



# Self-Governance Communication & Education Tribal Consortium

303 SOUTH FIFTH STREET  
MCALISTER, OK 74501  
P: 918.302.0252  
F: 918.423.7639

*Via regulations.gov; Docket No. FHWA-2016-0002*

August 2, 2016

Mr. Robert Sparrow  
Designated Federal Official  
Federal Highway Administration  
Room E51-314  
1200 New Jersey Ave., SE  
Washington, DC 20590

Mr. Sparrow:

The Self-Governance Communication & Education Tribal Consortium (SGCETC) writes on behalf of the more than 350 Self-Governance Tribes across the Nation to the Department of Transportation's (DOT) recent negotiated rulemaking announcement for the Tribal Transportation Self-Governance Program. We actively advocated for the expansion of Self-Governance to DOT and appreciate the balanced approach DOT took in seating Committee meeting. We look forward to working with Tribal and federal members of the Committee to develop regulations to implement this new law.

The Obama Administration has set a high standard in interacting with Tribal nations to recognize their rights to Self-Governance and Self-Determination and we hope that this spirit will continue as the Tribal and federal partners work to develop regulations. With this in mind, Self-Governance Tribes offer initial thoughts below for the Committee to consider.

**Deadline for comments for the Committee's Agenda.** We are alarmed that the Federal Register notice required comments on the Committee's agenda be submitted by Monday, August 1, 2016. We understand this may have been a mistake, however we request that the agency issue a notice about any extension for the comment period.

**Committee review of public comments and development of the final rule.** Self-Governance Tribes are particularly concerned with the wording of section IV of the notice, regarding the extent of the rulemaking committee's responsibility throughout the entire rulemaking process. Self-Governance Tribes request that the Committee remain engaged until the Final Rule is issued. The provision of the Negotiated Rulemaking Act regarding termination of the rulemaking committee states that the committee "shall terminate upon promulgation of the final rule...." (5 USC § 567). This recognizes the role of the Committee—as it has been in earlier ISDEAA negotiated rulemakings—to collect and review public comments, draft preamble and response language, and finalize the rule. We strongly recommend that the Committee continue its work until the final rule is published.

**Timely communication and coordination with Tribal Representatives.** Given the timeline established by Congress, Self-Governance Tribes are worried by DOT's pace to engage Tribes in development of the regulation. The agency missed the Congressional deadline to publish the initial notice to nominate Committee members and failed to provide thirty-day advance notice for

the first Committee meeting. We hope these are not examples of how the agency intends to engage the Committee in the future. We recognize that the time for this Committee's work is somewhat constrained and are prepared to be responsive, but hope to see the same sense of urgency from federal partners.

Thank you for your work to date. We look forward to working with you and the Committee as its important work proceeds. If you have any questions or concerns, please contact Terra Branson, SGCE Director, at [terrab@tribalsef.gov](mailto:terrab@tribalsef.gov) or (918) 302-0252.

Sincerely,

A handwritten signature in black ink that reads "W. Ron Allen". The signature is written in a cursive style with a large initial "W" and a long, sweeping underline.

W. Ron Allen  
Chairman/CEO, Jamestown S'Klallam Tribe  
Chairman, SGCE/C