U.S. DEPARTMENT OF AGRICULTURE (USDA)

Council for Native American Farming and Ranching

(CNAFR)

1400 JEFFERSON DRIVE, SW
WASHINGTON, DC 20250

WHITTEN BUILDING
WILLIAMSBURG ROOM, 104-A

WEDNESDAY, JUNE 20, 2018
EXECUTIVE SUMMARY

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EXECUTIVE SUMMARY

The Council for Native American Farming and Ranching (CNAFR) held its final meeting on Wednesday, June 20, 2018 at the U.S. Department of Agriculture's Whitten Building located at 1400 Jefferson Dr. SW, Washington, DC 20250 — Williamsburg Room - 1st floor - 104-A. The Council is a Federal Advisory Committee of the U.S. Department of Agriculture. Notice of the meeting was provided in accordance with section 10(a)(2) of the Federal Advisory Committee Act (FACA), as amended. The focus of the meeting consisted of, but was not limited to, hearing public comments, discussions with USDA agencies, and recommendation discussions. This meeting was open to the public. There was a two-hour period of time from 4:00 to 6:00 p.m. for public comments.

BACKGROUND

In accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended (5 U.S.C. App. 2), USDA established an advisory council for Native American farmers and ranchers.
The CNAFR is a discretionary advisory committee established under the authority of the Secretary of Agriculture, in furtherance of the Keepseagle v. Perdue settlement agreement that was granted final approval by the District Court for the District of Columbia on April 28, 2011.

The CNAFR operates under the provisions of the FACA and provides recommendations to the Secretary of Agriculture. The purpose of the CNAFR is (1) to advise the Secretary of Agriculture on issues related to the participation of Native American farmers and ranchers in USDA programs; (2) to transmit recommendations concerning any changes to USDA regulations or internal guidance or other measures that would eliminate barriers to program participation for Native American farmers and ranchers; (3) to examine methods of maximizing the number of new farming and ranching opportunities created by USDA programs through enhanced extension and financial literacy services; (4) to examine methods of encouraging intergovernmental cooperation to mitigate the
effects of land tenure and probate issues on the delivery of USDA programs; (5) to evaluate other methods of creating new farming or ranching opportunities for Native American producers; and (6) to address other related issues as deemed appropriate. The CNAFR members were selected by the Secretary of Agriculture and represent a broad spectrum of persons interested in providing solutions to the challenges of the Native American communities.

The meeting was called to order by Mark Wadsworth, Chairman. The roll call was taken. Chairman Wadsworth then called upon Roselyn Yazzie to give the Blessing.

WELCOME AND REVIEW OF AGENDA/MEETING MATERIALS: ABBY CRUZ

The first item on the agenda was a welcome and review of agenda/meeting materials by Abby Cruz, Senior Policy Advisor at the Office of Tribal Relations (OTR). She directed everyone’s attention to the contents of a folder including the agenda, a contact sheet with e-mail addresses, a full list of Council members, a
travel procedures document, a 56-item list of recommendations, and the CNAFR Charter. Also included was the Tribal Youth Resource Guide (available on the OTR website).

A brief discussion was held about issues with connectivity and Wi-Fi in Indian country. Remote rural locations have difficulty getting Wi-Fi and that affects their ability to participate in votes conducted by e-mail. Additionally, these connectivity issues impact economic development, information sharing, etc.

The Council discussed that this might be the last meeting depending on what the Secretary wants to do in the future. The CNAFR was set up mainly as a result of the Keepseagle settlement, to give direct recommendations to the Secretary as a part of the court judgment on hurdles or situations that could be improved to stop discriminatory practices.

Farm Service Agency (FSA): FARM LOAN PROGRAM STATISTICS AND UPDATES: Bill Cobb

Bill Cobb introduced Richard Fordyce, the new Administrator of FSA. They gave updates on the
Farm and Loan Program statistics. The diverse nature of many different farms and ranches and the conditions present in very different geographical locations poses challenges to cover those underserved populations with the specific issues they have. Communication is difficult. Sherry Crutcher talked about the difficulties with the new Farm Bill and disaster programs and the loopholes that render it useless for farms and ranches that do not meet certain qualifications to receive aid. The types of weather that affect one region are not present in others. Jerry McPeak spoke about the efforts some tribes are making to share the work on providing connectivity in rural areas.

Tawney Brunsch spoke about Native Community Development Financial Institutions (CDFIs) and financial institutions that service the Native American community. They dispersed about 11 million dollars in loans recently. They have had some success being an intermediary with other lenders to establish relationships with the Native American participants. She called upon
FSA to perhaps help them in that effort.

The summary of the FSA report indicated that in 2017 they had the highest amount of loans yet at a little over a billion dollars. However, the beginning farmer loans were down about 1% from 2016. He talked about microloans, having made about 6700 of them in 2017. In the same period they had 271 youth loans for Native Americans totaling under $563,000. They did not use all of the funds in 2017. In 2018 so far they have obligated about 4.1 billion dollars. The number of delinquent loans is down and they encouraged people to let them know early if they anticipate that they will have trouble repaying the loan and are financially distressed, rather than waiting for it to become a problem, as they have servicing tools to address that. To help customers keep track of their loan status they are working on a full service online website at farmers.gov.

Ms. Brunsch offered her help with CDFIs for rural development, as they have experience with those packages, and Bill Cobb said that they
would be interested in that.

Angela Peter from Alaska added that they have a good relationship with the Farm Service Agency and they are working on identifying areas with economic development opportunities, noting that in Alaska the Alaska Natives working with the land do not call themselves farmers and ranchers so the semantics sometimes cause seeming disqualifications.

NRCS: TRIBAL WEATHER STATION NETWORK

Jimmy Bramblett talked about the weather stations that are being installed to cover more area for more accurate weather forecasting which affects the farmers and ranchers.

FARM BILL OVERVIEW: ROBYN WHITNEY

Robyn Whitney with the USDA Office of Congressional Relations talked about the history of the Farm Bill and what they are today. The Secretary of Agriculture and the U.S. Department of Agriculture are engaged in listening processes with producers. There is widespread communication to receive feedback on the Farm Bill with Congress and regional officials.
involved. And while USDA does not participate in the drafting or writing process of the Farm Bill, it does answer technical questions that arise and serves as the implementer of the legislation after it passes. Erin Parker noted that the House version of the Farm Bill is different than the Senate version. To her, the Senate version has more provisions that fit with what the Council has been working toward and its 12 titles would offer opportunities for Indian Country with provisions for commodities, conservation, trade, nutrition, and rural development.

FARM BILL CONSULTATION UPDATE

A Farm Bill consultation update was provided by Linda Cronin. This included a report out of the New Mexico Farm Bill consultation on May 14-15, 2018 at the Institute of American Indian Arts (IAIA) located in Santa Fe, New Mexico. This occasion represented the first time in 10 years that the Secretary met with tribal leaders in a consultation setting. Topics of discussion included all 12 titles of the Farm Bill. Also, recently at the National Food Distribution
Program on Indian Reservations, there was another workgroup consultation meeting where feedback specific to that and some other food and nutrition service programs were discussed and that has been a standing work group that has been meeting two to four times a year, and that work is continuing. There was also a listening session on broadband at the recent National Congress of American Indians (NCAI) meeting and those conversations are continuing. Additionally, USDA’s Office of Tribal Relations has a cooperative agreement with Intertribal Agriculture Council.  

KEEPSEAGLE UPDATE

Christine Webber, Lead Counsel, gave a Keepseagle update and detailed how the payments and credits were being made on the claims. There was a modification to the settlement agreement that took a considerable amount of time to resolve, but it was approved by the district court in April of 2016 and following appeals was resolved by March this year when the Supreme Court declined to hear the appeal. So, pursuant
to that modification of the settlement agreement, supplemental award checks were mailed out on May 21, 2018 to almost 3600 individuals who were prevailing claimants during the claims phase of Keepseagle. And those checks were $18,500 direct to the claimant and $2,775 being paid to the Internal Revenue Service (IRS) to offset taxes that would be due on those settlement awards.

So, a considerable amount of money has now gone out and all but about 560 checks have been cashed as of the end of last week, so most of that money has been processed and those are the final award payments that are going out to the claimants.

Another portion of the remaining settlement funds was designated under what was referred to as the Fast Track Funds. These are a total of 38 million dollars that the class council was directed to submit recommendations to the district court for distribution to nonprofit organizations that had a track record of supporting Native Americans in agriculture. The original idea was these recommendations were actually due and were submitted to the court six
months after the district court approved the modification to the settlement agreement, but because of the appeal nothing happened after the recommendations were submitted and after the appeal resolved the court unsealed the recommendations. The USDA, or Department of Justice on behalf of the USDA, submitted some comments and we responded to that on May 11, 2018, so that has now been fully addressed in the district court which is awaiting on the district judge to rule on the distribution of that 38 million. There was a report out on the process they used in formulating these recommendations, which included 180 days to create an entire grant process. Regarding the projects chosen, they are now pending before a district judge and we hope that in the next few weeks we will hear from them and get ruled on this judgement and promptly get that money distributed so that it can actually start having an impact in Indian Country which is, of course, the goal all along. That will leave approximately $265,000,000 remaining in the settlement fund that is designated for the Native
American Agriculture Fund and that is a trust from which the court actually, back in 2016, approved the appointment of 14 trustees and an Executive Director, Janie Hipp, and the trust is going to be holding its first meeting in July 2018. They have a lot of work to do to get organized and stand up an organization from scratch and figuring out their annual budget, staffing and so on, and, of course, developing a grant process. So, in conclusion, this brings 19 years of litigation to a close and we are looking forward to seeing the final fruits of the Keepseagle settlement being harvested this fall.

NEXT STEPS REGARDING THE COUNCIL

Diane Cullo led the discussion on next steps for the Council and what form a new Council or Committee might take. She expressed that this Secretary of Agriculture is committed to improving communications and working with Indian Country, not because we have to, but because it is the right thing to do. She confirmed that the Secretary wants to continue this Council in some form. Two options are being run parallel. The
Senate is trying to include it in the Farm Bill proposal and it would be a new iteration of the CNAFR. And regardless if that gets passed, USDA is working internally to develop a Native American agricultural advisory committee. So, whether it happens through the Farm Bill or USDA does it internally, rest assured that the CNAFR’s commitment and dedication and work has been noticed and the USDA, under Secretary Perdue’s leadership, will continue the partnership moving forward. The Council members agreed that they would like to help orient a new group and provide them with the details of previous work that has been done. Some also would consider being on the new committee if asked.

RECOMMENDATION DISCUSSION:

Mark Wadsworth. Following are four recommendations that the Council is making:

RECOMMENDATIONS

Recommendation: The Council recommends that the Secretary support the current language in the Senate version of the Farm Bill regarding the USDA Tribal Advisory Committee. However, the
Council recommends four-year staggered terms, open to reappointment. The Council also recommends that, regarding the seven positions chosen by the Secretary, that the process of selection be similar to that of the Council for Native American Farming and Ranching. The Council prefers the statutory option; however, if that were not to occur, the Council fully supports the creation of a new Native American advisory FACA committee.

Recommendation: The Council recommends that the National Forest Service add an applicant-designated race or tribal affiliation tag to its grazing permit collection criteria.

Recommendation: The Council recommends that the full list of CNAFR recommendations be presented to the new USDA Native American advisory committee. Previous Council member(s), as well as the Office of Tribal Relations, can be available to provide background and context regarding these recommendations.

Mr. Wadsworth called for a vote of the recommendations and the motions were passed.
The public comment period opened and was ended.

Members of the Council expressed their thanks and recognized others as being very helpful in the work that has been accomplished and are open to contact in the future to continue to work on issues.

The meeting was adjourned by Mark Wadsworth. (Whereupon the above-entitled matter was concluded).