

Lessons Learned from the Tribal Partnership Program Clear Creek Ecosystem Restoration Study
7 October 2021
Q&A Session

This webinar provided an overview of the [Tribal Partnership Program \(TPP\)](#) Clear Creek Ecosystem Restoration Study, including lessons learned from applying innovative methods to complete a study on time and under budget. In addition, presenters Elise Jarrett and Lindsay Floyd (Sacramento District Water Resources Planners) shared ideas on how to appropriately scale studies and how the successes from this study might be implemented across the enterprise to continue strengthening the TPP.



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

Tribal Coordination Approaches

What type of outreach was conducted by the Sacramento District with the Mechoopda Indian Tribe of Chico Rancheria to initiate this feasibility study?

The initial contact with the Tribe was done through a presentation given by the U.S. Army Corps of Engineers (USACE) about TPP at an Environmental Protection Agency workshop in 2014. After the workshop, the Tribe reached out to the Sacramento District to discuss a potential project to be undertaken through the TPP. USACE then met with the Tribe to view the land and to discuss the needs and the vision for the project. After extensive communications and meetings, Tribal leadership submitted a letter of request for the project to USACE, which initiated the study.

Other outreach about TPP is being conducted at targeted events to try to reach the largest possible tribal audience (e.g., at the [Inter-Tribal Council of Nevada](#) and at other similar events). Sacramento District has found that conducting in person outreach and visiting Tribal lands to discuss issues and potential solutions is one of the most successful forms of Tribal engagement.

Is the project on Tribal land?

Yes, the project is located entirely on Tribal land. However, there are no Tribal members living on it, and it is not a reservation.

What was the study team's approach to coordinating with the Bureau of Indian Affairs (BIA)?

To fulfill its obligation to coordinate with the Department of the Interior under the National Environmental Policy Act (NEPA), the study team invited Bureau of Indian Affairs to participate in the first charette as well as provided the agency information about the study.

If a team can demonstrate engagement with the appropriate agency through documented letters to the agency, then the team has met and fulfilled the NEPA requirement, even if they receive no response from the other agency.

Section 106 of the National Historic Preservation Act (NHPA) of 1966 requires coordination with the relevant State Historic Preservation Office (SHPO). If a project coordinates with a Tribal Historic Preservation Office (THPO), is there a need to also coordinate with the SHPO??

If the project is on Tribal land with a THPO, the study team is not required to go through the SHPO, as the THPO performs all required NHPA functions.

Study Process & Timeline

Were there any concerns related to the decision to make a non-engineer team member the technical lead?

The team pre-coordinated the discipline assignments with supervisors in Engineering & Construction. There were no issues related to the landscape architect acting as the technical lead.

Does the Sacramento District team's use of the Continuing Authorities (CAP) milestones rather than the SMART Planning milestones mean that the TPP has no established or required milestones?

TPP studies are required to follow the [SMART Planning](#) Process. This particular study used CAP milestones after approval by Headquarters. However, SMART Planning is a scalable process based on the size and complexity of the study as well as the sponsor's needs. Teams should coordinate with their vertical teams early in the study process to determine what makes the most sense for their project, and teams can also reach out to Amy Frantz or Lisa Morales for assistance.

Currently, a joint Headquarters and Major Subordinate Command team is working to draft an Engineering Pamphlet (EP) to further define scaling milestones, particularly for programmatic studies (i.e., studies that fall under the current limit of \$18.5M per study or per study separable element, per [Section 1157 of the Water Resources Development Act \(WRDA\) of 2018](#)). This new EP is intended to give study teams flexibility on projects.

When will this project begin design and construction?

Currently, the Tribe is undergoing a grant application and review process. The team will begin initial coordination and developing the Project Partnership Agreement upon grant approval and receipt of funding from Headquarters.

TPP Tribal Eligibility and Engagement Requirements

Are all Tribes in the United States eligible to participate in the TPP program?

Only Federally recognized tribes are able to participate in the TPP.

What is the source of the updated \$511,000 cost share waiver?

The adjusted cost share waiver was adjusted by Section 303 of WRDA 2020 to include an annual inflation adjustment. The adjusted waiver of \$511,000 will increase for Fiscal Year (FY) 2022; the updated figure will be made available by Headquarters early in the new FY.

How is the term "Indian Country" defined under the TPP?

The term "Indian Country" is defined by [18 U.S.C. § 1151](#) as "(a) all land within the limits of any Indian reservation under the jurisdiction of the United States Government, notwithstanding the issuance of any patent, and, including rights-of-way running through the reservation, (b) all dependent Indian communities within the borders of the United States whether within the original or subsequently acquired territory thereof, and whether within or without the limits of a state, and (c) all Indian allotments, the Indian titles to which have not been extinguished, including rights-of-way running through the same." Teams should determine a project's eligibility based on this definition.

Can Tribes use other Federal funds toward their cost share?

Other Federal funds can be used by Tribes toward their cost share if the use is approved by the Federal agency from which the Tribe is receiving the funds.