



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

FRAMING PAPER:

**TRIBAL CONSULTATION ON FEDERAL PERMITTING IMPROVEMENT
STEERING COUNCIL TRIBAL CONSULTATION POLICY AND PLAN**

*Hosted by the
Federal Permitting Improvement Steering Council (Permitting Council)*

March 7, 2024 from 2:30-4:30 pm ET

SCOPE

The Permitting Council seeks to consult with Tribal sovereign nations on the Permitting Council's Draft Tribal Consultation Policy and Plan. The Permitting Council is responsible for implementing Executive Order (E.O.) 13175, "Consultation and Coordination With Indian Tribal Governments." This Policy and Plan implements E.O. 13175. The Permitting Council affirms and respects Tribal sovereignty and self-governance, and is committed to fulfilling Federal trust and treaty responsibilities to Tribes, and regular, meaningful, and robust consultation with Tribes as described herein.

The Permitting Council held four Tribal consultation sessions in 2021 to discuss Tribal infrastructure priorities, challenges and concerns and approaches to Tribal engagement and consultation with the Permitting Council. The Permitting Council has considered the comments provided in those sessions in developing this Draft Policy and Plan. Permitting Council invites Tribes to consult and provide input on this Draft Tribal Consultation Policy and Plan.

BACKGROUND

Established in 2015 by Title 41 of the Fixing America's Surface Transportation Act (FAST-41),¹ the Federal Permitting Improvement Steering Council (Permitting Council) is a unique independent Federal agency charged with improving the transparency and predictability of the Federal environmental review and authorization process for FAST-41 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 additional Council members, the Chair of the Council on Environmental Quality and the Director of the Office of Management and Budget.

¹ 42 U.S.C. §§ 4370m *et seq.*

The Permitting Council administers the FAST-41 statute, which, among other things, can bring transparency, predictably, and accountability to the Federal environmental review and authorization process for FAST-41 projects. The Permitting Council does not issue any environmental reviews or authorizations for FAST-41 covered infrastructure projects. The Permitting Council will pursue Tribal consultations related to actions that the Permitting Council undertakes pursuant to FAST-41 consistent with law and applicable policy.

The Permitting Council engages in several FAST-41 activities that may implicate the interests of Tribes, including, but not limited to: (i) identifying best practices for agencies to implement when engaging in environmental reviews and authorizations for FAST-41 “covered” projects; (ii) determining sectors of infrastructure projects potentially subject to FAST-41; and (iii) transferring funds from the FAST-41 Environmental Review and Improvement Fund Tribal Assistance Program (ERIF TAP) to facilitate timely and efficient environmental reviews and authorizations for FAST-41 projects. The Permitting Council will engage in Tribal consultations for policies and actions that have Tribal implications that are administered or undertaken by the Permitting Council. These consultations will be consistent with the Tribal Consultation Policy and Plan, on which the Permitting Council Executive Director seeks Tribal Leaders’ input. The Permitting Council will consider this input in finalizing the Draft Tribal Consultation Policy and Plan.

I. Topics for Consultation

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 April 8, 2024.

- 1. Are there components of the Draft Tribal Consultation Policy and Plan that require clarification and/or further instruction?**
- 2. Are there Tribal Consultation models or provisions you recommend for incorporation into the Draft Tribal Consultation Policy and Plan?**
- 3. Are there additional suggested steps the Permitting Council could take to improve Tribal consultation on actions or policies that the Permitting Council undertakes and make it more meaningful?**