

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

**Seminole Tribe of Florida**  
**February 2023**

*Information for Public Notice:* The Seminole Tribe of Florida 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 Seminole Tribe of Florida’s allocation is expected to be \$925,301.00 in the first year, and \$911,727.00 in the second year, with additional allocations expected for the following three years – totaling five years of funding.

The Seminole Tribe of Florida 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 Seminole Tribe of Florida is holding a public hearing on March 13, 2023, at 3:00 PM. The public hearing will be held via WebEx and Tribal Members may attend by accepting the WebEx invitation and joining the meeting at the prescribed time.**

The Seminole Tribe of Florida is also accepting written comments regarding the Tribe’s application until 11:59 PM Eastern Time on March 13, 2023. Please submit your comments, questions, and/or concerns via email to [HarveyRambarath@semtribe.com](mailto:HarveyRambarath@semtribe.com) by 11:59 PM ET on March 13, 2023. Please use “Seminole Tribe Grid Resilience Program” and your community or organization affiliation 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 Seminole Tribe Grid Resilience Program Narrative**

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

### **1. Objectives and Metrics:**

The Seminole Tribe of Florida (“Tribe” or “STOF”) 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<sup>1</sup>, 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 Tribe is a federally recognized Indian Tribe. The Tribe’s lands include five Reservations and three Tribal Trust lands that cover seven Florida Counties extending from Central Florida to Southern Florida. Big Cypress Seminole Indian Reservation is the largest territory, including 81.972 sq mi (212.306 km<sup>2</sup>), in the northeast corner of the Big Cypress National Preserve. The Brighton Seminole Indian Reservation is a territory of 57.090 sq mi (147.862 km<sup>2</sup>) in northeast Glades County. The Hollywood Seminole Indian Reservation comprises 497 acres (2.01 km<sup>2</sup>) acres in Broward County. The Immokalee Seminole Indian Reservation is in Immokalee in Collier County. The Tampa Seminole Indian Reservation is in Hillsborough County. The additional trust lands are located in Fort Pierce (a 50 acres (0.20 km<sup>2</sup>) site in St. Lucie County), Lakeland (located in Polk County), and Coconut Creek (located in Broward County). The Tribe is committed to responsibly managing tribal land in ways that promote economic and sustainable energy generation, sovereignty, and resilience, while improving the quality of life of the community in and around the area to provide more affordable energy for area businesses, create jobs, and stimulate economic activity for the benefit of the Tribe.

**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 resiliency of power supply serving the Tribe’s lands. Under this objective, targeted resiliency 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. The Tribe’s lands are vulnerable to hurricanes, which are expected to become

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

more intense with climate change (global warming)<sup>2</sup>. Fortifying electrical infrastructure is critical to responding to natural disasters.

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 the number 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/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, 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 disadvantaged communities and at critical infrastructure.

This objective will be measured by the number of disadvantaged 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, as well as the number of local people employed or trained in relation to the resiliency measure.

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<sup>2</sup> Hurricanes and climate change. Center for Climate and Energy Solutions. (2022, September 22). Retrieved November 8, 2022, from <https://www.c2es.org/content/hurricanes-and-climate-change/>

## 2. Criteria:

The Tribe may make subawards to eligible entities as part of this grant program, or the Tribe may implement projects through its own Tribal departments and/or entities within the exterior boundaries of the Tribe's lands. 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 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 Tribal Council, as the elected governing body of the Tribe, 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 the 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.

### 3. Methods:

The Tribe will use the Tribal Council to select projects that will receive the 40101(d) funding. As elected representatives, the Tribal Council 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. The Tribal Council can also rely on the appropriate Tribal departments to provide expertise on potential projects.

As established in the Seminole Tribe of Florida's constitution, the Tribal Council is the chief governing body, composed of a Chairman, a Vice-Chairman and Council Representatives from the Hollywood, Big Cypress, and Brighton Seminole Indian Reservations. Today, the Tribal Council administers all governmental, cultural and recreational, public safety, public works, economic development, community service programs, as well as the Tribal gaming and real estate enterprises..

The Tribe will select third-party vendors to complete any planning, design, engineering, and/or construction work that the Tribe (or any of its components cannot complete). Contracting will be subject to the Tribe's procurement policies (i.e., competitive bids). The Tribe will track and make public during one or more community 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 the 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 in 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.

#### **4. Funding Distribution:**

The Tribe may issue sub awards to eligible entities as part of this grant program, through a competitive process or direct award, or the Tribe may implement projects through its own Tribal departments and 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 through 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 Tribe's lands have the DAC status of disadvantaged. Census Tracts where the Tribe's lands are located received a DAC score ranging from 14 to 21, thereby ranking in (on average) the 53<sup>rd</sup> percentile nationally and in (on average) the 60<sup>th</sup> percentile in the state of Florida. Specifically, the Tribe is above the 85<sup>h</sup> percentile for the following indicators: proximity to treatment storage and disposal facilities, traffic proximity and volume, diesel particulate matter level in air, proximity to risk management plan facilities, water discharge, proximity to national priorities list, no internet access, less high school education, job access, climate hazards loss of life estimates, percentage of population in mobile homes, unemployed (civilian labor force), transportation costs, uninsured (health insurance coverage), low income population, linguistic isolation, renters, percentage of population with no vehicles, single parents, disabled population, population of 65 and older, incomplete plumbing and housing costs.

TRACT	TRIBE
TRIBE	<b>4130R</b>
<ul style="list-style-type: none"> <li>Name: Tampa Reservation</li> <li>DAC Status: <b>Disadvantaged</b></li> </ul>	
TRACT	TRIBE
TRIBE	<b>0360R</b>
<ul style="list-style-type: none"> <li>Name: Brighton Reservation</li> <li>DAC Status: <b>Disadvantaged</b></li> </ul>	
TRACT	TRIBE
TRIBE	<b>1555R</b>
<ul style="list-style-type: none"> <li>Name: Immokalee Reservation</li> <li>DAC Status: <b>Disadvantaged</b></li> </ul>	
TRACT	TRIBE
TRIBE	<b>0225R</b>
<ul style="list-style-type: none"> <li>Name: Big Cypress Reservation</li> <li>DAC Status: <b>Disadvantaged</b></li> </ul>	
TRACT	TRIBE
TRIBE	<b>1475R</b>
<ul style="list-style-type: none"> <li>Name: Hollywood Reservation</li> <li>DAC Status: <b>Disadvantaged</b></li> </ul>	
TRACT	TRIBE
TRIBE	<b>1260R</b>
<ul style="list-style-type: none"> <li>Name: Fort Pierce Reservation</li> <li>DAC Status: <b>Disadvantaged</b></li> </ul>	

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 resiliency 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 Tribal 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 affects vulnerable and disadvantaged communities. The Tribe's vulnerable community members include community members experiencing poverty and those most adversely affected by disruptive events (i.e.: hurricanes, health emergencies). Projects targeting these populations will decrease the negative consequences to these community members, benefiting our entire community. 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 Tribe lands are enrolled members of the 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 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 and or Planning Department will discuss the project during Community 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 limited allocation amounts, the Tribe will build upon current resilience efforts, ensuring that we complete projects in a timelier manner than originally forecasted. The Seminole Tribe of Florida is committed to responsibly managing its tribal land in ways that promote economic energy generation and resiliency while improving the quality of life of the community in and around the area. The Tribe has determined that one of the most practical ways to ensure energy resilience and economic development on its lands is to produce economic and sustainable energy. This is not only a conduit for finance, business, and infrastructure development but also a way to enhance the resilience of its cattle and hospitality operations, which serves as one of the largest employers in the area.



## **6. Technical Assistance and Administration:**

The Tribe intends to utilize 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. Kris Johnston, Assistant Director of Grants and Financial Operations, 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.

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 operating or under construction. Baker Tilly has extensive experience working with government clients, including many state and local clients, as well as many Tribal clients, particularly in energy consulting.