and wetland construction, etc..., you cannot start until the road project is identified. Project delays will ensue using the Fee in Lieu Program. **Please note:** The success rate of creating a new wetland habitat for mitigation is much higher using options #1 and #2. The quality of the new wetland is much higher for #1 and #2 when compared to #3. Federal Highways recommends using #1 and #2 instead of #3. Pam

Journey (Cross Timbers Consulting) stated that the best way to speed actual construction along, is to start mitigation banking before design, permit, everything.

6. Safety

Pam Journey (Cross Timbers Assoc.) presented on streamlined Environmental Assessments via PEAs and the Everyday Counts Initiative. A Programmatic Environmental Assessment (PEA) complies with Section 106 and Section 7. The BIA really likes PEA because they decrease overall costs and time needed when multiple projects are occurring in a given area. PEA provides common impact assessments, tribal jurisdiction, and handles the Section 106 and 7. Then as each project for the area is funded, the only things needed are the smaller specifics of the EA. The PEA handles the routine environmental compliance. CEQ reg 40 CFR 1500.4 (i), 1502.4 and 1502.20 encourage PEAs. PEAs help eliminate the repetitive stuff in a given area for a group of projects. Each project only needs to focus on the specific details then. The cultural issues, and general endangered species information doesn't change in the area per each construction project. All agencies can use these, the only current issue is getting SHPO to allow the Tribes to speak to the federal agencies where Fee land is concerned and it is a state project due to SEPA requirements. FHWA, DFW are easier to work with because they allow for the THPO to handle the review.

7. Interagency Coordination

Lennea Wolf informed the group that she is currently the tribal representative on the Infrastructure Assistance Coordinating Council (IACC) Board and they are looking for other tribal representation. The group helps united various small municipalities and tribes with various infrastructure funding opportunities and education and outreach. The annual conference will be at Wenatchee September 30- October 2, 2014.

Megan Cotton (WSDOT) stated that the Tribal State Transportation Conference is going to be held on November 12 and 13th, 2014, at Great Wolf Lodge.

Michael Cardwell gave a briefing on the two resolutions passed at ATNI, increasing road maintenance funding and MAP-21 TTP funding. He stated that ITA in partnership with NCAI will be forming a white paper on the topics related to TTP Funds and MAP-21 to forward to the Senate.

Richard Rolland stated that Tribes need to create a unified position on MAP-21 and that the white paper group will be avoiding the formula discussion completely (per the Denver CO meeting that recently occurred) and there is need for the HPP program to be reestablished. Coey Gilleland distributed copies of the paper that ITA/NCAI is creating in regards to MAP-21 and transit funding. Mary Beth Frank reviewed the Denver paper via phone and stated that FTA needs any changes /recommendation by COB on Tuesday.

8. TTPO Business

The treasurer's report was presented by Annette Nesse. Current balance is \$ 28,300.58. TTPO paid the annual insurance last quarter in the amount of \$ 1,590.00, which was the only expense. Colleen Jollie (Womer and Associates) asked about the membership fee implementation plan. Annette stated that the officers are working on it; however it may not be cost effective. Currently TTPO funds are used for meeting costs, speakers, but the organization is not currently fundraising.

9. Announcements/Good of the Order

Megan Cotton let the group know that Charlene Nelson Chairwoman of Shoalwater Bay Tribe has retired and is being honored by WITPAC for all her service.

Michel Cardwell stated that the NWRO BIA is hosting training April 1st-3rd, 2014, in Spokane, WA. The state APA Conference is also in Spokane October 16th and 17th, 2014. The National APA Conference in 2015 will be in Seattle, WA. The grand opening for The NWIC Tacoma Flats Annex will be on March 21, 2014.

Richard Rolland stated that NWTAP agreement was signed by FHWA on March 5th, 2014. It added a ½ time safety person position to the budget. Online Census Classes' are available and please chat with Michele Siedenburg (NWTAP) about them. After the next ATNI, there will be a grant writing course offered in the western part of the state.

Next Meeting will be at Kalispel Tribe, on June 3rd, 2014. The group decided to do away with one of the quarterly meetings this year due to scheduling delays in the previous months.

Adjourned

Annual Board Meeting

Meeting opened by Casey Stevens (Stillaguamish Tribe).

By-Law Confirmation

Motion to Confirm By-laws purposed by Jim Longley, seconded by Casey Stevens.

Approved 11 yes, 1
abstain, 2 no

TTPO Officer and board elections

Kim Stube requested that Keri Shepherd place votes for her in the following manner as she needed to leave early; VP-Andrew Strobel, President- Michael Cardwell, Treasurer-Annette Nesse, Chairman-Casey Stevens, and Secretary-Keri Shepherd.

Motion to elect Dezeræ Hayes to the board made by Keri Shepherd, seconded by Casey Stevens.

Approved 14 to 0

Motion to nominate Keri Shepherd to the board by Jim Longley, seconded by Andrew Strobel.

Approved 14 to 0

Motion to elect Casey Stevens to the board by Jim Longley, seconded by Julia Seyler.

Approved 14 to 0

Motion to elect Casey Stevens as Chairman made by Jim Longley, seconded by Michael Cardwell.

Approved 10 to 0

Motion to retain Annette Nesse Treasurer made by Jim Longley, seconded by Keri Shepherd.

Approved 12 to 0

Motion to elect Michael Cardwell as President made by Keri Shepherd, seconded by Andrew Strobel.

Approved 12 to 0

Motion to elect Julia Seyler as Vice President made by Lennea Wolf, seconded by Keri Shepherd.

Motion to elect Andrew Strobel as Vice President made by Jim Longley, seconded by Julia Seyler.

Motion to paper vote on the position of Vice-President made by Michael Cardwell, Seconded by Annette Nesse. The paper votes were tallied by the secretary and ended in a 6 to 6 split.

Motion to share vice presidency between Julia Seyler and Andrew Strobel was made by Lennea Wolf, seconded by Keri Shepherd.

Approved 12-0

Motion to retain Keri Shepherd as Secretary made by Michael Cardwell, seconded by Casey Stevens.

Approved 12 to 0

Motion made by Keri Shepherd to hire a person for minute taking. Issued tabled until price options can be presented.

Announcements / Good of the Order

Matt Jensen (Lummi Nation) requested that Kirk Vinish be removed as the Lummi POC and stated that he is now it.

Adjourned

ACTION ITEMS

- **Officers to look into fee /due implementation (might not be worth the cost per Annette Nesse**
- **Minutes 8/20/13 and 12/3/13 tabled until next meeting**
- **Obtain pricing for hiring minutes taker (Keri Shepherd)**