

**July 2018**

**Program Fact Sheet**

**TRIBAL PARTNERSHIP PROGRAM**

Section 203 of the Water Resources Development Act of 2000 (P.L. 106-541), as amended by

Section 2011 of the Water Resources Development Act of 2007 (P.L. 110-114) and

Section 1031 of the Water Resources Reform and Development Act of 2014 (P. L. 113-121)

**Authority and Scope:** Section 203 of the Water Resources Development Act of 2000 provides authority for the Corps of Engineers in cooperation with Indian nations and heads of other Federal agencies to study and determine the feasibility of carrying out projects that will substantially benefit Indian nations. The Tribal Partnership Program provides an opportunity to assist with water resources projects that address economic, environmental and cultural resource needs through studies that may include flood damage reduction, environmental restoration and protection, watershed assessments and planning activities, preservation of cultural and natural resources on Indian lands, and such other projects as the Secretary of the Army, in cooperation with Indian nations and the heads of other Federal agencies, determines to be appropriate. If justified, studies conducted under this program may lead to projects constructed under other existing or project-specific authorizations. The Water Resources Reform and Development Act of 2014 re-authorized this Program through 2024.

**Project Phases and Funding:** After an Indian nation requests a study, the Corps of Engineers will conduct a reconnaissance study if it appears the project may have a Federal interest and if funds are available. A reconnaissance study is conducted at 100 percent Federal expense up to $100,000. The reconnaissance phase will include a determination of problems and opportunities; definition of the Federal interest, if any; and an assessment of the level of non-Federal interest in the identified potential solutions and cost-sharing of feasibility phase and construction. After Corps of Engineers Headquarters approval of the reconnaissance report, a feasibility study would be initiated where costs would be shared 50 percent Federal/50 percent non-Federal (Indian nation) according to a negotiated Feasibility Cost-Sharing Agreement (the feasibility phase for watershed assessments is cost-shared at 75 percent non-Federal/25 percent Federal). The non-Federal share may be provided as cash or through in-kind services. The feasibility study, would involve the identification of appropriate, coordinated, implementable solutions; evaluation of costs, benefits, environmental impacts; and development of a recommended plan. Congress and the Administration must then authorize the recommended plan and provide appropriations for design and construction of the project. Depending on the type of project to be developed and the Indian nation’s ability to pay, different cost-sharing responsibilities will apply.

**Coordination:** The authority directs the Corps of Engineers to implement this program in consultation with the Department of Interior and other Federal agencies.

**How to Request Assistance:** Study of a prospective Section 203 project will be initiated after receipt of a written request (see sample below) from an authorized Nation representative, provided Federal funds are available.

**For further information, please contact:**

Mr. Eric Hannes, District Indian Nations Liaison

US Army Corps of Engineers-Buffalo District

[Eric.Hannes@usace.army.mil](mailto:Eric.Hannes@usace.army.mil)

(716) 879-4311

**SAMPLE LETTER OF REQUEST**

**FOR A**

**SECTION 203 STUDY**

Lieutenant Colonel Jason A. Toth

District Commander

U.S. Army Corps of Engineers-Buffalo District

1776 Niagara Street

Buffalo, NY 14207-3199

ATTN: Planning Branch

Dear Colonel Toth:

In accordance with the provisions of Section 203 of the Water Resources Development Act of 2000, as amended, the *[Tribe/Nation]* is requesting Corps of Engineers assistance in studying the feasibility of *[Flood Risk Management; Environmental Restoration and Protection; Preservation of Cultural and Natural Resources; Watershed Assessments and Planning Activities; other projects as appropriate]* at *[Name and Location of the Study Area]*.

We are fully aware of the following non-Federal requirements associated with projects under the Section 203 authority:

Reconnaissance Study: The first $100,000 is funded by the Federal government.

Feasibility Study: All feasibility study costs are shared by the Federal government (*50/75* percent) and a non-Federal study sponsor (*50/25* percent) (subject to ability to pay). Up to 100 percent of the sponsor’s share may be provided as in-kind services as negotiated in a Feasibility Cost Sharing Agreement (FCSA).

We are aware that this letter serves as an expression of non-Federal intent to cooperate on this project and is not a contract obligation. Either party may discontinue this effort at any point prior to project construction.

* *Please add any additional information or discussion desired.*

Signed by Chief, President, Tribal Chair, or Nation Representative