

## II. Introduction

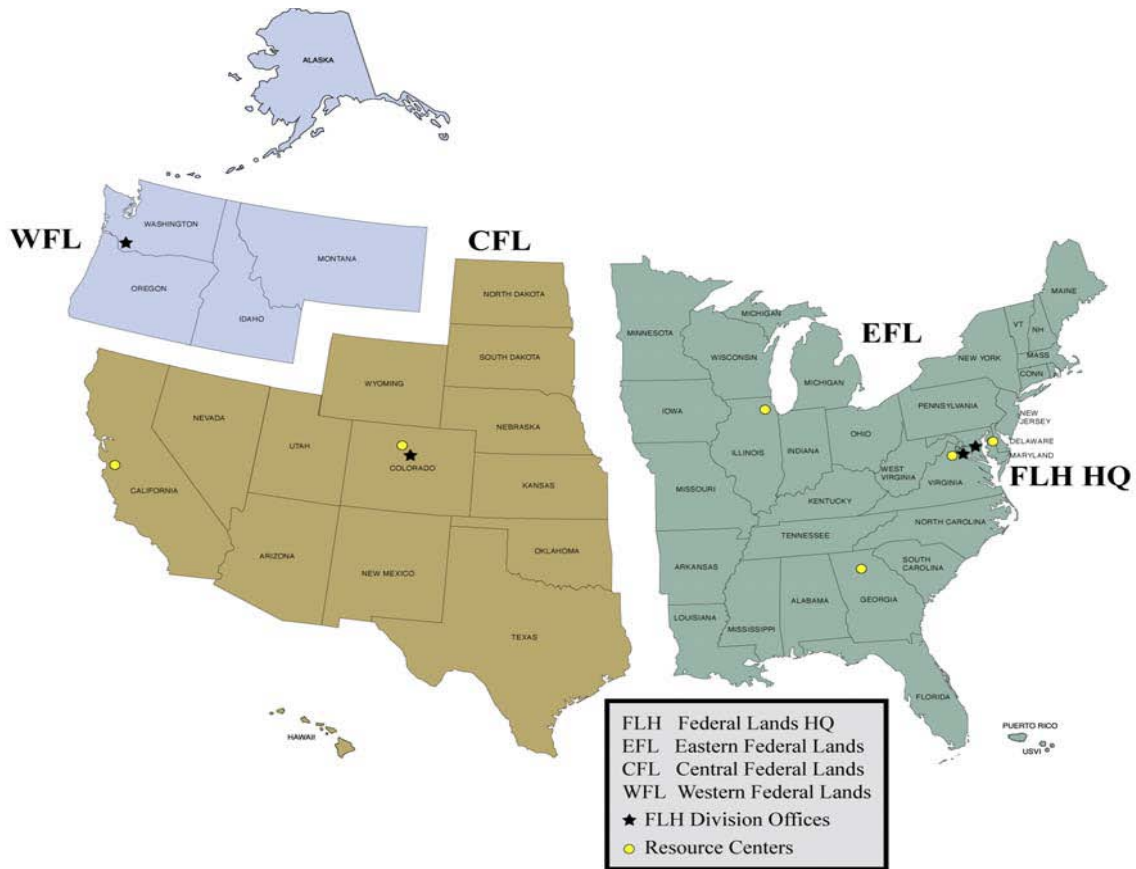
**Overview.** The IRR Program is a part of the FHWA's Federal Lands Highway (FLH) Program established in 23 U.S.C. 204 to address transportation needs of Tribes. The program is jointly administered by the FLH and the BIA in accordance with an interagency agreement.

SAFETEA-LU Tribal governments may enter into IRR Program Agreements directly with the FHWA to administer the IRR Program. (See section 1119(g)(4) of the SAFETEA-LU, Pub. L. 109-59, 119 Stat. 1144, August 10, 2005 (codified at 23 U.S.C. § 202(d)(5))).

To carry out the requirements of SAFETEA-LU many agencies must work cooperatively together in a government-to-government relationship. Below is a short description of the various agencies and terms used to implement the IRR Program.

**Federal Highway Administration's Office (FHWA).** The FHWA is charged with the broad responsibility of ensuring that America's roads and highways continue to be the safest and most technologically up-to-date. Although State, local, and Tribal governments own most of the Nation's highways, FHWA provides financial and technical support to them for constructing, improving, and preserving the highway system. The FHWA's annual budget is funded by fuel and motor vehicle excise taxes. The budget is primarily divided between two programs: (1) Federal-aid funding to State and local governments; and (2) Federal Lands Highways (FLH) funding for national parks, national forests, Indian lands, and other land under Federal stewardship.

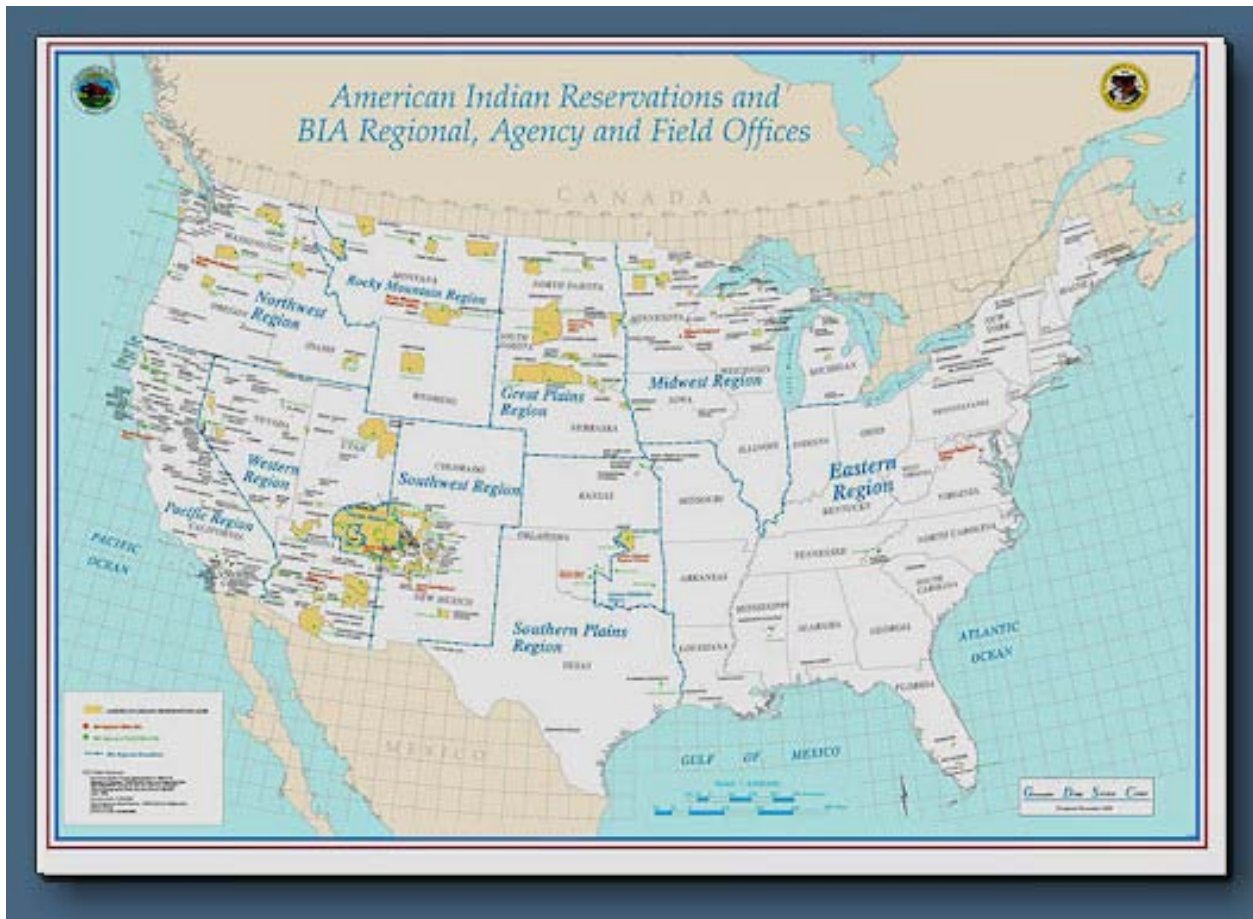
- (1) **Federal-aid Program.** There are 52 Federal-aid division offices (one in each State, the District of Columbia, and Puerto Rico). These division offices are located in the same city as the State Department of Transportation, which is usually the State capital. Federal-aid division offices provide Federal-aid program delivery and technical assistance to partners and customers in the highway transportation industry.
- (2) **Federal Lands Highways (FLH).** The Office of FLH is a division of FHWA. The FLH divisions, which report to the Headquarters FLH Office, administer FLH programs (Forest Highways, Park Roads and Parkways, Public Lands, Refuge Roads, and Indian Reservation Roads); the Defense Access Roads Program; and the Emergency Relief Program on federally owned roads; provide engineering related services to other Federal agencies, FHWA offices, and foreign countries as directed; and carry out technology and training activities related to FLH projects. There are three FLH divisions (Eastern, Central, and Western) located in Sterling, Virginia; Lakewood, Colorado; and Vancouver, Washington; respectively. (See map)
  - (a) **Eastern Federal Lands Highway Division (EFLHD).**  
The EFLHD operates as part of the FLH Program, serving the transportation planning and engineering needs of eastern United States, Puerto Rico, and the Virgin Islands.
  - (b) **Central Federal Lands Highway Division (CFLHD).**  
The CFLHD operates as part of the FLH, serving the transportation planning and engineering needs of the central United States, Hawaii, and American Samoa.
  - (c) **Western Federal Lands Highway Division (WFLHD).**  
The WFLHD operates as part of the FLH Program, serving the transportation planning and engineering needs of the northwestern United States and Alaska.



**Map 2.1: The different territories assigned to each of three FLH divisions**

**Bureau of Indian Affairs (BIA).** The BIA is an agency of the United States Department of the Interior (DOI), under the Assistant Secretary of Indian Affairs, with the primary responsibility for the administration and management of approximately 66 million acres of land held in trust by the United States for American Indians, Indian Tribes, and Alaska Natives. It provides services (directly or through contracts, grants, or compacts) to approximately 1.9 million American Indians and Alaska Natives from the 564 federally recognized Tribes. The BIA is organized by 12 Regions and each Region has an IRR component which provides engineering, construction, and road maintenance services for roads on or leading to Reservations and Tribal lands.

**Office of Self Governance (OSG).** The OSG is also a part of the DOI and is under the Assistant Secretary of Indian Affairs. The office is responsible for implementing the Tribal Self-Governance Act, the Indian Self-Determination and Education Assistance Act (P.L. 93-638), and Joint Funding Simplification Act (P.L. 95-510) as it pertains to Indian Self-Determination. The Office develops and implements regulations, policies, and guidance in support of the Self-Governance initiatives; facilitate the negotiation of annual funding agreements with eligible Tribes and consortia; coordinates the collection of budget and performance data from Self-Governance Tribes; and resolves issues that are identified in financial and program audits of Self-Governance operations.



Map 2.2: The location of Indian Reservations, BIA Regional Office, boundaries, and field office sites.

**Tribal Government.** A Tribal Government is the local governing body of a Tribe, band, pueblo, community, village, or group of Native American Indians, or Alaska Natives that carry out sovereign governmental functions.

**Tribal Lands.** It is important to determine the status of all impacted land ownership to understand the roles and responsibilities of all parties. This understanding will also help in knowing which Federal, and State laws and regulations may apply. Although there are many classifications of Tribal land, the following are some of the most common:

- **Trust land** - The federal government holds legal title but the beneficial interest remains with the Tribe. Indian people and Tribes have use of the land, but the ultimate control over the land remains with the federal government.
- **Restricted fee land** - The Tribe holds legal title but with legal specific government-imposed restrictions on use and/or disposition.
- **Fee land purchased by Tribes** - The Tribe acquires legal title under specific statutory authority. Fee land owned by a Tribe outside the boundaries of a reservation is not subject to legal restrictions against alienation or encumbrance, absent any special circumstances.
- **Off-Reservation Trust Land** – Land that is protected by the federal government for Indian use. After reservations were created, some Tribes and individual Indians were given land to use outside of the reservation boundaries. For example, these pieces of land could be religious sites or pieces of land allotted to individual Indians.

**FHWA Contact Information.** A Tribe can find the FHWA contact information and other information pertaining to the IRR Program at the following FHWA website:

<http://flh.fhwa.dot.gov/programs/irr/>

**BIA Contact Information.** A Tribe can find the BIA FHWA contact information and other information pertaining to the IRR Program at the following BIA website:

<http://www.bia.gov/WhoWeAre/BIA/OIS/Transportation/IRR/index.htm>