

LESSONS LEARNED: TRIBAL PARTNERSHIP PROGRAM CLEAR CREEK ECOSYSTEM RESTORATION STUDY

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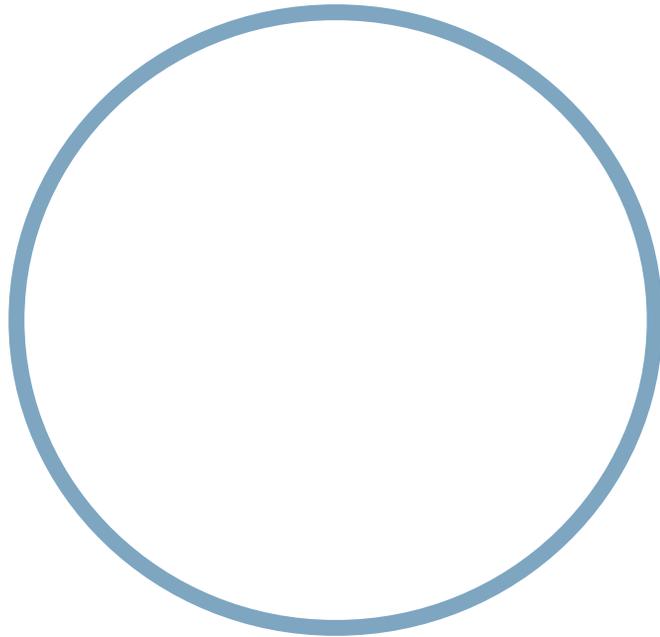


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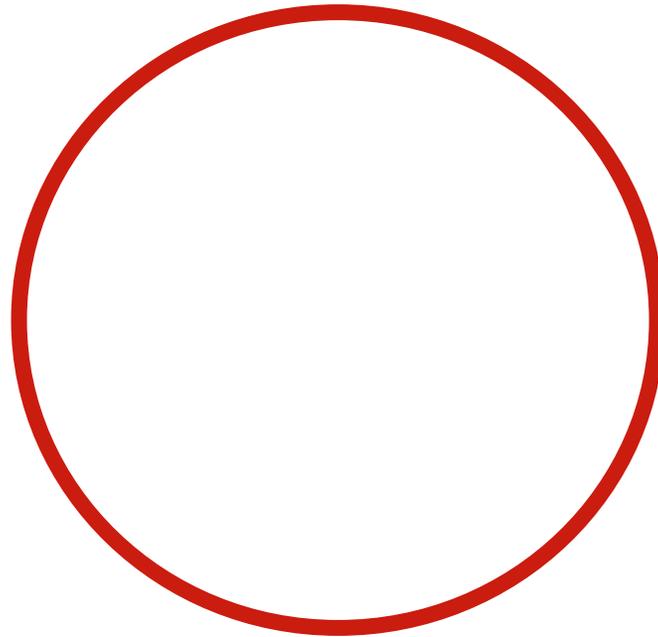


LET'S TALK TRIBAL PARTNERSHIP PROGRAM!

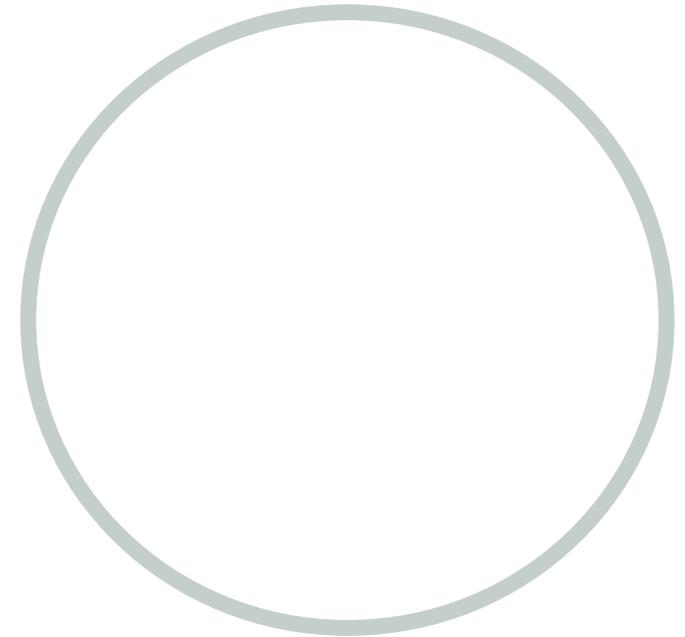
Huh!?



I've heard of it and have a little experience.



Ask me anything!



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SPD PROGRAMMATIC OVERVIEW

- **Corps Authority:** Section 203 of the Water Resources Development Act (WRDA) 2000, as amended.
- **Opportunity:** A Tribal Government and the Corps can address water resource issues, environmental restoration, and preservation of cultural and natural resources on Tribal lands.
- **Cost Share:**
 - ✓ Watershed Assessment: 25% Tribe / 75% Corps
 - ✓ Feasibility Study: 50% Tribe / 50% Corps
 - \$511,000 cost share waiver
- **Design and implementation** phase added to Tribal Partnership Program
 - ✓ Federal cost < \$18.5 Million approved by MSC
 - ✓ \$511,000 cost share waiver
- **Ability to Pay** provision applies to design and construction as well as to studies, watershed assessments, and planning activities carried out under the Program

SPD TPP



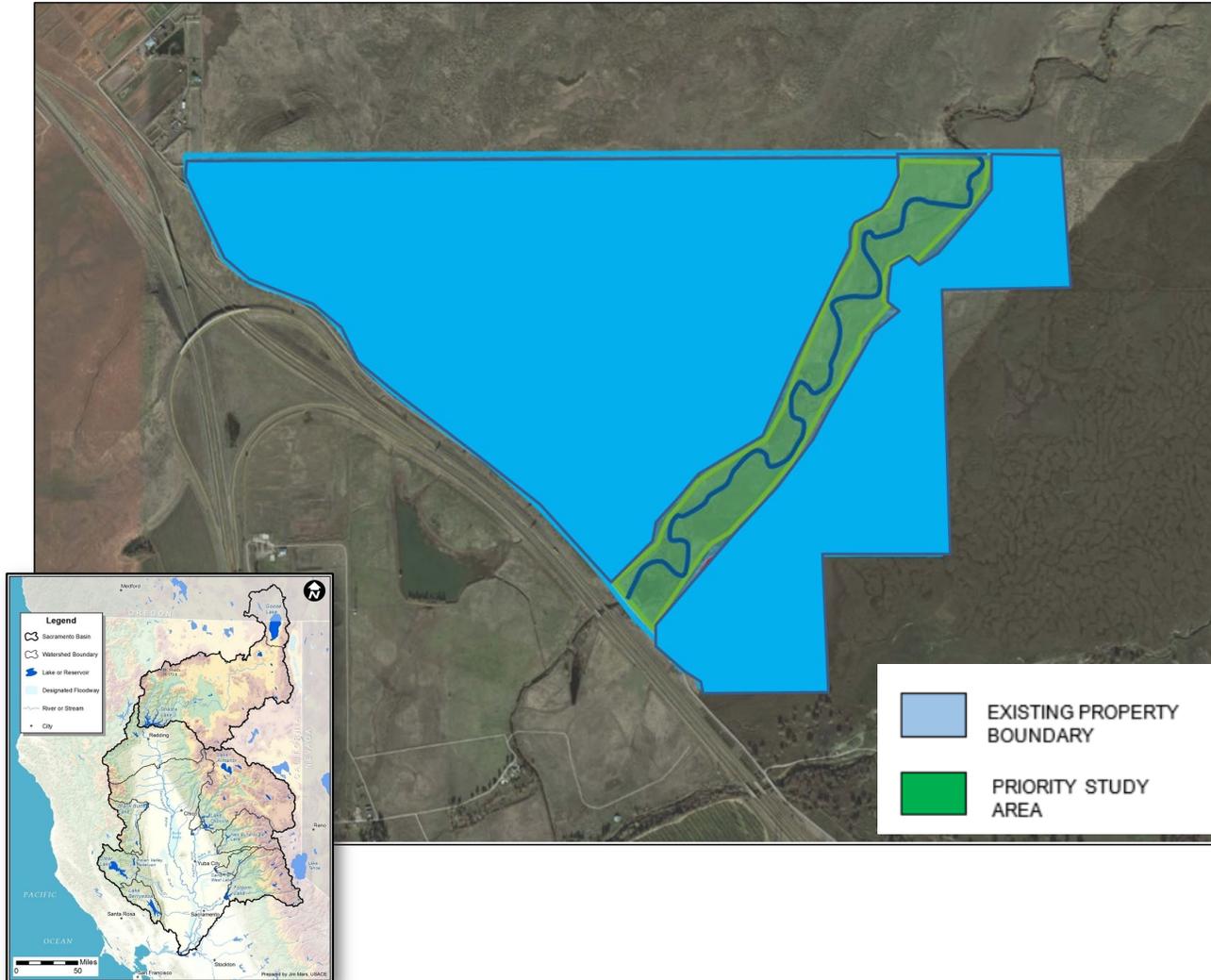
6 watershed studies
+1 feasibility study



1 National Planning Award for the Santa Clara Pueblo watershed study



BACKGROUND



- **Study Area:**
 - Near Chico, CA along a reach of Clear Creek
 - Reacquired ancestral lands, degraded from decades of agricultural, grazing, mining, invasive plants
- **Study Authority:** Section 203 of Water Resources Development Act of 2000, Tribal Partnership Program, as amended
 - First TPP in SPK, one of first TPP single-purpose studies and design/construction projects in the nation
- **Non-Federal Partner:** Mechoopda Indian Tribe of Chico Rancheria



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PROJECT SIGNIFICANCE

- Supports traditional cultural, medicinal, and recreational practices
- Authority provides both a unique and significant opportunity for the Federal Government to assist with environmental and cultural needs of a Tribe who doesn't have a formal reservation
- Will increase nationally significant riparian habitat and ecosystem connectivity in northern California.



Cluster Lilies ('Waji')



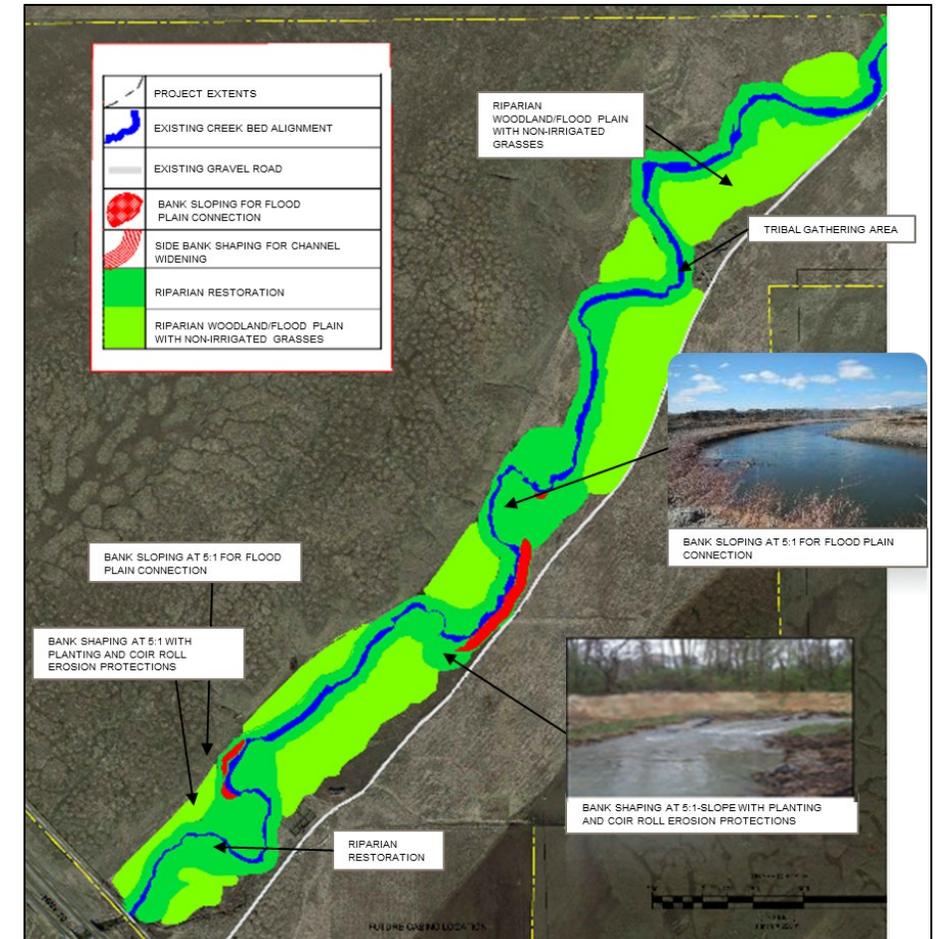
Mortar and Pestle

COSTS AND OUTPUTS OF FINAL ARRAY OF ALTERNATIVES

Alternative	Total Project First Costs*	Acres Restored	Average Annual Habitat Units	Best Buy?	Notes
No Action	\$ 0	0	0	N/A	
Alternative B	\$4,792,000	42	17.22	No	Only affordable plan to Tribe
Alternative C	\$5,792,000	53	22.52	No	
Alternative D	\$6,639,000	66.75	29.26	Yes	

*Costs remain at Fiscal Year 2020 price levels to match the timeframe the CE/ICA was performed.

Worked with HQ to select plan based on 'cost affordability' as outlined in ER 1105-2-100. Identified as NER Plan because it is the only cost-effective plan that the Tribe can afford, and therefore maximizes benefits relative to costs considering affordability.



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ABILITY TO PAY PROVISION

- Purpose of EGM 19-06 is to provide general guidelines for determining a Tribe's ability to pay and how to figure out the reduced cost-share amount.
- Ability to pay determination is based on per capita income (using 2013 – 2017 census data estimate). If a Tribe's estimated per capita income is below 2/3 of US counties estimated per capita income (currently \$22,983), they qualify.
- Tribe is responsible for 25% of the monetary cost-share that would otherwise be required.
- Footnote in EGM 19-06 specifies that if per capita income data at reservation level is NOT available or applicable for Tribal partner, geography and/or specific population that *best applies* should be selected.



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U.S. ARMY CORPS OF ENGINEERS
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SEP 18 2019

CECW-P

MEMORANDUM FOR PLANNING COMMUNITY OF PRACTICE

SUBJECT: Economic Guidance Memorandum, 19-06, Supplemental Guidance for Section 1121 of the Water Resources Development Act of 2016, as amended - Tribal Partnership Program Reduced Cost Share Eligibility Criteria (Ability to Pay)

1. Economic Guidance Memorandum provides the supplemental guidance for *Paragraph 7 Implementation Guidance for Section 1121 of the Water Resources Development Act of 2016, dated February 16, 2018*. The ability to pay provision applies to design and construction, as well as to studies, watershed assessment, and planning activities carried out under this program. This supplemental guideline provides procedures for determining federally recognized Tribes ability to pay.
2. The enclosed guidance is provided for immediate use. Questions related to this memorandum should be addressed to Jeremy LaDart, CECW-PC, at jeremy.m.ladart@usace.army.mil or by telephone at (202) 734-1861.

3 Encls



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METHODOLOGY

1. Obtained Mechoopda Tribe's member distribution list (represents 97% of Tribal members)
2. Using 2017 U.S. Census Bureau data, determined estimates of American Indian and Alaska Native per capita income for all 74 counties in which Mechoopda Tribal members reside
3. Calculated average American Indian and Alaska Native per capita income in those 74 counties, weighted by percent of Tribal members in each county

The screenshot displays the American FactFinder website interface. At the top, there is a navigation bar with the United States Census Bureau logo and the text 'AMERICAN FactFinder'. Below the navigation bar, a yellow banner states: 'American FactFinder (AFF) will be taken offline on March 31, 2020. Most data previously released on AFF are now being released on the U.S. Census Bureau's new dissemination platform, data.census.gov. For more information on historic AFF data, documentation on updating AFF links, and resource materials, including tutorials, webinars, and how-tos on using data.census.gov, if you have...'. Below the banner, a search instruction reads: 'Search - Use the options on the left (topics, geographies, ...) to narrow your search results'. On the left side, there is a 'Your Selections' section with a search bar and buttons for 'load search' and 'save search'. Below this, there are several expandable menu items: 'Topics (age, income, year, dataset, ...)', 'Geographies (states, counties, places, ...)', 'Race and Ethnic Groups (race, ancestry, tribe)', 'Industry Codes (NAICS industry, ...)', and 'EEO Occupation Codes (executives, analysts, ...)'. On the right side, there are instructions for searching: 'To search for tables and other files in American FactFinder:'. Step 1: 'Enter search terms and an optional geography and click GO'. This step includes a search form with fields for 'topic or table name' and 'state, county or place (optional)', a 'GO' button, and radio buttons for 'topics', 'race/ancestry', 'industries', and 'occupations'. Step 2: 'Next, select Geographies (states, counties, cities, towns, etc.)'. This step includes a list of categories: 'Topics, Race and Ethnic Groups, Industry Codes, EEO Occupation Codes', with sub-points: 'these are added to "Your Selections"' and 'the Search Results are updated'. Step 3: 'Select one or more Search Results and click View'.



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APPLICATION OF ABILITY TO PAY

- Methodology and results were reviewed by the Vertical Team and approved leading to Tribe's eligibility for the provision.

Cost Sharing (Ability to Pay <i>NOT</i> applied)			
	Alt B	Alt C	Alt D
First Costs	4,792	5792	6639
NFS (35%)	1,677	2,027	2,324
Minus total LERRD credit	170	170	170
NFS monetary share	1,507	1,857	2,154
Cost share waiver reduction	511	511	511
Adjusted NF monetary share	996	1,346	1,643
Plus Non-Fed LERRD	170	170	170
Total NFS cost share	1,166	1,516	1,813
Minus total LERRD credit	170	170	170
Final NFS cash share	996	1,346	1,643
Final Federal share	3,796	4,446	4,996

Cost Sharing (Ability to Pay applied)			
	Alt B	Alt C	Alt D
First Costs	4,792	5792	6639
NFS (35%)	1,677	2,027	2,324
Minus total LERRD credit	170	170	170
NFS monetary share	1,507	1,857	2,154
Cost share waiver reduction	511	511	511
Adjusted NF monetary share	996	1,346	1,643
Ability to Pay (25% applied)	249	337	411
Plus Non-Fed LERRD	170	170	170
Total NFS cost share	419	507	581
Minus total LERRD credit	170	170	170
Final NFS cash share	249	337	411
Final Federal share	4,543	5,455	6,228

Numbers displayed here have been updated.

STUDY TIMELINE



- Coordinated with SPD in April 2019 on decision to model process after CAP milestones
- Determined Tribe's eligibility for the Ability to Pay Provision early on
- Study completed in 2 years (from charrette)



WHAT CHALLENGES HAVE YOU ENCOUNTERED ON A TPP STUDY?



Clear Creek south of Chico, California gently flows through Mechoopda Tribal lands (photo courtesy of Luke Burns, SPK)



BEST PRACTICES FOR TPP CLEAR CREEK

- **Modeled study process after CAP milestones and subsequent read ahead requirements**
- **Decision Making Authority delegated to SPD**
 - Streamlined coordination/reviews/milestone meetings
- **Received SPD approval to forego a second round of ATR**
 - Design was finalized during draft review, few changes required following first ATR – *significant cost savings*
- **Strategic team composition**
 - Landscape Architect as Engineering Tech Lead
 - Senior (advisory), mid-level (leading), and entry-level (production work) planners
 - Project Management was out of Planning Division – *cost savings by remaining within the same Division*
 - ERDC expertise on Engineering With Nature
 - Coordination with USFWS and Eco-PCX early in the study process
- **Risk informed decision making to appropriately scope study**
 - SPD Regional CAP Planning Center reviewed initial scopes to help pare down
 - With smaller scope, allocated funding to the most critical pieces
 - Policy and Legal Review Team noted that smaller scope did not sacrifice quality of report or design
 - Risk informed study process resulted in notable cost savings (study came in under budget, at just over \$600K)



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MILESTONE REQUIREMENT CROSSWALK

SMART Planning Milestone Requirements (PB 2018-01 (S))	TPP Clear Creek Milestone Requirements (modeled after CAP Milestone Requirements (EP 1105-2-58))*
Scoping Charrette	Scoping Charrette
Alternatives Milestone - 3 required read aheads (RAHs)	Annual IPRs - 2 required RAHs
TSP Milestone - 3 required RAHs	
Agency Decision Milestone - 4 required RAHs	MSC Decision Milestone - “The process and procedure for completing this milestone is at the discretion of each MSC” - 2 required RAHs
Final Report Submittal - 14 required RAHs	Final Report Submittal - 13 required RAHs
Sr. Leader’s Briefing	Final Report Package Briefing to SPD General
Chief’s Report	

*Started following CAP-like process in April 2019 after the Scoping Charrette (received SPD approval) **Followed OWPR guidance for this requirement, but the need for a DoRF with delegated studies should be reassessed.

SPK PERSPECTIVE

- **Following CAP guidelines resulted in an under-budget and on-time study**
 - Small scope, low risk project
 - Scoped milestones and engagement to match the study scope and risks
 - Significant time and cost savings
 - Efficiently utilized and maximized team expertise
 - Risk informed decisions led to a better outcome for USACE and the Tribe
- **Pared down study requirements fostered positive working relationship with the Tribal partner**
- **For a smaller, low-risk project, it was beneficial to have the MSC serve as RMO and Decision Maker on Final Report**
 - Coordination with the MSC was flexible and collaborative
 - Policy, Legal and ATR Reviews were scoped appropriately, according to study scope and associated risks
 - Study completed one round of ATR due to no significant changes between draft and final reports
 - Flexibility in report reviews resulted in significant cost savings



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AFTER ACTION REVIEW – KEY TAKEAWAYS & NEXT STEPS

- In addition to describing efficiencies from using CAP milestones for a low cost, low risk TPP study, there are opportunities to appropriately incorporate these efficiencies into future TPP guidance.
- Key to delivering a timely study product (and future implementation) was also right-sizing the:
 - PDT
 - Scope, and
 - Review Process
- Existing guidance is unclear for the following:
 - Study process and requirements for delegated studies (<\$18.5M)
 - Tribal cost-share waivers: cost updates (PPA) & application to design and implementation phases
 - Ability to Pay process and approval/decision maker
 - Documentation required for final policy and legal approval (e.g., DoRF?)
- Next steps include SPD and USACEHQ holding a meeting to discuss next steps

The screenshot shows a Zoom meeting interface with six participants: Cynthia Tejeda (Me), Jessica Bu... (Host), Lindsay Floyd, Paul O... (Cohost), SPK-Executive Of..., and Alicia. The main content is a slide titled "PROBLEMS, OPPORTUNITIES, CONSTRAINTS & OBJECTIVES & CONSTRAINTS" with the U.S. Army logo. The slide is divided into four quadrants:

Problems: <ul style="list-style-type: none">• Limited availability of native plant resources on Tribal land to support traditional cultural, medicinal, and ceremonial uses• Significant loss and degradation of native habitat, including shaded riverine aquatic and riparian forest• Areas of stream bank erosion that negatively impacts water quality	Objectives: <ul style="list-style-type: none">• Improve quantity, quality, complexity, and connectivity of aquatic ecosystems including riparian habitat and valley oak woodland habitat• Restore natural geomorphic processes• Increase availability of cultural, medicinal, and ceremonial plant resources for Tribal members
Opportunities: <ul style="list-style-type: none">• Improve quantity, quality, complexity, and connectivity of riparian habitat and valley oak woodland habitat• Increase cultural, medicinal, and ceremonial uses for Tribal members	Constraints: <ul style="list-style-type: none">• (Study-Specific) Avoid area designated for development of Tribal casino• (Study-Specific) Study extent is limited to existing tribal lands because the Tribe would not be able to acquire additional lands

At the bottom of the slide, it says "TPP Clear Creek Ecosystem Restoration" on the left and "3/31/2021" on the right.

SPD SMEs will engage with the vertical team to inform TPP guidance development.



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WHAT TIPS DO YOU HAVE FOR SUCCESSFUL TRIBAL PARTNERSHIPS?



Site Visit with the Mechoopda Tribe, SPK COL Handura, and TPP Clear Creek PDT (photo courtesy of Luke Burns, SPK)

Thank you!

Questions?



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