

# TTSGP NEG-REG Operations Session 9-14/15-16

## 1 OPEN DISCUSSION

- A. Workgroup Chair and Secretary. Denise Michels-Chair, Westly L. Woodruff, CPP-Secretary
- B. Corey (FAC) opens session with follow-up agenda items for discussion from August session. Addition of priority items from (DM). Funding question regarding programs addressed to Mr. Sparrow. (KA) Possibly identify the least abrasive priority items for discussion in OPS workgroup for this weeks session. (FAC) Intro and travel by (Wanda).
- C. New Priority List as of 9-14-16 (open discussion):

List of Priority Items:	Priority Level: (1 of 23)	Action:
Funds rec./NEG-REG outcome/Tribal Benefit vs. current programs/Tribes to benefit from discretionary funds	11	FHWA to identify
Program Redesign/Consolidation	1	FHWA to identify
Access to surplus equip.		
Dedication of Tribal Lands & ROW acquisition	111	
Education/Info. For regulations for USDOT Model Admin. For Agency interaction		
Construction standards/A&E/Safety/OPS	1111	
Federal Oversight/Reporting Requirements for SG	11	
23USC202 (a) (9) Funds Transfer Agreement	1	
Assumable programs/services/functions/activities	1111111	
Acquisition of goods & services		
Program income	1	
Matching & Cost participation		
Regulation waivers for SG		
Dispute Resolution		
USDOT Office of SG Representation	1	
Technical Assistance	1	
Maintenance concerns with Programs/eligibility	1	
NEPA	111	
FORCE Accounts/Payroll		
Acquisition or sale of equipment via program	1	
Planning "definition"		
Prompt Payment Act		
Funding Flow OPS/ADMIN	1	

Chair: Ms. Denise Michels  
 Secretary: Mr. Westly L. Woodruff, CPP  
 CC: Operations Workgroup


- D. Further discussion regarding SG and existing programs for baseline development. (JP) What will be OPS priorities based upon time, and importance? (FAC) How many programs are applicable for SG, which are, who identifies, program management, regulatory compliance? (JC) FHWA to identify assumable programs. (JC) Identification of Inherent Federal Functions? (DM) FAA concerns and requirements regarding SG, application, modification, standards. Which programs are statutory? Kathy to provide further information at the next session. (KA) Routing of program funds directly to Tribes under SG rather than States. (DB)
- E. Lunch (11:45am-1:15pm)
- F. Operations Session resumes. Concerns regarding existing Federal Programs that do not have Tribal arms/processes to be administered to Tribes. Will these Programs encompass tribal shares or remain Grants? (SK) How does existing revised frameworks for regulations apply to SG? (MM) NEPA assumption?
- G. End of Workgroup Session 9-14-16 @3:45pm
- H. Day 9-15-16 Workgroup Session begins @8:45am
- I. Question from Director Sparrow on assumable program identification? Further discussion regarding Tribes being applicable for assumable programs via funding source; grant, set-aside, discretionary, entitlement, formula, etc.? What programs do we need to pursue based upon application? Federal funds administered by the State can be routed to Tribes via 202 (a) (9) agreement. Not all States have the agreement available. (Bob) Use Indian Highway Safety Training Program for a base. Indian Justice Services Award. Title 1 or Title 4. (SK) Flexibility of appropriating funds via SG is the primary objective. Who would be the Governing Body under the proposed SG agenda? Is the goal of the SG session limited to TTP funds or other FED Programs? (DB) SG session vision is not solely for TTP funds, this is why all the FED Representation are present. We do not want to make the same mistakes as the past, we are trying to navigate the platform of the process as quick as possible. SG would be the desired funding mechanism. RFA's will identify funding streams, protocols, etc. we just do not know who will develop these and the process has to be vetted. Internally the FEDS have to discuss and determine the SG Department within their own group for FY2018. Who is going to facilitate the assignments for SG within the FEDS? (Bob) OPS has requested someone from Federal Lands to discuss ROW at the upcoming sessions. (DM)

- J. What rules will apply based upon what Tribes select within each Program? (AC) Who issues regulations per program? What will be the process for non-compliance? (Bob) FAA trying to make sense of what current compliances are applicable to Tribes or assumable to Tribes? Current statute is conflicting as interpreted. (KA) SG Tribes currently do not benefit from all programs and the intent is for the NEG REG to address these gaps. SG Tribes currently do not receive adequate shares of funding. (JP) The BIA and FHWA still has to acknowledge a changing of the guard or mindset to implement the true intent of SG. (SK) What are our true targets based on what is reasonable successful for the OPS workgroup? Maybe we need to focus our efforts towards goals that we actually can achieve, and pertain to the NEG REG origin? Clarification between statute and policy? Statutory concerns are true hurdles that may not achieve any success? (KA) Under Direct FHWA agreement, the procurement is navigated by Tribal Procurement. The Tribal Procurement policy may be submitted to FHWA or the Funding Agency for approval. The Funding Agency may adopt a policy or exception to accept Tribal Procurement policy. (DB)
- K. Break-out into Sub-groups @10:15 to noon.
- NEPA Sub-group
  - Tribal Lands and ROW Sub-group
  - Construction, A&E, Safety, OPS Sub-group

## 2 ACTION ITEMS:

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- L. Action items for OPS Workgroup prior to October Session is to determine and delegate homework assignments.
- M. End of 9-15-16 Session (12:00) & adjourn of Workgroup

Chair: Denise Michels (DM)  
 Secretary: Westly L. Woodruff, CPP (WW)  
 Facilitator: Corey Bobba (FAC)  
 Michael Willis: (MW)  
 Elan Flippin: (EF)  
 Darryl Bradley: (DB)  
 David Kelly: (DK)  
 Royce Gchachu: (RG)  
 Jennifer Jack: (JJ)  
 Andy Collum: (AC)  
 Sheldon Kipp: (SK)  
 Amy Coyle: (AC)

Adam Bailey: (AB)  
 Juliatt Pittman: (JP)  
 Joe Garcia: (JG)  
 Jim Glaze: (JGL)  
 Ada Valaitis: (AV)  
 Katherine Andrus: (KA)  
 Kenneth Martin: (KM)  
 Basharat Siddiqi: (BS)  
 Octavio Machado: (OM)  
 Mark Montgomery: (MM)  
 Robert Bob Sparrow: (Bob)

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