Overview of the Updated Tribal Partnership Program Guidance
28 March 2024
Q&A Summary

This webinar provided an overview of the recently issued
[Engineering Pamphlet (EP) 1105-2-64, Tribal Partnership](#)
[Program](#). Presenters Quana Higgins (Acting Assistant for Tribal
and Regulatory Affairs, Assistant Secretary of the Army for Civil
Works) and Jason Norris (Economics Reviewer, HQUSACE
Office of Water Project Review) provided an overview of the
Tribal Partnership Program (TPP) authority, how USACE can
support partners through the TPP, and what planners should
know about the new TPP guidance.

This summary of the Question/Answer session of the webinar is not a transcription; questions and responses have been edited and reordered for clarity.

For additional information and resources:
- *[How to Plan a Water Resources Project With the US Army Corps of Engineers: A Guide for Tribal Governments (3rd edition)](#)*
- *[Planning Community Toolbox Tribal Liaisons page](#)*

Clarifying EP 1105-2-64 Requirements

When EP 1105-2-64 states "Primarily within Indian Country..." what are the bounds of "primarily"?
The extent of "primarily within" is intentionally undefined. This allows teams to use their discretion in executing a project that benefits Tribal Nations. There will be projects where work needs to be done outside of Indian country in order to benefit a Tribe, such as dam building. A strict definition would hamper the scope of what a team is able to do.

When are or Chief's Reports appropriate for the feasibility phase of a non-traditional TPP project?
A Chief's Report is required when Congressional authorization is needed (i.e., for a project above $26M).

Will non-traditional projects require non-standard [Project Partnership Agreements (PPAs)](#) or will a model be developed?
Yes, non-traditional projects require non-standard PPAs. Teams should coordinate with their Regional Integration Team (RIT) and the HQ Agreements Team to get other models developed, as needed.

TPP and Other USACE Authorities and Programs

Is there guidance on how the TPP interacts with or can leverage other technical assistance programs, such as Planning Assistance to States (PAS)?
In some cases, PAS would be a better program to use than the TPP since Tribes fall under [the Sec 160 WRDA 2020 definition of Economically Disadvantaged Communities](#) and would therefore qualify for a 100% federally funded PAS study. Teams should evaluate each program to determine how it could benefit Tribal communities, and reach out to Lacey Thomason (PAS Support Detail) or Meredith Bridgers (Acting National Program Manager) with project-specific questions.

Can the TPP fund Formerly Used Defense Site (FUDS) projects or Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) projects?
TPP does not fund FUDS or CERCLA projects. TPP projects are also not intended for the development of mitigation resources identified during the planning, design, and/or construction of another construction project in the Civil Works program.

While the guidance in EP 1105-2-64 suggests doing a Feasibility Cost Sharing Agreement (FCSA) before a Federal Interest Determination (FID), are there any reasons a team should consider conducting an FID first?
If it is unclear whether a project fits appropriately under the TPP, an FID should be completed before pursuing an FCSA with the project partner. However, both the FID and the FCSA execution must be completed with the first $50,000 allocation of Federal funds.

Section 10-2 of EP 1105-2-64, "Design deficiency corrections for completed projects states: "In the case of design deficiencies, districts should follow the requirements identified in Engineer Regulation 1165-2-119 [Modifications to Completed Projects]." Can you confirm that the TPP falls under these requirements, like the Continuing Authorities Program (a non-specifically authorized program similar to the TPP) does?
Projects constructed under the TPP would fall under the design deficiency policy.

USACE Tribal and TPP Resources

When will the HQUSACE Tribal Nations webpage be updated?
HQUSACE is updating the HQUSACE Tribal Nations page to provide accurate and timely information to our external tribal partners. HQUSACE is also working with the Tribal Technical Center of Expertise to update resources and guides for Tribal Liaisons and other USACE staff who work with Tribes and TPP. As of now, EP 1105-2-64 and other relevant materials can be found on Tribal Liaison page on the Planning Toolbox.

Is the TPP Database managed by USACE or ASA(CW)?
The TPP database is managed by USACE. Amy Babey, in coordination with the TPP program managers at the MSCs, oversees updating the information. The National Programs Branch will be developing a new TPP database in FY25 once the conversion to the new cloud environment is complete.