

**Consultation – Lower 48 Tribes: 15-Mile Limitation on Access Roads
January 15, 2021
1:00 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 a listen-only mode until the question-and-answer session of today's conference. At that time, you may press Star 1 on your phone to ask a question. I would now like to turn the conference over to Ms. Elizabeth Appel.

Elizabeth Appel: Hi. Good afternoon everybody. My name is Liz Appel. I'm with the Office of Regulatory Affairs and Collaborative Action in the Office of the Assistant Secretary for Indian Affairs. And this is formal tribal consultation on Tribal Transportation Program, TTP, access road mileage limitation. I am going to turn it over to Matt Kelly who is Counselor for the Assistant Secretary of Indian Affairs to provide a brief overview.

Matt Kelly: Good morning and good afternoon everyone. My name is Matthew Kelly. As Liz said I'm the Counselor to the Assistant Secretary, welcome. Before I begin let me also introduce some of the other folks from Interior who are on the call. We have the Chief of the Division of Transportation BIA Indian Services, Mr. LeRoy Gishi. We also have from the Division of Indian Affairs Office of the Solicitor, Attorney Advisor, Andy Caulum. Gentlemen, welcome to you also.

The purpose of today's consultation was set out in a letter that was sent to tribal leaders which also included a number of questions to be considered this afternoon or this morning.

The issue concerns access to the tribal transportation programs and the existing regulatory limit on the maximum length of access roads that can be included in the national tribal transportation facility inventories. That limit is now 15 miles. Some tribes in remote rural areas have expressed concern that this limit disproportionately affects their ability to plan and carry out important transportation projects which in turn raises the question whether a one size fits all mileage limitation adequately accommodates the diverse geographic and regional conditions that affect the transportation needs of tribes and their members around the country and whether a different approach might better fulfill the purpose of the TTP.

And to assist in today's discussion and to ensure that the department gathers the relevant information and tribal views on these important issues, the assistant secretary distributed the following questions intended as a starting point but certainly not an endpoint for our discussions over the next several sessions. The three questions were as follows. First had the existing 15 mile limit impacted tribes particularly those in remote and rural regions?

Second, what criteria other than a strict mileage limit might be used to determine which access roads could be included in the inventory? And finally how might regional differences that affect access to transportation and construction infrastructure be factored into determining those access roads that might be included in these national inventory?

Just so you're also aware I am the point of contact. If you have any further questions on anything you hear today or would like to additional conference

afterwards my contact information is available on the consultation letter that went out. So with that I will turn it back to Elizabeth Appel to proceed with the consultation. Thank you.

Elizabeth Appel: Hi. Again this is Liz Appel. And Assistant Secretary Sweeney is planning on joining us but is running a couple minutes late it looks like so in the meantime we can get started. There is - this session is being transcribed so there will be a transcript made available of our discussion today. And if you'd like to - well let's first start with seeing if we have any tribal leaders on the call who would like to make a comment. And (Lynn) would you mind providing information on how they can indicate that they have a comment to provide?

Coordinator: Absolutely. If you would like to make a comment today, please press Star 1 on your phone. You will need to put your first and last name and then we'll take the questions in queue. Again Star 1.

Elizabeth Appel: And if we have any other designated tribal representatives on the line who would like to provide a comment, please feel free to also.

Coordinator: There are no questions in the queue. Please know if you would like to comment please press Star 1 from your phone, unmute your line and speak your name clearly when prompted. Your name is needed to introduce your comment. If you would like to withdraw that comment, please press Star 2. One moment please while we wait for comments.

Okay the first comment comes from (Todd Mulvay). Todd your line is open.

Excuse me (Todd) your line is open. If you would hit Star 6 to unmute yourself. Your line is open for comment.

(Todd Mulvay): Thank you. Can you hear me now?

Elizabeth Appel: Yes thank you.

(Todd Mulvay): Just a simple clarification, would you explain the current 15 mile limitation? Is that a radius or a straight line distance from a tribal land border or is it along the centerline of a road or how is it and thank you?

Elizabeth Appel: Thank you. I think we'll refer to this to LeRoy Gishi who is our tribal transportation program expert here. LeRoy did you want to take this one?

LeRoy Gishi: Yes thank you. The - when we're referring to 15 miles we're referring to the distance along the centerline of a road which is described as the access road. If it is a proposed road, which it can be a proposed road meaning it doesn't exist but it does exist in terms of what we refer to as strip map which is part of the inventory submittal so it would be that center line distance of 15 miles.

So that's essentially what it is. And if there is an existing road that serves as an access road obviously it would go along that line. If there are changes to be made in terms of realignments, whatever the realignments are will have to be in the inventory and it would be that 15 mile. Thank you.

Coordinator: Our next question is from (Denise Williams). (Denise) your line is open.

(Denise Williams): Hi, yes. I just wanted to be sure that the transcript request would be made to the dedicated contact person?

Elizabeth Appel: Yes. You may request a transcript from Matt Kelly or at consultation@bia.gov. We regularly monitor that email address and we will likely also post the transcript online on our Regulatory Affairs Web page. So

if you would like to check that webpage we usually have the transcript from the teleconference session we usually are able to get them up within the week.

(Denise Williams): Great, thank you.

Elizabeth Appel: Thank you.

Coordinator: As a reminder if you would like to make a comment please press Star 1 from your phone, unmute your line and speak your name clearly when prompted. Your name is needed to introduce the question. One moment as we wait for questions/comments.

There are no other questions or comments in the queue at this time.

Elizabeth Appel: Okay. Well why don't I repeat the questions that were posed in the invitation letter and which Matt provided earlier just the prompt thoughts for you all?

The first question is, "How has the existing 15 mile limit impacted tribes particularly in remote and rural areas or regions?" Second, "What criteria other than mileage could be used to determine which access roads may be included in the national tribal transportation facility inventory?" And then third how regional differences that affect access to transportation and construction infrastructure could be factored into determining which access roads may be included in the transportation inventory?

And if you have any other comments about the mileage limitation, it's found at 25 CFR Section 170.447 and that section, that provision is available online@ccfr.gov.

So as a reminder you can press Star 1 to make a comment.

Coordinator: There no comments in the queue at this time. One moment, we have a comment coming in. One moment please.

Elizabeth Appel: Great thank you.

Coordinator: (Clarence Greene), your line is open.

(Paul Beirton): Yes this is (Paul Beirton), but (Clarence Greene) is with me, just had a comment on or I guess a question on whether these miles are included in the funding formula currently?

Elizabeth Appel: LeRoy would you mind addressing the question?

LeRoy Gishi: Yes. The qualifier for the mileage the statutory formula is primarily a mileage measurement that's in the inventory. And it's - if there were roads that were in the inventory that qualified as non-tribal and non-BIA on October 1, 2004 and one of those roads that was in the inventory at that time was a road that would fit into this category then it was included and is - continues to be included in a funding formula as adopted and as passed by Congress and signed by the President in - as far as Map 21 in 2012.

Roads which are owned by the BIA and who are tribal roads the timeline for those roads in the database is at the end of fiscal year 2012. So those roads would be in there. If they were roads that were added to the inventory after 2004 that are non-tribal and non-BIA in other words owned by other entities that qualify under the law to be included in this which is the other categories of ownership or states municipalities, counties other federal agencies and so from that standpoint those would not be included and are not included in the formula at this time.

And then of course for BIA and tribal owned any roads that are - that are not in the inventory prior to that end of 2012 are not included in the formula.

(Paul Beirton): Thank you.

Coordinator: The next question or comment comes from (Misty Rickwald). (Misty) your line is open.

(Misty Rickwald): Good morning. I just wanted to make a comment that we haven't been able to include some of our important - some roads that lead to very important ceremonials sites for our tribe the (Cutta) Tribe, due to this 15 mile limit.

Elizabeth Appel: Thank you for that information.

Coordinator: The next questioner or comment comes from Dakota Longbrake. Your line is open. Excuse me Dakota I believe you're on mute. If you hit Star 6 we'll be able to hear you.

Dakota Longbrake: Star 6. How about now? Can everybody here me?

Elizabeth Appel: Yes, thank you.

Dakota Longbrake: And good morning, good afternoon. My question is along with these questions is there a proposed change that will be presented into this call?

Elizabeth Appel: There is not now as of currently. I am participating on behalf of the Office of Regulatory Affairs in case a regulatory proposal does come out of this issue but at this point we are just gathering information on how tribes feel about this provision and whether it should be changed and if so how.

Dakota Longbrake: I would I guess like to make some comments on that then.

Elizabeth Appel: Great.

Dakota Longbrake: So the NTTFI, you know, ballooned from the early 2000s from 30,000 miles to well over 150,000 miles of roads that are in the inventory. A very large majority of those roads that came into the inventory are roads that are not owned by the BIA or a tribe there, county miles, state miles, roads owned by other entities that get their own construction dollars and maintenance dollars from other sources of funds already.

That being said, the TTP program in general is a severely underfunded program just trying to take care of the BIA owned miles and the tribally owned miles that are already in the system. And now we have an inventory that's four or five times bigger than it used to be and the funding has gone up some.

But the TTP program is essentially being tasked with not only trying to maintain and keep construction up with Indian owned roads it's also now building and fixing the roads that are owned by non-Indians. So you're already taking a program that's taxed before with not enough funding and now we're extending funding to other entities of governments that already have construction dollars.

The access road problem -- and I'm just going to use South Dakota as an example -- there are lands in the Black Hills that are tribally owned miles that are 150 miles from a reservation. An access road coming from - we'll just use my tribe, the Cheyenne River Sioux Tribe. To build a road from there to the Black Hills would be 150 miles long.

All of the miles are not covered in reservation. They're covered in county owned stuff, deeded stuff state of South Dakota stuff. To me it's the responsibility of the state of South Dakota and them counties that are that whose land we're crossing over to build that road.

Why are we taxing the TPP program to build a road that should be built by other entities of the government? That is my biggest concern with access roads and extending all of these miles and where the TPP program has kind of shifted.

Elizabeth Appel: Okay, thank you for that. So would you have any suggestion for maybe if there - it sounds like there isn't already and excuse me for my ignorance, but there should be a limitation on what can be included in the inventory so that it's limited just to tribally or BIA owned roads so that we don't have those state and county mileage visits in there?

Dakota Longbrake: Well so those limitations are already in place. Those miles are already in the inventory. But, you know, there is a limit to how far you can go off the reservation now that was negotiated, worked on and put into regulations that came out in December 2017.

This has been discussed, negotiated and put into the regs already. And now we're having a meeting today talking about changing this portion of the regs that were already pre-negotiated essentially with tribal consultation to do a new set of regulations.

I've not - I'm talking about changing the NTT - the NTTFI as it is now but I am worried about adding more and more and more miles of non-Indian owned roads that in the future are going to take TTP construction dollars to fix.

Elizabeth Appel: Okay. Okay that's great input. Thank you. Did you have other comments?

Dakota Longbrake: Thank you. Not right now.

Elizabeth Appel: Okay thank you very much.

Coordinator: The next comment comes from (Rakid Ferris). Your line is open.

(Rakid Ferris): Hi. It's from (Rakid Ferris). My question is there's for example we have a road that goes from the reservation to another reservation about 50 miles away, 45, 50 miles away and that road it's now a state road but at the time it was constructed it was constructed under the auspices of the treaty is done with tribal funds from the treaty.

Right now that road, you know, although it's a treaty road is not I guess on the inventory and that's something that I was wondering about because at the time when this road was built it was built with tribal funds.

Elizabeth Appel: So that's interesting it goes to ownership of the road. LeRoy did you have any comment on that?

LeRoy Gishi: The regulations and the law as it's been established in the last 25 years by Congress that manages this program is part of the process that identifies simply that public authorities, public authorities, any entity that has responsibility to finance toll and non-toll roads in which they are responsible for maintenance responsibility generally associated with the lands that in which those roads are located.

And so for that period of time the regulations statutes have established how those roads are to be managed and handled. And there are many instances out there just as was described in a lot of the remote and rural areas where you have distances that are between communities and they have been built with different type of funds.

What we're looking at here is the most recent regulations and laws that manage the Tribal Transportation Program. The definition which has gone through numerous reviews since the incorporation of this program into the federal land management Federal Lands Highway Program for US DOT is a public road that provides access to or is within. And that the within is fairly - well it's even tough but it's a little easier to define because it's within the exterior boundaries of a - of tribal land reservations, communities and so forth.

It's the access roads that we continue to get questions that again is being discussed here. And part of what you're looking at here is, is that access that's been defined in regulation is there should be an allowed distance outside the tribal boundary in which a tribe, a native community that has access to these funds ought to be able to participate in a program to get access to a road or another public corridor that they can access whatever services they want and need. And that's why that 15-mile limit was put in there and it was part of the negotiated rule-making process. Thank you.

Elizabeth Appel: Thank you LeRoy. And okay we have our next caller. It looks like Mr. (Ferris) disconnected.

Coordinator: The next question I have is - or comment is from (Misty Rickwald). Misty your line is open.

(Misty Rickwald): Hello. So (unintelligible)...

Elizabeth Appel: Hi.

(Misty Rickwald): ...are extremely important to the (Cutter) Tribe because we have three separate areas where there's 120 miles distance between one end to the other that have non - well it's all indigenous land but we can't - we aren't able to actually claim it that way.

So we have a state route that leads through from one end to the other. And then there are, you know, US Forest Service routes intermingled here and there out - are gathering areas and other sites. So if we're unable to for instance include a US Forest Service route to a location that is an important ceremonial area or gathering site and they don't improve the road because they don't seem to be doing any road improvement in our area at all anymore, we're - we have no way to collaborate with them and improve that road as a partner with them and, you know, include some of our funds to fix those roads.

So the 15 mile limit is just too minimal for us in our area. We, you know, with the 120 miles between one community to the next is just that we have like one community. It goes 50 miles to the next community and then another, you know, 100 or, almost 100 miles, 75 miles or whatever to the next community which are we have one main lifeline access route between all of those communities which is a state route in that instance but then we - to get to a gathering area like I said it's usually a forest service or a county route.

And we've been able to in the past sometimes if it's within 15 miles, we've been able to collaborate with them and improve those routes. But if it's not then those roads don't get improved and then we're stuck with that situation.

Elizabeth Appel: Thank you Ms. (Rickwald). So would you propose an alternative mileage or another approach?

(Misty Rickwald): Yes I would propose to increase the 15 mile limit.

Elizabeth Appel: Okay thank you.

Coordinator: The next is (Robert Endicott). Your line is open.

(Robert Endicott): Can you hear me?

Elizabeth Appel: Yes thank you.

(Robert Endicott): Okay my question is is this being introduced to us for the means of making these roads just eligible for funding because one concern that I have is that in the future that those roads could be somehow added to the inventory in place of additional burden on the funding formula if someone were to...

Elizabeth Appel: Hello? Mr. (Endicott).

Coordinator: One moment please. We had a technical error. One moment please. Okay Mr. (Endicott) are you still there sir?

(Robert Endicott): Yes.

Coordinator: Okay. Could you - I apologize. We had a technical error. Could you please repeat that last sentence?

(Robert Endicott): Well I'm not sure where you - where would you like me just to restate?

Elizabeth Appel: Sure. You were asking about whether the intent is to make them eligible for funding.

(Robert Endicott): Yes that's a concern that and right now as Mr. Gishi had pointed out earlier that these roads would not be under the current statute. But if thousands and thousands of miles were to be added to the inventory and somehow be included in a funding formula at a later time that could be catastrophic in terms of the shifts and changes.

However I don't see a problem with a little bit of additional mileage as long as it did not or would not burden the existing funding formula. I know people have the need to get from one place to another. The only thing is that, you know, where does it end? You know, does it end at a 50 miles or 100 miles or 200 miles.

You know, there is all kinds of different situations throughout the country where if you tried to put a mileage limit on it then it you're going to have a problem like we have now with the 15 miles. So...

Elizabeth Appel: Okay.

(Robert Endicott): If there be some way where you could look at something else besides a mileage termini in other words maybe to the next functional classification of a highway or the next tribal land or whatever that would probably make more sense. But again I am very concerned about additional miles being placed or being eligible for the funding formula at a later time. Thank you.

Elizabeth Appel: Thank you.

Coordinator: The next is (Bo Ellis). Your line is open.

(Bo Ellis): Can you hear me?

Elizabeth Appel: Yes thank you.

(Bo Ellis): Okay. My question is which regions are most heavily impacted by the limitation? And with that I do have a statement behind that is I think that I support the negotiated limit of 15 months.

Elizabeth Appel: Okay. I don't have the data to show which regions are most affected, but I can tell you that we have heard primarily from tribes in Alaska that the mileage limitation is troublesome for them. And I don't know if maybe LeRoy has that data at his fingertips or not.

LeRoy Gishi: Interestingly enough we have data that identifies specifically for instance, proposed roads. We can pretty much tell you at any given time the number of miles for proposed roads by location, state, congressional district tribe. But access roads is a category of road that basically is looking at a very narrow part of the program in terms of the intent as was stated earlier.

So an access road that's why to put a limitation on it with through the rulemaking process through negotiation was an effort to identify that at an instant that a road project is being proposed and there are any number of thousands and thousands of road projects that are proposed as part of the Transportation Improvement Program each year that those portions would then be reviewed individually as a project.

And of course at that point the feasibility of the project and what it entails in terms of length would enter in as an access road or not. Just by definition an

access road is just that it provides access to an area that is identified with a specific boundary or identifier. It means just outside and as indicated, it generally belongs to from a responsibility standpoint.

I think Mr. - the gentleman from South Dakota pointed out that gives his example of how that was laid out also. That's essentially we don't have a way, I mean if we intently looked at what those strip maps were then obviously we could probably come up with a better number.

Elizabeth Appel: Okay so but your underlying comment Mr. (Ellis) was that you support the negotiated 15 mile limitation?

(Bo Ellis): Yes I do.

Elizabeth Appel: Okay. Did you have any other anything else you wanted to add?

(Bo Ellis): Other than that, no. I was just share some of I guess Mr. (Endicott)'s concerns of in the future if we allow, you know, maybe 150, 120 mile access road is that going to affect the funding formula in the future? And so that is a concern.

Elizabeth Appel: Okay so you're concerned about adding mileage to if we were to add mileage through the regulations that ultimately if Congress changes the funding formula then that would affect?

(Bo Ellis): Yes that would have an impact on everyone's funding and these roads are outside of anybody's boundaries or tribal jurisdictions.

Elizabeth Appel: Okay. Okay thank you very much. And do we have any other comments?

Coordinator: Our next is from (Todd Mulvay). (Todd) your line is open.

(Todd Mulvay): Thank you. Thanks for letting me ask another question. I'm wondering if you took out all of the access roads that are part of the formula now -- and I know they're from 2004 and before -- but just curious what the percentage of the funding is going towards that mileage, how that would change the distribution?

Elizabeth Appel: LeRoy did you want to tackle that question? LeRoy's probably doing that in his head.

LeRoy Gishi: I'm sorry. I went from unmuted to muted when I should have been doing just the other.

When the statute was being developed in terms of the current formula one of the things that they were looking at was again mileage. They were - the mileage that is in the formula is essentially a snapshot of total miles associated with those dates and what was in the inventory at that time.

It did not consider whether the road was - it did not specify whether the road was proposed, whether it was access, whether it was paved, whether it was gravel, whether it was primitive, whether it was two lanes or four lanes. It only specified mileage. So unlike the previous formula that surface type and the need, the cost to improve that road was a factor in the formula, this new formula under Map 21 only looked at miles.

So part of that process would have to be to do an extensive search into those kinds of categories. And of course the - it represents a small part of the total inventory in terms of the numbers that were being utilized in the formula. But it we could probably get an estimate and be able to do that because what

makes it difficult is like for proposed roads, we could go there and determine what that is because that is a, what do they call it, a column in our inventory database. Instruction need (for is) proposed roads.

So we can find those miles and we can find those roads and we can do that. Access roads is a little more difficult to be able to do.

But generally again if it's an access road they probably are fairly close to by definition the same ones that are also proposed roads. And the reason why is proposed roads are roads which are being proposed but do not exist. And most of the roads that are within tribal boundaries, tribal lands regardless of length, those are accepted and are part of the eligibility process for the program.

Thank you.

Coordinator: Our next question is from Dakota Longbrake. Dakota your line is open.

Dakota Longbrake: Hey everybody, I just kind of wanted to make a little bit of clarification. And LeRoy and Andy if I misspeak on this (unintelligible) for me.

But the access roads to go from the outside border of tribal land to the junction of a road of equal or higher classification. So if you're going 2 miles off of a piece of tribal land and you hit another road or a state highway or anything of equal class or higher class, then that access road stops at that junction.

Also any piece of tribal land outside the reservation, so if you have a piece of tribal land 60 miles away, and you can add the access road for 15 miles off of that piece of tribal land as well. If that's a good definition we'll leave it at that.

I wanted to add that I do support the negotiated mileage as well. I think it should stay that way. And I also have a huge worry about - I like the word additional burden to the funding formula. If at some point in time Congress does decide to change the funding formula, you know, there's potentially thousands and thousands of miles of access road that can come into the inventory that's not in there right now and greatly affect the formula and how it's distributed between all of us as it stands now.

Well there's mileage that tribes have added to the inventory from 2012 to now through Map 21 and the FAST Act that do not count whatsoever. None of those miles count towards the funding formula now.

At some point in time Congress is going to have to look at that and all these new miles that aren't generating funding for a tribe and they're going to have to update the funding formula at some point. And the worry is, is when that's done if all these access road miles become eligible for construction funding we're going to have a large shift in funding for tribes.

And my worry is almost all of that mileage of access roads are roads owned by other entities, not BIA roads and not tribally owned roads. The TTP formula is going to be opened up for an additional burden to fix roads owned by others. Thanks.

Elizabeth Appel: Thank you.

((Crosstalk))

Elizabeth Appel: I'm sorry, go ahead (Lynn).

Coordinator: My apologies. At this time we have no other questions in the queue.

Elizabeth Appel: Okay thank you. We've heard so far a lot of concerns with funding if there were any change made to the 15 mile limitation. I'm wondering if anyone on the call other than (Karoke) who has addressed this question would be interested in addressing how the existing 15 mile limit has impacted your tribe or if this hasn't? Or if you'd like to address any of the other questions or provide any other comments please feel free.

Coordinator: If you would like to make a comment please press Star 1 from your phone, unmute your line and speak your name clearly when prompted. Your name is needed to introduce the question. One moment as we wait for any questions or comments. (Clarence Green), your line is open. Excuse me, are you on mute right now? If you do Star 6, unmute yourself.

(Clarence Green): Now can you hear me?

Elizabeth Appel: Yes thank you Mr. (Green).

(Clarence Green): Okay. I guess I've got three comments. With very limited funds of 500 the first one would be the 15 mile limit should remain as previously negotiated in my view. Two, only included - include routes with BIA or tribal ownership. Three must have documented right-a-way. That's my feeling about this. Thank you.

Elizabeth Appel: Thank you.

Coordinator: The next is from (Terry Holman). (Terry) your line is open.

(Terry Holman): Thank you. I just want to say also that I support the negotiated 15 mile limit as well for pretty much the same reasons, you know, the, you know, possibility of it really changing a lot of things with the formula. Thank you.

Elizabeth Appel: Okay thank you.

Coordinator: Again if you would like to make a comment please press Star 1 from your phone, unmute your line and speak your name clearly. When prompted your name is needed to introduce the question. One moment as we wait for questions or comments.

The next is from Vivian Korthius. Your line is open.

Excuse me I believe you're on mute. Would you please unmute yourself by doing Star 6. Excuse me Miss Korthius, I believe your line is muted. If you can unmute yourself we'll be able to hear you for your comment.

Elizabeth Appel: It sounds like President Korthius may be having technical difficulty.

Vivian Korthius: Hello. Can you hear me now?

Elizabeth Appel: Yes hello.

Vivian Korthius: Hi. I wasn't sure if I would be able to get on. Thank you for having this consultation.

My name is Vivian Korthius. I serve as the CEO for the Association of Village Council President in Bethel, Alaska. We are a tribal consortium of 56 tribes serving all those tribes on the Yukon River, Kuskokwim River and Bering Sea Coast of Western Alaska.

I called in today to share our thoughts on the 15 mile limit. I will summarize my thoughts and I will give testimony when Alaska is - the Alaska consultation is scheduled.

We are a roadless region. We have no roads connecting any of our communities. The seasons impact our transportation needs between our villages and beyond with our the cities.

We are in the extreme Western Alaska where our rivers and our tundra are by either by snow machine or boat and many times with planes. So right now we are in a COVID crisis situation. Our furthest village from our community of Bethel where the hospital is costs about \$900 to get here. I know that there are so many aspects to the 15 mile limit but for us it does not make absolutely no sense because it doesn't make sense for this limitation to exist.

Between our villages we have sometimes a couple miles up to several hundred miles. For example my hometown if I were to go straight I'd have to cross two different rivers, a whole delta and there is absolutely no road so I'd have to fly.

One other things that concerns us is that this really puts our tribes in a position where the intent of Congress is not being met. One of the greatest challenges that we have is to save lives in our region and saving lives by preventing things like falling through the ice or having our communities have to travel 30, 40, 50 miles to bury someone or go to a (Popach) in the next community in unsafe conditions concerns us all.

So we have prepared written statements. We are not in favor of the 15 mile limit and we could absolutely look at alternatives for holding roads accountable from their funding sources. But as of right now we do not support

the 15 mile limit because of these - the intent of Congress and because of the reality that we live in today.

So I'll make all of my comments available in written format but I just wanted to voice my opinion and share that in this teleconference right now. Thank you.

Elizabeth Appel: Thank you very much for that input.

Coordinator: There are no other questions in the queue. As a reminder if you would like to ask or make a comment press 1 from your phone, unmute your line and speak your name clearly when prompted. Your name is needed to introduce the question. One moment please while we wait for additional questions or comments.

There are no other individuals in the queue at this time.

Elizabeth Appel: Okay. For anyone who may have joined us a little late today we are discussing the mileage limitation in 25 CFR Section 170.447 which provides 15 mile limitation on access roads.

Coordinator: We do have a question in the queue now. One moment please. Raymond Concho, Jr., your line is open.

Raymond Concho, Jr.: Yes good afternoon. Hopefully you can hear me.

Elizabeth Appel: Yes good afternoon.

Raymond Concho, Jr.: Yes thank you very much. Again my name is Raymond Concho, Jr. I'm with the Community Development Office with Pueblo of Yakima which is located here in New Mexico.

In regards to the regulation on the 15 mile limitation, this is acceptable. It is fine with our tribe that we're able to work within this range so I support discussion to keep it as is. Thank you.

Elizabeth Appel: Thank you.

Coordinator: As a reminder for those that just joined you're free to ask a question or make a comment and press Star 1 from your phone, unmute your line and speak your name clearly. The next question comes from Kade Ferris. Kade, your line is open.

Kade Ferris: Okay. I guess as far as the - what Dakota Longbrake had said earlier, nation is in agreement with that is that we know with the access roads 15 miles is sufficient because the roads, the funding is supposed to be for tribal transportation for tribal roads, not for county roads that are receiving funding already. So I think that ensuring that funding is going to tribal projects, not to supplement state and county projects is really key.

Elizabeth Appel: Okay. Great thank you for that.

Coordinator: As a reminder if you'd like to make a comment please press Star 1 on your line at this time. Thank you. There are currently no questions in the queue.

Elizabeth Appel: Okay well I'll run through the questions one more time in case it prompts any follow-up. "How has the existing 15 mile limit impacted you all, particularly those of you who are in remote and rural regions?"

"What criteria other than mileage could be used to determine which access roads should be included in the inventory and how could regional differences that affect access to infrastructure be factored into determining which access roads should be included in the inventory?"

Coordinator: Okay (Misty Rickwald) your line is open (Misty). Excuse me I believe you're on mute. If you unmute yourself Star 6 you'll be able to talk (Misty).

(Misty Rickwald): Sorry. I had myself on my own mute on the phone.

Elizabeth Appel: Totally understandable.

(Misty Rickwald): So after listening to Dakota Longbrake's comments it does make more sense. I'm not interested in revisiting and changing the formula. I didn't realize that that was what was the purpose of this call was.

I didn't receive a letter personally so I wasn't able to read that. I don't know if you send it out to just the tribal leaders and then they were passed - supposed to be passed on but anyway. So anyway my comment, I would like to change that.

I'm not interested in changing the formula and revisiting that at this time for the same reasons that he specified earlier that it could cause issues with the formula and distribution and the burden that it would place on tribes.

Elizabeth Appel: Okay. So you still would want mileage beyond 15 miles included on the inventory but you wouldn't necessarily advocate that the Congressional formula be, funding formula be changed that...

(Misty Rickwald): Yes that's correct at this time.

Elizabeth Appel: Okay.

(Misty Rickwald): And I would propose a limit on those miles of 50 miles.

Elizabeth Appel: Fifty okay. Thank you.

Coordinator: As a reminder if you'd like to make a comment please press Star 1 from your phone, unmute your line and speak your name clearly when prompted. Your name is needed to introduce the question. If you'd like to withdraw that question please press Star 2. One moment please as we wait for additional questions.

The next question comes from (Howard Brown) or comment, excuse me.
(Howard) your line is open.

(Howard Brown): Thank you. Yes I was calling to make comments that the Eastern Shoshone Northern Arapaho Tribes of the Wind River Reservation are fine with the 15 mile limit of access roads and...

Elizabeth Appel: Okay.

(Howard Brown): And in regards to the criteria of mileage I don't know how that might be possible to create criteria for specific for access roads other than what's already been negotiated and agreed to. And it is in the regulation.

Elizabeth Appel: Okay thank you very much.

(Howard Brown): And then the other I guess the other comment based on other callers as well is the factors, one should be if there is right-of-way and one is - another one should be if it's a roadless area, if a road can actually be constructed in the feasibility. Feasibility is huge. I mean some of these individuals are saying well we - to access another reservation or another tribal piece of land it's 100 - over 100 miles. I mean it would take forever to build up and phase funding to build 100 miles of road. It's - I think it's not doable. So that's my comments. Thank you.

Elizabeth Appel: Okay thank you very much.

Coordinator: There are no other questions in the queue or comments in the queue at this time.

Elizabeth Appel: Do we have any other questions or comments or I also want to make sure that our federal folks Matt and LeRoy and Andy have an opportunity to ask any follow-up questions they'd like if they'd like to.

Coordinator: We do now have a question in the queue or a comment in the queue.
(Catherine Trujillo) your line is open.

Elizabeth Appel: Great thank you.

(Catherine Trujillo): Yes thank you. I would just like to make the comment that I'm in support of the current 15 mile rule at least for the tribe that I work for. And I believe that adding additional mileage would take away funding from tribes to deal with the tribal mileage that we have to take care of. Thank you.

Elizabeth Appel: Okay thank you.

Coordinator: And there no other questions in the queue at this time. Truman Carter is next.
One moment please. Truman your line is open.

Truman Carter: Can you hear me?

Elizabeth Appel: Yes thank you.

Truman Carter: My name is Truman Carter. I serve as a transportation planner for the Sac and Fox Nation and the Iowa Tribe of Oklahoma. And what we found out I've been doing this since 1987 is the current 15 mile limit is working in practice. It is acceptable, has been negotiated.

And having said that I think that what is facing the inequity if you will regarding the 15 mile limit in certain tribal cases is something that Congress is going to have to deal with much like Congress did with the number of bridges is not equal in each tribal reservation area.

So that we think that probably Congress needs to provide additional or supplemental funding for qualifying facilities that are in excess of the 15 mile regulation as it now stands. And those tribes who want to go after the supplemental funding just as they go after bridge funding would go after any facility in excess of 15 miles. And this would in my mind would be eligible to any tribe to apply for funding just as they do for the bridge funding.

That might be a way to resolve this. It is additional funding but that's the one thing that concerns all of the tribes who now have viable functioning tribal transportation programs. Thank you.

Elizabeth Appel: Thank you.

Coordinator: As a reminder if you would like to make a comment please press Star 1 and unmute your line. If you would like to withdraw your question, please press Star 2. One moment as we wait for additional comments. There are no additional comments in the queue at this time.

Elizabeth Appel: Okay I want to make sure that everyone who wants to make a comment has the opportunity to before we close out. In the meantime, is there anyone on the federal side who has any follow-up questions that they'd like to pose to tribes?

Matt Kelly: Liz this is Matt, no at this time. Thanks very much.

Elizabeth Appel: Thank you.

LeRoy Gishi: This is LeRoy. I do not have any questions. Thank you.

Elizabeth Appel: Thank you.

Coordinator: Excuse me Miss Appel, do have another comment that just came through. Anthony...

Elizabeth Appel: Oh great.

Coordinator: ...Broncho, Anthony your line is open.

Anthony Broncho: Yes good afternoon, good morning, good evening. Anyway...

((Crosstalk))

Elizabeth Appel: (Unintelligible).

Anthony Broncho: I'd like to make a comment. I'm for this 15 miles because, you know, it's just like what was stated earlier, I think having all the proper documentations, right-a-ways and everything else, you know, I take that that's the process that, you know, we've always been going to. And I think what's being proposed is good. That's all I have to say.

Elizabeth Appel: Thank you.

Coordinator: As a reminder if you'd like to make a comment you can press Star 1, unmute your line and speak your name clearly when prompted. Again Star 1. The next comment comes from Dennis Peralta. Dennis your line is open.

Dennis Peralta: Hello. This is Dennis Peralta with San Felipe Pueblo in New Mexico.

Elizabeth Appel: Hello.

Dennis Peralta: We are in favor of the 15 mile limit. Thank you for the access roads.

Elizabeth Appel: Thank you Mr. Peralta.

Coordinator: There are no other questions in the queue at this time.

Elizabeth Appel: Okay. Andy did you have anything? I think we cut you off? I'll take that as a no. Do we have any other tribal representatives who would like to comment?

Coordinator: (Catherine Trujillo), (Catherine) your line is open.

(Catherine Trujillo): Thank you. I just realized that I didn't state which tribe I was with. I'm with Isleta Pueblo located just south of Albuquerque, New Mexico. Thank you.

Elizabeth Appel: Thank you very much.

Coordinator: Again if you would like to make a comment please press Star 1 now. Anthony Broncho, your line is open.

Anthony Broncho: Yes I apologize, I forgot to say who I was also. My name is Anthony Broncho and I'm with the Shoshone Bannock Tribe out here in the Northwest region.
Thank you.

Elizabeth Appel: Thank you Mr. Broncho.

Coordinator: The next is (Sherry Bozek). (Sherry) your line is open.

(Sherry Bozek): Hello good afternoon. This is (Sherry Bozek) representing the Pueblo Jemez in New Mexico. We are also in favor of 15 mile limit.

Elizabeth Appel: Thank you Ms. (Bozek). Do you have any other comments?

(Sherry Bozek): Not at this time. Thank you.

Elizabeth Appel: Thank you so much.

Coordinator: There are no individuals in queue at this time.

Elizabeth Appel: Okay. Do we have any other comments it seems like comments are slowing down. If we need to we'll wrap up a little early. I also wanted to let everyone know that you're welcome to send written input to consultation@bia.gov and we'll include that in the record.

Coordinator: As a reminder if you like to make a comment today please press Star 1. There are no comments in the queue at this time.

Elizabeth Appel: Okay. Well I will give a last call then for anyone who would like to make a comment please do so now.

Coordinator: There no individuals in the queue at this time.

Elizabeth Appel: All right well I want to thank everybody who joined us today and thank you for providing your input on this topic and we are also hosting two additional sessions on this topic which will be focused on the impact in Alaska for Alaska tribes. The first will be today at 4:30 Eastern Time and the second will be Tuesday, January 19 at 4:00 pm Eastern Time if you'd like to join one or both of those.

And I guess I'll open it up, Matt did you have anything that you wanted to say in closing?

Matt Kelly: No other than to thank everybody for their participation and their thoughtful comments.

Elizabeth Appel: All right well thank you everyone again. Please stay safe and that concludes our consultation.

LeRoy Gishi: Liz?

Elizabeth Appel: Yes?

LeRoy Gishi: Thank you.

Elizabeth Appel: Can I just you had a had come in earlier how many people do we have on the line today?

Coordinator: Excuse me, we're still in conference. One moment please. Thank you for participating in today's conference. Please disconnect now.

END