

# Tribal Environmental Resiliency Resources Act (TERRA Act)

## *How It Works*

Generally, the TERRA program\* operates in 4 phases:

### **(1) Development Phase**

An Indian Tribe consults with the Department of the Interior (DOI) regarding the environmental resiliency issues faced by its Tribal community. Together, the Indian Tribe and DOI identify Federal programs that may be appropriate and eligible to address these issues, along with any statutory, regulatory, or administrative waivers that may be needed to efficiently and effectively integrate those Federal programs into a proposed TERRA Plan and thereafter implement the programs by carrying out the associated services and activities pursuant to an approved Plan. On request by the Indian Tribe, or as appropriate, other Federal agencies may consult and provide technical assistance during this phase to ensure the proposed Plan's best chance of approval. The Indian Tribe and DOI together work to assemble the necessary materials for a proposed Plan, and the Indian Tribe may request technical assistance from DOI at this or any other stage of the process.

### **(2) Submission Phase**

Once satisfied with its proposed Plan, the Indian Tribe submits it to DOI for a 90-day review period to approve, deny, or partially approve the proposed Plan. DOI determines whether the Federal programs identified in the proposed Plan are eligible based on: (1) the purpose of the Federal program; and (2) the nature and mechanism of Federal program's funding. During its review, DOI consults with other affected agencies, which have 45 days to approve or deny any requested statutory, regulatory, or administrative waivers in a proposed Plan. Because Phase 1 provides broad availability for technical assistance from DOI and other Federal agencies, Phase 2 review is expected to be a relatively straightforward process that evaluates preliminary determinations already made prior to submission.

### **(3) Integration Phase**

If a Plan is approved, the Federal programs are integrated into one Plan, administered by DOI, and the Indian Tribe may begin to carry out any Plan services and activities that are immediately available. DOI, in consultation with the Indian Tribe, develops a funding framework for the Plan and leads the affected agencies in streamlining how funds will flow to the Indian Tribe to best implement the Plan.

### **(4) Implementation Phase**

DOI (1) administers the transfer and distribution of Plan funds from affected agencies to the Indian Tribe; (2) coordinates with the Indian Tribe and participating agencies to streamline and expedite any required reviews, permits, or other authorizations that have not been waived during Phase 2; and (3) otherwise maintains records and enforces accountability measures to ensure Plan compliance by Federal agencies and Indian Tribes. If applicable, Indian Tribes may use Plan funds for community-driven relocation purposes, in addition to providing the core services and activities of the integrated Federal programs. Additionally, as the Indian Tribe deems appropriate and without the need for additional Federal approval or waiver, an Indian Tribe may reallocate Plan funds among the services and activities of the integrated Federal programs to carry out the purposes of the Plan. Finally, an Indian Tribe is only required to submit a single annual report on its Plan, to DOI, and is not required to track funding by source or comply with any other Federal agency reporting requirements.

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\* Key terms: *affected agencies* are Federal agencies that administer a program that has been integrated, or is being proposed for integration, into a Plan; and *participating agencies* are Federal agencies that have review, permitting, or other authorization responsibility with respect to the services or activities to be carried out under a Plan.