

Tulare County Association of Governments 2022 Regional Transportation Plan (RTP) Tribal Outreach Strategy

Introduction

The United States Constitution and treaties recognize Native American communities as separate and independent sovereign nations within the territorial boundaries of the United States. In the Tulare County Region, there is one federally recognized tribal government. Federal legislation requires that federally recognized tribal governments be consulted in the development of Regional Transportation Plans (RTP) and programs (23 U.S.C. §450.312). In particular, the current federal transportation authorization – the Moving Ahead for Progress in the 21st Century (MAP-21) – reinforces federal emphasis on tribal government participation. President Obama, in his November 5, 2009 Memorandum on Tribal Consultation (Federal Register, Vol. 74, No. 215, November 9, 2009), reiterated the directive for public agencies to incorporate tribal consultation into their plans and programs in a timely and meaningful manner. At the state level, Governor Edmund G. Brown Jr.'s administration emphasized the importance of tribal-state relations through the creation of the Office of the Tribal Advisor (Executive Order B-10-112) in 2010. The Tribal Advisor's charge is to serve as a direct link between the tribes in California and the Governor; facilitate communication and consultations between tribes and State Agencies; and, review state legislation and regulations affecting tribes and provide recommendations.

At the regional level, there are minimal guidelines for consultation. How consultation should occur is left to the Metropolitan Planning Organizations (MPOs) and the tribal governments. Over the last decade, the Tulare County Association of Governments, as an MPO, has forged a strong working relationship with the Tule River Tribe based on a framework of communication, service, and joint projects. With each cycle of the RTP process, TCAG has engaged the Tribe in soliciting comments on issues regarding policy, scenario selection and project selection. TCAG has made presentations at the tribal Council Meetings, engaged in active transportation awareness at the reservation and worked with the City of Porterville to provide a number of transportation projects and services.

Caltrans was the first state agency in California to enact an agency-wide policy on tribal consultation. 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 the Tribal Employment Rights Ordinance (TERO) from individual tribes for employment and

contracting opportunities for Native Americans on Caltrans projects on or near reservations.

Led by TCAG, the Regional Plan combines an overall vision for the region's future with an implementation program to make the vision a reality. As the Tulare County Region's MPO, TCAG 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 revisited and discussed through a public involvement process among diverse stakeholders. The most recent RTP was approved by the TCAG Board of Directors in June 2018 and the next is anticipated to be approved in June 2022.

Tule River Tribal Background *(Provided by Gelya Frank of the Tribe).*

History

When gold was discovered in 1848, California was under American military occupation in the war against Mexico. Thousands of American prospectors poured into the territory. California statehood followed in 1850 and everything changed for the native people of the Great Central Valley. Although Spain, and later Mexico, had sent forays into the interior of California for a century and a half, the Indians of the foothills of the Sierras were relatively well protected. There were the safest of any California Indians from military expeditions, capture, and forced conversion at the missions. With the Gold Rush and California statehood, disease decimated the population. The ravages of disease were compounded by injustice and starvation. In 1860 the Indian population in California was only 20% of what it had been ten years earlier.

Stories & Legends

Many of the Stories told by the Elders of the Tule River Indian reservation have been handed down from generation to generation. Almost all of these stories reflect the ways and life of the Tule River Tribes. All of the stories however, carry a strong message to the youth and adults in the region. Significant historical facts on these stories come from Painted Rock. This is a formation located next to the Tule River, on the Reservation.

Arts & Crafts

In the old days, basket weaving was not only a common practice but a necessity of every day life. Baskets were used for cooking, gathering and storage. "Baskets were the early Tupperware," says Basket Weaver and Tule River Tribal Member Nicola Larsen. Baskets are made of various materials available on the reservation, such as pine needle, willow, sour berry, etc. Today, Basket weaving is a revived skill that is practiced amongst various Tule River Tribal members.

Language

At one time, there were many different dialects spoken amongst the original inhabitants on Tule River Indian Reservation. Today, some Tule River Tribal members still teach and practice their tribe's dialect to continue the culture. Denise Hunter teaches members of the community the Yowlumne dialect, with some Wukchumne. Her classes are held on Wednesdays at 4pm. For more information she may be contacted at 559.784.0973. Nicola Larsen has been teaching the Yowlumne dialect since 2002. This is a tradition she has carried on from her great grandmother Mary Santiago. Nicola not only covers language, but continues to teach other cultural practices such as acorn making, milk weed fiber making, songs, and so much more. All tribal members are welcome. Her classes are held in a trailer right behind the Education Center every Wednesday at 5pm and every Saturday at 10:30am

Economic Development

The Tule River Economic Development Corporation (TREDC), organized in the state of California and located in Porterville, CA on Tule River Trustee Land. TREDC is a non-profit organization that is owned by the Tule River Indian Tribe, and governed by a Board of Directors comprised by the Tule River Tribal Council. Having started Tule River Economic Development Corporation years prior to the advent of Indian gaming, it is now situated to help the Tribe diversify its revenue potential as well as employment opportunities for members of the Tribe. TREDC's business model is hierarchical with leadership and management oversight of day-to-day operations coming from the Chief Executive Officer (CEO) and the Executive Staff. TREDC operates businesses with onsite management for superior customer service. Current Economic Development Projects Include:

- Arrow Falcon Exporters, Inc.
- The Oak Pit
- Eagle Feather Trading Post #1
- Eagle Feather Trading Post #2 (Outside of the Tulare County Region)
- Burger Box

Planning and Transportation Issues

A number of planning issues surround this reservation, as it is located in a remote area far from major highways. Inadequate access to and from the reservation often results in a lack of economic opportunities, as well as insufficient health, social, and cultural services.

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. The State claimed that Cabazon was

violating state anti-gambling laws, while the tribe asserted its sovereign right to pursue its own economic interests. In 1987, the United States 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. The Tule River Tribe owns and operates a Casino and associated uses on the reservation, but has plans for a new casino on their trust land adjacent to the Porterville Airport and emerging business park. The existing casino provides jobs and economic development for the tribe and its members. Getting casino customers up the hill on narrow, winding roads has been a challenge since the casino was constructed. Although improvements to the road have been made over the years, and the City of Porterville has contracted with the Tribe to provide transit service to and from the casino, the Tribe has worked for years on a plan to relocate it.

The City of Porterville is the closest community to the reservation. Many tribe members live, work and recreate in Porterville and many of their children attend Porterville schools. The City of Porterville has a long-standing relationship with the tribe and contracts with them to provide needed services, including transit. When plans for a new casino near the airport first emerged, the City and Tribe created a Joint Powers Agreement to manage the roads and land within the city limits that were adjacent to the proposed site. This organization was funded by both parties and has an elected board.

As the Porterville Industrial Park has grown, access to the area has become an issue of major concern. Existing road and highway access has historically been inadequate to serve the existing and proposed truck trips from the businesses, as well as passenger vehicles from the new Sports Park and Fair Grounds. The construction of a casino in that area would put added strain on a system already struggling. There is little in the way of transit service to this area and current active transportation routes don't extend that far west or south.

Projects being considered in the upcoming 2022 Regional Transportation Plan

In order to help the tribe meet its economic development, safety, and environmental goals, TCAG has been partnering with the City of Porterville, Tulare County and Caltrans to help improve the transportation system in that area.

Past projects that benefit the tribe are shown on the map in yellow and include:

- Operational improvements to Reservation Road
- New Roundabout at SR 190 and Reservation Road
- Park and Ride lot at SR 190 and Reservation Road for transit buses serving the reservation.
- Widening of SR 65 from SR 190 to Teapot Dome Avenue, providing greater access to the industrial park.

Projects being considered in the future are shown on the map in red for roads and orange for active transportation, and include:

- Active Transportation Program funding for sidewalks in the reservation.
- SR 190 Corridor enhancements, per a recent corridor plan.
- Extension of the Tule River Parkway, giving greater access to the west of Porterville on foot or bike.
- The Butterfield Stagecoach Corridor project, bringing an active transportation trail through the community that will provide access to the north eastern portion of the industrial park and serve the Oak Pit restaurant owned by the tribe.
- Cross Valley Corridor Station, bringing people into the area using an alternate mode.



Past Outreach Efforts

Successful outreach for Regional Planning with the Tribe is a mixture of outcomes. We have had successes with some approaches and lacked successful interaction with others.

For years, the tribe has been a member of the TCAG Technical Advisory Committee. The tribe receives regular agendas and monthly meeting information and is invited to participate. Meetings include reviews of all official TCAG business and solicitations of comments by member agencies on all TCAG actions. However, the tribe does not want to participate on this committee, nor do they attend the meetings. Invitations and encouragement to attend continue regularly.

The tribe has also been invited to participate in past RTP Roundtables as a voting member. The Roundtable reviews the work done in preparation of the RTP and makes recommendations to the TCAG Board on related items including policies, scenarios and projects. During the 2018 the tribe was unwilling to participate on the Roundtable, even

when given the option of calling into the meeting to avoid a long trip to the meeting site. During the initial stages of the 2022 RTP, the tribe has already expressed that they will not be participating in Roundtable or other related meetings. Their stated reason was concern over COVID and lockdowns, and the struggles having sufficient staff during these times to do the work, even when given teleconferencing opportunities.

What has worked well in recent efforts is physically going to the reservation and meeting with them at their facilities. During the 2018 RTP outreach efforts TCAG attended a Tribal Council meeting to give and update on the plan and solicit their input on a preferred scenario. The Council was pleased to get this report and offered excellent advice. Meeting their staff at the reservation to examine the sites for an active transportation project went well too. A short time after that, TCAG held a bike rodeo to build awareness in youth on bike safety principles and connect with the community. There was a great deal of support from the tribe and the families there for this event.

This is not unlike the results TCAG has seen with outreach to other groups: not much success bringing them to workshops, but a lot of success when we “go where they already are.”

Upcoming Outreach Efforts

As the tribal reservation continues to develop, the need for establishing a government-to-government framework at a regional level has become increasingly apparent. The tribe operates under independent constitutions, has their own system of governance, and establishes and administers their own laws. This sovereign status of tribal governments dictates that the United States, and all agencies operating within it, is expected to engage in government-to-government relationships with Native American tribes. Government-to-government interaction with Native American tribes should follow the principles of coordination, cooperation, and consultation.

Having learned a great deal from the successes of past outreach efforts, TCAG will be engaging the tribe to the maximum extent possible during the 2022 RTP process. Specifically, TCAG will be:

- Continuing efforts to include the tribe in the monthly Technical Advisory Committee
- Continuing efforts to include the tribe in the RTP Roundtable and its meetings
- Continuing efforts to include the tribe in the Rural Communities Committee (focused on environmental justice issues)
- Working with FHWA and Caltrans staff to better understand tribal needs and effective communication techniques
- Contacting the tribe to ask them how they would like to be involved in this process this time around

- Attending Tribal Council meetings to present plan updates and solicit feedback (as far as quarantine measures allow)
- Conduct another bike rodeo to further promoted bike safety and solicit feedback from participants on important RTP issues
- Work in tandem with the City of Porterville to communicate with the tribe and partner on the preparation of plans and projects
- Use Facebook ads and other social media to reach residents directly with plan updates and solicit feedback