

**Federal Permitting Improvement Steering Council  
Office of the Executive Director  
Tribal Environmental Review Improvement Fund (ERIF)  
Draft Application Instructions**

**I. Background**

The Federal Permitting Improvement Steering Council (Permitting Council) Office of the Executive Director (OED) is making \$5 million available to Tribal governments through the Department of the Interior to enhance Tribal engagement in the environmental review and authorization process for FAST-41 covered projects<sup>1</sup> to make project review more timely and efficient.<sup>2</sup> The \$5 million is an initial investment from funds appropriated in the Inflation Reduction Act (IRA) to the FAST-41 Environmental Review Improvement Fund (ERIF), and OED may consider the need for additional funding at a later date. Funding will be distributed through the Department of Interior’s Indian Self-Determination and Education Assistance Act ISDEAA Title 1 or Title 4 mechanisms, and each funding recipient will be expected to comply with all related reporting requirements.

Tribal governments consulting or engaged in the environmental review and authorization process (e.g., through NEPA/NHPA) on one or more FAST-41 covered projects currently on the Federal Permitting Dashboard<sup>3</sup> at the time of submission may apply for funding using the guidance below. Following submission, the Permitting Council OED will review and process the applications.

This funding is non-competitive, project-specific funding. Applicants may not request more than the maximum funding levels identified below. 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 based on project review progress and compliance with contract requirements.

<b># of FAST 41 Projects</b>	<b>Maximum Funding Available</b>
1	\$300,000
2-4	\$600,000
5 or more	\$750,000

**The maximum funding amount identified is intended to support Tribal engagement for up to three years.**

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<sup>1</sup> 42 U.S.C. § 4370m(6). This funding mechanism will not be used for environmental reviews and authorizations for FAST-41 “transparency” projects pursuant to 42 U.S.C. 4370m-2(b)(2)(A)(iii)(I).

<sup>2</sup> 42 U.S.C. § 4370m-8(d)(3).

<sup>3</sup> <https://www.permits.performance.gov/projects/fast-41-covered>.

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The Permitting Council OED may, from time to time, update the application instructions based on feedback and lessons learned.

## **II. Who is Eligible**

To be eligible for this funding opportunity, BOTH of the following must be true.

1. The applicant must be a Federally-recognized Indian Tribe listed on the most recent notice of the Federal Register under the Federally Recognized Indian Tribe List Act of 1994, 25 U.S.C. § 5130 *et seq.*
2. The applicant must be a Tribal government consulting on or engaged in the environmental review and authorization process (e.g., through NEPA/NHPA) on one or more FAST-41 covered projects currently on the Permitting Dashboard at the time of submission. Please note, this does not include FAST-41 Transparency projects. The Permitting Council OED will confirm Tribal engagement with the FAST-41 facilitating or lead agency.<sup>4</sup>

## **III. What can this funding be used for?**

*All requested funding MUST be used to enhance Tribal engagement in the Federal environmental review and authorization process for FAST-41 covered project(s) to make review and authorization of the project(s) more timely and efficient. Please note: Eligible activities have been determined and informed by the Permitting Council OED's Tribal Consultations on the Tribal ERIF.*

This funding is non-competitive, project-specific funding.

Anticipated activities through this funding include:

- **Equipment, Supplies, and Materials**

Examples:

- Office supplies and equipment - paper, printers, computers
- Survey equipment
- Software - Geographic Information Systems (GIS), project management tools, etc.

- **Technical Training**

Examples:

- GIS, ecological, cultural Resource identification, project management, etc.

- **Transportation Costs**

Examples:

- Travel to and from consultations/meetings/site visits (which may include transportation rental to access remote areas).

- **Per Diem**

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<sup>4</sup> 42 U.S.C. § § 4370m(13) & (15).

- These rates cannot exceed federal rates, which can be found at <https://www.gsa.gov/travel/plan-book/per-diem-rates>.
- **Contractors, Consultants, Staff**  
Examples:
  - Technical Experts
  - Temporary or permanent staff
  - Reimbursement for Tribal members and cultural experts time spent reviewing proposed Federal actions.
  - Reimbursement for time spent doing government-to-government consultations.
  - Contractors to develop a strategic plan and budget for Tribal engagement on a project.
  - Hiring for contractors and technical experts that can help provide comments on NEPA and Section 106 documents.
- **Contract Support Costs<sup>5</sup>**
  - A maximum of 10% of the award may be used for contract support costs. Contract support costs are not required for one-time project specific funding, but are allowable costs under this award in order to maximize impact to timely and efficient reviews and provide the resources needed to meet the requirements of this contract.

#### IV. **Funds may NOT be spent on the following**

- Permitting-related activities of Tribal FAST-41 covered project project sponsors pursuant to 42 U.S.C. § 4370m(6)(A)(iii)(II).
- Construction
- Land acquisition
- Purchase of vehicles or vessels  
Examples:
  - Cars, Trucks
  - Off Roding Vehicles
  - Airplanes
  - Boats
- Cash reserves, endowments, or revolving funds
- Lobbying or litigation activities
- Contract support costs greater than 10% of the total award
- Applicants other than groups identified under the “Who is Eligible?” section
- Applicants that have previously received ERIF funds, but whose funding expired without successfully completing major elements of the proposed work, or without meeting the conditions of the award, will not be considered for future year funding.

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<sup>5</sup> 25 U.S.C. § 5325.

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## V. Application Instructions

Please submit one application package per Tribe (see details below) via email to [ERIF@fpisc.gov](mailto:ERIF@fpisc.gov). Tribes with questions may contact Permitting Council OED at [ERIF@fpisc.gov](mailto:ERIF@fpisc.gov) for assistance.

Applications for this non-competitive funding opportunity can only be submitted electronically via email. The Permitting Council OED will review the application and notify the applicant of next steps.

This funding is project-specific funding. Requested funding may not exceed the funding levels identified below and is only available based on the number of FAST-41 covered projects that the applicant is engaged in. **The maximum funding amount identified is intended to support Tribal engagement for up to three years.**

# of FAST 41 Projects	Maximum Funding Available
1	\$300,000
2-4	\$600,000
5 or more	\$750,000

Funding will be provided through the Department of Interior's ISDEAA Title 1 or Title 4 mechanisms. Funding will be provided incrementally to ensure the applicant's progress against its planned efforts and comply with the identified reporting requirements. The application package will guide the disbursement of funds.

Complete applications will be considered on a rolling basis. The Permitting Council OED will review the application and notify the applicant of next steps. *The Permitting Council OED may, from time to time, update the application instructions based on feedback and lessons learned.*

If a recipient Tribe engages in additional FAST-41 covered projects, the Tribe may apply for additional funding, so long as the collective awarded amount does not exceed the maximum funding available for the number of FAST-41 project engagements.

### **Complete application packages will include the following required documents:**

#### **1. Tribal Resolution**

Tribal resolution should include Tribal agreement on the general scope of work, the applicant's point of contact for the Tribal ERIF funding, and commitment to the agreed reporting requirements. The reporting requirements will be documented in the contract provisions with the Bureau of Indian Affairs and are required for additional increments of Tribal ERIF funding. The reporting is intended to provide an opportunity to highlight the need and use of the funding.

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### **Anticipated Reporting Requirements:**

**Biannual Report:** The Tribe will provide bi-annual (every six months) reports to the Bureau of Indian Affairs Office of Trust Services and Permitting Council OED ([ERIF@fpisc.gov](mailto:ERIF@fpisc.gov)). A “Biannual Reporting Template” will be provided by the Permitting Council OED to recipients. Every six months, the Tribe will report the following:

- Identify the FAST-41 covered project(s) by name that the Tribe engaged in during the reporting period;
- Progress against each of the planned activities identified in the original application. The Permitting Council OED recognizes circumstances may change, so the Tribe should document any deviations and provide context for altered or new activities.
- Provide an accounting of how the funding was used during the reporting period and what resources the funding was expended on.
- The success of the work; i.e., extent to which the funding was used to make the environmental review and authorization process for the project more timely and efficient (photos/videos welcome).

**Program Review:** The Permitting Council OED will conduct a review prior to the disbursement of any incremental funding. The review will assess progress against planned activities, compliance with required reporting, and may include a virtual discussion. The review may include:

- Project Status - Funds expended and how resources were used to enhance Tribal engagement in the environmental review and authorization process for FAST-41 covered projects in order to make project review more timely and efficient.
- Involvement in current FAST-41 projects on the Permitting Dashboard.
- Successes, challenges or lessons learned to share with Federal or Tribal governments to assist other Federal, Tribal, state and local governments

## **2. Application**

The attached template provides a Microsoft Word document for you to easily respond to Parts 1-3 below. Using the attached template is recommended to ensure a complete application.

### **Part 1. Tribe Information:**

Name of Tribe:

EIN/Tax ID:

City:

State:

Zip Code:

Primary Contact Person:

Name:

Position Title:

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Address:

Phone:

Fax:

Email:

Total Funding Requested (should not exceed levels identified in table below):

<b># of FAST 41 Projects</b>	<b>Maximum Funding Available</b>
1	\$300,000
2-4	\$600,000
5 or more	\$750,000

Funding will be provided incrementally to ensure tribes progress against its planned efforts and comply with the identified reporting requirements. Incremental funding amounts will be determined based on application details and will be discussed during contract negotiations. **The maximum funding amount identified is intended to support Tribal engagement for up to three years.**

## **Part 2. Summary**

Applicants must provide the following:

- 1) Brief description of how the funding will support engagement/consultation in the environmental review and authorization process for FAST-41 covered projects. Please summarize as details are requested in Part 3.
- 2) Description of how the planned activities help make FAST-41 covered project environmental reviews and authorization more timely and efficient.
- 3) Description of what the applicant intends to accomplish with the funding.
- 4) List FAST-41 covered project(s) that the applicant is consulting on or engaged in (e.g., through NEPA/NHPA) at the time of submission. Note: The Permitting Council OED will confirm engagement with the facilitating/lead Federal agency. Funding for a Tribal sponsor of a FAST-41 covered project is not authorized as a part of this request.

## **Part 3. Activity and Budget**

Applicants must provide a plan to utilize the requested funding. The plan should identify activities and the funding to support each activity. Please include information such as each activity's anticipated level of effort (e.g. number of FTE, hours per person, eligible costs or direct costs anticipated, consultant costs (technical experts, etc.)). If appropriate, applicants may identify and structure activities in phases.