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**Office of the Chief**

Bill John Baker  
*Principal Chief*  
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S. Joe Crittenden  
*Deputy Principal Chief*  
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VIA ELECTRONIC MAIL  
[Robert.Sparrow@dot.gov](mailto:Robert.Sparrow@dot.gov)

June 10, 2013

Mr. Robert W. Sparrow Jr., Director  
Tribal Transportation Program (HFPD-1)  
Federal Highway Administration  
United States Department of Transportation  
1200 New Jersey Avenue, SE, Room E61-311  
Washington, D.C. 20590

Dear Mr. Sparrow:

Cherokee Nation has received the April 12, 2013 Federal Register Notice and appreciates the opportunity to comment on the draft 25 CFR Part 170 regulations for the Tribal Transportation Program (TTP). We also appreciated the opportunity to ask questions about the draft regulations at the Tribal Consultation Session in Phoenix, Arizona on May 16, 2013. It is our understanding that the next step in the process is to publish a Notice of Proposed Rulemaking. Prior to that event, we ask that you consider the comments provided below.

1. The opening paragraph-answers to §170.226 and §170.442 are not consistent. The language in §170.226 deficient because it leaves out the all-important phrase: “that an Indian tribe has requested”. The opening paragraph-answer to §170.226 should be identical to the opening paragraph-answer in §170.442.
2. By revising the appeals process in §170.231 and removing §170.232, there is no recourse for a tribe if a particular inventory submission is denied or simply not acted upon. A new regulation needs to be created for the appeal of road inventory submissions for eligibility purposes.
3. The language in §170.443 a. is not consistent with the rest of the regulation because the phrase “tribal resolution” is not accompanied by the phrase “or other official action”. This section should be revised to include both phrases.

Mr. Robert W. Sparrow Jr.  
May 30, 2013  
Continued

4. It is not necessary to include Appendix C to Subpart D – Cost to Construct. This appendix is already a matter of public record; it has no bearing on the formula, and it serves no purpose but to confuse the public and take up an enormous amount of space in an already cumbersome regulation.
5. Even though you are not proposing to amend Section 170.608, we still do not agree with the answer in this provision. Implementation of the TTP is subject to Public Law 93-638, as amended, and therefore all funds are subject to contract support provisions whether administered by the Secretary of the Interior or a by tribe in place of the Secretary.

Thank you once again for the opportunity to comment. We look forward to working with your office to produce a regulation that is practical for tribes and the federal government.

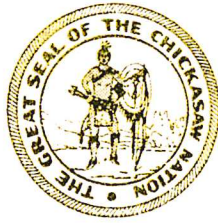
If you have any questions, please contact Michael Lynn at (918) 453-5396, [Michael-Lynn@cherokee.org](mailto:Michael-Lynn@cherokee.org) or Rob Endicott at (918) 447-9992, [Robert-Endicott@cherokee.org](mailto:Robert-Endicott@cherokee.org).

Sincerely,

A handwritten signature in cursive script that reads "Bill John Baker".

Bill John Baker, Principal Chief  
Cherokee Nation

BJB/re



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The Chickasaw Nation

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BILL ANOATUBBY  
GOVERNOR

Mr. Leroy M. Gishi, Chief  
Division of Transportation  
Bureau of Indian Affairs  
1849 C Street, NW., MS-4513  
Washington, DC 20240

Dear Mr. Gishi:

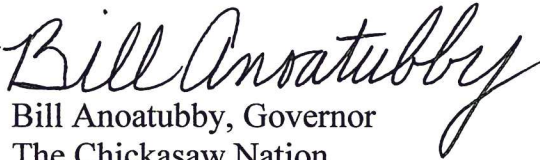
Thank you for the opportunity to comment on the draft revisions to 25 CFR Part 170 developed by the Federal Highway Administration and the Bureau of Indian Affairs Division of Transportation. We are pleased to provide the following comments for the draft revisions to 25 C.F.R. Part 170.

- Appendix A to Subpart B, B, 19 – Change “Indian Reservation Road” to “Tribal Transportation Facility”
- 444 – Add language for an appeals process for adding roads to the Tribal Transportation Facility Inventory.
- 460 – The second subpart “(a)” needs to be “(c).”
- Appendix C to Subpart D – Change “IRR Inventory” to “National Tribal Transportation Facility Inventory.”
- Appendix C to Subpart C, (g), (4), (a) and (b) – Remove 10,000 vehicles per day as a requirement due to the Federal Highway Administration functional classification system being recognized for classifications of roadways.

- Subpart E – Change “Indian Reservation Road” with “Tribal Transportation Program” in heading.

Again, thank you for the opportunity to submit comments on the draft revisions to 25 C.F.R Part 170. If you have any questions, please contact Mr. Bo Ellis, director of the Chickasaw Nation roads program at (580) 272-5488.

Sincerely,

  
Bill Anoatubby, Governor  
The Chickasaw Nation