

# Centennial Accord Plan

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We Are Working Together



Washington State  
Department of Transportation

MARCH 2009



# Centennial Accord Plan

MARCH 2009



**Washington State  
Department of Transportation**

**Megan Beeby**  
Acting Tribal Liaison, Government Relations Office

310 Maple Park Avenue SE  
PO Box 47318  
Olympia, Washington 98504-7318

(360) 705-7025  
[beebym@wsdot.wa.gov](mailto:beebym@wsdot.wa.gov)

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**Washington State  
Department of Transportation**



Greetings:

As Washington State and the Tribes prepare to celebrate the 20th Anniversary of the Centennial Accord, we are pleased to share the 2009 update of WSDOT's Centennial Accord Plan. Our Centennial Accord Plan describes key divisions and offices within our agency and focuses on tribal access to services, programs and funding. Our goal is to provide consistent and equitable standards for working with tribes across the state, while also maintaining flexibility and recognition that each federally recognized tribe is unique. In addition to our agency's overall Tribal Consultation Policy, this plan refers to program specific consultation processes and procedures. We extend these services and commitments to include Tribal Nations who have not signed the Centennial Accord, preferring to hold to the original treaties of 1854/55 that also assured respectful government-to-government relations.

This is a dynamic document, and we invite state and tribal decision makers and staff to contribute your ideas. While this plan does not include a description of every WSDOT office and division, please contact our Government Relations Tribal Liaison with any questions.

I hope that you find this publication useful and I look forward to our Centennial work together.

Sincerely,

A handwritten signature in black ink, which appears to read 'Paula J. Hammond'.

Paula J. Hammond  
Secretary of Transportation

<sup>1</sup>WSDOT maintains government-to-government relations with 35 tribes. Twenty-nine federally recognized tribes with reservations in Washington; six tribes have reservations located outside of the state but have traditional homelands, treaty rights or other interests in Washington State.

<sup>2</sup>Signed in 1989. See appendix for full text.



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# Introduction

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Tribal canoes share the ancient water highways with a WSDOT Ferry.

Washington State Department of Transportation offers this Centennial Accord Plan in accordance with the guidance developed by state and tribal leaders during the 1999 Millennium Summit.

The Plan is divided into three main sections. The first section includes a description of agency-wide tribal information and policies including the Secretary's Executive Order on Tribal Consultation E. 1025.01, dispute resolution process and the role of our Government Relations Office. The second section describes the overall organization of the department. We've provided a number of maps and an organizational chart to help readers understand the layout of the agency.

The third section includes a description of key divisions and offices that work with tribes. The divisions and offices are listed in alphabetical order so the reader can easily locate them. Each division and office profiled answers the five main questions of the Governor's Office of Indian Affairs' template:

- Services and Programs Available to Tribes
- Funding Available to Tribes
- Program Specific Consultation Process and Procedures
- Program Specific Dispute Resolution Process
- Program Specific Definitions (compiled as an appendix).

## Summary of Major Changes

WSDOT published its first Centennial Accord Plan in 2003. This document replaces the prior plan and includes the most up-to-date information about the department's programs and services of interest to tribes. Specific changes from the prior plan are:

- Only divisions and offices that regularly provide tribal programs and services were profiled. While this includes most of the offices profiled in the 2003 plan, this 2009 version reflects organizational changes that have taken place since the plan was originally published. For example, the Public Transportation and Rail Offices are no longer combined.
- WSDOT's Executive Order on Tribal Consultation was reissued by Secretary Paula Hammond. A statement acknowledging that the government-to-government relations with tribes are separate from public involvement processes was added. Other edits reflect existing internal roles and responsibilities with Tribal Liaisons and Employees.
- Updated maps and reference material including definitions and acronyms are included.
- Throughout the plan, we've provided a number of contacts and web links where the reader can find more information about a program of interest.

If you have any questions about this plan, please contact the Government Relations Tribal Liaison at (360) 705-7025.

## Government Relations Office Tribal Liaison

Megan Beeby (acting)  
(360) 705-7025 (Office) 1D27 Transportation Building  
(360) 878-2666 (Cell) PO Box 47318  
(360) 705-6803 (Fax) Olympia, WA 98504  
*beebym@wsdot.wa.gov*

In 2001, WSDOT created a full-time Tribal Liaison position in the Headquarters (HQ) Government Relations Office. The HQ Tribal Liaison focuses on government-to-government relations, communication, and education to help the tribes and the agency work effectively with each other. The Tribal Liaison is available to work in all issue areas across the agency. The primary duties of this position include:

- Serve as a point of contact for tribes within WSDOT. Identify additional decision makers and technical staff who can assist tribes with their questions or issues.
- Recommend, in consultation with the Governor's Office of Indian Affairs, tribes and other state and federal agencies, the most effective communication practices with Washington's tribes. Train WSDOT staff on best practices.
- Provide policy support to the agency. Develop, update and help implement WSDOT's Centennial Accord Plan.
- Assist WSDOT regions and divisions as they develop program specific tribal policies and procedures.
- Coordinate with WSDOT regions and other tribal liaisons to ensure constant and effective communication with Washington tribes. When needed, the HQ Tribal Liaison can facilitate meetings, negotiate intergovernmental agreements and help reconcile differences between WSDOT and Tribal Governments.
- Collect accurate information from regional and program tribal liaisons to provide regular government relations reports to WSDOT executives.
- Coordinate a biennial Tribal / State Transportation Conference between WSDOT and tribes.

In addition to the HQ Tribal Liaison, some offices and regions have their own Tribal Liaison or Tribal Coordinator (assigned from among existing staff) to serve as an interface between the region office and local tribes. They help the HQ Tribal Liaison, regional office staff, and local tribes, counties and cities to work together on a local level. Contact information for each Tribal Liaison / Coordinator is available under their respective descriptions throughout the Centennial Accord Plan.

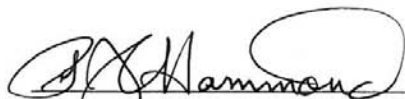
The Tribal Liaison Web page ([www.wsdot.wa.gov/tribal](http://www.wsdot.wa.gov/tribal)) includes a number of useful links to WSDOT programs of interest to tribes, Tribal Liaison Coordinator contacts, and contact information for the tribal representatives with whom we frequently work.

## Executive Order 1025.01 on Tribal Consultation



Washington State  
Department of Transportation

### Secretary's Executive Order

  
Secretary of Transportation

Number: E 1025.01

February 19, 2009

## Tribal Consultation

### I. Introduction

#### A. Purpose

This Secretary's Executive Order reaffirms the commitment of the Washington State Department of Transportation (WSDOT) to provide consistent and equitable standards for working with the various tribes across the state. We recognize that each federally recognized tribe is a distinctly sovereign nation. Our goal is to create durable intergovernmental relationships that promote coordinated transportation partnerships in service to all of our citizens. More information on specific consultation procedures is available in the WSDOT Centennial Accord Plan.

#### B. Supersession

This supersedes the Secretary's Executive Order with the same title dated February 19, 2003.

#### C. What Has Changed

Clarified that Tribal Consultation is independent of the public participation process; tribal members have equal access to the public process. Clarifies identified roles and responsibilities. Responsibility to maintain a log of contacts is added.

### II. Executive Order

WSDOT employees are directed to enter into Tribal Consultation as outlined in this Secretary's Executive Order with tribes who have ancestral homelands within the state boundaries, including those having reservations located outside of the state, on all decisions that may affect tribal rights and interests.

**Tribal Consultation  
Executive Order E 1025.01  
February 19, 2009**

Consultation means respectful, effective communication in a cooperative process that works toward a consensus, before a decision is made or an action is taken. WSDOT is committed to government-to-government consultation with tribes on actions that affect identified tribal rights and issues. Consultation means more than simply informing affected tribes about what the department is planning to do. Consultation with governments occurs independently of the public participation process. Representatives of tribal governments and tribal members have equal access to the public participation process.

WSDOT acknowledges that consultation is a process, not a guarantee of agreement on outcomes. While dedicated to implementing constructive consultation practices, the department hopes to go beyond issue-specific consultation. The goal is to achieve mutually beneficial priorities, programs and interests.

Given the number of tribes, the extent of tribally reserved rights, and the size and the complexity of WSDOT, the department may not be able to identify in advance all issues that may be appropriate subjects for Tribal Consultation. However, as appropriate issues are identified, WSDOT will begin the consultation process.

### **III. Responsibilities**

#### **A. Tribal Liaison Responsibilities**

1. The Headquarters Government Relations Office Tribal Liaison (HQ Tribal Liaison), and the Regional / Office Tribal Liaisons and Coordinators (Region Tribal Liaisons) are responsible for assisting tribes and the department with implementing effective government-to-government relations. The HQ Tribal Liaison regularly coordinates with the Region Tribal Liaisons.
2. The HQ and Region Tribal Liaisons provide tribes with a point of contact within the department and help tribes gain access to the appropriate staff to assist in understanding the department's programs, policies and procedures.
3. The HQ and Region Tribal Liaisons assist the department in understanding tribal issues, making contacts, initiating consultation, and by promoting on-going coordination with tribes.



**Tribal Consultation  
Executive Order E 1025.01  
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4. The HQ and Region Tribal Liaisons are available to facilitate meetings, negotiate intergovernmental agreements on behalf of the department and Secretary, and help reconcile differences between the department and tribal governments.
5. There are many opportunities for consultation and communication. Operational activities will be conducted between appropriate department staff and tribal employees, with notification of meetings made to the appropriate HQ or Region Tribal Liaisons.
6. Official government-to-government consultation will be conducted between the Secretary or the Secretary's designee and the Tribal Council, with notification made to the HQ Tribal Liaison. The HQ Tribal Liaison will coordinate communications with Regional Administrators, Region Tribal Liaisons, and other appropriate WSDOT staff.
7. The HQ Tribal Liaison will strive to reply to tribal requests for state comments and consultation on tribal actions in a timely manner and coordinate communications with appropriate WSDOT program staff, Regional Administrators, and Region Tribal Liaisons.

**B. Employee Responsibilities**

1. Employees will notify the HQ Tribal Liaison and Region Tribal Liaisons and establish appropriate lines of communication with Division Directors, or Regional Administrators and staff, of any contact or consultation with tribal leadership to ensure central continuity in all activities. In addition, employees will maintain a record of all contact and consultation with tribal governments and make them available to the HQ Tribal Liaison on request.
2. Employees will be proactive in consulting with tribes on all pending decisions that may affect identified tribal rights and interests.
3. As issues with tribal implications occur, employees will cooperatively establish the manner and time frame for consultation with the appropriate tribal governments and keep the HQ Tribal Liaison and Region Tribal Liaisons informed.

**Tribal Consultation  
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4. When a rule or policy process is planned that may affect tribal rights and interests, employees will invite interested tribes to consult on a government-to-government basis, while at the same time encourage tribal participation as key members of any planned advisory group.
5. Employees will be receptive to all requests from tribal governments for intergovernmental consultation on actions, policies and issues within the department's authority.
6. Employees will provide the HQ Tribal Liaison with drafts of agreements for review to ensure consistency across the state. Agreements may include Memoranda of Agreement (MOA), Memoranda of Understanding (MOU), and contracts.

#### **IV. Additional Resources and Authorities**

##### **A. Unique Legal Status of Tribes**

The unique legal status of tribes, rights reserved through historic treaties, and cultural interests throughout the state, creates a unique relationship between tribes and WSDOT. Tribes maintain sovereignty rights that predate the formation of the United States and the State of Washington and are guaranteed under treaties and federal laws. Since 1924, tribal members have been citizens of the United States and the State of Washington. Due to federal laws affirming tribal sovereignty, each reservation in the state constitutes a bordering jurisdiction for state agencies. WSDOT actions outside reservations may affect the tribes and the residents of reservations, just as the actions within reservations may affect the state and its citizens.

##### **B. 1989 Centennial Accord**

This Secretary's Executive Order is based on the *Centennial Accord Between The Federally Recognized Indian Tribes In Washington State And The State Of Washington* of 1989. The *Centennial Accord* is published on the Intranet by the Governor's Office of Indian Affairs at <http://www.goia.wa.gov/govtgov/centennial.html>.

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**C. 1999 Implementation Guidelines**

This Secretary's Executive Order is also based on the *Washington State/Tribal Government-to-Government Implementation Guidelines* of 1999. These guidelines were determined by a combined tribal and state taskforce, and are published on the Intranet by the Governor's Office of Indian Affairs at <http://www.goia.wa.gov/govtogo/guidelines.html>. That document's "Key Principles of Government-to-Government Policy" and "Guiding Principles of the Consultation Process" are excerpted here:

**Section I, Item C: "Key Principles of Government-to-Government Policy**

"The State of Washington and the federally recognized tribes within the state have committed to improving and maintaining effective government-to-government relations. The state and tribes acknowledge that while successful intergovernmental communication and cooperation is not a guarantee of agreement on every issue, it will ensure a durable, effective working relationship to the benefit of all of the citizens of Washington State. Toward this goal the state and tribes will:

- "Work directly with each other in a government-to-government fashion, rather than as subdivisions of other governments.
- "Take appropriate steps to remove legal and procedural impediments to working directly and effectively with each other's governments and programs.
- "Endeavor to assure that each other's concerns and interests are considered whenever their actions or decisions may affect the other's governments or programs.
- "Encourage cooperation between tribes, the state and local government to resolve problems of mutual concern.
- "Work with federal agencies that have related responsibilities.
- "Incorporate these Principles into planning and management activities, including budget, program development and implementation, legislative initiatives, and ongoing policy and regulation development processes.
- "Coordinate and provide mutual assistance as the governments assume new regulatory and program management responsibilities."



**Tribal Consultation  
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**Section II, Item A: “Guiding Principles of the Consultation Process**

“The Centennial Accord (signed in 1989) and the New Millennium Agreement (signed in 1999) establish the basic framework and provide the general foundation for tribal/state relations. However, at the 1999 Tribal/State Summit held in Leavenworth, Washington, tribal and state elected officials agreed that a well-delineated communication process was needed in order to provide for a structure to “operationalize” the Accord into a day-to-day working relationship. In order to promote successful consultation and collaboration between tribal governments and the state, the following guiding principles should be followed:

1. **“Commitment to Consultation.** The state and tribes, and their agencies and departments, commit to consulting with each other on matters that directly affect the other.
2. **“Communication and consultation is a two-way street.** Communication between tribal governments and state agencies should be direct and involve two-way dialogue and feedback. Face-to-face meetings between the appropriate tribal and state policy and/or technical level staff can increase understandings of any proposed actions and enhance the development of effective outcomes and solutions. While face-to-face meetings are generally desirable, phone calls, correspondence and other methods of communication should also be utilized.
3. **“Build upon already established and on-going relationships between tribal/state officials.** Formation of specific actions, policy and program development can be more productive if conducted within the framework of an on-going relationship. Additionally, since consultation may demand significant use of time and resources of many individuals, this on-going relationship will assist in best utilizing these resources for all parties.
4. **“State governments are assuming greater responsibility under the federal government’s policy of increased “devolution” of programs.** “Devolution” is the delegation of authorities or duties to a different level of government. Before the delegation of these programs, the tribes worked directly with the federal administrators on issues of concerns to them. The tribes have continuing interests in many of these delegated programs, and the tribal interests should be considered in the administration of these programs by the state.

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5. ***“Issues that require consultation should be identified as soon as possible in order to involve both parties early on in the process.***  
The need for consultation and who makes the determination may be difficult to define in all cases and will vary among the governments. Consultation can be initiated by either a tribal government or state agency. As a general rule, any decision or action which would directly impact or involve tribal governments, its land base and/or operation of its programs requires consultation with those tribal governments. To ensure sufficient time for input before decisions are made and actions taken, requires early involvement of all parties affected by those actions.
  
6. ***“State/Tribes should make every effort to respond to and participate in the consultation process.*** State/Tribal governments should strive to ensure that appropriate communication and response is provided to any request for consultation. If there is no response to an initial request to engage in consultation, it should not be assumed that the state or tribes have no interest in participating in this process. State/Tribal governments and organizational structures will vary. Good faith efforts should be undertaken to involve affected governments.
  
7. ***“Parties should ensure that consultation occur through the interaction of officials with comparable governmental stature and authority.*** In order to maintain the government-to-government relationship, tribes and state agencies are encouraged to send policy officials to represent those interests which require joint final decision-making on key policy issues. However, tribes or state agencies may identify program and/or technical staff to attend meetings when appropriate, depending on the nature of the issue, and where similar representation is anticipated.
  
8. ***“Honesty and integrity must be maintained by all parties in the consultation process.*** Mutual respect and trust are fundamental elements in establishing a good consultative relationship. Tribal and state officials should be open with information that may be beneficial or critical to making a decision or developing a position.”




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#### **Americans with Disabilities Act (ADA) Information**

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- Office of Equal Opportunity (OEO) at (360) 705-7097.
- Persons who are deaf, hard of hearing, or speech disabled may contact OEO through the Washington Relay Service at 7-1-1.

## Dispute Resolution Process

While striving to improve government-to-government relations between the state and tribes, WSDOT recognizes that disputes with tribes may arise from differences in the interpretation of information, the law, and priorities within each organization. WSDOT developed a dispute resolution process to provide the earliest possible resolution, and is both fair and equitable. Except as may be provided by separate written agreement or as otherwise mandated by law, a dispute between the parties shall be processed in the following manner:

**Step 1. Staff Level Resolution.** The aggrieved party shall draft a written summary of the issue in dispute. The written summary shall be presented with a request for resolution to the other party within a reasonable time period after the problem has arisen. The aggrieved party shall state the facts in dispute, and the proposed remedy sought. The parties will strive to address the matter informally, at the staff level.

**Step 2. Region or Division Level Resolution.** In the event that staff is unable to resolve the dispute, and if the subject of the dispute involves day-to-day issues within a specific WSDOT region or division, the WSDOT Regional Administrator or Division Director and a representative from the tribal government involved in the dispute shall meet at a mutually-agreed-upon site within thirty (30) days and attempt to resolve the matter.

**Step 3. Secretary of Transportation Level Resolution.** If the dispute concerns a matter of broader public policy outside of the realm of the WSDOT region or division, or if the WSDOT Regional Administrator or Division Director and the representative from the tribal government are unable to reach a resolution on the dispute at Step 2, the dispute shall be addressed at the level of the Secretary of Transportation.

The Secretary of Transportation and the elected leader(s) from the tribal government shall meet at a mutually-agreed-upon site within forty-five (45) calendar days after initiating the Step 3 procedure to attempt to resolve the dispute.

**Step 4. Governor's Office Level Resolution.** If the Secretary of Transportation and Tribal Leader(s) are not able to resolve the dispute, they shall meet with the Governor's Office of Indian Affairs and other appropriate staff from the Governor's Office who shall act as informal mediators. The participants shall meet at a mutually-agreed-upon site within forty-five (45) calendar days after initiating the Step 4 procedure to attempt to resolve the dispute.

**Step 5. Non-Binding Mediation.** Either party may request non-binding mediation if the dispute cannot be resolved between the Secretary of Transportation, the Governor's Office and the tribal leader(s) in Step 4.

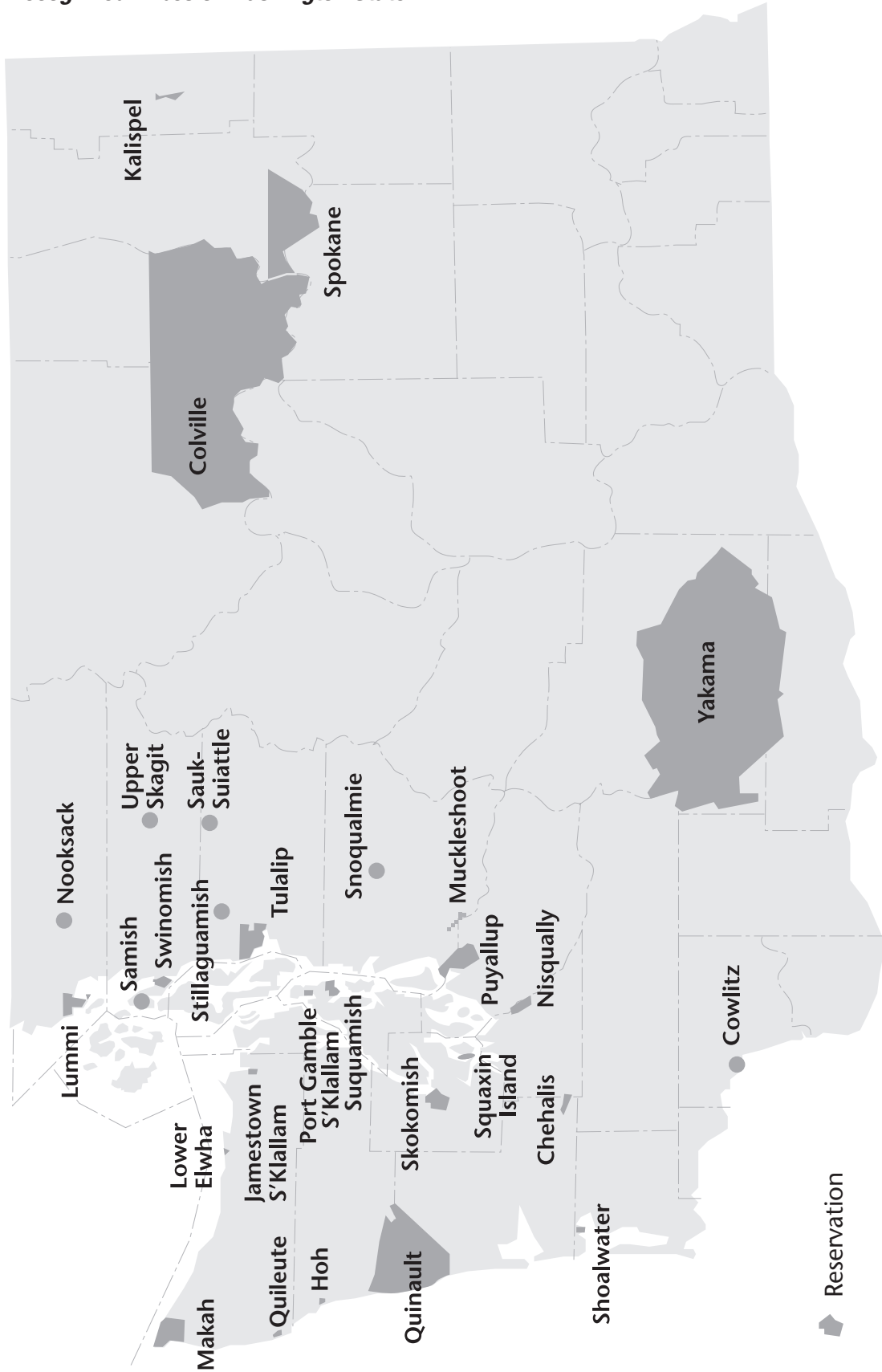
Both parties must mutually agree in writing to submit the matter to non-binding mediation. The parties shall then seek to mutually agree upon the mediation process, who shall serve as the mediator, and the timeframe the parties are willing to discuss the disputed issue(s).

The mediator selected by the parties must be experienced in tribal and transportation matters. The mediator may not impose a solution on the parties, and will have no authority to add to, subtract from, alter, amend, or modify any prior agreements between the parties without the written agreement of the parties.

Unless excused by the mediator, each party shall bring to the mediation session a representative from its side with full settlement authority. In addition, each party shall bring counsel and such other persons as needed to contribute to a resolution of the dispute. The mediation process is to be considered settlement negotiations for the purpose of all state and federal rules protecting disclosures made during such conference from later discovery or use in evidence; provided that any settlement executed by the parties shall not be considered confidential and may be disclosed. Each party shall pay its own costs for mediation and share equally in the cost of the mediator. The venue for the mediation shall be in Olympia, Washington, unless the parties mutually agree in writing to a different location.

**Step 6. Legal Action.** If the preceding dispute resolution process is unsuccessful, then either party may institute a legal action. If either of the parties elects to proceed with legal action they may agree, in an effort to reduce time and cost, to consider stipulating to facts, witnesses, exhibits, and discovery cut-off outside of the perimeters of the court rules. The parties shall not seek relief in a court of law until and unless each of the preceding procedural steps has been exhausted.

### Federally Recognized Tribes of Washington State





# Department Organization

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Ground Breaking for Grand Mound to Maytown Project.

## Department Organization

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The Washington State Department of Transportation (WSDOT) is a member of the Governor's Cabinet. The Secretary of Transportation is appointed by the Governor and is the Executive for the department. Secretary Paula Hammond was appointed in November 2007 and has responsibility over all divisions, offices and regions throughout the department.

### Mission Statement

Our mission is to keep people and business moving by operating and improving the state's transportation systems vital to our taxpayers and communities.

### Management Principles

**Leadership.** We are committed that WSDOT provide strategic vision and leadership for our state's transportation needs.

**Delivery and Accountability.** We shall manage the resources taxpayers and the legislature entrusted to us for the highest possible return on value. We shall be disciplined in our use of both time and money. We shall account for our achievements, our shortcomings and our challenges to citizens, to elected officials, and to other public agencies.

**Business Practices.** We shall encourage progressive business management practices in delivering cost effective and efficient transportation services. Our quest for short-term cost savings and business process improvement shall be balanced by the long-term need to preserve and improve the state's transportation systems through sound fiscal planning and asset management.

**Safety.** Concern for the health and safety of the people who use and work on our transportation facilities shall be a paramount value in every area of our business.

**Environmental Responsibility.** Our work shall incorporate the principles of environmental protection and stewardship into the day-to-day operations of the department as well as the on-going development of the state's transportation facilities.

**Excellence and Integrity.** Our employees shall work in a culture of workplace excellence and diversity that encourages creativity and personal responsibility, values teamwork, and always respects the contributions of one another and of those with whom we do business. We shall adhere to the highest standards of courtesy, integrity and ethical conduct. We shall encourage and recognize our employees' professionalism and their career growth.

**Communications.** We shall stress the importance of sharing clear, concise and timely information with WSDOT employees, elected officials, community leaders, businesses, citizens, taxpayers, others in the transportation community, and with the press and other media. We shall strive for the effectiveness of all our employees in meeting the department's communications standards.

### Services

The Department of Transportation is the steward of a large and robust transportation system, and is responsible for ensuring that people and goods move safely and

efficiently. In addition to building, maintaining, and operating the state highway system, the department is responsible for the state ferry system, and works in partnership with others to maintain and improve local roads, railroads, airports, and multi-modal alternatives to driving. The department works towards achieving five goals: safety, preservation, mobility, environmental quality, and system stewardship.

**Maintenance (Program M)** – Highway Maintenance and Operations is responsible for maintaining 20,251 lane miles of state highways, over 3,000 bridges, and more than 1,100 state-owned and operated traffic signal systems. Ten major mountain passes are kept open and maintained throughout the winter, and 42 safety rest areas are maintained. This program’s objective is to maintain the highway infrastructure in good working order and to keep people and goods moving through all kinds of weather and natural disasters.

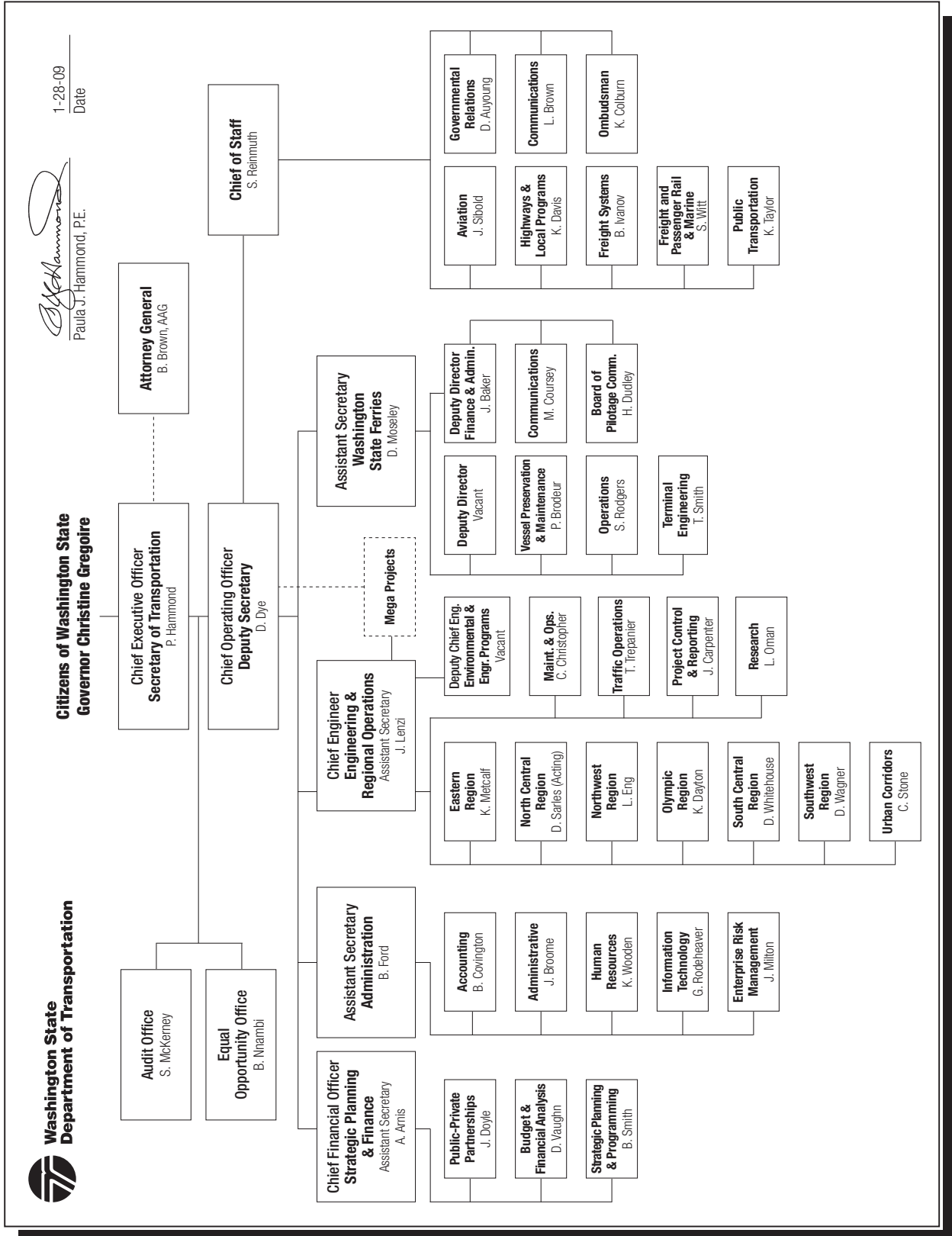
**Operations (Program Q)** – Traffic Operations is directed at improving statewide mobility of people, goods, and services by making highways safer and reducing congestion. The major strategies for accomplishing this goal include deploying incident response vehicles, operating eight traffic management centers, delivering low-cost enhancement projects, synchronizing traffic lights, managing the weigh-in-motion and automated vehicle identification systems at 11 weigh stations across the state, and providing motorists with travel information. Traffic Operations’ Intelligent Transportation System projects improve traveler information and provide safety and congestion relief to the traveling public by applying advanced technology to the transportation system.

**Preservation (Program P)** – The Highway Preservation Program is responsible for targeted investments to preserve the structural integrity of the state highway system. These include projects to preserve and rehabilitate roadway pavements, bridges and other structures, and facilities, such as highway rest areas.

**Improvements (Program I)** – The Highway Improvements program has projects that increase the capacity of state highways to move more vehicles, correct highway safety deficiencies, improve the movement of freight and goods and reduce environmental impacts resulting from highway construction projects.



# WSDOT Organization Chart



## Region Organization

The Washington State Department of Transportation (WSDOT) is divided into seven regions that are responsible for planning, developing, constructing, maintaining and operating transportation projects, facilities, and services within each of their respective areas. For the most part, our regions operate as a microcosm of the entire agency. Many of the services available statewide are provided by the region to the constituencies within their boundaries. In addition to the Headquarters Government Relations Office Tribal Liaison, each region has a Tribal Liaison or Tribal Coordinator (assigned from among existing staff) to serve as interface between the regional office and local tribes. They help the Government Relations Tribal Liaison, regional office staff, and local tribes, counties and cities to work together. Each Tribal Liaison or Coordinator is listed with the Regional Administrator throughout this section.

### Services and Programs Available to Tribes

Programs and services available to the tribes within or near WSDOT regions are the same as those available statewide.

### Funding Available to Tribes

Funding distribution methods available to the tribes in the regions are the same as those available statewide. Region offices are most likely to be involved with funding opportunities provided by federal grants, which are administered through Regional Transportation Planning Organizations (RTPOs) and Metropolitan Planning Organizations (MPOs). The regions' Transportation Planning Offices and Local Programs offices will work with their respective RTPOs and MPOs to ensure that tribal governments are aware of these funding opportunities and have a chance to compete for federal funds.

### Region Specific Consultation Process and Procedures

Each region of the state has distinct transportation needs that reflect its communities, environment, and economy. Within reason, every effort is made to conduct face-to-face consultation meetings, often in a multi-jurisdictional setting.

Our consultation process begins in the planning and development stages of region and local program projects where tribes are invited to participate at RTPO and MPO meetings, joining the state, counties, and cities in planning for the future. This consultation continues through the scoping and design phase with project-specific meetings held to address any issues or concerns. Continued consultation may occur as needed via project monitoring by the tribes throughout the construction and maintenance phases.

### Northwest Region

**Regional Administrator:** Lorena Eng, (206) 440-4706

**Tribal Coordinator:** Ed Conyers, (206) 440-4734, email: conyere@wsdot.wa.gov

**Environmental Tribal Coordinator:** Steve Shipe, 206 440-4531;  
email: shipest@wsdot.wa.gov

**Address:** PO Box 330310, Seattle, WA 98133-9710

The Northwest Region serves communities within King, Whatcom, Island, San Juan, Skagit and Snohomish counties. There are 19 tribes served by the Northwest Region:

**Reservations**

- Lummi Nation
- Muckleshoot Tribe
- Nooksack Tribe
- Samish Nation
- Sauk-Suiattle Tribe
- Snoqualmie Tribe
- Stillaguamish Tribe
- Swinomish Tribe
- Tulalip Tribes
- Upper Skagit Tribe

**Other Interested Tribes (cultural or natural resources)**

- Duwamish Tribe (recognition pending)
- Jamestown S’Klallam
- Lower Elwha Klallam
- Port Gamble S’Klallam
- Puyallup Tribe
- Snohomish Tribe (non-federally recognized)
- Squaxin Island Tribe
- Suquamish Tribe
- Yakama Nation

**Olympic Region**

**Regional Administrator:** Kevin Dayton, (360) 357-2605

**Tribal Coordinator:** Bob Jones, (360) 357-2630, email: jonesr@wsdot.wa.gov

**Address:** 5720 Capital Blvd S, Bldg 7, Tumwater, WA 98501

The Olympic Region serves the communities within Clallam, Grays Harbor, Jefferson, Kitsap, Mason, Pierce and Thurston counties. There are 18 tribes served by the Olympic Region:

**Reservations**

- Confederated Tribes of Chehalis
- Hoh Tribe
- Jamestown S’Klallam Tribe
- Lower Elwha Klallam Tribe

- Makah Tribe
- Nisqually Tribe
- Port Gamble S'Klallam Tribe
- Puyallup Tribe
- Quileute Tribe
- Quinault Nation
- Skokomish Tribe
- Squaxin Island Tribe
- Suquamish Tribe

**Other Interested Tribes (cultural or natural resources)**

- Cowlitz Tribe
- Muckleshoot Tribe
- Shoalwater Bay Tribe
- Tulalip Tribes
- Yakama Nation

**Southwest Region**

**Regional Administrator:** Donald Wagner, (360) 905-2001

**Tribal Coordinator:** Rick Keniston, (360) 905-2018, email: kenistr@wsdot.wa.gov

**Address:** 11018 NE 51st Circle, Vancouver, WA 98682

The Southwest Region serves communities within Clark, Cowlitz, Klickitat, Lewis, Pacific, Skamania and Wahkiakum counties. There are 10 tribes served by the Southwest Region:

**Reservations**

- Cowlitz Tribe
- Shoalwater Bay Tribe
- Yakama Nation

**Other Interested Tribes (cultural or natural resources)**

- Chinook Tribe (recognition pending)
- Confederated Tribes of Chehalis
- Confederated Tribes of Grand Ronde
- Confederated Tribes of Warm Springs
- Confederated Tribes of Umatilla
- Nez Perce Tribe
- Nisqually Tribe

### **North Central Region**

**Acting Regional Administrator:** Dan Sarles, (509) 667-3040

**Tribal Liaison:** Megan Nicodemus, (509) 324-6202, email: nicodem@wsdot.wa.gov

**Address:** 1551 North Wenatchee Ave, Wenatchee, WA 98807

The North Central Region serves communities within Chelan, Douglas, Grant and Okanogan counties. There are 4 tribes served by the North Central Region:

#### **Reservations**

- Confederated Tribes of the Colville Reservation

#### **Other Interested Tribes (natural or cultural resources)**

- Sauk- Suiattle Tribe
- Wanapum Tribe (recognition pending)
- Yakama Nation

### **South Central Region**

**Regional Administrator:** Don Whitehouse, (509) 577-1620

**Tribal Coordinator:** Bill Preston, (509) 577-1630; email: prestob@wsdot.wa.gov

**Address:** 2803 Rudkin Rd, Union Gap, WA 98903

The South Central Region serves communities within Asotin, Benton, Columbia, Franklin, Garfield, Kittitas, Yakima and Walla Walla counties. There are 6 tribes served by the South Central Region:

#### **Reservations**

- Yakama Nation

#### **Other Interested Tribes (natural or cultural resources)**

- Confederated Tribes of Colville
- Confederated Tribes of Umatilla
- Confederated Tribes of Warm Springs
- Nez Perce Tribe
- Wanapum Tribe (recognition pending)

### **Eastern Region**

**Regional Administrator:** Keith Metcalf, (509) 324-6010

**Tribal Liaison:** Megan Nicodemus, (509) 324-6202, email: nicodem@wsdot.wa.gov

**Address:** 2714 N Mayfair St. Spokane, WA 99207

The Eastern Region serves the communities within Adams, Ferry, Lincoln, Pend Oreille, Spokane, Stevens and Whitman counties. There are 6 tribes served by the Eastern Region:

**Reservations**

- Confederated Tribes of the Colville Reservation
- Kalispel Tribe
- Spokane Tribe

**Other Interested Tribes (natural or cultural resources)**

- Coeur d'Alene Tribe
- Nez Perce Tribe
- Yakama Nation

**Urban Corridors**

*Urban Corridors Administrator:* Craig Stone, (206)464-1222

*Tribal Coordinator:* Allison Hanson, (206) 713-1136, email: hanson@wsdot.wa.gov

*Address:* 401 2nd Ave S. Suite 400, Seattle, WA 98104

The Urban Corridors Office (UCO) is charged with successfully developing and delivering major urban transportation projects, as well as providing strategic leadership for the advancement of system improvements in the Central Puget Sound area. There are 13 tribes served by the Urban Corridor's Office:

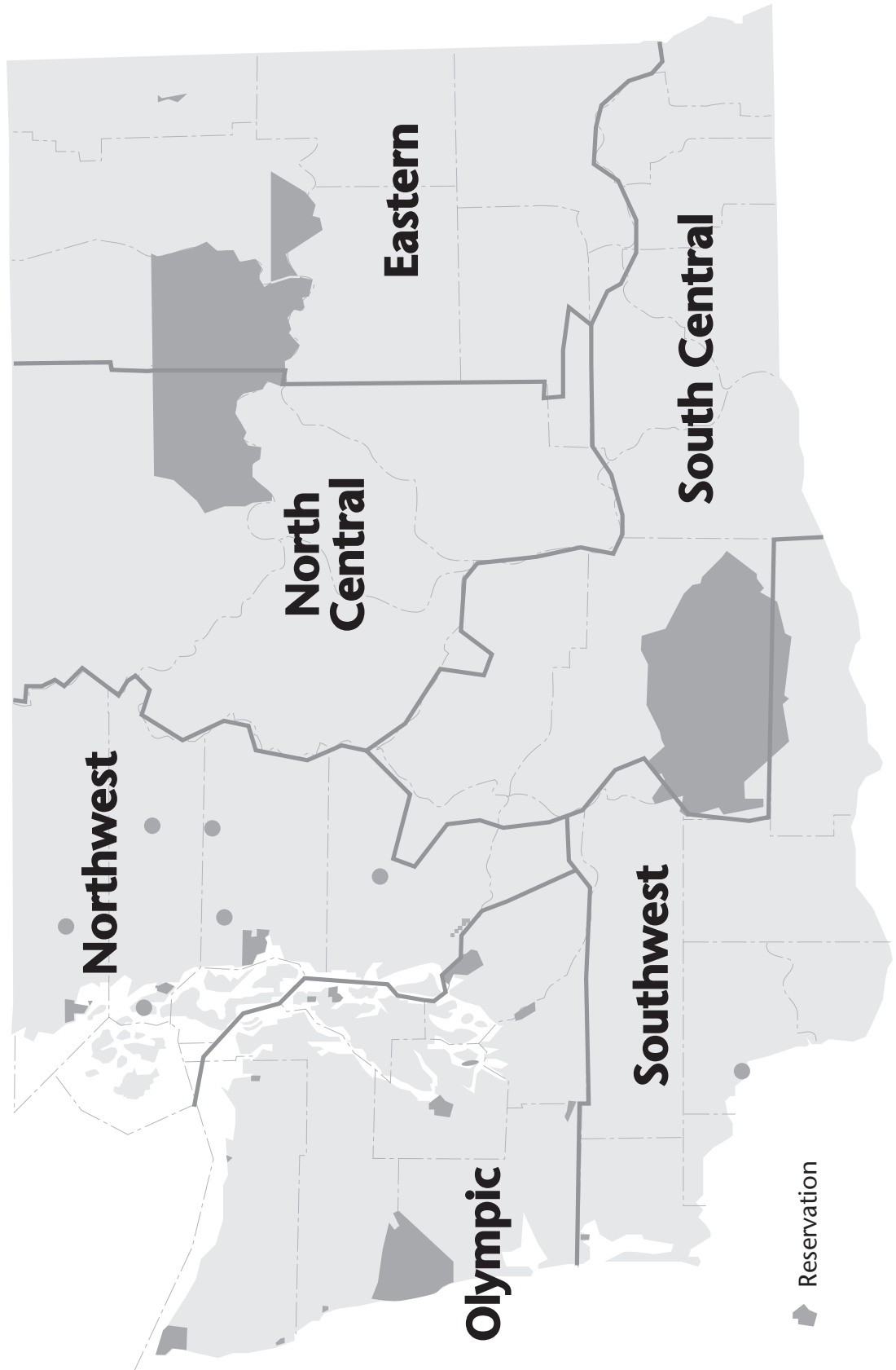
**Interested Tribes**

- Duwamish Tribe (recognition pending)
- Muckleshoot Tribe
- Puyallup Tribe
- Snoqualmie Tribe
- Suquamish Tribe
- Tulalip Tribes
- Yakama Nation

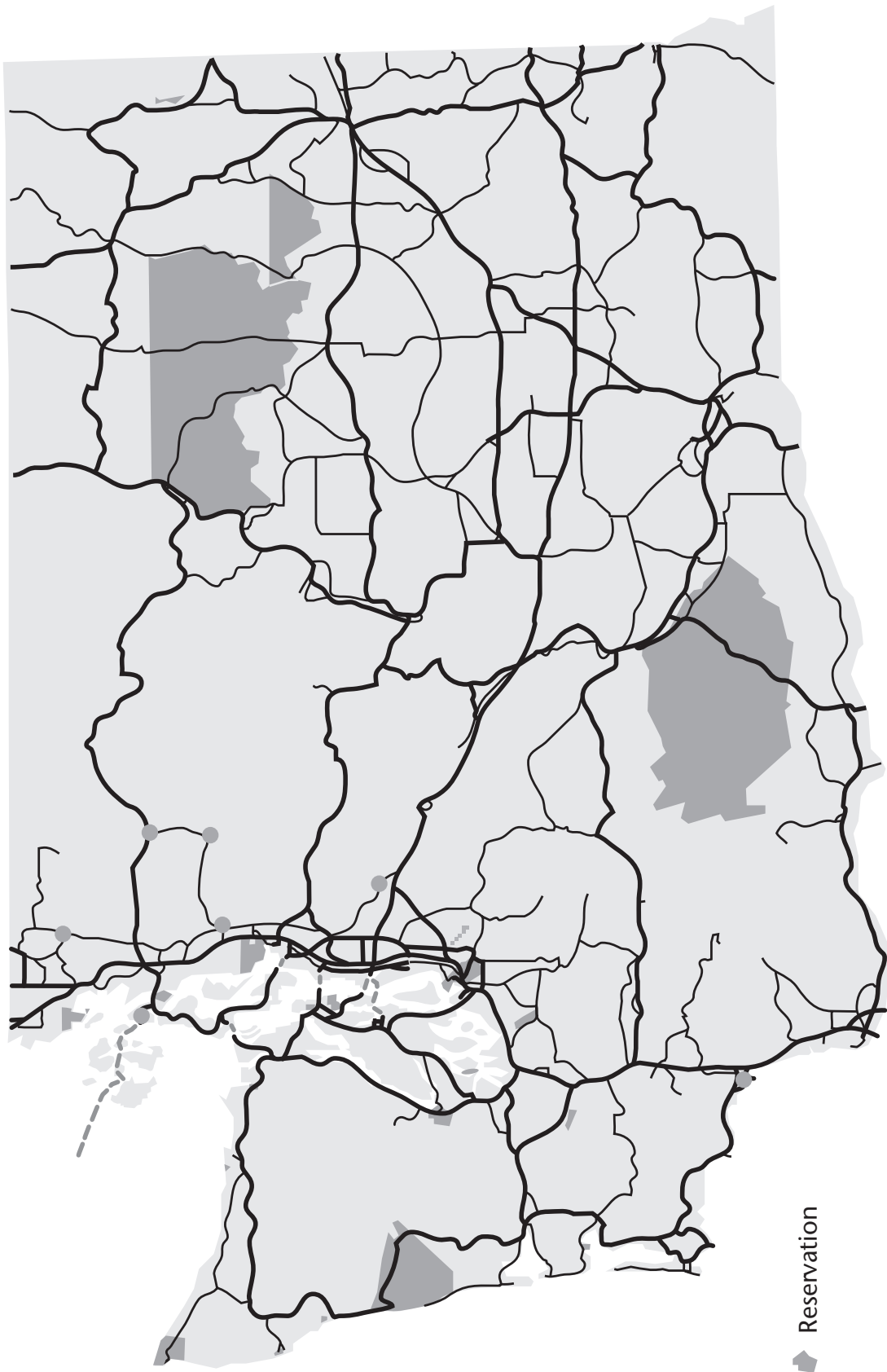
**For the Grays Harbor Pontoon Construction Project**

- Confederated Tribes of Chehalis
- Hoh Tribe
- Quileute Tribe
- Quinault Nation
- Shoalwater Bay Tribe
- Skokomish Tribe

**Region Map**

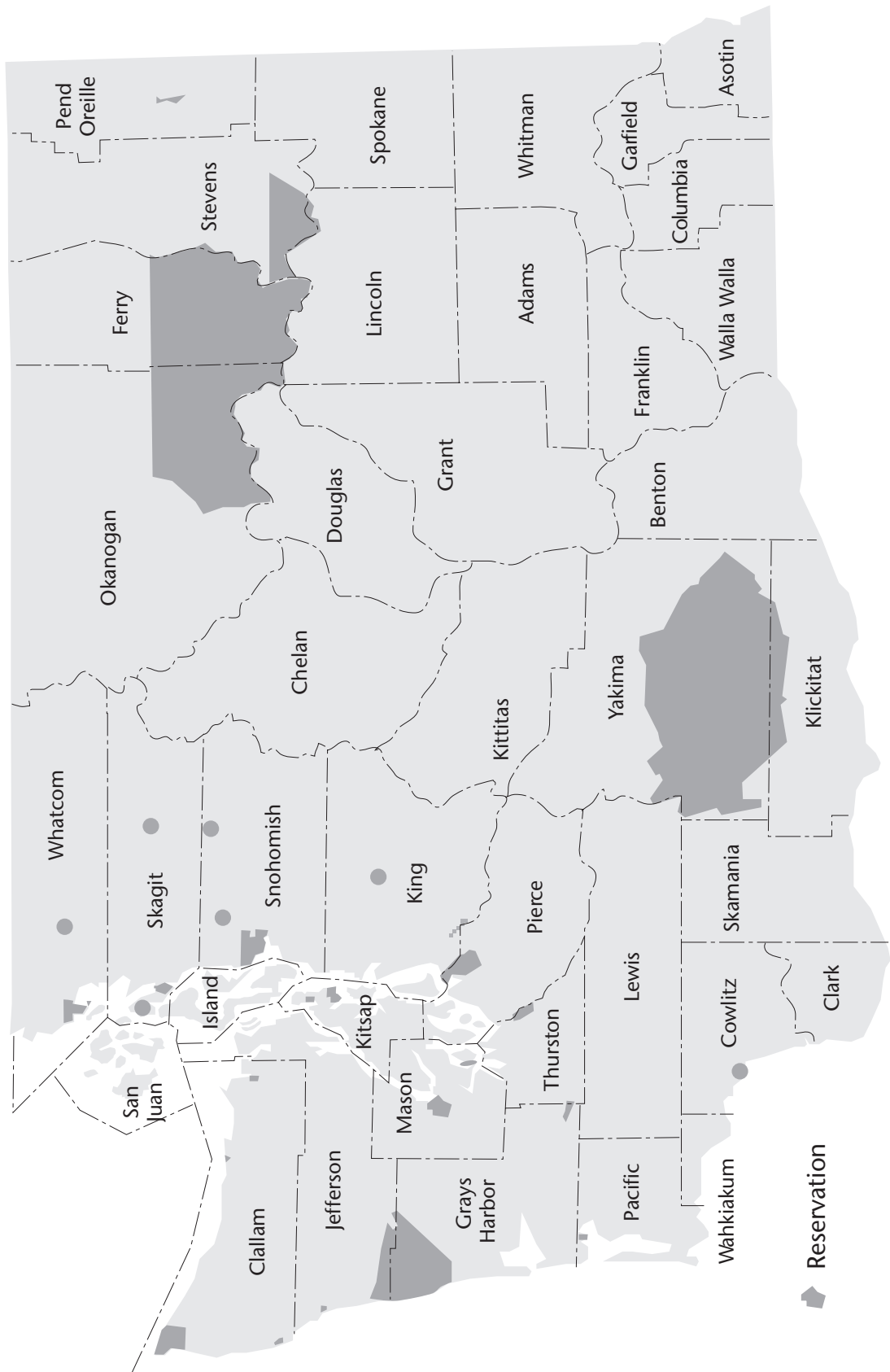


### State Highways Map





### County Map





# WSDOT Divisions and Offices

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Meeting of the Tribal Transportation Planning Organization (TTPO). *Photo courtesy of Jim Longley.*

## WSDOT Divisions and Offices

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The following section includes descriptions of key WSDOT divisions and offices that work with tribes. They are listed in alphabetical order.

- Administrative Operations
- Design Division
- Environmental Services Office
- Ferries Division
- Freight Systems Division, State Rail and Marine Office
- Highways and Local Programs Division
- Maintenance and Operations Division
- Office of Equal Opportunity
- Public / Private Partnerships Office
- Public Transportation Division
- Strategic Planning and Programming Division

### Administrative Operations

***Human Resources Director:*** Kermit Wooden (360) 705-7040

WSDOT Administrative Operations supports the internal operations of the Department of Transportation, including policies, procedures, and administrative systems. The areas that relate to tribal interests are Staff Development and Training and Recruitment Services.

### Services and Programs Available to Tribes

#### Staff Development Office

- The Staff Development Office contracts with the Governor's Office of Indian Affairs to access their curriculum and trainer to provide a government-to-government training program. This course covers a tribal historical perspective, legal issues, tribal sovereignty and tribal government. Since the 2003 Centennial Accord, WSDOT has actively supported government-to-government training. To date, 544 employees have attended that training. The Staff Development Office continues to facilitate this training and will continue to provide this training in the future.
- Staff Development presently does not provide programs, services, funding or consultation to non-employees. Instead, their training focuses on robust programs that aid internal employees in understanding cultural distinctions and inter-governmental relations. Staff Development also provides training in engineering, leadership, information technology, maintenance and employee development. These classes are also available to local political jurisdictions, including tribes, cities and counties, at nominal cost when space is available.
- The majority of this training is delivered in Western Washington, although some is delivered statewide.

### **Recruitment Unit**

This unit advertises all statewide open-competitive positions available on the WSDOT Employment Page at <http://www.wsdot.wa.gov/Employment/Jobs>. Candidates may sign up on a Listserv to receive email notifications of new jobs openings by visiting <http://www.wsdot.wa.gov/Employment/ListServ/Subscribe.htm>. Interested parties may also contact a recruiter personally by calling (360) 705-7064 to request job announcements in an alternative format and to discuss specific job requirements and needs.

### **Funding Methods Available to Tribes**

Administrative Operations does not directly provide funding to tribal governments.

### **Program Specific Consultation Process and Procedures**

We encourage all persons who seek local area employment opportunities or assistance in compiling their application materials to contact their local recruiter at the following phone numbers:

Olympia Headquarters:	(360) 705-7064
Eastern Region:	(509) 324-6000
North Central Region:	(509) 667-3000
Northwest Region:	(206) 440-4000
Olympic Region	(360) 357-2600
South Central Region	(509) 577-1600
Southwest Region	(360) 905-2000
Ferries Division:	(206) 515-3400

### **Program Specific Dispute Resolution Process**

Administrative Operations follows the general dispute resolution process included in this Centennial Accord Plan.

## Design Division

**State Design Engineer:** Pasco Bakotich (360) 705-7231

**Deputy State Design Engineer:** Nancy Boyd (360) 705-7233

The Design Division develops and administers design policy and standards for the pre-construction phase of state highway projects. The division also provides project development support and specialized expertise in the following functional areas:

Right-of-Way Plans	Roadside and Site Development
Strategic Analysis and Estimating	Hydraulics and Drainage
Access and Hearings	Computer Aided Engineering
Utilities Rail & Agreements	Printing Services
Policy and Standards	Real Estate Services

More information on each of these programs are available on our Web site at: [www.wsdot.wa.gov/design](http://www.wsdot.wa.gov/design)

### Services and Programs Available to Tribes

The division manages the following publications used in the development of projects on state highways:

Agreements Manual	CADD Standards for Microstation
Design Manual	Electronic Engineering Data Standards
Cost Estimating Guidance	General Special Provisions
Highway Engineering Field Formulas	Highway Runoff Manual
Highway Surveying Manual	Highways Over National Forest Lands
Hydraulics Manual	Plans Preparation Manual
Right-of-Way Manual	Roadside Classification Plan
Roadside Manual	Standard Plans
Utilities Manual	Utilities Accommodation Policy
Techniques of Right of Way Plans Preparation	

### Training

The Design Division offers project development training in a variety of functional areas. At this time the following classes are available to Tribes and other government agencies:

- Highway Runoff Manual requirements (Contact: Mark Maurer (360) 705-7260)
- Access and Interchange Justification Reports (Contact: Leroy Patterson (360) 705-7266)

Courses are developed and modified on an ongoing basis. For more information about project development courses offered by the Design Division, contact Blane Long at (360) 705-7397.

### **Value Engineering and Cost Risk Assessments**

The Design Division conducts Value Engineering analysis and Cost Risk Assessments on high cost and/or high risk projects. These tools have proven very valuable in reducing costs and delays on complex projects. WSDOT is working with tribal planners and the Bureau of Indian Affairs to provide state bid tabulations for the tribal Indian Reservation Roads Program. For more information on these assessments, contact Bill Prill at (360) 705-7464.

### **Funding Available to Tribes**

The Design Division does not manage grant or other funding programs.

### **Program Specific Consultation Process and Procedures**

The Design Division follows the WSDOT Secretary's Executive Order on Tribal Consultation E 1025.01.

### **Program Specific Dispute Resolution Process**

The Design Division follows the standard process included in this Centennial Accord Plan.

## Environmental Services Office

**Director:** Megan White (360) 705-7480

The Environmental Services Office (ESO) is part of WSDOT's Environmental and Engineering Programs Division. As part of WSDOT's responsibility throughout the development, operation and maintenance of our transportation infrastructure, we analyze, minimize and mitigate environmental impacts to protect air and water quality, cultural resources, wildlife, our communities and other resources.

ESO's programs and services address many issues of concern to the tribes. For each of these issue areas, we work with the tribes, state and federal resource agencies to provide protection to valuable resources. ESO has experts to work on budget, legislative requests, policy and procedure development, training and overall direction. ESO staff assists all of WSDOT in environmental compliance and policy direction and keeps the public and our internal and external partners informed of department's environmental work.

WSDOT reports its environmental performance and many other subject areas on the department's accountability Web site. Information about specific environmental performance and monitoring results can be found in the subject index for the "Gray Notebook" under the heading "Environmental Stewardship."

<http://www.wsdot.wa.gov/accountability>

Environmental technical services for department projects are provided by regional environmental offices and environmental staff located in the Ferries, Rail, Maintenance, and Highways and Local Programs offices.

Three branches in ESO do work of primary interest to tribes:

The **Biology Branch** provides technical assistance and policy support for the following programs:

- Fish and Wildlife (including Endangered Species Act (ESA))
- Ecological Mitigation
- Wetlands Assessment
- Stream Restoration Program

The **Compliance Branch** provides technical assistance and policy support for the following programs:

- NEPA/SEPA compliance
- Environmental Information
- Permits

The **Resource Programs Branch** provides technical assistance and policy support for the following programs:

- Cultural Resources
- Hazardous Materials and Solid Waste
- Air Quality, Acoustics and Energy
- Hydrology
- Stormwater and Watersheds



## **Programs and Services Available to Tribes**

### **Cultural Resources Program**

WSDOT projects must comply with Section 106 of the National Historic Preservation Act or the Governor's Executive Order 05-05. The Environmental Services Office and the environmental staff in the regions and modes protect cultural resources by helping our project teams and local programs staff working on federal and state-aid local agency projects, identify cultural resources and historic properties that might be affected by project work. They accomplish this by: establishing a standardized approach for selecting methods used for determining the presence and nature of cultural resources; developing mitigation for adverse effects; consulting with tribes and other agencies; working with stakeholders to avoid or minimize impacts to cultural resources; and conducting research, surveys and assessments.

Cultural resources include:

- Archaeological sites
- Historic structures (such as buildings and bridges)
- Historic districts, and
- Areas of traditional cultural importance to tribes or other communities.

WSDOT maintains a free electronic Listserv to post quarterly lists of projects exempted from detailed Section 106 review under the Statewide Programmatic Agreement, and meets with tribal staff to notify them of upcoming projects within each region. To subscribe to the Listserv, send a blank email to: [subscribe-Sec106Exempt@lists.wsdot.wa.gov](mailto:subscribe-Sec106Exempt@lists.wsdot.wa.gov).

WSDOT cultural resource specialists are also available to provide training or presentations to tribal staff on a variety of cultural resources issues and regulations, and to work with tribal technical staff to address cultural resources concerns. Contact information for WSDOT cultural resource specialists and program services can be found on the cultural resources Web page at <http://www.wsdot.wa.gov/Environment/CulRes/default.htm>

### **I-4 Retrofit Program – Fish Passage**

WSDOT began a program to remove barriers to fish, such as highway culverts, in 1991. Since then, we have evaluated all the culverts on the 7,045 centerline miles of the highway system in order to identify which ones are barriers, and to prioritize the corrections that have the most benefit to fish. As of June 2008, we have removed 218 culverts that were barriers to fish, opening access to 486 miles of fish habitat.

WSDOT works closely with the Washington Department of Fish and Wildlife (WDFW) to plan fish passage barrier corrections for dedicated improvement program (I-4 program) fish passage projects. More information can be found at our Fish Passage Web site at <http://www.wsdot.wa.gov/Environment/Biology/FP/fishpassage.htm>

We also look at WSDOT's safety and mobility projects that may have a fish passage issue that should be addressed as part of the larger project. WSDOT consults with affected tribes in accordance with the applicable environmental review process. In areas of intense interest, WSDOT staff will often meet on site with tribal staff to discuss solutions and issues. In addition, some tribes have their own permitting processes that WSDOT follows. ESO describes tribal permitting requirements in the Environmental Procedures Manual: M 31-11 <http://www.wsdot.wa.gov/publications/manuals/fulltext/M31-11/530.pdf>

WSDOT provides an annual report and more timely updates on the culvert replacement program on-line. Detailed information on our process is on the Web site. <http://www.wsdot.wa.gov/Environment/Biology/FP/fishpassage.htm>

### **Chronic Environmental Deficiency Program**

Chronic environmental deficiencies (CED) are locations along the state highway system where recent, frequent, and chronic maintenance repairs to the state transportation system are causing impacts to fish and fish habitat. In 2002, WSDOT established a partnership (Memorandum of Agreement) with the Washington Department of Fish & Wildlife (WDFW) to move away from the repetitive repair of WSDOT roads and instead, concentrate on long-term solutions that will optimize the improvements for fish and fish habitat, while also addressing transportation needs. The program began in 2004.

CED projects have to meet two qualifiers:

- Maintenance has been conducted on the site three times in the previous 10 years (3 in 10)
- The maintenance being conducted has a negative impact on aquatic fish habitat.

Tribes can nominate projects for the CED Program. WSDOT consults with affected tribes in accordance with the applicable environmental review process. There are currently 20 CED projects funded for \$50 million to design and construct by 2010.

For more information about this program, including how to nominate a project to the CED program, please see our Web site at : <http://www.wsdot.wa.gov/Environment/Biology/FP/CEDretrofits.htm>

### **Air Quality and Climate Change**

WSDOT and our transportation partners, including the tribes, work together to ensure clean air for the public. Transportation law and the Clean Air Act (CAA) require that stakeholder issues be heard and considered in both transportation and air quality planning. Transportation agencies participate fully in the air quality planning process as elements of the process have a direct impact on transportation planning including: motor vehicle emissions budgets, conformity, nonattainment area boundaries, and control measures.

Automobiles and other vehicles using fossil fuel also emit greenhouse gases, primarily carbon dioxide. Currently, approximately 47 percent of all greenhouse gas emissions in Washington State are from transportation sources that include emissions from cars, trucks, planes, and ships. WSDOT is developing effective, measurable, and balanced greenhouse gas emission reduction strategies. View our climate change Web site at <http://www.wsdot.wa.gov/environment/climatechange/> for details.

## **Water Quality and Habitat**

The HQ Environmental Services Office and staff in the regions and modes are dedicated to protecting biological resources by providing wetland, fish, wildlife, watershed, and Endangered Species Act (ESA) compliance support to transportation projects and programs. Our services include:

- Developing and implementing methods to minimize the effects to fish and wildlife from in-water work, noise and other impacts from transportation projects and facilities.
- Correcting chronic environmental deficiencies; removing fish passage barriers.
- Improving wetland site management and measurement.
- Improving habitat connectivity.
- Identifying watershed-based innovative mitigation opportunities for specific projects.

## **Wetlands**

Protecting wetlands and aquatic resources is a significant concern for WSDOT and extensive effort is made to avoid and minimize impacts. Where these effects cannot be avoided, mitigation sites are developed to compensate for ecological impacts. Since 1988 WSDOT has created 158 replacement wetland sites totaling 890 acres. These replacement sites can take a number of years to become self-sustaining, so WSDOT monitors and manages them for a period of years to ensure their success. During 2007 monitoring began on 21 new replacement sites, which total 149 acres.

## **Stormwater Management**

Statewide, WSDOT has approximately 40,000 acres of paved surfaces, which include roadway surfaces, park and ride lots, ferry terminals, safety rest areas and maintenance yards. Stormwater running off these surfaces, if left untreated, may pick up pollutants such as oil, fertilizers, pesticides, soil, trash and animal waste and carry them to rivers and streams. WSDOT has developed and implements a comprehensive Stormwater Management Program and uses a variety of methods to manage stormwater.

## **Erosion Control**

During construction – when construction of transportation facilities disturbs soils – crews prevent erosion at these sites by spreading straw, planting grass, building ponds and other measures. Construction sites that have a high potential for erosion due to the project area's size, steepness, soil type or proximity to waterways, undergo a fall assessment to ensure preparedness for the rainy season and are inspected by WSDOT weekly.

## **Wildlife Migration**

Wildlife needs to move across the landscape and highway corridors for seasonal migration, access to food, and to establish new territories as the young mature. WSDOT works with the Department of Fish and Wildlife to identify wildlife corridors where there is significant wildlife movement. These corridors are considered during transportation planning, project development and maintenance operations.

### **Reducing Animal Mortality**

Approximately 3,000 collisions occur yearly with deer and elk on state highways. These collisions can result in serious injuries and fatalities to motorists. One of the ways we are protecting wildlife from highway collisions is through the use of wildlife fencing and testing.

### **Funding Available to Tribes**

ESO does not directly distribute funds to tribal governments.

### **Program Specific Consultation Process and Procedures**

#### **Model Comprehensive Tribal Consultation Process for the National Environmental Policy Act.**

The Environmental Services and Tribal Liaison staff developed this model in consultation with tribes. It includes the minimum recommended consultation activities for each type of project under NEPA review (CE, EA, EIS) including consultation under Section 106 of the National Historic Preservation Act. The model does not address all of the concerns a tribe may have on a given project. Rather it requires project teams to provide tribes with opportunities (early and often) to voice their concerns and collaborate with project teams to identify solutions. It also includes answers to over 50 frequently asked questions and 12 key implementation tools including template letters, consultation plans and sample agreements. The model is available online at: <http://www.wsdot.wa.gov/environment/tribal>

#### **Statewide Section 106 Programmatic Agreement**

The most current information about how WSDOT engages with the tribes during the Section 106 compliance process is documented in the *First Amended Programmatic Agreement Implementing Section 106 of the National Historic Preservation Act for the Federal-Aid Highway Program in Washington State Administered by the Federal Highway Administration* (Statewide PA). The Statewide PA was developed in consultation with the tribes and was signed by WSDOT, FHWA, the State Historic Preservation Officer, and the federal Advisory Council on Historic Preservation. Under this agreement WSDOT reaffirms its commitment to consulting with tribes on their cultural resource concerns under Section 106 of the National Historic Preservation Act. Through the agreement, FHWA delegates administrative Section 106 compliance and tribal consultation to WSDOT, while still retaining ultimate decision making authority. The agreement requires each WSDOT region to conduct annual outreach to the tribes to review the effectiveness of the agreement as it relates to tribal consultation and to discuss upcoming projects. FHWA will also contact the tribes on an annual basis to solicit feedback on the effectiveness of the agreement. The agreement is available on the cultural resources Web site at: <http://www.wsdot.wa.gov/Environment/CulRes/default.htm>

Projects without federal funding or other nexus are governed by Executive Order 05-05. The 05-05 process is less prescribed than, but generally follows, the process for cultural resources compliance outlined by 36 CFR 800 and the Statewide Programmatic Agreement.

### **Program Specific Dispute Resolution Process**

ESO follows the dispute resolution process included in this Centennial Accord Plan unless otherwise specified in the law. For example, disputes involving cultural resources under Section 106 of the National Historic Preservation Act, WSDOT will follow the process outlined in the Section 106 regulations (36 CFR 800) and Statewide Section 106 Programmatic Agreement (Stipulation X). The agreement is available on the cultural resources Web site at: <http://www.wsdot.wa.gov/Environment/CulRes/default.htm>

## Ferries Division

**Assistant Secretary:** David Moseley, (206) 515-3401

**Tribal Contacts:** Timothy M. Smith, Director, Terminal Engineering,  
(206) 515-3701

Phillip Narte, WSF Tribal Liaison, (206) 389-8563

Since its creation on June 1, 1951, the Washington State Ferries (WSF) has become the largest marine highway system in the United States and the third largest in the world. Almost 23 million people a year ride on Washington State Ferries – more people than travel on Amtrak in a year. WSF is also the second-largest mass transportation system in the state – second only to Metro.

WSF operates 24 vessels and 20 ferry terminals throughout Puget Sound, from Pt. Defiance in the south, to Sidney, B.C., in the north. Thousands of commuters, employers, students, and commercial shippers depend on WSF every day for safe, reliable transportation across the Sound.

### Services and Programs Available to Tribes

#### Operations

WSF communicates with tribal fishery offices that have court adjudicated fishing rights in Puget Sound in order to coordinate ferry operations and treaty fishing openings.

#### Terminal Projects

WSF strives to protect cultural resources, fish, shellfish, and their habitat during the development of terminal projects. Affected tribes are consulted throughout the design and construction of these projects. Consultation addresses many issues of concern to tribes including impacts to court adjudicated treaty rights, cultural resources, Endangered Species Act (ESA) and many others issues of concern. The Director of Terminal Engineering through the WSF Tribal Liaison provides a main point of contact regarding tribal issues to WSF staff, and acts as an immediate contact for tribes who have interests in WSF projects. The WSF Tribal Liaison works closely with the WSDOT HQ Tribal Liaison and can serve as a contact for other agency issues.

#### Homeland Security and Other Guidelines

Washington State Ferries must comply with Homeland Security and state of Washington Guidelines that may include:

- International Safety Management (ISM)
- Revised Code of Washington laws (RCW)
- Safety Management System (SMS)
- Safety of Life at Sea (SOLAS)
- Marine Security Advisory (Levels 1 – 4) (MARSEC)

Further information concerning Washington State Ferries may be found at the Washington State Department of Transportation Web site:

<http://www.wsdot.wa.gov/ferries/>

### **Funding Available to Tribes**

In 2007, WSF entered into Reimbursement Agreements for consultation expenses relating to treaty fishing impacts for the development of Terminal Capital Construction projects. These terminal construction projects are currently suspended and the Reimbursement Agreements are on hold. At such time as design of major terminal capital construction projects begins those activities relating to the Reimbursement Agreement will also restart.

### **Program Specific Consultation Process and Procedures**

WSF follows WSDOT procedures and protocols for tribal consultation, including WSDOT Secretary's Executive Order E 1025.01, Section 106 (NHPA), National Environmental Policy Act, (NEPA), and the Governor's Executive Order 05-05.

### **Program Specific Dispute Resolution Process**

There is a statutorily required formal tort claims process, which is applied whenever another party's properties or resources are allegedly damaged by the negligence of the state.

Example: If a WSF vessel ran over a tribal fishing net, the tribal member has the right to file a claim against the state of Washington and may recover the cost of their property if the state is found to have negligently caused the damages. Initial contact regarding a claim or any dispute by a tribal member regarding WSF may be made in conjunction with the WSF Tribal Liaison.

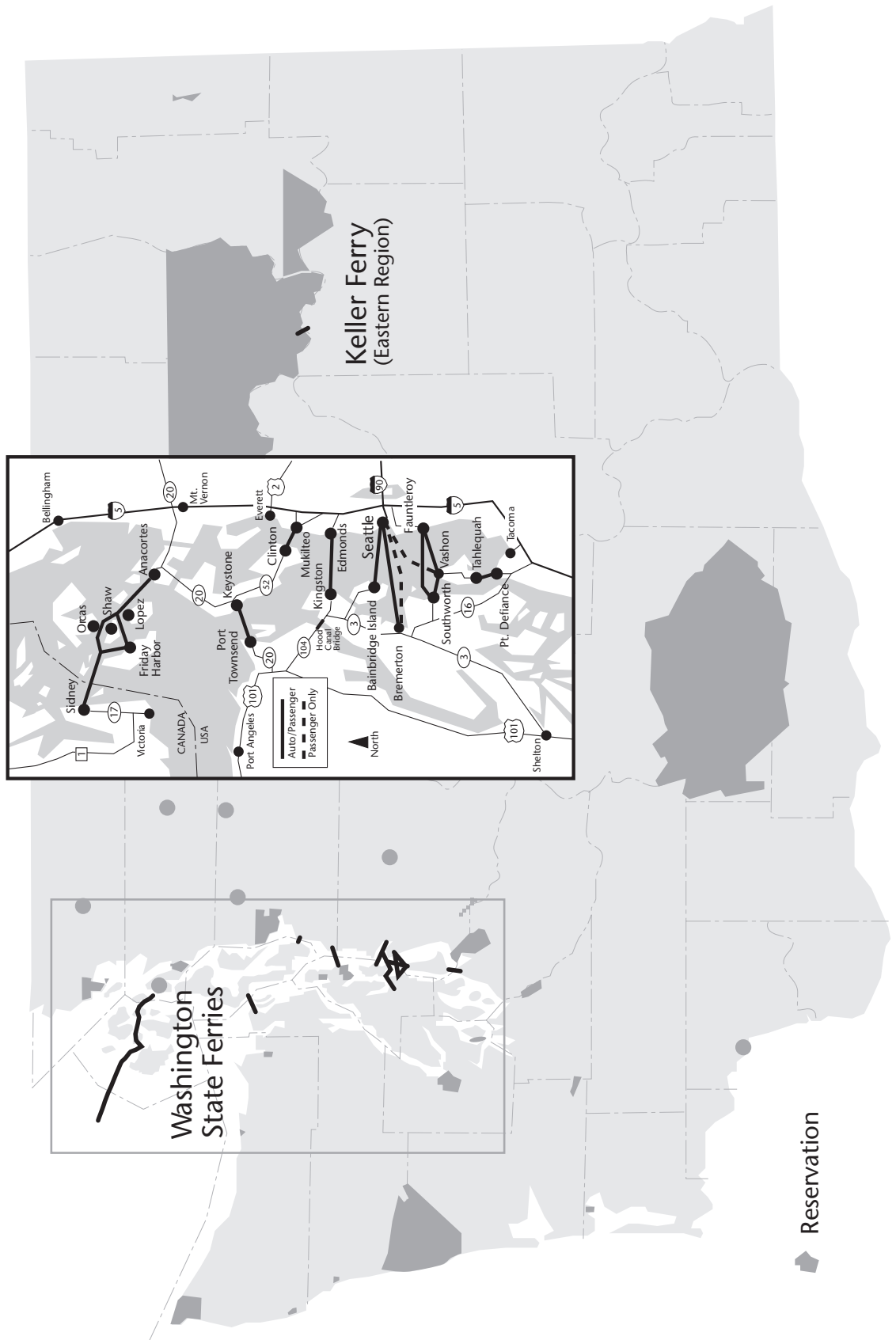
WSF can assist with information for the claims process and the WSF Tribal Liaison should be notified of any filed claims against WSF. Any claims should be sent to the Office of Financial Management and a copy sent to WSF:

Washington State Office of Financial Management  
Risk Management Division  
PO Box 41027  
Olympia, Washington 98504-1027

Washington State Ferries  
Attn: Phillip Narte, Tribal Liaison  
2901 3rd Avenue, Suite 500  
Seattle, WA 98121-1042



# State-owned Ferry Routes Map



## Freight Systems Division, State Rail and Marine Office

*Co-Directors:* Barbara Ivanov (360) 705-7931; Scott Witt (360) 705-4833

### Services and Programs Available to Tribes

The Freight Systems Division and State Rail and Marine Office supports Washington's freight systems by providing strategic planning for all state freight investments and directly managing the state's rail programs. They work with private and federal railroads to ensure safe, consistent, and efficient freight and passenger rail service all across Washington State. They manage freight and passenger rail operations, capital project/program development, and related planning, research and analysis, and data and database development. The division coordinates with MPO/RTPOs and their members, including tribes, on projects with federal funding for inclusion in the Regional Transportation Improvement Program (RTIP) and State Transportation Improvement Program (STIP).

More information about our programs is available at:

- Freight Systems Division: [www.wsdot.wa.gov/Freight](http://www.wsdot.wa.gov/Freight)
- State Rail and Marine Office: [www.wsdot.wa.gov/Freight/Rail](http://www.wsdot.wa.gov/Freight/Rail)
- Freight Systems Division publications:  
[www.wsdot.wa.gov/Freight/publications.htm](http://www.wsdot.wa.gov/Freight/publications.htm)

Rail terminology is available at [www.wsdot.wa.gov/Freight/Rail/terms.htm](http://www.wsdot.wa.gov/Freight/Rail/terms.htm)

### Funding Available to Tribes

The following biennial funding programs are available to eligible public agencies, including tribes, through a competitive process:

- The Rail Bank Loan Program promotes economic development through the advancement of freight rail activities. Its goal is to assist with the funding of smaller capital rail projects that help improve freight movement by rail throughout the state.
- The Freight Rail Assistance Grant Program provides funding toward large projects where it is difficult to gain a contribution and where the rail location or the project concerned is of strategic importance to the state as well as the local community.

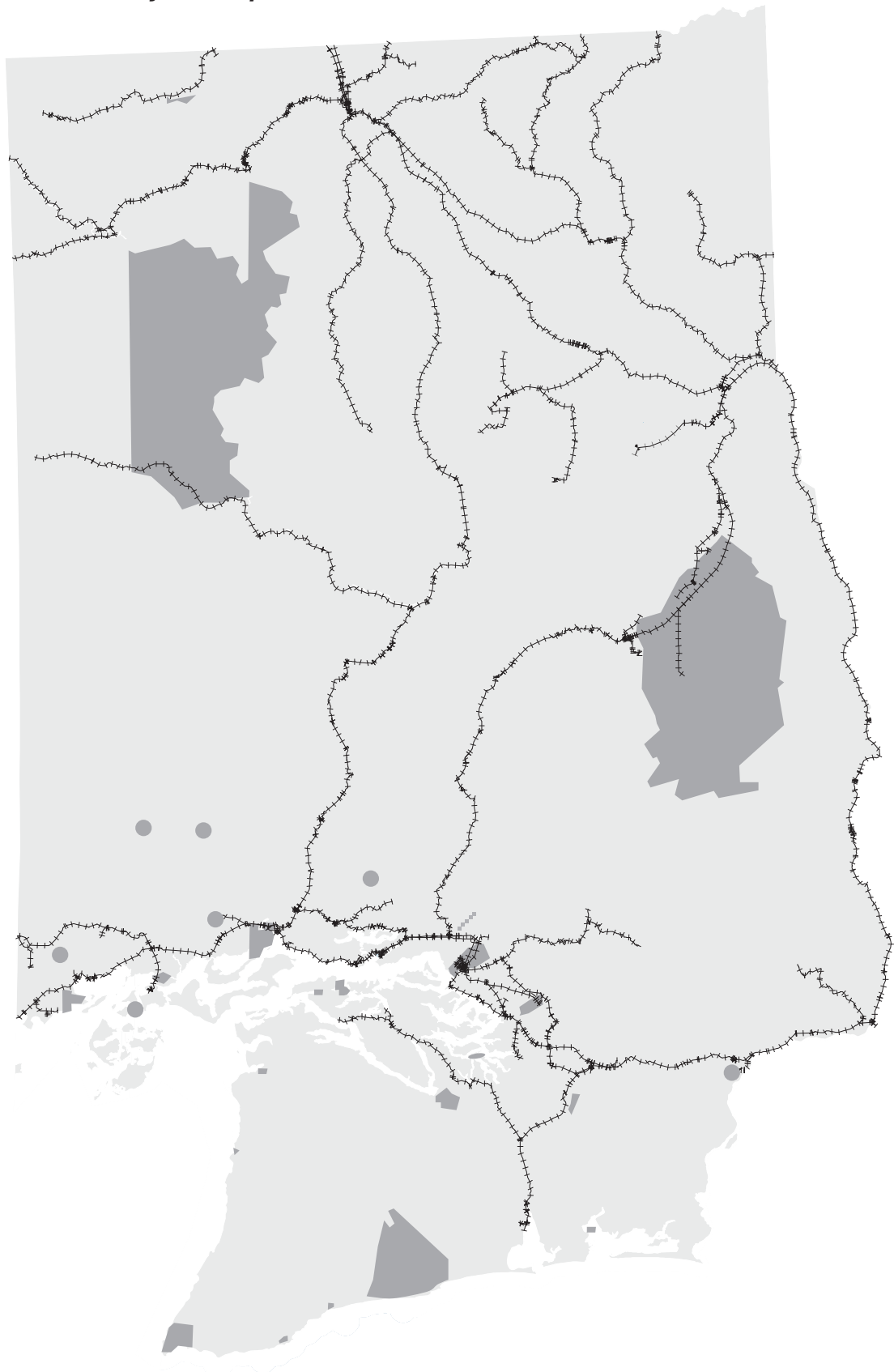
### Program Specific Consultation Process and Procedures

WSDOT procedures and protocols for tribal consultation are followed, including WSDOT Secretary's Executive Order E 1025.01, Section 106 (NHPA), National Environmental Policy Act, and the Governor's Executive Order 05-05.

### Program Specific Dispute Resolution Process

Grant and loan contracts include their own specific dispute resolution section. For application disputes, the selection process is described in the application and is well documented. Concerns are addressed on a case-by-case basis. If a tribe is denied funding for any project, they may request an explanation from the State Rail and Marine Office Deputy Director.

## Washington State Rail System Map



## Highways and Local Programs Division

**Director:** Kathleen Davis, (360) 705-7871

The Highways and Local Programs (H&LP) Division provides federal oversight and financial support, as well as education and technical support, to local agencies to help them succeed in meeting their transportation goals. Local agencies include tribal governments, cities, counties, ports, transit agencies, and other transportation partners. The division administers the local agency federal-aid program and assists agencies in obtaining federal funds to plan and/or improve transportation facilities. Staff is located in the WSDOT Headquarters in Olympia and within each region office. Also, the division manages approximately 1,200 local agency, road and street construction projects and non-traditional transportation enhancement projects. The division's environmental staff consults with tribes on these projects to ensure compliance with federal cultural and environmental regulations in addition to consulting with tribes on an annual basis (see below).

Information about all of the division's programs and staff contact information is available on our Web site at: <http://www.wsdot.wa.gov/LocalPrograms>

### Services and Programs Available to Tribes

#### Statewide Transportation Improvement Program (STIP)

The Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU), was enacted in August 2005 and builds upon the previous transportation acts. SAFETEA-LU requires each designated Metropolitan Planning Organization (MPO) to develop a Transportation Improvement Program (TIP), and the state to develop a Statewide Transportation Improvement Program (STIP) as a condition to securing federal funds for transportation projects.

Projects listed in the STIP are the only projects that will be approved by the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA) to utilize federal funds. The STIP is a four-year, fiscally constrained and prioritized program of transportation projects. The projects are compiled from local and regional plans, along with the WTP, which provides a backbone for developing projects for the intermodal transportation network in the state of Washington. There are two ways for tribal projects to be included in the STIP, which tribes are encouraged to do concurrently:

- Tribal projects included in the TIP of their respective MPO or Regional Transportation Planning Organization (RTPO).
- Tribal TIPs approved by the Bureau of Indian Affairs are sent to WSDOT via the Federal Highway Administration and added to the STIP.

#### Technical Support

H&LP staff in WSDOT HQ and regions are available to provide technical support in a number of areas including maintenance, pavements, traffic, transportation safety, geographic information services (GIS) and other computerized support systems.

## **Training**

The training program comprises of over 100 classes given each year in road maintenance and construction, and technical and professional training. It includes transportation grant writing and National Highway Institute classes through FHWA. A quarterly training update is distributed electronically through the LTAP News. In addition, training information is available through the “Training ListServ”. To register for both the LTAP News and Training ListServ go to the H&LP Web site.

## **Information Resources**

- Quarterly technical “LTAP” newsletter.
- Free transportation related publications, CDs and DVDs covering a wide range of subjects are available by contacting H&LP.
- University of Washington TRANSPEED (Transportation Partnership in Engineering Education Development) training program. Forty classes yearly in technical and professional engineering development. There are reduced fees for tribes and local agencies.

## **Environmental Compliance**

The Environmental staff in the Headquarters H&LP Office ensure that local agency projects receiving federal aid comply with federal environmental regulations. This includes Section 106 of the National Historic Preservation Act, National Environmental Policy Act and the Endangered Species Act.

## **Funding Available to Tribes**

Federal and state transportation funds are available to the tribes for transportation-related projects as described by each particular funding program on the H&LP Web site: <http://www.wsdot.wa.gov/localprograms>

## **Surface Transportation Program (STP)**

WSDOT allocates federal Surface Transportation Program (STP) regional funds per the Federal Transportation Act to the MPO/RTPO/County lead agency for selection of regional transportation projects. Tribes should contact their local MPO/RTPO/County lead agency for further guidance (described in detail in the planning section). In addition, tribes can apply for federal discretionary funding.

For information on specific funding programs and technical assistance contact H&LP through the web site, <http://www.wsdot.wa.gov/LocalPrograms/default.htm> or the Highways and Local Programs Office, (360) 705-7372.

## **Scenic Byway Program**

The state Scenic Byway Program is a system of routes designated for their significant scenic, natural, recreational, historic, cultural or archaeological significance. The program was created in 1967 by the state legislature to help communities enhance, protect and preserve these routes. Until the designation of the Cape Flattery Tribal Scenic Byway on the Makah Preservation in April of 2002, designation of routes was limited to state highways.

### **Pedestrian & Bicycle Safety**

The Pedestrian and Bicycle Safety Grants were established to address the nearly 400 statewide fatal and injury collisions involving pedestrians and bicycles each year.

For more information, please contact your Region Local Programs Engineer or Paula Reeves at (360) 705-7258 or reevesp@wsdot.wa.gov

### **Safe Routes to School**

The Safe Routes to School Grants were established to address pedestrian and bicycle mobility and safety near schools. The purpose of the Safe Routes to School program is to increase the number of children walking and biking to school safely. Eligible projects may include three elements:

1. Engineering Improvements
2. Education and Encouragement Efforts, and
3. Enforcement Efforts

All projects must be within two-miles of primary or middle schools (K-8).

For more information contact your region's Local Program Engineer or Charlotte Claybrooke at (360) 705-7302 or claybrc@wsdot.wa.gov

### **Program Specific Consultation Process and Procedures**

#### **Annual Section 106 and Environmental Review Processes**

H&LP processes NEPA for local agency projects on behalf of the FHWA. Additionally, the responsibility for consultation under Section 106 of the National Historic Preservation Act (NHPA) on federally funded local agency projects lies with H&LP. Section 106 is initiated when local agencies provide H&LP with the Area of Potential Effects (APE) package. For most projects, the initiation of Section 106 coincides with the initiation of NEPA environmental review.

There are a couple major differences in the timing of Section 106 review on state projects and local agency projects. First, unlike WSDOT state transportation projects, local agencies may not know whether their project will receive federal funding until late in the project's timeline. Because of this uncertainty, local agencies sometimes initiate Executive Order 05-05 review for their projects. If the local agency eventually secures federal funding, the project may have already been reviewed for cultural resources impacts by the time the local agency contacts H&LP. In such situations, H&LP may adopt the local agency's Executive Order 05-05 review for Section 106 compliance; however, H&LP is still required to initiate Section 106 consultation with the tribes and State Historic Preservation Officer (SHPO).

Another difference between state and local agency projects is that local agencies can begin their NEPA (including Section 106) planning and review in advance of establishing communication with H&LP staff. As such, H&LP typically is unaware of future projects until environmental documentation is submitted and the NEPA is ready to be initiated. For this reason it not possible for H&LP to provide the tribes and SHPO with a comprehensive list of upcoming projects similar to what the WSDOT Regions provide to tribes on an annual basis.

To meet the spirit of FHWA's Section 106 programmatic agreement's requirement for annual outreach to the tribes, H&LP prepares and submits an annual review document to the tribes, SHPO, and FHWA that includes a list of H&LP projects that may have cultural resource issues. The document is distributed in January of each year and also includes a list of projects from the previous year that were exempted under FHWA's Section 106 programmatic agreement. In addition, in this document H&LP extends an offer to the tribes to meet in person to discuss specific projects.

### **Program Specific Dispute Resolution Process**

The Highway and Local Programs Office follows the general dispute resolution process included in this Centennial Accord Plan unless the dispute relates to Section 106 of the National Historic Preservation Act.



## Maintenance and Operations Division

**Director of Maintenance Operations:** Chris Christopher, (360) 705-7851

**Director of Traffic Operations:** Ted Trepanier, (360) 705-7280

Maintenance and Operations programs include maintenance activities that protect the public infrastructure and public safety, as well as maintenance services necessary for the daily operations of the highway system. Tribes benefit from the following services when state highways pass through their reservations:

Patching potholes	Sealing roadway cracks
Winter operations (plowing & sanding)	Anti-icing
Roadside vegetation management	Noxious weed-control
Guardrail and fence maintenance	Painting stripes on the roadway
Cleaning ditches and culverts	Maintaining traffic control signs
Maintaining lighting	Maintaining signal systems

Maintenance personnel are also the first line of defense when natural disasters such as mudslides, floods, fires and earthquakes threaten the transportation system. Contact information for regional locations is listed in the Regional Divisions section of this plan. Consultation and activity coordination is encouraged at the local level. Many WSDOT Area Maintenance Superintendents work with local tribal contacts to identify opportunities for partnership in highway maintenance and operations.

### Services and Programs Available to Tribes

#### Highway Maintenance

In addition to the duties listed above, WSDOT also offers the Adopt-a-Highway Program for tribal participation in litter removal or roadside vegetation maintenance/enhancement. For more information about the Adopt-a-Highway Program, contact Helen Simmonds at (360) 705-7866. WSDOT Maintenance also assists tribes with roadside weed control, drainage channel cleaning, and partners with tribes on joint operating agreements for traffic signals. WSDOT maintenance periodically removes hazard trees and other large, woody debris from the roadside or from culverts or bridges. On occasion, these materials have been donated to tribes for ceremonial purposes or for use in tribal aquatic restoration projects.

#### Traffic

For state highways, Regional and Headquarters Traffic Offices work with tribes on designing and installing reservation entrance signs and other directional and informational signs relating to tribal facilities.

Northwest Region:	Mark Leth, (206) 440-4487
Olympic Region:	Steve Kim, (360) 357-2670
Southwest Region:	Chad Hancock, (360) 905-2240
North Central Region:	Jennene Ring, (509) 667-3080
South Central Region:	Rick Gifford, (360) 577-1985
Eastern Region:	Harold White, (509) 324-6550

The WSDOT Motor Carrier Services Office issues permits and assists in route planning for over-dimensional loads being hauled by tribal governments. For more information about permits, contact Ann Ford at (360) 705-7341.

**Funding Available to Tribes**

The Maintenance and Operations Division does not distribute funds directly to tribal governments.

**Program Specific Consultation Process and Procedures**

No specific processes.

**Program Specific Dispute Resolution Process**

Maintenance and Operations follows the standard dispute resolution process outlined in this Centennial Accord Plan.

## Office of Equal Opportunity

**Director:** Brenda Nnambi, (360) 705-7090

The Office of Equal Opportunity (OEO) administers and monitors the Washington State Department of Transportation's Title VI, Disadvantaged/Minority/Women's Business Enterprises, Equal Opportunity, Affirmative Action, and Contract Compliance programs. OEO has two basic units: The External Civil Rights Branch (ECRB) and the Internal Civil Rights Branch (ICRB). All OEO programs are statewide programs, reporting to Headquarters, and not to any regional unit. The services described below apply to the ECRB programs.

### Services and Programs Available to Tribes

#### Tribal Employment Rights Ordinance (TERO)

WSDOT contract language requires contractors to comply with tribal laws, including TERO laws, when working on a reservation. OEO notifies TERO officers of projects that have been awarded on or near their reservation, including the name of the prime, and notifies the prime contractor of their obligation to work with the TERO office and comply with TERO law. OEO also provides training for contractors, WSDOT staff and others regarding TERO and how to comply. OEO regularly meets with the various TERO officers as part of the TERO team. During these meetings, common issues, concerns and solutions are discussed to benefit all concerned. These meetings have proven to be a very good forum for continuing understanding on both sides.

#### On the Job Training Supportive Services (OJT SS)

This program addresses the under-representation of minorities and women in the highway construction industry and is intended to increase their participation as apprentices and trainees on federally assisted construction projects. The program is designed to provide assistance and overcome barriers to employment. In consultation with TERO Officers, apprenticeship programs, and labor unions, WSDOT determined that minorities, women and disadvantaged individuals most commonly face the following barriers to achieving a career in the highway-related construction industry:

- Drivers license difficulties
- Drug/alcohol issues
- Poor math skills
- Limited English Proficiency (LEP)
- Lack of tools
- Lack of basic career skills
- High school diploma/GED
- Child care
- Minor auto repair
- Tuition

Assistance may be provided in each of these areas to cover costs and help eliminate barriers to employment. Referral of job ready individuals to contractors and labor unions is provided, especially in the case of contractors who OEO finds are out of compliance with equal employment opportunity (EEO) requirements.

### **Title VI**

This federal law prohibits discrimination based on race, color, national origin, gender, age or disability in all of WSDOT's activities, including service delivery, contracting and business opportunities, project location, and all other activities except for its internal employment practices. Those practices are addressed by WSDOT OEO Internal Civil Rights Branch. Title VI is binding on all of WSDOT's activities, regardless of source of funds in those activities. In addition, OEO monitors nearly all of the cities, counties and other local government bodies who receive funds through WSDOT to ensure nondiscrimination in those programs.

### **Equal Employment Opportunity (EEO) Contract Compliance**

Federal and state requirements ensure nondiscrimination based on race, creed, color, national origin, sex, age or disability in WSDOT's employment practices, as well as the employment practices of its contractors. OEO monitors WSDOT's consultants and contractors to ensure that they provide equal opportunity in all of their employment practices, including hiring, termination, promotions, job assignments, discipline, pay, leave and all other terms and conditions of employment. Complaints of discrimination regarding WSDOT or its contractors may be filed with OEO where the complaint will be investigated, or forwarded to the US Department of Transportation for handling.

### **Disadvantaged/Minority/Womens Businesses Enterprise (DMWBE)**

This program is responsible for certification of businesses as DMWBEs, which is performed under contract by the Washington State Office of Minority and Women's Business Enterprises. Tribal owned businesses may qualify for certification, as do individual business owners. In conjunction with other WSDOT offices and regions, outreach to businesses, tribal governments and community partners is conducted in order to increase business opportunities.

On federally funded projects, OEO establishes mandatory goals for the utilization of federally certified DBEs. Prime contractors must meet those goals or demonstrate good faith effort to do so, as determined by the department, in order to be considered a responsive bidder. On state funded projects, voluntary goals are set, but outreach to MWBEs to ensure equal access to bid on those projects is required. Training sessions are regularly held to equip business owners to better meet DMWBE goals and to navigate, bid on and secure WSDOT business opportunities.

An important service available to DBEs in the highway construction and consulting fields is DBE Supportive Services (DBE SS). This program provides business assistance to better enable DBEs to bid successfully on WSDOT projects. Services range from training and assisting firms in writing business plans to bidding on WSDOT projects, notice of WSDOT projects, prevailing wage issues, providing WSDOT project plans, long term business development, and many other services. Services are provided by WSDOT staff, other government agencies, subcontractors and community partners.

One of the critical activities of the DMWBE is to monitor prime contractors and certified firms to ensure that all businesses are performing in the manner called for in the contract. OEO has established a Fraud Hotline to identify, deter and prosecute fraud in the DBE program (1-877-856-3770). It is one method we use to ensure that DBEs are benefitting from the positive economic development activities as the program intended.

### **Funding Available to Tribes**

There is no funding in OEO's program available directly to tribes. There is an array of services that are available free of charge to tribal members in the form of direct assistance such as tuition for pre-apprenticeship training, emergency child care, minor car repair, safety equipment and the like. In order to access any assistance, individuals must be enrolled in the WSDOT On the Job Training Supportive Services (OJT SS) program. OEO has a number of community partners and vendors who will provide direct service to the enrollees. The funding is approved on a year-by-year basis and coincides with identified barriers. There is no guarantee from Federal Highway Administration (FHWA) that all identified barriers will be earmarked to receive funding from year to year.

In addition to OJT Supportive Services, and as noted above, DBE Support Services are available to businesses that are certified as DBEs in the highway related construction and consulting fields.

Contact and Resource Information:

Office of Equal Opportunity  
310 Maple Park Avenue SE  
PO Box 47314  
Olympia, WA 98504-7314

<http://www.wsdot.wa.gov/equalopportunity/>

### **Program Specific Consultation Process and Procedures**

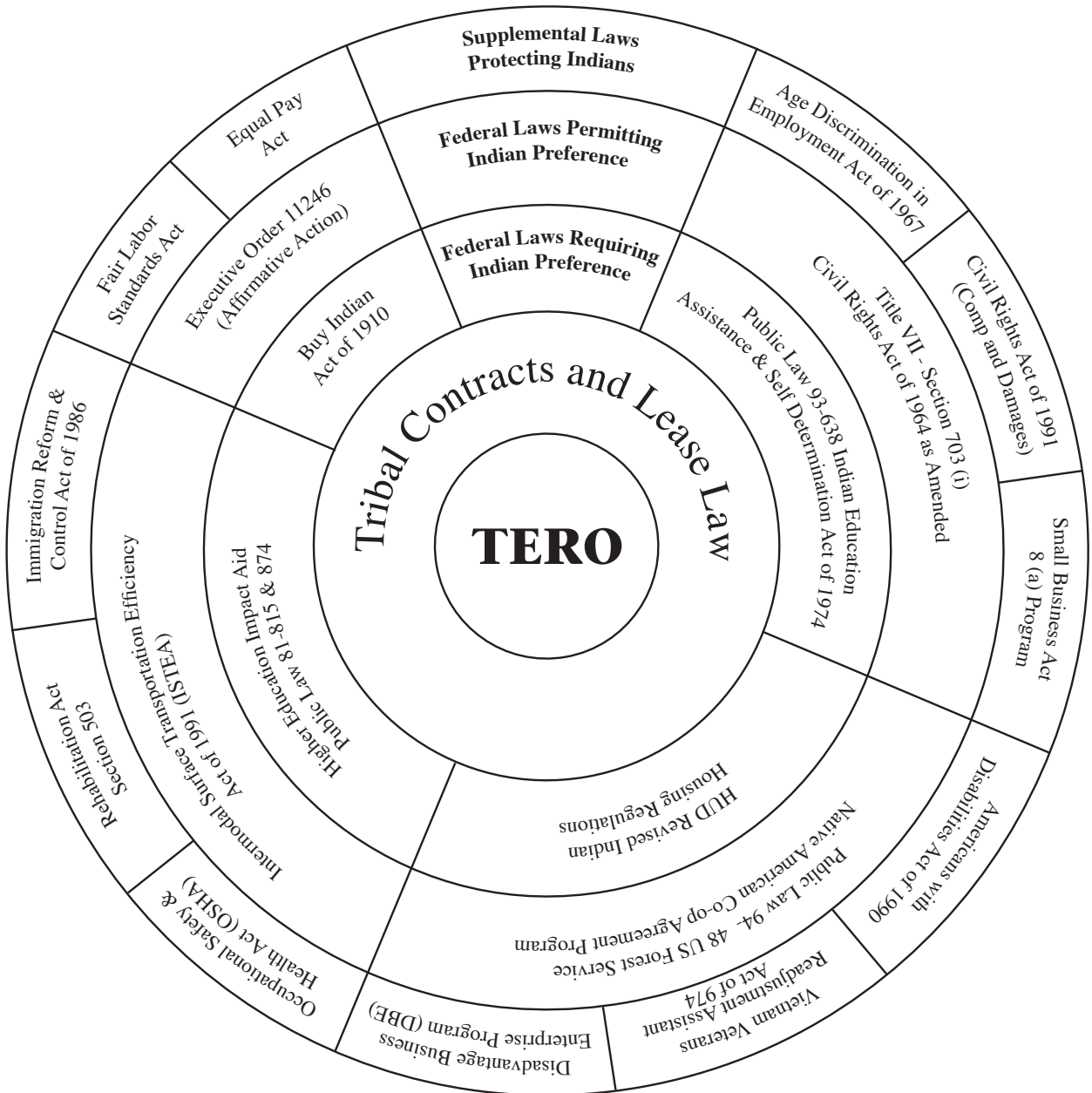
The Office of Equal Opportunity follows WSDOT Secretary's Executive Order 1025.01 on Tribal Consultation.

### **Program Specific Dispute Resolution Process**

The Office of Equal Opportunity follows the general dispute resolution process included in this Centennial Accord Plan.

### Council for Tribal Employment Rights Chart

#### Tribal Employment Rights Ordinance (TERO) Indian Preference Legal Framework



## Public/Private Partnerships Office

**Director:** Jeff Doyle, (360) 705-7023

WSDOT's Public/Private Partnerships Office advances important transportation projects, programs and priorities by engaging the private sector and other public partners in unique joint ventures that benefit the citizens of Washington. For more information about our office, please visit our Web site at: <http://www.wsdot.wa.gov/Funding/Partners/Default.htm>

### Services and Programs Available to Tribes

The Public/Private Partnerships Office can provide support for the tribes in four key areas:

#### Consultation and Advisory Services

The Public/Private Partnerships Office serves as a resource to public officials for alternative financing techniques and innovative project development. To provide this expertise, professional staff stays informed on laws, regulations, and programs affecting transportation financing and explores emerging trends and techniques used to develop transportation projects in the U.S. and around the world.

The Public/Private Partnerships Office consults with both private industry and other public officials, including tribes, on the potential for public/private partnerships to help advance specific transportation projects. Consultations can be conducted in commercially confidential meetings well in advance of any specific proposals for project development.

#### Analysis and Assessment

The Public/Private Partnerships Office is committed to ensuring that public/private partnerships deliver value to the public. The first step in the project development process involves an analysis and assessment of the potential benefits, costs, and risks associated with a potential project. Transportation projects that are extremely complex or unusual sometimes require the specialized expertise of outside consultants or advisors.

Analysis and assessment are conducted formally when specific funding is provided for such evaluations and, less formally, as professional staff continually explore and investigate new ideas and opportunities to advance transportation projects, programs, and priorities.

#### Project Development

If public value can be gained, potential public/private partnership projects can be advanced to the project development phase. The Public/Private Partnerships Office is responsible for carrying out the new Transportation Innovative Partnership (TIP) Program, which is a formal process for the state to solicit, review, negotiate, and execute public/private partnership agreements for transportation projects. Final approval for projects developed under the TIP Program rests with the Washington State Transportation Commission, as required under RCW 47.29.



Not all transportation partnership projects must be developed under the TIP Program. In some instances, WSDOT has legal authority to enter into agreements with other public or private partners to develop transportation projects. Recent examples of public/private partnerships developed under other statutory powers include land leases with cellular phone companies, management of for-pay parking facilities, and retail, restaurant and other commercial enterprises at ferry terminals.

Projects that are not initiated by the state but rather proposed by other public or private parties, are known as unsolicited proposals. The Public/Private Partnerships Office is responsible for carrying out the unsolicited proposal review process mandated in RCW 47.29 and WAC 468-600. At this time, a moratorium (pdf 90kb) is in effect on the state's ability to review and take action on unsolicited proposals. However, good ideas are always encouraged – please contact us.

### **Liaison and Representation**

The Public/Private Partnerships Office serves as a conduit between the State of Washington and the private sector for the development of transportation public/private partnership projects. The Office provides information, helps explain state laws, policies and programs to the private sector, and serves as a path-finder for entities seeking to do business with WSDOT.

The Office also maintains contact and serves as a resource on transportation public/private partnerships to elected and appointed officials within state and local government and the tribes. Professional staff participates in national associations and summits, serves on expert panels, provides information and makes public presentations, and represents the interests of Washington state within the field of transportation public/private partnerships.

### **Funding Available to Tribes**

Although the Public/Private Partnerships Office has no funding programs, the Office has expertise on funding sources and can assist in evaluating financial plans and structures for financing transportation improvements in non-traditional ways. Examples include forming public-private partnerships, creating special taxing districts, directing funding from state and federal sources, as well as combinations of these and other approaches.

### **Program Specific Consultation Process and Procedures**

Interested parties may contact Jeff Doyle, Director, at (360) 705-7023. If you are seeking information, or want to share your ideas, but are concerned that competing businesses might obtain confidential information about your business, you could request a commercially-confidential meeting (described above). This will make clear to WSDOT that information shared during this meeting should not be circulated or referenced in meetings with any other persons. The Public/Private Partnerships Office can explain this in more detail.

### **Program Specific Dispute Resolution Process**

The Public/Private Partnerships Office follows the general process included in this Centennial Accord Plan.



## Public Transportation Division

**Director:** Katy Taylor, (360) 705-7920

### Services and Programs Available to Tribes

The WSDOT Public Transportation Division works with all tribes in the State of Washington that are interested in developing or purchasing public transportation services. We provide direct technical assistance by a team that focuses on rural and special needs transportation programs. In some areas, WSDOT staff is able to help identify local, regional or national resources to assist tribes in public transportation planning, operations and maintenance. Our team members will participate in meetings and negotiations, help select consultants or identify peer agencies with common public transportation issues.

Tribal members and their staff may attend the training programs that are offered by the Washington State Transportation Training Coalition, and may be eligible to receive scholarships from WSDOT's Rural Transportation Assistance Program.

WSDOT staff can provide information and guidance in how to submit grant applications to the state and to the federal government for public transportation project funding.

An overview of the Public Transportation Programs is available at: <http://www.wsdot.wa.gov/transit>

Information on the various grant programs available to the Tribes and offered by the Public Transportation Division is available at: <http://www.wsdot.wa.gov/Transit/Grants>

A folio with a specific focus on Public Transportation Grants to Tribes in Washington State is available at: <http://www.wsdot.wa.gov/publications/folio/TribalGrants.pdf>

### Funding Available to Tribes

Tribes are eligible to apply for public transportation operating and capital grants through WSDOT's Public Transportation Division from the Consolidated Grant Program. The grant funds may come from the Federal Transit Administration (FTA) or the Washington State Legislature. Eligible projects include the purchase of buses or vans and the operating expenses of a public transportation service. Recently, tribes have been interested in establishing mobility managers, which is the method for communicating the transportation needs of the Tribal members to the services available in a specific geographic area. The mobility manager services can also be funded with the state and federal grants.

The Consolidated Grant Program requires applications to be submitted to WSDOT in December of the even years (latest deadline was December 2008). The applications are competitively scored and successful projects are funded in July of the odd years (next cycle begins July 2009).

State Funds for rural public transportation are distributed through the Rural Mobility Program.

Federal Funds for public transportation come through the FTA from:

- Section 5307      Formula Funding for urban areas
- Section 5309      Discretionary Funds for Bus and Bus Facilities
- Section 5310      Competitive Funds for transportation of the elderly and persons with disabilities provided by nonprofit agencies
- Section 5311      Competitive Funds for public transportation in rural areas
- Section 5316      Competitive Funds for people with low incomes that are seeking employment or training (Job Access and Reverse Commute)
- Section 5317      Competitive Funds for persons with disabilities. Projects must go beyond the requirements of the Americans with Disabilities Act. (New Freedom)

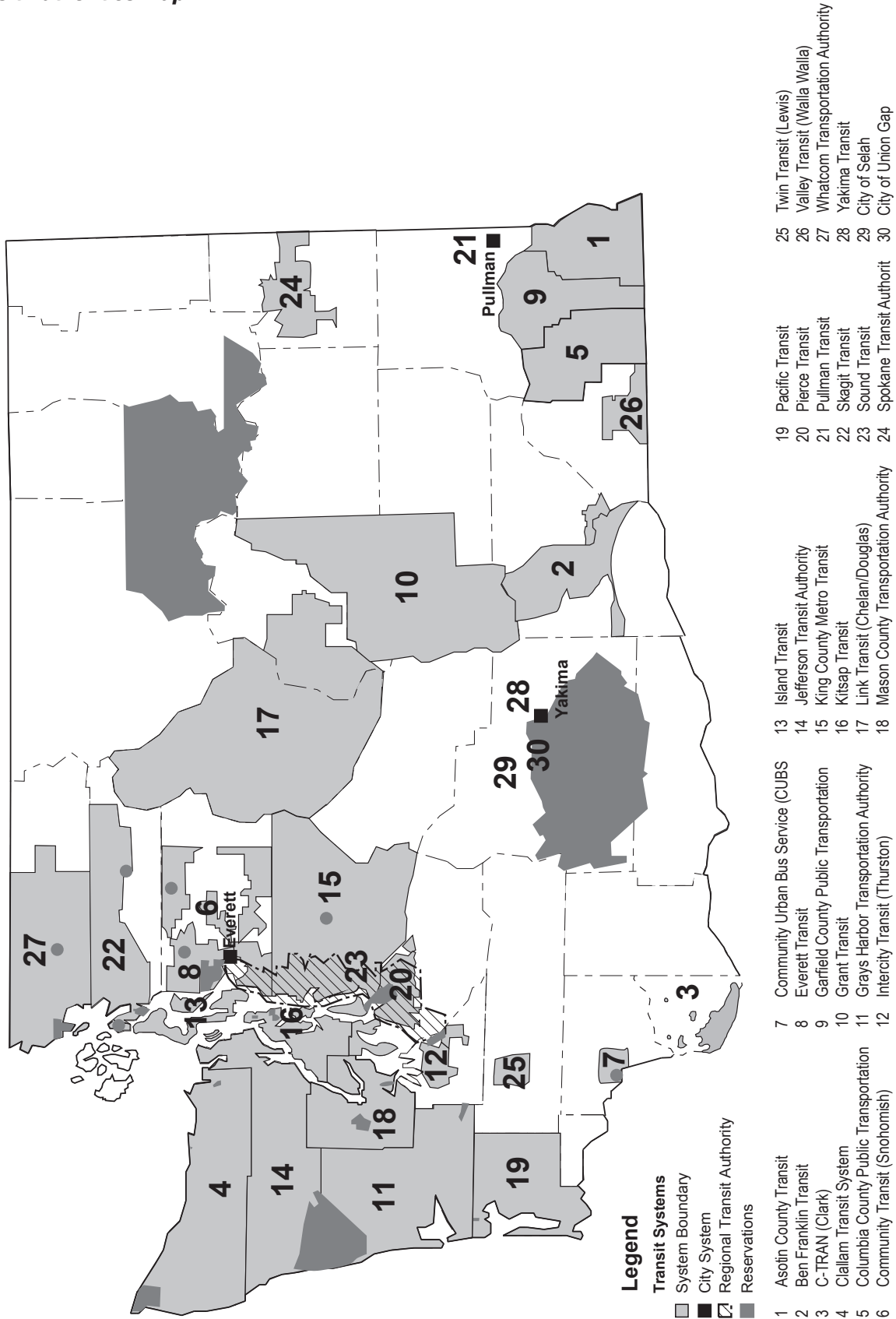
### **Program Specific Consultation Process and Procedures**

WSDOT reviews the grant programs and grant applications periodically, and tribal members and/or their representatives have participated on the Grant Program Advisory Committee and the Consolidated Grant Review Teams.

### **Program Specific Dispute Resolution Process**

The Public Transportation Division follows the general dispute resolution process included in this centennial Accord Plan.

# Transit Authorities Map



## Strategic Planning and Programming Division

**Director:** Brian Smith, (360) 705-7958

WSDOT's Strategic Planning and Programming Division provides a variety of products and services to the department, tribes, the public, governmental agencies, and the legislative transportation committees. The Division includes a number of offices:

- Transportation Planning Office
- Transportation Data Office
- Geographic Services Office
- Urban Planning Office
- Systems Analysis and Program Development Office
- Financial Planning and Economic Analysis Office
- Strategic Assessment Office

### Services and Programs Available to Tribes

#### Transportation Planning Office

Transportation Planning Office Manager, Elizabeth Robbins, (360) 705-7371

Regional Coordination Branch Manager, Julie Rodwell, (360) 705-7967

Policy Planning Branch Manager, Judy Lorenzo, (360) 705-7274

Tribal Transportation Planning Organization Coordinator, Megan Nicodemus, (509) 324-6202

#### Tribal Transportation Planning Organization (TTPO)

The Transportation Planning Office, staffed by the TTPO coordinator, sponsors and coordinates the Tribal Transportation Planning Organization (TTPO) as a venue for tribes to discuss transportation planning issues and to participate in various WSDOT transportation planning activities. A WSDOT representative attends every TTPO meeting to provide information and advice on planning processes, as well as learn about tribal issues of significance. The Planning Office Tribal Liaison provides referral assistance to tribes to transportation agencies or other WSDOT programs that can benefit tribal transportation programs. Through this forum the planning office consults with tribes on long-range plans, changes to regulations or policy and shares information about funding opportunities available to tribes. The TTPO is also a forum where tribal transportation planning issues of regional significance can be elevated to WSDOT management.

Additional information about the TTPO is available at:  
<http://www.wsdot.wa.gov/planning/Tribal>

#### Assistance with Indian Reservation Roads Inventories

The planning office provides state data and other information to help tribes accurately update their Indian Reservation Roads (IRR) Inventories in a timely manner. Information is provided upon request by tribes and every attempt is made to meet the standards and requirements of the U.S. Bureau of Indian Affairs (BIA).

### **Regional Transportation Planning Organizations (RTPOs)**

The RTPOs were created under Washington State's Growth Management Act. RTPOs are voluntary organizations made up primarily of counties, cities, ports, and transit agencies. There are fourteen RTPOs throughout the State. Only San Juan County presently does not participate in the RTPO program although it is exploring the possibility. The primary functions of each RTPO are to develop a regional transportation plan and to ensure that local comprehensive plan elements are consistent with the regional transportation plan. RTPOs also prepare regional Transportation Improvement Programs of projects that will be included in the Statewide Transportation Improvement Program (STIP). Projects must be in an approved STIP for federal transportation funding to be received.

Tribal governments are encouraged to participate in the RTPO process and to include tribal transportation projects into regional transportation plans. Tribes have an opportunity to enhance local transportation plans with inclusion of tribal projects. Successful coordination also helps provide consistency among state, tribal and regional process and standards. Assistance is available to tribes to get their projects incorporated in the regional and statewide Transportation Improvement Programs (STIP). The RTPOs can also provide access to data and research plan development and implementation.

### **Metropolitan Planning Organizations (MPOs)**

There are eleven MPOs around Washington State. The organizations are created under federal law, and have the primary responsibilities of preparing long-range metropolitan transportation plans and the metropolitan area's Transportation Improvement Programs. In many cases in Washington State, the MPO also staffs the RTPO (see above). Services and benefits to tribes from the MPOs are similar to those from the RTPOs.

### **MPO/RTPO Coordinating Committee**

The Transportation Planning Office coordinates this committee which meets quarterly to share information on statewide and national transportation planning issues. Tribes have membership on this committee through the Chairman of the Tribal Transportation Planning Organization and have the opportunity to provide input on the various state and local planning activities and initiatives.

### **Statewide Long-Range Multimodal Transportation Plan**

This plan provides for the consideration and implementation of strategies, services, and projects that are projected to be needed for the statewide transportation system over a period of at least 20 years. WSDOT works with tribal governments to accurately reflect their transportation needs in updates of the statewide multimodal transportation plan.

### **Geographic Services Office**

Geographic Services Manager: George Spencer, (360) 596-8903

### **Existing Data Sources**

The Geographic Services Office can help tribes obtain several GIS products and to research existing data the following from WSDOT sources:

- **Historical Photo Archives.** Our archives contain over 500,000 photo negatives dating back to flights in the 1930s and 1940s.
- **Survey Information System.** Our web based survey information system provides readily accessible survey monument information.
- **Orthophotos.** A full set of medium scale digital ortho photos covering the state are available. Design scale digital orthophotos are available for areas mapped by Geographic Services since 1998.
- **GIS LRS.** The GIS Linear Referencing System is a special state highway map that allows data with State Route Milepost to be used in GIS with other GIS data.
- **Special Purpose Maps.** Official State Highway Map, Interstate Guide, Bike Map, Milepost Map, Control Section Map, Functional Class map, Freight and Goods Map, etc.
- **WA-Trans.** WA-Trans is a base map of transportation infrastructure made from data provided by federal, state, local and tribal governments as well as the private sector. WA-Trans is not yet complete.

### **Cost Recovery Services**

Geographic Services is designated by WSDOT as a cost recovery center for which rates are charged to recover costs. Rates are uniformly and equitably applied to all projects and activities. Services are available to tribes on a cost recovery basis workload permitting as provided by RCW 39.34. Services include:

- Aerial photography using a fixed wing mounted certified mapping camera or fixed-wing or helicopter-based digital hand-held camera photography.
- Photo print and finishing including digital editing, printing, and mounting.
- Survey including survey monument and survey network establishment, hydrographic survey to map underwater surfaces, and topographic survey to map features on the ground.
- Base Mapping using photogrammetry, laser scanner, or traditional topographic survey.
- Orthophoto production (An orthophoto is an aerial image adjusted to map accuracy so that it can be used for measurement, typically in GIS.)
- Coordination for multi-partner aerial photography, survey, and mapping projects.

### **Transportation Data Office**

Transportation Data Office General Manager, Jon Bauer, (360) 570-2427

The Transportation Data Office (TDO) is responsible for collecting, processing, analyzing, and disseminating statewide traffic and roadway data pertaining to the State Highway System and collision data for all public roads in Washington. This data is used by a variety of customers including the regions and divisions within WSDOT, the Federal Highway Administration (FHWA), other Washington State government agencies, tribal governments, and public or private organizations. TDO staff reached out to tribes to improve the collection of collision data on tribal roads.

The TDO staff is available to tribes to obtain the various reports and access the following:

**WSDOT data sources:**

- Data on state highways including route length, number of lanes, lane miles, roadway geometry, lane and shoulder widths, pavement type, cross-road location, and more
- State highway traffic data including volume, classification, speed, weight, turning movements, and more
- Collision data for all state, county and city roads

**Services available:**

- Traffic analysis
- Collision analysis
- Short duration traffic counts
- Sight Distance Surveys
- SR View

**Reports available:**

- State Highway Log
- Annual Traffic Report
- Annual Collision Report
- Interchange drawings

**Systems Analysis and Program Development Office (SA & PD)**

Manager: Jay Alexander, (360) 705-7121

This office manages the statewide highway construction program which includes: developing project priorities, and preparing, executing, and monitoring the highway construction program. In addition, the office is responsible for the department's Capital Program Management System, and federal funds management on an obligation and federal fiscal year basis.

SA&PD also assists with the following:

- Legislative Direction
- Long-Range Strategic Planning
- Planning Studies and Route Development Plans
- Strategic Highway Safety Plan and other documents

**State Highway System Plan**

WSDOT works with tribal governments during update cycles of the State Highway System Plan to ensure an understanding of WSDOT's state highway goals and to accurately identify state highway needs on tribal lands.

**Priority Programming for Highway Construction**

Highway system needs are categorized and projects addressing those needs are prioritized within the highway preservation and improvements programs in



accordance with state law (RCW 47.05.051). The final determination of the size and direction of the program and project is established by the legislature.

The Department must use a process to select projects to preserve the existing state highway system and to restore existing safety features, which gives considerations to lowest life cycle costing (RCW 47.05.051 (1)).

In developing the scope of work for these preservation projects, the Department must use the most cost-effective pavement surfaces which take into consideration the following (RCW 47.05.030 (1)):

- Life cycle cost analysis
- Sub-grade soil conditions
- Environmental and weather conditions

### **Strategic Assessment Office (SAO)**

Director: Daniela Bremmer, (360) 705-7953

WSDOT's Strategic Assessment Office provides the following key services to the agency:

- Leads performance management and reporting,
- Delivers external accountability products, and
- Assesses transportation system results.

SAO provides strategic direction and management for accountability and performance assessment agency-wide, covering all programs, functions, and transportation modes and systems. The office's work provides decision-makers with reliable, timely, and relevant information upon which to base policy and budget choices, to ensure the most effective use of taxpayers' money.

Key products SAO delivers:

- Gray Notebook
- Governor's Government Management Accountability & Performance reports
- Annual Congestion Report
- Annual Bridge and Pavement Conditions Asset Reports
- Washington State Quality Award
- Agency Strategic Plan

For more information, see: <http://www.wsdot.wa.gov/accountability/>

### Development Services Offices

WSDOT developer services staff in each Region review proposed developments that may affect the state transportation system's reliability, efficiency, and safety. WSDOT staff routinely consults with tribal governments and consulting engineers on proposed tribal actions including commercial developments. WSDOT staff provides advice and guidance to tribes about WSDOT standards.

NW Region (Snohomish / King Counties):	Ramin Pazooki, (206) 440-4710
NW Region (Whatcom / Island/Skagit Co.):	Roland Storm, (360) 757-5961
Olympic Region:	Dale Severson, (360) 357-2736
Southwest Region:	Jeff Barsness, (360) 905-2059
North Central Region:	Bill Gould, (509) 667-2909
Eastern Region:	Greg Figg, (509) 324-6199
South Central Region:	Rick Holmstrom (509) 577-1633

### Urban Planning Office

Manager: Chris Picard, (206) 464-1278

Tribal Coordinator: Tom Washington, (206) 464-1280

The Urban Planning Office (UPO) manages transportation planning and strategy development within King, Kitsap, Pierce, and Snohomish Counties. The four-county area coincides with the member counties of the Puget Sound Regional Council (PSRC), the designed Metropolitan Planning Organization and Regional Transportation Planning Organization for the region. The four-county area also spans two WSDOT regions and includes most operations of the nation's largest ferry system.

The UPO represents the state as the owner and operator of the major portion of the regional transportation network and provides leadership and advocacy towards implementing a balanced transportation network. The UPO staff works with interested tribes, community members, cities and counties, the PSRC, state agencies, and WSDOT by managing, leading, developing, planning, and providing technical expertise to improve safety and mobility within the Puget Sound Region. The UPO also houses the department's experts on measuring High Occupancy Vehicle (HOV) and general system performance and quantifying the occurrence and causes of congestion to support developing strategies to improve system productivity.

### Funding Available to Tribes

The Strategic Planning and Programming Division does not distribute funds directly to tribal governments. The Division does provide technical assistance and seeks to provide communications about funding opportunities for tribes. The Division provides staff resources so that tribes can collaborate on plan updates and access data and utilize the various WSDOT resources.

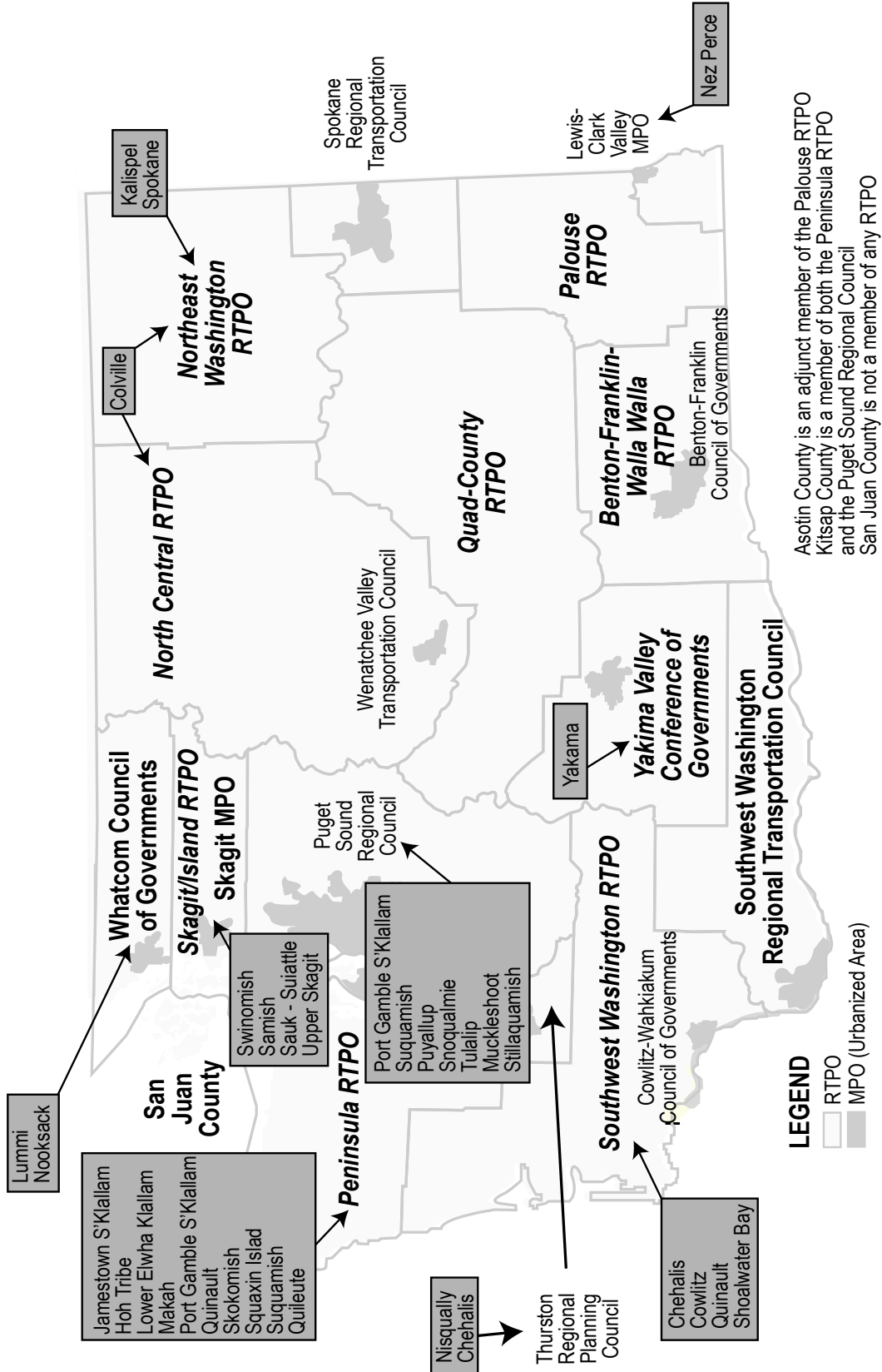
**Program Specific Consultation Process and Procedures**

The Strategic Planning and Program Division follow the WSDOT Secretary's Executive Order 1025.01 on Tribal Consultation.

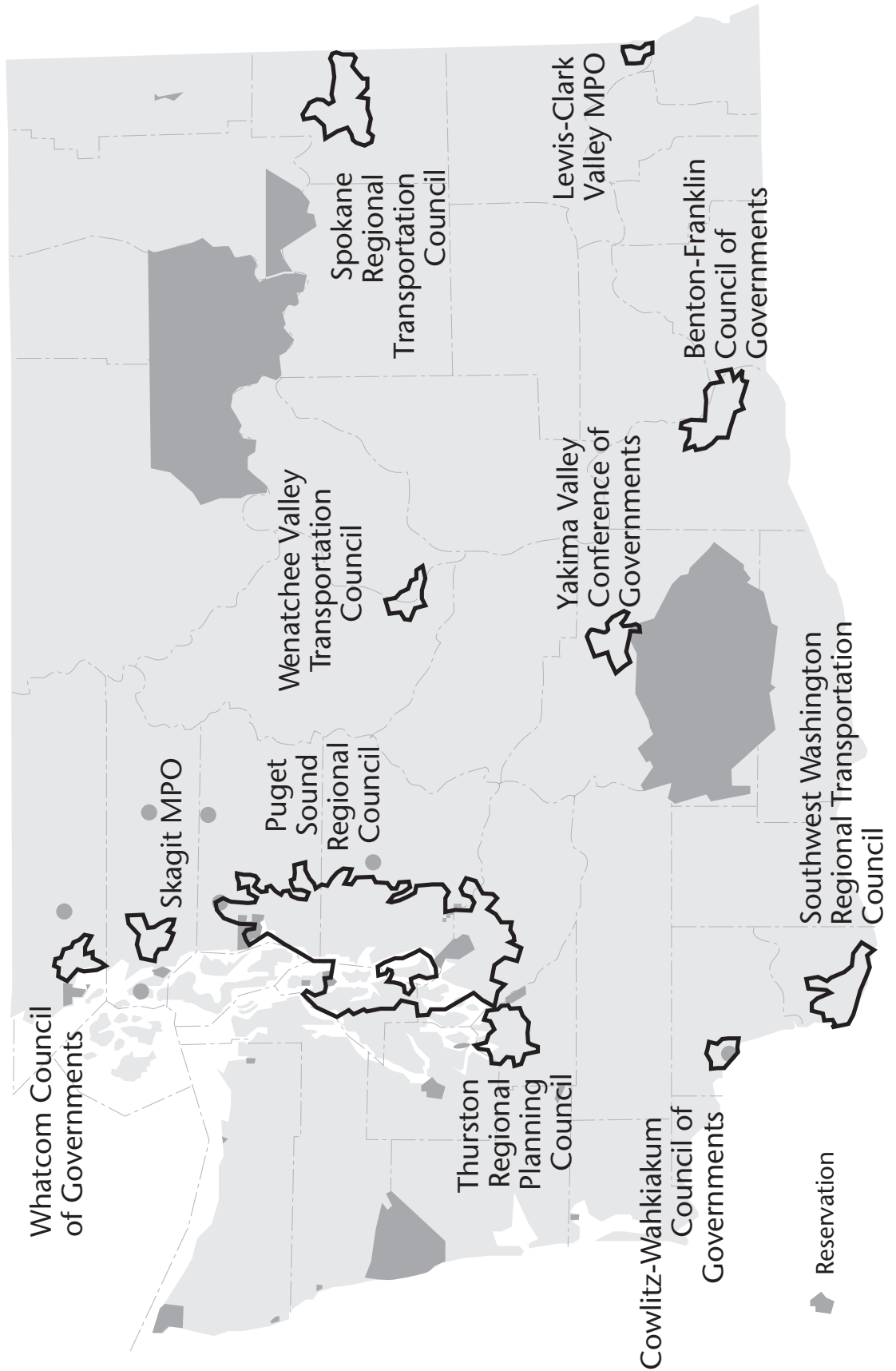
**Program Specific Dispute Resolution Process**

The Strategic Planning and Program Division follows the dispute resolution process described in this Centennial Accord Plan.

### Regional Transportation Planning Organizations Map



### Metropolitan Planning Organizations Map





# Appendices

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“Construction Day” with youth on the Colville Reservation.



## Acronyms

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<b>ACCT</b>	Agency Council on Coordinated Transportation
<b>ADA</b>	Americans with Disabilities Act
<b>APE</b>	Area of Potential Effects
<b>AVL</b>	Automatic Vehicle Locator
<b>BRT</b>	Bus Rapid Transit
<b>BIA</b>	Bureau of Indian Affairs
<b>CAA</b>	Clean Air Act
<b>CE</b>	Categorical Exclusion
<b>CED</b>	Chronic Environmental Deficiencies
<b>CTA</b>	County Transportation Authority
<b>CTR</b>	Commute Trip Reduction
<b>DMWBE</b>	Disadvantaged / Minority / Womens Business Enterprise
<b>EA</b>	Environmental Assessment
<b>ECRB</b>	External Civil Rights Branch
<b>EEO</b>	Equal Employment Opportunity
<b>EIS</b>	Environmental Impact Statement
<b>ESA</b>	Endangered Species Act
<b>ESO</b>	Environmental Services Office
<b>FHWA</b>	Federal Highway Administration
<b>FTA</b>	Federal Transit Administration
<b>FTA</b>	Federal Transit Administration
<b>FTE</b>	Full-time Equivalent
<b>GIS</b>	Geographic Information Systems
<b>GOIA</b>	Governor's Office of Indian Affairs
<b>H&amp;LP</b>	Highway and Local Programs Division
<b>HCT</b>	High Capacity Transportation
<b>HOV</b>	High Occupancy Vehicle
<b>ICRB</b>	Internal Civil Rights Branch
<b>IRR</b>	Indian Reservation Roads
<b>ISM</b>	International Safety Management
<b>JARC</b>	Job Access and Reverse Commute
<b>LEP</b>	Limited English Proficiency

<b>LTAP</b>	Local Technical Assistance Program
<b>MARSEC</b>	Marine Security Advisory
<b>MDT</b>	Mobile Data Transmitter
<b>MPO</b>	Metropolitan Planning Organization
<b>NEPA</b>	National Environmental Policy Act
<b>NHPA</b>	National Historic Preservation Act
<b>OEO</b>	Office of Equal Opportunity
<b>OJT SS</b>	On the Job Training Supportive Services
<b>PSRC</b>	Puget Sound Regional Council
<b>PTBA</b>	Public Transportation Benefit Area
<b>RCW</b>	Revised Code of Washington Laws
<b>ROW</b>	Right of Way
<b>RTIP</b>	Regional Transportation Improvement Program
<b>RTPO</b>	Regional Transportation Planning Organization
<b>SAFETEA-LU</b>	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
<b>SAO</b>	Strategic Assessment Office
<b>SHPO</b>	State Historic Preservation Officer
<b>SMS</b>	Safety Management System
<b>SOLAS</b>	Safety of Life at Sea
<b>STIP</b>	State Transportation Improvement Program
<b>TDM</b>	Transportation Demand Management
<b>TDO</b>	Transportation Data Office
<b>TDP</b>	Transit Development Plan
<b>TERO</b>	Tribal Employment Rights Ordinance
<b>TIP</b>	Transportation Improvement Program
<b>TIPP</b>	Transportation Innovation Partnership Program
<b>TTPO</b>	Tribal Transportation Planning Organization
<b>UCO</b>	Urban Corridors Office
<b>UPO</b>	Urban Planning Office
<b>WSDOT</b>	Washington State Department of Transportation
<b>WSF</b>	Washington State Ferries
<b>WTP</b>	Washington Transportation Plan

## Definitions

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**Accessibility:** (1) A measure of the ability or ease of all people to travel among various origins and destinations; (2) The extent to which facilities are free of barriers and usable by mobility-disabled persons, including wheelchair users; (3) In common usage, the ability of the physically-disabled to use transit.

**Active Warning Device:** Flashing lights and/or gates used at grade crossings.

**ADA** (Americans with Disabilities Act of 1990): Federal civil rights law that assures persons with disabilities equal opportunity to fully participate in society, the ability to live independently, and the ability to be economically sufficient.

**Agency Council on Coordinated Transportation (ACCT):** This program was created by the Washington State Legislature in 1998 to address special needs transportation impacting the elderly, persons with disabilities, persons of low-income, and youth. This program works to ensure that special needs transportation functions efficiently and effectively across organizational boundaries within Washington State.

**Alternative Financing:** means non-traditional ways of raising funds. In the field of transportation, alternative financing usually refers to new ways of borrowing money, often obtained by pledging to repay the loaned money from a new revenue source, such as a unique tax, or user fees or charges imposed for certain services (for example, toll charges imposed for crossing a bridge or using a new road).

**Alternative Fuel:** A fuel with lower polluting air emissions than traditional diesel—includes alcohol fuels, hybrid-electric, mineral fuels, methanol, propane, hydrogen, compressed natural gas (CNG) and liquefied natural gas (LNG).

**At-Grade Crossing:** The surface where the rail and a roadway (or pathway) cross at the same level.

**Automatic Vehicle Locator (AVL):** Transponders that are installed in buses or vehicles in a transit fleet that provide real-time, GPS navigational locations of transit vehicles at all times. Location information can be monitored by transit dispatch to maintain optimal route efficiency.

**Bus Rapid Transit (BRT):** An express service by bus that usually serves two destinations without stops in between; usually associated with intercity routes.

**Capital Expense:** Nonrecurring or infrequently recurring costs of long-term assets, such as land, guideways, stations, buildings, and vehicles. These items must have a useful life of at least one year, and are subject to depreciation and inventory records.

**Commercially-Confidential Meetings:** are private meetings between the Public/Private Partnerships Office and any interested person, where the person requests that certain proprietary information not be shared with their business competitors. An example would be an investment banking company that proposes to finance a new state bridge. The investment bank might ask for a commercially-confidential meeting, in order to share the bank's financial records with the state to demonstrate their credentials or their formula for lending money. No agreements, commitments or other promises can be made during such meetings. The purpose of these meetings is simply to share information and ideas.

**Commuter Trip Reduction (CTR):** The Washington State Legislature passed the Commuter Trip Reduction (CTR) Law in 1991, incorporating it into the Washington Clean Air

Act. The goals of the program are to reduce traffic congestion, reduce air pollution, and petroleum consumption through employer-based programs that decrease the number of commute trips made by people driving alone.

**Commute Trip Reduction Efficiency Act:** The CTR program was revised in 2006 under Engrossed Substitute Senate Bill 6566 to be more efficient and effective in achieving program goals. This revision focuses on participation requirements, performance goals and reviews, planning requirements, and guidance authority.

**Commuter Rail Service:** The portion of passenger railroad operations that carries passengers within urban areas, or between urban areas and their suburbs. Heavier passenger cars and longer average trip lengths carried out over tracks that are part of the railroad system characterize this service

**Commuter Rail:** Service between a central city and its suburbs, running on a railroad right-of-way. Examples include the Sound Transit's commuter rail system in Puget Sound, Metrolink in Los Angeles, California, and British Columbia's West Coast Express.

**Commuter Service:** Public transportation provided on a regularly scheduled basis with emphasis on peak periods to serve work or school trip purposes. Large vehicles, higher speeds, few stops, and longer distances characterize this service.

**County Transportation Authority (CTA):** A municipal corporation of the state of Washington, created pursuant to Chapter 36.57 RCW. These corporations must be countywide with a board comprised of three mayors and three county commissioners.

**Dedicated Funding Source:** A funding source, which by state or federal law, is available for use only to support a specific purpose, and cannot be diverted to other uses; e.g., the federal gasoline tax can only be used for highway investments and, since 1983, for transit capital projects.

**Demand-Response or Dial A Ride Service:** Public transportation service characterized by flexible routing and scheduling of relatively small vehicles to provide door-to-door or point-to-point transportation at the passenger's request. Sometimes referred to as "para-transit."

**Express Service:** Public transportation service with a limited number of stops, either from a collector area directly to a specific destination or in a particular corridor with stops en route to major transfer points or activity centers. This service usually uses freeways or busways where they are available.

**Fare Policy:** Action taken by the transit agency to regulate the schedule of fees for its services by category of passenger, period of use, zones, and/or type of service.

**Farebox Recovery Ratio:** Total farebox revenue, plus contract service revenue, divided by total direct operating expenses.

**Farebox Revenue:** Income from payments for rides, including cash, farecards, tickets, tokens, pass receipts, and transfer and zone charges, but excluding charter services.

**Federal Highway Administration (FHWA):** An agency of the United States Department of Transportation, FHWA is charged with the broad responsibility of ensuring that America's roads and highways continue to be the safest and most technologically up-to-date. FHWA provides financial and technical support to state, local and tribal governments for constructing, improving, and preserving America's highway system.

**Federal Transit Administration (FTA):** An agency of the United States Department of Transportation that administers federal programs of financial assistance for public transportation through the Federal Transit Act. It replaced the Urban Mass Transportation Administration (UMTA).

**Fixed Guideway:** A form of public transportation that moves people by way of rail or other stationary track. Commuter rail, light rail, and streetcars are examples of fixed guideways.

**Fixed-Route Service:** Public transportation on a repetitive, fixed-schedule basis along a specific route with vehicles stopping for passengers along the way.

**Grade Crossing:** The area along the track where a roadway or pathway crosses.

**Grade-Separated:** Crossing lines of traffic that are vertically separated from each other (i.e., a roadway that goes over a railroad track).

**Growth Management Act (GMA):** passed by the state legislature in 1990, and amended in 1991, GMA addresses the negative consequences of unprecedented population growth and suburban sprawl in Washington. The GMA requires all cities and counties in the state to do some planning and has more extensive requirements for the largest and fastest-growing counties and cities in the state. Its requirements include guaranteeing the consistency of transportation and capital facilities plans with land use plans.

**High Capacity Transportation (HCT):** Express or commuter service that operates on exclusive right of way, such as rail, busways, and HOV lanes.

**High Occupancy Vehicle (HOV):** A vehicle transporting more persons than its operator, such as a bus, vanpool, or carpool.

**High Speed Rail:** Trains like the famed Japanese Bullet Train, well known in European and Asian countries. These trains travel at speeds greater than 125 miles per hour on exclusive right-of-way and are economically feasible only in the world's densely populated areas.

**Intercity (Passenger) Rail:** Service connecting central city to central city on a railroad right-of-way in densely traveled corridors. Amtrak's metroliner service between Washington, DC and Boston is a well-known example of higher-speed intercity rail. Locally, the Amtrak Cascades connecting Vancouver, BC to Seattle is an example of intercity passenger rail.

**Intermodal:** The use of different types of transportation modes to move people and freight shipments, i.e., ships, trains, buses, and trucks.

**Job Access and Reverse Commute (JARC; 5316):** A federal source of funding authorized through federal transportation legislation, (SAFETEA LU, Section 5316) that is used to fund public transportation projects that work towards improving job access for low-income persons and welfare recipients, and improving transportation to suburban employment centers from urban, rural, and suburban areas.

**Joint Venture:** means an agreement between two (or more) parties where each party contributes something of value (money, work, responsibility, liability, etc.) in order to accomplish a new project or program, or provide new services. A key feature of a joint venture is that both parties share in the risk that the project, program or service may fail. The parties also share the rewards if the joint venture succeeds.

**Light Rail:** Carries a light volume of traffic. “Light” refers to the number of riders that the train can carry, not the weight. Light rail may share right-of-way on a roadway or operate on exclusive right-of-way and can have multi-car trains or single cars. Trolley cars and Portland, Oregon’s MAX system are examples of light rail.

**Listserv:** An email notification system that sends open job announcements to interested candidates when a new position opens up.

**Long Distance (Long Haul) Train:** A passenger train that serves major transportation centers within and beyond those of a corridor train. An example is Amtrak’s Coast Starlight that travels between Los Angeles and Seattle.

**Main line:** A railroad’s primary track that usually extends great distances. It usually carries both freight and passenger trains.

**Metropolitan Planning Organization (MPO):** An agency designated by a governor (or governors in a multi-state areas) to administer the federally required transportation planning process for metropolitan area. An MPO must be in place in every urbanized area with a population of over 50,000.

**Minibus:** A smaller bus, usually with a passenger compartment built on a truck or recreational vehicle chassis, with a life expectancy of four to eight years, and with seating capacity of eight to 25 passengers.

**Mobile Data Transmitter (MDT):** Transponders that are similar to Automatic Vehicle Locators, but are capable of transmitting more specific information in addition to location. MDTs are useful for communicating various transit related information between fleet vehicles and dispatch.

**New Freedom (5317):** A federal source of funding authorized through federal transportation legislation, (SAFETEA LU, Section 5317) that is used to fund public transportation projects that are new and above and beyond basic ADA requirements.

**Open-competitive:** Positions open for anyone who meets the qualifications to apply. A previous state or government service is not a requirement.

**Paratransit:** Flexible forms of public transportation services that are not provided over a fixed route or fixed schedule. They do not include exclusory services such charter bus trips. Sometimes referred to as “demand response” or “dial a ride.”

**Park and Ride:** Park and ride lots function as locations where people can make the switch from personal to public transportation. These facilities serve as intermodal transfer locations for people to park their personal vehicles and transfer to public transit buses, rail, vanpool, and/or carpool.

**Public Transportation Benefit Area (PTBA):** A municipal corporation of the state of Washington, created pursuant to Chapter 36.57A RCW. These corporations may be less than countywide, countywide, or comprise more than one county.

**Public Transportation:** Transportation service that is available to any person upon payment of the fare—if charged—and which cannot be reserved for the private or exclusive use of one individual or group. “Public” in this sense refers to the access to the service, not to the ownership of the system providing the service.

**Public/private Partnerships:** refers to agreements between the public sector (in this case, the State of Washington) and private persons or businesses where both parties agree



to undertake project, program or service by combining their skills and resources in new combinations. The goal of the public/private partnership is to achieve results greater than either party could achieve if acting solely on their own.

**Rail Bypass:** A track that goes around other rail facilities (bypasses them). A bypass may be as simple as a track that goes around a small yard, or may be as significant as a complete route revision.

**Rapid (or Heavy) Rail:** An electric railway that carries a large volume of people on exclusive right-of-way. Subways like San Francisco's BART or Washington, DC's Metrorail are examples of rapid (or heavy) rail.

**Regional Transportation Plan (RTP):** A plan coordinating transportation planning efforts of all member jurisdictions, as required by all Raps receiving funding for regional planning under the Regional Transportation Plan Program of GMA.

**Regional Transportation Planning Organizations (RTPO):** Voluntary organizations with representatives from local governments and regional transportation providers to coordinate transportation planning activities within a region. Authorized by the Growth Management Act of 1990.

**Ridesharing:** A form of transportation, other than public transportation, in which two or more persons share in the use of a vehicle, such as a car or van, to make a trip.

**Right of Way (ROW):** A general term denoting land, property, or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

**Route-Deviated Service:** Public transportation service on a nonexclusive basis, that operates along a public way, on a fixed route, from which it may deviate from time to time, in response to a demand for service or to take a passenger to a destination, after which it returns to its fixed route.

**Rural Areas:** Incorporated and unincorporated communities and unincorporated areas in a county outside of a designated urbanized area. Total area population may exceed 50,000.

**Safe, Accountable, Flexible, Efficient Transportation Equity Act:** A Legacy for Users (SAFETEA-LU) Signed into law in August 2005, SAFETEA-LU authorizes the Federal surface transportation programs for highways, highway safety, and transit for the 5-year period 2005-2009.

**Section 5307:** A section of the Federal Transit Act authorizing formula funding for public transportation in urbanized areas, and codified as 49 USC 5307.

**Section 5309:** A section of the Federal Transit Act authorizing discretionary and formula funding for capital purposes, and codified as 49 USC 5309.

**Section 5311:** A section of the Federal Transit Act authorizing funding for public transportation in rural areas, and codified as 49 USC 5311.

**Specialized Transportation Service:** Rides provided to elderly persons or persons with disabilities through a variety of agencies, including social services and public transportation agencies. Persons may ride in minibuses, taxis, and/or volunteer drivers using their own vehicle.

**State Environmental Policy Act (SEPA):** A Washington State Law that requires the evaluation of environmental impacts associated with a project or agency action prior to approval. Its purposes are to make decision-makers aware of the environmental con-



sequences of their actions and to involve the public and other interested parties in the analysis.

**Transit Center:** A transit stop or station at the meeting point of several routes or of different modes of transportation.

**Transit Development Plan (TDP):** A 6-year plan, required by Section 35.58.2795 RCW, that outlines the intended timetable for public transportation services, including a detailed program of revenues and expenditures for capital equipment acquisition, system management, and operations.

**Transportation Demand Management (TDM):** Policies, programs, and actions to increase the use of high occupancy vehicles (public transportation, carpools, and vanpools) and/or spread the travel to less congested time periods.

**Transportation Improvement Program (TIP):** A three-year transportation investment strategy required under ISTEA. It is similar to the six-year program required by state law, which addresses the goals of the long-range plans and lists priority projects and activities for the region. [At the state level, the TIP is also known as a state transportation improvement plan (STIP). TIPs from all regions are incorporated in the STIP.]

**Transportation Management Area (TMA):** Under ISTEA, any urban area over 200,000 in population is automatically a TMA, which subjects it to additional planning requirements by also entitling it to funds earmarked for large urbanized areas.

**Transportation Partnership in Engineering Education Development (TRANSPEED):** A training program in technical and professional engineering development through the University of Washington.

**Urbanized Area:** A geographic area defined by the U.S. Bureau of the Census with a central city plus the closely-settled urban fringe that together have a minimum population of 50,000. Small urbanized areas have populations between 50,000 and 200,000; large urbanized areas have greater populations.

**Vanpool:** A prearranged ridesharing service in which a number of people (7 to 15) travel together regularly in a van, particularly to and from work

# Washington State Federally Recognized Indian Tribes

Governor's Office of Indian Affairs

Washington State Tribal Directory

## WASHINGTON STATE FEDERALLY RECOGNIZED INDIAN TRIBES

### **CHEHALIS CONFEDERATED TRIBES**

Chehalis Business Council  
PO Box 536  
Oakville, WA 98568  
**Phone:** (360) 273-5911/753-3213  
**Fax:** (360) 273-5914  
County: *Grays Harbor/Thurston*

### **COLVILLE CONFEDERATED TRIBES**

Colville Business Council  
PO Box 150  
Nespelem, WA 99155  
**Phone:** (509) 634-4711  
**Fax:** (509) 634-4116  
County: *Okanogan/Ferry*

### **COWLITZ INDIAN TRIBE**

Cowlitz Indian Tribe  
PO Box 2547  
Longview, WA 98632-8594  
**Phone:** (360) 577-8140  
**Fax:** (360) 577-7432  
County: *Cowlitz/Clark*

### **HOH TRIBE**

Hoh Tribal Business Committee  
P.O. Box 2196  
Forks, WA 98331  
**Phone:** (360) 374-6582  
**Fax:** (360) 374-6549  
County: *Jefferson*

### **JAMESTOWN S'KLALLAM TRIBE**

Jamestown S'Klallam Indian Tribe  
1033 Old Blyn Highway  
Sequim, WA 98382  
**Phone:** (360) 683-1109  
**Fax:** (360) 681-4643  
County: *Clallam*

### **KALISPEL TRIBE**

Kalispel Business Committee  
PO Box 39  
Usk, WA 99180  
**Phone:** (509) 445-1147  
**Fax:** (509) 445-1705  
County: *Pend Oreille*

### **LOWER ELWHA KLALLAM TRIBE**

Elwha Klallam Business Council  
2851 Lower Elwha Road  
Port Angeles, WA 98363  
**Phone:** (360) 452-8471  
**Fax:** (360) 452-3428  
County: *Clallam*

### **LUMMI NATION**

Lummi Business Council  
2616 Kwina Road  
Bellingham, WA 98226-9298  
**Phone:** (360) 384-1489  
**Fax:** (360) 380-1850  
County: *Whatcom*

### **MAKAH TRIBE**

Makah Tribal Council  
PO Box 115  
Neah Bay, WA 98357  
**Phone:** (360) 645-2201  
**Fax:** (360) 645-2788  
County: *Clallam*

### **MUCKLESHOOT TRIBE**

Muckleshoot Tribal Council  
39015 172nd Avenue SE  
Auburn, WA 98092  
**Phone:** (253) 939-3311  
**Fax:** (253) 939-5311  
County: *King*

### **NISQUALLY TRIBE**

Nisqually Indian Tribe  
4820 She-Nah-Num Drive SE  
Olympia, WA 98513  
**Phone:** (360) 456-5221  
**Fax:** (360) 407-0125  
County: *Thurston*

### **NOOKSACK TRIBE**

Nooksack Indian Tribal Council  
PO Box 157  
Deming, WA 98244  
**Phone:** (360) 592-5176  
**Fax:** (360) 592-5721  
County: *Whatcom*

**WASHINGTON STATE  
FEDERALLY RECOGNIZED INDIAN TRIBES (continued)**

**PORT GAMBLE S'KLALLAM TRIBE**

Port Gamble Business Committee  
31912 Little Boston Road NE  
Kingston, WA 98346  
**Phone:** (360) 297-2646  
**Fax:** (360) 297-7097  
County: *Kitsap*

**PUYALLUP TRIBE**

Puyallup Tribal Council  
2002 East 28th Street  
Tacoma, WA 98404  
**Phone:** (253) 597-6200  
**Fax:** (253) 573-7929  
County: *Pierce*

**QUILEUTE TRIBE**

Quileute Tribal Council  
PO Box 279  
La Push, WA 98350  
**Phone:** (360) 374-6163  
**Fax:** (360) 374-6311  
County: *Clallam*

**QUINAULT NATION**

Quinault Business Committee  
PO Box 189  
Taholah, WA 98587  
**Phone:** (360) 276-8211  
**Fax:** (360) 276-4191  
County: *Grays Harbor*

**SAMISH NATION**

Samish Tribe of Indians  
PO Box 217  
Anacortes, WA 98221  
**Phone:** (360) 293-6404  
**Fax:** (360) 299-0790  
County: *Skagit*

**SAUK-SUIATTLE TRIBE**

Sauk-Suiattle Indian Tribe  
5318 Chief Brown Lane  
Darrington, WA 98241  
**Phone:** (360) 436-0131  
**Fax:** (360) 436-1511  
County: *Skagit*

**SHOALWATER BAY TRIBE**

Shoalwater Bay Tribal Council  
PO Box 130  
Tokeland, WA 98590  
**Phone:** (360) 267-6766  
**Fax:** (360) 267-6778  
County: *Pacific*

**SKOKOMISH TRIBE**

Skokomish Tribal Council  
N. 80 Tribal Center Road  
Shelton, WA 98584  
**Phone:** (360) 426-4232  
**Fax:** (360) 877-5943  
County: *Mason*

**SNOQUALMIE TRIBE**

Snoqualmie Tribe of Indians  
PO Box 280  
Carnation, WA 98014  
**Phone:** (425) 333-6551 or (425) 222-6900  
**Fax:** (425) 333-6727 or (425) 222-7798  
County: *King*

**SPOKANE TRIBE**

Spokane Tribal Business Council  
PO Box 100  
Wellpinit, WA 99040  
**Phone:** (509) 258-4581  
**Fax:** (509) 258-9243  
County: *Stevens*

**SQUAXIN ISLAND TRIBE**

Squaxin Island Tribal Council  
SE 70 Squaxin Lane  
Shelton, WA 98584  
**Phone:** (360) 426-9781  
**Fax:** (360) 426-6577  
County: *Mason*

Governor's Office of Indian Affairs

Washington State Tribal Directory

**WASHINGTON STATE  
FEDERALLY RECOGNIZED INDIAN TRIBES (continued)**

**STILLAGUAMISH TRIBE**

Stillaguamish Board of Directors  
3310 Smokey Point Drive  
Arlington, WA 98223  
**Phone:** (360) 652-7362  
**Fax:** (360) 659-3113  
County: *Snohomish*

**SUQUAMISH TRIBE**

Suquamish Tribal Council  
PO Box 498  
Suquamish, WA 98392  
**Phone:** (360) 598-3311  
**Fax:** (360) 598-6295  
County: *Kitsap*

**SWINOMISH TRIBE**

Swinomish Indian Senate  
PO Box 817  
LaConner, WA 98257  
**Phone:** (360) 466-3163  
**Fax:** (360) 466-5309  
County: *Skagit*

**TULALIP TRIBES**

Tulalip Board of Director  
6700 Totem Beach Road  
Marysville, WA 98270-9694  
**Phone:** (360) 716-4000  
**Fax:** (360) 651-4032  
County: *Snohomish*

**UPPER SKAGIT TRIBE**

Upper Skagit Tribal Council  
25944 Community Plaza  
Sedro Woolley, WA 98284  
**Phone:** (360) 854-7000  
**Fax:** (360) 854-7004  
County: *Skagit*

**YAKAMA NATION**

Yakama Tribal Council  
PO Box 151  
Toppenish, WA 98948  
**Phone:** (509) 865-5121  
**Fax:** (509) 865-5528  
County: *Yakima/Klickitat*

## **Centennial Accord between the Federally Recognized Indian Tribes in Washington State and the State of Washington**

### **1. Preamble and Guiding Principles**

This *Accord* dated August 4, 1989, is executed between the federally recognized Indian tribes of Washington signatory to this *Accord* and the State of Washington, through its governor, in order to better achieve mutual goals through an improved relationship between their sovereign governments. This *Accord* provides a framework for that government-to-government relationship and implementation procedures to assure execution of that relationship.

Each party to this *Accord* respects the sovereignty of the other. The respective sovereignty of the state and each federally recognized tribe provides paramount authority for that party to exist and to govern. The parties share in their relationship particular respect for the values and culture represented by tribal governments. Further, the parties share a desire for a complete *Accord* between the State of Washington and the federally recognized tribes in Washington reflecting a full government-to-government relationship and will work with all elements of state and tribal governments to achieve such an *Accord*.

### **2. Parties**

There are twenty-eight federally recognized Indian tribes in the state of Washington. Each sovereign tribe has an independent relationship with each other and the state. This *Accord*, provides the framework for that relationship between the state of Washington, through its governor, and the signatory tribes.

The parties recognize that the state of Washington is governed in part by independent state officials. Therefore, although, this *Accord* has been initiated by the signatory tribes and the governor, it welcomes the participation of, inclusion in and execution by chief representatives of all elements of state government so that the government-to-government relationship described herein is completely and broadly implemented between the state and the tribes.

### **3. Purposes and Objectives**

This *Accord* illustrates the commitment by the parties to implementation of the government-to-government relationship, a relationship reaffirmed as state policy by gubernatorial proclamation January 3, 1989. This relationship respects the sovereign status of the parties, enhances and improves communications between them, and facilitates the resolution of issues.

This *Accord* is intended to build confidence among the parties in the government-to-government relationship by outlining the process for implementing the policy. Not only is this process intended to implement the relationship, but also it is intended to institutionalize it within the organizations represented by the parties. The parties will continue to strive for complete institutionalization of the government-to-

government relationship by seeking an *Accord* among all the tribes and all elements of state government.

This *Accord* also commits the parties to the initial tasks that will translate the government-to-government relationship into more-efficient, improved and beneficial services to Indian and non-Indian people. This *Accord* encourages and provides the foundation and framework for specific agreements among the parties outlining specific tasks to address or resolve specific issues.

The parties recognize that implementation of this *Accord* will require a comprehensive educational effort to promote understanding of the government-to-government relationship within their own governmental organizations and with the public.

#### **4. Implementation Process and Responsibilities**

While this *Accord* addresses the relationship between the parties, its ultimate purpose is to improve the services delivered to people by the parties. Immediately and periodically, the parties shall establish goals for improved services and identify the obstacles to the achievement of those goals. At an annual meeting, the parties will develop joint strategies and specific agreements to outline tasks, overcome obstacles and achieve specific goals.

The parties recognize that a key principle of their relationship is a requirement that individuals working to resolve issues of mutual concern are accountable to act in a manner consistent with this *Accord*.

The state of Washington is organized into a variety of large but separate departments under its Governor, other independently elected officials and a variety of boards and commissions. Each tribe, on the other hand, is a unique government organization with different management and decision-making structures.

The chief of staff of the Governor of the state of Washington is accountable to the Governor for implementation of this *Accord*. State agency directors are accountable to the governor through the chief of staff for the related activities of their agencies. Each director will initiate a procedure within his/her agency by which the government-to-government policy will be implemented. Among other things, these procedures will require persons responsible for dealing with issues of mutual concern to respect the government-to-government relationship within which the issue must be addressed. Each agency will establish a documented plan of accountability and may establish a more detailed implementation procedure in subsequent agreements between tribes and the particular agency.

The parties recognize that their relationship will successfully address issues of mutual concern when communication is clear, direct and between persons responsible for addressing the concern. The parties recognize that in state government, accountability is best achieved when this responsibility rests solely within each state agency. Therefore, it is the objective of the state that each particular agency be directly accountable for implementation of the government-to-government relationship in dealing with issues of concern to the parties. Each agency will facilitate this objective by identifying individuals directly responsible for issues of mutual concern.

Each tribe also recognizes that a system of accountability within its organization is critical to successful implementation of the relationship. Therefore, tribal

officials will direct their staff to communicate within the spirit of this *Accord* with the particular agency which, under the organization of state government, has the authority and responsibility to deal with the particular issue of concern to the tribe.

In order to accomplish these objectives, each tribe must ensure that its current tribal organization, decision-making process and relevant tribal personnel is known to each state agency with which the tribe is addressing an issue of mutual concern. Further, each tribe may establish a more detailed organizational structure, decision-making process, system of accountability, and other procedures for implementing the government-to-government relationship in subsequent agreements with various state agencies. Finally, each tribe will establish a documented system of accountability.

As a component of the system of accountability within state and tribal governments, the parties will review and evaluate at the annual meeting the implementation of the government-to-government relationship. A management report will be issued summarizing this evaluation and will include joint strategies and specific agreements to outline tasks, overcome obstacles, and achieve specific goals.

The chief of staff also will use his/her organizational discretion to help implement the government-to-government relationship. The Office of Indian Affairs will assist the chief of staff in implementing the government-to-government relationship by providing state agency directors information with which to educate employees and constituent groups as defined in the accountability plan about the requirement of the government-to-government relationship. The Office of Indian Affairs shall also perform other duties as defined by the chief of staff.

##### **5. Sovereignty and Disclaimers**

Each of the parties respects the sovereignty of each other party. In executing this *Accord*, no party waives any rights, including treaty rights, immunities, including sovereign immunities, or jurisdiction. Neither does this *Accord* diminish any rights or protections afforded other Indian persons or entities under state or federal law. Through this *Accord* parties strengthen their collective ability to successfully resolve issues of mutual concern.

While the relationship described by this *Accord* provides increased ability to solve problems, it likely will not result in a resolution of all issues. Therefore, inherent in their relationship is the right of each of the parties to elevate an issue of importance to any decision-making authority of another party, including, where appropriate, that party's executive office.



Signatory parties have executed this Accord on the date August 4, 1989 and agreed to be duly bound by its commitments:

**1989 Signers:**

Booth Gardner – Washington State  
Dorian Sanchez – Nisqually  
Joe De La Cruz – Quinault  
Dave Whitner – Squaxin Island  
Stan Jones, Sr. – Tulalip  
James Jamie – Quileute  
Jude Stensgar – Colville  
Gerald Clark – Lower Elwha Klallam  
Joseph Johnson – Nooksack  
James Joseph – Sauk – Suiattle  
Elizabeth Fanning – Shoalwater  
Floyd Williams – Upper Skagit  
Virginia Cross – Muckleshoot  
Mary K. Leitka – Hoh  
Larry Kinley – Lummi  
Marie Sullivan – Port Gamble S’Klallam  
Denny Hurtado – Skokomish  
Gail Greger – Stillaguamish  
Georgia George – Suquamish  
Ron Allen – Jamestown S’Klallam  
Daniel Green – Makah  
Nancy Shippentower – Puyallup  
Joe Flett – Spokane  
Robert Joe, Jr. – Swinomish  
Percy Youckton – Chehalis

**Additional Signers:**

John Barnett – Cowlitz (2002)  
Maryann Hinzman – Snoqualmie (2002)  
Ken Hanson – Samish (2003)

## Out-of-State Centennial Accord 2004

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### **ACCORD between the Federally Recognized Indian Tribes with Treaty Reserved Rights in Washington State and the State of Washington**

#### **I. Preamble and Guiding Principles**

This ACCORD is executed between federally recognized Indian tribes located outside of the state with treaty reserved rights within Washington State, signatory to this ACCORD, and the State of Washington, through its governor, in order to better achieve mutual goals through an improved relationship between their sovereign governments.\*

Each party to this ACCORD respects the sovereignty of the other and that this sovereignty provides paramount authority for that party to exist and to govern.

#### **II. Parties**

The parties to this accord are the State and those federally recognized tribes located outside of the state with treaty reserved rights within the state of Washington that have signed this Accord.

The parties recognize that the state of Washington is governed in part by independent state officials. Therefore, although, this ACCORD has been initiated by the signatory tribes and the governor, it welcomes the participation of, inclusion in and execution by chief representatives of all elements of state government so that the government-to-government relationship described herein is completely and broadly implemented between the state and the tribes.

#### **III. Purposes and Objectives**

This ACCORD is intended to be comparable to and harmonious with the 1989 Centennial Accord between the tribes within Washington State and the state. To this end, this ACCORD is intended to build confidence among the parties in the government-to-government relationship by outlining and institutionalizing the process for implementing the policy.

#### **IV. Implementation Process and Responsibilities**

While this ACCORD addresses the relationship between the parties, its ultimate purpose is to improve the services delivered to people by the parties. To the extent practical, the parties agree to utilize all the established protocols under the Centennial Accord and the Millennium Agreement as well as any subsequent agreement consistent with this ACCORD as the procedures and processes for this ACCORD unless otherwise made inconsistent by this ACCORD.

The parties recognize that a key principle of their relationship is a requirement that individuals working to resolve issues of mutual concern are accountable to act in a manner consistent with this ACCORD.

The state of Washington is organized into a variety of large but separate department under its Governor, other independently elected officials and a variety of boards and

commissions. Each tribe on the other hand, is a unique government organization with different management and decision-making structures.

The chief of staff of the Governor of the state of Washington is accountable to the Governor for implementation of this ACCORD. State agency directors are accountable to the governor through the chief of staff for the related activities of their agencies. Each director of affected state agencies will initiate a procedure within his/her agency by which the government-to-government policy will be implemented. Among other things, these procedures will require persons responsible for dealing with issues of mutual concern to respect the government-to-government relationship within which the issue must be addressed. Each agency will establish a documented plan of accountability and may establish a more detailed implementation procedure in subsequent agreements between tribes and the particular agency.

The chief of staff also will use his/her organizational discretion to help implement the government-to-government relationship. The Office of Indian Affairs will assist the chief of staff in implementing the government-to-government relationship by providing state agency directors information with which to educate employees and constituent groups as defined in the accountability plan about the requirement of the government-to-government relationship. The Office of Indian Affairs shall also perform other duties as defined by the chief of staff.

Each tribe also recognizes that a system of accountability within its organization is critical to successful implementation of the relationship. Therefore, tribal officials will direct their staff to communicate within the spirit of this ACCORD with the particular agency, which under the organization of state government, has the authority and responsibility to deal with the particular issue of concern to the tribe.

In order to accomplish these objectives, each tribe must ensure that it's current tribal organization, decision-making process and relevant tribal personnel is known to each state agency with which the tribe is addressing an issue of mutual concern, Further, each tribe may establish a more detailed organizational structure, decision-making process, system of accountability, and other procedures for implementing the government-to-government relationship in subsequent agreements with various state agencies.. Finally, each tribe will establish a documented system of accountability.

As a component of the system of accountability within state and tribal governments, the parties will periodically review and evaluate the implementation of the government-to-government relationship and report on this review through a report summarizing this evaluation and will include joint strategies and specific agreements to outline tasks, overcome obstacles, and achieve specific goals. The State and the Tribal parties to this Accord will meet every other year to conduct this review as well as discussing other issues of mutual concern.

## **V. SOVEREIGNTY and DISCLAIMERS**

Each of the parties respects the sovereignty of each other party. In executing this ACCORD, no party waives any rights, including treaty rights, immunities, including sovereign immunities, or jurisdiction. Neither does this ACCORD diminish any rights or protections afforded other Indian persons or entities under state or

federal law. Through this ACCORD, parties strengthen their collective ability to successfully resolve issues of mutual concern.

While the relationship described by this ACCORD provides increased ability to solve problems, it likely will not result in a resolution of all issues. Therefore, inherent in their relationship is the right of each of the parties to elevate an issue of importance to any decision-making authority of another party, including, where appropriate, that party's executive office.

Signatory parties have executed this ACCORD on the date, below, [December 9, 2004] and agreed to be duly bound by its commitments:

**2004 Signers**

Gary Locke – Washington State  
Leo Sterwart - Umatilla  
Anthony Johnson - Nez Perce

**Other Signers**

Ron Suppah – Warm Springs (2005)

## **Institutionalizing the Government-to-Government Relationship in Preparation for the New Millennium**

The work of the 1999 Tribal and State Leaders' Summit will be the foundation upon which our children will build. A stronger foundation for tribal/state relations is needed to enable us to work together to preserve and protect our natural resources and to provide economic vitality, educational opportunities, social services and law enforcement that allow the governments to protect, serve and enhance their communities.

The undersigned leaders of American Indian Nations and the State of Washington, being united in Leavenworth, WA on November 1, 2 and 3, 1999 in the spirit of understanding and mutual respect of the 1989 Centennial Accord and the government-to-government relationship established in that Accord, and desiring to strengthen our relationships and our cooperation on issues of mutual concern, commit to the following:

- Strengthening our commitment to government-to-government relationships and working to increase the understanding of tribes' legal and political status as governments;
- Continuing cooperation in the future by developing enduring channels of communication and institutionalizing government-to-government processes that will promote timely and effective resolution of issues of mutual concern;
- Developing a consultation process, protocols and action plans that will move us forward on the Centennial Accord's promise that, "The parties will continue to strive for complete institutionalization of the government-to-government relationship by seeking an accord among all the tribes and all elements of state government."
- Enhancing communication and coordination through the Governor's commitment to strengthen his Office of Indian Affairs and the member tribes' commitment to strengthen the Association of Washington Tribes;
- Encouraging the Washington Legislature to establish a structure to address issues of mutual concern to the state and tribes;
- Educating the citizens of our state, particularly the youth who are our future leaders, about tribal history, culture, treaty rights, contemporary tribal and state government institutions and relations and the contribution of Indian Nations to the State of Washington to move us forward on the Centennial Accord's promise that, "The parties recognize that implementation of this Accord will require a comprehensive educational effort to promote understanding of the government-to-government relationship within their own governmental organizations and with the public.";
- Working in collaboration to engender mutual understanding and respect and to fight discrimination and racial prejudice; and,
- Striving to coordinate and cooperate as we seek to enhance economic and infrastructure opportunities, protect natural resources and provide the educational opportunities and social and community services that meet the needs of all our citizens.

We affirm these principles and resolve to move forward into the new millennium with positive and constructive tribal/state relations.

# Presidential Executive Order 13175

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Vol. 65, No. 218  
Thursday, November 9, 2000

## Presidential Documents

### Title 3— Executive Order 13175 of November 6, 2000

#### The President Consultation and Coordination With Indian Tribal Governments

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, to strengthen the United States government-to-government relationships with Indian tribes, and to reduce the imposition of unfunded mandates upon Indian tribes; it is hereby ordered as follows:

**Section 1. Definitions.** For purposes of this order:

(a) “Policies that have tribal implications” refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

(b) “Indian tribe” means an Indian or Alaska Native tribe, band, nation, pueblo, village, or community that the Secretary of the Interior acknowledges to exist as an Indian tribe pursuant to the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. 479a.

(c) “Agency” means any authority of the United States that is an “agency” under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(5).

(d) “Tribal officials” means elected or duly appointed officials of Indian tribal governments or authorized intertribal organizations.

**Sec. 2. Fundamental Principles.** In formulating or implementing policies that have tribal implications, agencies shall be guided by the following fundamental principles:

(a) The United States has a unique legal relationship with Indian tribal governments as set forth in the Constitution of the United States, treaties, statutes, Executive Orders, and court decisions. Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. The Federal Government has enacted numerous statutes and promulgated numerous regulations that establish and define a trust relationship with Indian tribes.

(b) Our Nation, under the law of the United States, in accordance with treaties, statutes, Executive Orders, and judicial decisions, has recognized the right of Indian

tribes to self-government. As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, tribal trust resources, and Indian tribal treaty and other rights.

(c) The United States recognizes the right of Indian tribes to self-government and supports tribal sovereignty and self-determination.

**Sec. 3. Policymaking Criteria.** In addition to adhering to the fundamental principles set forth in section 2, agencies shall adhere, to the extent permitted by law, to the following criteria when formulating and implementing policies that have tribal implications:

(a) Agencies shall respect Indian tribal self-government and sovereignty, honor tribal treaty and other rights, and strive to meet the responsibilities that arise from the unique legal relationship between the Federal Government and Indian tribal governments.

(b) With respect to Federal statutes and regulations administered by Indian tribal governments, the Federal Government shall grant Indian tribal governments the maximum administrative discretion possible.

(c) When undertaking to formulate and implement policies that have tribal implications, agencies shall:

(1) encourage Indian tribes to develop their own policies to achieve program objectives;

(2) where possible, defer to Indian tribes to establish standards; and

(3) in determining whether to establish Federal standards, consult with tribal officials as to the need for Federal standards and any alternatives that would limit the scope of Federal standards or otherwise preserve the prerogatives and authority of Indian tribes.

**Sec. 4. Special Requirements for Legislative Proposals.** Agencies shall not submit to the Congress legislation that would be inconsistent with the policymaking criteria in Section 3.

**Sec. 5. Consultation.** (a) Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications. Within 30 days after the effective date of this order, the head of each agency shall designate an official with principal responsibility for the agency's implementation of this order. Within 60 days of the effective date of this order, the designated official shall submit to the Office of Management and Budget (OMB) a description of the agency's consultation process.

(b) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications, that imposes substantial direct compliance costs on Indian tribal governments, and that is not required by statute, unless:



(1) funds necessary to pay the direct costs incurred by the Indian tribal government or the tribe in complying with the regulation are provided by the Federal Government; or

(2) the agency, prior to the formal promulgation of the regulation,

(A) consulted with tribal officials early in the process of developing the proposed regulation;

(B) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(C) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(c) To the extent practicable and permitted by law, no agency shall promulgate any regulation that has tribal implications and that preempts tribal law unless the agency, prior to the formal promulgation of the regulation,

(1) consulted with tribal officials early in the process of developing the proposed regulation;

(2) in a separately identified portion of the preamble to the regulation as it is to be issued in the Federal Register, provides to the Director of OMB a tribal summary impact statement, which consists of a description of the extent of the agency's prior consultation with tribal officials, a summary of the nature of their concerns and the agency's position supporting the need to issue the regulation, and a statement of the extent to which the concerns of tribal officials have been met; and

(3) makes available to the Director of OMB any written communications submitted to the agency by tribal officials.

(d) On issues relating to tribal self-government, tribal trust resources, or Indian tribal treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

**Sec. 6. Increasing Flexibility for Indian Tribal Waivers.**

(a) Agencies shall review the processes under which Indian tribes apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by an Indian tribe for a waiver of statutory or regulatory requirements in connection with any program administered by the agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

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(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency, or as otherwise provided by law or regulation. If the application for waiver is not granted, the agency shall provide the applicant with timely written notice of the decision and the reasons therefor.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

**Sec. 7. Accountability.**

(a) In transmitting any draft final regulation that has tribal implications to OMB pursuant to Executive Order 12866 of September 30, 1993, each agency shall include a certification from the official designated to ensure compliance with this order stating that the requirements of this order have been met in a meaningful and timely manner.

(b) In transmitting proposed legislation that has tribal implications to OMB, each agency shall include a certification from the official designated to ensure compliance with this order that all relevant requirements of this order have been met.

(c) Within 180 days after the effective date of this order the Director of OMB and the Assistant to the President for Intergovernmental Affairs shall confer with tribal officials to ensure that this order is being properly and effectively implemented.

**Sec. 8. Independent Agencies.** Independent regulatory agencies are encouraged to comply with the provisions of this order.

**Sec. 9. General Provisions.** (a) This order shall supplement but not supersede the requirements contained in Executive Order 12866 (Regulatory Planning and Review), Executive Order 12988 (Civil Justice Reform), OMB Circular

A-19, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.

(b) This order shall complement the consultation and waiver provisions in sections 6 and 7 of Executive Order 13132 (Federalism).

(c) Executive Order 13084 (Consultation and Coordination with Indian Tribal Governments) is revoked at the time this order takes effect.

(d) This order shall be effective 60 days after the date of this order.E:

**Sec. 10. Judicial Review.** This order is intended only to improve the internal management of the executive branch, and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable at law by a party against the United States, its agencies, or any person.

*William Clinton*

THE WHITE HOUSE,  
November 6, 2000.

