



Federal Permitting Improvement Steering Council

1800 M Street, NW, Suite 6006 | Washington, D.C. 20036

December 30, 2022

VIA EMAIL

SUBJECT: Tribal Consultation on Funding Transfers to Tribes for FAST-41 Projects - Adding an Additional Consultation Date and Extending the Comment Period

Dear Tribal Leaders,

The Federal Permitting Improvement Steering Council (Permitting Council) Executive Director will allocate \$5 million to be made available to Federally recognized Tribes in order to enhance Tribal engagement in the permitting review and authorization process for FAST-41 covered projects.¹ The \$5 million will be an initial investment from funds appropriated to the FAST-41 Environmental Review Improvement Fund in the Inflation Reduction Act (IRA). The Permitting Council Executive Director may also reevaluate the need for additional funding at a later date.

As the Permitting Council Executive Director works to develop the criteria for transferring the funding to Tribes, we cordially invite you to a consultation to provide feedback on the range of needs Tribes have in order to engage meaningfully throughout the environmental review and authorizations process for infrastructure projects that are or may become FAST-41 infrastructure projects. **The feedback given during consultation will assist the Permitting Council Executive Director in developing the criteria of eligible activities and capacity building tools that can be funded.**

The Permitting Council Executive Director will send out a framing paper and an agenda for this consultation at least 30 days prior to the first consultation date.

Registration

The consultations will be held virtually on the dates below. Registration is required to participate in the consultation.

- February 15, 2023 from 2:00-3:30 pm ET
 - [Click here](#) to register.
- February 16, 2023 from 3:00-4:30 pm ET
 - [Click here](#) to register.
- February 23, 2023 from 3:00-4:30 pm ET
 - [Click here](#) to register.

¹ 42 U.S.C. 4370m-8(d)(3).



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Background

Established in 2015 by Title 41 of the Fixing America’s Surface Transportation Act (FAST-41), the Permitting Council is a unique Federal agency charged with improving the transparency and predictability of the Federal environmental review and authorization process for certain critical infrastructure projects. The Permitting Council is comprised of the Permitting Council Executive Director, who serves as the Council Chair; 13 Federal agency Council members (including deputy secretary-level designees of the Secretaries of Agriculture, Army, Commerce, Interior, Energy, Transportation, Defense, Homeland Security, and Housing and Urban Development, the Administrator of the Environmental Protection Agency, and the Chairs of the Federal Energy Regulatory Commission, Nuclear Regulatory Commission, and the Advisory Council on Historic Preservation); and the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget.

The Permitting Council coordinates Federal environmental reviews and authorizations for projects that seek and qualify for FAST-41 coverage. FAST-41 covered projects are entitled to comprehensive permitting timetables and transparent, collaborative management of those timetables on the Federal Permitting Dashboard. FAST-41 covered projects may be in the renewable or conventional energy production, electricity transmission, surface transportation, aviation, ports and waterways, water resource, broadband, pipelines, manufacturing, mining, carbon capture, semiconductors, artificial intelligence and machine learning, high-performance computing and advanced computer hardware and software, quantum information science and technology, data storage and data management, and cybersecurity sectors. For a full list of current projects covered under FAST-41 please refer to the [Permitting Dashboard](#).

Enacted on November 15, 2021, the Infrastructure Investment and Jobs Act. Pub. L. No. 117-58, amended 42 U.S.C. § 4370m-8(d) and authorized the Permitting Council Executive Director to transfer funds to state, local, and tribal entities “to facilitate timely and efficient environmental reviews and authorizations” for FAST-41 projects. The Executive Director makes transfers from the Environmental Review Improvement Fund, which Congress funds pursuant to direct appropriations.

Scope of Consultation

The Permitting Council considers it a priority to address the needs of Federally recognized Tribes affected by infrastructure projects. The Permitting Council Executive Director understands the capacity issues that Tribes face when asked to weigh in on the environmental review and authorizations process for FAST-41 infrastructure projects.

Tribal engagement for FAST-41 infrastructure projects is critical to identify and protect natural, archeological, and cultural resources and locations of historic and religious significance in the area of the project. The Executive Director has been informed by Tribes of the need for



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additional capacity and resources to engage in the environmental review and authorizations process for FAST-41 infrastructure projects.

The Permitting Council Executive Director is hosting these consultations to gain an understanding of what types of resources Tribes need in order to participate meaningfully in the environmental review and authorization process for FAST-41 infrastructure projects to facilitate timely and efficient environmental reviews and authorizations. Information shared by Tribes in this consultation will assist the agency in developing the criteria for what types of resources and activities would be eligible for funding.

Written Comment

The Permitting Council Executive Director encourages Tribal leaders to submit written consultation remarks to fast.fortyone@fpisc.gov by March 10, 2023.

Questions

Please contact PoQueen Rivera, Director of Tribal Affairs, for the Permitting Council at poqueen.rivera@fpisc.gov if you have any questions.

Building the Nation-to-Nation relationship is a priority for the Permitting Council. On behalf of the Permitting Council, we look forward to consulting with you on this important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "CHH", is written over a thin blue diagonal line that extends from the top left towards the center of the page.

Christine Harada
Executive Director
Federal Permitting Improvement Steering Council