



United States
Department of
Agriculture

Council for Native American Farming and Ranching

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Teleconference

SPEAKERS

John Lowery

Mark Wadsworth

Mary Ann Thompson

Jerry McPeak

Angela Peter

Sarah Vogel

Gilbert Harrison

Gerald Lunak

Reid Strong

Chris Beyerhelm

Leslie Wheelock

Lillian McFarland

Josiah Griffin

Tony Stanger

Kathryn Isom-Clause

Rick Gibson

PRESENTATION

Moderator

Ladies and gentlemen, thank you for standing by. Welcome to the CNAFR Conference Call. At this time, all participants are in a listen-only mode. Later, we will conduct a question and answer session with instructions given at that time. As a reminder, this conference is being recorded.

I would now like to turn the call over to your host, Mr. John Lowery.

Please go ahead.

J. Lowery Thank you, sir. At this moment, I would like to turn the call over to our
Chairman, Mark Wadsworth.

M. Wadsworth Hello, everyone. I'd like to greet you to our meeting today. We'll have to
go through a roll call and then we'll go through blessing and then I'll
review the agenda and then we'll start into the programs.

So, we'll start with the roll call.

J. Lowery Mark, would you like me to do that?

M. Wadsworth Yes.

J. Lowery Mary Ann Thompson?

M. Thompson Yes.

J. Lowery Jerry McPeak? Angela Peter?

A. Peter Here.

J. Lowery Elwood Soza? Sarah Vogel?

S. Vogel Yes.

J. Lowery Lance Morgan? Gilbert Harrison?

G. Harrison Here.

J. Lowery Porter Holder? Mark Wadsworth?

M. Wadsworth Here.

J. Lowery Chairman Michael Jandreau? Gerald Lunak?

G. Lunak Here.

J. Lowery Hello, Gerald. Reid Strong on behalf of Joe Leonard?

R. Strong Here.

J. Lowery Chris Beyerhelm?

C. Beyerhelm

Here.

J. Lowery

Leslie Wheelock is here, and Lillian McFarland on behalf of Juan Garcia?

L. McFarland

Here.

J. Lowery

Also we have Josiah Griffin on the phone with the Office of Tribal Relations. We also have Tony Stanger on the phone with the Office of Tribal Relations, and we also have Kathryn Isom-Clause who is our Department of Interiors Assistant Secretary for Indian Affairs Liaison. She is on the call, and we also have Mr. Rick Gibson from the Office of General Counsel. He is on the call as well on the USDA side. Mark, I'll turn it back over to you.

M. Wadsworth

Next agenda item is review of the agenda and the meeting materials. As we go through that, we'll—on the agenda, we'll go for a review of the meeting materials with John Lowery; Keepseagle Update, Richard Gibson; Farm Bill Update, Leslie Wheelock. We'll have a public comment period, break, and then, we'll go into the Farm Loan Progress Report for Chris; subcommittee reports and working session will be the remainder of the meeting, and then, we'll get an update and a reestablishment of the CNAFR in the next meeting with John Lowery, and we should be able to adjourn.

John, would you like to review the meeting materials?

J. Lowery Yes, sir. But at first, do you want to ask Gilbert to perform a blessing?

M. Wadsworth I'm sorry about that. I skipped right over that. Gilbert, would you—

G. Harrison Okay, everybody, good morning. This is Gilbert Harrison from Navajo. Again, I want to [indiscernible] that we have a lot of people here, that's very good, and I hope we have a good conference call today. We'll be talking and go over a lot of issues and make good recommendations. So, let's go ahead and let's bow our heads.

Our Father, we come before you on this day, and we pray that we have a very good session and that we make recommendations and that we have good discussions that will benefit and come to a good discussion and good decisions and recommendations that will benefit the Native American population that we are striving to serve, and we have a good session, again. And again, Father, we ask that we have a good farming and good planting and farming season this year even though there are many adverse conditions on the—what's in our farm areas and ranching areas. We pray this in your name. Amen.

M. Wadsworth Thank you, Gilbert.

J. Lowery All right. So, I do want to take a moment to address everything that is in the binders. So, everybody told me that they did receive their binder. So, on the inside on the left-hand side of the sleeve area, you will find a Council for Native American Farming and Ranching Fact Sheet. This is a sheet that I pretty much drafted up, and it's something for us to discuss later on doing one of the subcommittee reports.

Also, in your binder, you will find the loan materials, the loan breakdown, the national report by state, and also, you will find the state report by county, and this is the comparison of loans sought vs. loans awarded, and this is part of FSA's annual report to the council on loans. So, we will hear a breakdown by Chris later on in the discussion.

You will also find in your binders two documents related to the Keepseagle case. One is the joint status report and motion to reschedule, and also, the other one is a response to the letter from George and Marilyn Keepseagle. Mr. Richard Gibson will speak on behalf of both of these documents later in the meeting. We'll next [indiscernible].

And then, also, on tab six, you will find a Farm Bill overview, which Leslie Wheelock will walk through during our meeting today. And then

also, on tab seven, you will find list of follow-up items from December 2013. What I did was pretty much draft a, I call it a working document that will allow us to pretty much put on here what items we discussed that needed a follow-up, and then also, we put on there what actions have been taken and also the status of those follow-up items. So, this is something that we just started and something that we want to continue on doing from here on out as a way to just keep up with all of the different items where we have said hey, can you follow up on this, can you follow up on that, we need to get so and so to come in here and speak. So, this is a document. This is a working document, and we will continue to update it. We will continue to work on it.

Also, as you turn away from there, we get into the subcommittee reports, and each subcommittee, all eight, have a breakdown of the actual subcommittee of the members of the issues discussed and at the time the potential recommendations. So, all eight are there.

And then, at the same time, as you guys know, yesterday afternoon and also this morning, we did send out final recommendations from four subcommittees which you have received via e-mail. They are not in your binder, but I did send them out via e-mail and we will hear recommendations from the Conservation Committee. We will hear recommendations from the Education Extension Committee. We will hear

recommendations from the Credit and Credit [indiscernible]

Subcommittee, and we will also hear recommendations from the Forest Service and Bureau of Land Management Subcommittee.

So, those are the meeting material items for the call today, and also, in the back right-hand sleeve, we have also put just some blank paper there. So, you guys can take notes and be prepared to ask questions if need be. So, if there are not any questions, I will turn it back over to Mark.

M. Wadsworth Okay. I think we ought to just jump right into Richard Gibson's presentation.

R. Gibson Thank you very much, Chairman Wadsworth, for allowing me time to address the status of the Keepseagle litigation. Since our last meeting, there's been some activity on the docket.

Class counsel and the government have been meeting steadily over the last couple of months to discuss the entity that will distribute the cy pres funds. We were supposed to have a status conference on March 26th, but both parties asked the court to reschedule it for May so we could continue negotiations. Currently, the status conference has been reset now for May 21st. Originally, it was on May 14th, but the court had a conflict this week, so we've pushed it back one more week.

On May 7th, class counsel will file a status report, a joint status report, on behalf of class counsel and the government. That will contain our recommendations to the court for modifications for the cy pres provisions and describe the progress that has been made over the last few months. It's the intention of the parties to describe a nonprofit entity that will distribute the cy pres funds over a period of time for the benefit of Native American farmers and ranchers with a board of Native American farmers and ranchers or Native American leads.

Over these last few months, one of the lead name plaintiffs, George Keepseagle has sent two letters to the court indicating his concerns with the pace of the cy pres negotiations and indicating his suggestions for what should be done with the money. Class counsel, on March 21st, responded to Keepseagle's letters agreeing that it's very important to bring to conclusion these discussions on what to do with the cy pres funds, and I think everyone's on the same page that we need to move something forward in May and get something to the court that the court can react to, and we anticipate that the court will react to what we file on May 7th at our argument there.

From that point, it's in the court's hands. I'm not really in a position to predict what the court will do as far as whether it'll require more

procedure, whether it will require additional hearings, whether it will ask either class counsel or the government or both parties to respond to questions about our proposal, but we'll see movement over the summer one way or the other.

There have been no further motions to intervene. The court hasn't ruled on the pending motions to intervene from the Choctaw Nation Group and the Great Plains interveners, but at the same time, those parties have not been included in these negotiations that have been ongoing since our last meeting.

Other items associated with the Keepseagle implementation, the USDA concluded its interviews for the ombudsman position. The Interviewing Committee has made a strong recommendation for that person, and we're compiling onboarding materials right now though I don't have a firm date of when that person will start.

At this point, since we haven't filed the status report, I can't really go into more details about the negotiations, but I'll welcome any questions that you may have about the progress made.

G. Harrison

Good morning, Mark, Rick. This is Gilbert Harrison. I was reading the two documents in the folder here, and it says the nonprofit entity distribute

the funds over a period of time. Is that the foundation that we were talking about at one time?

R. Gibson Yes. It's going to be an independent organization.

G. Harrison So, it could be a foundation or whatever?

R. Gibson Right. Whatever it is under the tax code.

G. Harrison Okay. The council had—last summer, I think the council had acted on and recommended a foundation as a possible alternative. Was that a [indiscernible]

R. Gibson Correct, yes.

G. Harrison [indiscernible] as a recommendation to the court?

R. Gibson That's right, and it was filed on November 12th by class counsel, the letter from Mark Wadsworth, and that recommendation was to have a new foundation created to be managed and vested under sound philanthropic principles by local Native American leaders, and that hasn't changed. Class counsel's proposal on that regard hasn't changed. The government's

interest in pursuing something like that hasn't changed. So, there's not going to be any, I don't think, radical surprises in the status report.

G. Harrison Okay. I have a similar question on the second document here. On the first page, it says that Keepseagle's letter expresses a preference to distribute remaining funds to equally [indiscernible] prevalent timings. Is that a second alternative or a second recommendation that is being submitted?

R. Gibson That is an avenue that the court may consider under class action principles. There are legal precedence for an additional distribution to class members. The government's position is that this case doesn't really meet and this agreement doesn't really meet those requirements. It's our position that all class members have been fully compensated under the terms of the settlement agreement.

G. Harrison Okay. That's sort of what caught my eye and I just wondered what the status was on that, so thank you very much.

R. Gibson I imagine right. I imagine that issue is going to be discussed. It was discussed at our last fall status conference with a judge and alluded to, and I imagine he'll pick that back up again.

G. Harrison Okay. Thank you.

M. Wadsworth Any more questions for Mr. Gibson? If not, then we'll go into Leslie Wheelock's Farm Bill presentation.

L. Wheelock Good afternoon, everybody. Good morning in some places. I know it's not afternoon everywhere. So, I was asked to do a Farm Bill rollout overview, and on the Farm Bill overview, I'm going to talk to you about the rollout as well.

One of the perspectives that I have on this Farm Bill is kind of interesting because I have, as most of you know, been here almost a year and prior to coming into this position, I was FNS for [indiscernible] of American Indians where we were working on the Farm Bill. What we didn't know at NCAI at the time was that things that that organization as well as IAC and other organizations have been saying and submitting in papers for a very long time, actually got picked up and put into the Farm Bill. And so, we have language where we have been advocating for the inclusion of the words and tribes after the words state so that it was recognized that funding and program eligibility extended to the tribes and not just to the states, and so, that has showed up in a number of places. It also showed up in some of the programmatic, the announcements that go out that didn't have to go through and don't have to go through regulatory review; in one instance causing some confusion just because they dropped the words and

without understanding what the implications were. So, there are, as we roll things out at that level, at that very low kind of notice of funds availability or notice of program availability level, there is a possibility that there will be some confusing language.

If you hear about any of that coming out, just let our office know. It would be great if we had a point of contact so that we could get ahold of whoever is having the difficulty so that we can roll that kind of a concern or a question back into the organization. In the event that they're getting a lot of those, they can actually put out additional language or clarifications.

So, we have pulled up a very high-level list of some of the elements of the Farm Bill that are of interest to tribes and/or of interest to this counsel and/or of interest to some of the other organizations that have been working on the Farm Bill, and so, I'm going to go through those. If you have any questions, I'm going to try to go through them a little bit quickly. If you have any questions, let me know.

Before I do that, I want to talk a little bit about implementation. So, we've had the Farm Bill for about ten weeks now, and the first major pieces that you all would have seen come out of that were the disaster reimbursement regulations, and those came out eight weeks after the Farm Bill was signed. So, folks inside of the organization have been working really hard

to try to get some of these elements put out and out on the street so that people can start working with them and so that the funding can start rolling out the door. So, if you just kind of have to bear with us as we go through this process because it's a rolling process.

We see new regulations coming through at various levels of the process they have to go through before they can hit the street, and so, until they hit the street, we can't really say anything about them because we don't know what the final is going to look like, which restricts our ability in some ways to go out and talk a lot about the Farm Bill and what it's doing, but what has been happening, as John and I and Tony have been traveling around the country, there have been instances where folks have pulled us aside and said, hey, you know that section in the Farm Bill, let me talk to you about that section in the Farm Bill, and we have been rolling that information back into the groups that are putting these regulations together.

The Office of Tribal Relations has a seat at the table as we go through this implementation process. There are at least two meetings a week working through these regulations. At a very high level, the agencies are all working on them independently in addition to that, and there is a likelihood that some things will get passed to the Office of Tribal Relations but not many because typically there's a—we go around the

table when an issue comes up and everybody around the table has to sign off on it and we are at the table.

So, there are regulations that will come out that have tribal implications that we can't do anything about because they are congressionally mandated, and on those specific items, we will not be consulting. There will be things rolling out that are already flagged for consultation, and this week, I asked folks to start moving those regulations out for comment because we have a limited amount of time both in our perception and in the perception of the tribes is to get all of that information out and to get those regs done, and so, the consultation being something that takes some time in order to do in a material fashion is going to take a little bit of time to get those regs out. So, I asked people to start looking at the ones that they—I have a feeling people inside USDA have been putting them off and I've asked them to pull them up and start working on them so that we can get them out for consultation.

There's a middle ground of things we look at and we try to decide whether there is an impact that causes our internal USDA consultation guidelines to flag it as something that needs to go out for consultation. Sometimes, we make the wrong decision on those. We like to think that we know everything that's going on in Indian Country, but in fact, we don't, and that holds especially true I think for our Alaska Native folks, and

sometimes we get into situations where things can't get out the door without everybody's consideration that there's something in there that we really needed to consult on and we are trying to make sure that we have language in every regulation that goes out that essentially says if we missed it, shame on us, we will come out and consult on it.

Our office is the point of consultation for the U.S. Department of Agriculture. I am the person responsible for ensuring that consultation occurs when it is supposed to occur. If we miss something, I am the person to contact on that.

So, if you hear rumblings, concerns, complaints out in Indian Country, it would be great if you could just shoot those back to us. It can be an e-mail. It can be a name and a phone number. We'll take whatever is happening that's in response to these regulations and rules as they come out.

We've already had questions asked of some of the things that have come out without regulations because, as I said, when you drop and tribes into things, they can become confusing, and so, we are getting questions on those and we roll those over to the agencies that are responsible for those regulations and try to get them answered and back out to folks as quickly as possible.

So, any questions?

G. Harrison Good morning, Leslie. It's still morning here in Navajo.

L. Wheelock Good morning, Gilbert.

G. Harrison I have three questions related to the Farm Bill, very straightforward. One of the issues we had before was the issue of trust status, trust lands versus the private sector lands because a lot of times in the past, we've experienced regulations that were basically made to fit private lands, but when it came to trust lands, there was a problem. So, I wonder how are you treating that so that people that have—Native Americans that have operations on trust land are treated such as though they were private landholders. What's being done in that area?

L. Wheelock Thank you for that question. That's one of the areas that we do try to capture everything. There are some legislative restrictions to making that accommodation, but where we can flag that as a concern and where people—our organizations, our agencies do go back and work on those specific on those issues, most of those come up in our conservation programs, our financing programs and in Rural Development, I think, and you can help me if that's wrong, but there's also some language in the

Farm Bill itself that helps to alleviate some of those concerns, probably not all of them. However, as we watch things roll through, we try to capture them. If we miss some of those or if there are already rules out there, or in some cases handbooks on old rules, if you continue to let us know about them and flag them for us, we will see if we can pull those back in or at least make some modification internally in order to accommodate that concern.

Most of the private land, trust land issues that I can think of off the top of my head are taken care of by internal handbook and rules because we know that the issues exist and we do have some ability to make accommodations, but in some cases, we're legislatively restricted from doing certain things, and so, when you feel like you're caught between a rock and a hard place, let us know. Gilbert, I'm not sure we solved everything, and I'm not sure we'll get everything solved, but we're trying to.

G. Harrison

Also, along the same line, I know some tribes—a lot of the regulations fit the tribal enterprises, but then, there's a lot of—like on Navajos, we have a lot of individual mom and pop type of operations, and sometimes, those two conflict. It may be good for a tribal enterprise, but it may not need to—keep us in mind that there are a lot of small mom and pop operations that need to be considered. So, that's a couple items.

Now, the next thing is that in the past when a new bill is established and laws are being written, people that there was task force that rewrote or modified or wrote regulations. Is there going to be an effort like that with the new SD on the Farm Bill, and what kind of Native American or what kind of a—I guess what I'm saying—are there going to be individuals invited outside the government to sit in and help establish some of these rules and regulations?

L. Wheelock

Gilbert, today, I accept that there's a consultation requirement that's identified for the regulations as they come out. There will be consultations. We will go out as the office did with several of the agencies a couple of years ago and work through around the country doing working through consultation on those various regulations that are flagged as such.

When it's something beneath a regulation, less than a regulation if you will, that's causing a problem, those are flags that we watch for pretty regularly not just us at the Tribal Relations, but other people within USDA, and so, you see things like what Rural Development did with the Value-Added Producer Grant, which was just looking at how they do the evaluations, internally making a small adjustment and thereby giving out those grants for the first time to tribes last year. You see that in the way

that some of the loan assessments are done for FSA in terms of understanding the financing situations in Indian Country.

And so, there are things like that and things when you see—I noticed the funding that comes out, sometimes they don't make sense or they're not clear or they don't do quite what they need to do, and what we have done and tried to do in some instances is to flag those situations as early in the cycle as possible so that an adjustment actually can be made while a NOFA is out in order to clarify and there are other things that we do, and it's a matter of our office either knowing up front because of the work that we've done or with your good help, knowing up front because of the things that you've said to us or knowing from being out in Indian Country and talking to folks about things. If we don't catch it from all of that background, then we have to catch it on the backside, and so, we either do that through consultation or we do that through your comments and continuing to work on this counsel or we do it simply as a result of a one-off, one-at-a-time situations that bounce up that just don't look right for some reason, and we see those occasionally. We don't see a lot of them, but the one-off situations have really opened up some space for Indian Country in certain programs and certain applications.

Most people don't realize it, but when something comes into our office, we pick up the phone and we get ahold of the agency that is issuing the

program or managing the program and we walk through with this looks like a problem, is it really a problem, if it's a problem, is there a way around it that we can manage at this point in time, and we've seen some interesting creative work done pretty quickly in USDA to make sure that a problem is either mitigated or lessened to the point where folks that weren't going to get funding for things got funding for things because there was a problem on our part and our side.

G. Harrison

And then, one last question. I'm glad that and I want to thank the BIA for allowing a representative to sit in our sessions and take note of some of the issues we bring up. So, the last question I have is—what kind of a coordination are we anticipating when we deal with the land issues because in the past we've had some conflicts with the BIA in terms of their regulations, in terms of the USDA regulations, and so, what kind of streamlining activities do you foresee? Thank you.

L. Wheelock

There are a couple of things. One is that when we are out there working actually on the ground working and trying to get projects implemented, if there are—it differs from region to region and often from producers location to location, but what our folks try to do when they run into a roadblock is to get in touch with our office and let our office know that there's some kind of a problem be it a BIA problem or a USDA problem, and I have the authority to reach across to the Bureau of Indian Affairs to

my counterpart over there, Larry Roberts, and to talk to him about how we can resolve some of these situations. So, that's at a very high level.

We're the secretary's designees for trying to resolve issues that occur between the two organizations when USDA is trying to get something done and we have a land problem or a concern with an office or an officer.

In the case of some of the regulatory situations, we don't yet have an organization set up to mitigate some of those concerns. We do have the MOUs between the Bureau of Indian Affairs and three of our agencies between Rural Development, NRCS and FSA and we do tend to rely on those. There's also a provision in the fiscal year 2014 authorization that gives us our money essentially, and it's in DOI's authorization that allows for a more creative working relationship between the two organizations. It's buried in there, and so, someone just recently raised it to our office last month and we're trying to get some more information on it and figure out how to use it.

Forest Service is doing the same thing independently of our office, and we have pushed it back through their folks for pros and cons, how do we deal with this. If we want to move forward on it, how do we do it? I think that what we'll be doing is surfacing that and starting discussions around it and how we can do things better, faster and wiser for Indian Country, but that's kind of a watch this space right now.

M. Wadsworth Leslie, we had a mass e-mail that went out that basically you were a contact person with through Rural Development on Promise Zones. Could you give the counsel a brief rundown of what a Promise Zone is?

L. Wheelock I can. So, the Promise Zones, they're part of what are called place-based initiatives of the Obama administration. What they do is they look at a region of the United States, and typically it's rural America, in our case, Indian Country, and they look for—it's an application process. A Promise Zone is a space that has been designated by an applicant that has fewer than 200,000 people, a required poverty level and meets some other qualifications that shows the capacity to work with the federal government on a variety of levels in order to bring more and more federal programs and services into that zone.

A Promise Zone can be a reservation. It can be a couple of reservations or three reservations with the agreement by themselves or with agreement with the county governments around them. It can be a couple of pueblos with the counties around them. It can be a section of Alaska, and it's up to the applicant to figure out what that zone looks like. There's a mapping tool that's on the website. I'll give you that website in a minute, and that mapping tool has data in it.

It's not always great for Indian Country, and so, we ask people to assess the mapping tool, but the mapping tool allows an applicant to draw a polygon. It can be a circle, a square. It can be a jagged edge, something that runs along the river, but as long as the data within it meets the requirements for the population and for the poverty level, that space can be eligible to apply to be a Promise Zone.

Promise Zones are designated by the White House. The program is operated between USDA and HUD but brings in a lot of other federal agency and federal programs in order to work on, in this case, Indian Country initiatives that the local applicant has determined that they want to work on. So, a tribe, for example, or a couple of tribes, can say we're interested in working on education and reducing the crime in our location because those two seem to feed off of each other and we want to make sure we have strong education and we keep the kids in school and we want to reduce the crime on our reservation.

There are a couple of other criteria. Economic development is one of them, and healthcare is one of them. So, there are five criteria, and I always forget one, but there are five criteria that are kind of key in this process in terms of the application, and those five criteria should help shape the application because those are the five criteria where the applicant is trying to show a success of some kind.

They're trying to build houses so they create jobs so their economic development area goes up so they have businesses and so forth, or they're trying to improve their education so that their kids stay in school longer or get a better education or get a systems and support that they need once they get out of school so they can get into jobs. There are all kinds of different variations on it.

There is no money that goes along with being designated a Promise Zone at all. However, what you get with being designated a Promise Zone is preference points on applications for programs that do have money, and so, it gives the Promise Zone winner, if you will, a leg up on applying for some of these other programs. Those programs are through a variety—I think we have ten different agencies right now that have programs available that have preference points as a result of the Promise Zone designation.

So, we've had one round of Promise Zone applications, and right now, there is a guide out for the next round of Promise Zone applications that is on www.PromiseZone.HUD.gov. It's on a HUD.gov website, and Josiah is going to look it up for me. Do you have web connection? He doesn't have web connection. So, we'll send that out to you.

What's up right now is the proposed application and tools for the next round, and right now, it's open for public comment on what do you think of this application, are we missing something, is the data too difficult to gather, does the mapping tool work, is there a better mapping tool, and it's just like any other request for information. If you have something that you want to say about it, now is a great time to say it.

The website is www.HUD.gov/PromiseZones. That will get you the materials, and we'll send that out to you too in case that's too fast.

M. Wadsworth Leslie, on the credit side, I've kind of seen where they're expanding the eligibility for Indian Land Acquisition Program to individuals. Has that funding increased, and what are the limitations, do you know?

L. Wheelock Is this the FSA program?

M. Wadsworth This is Title V Credit.

L. Wheelock Let me make sure I've got—

C. Beyerhelm Leslie, this is Chris. Do you want me to address that?

L. Wheelock Please, would you?

C. Beyerhelm

Mark, this is actually a program that was authorized in the 2008 Farm Bill, and it was originally authorized for a loan to buy approximated land into two individuals, but it was connected with the DAA process for doing that. What part of that process, as I understand, it required 100% consolidation of those interests. So, when we did tribal consultation on it, what we heard was is that the tribes would rather have a program that would be more like a relending program to tribes where the tribes then could lend to individuals. So, this Farm Bill, the 2008 Farm Bill actually provided that statutory language that allowed us to do that.

So, that's one of the programs that Leslie is talking about that we'll be doing consultation on and writing regs on. So, you'll have a chance during the consultation and then also all of these regulations that are discretionary have to be published in the Federal Register for an additional public comment period. So, folks that live in Indian Country actually get two shots at it. They get the time for consultation and then they get the language that's in the Federal Register for comment period.

So, Mark, that's probably not going to roll out until later this fall just because it's going to take some time to set all that up.

M. Wadsworth I was just wondering if it was working in conjunction with the land buyback program currently offered.

C. Beyerhelm Are you talking about the loan buyback program through BIA?

M. Wadsworth Yes.

C. Beyerhelm It's actually the—the language in this Farm Bill actually decoupled it. So, FSA, USDA will be setting up a relending program where FSA will be working with tribes to set up those kind of relationships.

M. Wadsworth Okay.

G. Lunak Leslie, this is Gerald Lunak.

L. Wheelock Hi, Gerald.

G. Lunak I wanted to jump back a little bit to an issue within FSA and how the program is administered, and I guess I've done some work with Water Rights up here and I've kind of come to understand that the allottees on those tribes that have allotted lands, they play a pretty important role in whether you succeed or fail in FSA program applications, and I think we learned from Water Rights that we really can't totally rely on the BIA to

represent allottees, and this is not a recommendation but just as a point of interest and I don't know, maybe you guys have covered this ground, but I think the allottee groups throughout Indian Country probably at some point need to be recognized and also represented and I think that's a voice that's in Indian Country, I think, that's long overdue that needs to be heard, more on the [indiscernible] of some of these programs so that we don't run into roadblocks either through the Bureau or through the groups individually. I was just wondering if you guys have touched on any of that or is that something that needs to be looked at.

L. Wheelock So, specific to FSA programs, Chris, do you have a comment?

C. Beyerhelm Gerald, do you have specific programs you're talking about?

G. Lunak Like with EQIP, you really honestly can go out on allotted lands and develop projects because that land belongs to the allottee, and the Bureau, I know we've had some problems up here where our pivot was—mainland was put across allotted land and ended up in a lawsuit and NRCS and the EQIP Program were caught in the middle of that and that's kind of a prime example. So, that's one I think that it's more at the grassroots level, but I think that allottee issue needs to be part of the conversation really at the highest level to try to get some kind of a process in place to one, to include the allottees in programmatic administration and also just to make sure we

don't have those problems at the local level because it's really more of a roadblock. If you have a range unit or a lease that's allotted land, if you go out there and start digging holes and developing projects, you start putting yourself at peril doing that, and I just wonder if there's any discussions, and I know from the water rights aspect, I think one of the compacts actually lost because the allottees sort of weighed in and said—so, I just wanted to kind of bring that up. It really hasn't been part of any of our discussions, and it's a big part of it at the grassroots level and I'm just wondering if there's any discussions at the Washington level regarding allottee interest or do you guys rely on the BIA to cover it?

C. Beyerhelm

Gerald, I'm not individually involved in those programs, but I'll talk to Mike Smith, the Deputy Administrator of our Farm Programs and make sure as they develop those that they consider that. so, thanks for bringing that to our attention.

L. Wheelock

Thanks, Chris. Gerald, that's also—that's an NRCS program that you mentioned, so I think it goes beyond FSA. I think that we probably ought to have that conversation with our contacts over at BIA and see if there's a—I understand the grassroots piece of it. It's to the extent that we can get information to our state offices. I think it could be helpful because sometimes we could miss the people in your state and that could cause a

big problem. So, I think up at the top here we have to start the conversation. Thank you for bringing that up.

G. Lunak Thanks.

J. McPeak This is Jerry McPeak. Gerald Lunak?

G. Lunak Yes?

J. McPeak This is not the first time you've brought this up in all these meetings, is it?

G. Lunak Well, I'm not sure if it is, but [indiscernible].

J. McPeak I remember you telling the story before, and that was kind of what I was thinking. I think the story has been told before in one of our national meetings. Just a point of important information, I think if you went back and listened to the [indiscernible] he's made this statement before. In fact, I think it was the very last meeting. Just FYI.

M. Wadsworth Hey, John?

J. Lowery Yes, sir.

M. Wadsworth Are we pretty much stuck with the public comment period?

J. Lowery We are. Yes, sir, and we are coming up on it right now.

L. Wheelock We can wrap back to this.

J. Lowery So, Mark, are you ready to begin that period?

S. Vogel This is Sarah. I just was going to request that when people speak, it's kind of hard to tell who is talking unless they say their names.

J. Lowery Okay, great.

R. Strong Mark, this is Reid Strong. Can I be recognized for just a couple of seconds?

M. Wadsworth Sure, Reid.

R. Strong Thanks. I just wanted to say I have to go really shortly here, and I'm sorry I'm going to miss the discussion about the working groups. I think the subcommittees have been very productive, and in particular, that last suggestion of Gerald Lunak's is one that could be embodied in our recommendation through that subcommittee and that would be a way to

make sure that it was really dually recognized and responded to, but I have to go and I'm sorry we can't be represented longer.

M. Wadsworth Thank you, Reid.

J. Lowery This is John Lowery. Will, will you open the line for those who would like to comment at this time?

Moderator This is the AT&T operator.

J. Lowery Will, this is John. We are ready for public comment period at this time. So, can you see if anyone is waiting to provide comments at this time?

Moderator Okay. I don't show anyone that's asking questions or ready to ask a question.

J. Lowery This is John Lowery. I am with the USDA. I am the Designated Federal Officer for the Council on Native American Farming and Ranching. This is the public comment period time from 2:00 to 2:30 Eastern Time. If there is anyone out there on the public side who has come on and would like to provide comments, now is the time to do it. So, please let our AT&T operator know that you would like to provide comments.

Mark, this is John again. If we are not going to get anyone to provide public comments, I would suggest that seeing how Leslie had not really gotten started on the Farm Bill overview, that she could continue doing that, and during this time period from 2:00 to 2:30, if someone jumps on the call to provide a public comment, we can just stop and allow them to do that.

M. Wadsworth That sounds workable to me. Are you agreeable, Leslie?

L. Wheelock I am.

M. Wadsworth Okay. If you'd like to continue then, please do.

L. Wheelock Thank you. So, the Operator will be interrupting if we get something.

J. Lowery Yes. Will, please interrupt us if someone would like to provide public comments.

Moderator Will do so. Thank you.

L. Wheelock As I mentioned, these comments—the ones that are in your binders are of fairly high level, fairly specific to Indian Country or to things that are American Indian, Alaska Native constituents or [indiscernible] we think

would be of assistance to them. In Title I commodities, I'm not going to get into the underlying situations that are not in your book, but there's a decision that has to be made under the insurance level between two different programs that are new and that information will be rolled out as the programs are rolled out. I don't know if Chris wants to say a little bit more about that, but we're not prepped right now to talk about it because they're different and more complicated than I would like to talk to without a piece of paper in front of everybody.

Hearing nothing from Chris, I'm going to go ahead with the material that's in your binder. So, one of the interesting things under Title I under commodities that we have in your binder here is direct reimbursement payments for transportation for an agricultural commodity or input. This is, you'll notice, outside the 48 contiguous United States. So, this is for transportation between Alaska and the United States and between Hawaii and the United States. That is the hope that that reimbursement payment will assist with some of the disparities that we see in terms of the pricing because of the transportation cost both into and out of Alaska and Hawaii.

Title II is conservation, and what we're—some of these that are highlighted are things, as I said, until our regulations come out, we're not going to know exactly how these are going to come out, but the subtitle A item that's there, we're not sure where it came from yet. The authorized

activities on grassland subject to the conservation reserve program, so this is what we call the CRP program, and it includes common grazing practices including maintenance and the italics are necessary cultural practices. Necessary cultural practices is undefined in the 2014 Farm Bill, and so, we'll be keeping an eye on that to see how that's interpreted. We also have to go back through the legislation to pull out to see if we can determine the original intent. We're hoping that the original intent isn't so limited that we cannot include traditional cultural practices in whatever that definition turns out to be.

Subtitle B, item Conservation Stewardship Program, so we have some interesting things that have been popped into some of these programs in order to make it very clear that we're talking about tribal eligibility. So, in this case, eligible land under CFP includes tribal land, lands associated with tribal lands on which a priority resource concern could be addressed through a contract. We have folks in the USDA who work on these contracts regularly. They work on them whether it's trust land or free land, and so, they are accustomed to the processes. I have not found anybody who's complained about these contracts and how they work. You all might know people who complain about them, and if you do, let me know because I'd like to understand these processes and whether or not they're working as well as our folks inside think they're working.

There's a little note there about what's included under the Conservation Stewardship Program and you'll notice that the aggregate payment limitation to a person or entity, there's a cap there that does not include funding arrangements with Indian tribes. What we're noticing is that caps are alleviated in some instances, and I think that you'll see this as these regulations roll out.

Subtitle C is the EQIP Program requiring that 60% of the program funds for the next 4 or 5 years be used for livestock production practices and 7.5% be used for wildlife habitat practices. It also provides payments for wildlife habitat development, and I don't know if it did that before or not.

Then, Subtitle D has our Agricultural Conservation Easement Program. Establishing a new Subtitle H which has rolled together—well, let me back up for a second. Incorporates existing farm and ranch land protection program which includes not only protecting the agricultural use of conserved farm land but also looking at the future viability of that farm land to preserve it and make it acceptable to future farmers as well as new farmers.

It combines and coordinates the functions of several of the programs. So, previously, under our conservation program, conservation titles, you would have seen a number of different programs. The one that isn't

mentioned here specifically is the Habitat Program and we're seeing all of our conservation programs roll together under one title.

So, when Angela, for example, or anybody else who has habitat maintenance in their spaces, when they see those programs, what they need to do is to check out—is to look them up. If you can't find them, let us know. The WHIP Program, for example, is now under EQIP, and some of the Wetland Programs have moved. The Habitation Grassland Programs have moved under this new ACEP. There should be promotional material that comes out at the time these programs are announced that help to explain where the various components that we're all accustomed to looking for now are as a result of this.

There have been no changes to those programs. Those programs are essentially the same. They are just in a different place called potentially by a different name.

So, the funding is still there or is now there depending on whether it has been funded recently. The programs are still there. Your offices, your conservation offices will know where to find those programs and will be able to help you figure out where they moved to if you even have to know that. So, we try to keep it that movement as simple as possible. Nothing

else has changed in the programs other than those being consolidated under a title.

Subtitle E sets up or adds to Regional Conservation Partnership Program.

Sorry, this is actually Establishing Regional Partnerships recognizing that waters don't run through just one jurisdiction and then stop as they get to the border of a reservation or vice versa, and that we do need regional partnerships in order to make sure these conservation programs work effectively and an eligible partner in such a partnership is an Indian tribe.

So, our tribes can now go out and qualify under this new program working with the local counties and other jurisdictions and other tribes in order to make conservation projects work better in the spaces of which everybody occupies.

Subtitle F amends the Soil and Water Resource Conservation Act to explicitly add tribes as eligible entities with access to all of the programs within the section. This is one of the requests that was made two years ago prior to my getting here, and it's been made for a long time before that. It finally got into the Farm Bill.

Subtitle G authorizes funding for CRP including specified amounts for transferring contract land from retiring owners and operators to be getting and disadvantaged farmers and ranchers. As you know, we're trying to

encourage folks to take up farming and ranching and so is the Farm Bill, and so, some of the provisions that you'll see are provisions for our new farmers and ranchers. They're out there to help our kids. They're out there to help us transfer farms from Person A to Person B, Family A to Family B and keep those farms and those ranchlands in operation.

This authorization also includes the Agricultural Conservation Easement Program and the Conservation Security Program, Stewardship Program and Environmental and EQIP. I don't know why—why did we write it out like that? I always call it EQIP and everybody always knows what we're talking about, the Environmental Quality Incentive Program. So, that's under Subtitle G and authorizes the funding.

And one of the cool things that happened throughout the Farm Bill is inserting a preference for veteran farmers and ranchers. In terms of funding based, the veteran farmers and ranchers are often included in the same language as minority and underserved, and then, you'll see veterans alongside that. So, there are special provisions that recognize that we want to bring our veterans back and give them an option, which is to begin farming or ranching at home rather than out there looking for a job or trying to figure out how they're going to get a leg up and get a business started or something like that. So, you'll see veterans throughout the

Farm—we saw veterans throughout the Farm Bill. It's a great opportunity, and we're really looking forward to promoting that.

I'm going to stop here and pause to see if the operator has anybody on the line. That was a no?

Title IV, nutrition, so we have some really fun things in the nutrition title and in the fiscal year '15 authorization request. So, Subtitle A is where our supplemental nutrition, our SNAP Program exists and the Food Distribution Program is under Subtitle A. It's part of the SNAP Program. It reauthorizes the Food Distribution Program, but in addition to that, the request for funding for 2015 requested an additional \$15 million for that program plus an additional 5 million to put traditional food into the FDPIR Program. Some folks are finding that harder than others in order to incorporate and we're working with our Food and Nutrition folks to make that an easier working program.

As some of you might know, the Food Distribution Program on Indian Reservations is under a little bit of a squeeze right now as a result of a couple of things, but primarily because we have tribal members who have always been able to move back and forth month by month between the Food Distribution Program and SNAP depending on what they wanted to buy or needed to buy that month. In December of 2013, the

[indiscernible] supplement to the SNAP Program disappeared. Prior to that time, SNAP, a person who was taking SNAP eligibility had a dollar equivalent that was significantly higher than a person taking the Food Distribution Program eligibility package, and as a result of the [indiscernible] supplement disappearing, those two packages are very close in value.

The programs themselves haven't changed, but the value it has to the SNAP Program has actually come down, and now, the two programs—somebody eligible for either of the programs is eligible for essentially the same amount whether they're on SNAP or the Food Distribution Program. What we've seen and we think that what I just said is part of the reason is that there's been an uptick in the use of the Food Distribution Program on Indian Reservations to the tune of 9% to 10% increase in the use of those programs since December.

What we're facing right now is kind of a leveling out of the warehouses so that we can ensure that all of the warehouses have food for everybody who's coming to the warehouses because the funding will come into place, but it lags because they use actual data out of the warehouses in order to request the funding and the Food Distribution Program usage had been going down. So, there was an anticipation that it would hold level, if not drop, and in fact, it picked up to the point where people—where the

programming mechanism that supports it wasn't ready for it. So, you may hear some tribal leaders out there saying or some food administrators out there saying we're having problems, we're not getting all the food we want, we're not getting all the food we need. This is temporary while they reset the program and reapply for the funding in order to meet the demands. So, that's an FYI.

So, I'm going back to the notes here. Under Subtitle A under Title IV nutrition, the feasibility study report and demonstration project for tribal administration of the Federal Food Assistance Program, so this is a congressional request for a report to determine the feasibility of tribes' abilities to run their own programs essentially that are currently administered by the states or other administrative entities.

So, currently, there are tribes that are running the Food Distribution Program or the SNAP program directly. That is the state has stepped back and allowed the tribes to take over these programs without state oversight, and I think the White Earths up in Minnesota is probably the most recent tribe that has taken over a lot of its special services it got from the state, but the food programs are among those.

This is a study that's being contracted out that will report out in 18 months from the date of the Farm Bill, so in 10 months, whether or not there are

tribes out there that can administer the programs hopefully under what circumstances and so forth. We're expecting that study to begin soon. I have not heard anything about the demonstration project.

Below that is the traditional and local foods demonstration project. This calls for a pilot project for one or more tribal organizations that are administering their Food Distribution Program to purchase nutritious and traditional foods and foods produced locally if you can read that.

J. McPeak Leslie, this is Jerry McPeak.

L. Wheelock Hey, Jerry.

J. McPeak I want to back up [indiscernible] there. You talked about the—if you don't mind, your regards turned out really, really nicely, but you talked about demonstration project. Do we have enough—and I know you were here in Oklahoma. Did you see enough of the tribes doing that that you have an opinion of how efficiently they're doing as compared to allowing the state to do it to us.

L. Wheelock I don't have an opinion. I do know that there are tribes out there doing it, and that's part of what this study is for is to go around and see who's doing it and how they're doing it through some sort of an evaluation, but also to

determine whether or not they can administer additional programs because tribes are only right now administering three other programs that are out there out of ten, and there's a question whether or not the tribes that are currently working on their own programs, whether or not they can take over these other programs as well and so forth. So, there are a lot of questions involved in that. There's not an assessment that I know of, and we don't have one in office.

J. McPeak FYI—we do it, the creeks do it and we like it. It is more efficient not because [indiscernible] but they just do a better job. I didn't know whether you had anymore feedback from that or not or you [indiscernible] That's all. Thank you, ma'am.

L. Wheelock Thank you very much. We do tend—our plan is to kind of right herd on this to the extent that we can get the information on the tribes that are doing it over to the managers of the project. We've been working on that. We're expecting them within the RSD that goes out for the project to require whoever does the research to work with or talk to the tribes that are already administering the program in order to get some sort of an idea of what's going on out there.

J. McPeak You wouldn't have to invent the wheel twice.

L. Wheelock Exactly.

J. McPeak Okay. Thank you, ma'am.

L. Wheelock Thank you, sir. Do you want to ask for questions one more time? We're about to end our—

J. Lowery Yes. Will, do we have anyone wanting to ask questions or to provide public comment?

Moderator I don't have anyone asking questions.

J. Lowery Thank you, Will. Leslie, you have about six minutes.

L. Wheelock I have six minutes.

J. Lowery Until the 2:30 break.

L. Wheelock That's what I usually have. So, you all heard that. You can listen or not. We have traditional and local foods demonstration projects. This is the one I was just talking about, and this is demonstration projects to put local and traditional food through our Food Distribution Program.

We're kind of wondering why this is in there because we're pretty sure that tribes can do it now, but there must be some restriction or they wouldn't be working on it, but there's a consultation requirement here regarding the training and capacity to participate in the project, and so, part of that, I think is very helpful to our local farmers and ranchers to talk to them and figure out what's holding things up, what makes it difficult, how do we make it easier, and I think that it authorizes \$2 million to be appropriated, and we have to wait for that appropriation. So, when you see things like authorizes \$2 million to be appropriated in text like this, what that means is this is the first step, Congress saying we want the appropriators to contribute \$2 million to this project in Congress, and then, you see us applying for the \$2 million from Congress, and then, Congress has to say okay, you'll get \$2 million. It's kind of a lengthy process in order to get the money that it says is there in the first place, but we're working on it.

Assistance for community food project recognizes that tribal organizations and public food program service providers can be providers of community food projects essentially recognizing that tribal organizations are eligible for this program. This program exists and its funding—there are projects to be funded under it and tribal organizations are eligible for that.

The next one—service of traditional foods in public facilities is an interesting request that came out of Senator Begich's office from Alaska

where we're working both with his office. We're required to work with the FDA because it has to be a joint determination. In order to not only to determine how to break through what some people have called the urban myth of USDA-requiring schools and hospitals to serve USDA-approved foods, but also working through what's happening out there in terms of food codes that either at the school level, the county level or the state level that are restricting the ability to do this now.

In the case of fruits and vegetables, whether they're local or traditional or whatever, fruits and vegetables right now can be donated to public facilities unless there's a code in the way, a food code. So, we've started to put together—started working on promotional materials for our American Indian Alaska Native citizens that says if you want to donate food, check with your school first and find out whether or not it's okay. If it's not okay, find out why. We'll probably be putting a bigger push on that because the bottom line is that most of that cannot happen with fruits and vegetables or where it cannot happen with fruits and vegetables, it's because there's a code in the way, not because USDA says it has to be USDA approved. So, we're going to be doing a little bit of our own on-the-ground research to try to find out what's going on out there.

In terms of the game and the meat, those are a little bit more complicated. They're more heavily regulated, and they're regulated between USDA and

FDA and we're also concerned about bumping into the FDA's Food Safety rules, and so, we're going to be working with the folks over there to try to make sure that USDA doesn't put something up there that works only to have the Food Safety rules knock it over because it doesn't work under those rules. So, there's a lot to be done here that we have to go through—we have to go through consultation with whatever we end up with, but before we get there, we have to do some research and some really tough on-the-ground work to figure out what we can do now, what's causing the problem and how to break through the problem.

Healthy food financing initiative establishes an initiative to utilize CDFIs to provide loans and grants to our food retailers in order to help with the initial barriers to entry in underserved areas. So, this is one of three or four intermediary financing capabilities that are written into the Farm Bill, and our native CDFIs can participate in these. At least, that's the goal.

Once the regulations are written to allow this to happen, it gives us another potential organization that can provide funding within this space. We need all the help we can get, and usually our local lenders and especially our native lenders have a better idea of what they can financially support than a commercial bank would in the case of Indian Country, and they have a little bit—they have different lending patterns and habits, and this is something that was thought of in order to try to see whether or not we

can actually make the retailer establishment work in Indian Country and in our food deserts.

So, this initiative also authorizes the establishment of revolving loan pools of capital to provide loan grants and technical assistance and cover administrative expenses of the fund manager for this fund.

Then, the last part under nutrition is the Food Insecurity Nutrition Incentive that—

J. McPeak Jerry McPeak again. If you're talking about finance, then let's go back to financing. Can we?

L. Wheelock Yes, sir.

J. McPeak Do any of the other tribes, have they started their own banks?

L. Wheelock To the extent I know of one depository bank, but a tribe has the way of several other banks out there that are not depository lending institutions.

G. Lunak The Blackfeet has their own bank.

J. McPeak The Shawnee have started their own bank in Oklahoma, and other tribes are talking about that. Has that been any portion of your conversation?

L. Wheelock No, it has not.

J. McPeak I think that's a trend where we are, and if Blackfeet are doing it too, should that be a portion of the conversation?

L. Wheelock I think that we can start looking at that. There is language in here that talks about CDFIs as an example, and there's language that talks about CDFIs as a specific for the intermediary positions, and so, we'll have to take a look at that and see what we can find in terms of who's eligible for what, but thank you for that.

Going onto the Food Insecurity—how am I doing on time?

J. Lowery You can finish.

L. Wheelock Food Insecurity Nutrition Incentive, I'm going to let Chris do credit, just a heads up, Chris. The Food Insecurity Nutrition Incentive includes a tribal agency as an eligible entity for [indiscernible] for projects to increase purchase of fruits and vegetables by low-income consumers. So, this is one of the programs that we hope we'll see coming up pretty quickly that

allows the tribes to work on a cost-sharing basis with federal funding in order to try to get better produce into spaces where we don't have it now where it's very difficult to get it. I think this is going to have some programmatic work behind it because it talks about providing incentives at the point of purchase, and I think this will be—this will be something to watch. We're not sure how it's going to roll out, and it could be pretty interesting and tribes can participate. So, I think that's always a good thing.

So, I've got up to Title V credit, and I'm going to ask Chris if he wants to talk about credit provisions.

C. Beyerhelm Sure. Leslie, I think we already kind of did earlier based on Mark's question.

L. Wheelock We did. I'm sorry. I just realized that the only thing we have under there is the fractionated land portion. Okay. Thank you. Do you want to talk about anything else?

C. Beyerhelm Nothing really specific to Indian Country, but just with the Farm Bill for the credit title, there are a lot of improvements to the program to make it more assessable, which raises everybody's vote. So, I think that's noteworthy.

L. Wheelock

Great. Thank you. So, Title VI, Tribal College, TCUs Essential Community Facilities, which helps to keep them debt free even though they have some really nice buildings on their campuses. We've been touring them recently. This reauthorized through 2018.

Rural Development has some other really cool stuff. You'll start to see it. I hope you'll start to see it rolling out probably as early as next week. They're trying to make application processes a little bit easier. They're trying to do some other things.

We currently do not have a broadband program because Congress changed it to the extent that the regulations for it no longer worked, and so, they're reworking the regulation for that for the 2014 Farm Bill language, and we currently do not have multifamily housing program because we don't have funding authorized through Congress. So, those are two highlights. One of them is being fixed. The other one is something that Congress is going to have to fund in order for us to provide multifamily housing on our reservations, and housing is becoming a real problem.

Title VII, research extension and related matters; land grants, so our 1994 institutions, we saw the addition of College of Muscogee Nation, which is

very cool. It is [indiscernible], Ojibwe, and a new one, did we discover, or is it a renamed one? I think it's a new one.

M [indiscernible]

L. Wheelock So, we have two new colleges joining the 1994s. That's great news. We have two more colleges on our reservations. That's not so great news because the pools of funding for those schools are small to begin with, and that also requires additional work by Congress in the Appropriations Bill in order to get them more money. So, this is great; I don't know what these sections are. Reauthorized sections, blah, blah, blah, and the Equity and Education Land-Grant Status Act doesn't help me at all.

An extensive pool of qualified partners, so here's something that's really cool that the colleges and universities have always been required to partner up with another Land-Grant Institution that's not a TCU, so a great big state college or a traditional black college or university. The TCUs have always had to partner with those organizations, or one of those organizations in order to get their funding to do research, and our schools have always complained because there is a—in many cases, the partnering schools took a little skim off the top, a little fee off the top in order to be that partner. So, they took an administrative fee off the top, our school said, we'd like to see if there's another way of doing that, and so, what has

been introduced here is a way for those schools to partner with a variety of institutions including USDA's Ag Research Service, which by the way is huge and doing all kinds of really cool stuff.

Other Land-Grant colleges and universities, non-Land-Grant colleges of agriculture, which we've seen in other places in the Farm Bill raised as institutions that USDA needs to pay attention to and cooperating forestry schools. The first time I heard of a forestry school plus Forest Service actually working on one of these was in New Mexico with SIPI. So, we're seeing schools doing this right out of the box already.

Title XII miscellaneous—there's this really cool thing. For those of you who don't know about it, the Office of Tribal Relations was established in the Office of the Secretary originally by both the Obama administration and then supported by the Secretary of Agriculture, and there's always the potential when things like that happen in one administration that the next administration doesn't carry through, and in our case, the office might disappear. And so, the 2014 Farm Bill made our office permanent and made it importantly a permanent office within the office of the secretary. So, we are at the secretary's level in the secretary's budget, which could be increased to accommodate an increase in our budget. Therefore, for the term of the Farm Bill, it was supported on both sides so there was no

discussion, and we're very happy to be made permanent by the Farm Bill.

Thank you all for your support of that, by the way.

Manager's amendments under that agriculture marketing service title, there's some interesting language in the manager's amendments which is a talking document that goes along with the Farm Bill to help people with interpretation, to help them understand what some of the language means and so forth. In this case, the language encourages the secretary to work with tribal organizations to use third-party certifiers for AMS service, Agriculture Marketing Service.

Talking about existing infrastructures on reservations, extension agent and trained certified tribal employees or officers to certify producers on tribal lands, so this is basically saying there has to be ways to accommodate the tribes to allow them to set up ways of certifying their own things on their own land, and this is one element of it we've seen it or had questions about it in other places, food certification, slaughter house certification and so forth. So, there have been other instances where people have said why aren't the tribes doing that themselves; this is another example of that. As we know, a lot of that has to do with funding, training and where the facilities are located, but this is one step forward.

So, that's the nutshell. No, it's not. Yes, it is. That's the nutshell, and then you have another page behind it that's Farm Bill highlights. It's a very high-level document, and I'm done. I'm over time.

M. Wadsworth Thank you, Leslie.

L. Wheelock Thank you very much.

M. Wadsworth John, do we go into our break now?

J. Lowery Yes, sir.

G. Harrison John, before we take a break, this is Gilbert Harrison. I'd like to ask Leslie one question related to Title XII [indiscernible] on tribal relations. How does it affect the budget, staffing and also we've had problems trying to get some additional funding for the council?

L. Wheelock Thank you, Gilbert. So, it doesn't affect the budget at this time. It didn't affect the budget in the 2014 Farm Bill, let me say it that way. When the initial Office of Tribal Relations amendment was submitted by Senator Akaka as part of the Senate Farm Bill and was passed, and then, on the house side, it was picked up by Representative Kristi Noem from South Dakota, and when she introduced it, she said this is a no-cost amendment

to the Farm Bill because they're already funded out of the secretary's office.

As a result, we have no additional funding out of the Farm Bill. In order to get additional funding, some really, really helpful and smart people would have to help us get that funding out of the appropriations bill. So, Farm Bill is separate. Farm Bill sets up, for the most part, sets up the regulation. There is some funding in the Farm Bill, but for the most part, it sets up the regulation and then you have to look at the year to year authorizations bills in order to see what the funding looks like, and our funding has been fairly flat for the last two years.

We got a little bit of a bump for this coming year, actually for this year. No, it's for the coming year. We didn't get a bump this year. For the coming year, we got a tiny bump, which pretty much covers cost of living and some other smaller things. It's keeping our staff with approximated same size it's been for the last few years.

G. Harrison Thank you.

L. Wheelock I know the other question. I'm sorry I didn't answer the rest of your question. There is no additional funding for the council in either our budget or in appropriations. That's it.

M. Wadsworth Did you still want to do the 15-minute break and re-adjourn at 3:00?

J. Lowery That sounds good to me, Mr. Chairman, if no one has any objections.

M. Wadsworth All right. We'll re-adjourn at 3:00.

J. Lowery Eastern Time. Thank you.

{Break}

J. Lowery Mr. Chairman?

M. Wadsworth I'm here, John.

J. Lowery Do you want to do a quick roll call just to see if everyone is back?

M. Wadsworth Okay.

J. Lowery Is that fine?

M. Wadsworth It looks like it's 3:00, and John is a part of the BFO, is our public comment period over with?

J. Lowery Yes, sir. It is.

M. Wadsworth Okay. We'll do a quick roll call again.

J. Lowery Mary Ann Thompson? Jerry McPeak?

J. McPeak Here.

J. Lowery Angela Peter?

A. Peter Here.

J. Lowery Elwood Soza? Sarah Vogel?

S. Vogel Here.

J. Lowery Lance Morgan? Gilbert Harrison?

G. Harrison Here.

J. Lowery Porter Holder? Mark Wadsworth is here. Michael Jandreau? Gerald Lunak? Reid Strong has left. Chris Beyerhelm?

C. Beyerhelm

Here.

J. Lowery

Leslie Wheelock?

L. Wheelock

Here.

J. Lowery

Lillian McFarland is here on behalf of Juan. Mr. Chairman, as of right now, Mary Ann is not on the phone or Gerald Lunak, so they will probably be joining us shortly hopefully.

M. Wadsworth

Okay. Well I think we should get through our last update from progress report from Chris Beyerhelm.

C. Beyerhelm

Thank you, Mr. Chairman. If you look at tabs three and four of the book that you got from John, what these are, just as a reminder, as part of the Keepseagle settlement agreement, FSA was required to provide semiannual reports on the number of applications from natives and whites and then the approval rates of both. So, under tab three, you'll find the state reports, and the columns you want to look at are six and seven starting from the left. They're back to back. On column six, they show the percent of approved applications from natives and column seven from whites.

The high-level of summary of these reports without going state by state are, if you turn to the last page, under tab three, you can see that the approval rate for natives is 91.9 and for whites it's 95. So, that's an improvement from the last report, moving above 90%, number one, and then reducing the gap between the two.

The other improvement that we see is that on the last report there were 13 states that had more than 10% difference in approval rates, and in this report, there's only 10. And then, another piece of information that isn't obvious from this report but just some further information is that we're starting to look at three-year trends now so we can show movement, and the three-year—if you look, the three-year average of all of these states and look for differences of more than 10%, there's only four states that have a three-year average of greater than a 10% difference, and those states are Maine, New York, Utah and Georgia. So, we're pleased to report that we believe some progress is being made on that.

Having said that, we've also been working with IAC and Sarah Vogel and looking at places where it appears there should be more applications being made. So, even though there's good progress on the number of applications, there's a percent of applications being approved, there's still some concern about some particular counties where we think more

applications should be made. So, we're working on a [indiscernible] from IAC, working on an outreach plan, marketing plan combined with our StrikeForce efforts where we have overlap in StrikeForce counties that happen to be in Indian Country. So, by the next meeting, we plan to have a more detailed outreach marketing plan on how we're going to at least evaluate what the reason for that is. There may be some good reason why that is. There may not be a lot of natives in those particular areas that are interested in farming, maybe other financing is available; we don't know.

Under tab four then are the country reports, and I'm not going to go into the details of that again. Obviously, there are pages and pages of those but basically the same results; we see an increase in the overall percentage of approval rates between whites and natives, again, with the caveat that our individual counties that we need to continue to look at and are continuing to look at, and earlier, Rick Gibson mentioned the ombudsman very soon being hired, and that's certainly something we'll be working with the ombudsman to look at further.

So, with that, Mr. Chairman, certainly willing to answer any questions.

M. Wadsworth

Any questions for Mr. Beyerhelm?

S. Vogel This is Sarah. Thank you very much, Chris. It's really great to learn about work on the marketing plan, which is one of the outcomes that we'd hoped would come of gathering the statistics to sort of keep an eye on where are the applications coming from, whether their credit is disapproved and addressing any statistical anomalies that might mean something can be addressed. I just wanted to urge other members of the council that they may want to take a look at their state or their county-level data in regions that they know pretty well, and it is only collected for the top ten states that the Ag Census listed for, by county, listed as high populations of Native American farmers and ranchers, but within that, you might see something that looks like it's worth an inquiry, and then, I would urge you to let Chris know so that they can take a look at it whether it needs more outreach or any of the other reasons that Chris may have mentioned or others.

G. Lunak Chris, this is Gerald Lunak. These reports, they don't really speak to the types of loans that are being given.

C. Beyerhelm These are just an overall report, that's correct.

G. Lunak Well, I guess that I'm seeing a little bit on here is some of these loans that are being offered really don't lend themselves to a long-term operation. It's sort of the macro loans are good. There's even the new rancher, young

rancher loans, and I think at some point, we'd like and probably I suppose it would be coming, but having this information is great, but I think giving Native Americans a long-term option to build an operation that's going to go a generation or two versus a short term, and when I've talked to folks, some of the people here that are trying to get loans is they sort of get—they're asking for a good size operating loan, and at some point, they're offered a young rancher loan or a smaller loan and there's a concern that the grassroots regarding that discourages—it's still discouraging folks from participating because they feel like you're not giving enough resources to really make the thing work long term, and I guess I'd just make that as a point of interest.

C. Beyerhelm I'll ask my folks if we can break it down by types of loans. In other words, how many of these are one-year loans, seven-year loans, longer loans. So, I can sure do that, Gerald.

G. Lunak Okay. Thank you.

M. Wadsworth Any other questions?

G. Harrison Yes. This is Gilbert Harrison from Navajo again. Hi, Chris. One of the questions or requests that I've made before was we get a table of successful loans and how they're coming up. Maybe somewhere along the

way, Chris, if we could have a little—maybe a little executive summary of what changes has the USDA made to improve the loan situation, what kind of training programs have you had, what kind of field directives, have you given up? Is that what's called [indiscernible] reach? Have you made some changes to some of the internal policies?

Give us an idea of what changes have you guys made. What's improved some of these ratios or increases [indiscernible]? A very, very short summary would be very good. I'm sure you guys have done a lot of things internally to make it a little more—the loan ratios a little better. So, somewhere along the line, Chris, it would be nice if you could provide something like that for the board and say here are some positive concrete steps that we've taken, training, directives, whatever you guys did. Thank you very much.

C. Beyerhelm Gilbert, just a point of clarification. I thought I had done that at the last meeting in Vegas, and then, that showed up in the minutes of the meeting. Are you wanting something other than that? You're wanting actually a report that goes into the booklets?

G. Harrison I don't recall; that's why I asked. I might have had stepped out, but anyways, if you did it, that's fine then. Thank you.

C. Beyerhelm

Okay. Thanks.

M. Wadsworth

Are there any more questions? If not, I think it's time to go into the subcommittee reports and working session. I think that one of our discussions with John was that we'd have a person lead to basically lead their report or the group that met together. I know for me, I'll be able to respond like to the Forest Service as [indiscernible] land management discussion points. So, if that will work, John, if we could have the main leads discuss what they'd like to bring forward as recommendations. Maybe we can start with the Bureau of Indian Affairs.

J. Lowery

Thank you, Mark. I think we can definitely follow in alphabetical order the different subcommittees, and at this time, Leslie, who is the lead for the Bureau of Indian Affairs [indiscernible] subcommittee. I think it would be good for her to provide an update.

L. Wheelock

Thank you, John. Thank you, Mr. Chairman. At several of our meetings, the council has requested the presence of a representative of this Bureau of Indian Affairs, and in some cases, that's been Assistant Secretary Washburn, and he has elected to designate Kathryn Isom-Clause to be his representative attending our council meeting. The Office of Tribal Relations works with Kathryn quite a bit on a lot of other subject areas and a lot of other committees and a lot of other situations that arise from time

to time and this is a great relationship that we have already established and we're very happy to have Kathryn join us in our meeting. Thank you, sir.

K. Isom-Clause Thank you, Leslie. I just wanted to chime in too since I haven't mentioned anything on the call. I am here and listening and taking notes and everything. So, happy to be here.

G. Harrison This is Gilbert Harrison from Navajo. We have a representative from BIA. I'm always interested [indiscernible] marching orders when they came over to sit in on them, listen to and be a liaison. What kind of—I guess besides taking notes, what other—what's on the agenda for BIA to be presented here at the council?

K. Isom-Clause Well, Leslie and John, feel free to jump in, but as I understand it, I'm here at the council's request in that if there are any issues that come up, I can bring them back to my bosses and everyone else at BIA and figure out how we can get them resolved, just help with coordination with BIA and really just to serve as a resource for anything that may come up at the council meetings.

J. McPeak Leslie, this is Jerry McPeak. Who did you say was assigned to this meeting today?

L. Wheelock Kathryn Isom-Clause.

J. McPeak I'm sorry, I missed that again. Can you say it again?

L. Wheelock Her first name is Kathryn. Her last name is hyphenated, so it's Isom-Clause.

J. Peak Okay. And her title is?

L. Wheelock Kathryn, I'll let you fill that in.

K. Isom-Clause My title is Counselor to the Assistant Secretary for Indian Affairs, and I can send out my contact information so everyone has it or maybe John or Leslie can.

L. Wheelock I'd be happy to.

M. Wadsworth I guess as a part of that—were you recommending any further recommendations to this at this point in time?

L. Wheelock Mr. Chairman, right now, we have no further recommendations. We're happy to take recommendations from the council. Thank you.

C. Beyerhelm Mr. Chairman, this is Chris Beyerhelm. Can I ask a question?

M. Wadsworth Yes.

C. Beyerhelm So, just so I'm clear, this is a done deal. We don't need to make this a recommendation to the secretary. Is that correct?

M. Wadsworth As far as?

C. Beyerhelm The appointment of the BIA representative to the council?

M. Wadsworth Yes. As far as what I've seen [indiscernible]. It seems like it's being handled at this point in time.

C. Beyerhelm Okay. So, we would not move it forward as a recommendation?

M. Wadsworth I believe not.

C. Beyerhelm Okay.

G. Harrison This is Gilbert Harrison, again, from Navajo. At the meeting in Vegas, I believe it was, what's that guy's name? The representative from BIA was there.

L. Wheelock Larry Roberts.

G. Harrison Yes. And he alluded to the fact that the BIA was going to go ahead and they have finished their trust modification or trust updates workgroup. He said that the next thing that they were going to do is they were going to take a look at some of the BIA regulations as it relates to land administrations, allocation of land, [indiscernible] issues, land use issues. There was going to be a task force, somebody to take a look at updating some of those because what the BIA has is dated 1935. Do you know if there's been any effort in that in Denver that he told us about?

L. Wheelock This is Leslie. I don't know of any, but have also not circled back to ask him for a report out.

G. Harrison How do we get that report back?

L. Wheelock We request it.

G. Harrison It will be go through [indiscernible].

L. Wheelock Yes, sir.

G. Harrison Thank you very much.

L. Wheelock Thank you very much.

K. Isom-Clause This is Kathryn, and I can circle back with Larry and make sure we get a report out on that.

G. Harrison Okay.

M. Wadsworth Thank you. I just need to know who will be representing the conservations portion of this.

J. Lowery That will be Angela.

M. Wadsworth Okay. Angela, would you like to do your presentation?

A. Peter Okay. I forgot I volunteered for this, or maybe I didn't and John just put me in there.

J. Lowery No, no.

A. Peter We met via teleconference in the discussion around the WHIP Program and the EQIP and the fact that the WHIP Program has kind of been of

ruled into the EQIP so there's no more WHIP Program, and we just had discussion on the EQIP Program, and as far as setting specific standards for practices such as if there are costs that are high and shipping say in Alaska, perhaps using Native materials that are in and around the village or something to make [indiscernible] instead of barging in something that might not even make it up the river during that season. So, after we spoke on that, Chris was nice enough to kind of put that all in a nutshell for us and wanted to recommend that the secretary direct all of the agencies to develop and implement micro projects. So, under a specific amount, I think 10,000, you wouldn't need the same level of review investigation and eligibility as a larger-scale project. That's it.

J. Lowery Mr. Chairman, this is John Lowery. Chris, would you like to further discuss this recommendation?

C. Beyerhelm Sure. I think Angela—I think there were a number of examples I heard—the example of the high tunnels is a great example. The other example that came to mind are these NRCS projects that start out as fairly simple, I want to bury a pipe, the material is 2,000 and the labor should be 1,000, but once it's gets over engineered by NRCS it turns into a \$15,000 project. So, the idea is to encourage all USDA agencies to look at all of their programs, and if they're under a certain limit, whether it's 10, 20, 30, whatever it is, that reduce our underwriting standards, reduce their

[indiscernible] requirements, reduce their engineering standards, and whatever the standards are that they're all reduce and that they're commiserate with the amount of the project cost.

J. Lowery Mr. Chairman, this is John again. Not to be too intrusive upon you guys doing council work, but so what I envision is that with the subcommittee report having been done and discussion has been somewhat held around the recommendations, I would think that this would be a good time to see if other council members have any questions regarding this recommendation and then for us to move forward on a vote on the recommendation. So, that is what I would like to propose to you guys as a council. So, is there any feedback?

M. Wadsworth Sounds workable to me. So, John, I would really like—do we just want to use verbatim the written recommendation as is or do we want to strike language from it or just put it up for questions?

J. Lowery I would think that this would be a good time just to ask the other council members if they have any questions and what they suggest regarding this. So, I personally like all of the wording, but if you just want to say to just look at the bottom of the paragraph where it says the council recommends the secretary direct all USDA agencies to explore the possibility, if you just want to take that paragraph alone and just do it, I think that that is a

possibility, and then, if need be, we can add this other language as background information.

S. Vogel Thank you. This is Sarah Vogel. I like the little bit of background information conjoined with the recommendation. I think that as this is pulled together into a cover letter or a document, Dear Mr. Secretary, here are 12 recommendations from the council, I think it would be very helpful to have the background and the recommendation conjoined. When it does happen, perhaps the recommendation proper could be in bold print or something, but I really do like the language of this and I like the concept, and I'm actually ready to make a motion for approval if that is in order.

M. Wadsworth You could go ahead, Sarah.

S. Vogel Okay. I make a motion to approve the recommendation of the Conservation Committee option [indiscernible] USDA programs to adopt a micro project philosophy.

J. McPeak I have a question. Sarah, your motion is to include basically all the language that we heard plus the last—plus the summary statement, right?

S. Vogel It would be the two paragraphs under potential recommendations, the caption and the two paragraphs.

J. McPeak Thank you. Second the motion.

M. Wadsworth Jerry McPeak, it's been seconded.

G. Harrison This is Gilbert Harrison. I have a comment. In this language, it talks about [indiscernible] and the cost implications. I think that might be in relationship that [indiscernible]. One big issue we had before was that a project and the funding is approved before the detail design, and that ended up with being—making the project very cost overrun. So, I think the project should be closely estimated and a budget set, which would close to the actual cost estimated price of a project before its final budget is approved, and I think two or three people have said that before where it would sound very simple, which is the micro, but our time and engineering standards were applied, it became a very high-cost item. Maybe somewhere, we ought to recommend that the price be better defined using engineering standards before a final budget figure is approved.

S. Vogel This is Sarah, and Chris and Angela and other members of the committee, is this something that you would think would be considered as across all the different agencies they are developing micro projects? It might not just be the ones we've talked about, but—because I think we're seeing

developed—so, I would think that that concern, Gilbert, would be folded in. We won't be able to mention everything about these potential micro projects, but as the design occurs of the micro projects, maybe points like that could be—would necessarily need to be discussed.

C. Beyerhelm This is Chris. Even though this came out of the Conservation Subcommittee, the idea behind the recommendation is to be across USDA. So, I think—Gilbert, you're right. If that's the intent of the council that we do this across USDA, it would get fairly difficult to start getting in the weeds on all of the different programs USDA might try to do this with.

G. Harrison Okay. Well, just as long as we understand it, better cost estimates, better cost implications should be looked at because once a project is considered micro, we don't want an overpriced budget to change it to another category. Thank you.

M. Wadsworth This is Mark Wadsworth. Just a comment I would like to make is I believe the intent of with this micro is actually with the intent of, I think, kind of like a pilot project in which if it hits a certain threshold of funding, it doesn't require the depth engineering depending on the cost. So, I think that what we're proposing is almost like a pilot or a micro project to see whether that would be workable in this situation. Correct me if I'm wrong, Chris.

C. Beyerhelm Well, I think it could be either. I guess what I envisioned is that we would make the recommendation, and then, the secretary, if he agrees, will then challenge each of the USDA agencies to come up with a micro project. Now, some may decide, like we did, to do micro loans across the board and some may decide we need to do it as a pilot project. So, you may end up with both. I don't think we want to limit it to a pilot project because there may be some parts of the USDA that say hey, that's a good idea, let's just make it part of our process.

M. Wadsworth Okay. Thank you. Thank you, Gilbert. Well, do we want to call this to vote? Could you read the resolution as it will read, John?

J. Lowery Yes, sir. The recommendation will read—at the very top, it will say the council recommends the secretary direct all USDA agencies to explore the possibilities of developing and implementing micro projects within their existing programs specifically designed to recognize, and in some cases, smaller projects do not need the same level of review, investigation and eligibility requirements of larger-scaled projects. And then, the background information will follow the recommendation language.

M. Wadsworth Okay. All those in favor?

W Aye.

S. Vogel Aye.

W Aye.

M. Wadsworth Anyone opposed?

M Aye.

M. Wadsworth Say nay, but it looks like the motion passed.

S. Vogel This is Sarah, and I made the motion, and I'm perfectly fine with however John writes it up, and I would leave that in part to the discretion of the Federal Officer, John, and the chairman, what makes sense when the letter is written whether the background goes before or after. I just wanted to point that out. I did vote for the motion as restated by John.

M. Wadsworth And we sure will, Sarah.

S. Vogel Okay.

G. Harrison Just a question for the council. This is Gilbert Harrison. Do we want to use the word direct or do we want to just encourage it? In a way, an encouragement from the secretary is almost the same as a direct, but it's easier on some of the program officers. That's a comment. Thank you.

M. Wadsworth I think we'll review that language when we get to the resolution signature and stuff or that letter going to the secretary and we'll get back to you on that, Gilbert.

S. Vogel This is Sarah again. If we use the word direct, it isn't mandating a result. He's asking them to explore the possibilities. So, I think direct in this instance is great, ask the question, is there room for a micro program, and if so, how would it look, so you can direct every agency to look at it. That isn't mandating a particular result.

M. Wadsworth Okay.

S. Vogel I like the word direct as it was in the materials.

M. Wadsworth Okay. I think we'll carry on to the next subcommittee Council Governance and Structure.

J. Lowery Mark, this is John Lowery. Just as a point—Gerald Lunak has left the meeting. So, just put that into the notes.

M. Wadsworth The next one looks like it's on tab five.

J. Lowery Yes. The Council Governance and Structure, tab five, and this will be—I am also asking Angela to provide the report for this as well.

A. Peter Sorry, I'm double doing here. Why did I get stuck doing this too, John?

J. Lowery It was just me and you, Angela.

A. Peter Okay, now I remember. It was. John and I were talking about using *Robert's Rules of Order* because there are so many—there are a lot of members sometimes that get very hard to follow things when everybody is talking. So, we made some suggestions that members not talk out of turn, introduce yourself, remember the meeting is being recorded so you don't say any derogatory things, always be professional and the chair should remind individuals at the beginning to be respectful of each other, *Robert's Rules of Order*, once again, and then also, one thing that we suggested is having a recording secretary that is on the council that can conduct roll call, and then, one thing—didn't we discuss, John, about having somebody—no, maybe not—and then, having John write a letter to

distribute in the binders before each meeting welcoming everybody. Is that good, John?

J. Lowery

Yes, ma'am. And just to sort of piggyback on that, Mark, this is—from having the discussion with Angela and others, we see this Council for Governance and Structure Subcommittee as pretty much as a rules committee for the council itself. We don't really see any recommendations coming out to be sent to the secretary himself, but that could happen, but we just envision this subcommittee as being one that will say okay, this is how the council will act when dealing with this issue or another issue.

So, as far as the *Robert's Rules of Order* goes, that was just a way of trying to say how can we be more clear and more concise when working on the motions piece because almost every meeting we're sort of like what was the motion on the floor, does anybody remember the motion, there was a substitute motion made, what was the motion. So, it was just a way of us to do business better, and I have checked with other advisory committees and some of them are using *Robert's Rules of Order*. So, this is not unprecedented for us to want to use them. At the same time, we also discussed having a recording secretary within the council itself meaning that you guys are council and it makes sense to make sure that one of you

are at least keeping up with the motions that are on the floor, not taking notes, just keeping up with the motions. So, that was discussed.

Then also, it was discussed that we have a letter drafted from the designated federal officer saying welcome to the council, this is what all is expected, this is what all you will be working on and just pretty much saying these are the goals and objectives for the council. So, that is what we were looking at and the things that we discussed. So, there are no recommendations for the secretary himself, but these could be recommendations for the council to discuss and say that we will try to abide by these internal rules.

A. Peter One more thing, John. I guess it was kind of a little bit difficult with just me and John being there and not having anybody else that talked, but I think we have to remember as well that we're the first council of Native American farmers and ranchers and that we're setting the precedent for the future, and if there are other councils, that we'll at least have some sort of a solid structure there for them to come into.

J. McPeak This is Jerry McPeak. I have a question.

M. Wadsworth Yes, Jerry.

J. McPeak I missed part of that. Who is we? And I got the impression that this is some kind of subcommittee. I guess I missed that. When you were talking about we, who was we?

J. Lowery This is John. Angela and myself met and we discussed this, and I also had the discussion with Sarah prior to this meeting as well. So, I heard from Sarah and then we had a subcommittee meeting between Angela and myself. So, that right there is the we.

J. McPeak So, what subcommittee is this?

J. Lowery This is the Council Governance and Structure Subcommittee.

J. McPeak Okay. And this was already established; I don't remember it?

J. Lowery Yes, sir. It was one of the eight that we created.

J. McPeak Okay. Who are the nongovernmental people that are on that subcommittee?

J. Lowery The nongovernmental? Me and Josiah Griffin are the two staffers, and then, Gilbert and Angela signed up for it at the beginning back in

December, and then, when we had the meeting, Angela was the only council member involved.

J. McPeak Thank you.

G. Harrison This is Gilbert Harrison. I sort of looked in between the cracks on that one, and I think I like the stuff I'm hearing. The only thing I would recommend also to John and Angela and the other members here that I think we have to put in there that all comments should be logged in and given a number because I know that so far we have a bunch of comments and it's hard to deal with. Anyway, some sort of logging system, this comment was submitted on this date. That's not the whole detailed thing but just a topic or something so that we can recall later on what kind of—I'd like to see some logging activity by the council, and then, the last thing I have always said is something to tell the people that have made the comments saying that we received your comment and we're under advisement or something. A very short phone letter would be appropriate.

M. Wadsworth Thank you, Gilbert. I believe that's another one of our committees is [indiscernible] to concerns and recommendations, and I think it coincides with what we're talking about right now, and we can probably [indiscernible] that discussion too.

- G. Harrison Thank you very much, and take it back.
- M. Wadsworth You bet. This is more of an internal, I guess, growing pain in which I am in total agreement with it possibly with the new application for new members coming in this next—by May 15th and establishment of a new council, maybe we ought to have a short introductory period or a training period even on *Robert's Rules of Order* or give us an actual quick reference guide maybe in our notebooks so we can use that also. I think we ought to—or are we pretty much through with this part, and did we want to go onto the credit desert?
- S. Vogel This is Sarah. I just wanted to say I think these recommendations make a great deal of sense. They're good. Thank you.
- M. Wadsworth I agree with you. Could we go into who's going to be discussing credit and credit deserts?
- J. Lowery That will be Sarah Vogel, Mr. Chairman.
- S. Vogel Hi, everybody. The credit and credit desert's recommendations that we're going to be talking about were sent out earlier today in an e-mail. They were also sent out yesterday I think, but we changed one of them, number five. So, if people could look at the e-mail that came today and I know

that I think Angela, you sounded like you're driving so I don't want you to look at it.

A. Peter No, I'm not driving.

S. Vogel Okay, good. You said you were traveling. I wasn't sure. Well, we had a number of meetings and I'm not exactly sure how many, but we had a number of conference calls. We exchanged a number of drafts. We did quite a bit of editing. We brought in a number of experts from the outside. Dorothy Bridges, who's a Senior Vice President at the Minneapolis Fed, an economist who works at the Minneapolis Fed and an attorney who works on adoption of tribal or implementation of the uniform model, uniform Commercial Code Act. Chris was on it. Reid Strong was on it and Mike Hinton. We also brought in Elsie Meeks who's Rural Development Director of South Dakota and Zack Deschanel. So, we had a pretty broad representation and we—

First, we developed a series of recommendations as a brainstorming session. Then, we worked on them, and then, we realized what we really had is a holistic approach, we hope, toward the examination of solutions to the problems of insufficiency and credit availability on Indian reservations and to Native Americans, and there's a map at the beginning of this with a really very demonstrative map of counties and areas within which there

simply are no agriculture banks making loans to Native American farmers and ranchers, and those would be what we would call credit deserts.

So, the materials are way too lengthy. I think it goes on for seven pages, but there are seven interrelated recommendations. The first one is a deeper involvement of the CDFIs in the delivery of credit. The second is improving the lending environment in Indian Country whereby the secretary would engage USDA in a nationwide effort to mitigate the impact of credit deserts by working with tribes to adopt practices that we do as real or perceived lending risks to facilitate processes to facilitate real estate lending and challenging commercial lenders to partner with USDA programs in Indian Country. That would be specifically the guaranteed programs, and to provide information and training to lending institutions and encourage participation and partnering with USDA and developing best practices on how to go about this.

We also recommended as our third recommendation an interagency taskforce on lending in Indian Country, and that would be the USDA would be the lead agency and we would include the Department of Treasury because they worked with the many community development financial institutions, small business administration, Federal Reserve System, Department of Commerce Interior, Internal Revenue and federally chartered credit network and so forth and then private partners as well, and

it would work across these various executive departments, agencies and offices to coordinate policy recommendations to support tribal self-governance and improving the life of Native Americans. Again, this would have a primary focus of credit deserts.

Our forest recommendation is that the secretary focus across various agencies on the use of radio to reach Native Americans as a primary source of news and a very cost-effective method of sending messages and information to Native Americans. Number five, that was the one that was reframed a little bit today, that is to request that the secretary develop a cross-training opportunity between the USDA and BIA field staff so that the BIA personnel would understand about the USDA programs and USDA programs would understand the BIA programs and people would get together on a regional basis so that they could provide better services to their Native American customers.

Then finally, number six would be a very focused outreach to the lender associations whereby the American Bankers Association, Independent Community Bankers Association, [indiscernible] Credit Council, Credit Union National Association and so on can all work on outreach to Native Americans and to promote a lot of these targeted financial assistance initiatives especially loan guarantees, for example. So, it's quite a bit of work to summarize, but that is the outcome, and we think that these six

initiatives could possibly stand alone, but we think they're better submitted as an entire package to provide a unified approach to the problem of credit deserts, which is a big one. Chris, any additions?

C. Beyerhelm No, I think you covered it well.

M. Wadsworth Is there any more discussion? If not, would someone like to make the motion?

S. Vogel I will. This is Sarah.

A. Peter Second.

M. Wadsworth Sarah has made the motion and Angela has second it. John, did you want to reread that or how would you like to paraphrase it?

J. Lowery I will paraphrase this by saying that the council recommends the secretary encourage all USDA agencies to utilize CDFIs in the delivery of USDA programs where at all possible. The council recommends the secretary engage USDA in a nationwide effort to mitigate the impact of credit deserts by working with tribes to adopt prices that reduce real or perceived lending risks. Also, the council recommends that USDA, working with the cooperation of the lending community, should provide information

training to lending institutions on the lending opportunities in Indian Country, the benefits of participating with USDA in these areas [indiscernible] affecting liens and lending on real estate in Indian Country.

The council also recommends that the secretary champion a federal lending outreach initiative by inviting other federal partners to join together to form a tribal lending taskforce. The council also recommends that the Department of Agriculture develop a department-wide radio broadcast strategy utilizing the [indiscernible] to reach American Indian communities such as National Native News or the Native American Calling. Therefore, the council also recommends that the Department of Agriculture develops, plans and hosts, in collaboration with the BIA, cross-training opportunities between USDA and BIA field staff.

Further, the council recommends the training to be held regionally to maximize interpersonal interactions between USDA and BIA staff and that for such training to be held in 2014 in a state or region with large tracks of trust land to test efficiency of the training and set the stage for additional training opportunities throughout FY '15. Also, the council recommends that you, meaning Secretary Vilsak, provide funding for outreach and direct the appropriate agencies to promote more effective comprehensive participation in the USDA initiative that finances farms and ranches in Indian Country.

M. Wadsworth The motion has been moved and seconded. Any further questions?

W Good job, everybody.

M. Wadsworth Okay. We'll bring it to the floor. All those in favor, say aye.

W Aye.

W Aye.

W Aye.

W Aye.

M Aye.

M. Wadsworth Anybody opposed, say nay. Motion passes. We'll go onto the next one,
which will be education and extension. Who will be the—go ahead, John.

J. Lowery I'm sorry, Mr. Chairman. This is John Lowery. On behalf of Mr. Juan
Garcia, Lillian McFarland is sitting in as his designee, and she will
provide the update and the recommendations.

M. Wadsworth Okay.

L. McFarland Thank you, John. This is Lillian McFarland. Juan sends his regrets to everybody. He really wishes he could be here. I will try to do his role justice.

Just to review some of the things that we discussed in the Education and Extension Subcommittee, primarily we discussed the role of Intention and how that function can be improved as we seek to enhance agriculture in Indian Country, and we made two recommendations on that subject: number one, increase the amount of money that goes to FRTEP or the Federally Recognized Tribes Extension Program from about three million to five million in the president's 2016 budget request. So, we would be recommending the secretary to increase the amount that he requests in the next fiscal year.

Number two, we made a recommendation to reposition the FRTEP to allow for additional funding while eliminating competition. This proposal is in support of something that the National Institute of Food and Ag is working on to—it basically creates a center or a facilitating agent similar to their rural development rule and/or their risk management centers, and funds will be delivered to those centers in a non-competitive design, and

the intent would be to allow other federal agencies and offices to add additional funding and training for agents and for everybody to have a little bit more input in the goals and missions of those centers.

We also made some recommendation in the education pot talking about how folks from Indian Country came to be part of the federal structure. We made a recommendation to improve internship access to Pathways and other programs for tribal students. It was the observation of the subcommittee that while the Pathways Program [indiscernible] they have not had representative participation, and we would encourage additional training for USDA hiring managers and related human resources staff in writing job announcements, participation agreements and performance plans inclusive of language and knowledge requirements into those two American Indian and Alaska Native communities, cultural and legal structures.

Second, we would recommend a review of existing internships. This would hopefully encourage more funding opportunities to occur in rural and tribal areas. Third, expand the use of third-party internships with USDA. The goal of this would be to bridge the gap for students to develop their professional capacities while working in joint internships between USDA and other sponsoring agencies.

Two more recommendations: explore American Indian, Alaska Native hiring preference for both Pathways internship programs as well as overall USDA hiring. USDA, like BOA and IHS hold positions that directly and primarily relate to services to Indians. Therefore, the recommendation of the committee would be that USDA should, to the fullest extent possible, evaluate strengthening hiring practices that will establish mechanisms whereby tribes will be able to assume a greater degree of self-governance.

Lastly, interdepartmental hearing using Indian preference, the recommendation from the subcommittee would be to utilize current MOUs with Department of Interior and USDA to develop joint Pathway internships utilizing Indian preference in which a student develops his or her professionalism by working with the federal agencies in the area such as conservation, natural resources and housing.

Does anyone have any questions?

M. Wadsworth Is there any more further discussion or questions?

M. Thompson This is Mary Thompson, and just a quick comment I guess on the [indiscernible] that they're still not using Indian preference in hiring and these types of things. I guess as far as the competitive of funding, that's been addressed. I'm glad to see that it's there. Also, I think it was the first

subject, okay, I just lost my train of thought there, but the competitive funding is one of the main things that the FRTEP agents here had a problem with. So, I'm glad to see that's being addressed. Thank you.

And, Chairman, I'm about to lose service. So, if I go out [indiscernible] speak with you all again. Have a good day.

M. Wadsworth Thank you, Mary. Any other further comments or discussion? If not, would somebody like to bring the motion to the floor?

M. Thompson I so move. Mary Thompson.

M. Wadsworth Is there a second?

S. Vogel This is Sarah. I'll second.

M. Wadsworth Sarah seconded. John, would you please paraphrase the motion on the floor?

J. Lowery Yes, sir. The council recommends the secretary to request in the 26th budget an increase for the Federally Recognized Tribal Extension Program from three million to five million. The council recommends the repositioning of Federally Recognized Tribal Extension Program to allow

for additional funding while eliminating competition. The council also recommends that the secretary work to improve internship, access to Pathways and other programs for tribal students, and the council also asks the secretary to explore American Indian and Alaska Native hiring preferences for both Pathways and internship programs as well as overall USDA hiring. That's it.

M. Wadsworth Any further discussion? No further discussion. We'll bring the motion to the floor. All those in favor, say aye.

S. Vogel Aye.

M Aye.

W Aye.

M. Wadsworth Anyone opposed, say nay. Motion passes. The next one will be on Forest Service and Bureau of Land Management. Reid Strong and I were the two council members along with the Office Tribal Relations staff that were on that committee and had a discussion.

Basically, what we were looking at was there were concerns by tribal members from other reservations across the United States that were being

prohibited from being able to apply for Forest Service or BLM grazing allotments due to a base property standard that was a part of the Forest Service's allotment status that said that you had to have so much base property to support the number of heads that you were putting onto an allotment. One of our recommends was for the Forest Service and BLM to recognize tribal land and tribal as being a part of that requirement of showing the base land requirement. That was our first recommendation.

The second recommendation was that the Forest Service would review the impact of the current system of preferences for grazing permits and the ability for Native American ranchers to participate in the system. If you are a non-seeded tribe or do not have seeded land within the Forest Service or within the BLM, you pretty much have a barrier to getting allotments, which they call them grazing allotments, on BLM or Forest Service due to the fact that these people who currently hold them basically have them for life, but they are ten-year permits, and when they choose to get out of the business and they have a farm and they may have an allotment beside them or small distance away, they are able to basically negotiate the selling of their property by also saying that they can assign that allotment to the purchaser, and this has been basically a common practice that was years within the Forest Service and BLM that they're allowed to do that.

We would like to open that door more for Native Americans in more of a competitive, that if there are allotments that are within reservation area, that they would be competitive, that they wouldn't have to go through—the current existing permittee would not have a preference in choosing who and who they would want to operate on that land. That was our second recommendation.

Third one is to develop guidance in handling of grazing through the Forest Service. A lot of tribes across the United States have Indian lands that border their boundaries or within their seeded boundaries, and we were just recommending that we have more of a hands-on-hands opinion and best management practices for those lands within the Forest Service and kind of more looking towards partnership and working together for best practices.

Our fourth one: the Forest Service should create a partnership with tribes in order to hear from tribes during the review and revising of the grazing directives. I believe that they are going through another process here of rewriting their grazing rules and regulations or going to start on the cusp of that. We just wanted to develop more of a partnership between tribes and the Forest Service or BLM when they do have any changes or rules or policy changes that we work together in more of an outreach scenario that

they come out to the tribes and basically work with tribes on a one-on-one basis in that area.

Fifthly, we were looking at developing an MOU between the agencies that administer the Burned Area Emergency Response Program, which is basically the BAER Program. One of our concerns during this timeframe was that funding levels sometimes within the BIA because we have several pots of different funding sources for the same process. When it's through the Forest Service, they have their BAER Program. The Department of Interior, BLM have their BAER program, and then the Department of Interior, BIA has their own BAER program, and what we would want to do is basically have more of a cohesive element to that and when they're working on reclamation or emergency response situations with wild land fires on grazing land that they would all work together in concert with the tribes, and by doing that, develop an MOU between the agencies both on national level and both with the tribal levels.

Those were the recommends in a nutshell. Any discussion?

S. Vogel

This is Sarah. I am so delighted to see these recommendations with regard to the Forest Service and grazing. It's something that's been troubling for a long time, and I think you really developed a great approach. Good job.

M. Wadsworth Appreciate it. No further discussion. Would someone like to bring it to the floor?

A. Peter So moved.

S. Vogel Second.

M. Wadsworth Motion was by Angela, seconded by Sarah. Any further discussion? No further discussion. All those in favor, say aye.

M Aye.

M Aye.

W Aye.

M. Wadsworth Any one opposed, say nay. Motion passes for the recommendation. I guess we have responding to concerns and recommendations. I believe Gilbert was talking about this earlier, but who headed up this committee?

J. Lowery That would be Sarah, Mr. Chairman.

S. Vogel

Sure. John and I had a fairly extensive talk, and we also tried to loop back in the various comments, suggestions and so forth that had come up at the council meetings on how to respond to concerns. So, this again would not be going to the secretary. This would be for internal guidance, and our thought was we should have a sign-in table with a sign-in sheet so that we could collect emails, mailing addresses from those who hope to make public comments and so that it would be noticed if people come in.

We're hoping that all the members of the council will be in attendance and attentive during the time set aside for public comment. The person who is providing comments should be alerted in advance by the chairman of any time constraints on the presentation and also that the chairman would ask that person making the presentation to set aside a little bit of time for dialog, question and answer with the council, and that goes on a little bit. We should always welcome the person who is providing comments and the chairman could do that and thank them sincerely for expressing public—how much we appreciate them, that they came in and gave us suggestions.

Finally, we would recommend that thank you letters be sent to every person who presents public testimony, and that could be done through a standardized thank you letter, then OTR staff during the course of testimony would note the topic. Then, the letter would be completed,

filled in, the name and address of the person who presented the testimony would be inserted, and at the close of the meeting, the letters would be given to the chairman to send by mail as a thank you, a very prompt thank you for the public testimony. So, those were the recommendations, and I think they're practical and prompt and should provide acknowledgement to the people who present public testimony without creating an enormous burden on the staff.

M. Wadsworth Again, Sarah, this is more of an internal process that we're developing?

S. Vogel Yes.

M. Wadsworth This would be agreeable on my part, but does anybody have any more discussion on this?

G. Harrison Yes. This is Gilbert Harrison, Navajo. Should we include in there what would happen to their comment recommendations to say that your comment will be admitted to the Forest Service or FSA for further follow up to say this is where it goes next?

S. Vogel This is Sarah. I think that would depend on the topic. There would be a personalized letter touching on that. I think when people present a comment to us, some of them will want us to know about something—

some may have something more targeted. So, I would suspect that that type of thing could be done, but I would not see this as a lengthy response on we are going to tell the Forest Service to do XYZ and they will—that kind of thing. It would be more thank you for your comment about the Forest Service's need to include tribes and we'll forward that or something, but that could be done. Good point.

M. Wadsworth Well, just speaking out loud, I believe that you hit upon the USDA is huge and we don't know which specific concern they may have. It may affect just one agency. It may affect two or three, and I think that once we get those comments and the severity or the concern, they're all important, I'm not saying they're not, but I think that when it goes through the OTR, the OTR should know with also our government representatives on the council which area that should be geared to or sent to.

G. Harrison So, basically, we could just say the OTR will follow up with appropriate agencies.

M. Wadsworth I'm agreeable to that.

G. Harrison That's my comment. Thank you.

M. Wadsworth Again, it was internal. We'll start working on it, and then, I think we have one last committee, which was on subsistence.

J. Lowery Mr. Chairman, this is John Lowery. That would be Angela as well, and I appreciate Angela for being such a fine sport today. Thank you, Angela.

A. Peter Here just because you're way awake. Subsistence, we talked about—I guess we just had to start somewhere, and the one thing that we talked about is getting a clear definition of subsistence, what does it mean so we could have a consistent definition across the agency, and so, we also talked about the fact that I don't know—Alaska is way different than the tribes on the lower 48, and the state actually manages the land and the rivers and everything. So, they pretty much tell us whether we could hunt or not even on our own land. So, the Co-Management Agreement of Cooper River is—there's a tribal conservation district that's trying to work with the state for a co-management agreement to manage moose and such on their land, and we asked for a hoofed animal study in Alaska to see how many hoofed animals we actually have, and the fact that some of the major—the major rivers have been shut off for subsistence fishing, and including the Kuskokwim River which is huge. There's very, very lots of villages along that river that rely on subsistence and they're cut off. So, we talked about those, and we're working on the definition I guess, and that's it. John, do you have anything else?

J. Lowery No, ma'am.

M. Wadsworth I guess that would be a question more possibly to Leslie. Leslie, could we maybe draft a letter to NCAI or other Indian organizations for their legal definition for subsistence?

L. Wheelock Sure. Mr. Chairman, this is Leslie. We can ask pretty much anybody for their definitions. We've been capturing them from around different regs as we can pull them up and find them. Angela has been great at sending those that she knows of and has found, and I think that it would be fine for us to reach out to NCAI and see if they have a definition and may actually have published it last year or the year before. However, I'm pretty sure that we can find at least one definition over there. I would be happy to reach out and ask for it. Thank you, sir.

C. Beyerhelm Mr. Chairman, this is Chris Beyerhelm. Can I ask a question?

M. Wadsworth Yes.

C. Beyerhelm I'm sorry. I don't have a copy in front of me, but our first set of recommendations is that we challenge NASS to improve their process to capture subsistence, and I thought part of that subset of that request was

that they do a better list internally defining what that was. Am I dreaming that, or does anybody else remember that?

J. Lowery Chris, this is John. You are correct, and we had their discussion during the subcommittee meeting, and we are going to follow up with NASS to see where they are and just sort of—when we were discussing this and we did bring up NASS. We did bring up the fact that yes, we already have a recommendation. We need to follow up, and we either need to see what NASS has or we need to help NASS draft their definition.

C. Beyerhelm That brings up a second point and maybe it's for later, but we made a couple recommendations and now we're getting ready to make a whole bunch of recommendations. So, we probably need to establish some sort of a process or system to do some sort of follow up on these because normally what happens with this stuff is they kind of give you a [indiscernible] and say yes, we'll look into it and then nothing ever happens. So, it's important we establish a six-month, whatever, eight-month, ten-month follow up on all this stuff to hold every seat to the fire.

J. Lowery Yes, sir. And with the working document at I put in there that I created, that is what I'm hoping to do with that document, say look, these are the recommends that have been brought before us. This is what has happened. This is what will happen, and we can use that as a way to say okay, we

passed this recommendation on May 2nd. It is now July 2nd, and this is where we are, and this is what has happened and just sort of to keep us in line and also to make sure that we are following up with these agencies. So, we are working on that.

M. Wadsworth So, on the subsistence situation, should we write a letter again to NASS or what's—

J. Lowery No, sir, Mr. Chairman. We will follow up and we will have a report during the next committee meeting.

J. McPeak Mr. Chairman, this is a very good discussion because is exactly the discussion we had with Gerald Lunak [indiscernible]. We don't have anything like that. I wouldn't have dreamed that. So, that discussion we had in Las Vegas was the same thing.

In general, if I were making that recommendation to the next [indiscernible] be a little more aggressive about some of these things. I'm sure it's going to come at the end of this discussion when we get ready to close out. I have [indiscernible] for me, but Chris, I appreciate your observation, and I don't [indiscernible] in Alaska. Can I ask a question about that?

A. Peter Sure.

J. McPeak I asked you this I think the last time we were together, but I think it was in Las Vegas, but I'm not—how does your state get away with shutting down fishing in a river? How do they make that stick?

A. Peter They have the rights to do that in the entire Alaska for Fish and Game.

J. McPeak They own the blooming river?

A. Peter No, but they own the gate—yes, they own the rivers as far as I'm concerned.

J. McPeak Well, I'm sure it has to do with the laws, but like in Oklahoma, in most instances, the state doesn't want [indiscernible] because the Indians have almost a legal deeded right to the river, and they haven't been fighting about it because they didn't want to fight. That's why they never [indiscernible] shut the Indians out from fishing in a river. That's just beyond my wildest comprehension.

A. Peter Yes, it's really hard, and that's one of the reasons why we want to try to find ways to utilize the USDA and hopefully to increase our subsistence

because people are moving out of the villages and into the main hubs
because there just is not anything in the villages including food.

M. Wadsworth I guess, though, final note unless there's any more discussion.

J. McPeak Or be accepted and report it.

M. Wadsworth Pardon, Jerry?

J. McPeak Are you looking for a motion to accept and report our discussion?

M. Wadsworth You're kind of breaking up a little bit here, but do we need a motion on
this, Angela?

A. Peter I don't believe.

J. Lowery Yes, you do.

A. Peter What would the motion be, John? I'm sorry I'm lost.

J. Lowery This is John. I think that Jerry would like for us to make a motion to
accept the report, and if that's the case, I think that we should make a
recommendation to accept all subcommittee reports.

M. Wadsworth Is that correct, Jerry?

J. McPeak Yes, that's correct. Along with that, and so we don't lose it, for you folks who are trying to do the rules and I appreciate the fact that you're looking for the next folks who are going to come on and it looks like it's going to be someone different. Also, these conference calls, I know that this is not correct *Robert's Rules of Order* and all that kind of stuff, but voting on these deals without ever reading them [indiscernible] and read over, is probably not really—number one, I'm not sure it's legal, and number two, I'm not sure that we know what we're voting on. I would like to see you guys have this where it's sent to us, we have time to read it, and then we can vote by e-mail or cast some kind of vote like that. Could that be a regulation for later on? That gives [indiscernible] but I want to get to that before we get to the schedule today.

M. Wadsworth Thank you, Jerry. Well, the motion on the floor was to accept the reports or could you paraphrase that, John?

J. Lowery The motion on the floor is to accept all subcommittee reports.

M. Wadsworth Do you accept? This is really getting windy on my portion here. I can't hear. Does anybody wish to make the motion or did Jerry McPeak make the motion?

J. McPeak Yes, I did.

M. Wadsworth Okay. Is there a second?

W Second.

M. Wadsworth It has been moved and seconded. Any further discussion? If not, all those in favor, say aye.

W Aye.

M Aye.

W Aye.

M. Wadsworth Opposed, say nay. Motion passes. John, this next one, was this actually a committee discussion in formulation of new recommendations?

J. Lowery This was pretty much just to follow up with anything that may have been discussed during the [indiscernible] period. It's just a time for you guys to sort of talk and discuss amongst yourselves ideas and things that may currently be on your mind. And somebody is either standing outside or they're driving because there's a lot of noise. So, if you can mute your phone, we would greatly appreciate it. Thank you.

M. Wadsworth Okay, just a discussion on the formulation of new recommendations. If there's no discussion, we'll go to the update on reestablishing the CNRs in the next meeting. John, it looks like we're on the update on reestablishment.

J. Lowery All right. Thank you, sir. I wanted to take the time to provide an update. So, as you guys know, via e-mail, the secretary did sign off on the re-inception of the Council for Native American Farming and Ranching. The Federal Register Notice, which is in your binder which I put on, I think, tab eleven, says it was officially reestablished on March 31st, Monday, and with the reestablishment of it, the council has also been open to nominations for those who would like to serve and for those of you who would like to continue serving. The application process is open until May 15, 2014. I have heard from a few of you guys saying yes, I am going to reapply. Great. Please do.

Also, your appointments on this council, you were appointed, I think it was May 25th of 2012. The appointments last for two years. So, as of, I think, May 25th, your appointments will "end." So, the council will sort of be sitting in limbo for at least a month until new council members are brought on.

So, what will happen is we will take the applications after May 15th. We will relook at them. We will bring in other individuals to review, and we hope to have this done within a month's time period; we hope to have the new council members seated. So, as I've done with the reassessing of the council, I will keep you guys updated and keep you in the know.

I will say this—if you are wanting to reapply, please do. A person can serve up to three terms, which is six years straight. So, it's two, two, two. So, hopefully, some of you guys will reapply and we will have you back here to continue the work we're doing.

Now, with that, we will segue into the next meeting. With there being new council members coming on and I say that just because I feel like some of the current members will not reapply, we will have to do a training session just like we did when you guys first met back in, I think, August 2012. We brought you guys in, we discussed ethics with you. We

discussed day-to-day operations with you. We discussed tribal with you. So, we will have to do that again.

So, our next meeting, I would like to propose that our next meeting is held in the month of September here in Washington, DC, and I would like to throw out either the week of September 8th or week or September the 15th. This is around the same time period we had the meeting last year. So, I will send those dates out to you via e-mail, and you can check your calendars and find out if there's any major pow-wows happening or major events or just job events that will keep you from coming in on one of those dates.

So, what I am currently envisioning is pretty much a two-day meeting, I think. Probably bring you guys in here on a Sunday. We meet for the first half of the day to do your training, which will be closed. It will just be us talking, and then, we would go into full council meeting for the rest of the day, and then, the next day, we would have a full day of council meetings. That's what I'm currently envisioning right now on May 2, 2014. So, that is what we are looking at, and I am definitely open to hearing your suggestions.

M. Wadsworth

Thank you, John.

J. Lowery Thank you.

G. Harrison Thank you, John.

S. Vogel This is Sarah. I had a question for John. Earlier, I think at the last meeting, there was discussion about Oklahoma in July. That's now off the table?

J. Lowery Yes, ma'am. It is off the table. The reason being is that with the council being reestablished with us bringing in new members, we have to do a training session. So, you will have to come here. We will have to bring people in a room and do a session.

S. Vogel No problem. I just had penciled that out some time ago, but I can erase it.

J. Lowery Yes, ma'am.

J. McPeak Mark or John?

J. Lowery Yes, sir?

J. McPeak For about five minutes, which brings me to the point I want to make, for about five minutes, I've been unable to talk to you guys. I don't know

what happened, but something happened with the phone system, but [indiscernible] you don't want to get to it if it's in order now. If not, I'll wait.

M. Wadsworth I think we pretty much discussed everything that needs to be discussed within the agenda. If you have any more comments for discussion, let's go for it.

J. McPeak All right, I do. Back to the things that we're hearing sent back to us and we're voting on, if I were doing that in the future, one thing I would like to have [indiscernible]. I really believe that before we actually vote on that stuff, we should be able to see that in print and have time to read it and digest it to see if it really came out the way we intended it. There were a couple of them that seem pretty abbreviated. I think John does a great job. I'm sitting here thinking how the hell did he get that, but for us to be able to see that to vote on things that we're not really sure of and maybe all you guys are just a lot smarter than me, that wouldn't surprise me a bit, but I don't think that we're hearing everything that's written down, and so, if we vote on it and basically make it a law or a rule, we don't really know what it was, I'd like to see that written, sent to us by e-mail or some other way and have a chance to vote on it. I would suggest that [indiscernible] we know for sure what it was, and that's just [indiscernible] on my part.

M. Wadsworth Okay.

J. McPeak Item number two: John, before our time is up on May 25th and for you other council members, I would like for us to have a regular conference call to discuss recommendations that we might want to make to the council members because I think it very well could be our last opportunity to make that recommendation to any of the council members who might follow us. I would hate to think that they have to go through the same process that we have of getting to this point, and fortunately, unfortunately or maybe fortunately, it appears that you may get a whole new set of council members, and for them to start back over at ground level zero is scary from a standpoint of where we've been and we're just not beginning to get some kind of knowledge of what we need to do, but I'd like to see—the point is I'd like to see us have a meeting, another teleconference, but before May 25th specifically to discuss our recommendations to the next council.

M. Wadsworth Would anyone like to comment?

C. Beyerhelm This is Chris. I'll just maybe comment to the first thing that Jerry talked about. It might make some sense, and I guess in my mind, I always thought this was a two-phase process anyway that the voting today just meant that they were going to be moved forward for copulation into a

letter to the secretary, but before that letter actually went to the secretary that it would be distributed among the council for final edits or approval or whatever. So, maybe that's a way we can satisfy Jerry's concern with that if we would just agree that once a letter gets ready to go that it at least everybody gets one more set of eyes on it before it goes without any major works or anything, just making sure we all know what it says. I don't really have any comment on the second issue he brought up.

M. Wadsworth That sure looks agreeable to me because as a part of that, that would kind of coincide with item number two, making new recommends. I don't know whether we can officially have a meeting because of the requirements by the DFO. What do you think, John?

J. Lowery Mr. Chairman, what I would throw out there is that we just have a call. We have just a regular conference call with regard to farming and ranching in Indian Country, and we invite you guys as council members to join the call, and let's just have a discussion without any votes, without any recommendations, just a talk amongst individuals who care about farming and ranching in Indian Country. How does that sound?

J. McPeak Sounds like to me we're not going to have any [indiscernible] with it. So, you're saying that we don't have enough time to have a regular meeting

that we could vote on something and actually have some kind of official [indiscernible]?

J. Lowery Well—

J. McPeak I tell you what—I'm a real Indian, and I know that when you put up smoke signals and the wind blows, they disappear, which is kind of what we're talking about. I think without making it official, you're wasting your time.

J. Lowery Yes.

J. McPeak We're going to talk to each other. It's kind of like a whole bunch of cattlemen driving around the [indiscernible] pickup says eat more beef.

J. Lowery Well, let me ask you this, Jerry—are you going to make recommendations that are going to go to the secretary, or are you going to make recommendations for further councils?

J. McPeak Yes, the last part.

J. Lowery Right. This is the process. You have to have the Federal Register Notice in the outside. The Federal Register Notice has to be done 15 days before

a meeting of the council. So, it takes one week, this is not me, it's the process, takes one week to get it into the Federal Register Notice.

J. McPeak [indiscernible]

J. Lowery So, let's say Monday morning, it's typed up, it's sent. It might be out by Friday or it might be out by next Monday. So, depending on that, do we have enough time between next Friday or next Monday before the—do we have a 15-day period there?

J. McPeak You're saying it's too late to do it.

J. Lowery Yes.

J. McPeak I get it.

J. Lowery That's what I'm saying. I am in no way trying to tell you that we cannot meet.

J. McPeak No, I get it.

J. Lowery Yes. That's just the process.

S. Vogel

This is Sarah. With regard to creating a new council, I don't think any of us should take [indiscernible] at the expiration of our initial terms because that's not this council, that's the Federal Advisory Committee Act. So, I think every single council in the federal government has maximum two-year terms, maximum of 3 two-year terms and all these other restrictions. So, I don't think any of us should assume that because our terms are ending or we're being asked to reapply that we're not going to be reappointed. Of course, who knows, but it's not in our control, but if people apply, then this council could continue with the core—a lot of the people who are on the call today keeping on.

Another thing, too, is that we're always free to write a letter to the next set or give them a call when they get appointed or turn up in the public comments section at the first meeting if we're not on the council any longer.

J. McPeak

That's true. Again, my—I obviously would have liked to made it more official and I totally understand that, but we have off stepped around so much [indiscernible] but we have to learn, and I understand that, and I would hope that the next group didn't have to learn at the same speed we did, and I know that the first time you did, it goes through. I don't think anyone—someone may be offended, it's certainly not me, but that isn't at all what I meant. What I mean is and what I'm saying is there's no need of

going through the same slow process that we did, and if we can help them, whoever the next group is, we can help them by [indiscernible] coaching anyone else through experience, if you've been in, here it is, here are things that we saw, but also, John, I think you're talking about your unofficial get together conference call if there's anyone that wants to talk, I think that works too so that we can take notes and do that, and maybe you don't have any votes, but this is what we agree on.

As well, Sarah, I agree. I know that we can reach them individually. Again, if this council is worth anything and the impact of what we agree on together would have some impact or if it has no impact, then it speaks largely of how much strength we have anyhow. So, either way, it would be a measure of something. We can't do it. So, from a legal standpoint, I totally get that. So, we're left with other alternatives and I would like to hear myself, I would like to hear what everyone else, at some time, I know we don't have time today, but I would like to hear what everyone else says about where we got, how they feel about the tenure. We can do the call—I guess I'm talking way too long [indiscernible]. John, if we could do that one call, I would really enjoy it, but if we can't, again, I know [indiscernible] plate, so I understand if you can't.

S. Vogel

This is Sarah. I just want to say that I think that even if it's not single one of us gets reappointed, we still have left in place a committee structure, a

series of procedures for running the meetings and so on. So, it was a brand new council, never existed before. There were certainly rough spots and bumps in the road, but I do feel that the next council is not going to have to reinvent the wheel and can learn from our experiences.

M. Wadsworth All right.

J. Lowery Mr. Chairman?

M. Wadsworth Yes.

J. Lowery May I have a moment to say something?

M. Wadsworth You go right ahead, John.

J. Lowery Thank you. First of all, I want to say that for you guys who are not reapplying, please get with individuals in your area and please push to have people to apply for this council. So, I just definitely want to encourage that. We're always good, competent people who are willing to work and put up with us at times.

Also, I want to say that the subcommittees did a wonderful job. You guys created eight of them back in December. I asked that we dump it down to

five, and Jerry told me no. So, we still have eight, which is fine, and I think that those eight councils did a wonderful job.

I would like to encourage more participation from council members. I know for a fact there was probably three or four, five council members who were really engaged. So, it would be great if we got all 15 just fully engaged meeting in the different subcommittees, but today, you guys approved 16 recommendations. I think that the first time you guys did recommendations, I think there were five. So, great work. I appreciate you guys, and I look forward to us to keep on keeping on.

M. Wadsworth Thank you, John. I think we're about ready to wrap up here. Does anybody want to make a motion to adjourn?

C. Beyerhelm Mr. Chairman, this is Chris. Can I just have one minute also?

M. Wadsworth Yes.

C. Beyerhelm I just wanted to follow on with what John just said. First of all, I want to encourage any member of the council that even has any inclination of staying on the council to reapply, please don't not apply because you think that it's going to be turned over because my experience, that would be really unusual they would turnover a whole council, and I think Jerry and

Sarah's point is this council has struggled with times on how to actually get some meat on those bones, and I think we finally figured that out with all these recommendations we made, and there's a lot of meat on those bones, and I would hate to lose that traction and not necessarily start over but at least go backwards a little.

Aside from that, if you decide not to reapply or for some reason you apply and don't come back on the committee, I just want to just wholeheartedly thank all of you for what I consider to be one of my best professional experiences and work with this council and getting to understand the issues of Indian Country. I want to thank you all for that and I want to thank you for your friendship during this time. Thank you.

S. Vogel This is Sarah. I just wanted to make a note that Porter couldn't be here today because his father had an emergency surgery, which is why he isn't on the call today.

M. Wadsworth Noted. Appreciate it. Should we wrap this up?

G. Harrison This is Gilbert Harrison. I want to thank you all and I make a motion we adjourn.

M. Wadsworth Motion on the floor to adjourn. Anybody second?

W Second.

W Second.

M. Wadsworth Okay, it's been moved and seconded. Any discussion? No discussion.
All those in favor, say aye.

W Aye.

M Aye.

W Aye.

M. Wadsworth That will do it. Anybody opposed, say nay. Motion passes. I sure appreciate you all, and I'll be keeping in touch too. So, I'll talk to you next time I guess here a week or two.

C. Beyerhelm Good job, Mark. Good job, John.

M Thank you, guys.

J. Lowery Have a good weekend.

C. Beyerhelm Yes, you too.

S. Vogel Bye.

A. Peter Bye.

L. Wheelock Bye.

J. Lowery Will, we have finished the meeting.

A. Peter Thank you, John, very much.

J. Lowery Thank you, Angela.

A. Peter Okay. I'll talk to you later.

L. Wheelock Bye, Angela.

A. Peter Bye.

G. Harrison Bye.

L. Wheelock Bye.

J. Lowery Will? Operator?

Moderator Yes. How can I help?

J. Lowery We have completed our meeting.

Moderator Okay. Have a great weekend. Thanks for using AT&T.