

**DEPARTMENT OF THE INTERIOR**

**Bureau of Indian Affairs**

**Energy and Mineral Development Program (EMDP); Solicitation of Proposals**

**AGENCY:** Bureau of Indian Affairs, Office of Trust Services

**ACTION:** Notice.

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**SUMMARY:** The Secretary of the Interior (“Secretary”), through the Division of Energy and Mineral Development (DEMD), Office of Trust Services, Bureau of Indian Affairs (BIA), is soliciting grant proposals from Federally recognized tribal entities for technical assistance funding to identify, evaluate or assess energy or mineral resources and related projects. The Energy and Mineral Development Program (EMDP) supports Tribal efforts to advance Tribal self-governance through developing energy and mineral resources.

**DATES:** Applications will be accepted until 11:59 PM EST on August 13, 2025.

**FOR FURTHER INFORMATION CONTACT:** Division of Energy and Mineral Development, 13922 Denver West Pkwy, Suite 200, Lakewood, CO 80401; telephone (303) 969-5270; email: [emdpgiants@bia.gov](mailto:emdpgiants@bia.gov).

**Questions and Requests for Grant Assistance:**

DEMD staff may provide technical consultation, upon written request submitted to [emdpgiants@bia.gov](mailto:emdpgiants@bia.gov) at least three weeks before the deadline for submission. The request must clearly identify the type of assistance sought. Technical consultation does not include funding to prepare a grant proposal, grant writing assistance, or pre-determinations as to the likelihood that a proposal will be awarded. The applicant is solely responsible for preparing its grant proposal. Technical consultation may include clarifying application requirements, reviewing draft

applications, confirming whether an applicant previously submitted the same or similar proposal.

Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services.

Additional Program information can be found at: <https://www.bia.gov/service/grants/emdp>.

Direct questions regarding registration information for SAM or ASAP to [tedcgrants@bia.gov](mailto:tedcgrants@bia.gov).

Allow at least three weeks to complete SAM and ASAP registration due to system requirements.

No exceptions can be made for applicants that do not have an active SAM and ASAP registration.

## **SUPPLEMENTARY INFORMATION:**

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### **I. General Information**

Award Ceiling: \$2,500,000

Award Floor: \$10,000

CFDA Number: 15.038

Cost Sharing or Matching Requirement: No

Number of Awards: [10 to 100]

Category: Minerals and Mining on Indian Land

**II. Number of Projects Funded.** DEMD anticipates award of approximately ten (10) to one hundred (100)] grants under this announcement ranging in value from approximately ten thousand dollars (\$10,000) to two million five hundred thousand dollars (\$2,500,000). DEMD will use a competitive evaluation process based on criteria described in the Evaluation Criteria section (section X of this notice).

**III. Background and Eligible Activities:** DEMD administers the EMDP grant. This solicitation seeks proposals for projects that conduct resource inventories and assessments, feasibility studies, or other pre-development studies necessary to process, use and develop energy and mineral resources. These resources and their uses include, but are not limited to, biomass (woody and waste) for heat or electricity; transportation fuels; hydroelectric, solar, or wind generation; geothermal heating or electricity production; district heating; other forms of distributed energy generation; oil, natural gas, and helium; sand and gravel, coal, precious minerals, and base minerals (lead, copper, zinc, etc.).

EMDP projects may include, but are not limited to:

- Initial resource exploration;
- Defining potential targets for development;
- Performing a market analysis to establish production/demand for a commodity;
- Performing economic evaluation and analysis of the resource;
- Baseline studies related to energy and mineral projects; and
- Other pre-development studies or work necessary to promote the use and development of energy and mineral resources.

The program provides funding on a one-time basis and for projects that can be completed

within the period of performance of the award. The period of performance is one-year for this solicitation. The funding periods and amounts referenced in this solicitation are subject to the availability of funds at the time of award, as well as the Department of the Interior (the Department) and the BIA priorities at the time of the award. Neither the Department nor the BIA will be held responsible for proposal or application preparation costs. Publication of this solicitation does not obligate the Department or the BIA to award any specific grant or to obligate all or any part of available funds. Future funding is subject to the availability of appropriations and cannot be guaranteed. The Department or the BIA may cancel or withdraw this solicitation at any time.

**IV. Eligibility for Funding.** Only Indian Tribes and Tribal Energy Development Organizations (TEDOs) are eligible to receive EMDP grants for projects on Indian land, as provided under the Energy Policy Act of 1992, as amended, and codified under section 3052 of title 25 of the United States Code (25 U.S.C. § 3502 (a)). EMDP grants may only fund projects occurring on Indian land as defined in the under 25 U.S.C. § 3502. All grant applications must be accompanied by a Tribal resolution stating the Tribe's commitment to fully comply with grant award requirements and identifying the Tribal grant lead point of contact. Section VIII, Paragraph F(a), "Resolution," below, for detailed guidance about Tribal Resolution requirements. Upon successful award of the grant, the Department shall direct all grant funding to the successful Tribal grantee. The Tribal grantee will then be responsible for distributing monies within the Tribe, Tribal Energy Development Organization, or other Tribal grant management office as needed.

**V. Who may Perform Studies Funded by EMDP Grants.** The applicant determines who will conduct its study. An applicant has several choices, including but not limited to:

- Qualified tribal or TEDO personnel;

- Universities and colleges;
- Private consulting firms; and
- Other appropriate entities with capacity to perform the work.

Please note, Federal Agencies are not allowed to perform work on these grants or to receive funding from awarded grant funds.

**VI. Applicant Procurement Procedures.** The applicant is subject to the procurement standards in 2 CFR 200.318 through 200.326. In accordance with 2 CFR 200.318, an applicant must use its own documented procurement procedures which reflect Tribal laws and regulations, provided that the procurements conform to applicable Federal law and standards identified in Part 2 of the Code of Federal Regulations. Budget amounts for all printed and digital copies to be delivered in accordance with the grant agreement and, the contract should specify that all products generated by the vendor belong to the grantee and cannot be released to the public without the grantee's written approval. Products include, but are not limited to, all reports and technical data obtained, maps, status reports, and the final report.

**VII. Limitations.** EMDP grant funding must be expended in accordance with applicable statutory and regulatory requirements, including 2 CFR part 200. DEMD will monitor all EMDP grant awards for statutory and regulatory compliance. Tribes that misuse funds may forfeit remaining funds in that and future EMDP year. Neither the Department nor the BIA will be held responsible for proposal or application preparation costs.

As part of the grant application review process, DEMD may conduct a review of an applicant's prior EMDP grant award(s). New grant application ranking may reflect the status of the applicant's grant funding from prior years. DEMD will consider pertinent factors with respect to prior year funding. For instance, if expenditure of prior year grant funds were delayed

through no fault of the applicant, and the prior year project is not complete for that reason, a new EMDP grant proposal may still receive funding.

Applicants that are currently under BIA sanction Level 2 or higher resulting from non-compliance with the Single Audit Act are ineligible for an EMDP award. Applicants at Sanction Level 1 will be considered for funding.

An applicant may submit more than one grant application for multiple, distinct projects. For example, an applicant may submit one application to identify sand and gravel resources and another application to identify wind energy resources; however, an applicant cannot combine these two subjects into one application. Each project requires its own stand-alone project narrative, budget, designated Tribal project lead, and verification of eligibility, and will be evaluated based on its own merit.

EMDP awards may not be used for:

- Projects not occurring on Indian land;
- Establishing or operating a Tribal office, and/or purchase of office equipment;
- Salaries or fringe benefits for Tribal employees, except for clearly defined technical related tasks. Salary requests must comply with the detailed budget components as described under Step 2;
- Purchasing equipment such as computers, software, vehicles, field gear, anemometer (Met) towers, and the like, to perform pre-development activities. However, leasing these types of equipment for pre-development activities is permitted;
- Purchasing or leasing equipment to develop energy and mineral resources, such as solar panels, well drilling rigs, backhoes, bulldozers, cranes, trucks, etc. However, leasing this equipment for pre-development activities is allowable;

- Drilling wells for the commercial sale of hydrocarbons, geothermal resources, and other fluid or solid minerals. Funds may be used for testing, sampling, coring, or temperature surveys. DEMD will not fund the drilling, completion, or recompletion of an oil/gas well, but will fund the testing and/or sampling of a well if the data collected is deemed necessary to achieve the objective outlined in the grant proposal;
- Legal fees;
- Application fees associated with permitting unless it can be demonstrated that the task requiring a permit is an essential component of the grant;
- Academic research projects;
- Development of unproven technologies that are not warrantable;
- General education, credentialing, and academic coursework; Note that while training eligibility is very narrow, some training may be eligible for Tribal employees; Eligible training focuses on employee skill acquisition that directly results in increased ability of Tribal staff to implement elements of the grant-funded work scope; Grant applications must include a detailed description of the training to be included and the benefits to implementation of the grant-funded work scope; This will be evaluated on a case-by-case basis and will require written justification within the proposal;
- Contracted negotiation fees;
- Purchase of data currently available at DEMD and accessible to applicants. Contact DEMD to verify data availability. DEMD will provide a Tribe with available data upon request;

- Studies directly related to meeting National Environmental Policy Act (NEPA) requirements for project development; However, the EMDP will support a preliminary environmental issue analysis used to evaluate project feasibility;
- Attending conventions, or travel to foreign countries. However, in some cases, domestic conventions that have relevance to the scope of the EMDP project will be allowed. This will be evaluated on a case-by-case basis and will require written justification within the proposal;
- Feasibility studies of broadband related projects that are eligible for funding under IED's National Tribal Broadband Grant (NTBG) program;
- Businesses, development projects, or technologies that are addressed by IED's Native American Business Development Institute (NABDI) grant program; or studies regarding legal infrastructure or energy regulatory structures addressed by DEMD's Tribal Energy Development Capacity (TEDC) grant program; and
- Any other activities not authorized by the Tribal resolution or the grant award letter.

**VIII. EMDP Application Guidance.** All EMDP applications must be submitted in digital form to grants.gov. For instructions, see

<https://www.grants.gov/help/html/help/Applicants/HowToApplyForGrants.htm>.

All EMDP applicants must submit the standard forms “package” as outlined in this announcement. These forms can be found under the “package” tab on the EMDP grant listing at [www.grants.gov](https://www.grants.gov). Incomplete applications will not be accepted. All forms listed in the announcement must be submitted in grants.gov. Upon award, recipients must enroll two points of contact in GrantSolutions to comply with reporting requirements.



Contact Jo Metcalfe, [Jo.Metcalfe@bia.gov](mailto:Jo.Metcalfe@bia.gov), no later than three weeks prior to the submission deadline regarding any issues associated with the application process. Links to the mandatory components that must be included in each proposal package can be found under the “package” tab on the EMDP grant opportunity page at [www.grants.gov](http://www.grants.gov), listed below:

- A. Application for Federal Assistance (SF-424) [V3.0]**
- B. Budget Information for Non-Construction Programs (SF-424A) [V1.0]**
- C. Budget Narrative Attachment Form [V1.2]**
- D. Project Abstract Summary [V2.0]**
- E. Project Narrative Attachment Form [V1.2]**
- F. Attachments [V1.2]**
  - a. Resolution**
  - b. Critical Information Page**
- G. Key Contacts [V2.0]**
  - a. Tribal Administrative Official – for financial reporting**
  - b. Tribal Program Official – directly oversees the project**

A detailed description of the above-named mandatory component documents is provided below:

- A. Application for Federal Assistance SF-424 [V3.0].** All applicants must complete the Application for Federal Assistance SF-424. Use a descriptive file name that includes the Tribal name and project description. For example: EMDPSF424.[Tribalname].Project
- B. Budget Information for Non-Construction Programs (SF-424A) [V1.0].** The budget must be submitted using both a SF-424 and a SF-424A form. Use a descriptive file name that includes the Tribal name and project description. For example:  
EMDPSF424A.[Tribalname].Project.

**C. Budget Narrative Attachment Form [V1.2].** The budget narrative must identify the amount of grant funding requested. The project scope and budget must be broken into defined tasks such as contracted personnel fees, consulting fees (hourly or fixed), travel costs, data collection and cost analysis, computer rentals, report generation, drafting, advertising costs for a proposed project and other relevant project expenses, and their subcomponents. The budget must include the following detailed activity descriptions as applicable:

- a. Travel costs must be itemized by airfare, vehicle rental, lodging, and per diem, based on the current Federal government per diem schedule.
- b. Data collection and analysis costs must be itemized in sufficient detail for the DEMD review committee to evaluate the charges.
- c. Indirect costs, if requested.
- d. Other expenses may include computer rental, report generation, drafting, and advertising costs for a proposed project.

**D. Project Abstract Summary [V2.0].** Provide a one-page overview and technical summary of the project. Mandatory elements include:

- a. Description of the elements of the proposed project
- b. Need for the project
- c. Description of the objectives
- d. Anticipated outcomes that will result if the project were to be funded
- e. Total amount of funding requested
- f. Designated Tribal project lead authorized to make decisions on the day-to-day grant activities.

E. **Project Narrative Attachment Form [V1.2].** The Project Narrative should be 20 pages or less, not including attachments. At a minimum, the Project Narrative should include the following sections and are used to evaluate the proposal (the evaluation criteria are described in Section X):

- a. Tribal Executive Summary, no longer than one page, that summarizes the proposed project, resource(s) to be utilized, long term goals and objectives of the Tribe, and total funding amount requested. The Tribal Executive Summary should be an authentic representation of the project intent, from the perspective of the Tribal applicant.
- b. Discussion on the economic viability of the project. Economic viability is the ability of the project to secure financing – whether from public, commercial, or concessional sources – while having a positive impact on society and the environment. Discussion should include sources and uses of funds, revenue, expenses, job creation, return on investment, payback period, potential secondary markets, and other positive impacts. If an initial financial, economic, or business case analysis has not been completed please provide estimates based on comparable projects of similar scale.
- c. Discussion on project viability including, but not limited to: reason(s) for the project; description of the anticipated outcomes that will result if the project were to be funded; whether the project is new or builds on previous work that is partially complete; how the project is phased, how long it is expected to take through completion, and what element the current project is intended to satisfy; the Tribe’s motivation to develop the proposed energy or mineral resource(s),

including any short and long term benefits to the Tribe; and potential barriers, including and not limited to environmental and cultural constraints for land development, etc.

- d. Scope of Work and Deliverables including: a clear and concise description of the tasks to be performed, in chronological order; a logical methodology for completing the task items; and a detailed description of all deliverable products the proposed EMDP project is to generate, including all technical data to be obtained during the study.
- e. Description of the consultant(s) and key personnel the applicant wishes to retain, including resumes, contact information, technical expertise, training, qualifications, and suitability to undertake the proposed scope of work. This information may be included as an attachment to the application and will not be counted towards the 20-page limitation.

Please use a descriptive file name that includes Tribal name and project description. For example: EMDPNarrative.[Tribalname].Project

#### **F. Attachments [V1.2]**

- a. **Resolution.** EMDP applicants are required to have an authorizing resolution(s) from each Tribe proposed to be served by the grant-funded project. The grant application work scope must include the Tribal resolution issued in the same fiscal year as the grant application, authorizing the submission of the EMDP grant application and must be signed by the authorized Tribal representative(s). The Tribal resolution must include a description of the energy or mineral resource to be studied and identify the Tribal grant lead point of contact. The resolution must include a statement that the Tribe is willing to consider developing any potential energy and mineral resource discovered and a statement that the Tribe will allow public release of information obtained from the EMDP project under the Freedom

of Information Act (FOIA) or other applicable authorities (note that the DEMD will work with the Tribe to reasonably apply FOIA exemption criteria to responses to FOIA requests as applicable) or for citing in press releases, reports, presentations, scholarly articles, and similar informational resources. With regard to public information release, the DEMD ***will not*** release any detailed proprietary data or reports to any individual, private company, or government agency without the written consent of the Tribe, unless compelled to do so under FOIA requirements. The ***Data Availability*** section of this NOFO, below, describes other authorities that may compel Federal release of data resulting from grant-funded projects.

In lieu of a Tribal resolution, the Tribe may submit other acceptable documentation of Tribal commitment as follows. A Tribal government may have developed a policy, procedure, or other business rule that clearly establishes authority of Tribal staff to apply for grants and within that grant application to commit the Tribe to complying with the terms of grant awards without the need for a specific Tribal resolution. If applicable, a copy of that policy, procedure, or other business rule must be included in the grant application package and be accompanied by a written statement from the authorized Tribal POC explicitly committing the Tribe to fully complying with the terms of the EMDP award as stated in this Notice of Funding Opportunity (NOFO). In this case only, grant applications may be accompanied by a written Tribal statement of commitment in lieu of a Tribal resolution.

**b. Critical Information Page.** Applicants must include a critical information page that includes:

- i. Project Manager's contact information;
- ii. Data Universal Numbering System (DUNS) number; or a Unique Entity Identifier (UEI).
- iii. An active Automated Standard Application for Payment (ASAP) number;
- iv. Counties where the project is located; and

v. Congressional District number where the project is located.

**G. Key Contacts [V2.0].** The mandatory Key Contacts information page includes:

- a. Tribal leader contact information including address, email, and phone number
- b. Project Manager's (directly oversees the project) contact information including address, email, and phone number(s)
- c. Administrative Official (generally the financial manager) contact information including address, email, and phone number(s).
- d. Please use a descriptive file name that includes Tribal name and identifies that it is the Key Contacts (KC) page. For example: EMDPKC.[Tribalname].Project

#### **H. Verification of Eligibility**

DEMD will only consider applications from Tribes and TEDOs for the use of carrying out projects to assess, evaluate, and promote the development of energy and mineral resources on Indian land. The Verification of Proposal Eligibility must include the following:

- The full name, address, and telephone number of the Tribe or TEDO submitting the application, including:
  - a. The full name(s) of the Tribe(s) proposed to be served; and
  - b. A copy of the TEDO's charter, articles of incorporation, bylaws, or other organic documents showing that it meets the definition of a TEDO pursuant to 25 U.S.C. 3501(12).
- Narrative and documentation that the proposed project is located on Indian land, including a project location map, title status report, legal land descriptions, and title ownership description.

**IX. Review and Selection Process.** Upon receiving an EMDP grant proposal, the DEMD will determine whether an application is complete and that the proposed project does not

duplicate or overlap previous or currently funded DEMD technical assistance projects. Any proposal that is received after the date and time in the DATES section of this notice will not be reviewed.

In past years, EMDP grant funding requests have collectively exceeded available funding for that year. Funds are awarded to the highest rated proposals within a competitive process. Therefore, applicants compete for funding, and DEMD has discretion to award funds to a limited number of the highest-rated proposals. DEMD has established ranking procedures below with defined criteria for rating proposals.

The DEMD Review Committee (Committee), comprised of subject matter experts within DEMD and from their partnering Federal offices will evaluate the proposals utilizing the ranking criteria. Proposals will be evaluated using the five ranking criteria listed below, with a maximum achievable total of 100 points.

Written final award notices and written notices of non-selection will be provided to all Tribal grant applicants.

## **X. Evaluation Criteria**

**Tribal Executive Summary: 5 points.** This criterion will evaluate that the summary of the project is succinct but inclusive of key aspects of the project, identifies the resource to be evaluated, includes summary of Tribal goals and objectives, and total funding requested. The Tribal Executive Summary should be an authentic representation of the project intent, from the perspective of the Tribal applicant. The DEMD review committee will view unfavorably proposals that show little evidence or scant regard for the applicant's unique circumstances.

**Economic Viability: 30 points.** This rating criterion gauges the project's capability to attract financing, either through conventional loans, grants, or investments. The narrative should

therefore address the expected source(s) of funding for the project, the project's costs and revenues, and its return on investment, potential for job creation, payback period, and potential secondary markets.

**Project Viability: 25 points.** An application will be evaluated under this criterion on how clearly and convincingly it describes the project's anticipated outcomes. The application should therefore explain whether the project is new or builds on previous work that is partially complete. It should describe how the project is phased, how long it is expected to complete, and what need or goal the project is intended to satisfy or attain. It should also address the Tribe's motivation to develop the proposed energy and mineral resource, including short and long term benefits to the Tribe. And it should identify potential barriers, including but not limited to environmental and regulatory obstacles.

**Scope of Work and Deliverables: 30 points.** The Committee will rate the proposal on the extent to which it provides a clear and concise description of the tasks to be performed (in chronological order); demonstrates a logical methodology for completing project tasks; sufficiently describes all deliverable project products, including all technical data to be obtained during the study; defines applicability of current administration EOs listed in Section XV of this notice or other current administration EOs and the extent to which EO provisions advance Tribal self-governance through energy or mineral development, and provides documentation that the consultants retained possess the requisite background and credentials to conduct the study.

**Budget: 10 points.** The application's budget narrative should clearly describe all major line-item expenditures that are proposed. The Committee will rank more highly proposals whose budget narratives correlate to a project's scope of work and clearly link each project task with a budget line-item and justification.



EMDP applications will be ranked using only these criteria (as described above:

- Executive Summary: 5 points.
- Economic Viability: 30 points.
- Project Viability: 25 points.
- Scope of Work and Deliverables: 30 points.
- Budget: 10 points.
- Total: 100 points.

**XI. Transfer of Funds.** DEMD's obligation under this solicitation is contingent on receipt of congressionally appropriated funds. No liability on the part of the U.S. Government for any payment may arise until funds are made available to the awarding officer for this grant and until the recipient receives notice of such availability, to be confirmed in writing by the grant officer.

All payments under this agreement will be made by electronic funds transfer through the Automated Standard Application for Payment (ASAP). All award recipients are required to have a current and active Unique Entity Identifier (UEI) number to receive funds. All payments will be deposited to the banking information designated by the applicant in the System for Award Management (SAM).

**XII. Reporting Requirements for Award Recipients.** The applicant must deliver all products and data required by the Grant Agreement for the proposed EMDP feasibility study project to DEMD within 30 days of the report due date and 90 days after completion of the project. Reports can be provided in either Microsoft Word, or Adobe Acrobat PDF format. Spreadsheet data can be provided in Microsoft Excel, Microsoft Access, or Adobe Acrobat PDF format. All vector figures, shape files, and other data mediums shall be provided in their original data-based format and in PDF format. Do not convert vector figures to raster images. Furthermore, all geological

data shall be provided in commonly used software format (PETRA, etc.). The contract between the grantee and the consultant conducting the EMDP-funded studies must include deliverable products and require that the products be prepared in the format described above. Digital reporting to be submitted with applications not mentioned above shall be coordinated with DEMD prior to submission.

- A. **Semi-Annual Reporting Requirements:** Semi-annual narrative (PPR) and financial status reports (FFR) are to be submitted throughout the life of the grant into GrantSolutions. The semi-annual narrative report may be a one-to-two-page summary of events, accomplishments, problems and results that took place during the two quarters. The semi-annual financial status report shall be submitted as Federal Financial Report, SF 425, and include a listing of the funds expended during the two quarters, how the funds were spent, and the amount remaining.
- B. **Final Reporting Requirements:** Final narrative (PPR) and financial reports (FFR) are to be submitted into GrantSolutions. The final narrative report should include, as attachments, all other products generated by the EMDP studies, including a final technical report. Products include all reports and technical data obtained during the study. The final financial status report should be submitted as Federal Financial Report, SF-425, and include a listing of the funds expended during the project, how the funds were spent, and any amount remaining. Final reports are due ninety (90) days following the end of the project's period of performance.

### **XIII. Conflicts of Interest**

#### **Applicability**

- This section intends to ensure that non-Federal entities and their employees take

appropriate steps to avoid conflicts of interest in their responsibilities under or with respect to Federal financial assistance agreements.

In the procurement of supplies, equipment, construction, and services by recipients and by sub-recipients, the conflict-of-interest provisions in 2 CFR 200.318 apply.

### **Requirements**

- Non-Federal entities must avoid prohibited conflicts of interest, including any significant financial interests that could cause a reasonable person to question the recipient's ability to provide impartial, technically sound, and objective performance under or with respect to a Federal financial assistance agreement.
- In addition to any other prohibitions that may apply with respect to conflicts of interest, no key official of an actual or proposed recipient or sub-recipient, who is substantially involved in the proposal or project, may have been a former Federal employee who, within the last one (1) year, participated personally and substantially in the evaluation, award, or administration of an award with respect to that recipient or sub-recipient or in development of the requirement leading to the funding announcement.
- No actual or prospective recipient or sub-recipient may solicit, obtain, or use non-public information regarding the evaluation, award, administration of an award to that recipient or sub-recipient or the development of a Federal financial assistance opportunity that may be of competitive interest to that recipient or sub-recipient.

### **Notification**

- Non-Federal entities, including applicants for financial assistance awards, must disclose in writing any conflict of interest to the DOI awarding agency or pass-through entity in accordance with 2 CFR 200.112, Conflicts of Interest.

- Recipients must establish internal controls that include, at a minimum, procedures to identify, disclose, and mitigate or eliminate identified conflicts of interest. The recipient is responsible for notifying the Financial Assistance Officer in writing of any conflicts of interest that may arise during the life of the award, including those that have been reported by sub-recipients.
- Restrictions on Lobbying. Non-Federal entities are strictly prohibited from using funds under this grant or cooperative agreement for lobbying activities and must provide the required certifications and disclosures pursuant to 43 CFR part 18 and 31 U.S.C. 1352.
- Review Procedures. The Financial Assistance Officer will examine each conflict-of-interest disclosure on the basis of its particular facts and the nature of the proposed grant or cooperative agreement, and will determine whether a significant potential conflict exists and, if it does, develop an appropriate means for resolving it.
- Enforcement. Failure to resolve conflicts of interest in a manner that satisfies the Government may be cause for termination of the award. Failure to make the required disclosures may result in any of the remedies described in 2 CFR 200.338, Remedies for Noncompliance, including suspension or debarment (see also 2 CFR part 180).

### **Data Availability**

- Applicability. The DOI is committed to basing its decisions on the best available science and providing the American people with enough information to thoughtfully and substantively evaluate the data, methodology, and analysis used by the Department to inform its decisions.
- Use of Data. The regulations at 2 CFR 200.315 apply to data produced under a Federal award, including the provision that the Federal Government has the right to obtain,

reproduce, publish, or otherwise use the data produced under a Federal award as well as authorize others to receive, reproduce, publish, or otherwise use such data for Federal purposes.

- Availability of Data. The recipient shall make the data produced under this award and any subaward(s) available to the Government for public release, consistent with applicable law, to allow meaningful third-party evaluation and reproduction of the following:
  - The scientific data relied upon;
  - The analysis relied upon; and
  - The methodology, including models, used to gather and analyze data.

**XIV. Questions and Requests for DEMD Assistance.** DEMD staff may provide technical consultation, upon written request by an applicant. The request must clearly identify the type of assistance sought. Technical consultation does not include funding to prepare a grant proposal, grant writing assistance, or pre-determinations as to the likelihood that a proposal will be awarded. The applicant is solely responsible for preparing its grant proposal. Technical consultation may include clarifying application requirements, confirming whether an applicant previously submitted the same or similar proposal, and registration information for SAM or ASAP.

DEMD also offers Tribes many in-house technical capabilities and services at no charge. These services include but are not limited to: searching nearby reference materials for technical literature on previous investigations and work performed in and around reservations; providing well log interpretation, including correlation of formation tops, identification of producing horizons, and generation of cross-sections; supplying technical mapping capabilities, using data

from well log formation tops and seismic data; providing contour mapping capabilities, including isopachs, calculated grids, color-fill plotting, and posting of surface features, wells, seismic lines, and legal boundaries; supplying three-dimensional modeling of mine plans; providing economic analysis and modeling for energy and mineral projects; supplying market studies for various energy and mineral commodities; and offering a preliminary opportunity assessment for a renewable energy resource(s).

**XV. Authority:** This is a discretionary grant program authorized under:

- Energy Policy Act of 2005, as amended (EPA2005); 25 USC § 3502(a)(2)(B) *et al*;
- Indian Mineral Development Act of 1982, as amended (IMDA); 25 USC § 2106 *et al*;
- Snyder Act; 25 § USC 13;
- Further Consolidated Appropriations Act 2020 (PL 116-94);
- Various Executive Orders, enumerated below.

The EPA2005 authorizes the DOI to provide grants to Indian Tribes and Tribal energy development organizations for use in carrying out projects to promote the integration of energy resources, and to process, use, or develop those energy resources, on Indian land. The DEMD implements the Indian Energy Resource Development Program, under the EPA2005 to support Tribal efforts to further Indian self-determination, economic development, and sovereignty through developing energy and related capacity. The EPA2005 under 25 USC §3501 *et seq.* provides that the Secretary shall: “*establish and implement an Indian energy resource development program to assist consenting Indian Tribes and Tribal energy resource development organizations.*” The EPA2005 also provides that the Secretary shall, subject to funds availability, provide development grants to Indian Tribes and Tribal Energy Resource

Development Organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources to *“provide development grants to Indian tribes and tribal energy development organizations for use in developing or obtaining the managerial and technical capacity needed to develop energy resources on Indian land, and to properly account for resulting energy production and revenues;”*

The Indian Mineral Development Act of 1982 requires that DOI ensure that, upon the request of any Indian Tribe or individual Indian and to the extent of his available resources, the Tribe or individual Indian will have available advice, assistance, and information during the negotiation of a Mineral Agreement. Under the Act, the Secretary may fulfill this responsibility by providing financial assistance to the Indian Tribe or individual Indian to secure independent assistance. EMDP grants are issued in response to requests from Tribes who seek advice, assistance, and information from independent sources regarding their mineral resources and who may contemplate entering into a Minerals Agreement with a production company. The DEMD implements these requirements of the IMDA to support Tribal efforts to further Indian self-determination, economic development, and sovereignty through developing minerals and related capacity.

The Snyder Act authorizes the BIA to expend such moneys as Congress may appropriate for the benefit, care, and assistance of Indians for the purposes listed in the Act. EMDP grants facilitate two of the purposes listed in the Snyder Act: “General support and civilization, including education” and “industrial assistance and advancement.”

The Further Consolidated Appropriations Act 2020 authorizes the BIA to carry out the operation of Indian programs by direct expenditure, contracts, cooperative agreements, compacts, and grants, either directly or in cooperation with States and other organizations. EMDP grants are funded through non-recurring appropriations made by the United States Congress in the Federal budget. These funds are provided on a year-to-year basis and may or may not be provided in future years.