**Questions and Answers**

**California’s Fifth Climate Change Assessment**

**Tribal Research Grant Program**

**Draft Solicitation Workshops**

**January 18 and January 26, 2023**

**TERMS AND CONDITIONS**

1. **Provide tribes with the standard terms and conditions referenced in the manual as included in Attachment X. However, no attachment X was provided with the manual. CEC should not proceed with approving the manual until tribes have reviewed and had the opportunity to comment on any proposed standard terms and conditions.**
   1. Standard terms and conditions will be released with the final solicitation. Applicants will have the opportunity to comment on the entire solicitation, including the template terms and conditions, when the final solicitation is released. In addition, grant Recipients will have the opportunity to request changes to the template terms and conditions if their application is proposed for award.
2. **The manual states the CEC reserves the right to modify the terms and conditions prior to executing grant agreements. Federally recognized tribes must be able to negotiate these terms and conditions.**
   1. Grant Recipients will be allowed to request changes to the template terms and conditions if their application is proposed for award. Template terms and conditions will be included with the final solicitation.
3. **The manual states tribes will not be asked to provide a limited waiver of sovereign immunity. Without the standard terms and conditions, we have no way of knowing if this is factual.**
   1. Tribes will not be required to provide a limited waiver of sovereign immunity. This will be reflected in the final solicitation documents, which will include template terms and conditions.
4. **The certification section on the application on page 25 is problematic because tribes do not know the terms and conditions and are prohibited from negotiating further. Item 2 in the section authorizes the state to make inquiries to verify information in the application. This is intrusive for federally recognized tribes and should be removed.**
   1. Please see Answer 1 and Answer 2. Item 2 of the Certifications in Attachment 1 has been revised to state, "I authorize the Energy Commission to contact the applicant to clarify and/or verify information submitted in this application."

**SEPARATE FEDERAL AND NON-FEDERAL APPLICATIONS**

1. **Separate Application for Federal and non-Federal Tribes**
   1. We will structure the manual to accommodate all applicants. While we understand and appreciate the distinct federal relationship that federally recognized tribes have, two separate applications and processes would create substantial delays in our timeline and potentially even push final products/deliverables out so far that we do not meet the encumbrance deadlines, which are legally-required deadlines that the Energy Commission cannot change. Further delays would limit tribes’ ability to contribute to the Fifth Assessment and use grant funds in a way that best serves them.

Therefore, we will identify areas throughout the solicitation that may apply differently to federally recognized tribes and include language that clearly indicates what is required and what is not depending on the applicant.

1. **Page 10 of the manual defines who is eligible for funding under this program. Miss Kennedy was informed during the workshop that the Native American Heritage Commission contact list has limited use pursuant to statute and is on the brink of undergoing rulemaking by the NHC. Therefore, any reliance on this list is problematic and the CEC has not at the very best accounted or planned for the fact that the contact list will be revised once regulations are in place.**
   1. Thank you for bringing this to our attention. We will continue to monitor the process of this rulemaking. At this time, we will be staying consistent with CEC terminology used in past programs which are the definitions in the draft solicitation. If new guidance is available at the time of subsequent Grant Rounds, we will revisit this concern.

**KEY WORDS AND TERMS**

1. **Page 20 lists keywords and terms which does attempt to define California Native American tribe. It does not include federally recognized tribe and relies on the NHC contact list. Further, not all terms that are used in the application form in the box for the applicant are defined in attachment one.**
   1. Please see Answer 6. Definitions for “California Tribal Organization” and “Tribal-serving Non-governmental Organization” have been added to the Key Words/Terms.
2. **AB 923 (Ramos) in 2022 provides a definition for federally recognized tribes which the CEC may find beneficial for this program and the manual.**
   1. Please see Answer 6.
3. **The key words/terms list does not define tribal serving non-governmental organizations. We are also unsure where the definition of California tribal organization originates as we have concerns regarding the definition. Some tribal organizations are part of and organized by federal recognized tribes and therefore may not be subject to California law.**
   1. The key terms list is being updated to define a Tribal Serving NGO as a non-governmental organization that serves tribes. The definition for California Tribal Organization includes reference to California law in order to be inclusive of tribal organizations that are subject to California law, whether organized by a non-recognized or federally recognized tribe. The reference to California law in no way makes California law applicable to a tribal organization that is otherwise not subject to California law.
4. **The key words/terms list also defines tribal** **community but this term does not appear to be a term of art in the manual and its origins is unknown.**
   1. This term is being removed from the solicitation manual.

**CONFIDENTIALITY AND DATA SOVEREIGNTY**

1. **Page 15 further discusses confidentiality but states all applications are public record and the CEC will not retain any information as confidential. However, the manual provides that a data sovereignty agreement may be included in the grant agreement, but no data sovereignty agreement was included in the manual. During the workshop Miss Kennedy stated the CEC’s creating a tribal data security agreement template that will be included in every agreement. Without having reviewed a tribal data sovereignty template we do not know if this is a sufficient solution; therefore, additional consultation is warranted.**
   1. Confidentiality language in the solicitation is being reviewed by program staff. The template for the Data Sovereignty Agreement will be released with the final solicitation. The Data Sovereignty Agreement will be finalized with the grant Recipient during the agreement development phase.
2. **Tribal Data – How is tribal data protected throughout this grant program? What is the process for deliverables for the grant? If a tribe doesn’t want to share the final product, is this possible? How will this be handled? How will tribal data be protected?**
   1. Please see Answer 11.
3. **Suggestion to refer to this (confidentiality and data sovereignty) in the guidelines/an FAQ question.**
   1. Please see Answer 11.

**CEQA**

1. **CEQA concerns about process, time needed, and how this may or may not relate to tribal requirements.**
   1. The solicitation manual sections pertaining to environmental review (e.g., applicable Tribal law, NEPA, CEQA) are being revised to account for which laws apply based on the location of the proposed project and the applicant.
2. **California Environmental Quality Act (CEQA), Attachment Six – This entire attachment should be reviewed and reworked. The section fails to recognize that CEQA does not apply on tribes’ reservations and land.**
   1. Please see Answer 14.

**GENERAL**

1. **Applicant declaration – As noted at the workshop, this declaration is not appropriate for federally recognized tribes to execute. None of the bullet points apply to federally recognized tribes. Again, CEC must prepare a separate and distinct application process for federally recognized tribes.**
   1. The Applicant Declaration is being revised to account for the various applicants eligible for this funding opportunity.
2. **Pages 14 & 15 list specific grounds to reject an application which may not pertain to federally recognized tribes. More consultation is required to understand these grounds and how they may or may not apply to federally recognized tribes. In addition, an application can be rejected if it contains confidential information. However, there is no process for consultation on the information with the applicant.**
   1. Edits to the Grounds to Reject are being considered by program staff.

Applicants should not submit any confidential or sensitive information as part of their application. This is to ensure that no confidential or sensitive information becomes subject to Public Records Act requests. If your proposal is working with culturally sensitive or confidential information, we highly recommend that you redact that information and provide a general summary, removing any sensitive information.

If an applicant proposes a project that will include the submission of confidential or sensitive information during the project and that applicant is awarded a grant, the grant Recipient will work with the CEC to ensure that all confidential or sensitive information has a legal basis for confidentiality prior to submission of the confidential or sensitive information. Additional information regarding data sovereignty will be included in the final solicitation.

1. **Technical support/Application help (meetings, workshops, office hours). Would be helpful if technical advisors could be assigned to different California regions, someone familiar enough with the process and the way things are scored and can offer feedback.**
   1. Information on office hours, and application guidance and support will be included in the final grant solicitation manual.
2. **Advanced payment – is this possible?**
   1. Unfortunately, we are unable to offer advanced payment for invoicing under this solicitation. Grantees may invoice for “incurred costs”. Incurred costs are project costs that the grant Recipient has become legally obligated to pay. Examples of incurred costs might include:
      1. The grantee’s staff has completed work during the month but has not been paid by the grantee. These labor and associated costs (e.g., fringe benefits) are considered incurred costs.
      2. The grantee has purchased a piece of equipment and received an invoice, bill, or receipt. The grantee has not yet paid the invoice. The invoice shows the amount to be paid and confirmation of the sale.
3. **Suggestion to consider a broad nature in scope of potential projects, for example, broad relationships encompassing climate change impacts/causes, human involvement, and vegetation restoration.**
   1. This has been noted in the draft solicitation manual and we will keep this in consideration during the review process.
4. **Is there a tribal youth component?**
   1. We welcome and encourage projects with tribal youth components incorporated into them, although such components are not required nor is there a separate tribal youth program at this time. Project activities should align with the requirements of this solicitation in connection with climate change resiliency.
5. **The CEC has not identified the Commission Agreement Officer for the program.**
   1. The Commission Agreement Officer (CAO) will be identified in the final solicitation.
6. **Is there outreach at Native American events?**
   1. Our intention is to attend meetings that the tribes are leading and to provide presentations. If you have any meetings to suggest to us, please let us know by contacting TribalGrants@energy.ca.gov.
7. **Will a transcript of comments be available?**
   1. Workshop comments, questions, and answers will be posted on the grant program website at [Tribal Research Grant Program](https://www.energy.ca.gov/programs-and-topics/programs/tribal-program/tribal-research-grant-program).
8. **Are past awards available as examples?**
   1. This is a new program so we do not have any past awards from the Tribal Research Grant Program to serve as examples. Please contact any of the program staff listed in the workshop slides or on the grant program websites for suggestions of past awards from other tribal grant programs.
9. **I’m looking for more guidance on the nature of the research sought in the proposed projects.**
   1. The purpose of this grant program is to fund climate change research that is important to tribes. If you have a project that benefits tribes in this manner, we encourage you to apply. Please see the draft solicitation manual for additional examples, information, and guidance. The draft solicitation manual can be found at [Tribal Research Grant Program](https://www.energy.ca.gov/programs-and-topics/programs/tribal-program/tribal-research-grant-program).
10. **Is the scoring based on how those goals are clearly defined in the project proposal or does it have to do with their relevance to a specific set of goals aligned with CEC's mission or climate goals? Is that maybe different for the CNRA grants at a high level or is there going to likely be a lot of overlap?**
    1. Grant applications will be evaluated as described in Section IV of the draft solicitation manual (note that this is subject to change in the final solicitation manual). Applications will first be screened, and applications that pass administrative screening will be scored based on the scoring criteria described in Section IV. The information submitted in the application will be scored using these criteria, taking into consideration how well the project proposal aligns with the purpose of this solicitation. Please be sure to read the solicitation manual and the instructions in each attachment carefully.

We are unsure what CNRA grants are being referenced here; however, we are working closely with our partners to fill gaps in grant objectives across programs rather than duplicating efforts. We encourage attendance to our office hours or contacting program staff to inquire how broader CNRA or Climate Assessment programs complement each other.

1. **Could a single tribe or tribal organization potentially submit more than one project in more than one category?**
   1. Yes, applicants may submit multiple applications. If an applicant submits multiple applications that address the same project group, each application must be for a distinct project (i.e., no overlap with respect to the tasks described in the Scope of Work).

However, if a Grant Round is oversubscribed, only one grant per applicant will be able to be awarded. If a single applicant is proposed for more than one grant award, the applicant will be allowed to identify their priority project.

1. **There is a lack of capacity with tribes for hiring energy managers. Can the funds be used to hire energy managers since most of the tribes we work with are under resourced?**
   1. Yes. This solicitation can help fund this type of support for tribes. The grant funds may be used for hiring program staff and to pay for the cost of the program staff’s work on the project. Hiring costs must be reasonable and in line with standard hiring practices for the tribe. The purpose of this solicitation is to provide funding for tribes and tribal organizations to conduct tribally led climate change research, assessments, and similar projects deemed a priority by the applying tribe. If the position fits within the scope of the project in connection with climate change resiliency, and the proposed project aligns with the purpose of the solicitation, then the funds can be used to hire appropriate staff to carry out the grant work.
2. **Do all the partners or do all the impacts need to be within California for a given project? If there are partners and beneficiaries outside of California borders, is it okay to proceed with information sharing around traditional ecological knowledge?**
   1. This program funds tribally led research and we understand that political borders (what we call California) may span many traditional areas and projects may have benefits and beneficiaries beyond California borders.

Although *all* benefits and beneficiaries do not need to be within California borders, because this grant program is funded with California taxpayer dollars, the majority of each project must be located in California, and most of the benefits associated with each project must be for California Native American tribes located within California. Project partners, such as subrecipients or other entities providing project support, are not required to be within California. Projects must also demonstrate that they are aligned with a goal that meets the priorities and needs of a tribe and/or a Fifth Assessment goal.

1. **Can the installation, application, and operation and maintenance of an existing tool for a tribal reservation system be eligible for this program?**
   1. This type of research would likely be eligible for funding under this solicitation. The tool must be used to conduct research related to climate assessments and the proposed project must align with the purpose of the solicitation.
2. **What is the time interval for project completion? For example, monitoring vegetation after a cultural burn might take two years post-burn to collect the data, analyze it, and write reports.**
   1. The draft solicitation states that grant projects are anticipated to be finished in 2025 (note that this is subject to change in the final solicitation manual). Therefore, there is some flexibility for applicants to determine when their grant project ends, and each applicant should consider the nature and scope of their project. Note that while there is some flexibility, we are recommending products, reports, and project teams are ready for discussions with Climate Assessment Author Teams and OPR Program Managers early to mid-2025. In the third quarter of 2025, final drafts will need to be complete to be considered for the Climate Assessment and Tribal and Indigenous Communities Report. Applicants will be required to provide a project schedule indicating a realistic timeline for their project. Please keep in mind that all program funds will need to be invoiced by the end of March 2026 to ensure that reimbursements can be made before the funds expire in June 2026.
3. **Since it takes time to develop a letter of support considering that you need a tribal council meeting to occur beforehand, is it possible for a project proposal to be submitted with everything but that letter?**
   1. This is being considered by program staff. We will consider allowing for more flexibility in the submission of support letters.
4. **Do questions go to the Commission Agreement Officer?**
   1. During the solicitation drafting phase, questions may be directed to any of the program staff listed in the workshop slides or on the grant program websites. After the final solicitation is released, questions must be directed to office hours staff or to the Commission Agreement Officer (CAO). The office hours staff, office hours times, and CAO will be identified in the final solicitation.