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Oglala Sioux Tribe 7 Years for 7 Generations

Submitted to

BOR-DO-20-F013 Native American Affairs Program
due 4PM MST 01/08/2020

By the

Oglala Sioux Tribe
100 Main Street/East HWY 18
Pine Ridge, SD 57770

Project Manager:

100 Main Street/East HWY 18
Pine Ridge, SD 57770

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Technical Proposal

(1) Executive Summary

The Oglala Sioux Tribe is requesting \$200,000 to do work necessary to move the 7 Years for 7 Generations community water upgrades forward. The request includes funds to deal with the following: 1. Wanblee Easement and Rights of Way ; 2. AC Pipe Exploration for 5 Communities Not Funded Yet 3. Oversight of Transfer Process for Level II and III Funded Communities. Our request is part of the 7 Years for 7 Generations (7Y47G) project to complete the intent of the Mni Wiconi Act water system on the Pine Ridge Indian Reservation. The law provided for the transfer of community water systems in trust to BOR once they were upgraded to BOR standards. This transfer into the Mni Wiconi system would allow for BOR to provide appropriations for operations and maintenance.

1. Wanblee Easements and Rights of Way : One requirement for transfer by BOR is that all easements are taken care of. We have \$2 million for design and construction from USDA for Wanblee. Wanblee comprises four easements: Main Line, Service Line, Reservoir and Access Road impacting seven tribal tracts, two allotments and forty-five fee parcels. In order to qualify for transfer to the Mni Wiconi water project overseen by the Bureau of Reclamation (BOR), all easements acquired and recorded with the Bureau of Indian Affairs (BIA) and Jackson County Register of Deeds must strictly comply with Title 49 Subtitle A Part 24 and 25 CFR 169 Right-of-Way Over Indian Land standards. Furthermore, all allotments and fee parcels must be appraised under the Uniform Standards of Professional Appraisal Practice (USPAP) and Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) standards and filed with the Bureau of Indian Affairs.

The Tribe plans to contract with AMDA, Inc. which did the majority of easements for the Mni Wiconi trunk line on Pine Ridge. We have been approved by USDA to use them for all 7Y47G projects since they did easements for the 7Y47G Trunk Line. We will follow BOR rules and regulations and OST policies for procurement.

2. AC Pipe Exploration for 5 Communities Not Funded Yet: We were denied USDA WEP Native Set-Aside funds for Red Shirt, Sunrise, Martin North, Red Rocks, and Oglala Community (Applied for \$4,656,113) since we could not prove the existence of AC pipe which cannot be transferred to BOR. USDA has accepted AC as a health hazard for this project and we need to dig at the main connections to check the type of pipe. OST DWM&C does not want to use a backhoe since this poses a danger of breaking pipe. We propose get this done under contract with OST DWM&C which will rent a VacTrailer and do the labor for under \$10,000. This will lead to \$4,656,113 in construction funds from USDA.

3. Oversight of Transfer Process for Level II and III Funded Communities: All community water systems in 7Y47G have been approved for potential transfer to BOR based on the original Mni Wiconi law and letters from BOR dated 12/23/15 and 9/22/16. Transfer is based on meeting a set of criteria developed by BOR in 2013-2014. We are asking for funds to pay for someone to oversee the transfer process for the currently funded communities in Level II and III.

The Oglala Sioux Tribe in working with USDA and BOR has pursued the completion of the original intent of the Mni Wiconi Act and has allotted or procured over \$12,899,333 to upgrade 12 of 18 communities. This grant will allow us to complete work on 9 funded communities and transfer them. The first 3 communities are already underway for assumption since they were funded with Mni Wiconi funds. It will also allow us to get funding for 5 more communities. This project is an amazing example of the government and Tribe working together to meet the intent of Congress. It will not only provide safe and consistent

water for the residents of the Reservation but will save water through the elimination of waste and allow for housing and economic development.

(2) Background and Data

The 7 Years for 7 Generations project is progressing well. Level I funded with the last of the Mni Wiconi funding should complete construction in early 2020. Level II (Wounded Knee) final draft design is being reviewed by BOR, USDA and the Tribe. Level III (8 communities of which Wanblee is one) designs are underway. We have included a schedule of signing construction contracts later in this section. Most of the construction contracts will have a term of 180 days.

If we can document AC pipe in the five communities of Level IV we can get Native Set-Aside funds. If not, we are also looking for 25% match for the Level IV. We are looking for 25% match for the \$15,133,000 Pine Ridge Village project so we can get into the USDA WEP main 1780 funding since there is a \$2 million limit on the Native Set-Aside.

The Tribe is also working on updating the entire wastewater system on the Reservation. Pine Ridge Village is being done by Indian Health Service. Wounded Knee is being renovated and expanded with a USDA grant by Oglala Sioux (Lakota) Housing. OS(L)H has done a Pre-engineering Report for Red Shirt Village and is preparing a USDA application. The Tribe is doing Pre-engineering Reports on 6 other community wastewater systems under an EDA grant. This is all part of an effort to upgrade infrastructure and management of water, wastewater and solid waste to enhance the environment, provide better operations and maintenance, and allow for new housing and economic development.

The Mni Wiconi legislation envisioned upgrade and transfer of community water systems to the Bureau of Reclamation in trust for the Oglala Sioux Tribe as the OSRWSS was constructed. This means that BOR would provide operation, maintenance and replacement funds as they do for the main parts of the system. Due to lack of appropriations and other issues this was not done. The Oglala Sioux Tribe working together with engineers, BOR, USDA, IHS, etc. developed a plan to upgrade all 18 community water systems using a combination of USDA Water and Environmental Program, IHS funds and remaining OSRWSS construction funds. BOR had produced a series of assessments for upgrades necessary for transfer and the OSRWSS engineers (Morris-Maierle) reviewed the estimates and then began doing Pre-engineering Reports necessary to obtain USDA funds.

Obstacles to the projects included ownership if transferred in trust to BOR, Native Set-Aside requirements for health and safety issues necessary for a 100% grant program, poverty and employment statistics by Census Tract, disagreements over AC (Asbestos-Cement) pipe, and a \$2 million cap on USDA Water grants. The plan was to submit USDA Water Development applications to do the 18 communities one at a time.

In early January 2015 efforts of USDA State Director, Bruce Jones, Promise Zone planning, and OST personnel led to a phone call in early January stating the above issues were resolved at higher levels. The OST was asked to submit proposals for multiple communities in 2015. 7 Years for 7 Generations was a go.

7 Years for 7 Generations Drinking Water Project Summary

The 7 Years for 7 Generations Drinking Water Project is the effort to upgrade existing community water systems on the Pine Ridge Indian Reservation and transfer them into the Mni Wiconi Project as contemplated by the Mni Wiconi Project Act of 1988.

The Mni Wiconi Project Act clearly states that the Oglala Sioux Rural Water Supply System (OSRWSS), Rosebud Rural Water System (RRWS), and Lower Brule Rural Water System (LBRWS) shall include the purchase, improvement and repair of existing water systems,

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including systems owned by individual tribal members and other residents on the reservations. Sections 3(a)(4), 3A(a)(4), and 3B(a)(4). Further, Sections 3(a)(8), 3A(8), and 3B(a)(8) state that the aforementioned authorized rural water systems shall also include other facilities deemed necessary to meet the water supply, economic, public health and environmental needs of the reservations, including (but not included to) facilities for the tribes, reservation villages, towns and municipalities.

Finally, Sections 3(b)(3), 3A(b)(3) and 3B(b)(3) also reference the purchase, improvement and repair of existing systems. Congress intended for existing water systems to become a part of the Project, and the objectives of the Mni Wiconi Project cannot be met unless such systems are transferred into the Project. Without inclusion of these systems, the Project, as intended by Congress, is not be complete.

Current report on 7Y47G:

Level I Oglala North, Manderson, Sharps Corner Funded \$1,499,000 BOR

Funded with Mni Wiconi money under MOA with Indian Health Service. Construction began 4.29.19. Scheduled for completion and assumption by BOR in early 2020.

Level II Wounded Knee Funded \$1,333,333 USDA WEP NA Set-Aside

Design is almost complete. Working on easement issues to go to construction bids.

Level III Wanblee Community, Allen, Porcupine Community, Wolf Creek/Wakpamni Lake/Potato Creek , Kyle Village, Evergreen

Funded \$10,067,000 USDA WEP NA Set-Aside with 6 grants

There is a funding shortfall of \$416,000 for Kyle due to the \$2,000,000 cap. We are looking for funds to do the easement work for Wanblee. This community has tribal, fee and allotted land and easements were never completely done over the years (also BIA has changed requirements). For BOR to transfer, all easements need to be in order. The designs are all underway and there is a schedule to let the construction contracts on the next page.

Level IV Red Shirt, Sunrise, Martin North, Red Rocks, Oglala Community

Applied for \$4,656,113 USDA WEP NA Set-Aside

We cannot prove AC pipe is present due to missing documents so we need to dig at the main junctures to ascertain if AC pipe is present. This will then meet the guidelines for the USDA WEP NA Set-Aside. If AC pipe is not present we will proceed with efforts to raise 25% leverage to access the USDA 1780 funds. We do not want to dig with a backhoe due to issues of breakage. We plan to contract with OST DWM&C who will rent a VacTrailer and do the work.

Level V Pine Ridge Village Applied for \$15,331,000 to USDA WEP NA Set-Aside

There is a limit of \$2 million a project under Native American Set Aside. We need to get a waiver of the limit or find 25% from other sources to get into the overall WEP 1780 funds.

7 Years for 7 Generations is part of a three pronged Tribal effort to upgrade infrastructure and management of water, wastewater and solid waste to enhance the environment, provide better operations and maintenance, and allow for new housing and economic development.

The Tribe has also been working on setting up an entity to coordinate the management of the three systems. Part of this effort has been examination of rates so the Tribe can set up fair water, sewer and solid waste rates to reduce the large subsidies the Tribe currently provides. The Tribe plans to add to the BOR water appropriation through a fair water rate paid by tribal programs and Reservation organizations.

Infrastructure is often unseen and not thought about until there is a crisis. Tribal leaders looked at issues of development and decided all three systems needed to be dealt with. Besides having issues of inadequacy many are so old as to be prone to breakdowns.

OGLALA SIOUX TRIBE 7 YEARS FOR 7 GENERATIONS Schedule August 12, 2019									
Project	Submit Preliminary Design	Receive Preliminary Design Comments	Easements Acquired	Submit Final Design	Receive Final Design Comments	Advertise Project	Bid	Construction Contract	Design Progress
Wounded Knee	Completed	Completed	Sept. 2019	Completed	Completed	Oct. 2019	Nov. 2019	Jan. 2020	95%
PC/WC/Wakpamni	Oct. 2019	Nov. 2019	Oct. 2019	Dec. 2019	Jan. 2020	Mar. 2020	Apr. 2020	June 2020	10%
Allen	Dec. 2019	Jan. 2020	Nov. 2019	Feb. 2020	Mar. 2020	May 2020	June 2020	Aug. 2020	5%
Porcupine	Feb. 2020	Mar. 2020	June 2020	Apr. 2020	May 2020	July 2020	Aug. 2020	Oct. 2020	5%
Wanblee ¹	Apr. 2020	May 2020	Aug. 2020	June 2020	July 2020	Sept. 2020	Oct. 2020	Jan. 2021	5%
Kyle ^{2,3}	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	0%
Evergreen ²	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	0%

¹ Schedule is dependent upon easement acquisition. Project may be phased to accommodate easement acquisition.
² Schedule is dependent upon availability of funding for project design.
³ Funding shortage may reduce project scope.

Q:\246\039 Level 3 Water\04 Design\Grant\Project Schedule.xlsx

Past Working Relationships

The BOR has been part of 7 Years for 7 Generations from the beginning. Besides the funding for the three level 1 communities coming from the last of the Mni Wiconi funding we have collaborated on the following:

NAAP Funded:

2015

Year 1 **5/15**

Wanblee (\$1,091,670)

Allen (\$679,000)

Year 2 **11/15**

Evergreen (\$282,820)

Kyle (\$1,217,560)

MOD 091 6/21/16

Stage 3 Red Rocks \$25,000

Martin North/Sunrise \$35,000

Red Shirt \$35,000

Stage 4 Pine Ridge Village

Mod 097 2/17

Oglala Community PER

QSI Environmental work for previous reports

QSI Pine Ridge Environmental work

Mod 098 4/17

Pre-engineering Reports

\$60,042

\$37,345

\$15,555

\$66,966

\$200,000 (\$190,000 OST, \$20,000 BOR)

\$95,000

\$95,000

\$37,000 (\$2500 BOR)

\$30,000

\$2,900

\$1,600

\$42,000 (\$4,000 BOR)

CR Level III Red Rock, Red Shirt, Sunrise	\$2,250
CR Level III Evergreen, Kyle, Martin North	\$3,350
CR Level III Old Oglala (estimate)	\$1,500
CR Level III Pine Ridge Village	\$7,500
Morris-Maierle Management	\$1,400
AMDA Easement Papers	\$22,000 done + 30 docs/paid
Documents for Right-of-Way, Renewals, Resolutions, Consents, etc.	
These were all done with the Bismarck and Pierre Offices of BOR.	

(3) Technical Project Description

Description of Work in Detail Including Activities and Milestones

1. Wanblee Easement and Rights of Way

One of the requirements for transfer by BOR is that all easements are taken care of. Wanblee Community will be the most complex project under the Stage II communities upgrades. The project will comprise four (4) easements: Main Line, Service Line, Reservoir and Access Road impacting seven (7) tribal tracts, two (2) allotments and forty five (45) fee parcels. USDA put only \$20,000 in the budget for this and is limiting us to this amount.

In order to qualify for transfer to the Mni Wiconi water project overseen by the Bureau of Reclamation (BOR), all easements acquired and recorded with the Bureau of Indian Affairs (BIA) and Jackson County Register of Deeds must strictly comply with Title 49 Subtitle A Part 24 and 25 CFR 169 Right-of-Way Over Indian Land standards. Furthermore, all allotments and fee parcels must be appraised under the Uniform Standards of Professional Appraisal Practice (USPAP) and Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) standards and filed with the Bureau of Indian Affairs.

The Tribe plans to contract with AMDA, Inc. which did the majority of easements for the Mni Wiconi trunk line on Pine Ridge. We will do the appraisals and begin the easement process. The Wanblee design has been underway since last Fall.

Wanblee Community will be the most complex project under the Stage II communities upgrades. The project will comprise four (4) easements: Main Line, Service Line, Reservoir and Access Road impacting seven (7) tribal tracts, two (2) allotments and forty five (45) fee parcels.

In order to qualify for transfer to the Mni Wiconi water project overseen by the Bureau of Reclamation (BOR), all easements acquired and recorded with the Bureau of Indian Affairs (BIA) and Jackson County Register of Deeds must strictly comply with Title 49 Subtitle A Part 24 and 25 CFR 169 Right-of-Way Over Indian Land standards. Furthermore, all allotments and fee parcels must be appraised under the Uniform Standards of Professional Appraisal Practice (USPAP) and Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) standards and filed with the Bureau of Indian Affairs.

When the budget was determined for Wanblee, a worse case approach was agreed upon; due to the unknown of where the existing water lines are installed. Research done with Jackson County and Pine Ridge Realty determined no easements are on file at either location. Since no easements could be located, easements must be acquired and recorded with the Bureau of Indian Affairs and Jackson County Register Deeds, along with landowner payments made on allotments and fee parcels. Work to be done includes:

Prepare appraisal reports for the United States Department of Agriculture (USDA) Rural Development funded community drinking water projects, acquire right-of-way on Trust and Fee land, do GPS of constructed community projects and provide OST with finished geodatabase on all projects.

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Prepare Appraisal reports which follow the Uniform Standards of Professional Appraisal Practice (USPAP) and Uniform Appraisal Standards for Federal Land Acquisition (UASFLA) standards.

Coordinate with Office of Appraisal Services and Bureau of Indian Affairs Agency appraisal report submission into OASIS.

Acquire Easements/Right-of Way in accordance with Title 49 Subtitle A, Part 24 and 25 CFR 169 Right-of Way Over Indian Land.

Coordinate with Bureau of Reclamation to assure the right-of-way process will be accepted at transfer.

Coordinate with Bureau of Indian Affairs, Register of Deeds and Title Companies that all mandatory records are duly recorded.

Coordinate with Project Manager/Owner's Representative, OST Planning Office, Rural Development, Bureau of Indian Affairs and Bureau of Reclamation on distribution of filed records per Title 49 Subtitle Part 24 and 25 CFR 169.

Provide weekly project status reports to Project Manager/Owner's Representative, OST Planning Office, Engineering Consultant, Rural Development and Bureau of Reclamation.

Do GPS of constructed water lines, appurtenances, facilities, fence and/or barricade and pipe class changes using South Dakota State Plan South/NAD 83 coordinate system and approved data dictionaries. All field data is required to be differentially corrected and submitted to Project Manager/Owner's Representative, OST Planning Office, Engineering Consultant and Bureau of Reclamation.

Import GPS data into GIS geodatabase: water lines, appurtenances, facilities, fence and/or barricade, and pipe class changes. Update additional data fields for each Feature type and submit to Project Manager/Owner's Representative, OST Planning Office, Engineering Consultant, and Bureau of Reclamation upon completion.

Coordinate payments for Landowner Payments with Project Manager/Owner's Representative and OST Planning Office.

It must be noted, the 45 fee parcels is an estimate based on a map acquired from Jackson County. We will not know the full cost until we get further into checking titles etc. but this funding will give us a good start so we can proceed. Once we know the total cost we will pursue further funding.

The system transfer would include only the service line up to the property line, the property owner would own and be responsible for the service line from the property line into the residence. This is very common in municipalities, i.e., the city owns service lines only up to the property line.

We will be obtaining easements and appraisals for 100 feet (50 on either side of the pipeline for construction and the 50 feet (25 on either side of the pipeline) for future maintenance).

BOR is familiar with these processes since, although BIA has revised requirements, the basic work of easement and right-of-way acquisition is the same. AMDA, Inc. did the work on the later stages of Mni Wiconi and is doing the work on 7Y47G. Wanblee is the only community we will need extra funds for since it is a hodgepodge of jurisdictions, types of land, etc.

2. AC Pipe Exploration for 5 Communities Not Funded Yet:

We were denied USDA WEP Native Set-Aside funds for Red Shirt, Sunrise, Martin North, Red Rocks, and Oglala Community (Level IV) (Applied for \$4,656,113) since we could not prove the existence of AC pipe which cannot be transferred to BOR. USDA has accepted AC as a health hazard for this project and we need to dig at the main connections to check the type of

pipe. OST WM&C does not want to use a backhoe since this poses a danger of breaking pipe. We propose to pay for a VacTrailer and can get this done under contract with OST WM&C for under \$10,000. This will lead to \$4,656,113 in construction funds.

3. Transfer Oversight for 7Y47G Level III

We are also asking for funds to oversee the transfer of Level II and III communities into the Mni Wiconi system. OST DW&M are doing Level I since these communities were funded with BOR funds. We have been told that current BOR funding to OST DW&M cannot be used for this work. OST DW&M also has budget needs so if this work is not funded by other funding it will create hardships and more shortfalls.

Items on the BOR Checklist that the OST has to do include: Request letter and Tribal resolution including Location of community water system, As-built drawings of community water system, Owner, Name and Contact of entity currently performing O&M, identify where funding for maintenance and operation is coming from, approximate construction date, approximate number of house and business connections and population served, state whether there are any debts; System Inspection/Facility Review; System Repair Plan including funding and schedule; Warranty Administration; Third party claims; Right-of-Way Identification and transfer including ROW documents and corrected document if necessary; Water System drawings and Operation and Maintenance Documentation; OM&R Workplan and Budget; Negotiate transfer agreement; Legal review of agreement; Assignment of ROW and/or quit claim deed; and execution of agreement.

(4) Evaluation Criteria

E.1.1 Project Need (35 points)

The Pine Ridge Reservation covers an area of 3,468 square miles (larger than Delaware and Rhode Island combined). In 2016 a US Census Report showed 49% of the population of Pine Ridge below poverty which makes it the 3rd poorest area in America. This shows progress from being the poorest for three US Census Reports in a row but is still terrible. The Oglala are some of the poorest people economically but some of the richest spiritually and culturally. The Census also shows an unemployment rate of 22.7%.

The Pine Ridge Indian Reservation is located about 60 miles southeast of the Black Hills of southwestern South Dakota. The reservation borders the Badlands National Park to the north, the Rosebud Sioux Tribe to the east, White Clay in northwestern Nebraska to the south, and the southern foothills of the Black Hills to the west. Covering a land mass that is roughly comparable to Delaware and Rhode Island combined, the Reservation includes Oglala Lakota and Bennett County and part of Jackson County. It is home to the Oglala Sioux Tribe (OST), one of the nine tribes of the Oceti Sakowin (Oh-chay-tee Sha-ko-ween), or Seven Council Fires of the “Great Sioux Nation.” Lakota is the Sioux people’s name for themselves.

In April of 2015, the U.S. Department of Agriculture and U.S. Department of Housing and Urban Development recognized the Pine Ridge Indian Reservation as a Promise Zone. In collaboration with Thunder Valley Community Development Corporation (TVCDC), key local and regional organizations, including Oglala Sioux (Lakota) Housing, are taking a holistic approach to remediating prominent socioeconomic and environmental crises in Pine Ridge Promise Zone. Despite advances, Oglala Sioux Tribe continues to face setbacks, particularly in recent consideration of historic winter storms and flooding that have impacted the tribal reservation in the beginning of 2019.

The area’s chronic housing shortage if further compounded by unreliable and inadequate

water, wastewater and solid waste infrastructure.

The Oglala Sioux Tribal Enrollment Office puts enrolled members living on the Reservation as 19,911 and off-Reservation as 20,661 (11/15/17). Many of the members living off the Reservation live in towns close by such as Rapid City, SD and Rushville, NE and move back and forth for jobs and housing.

Poverty **All families** 39.8% **Families with children** 49.3%
 All People 50.3 % **Under 18** 59.6% **Under 5 years** 63.8%
Unemployment Rate: 25.6%

The Pine Ridge Village area was made an Opportunity Zone in 2017.

Health

Oglala Lakota County has the highest Mortality Rate in America at 983.4 premature deaths per 100,000 vs a national median scores of 376 (U of Wisconsin 2019).

The 2019 Robert Wood Johnson Health Outcomes rankings of counties in SD puts Oglala Lakota County as 62nd of 62 counties. Areas of special concern for the Reservation compared to the rest of SD and the US are smoking (41%), adult Obesity (41%), access to exercise 3%, STD's (17x more prevalent), teen births (6x more prevalent), physicians 66% less per person, dentists 66% less per person, mental health providers 75% less per person.

According Census Bureau statistics compiled by the Great Plains Tribal Chairman's Health Board the mortality rates for the Pine Ridge Reservation vs White people in SD are the following: Accidents 3x, diabetes 6x, chronic liver/cirrhosis 15x, and pneumonia 3 x.

Despite being bombarded with survival issues the Oglala Sioux Tribe had the vision to look at pure drinking water issues in 30 years ago and Mni Wiconi was initiated. **When the legislation and funding was coming to an end the Tribe again had the vision to look at water issues and initiated 7 Years for 7 Generations to finish the intent of the Mni Wiconi law and upgrade all community water systems on the Reservation to meet BOR standards and to remediate the unhealthy and aging systems.**

The Tribe has obtained funds from USDA, Indian Health Service and the Bureau of Reclamation. These were all funds that were already in programs. There was no special appropriations. We were helping spend funds in the way intended by Congress and the departments.

The specific needs for this project include:

1. Wanblee Easement and Rights of Way

Thus the Wanblee Community water upgrade was funded but USDA only included \$20,000 for easement and right of way work. We are looking at this project to enable us to proceed with and conclude the design and construction work for the Wanblee Community water upgrade. We have looked for other sources for two years and have not been able to find funding. We need to do the easements and rights of way to include the entire Wanblee community in the transfer. We are cleaning up 100 years of haphazard regulation, etc.

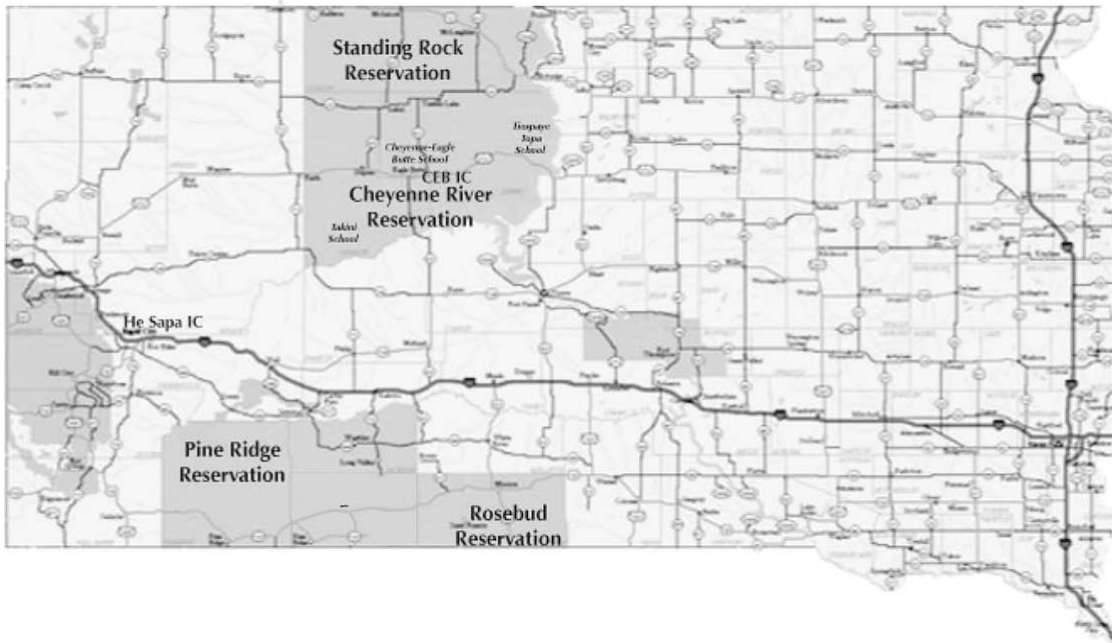
This community is 92 miles from Pine Ridge Village and one of the older communities.

There are many outages due to old systems etc. and every trip to Wanblee take a great deal of time and manpower.

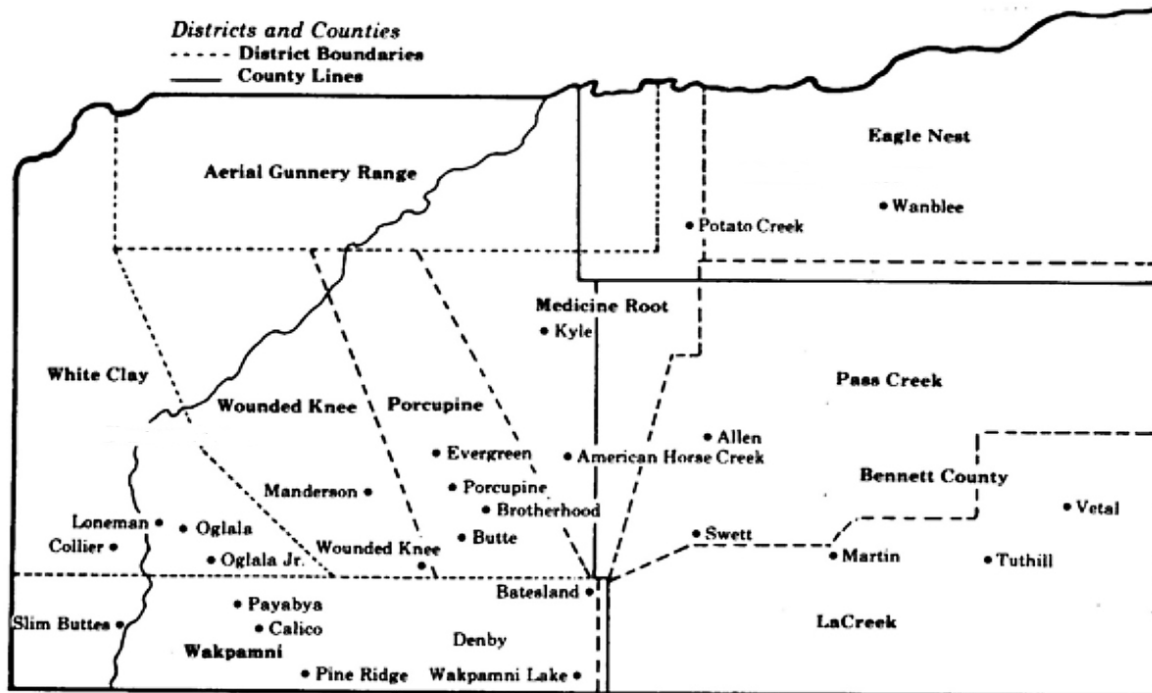
2. AC Pipe Exploration for 5 Communities Not Funded Yet

In order to obtain funding for these 5 communities we need to determine whether there is AC pipe. We were denied USDA WEP Native Set-Aside funds for Red Shirt, Sunrise, Martin North, Red Rocks, and Oglala Community (Applied for \$4,656,113) since we could not prove the existence of AC pipe which cannot be transferred to BOR. USDA has accepted AC as a health hazard for this project and we need to dig at the main connections to check the type of

State of South Dakota



Pine Ridge Indian Reservation



pipe. OST DWM&C does not want to use a backhoe since this poses a danger of breaking pipe. These communities are in the scope of Mni Wiconi communities accepted by BOR.

3. Oversight of Transfer Process for Level II and III Funded Communities: All community water systems in 7Y47G have been approved for potential transfer to BOR based on the original Mni Wiconi law and letters from BOR dated 12/23/15 and 9/22/16. Transfer is based on meeting a set of criteria developed by BOR in 2013-2014. We are asking for funds to pay for someone to oversee the transfer process for the currently funded communities in Level II and III.

• How does federal funding assist in developing the project?

The funding helps us:

1. Wanblee Easement and Rights of Way

Wanblee Community will be the most complex project under the Stage II communities upgrades. The project will comprise four (4) easements: Main Line, Service Line, Reservoir and Access Road impacting seven (7) tribal tracts, two (2) allotments and forty five (45) fee parcels

In order to qualify for transfer to the Mni Wiconi water project overseen by the Bureau of Reclamation (BOR), all easements acquired and recorded with the Bureau of Indian Affairs (BIA) and Jackson County Register of Deeds must strictly comply with Title 49 Subtitle A Part 24 and 25 CFR 169 Right-of-Way Over Indian Land standards. Furthermore, all allotments and fee parcels must be appraised under the Uniform Standards of Professional Appraisal Practice (USPAP) and Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA) standards and filed with the Bureau of Indian Affairs.

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We apologize for the repetition but we want to make sure the readers understand what we are going to do and make sure the information is contained in the rating criteria.

• What is the magnitude of the impacts if the proposed project is not funded (e.g., public health and safety, regulatory, and social risk etc.)?

The Oglala Sioux Tribe will not be able to proceed with implementation of the USDA Grant for \$2,000,000 to complete the design for and do construction on the upgrade of the

Wanblee community water system. We will then not be able to meet Bureau of Reclamation criteria to transfer the community water system into the Mni Wiconi Project and become eligible for operations and maintenance funds as the law intended.

The community of Wanblee being old experiences a large number of outages and water delivery problems throughout the year. These will only get worse.

Also, the presence of AC pipe, although not a hazard to the water, is a hazard to workers who will be having to repair the aging system.

• Does the project assist in addressing health and safety of the tribe and its members, and if so, how?

The projects assist in addressing health and safety as stated above. The upgrades also will prevent the outages that occur and lead to more regular delivery of water especially to isolated communities such as Wanblee.

• What is the timeframe for completing the critical action?

We will complete as follows if funded by 4/1/20:

- | | |
|---|------|
| 1. Wanblee Easement and Rights of Way | 3/21 |
| 2. AC Pipe Exploration for 5 Communities Not Funded Yet | 6/20 |
| 3. Transfer Oversight for 7Y47G Levels II and III | 3/22 |

• Does project assist in complying with regulatory requirements related to water and water resources, and if so, how?

Yes it assists in making sure we replace AC pipe to comply with BOR regulations and also in getting all legal easements and Rights of Way to comply with BOR regulations.

• What is the status of the tribe's capacity to manage, develop and protect its water and related resources.

The Oglala Sioux Tribe has demonstrated capacity by completing the original Mni Wiconi Project and operation the Pump Station in Ft. Pierre and operating and maintaining the overall trunk line on the Pine Ridge Reservation. The effort put in to obtain the resources for 7 Years for 7 Generations shows the ongoing capacity of the Tribe.

E.1.2. Project Benefits (30 points)

The project will provide more reliable water to the Wanblee community. The Oglala Sioux Tribe has documented many issues and outages in the Wanblee community due to the age of the system. Wanblee being 96 miles from Tribal headquarters in Pine Ridge, SD also presents a time and distance issues for emergencies. The easements and rights-of-Way are for the older parts of the community. By including them in the upgrade and transfer we will be bringing a reliable and safe water supply to all members of the Wanblee community.

The project will allow the Oglala Sioux Development, Maintenance and Conservation Department to monitor water usage by building to find leaks etc.

The project will allow for better structural fire protection. At this time the Reservation does not have its own structural fire department and the Tribe is in the process of developing one. The upgraded community water system will provide fire departments with better access to water.

The project will bring in \$4,000,000 more dollars to complete 5 of the communities.

The project will assist the Oglala Sioux Tribe to meet the BOR criteria for transfer thus fulfilling the intent of the Mni Wiconi law to bring safe and reliable water to the people of the

Pine Ridge Indian Reservation.

•Does the project improve development, management, and/or protection of tribal water and related resources, and if so, how?

7 Years for 7 Generations (7Y47G) work in upgrading the Wanblee community water system will improve management of tribal water by saving water. The metering will allow the Oglala Sioux Tribe Water Development and Conservation program to monitor usage and check on extreme usage of water possible due to unrepaired leaks or just allowing faucets to run.

•Does the project build or enhance the tribe’s internal capacity to manage and protect its water and related resources, and if so, how?

7Y47G will provide for the ongoing fiscal assistance to water management on the Reservation as contained in the Mni Wiconi law.

• Does the project include data collection related to water quality?

How will data be analyzed and used to benefit the tribe?

Mni Wiconi currently does ongoing tests of water quality. We will continue to do this.

How will data analyses inform management decisions/approaches?

The analyses of the data will inform by making sure the water quality is safe and healthy and if the data shows issues then the data will be used to make decisions to remedy the situation.

• Does the project include data collection related to water supply?

How will data be analyzed and used to benefit the tribe?

The installation of meters will allow the Tribe to monitor water use and detect waste or leakage if houses or areas are using inordinate amounts of water.

How will data analyses inform management decisions/approaches?

The ongoing review of supply and usage will allow the Tribe to make repair decisions as well as approaches to foster water conservation among its members.

• Does the project improve water reliability, and if so, to what extent?

Does the project assist with addressing current or future water shortages, and if so, how?

The Mni Wiconi project brought water from the Missouri River to the Reservation. Many of the wells and water sources were not healthy or hard to reach.

•Does the project improve water reliability, and if so, how and to what extent?

o Does the project assist with addressing current or future water shortages, and if so, how?

The project will upgrade aging water systems that break down continuously so that system will be way more reliable. The metering should help with monitoring use during shortage periods.

• Will the project build long-term resilience to drought, and if so, how?

We feel this will allow for long-term resilience to drought by assuring that water from the Mni Wiconi Project (Missouri River) is used in the most efficient manner. Meters will allow the Tribe to detect leaks and unusual use of water. The Tribe plans on doing a major education initiative on water usage with the completion of the construction and has been working on the most efficient operation and maintenance procedures between Oglala Sioux Tribe Water Development, Maintenance and Conservation, OST Water and Sewer and Oglala Sioux (Lakota)

Housing.

• Will the project make additional water supplies available, and if so, how?

Yes. By collection data on usage and eliminating waste the project will make additional water available.

o What is the estimated quantity of additional supply the project will provide and how was this calculated?

It is estimated that 12,000 additional gallons per day will be available upon completion of this project. This is based on an estimated leakage of ten percent of demand and estimated current demand of 125,000 gallons a day.

o What percentage of the total water supply does the additional water supply represent?

This, as stated above, is ten percent of the water supply.

• Does the project improve tribal water system efficiencies and promote water conservation, and if so, how?

The main part of the Wanblee water distribution system was constructed over 50 years ago and since that time there have been minimal maintenance and replacement efforts to keep the system up to date. Major and noticeable water leaks are repaired, however, systems of this age typically have minor leaks at pipe joints, fittings, valves, fire hydrants, service connections and service lines. Replacing the distribution system piping and components will eliminate these leaks.

o What is the estimated average annual quantity of conserved water and how was this calculated?

Lacking meters on the individual service lines there is no method to quantify the leakage occurring throughout the distribution system. However, it is estimated that five to ten percent, or more, of the water supply is wasted through system leaks.

o How will the conserved water be used?

The conserved water will remain in the Wanblee system and in the Reservation-wide distribution system used by thousands of users.

• Does the project reduce conflicts between water users, and if so, how?

Once 7 Years for 7 Generations is completed OST Water Development, Maintenance and Conservation will be responsible for the water systems up to the meter pits. OST Water and Sewer will be responsible for areas not on Mni Wiconi or OS(L) clusters and wastewater. OS(L)H will take care of care of water beyond the meter pits for individual homes in their clusters. This will provide for more efficient repair of leaks and outages.

o Does the project address heightened competition for finite water supplies or issues related over-allocation water rights, and if so, how?

NA

o Does the project promote and encourage collaboration among parties in a way that helps increase the reliability of the water supply, and if so, how?

Through 7Y47G the Tribe is upgrading the community water systems. The plan is that the Oglala Sioux Tribe Water Development, Maintenance and Conservation Department which takes care of the Mni Wiconi Trunk Line with appropriations from BOR will also do the maintenance and operation for the community systems with BOR assistance and funds collected through a tribal water rate system from programs and organizations. OST Water and Sewer will take care of wastewater. Oglala Sioux (Lakota) Housing will take care of individual residences.

o Will the project help prevent a water-related crisis or conflict, and if so, how?

The project will help prevent major water related breakdowns caused by aging systems. The communities of Wanblee and Pine Ridge are especially vulnerable.

o Is there frequently tension or litigation over water in the basin?

Not at this time, but there could be conflict over the Missouri River water in the future. Efficient management of water resources both local and from the Mni Wiconi Project will strengthen the Tribe's position should there be conflict.

o Are there non-tribal partners in the project and what is their roles?

USDA is a major partner by funding the design and construction. The Indian Health Service is a major partner with preliminary funding and ongoing technical assistance. The Bureau of Reclamation is a major partner due to the Mni Wiconi project which this grant will help complete. BOR has also provided preliminary funding for earlier pieces of 7 Years for 7 Generations.

• Is the project supported by existing water resource management plans, and if so, how? There is a Water Management Plan presented to BOR annually for Mni Wiconi. When the communities are transferred the plan will include them. There is also a Vulnerability Assessment and Emergency Response Plan.

• Does the project protect and enhance the environment, and if so, how?

o Projects that involve riparian and aquatic habitat improvements, must also improve water quality and quantity. Describe the environmental benefits as they relate to improved water quality and quantity.

This project does not involve riparian or aquatic habitat improvements. However, it is noted that the project will not adversely affect these environments.

E.1.3 Project Implementation (25 points)

• Describe the implementation plan for the project that includes an estimated schedule that shows the stages and duration of the proposed work.

1. Wanblee Easement and Rights of Way Estimated Completion 3/21

Some preliminary work has already been done. We will begin the balance of the work upon grant award and should finish within 12 months.

Obtain exhibits/maps from AE.

Complete Appraisals.

Complete Title Research

Complete Easement acquisition.

Do paperwork for trust landowner payments.

Assure all records are accessible.

2. AC Pipe Exploration for 5 Communities Not Funded Yet

Estimated Completion 6/20

We will begin the work upon grant award and complete within 3 months.
Schedule exploration in five communities.
Rent the VacTrailer.
Do the explorations.
Submit the report

3. Oversight of Transfer Process for Level II and III Funded Communities:

Estimated Completion 3/22

We will begin work upon grant award and do a plan for development of templates for the transfer letter, resolution, etc. and the gathering of the necessary information from the proper sources e.g. Designs, As-builts, Warranties from contractors, etc. The Wounded Knee community will set the process and all following communities should be easier.

o If applicable, the NEPA process.

The NEPA process was followed with a full-environment report submitted with the application submitted to and funded by USDA.

o If applicable, a plan to begin construction within 6-8 months of agreement signature.

We plan on beginning construction on some of the communities within 6-8 months which will take about six months and depending on the signing of the agreement and how quickly we can get all the rights-of-way, easements, titles, etc. cleared up we will begin construction as soon as possible.

• Describe any plans to contract activities. Describe the procurement standards that will be used to select successful contractors.

1. Wanblee Easement and Rights of Way. The Tribe has contracted to use AMDA, Inc. to do the easements and rights-of-way on all the communities under the USDA grants. It will make sense to use them for this project also.
2. AC Pipe Exploration for 5 Communities Not Funded Yet . The Tribe will utilize an internal contract with the OST Water Development, Maintenance and Conservation Department since they are most familiar with the trunk line and connections. BOR has said they cannot do this under their existing funding.
3. Transfer Oversight for 7Y47G Level III. The Tribe will go out to bid for a company to do this work based on its procurement regulations.

• Describe any plans to contract assistance from Reclamation or a contractor. For contracted activities, describe the procurement standards that will be used to select successful contractors.

We plan to contract with AMDA Inc. which is a Native American owned company to do the easement work. We will follow BOR and Oglala Sioux Tribe requirements. If we have to do an advertisement and selection process with will. We would like to use AMDA Inc. since they have been approved by the Tribe to do all of the easement work on the rest of 7 Years for 7 Generations due to their previous work on the easements, rights-of-way, GPS, etc. of the trunk line.

• Describe any permits that will be required, along with the process for obtaining such permits.

There are no permits required. Easements and Rights of Way are described above.

• Identify and describe any engineering or design work performed specifically in support of the proposed project.

The engineering and design work is being performed with funding from USDA for Level II and III of 7 Years for 7 Generations as described in the background above. Pre-engineering has been done for Level IV.

• Describe any new policies or administrative actions required to implement the project.

NA

• Identify staff with appropriate technical and project management expertise and describe their qualifications and roles in the proposed project or activity.

Frank Pope Means, Project Manager, was the Executive Director of the Mni Wiconi Project for over 10 years and made sure the project was concluded successfully. He was on the Tribal Council when the project was first proposed and was a major supporter.

He is the one who proposed 7 Years for 7 Generations to complete the upgrade of all community water systems and transfer in trust to BOR as contained in the original law. He will provide overall coordination.

Tyrell Pierce, OST Planning Office, is the Owner's Representative. He has been managing the OST Comprehensive Economic Development Plan. He will review payment vouchers and act as liaison with the Tribal Council and Economic and Business Development Committee.

Casey Pedersen, OST Financial Accounting Office Manager, has been with the Tribe for over 15 years. He has helped make sure audits conducted and have few if any findings. He will oversee the financial management of the grant and assure BOR and tribal policies and requirements are set. He was FAO Manager during the last years of the Mni Wiconi project and is very familiar with BOR requirements and procedures.

Chuck Jacobs, Director of the Oglala Sioux Tribe Water Development, Maintenance and Conservation Department, is on the overall 7Y47G team. He manages the Mni Wiconi trunk line and delivery system. He has also overseen the design and funding of 7Y47G Level 1 community water system communities (Manderson, Oglala North and Sharps Corner). Construction began on these communities in April 2019. He is also overseeing compliance with BOR assumption requirements for these first communities. Since these are being funded with Mni Wiconi BOR funds they will be assumed into the project rather than transferred.

Willard Clifford, OSTDWM&C Coordinator, is the hands on manager of the maintenance and operation of the Mni Wiconi trunk line. He has been on 7Y47G team since the beginning.

Morrison-Maierle, has done the bulk of the Mni Wiconi engineering and has the contract from the Oglala Sioux Tribe to do the design of all the funded 7Y47G projects including Wanblee.

AMDA, Inc. owned by OST Tribal member Dale Young has completed the right-of way and easement work for the Mni Wiconi Trunk Line. He also does a great deal of work with other tribal projects.

James Begeman, Indian Health Service Tribal Utilities Consultant for the Oglala Sioux Tribe, has been part of the 7Y47G team since the beginning and oversaw the MOU for the design and construction of Level I. He is most knowledgeable of the Pine Ridge Reservation water and wastewater systems and will offer information and review of designs for all of the 7Y47G projects including Wanblee.

• Describe how the environmental compliance estimate was developed. Has the compliance cost been discussed with the local Reclamation office?

The Oglala Sioux Tribe did full Environmental Reviews for all 18 communities as part of the Pre-engineering reports that were submitted with the USDA applications.

• The estimated cost of completing the project or activity, and how that cost was estimated.

1. Wanblee Easement and Rights of Way \$165,175

Estimated by AMDA, Inc. based on work done for easements and rights-of way in other communities, the design for Wanblee and the land categories based on land review.

2. AC Pipe Exploration for 5 Communities

Not Funded Yet \$8,575

Estimated based on quote for rental of VacTrailer and labor and mileage costs from the Oglala Sioux Tribe Dept. of Water Development, Maintenance and Conservation.

**3. Oversight of Transfer Process for Level II
and III Funded Communities: \$26,250**

The cost was estimated based on time to coordinate the gathering of the various transfer items on the BOR Transfer Checklist. The work is coordinating with Tribal Departments and 7Y47 Generations contractors for Design, Easements and Administration.

• Identify any government permits or third-party approvals (e.g., permission from adjoining property owners) needed before the project can be implemented, and indicate which, if any, have already been secured.

We do not need government permits or third-party approvals to do this grant. The grant is to obtain all approvals needed as discussed in 1. Wanblee easements etc.

• Describe whether the applicants will provide a non-federal cost-share towards the project. A cost-share is not required under the Native American Affairs Program; however, applicants that provide a cost-share will receive a higher ranking.

We will be contributing work by Tribal Administrators and by the Financial Accounting Office and Contracts Office.

• Will property in-kind contributions, and/or other commitments be needed from third parties to complete the project? Note any that have already been pledged or secured.

No property in-kind contributions, and or other commitments will be needed from third parties to complete the project.

• What are the costs associated with operating and maintaining the project once it is completed and how will they be funded?

This grant is to do the easements necessary to complete the design and begin the construction of the Wanblee community drinking water system upgrade. The design and construction are funded by a grant already secured from the \$2,000,000 USDA WEP program. Once the project is constructed it will be transferred in trust to the BOR as set forth in the Mni Wiconi Act. BOR will provide operations and maintenance funds as per the law. The Tribe is also developing plans and fee schedules to help provide additional funds for adequate operations and maintenance.

• What steps will be taken to identify, protect, and/or restore important environmental and cultural resources?

We have done a full NEPA environmental and cultural resources report in order to obtain the USDA WEP grant. We will work with the OST THPO office to identify and protect cultural resources that might be identified during construction.

E.1.4 Alignment with Department of the Interior Priorities (10 Points)

This project aligns directly with the Department of Interior Priority 5. *Modernizing our infrastructure*

- a. Support the White House Public/Private Partnership Initiative to modernize U.S. infrastructure; The Oglala Sioux Tribe, Federal Government and many contractors are working together to modernize the community water systems on the Pine Ridge Indian Reservation which will make way for housing construction and economic development.
- b. Remove impediments to infrastructure development and facilitate private sector efforts to construct infrastructure projects serving American needs: In terms of Reservation development the clearing up of the Wanblee easements and rights of way will set a precedent and procedure for allowing future infrastructure development.
- c. Prioritize DOI infrastructure needs to highlight i. Construction of infrastructure; ii. Cyclical maintenance iii. Deferred maintenance. We are constructing infrastructure and in the upgrades taking care of maintenance that has been deferred for many years. We are also setting up a more effective system of cyclical maintenance by keeping records of as-builts, warranties, manuals, etc.

Environmental and Cultural Compliance All Environmental and Cultural compliance issues have been taken care of in the Pre-engineering Reports, Environmental Reviews and Applications submitted to USDA.

Required Permits and Approvals See above for Wanblee easement and rights-of-way.

Project Budget

1) Budget Proposal	1
Contractual	\$180,242
1. Wanblee Easement and Rights of Way	\$145,417
2. AC Pipe Exploration for 5 Communities	
Not Funded Yet	\$8,575
3. Oversight of Transfer Process for Level II	
and III Funded Communities:	\$26,250
Other	\$19,758
Wanblee Trust Landowner Payments	\$9,758
Wanblee Assignments	\$10,000

REQUESTED RECLAMATION FUNDING

\$200,000

2) Budget Narrative

Contractual

1. Wanblee Easements and Rights of Way

Contractual

Wanblee community is a unique community within the exterior boundaries of the Pine Ridge Reservation. Located on the north east side of the reservation, Wanblee's original layout consisted of a mixtures of individual fee plats, tribally owned tracts, and individual allotments.

The community water upgrade project impacting Wanblee consists of seven (7) Tribal tracts, two (2) allotments, and approximately forty-five (45) fee parcels. In order to transfer the project to the Mni Wiconi project overseen by the Bureau of Reclamation, the Tribe must meet all regulatory requirements identified in 25 CFR 169, Title 49 Subtitle A Part 24, Uniform Standards of Professional Appraisal Practice (USPSAP), and Uniform Appraisal Standards for Federal Land Acquisitions (UASFLA).

The specific emphasis under the funding requests will be to do title research (title commitments) on all fee parcels, appraise the individual trust allotments and fee parcels, and acquire easements on all Tribal and trust allotments.

We realize the requirements of BOR and will follow the OST policies for competitive procurement.

Budget Item Description	Computation \$/Unit	Quantity Type	Total Cost	
TASK		TRUST	FEE	TOTAL
Appraisals		\$3,400	\$16,000	\$19,400
Administrative (research, meetings, closeout)		\$3,000	\$3,000	\$6,000
Travel (landowners, meetings)		\$1,503	\$10,850	\$12,353
TSR processing/database development		\$1,473		\$1,473
Trust landowners (intent survey, consent right-of-Way/Applications/grant right-of-way		\$9,758		\$9,758
Fee easements (intent survey, easements, filing fees, title search fees)			\$76,145	\$76,145
Landowner payments		\$2,000	\$21,150	\$23,150

Project Closeout (certified mail to landowners, BIA, BOR)	\$1,099	\$5,797	\$6,896
Assignments (4 trust easements, 47 fee easements)	\$1,500	\$8,500	\$10,000
TOTALS	\$23733	\$141,442	\$165,175

All costs are based on easement work in previous communities and projects and projections needed for Wanblee based on the Pre-engineering Report.

Contractual **\$145,417**

Consulting Costs \$125,716

Appraisals \$19,400

In contract with AMDA, Inc. but will pay a subcontractor.

Other **\$19,758**

Trust Landowner Payments \$9,758

Assignments \$10,000

The paperwork will be done by AMDA, Inc. but the checks will be written by the Tribe.

2. AC Pipe Exploration for 5 Communities Not Funded Yet: We were denied USDA WEP Native Set-Aside funds for Red Shirt, Sunrise, Martin North, Red Rocks, and Oglala Community (Applied for \$4,656,113) since we could not prove the existence of AC pipe which cannot be transferred to BOR. USDA has accepted AC as a health hazard for this project and we need to dig at the main connections to check the type of pipe. OST DWM&C does not want to use a backhoe since this poses a danger of breaking pipe.

We propose to rent a VacTrailer and can get this done under contract with OST DWM&C for under \$10,000 and possibly lead to \$4,656,113 in construction funds.

Cost Estimate of Contract with OST Dept of Water Maintenance and Conservation

Vac Trailer Rental (estimate from Ditchwitch, Rapid City, SD

10 days x \$400 a day = \$4000

Labor 2 Techs x 80 hours x \$25 an hour = \$4,000

Mileage @ .575 x 1000 miles = \$575

Contractual **\$8,575**
3. Transfer Oversight for 7Y47G Level II and III **\$26,250**

We are estimating 35 days of work to oversee the transfer of the communities once they are complete. BOR Developed a Checklist and we are including it to show the work that needs to be done. We will put out bids for a contractor to do this. We are estimating 35 days of work for

the 9 communities. We envision that once the process is developed for Wounded Knee the other communities will be easier. The as-builts, etc. should be readily available from the AE and construction contractor so the job will be mainly coordination and submission.

Items on the BOR Checklist that the OST has to do include: Request letter and Tribal resolution including Location of community water system, As-built drawings of community water system, Owner, Name and Contact of entity currently performing O&M, identify where funding for maintenance and operation is coming from, approximate construction date, approximate number of house and business connections and population served, state whether there are any debts; System Inspection/Facility Review; System Repair Plan including funding and schedule; Warranty Administration; Third party claims; Right-of-Way Identification and transfer including ROW documents and corrected document if necessary; Water System drawings and Operation and Maintenance Documentation; OM&R Workplan and Budget; Negotiate transfer agreement; Legal review of agreement; Assignment of ROW and/or quit claim deed; and execution of agreement.

35 days x \$750 a day = \$26250

Total Estimated Project Costs **\$ 200,000**

Funding Plan

FUNDING SOURCES

AMOUNT

Other Federal Entities

USDA	Level III Wanblee	\$2,000,000
-------------	--------------------------	--------------------

We are funded by the USDA Water and Environmental Program Native Set-Aside for \$2,000,000 for design and construction of the Wanblee Community upgrade. They have limited easement work to \$20,000.

12.17.19 Tom, The easement dollars are capped off at \$20,000 for the Wanblee project, as that was how the funds were obligated. If the easement costs exceed \$20,000, RD cant put any more money into that category, which could jeopardize getting the project completed.

Brian L. Ring Loan Specialist : brian.ring@usda.gov

Other USDA Funded Projects to be transferred. These have enough money for easements but no funds for transfer oversight.

Level II Wounded Knee Funded \$1,333,333 USDA WEP NA Set-Aside

Other Level III Funded from USDA WEP NA Set-Aside

Wolf Creek/Wakpamni/

Potato Creek	\$1,683,000
Porcupine	\$1,401,000
Allen	\$1,846,000
Wanblee	\$2,000,000
Evergreen	\$1,215,000
Kyle	\$1,922,000

We have grant documents for all of the above communities.

Tribal Entities

The Oglala Sioux Tribe Indirect Cost Rate is limited to salaries and fringe. The Tribal Planning Office, Contracts Office and Financial Accounting Office will be doing the paperwork and accounting. We are estimating this contribution at the de minimis rate of 10%. **\$20,000**



To: Grants Committee Olivia Grass, Director, Oglala Sioux Tribe
 cc: Ann Cross, Tyrell Pierce, Michelle Poor Bear
 From: Tom Allen, Oglala Sioux Lakota Housing Grants Facilitator
 Date: 12/17/19

Grant Name: Native American Affairs: Technical Assistance to Tribes for Fiscal Year 2019 (FOA No: BOR-DO-19-F002)

CFDA Number: 15.519

Due date of Grant: 1/8/20 4PM MDT

Grant Amount: \$200,000

IDC Amount: NA

Match Amount: NA

Brief Summary of the Grant:

Grant is for \$200,000 total and should run from 8/4/19 to 7/31/20. It is to get easements squared away for the Wanblee Community Water System upgrade. The funds will allow us to proceed with design and construction of the Wanblee water system upgrade for which the Tribe already has USDA funding. The funds will be contracted with AMDA (Dale Young) who did most of the Mni Wiconi easements and knows the new BIA processes.

I have attached:

1. Executive Summary
2. draft XB resolution that was forwarded by EB&D Committee

The OST Natural Resources Office is also submitting a proposal to the same place but I read the FOA talked to the BOR Director and National NAAP Director and they said a Tribe can put in and be funded for two projects. Proposals are rated separately on their merits.

** Attach a complete copy of the grant application including budget, budget justification, resolution (Committee minutes?), and other pertinent information.

Please sign if you approve of this grant application.

Treasurer

Compliance Officer

Comptroller

Executive Director

RESOLUTION NO. 19- XB

RESOLUTION OF THE OGLALA SIOUX TRIBE EXECUTIVE COMMITTEE
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

**RESOLUTION OF THE OGLALA SIOUX TRIBE EXECUTIVE COMMITTEE
APPROVING THE SUBMISSION OF A PROPOSAL TO BUREAU OF
RECLAMATION NAAP PROGRAM BOR-DO-20-F013 DUE 1/8/20 FOR \$200,000 TO
GET WANBLEE EASEMENTS IN ORDER SO AS TO PROCEED WITH THE USDA
GRANT TO UPGRADE THE COMMUNITY WATER SYSTEM**

WHEREAS, the Oglala Sioux Tribe of the Pine Ridge Indian Reservation is a federally recognized Indian Tribe organized pursuant to the Indian Reorganization Act of 1934 and all pertinent Amendments thereto, and

WHEREAS, pursuant to the Constitution and By-laws of the Oglala Sioux Tribe the Oglala Sioux Tribal Council exercises legislative powers to enact and promulgate Resolutions and Ordinances, and

WHEREAS, Article I, Section 5, of the By-laws of the Oglala Sioux Tribe authorizes the Executive Committee to act on behalf of the OST Tribal Council on routine matters when the OST Tribal Council is not in session, and

WHEREAS, the Oglala Sioux Tribe has adopted its constitution and by-laws by referendum vote on December 10, 1935, in accordance with Section 16 of the Indian Reorganization Act of 1934 (25 U.S.C. § 476), and under Article IV of the Oglala Sioux Tribe Constitution, the Oglala Sioux Tribal Council is the governing body of the Pine Ridge Indian Reservation, and

WHEREAS, the Oglala Sioux Tribe Executive Committee has the authority under Article I § 5 of the Oglala Sioux Tribe By-Laws to decide on “routine matters” when the Oglala Sioux Tribe Council is not in session, and

BOR-DO-20-F013 Native American Affairs Program due 1/8/20 Technical Proposal

WHEREAS, the Oglala Sioux Tribe has been funded by the USDA to upgrade the community water system in Wanblee under the 7 Years for 7 Generations in order to protect health, and conserve water, and

WHEREAS, to complete the work outlined in the Mni Wiconi Act so that community systems can be transferred in trust for the Oglala Sioux Tribe to the Bureau of Reclamation to provide funds for operation and maintenance, and

WHEREAS, to proceed with design and construction to meet BOR guidelines the easements must be in order, and

WHEREAS, the Wanblee community has a mix of tribal, allotted and fee land and easement need to be updated to meet new Bureau of Indian Affairs requirements, and

WHEREAS, the Oglala Sioux Tribal Council Economic and Business Development Committee approved the submission on _____, now

THEREFORE BE IT RESOLVED, the Oglala Sioux Tribe Executive Committee approves the submission of the BOR-DO-20-F013 Native American Affairs Program Grant (15.519) for \$200,000 due 1/8/20 by 4PM MDT to do the work necessary to get the Wanblee easements in order for USDA, BOR and BIA conformance and to oversee the transfer process for funded communities.

C-E-R-T-I-F-C-A-T-I-O-N

I, as undersigned Secretary of the Oglala Sioux Tribe Executive Committee, hereby certify that this Resolution was adopted by the vote of: ___ yes; ___ no; ___ not voting, during a properly called meeting of the Oglala Sioux Tribe Executive Committee with a quorum present on this ___ day of _____ 2019.

Jennifer Spotted Bear
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T

Julian Bear Runner
President
Oglala Sioux Tribe