

The SHOSHONE-BANNOCK TRIBES

FORT HALL INDIAN RESERVATION
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FORT HALL BUSINESS COUNCIL
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August 27, 2019

The Honorable Mike Crapo
United States Senate
239 Dirksen Senate Office Building
Washington, D.C. 20510

The Honorable James Risch
United States Senate
483 Russell Senate Office Building
Washington, D.C. 20510

The Honorable Mike Simpson
U.S. House of Representatives
2084 Rayburn House Office Building
Washington, D.C. 20515

Re: Shoshone-Bannock Tribes Comments - BIA Tribal Transportation Program and Proposed Rule Change for Inventory of Proposed Roads (84 FR 36040)

On behalf of the Fort Hall Business Council, the governing body of the Shoshone-Bannock Tribes, (Tribes) I am writing to thank you for the support for our 2019 BUILD grant application, and to share our concerns with you regarding the Tribal Transportation Program and the Bureau of Indian Affairs' (BIA) proposed rule change for the Inventory of Proposed Roads. The Tribes place a high priority on the public safety of our reservation communities and for the traveling public who use our Reservation roads. Yet, due to a lack of sufficient funding, Indian Reservation roads are one of the most dangerous and least maintained in the entire United States. The disparity in funding levels to the Tribes, as compared to the State of Idaho and the various counties who are within reservation boundaries who also receive funding through taxes, provides an untenable management situation for the Tribes.

Tribal Transportation Program Funding Formula

The Tribes operate our Tribal Transportation Department through a PL 93-638 contract, under the BIA Tribal Transportation Program. Over the years, there have been numerous changes to the various transportation programs that serve Indian Reservations. In particular, several years ago the BIA changed the eligibility of roads that can be listed on a tribe's road inventory that is used to help calculate the BIA and Federal Highway Administration formula funding received by a tribe. This change enabled tribes to include state, county, and city roads on the National Tribal Transportation Facility Inventory ('NTTFI' or 'Inventory'). Since then, numerous efforts have been undertaken to change the funding formula, but they have all failed to provide equitable funding for rural and large land based tribes. Instead, the federal funding formula has favored more urban and higher population areas. Nationally, according to BIA, state, county and city roads (approximately 101,000 total miles) comprise 65% to 70% of the total miles on the NTTFI. Only 30 to 35% of the funds for maintenance and construction funds are going to actual reservation roads (approximately 31,400 miles of BIA roads and 2,600 miles of tribal roads). A majority of the federal funding for the Tribal Transportation Program is actually going to support non-tribal roads. The Shoshone-Bannock Tribes currently have substantial amount of deferred maintenance needs for roads located on the Fort Hall Reservation. The Tribes are calling for a change to correct this funding disparity.

Proposed Rule on Inventory of Proposed Roads

In 2016, the BIA finalized a rule (25 CFR Part 170.443) to require that tribes collect certain data for proposed roads to be added to or remain on the NTTFI. This data includes basic information such as inclusion of the proposed road on a tribe's Long Range Transportation Plan (LRTP), rights-of-way-information, and environmental impacts among other information. This rule was instituted to ensure that proposed roads were and are legitimately included in the inventory. Currently, there are some nine thousand miles of "proposed roads" already included in the NTTFI, but a significant amount of these roads don't meet the data collection standard. Proposed roads that do not meet the data collection standard should be removed from the Inventory to free up funding for other existing roads or proposed roads that will actually be built. However, the BIA has recently proposed a rule (84 FR 36040) that would not require this data collection standard for proposed roads already on the Inventory, but would require only new proposed roads to meet this data collection standard in order to be included on the NTTFI. This rule change will enable federal funding to continue to be apportioned for proposed roads on the Inventory that will never be built. Given the funding challenges that many tribes face in maintaining their existing roads, the Tribes believe that 25 CFR Part 170.443 should remain as it is and this proposed rule should be withdrawn by the BIA.

Conclusion

The Fort Hall Reservation is a large reservation with over 98% of the land held in trust by the Tribes or for individual allottees. Our Tribal Transportation Department has the capacity to manage the miles listed in the Tribes' inventory, but the extensive transportation system requires the Tribes' Transportation Department to have access to financial resources to maintain and construct needed roadways. The Tribes' request your support to ensure that the Tribal Transportation Program funding formula benefits tribal roads and that the BIA ensures that funding only go to proposed roads that meet certain standards under 25 CFR Part 170.443.

We appreciate your support for the Tribes' Transportation Department and appreciate your consideration of these important issues.

Sincerely,

A handwritten signature in blue ink, appearing to read "Ladd Edmo", with a stylized, flowing script.

Ladd R. Edmo, Chairman
Fort Hall Business Council
Shoshone-Bannock Tribes