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Department of
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**Council for Native American
Farming and Ranching, Meeting: August 14-15, 2012
CD1 8-15 Track01 to Track08**

[CD1 8-15 Track 1]

Joanna Stancil: Yes. Good morning, everyone, and welcome back. If we could take our places, we've got a lot to accomplish, wonderful things. And it just dawned on me, for those of you who've never been in this building, none of your -- unless we really work hard and get our work done, we'll have a chance to walk around this lovely building. So, let's see if that can be a goal today.

All right. As you get settled, we do, as you have -- and I think you can actually smell the coffee -- I decided we probably needed a pick-me-up so our 9:30 break is occurring now, so hopefully the coffee and juices, there'll still be some over there at our break time and you can refresh yourself. I'm going to go ahead for the record to do our roll call so that the record can note which council members are present. Gilbert Harrison.

Gilbert Harrison: Here.

Joanna Stancil: Has acknowledged a yes. Porter Holder.

Porter Holder: Here.

Joanna Stancil: He is here. The chairman will be coming, Chairman Jandreau. Gerald Lunak. He is here indeed. Jerry

McPeak is on his way. Lance is probably still sitting in the

same chair giving testimony. Angela Sandstol.

Angela Sandstol: Here.

Joanna Stancil: She is indeed here this morning. Good morning. Edward, we'll have to check on him when he comes in. Mary Thompson.

Mary Thompson: Here.

Joanna Stancil: Sarah Vogel.

Sarah Vogel: Here.

Joanna Stancil: Has acknowledgement. Mark Wadsworth is here. Janie Hipp is here.

Janie Hipp: Here.

Joanna Stancil: Chris Beyerhelm is here.

Chris Beyerhelm: Here.

Joanna Stancil: And Lisa Pino for Dr. Joe Leonard is here. And Juan Garcia is here. So, our record will note the attendance, and when the others arrive, we'll acknowledge them.

Female Voice: Is Rick here?

Joanna Stancil: Oh, excellent. There you are.

Rick Gibson: [Indiscernible].

Joanna Stancil: Let me just -- I didn't put it on here, but just let me go over today's agenda before we invite Rick Gibson up to speak, is that we have on our agenda, we're going to learn more about the Keepseagle versus Vilsack settlement,

Rick Gibson. We will break at 9:30 and come back. We will have Lawrence Shorty come and visit with us and talk about the 1994 program. Then I will go into brief comments about how we're going to conduct the public comment period. We already have acknowledgements from six people that they would like to make comments during that time. They've asked for more than our three to five minutes that we sectioned off, so we'll see how that works by taking a look at the room and seeing how many people we have.

We also talked about it on Monday using any remaining time from the 10-to-12 period to hold elections for chair and vice chair; if Jasmine or Dory [sounds like] can find the ballot sheets and make sure we have those in a timely manner.

Review of Advice Agency is Seeking and Discussion, that will be Janie. And then there will be an update on the Food, Farm and Jobs Bill. Actually, we have scheduled time on the agenda for Future Farmers of America, so I may take Kent off of the public comment period.

And then we'll go into -- before the end of the day, we would also talk about the Committee's Strategies for Documenting Recommendations, and that is why it's so important to have your chair and vice chair in place at that point. Then we'll discuss about any subcommittees and plan for your next meeting.

And then wrap up, if possible, and get you out of here so

you have a little free time before the end of the day if we've met all our goals and objectives. So, at this point, I'd like to invite Rick Gibson.

Rick Gibson: Good morning, everyone.

All: Good morning.

Rick Gibson: It's a joy to be with you all again, and at the top of the morning. I think I have to be more exciting than most. Unfortunately, the topic I was given, the status of the Keepseagle settlement, we went over a lot of that on Monday, and I was far over my allotted time there. So, I think, today what I want to do is tell you where we are today with the Keepseagle settlement, both with the claims processing, payment processing, and where debt relief is going to be. And then, I think, I want to move to an element of the settlement agreement. One aspect of the settlement agreement was that class counsel met with FSA and OTR and OGC twice after the settlement agreement was signed to talk about their recommendations for improvements to the farm loan program. So, I would like to invite Sarah Vogel to discuss those meetings along with me, and the content of those meetings and the recommendations that they had that came out of it.

And then, I'd like to discuss with Chris and Juan some initiatives and new rule-makings that FSA has undertaken in the past three months that we think provide tremendous opportunities, both for county committee participation by

minority and socially disadvantaged producers and the micro-loan program which will provide more access to beginning and farmers with lower levels of need and less paperwork.

Keepseagle settlement. As of August 9th, 5047 claims are done out of 5185. So, 97 percent of the claims have been completely adjudicated. For those people who are claimants in the process, they should be receiving notification during the week of August 23rd to August 29th. Payments for successful claimants should be received no later than August 29th. So, if you are claimant or if you know of any claimants who did not receive payments or notification that the claim was denied by August 29th, please notify Janie Hipp, Sarah Vogel, myself, because --

Sarah Vogel: That's Track A.

Rick Gibson: That's Track A. That's right. The 5047 claims are Track A claims. So, if you don't receive your Track A notification by that date, please tell us, because we made a great effort to expedite those payments to account for the drought disaster that we were discussing yesterday that continues to get worse and worse and worse. So, we need to get the money in producer's hands as quickly as possible.

Track B. There are 138 Track B claims. The adjudicator is still working through all of those claims. The date that USDA has received for the completion of those claims is October 30th.

So, expect all the claims to be closed at by the neutral by October 30th. FSA is going to calculate debt relief for both prevailing Track A and prevailing Track B claimants to that date, and so, debt relief should be issued along with payments shortly thereafter. So, basically, we expect a notification for Track B in probably early November, debt relief following around the same time.

So, like I said, yesterday we had the starts of some interesting conversations about farm loans and farm programs that were interrupted by the fire alarm and by senior staffs' need to go to lunch.

[CD1 Track 2]

Rick Gibson: So, right now, I'd like to invite Sarah Vogel to talk briefly about our meetings with class counsel, what was discussed at those meetings, and I'll chime in as well.

Sarah Vogel: Okay. Thank you. We did a memo after the two meetings, and that is being copied and is on its way over, so I won't try to hit all of the different points. But I do recommend that when you get a chance, too, you should read the memo and then also -- then, that's -- some of the things -- I'm not privy to some of the things that USDA has been working on since then, and I know they have been, so, Rick will fill that in.

But when we were negotiating the settlement, and a very,

very, very key part of it was the programmatic reforms that we wanted to have, and so did USDA. I mean, that was part of the settlement agreement, is that the secretary said none of us wanted there to be a repeat of the circumstances that led up to the need to file the Keepseagle case in 1999. So, the goal was to change the ways, change the culture. And as we were going through some of the changes that we would like, we realized that -- and concurred with the USDA -- that some of these changes were necessary to change regulations. And if you want to change a regulation, there's a process you have to follow, Administrative Procedure Act, you have to have notice, public comment, and so forth. And so, there are a lot of different issues that were incapable of being put into a settlement agreement and adopted right off the bat.

So, yesterday -- was it only yesterday, Rick? -- When he talked about the programmatic relief, and one of them was the plain language guide, that doesn't require publishing in the federal register. And some of these things could be done right away; the counsel could be set up, certain reforms could be made, ombudsman appointed and things like that, but the changes to regulations that we felt were the weak spots in the FMHA process would take more time. So, the settlement agreement said that we were going to have at least two meetings, which we had in, I think, December and January.

Rick Gibson: That's correct. Sarah Vogel: Yes. And a lot of lawyers. There were a lot of lawyers and a lot of staff folks from USDA. Chris was there. Who else was there from USDA?

Chris Beyerhelm: [Indiscernible] was there, I spoke with him yesterday and Mike [indiscernible].

Sarah Vogel: Yes.

Rick Gibson: And several of our program attorneys.

Chris Beyerhelm: Right.

Sarah Vogel: Yes. Yes.

Rick Gibson: And civil rights attorneys.

Sarah Vogel: Yes.

Rick Gibson: And then we had DOJ in the room as well.

Sarah Vogel: DOJ was there as well. And then we had pretty much a full complement of the Keepseagle lawyers. So, it was a very big room. And we talked about things that we had observed over visiting with our clients for many, many, many, many years. One of the issues was the first one that's in the memo is managerial ability. And managerial ability was so subject to internal biases, it was our concern. And so, we asked the USDA to take into account some of the special structures that Native Americans might have.

For example, like in the upper Great Plains, if anybody has a relative that owns a farmer ranch, they worked on that farmer

ranch. So, it isn't always that, "my father was a farmer, and I worked with him." It might be "my uncle was a rancher, and we worked with him." So, recognizing those differences in managerial ability.

Standard farming practices in the area. There are differences. I mean, we heard, for example, that the very small size of some of the farms and ranches in the Southwest. So, what is normal in the area? That may vary on a reservation, partly because of the lack of credit, maybe because it's family structure.

Credit worthiness. That was a big thing, and I know that that's also covered in depth in the IAC memo. But little unique things pop up for Native Americans because of the credit desert, because of the fact that they are preyed on by unscrupulous predatory lenders, because of the Indian health service that reneges on payment for medical bills. Those are all unique issues.

Family farm definition is another one. And I guess, maybe I'll just hit the topics and then we can read the memo later. The feasibility of the plan, you know, is it feasible for someone to have a farm and home operating plan, and that's a judgment call by the FSA official. Well, a person should be cognizant that certain folks are willing to live on less to get going. You know, that they don't need to have a middle class

life. I think, Porter kind of demonstrated that he didn't need the middle class life to get started in farming and ranching. So, I mean, people are willing to scrape together to get started.

Loan servicing, eligibility, good faith. So, wherever there are things that were written -- so, vaguely written, we didn't want to have opportunity for conscious around conscious discrimination to enter in. So, we had a proposed solution for most of these. A big area was attention between the BIA and the farmers' home. And I think that even though the BIA couldn't come yesterday, I think the council hopes very much that the BIA will participate. And I know that Janie and her folks have been meeting on a regular basis with the BIA. Jodi Gillette who was here yesterday was that point of contact for a long time. So, that's exciting. And I guess we'll hear later what's the fruit of that.

But there's a lot of duplication, a lot of extra paperwork, and it's -- and we need to get it together to reduce those barriers. And this is a frustration, by the way, that we learn, was shared by FSA. Chris is nodding away.

Chris Beyerhelm: [Indiscernible] model.

Sarah Vogel: Yes. Things like the BIA leases are due [sounds like] can be a big, big problem. But there are ways of getting around and working with some of those issues, and we've

made a lot suggestion. The lack of private lenders is a big problem.

And then, we were very optimistic that this new -- that the receptivity that FSA had toward our suggestions -- and by the way, these are all credit related because that was the core of our case -- the receptivity that FSA had toward these suggestions made us believe that we had a pretty optimistic view toward making changes, recognizing that -- it's not an easy thing necessarily to make those changes, but we felt that FSA was willing.

And by the way, we had some other bright ideas that FSA dissuaded us of during those negotiations, but at the end those were the ones that we cover in this memo were the key ones that we felt, we thought that FSA should take a look at.

So, thank you for that opportunity, Rick.

[CD1 Track 3]

Rick Gibson: Yes. From our perspective, from the OGC-USDA perspective, we found about four themes in what class counsel brought forth and what we ourselves saw in the case, because we were out in the field doing discovery and preparing for 80 to 90 depositions just like they were.

But the four things we saw were customer service, the credit desert issue, communication -- and by communication, I mean, both outreach and extension services to Indian country --

and collaboration and coordination. And that's wrapping all the BIA issues. And we have substantial BIA issues on the credit side. There are things that FSA cannot do without BIA's authorities. And we discussed -- I think our whole second meeting was pretty much devoted to two to two-and-a-half hours of those issues.

Joanna Stancil: I remember that well.

Rick Gibson: DOJ was squirming but, I mean, it is the key issue to resolve, to coordinate USDA activities and BIA activities to enable producers to avoid duplication, to avoid having to carry their application to three to four different offices, through two or four different bureaucratic processes. Anything that the council can do to make recommendations to spur along that process is needed to fix the credit problem.

On the customer service side, we have the new *Your Guide to FSA Farm Loans*. Typically FSA has relied on their handbooks in the past to refer customers to program guidelines and other rules associated with the program. Now, if you have actually read one of those handbooks, it's slow going. It provides the information and it's good for employees, but for new and beginning farmers, it's not terribly plain language. I mean, we view this as a great step forward, a great start for producers, a great source of information. And we also have very important referrals to IAC, the IAC tech help, and other sources of

information that producers could go to so that they can get help with their loans. Obviously the agency and the department itself is in an era of budget cutting, so we don't anticipate that there'll be more employees on the ground. So, it's very important to build out this network. It's crucial to have more eyes and ears and voices on the ground helping producers. And the guide is a start.

Sarah Vogel: And the guide has things like little clarification on what is a good credit history.

Rick Gibson: That's right.

Sarah Vogel: For example, you can have a good credit history if you can demonstrate that a delinquency was not due to your fault or is unlikely to be repeated. So, it won't -- the requirement to have a good credit history, hopefully with this clarification, isn't going to have somebody just tossed out at the doorway, but they can proceed further and get their application considered on the merits. We're so happy about this.

Rick Gibson: Ms. Thompson?

Mary Thompson: So, how are you going to distribute these? How far and wide [indiscernible]?

Rick Gibson: Chris and [indiscernible] can answer that, but right now we have it on the website, and I know we've sent a letter out to tribal leaders. All county officers have them.

Chris Beyerhelm: We provided -- this is Chris Beyerhelm. We provided hard copies for county offices, first of all. We sent letters to all tribal leaders advising that it was on the website, and if they wanted hard copies, we can provide it. We are going to send 100 copies each to IAC, and I can't remember, there are at least four other organizations.

Mary Thompson: ILTF?

Chris Beyerhelm: Yes.

Mary Thompson: Indian Land Tenure Foundation.

Chris Beyerhelm: And then --

Mary Thompson: INCA [phonetic]?

Chris Beyerhelm: INCA. Yes. There are four other organizations we sent hard copies, and then plus it's on the website, on our website, USDA's website.

Female Voice: [Indiscernible] some places [indiscernible] if they're anywhere near where I am or in such rural area that sometimes whenever it's real cloudy, we don't have [indiscernible] Internet. And if I don't at the of IAC conference or [indiscernible], then there's still a chance that people are not going to get through [indiscernible].

Chris Beyerhelm: Well, we can -- oh, go ahead, Jerry, you've got a recommendation.

Jerry McPeak: No, not recommendation. I've got an observation. We've passed the law in Oklahoma, our tribe had

passed a law a few years ago about we couldn't vote if we didn't have a physical address. Well, for those folks in the city, that's wonderful, but for some of us who live out in the country, there are thousands -- You all keep talking about this website like you think everybody's got one, like everyone has a computer at their house. Maybe we're just poor where we're from or maybe we just don't know, but if you think that every household has a computer, God, you're out of your gourd. What percentage of people have -- do all of your people on the reservation have computers? I mean, you all keep talking about this website like, oh my God, everybody has access to it. I'm here to tell you folks, wake up to the world out there. We don't have. There's probably -- there's not 50 percent of the people where I'm from, and we don't live in a remote area, that have a computer at home. If they're going to go use a computer, they're going to have to go to the library or they have to go to school, and that isn't going to happen. So, kind of like the gentleman we upset yesterday, someone's got to tell somebody. And I'm sorry, but smoke signals are way more helpful than the computer is on a still day because --

Chris Beyerhelm: Well, I think, in addition to what I mentioned earlier, our plan would be that as we do outreach, we could certainly carry these with us as we go to the

reservations, and I think, just thinking out loud now, I think we need to include the tribal colleges and have that material resource material available there, too. But whatever else you can recommend, we'll sure to take a look at it.

Mary Thompson: I want to make a suggestion. You know, just get them to a local publication, the papers.

Female Voice: It's available [indiscernible].

Chris Beyerhelm: Okay.

Mary Thompson: And do some PR and let people know it's out there. Thank you. Mary Thompson, for the record.

Joanna Stancil: Thank you. This is Joanna. And that's one of the things that the Office of Tribal Relations is going to be working on, whereas we're not necessarily going to have our own outreach strategy. Each of the mission areas within USDA are required to have an outreach plan. And one of the things when I said on that committee is that I've told them that if they rely too heavily -- it has to be a multimedia approach in working with Indians in these rural communities. So, I will work a little bit more closely with them because their mindset is getting away from paper products and getting more into the online. Well, that's going to miss a large segment of Indian country and rural America. So, we're working on it.

Juan Garcia: Rick, if I can mention something -- this is Juan Garcia, for the record. We talk a lot about outreach.

It's a great word to use, and you may not like what I'm going to say, okay, but I'm just being realistic. We talk -- I think, everyone -- I wasn't here for part of the afternoon and I apologize, but some of the agencies that were here including ourselves, we talked about outreach. It's a great thing. We try to do our best. We only have so many resources. We don't have the amount of employees that we used to anymore. Last year within our agency, because of budget cuts, we lost over 1000 employees throughout the country, and the large majority of the employees were out in the field. Now, that hurts. It hurts when the majority of the employees are out in the field, but it's something that we have to deal with with our budget situation.

We'll do our best with outreach, but we need folks like you all. We need a good partnership to get the word out. We don't have as much funding as we used to send out newsletter, yes, and we rely on this darn Internet thing that you're talking about Jerry. I understand, a lot of people out there do not have computers, do not have access, but some of the community organizations, some key people do have computers, you all have computers, I know you all have e-mail. So, we need a partnership from folks like yourselves to help us get the word out. We can't do it on our own. We can't do it on our own anymore. So, we need to develop more partnerships to get

information like this out. Not just on farm loan programs but in all the programs that we administer.

So, I just want to make that statement, that we need help. Because as Rick mentioned, we're in a budget crunch every year - - we're already working on 2014 budget right now. In fact, that's what I was doing yesterday for my agency all afternoon, working on 2014 budget. So, it's important. Mary, you bring up a good point. I mean, we've got to get the word out. A lot of people don't go to town. So, we've got to get newspapers. We have to figure out -- so, I think that's an important thing of the council here to make suggestions, to see where we can get contacts out so we can get this to them, and they can help us distribute to other people. We'll do our best. That's all I want to say.

Joanna Stancil: Thank you, Juan, and I think --

[CD1 Track 4]

Joanna Stancil: We have Janie and then Sarah.

Janie Hipp: Again, I probably -- this is Janie. I can't say it probably any stronger than Juan or Chris did, but the Office of Tribal Relations had a cleared document throughout the entire department that was a brand new guide for all USDA programs and services. In one week's time, we were taken to a zero budget by the House, and within another week after that, we had half of our budget restored. So, within two weeks' time we

were functioning at half staff strength. And right before we lost our budget to zero, we were preparing -- I was preparing to sign a document that was going to take that cleared content and put it in -- I was signing the documents to make hard copies, thousands and thousands of hard copies. So, what I'm saying is to bring a bright light to -- this council can make recommendations that can be carried far and wide, but the reality here is that that took us to our knees in short order and it took our entire printing budget and our entire outreach budget. All we are left now with is staff and travel. That's it.

And so, Mary, I know what you're saying, I know what you all are -- Jerry what you're saying. At the end of the day, FSA is getting hit the same way. We had our reality. We've got -- we are not going to sit here and wring our hands and cry about it. We are going to figure out creative ways with that we can work with you all, that we can work with IAC, that we can work with ILTF, that we can work with NCAI, because we know how important this information is. We all know. But we've got to figure out a new way of getting in and out.

Mary Thompson: And I think with those partners out there, I just keep going back to PR and news media. Because your farmers [indiscernible] yes, I can take this back to my contacts in North Carolina, but I don't know the other Indian tribes

throughout our world, you know, so, I don't have those media contacts either. But we'll get it worked out.

Rick Gibson: We'll get it worked. We'll work our darnedest to get it worked out.

Sarah Vogel: This is Sarah. My thought for this booklet is that, if there were a supply. And I think you said that most counties do have supplies.

Chris Beyerhelm: Yes.

Sarah Vogel: And we already know that counties where the higher population of Native American farmers and ranchers are or are likely to. And so, if people walked in and said, "You know, I'm interested in an [indiscernible]," if that was the -- if there was a copy dedicated to them, I mean, that's a simple thing. Or if people call on the phone say, "I'm interested in this," and then offer to send them a copy. And I don't know that -- I think that would be just a real good common sense start. And then also the people that are told, they're recommended that they go to those trainings or the education classes, having a copy of those books at those training classes -- because I think you've probably got thousands of folks enrolled in those classes, if they all got one. And then maybe NCAI and places like that would do a reprint. I mean, there are so many ways of getting it out there.

Chris Beyerhelm: Yes.

Janie Hipp: Well, and Sarah, I've actually done extension programming.

Sarah Vogel: Oh, that's true. Yes. Excuse me, queen of outreach.

Janie Hipp: I know. But my pet peeve is to have a whole lot of copies -- this is like gold to FSA and OTR. I mean, every single one of these copies mean something to us and to Rick. And the thought of walking out of a room and having 30 of these sitting on a table and somebody scrapes them off into a trash bin, I would rather go door to door and find Indian people and hand it to them than to do this kind of scattered to the wind. So, that's kind of the conversations that we have been having is how do you go like a laser to exactly who needs these.

Sarah Vogel: Great. Yes. A lot of people would, you're right, I mean, just does not realize the goal in that document.

Joanna Stancil: Anyway, I think Jerry?

Jerry McPeak: Yes, [indiscernible] today too. This is a question -- which is where [indiscernible] -- question for you folks here at the table. Our ag people, we have our tribes, do they -- how well do they function about getting that information out? I'm still going back to one person. I think our tribe does a good job of getting information out that they know of, but I don't know -- and I'm -- listening to you, I'm thinking you're all over it like white on rice, but is that not a -- how

do our tribes do this for getting information? I mean, I'm not all in blaming somebody else for my plight. That's bull. But, how do we do it?

Gerald Lunak: [Indiscernible] majority of farmers and ranchers in the reservation [indiscernible] FSA.

Jerry McPeak: They contact them individually?

Gerald Lunak: Yes. The natives, they have [indiscernible].

Jerry McPeak: My question was, what if they tell us -- I'm sure they must be telling our farm managers -- I mean, our people who are agriculture people.

Gerald Lunak: I guess I would say -- this is Gerald Lunak of Blackfeet. Blackfeet is -- and this may upset some people with Keepseagle. It's not a credit desert. It's not. We have people that have active loans on Blackfeet. In fact, generations of people. We do have people that are struggling to get credit, don't get me wrong.

So, to me, when you talk of communication to producers on our reservation, we're really talking here about those people that haven't come to that office or for whatever reasons, refuse to go to that office. There's a general population of producers of all colors on that reservation that are getting good information from this agency, but we have to focus [indiscernible]. Our books need not go to them because they

know how to play the game. We're really talking about extension is a good opportunity.

Our IAC people, they are the ones that are charged with mainly dealing with those kind off-center potential producers, young producers that don't have the confidence to go in that office and demand this book and pursue it to its end. Go ahead.

Chris Beyerhelm: I just wanted -- this brings up a good point, what Jerry was talking about. I mean, one of the struggles we have as an agency is that officially we're supposed to be government to government, so we're supposed to deal with tribal councils. And kind of to your point, Jerry, is some of those tribal councils do a great job of getting it to the people, some do a horrible job. And then, worse, we struggle with, okay, do we go directly to the people. And if we go directly to the people, we run the risk of alienating the tribal council. And so, it's a real dilemma for us.

Jerry McPeak: And within the council, you have allocation committees. On our reservation, I basically deal with every producer that has BIA lease on that reservation has a contact with this allocation board which is set up by the tribe. And generally, you're right, the tribal council, a small portion of their time, and some of them, none of their time, is dedicated to this type of work.

They're into many, many other -- so, there are --

underneath the council, there are groups and entities that are charged with managing the grazing and farming for that reservation, and those are the groups that have to be brought into this. And to me, they're the ones that are going to carry that message.

Chris Beyerhelm: And I think we understand that. We get concerned that if we kind of target laser to those folks, that we're going to run the risk of alienating somebody else. And maybe one of the recommendations this council could make -- and I know this is a big lift, a big ask, is, you know, how do we somehow get some sort of universally accepted method with all -- not all tribes, but a majority of the tribes so that we can have some sort of strategy to communicate this stuff.

Jerry McPeak: You know, I don't know if we can do it individually because tribes are individual governments and you can't make that assumption. Even as Indian people, we don't make that assumption when we go to some other Indian nation that this is how we're going to do it. But there is some common thread through Indian country in farming and ranching, and IAC is one. And they have contacts. They have contacts with leadership, they have contacts with the ag people within that reservation. And maybe it's their charge to basically say, "Hey, who is your contact with Indian nation? Because that's who we need to talk to."

[End of CD1 Track04][CD1 Track 5]

Jerry McPeak: That's where -- excuse me, that's where my question was. My question was, don't all of us tribes have a person that's over at the agriculture? No. Really?

Male Voice: No.

Female Voice: Not necessarily, no.

Jerry McPeak: Oh my God.

Janie Hipp: I want to speak to that, Jerry. Before Joanna -- this is Janie. Before Joanna came on, we had -- when we were at full strength -- and we still do at every year, we update our tribal headquarters list. From the beginning, I charged our folks with I don't want to know just who the tribal chairman is. I want to know who the ag department is and who the nutrition department is, because I really wanted to drill in. And very, very few tribes have ag departments. It might fall under land management or allocation, but they do not identify ag departments.

Sarah Vogel: Could I -- this is Sarah --

Janie Hipp: But that is kind of -- that encapsulates, I think, the ultimate challenge. We can beat this some more if we want to, but that is the reality.

Mark Wadsworth: If I may, I guess as I was looking through this book, I can see where this book is quite kind of effective if you're looking at an operating loan scenario. And then, I

was looking at the farm ownership's loans, and within the, I guess, the operating loan, if we're just working with chattel of basically the actual -- in case of cattle being the chattel, maybe their vehicles being put up as a part of the actual lien, that's fine. But if we start trying to attach tribal lands or tribal ownership lands, then we're opening up a huge difficulty in getting these loans out to tribal people.

So, -- and I guess, to go to the farm ownership portion, just for knowledge base -- and I think this is mainly for the USDA people, is that there is kind of two major classes of lands out in Indian country. In our tribe, we have T-tracks [phonetic], which is called tribal tracks. These tribal tracks have to be 100 percent owned by the tribe to be considered T-tracks. Now, when Jerry was talking about the allocation committee, that's where the T-tracks come in to my world when I'm dealing with doing allocation for Indian producers. Because a tribe has the ability to charge whatever rate it wants to as an AUM rate, under the T-tracks scenario.

Now, when you get into the A-tracks or the allotted tracts, this is where you're getting into individual tribal members and maybe in some cases, not tribal members but just tribal descendancy and what may have you. Then we're into the portion of where we get into -- does that individual own 100 percent of that land? Has that land been divided? There's the word

"divided" and "divided interests." So, you know, in a divided interest, we would have, for instance, 120-acre tract that the person is undivided, that means that they own it with any other joint heirs. So, if they had three separate people, you would have -- every bit of every shovel that you take out of that land, one-third of it is owned by all.

And then, it so happens within our reservation as a part of our corporate charter under the Indian Reorganization Act, under our charter it states that the tribe cannot sell any of its land. So, if that person happens to be an allotted owner with the tribe, they really cannot put that land up for any sort of collateral because they're basically going against the tribe's constitution and by-laws as being incorporated under that act.

So, I guess what I'm talking about too is that you just have to realize that that if we're going into the farm ownership scenario, we're opening up a whole separate situation in trying to service that loan and getting that loan through.

Because then when you go into something into that effect, -- and I've actually been through this myself when I purchased land from a separate tribal member who was a non-relation, and I had to go through the process of purchasing that land through that individual.

In that process, now we start getting into what they call

the required appraisal rates through the Bureau of Indian Affairs -- and if you ever deal within the Bureau of Indian Affairs, they have very few to none appraisal people out there in the country. And so, I think the appraisal that we were working with was taking up to a year and a half before that appraisal was accomplished, you know, before we could even venture to buy the land.

And I think this is another hindrance, too, is that, you know, I've bought non-Indian land, our house, and I was able to get an appraisal done within 30 days, 20 days, and that appraisal cost me \$350 to \$500. Well, that appraisal done on that Indian land costs me \$1400. So, it's -- there's another hurdle there that I think that we have to realize.

So, what I'm getting at, I guess, to make a long story short, is that I think we can treat operating loans possibly different in this scenario as opposed to farm ownership loans, and realize too that if we're getting into the farmer situation or permit, we can allocate the tribal lands. So that if that Native American says, "Okay. I want to run 100 head of cattle on range unit one," on range unit one there is 16,000 acres and the half is owned by allotted, half is owned by tribe. Then we can allocate up to half of that land to the tribal member. And this was a huge fight. Because the accountants within OST,

they're bean counters, and they're saying, "Well, how can you tell me that that cow isn't eating an allotted person's land or a tribal person's land?" But we stuck to our guns, so we just said, "Well, we just have to treat every range unit separately."

So, once we have exceeded that allocation and then we start getting into allotted lands, under code of federal regulations, then we have to go give that allottee the fair market value or whatever the current bid rate would be. So, we could grant to our Indian producer a one-third rate of what is over the appraised value. But once we've exceeded our allocation and they want to stay within that range unit, then they're subject to the regular bid that a non-Indian would do to get a fair market value to that individual.

So, I guess, the ownership scenario and the operating scenarios, maybe we should do some more thinking on that. And we talked about BIA here, but I think we ought to start talking about the office, the special trustee, too, because they also have a major play in this scenario.

Joanna Stancil: Thank you. Thank you, Mark.

[CD1 Track 6]

Joanna Stancil: Gerald?

Gerald Lunak: I just want to follow up on this whole issue of getting this out.[Indiscernible].

Jerry McPeak: Hey, Gerald. Could you speak up on the mic?

Gerald Lunak: Oh, sorry. Gerald Lunak, Blackfeet. I just wanted to offer a list of potential resources that would basically carry the message of the FSA lending booklet and its contents: The tribal extension, the county extension, the Intertribal Agriculture Council, the Indian Nation Conservation Alliance, our tribal allocation board, our county committee which consists of two tribal members, our tribal farm manager, our tribal council, and our tribal college.

They're all potential --

Male Voice: [Indiscernible]

Gerald Lunak: Pardon?

Female Voice: May we have a list?

Gerald Lunak: Sure.

Joanna Stancil: We will put it in the record.

Jerry McPeak: Thank you. That's good.

Joanna Stancil: I'm sorry. Angela.

Angela Sandstol: Hi. My name is Angela Sandstol from Alaska. I know for the 229 tribes in Alaska, we have contacts for them. I mean, as a representative of Alaska, I can get a hold of all 229. We can forward a copy of that and leave the burden or what have you, on the tribes. The tribal contact should be able to either put that in their newsletter, copy it if given the authority to do that. So, that's for Alaska. I'm

not sure how the rest of the states, if they have list of all the tribes on the Internet, but that's how I would handle it.

Thank you.

Joanna Stancil: All right. Do we have Porter?

Porter Holder: Porter Holder, Choctaw Nation, Oklahoma.

Joanna Stancil: Can you speak -- I'm sorry, we're having a hard time hearing. Maybe we can get the mics to --

Porter Holder: My tribe has a monthly newspaper that comes out. I don't know about other tribes, but you can take their Internet and their telephone but don't you take their newspaper. That would be, I think, an excellent source for the Choctaw Nation. I said, I'm not aware of any other newsletters like

that for other tribes, but for the Choctaw Nation, I think, that would be an excellent source to get the word out.

Male Voice: Chocs, chicks, Cherokee [indiscernible].

Joanna Stancil: All right. Rick?

Rick Gibson: On the other side of communication issue is how to build out communications for emergency program. As Representative McPeak was saying, [indiscernible] didn't know anything about this pasture insurance program, that could probably be gratefully useful in this area. So, we need to think of ways to utilize an emergency network for those kinds of issues so producers know that these programs are out there. I

want to pick up what --

Joanna Stancil: Yes.

Rick Gibson: -- Mark said about appraisals, and Janie, if you could talk about the BIA, USDA working group.

Janie Hipp: Okay. Now?

Rick Gibson: Yes.

Janie Hipp: Okay. But before I do that, I wanted to let you know that we have been working with BIA, Small Business Administration, HUD, well, in all of our field agencies -- FSA, NRCS, RD, and Forest Service -- and we have been doing every seven-to-ten day calls, so I'm going to loosely call them, weekly calls, with tribal headquarters and anyone else who wants to get on the line.

IAC has been helping us get the word out on the drought. We've been doing regular drought update calls with -- all tribal headquarters are invited to attend, and we are assuming that they are pushing that to their land folks or the folks that they know within their tribes that are dealing with agricultural issues, because those folks are on the line. And so, every week that we've done these, we've had at least 100 people on these phone calls. And so, we're just -- we're doing one again next week, so it's -- our intention is to continue doing these throughout this whole drought scenario.

The BIA has been working -- and OST have been working with

us on an ongoing basis for over a year and a half now, and at some points when we're deep in the issues that are pretty gnarly, we meet almost weekly. But the scope of our conversations have been to try to peel the onion back on some of these very complex issues and figure out how we can work together better. We have, in circulation right now, new MOUs between USDA RD and BIA-OST. We also have as a separate MOU an MOU between farm service agency, NRCS, and BIA-OST. And so, Del Laverdure has been helping us in his acting role as assistant secretary to really press those and move them around BIA and get the proper signatures, get the clearances from the solicitor's office over there and we've been doing the same thing on our side of the house, but these have been pretty complex to try to work through. We did have a previous MOU but it did not include RD, and we felt that we needed to include RD, particularly when you think about the whole broadband necessity.

And then, it was too broad. It didn't get deep into the weeds. And we found one particular issue that we still can't get deep into the weeds until we get all of our IT people in the same room. And so, we left a provision in the new MOUs about data sharing. And I say that as just kind of a catch-all for we've got to have our IT systems talking to their IT systems talking to the tribe's IT systems, because

there's a lot of tribes who are GIS'ing everything that moves, and it really had better GIS records than the BIA itself. But when Congress passed these acts pertaining to farm service agency or any of our agencies and deals with the confidentiality of those records, they don't necessarily think in BIA terms. And so, [indiscernible] in IAC, Zach and all of the team in the network have been very helpful to help our agency folks understand that when you're producers in some locations -- and it could, I think, differ location by location -- you not only have a dual appraisal issue that you have to deal with. You've also got physical land records that are ranging and based over here and farm track based over here, and the borders don't meet when you place them one over the other. So, go in and try to get a loan of any kind on that scenario. And so, without getting our IT folks talking to each other, that -- everybody just gets to glaze over.

And in fact, before you all got here on Monday morning -- actually, no, Monday evening, after we saw each other, I had a meeting with Cheryl Cook who is our new office of -- she's our chief information officer. She used to be the deputy undersecretary for RD, and she totally got exactly what we're getting at. And there're a whole lot of initiatives all over federal government about priority investments and information technology, et cetera, et cetera. And so, she and I were

discussing, and -- and Chris don't even know this yet, -- but, how can we get the right people in her shop to meet with BIA and OST and FSA and NRCS to really get into the narrow weeds about how this land data is shared from the standpoint -- we've got to share it in order to make it easier on the tribal producer. And if we don't get it together, then they always struggle. And so, it's that simple.

And so, I think we've made great headway. After we leave today, I'm actually taking MOUs in my hand and walking and sitting in people's offices until I get their signatures, because that's going to be a challenge. But I think we've got to just keep this up. I think we've got to have a standing group of people, standing working group from BIA, OST, and anybody else that wants to get in on it that really sit on a constant basis with our big field agencies that are trying to push conservation, lending, all of those -- farming and ranching, everything that we've been talking about. We're committed to doing that. It can make people's eyes glaze over because it is extremely complicated. But we have to do it. And if we can't figure that out and if we can't explain it to our field of people, then they're not going to feel comfortable.

The other part of that story is we then have to put together a training program that can bring all of our few people along so that their comfort level around these issues rises at a

higher level. And that's our commitment, and what we have is our goal. We're not going to get there tomorrow but we're going to keep working on it. I think it's a critical component of what we can do working together as an outgrowth of the Keepseagle settlement. It's got to be done.[CD1 Track 7]

Joanna Stancil: I think Chris has a comment.

Chris Beyerhelm: Thanks. And Rick, I don't want to steal your thunder, I'm not sure where you were going. But before we run out of time, I wanted to make sure that this memo from class counsel has been handed out. And to Sarah's point, as we had the conversations with class counsel about this, we realized we'd actually been doing a lot of work on some of those issues already and some of them were done, and I just kind of want to give you an update so as you read through that, you kind of know where we're at on that, if I could, is that okay?

Rick Gibson: Go ahead, please.

Chris Beyerhelm: Okay. The first thing is, we had to recognize, some of these things are regulatory and some are statutory. And as you work with your tribes and your councils, it's important to understand the difference. Because a lot of people come to us and say, "You need to change this, you need to change this." Well, some of it is the law, and it's important to understand the difference. But some of the things we have been able to change and are just changing our

handbooks and our regulations.

To the experience piece, we did send out a handbook change, Sarah, about six months ago where we made it very clear to people that experience can be in many forms. It used to be that we're looking for a schedule F that showed that they had farm income on their tax records, and we've said, "No, that's not required." If you have any kind of apprenticeship or mentorship, or if you've attended any of these training sessions that some of the community-based organizations put on that are funded by NIFA grants, that that would qualify for operating experience. So, we've greatly provided more flexibility on providing that kind of experience.

A lot more flexibility in servicing. Our servicing regulations were written after the 1980s when we had serious, serious losses in our portfolio. So, they were very stringent, very strict. The average customer in our direct portfolio in the early 1990s was about \$90,000. Today, it's about \$275,000. So, as a consequence, our servicing regulations were outdated. They were too conservative for the progress that our average customers made in our portfolio. I mean, even to the point that in some cases we'd have 3:1 collateral, and somebody would want to release off an acre of land to build a house for junior that just got married. And we weren't able to do that under our regulations, so we made those changes.

Rick would mention the MicroLoan Program. We've recognized that a lot of people don't need these big loans. They need smaller loans. So, we put out a proposed rule on micro-loans. The loans are less than \$35,000, the paperwork went from 17 forms to eight forms, and it's going to take about 50 percent of the time that it would take you before, both the customer and FSA employees to process those loans, with much less stringent credit underwriting standards. You know, we're going to still get a credit report but we're not going to really look at the past. We're going to look more at the future and what we can project for the future rather than trying to look for historical yields or how we've done in the past. Particularly recognizing that some of these cases are these farmers market kind of cases and organics, and some of that non-traditional stuff that -- just to be frank, those folks don't keep the best records. It's a cash transaction. So, we've made those changes.

We've also internally -- in the past, we've treated a loan as a loan as a loan, and we service it the same way. Now it doesn't matter whether you've gotten three loans from us in the past and you've paid them back like clockwork and everything is going the way it's supposed to. When you come in for a new loan, you've got to supply the same stuff. And we said that's crazy. We need to streamline applications for

people that are repeat customers. And if you've got a loan from us and you'd paid it back and you're complying with all the requirements, when you submit a new loan application, all we should really need is a cash flow, an updated financial statement, and we should be able to rely on the other information we have in the file to say we're good to go.

It's like a line of credit almost, where we just re-advance against past experience we've had with folks. So, we're going to implement that.

We had problems with appeal decisions. People would go to appeal and the agency would lose, and we would drag our feet about implementing that appeal decision. And we've made it perfectly clear to folks that if we lose in an appeal, whatever the appeal officer said, if he said the agency was wrong, then we're going to implement that decision and we're going to do it in a timely fashion. And we've got somebody assigned in each state to track those, so that's not going to happen.

Sarah Vogel: Awesome.

Joanna Stancil: That's the Sarah Vogel Rule.

Chris Beyerhelm: That's the Sarah Vogel Rule. I told Sarah earlier, our motto at FSA is, "If Sarah's happy, we're happy." And now it's going to be, "If the council's happy, we're happy."

On bad faith, we're dramatically changing our rules about

bad faith. Just to give you some -- bad faith is something in our vernacular that to get a loan, you have to have -- you've been determined to act it in good faith as opposed to bad faith. And the same with servicing. And that traditionally means you -- if you converted collateral or you lied to the agency on your application, that would be considered bad faith. But in the past, people had been calling other things bad faith, things that I would consider not germane, like I forgot to tell you about \$200 credit card bill they have or something. That's not the truth but it not rises to the level of bad faith that it materially impacts the credit decision you're going to make. So, we're going to change that whole thing.

On the statutory side, a couple of issues that came up with, when we make loans to youth, \$5000 and under, and there's a provision right now called the Debt Collection Act, that if you get delinquent on a federal loan or you don't pay back a federal loan, you are forever barred from getting another FSA loan, plus it will start off that you are not eligible for student loans, you are not eligible for any kind of other government loans -- HUD loans, housing loans, anything. Plus, you're going to get your social security offset, plus you're going to get your IRS tax return offset. So, we have been trying to decouple youth loans from those really hard

provisions.

And in the Farm Bill, the House version has some language that would do that; the Senate version does not. We're hoping that in the conference, we'll be able to fix that. So, basically, say, you've got a \$3000 loan to buy some cattle and they got killed in the flood, do your best to try to pay it back. Offer \$100 or \$200 based on your ability to pay.

Janie Hipp: Or if your family divorced, it wasn't your fault, somebody sold all the cattle, it wasn't your fault, you're 16. The more we started talking about it, the more [indiscernible] unconscionable. We're not going to have any new beginning farmers if we don't try to deal with it.

Chris Beyerhelm: Yes, get them up.

The other big thing is that 2008 Farm Bill authorized a fractionated land program, and I think you kind of mentioned that a little bit, Mark, about where you have this -- you mentioned three, but most likely it's 300 in a lot of cases where you've got -- so there was a loan program that was specifically designed in 2008 Farm Bill to help consolidate those fractionated interest. The problem was when they wrote the statute, they tied it to BIA rules. I know. So, when we did our consultation, we heard loud and clear that this program is not going to work if it's tied to BIA rules and it relies on BIA administration of that.

So, both the House and the Senate have language in their versions of the Farm Bill that would just have a program for USDA without BIA, then also allow us to do what we call the re-lending program where we could actually lend money to the tribe and they could lend it to individual tribe members to do that, which we thought was a more effective way to do that. So, we're hoping that's going to be successful. And then, just two other things, quick, and I'll shut up, for a little while anyway. Janie mentioned about the appraisal issue in the BIA memo. The other two things -- and I think both of these are on your list, Sarah. One is that when we have a loan on cattle, for instance, we're required to go out periodically and look at the cattle and see that they're there. What we found out was we would ask the rancher to coral all of their cattle in August or whatever and then BIA would come out a month later and want to do the same thing and make them coral them twice. So, we're working with BIA to say, If BIA does it first, we're going to accept their count and call it good; if we do it first, BIA's going to accept our count and call it good. Yes, duh. Duh, right.

Mary Thompson: I thought it was just [indiscernible].

Chris Beyerhelm: No, no.

Rick Gibson: Mary Thompson did not say that.

Chris Beyerhelm: And these aren't the only changes we made but these are the big ones, and this gets to something Zach

brought up yesterday about graduation. Right now we're required -- our loans are temporary. If your finances allow, you can get a loan somewhere else; we expect you to do that. We don't compete with private lenders. Because there is not credit available in some places, the credit desert, we talked about a little bit, sometimes we're the only game in town. But once you get a loan from us, it's expected at some point when your finances improve, that you would pay us off, we'd take your money, lend it to somebody else, they work their way up the chain. That determination in the past had been made on your financial condition. In other words, if somebody came in and has a net worth of \$750,000, it's logical to assume they could probably go somewhere else and get a loan. And that's what triggers a request for you to graduate. But we're going to add to that determination now, in Indian country, is there other lenders out there.

So, it could be that regardless of what your financial condition is, if there're no other lenders out there, we're going to add that as a criteria to determine whether you have to graduate. So, those are kind of the highlights. So, we've been doing a little something since we've met, Sarah.

Sarah Vogel: And I want to say that we recognize the

difficulty of some of these things, and they weren't capable of getting in place despite the willingness of the USDA by the time the settlement agreement was inked and signed and sent to the judge. But the fact that USDA was willing to commit to working on these subjects, I think, is a real testament to good faith. And so, we really do appreciate it, and we appreciate the fact that you had to go butt heads with BIA, not us. And by the way, Mary, this is also not on the record, but I heard a lot of crabby people when we were meeting, when they were talking about the BIA, right? Well, --

[CD1 Track 8]

Rick Gibson: Our biggest challenge from an agency standpoint is how to build in these changes without -- it's what Zach Ducheneaux have talked about yesterday, how to build in some discretion without running afoul of the law. And providing that from a managerial standpoint, providing employees with a clear idea of what they're supposed to be doing particularly new or your older employees who are set in their ways. So, in many of these proposals says build a discretion if discretion is good. But when you do build in discretion, I think you have to take the bad -- you often do take the bad with it. So, I think as an agency we have to be very careful about how we do that.

Sarah Vogel: Yes, yes. Well, thank you. I'd like to circle back to just one comment that Chris made about 20 minutes

ago, probably, and that was that you said we have a government-to-government relationship with -- and I agree that there is a government-to-government relationship, but there is also -- I mean, these loans are individual loans, and a farmer, whether or not they have the support of their tribe, have a right to go in and apply.

And so, I think sometimes the -- if there's over much focus on tribal communication, it can just languish and sort of die on the vine, whereas all of these loans that we're concerned with, in this case at least, were individuals. So, I just wanted to add that. And I know you didn't mean that you don't also have a relationship directly with the borrowers. I just circled back to that because --

Rick Gibson: And I want to mention one more programmatic change that was outside the settlement agreement, but I think we're all really excited about involving the county committees. In the 2002 Farm Bill, the secretary was granted the ability to appoint one additional voting member of the USDA county committee. If he determined that the committee wasn't fairly representative. At that time, we drew up regulations implementing that law.

In 2005, it didn't take the step of the secretary actually exercising that power. At that time, a decision was made to use outreach methods to reach more potential voters, more potential

committee members, and hopefully through outreach, get higher levels of minority participation. It worked. The outreach had a great effect, and the numbers increased. But what the secretary found coming in was that there were still some pockets in counties that were not representative. It did not include female members, not include African American members, not include Native American members in counties that had high populations of those producers. So, Secretary Vilsack determined that he would exercise that power, find a way to exercise that power that was granted to him in 2002 bill. So, the agency has drafted a rule. The rule has completed its review period; I think it's going final next month. That gives the secretary the ability to appoint one additional voting member of the county committee. Every year, FSA will, through its economic policy and analysis staff, undertake a review of the producer populations in every county, committee jurisdiction across the country, using producer population numbers from either NASS or our county committee voting rolls depending on which proportion is higher. And by setting a benchmark of the number of county committee members plus one which would account for the socially disadvantaged member appointment that previously existed that was non-voting, weigh that benchmark level against the population level and determine whether an appointment was needed.

So, I think if we had done it this last cycle which we would run a test on it, we would have over 150 newly appointed voting county committee members who are female and minority. So, we see this as a way to increase minority participation, and more importantly, to make sure that the county committees are reflective of the communities they represent since we still consider and will always consider the county committees to be a very important player in our programs.

Joanna Stancil: Mary?

Mary Thompson: Mary Thompson. [Indiscernible] some of the statutory changes [indiscernible]. So, at some point out, can somebody send me the changes that your records [indiscernible]?

Chris Beyerhelm: Yes. When will the record be available, Joanna?

Joanna Stancil: We due it back to the chair in 30 days, so we have some time. So, it might be best if you want to give that [indiscernible] to all the council members.

Chris Beyerhelm: Okay.

Sarah Vogel: I think we'd all be interested in that.

Joanna Stancil: This is Joanna. We'll get it from Chris, and then we'll disseminate it to the council.

Mary Thompson: Is it hard to do?

Female Voice: No.

Chris Beyerhelm: No.

Joanna Stancil: No.

Chris Beyerhelm: Just so you know what it would look like, it's going to be called "a side by side," and we'll have the Senate version of the Farm Bill and the House version of the Farm Bill, and it'll just show you all of the things, not just the things I talked about. They'll have everything in there related to credit.

Mary Thompson: Okay.

Chris Beyerhelm: And then what I can do is highlight in yellow the things specifically related to Indian country [indiscernible].

Mary Thompson: Good. Thank you.

Janie Hipp: And this is Janie. The two things that Tony handed out that we made copies of last night, one is the memo that Sarah walked everybody through. I think --

Sarah Vogel: It's written about a year ago.

Janie Hipp: Yes. And that's the memo related to the programmatic relief discussions between Office of General Counsel and the Keepseagle lawyers. And then the other document is a two-page letter from Joe Sellers, and you're welcome to explain that, Sarah.

Sarah Vogel: Sure. We keep on eating up poor Rick's time. But I guess it's kind of --

Rick Gibson: I would be happy to read it [indiscernible]

if you'd like me to.

Sarah Vogel: Do you? Yes, sure. That would be great. That would be perfect.

Rick Gibson: Yes, let's do that. Because I have five minutes. Yes, this is a letter from --

Male Voice: [Indiscernible] read out loud, right?

Sarah Vogel: Well, I think it's symbolic to us, at least, after 12 years of working on those case.

Rick Gibson: Yes. Because I think it's right. The attorneys have been kind of at the front of this case this whole time, and now it's time for us to move to the side and still help. It's kind of a valedictory.

And this is from Joseph Sellers who is lead class counsel, Cohen, Millstein, Sellers, & Toll.

"Dear members of the Council for Native American Farming and Ranching, on behalf of the thousands of Native American farmers and ranchers who participated in the Keepseagle versus Vilsack class action, the name plaintiffs who led this litigation for more than a decade and the lawyers who have represented them, I write to welcome you to this first meeting of the Council for Native American Farming and Ranching. You're participating in a forum that provides an unprecedented opportunity to improve communications between the United States Department of Agriculture and Native Americans, and to provide

Secretary of Agriculture Tom Vilsack with the best possible advice about how to improve service to this important community.

"The creation of the Council for Native American Farming and Ranching was a critical feature of the settlement agreement entered in the Keepseagle litigation. The parties recognized the council offers an opportunity, unprecedented in the history of the Department of Agriculture to involve leaders from Indian country in a comprehensive and systematic review of the USDA programs designed to serve Native Americans, and to ensure this review is informed by the personal perspectives of Native American farmers and ranchers.

"We're counting on you to recommend to the secretary ways in which the USDA programs can be more responsive to the particular needs of Native Americans, and we are counting on you to encourage USDA to undertake necessary reforms to its programs and policies for the benefits of Indian Country.

We are thrilled that with the commencement of this meeting, Council for Native American Farming and Ranching has become operational. We have high hopes for this council and for the important ways in which it will improve relations between the United States and Native American nations.

For many years, Native American farmers and ranchers were adversaries in litigation against the United States. Today, we begin the hard and important work of healing those relations and

working to ensure that as the first farmers and ranchers, Native Americans are in a vital and economically viable force in agriculture for many years to come. We hope that in the coming years, class counsel will have many opportunities to collaborate and work with this council. We remain ready and able to assist you in any way. Like you, we viewed this work as an opportunity to improve the lives of current and future generations of Native Americans who wish to live and work on the land. We look forward to working with you on this journey to a better future for all of Indian country."

Sarah Vogel: I'm tearing up.

Rick Gibson: Does anyone have any questions about the settlement in particular that I didn't address on Monday or that occurred to you after Monday? All right. I left us with five minutes to spare for a break.

Joanna Stancil: Excellent. And he just gave me the perfect segue. We'll take a break now and please come back at 9:40. And after that, we hope to have Lawrence Shorty who will come and share with us about the 1994 program.

[End of transcript 1]

**Council for Native American Farming
and Ranching, Meeting: August 14-15, 2012
CD2 8-15 Track 01-07**

Contains Public Comments

[Start of CD2 Track01]

Joanna Mounce Stancil: If everyone could take their place, as people are arriving and getting settled down, I have a couple of announcements. For those who are joining us as guests today and perhaps individuals interested in giving public comment, we need everyone to sign in on the sign-in sheet and to also indicate whether or not you want to be on the list for providing public comment at 10 o'clock today.

Also, for council members, we've been told that people sitting in the back of the room are having a hard time hearing us so that we really are going to have to use the mics more efficiently to ensure that people hear you, and do acknowledge yourselves so that they can be part of the transcription. Thank you.

All right. Our next presenter is Lawrence Shorty with USDA's 1994 Program. Lawrence?

Lawrence Shorty: Hello, everybody.

Participants: Hi.

Female Voice: Good morning.

Lawrence Shorty: My name is Lawrence Shorty, and as Joanna said, I'm the program director of the USDA 1994 Program. We are

located in the Office of Advocacy and Outreach, and we have been working to do a number of things but especially focused on assisting and working with the tribal colleges and universities to develop their land-grant capacities and their tribal economies to ensure the U.S. food security. And our program is focused primarily in four areas. One of the program areas in general is to assist the Office of Advocacy and Outreach and the department in its outreach to native farmers and ranchers and producers. We operate under a Memorandum of Agreement with the American Indian Higher Education Consortium, which is the consortium that represents the 1994 land grant institutions, to assist in fulfilling the mandate of the Farm Security and Rural Investment Act of 2002 which requires USDA to establish programs ensuring that tribally controlled colleges and universities at American Indian and Alaskan Native communities participate equitably in USDA employment, programs, and activities.

We work with a leadership group at the department that includes membership from the mission areas as well as membership from the tribal colleges and universities that are selected by the American Indian Higher Education Consortium. The USDA membership is recommended by the secretary. Janie Hipp is one of their representatives, as is the Assistant Secretary for Civil Rights Dr. Joe Leonard. We meet twice yearly, and we also will meet by teleconference, and we have subcommittees that meet

on specific topics that make recommendation to guide the 1994 Program. The meeting times that we typically have follow the schedule of the tribal colleges' Capitol Hill visits, which occur in February. And then we work to have a meeting in late summer or early fall.

We have a Tribal Land-Grant Liaison Program. We have two positions that are situated out in the field that assist the 32 currently operating 1994 land-grant institutions to develop their capacities. One currently is situated at Sitting Bull College at Fort Yates, North Dakota, and we have a vacancy currently and that position was originally situated at Little Big Horn College in Montana. We have one staff member that assists in providing services to land-grant schools in the Great Lakes area. And so with those two liaisons and our one headquarter staff, we serve 32 schools.

We have a Tribal Scholars and Internship Program. We've been partnering with the department and its agencies to identify students actually positions and opportunities for students that those students can apply for, thereby helping USDA to increase its diversity, but also, it also helps money get into rural tribal economies, especially into the schools by helping the schools develop their curriculum in a number of ways. Money paying for the tuition helps the schools bolster and provide necessary funding for their staff and for their overall

university development. But also, by creating opportunities in those rural areas, money also gets into internship opportunities, because those internships are paid, money also gets into local communities. But further, it also enables us to engage with the schools to identify what their curriculum needs are and what they will be so that we can build those tribal colleges' capacities. Remember the land-grant institutions help ensure the U.S.' food security, so it's an important investment, and we're very pleased to be able to assist USDA and the agencies in doing that.

We have a fellowship program that's called the Terra Preta do Indio Program. And the fellowship program focuses on the land-grant faculty and staff, with the idea being that if we can work with them to get them better connected to USDA's agencies and its programs, we can better meet the mission of our program and what USDA is committed to doing.

It also helps us to create additional I guess ad hoc liaisons in that they are able to navigate within their systems and be able to access what USDA has, thereby creating a much stronger partnership between USDA and the tribal colleges and universities. And if there are any questions, I'd be glad to answer these now.

Jerry McPeak: Jerry McPeak from Oklahoma Creek Nation. We have several new tribal colleges in Oklahoma. Most of them have

not come in existence except since probably the year 2000. Do they have accessibility to these land-grant capacities?

Lawrence Shorty: Not currently, but I know that the plan has been and the suggestions have been that we'd look at how we can work with AIHEC to position them so as they get their accreditation status and apply and receive land-grant status that we'll be better able to integrate and work with them.

Jerry McPeak: Followup. Thank you. And you say "apply for land-grant status," so they apply to?

Lawrence Shorty: They have to work with their congressional representative, and then it's passed through legislation in order to get the land-grant status. So the term "1994" refers to the year that the schools got land-grant status.

Jerry McPeak: And only those before that have it?

Lawrence Shorty: Well, there has been an addition as of 2008, and that school came in through Alaska, this Ilisagvik College. And so they followed that mechanism of applying and was able to get their land-grant status.

Jerry McPeak: Through Congress?

Lawrence Shorty: I would like to ask Tim to assist me in this answer because he's been working with the schools for a much longer period than I have.

Male Voice: As I understand it, there is legislation either in this upcoming Farm Bill or in this year's appropriation to make two tribal schools from your state land grants. It's already in the process, so they have been working with it, and it looks like it probably will happen. Muscogee is one and I'm not sure of the other one off the top of my head. So it's in process.

Jerry McPeak: Thank you.

[Track 2]

Lawrence Shorty: Mr. McPeak, if you'd like we can review and see what schools in Oklahoma are making that application.

Jerry McPeak: That would be cool. That would be a yes, cool, that's a yes. Cool, that's a yes.

Joanna Stancil: Okay. Sarah?

Sarah Vogel: Sarah Vogel, North Dakota. Could you talk a little bit about what your observations are in terms of development of agricultural-based or agriculture career-based curricula in the tribal colleges?

Lawrence Shorty: That is a really good question. We have been exploring a number of ways through our partner, the American Indian Higher Education Consortium and its land-grant

manager as well as through our partnerships with the National Institute of Food and Agriculture, especially Tim Grosser's area, to work to try to identify what the needs of the schools are. And we're avoiding a one-size-fits-all approach, of course. And with our own liaison program, we've been working to be a little bit more targeted in identifying not only what those specific needs are but identifying how they can better access and work with the USDA area service centers so that those service centers can be more supportive on a state by state basis to the needs of developing those schools as land-grant institutions. In addition, kind of following in the models that have been established by the 1862s, the first series of land-grant schools in the 1890s, which are the historically black colleges and universities. And so we're still in that process of engagement.

In fact, there is an upcoming IAC, an Agricultural Council meeting and a Food and Agriculture Council meeting that's happening at the end of August, by which our liaison is going to continue to work to see or to try to or actually, he's going to work to identify further areas of collaboration between the schools. And so in North Dakota, that is happening, and we are looking at other specific opportunities in the states that we have been able to engage the Food and Agriculture Councils.

That includes Minnesota, Wisconsin, and Michigan. And this year, we're working on New Mexico.

Sarah Vogel: Thank you.

Lawrence Shorty: You're welcome.

Joanna Stancil: Are there any other questions for Lawrence? Thank you.

Thank you very much. Oh,

Sarah?

Sarah Vogel: Do you see much of a role for agriculture for the tribal colleges based on what you're hearing?

Lawrence Shorty: I do very much. Answering from, like, a historical basis, many people, North Dakota especially, New Mexico especially, I'm from New Mexico, but from what we hear from our liaisons, historically, the people, the tribal people there have been engaged in agriculture, and there are some, I think some fantastic and terrific opportunities. There is a great opportunity to enhance the local economies by doing that. There is, as you know, a big desire to make local foods available to fight against obesity, cancer, diabetes, heart disease, and stroke. And having and working to enable tribal producers in those areas provide those food stuff for tribes, tribal schools, I think there is a great opportunity. And I think there is a greater desire as more information comes out

about ways to improve outcomes based on or through dietary intake. And I think that, from what we've been hearing from students, from what we've been hearing from different opinion leaders, that there is a desire to make that more real. And we are working to help translate that.

Sarah Vogel: I hope this council can work with you.

Joanna Stancil: Thank you.

Lawrence Shorty: Thank you.

Joanna Stancil: Thank you, Lawrence. All right. As we're getting, approaching right on time for the public comment period, I do want to cite a few guidelines for how we're going to work together today. So far, we've identified six potential individuals from various organizations that would like to make public comment. The public comment period is from 10 to 12 today. How we're going to set that up is because we only have six people identified, we're going to allow up to 10 minutes per person to make their comment. It is set up to where you'll make comments only. If the council wishes to ask questions of our public commenters, they can do so or they can ask for clarification. Otherwise, our presenters are to present, our commenters are to present comment and not to ask questions of the council. That's how the federal guidelines are from the Federal Advisory Committee Act.

So, in doing so, I have a list here, and it looks like

first on the list, only because that's the order I wrote it down, is Gary Matteson, Farm Credit. You may use one of the mics.

Everything is being recorded today, so if you, either side would be great.

Female Voice: Or up here.

Joanna Stancil: Or up here at the podium, either way you'd like to go.

Gary Matteson: That way I can look at all of you. Joanna Stancil: I think that's great.

Gary Matteson: It's easier to dodge things being thrown [cross-talking] --

Male Voice: It's going to be harder to get back out of there, Gary.

Gary Matteson: Thank you, Madam Chairman. My name is Gary

Matteson. I work for the Farm Credit Council, which is the trade association for the nationwide Farm Credit System. I guess the first thing to point out is that we are not part of USDA or the federal government. We're chartered by the federal government in 1916 to be a private lender, a cooperatively owned private lender, so we're a series of coops around the country,

83 independently operated coops that lend to farmers and

ranchers and producers and harvesters of timber and aquatic products.

One of the significant constraints that I want to put on the table so you understand the role and nature of what Farm Credit is capable of and is interested in is that we are bound by statute and by Congress to supply constructive credit. And I'm using that term as a way to distinguish us from USDA and FSA programs. We

have a regulator just as commercial banks have a regulator. In order to make loans and have that regulator approve those loans, we have to make sure that we are supplying constructive credit, which is to give credit to somebody in such a way that it doesn't make them worse off.

Someone comes in and wants to borrow \$5,000 for a couple of heifers, we can't say, "Hey, we got a great idea. How about half a million, go buy a lot of them?" That would be not constructive credit.

Significant to our recent occurrences in our world, our regulator, just this past spring, promulgated a new regulation that requires Farm Credit associations to address, in their annual business plans, how they are going to do outreach to nontraditional agriculture, to include in that outreach any measure of diversity and inclusion, which would relate not just to the typical race, ethnicity, those sorts of ways of

identifying diversity, but also diversity of farm size and farm type.

So as Farm Credit associations write their business plans this fall for what they are going to do next year in 2013, they will be including how they are going to do outreach. I think this is important for you to know so that you, in your respective areas of influence, can reach out to the local Farm Credit association to help them understand how they can connect with you because they are now in this. In the environment of this new rule, they are looking for ways to reach out to populations that they may not previously have served.

[Track 3]

Gary Matteson: As a way to stimulate greater understanding of all of those 83 local associations and how to do that outreach, the Farm Credit Council, the trade association here in D.C., has used Ag Census statistics to map where various minorities that USDA counts are located to physically place them on maps. We have done that for the noted minority populations that USDA uses, African-Americans, Asian-Americans, Native Americans, Hispanics being an ethnicity not a race. I forget who else is in there. But we've got them mapped in order to provide that to those 83 local associations to say, "Hey look, there may be some folks

in your territory that you're not aware of that you don't know that they are there. Here is where they may be located at the county level," so that they can be more effective in that outreach. We're trying to understand where minorities are in the U.S. and to be able to communicate that to our local associations.

Again, that's using USDA Ag Census info. This is not information that we can collect. We as a private sector lender are not allowed, under the Equal Credit Opportunity Act, to collect information about somebody's race or ethnicity. The presumption being if a lender, any lender, any commercial lender collects such information, the presumption would be that they use that in making a loan decision. So the prudent thing for any lender to do is don't collect it. So we're in kind of another world of the goal is outreach but the way to measure it is rather fuzzy in terms of specific accomplishment. But that's the way we are.

Okay, so all of that as background, the substance of my comment here today that I'd like to make is, to reflect back on what Zach from the Intertribal Ag Council said yesterday, Zach, when you were up here presenting about your report on tribal technical assistance, that more cooperative extension, more of that technical assistance, more involvement from FSA and other USDA programs is certainly a valuable goal, and you should be -

- I would commend you for trying to amplify the involvement of that on Indian lands. But I would caution you that for the long term success and sustainability of farming and ranching on Indian country lands, that's not enough.

There needs to be private capital involved. There needs to be a greater source of commercial credit available for those businesses that grow beyond the capabilities of USDA programs or even SBA programs. I don't think that Chris or anybody else here from USDA would suggest that you're the only solution.

I'm looking at a degree of success, in my mind, for Indian country that is well beyond the capabilities of what USDA and government programs can provide.

And what comes with that vision of success in my mind is the discipline of a commercial lending environment that the difference between an FSA loan and that sort of relationship and applying for a USDA program is substantially different in nature and in the upside outcomes than it is from accessing private capital in a competitive commercial environment. There is a very beneficial aspect to the discipline of borrowing money from a commercial lender that is asking very tough questions about business outcomes and profitability and long-term future gains.

I would say that we recognize that the complexity of mortgages and loan transactions in Indian country are certainly recognized as barriers, but that's not an excuse. That's not an excuse for commercial lenders to engage with Native American borrowers on Indian lands. And I don't want you to inflate this statement to think that I mean that I've said that access to credit should be easy. I'm saying not the opposite but I'm saying that what Farm Credit seeks to do as a cooperative lender is welcome potential borrowers wherever they may be, whatever their relationship is with either tribal lands, fee simple lands, their own operations wherever they may exist as potential borrowers of Farm Credit.

I think that the -- hopefully you'll be hearing from Kent Schescke of FFA also. I didn't see Kent here when I walked in. Kent and I, through our respective organizations, have collaborated quite a bit to try to bring the capabilities of the leadership training and the business concept training that FFA provides through its normal SAE, Supervised Agricultural Experience programs. We're trying to bring those capabilities that we see in youth and amplify those through Farm Credit's sponsorship of continuing those kinds of activities for youth in the area of our desire or our mission element, to serve the needs of young, beginning, and small farmers.

Farm Credit cannot discriminate in lending except for

young, beginning, and small farmers. We have, as part of our statutory construction, a mission area that requires us, each of the 83 associations, to come up with specific programs to serve the needs of local young, beginning, small farmers.

Sometimes, those programs may be lower interest rates. Sometimes, they may be financial skills education. The kind of program that I'm suggesting we collaborate with FFA on is to amplify FFA's youth leadership and skills training with ongoing training from local Farm Credit associations and certainly at the national level where we've been sponsors and involved with the Intertribal Agricultural Council Youth Conclave.

So, if you put that together with what I said about credit availability and the need for private sector credit, I'm looking at the youth, Native American youth as the way that is -- maybe it's the easiest way; maybe that's the way to say it - - the easiest way to inculcate, to bring in a culture of commercial-minded lending and business operation of farm and ranch operations on tribal lands. It's not that old dog, new tricks, I'm an old ex-farmer, it's harder to teach me new stuff. But have a great deal of faith in the future of youth, and I see that as currently where our greatest efforts are being put and certainly in collaboration with FFA in order to give them the tools so that they can succeed in their farming

and ranching businesses in the long term. Thank you, Madam Chairman.

Joanna Stancil: Thank you. We have two representatives from the National Congress of American Indians. So first will be Sherry Black -- oh, I'm sorry. Sarah has a question.

Sarah Vogel: I was just wondering if you brought business cards and could distribute them.

Gary Matteson: I did.

Sarah Vogel: Good.

Joanna Stancil: All right. Thank you.

Sarah Vogel: Can we have questions?

Joanna Stancil: I'm sorry. Does anyone have questions or clarifications that they need from -- all right, Mark.

Mark Wadsworth: A clarification. Mark Wadsworth. You refer to new regulations.

Gary Matteson: Yes.

Mark Wadsworth: Is this regulation that is impacting not only your coop but other lending institutions across the

country, or is it just specific to you?

Gary Matteson: No, it's specific to Farm Credit local associations and the banks. The other part of that that I didn't delve into is that it also extends to human resources internally as far as who gets hired and amplifying the Equal Opportunity Employment factors that we already have to deal with.

Sarah Vogel: I think Janie was ahead of me. I think as those outreach plans are developed, if there were any way to link in with this committee, I think this committee is going to have a lot of outreach opportunities to the clients and categories of folks you're trying to reach.

Gary Matteson: Okay. All right. Thank you. We hope to be able to continue reporting to you and getting better ideas of how we can serve. We're a complicated sort of environment. I'm not going to be so bold as to say we're kind of like Indian nations, that there are so many of us and we all do our own thing. But that's how Farm Credit, the Farm Credit system acts. It's 83 independent actors out there that are each doing their own program, and there is a certain lack of coordination that repeated contact and information from you is certainly going to help.

Sarah Vogel: I think if you shared your communication model with this group, you'd get feedback.

Gary Matteson: I'll let the chairman recognize [cross-talking] --

Janie Hipp: This is Janie. I just wanted the rest of the council to know that Gary has gone out of his way over the time that the Office of Tribal Relations has been open to reach out to us and to strategize and be creative about how we can work with him, the Office of Tribal Relations, but also how we can have these kind of integrated credit discussions with FSA and with Farm Credit and with us because there is a lot of -- as he indicated, there is a lot of projects that tribes are talking about that are really not in your authorities to lend or RDs but would be a good commercial investment for a tribe and really speak to the need for having private commercial lending kind of all along the way with us. But I just want to thank Gary for his support to the office and for his creativity in working with us.

Gary Matteson: Thank you.

Joanna Stancil: Are there any other questions? Porter?

Porter Holder: Porter Holder, Choctaw Nation, Oklahoma. As a customer of yours, and you may have said this and I may have missed it, do you participate in the USDA Guaranteed Loans as second primary?

Gary Matteson: Yes, very much so. Overall, a system is -- commercial banks use FSA guarantees more so than does the Farm

Credit system, but I -- an estimate, let me say it that way, an estimate of I would say about six or seven percent of system loan volume is under an FSA guarantee.

Porter Holder: Thank you.

Gary Matteson: And that's been particularly helpful in the last few years in the dairy industry, I know.

Porter Holder: That's, to me, them two organizations working together, because I have experience with Farm Credit. It's all been great.

Gary Matteson: Thank you.

Porter Holder: I mean it's [indiscernible]. And to have these two organizations together, work together for the farmer, rancher is outstanding.

Gary Matteson: As far as I know, every system association is a preferred lender. And actually, the first preferred lender was a Farm Credit, when that program started, that first preferred lender was a Farm Credit system institution.

Porter Holder: Thank you.

Joanna Stancil: Janie, did you have another comment? No? Are there any other questions? Thank you very much.

Gary Matteson: Thank you, Madam Chairman.

[Track 4]

Joanna Stancil: All right. Moving right along because we're adding to our list as we sit here, Sherry Black,

National Congress of American Indians. And then following her will be Gwen Salt, also from NCAI.

Sherry Black: Good morning and thank you for the opportunity to talk. My name is Sherry Salway Black. I'm Oglala Lakota originally from Pine Ridge. And I work for the National Congress of American Indians as the director of the Partnership for Tribal Governance, and it's an entity that really works at helping tribal governments to build their capacity around a variety of different areas.

Gwen and I are going to share our time this morning. Gwen is our legislative policy expert in the area of agriculture. What I'm going to start out talking about, well, there are three items we're going to talk about today primarily. The first one -- and I do have materials on this. There was no room to put them out there on the back, but I'll make sure that you get all of the materials that we have today.

The first item is on a native financial education and consumer protection initiative that NCAI is working on in partnership with a variety of other entities, and it relates to the Keepseagle settlement, a piece of it does, so we wanted to share that information with you today. I also staff an effort called ONR, said "honor," Our National Resources, which is an alliance of native national resource organizations that has come together over the past two to three years to really look at ways

in which efforts around all natural resources can be coordinated and can break down the silos in both the tribal level and the federal level too. We've been a little bit dormant the last few months waiting for NCAI to hire a legislative person dealing specifically with natural resources, which we just did about a week ago, so we're going to look at ramping that effort back up again.

And the third one which Gwen will focus on, NCAI's paper that focuses on the Farm Bill and what the recommendations are. And also, I know Janie had wanted us to mention that through NCAI, National Congress of American Indians, resolutions are passed in two of our three meetings typically, and we've had many resolutions passed that deal with agriculture. One I wanted to reference was one passed in 2010 on food sovereignty and tribal food policy councils. Again, it becomes the agenda of NCAI when these resolutions are passed. And I have copies of that as well. And the other thing is our annual conventions. I know USDA has been playing an increasing role in NCAI's annual conventions by having a resource room. And also, we are going to have a focus breakout session on agricultural-related business and the issues in the upcoming NCAI Convention in Sacramento.

So let me get quickly to the first piece. There is this watershed moment happening right now. Folks are familiar

obviously with Keepseagle. Folks are familiar with the Cobell settlement. The fact that these two are coming down at almost exactly the same time in combination with individual tribal trust fund settlements -- 41 were settled in April; the announcement was made in April -- and just the immediate payouts from those is \$3 billion. Over the long term, it's \$5 billion, plus there is another 60 tribes awaiting settlement of their claims in the pipeline, so I don't know what the amount of money would be on that. But when we sat down and realized this, that they were all coming down together, we thought, oh my gosh, \$3 billion is going to be coming out in Indian country and what does that mean, most of it, over \$2 billion to individual recipients. So we wanted to just put out some information to make people aware of the potential good that this will do but also the potential for Indian people being targeted for scams too.

So we convened two meetings so far, one July 10th, one July 23rd and 24th, with federal government folks, with native organizations to really take a look at what could we do to get information out, what's the best way to get information out. And Keepseagle was coming very quickly, so we were able to get a one-page alert, and I have copies for you, that went out in the mailing to the Keepseagle recipients. We had Intertribal Agriculture review it, and we worked with the Federal Trade

Commission which does this all the time to put out consumer alerts.

And one of the things, like one of the issues we had with, we don't want people to feel like we think they are going to get scammed. We don't want that. But we want people to be prepared. And the FTC did a survey in 2003 which indicated that American Indian and Alaskan Native people are at the highest risk for being targeted for scams, for financial scams, and that scared us. So we put together information, but we wanted to also see this as an opportunity for longer term financial education.

One of the things, I serve on the President's Advisory Council for Financial Capability, and we're looking at ways to engage Indian country, and there is a lot of efforts going on at the tribal already to increase our knowledge about finances. So we saw this as an opportunity to do that as well.

There was an organization that really did a lot of good work in the 2000s, the Native Financial Education Coalition, which kind of went a little dormant in 2009 for a variety of issues, and it included private sector banks. It included nonprofits. It included government. It included tribes. And we're trying to reenergize that as a way to strengthen financial education across Indian country to identify the resources that are out there to do this. So Keepseagle is the

one. You may be the most interested in Cobell. If no one comes forward, the appellants who appealed originally, if they don't come forward by the end of August, August 27th, then the first payments in Cobell will go out as early as early October but probably not any later than the end of the year, and that will be \$1,000 to everyone in the class. That will be the first payment. And then there will be a secondary payment within six months. So again, you think, well, individually, that's not a significant amount of money, but it may be to the individuals but it will be to the economies in which it's in, so we want people to just kind of be aware of that.

The other piece too, and I know you just talked about credit, is part of this group, the Native Financial Education Coalition, is the Native CDFIs, Community Development Financial Institutions, which are lenders, alternative lenders, and we're trying to get them engaged not only -- they do a great work on financial education, but in looking at ag-related lending as well. They're an opportunity. There are 71 certified across the country. Out of 1,000 nationwide, there are 71 native ones, which I think is a very high number.

They focus on small business, so there is an opportunity to teach them how to do lending, agriculture-related lending for small businesses. So I wanted to just reference that as well too.

So with that note, I'll go ahead and pass. We have all of this information and materials to give to you, but I'll pass it to Gwen Salt to talk about the NCAI policy work. Thank you.

Joanna Stancil: Thank you.

Gwen Salt: Hi. My name is Gwen Salt on the leg staff, as Sherry mentioned, that covers agriculture. For those of you guys who haven't been keeping up, the latest right now is NCAI has been working on the Agriculture Bill since last June. We've been trying to encourage tribal leaders to provide us recommendation, policy recommendations that they would like to see in the next Farm Bill.

As you know, there are certain issues that are probably sexy. Farm Bill is really not that sexy, so it's been very difficult trying to get tribal leaders engaged. The ones -- fortunately, we've had some tribal leaders who have been engaged who are actively involved in agriculture areas. However, through the greater of Indian country, it's been very difficult. But we did receive quite a number of comments and policy recommendations that we included in the package.

What we tried to do was Chairman Jandreau was instrumental in trying to push through the Indian Agriculture Act that we've been working on with both the House and Senate. Unfortunately, what happened, just because of the political landscape that's taking place right now and plus the budget issues, any new

programs or any new type of funding is very difficult to get in right now. It's not just in the Farm Bill. It's pretty much any policy work, any policy authorization that's coming through Congress is currently taking place. And so unfortunately, we were unable to get all the entirety of recommendations, from conservation to nutrition to energy issues to natural resources to rural development. But one of the key things that was added in the Senate version, S.3240, was the permanency of the Office of Tribal Relations and the fractionated land issue.

On the House side, unfortunately, again, because of what's going on, with the election coming up and so forth, we were unable to get a whole lot of specific tribal issues in there included in. So we've been working with them, and as you know, the House hasn't really moved forward on their House version. They are now currently in recess and they will be not be returning back until September the next month. So in the meantime, prior before they left, they had tried to pass a Disaster Bill which basically would address the problems of the drought that's currently taking place. Unfortunately, again, they were unable to -- they passed it but it was unable to go forward for the Senate to address it. Time ran out and so forth. So I don't know exactly -- it's really uncertain to see what's going to happen when Senate returns.

As you know, the Farm Bill authorization expires September 30th next month, and with its short timing, with the upcoming election, it's going to be very difficult to try to push through a bill. I know that Chairman Lucas on the House, who sits on the House Ag, has been trying feverishly to try to push through their version of the House Bill, and the Senate is kind of waiting. And I know that the Senate is very reluctant to push through another one-year extension. However, so whatever plays out towards the end of the year, it's something that just is uncertain, and we don't know exactly what is taking place.

I know that finance budget-wise, the cut of nutrition supplemental issues is one of the key things that a lot of other organizations are against, which would affect all the food stamps and so forth that a lot of the -- the public is now taking part of, and so there are a lot of issues. There are still a lot of issues that need to be resolved, and I'm not sure if that's going to get resolved by September 30th.

But one of the things that Sherry mentioned, we do have some materials that we have. These are the comments that we had received from tribes and other issues that were brought up with other meetings that we've had with tribal leaders. And it's kind of a compilation, a summarization of all the languages that we wanted to see in the Farm Bill. So even though with what's happening, we're still pushing through and trying to find

champions in Indian country, both on the House and Senate, to push a lot of these provisions through. So we've been trying to -- we're constantly working and monitoring that situation but we haven't given up yet. So anyway, that's pretty much where we're at and that's what NCAI has been working on, and I wish I had better news to share. Thanks.

[Track 5]

Joanna Stancil: Council members, do you have any questions for NCAI?

Sarah Vogel: This is Sarah Vogel. I just wanted to thank you folks from, and all the other folks from NCAI for all the support for Keepseagle over the years.

Gwen Salt: Thank you.

Jerry McPeak: I thought maybe I might be the one to. This is Jerry McPeak for Oklahoma Creek Nation. How is NCAI financed? Oh, no one knows.

Sherry Black: We didn't know who wanted to answer. Multiple sources. Membership from tribes is the primary source, membership dues. Individuals can be members. In fact, I just got mine in the mail in the e-mail to pay my individual membership dues. We also have grants from federal government, from private funders, and some corporate sponsorships too for conference kinds of things. Conference fees, registrations is a substantial part of the revenue as well.

Jerry McPeak: Thank you.

Sherry Black: Okay.

Gwen Salt: I just want to add we're a nonprofit, so a lot of that is pretty much contributions, donations that we do receive from individuals and memberships, majority of it from tribes and individuals.

Joanna Stancil: Thank you. Next, we have Kent Schescke from Future Farmers of America. After that would be Lisa.

Kent Schescke: Good morning. Thank you for being here. Thank you, Joanna, for introducing me. As Joanna said, my name is Kent Schescke. I work for the National FFA Organization. FFA is a national youth nonprofit. We serve students in agricultural education. Currently, we have about half a million student members across the United States. We have agricultural education programs in about 7,500 high schools. For students to be members of FFA, they have to be enrolled in agricultural education programs through their local schools.

FFA's mission is to help students develop their potential for their leadership, personal growth, and career success. We're really about helping students find what they're passionate about and how they turn that passion into a career, primarily looking at agriculture, not just farming but agriculture broadly defined. So we're thinking about production agriculture and all of those services and products that are needed to help

producers, but on the other end, all of the value-added side of agriculture as well.

One of the things that is a very important strategic driver of our organization is diversity and inclusion and looking at how do we do a better job of reaching out to students of underserved populations and involving those or how do we have decisions with key policymakers to create access to our programs. We started this really in this current cycle about three years ago doing a program focusing on African-Americans. Last year, we did a major program at our convention which has led on to a number of discussions really looking at Native American issues. And this year, we're working toward this convention program really looking at Hispanics, their contribution to agriculture, and lifting up those young people.

As a result of what happened to last year's contribution, and again, I want to thank Janie and John and others that really helped not only with the convention but some of the follow-on activities, we brought together a large group of Native American students at our convention last year, and we started really looking at the numbers. Currently, we have about 12,000 FFA members across 200 chapters in the United States. And while that's a significant number, we think it can be more. And one of the things that we're very committed to is how do we grow that number? How do we create greater access to agriculture

education for our students and help provide them the opportunities that we provide students?

We brought a number of students here to Washington D.C. last year. They had a chance to interact with leaders at USDA, Department of Ed, Interior, meet with their members of Congress, talk to a lot of the other leaders in the Native American community here in D.C., and really have some good introduction both eye-opening on both sides, opening for the policy leaders that were here, as well as eye-opening for the students to see really the role that they could play in terms of their leadership and providing a voice, especially for young people, around many of the issues that face Native American youth.

I'm pleased to be here today to tell you that we're excited about this group coming together. And if there is a way that we can help further the work that you all are trying to do in terms of working with and providing opportunities for Native Americans, particularly in areas of youth, we want to be involved, we want to be supportive, and we'd like to do whatever we can to assist in that.

That's really the end of my formal remarks. Other than that, I want to acknowledge Gary Matteson who spoke earlier. Gary stepped forward last year, was one of the folks that helped us financially bring those young people together. Somebody asked a question last week, "How are you financed?" Well, we're

like everybody. We got to go out and raise money. And it's the generosity of groups like Farm Credit that when we said, "We're bringing a group of these Native American students to D.C. Can you help us out?" Gary was, "What do you need? How can we help?" And so thank you, Gary, for that.

But I want to show a short video. It's about five minutes long, and it was a video that we really made last year, kind of leading up to and as a part of our convention and really used a way to really help us tell the story or let some of our young people tell the story of why they are excited about agriculture and some of the connections between FFA, agriculture, and the Native American community. So with that, Joanna, if you can launch the video, and after it's over, I'll take any questions the group may have.

Janie Hipp: This is Janie. While Joanna is queuing up the video, I was actually in the audience at that event, and I've been at FFA meetings before in the presence of 55,000 kids all in blue jackets. And I have never been so moved in all my life. And I leaned over to Ross Racine, and I said, "History is happening right before our eyes." When all of the kids got together, all 50,000 of them in Conseco Fieldhouse in Indianapolis, they always do, Kent, correct me, a recognition of state flags. And after all the state flags went up, all of the tribal nation flags that were represented by the children who

were there were recognized individually, and those flags were put on the stage. And Chief Old Person delivered an address to all 50,000 children and basically challenged them to look to each other side by side and realize they were all loving agriculture and food and they all had the same mission. And everyone was up on their feet. All of those kids were up on their feet, clapping their hands, and I could feel it. I could feel that I was seeing change happen right before my eyes. And it's going to take a long time for us to put further legs under that, but as long as I live, Kent, I will help you.

[Track 6]

[Video presentation]

Female Voice: The National FFA Organization celebrates Native American heritage. Native Americans have always been stewards of the land, living off the land and using resources to their ultimate potential. Native Americans have a rich history in FFA, agriculture, and agricultural education. There are over 200 FFA chapters that serve students who have self-identified as Native American. These chapters are found in 20 states across the country, reaching all corners of our map. Even though our lifestyles or language may be different, we all desire the same leadership attributes, and we all live to serve. Many values and rituals of Native Americans overlap those of FFA -- character, teamwork, stewardship, and sustainability. Just as

corn brings all our states together, it also plays a significant role in the native culture.

Howard Vigil: Nature takes care of its own. And we're getting away from all of that. We got away from it so far that we're living in an artificial world now.

Bryan Vigil: And today, we use the corn on top of the flag pole of Go Jii Ya because to us, it means life.

Clyde Vicente: Corn is very important to us Indians because we're able to get corn pollen out of it, and this is part of our culture. Corn pollen is what we do our blessings and our praying with. We also use white corn that we grind.

Female Voice: What does being Native American mean to you?

Dallas Montoya: Being Native American means to me, is that ability to be unique, strong, and free-spirited.

Female Voice: In many communities, the FFA has been transformational, setting the stage for a community need to be assessed and then acted upon.

Jasmine Blackwater: Well, the Monument Valley Chapter was founded in 1968.

Clyde McBride: It all started in a pretty interesting story. When I came up and was teaching here, I had a student with a horse with colic. A few days later, another student came in, and that kind of spread like wildfire, and they needed somebody up here to be able to take care of their livestock. So

what better opportunities to teach the students to take care of their own?

Jasmine Blackwater: In this facility, we have a total of 10 rooms, I believe. We have a regular classroom where we spend most of our time. The next room is our small animal prep room suite. It has 11 kennels, a small animal surgical room, real veterinary table, surgical lights, everything, an autoclave machine to clean our tools. In the next room, we have a large animal surgical room. We have a harness where we pick up large animals if we need to. In the next room, we have a whole padded room dedicated to our large animal recovery. Upstairs, we have two classrooms overlooking the surgical rooms. We also have a dirt arena and a concrete area. Our dirt arena is mostly, is what we would use for show practice when students show sheep. Our concrete area holds a silencer squeeze chute. It's one of a kind, only one in Arizona for [indiscernible].

Elissa McBride: I wouldn't go anywhere else. I love teaching the students here on the Navajo Nation.

Leon K. Reval: I think what FFA does is pull together that pride in showing again what especially Native American kids have done and have learned from the generations past on how to respect the land. What you take, you put back and I think that ability to continually to do that, to take care of the land and cherish the land for what it is and respect the land for what it

is, is what not only tribes and Native American kids do but what FFA does. So with that, look to your left, look to your right. If you see somebody from a reservation, go up and say hello. They do share the same, again, dreams, visions and goals.

Earl Old Person: I believe FFA was just one of those things that I was involved in that gave me leadership, that gave me respect, that gave me to honor others who I worked with.

Vanessa "Dee" Vicenti: The most important thing that I have come to know from my 14 years that is kids are kids and students are students no matter what their background is, where they were raised, and who raised them. All our kids have the same problems. They have the same issues. They have the same dreams. They have the same desires. FFA offers us the vehicle, and I hope that our native students will identify with the FFA and see themselves in that same bus, see themselves in that same vehicle.

Female Voice: As different as we are, we all desire the same no matter who we choose to love, how big our bank account, how light or dark our skin, who we vote for, how old or young, where we grew up, how strong our accent, or what language we speak. We have a need for the same thing. We all want a sense of belonging. We all want a place where we are respected, connected, and affirmed.

[End of video presentation]

Joanna Stancil: Excellent.

Kent Schescke: I guess I would say thank you for [cross-talking] --

Juan Garcia: If I can make a comment.

Joanna Stancil: We have a couple of comments. We'll start with Juan first.

Juan Garcia: Good morning, Kent. This is Juan Garcia. As a former FFA member, I appreciate the work that you all are doing. It was a good model for my career. I still have my blue jacket, Janie. I can't get in it. But when you have a blue jacket, it's one of those things that you keep forever, so I appreciate the work.

Kent Schescke: Yes, I have noticed that. I come here to D.C. and with sometimes other national officers, and people will -- unfortunately, we never kept a database of who those are. So people like yourself have to self-identify. They have to tell me you were former FFA member. And when I meet a former FFA member, the first thing I ask them is, "Do you have your blue jacket?"

Juan Garcia: I got it.

Kent Schescke: And I would say probably 80, 90 percent of them have. It may not be with them. They know where it's at. It doesn't fit them but they would. And the other one is that they remember those key things coming to FFA conventions or

serving on a judging team. And the other thing is they remember the ag teacher. They remember that person who had a huge influence in their life.

Joanna Stancil: Excellent. Thank you. Jerry, you had a comment?

[Track 7]

Jerry McPeak: Jerry McPeak from Oklahoma. You might have gathered from the couple of days I'm just a -- I don't know much about PC. I don't anticipate ever going to learn. When I first heard about the theme last year for your national convention, my first thought was probably, "Here we go with some bullshit."

[Indiscernible] Erica Flores who helped put it together, who is extraordinarily selfless and extremely effective. Where we come from and where nearly everyone is either Indian or part-Indian, we are actually sometimes in our area not a minority. It impacted those young people's lives tremendously. My son is an ag teacher. His kids got to be some of those who -- damn.

Kent Schescke: I bet you didn't see this side of me, did you, Jerry?

Jerry McPeak: Who probably carried their flags. It had a tremendous impact on all the kids there, and it gave an identity, a proud week for Indian kids perhaps who had not ever been viewed as being something special. For that week, they were the most special people in the United States. Those

programs have continued. This summer, my son's ag chapter, they let the little kids at the little school plant the seeds of the crops. They made that organic garden. Little kids planted the seeds. The ag kids and my son watered it in the middle of the night, those plants. Many of those kids helping were Indian kids. They've given almost 6,000 pounds of produce to senior citizens in our community. That project probably came from that convention. It was very impressive. And again, I wrote letters to the national folks [indiscernible] but that was impressive. Thank you.

Kent Schescke: One of the things I'd like to leave this committee to think about as you work forward is one of the things that we have been working on, and maybe a little background, we are a federally chartered organization. Our federal authority comes through the Department of Education. But when it comes to this issue, we're really trying to think about how do we work on a federally interagency basis between the Department of Ed, Department of Agriculture, in this case, Interior, working particularly in the BIE schools.

We noticed last year, and back to Oklahoma in particular, Jerry, that where we have public schools or near reservation lands, we have a much greater acceptance and it's easier for them because of the administration of school-based agriculture education to provide those opportunities, whatever we can do to

help and lift that up, that's what we want to focus on doing. But one of the things we did find out is that within the BIE school system, there are no FFA chapters. In fact, as we dug a little deeper, there is often a lot of bureaucratic impediment that gets in the way of having those.

And so one of the things that I'm committed to doing and with the help of our USDA folks here, how do we overcome that? And a lot of it is going to be how do we get to a federal interagency of looking at this and saying this is something we need to fix. And whether we fix it through things like the Farm Bill or we fix it through some of the educational legislation or we fix it through whatever we can, we need to fix it because we got to figure out how we create better access. And part of it is I don't think it was intentional. I think it was unintended consequences, but the unintended consequences are preventing us from being able to deliver this program to thousands of young people across the country. And we'd sure like to figure out a way to fix that in the next three or five years.

Joanna Stancil: Mark, please.

Mark Wadsworth: Kent, Mark Wadsworth, Shoshone-Bannock tribes. We have a tribal school on our reservation that we initially started to work in in trying to do develop a criteria for agriculture-based programs, and it slipped through the cracks, probably due to the fact that there were changes that

happened. But I just want to know from you, when you mentioned that as a part of becoming an FFA member that those students have to have an agriculture-related course curriculum?

Kent Schescke: Yes.

Mark Wadsworth: Is there a curriculum that you could share with a school to fulfill that need?

Kent Schescke: Yes. We have. And again, education in the United States is more of a kind of a -- the federal government doesn't endorse any kind of curriculum. It's kind of left up to states. But there are lots of curriculums, and in fact, what we have found when we got the group of teachers, including Jerry's son and others together as part of this meeting, we found out that there are good teachers who were really doing exceptional job of teaching. They were bringing together the elements of the classroom and the exponential learning of the FFA, and they were adding in that cultural element to be able to bring forward some of the history, the heritage, the traditional practices that are in there, and that's what made it relevant and that's what really got some of the elders in the community excited about that. We'd like to work with that.

In fact, one of the things that I'm trying to do is, as I work across the United States with our state leaders, ask the question, "Are you working with any of the tribal schools?" And actually at the state government level, I think they'd like to.

They just don't know how to. So we're trying to figure out how do we further that discussion to where they get in and can help provide that technical assistance to schools to say, how do we put a curriculum in place? How do we help you either find a qualified teacher or be able to provide some kind of a certification to somebody that may be in that school already that meets those qualifications to be certified? And what's different about our teachers is that most of them have technical degrees in agriculture with a certification to teach. So in many places, even if you've got somebody in your community that has an agriculture degree, in a lot of states and probably even through the BIE school system, we can work with them to get provisional certification that would allow them to teach even though they may not necessarily have an education degree. But if they have an agriculture degree, there is a way to get them provisionally certified to teach in those programs.

Mark Wadsworth: And just last final comment, I was a member of the FFA.

Kent Schescke: Thank you so much.

Mark Wadsworth: And also that my FFA teacher, Mr. Mortenson [phonetic], was the one that influenced me to go into agricultural business, agricultural economics.

Kent Schescke: Thank you.

Mark Wadsworth: Thank you.

Joanna Stancil: Are there any other comments or questions?
Thank you so much for being with us.

Kent Schescke: Thank you.

[End of transcript]

**Council for Native American
Farming and Ranching, Meeting: August 14-15, 2012
CD3 8-15 Track01 to Track07**

Contains Public Comments

[Start of CD3 8-15-12 Track01]

Joanna Stancil: We have a representative from United South and Eastern Tribes, Ms. I think it's Colombini?

Lindy Colombini: Hello. Thank you all for allowing me to come up here and speak to you today. It's really great to be here. My name is Lindy Colombini. I work for United South and Eastern Tribes. USET is what we call it, and we are a nonprofit consortium of 26 federally recognized Indian tribes in the Northeast and Southeast part of the U.S. We have tribes from Maine along the coast and a little bit into North Carolina and New York and then down into Texas.

We are made up of a board. We have a board of 52 tribal leaders, and then beneath them are 12 committees. We meet three times a year. And I mostly work with the Natural Resources Committee and Economic Development Committee in Culture and Heritage now. But USET, we have two main departments, the Office of Environmental Natural Resources -- Environmental and

Resource Management. We just changed the name last week so it's a little new. And then Tribal Health Policy. They work with tribes to spread information on health issues. And the Environmental Office, we work with certification. We certify water and wastewater operators, and we also work with emergency management. And then my position, I am part of the technical assistance network with IAC. We have an MOU signed with IAC, and my region that I work with, provide assistance to is the Eastern region, so basically USET member tribes. And I just wanted to let you all know that USET is a resource, and we're here to help. That's about it. Thank you.

Joanna Stancil: Does anyone have any -- I've the privilege of working with USET over the years. Does anyone have any questions or need clarifications while we have them in the room? Mary?

Mary Thompson: Just a comment that USET is another resource out there or a partner like all of the others to get that we can utilize to get information out to our members.

Lindy Colombini: Mm-hmm.

Mary Thompson: Thank you.

Joanna Stancil: Sarah?

Sarah Vogel: I think last night, you mentioned you also had a link with the IAC. Could you talk about that a little bit?

Lindy Colombini: Yes. We signed a Memorandum of Understanding, and we work together. I'm the technical assistant specialist for the Eastern region, so I work with all the tribes that are basically within the USET member tribe area. And because I'm with USET and I work with USET, I'm set up more to work at the tribal government management level, and I work with not so much the producers but with the tribal programs, such as the environmental programs, the natural resource programs, agriculture. We don't have so many ranches in the East, so we do a lot more with Forestry, work with Forestry and the Natural Resource Conservation Service, are the two main USDA programs that I help outreach for.

Joanna Stancil: Thank you. Any other questions? Thank you. And she did provide us some information so we've got that. Thank you. Let's see. Thank you, Lindy. We have Vince Logan, Nations Group.

Vince Logan: Good morning. Vince Logan, I'm the president of The Nations Group in New York. How long do -- I got a few minutes to tell you about some of the things we're doing. I work with Janie on a few things. I just wanted to give you a brief rundown of what I'm doing and what I'm doing with my company. My company, I'm an investment adviser for tribes, and I work with tribes around the country on investment matters, long-term funds and investments. But what I'm also doing is I'm

working with tribes on economic development as part of investments.

I'm on Oklahoma State University's Foundation Board of Governors, so as part of that, I'm working with tribes in Oklahoma on economic development projects relating to the university, of course, the university, the Agricultural School and the Ag Econ School at OSU. And right now, we're working with five tribes mostly in Northern Oklahoma on building sustainable agricultural and ranching operations. It's very early on. We are just a little bit past the discussion stage. We're starting to do a little planning. But the thing that excites me the most is that there is such -- there's just a lot of momentum right now, particularly in Oklahoma and particularly with Oklahoma State University. We haven't boiled it down to concise plans and deliverables, but we're all very excited.

Janie is very much part of this, and she's been following this. And what we would love to do is start building some business models for tribes who do not have internal capacity to build agricultural and farming operations.

Most of the tribes that we work with have some internal capacity but they haven't really got it down to -- there aren't, for example, Departments of Agriculture within the tribes. And also, most of the tribes do not have fundamental agricultural laws and policies in place. So we're kind of working with them

on that, and Janie is a big advocate of that as well.

But right now, what we are doing is we're looking at some establishing farming and ranching operations with the five tribes that I'm working with now in the hopes that we'd turn this into an economic force in that region, working with the university, and turn it nationwide. That is our hope. And I'm open to calls and contacts from any tribe. It's not really the primary piece of my business, but it really is when you're talking about investing tribe's resources in the long term. I certainly advocate that farming and ranching should be part of that. I mean it makes sense. But it always comes down to we've got to crunch the numbers. We've got to look at how much the investment, the return on the investment, time horizons, just like any other investment. As an investment professional, these are the things I would tell you anyway. This is what we're building, this kind of business model right now. So I'm grateful to be here. This is great.

[CD3 Track 2]

Joanna Stancil: Let's start with Janie.

Janie Hipp: This is Janie. I just wanted Vince, or to let you know that Vince was a part of -- and Kim Teehee is here. We want to put you on the spot in a minute. But when Kim held the first White House Rural Council Roundtable on Native Food and Agriculture at the White House, Vince was there to share his

expertise on the investment piece because when you're talking about a slaughter facility or a big distribution infrastructure, then you're talking lots of zeroes, right, Vince?

Vince Logan: A lot of zeroes. My personal expertise, I was a lawyer in New York, my expertise is in financing. So we've got to discuss how to these projects are going to be financed and how the infrastructure is going to be built over time. Yes, we have to crunch the numbers. It has to be done in a business-appropriate manner. But right now, actually, I'm working with Ag Econ people at the university on -- it's not whether or not the tribes should enter into farming and ranching, but it's an economic question as to what particular activities would be beneficial to the tribe because not all of them would be because for the most part, the tribe can bring in from the outside the same products had they grown them themselves.

It's an interesting argument or interesting topic. The Macroeconomic Theory, and I won't get too far into this, but it is if you can import it cheaper than you can produce it, then it's better for the state. So we're looking at that right now. But I'm open to that. I don't completely adhere to that position because I do believe that a sovereign nation's -- each nation should determine its own path and look at its own, what it wants to do and how it wants to operate within the marketplace, if that makes sense. But that's where we stand

right now. But I'm very excited. It's a great movement and it's going all over. It's getting and we got a lot of momentum right now.

Joanna Stancil: All right. Sarah?

Angela Sandstol: Angela.

Joanna Stancil: Oh, I'm sorry. Angela.

Angela Sandstol: Hi, Angela Sandstol from Alaska. Do you do any work in Alaska?

Vince Logan: No, I do not.

Angela Sandstol: Okay. And then could you leave your contact information?

Vince Logan: Oh sure, absolutely, I will do that.

Angela Sandstol: Okay. Thank you. And do you want to do work in Alaska?

Vince Logan: I've never been.

Joanna Stancil: Thank you, Angela. Anybody else have any questions or comments?

Male Voice: I guess Vince, you work with an investment firm or is it --

Vince Logan: My own investment firm.

Male Voice: Your own firm?

Vince Logan: Yes.

Male Voice: Investment firm? So you got your [cross-talking] --

Vince Logan: -- New York.

Male Voice: Your Series 7 license, CFP. That's awesome.

Joanna Stancil: He knows all those terms.

Vince Logan: I just got the train down. That's why I was a little late. I took the six A.M. train and still a little late here.

Male Voice: I had my 6 in '63. I was just a registered representative for a while so it fits one of those questions. But I'm highly interested in your topics. But of course, it comes down to a monetary sort of situation in getting that information. So what you're developing would be accessible by other tribes across the United States as a template? Are you going to have an Internet access to that or would we call you personally or how would that work?

Vince Logan: Being a governor at the foundation, one of my tasks is to present the university with opportunities, and which is how I want to structure this, is being a university agricultural school-economics project. No, we don't really quite know how it's going to look and how people are going to access it, but we all understand it's technical assistance is what we're talking about, particularly in building business planning, business models.

But no, I don't quite know what that's going to be because every time we are approached by a tribe and we visit them on

site, we do an assessment, we go through community meetings, we're finding that everyone is different. It's very subjective. So I don't know if there is going to be a template. And this is just what I'm personally doing with my business, and I don't know what else is out there. I mean Janie knows a lot more what's going on on the national scene. But what I'm thinking is that we have a resource center at the university level. Particularly at a university that -- they advise countries on the same issue so that's actually how we got to this point.

The president was telling me, "Well, we had China in here and India in here. Why aren't we dealing with tribes an hour away?" And I said, "Yes, let's do that." And so I'm personally getting this dialog going, but it's -- I'm not a farming and ranching expert by any stretch, but I'm a business person, and this is a business decision. I will say one thing.

Janie often talks about it and it is so true, and this is something you can't build in a template. It is the tribe's responsibility and hopefully it will be built in into their internal capacity to have the -- what do you want to call it -- the business not only acumen but to keep this going, the strategies and internal capacities. Because the one thing that concerns me is when I went out there and started talking to tribes is that the tribe had something going, then the chief

didn't get reelected, and so that was the end of that project. I hear that all the time. And so I went to the university and to some of the political science people there, and I said, "This is a problem. How does momentum, how do we have this continuation of ideas and projects?" They said, "Do it on the individual level. Don't do it on the tribal level. That's the way you could do it." And so now, I'm thinking, well, maybe that's a better way to do it, just to support individual farming and ranching. But Danny and I, we don't agree to that completely either so it's open. But to answer your question, we haven't really built the template yet. I'm very interested in any ideas though. I'll leave you my contact number.

Joanna Stancil: Angela?

Angela Sandstol: Yes. Angela Sandstol from Alaska. Many of the tribes, well, the tribes in Alaska that I have dealt with have to put together a community plan in order to submit any kind of a grant. I don't know if that's true all the way around, but I know for all the tribes in Alaska, that's pretty much getting consistent. You have to have a community plan. Community plans are not for one, two, three, four years. So that's just an idea.

Vince Logan: We use the term "business discipline." And since what we're talking about is a "business" and we're there to make money, that takes discipline to stick to that business

plan. I'm not saying that a social service for the tribe is not as important because it certainly is. But if you're building a business model, it takes business discipline. And that's one of the things that I just hear over and over, is that we just are, we're missing that piece. Maybe some tribes have - - I know there are some great one-off projects out there. I do know that. I've seen it. I've seen other tribes, so we can all learn, or I'm trying to get as many ideas as I can. So if anyone has anything to offer, I certainly -- Janie and I talk about this at least once a week, things that we see, things that we heard.

[CD3 Track 3]

Joanna Stancil: All right. Gilbert?

Gilbert Harrison: Good morning. I'm Gilbert Harrison from Navajo. The tribes, they have a lot of tribal projects. But my interest, and where I come from, a lot of our Native Americans, Navajos, are from farm plots that are five, 10, 20 acres at most, and those are basically, they're not the big corporations. And what we are seeing is these people need help too, so don't forget us. I do a 1099, and I'm told every year, IRS expects you to make a profit every so often. I said I'd like to invite IRS to come down and show me how I can make a profit on five or 10 acres with everything being so expensive. So we have these ideas that the tribes are into big business. But

don't forget majority of the land and the people there are working the small farms. Somewhere, include us in your thoughts.

How can we get some help for these people?

And I'm a Navajo. I know most of the people are the elders that keep the land, they keep it going. And we have an issue of they don't have the Internet. And most of them don't have the capacity to even own a tractor so we have to help each other. And a lot of them, they don't know anything about cash flow or economics. And to develop a business plan is beyond that capacity.

So somehow, I'm thinking here, I hear all these great programs, I hear all these going on, but I'm saying how do we get something to the small, small, small farmers? And if you look around, they are the keepers of the land. They are the keepers that keep things going. And I think I just want to comment, like, keep us mind. And those are the people that somewhere we have to provide some sort of assistance to. So I wanted to jump in and say that.

So this import/export to me is if I go to town and I sell my hay, that's exporting. That's far as I know about this export business. But really, that's what it is. The reservation land is where we export and import, and we import a lot of stuff. We export just what few we can. But that's the kind of issues we also face on the reservation. So I think that

needs somewhere to be addressed in what manner we can. I don't know what it is. That's a big issue. Thank you very much.

Vince Logan: I will say that the macroeconomists, it is their belief, the ones that I'm working with, that it's the individual tribal farmer and producer which makes the sustainability possible, that it's not the tribal venture, that the tribal venture is the wrong way to go. And I don't completely believe that, but there are people -- I could bring in experts and they would support your case. This is how you should do it. If you want to help farming and ranching operations in Indian country, do it through the individuals and not the tribal venture. I don't know. I mean I'm -- like I said, we talk about this philosophically, but there is a financial component because if the tribe is investing in their individuals, this is the same as it's a tribal investment, period, helping them with business plans, tax planning, these fundamental pieces. Or do they go the route of building, creating a business for their tribe, the tribally owned business? They are not mutually exclusive. They can all be done. It's just someone at the tribal level, at tribal leadership has to make that determination. And I can help them at least with respect to crunching the numbers.

Joanna Stancil: All right. Janie?

Janie Hipp: I think Vince's last comments, I was leaning over and whispering to Chris. Vince and people like him are in a space that USDA can't be in. I mean we can't decide for a tribe what its governance structure is going to be or what its ag strategy is going to be. We have tools that can run alongside and insert. Correct me if I'm wrong, but it's really -- and that's why we've developed weekly relationships and things like that and why it's important to have this web of folks who are really working at this from all angles because at the end of the day, USDA can't make decisions for a tribe or for an individual tribal member for that matter. And so someone has to be in the picture that understands Indian country to a very strong degree that it's helping to run those numbers and to make those strategies happen. It's just not a place that we have the statutory authority to be.

Joanna Stancil: Are there any comments? Thank you so much for being with us.

Vince Logan: Okay. Thank you. One last word, I do believe that it's the kids. In working with kids, a kid Native American youth however, in whatever way, that's where the sustainability is going to be solved.

Female Voice: And the women.

Vince Logan: And the women. And the young girls. And --

Joanna Stancil: On the record for that one, please. Thank you.

Vince Logan: Thank you very much.

Joanna Stancil: Thank you.

Janie Hipp: Thanks, Vince.

Female Voice: Thank you.

[CD3 Track 4]

Joanna Stancil: All right. Next, we have Kimberly Teehee with the Mapetsi Group. Did I get that right, Kim?

Janie Hipp: Actually, Joanna, this is Janie, I sort of wrote in Kim's name.

Joanna Stancil: Oh. You weren't even [cross-talking] --

Janie Hipp: No, come on out there. But I wanted the council to really understand that we heard from Jodi yesterday, and she was at the White House during the moments of Keepseagle settlement. But Kim was the adviser to the president during those critical days. Before she left the White House, she actually convened the first White House Rural Council Roundtable that started to kind of dig into these native food and agriculture issues. And so I just wanted to kind of put her on the spot and embarrass her a little bit. But I wanted to publicly thank her for her leadership at the White House during this important, important time that led us to this place. And she has a blue jacket also, just so you know, Kent. And when we

invited some of the young people after the FFA, all I had to do was pick up the phone and say, "Kim, we need to have these kids come and have a tour of the White House," and there they were the next day. And so it just is really important that she was there. We love having Jodi there too, but it's just -- so, say a few words.

Joanna Stancil: Surprise.

Kimberly Teehee: Thank you so much, and this is really an honor for me, to see this council convene this inaugural meeting, because I can tell you, having worked in the White House and having had the privilege of working for President Obama and knowing the economic challenges that this country is facing and the fact that he recognizes that rural America is the heart of America, the heart and soul of America in getting this country back on track. And so that's why he convened and created the White House Rural Council and chaired by Secretary Vilsack and without question, making sure that Indian country was included in their broader plans of the Rural Council was a part of that discussion.

But concurrent with that, just back to the economy, I had conversations with Indian country, with tribal leaders time and time again not just about business development because we did have a business roundtable in the White House as well to talk about barriers in Indian country generally and just had

organizations just talk about business, the business side. But in addition to that, as I engage in these conversations, I recall having a discussion with Chairman Nathan Small of Shoshone-Bannock, and he talked about the challenges of farming on their reservation, also regarding leasing and the fact that you have non-Indians leasing Indian lands who are making a huge profit, access to capital, the impediments relating to farming opportunities where the tribe can actually profit, just as I think Gilbert was talking about, where you can gain the profit yourself and not being able to do that.

But I also had a similar discussion with the Winnebago tribe. I think Lance Morgan is one of your fellow council members, who was not able to be here this week, who was talking about hindrances within the Bureau of Indian Affairs regarding the leasing, regarding the term limits and access to capital and partnering and how in Nebraska, where they had the richest soil, they can look across the street and see that a non-Indian is getting \$400 an acre and they're stuck with \$150 an acre for a three-year lease, but that's what they got to take. And then they are leasing to a non-Indian who is getting the profit and the tribe is not getting it back.

And so the Winnebago did an innovative -- I'm speaking for him and I shouldn't be because I don't know the program as well as he does. But as I understand it, the Winnebago now has a

program and has a law in place where they're reacquiring back that property as those leases expire because they want to engage in customized farming. But what that means for your purposes is how does the administration then forward-thinking-wise, remove the impediments that would allow tribes to engage in customized farming, to reacquire their property back, to be the farmers themselves where they get the profits.

And so I had these discussions because this is not my area. Yes, I'm a blue jacket holder. I can tell you -- I think Jerry mentioned something and it really moved me about kids who were sometimes overlooked. I was one of those kids. I was a chubby little quiet Indian girl in Oklahoma, Claremore, Oklahoma, who -- I didn't seek out. I wasn't a star athlete. I wasn't a star in the organizations. I was just quiet. But in my school system, you either wore a letterman's jacket or you wore the blue and gold corduroy jacket. And so I raised three bunnies, three little rabbits in order to earn my right to a blue and gold jacket, and I sold sausage. Do you remember that? Fundraising, absolutely. My Mom still buys FFA sausage. And I know that menu has expanded since. But it definitely unequivocally gave me the tools I think to fall in love with advocacy for people who otherwise don't have a voice.

But in talking about these issues with Janie, I realized there was a need in the food and agriculture space that was not

addressed. And in having my discussions with tribal leaders, that was the same conversation. Whether it's in Nebraska or in the Southwest or in the Great Plains, it was a similar discussion about barriers that are emerging. And so we talked about having some kind of convening at the White House at the highest level because we knew Keepseagle had just settled. We knew that this council needed to be created, and we thought that there was a way to tee up this conversation at the highest level and to help inform the administration of what these barriers are, what the unique opportunities are.

And as Janie indicated too, the administration cannot tell tribes what to do. That's not their role. But the administration can be informed and they can provide the technical assistance, the tools that tribal leaders need to make informed decisions to develop their own plans, their own path forward, to be thoughtful about the kinds of opportunities they engage in. And I think that's the value of these kinds of discussions.

And Janie has taken it a step further. I mean she's hosting these regional roundtables and poor thing is traveling, as all you know, all the time every week, and she is getting to know those very specific regional issues that are unique to the tribe, to the region. She is getting to know the agricultural aspect of it, the wild rice-ing aspect of it, the fruit side,

every element really, and that's going to inform your decisions as you all make the recommendations you need to make to Secretary Vilsack to better improve USDA's coordination with tribal leaders.

And so it's really a great honor for me to be here. I wasn't expecting to speak. But I can tell you from the get-go sort of the idea and what was behind the scenes in getting to the point where this council was seated for the first time and knowing that the conversation that took place and knowing that you have a committed and strong ally and advocate in Janie, who is remarkable in the secretary's office. I can tell you, I often say and I've told her before, is that Janie, when she says she is going to do something, she does it. And she always does it ahead of time, ahead of schedule, and that's just the nature of USDA, and it's also the nature of her recognizing too that sometimes, tribal leaders, the assistance they need is just technical assistance. It's just connecting the dots. And I can tell you I've been one of the people where I had to call her in the private sector and say, "Janie, how do we do this?" And it's just, it's an easy thing for her, but for a tribal leader, it's more meaningful than that because sometimes, a large part of not being able to help is just not knowing.

And then also the whole team, Joanna who joined and then John, it's just been really remarkable to see this come to

fruition. And so congratulations. You got your work cut out for you. And I for one look forward to the next steps as your recommendations and stuff evolve and develop. Thank you.

Female Voice: Thanks.

Joanna Stancil: We're going to put you on the spot for just another second. Does anyone have any questions of Kimberly before she leaves the podium? All right.

Kimberly Teehee: All right.

Joanna Stancil: Thank you so much.

Kimberly Teehee: Thank you.

Female Voice: Thank you.

Female Voice: Thank you.

[CD3 Track 5]

Joanna Stancil: All right. On my list of commenters, I have that we have two representatives that would like to make a comment from Intertribal Agriculture Council. Jeremy Brave from Heart Law Firm.

Jeremy Brave-Heart: It's Jeremy Brave-Heart.

Joanna Stancil: Brave-Heart? Okay, thank you.

Jeremy Brave-Heart: Thank you. Good morning, everyone.

Participants: Good morning.

Male Voice: Good morning, Counsel.

Jeremy Brave-Heart: My name is Jeremy Brave-Heart. I am here on behalf of the Oglala Sioux tribe who I represent with

the law firm of Hobbs, Strauss, Dean & Walker here in D.C. I wanted to make just a few comments. First of all, thank you for the work that you're about to engage on. It's very important. Also, we've heard a lot today about starting businesses and starting farming and ranching operations in Indian country. But I would like to provide in brief kind of a real world example that's happening right now of how these things can fall apart once they're already established and have been in operation for a long time. As we know, much of the country is involved in a drought right now. All of Pine Ridge right now has been declared a D3 disaster area because of the drought. They are in extreme drought conditions.

A little bit of facts first. The Oglala Sioux tribe has about 1.2 million acres of trust grassland. They have about 39,000 acres of trust farmland, 350 tribal members operate livestock or farming operations with about 30,000 herd of privately owned livestock as well as private buffalo herds. The tribe itself also has a private herd or its own herd of 1,200 buffalo.

Now, they've got a Drought Relief Board. The tribe has done everything they possibly can. They've got their own Drought Relief Board that's tried to coordinate with federal officials both local and on the national level in D.C. to try to get relief for both the tribal members and the tribe itself.

They've been very successful in a lot of their farming and ranching operations that they've operated. But as I said before, the problem is when you're successful and then you've got a natural disaster like this, there is really nowhere to turn.

And I know the president and the administration has engaged in a lot -- the Rural Council especially very recently has been trying to corral federal resources from federal agencies. But the bottom line is that -- and I'm not being critical here; I'm just offering a recommendation -- the Oglala Sioux tribe should not have to call their attorney in D.C. to try to figure out where to turn. There should be some type -- this is a recommendation -- some type of a clearinghouse, some type of disaster relief clearinghouse. I've been on the phone with the tribal liaisons with almost -- with four or five different agencies, including FEMA, the USDA, the Department of Interior for the past week and a half, and it's been terrible because not only have they been hit with the drought which pertains specifically to your work, but at the same time, they've been getting hit with these straight line windstorms that have been causing millions in damages. And as I was sitting in the audience actually, they were just emailing me news reports of another windstorm that hit them yesterday and this morning, as well as an outbreak of hantavirus that they're dealing with.

Male Voice: Outbreak of what?

Jeremy Brave-Heart: Hantavirus. So similar to the one with the Navajo years ago. It's from mouse droppings that dry up in your home and you sweep them up. A young child was confirmed dead from hantavirus. So they are dealing with that and then the drought hit or has been ongoing rather. But I don't want to be Debbie Downer, bearer of only bad news, and I make these statements as things to think about as recommendations for the council moving forward that tribes, especially tribes on the lower end of the economic ladder in Indian country, are having a very, very hard time with the drought right now.

For example, when I saw the administration's recent Rural Council meeting on the drought relief specifically, I was clicking a few links and kind of looking around, and it really does take an attorney to figure out what programs, who can apply for what and when and how. And yes, they do have to call their FSA, their local FSA, the tribe itself, and start dealing at the local level, but it seems very convoluted. Just as a lawyer myself, it seems rather convoluted and hard, especially when they've got their members knocking down their door saying the federal government is saying they're going to put out \$170 million to help ranchers cull their herds. Well, what if the tribe doesn't to cull their herd?

Feed assistance is critical. It's very critical right now for tribes like the Oglala. They don't want to cull the herds. They need feed assistance. And truth be told, the federal government has stepped up and the people that I've talked to, and we've gotten a lot of assistance, and we're getting some. But there are great challenges, and we've heard a lot about how to start these business operations and keep them going, and that's very, very important.

But there also has to be the fallback position of what happens if they fall apart because of something that is completely out of the control of any business owner, rancher, or farmer, which is extreme drought? So with that being said, I think that I just wanted to make a few comments on that so the council is aware that these, as you all are already probably to be sure, that there are tribes out there going through extreme difficulties right now because of the drought. And I think it's very critical to address those kinds of issues.

I know that almost every agency has a tribal liaison or an Office of Tribal Relations, and these are all very important things. But I guess what could be proposed is something like click a link and here is where you can go if the grassland doesn't exist anymore this year because there is no rain and you need to feed because the grassland can't sustain your herds. So I'm open to take questions.

Thank you very much for your time, and again, thank you for your work, council, and I also look forward to your ongoing work.

Joanna Stancil: Does anyone have questions?

Gerald Lunak: I just have a comment.

Joanna Stancil: All right, Gerald.

Gerald Lunak: Gerald Lunak, Blackfeet. I guess I made a comment yesterday about the disaster program that was basically a tribal program. And I think this kind of touches on that issue, and I think it needs to be revisited. One of the things about the Disaster Feed Program that was basically the Indian Feed Disaster Program was Tribal Council-enacted. It was not county-enacted. And we've had examples at Blackfeet as well where the council was pressing the county to deem it a disaster, and they were struggling getting them to concur. And so I concur with your concerns, and we've had those. And again, I'd like to see that Indian Disaster Feed Program revisited and possibly re-funded.

[CD3 Track 6]

Jeremy Brave-Heart: To follow up on that, as well as the water issues, not just the feed but the water. The FSA has the water delivery program, but it's so funds-limited. And of course, getting more money anytime right now is, like, so difficult. But with the drought up there and their water

projects being underfunded already, the Mni Wiconi Water Delivery Project, the pipeline that brings water in from the aquifers, that is already encountering difficulties and funding difficulties, appropriations. And so they go to FSA and they need water -- it's not just the feed; it's the water too -- to be delivered. And the FSA would be just strained. I mean we're talking about a reservation almost four million acres, 35 percent of which is a grassland that's scorched. So they're having terrible difficulties. And thank you all for taking note.

Gerald Lunak: Just a followup. Gerald Lunak, Blackfeet. The one thing I know over the years, the ability to haul water. In fact, in days past, that wasn't policy and that was developed where you guys would pay to allow people to haul water, their livestock. Is that true, Juan, or --

Juan Garcia: Yes, Gerald. This is Juan Garcia with FSA. We're looking at a program. In fact, I just got something today from a state that wants to get into that program. That program is the Emergency Conservation Program. And as you mentioned, it is short on funding. We get appropriated by Congress ever other year or several years, and we just have to come up with funding. Whenever we do allocate, many states do not utilize their funding, so it comes back and we'll try to allocate funding for other disasters.

2011 was a major disaster also in a different type in parts of the country. South Dakota had a lot of rainfall back then, so we had a lot of flooding and all through other states, so it depleted our funding by quite a bit. We are trying right now to reallocate or reapportion funding from other programs to the Emergency Conservation Program so we can help with this drought situation, especially, and maybe installing pipelines for livestock water so they can go to another part of the pasture that hadn't been grazed because of lack of water. So we'll try to do our best with the funding that we have available.

Joanna Stancil: Jerry?

Jerry McPeak: Jeremy, Jerry McPeak from Oklahoma with the Creek Nation, and my wife is a full-blood Cherokee too. Are you aware that you could have insured your grass?

Jeremy Brave-Heart: Excuse me?

Jerry McPeak: Yes, that's what I thought. Thank you. That answered my question. I said are you aware that you could have insured your grass?

Jeremy Brave-Heart: Insured my?

Joanna Stancil: Grasslands.

Jeremy Brave-Heart: Oh, the grass? Yes, no. No.

Jerry McPeak: Thank you.

Joanna Stancil: For point of clarification, what Jerry's [cross-talking] --

Jeremy Brave-Heart: That's outreach so --

Joanna Stancil: -- talking about is the insurance programs within USDA that there is a presumption that there is not enough information out in Indian country for people to take advantage of these programs.

Jeremy Brave-Heart: Yes, absolutely. And that goes to the point that I was making where it shouldn't take an attorney in D.C. to try to navigate these things, to figure out what programs and what they need to be doing, what they failed to do in the past because of lack of information. And so it's very important. That's what I was saying, that there should be some kind of central clearinghouse, I guess you could say, for native farming and ranching resources. It would be very important, I think, and it would be very useful. There may not be Internet on 95 percent of the reservation at Oglala, for example, at Pine Ridge, but they've got Internet at the tribal government headquarters. And if they could just click that link at tribal government headquarters and have all the things they need right there, it would be very, very helpful so that they can speak to their tribal members when they're coming in from everywhere else.

Joanna Stancil: I think Janie has a comment, and then Mary.

Janie Hipp: Yes. I've been convening a weekly telephone call on the disaster for the last three weeks, three and a half weeks. And if you'll give me your e-mail, I'll be glad to let you know when it is. But the tribal headquarters have been alerted every week of that call. It's at least a one-hour call. We've been known to stay on for an hour and a half. And the lead for our disaster response from FSA and NRCS, all of our agencies, as well as BIA, Small Business Administration, and HUD are on that call. And it's very fluid, question and answer, latest updates, so we'll be glad to include you on it. But more importantly, the tribal headquarters has gotten weekly notices of that.

Jeremy Brave-Heart: Oh yes, yes. And I believe they participated last Thursday as well.

Janie Hipp: Yes.

Jeremy Brave-Heart: They were one the call last Thursday.

Janie Hipp: Yes. Just continue to be engaged.

Jeremy Brave-Heart: Yes, oh, absolutely, absolutely. And as I was saying before, once we have it on the outreach in D.C., we've gotten great -- there is no question that we've received help and that we have not been stonewalled. And it was just it's that second but we had to take that second step. And that's what I was referring to. But no question that we've received positive and supportive response from every agency and

everyone we'd talk to. And I actually have a status report for you too from them. So I have a final status report that is going to be submitted to DOI as well. So I'll include you on that e-mail.

Joanna Stancil: Mark? Oh, I'm sorry, it's Mary's turn and then -- wasn't it?

Mary Thompson: Jeremy, thank you for bringing that point to our attention [indiscernible]. As I sit here contemplating the goals and the mission of this council, I am still [indiscernible] a lot of information. But for bringing that up and reminding me that that's something that needs to be engaged, so the process, the procedure, and reviewing those policies and procedures, whether they're in-house or statutory, thank you.

Jeremy Brave-Heart: Thank you. Thank you for your time.

Mark Wadsworth: Jeremy, Mark Wadsworth, Shoshone-Bannock Tribes. You said that your tribe actually has a cattle ranch that they operate, and then you have separate Indian producers that operate on the reservation themselves?

Jeremy Brave-Heart: Yes, yes. There are about 350 tribal members that have their own private herds.

Mark Wadsworth: And I guess this is an immediate problem, and I'm always looking for solutions rather than -- under this Emergency Conservation Program probably that wouldn't help in

the immediate. There would be no way that you can put in a five-mile pipeline to get through out there right now when they just basically have no water. But that's besides the point is what I'm getting at, is that there is probably maybe a possibility, you might want to contact your producers, that they may have signed up already for a CAT, which is offered under Catastrophic Disasters. If they did that, there is a possibility that they can get some reimbursement through that program, and that's operated outside of the Risk Management Agency, the program that Mr. McPeak was talking about. This is operated from the FSA. And there may be a possibility that even a tribe, if they have done an EQIP Program or something in the past or have done something that they may have applied for that, so you might have to contact the state or the local counties to see if those producers have applied for that and are unaware of it.

Jeremy Brave-Heart: Yes, yes, sure, yes. Thank you for that recommendation. Yes, it's hard to sometimes coordinate with the private herd owners and when we represent the tribal government out in South Dakota. But thank you for that recommendation, and I'll definitely relay that information. But to drive that point home, it's like people may have signed up for it and didn't know about it. It's all about information. The best choices are made with the right information. No matter

what political stripe you come from, you have to have the right information. No matter what you're doing with your business, you have to have the right information. And through this experience, I've realized how little my client in particular has not had the right information and then just kind of got hit with it when it decided to stop raining. So again, thank you for your time, if there are no other comments.

Joanna Stancil: This is Joanna. I just had one question. At the state level, what is the state doing? Is there a way to work perhaps with -- since there's a declaration of a disaster, the drought, work with the National Guard for feed and water delivery since they do have the equipment?

Jeremy Brave-Heart: Right. Well, we are working a lot with the state. One other major issue right now is that we've got two other disasters piggybacked on the drought, so with the straight line windstorm that happened on July 21st, almost \$1 million in damage. We were working with FEMA. Because one of the issues is the threshold, FEMA thresholds for public assistance for government-owned buildings, in this particular situation, it's about \$1.1 million but it has to be tribally owned. And so on Pine Ridge, you've got houses -- I mean it's terribly difficult. And then to try to get tribal members to try to come in and fill out individual assistance applications through FEMA is just as difficult. So we've got that.

So we're working with the state on the windstorm disaster and then also coordinating with them on the drought disaster. And then this hantavirus, we're coordinating with the IHS on that disaster. So it's just a triple threat. The IHS, like I said, the agencies that we touched based with have been very helpful. South Dakota was slightly difficult at first -- I'm not going to -- but they've come around and they are working with us now. It just all hit at once, and I think South Dakota was just as blindsided as the tribe was. State-tribal relationships can always be improved on any issue. But when it comes to this disaster, it's -- I mean they're giving it news coverage at least. I mean they're getting good news coverage out of Rapid City and all of that, so it's a terrible situation there, dire situation that if it weren't already dire enough as it was, as it were, so --

Joanna Stancil: All right. Thank you for sharing with us. Anybody else have any comments or questions? Thank you.

Jeremy Brave-Heart: Thank you for your time.

Male Voice: Thank you.

[CD3 Track 7]

Joanna Stancil: We had on my list that Steve Bond from Intertribal Ag Council.

Male Voice: He was just standing outside the door.

Female Voice: I told him.

Joanna Stancil: All right. But John is going to make one more look for him, and then -- pardon?

Female Voice: Is that it?

Joanna Stancil: That would be it. And if we don't find Steve Bond, then we will go to lunch. And what I would like to offer is that we come back from lunch. Since we really control the rest of the day, our next presenter would be Janie, and then we would have a representative update on food and -- are you going to --

Female Voice: Brandon.

Joanna Stancil: Brandon. So we need to make a decision now on when we're going to hold the election. We could do it after Janie's just before we go into -- we would like to have a chair in place before you have your discussion on your strategy for documenting your recommendations. So we can do it right when we get back or right after Janie's.

Female Voice: Either way.

Joanna Stancil: Yes. All right. We'll just do Janie first and we'll get that part out, and then we will dedicate a slot of time for the election. And then we'll move on to the first up, the poor chair, their first official duty, and I'll work with them.

Male Voice: [Indiscernible] is John buying lunch?

Joanna Stancil: Apparently, we do have someone. We have Dan Cornelius?

Male Voice: [Indiscernible]

Joanna Stancil: Okay. And then we'll go to lunch.

Dan Cornelius: Hi. I'm Dan Cornelius. I know I've met probably most of you already, had an opportunity to talk with many of you. Zach, I worked with the Intertribal Agricultural's Technical Assistance Network. I'm the representative for the Great Lakes region, and Zach did an excellent job of really, I think, of summarizing a lot of the key issues facing tribes. But I did have a couple of specific points that people in my region had wanted me to pass on. I want to clarify though that these are not officially endorsed or are perspective of Intertribal Agricultural Council but it's -- everyone doesn't have the resources and time to be able to come and travel here, so I just wanted to just mention a couple of the quick points. This will only take a couple of minutes.

The first one is that for Farm Bill, there's a strong desire really with a lot of the people that I work with to have a more inclusive process, and I realize that a lot of that comes down to the political process and the current state of how things are operating politically. But if USDA can find ways to continue to have roundtables and other stuff, there's just a desire to have a more inclusive process.

For funding, the point was made that tribes don't have the years of experience that other agencies and organizations have had in providing governmental services, and that tribes have a more limited ability to generate revenue. For an example, with rural development, as the programs have moved more toward loans than grants, tribes are really looking to have that grant, those grants back because a lot of them already are saddled with a lot of debt and just don't have that revenue-generating capacity.

Another specific point is for easement programs. The point was brought up that a lot of the easement programs don't work for tribes. And one of the examples of why they don't is that in many instances, for different programs, if you're going to get the easement, then you need to open the land to the public. And to reiterate or to go back a second, for the easement programs, the point has been brought up that they don't work, and one of the reasons why is that oftentimes that you need to open the land to the public, and tribes don't have an ability to define who the public is. So to access a lot of them, you need to open up the land for anyone to come in.

Another thing with the funding is that there is a belief that there is a lot of money for planning but not for implementation. On a related point, for different programs, there is a desire to expand tribal eligibility where for different programs either you need to be a nonprofit or they're

administered through the states. Two specific examples would be the Community Food Project, which you need to be a nonprofit to apply, and then for the Specialty Crop Block Grant, they're administered through the states. And if there would be a way for tribes to participate directly, I think there is a strong interest for that.

So those are all points that people in my region, and this is mostly through the Wisconsin Tribal Conservation Advisory Council. There was a meeting of that group last week and I just mentioned I was coming, and they wanted me to pass those points along.

The one point that I will make, just from my own perspective, that I do want to point out that group of the Wisconsin Tribal Conservation Advisory Council, it's an NRCS committee that reports directly to the State Conservationist, and there is a representative from each tribe on the committee. And from what I've seen, I try to make it to all the meetings, and it's a really great opportunity not just for NRCS but you've got USDA, a variety of USDA agencies that are coming in and been working to -- I think we're going to be getting the State Ag Department to come in. It's been a great opportunity for people to come together, and there are some really -- I think it's inspiring to see some of the ideas and the communication and collaboration that's come out of it. And

I know that the WTCAC group had gotten a grant this year to do outreach on what these Conservation Advisory Councils are and really across the whole country. So I think that there is a lot of promise and developments there. So that's all I have and I do open myself up for questions.

Joanna Stancil: I think it might help the council if you could put those into little bullets for the record because you had a lot of material in your few minutes.

Dan Cornelius: Yes. And I actually do have an -- I wasn't even -- I didn't necessarily want to get up to speak. I know Zach had done an excellent job yesterday, but I do have an e-mail and also have sent that to Joanna.

Joanna Stancil: And we'll get back out to you. All right. Anyone else have any questions? Thank you. Thank you for joining us. Well, we've arrived at that hour, at the end of the public comment period. I am very pleased to say I think we had excellent visitors, excellent public comment. We weren't expecting that many, and I think we achieved a nice public comment period for this council. So having finished that, when we come back from lunch, we're now on lunch break, and it's kind of the same process as yesterday, we are here in the building. We hope you will stay in the building and have lunch. If not, we'll have an area like we did yesterday for all of us to sit together, and then we'll come back. Janie will talk

about advice the agency is seeking and discussion and then update on Food, Farm, and the Jobs Bill. And then we will hold the election for chair and vice chair. So see you after lunch.

[End of transcript 3]

**Council for Native American
Farming and Ranching, Meeting: August 14-15, 2012
CD4 8-15-12 Track01 to Track06
Contains Election of Chairperson**

[Start of CD4 8-15 Track 1]

Joanna Stancil: Welcome back, everyone. If you'll take your seats, we'll get started with the rest of our agenda. All right. We have -- if I could have everyone's attention, please. We have two representatives that are ready to talk to us. From Farm and Foreign Agricultural Service, we have Karis Gutter, deputy undersecretary for Farm and Foreign Agricultural Service, and with him is Brandon Willis, senior advisor to the secretary. Yes, please, at the podium.

Karis Gutter: Good afternoon. Again, my name is Karis Gutter. I'm originally from Terry, Mississippi, population 500, one traffic light, it's a blinker now, and we've got a main street; once you leave Main Street, you're out of town. For the most part, I've been at USDA for the past three years. I started my very brief career at USDA as the deputy administrator for field operations at FSA, overseeing the some 2200-plus offices and nearly 13,000 employees at FSA. It was a wonderful opportunity for me to get an opportunity to meet a number of

communities, big and small, of all different genres. And I'm pleased to have an opportunity to say hello to you all quickly. I don't have any prepared remarks, but I will pinch it with Brandon Willis who's going to talk a bit about the Farm Bill.

But for the last two and a half, three months, this administration has been focused, like a laser, dealing with a number of issues impacting farm communities. And in our mission are, the Farm and Foreign Ag Services, I oversee both crop insurance, RMA, and the disaster assistance programs of FSA. And so, as we've been dealing with drought, we've recently made a number of announcements that really begin to address the unique needs of farmers and ranchers and cattlemen of farm country out there, ranging from our farm loan interest rates on emergency loans being reduced to opening up conservation lands to emergency haying and grazing needs for livestock producers.

The secretary has been pushing very hard with this administration on Congress and the need to pass a Farm Bill sooner rather than later, and Brandon's going to give you a bit more detail and context about the Farm Bill in just a second.

But the president has really been focused on what is it that can be done by this administration, not only within USDA but across the executive branch. And so, he called a series of meetings, an all-hands-on-deck set of meetings with the White House Rural Council which consists of a number of federal

agencies ranging from the Small Business Administration, the transportation department, and others, and what we've been trying to do is figure out how we make resources more readily available to address some of the more contemporary needs out there throughout the country. So, that's a snapshot of what I've been currently working on.

But this administration, since we came in some three and a half, almost four years ago now, we've been focused on trying to fix some systemic problems and issues that have plagued the department for quite some time. The secretary's first action, one of the first actions, was the issue of cultural transformation. He's called on all top executives within the department to really be focused on culture transformation and how do we create a department that better represents the farm communities that make up the U.S. economy. And so, we're working hard on those issues, both within FSA and RMA, those two agencies under my mission area that I oversee. We've also got the Foreign Ag Service as well.

But for the most part, we've embarked upon our diversity roadmap focusing much, much more on how we bring in some of the best and brightest talent to help deliver our programs going forward. But we've also looked at our policies and regulations ranging from how do we administer crop insurance programs and what crop insurance -- what types of crops that we do insure,

and how we better cover or better provide access to coverage for communities small, large, midsize, you name it. At FSA, we're absolutely looking at how do we make our farm loan program more readily available. You've probably heard from a group of folks already that talked about some of our newer initiatives ranging from the MicroLoan Program to the operating loan set-asides where a number of our funds are specifically set aside for socially disadvantaged producers, farmers, and ranchers.

But again, I wanted to say hello, let you know that I'm accessible to you. I am your deputy undersecretary if there are issues that need to be brought to my attention. If you've got a pen and pad, I can give you my e-mail address so that if you've got an issue, I may not have the answer but we've got plenty of capable, qualified staff who can help. My e-mail address is karis -- K-A-R-I-S -- .gutter -- G-U-T-T-E-R -- @osec -- O-S-E-C -- .usda.gov. And I welcome you to reach out to me at any given point in time and let me know what's going on.

But in addition to that e-mail address, I know we're still dealing with a number of rural communities where access to technology is somewhat on the rise but may not be where it needs to be -- my telephone number, 202-720-7107. But I really appreciate the brief four to five minutes you've made for me to say hello. We're glad to stick around for quite some time. We've got folks on the council representing the agencies as

well, and so we really appreciate this relationship, and hope to do great things going forward. Thank you so much.

[End of CD4 Track01]

[CD4 Track 2]

Joanna Stancil: Does anyone have any questions? All right.

Karis Gutter: [Indiscernible] say the number again, 202-720-7107.

Brandon Willis: I'm just going to provide a brief update, kind of a high level of the Farm Bill. Before I do though, I just wanted to thank everybody for taking time out of all your schedules to come back here and do this. I sure appreciate it. I just want everybody to know, I know you've taken a lot of time out in sacrificing to be here.

Farm Bill. Every five years, Congress goes about to reauthorizing the Farm Bill. Oftentimes, it's written at the very last moment, oftentimes it's extended. This Farm Bill might be no different than what has historically happened.

The role the administration has played is a little different this Farm Bill than some others. Oftentimes administration will come out with a booklet that has some ideas of direction they would like to go. These are sent to the Hill. The immediate reaction usually from the Hill is, "It's not good enough. We need to do something different."

The secretary decided to go a little different route this time, and he decided instead of sending his own proposals was to work with Congress on -- to help them achieve what they want but to do it in a way that makes sense for farmers and ranchers, something we can implement, help us get programs out quicker and easier on the producer. And it's actually worked quite well. Where we stand today is the Senate has passed the Farm Bill. They've done it in the committee, they've done it across the floor, and the numbers are going to startle you. Just to give you a little perspective of how this Farm Bill is different than the last two.

The last Farm Bill -- well, two Farm Bills ago in 2002, they had a pretty good budget situation at that time. They added about \$80 billion. When you write a Farm Bill, you can basically spend what the current program would cost if you just moved them forward for the next five and 10 years. And what they did then is they had that money, plus they added on about, I think, it's \$72 billion. That's 2002, they added \$72 billion. You fast forward in 2008. We thought it was a pretty tough budget at that time. At the end of the day, they added about \$10 billion or \$11 billion. So, you go from adding \$72 billion to the current programs, you go to adding \$11 billion to current programs. To give you perspective, the Senate cut, \$23 billion.

So, instead of adding, they cut. And \$23 billion is obviously real money in the Farm Bill.

The House has not passed the Farm Bill yet. What the House has done is they have passed a Farm Bill out of the House Ag Committee. But for those who are following the news the last month, one of the struggles they have, just because of the political dynamics in the House, is trying to balance those who would like to cut funding from nutrition programs with those who would like to keep funding their nutrition programs and those who would like to see additional cuts in the commodity program. You have very different feelings amongst different members in the House. And because they didn't feel like they had enough votes, the full Farm Bill never has gone across the House floor and it remains to be seen what they'll do.

What they ended up doing right before August recess, about two weeks ago, was instead of sending the Farm Bill across the floor, they sent some separate disaster assistance programs across. Those went to Senate, and the Senate's position is that we need to pass a five-year Farm Bill instead of just a one-year ad hoc.

The numbers are actually -- you look at the two Farm Bills, there are a lot of differences but there are many similarities as well. We can't predict what's going to happen with the House and how they're going to get the two bills together. Kind

of the big question in D.C. right now is you have a Senate Farm Bill, you have a House Farm Bill; how do you get the two together? The normal process is to wait for the House to pass a bill out of the committee and then you conference, which is you basically get the senior members of the committee and you work out the details and you send it across the House and Senate floor. But it's unclear what's going to happen because of the dynamics in the House.

The two big issues that are going to have resolved. First of all is the cut to the nutrition program. The SNAP program, Supplemental Nutrition Assistance Program is a big one there. The House would like to see very large cuts out of that program. The House would like to see somewhere, I think it's around \$15 billion. The Senate reduced the spending by \$4 billion. That's going to be a big issue they're going to have to deal with. In the commodity portion, there are some ideological differences in how they operate the Title I program. These would be the programs, your farm safety net programs for corn, soybeans, wheat, et cetera. But actually, there're a lot of similarities. The disaster programs are nearly identical. So, at the end of the day, it's going to come down to how do they work out the budget issue between the two, the House and the Senate.

Timing. The Farm Bill expires in about 45 days. It expires at the end of September. There is not a simple answer

on what happens if the Farm Bill expires. You'll oftentimes hear that it goes back to the '49 bill. I would say -- we're trying to compile for the secretary of a list of exactly what happens, and it's something different for darn near every program. But it will be interesting -- there is obviously a strong need to get a Farm Bill passed between now and then, so that we don't have to worry about that.

One of the things -- I'll give you one example, and this is a very unique example, but -- what happens is each Farm Bill kind of amends permanent law. Permanent law, I think was -- they talk about Farm Bills written in the late '30s and late '40s, and dairy is one very unique example of what happens. Basically, when this Farm Bill expires, we go back to the law that has not expired. We go back to the '49 Act. Well, the '49 Act says that we pay between 75 and 90 percent of the parity price of milk. The parity price of milk today is \$51. The farmers are receiving about \$16 probably right now. So, if -- and it's very unlikely, but if Congress couldn't agree, buy a dairy. Because what would happen is -- I say that very jokingly. But what happens is by law, USDA has to get the price between 75 and 90 percent of \$51. And to do that, we have to do different things.

But that's just a crazy example, my point being that if the Farm Bill expires and Congress doesn't act within a certain

amount of time, some very odd things will happen, and it's going to be different for every single program. I think Chris has programs where payment limits go away; Juan in FSA, with the commodity programs. It's just all over the board. So, the secretary is pushing hard to encourage Congress to get a Farm Bill passed so the farmers know the rules of the game for the next five years.

One of the added benefits, again, the Farm Bill goes along with what Karis talked about, both bills have pretty good provisions especially for livestock producers who are suffering grazing losses. And you look at the map of the United States and, geez, three-quarters of the United States where cattle are grazing are suffering right now. So, one of the benefits of getting the Farm Bill passed is those programs will be there.

I believe we have about 10 minutes left. Happy to have Karis up here take questions, comments, or any other thoughts on Farm Bill or any other topic that you'd want to bring up, Janie.

Juan Garcia: Hey, Brandon. Sorry. I'm supposed to say who I am, okay. Juan Garcia

Joanne Mounce Stancil: For the minutes. For the minutes.

Juan Garcia: Several times during the last couple of days -- and I think Gerald has brought up the American Indian Feed Act or Feed Program that same about here several years ago. From what I understand, the funding for that program expired at

some point, and I think Gerald has brought it up as far as a program that would really help Indian Country. Do you remember that program?

Brandon Willis: Was this one of those operated in the Dakotas about two or three years ago, or is this a different one?

[CD4 Track 3]

Mark Wadsworth: It actually came from surplus grain and the Congress allocated a portion of that grain to Indian reservations for [indiscernible] feed programs. And it was basically triggered by federal council and county [indiscernible]. But it actually delivered the grain to the reservation and was allocated to individual tribal members. And then you can either get the [indiscernible], whatever you choose.

And at then some point they came back to you and said, you guys want grain or money? Somewhere [indiscernible] money which [indiscernible] it becomes exactly what you were just talking about; it's a target for -- if it's a [indiscernible] sitting on a Blackfeet Indian Reservation [indiscernible], Cherokee [indiscernible] helping with the disaster as opposed to a federal chunk of money going through the process [indiscernible]. But that was the program.

Brandon Willis: What we'll do is --

Mark Wadsworth: Basically it's still -- as one of our IAC [indiscernible] center, it's still a program, but it's a nonfunded program. [Indiscernible].

Brandon Willis: Let me find out if [cross-talking].

Juan Garcia: I just thought you might -- I just thought I'd bring it up here while we were --

Brandon Willis: Just to provide -- I can't speak specifically about that one. But generally speaking on the drought -- in the middle of June, we started updating the secretary on the situation. At that point in time, it was clear that if rains came, things will be fine; if rain didn't come, we were headed for a tough year. Unfortunately, it's been a tough year.

But what the secretary said towards the middle-end of June is work with everybody and he wanted us to have ready to go any authority we had to provide help to people suffering from drought, he wanted us to provide it. And you've seen across the month of July different announcements have been made.

One of the authorities that we used to provide a lot of disaster assistance is based upon what is called Section 32. Section 32 basically, what it said is we had the authority to restore purchasing power of producers. And the way that's been used is often through ad hoc disaster programs to producers. Unfortunately, in the last appropriations bill, Congress

specifically said that that authority in Section 3 of Section 32 was rescinded. What that means is our hands are tied pretty tight on what we can do right now, and the things that the secretary has announced, delaying crop insurance payments for 30 days without interest opened up a lot of CRP lands, reducing the reduction in CRP lands, all the NRCS stuff; all those things are basically what we feel is as far as we can go. In fact, some of those, I think, we're pushing the envelope, to be blunt, on what we can do with those. So, this may be an example of something we could've done previously and we can't do now, but I can't say. We'll find out and get back to you.

Juan Garcia: Yes, we'll go back and check out that particular program.

Brandon Willis: We've hit a lot of dead-ends on what we could've done before and what we can do now.

Juan Garcia: I'm not sure if it was the '96 Bill that had it. The 1996 Bill may have had it.

Mark Wadsworth: If I may.

Joanna Stancil: Mark, please. Mark really knows.

Mark Wadsworth: Yes. It was a total separate appropriation in which the tribes came to Congress and got it passed, and I believe that was back in the early '80s, '82-'83 time period, maybe in '84, and that was the whole aspect of Congress' first question of why within the USDA do we have all

these programs available to people and why isn't Indian participation happening on that in that scenario. And that's really the kind of kickoff to, I think, why we're here today. And if I can ask you another question, you were saying that basically the Farm Bills are just basically amendment bills to the previous bills?

Brandon Willis: I think that's a simplification. I think I simplified it that way, but yes, in large part, they say, for this date to this date, the '38 Act is not in force for certain programs.

Mark Wadsworth: Because in addition to the Farm Bill, you have other bills that are passed. Like for the risk management agency, I know at one time you had a separate bill that went through that enhanced or was a part of the Farm Bill or was its own separate legislation. But what I'm getting at is I believe that the Conservation Reserve Program was its own legislation also. And the problem that we're running into in Indian country within that CRP law is that you, under the statute, it is saying that you are bringing the 25 percent limitation on a county-wide basis and you're ignoring the boundaries of the reservations.

So, when we have applied in the past for Conservation Reserve Program, we have four counties that intersect our boundaries, we were here first for a long time before the states and also the counties, is that we're having to adhere by the

county standard, and what we found out, just to say something, to make a long story short, because other people have heard this before, was that we had four to six percent of our reservation land, eligible land into CRP, but the surrounding counties had 37 percent because they got the waivers. So, basically, what they were utilizing was Indian land base for the benefit of non-Indian producers within the county. So, I guess what I'm saying -- and my question is, can we approach -- I guess, it's already went through the Senate for the committee and floor -- can we approach the House to do an amendment to that 1985, '86 CRP Bill to, say, tribes and counties, or something to that wording. Would that be an option?

Brandon Willis: I follow you now. That's a really good question. Let's get back to you on that. And the reason I say that is what I would like to know is it written so tight in the statute that it couldn't be amended through regulations? And I don't know the answer to that.

Juan Garcia: Well, we're going to go back and look at that, Brandon. I mean, we'll go back and look at that particular reg and see if --

Brandon Willis: What state are you from? Idaho?

Mark Wadsworth: Idaho.

Brandon Willis: That was where it was an issue two years ago, I remember.

Mark Wadsworth: Because currently right now we're being denied again. Even though we're not even at the 25 percent limitation, they're still saying that they're not going to renew our contracts because the county is above the 25 percent.

Brandon Willis: [Indiscernible] areas? Yes.

Mark Wadsworth: Thank you.

Brandon Willis: Thank you.

Joanna Stancil: Are there any other questions or comments? Thank you. I appreciate that.

Juan Garcia: Thank you.

[CD4 Track04]

Joanna Stancil: All right. Janie?

Janie Hipp: How much time do I have, Joanna?

Joanna Stancil: Excuse me?

Janie Hipp: How much time do I have?

Joanna Stancil: Well, we're actually at the limit of your section now but --

Janie Hipp: Oh, I have no time?

Joanna Stancil: About ten minutes? How's that?

Janie Hipp: Okay. Can I just run through some stuff really fast, and then I'll provide my notes to the note-keeper. Yikes. I had a whole big, long list of things to really kind of walk through. What I will do is --

Joanna Stancil: How much time do you think you need, Janie?

Janie Hipp: Huh?

Joanna Stancil: How much time do you think you need?

Janie Hipp: Ten minutes?

Joanna Stancil: Yes, yes, easily.

Janie Hipp: Okay. We're very tickled to have Joanna as the permanent director of Office of Tribal Relations, and nobody's more tickled than I am. Because when the secretary created the Office of Tribal Relations in his office suite, it was -- we had a team, but I was doing a senior advisor on tribal relations to him as well as trying to get the office set up and Joanna is now looking through all the files and seeing how many things I left incomplete. So, I hope she won't expose me in this setting. But, we're still transitioning.

But we've been very honored and very happy to get a lot of things, I think, done in this first couple of years that the office has been up. And one of them is the reason why we're sitting here, settlement of Keepseagle. That's obviously was very first on our list. Creation of the council -- there's a whole lot of documentation that's in your books that all has to be cleared and re-cleared and re-cleared again. I mean, there're just a lot of steps to getting that done, so we're very thankful you're here.

We've worked so closely with Chris, I can't even tell -- Chris is like my new brother, and we just call each other all the time. The relationship we have with FSA is probably, I think, as strong as it could possibly be. We rely on each other. If I get wind of something that doesn't sound right, I'd call him or e-mail him and he solves it in the next 30 minutes. So, I want us to keep that in mind because he is a resource and FSA is -- Juan has not been so long on your job, but Bruce before you, and Karis and -- I mean, it's just -- Jonathan. We've had just a string of people through FSA that we've worked really closely with.

We've worked with the offices of chiefs of staff and all of the undersecretary and deputy undersecretary offices throughout all the 17 agencies and the 20-plus offices of the department to get new guidance to them on how to do consultation with tribes, tribal governments, what are the relationships between our federal government agencies and tribal governments, how do intertribal organizations and intertribal political organizations all fit into this. We've worked on an action plan that was delivered to the White House about how we were going to do a better job across all of consultation issues.

When we -- we're very much still, very much into that. But I can tell you that just from the perspective of being with everybody for so long in the last several years doing this that

Food and Nutrition Service doesn't even tell us anymore what they're doing. They just go do it. They have quarterly consultation, teleconferences with tribal headquarters and their nutrition people. It just regularly occurs and they just kind of let us know what's happening, and they don't seek our approval or guidance anymore, they just do it. And to me, that's where we all need to be, and all the agencies really need to be, carrying out their own programs in that context of what kind of make sense to them. Each one of them have different -- we have agencies that have 300 people and agencies that have 17,000 people. And so, everybody's got to iterate that in a way that works well for tribal governments but also doesn't break the back of that particular agency. We've got to do it together and we've got to be coordinated.

We actually tried -- we experimented with the concept of joint consultation in regional venues across bodies of rules with multiple agencies involved. And I remember a couple of years ago when we actually did that for the first time, I thought we were going to get skewered. I thought the tribal headquarters were just going to come unglued and kill us. There were a few tribal headquarters that really did not want to be doing consultation in that way, but for the most part, I would say 75 to 80 percent of the tribes that participated said thank

you for getting yourself organized and being with us in a deliberative way, having the right staff people there with the right agencies that interrelate. Because, like I said yesterday, if you want to do food procurement of traditional foods, you've got to have three agencies in the room. You can't do it just one agency because they don't have all the answer.

So, we're thinking that as we get a Farm Bill, we will roll out joint consultation again in a way that has a ramp-up and actually has a series of conference calls and webinars and teleconferences and telephone calls to individual tribal headquarters, but really walks people through what the Farm Bill really says after we get it, and then tries to coordinate it in a way that does not break the budget of the tribal headquarters either. We have to be mindful of that.

We're working more closely with NCAI as they reported this morning. It's our intention to be at their mid-year and at their annual meetings with USDA resource rooms in every single one of those meetings. And if we do that, then we can deploy across the whole department and have multiple staffs kind of there to do one on one, strategizing and problem solving.

We helped BIA and BIE launch Let's Move! in Indian country, and we are very proud of that. There's a whole lot that we can do there. Food and Nutrition Services our primary partner

within the department on Let's Move! We've worked very closely with the FDPIR program managers, all 200-plus of them, and talked to them on the phone a lot and really try to work closely with them. RD is just one of those constant needs in Indian country, the infrastructure for communities as well as any kind of ag business infrastructure.

And our office is open, not 24/7, almost, and we've just entertained multiple tribal delegations all the time, sometimes back to back, all day long, but it's so exciting to do that, and it's very gratifying for us to be able to reach out to the departments kind of working parts and it's like, "Can you be with us?" And they just drop everything and they come. And so, we can't always solve the problem right then and there but we've been about the business of trying to do better.

An 85 percent increase in one year of last year of NRCS funding that's gone into Indian country. We absolutely hope, and NRCS does too, that we can continue that upward climb, that's very important.

Over 2000 tribal consultation events in the last two years. So, that's a lot. Not just us, or we would not be standing here, but it's throughout the whole department, and I think that kind of speaks to you, I hope, about how serious we are. And I've always told tribal leaders, we're not perfect. We're not going to do this right and we're not going to be perfect, but at

the end of the day, we're going to bother you, we're going to be in your business, and we're going to try to be there and try to solve problems with you and your communities. And that's our message, is we're late to the game, we haven't had massive amounts of consultation going on for years and years and years like some other departments but we intend to dominate the landscape at some point, and I think we're on our way for that.

Anyway, we're trying to also raise the education level of our own employees about Indian country at large and train them that when they go out to a consultation where they sit with a specific tribal council, they darn sure better read that treaty before they get there. It's those little things of just understanding people's history and understanding what's important and understanding protocol, and it's just that. And we still have, again, a lot of work to do.

[CD4 Track 5]

Janie Hipp: I think one of the most important things we've been able to do, and the secretary put this in place early on, is the Office of Tribal Relation sees all regulation plans. We see what Chris and his folks are planning before they even start drafting. And so, all the reg plans, all the regulation plans come through our office to just get a look-see, kind of what's coming down the pike so we can reach back out to Chris and say, "What are you all thinking about your consultation piece in the

context of that rule? How are you thinking it's going to roll out?" And then we see it as they become -- as they go over to the Federal Register and go over to OMB, we see them before they go.

And we have stopped some rules. It's not always pleasant. Because when things are at the final stage, everybody's just [inaudible]. But we've done that and we have the power to do that, and the secretary has backed us up on that, the agency heads like Juan and Karis have backed us up, and everybody wants to get it right. And so, I think having us in the reg line up, both in the planning stages as well as before they head out the door to be final is very, very important.

I will tell you my most important work, although I did have a waterworks this morning with FFA, the most important work our office has done has been with IAC and with the Tribal Technical Assistance Network. And so, all of the Technical Assistance folks here, thank you very much for being willing to be passionate. And Zach, you're a terrific leader of them and they have been so, like, sponges.

When the agreement started, we brought them all in into D.C. as well as into regional locations. They've been trained regularly by the whole agencies, all of the agencies have occasion to do a deep dive on issues. And Chris, he's like a phone call or an e-mail away to solve a particular person's

problem. That's how seamlessly we want it to work. And we have a weekly training teleconference with all the network providers, and that way we keep them up to speed about what's coming up; we get their input about what they're seeing weekly; and we do training, we do training literally every week. And so, thank you guys. And you've met them. I hope you've gotten to know some of them. They're very passionate and very energetic, and I just love that they're out there, and I think the agencies appreciate that as well.

We've had a series of White House Rural Council Roundtables after the general roundtable on economic development that Kim hosted. She then hosted one that was specific to Native American food and agriculture. That roundtable has now been followed by roundtables at Cherokee Nation, in Colorado hosted by the Southern Ute. Navajo was there. And then we got to tour Napi after that. Shoshone-Bannock, they all -- I was just in Idaho for one. I was just in Spokane for one. We had one at Poarch Creek. We've got one coming up in Leech Lake. There's one coming up in North Dakota. I get no sleep. Did I mention that? But it's very, very important, because to keep them the momentum and the conversations going, and almost to a roundtable they aren't just one tribe. Their multiple tribes are there in the room talking about these issues.

Topics and themes, I'm going to just rip through these and

I will provide you a list, okay? Topics and themes that have come up at these roundtables are the following -- and each one of these, we can do an hour-long discussion: slaughter capacity in Indian country. Irrigation capacity -- I know, you're -- yes, Gil's [sounds like] all over that one.

The need for an agricultural infrastructure development fund, some body of resources somewhere that can be put to ag infrastructure, and that's everything from irrigation to packing, storage sheds to anything you can imagine that would help bolster and support ag businesses.

Everyone, to a person, brings out the need for technical assistance. More, more, more extension, education, all of those pieces that are very, very important.

Distance to food. The remoteness of our communities and the need to really think about food in a local-regional context, to build more local food that's available, literally, locally. We have some reservations that have one grocery store in the middle of a place the size of Connecticut. Really. I mean, that's a complex problem to tackle but it's that.

Leasing issues. Some of our things that have been brought up, of course, have BIA implications. Maintaining areas use for gathering our traditional foods, making sure that those areas are protected and not exposed to basically poachers is what people have called folks who go into those traditional areas and

take the traditional foods and use them for commercial purposes for their own gain, very much a complex issue.

Continue support of food programs; water infrastructure improvement; managing our horse populations -- that's already been brought up; fishing economic development, economic development focused around fishing industries; focus on diet, nutrition, and health, nutrition education; again, always, ever present, access to credit issues; difficulty in addressing Indian trust land issues and using those lands for ag purposes. These are themes that we already talked about.

The need for comprehensive water and land use analysis reservation by reservation; the need for offices or access to offices or USDA folks somehow. I don't know what that looks like and it kind of differs place to place, but everyone realizes that they need to reach out and touch somebody.

Value added, packaging and processing as it relates to economic opportunities; marketing of Indian ag products; getting approvals for ag development of lands; access -- youth, youth, youth. That's a constant theme, every roundtable, youth come to the floor.

The need for tribes to work intertribally to solve these ag issues. We constantly get 638 issues but none of USDA has 683 authority. That comes up a lot.

The need for standardized forms when foreclosure has to

happen. There's a difference in the forms between FSA and RD. How can we make that one and the same?

And Mark brought it up just a while ago, how can we massage our programs so that they focus on tribal areas as opposed to just county areas. The importance of our traditional foods, medicinals, et cetera, and the need for more conservation programs on Indian lands.

So, what we're doing as a result of these roundtables is compiling all the minutes coming up with themes for each one. They are all being reduced to writing. They all will be transmitted to the White House. Tony and I -- and that is our job -- is to work on those together, get those back to the host tribes and then just keep that, and then keep you all. You will receive copies of all of the basic minutes and themes from each one of the roundtables, and as we continue to do those, you will continue to receive. So, check your e-mail box, Porter.

And then the last thing I wanted to ask you, if you could consider doing as a council, and I realize I'm on the council, if you could please consider moving forward with a set of recommendations to the secretary as soon as possible. I don't think, my personal opinion -- and this is me having my little pitch during my time here -- I don't think we need to wait a year to send him recommendations. I think we already know of so many things that have arisen out of this meeting that -- and I'm

not sure how we do that. I just know that the secretary wants to see a constant stream -- this is me telling you, the secretary wants to see a constant stream of recommendations from this council. He doesn't want it to be something that languishes. He wants it to be active, doing, and communicating with him all the time. I'm available to you anytime in my other capacity, but right now, I'm going to sit down.

Joanna Stancil: Does anyone have any questions? She's going to be with you, so you can answer them. Okay. Thank you very much. All right. Thanks, Janie.

Jerry McPeak: Thank you. Jerry McPeak. We're not seeking an answer but answers.

Joanna Stancil: Does anybody -- if I do this, I have to have a promise and commitment in writing or oath or whatever that you'll come back right away. Do you need a break before we go into the elections? There are refreshments. Get up at your pleasure, bring one back, be comfortable.

[CD4 Track 6]

Male Voice: Joanna, if we could have your attention please, we'll begin.

Joanna Stancil: All right. Welcome back, everybody. Thank you. If we could have everyone's attention, we'll get the council meeting started again. Thank you.

Male Voice: We are going to veer off the agenda for just a

moment. So, please just bear with us if you guys do not mind.

Well, I've been with the Office of Tribal Relations now for about a year and a half, well, over a year and a half now, and we've seen a lot of people go and a few come, in that order, and today ends your time here with us. But this is not for you, council members, sorry.

We have two interns who have been with our office over the summer, and we want to take the time to recognize these two individuals. They have been, I guess they've been a godsend, I guess, I could say. As we were gearing up to prepare for this council, which we've been discussing ever since December, all I could think about was all these binders that I'm going to have to put together, and I'm going to have to write, and the by-laws I'm going to have to write. But I'm going to say this: They've definitely come along, they've done a great job. They are part of the FFA family, [indiscernible] and Janie, we're speaking about earlier today, and they are definitely -- we're going to miss -- I know that Joanna and myself are going to miss them extremely.

Joanna Stancil: Cry like a baby.

John Lowery: I'm already trying to figure out who's going to go down and get me something to drink from the cafeteria. True story.

But we want to call Jasmine and Jory [phonetic] up. We

have something for them. And Tony, Janie, Joanna, and myself have a card for them to, sort of, let them know just how much we've appreciated them. And also, we have a gift for you as well from Janie. So, we just wanted to provide you, ladies with us. We don't have time [sounds like], come on, come on. Jory, this is your card. Jasmine, this is your card. And Jory, that is yours, and Jasmine, this is yours.

So, Jory is Jerry McPeak's daughter, and that's the way that I introduce her. She's been a wonderful help to us. She's always laughing and smiling, and she says, "What do you want me to do?" I'll say, "No, this is okay." That's it. But we appreciate you, and I truly thank you for helping us out and for being a real pleasure to be around, and I mean that sincerely. And I have picked on these two girls a lot. As a former high school teacher, that's what I do; I pick on teenagers.

Jasmine is actually a member of the Lumbee Tribe just like I am, and it was no conspiracy. She was one of two FFA members who applied and our office said, "Come on." And Jasmine, she just graduated from high school and she'll be starting college in just a few days. Jory will be in sophomore in college as well. And both of these ladies have done a great job. When I was out on summer break, they were there for us. When Joanna was off at dentist appointments, they were there for us, and we just really appreciate them. And thank you, ladies. And

Joanna, if you want to say something, go ahead.

Joanna Stancil: Well, I've just been really pleased to have them around. They're fun to work with, they're smart, they represent what we're fighting for. And I've actually used Jasmine in a meeting that when I was talking to other USDA folks about the "Seventh Generation" concept, making your decisions wisely and how they're going to impact, and I turned around and I looked at Jasmine and I said, "If you can look in her eyes and you can make a decision based on what you can live with that's best for her and the generations to come from her and Jory, then maybe you've made a sound decision. If you can't look in her eyes and do that, maybe you should go back to the decision-making table." And that's who we're fighting for. And they've been wonderful -- and I don't want to cry like a baby -- and I'm going to miss them. But they're already scheming and plotting on how they can stay involved with our office, and they will, and we hope they'll come back if we have another summer opportunity or any other intern opportunities, we'd love to have them back.

John Lowery: Thank you, girls.

Joanna Mounce Stancil: All right. We're at that time, a very important milestone in this very new council, and that is the election of your chair and your vice chair. The chair is -- we went over the roles on Monday, but the chair is the person

that will work, in most cases, the direct contact between the council and myself as the designated federal official for USDA on this advisory committee. The vice chair will fill in for the chair in the absence of him or her.

And so, as you think about who you want to nominate -- hopefully you found the nomination forms that you were given on Monday that were handed out and we can use that. I'm in a little quandary on how to handle this part of it, but if there is anybody -- I guess, at this point, if there's anybody that would like to pull their name off the table for consideration, we'll go ahead and accept those at this time and then we can do the ballot nominations.

Male Voice: [Indiscernible] where that came from. I'm with Jerry's permission withdrawing my name as the chairman.

Joanna Mounce Stancil: Okay. Sorry to hear that.

Female Voice: You're talking about the nominations for --

Joanna Mounce Stancil: For chair, yes.

Female Voice: For today and not the whole list?

Joanna Mounce Stancil: Well, -- pardon. I'm sorry?

Female Voice: You're talking about the nominations that we did on day one?

Male Voice: We're going to start over.

Joanna Mounce Stancil: We're going to start over. Yes, we're going to start over. [Indiscernible].

Male Voice: [Indiscernible] the e-mails [indiscernible] a federal official couldn't be nominated and now they can?

Joanna Mounce Stancil: Every member of the council, whether a non-federal employee or a federal employee are treated equally under the charter and the settlement. So, everybody has full voting rights, full participatory rights in the council. Sir, Porter.

Porter Holder: I want to nominate Mark Wadsworth. Mark, I've been very impressed with your [indiscernible] every program USDA has and [indiscernible], I will nominate you as the chairman.

Angela Sandstol: Joanna, I'll second the nomination.

Joanna Mounce Stancil: Okay. Second by Angela.

Gilbert Harrison: [Indiscernible]. I think the chair [indiscernible] very important role. I think they should be proactive and I think there needs to be, I guess, [indiscernible], so I think [indiscernible].

Male Voice: Since you don't have anything else [indiscernible].

Joanna Mounce Stancil: We can -- I was planning on doing it a closed ballot, but if you want to put the names out, Porter has nominated Mark Wadsworth for chair? Are there any other nominations? If you would prefer to turn those in via close

ballot, we can accept that and move forward, or we had a second
--

Female Voice: Yes, he needs to accept.

Male Voice: For Gilbert, I would be more than happy to
devote the time and the dedication to that.

Joanna Mounce Stancil: Gilbert?

Male Voice: Anyone second to close the nomination.

Mary Thompson: Second.

Joanna Mounce Stancil: Okay. You've made my life so easy.
All right. Second. That was -- make a note that Mary seconded
it to close the nomination. As that, we have Mark Wadsworth as
the candidate for chair of the Council for Native American
Farming and Ranching. Are there any oppositions? Nomination
carries, and Mark, you are the chair.

Mark Wadsworth: Thank you.

Joanna Mounce Stancil: Okay. I've been reminded by Jerry,
we probably should have a voice vote. So, now we're at least --
okay. Go ahead. So, ayes?

All: Aye.

Joanna Mounce Stancil: In oppositions, no's? No
oppositions made? Again, congratulations, Mark.

Mark Wadsworth: Thank you again.

[End of transcript 4]

**Council for Native American
Farming and Ranching, Meeting: August 14-15, 2012
CD5 8-15-12 Track01 to Track06**

**Contains Election of Vice Chair;
Council's vote on list of working topics;
Council accepts changes to By-laws.**

[Note: Due to distance from the audio recorder, some words and phrases are indiscernible]

[Start CD5_8-15-2012 Track01]

Joanna Stancil: All right. Now we have --

Female Voice: I get to turn the mic over. I'm so excited.

Joanna Stancil: Anyway, we now need to -- we can do the same process or we could do a closed ballot on the nomination of vice chair for the council. Sarah?

Sarah Vogel: I'd like to nominate Porter Holder to be the vice chair. I've worked with Porter closely for a number of years in his role as one of the class representatives, and he's shown amazing dedication, loyalty, commitment, and came to Washington I don't know how many times. He even drove --

Sarah Vogel: What?

Male Voice: [Indiscernible].

Sarah Vogel: He came to North Dakota, left his young family and brought his young family one time. And I think there is some value in the continuity. He was part of the discussions on the programmatic relief that we wanted. This was in [indiscernible]. So, I think he has a vision and a sense of

history about this council, and I would nominate Porter to be the vice chair.

Male Voice: I second that.

Joanna Stancil: Okay. Thank you. We have nomination by Angela for Porter Holder as the vice chair.

All: Sarah.

Joanna Stancil: Sarah. I get those two -- I don't know why I do that. And Angela has second it. I'm thinking the right person, I'm just not saying the right person.

Are there any other nominations for vice chair? Gilbert?

Gilbert Harrison: I'd like to nominate Janie. The reason I do that is because there are documents to be signed or something done, and she's here [indiscernible]. And sometimes these things have to be done quickly [indiscernible], the chair is not here, you're going to act on behalf of the chair to sign and [indiscernible] office. [Indiscernible].

Joanna Stancil: Well, I think I have to close out because we didn't do that. Porter, do you accept the nomination as --

Porter Holder: [Indiscernible].

Joanna Stancil: So, we have two nominations. Janie, do you accept?

Janie Hipp: Thank you, Gil, but I'm going to respectfully decline. And I really think it should be one of the non-USDA

folks who are [indiscernible] last year. But thank you for the nomination.

Joanna Stancil: All right. Porter has accepted and Janie has declined the nomination for vice chair. Are there any other nominations for vice chair? None heard. We'll move forward with the voice vote. All in favor of Porter Holder for vice chair, say "aye."

All: Aye.

Joanna Stancil: Any oppositions? Congratulations.

Angela Sandstol: We're an easy bunch.

Joanna Stancil: Excellent. All right. Mark, see what's on the agenda? We have chair written right next to it.

Mark Wadsworth: As chair, I'll make a motion we adjourn.

Joanna Stancil: This would be -- what we had on the agenda and would be the first official duty for Mark would be the committee strategy discussion and recommendations for how to document your recommendations, how you want to work and get those forward back to me, and on your behalf, I would take those forward to USDA, back to the secretary. So, that's how the relationship --

The second thing we can both work on, or I can do it myself, was the discussion of your sub-committees. And then the third would be discussion and planning your next meeting. Meeting of the full council or meeting of subcommittees.

Joanna Stancil: Go ahead.

Mark Wadsworth: Go ahead.

Joanna Stancil: Angela.

Angela Sandstol: I haven't gotten a chance to visit on our website. Is it -- does the council have its own website or is it part of USDA?

Janie Hipp: Part of USDA.

Joanna Stancil: Well, we're under the Office of the Secretary, OTRs, and now the council is part of our website.

Angela Sandstol: Okay. So, most of our documents that we speak on is going to be on the website?

Joanna Stancil: Eventually. We're --

Angela Sandstol: Including our subcommittees?

Joanna Stancil: Everything. Anything that you do within this council unless deemed for some reason to be administrative, even those things probably will eventually be up there. But every document that we deal with, that's easy on your binder that we can find a digital copy of that you're using for deliberations and recommendations will eventually be on the website. We have to make sure they're 508 compliant, so if there's any delay in getting them up there, that is why. The website went live last week, so it is up there. We'll send you the -- I had sent out the link but I'll send you that again so you can check it out.

Angela Sandstol: I'm trying to find a way that the public can tell us what we need to do.

Joanna Stancil: Well, we can actually -- we have --

Janie Hipp: We actually have, and we can -- this is pretty to do, Joanna. We have a tribal consultation at USDA.gov that we already have as an e-mail address. What we could do is just have one for the council. Just have an e-mail address that's connected -- that's @usda.gov.

Joanna Stancil: Can we meet when we get back in the office on Thursday?

Janie Hipp: Yes.

Joanna Stancil: Because we're also updating the OTR site, the main page, and that's going to be a slow process as we find the time to do that. But there are some limitations, but if there are [indiscernible] links we've already got, we probably can amend those somewhat to include comments to the council.

Angela Sandstol: Okay.

Chris Beyerhelm: This is Chris Beyerhelm. I'd just make a recommendation, too. Because there are two other committees that serve as secretary on related matters, farmers and ranchers. There's the Beginning Farmer Advisory Committee and there's the Minority Farmer Advisory Committee, and I would recommend we get copies -- they've already made recommendations to the secretary that we get copies and distribute to this

council so they can see -- first of all, the format that they've been submitted in, so I think that was one of the issues we want to deal with. And then secondly, what those recommendations have been, just to give you some sense.

Joanna Stancil: And there is a letter, a formal letter, that the chair -- and we'll work with you on that, Mark -- the chair would send forward with those recommendations that kind of describes how the deliberations and how the recommendations came to be, and the justification behind, and that would go with your recommendations [indiscernible].

Mark Wadsworth: So, what you're saying is there's already a format developed by those two groups that we could follow?

Joanna Stancil: I think there are examples out there, yes.

Chris Beyerhelm: [Indiscernible].

Janie Hipp: There's not a firm format but there's -- we can follow it.

Chris Beyerhelm: I mean, it is basically what Sarah handed out, it's kind of the same format -- issue-proposal-solution, issue-proposal-solution. That's kind of the format.

Mark Wadsworth: Okay.

Jerry McPeak: I'm assuming that we are now discussing that point that says Committee Strategy for Documenting Recommendations?

Mark Wadsworth: Yes, right now.

Jerry McPeak: Okay. That's what I want -- and so, you guys are defining now what that is, right? That's what I --

Mark Wadsworth: Yes, Sarah?

Sarah Vogel: If you'd like, I could help on writing stuff up.

[CD5 Track 2]

Mark Wadsworth: One of the comments that Janie said at the end is that the secretary is looking for these recommendations as soon as possible. And one of my concerns when we had a break was, do we want to flood him with the myriad of recommendations that we've received so far, or as we as a council, do we want to give him our top 10 concerns?

And one of the formats that we were thinking was to write down and to possibly e-mail this or get this to you, each recommendation which may be close to 50 or something to that effect, and you guys write on there; what, in degree of importance, this is our number one concern, my number one concern through the council, and then we'd kind of quantify that into coming up to five or 10 recommendations that we'd work off first.

So, as we do each set of recommendations, then we could get reports back on the progress of those, and then start the process with another 10, and another 10, and another 10, and continue our process of documenting the progress on each one of

those top 10 issues. And I realize that we will not get that done today but, it's going to be the compilation of that data, getting it to us, and we get it back to you timely so that we can finally come up with our first top 10. Is that agreeable?

Angela Sandstol: Mark, that sounds like a good idea, or Mr. Chairman. But how are we going to -- I think, I don't know if this is -- how this subject is. Is this -- how are we going to select the top 10? Is that what this subject is?

Joanna Stancil: It's basically how you're going to do the business of the council in making the recommendations, and it can be whatever anyone recommends, the top 10 recommendations.

Gerald Lunak: It could be done through the subcommittees or these --

Joanna Stancil: When we get to that, the subcommittees -- yes, the subcommittees can help you make those recommendations. You choose the topics for the subcommittee, whether it's youth, or whether it's the technical assistance. Things that we've heard that Janie already kind of shared -- technical assistance, extension, education outreach, subsistence and traditional foods, youth activities, economics, development infrastructure. You know, any of those topics that Janie brought up earlier, whatever you come up with. They could do your work, feed it back to the chair, make the recommendations. We send their recommendations to [indiscernible].

Mark Wadsworth: Yes.

Gilbert Harrison: Gilbert Harrison. I'd like to see [indiscernible] recommendations [indiscernible], because I think that we certainly [indiscernible], then we can look at it--

Mark Wadsworth: Yes.

Mary Thompson: Also, it would help many if as we go through the recommendations, if we could categorize them, I'm sorry, Mary Thompson -- if we could categorize those recommendations into -- and put them with the programs that they go with. And then, if you have a top 10 or a top five or top 150 of them -- you know what I mean -- but for each program. And maybe if we just send our top three recommendations for each program, that would be a lot, depending on the comments. And I agree with Gilbert that we do need to get -- I need, for my own information, everybody's notes. Thank you.

Gerald Lunak: Mr. Chairman?

Mark Wadsworth: Gerry.

Gerald Lunak: Gerald Lunak, Blackfeet. I know we probably don't have time here but I'm really an advocate of having a meeting where it's facilitated. Generally it's by a professional facilitator, non-engaged, to really try to set these lists that Janie has and maybe other things that had been brought up here to kind of make some sense of all of it. I mean, -- I guess, we can do an end run through the list, but

I've kind of found my work with IAC and we use facilitators a lot, that it becomes a lot clearer if you have a professional person sitting there and setting up your -- setting a direction for what your issues are. So, I guess, I would maybe keep that in mind. Maybe not at this time, but if we can somehow work that in. Just a recommendation.

Mark Wadsworth: Yes, Sarah Vogel?

Sarah Vogel: Sarah. If -- it seems to me, one way it might work is to get from Janie's office or the OTR, the lengthy list and then devise some way of people ranking them, or I'd put these in the top 10. And there could very well be consensus just the way there was on the election. And then, maybe if there could be a drafting committee -- and I don't think that these need to be formal things. And then, it could be put into final form by the chair and shared with us, maybe the final draft editing or something. But I think we're going to have to -- in terms of procedure, we're going to pretty much have to use Internet and working out of our places, because I don't know that that's a practical -- to write something like this, if you could -- it's easily done from home or telephone conference calls, that kind of thing.

Mark Wadsworth: Yes, Gilbert?

Gilbert Harrison: Gilbert Harrison. Thank you, Mark. I

was sort of thinking, you know, with the elections coming prettysoon, we don't know what the outcome's going to be, we have a momentum here, I'd like to see us -- or maybe once this is generated, maybe just sit down, have a little work session, and agree and move just the top most important ones, move it into the system. And I think it would be good if we can just have a work session where we have just the board members and just go over these like we're sitting here. That way -- because time is going to be of essence. Thank you.

Mark Wadsworth: We've had several ideas, and I think in some cases, we actually are talking about the same thing, just in a different way, which is agreeable consensus. Before we carry on, Jerry?

Jerry McPeak: I think I'm at a same place you're on, Mr. Chairman. Having been involved with political process, you inundate with a large volume of something, you get zero back because you're feeding too much into the hay baler, and the hay baler can't handle all the other two, you want to get it down. Her concept is really, really good and that we come down to 10 or whateve,r and go back and get that done really, really quickly, we can do that. I like your idea of send out what you've got so far, send them back in, get them down to a final 10. And if it's okay, I'd like to make that for a motion that that's what we do.

Mark Wadsworth: Yes. Gerry has been mentioning that we go through the separate recommendations as a total, and each individual councilman/councilwoman choose their priorities, and then from that listing, come to a general consensus of the most important ones. And I was just being told that, by the OTR staff, we'll find out from the socially disadvantaged one and the Beginning of Farmer formats and forward those on to you to show you their format in which how they're presenting to the secretary and the secretary's preferred way of receiving these, of putting them into that sort of order.

So, again, I guess what we're going to have to do here is to have that compiled again, Sarah and Janie, from the notes that we took previously and then going through in e-mail.

Chris Beyerhelm: Thank you, Mr. Chairman. I just -- at the risk of getting myself in trouble, I just want to ask a practical question, is, do we want to try to time these so they come in before or just right after the election? I mean, my concern is -- I'm not asking for this to happen or hoping this happens, but if we send them in before the election and the same administration doesn't stay, they're going to die in a vine. So, I'm wondering if we should at least time it so they just come in maybe right after the election.

[CD5 Track 3]

Mark Wadsworth: Go ahead, Gerry. Gerry Lunak, he was

answering. Gerry.

Gerald Lunak: Gerald Lunak, Blackfeet. I guess what I would like to recommend, too, that Janie and some of these other folks is a system of drafting of this document and make it a recommendation from the council.

Mark Wadsworth: [Indiscernible].

Jerry McPeak: Yes, absolutely, Mr. Chairman. I absolutely agree with that. I think that's a very logical thing [indiscernible] drafting. But in reference to your statement -- and as you all know, I'm not politically correct -- along with that, it doesn't make a damn to the next administration comes in and it's not what we got now, it's going to go down the vine anyhow. And that's an opinion, not a fact. [Indiscernible].

Sarah Vogel: And to the degree that things can be set in place, set in motion with the folks that we've been hearing from all day and all day yesterday, and all these wonderful things, I'd just as soon give all you folks as much a run-in time as we can. So, I'd say, time is of the essence, because a great deal could get done, not as much could get done if one had an entire four years but, you know, I'm the kind of person -- I thought McGovern was going to win. So, I'm -- hey, full of optimism, but I think as much run-in time as to get all these initiatives going, and some of them are going to be quick fixes and some of them will take a long time, but let's get on with

what we can. And the only thing I'm hesitant about is that if I were doing drafting and with Janie and maybe -- I haven't been taking the best notes because I've been mostly listening, but if we could hash out a pretty good list and circulate it with folks, and then get feedback from, you know, you forgot X, Y, Z points, people could do that, and then we could do a ranking thing, and it could all be done by e-mail. Maybe.

Gerald Lunak: Chairman, Mary.

Mark Wadsworth: Yes, Mary Thompson.

Mary Thompson: Thank you. Mary Thompson. Okay, I agree that we should receive our little list of these issues and rank them and send back recommendations. But I'm wondering, did we ever decide whether we were going to rank them by just need or necessity or program or department? And then, with Gerry's point there, I was thinking about what about ranking them, or would you start with the ones where the policies could be amended or in-house policies as opposed to the statutory. Because those, we know we're not going to -- if we did the in-house, we could move on those a little bit better than we could doing some changes to the legislation.

Janie Hipp: Can I?

Mark Wadsworth: Yes, Janie.

Janie Hipp: This is Janie. My comments on that -- Mary, I totally get where you're coming from, but having worked with

Juan and Chris, some of these issues, even though we know -- even though we hear what the problems are, we go down a path -- when you're inside the building trying to work these things out, you go down a path thinking that if it's regulation, you can blah, blah, blah, and if it's statute, you've got a harder problem. And some of these things just unravel in a way that it takes a long time to even get to the point of understanding and having a clear read from all your policy people, all your legal people, if BIA's involved, a read from them.

I think that trying to look at that list through the lens of reg versus statute versus quick, some things that I've thought had been quick take the longest, and some things that I've thought would be the longest are quick. And I think if we -- my guidance to the council is that we don't look at it through that lens. That we look at it through the lens of needs, of Indian country, and what are not collective knowledge and guts and what we're hearing from people are the strongest needs, and if they're the hardest, then they're the hardest. But that's just my [indiscernible].

Mary Thompson: Okay. That might be something that -- let's just vote on it and decide it so we can get past that one and move on.

Mark Wadsworth: Okay.

Chris Beyerhelm: Motion on the floor.

Mark Wadsworth: Is there a motion on the floor? Could you restate the motion?

Chris Beyerhelm: [Indiscernible]

Mary Thompson: Or a consensus.

Gerald Lunak: Chairman?

Mark Wadsworth: Okay. Gerald Lunak first [indiscernible].

Gerald Lunak: Okay. I want to back up a bit. I did make a recommendation for these guys to help draft, and I would ask a for a voice vote on that, please. I think it's needed for their sake as much as for ours.

Mary Thompson: To do what now?

Chris Beyerhelm: To do drafting.

Gerald Lunak: Janie and Sarah.

Mary Thompson: Would you repeat your motion --

Mark Wadsworth: Correct me if I'm wrong, but the motion on the floor from Gerald Lunak is that we pass a vote on the procedure of having the OTR staff give us a copy of the regulations and compile the data.

Gerald Lunak: They would, yes, compile.

Mark Wadsworth: Sarah.

Sarah Vogel: Not regulations. You mean recommendations?

Mark Wadsworth: Recommendations. I'm sorry about that.

Joanna Stancil: You meant the topic areas?

Mark Wadsworth: No. The recommendations.

Sarah Vogel: And If I could volunteer to work with Janie?

Mark Wadsworth: Yes.

Mary Thompson: And is that once we have decided what those top 10 priorities are? You're just going to compile all the information and give it to us? Thank you.

Mark Wadsworth: I think the motion on the floor is just to have the staff start working on the recommendations.

Gerald Lunak: Yes.

Mary Thompson: I see.

Chris Beyerhelm: Point of clarification. Okay, is it -- I think that's a good idea, but is it expected that OTR and Washington folks are also going to draft up the proposed solution?

Joanna Stancil: It was --

Mary Thompson: Yes.

Mark Wadsworth: No. I believe, no.

Joanna Stancil: No. This is Joanna. Point of clarifications: My understanding under the FACA rules, the recommendations come from the body of the council, not the Office of Tribal Relations, and that includes all council members in agreement through consensus process. What we can help you with is any of the topics that Janie approached or I mentioned today or that were mentioned in here, I think that's what Tony and staff were thinking about doing. They'll

give you, I guess, some examples but they'll also type up some of the topic areas that we've heard from the tribes of being of importance to a large body of Indian country, like the youth issues, how you're going to deal with USDA and how to deal with youth, technical assistance, extension, education, outreach -- those were the topics we were talking about, making sure that you all had them and how you categorize them, how you prioritize them, vote on them, and make recommendations how to resolve those issues. First, I guess, identifying what the barrier is and then making a recommendation to overcome the barrier [sounds like]. That's the work of the council. Does that clarify that?

Mark Wadsworth: Yes. But can we ask the council designate Janie, yourself, and Sarah to do this work?

Joanna Stancil: To pool your ideas and recommendations together?

Mark Wadsworth: Yes.

Joanna Stancil: Of course. That's how -- you decide how you're going to [indiscernible].

Mark Wadsworth: Okay. The motion on the floor then is to have compiling of the recommendations at this point to begin with, and this will be done by Janie Hipp, Sarah Vogel, and Joanna Stancil. Is there a second?

Jerry McPeak: Second.

Mark Wadsworth: Second. Motion has been second. All those -- we'll go to a voice vote. All those in favor, say, "aye."

All: Aye.

Mark Wadsworth: Any nays? Motion passes. I believe that there's a second motion on the floor that basically says that it'll be the council duty to respond to these recommendations in a ranking criteria and to get those back to the council for review. Should we give this a timeframe in two weeks or should we just do 10 working days?

Jerry McPeak: Ten days are [indiscernible]. Eight.

Mark Wadsworth: Do we want to get that technical or --

Jerry McPeak: Yes, I think [indiscernible] timeframe [indiscernible] timeframe with. If you don't get into that time, you don't count. [Indiscernible] late.

Mark Wadsworth: Okay.

[CD5 Track 4]

Juan Garcia: Mr. Chairman, if I can have some clarification and whatever's going to be sent out, I just want to clarify or understand, is it a list of topics that we're going to be looking at and then -- because if you have a topic, then, okay, then you have to formulate a recommendation of some type based on that topic. So, are we going to be sending out topics to categorize once the topics are categorized, then a

recommendation will be formulated on that particular topic? Is that my understanding?

Mark Wadsworth: That's my understanding, yes.

Juan Garcia: Okay. I just wanted to make it clear.

Mark Wadsworth: Go ahead, Sarah.

Sarah Vogel: Yes. I just wanted to clarify that I think the first list that goes out is going to be the baby in the bathtub, and blah, blah, everything, kitchen sink. It'll be everything. And then, it'll be filtered through the individual members of the council as to what they think is the most important, where we should start with the secretary, and then we'll focus on drafting those. That would be the second round, so maybe -- I mean, that would take more time too, but I think the first round is to get guidance from the entire council.

Mark Wadsworth: And the point is, is what timeframe will we need to get those first out.

Sarah Vogel: What?

Jerry McPeak: The point is, you want more time or less time or --

Sarah Vogel: Well, I think there'll be two rounds.

Mark Wadsworth: Yes, there will be two rounds.

Sarah Vogel: The first round will be here's the big list, and then the second round is after it's been narrowed, the second round would be these are the top 10, here's a draft,

please give feedback.

Gerald Lunak: This is Gerald Lunak. Most of that would be 10 days, 10 working days, 10 days, that's 240 hours of time for everybody?

Sarah Vogel: Both of them within 10 days?

Mark Wadsworth: No, no. Just the one. The ranking. Just the ranking.

Gerald Lunak: [Cross-talking].

Mark Wadsworth: Now, we could try to combine both resolutions.

Joanna Stancil: We have the record in Sarah's office.

Sarah Vogel: Yes. And I think it's good while everything is fresh in people's minds. It's a lot easier that way, yes.

Mark Wadsworth: Yes, Joanna?

Joanna Stancil: This is Joanna, for the record. Now, the list that Janie and I brought up today in this meeting is not the all inclusive list and never was meant to. It was meant to get your thought processes and dialogue going. So, please don't feel that just because we brought these topics up in this meeting, that that's what you're locked into. Those are the ones, those are the areas that we've heard a lot in Indian country, so we throw them out there just to get you started. And if you choose to adopt all of them, that's fine. If you don't that's --

Mark Wadsworth: Yes, Mary?

Mary Thompson: Do you hand them out or you just --?

Joanna Stancil: No. We'll type them up and send them to you is what we're going to do.

Angela Sandstol: Well, but as we've been talking, yes, we were going to get a list of issues or that come up in consultation from you all. I think I say it's a list of some issues that have been brought to their attention and any other organizations over the last couple of days, somebody will say, \ I want to copy and we're going to get them all out. So, you need to include those in your first --

Mark Wadsworth: I believe that it is understood because we also have these roundtables that have been occurring that have their recommendations also. What we're trying to do is compile so that we can look at these. And we're not going to exclude anybody's. We're just trying to say we're going to get these into our hands, and then from that, then we'll rank them individually of what we think our top 10 concerns are. My top 10 may differ from somebody else's, but then from that, we'll say, well, our first recommendation out of the -- how many council do we have here? Thirteen?

Female Voice: Fifteen.

Mark Wadsworth: We had 15 numbers one's on this issue, we had 17 -- or, geez, 13 on number two, that were there.

Gerald Lunak: Seventeen on [indiscernible].

Mark Wadsworth: Yes, I know. But anyway. So, I think we're trying to take this just one step at a time, it sounds to me. So, we'll do it one step at a time for now. So, the motion on the floor is for Janie, Sarah, and Joanna to send us all the recommendations from all the roundtables and all the input that we had from everyone, to send it to the remaining council members within 10 days so that we can start our review.

Gerald Lunak: That we would respond in 10 days?

Mark Wadsworth: And then, after that, we have to respond within 10 days. Do you want to amend the resolution to include that? And then further after receiving the recommendations, we'll have 10 days to send those back to Janie, Joanna, Sarah, and everyone with the ranking criteria.

Sarah Vogel: By the way, I think the feedback could be faster than 10 days. If the gathering, collecting, writing them up takes 10 days, feedback could take five.

Mark Wadsworth: Okay. We'll shorten it by five days. Does everybody agree?

Jerry McPeak: Lord, I thought you all are going to [indiscernible]. You understand this thing, right?

Juan Garcia: We have a short turn around.

Gerald Lunak: You second that recommendation?

Jerry McPeak: Yes, I'm all over it.

Mark Wadsworth: Okay. It's been moved and seconded. All those in favor, say "aye."

All: Aye.

Mark Wadsworth: Anyone opposed, say "nay." Motion passes.

Jerry McPeak: [Indiscernible] and observations?

Mark Wadsworth: Yes. Go ahead.

Jerry McPeak: Mr. Chairman, an observation -- I was being -- this is Jerry. I was being serious a while ago. Folks, if it says five days, you'll get it in five days. Don't be grappling somebody about yours wasn't counted. You said five days, five days is a drop-dead date.

Mark Wadsworth: Go ahead, Gilbert.

Gilbert Harrison: What kind of numerical scoring system would we recommend? The most important ones will get five points, then down to one? The least will get one? So what's the --- one through 10 --

Female Voice: The first five.

Gilbert Harrison: Okay. Thank you.

Male Voice: [Indiscernible].

Mark Wadsworth: Yes, Angela?

Angela Sandstol: Is that work days or calendar days?

Mark Wadsworth: They just want calendar days.

Angela Sandstol: Calendar days. You ought to specify it.

Mark Wadsworth: Yes. Yes, Janie.

Janie Hipp: Mr. Chairman, can I suggest that, I think we've got our 10 days and we've got five days after that, and I'm not so certain that I want to be totally firm of the very end date, that it's ready to walk out the door, there's always something that happens. But my feeling is that once you go through the seeing the kitchen sink and then we'd rank, and then the team comes back together, assuming [indiscernible] it'll be a shorter document than the kitchen sink, and it goes back out. I think that we can't afford to bring everybody physically together to deliberate but we can deliberate by telephone, and we've got to do that in a legal way. And so, we can do that but we just got to be -- we're going to have to set a date, Joanna, deliberate by phone to establish how we vote on these [indiscernible].

[CD5 Track 5]

Joanna Stancil: And may -- sorry. I was going to clarify it [indiscernible]

Mark Wadsworth: Yes, go ahead, Chris.

Chris Beyerhelm: Well, I just wanted to add to that. I mean, my recommendation would be once we get them prioritized, the top 10, that we're going to break into subcommittees and prepare the responses. Because I don't think this group -- I don't think 15 people can get on the phone and try to get a coherent response to these. And this is the way it's normally

handled in advisory committee meetings. They actually meet in subgroups in different rooms, come up with a proposed resolution and then they bring it back and share it with the group. So, at least you get some flavor for the discussion that took place around coming to that resolution rather than just seeing it on an e-mail.

Mark Wadsworth: [Indiscernible].

Chris Beyerhelm: That's correct. Right. But they're not going to be part of the big discussion.

Angela Sandstol: Mark.

Mark Wadsworth: Yes, Angela?

Angela Sandstol: [Indiscernible] based on what people ranked, we'll kind of reflect on what committee subgroup [indiscernible].

Chris Beyerhelm: Yes.

Mark Wadsworth: Yes, it would.

Chris Beyerhelm: Yes. That'll help set that up, yes.

Joanna Stancil: So the next thing on the agenda is to figure out how to go to structure this. But anytime that you deliberate in preparation to make recommendations becomes a public opportunity even if it's on the telephone, so that's what Janie was trying to bring up. When you decide on setting a firm date, we have to notify the public through the Federal Register and give that 15 days before your event happens. So, there is a

process in following the federal -- FACA regulations. So, in doing that, you want to build that in. But if it's the discussion, the due-diligence part of it, but if you're coming to deliberate, then we need to announce that in the Federal Register and make that open to the public, which would basically be giving our call that we'd all be part of and I'll be part of it. So, just take that into consideration.

And one of the things I think -- this is just from me personally as a DFO, that one of the things that Janie and I had talked about earlier for OTR is things that we know we have a window that might be closing. If the administration change or Vilsack decides not to stay with us because of his support, how supportive he's been, to look at things that we can accomplish within our own office, and as we prioritize projects, what do we absolutely have to try to get pushed through while this administration is still in office or Vilsack is still sitting in that position, and looking at short-, intermediate-, and long-term goals or objectives of what we're going to have to try to accomplish. And I don't know if that applies to your recommendations, but some of them will be long-range and some are [indiscernible], some you would hope to try to get through quickly. Thank you.

Mark Wadsworth: And if I understand you correctly then, after we've ranked them and we come back with our top 10, then

at that time that we do your conference call and designating the committees to work on each separate group, will that have to have the 15-day notification during that conference call?

Joanna Stancil: I don't think so. But when you come back as a body to decide on the recommendations, yes.

Mark Wadsworth: Oh, as a body.

Juan Garcia: [Indiscernible] to decide.

Mark Wadsworth: Okay. So we don't have to worry about meeting --

Joanna Stancil: No. I don't think there's enough life left in any of us to do that.

Mark Wadsworth: But we will have to come together as a body after the committees have come up with their final --

Joanna Stancil: Yes, we'll make that a public one. But I do want to be on any -- if what I can, is on any of the subcommittee [indiscernible] I have to be in attendance on the phone or something.

Mark Wadsworth: So, when we have subcommittee recommendations come before the board, can we do that on a conference call but we have to have a 15-day notification?

Joanna Stancil: The individual subcommittees?

Mark Wadsworth: When they come through to the [indiscernible] council.

Joanna Stancil: Technically, yes, but I don't think it's going to work well for this council. So, I think if we come together as a body -- and I will double check this -- as you come together as a body to -- because the structure is the committees go and do their work, they do their research, they do their due diligence, they bring their thoughts and their recommendations forward to the council.

Mark Wadsworth: Okay.

Joanna Stancil: So, they have to come to you.

Mark Wadsworth: Okay.

Joanna Stancil: They don't send anything as independent bodies at all. And at that point, you collectively would take those into considerations and do your deliberations on what you're going to do, that meeting has to be public.

Mark Wadsworth: Okay.

Joanna Stancil: Okay. Janie? So, that has to be --

Mark Wadsworth: I think that we're kind of missing the real situation here. We need to pass our by-laws.

Janie Hipp: Yes.

Joanna Stancil: Yes.

Mark Wadsworth: Okay.

Joanna Stancil: And did we bring those copies of the by-laws changes?

Mark Wadsworth: You know, when we had the recommendations to change our by-laws, we still have not totally --

Joanna Stancil: Well, what --

Janie Hipp: The only thing that we had -- excuse me, Mr. Chairman.

Mark Wadsworth: Yes.

Janie Hipp: The only thing we had outstanding, and I can go through the lists of the by-laws, we all had -- we walked through and gathered all the amendments to the by-laws. The only thing that was outstanding was the insertion of language that was of a general nature that captured the sense of the council about reconciliation and creating new relationship with USDA. We have decided that we would -- well, we hadn't decided -- we talked about inserting an additional bullet in the role of the council. And the assistant secretary for Civil Rights, Office of General Counsel, and myself worked on some language, and Lisa has it, and can -- and it's language that has passed through the Office of General Counsel is what I'm saying. And so, it has been blessed, which Joanna needs to know.

Joanna Stancil: I just learned that now. And on that note too, we incorporated, we did -- and I'm sorry that we don't have it -- yes, we did incorporate all of the changes including, you know, we were talking about that Exemption 4 on the FOIAs, the FOIA? And we have language for that. In fact, there are nine -

- I think there're eight or nine exemptions, but we have the language from the FOIA on the Exemption 4 to be inserted.

Male Voice: What's a FOIA?

Joanna Stancil: Freedom of Information Act.

Male Voice: Oh, okay.

Janie Hipp: If we need to, Mr. Chairman, I can walk through that one more time and I can tell you exactly what's been done. My understanding from our conversation on Monday was that the only thing we needed to do that was kind of left dangling was to insert language that identified the Freedom of Information Act section that Joanna referred to. And Rick has advanced that language for us. It's been blessed by the Office of General Counsel. So, all that was going to do is be a footnote to identify what that section was, because it was vague in the by-law. The only other section that we added that we needed to work on the language and we have worked on the language and we're ready to propose it to the council was in the role of the council in the first section, I think it's page one.

Juan Garcia: Section 3.

Janie Hipp: Section 3? And Lisa, if you -- Mr. Chairman, if you would allow Lisa to actually say the language that Office of General Counsel has approved, that her office drafted, I think if we can reach agreement on that, then we can put those

by-laws to bed.

Joanna Stancil: And you can vote on them without having the physical copy in front of you as amended. An amendment's been made [indiscernible].

Mark Wadsworth: Okay. Lisa, would you enlighten the council on the new language?

[CD5 Track 6]

Lisa Pino: Thanks, everyone. This is Lisa Pino with the Office of Civil Rights. So, I'm just going to do a quick before and after just to refresh your memory. What was suggested the other day was that the additional -- now, this is an additional amendment within the proposed amendment to the council by-laws is that we were going to add -- this was as of yesterday -- the following. Evaluate methods to promote reconciliation by USDA with the Native American communities across all program areas. That was the before. And we've tweaked the language a little bit to be both -- we wanted to be a little bit more specific and a little bit more constructive. So, instead, we've all agreed upon the following. "Evaluate methods to promote reconciliation through the creation and restoration of relationships with Native American communities across all program areas to strengthen consultation and collaboration."

I'm happy to repeat that. I'm going to do it one time? The after? So, the after is proposed: Evaluate methods --

Chris Beyerhelm: Lisa, I'm sorry. Are you in Section 3 right now?

Lisa Pino: I don't know. This is Section 3, that's correct.

Chris Beyerhelm: Okay. Just to clarify, so we're inserting this bullet second from the bottom?

Juan Garcia: Yes, second from the bottom.

Lisa Pino: Exactly. Yes, it's just one more bullet. So, instead, what we proposed is: Evaluate methods to promote reconciliation through the creation and restoration of relationships with Native American communities across all program areas to strengthen consultation and collaboration.

So, we wanted to really hit the essence on the head. Is everyone all right with that? Okay. Good. It's now really blessed. Thank you.

Mark Wadsworth: I guess, we need a formal motion to accept the by-laws.

Female Voice: [Indiscernible]

Gerald Lunak: Second.

Mark Wadsworth: It's been motioned and seconded to accept the by-laws with the recommendations of the council from the previous meeting with the new language inserted in Section 3: Role of the Council. All those in favor?

All: Aye.

Mark Wadsworth: Anyone opposed? Motion passes.

Next agenda item, or are we continuing on with the recommendation process? Yes, I think we're going to skip by the subcommittee portion because that will be forthcoming. We have to plan our next advisory committee meeting. That's been -- well, go ahead, sir. Angela, I mean, please.

Joanna Stancil: See?

Female Voice: [Indiscernible].

Angela Sandstol: I was just wondering, I've been looking here, I don't want to look entirely but did we have the subcommittees in our by-laws?

Joanna Stancil: They're mentioned in there, yes.

Angela Sandstol: Okay. So it says how many people will sit on there?

Joanna Stancil: No.

Mark Wadsworth: No.

Joanna Stancil: That's strictly -- there are no --

Angela Sandstol: So, that's what --

Joanna Stancil: There's flexibility.

Angela Sandstol: Do we kind of want to cover at least that part?

Gerald Lunak: No.

Angela Sandstol: No?

Gerald Lunak: May I just --

Mark Wadsworth: Go right ahead, Gerry.

Gerald Lunak: In my experience with what you're doing, you're backing yourself in a corner, you don't have to. You want to leave as much generality as possible so you don't back yourself in a situation that you can't deal with. Without having a certain number -- you don't have quorum, you have all kinds of situation in the House. So, you're a whole lot better off not to quantify that and just let it go and have what you need fit when you need fitted.

Angela Sandstol: [Indiscernible].

Gerald Lunak: In my opinion. My experience and my opinion.

Male Voice: It's a good idea.

Joanna Stancil: Now, the only caveat -- and Janie's going to join me on this -- is in the charter, is that there has to be, I think, two members of the council that sit on the subcommittee. You are not restricted under FACA rules to limit yourself just to appointed council members. If you decide on a topic area for a subcommittee, you are allowed and encouraged even to go forward into your community with your constituency based and bring others to serve on that subcommittee and help you come up with your recommendations. It could be somebody from your community, it could be a member of youth, it could be an elder, it could be someone that's a specialist in

subsistence, food, education. Whatever the area of the topics you're going to be discussing, you can invite somebody to work on the subcommittee with you. But there does have to be -- and that's where I'm kind of in a gray area. I think we've read where it said two, but I think you're okay with one. Janie?

Mark Wadsworth: Yes, Janie?

Janie Hipp: Mr. Chairman, I kind of have a sense of everybody's milling about on this issue right now, it kind of sounds to me, and I think I've heard it said already, that we would all feel more comfortable if we kind of solve the kitchen sink themes and recommendations before we commit to any sort of a subcommittee. And based on what Gerry just said, boy, that sure does make a lot of sense to me. [Indiscernible] set some right now and maybe be in that space where we are fluid enough that we can appoint what is needed, but not create something that we don't want to live with. [Indiscernible]. Gerry?

Gerald Lunak: Yes, kind of like I told [indiscernible] state legislator: I said what I meant and meant what I said [indiscernible] anything else, I said it. Along with - you're saying -- to me, something that sounds a little dangerous [sounds like]. Those folks you're bringing in to be advisors but they don't have a voting right.

Male Voice: Right, exactly.

Mary Thompson: Well, what I was just talking about was how many members that are [indiscernible]. I'm sorry.

[Indiscernible]

Joanna Stancil: Two are required.

Female Voice: [Indiscernible].

Juan Garcia: At least two.

Joanna Stancil: At least two are required, yes.

Male Voice: Two from this council?

Joanna Stancil: Yes, on each subcommittee.

Juan Garcia: At least two.

Mary Thompson: All right. [Indiscernible].

Janie Hipp: But the point I'm trying to make is I think it's early.

Mark Wadsworth: Yes. Well, I think I tried to make that point at the beginning here, is that we were too early to go into the subcommittee format on our agenda at this point in time.

And, just as what I had been looking at to, is as a part of our communications with the secretary and every other person or group that we're involved with, I think we have to come up with some sort of official letterhead recognized by the council. This looks quite nice and stuff, but I was just wondering how that would look about one inch tall. It'd be quite crowded in there with that logo.

Joanna Stancil: Actually, it doesn't look that bad.

Mark Wadsworth: It doesn't?

Joanna Stancil: It doesn't, no.

Mark Wadsworth: Okay.

Joanna Stancil: And I think though, on any letterhead that comes out of here -- I'll have to check on that, but it may also need -- this is not a logo, it is a brand. There is a little bit of a difference. And the only logo that's allowed on official USDA stationery or letterhead would be the USDA, and we are part of USDA. So, -- let me check on that and we could -- We are so thankful that the FSA folks, their graphic artist created that for us. They would be kind enough to maybe lock that down into [indiscernible] that would be great. We'll just check on making sure with the Office of Communications [indiscernible] we will have that.

Mark Wadsworth: Before we adjourn, I know that I would like to sincerely thank the council in this group. It is really needed, and I think that we finally have our voice. If we can really work good together, I think we can get a lot of things accomplished, and in a positive way. I really appreciate every one of you. And I imagine, Porter, you'd like to say something also.

Porter Holder: Sure. Could we allow each person on the committee to have three minutes to make a final statement?

Mark Wadsworth: You bet you.

Sarah Vogel: And before we adjourn, shouldn't we tentatively discuss at least the next time we get together? Because I have an idea.

Joanna Stancil: It's on the agenda.

Mark Wadsworth: Our next meeting.

Chris Beyerhelm: Well, I would -- I'm sorry, Mr. Chairman. Janie, do we need to talk about site [indiscernible]?

Janie Hipp: No.

Chris Beyerhelm: Okay.

Janie Hipp: I don't think so. It's too early for that.

Mark Wadsworth: I think what we're looking at here is after we get our subcommittees together, then I think that's kind of the opportune time to come back together, unless you feel that we can accomplish this subcommittee recommendations over a conference call. And I do not know what the budget is for travel to get us places or anything to that effect, but I'll rely upon your expertise and direction to us of what would be the next logical step in a meeting.

[End of transcript 5]

**Council for Native American
Farming and Ranching, Meeting: August 14-15, 2012
CD6 8-15-12 Track01 to Track06**

[Start of CD 6 8-15-12 Track 1]

Female Voice: Mr. Chairman, we're required by the

settlement agreement to meet twice a year so [cross-talking] --

Female Voice: Could I --

Female Voice: And that could be in person if we have funding or telephonically.

Female Voice: Could I just spin out a concept. I think we were perhaps hopeful that the council could get going faster. I know USDA was working on stuff, but with the clearance process, the application process, the recommendation. So now it's 2012. We're meeting in August. I think it would be fabulous if we could swing one more meeting in the year 2012, especially because we're in the start-up phase, and maybe not a three-day meeting but a meeting where we could get together and dig in more. And I think one of the goals of the council I think is to gain greater visibility in Indian country for this council and the role that we could take. And one great opportunity that's coming up, which we should think about now if we want to think about it, would be to have a meeting in conjunction with the IAC big gathering in December, and it's in Las Vegas. But Las Vegas has advantages because it's cheap.

Female Voice: Yes, it is.

Female Voice: It's a cheaper place to get to. I hate Las Vegas, despise Las Vegas. I mean I'd rather come here. But at the IAC meeting, they might have -- they have all of the big ag tribes tend to go. And maybe Zach could talk a little bit more about the conference. I have personally never -- I don't think I've ever been there, but I know other lawyers from our team have. It's just an idea, something to think about.

Male Voice: Since our meeting isn't going to be open to the public, I think we'd have to really coordinate with these, their agenda items, so that we're not stepping on their toes. What do you think? [Indiscernible].

Male Voice: I think the IAC would be honored to have a meeting with the council there. I think the organization would feel like it's a culmination of its life's work as well to have this magnitude of voice in going forward to do policies. If that's what the council decides, we will make it work. We will make this work. We'll probably do a general session [indiscernible] your comments with the public [indiscernible].

Female Voice: That would be awesome.

Male Voice: Only if you want to watch a rodeo.

Male Voice: 10th through the 14th of December.

Male Voice: What dates?

Male Voice: 10th through the 14th of December.

Male Voice: Yes, Mary. What was it?

Mary Thompson: This is just a side comment, but could the IAC, would the World Rodeo Championship be going on about this?

Participants: Yes [cross-talking] --

Mary Thompson: And tickets? [Cross-talking] --

Male Voice: Go ahead. Go ahead, Janie.

Janie Hipp: The only thing I will say out loud, because Juan and I are trading looks here, the only thing I'll say out loud, and I totally concur with Zach, this council is as much a part of IAC's life's work as anything else. But we're going to have to very carefully and very diligently get special permission from the secretary to meet in Las Vegas because of the indiscretions that will remain unnamed.

Male Voice: Yes.

Female Voice: Oh.

Janie Hipp: Remember?

Female Voice: Oh yes.

Janie Hipp: And so it's just that. And we do have the ability to get permission to do that. We can. But I think we're going to have to jump through that hoop, don't you think, Juan?

Juan Garcia: I totally agree, Janie. If --

Female Voice: And stay in Las Vegas.

Juan Garcia: Mr. Chairman?

Male Voice: Yes, Juan?

Juan Garcia: In trying to decide how many times a year we can meet, of course, it's a budgetary issue and everyone knows about the budgetary issues. So I think Chris and I from FSA will do our best to provide, set aside funding for meetings because the funding has to come from FSA from our budget, so the meeting of the council is very important. I know I think you said we're required to meet at least twice a year. I think if we can come up with funding to have one face-to-face meeting and maybe the other meeting, or other meetings could be via teleconference, we'll figure that out. But budgetary constraints, we've got to set aside the budget to get everyone there.

Female Voice: Let me just say that I think when we are talking about meetings of the council and when we're drafting the settlement agreement, we did mean meetings. I mean I think in addition, we could have telephone conference calls. But my experience with telephone conference calls is not as satisfactory as in-person meetings, at least while we're in the start-up phase. That's just in terms of having a second meeting having it be a formal meeting as opposed to ratifying a document or whatever, I guess I'd be reluctant to do that just over the phone.

Female Voice: Now here is a question, Janie and everyone. When we say two meetings a year, I don't remember anything in the charter that was specific, whether it was a fiscal year or a calendar year. So December would be a new fiscal year. So since the funding is fiscal, right?

Male Voice: Right. [Cross-talking] --

Female Voice: So it would have been a different budgetary--

Male Voice: Fiscal year.

Female Voice: Fiscal year. So if funding were there, that would be the one that could possibly be the one in face-to-face meeting if they didn't come up with funding for a second.

Janie Hipp: Page 34 of the settlement agreement, which controls in this matter, says, "USDA will schedule council meetings no fewer than two times each fiscal year and determine the locations of those meetings."

Female Voice: The locations?

Janie Hipp: Yes. And it says, "If USDA or the council determines that a meeting cannot be held as scheduled, the USDA will reschedule the meeting for a date within the fiscal year if such a date is appropriate." I mean I think that first of all, it took us months to get the charter in place, and so we're literally within 30 days of the end of the fiscal year, so that's not going to happen because we cannot meet the notice requirements to actually have a second meeting within this

fiscal year. So the first fiscal year that we'll be able to have two physical meetings will be next fiscal year.

Male Voice: Right.

Female Voice: And this year is a fiscal year. I mean this counts on the five-year life of the commission, the council. And there is also a comment about -- what page is that again, Janie?

Janie Hipp: Thirty four.

Female Voice: I guess the way I read it is that if we miss a meeting, which we did this fiscal year, we should make up for it. So does that mean three meetings next fiscal year? And by the way, it was at least two. I always envision that it might be necessary to meet more frequently during the start-up.

Male Voice: [cross-talking] -- have a point because also, I think that the council should be aware that there is a new range land range group that is starting to kick off quite heavily. And it seems to me that we're getting a whole new audience of individuals that deal with range, which is the predominant agriculture area within Indian country. And I believe their meeting is going to be in Oklahoma City in February or something to that effect, March time frame as possible other meetings, like bringing those people on board also.

Now I'm going to ask a question here, and I hope I'm not opening up a can of worms, but I hope I'm opening up a solution. But as a part of what I've learned through this class action lawsuit was that the money that was dedicated for the settlement was not all used. If not all of that money was used and one of the purposes within that settlement was to promote an organization or a council that we work on, it seems just logical to me that some of that leftover funding could possibly be used for our purposes of fulfilling what the need is of the settlement as a perhaps possible funding source. I don't expect an answer now. I'm just kicking that out.

Female Voice: I could give a partial answer now, and that is the cy pres provisions of the settlement agreement, as the settlement agreement is written, restrict eligible entities to not for profits that were in business which were not a not for profit that were in business in providing services to farmers and ranchers between 1981 and 1999. So this council would not be eligible as the settlement agreement is written.

[CD6 Track 2]

Janie Hipp: Mr. Chairman, but I --

Female Voice: By the way, I misspoke when I was thinking that their meetings were supposed to be -- I think the settlement agreement does contemplate, and forgive me, Juan, because I think it does contemplate telephonic meetings.

Juan Garcia: I'm sorry?

Female Voice: The settlement agreement definitely does contemplate telephonic meetings if need be.

Male Voice: Yes, Janie?

Janie Hipp: I know we're kind of bouncing around here, but you did open a can of worms.

Male Voice: She said [indiscernible].

Janie Hipp: And I misspoke, Chris, and I'm sorry. The cy pres funds that are going to be left over from the Keepseagle, the payment of the Track A and Track B claims is going to end up being a substantial amount of money. And I would hope that this council could think about does it want to express any recommendations to the Keepseagle lawyers for the use of that money, or does it want to keep quiet? I think it could do that, or it could do either one of those. The point of the matter is that a full disclosure of what the full measure of the Keepseagle settlement is all about is that there will be a remainder of funds left in the settlement that will be disposed of by the terms of the settlement. And Sarah just read those terms to us. It doesn't contemplate that this council would be able to be the recipient of any of those funds because it's not written that way. And I think we might have some legal issues even having a FACA Committee accept funds. So that's a whole -- I don't think we can do it.

But it does kind of speak to thoughts of the council being forwarded to the Keepseagle legal team. Sarah is on that team, and I think she would have to guide us on that. But at the end of the day, that's probably just the extent of our role as a council. Individually, who knows? But I think we don't have a very -- Sarah, I mean help me here. I don't know what the role of the council is that we could even do anything.

Sarah Vogel: Right now, we're quite a ways away. Our first priority is get the money out the door, take care of the Bs, take care of the debt relief. So I suspect that come around October, our heads will be coming up and we will have something, a more concrete fleshed out process for getting input. We're not there yet. And this is a subject that's of great interest to many people, but I think that the time is not now, but the time will be shortly where we will be seeking input.

And who better than this council to provide that kind of input, although this council's role is assisting, advising the secretary and removing barriers to USDA programs. And the cy pres fund is to assist nonprofit groups.

Male Voice: Yes, Chris?

Chris Beyerhelm: And to that point, sir, and I don't want to -- I understand it is what it is and that limitations are what they are. What I suspect is when we start making

recommendations to the secretary and we start responding that some of our responses are going to be, "We don't have the resources to do what you're asking us to do." So if there is a way to somehow redirect some of that money to help USDA provide some of this assistance that this council is going to ask for that won't be in violation of the spirit, I could certainly articulate that it would not be in violation of the spirit of that cy pres fund. I would encourage you, whatever influence you have, to perhaps make that argument.

I mean we reduced staff by 12.5 percent. One of every eight employees we had in the field is gone. We closed offices. And as we're asked to do more and more -- and I'm not whining. These are just the facts. We're down -- you know how teachers have to buy their own pencils and papers? Our county office employees are buying their own ink to send letters out of their own pockets. I mean we are down to the bare minimum. So if there is a way to redirect any of that fund, I just would encourage of course that to happen.

Male Voice: All right. We'll be looking for that actually even in the future then, huh?

Janie Hipp: Yes. I think that's the only reason I brought it up, Mr. Chairman, is that it's a time horizon thing that - that's about it.

Male Voice: Okay. All right. Before we adjourn, there

was a recommendation by Jerry McPeak to give every council member a two to three-minute comment, your feelings towards council.

Lisa Pino: Mr. Chairman? Do you mind if I go first?

Male Voice: Go right ahead, Lisa.

Female Voice: Who made the motion?

Male Voice: Do we have to pass this motion or should we just --

Male Voice: You can get by your own chairmanship.

Male Voice: Being the chairman, I did not make that motion. It had to come from somebody, so we will not act on that language. Go ahead, Lisa.

Lisa Pino: Thanks, everyone. Just in conclusion, because unfortunately, I have to leave early, this is Lisa Pino from Civil Rights. I just wanted to take a couple of moments to first say, on behalf of my boss, Assistant Secretary Dr. Leonard, and our entire staff at the Civil Rights Office, that this has really been such an honor and privilege to be here with all of you today and yesterday as part of the council. This is really history in the making. It's a really special opportunity for all of us.

I just joined the office recently a couple of months ago, but I know that our office has played an integral role in making Keepseagle, the settlement a success. It's a testament to all

of our work together. And just the opportunity to be here with all of you, I mean the role for our office is really to listen and ensure that all the objectives here are protected and really do carry through within the building.

But I just remember that I first had the honor of working with Janie three years ago. I can't believe it. Because when I was at the Food and Nutrition Service, I participated in the tribal consultations mainly with the SNAP Program but for all of our Nutrition Assistance programs. And to be able to travel the country and represent the secretary and the administration and seeing firsthand and listening firsthand all the issues and food deserts and the lack of healthy food and impact for children and adults and elders, everything from diabetes to chronic heart disease and just the opportunity and potential of developing the land so that tribes can establish their own food ecosystems is really powerful.

And then I had the privilege of helping the First Lady launch Let's Move! in Indian country when visited the Menominee tribe in Wisconsin. And member Dustin and I were out there and we helped advise on the opening of the first grocery store for the reservation and that they hadn't had in almost 20 years. I mean that was really spectacular. And just from a personal note, I am a born and bred New Yorker. I'm a city kid. Don't hold it against me. But I actually spent about half of my

life in Arizona. And I still remember to this day the first time that I drove cross-country because I had never been far West before. And I ended up going to law school at Arizona State, which, at the time, one of our professors was this really funny nice guy named Kevin Gover, and he is now the director here at the museum. And this morning, I saw Gwen Salt, who was in my law school class, who's now working at the NACI.

So I've always been really impressed, very impressed and touched by my native friends back in Arizona and being able to visit areas like Navajo country or Wisconsin. But the respect for the land, the respect for community and heritage, the values and traditions, it's something that's really special. And so I just wanted to share before I go to Arizona tomorrow to go back to the Four Corners, I have to recharge here in D.C. It's something that's necessary when you're here too long. But both from a personal level and professional capacity, the Office of Civil Rights would do everything we can to help and support you. We're happy to do it. We're honored to do it. Thank you so much and I wish you all the best and safe travels back home.

Female Voice: Thank you.

[CD6 Track 3]

Male Voice: If you like to carry on, Gilbert. Gilbert, would you like to have a few words?

Gilbert Harrison: Thank you, Mr. Chairman and members of the council. Before Monday, I had not met many of you. I think Janie, I met her a couple of times and a couple members of her staff. But over the last couple of days, it's been an experience. I think I feel in a sense we all have our hearts and our minds going the right way. Sometimes, we may not be very explicit about what we want, but as a group, I feel that we're going to achieve a lot of things. I know that I have said before I'd like to see a little more emphasis on the little guy because a lot of my activities involve smaller ranchers and smaller farmers family types of activities, and those, sometimes they seem to get steamrolled over. So in that sense, I'm glad that we at least have an ear when we talk about some of these bigger projects. And I'd like to see those. And I think I will enjoy being on this committee and serving with you all. And we'll see what we can do, and I wish you all a safe trip home. Thank you very much.

Male Voice: Thank you.

Janie Hipp: Am I next?

Male Voice: Yes, Janie.

Janie Hipp: I'm going to keep it short because I'll start bawling if I don't. But this is a dream come true for me. It just is. And we have a lot of work to do and I don't think we should ever think that this isn't going to be a lot of

work. But I think we can do it. And I think we do -- I'm like you. I think everybody has got their hearts and minds in the right place and looking forward and looking out and thinking about our young people. It's just, it's overwhelming to me sometimes, and of all the things our office does, this makes me the most emotional, is being in this space. And I think it goes back to having spent 30 years in this place as a lawyer and just this is my passion and this is what I'm going to spend the rest of my life doing, is being in this space.

But I want to leave you all with something to think about. One of our staff -- we got the best staff on the planet. John is incredible. Tony is incredible. Everybody we've worked -- Barbara was incredible but she's not there anymore. Joanna is a great new addition and it's just going to be great working with her too. And Dustin, he was incredible, and I wish we could have flown him back to be here because he sweat bullets over this with everybody else. But I'll never forget Ross in the council, the Rural Council meeting, the first one that Kim hosted in the White House on Native American food and agriculture. And we were talking about a whole bunch of stuff, and Ross stood up and he said tribal consultation and us making progress on these issues cannot depend on Janie or Dustin -- you weren't here with us yet -- Harriet or Tony. It cannot depend on an Office of Tribal Relations always being in the room. It

just can't. And I know that the leadership at FSA are totally on board with this fully, 100 percent. There is no hesitation at all from them. They are going to be such a force to work with us.

But at the end of the day, we've got to be thinking, to me, about two things, is one, how are we going to deal with our youth in making sure that they have a future? But also, how are we going to institutionalize everything that we think and talk about so that it doesn't depend on a person or a group of people? That it just really becomes a part of how USDA works with Indian country at large in everything we do. And I think that whenever I have the chance to address all the senior advisers or anybody at that level or anybody at a county office, I always remind them that USDA has, in our traditional 1938 suite of programs, we have so many things that Indian country needs. And today's a new day. I'm going to wake up tomorrow and I'm going to keep putting one foot in front of the other to try to make sure that everybody in Indian country knows what we have to offer, knows what a great partner we can be for Indian country on every issue.

And I think that we got huge budget problems. We got all sorts of challenges ahead. And the secretary always says, "If farmers and ranchers and rural people can slog through the challenges that they have every single day, then we can do the

same thing as USDA, and that's what we do and that's what we're going to get up every morning and do." He says that all the time. He just says, "We just got to link arms and keep going." And so that's basically all I wanted to say today. I'm glad you all are here and already have -- we have a little family.

Male Voice: Thank you, Janie. Gerald Lunak.

Gerald Lunak: Wow. This, I guess for me, is really quite a journey. I mean I look at it a couple of different ways. I guess personally, I just look at it -- I was raised in a boarding school, and wow, to think that I could arrive at this place in some kind of capacity is almost overwhelming to me. And I really, I think I've got a lot of help getting here by our Creator, somebody.

Secondly, with regard to this, what we're doing here, as I said in the first day, I've struggled along with this process personally, professionally, and I feel, I give Chris an atta boy today, I've been at odds with these people, angry, extremely angry with these people from a personal perspective and as an Indian producer and as an Indian person. But I found so many good people in there in this effort, and it took a lot on their part and it took a lot on my part to stay vigilant, stay positive. And I'm a guy who gets himself through this. It's a boarding school thing. I think when you feel like you're being sort of down-dressed, you have disability, shut down, and it's

real, I mean you can just -- and it's scary, I mean you can just literally put yourself in another place. And at boarding school, you have to do that or you just emotionally, psychologically wouldn't survive.

So you got to come out of that shadow. You got to come out of that place to tackle things like what we're dealing with here. And it's really -- I'm so encouraged and so happy to see what I'm seeing and hear what I'm hearing. And we're talking the same language here. Boy, what a message to bring back to our people and to a lot of the people that have been waiting for this and a lot of the people that have misunderstood this. And I'm really, really excited about being part of that. And beyond that, I guess it's just -- I told a story today.

I said the way I found that I had made a difference with regard to my tenure with USDA is we had an elder, he was in his 80's, and he had a small ranch. He would take all of his USDA envelopes and he'd put a rubber band around them, and he'd keep them for, you know. And then he'd come to my office and he'd sit down and say, "Read these and tell me what I'm supposed to do." And I said, you know, that's really what it comes down to. When you develop that kind of trust with a person of that stature in your community, you've really, really made something happen. And it wasn't me that made it happen. It was the agencies that sent that mail out. It was the people that are

out striving to secure that old man's place in his nation, in his society. So I just wanted to share that with you. I'm really happy to be here, happy to get to know you folks, and really looking forward to working in the future with everybody. So thank you.

[CD6 Track 4]

Male Voice: Angela Sandstol.

Angela Sandstol: I'm Sarah this time. You'll never know the true me. I would like to thank the secretary for selecting me for this position. I am not only honored but truly amazed that I'm sitting right in the capital and in the company of people of such stature as yourself. I'm really proud to be on this council. I thank Janie, Joanna, all the staff, John that have made my very, very long trip a pretty good one so everything worked out good. It was great.

I'm a commercial fisherman and a subsistence fisherman, and I live a very simple life in Alaska, as many of us do. Our people have, for thousands of years, migrated by foot thousands of miles. I live six months out of the year at a fish camp with no running water and no electricity. That's by choice. I like the simple life. In the winter, it gets too cold, so I live in my home. But we have a real, real big problem in Alaska with our fish depleting. Our moose and other wildlife are just not

coming back the way they have in previous years, and the state and other agencies have pretty much shut down the people.

There are 229 tribes in Alaska, and so there is a lot of people to represent, and a lot of them are going hungry. When you go hungry, you do other means to make money. And we have 97 percent unemployment in my village. That is pretty much across the board in Alaska. We need to find ways to help the people bring their selves back up and so there is some belief in themselves again. And that's what I really want to do, is I really would like people to try to find how we can utilize the programs to help us for the people to help themselves, feed their families and be able to provide for their families, bring their self back up to where they used to be. Thank you.

Sarah Vogel: I am getting -- I'm Angela. But in a way, this is certainly an amazing culmination of many, many, many years of work on our part. I wish all of the lawyers could be here with me today. People have worked real hard, but despite how hard the work was, I don't think any of us ever really will ever want it to give up because of our clients. The meaning of the work that we were doing and the sad stories we were hearing and our sense of hope for the future and just the clients we work with. Our lead plaintiffs were representative of all the other folks, and so it was a good thing. But the big distinction between today and other times is over the 12-year

period, the vast amount of our time was spent in pretty hyper adversarial posture.

So today, you all got a letter from Joe Sellers, on behalf of our legal team, thanking you and basically saying we're so thrilled that this council is here and can step up to this unprecedented work where none of the other discrimination cases, the Pigford case, Love, Garcia had a committee like, has a council. And none of them had any programmatic reforms. But since the case has settled, USDA and our legal team have moved in to a different mode altogether, which is we're working together. And I think that -- I mean I choked up. I mean how hard -- it's ridiculous to choke up over one lawyer reading another lawyer's letter. But I was choked up when Rick Gibson of the Office of General Counsel of USDA read Joe Sellers' letter and wanted to because it does symbolize a change; that we want to work together. And the goal, of course, is exactly as Angela and Gerald and Gilbert and everybody is saying, is it's because of the people. We want to do it because of the people, and I think working in this new fashion with this council, we can.

Mary Thompson: Mary Thompson. We may have to invest in some wireless mics after this. I haven't been here from the beginning, but I can appreciate what everybody went through. And I've been up on this hill many a time and wearing many

different hats. And I've met a lot of people up here, and we were all good and friendly right there face to face and didn't always agree on everything, agreed to disagree. But I guess this is one time that I've sat down with some agencies that I felt that our communications were truthful and meaningful, heartfelt, and I appreciate that. That is the first time I've ever come up here and sit and listen to and work with as many programs and as many people as we have in the last couple of days. We went through an awful lot, so I'm appreciative. And as I contemplate how much time and work I'm going to have to put into this and I will have to dedicate time and effort, and I will, it's worth it. Everything is worth it.

But I guess with the problems that the Indian farmers and ranchers are going through right now, I hope that they can soon find out everything about this. But I'm kind of like Gilbert in one sense. There is are a lot of small, small farmers and small growers out there too that need to find out about all these programs and help with this assistance. And I kind of feel like that's my role in sitting in this chair. I know overall what the intent is and everything. I just want to keep the smaller farmers across the country, and usually, that's the West and the South, or the East and the Southeast. So with that, I will pass the mic. Thank you very much. It's going to be a pleasure.

[End of CD6 Track04][CD6 Track 5]

Edward Soza: Edward Soza. First of all, I'd like to say it's an honor sitting on this council. I mean it's truly an honor. I didn't really think I was going to be picked. Anyway, I think we have an excellent council here. Just by the voting of the chair and the vice chair, I don't think there is a better choice in here for them. It goes to show you it's a good council basically. What we're doing, this might not quite happen overnight, but it will get there. I'm thinking, well, what did they say? Five years? I'm thinking two. But I like to see things move a little bit anyway. USDA has been here helping us pretty much at our disposal when we need any TA or anything. I think we may even maybe make history. I don't know.

And the small farmers, because that's what I am; I was one considered a small farmer. But I'm really looking out for the youth in our Indian country, not just California. It doesn't work like that. The youth is our future, and it's kind of dwindling. It actually is dwindling down to, I don't know. People just don't want to do any farming anymore, but that's the United States. You got to have food. Everybody got to eat. That's why I was sitting last night. I know how a junkie feels because I'm like that too with food. I got to eat everyday. Anyway, I'd like to say it's an honor meeting every one of you

and being on the council, on this council. I'm going to enjoy it. Thank you.

Juan Garcia: Thank you, Ed. Well, I'm really new at this. I've only been administrator for a few weeks, okay? But I was Chris' counterpart on the farm program area, been in D.C. about a year, a little over a year. And right away, I ran into some issues, and I think we worked them out, Janie. We made some policy changes to make things work. I know that our previous administrator, Bruce Nelson from Montana, was a great advocate of Indian affairs of the Indian country. I learned a lot from him as he was showing me what was going on in Montana and the other states. And I'll be perfectly honest, I was in Idaho all last week, and I had mentioned to Chris about, "Well, do I need to go to this?" He said, "Well, you're a member of the council." That's how little I knew.

I had been keeping up with the Keepseagle, of course, but it's been a very enlightening experience. It's been a wonderful experience this week, and it's a privilege to serve with people like yourselves that are passionate about what you're doing and are making things better.

I want to share a quick story with you, I think, that will demonstrate my commitment as administrator to the council and to what we're doing with FSA. Back in 1989, I was a district director in an area in Texas, mainly Hispanic producers down

there. I come from a small farm, small family farm. We've had it a long time. And we had a major freeze down there. We had a lot of citrus down there and had a major freeze. And we had this program, it's called the Tree Assistance Program where we would help producers replant their trees. We had this huge meeting, and I was doing a presentation, and we had about 300 producers there.

So I gave them the presentation, the program, how it was going to work. And at the end of the program, when we were done, I walked down, and there was this gentleman that came up to me and he said, "Is this for the big guys or is it for the little guys too?" That was his question. And he asked me in Spanish. And I said, "No, it's for the little guys." So ever since then, Gilbert, I've been an advocate of the small farmers, and I think that will show your commitment that I have for this council. Thank you all very much.

Joanna Mounce Stancil: Well, I'm not formerly a council member, but as your designated federal official, when I took the job, when I interviewed for the job, this was not on the horizon. It hadn't been mentioned to me. But when I learned about it, and I think I've shared this with John, it became one of our passions. All the hours and the hard work, and we couldn't have done it without our two interns, Dory and Jasmine. But getting ready for this, the commitment was there to give you

whatever you needed to make this an enjoyable experience for yourselves, but to be there as your support so that you can focus on what you need to do because it is so important.

I'm not a Future Farmer of America, but I was a 4-Her. My Dad was a rancher. I grew on a farm and a ranch, and we grew our -- if we didn't grow it or hunt it or breed it on our property, we didn't eat. So I know the importance of agriculture and food. But I have to tell you, after meeting each and every one of you, I'm kind of an earth mother. I have a very protective feeling for all of you, and I really want to make sure that we do whatever we need to within the Office of Tribal Relations to be there and to be supportive of you and to give you what you need too so that you're freed up to do your work. And so I'm honored to be part of this process. Thank you.

Jerry McPeak: Well, I'm impressed with two things. I was impressed with Sarah and Janie and the sweat equity that so many people have in this, required to accomplish what you accomplished.

Sarah Vogel: There is an army of lawyers. Don't get me wrong.

Jerry McPeak: Yes. I don't know how you got through that either. I have to work with a bunch of those also. You're right. One of the most humorous things I've heard is a lawyer

crying about another lawyer's letter. That's really humorous to me. I work with those folks at the state capital and it ain't that good a deal. But I was impressed with someone had to have a tremendous amount of perseverance year after year, and obviously, your passion was there, and that was the word my wife used last night about you had the passion for it. And I think that those are things that you see and feel that you can't enumerate or you can't put a value on but they are absolutely the reason why things become successful and why things happen when you're not supposed to make them happen when they shouldn't happen.

The next thing I was impressed with right off the bat was the absolute intelligence and intellect of the people who walked in to talk today, but also the fact that these folks had been through the fight, and Rick, who is not here, had been through the fight and I'm sure had been adversarial. And yet, I know it's been a little while since the decision was made, but yet, they professionally at least dropped that vision and accepted the fact that here it was. Now, by gosh, we're all on board. We're going to make it happen. That was impressive professionally. It was impressive as people that you're able to do that. I think that's a commendation that unfortunately we don't see enough of over there or where I'm from either, in the Capitol Building there.

On a little bit lighter note but not a whole lot, I appreciate Joanna and John for babysitting my daughter.

[Indiscernible] Jasmine because it wasn't really, really easy. I know that [indiscernible] come from a cow-calf operation.

When my daughter left home, we had like a cow-calf winning deal. There was a long conversation with the wife and the daughter [indiscernible]. And the wife did come up here, it was not a bad deal. But thank you all for babysitting my wife and my daughter.

From the standpoint of something I was very disappointed in, I can tell you about my disappointment. I know I don't understand what goes on up here at all. I don't get it. I didn't get it going to Oklahoma City and I don't get it even now. I don't understand why the BIA was not here. That slaps me in the face as beyond my level of comprehension. My father who was a school superintendent was extraordinarily wise. He said, they would ask him things about how he got good programs going, how the programs happened or how programs don't happen. He said, "Well, if you want a program not to happen, you can either kill it or you can just not pay any attention to it and leave it alone. It will die by itself." So when I see when someone doesn't have time to do something, that's what smacks me.

Also, being again, as you all know, I'm not very politically correct, the gentleman who seemed to be upset with the fact that we didn't know that you can insure your grass, he was probably the only one I was disappointed in and that he was offended by that when simply it was an observation of just a fact. It wasn't meant negative or positive but just an observation. That's what it really was.

And our decisions and the things that we do, if they're only good for now, they're worthless. Edward obviously is very involved, and Janie, we know, is very involved [indiscernible] with youth. And I think we've heard that several times from all of you. And people like Gilbert have had the experience, and we know that these decisions, we don't know when we're not going to be here, but it's for my daughter who is going to be in agriculture. These decisions, if they aren't worth something for an indelible amount of time, then we're wasting our time.

So to make the decision, I don't think we will, but to make any decision that is just a fix right now is almost a waste of time because right now only lasts right now. So as we progress, I hope that we will, I'm sure that we will -- I feel very confident; I've been impressed with the people as well -- that we'll see the future. I have been -- Angela, I went home and talked last night, and it's just amazing to me that some state can tell me I can't fish in my river. They're going to have to

come shoot me. I don't know what they do in Alaska, but they're probably going to shoot me. But that's just unbelievable and I don't understand.

Angela Sandstol: [Indiscernible].

Jerry McPeak: Yes. But anyway, I've enjoyed, but the decisions must be longsighted and not for just the moment.

[CD6 Track 6]

Chris Beyerhelm: First of all, thanks, Jerry. I appreciate you saying that. It's been a long hard struggle for us here. I really appreciate the opportunity to be on this council. I haven't told this story until now, but when I first read the draft of the settlement agreement, I was not on this council. And I really made an impassioned plea how do you expect me to make any changes if I can't meet the people that have the concerns and the problems and they can't meet me? And so I really appreciate it. It took a little bit to get me on the council. It really did. So I appreciate the fact that I'm here. And despite the fact that I tried so hard to get on the council, I was very -- not very -- I was a little apprehensive. I didn't really know what to expect.

As being deputy administrator of Farm Loan Programs, I mean FSA to some extent, but the loan programs in particular have taken the brunt of the Keepseagle, the Pigford II, and the Women and Hispanic, despite the fact that these things happened

sometime ago. We've been trying to get better at it, but the last two or three years have not been easy for my staff and for me personally. So I wasn't quite sure what to expect, and I want to thank you all. You treated me very kindly. I think 15, 20 minutes in to the session on Monday I realized this is a good group. You're very passionate about what you feel about it, but you're very professional about it. You're very kind about it, and I appreciate that. It meant a lot to me personally, and I'll carry that with me forever.

The one thing I'll commit to you is that I will try to match the same passion and professionalism you have in administering farm loans. I really enjoyed getting to meet you folks. Some of you I got to spend a little time and learn a little personally about you, and I enjoyed that. And I look forward to future meetings.

Male Voice: Very rarely in life do you get exactly what you want.

Male Voice: No shit.

Male Voice: No shit. [Cross-talking] --

Male Voice: When I signed on to the Keepseagle case, I touched on this Monday, this was exactly what I wanted. The compassion in this room, it's just, it's unbelievable. I have to admit when I rolled into town Sunday night, I had my hammer cut for the USDA people on this board. And to find them the way

that I found them, I mean I'm kind of ashamed of myself for that.

So the other Native American board members, I've enjoyed meeting you all. I think Chris hit the nail on the head. We got a good group here. Everybody brings something to the table. And I would have never believed that these people, the USDA people sitting at this table, with what I've been through with the Keepseagle case and before, would be as open as you are. You all impressed me. And for once in life, I've got what I wanted. Thank you all.

Male Voice: You heard my thank you, and thank you all again, and I appreciate it. Does anybody want to make that motion that we all want to hear to adjourn the meeting?

Angela Sandstol: I got a question.

Male Voice: Go right ahead, Angela.

Angela Sandstol: Did we make a decision on the meet or did I miss it? Did we put like at least call a chair?

Male Voice: Is this the meeting in Las Vegas?

Angela Sandstol: Next meeting, yes. [Indiscernible].

Male Voice: We'll try to it happen.

Female Voice: [Indiscernible].

Angela Sandstol: So I make a motion that [indiscernible].
over the next meeting that we'll call the chair.

Male Voice: That we're?

Male Voice: Call a chair.

Male Voice: [indiscernible].

Female Voice: Yes.

Male Voice: Oh, okay. Okay.

Female Voice: Yes.

Female Voice: Yes, yes.

Male Voice: There is a --

Female Voice: Check out the budget.

Female Voice: Yes.

Male Voice: Okay. Yes, we still have to. [Cross-talking]

Female Voice: What's doable, yes.

Female Voice: [indiscernible].

Male Voice: Go ahead, John. You had a comment?

Male Voice: Excuse me. Just one. And also, remember to get your hotel receipts and any type of tax receipts that we gain, get that on the [indiscernible]. And if you have any questions, e-mail or call us, okay? We're here to help you guys, all right?

Male Voice: Okay. Let's finish up that motion then, or would you like to add [cross-talking] --

Female Voice: Mr. Chairman, the next time you see John, he will be a new father [cross-talking] --

Male Voice: He really wants to work. Okay, the motion is have the meeting on the call of the chair. All those in favor -

- or has it been seconded? Okay. The motion's been seconded, all those in favor, say aye.

Participants: Aye.

Male Voice: All those not, say nay. Next motion on the floor, Jerry, would you like to make it?

Jerry McPeak: Yes. What do we say when everyone --

Male Voice: We want to adjourn the meeting. All those in favor say aye.

Participants: Aye.

Male Voice: All those not, say nay. Meeting adjourned.

[Cross-talking] --

Female Voice: Just one other note, we're given the latest version of the bylaws. Please change the date at the top so that you know when you look through it that you're looking at the latest version. And it's only missing the part that Janie mentioned and was read to you by Lisa Pino.

[End of transcript]