

**Bipartisan Infrastructure Law - SECTION 40101(d)
PREVENTING OUTAGES AND ENHANCING THE RESILIENCE OF THE ELECTRIC GRID**

**Standing Rock Sioux Tribe
November 2022**

Information for Public Notice: The Standing Rock Sioux Tribe is applying to the Section 40101(d) Formula Grant Program of the Bipartisan Infrastructure Law (BIL), titled Preventing Outages and Enhancing the Resilience of the Electric Grid. The Preventing Outages and Enhancing the Resilience of the Electric Grid Program is expected to provide \$2.5 billion in formula grants to states and Tribes over the next five years with the goal of enhancing the resilience of the electric grid. The Standing Rock Sioux Tribe's allocation in the first year is expected to be \$186,516 with additional allocations expected each year for four years.

The Standing Rock Sioux Tribe is soliciting comments from the public regarding the criteria and methods outlined in the draft program narrative located within this document (starting on page 2). The draft program narrative follows the recommended template provided by the Department of Energy. The draft program narrative is preliminary and is for public discussion purposes. The final program narrative will be finalized after the public hearing.

The Standing Rock Sioux Tribe is holding a public hearing on December 14, 2022, at 4:00 PM Central Time. The public hearing will be held at the SAGE Development Authority office located at 9299 Hwy 24, Suite 126 Fort Yates ND 58538.

Participants may also join virtually using the following Microsoft Teams link: [Click here to join the meeting.](#)

The Standing Rock Sioux Tribe is also accepting written comments regarding the Tribe's application until 11:59 PM Central Time on December 14, 2022. Please submit your comments, questions, and/or concerns via email to joseph@sagesrst.com. Please use "Standing Rock Grid Resilience Program" and your entity name in the email subject line. In the body of the email, please include the following information: full name, email address, and organization (if applicable) along with your comments.

More information regarding the Preventing Outages and Enhancing the Resilience of the Electric Grid program can be found online, including the ALRD, at the following link: <https://netl.doe.gov/bilhub/grid-resilience/formula-grants>.

DRAFT Standing Rock Grid Resilience Program Narrative

Bipartisan Infrastructure Law - Section 40101(d) Preventing Outages and Enhancing the Resilience of the Electric Grid

PROGRAM NARRATIVE

1. Objectives and Metrics:

The Standing Rock Sioux Tribe (“Tribe” or “Recipient”) in partnership with SAGE Development Authority (“SAGE”) intends to use the following four objectives to guide the energy resilience investment decisions as part of the Preventing Outages and Enhancing the Resilience of the Electric Grid Program “Program”. The Tribe selected these objectives after considering Tribal priorities and needs, the possible scope of priority projects given the year one federal allocation¹ of \$186,516, and Department of Energy’s (DOE) guidance as stated in the Administrative and Legal Requirements Document. The overarching objective of this Program is to improve the resilience of the electric grid against disruptive events, where a disruptive event is defined as an event in which operations of the electric grid are disrupted, preventively shut off, or cannot operate safely due to extreme weather, wildfire, or a natural disaster.

The Standing Rock Sioux Tribe is partnering with SAGE Development Authority (“SAGE”) to implement this five-year program, as approved in [TBD - Tribal Resolution XXX dated XXX]. SAGE is a federally chartered Section 17 Corporation approved by the U.S. Secretary of the Interior. SAGE was created by and for Standing Rock Sioux Tribe in North and South Dakota. SAGE, which is charged with leading Standing Rock’s development of renewable energy resources for economic development on the Reservation, is chartered to control and operate the energy production assets within the Reservation, facilitate agreements with third-party entities, and hold SRST’s equity interest. SAGE is governed by a women-led Board of Directors, consisting solely of enrolled Tribal members appointed by the Tribal Council. SAGE is a member of the American Public Power Association, Clean Energy Buyers Alliance, American Wind Energy Association, National Community Solar Partnership (NCSP), People’s Solar Energy Fund (PSEF), and the National Inter-Tribal Energy Consortium (NITEC).

This Program Narrative, unless otherwise adopted, covers the duration of the Grid Resilience Formula Grants to States and Indian Tribes (IIJA Section 40101(d)). The Program is expected to provide funding annually over a period of five years.

¹ The Grid Resilience Formula Grants to States and Indian Tribes (IIJA Section 40101(d)) will provide funding annually over a period of five years. The amount allocated to the Tribe may change each year.

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Objective 1: To deploy the 40101(d) funding to increase the resiliency of power supply serving the Standing Rock Sioux Tribe's Reservation. Under this objective, targeted resiliency measures will be evaluated based on the measure's expected ability to mitigate the impact of disruptive events on the electric grid.

This objective will be assessed based on the improvement in resiliency as compared to the baseline prior to investment in the resiliency measure. The outcomes will be measured by number of power outages experienced the community in the years prior to the project as compared to the years following the resiliency measure. Power outage severity will be measured by duration (in hours) and number of community members who lost service.

Objective 2: To deploy the 40101(d) funding to develop distributed energy resources (DER) that in addition to providing system adaptive capacity during disruptive events on the electric grid allow the Tribal community to capture energy savings, generate revenue for reinvestment into the community, and control their energy future.

This objective will be measured through a combination of the following metrics: 1) the capacity in kilowatts (kW) of the DER, 2) the ability of the DER to reduce the frequency and severity of disruptive events, and 3) the environmental impact of the DER.

Objective 3: To use the 40101(d) funding to increase energy justice in our Tribal community through resiliency measures that reduce (or eliminate) the impact of disruptive events on vulnerable communities (i.e., elderly, low income, homeless) and at critical infrastructure (i.e., medical facilities, community facilities, emergency services).

This objective will be measured by the number of vulnerable persons and critical infrastructure that benefit from the resiliency measure.

Objective 4: To select investments that strengthen the community through a combination of one or more of the following measures: strong labor standards and protections, partnerships with training providers, and the use of appropriately credentialed workforce, where possible.

This objective will be measured by the number of good-paying jobs created with the free and fair choice to join a union.

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2. Criteria:

The Tribe does not intend to make subawards to eligible entities as part of this grant program. The Tribe will implement projects through its own Tribal entities (SAGE Development Authority) within the exterior boundaries of the Tribe's Reservation. The Tribe will give priority to project(s) that will generate the greatest community benefit in reducing the likelihood and consequences of disruptive events. In selecting projects, the Tribe will consider how the \$186,516 of federal funds can be used to leverage existing efforts in the community to decrease the impacts of disruptive events, especially on vulnerable communities and at critical infrastructure. The Board of Directors of SAGE Development Authority will select projects based on the merit criteria described below.

- ✓ Merit Criteria 1: The projected impact of the resiliency project, as measured through a combination of one or more of the following: reduced duration of power outages, reduced severity of power outages, and reduced number of people impacted by power outages.
- ✓ Merit Criteria 2: The projected community impact and alignment with the Tribe's energy and environmental goals, as measured by indicators reported on the following dashboard: <https://energyjustice.egs.anl.gov/>. The Tribe will prioritize investments in census tracts identified as a "Disadvantaged Communities" (DAC) by the Department of Energy. Within DAC census tracts, the Tribe will target investments that positively impact vulnerable populations (i.e., elderly, low-income) and critical infrastructure.
- ✓ Merit Criteria 3: The project's demonstrated support, as indicated by sources of funding for the balance of project costs (where applicable) and effort, to date, on scoping the project (i.e., feasibility studies, implementation planning).
- ✓ Merit Criteria 4: The project's likelihood of success in near term, as demonstrated by technical and financial feasibility. The Tribe will prioritize projects that have completed a feasibility study that included economic analysis or have preliminary engineering design or project scope identified. This will work to maximize community benefit through fast tracking the most feasible projects.

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3. Methods:

The Tribe will use the Board of Directors of the SAGE Development Authority to select projects that will receive the 40101(d) funding. The Board of Representatives, consisting of enrolled Tribal members, is very aware of the needs of the community and can appropriately select projects that will improve resilience by reducing the likelihood and consequences of disruptive events, generate quality jobs, and improve equity and community benefits. SAGE can also rely on the appropriate Tribal departments to provide expertise on potential projects. SAGE is governed by a women-led Board of Directors, consisting solely of enrolled Tribal members appointed by the Tribal Council. [TBD: The Standing Rock Sioux Tribal Council designated SAGE to lead this program (see Resolution XX dated XXXXX)]. The Tribe/SAGE will select third-party vendors to complete any planning, design, engineering, and/or construction work that cannot be completed by the Tribe (or any of its components). Contracting will be subject to the applicable procurement policies (i.e., competitive bids).

The Tribe will track and make public during one or more Tribal Council meetings the following metrics:

- ✓ Metric 1: Reduction in number of power outages (i.e., frequency) experienced by the community in the years prior to the project as compared to the years following the resiliency measure.
- ✓ Metric 2: Reduction in the severity of power outages experienced by the community in the years prior to the project as compared to the years following the resiliency measure. Power outage severity will be measured by duration (in hours) and number of community members who lost service.
- ✓ Metric 3: The effectiveness of the investments at reaching vulnerable communities (i.e., elderly, low income, homeless) and at critical infrastructure (i.e., medical facilities, community facilities, emergency services).

The Tribe will follow the process outlined by the Department of Energy in the Statement of Project Objectives in implementing the Program, which includes the following four tasks:

Task 1 - Project Management & Administration: SAGE Development Authority in conjunction with the Tribe's grants office will manage and administer all activities to achieve the project objectives, including tasks relating to grant reporting. The Tribe will also submit an initial Project Management Plan (PMP) within 45 days of the initial award and any subsequent PMPs within 90 days of the beginning of each budget period, as applicable.

Task 2 - Technical Assistance and Planning: The Tribe will submit the Program Narrative each year to receive subsequent allocations (if the Tribe wants to continue involvement in the Program).

Task 3 - Resilience Project Approval: The Tribe will prepare and submit Resilience Project Packages to the Department of Energy Project Officer in accordance with the Resilience Project and Subaward/Subcontract Notification Term in the Assistance Agreement.

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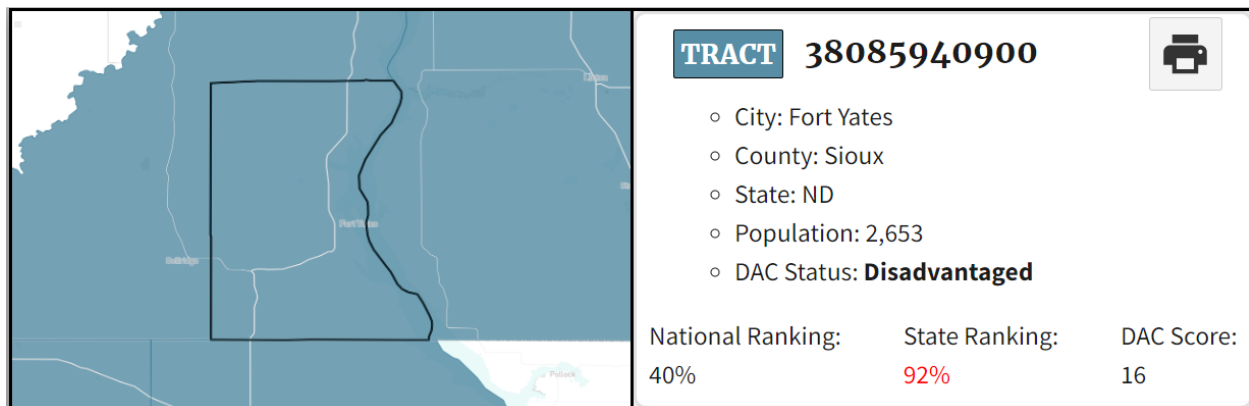
Task 4 - Resilience Project Execution: Once the Department of Energy issues a written determination of adequacy regarding the Resilience Project Package, the Tribe will execute the approved resilience project engage contractors to execute assigned portions of the resilience project.

4. Funding Distribution:

The Tribe does not intend to issue subawards to eligible entities as part of this grant program. The Tribe will implement projects through its own Tribal entities within the boundaries of the Tribe’s Reservation. The Tribe reserves its right to engage qualified contractors to perform portions of the work on their behalf, either through a competitive bid process or direct hire.

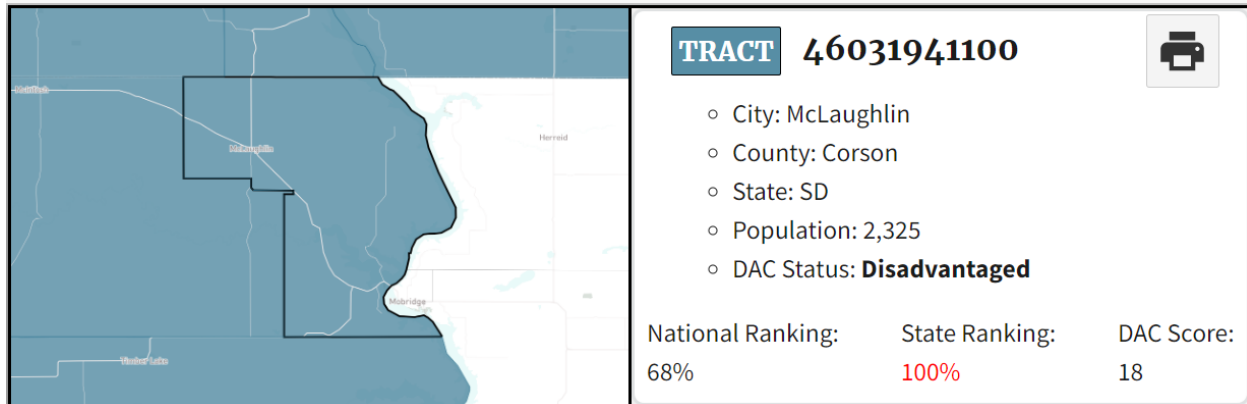
5. Equity Approach:

The Tribe will strive to ensure that projects funded through this Program contribute to the country’s energy technology, climate, and workforce development goals and promote the Department of Energy’s equity, environmental, and energy justice priorities as part of the Justice40 Initiative. The entirety of the Tribe’s Reservation is identified as a “Disadvantaged Community” by the DOE. The census tract in which the Tribe is headquartered, Census tract 38085940900 (Fort Yates), has a DAC score of 16, thereby ranking in the 40th percentile nationally and in the 92nd percentile for the state of North Dakota. Specifically, the Fort Yates census tract is above the 95th percentile nationally for the following indicators: unemployed persons, uninsured persons, non-grid-connected heating fuel, energy burden, coal employment, and low-income population.



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In South Dakota, Census Tract 46031941100 (McLaughlin, SD) has a DAC score of 18, thereby ranking in the 68th percentile nationally and in the 100th percentile in the state of South Dakota. The tract ranks in the 100th percentile for unemployed persons and 92nd percentile for energy burden. The Reservation also includes census tracts 46031941000 (Bullhead, SD) and 38085940800 (Cannonball, ND), which have DAC scores of 18 and 17, respectively.



Quality Jobs: The Tribe aims to use the funding provided through 40101(d) to expand good-paying, safe jobs that are accessible to all workers, and support domestic supply chains, where possible. Given the first-year allocation of \$186,516, there are limited pathways to fund efforts that meaningfully attract, train, and retain a skilled workforce, while still funding the identified resiliency project(s). However, the Tribe, in alignment with their procurement policies, will work to select vendors that provide employees with the free and fair choice to join a union and source materials and equipment domestically. The Tribe will also prioritize selecting Tribal organizations and Native American owned enterprises.

Community Benefits: The Tribe will give priority to projects that will generate the greatest community benefit in reducing the likelihood and consequences of disruptive events. The Tribal Council will select projects using a set of pre-established criteria (outlined in Section 2 above). One of the criterium prioritizes community benefit, as measured by the degree to which the project impacts vulnerable and disadvantaged communities. The Tribe’s vulnerable community members, such elders and those community members experiencing poverty, are most adversely affected by disruptive events, so projects targeting these populations with decrease the negative consequences to these community members, benefiting our community as a whole. The Tribe will also prioritize projects that will positively impact the largest number of households in the community, particularly since many of our community members fall under the definition of vulnerable or disadvantaged.

Diversity, Equity, Inclusion and Accessibility: The Tribe will share and maximize the project’s benefits across disadvantaged communities, such as racial minorities and women, and will engage community leadership throughout the project’s duration. Unlike State applicants, Tribal populations are understandably more homogenous. The majority of residents on the Standing Rock Sioux Tribe’s Reservation are enrolled members of the Standing Rock Sioux Tribe and, therefore, fall under the designation of “racial minority” in the United States because of their American Indian/Alaskan Native heritage. Projects that benefit the most residents and the most vulnerable

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reservations of the Reservation will benefit disadvantaged communities. The Tribal Council represents community leadership and will engage other community leadership by consulting with relevant Tribal departments about the project during the duration of the project. As needed, the Tribal Council will discuss the project during Tribal Council Meetings to solicit community feedback, particularly from community leaders.

Current Resiliency Planning: The 40101(d)(5) funding will enable the Tribe to go beyond measures that are already being undertaken through current Tribal resilience planning. Given the first-year allocation of \$186,516, the Tribe will be able to build upon current resilience and energy sovereignty efforts, ensuring that projects are completed in a timelier manner than originally forecasted.

Technical Assistance and Administration:

The Tribe intends to utilize five percent of the Federal grant funds for project administration and technical assistance costs. Project administration and technical assistance costs may include the following activities: reporting, compliance, grant administration, and project-specific administration. Jesseph McNeil, General Manager of SAGE Development Authority (a Section 17 of the Standing Rock Sioux) will be responsible for ongoing grant management, including preparing, reviewing, and submitting the Project Management Plan, Program Narrative, Resilience Project Package, and Quarterly Progress Reports.

Joe McNeil serves as the President and General Manager of SAGE. Joe McNeil is an enrolled member of the Standing Rock Sioux Tribe and the president of Standing Rock Development Corporation and manager for Rock Industries Corp. in Ft. Yates, N.D. He was recently awarded the Bush Foundation Fellowship for leadership, as well as the MIT Oceti Sakowin Fellows Tribal Community Innovation. He is an activist for Indigenous rights and community economic development. He earned his B.S. in Business Administration from Sitting Bull College. He is a former member of the Tribal Council for the Standing Rock Sioux Tribe. He has also served as Vice Chair of Sitting Bull College Board and as a member of the Wind Energy Tribes United. He currently serves as the Chair of the Oyate Community Development Finance Institute.

The Tribe is currently contemplating, subject to receipt of grant funding, contracting with Baker Tilly (Austin, TX) to perform necessary technical assistance and administration work under its direction. Ultimate selection of a contractor will be subject to the Tribe's competitive bid rules, where applicable.

Baker Tilly is a 90-year-old professional services firm that offers experienced renewable energy professionals who deliver innovative project finance and development support. They combine over 50 years of energy and utilities industry experience with a proven ability to help clients navigate energy projects from feasibility to ultimate completion. Specifically, Baker Tilly has excellent credentials and qualifications as it pertains to:

- An understanding of the intricacies of renewable energy projects on Tribal lands,
- Knowledge of renewable energy projects gained through involvement in many projects across the country,
- An in-depth understanding of the industry, the many participants, and what it takes to get renewable energy projects done, and
- A dedicated energy and utilities team of more than 30 individuals.

Since 2008, Baker Tilly has been involved with over \$3.5 billion of renewable energy projects that have been funded and are either operating or under construction. Baker Tilly has extensive experience working with government clients, including many state and local clients, as well as numerous Tribal clients, particularly in the area of energy consulting.