



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
441 G STREET, NW  
WASHINGTON, DC 20314-1000

CECW-CO

29 January 2024

MEMORANDUM FOR PLANNING COMMUNITY OF PRACTICE

SUBJECT: Economic Guidance Memorandum 24-04, Tribal Partnership Program  
Reduced Cost Share Eligibility Criteria (Ability to Pay)

1. References:

- a. Sections 101 and 103 of WRDA 1986, (Public Law 99-662), 17 November 1986
- b. Sections 202 and 203 of WRDA 2000, (Public Law 106-541), 11 December 2000
- c. Sections 2010 and 2011 of WRDA 2007, (Public Law 110-114), 8 November 2007
- d. Section 1031(a) of the Water Resources Reform and Development Act (WRRDA) of 2014, (Public Law 113-121), 20 June 2014
- e. Section 1121 of the Water Resources Development Act (WRDA) of 2016, (Public Law 115-322), 16 December 2016
- f. Alaska Native Claims Settlement Act Amendments of 1987 (Public Law 100-241)
- g. Federally Recognized Indian Tribe List Act (Public Law 103-454)
- h. Engineer Regulation (ER) 1105-2-100
- i. ER 1105-2-103
- j. MEMORANDUM FOR SEE DISTRIBUTION, SUBJECT: Maximum Federal Cost for Tribal Partnership Program (TPP) Studies, 15 June 2023
- k. MEMORANDUM FOR HEADS OF FEDERAL DEPARTMENTS AND AGENCIES, SUBJECT: Guidance for Federal Departments and Agencies on Indigenous Knowledge, 30 November 2023

2. Background: Reference 1.b. determined that the following activities are eligible for a reduction in Tribal cost share under the Tribal "Ability to Pay" (ATP) provision:

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- a. Watershed Assessments,
  - b. Non-feasibility planning activities (including letter reports without specific recommendations),
  - c. Feasibility studies for the construction of water resources development projects or projects for the preservation of cultural and natural resources, and
  - d. Design and construction of water resources development projects or projects for the preservation of cultural and natural resources
3. Eligibility Determination: In accordance with existing administration policies for partnering with Federally-recognized Tribes, when conducting activities under the authority granted by Reference 1.b., as amended by References 1.c., 1.d., and 1.e. the per capita income consideration required by the Implementation Guidance for Reference 1.e. is rescinded. All non-Federal sponsors established under, recognized by, or otherwise included in References 1.f. and 1.g. are eligible for a reduction in non-Federal cost based on ATP.
4. Procedures: The standard cost sharing percentages should first be determined in accordance with References 1.a., 1.h., and 1.i.
- a. For watershed assessments, non-feasibility planning activities, or letter reports without specific recommendations, the non-Federal share shall be reduced to 10 percent of shared agreement costs.
  - b. For feasibility studies, design, and construction, all cost share waivers and cost share adjustments to which the non-Federal sponsor is entitled will be subject to the procedures described in Reference 1.j. The remaining Tribal cost share after application of any waivers and/or adjustments will be divided by 4. This will be the Tribal cost share.
5. Credit shall be afforded toward the required Tribal share of the study, design, or construction costs, for the costs of services, studies, supplies, or other in-kind contributions provided by the non-Federal sponsor, to include that associated with Indigenous Knowledge as per Reference 1.k. Agreements already entered into pursuant to Reference 1.b. may be amended to incorporate an adjustment based on this updated ATP provision. Any amendments will only affect Federal financial obligations not yet incurred as of 10 June 2014.
6. The enclosed information is provided for immediate use. Questions related to this memorandum should be addressed to Mr. Jason Norris, CECW-PC, at [Jason.M.Norris@usace.army.mil](mailto:Jason.M.Norris@usace.army.mil) or by telephone at (202) 669-1847

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