­­Bipartisan Infrastructure Law - **Section 40101(d)**

**Preventing Outages and Enhancing the Resilience of the Electric Grid**

**Pawnee Nation of Oklahoma**

**February 2023**

**Pawnee Nation Grid Resilience Program Narrative**

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1. **Objectives and Metrics:**

The Pawnee Nation of Oklahoma (“Tribe” or “PNO”) intends to use the following four (4) 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 our federal allocation[[1]](#footnote-2), and the 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 Pawnee Nation of Oklahoma (Pawnee Nation) has a long and proud history spanning more than 700 years. Early in the 18th century, more than 60,000 members of the Pawnee Tribe inhabited the area along the North Platt River in Nebraska. The Tribe then, as it is now, was composed of four distinct bands: the Chaui “Grand,” the Kitkehahki “Republican,” the Pitahawirata “Tappage” and the Skidi “Wolf.” Today, the number of Tribal enrolled members is over 3,200 and Pawnees can be found in all areas of the United States as well as foreign countries within many walks of life. Pawnees take much pride in their ancestral heritage. They are noted in history for their tribal religion rich in myth, symbolism, and elaborate rites.

**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 will provide funding annually over a period of five years.**

Objective 1**:** To deploy the 40101(d) funding to increase the resilience of power supply serving the Pawnee Nation’s Reservation. Under this objective, targeted resilience measures will be evaluated based on the measure’s expected ability to mitigate the impact of disruptive events, especially natural disasters, on the electric grid.

This objective will be assessed based on the improvement in resilience as compared to the baseline prior to investment in the resilience measure. The outcomes will be measured by the number of power outages experienced by the community in the years prior to the project compared to the years following the resilience measure. Power outage severity will be measured by duration (in hours) and number of community members/critical infrastructure that 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 kW of the DER/microgrid, 2) the ability of the DER/microgrid to reduce the frequency and severity of disruptive events, and 3) the environmental impact of the DER/microgrid.

Objective 3**:** To use the 40101(d) funding to increase energy justice in our Tribal community through resilience measures that reduce (or eliminate) the impact of disruptive events on disadvantaged communities and at critical infrastructure.

This objective will be measured by the number of disadvantaged persons and critical infrastructure that benefit from the resilience 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, as well as the number of local people employed or trained in relation to the resilience measure.

1. **Criteria:**

The Tribe may make subawards to eligible entities as part of this grant program or implement projects through its own Tribal departments and/or entities 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. The Tribe will consider how federal funds can be used to leverage existing efforts in the community to decrease the impacts of disruptive events, especially on vulnerable communities and critical infrastructure. The Pawnee Nation Business Council, as the elected governing body of the Tribe, will select projects based on the merit criteria described below.

The Pawnee Nation Business Council is the supreme governing body of the Pawnee Nation of Oklahoma. Subject to limitations imposed by the Constitution and applicable federal law, this body exercises the inherent, statutory, treaty, and self-government powers of the Pawnee Nation of Oklahoma. In accordance with the Constitution, the Pawnee Nation Business Council is the legislative/executive branch of government that enacts legislation, transacts business, and otherwise speaks or acts on behalf of the Pawnee Nation on all matters which the Nation is empowered to act.

* Merit Criteria 1: The projected impact of the resilience 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 the near term, as demonstrated by technical and financial feasibility. The Tribe will prioritize projects that underwent 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.
1. **Methods:**

The Tribe will use the Business Council to select projects that will receive the 40101(d) funding. As elected representatives, the Business Council is 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. The Business Council can also rely on the appropriate Tribal departments to provide expertise on potential projects. The Pawnee Nation Business Council is the supreme governing body of the Pawnee Nation of Oklahoma. In accordance with the Constitution, the Pawnee Business Council is the legislative/executive branch of government that enacts legislation, transacts business, and otherwise speaks or acts on behalf of the Pawnee Nation on all matters which the Nation is empowered to act. The Tribe 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 Tribe’s procurement policies (i.e., competitive bids where appropriate). The Tribe will track and make public during one or more Business 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 resilience 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 resilience measure. Power outage severity will be measured by duration (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: The Tribe 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.

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.

1. **Funding Distribution:**

The Tribe may make subawards as part of this grant program or implement projects through its own Tribal entities within the boundaries of the Tribe’s Reservation. The Tribe reserves the right to engage qualified contractors to perform portions of the work on their behalf, either through a competitive bid process or direct hire.

1. **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 Pawnee Reservation has a DAC status of disadvantaged. The Reservation is located within a census tract that has a DAC status of not disadvantaged. Census Tract 40117957500, where the Reservation is located, has a DAC score of 18, ranking in the 54th percentile nationally and in the 67th percentile in Oklahoma. Specifically, the Tribe is above the 80th percentile for the following indicators: energy burden, no internet access, uninsured, fossil energy employment, low-income population, and climate hazards loss of life estimates.



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 and applicable. Given the limited allocation, there are limited pathways to fund efforts that meaningfully attract, train, and retain a skilled workforce, while still funding the identified resilience project(s). However, the Tribe, in alignment with their procurement policies, will work to select vendors that provide employees with strong labor practices 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 Business Council will select projects using a set of pre-established criteria (outlined in Section 2 above). One of the criteria prioritizes community benefit, as measured by the degree to which the project impacts vulnerable and disadvantaged communities. The Tribe’s vulnerable community members include community members experiencing poverty and those most adversely affected by disruptive events (e.g.: tornadoes, health emergencies). Projects targeting these populations will 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 Pawnee Nation are enrolled members of Pawnee Nation of Oklahoma 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 reservations of the Reservation will benefit disadvantaged communities. The Business 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 Business Council will discuss the project during Business Council Meetings to solicit community feedback, particularly from community leaders.

Current Resilience 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 limited allocation amounts, the Tribe will be able to build upon current resilience efforts, ensuring that projects are completed in a timelier manner than originally forecasted.

Through its existing Tribal Utility Authority, the Tribe is currently pursuing several energy activities. Pawnee Nation was awarded an Energy and Minerals Development Program (EMDP) grant to investigate the feasibility for a PV solar installation to offset the electricity usage of its businesses and residences. The Tribe has also applied to the Rural Energy Pilot Program (REPP) to fund a separate PV solar installation combined with a geothermal system and an energy storage system.

1. **Technical Assistance and Administration:**

The Tribe intends to use up to 5 percent of 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. Brian Kirk, Executive Affairs Director for Pawnee Nation of Oklahoma, 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. Brian Kirk serves as the Planning and Division Director for Pawnee Nation of Oklahoma, and he will serve as the Tribal Project Manager for this project. Brian has experience in managing projects efficiently and cost-effectively.

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 dozens of tribes throughout the contiguous United States and Alaska to improve energy and other infrastructure. Baker Tilly has extensive experience working with government clients, including many state and local clients, as well as numerous Tribal clients, particularly around energy consulting.

1. **Public Meeting**

*[This section will be completed after the public meeting]*

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. [↑](#footnote-ref-2)