

A background image showing rows of solar panels in a field with mountains in the distance. Overlaid on the top left are three large, overlapping green arrows pointing to the right.

Federal Permitting Council Offers New Permitting Assistance Programs for Tribes

The **Infrastructure Investment and Jobs Act** passed in November 2021 granted the Permitting Council new authorities related to Tribes and ushered in significant changes:

- ▶ Congress eliminated the investment threshold requirement for Tribal projects to enter into FAST-41, creating a special track for Tribal projects to access the program.
- ▶ Congress granted the Permitting Council authority to transfer funds to Tribal governments to make the FAST-41 project review more timely and efficient.

Support to Tribes

The Permitting Council is leveraging these new authorities to build Tribal capacity and advance infrastructure project review through two programs:

FAST-41 | Title 41 of the Fixing America's Surface Transportation Act

Advancing Tribal Infrastructure Projects in the Federal Permitting Process

Tribes can access the [FAST-41](#) program to obtain special permitting assistance benefits for their infrastructure projects.

The benefits of FAST-41 for Tribes include:

- ▶ Comprehensive federal permitting timeline within 60 days of the project entering the FAST-41 program.
- ▶ Regular communication with federal agencies regarding the status of their permits.
- ▶ Access to the Permitting Council's ability to convene agencies, with quick issue elevation and resolution.
- ▶ Dedicated Permitting Council Tribal Director and support staff for direct contact with Tribal communities and project sponsors.

As a result of having dedicated Tribal staff focused on outreach, FAST-41 has its first Tribal and broadband projects covered under FAST-41—the [Santa Fe Indian School Pueblo Education Network](#) and the [Alaska Fiber Optic Network](#).

Tribal projects subject to the National Environmental Policy Act (NEPA) and in the following sectors qualify for FAST-41 coverage:

- Renewable energy production
- Conventional energy production
- Electricity transmission
- Energy storage
- Surface transportation
- Aviation
- Ports and waterways
- Water resource
- Broadband
- Pipelines
- Manufacturing
- Mining
- Carbon capture utilization and sequestration
- Semiconductors
- Artificial intelligence and machine learning
- High-performance computing and advanced computer hardware and software
- Quantum information science and technology
- Data storage and data management
- Cybersecurity

New Permitting Council Funding Program, [Launched in November 2023](#), to Support Tribes Participating in the Environmental Review Process

The [ERIF TAP](#) was launched to address capacity issues Tribes face when participating in the federal environmental review and authorization process for infrastructure projects, including FAST-41 covered projects on lands of cultural and historic significance. Providing funding to Tribal governments to meaningfully participate in environmental reviews such as NEPA and consultations under Section 106 of the National Historic Preservation Act (NHPA) will help make the environmental review and authorization process for FAST-41 covered projects more timely and efficient.

The Permitting Council made an initial \$5 million of the Inflation Reduction Act funding available in November 2023 for ERIF TAP. Through Tribal consultations, the Permitting Council identified resources Tribes need to engage in the permitting process. Tribes can use ERIF TAP for a variety of permitting review-related activities, including:

- ▶ Contractors, consultants, and staff
- ▶ Contract support costs
- ▶ Equipment, supplies, and materials
- ▶ Per diem
- ▶ Technical training
- ▶ Transportation costs

Eligible Funding Under the ERIF TAP

FAST-41 Projects	Maximum Funding Available for FAST-41 Tribal Engagement	Maximum Contract Support Costs	Maximum Total Request
1	\$300,000	\$45,000	\$345,000
2-4	\$600,000	\$90,000	\$690,000
5 or more	\$750,000	\$112,500	\$862,500



Eligibility

Federally recognized Tribes consulting on or engaged in the environmental review and authorization process (e.g., NEPA or NHPA) on one or more FAST-41 covered projects listed as "in progress" on the [Federal Permitting Dashboard](#) are eligible for the ERIF TAP.



Formula for Distribution

This funding is non-competitive but requires an application process. Maximum funding levels are determined based on the number of FAST-41 covered projects that the applicant is engaged in, for up to three years. Funding will be provided incrementally.



Mechanism for Distribution

The Permitting Council has partnered with the Department of the Interior Bureau of Indian Affairs (BIA) to utilize BIA's Indian Self-Determination and Education Assistance Act Title I Self-Determination Contracts or Title IV Self-Governance Compacts as the mechanisms to distribute the ERIF TAP. This structure directly results from feedback received and integrated following Tribal consultation.