



## Notice of Intent No. DE-FOA-0002031

### Notice of Intent to Issue Funding Opportunity Announcement No. DE-FOA-0002032

## Energy Infrastructure Deployment on Tribal Lands - 2019

The [Department of Energy's](#) (DOE's) [Office of Indian Energy Policy and Programs](#) (hereafter referred to as DOE's Office of Indian Energy) intends to issue a Funding Opportunity Announcement (FOA), entitled "Energy Infrastructure Deployment on Tribal Lands - 2019".

Tribal lands have vast potential to harness undeveloped resources (86% of Indian lands with energy or mineral potential remain untapped<sup>1</sup>). However, energy and infrastructure development on Tribal lands historically has been limited due to a plethora of barriers, specifically, lack of access to capital, absence of tribal capacity for energy and economic development, and a complicated legal and regulatory structure governing the use of Tribal lands.

DOE's Office of Indian Energy assists in addressing these gaps and barriers for Indian Tribes interested in developing their vast energy resources, because tribal communities can become energy and economic powerhouses, should they so choose.

Specifically, DOE's Office of Indian Energy is charged by Congress under the Indian Tribal Energy Development and Self Determination Act of 2005 ([Energy Policy Act of 2005](#) (EPAAct 2005), Title V, § 502, codified at 42 USC § 7144e and 25 USC § 3501 et seq.), to "provide, direct, foster, coordinate, and implement energy planning, education, management, conservation, and delivery programs that –

- (1) Promote Indian tribal energy development, efficiency, and use;
- (2) Reduce and stabilize energy costs;
- (3) Enhance and strengthen Indian tribal energy and economic infrastructure relating to natural resource development and electrification; and
- (4) Bring electric power and service to Indian land and homes for tribal members located on Indian lands or acquired, constructed, or improved (in whole or in part) with Federal funds." 42 USC § 7144e(b)

For more information on the Office of Indian Energy, see its [website](#).

The FOA will build on efforts by DOE's Office of Indian Energy and the authorities granted to DOE's Office of Indian Energy under EPAAct 2005, to accelerate the deployment of energy infrastructure on Tribal Lands. Between 2010 and 2017, DOE Office of Indian Energy invested more than \$62.5

<sup>1</sup> Regan, S. E., & Anderson, T. L. (2014). The Energy Wealth of Indian Nations. *LSU J. Energy L. & Resources*, 3, 195. <http://digitalcommons.law.lsu.edu/cgi/viewcontent.cgi?article=1048&context=jelr>. Accessed April 2017.



million in nearly 160 tribal energy projects implemented across the contiguous 48 states and Alaska. These projects, valued at over \$130 million, are leveraged by over \$65.0 million in cost share. See DOE's Office of Indian Energy [website](#) for a map and summaries of these competitively funded projects.

Through this planned FOA, DOE's Office of Indian Energy will be continuing its efforts to maximize the deployment of energy solutions for the benefit of American Indians and Alaska Natives and help build the knowledge, skills, and resources needed to implement those energy solutions. In support of these objectives, DOE's Office of Indian Energy may solicit applications to install energy infrastructure on Tribal lands. Through grants, DOE intends to provide financial support under the provisions of the Title V of EPOA 2005.

This FOA is consistent with the principles of tribal sovereignty and self-determination, and with an all-of-the-above energy strategy that recognizes the breadth of energy resources on Tribal Lands, and each Tribe's right to use them as they see fit. Projects sought under the planned FOA will be fuel and technology neutral.

Specifically, DOE's Office of Indian Energy may solicit applications from Indian Tribes, which, for purposes of this FOA, include Alaska Native Regional Corporations and Village Corporations (hereafter referred to as "Indian Tribes") and Tribal Energy Resource Development Organizations to: (1) install energy generating system(s) and/or energy efficiency measure(s) for Tribal Building(s) (Area of Interest 1); or, (2) deploy -community-scale energy generating system(s) on Tribal lands (Area of Interest 2); or, (3) install energy system(s) for autonomous operation (independent of the traditional centralized electric power grid) to power a single or multiple essential tribal facilities during emergency situations or for tribal community resilience (Area of Interest 3).

Specifically, it is anticipated that the respective Areas of Interest may include:

- 1) Energy Generating System(s) and/or Energy Efficiency Measure(s) for Tribal Building(s) (Area of Interest 1)
  - a. Energy Generating System(s) (Area of Interest 1.a.)
  - b. Multiple Energy Efficiency Measures (Area of Interest 1.b.)
  - c. Energy Generating System(s) and Energy Efficiency Measure(s) (Area of Interest 1.c.)Or,
- 2) Community-Scale Energy Generating System(s) Deployment (Area of Interest 2);  
Or,
- 3) Energy System(s) for Autonomous Operation (Area of Interest 3)
  - a. Powering Essential Tribal Facilities (Area of Interest 3.a.)
  - b. Tribal Community Resilience (Area of Interest 3.b.)

Note that projects to be proposed under Area of Interest 3 are intended to be for either: (1) energy system(s) that are normally grid-connected, but can disconnect and function autonomously (independent of the traditional centralized electric power grid), **or** (2) energy



system(s) that normally operate autonomously (independent of the traditional centralized electric power grid).

This FOA is intended to promote energy independence, economic development and with the ancillary benefit of providing employment on Tribal Lands through the use of commercially warranted energy technologies that Native Americans and Alaska Natives believe are best suited to meet their needs, their location, and their available energy resources. Therefore, eligible technologies under Area of Interest 1 are anticipated to include energy efficiency measure(s) (building and industrial processes) and energy generating system(s) which could include, but not necessarily limited to, combined heat and power system(s), conventional distributed generation system(s), and renewable energy system(s). Area of Interest 2 is anticipated to be limited to energy generating system(s) and Area of Interest 3 limited to energy system(s) comprised of, but not necessarily limited to, energy generating system(s), energy storage system(s), and controls and management system(s).

In addition, it is anticipated that applicants will be required to provide an *Options Analysis* as part of their application to demonstrate that other options were considered and that the proposed project best meets the overall tribal objectives. An “Options Analysis”, for purposes of the planned FOA, is a systematic assessment and evaluation of possible alternative approaches available for achieving specific energy objectives and determining which of the options are the most effective and provides the best solution to achieve those objectives. Such an analysis is intended to explore all feasible technology alternatives (e.g., conventional technologies, renewable technologies, energy efficiency measure(s)) and provide evidence that the proposed project choice can actually be implemented and is the best option available among all feasible alternatives.

As DOE’s Office of Indian Energy is charged with reducing and stabilizing energy costs, enhancing and strengthening Indian tribal energy and economic infrastructure, and bringing electric power and service to Indian land and homes for tribal members located on Indian lands or acquired, constructed, or improved (in whole or in part) with federal funds, the following proposed projects may be given additional consideration in the selection of applications for funding, through the application of program policy factors: (1) projects which serve tribal communities with higher energy costs, (2) projects proposed for tribal communities not connected to the traditional centralized electrical power grid, and/or (3) applicants who have not previously received a grant through the Office of Indian Energy.

To increase the deployment of energy infrastructure on Tribal Lands, the DOE Office of Indian Energy may, upon request, provide technical assistance to all eligible applicants who apply under this FOA and whose applications are comprehensively reviewed, but not selected for negotiation, if the Office of Indian Energy determines it to be within scope and budget. Such technical assistance will be provided on a priority basis over those who request technical assistance but do not apply to this FOA.



Pursuant to its authorizing statute, DOE's Office of Indian Energy will only consider applications from (1) Indian Tribes or (2) Tribal Energy Resource Development Organizations (3) on whose Tribal Lands the project(s) will be located. Applications from a consortium of Indian Tribes (Tribal Consortium) will be accepted but must be submitted by a single Indian Tribe acting as the Applicant and representing the Consortium. Applications may also be submitted on behalf of Indian Tribe(s) by an authorized Tribal Organization or Inter-tribal Organization, provided evidence of that authority is included as part of the application.

An executed Tribal Council Resolution from each participating Indian Tribe, a declaration (or resolution) from each Alaska Native Regional Corporation, Village Corporation, or Tribal Energy Resource Development Organization signed by an authorized representative, and a letter of commitment from all other project participants are required as a part of the application. If an Indian Tribe provides a commitment in a format other than a Tribal Council Resolution, evidence of the statutory or other legal authority authorizing that form of commitment in lieu of a Tribal Council Resolution must accompany that commitment. The evidence must prove that the commitment submitted carries the same level of Tribal leadership commitment as a Tribal Council Resolution.

If an Application is being submitted on behalf of Indian Tribe(s) by an authorized Tribal Organization or Inter-tribal Organization, evidence of that authority is required as part of the Application, along with a declaration (or resolution) from the Tribal Organization or Inter-tribal Organization, and a letter of commitment from all other project participants. Evidence of the authority to submit an application on behalf of Indian Tribe(s) may include, but is not limited to, a constitution, resolution, ordinance, executive order, charter, P.L. 93-638 contract, self-governance compact, or other legal documentation.

All Tribal Council Resolutions, declarations, resolutions, and letters of commitment must be specific to this FOA and must include cost sharing commitments.

Under the planned FOA and as required by statute, a 50% recipient cost share of the total project costs is required and must come from non-Federal sources and be clearly identified in the application, unless otherwise allowed by law.

DOE envisions awarding multiple financial assistance awards in the form of grants. The estimated period of performance for each award will be approximately from one (1) to two (2) years, but no longer than three (3) years including a 12 month mandatory verification period.

Under the planned FOA, DOE anticipates making awards that range from \$50,000 to \$500,000 or from \$250,000 to \$1 million, depending on the Area of Interest.

**This Notice is issued so that interested parties are aware of DOE's intention to issue this FOA in the near term. All of the information contained in this Notice is subject to change. DOE will not**

**This is a Notice of Intent (NOI) only. DOE may issue a FOA as described herein, may issue a FOA that is significantly different than the FOA described herein, or DOE may not issue a FOA at all.**



**respond to questions concerning this Notice. However, once the FOA has been released, DOE will provide an avenue for potential Applicants to submit questions.**

DOE's Office of Indian Energy plans to issue the FOA on or about January or February 2019 via the EERE Exchange website (<https://eere-exchange.energy.gov/>). If Applicants wish to be notified when the FOA is issued, they should subscribe to DOE's Office of Indian Energy email list on the website homepage (<https://energy.gov/indianenergy/office-indian-energy-policy-and-programs>). When the FOA is released, applications will be accepted **only** through EERE Exchange.

In anticipation of the FOA being released, Applicants are advised to complete the following steps, which are **required** for application submission:

- Register and create an account in EERE Exchange at <https://eere-exchange.energy.gov/>. This account will allow the user to register for any open FOAs that are currently in EERE Exchange. It is recommended that each organization or business unit, whether acting as a team or a single entity, **use only** one account as the contact point for each submission.

Questions related to the registration process and use of the EERE Exchange website should be submitted to: [EERE-ExchangeSupport@hq.doe.gov](mailto:EERE-ExchangeSupport@hq.doe.gov).

- Obtain a Dun and Bradstreet Data Universal Numbering System (DUNS) number (including the plus 4 extension, if applicable) at <http://fedgov.dnb.com/webform>.
- Register with the System for Award Management (SAM) at <https://www.sam.gov>. Designating an Electronic Business Point of Contact (EBiz POC) and obtaining a special password called an MPIN are important steps in SAM registration. Please update your SAM registration annually.
- Register in FedConnect at <https://www.fedconnect.net/>. To create an organization account, your organization's SAM MPIN is required. For more information about the SAM MPIN or other registration requirements, review the FedConnect Ready, Set, Go! Guide at [https://www.fedconnect.net/FedConnect/PublicPages/FedConnect\\_Ready\\_Set\\_Go.pdf](https://www.fedconnect.net/FedConnect/PublicPages/FedConnect_Ready_Set_Go.pdf).
- Register in Grants.gov to receive automatic updates when Amendments to a FOA are posted. However, please note that applications **will not** be accepted through Grants.gov at <http://www.grants.gov/>. All applications must be submitted through EERE Exchange.

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