



Rocky Mountain Tribal Leaders Council

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September 11, 2019

Elizabeth Appel, Office of Regulatory Affairs & Collaborative Action
U.S. Department of the Interior
1849 C Street NW
MIB-4660-MS
Washington, DC 20240

**Re: Subject 1076-AF45
Proposed Rule Change for Inventory of Proposed Roads.**

The Montana/Wyoming Tribal Leaders Council are writing to voice our opposition to the Bureau of Indian Affairs proposal to change a provision in the Tribal Transportation Program regulations affecting proposed roads that are currently part of the National Tribal Transportation Facility Inventory (NTTFI). Specifically, this proposed rule would delete the requirement for Tribes to collect and submit vital data in order to keep those proposed roads in the NTTFI.

There are currently nine thousand miles of "proposed roads" queued into the NTTFI. There are specific requirements for any road sections to be entered into the inventory, including rights-of-way, National Environmental Policy Act approvals, etc. Several thousand miles of the proposed roads are ineligible for inclusion into the inventory because they fail the standard of acceptance. In the past many non-existing proposed roads were added to the NTTFI in some regions when there is no possibility that such a road will ever reach the stage of a "scheduled project." **These proposed roads were added for the sole purpose of increasing tribal funding shares, therefor waiving requirements to collect data solely in order to keep these proposed roads in the NTTFI would be a travesty.**

The BIA roads in the NTTFI accounts for around 30,000 miles. The proposed ghost roads the rule is proposing to waive requirements on account for almost 9,000 miles. If the proposed rule was passed the proposed ghost roads input into the system for the sole purpose of increasing funds would generate tribal fair shares equivalent to 30% of existing legitimate BIA roads. The rule was implemented to remove these anomalies from the system. Consideration to keep them has no logic or basis of need.

Lastly, requirements to collect data and submitting data for truly needed proposed roads is not an issue. Collecting data and submitting data for unessential superfluous proposed roads input into the NTTFI only to generate funding is a major issue. Collecting data and submitting data is meant to be an intentional endeavor to deter not only future fake proposed roads but to remove existing fake proposed roads already in the NTTFI.

Based on the above facts, we respectfully request that the existing rule as contained in 25 CFR 170.443 remain as written and that the requirement for Tribes to collect and submit certain data in order to keep those roads in the NTTFI never be deleted.

Sincerely,

A handwritten signature in cursive script, appearing to read "Gerald Gray".

Gerald Gray, Chairman
Rocky Mountain Tribal Leaders Council