

MINUTES
Advocacy Council for Tribal Transportation
MnDOT – St Cloud Conference Center
January 22, 2010
9:00 a.m. – 1:45 p.m.

Teresa Martin mentioned there will be a farewell for Cheryl Martin will be held on Jan. 28, 2-4 p.m. in the Central Office Mn/DOT cafeteria. Teresa Martin, if there are good luck wishes, please send to Teresa Martin before Jan. 28.

Marc Mogan, 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
Brian Larson, Mn/DOT, Duluth (for Mike Robinson)	Andy Datko, Bois Forte
Burny Tibbetts, White Earth	Mike Robinson, Mn/DOT
Dave Danz, Grand Portage	

Members Absent:

Nelrae Succio, Mn/DOT-Rochester	Lower Sioux
Donald May, Red Lake	Sam Strong, Red Lake
Annamarie Hill, MN Indian Affairs	Shakopee Mdewakanton
Millie Baird, USFS, Chippewa Nat'l Forest	Travis Leenerts, Upper Sioux
Cheryl Cloud Westlund, TTAP, Michigan Tech	Donald May, Red Lake
Dave Enblom, Cass County Engineer	

Guests Present:

Tina Markeson, Mn/DOT, Environ. Services Office	Teresa Martin, Mn/DOT
Angela Finn, Mn/DOT, Office of Civil Rights	
Bartolo Martinez, Mn/DOT, Office of Civil Rights	

Review and Approve Agenda:

The Jan. 22, 2010 ACTT agenda was reviewed.

Mike Molianen asked to move the Reauthorization issue to end of New Business section.

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

Review and approval of ACTT Minutes (July 10, 2009)

Discussion:

Tom Fronk: Functional classification question regarding the yellow highlighted sentence.

ACTION: Linda will follow up with Jonette Kreideweis.

Burny Tibbetts motioned to approve the July 22, 2009 ACTT minutes with the noted revisions; Mike Moilanen, seconded.

Motion carried.

Old Business:

Issue: MOU: Roadside Vegetation Management between Mn/DOT and Fond du Lac (*handout: Issue Paper: Advocacy Council for Tribal Transportation (ACTT)*)
Presenter: Tina Markeson, Environmental Services Office

Update:

- Need to get back to Fond du Lac and have the contract resigned for 5 years instead of the 1 year contract.
- It's hopeful that a MOU for Grand Portage will be signed.
- Working on a MOU with Leech Lake.
- District 3 is working with Mille Lacs on a maintenance agreement
 - Tina commented if Tribes are not ready to sign a MOU, a maintenance agreement may be an alternate.
 - Mn/DOT would not spray and the Tribe would management control of weeds, etc.
 - A maintenance agreement may lead to a MOU in the future.

Issue: Environmental Issues Impact - Mark Vogel, Mn/DOT, ESO

ACTT Issue Paper: Regulated waste management, spills, and contamination on Mn/DOT right of way located on Tribal Lands

Due to Mark's absence, Linda Aitken presented this new issue regarding hazardous materials, i.e., abandoned barrels, spills, contamination, etc.

- What is Mn/DOT expected to do within the tribal boundaries?
- How does Mn/DOT work with the tribes to clean up hazardous materials?
- What the rights and obligations of the tribes?
- Should environmental issues be included in MOUs?

Discussion:

- Tina felt that the two issues should be separate.
- An environmental handbook is being prepared by the Environmental Office.
- When the handbook is complete, Tina could bring to ACTT and use portions of this handbook to create a tribal handbook.
- Marc Mogan concurred to have Tina bring the completed environmental handbook to a future ACTT meeting.

Linda informed ACTT the EPA will conduct a Binational Forum on Jan. 29 at the EPA Lab in Duluth. The forum is focused on the entire ecosystem of Lake Superior, its air, land, water and human and wildlife. Government and tribal agencies and interested groups from Michigan, Minnesota, Ontario and Wisconsin, along with both federal governments, have funded pollution prevention activities, research to characterize the lake ecosystem and identify the sources of pollutants and their effect on life, and projects to clean up, restore and protect habitat.

Hopefully, Mark Vogel could attend this meeting.

ACTION:

- Linda will coordinate with Mark Vogel and the EPA.
- Linda will forward the position paper to Ed Fairbanks and tribal members to forward to their tribal representatives.

Motion by Marc Mogan that ACTT position paper be taken to the MN Reservation Technical Staff Meeting for their review and decision. Mike Moilanen seconded.

Motion Carried.

Mike Robinson will also discuss this issue at a future Operations Division Meeting or at a future weekly District Engineer video conference.

Teresa mentioned the development of a handbook would be beneficial. Updates could be added to the handbook as needed.

Issue: Towards Zero Death (TZD) – White Earth Safety Plan

(handout: White Earth Nation Safety Management Plan, Sept. 2009)

Presenter: Burny Tibbetts, White Earth/Director of Transportation

Burny Tibbetts gave a brief overview of the Toward Zero Deaths initiative. White Earth developed a questionnaire for tribal members to aid in the development of a White Earth Safety Plan. With input from the questionnaire, a Safety Management Plan was developed as a tool to aid in Reservation in meeting the goal of TZD which is to reduce the number of deaths and serious injuries on roadways.

Linda provided the TZD information presented at the Road Safety Summit in October 2008.

The White Earth Safety Plan could be incorporated in the Tribal Transportation Safety Plan and serve as a model for other tribes.

ACTION:

- Burny will send the White Earth Nation Safety Management Plan to Linda Aitken.
- Linda will post on the web site.
- Linda will send out a link to ACTT members for the FHWA Tribal Safety Page:
http://www.fhwa.dot.gov/tribal/saf_ack.htm

Tom Fronk commented that federal funding for tribes will become available for safety related programs. There are numerous safety programs available.

ACTION: Linda will take federal funding issue for tribal safety related programs to the Indian Affairs Council.

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

2010 Initiatives – ACTT Discussion

- Intersection Safety Study
 - Burny shared information on the study performed by White Earth.
 - Mike Robinson stated that Mn/DOT would participate in an intersection safety study if it's on a state highway.
- Reporting of crash data
 - Should an ACTT Crash Data subcommittee be formed?
 - There is an issue with Tribes reporting crash data on tribal land.
 - In order to obtain grants, reporting of crash data is necessary.

ACTION:

- ACTT will review an effort to work on the accident reporting issue.
 - Crash data will be another effort in the future.
- Tom Fronk will send crash data information to Linda Aitken.
- Linda will provide update the Indian Affairs Council on all the ACTT issues along with outcomes and things still needing resolution.
 - Linda will also discuss the importance of reporting crash data to the Indian Affairs Council.
- Craig Genzlinger, FHWA in Montana would like to meet regarding tribal safety planning.
 - Linda suggested this meeting could take place in Minneapolis.

Issue: Tribal Communications Meeting – Linda Aitken, Mn/DOT & ACTT Members
(handout: 2009 Transportation Plans Communication Meeting agenda)
Leech Lake Band of Ojibwe Report

Linda provided an update:

Issue: Not all governments with a tribal government are informed of highway construction or maintenance projects in the Mn/DOT district STIP.

There is a need to develop a process to disseminate information earlier to tribes. At the July 10, 2009 ACTT meeting it was decided to begin conducting annual meetings with tribes to share project information.

The first meeting was held with Leech Lake on December 8, 2009, at the Northern Lights Casino Resort in Walker. Brian Larson, District 1-Duluth, coordinated the meeting. Other attendees included District 2, Bemidji, and District 2, Baxter, counties and Forestry Service representatives and Bureau of Indian Affairs representatives. Evelyn Howard coordinated Leech Lake tribal attendees.

Each district shared construction plans for a 3-4 year period in and around a reservation. Other topics discussed were TERO Policy update, partnering opportunities, and identified topics to consider discussing at future meetings.

Linda felt it was a successful meeting.

Next Steps:

- Follow up on issues will be reported on at the next meeting.
- Brian Larson will set up meetings with Fond du Lac and Bois Forte
- Brian should work with Andy Datko, Bois Forte; and Jason Holliday, Fond du Lac
- Dave Enblom will coordinate county attendees.
- Linda will work with the other District Engineers to schedule additional meetings.
- Linda will work with Red Lake to send a representative to attend future Tribal Communications meetings.

Discussion/Issue:

- Permitting work within tribal land on reservation.

ACTION:

- Tina Markeson will talk to the chair of the Permits group to add permitting work within tribal land to the Permits Workshop agenda in March.
 - Teresa Martin would like to attend the Permits Workshop.
- Teresa Martin and Tina Markeson will write up an issue statement and present at the Permits Workshop.
- Teresa and Tina will also send a copy of the issue statement to ACTT members.
- OMG should address the permit issue in the maintenance area.

New Business

There is a Surface Transportation Reauthorization Outreach meeting is scheduled on January 25, 2010, at the Hubert H. Humphrey Institute of Public Affairs at the U of M. There will be plenary sessions and panel discussions.

Burny Tibbetts has been asked to sit on the panel to discuss rural and tribal transportation issues.

(handout) presentation by Burny Tibbetts.

Surface Transportation Reauthorization Outreach Meeting, January 25, 2010

Burny reviewed his draft presentation and possible solutions he will share at the Surface Transportation Reauthorization Outreach meeting. He feels it's a good opportunity to share concerns to move this issue forward. There is an issue with unanimous decision. Trying to get a system based on need not traffic counts. Need to make it a fair system, i.e., measures accurately, and is transparent.

(handout) IRRPCC Presentation – IRR Funding Formula Implementation Issues Position B dated 1/16/08.

Discussion:

- Mike Moilanen discussed Question 10:
 - What IRR and tribal roads are eligible for funding? There is an issue with the county and federal, forest service are eligible and at what percentage?
- Clarification needed on the interpretation of the formula.
- Marc doesn't feel the ACTT would support the presentation; however, Burny could present on behalf of White Earth Band.
- Other states tried to develop a position paper.
- Should ACTT try to develop a position paper?
- How much time does ACTT have?
- This issue may be solved through reauthorization.
- Take issue to Indian Affairs Council and BIA.

ACTION:

- This issue will be discussed at the next ACTT meeting.
- A subcommittee may be formed.
- Burny will e-mail issue papers to ACTT.
- Work to develop position/recommendation for recommendation for Legislation.
- Tom Fronk will request the 2009 federal data on formula?
- Tom Fronk will bring the 2009 federal data formula information to the next ACTT meeting.

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Linda discussed Transportation Research Board (TRB) Native American Committee's request for research topics for the upcoming year.

Does ACTT have any Tribal transportation issues they want researched?, i.e., accidents stats between tribal land and non-tribal land?

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Issue: Mn/DOT Cultural Resources

*Presenter: Teresa Martin, Mn/DOT, Environmental Services Unit
(handout): ACTT Issue Paper - New Online Cultural Consultation*

The Mn/DOT Cultural Resources Unit is building a web based system for cultural resource consultation on Mn/DOT projects.

Teresa shared the background on the current process which is time consuming and paper-based. In the spring of 2010, e-mails will be sent to tribal representatives indicating there is a project they may have an interest in consulting on. The representatives will log onto the web site to view the project.

Information will be sent out to the tribes this spring. Training will be scheduled.

The next phase of the project will be GIS for mapping, etc. This phase is dependent on funding. A consultant is currently on board. Updates on the GIS system will be shared in the future.

ACTION:

- Mike Robinson asked Teresa to present this program at a future PCMG meeting.
- Mike Robinson will send Teresa the PCMG contact name.
- Teresa will attend the next ACTT meeting to provide a brief training session.

Teresa provided information on the Legacy Funds through MN Historical Society, i.e., interpretative signing, arts projects, etc. This program will be available for the next 25 years.

Teresa encouraged ACTT member to log on to the Legacy Funds web site for more information.

Issue: Next T & T Conference

*Presenter: Linda Aitken, Mn/DOT
(handout) 2009 Tribes and Transportation Post-Conference Committee Meeting, November 20, 2009)*

Linda reviewed the recommendations from 2009 T & T Planning Team.

Discussion:

- This is the first year the conference did not receive federal funds; however, the bills were met.
- Proposal to form a Finance Committee.
- Looking to streamline the process.
- Questions:
 - Conduct the next T & T in the spring.
 - Hold T & T Conference every other year.
 - Form sub committees to report at full group planning meetings.
 - TTAP take on the administrative duties.
 - Ask Top Management to provide some funding.
- ACTT prefers to hold the conference in the fall.
- Hold in conjunction with the BIA meeting.

Motion made by Jason Hollinday to hold the T & T Conference every other year; Burny Tibbetts seconded.

Motion carried.

ACTION:

- The next T & T Conference will be held the fall of 2011.
- Linda will send a suggested T & T date to ACTT members.
- Linda will send suggested dates to Cheryl Cloud Westlund and have her send out for bids to Prairie Island and Lower Sioux.
- The tribes will be contacted for suggested topics.

Issue: 2010 ACTT Business

Presenter: Jason Hollinday/Marc Mogan-ACTT Co-Chairs

2010 Agenda and Quarterly Meeting Dates and Host Location

Discussion:

ACTION:

- The next ACTT meeting is scheduled for April 23, 2010 at Mille Lacs.
 - Environmental Issues Impact Update
 - Mn/Dot Cultural Resources – Online Cultural Consultation – Teresa Martin
 - Issue Statement: Permits within Tribal Land – Teresa Martin
 - IRR Funding Formula – Burny Tibbetts
- The July ACTT meeting will be held on Thursday, July 22, 2010, at Grand Portage.
- The October ACTT meeting will be held October 15, 2010, at White Earth.
 - Burny will give a presentation on White Earth's GIS system.

Issue: Round Robin

Presenters: ACTT Members

Burny Tibbetts:

- It may be time to think about IRRC coordinating committee representatives. There is a 3-year cycle.

ACTION:

Tom Fronk will check into the time frame. Meetings are usually held in the fall.

Teresa Martin:

- Teresa will follow up on the Permits Workshop item.

Diane Beck:

- The SW MN TZD Workshop will be held on April 23, 2010, 9:30 a.m.3:00 p.m., at the Redwood Falls Community Center.

ACTION:

Diane will send the Save the Date Card and Registration information to ACTT members for dissemination to appropriate tribal representatives.

Bart Martinez:

- Thanked ACTT for the invitation to attend the meeting.
- Provided an overview of the Office of Civil Rights
- Working with TERO directors and working on ideas to partner.
- It may be better to schedule the dates for the T & T Conference after the federal fiscal year begins on October 1.

Angela Finn:

- Angela also thanked ACTT for the opportunity to participate in today's meeting.

Linda Aitkin:

Revisions are needed to the ACTT membership list.

ACTION:

Linda will revise the ACTT membership list and post on the Web.

Adjourn

Jason Hollinday motioned to adjourn the ACTT meeting; Marc Mogan, seconded. Meeting adjourned at 1:45 p.m.

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