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Eligibility Q&A

Question 1: Is this announcement open to all Tribes or just ocean and coastal Tribes?
A: This solicitation is open to all Federally recognized Tribes and Tribal organizations per 25 section 5304(*l*). However, Categories 4 and 5 are specific to coastal and/or Great Lakes coastal Tribes, and Categories 7, 11 and 12 are specific to coastal and/or riverine Tribes.

Question 2: Is a Tribal department or are multiple Tribal departments considered a Tribal organization?
A: TCR considers Tribal departments as a "Tribe" whether it is a single Tribal department or multiple Tribal departments *of the same tribe working together*, since Tribal departments work under a single Tribal government. Refer to 25 U.S.C. 5304(*l*) for the definition of Tribal organization.

Question 3: Why is there only one solicitation, instead of separate ones for Tribes versus for Tribal organizations?
A: We're using the following definition for eligibility: Federally recognized Tribes and entities falling under 25 U.S.C. § 5305(*l*) who are authorized to enter into 638 self-determination contracts and compacts. This definition is listed in the solicitation on the first page. Other entities may participate as sub-grantees. Tribal organization proposals will be reviewed and ranked *separately* from Tribal proposals, and *Tribal proposals will be given priority.*

Question 4: The announcement states that proposals from intertribal organizations will be evaluated interdependently from proposals directly from Tribes. Does this mean intertribal proposals will not be in competition with Tribes?
A: Yes, proposals from Tribal organizations are not ranked with Tribal proposals, as mentioned above. Tribal proposals are given priority by ranking them together first. Once quality starts to drop markedly based on reviewer scores, then Tribal organization proposals are ranked.

Question 5: Is there an envisioned allocation of funds between Tribes and Tribal organizations?
A: No. This varies each year depending on the proportion and number of applications received from Tribes versus Tribal organizations. In general, Tribal proposals are prioritized and ranked together first. Once quality begins to drop markedly based on reviewer scores, Tribal organization proposals are then ranked.

Question 6: Are State-recognized Tribes and Tribal NGOs working with State-recognized Tribes eligible?
A: No. The Bureau of Indian Affairs legally must serve Federally recognized Tribes, so only Federally recognized Tribes and Tribal organizations as defined by 25 U.S.C. § 5305(*l*) are eligible for this funding.

Question 7: If we have recently received a no-cost extension on a TCR grant and are currently working with this funding, does this limit us from applying for 2022 funding?
A: No, it does not limit the Tribe from applying, as long as the application submitted in 2022 proposes

new work or is building off of and expanding previous work. In other words, as long as there is no duplication of efforts, the federal government cannot fund the same work twice. Tribes are eligible to apply for funding despite having already open TCR grants.

Question 8: Does a Tribe have to have Trust lands along the coast to be considered a coastal Tribe?
A: No, the Tribe could have ceded lands or Trust lands in proximity to a coastal watershed to the extent that there is strong influence and connection between the coast and the larger upstream watershed. This also includes Great Lakes Tribes. See the footnote in the solicitation regarding the terms *coastal zone* and *coastal waters.*

Question 9: Can any other type of plan (e.g. Habitat Management Plan, Hazard Mitigation Plan, Integrated Ecosystem Management Plan, Emergency Management Plan, Restoration Plan, etc.) be considered eligible for climate adaptation funding, or does it have to be specifically a Tribal climate adaptation plan?
A: A plan doesn't have to be specifically a "Tribal Climate Adaptation Plan" to be eligible for TCR funding. *Any plan that addresses or incorporates climate change* can be considered eligible. It is beneficial for any Tribal program plan to address how climate change risks could impact the program, and identify strategies for being more resilient in the face of such change. However, it isn't advisable to propose funding the entire development of a program plan if it hasn't been developed yet, because this funding supports *plan components that incorporate climate change*.

Question 10: Can two Federally recognized Tribes on a reservation each apply separately for the awards as long as they are not duplicating efforts?
A: Yes, Each Federally recognized tribe is allowed one application per category. We are aware that some tribes share jurisdictional boundaries. Additionally, in the Wind River Reservation case, 638 contracts to either Tribe must be signed by the joint council.

Question 11: How are sovereign villages seen in all of this, away from the Tribe?
A: If a given sovereign village is considered a Federally recognized Alaska Native Village/Tribe, then that entity will be listed in the most current version of the Federal Register. See the **ELIGIBILITY** section of the RFP: "*Federally recognized Tribes are eligible as listed in the current Federal Register, Notice of Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs, which is the official listing of all Federally recognized Tribes in the U.S. pursuant to Section 104 under the Federally Recognized Indian Tribe List Act of 1994 (Pub. L. 103-454; 108 Stat. 4791-4792). The most recent Notice was published in the Federal Register, 87, FR 4636 (January 28, 2022).*"

Question 12: If a Tribe received a previous award for planning (Categories 2, 4, or 7), can they apply for another planning grant during this new solicitation cycle? If so, can they apply up to the new funding limit, or are they only allowed to apply for the difference between what they have already received and the new funding cap?
A: Yes, a Tribe may reapply for an additional and new planning award, as long as it is *expanding upon previous work or doing new work*. All eligible applicants may apply up to the new funding caps. Keep in mind, however, that there should be no duplication of efforts for previously-funded work.

Application Resources Q&A

Question 1: Where are the funding opportunity and application materials located?
A: Applicants can find the solicitation announcement on https://sciencebase.usgs.gov/eco-opps/#/ and *must apply* through this site. The solicitation application can still be found on the BIA Tribal Climate Resilience site as well, but applicants *must still apply* through the Eco-Opps Science Base Site. See the FY 2022 Solicitation Resources: https://www.bia.gov/bia/ots/tribal-resilience-program . *NOTE: Instructions for creating a user account and how to submit a proposal are included with the solicitation.*

Question 2: Is there a specific format we must use for our application?
A: There aren't exhaustive formatting requirements, but here are some recommendations:
- 12-pt font
- Single space, double space between paragraphs
- Use 1-inch margins all around
- Use one font throughout, recommended: Times New Roman, Arial, Georgia, Helvetica, or Palatino Linotype
- Do a final edit, including spell-check and number all pages

Question 3: Where are the standards used to score proposals?
A: See the full solicitation section **D. Activity Standards and Evaluation**. Each funding Category type has its own unique set of activity standards that the reviewers will use to score proposals. For example, planning Categories 2, 4, and 7 have similar activity standards – whereas travel Categories 3 and 5 have similar activity standards.

Question 4: What is new in the 2022 solicitation?
A: There are several changes in 2022 to be aware of:
1. Categories 10-13 are new additions for 2022 – these Categories allow for Implementation Projects, Community-led Relocation Coordinators, and International ITEK Virtual Exchange.
2. Applicants must create an account on the Eco-Opps Science Base, typically taking 24 hours to process. **Create the account at least 24 hours prior to applying.** Applicants must apply through Eco-Opps Science Base https://sciencebase.usgs.gov/eco-opps/#/ (**do not email it** to resilience.funding@bia.gov, but please feel free to continue to submit questions to this email).
3. Funding for FY 2022 will be awarded through P.L. 93-638 Contracts and Compacts vs. the Grants.gov financial assistance grants that have been used in previous years. Thus, reporting for 2022 awards will be sent to the Regional AOTR rather than uploaded into the GrantSolutions (GS) grants management system for new awards. However, reporting for previous year awards will remain in the GS system and should still be submitted through that platform.
4. Category 2 maximum amount has been increased from $150K to $250K to allow for completion of projects. Category 7 maximum amount has been increased from $150K to $300K due to complexity of projects.
5. There are new activity standards in many Categories of funding for incorporation of Indigenous language and traditional governance, and also for co-stewardship, sacred sites, and treaty rights

support. Additionally, "Ecosystem Restoration Potential" has been added as an *optional* criterion into the scoring for Categories 2, 4 and 7.

Question 5: What file format should we use to submit our application?
A: Many of the application content requirements should be filled in online directly to ECO Opps, adding the budget file as an Excel file attachment. However, for the larger Categories, there will be some attachments for the proposal component itself, and any appendices. ECO Opps will only accept pdf and Excel files for uploading, so please use pdf for every file type except the budget, which should be Excel. *Note: you must click "Submit" before you will be able to see a button to upload your attachments.*

Question 6: What is the total amount of funding available for FY 2022?
A: The amount varies from year to year. This year, the estimate is $46 million total. Please see previous Award Summaries to get an idea of the past total amounts, here: https://www.bia.gov/bia/ots/annual-awards-program. Also, consider Bipartisan Infrastructure Law appropriations which will increase Annual Awards Program funding from 2022-26, here: https://www.bia.gov/sites/bia.gov/files/assets/as-ia/opa/pdf/Indian%20Affairs%20BIL%20Spend%20Plan_FINAL.pdf.

Question 7: Where can I find contacts who will help me?
A: On the BIA Branch of Tribal Climate Resilience website homepage, click the Contact Us site page to access BIA Regional contacts and Regional Tribal Climate Resilience Liaisons on a printable page. These contacts know about the program, the awards process, and may even provide application assistance.

Question 8: If I apply for the TCR solicitation, how will the Tribe's information be protected from a Freedom of Information Act (FOIA) request?
A: A FOIA request is for an *agency record,* meaning something that is in possession of the Federal government as a part of the documentation process (e.g., submitted reporting on a grant). Please note that TCR does *not* require that culturally sensitive information be submitted. It is up to the Tribe to determine what goes into submissions. When an entity accepts funds from the Federal government (including P.L. 93-638 contracts, Self-Governance compacts, Federal grants, and cooperative agreements), this automatically allows for the Federal government to view the entity's *business practices*- basically, what an audit would entail. For more information, including FOIA exemptions, see the FOIA FAQs at: https://www.foia.gov/faq.html.

Question 9: If we are a non-profit working with Tribal entities, does a cover letter suffice, or do we need the support of the Tribal government as well?
A: See **ELIGIBILITY** description in the RFP. Proposals need to come from the Tribe. Support of Tribal government / leadership is required as they will be the entity receiving the funds and administering the contract.

Question 10: In the RFP it states that Tribal organizations who are proposing to develop a product on behalf of a Tribe must have a resolution from the Tribe. Do we need one if we are applying for the planning Category (2, 4, or 7) applications?

A: Tribal organizations must have P.L. 93-638 contracting authorities to apply. A planning Category proposal from an eligible Tribal organization must be accompanied by resolutions from the Tribe(s) the product (e.g., plan, assessment, etc.) is intended to support.

Question 11: If you submit a proposal prior to the deadline and are missing anything, will you be notified?

A: If you submit the proposal *at least two weeks* prior to the deadline, we will try to have extra eyes on it to see if anything has been missed. For proposals submitted less than two weeks prior to the deadline, this will **not** be the case. See the RFP language in the **DATES AND ADDRESS TO SUBMIT APPLICATION** section for more information about how to apply.

Question 12: Is there any way that the deadline could be extended? July is such a bad month to get paperwork in for rural Alaska and they are going into non-paperwork mode soon.

A: Proposals may be submitted now, or prior to the deadline. Proposals will not be accepted after the deadline date specified in the full solicitation. To review, rank, and fully process awards within the 2022 fiscal year, a July deadline is necessary to complete all steps for awards as soon as possible.

Definitions Q&A

Question 1: How is "Tribal organization" defined in terms of eligibility?
A: Per the 25 U.S.C. section 5304(*l*) definition, Tribal organizations that serve Federally recognized Tribes and are authorized to enter into 638 self-determination contracts and compacts are: *"legally established organization of Indians which is <u>controlled, sanctioned, or chartered by such governing body or which is democratically elected by the adult members of the Indian community to be served by such organization</u> and which includes the maximum participation of Indians in all phases of its activities: Provided, that in any case where a contract is let or grant made to an organization to perform services benefiting more than one Indian Tribe, the approval of each such Indian Tribe shall be a prerequisite to the letting or making of such contract or grant"*. Tribal consortia which fit this definition are eligible to apply to Categories other than capacity building and implementation.

Question 2: Is there a working definition of "resilience"?
A: There is no over-prescriptive definition of resilience; we refer to the general view that climate resilience is the ability to *prepare for*, *recover from*, and *adapt to* climate impacts.

Question 3: How do we know if projects are considered "ocean and coastal" under Categories 4 and 5?
A: The footnote in the solicitation references 16 U.S. Code section 1453 for coastal terminology:
"(1)The term "coastal zone" means the coastal waters (including the lands therein and thereunder) and the adjacent shorelands (including the waters therein and thereunder), strongly influenced by each other and in proximity to the shorelines of the several coastal states, and includes islands, transitional and intertidal areas, salt marshes, wetlands, and beaches. … The zone extends inland from the shorelines only to the extent necessary to control shorelands, the uses of which have a direct and significant impact on the coastal waters, and to control those geographical areas which are likely to be affected by or vulnerable to sea level rise. …
(3)The term "coastal waters" means (A) in the Great Lakes area, the waters within the territorial jurisdiction of the United States consisting of the Great Lakes, their connecting waters, harbors, roadsteads, and estuary-type areas such as bays, shallows, and marshes and (B) in other areas, those waters, adjacent to the shorelines, which contain a measurable quantity or percentage of sea water, including, but not limited to, sounds, bays, lagoons, bayous, ponds, and estuaries."
The language above is sufficient but for the full language, see:
https://www.law.cornell.edu/uscode/text/16/1453.

Question 4: What does "riverine communities" refer to in the Relocation, Managed Retreat, or Protect-in-Place Categories 7, 11, and 12?
A: The "riverine communities" component refers to Tribal communities facing threats due to proximity to a river, floodplain, or wetland area (including Great Lakes). These threats associated with proximity to these areas would cause Tribal communities to face decisions regarding managed retreat/partial relocation, expansion, protect-in-place, and community-led relocation. Applicants need to describe the geographic location including proximity to coastal or riverine area, as well as the challenges that the Tribe is facing from climate change. Challenges may include intensifying riverine erosion, flooding,

permafrost degradation impacts, sea level rise (coastal riverine), and similar impacts. See further information for Category 7 in section **D. Activity Standards and Evaluation**.

Question 5: How does TCR define "construction"?
A: TCR uses the 48 C.F.R. § 2.101 definition, which defines "construction" as: "*construction, alteration, or repair (including dredging, excavating, and painting) of buildings, structures, or other real property. For purposes of this definition, the terms "buildings, structures, or other real property" include, but are not limited to, improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, cemeteries, pumping stations, railways, airport facilities, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, canals, and channels. Construction does not include the manufacture, production, furnishing, construction, alteration, repair, processing, or assembling of vessels, aircraft, or other kinds of personal property (except that for use in subpart 22.5, see the definition at 22.502).*"

Question 6: How are construction "phases" defined, and what phases does TCR implementation cover?
A: Construction programs generally include the following activities: I) the preplanning phase – initial assessment and determination of project need is made and supporting information collected for presentation in a project application; II) the planning phase – conducting and preparing a detailed needs assessment, developing justification documents, completing and/or verifying master plans, conducting predesign site investigations and selection, developing budget cost estimates; conducting feasibility studies, and developing a Program of Requirements (POR); III) the design phase – licensed design professional(s) using the POR as the basis for design of the project, prepare project plans, specifications, and other documents that are a part of the construction documents used to build the project. Site investigation and selection activities are completed in this phase if not conducted as a part of the planning phase.; IV) the construction phase – includes providing the labor, materials, equipment, and services necessary to complete the work in accordance with the construction documents prepared as part of the design phase. **BIA TCR funds Phase I through Category 2 planning or Category 6 capacity building grants for scoping efforts, and Phases II and sometimes elements of Phase III through the three planning Categories 2, 4, and 7. Implementation Categories will fund Phase III and Phase IV activities.** *Note: please see 25 C.F.R. § 900.112 for more information.*

Funding Categories Q&A

Question 1: Can Tribes and Tribal organizations apply to multiple funding Categories?
A: Yes. However, there are some limitations. Each Tribe is limited to one award per Category, not to exceed two of the larger awards (Categories 1, 2, 4, 7, 10 and 11). Each Tribe is limited to one Implementation award across both of the Implementation Categories 10 and 11. The reason for this is so that TCR will be able to spread the benefits more widely across Indian Country and Alaska Native villages. Additionally, if the Tribe is applying to Category 6, they are ineligible for the larger awards mentioned, but they may still apply to the smaller Travel and Youth Categories. This is because Category 6 is meant for Tribes that don't yet have the capacity to apply to the larger Categories. Tribes that have received a Category 2 award in the past are ineligible for a Category 6, Capacity Building award. Finally, Categories 6 and 12 are limited to Federally recognized Tribes only, *not* Tribal organizations since these funding Categories are meant to build internal Tribal technical staffing.

Question 2: If a Tribe wants to submit proposals to multiple Categories, are different applications needed for each Category? In other words, can we submit the same proposal to multiple Categories?
A: A Tribe may apply to more than one Category, however, the Tribe *must submit separate* and *different* proposal applications to each Category. Additionally, Tribes should only submit *one* proposal per Category, since only one proposal per Category will be funded. Please see the **FUNDING LIMITATIONS** section in the full solicitation for more information.

Question 3: Can I submit multiple proposals for components of the same large project into different Categories?
A: No. If the Tribe or Tribal organization is submitting multiple proposals, please provide separate applications (proposals) that aren't dependent on one another being awarded, in the case that they are not all funded. Projects should *not* be dependent on one another. Projects may be integrated but should provide stand-alone work, therefore separated into different Category proposals. Each request amount should not exceed the maximum limit.

Question 4: Can a planning Category (2, 4, or 7) proposal include travel, or is travel reserved only for Categories 3 and 5? E.g., "I want to send all the Tribal planning team to a workshop."
A: Yes. The question is, does the staff need that workshop only for the proposed project planning activities, *or* do they need it generally for their program too? If they will need the workshop for their program in general, then we suggest a stand-alone travel proposal, so that they aren't depending on the Category 2 award for program planning needs. Smaller awards for Categories 3 and 5 are *most often funded* for appropriate climate change-related (Category 3) or ocean and coastal training or cooperative meetings (Category 5). Keep in mind that these funds cannot be used for international travel.

Question 5: Does there already need to be a plan in place in order to apply for training or planning Categories 1, 2, 4 or 7?
A: No, there does not need to be a plan already in place for these Categories since these Categories are

focused on planning. However, implementation applicants (Categories 10 and 11) should already have a plan in place to identify proposed actions, however, Tribes facing high risks (must have a formal assessment as justification) can still apply as long as some preliminary work has been done beforehand-see RFP criteria for more information.

Question 6: Is developing a climate monitoring plan eligible for funding under Category 2?
A: Yes, as long as it is not for baseline monitoring (such as for general monitoring programs of a Tribal environmental program, e.g., Air Quality monitoring). Monitoring should be climate-focused and supplementary to baseline. A monitoring plan should be focused on answering a specific management question relating to climate adaptation.

Question 7: Can we develop a pipeline project where the process would carry over from Category 7, planning, into Category 11, implementation? For instance, the Tribe plans under Category 7 and then can easily transition to implementation from planning efforts to Category 11.
A: Yes, Category 2 plans and designs can serve as a basis for Category 10 proposals and that Category 7 plans and designs can serve as a basis for Category 11 proposals.

Question 8: Are Tribes encouraged to secure a Capacity Building (Category 6) award first before applying for other Categories in future funding rounds?
A: Applying for a capacity building award prior to other Categories is **not** required, but can be a great steppingstone for Tribes that may not have as much internal capacity for proposal development for one of the larger, more competitive Categories.

Question 9: Assuming a Tribe has multiple phases of climate adaptation, with the first phase being construction-ready, and the subsequent phases still requiring additional planning efforts - in this scenario, can a Tribe submit both an implementation grant for the construction ready phase, and a planning grant for climate adaptation phases that are not yet construction ready?
A: Yes, please see the answers to Questions 2 and 8 in this section, above.

Question 10: Can each Tribe get two awards across larger categories each year, or two total (including the smaller awards)?
A: See Question 1 in this section, above: "*Can Tribes and Tribal organizations apply to multiple funding Categories?*". The answer is yes. However, there are some limitations. Each Tribe is limited to one award per Category, not to exceed two of the larger awards (Categories 1, 2, 4, 7, 10 and 11). Each Tribe is limited to one Implementation award across both of the Implementation Categories 10 and 11. See the **FUNDING LIMITATIONS** section in the RFP for more information.

Question 11: Are Category maximum amounts per request or total available for the Category? Further, are there any total funding levels associated with each Category?
A: The Category maximum amounts are per individual request, and are **not** indicative of overall funding available by Category. Likewise, the number of Tribes that are funded in each Category varies depending on how many requests we receive, and on how much each of the requests are for. In other words, we do **not** have a set number of awards that we distribute by Category, either. The only Categories that **do** have an approximated funding level are the Category 4, Ocean and

Coastal Management Planning and the Category 5, Travel Support for Ocean and Costal Management. Together, these Categories are funded at around $2,000,000 due to a mandatory crosscut from Congress.

Question 12: We are having to move our Tribal Community upland due to erosion, storm surges, and sea rise. We have identified that we need to create a department to coordinate the existing departments and implement the move. It was identified in the plan developed by Oregon State University under a previous TCR award that we need to move. Can the development of a new Tribal department to coordinate and implement the move be funded under Category 11? This might cover the cost of a director that has the knowledge to support all of the needs of move, along with other costs to implement the move.
A: Category 12 Relocation, Managed Retreat, and Protect- in - place Coordinator is for that purpose and can fund one coordinator position, but not the standing up of an entire Tribal department. Keep in mind that this funding is not guaranteed and is not recurring. These are one-time awards and cannot be relied upon for continued support into the future, as would be needed to initiate and sustain an entirely new Tribal department. Also, please be aware that the **C. Disallowed Costs** section of the RFP does not allow establishing or operating a Tribal office. Please review the Category 12 activity standards in the full solicitation and contact us with any further questions.

Question 13: I see that the RFP states under Category 10 that renewable energy projects will not be funded because renewable energy implementation projects can be funded through the Department of Energy's (DOE) Office of Indian Energy (OIE). Is that still the case since the DOE has not opened the renewable energy deployment grant opportunity and there is no timeline for when it would be open again?
A: There are a variety of DOE-OIE funding opportunities open: https://www.energy.gov/indianenergy/current-funding-opportunities. Please browse these funding opportunities, and if there is a gap or lack of funding for your Tribal energy needs, see the solicitation Implementation Activity Standards, Note 2, to decide whether or not applying would be in the best interest of the Tribe. Reviewers will consider the last date of application open period on other funding opportunities and the need that is lacking, and will then decide whether the TCR application might be considered an eligible funding source for the project(s).

Project Conditions Q&A

Question 1: Can the Tribe apply for more money to continue a previously funded project?
A: Yes, as long as the project tasks are *new* to the previously completed work (the government can't fund the same work twice). Describe how the new work you are doing builds upon past efforts. Also, a project *can* have an overall cost greater than the maximum amount allowed, but the amount beyond the maximum must be covered by *other sources.* Do not include costs charged to other sources in the amount requested from BIA-TCR in either the proposal or budget.

Question 2: Is greenhouse gas (GHG) mitigation planning an eligible project for this funding?
A: GHG mitigation, while important, is often more associated with the mission and funds of other agencies and offices (e.g., the Dept. of Energy's Office of Indian Energy, National Renewable Energy Labs, and/or the Weatherization Assistance Program, as well as BIA's Division of Energy and Mineral Development). If the proposed work is generally funded by another specific Federal funding source, please provide a rationale as to why the applicant is not applying to that existing Federal program and/or has been unable to access funding from that source. TCR cannot fund duplicative work. *Note: Based on the Preliminary Junction Order per Case No. 2:21-CV-01074 (Louisiana vs. Biden), no "social cost of greenhouse gas" activities shall be funded through TCR, nor any reliance upon or implementation of Executive Order 13990 § 5.*

Question 3: Can fire and fuels mitigation (implementation) be funded through this solicitation?
A: No. The BIA Branch of Wildland Fire Management currently includes a fuels program and has authorities and established protocols that the TCR does not, and duplication of those efforts is not allowable. Supplemental planning support is allowable but if the proposed work is generally funded by another specific Federal funding source, please provide a rationale as to why the applicant is not applying to that existing Federal program and/or has been unable to access funding from that source. Also, TCR encourages supplemental monitoring, planning, and actions for *adaptive modifications* to Integrated Resource Management Plans or to multiple Forest, Fire, Rangeland, Water, Air and GHG Emissions- related Management Plans. Adaptive modifications to Tribal program plans may also assist the Tribe in the process of creating an overarching Tribal Adaptation Plan.

Question 4: Can this funding support Unmanned Aircraft System (UAS) or drone work?
A: Certain drone models are on a prohibited list for the Department of the Interior (DOI), with very limited exceptions involving emergency situations reviewed and waived by the Director of the Office of Aviation, as delegated by the Assistant Secretary of the Office of Management Budget (AS-OMB). Because of this, BIA cannot use, buy, or direct funds toward the use of any of the prohibited manufacturers. The list of prohibited entities is found in three places: 1) Departments of Commerce, 2) Homeland Security memos and 3) Department of Defense. There are a handful of Chinese companies specifically listed which are financially or organizationally tied to the Chinese government, and so any IT/UAS components or products of these listed companies are prohibited for use or purchase by DOI and other Federal Departments. Published concern is related to national security, technology advances, trade policy and homegrown capacity. The DOI Office of Aviation Services (OAS), Division of UAS is presently testing U.S. made models to determine airworthiness and practical usefulness to DOI. So far,

no UAS has been approved for use or acquisition, and no timeline for additions to the approved fleet has been announced. That being said, the BIA is at a standstill until either DOI Secretarial Order 3379 is updated or removed, or U.S. manufacturers provide a more capable and cost-effective alternative to the Chinese origin devices. Once OAS adds UAS to the approved fleet list, we can then determine our way forward. This is a DOI-wide issue which does not directly pertain to Tribal business activities, though it does affect DOI's ability to share resources and move forward across agency common interests. For more information, see Executive Order 13981 and Secretarial Order 3379.

Question 5: Can an implementation proposal include multiple tasks that are not related as long as they are identified in an existing adaptation, relocation, partial relocation, protect-in-place or other related plan (and come in under the max amount allowed)?
A: Yes, an implementation proposal can include multiple tasks that may not necessarily be related to one another, as long as they are mentioned in an existing planning document. We would caution however that the Tribe be aware that the implementation categories of funding are likely to be a very competitive. Each task will need to be responsive to the activity standards (criteria) within the RFP. If some tasks are less ready than others, be aware that it could end up bringing the overall score down.

Question 6: What is the period of funding for the 2022 grant?
A: The estimated timeline for Tribes to receive awards is expected to be around October 2022. The project period of funding will be clearly listed on the PL. 93-638 Award document, once awarded. Contract periods of performance are set up individually at the regional level, not to exceed either the work plan or five (5) years. Proposal project timelines should be written to be completed in one to two years.

Question 7: With so much more funding and several new categories, what is a realistic date BIA Tribal Climate Resilience will be able to announce awards?
A: TCR anticipates that all funding announcements should be made around October of 2022.

Question 8: If successful with an award, we can obligate through our multi-year funding agreement (MYFA) through Self-Governance, using the P.L. 93-638 contracting process?
A: The funds will either route through the Office of Self-Determination to be awarded as a P.L. 93-638 Contract, or through the Office of Self-Governance to be added to the MYFA compact.

Question 9: For the fire and fuels mitigation question. Could the funding be utilized to improve resilience post-wildland fire response by doing other restoration work i.e., seeding, beaver dam analogs (BDA) to reduce sedimentation loss, etc.?
A: This seems like an implementation project under Category 10, as long as it does not duplicate work that may be covered under other funding resources (e.g. BIA-NIFC Burned Area Emergency Response, etc.).

Question 10: Our proposed project would collect novel data to develop a river flow model that supports maintenance of riverine forests under climate change scenarios. Which Categor(ies) would fund this project?
A: A key question for a monitoring or modeling project to consider is, *"will this directly support a management decision*?"*. Please refer to the Contact Us page within the BIA TCR website for technical

question support. Any of the contacts listed in the dropdown selection by region should be able to review and provide feedback on potential proposal project eligibility.

Question 11: Can fish ladders or fish passage projects be funded through TCR?
A: Fish ladders and/or fish passage actions are generally funded through the BIA Branch of Fish, Wildlife and Recreation discretionary funding. Please reach out to your BIA Regional Fish, Wildlife and Recreation point of contact for more information about this program funding and technical assistance for these actions.

Question 12: Can projects such as the development of an existing artesian well to capture drinking water on Tribal lands be covered through TCR's implementation Categories?
A: Potable water is the responsibility of the Indian Health Service (IHS), EPA, and at times the Bureau of Reclamation may also be able to assist (e.g., they have assisted with some of the Navajo Gallup water supply projects and other similar pipelines in the Dakotas.

Implementation and Construction Q&A

Question 1: Which Categories fund implementation projects?
A: Implementation projects will be funded under the TCR Solicitation for the first time in 2022 due to appropriations received from the Bipartisan Infrastructure Law. The Categories of funding are Category 10, Implementation of Climate Adaptation Strategies (maximum: $2,000,000), and Category 11, Implementation for Community Relocation, Managed Retreat, or Protect-in-Place Actions (maximum: $3,000,000). Implementation applicants should have a plan in place identifying the proposed implementation projects. *Note: Implementation projects are subject to construction 25 CFR subpart J criteria for P.L. 93-638 Contracts.*

Question 2: Can implementation occur off-reservation to address climate threats? Can project-specific NEPA be included in implementation funding?
A: If the Tribal resolution states this, as well as all other partners (e.g., private entities, State, Federal, etc. if relevant to their jurisdiction), then yes. Keep in mind all regulations, codes, etc. relevant to the land jurisdiction would need to be addressed. NEPA is a good tool to pull the information together.

Question 3: Is there training for requirements of 25 C.F.R. subpart J?
A: BIA-TCR is working on setting up a webinar training series for awardees this fall and/or winter. Training typically lasts four days. If the Tribe's proposal is selected for funding, the Principal Investigator will be contacted about trainings when they become available.

Question 4: What should construction contract proposals include (under Categories 10 and 11)?
A: Construction contract proposals should contain the following, per 25 C.F.R. 900.125. In addition to the full name, address, and telephone number of the Tribe submitting the construction proposal: the use of licensed and qualified architects; applicable health and safety standards; adherence to applicable Federal, State, Tribal or local building codes and engineering standards; structural integrity; accountability of funds; adequate competition for subcontracting under Tribal or other applicable law; the commencement, performance, and completion of the contract. There are many more content requirements of construction contracts. Please refer to 25 C.F.R. § 900.125 for more information.

Question 5: How do I arrive at an overall fair and reasonable price for the performance of a construction contract?
A: A fair and reasonable price construction contract contains a level of detail appropriate to the nature and Phase of the work, as well as sufficient detail to allow estimate comparisons. The price should be prepared and, in a format, coordinated with the Tribe. There will be an independent government cost estimate to the Tribe and appropriate revisions will be made based on concerns raised or information provided by the Tribe. The BIA and the Tribe shall continue to revise, as appropriate, their respective cost estimates based on changed or additional information. If the Tribe elects to submit a final proposal, the Secretary may decline the proposal under section 105(m)(4)(C)(v) of the Act or if the contract has been awarded, dispute the matter under the Contract Disputes Act. If requested by the Tribe, both parties may either: 1) explore methods of expanding available funds through the use of contingency funds, advance payments, re-budgeting, or seeking additional appropriations; 2) the Tribe may elect to propose a reduction in project scope to bring the project price within available funds, or;

3) Both parties may agree that the project be executed in Phases. Refer to 25 C.F.R. § 900.129 for more information.

Question 6: What additional information do we need to submit to fulfill requirements of 25 C.F.R. subpart J for construction contracts if we're applying for implementation?
A: Follow the full solicitation content requirements and activity standards for now. If the proposal is successful, the BIA Regional Self-Determination or Office of Self-Governance staff will reach out to continue construction contract negotiations.

Question 7: 25 C.F.R. subpart J construction contracts require a Program of Requirements (POR): a project scoping document. Has BIA TCR established a template POR for climate adaptation and/or disaster resilience?
A: There is no Standardized POR template for TCR awards. This will be developed during the contracting phase for successful applicants.

Question 8: At the end of a self-determination construction contract, what happens to savings on a cost-reimbursement contract?
A: The savings will be used by the Tribe to provide additional services or benefits under the contract. Unexpended contingency funds obligated to the contract, and remaining at the end of the contract, are savings. No further approval or justifying documentation by the Tribe will be required before expenditure of funds. Refer to 25 C.F.R. § 900.134 for more information. Please ensure budgets are as reasonable as possible since the budget criteria are 20 points.

Question 9: Is there technical assistance from BIA that Tribes can access regarding help with engineering or other infrastructure?
A: BIA has Tribal climate resilience liaisons in each region who can offer technical support. A small number of engineering contractors may be able to provide technical input, but they will not be able to write proposals.

Question 10: How would the need for heavy equipment work be supported, through purchasing or contracting out?
A: Vehicles and other heavy equipment use could be supported through two avenues: 1) The Tribe may require a sub-contract to perform construction-related expertise. If that is the case, then the contractor performing the work should be responsible for providing and operating their own equipment to perform the services. 2) The Tribe can purchase equipment, however, if the cost of the equipment is over $5K, then the Tribe must tag the property, include it on the Tribal inventory, and supply the BIA with a list of property at closeout of contract. The Tribe may request to keep the equipment after the close of the contract, however, the BIA must approve this request as long as it is reasonable and future use is justified. See the IHS P.L.93-638 Construction Contracts Technical Assistance Guide for more information: https://www.ihs.gov/sites/des/themes/responsive2017/display_objects/documents/TechnicalAssistanceGuide2017.pdf.

**Question 11: I understand that Implementation projects must have been previously identified in an existing "Plan". Does this Plan have to be a specific climate plan, or can it be a plan (e.g., salmon

recovery plan) that integrated climate change in some way?

A: As mentioned in the Eligibility section, Question 10, a plan does not need to be specifically a "Tribal Climate Adaptation Plan" to be eligible for TCR funding. Any plan that addresses or incorporates climate change can be considered eligible. It is beneficial for any Tribal program plan to address how climate change risks could impact the program and identify strategies for being more resilient in the face of such change. However, it isn't advisable to propose funding the entire development of a program plan if it hasn't been developed yet, because this funding supports plan components that incorporate climate change.

Question 12: Can Category 10, Implementation of Climate Adaptation Strategies be used for the purchase of land?

A: The authorizing legislation does **not** currently explicitly provide funding for land purchases, however, further information is forthcoming once a more detailed Department of the Interior practice is established. If this position changes, the changes will be posted to the TCR website. If the Tribe is interested in purchasing fractionated lands, contact the Indian Land Consolidation Program. Here are additional potential options for lands: GSA's Notices of Availability on Excess; Surplus of federal government real property; Sales of Federal agency forfeitures (IRS, Customs, and DEA websites): Excess State lands; State and Federal Conservancy groups; Private and state ownership; AIRPA and at probate hearings; Land Buy Back Program. This is the current TCR position, however, further information is forthcoming once a more detailed BIA practice is established. If the final position changes, the changes will be posted on the TCR website.

Question 13: Our project is part of our climate mitigation plan, but we don't have a design yet, just a conceptual plan. Can we still apply for design and/or construction?

A: Category 2, Adaptation Planning, is a better fit for most pre-construction activities: "*Planning awards are designed to support the development of formal planning documents, vulnerability assessments, and the development of data analysis efforts including supplementary monitoring in the following areas. If management plans have already been established, funds may be used for planning and design related to implementation, such as feasibility studies and desktop assessments*." However, Category 11, Implementation of Relocation, Managed Retreat, or Protect-in-Place Actions explicitly allows for the development of engineering designs if that is needed.

Partnerships Q&A

Question 1: If we are proposing to work with Tribal partners, do we need a resolution from these partnering Tribes?

A: If the proposed work is to develop a framework, plan, assessment or dataset for *multiple* Tribes, *and the applicant wants to receive the supplemental points for "broad benefits"*, a resolution or letter of support from each of these Tribes **is** required. This ensures partnerships are formalized, active, and that proposed work will truly be used by and benefit the partnering Tribe(s). If existing resolutions indicate this and are still in effect, provide these.

Question 2: If we are partnering with different Tribes, can we submit multiple proposals to a single Category and potentially be awarded multiple times in a single Category?

A: A Tribe may partner on multiple project proposals submitted to a single Category, however, a Tribe may only be the lead on one of those project proposals. Each Tribe or Tribal organization is limited to one award per Category, with a limit of two awards across the larger Categories 1, 2, 4, 7, 10, and 11. Therefore, if each of the project proposals submitted to a given Category have a different Tribe or Tribal organization to take the lead on managing the project, then yes, a Tribe can partner on another project.

Question 3: What are the benefits of working with a CESU network partner for expertise?

A: The Cooperative Ecosystem Studies Units (CESU) Network is a network of many universities. (More information about the Network may be found here: http://www.cesu.psu.edu/.) If a Tribe wants to work with one of these university partners and indicates this in the solicitation, it allows the Tribe to access expertise at a low 17.5% indirect cost rate, if awarded. This equates to more funds to support the project rather than being spent on high indirect costs. Any portion of the funds requested in the proposed budget would go directly from BIA to the university partner, so that the Tribe wouldn't need to sub-contract the university expertise for a higher indirect rate after being awarded.

Question 4: If we are going to work with an academic or university partner in the CESU network, or another partner like USGS, how should we include that in the application?

A: Include it in 1) the initial "cover page" content requirements as a *partner*, 2) the body of the proposal, and 3) the budget, with the amount of funds requested that would be going to that partner made very clear. Formal partnerships must provide letter(s) of support, included as supplemental materials in an application appendix.

Question 5: Are Tribal colleges considered part of the CESU Network?

A: Possibly, check to see if the Tribal college is in the CESU Network. Encourage the college to join if they are not a part of it, because it does not cost them anything to join. However, many Tribal colleges and universities already have low indirect cost rates. If a Tribe wants to work with a university partner in the Network, as mentioned in the "benefits of CESU" question above, please indicate this in the proposal. Participating universities and more information may be found here: http://www.cesu.psu.edu/.

Question 6: If we have a relationship with a university, do we use the CESU point of contact to access

the partners we already have?

A: Please have your university contact communicate with the CESU contact listed for that university (listed on the site: www.cesu.psu.edu) so they are aware you are developing a proposal that involves the university. Also include that the Tribe would like to use the CESU mechanism to invoke the 17.5% indirect cost rate for the portion of the funding proposed to be sent to the university.

Budget Q&A

Question 1: Is there a standard template for the budget we should use?
A: There is no standard budget template, but please adhere to the RFP budget activity standards (including budget table and budget narrative). Describe line items in the budget in the budget narrative. Append any contractor budget estimates if they any. See RFP for full language.

Question 2: Is indirect allowed?
A: Yes, an approved Negotiated Indirect Cost Rate Agreement (NICRA) is required for each application requesting indirect, unless a new rate is currently being negotiated. The most recent NICRA should be used while a new rate is pending. Include indirect costs as a separate line item in the budget request. If no previous or current NICRAs exist, a 10% de minimus rate is allowable. The Tribe does **not** need to include indirect in their budget if the entire TCR request is going only toward direct project costs. *Note: because proposals can include indirect costs, which are for costs administrative in nature, TCR is not providing contract support costs, which are also for administrative costs. This avoids duplicative support of administrative costs.*

Question 3: What if the current indirect rate is expired and a new one will not be negotiated until after the proposal deadline?
A: If indirect cost rate negotiations are ongoing and not yet final, a statement of estimated amount requested for indirect costs should be submitted. This is pending timely establishment of a new rate or negotiation of administrative overhead costs. If a new rate is approved *after* the solicitation deadline and *before* awards have been allocated, we ask that the Tribe email us the newly approved NICRA so as to modify the budget accordingly.

Question 4: Are fringe benefits and employment costs allowed?
A: Fringe benefits and employment are allowable *only for those directly involved* in the project. This is meant to avoid cost-shifting awards toward base program funding and/or toward positions that are not directly involved in the project.

Question 5: Is food an allowable expense?
A: See the solicitation section **C. Disallowed Costs**. For remote training or conference locations where eating establishments are not within a reasonable distance, food costs are allowable, but should not exceed $10,500 or 7% of the total requested amount (whichever is less). Refreshments for non-remote training or conference locations are allowable up to $1,000. All other food costs are disallowed.

Question 6: Can all of the Categories fund salaries?
A: Most Categories may fund salaries, namely: 1, 2, 4, 6, 7, 10, 11, 12, and 13 can fund salaries and fringe as long as those positions are directly related to the proposed work, and as long as they are *not for positions already fully funded* (no "double-dipping"). Travel Categories 3 and 5 do **not** fund salaries. It is also allowable to include some of the mentor, director, or supervisor's time in the budgets for Categories 8 and 9 per the solicitation language. However, keep in mind that Youth Categories 8 and 9

should have the *majority* of funds dedicated to intern(s) and youth engagement projects, thus are **not** meant to fund entire mentor salaries.

Question 7: Is there a match requirement for any of the awards?
A: No, there is not a requirement for a Tribe to have a match. However, once awarded, the Tribe may use the P.L.93-638 funds as match when applying for other Federal funds, as long as the funds are spent within the originally proposed scope of the project.

Question 8: What should be included in a construction contract budget?
A: The costs incurred will vary depending on which Phase of the implementation (Phase III, Design or Phase IV, Construction) process that the Tribe is conducting, and the type of contract that will be used. The total amount awarded will reflect an overall fair and reasonable price to the parties. Please refer to 25 C.F.R. § 900.127 for more information.

Question 9: We want to apply for a construction contract, but what if our final costs exceed our initial budget?
A: There is no guarantee additional funds will be available if the Tribe or contractor exceeds the initial budget request significantly. Please attempt to develop as robust and reasonable budget as possible that is within the maximum for each Category to avoid potential overruns for which there may not be additional funds to support.

Post-Award Q&A

Question 1: When would the funding get to me?
A: We anticipate sending the funding to the Office of Self Governance/Regional BIA Office to place into P.L. 93-638 contracts around October 2022 after a rigorous review and ranking process. Once award letters are received by the awardee, the awardee will then be required to submit all necessary documents to the Regional Office to enter into an agreement.

Question 2: Will BIA let applicants who were not selected for funding know more about why they were not awarded?
A: An applicant may request feedback on their proposal if it is not successful, in order to strengthen it for future potential application submissions. Applicants may email resilience.funding@bia.gov. Feedback is combined from reviewer commentary throughout the review process.

Question 3: Can I make changes after the award is made?
A: Yes, things change. Contact the BIA Awarding Official's Technical Representative (AOTR) and the Office of Self-Determination/Office of Self-Governance Awarding Official to work out the *within scope* modification and get that into the award file. However, changes *cannot* be made to the overall scope of work since proposals were reviewed and selected largely based on their proposed scope.

Question 4: If we are awarded, what happens if we don't finish the project by the period of performance end date?
A: Things change, this happens. Just submit a no-cost extension letter request *at least 60 days before* the end of the period of performance for more time.

Question 5: Could we provide a one-year workplan and period of performance as long as the request is still within the maximum amount?
A: Yes, but P.L.93-638 contracts and Self-Governance compacts generally are open for five years, though the work-plans typically last one to two years. It is okay to finalize the work sooner than the five-year open period of the contract/compact.

Question 6: Can we provide a resolution after we know if the proposal is successful?
A: Yes, Tribal resolutions are required to enter into a P.L. 93-638 contract, if the proposal is selected for award. Signed Tribal resolutions must summarize interest and intent. Self governance (compact) Tribes are to submit a cover letter summarizing interest and leadership support but *do not* need to submit a resolution. For Tribal organizations proposing to develop a product (e.g., plan, assessment, etc. such as for a Category 2 or 4 proposal) on behalf of a Tribe, they must have a resolution from the Tribe, however, if the proposal is for a training (e.g., Category 1) open to any interested Tribe, only a cover letter from the Tribal organization leadership is required.

Question 7: If the Tribe already has an existing P.L. 93-638 contract, would they need to develop a new contract?
The TCR award can be added under the existing contract or a new contract. However, the Awarding

Official and the Awarding Official's Technical Representative must be made aware, as they will be managing the award.

Thank you/Ahe'hee!

Please email resilience.funding@bia.gov for further questions. The 2022 Annual Awards Program FAQ presentation will be recorded and archived for those unable to attend the live session on the ITEP website, and will be made available following the live webinar session under "archived webinars".