

FUND DISTRIBUTION PROCESS

Program: Water Rights Negotiation Litigation

Type of Funding: Non Recurring -- Formula/Criteria Based

Funding Authority/Responsibility: 25 U.S.C. 13 (The Snyder Act of November 2, 1921), 42 Stat. 208, Pub.L. 67-85; 90 Stat. 2233, Pub.L. 94-48 25 U.S.C. 450 (The Indian Self-Determination and Education Assistance Act), 88 Stat. 2203, Pub.L. 93-638, Pub.L. 100-472; 102 Stat. 2285, Pub.L. 103-413.2.

The Deputy Bureau Director, Office of Trust Services has responsibility for this funding.

Criteria for Distribution: The Water Rights Negotiation and Litigation (WRNL) program supports confirming and defining Indian water rights through litigation and court decree or through negotiated settlement. The BIA staff coordinates with the Department of Justice, the Department of the Interior's Office of the Solicitor, and the Secretary's Indian Water Rights Office to support active litigation/settlement negotiations. Funding is allocated through BIA's published process (Notice of Revised Instructions for Preparing and Prioritizing Water Program Funding Requests, Federal Register, Vol. 70, No. 201, October 19, 2005) and typically funds projects for data collection and analysis for active litigation and negotiation cases. Types of projects may include economic feasibility studies, studies to determine practicably irrigable acreage, soil classification, hydrographic survey reports, and other technical data that is required by the particular matter being funded.

The program awards funding for projects using BIA's published process (Notice of Revised Instructions for Preparing and Prioritizing Water Program Funding Requests, Federal Register, Vol 70, No. 201, October 19, 2005) by Trust Services. The program funds higher scoring proposals at various levels, subject to the constraints of available funding. Funding priorities for the program include technical assistance from BIA to the Tribes, project funding for water surveys, including quantification studies and characterization of water concerns, as well as training that is necessary to develop human capacity for water resources management.

Tribal requests are due to Trust Services by September 15th each year.

Funding proposals are ranked and scored for department priority, quality of proposal submitted, and the evaluation process set forth within the federal register notice. Funding proposals are usually partially funded based on yearly requirements within the proposal. Project funds are annual and non-recurring.

The Review Team which consists of six members, one member from the Solicitor's office, one member from the Secretary's Indian Water Rights office, one Member from BIA's office of Trust Services, and one member from three Regions is assembled to evaluate, score, and prioritize all proposals. The Ranking Team members from the Regions are rotated each year

Distribution Process:

- Proposals are ranked and scored by the "Ranking Team by October 31st each year.
- Upon apportionment, the Office of Budget and Performance Management distributes funding directly to Trust Services. (within 5 days)
- Proposal funding recommendations are determined and subsequently approved by the Deputy Bureau Director of Trust Services. (within 10 days)

- The OTS Program Management office prepares FEDs and obtains signatures and submits the Regional FED to OBPM and Office of Self-Governance (OSG) FED to OSG for approval. (within 2 days)
- OBPM processes funds to the appropriate BIA Region (within 3 days)
- OSG approves FED and submits to OBPM for processing (within 3 days).
- OBPM processes funds to OSG. (within 3 days)

Regional Processing:

- Indian Self Determination (ISD) Awarding Official negotiates terms, conditions of award, including payments. They calculate Contract Support Costs and prepare contract award/modifications in PRISM. (within 5 days)
- The ISD Awarding Official prints and mails the award/modification to tribe for review and acceptance. (within 5 days)
- Tribal elected official approves award/modification and returns the documentation to the Region/Agency.
- The ISD Awarding Official executes the award/modification and releases the obligation in PRISM. PRISM interfaces with ASAP and funds are available to tribes. (within 3 days of receipt of signed document)

OSG Processing:

- Once both OSG and OBPM are in agreement with the distribution list, a FED document is processed to OSG for distribution. (within 3 business days.)
- OSG will process the FED, subsequent PR, and obligate funding. (within 7 business days.)

Tribes log into ASAP to draw funds into their account.