



Federal Permitting Improvement Steering Council
1800 M Street, NW, Suite 6006 | Washington, D.C. 20036

FRAMING PAPER
TRIBAL CONSULTATION ON
DRAFT TRIBAL ENVIRONMENTAL REVIEW IMPROVEMENT FUND ERIF APPLICATION

Hosted by the
Federal Permitting Improvement Steering Council

July 10, 2023 from 3:00-4:30 pm ET

INTRODUCTION

The Federal Permitting Improvement Steering Council (Permitting Council) Office of the Executive Director (OED) is focused on addressing the needs of Federally recognized Tribes affected by FAST-41 infrastructure projects. The Permitting Council Executive Director recognizes the capacity issues that Tribes face when asked to engage in the Federal environmental review and authorizations process for qualifying FAST-41 infrastructure projects. Providing funding to support capacity building for Tribal governments to meaningfully participate in environmental reviews such as NEPA and consultations under Section 106 of the National Historic Preservation Act is critical to identify and protect natural, archeological, and cultural resources and locations of historic and religious significance in project areas.

The OED committed to an initial allocation of \$5 million through the Permitting Council Tribal Environmental Review Improvement Fund (ERIF) available to Federally recognized Tribes. The purpose of the Tribal ERIF is to enhance Tribal engagement in the environmental review and authorization process for FAST-41 covered projects. The Permitting Council Executive Director may consider the need for additional funding for the Tribal ERIF at a later date.

The Permitting Council Executive Director held three Tribal consultations on February 15, 16, and 23, 2023 virtually to receive feedback from Federally recognized Tribes on the range of needs they have in order to engage meaningfully throughout the environmental review and authorization process for infrastructure projects that are or may become FAST-41 covered projects. The February 2023 consultation summary report is attached to the framing paper for reference.



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BACKGROUND ON FAST-41

The Permitting Council coordinates Federal environmental reviews and authorizations for infrastructure projects that seek and obtain FAST-41 coverage. FAST-41 covered projects are entitled to comprehensive Federal permitting timetables, and transparent, collaborative management of those timetables on the Federal Permitting Dashboard by the appropriate Federal agencies. Tribes involved or consulted in the Federal environmental review and authorization process for a FAST-41 covered project may be eligible to receive ERIF funding to enhance Tribal engagement and “to facilitate timely and efficient environmental reviews and authorizations” for FAST-41 projects.¹ For a full list of current projects covered under FAST-41 please refer to the [Federal Permitting Dashboard](#).

CONSULTATION SCOPE AND TOPICS

The intended purpose of the consultation is to obtain feedback on the draft Tribal ERIF application. Following the consultation, the Permitting Council OED will incorporate feedback to the extent possible, and then release the final application for submissions.

The questions below are intended to guide discussion during the consultation, but all comments related to the topic are welcome. Written comments may also be sent to fast.fortyone@fpisc.gov by July 17, 2023.

- Do you have suggestions for improving the accessibility of the application form and process?
- Are there components of the application that require clarification and/or further instruction?
- Do you foresee requiring training or technical assistance to complete the application (including scoping and budgeting), administer and track funding, fulfill reporting requirements, or meet any other application and implementation requirements?
- Do the eligible activities align with your Tribe’s needs related to engagement in the environmental review and authorization process for FAST-41 projects?
- Are the anticipated reporting requirements reasonable and appropriate?
- Demonstrating the success of this funding program is critical for the Permitting Council to secure funding for Tribal engagement in the future. What support can OED provide to help you demonstrate the benefits of this funding?

¹ 42 U.S.C. § 4370m-8(d)(3).