Tribal Interests in the Future Interstate System

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Transportation Matters to Tribes

- Mobility for the public means access to jobs, medical care, education, cultural activities
- Improved movement of goods, services and customers—transportation is an economic backbone
- Motor vehicle crashes are leading cause of death for Native Americans age 1-44
- Need for assertion of tribal authority in DUI, seat belt, speed limit, weight and width, design and maintenance standards, procurement policies and procedures
- Right of way issues are complex
Tribes Are Distinct Political Entities

• Tribes are sovereign governments
• Commerce Clause provides Congress the power “to regulate commerce with foreign nations, and among the several states, and with the Indian tribes.”
• Treaties exist between numerous tribes and the U.S.
• Number of court decisions and laws that recognize the unique status of tribes and their relationship with federal and state governments
• Native American individuals are considered a racial group entitled to rights and protections under Civil Rights laws
Native American Civil Rights Protection

• Civil Rights Act of 1964
  • Race
  • Color
  • Religion
  • National Origin

• Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (EO 12898)
  • achieve environmental justice by identifying and addressing disproportionately high and adverse human health or environmental effects, including the interrelated social and economic effects of their programs, policies, and activities on minority populations and low-income populations in the United States.
Overview of Tribes in U.S.

• U.S. Indian Policy is Tribal Self-Determination
  • Indian Self-Determination and Educational Assistance Act (ISDEAA) in 1975
  • Recognition and support for tribal sovereignty
• 567 Federally recognized tribes
• 56.2 million acres of land held in trust for tribes or individuals
• 326 land areas designated as federal Indian reservations
National Tribal Transportation Facility Inventory

- Major ownership mileage (Tribal Transportation Facilities):
  - 161,000 miles
    - BIA ~ 31,200 (Existing ~ 29K) (Paved ~ 7K)
    - Tribal ~ 26,400 (Existing ~ 15K) (Paved ~ 1K)
    - State ~ 22,900
    - Urban ~ 2,900
    - County ~ 65,900
    - Other Federal ~ 5,200
    - Other ~ 4,100
Tribal Transportation Program

• TTP funds $475 million FY2017
• Construction, reconstruction, rehabilitation, resurfacing, restoration, and operational improvements of TTP facilities
• Maintenance of TTP facilities identified in the National Tribal Transportation Facility Inventory (NTTFI)
• Tribal transportation facility
  • Tribal transportation facility means a public highway, road, bridge, trail, transit system, or other approved facility that is located on or provides access to Tribal land and appears on the NTTFI described in 23 U.S.C. 202(1).
Tribes Can Participate in Interstate Highway System and NHS

• FASTLANE Program, also known as the Nationally Significant Freight and Highways Program (NSFHP)
  • Tribes are eligible recipients
  • Can contribute TTP funds as match

• Tribal-State Agreements

• Right-of-way issues require tribal engagement and partnership
Cultural and Archaeological Resources

• Any disturbance of ground has the potential of unearthing Native American human remains, burial objects, archaeological resources

• Federal law requires tribal consultation prior to ground disturbing activity in any federal undertaking
  • A project is a federal undertaking if it involves one federal dollar or one federal permit

• Historic Preservation Act
• Archaeological Resources Protection Act of 1979
• Antiquities Act of 1906
Central North American Trade Corridor
U.S. Interstate Highway System
Yellow numbers indicate the percent each state contributed to the total national production. States not numbered contributed less than 1% to the national total.

- Major areas combined account for 75% of the total national production.
- Major and minor areas combined account for 99% of the total national production.
- Major and minor areas and state production percentages are based upon averaged NASS county-level and state production data from 2000-2004.

Note: The agricultural data used to create the map and crop calendar were obtained from the National Agricultural Statistics Service at http://www.nass.usda.gov.

World Agricultural Outlook Board
Joint Agricultural Weather Facility
United States: Durum Wheat

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USDA World Agricultural Outlook Board
Joint Agricultural Weather Facility
**United States: Spring Wheat (excluding durum)**

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**Crop calendar notes:**
- Crop calendar data are based upon NASS crop progress data from 2000-2004.
- The field activities and crop development stages illustrated in the crop calendar represent the average time period when national progress advanced from 10 to 90 percent.

**USDA  World Agricultural Outlook Board  Joint Agricultural Weather Facility**
U.S. crude oil and lease condensate production (August 2014)

- Thousand barrels per day (state/area count):
  - No Production (19)
  - >0 to 10 mbbl/day (10)
  - >10 to 100 mbbl/day (11)
  - >100 to 500 mbbl/day (8)
  - >500 to 3,182 mbbl/day (4)

- 2013 Oil and Gas Producing Wells:
  - Wells producing <10 BOE/day (623,358)
  - Wells producing >10 BOE/day (250,573)
Implications for Future Interstate Study

• Tribes have a role in the future interstate system
• Build on institutional knowledge in the highway industry
  • Requirement for tribal consultation in planning
  • Allocate adequate funding for tribal consultation
  • Address jurisdiction conflicts through agreements
• Tax policy
  • Address tribal authority to generate tax revenue
  • Create incentives for tribally managed development
• Ensure Tribes and tribal communities participate in economic benefits
  • Access
  • Investment
• Innovations can be realized through creative partnerships