

PENOBSCOT NATION

DEPARTMENT OF
NATURAL RESOURCES

JOHNS BANKS, DIRECTOR



R01-21-A-036

12 WABANAKI WAY
INDIAN ISLAND, ME 04468
TEL: 207/827/7776
FAX: 207/817/7466

IV.D. Narrative Information Sheet

1. Applicant Identification: Penobscot Indian Nation, 12 Wabanaki Way, Indian Island, ME 04469.
2. Funding Request: a) Assessment Grant Type: Community-wide Assessment; b) Federal Funds Requested: i \$300,000; ii Not requesting a waiver
3. Location: a) varies, b) primarily Penobscot County c) Maine/Penobscot Indian Nation Reservation and Fee Lands
4. Property Information for Site-Specific Applications: not applicable
5. Contacts: a) Project Director: Sean O'Brien, phone # 207 817-7338, fax #207 817-7466 e-mail: sean.obrien@penobscotnation.org, b) Chief Executive/Highest Ranking Elected Official: Kirk Francis, Penobscot Nation Chief, Phone (207) 817-7350, e-mail: kirk.francis@penobscotnation.org
6. Population: Tribe population is 2,402; tribal members inhabiting Indian Island reservation is 426; and entire Penobscot County is 153,746.
7. Other Factors Checklist:

Other Factors	Page #
Community population is 10,000 or less	#1
The applicant is, or will assist, a federally recognized Indian tribe or United States territory	#1
The priority brownfield site(s) is impacted by mine-scarred land	
The priority site(s) is adjacent to a body of water (i.e., the border of the priority site(s) is contiguous or partially contiguous to the body of water, or would be contiguous or partially contiguous with a body of water but for a street, road, or other public thoroughfare separating them).	#2
The priority site(s) is in a federally designated flood plain	
The reuse of the priority site(s) will facilitate renewable energy from wind, solar, or geothermal energy; or will incorporate energy efficiency measures.	
30% or more of the overall project budget will be spent on eligible reuse planning activities for priority brownfield site(s) within the target area	

8. Letter from the State or Tribal Environmental Authority



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Penobscot Indian Nation (PIN) is pleased to use this opportunity to seek additional funding to enhance our Brownfields program that was begun in 2010 through our 128 (a) Brownfields Tribal Response Grant. In support of our grant request, PIN has outlined the following:

- The needs for our Tribal community are: improved health, increased revenue, job creation, and preservation of natural and marine resources vital to our heritage and livelihood;
- PIN is a small, but prideful tribe with very limited funding resources. We do not have funding to conduct this type of work as our limited budget is already allocated for other essential tribal projects. PIN anticipates over 90% of the grant funds will be for site assessments; and
- PIN and other communities where fee lands are located have encountered hardships that have impacted economic growth.

Project Overview: This grant will allow us to allocate 128 (a) funds primarily for any needed clean-up identified during assessments. The goals of the project are to generate new jobs, increase revenue, support our cultural heritage, protect endangered resources vital to our livelihood and culture, and improve health by reducing or eliminating exposure to contaminants and cultivate an affordable and healthy food source.

Brief Description of the Service Area: Penobscot County consists of approximately 3,397 square miles of land. There are significant distinctions in demographics between the north and south portions of the county. The south has six times the population and continues to grow, while the north is sparsely populated and declining. The south has a higher percentage of families who derive their income from labor, while in the north a higher percentage obtain income from social security and retirement as a result of an older population. The north also has a higher percentage of families who receive assistance payments.

Unlike most municipalities, PIN does not have a tax base for generating revenue to support public services such as education, health, housing, and other assistance programs. The limited federal funding (93-638) is not sufficient to meet the current needs of the community.

As a low-income minority, this grant will assist in our continuation of overcoming any potential environmental justice and disproportionate disparities associated with Brownfield sites.

Feel free to contact me at 207-817-7330, or e-mail me at sean.obrien@penobscotnation.org if you have any questions.

Sincerely,

Sean O'Brien
Tribal Response Program Coordinator

Enclosures



1. PROJECT AREA DESCRIPTION AND PLANS FOR REVITALIZATION 1.a. Target Area and Brownfields i. Background and Description of Target Area

The Penobscot Indian Nation (PIN) is a federally recognized Indian Tribe (population 2,402). Of the 2,402 tribal members, 426 live on Indian Island Reservation. Our traditional homeland is comprised of ~8,500 square miles within the Penobscot River basin. Today, PIN's land holdings consist of more than 126,000 acres comprising numerous parcels throughout the state that include 140 Penobscot River Reservation Islands (4,841 acres), Trust, and Fee Lands. The majority of our fee lands are located within Maine's Penobscot County.

The Penobscot River is 109 miles long with two branches that increase its length to 264 miles. It's the longest river system in the state. We have continuously inhabited the area for more than ten thousand years and our archeological artifacts, dating back millennia, have been found on the shores of the bays and islands. The Penobscot River is home to many fish, including native brook trout, landlocked salmon, and smallmouth bass. Sea-run species include Atlantic salmon, alewives, American eel, striped bass, rainbow smelt and occasional Atlantic sturgeon. The Penobscot River is best known for its historic salmon run. While the run has been reduced by ~95% over the past 150 years, it remains the largest Atlantic salmon run in the United States.

Since our 1818 treaty, PIN was granted ownership and riparian rights to the riverbed, banks, and all islands upstream of Indian Island in the Penobscot River. Our community life and traditions are centered around our river. We harvest grasses and other plants for craft making and medicinal use. We recreate, swim, and consume turtles and fish taken from our river. We treasure our time in and around its waters. It is through hunting, fishing, trapping, gathering and making baskets, making pottery, crafting moccasins, building birch-bark canoes and other traditional practices that the PIN culture and people are sustained. Today, natural resources are becoming scarce and threatening tribal sustenance lifestyles. Basket weaving relies mainly on ash trees, sweet grass, and birch bark. All three plants grow in and around the Maine wetlands and streams. All are becoming scarce due to adverse impacts by the pulp and paper industry and industrial pollutants, which have resulted in placing toxic dioxins and heavy metals into the local ecosystems. The reduction or elimination of these natural resources through impacts from Brownfields have negatively affect PIN's historical culture, livelihood, and overall lifestyle.

Our river has served as a power source and dumping receptacle for industry since the 1700s. These non-tribal polluters have compromised our waters, fish, air, and lands through industrial discharges. Four major pulp and paper mills that are located upriver from our reservation spewing their waste into our land and water for more than 100 years. Numerous tanneries, textile mills, sawmills, and sewer systems have added to the pollution. Many of these mills are located in Opportunity Zones. As an example, state fisheries regulators closed nearly 7 miles of our river for shellfish harvesting for 2 years as a result of mercury contamination. Currently, we are attempting to cleanup a former gasoline station that is leaking gasoline compounds into our river directly upgradient from our reservation. The Maine DEP has cleaned up part of the spill, but is unwilling, despite our pleas, to complete the project due to funding constraints. We continue to be affected by these contaminants and believe these upstream industries have cumulatively impacted the health and welfare of all tribal citizens as well as other residents of the river valley.



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Of the more than 40 brownfield sites, this proposal focuses on two sites: the former **Sockalexis Bingo Palace (SBP)** on Indian Island; and the **Six Penobscot River Islands** located adjacent to the Lincoln Paper & Tissue Mill (LP&T) site. These sites have tremendous redevelopment potential that will bring jobs; tribal revenue; gathering spaces for educational camps, crafts production and indoor exercise, and cultural pride to our tribal members.

1.a.ii Description of the Priority Brownfield Site(s) The former **SBP** was built in 1982 as an ice arena. In 1993, due to high maintenance and utility costs, the Tribe converted the facility to a high stakes bingo operation. With increased competition in gaming, the Penobscot closed the SBP in 2017. Since then a portion of the facility has been used for community purposes – youth center, tribal office, and food bank. No environmental assessment has been done on the facility. Given the facility's history and close proximity to the Penobscot River, school and elder housing, there is concern for soil and ground water contamination, as well as indoor air quality.

- Former ice rink that housed compressors used for refrigeration, which utilized a host of hazardous chemicals in its operations;
- Limited environmental cleanup of site when converted to SBP in 1993;
- Underground fuel storage tank;
- Garage/Maintenance area used for chemical storage, ice equipment servicing and maintenance;
- Site is located adjacent to the Penobscot River and has history of flooding; and
- Mold infestation due to roof damage and compromised physical structure.

The Penobscot have initiated a Phase I ESA for **Six Penobscot River Islands (SPRI)** located adjacent to the former LP&T pulp/paper mill. Now in bankruptcy and the mill being demolished, LP&T spewed waste into our waters, sediments, and islands for over 130 years. As a result, our sediments and lands are impacted with dioxins/furans and dioxin-like PCBs. Due to the LP&T effluent discharges, tribal members have avoided these islands for decades, limiting our ability to use the land; harvest fish and turtles; and collect sweet grass from the impacted areas. The islands once housed a school, camps, and residences, now only decay and abandoned buildings remain. With the LP&T closing, the Penobscot see the revitalization of SPRI. We would like to assess the extent of impacts, clean up the contaminants, and lift State contamination advisories so tribal citizens can feel safe harvesting around these islands and surrounding waters.

1.b. Revitalization of the Target Area 1.b.i Reuse Strategy & Alignment with Revitalization Plans – The **SBP** building is located in the heart of the tribal services on Indian Island. It is adjacent to the River and the newly constructed Tribal retirement home. This location is ideal for community use; however, the building is in poor condition and there is concern occupants of the building are being exposed to potential contaminants. Prior to PIN investing in needed building renovations, performing an environmental assessment would identify the extent of the remedial activities required to ensure healthy occupancy. Revitalizing the site to provide critical indoor space for recreational activities, community events, and cultural programs for tribal youth and elders is a Tribal priority. These goals are aligned with the Tribal Council goal to promote prosperity and success through the creation of economic and cultural opportunities.



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The further investigation of the **SPRI** is designed to determine if and how our lands and water can be reused. We hope the stigma attached to the islands can be reversed once we determine and correct environmental risks/threats. We plan to reestablish a youth camp and use the area for sweet grass, fish, and turtles harvesting. The mission of the Tribal Council is to provide sustained cultural activities that support our tribe. SPRI is an ideal location for an island camp to teach youth stewardship of our lands and cultural practices. It follows the mission of the Nation's Department of Natural Resources (DNR) to manage, develop, and protect the Penobscot Nation's natural resources in a sustainable manner that enhances the cultural integrity of the Tribe.

1.b.ii Outcomes and Benefits of Reuse Strategy For thousands of years, PIN has relied on the Penobscot River for food, drinking water, and transportation. PIN continues to use the lands and waters for hunting, fishing, trapping, gathering plants, boating, and ceremonial purposes. The River supports our economy, cultural heritage, food sovereignty. It protects endangered resources vital to our livelihood and culture. And it improves the health of our people, particularly our youth and elders. By reducing/eliminating potential exposure to contaminants, healthy lifestyles will result. The outcomes and benefits associated with a clean SBP site redeveloped as a community center used for recreation, cultural programs, and community gathering include:

- Structured physical activity and preventative health programs year-round, for all ages;
- Location for Native artisan handmade production and sale
- Expanded food bank and gathering place for community meals

Assessment and cleanup of industrial impacts on the **SPRI** will help to reduce adverse impacts to our land, sediments, fish, turtles, and native grasses used for craft production. Our goal is to once again occupy the islands and return them to productive use. **SPRI** abuts the former LP&T mill which has been designated an Opportunity Zone. The Town of Lincoln and PIN have discussed opportunities that would provide the **SPRI** with mainland access utilizing the Town of Lincoln's Opportunity Zone. Outcomes and benefits for SPRI are:

- Reinstitute youth development programs and camp experience that advance tribal culture;
- Employment and revenue opportunities in cultural and eco-tourism development; and
- Expansion of viable recreation activities – camping, hunting, fishing, and gathering.

PIN has a Strategic Energy Plan Mission which seeks to reduce energy usage and costs. The aim is to also develop energy resources on tribal lands that create jobs and revenue for the Tribe. This will enhance economic development and tribal energy self-sufficiency.

1.c. Strategy for Leveraging Resources 1.c.i Resources needed for Site Reuse Obtaining necessary information for the SBH building will assist us in applying to the Bureau of Indian Affairs for corrective action funding and allow us to seek additional funding from HUNT CAPITAL PARTNERS, LLC and Hunt Capital Partners Tax Credit Fund to borrow the funds necessary to complete any further cleanup and building improvements.

The **SPRI** receives a variety of upstream industrial pollutant discharges leaving us to question the ecological health and water quality of the river and how this may affect the practices that



sustain our way of life. PIN is currently collaborating with the Town of Lincoln, a recent Brownfield Assessment grant recipient for LP&T site, to investigate soil and groundwater contaminants associated with their side of the LP&T effluent outfalls. Our efforts to assess our islands and sediments can be synchronized with their efforts to evaluate the LP&T side of the river. This would provide a fine collaborative effort and give the first clear understanding of the impacts of over 130 years of discharge to our lands. Demonstrating what we believe to be excessive impacts to the **SPRI** will allow us leverage to request funding from the Maine Department of Environmental Protection (MEDEP) to perform cleanup and additional monitoring through their Dioxin Monitoring Program. The goal of sampling and analysis and potential cleanup is to modify the fish consumption advisory to a quantity reflective of the habits of the tribe and reduce the hardships that correspond with limited fishery consumption. PIN and Eastern Maine Development Corporation (EMDC), another Brownfields grant recipient, have worked together to assess 5 Brownfields sites. EMDC will assist us in obtaining funding to support infrastructure, transportation planning, and workforce training.

1.c.ii Use of Existing Infrastructure The **SBP** building is serviced by public water, public waste water treatment, #2 fuel oil underground storage tank, overhead electrical, and a propane tank fuels the commercial grade stoves. We will utilize all existing infrastructure and evaluate if more energy efficient methods may be applied at the site. The **SPRI** have no existing infrastructure other than the camp buildings which will need to be upgraded. We will reuse all salvageable components of the camp structures. No utilities are being considered for the Islands; however, a formal boat landing on one of the larger islands may be considered.

2. COMMUNITY NEED AND COMMUNITY ENGAGEMENT 2.a. Community Need 2.a.i The Community's Need for Funding PIN is a small rural tribe with limited financial resources. We have very little income with an average median household income of \$19,375 which is less than half the national average. According to Niche, PIN's median individual income is \$11,016. In 2016, twice the percentage of older American Indians lived below poverty (18.8%) as compared to all older Americans (9.3%). Prior to the COVID-19 pandemic, unemployment was over 14% which was more than double the national rate. Since the pandemic, PIN has closed the reservation to outsiders and very few essential personnel are actively working. PIN currently has a number of financial commitments that further limit financial resources to conduct assessments. Examples include: the renewable energy Alder Stream Wind Power Project; renovations to the public safety building; and improvements to the water district's existing infrastructure.

Our financial resources are used to attempt to fulfill essential services critical to tribal affairs. Often, critical needs are not fully met using our funding. We have no additional resources to invest in environmental investigations. Our 128 (a) Brownfields grant is used to fund our program, complete the four elements of the Tribal Response Grant, and to assist in any potential cleanup tasks. This grant will allow us to obtain the data necessary to redevelop **SBP** and determine the environmental and health impacts to the **SPRI**. Generating data to evaluate the **SPRI** is extremely important to our tribe. We have avoided the islands for decades and many tribal members are wary of the risks to reoccupy those islands and return to harvesting the natural resources that abound on its banks and waters.



2.a.ii Threats to Sensitive Populations 2.a.ii (1) Health or Welfare of Sensitive Populations

Our tribal members, as a minority group, are considered a sensitive population and within our minority are the more susceptible elderly, disabled, pregnant women, children, and low-income families compounding potential impacts to our population. The assessment and subsequent clean-up of Brownfields sites is imperative for the health and welfare of these sensitive populations and the general tribal population. Without this funding there can be no cleanup or even the knowledge of what and who is at risk. We need the funding to educate ourselves so that we can minimize risk to **all** our tribal community.

The Agency for Toxic Substances and Disease Registry (ATSDR) conducted a four-year study to evaluate the environmental health of the riverine system by targeting specific cultural practices and using traditional science to conduct a preliminary contaminant screening of the flora and fauna of the Penobscot River ecosystem. The study recommended that PIN members reduce their consumption of fish and snapping turtle caught in the Penobscot River to decrease our exposure to potentially harmful methyl mercury, as well as dioxins/furans and dioxin-like PCBs. The impact of this condition is detrimental for tribal members health and our economy. The reduction to one serving per month of specific aquatic species, obtained freely from the river, requires replacement with costly store-bought groceries. According to the Maine Freshwater Fish Safe Eating Guidelines: Pregnant and nursing women, women who may get pregnant, and children under age 8 should not eat any freshwater fish from Maine's inland waters. The PIN cultural livelihood continues to suffer as each generation is further deprived of their entitlement to fish and turtles and utilization of the natural resources of the river.

Improving the water quality of the Penobscot River will also improve the quality of the fauna and flora ecosystems associated with the Penobscot River that enhances our dietary needs and restores the native vegetation. Fish is a low-fat high-quality protein filled with omega-3 fatty acids and vitamins such as D and B2. Fish is known to lowers risk of heart disease, cancer, stroke, and helps lower cholesterol and blood pressure. Low cost groceries do not compensate for the loss of fish in our diet. Cleaning up the river will relegate the current fish advisory.

2.a.ii(2) Greater Than Normal Incidences of Disease and Adverse Health Conditions

Health Concerns	Tribe*	Penobscot	Maine	USA
Diabetes (Adult) ¹	7.9%	10.7%	8.7%	8.7%
Obesity (Adult) ¹	24% Children only	34.2%	27.7%	27.8%
All Cancer Death Rate per 100,000	6.5% (28 incidences)	0.53% 537.2 ¹	0.18% 186.3 ¹	0.17% 176.4 ²
* - Health Center Statistics for Tribe Members residing on Indian Island reservation ¹ - Compare Maine Health (2012), ² -National Cancer Institute, Surveillance, Epidemiology, & End Results (SEER) Program				

Tribal health statistics are limited to those 426 members residing on Indian Island Reservation. Therefore, the statistics represent only 20% of the PIN population. Demographics for Penobscot County as a whole indicate obesity and diabetes percentages much higher than the state and national averages. It is important to point out the increased cancer mortality rates for Penobscot County which are over double the state and federal range. **Our cancer mortality rates are equivalent to 6,500 people per 100,000.** We attribute much of it to our exposure to over 200



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years of industrial pollution within the river that surrounds our reservation. We, however, cannot ignore our own potential contributions and this grant will allow us to become knowledgeable of the human health and environmental risks posed by building materials and fuel at the **SBP** and through sediments, biota, surface water, and soils at the **SPRI**. Once we generate and evaluate the data, we can take precautions to protect ourselves until remediation can be completed.

2.a.ii(3) Disproportionately Impacted Population Our entire population is affected by environmental justice issues. The pandemic has highlighted the significant health risks for Native American Indian people because they face large underlying health disparities. Native American Indians have disproportionately high rates of many health conditions that may put them at higher risk for serious illness if they contract Covid-19. The Center for Disease Control's (CDC's) identified health risk factors finds that 34% of Native American Indian non-elderly adults are at risk of serious illness compared to 21% of White non-elderly adults. Native American adults are more than three times as likely to have diabetes compared with the U.S. population, and are 30% more likely to have asthma. Since we suffer from low-income and poor education we are less likely to know about potential the impacts of exposure to Brownfields contaminants. This may be a factor in our extremely high cancer rates. Tribe members consuming more fish than recommended are at high risk of toxic impacts. This grant will help our people by identifying risks to human health and the environment and then once identified using our outreach to inform all tribal members of those risks. We will post signs and ensure that members know what to look for and areas to avoid. We will then use the data to affect cleanup which will further decrease our exposure to harmful contaminants.

2.b. Community Engagement 2.b.i Project Involvement and 2.b.ii Project Roles

Partner Name	Name, E-mail, Phone #	Specific Role in Project
Ruth Attean Davis Health Center	Candy Henderly, Health Director, NA, 207-817-7440	Enhance awareness and respond to health issues. The center will provide health statistics specific to Tribal members and continue to monitor trends of any incidences of health conditions.
Town of Lincoln	Jay Hardy Jay.Hardy@lincolnmaine.org 207-233-8961	Collaborate in the assessment of the river near the former LP&P Mill and granting land access to SPRI.
Four Directions Development Corporation (FDDC)	Susan Hammond, Executive Director, shammond@fourdirectionsmaine.org , 207-866-6545	FDDC is a tribally owned non-profit community development corporation and financial institution. Services provide economic development, assist in financing, and promote business attraction and expansion opportunities.
EMDC	Michael Ludwig mludwig@emdc.org 207-942-6389	Business recruitment and outreach communication, grant application support

The goal of the PIN Health Department is to provide readily available comprehensive, quality care to tribal members. They will advise members in primary exposure prevention and wellness programs for at-risk groups to the SPRI and SBP sites.



2.b.iii Incorporating Community Input Covid-19 will alter our traditional community outreach. Meetings and other in-person interactions shall be adjusted per on-going and current State guidelines as well as tribal enforced restrictions. As a result, our outreach efforts may take on more of a paper mail distribution and reliance on electronic media. Tribal outreach efforts will be conducted at the announcement of the award and during each phase. They will include web and social media site updates by PIN, public access TV coverage, local public meeting advertisements, neighborhood surveys in combination with program/site information flyers, and newsletter press releases. Tribal media includes the DNR Newsletter, community flyer, and the PIN Website. Notice of all the public meetings will be placed in tribal offices and regional newspapers. Invited public comments are welcome at all public meetings or can be sent directly to PIN via website, direct e-mail, regular mail, or telephone conversation. The Tribal Government Offices will serve as the information repository for all hard copy program related documents.

We shall provide a process for verbal and written comments to be submitted from interested parties. Access to all documents and planned activities will be announced at meetings, through mailings, and via the website. Our plan shall demonstrate a commitment to open, two-way communication with the tribal members. Questions generated from community members will be answered and posted on our website and for those not using electronic media will be written and mailed to the respective tribal member. A system will be instituted that protects the identity and privacy of individuals who participate in the process.

3. TASK DESCRIPTIONS, COST ESTIMATES, AND MEASURING PROGRESS 3.a.

Description of Tasks/Activities and Outputs 3.a.i Project Implementation ii Anticipated Project Schedule, iii Task/Activity Lead, iv Outputs. Through our 128 (a) Brownfields grant, we have already completed a site inventory and community outreach tasks. Therefore, the majority of the costs will be devoted to conducting Phase I and Phase II ESAs, preparing Quality Assurance Project Plans (QAPP), and Clean-up and reuse planning. After the assessments and cleanup plans are complete, we will devote funding from our 128 (a) grant to complete limited cleanups. If more cleanup money is needed, we will apply for 104 (k) Brownfields Cleanup funding and or apply to the State of Maine's 128 (a) cleanup program and their uncontrolled sites program. We will also seek funding from any State Brownfields Revolving Loan Fund grants. PIN anticipates that if awarded the grant, the **SBP** should be redeveloped and the **SPRI** area evaluated for cleanup, soon following the end of the grant cycle and all assessment grant tasks will be completed by the end of the third year. The activities are outlined below:

Task Activity: <u>Cooperative Agreement Oversight</u>
Project Implementation: Developing the Request for Proposals, advertising, and evaluating, ranking, and hiring a QEP. Oversight by the DNR will include engagement in Brownfields education meetings, attending conferences, and tracking and reporting the status of the Brownfields program with quarterly reports to EPA. We will provide updates to EPA's Assessment, Cleanup, and Redevelopment Exchange (ACRES) database, data for quarterly progress, and Fair Share reports.
Anticipated Schedule: Initially and on-going throughout program
Task Activity Lead: Sean O'Brien



Outputs: bid documents, attendance at a pre-award meeting, preparation of quarterly, final, and M/WBE reporting; QEP procurement; and managing the ACRES database.
Task Activity <u>Community Engagement</u>
Project Implementation: Public participation is expected to include promoting the program, receiving input, and announcing completion and successes of each site. Public meetings will be held to discuss findings of each of the project phases including the site selection process, and Phase I and Phase II investigation results.
Anticipated Schedule: Initially and on-going throughout program
Task Activity Lead: Sean O'Brien and QEP
Outputs: 6 DNR meetings, 6 public educational meetings, and one public outreach publication.
Task Activity <u>Phase I & II Assessment Activities</u>
Project Implementation conduct Phase I and Phase II ESAs in accordance with current American Society of Testing Materials (ASTM) standards as well as the EPA All Appropriate Inquiry rule. Prior to conducting a Phase II ESA, a QAPP and HASP will be prepared for the purpose of collecting defensible data and providing personal protection from potential contaminants.
Anticipated Schedule: Year 1: 4 Phase I ESAs and 4 QAPP & Phase II ESAs; Year 2: 3 Phase I ESAs and 2 QAPPs & Phase II ESAs; Year 3: 1 Phase II ESA
Task Activity Lead: Sean O'Brien and QEP
Outputs: 8 Phase I ESAs and 6 QAPPs, and 6 Phase II ESAs.
Task Activity <u>Site Reuse and Cleanup Planning</u>
Project Implementation If warranted, a Remedial Action Plan and an Analysis of Brownfields Cleanup Alternatives (ABCA) will be prepared for the purpose of designing appropriate mitigation measures. If sites are located on Fee lands, they will be enrolled in the MEDEP Voluntary Remedial Action Program (VRAP). These plans shall take into consideration redevelopment scenarios, cleanup goals based on MEDEP guidelines, and input from appropriate parties.
Anticipated Schedule: September 2023: 1 VRAP, ABCA, and reuse plan; August 2024: 2 VRAP, ABCA, and reuse plans
Task Activity Lead: Sean O'Brien and QEP
Outputs: public meetings, 2 VRAP applications, 2 ABCA and 2 reuse documents, and public comment response documents.

3.b Cost Estimates For all tasks, Indirect costs (IC) are calculated as 49.28% of Personnel costs.

Task 1-Cooperative Agreement Oversight: Personnel time of 300 hours x \$22/hour=(\$6,600), travel (air fare and taxi \$1,000) and lodging and per diem (\$1,500) for one staff member to attend the EPA Brownfields Conference, DNR members and town officials who volunteer time, equipment, or other eligible services will be considered in-kind services. IC-\$6,600 x 0.4928=\$3,252

Task 2-Community Engagement: Personnel time of 108 hours x \$22/hour (\$2,376), contractual time at 80 hours x \$95/hour (\$7,600), and \$475 for supplies. IC-\$2,376 x 0.4928=\$1,171

Task 3-Phase I & Phase II Assessments: The budget is based on personnel time of 400 hours x \$22/hour (\$8,800), travel around the state to the various land parcels for site-work 1500 miles



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@\$0.58/mile = (\$870); (\$200) for supplies, and contractual time for Phase I: 8 sites x \$5,000 per site (\$40,000) and Phase II: 6 Sites x \$34,000 per Site includes QAPP and Health and Safety Plan (\$204,000) IC-\$8,800 x 0.4928=\$4,337

Task 4-Cleanup Planning & Area-Wide Planning/Reuse Planning: The budget is based on personnel time of 80 hours x \$22/hour (\$1,760) and contractual time of (\$3,200 each) for 3 VRAP, ABCA and Reuse documents for 2 sites (6 documents total). IC-\$1,760 x 0.4928=\$868

Budget Categories	Task 1 Cooperative Agreement	Task 2 Community Engagement	Task 3 Phase I (6) Phase II (3)	Task 4 Cleanup Planning	Total Cost
Personnel	\$6,600	\$2,376	\$8,800	\$1,760	\$19,536
Fringe	\$2,970	\$1,069	\$3,960	\$792	\$8,791
Travel	\$2,500	\$0	\$870	\$0	\$3,370
Equipment	\$0	\$0	\$0	\$0	\$0
Supplies	\$0	\$475	\$200	\$0	\$675
Contractual	\$0	\$7,600	\$244,000	\$6,400	\$258,000
Total Direct	\$12,070	\$11,520	\$257,830	\$8,952	\$290,372
Indirect Cost	\$3,252	\$1,171	\$4,337	\$868	\$9,628
Total	\$15,322	\$12,691	\$262,167	\$9,820	300,000

3.c. Measuring Environmental Results PIN will track and measure progress through an Excel calendar spreadsheet that includes all pertinent milestones, site information, deliverable schedules, meeting dates, budgets, and accomplishments within the three-year time frame. We will also be evaluating progress through ACRES updates and quarterly reporting and making any necessary corrections to stay on track.

4. PROGRAMMATIC CAPABILITIES AND PAST PERFORMANCE
4.a. Programmatic Capability
4.a.i Organizational Structure and 4.a.ii Description of Key Staff Sean O'Brien is the Tribal Response Program Coordinator. His primary responsibilities include but are not limited to coordinating Brownfields projects on Tribal lands, including providing technical assistance, project management of federal grant funds, and reporting to the grant agency. He has a B.S. in Physics and a M.S. in Civil Engineering, both from the University of Maine. Since his hire two years ago, he has been working cooperatively with all departments within the DNR, the Tribal Administration, as well as applicable local, state and federal agencies. Since his arrival, he has successfully closed out two previously open 128 (a) grants and a prior 104 (k) grant. He will soon close out two more past 128 (a) grants. As Mr. O'Brien continues to work towards becoming a QEP, he has worked with a QEP to assist with four Phase I ESAs, three Phase II ESAs and remedial work on two sites.

DNR has experienced personnel who will be able to continue supporting the program with little to no disruptions. PIN is fully capable of bidding and executing contracts for needed services and complies with EPA procurement guidelines with the assistance of Diana Love, of the Grants and Contracts Department, and Andrew Dana, of the Finance Department. Mr. John Banks will assist Sean O'Brien, throughout the program's duration. Mr. Banks is PIN's Director of the DNR who



Penobscot Indian Nation, Department of Natural Resources

has experience in tribal, state, federal and other non-tribal agencies for mutual benefit while maintaining a focus on strengthening our relationships with the natural world. For the work he has done in developing and administering the DNR for PIN, as well as many other feats including his essential role in the Penobscot River Restoration Trust and the work done to restore fish passage and the health of the Penobscot River, Mr. Banks was recently recognized with an EPA Lifetime Achievement Award.

4.a.iii Acquiring Additional Resources PIN has received 128 (a) Brownfields grant funding yearly since 2010 and anticipates continued funding. PIN has the option of applying to the State MEDEP 128 (a) program for assessment and clean-up funds. Other sources of leverage funding include the Housing Authority and Community Development Block Grants and any existing Maine Brownfields revolving loan fund grants. PIN has previously partnered with another Brownfields grantee (EMDC) to collaborate on Brownfields assessments. We have worked together on five Brownfields Sites. We have also discussed collaboration with a recent Brownfield Site-Specific grantee, the Town of Lincoln. They were awarded a grant during the last cycle to assess the LP&T site which abuts our reservation land. We anticipate they will assess soil and groundwater impacts from the paper mill outfalls on their side of the river and, if awarded this grant, we will assess the sediments, soil, and groundwater on our side of the river.

Potential federal funding includes USDA's Rural Business Enterprise Grants, Rural Business Opportunity Grants, Rural Community Development Grants, the Business and Industry Guaranteed Loan Program, the Department of Interior's Land and Water Conservation Fund, Bureau of Indian Affairs, the Federal Highway Fund's Recreation Trails Program and the National Park Service's River, Indian Health Services, Department of Justice, Administration of Native Americans, Housing and Urban Development, and Maine Department of Environmental Protection. The sites along the Penobscot River could potentially receive support from the Fish and Wildlife Service and the MEDEP.

4.b Past Performance and Accomplishments 4.b.i Currently has or Previously Received an EPA Brownfields Grant 4.b.i(1) Accomplishments

PIN has received annual funding under a 128a brownfields grant since 2010. We have used our 128 (a) Tribal Response Grant to work toward achieving the goals of developing and implementing: inventory of brownfields sites; developing the oversight and enforcement authorities to protect human health and the environment; providing meaningful opportunities for public participation; and developing a cleanup plan and verification and certification that cleanup is complete. Our site accomplishments include hiring a QEP, conducting Phase I and II ESAs on 8 sites and performed cleanups on four sites. We have also drafted an additional cleanup plan for one site and are in the process of completing a cleanup verification document on another site. Our QEP is helping us build tribal capacity by training us on performing particular field investigation techniques.

4.b.i(2) Compliance with Grant Requirements All work has been in compliance with our work plan, schedule and terms and conditions of our cooperative agreements. PIN fully complied with its reporting requirements including quarterly and financial status reports, WBE/MBE documentation, and the timely updating of the ACRES data base. Under our current grant we have met expected results within the grant period. Under our previous 104 (k) Assessment Grant we expended all available funds.



APPENDIX 1

DOCUMENTATION OF APPLICANT ELIGIBILITY



Penobscot Indian Nation, Department of Natural Resources

Community-Wide Brownfield Assessment Grant Proposal, Penobscot Indian Nation

APPLICANT ELIGIBILITY

Site Eligibility (Site-Specific Proposals Only)

N/A: This is a Community-Wide proposal and not a Site Specific Proposal.

Threshold Criteria for Assessment Grants

1. Applicant Eligibility:

The Penobscot Indian Nation is a federally recognized Native American Tribe

2. Letter from the State or Tribal Environmental Authority:

A letter from the Penobscot Indian Nation Office of Chief and Council has been attached as Appendix 2.

3. Community Involvement:

Upon receiving the award, PIN will notify the local and regional newspapers, cable access television operators, and partners.

As the program progresses, outreach efforts on each phase will include web and social media site updates by PIN, public access TV coverage, local public meeting advertisements, neighborhood surveys in combination with program/site information flyers, newspaper press releases, respective Town e-newsletters. Tribal media includes the DNR Newsletter, community flyer, and the PIN Website. Notice of all the public hearings will be placed in tribal offices and regional newspapers. Invited public comments can be sent directly to PIN via website, direct e-mail, regular mail, or telephone conversation. The Tribal Government Offices will serve as the information repository for all hard copy program related documents.

Other outreach activities will be to market the properties to prospective developers through videos, brochures, and information through PIN, and town websites, as appropriate. Our Health Center will identify low income, pregnant women and the elderly. PIN will be conscientious of sensitive populations and will conduct door to door surveys, if warranted.

PIN will involve students at the Indian Island School through workshops and preparation of presentation media. Student involvement will result in more interest from the general public and will help broaden student horizons on environmental and community issues.

If a translator is needed, we will provide one.

4. Site Eligibility and Property Ownership Eligibility (Site Specific Proposals Only)

N/A: This is a Community Wide proposal and not a Site Specific Proposal.



APPENDIX 2

SUPPORT LETTER FROM THE PENOBSCOT INDIAN NATION GOVERNMENT COUNCIL

Office of the Chief and Council

Kirk E. Francis
Chief

Mark Sockbeson
Vice-Chief

Maulian Dana
Tribal Ambassador



Penobscot Nation
12 Wabanaki Way
Indian Island, Maine 04468
(207) 817-7349

FAX (207) 827-6042

October 27, 2020

Ms. Dorrie Paar
EPA Region 1
5 Post Office Square
Suite 100
Boston, MA 02109-3912

Dear Ms. Paar:

The Penobscot Nation Tribal Government acknowledges that we, the Penobscot Nation, are applying for financial assistance under the FY 20 Guidelines for Brownfield Assessment Grants to conduct Tribal Community-Wide Assessments of Tribal Reservation, Trust, and Fee Lands.

The Brownfields Program serves the Nation as a resource for identifying, assessing, and when appropriate, cleaning up contaminated sites. The Nation is pleased to use this opportunity to seek additional funding to enhance our Brownfields program, which began in 2010 through our 128 (a) Brownfields Tribal Response Grant, to better serve, protect, and revitalize our community.

Please feel free to contact me at (207) 817-7349 if you have any questions.

Sincerely,

Kirk Francis, Chief
Penobscot Nation

Application for Federal Assistance SF-424

* 1. Type of Submission:

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

* 2. Type of Application:

- ☒ New
☐ Continuation
☐ Revision

* If Revision, select appropriate letter(s):

* Other (Specify):

* 3. Date Received:

10/28/2020

4. Applicant Identifier:

5a. Federal Entity Identifier:

5b. Federal Award Identifier:

State Use Only:

6. Date Received by State:

7. State Application Identifier:

8. APPLICANT INFORMATION:

* a. Legal Name:

Penobscot Indian Nation

* b. Employer/Taxpayer Identification Number (EIN/TIN):

* c. Organizational DUNS:

0377175920000

d. Address:

* Street1:

12 Wabanaki Way

Street2:

* City:

Indian Township

County/Parish:

Penobscot

* State:

ME: Maine

Province:

* Country:

USA: UNITED STATES

* Zip / Postal Code:

04468-1254

e. Organizational Unit:

Department Name:

Department of Natural Resource

Division Name:

f. Name and contact information of person to be contacted on matters involving this application:

Prefix:

Mr.

* First Name:

Sean

Middle Name:

* Last Name:

O'Brien

Suffix:

Title:

Brownfields Coordinator

Organizational Affiliation:

* Telephone Number:

207-217-1344

Fax Number:

* Email:

sean.obrien@penobscotnation.org

Application for Federal Assistance SF-424

* 9. Type of Applicant 1: Select Applicant Type:

I: Indian/Native American Tribal Government (Federally Recognized)

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

* 10. Name of Federal Agency:

Environmental Protection Agency

11. Catalog of Federal Domestic Assistance Number:

66.818

CFDA Title:

Brownfields Assessment and Cleanup Cooperative Agreements

* 12. Funding Opportunity Number:

EPA-OLEM-OBLR-20-06

* Title:

FY21 GUIDELINES FOR BROWNFIELD ASSESSMENT GRANTS

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

* 15. Descriptive Title of Applicant's Project:

Penobscot Indian Nation Brownfields Assessment Sockalexis and Six Islands

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:**

* a. Applicant ME002

* b. Program/Project ME002

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:

* a. Start Date: 10/01/2021

* b. End Date: 09/30/2024

18. Estimated Funding (\$):

* a. Federal	300,000.00
* b. Applicant	0.00
* c. State	0.00
* d. Local	0.00
* e. Other	0.00
* f. Program Income	0.00
* g. TOTAL	300,000.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☒ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr. * First Name: Kirk

Middle Name:

* Last Name: Francis

Suffix:

* Title: Chief

* Telephone Number: 2078177350 Fax Number:

* Email: kfrancis@penobscotnation.org

* Signature of Authorized Representative: Christopher M Shrum * Date Signed: 10/28/2020