

U.S. Army Corps of Engineers Sacramento District

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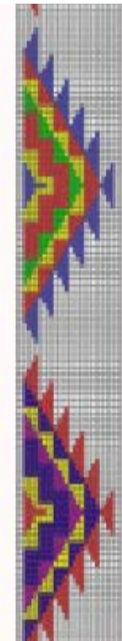
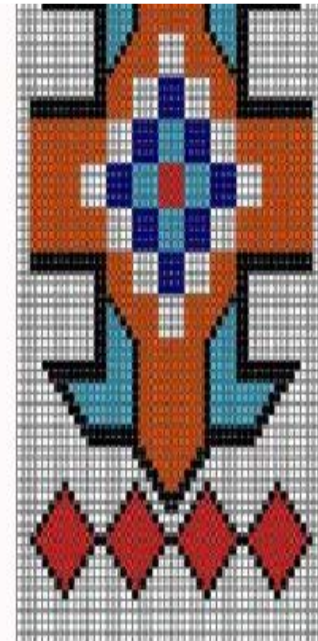
Restoration Section

Planning Division

Sacramento, California

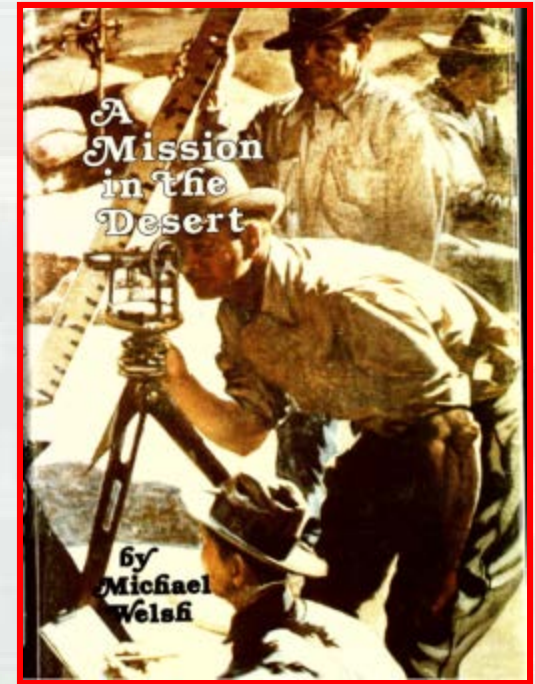


US Army Corps of Engineers
BUILDING STRONG



AGENDA

- Brief Overview of US Army Corps of Engineers
- Authorities of interest for tribal water resource problems
- Inter-agency and International Support (I&IS)
- Emergency Assistance
- Regulatory
- Discussion and questions



National Leaders:

- 81 U.S. House
- 20 U.S. Senate
- 10 State Delegations
- 167 Federally Recognized Tribes

Our Region

By the numbers:

- 10 States; 5 shared with other regions
- 8th largest economy in world – California
- 5 major river basins
- 1,100 miles of coastal diversity
- 90% of Californians live an hour from the coast
- 27 federal ports & harbors support 1.16M jobs; \$22B in personal income (CMANC)
- 40% of Harbor Maintenance Trust Funds contributed by CA; 8% returned
- 2,286 miles of federal levees
- 46 dams & reservoirs
- 34 recreation areas with 16M visits a year
- More than 300 threatened or endangered species (1/4 of all listed in U.S.)
- More than 8,000 regulatory actions annually
- 25% of all Formerly Used Defense (FUDS) and 38% of all Military Munitions (MMRP) environmental restoration



Federal Partners:

- 13 Army & 12 Air Force Installations
- 4 FEMA Regions (6, 8, 9, 10)
- 4 EPA Regions (6, 8, 9, 10)
- 3 U.S. FWS Service Regions (1, 2, 6)
- 1 National Marine Fisheries Office
- 4 Veterans Affairs Integrated Service Networks (18, 19, 21, 22)
- U.S. Coast Guard (District 13)



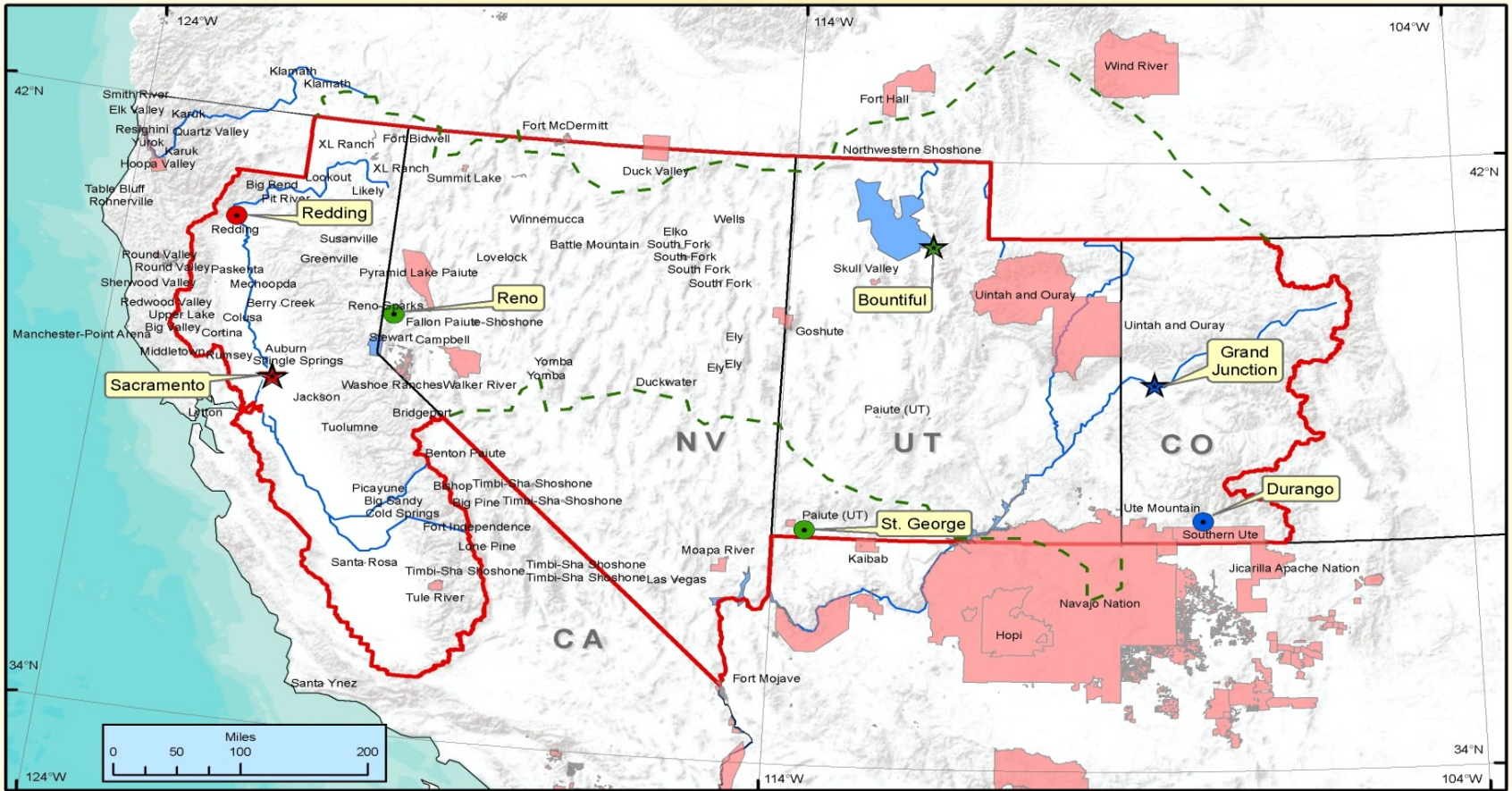
Civil Works Support

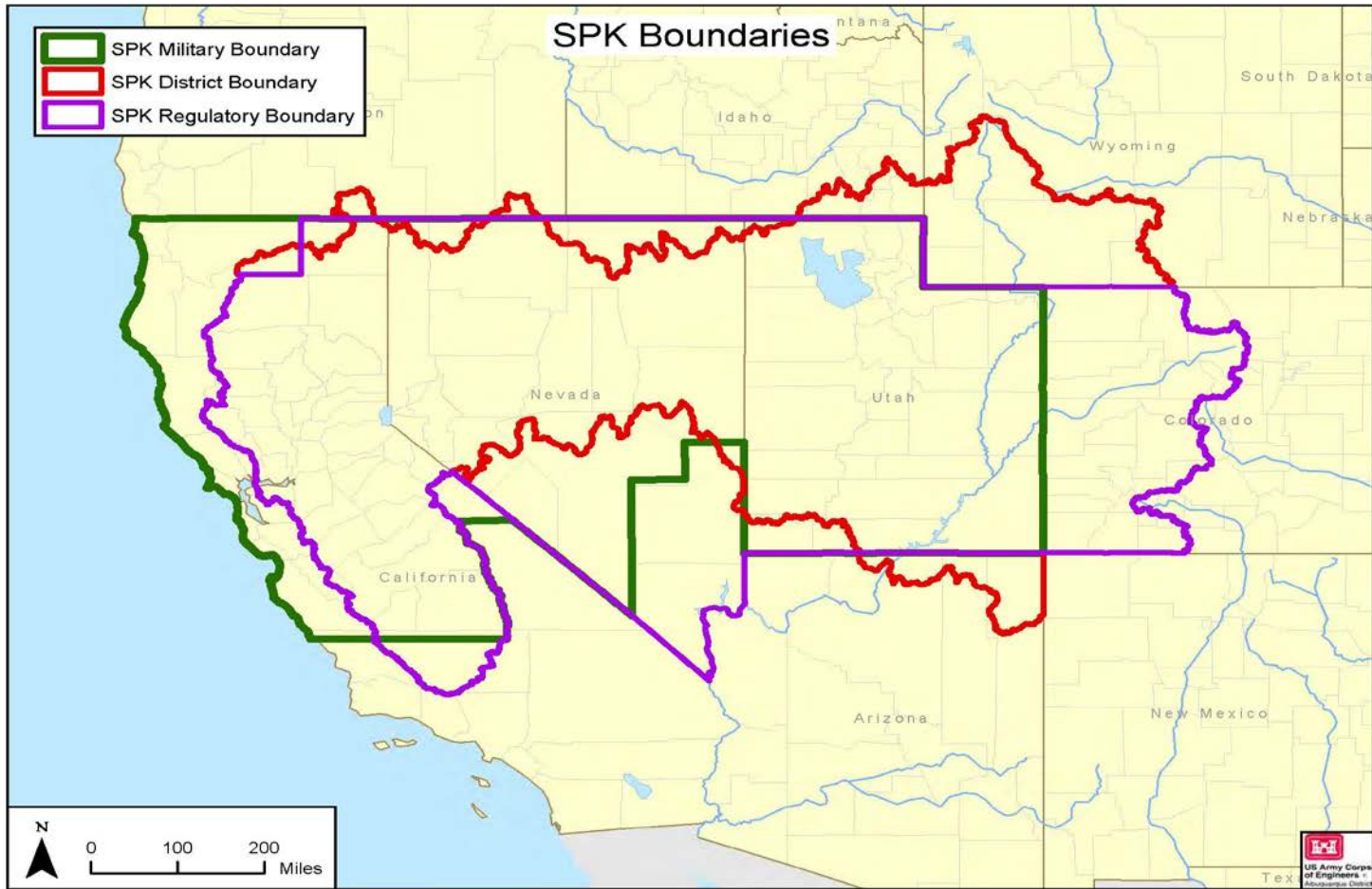
Our Region Supports—

- 27 federal ports & harbors
- 40% of Harbor Maintenance Trust Funds
- 2,286 miles of federal levees
- 46 dams & reservoirs
- 34 recreation areas with 16M visits a year
- Regulatory averages /year
 - 3,375 general permits
 - 4,008 individual permits
 - 4,701 jurisdictional determinations



Indian Nations Within SPK, USACE





56 federally-recognized Tribes within CW (District Boundary)

note: Navajo Nation MOA with SPA

60 federally-recognized Tribes within RD Boundary: (-) Duck Valley Sho-Pai, (+) Kaibab Band in AZ strip

88 federally-recognized Tribes within Military Boundary

90 federally-recognized Tribes-all boundaries combined



Tribal Nations Program

USACE Policy

Civil Works, Special Investigations: Tribal Partnership Program



National Tribal Nations Program

- Six Tribal Policy Principles:
 1. Recognition of Sovereignty;
 2. Government-to-government relationships with Federally recognized Tribes;
 3. Pre-decisional consultation;
 4. Fulfillment of the Trust responsibility;
 5. Protection of cultural and natural resources; and
 6. Promotion of tribal economic capacity building and self-reliance.
- Executive Order 13175, *Consultation and Coordination with Indian Tribal Governments*, 6 Nov 2000
- Presidential Memorandum, *Tribal Consultation*, 5 Nov 2009
- <http://www.usace.army.mil/Missions/CivilWorks/TribalNations.aspx>



USACE Policy

- USACE will support Tribal self-determination, self reliance and capacity by:
 - ▶ (1) Partnering with Tribes on studies, projects, programs and permitting procedures will be supported and promoted to the extent permitted by law and policy,
 - ▶ (2) To the extent permitted by law and policy, provide information on opportunities to compete for requests for proposals or other potential contracts with USACE,



USACE Policy cont.

- ▶ (3) Sharing appropriate information on USACE programs, policies and procedures, and public documents,
- ▶ (4) Utilizing Tribal knowledge for planning purposes and to inform operational activities,
- ▶ (5) Supporting Tribal efforts to lease and operate water resource projects and lands, where appropriate,
- ▶ (6) Identifying and implementing, within existing authority, other capacity-building opportunities as they occur.



Authorities

- General Investigations
 - ▶ Flood Risk Management
 - ▶ Environmental Restoration
 - ▶ Recreation
- PL 84-99
Emergency response
- Tribal Partnership Program (Section 203)
 - ▶ Watershed Studies
 - ▶ Specific Flood Risk or Habitat Restoration
- Continuing Authorities Program
 - ▶ Section 14, Section 205, Section 206, Section 1135
- Environmental Infrastructure
 - ▶ Section varies (216, 593, 595)
 - ▶ Waste water collection and treatment, wells, water quality and water distribution



Flood Plain Management Services
Planning Assistance to States



Section 203, WRDA 2000 Overview

Tribal Partnership Program

Authority

Section 203 of the Water Resources Development Act (WRDA) of 2000 (as amended by Section 2011 of WRDA 2007 & Section 1031 of WRRDA 2014), (33 USC § 2269), also known as the Tribal Partnership Program (TPP)

Matters to be Studied

- (A) projects for **flood risk management, environmental restoration** and protection, and **preservation of cultural and natural resources**;
- (B) **watershed assessments** and planning activities; and
- (C) such other projects as the Secretary, in cooperation with Indian tribes and the heads of other Federal agencies, determines to be appropriate.
- (D) From Sec 1031, WRRDA 14: **cooperative agreements** to carry out authorized activities of the Corps to protect fish, wildlife, water quality, and cultural resources

Cost Sharing: 100% Fed for Recon [*currently TBD, pending guidance on Section 1002 of WRRDA 2014*]; **75% / 25% for Watershed Assessments**

Limitations: \$1M per Tribe per year *was removed in WRRDA 2014*

Approval (Recon/Initial Watershed Assessment): Delegated to MSC



Section 203 Planning Process

- Under Section 203 authority, the planning phase can lead to a **watershed assessment** (WA) or a **feasibility study**.
- A WA results in a **watershed management plan**.
- A feasibility study results in project-specific recommendations, but **additional authority is needed for implementation**. (Section 203 is not a construction authority.)
- Implementation guidance for Section 203, WRDA 2000 & Section 2011, WRDA 2007 =
WAs and feasibility studies follow Section 729 (WRDA 1986), Study of Water Resources Needs of River Basins and Regions guidance, to include **Engineering Circular 1105-2-411**, Watershed Plans and **ER 1105-2-100**.



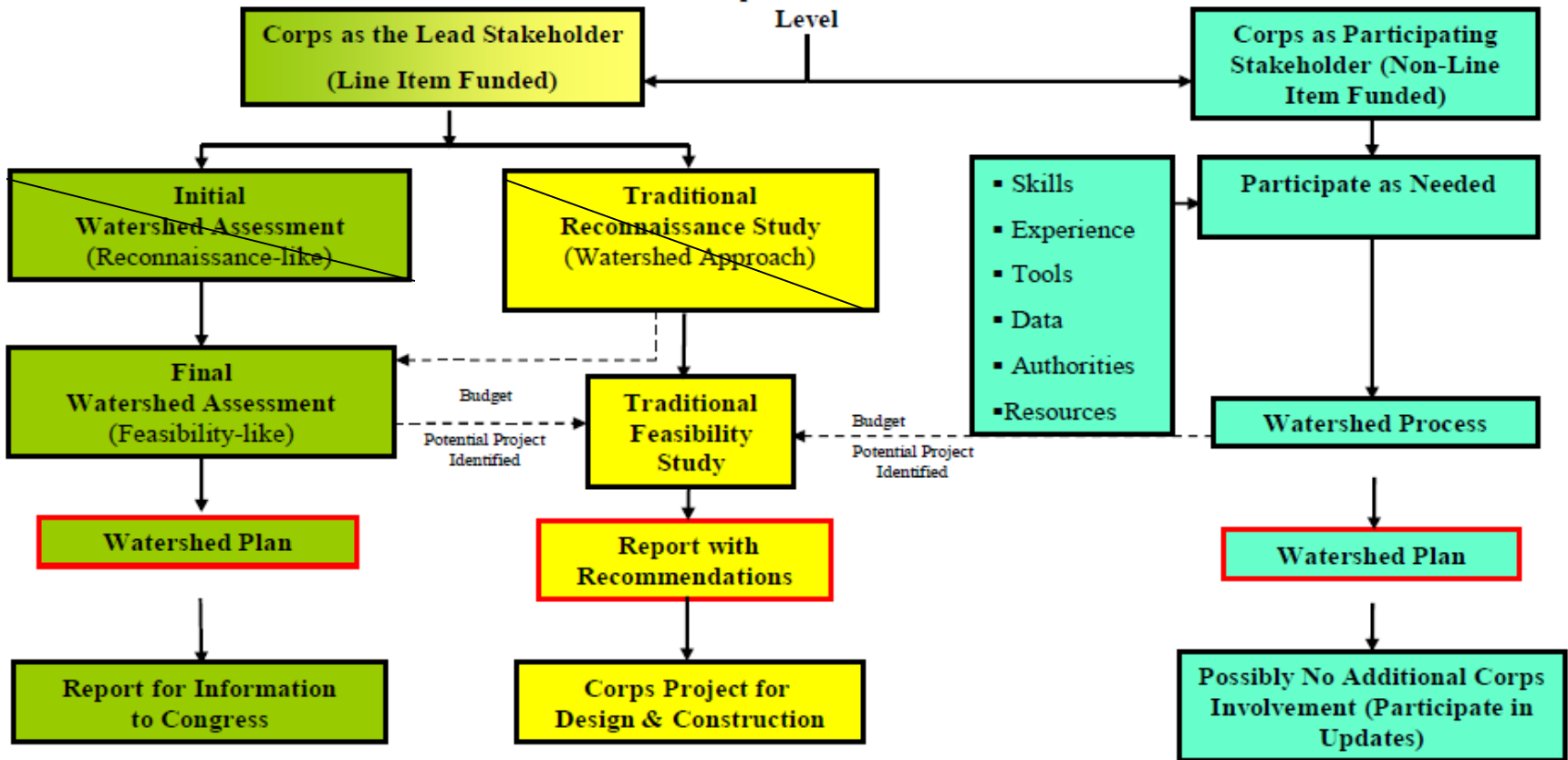
Tribal Partnership Program

Watershed Planning

Corps Planning Pathways



Corps Involvement
Level



Watershed Path
75/25 Cost Share

Project Path
50/50 Cost Share

Technical Support Path

I&IS Tribal Program

- I&IS provides services to any Federal or State agencies, including EPA and BIA. I&IS may use a 3rd party Tribal representative for any project, allowing transparency and the potential to grow the Tribal Support Program.

- I&IS & Tribal Program Example Projects include:
 - ▶ Northeast Church Rock Relocation Project – Navajo Nation
 - ▶ Bureau of Indian Affairs partner schools – Tribes of Northern Arizona



I&IS Tribal Project: Northeast Church Rock (NECR)

USACE I&IS and EPA agreement to provide support to EPA in providing voluntary alternative housing to Navajo Families of the Red Water Pond Community.

- Although residential structures are not contaminated, on-site workers, noise, and generated dust by heavy equipment pose a significant disruption during the Eastern Drainage clean-up activities of Northeast Church Rock and Quivira Mine.
- Involving 11 Residences consisting of 75 people (50 adults, 25 children) of the Navajo Nation.
- Voluntary flexible housing options include:
 - Rental Units
 - Hotels
 - Buying Existing Houses
 - Mobile Home Park
 - Site Build at nearby locations



BUILDING STRONG®

Emergency Management

- Authorities under Response and Recovery Assistance (PL 84-99) available to tribes, treated as individual states
 - ▶ Advanced Measures
 - ▶ Flood Fighting
 - ▶ Post-Flood Response (limited)
 - ▶ Emergency Water (limited, not for purchase of water)
 - ▶ FCW Rehabilitation (limited to eligible projects)
- Tribes can contact state or USACE directly



POC: Brigid Briskin, Emergency Management Office

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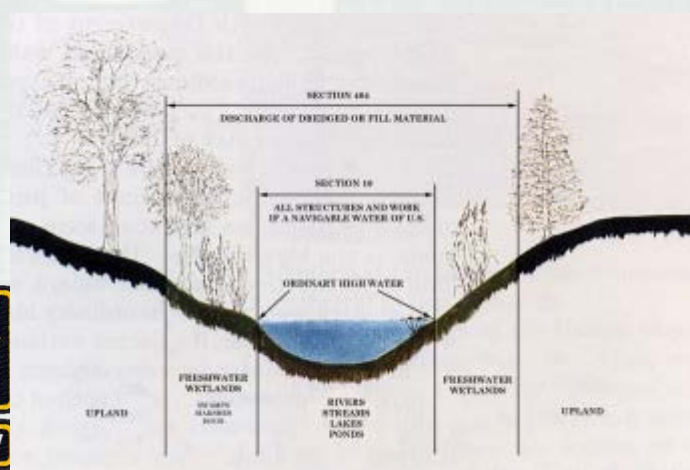
Regulatory

Mission

- To protect aquatic resources
- To allow reasonable development
- To make fair, timely, and balanced permit decisions

Authorities

- **Sec. 10 Rivers & Harbors Act of 1899:** Any Structures/Work in or Affecting Navigable Waters (Pacific Ocean, harbors, tidal inlets/outlets, and Colorado River)
- **Sec. 404 Clean Water Act of 1972:** Discharges of Dredged or Fill Material into Waters of the U.S. (Navigable waters, tributaries, and associated wetlands)



Regulatory

- Project Managers serve as Regulatory points of contact for local Tribes within their area of responsibility (AOR)
- Field Offices (Redding, Reno, St. George, Durango) coordinate with the Tribes
- SPK Tribal Liaison assists Project Managers on tribal consultations
 - ▶ Provides guidance on interactions with tribes
 - ▶ Facilitates/participates in Government-to-Government consultations for permit actions with tribal impacts or concerns.



Other Agencies

- Thoughts and viewpoints on inter-agency participation
- Available authorities

At a Glance Summary Table

Agency	When Can Agency Provide Assistance?			
	Preparation	Response	Mitigation	Recovery
DOT	✓	✓	✓	✓
EPA	✓		✓	✓
FEMA	✓	✓	✓	✓
HUD	✓		✓	✓
NOAA CSC/OCRM	✓		✓	✓
NOAA NWS	✓	✓	✓	✓
NRCS			✓	✓
USACE	✓	✓	✓	✓
USGS	✓	✓	✓	✓



SPK Tribal Resources

- SPK-District Tribal Nations Webpage:
<http://www.spk.usace.army.mil/Missions/TribalNationsProgram.aspx>
- SPK-Regulatory Webpage link:
<http://www.spk.usace.army.mil/Missions/Regulatory/Permitting/TribalConsultation.aspx>
- Contact: Rhiannon Kucharski
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- Contact: Mark Gilfillan
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Discussion/Questions

