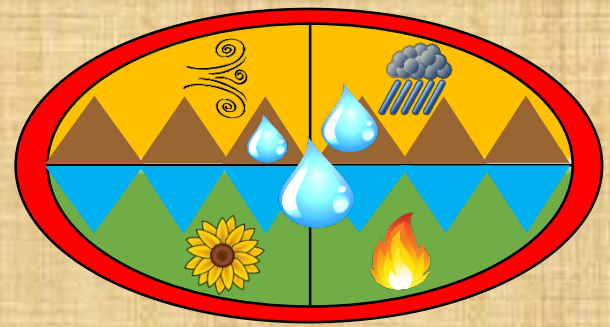


United States Army Corps of Engineers Tribal Nations Technical Center Of Expertise (TNTCX)



TNTCX NEWSLETTER February 2019 Issue No. 5



TNTCX Director's Message

Wow! February really is the shortest month of the year. I don't know about where you are, but we have gone from subzero temperatures to a balmy 60° in a short 28 days. Perfect for catching colds, so everyone take care. It looks like March is coming in like a lion in some parts of the country, so please keep an eye the horizon.

A lot of good material in this issue of the Tribal Nations Technical Center's newsletter. We are happy to include a piece by HQ-STL Ms. Lisa Morales. Lisa discusses the evolution of the Section 203 Tribal Partnership Program and provides valuable context for USACE's only program specifically designed for Native American communities. An extremely valuable tool for those of us working in Indian country.

Savannah District has contributed a piece on strategic engagement that we know you'll find very interesting. Planning for success with our unique strategic partners directly contributes to the expansion of our work with Native American communities. Please take a look.

Check our list of upcoming training and other events for opportunities near you as well as the update on recent TNTCX activities. As always, we're looking forward to receiving news of your activities.

Essayon!

Ron Kneebone, Ph.D.
Director
Tribal Nations Technical Center



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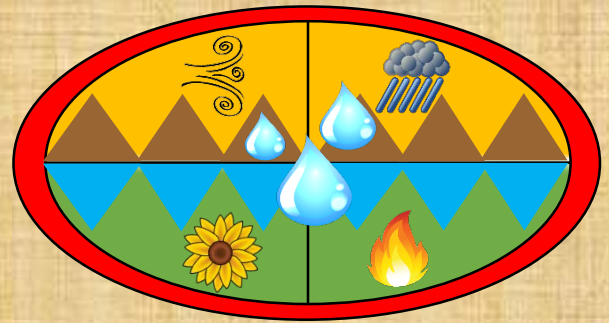
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Evolution of the Tribal Partnership Program

Submitted by

Lisa T. Morales, Senior Tribal Liaison, HQUSACE

Almost 20 years ago, the Corps of Engineers (Corps) received the authority from Congress for the Tribal Partnership Program (TPP) (Section 203 of the Water Resources Development Act (WRDA) of 2000). This was, and is the only authority the Corps has specifically for federally-recognized Tribes within the Civil Works Program. This program has evolved over the years with amendments to the original authority, amendments to other applicable authorities and administrative changes, including changes in how the Corps conducts planning studies and the inclusion of cost share waivers.

In the early years of the program, many districts across the nation conducted first phase reconnaissance studies (100% federal) and though many didn't result in a phase two feasibility study (cost shared), many tribes still believed that TPP was valuable as the resulting report provided enough information for use by the tribe. For example, the Hoh and Quileute Tribes along the Pacific Coast, worked with Lori Morris, Tribal Liaison, Seattle District, to use a reconnaissance report to leverage Housing and Urban Development funds for their respective village relocation efforts. The first phase studies proved to be a valuable tool for Tribes.

The Water Resources Reform and Development Act (WRRDA) of 2014, significantly changed the planning process from a two phase study process, reconnaissance and feasibility, to a single phase study process. This was a paradigm shift, not just for the Corps but for our cost share partners, in the case of TPP, federally recognized Tribes. The single phase study process made it more difficult for Tribes to sign on to cost shared studies as it appeared they were signing on to an expensive process that seemed nebulous. Significantly, the amendment for TPP in WRRDA 14 included a directive to the Army to issue the guidance necessary to implement the procedures authorized in 2000, in the original Section 203, that subjected Tribal cost sharing of agreements to the ability of Tribes to pay. This guidance was issued with the guidance to implement the expanded TPP authorized in WRDA 16, described below.

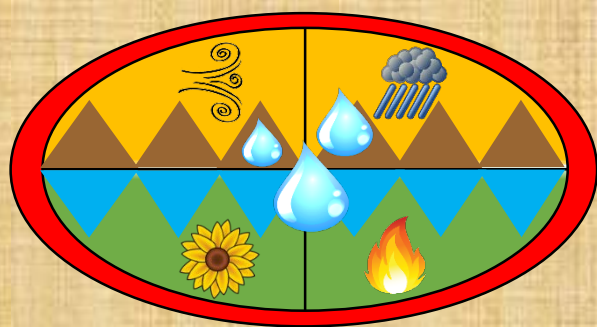
During this time frame, Secretary Darcy, then Assistant Secretary of the Army (Civil Works), made an administrative decision that would change cost share agreements for federally recognized Tribes. Feasibility Cost Share Agreement had a provision that required tribes to "waive sovereign immunity" and sovereignty is a fundamental right that Tribes have always had and refers to the fact that each tribe has the inherent right to govern itself. This was continually a point of contention for Tribes, resulted in some Tribes not going forward with potential water resource studies. Recognizing this, Secretary Darcy made an administrative decision to remove the "waiver of sovereign immunity" from Tribal cost share agreements.

The most sweeping changes to the TPP and for federally recognized Tribes came in WRDA 16. TPP went from a study only authority to include design and construction without going back to Congress for a new start when the federal cost is no greater than \$10M. The authority was also expanded to allow studies that will not necessarily result in a water resources project. These technical studies could provide assistance similar to how the phase one reconnaissance studies had been used. In addition, Section 1156 of WRDA 1986, as amended – Cost Sharing Provisions for the Territories, was further amended to include federally recognized Tribes. This provision now waived the first \$455k from shared study cost and from the local cost share during construction. Under TPP, the cost share waiver applies to all studies except watershed assessments. Congress codified the administrative changes that the Corps could not require a Tribe to waive their sovereign immunity as a condition to enter into a cost share agreement. During the development of the WRDA 16 Implementation Guidance, the Corps had the necessary support to implement the ability to pay provision from WRRDA 14.

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USACE HQ Perspectives



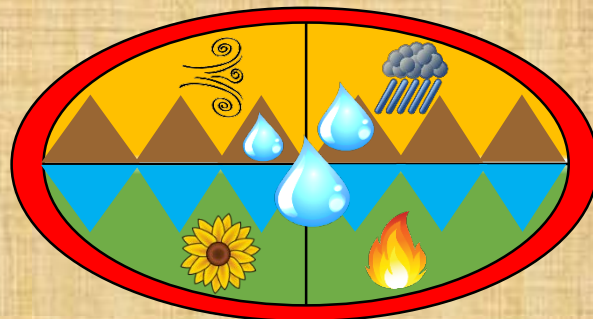
Finally in WRDA 18, Congress increased the TPP dollar threshold for design and construction to \$12.5M federal. Congress also included an inflation adjustment for the cost share waiver provision from \$455k to \$484k. These changes will be reflected in updated cost share model agreements and the increase to \$12.5M will be included in a Director of Civil Works Memorandum. All of these changes over the past 20 years, have helped craft a program that is more Tribal friendly and allows the Corps to bring its vast expertise to help Tribal communities with water resources and cultural resources challenges.

While recognizing the evolution of the TPP, I understand that there are still challenges. The challenges will need to be addressed by Congress through the authorization and appropriations process. First, I recognize that there are still limitations to TPP such that we will not be able to address specific tribal needs, for example, if the issue impacting the Tribe is located off of tribal lands. The second is the challenge of receiving appropriations of construction funds for the new design and construction authorization from WRDA 16. The Omaha District has been working a Section 203 with the Lower Brule Sioux Tribe, SD, which has the potential to be the first construction project under TPP. This is a great project for the Lower Brule Sioux and for TPP. While the program is not perfect, it is important to remember how this program has evolved to create great opportunities for Tribes to access the unique expertise that the Corps has to offer and to assist their communities.

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TNTCX Update



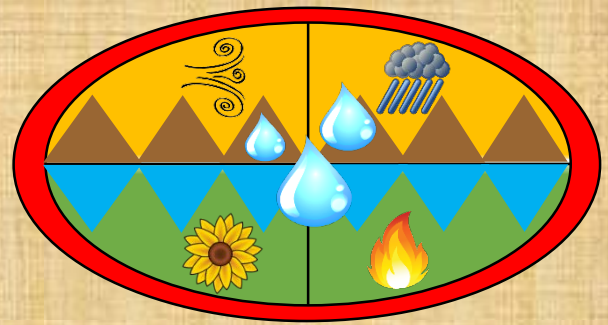
February TNTCX Update

Mr. Matthew Grunewald, RPA
TNTCX Program Analyst/Tribal Liaison

On February 6, 2019 Ron Kneebone and Matt Grunewald of the TNTCX participated in Albuquerque District's Industry Day Outreach event for small business. At this event the TNTCX had the opportunity to speak to multiple small businesses interested in providing contractor support to the technical center and the USACE. Several of the small businesses the TNTCX met with were Tribally-owned or Native American-owned businesses. The TNTCX listened to these companies as they described their capabilities and expertise and discussed potential opportunities.

In addition, the TNTCX provided these companies with the contact information of the Albuquerque Deputy of Small Business Programs for specific information on contacting and working with the USACE. If you are contacted by a Tribally-owned or Native American-Owned business seeking to work with the USACE a good place to start is by putting them in contact with your District's Deputy for Small Business Programs for assistance.



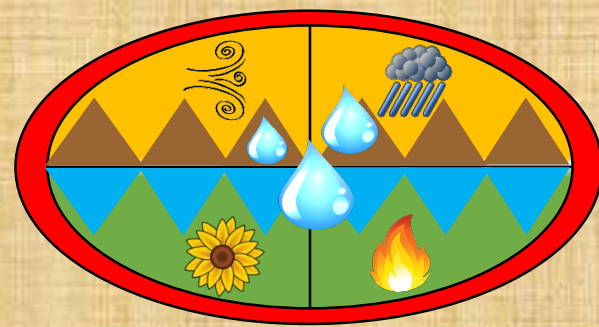


TNTCX Update continued



Dr. Ronald Kneebone (TNTCX Director), Mr. Matthew Grunewald (TNTCX Program Analyst/Tribal Liaison) Left to Right represent USACE at the Albuquerque District Small Business Industry Day. The team met with many Native American owned small businesses.





Partnering Tips

- Become familiar with economic issues of import to tribes at this can impact studies and construction projects that tribes need assistance implementing.
- Understand, that although your District may have few resident tribes, many tribes have vested interests both cultural and economic in your area of responsibility.
- If you have tribes that have been historically removed from your area, do not be afraid to schedule a visit to visit them. This issue offers a great example by Savannah District of such an engagement.
- When visiting sacred sites of import to Tribal people, take cues on how to act from those around you. When in doubt, respectfully ask a tribal member or your Tribal Liaison for help. Do NOT assume that certain behaviors are acceptable.

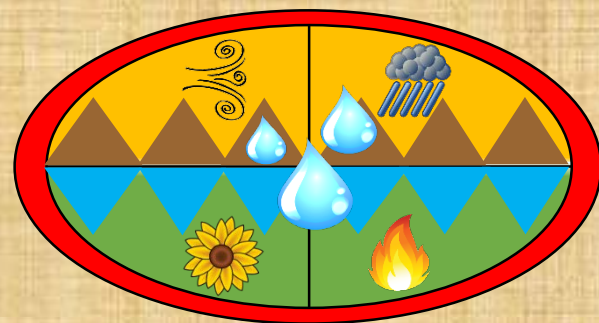


Tribal stickball exhibition game at Moundville Festival (photo courtesy of University of Alabama, Moundville)

TNTCX NEWSLETTER

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News and Notes



Tribal Engagement Focus

With contributions from our Tribal Partners, USACE Tribal Liaisons, and TNTCX Staff

The United South and Eastern Tribes (USET) SPF Impact Week

March 3rd -7th 2019

Washington, DC

Tribes from the Southern and Eastern United States will be in attendance; this is primarily a policy meeting, however networking opportunities for command staff are possible

<http://www.usetinc.org/>

2019 Reservation Economic Summit (RES)

March 25-28, 2019

Las Vegas, Nevada

RES is the premier economic development event in Indian Country, bringing together business experts, tribes, Native entrepreneurs, inspiring speakers, and many others in a collaborative environment.

<https://res.ncaied.org/>

Society of American Archaeology

April 10 - 14, 2019

Albuquerque, NM

Tribes from all over the Americas will be in attendance.

<http://saa.org/AbouttheSociety/AnnualMeeting/tabid/138/Default.aspx>

Affiliated Tribes of the Northwest Indians (ATNI) Midyear Conference

May 20-23 2019

Spokane, WA

Tribes from all Northwestern United States will be in attendance.

<http://atnitribes.org/>

National Congress of American Indians Midyear Conference

June 23-26 2019

Reno NV

Tribes from all over the United States will be in attendance.

<http://www.ncai.org/>

Publications:

2015 Revised Edition

Tiller's Guide to Indian Country: Economic Profiles of American Indian Reservations

By Veronica E. Tiller

ISBN-13: 978-1885931061

Tiller's Guide to Indian Country, reference edition has been recognized since 1996 as the ultimate source of information on contemporary tribal economies. This edition profiles 568 tribal histories and cultures, with detailed information on communities, natural resources, enterprises, environmental concerns, as well as points of contacts.

With today's busy schedule it can be tough to find time for professional development. One way to increase knowledge and awareness of tribal matters is through reading!

What are you reading????

Feel free to share in the Newsletter!!!

Training Opportunities:

E0580: Emergency Management Framework for Tribal Governments

March 4-7, 2019

Emmitsburg, MD

Registration contact:

<https://training.fema.gov/apply/>

E0582: Mitigation for Tribal Governments

July 8 – 11, 2019

Emmitsburg, MD

Registration contact:

<https://training.fema.gov/apply/>

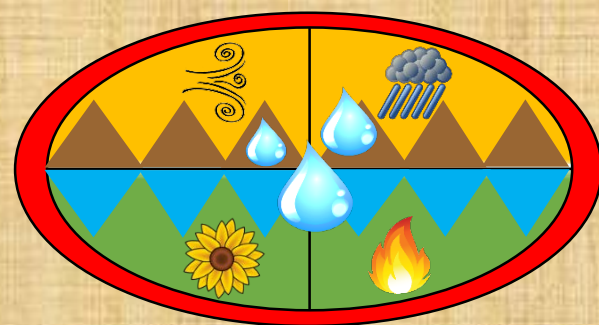
E0580: Emergency Management Framework for Tribal Governments

August 19 – 22, 2019

Emmitsburg, MD

Registration contact:

<https://training.fema.gov/apply/>



Savannah District Spotlight

Written by: SAS Commander, Daniel H. Hibner

Submitted by: Mr. Rodney Parker

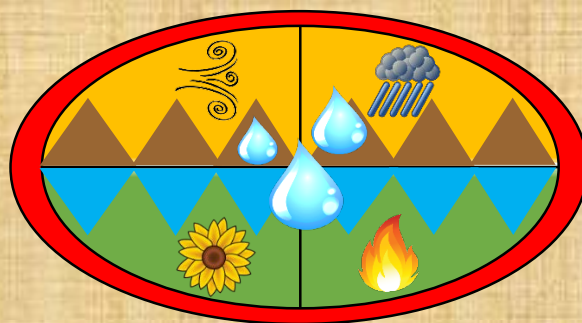
Savannah District, Regulatory Archeologist and Tribal Liaison

Engaging with Savannah District Tribes in Oklahoma

On January 31st I was honored to spend time with Tribal representatives at the Broken Arrow Army National Guard Center in Oklahoma. The homeland of these Tribes is primarily Georgia and Alabama. Why is this important to us? Let me use the words of the representative from the Cherokee nation, Sheila Bird, to tell you. She said, “You (the Corps of Engineers) are the stewards of the water. Physically and spiritually we need the water to live – it is the nexus of our spirit and physical being – the water. And we rely on the Corps of Engineers to be good stewards.” Our District Tribal Liaison, Rodney Parker, and I attended a listening session with the good people from the Muscogee (Creek) Nation, the United Keetoowah Band of Cherokee Indians, and the Seminole Nation of Oklahoma, to share their cultural histories and stories of both triumph and trauma. This experience has helped to gain a greater appreciation for our Tribal Partners and I look forward to continuing our work as stewards of the water. So why Oklahoma? There are only very small remnants of these tribes that still exist in our area in the Southeast U.S. The historical preservation organizations of these tribes all reside now in Oklahoma, where the tribes were moved to, either by treaty or force, long ago. But the spiritual ties to the Southeast U.S. are as real as if all the tribes still reside in our region this very day. It is their ancestral homeland, and whenever we operate in an area that was historically theirs they have a real interest in protecting the belongings and spirits of those that have gone before them.



Tribal Engagement Spotlight

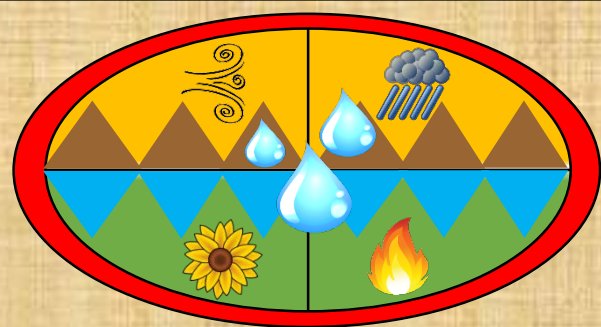


Here is a photo of me and COL Chris Hussin, Tulsa District Commander at the Muscogee (Creek) Nations Veterans Museum, where I had the privilege to learn more about the members of the Tribal communities that made the ultimate sacrifice for all of our freedom. The museum is incredible and an amazing must visit whenever you get around this area. Btw, Chris and I served together at Fort Carson, CO. Chris offered me great counsel before I took command right about the time was leaving battalion command, something I am still grateful for today. We also served in the 4th Infantry Division in Afghanistan when I was a Battalion Commander and he was the 4th Infantry Division Engineer. It was great to see him and I can't thank him enough for supporting this important engagement!



Above: Col. Hibner tours Muscogee Creek Nation Historic Council House. **Right:** Col. Hibner tours Muscogee Creek Nation Veterans Museum with Col. Hussin.





HOW TO REACH US

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