

**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: **February 8, 2024**
Federal Register Notice: FRN 2023-26124
Meeting Number: 12
DFO Convened at: 1:02 p.m. E.T.
DFO Adjourned at: 1:47 p.m. E.T.
Location: Virtual Meeting via Zoom Link
(Managed by Self-Governance Communication and Education Tribal Consortium)
Broadcast via Federal Register Zoom (Public Access)
Designated Notetaker: Regina Gilbert, ADFO, RACA
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 January 18, 2024, plenary session meeting minutes.
2. Approval of G3 – Negotiation Process Subpart 1000.10a and 1000.10b
3. Approval of Subpart G2 – Compacts
4. Approval of Subpart E – Funding Agreements for BIA Programs

OPENING

The meeting was convened by Designated Federal Officer (DFO) Vickie Hanvey at 1:02 p.m. ET.

BLESSING

Richard Peterson 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.

	Present	Absent
Tribal Primary Members	5	2
Federal Primary Members*	4	1
Total Primary Attendance	9	3
Tribal Alternate Members	2	4
Federal Alternate Members*	4	2
Total Alternate Attendance	6	6
* One Vacancy		

REVIEW OF January 18, 2024, PLENARY SESSION #11 MEETING MINUTES

DFO Hanvey sent out draft minutes of plenary meeting for review, noting that there is one correction to be made on a misspelled name and insertion of number or public attendance as she had not received the Zoom attendance log.

Melanie Fourkiller stated she had some small edits that will be sent via email, then made a motion to approve the 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 January 18, 2024, plenary session meeting minutes.

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. We are also coordinating with the Secretary’s office in advance of surnaming to avoid any lapse. The Charter has to be renewed until the work is completed. She then asked ADFO Gilbert for any further updates.

RACA UPDATE

ADFO Gilbert provided an update from Office of Regulatory Affairs and Collaborative Action (RACA) and stated that both the Charter and extension on the membership has reached the Secretary’s office, and we should have those signed by next meeting.

REVIEW OF DRAFTING SUBCOMMITTEE WORK

DFO Hanvey stated that two subparts are proposed for approval today during the full committee meeting. In addition, upon reviewing G3 Negotiation Process, there was one item that remained open, and the Committee needs to approve the one outstanding item.

G3 – Negotiation Process

Subpart 1000.10a and 1000.10b

Melanie Fourkiller shared screen for G3 Negotiation Process on 10a and 10b. This was approved formally by the full committee on 12/20/2023. However, upon review and cleanup of

the document it was determined that the subcommittee broke Section 10 into two parts. The Drafting Subcommittee had only reached consensus on one part. Both goes to how the Secretary responds to the tribe either with BIA or other agencies. Melanie read 10A which addresses only BIA funding agreements and 10B is with the non-BIA funding agreement. The sections will be renumbered during the cleanup.

Ron Allen made a motion to approve the G3 – Negotiation Process Subpart 1000.10a and 1000.10b. 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 G3 – Negotiation Process Subpart 1000.10a and 1000.10b.

Subpart G2 – Compacts

Matt Kallappa provided an overview of each subsection of the working draft which the Drafting Subcommittee reached consensus for submission to the Committee for approval. The draft will need to be cleaned up for final version. Matt shared screen displaying the side-by-side with the box shaded in green as the consensus language.

Melanie Fourkiller made a motion to approve Subpart G2 – Compacts. 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 G2 – Compacts. Subpart E – Funding Agreements for BIA Programs

Jordan Romero-Villanueva provided an overview of each subsection of the working draft which the Drafting Subcommittee reached consensus for submission to the Committee for approval. The draft will need to be cleaned up for final version.

Ron Allen made a motion to approve Subpart E – Funding Agreements for BIA Programs. 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 E – Funding Agreements for BIA Programs.

DFO Hanvey, congratulated the Committee and Drafting Subcommittee as we have passed Subpart G2 and Subpart E. Vickie shared screen on the status on the various subparts that have been completed by the full committee.

There are three subparts as these all have some movement by the full subcommittee:

Subpart F – Non-BIA Annual

Subpart K – Construction

Subpart R – Appeals

Gerry Hope wanted to note there is some work that needs to be done on the Preamble. There is work on both sides to make sure the draft is pulled together. There are individuals identified on the Tribal side. Matt Jaffee and Geoff Strommer are the tribal leads.

REVIEW OF TIMELINE AND MEETING SCHEDULE

DFO Hanvey displayed a schedule of Subparts which tracks the work completed and those outstanding. In addition, DFO Hanvey went over the schedule for the upcoming meetings and shared on screen. The next full subcommittee meeting is scheduled the last week of February. There is also a look of scheduling additional dates with the full subcommittee for the February 23. For the Federal team, almost every day is blocked out to work on the outstanding items for the full subcommittee. The goal is to be done with drafting of Subparts by February 29th but also consider that the Committee has other work to complete after the drafting of the Subparts.

Plenary meeting has been published in Federal Register for February 29th from 1pm to 5pm. We do have as a placeholder for the week of March 11 with a plenary session on the afternoon of March 14th. The Committee added Monday and half day on Friday for additional time for the Drafting Subcommittee to work on the remaining subparts.

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)
			FRN 2023-26124		FRN 2023-26124		PLACE HOLDER
S		2/4	Travel	2/25	Travel	3/10	Travel
M	1/29 1-5pm	2/5	SubCommittee 9am to 5pm	2/26	SubCommittee 9am to 5pm	3/11	SubCommittee 9am to 5pm
T	1/30 1-5pm	2/6	SubCommittee 9am to 5pm	2/27	SubCommittee 9am to 5pm	3/12	SubCommittee 9am to 5pm
W	1/31 1-5pm	2/7	SubCommittee 9am to 5pm	2/28	SubCommittee 9am to 5pm	3/13	SubCommittee 9am to 5pm
Th	2/1 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
F		2/9	SubCommittee 9am to 12pm	3/1	SubCommittee 9am to 12pm	3/15	SubCommittee 9am to 12pm
			Travel		Travel		Travel

Ron Allen thought the meeting was on March 1. Anything beyond that will be cleanup of the preamble, or anything else.

DFO Hanvey referred back to the screen with the schedule with the Plenary of March 29th and also reiterated that yes, there was still work to be done by the Committee.

OTHER MATTERS TO BE DISCUSSED

DFO Hanvey inquired if there were any other matters for discussion.

Gerry Hope looking at your previous screen to show the work of the subparts. The volume of work is broken down on screen. It's quite a body of work including considering COVID. Want to take a pause for both the tribal and federal members of the amount of work that has been done. In terms of football, we will get across the goal line.

No other matters were raised.

PUBLIC COMMENT

Beginning at 1:44 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.

DFO Hanvey inquired with DOI Information Systems to confirm if there is anyone online for public comment. Glen confirmed that no one has logged on to the public link. Therefore, the comment period was closed after once again confirming that no members of the public were logged into the link.

ADJOURNMENT

DFO Hanvey adjourned the meeting at 1:47 p.m. E.T.

CERTIFICATION

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

 3/6/2024
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 (15)

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.