



## **Department of the Interior**

### **Bureau of Indian Affairs Projects for Irrigation and Power, Safety of Dams and Water Sanitation Construction, Climate Resilience and Relocation**

#### **Implementation of the Bipartisan Infrastructure Law**

##### **Initial Spend Plan**

President Biden signed the Bipartisan Infrastructure Law on November 15, 2021, making this once-in-a-generation investment in the Nation's infrastructure and economic competitiveness a reality. This landmark investment will rebuild America's critical infrastructure, tackle the climate crisis, advance environmental justice, and drive the creation of good-paying union jobs. By addressing long-overdue improvements and strengthening our resilience to the changing climate, this investment in our communities across the country will grow the economy sustainably and equitably so everyone gets ahead for decades to come.

The Department of the Interior will receive \$30.6 billion over five years in direct funding through the Bipartisan Infrastructure Law. Interior will stand up new programs and expand existing work to deliver results by boosting local economies, building resilience to the devastating effects of drought and wildfires, putting Americans to work to reclaim abandoned coal mine sites and plug orphaned oil and gas wells, restoring important ecosystems and watersheds, strengthening Tribal water infrastructure and climate resilience, and identifying domestic supplies of mineral resources needed to advance new technologies.

The reporting requirements within the Bipartisan infrastructure Law (P.L. 117-58) states:

Sec. 601. Not later than 90 days after the date of enactment of this Act, the Secretary of the Interior shall submit to the House and Senate Committees on Appropriations a detailed spend plan for the funds provided to the Department of the Interior in this title in this Act for fiscal year 2022, and for each fiscal year through 2026, as part of the annual budget submission of the President under section 1105(a) of title 31, United States Code, the Secretary of the Interior shall submit a detailed spend plan for the funds provided to the Department of the Interior in this title in this Act for that fiscal year.

The Department plans to execute these investments adhering to the Administration's implementation priorities to:

- invest public dollars efficiently, working to avoid waste, and focus on measurable outcomes for the American people;



- increase the competitiveness of the United States economy, including through implementing the Act’s Made-in-America requirements and bolstering United States manufacturing and supply chains;
- improve job opportunities for millions of Americans by focusing on high labor standards for these jobs, including prevailing wages and the free and fair chance to join a union;
- invest public dollars equitably, including through the Justice40 Initiative, which is a Government-wide effort toward a goal that 40 percent of the overall benefits from Federal investments in climate and clean energy flow to disadvantaged communities;
- build infrastructure that is resilient and that helps combat the crisis of climate change, and where feasible leverage funding to sequester carbon and reduce greenhouse gas emissions; and
- effectively coordinate with State, local, Tribal, and territorial governments in implementing these critical investments.

### **Bureau of Indian Affairs Funding Summary**

The Bipartisan Infrastructure Law provides a total of \$466 million over 5 years to Bureau of Indian Affairs (BIA) for the programs and activities shown in the table below. Funding of \$466 million is provided as emergency appropriations and is available for obligation until expended. The following table details the proposed allocation of funding identified in “Division J” of P.L. 117-58.

<b>Bureau of Indian Affairs Total Bipartisan Infrastructure Law Funding</b>		
<i>(\$ in 000s)</i>		
		<b>FY 2022</b>
<b>Operation of Indian Programs (OIP)*</b>		
Trust Natural Resources/Tribal Climate Resilience	Adaptation Projects	17,114
Trust Natural Resources/Tribal Climate Resilience	Community Relocation	25,870
Office of the Inspector General	Directed Transfer (specified in bill)	216
<b>OIP, Total</b>		<b>43,200</b>
<b>Construction*</b>		
Infrastructure Investments/Irrigation & Power Systems	Irrigation & Power Systems-Improvement, Repair, & Maintenance	10,000
Infrastructure Investments/Dams & Water Projects	Water Sanitation	10,650
Infrastructure Investments/Dams & Water Projects	Dam Safety	29,100
Office of the Inspector General	Directed Transfer (specified in bill)	250
<b>Construction, Total</b>		<b>50,000</b>
<b>Bureau of Indian Affairs, Total</b>		<b>93,200</b>
<small>*Up to 3% of funding can be used for administrative purposes</small>		

Within the Operation of Indian Programs (OIP) account, \$216 million 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. Bill language requires that \$130 million is directed toward Community Relocation and



\$86 million is directed toward Climate Resilience and Adaptation Projects. This funding is available until expended and provides \$43.2 million each year for fiscal years 2022 – 2026.

Funding of \$250 million in the Construction account 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. This funding is available until expended and provides \$50 million each year for fiscal years 2022 – 2026.

For both the OIP and Construction accounts, up to three percent of the amounts available is for salaries, expenses, and administration. One-half of one percent of the total available shall be transferred to the Department of the Interior’s Office of the Inspector General for oversight.

### **Indian Affairs Governance Structure**

The Indian Affairs (IA) lead for the Bipartisan Infrastructure Law is the Principal Deputy Assistant Secretary (PDAS) for Indian Affairs. The Deputy Assistant Secretary for Management (DASM) provides coordination and business services support and the Director of Bureau of Indian Affairs (DBIA) has management authority over implementing programs.

To manage BIL funding appropriated to the IA, the Indian Affairs Infrastructure Team will be established which includes the following individuals: PDAS, DASM, DBIA, Deputy Bureau Director for Trust Services, IA Budget Director, IA Chief Financial Officer (CFO), Director of the Office of Facilities, Property and Safety Management (OFPSM), Director of Human Capital, IA front office Environmental Justice and Climate Resilience lead, Director of the Office of Public Affairs, and the project leads for (1) climate resilience and community relocation, (2) irrigation, power and safety of dams, and (3) water sanitation. All materials which require approval by the Assistant Secretary for Indian Affairs and Departmental leadership will be cleared through the Infrastructure Team.

The Infrastructure Team will be supported by a project manager who will work with the program leads to ensure reporting is completed in a timely manner and that any major issues are identified for leadership.

### Setting Priorities and Establishing Criteria

Priorities and criteria used to inform investments will be derived from the Bipartisan Infrastructure Law authorizing language, which will be informed by Administration goals and input from Tribes through consultation. The detailed methodologies for each program component are broken out in the project implementation section below.

### Monitoring and Evaluation

Indian Affairs plans to hold weekly working group-level meetings of program and administrative staff to talk through implementation issues. The Indian Affairs Infrastructure Team plans to meet regularly to review report progress toward meeting milestones and goals. In order to track spending and project progress, a dashboard system for tracking funding and



performance is expected to support central reporting for the Bipartisan Infrastructure Law and project management tracking dashboards will be leveraged. More specific monitoring and evaluation actions are described in the program sections below.

### **Partnerships, Coordination and Increasing Economic Impact across Indian Country**

Successful implementation of the Bipartisan Infrastructure Law will require significant consultation, coordination and leveraging of partnerships. At the Indian Affairs level, the PDAS, DASM and DBIA plan to work with other Bipartisan Infrastructure Law implementation teams to identify necessary linkages. Within each program, the program managers will focus on leveraging key partnerships and interagency coordination. For the BIA Tribal Climate Resilience Program (TCRP), this means leveraging the DOI community relocation working group and interagency Climate Resilience Working Group and the Council on Environmental Quality's Community-Driven Relocation Group. For the water sanitation team, this means engaging in interagency coordination with the Water Infrastructure Task Force (ITF) led by the Environmental Protection Agency (EPA).

In addition to a focus on coordination, Indian Affairs will look to expand the impact of Indian Affairs management projects and, where possible, other Interior investments by facilitating the use of Buy Indian Act authorities. By focusing on engaging with and maximizing opportunities for Indian small businesses, and using an integrated approach of policies, procedures, training, and strategic contract implementation, Indian Affairs will maximize the use of the newly revised Buy Indian Act to eliminate barriers and expand opportunities for Indian-owned businesses.

### **Timeline for Implementation – FY 2022**

Estimated timelines for implementation are described in the program specific sections below. Pending consultation input, timelines will be updated as appropriate.

## **Program #1: Irrigation & Power Projects-Improvement, Repair, & Maintenance**

### **Program Description and Objectives**

This program provides management, oversight, and engineering technical assistance to the irrigation and power projects under IA's jurisdiction. The program addresses deferred maintenance needs at 17 congressionally authorized irrigation projects located on Indian reservations across the Rocky Mountain, Northwest, Southwest, Navajo and Western Regions. The BIA operates and maintains the San Carlos Irrigation and Power Project and the Colorado River Power Project in Arizona. The Confederated Salish and Kootenai Tribes of the Flathead Reservation operate Mission Valley Power in Northwest Montana under a P.L. 93-638 contract.

The initial spend plan includes \$50 million as stipulated in the BIL for these programs allocated in equal \$10 million amounts for FY 2022-2026 all of which is available until expended. Of the \$10 million allocated annually, approximately 70% or \$7 million is planned for investment at Indian Irrigation Projects and 30% or \$3 million at BIA owned power utilities. BIL funding supplements recent annual appropriations for the irrigation rehabilitation program of \$25.3M for



each of FY 2019-2021. This funding is expected to expand work on Indian Affairs-owned and -operated irrigation and power facilities. Many of these facilities have antiquated infrastructure that needs major capital improvements. These funds may also address deficiencies identified in condition assessments and audit reports prepared by the Division of Water and Power (DWP) and by the Office of the Inspector General (OIG) on Indian Affairs' irrigation projects. These funds further support the goals of the Justice40 initiative by supporting irrigation projects in historically underserved Tribal communities.

### **Implementation Strategy**

The BIA/DWP plans to target 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 irrigation projects, DWP has well-established scoring criteria based primarily on reducing deferred maintenance (currently reported at \$788M – FY 2021 Q4 report) and modernizing aging irrigation infrastructure. These appropriations are planned for investment in conjunction with our current construction rehabilitation appropriations to more rapidly address the deferred maintenance backlog in the BIA irrigation portfolio. After discussions with stakeholders, projects will be prioritized and a funding plan developed. Higher priority may be given to projects that can be initiated quickly.

This is the first time emergency appropriations have been made available for the three BIA owned power utilities which are operated and maintained through user fees. BIA/DWP plans to invest a portion of BIL funds in updating specific power utility components that reduce risk of component failure, consistent with information from the recently completed 2021 HDR Condition Assessment Reports. After discussions with stakeholders, projects will be prioritized, and a funding plan developed. Higher priority may be given to projects that can be initiated quickly.

BIA proposes that Irrigation Projects located on Reservations where Tribe(s) have received water settlement funding in the last 10 years for the purpose of rehabilitation will have a lower priority for these funds than those Projects who have not received settlement funds.

### **Criteria for Project Selection**

Current annual appropriations for irrigation rehabilitation are limited to expenditures on irrigation projects. The BIL extends use of funding to power utilities. Project selection is expected to be based on the following criteria: reducing failure risk, reducing the portfolio of deferred maintenance, modernization of aging irrigation and power infrastructure, benefit to Tribes, importance of the asset, and preparing infrastructure for potential divestment to Tribes. This approach is consistent with the 5-year construction plan for irrigation. The irrigation rehabilitation program addresses critical deferred maintenance, construction work and emergency failures on IA owned and operated irrigation facilities, with an emphasis placed on infrastructure rehabilitation that addresses health and safety concerns for BIA employees and the public. Projects are prioritized in accordance with the Department and Indian Affairs Asset Management Plan, the rehabilitation priority index (RPI), Facility Condition Index (FCI), Asset Priority Index (API), and also consider the risk associated with the loss of water delivery to all or a portion of the irrigation facility. Modernization Study results are incorporated into all



rehabilitation projects to improve resource utilization and water delivery service as most facilities are reaching 100 years old.

### Outreach and Engagement with Partners

The BIA/DWP will contribute to the Indian Affairs-wide consultation and work with stakeholders and, using the criteria and rankings previously developed, plans to prioritize projects based on the project selection criteria. As appropriate, contracts for engineering services will be developed which will include designs, cost estimates, and construction management. Afterwards, funding for pre-construction and construction activities will be allocated. Special efforts will be made to utilize the Buy Indian Act and other set-aside programs to prioritize economic recovery and equity.

### Performance

The BIA/DWP has a very strong program for prioritizing, funding, and measuring performance of irrigation and power construction projects. With an outstanding deferred maintenance of \$788 million for Irrigation (Q4 FY 2021) and ten-year investment needs of \$173 million for power (2021 HDR Condition Assessment Report), the additional funding is planned to be folded into existing programs to reduce overall deferred maintenance needs, reduce risk of failure, and benefit Tribal members. Special effort will be made to communicate plans, start, and completion of projects to Indian Country.

### Timeline for Implementation

#### FY 2022

- Transfer power funding to the 3 BIA owned Power Utilities (approximately \$3M per year) for priorities identified in the 2021 Condition Assessment Report.
- Work with Tribes to determine if they desire to contract (P.L. 93-638) the design work based on completed Modernization Studies for Irrigation Projects.
- Develop the statement of work (SOW) for designs based on the consultation results and the 5-year plan for locations that the Tribes did not express an interest in contracting.
  - Award the design task orders using the existing IDIQ task order for irrigation.

#### FY 2023 – 2026

- Transfer power funding to the 3 Power Utilities (approximately \$3M per year) for priorities identified in the 2021 Condition Assessment Report.
- Work with Tribes to determine if they desire to contract (P.L. 93-638) the design work based on completed Modernization Studies for Irrigation Projects.
- Develop the statement of work (SOW) for designs based on the consultation results and the 5-year plan for locations that the Tribes did not express an interest in contracting.
  - Award the design task orders using the existing IDIQ task order for irrigation.
- Provide Tribes first right of refusal for 638 Subpart J construction contracts based on designs.
- Award construction contracts based on the design results for locations that the Tribes did not express an interest in contracting.



## **Program #2: Water Sanitation and Safety**

### **Program Description and Objectives**

This new program, first proposed for funding in the 2022 President's budget, supports improvement and repair projects that address public health and safety compliance issues at BIA-owned drinking water and sanitation systems. BIL funding of \$10.65 million in FY 2022 supplements the proposed annual appropriations funding level for 2022 of \$29.9 million. Water Sanitation funds are expected to be used to address EPA notice of violations, contamination issues, critical risks of system failure, water quality, supply, system deficiencies, systems near end of service life, review of historic evaluations to determine potential future preventative measures, system upgrades as needed, and removal of lead plumbing from Indian Affairs facilities. The activities planned for this Program support the Justice40 initiative's goals to invest in disadvantaged communities.

### **Implementation Strategy**

In the first year, FY 2022, funding is planned to target projects that can be initiated quickly, where there are known challenges and costs that need to be addressed. FY 2022 funding also is planned to target assessments to confirm all IA-owned drinking water/wastewater systems and identify contamination sources including lead in Indian Affairs facilities. In FY 2023 and out years, funding is expected to address water sanitation project needs identified in FY 2022 and begin removal of lead sources identified in IA-owned water systems and facilities.

### **Criteria for Project Selection**

Planned project selection criteria include: addressing EPA notice of violations, identifying contamination issues, reducing system failure risk, reducing exposure to contaminants for Indian Affairs and Tribal staff, and addressing critical gaps in water delivery.

### **Timeline for Implementation**

#### **FY 2022**

- Announce awards for first year projects in third quarter of FY 2022
- Begin a comprehensive inventory and initiate assessments of IA-owned water systems to identify presence of lead or other significant sanitation/water system deficiencies. Initiate assessments of IA-owned facilities for lead in service lines, internal plumbing, and other fixtures (e.g. water fountains) with potential lead components.
  - This investment is expected to supplement FY 2022 annual appropriations to prioritize assessments for BIE schools and IA-owned water systems.
- Total FY 2022 Budget for Program #2: \$10.65 million

#### **FY 2023 – 2026**

- Complete remaining assessments of IA-owned facilities and water systems for presence of lead in water system components.
- Begin to implement removal of lead pipes, service lines, and fixtures with lead components (funding needed for removal/replacement depends on results of assessments).



- Address remaining needs for larger water sanitation projects.

#### Outreach and Engagement with Partners

Indian Affairs will consult with Tribes on the implementation strategy as part of the overarching consultation, and additional follow-up will occur at local levels. As an interagency coordination strategy, Indian Affairs is actively working with EPA, Indian Health Service (IHS), Department of Housing and Urban Development (HUD), U.S. Department of Agriculture (USDA) and other agencies through the ITF, and, where appropriate, Tribal environmental protection offices, to prioritize water sanitation issues across our facilities and water systems. Indian Affairs is working with the ITF to schedule coordination meetings among member agencies in the coming weeks.

#### **Performance**

Milestones will be identified for major projects that are funded to allow the Indian Affairs leadership to track progress of project implementation.

### **Program #3 Dam Safety**

#### **Program Description and Objectives**

The BIA Safety of Dams (SOD) program was established under the Indian Dams Safety Act of 1994, P.L. 103-302 (25 U.S.C. § 3801 et seq.). Its mission is to reduce the potential loss of human life and property damage caused by dam failure by making BIA dams as safe as practically possible. SOD is responsible for dams on Indian land. These dams form a significant part of the water-resources infrastructure on Indian reservations.

Dam safety activities include but are not limited to: (1) risk management and risk reduction; (2) emergency management, including Emergency Action Plans (EAPs) and Early Warning Systems (EWS); (3) inspections and evaluations; (4) maintenance and repairs; and (5) security.

Recent appropriations for the Safety of Dams program have been around \$38 million. The 2022 President's budget proposes \$52 million. Adjusting for administration costs and transfers to the Office of the Inspector General, the initial spend plan includes a total of \$150 million allocated in varying amounts for FY 2022-2026 all of which is available until expended.

Funding distribution is planned to follow current program practices. The BIA Safety of Dams Branch 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. The prioritized list is updated as additional information, investigations and analyses are made available. Projects completed with this funding are intended to reduce risk below Department of Interior established guidelines.



## **Implementation Strategy**

The BIA Safety of Dams Branch plans to initially target projects already identified as presenting unacceptable life-safety risk to downstream residents and planned for design and construction of remediation modifications. This additional funding allows for acceleration of these projects.

After projects already identified have been completed, projects presenting unacceptable risk to downstream residents and not currently planned for design of remediation construction are planned for implementation. The program continuously updates its understanding of risks posed by program dams.

## Criteria for Project Selection

Project selections are expected to be based on the risk-informed decision-making process already in use. This process prioritizes dams posing high life-safety risk to downstream residents over dams posing lower risk. The program's understanding of the risk each dam presents is constantly evolving, but an inventory-wide prioritization currently exists.

## Major Project Milestones

The program plans to continue the use of design of remediation procedures. Once a project is identified for remediation through the risk-based decision-making process described above, the general procedure for project execution includes:

1. Scoping of remediation design
2. Offer of the project to the Tribe through a P.L. 93-638 contract
3. Award of planning-level design, either through P.L. 93-638 or Federal acquisition
4. If a Federal acquisition, then every effort will be made to utilize Buy Indian Act authorities or set asides to promote economic recovery and equity
5. Site investigations, including, but not limited to, topographic, hydraulic, hydrologic, subsurface, environmental and structural investigations
6. Solicitation of stakeholder input (Tribal, user, etc.)
7. Alternative development
8. Alternative selection, including consideration of stakeholder input
9. Award of design contract, either through P.L. 93-638 or Federal Acquisition
10. Environmental and cultural resource compliance and permitting
11. Design completion
12. Construction contract award, either through P.L. 93-638 or Federal Acquisition

## Partnerships and Coordination

The program has several partnerships which may assist in successful execution of available funding. The program has a history of successful execution of P.L. 93-638 contracts with various Tribal governments. Additionally, the program currently has an interagency agreement with the Bureau of Reclamation which, among other services, provides design capacity. Additionally, the program has an interagency agreement with the U.S. Army Corps of Engineers to provide construction contract award and administration. This agreement could be expanded to also include design services. Finally, the program has multiple Architect Engineer Contracts that provide substantial design capacity.



### Performance

Current performance metrics specific to remediation of dams which pose risks to downstream residents are related to the risk reduction achieved at project completion. Prior to initiating a dam remediation project, the risk posed by the structure to downstream residents is quantified. After completion of the remediation construction, the program reevaluates the risk posed to downstream residents; successful projects reduce risks below tolerable guidelines. Tolerable guidelines are based on Department metrics. Special effort will be made to work with communications to communicate plans, start, and completion of projects to Indian country.

### Timeline for Implementation

FY 2022

- Advance rehabilitation designs, to include the following projects:
  - Oglala Dam – Pine Ridge
  - Menagers Dam – Tohono O’odham
  - Ghost Hawk Dam – Rosebud
  - Antelope Dam – Rosebud
  - White Clay Dam – Pine Ridge
  - Tufa Stone Dam – San Carlos
  - Owhi – Colville
  - A1, Bootlet, Cooley, Davis Dams – Fort Apache

FY 2023 – 2026

- Initiate rehabilitation design and construction on dams, as determined by ongoing application of the project selection criteria.

### **Program #4 Tribal Climate Resilience Community Relocation and Climate Resilience and Adaptation Projects**

The Bipartisan Infrastructure Law provides a total of \$216 million to the Bureau of Indian Affairs-Tribal Climate Resilience programs. Funding is provided as emergency appropriations and is available for obligation until expended. The bill language directs that \$130 million is provided for community relocation and \$86 million is provided for Tribal climate resilience and adaptation projects, and \$43.2 million will be available to spend each year. The bill language also allows 3 percent of funding to be used for administrative purposes and ½ of 1 percent to be transferred to the Interior OIG.

BIA’s 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. In providing this support to historically disadvantaged Tribal communities, efforts in this program support the Justice40 initiative.

### **Bureau Governance Structure**

The TCRP will participate in the overall governance structure across all IA BIL spending described earlier (p. 3), including the Infrastructure Team and its project manager to ensure timely reporting and communication of any major issues to leadership. In addition to that



higher-level structure, the TCRP will follow a structure more specific to funding for Community Relocation and Climate Resilience and Adaptation Project Funding.

The Director of the BIA and BIA's Deputy Director of Trust Services supervise all the Divisions and the Branch of Tribal Climate Resilience, which will oversee the implementation of these funds. The funds plan to utilize primarily P.L. 93-638 contracts, compacts, or P.L. 93-638 construction contracts, and so funds are expected to ultimately be moved from BIA's Central Office to either the Office of Self-Governance to go to Tribal compacts, or to the relevant BIA Region, to be added to an existing self-determination contract or to be used to develop a new self-determination contract (including construction contracts).

### **Setting Priorities and Establishing Criteria**

The TCRP plans to release a draft implementation plan in 2022, following Tribal consultation. Additional Tribal engagement sessions will be held to allow for additional feedback from Tribal leaders. This document is the initial implementation plan which will undergo further revisions following the recommendations from the 2021 DOI Tribal Climate Listening Sessions (Session 1, Tribal Youth & Climate- 10/13/21; Session 2 Part I, Adaptation & Mitigation; Session 2 Part II, Relocation, Managed Retreat, and Protect-in-Place Planning in the Contiguous U.S./Lower 48 States- 10/28/21; and Session 3, Relocation, Managed Retreat, and Protect-in-Place Planning in Alaska- 12/1 and 12/2/21).

It is critical that the TCRP coordinate across DOI and the Federal Government to ensure funds are used most efficiently and effectively, not duplicating other funding sources. The TCRP plans to coordinate with the Denali Commission, the now-forming DOI Relocation Working Group, and an interagency body. That interagency entity may be the Community Resilience Working Group (CRWG), which is currently the remaining sub-group of the Arctic Executive Steering Committee (AESC), which itself was re-activated in the fall of 2021, through naming of an Ambassador and a Deputy Director. The CRWG includes critical partners like HUD. Additionally, the TCRP plans to engage with the career lead (Director of Office of Policy Analysis) for the Ecosystem Restoration program funded through the Bipartisan Infrastructure Law to identify any synergies in community relocation and climate resilience funding sources. TCRP will also engage closely with the BIA POC for the Ecosystem Restoration funding. For the lower 48, BIA will engage and coordinate with regional and national Tribal organizations to address prioritization.

### **Monitoring and Evaluation**

The Branch of Tribal Climate Resilience will oversee the implementation of these funds for community relocation and climate resilience and adaptation projects.

Self-determination contracts require routine monitoring. The monitoring plans to include the measurements and metrics of the original proposed work and will be reported on a quarterly basis, to compare to various metrics that support the Administration's objectives. Tribes have very diverse needs and priorities across a broad spectrum of sectoral management concerns. Per the past solicitations, the Tribal proposals must include a description of the work, how it advances the Tribe in the next steps of adaptation and preparedness and allow for incorporation



of resilience into Tribal program management. This also requires a defined planning or implementation strategy that includes objectives, milestones, deliverables, expected outcomes, and measurements of success. Allowing Tribes to define much of these measures furthers self-determination and increases the probability of success based upon tribally-defined goals.

#### Timeline for Implementation – FY 2022

- Upon apportionment, Office of Budget and Performance Management (OBPM) moves TCRP funding as a whole from the budget address directly to the Office of Trust Services (within 5 days).
- 60-90 days - Open solicitation process for proposals [Spring]. Begin separate process for demonstration projects for 3-4 identified Tribes who are priority due to risk level [Spring/Summer].
- 60 days - Review and ranking process for the proposals [Summer].
- 14 days - Notify the Department (or DBIA if following the Department's request to delegate review to DBIA in 2022 cycle) of the list of potential awardees for review approval and award the funds to Tribes and Tribal organizations.
- Obligate funds from TCRP to Tribes or organizations with the Regional BIA POC (for the TCRP) serving as Bureau Project Officer (collateral duty position). The Region may assign the AOTR. The BIA Regional Self-Determination Office or Office of Self-Governance oversees all the awards. (30 to 60 days to process all obligations).

#### **Program Description and Objectives**

*General Climate Resilience-* Tribal needs are diverse. Each Tribe has its own various climate resilience capacities, needs, and issues to address. The existing Tribal Climate Resilience Awards Program has been focused on training, capacity building, and planning since its inception in 2011. The BIL funds will enable the Awards Program to take the next step to add categories of funding for implementation (for both Climate Adaptation Strategies- Category 10 and Community Relocation- Category 11). It also allows for capacity building through a coordinator position (Category 12) to complement the Relocation, Managed Retreat, and Protect-in-Place Categories of funding (Categories 7 and 11). Lastly, it allows for 3-4 implementation demonstration projects for Year 1. New Categories of funding or increased award ceilings are bolded below to emphasize how BIL funds are leveraging and augmenting the current Awards Program.

*Climate Resilience and Adaptation Projects Funding-* The plan is to leverage the existing annual awards program by adding implementation funding and augmenting the award ceiling for several categories of funding.

- Category 1. Trainings and Workshops (maximum \$150,000)
- Category 2. Adaptation Planning (maximum \$250,000)
- Category 3. Travel Support for Adaptation Planning (maximum \$15,000)
- Category 4. Ocean and Coastal Management Planning (maximum \$150,000)
- Category 5. Travel Support for Ocean and Coastal Management (maximum \$15,000)
- Category 6. Capacity Building for Adaptation Planning (Scoping Assessment) (max \$65,000)



- Category 7. Relocation, Managed Retreat, or Protect-in-Place Assessment, Planning, and Design (maximum \$300,000)
- Category 8. Internships (maximum \$50,000)
- Category 9. Youth Engagement (maximum \$50,000)

The BIL funding for Climate Resilience and Adaptation Projects will allow for the addition of one vital category of funding which Tribes have been requesting consistently:

- Category 10. Implementation of Climate Adaptation Strategies (maximum \$2,000,000)

Category 10 Implementation funding is only available to Tribes with a final plan in place. Implementation of climate adaptation strategies identified in planning documents represents a logical next step to the planning focus that the TCRP has had since 2011.

*Community Relocation Funding-* Many Tribes across Alaska and some Tribes in parts of the lower 48 are facing growing risks related to extreme weather, sea level rise, melting permafrost, erosion, flooding, wildfires, and more to the extent they are considering decisions surrounding full community relocation to a new site, managed retreat of at-risk infrastructure or culturally significant resources, or protect-in-place measures, all of which require significant resources and coordination across multiple governing entities. The current awards program already has a category of funding, Category 7 (see above), which specifically supports assessment, planning and design only (not implementation). Community Relocation Funding will augment this Category 7 funding (also see increased award ceiling of \$300,000 from \$150,000) and BIL funds for Community Relocation would also support the following new Category of Funding:

- **Category 11. Implementation for Community Relocation, Managed Retreat, or Protect-in-Place Actions (maximum \$3,000,000)** Implementation funding is only available to Tribes with a final plan in place, and planning funds are only available to Tribes with risk assessments in place. Exceptions are possible for Tribes already considered very high risk – imminently threatened (<10 years) and who have basic data such as historical erosion rates, flood data, permafrost assessment, or structural engineering assessments.
- **Category 12: Relocation/Managed Retreat/Protect-in-Place Coordinator (maximum: 100,000/year up to 3 years)** Capacity/Equity Considerations: Tribes at middle to high risk with no Relocation/Managed Retreat/Protect-in-Place Coordinator can apply for funding non-competitively and receive funds for a Coordinator for up to three years, as well as cohort training for that Coordinator.
- **Implementation Demonstration Projects for Year 1:** This unique feature planned for Year 1 is expected to be non-competitively determined and will likely be comprised of 2-4 projects for Tribes facing high risks who also have implementation projects ready to go (complete or near complete project designs and site assessment) that can provide lessons learned for other Tribes. (Non-competitively determined- compared with competitive Category 11 above). Total combined costs to fund demonstration projects are expected to range from \$10-\$20 million out of the \$25.9 million funds for community relocation in FY 2022.



## Implementation Strategy

Figure 1 is a basic framework that provides the basic steps towards climate resilience, following the U.S. Climate Resilience Toolkit approach. It is presented here to provide a rationale for the Implementation Strategy.

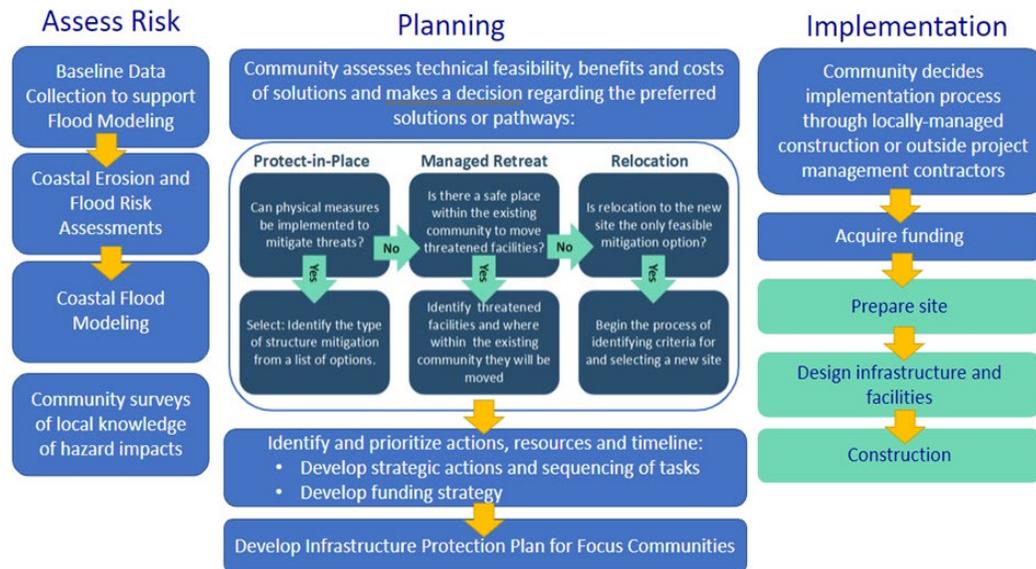
Figure 1.



Figure 2 provides a basic model of the planning process for relocation, managed retreat, or protect-in-place considerations in Alaska. While it was designed with Alaska in mind, the higher-level focus on a progression from risk assessment, to planning, to implementation is still useful and applicable for other regions outside Alaska. Note that there are additional risks not mentioned in the figure- especially for Tribes in the lower 48 states (e.g., wildfire, drought, other extreme weather, etc.). The flowchart is presented as an example of the assessment, planning, and implementation steps that decision-makers likely need to consider, as well as more detailed steps under each of those main areas. Some Tribes have already identified their risk level and have developed adaptation plans or similar documents and are therefore in the process of implementing those plans. Others do not yet have the risk assessments needed to develop a plan, make decisions, and implement. This is a progression requiring an understanding of risk, development of a formal plan, and then implementation of that plan. Having completed risk assessments and plans already in-place are vital for planning, decision-making, and implementation.



**Figure 2.**



The BIA plans to take a phased and strategic approach focused on a progression that follows the above-mentioned figures for both Climate Resilience and Adaptation Project Funding as well as Community Relocation Funding.

**Timeline for Implementation**

- Year 1:
  - Prioritize staffing (FTE and contract staff) to provide technical support to Tribes working through community relocation, managed retreat, and protect-in-place challenges.
  - Prioritize relocation, managed retreat, and protect-in-place coordinators and their initial cohort training.
  - Awards: Prioritize planning-related activities (e.g., training, capacity-building, risk/vulnerability assessments, data collection and analysis) in funding announcement. Begin to fund several key and high-ranking implementation actions under *Climate Adaptation Implementation (Category 10)*: prioritize 2-3 projects in year 1 (Implementation funding is only available to Tribes with a final plan in place). *Community Relocation Implementation (Category 11)*: prioritize 2-3 projects in year 1. Also identify 3-4 demonstration projects outside of the competitive awards program for Tribes at high risk who already have an understanding of their risk level and are ready to implement projects that could result in relevant lessons learned for other Tribes. (Estimate 50%/50% funding split between planning vs. implementation).
- Year 2:
  - Prioritize second year cohort of relocation, managed retreat, and protect-in-place coordinators and their initial cohort training.
  - Awards: Continue prioritizing planning-related activities but increase funding for implementation activities for those who already have plans in place (or are



already considered very high risk – imminently threatened (<10 years) and have basic data such as historical erosion rates, flood data, permafrost assessment, or structural engineering assessments) (estimate 40%/60% funding split).

- Year 3:
  - Prioritize third year cohort of relocation, managed retreat, and protect-in-place coordinators and their initial cohort training.
  - Awards: Continue funding planning-related activities balance prioritization with implementation activities for those with plans in place (estimate 35%/65% funding split).
- Year 4: Awards: Continue planning-related activities and assuming more Tribes are ready to implement final plans, fund more implementation activities (estimate 30%/70% funding split).
- Year 5: Awards: Continue funding planning-related activities and further increase implementation for those with plans in place (estimate 25%/75% funding split).

Criteria and Prioritization for both Climate Adaptation and Community Relocation Awards:

The criteria for allocation of existing Categories of funding (Categories 1-9) would likely remain similar to past criteria and would likely apply to the new categories of funding for implementation\* (Categories 10 and 11). Criteria from previous years has been based on the following:

- Overall quality of design, potential for implementation, and incorporation of science features (0-50 points)
- Capacity-building features (0-25 points)
- Strength of budget (0-25 points)
- Supplemental points could be provided and based on:
  - Breadth of benefits (0-10 points).
  - Leveraging of funds (0-5 points).
  - Equity- whether or not the applicant was a capacity building awardee in previous award cycles (for adaptation planning category only) (0-10 points).
  - Equity- applicants who have not received a large award since 2014 from the Program (0-5 points).
  - For Implementation: mention of Tribe’s high priority or urgency within existing national, regional, or statewide risk or threat assessment (0-5 points).

(\*Implementation funding of adaptation strategies requires an existing final plan in most cases except for imminently threatened Tribes that have basic data available.)

These criteria would be applied by a team of reviewers and intended to allow for more adaptive program implementation and to most efficiently fund the most effective efforts. Applications would be ranked and funded according to availability of funds. Exceptions are possible for Tribes already considered very high risk – imminently threatened (<10 years) and who have basic data such as historical erosion rates, flood data, permafrost assessment, or structural engineering assessments.



## **Performance**

Progress is expected to be monitored in coordination with BIA Regional POCs, and the Alaska regional staff. The BIA will carefully consider the Tribal input received from the 2021 Tribal Climate Listening Sessions and the FY 2022 Tribal consultation(s). At a high level, the performance measurements are expected to include the number of risk assessments completed, the number of adaptation plans completed, and the number of implementation projects completed. At a finer level, the performance measures may include the number of new Tribes who receive funding (equity measure), the leveraged funds (P.L. 93-638 contract funds can be used for a Federal match), and/or the number of plans that incorporate traditional knowledge.

Additional staff will be recruited in CY 2022 to facilitate on-the-ground implementation and coordination with partners.