

**Consultation for Alaska Tribes – 15-Mile Limitation on Access Roads**

**January 15, 2021  
3:30 pm CT**

Coordinator: Welcome and thank you for standing by. Today's call is being recorded. If you have any objections you may disconnect at this time. All participants are in listen-only mode until the question-and-answer session. At that time you may press star 1 to ask a question. I would now like to turn the conference over to Elizabeth Appel. Thank you. You may begin.

Elizabeth Appel: Hi. Good afternoon everybody and welcome to the Tribal Consultation addressing access roads in the Tribal Transportation Program. With us today we have Jim James, the Deputy Director for Field Operations for Bureau of Indian Affairs, Gene Peltola, the Regional Director for Alaska BIA, LeRoy Gishi who's with the Transportation Division in BIA, and (Andy Collum) who is with the Office of the Solicitor.

And great. Now I'd like to turn it over to Mr. Matthew Kelly who is Counselor to the Assistant Secretary for Indian Affairs.

Matthew Kelly: Good afternoon everybody. Thank you for being here. It's a pleasure to be here to hear what you all have to say on these issues. What I would like to do at this time is simply review, well the contents of the - your tribal leader letter,

which explain the purpose of the consultation and the kinds of input that the Assistant Secretary is seeking considering these issues.

The issue itself concerns the 15-mile access road limit, which is a regulation that limits the maximum length of access roads that can be included as a national tribal transportation facility inventory.

Some tribes in remote rural areas have expressed concerns that the 15-mile limitation disproportionately affects their ability to plan and carry out important transportation projects.

That in turn raises the question of whether the one-size-fits-all mileage limitations adequately accommodates the diverse geographic and regional conditions that affect the transportation needs of tribes and their members, or whether a different approach might better fulfill the Tribal Transportation Program's purpose.

The reason we schedule these calls for different regions of the country is in effect a reflection of those regional differences, which goes - is a matter as simple as time zones.

So to assist in today's discussions and to ensure that the Department gathers all relevant information and views, the Assistant Secretary distributed the following questions and she intended them to be just a starting point for today's discussion.

The first one is, "How has the existing 15-mile limit impacted tribes particularly in remote and rural regions?" Second is, "What other criteria aside from mileage might be used to determine which access roads could be included in the inventory?"

And finally, “How do regional differences that affect access to transportation and construction infrastructure - might be factored into determining which access roads should be included in the inventory?”

With that I’m going to turn it back over to Liz Appel, our moderator, for your comments and discussions. Thank you.

Elizabeth Appel: Great. So with that we will open the lines for comments and we’re interested in hearing your input on those questions and any other comments you’d like to make regarding the teen-mile limitations on access roads. (Kelly), would you mind providing directions on how to provide a comment?

Coordinator: Absolutely. If you would like to ask a question please press 1, unmute your phone and record your name. Your name is needed to ask your - or to introduce your question. If you would like to withdraw your question you can press star 2, and again to ask a question press star 1.

Elizabeth Appel: We’ll give it just a couple of minutes because I know it may take a minute to record your information and...

((Crosstalk))

Coordinator: We actually have a question.

((Crosstalk))

Elizabeth Appel: ...queue.

Coordinator: Our first question comes from Mary David. Mary, your line is open.

Mary David: Great. Can you hear me okay?

Elizabeth Appel: Yes. Thank you Miss...

((Crosstalk))

Mary David: Okay, good. Good. I'm glad. So thank you for giving me the opportunity to speak today. My name is Mary David and I'm the Executive Vice President at Kawerak, Incorporated here in Nome, Alaska.

Kawerak is the regional native nonprofit corporation and tribal consortium serving the 20 federally recognized tribes in the Bering Straits (sic) region. So if you can just bear with me for a few minutes I'm going to read a prepared statement, so I'm going to just go ahead and get started.

"A key purpose of the Tribal Transportation Program is to establish and expand surface transportation interconnectivity and transportation access to tribal communities.

Congress recognized our situation by ensuring that the TTP inventory must include primary access routes proposed by tribal governments, which includes 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 terminals such as airports, harbors and boat landings, all very important and needed.

The 15-mile limitation in the regulation directly undermines our ability to properly address the critical infrastructure access needs that we have. In rural Alaska there's almost no transportation infrastructure at all and unlike the

lower 48, in our region there are no other entities, county, state or federal that own, operate or maintain roads that connect our communities to employment centers, public service or economic development opportunities.

The TTP allows tribes to build transportation infrastructure that is desperately needed, and it is our tribal governments who are committed to build and maintain transportation routes.

Having and building roads in our region is vitally important. They provide safer and more accessible travel for tribal members to reach employment opportunities, access to public services and healthcare and participate in family or community social activities.

With about - only about 6-1/2 hours of daylight and even less in the middle of winter the - and unpredictable weather that can quickly change, having infrastructure that will reduce the likelihood of tribal members becoming lost, injured or dying while traveling through our remote areas is really important.

I don't know if any of you have been to rural Alaska but it's very costly here. There's a high cost of living and having roads allow access to transport, much needed freight, fuel and other equipment.

Having and building roads also creates jobs and employment and keep the money in our communities, which is good, and a positive outcome on the economic development activities that TTP projects - from TTP projects.

The BIA's 15-mile limitation will prevent our region from achieving the connectivity enjoyed by communities in the lower 48. Our state and our region is so vast that in most areas routes of 15 miles or less would not reach the nearest connecting point.

Here in rural Alaska the TTP regulations only serves to ensure that the transportation access routes that our communities need and our tribal governments propose will never be built.

The BIA must implement the TTP as Congress intended, which is to mote (sic) - promote connectivity for all tribal communities including those in rural Alaska.

BIA must eliminate the mileage section in Section 170.447 and base the rule on the connecting of the key points as Congress instructed. Thank you for giving me the opportunity to provide some comments today.

Jointly Kawerak and AVCP has submitted a more thorough written document and I refer you to these documents for a more thorough review of our comments. Thank you.”

Elizabeth Appel: Thank you. I couldn't see them.

Coordinator: Our next question comes from Vivian Korthuis. Vivian, your line is open.

Vivian Korthuis: Thank you. This is a phone check. Can you hear me?

Elizabeth Appel: Yes.

Vivian Korthuis: Oh good. Thank you. Good afternoon everyone. My name is Vivian Korthuis. I serve as the Chief Executive Officer for the Association of Village Council Presidents.

Thank you for holding this consultation on a very important issue affecting the communities in our regions and across the states. I'm going to be testifying this afternoon and I do have written comments so I'm going to just go ahead and go forward.

Elizabeth Appel: Great. Thank you.

Vivian Korthuis: Again thank you for holding this consultation. "Alaska's tribal communities deserve the right to enjoy safe and efficient transportation access the same as any other community and citizens in the lower 48.

AVCP is the largest tribal consortium in the nation consisting of 56 federally recognized tribes in the Yukon-Kuskokwim Delta in Western Alaska. AVCP works in partnership to provide community development, education, social services, culturally relevant programs and advocacy for our tribes.

Our region has approximately 55,000 square miles and is roughly the size of the state of Washington. There are 48 villages spread along the Kuskokwim River, Yukon River and Bering Sea coast.

Our entire region is off the road system, meaning no roads connect our region to the rest of the states and no roads connect our villages to each other. The only other travel into or out of our region is by plane or barge.

The only way to travel between villages including to the subregional or regional hubs is by small plane, and a ticket from the furthest village to Bethel can cost up to \$900.

In the summer we travel by boats and in the winter by our ice roads or snow machines. On an average, cost of airfare in our region will take at least 25 times more - higher than the normal expense in the rest of the nation.

Warm weather results in the ice forming later and melting faster each summer, and as a result travelers can fall through the ice. In cruel weather conditions a short trip to a nearby clinic or family visits or a social gathering can become very dangerous and could result in loss of life.

On New Year's Day in our region two tribal members traveling between villages took the wrong snow machine trail and drove through an unmarked open hole on the ice on the Kuskokwim River.

This is our reality. We worry about these transportation emergencies every day, and especially under COVID conditions it becomes more traumatic. AVCP's Tribal Transportation Consortium mission is to improve the Y-K region's transportation system by ensuring a safe, efficient and economical transportation system that meets our communities' needs and provides the greatest economic opportunity possible.

Today we are making these comments on behalf of our tribe and the needs of our communities for safe and reliable access to transportation routes in our regions.

Congress' intent in establishing the Tribal Transportation Program was to provide funding for safe and adequate transportation and public roads for tribal communities, our communities in our regions.



This is accomplished in part by funding, by design, planning and construction of these proposed roads and primary access roads that have been added to the inventory.

In rural Alaska tribal governments are the only entities planning, constructing and maintaining roads between our villages. AVCP tribes have added more than 1700 proposed roads to the inventory to provide surface connectivity in our large remote regions.

The BIA's TTP regulations contain a 15-mile limitation on primary access roads. However, in our inventory the average connecting route link is 33 miles, more than double, and the longest connecting route link is a - 153 miles.

This 15-mile limitation completely disregards the realities of tribal members living in rural Alaska and prevents tribal communities from achieving the transportation connectivity Congress intended and tribal communities in the lower 48 already have established.

The 15-mile limitation also goes against Congress' directions that a proposed primary access road be the shorter, practical route connecting two points of proposed routes.

I understand that the reasoning behind this limitation may be to prevent tribes from receiving funding for the roads that are already owned, operated or maintained by a county, state or federal transportation authority.

However, the regulation is still unacceptable as it prevents our tribes from building the transportation infrastructures we desperately need. It is also

unnecessary as there are no other entities building or maintaining roads in rural Alaska.

In conclusion, the United States government including Department of Interior and BIA has a trust responsibility to make transportation decisions that will enhance the quality of life and provide necessary access to healthcare and economic opportunities for all tribal communities, including those in the AVCP region and throughout rural Alaska.

Therefore, we ask the BIA to eliminate this arbitrary 15-mile limitation. AVCP has submitted a joint written testimony with our sister organization Kawerak.

Our testimonies include detailed responses to BIA's questions. Once again thank you for your time and your attention on this important issue. Lastly...

Elizabeth Appel: Thank you.

Vivian Korthuis: ...for those of us that are - oh. For those of us that only have TTP to create roads for our tribes, the 15-mile limit will guarantee our tribes to be disenfranchised and not benefit from the trust responsibility of the United States government.

I urge the agency to assure the 56 tribes on the Y-K Delta that this will not happen. Thank you."

Elizabeth Appel: Thank you President Korthuis.

Coordinator: As of right now there are no other questions in the queue. Would you like me to give another instruction?

Elizabeth Appel: Sure. That will be great.

Coordinator: Okay. If you would like to ask a question please press star 1, unmute your phone and record your name. That's star 1 to ask a question.

Elizabeth Appel: Do we have anyone else who would like to make a comment? Those were some thorough comments but I want to make sure that everybody who would like to comment has the opportunity to.

Coordinator: There are no questions in the queue.

Elizabeth Appel: Okay. We also are accepting written input at [consultation@bia.gov](mailto:consultation@bia.gov) if you'd prefer to provide your comments in writing. Matt, did you want to run through the questions again just to see if that sparks anyone's ideas?

Matthew Kelly: Sure. I'd be happy to. Thanks Liz. And I'd point out too that one reason we - these questions were sent out was to get particular ideas and insights on these issues that we may not have considered before, so it can be really helpful to have them - that kind of response.

So the first question is how the existing 15-mile limit has impacted tribes particularly in remote and rural regions? So concrete examples of that can bring home what the problems might be and how they can affect given communities.

The second question is, "What criteria other than mileage could be used to determining which access roads may be included in the inventory?" And so that question goes to what other consistently applicable types of standards that

- could be used nationwide that might address some of the impacts that are reported in the first question.

And the final question goes to regional differences and how those differences affect access to transportation and construction infrastructure, and how that might also be factored into determining which roads should be included in the inventory.

Obviously circumstances vary around the country and it's not maybe always possible to address them specifically, and something that's intended to have nationwide application and that makes it difficult as a calculus.

But the more information that the department has on these questions the better positioned it can be to assess ways forward, if any. Thank you Liz.

Elizabeth Appel: Thank you Matt. And just a reminder if you'd like to make a comment you can press star 1. And we'll continue to keep the line open for a little bit just in case anyone has a comment that they'd like to share.

James James: Liz, this is Jim. Can you hear me?

Elizabeth Appel: Yes.

James James: I just wanted to also remind folks that we are going to have another session next Tuesday same time as this one. In case people are formulating, you know, comments, you know, there'll be another opportunity next week.

Elizabeth Appel: That's right and that will be at 4:00 pm Eastern Time next week in - on Tuesday. Okay. Well, if we don't have any other comments we'll wrap it up

early but I want to give a last call in case anyone is being shy but would like to comment.

Please comment now by pressing star 1 on your phone keypad. Okay, are there...

LeRoy Gishi: Liz?

Elizabeth Appel: ...any other comments?

LeRoy Gishi: Liz? This is...

Elizabeth Appel: Yes.

LeRoy Gishi: ...LeRoy. You may want to mention again the [consultation@bia.gov](mailto:consultation@bia.gov). That's also...

Elizabeth Appel: Yes.

LeRoy Gishi: ...an opportunity to...

Elizabeth Appel: Yes. Please feel free to provide any written input by email to our email address, which is [consultation@bia.gov](mailto:consultation@bia.gov). Thank you LeRoy. And (Kelly), do we have anyone in queue?

Coordinator: No. There is no questions in the queue.

Elizabeth Appel: Okay. Well, I guess we will wrap it up a little early today. I really appreciate your comments. I will hand it over to Jim if you want to provide any closing comments.

James James: Okay, happy to do that. I just want to thank everybody for joining. I appreciate the comments from the two speakers that - I think they're very comprehensive and obviously encompass a great number of tribes in those two areas.

But those are extremely relevant and we will take those into consideration after everything's done, because Liz will more specifically tell you how the process works.

But we still have one more session and we'll hopefully receive additional comments, but I suspect they're going to be very similar since they are primarily focused on Alaska.

Alaska's unique geographical area - it was pointed out by Miss David and it's a - different than the rest of the country and so that's an obviously glaring comment that we need to incorporate into our assessment of the requirement.

So thank you so much for your comments. We look forward to doing this again next week. Thanks Liz.

Elizabeth Appel: Great. Thank you everybody. I think that will conclude our Tribal Consultation.

Matthew Kelly: Thanks everybody.

LeRoy Gishi: Thank you.

Coordinator: That concludes today's conference. Thank you for participating. You may disconnect at this time. Speakers, allow a moment of silence and stand by for your post-conference.

END