

**U.S. Department of the Interior
Office of Self-Governance - Indian Affairs
Self-Governance PROGRESS Act Negotiated Rulemaking Committee**



MEETING MINUTES

Advisory Committee Management Officer (CMO) - Margaret Triebsch
Designated Federal Officer (DFO)- Vickie Harvey

DATE: **October 3, 2022**
Federal Register Notice: FRN 2022-56694
Meeting Number: 2
DFO Convened at: 1:04 p.m. ET
DFO Adjourned at: 3:57 p.m. ET
Location: Hosted via ZoomGov (Committee Members)
Broadcast via MS Teams (Public Access)
Designated Notetaker: Emma Phillips
Facilitation: Federal Mediation and Conciliation Service (FMCS)

In accordance with the provisions of Federal Advisory Committee Act (Public Law 92-463, as amended), the meeting was open to the public.

CONSENSUS AGREEMENTS SUMMARY:

The Self-Governance PROGRESS Act Negotiated Rulemaking Committee (the "Committee") reached consensus on the following during the meeting:

1. Meeting minutes of August 29, 2022.
2. Chairman W. Ron Allen and Melanie Fourkiller to serve as Tribal Co-Leads.
3. Protocols Subcommittee
 - a. Task: To negotiate the Committee operating protocols.
 - b. Members identified:
 - Six Federal Members: Jody Schwartz, Sharee Freeman, Vickie Harvey, Regina Gilbert, Kelly Titensor, and Andrew Caulum
 - Eight Tribal Members: Gerry Hope, Will Micklin, Matt Jaffe, Phil Baker-Shenk, Geoff Strommer, Steve Osborne, Tanner Clark, and Jennifer McLaughlin
4. Leadership Team Subcommittee
 - a. Task: The Leadership Team will be a subcommittee tasked with conducting administrative meetings.
 - b. Members identified:

Non-Committee Members:

 - DFO, Vickie Harvey
 - Regina Gilbert, Alternate DFO

- FMCS
- Committee Members: Sharee Freeman, Agency
- Agency Lead, Sharee Freeman
 - Tribal Co-Lead, Ron Allen
 - One Tribal Committee Member: Tribal Co-Lead, Melanie Fourkiller
 - One Federal Committee Member: Scott Aikin

5. Quorum definition:

A quorum shall consist of no fewer than five Tribal Primary Members of the Committee and no fewer than four Federal Primary Members of the Committee. In the absence of a Tribal or Federal Primary Member, their designated Alternate Member may count for purposes of determining whether a quorum of the Committee is present.

OPENING

Kayla Mack, Federal Mediation and Conciliation Service (FMCS), thanks all for attending and announces that this is the second meeting of the PROGRESS Act Negotiated Rulemaking Committee. She hands it off to Chairman W. Ron Allen to provide the invocation and then to the Designated Federal Office (DFO) Vickie Hanvey to convene the meeting.

INVOCATION

Chairman Allen requests Buster Attebery, Chairman for the Karuk Tribe to give invocation

WELCOME AND INTRODUCTORY REMARKS

Chairman W. Ron Allen noted that he did not have opening remarks other than to keep busy with planning for future meetings. He noted that the “doodle poll” was not received by all members and suggested that FMCS check the group email to ensure all are correct.

ATTENDANCE

DFO Hanvey opened the meeting with roll call of the primary and alternate Committee members with a few notes about the Federal Committee Members. DFO Hanvey announced that Bryan Shade has taken a new position outside the Department of the Interior and the Department will be processing a replacement. In the meantime, Jody Schwartz, Alternate will act as Primary. David Johnson will be acting as Primary for Byron Loosle as he is unable to attend today. See Appendix A for a list of all attendees.

Committee Attendance		
	Present	Absent
Tribal Primary Members	7	0
Federal Primary Members	4	2
Total Primary Attendance	11	2
Tribal Alternate Members	4	3
Federal Alternate Members	6	0
Total Alternate Attendance	10	3
Grand Total	21	5

APPROVAL OF AUGUST 29, 2022, MEETING MINUTES

The draft meeting minutes were sent out by email in advance of this meeting. DFO Harvey reminded everyone that committee meeting minutes from previous committee meeting will be sent out for review at the next meeting. Minutes will be certified and posted to GSA Secretariat website and posted to the Committee website. DFO Harvey opened it up for any comments, questions, adjustments, or clarifications that may be needed by the Committee.

Chairman W. Ron Allen commented that most of us have read through them and didn't see any issues of concern or errors. No substantive change in the draft. Tribal caucus does not object. Move to approve minutes as drafted.

DFO Harvey also requested if there are any issues/comments/suggestions for the format of drafted notes. Chairman W. Ron Allen noted that he will forward his suggested format and he is indifferent if we chose to use his format. He also noted that he removed lot of things that did not add substance of minutes.

Consensus called for formal adoptions of August 29, 2022, meeting minutes. **Consensus on the motion was tested by FMCS, with all Committee members concurring. Consensus was thus reached on this motion.**

COMMITTEE OPERATING PROTOCOLS AND NEGOTIATION PROCESS

Before getting started on the next agenda item, DFO Harvey had a statement for the public on behalf of the DFO and CMO: *"On September 16th, I was made aware that there was a meeting of the 'Tribal Committee Members' on September 9, 2022 to 'elect Tribal Leadership to serve as Tribal Co-Chairs'. Please be advised that the September 9th meeting was not an open public meeting of the full Committee, nor was the DFO present as required by law. It could have been construed that this was a "tribal caucus", however, letters to Congress and to the Secretary were signed with this action implemented. Committee members are not authorized to take formal action outside the Full Committee meeting."*

First of all, like I can tell you, we are all annoyed by that we even have to use and comply with FACA. We're government-to-government, there are FACA exemptions when you're dealing with government, the government relationships on most matters that affect tribes. We can meet anytime we want, we don't need their permission on any subject much less this one.

Chairman W. Ron Allen responded that we are all annoyed by that we even have to use and comply with FACA. We're government-to-government, there are FACA exemptions when you're dealing with government, the government relationships on most matters that affect tribes. We can meet anytime we want, we don't need their permission on any subject much less this one. The Federal government cannot tell the tribes when we want to caucus and discuss any matter that affects our rights, our interests, our sovereignty, our government relationship. You don't have any authority here. He added the Tribes have the right to engage and discuss the PROGRESS Act and any other Act that affects tribal interests and they do not need the Federal Government's approval or permission. We don't need your approval. We don't need your permission. Chairman W. Ron Allen agreed that actions that are formally taken will be done in these sessions and that is fine. He further added that if the Tribes need to

huddle up in a Tribal caucus, then they will do so and if the DFO wants to formalize when Tribes have a caucus relative to this negotiation then we can have that conversation. The tribes wanted to make sure that the protocols identify Chairman W. Ron Allen and Melanie Fourkiller as co-chairs. But bottom line, a bit offended by this concern that we met and discussed and in terms of what we want to present. I don't understand that comment, quite frankly, and whoever raised it a little bit, patronizing. Doesn't understand the comment and this was not a good start to this meeting.

President Peterson echoed Chairman W. Ron Allen's statement that this is not the right foot to start off on. He stated that the reality is that Tribes are not going to set ourselves backwards.

Jody Schwarz provided clarification that this was not intended of anyone in the Federal government to tell the Tribes who they can select for leadership or to take the position that the Federal Government does not want the Tribes to have tribal leadership on this Committee. Tribal leadership is on agenda for today. What is needed to be conveyed is the letter signed by Tribal Committee members and sent to various members of Congress and the Secretary caused confusion. Purely from a legal perspective, it is needed to ensure that work of the Committee is respected and can go forward under the Federal Advisory Committee Act (FACA) and survive any potential challenges to the work that Committee does. The Federal Government does not want the Committee to open itself to challenges that could result in an injunction of the work of the Committee. The rights of the Tribes are respected in participating in this process but also understand legal constraints that FACA puts on the Committee. There must be a fair and balanced membership and meetings of the members have to be open to the public. The Committee needs to adhere to FACA. The concern raised is that the action taken by the Tribal members did not comply with FACA.

Melanie Fourkiller added that she appreciates avoiding challenges under FACA and stated that it was not a meeting of the Committee held outside of FACA. It was a Tribal caucus to discuss identifying leadership of the Tribal members of the Committee. The secondary goal was how to decide how to forward decisions made in open meeting on August 29, 2022. There was nothing else communicated other than that. Although communication may have been styled in a particular way, it simply communicated decisions that were made in open forum at last meeting.

Note: Neither Tribal leadership designations nor letters to be sent from the Committee were discussed by the Committee nor action taken at the previous meeting of August 29, 2022.

Chairman W. Ron Allen stated that he was annoyed that the Committee has to comply with FACA and stated that there should be exception for dealing with government-to-government relations. All that was being done was providing transparency and communicating to the Federal side. The leadership does have expectations that the Tribal representatives will identify and elect leader. That is all that was done. Nothing more than that. Don't "over lawyer" this process. All they were trying to do was "set the table". Chairman W. Ron Allen requested to move on. Chairman W. Ron Allen further added that the Tribal side may meet any time they want and that they do not need permission on your subject much less than this one.

COMMITTEE OPERATING PROTOCOLS AND NEGOTIATION PROCESS

1. Confirmation of Tribal Designees

Chairman Allen stated Tribal leadership has elected himself and Melanie Fourkiller to be co-chairs. This is to ensure that there is a co-chair presiding over the Tribes recommendations and engaging with the Department regarding setting the agenda and concurring with meeting locations.

Kayla Mack, FMCS, opened the floor for comments or questions before Committee confirms the Tribal co-chairs.

Agency Lead Sharee Freeman suggests that Co-tribal lead be used as title instead of co-chair. There is an "agency lead" by statute. Chairman W. Ron Allen would be tribal lead and Melanie Fourkiller be the co-tribal lead. Matt Kallappa is the alternate and would be agency designated alternative lead so that we stay within the statutory language of agency lead instead of co-chair. Co-chair may be confusing. The role that Melanie Fourkiller will play is understood and think it's a good idea.

Chairman W. Ron Allen stated he is fine with Sharee Freeman's suggestion. Melanie Fourkiller stated that she is fine with that. She added that it is the intention for it to be a co-role. Either of us can operate independently of one another, together, or in the other's absence. Calling the positions co-tribal leads is sufficient.

There was a motion recommending Chairman W. Ron Allen and Melanie Fourkiller to serve as Tribal Co-Leads. Consensus on the motion was tested by FMCS, with all Committee members concurring. Consensus was thus reached on this motion. [Samual Kohn, Alternate voted yes for Rose Petoskey, Primary. Stated that Rose had to step away.]

2. Extension of Authority

Chairman W. Ron Allen stated that Matt Jaffe of Sonosky, Chambers, Sachse, Endreson & Perry, LLP was the lead on the Tribal side in regard to the Tribal recommendations. Chairman W. Ron Allen requests that Mr. Jaffe address recommendations on next steps. Melanie Fourkiller concurs. Mr. Jaffe was given the floor by Kayla Mack, FMCS, to give recommendations.

Mr. Jaffe gave a recap of the August 29, 2022, Committee meeting where he and Bryan Shade did presentation on the Extension of Authority. During that discussion the identified dates of September 21, 2023, for proposed rule and September 21, 2024, for final rule. Consistent with discussion during Tribal caucus, letters were prepared to Senate majority leader Charles Schumer, Speaker of the House Nancy Pelosi, Chairman Raúl M. Grijalva and to Senate Committee on Indian Affairs identified that on behalf of Tribal Committee members unanimous recommendation to seek statutory amendment. A letter was also sent to Secretary Deb Haaland. Both Bryan Shade and Matt Jaffe were using the same format previewed in the August 29, 2022, plenary showing stricken language to 35 months and 47 months. Matt Jaffe also noted that there is a sense of urgency that Tribes are operating under due to Congress only has few days in session. It is out to members of Congress and Secretary Haaland for their consideration. Congress will hopefully extend during this session of Congress.

The floor was opened for comments and questions from the Committee.

Sharee Freeman stated that the Office of Self Governance has sent the Committee proposal through the internal surname process, and it is now before the Office of Congressional Liaison to move it

forward. We should share that they are aware of our need of extension and working through appropriate offices in Department to move this forward.

Melanie Fourkiller asked if there has there been any communication with any Congressional offices yet? Sharee Freeman answered that there have been no further comments from the Office of Congressional Liaison other than the update just given. It is in hands of Office of Congressional Liaison.

The floor was open to any comment or question on this topic before moving on with the next item on the agenda.

Chairman W. Ron Allen asked how will we be kept apprised of timing of request? The Tribes are going to go to the Hill to help move this amendment forward. How will you let us know where you are in making the formal request? Sharee Freeman answered that Veronica Watters is the Director of the Office of Congressional Liaison and will check in with her every week to see where they are and how it is moving. Sharee stated that she will report back through Chairman W. Ron Allen and Melanie Fourkiller periodically. Chairman W. Ron Allen agreed that would work.

3. Committee Protocols

The Tribal Committee members provided a review and redlined version of the Committee protocols. The discussion was turned over to Chairman W. Ron Allen. The Tribal Team main question for the Federal Team is if they have any comments or concerns. The Tribal Team would like to focus on specific issues rather than going line-by-line.

The Federal Team noted that they have not had a chance to take a close look at this since the document was received on Friday before this meeting on Monday. The Federal Team was anticipating walking through the entire document. The Federal Team is not prepared to address and approve the redline document provided without time for review and caucus.

[Gerry Hope has joined Committee meeting since role call]

Chairman W. Ron Allen turned the discussion over to Matt Jaffee (Sonosky Chambers, Sasche, Endreson & Perry LLP). Sharee Freeman inquired if there was agreement as from the Committee to allow Matt Jaffe to provide overview of Tribe's draft of the protocols as he was not listed on the agenda. There was no objection from the Committee.

Matt Jaffe provided an a brief statement regarding the Tribal caucus changes to protocols. The changes made to the protocols are to democratize them, that the Department will not act unilaterally, but will act in consultation with the Co-leads and will ensure consensus is done with consultation and coordination. An additional comment given was that the Department characterized the Committee as discretionary advisory committee when this is a non-discretionary negotiated rulemaking committee mandated by the PROGRESS Act.

Note: The Committee is classified as statutory by DOI as evidenced on the GSA FACA website.

The floor was open for questions about draft or redline of the operating protocols.

Sharee Freeman spoke on behalf of the Federal team and stated that they need to spend some time on matching protocols to what is in the Charter. Not prepared to do that today given that the draft was received on Friday. Will need some time to caucus.

Chairman W. Ron Allen proposed that there are some areas that need to be worked out by the Committee. He stated that the Committee take a little time and talk through areas of protocol that may not be problematic because he does want to spend negotiating time "setting the table". Chairman agreed to put together a small working group to work through a final document so that at next meeting it can be finalized rather than trying to negotiate protocols through full committee.

DFO Harvey stated that Director Freeman had suggested a Protocols subcommittee at a previous meeting. DFO Harvey reinforced that the Committee may establish a sub-Committee to work on Committee operating protocols. The subcommittee needs to be formalized with a) the task of developing operating protocols to bring forward to the full committee and b) identifying who will serve on the subcommittee. DFO Harvey suggested that each team identify who they want on the subcommittee during caucuses and to reach consensus on subcommittee before completing today's meeting.

Considering that protocols have not been adopted, DFO Harvey also suggested that the Committee attempt to reach consensus on the certain items in order to facilitate work of the Committee in the meantime. The two items recommended that the Committee address in today's meeting are 1) Defining a quorum and 2) Leadership team.

Kayla Mack, FMCS, suggested reaching consensus on establishing subcommittee then caucus time to discuss representatives to be on subcommittee, quorum, and leadership team.

Chairman W. Ron Allen proposes to move that a subcommittee is established to negotiate the Committee operating protocols.

The floor was opened for consensus of the Committee on creation of sub-committee.

President Peterson asked the Committee if instead of roll call for consensus, can the Committee only clearly ask for objections. This is to save time. Kayla Mack, FMCS, asked the Committee if there are any objections?

Moira Caruso, FMCS, added that requests like this one for partial consensus or to get us to next step is acceptable but others may need to have roll call. Sharee Freeman agreed and added that there will be opportunities where full roll call will be necessary. Chairman W. Ron Allen agrees that the use of no objections for consensus unless someone on the Committee calls for formal vote then the Committee will move to roll call.

Consensus on the motion was tested by FMCS, with no Committee members objecting. Consensus was thus reached on this motion to establish a Protocols Subcommittee.

Kayla Mack, FMCS, prepared teams for caucus to discuss 1) representatives to be on subcommittee, 2) quorum, and 3) leadership team.

Chairman W. Ron Allen requested that the definition of consensus be added to list of discussion of protocols for today. Melanie Fourkiller further requested that identifying subcommittee members and to discuss items listed in protocol. Sharee Freeman added that the Federal team received Tribal version of the operating protocols on Friday at 4:00 p.m. so there was not sufficient time to review edits.

The Federal team was requested if they can articulate their position on one or all of those three issues so Tribal caucus can discuss. Melanie Benjamin asked the Federal team if there is anything that can be shared for Tribal members before they caucus?

Regarding the Leadership team, DFO Vickie Hanvey stated the original proposal was for DFO, alternate DFO, and facilitators to be involved in the administrative meetings. DFO Hanvey stated here is a distinction between the co-tribal leads and the complete leadership team that will work on administrative functions. She also wanted to point out that DFO or Alternate DFO are required to participate in all meetings and sub-committee meetings, so they need to plan attendance so one of them is in each meeting. The DFO and Alternate DFO are non-committee members. Four Committee members that were in the original language was Agency lead, Tribal lead, and one representative from both Federal and Tribal side. DFO stated that it is up to the Committee for how many Committee members are on the leadership team and how it is comprised. Section 6 Item B titled Leadership Team is where this is discussed in the draft operating protocols.

DFO Vickie Hanvey continued, regarding the quorum definition edits proposed by the Tribes, the Federal team has not had sufficient time to review and must caucus first. Section 6 Item C #3 of draft protocol is where quorum is discussed.

Kayla, FMCS, asked the Committee how many will be designated from each group to serve on the Protocols Sub-committee? Chairman W. Ron Allen stated that he cannot say a number right now. Tribal leadership needs to discuss but it will be a smaller work group. Moira, FMCS, urge the parties to have at least one, if not more, named negotiators on the sub-committee in addition to technical representative.

FEDERAL AND TRIBAL CAUCUSES

Caucus begins at 2:12 p.m. to discuss 1) representatives to be on subcommittee, 2) quorum, and 3) leadership team 4) consensus definition. Return from caucus at 3:02 p.m.

COMMITTEE DISCUSSION

1) Representatives to be on Protocols subcommittee

FMCS invited both parties to share proposed list of participants for sub-committee after returning from caucus. Sharee Freeman named the proposed six subcommittee members from the Federal team:

- Jody Schwartz, Lead
- Sharee Freeman, Lead
- Vickie Hanvey
- Regina Gilbert
- Kelly Titensor
- Andrew Caulum

Chairman W. Ron Allen turned it over to Juliet Pittman to read the proposed eight subcommittee members from the Tribal team:

- Gerry Hope, Lead
- Will Micklin, Lead
- Matt Jaffe
- Phil Baker-Shenk,
- Geoff Strommer,
- Steve Osborne
- Tanner Clark
- Jennifer McLaughlin

FMCS opened the floor to questions or concerns about the sub-committee designees.

Chairman W. Ron Allen commented that he was frustrated and that this should move timelier. He stated that the Tribal team is okay with the subgroup but need to know what the problem is about the Tribe's operating protocols draft. He added that the point is that there is a lot of energy on the operating protocols not negotiating the regulations. He requested that the Federal Team to be more forthright and quicker in responding. Chairman W. Ron Allen also acknowledged that giving the draft at the end of the day Friday was not sufficient and will attempt to be timelier in the future.

Sharee Freeman provided clarification that the Federal Team received the draft on Friday at 4:00 p.m. The Federal team caucused one hour before this plenary session to review but not all participants could join the meeting because it was not in the invite to get on their calendars. The subcommittee will be able to get through materials since they now have a Tribal response in writing.

Consensus on the Subcommittee members was tested by FMCS, with no Committee members objecting. Consensus was thus reached to identify Subcommittee members.

Chairman W. Ron Allen requested a call to be set up for the subcommittee meeting. FCMS stated they will reach out to subcommittee members and assist in setting up subcommittee meeting.

PUBLIC COMMENT SESSION #1

At 3:08 p.m., members of the public were given an opportunity to comment via a Zoom link or telephone number. No members of the public logged into the Zoom meeting or called in for comment. Another public comment period is provided later on the agenda.

COMMITTEE OPERATING PROTOCOLS

Kayla Mack opened the discussion regarding items from caucus.

2) Leadership team:

DFO Vickie Hanvey stated that the Federal team would like to suggest we go back to original language for Section B of the draft operating protocols. DFO or Alternate DFO are required to attend all meetings and subcommittee meetings. DFO, alternate DFO, and facilitators are not committee members. The first three need to be there because we need to fulfill our federal requirements and to remain in compliance with FACA. The other four representatives on the leadership team are Committee members, which consists of two Federal and two Tribal members. The Federal team proposes, Director Freeman as the Agency lead, and the second representative as Scott Aikin.

The floor was opened to any thoughts or feedback.

Chairman W. Ron Allen raised this issue. When looking at this section with regard to purpose and role of this leadership team, it's all administrative items. Chairman Allen asked why do we need such a big team? This would just be coordinating with FMCS in preparation for a meeting. What are DFO tasks? You know what, there's nothing there that it requires a lot of work. This would consist of a few calls before meetings. Why is such a large team needed? This is just an administrative function. The Tribal side does not understand. The Federal side is making too much out of this.

Chairman Allen stated the DFO is required or alternate is required to attend every meeting, every subcommittee meeting, so you're going to go to jail if you don't attend it, what the hell? So I got it, just DFO slash Alternate. What's the other one? You're driving me crazy here.

DFO Harvey reiterated, DFO and Alternate DFO will rotate among meetings because DFO is required to attend all Committee and sub-committee meetings.

Sharee Freeman added that this was crafted from a document that was already in place from a past Committee. Behind the scenes as we've been moving forward, we've been touching base with tribal representatives. Now just a matter of putting it to writing. Scott will be a second in terms of working with Sharee. Matt will be stepping in as the Alternate. If want to bounce directive below then no problem. This is for administrative purposes only and has already been happening. Now it's just a matter of putting it to writing.

Chairman W. Ron Allen added that at the end of day, it is fine adding additional federal representatives. This is just making it too cumbersome. Chairman W. Ron Allen states to leave it at that

Consensus on the Leadership Team protocols language was tested by FMCS, with no Committee members objecting. Consensus was thus reached on this section of the protocols.

3) Definition of a quorum.

Chairman W. Ron Allen began, we have to ask, what's the problem? We got a quorum identified in there.

So you tell us what's the problem with the proposed quorum.

DFO Vickie Harvey answered, actually there is not a problem. The Federal side did not have time to go through the proposed changes ahead of time as it was received around 4pm on Friday before our meeting today on Monday. The Federal team acknowledges the Tribal changes and agree with the Tribal edits. The Tribal proposal came back with identifying how many Tribal Members and how many Federal Members should make up quorum so there is sufficient Tribal and Federal representation to constitute a quorum. Changes that were made were 5 out of 7 tribal members and 4 out of 6 Federal members would be considered a quorum. The Federal team agrees with that, the Federal team is fine with the quorum definition as edited.

Consensus on the definition of quorum was tested by FMCS, with no Committee members objecting. Consensus was thus reached on this section of the protocols.

Kayla Mack, thank you all very much. This has been a productive dialogue around quorum, leadership team and setting up your subcommittee for protocols.

Sharee Freeman added that one other issue is language about audio being available. The Federal team is okay if in a virtual setting in that regard. If the meetings are in-person, there is uncertainty about connecting someone to audio to make up quorum. Trying to make sure we have a speaker phone hook-up could be a problem. DFO Vickie Hanvey stated that hybrid option where some attend virtually and some attend in person is possible but will come down to resources available to OSG.

Chairman W. Ron Allen suggested to add this to the discussion for subcommittee. He further stated that audio has been used for the last two-years. Want to make sure there is no barrier or impediment. If a Committee member physically cannot make it for some reason and a quorum is needed, we do not want to wait until next meeting. Department should not let money for audio capacity be a deterrent here but will defer to subcommittee. Melanie Fourkiller added that she agrees with Chairman W. Ron Allen. She also added that individual Tribal travel policies differ and does not want to create an unintentional barrier regarding attendance by not having a hybrid option for meeting attendance. Additionally, due to COVID-19 there may be travel restrictions.

Sharee Freeman responded to let them know that the cost for IT skyrockets if you are in-person in a hotel. It is understood what the Tribal side is trying to achieve. She concludes that this will be worked out in the subcommittee. Chairman W. Ron Allen concluded that when the Committee gets to the point in selecting locations for in-person meetings, the audio capacity will be taken into consideration.

FMCS asked the Committee if they would like to move into a 15-minute break now or move directly into agenda item? There was no objection from the Committee to skip the break.

Maira, FMCS, moved into the next agenda item.

REVIEW OF NEGOTIATION TOPICS AND AGENDA SETTING

1. Overview and order of negotiation topics:

Chairman W. Ron Allen presented on behalf of the Tribal caucus the topics to be negotiated as they see them and as they've designated them. He stated that they formed a team to work on this product in the next month to lay out negotiation topics.

Chairman W. Ron Allen posed the following questions to the Federal team: How do you think we should proceed? Where is Federal government in how they think we should proceed to get regulations done and order of priority?

Sharee Freeman answered on behalf of the Federal team that they posted their list of items but did not list in order of priority. Hoping at some point to do that. She also posed if the Committee should think about creating subcommittees about certain section as well so as we identify areas for which we may want a subcommittee.

DFO Hanvey stated that during orientation the Federal side provided a Preliminary 25 CFR Part 1000 Side-by-Side Summary Analysis of current regulations. This document was used internally to identify estimated workload. Sharee is referring to groupings of topics, not in any particular order. One option is

to set up subcommittees and have subcommittees working on various subsections so there is work going on at the same time.

Chairman W. Ron Allen agreed that it makes sense to break out subcommittees for different sections and noted that the Tribal side has not gotten that far in the review. It was requested that the Federal list be shared again as not all members on the Tribal side could locate it.

Moira, FMCS, noted that the Tribal Members are not quite ready today to go over list of topics and prioritize it.

Chairman Buster Atteberry notes that he does not have the list.

Melanie Fourkiller also recalled seeing list by email but was unable to find it. She requested to recirculate the list and send it to Tribal team. She also noted that if the Committee wanted to review the list today, she is open to that.

Chairman W. Ron Allen also requested another copy to guide the Tribal side in their discussions.

Michael Dolson shared his screen with a document which was emailed by DFO Hanvey. Sharee Freeman noted that the document on the screen is one of the documents but there is an additional document.

Chairman W. Ron Allen requested Sharee and Vickie to resend to everyone on the Tribal Committee and technical team. This will be one of key issues at next meeting. Setting the schedule of how to start chipping away at issues.

DFO Hanvey found document of topics which had been provided to the Committee via email and shared her screen. FMCS stated that this will be the primary objective of next plenary session.

Chairman W. Ron Allen agreed with the list will be majority the same as the Tribal list. He also noted that a subcommittee for construction will most likely be needed since that is a new issue.

Gerry Hope stated that non-BIA is an item, but it is not on the list.

DFO Hanvey added that within reports section is annual reports. She added that it was previously discussed about the possibility of creating a subcommittee to discuss how to gather tribal unmet needs and tribal data with regards to annual report to Congress.

Moira, FMCS, suggested that the facilitators work with parties to ready for discussion in next plenary session as far as order of priority of discussion of issues.

2. Future plenary dates

The following is the proposal for a calendar for the rest of this year and first quarter of 2023 based on the poll sent out by FMCS:

- Virtual plenary session proposed dates:
 - November 14, 2022
 - December 16, 2022
- Propose that October be set aside for subcommittee meetings
- In-person plenary session proposed dates:
 - January 30, 2023 - February 3, 2023
 - February 27, 2023 - March 3, 2023
 - March 27, 2023 – March 31, 2023

DFO Hanvey noted that November 14th had been provided by herself and several Federal members as unavailable. Both Scott Aiken and his alternate, Dorothy FireCloud, will be unavailable to attend November 14th due to travel obligations.

DFO Hanvey inquired with Alternate DFO Regina Gilbert if she would be available to attend the meeting. Regina checked her calendar and confirmed she would be available.

PUBLIC COMMENT SESSION #2

3:54 p.m. ET

Before concluding the Committee meeting, members of the public were again given an opportunity to comment via a Zoom link or telephone number. No members of the public logged into the Zoom meeting or called in for comment.

ADJOURNMENT

The meeting was adjourned by DFO Vickie Hanvey at 3:57 p.m. ET

CERTIFICATION

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.

 NOV 20 2022

Sharee Freeman,
 Director Office of Self-Governance, Assistant Secretary – Indian Affairs
 Agency Lead, Self-Governance PROGRESS Act Negotiated Rulemaking Committee

These minutes will be formally considered by the Committee at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.

Appendix A—Attendees

Documents will be posted to the website (<https://www.bia.gov/service/progress-act>)

Appendix A—Attendees

TRIBAL REPRESENTATIVES																
Present	PRIMARY Tribal Representatives															
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ALTERNATE Tribal Representatives																
✓ Sandra Sampson	Board Treasurer Confederated Tribes of the Umatilla Indian Reservation															
Jennifer Webster	Councilwoman Oneida Nation															
✓ Gerry Hope	Transportation Director, Former Tribal Leader Sitka Tribe of Alaska															
Jody LaMere	Councilwoman Chippewa Cree Tribe of the Rocky Boy's Reservation															
Lana Butler	Secretary Sac and Fox Nation															
✓ Will Micklin	Second Vice President Central Council Tlingit and Haida Indian Tribes of Alaska															
✓ Annette Bryan	Council Member Puyallup Tribes of Indians															
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✓ Nathalie Washington	Native American Affairs Advisor Bureau of Reclamation															
✓ (Charles) David Johnson	Tribal Liaison Bureau of Land and Minerals Management															
✓ Dorothy FireCloud	Native American Affairs Liaison National Park Service															
✓ Samuel Kohn	Senior Counselor to ASIA Office of the Assistant Secretary—Indian Affairs															

Designated Federal Officers (DFOs) Present

Vicki Hanvey, DFO

Regina Gilbert, Alternate DFO

Other Federal:

Andrew Caulum-Office of the Solicitor, Department of Indian Affairs

Emma Phillips, Administrative Specialist, Office of Self-Governance

Kelly Latimer, Attorney-Adviser, Office of Hearings and Appeals

Sarah Walker, Supervisory Tribal Operations Specialist, BIA-AK

Michael Hershfeld, Audio Visual Team Leader, Office of Facilities and Administrative Services

Kelly Kim, DOI AV Tech

Timothy Popham, DOI AV Tech

Federal Mediation and Conciliation Service (FMCS) Members Present:

Martin Callaghan, Commissioner

Kayla Mack, Commissioner

Moira Caruso, Strategy Officer

Members of the Public: 30