



THE SECRETARY OF THE INTERIOR  
WASHINGTON

DEC 20 2021

Dear Tribal Leader:

On November 15, 2021, President Biden signed the Bipartisan Infrastructure Law (BIL), which invests more than \$13 billion directly in Tribal communities across the country and makes Tribal communities eligible for billions more. These resources go to many Federal agencies to expand access to clean drinking water for Native communities, ensure every Native American has access to high-speed internet, tackle the climate crisis, advance environmental justice, and invest in Tribal communities that have too often been left behind.

The U.S. Department of the Interior (Department) received a \$466 million investment for the Bureau of Indian Affairs for infrastructure projects and climate resiliency initiatives, as well as a historic investment of \$2.5 billion to help the Department fulfill pre-existing settlements of Indian water rights claims. The BIL also made Tribal communities eligible for additional Department programs to support building resilience to wildland fire and drought, restoring ecosystems, enabling fish passage, and addressing legacy pollution from abandoned mine lands and orphan oil and gas wells.

As Secretary of the Interior, I am making it a priority to garner input from Tribal leaders on the important opportunities and decisions facing our Department. These programs will be implemented over several years, which may require that we consult with you at multiple decision points. Right now, we are seeking your input to inform early planning decisions. We will also keep Tribal leaders informed as dates and deadlines are determined.

To inform the consultation, we have attached fact sheets on the infrastructure programs, as well as a framing paper with questions. To best accommodate your locations and ensure everyone's safety, we will be holding virtual sessions scheduled by time zone. If you are unable to make the session reserved for the time zone in which your Tribe is located, please feel free to join an alternate session. My colleagues and I look forward to speaking with you at one or more of the following sessions:

Date	Time	Topic	Zoom Link/Register At
January 26, 2022	11:00 a.m. – 2:30 p.m. Pacific Time	Pacific & Alaska Time Zone Tribes  Bipartisan Infrastructure Law Implementation	Register in advance for this meeting: <a href="https://www.zoomgov.com/meeting/register/vJIsfuispj4vHsQIVV46AGYFaCdfrnhwvvgg">https://www.zoomgov.com/meeting/register/vJIsfuispj4vHsQIVV46AGYFaCdfrnhwvvgg</a>
January 27, 2022	12:00 p.m. – 3:30 p.m. Mountain Time	Mountain Time Zone Tribes  Bipartisan Infrastructure Law Implementation	Register in advance for this meeting: <a href="https://www.zoomgov.com/meeting/register/vJIsceuuqzwvHfkbMPxp-xWy1ZCoYxM0bM0">https://www.zoomgov.com/meeting/register/vJIsceuuqzwvHfkbMPxp-xWy1ZCoYxM0bM0</a>
January 28, 2022	1:00 p.m.- 4:30 p.m. Eastern Time	Eastern & Central Time Zone Tribes  Bipartisan Infrastructure Law Implementation	Register in advance for this meeting: <a href="https://www.zoomgov.com/meeting/register/vJItceyvrDgtGbF-Zeje_cMvGHeO2KYWh4c">https://www.zoomgov.com/meeting/register/vJItceyvrDgtGbF-Zeje_cMvGHeO2KYWh4c</a>

In addition to joining one of the consultation sessions listed above, please submit any written comments to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59 p.m. Eastern Time on Friday, February 4, 2022.

I look forward to speaking with you. If you have any questions regarding this effort in the meantime, please feel free to contact Ms. Rachel Brown, at (202) 513-0630 or [rebrown@usbr.gov](mailto:rebrown@usbr.gov).

Sincerely,



Deb Haaland

Enclosures

## Bipartisan Infrastructure Law Fact Sheet

### Tribal Consultation on Department of the Interior Implementation of Water Infrastructure & Drought Resilience Programs

*Bureau of Indian Affairs (BIA) Infrastructure Investments – Dams and Water Projects (\$250 million)*: Funding is provided for construction, repair, improvement, and maintenance of irrigation and power systems, safety of dams, water sanitation, and other facilities. At least \$50 million must be used to address irrigation and power systems and \$200 million will be used to address safety of dams, water sanitation, and other facilities.

- The BIA is planning to prioritize funding of projects that reduce the risk of failure, reduce deferred maintenance, and align with the Condition Assessments and Modernization Studies to rehabilitate aging irrigation and power infrastructure.
  - For BIA’s Congressionally authorized irrigation projects, BIA plans to invest funds based on well-established scoring criteria based primarily on reducing deferred maintenance and modernizing aging irrigation infrastructure at locations that have not received water rights settlement funding for irrigation infrastructure within past ten years. Higher priority will be given to projects that can be initiated quickly.
  - For power projects, BIA plans to invest funds to update specific power utility components that reduce risk of component failure, consistent with information from the recently completed 2021 Condition Assessment Reports. Higher priority will be given to projects that can be initiated quickly.
- For Safety of Dams projects, BIA plans to use funding to accelerate rehabilitation activities using the current prioritization methodology. The Safety of Dams program routinely performs inspections and analysis of all high-hazard program dams to understand the risk each structure presents to downstream residents. BIA uses the results of this work to prioritize distribution of design and construction funding to the highest risk dams.
- For Water Sanitation, Indian Affairs (IA) is establishing a new program in this area of need for which we have authority. Water Sanitation funds would be prioritized to address Environmental Protection Agency Safe Drinking Water Act notice of violations, projects that affect Indian communities and school children at Bureau of Indian Education-funded schools. In addition, funds would be used for projects that can be initiated quickly to address contamination issues, critical risks of IA system failure, system deficiencies, and systems near end of service life. IA would also initiate assessments and develop a full inventory of IA-owned drinking water and wastewater systems to guide investments.

*Bureau of Reclamation – Each of the water infrastructure projects below are funded through the Bureau of Reclamation (Reclamation). The Infrastructure Law explicitly allows Tribes to use Coronavirus Fiscal Recovery Funds to meet non-Federal match requirements. Tribes are among the various parties who qualify to compete for funding from these programs.*

- Water Storage, Groundwater Storage, and Conveyance projects (\$1.05 billion): The Water Storage, Groundwater Storage, and Conveyance projects will provide benefits of increased water via construction of water storage or conveyance infrastructure or by providing technical assistance to non-Federal entities. This is an expansion of an existing program. Funds for this category will be developed through internal formulation following a ground up approach. Notable funding requirements: 50 percent maximum Federal cost share for federally-owned projects and 25 percent maximum for non-Federal projects.
- Small Surface Water and Ground Water Storage projects (\$100 million): The Water Storage, Groundwater Storage, and Conveyance projects will provide benefits of increased water via construction of storage or conveyance infrastructure or by providing technical assistance to non-Federal entities. Reclamation will establish competitive grants for planning and construction for this category which will be awarded through an external application process leading to grants. Notable funding requirements: Applicants will be selected based upon best fit to comply with the parameters of projects between 2 total acre feet and 30 total acre feet in size, with partners that can support their 75 percent cost share, while this funding helps provide up to 25 percent cost share. Funding may not be available in Fiscal Year (FY) 2022.
- Aging Infrastructure Account – Extraordinary maintenance for reserved and transferred works (\$3.2 billion): This program is to provide funding for the significant amount of extraordinary maintenance Reclamation faces with aging infrastructure and provide resources to project beneficiaries and transferred works operators to proceed with projects that may have been stalled or delayed due to lack of funding. Funding will follow Infrastructure Law language, project cost allocations, and Reclamation law, which determines where funding should be repaid over time using existing, new, or amended repayment contracts. Project selection will be focused on project readiness, ability to execute, priorities, and reimbursability components.
- Rural Water projects (\$1 billion): Since 1980, Congress has authorized Reclamation, among other agencies, to develop municipal and industrial water supply projects in rural areas and on Tribal lands. Congress has authorized these projects, known as rural water supply projects, for several locations throughout the West. This program helps provide potable water to rural communities, both Tribal reservations and non-Tribal communities. This is an existing program and funding determinations will follow an internal formulation process.
- Water Recycling and Reuse projects (\$550 million): Water Recycling and Reuse project funding helps provide grant funding as provided in Title XVI authority and supports planning, design, and construction of water recycling and reuse projects in partnership with local government entities. These efforts promote greater water reliability and contribute to the resiliency of water supply issues. Funding will be provided through an external application process. A maximum Federal 25 percent cost share applies, but with no total Federal investment cap.

- Water Recycling and Reuse projects – Large Scale (\$450 million): Water recycling and reuse project funding provide grants that support planning, design, and construction of water recycling and reuse projects in partnership with local government entities. Funding will be provided through an external application process. Projects must be at least \$500 million in total costs and can include conveyance. A maximum Federal 25 percent cost share applies, but with no total Federal investment cap. Funding will not be available in FY 2022.
- Water Desalination (\$250 million): The Bipartisan Infrastructure Law provides new authority to Reclamation to develop a desalination construction program that will provide a path for ocean or brackish water desalination projects to receive Federal funding. Funding is provided through an external application process. A maximum Federal 25 percent cost share applies, but with no total Federal investment cap.
- WaterSMART grants (\$300 million): Reclamation supports Tribes and various other parties as they plan for and implement actions to increase water supply through investments to modernize existing infrastructure and attention to local water conflicts. Funding will be provided through an external application process. There is a 50 percent match requirement, but 25 percent for some projects.
- WaterSMART grants – Improve natural features (\$100 million): This funding is specifically targeted for WaterSMART projects that improve the condition of a natural feature or nature-based feature. Funding will be distributed following an external application process. There is a 50 percent match requirement, but 25 percent for some projects. Funding may not be available in FY 2022.
- Drought Contingency Plan Implementation – Lower Colorado River Operations Program (\$250 million): Funding is provided to implement the Colorado River Basin Drought Contingency Plan and will be provided via an internal formulation process. Funding is for use in the Lower Colorado River Basin and may be used for projects to establish or conserve recurring Colorado River water that contributes to supplies in Lake Mead and other Colorado River water reservoirs in the Lower Colorado River Basin, or to improve the long-term efficiency of operations in the Lower Colorado River Basin.
- Drought Contingency Plan Implementation – Upper Colorado River Operations Program (\$50 million): Funding is provided to implement the Colorado River Basin Drought Contingency Plan, consistent with the obligations of the Secretary under the Colorado River Drought Contingency Plan Authorization Act (P.L. 116-14), and related agreements. Funding will be provided via an internal formulation process and will be targeted to the Upper Colorado River Operations Program. Funding may not be available in FY 2022.
- Watershed Management projects (\$100 million): This program supports providing grants for watershed management projects to encourage a diverse set of stakeholders to form local solutions to address their water management needs. Implementation will follow existing processes established to provide public announcement of funding opportunities in FY 2022 and applications will be reviewed using existing criteria. 50 percent cost share for some projects.

- Aquatic Ecosystem Restoration and Protection (\$250 million): The Aquatic Ecosystem Restoration and Protection program was authorized in the FY 2020 Omnibus bill. Funding will be distributed following an external application process, and during FY 2022 work will proceed to stand up the new program and develop criteria and funding opportunity announcements.
- Multi-benefit Watershed Health Improvement (\$100 million): This funding is provided to improve watershed health and will be determined based upon an external application process. Funding will support the design, implementation, and monitoring of habitat restoration projects that improve watershed health in a river basin adversely impacted by a Reclamation project. Benefits can be to a broad range of listed environmental, Tribal, and recreation purposes. A clear distinction is drawn between enhancement (allowed) and mitigation (not allowed). Up to 50 percent Federal cost share, unless non-consumptive conservation benefits account for 75 percent or more of the costs, in which case the Federal share can increase to 75 percent.
- Endangered Species Recovery and Conservation programs – Colorado River Basin projects (\$50 million): Funding will support endangered species recovery, particularly in the Colorado River Basin. Funding will be distributed based upon an internal formulation process.

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Indian Water Right Settlement Investments**

Office of the Secretary – Indian Water Rights Settlement Completion Fund (\$2.5 billion): The Bipartisan Infrastructure Law (BIL) establishes the Indian Water Rights Settlement Completion Fund (Fund). Appropriations to the Fund are to “be used by the Secretary of the Interior for transfer to funds or accounts authorized to receive discretionary appropriations, or to satisfy other obligations identified by the Secretary of the Interior, under an Indian water settlement approved and authorized by an Act of Congress before the date of enactment of this Act.”

The BIL authorizes \$2.5 billion as a lump sum in mandatory funding to be deposited in the Fund to remain available until expended. The BIL provides the Secretary with discretion regarding the sequence and timing of transfers from the Settlement Completion Fund, with the caveat that the fund authorizes payments only for Indian water settlements approved and authorized by an Act of Congress before the date of enactment of the BIL on November 15, 2021. The Secretary’s Indian Water Rights Office oversees implementation of Indian water rights settlements through Federal implementation teams and serves as a policy coordinator across Bureaus and Offices within the Department. Although settlements vary, both the Bureau of Reclamation (Reclamation) and the Bureau of Indian Affairs (BIA) can be responsible for funding and carrying out settlement obligations. Accordingly, both Reclamation and BIA have Indian water rights settlement obligations that could be met or partially met with this funding.

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Wildfire Resilience Programs**

The Bipartisan Infrastructure Law (BIL) provides a total of nearly \$1.5 billion to the Department of the Interior (Department) Wildland Fire Management programs. The law's funding is intended to prepare communities and ecosystems for the threat of wildfire by making historic investments to address wildfire risk through hazardous fuels management, science, and technology to improve the early detection of wildfires, support to local communities to prepare for and mitigate the impacts for wildfires, and post-wildfire restoration activities. The infrastructure law also invests in Federal wildland firefighters pay and benefit reform. In most of these cases, the U.S. Department of Agriculture's (USDA) Forest Service received a complementary appropriation, and the two departments are collaborating on and coordinating their implementation.

Preparedness: Tribes are eligible for or benefit from the following resources that will increase America's preparedness to respond to wildland fire.

- \$50 million for pre-planning fire response workshops and firefighter training,
- \$50 million for local governments and Tribal Nations to acquire slip-on tanker units to establish fleets of vehicles for quick conversion for operation as fire engines,
- \$10 million for radio interoperability and incident management team support when responding to wildfires,
- \$10 million for agreements with the National Oceanic and Atmospheric Administration to establish and operate a program that makes use of Geostationary Operational Environmental Satellite program to rapid detect and report wildfire starts, and
- \$5 million for procurement and placement of sensors, cameras and equipment for wildfire detection and real-time monitoring.

Fuels Management: The BIL includes \$878 million for a variety of Fuels Management activities to protect vulnerable communities from wildfire while preparing our natural landscapes for a changing climate, in which Tribes are eligible to participate. These activities include:

- \$600 million for fuels treatments such as mechanical thinning and timber harvesting in an ecologically appropriate manner, planning for and conducting prescribed fires, and installing fire controls such as fuel breaks,
- \$100 million for contracting or employing laborers to modify and remove flammable vegetation on Federal land to produce biochar and other innovative wood products, including through the use of locally based organizations that engage young adults, Tribal Nations' youth and veterans, and

- \$178 million to expand the Department’s current fuels management activities including wildland fire management on Indian trust lands, fuels treatment on Reserve Treaty Right Lands, and Tribal participation in collaborative strategic Fuels Management projects on non-Tribal lands to protect Tribal natural resources at high risk from wildfire.

Burned Area Rehabilitation: Tribes are eligible for funds from \$325 million provided for Federal, State, and Tribal entities to complete post-fire restoration activities. These actions help mitigate the damaging effects of wildfires and set landscapes on a path towards natural recovery and climate resilience.

Tribal Forestry Protection Act: Of certain amounts identified above for Fuels Management and Burned Area Rehabilitation, BIL sets aside a total of \$10 million over five years for implementation of the Tribal Forestry Protection Act.

Wildland Firefighter Workforce: The law provides \$120 million to the Department for Federal wildland firefighter workforce reforms, including base pay increases, creation of a “wildland firefighter” occupational series, the conversion of seasonal wildland firefighters to full-time permanent status, and the development of programs to address firefighter mental health and post-traumatic stress disorder care.

Joint Fire Science Program: The law provides \$10 million to the Department over the next five years for science and research associated with wildfire risk and that directly impact local communities. That law also provides \$10 million to USDA Forest Service for this program, which the two departments jointly administer.

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Ecosystem Restoration Programs**

U.S. Fish and Wildlife Service (FWS) – Restoration Programs (\$455 million): The Bipartisan Infrastructure Law (BIL) provides FWS resources to advance habitat restoration, invasive species control, conservation of at-risk and listed species and other benefits in four significant ecosystems as well as opportunities to restore habitat connectivity for aquatic species around the country. Tribes are eligible to receive resources for each of the five programs outlined below. Matching requirements for these programs will be determined as yearly plans are developed.

- The National Fish Passage Program (NFPP) (\$200 million): The BIL requires that NFPP funds be utilized “for restoring fish and wildlife passage by removing in-stream barriers and providing technical assistance.” Funding to external partners through this existing program will be distributed via cooperative agreements and grants. Since the NFPP’s inception in 1999, FWS has partnered with Tribal governments and Tribal organizations across the country to restore aquatic habitat and fish passage both on and off Tribal lands. Nationwide, Tribal governments are eligible to conduct, support, and collaborate with FWS on NFPP projects to restore, conserve, and protect Tribal resources.
- Klamath Basin Restoration activities (\$162 million): Funding provided will be allocated for habitat restoration and water acquisition to help restore the Klamath ecosystem, as well as for enhanced hatchery production of listed Lost River and shortnose suckers. Each year, FWS will develop an annual spending plan that describes specific projects and activities that will be funded from the Klamath infrastructure funding. To guide the development of these annual spending plans, FWS intends to use its science-based strategic conservation plans, coupled with input from Tribes and other conservation partners at annual stakeholder workshops. Funds will be distributed through a combination of competitive contracts, Tribal and other grants, and co-operative agreements. The activities that will be funded represent an expansion of existing activities that span multiple FWS programs.
- Lake Tahoe Restoration activities (\$17 million): The program is required to deploy strategies consistent with the Lake Tahoe Aquatic Invasive Species (AIS) Management Plan to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region. The FWS proposes to primarily use funding in direct collaboration with the Washoe Tribe of California and Nevada, the Tahoe Regional Planning Agency, and other partners, in support of implementation and evaluation of the Lake Tahoe AIS Management Plan.

- Sagebrush Ecosystem Conservation (\$50 million): This program builds on an existing collaborative effort by FWS and its public and private partners to conserve the sagebrush ecosystem and the nationally significant biological, cultural, and economic resources it supports. This partnership is using a Strategic Habitat Conservation approach to identify the most pressing threats to a sustainable sagebrush ecosystem, such as invasive species and wildfire, and investing in tangible, measurable actions to address those threats in the face of a changing climate. Tribes are important partners in protecting the health and stability of the sagebrush biome. The FWS is working with Western Association of Fish and Wildlife Agencies and State and Federal partners on a conservation design for the sagebrush ecosystem and proposes to incorporate Tribal input at the State scale. Tribal lands identified in the ecosystem-wide conservation design would be eligible for conservation and restoration projects and will be identified through partnerships once funding is in place.
- Delaware River Basin Restoration program (\$26 million): The Delaware River Basin program provides competitive matching grants for habitat conservation in the Delaware River watershed. Together with our partners at the National Fish and Wildlife Foundation and the Delaware River Watershed Conservation Collaborative (Collaborative) Steering Committee, FWS will set priority actions to be funded in the Delaware Watershed Conservation Fund fiscal year (FY) 2022 request for proposals (RFP) under the heading of “nature-based solutions” (approaches that use, mimic, or enhance physical, biological, geological, and chemical processes that exist in natural systems to provide services, like shoreline protection and upgrading road stream crossings to enable aquatic organism passage). In FY 2022, FWS will also focus grant funding toward capacity building, prioritizing projects that build capacity among partners. Tribal representation on the Collaborative Steering Committee was offered to three members of federally recognized Tribal Nations descended from the Indigenous Lenape people of the Delaware River watershed (Delaware Nation and Delaware Tribe in Oklahoma, and the Stockbridge Munsee Mohican Nation in Wisconsin) and communication with those Tribal Nations is ongoing. The RFP will open in February 2022 and proposals will be due in April 2022. The review committee will select proposals in early summer, and award funding in September 2022.

Office of the Secretary – Ecosystem Restoration (\$905 million): The Office of the Secretary received funding for ecosystem restoration, allocated over 5 years, to build resilience to the devastating effects of drought and wildfires, boost local economies, put people to work, and strengthen partnerships across State, Tribal, and other partners in restoring important ecosystems and watersheds, supporting Tribal climate resilience, and restoring culturally important lands—all guided by science, traditional knowledge, and best practices for effective restoration. The Department of the Interior is still determining the amount, criteria, and mechanism for deploying resources in FY 2022 and each of the following years, but Tribes will be eligible for the following programs:

- Contracts to Restore Ecological Health on Federal Lands (\$50 million)
- Working Capital Fund (for stewardship contracts) (\$100 million)

- Good Neighbor Agreements with States and Tribes (\$40 million)
- Grants to States and Tribes for Voluntary Restoration (\$400 million)
- Invasive Species (\$100 million)
- Revegetation and Hazard Mitigation on Mined Lands (\$100 million)
- National Revegetation Effort including National Seed Strategy (\$70 million)

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Legacy Pollution Programs**

Abandoned Mine Reclamation Fund (\$11.3 billion): The Bipartisan Infrastructure Law (BIL) expands the Abandoned Mine Reclamation Fund program (AML) to provide grant funding based on new criteria in the BIL, on an equal annual basis over a 15-year period to eligible States and Tribes. The Office of Surface Mining Reclamation and Enforcement (OSMRE) will work collaboratively with States and Tribes who receive these grants to establish and build the program. In the first and second quarters of fiscal year (FY) 2022, OSMRE will conduct listening sessions and provide status updates to State/Tribal and public AML Program partners on the BIL funding. During the second and third quarters of FY 2022, OSMRE will initiate stakeholder engagement regarding overall program changes, goals, and objectives, and revise, as appropriate, based on stakeholder input. The OSMRE will require updated State/Tribal reclamation plans to include specific criteria for ranking and identifying projects to be funded. States and Tribes will be required to target projects which address adverse impacts to public health, safety, and property with priority given to projects that provide employment opportunities to current and former employees of the coal industry, are beneficial to coalfield communities, and support their revitalization.

Orphaned well site plugging, remediation and restoration (\$150 million): The BIL provides \$150 million to address orphaned well sites on Trust and Restricted lands, either through grants to Tribes or, at the request of a Tribe, plugging and reclamation activities to be carried out by the Secretary on that land (referred to as “in-lieu-of-grant” funding). The Department of the Interior (Department) has been coordinating with the Bureau of Indian Affairs and the Indian Energy Service Center (IESC) to identify best approaches to develop the Tribal grants process. The IESC has been conducting an in-depth data analysis of orphaned wells that might be on Trust and Restricted lands. By March 2022, the Department plans to finalize guidance on Tribal grants and the in-lieu-of-grant process. The Department expects that Tribes would be able to submit applications by April 2022. The Department proposes that any request for in-lieu-of-grant services will be coordinated with IESC, and with the support of the Bureau of Land Management as needed. The Department also proposes that preferred contracts would be Indian-owned businesses first. The IESC would assist in any training and reporting.

In addition, the BIL directs \$250 million to address orphaned wells on public lands and makes \$4.275 billion available for grants to States for orphaned wells on State and private lands. The Department encourages all Tribes who are directly affected by orphaned wells, or have interests affected by orphaned wells, including those without orphaned wells on their own lands, to provide input into the development of the public land and State grant programs, including requests for the prioritization of particular sites on non-Trust and Restricted land.

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of Tribal Climate Resilience Programs**

Bureau of Indian Affairs (BIA) - Tribal Climate Resilience Programs (\$216 million): Funding is provided for Tribal climate resilience, adaptation, and community relocation planning, design, and implementation of projects which address the varying climate challenges facing Tribal communities across the country. The bill language directs that \$130 million is provided for community relocation and \$86 million is provided for Tribal climate resilience and adaptation projects. Of the total amount available, \$43.2 million is available to spend each year. Funding available through the Bipartisan Infrastructure Law for Tribal climate resilience leverages annual funding currently available for Tribal Climate Resilience Grants. The Department of the Interior's (DOI) Fiscal Year 2022 budget proposes for both climate adaptation and community relocation. The Bureau of Indian Affairs' (BIA) role is largely providing financial and technical assistance to support Tribal strategies, as well as providing a coordinating function to help link Tribes to financial and technical assistance at other agencies.

**For Community Relocation**, BIA is planning to provide awards to support the following costs: (1) risk assessment, (2) planning, (3) implementation, and (4) capacity building. Tribal proposals will be considered based on factors such as overall quality of design, potential for implementation, and incorporation of science features, risk level, capacity-building features, strength of budget proposal, and supplemental factors such as breadth of benefits and leveraging of funds. Applications will be ranked and funded according to availability of funds.

**For Climate Adaptation**, BIA is planning to provide awards to support the following costs: (1) training and workshops, (2) adaptation planning, (3) youth engagement, (4) implementation, (5) travel, and (6) capacity building. Tribal proposals will be considered based on factors such as overall quality of design, potential for implementation, and incorporation of science features; capacity-building features; and strength of budget proposal and supplemental factors such as breadth of benefits and leveraging of funds. Applications will be ranked and funded according to availability of funds.

The Tribal Climate Resilience Program will release the draft implementation plan in February 2022, following Tribal consultation to be held in mid-January 2022. Additional Tribal engagement sessions will be held to allow for additional feedback from Tribal leaders. It will reflect recommendations from the 2021 DOI Tribal Climate Listening Sessions and the Discretionary Tribal Grant Listening Sessions.

## **Bipartisan Infrastructure Law Fact Sheet**

### **Tribal Consultation on Department of the Interior Implementation of U.S. Geological Survey Infrastructure Law Programs**

The U.S. Geological Survey (USGS) will implement the following projects with historic investments from the Bipartisan Infrastructure Law (BIL):

USGS Energy and Minerals Research Facility (\$167 million): Funds the design, construction, and tenant build out of a USGS-owned facility to support energy and minerals research and appurtenant associate structures, through a cooperative agreement with an academic partner. Funding is available in fiscal year (FY) 2022 until expended.

National Geological and Geophysical Data Preservation Program (\$23.7 million): Supports State Geological Surveys through the matched grants program to preserve and make digitally-accessible geological and geophysical data and assets, including support of the Earth Mapping Resources Initiative (MRI) critical minerals priorities. Funding will be received over a period of 4 years, with \$8.7 million in FY 2022 and \$5 million in FY 2023 through FY 2025.

Earth MRI (\$320 million): The Earth MRI program is charged with carrying out the mapping and mineral resource evaluation of the nation with a focus on characterizing critical mineral resources that are located both in the subsurface as mineral deposits and on the surface as mine waste materials. These studies are key for understanding the mineral resource potential for areas of focus, which often include Tribal lands. The information and interpretations from these projects provide valuable geoscience needed to understand natural resource endowment (e.g., groundwater, energy, and minerals), natural hazards (e.g., earthquakes, landslides, and volcanoes), and landscape evolution and change, as well as to inform land management decisions and remediation efforts on abandoned mine lands. The USGS may enter into cooperative agreements with States or use existing contracting authorities. There is no anticipated direct funding to the Tribes during the FY 2022 start-up period for Earth MRI data collection efforts under the BIL. For lidar data collection efforts under Earth MRI, Tribes are welcome to submit proposals for matching Federal funding through the Broad Agency Announcement for FY 2023 and beyond, and USGS has received multiple proposals led by Tribes over the years.

Before conducting surveys on Tribal reservation lands and ceded lands in some states, Earth MRI follows the Bureau notification process and invites the Tribes to discuss the projects early in the planning process and seeks their permission (or not) for the proposed activities. Expressed Tribal consent is required before a mapping or geophysical survey project occurs on reservation lands.

## **Framing Paper**

### **Tribal Consultation on Department of the Interior Implementation of the Bipartisan Infrastructure Law**

#### **Bureau of Reclamation Water Infrastructure and Drought Resilience**

- Which drought resilience programs have the best potential to address your Tribe's needs?
- Does your Tribe participate in any of these programs currently? If so, what works well and what aspects of the program need improvement?

#### **Indian Affairs programs for Irrigation and Power, Safety of Dams, and Water Sanitation**

- Do the factors proposed to prioritize investments for irrigation and power, safety of dams, and water sanitation seem appropriate, or should we consider other factors?

#### **Indian Water Rights Settlement Completion Fund**

- What factors should the Secretary consider in determining the sequence and timing of distributing the \$2.5 billion?
- Should the entire amount in the fund be paid out immediately to satisfy remaining costs of settlements having a balance to complete as of November 15, 2021, or should some funding be held back in the event that the 34 settlements enacted as of November 15, 2021, could potentially need additional funding from future authorized amendments?

#### **Wildland Fire Resilience**

- Which wildland fire resilience programs have the potential to be most important to your Tribe? Where do you see your Tribe having capacity to implement these programs through contracts or agreements?
- Does your Tribe participate in any of these programs currently? If so, what works well and what aspects of the program need improvement?

#### **Ecosystem Restoration**

- Which programs are of most importance to your Tribe? Where do you see your Tribe having capacity to implement these programs through contracts or agreements?
- Do you see opportunities where these funds could be used to best leverage other restoration investments your Tribe or Federal agencies are making?

### **Tribal Climate Resilience Programs**

- Do the eligible cost categories for community relocation and climate adaptation seem appropriate?
- Given the amount of funds available, does the criteria for awarding funds seem like an appropriate approach or should we consider other factors?
- Should we have a cap on funding per Tribe or direct funding to Tribes most at risk and ready to implement projects?
- Does your Tribe participate in any of these programs currently? If so, what works well and what aspects of the program need improvement?

### **Legacy Pollution**

- Does your Tribe currently participate in the Coal Abandoned Mine Lands grant program? If so, what works well and what aspects of the program need improvement?
- As the Department of the Interior (Department) establishes the new Orphan Oil and Gas Well Remediation Tribal Grant program, do you have an opinion on the best way to administer funds (i.e., by formula or a traditional call for nominations)?
- Even if your Tribe does not have abandoned mines or orphan wells on your lands, are there mines or wells on neighboring lands that are an issue for your Tribe?

### **USGS Science Programs**

- Does your Tribe have identified geoscience needs and or opportunities for dedicated studies in support of those Tribal needs?
- The USGS is looking for opportunities to support capacity building. Would your Tribe be interested in training that could (1) help build capacity to utilize the data gathered under Earth Mapping Resources Initiative to inform land and resource management needs; or (2) help your Tribe understand potential critical mineral resources and environmental challenges associated with mine waste on your Tribal lands?
- Is there other training or support that would be useful to your Tribe?

### **General**

- Where do you see opportunity for the Department to leverage multiple programs to help your Tribe address challenges?
- As we work to make programs easier to access, do you have experience with best practices or missteps from other programs that provide important lessons?

- What additional information or support would be most helpful to your Tribe in accessing these resources?
- What other requests, questions, or feedback do you have for the Department at this stage?