

Bureau of Indian Affairs, Interior

§ 170.109

(j) Consult with, and solicit the participation of, tribes in the development of the annual BIA budget proposals.

§ 170.104 Must the Secretary consult with tribal governments before obligating IRR Program funds?

Yes. Before obligating IRR program funds on any project that is for direct service activities, the Secretary must consult with the affected tribe to determine the tribal preferences concerning the project. The Secretary must provide information in accordance with § 170.600 within 30 days of the Notice of Availability of Funds publication in the FEDERAL REGISTER.

§ 170.105 Are funds available for consultation, collaboration, and coordination activities?

To fund consultation, collaboration, and coordination of IRR Program activities, tribes may use:

- (a) The tribes' IRR Program allocations;
- (b) Tribal Priority Allocation (TPA) funds;
- (c) Administration for Native Americans (ANA) funds;
- (d) Economic Development Administration (EDA) funds;
- (e) United States Department of Agriculture (USDA) Rural Development funds;
- (f) Community Development Block Grant (CDBG) funds; Indian Housing Block Grant (IHBG) funds;
- (g) Indian Health Service Tribal Management Grant (IHSTMG) funds;
- (h) General funds of the tribal government; and
- (i) Any other funds available for the purpose of consultation, collaboration, and coordination activities.

§ 170.106 When must State governments consult with tribes?

Each State must develop the State Transportation Improvement Program (STIP) in consultation with tribes and BIA in those areas under Indian tribal jurisdiction. This includes providing for a fully coordinated transportation planning process that coordinates transportation planning efforts carried out by the State with transportation planning efforts carried out by tribes. The statewide and metropolitan planning organization requirements are in

23 U.S.C. 134 and 135. Regulations can be found at 23 CFR part 450.

§ 170.107 Should planning organizations and local governments consult with tribes when planning for transportation projects?

Yes. The Department's policy is to foster and improve communication, cooperation, and coordination among metropolitan planning organizations (MPOs), regional planning organizations (RPOs), local governments, municipal governments, and tribes on transportation matters of common concern. Accordingly, planning organizations and local governments should consult with tribal governments when planning for transportation projects.

§ 170.108 Should Indian tribes and BIA consult with States' planning organizations and local governments in the development of their IRR TIP?

Yes.

(a) All regionally significant IRR Program projects must be:

- (1) Developed in cooperation with State and metropolitan planning organizations; and
- (2) Included in appropriate Federal Lands Highway Program transportation improvement programs for inclusion in state and metropolitan plans.

(b) BIA and tribes are encouraged to consult with States, metropolitan and regional planning organizations, and local and municipal governments, on transportation matters of common concern.

§ 170.109 How do the Secretaries prevent discrimination or adverse impacts?

In administering the IRR Program, the Secretaries ensure that non-discrimination and environmental justice principles are integral program elements. The Secretaries consult with tribes early in the program development process to identify potential discrimination and to recommend corrective actions to avoid disproportionately high and adverse effects on tribes and Native American populations.