

MINUTES
Advocacy Council for Tribal Transportation
Mille Lacs Band of Ojibwe– Government Center
April 30, 2010
9:00 a.m. – 1:45 p.m.

Jason Holliday, Co-Chair, ACTT, called the meeting to order. Introductions were conducted.

Members Present:

Jason Holliday, Co-Chair, Fond du Lac	Mike Moilanen, Mille Lacs
Marc Mogan, Co-Chair, Prairie Island	Linda Aitken, Mn/DOT
Tom Fronk, BIA (Alt)	Evelyn Howard, Leech Lake
Mike Robinson, Mn/DOT-Duluth	Marty Connor, Bois Forte
Annamarie Hill-Kleinhans, MN Indian Affairs Council	Bill Vogel, Grand Portage (Alt)
Nelrae Succio, Mn/DOT-Rochester	Derrell Turner, FHWA
Millie Baird, USFS, Chippewa Nat'l Forest	Jim Johnson, SEH, MN Cities
Dave Christy, Itasca County	
Mike Ness, Red Lake Transit	

Members Absent:

Burny Tibbets, White Earth
Lester Morris, Shakopee Mdewakanton
John Velat, Tribal Technical Ass't. Program
Gabe Prescott, Lower Sioux
Travis Leenerts, Upper Sioux

Guests Present:

Teresa Martin, Mn/DOT, Office of OES	
Angela Finn, Mn/DOT, Civil Rights	Bob Goggleye, Leech Lake
Angelica Salgado, US DOT, FTA	William Whiteman, Bois Forte
Scott Hansen, Mille Lacs-DNR	Susan Weber, US DOT, FTA
Andy Boyd, Mille Lacs-DNR	John Groothuis, Mn/DOT, Transit
Art Chase, Leech Lake	

Marc Mogan reviewed the ACTT goals and mission:

- Mission: The Advocacy Council for Tribal Transportation (ACTT) is committed to bringing forward recommendations for improving tribal transportation through effective collaboration and partnerships.

- Goals and Objectives:
 - Assess and evaluate common tribal issues
 - Develop Statewide Policy and/or Legislation
 - Create awareness and educate on issues
 - Identify and promote successful practice

Linda shared the types of issues that are addressed in ACTT. Issues must be common to all tribes:

Successes of ACTT to date:

- Reservation Road Signs:
 - ACTT developed a brochure to provide information for the design and placement of signs on state highways. The brochure benefits tribal communities and reservations throughout Minnesota.
- Vegetation control at guardrail sites around Mille Lacs Lake
- Roadside Vegetation Management:
 - Most Tribes request that Mn/DOT not spray herbicides within Reservations. On May 15, 2009, the first [Roadside Vegetation MOU](#) between Mn/DOT and Fond du Lac Band of Lake Superior Chippewa was signed. This MOU is a model for all tribes and Mn/DOT districts in Minnesota.

ACTT future issues include:

- Increased Traffic Safety in Tribal locations
- Crash Data
- Mn/DOT and Tribal Communications

Linda encouraged members to review the ACTT membership list online and contact her with revisions.

For more ACTT information, log on to <http://www.dot.state.mn.us/mntribes/actt/index.html>.

Review and Approve Agenda:

The April 20, 2010 ACTT agenda was reviewed.

Mike Molianen: Two Mille Lacs DNR representatives plan to attend and discuss vegetation issues.

Mike Molianen motioned to accept the revised agenda; Marc Mogan seconded. Motion carried.

Review and approval of ACTT Minutes (January 22, 2010)

(handout)

Cheryl Cloud Westlund's TTAP replacement is John Velat. He was unable to attend today's meeting.

Marc Mogan motioned to approve the January 22, 2010 minutes; Tom Fronk, seconded. Motion carried.

Old Business:

Issue: Roadside Vegetation Management

Presenter: Teresa Martin, Environmental Services Office

Issues concerning work in the ROW within tribal reservation boundaries.

Issue 1: Roadside Vegetation Management:

Teresa provided an update of the roadside vegetation management issue, i.e., contamination. Currently there is a MOU/agreement model developed. The first MOU was signed with Fond du Lac. Grand Portage MOU is ready for signature. Leech Lake MOU is in draft MOU.

Issue 2: Notification to tribes when there is environmental contamination

The concern for Mn/DOT Environmental Services Office is how to notify the tribes when there is a spill or abandoned container or other environmental contamination within the ROW within their reservation. Currently, there is no notification process in place; Mn/DOT just goes in and takes care of it. Mark Vogel and Brian Kamnikar, from the Environmental Investigation Unit in Mn/DOT Central Office, and Teresa Martin have discussed various ways to rectify this issue. Last spring, they met with Upper Sioux to talk about it and are presently in the process putting together a document as to how they would like to be notified and how involved in the cleanup they would like to be. We are interested in meeting with any other tribes who would like to discuss this issue.

Issue 3: Permitting within ROW of tribal reservation boundary

Contractors, like Comcast for example, need to request a permit from Mn/DOT to do work in our right of way. Currently we have no system in place that notifies the Tribe when that work will take place within their reservation boundaries. We are trying to come up with a workable solution. Any ideas are welcome.

Discussion:

- Utility issues
- Burial sites
- Bob Goggleye commented that the Leech Lake DNR handles their roadside issues.
 - Leech Lake is working on an agreement that is not too in depth. It is not a full management plan but an agreement to work together and open lines of communication.
- The Office of Environmental Services (OES) is currently updating their policies and will involve the tribes in the process.
- OES has posted the MOU agreements on Mn/DOT's website at <http://www.dot.state.mn.us/mntribes/actt/index.html> Tribes can use as this as a template to develop their MOU/agreement.

- Mike Robinson suggested that OES work with Mn/DOT's Operations Management Group (OMG). A group comprised of the assistant district engineers in maintenance on this issue.
- Tom Fronk inquired if there are any tribes which receive funding from Mn/DOT for roadside maintenance?
- Permitting notification:
- Mn/DOT notifies tribes when a construction project involves working within the right of way.
 - Mn/DOT attempts to notify tribes when conducting excavation work within the right of way.
- A 72-hour notification is given. Is the current 72-hour notice sufficient?
- Mike Moilanen: Mille Lacs has signed an MOU with Gopher One and are on a distribution list.
- Fond du Lac: The notification comes to one contact and disseminated.
- A tribal contact list should be developed similar to the Gopher One Call system.
- Mike Robinson commented this issue should be handled by OMG.
- Hazardous spills are responded to by MN/DOT
- Culverts are responsibility of the Mn/DOT district.

ACTION:

- Nelrae Succio and Mike Robinson will take this issue to OMG and have them draft an agreement. Suggested two tribal representatives help with the development of the agreement.

Teresa Martin gave a brief overview of the upcoming cultural resources Web site being developed by the Office of Environmental Services. Expected implemented is August 2010. Training will be conducted.

Tom Fronk reintroduced the topic of tribes contracting with Mn/DOT for maintenance projects. Nelrae Succio and Mike Robinson commented currently there are no contracts in place except with larger communities for snow and ice. They explained the Mn/DOT agreement process with cities. The Operating budget is a major issue. There is value in cooperative agreements between tribes and Mn/DOT districts.

Tom Fronk stated a contract of this nature could create jobs for tribal members. Linda referred to a law passed in 2005 and the 2009 MN Statutes 161.368 highway contracts with tribal authorities.

(handout) Chapter 193—Linda reviewed

Linda gave an update on the Highway 67 project located on Upper Sioux tribal lands. The Upper Sioux has proposed to have Mn/DOT, District 8-Willmar design and deliver the project and they would fund and prepare the contract. Mn/DOT has agreed to fund the mapping and the cultural resources portion. Currently working with the Office of Environmental Services for the 8.3-mile project expected for construction in 2011.

Discussed other shared Mn/DOT and Tribal shared projects:

- Highway 371/200 shared cost agreement. Tribes paid for a portion of this project.
- Highway 224 with White Earth Reservation

ACTION:

- Linda will compile a list of Tribal and Mn/DOT joint shared projects and submit to Mike Moilanen and the Mn/DOT District Engineers.
- Nelrae Succio will send an e-mail to the District Engineers asking them to develop a list of Mn/DOT/Tribal cost-shared projects, cost, and if IRR/Tribal dollars were included.
- Linda will forward the list to forward to Mike Moilanen.
- Tribal members and Tom Fronk to send Mike Moilanen the tribal shared projects, cost, etc.
- If possible, Mike Moilanen would like to take this list to the 2010 Tribal Transportation Meeting on May 4 or the June meeting in.

There will be a mock response to a hazardous spill in a ditch on May 5.

ACTION: Mike Moilanen will find out if this is open to other attendees.

Issue: Toward Zero Deaths (TZD) – Diane/Tom/Linda

➤ Southwest Minnesota Toward Zero Deaths Workshop

Diane Beck provided information on the Southwest MN Toward Zero Deaths Workshop held on April 23 at the Redwood Area Community Center in Redwood Falls. Two excellent personal impact statements were given 1) DWI Survivor; 2) Families Against Chronic Excessive Speed (FACES4). For more information log on to <http://faces4.org/>. Other topics included Southwest Regional TZD Data. Three breakout sessions: 1) Impaired Driving, i.e., Ignition Interlock and Zero Adult Provider; 2) Addressing Patterns of Risk/Technologies for Reducing Road Fatalities; 3) Child Safety Seats.

Mn/DOT is planning to have shared district Toward Zero Deaths Coordinators.

Mike Moilanen asked if the One Life to Live video could be shown in schools. Mike Robinson commented the video can only be shown in the presence of a State Patrol Trooper. Encouraged anyone interested to contact the Patrol in their area.

Linda mentioned the Tribal Safety Plans and if there a way to involve the tribes, i.e., conduct an initial meeting?

Nelrae and Mike commented that Mn/DOT has completed the comprehensive safety plans and are not conducting county safety plans. Log on to the FHWA Tribal Safety Page at http://www.fhwa.dot.gov/tribal/saf_ack.htm Nelrae inquired if ACTT would like to have Sue Groth attend a future meeting to review the process.

Tom Fronk would like to see the tribes develop their own safety plans to take ownership. Some federal dollars are available for approximately two tribes to hire a consultant. Issue will be discussed at a meeting next week.

ACTION:

- Issue to be discussed at the July ACTT meeting.
- Linda will contact Sue Groth if she could attend the IRR Annual meeting next week.

➤ **Crash Data-Tribes: (handout)**

Tom Fronk reviewed the Tribal Police Accident Reporting for Road Sys 02-13 (2008-2009) handout.

The crash data issue was raised at the 2009 Tribal Road Safety Summit. There are federal dollars available for tribal roads and funding is based on correct crash data reporting.

Discussion:

- This data is only a starting point.
- Note: Some tribes are uncomfortable to report due to the confidentiality.

ACTION:

- Tribal representatives are to check the accuracy of the handout and report at the July ACTT meeting.

Note: The 2010 Statewide TZD Conference will be held on October 25 & 26, 2010, at the Crowne Plaza Riverfront Hotel in St. Paul.

Issue: Mille Lacs Vegetation Management Issue – Scott Hansen and Andy Boyd

Mille Lacs DNR and Gary Dirlam, Mn/DOT in Baxter, developed a maintenance agreement for the sole source aquifer. The agreement will be renewed each year.

Mille Lacs is looking at more permanent weed mats under guardrails--inflow and outflow. Future plans may expand to archeological reviews and permitting on road right of way. Reviewed some of the partnerships with Mn/DOT, i.e., growing beetles that eat purple loose leaf strife, etc.

Mike Robinson inquired if Mille Lacs would be willing to meet with Mn/DOT to help develop a permitting process on Mn/DOT owned right of way on tribal lands. Scott Hansen stated he would be interested in participating.

ACTION: Mike Robinson will have Scott invited to a future Mn/DOT Operations Management Group (OMG) meeting.

Issue: Tribal Communication Meeting – Linda/Jason

Jason Hollinday reported on the Tribal Communication meeting held on March 10 meeting at the Duluth Mn/DOT office. Attendees included Carlton and St. Louis counties, Mn/DOT,

and Fond du Lac representatives. The purpose of the meeting was to review ways to communicate on projects, i.e., who to contact about projects when a roadway is shared.

Discussed future projects and shared transportation improvement programs. Jason felt the meeting went well and suggested the meeting be held annually.

Marty Connor, Bois Forte, reported their Tribal Transportation meeting with Mn/DOT April 26th meeting also went well; they have a good working relationship.

Linda encouraged that Mn/DOT/Tribal Communication meetings be conducted with each tribe. Mn/DOT is to initiate the first meeting and annual meetings conducted thereafter.

New Business

Issue: Tribal Transit Program – John Groothuis, Office of Transit, M/DOT; Susan Weber, FTA Region 5, Angelica Salgado, FTA Region 5
(Policy Issues and Updates)

Jon Groothuis provided introductions and shared names of the Mn/DOT Transit coordinators. Tribal transportation is a growing entity. His goal for Mn/DOT and the Office of Transit is keep informed of transit programs in each Tribal community.

(handout) Susan Weber reviewed the FTA organization chart and provided an overview of FTA and provided oversight background grants, and funding information.

Angelica Salgado provided information on the goals of the FTA regarding the tribal transit program and the planning aspects of tribal transit systems and funding.

FTA ensures that the tribes are able to handle the financial and technical capabilities to receive and administer the federal funds. The following links are available on how to apply for funding www.FederalReporting.gov and how to receive FTA alerts http://fta.dot.gov/news/news_events_7783.html.

Tribes can send their applications to Angelica. She or her staff will review and provide guidance for the applications. Applications are reviewed on a regional level and then the federal level. Deadline for FY 2010 funding will be printed on the applications.

Issue: Transportation News – Linda Aitken

➤ CDL training – Leech lake Reservation:

The first Commercial Drivers License (CDL) training was held at Mn/DOT, D4-Detroit Lakes with White Earth.

Bob Goggleye shared the specifics of the training program:

- The program is open to non-American Indians as well.
- Class size is limited to 15.
- A selection committee comprised of Mn/DOT and Leech Lake members.
- Applications are available through Mn/DOT.

ACTION: Bob will e-mail an application to Marty Connor at Bois Forte.

There are currently 45 tribal members interested and that Leech Lake has a great need for CDL drivers on the reservation. They would like to hire at least 4 tribal members for summer work. Mn/DOT in Bemdji will provide the equipment for the class.

Linda reiterated this is a cooperative effort between Mn/DOT, Tribes, local college, and the Dept. of Human Services.

ACTION:

Mike Robinson asked Linda to prepare an article on the CDL Training Program for Mn/DOT's Newsline.

- ✓ 2010 NITC – Albuquerque on 11/15-18/10
- ✓ 2010 Legislation – significant laws that were passed this Legislative Session

- Chapter 226 – Conveyance of land to tribes

Discussion:

- Reconveying tribal land back to the tribes, i.e., land on Highway 46 near Deer River.
ACTION: Bob Goggeleye will contact the Bemidji Mn/DOT Right of Way office.
- Chapter 193 – Joint Powers Agreement
 - The Joint Powers agreement authorizes federally recognized Indian tribes and the Minnesota Historical Society to participate in joint powers agreements, amending a 2008 MN Statute.

Issue: Round Robin – All

Presenters: ACTT members

- Surface Transportation Reauthorization – Derrell Turner, FHWA Division Administer, MN Division
 - Currently, FHWA and the trust fund is funded through December 31, 2010. The election may have an affect the process. For the last three years, fusions from the general fund have kept the trust fund solvent. The solution can only be resolved through Congress. Currently, there are proposed bills to raise the needed \$200 million; however, no concrete ways to raise the dollars. Derrell encouraged ACTT to contact their legislators.
 - This is the first ACTT meeting he has attended and found it to be very informative. He plans to attend future meetings and may have staff attend periodically.
 - They are in the process of restructuring their office.

Linda Aitken:

- (*handout*) Midwest Region – 2010 Tribal Transportation Meeting, May 4-5
 - May 6: road Safety Audit and Bicycle and Pedestrian Transportation Joint Training Session.

Annamarie Hill-Kleinhans

- The Indian Affairs Council will meet on May 11. ACTT members are welcome to attend.

Nelrae Succio:

- This is her first ACTT meeting and is looking forward to future meetings.

Next ACTT meeting: July 27, at Grand Portage Casino. Linda Aitken will send information on room reservations, etc.

Adjourn

Mike Moilanen motioned to adjourn the ACTT meeting; Jason Holliday seconded. Meeting adjourned at 1:06 p.m.

Recorder: Diane Beck CPS/CAP, Mn/DOT, District 8-Willmar