

Bipartisan Infrastructure Law

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I. Introduction

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 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 Secretary of the Interior is making it a priority to garner input from Tribal leaders on the important opportunities and decisions facing our Department.

II. Summary of Tribal Consultation and Input Received

On December 20, 2021, the Secretary announced virtual consultations sessions in a letter addressed to [Tribal leaders](#) and [Alaska Native Corporations](#) inviting them to participate in virtual consultation sessions. The letters contained program fact sheets and a framing paper containing questions on which Interior was seeking feedback.

Interior hosted the consultations via Zoom and telephonically to ensure everyone's safety during the pandemic. Secretary Deb Haaland welcomed the Tribal representatives on each call. Transcripts of the sessions are available on Interior's website at: <https://www.doi.gov/tribes/tribal-consultation>.

Together, approximately 776 representatives of X Tribes attended the sessions – representing more than 70 of the 574 federally recognized Tribes:

- On January 26, there were 346 total attendees.
- On January 27, there were 276 total attendees.
- On January 28, there were 154 total attendees.

The invitation letter also welcomed written input from Tribes and ANCs. Interior received 37 written submissions.

Summary of Tribal Comments

Bureau of Reclamation Water Infrastructure and Drought Resilience

Which drought resilience programs have the best potential to address your Tribe's needs?

- WaterSMART, including the [Drought Response Program](#), was cited by numerous Tribes across Reclamation's 17 state service area as an essential program for enhancing water infrastructure and attenuating drought conditions

- Tribes cited the importance of Reclamation's [Native American Affairs Program](#) (NAAP), both in terms of the funding provided and the technical assistance that staff provide to Tribes in project development.

Does your Tribe participate in any of these programs currently? If so, what works well and what aspects of the program need improvement?

- Some tribes expressed interest in more outreach on available programs.

General comments on Water Infrastructure and Drought Resilience

- Many Tribes wished to institute water storage, groundwater storage and conveyance project; small surface and groundwater storage projects; and water recycling and reuse projects
- In the Columbia-Pacific Northwest (C-PN) Region, Tribes were particularly interested in creating and expanding aquatic system restoration and protection projects and multi-benefit watershed health improvement projects.
- Additionally in C-PN, Tribes would like increased funding for fish passage, fish screening, and habitat restoration.
- Throughout the West, Tribes wished to upgrade wells for potable water, service lines and wastewater treatment facilities.
- Tribes in the Missouri Basin/Rio Grande/Texas Gulf Region want funding for upgrading and expanding their rural water projects. They are especially concerned about funding directed to attend to the aging components of these systems (i.e., rehabilitation of distribution lines, transmission lines, tanks, pumps, meters, aged service lines, etc.).
- One Tribe in the Upper Colorado Basin Region would like to see landscape watershed projects which increase snow capture and improve stream flow.

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?

- Many Tribes generally agreed with the proposed factors to prioritize investments.
- Two respondents urged the BIA and DOI to ensure that the funding allocated in this provision for irrigation projects be utilized to address projects with the most immediate critical needs.
- Two respondents suggested BIA use the formula currently used to distribute funding through the WIIN Act Section 3222.

- Two respondents recommend DOI prioritize Indian irrigation projects where the Federal Government has yet to complete its obligated irrigation construction as opposed to “infrastructure at locations that have not received water rights settlement funding for irrigation infrastructure within the past ten years.”
- One Tribe expressed concern that some projects may require multi-year funding to be completed.
- One Tribe expressed concern that formulas using federal housing block grant estimates, and not the actual tribal enrollment numbers, may disproportionately skew tribes with a scattered population base.
- One Tribe strongly objected to the exclusion of Tribes with settlements in the past ten years.
- One Tribe urged DOI to prioritize projects that support Tribal sovereignty in this area, including the construction of new facilities that function independently from those of other governments.
- Multiple respondents proposed that projects that provide reliable sources of uncontaminated water should be the highest priority. Water supply and storage capacity, wastewater systems, and assessments should all also be allocated funding.
- One Tribe strongly recommended the inclusion of traditional irrigation networks as a factor to prioritize investments under the BIL.
- One Tribe recommended that dam safety should include water storage, forest restoration projects, and rebuilding of decommissioned dams.
- One Tribe recommended that all BIL water sanitation and drinking programs be administered with 100% federal cost match.
- Two respondents recommended DOI should prioritize completion of projects that are underway but unfinished.
- One Tribe noted that the prioritization of investments needs to consider that some tribes do not yet have this infrastructure and are in need of developing new water sanitation projects to provide for their community.
- One respondent urged BIA to emphasize BIA's water sanitation efforts focus on projects that address Environmental Protection Agency notice of violations, contamination issues, critical risks of system failure, and system upgrades.
- Multiple respondents' comments on the need for funding for bank stabilization related to changed water levels in dam reservoirs (one identified Grand Coulee Dam, a Reclamation structure).
- Two respondents recommended flood mitigation be a significant factor in these programs.
- One Tribe recommended that projects funded from the Indian Affairs program for Irrigation and Power, Safety of Dams, and Water Sanitation should be prioritized with input from their respective Tribal organizations to ensure all interests considered when prioritizing.

General comments on Indian Affairs Programs for Water and Dams

- Several respondents proposed additional funding be made available for these programs and expressed concern that the available funding is insufficient to meet current needs.
- One Tribe recommended this funding be allocated through existing funding mechanisms to speed award and implementation of projects that address these issues.
- One Tribe requested additional detail about the process for application, criteria for selection, funding thresholds, cost share requirements, payback formulas and schedules, and timeline for award.
- Some Tribes discussed the role of other jurisdictions in water infrastructure. One Tribe proposed projects that utilize partnerships with non-tribal entities to promote clean and safe water/wastewater systems, address aging/dilapidated infrastructure, capacity, and assessments which will benefit tribal communities be considered.
- One Tribe noted that in the Pacific Northwest, it would be great to see the DOI/BIA funds be complimentary to Bonneville Power Administration/Pacific Coastal Salmon Recovery funds.

Indian Water Rights Settlement Completion Fund

What factors should the Secretary consider in determining the sequence and timing of distributing the \$2.5 billion?

- Most but not all respondents recommended funding being released quickly.
- Some respondents indicated the Secretary should take into account how quickly funds can be utilized for projects and the readiness of settlement implementation.
- One respondent recommended the Secretary evaluate the terms of each settlement to meet deadlines specific to each individual settlement.
- One respondent recommended taking into account reservation size and population as well as the impact of COVID-19.

Should the entire amount in the fund be paid out immediately to satisfy remaining costs of settlement 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?

- The majority of respondents indicated that funding should be released quickly and that funding should not be held back for future amendments to settlements.
- Some respondents wanted an amount to be reserved for future amendments or for future settlements that have not been enacted.
- While the Secretary has allocated most of the IWRSCF monies between BIA and Reclamation, most of the Tribes, especially those with authorized settlements under BIL, wished to see the funds expeditiously directed to completing current settlements.

General comments on Indian Water Rights Settlement Completion Fund

- There was concern that broaching the idea of holding back funding for future amendments goes against the intended purposes of the Fund. Respondents discussed that their interpretation of how the Department calculated the \$2.5 billion size of the Fund was that it only funded existing settlement obligations and not future amendments or settlements.
- Concerns were raised about the solvency of the Lower Colorado River Basin Development Fund (LCRBDF). Reclamation plans for the IWRSCF to fund construction and for firming. This will provide flexibility within the LCRBDF.

Wildfire 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?

- Preparedness, Fuels Management, Burned Area Rehabilitation, Tribal Forest Protection Act, and Wildland Firefighter Workforce are programs that are most important, but funding is needed to recruit and train additional wildland fire personnel while providing continuing education and pay opportunities for existing personnel.
- The Tribal Forest Protection Act is a very useful tool for work on and around tribal lands. The expansion of this Act to cover all Federal lands would provide additional opportunities for collaboration.
- Many tribes use the Reserved Treaty Rights program to leverage existing funding for wildland fire support and response.

Does your Tribe participate in any of these programs currently? If so, what works well and what aspects of the program need improvement?

- There is a need for administrative funding to provide support for allocation of funds to the tribes through grants, agreements, and contracts as well as NEPA and ESA reviews. Lack of staffing at Federal and State levels also impacts the ability for Tribes to participate in Good Neighbor Authority and the Tribal Forest Protection Act.
- Funding is needed for recruitment/retention, education/training of wildland fire personnel.
- Many fire departments are made up of volunteers or don't have sufficient budgets. Equipment, such as slip-on units, are vital to the safe and quick response to wildfire threats on these communities.

- Fuels management and preparedness are key components to current fire management programs but are limited to base funding that doesn't keep up with increased operational costs
- Adequate infrastructure is needed to respond to and support an evolving fire landscape. Infrastructure needs include vehicle bays, SEAT base facilities, and emergency response systems.
- Radios and telecommunication equipment are needed for reliable communications during wildfire responses. Many fires are in remote locations with little or no cell phone access.

General comments on Wildfire Resilience

- The common theme is a need for additional funding.

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?

- There was significant interest in the ecosystem restoration programs. The most commonly mentioned activities were invasive species, voluntary restoration grants, and the National Seed Strategy,
- The FWS Fish Passage program was also noted by several tribes as an area of interest.

Do you see opportunities where these funds could be used to best leverage other restoration investments your Tribe or Federal agencies are making?

- Tribes identified several existing programs or efforts that the BIL funding could complement or leverage including cannabis eradication efforts, research on prescribed, cultural fire, native plant and animal restoration, and hatchery projects.
- Tribes identified existing agreements and compacts as a mechanism to efficiently execute ecosystem restoration funding.
- Co-management agreements were identified as a mechanism to multiply the reach of ecosystem initiatives.

General comments on Ecosystem Restoration

- The need for technical assistance and more specific information, and timelines was consistently mentioned.
- The importance of fish passage and salmon restoration was noted by a few Northwest tribes.

- The desire for co-management was identified as a priority by several tribes.

Tribal Climate Resilience Programs

Do the eligible cost categories for community relocation and climate adaptation seem appropriate?

- The majority of respondents found the proposed cost categories to be appropriate.
- One Tribe requested more funding for fire-related grants.
- One Tribe expressed concern that the funds allocated for community relocation per year for the five years specified in the BIL seem too small while the funds allocated for climate adaptation seem very generous.
- One Tribe expressed concern that lack of jurisdiction in surrounding areas present significant barriers to Tribes' climate change adaptation planning.
- One Tribe expressed concern that climate change resiliency funding remains very "project-based," and unsustainable for long-term climate change adaptation plan implementation and questioned the value of some of the eligible uses of Climate Adaptation funding, including training and workshops, and travel.
- One Tribe strongly recommended climate change adaptation include placing lands into trust to provide communities safety from sea level rise and to provide Tribal Nations access to species of cultural importance whose ranges have shifted due to Climate Change.
- One Tribe recommended that eligible cost categories for community relocation and climate adaptation- as well as all other programs- be designed as broadly as possible to allow for maximum flexibility for Tribal Nations.
- One Tribe recommended implementation projects should be the highest priority above additional studies.
- One Tribe requested funding that supports The Tribe as they install more robust and climate resilient water access for the community

Given the amount of funds available, does the criteria for awarding funds seem like an appropriate approach or should we consider other factors?

- Some Tribes wanted to see a distribution based on need (the criteria were unidentified) and others wanted a pro rata distribution.
- Tribes were opposed to matching funds on grants and wanted far more technical assistance from agencies, even to the extent of providing funds directly for hiring more technical assistance staff for properly attending to grant applications.
- Tribes want a streamlined grant application process. They would also like to have an application process that covers multiple grants, such as a "super", multi-year 638 agreement.

Should we have a cap on funding per Tribe or direct funding to Tribes most at risk and ready to implement projects?

- The majority of respondents did not support a cap on funding; however a few respondents did support a cap so funding could be distributed among a greater number of Tribes.
- One respondent proposed a minimum amount be distributed to all Tribes, with additional funds available for competitive applications to address projects exceeding that amount.

Does your Tribe participate in any of these programs currently? If so, what works well and what aspects of the program need improvement?

- One Tribe indicated they participate in GAP and the Tribal Climate Resilience Program and noted these funding sources would be dramatically improved if they allowed for project implementation of climate resiliency actions that the Tribe wishes to enact, such as conducting prescribed burns, instead of being limited to only the research component of the project. Further, more space for project descriptions in applications could be helpful. Finally, staff time should be allowed for training and travel grants.
- One Tribe noted insufficient available funding as a barrier and requested unrestricted allocation of funds once projects are granted.
- Multiple respondents noted the importance of timely and robust communication with the Program for successful projects.
- Multiple respondents noted that annualized funding makes it difficult to build reliable capacity and expertise for the projects/programs.
- One Tribe noted that the data collection and community input process for impact assessment and planning is arduous, and even with the increase in funding, still falls sorely short of tribes' needs.

General comments on Tribal Climate Resilience Programs

- One Tribe expressed concern about the protection of tribal data from public release such as sensitive cultural information on archaeological sites but also traditional practices and resources.
- Many respondents encouraged BIA to quickly make funding available for implementation projects from Tribes that have previously received funding for planning and are in a positions to immediately begin implementation.
- One Tribe recommended that any unused community relocation funding should also be reallocated to climate adaptation.
- One Tribe recommended that to the extent possible this funding be awarded through existing contracting mechanisms, noting many Tribes' limited capacity to develop new proposals and track and report according to funding requirements, so it is important to utilize mechanisms tribal staff are familiar with.

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?

- DOI did not receive any comments from Tribes participating the AML grant program.
- One comment was received advocating for formula funding for the program.

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)?

- Some tribes recommended a needs-based distribution taking into consideration economic hardship, land base, severity of contamination, and similar factors while on tribe opposed including an unemployment requirement.
- Recommend that Initial Grants or other funding provided to the States be made available to Tribes with significant orphaned well and remediation issues
- It was noted that underwater wells are an extreme environmental and health risk and could cost up to \$1 million or more to plug.

Even if your Tribe does not have abandoned mines or orphan wells on your lands, are there minds or wells on neighboring lands that are an issues for your Tribe?

- Several tribes raised concerns about nearby and downstream impacts of contamination from mining, particularly impacts to sacred sites.
- Capacity funding is needed for staff to address environmental issues on off-reservation treaty resources lands.

General comments on Legacy Pollution

- Tribes expressed interest and need in additional laws or regulations including extending the Federal Tort Claims Act coverage and establishing new laws and/or regulations to address mining impacts.
- Tribes identified concerns with impacts from other sources of pollution including those from the timber industry and illegal cannabis production.
- Tribes noted the need for other infrastructure improvements including bridges for heavy equipment, road grading, surface remediation, and surface remediation associated with addressing orphan wells and abandoned mines.

USGS Science Programs

Does your Tribe have identified geoscience needs and or opportunities for dedicated studies in support of those Tribal needs?

- Tribes shared several geoscience data needs to analyze forestry, climate, hydrography, biological science, vegetation, geomorphology examinations and LiDAR coverage. Several Tribes have existing partnerships with the Bureau of Indian Affairs, the U.S. Army Corps of Engineers, and the U.S. Forest Service.
- Tribes would need resources to manage leases, resource permits, and rights of way. Some Tribes would like to see USGS work with BIA to integrate the Trust Asset and Accounting Management System (TAAMS) with geolocational data to make a searchable, graphical resource.
- Communities requested both direct and indirect investment for the mapping of critical subsurface mineral reserves and need geo-scientist, geophysicist, or geologist staff to build capacity.
- Requests for remote sensing imagery products that are available in user-friendly web-based platforms.

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?

- Tribes would welcome opportunities for building capacity and staff training/workshops on GIS systems (including LiDAR) and for Earth MRI.
- Training would be an excellent way for members to develop professional skills in a highly technical STEM (Science Technology, Engineering, and Mathematics) field and to inform land and resource management needs. Others are interested in advanced training of hydroacoustic gauging stations.

Is there other training or support that would be useful to your Tribe?

- Tribes need a weather monitoring system on the Pine Ridge Reservation to monitor weather events, such as drought, straight-line winds, tornadoes, and blizzards. Would like for Federal agencies to collaborate and improve funding and contracting opportunities.
- Due to lack of funding and the rising costs of travel, one-on-one training opportunities are greatly appreciated. Increased funding opportunities that support Tribal staff attending these types of events would be beneficial.
- Training needed for: web-based platforms, such as Google Earth Engine, to better utilize Earth Mapping data products and remote sensing imagery to assess

processes such as evapotranspiration, increased vegetation growth as a result of restoration projects and drought affecting resources.

- Additional training in field survey methods compatible with GIS and GPS systems.
- Tribes cited the importance of Reclamation's [Native American Affairs Program \(NAAP\)](#), both in terms of the funding provided and the technical assistance that staff provide to Tribes in project development.

General comments on USGS Science Programs

- Tribes would like DOI/USGS to consider creating programs or initiatives to allow Tribal staff to assist in data gathering in water measurement.
- Tribes are interested in training and workshops for mapping and geophysical surveys on Tribal lands for the Earth MRI project. Expressed some concerns on how funding will be implemented if there is no direct USGS funding in BIL to Tribes.

General

Where do you see opportunity for the Department to leverage multiple programs to help your Tribe address challenges?

- Tribes noted the opportunity to leverage existing programs for a more holistic approach. Programs cited include the U.S. Forest Service Tribal Forest Protection Act; Reserve Treaty Lands Rights program; self-governance funding mechanisms; Bureau of Reclamation programs, the U.S. Army Corps of Engineers, Department of Transportation, EPA/Clean Water and Drinking Water Revolving Funds, and Department of Housing and Urban Development. USGS was identified as necessary partner to quantify the measures of water security and climate resiliency.
- Tribes encouraged greater collaboration and transparency between Agencies and advocated a “whole of government” approach.
- One tribe suggested renewing the commitment to the multi-agency tribal Infrastructure Task Force.

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?

- Several tribes noted non-federal cost share requirements as a barrier to access.
- Several tribes expressed interest in the use of formula funding vs. competitive funding for programs and ensure processes are streamlined and simple. Tribes identified funds distribution via 638 compacts as mechanism for efficiency.
- Tribes emphasized the need for DOI to provide funding in an equitable and expeditious manner.

What additional information or support would be most helpful to your Tribe in accessing these resources?

- Tribes noted the need for tribal government capacity.
- Tribes identified the need for technical assistance to help in identifying and applying for available programs as well as technical assistance on compliance and project delivery.
- Tribes identified the need for technical assistance across programs and Agencies.
- Multiple tribes identified the need to streamline communications and reporting mechanisms.

What other requests, questions, or feedback do you have for the Department at this state?

- Several tribes provided comments about factors to take into account when allocating funding including land base, population, and enrollment.
- Tribes reiterated the need for ongoing consultation and consent for federal action on tribal lands and ensuring that the proper cultural, historic, and environmental review are conducted.
- Tribes commented on the need for a commitment to rebuilding tribal sovereignty and unmet infrastructure needs in Indian Country.
- One tribe commented on the need to consider former treaty boundaries when evaluating ecosystem and habitat projects and not limiting eligibility to current reservation lands.
- Several tribes commented on the need for DOI to provide flexibility to tribes to execute funding.
- One comment was received on the need to support the Climate Change Adaptation Plan as well as funding for traditional foods due to impacts of changing climate.
- One comment was received to use available funding for the Cobell Land Buy-Back Program.
- Tribes asked DOI to coordinate with other Departments in timely distribution of BIL funding.
- Consideration of operations and maintenance funding in addition to construction funding.
- The need for multi-year funding to adequately plan and recruit staff.

III. Response to Tribal Input

Bureau of Reclamation Water Infrastructure and Drought Resilience

Reclamation appreciated the opportunity to hear from tribes about the effectiveness and potential of its programs, both BIL-funded programs, as well as those funded through regular appropriations. Reclamation conducted separate outreach to tribes in the 17 western states [on the BIL in December 2021 and January 2022](#), and together with those sessions, the Department's tribal consultation provided us with many ideas for broadening our outreach to tribes who are eligible for the majority of Reclamation's BIL funding distributed by grants and cooperative agreements. Reclamation is acting on those ideas through expanded webinars and other outreach during 2022.

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

The comments related to the proposed prioritization of the Irrigation and Power funds were generally in favor of the methodology with only a few outliers. Because of this the Division of Water and Power proposes to distribute funding as proposed. Funds will be distributed annually with approximately \$1M per power utility (3 utilities total) being sent, and the remaining \$7M being distributed to the highest-ranking projects that reduce deferred maintenance and the risk of failure and align with Condition Assessments and Modernization Studies to rehabilitate aging infrastructure.

The comments related to the proposed prioritization of the Safety of Dams funds were generally in favor of the methodology with only a few outliers. Because of this the Division of Water and Power proposes to distribute funding as proposed. The funds will be invested to accelerate rehabilitation activities using the current prioritization methodology which is based on inspections and analysis of all high-hazard program dams to understand the risk each structure presents to downstream residents

Water sanitation projects will be prioritized to address risks to public health of drinking water consumers. After comprehensive water system health assessments are completed in FY22-23, selected projects will address water systems with Environmental Protection Agency Notices of Violation, contamination issues, and critical risks of system failure where new systems or upgrades may be needed. Projects will be selected to maximize protection of public health including projects currently underway and multi-year projects. Projects will not be limited to existing water system infrastructure.

Indian Water Rights Settlement Completion Fund

The Department considered tribal comments in determining the initial funding allocation announced by the Department in a [press release](#) on February 22nd.

Wildfire Resilience

The Office of Wildland Fire is working with all Wildland Fire stakeholders to provide funding opportunities to increase staffing at DOI bureaus, such as Indian Affairs, to help streamline allocation of funding and processing of grant requests and contracts. As we continue to build on already existing programs, the BIL funding will provide opportunities for additional staff, training, equipment, and infrastructure.

Ecosystem Restoration

The Department is currently in the process of allocating funds to bureaus for FY 2022, and developing criteria to guide the bureaus as they select projects to fund. In addition, the Department is working to clarify the legal and budgetary requirements for each activity within the ecosystem restoration program. As part of this work, the Department will carefully consider the input received from Tribes during consultation. In addition, the Department has taken the following actions to address Tribal concerns:

- Tribal projects will be given special consideration as part of the Justice40 initiative.
- To help ensure that Tribal needs receive funding, the Department has set a guaranteed percentage of DOI funding for ecosystem restoration as a floor to be allocated to BIA from each activity, with the potential for more funding above that fixed amount.
- DOI is working to further clarify which activities may disburse money directly to Tribes or Tribal entities.
- At least 10% of funding available through the America the Beautiful Challenge is expected to be awarded for Tribal grants. This leverage DOI's investment for grants for voluntary restoration as well other federal and private funding.

Tribal Climate Resilience Programs

As part of its implementation of EO 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government), Department of the Interior (DOI) coordinated with a third-party neutral facilitator to conduct 15 virtual listening sessions, during October thru December of 2021. Five of these sessions in particular were focused on *climate change*, *discretionary grants*, and *Tribal Nations*. The Department would like to ensure that the efforts and initiatives it develops to meet these priorities are designed based on feedback and information from across Indian Country and Alaska Native Villages. Information from these listening sessions can be found here:

<https://www.bia.gov/guide/tribal-climate-listening-sessions>

To address some of the concerns listed in the comment section from the January BIL Consultation and the Listening sessions:

Four additional program categories will be included in the FY22 Solicitation

- Category 10. Implementation of Climate Adaptation Strategies
- Category 11. Implementation for Community Relocation, Managed Retreat, or Protect-in-place Actions
- Category 12. Relocation, Managed Retreat, or Protect-in-place Coordinator
- Category 13. International Indigenous Virtual Exchanges

Tribal Climate Resilience Awards will migrate in FY22 from utilizing federal grants and Grants.gov as the awarding mechanism to utilizing P.L. 93-638 Contracts and Compacts.

Communication with program staff will improve with the addition of Regional Tribal Climate Resilience Point of Contacts throughout the BIA Regions as well as the addition of Contractors to assist the TRP Program Staff at the national level.

Legacy Pollution

The Department distributed a Dear Tribal Leader Letter on January 14, 2022, and held targeted Listening Sessions on February 8-10, 2022, soliciting comments and generating discussion related to the structure of the Tribal Orphaned Well Program. Written comments may be submitted through March 11, 2022. Verbal and written comments will inform the nature of this grant program (competitive or formula) and gauge the degree of interest in the “in lieu of grant” option provided in the BIL. The Department is developing grant guidance based on this feedback and will provide guidance and related information on a newly created web page in June 2022.

USGS Science Programs

The USGS Earth Mapping Resources Initiative (Earth MRI) is initiating several large, regional airborne geophysical surveys under the BIL funding that could include tribal lands where there is interest. The new survey data could be valuable to tribal land and resource management needs. For each proposed new survey, USGS staff will reach out to potential tribal partners and hold meetings on the data acquisition opportunities and uses of the resulting information. The new data should start to be available in late FY2023 and beyond. The USGS is planning to develop webinar-based training opportunities in FY2023 that will review the new data and provide interpretations. This will allow Tribes to interact with the USGS to identify follow-on engagement, including interpretive products that the USGS could provide to aid in resource management. Earth MRI does not provide resources to assist with permitting and managing leases.

The National Geospatial Program (NGP), a partner with Earth MRI, seeks opportunities to work with Tribes to partner on lidar data acquisition through the 3D Elevation Program (3DEP) Broad Agency Announcement (BAA). NGP has successfully partnered with 12 Tribes on lidar acquisition projects for Tribal lands over the past several years via the BAA. NGP invited several Tribes to participate in the 3D Nation Requirements and Benefits Study. Tribal input on elevation data needs that were documented in this study is being used to develop the next generation of 3DEP. NGP is also reaching out to Tribes to provide information about our program and the uses of lidar data for Tribal applications through our network for The National Map Liaisons, participating in a limited number of Tribal conferences and meetings, and by sending a national notification letter to Tribes providing general information on NGP's plans to acquire lidar data for the Nation.

The National Geological and Geophysical Data Preservation Program (NGGDPP) is seeking opportunities to engage Tribal members in educational and training opportunities regarding recommended practices in data and sample preservation. NGGDPP offers webinars and bi-annual data preservation workshops that may be of interest. NGGDPP is also interested in sponsoring STEM student interns either with USGS or in collaboration with State geological surveys.

General

The Department recognizes the need for technical assistance to assist tribes in navigating the multiple programs and opportunities under the BIL. In addition to the [Bipartisan Infrastructure Law Guidebook](#), the White House will soon be releasing a playbook for tribal communities to identify opportunities available under the law and technical assistance guidebook which will identify technical assistance programs available across the Agencies. DOI will work with other Agencies through the White House Council of Native American Affairs to coordinate an all-of-government approach to the needs across Indian Country.

The Office of the Assistant Secretary for Indian Affairs has established a new Infrastructure and Economic Development Coordinator position to support implementation of BIL programs across DOI and other Federal Agencies.