

Tribal Consultation

Orphaned Well FY23 Grant Guidance

US Department of the Interior

- Assistant Secretary – Indian Affairs
- Bureau of Indian Affairs
- Office of Environmental Policy and Compliance

September 27 & 29, 2022



What is
the purpose
of this
Consultation?

To receive Tribal input on the draft FY23
Tribal Grant Guidance for the Orphaned
Well Program

What is the Orphaned Well Program?

Infrastructure Investment and Jobs Act

PL 117-58; aka BIL

Title VI – Methane Reduction Infrastructure

Section 40601: Orphaned Well Site Plugging,
Remediation, & Restoration

- Energy Communities Revitalization Program - ECRP
 - \$4.677 billion total
 - **Expires 9/30/2030**
1. Federal Program – OEPC/BLM - Leads
 - BLM, NPS, FWS, BSEE, USFS
 - \$250 million
 2. State Grant Program – OEPC/IBC - Leads
 - \$4.3 billion for State and private lands
 3. Tribal Grant Program – OEPC/IBC/IESC - Leads
 - **\$150 million for wells on Tribal lands**



Benefits of properly closing orphaned wells:

- ~2.5M – 4M orphaned wells nationwide
- Reduce methane & other GHG emissions
- Cleanup surface water & groundwater contamination
- Remove health & safety hazards
- Restore habitat
- Create jobs, particularly in disproportionately burdened communities

Definitions – Orphaned Well

- (A) with respect to Federal land or **Tribal land**, means a well—
- (1) that is not used for an authorized purpose, such as production, injection, or monitoring; **and**
 - (2) for which no operator can be located;
 - (3) the operator of which is unable—
 - (AA) to plug the well; **and**
 - (BB) to remediate and reclaim the well site; **or**
 - (CC) that is within the National Petroleum Reserve—Alaska

Responsible parties are expected to perform work or reimburse costs

Definitions – Tribal Lands

Sec. 40601(a)(6): “any land or interest in land owned by an Indian Tribe, the title to which is –

(A) held in trust by the United States; **or**

(B) subject to a restriction against alienation under Federal law.”

this includes:

- wells drilled into minerals that are held in trust or restricted status for a Tribe, even if the surface estate is not; **and**
- remediation of surface that is held in trust or restricted status for a Tribe, even if the minerals are not.

Use of Funds

Eligible Activities Include —

- (i) to plug, remediate, or reclaim an orphaned well on Tribal land;
- (ii) to remediate soil and restore native species habitat that has been degraded due to the presence of an orphaned well or associated pipelines, facilities, or infrastructure on Tribal land;
- (iii) to remediate Tribal land adjacent to orphaned wells and decommission or remove associated pipelines, facilities, and infrastructure;
- (iv) to provide an online public accounting of the cost of plugging, remediation, and reclamation for each orphaned well site on Tribal land;
- (v) to identify and characterize undocumented orphaned wells on Tribal land; and
- (vi) to develop or administer a Tribal program to carry out any of the above activities



Tribal Well
Program

Grants

1. Tribal Implementation Grant
2. Program Development Grant

or

In Lieu of a Grant

3. Request that DOI perform plugging on behalf of a Tribe

Tribal Well Program

Grants

1. Tribal Implementation Grant
 - 5-years to obligate funds
 - 10% cap on administrative costs
2. Program Development Grant
 - 5-year to obligate funds
 - Data in 1 year; evolve to plugging by year 3
 - \$1 million cap per applicant
 - No administrative cap

In Lieu of a Grant

3. Request that DOI perform P&A on behalf of a Tribe
 - Written request (letter or email) to ECRP@ios.doi.gov
 - OEPC & BIA/IESC will coordinate with the Tribe
 - IESC will oversee a contractor & witness plugging

*****FY23 total not to exceed \$50 million*****



How to Apply

FY23 Grant Application Process

- Final Guidance – Nov. 18, 2022
- Applications Due – **Jan. 20, 2023**
- Applications to be submitted electronically to ECRP@ios.doi.gov
- DOI will enter grant applications into GrantSolutions



Specific
Questions
from the
DTLL

1. What recommendations do you have for partnering with Tribes to conduct activities described in the BIL and this grant program?
2. How might DOI improve communication with Tribes regarding orphaned well plugging, remediation, and reclamation?
3. What additional support, including specific types of technical assistance, might be useful to your Tribe in order to submit a grant application, manage a plugging program, and meet the administrative and reporting requirements of this program?



Specific
Questions
from the
DTLL

4. The BIL Sec. 40601 appropriates \$150 million:
 - Allocation of not more than \$50 million total in year one
 - Not more than \$1 million per Tribe for program development (capacity-building)
 - The intent of these caps is to make sure that Tribes are able to conduct orphaned well inventories and plan a plugging program over time (funds are available until 2030)

Do these recommended caps support your Tribe's needs for year one (FY23)?



Written Comments

- Comments by: **October 21, 2022**
- By email: ECRP@ios.doi.gov
- By mail:
 - USDOI/OEPC
 - 1849 C Street NW, Rm 2624
 - Washington, DC 20240
- On your correspondence, please note:
 - (1) your Tribal affiliation and
 - (2) include "**Tribal Orphaned Well Grant Guidance**" in the header or subject line