

**DEPARTMENT OF TRANSPORTATION
TRIBAL TRANSPORTATION SELF-GOVERNANCE PROGRAM
NEGOTIATED RULEMAKING COMMITTEE
*TRIBAL REPRESENTATIVES***

ALERT!!!

ALERT!!!

ALERT!!!

**TRIBAL REPRESENTATIVES SUSPEND PARTICIPATION IN THE
DOT TRIBAL SELF-GOVERNANCE PROGRAM
NEGOTIATED RULEMAKING PROCESS**

On June 19, 2018 the Tribal Representatives on the Department of Transportation Tribal Transportation Self-Governance Program (DOT - TTSGP) Negotiated Rulemaking Committee decided to suspend participation in the rulemaking process and sent the attached letter to The Honorable Elaine L. Chao, DOT Secretary.

The letter states, *“We have made this very difficult decision because the Department, through its behavior over the past months, has failed to exhibit either the intent or the actions to show it is working in good faith towards a consensus draft of the rule to extend the Tribal Transportation Self-Governance Program to the Department as required by the FAST Act, the Negotiated Rulemaking Act, and the Committee’s own protocols”*.

The Tribal Representatives will continue to engage the Department in discussions to develop a draft Notice of Proposed Rulemaking (NPRM) with the active and meaningful participation of representatives from Tribal Nations and the Department. The Tribal Co-Chairs have requested a meeting with the Secretary and will provide additional information as it becomes available.

For further information, please contact the Tribal Co-Chairs. Thank you for your continued support and advocacy.

Sincerely,



Kay Rhoads, Tribal Co-Chair
Principal Chief, Sac and Fox Nation
Email: chief@sacandfoxnation-nsn.gov



Joe A. Garcia, Tribal Co-Chair
Head Councilman, Ohkay Owingeh
Email: mistylake@cybermesa.com

PLEASE BROADCAST TO TRIBES IN YOUR REGION!!!

Department to portray any proposed draft rule or final rule as one with Tribal approval, with substantive Tribal participation, or one that meets the Department's obligations to consult with Tribes, negotiate with Tribes, or to uphold the Federal-Tribal trust responsibility. We also reject and do not approve the draft minutes of the Committee's January 8-12, 2018 and February 12, 2018 meetings which do not accurately reflect the Tribal Committee members' statements or those made by other non-Federal officials participating in the negotiations. The Tribal Co-Chairs' letters of January 12, January 24, and April 2, 2018, reflect our views of the process and the Department's decision to unilaterally prepare and substitute its version of a draft rule for the many months of effort the Committee spent developing the February 2018 draft.

Further, Tribal members explicitly withdraw any prior consent for additional extensions of statutory authority to promulgate regulations under 23 U.S.C. § 207(n).

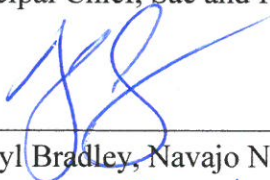
Sincerely,



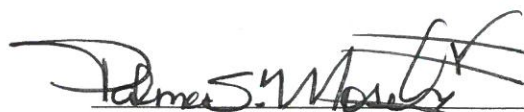
Kay Rhoads, Tribal Co-Chair
Principal Chief, Sac and Fox Nation



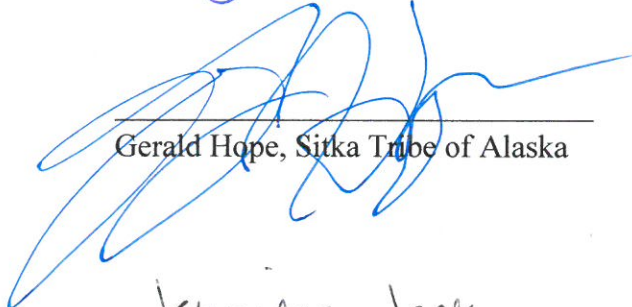
Joe A. Garcia, Tribal Co-Chair
Head Councilman, Ohkay Owingeh



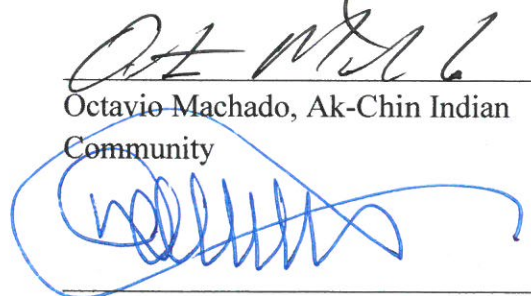
Darryl Bradley, Navajo Nation



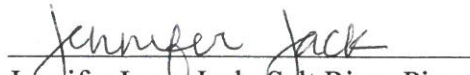
Palmer S. Mosely, Chickasaw Nation



Gerald Hope, Sitka Tribe of Alaska



Octavio Machado, Ak-Chin Indian
Community



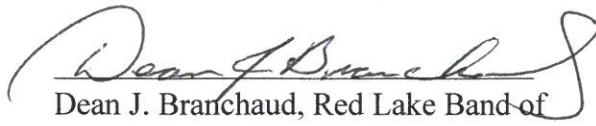
Jennifer Lynn Jack, Salt River Pima
Maricopa Indian Community

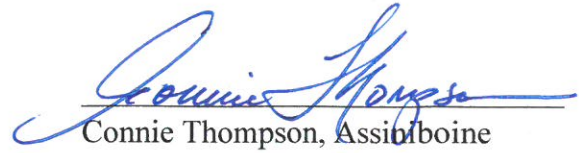
Denise Michels, Kawerak, Inc.

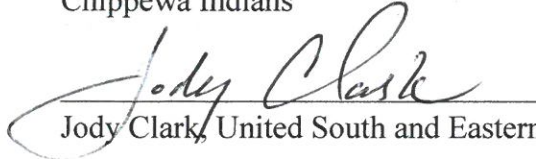
The Honorable Elaine L. Chao

June 19, 2018

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Dean J. Branchaud, Red Lake Band of
Chippewa Indians


Connie Thompson, Assiniboine
and Sioux Tribes


Jody Clark, United South and Eastern Tribes

cc: Anthony Bedell, Deputy Assistant Secretary for Intergovernmental and Tribal Affairs
Steven Bradbury, General Counsel
Chris Mitton, Government Affairs Officer
Colleen Vaughn, Designated Federal Official
Erin Kenley, FHWA TTP Program Manager
Vivian Philbin, Assistant Chief Counsel (Federal Lands)
LeRoy Gishi, BIADOT Division Chief (Interior)
Andrew Caulum, Attorney Advisor, Office of the Solicitor (Interior)

The Honorable John Barrasso, Chairman, Senate Environment and
Public Works Committee

The Honorable Thomas Carper, Ranking Member, Senate Environment and
Public Works Committee

The Honorable Bill Shuster, Chairman, House Transportation and Instructure Committee

The Honorable Peter A. DeFazio, Ranking Member, House Transportation and
Infrastructure Committee

The Honorable W. Ron Allen, Chairman, Self-Governance Communication and
Education Tribal Consortium

The Honorable Jefferson Keel, President, National Congress of American Indians