

2015 Minnesota Tribes and Transportation Conference Report



**Tribal Technical
Assistance Program**
Michigan Technological University

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Executive Summary

The Minnesota Department of Transportation (MnDOT) maintains close relationships with American Indian communities. The close working relationships foster a collaborative environment that benefits all the agencies involved. These close relationships are maintained via a State Tribal Liaison, the Minnesota Indian Affairs Council, the Advocacy Council for Tribal Transportation (ACTT), and other state offices. The successful working relationships between tribes, federal, and state agencies enhance tribal sovereignty by firmly establishing the intergovernmental nature of these contacts.

One of the ways the Minnesota model of mutually-beneficial intergovernmental relationships is demonstrated is through the Minnesota Tribes and Transportation Conference (MNTTC). Begun in 2002, the conference brings tribal, state, local, and federal representatives together to discuss important issues and strengthen cooperation into the future. The focus of this year's conference was "Technology and Innovation in Tribal Transportation."

The 2015 Minnesota Tribes & Transportation Conference was hosted by the Lower Sioux Community October 13-14, 2015 at the Jackpot Junction Casino Hotel in Morton, Minnesota. More than 150 attendees, presenters, crafters, and vendors representing tribal, state, and federal agencies attended the conference. Nine of the eleven federally recognized tribes were represented at the conference.

The two-day conference proceeded with a general session and four parallel breakout tracks on the first day. Each breakout session provided opportunities for discussion in smaller groups and more focused attention to specific topics. In addition, there were local crafter booths, and vendors set up displays that included hands-on activities and equipment in the main expo center. The breakout tracks for day one were: Leading the Way- Cultivating an Emerging Workforce; Mission Accomplished- A Joint Venture in Process and Safety; Innovative Technology and Data Sharing; and Plugged In- Tools for Traffic Safety.

Day two of the conference had four breakout sessions. Breakout Session 1 covered Jurisdiction- Indian Lands and Territories and Tribal Lands Swipe Map and Data Updates. The topic for Breakout Session 2 was Testing Technologies: Soil Compaction and Density Testing: Grading, Base, and Bituminous Basics. The topic for Breakout Session 3 was Gimmick or Real – Innovative Transportation Safety Devices: RIWCS (Rural Intersection Conflict Warning System). The topic for Breakout Session 4 was Working in Indian Country – What is Fee Land and What is Trust Land?

The conference concluded with a general session discussing the Emergency Relief for Federally Owned Roads Program (ERFO), a summary of the events of the conference, some door prizes, and closing songs by the Red Tree Drum Singers. After the conclusion of the conference, attendees were invited to take a tour of the Lower Sioux Agency Historic Site and museum, located only two miles from the conference center. Throughout the conference, attendees had many opportunities for informal networking and discussion, including a unique banquet meal prepared under the direction of Sean Sherman, the "Sioux-Chef", who uses traditional Dakota and Ojibwe ingredients and cooking techniques.

This report provides an overview of conference proceedings and activities and summarizes details on attendance and content. Additional information, including the full presentations of most speakers, is available at the Eastern Tribal Technical Assistance Program website at <http://ttap.mtu.edu/mnttc>.

Tuesday, October 13, 2015

General Session

The general session opened with Mr. Ed Fairbanks, MnDOT Tribal Liaison, welcoming and thanking everyone for attending. He gave a special thank you to the Lower Sioux Indian Community for hosting the event, served as the moderator throughout the general session, and gave numerous acknowledgements and thank you messages as the session unfolded. Mr. Fairbanks announced the advancement of colors grand entry by the Lower Sioux Honor Guard and songs by the Red Tree Drum Group and Singers, and then thanked and acknowledged all of the veterans and law enforcement in the room. Glen Goodthunder, elder with the Lower Sioux, then gave the invocation. Mr. Fairbanks followed with some housekeeping items, then introduced Mr. Robert Larsen, Chairmen of the Lower Sioux Community, who thanked participants and welcomed everyone to the Lower Sioux Indian Community.

Opening Remarks

The following three speakers gave opening remarks and introduced programs and topics of general interest to the tribal transportation audience.

Michael Barnes, Assistant Commissioner, MnDOT, gave a brief overview of what to expect during the conference and stressed the importance of the conference as it brings representatives from multiple agencies together to communicate and network. He then thanked those involved with the conference planning and followed that up with an introduction of the district engineers that were in attendance.



Michael Barnes, Assistant Commissioner, Minnesota Department of Transportation, welcomed attendees to the conference.

Arlene Kocher, Division Administrator, Federal Highway Administration (FHWA), introduced herself as new division administrator as she was appointed to the position four months prior to the conference. She welcomed attendees, gave some brief comments, and mentioned that there are three main points that she would like to work on with tribal communities including; 1) improving partnerships so that the issues that FHWA works on will meet tribal goals, 2) work with tribal communities to reduce unemployment through increased workforce training, and 3) to focus on improving safety, ranging from pedestrian safety to incorporating safety programs like Towards Zero Deaths, to helping tribes with other safety programs.

Todd Kennedy, Regional Road Engineer, Midwest Region, Bureau of Indian Affairs (BIA) thanked Chairman Larson and the Lower Sioux Community for hosting the conference. He gave an update on the Tribal Transportation Program (TTP) including a brief history and an explanation of funding. Funding for the TTP needs both authorization and appropriations through the federal funding bill. Given the current state of federal funding and the status of the current transportation bill, there is often a delay in funding. Continuing resolutions have been put in place to try and keep the transportation funding moving along, but an actual long term transportation bill needs to be put in place in order for tribes and federal agencies to be able to effectively plan and manage projects. The stops and starts associated with continuing resolutions make it difficult to do any long range transportation planning. There are two new transportation bills being considered. One bill that is working its way through congress is called Generating Renewal Opportunity and Work of Accelerated Mobility, Efficiency, and Rebuilding of Infrastructure and Communities throughout America Act, or the GROW AMERICA Act, is a \$478 billion, six year transportation reauthorization proposal. Of that total, \$507 million/year would be designated for tribal transportation, with an increase of approximately \$10 million/year. There would be no change in the statutory funding formula, or with the reintroduction of High Priority Projects (HPP) funding, and it includes increases in safety and bridge funding. All of this will theoretically show a \$5 million increase that will go into the tribal share. There are a few other proposed transportation bills also being considered. Of all the possible bills, the important thing to note is that there are no proposed changes to the statutory funding formula. The most notable addition is the reintroduction of HPP, which is an additional funding source that tribes can apply for.



Grace Goldtooth-Campos, Tribal Historic Preservation Officer for the Lower Sioux Indian Community, gave an overview of Lower Sioux tribal history.

Tribal History

Grace Goldtooth-Campos, Tribal Historic Preservation Officer for the Lower Sioux Indian Community, gave an overview of Lower Sioux tribal history. She invited the attendees to visit and explore the area to get a better understanding and appreciation of the community. The Lower Sioux Community was established in 1934, and they currently have over 980 members, more than half of whom live in the area. Their community has 1750 acres of land in trust. She thanked everyone once again for attending and welcomed everyone to her community.

Providing National Programs Perspectives

Cindi Ptak, Tribal Transportation Program Manager with FHWA, Office of Federal Lands Highway (FHWA-FLH), gave an overview of the Tribal Transportation Program in regards to FHWA-FLH. She started with updates to the 25 CFR 170. The rule was updated over a two year process involving six consultation sessions around the country and a thorough review of over seven hundred public comments. They are hoping the new rule will be published in early 2016. Publishing of the new rule will be subject to any

changes in a new transportation bill, and if a bill is passed that differs greatly from the current bill, it could delay publishing as the rule is reviewed in relation to the new legislation. She next gave an update on the safety funding. Safety funding is considered a 2% takedown, which is money that is set aside specifically for the program, and this will translate into approximately \$8.5 million/year. Over the last two years, 287 projects were funded for a total of \$17 million. There were 168 project applications for fiscal year 2015, amounting to approximately \$38 million. These projects are under review and awards will be announced later in the year. One thing of note with this funding is that proposed projects need to be tied back to a Safety Plan or some sort of comprehensive transportation safety strategy. FHWA-FLH has a number of resources available to assist tribes with creating or updating their safety plan. She then announced that the Safety Steering Committee, which is a FHWA committee composed of tribal members, BIA, FHWA, and other federal agencies, is being reestablished. The purpose of the committee will be to update strategies for transportation safety in Indian Country. She then gave an overview on bridge funding. Like safety funding, bridge funding is a 2% takedown, which equates to approximately \$8.5 million/year. Sixty-five bridge applications have been funded since fiscal year 2013, and there is no deadline for submitting an application for funding. She then discussed bridge inspections. All BIA and tribal bridges must be inspected every two years by qualified inspectors, but there is currently no funding available for these inspections. This will be addressed with the new transportation bill, which has additional funding available to assist tribes with bridge inspections. She then gave a brief update on the updated Transportation Investment Generating Economic Recovery (TIGER VII) competitive grant program.

Todd Kennedy followed Ms. Ptak to give a regional perspective on the options available to tribes for delivering the Tribal Transportation Program. These options include: direct service, or force account contracts, which accounts for 2% of tribes nationally and none in the Midwest; Title I – PL93-638 self-determination contract, which accounts for 34% nationally, and 49% in the Midwest; Title IV – Self-governance Compact, which accounts for 7% nationally and 11% in the Midwest; Program Agreement with the FHWA, with 22% of tribes nationally, and none in the Midwest; and Program Agreement with the BIA, which accounts for 35% nationally and 40% in the Midwest. Mr. Kennedy then discussed the use of 23 USC 202 (a)(9) “Title 23” funds for tribes, which allows tribes to work with neighboring agencies use funds provided by the BIA and FHWA and serve as the leads on the projects. Four tribal projects within Minnesota have been completed using Title 23 funds. He then further explained something he had mentioned in his earlier presentation regarding funding - that there wasn’t a maintenance formula in place. The current methodology being used has been in place since the late 1980s, and they haven’t refined the percentages of where the money goes since 1993. Not only is the program underfunded, the program and distribution hasn’t changed either. In regards to tribal shares, MAP-21 has negatively affected the



Todd Kennedy, Regional Road Engineer, Midwest Region, BIA, gave a regional perspective on the options available to tribes for delivering the Tribal Transportation Program.

majority of Midwest tribes. Of the 34 tribes in the Midwest, four see minor increases in funding over the course of the bill, while the remaining 31 see decreases in funding. This amounts to a decrease of approximately \$3 million for each transition year under the current MAP-21 formula.

Climate Change and Its Impact to Infrastructure

Kenny Blumenfeld, Ph.D, senior climatologist with the Minnesota Department of Natural Resources Division of Ecological and Water Resources, described how the state climatology office, although a part of the Department of Natural Resources, acts as an autonomous department with three personnel on the campus of Minnesota State University. They collect all the state data on climate. The consensus of observed changes and their causes is that human influences on the climate change is clear - the atmosphere and oceans have warmed. Trends of climate were discussed including temperatures, precipitation, extreme rain, snowfall, thunderstorms, heat waves and drought. Some effects on transportation of these events include damage to roads, reduced pavement life cycle, pavement buckling, overheating vehicles, more erosion, etc. Based on data collected on the annual temperatures and precipitation from 1895 until 2014, there is a clear trend toward both warmer and wetter conditions and extreme cold events are becoming rare. Extreme heat events have not become more common, yet. The Midwest region has seen a 37% increase in the frequency of rainfall events and Minnesota “mega” rain events have become more common and droughts are currently not changing. The presentation was concluded with where you can find data and projections.

Breakout Session: 1 - Leading the Way- Cultivating an Emerging Workforce

NTSI Summer Camp- Engaging the Next Generation of the Transportation Workforce

Stephanie Malinoff, Director of Outreach Services for the Center for Transportation Studies at the University of Minnesota, discussed how the University of Minnesota was involved in several summer camp initiatives, including hosting a National Summer Transportation Institute (NTSI) program. The goal of the program is to introduce students in elementary and middle school to careers in the transportation industry. The session focused on the student experience at these camps, lessons learned, and how people may be able to get involved next summer.



Moke Eaglefeathers, representative from the Cement Masons Union #633, discussed the partnership between MnDOT and the cement masons.

Training Partnership Program for Cement Masons

Moke Eaglefeathers and Tom Reger, representatives from the Cement Masons Union #633, along with Maria Conley, Transportation Program Supervisor with the Equal Employment/Contract Compliance office of MnDOT, discussed the partnership between MnDOT and the cement masons. Maria Conley talked about the On the Job Training (OJT) requirements based on the state/federal guidelines. The purpose is to train and upgrade minorities, women and disadvantaged persons to

work on FHWA funded projects. The OJT goals for the state of Minnesota in 2015 were to have 100 trainees statewide on federal transportation projects. At this point, there are already 211, which means next year's goals will be raised again. MnDOT helps contractors to meet the goals by providing a needs assessment to identify trades and geographic areas with skills gaps, network with training providers to identify best practices, coordinate and fund new and innovative training programs, and help programs to improve by providing feedback and outcomes reporting. Partnering with unions has never happened before, nor has MnDOT brought trainees to the trainer or required a fee for training services. Information was also given on percentages of minorities throughout the state and numbers of apprentices by year. Some of the benefits of the partnerships include a stronger economy, increased productivity and knowledge transfer from more experienced to less experienced work force, and enhanced employee retention. Moke Eaglefeathers began training in a pilot program that was looking for Native American instructors four years ago. Five Minnesota tribes have participated in the program thus far. Each participant receives 420 hours of training, and thirteen trainees have graduated from the program with an average salary of \$24.58 an hour. The program is set up so that the tribe covers part of the training cost, and if a trainee doesn't finish the program, they are required to pay back their tribe. Moke did personal interviews with all of the applicants so that there was no bias from the tribes. Trainees received OSHA 30 training through this program as well. The training was very hands-on, so that once the trainees get on the job, they are not surprised by the workload or hours, etc. The unions are striving for women cement masons as they tend to have better attention to detail and technique.

Results of Invasive Species Weed Study within Minnesota Reservation Boundaries and Next Steps

Tina Markeson and Ken Graeve, with the Roadside Vegetation Management Unit of MnDOT Office of Environmental Services, discussed roadside seed mixes – why they're important and how to choose the right ones along with invasive species control – how they're using mapping to prioritize control, and how the two are related. Various vegetation management needs were noted including: safety, invasive species control, aesthetics, and radio towers. It is important to make sure the correct seed mix is planted according to site conditions and other factors. Some factors include wet/dry, sunny/shade, areas that need to be kept short in height or short/long term objectives, etc. Resources used for selecting mixes include Vegetation Establishment Recommendations, MnDOT Seeding Manual, and MnDOT Plant Selector. Several types of plants were then highlighted. Having a diverse well-established roadside vegetation is good for several ecosystem services: stormwater filtration and infiltration, aesthetics, and habitat (pollinators). Some ways that invasive species hinder these services include: by reducing the diversity, the resilience is lowered, poor aesthetics most of the year, and the habitat for pollinators would not be plentiful year-round. Invasive species cause \$33 billion worth of damage to agriculture and forestry in the United



Tina Markeson with the Roadside Vegetation Management Unit of MnDOT Office of Environmental Services discussed roadside seed mixes.

States every year. The highest impacts on the transportation system include reduced sight-vision, increasing erosion, damaging drainage and structures and compromising safety of mower operators and mechanics. MnDOT has been able to discover and control many new invasive species. Due to not having resources to control all invasive species, MnDOT has started mapping them. By creating an inventory of invasive species, MnDOT is able to better prioritize control efforts, track progress, communicate needs and accomplishments within the department, and educate the public on the prioritization. Examples were then discussed.

Breakout Session 2 - Mission Accomplished- A Joint Venture in Process and Safety

Bena Trail

Art Chase, with the Leech Lake Band of Ojibwe Roads Department, and Carol Zoff, the MnDOT Great River Road Program Manager and senior landscape architect with MnDOT, discussed work on the Bena Trail. Art Chase went over why it was needed, and the process the Band used to get it. The trail was needed as there is a housing project “Old Housing” near Bena which has many families with children and elderly and most did not have vehicles. Their only way to get to Bena was to walk along the edge of



Carol Zoff, the MnDOT Great River Road Program Manager and senior landscape architect with MnDOT, discussed work on the Bena Trail.

Highway 2. This was dangerous to pedestrians because highway is one of the busiest two-lane roads in the state and the intersection of HWY 2 and County Road 8 in Bena is one of the deadliest in the area. The phases which brought the trail into fruition included: meeting with tribal council, writing the proposal and including in the Tribal Transportation Improvement Plan, receiving permits from the U.S. Forest Service and MnDOT, coordinating with MnDOT, working with Cass County to apply for a TAP grant, receiving \$200,000 and \$2,000 from MnDOT, and construction. This 0.62 mile trail will become part

of the Mississippi River Trail (MRT) System. Phase two of this trail will be to extend 2.2 miles of trail west from Old Housing. Carol Zoff then followed up by going over the MnDOT side of this project. The Great River Road, coming from the Mississippi River Parkway Commission goes through ten states. She then gave a brief history of the Mississippi River Parkway Commission and the Great River Road, and described how they just finished an eighteen month corridor management plan process. With the help of a technical advisory committee (including White Earth, Leech Lake, Prairie Island and the Indian Affairs Council), they were better able to understand how to improve the quality of life locally and be able to leverage the ten state’s amenities to help with economic development. One of the highlights of this presentation is the collaboration between different government entities to reach a common goal. Some traditional tribal lifeways were discussed including wild rice, hunting, and fishing, etc. Lastly, the possible three phases of the Bena Trail were highlighted.

Grand Portage Ferry

Lynnette Rochelle, with MnDOT State Aid, and Dave Danz, with the Grand Portage Band of Lake Superior Chippewa, presented a case study in cooperative inter-agency due diligence. Funding for the ferry came from the MAP-21 Ferry Boat Formula Grant Program in which funds are apportioned to eligible ferry boat services and facilities. The eligibility criteria for this grant was discussed along with the description of the ferry boat operations and facility at Grand Portage. Early in the project planning FHWA, informed them that formula funds had already been determined and the Grand Portage Ferry was ineligible as the vessels are privately owned. After explaining to FHWA that the ferry service was contracted with the National Park Service, it was determined the Grand Portage Ferry was eligible and FHWA recalculated the funding formula to include Grand Portage. Federal Highway Funding was then discussed. There are many types of projects that are eligible and different ways to apply for funding. The most common is through the Area Transportation Partnership (ATP). Some of the policies of FHWA and MnDOT were described along with what SALT Customers are. Some policies do not respect tribal sovereignty and so they must follow other options. The ferry boat funds were transferred through the BIA. The process of transferring funds from federal agencies to an agency that can “best handle” the type of project funded are meant to make people deal with more than one agency at a time and even though they’re all federal funds, the rules for each are not the same. Getting the transfer from FHWA through BIA to Grand Portage was then discussed.

Tribal Safety Plans – Education & Enforcement: Tribal Law Enforcement in Red Lake & Highway Safety to Save Lives

Captain Dana Lyons Jr, Officer Ron Leyba, and Police Chief William Brunelle, with the Red Lake Police Department, discussed and gave a background perspective of Public Law 280. They also discussed their Tribal laws in regards to federal jurisdiction. They then gave an overview of where they started and how they have developed their highway safety program which is funded by the Indian Highway Safety Program (IHSP). They have faced, and continue to face, a number of challenges, even though traffic enforcement is similar regardless of where you are located, jurisdictional influences can dictate the authority of both tribal and state officers both on and off the reservation. Recent agreements between tribes and the state have expanded and defined these jurisdictional “gray areas.” Through increased education and enforcement efforts, and numerous community events, they have increased public awareness and provided a safer community, lowered crash rates, and decreased injury and fatality rates.



Officer Ron Leyba, with the Red Lake Police Department, discussed and gave a background perspective of Public Law 280.

Tribal Injury Prevention Program – Featuring Fond du Lac’s Injury Prevention Program: Building Partnerships for Tribal Traffic Safety Programs

KaRee Lockling, with the Fond du Lac Band of Lake Superior Chippewa (FDL), highlighted traffic safety efforts on the Fond du Lac Reservation including; child passenger safety, distracted driving, and seat belts use. The FDL Injury Prevention program utilizes partnerships on and off reservation to increase educational efforts and to advocate and support enforcement of traffic safety ordinances.

Breakout Session 3 - Innovative Technology and Data Sharing

Introducing MAID (Minnesota Archaeological Integrated Database)

Dr. Ron Shirmer, Anthropology Professor at Minnesota State University, Mankato (MSU), demonstrated how the Minnesota Archeology Integrated Database (MAID) was developed to help make archeological data accessible. Archeologists and collectors have generated huge collections of artifacts over the last 150 years or so, and many don't know where they're stored or what is there. There is no single source that holds all the information who has possession of it, what is in the collection, where the artifacts came from, what are the physical properties of the objects, etc. There are many people that can benefit from the information including: public agencies, consultants, researchers, museum personnel, decedents of those who created it, basically everyone! Some examples of archeological data include: field notes, maps, photographs, inventories, lab documents, reports, background information, etc. There was a need to collect of this information into a single system, thus creating MAID. This project is a partnership between MSU Mankato and MnDOT. In the first year, parameters of data collection were established along with a range of supporting documentation and programming parameters and execution. During the second year, the functionality and a testable prototype is to be created. There will be outreach to as many repositories as possible to determine the types and extents of holdings and current cataloguing and database systems. A plan was outlined for data integration and hopefully adoption and establishment on an MSU Mankato server with access via the web. Plans for the future include working with partners across the state to populate the system and migrate it to MnGeo (the system will remain as MSU Mankato temporarily, but ultimately would be state managed).



Tom Zimmerman, Prevention Maintenance Transportation Operations Supervisor with MnDOT, discussed MnDOT pavement maintenance.
photo: David Gonzalez, MnDOT

Better Patching for Better Roads

Tom Zimmerman, Prevention Maintenance Transportation Operations Supervisor with MnDOT, discussed the historical way MnDOT maintained its pavements and compared it to the direction the agency current operates. Some of the topics covered included: a brief history of patching, the progression of patching efforts (material changes, advances in equipment and changes in methods), Better Pavement Management for Better Road Maintenance (BPBP), and what's next. Some of the methods mentioned included: horse and buggy, hand placing with side forms, asphalt rollers, air

compressor crews, air patching, wedge paving, etc. MnDOT District 1 initiated a research project through the University of Minnesota – Duluth on how well the patching was working over time. Many different innovative patching equipment was brought in, used, and tested. The end result was the document *Better Patching for Better Roads*. This can be found at <http://www.dot.state.mn.us/maintenance/operations.html>.

Breakout Session 4 - Plugged In- Tools for Traffic Safety

Minnesota Crash Mapping Analysis Tool (MnCMAT) Demonstration

Sulmann Khan, Program Support Engineer in the Traffic Safety Division of MnDOT, gave a demonstration on the Minnesota Crash Mapping Analysis Tool (MnCMAT), which is a tool that can be used to help traffic safety professionals easily map and analyze crash data within the state. Users were able to use the tool to filter crash data and create outputs such as data exports, maps, charts, and reports to help with crash data analysis using computers that were provided.

Understanding Transportation Safety Risks on Tribal Lands: Learning From a Collaborative Research Project with American Indian Communities in Minnesota

Dr. Kathy Quick, Assistant Professor, and Dr. Guillermo Narvaez, Research Associate, Public and Nonprofit Leadership Center, Humphrey School of Public Affairs, both at the University of Minnesota, explained how the rate of death and significant injury from motor vehicle crashes is much higher for American Indians than for other populations in the United States. Unfortunately, there has been very little research regarding the sources of risk, good practices, and the most important areas for policy development, resource allocation, and management innovation. They described how the purpose of the study is to gain a richer, more informative picture of the sources of risk, success stories, and priority areas for new resources, policy change, or management innovation to improve safety. They presented the results of their first 12 months of data collection and analysis, and discussed the next steps they will be taking in their study.



Dr. Kathy Quick and Dr. Guillermo Narvaez with the Public and Nonprofit Leadership Center, Humphrey School of Public Affairs, both at the University of Minnesota, explained how the rate of death and significant injury from motor vehicle crashes is much higher for American Indians than for other populations in the United States.

GIS for Improved Tribal Traffic Safety Plans Featuring Mille Lacs Case Study: How GIS Can Help with Tribal Safety Planning

Thomas Horan, Professor at Claremont Graduate University, provided an overview of a set of new Geographic Information System (GIS) applications that could assist Tribes with transportation safety planning. The interactive presentation provided participants with a way to learn about GIS, see the impact of these systems on improving transportation safety, and provide feedback to researchers who

are investigating and creating applications that could be used by tribes for transportation safety planning and programming.

Computer Lab

At the conclusion of the above presentations, attendees were provided access to computers for a hands-on look at the tools that were discussed.

Wednesday, October 14, 2015 Sessions

General Session

David Scott, Assistant Division Administrator with the FHWA, Minnesota Division, welcomed everyone for day two of the conference. He provided a wrap-up of the previous day's sessions, and outlined the topics for day two.

Breakout Session 1



Levi Brown, Environmental Director with the Leech Lake Band of Ojibwe, identified what civil regulatory jurisdiction is and how it relates to transportation.

Jurisdiction- Indian Lands and Territories

Levi Brown, Environmental Director with the Leech Lake Band of Ojibwe, identified what civil regulatory jurisdiction is and how it plays out, more specifically, toward transportation. The “reserved rights” doctrine, a fundamental principle of Indian law, is any right not expressly extinguished by a treaty or federal statute that is reserved to the tribe. Leech Lake was highlighted in this presentation. Some key points discussed included: who has the responsibility to govern, how might tribes regulatory authorities differ (open vs. closed, specific to land ownership,

treaty boundaries, ceded territories), federal actions and tribal consultation, and the importance of understanding who the regulating authority is and how to successfully work with them. Some important events in Leech Lake’s regulatory history were then discussed.

Tribal Lands Swipe Map and Data Updates

Peter Morey with MnDOT demonstrated the MnDOT Tribal Swipe Map application, which depicts data supplied by Tribal governments and the BIA against data that MnDOT has in its tribal lands file. In addition to showing the application, he discussed the efforts undertaken to update the MnDOT tribal lands within the system.

Breakout Session 2

Testing Technologies: Soil Compaction and Density Testing: Grading, Base and Bituminous Basics

Terry Beaudry, with the Material and Road Research Division of MnDOT, discussed the basics of grading and base specifications including: compaction methods and specifications for subgrade and base (Proctor, DCP, LWD, Density Gauges), moisture content requirements and testing, gradations; MnDOT Bituminous and Presentation Mix Basics: Overview of MnDOT bituminous, reclamation and pavement preservation mixes.

Breakout Session 3

Gimmick or Real- Innovative Transportation Safety Devices: RICWS (Rural Intersection Conflict Warning System)

Cory Johnson, ITS Program Engineer/Traffic Research Director with the MnDOT Office of Traffic, Safety, and Technology, demonstrated how the Rural Intersection Conflict Warning Systems (RICWS) is part of Minnesota's Towards Zero Deaths program. The goal of the program is to have zero deaths on all Minnesota's roadways. He explained how the successful decline of fatalities is due to engaging in the four E's: Education, Enforcement, Engineering, and Emergency Services. Attendees were given examples of intersection strategies. He discussed a number of topics including: warning systems, safety trends, driver behavior, warning system testing, guidance for use of warning systems, warning system projects, and warranty and maintenance of warning systems.

Breakout Session 4

Working in Indian Country- What is Fee Land and What is Trust Land?

Joe Halloran, and Mark Anderson, attorneys with the Jacobson Law Group, and Lisa Johnson, Real Estate Specialist with the Mille Lacs Band of Ojibwe discussed land tenure and issues around processing rights-of-way within Indian Country. Many definitions were discussed including: Indian Country, indian reservations, legal title, beneficial or equitable title, fee lands, trust lands, fee patent, trust allotment, restricted fee allotments, public domain allotments, forced fee patent, fractionation or fractionated interests, title status report (TSR), easement, and right of way. Easement and Right of Way were then discussed in-depth. Some of the basic components of rights of way include: permission to survey – consent of landowners, application for right-of-way, appraisal, negotiations, environmental review (NEPA), engineer's affidavit, applicants



Joe Halloran, and Mark Anderson, attorneys with the Jacobson Law Group, and Lisa Johnson, Real Estate Specialist with the Mille Lacs Band of Ojibwe discussed land tenure and issues around processing rights-of-way within Indian Country.
photo: David Gonzalez, MnDOT

certificate, legal descriptions, an affidavit of completion, tribal approval and grant of right-of-way. These were then defined and resources were noted.

General Session: Who's Responsible When Disasters Strike? Understanding the Essentials of ERFO (The Emergency Relief for Federally Owned Roads Program)



Cindi Ptak, FHWA- Federal Lands Highways gave an overview of how Federal Lands Highways fits into FHWA, the regional division offices of FHWA-FLH. She also explained the Emergency Relief for Federally Owned Roads Program.

Cindi Ptak, FHWA- Federal Lands Highways (FLH) gave a brief explanation of how Federal Lands Highways fits into FHWA, the regional division offices of FHWA-FLH, and who attendees should contact. She explained what the ERFO program is, and what they can do to assist tribes. She explained the differences between ERFO and Federal Emergency Management Agency (FEMA) funding. ERFO funding is 100% reimbursable, while FEMA funds require a 25% match. ERFO funding is for roads that are in the inventory only. ERFO funding is contingent upon an FLH division engineer declaring an ERFO event, and the tribe must have a signed agreement with FHWA. ERFO funds can be used for a federal lands

transportation facility, tribal transportation facility, and federally owned roads open to public travel, whether or not those facilities are classified as federal-aid highway. Todd Kennedy then described the process Midwestern tribes have gone through when they declared ERFO events. He described how, for one particular weather event, they combined a number of tribes in the region to meet the minimum funding threshold. Coordination, communication, and documentation with pictures is key to the process.

Closing Remarks

At the conclusion of the presentation, Jon Huseby, MnDOT District 8 Transportation District Engineer, provided a recap of the conference. John Velat, Director of the Eastern TTAP then wrapped up the conference with door prize drawings, and the Red Tree Drum Group and Singers closed with a couple songs.

Appendix

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2015 Tribes and Transportation Conference

Technology and Innovation in Tribal Transportation

October 13-14, 2015

Jackpot Junction, Morton, MN

Tuesday, October 13, 2015	
7:30 – 9:00 a.m.	Registration / Networking / Coffee & Rolls
9:00 – 10:00 a.m.	<p>General Session – Grand Eagle Ballroom I & II Lower Sioux Indian Community</p> <ul style="list-style-type: none"> • Welcome – <i>Robert Larsen, Chairman</i> • Advancement of Colors – <i>Lower Sioux Honor Guard</i> • Grand Entry & Flag Song – <i>Red Tree Drum Group and Singers</i> • Invocation – <i>Glen Goodthunder, Elder</i> • Tribal History – <i>Grace Goldtooth-Campos, Tribal Historic Preservation Officer</i>
10:00 – 10:45 a.m.	<p>Opening Remarks – Grand Eagle Ballroom I & II</p> <ul style="list-style-type: none"> • <i>Michael Barnes, Assistant Commissioner, Minnesota Department of Transportation</i> • <i>Arlene Kocher, Division Administrator, Federal Highway Administration</i> • <i>Todd Kennedy, Regional Road Engineer, Midwest Region, Bureau of Indian Affairs</i>
10:45 – 11:15 a.m.	Break – Vendor Fair & Dacotah Expo Center – Technology and Innovation in Transportation
11:15 – 12:00 p.m.	<p>Providing National Programs Perspectives – Grand Eagle Ballroom I & II Keynote Speakers:</p> <ul style="list-style-type: none"> • <i>Cindi Ptak, Tribal Transportation Program Manager, FHWA, Washington, DC</i> • <i>Todd Kennedy, Regional Road Engineer, Midwest Region, Bureau of Indian Affairs</i>
12:00 – 1:00 p.m.	Lunch – Tatanka Ballroom

Tuesday, October 13, 2015 - Breakout Sessions

<p>1:00 – 2:00 p.m.</p>	<p>Climate Change and its Impact to Infrastructure – Grand Eagle Ballroom I & II Keynote Speaker: <i>Kenny Blumenfeld, Ph.D., Sr. Climatologist, State Climatology Office, Minnesota DNR, Division of Ecological and Water Resources</i></p>			
<p>2:00 – 2:30 p.m.</p>	<p>Break- Vendor Fair & Dacotah Expo Center – Technology and Innovation in Transportation</p>			
<p>2:30 – 3:30 p.m.</p>	<p align="center">Breakout Session: 1 Leading the Way- Cultivating an Emerging Workforce</p>	<p align="center">Breakout Session: 2 Mission Accomplished- A Joint Venture in Process and Safety</p>	<p align="center">Breakout Session: 3 Innovative Technology and Data Sharing</p>	<p align="center">Breakout Session: 4 Plugged In- Tools for Traffic Safety</p>
<p>Room: Grand Eagle III Moderator: TBA</p>	<p>Room: Crossed Arrows 1 Moderator: April McCormick</p>	<p>Room: Crossed Arrows 2 Moderator: Beth Hobbs</p>	<p>Room: Crossed Arrows C Moderator: Susann Karnowski</p>	
<p align="center">NTSI Summer Camp- Engaging the Next Generation of the Transportation Workforce <i>-Stephanie Malinoff, UMN</i></p> <p align="center">∞</p> <p align="center">Training Partnership Program for Cement Masons <i>-Moke Eaglefeathers & Tom Reger, Cement Masons Union #633</i> <i>-Maria Conley, MnDOT</i></p>	<p align="center">Bena Trail <i>-Art Chase, Leech Lake Band of Ojibwe</i> <i>-Carol Zoff, MnDOT</i></p> <p align="center">∞</p> <p align="center">Grand Portage Ferry <i>-Lynnette Rochelle, MnDOT</i> <i>-Dave Danz, Grand Portage Band of Lake Superior Chippewa</i></p>	<p align="center">Introducing MAID (Minnesota Archaeological Integrated Database) <i>-Dr. Ron Schirmer, MSU</i></p>	<p align="center">Minnesota Crash Mapping Analysis Tool (MnCMAT) Demonstration <i>-Sulmaan Khan, MnDOT</i></p> <p align="center">∞</p> <p align="center">Understanding Transportation Safety Risks on Tribal Lands Learning From a Collaborative Research Project with American Indian Communities in Minnesota <i>-Dr. Kathy Quick & Dr. Guillermo Narvaez, UMN</i></p> <p align="center">∞</p> <p align="center">Computer Lab: A Closer Look- Hands-On Review</p>	

Tuesday, October 13, 2015 - Breakout Sessions

3:30 – 3:45 p.m.	Break- Vendor Fair & Dacotah Expo Center – Technology and Innovation in Transportation			
3:45 – 4:45 p.m.	Breakout Session: 1 Leading the Way- Innovative Ideas At Work	Breakout Session: 2 Mission Accomplished- A Joint Venture in Process and Safety	Breakout Session: 3 Innovative Technology and Data Sharing	Breakout Session: 4 Plugged In- Tools for Traffic Safety
	Room: Grand Eagle III Moderator: Beth Hobbs	Room: Crossed Arrows 1 Moderator: Holly Kostrewski	Room: Crossed Arrows 2 Moderator: TBA	Room: Crossed Arrows C Moderator: Teresa & Mike
	Results of Invasive Species Weed Study within MN Reservation Boundaries and Next Steps <i>-Tina Markeson & Ken Graeve, MnDOT</i>	Tribal Safety Plans – Education & Enforcement Tribal Law Enforcement in Red Lake & Highway Safety to Save lives <i>-Captain Dana Lyons Jr</i> <i>-Officer Ron Leyba</i> <i>-Police Chief William Brunelle</i> ☪ Tribal Injury Prevention Program – Featuring Fond du Lac’s Injury Prevention Program Building Partnerships for Tribal Traffic Safety Programs <i>KaRee Lockling, Fond du Lac Band of Lake Superior Chippewa</i>	Better Patching for Better Roads <i>-Tom Zimmerman, MnDOT</i>	GIS for Improved Tribal Traffic Safety Plans Featuring Mille Lacs Case Study How GIS Can Help with Tribal Safety Planning <i>-Thomas A. Horan Ph.D., Claremont Graduate University</i> ☪ Computer Lab A Closer Look- Hands-On Review
4:45 – 5:30 p.m.	Break- Vendor Fair & Dacotah Expo Center – Technology and Innovation in Transportation			
5:30 p.m.	Banquet Dinner Featuring: The Sioux-Chef, Sean Sherman (<i>Dinner included with registration</i>) – Tatanka Ballroom			



Dacotah Expo Center

NEW THIS YEAR!

Exhibition: Technology and Innovation in Transportation

Includes hands-on activities, interactive displays, equipment, and more!

Hands-on interactive exhibits include:

- Peddle Car Courses
- Rollover Simulator
- Heavy Equipment Simulators



Equipment displays:

- Red Lake Law Enforcement Vehicle
- Nuclear Density Tester and Soil Compactor
- MnDOT Truck with blade and wing attachments
- Drone



<http://www.se.com/Manuals.htm>

Graphic Panels:

- Why Treaties Matter Exhibit
- Storyboards



Multimedia Activities:

iPAD information/activities- Planning effort highlights – including the Statewide Multimodal Transportation Plan and 20-Year Highway Investment Plan, as well as the other current planning efforts (freight, bike, pedestrian, transit).



Wednesday, October 14, 2015

7:30 – 8:00 a.m.	Registration / Vendor Fair / Networking/ Coffee & Rolls	
8:00 – 8:30 a.m.	Welcome: Overview of Day 2 – Grand Eagle Ballroom I & II <i>David Scott, FHWA Minnesota Division</i>	
8:30 – 9:30 a.m.	Breakout Session 1	Breakout Session 2
	Room: Crossed Arrows 1 Moderator: Ed Fairbanks	Room: Crossed Arrows 2 Moderator: Dave Scott
	Jurisdiction- Indian Lands and Territories <i>-Levi Brown, Leech Lake Band of Ojibwe</i> Tribal Lands Swipe Map and Data Updates <i>-Peter Morey, MnDOT</i>	Testing Technologies: Soil Compaction and Density Testing Grading, Base and Bituminous Basics <i>-Terry Beaudry, MnDOT</i>
9:30 – 9:45 a.m.	Break- Rotate Breakout Session Rooms	
9:45 –10:45 a.m.	Breakout Session 3	Breakout Session 4
	Room: Crossed Arrows 1 Moderator: Duane Hill	Room: Crossed Arrows 2 Moderator: Teresa Martin
	Gimmick or Real- Innovative Transportation Safety Devices RICWS (Rural Intersection Conflict Warning System) <i>-Cory Johnson, MnDOT</i>	Working in Indian Country- What is Fee Land and What is Trust Land? <i>-Joe Halloran, Jacobson Law Group</i> <i>-Lisa Johnson, Mille Lacs Band of Ojibwe</i>
10:45 – 11:00 a.m.	Break	

Wednesday, October 14, 2015 Continued

11:00 – 11:45 a.m.	General Session: Who’s Responsible When Disasters Strike? Understanding the Essentials of ERFO (The Emergency Relief for Federally Owned Roads Program) –Grand Eagle Ballroom I & II <i>Cindi Ptak, FHWA</i>
11:45 – 12:30 p.m.	Closing Ceremony –Grand Eagle Ballroom I & II <ul style="list-style-type: none">• <i>Jon Huseby, MnDOT</i>• Traveling Song and Thank You Song: <i>Red Tree Drum Singers</i>• Door Prizes/Drawings – Need to be present to win
12:30 – 1:30 p.m.	Museum Tour (Optional) Sign up during registration

Please be sure to stop by and visit the following vendor exhibits in the DEC:

- ★ Caterpillar
- ★ Coleman Engineering
- ★ Fond du Lac Cobell Buy-Back
- ★ Meyer Group Architecture
- ★ MnDOT Indigenous Employee Resource Group (IERG)
- ★ Roadway Safety Institute

Please be sure to stop by and visit the following crafter exhibits in the Pre-Function Area on the 2nd Floor:

- ★ Corn Chick Designs by Lolly Aguilar
- ★ Debbra Myers
- ★ Gayle Weigle

Thank you for attending this year’s Tribes and Transportation Conference. Drive Safely!

Conference Evaluations

Attendees had the opportunity to provide feedback on the conference through overall conference and individual session evaluations. In addition to the paper surveys available during the conference, attendees also had the opportunity to complete an overall conference evaluation through an online survey. All of the paper evaluations that were submitted during the conference have been scanned and organized by session. In addition, all of the evaluations that were submitted electronically have been included. Conference evaluations will be distributed as a separate file to conference organizers.