



Department of the Interior Bipartisan Infrastructure Law Tribal Consultation

January 2022

DOI BIL Programs Summary

\$ in thousands	FY 22	FY23	FY24	FY25	FY26	Total
Western Water	1,710,000	1,660,000	1,660,000	1,660,000	1,660,000	8,350,000
Tribal Infrastructure	93,200	93,200	93,200	93,200	93,200	466,000
Wildland Fire	407,600	262,600	262,600	262,600	262,600	1,458,000
Indian Water Rights	2,500,000					2,500,000
Orphan Wells/AML	15,970,000					15,970,000
Ecosystem Restoration	337,000	142,000	142,000	142,000	142,000	905,000
FWS Restoration	91,000	91,000	91,000	91,000	91,000	455,000
USGS	239,668	69,000	69,000	69,000	69,000	510,668
TOTAL	21,348,468	2,317,800	2,317,800	2,317,800	2,317,800	30,614,668



Western Water Infrastructure



Photo: Reclamation-funded construction underway on the Pojoaque Basin Regional Water System (New Mexico), September 2021.

Program Overview

- Division D, Title IX – Western Water Infrastructure
- \$8.3 billion total over 5 years:
 - Water storage; Aging infrastructure; Rural Water Projects; Water Recycling; Desalination; Dam Safety; WaterSMART Grants; Drought Contingency Plans; Watershed Management; Aquatic Ecosystem Restoration; Endangered Species
 - Tribes may participate in almost all (some statutory limitations associated with dam safety and extraordinary maintenance)
- Division G, Title I – Indian Water Rights Settlement Completion Fund of \$2.5 billion (next session after this)

Additional Resources – www.usbr.gov/bil

Reclamation BIL Funding	How distributed?	When?
40901(1) Storage (small & traditional)	Funding opportunities and internal	Late summer 2022
40901(2) Critical/ Extraordinary Maintenance (XM)	Application period	Open until end of January
40901(3) Rural Water	Internal formulation per criteria	March 2022*
40901(4) Water Recycling	Funding opportunities	Open until mid-March
40901(5) Desalination	Funding opportunities	Open until mid-March
40901(6) Dam Safety	Internal formulation per criteria	March 2022*
40901(7) WaterSMART Grants	Funding opportunities	Opening March 2022
40901(8) Drought Contingency Plans	Internal formulation	On-going
40901(9) Watershed Management	Funding opportunities	Open until mid-March
40901(10) Aquatic Ecosystem Restoration	Funding opportunities	Fall 2022
40901(11) Multi-benefit for Watershed Health	Funding opportunities	May 2022
40901(12) Endangered Species, Colorado River	Internal formulation	Fall 2022

* Release of FY 2023 budget will include additional BIL spend plan allocation details per Division J of the BIL statute.

Questions for Feedback

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



Photo: Reclamation constructing a new riffle in the Teton River downstream of remnants of [Linderman Dam](#) (Idaho) to improve habitat, resolve a public safety issue and provide reliable irrigation, October 2021.



Indian Water Rights Settlements

Indian Water Rights Settlement Completion Fund Overview

- Division G establishes the Indian Water Rights Settlement Completion Fund
 - Authorizes \$2.5 billion in mandatory funding to be deposited in the Fund.
 - The Fund “shall be used by the Secretary of the Interior for transfers to funds or accounts authorized to receive discretionary appropriations, or to satisfy other obligations identified by the Secretary of the Interior, under an Indian water settlement approved and authorized by an Act of Congress before the date of enactment of this Act.” (November 15, 2021)
 - Transfers “shall be made in such amounts as are determined by the Secretary of the Interior to be appropriate to satisfy obligations of the United States, including appropriate indexing”
 - The Secretary “shall have the discretion to determine the sequence and timing of transfers from the Fund”... “in order to substantially complete the eligible Indian water settlements as expeditiously as practicable.”

Settlement Information

- A list of enacted Indian water settlements enacted can be found at the webpage for the Secretary's Indian Water Rights Office:
<https://www.doi.gov/siwro>
- Many enacted settlements have been fully funded, but there are several with balances to complete or with on-going Federal obligations such as funding operations, maintenance, and replacement costs

Questions for Feedback

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



Bureau of Indian Affairs Programs



Dams and Water Projects

- 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.
- For irrigation and power systems, BIA is planning to
 - invest approximately 70% at Indian Irrigation Projects and 30% at BIA owned power utilities
 - prioritize funding of projects that reduce deferred maintenance and the risk of failure and align with Condition Assessments and Modernization Studies to rehabilitate aging infrastructure.
- For Safety of Dams projects, BIA will accelerate rehabilitation activities using the current prioritization methodology which is based on inspections and analysis of all high-hazard program dams to understand the risk each structure presents to downstream residents.
- For Water Sanitation, Indian Affairs will prioritize projects that address Environmental Protection Agency notice of violations, contamination issues, critical risks of system failure, and system upgrades; and assessments of IA-owned drinking water and wastewater systems to inform investments.



Additional Resources

Background Information

- Safety of Dams program website: www.bia.gov/bia/ots/dwp/safety-dams
- BIA Irrigation and Power website: <https://www.bia.gov/bia/ots/dwp/irrigation-power>

Contacts for Questions

- **Safety of Dams, Irrigation and Power Systems:** Johnna Blackhair, Deputy Bureau Director for Trust Services, at Johnna.Blackhair@bia.gov
- **Water Sanitation:** Jason Freihage, Deputy Assistant Secretary for Management, Indian Affairs, Jason.Freihage@bia.gov



Questions for Feedback

- Do you have questions or comments to the implementation strategy proposed by BIA that might improve how we meet the programmatic goals of this Law?
- Do you have any questions or comments about BIA's funding distribution methodology?
- Do the factors proposed to prioritize investments for irrigation and power seem appropriate, or should we consider other factors?



Climate Resilience

- \$216 million is provided for Tribal climate resilience, adaptation, and community relocation planning, design, and implementation of projects, divided as follows:
 - \$130 million is provided for community relocation
 - \$86 million is provided for Tribal climate resilience and adaptation projects. Of the total amount available, \$43.2 million is available to spend each year.
- **Community Relocation** awards could be used to support: risk assessment, (2) planning, (3) implementation, and (4) capacity building.
 - A few pilot demonstration projects are being considered for 2022. Tribes would be selected based on factors such as risk level, community-readiness, existing plans or designs, and potential to yield lessons-learned for other Tribes facing similar issues.
- **Climate Adaptation** awards could be used to support: training and workshops, adaptation planning, youth engagement, implementation, travel, and capacity building.
- For both categories, Tribal proposals will be considered based on factors such as overall quality of design, potential for implementation, and incorporation of science features; capacity-building features; and strength of budget proposal and supplemental factors such as breadth of benefits and leveraging of funds.



Additional Resources

Background Information

- Annual Awards Program (previous years' award summaries, awards map, and solicitations): <https://www.bia.gov/bia/ots/annual-awards-program>
- Recommendations from 2021 Tribal Climate Listening Sessions: <https://www.bia.gov/guide/tribal-climate-listening-sessions>
- 2020 Informational Report: *The Unmet Infrastructure Needs of Tribal Communities and Alaska Native Villages in Process of Relocating to Higher Ground as a Result of Climate Change*: https://www.bia.gov/sites/bia.gov/files/assets/bia/ots/tcrp/Informational_Report.pdf

Contacts for Questions

- Johnna Blackhair, Deputy Bureau Director for Trust Services, at Johnna.Blackhair@bia.gov



Questions for Feedback

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

Bipartisan Infrastructure Law

Tribal Consultation



INTERIOR / **WILDLAND FIRE**

U.S. DEPARTMENT OF THE INTERIOR / OFFICE OF WILDLAND FIRE

Overview



Additional Resources

- **Preparedness**
- **Fuels Management**
- **Burned Area Rehabilitation**
- **Wildland Firefighter Workforce**
- **Joint Fire Science Program**





Questions for Feedback

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



Ecosystem Restoration

Ecosystem Restoration

Total of \$905 million in funding through DOI

- Contracts to Restore Ecological Health on Federal Lands (\$50.0 million) ☀
- Working Capital Fund (for stewardship contracts) (\$100.0 million) ☀
- Good Neighbor Agreements with States and Tribes (\$40.0 million) ☀
- Grants to States and Tribes for Voluntary Restoration (\$400.0 million) ☀
- Invasive Species Detection, Prevention, and Eradication (\$100.0 million)
- Resilient Recreation Sites on Federal Lands (\$45.0 million) ☀
- Revegetation and Hazard Mitigation on Mined Lands (\$100.0 million)
- National Revegetation Effort including National Seed Strategy (\$70.0 million)

☀ Tribal or Tribal land eligibility specifically mentioned in law



Ecosystem Restoration: Resources and Contact

- Point of Contact:
 - **Jonathan Steele**
Deputy Director
Office of Policy Analysis
202-208-4839
Jonathan_Steele@ios.doi.gov



Ecosystem Restoration: Questions for Feedback

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





Fish and Wildlife Service Programs



FWS Programs Overview

- \$455 million was appropriated to the FWS for the following programs:
 - Klamath (\$162m) – Funds habitat restoration and water right acquisition to help restore the Klamath ecosystem, as well as construction of a hatchery to produce listed Klamath species (Lost River and shortnose suckers).
 - Lake Tahoe (\$17m) – Funds actions to prevent the introduction or spread of aquatic invasive species in the Lake Tahoe region.
 - Sage-steppe (\$50m) – Funds actions to conserve the sagebrush ecosystem of the American West and the nationally-significant biological, cultural and economic resources it supports.
 - Delaware River Basin (\$26m) – Provides competitive matching grants for habitat conservation to eligible entities in the Delaware River Basin in partnership with the National Fish and Wildlife Foundation.
 - Fish Passage (\$200m) – Funds projects to restore fish passage and aquatic connectivity by removing or bypassing barriers.



Additional Resources

- Points of Contact for Tribal leaders:
 - Klamath - Matt Baun (Matt_Baun@fws.gov) and Eldon Brown (michael_eldon_brown@fws.gov)
 - Lake Tahoe - Eldon Brown (michael_eldon_brown@fws.gov)
 - Delaware River – Michael Slattery (Michael_slattery@fws.gov)
 - Sage-steppe - Matt Kales (matt_kales@fws.gov)
 - Fish Passage – Eric MacMillan (eric_macmillan@fws.gov)



Questions for Feedback

- Tribes are eligible for funding through each of the FWS programs that we are contemplating using.
- What is the best way to make sure Tribal interests are incorporated in project selection?
- How might Tribes use partnerships to put together project proposals? would that produce projects that are more competitive?
- What do Tribes think about matching requirements where they exist (some of the FWS programs will have matching requirements)?



Orphan Wells and Abandoned Mine Land Programs

Legacy Pollution – Orphaned Wells & AML

- Orphaned Well Program: Cleaning up orphaned wells and the surrounding land to reduce ongoing pollution and address polluted sites.
 - \$150 million for wells on Tribal land
 - \$250 million for wells on Federal land
 - \$4.3 billion for wells on private and state land
- Abandoned Mine Land (AML) Program: \$11.3 billion for addressing abandoned coal mines to 24 states and 3 tribes with AML programs.

Additional Resources

- POCs: Albert (Dale) Bond, Indian Energy Service Center
Dale.bond@bia.gov

Steve Tryon, Office of Environmental Policy & Compliance
Stephen_tryon@ios.doi.gov

Yolande Norman, Office of Surface Mining Reclamation & Enforcement
ynorman@osmre.gov

Questions for Feedback

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



Earth Mapping Resources Initiative (Earth MRI)

BIL Tribal Consultation

January 26-28, 2022

Sarah Ryker, USGS Associate Director for Energy and Mineral Resources

Colin Williams, Acting USGS Mineral Resources Program Coordinator

Earth Mapping Resources Initiative (Earth MRI): Expanding the Nation's Geologic Knowledge

Data collection and mapping activities:

- Topography – 3D elevation data (lidar, ifsar)
- Geology – USGS and State geological survey maps
- Geophysics – Subsurface (aeromagnetic, radiometric, and gravity data)
- Geophysics – Mine wastes (hyperspectral and airborne electromagnetic data)
- Geochemistry – Rocks, soils, and stream sediments
- Mineral deposit databases
- Boreholes – Geophysical logs and core samples

Applications include:



Mineral Resources



Energy Resources



Water Resources



Natural Hazards



Environmental Health



Climate Change

Minerals targeted:

- Whole-of-government list of critical minerals (USGS 2018, 2022)
- Defined by the Energy Act of 2020

Focuses:

- Mineral resources still in the ground
- Mine wastes as a resource
- Mine wastes' remediation potential

Partners to date:

- State geological surveys
- Federal agencies
- The private sector

Contacts



Sarah Ryker

Associate Director

USGS Energy and Mineral Resources Mission Area

sryker@usgs.gov

(571) 533-7000

Colin Williams

Acting Program Coordinator

USGS Mineral Resources Program

colin@usgs.gov

Warren Day

Earth MRI Science Coordinator

USGS Mineral Resources Program

wday@usgs.gov

Darcy McPhee

Earth MRI Program Manager

USGS Mineral Resources Program

dmcphee@usgs.gov

<https://www.usgs.gov/mineral-resources-program>

<https://www.usgs.gov/earth-mri>

Questions for Feedback

1. Does your Tribe have geoscience needs and/or opportunities for dedicated studies in support of those Tribal needs?
2. Would your Tribe be interested in training or workshops that could:
 - a. help build capacity to make use of the data gathered under Earth Mapping Resources Initiative to inform land and resource management needs; or
 - b. help build capacity for characterizing legacy mine sites on Tribal lands?
3. Is there other training or support that would be useful to your Tribe?