



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

MAY 14 2012

Dear Tribal Leader:

Over the years, there has been much discussion pertaining to the Indian Reservation Roads (IRR) Program. We have heard from tribal leaders with concerns on the equitability of the funding formulation, that organizational changes are needed to the administration of the overall IRR program and services, and additional funding is needed to better meet the needs of tribes throughout Indian Country. We are writing today to inform you that we have listened to your concerns. We have worked closely with the Indian Reservation Roads Program Coordinating Committee (IRRPCC) in reviewing the current IRR inventory and funding formulation, and are currently undertaking an extensive review of our current IRR organization within the Bureau of Indian Affairs (BIA) and how we interact with IRR staff within Federal Lands Highways (FLH).

The culminations of our efforts are recommendations on changes to how Proposed Roads and Access Roads are addressed within the Relative Needs Distribution Formula (RNDF). We are also currently implementing "Question 10" changes to the RNDF. In keeping with the Department's Tribal Consultation Policy, we would like to invite you to attend one or more tribal consultation sessions to discuss these changes to the RNDF, and to solicit your input on how we can streamline the delivery of the IRR program to tribal governments. Specifically, we are looking for ways to streamline our organization and increase efficiency in the delivery of services to Indian Country. Our goal is to support a consolidated organization while improving our responsiveness to all tribes' needs. BIA and the Federal Highway Administration (FHWA) will also present an update on the potential reauthorization of the current transportation legislation involving the IRR program.

In order to maintain an efficient and equitable IRR program, we are faced with strict deadlines. We respectfully ask you to find time to provide your tribe's input on these critical issues by submitting written comments or by attending one of the consultation sessions noted below. Please send any written comments you have to irr.consultation@bia.gov or by U.S. mail to: Tribal Consultations and Informational Meeting Comments, Office of the Deputy Director, Indian Services, U.S. Department of the Interior, Mail Stop 4513 MIB, Washington, DC 20240. If possible, please provide your input by close of business on July 6, 2012, as we are preparing for implementation of these changes for the 2013 Fiscal Year, which begins on October 1, 2012.

Thank you for your prompt and invaluable attention to this matter.

Sincerely,

Director, Bureau of Indian Affairs

A description of each of the topics is provided below. Additional information is posted at: <http://www.indianaffairs.gov/Who We Are/AS-IA/Consultation/index.htm>.

- Changes to how Proposed Roads and Access Roads are addressed within the RNDF: A joint BIA and FHWA recommendation for changing how the Proposed Roads and Access Roads will contribute to the calculation of the RNDF for IRR Program funds. The recommendation is significant because it clarifies the criteria required for certain transportation facilities to generate RNDF funding and may affect the allocation of IRR Program funding among tribes. Proposed roads are defined by 25 CFR § 170.5 as, “a road which does not currently exist and needs to be constructed.” A primary access route is the shortest practicable route connecting two points, including roads between villages, roads to landfills, roads to drinking water sources, roads to natural resources identified for economic development, and roads that provide access to intermodal termini, such as airports, harbors, or boat landings. *See* 23 U.S.C. § 202 (d) (2) (G).
- Streamline the delivery of the IRR program: Your recommendations on how BIA could streamline its delivery and efficiency of transportation program services provided to tribal governments. Changes enacted in the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users, P.L. 109-59 (SAFETEA-LU), expanded options for tribes to carry out the IRR program, including entering into agreements directly with FHWA. Recently, BIA has developed an additional method for tribes to carry out the IRR program that is similar to FHWA’s agreements. These changes have affected certain aspects of how the inherently Federal functions of the IRR program are carried out by BIA. As a result, BIA has begun considering options for changing its IRR program management structure and oversight, as well as how technical assistance is provided to tribal transportation entities.
- “Question 10” implementation: An update on the implementation of “Question 10” to clarify a transportation facility’s functional classification. In 2010, BIA and FHWA presented a joint recommendation for how a transportation facility should be calculated at the non-Federal share under Question 10 and consulted with tribes over three months at ten locations across the country on this subject. Appendix C—Relative Need Distribution Factor, of 25 CFR Part 170, subpart C. Question 10 states, in part:

10. Do All IRR Transportation Facilities in the IRR Inventory Count at 100 Percent of their CTC and VMT?

No. The CTC and VMT must be computed at the non-Federal share requirement for matching funds for any transportation facility that is added to the IRR inventory and is eligible for funding for construction or reconstruction with Federal funds, other than Federal Lands Highway Program funds.

After consulting with tribes in 2010, BIA and FHWA began the process of implementing the clarification of Question 10, including a review of the IRR inventory to be compatible with the Federal-aid highways functional classification system. For additional information regarding the Question 10 consultations, please see 75 Fed. Reg. 40849 (July 14, 2010). The update will include discussion about the implementation of the Question 10 recommendation since 2010 and BIA and FHWA will invite additional input from tribal leaders and the public about their views on its effectiveness.

CONSULTATION SCHEDULE

Meeting date	Location	Time
June 5, 2012	Anchorage, Alaska	9 a.m. - 4:30 p.m
June 7, 2012	Spokane, Washington	9 a.m. - 4:30 p.m
June 12, 2012	Albuquerque, New Mexico	9 a.m. - 4:30 p.m
June 13, 2012	Phoenix, Arizona	9 a.m. - 4:30 p.m
June 14, 2012	Sacramento, California	9 a.m. - 4:30 p.m
June 19, 2012	Nashville, Tennessee	9 a.m. - 4:30 p.m
June 20, 2012	Oklahoma City, Oklahoma	9 a.m. - 4:30 p.m
June 26, 2012	Billings, Montana	9 a.m. - 4:30 p.m
June 27, 2012	Rapid City, South Dakota	9 a.m. - 4:30 p.m
June 28, 2012	Mount Pleasant, Michigan	9 a.m. - 4:30 p.m

The agenda for each of the sessions will be as follows (all times are local)

- 9:00 a.m. - 9:15 a.m. Welcome and Introductions
- 9:15 a.m. - 10:45 a.m. Proposed/Access Roads (Recommendation, Expectations, Implementation)
- 10:45 a.m. – 11:00 a.m. Break
- 11:00 a.m. - 11:45 a.m. Question 10 Update
- 11:45 a.m. – 1:00 p.m. Lunch
- 1:00 p.m. – 3:00 p.m. Tribal Transportation Program Streamlining
- 3:00 p.m. – 3:15 p.m. Break
- 3:15 p.m. - 4:00 p.m. Reauthorization Update
- 4:00 p.m. - 4:30 p.m. Closing Comments
- 4:30 p.m. Adjourn

Meeting date	City	Time	Location
June 5, 2012	Anchorage, AK	9 a.m. – 4:30 p.m.	UAA University & Conference Svc Lucy Cuddy Hall 3400 Seawolf Drive Anchorage, AK 99508
June 7, 2012	Spokane, WA	9 a.m. – 4:30 p.m.	Northern Quest Resort & Casino: 100 North Hayford Road Airway Heights, WA 99001
June 12, 2012	Albuquerque, NM	9 a.m. – 4:30 p.m.	NIPTC 1011 Indian School Rd (2 nd floor) Albuquerque, NM 87104
June 13, 2012	Phoenix, AZ	9 a.m. – 4:30 p.m.	BLM National Training Center 9828 N. 31 st Avenue Phoenix, AZ
June 14, 2012	Sacramento, CA	9 a.m. – 4:30 p.m.	Red Lion Hotel 1401 Arden Way Sacramento, CA
June 19, 2012	Nashville, TN	9 a.m. – 4:30 p.m.	Gaylord Opryland Resort & Convention Center 2800 Opryland Drive Nashville, TN 37214
June 20, 2012	Oklahoma City, OK	9 a.m. – 4:30 p.m.	OSU-OKC Campus 900 N. Portland Bldg WEC 134 West Oklahoma City, OK
June 26, 2012	Billings, MT	9 a.m. – 4:30 p.m.	Billings Hotel & Convention Center 1223 Mallowney Lane Billings, MT 59101
June 27, 2012	Rapid City, SD	9 a.m. – 4:30 p.m.	South Dakota School of Mines & Technology (Room 203) 501 E. St. Joseph Street Rapid City, SD 57701
June 28, 2012	Mount Pleasant, MI	9 a.m. – 4:30 p.m.	Soaring Eagle Casino & Resort (Black River & Swan Creek Room) 6800 Soaring Eagle Blvd Mt. Pleasant, MI 48858