



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

DEC 16 2020

Dear Tribal Leader:

The Tribal Transportation Program (TTP) is authorized under Chapter 2 of Title 23 and jointly administered by the Department of the Interior (Department) and the United States Department of Transportation – Federal Highway Administration (FHWA).<sup>1</sup> As directed by Congress, the regulations governing the TTP are published by the Department at 25 C.F.R. Part 170 (regulations).<sup>2</sup> One purpose of the TTP is to provide safe and adequate public roads that are within, or provide access to, Tribal land while contributing to economic development, self-determination, and employment of Indians and Alaska Natives.<sup>3</sup>

In order to be eligible for assistance using TTP funds, roads and other transportation facilities must be in the National Tribal Transportation Facility Inventory (NTTFI).<sup>4</sup> The regulations limit the maximum length of access roads that may be included on the NTTFI for eligibility purposes to 15 miles.<sup>5</sup> 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. This raises the question of whether the one-size-fits-all mileage limitation can adequately accommodate the diverse geographic and regional conditions affecting the transportation needs of Tribes and their members, or whether a different approach may better fulfill the TTP's purpose.

I invite you to participate in consultation sessions on the access road eligibility criteria in 25 C.F.R. § 170.447. The schedule for the consultation sessions is listed below and includes sessions at times intended to accommodate Tribes in Alaska and the lower 48 States:

Consultation for:	Date	Time (Eastern Time)	Call-in Number	Passcode
Tribes in the Lower 48	January 15, 2021	2 p.m. – 4 p.m.	888-606-8412	“DOI”
Alaska Tribes	January 15, 2021	4:30 p.m. – 6:30 p.m.	800-857-9676	“DOI”
Alaska Tribes	January 19, 2021	4 p.m. – 6 p.m.	800-857-9676	“DOI”

<sup>1</sup> 23 U.S.C. § 202(a)(5).

<sup>2</sup> 23 U.S.C. § 202(b)(2).

<sup>3</sup> 81 Fed. Reg. 78456-57 (Nov. 7, 2016); *see also* 23 U.S.C. § 202(a)(1)(C) and (b)(1)(B)(6).

<sup>4</sup> 23 U.S.C. 101 (a)(31) and 23 U.S.C. § 202 (b)(1)(A).

<sup>5</sup> *See* 25 C.F.R. § 170.447.

To assist in our discussions, and to ensure that the Department gathers all relevant information and views, I include the following questions as a starting point for our discussions:

- How has the existing 15-mile limit impacted Tribes, particularly in remote and rural regions?
- What criteria other than mileage could be used in determining which access roads may be included in the NTTFI?
- How regional differences that affect access to transportation and construction infrastructure could be factored into determining which access roads may be included in the NTTFI?

I also encourage you to send comments or inquiries to [consultation@bia.gov](mailto:consultation@bia.gov) as well. If you would like additional information or have further questions, please contact Mr. Matthew Kelly, Counselor to the Assistant Secretary – Indian Affairs, at (202) 208-4319.

Sincerely,



Tara Sweeney  
Assistant Secretary – Indian Affairs