



July 2017

## **Tribal Participation in the High-Speed Rail Program** *How to Get Involved*

### **I. Ensure that your tribe is listed on the Native American Heritage Commission's Tribal Contact List.**

The High-Speed Rail Authority (Authority) relies on the California Native American Heritage Commission (NAHC) to provide current lists of local tribal representatives whose interests/cultural affiliations lay within the High-Speed Rail project areas. Using the tribal contact lists provided by the NAHC, the Authority conducts outreach and solicits input from tribal communities beginning early in the project planning process. This is also how the Authority begins to identify tribal Consulting Parties under Section 106 of the National Historic Preservation Act for each High-Speed Rail Section. All notices, updates, and meeting invitations will be sent only to those tribes who are on the NAHC's contact list. For tribes who are already on the NAHC's list, it is important to ensure that all information on file is correct and current. The Authority requests updated lists from the NAHC on a regular basis, prior to any new notifications/mailings to tribes.

### **II. Identify your tribe's geographic area of concern in relation to the High-Speed Rail Project.**

The High-Speed Rail Project is geographically extensive and is being developed in a series of project sections spanning from San Francisco and Sacramento in the north to Los Angeles and San Diego in the south. Please refer to the High-Speed Rail Program [Maps<sup>1</sup>](#) to view the location of the state-wide system, as well as the individual project sections. In addition, please see the Authority's [Ancestral Tribal Territories Map<sup>2</sup>](#), which identifies the traditional tribal territories in which the high-speed rail project is proposed.

### **III. Notify the Authority early if your tribe has specific concerns about potential effects to cultural resources within the High-Speed Rail project area**

If your tribe is listed on the Native American Heritage Commission's tribal contact list *and* the high-speed rail project coincides with your tribe's traditional/ancestral territory, your tribe will be contacted by the Authority regarding the specific high-speed rail project section that corresponds with your tribe's ancestral lands. Using the NAHC tribal contact list, the Authority contacts tribes at the early stages of the project planning and development process for each high-speed rail section to solicit input from tribal representatives regarding concerns for tribal cultural resources within or near the proposed project area. These early stages of project development are critical, as this is when decisions about which alternatives to carry forward for analysis in the draft environmental document begin to be made. For more information about the alternative analysis process, please see the Authority's [Alternatives Analysis](#)

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<sup>1</sup> <http://www.hsr.ca.gov/Newsroom/Multimedia/maps.html>

<sup>2</sup> [http://www.hsr.ca.gov/docs/programs/tribal\\_relations/Ca\\_Tribal\\_Territory\\_Map.pdf](http://www.hsr.ca.gov/docs/programs/tribal_relations/Ca_Tribal_Territory_Map.pdf)

**Methods for Project EIR/EIS<sup>3</sup>**. Should your tribe have concerns about potential effects to cultural resources within or near the proposed project area, your early input would enable the Authority to take such concerns into account as part of the decision making process. *It is important to note that, due to the design constraints associated with the need to achieve high travel speeds, the avoidance of resources becomes difficult or impossible once an alignment is selected.* Thus, in order to ensure the avoidance of important resources for which your tribe has knowledge, early input from tribal communities about resources/areas of concern is strongly encouraged. The Authority welcomes input from tribes at any time, and it is not necessary to wait until the Authority contacts your tribe to provide input. The Authority recognizes that information regarding the location and nature of tribal cultural resources is sensitive. Such information will never be publicly disclosed.

#### **IV. Participate in Meetings of the High-Speed Rail Authority's Board of Directors**

Attending one of the Authority's Board of Directors meetings is a good opportunity to speak directly to the Board Members about matters important to your tribe. The Authority Board of Directors meetings are open to the public, and among the first items on the meeting agenda is to provide an opportunity for public comment on any public agenda item. If you wish to comment on agenda or non-agenda items, you may submit your request to the Board Secretary prior to the start of the meeting by filling out the green cards provided. Typically, public comments will be limited to 90 seconds per person, however the Chair may decide to shorten or lengthen the public comment periods, at his or her discretion. Meetings of the Board of Directors are generally held once per month. Board meetings are typically located in Sacramento; however, meetings are also variously held in the Bay Area, Central Valley, and Southern California. Please refer to the **Board Meeting Schedule<sup>4</sup>** for dates, times, and locations. Meetings of the Board of Directors and its committees are noticed at least 10 days in advance and conducted in accordance with the **Bagley-Keene Open Meeting Act<sup>5</sup>**. If you are unable to attend a Board meeting, you may **submit comments online<sup>6</sup>** to the Board through the Authority's website.

#### **V. Attend the Authority's Tribal Information Meetings held for the Individual High-Speed Rail Project Sections**

The Authority hosts Tribal Information Meetings for each project section to provide information about the high-speed rail program, including the project delivery process, status, and schedule, as it relates to the cultural resources investigation. Tribal Information Meetings are invitation-only events and are not open to the general public. Both federally-recognized and non-federally-recognized Native American tribes who have cultural affiliation with a given project section will be invited to attend. Tribal Information Meetings are an opportunity for tribal representatives to meet face-to-face with the Authority's cultural resources and environmental planning teams, to ask questions about the project, and to provide direct input regarding any concerns the tribes may have about potential effects to tribal cultural resources. Tribal Information Meetings are intended to foster awareness, encourage participation, and lay the groundwork for future consultation and collaboration on the high-speed rail project.

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<sup>3</sup> [http://www.hsr.ca.gov/docs/programs/eir\\_memos/Proj\\_Guidelines\\_RevisAA\\_MethodsVer3.pdf](http://www.hsr.ca.gov/docs/programs/eir_memos/Proj_Guidelines_RevisAA_MethodsVer3.pdf)

<sup>4</sup> [http://www.hsr.ca.gov/Board/mtg\\_sched.html](http://www.hsr.ca.gov/Board/mtg_sched.html)

<sup>5</sup> [http://ag.ca.gov/publications/bagleykeene2004\\_ada.pdf](http://ag.ca.gov/publications/bagleykeene2004_ada.pdf)

<sup>6</sup> [http://www.hsr.ca.gov/Contact/contact\\_form.html](http://www.hsr.ca.gov/Contact/contact_form.html)

## **VI. Become a Tribal Consulting Party under Section 106 of the National Historic Preservation Act**

In accordance with the High-Speed Rail [Section 106 Programmatic Agreement](#)<sup>7</sup>, the Authority and the lead federal agency, the Federal Railroad Administration (FRA), conduct outreach and consultation with California Native American tribes who attach religious and cultural significance to cultural/historic properties that may be affected by the project. Tribal outreach for the program is initiated early and consultation continues at key milestones throughout the program delivery process. Native American tribes with a demonstrated interest in the project will be invited to participate as Consulting Parties under Section 106 of the National Historic Preservation Act. As a Consulting Party, tribes will have the opportunity to participate in the cultural resources investigation from the early stages of project development through construction. Consulting Party participation includes receiving regular status updates, as well as reviewing, commenting, and/or contributing to cultural resources technical reports. Tribal Consulting Parties also participate in the development of both the Memorandum of Agreement (MOA) and Archaeological Treatment Plan (ATP), which address procedures and protocols for the treatment and mitigation of cultural resources affected by the project. More detailed information about tribal involvement in the cultural resources investigation process can be found in *Stipulation IV* of the [Section 106 Programmatic Agreement](#)<sup>8</sup>, which is available on the Authority's website.

## **VII. Participate in the Public Scoping and Environmental Review Process**

Pursuant to the requirements of the National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA), the Authority and FRA, as lead agencies, are responsible for implementing a public involvement program as part of the environmental review process. The public involvement program includes distribution of informational materials, such as fact sheets, as well as holding informational and scoping meetings, including town hall meetings, public and agency scoping meetings, individual and group meetings, presentations, and briefings. Public scoping is an important element in the process of determining the focus and content of an EIR/EIS and provides an opportunity for public involvement/input. Scoping helps identify the range of actions, alternatives, environmental effects, and mitigation measures to be analyzed in depth. It also helps focus detailed study on those issues pertinent to the final decision on the proposed project.

To become involved in the public scoping and environmental review process for the high-speed rail sections that lie within the geographic area of concern to your tribe, please visit the Authority's website at [www.hsr.ca.gov](http://www.hsr.ca.gov) where meeting notices and public documents are posted. The website includes information about the statewide high-speed rail system, the various sections and proposed alternatives, the Authority's updated Business Plan, newsletters, press releases, board of directors meetings, recent developments, status of the environmental review process, Authority contact information, and related links. Notices about public meetings and Draft EIR/EIS comment periods are also published in local newspapers and in the *Federal Register*, and local media outlets receive press releases.

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<sup>7</sup> [http://www.hsr.ca.gov/Programs/Tribal\\_Relations/programmatic\\_agreement.html](http://www.hsr.ca.gov/Programs/Tribal_Relations/programmatic_agreement.html)

<sup>8</sup> [http://www.hsr.ca.gov/docs/programs/Tribal\\_Relations/CAHST\\_Sec\\_106\\_PA%20signed\\_06\\_2011.pdf](http://www.hsr.ca.gov/docs/programs/Tribal_Relations/CAHST_Sec_106_PA%20signed_06_2011.pdf)

## **VIII. Become a Tribal Monitor**

Opportunities to participate as tribal monitors during archaeological excavations, pedestrian field surveys, and/or during project construction in sensitive cultural resource areas will be available for designated/approved representatives of Consulting Party tribes. For more information on the Authority's tribal monitoring policy, please see our [Tribal Monitoring Fact Sheet](#)<sup>9</sup>, which is available on the Authority's website.

## **IX. Contact Information**

Questions regarding tribal involvement in the High-Speed Rail Program may be directed to the Authority's Tribal Liaison and/or the Federal Railroad Administration's Environmental Protection Specialist, as follows:

### **California High-Speed Rail Authority**

#### **Amy MacKinnon**

Authority Cultural Resources Specialist

770 L Street, Suite 620

Sacramento, CA 95814

(916) 330-5637

Email: [amy.mackinnon@hsr.ca.gov](mailto:amy.mackinnon@hsr.ca.gov)

Authority Tribal Relations Webpage:

[http://www.hsr.ca.gov/Programs/Tribal\\_Relations/index.html](http://www.hsr.ca.gov/Programs/Tribal_Relations/index.html)

### **Regional Cultural Resources Managers**

#### **Alisa Reynolds**

Northern California Regional Manager

(415) 243-4766

Email: [alisa.reynolds@hsr.ca.gov](mailto:alisa.reynolds@hsr.ca.gov)

#### **Jeff Carr**

Southern California Regional Manager

(213) 443-7458

Email: [jeff.carr@hsr.ca.gov](mailto:jeff.carr@hsr.ca.gov)

### **Federal Railroad Administration (FRA)**

#### **Stephanie Perez**

FRA Environmental Protection Specialist

Office of Railroad Policy and Development

1200 New Jersey Avenue, SE

Washington, DC 205920

(202) 493-0388

Email: [Stephanie.Perez@dot.gov](mailto:Stephanie.Perez@dot.gov)

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<sup>9</sup> [http://hsr.ca.gov/docs/Programs/Tribal\\_Relations/tribal\\_monitoring\\_fact\\_sheet.pdf](http://hsr.ca.gov/docs/Programs/Tribal_Relations/tribal_monitoring_fact_sheet.pdf)