

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



MEETING MINUTES

Designated Federal Officer (DFO)—Vickie Hanvey

DATE: **January 18, 2024**
Federal Register Notice: FRN 2023-26124
Meeting Number: 11
DFO Convened at: 1:00 p.m. ET
DFO Adjourned at: 4:31 p.m. ET
Location: Virtual Meeting via Zoom Link
(Managed by Self-Governance Communication and Education Tribal Consortium)
Broadcast via Federal Register Zoom (Public Access)
Designated Notetaker: Janelle Naranjo, Office of Self Governance
Facilitation: None

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. Approval of the Committee’s December 20,2023, plenary session meeting minutes.
2. Approval Subpart D (Financial Assistance for Planning and Negotiating Activities for Non-BIA Programs)
3. Approval of Subpart I (Public Consultation Process)

OPENING

The meeting was convened by Designated Federal Officer (DFO) Vickie Hanvey at 1:00 p.m. ET.

BLESSING

Matt Kallappa gave the blessing.

ATTENDANCE:

DFO Hanvey took a roll call of the primary and alternate Committee members, finding that a quorum was in attendance and that the meeting could proceed. See Appendix A for a list of all attendees.

Committee Attendance		
	Present	Absent
ibal Primary Members	4	3
deral Primary Members*	5	0
Total Primary Attendance	9	3
ibal Alternate Members*	4	2
deral Alternate Members	3	3
Total Alternate Attendance	7	5
* One Vacancy		

REVIEW OF December 20, 2023, PLENARY SESSION #10 MEETING MINUTES

DFO Hanvey sent out draft minutes from December 20, 2023, plenary meeting for review, noting that there is one correction to be made on a misspelled name.

Ron Allen stated motion to approve plenary meeting minutes. Gerry Hope seconded the motion.

Consensus on the motion was tested by DFO Hanvey, with no Committee members objecting. Accordingly, a consensus was reached to approve the December 20, 2023, plenary session meeting minutes.

DFO Hanvey stated that Matt Jaffe and Jordan Romero-Villanueva have volunteered to assist her and Regina with working on reviewing and cleaning up the subparts that the Committee has reached consensus on. This group will be working on getting the documents ready for internal review and submission.

CHARTER EXTENSION AND COMMITTEE MEMBERSHIP EXTENSIONS

DFO Hanvey provided a status report that the Charter extension and the Membership extensions are in process and are in the Federal DTS system for surnaming.

RACA UPDATE

ADFO Gilbert provided an update from Office of Regulatory Affairs and Collaborative Action (RACA) regarding the “significance” determination of the package that will be submitted by the Committee. Regina stated that she is working with the Office of Management Budget (OMB) to make sure that the package is in compliance with their requirements.

Melanie Fourkiller inquired if the recommendation to justify that the package as “not significant” was in process. In addition, if there was a form that needed to be completed for this process. Has higher leadership had any meetings with OMB or other departments to make them aware that we have this package coming to them as we have a tight timeline without much room for additional extended reviews in order to meet a final published rule by December. In the December 20th meeting there was discussion regarding the existing regulations were deemed “not significant” and that the DOT regulations were also deemed “not significant”, so there needs to be some research of what was submitted at that time.

Regina stated that she will ensure that it will be a part of the package and referred to Sam Kohn regarding the update to leadership. Sam Kohn stated that OMB is receptive to our request, and we will continue to update leadership.

REVIEW OF DRAFTING SUBCOMMITTEE WORK

DFO Hanvey stated that two subparts were looking to get approved today during the full committee meeting. However, there is still a little more work to be done within the Drafting Subcommittee and would ask that we go into recess to allow the Subcommittee to complete their work and then reconvene at 2:30 p.m. ET.

RECESS

At 1:30 p.m. ET, a motion was made by Ron Allen to recess and reconvene at 2:30 p.m. ET Matt Kallappa seconded the motion.

Consensus on the motion was tested by DFO Hanvey, with no Committee members objecting. Accordingly, a consensus was reached to recess and reconvene at 2:30 pm ET.

RECONVENE

At 2:37 p.m. ET, the Committee reconvened. The Drafting Subcommittee reported they have reached consensus on Subpart D for submission to the full Committee for review and approval.

DFO Hanvey displayed Subpart D (Financial Assistance for Planning and Negotiating Activities for Non-BIA Programs) on the screen with Jordan Romero-Villanueva providing a brief overview. Melanie Fourkiller made a motion to approve Subpart D (Financial Assistance for Planning and Negotiating Activities for Non-BIA Programs) and Sharee Freeman seconded the motion.

Consensus on the motion was tested by DFO Hanvey, with no Committee members objecting. Accordingly, a consensus was reached to approve Subpart D (Financial Assistance for Planning and Negotiating Activities for Non-BIA Programs).

DFO Hanvey displayed Subpart I (Public Consultation Process) on the screen with Sam Kohn providing a brief overview. Ron Allen made a motion to approve Subpart I (Public Consultation Process) and Sharee Freeman seconded the motion.

Consensus on the motion was tested by DFO Hanvey, with no Committee members objecting. Accordingly, a consensus was reached to approve Subpart I (Public Consultation Process).

REVIEW OF TIMELINE AND MEETING SCHEDULE

DFO Hanvey went over the schedule for the upcoming meetings in 2024 and suggested adding another Committee meeting in March in case it was needed. It is still the goal of the Committee to reach consensus on all subparts by the end of February. However, if additional time is needed we need to have the meeting published in the Federal Register. It can always be canceled if necessary.

The Committee reviewed the schedule and discussed adding Monday and half day on Friday for additional time for the Drafting Subcommittee to work on the remaining subparts.

Matt Jaffe stated the enactment of the extension for the rulemaking through December 21, 2024. He noted that the committee was left with about 14 months, based on the new statutory framework, to complete the rule.

DFO Harvey referred to Regina to address the timeline and extra scheduled meetings. Regina stated we only want to add the additional meetings dates just in case and to also note that we would need to reserve the meeting rooms in advanced.

Melaine Fourkiller and Ron Allen agreed on moving forward to get the rest of the pending Subparts to consensus by the end of February. She also noted that Subpart K (Construction) would take a lot of the work from now till the end of February and hoped that the Federal Team has the time to get with other Bureau counterparts to help with getting Subpart K completed. DFO Harvey stated that she and Sharee had already engaged with the individuals identified as subject matter experts. The draft document has been shared with them as well as the Committee schedule of upcoming meetings. There will be separate meetings scheduled for the Federal construction team to draft the Federal response.

Sam Kohn addressed the issue of the timeline of the rulemaking process, if OMB finds the package “significant,” then this would push for an extra ninety day minimum for a comment period for the other Federal agencies. He will continue to discuss certain strategies with Assistant Secretary Newland and circle back. Another matter to address is the dialogue between other Federal agencies, such as the Department of Justice (DOJ) and Health and Human Services (DHHS), who will have input.

DFO Harvey proposed to move travel days to the weekends, so that we may utilize the full week of work. Deferring to the Federal and Tribal teams for proposing a full day on Monday and half day on Friday. Ron Allen and Melaine Fourkiller agrees to the proposal. Ron Allen also agreed with a placeholder meeting for March 11, 2024.

Ron Allen motioned to approve additional dates for February and March. Sharee Freeman seconded the motion.

Consensus was tested by DFO Harvey, with no Committee members objecting. Accordingly, a consensus was reached to approve the following schedule.

Committee & Subcommittee Schedule						
	Save the date VIRTUAL	DOI HYBRID In-person (Virtual option)	DOI HYBRID In-person (Virtual option)	DOI HYBRID In-person (Virtual option)	PLACE HOLDER	
		FRN 2023-26124	FRN 2023-26124			
S		2/4 Travel	2/25 Travel	3/10 Travel		S
M	1/29 SubCommittee 1-5pm	2/5 SubCommittee 9am to 5pm	2/26 SubCommittee 9am to 5pm	3/11 SubCommittee 9am to 5pm		M
T	1/30 SubCommittee 1-5pm	2/6 SubCommittee 9am to 5pm	2/27 SubCommittee 9am to 5pm	3/12 SubCommittee 9am to 5pm		T
W	1/31 SubCommittee 1-5pm	2/7 SubCommittee 9am to 5pm	2/28 SubCommittee 9am to 5pm	3/13 SubCommittee 9am to 5pm		W
Th	2/1 SubCommittee 1-5pm	2/8 1/2 Day Subcommittee Full Committee 1-5pm ET Hybrid	2/29 1/2 Day Subcommittee Full Committee 1-5pm ET Hybrid	3/14 1/2 Day Subcommittee Full Committee 1-5pm ET Hybrid		Th
F		2/9 SubCommittee 9am to 12pm Travel	3/1 SubCommittee 9am to 12pm Travel	3/15 SubCommittee 9am to 12pm Travel		F

OTHER MATTERS TO BE DISCUSSED

Andy Caulum wanted to address the technical amendment to the charter change in the extension of the appointment letters for the primary and alternate committee members, Andy displayed on the screen. There were no objections to the change in the surnaming process and Andy confirmed it has been surnamed.

PUBLIC COMMENT


Beginning at 4:28 p.m. ET, members of the public were given an opportunity to comment via Zoom link or by calling in by telephone. No members of the public were present in person and no members of the public had logged into the Zoom link. She reminded everyone that members of the public may also submit written comments to the Committee. The comment period was closed at 4:30 p.m. ET after once again confirming that no members of the public were logged into the Zoom link.

ADJOURNMENT

DFO Harvey adjourned the meeting at 4:31 p.m. E.T.

CERTIFICATION

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

 2/15/2024
 Sharee Freeman,
 Director Office of Self-Governance, Assistant Secretary – Indian Affairs.
 Chair, 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.

Attachments

Appendix A - Attendees

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

Designated Federal Officers (DFOs) Present

Vickie Hanvey, DFO

Regina Gilbert, ADFO

Members of the Public (21)

Appendix A—Attendees

TRIBAL REPRESENTATIVES	
Present	PRIMARY Tribal Representatives
	Name
	Affiliation
✓	W. Ron Allen Chairman/CEO Jamestown S'Klallan Tribe
✓	Melanie Benjamin Chief Executive Mille Lacs Band of Ojibwe
	Richard Peterson President Central Council Tlingit and Haida Indian Tribes of Alaska
✓	Michael Dolson Councilman The Confederated Salish and Kootenai Tribes of the Flathead Nation
✓	Melanie Fourkiller Director of Self-Governance Choctaw Nation of Oklahoma
	Russel (Buster) Attebery Chairman Karuk Tribe
	Karen Fierro Self-Governance Director Ak-Chin Indian Community
ALTERNATE Tribal Representatives	
	Vacant (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
FEDERAL REPRESENTATIVES	
Present	PRIMARY Federal Representatives
	Name
	Affiliation
✓	Sharee Feeman Director Office of Self-Governance, AS-IA
✓	Jody H. Schwarz Attorney-Advisor Branch of Self-Governance and Economic Development, Office of the Solicitor
✓	Kelly Titensor Native American Affairs Advisor Bureau of Reclamation
✓	Byron Loosle Division Chief National Conservation Lands, Bureau of Land and Minerals Management.
✓	Scott Aikin National Native American Programs Coordinator U.S. Fish and Wildlife Service Head Quarters.
	Vacant (Rose Petoskey) Senior Counselor to AS-IA Office of the Assistant Secretary—Indian Affairs.
ALTERNATE Federal Representatives	
✓	Matt Kallappa Northwest Field Office Manager Office of Self-Governance, AS-IA
✓	Andrew Caulum Attorney-Advisor Branch of Self-Governance and Economic Development, Office of the Solicitor
	Nathalie Washington Native American Affairs Advisor Bureau of Reclamation
	Nicole Hanna 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.