BORDERS COMMITTEE AGENDA

Friday, March 18, 2005
12:30 to 2:30 p.m.
SANDAG, 7th Floor Conference Room
401 B Street
San Diego

AGENDA HIGHLIGHTS

- 2005 BINATIONAL CONFERENCE UPDATE
- OTAY RIVER WATERSHED MANAGEMENT PLAN
- LAS CALIFORNIAS BINATIONAL CONSERVATION INITIATIVE UPDATE

PLEASE TURN OFF CELL PHONES DURING THE MEETING

MISSION STATEMENT
The Borders Committee provides oversight for planning activities that impact the borders of the San Diego region (Orange, Riverside, and Imperial Counties and the Republic of Mexico). The preparation and implementation of SANDAG’s Binational Planning and Interregional Planning Programs are included under its purview. It advises the SANDAG Board of Directors on major interregional planning policy-level matters.

San Diego Association of Governments · 401 B Street, Suite 800, San Diego, CA 92101-4231
(619) 699-1900 · Fax (619) 699-1905 · www.sandag.org
Welcome to SANDAG. Members of the public may speak to the Borders Committee on any item at the time the Committee is considering the item. Please complete a Speaker’s Slip, which is located in the rear of the room, and then present the slip to Committee staff. Also, members of the public are invited to address the Committee on any issue under the agenda item entitled Public Comments/Communications/Member Comments. Speakers are limited to three minutes. The Borders Committee may take action on any item appearing on the agenda.

This agenda and related staff reports can be accessed at www.sandag.org under meetings on SANDAG’s Web site. Public comments regarding the agenda can be forwarded to SANDAG via the e-mail comment form also available on the Web site. Email comments should be received no later than noon, two working days prior to the Borders Committee meeting.

In compliance with the Americans with Disabilities Act (ADA), SANDAG will accommodate persons who require assistance in order to participate in SANDAG meetings. If such assistance is required, please contact SANDAG at (619) 699-1900 at least 72 hours in advance of the meeting. To request this document or related reports in an alternative format, please call (619) 699-1900, (619) 699-1904 (TTY), or fax (619) 699-1905.

SANDAG offices are accessible by public transit.
Phone 1-800-COMMUTE or see www.sdcommute.com for route information.
ITEM # | ACTION
--- | ---
+1. | APPROVAL OF FEBRUARY 18, 2005 MEETING MINUTES

2. | PUBLIC COMMENTS/COMMUNICATIONS/ MEMBER COMMENTS
Members of the public will have the opportunity to address the Borders Committee on any issue within the jurisdiction of the Committee. Speakers are limited to three minutes each and shall reserve time by completing a “Request to Speak” form and giving it to the Clerk prior to speaking. Committee members may also provide information and announcements under this agenda item.

CONSENT ITEMS (3-4)

+3. | COMMITTEE ON BINATIONAL REGIONAL OPPORTUNITIES (COBRO) MEETING SUMMARY AND ACTIONS

+4. | UPDATE ON SENATE BILL 18 (BURTON)
(Jane Clough-Riquelme, SANDAG Staff)
Adopted in 2004, Senate Bill (SB) 18 includes additional requirements for local jurisdictions when preparing or amending their general plans. The bill requires local jurisdictions to provide opportunities for involvement of California Native American Tribes in the general plan process, including conducting consultations with certain tribes for the purpose of preserving or mitigating impacts to Native American historical, cultural, and sacred sites.

REPORTS (5-7)

+5. | 2005 BINATIONAL CONFERENCE UPDATE
(Paul Ganster, Chair of SANDAG’s Committee on Binational Regional Opportunities (COBRO))
Dr. Ganster will present COBRO’s recommendations for the title, theme, format, location, and possible dates for SANDAG’s Binational Conference.

+6. | OTAY RIVER WATERSHED MANAGEMENT PLAN
(Trish Boaz, County of San Diego)
County staff will provide an update on the Watershed Management Plan for the Otay River Watershed that the County of San Diego is developing in collaboration with the Cities of San Diego, Chula Vista, and Imperial Beach and the Port of San Diego, as well as a Working Group representing various stakeholders within the watershed.
+7. **LAS CALIFORNIAS BINATIONAL CONSERVATION INITIATIVE UPDATE**
   (Anne McEnany, International Community Foundation; Michael D. White, Conservation Biology Institute)

   This report will provide an update on this binational initiative that was created to develop a vision for habitat conservation in the California-Baja California border region and to preserve key habitat corridors along the binational border. On December 2003, the Borders Committee supported the creation of a study area for the shared watershed and binational wildlife corridors in that region.

8. **ORAL REPORT ON SEWAGE INFRASTRUCTURE ISSUES ALONG THE INTERNATIONAL BORDER**
   (Councilmember Frank Tierney and Scott Huth, City of Coronado; Alan Langworthy, City of San Diego)

   This report will provide an overview and description of issues concerning sewage infrastructure along the international border and the effect of lack of infrastructure on the Tijuana River Valley, Imperial Beach and Coronado beaches.

9. **NEXT MEETING DATE AND LOCATION**

   The next meeting of the Borders Committee will be held on Friday, April 15, 2005, at 12:30 p.m. The meeting room will be announced.

Attachment

+ Next to an agenda item indicates an attachment
The regularly scheduled meeting of the San Diego Association of Governments (SANDAG) Borders Committee was called to order at 1:07 p.m., by Chair Crystal Crawford (North County Coastal). The attendance sheet for the meeting is attached.

Chair Crawford welcomed all visitors and thanked all for attending. She noted that this is a special meeting as it forms part of the strategic initiative to improve communications with tribal governments and the presentations will be made by the tribal governments. She added that the Borders Committee is looking forward to learning more about how tribal governments work and how SANDAG can coordinate better with the area’s 17 tribal governments. Self introductions were made. The following tribal members were present: Chairman Robert Smith (Pala) of the Southern California Tribal Chairmen’s Association (SCTCA); Chairman Kevin Siva (Los Coyotes Band) of the Reservation Transportation Authority (RTA); Edward Arviso (Inaja-Cosmit Band), RTA Executive Board Member; Ben Magante (Pauma), RTA Executive Board Member; Joe Loya (Torres Martinez Band of Cahuilla), RTA Board Member; Chair John Currier (Rincon Luiseño Band of Indians); Vice Chair Jack Musick (La Jolla Band of Mission Indians); and Reva Wassana, Tribal Consultants.

Chair Crawford (North County Coastal) mentioned that Supervisor Carrillo (Imperial County) sends his regrets for not being able to attend the meeting, but emphasized his interest in the issue.

1. APPROVAL OF BORDERS COMMITTEE MEETING MINUTES

   Action: Councilmember McCoy (South County) made the motion and Councilmember David Allan (East County) seconded the motion to approve the minutes from the January 21, 2005 meeting. One member abstained.

2. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

   Chair Crawford (North County Coastal) announced that there will be a joint meeting between the Southern California Association Government’s (SCAG’s) Southwest Compact Task Force and SANDAG’s Borders Committee on Thursday, February 24, 2005. The meeting will be held from 11 a.m. to 1 p.m. in San Juan Capistrano. Staff noted that they will be handling all the travel arrangements for those Committee members that are interested in attending.
Councilmember McCoy (South County) mentioned that the United States will be celebrating Wetlands Day this year and will be recognizing three Wetlands of International Importance under “The Convention on Wetlands of International Importance,” more commonly known as the Ramsar Convention. The Three Wetlands of International Importance are the Tijuana River National Estuarine Research Reserve, the National Reserve in Merced, and the National Reserve in Hawaii. This is a significant accomplishment because the Tijuana River watershed drains from Mexico to the United States with the majority being in Mexico. All members will receive invitations to the opening.

Vice Mayor Harris-Ebert (North County Inland) asked about the environmental impact of the third border fence being proposed by the Department of Homeland Security (DHS) on the quality of the Tijuana River National Estuarine Research Reserve. Councilmember McCoy (South County) responded that all DHS projects at the border are under suspension when it comes to environmental laws. The California Coastal Commission opposed the third border fence project, but it went to Congress anyway. She added that the DHS proposal of the third fence has received approval in Washington, D.C. at the House of Representatives level – now it needs to be approved in the Senate.

**CONSENT ITEMS (3 through 5)**

3. COMMITTEE ON BINATIONAL REGIONAL OPPORTUNITIES (COBRO) MEETING SUMMARY AND ACTIONS (INFORMATION)

4. SANDAG’S 2005 BINATIONAL CONFERENCE UPDATE (INFORMATION)

5. TRIBAL OVERVIEW (INFORMATION)

**Action:** Supervisor Cox (County of San Diego) made the motion and Councilmember Allan (East County) seconded the motion to accept Consent Items 3 through 5.

Chair Crawford (North County Coastal) mentioned that the map attached to Item #5 – Tribal Overview – was a joint effort between SANDAG, Caltrans, and the Reservation Transportation Authority. Changes can be made to the map if necessary. She noted that San Diego has more tribal governments within its boundaries than any other county in the nation. She thanked all that worked on the map.

**REPORTS**

6. TRIBAL GOVERNANCE IN SAN DIEGO COUNTY (INFORMATION)

Reva Wassana (Tribal Consultants), the designated liaison to SANDAG for the RTA, provided a general overview of tribal nations in the San Diego region and their governance structure to the Committee. There are 562 federally-recognized tribes in the United States. Of those,
107 are in California, with 17 of those tribes being located in the San Diego region. These 17 tribes are descendants of four Indian nations.

Kevin Siva (RTA Chair) noted that the 17 tribes in San Diego are descendants of four main tribes: Luiseño, Cahuilla, Cupeño, and Kumeyaay.

Ms. Wassana noted that it was an honor to be the tribal liaison, even though she is not a member of any of the tribal nations in the San Diego region. She is an enrolled member of the Arapaho Tribe of Oklahoma, but she comes from both the Arapaho and Wichita Nations.

Tribal governments in California have gone through a very long process to attain the current sovereignty that they now enjoy. As most of you know, the Bureau of Indian Affairs, authorized in the early 1800s shifted the focus of its mission from military control of the tribes to civilian control at about the same time that California became a state. The development of the reservation system actually gained momentum in the mid-1850s after experimentation with reservation policy in California.

Public Law 280, enacted by Congress in 1953, further shifted the role of Indian affairs from the federal government to the states by enabling states to assume criminal, as well as civil, jurisdiction in matters involving Indians as litigants on reservation land. PL280 transferred legal authority (jurisdiction) from the federal government to the states, including California, which significantly changed the division of legal authority among tribal, federal, and state governments.

Tribal nations operate similarly to city, county, and state governments and have the same types of responsibilities. They also share common problems and issues and are seeking common solutions. As with local governments, tribal governments often form associations or coalitions to help address these issues. There was a study conducted by Harvard University in 1987, which determined that the two most important indicators for success in economic development for tribes was their ability to govern themselves and to protect their cultural integrity. For tribal nations, securing stable sources of funding is a serious issue; not all tribes have gaming compacts or independent sources of economic development.

Chair Crawford (North County Coastal) asked for additional comments and/or questions from members.

Mayor Pro Tem Gallo (North County Coastal) asked for the definition of TERO, as it is mentioned in the map attached to the Agenda Item #5. Chairman Siva responded that TERO stands for Tribal Employment Rights Organization (which is similar to a union).

John Currier (Chair of the Rincon Nation of Luiseño) commented that not all tribes agree with each other, and they cannot be treated as a consensus block. It is important to know that all tribal governments are separate.

Chair Crawford (North County Coastal) noted that SANDAG has been informed that each tribe is a sovereign nation and should be treated on an individual basis.
Councilmember Allan (East County) requested copies of the PowerPoint presentations.

Chair Crawford (North County Coastal) stated that PowerPoint presentations will be made available to all interested Committee members.

**Action:** The Borders Committee accepted this report for information.

### 7. SOUTHERN CALIFORNIA TRIBAL CHAIRMEN’S ASSOCIATION (INFORMATION)

Robert H. Smith (Chair of the Southern California Tribal Chairmen’s Association) provided the Committee with an introduction to the SCTCA, including its mission, goals and objectives, and governance structure. The SCTCA is a multi-service, non-profit corporation established in 1972 by a consortium of 19 federally-recognized Indian tribes in Southern California.

Councilmember Allan (East County) thanked Chairman Smith for his hospitality while visiting with him at the Pala reservation. The important issue is to recognize that there are so many people at the table, and it is important to include them all to resolve issues of mutual concern.

Councilmember Monroe (South County) was pleased that this meeting is taking place. He added that he appreciates the sovereignty of each tribal government and also that consensus is important. He remarked that he was pleased that Chairman Smith was here to represent the consortium at the Borders Committee to discuss their issues. He noted that he is looking forward to working together on improving communication with the tribal governments in San Diego.

Supervisor Cox (County of San Diego) stated that he is happy to be seated at the table with the tribal governments today. He asked how many of the 17 tribal governments participate in the SCTCA. Chairman Smith responded that all tribal governments are invited to attend and participate in the consortium.

Councilmember McCoy (South County) asked if any of the tribal governments do business with any of the tribes in Baja California. Chairman Smith (SCTCA) stated that his tribe regularly sends representatives to Mexico. Even though Mexico doesn’t have the fiscal resources to reciprocate, they do business together.

Councilmember McCoy (South County) suggested that the Borders Committee meet with the tribes individually. Chairman Smith (SCTCA) responded that the Borders Committee is welcome to attend the SCTCA meetings whenever it is convenient for them.

Chair Crawford (North County Coastal) commented that the SANDAG Board of Directors visited several tribal lands during its tour of East County.

Louis Guassac stated that the Kumeyaay tribal representatives are working with DHS to get special visa waivers to enable tribal members in Baja California to come across the border for cultural activities and ceremonies. It is important to know that the Kumeyaay Nation existed as one before the United States and Mexico border was created; the lands of the
Kumeyaay people go all the way to the tip of Baja California. There are traditional cultural sites of importance to the Kumeyaay on both sides of the border. Currently, there are four bands of Kumeyaay who live in Baja California.

Javier Diaz (Consulate General of Mexico) commented that the Consulate is currently working with the Consulate of the United States in Tijuana on a program with the Kumeyaay Indians, which will allow them to cross the border to share in cultural celebrations and ceremonies.

Chair Crawford (North County Coastal) stated that the Borders Committee has been charged by the SANDAG Board of Directors to reach out to San Diego’s neighboring jurisdictions, including the Counties of Imperial, Riverside, and Orange, as well as Mexico and the Tribal Nations. She recognizes that plans and programs need to be developed that will include common issues with the tribal governments. She apologized for taking a little longer to get together with the tribal governments, but is pleased to have them here today to begin building a much needed relationship.

Councilmember Monroe (South County) was unsure whether there was a space on the agenda to hear what the priorities of tribal governments have so that issues can be identified where both groups can work together.

Chair Crawford (North County Coastal) stated that issue is implicit in today’s agenda and can be discussed.

**Action:** The Committee received this item for information.

8. RESERVATION TRANSPORTATION AUTHORITY (INFORMATION)

Kevin Siva (Chair of the Reservation Transportation Authority) thanked the Borders Committee for allowing him to make today’s presentation. Mr. Siva provided the Committee with an overview of the RTA. Founded in 1998, it is the only organization of its kind in the nation. The RTA is a consortium of Southern California Indian tribal governments established by sovereign nations and designated by Public Law 93-638 as a contracting entity on behalf of those tribes. The RTA organization allows each tribe to select a representative that serves on its Board of Directors.

He provided a breakdown of the RTA organization. The RTA has a threefold mission: (1) to develop roads for the needs of all tribes; (2) to acquire new road construction and road maintenance experience to serve as a resource for the member tribal governments; and (3) to provide transportation planning, training, and research for member tribal governments. The RTA feels that there is a need for the tribal governments to understand the regional planning process and how they might become involved, as well as for the local governments to understand the needs of the tribes. All groups have something to offer. Funding for the work of the RTA is made available through Public Law 93-638.

He highlighted some of the RTA accomplishments and noted that the RTA services tribal governments in Imperial, Riverside, San Diego, San Bernardino, and Santa Barbara Counties. He again thanked the SANDAG Borders Committee for its time.
Chair Crawford (North County Coastal) commented that the map doesn't show any roads connecting to Chairman Siva’s reservation, Los Coyotes. She suggested that there might be opportunities for additional roads and road improvements. Chair Siva (RTA) noted that there are reservations throughout San Diego County, and not all are connected to each other. Those types of problems and needs are more directly related to the County of San Diego as the reservations are mostly located in the unincorporated area of the County, as well as some cities.

Chair Crawford (North County Coastal) stated that there should be adequate infrastructure to allow for emergency services and other access issues. Chair Siva (RTA) responded that there are other transportation issues faced by each individual tribal government.

Chair Crawford (North County Coastal) asked if tribal governments have overall planning documents. Chairman Smith (SCTCA) replied that Pala has a planning document that includes a project that crosses the San Luis Rey River. He added that when the growth of the tribes began to affect the cities near each reservation, it activated the need for compromise between the tribes and the individual communities.

Councilmember McCoy (South County) mentioned that by looking at the numbers on the map, it appears that there are very few people living on reservations. Chairman Smith (SCTCA) stated that the numbers used on the map are from the 2000 Census. Since that time, there has been infrastructure added that has allowed for families to move back to the reservations. Currently, all reservations have families living on them.

Staff commented that the map in the agenda was developed by using statistics from the 2000 Census, which only indicates people actually living on the reservation and not total tribal membership. There are many more Native Americans and members of the San Diego tribes living in urban areas in the San Diego region.

Chair Crawford (North County Coastal) stated that it would be helpful to have data regarding the levels of activities on the reservations and how much housing is being developed on each reservation.

Mario Orso, Caltrans District 11 Tribal Government Liaison, noted that the RTA has assisted Caltrans with gaining approval of a document that has allowed Caltrans to have government-to-government relations with various tribes. Caltrans has worked closely with the tribal governments to develop the document. The Northern California tribal liaison is working with the Northern California tribes to develop a similar type of agreement.

Pedro Orso-Delgado (Caltrans) mentioned that Caltrans has been working closely with tribal governments across California, including the San Diego region. There will be a great deal of land development because of the casino developments that generate impacts in the communities surrounding them. There needs to be a way to begin work with each tribal government to develop solutions and identify funding that will solve the transportation needs of both the County and the tribal governments.

Chair Currier (Rincon Nation of Luiseño) asked what the areas were for which Caltrans will be seeking grants. Mr. Orso-Delgado stated that current grants will include SR 76 east of
I-15 for operational improvements only. However, any major improvements to that corridor have not been contemplated in the SANDAG Regional Transportation Plan (RTP).

Joe Loya (Torres Martinez Band of Cahuilla) indicated that over the past five years, every tribe had a different goal, and what was being proposed has not been enough to resolve existing and future needs. Part of the problem is that some tribal governments are not as financially stable as others. There needs to be a document that not only provides an overall plan for projects, but also provides a way to get the jobs completed. The tribal governments do not have all the resources necessary to accomplish all of their goals. Many funding opportunities are being passed by because of the lack of understanding of the planning process.

Staff thanked and welcomed the tribes for attending today’s meeting. Staff noted that a key component to funding issues is timing. Across the country and the state, different regions develop long-range regional transportation plans (RTPs) in accordance with state and federal requirements. There are often more projects listed in each RTP than there is funding available. Plans always have more demands than resources, and staff is continually looking for resources to satisfy planning needs. The good thing is that the RTP is updated every three years, which allows for the addition and or deletion of specific projects.

The upcoming 2030 RTP update provides an opportunity for SANDAG to work with the RTA, SCTCA, and the 17 tribal governments in the region on long-range transportation planning issues. This is a great opportunity to engage with the RTA and solicit its help in facilitating tribal involvement while recognizing the sovereignty of each of the 17 nations. It is clear that current and future gaming impacts local roads. The 18 cities and the county government need to understand what the tribal governments’ needs are and how their economic development affects the long-range viability of the regional transportation system. Working with the RTA and the SCTCA will provide a vehicle for communication with all of the 17 tribal governments.

Chair Crawford (North County Coastal) commented that in the Borders Chapter of the Regional Comprehensive Plan (RCP), there is a policy objective related to strengthening SANDAG’s relationship with the tribal governments in the region. That document too will be updated, and it would be helpful to include realistic needs of the tribal governments. It also would be helpful to have tribal government representation at future Borders and Transportation Committee meetings.

Staff noted that the Regional Planning Committee Stakeholders Working Group has recently been formed, and Chairman Siva was selected as a member of that group.

Vice Mayor Harris-Ebert (North County Inland) suggested that a tribal government representative be added to the Borders Committee. Staff responded by stating they will investigate that option.

Chair Crawford (North County Coastal) added that staff will continue to work closely with the tribal governments in order to facilitate communication between SANDAG and the RTA and the SCTCA as well as with each of the tribal governments.
Councilmember Monroe (South County) mentioned that there are a lot of requirements for projects, but there is not enough funding. It is important to figure out a way to establish priorities and create a balance that works for all tribal governments. Safety is a key issue for the transportation projects, with vehicle safety being at the top of the list.

**Action:** The Committee received this item for information.

9. CALTRANS STATE ROUTE 76 EAST CORRIDOR STUDY (INFORMATION)

Mario Orso, Caltrans District 11 Tribal Government Liaison, stated that Caltrans currently has two grants that will help strengthen tribal government relationships in the region. The first is an Environmental Justice Grant that was awarded to the RTA. Through this grant, RTA will work on improving communication and coordination efforts on regional transportation planning issues with Councils of Governments, specifically SCAG and SANDAG. This is a pass-through grant with SANDAG acting as the pass-through agency. The second is the SR 76 East Corridor Study funded by a federal grant. This is a planning grant that was awarded to Caltrans to conduct a study to evaluate operational improvements on the SR 76 corridor east of the I-15.

Caltrans also holds tribal government academies to help Metropolitan Planning Organizations (MPO) understand the function and needs of the tribal governments and to help the tribal governments better understand the regional transportation planning process. SR 76 has been impacted by both tribal and housing developments; fatal accidents have increased significantly in recent years. The purpose of the SR 76 grant is to develop a study to identify the traffic needs in that specific area. In order to move forward with necessary improvements, Caltrans needs to have a reasonable assessment of what operational improvements are necessary. The Pala Band provided the local matching funds to enable Caltrans District 11 to activate the grant. This is an opportunity to bring together key stakeholders in the area of influence of the corridor to examine the problems and to develop solutions together.

Chair Currier (Rincon Tribe) asked what the study entails. Mario Orso indicated that the boundaries of the study will be SR 76 from I-15 to the junction with SR 79.

Councilmember Allan (East County) commented that as a former fire fighter from East County, he saw that during the fires last year, the tribal governments collaborated extensively with emergency services. As a result of their efforts, a second helicopter is available in the County of San Diego.

Public Comment: Larry Glavinic (Vice Chair of the Valley Center Planning Group) was gratified to see the focus of this meeting and the presence of tribal governments, as it is critical to have all stakeholders involved in the process of developing solutions. He noted that the state and federal governments also need to be at the table for these discussions. He mentioned that Valley Center is surrounded by five tribes within a 10-mile radius. Wonderful things will be happening in that area, and a broader view should be considered to develop solutions to common problems. Dissemination of information is the challenge. The question could be asked, “What is the purpose of all this?” The purpose is to move people. How do you maintain the entertainment level and not contribute to the traffic
congestion. An alternative is a light rail that would do a loop around the casinos and at the same time, does not destroy the natural habitat. He suggested that Caltrans re-consider what it is trying to accomplish. Does looking for existing funds resolve all the problems?

Mr. Mario Orso mentioned that Caltrans is in the middle of conducting a tribal transportation needs assessment, which is tied to a grant that was given to SANDAG. Caltrans and SANDAG decided to conduct a joint survey of reservation transportation needs. The instrument was developed and tested. Caltrans/SANDAG teams will begin interviews next week. The survey includes questions regarding transportation needs, alternate means of transportation, such as transit, and other pertinent issues. After the information is gathered, Caltrans will forward the transit portion of the needs assessment to SANDAG to include in its own report. Caltrans will first present its findings to the tribal governments for their review and comments.

Chair Crawford (North County Coastal) asked if the study will consider what is happening now and also what will be happening in the future. Mr. Orso stated that the survey asks questions such as whether or not planning documents are available; will there be gaming issues in the future; and if there will be future school and housing needs, among other issues. He added that this will be a government-to-government interview, and each tribe has already been informed of the survey and asked whether or not they would like to participate. He added that the needs assessment will only work if the tribes are willing to participate in the interview process.

Chair Crawford (North County Coastal) questioned if the tribal governments are aware of the study. Mr. Smith (SCTCA Chair) responded that some tribal governments are aware of this and some are not. He agreed to distribute this information to all individual tribes.

Chair Crawford (North County Coastal) asked if this is something to which the tribal governments would be receptive. Mr. Smith (SCTCA Chair) replied that Pala is already on board, and he hopes that all other tribes also will be receptive.

Chair Crawford (North County Coastal) asked when the report will be distributed to the public. Mr. Orso stated that the target completion date for the report is late this summer.

Ben Magante (RTA Executive Board member) requested to receive a copy of the minutes from this meeting. Staff replied that copies of the draft minutes will be forwarded to all tribal representatives present for their review prior to being included in next month’s Borders Committee agenda packet.

Chair Crawford (North County Coastal) added that if the draft minutes misses something, please let staff know. Mr. Magante (RTA Executive Board member) responded that he also would like to see a final version of the minutes.

Mr. Loya (Torres Martinez Band of Cahuilla) asked what the Borders Committee was expecting to accomplish at today’s meeting.
Chairman Smith (SCTCA) indicated that he will continue to attend meetings to continue the dialogue and work with SANDAG. He added that he appreciated the opportunity to participate in today's meeting.

Chairman Siva (RTA) referred to the Caltrans survey and commented that when responding to the questionnaire, he would be willing to help other tribal governments respond to the document. He again thanked the Borders Committee for making this meeting happen.

Councilmember Monroe (South County) mentioned that at the SANDAG retreat, the Board members spent a majority of the discussion on Friday on public safety issues. It is important to know that every tribe that has the resources is willing to make sure that their fire and safety systems are compatible with those of the surrounding cities and the county.

Chair Crawford (North County Coastal) commented that it is important that the tribal governments are aware of the fact that different SANDAG Policy Advisory Committee's discuss different specific issues.

Mr. Loya (Torres Martinez Band of Cahuilla) indicated that Chairman Siva initiated this meeting and would like to keep this momentum going. He requested that the Borders Committee add a standing item on the monthly agendas so that the commitment is firm.

Chair Crawford (North County Coastal) stated that she was not opposed to discussing tribal government issues at future meetings.

Chair Currier (Chair of the Rincon Nation of Luiseño) commented that tribal gaming is contributing to the local economy in the San Diego region. The more the tribes can be successful economically, the more the tribes can be helpful in providing assistance to the surrounding cities. If the tribes are willing to contribute their fair share to the streets and roads leading to the casinos, they would like to have signs showing their contributions. It is very offensive for the tribes to do their fair share and not be recognized.

Chair Crawford (North County Coastal) noted that the County of San Diego’s Tribal Liaison, Chantal Saipe, will be at the Borders Committee meeting next month to present the County’s program.
Mayor Pro Tem Gallo (North County Inland) stated that it is important that this group is finally thinking regionally. It would be ideal to have a tribal government representative to attend each meeting.

Councilmember Allan (East County) again thanked all of the tribal governments for being committed to making this relationship work. He also thanked SANDAG staff for all its hard work in promoting communication with the tribal governments.

Mr. Magante (RTA and Pauma Tribe) commented that as long as the communication continues, the relationship will continue to move forward.

Chair Crawford (North County Coastal) stated that she is looking forward to seeing some or all of the tribal government representatives at the meeting next month.

Action: The Committee received this item for information.

9. NEXT MEETING DATE AND LOCATION (INFORMATION)

The next meeting of the Borders Committee will be held at 12:30 p.m. on Friday, March 18, 2005, in SANDAG’s 7th Floor Conference Room.

10. ADJOURNMENT

The meeting was adjourned at 2:54 p.m.
# CONFIRMED ATTENDANCE
## BORDERS COMMITTEE MEETING
**February 18, 2005**
**12:30 to 2:30 p.m.**

<table>
<thead>
<tr>
<th>GEOGRAPHICAL AREA/ORGANIZATION</th>
<th>JURISDICTION</th>
<th>NAME</th>
<th>MEMBER/ALTERNATE</th>
<th>ATTENDING</th>
</tr>
</thead>
<tbody>
<tr>
<td>North County Coastal</td>
<td>City of Del Mar</td>
<td>Crystal Crawford (Chair)</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>City of Solana Beach</td>
<td>Lesa Heebner</td>
<td>Alternate</td>
<td>No</td>
</tr>
<tr>
<td>North County Inland</td>
<td>City of Escondido</td>
<td>Pia Harris-Ebert</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>City of Vista</td>
<td>Ed Gallo</td>
<td>Alternate</td>
<td>Yes</td>
</tr>
<tr>
<td>East County</td>
<td>City of La Mesa</td>
<td>David Allan</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>City of Santee</td>
<td>Hal Ryan</td>
<td>Alternate</td>
<td>No</td>
</tr>
<tr>
<td>South County</td>
<td>City of Imperial Beach</td>
<td>Patricia McCoy (Vice Chair)</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>City of Coronado</td>
<td>Phil Monroe</td>
<td>Alternate</td>
<td>Yes</td>
</tr>
<tr>
<td>City of San Diego</td>
<td>----</td>
<td>Ralph Inzunza</td>
<td>Member</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>----</td>
<td>Brian Maienschein</td>
<td>Alternate</td>
<td>No</td>
</tr>
<tr>
<td>County of San Diego</td>
<td>----</td>
<td>Greg Cox</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>----</td>
<td>Pam Slater</td>
<td>Alternate</td>
<td>No</td>
</tr>
<tr>
<td>Imperial County</td>
<td>County of Imperial</td>
<td>Victor Carrillo</td>
<td>Member</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>City of Calexico</td>
<td>David Ouzan</td>
<td>Alternate</td>
<td>No</td>
</tr>
<tr>
<td>ADVISORY/LIAISON</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COBRO</td>
<td>---</td>
<td>Paul Ganster</td>
<td>Member</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>---</td>
<td>Cindy Gomppers-Graves</td>
<td>Alternate</td>
<td>Yes</td>
</tr>
<tr>
<td>County of Riverside</td>
<td>City of Lake Elsinore</td>
<td>Thomas Buckley</td>
<td>Member</td>
<td>No</td>
</tr>
<tr>
<td>Republic of Mexico</td>
<td>Consul General of Mexico</td>
<td>Luis Cabrera Cuaron</td>
<td>Member</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>Deputy Consul</td>
<td>Javier Diaz</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td></td>
<td>Deputy Consul</td>
<td>Lydia Antonio</td>
<td></td>
<td>Yes</td>
</tr>
<tr>
<td>Caltrans</td>
<td>----</td>
<td>Pedro Orso-Delgado/Bill Figge</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td>San Diego County Water Authority</td>
<td>----</td>
<td>Howard Williams</td>
<td>Member</td>
<td>Yes</td>
</tr>
<tr>
<td>County of Orange</td>
<td>----</td>
<td>Vacant</td>
<td>Member</td>
<td>---</td>
</tr>
</tbody>
</table>
COMMITTEE ON BINATIONAL REGIONAL OPPORTUNITIES MEETING SUMMARY AND ACTIONS

The Committee on Binational Regional Opportunities (COBRO) met on Tuesday, February 1, 2005. The agenda included a presentation of the Municipal Planning Institute of the City of Tijuana on the specific plan for the area of east Mesa de Otay and a discussion on the preparation of SANDAG’s 2005 Binational Summer Conference. Minutes of the meeting are included as Attachment 1.

BOB LEITER
Director of Land Use and Transportation Planning

Attachment

Key Staff Contact: Hector Vanegas, (619) 699-1972; e-mail: hva@sandag.org
COMMITTEE ON BINATIONAL REGIONAL OPPORTUNITIES

March 1, 2005

AGENDA ITEM NO.: 2

Action Requested: APPROVE

COMMITTEE ON BINATIONAL REGIONAL OPPORTUNITIES (COBRO) SUMMARY OF FEBRUARY 1, 2005 MEETING

1. WELCOME AND INTRODUCTIONS

The February 1, 2005, Committee on Binational Regional Opportunities (COBRO) meeting was called to order by Member Elsa Saxod, City of San Diego. The meeting was held at SANDAG.

Members present were: Elsa Saxod, City of San Diego; Alex Hidalgo, Office of International Programs, San Diego State University; Javier Diaz and Lydia Antonio, Consulate General in San Diego; Sergio Pallares, Caltrans; Jaime González-Luna, Maquiladora Industry Association; Gustavo Pérez, City of Chula Vista; Silvia Flores, El Colegio de La Frontera Norte; Yolanda Walther-Meade, Fundación Internacional de la Comunidad/International Community Foundation; Alejandra Mier y Teran, Otay Mesa Chamber of Commerce; Nathan Owens, San Diego Dialogue; Angelika Villagrana and Viviana Ibañez, San Diego Regional Chamber of Commerce; Cindy Gomper-Graves, South County Economic Development Council; David Perez-Tejada, City of Mexicali; Julieta Sanchez, Office of International Relations, State of Baja California; Luis Duarte and Haydee Martínez, ImPlan/Municipal Planning Institute for the City of Tijuana; Dave Fege, U.S. EPA Border Liaison Office; Hector Vindiola, Consulate General of the United States in Tijuana; Bob Leiter, Hector Vanegas, and Ron Saenz from SANDAG.

2. MEETING SUMMARY OF DECEMBER 8, 2004

The meeting summary for December 8, 2004, was approved.

3. PUBLIC COMMENTS/COMMUNICATIONS/MEMBER COMMENTS

Elsa Saxod, City of San Diego, welcomed new member, David Perez-Tejada, from the City of Mexicali, to his first COBRO meeting and thanked him for his attendance.

Yolanda Walther-Meade, Fundación Internacional de la Comunidad/International Community Foundation, invited the Committee to attend the opening of the first Boys and Girls club in Mexico to be held at 5 p.m. on February 9, 2005, in Tijuana. She also reminded the Committee of the upcoming “Dos Aguilas Binacional Fiesta/Two Eagles Binational Party” to be held at the San Diego Natural History Museum on March 12, 2005.
Angelika Villagrana, San Diego Regional Chamber of Commerce, announced that Viviana Ibañez, with the San Diego Regional Chamber of Commerce - Mexico Business Center, recently became a U.S. citizen.

Alex Hidalgo, San Diego State University, broached the subject of a recent statement made by the U.S. State Department regarding an advisory for American tourists traveling to Mexico. The statement contained harsh comments that will have a negative effect on the region. He asked the Committee if there was any action they could take regarding this statement.

Viviana Ibañez, San Diego Regional Chamber of Commerce, told the Committee that there is a meeting scheduled on Friday, February 4, 2005, at 9 a.m., to discuss this statement and that different representatives from the City of San Diego, the U.S. Consulate, and the Department of Tourism of the City of Tijuana were expected to attend.

Elsa Saxod, City of San Diego, said that recommendations from the meeting should be brought to the next COBRO meeting or a special meeting should be called for the COBRO to further discuss the subject.

Javier Diaz, Consulate General in San Diego, commented that the United States and Mexico share common concerns with security on the border, and it is important to continue to stress cooperation and not differences. Those living in the border region understand the types of cooperation that occur daily in the binational region.

Elsa Saxod, City of San Diego, agreed that the statement hurts the binational relationship and has a negative impact on businesses. She asked if there was an appropriate action to take as a committee.

Jaime González-Luna, Maquiladora Industry Association, stated that as a whole the region should take a stronger position on the topic. On both sides of the border, people understand how the region behaves and works together as a team. There is room for improvement, but a strong position is needed to defend our region. The maquiladoras/twin plants are concerned with security. Currently, the Maquiladora Industry Association is trying to coordinate a strategy with the authorities in Tijuana.

Elsa Saxod, City of San Diego, recommended that the Committee wait to hear back from meetings taking place in the region concerning the safety warning and then take the appropriate action.

David Perez-Tejada, City of Mexicali, commented that yesterday the President of the Republic of Mexico, Vicente Fox, visited the community of Los Algodones to stress the safety of the border region and to support the fact that there are a number of Americans and Canadians living there, as well as a significant number of people who visit the city to buy goods such as medicine and receive services, such as dental and medical.

Viviana Ibañez, San Diego Regional Chamber of Commerce, reminded the COBRO of the upcoming “Mexican Economic Review and Outlook 2005 Exposition” scheduled for March 18, 2005, in which various speakers will address both state and local economic issues. The Mayor of Tijuana, Hon. Jorge Hank Ron, is the featured luncheon speaker. Alejandra Mier y Teran, Otay Mesa Chamber of Commerce, reminded the Committee of the “Border Transportation Crisis Forum” to be held on March 24, 2005, and hoped that there would be a good turnout from the Committee.
4. **STAFF REPORT (HECTOR VANEGAS, SANDAG)**

Hector Vanegas, SANDAG, reminded the COBRO that a list of additional upcoming events not listed in the original agenda was handed out to the members.

5. **PROGRAMA PARCIAL DE LA MESA DE OTAY ESTE, CIUDAD DE TIJUANA - CITY OF TIJUANA’S SPECIFIC PLAN FOR THE AREA OF EAST MESA DE OTAY (Luis Duarte, City of Tijuana, Municipal Planning Institute, ImPlan)**

Elsa Saxod, City of San Diego, told the COBRO and attendees that Tijuana’s Planning Department leadership remains unchanged, although changes were made to the City government in the last election. Today the Committee will hear about the plans the City of Tijuana has for east Mesa de Otay. It is important for both sides, with so much activity happening in the area. The City of San Diego is currently updating its community plan for Otay Mesa. It is important to have planners from both sides engage in a dialogue together and to foster cooperation. Working together is a huge implication for both sides of the border.

Luis Duarte, ImPlan, reiterated the fact that although there had been some changes made in the administration of the City of Tijuana, they remained committed to working together in the area of binational politics and were attending the COBRO meeting not only to present their information, but also to receive input from the Committee. Two agency objectives are related to binational planning. In the West is the specific plan for downtown Tijuana, neighboring San Ysidro, and in the East is the plan for east Mesa de Otay. The development of the plans requires binational workshops that should include SANDAG, the cities of San Diego region, as well as other agencies and institutions related to border affairs. The process of plan approval began this month with public feedback.

The area studied by ImPlan is comprised of 7 zones: Zone 1 is an equipment and industrial area; Zone 2 is a popular housing area; Zone 3 is a medium-income housing area; Zone 4 is strictly industrial; Zones 5 and 6 are low-income housing in high risk areas with the substandard conditions and services; and Zone 7 has been designated as a conservation and preservation area. This area generates approximately 52,000 manufacturing jobs and represents 6.83 percent of the total population of Tijuana (78,556 habitants in the year 2000). ImPlan’s main objectives in the area include: housing; improved access to good and services; increased mobility; and improvements in public areas. We are also trying to discourage housing in high risk areas, particularly in the canyons located in the eastern section of the area. Economic development is an important issue to take into account. It is imperative to rehabilitate popular areas, as well as to encourage the sustainable development of areas under construction. This area is perceived as a center of exchange in terms of people, goods, and services, and therefore it is of utmost priority to ensure accessibility.

Access roads and exits for the Port of Entry are being considered. We must analyze infrastructure and accessibility when looking at the border crossing. Two areas have been identified as potential border access areas, east Otay Mesa and Valle Redondo. One main topic of discussion in our public meetings has been what types of vehicles should be using the Mesa de Otay II Port of Entry – heavy commercial traffic and/or private vehicles. The different levels of the Mexican government will be taking the feedback into consideration when making their decision. Further analysis is necessary to make a determination to see if it will be used for heavy commercial traffic.
Cindy Gomper-Graves, SCEDC, brought up the project, “Gateway of Las Americas,” and its current status.

Luis Duarte, ImPlan, acknowledged that there is a proposal for the “Gateway of Las Americas,” but ImPlan needs to do more studies to determine if it is a feasible project. There are several proposals that are up for public feedback. The official document will give us an official stance on the projects from which we will present to federal officials. At the moment we are in the discussion phase. Each proposal needs to be discussed specifically.

Alejandra Mier y Teran, Otay Mesa Chamber of Commerce, mentioned that she has always heard that Mesa de Otay II was going to be constructed for heavy commercial traffic.

Luis Duarte, ImPlan, mentioned that there is no document with an official stance regarding Mesa de Otay II although it has been determined that it is efficient for commercial vehicles. The designation for usage has yet to be decided.

Sergio Pallares, Caltrans, asked about the process for the implementation of the plan.

Luis Duarte, ImPlan, explained the implementation process. The months of February and March will be used for consultation and in May recommendations will be forwarded to the Mayor and in April to the Governor of Baja California. Tentative publication of the document is set for June, which after final approval would become law.

Jaime González-Luna, Maquiladora Industry Association, told Mr. Duarte that he did an excellent job on the presentation and thanked him for providing the COBRO with the information on an early date to encourage public feedback. He asked if ImPlan was currently working on existing areas, specifically in the Mesa de Otay area, and asked in which ways the COBRO could assist.

Luis Duarte, ImPlan, told him that although ImPlan is not directly in charge, they are working in that area, and that at this point what ImPlan needs most is participation in the public feedback process to really get an idea of how the public feels about ideas and proposals.

Bob Leiter, SANDAG, asked who owns the property in the eastern area designated for conservation.

Luis Duarte, ImPlan, said that they are private owners who will have to be influenced to conserve the areas though public policy.

Sergio Pallares, Caltrans, mentioned that at the moment there are not many resources to improve the border and asked if ImPlan had a strategy and what the agency was going to do first. Luis Duarte, ImPlan, told the Committee that they do have an action plan in which improvement of the existing Mesa de Otay Port of Entry is the their priority in the short term, followed by Mesa de Otay II as a medium to long term project.

Elsa Saxod, City of San Diego, inquired about the Clean Water Act and the recommendation to build a sewage treatment plant in Tijuana. She had heard that there was a recommendation to build a sewage treatment plant in Mesa de Otay, and if ImPlan had taken that into consideration.
Luis Duarte, ImPlan, responded that this project was not included in this plan, and it would, in fact, fall into a much larger plan.

Silvia Flores, El Colegio de La Frontera Norte, asked how the public sessions will be organized and what the process is to participate in the consultations.

Luis Duarte, ImPlan, responded that the sessions are going to be open to everyone and that there is no official process for participation.

Elsa Saxod, City of San Diego, thanked ImPlan for coming to the meeting and for making the presentation. She reiterated the importance of cooperation on both sides of the border and the development of a strong dialogue. She told ImPlan that she hopes they can return to the COBRO to provide the Committee with an update perhaps in June after the official decision has been made by the different levels of government.

6. PREPARATION OF SANDAG’S 2005 BINATIONAL SUMMER CONFERENCE (HECTOR VANEGAS, SANDAG)

Hector Vanegas, SANDAG, began by saying that after last summer’s conference, the Committee’s recommendations were presented to the Borders Committee and approved and then presented to the Board of Directors. These recommendations support the establishment of a formal planning partnership, which would lead to more effective and more result-oriented planning activities. Otay Mesa was determined to be the primary planning area of opportunity. Now the process has begun for designing the next conference, and the Committee needs to begin by deciding on a title.

Elsa Saxod, City of San Diego, asked if the COBRO was going to focus on a tangible goal and see an outcome of the recommendation for the establishment of a formal relationship. She mentioned that although it is important to share information regarding the border, it is important to take the leap into the next step of action.

Hector Vanegas, SANDAG, commented that a formal relationship was established with Riverside County and the goal is to follow that model. In this instance it also is important to take binational protocols into consideration.

Bob Leiter, SANDAG, mentioned that in the Riverside partnership, SANDAG received a grant to study a specific area. SANDAG was able to develop information on existing transportation and land use. SANDAG developed policy recommendations to allow the two regions to work better together. The agency went from getting a better idea of the region to problem solving, which set the stage for specific actions. We also performed an economic opportunity analysis and devised strategies to alleviate the access to jobs and housing issues. SANDAG can foresee moving in that same direction with the Otay Mesa corridor.

Cindy Gomper-Graves, SCEDC, asked if it was necessary to have COBRO handle that or if SANDAG would take it over anyway.

Bob Leiter, SANDAG, responded that his understanding was that the COBRO, as a stakeholder group, would be able to use the conference to reach a broader audience and get more feedback for
ideas in the region and to educate the binational community. It would let everyone prioritize and focus on what needs to be done in the next year or so in terms of binational planning.

Elsa Saxod, City of San Diego, mentioned that she felt she was hearing a disconnect within the Committee. She said that she felt that everyone knew what they want to do, but that she wasn’t sure if it was necessary to have an actual conference. She proposed that the COBRO have a workshop format rather than a conference in which attendees would just listen to speakers. She said that the COBRO was running parallel, but wasn’t actually connecting.

Hector Vanegas, SANDAG, said that what he understood was that the COBRO wanted to have a more effective planning relationship with Baja California and that was the intention of the binational conference.

Alejandra Mier y Teran, Otay Mesa Chamber of Commerce, suggested that they focus on specific areas and examples for the conference/workshop. She mentioned that in Nogales, there is a private/public partnership to create a fast lane, and it would be beneficial to bring speakers from the area to learn from their experiences.

Bob Leiter, SANDAG, agreed with the idea to hold the conference as more of a workshop. The focus is not on the entire border, and perhaps the conference should really try to focus on a very specific area and subsequent transportation and land use issues. That is a good idea to better understand the growth in the Otay Mesa corridor to later update the Regional Comprehensive Plan (RCP).

Elsa Saxod, City of San Diego, supported that the conference be organized like a workshop – we are focusing on one region and not the entire border, and maybe we can focus on specific connections between transportation and land use so that we can better understand the future growth in the Otay Mesa corridor to update our RCP.

Javier Diaz, Consulate General in San Diego, suggested that the topic be narrowed down to the Otay Mesa region and border crossing so that the Committee could have the opportunity to identify real problems and try to solve them.

Bob Leiter, SANDAG, said that he felt that was a good focus.

Sergio Pallares, Caltrans, asked if they wanted to limit their focus on the Otay Mesa area or also include San Ysidro.

Cindy Gomper-Graves, SCEDC, said that in order to have an interactive conference, the COBRO has to be forward thinking and it is a better idea to look at Otay Mesa, as San Ysidro is already developed.

Nathan Owens, San Diego Dialogue, mentioned that the idea of a workshop is great, but he wondered if the region had the wherewithal to take the information and come out with something complete and concrete.

Bob Leiter, SANDAG, mentioned that the cities are working together and the stage has been set.
Elsa Saxod, City of San Diego, said that although the goal of the COBRO meeting today was to come up with a title for the conference, it would be a better idea to think about it a little more. She suggested that the COBRO take the concepts from the meeting today to the Borders Committee Meeting on February 18, 2005. She asked for volunteers to create a task force to develop a concrete concept for the conference/workshop.

The following COBRO members volunteered to be part of this task force: Nathan Owens, San Diego Dialogue; Lydia Antonio, Consulate General of Mexico; Alejandra Mier y Teran, Otay Mesa Chamber of Commerce; Vice Chair Cindy Gomper-Graves. It also was recommended to include Chair Paul Ganster.

Elsa Saxod, City of San Diego, thanked ImPlan for the presentation. She also thanked those who volunteered to be part of the task force.

7. ADJOURNMENT, AND NEXT MEETING DATE AND LOCATION

The next meeting of COBRO will be held on Tuesday, March 1, 2005, from 3 to 4:30 p.m. in SANDAG’s 7th Floor Conference Room.
Senate Bill No. 18

CHAPTER 905

An act to amend Section 815.3 of the Civil Code, to amend Sections 65040.2, 65092, 65351, 65352, and 65560 of, and to add Sections 65352.3, 65352.4, and 65562.5 to the Government Code, relating to traditional tribal cultural places.

[Approved by Governor September 29, 2004. Filed with Secretary of State September 30, 2004.]

LEGISLATIVE COUNSEL’S DIGEST
SB 18, Burton. Traditional tribal cultural places.
(1) Existing law establishes the Native American Heritage Commission and authorizes the commission to bring an action to prevent severe and irreparable damage to, or assure appropriate access for Native Americans to, a Native American sanctified cemetery, place of worship, religious or ceremonial site, or sacred shrine located on public property.

Existing law authorizes only specified entities or organizations, including certain tax-exempt nonprofit organizations, and local government entities to acquire and hold conservation easements, if those entities and organizations meet certain conditions.

This bill would include a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission, among those entities and organizations that may acquire and hold conservation easements, as specified.

(2) Existing law requires the Office of Planning and Research to implement various long range planning and research policies and goals that are intended to shape statewide development patterns and significantly influence the quality of the state’s environment and, in connection with those responsibilities, to adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans.

This bill would require that, by March 1, 2005, the guidelines contain advice, developed in consultation with the Native American Heritage Commission, for consulting with California Native American tribes for the preservation of, or the mitigation of impacts to, specified Native American places, features, and objects. The bill would also require those guidelines to address procedures for identifying the appropriate California Native American tribes, for continuing to protect the
confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects, and for facilitating voluntary landowner participation to preserve and protect the specific identity, location, character, and use of those places, features, and objects. The bill would define a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission as a “person” for purposes of provisions relating to public notice of hearings relating to local planning issues.

(3) Existing law requires a planning agency during the preparation or amendment of the general plan, to provide opportunities for the involvement of citizens, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the city or county deems appropriate.

This bill would require the planning agency on and after March 1, 2005, to refer the proposed action to California Native American tribes, as specified, and also provide opportunities for involvement of California Native American tribes. The bill would require that, prior to the adoption or amendment of a city or county’s general plan, the city or county conduct consultations with California Native American tribes for the purpose of preserving specified places, features, and objects that are located within the city or county’s jurisdiction. The bill would define the term “consultation” for purposes of those provisions. By imposing new duties on local governments with respect to consultations regarding the protection and preservation of California Native American historical, cultural, and sacred sites, the bill would impose a state-mandated local program.

On and after March 1, 2005, this bill would include open space for the protection of California Native American historical, cultural, and sacred sites within the definition of “local open-space plan” for purposes of provisions governing the preparation of the open-space element of a city and county general plan.

(4) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.
The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature finds and declares all of the following:
(1) Current state law provides a limited measure of protection for California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places.
(2) Existing law provides limited protection for Native American sanctified cemeteries, places of worship, religious, ceremonial sites, sacred shrines, historic or prehistoric ruins, burial grounds, archaeological or historic sites, inscriptions made by Native Americans at those sites, archaeological or historic Native American rock art, and archaeological or historic features of Native American historic, cultural, and sacred sites.
(3) Native American places of prehistoric, archaeological, cultural, spiritual, and ceremonial importance reflect the tribes’ continuing cultural ties to the land and to their traditional heritages.
(4) Many of these historical, cultural, and religious sites are not located within the current boundaries of California Native American reservations and rancherias, and therefore are not covered by the protectionist policies of tribal governments.
(b) In recognition of California Native American tribal sovereignty and the unique relationship between California local governments and California tribal governments, it is the intent of the Legislature, in enacting this act, to accomplish all of the following:
(1) Recognize that California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places are essential elements in tribal cultural traditions, heritages, and identities.
(2) Establish meaningful consultations between California Native American tribal governments and California local governments at the earliest possible point in the local government land use planning process so that these places can be identified and considered.
(3) Establish government-to-government consultations regarding potential means to preserve those places, determine the level of necessary confidentiality of their specific location, and develop proper treatment and management plans.
(4) Ensure that local and tribal governments have information available early in the land use planning process to avoid potential conflicts over the preservation of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places.
(5) Enable California Native American tribes to manage and act as caretakers of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places.
(6) Encourage local governments to consider preservation of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places in their land use planning processes by placing them in open space.

(7) Encourage local governments to consider the cultural aspects of California Native American prehistoric, archaeological, cultural, spiritual, and ceremonial places early in land use planning processes.

SEC. 2. Section 815.3 of the Civil Code is amended to read:

815.3. Only the following entities or organizations may acquire and hold conservation easements:

(a) A tax-exempt nonprofit organization qualified under Section 501(c)(3) of the Internal Revenue Code and qualified to do business in this state which has as its primary purpose the preservation, protection, or enhancement of land in its natural, scenic, historical, agricultural, forested, or open-space condition or use.

(b) The state or any city, county, city and county, district, or other state or local governmental entity, if otherwise authorized to acquire and hold title to real property and if the conservation easement is voluntarily conveyed. No local governmental entity may condition the issuance of an entitlement for use on the applicant’s granting of a conservation easement pursuant to this chapter.

(c) A federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the Native American Heritage Commission to protect a California Native American prehistoric, archaeological, cultural, spiritual, or ceremonial place, if the conservation easement is voluntarily conveyed.

SEC. 3. Section 65040.2 of the Government Code is amended to read:

65040.2. (a) In connection with its responsibilities under subdivision (l) of Section 65040, the office shall develop and adopt guidelines for the preparation and content of the mandatory elements required in city and county general plans by Article 5 (commencing with Section 65300) of Chapter 3. For purposes of this section, the guidelines prepared pursuant to Section 50459 of the Health and Safety Code shall be the guidelines for the housing element required by Section 65302. In the event that additional elements are hereafter required in city and county general plans by Article 5 (commencing with Section 65300) of Chapter 3, the office shall adopt guidelines for those elements within six months of the effective date of the legislation requiring those additional elements.

(b) The office may request from each state department and agency, as it deems appropriate, and the department or agency shall provide,
technical assistance in readopting, amending, or repealing the guidelines.

(c) The guidelines shall be advisory to each city and county in order to provide assistance in preparing and maintaining their respective general plans.

(d) The guidelines shall contain the guidelines for addressing environmental justice matters developed pursuant to Section 65040.12.

(e) The guidelines shall contain advice including recommendations for best practices to allow for collaborative land use planning of adjacent civilian and military lands and facilities. The guidelines shall encourage enhanced land use compatibility between civilian lands and any adjacent or nearby military facilities through the examination of potential impacts upon one another.

(f) The guidelines shall contain advice for addressing the effects of civilian development on military readiness activities carried out on all of the following:

1. Military installations.
2. Military operating areas.
3. Military training areas.
4. Military training routes.
5. Military airspace.
6. Other territory adjacent to those installations and areas.

(g) By March 1, 2005, the guidelines shall contain advice, developed in consultation with the Native American Heritage Commission, for consulting with California Native American tribes for all of the following:

1. The preservation of, or the mitigation of impacts to, places, features, and objects described in Sections 5097.9 and 5097.995 of the Public Resources Code.
2. Procedures for identifying through the Native American Heritage Commission the appropriate California Native American tribes.
3. Procedures for continuing to protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects.
4. Procedures to facilitate voluntary landowner participation to preserve and protect the specific identity, location, character, and use of those places, features, and objects.

(h) The office shall provide for regular review and revision of the guidelines established pursuant to this section.

SEC. 4. Section 65092 of the Government Code is amended to read:

65092. (a) When a provision of this title requires notice of a public hearing to be given pursuant to Section 65090 or 65091, the notice shall also be mailed or delivered at least 10 days prior to the hearing to any
person who has filed a written request for notice with either the clerk of the governing body or with any other person designated by the governing body to receive these requests. The local agency may charge a fee which is reasonably related to the costs of providing this service and the local agency may require each request to be annually renewed.

(b) As used in this chapter, “person” includes a California Native American tribe that is on the contact list maintained by the Native American Heritage Commission.

SEC. 5. Section 65351 of the Government Code is amended to read:

65351. During the preparation or amendment of the general plan, the planning agency shall provide opportunities for the involvement of citizens California Native American tribes, public agencies, public utility companies, and civic, education, and other community groups, through public hearings and any other means the city or county deems appropriate.

SEC. 6. Section 65352 of the Government Code is amended to read:

65352. (a) Prior to action by a legislative body to adopt or substantially amend a general plan, the planning agency shall refer the proposed action to all of the following entities:

(1) A city or county, within or abutting the area covered by the proposal, and a special district that may be significantly affected by the proposed action, as determined by the planning agency.

(2) An elementary, high school, or unified school district within the area covered by the proposed action.

(3) The local agency formation commission.

(4) An areawide planning agency whose operations may be significantly affected by the proposed action, as determined by the planning agency.

(5) A federal agency if its operations or lands within its jurisdiction may be significantly affected by the proposed action, as determined by the planning agency.

(6) A public water system, as defined in Section 116275 of the Health and Safety Code, with 3,000 or more service connections, that serves water to customers within the area covered by the proposal. The public water system shall have at least 45 days to comment on the proposed plan, in accordance with subdivision (b), and to provide the planning agency with the information set forth in Section 65352.5.

(7) The Bay Area Air Quality Management District for a proposed action within the boundaries of the district.

(8) On and after March 1, 2005, a California Native American tribe, that is on the contact list maintained by the Native American Heritage Commission, with traditional lands located within the city or county’s jurisdiction.
(b) Each entity receiving a proposed general plan or amendment of a general plan pursuant to this section shall have 45 days from the date the referring agency mails it or delivers it in which to comment unless a longer period is specified by the planning agency.

(c) (1) This section is directory, not mandatory, and the failure to refer a proposed action to the other entities specified in this section does not affect the validity of the action, if adopted.

(2) To the extent that the requirements of this section conflict with the requirements of Chapter 4.4 (commencing with Section 65919), the requirements of Chapter 4.4 shall prevail.

SEC. 7. Section 65352.3 is added to the Government Code, to read:

65352.3. (a) (1) Prior to the adoption or any amendment of a city or county’s general plan, proposed on or after March 1, 2005, the city or county shall conduct consultations with California Native American tribes that are on the contact list maintained by the Native American Heritage Commission for the purpose of preserving or mitigating impacts to places, features, and objects described in Sections 5097.9 and 5097.995 of the Public Resources Code that are located within the city or county’s jurisdiction.

(2) From the date on which a California Native American tribe is contacted by a city or county pursuant to this subdivision, the tribe has 90 days in which to request a consultation, unless a shorter timeframe has been agreed to by that tribe.

(b) Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Section 65040.2, the city or county shall protect the confidentiality of information concerning the specific identity, location, character, and use of those places, features, and objects.

SEC. 8. Section 65352.4 is added to the Government Code, to read:

65352.4. For purposes of Section 65351, 65352.3, and 65562.5, “consultation” means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties’ cultural values and, where feasible, seeking agreement. Consultation between government agencies and Native American tribes shall be conducted in a way that is mutually respectful of each party’s sovereignty. Consultation shall also recognize the tribes’ potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

SEC. 9. Section 65560 of the Government Code is amended to read:

65560. (a) “Local open-space plan” is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.
(b) “Open-space land” is any parcel or area of land or water that is essentially unimproved and devoted to an open-space use as defined in this section, and that is designated on a local, regional or state open-space plan as any of the following:

(1) Open space for the preservation of natural resources including, but not limited to, areas required for the preservation of plant and animal life, including habitat for fish and wildlife species; areas required for ecologic and other scientific study purposes; rivers, streams, bays and estuaries; areas adjacent to military installations, military training routes, and restricted airspace that can provide additional buffer zones to military activities and complement the resource values of the military lands; and coastal beaches, lakeshores, banks of rivers and streams, and watershed lands.

(2) Open space used for the managed production of resources, including but not limited to, forest lands, rangeland, agricultural lands and areas of economic importance for the production of food or fiber; areas required for recharge of ground water basins; bays, estuaries, marshes, rivers and streams which are important for the management of commercial fisheries; and areas containing major mineral deposits, including those in short supply.

(3) Open space for outdoor recreation, including, but not limited to, areas of outstanding scenic, historic and cultural value; areas particularly suited for park and recreation purposes, including access to lakeshores, beaches, and rivers and streams; and areas which serve as links between major recreation and open-space reservations, including utility easements, banks of rivers and streams, trails, and scenic highway corridors.

(4) Open space for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, flood plains, watersheds, areas presenting high fire risks, areas required for the protection of water quality and water reservoirs and areas required for the protection and enhancement of air quality.

(5) Open space for the protection of places, features, and objects described in Sections 5097.9 and 5097.995 of the Public Resources Code.

SEC. 10. Section 65562.5 is added to the Government Code, to read:

65562.5. On and after March 1, 2005, if land designated, or proposed to be designated as open space, contains a place, feature, or object described in Sections 5097.9 and 5097.995 of the Public Resources Code, the city or county in which the place, feature, or object is located shall conduct consultations with the California Native American tribe, if any, that has given notice pursuant to Section 65092
for the purpose of determining the level of confidentiality required to protect the specific identity, location, character, or use of the place, feature, or object and for the purpose of developing treatment with appropriate dignity of the place, feature, or object in any corresponding management plan.

SEC. 11. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because in that regard this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.
2005 BINATIONAL CONFERENCE UPDATE

Introduction

The Committee on Binational Regional Opportunities (COBRO) is tasked to support the organization of SANDAG’s Binational Conference. At the February 18, 2005 Borders Committee meeting, the COBRO reported that Otay Mesa has been identified as an area of opportunity for the effective implementation of a binational planning partnership and, therefore, should be the focus of this year’s event. As a result, the COBRO proposes to present some modifications to this annual event in an effort to establish such a binational planning partnership.

Recommendation

The COBRO recommends:

a) The title for SANDAG’s 2005 Binational Conference shall be “Cross Border Collaborative Planning for Otay Mesa – Mesa de Otay,” with a focus on transportation, housing, economic development, and conservation.

b) SANDAG’s 2005 Binational Conference will consist of two workshops one in San Diego and one in Tijuana, which shall be held sometime during the first two weeks of October.

c) That participation will include SANDAG and other local stakeholders with jurisdiction within the international border region, including Caltrans, the Secretariat of Infrastructure and Urban Development of Baja California (SIDUE), and the Planning Institute of Tijuana (ImPlan).

Discussion

As a result of the 2004 Binational Summer Conference, the COBRO agreed to organize the 2005 event, with the goal of developing a functional and effective planning partnership with the City of Tijuana and adjacent jurisdictions. This goal observes the strategic initiative included in the Regional Comprehensive Plan (RCP).

Since 1997, SANDAG’s Binational Summer Conference has been organized in a conference format, which has always been held in San Diego. Recognizing the successful public participation at the workshops held during the development of the RCP, the COBRO would like to replicate the format that was used.
COBRO is recommending having two workshops, one of which will be held in the San Diego region and the other in the City of Tijuana. The workshops will have experts and stakeholders from both sides of the border in the areas of transportation, housing, economic development, and conservation. The experts will discuss the relevant issues and work with participants to prioritize and set goals. The workshops will be the public kickoff of a regional effort toward the formation of a binational planning partnership.

BOB LEITER
Director of Land Use and Transportation Planning

Key Staff Contact: Hector Vanegas (619) 699-1972 or hva@sandag.org
OTAY RIVER WATERSHED MANAGEMENT PLAN

Introduction

SANDAG’s Committee on Binational Regional Opportunities (COBRO) has recognized that Otay Mesa is an area of opportunity for binational planning coordination, particularly since the cities of San Diego and Chula Vista are currently updating their plans for this area. In light of recent presentations of planning efforts currently underway in the Otay Mesa area, it was recommended that an overview of the Otay River Watershed Management Plan also be included.

The Otay River watershed encompasses approximately 160 square miles in southwest San Diego County and is one of the three hydrologic units that discharge to San Diego Bay. The watershed management plan area encompasses several jurisdictions. The watershed consists largely of unincorporated area, but also includes portions of the cities of Chula Vista, Imperial Beach, Coronado, National City, and San Diego. The predominant land uses in the watershed are open space (67%) and urban/residential (20%). The major inland hydrologic features, Upper and Lower Otay Lakes, are two water supply reservoirs that also provide important habitat and recreational opportunities. Approximately 36 square miles of the watershed is part of the Multiple Species Conservation Plan (MSCP) effort that provides habitat for a wide range of endangered plant and animal species. Other important conservation areas within the watershed include the San Diego National Wildlife Refuge, the Rancho Jamul Ecological Reserve, and the vernal pool lands in the region.

Discussion

As with other coastal watersheds in Southern California, the landscape along the coastal plain in proximity to the watershed’s outlet has rapidly developed, with less development occurring within the mountainous inland areas. Urbanization and other landscape uses are anticipated to continue, as are efforts to protect, enhance, and restore the remaining upland and aquatic resources within this watershed.

The County of San Diego and Cities of Chula Vista, Imperial Beach, and San Diego, and the Unified Port of San Diego entered into a Joint Exercise of Powers Agreement (JEPA) to develop and adopt the Otay River Watershed Management Plan (ORWMP).\(^1\) The ORWMP involves characterizing the Otay River watershed’s various resources and land uses; identifying goals and objectives; assessing and prioritizing threats to existing beneficial uses and natural resources; identifying

\(^1\) Multiple Species Conservation Program, Web page address: http://dplu.mscp.sdcounty.ca.gov/pub_out/watershedinformation.htm
implementation strategies for the protection, enhancement, and restoration of beneficial uses and natural resources, including a water quality monitoring program to monitor, maintain, and enhance water quality. This Framework Management Plan is intended to be consistent with the applicable local General Plans, local resource plans and programs, the Otay River watershed Special Area Management Plan (SAMP), and the Municipal Storm Water Permit (San Diego Region National Pollutant Discharge Elimination System [NPDES] General Permit Order No. 2001-01) and should provide an implementation strategy that assures high water quality standards and protects natural aquatic and upland resources in this watershed.

**Regional Considerations**

The Otay River Watershed is an area that may be affected by future development in the Otay Mesa area. This is an area of opportunity to coordinate with the many planning entities involved in the Otay Mesa area to avoid impacts to the Otay River Watershed.

The City of San Diego is considering rezoning areas of Otay Mesa for more residential development. Zoning between jurisdictions in and around the Otay Mesa area should promote continuity between land uses. As these land use changes are considered, it will also be important to consider the implications of these changes on the Otay River Watershed. This project is an example of regional coordination.

We will continue to keep the Borders Committee and COBRO informed regarding our planning efforts in this rapidly changing area of our region.


BOB LEITER  
Director of Land Use and Transportation Planning

Key Staff Contact: Ron Saenz (619) 699-1922 or rsa@sandag.org
LAS CALIFORNIAS BINATIONAL CONSERVATION INITIATIVE

Introduction

Open space habitat between San Diego County and Baja California is rapidly disappearing due to encroaching urbanization and industrialization. A binational initiative for habitat conservation was developed for this area to preserve key habitat corridors. On November 7 and December 12 of 2003, the Borders Committee received reports on the “Las Californias Binational Conservation Initiative,” a project led by the International Community Foundation and prepared by the Conservation Biology Institute, The Nature Conservancy, and Pronatura. Other institutions, such as Terra Peninsular, Fundación La Puerta, San Diego State University, and Back Country Land Trust, have undertaken site-based activities that amplify the potential conservation opportunities in the border region. As a result of those reports, the Committee approved incorporating this initiative in the Borders Chapter of the Regional Comprehensive Plan (RCP) to promote congressional support and to designate a study area for the shared watersheds and binational wildlife corridors in the California-Baja California border region”.

Discussion

The goals of the Las Californias Binational Conservation Initiative are to:

- Protect unique natural resources shared by the two countries in an area of rich biological and cultural heritage that stretches from the coast to the mountains to the desert;
- Link protected areas to support cross-border wildlife movement, such as that required for the federally (U.S.) endangered Desert Bighorn Sheep;
- Lay the foundation for a binational park system that connects the Parque Constitución de 1857 in Mexico to wilderness areas, forests, and park land in the U.S.; and,
- Promote land protection strategies that involve local communities and result in secure and sustainable conservation.

After two years of work in October 2004, a group of 40 representatives from conservation non-profit organizations in San Diego County and Baja California met to update the “Las Californias Binational Conservation Initiative.” This initiative has identified critical opportunity areas along the U.S.-Mexico border within each of the three bioclimatic zones - coastal, inland, and mountain (Attachment 1). A variety of conservation actions by multiple partners are needed to achieve
conservation objectives in these critical areas, ranging from maintaining low-density rural land uses to facilitating localized wildlife movement over or under highways.

The presentation will summarize the recently-updated version of the “Las Californias Binational Conservation Initiative,” while emphasizing the role SANDAG could play in implementing this Initiative.

BOB LEITER
Director of Land Use and Transportation Planning

Attachment

Key Staff Contact: Hector Vanegas (619) 699-1972 or hva@sandag.org
Figure 10. Critical opportunity areas along the U.S.-México border.