

FRN to Modernize Civil Works

Comments Summary Document

TRIBAL PARTNERSHIP PROGRAM

This section contains summaries of both oral and written comments on the Army's FRN to Modernize Civil Works outreach effort that are related to the policy initiative on the Tribal Partnership Program comprehensive guidance.

1.0 General Comments on Tribal Partnership Program Cost Share Requirements

1.1 *Waiver of Cost Share Requirements*

Four commenters stated that there needs to be more flexibility with the Tribal Partnership Program to include use of the Executive Order 13175, Consultation and Coordination with Indian Tribal Governments dated November 6, 2000, waiver for the Tribal cost share when Corps projects caused the water resources issue, such as erosion or related projects as mitigation caused by the operation of the Corps project (2022-0006-0113-A2).

1.2 *Ability to Pay Calculations*

One commenter expressed concerns about the Ability to Pay provision calculations under TPP and the impact to tribes whose per capita income exceeds the 33.3 percentile would not be able to qualify for the 75% reduction in Tribal cost share. One commenter stated that the Ability to Pay provision should not be a rigid formula and that all Tribes should automatically be eligible for the Ability to Pay Provision (2022-0006-0017) (2022-0006-0103)

1.3 *Removal of cost share match requirement*

One commenter stated that USACE should remove the cost share requirement or match requirement for Tribal projects that enhance Tribal lands and resources. One commenter stated that the Corps should permit cost of services, studies, supplies, and other in-kind contributions to count as credit toward the non-federal share of the costs. (2022-0006-017)

1.4 *Communication on Ability to Pay and Cost Share Waiver Processes*

One commenter stated that the Corps should seek increased communication and provide technical assistance to Tribal Nations to help access the Tribal Partnership Program and navigate the cost share waiver process (2022-0006-0115-A1).

2.0 Geographic Distribution of TPP Projects

2.1

Four commentors stated that there should be equity in the Tribal Partnership Program as it appears more projects are funded in other districts than their particular area (Missouri River Basin) (2022-0006-0113A2).

3.0 Review of Comprehensive TPP Guidance

One commenter stated that the Corps should share drafts of the comprehensive Tribal Partnership Program Guidance for multiple rounds of feedback. (2022-0006-0103)

4.0 Projects Authorized under Tribal Partnership Program

One commenter stated that the Corps should use the maximum discretion in approving projects that are not among those specifically enumerated at 33. U.S.C. Section 2269(b). (2022-0006-0103)

5.0 USACE Tribal Issues Not Specific to the Policy Initiative

5.1 Staffing

A number of commenters stated that the Corps of Engineers should establish a Tribal Liaison in each District and a formal continuity program for Corps Tribal Liaisons and other staff that work with Tribes to ensure that knowledge about general and specific Tribal issues, policies and contacts. (2022-0006-082-A1) (2022-0006-101)

5.2 Standing Tribal Advisory Committee

A number of commenters stated that the Corps should gauge the interest in a standing Tribal Advisory Committee to provide long-term input into Corps Tribal consultation process and establish the committee if requested.

5.3 Non-recognized Tribes

One commentor stated that the Federal Register Notice does not cover outreach to non-recognized tribes. (2022-0006-086)

5.4 Tribal Management and co-management of Corps Lands

One commenter stated the Corps land and project management practices must move toward Tribal management and co-management.