

**U.S. Department of Agriculture
Council for Native American Farming and Ranching
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[Note: Due to background noise or distance from the audio recorder, some words and phrases are indiscernible]

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Joanna Mounce Stancil: -- to see so many people joining us for the second meeting of the Council for Native American Farming and Ranching. My name is Joanna Mounce Stancil. I am the designated federal official for this council, which means myself and John Lowery, we try to do everything we do to make them comfortable and have what they need and to follow Federal Advisory Committee rules and regulations. But it's a pleasure to have you join us for this second meeting of the council; their first meeting was in Washington, D.C. in August, that was their inauguration. And tomorrow you're also welcome to join us for the full council meeting which starts at 8 o'clock in the morning, runs until five. We'll have again a one-hour public comment period from 8:20 to 9:20.

One of the things -- this is public comment. We're here to hear what you have to share with us. And so, we ask that -- we are recording this. This will help us put transcripts, what we are required to do under Federal Advisory Committee Act, is to make sure that the public has access to what we discussed or what you shared with us today. So, we have John here helping us

with the recording. We ask that you, if you haven't done so, sign in and give us your information in case it is a topic that we need to follow up with you on. We ask that you also -- I know it's uncomfortable, but we ask that you do speak into a microphone, that you identify yourself in however way you would wish as your first and last name, your tribe affiliation, and what you're here to share with the council.

And traditionally, in public comment periods, this is an opportunity for us to hear from you, not necessarily questions and answers so we ask that you stick within that format. We did issue a public register notice, and in that register notice that we did, give a three- to five-minute comment period. If we'd had a smaller participation today, we might have been able to extend that but because we have so many of you with us today, we ask that you stay within the five minutes, the three to five minutes. You are more than welcome to write additional comments and give those to us. We'll make sure before the end of the session that you have that information where you can get back to us.

So, having -- before I get started, are there any questions from our participants or the council? Then, I'm going to go ahead and turn it over to Mark Wadsworth, our chairman, and then we're going to get right into the public comment period. Mark, do you have anything you want to say to start it off?

Mark Wadsworth: I'm just going to go by the list as it comes in, in order that we receive them. I will remind you that we will have public comments for another hour tomorrow morning. So, if you figure out something or want to voice your concerns tomorrow, please do. Also, we encourage the written ones, contact us at any time. You could -- John Lowery and Joanna Stancil are both part of the Office of Tribal Relations by USDA. They are basically our support staff within USDA, and I'm sure that you can get their e-mails and basically get it through them at this point in time.

With that, I'd like to invite Renee Kittle from MSU, Montana State Flathead Reservation.

Renee Kittle: I don't need to make comments. I'm just here to [indiscernible] sign in.

Joanna Mounce Stancil: Okay, good. Thank you.

Mark Wadsworth: Okay.

Joanna Mounce Stancil: Because of the volume -- and we've had multiple sign in sheets, I do apologize if you're not called in the exact order of which you signed up. It's kind of gotten away from us, but please do feel we want to hear your voice. Thank you.

Mark Wadsworth: Well, let's see. Does Brenda Ritney [phonetic] or Rigley.

Brenda Richie: Brenda Richie, and no, sir, I don't need to make any comments either. Thank you so much.

Mark Wadsworth: You bet. We'll go to Stephanie Mascow or Master.

Female Voice: Master.

Stephanie Master: Yes, I also have no comments. Thank you.

Mark Wadsworth: You don't? Okay.

Sarah Vogel: Mark, why don't you see if people [indiscernible] just go through them and ask if they want to make comments [indiscernible].

Mark Wadsworth: So, you still want me to go through this list?

Sarah Vogel: Yea.

Mark Wadsworth: Okay.

Sarah Vogel: Just to check to see how many of them want to speak.

Mark Wadsworth: Okay. [Indiscernible].

Male Voice: Well, [indiscernible]. How many of you all want to speak? I can count -- one, two, three, four, five, six, seven, eight, nine, 11, 12, 13, 14. Fourteen want to speak. [Indiscernible].

Mark Wadsworth: Okay.

Male Voice: We'll just start on this row.

Joanna Mounce Stancil: We'll just come this way and go around.

Mark Wadsworth: Okay. That sounds good.

Joanna Mounce Stancil: There are two ways to do it. You can come up to the podium and use the mic there, or I can bring you a portable mic. Either way you would like to do it.

Female Voice: [Indiscernible].

Joanna Mounce Stancil: We do need to use the mic. That's the only way we can assure getting good quality [indiscernible].

Jay Fisher [phonetic]: Well, Mr. Chairman and members of the council, my name is Jay Fisher. I'm from North Dakota. It's good to see you again, Sarah.

Some of the folks who just raised their hands and said they did not wish to speak, and I don't have written testimony, but I just want to go back in some history with getting the common language out on to reservations where folks who we work with, I think there's a structure in place that I would like to remind the council, and all those who have worked for the Extension Indian Reservation Program or currently the Federally-Recognized Tribes Extension Program, would you please stand? Any who have worked for that in the past or currently. So, I just want you to recognize the interest level from that -- this group, and I will stay well with -- yes, sir?

Male Voice: Your name.

Jay Fisher: My name is Jay Fisher and I've worked for the North Dakota State University Extension Service for 34-and-a-half years. I'm just a farm and ranch kid that grew up in the middle of North Dakota. Currently I work with the program at Fort Berthold, the three affiliated tribes. We have had one of these programs, the Extension Indian Reservation Program, now called the Federally-Recognized Tribes Extension Program, and as Ross Racine can and has and I hope he's told you, this is a program that's, I believe it's excellent, and never has it come to the full staffing that could make it totally effective in much more of Indian country.

As you look at the funding that you have, I hope that you would consider this organization working with yours to continue that getting the easily understood message out to our Native American ranchers, farmers, and those folks we work with, youth through the 4-H program, and we work predominantly in agriculture. Natural resource is a lot of different things from that, but I just am here to say that we would support that. At one point, I think 20 some years ago, they were looking for more than 80 of these kinds of extension agents. I think we have 30-some programs now, but it's -- we can do much more, and we're already there. The cooperative extension service in the nation established in 1914, we can be part of the solution. I'll conclude my comments.

Jo Ann Warner: Hello. I'm Jo Ann Warner from the Western Center for Risk Management Education. I'm the associate director of the Western Center and one of four regional extension risk management education centers. Our goal, we run a competitive grants program that helps farmers and ranchers improve profitability. Since we started in 2001, we've had -- I think, well over a third of our projects have targeted projects reaching Native American farmers and ranchers. And I think most notably, we've worked with our collaborators across the west, especially with the FRTEP and other organization serving this audience.

And I think one of our most successful projects has been our recordkeeping project. I think Trent Teegerstrom who many of you know has helped launch that project that has been extremely successful, and I think it's very integral to what you are wanting to accomplish now. We are in a unique position as the centers to be able to help build capacity for Native American farmers and ranchers, and we are here to offer, in addition to our grants program, I think we're in a strong position with our collaborators across the west and across the country to reach the producers who may need additional training and education and technical assistance. Thank you.

Trent Teegerstrom: Chairman, council, I'm Trent Teegerstrom from the University of Arizona Department of Ag,

Resource, Economics. I'm an extension specialist and the current director of the Arizona FRTEP program. And I've been doing extension in Arizona for the last 16 years, I believe, and working with the tribes a lot, working with the Western Center, and I just wanted to reiterate with the council and the tribes that the commitment to the youth, the recordkeeping -- I also work with tribal tax issues and trying to get this initiative going as you move forward to consider the topics that have been considered with the FRTEP program as well as many other institutes that are out there instead of re-inventing the wheel possibly in some foundations and some other things, look at the existing structures that are out there and take those in consideration when these are going about as well as the work that's been done out there. And we can provide a lot of reports on existing projects, impacts, and this kind of stuff that we're looking at and try to better use the funds to where they belong with the tribe and with the tribal people out there to try to advance them in the future.

Joanna Mounce Stancil: Thank you. Chairman?

Mark Wadsworth: Yes. Mary Thompson?

Mary Thompson: Might I suggest that we have our guests go to the podium so that we can see them and they can see us?

Joanna Mounce Stancil: All right. Next? Who's going to join us up here?

Brian Thomas: Stand behind the podium. Good afternoon, everybody.

All: Good afternoon.

Brian Thomas: My name is Brian Thomas. I'm a Native American producer, rancher, farmer from the Duck Valley Indian Reservation which is located in Owyhee, Nevada. And I kind of really didn't want to go over the education because these folks here already talked about education which is much needed on reservations in recordkeeping to work with USDA programs. What my real main concern is the Keepseagle.

I don't know what you folks have to do or at least listen to what I have to say about Keepseagle, and there was a lot of very, very many upset Native Americans out there that did not get any Keepseagle money. And when it comes to money, people get upset over it, we all know that. But our native people are passive people, and we are very respectful to the decisions of the non-native people come to make when it comes to these USDA loans. And they don't give us any directions to go back in from the early 1981 to '96 when this Keepseagle claim was formally -- when this discrimination suit was filed.

And it's looking back 20 to 40 years. And if you're a native producer starting back in the early '80s to the mid '90s up to the millennium, there's a big change and they talked about where keeping records is really crucial to be a part of this

Keepseagle up to \$250,000 max. A lot of producers got their \$50,000, but a lot of them should've gotten it that didn't get it were very upset. And when I say going back into the '80s, -- let me go back in the history and I'm going to come back to the Keepseagle.

Back in 1992, the diesel fuel was 79.9 cents a gallon. And then it went on to '93 at 88.9 to '94 at 91.5, and '95 it was 95.9. In the May of '95 -- in '95, it was 95.5 in January. And then in May of '95, it went over \$1 to \$1.23 per gallon. And you talk about keeping records. You have to have detail records to qualify for the \$250,000, okay? How many people could say, "I know the prices of diesel fuel back in the '80s and '90s," in this audience? Especially the committee that's listening to us, how many can say that was correct to our knowledge? Going back -- to me and many other producers that talked to me regarding that were upset, the \$50,000 is just a drop in the bucket for discrimination, there's not very much money at all, where we could've done a lot more with it if we got \$250,000 per person, everybody would be square and equal, straight across the board. Again, it goes back into the line of discrimination.

And if you look back in '95 -- in the '80s, -- and I had a loan with USDA, and I sat in a loan office and non-natives came across before me. What I'm going to say is back in '95, in '85, it was -- the cost of your equipment wasn't nearly what it is

after the millennium. To go buy a 160-horse tractor today is you're going to look at hundreds of thousands of dollars. But back in the '80s, even the farm equipment, they were reasonably priced just like the fuel. If you're going to go back in history and want records, everybody should be treated fairly, straight across the board. And I go to a lot of farm auctions and I see the prices. I've got a friend that records the auctions, he's an appraiser, he says the farm equipment today, like 120-horse tractor built back in the 1960s, early '60s is selling for twice the amount what they're selling for brand new back in the '60s.

So, that's a good example of where if you go back in the history and look at your records, \$50,000 is not going to help out any producers today. And a lot of the native people that didn't get it were very upset with the people accepting the \$50,000 because you guys should have never cashed that check and demanded for money. And there were a lot of people that didn't get a chance to put in for Keepseagle file claim on discrimination because they weren't rightfully notified, I guess. There should've been more, better preparation and -- I, they believe that this case should be re-opened so that more people would get a chance to put in their name for the Keepseagle. I'm not talking for myself. I'm talking for some producers that are in remote locations on reservations out

there. You go to the Navajo Nation, you're going to find people out there spread across the acres there; we travelled across that this year, this past summer, and it's miles of driving across Navajo Nation.

So, please take that into consideration, because if you talk about history and keeping records, I have it here. I have it in a document. And if you want to keep records, you know, it's -- everybody should be treated fairly and equally, so that we could become effective producers that are self-sustaining -- a lot of us would've been self-sustaining today if USDA didn't turn them down or maybe even graduated them at an early date where they tried to go in and get a new loan. Is that my time? Well, that's primarily what I have, and I hope you listen to what I say. And I'm not speaking for myself. I'm speaking for many Native Americans that are out there that needs a voice to be heard out there. Thank you.

Female Voice: Thank you.

Joanna Mounce Stancil: I'd just remind everyone that try to stay within that five minute cap so that every one voice gets a chance to be heard. Thank you.

James McCuen: You're going to have to wait for me. I don't start for five minutes. Mr. Chairman, I've been on this board for 18 years. And this is --

Mark Wadsworth: James, could you say your full name?

James McCuen: James McCuen. I've been a member of the Colville Confederated Tribes in Washington State, and I'm on the board of directors of the Intertribal Agriculture Council. I've been there quite a while. I wanted to say that this group here, I have the most upstanding, most respect for you for taking on this job, because you're going to hear a lot of things that's going on out in Indian countries that wasn't brought out before, and I feel sorry for those people that didn't go to the meetings and whatnot. I tried to inform everybody and I went to those meetings with the lawyers on our -- and I went as an observer, not as a claimant to start with. And I'll guarantee you one thing, I told Mr. Sellers [phonetic] out here a while ago a better crew he could've not picked to come to our reservation.

Number one, they're a good crew. After the first hearing, there were no more lawyers representing me. They were friends. They try hard. They caught people in the hallways at our community centers saying, "Do you want to sign up? We're signing up people." So, that was a good sign, and I hope you keep that in mind, because they're out there and they will help you. The money that everybody's talking about, I'm like everybody on this board today -- we support kids. I'm also on our advisory board for the ag extension on my reservation. So, I have a little bit of idea of what's going on. And when another tribe comes in and applies to have an extension agent

for their -- they don't have any money to take - they take, chop the money off that we're getting and when we lose 15 percent, 17 percent a year go Dan? -- I mean, I'm not saying they shouldn't get it. They chopped our program off by 17 percent so they could store some more, start another one out here.

That -- I agree with it, but let's use some of these money for those kids, the 4-H kids, in particular FFA kids. If you were at that luncheon yesterday and listened to those kids talk, they were damn smarter than this old codger. And I told everyone of them I was proud to be an Indian and don't forget that. The old man will look at you and point, Mark, Mr. Chairman, and say, "Think of what you're doing." As my dad will poke me right now and say, "Shut up," and he's been dead for 10 years. Thank you.

Mark Wadsworth: I and James have been personal friends for a lot of years.

Male Voice: Mr. Chairman, could I just ask a clarification question. When you talk about money, you're talking about the cy pres money? Is that what you're talking about, using that money for the youth?

Male Voice: [Indiscernible] money to be distributed.

James McCuen: Yes. Support the kids with some of this \$280 million or \$900 million or whatever that magic number is. Let's spend \$1 million on the kids -- \$2 million, \$3 million. I

mean, an old codger like me, all I'd do is go down and buy a new pickup or a car.

Male Voice: Thank you.

James McCuen: Did I use my five yet?

Jess LeFevre: Hello. My name is Jess LeFevre and I'm your extension agent on the Jicarilla Apache Nation in Dulce, New Mexico. I've been with FRTEP and program before that for the last 12 years. I just wanted to go ahead and kind of reiterate what has been said, but our programs are not funded adequately, the existing programs. We're a great source of disseminating information and providing education, not only to the youth but - - of course, we have our 4-H program, but we also do it to our tribal leaders and the general public as well. We work in conjunction with the USDA programs.

Janie Hipp knows a lot about what I'm talking about. Members of IAC and the board, I've got to pull for them really, really hard, and basically they saved my program three years ago, we were cut completely. And what I'd like to do is offer my support or any type of experience that I might have; my contact information is down on the sign up sheet. And we need some help, and the original plan was to have over 80 agents like myself -- there's only 36 -- and I'd like to see it expanded, and the programs that are in existence, funded at least at the level that the county agents are -- we shouldn't be trying to do

the same job and be punished for being a tribal agent. And that's basically just what I had to say.

Joanna Mounce Stancil: Thank you.

Mitchell Spearman: Good afternoon. I'm Mitchell Spearman, and I work at the University of Arkansas, and I bring you greetings from the chancellor and the dean of the Bumpers College. We're also proud to have Janie as an alumna of our college.

As the first 4-H intern at the USDA in the early '90s, I got to arrive to an organization that I saw may have not truly had a finger on the pulse of youth from technology -- you know, I had an e-mail account, I was on Facebook, and some of my bosses weren't, and I was training them up. Yesterday sitting in the IAC Awards Banquet for our youth, I was proud to see that the Seminole Tribe gave three iPads to the award winners. You all, that is the face of the future, and I ask this wonderful, illustrious board, Mr. Chairman, to consider one word, and that's "relevance."

Today our kids are arriving at University of Arkansas far more connected at age 18 than even some our computer science professors at 45 and 50 years old. They're technologically savvy, but more importantly, they're asking questions at the Bumpers College, which is for agricultural, food and life science, what does ag mean to me? And we are taking the

approach that food, family, and the environment are so important, those three issues and that you can -- from that umbrella, you can dig down very deep. Everything that we do centers around food, family, and the environment.

And so, if there are funds available for youth education, I hope that we talk about relevance. Not just about farming but perhaps the business of farming. You know, that we need kids in agribusiness. We need someone learning how to train others in the art of teaching business. I hope to see an executive leadership-type seminar series for farmers, where they can come in and learn about technology, understand Twitter, understand Facebook, understand the worldwide web, but not only that -- learn to market their products online.

So, I would encourage you to look at your institutions, your 1890, your original land grants, and then your Native American, because there're some very savvy and sophisticated teaching methods going on right now that we're teaching our 19-year-olds that would be relevant for teaching a 57-year-old farmer, and encouraging those students that are in the classes to learn how to teach. In that way, they're learning that their education is not only relevant as a student but it's making impact on the world. So, thank you for having me. It's my first IAC meeting. We're honored to be here, and we want a seat at the table. Thank you very much.

Gail Raines-WhitemanRunsHim: Good afternoon, Mr. Chairman and also you ladies on the committee. I'm so very proud to see women on the committee. I have been born and raised on the Crow Reservation.

Mark Wadsworth: Ma'am.

Gail Raines-WhitemanRunsHim: Pardon?

Mark Wadsworth: Could you state your full name?

Gail Raines-WhitemanRunsHim: Gail Raines-WhitemanRunsHim. I go by Gail Whiteman because it's a lot easier rather than using my office name. But I am real privileged to have been a rancher, rancher's daughter, rancher's wife, a rancher myself on the Crow Reservation all these years; it's God's country when it comes to raising cattle. And I'm also privileged to have been hired just recently to be the FRTEP agent at Fort Belknap and I started Monday. I flew in on Sunday and I started my job on Monday. And I'm really excited about that.

There are some things I just wanted to make comment to you about. First of all, I read that there was an Indian committee that had just met with the secretary, and I assume that's you guys. I didn't really know too much about it. And that was really exciting, because suddenly we have the kind of vessel that we need in Indian country, and you're at the top. And we're working in the trenches, and we need your voice, and this is so awesome.

We talked at the FRTEP meeting about what do we do in Indian country about 4-H, and I went back to my room and as I usually do, I process that stuff all night long, so I don't get a lot of sleep sometimes. But my idea there was -- and I did talk to our program director from D.C. and contact Jill Martz from Montana State University, interim director, about -- they can't do anything about 4-H in Indian country. Indian country needs to set up 4-H. And so, my idea that I would suggest -- and I'd like to see this model everywhere, is that just such as yourselves, a good committee of good forward-thinking people, Indian people, get together and an idea with 4-H as an example, an agent or somebody that's working in the community that's working hard and understands the issues, get together in a region or a state from the different reservations and build that idea of how to do 4-H, if we do 4-H.

And we definitely know it's not going to be from the county extension level. That doesn't work. They're expecting FRTEP people to be on the same line as county agents, and it just doesn't work. It's apples and oranges. So, let the Indian people build the programs from the local level and then get together. They want national 4-H in Indian country? Then get together and put the apples in the same box and the oranges in the other box and build it that way.

I mean, it doesn't even have to be 4-H. Why can't it be 4-C's? We've got the four directions, we've got the four seasons, why can't it be 4-C's meaning culture, communication, coordination, you know what I mean? Does it really have to be 4-H and does it really have to come from a standpoint that our people aren't used to it coming from? That they would rather be self-guided? So, that's what I'd like to see more of, is let's work a little bit harder at making it actually for the people, by the people, of the people, and all that. That's my suggestion, and thank you.

Mark Wadsworth: Yes, Jerry?

Jerry McPeak: Let's see if I'm doing this right. You're wanting to take the money that is provided for extension but not call it 4-H but have your own program that's just not associated with [indiscernible].

Gail Raines-WhitemanRunsHim: You know, I realize that that's going to be a hard sell. I'm sure we need to be under the problem of 4-H. But can't it be -- does it have to be the way the county would have it and on a national level? Can't it be of the people, by the people, and for the people?

John Lowery: Jerry, you have to - he's recording [indiscernible].

Jerry McPeak: Okay. All right. My question was, you're wanting the money that's provided by extension but you don't

want to call it 4-H, which I'm okay with because I don't care what you name a cow, a cow is still a cow. So, I understand where you're headed with that and I appreciate the fact that you understand it may be a little bit difficult to ask for the money but not give them credit for getting it -- this kind of -- what we may be wrestling with with that deal. And I don't care if you call it 4-H. The 4-H didn't use to be called 4-H. What did 4-H used to be call, the very first? It was called --

Male Voice: Boys and Girls Club.

Jerry McPeak: Boys and Girls Club. All right. So, I don't think the name matters a whole lot. Are you saying that there's a negative connotation to calling it 4-H?

Gail Raines-WhitemanRunsHim: Yes, sir, I am.

Joanna Mounce Stancil: Any other questions for the council before we move on to our next presenter? Thank you so much.

Gloria Stickwan: My name is Gloria Stickwan. I'm from Alaska. I live in South-central area. I'm from the tribe of Tazlina. It's one of the tribes that signed up with the -- as a member village, we signed up -- there are seven villages, tribes, that are signed up under the Copper River Inter-Tribal Resource Conservation District. I wanted to talk to you about some concerns I have, but I wanted to also explain where I'm from so you'll understand what our need is here.

From the area where I come from, is about the size of the state of Iowa. That area is what we represent. We don't have much. We don't have hardly any government out there to help us. We don't have any businesses where I live to help us. We live in an impoverished area, just the way you people -- some down here. But I want to tell you about the cost of fuel.

One of the members of our area from Cantwell said she paid \$1200 this month for her oil bill. She pays that much for fuel, to pay for oil, for a month, for the month of November, and that is not the coldest month in Alaska -- January is the coldest month. So, her fuel bill will probably be higher than \$1200, probably as much as \$1500, \$1600. She told me she's a chair of this committee that I serve on which I work for. She had to pay down on her fuel just to pay it off, and she finally got it paid off for November, and now she's going to be hit with another bill in December.

I want you to understand, for a bag of groceries for Wal-Mart, you've seen the Wal-Mart grocery bags, about that size, it's \$120 just for that little amount of groceries. The bag, as you know how big they are and they're very small, it's \$120 for that. That's what we pay for our food in Alaska. For gas in our area, it's \$4.24 right now. In other parts of Alaska, it's a lot more expensive. I talked to some people from Kwethluk [phonetic] yesterday, I believe he said it was \$7.25 for a

gallon of gas. The reason ours is lower is because we are on the road system, highway system. That is why it's \$3 less than where they are at.

I wanted to talk to you about the WHIP program. That WHIP program had moose -- in the past we were able to do moose research grants under that, but that was taken out for Alaska for some unknown reason. Moose is the major mainstay of our livelihood besides fish. We eat -- we hunt for moose every year. Everyone in Alaska that lives in the interior and around the southwest, I guess, they hunt moose in that area. It's a major stay of their livelihood. And to be able to do research projects and to get the moose population up in our area, we need to have that.

So, I would really want to see you to work in getting the moose research project back into the WHIP program, and I would like to invite you to Alaska, if we could, have it up there maybe. I don't know. It'll be a lot of work for Angela but I'm glad she's on here. And, of course, we want you up there in the summer months, not when it's 50 below. Last week before I came down here, it was 49 below; where I live in Cooper Center, it was 50 below. So, our fuel bill skyrocketed. It's going to be worse in January.

Joanna Mounce Stancil: Thank you.

Female Voice: Thank you.

Joanna Mounce Stancil: We have another representative --
oh, I'm sorry. Questions?

Mark Wadsworth: [Indiscernible] Sarah has a --

Joanna Mounce Stancil: Sarah has a question.

Sarah Vogel: My question is, you used the phrase called
WHIP program or WIC?

Male Voice: WIC. W-I-C. WIC.

Female Voice: No. She said WHIP.

Male Voice: WHIP?

Female Voice: WHIP, yes.

Female Voice: Wildlife Habitat Improvement Program.

Sarah Vogel: Wildlife Habitat Improvement Program.

Female Voice: It's an NRCS center.

Male Voice: An NRCS.

Sarah Vogel: Thank you.

Male Voice: I couldn't figure out how [indiscernible]
program.

Joanna Mounce Stancil: We have another commenter from
Alaska.

Martin Andrew: Good afternoon, Mr. Chairman and council.
You know, I just wanted to touch on, add a little to the lady --

Mark Wadsworth: Sir, could you state your full name.

Martin Andrew: Oh, sorry. My name is Martin Andrew. I
serve on the Alaska Tribal Conservation Alliance as co-chair and

also serve as president for our tribe. And you know, I just wanted to add some real issues that with the cold weather back home, and as of today in Bethel, two people froze in their homes, and real issues, and I wanted to take this opportunity for Alaska to see if this group here could set up an endowment fund for tribes in Alaska to assist those tribes, because over this past summer, we've also been hard hit. Most of the state was shut down with our fishing and that is what sustains us throughout the winter and through the whole year. So, I just wanted to take this opportunity to bring forth these comments. Thank you.

Rachel Lindvall: Good afternoon. My name is Rachel Lindvall, and I am a community development field specialist for South Dakota State University Extension Service. I'm on the Rosebud Reservation in South Central, South Dakota. I'm another FRTEP agent. And today I'm also speaking to you, representing all of our South Dakota FRTEP programs -- there are three of them -- as well as STSU's Native American program department for extension.

In South Dakota, BIA data suggests that we have at least 125,000 enrolled tribal members. There are millions of acres of tribal land, much of it suited for agriculture, and agriculture amongst our Native American communities is in somewhat of a precarious position. There's definitely room for improvement.

At FRTEP, I think, in general, definitely in South Dakota, but most of us in the room believe that our youth are our agriculture future and that education is the route to a genuine path to that future. So, we'd like to see more support for FRTEP. I'm joining in my colleagues across the country that say that. There are only 36 of us, and we serve -- you know, if you figure out how many acres we serve with the 36 of us -- I'm not going to do that calculation for us but I know that somebody probably could, but it's a lot, we'll put it that way.

I can speak to our area. I've been on the Rosebud Reservation three years with extension. But for 23 years before that I've also been there, affiliated with Sinte Gleska University, which is one of the oldest tribal colleges in the country. I taught natural resource management and forestry, and then I served as the division of library's dean or head of the library. Out our way, there is little science-based via sources of information, very few sources where people can go and get that science-based information that extension provides. We're very remote, we're very rural. So, without extension, without FRTEP, there's definitely a void in that.

We provide the outreach and information in a way that people trust. I mean, by and large, people trust extension. They know that we're not presenting a bias with that. Rosebud and Pine Ridge at least have had FRTEP program since 1991, and

each of those, we have strong relationships with the tribal college -- and those are some of the original tribal colleges. Many of our constituents, when it comes to information, they don't have Internet access, where a lot of us remove from agricultural knowledge base because a lot of the landowners, there are a lot of landowners, but they're in in a lot mentor lease relationship.

You know, we were really proud to bring you one of the essay writers -- essay contest winners out there yesterday, Cassidy Lindenberry [phonetic]. We recruited her and we're really proud of what she had to say. She talked about being involved with FFA, and she's a really eloquent young lady. The ironic thing is that in order to get that FFA programming, she had to go to school off the reservation, because Todd County School and St. Francis Indian School where she could -- you know, those are the reservation schools, they don't offer FFA programming anymore. And I think some of our educators could speak more to why those types of activities have been removed from the school. So, Cassidy spoke about FFA but she couldn't get it on her home reservation. So, again, there's a lack of way to reach those youth.

I guess we'd like to see more funds go to promote the future of ag in Indian country, and FRTEP helps by engaging and educating youth on our reservations. We live this, all of our

FRTEP agents. If you were in our meeting on Monday, you could tell there's people that -- we live this, so this is important to us. And, you know, I'd just like to put that out there, that if there are any other sources of funding that are available, we feel an itch that isn't being filled on many of our rural remote reservations by other sources. So, that's all I have to say, and thank you for your time.

Sabrina Tuttle: It seems like that's a little low or something for me. I'm Sabrina Tuttle, an extension agent on San Carlos Apache Reservation; I've been there almost 10 years. I want to support my co-workers in FRTEP. I'm also, I have an affiliate position as an assistant professor at the University of Arizona in the Department of Agricultural Education.

I just want to talk just a little bit about some of the research that we have done in our University of Arizona group with the FRTEP agents. It's not a very big part of our jobs, we're mostly educators, but we have found through that research that we've done with county, staff, and FRTEP extension staff on the reservations that there are some large differences between how extension works on a reservation and how it works in the counties. There are some similarities as well but it's really important that we have FRTEP educators on the reservations because many of the counties that I've come across -- and I also worked with the Seminole Tribe in Florida for four years as a

FRTEP agent -- many of the counties I've come across do not serve the reservation. They can't because they don't have enough staff. They don't have -- some of them don't have the right attitude or interest. And when you look even at some of the people that you have to work with in 4-H with the county versus a reservation, I just witnessed some terrible discrimination at a recent meeting towards our reservation kids. And I don't even want our people to be exposed to that type of attitude in the neighboring county.

And so, I just wanted to talk a little bit about our research and that things are different, and we do need more money to place more agents on the reservation in remote areas as well as be similar to the counties. The counties get -- they have had appropriation since, I guess, about 1914 on formula funds, and we don't have that. And I appreciate being able to come before this committee and talk about that, and my FRTEP co-workers are doing a great job, and we want to keep doing that and expand that. Thank you.

Joanna Mounce Stancil: Is anybody else coming up now?
Yes, ma'am? Sir, we have a lady in front. She's going to come and -- we'll come back around and then -- thank you.

Nikki Crowe: Bonjour. My name is Nikki Crowe. I'm from the Fond du Lac Tribal and Community College extension program, the Fond du Lac Band of Lake Superior Chippewa or Anishinaabe --

we're the original people -- about 35 miles south of Duluth, Minnesota.

First I have to tell you -- are you getting this? Not necessarily everything that I say, my views and opinions reflect those of the Fond du Lac Band of Lake Superior Chippewa or the Fond du Lac Tribal and Community College and sometimes even my mom. That is a policy and procedure of the Fond du Lac Band and for me as an employee to have to say that.

I like to talk about the extension program that I work through. It's a little tribal college. I work through another extension program as a -- on a project for Little Priest Tribal College in Winnebago, Nebraska back in the day. I didn't know anything about what FRTEP is. I got the discount for signing in as a FRTEP extension educator. Don't tell anyone. Oh, we're recording this again. Just lightening the mood.

So, what I want to say is some of the FRTEP extension educators that I've met here, you do some really good work. I think that's important. When I was at the meeting the other day, I said there was -- we've met with Susan Beaulieu from Minnesota, she got us together from the Anishinaabe Bands. Some of them were left out, but we talked about what we would see in 4-H in Indian country, and what it came down to was having input from the elders and having the youth interact with the elders, but also, knowing about the culture, the ceremony and the

history. Some of these things aren't taught in the public schools. But there's extension programs. I work on the USDA NIFA grant and I'm in an extension program, and I have to renew that funding again.

But there's this small -- it's not all at the big university, the state universities. There's little tribal community college that have extension programs that need to get started or they've fizzled out, they've lost their funding. That's where some of this money can go. I'm a band member from Fond du Lac. If I don't know the culture or the ceremony or the history, I know who to ask. I know how to ask elders in the correct way for what we need. I don't need to put it into my funding to offer a sema for their knowledge or their wisdom. And that's what we need to see with our extension educators and Indian country as well. That's what I would like to see.

As far as the names of calling things 4-H, we started the Minnesota Master Gardener Program. We got through that, there's five of us women. The Fond du Lac Minnesota Master Gardener Program now is recognized as its own county. So, our reservation, we cross over into Carlton and St. Louis County but the whole Fond du Lac res is ours. It's our, I guess, county. So, with that, we started Junior Master Gardening. Those things aren't a name. My Indian name, my spirit name is [indiscernible] -- you don't have to spell that -- but no matter

what you call me, I'm still Anishinaabe, and wherever I'm standing, I'm in Anishinaabe land because I'm the one who's standing there.

So, we had this Junior Master Gardening Program and we're teaching the kids about Three Sisters gardening, about sustainable gardening, and about heirloom seeds that we've taken care of for a long time by us and we changed around. Like the Bear Island Flint, it takes about 50 days to grow compared to like a Blue Hopi Corn that needs a whole 160, I think. We don't have that many days up there. But we changed that corn so that it could grow by us and we could use that corn.

Another thing that we've done through our extension program is the Minnesota Master Naturalist Program. We've gone through one of the classes. They're split up into three different biomes, although there is four; the other one is real little but they still talk about it. And what we're going to be doing is a couple of us, some of the same Master Gardeners, we took this Master Naturalist Instructor Training Course. So, what we'll be doing when we start our class in March is talking about the history of the treaties and the tribes in the Great Lakes area, and we'll be teaching the seasonal events, a little bit about the language and the culture. And we've made it ours in that way and that's how we'll present it when we put out our class offering. So, we had to make it ours.

But when you're thinking, "Oh, we'll give this money over here to this big university or that big university," say, "Hey, who's got extension programs over in the tribal colleges and what they can use?"

You know, when you talk about community education, one of the things I do is I talk to women about healing from the land, from post-traumatic stress disorder, from abuse. We have long-term abuse. I tell the women, I said, "I can't expect for you to take care of the land or the community at this time. You've got to heal yourself." We have those types of problems. That's community education. Parenting. Funding needs to go into that as well. We can't ask you to start a farm when you've got these other issues that are going on with your life as well. So, you have to think about some funding that goes into that. Those youth have to be taken care of by their parents as well in order for them to be educated. And with that, I'll conclude. I thank you for your time, [indiscernible] -- see you soon.

Joanna Mounce Stancil: Thank you. Anyone else from this side of the room? We'll take this gentleman right here with the hat and then we'll go down that way.

Aaron Begay [Phonetic]: Hi, Mr. Chairman and council. Thank you for giving me this opportunity to speak with you guys and ladies.

Mark Wadsworth: Excuse me. Full name for the records.

Aaron: My name is I'm Aaron Begay. I'm from the Navajo Nation. I'm a rancher and a farmer. And I'm from Tsaile, Arizona. I also sit on the board with the Tsaile Water User Association, which is a non-profit organization we've got going there.

In regard to the Keepseagle settlement, I just got something to say. My father-in-law filed claims, and he went through the whole process and they want denied letters from the FSA program that he applied through, and this happened back in the early '80s that he was denied, and they wanted his denied letter. And we went through the whole house, we couldn't find nothing, and three days later after the dates closed, we find this letter and we go back over there and tell them we found the letter that you guys needed. "So? It's too late. You're three days late. We can't do anything for you guys."

So, my point is it took him this long to settle this thing, we're late three days, we don't get a break. That's not fair for my people. That's just not right. And I was in the meeting this morning and you guys were saying this leftover money from the settlement, millions and millions of dollars, we would try to start an organization and transfer this money and use it to start a -- put it into youth or something like that, non-profits, yes, that's a really good idea. I would like to see it.

We have Diné College right there in Tsaile, which is one of the first Indian colleges across the U.S. It's over 40 years old. It's deteriorating. I would like to see some of that money go to this. We have land grant office there. They help farmers there, the ranchers there. They're always struggling, looking for money. I would like to see it go there. Where we live, it's two hours to go to town. To go to grocery store, it takes us two hours. And we'd like to see Indian land developed, put up some stores for us.

And this money, we would like to see scholarships. We'd like to use some of this money for youth. Just the other day, we're giving away to three essay winners, how they want to go to school, how they want to be scholar -- I mean, to do all these things for their land. It's nice. Let's help them out. Let's back them up. Let's get them there. So, that's what I would like to say. And I sure would hate to see this money go back to Washington and help somebody else, make themselves rich.

Thank you.

Joanna Mounce Stancil: We have someone else from this side? Yes, sir.

George Kipp: Mr. Chairman and respected council members, I'm honored to be able to approach you today with some of the ideas and some of the concerns that I do have. One thing, I

commend you on your positions, it's going to be very difficult to resolve a lot of the issues that you're confronted with.

Mark Wadsworth: Just full name and --

George Kipp: George Kipp. I'm a Blackfeet tribal member from Browning, Montana. I'm an FSA County Committee member for Glacier County, and I've worked for the Blackfeet Community College for 25 years. I'm a small operator. And one of the things that I hear echoing, you're going to put this foundation together and put the money, the only place you can put it is in the tribal colleges. I just wanted to say that because of the pitch ah. No, quite frankly, that's not true.

But anyway, the thing is is that Keepseagle was put together by some individuals, and Mr. Porter Holder there who was one of the original plaintiffs and so forth, and Mr. Keepseagle and him, I have to really admire them and commend them on following through with this. But the Keepseagle case designed for those that was discriminated against in some manner through the USDA. So, I think that money should be very well designed for this purpose. And, of course, there is -- I've been asked by several people about someone who missed the deadlines and some that they didn't know were eligible.

One elder lady who's 88 years old, whose husband applied but was denied, but didn't have the accessibility to actually file and she said, "You know, I was eligible." So, there should

be some concerns about that. Also, under the youth -- there was youth -- I said, those were denied back in those days was re-eligible and several of those that were eligible, so there should be some special considerations done in on that as far as making sure that every stone and every individual that was discriminated against actually is served. And I think that's the sole purpose of the money.

As far as looking at your committee, you give us a voice in Washington, D.C., leveraging there are the Capitol out there is going to be one of the many main things, but also with your voicing us, I hear a lot of the government agencies, I don't think it's going to be very likely that we're going to be taking money from USDA and giving it back to their programs to help us. I think the grassroots individual will come up with their own ideas and how to expend that there. Of course, their ideas are good, their actions are terrific, and they have some good results.

But I think that -- I work for a program within a tribally controlled community college called the Carl Perkins, and in that is vocational education money -- 1.25 percent set aside out of all the Carl Perkins money distributed vocation money in the United States is set aside for specific use for Native Americans. I think [indiscernible] and so forth. You as the committee, you guys can start discussing that with the USDA.

Because of the stats yesterday that was presented to us and the numbers in the [indiscernible] base and the number of farmers and ranchers that we have that are \$10,000 and less, we should have a goal to raise their income up to \$20,000 or \$25,000. But you guys start voicing that opinion, I think that would help a lot of the government agencies in hearing the extension programs if there was a set aside and there'd be more money out there to distribute among agencies, so I think that should be one of your mandates as a committee, as a council.

Secondly, another form of discrimination that I think emerged out of here is that married couples applied together and they were awarded as one entity. And I mentioned that a little bit earlier this morning, I have concerns about that there, is that they receive less with their applicants and that was in on time, and they should be given consideration as separate entities because EEOC does not provide discrimination against organizations, as groups, but primarily it's designed on individuals. As for individual, regardless if they were a son and a father, and they had to apply together, a wife and a husband, and with individuals, they should receive the same amount as Keepseagle individuals, and that's my other concern there.

Also, the loans themselves, there is a cutoff date set for the debt, and I think that was January 1st of 2011, the write-

off was for the claimants. I mean, that's very, very exceptional. That was very good there. And as an operator, and individuals that I would like to reflect this to you too is that almost all ranchers work on operating capital as for projection. But debt that was acquired prior to 2011 and cannot be paid off until 2012 because of inaccessibility of loan agencies, I think that should -- any debt that was incurred to USDA prior to that date of January 1st 2011 occurred, but debt that was not paid off was not eligible for that. So, I think that should be reconsidered also for the claimants.

And the other thing, and I just want to echo this here, you as the committee, and nowadays in some of the youth programs, and I'm pretty sure you've discussed that and I've heard it from Mr. Ross Racine, is that our youth and youth bills, where there are youth, there are little ones that are held to the requirements of adults; if they fail on the youth bill, they're not eligible for any FSA loans or even Pell grants when they go to secondary school. And I think that Chris, you as an individual as within that area should change that right away for the youth, I think, because that's pretty restrictive. We do have some kids that are almost failure status at this point in time would jeopardize their higher education.

Secondly, one of the things is that you as a committee, one of the things within the farm youth bill, Young Farmers Bill,

purchasing of land, there's just not really adequate amounts there if you want to purchase land and go into the business. So, I think that should be one of your duties, to bring that up. And I really appreciate you being our voice now in D.C., and I think that you'll do a great job. You're not going to satisfy everybody, but you can help out considerably. And I thank you.

Joanna Mounce Stancil: Thank you. Next? This gentleman [indiscernible]. We'll just keep going around and then we'll stay back this way and pick up our new commenters that have joined us.

Bruce Cain: Thank you, Mr. Chairman, council members. My name is Bruce Cain, and I work with the Copper River-Ahtna Inter-Tribal Resource Conservation District. It's a consortium of, partnership of seven federally recognized tribes and two Alaska native corporations in Central Alaska.

And like Gloria said, when I left home it was 55 degrees below zero, and that was the air temperature, not the wind chill. And when I walked into the hotel this morning -- or not this morning but earlier this week, it was warm, like 50 degrees and there was a heater going out there by the entrance outside, and I was thinking, "You know, that'd be nice to have, something like that." But it's -- like we heard from Willy, last week in Bethel two people froze to death in their own homes, unheated homes, because they can't afford fuel. You can Google it,

"people frozen to death in Bethel," look at it, read the articles. This is serious business. This is life and death.

The Wildlife Habitat Improvement Program that Gloria mentioned, I just want to reiterate that again. That was taken out of Alaska this fiscal year. We're just getting started, and we really need to get our moose back. Our moose are our food. There's a tenth of a moose per square mile in our area, and a healthy habitat has two to four moose per square mile. So, we need to come up 10 to 20 times what we are.

The thing about that program that's so important is that if we get that going, the way you improve moose habitat with the elders is you clear out the dead trees and you do controlled burns which make fire-killed trees which are firewood. If we had firewood, firewood is life and death in our country. Moose for our food is life and death.

And we heard that that was re-allocated to go to help endangered -- I think it was a moth and maybe there was a little songbird and a box turtle and some frogs. We feel sorry for those creatures, but we need food and we need firewood. So, please, get that Wildlife Habitat Improvement Program back into Alaska and fund it well. I heard that it was going to be rolled into the Equip Program and probably just disappear. I don't know why they're doing that. But for Alaska, it's what we need. We don't have the developed agricultural lands in Alaska.

Everything is our wildlife. That's our subsistence, that's our agriculture. So, that was really my point that I wanted to make.

I'll tell you something that our Elder Chief Walter Charley and maybe it could be a good guidance for this group here -- I admire you for your mission and your start -- and he said, "When I was young, when we were in the river and the water was swift, we had to paddle together. It was a matter of life and death." And Walter's not been with us for many years but I've always remembered that. So, if we can work together and paddle together, we're going to do okay. We're looking to you for helping us with that. Thank you.

Mark Wadsworth: Mary, you have a --

Mary Thompson: I guess, for clarification for my own purposes, I have a question. And I'm wondering about this WHIP program which is through the NRCS program. Was that program taken out -- was it through your state CON [phonetic] or was it through -- how is it that that program was eliminated?

Bruce Cain: You're going to have ask people smarter than me. I'm not sure -- we applied for it and we were told that the money was re-allocated to this endangered species program.

Mary Thompson: Okay. Because, I guess, what I'm wondering is, was that decision, was it a state decision? Because the --

Bruce Cain: The headquarters, we were told.

Mary Thompson: Headquarters?

Bruce Cain: That's what we were told. I really don't know a lot about how all this works. I know we won't get the money.

Mary Thompson: Thank you.

Christy Cincotta: Hello, everyone. My name is Christy Cincotta, and I'm also from Alaska. I work with the Tyonek Tribal Conservation District there, and one of my main jobs there is to work with the native village of Tyonek to help increase access to USDA funding and technical assistance. And I'd like to comment today based on a presentation I attended yesterday for the agricultural census, and one of the things that I learned in that presentation was that USDA does not consider subsistence activities as agriculture. And I just wanted to make the comment that I think that this is a misrepresentation of what's actually occurring in the state of Alaska and that it puts Alaska at a disadvantage.

From what I've seen, people in the state of Alaska work very hard for their food, it's just in a different way. And in the native village of Tyonek, as in many other places throughout Alaska, there's no grocery store. If you want to go to a grocery store, you'd have to get on a plane and then you have to pay the freight to come back. And so, hunting and fishing are not hobbies, really, there. And for a recent study that was done by Alaska Department of Fish and Game, they determined that

in Tyonek about 80 percent of the food that's consumed there comes from subsistence activities, such as hunting, fishing, berry harvest, and other activities. And people there manage the land in order to increase their access to those subsistence foods.

So, I guess, I'd just like to suggest that I know that this is a discussion that's probably gone for sometime about how to define subsistence, but I would like to suggest that if it's possible, the definition of agriculture be altered to include those activities to increase the opportunities available to Alaska natives.

Thank you for this opportunity to participate in this process.

Joanna Mounce Stancil: Thank you.

Mark Wadsworth: Before we have the next speaker, we have a couple of other council members who came and didn't introduce themselves at the general session. Would you like to introduce yourself, Mike?

Michael Jandreau: My name is Mike Jandreau. I'm the chairman of the Lower Brule Sioux Tribe.

Lisa Pino: Good afternoon, everyone. I'm Lisa Pino, the acting deputy assistant secretary for the Office of Civil Rights for USDA. It's great to be here.

Lawrence Martinez [phonetic]: Hello, members of the council and everybody in this room. My name is Lawrence Martinez. I'm from the Four Corners area Farmington, New Mexico, and I'm here to support the Indian ag and youth. I'm a cattle rancher. We also have sheep and we have farms, and we have a small working group. I know the name of [indiscernible] Co-op. And we've been working with different ranchers, different farmers on the reservation at our own pace.

We don't go into the tribal assistance because we're independent and we try to do everything our own and one of the things that we're working on is to be able to go on into Indian country with different ideas and to share and be able to concentrate and bring, pool together, unite all the different tribes into what little business that we have to be able to connect all the tribes to form a body of people where we can be heard and we can function throughout ag business, throughout the competition of the market that we're against today. I feel and we feel that if we connect and form a bigger group, we can be able to penetrate the bigger markets, the local markets, the regional market, and also be able to connect and market our supplies and needs to the world.

As we know, we have some other Indian businesses that are already connected in the form of outreach market. And I commend IAC and the group here in the outreach work that they've done

for us, and we have more work coming to us, and you also have more work coming to you. And I appreciate the new council. We would like to work with you, we want to listen to you, and we also want you to listen to us.

And we're also in the process of starting Indian country beef which we'll be connecting -- we're looking for board members to represent different areas. And we're saying that if we can get board members from all different areas, then we can be able to reach everybody to be able to develop this Indian country beef throughout the local area, throughout the regional, and also to develop it through the world. And with this practice, we're located close to NAPI which is a Navajo farm that belongs to all the Navajo and it's a huge farm, some 70,000 acres over there, their irrigated land, and we also have privilege and the door is open for us to put our youth into training, put our youth into ideas of what they want to become.

We have experienced different youths, different students coming back with Master's degree to this farm and put them to work and really don't know what they're there for. And we've helped them in developing in their skills; they know the knowledge of the book but they don't know the knowledge of how to get on a horse or how to put a tractor in gear. So, with these, what we've been receiving, what we've experienced, we're trying to develop youth development where we can start the

students at the ranch, start the students at the farm, send them to school, and then they'll know the reason being in school so they can practice, continue practicing what they want to be. And that, I feel, is our future. The kids, the students, anybody behind you is the one that's going to carry on tomorrow. So, if we help them develop skills or develop common sense, that will make him a better person and our future will continue, and that's what we're striving for.

And in developing this Indian country beef, in developing any Indian country ag business, that's what we're looking for. This Indian country beef, we feel, is going to be a pilot project. We'd like somebody -- other people, we're already talking about Indian country wheat. We're looking at people that have sheep, lamb operation, Indian country lamb. So, when this comes up to the table, please stop and look at it and listen to us and help us grow this big dream that we have in Indian ag business.

With this, I'd like to end my speech, and I thank you.

Joanna Mounce Stancil: Thank you.

Randall Ware: Good afternoon, committee. My name is Randall Ware, a member of the Kiowa Tribe. I'm also a chairman of the advisory committee on minority farmers for Secretary Vilsack. Today, committee, you are to be committed on this history-making committee that you sit on. Congratulations. But

today, I come to you as a farmer and a rancher. I'm also a cattle rancher and I'm a wheat farmer, and I bring you the pains from the farmers of Southwest Oklahoma today. What our needs are, I'm going to present them to you, and you just take it to heart, okay? I just want to say thank you for this opportunity.

I would like to say that there's so many things that we need in Southwest Oklahoma. First of all, I'm going to cover -- you covered it many times -- we have 39 tribe represented in Oklahoma and there's been no funding. The advocacy and outreach programs has not funded no entity, colleges, or anybody else to give us, Native Americans, trainings, beginning farmers and ranchers trainings. We need money for that for training there in Southwest to keep us sustainable, to keep us going. We have no money, whatsoever. There's nobody that's been funded there.

We have nonprofit organizations who qualify for this moneys. We have the Oklahoma Tribal Conservation Advisory Council that we could work with, but we need this. That is our immediate need there in order to keep us sustainable. Right now, we have 80 families that are waiting and we have no money to start this training on it.

Another idea that we'd like to see that you could think about is maybe creating a Native American heifer project. You know, give grant moneys to organizations that are organized. Let them help them help themselves. Give them grant moneys to

get them started. Let them purchase five red heifers and pass them on to families. They could have the heifers and they could pass them on to another group, keep going, keep it going. It'll work. It'll work. It's a good way to work.

Another idea is credit unions. Let organized organizations, nonprofit groups or whatever have you that are qualified, give them grant money, let them start a co-op. Because they know and they serve the people, they know who can pay these moneys back, you know, to keep it going and help us to help ourselves. Let us establish these credit unions and to help the groups all over there in Southwest Oklahoma and abroad.

This will work y'all. You have a wonderful committee here, you're good thinkers and everything, but these are just some ideas that I'm passing to you all and this is what our needs are.

We need farm equipment, y'all. There're families that we can share our farm equipment with. We need tractors, we need no-till drill, we need a disc. I tell you what, you get use tractors, you get us drills, you get us disc, I'll give you a darn success story that will knock your socks off next year. But that is the truth. We need farm equipment. I mean, help the farmers. Help the farmers, help the Native American farmers help themselves. I mean, when everybody else help the neighbors, we need to help planting because the tractor broke

down. One tractor among us. You know, I hate to say this but the white farmers turned their backs on us when they would jump in a heartbeat to help the farmer plant. Nobody came to help us in our land. Where was our help? And that's the way it's been. Help us help ourselves, okay?

And also, too, put an endowment fund up. We're having a drought out there. Committee, we're having a drought. Put some money up for hay. You know, our farmers, they have cattle -- they're struggling to keep their farm sustainable, they're struggling to keep them going. Have some hay money ready for them. You know, any way that you can help us, the farmers and ranchers. That's what we're all about. We have an opportunity, committee, you have an opportunity committee to help us.

Thank you, you know, to Mr. Secretary Vilsack, having a heart [indiscernible]. Thank you. You know, you heard our cry, you heard what kind of positions we're in. This is the real world out there, we have a job to do, and by golly, we can farm the best with the rest of them. You know, our Native American farmers, they get farm and ranch with the bet out there. You know, help us and we can feed the world also, and I just want to leave that with you. And you know, our children, they're smart. I know that you all want to take care of them in their training, scholarships, whatever have you, but remember, the farmer and rancher out there. We have, like I said, non-profit groups

there that are ready. But help us. I humbly ask you, help us today. Okay. Thank you for your time.

Joanna Mounce Stancil: I think we have a question for you, sir.

Male Voice: Mr. Ware, just a point of clarification. When you talked about Office of Advocacy and Outreach and the training funds, are you talking about the 2501 grant money?

Randall Ware: Yes, the 2501 money. Committee, be our voice out there. Ensure next funding cycle that the Native Americans are taken care of. Nobody out there lobby to ensure that -- 39 tribes in Oklahoma left out, you know, and that's ridiculous. You know, we should've had funding out there for us, and there's nobody there. There's only one university that works with the Native Americans and one entity that was Langston University who had shut down their outreach program, and Oklahoma Tribal Conservation Advisory Council that worked with us and there was no funding, and now we are without.

Joanna Mounce Stancil: Thank you. Now, do we have -- thank you very much. I guess we have one gentleman that's next to the wall here. Did you want to speak, sir? And then we're going to go back here and then wrap around this end, and then take in our new people that have joined us.

Bruce Savage: Good afternoon, committee. My name is Bruce Savage, Fond du Lac band member, private farmer. I'm not with

any organization. I don't know if there's that many private farmers in the room today. Then these guys know that sometimes we'll take a risk -- interest rate high, you can't wait for your farm programs. If you're gonna do it, you're gonna to do it.

Some of the funds that you guys are going to be distributing, I really would like to see you advocate to put a program together for private farmers to be able to access this money at a really low interest rate. Because that's the key to doing a business adventure. We all know it's interest rate. And when you're paying six, seven, eight, 13, 14 percent interest, if you could access your money at 0.75 percent or less, it's going to make the difference between a guy like me working until I'm 80 to pay off my loans to when I'm 60. We all have a ceiling of how long we're going to be able to do this, and if you could somehow, with all you folks, figure out a way to help the private farmers, the private native farmers.

And if you're not going to do that, make sure that this money that you use goes to the natives. I understand there's a lot of extension service people out there that want access to this money, try to put it into native people's pockets, because those are the people who fought for that money. That's all I got to say.

Joanna Mounce Stancil: Thank you. Okay, this gentleman here -- oh, he was the first one. This gentleman here and then [indiscernible].

Mark Wadsworth: Jerry? Jerry [indiscernible].

Male Voice: [Indiscernible].

Joanna Mounce Stancil: Please use the mic. Thank you.

Jerry McPeak: Commenting on -- where is Bruce? Where did you go?

Bruce Savage: I'm right behind you.

Jerry McPeak: Aaah, all right. You're kind of where I was on this thing, it's probably 24 hours ago. My understanding from the question I asked this morning at open session was is that it's going to be a set of judges' decision as to where that money goes, even if it's not resolved in the fiscal cliff.

[Indiscernible]. My family has a fiscal cliff every week. I'm not really getting excited about the one they're having right now. Damn, we've got it all the time. So, it's like not a big deal at our place -- "Who gets paid this month? Let's see. That one. We'll pay that one."

But in all seriousness, we believe at this juncture -- I think, we're trying to figure out where we are, and we think maybe best case scenario, we're going to get maybe some suggestions. Now, we may be trying to get stronger legs that we can make a stronger suggestion, but based on what I've heard

this morning and I've heard before, I don't think that we're going to get to be the ones that decide where it goes. I think we're going to [indiscernible] deciding personally.

Bruce Savage: I understand that. All I'm asking is that you advocate for us.

Jerry McPeak: There you go. I can do that.

Bruce Savage: I'm honestly amazed that this payment went through already. There's tribal issues out there that are still being settled from the 1800s.

Joanna Mounce Stancil: You and then we have Barry. We have one of our youth with us today too, so we want to make sure we give her an opportunity to talk.

Joel Clairmont: Mr. Chairman, members of the council, my name is Joel Clairmont -- that is -C-L-A-I-R-M-O-N-T. I'm a member of the Confederated Salish and Kootenai Tribes. I'm a producer, I raise grain, hay, cattle, and have irrigated land as well. As most producers, I have a second job. I'm the deputy director of the Montana Department of Agriculture. I have a list of ideas here for \$450 million, and we'll go ahead and just kind of keep the big ones.

One of the things that I think that's important is the -- well, I was with EIRP when I was in extension program, but you have FRTEP program which is the Federally-Recognized Tribal Extension Program, and I don't want to risk repeating myself

from what I've heard earlier, but you saw that there were 36 programs, and now would like to be fully at 80. Extension brings a lot to the reservations that particularly -- on the Flathead Reservation where I'm from, we have county programs and we have the reservation program, and there is a difference about reaching producers. And I don't know how to say that any better than the fact that we have trust land and you have fee land, and on the reservation, people know the difference. You have your Indian lands and you have your white lands. And we try to work together but, however it is, the county programs, they try to make the best working with the tribes and the tribes try to make the best working with each other, but when it really comes down to it. This has been the most successful way I've seen of getting programming out in Indian country.

So, I want to also talk about economic development. Education, I believe, is the first building block before economic development can start. And one of the ways that we go about doing that is through the tribal colleges. But one of the things that I find missing with the tribal colleges, and I'm not up to speed what has probably changed in the last 10 years, but as I understand it, in 1994 they made a land grant college, and all of our land grants do research. And I'm under the impression -- correct me if I'm wrong here, but I don't believe our colleges do research. Honestly, that's hurting the tribes

and the reservations in a big way, because they can't access dollars that our check out programs have.

Montana has a wheat and barley committee, \$4 million in the fund, \$1.5 million goes to research; not a tribal college has ever applied for a research grant there. We have different varieties that would perform well in Western Montana on the Flathead Reservation that I know that do not perform well over on the Fort Peck Reservation which is about 1000 miles away. So, I guess what I'm saying is that if we could get the tribal colleges where they could do research where they could access these funds, then we can start with some more economic development which I also see there's a new industry developing in the Montana is in the pulse crops.

And why is that important? In Montana, we have summer fallow land. Peas and lentils can be raised on those fallow lands, and once that's done, many family farms is going to be able to bring the next generation home because they're able to plant another crop on those acres. Research would boost those yields, there's world demand for pulse. Just recently in the last year, we used to sell pulse crops, piece of lentils, by the container load. Now, we're selling them by the freighter load, which is about 400 carloads of peas and lentil into a freighter that takes it over to Bangladesh or India, wherever it might be, and it's competing with wheat. So, I'm just saying as long as

there possibly could be research done at these tribal colleges, there's money there, just can't access it because they don't have the means to do that.

Another area -- I guess, I'm going to ask the council here a question before I dive into it, on economic development -- the foundation that we're talking about here, is it going to be considered private or is it going to be like federal or state dollars? How --

Sarah Vogel: Private.

Joel Clairmont: It'll be private. Wonderful.

Male Voice: [Indiscernible]. I'm going to clarify it. First we heard about this foundation or I heard about it was this morning when that man said, the word "foundation," but other than that, I had never heard of that. You? You? You?

Male Voice: I heard [indiscernible].

Male Voice: Before that?

Male Voice: Just this week.

Male Voice: Okay.

Joel Clairmont: But it is considered private?

Sarah Vogel. Number one, we're a long ways away from getting that done. But if that's the recommendation based on input and a whole lot of other things and if the judge were to approve it, it would be private.

Joel Clairmont: Let's go through all those if's and let's hope we get to the end here. I can't be happier to hear that it's moving in that direction, if that is that case. Because one of the things to do economic development that I've seen in my position at the Department of Agriculture is that we do not have any money for startup. If you can access as an entrepreneur, money that is uninhibited, that doesn't require a matched gift, you start out with that hard dollar, then you can leverage that hard dollar with state dollars, then you can take that state dollar and leverage it with federal dollar. So, just the math here, you've gone from \$5000, you can go to \$10,000, and now you're \$15,000. The \$15,000 can start moving an idea ahead. But if there was some money set aside here for ideas for ag innovation, for a new product or such, that would be a real big help.

We see that with First Nation. They were our foundation if I recall, and they start it off with a business plan, then you leverage it into a feasibility study, then you leverage that into maybe some real beginning enterprise development grants. I'm sure I've got that wrong, but you get my point, that we're trying to leverage here. And it takes about \$300,000 to \$500,000 to get a product from your mind all the way to the marketplace. And so, you're going to have to leverage several times, but you have to have that start.

We might want to also move on to talking about water development. On the Flathead Reservation, 147,000 acres of irrigated land, we have this problem that because of the different strings that are attached to the different funding sources, [indiscernible] water development --

Mark Wadsworth: Sir. Sir.

Joel Clairmont: Yes?

Mark Wadsworth: We're trying to keep this to three to five minutes.

Joel Clairmont: Okay. I'm just about finished with that.

Mark Wadsworth: Okay.

Joel Clairmont: Okay. But this is a real important part on the Flathead Reservation with that and I just wanted to make sure that there might be some funding available for those irrigation development lands that we're fighting so hard to get and keep in irrigation. Thank you.

Joanna Mounce Stancil: Thank you, sir. Thank you. We'd like to take a real short break, maybe 10 minutes, no more, so the council members can refresh themselves, and we'll come back. And then we have this lady here, and we have a representative from our youth that wants to speak. So, I hope you will return, all of you, so that you can hear everyone's comments.

[Break]

Joanna Mounce Stancil: Let's see. We're waiting for the chairman to come back. Who else do we need?

Male Voice: The chairman is here.

Joanna Mounce Stancil: Chairman Jandreau. I'm sorry. Tribal Chairman Jandreau.

Male Voice: He's downstairs. [Indiscernible]

Joanna Mounce Stancil: Okay. Well, I probably wouldn't wait then.

Erin Hoffman: Thank you for your time today. My name is Erin Hoffman and I work with the Tyonek Tribal Conservation District in Alaska. I'm here today to reiterate two main points: First is the importance of including sustainable -- excuse me -- the importance of including subsistence in the NASS agriculture census data. And my second point is to offer solutions in which to do this, and there's cost-effective methods and information available that you can already use.

First, subsistence. The loose definition is the use of natural wild resources for home use, goods, clothing, food, and the economy for native people in Alaska. This includes moose, big game, fish, marine mammals, plants, and berries.

Second, the reason why I bring up the importance of this data is today we learned about the NASS agriculture survey that's going on at this point, and we learned that this would influence the future of NRCS and USDA funding to our state. So,

this is not only important to Tyonek but Alaska and our future generations.

So, second, I wanted to bring up cost-effective methods to influence -- to provide this data. And actually, a lot of the information is already available in Alaska. The Department of Fish and Game has a subsistence department. They currently have harvest tags and harvest permits and annually collect data from native villages across Alaska. So, this would be merely coordinating USDA with the Alaska State Department Fish and Game.

So, I just wanted to offer those two points. And also, if you would like a local tool or an organization to work with the Alaska Department of Fish and Game Tyonek, we would absolutely like to be a part of that process.

Joanna Mounce Stancil: Thank you.

Jerry McPeak: I have one question for the Alaska people.

Joanna Mounce Stancil: All right. We have one question.

Jerry?

Jerry McPeak: Yes. And one of the things that when we came to Washington, D.C. the first time, I've already told Angela that what I came away fired up about was about not being allowed to fish in your streams but coming from a state government myself, how much like of the drilling of the oil and gas taxes are utilized in your state and how much are they

giving those folks tax credits when they're drilling? And I'm wondering about your state -- I'm thinking that your state is probably not doing as good a job as they should with the native people, and that's just a -- is that an understatement or is that an accurate statement?

Joanna Mounce Stancil: Use the mic [indiscernible]. Thank you.

Female Voice: As far as I'm concerned, the relationship with tribes and the state, it's very hard when you have 229 tribes that want to exercise their sovereignty in a state such as Alaska. We have a hard time -- we also have corporations. We have first the regional corporations which they own the mineral rights or the subsurface rights, and then you have the village corporation owning the rights, and then tribes which do not own anything unless they are given -- unless they are given -- unless they are conveyed land by the corporation to the tribe. The tribes do not own land there. The corporations own the land. That's why we have problems.

Mark Wadsworth: Wait on this until tomorrow.

Joanna Mounce Stancil: Thank you.

Taylor Martinez: I'm Taylor Martinez yeah. I'm from Farmington, New Mexico which is located in the Four Corners.

Just as Mr. Bruce said, Native Americans will take their risk for the system. That's what my family and I are here for.

So many people are out there waiting for this but no one expects that. [pause] But I do. [crying sound throughout] Every chance we get, the people say no. They will help us plan, but when it comes to take the action -- Every chance we get, the people say no. We'll plan out, but when it comes to action, they set out our plans -- But when we set out, they leave saying that they will come back. They say that they're going to go talk to somebody that can change this but they never come back. Millions of people are waiting for this but nothing happens. I ask for the needs and smaller economics. Thank you.

Joanna Mounce Stancil: All right. I'm going to get myself under control. We have someone -- anyone else on this row? Sir?

Kevin Welch: Good afternoon. My name is Kevin Welch. I am a member of the Eastern Band of Cherokee in North Carolina. I am a dues-paying member of IAC. I'm the Eastern Band's rep to IAC. I'm also an employee of FRTEP, and I'm not here to represent either of them. FRTEP is, as far as I know, is an entity of USDA. Their chain of command for receiving funds, improving funds, increasing funds or decreasing funds goes through the chain of command USDA through the government. I didn't come in with the other group because I chose to abstain from other things. And I am not supporting IAC as their wish to kind of be the sole controller of these funds. As far as I

know, when the settlement was created, it was for all native peoples. Is that not correct? Yes? No? Shake your head. Do something.

Female Voice: Yes.

Female Voice: [Indiscernible].

Kevin Welch: Okay. Now, hopefully once the judge's decision comes down, and so as far as I understand, you guys are here to gather information and make a recommendation on the dispersal of this funding. Is that not correct? You're to make recommendations to the --

Male Voice: To USDA's programs, to the secretary.

Kevin Welch: Okay. Great. I was one of the folks that worked on the assessment tool a few years ago for FRTEP to help identify needs in Indian country. You guys may take a look at those surveys. They were done here at IAC a few years ago on a survey. Okay. So, my question -- and I sat here and listened to a lot of the proposals and stuff, and I queried Janie Hipp on it a little while ago before the break about whether or not this was a grant proposal session or a session to gather information. And so, I'm glad to say that it's an information-gathering thing.

My proposal is basically this, when you do, like, get the dispersal of funding in however manner that is chosen or making a recommendation to the folks that will make the final decisions

on that is to look at Indian country across the board. There are quite a few folks here who have vested interest in which area that funding goes to, and I have a cowboy hat too, but I'm Eastern Cherokee; I wear mine to keep the sun off of me when I'm on my tractor.

So, I won't take too much of your time but I have read that and, like I said, I was under the impression that you guys were not a grant-making entity today. Thank you very much for your time.

Joanna Mounce Stancil: Thank you. [Indiscernible] the gentleman in the white hat who's been waiting patiently.

Donovan Archambault: I want to thank the committee for allowing this to let you know what our concerns are. I thought this was a per capita meeting, everybody getting per capita here -- "We need this, we need that." That's how desperate it is, I think of --

Mark Wadsworth: Sir, could you give us your full name?

Donovan Archambault: My name is Donovan Archambault. I'm from the Fort Belknap Indian Reservation in Montana. I was -- this is my 14th year on the Tribal Council. I served two years as a tribal chairman, and I've been away from tribal politics for about 20 years. When I got back in here this last year, it hasn't changed much. But anyway, you know, I'm one of them guys that sat in front of those people out there and it used to be --

it wasn't FSA, it was some other bunch of initials anyway, and we sat there all day long and waited for them to ask us what we needed and didn't ask us what we needed, they asked us, "What do you guys want?" There was two of us, Foxy Filesteel and myself and we were new farmers, ranchers, with cows and a few acres of land. "What do you guys want?" And I said, "Well, I want to report my crops so I can kind of participate in these giveaway programs you've got to help me farm, help me meet my debts." "Oh, you guys don't qualify. Go back to the bureau. The BIA has money for you over there." And so, I mean, that's how we were treated. And when George and Marilyn -- I graduated with Marilyn, and George was a good friend of my -- Keepseagle. And when this thing was settled, I drove over to thank them over at Fort Yates.

But you know, I would like to see something -- my proposal anyway is -- my grandfather a long time ago in 1934, he told me -- my dad and I went back to Belknap in '59 and he told my dad, he said, "In 1934, I was on this Tribal Council and we gave you a full reservation." And at that time, about 10 percent of our reservation was sold. And so, it is getting worse now, more and more, it's getting sold off and it's no longer a reservation like it used to be.

But he also said another thing. He said, "You didn't inherit this place from your grandfolks. You're borrowing it

from your grandchildren." Right there, this little girl over here. You're borrowing it from her. And what I would like to see with this money that we all sat there and got ridiculed and made fun of for all those years that we farmed and ranched, trying to get in these programs, I would like to see these funds put some place -- I don't know if you can use them to earn interest or -- I was reading something about it that you can put it in a place where you can earn interest. But even as we sit here right now, that money is sitting over there, and I don't know if it's earning interest, but it should be. And keep the original amount, keep the capital. And I know there's probably more money there than what they paid out, so that means there's going to be over \$300 million sitting over there.

You know how much that \$300 million could be in about four or five years? That would be a billion dollars. And all the people that lost their land -- this gentleman over here, this little girl, myself. I had to give my place up for about \$35,000 for all of my equipment, what a little bit of land I had. My tractor alone cost \$80,000, but because of the drought and I couldn't make my payments, I had to get out. I never got that back. I never will. I don't have nothing to leave my kids or my grandkids. My kids, they're too smart, they don't want it.

But anyway, I would like to see something like that where this capital is sitting there, and these guys that lost their lands and lost everything, let's go out and buy some land where they can lease it for -- what that fellow say this afternoon -- 0.75 percent interest? Low-interest money, because it's not gonna to cost you anything. You've already got the capital there. Leave it there. Take this money and the money that you loaned him to get his land going. Purchase that land. You'll have more owner, you'll expand your reservations, you'll get more people working, you'd have younger farmers like this little girl over here. We have to look at that.

And I think it's fine if you help people out, whatever they need to have to survive. But I think we need to survive, too. The reservations, I mean, the tribes, all of us. And the only way to do it -- and when you talk about self-sufficiency, this money is a good opportunity to make you self-sufficient. It's government money to start with but the next go-around is going to be your money, it's going to be our money. It isn't going to be the government's. And it can be done.

We started a little insurance company, 120 employees. We took it over, took it from the state. The state fought us. We have sole jurisdiction on running this unemployment workman's comp. I said, "Where is your jurisdiction? You don't have any jurisdiction on this reservation." That's ours, so we started

this. That was in 1990, 1991. Today, we got over \$12 million in there, we're doing our own unemployment. We don't have any state money in there, we don't have any federal money. From 120 employees, that's what we got. And that's \$12 million. If we amortize that after 30 years, we'd have \$1 billion. So, if you've got \$300,000 or \$300 million right now, it wouldn't be long that you'd have \$1 billion, and we could help everybody, not just a few. But that's what I'd like to see. Let's build. Let's be self-sufficient. Let's get this little girl back a place over here. Thank you.

Joanna Mounce Stancil: Do we have anyone else waiting? Because we do have one request. We want to make sure that -- Christine, we've also had a request after you if everybody will stay in place, the mother of our young lady here would like to complete what she was starting and make her presentation. Do you want to go ahead and do that?

Brenda Martinez: Hello. I'm Brenda Martinez. My daughter, Taylor, she's 11 years old. She came out a couple of years ago with us to IAC and did a presentation. But just from listening to everybody speak and listening to comments, she kind of jotted this down and was determined to talk but it's very emotional for her, so I'll just read what she wrote.

"Just as Mr. Bruce said, Native Americans will take the risk for the system. That's what my family and I are here for.

I respect that and I ask for your help. So many people are out there ready to become part of this and no one respects that, but I do. Every chance we get, the people sent out to help us will listen and plan, but when it comes to action, we set out our plans but no one listens. They leave saying they will talk to someone in charge and they don't come back. Millions of people are asking for this and there's still nothing. I ask for needs and smaller economics." Thank you.

Christine Webber: Good afternoon. My name is Christine Webber, and I'm one of the lawyers who had the privilege of representing George and Marilyn Keepseagle and Porter Holder and all the other Native American farmers and ranchers that were part of the Keepseagle lawsuit. And one of the most important accomplishments of the lawsuit was the creation of this council, something that can be a permanent fixture as part of USDA and making sure that the programs at USDA will serve Native American farming and ranching community for generations to come.

I want to take this opportunity to give a report to the council. You -- obviously, you came in at the end as being appointed to the council at the end of the litigation and after the council was created. So, I wanted to take the opportunity to give a little background on the lawsuit and what we went through in the claims process and sort of tell you where we are today.

The case was filed back in November of 1999 and was in litigation for 12 hard-fought years. There were hundreds of depositions taken to collect testimony, both from class members and from USDA employees. There were hundreds of thousands of pages of documents reviewed. We had all of USDA's loan data going back to 1981. We had several experts working on analyzing that. The case was appealed to the Court of Appeals for the District of Columbia two times which really delayed the resolution of the case.

But ultimately, we had a very determined group of plaintiffs who were absolutely crucial to our effort, and ultimately with a new administration, came a new effort instead and we had a long year of settlement negotiations which was also in some sense is hard-fought but ended up in a settlement agreement that the court approved as a historic achievement.

The settlement was considered historic not simply for the size of the settlement fund, which was over 90 percent of what our experts said could be collected if the plaintiffs were successful at trial. It was considered historic because of the programmatic relief starting with the creation of this council but including many other steps as well, including most importantly, the regional centers providing technical assistance, education, and training to assist Native American

farmers and ranchers in getting best access to all the programs that USDA has to offer.

So, after the settlement agreement was reached back in the fall of 2010 and presented to the court, the next step was the notice process. There was over \$2 million spent on providing notice by publication throughout Indian country. There was individually mailed notice to everybody for whom we had an address, which was everybody who USDA had contact information from in their files which was basically prior borrowers, as well as nearly a thousand people who were potential class members who class counsel had met with over the course of that 12 years of litigation. We had our core group of our named plaintiffs like Porter Holder who were with us every step of the way, but we also had dozens of meetings throughout the country where we could meet with more Native American farmers and ranchers, and we had a list of nearly a thousand of them that were part of the folks who got the initial mailed notice, but we knew that, of course, that wasn't everybody.

And so, as I said, we spent \$2 million on radio announcements, newspaper announcements, Internet ads, every way we could to get word to folks about the settlement and give them a chance to comment on the settlement and the terms that had been negotiated between the parties. And that was the period from basically October of 2010 to March of 2011 when people had

the chance to submit comments and objections. There were maybe about 40 or 50 folks who submitted written comments to the court, and we then had a day-long hearing in April in which the court considered all the written submissions and also heard from everybody who was present to speak.

And as some of you may have heard Joe Sellers speak this morning, many of the provisions in the settlement were ones that may not have been our ideal, negotiating for the plaintiffs, but were an essential ingredient in order for USDA to be willing to come to the table and settle with us. And a lot of those terms that were important, just as it was important to us to get 90 percent of the money that we could recover at trial and enough debt relief to provide debt forgiveness for everybody who was successful, those were our core goals along with the important programmatic relief. It was important for USDA's perspective to have what they call parity with the Pigford and other lawsuits against USDA in terms of the burdens of proof and the elements of proof that people would be required to meet in order to have a successful claim.

So, ultimately the court approved the settlement in late April of 2011, and we started a whole new notice process, because now we had a final settlement and we were going to start a claims process. So, we devoted another \$2.3 million to providing notice that now it's time to make claims. Everybody

who'd registered with the claims administrator as a result of the first notice process was mailed a claim form and a schedule of meetings that they could come to to have assistance filling out their claim form.

And then, in addition, we did another round of advertising every meeting with tribal radio, tribal newspapers, non-tribal radio and newspapers, whatever was gonna to serve best to the community where the meeting was being held. We had individually designed media plans for each location. So, you know, I was in the Dakota's a lot, and there we made a lot of use of tribal radio; in other part, I know in Oklahoma it was more local radio stations that were used. We looked at what was available to reach our class members wherever we were going.

And we were on the road. We had seven teams; six of them were on the road permanently. One of them was based in D.C. to work with people by telephone who couldn't get out to one of the meetings. And all together during the six-month claims period, we had 427 days of meetings. And these were meetings to help people with Track A claims. As you have heard, there were two tracks under the settlement. Track A was considered to be the primary track because it was designed for what we knew would be the typical plaintiff. And by that, we mean somebody who didn't have any records because, hey, this was a settlement that covered the period from 1981 to the present. Who would have

their loan applications from 1985? Not that many people. And so, with that in mind, we designed a settlement that would allow folks in those circumstances who wouldn't have records, who would have just the minimal information from their own memories, to be able to submit a claim and be successful and get a recovery.

We also had the Track B process which required a substantially higher burden of proof because it would allow for a substantially higher reward, up to \$250,000. For Track B, as we set forth in the notice and in the claim form itself, for Track B we required to have evidence that would be admissible in the court of law for essentially every point that needed to be proved. And for most of the points, it was required that that would be documentary evidence that would be admissible for a couple of points including indentifying a similarly situated white farmer. It was permissible to use sworn statements from people who had personal knowledge to establish those points.

And as these two different standards were parallel to the standards that are applied in the Pigford Black Farmers case, as in Pigford, the vast majority of people in Keepseagle chose -- and I think wisely chose -- to pursue Track A claims. Over 98 percent of the claims presented in Keepseagle were under Track A and only 92 claims were presented under Track B. This is similar to the numbers in the Pigford case where there were

actually even more -- there were over 20,000 claims altogether but only 169 claims in Pigford were pursued under Track B, in recognition that that was just a much higher burden and not for the typical claimant.

So, following all these meetings and all this notice, we ended up with over, actually, almost 5200 timely claims filed, 5191. Of those, 4380 were completed Track A claims, and over 81 percent, almost 82 percent of those claimants were successful. For Track B claims, there were in the end 92 completed. Track B claimants had a chance, after they submitted their claim to decide that they'd really rather go under the Track A standards if they weren't sure that they -- there weren't confident they could meet the Track B standards. People were given the chance to switch. And after that opportunity passed, the number of Track B's ended up being 92, and ultimately 13 of those claims were successful. The success rates for these two tracks were very similar to what happened both in Pigford in the second round of Black Farmers 2 in comparing the rates between Track A and Track B.

Now, the total number of claims was lower than we had anticipated. We expected around 10,000 claims, and we ended up, as I said with just under 5200. And a major reason, sadly, is that the people who should've been making the claims were no longer here to do so. Over the course of the litigation, we

lost three of our named plaintiffs -- Basil Alkire, Buzz Fredericks, and Luke Crasco.

Similarly -- and that was from just a group of 10 named plaintiffs. Similarly, over the course of the 12 years this case was in litigation, a lot of people who would have been making claims when they were denied loans in the 1980s were no longer here to make those claims. And while family members were entitled to make a claim on behalf of a decedent, we talked to many people who, sadly, just didn't know, didn't know if their dad had actually sought a loan from USDA or when it had been sought and didn't have the information that was required under the settlement in order to pursue a claim.

A second factor that we found affected the ability of people to pursue claims was that the only reason we were allowed to go back to 1981 in pursuing claims, which ordinarily under the equal credit statutes, we'd only be allowed to go back three years from 1999 -- oh, excuse me, two years from 1999, and instead we got to go all the way back to 1981. That was because of a statute passed by Congress to specifically extend the limitations period, but that came with a limitation. Congress said you could only go back to 1981 if you'd complained to USDA about discrimination prior to 1999.

And so, there were also some people who otherwise, you know, I believe absolutely were victims of discrimination and

otherwise would've been eligible to make a claim, but because they had not done anything to complain, they were ineligible under this provision of the settlement, which was again not something that we just negotiated. It was something that was required to be part of the settlement because of that act of Congress.

So, we didn't get quite as many claims as we originally hoped, but we did find that the number of claims we received was actually very close to the number of loans that our expert calculated should have been made to Native Americans. He calculated how many loans were made to Native Americans during the time period and how many should have been and what was the difference. And he said there should've been an additional 5600 loans made to Native Americans. So, we actually got just about as many claims as he calculated was the loss in loans.

As a result of this process, we started out with the \$680 million fund to distribute, and so far, about \$240 million have been distributed to successful class members under both Track A and Track B, and in addition, there's going to be tax money paid to the IRS for those who got debt forgiveness -- 25 percent of the amount of the debt that's been forgiven is going to be paid from the remaining funds to the IRS on their behalf and there's been a total of \$56.4 million in outstanding debt forgiven as a result of the Keepseagle settlement.

So, approximately \$380 million remain from the Keepseagle litigation. And under the terms of the Keepseagle settlement, that money is required to be used for the benefit of Native American farmers and ranchers through a system of distribution, to not-for-profit organizations that will be able to provide services to Native American farmers and ranchers. The exact details have not been finalized yet, and ultimately it will be out to the court to approve whatever plan is put forward, but we certainly appreciated having the opportunity to hear the different thoughts that people have put forward today as we continue to talk with our named plaintiffs and other leaders in the community about the best way to make sure that the Keepseagle funds are ultimately used, as many have said, to create a legacy.

I love the expression that "you're borrowing the land from your grandchildren." Well, this is money that is maybe not borrowed from the grandchildren but could be available to benefit the grandchildren and the great-grandchildren. And if this money -- I think there was a question raised as to whether the money was earning interest; it is indeed earning interest as we speak. And one advantage of having this large amount of money is you get a much better interest rate. If you have \$1000 in your bank account, the bank doesn't really pay you any interest to speak of. But when you have \$100 million in one

bank account, you get a much better rate of interest. So, the money has been earning interest and will continue to earn interest, and that is a mechanism that can be used to mean that it's not just \$380 million to benefit farmers and ranchers in Indian country but could ultimately be \$30 million a year for the next 100 years and have a far greater effect through that mechanism.

I want to see if there were any questions that folks had about the Keepseagle process to date as we are getting close to the end of the distribution process, and if there're any other questions that the council members have.

Male Voice: \$380 million?

Christine Webber: Yes, approximately \$380 million. I mean, and that's not absolutely final. We're getting the final numbers on loans to be forgiven for a handful of people and that will affect the amount of taxes that we have to pay, since the loan forgiveness is often hundreds of thousands of dollars per person; when we pay 25 percent of that in taxes, it does change the figures but not -- change by a million or two, not by a whole lot more than that.

Male Voice: I have a question. What are the chances of -- is there a round two for those of us that have been left out, that [indiscernible]? I understand you did announce it, you did put it out there good, but still some of us got left out and

questions [indiscernible] round two or a chance for us
[indiscernible] getting our -- you know, be able to file?

Christine Webber: This isn't anything in the settlement that would allow for that. The settlement said there'll be a deadline and that's it. And so it's nothing that we could do under the terms of the settlement. The Black Farmers 2 case that came about didn't come through litigation. It came through direction of Congress. Basically, there was enough of political leverage to get Congress to say there will be a Black Farmers 2. I don't think we have that -- frankly, I think if this issue were brought to Congress, they might say, "Oh, we'd like that \$380 million to come back into the congressional coffers to use for some other purposes."

So, the only avenue I know of for allowing a second distribution will be to go to Congress, and frankly my view is if you would go to Congress, we wouldn't even have the \$380 million to distribute cy pres. They'd be trying to divert it to other purposes. So, I don't see any mechanism to allow a Keepseagle 2.

Male Voice: Thank you. Lay it to rest. I'll just say that I heard it from the horse's mouth. Thank you.

Christine Webber: Okay.

Joanna Mounce Stancil: I think we have one more comment.

Male Voice: I'd like to find out how much authority this board has here. Is it just a board asking to suggest something to the guys who control the money or do they have some control of the money?

Christine Webber: The role of the board is actually to advise the secretary of agriculture on programmatic issues. And so, that's the scope of their official authority. The court will ultimately decide what cy pres distribution to approve, how to distribute the funds that didn't go to individual Keepseagle class members. I suspect when the court is making that decision, that the judge would be willing to accept the submission from anybody in the community who wants to give a view on what the plan should be, but there's not any specific role in that process for this board.

Male Voice: Okay. Thank you. Gloria has a tough job. Good luck.

Female Voice: [Indiscernible] is here from Fort Hall, and he's a Keepseagle recipient. If I -- let's just put him on speaker phone right now? All right, Jake [phonetic], you're on.

Jake [Phonetic]: Hello, everyone. How is everyone doing down there [indiscernible]? Having fun I hope.

Female Voice: Having fun.

Female Voice: Yes.

Female Voice: All right. Go ahead, Jake.

Jake: Okay. Everybody able to hear me all right?

Female Voice: [Indiscernible].

Jake: Okay. I was a Keepseagle recipient. I'm a sixth generation Idaho rancher and farmer, cowboy and horseman from the Fort Hall Indian Reservation. I'm a Shoshone-Bannock tribal member.

Throughout my life, ranching is a very important aspect of who I am as an individual. We do not have enough native farmers and ranchers anywhere anymore. They're going under left and right or they're very successful, depending on what tribe they're from, what their tribal politics are like, and what their personal situations are. We were able to have a little bit of relief on this settlement, this Keepseagle settlement. I think it was a great landmark decision and it's a great thing. It's allowed me to complete my animal dentistry studies. I'm an animal dentist for horses and cows. I'm certified. I've also been a certified horse [indiscernible] for 12 years now. I've worked on ranches on all the reservations, quite a few reservations across the United States and reserves in Canada.

So, what I'm addressing the floor about is there's been a lot of talk about the leftover funds from the Keepseagle settlement and how they're going to be spent. I agree in my heart and in my mind that the benefit of the settlement money or a good portion of it needs to be put towards [indiscernible] and

towards loans that are guaranteed loans directly from the funds for the claimants that are already in the claim now. We should have the first opportunity to use the rest of that money. The reason why I say this is because if we do not and it gets put into programs that aren't engineered for success or into other areas, the true reason why the case was filed will be lost, and that is to help the Native American farmers and ranchers. That is why the lawsuit was filed is because USDA -- or FSA discriminated against small Native Americans that were trying to farm and ranch.

So, in order to help ag production in Indian country, it takes money, and we need to be able to borrow money. You know, it was nice to get this settlement but it's a very small, small portion compared to how much I would've made had I received a loan or a grant to farm and ranch. And that's what I'm thinking.

My other thinking is very plain and simple, that if it's going to go into education or a portion of it's going to education, it needs to be for agricultural sector education only, restricted, and it shouldn't all go to everyone that just wants to work in office jobs as an ag business [audio glitch] or something of that nature. It needs to go to the people that are going into veterinary, [audio glitch] agrarian studies, farm and

ranch management, things of that nature that are going to benefit the native farmers and ranchers.

Female Voice: All right. You've got five minutes so you've got to kind of wrap it up here.

Jake: All right. In conclusion, there should be a moratorium put on the spending of that money until every claimant can vote and voice their opinions. And that's it. That's all I have to say, folks, and enjoy Las Vegas.

Female Voice: Thank you.

Female Voice: Thank you.

Joanna Mounce Stancil: All right. I think we have Gilbert Harrison, one of our council members, wants to make a comment, and then we'll start. Do we have one more comment? Try to get it in because we'll have to [indiscernible]

Gilbert Harrison: Hello? My name is Gilbert Harrison. Again, I'm from the Navajo Nation. I have a question. We've been talking about residual and money that's not yet spent. Earlier today we were told that there's going to be some -- that a judge is going to make a decision. But before that, it seems like there should be -- is there a deadline of when some suggestions can be submitted and then some formalization or prioritization of these comments so that something reasonable can be recommended to a judge? Is there some timeline associated with that? Thank you.

Christine Webber: There is not a specific timeline in place. We have been trying to have some discussions with USDA through their lawyers at the Justice Department to see if we'd come to some agreement on a framework of what we'd propose to the judge. Those conversations haven't proceeded very far yet. Basically we're waiting to hear back from them. So, I'm not sure exactly how quickly we'll be prepared to forward any proposal to the judge.

I would say from what we've heard so far in our -- and this goes back to -- we started talking about this almost a year ago with our class representatives and with some other leaders in Indian country. As Joe Sellers described this morning, our current thinking is that we can best serve the community by placing the money in a foundation and getting a board of directors appointed that would then be making the -- hearing everybody out, making priorities, deciding which projects to fund, not having the judge do that all at one go, in part because we want this to be an ongoing process, not a one-time distribution.

So, we've been trying to -- one of the reasons we were out here is to try and hear from folks their thoughts about what the most effective use of the cy pres funds would be, not with the idea that we're going to be deciding to fund this individual project in this particular reservation, but the idea of hearing

what the priorities are, hearing what the concerns are, and trying to put a plan together to the court that would allow those detailed decisions to be made by people with real expertise from the community, from the farming and ranching community going forward.

Gilbert Harrison: But there will be some announcement, right, when some of these things might be occurring? Thank you.

Christine Webber: I mean, if we make a proposal to the court, then that will be something that's on the public record, we'll be putting it up on the Keepseagle class website. And as I said, I don't expect the court to rule immediately without giving people a chance to weigh in. And then obviously, if there is a foundation or some other organization receiving the money to make grants to lots of other organizations, then I would expect that that foundation or organization would have a whole process of informing the community about what the process is going to be for applying for grants and making proposals. So, yeah, I expect there to be many opportunities in the future for those sorts of comments.

Gilbert Harrison: Thank you.

Mark Wadsworth: Mary had one quick question. Mary?

Mary Thompson: A quick one. I guess it kind of goes back to what Gilbert's saying about looking for deadlines to make the recommendations to the court on the remaining balance in the cy

pres distribution. But I guess -- and to the folks who made comments, I'd like to say to you, thank you, I appreciate hearing what you had to say. Because as I go back and look at some of the top 10 recommendations that this council came up with in our very first meeting is fairly well on target with what you're talking about. We're fairly well on target, and with your suggestions for changes, recommended changes in some of the USDA programs, we've kind of got that down too, and yes, it's going to take a little time to go back and look at them, but with the NRCS program, with a couple of the programs that you listed here, FRTEP agents and extension in Indian country, those are in our top 10 recommendations. And so, we'll be able to fine tune and work on those a little bit more.

But I kept hearing -- and I understand that we're going to have many more comments and recommendations come to this council for this cy pres distribution, but I kept looking at it and I kept hearing a thing there about getting the money back to the farmers, the beginning farmers and ranchers who it was originally intended for. And whether it's establishing banks and tribal banks and credit unions, whether it's establishing grants to where especially those individuals who applied for or missed a deadline can be given some priority points for funding, you know, those are things that are going through my mind as I'm, I guess, facing this big task and this big challenge of

making these recommendations to that court system. And it's going to take some work. I guess though I just need to know when we're going to have them recommendations over to the court system.

Christine Webber: As I said there isn't --

Mary Thompson: None. There is no timeline.

Christine Webber: There isn't a set deadline. And frankly, I hope that we will sooner rather than later to present a proposal to the court. We're trying to give USDA a chance to respond to our ideas, because if we can do something cooperatively, I think that would be most effective. But ultimately, once we make a motion, then there will be opportunity for people to comment on what's proposed on the motion. As I said, I don't expect the judge will be making decisions about, "I'm going to fund this scholarship program or that loan program," but more of what the framework is going to be for how the funds are handled.

Mary Thompson: Well, and even with that -- I'll wrap it up, okay, chairman? But even with that. And somebody said something that about 12 years this settlement agreement took too and they missed the deadline by three days. You know, for this committee to come up with some really hard and thoroughly thought out recommendations to the court system, some realistic goals and recommendations here, it's going to take us a little

time too. And I'm hoping that we're not going to be rushed into making recommendations that may not be as realistic or as thoroughly thought through as they need to be when we send them on in the direction of the court system. So, I'm hoping that as council, you guys will make sure we have the time to do our research and homework and gather all the comments.

Christine Webber: Well, it's ultimately up to the judge what schedule he sets. I don't get to tell the judge what to do, he tells me what to do. I just want to make that clear.

Mary Thompson: Right. Understood.

Christine Webber: But what I would say is there is competing -- I've also equally heard, "Gee, isn't the cy pres distribution available yet? Because I've got a project that I want funding for in the spring." And I'm like, "Well, if we wait to even ask the court to start the process of distributing the money, it's not going to be available in the spring of 2014, let alone in the spring of 2013." So, there's competing concerns. Obviously, we want to make sure people have the chance to weigh in, but by the same token, we want to make sure that the money starts being used for the purpose to which it's intended of actually benefitting people instead of just sitting in a bank account.

And so, obviously we want you to have a chance to have comments to the court but I don't know how long you're

suggesting might be needed if we also want to make sure that the court is able to make a decision so that whatever organization will be responsible for distributing the funds can get on about that work so that ultimately community members can benefit instead of the thing spending another 10 years under consideration of the court.

Mark Wadsworth: Okay. Christine -- is it just one other question to her or is it just a comment?

Joanna Mounce Stancil: [Indiscernible].

Mark Wadsworth: And I'd remind everybody, tomorrow is another period for comments, so we'll get to you as best we can.

Joanna Mounce Stancil: Sir and ma'am, are you willing to come back and join us tomorrow at 8:20 to 9:20 timeframe?

Female Voice: I sat here all afternoon waiting.

Joanna Mounce Stancil: Okay, then we have two commenters. And we ask everybody to indulge us to sit and be respectful to listen to them as well. All right.

Evangeline Curley-Thomas: Thank you so much for hearing me. I'd like to say thank you for the board here. And Janie, I'm so sad to hear that you're gonna to be leaving. I feel that just when we really got to know you and you got to know our needs and all. But by way of introduction, my name is Vangie Curley-Thomas, and I'm with the Navajo Nation, and currently I'm serving in a position with Natural Resources Division as a

deputy director. And we had met earlier today as Navajo and bringing out our concerns, and I'm so thankful for the people that came forward who are Navajo. Thank you for your support. Thank you for hearing that.

You know, the family here, we're saying we're doing it for our youth, we're proposing for our youth, we want our youth to do more, and the idea of the board being here for ranching and farming. I for one, not only am I with Natural Resources as a deputy director, but as a Navajo Nation government, I serve as a budget officer for the Navajo Nation government overall, so I'm pretty well familiar with our entire government on not only the divisions and programs that exist and what funding source is coming to the Navajo Nation government, but I also am a farmer and rancher.

I have 10 acres of land, and my husband is the one that pretty well is taking care of that all. And being with the Navajo Nation, you hear a lot of concerns, especially with the position that I'm in. We are going to document what we had gone over earlier today based on the presentations that were made and feedback that were being requested. And one thing that I like to, wanted to hear today was that you heard a lot of comments today and it's very similar to what Navajo has, and I'm so thankful for the Keepseagle. Thank you so much for the hard work that was done to get that money back to those people that

had actually stepped forward to try to make something, that tried to make a difference for improving their land, improving their ranches, improving their farming and all that.

And my family, my in-laws, are actually individuals that -- it's sad to say, they got approved, they got approval for a letter approving their -- what happened with them, but it's sad to say that one thing is that reality. They don't speak English, they don't understand, they do not write English. That's an area, a huge barrier that we've encountered and we're having a challenge there because they are of sound mind, yes, they're up in years, they have sound mind, they know what to do, they know what to say in Navajo speaking with their family and all. So, we have a go-between who is actually their son, and he's trying to help them but they're really giving him a difficult time, getting him through the wringer, they're telling him to go through the court and all and say that his parents are not of sound mind -- reality is that they are. But they need to be heard. It's, like, my worry is that they may lose out on this just because of that process that they have to go through. And otherwise, the recommendations that were made in all with the foundation, possibly, keep the funding as it was intended.

And yes, our youth, we want to see moneys going into our youth. Again, we heard that not individuals that are going to be sitting in the office. We want them to go to like this youth

here -- somebody that wants to get out there to actually do farming, to actually do ranching, to improving their livestock. You know, those are where the funding should be going to. And even like the idea of -- I expressed my concern that I don't want the funding to be going to administrative cost overhead. I don't want that. We need to utilize it. This money was going to go to an applicant, it was going to go to a farmer, it was going to go to a rancher. That's where the money should go, not overhead. I don't want to see that.

If we get a board to oversee this and are going to make the recommendations on behalf of the use of the funding, that's something that would need to be minimized; if at all possible, no overhead. And whoever these individuals are going to be or whoever this board's going to be, I really truly do hope they take to heart these are for the farmers and ranchers and these are our local people. These are the hard workers that we have and not only in Indian country, but in the US of A, you see that those are hard working people.

And we saw a lot of maps in the presentations that were made, these areas are the farming districts. And when you look at it, my part for Navajo, you see kind of like a black hole up there, but reality is that we do have farming out there. We do have ranching. We have a lot of people that are interested. And yes, when you look at it in terms of population, it's very

small. But I just wanted to make sure that that's heard. Otherwise, I'm really hoping that we can get with Janie and other people.

And one thing that I'd like to see is what's going to happen with all these comments that are being captured today. I hope they're being captured. I hope those are going to be utilized for decisions as you individuals being identified as the board of directors, and to really support the native programs.

And one other thing too is that in prior years -- you know, this is actually my third year attending this conference here, and recommendations were made, comments were made by these native people, and it's sad to say that I haven't seen the result of that, I haven't seen the feedback. For example, we have the ag census coming up on our reservation, it's huge, we always say that it's about the size of North Carolina, and people are not home roughly seven o'clock in the morning, six o'clock in the evening to seven o'clock, the reason being is that they have to travel to their work site. Their work site can be anywhere from one hour to an hour and a half away. So, during that period, I'd like to see some type of effort to ensure that every individual to report their agriculture census. And I just wanted to come up and say that I have a whole list,

but we'll get back with those hopefully by way of the session throughout the week. Thank you very much.

Joanna Mounce Stancil: And now, as our next commenter is going up, this isn't the only avenue. Tomorrow, we do that as well but we also will accept your comments in writing. So, if you did have something and you want to expand upon it, please provide it in writing to us.

Matt Livingston: My name is Matt Livingston. I'm the extension agent on the Hopi Reservation, northern Arizona. I've been out there now 21 years. I was the first agent hired in Arizona, and the longest serving in the country under the originally ERP and now the FRTEP program. But there's been enough presentation on the need for expanding FRTEP. I've got a couple of other issues I want to bring up real quick.

I've watched Hopi ranchers over the years and some farmers look at programs like EQIP for possible funding for programs. Unfortunately, they're not really written for Indian country. In some respects, when you're dealing with tribal trust lands, when you're dealing with range and it's being shared by more than one family or one operator, it's been very difficult for them to fit in the niches that NRCS or FSA requires. And I think the programs are getting written back in Washington without a lot of input from tribal people and looking at the different situations of land ownership within Indian country. I

think you do have state conservationist who could probably go out to the tribes and provide that information back to Washington, but right now I see it as still coming very top-down and not responsive to Indian producers. I think that's something as a board, as a council, you guys could take to the secretary, you can take to the heads of the various programs with USDA and maybe get some response.

The other thing is equity. The 2007's ag census was completed, and if anybody read that, you'll notice there is a huge increase in Native American producers. In the state of Arizona, Native American producers outnumber non-native producers. Navajo Nation is a thousand-pound gorilla in this, and actually more than 11,000 people are Navajo producers, majority are women. But they have traditional ways of doing things, too. They don't exactly fit into the neat package that USDA may want to try to wrap it into. I know there are some efforts to make these changes, but I think you've got to look at traditional practices within reservations.

Hopi, for example, does not -- it produces corn. It's been growing corn for a couple thousand years. I do not try to tell Hopis how to grow corn; that's a waste of time. But sometimes they need assistance, and there's no program within the USDA that's going to really put out to provide any kind of assistance to these small farmers who want to maintain their traditional

way of farming. You talk about wanting to keep people on the land. Well, not everybody's commercial. And I think it goes back to some of the things that are being said about Alaska for traditional hunting and fishing. I think you really have to be a little bit more responsive to some of these needs, too. It's an equity issue.

And I haven't seen yet -- and maybe Janie can tell me -- what's USDA's consultative policy that the president called for from all the departments? I haven't seen that yet.

And the other question I got is when the 2010 ag census were done, it's supposed to be paired with the 2010 census of the country to look at formula funding. How is that gonna to change and effect Indian country, let's say, like the state of Arizona, like I said, majority of producers now are Native American? How is that going to get formulated down to the state conservationist to the FSA programs? Also, to NIFA. I don't see anybody from NIFA on this board, and they're the ones who control cooperative extension. And that also goes to the -- I know the cooperative extension doesn't get that much federal money anymore but they get some. And so, how does this affect county programs being required to do more outreach to Indian country themselves, not just through FRTEP?

So, there's a lot of equity issues here, I think, that have to be looked at. You've got a lot of information you didn't

have a few years ago, especially through the 2007 ag census. I think you really need to make use of that. It's a lot of information that you can use to show that this is a very large group of people. It is probably under-counted because you asked people to self-identify in the census. I know we have more farmers than 288 on Hopi. And basically, they have a different way of looking at things, and I think USDA's doesn't fit our policies so we're not going to tell them how to do it. Well, I think you can suggest that there are ways to count your production that will maybe increase the amount of funding coming into various states and whatnot. I know some of this is politics. Tennessee has a lot of counties, Arizona's got 15. So, anyway, that's all I really wanted to talk about. Thanks.

Mark Wadsworth: Okay. Michael, go ahead.

Michael Jandreau: I just wanted to ask Joanna one question. You know, I really admire you when you standing up there, boy, you could really duck that one question, you answered it five different ways but you did a good job. And that's simply --

Female Voice: Christine.

Michael Jandreau: Christine. I mean, that was fantastic. You ought to be a congressman.

Anyway, the real answer, and I think everybody's asked it, I don't know how many times since I've been sitting here, is

where is the real information going to come from that makes the recommendation either to the secretary or to the judge or to anyone else as to how this funding is really going to be utilized. I think that answering that question will satisfy and clarify in a lot of minds of people what we're really all about.

If it's going to come from the initial class or those representatives of the initial class, I think that's all that has to be said. I think it's from a determination of some kind of a voting mechanism, or whatever, of this body and recommendations they make, that's fine. If it's going to be from the tribes, that's fine.

But, you know, right now one of the greatest things that divides us as Indian people is money. I mean, we at home are fighting over scraps, scraps, literally scraps in comparison to these dollars. I mean, you know, if you pick up the -- look at the Facebook at home on the greatest enemy that our people has ever had. Probably [indiscernible] too.

Anyway, that's the way this confusion and this hostility and this insurrection begins to develop among our people. This was a conciliatory effort that brought these funds to these farmers and ranchers. And granted it was great effort that got those funds here, but please, in response to the curiousness of our people, don't answer us in ideals that just put us off to the next step because it's very, very difficult.

Christine Webber: I'm really not trying to be confusing or vague. It's partly because there isn't always definite information. Let me be as specific as I can be. The settlement agreement by its terms specifically says plaintiffs are responsible for making a recommendation to the court, and the court has the decision as to whether to approve it or not. So, that's the process we have. Plaintiffs, meaning the class counsel and the class representatives, but as we have done throughout the litigation, we try to hear from as many members of the community that we're trying to serve, as many class members and not just the class representatives. So, ultimately when it says the plaintiffs must make a recommendation, that means the lawyers and the class representatives have to get their heads together to make a recommendation to the court, but that doesn't mean it comes without listening to other voices before we make the recommendation.

Second -- and, of course, ultimately it's up to the judge as to whether he approves or doesn't approve -- but secondly, as Joe Sellers described this morning and as I described a little bit this afternoon, right now the leading contender of what plaintiffs would recommend is not a specific distribution. Right now, we don't believe it makes sense for us to try and say, "Okay. Here is the menu. We want you to give money to this scholarship program, this loan program, this, you know,

this group of extension agents, et cetera." We're not planning on making any recommendation of that kind, but instead to make a generic recommendation that the money be placed under the direction of the foundation that would be able to manage the funds in perpetuity and develop and devote the interest every year to funding priorities decided by the community. And that is something that is so far in the future, there's no deadline for it.

So, what I'm suggesting is, I think, our recommendation to the court will be put the money in some kind of foundation, some kind of legacy fund, and then there will be a board of directors for that fund that every year, I assume, would have a process by which people could come forward, make their proposals for grants that they'd like to have or just make suggestions of how they think money should be spent. And because now we're talking something that's going to go decades into the future, every year a new grant process, I can't possibly tell you who's going to make those decisions and how that money is going to be spent.

Those I can anticipate is what are we going to propose to the court and then what the next steps are from there. And there're going to be different points along the way in which people will have the chance to have input. There isn't a voting process in place, I can tell you that, but the people can talk to us now about what they think we should propose to the court.

As I said, when we make a proposal formally to the court, we'll be posting that on the Keepseagle website and generally trying to make that public. And if at that point, if people want to make comments directly to the court, there'll be opportunities for people to do that, but I can't say for how long because that will be up to the judge.

And then, if the proposal is accepted and the money is transferred to a foundation to administer, then that foundation, their board of directors will set the deadline every year for making grant proposals and deciding on funding from there.

So, I'm not trying to answer the question in different ways, but to answer all the different stages, whether you're talking about input now as to what we're going to propose to the court, input to the court about what the judge is going to ultimately approve, or input to the foundation that may be created about how the funds are ultimately spent. There's all those different opportunities along the way for people to have input. But in terms of -- I would say right now, a suggestion to plaintiffs, "Oh, the money should be used, this much money should go to this specific organization," it's unlikely that we're gonna to be making those decisions because frankly --

You know, I'm a good civil rights lawyer. I work with the experts on our case, I know all about statistical evidence and how to prove a case in court. What I know about farming and

ranching can fit on the head of a pin although I did learn a lot during the claims process. I now know a little bit about red heifers and bottle-fed calves and a few others things. But really, we shouldn't be making the decisions about how the money can best benefit Native American farmers and ranchers. People with expertise in agriculture, in education, should be making -- people from the community should be making those decisions. And that's why what we are proposing is basically shifting the money from the control of the plaintiffs in the court to an organization that would be better suited for that role, what hopefully would be Keepseagle legacy fund.

Michael Jandreau: But, I guess, you know, therein lies the problem, because there isn't even a consensus on that throughout the plaintiffs. So -- and to some of them, not even from my reservation but who have come to me, they disagree wholeheartedly with that, and that's from another reservation. And I haven't went out and polled all the reservations because I didn't see that as my responsibility, however, I think you've driven me to the point that I have to.

Christine Webber: [Cross-talking].

Michael Jandreau: You're almost talking like you've already gotten predisposed to an ideal, and even though there's among the plaintiffs themselves and the general population, there is disagreement on that. We really don't have even

consensus there, so, you know, I guess it's -- the response still continues to be the same as it was, and I think to the general population, there is an ideal that somebody's going to get their hands on this money, because the most suspicious guys you've got are those who don't have.

Sarah Vogel: This is Sarah, and I'm -- it's been very interesting listening to the whole debate today and very informative. What we have is a document that was drafted in, how many meetings we had, like 15 different meetings and many, many documents exchanged, going back and forth. And as Joe said, when we drafted it, we thought there was going to be, like a small amount of money that we as lawyers -- and I think the case -- the settlement agreement actually says "class counsel shall recommend to the court." But we never act as class counsel without a lot of input from our lead plaintiffs, and our lead plaintiffs have a good insight and they've served us very well throughout this whole long, long, long process.

So -- but now we are faced with this situation, and I think we as lawyers -- now, I am an agricultural lawyer and I've been working in agriculture all the time, and I'm on a foundation board myself which would -- not the one -- but I know what it takes to give away money. You've got to check out who is asking, you've got to disburse funds to appropriate entities. You need to do investigations. Everybody is familiar with that.

We as lawyers -- and by the way, not one of us are -- all our lead plaintiffs are Native Americans but not one of us lawyers is a Native American.

Now, who do you want to have decide give away those money? A Native American board or lawyers? And I think it'd be pretty much trouble if we as lawyers said, "Hey, we've got the settlement agreement. We're going to go to town, hey --" And we're not saying that. We've been educated by our lead plaintiffs that these funds, these funds must be managed by Native Americans for Native American farmers and ranchers, and that is what the judge's bottom line is going to be. So, I think he's going to be the decider. And by the way, the judge is black, so he's -- but he's very principled about the fact that -- like, when we did get the money, and Christine will remember this well, when the money was given to us and the issue was where to deposit it, the judge was not happy until a big chunk of that money was deposited in Native American banks.

Mark Wadsworth: Well, that's a good thing to hear. Okay, we're going to wrap this up for tonight. We're going to have public comments tomorrow morning, and then we'll go into our general meeting.

[End of file: 1001]

[End of transcript]