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Department of
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**USDA
Council for Native American Farming and Ranching
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[Indiscernible notations are in the transcript due to audio quality.]

Leslie Wheelock: On behalf of the Department of Agriculture for [indiscernible] today, this is our Council for Native American Farming and Ranching. I have a feeling people will be [indiscernible] in here but the Secretary wanted to stop by, give his regards, so without further ado, Secretary Vilsack.

Tom Vilsack: Thanks very much. Thanks very much. I really appreciate the opportunity to be here this morning. I came down a little early because I've got quick a bit to talk about and I'm sure that there's probably some questions and answers that will follow.

We're very committed to try and to figure out ways in which we can help beginning farmers and specifically those minority producers, Native American producers, that we think are the future of agriculture in terms of expanding opportunity and expanding the numbers of farmers and ranchers in this country. The deputy secretary and I are deeply concerned about the aging trend among farmers and ranchers in this country generally and we have been very focused in the last couple of years in particular on encouraging beginning farmers and ranchers and focusing on women producers and focusing on minority producers.

And I thought I'd take a few minutes of your time just to reiterate the steps we are taking in an effort to try to provide the resources and the support that I think are important for folks to try to get started in this business. This is tough business. It's a hard business. It's not an easy business.

It's a business that's got quite a bit of risk associated with it. And so, what we've attempted to do is try to address this at multiple levels. And all of the information I'm about to give you is on the website. It's either in one of two places. It's either in the Beginning Farmer and Rancher page which is being updated as we speak and it's going to be launched soon in a new format which I think contains some very important information. It's also on the Know Your Farmer Compass website which basically outlines many of the programs that are focused on local and regional food systems. And certainly Native American producers I think are very much attuned to this whole notion of local and regional food systems, and so that website will provide information as well.

First of all, we looked at ways in which we could provide credit, and the reality is that our credit programs historically have been for farmers and ranchers who've had experience. So, if you've been around for a while, then you can qualify for participation in our programs. So, we created two efforts: one, a microloan program that now by virtue of congressional action

allows for a long for up to \$50,000, seven-year repayment, the interest rate is quite competitive, substantially lower than you'd get at a commercial bank, and it doesn't require quite as much experience in the farming business and only requires some degree of collateral but not anywhere near as strict or as comprehensive as our larger loan programs. It's designed to provide opportunities for folks to get started. That microloan program has been quite successful. We've done over 13,000 of those loans and that number continues to climb each and every month. So, that's an opportunity for credit.

We're also looking at ways in which we can encourage capital investment in local and regional food systems, and so we have established and created a rural business investment company effort. This is the Farm Credit System putting together resources that allow for investment in companies, so it may be a processing facility that you may want to establish to be able to take what's locally produced and turn it into something more valuable. That requires capital in some form, it either can be a loan or can be an equity investment. And these RBICs now create over time we believe nearly \$300 million of potential capital investment opportunities. We've already made five. We've basically licensed three of these RBICs and those rural investment companies have already made five investments in small

companies and nearly \$25 million of equity has been provided. So, that's the capital and credit side.

We also understand and appreciate that not every Native American farmer and rancher lives in a place where you have a growing season 12 months out of the year. Many tribes are located in places north of the Mason-Dixon Line. So, we look for ways in which we can extend the growing season by using conservation resources to invest in what are called hoop houses or tunnel houses. These are essentially sort of temporary greenhouses that basically allow for an extension of a growing season. It can be anywhere from six to eight weeks, depending upon the location. NRCS is the main route for funding those efforts. We've done over 14,000 hoop house investments since we started this effort so it's designed to extend the growing season.

Obviously, if you have a loan, you plant a crop, you extend the growing season, you have to have some place to sell it, and we have been very, very focused on expanding market opportunities through a variety of strategies, one, involving farmers markets, the establishment and development and promotion of farmers markets. We've seen a rather dramatic increase in a number of farmers markets since this administration took office. There are now over 8200, 8300 farmers markets in the country today. And we have expanded not just investments in those

farmers markets through the Farmers Market Promotion Program but also extending the number of people who can actually do business at those farmers' markets by providing them the electronic benefit transfer assistance that will enable SNAP families, families who receive food assistance to go to those farmers markets. Many foundations are now doubling up our dollars so if you spend \$5 of your SNAP benefit at farmers markets, you may have a Wholesome Wave or Fair Food Program or a number of other entities basically match that up to a certain amount designed to provide families who are struggling economically with resources to be able to access fresh fruits and vegetables and other products.

We've also invested in nearly 500 local and regional food systems primarily food hubs, the notion of being able to aggregate the amount of production from a multitude of small farms into a single location and then let that location basically market the products. It allows for standardization and allows for standardization of processing and packaging. We've invested in over 300 food hubs and other value-added propositions, a variety of programs, maybe our rural development programs, maybe the local food and regional food promotion program established under the 2014 Farm Bill and maybe part of the Farmers Market Promotion, maybe a Specialty Crop Block

Grant. There are a variety of mechanisms within existing programs that provide for an expansion of these food hubs.

These food hubs then enable us to locate institutional purchasers that would be interested in purchasing product that's locally produced. Most recently we focused on farm to school. This is a tremendous market opportunity for folks. We have surveyed school districts and we believe that there're probably thousands of school districts and tens of thousands of schools that could potentially be customers of these locally produced items. We've already done 221 farm-to-school grants which have impacted and affected local food resources to over six million school children. It's a \$3 billion market, and today local and regional food supplying about 10 percent of that market, so there's really a significant upside to figuring out where your local schools might be and where they might be interested in purchasing locally produced goods.

And we're working through their cooperative extension efforts and through our cooperative support programs to encourage groups of farmers to be able to access larger markets, Wal-Mart, Costco, places like that, that are very interested. There's a cooperative down in the South where African American farmers have combined together to do business with Wal-Mart in the southeast part of our country. So, there may be that type of opportunity. So, an extension of market opportunities and a

number of programs. Again, those two websites will provide you the information about where those programs are and how you might be able to apply.

There's I think a larger opportunity on the organic side. The organic market is growing rapidly and the reality is that more and more organic product has to be imported in order to meet the demand, and so, we are looking at ways in which we can expand opportunities on organic, providing additional assistance, expanding risk management tools. And that's true for specialty crops as well, providing crop insurance options that didn't exist before for these specialty crops to be able to guard against some of the risks that Mother Nature that is inherent in farming and something that obviously will be important to producers.

There's also the bio-based opportunities. This is really more sophisticated than local and regional food system in the sense that it takes agricultural product, primarily waste product from whatever is being produced and converts it into a chemical and to material and to fuel and to energy. We have programs obviously on a large scale that could potentially look at a major manufacturing facility or a major energy producing facility, if that's something that might be interesting. Obviously that's far afield from beginning farmers and ranchers, but theoretically if you have enough beginning farmers and

ranchers working together in a cooperative form, they could create enough biomass to create an interest in that type of opportunity. USDA is anxious to provide help and assistance there.

A number of other programs that a beginning farmer or rancher may want to take advantage of, the Rural Energy for America Program Renewable Energy Program, the REAP program, focuses on individual grants and loans to facilities that want to incorporate renewable energy, either the production of it or the use of it or both. There are windmills, there are solar systems that can be installed with federal assistance that could potentially be of help particularly in remote areas where you may have a challenge accessing adequate power. If you're interested in any kind of large scale production that requires energy, the REAP program is something that we are very excited about. Nearly 9000 projects have been funded already. And it also provides for assistance in terms of doing an evaluation of farming and ranching activities to determine whether or not there may be energy efficiency that could be gained.

There's also a program which we're interested in, and again I think that it's going to be important I think for folks to understand the need for coming together in a cooperative way, the development of ecosystem markets now -- I'll briefly explain what that is. That's a situation where conservation practices

can net a conservation benefit that a regulated industry might be interested in purchasing either to satisfy a regulatory responsibility or because a corporation may decide that they want to be benefitting the environment. I think of Chevrolet's recent investment in carbon credits in a working ranch in North Dakota, Coca-Cola's interest in conserving and preserving water resources in order to offset the water they use for the production of their products. Those are two examples of companies and entities that are interested in investing in conservation and we're establishing and setting up through a variety of programs at NRCS the platform, the foundation upon which an ecosystem market could be created that would encourage. And again, when you think about the vast lands that Native American farmers and ranchers may have access to and the proper utilization of those lands, energy production comes to mind as well as conservation and potential ecosystem market opportunities.

All of this, again, is outlined in the websites, the Beginning Farmer and Rancher website and the Know Your Farmer Compass and on the USDA website. So, there's a tremendous amount of opportunity here and the challenge I think is for us to figure out ways in which we can provide information in a way that makes sense to people and allows them access to these programs. This is a bit far afield from the topic of Beginning

Farmers and Ranchers but that's one of the reasons why I've been insistent even though we don't have a say in this, the Keepseagle litigation resulted in an excess amount being available. There's now kind of a fuss between some of the producers who benefited from that suit in terms of resolving some of the longstanding discrimination from this department to the Native American producers and what to do with that resource. Hopefully it gets resolved. But I have listened and I have heard the concerns that have been expressed by a number of tribes to me and a number individual producers who say there's just not enough information that's available to us. We need an extension program. We need the ability to access this information. And hopefully, what comes out of the discussions from my perspective -- this is my view, not necessarily the administration or even the USDA's view -- hopefully some of that money is targeted in a way that provides for the opportunity to set up a robust extension system for Native Americans because it doesn't exist as much as it used to be today.

And candidly I'd like to tell you there's going to be a whole lot of new money but we're just hopeful there's budget on October 1st, much less the need for additional resources. The sequester and all the other challenges that our team is faced, we've done a pretty good job given the fact that our operating budget is less than it was when I came into office. So

hopefully we get that at some point in time resolved so that tribal colleges or some other entity, a series of entities, provides that extension and technical assistance, connection so that folks can access many of these programs that may seem daunting or may see difficult to access because we've never accessed them before, because it requires paperwork and sometimes can be troublesome and difficult. We obviously want to be of help to the extent that we can to Leslie's team, small and mighty, we're there to help. But the reality is we know there's a lot of need out there and a lot of interest and we want to be able to connect the need and the interest to the programs and I think that's why we've set this whole system up.

Let me stop there. That's one of the reasons I came down a little bit early. Well, I started this a bit early because I had a lot to say. And frankly, to be very candid with you folks, I don't have any control over my life. Some part of this building makes a decision about where I should be and what time and frankly after six plus years of doing this, I'm finally going to try to take control of my life here a little bit so [indiscernible] folks in scheduling office a little difficulty but what the heck. And as I was coming down with Leslie, she said, "You know, the folks might not be ready for you." I said, "You know what, if I walk into the room and everyone is there, they'll be ready." So, most of you were ready so here we are.

So, let me stop there. There may be questions, comments, criticisms, concerns.

Gilbert Harrison: Good morning, Mr. Secretary. My name is Gilbert Harrison from Navajo Four in the Corners area. Welcome. It's good to see you again to even share a few minutes with us. But my comment is that I guess just recently you may have heard about that King Gold Mine --

Tom Vilsack: Yes.

Gilbert Harrison: That's really inflicted a lot of problems or devastation on our little farms along the San Juan River particularly on the reservation side. One of the things that it disturbed me was when I found out that many of the USDA disaster programs don't come into play here because this thing is manmade. I think the issue on our side is there's a disaster something coming down. It doesn't matter who made it, how it happened, how it inflicted pain and suffering on us. I think that that was one of the big surprises that I ran into, to say, "Hey, hands off because it's manmade." It's a series of incidents that it could be partially nature at fault, it could be probably EPA at fault, but we're at the receiving end. Just all of a sudden to get word that, "Sorry, none of our programs fit your need because it's manmade," it's sort of disturbing. I think somehow from a user end [indiscernible], it's disheartening to hear that. Thank you.

Tom Vilsack: Well, I appreciate the challenge. I'm somewhat familiar with the area. My son, Doug, operates a small nonprofit called the Eagle Energy in the Four Corners area so he has acquainted me with some of the challenges there.

The problem and the challenge for us is that we are a creature of Congress. The Congress created the Department of Agriculture, the Congress appropriates money, the Congress tells us within boundaries how we can spend those resources. And if we spend them outside of those boundaries, it's what is called an anti-deficiency provision which essentially carries with it potentially penalties that could include imprisonment. So, obviously people at USDA are a bit sensitive to making sure that they stay within the lines. I realize the challenge and I had hoped to be able to talk to a staff member before I came down here this morning but she wasn't in yet in terms of determining whether or not there's any degree of flexibility.

What I have found in this operation is that people take an understandably conservative view about their authorities, and sometimes when I question that, we find that maybe there's more wiggle room. I don't know that that's the case here, it probably isn't, but I do know that we are looking at ways in which our conservation programs can help. Obviously there are emergency loans for existing producers that have a history with farm service agency, there is the opportunity for potentially a

microloan and it's a loan, it's not a grant, but it's at least potentially something that might be of help. And I was going to ask my staff member within our rural development programs relating to water, we had a circumstance where we, in California because of the drought, that is obviously mother nature, it's not manmade, but there were circumstances in communities that weren't hooked up to municipal water and so we've figured out a way to creatively use some of our rural development programs. I'm going to ask the question and I'll be happy to say to folks that I've been asked about this and I'll press our folks as much as I can because I understand how difficult this is. It's hard enough but then when somebody especially in the federal government does something that causes harm, you would think we'd be able to figure out some way to provide assistance and help.

Mary Thompson: Good morning.

Tom Vilsack: Good morning.

Mary Thompson: Mr. Secretary, I appreciate your time. My name is Mary Thompson. I'm from Cherokee, North Carolina, member of the Eastern Band of Cherokee Unions. My comment is regarding the expanding market of the communities. In the past we have seen that the debt criteria has more hindered than help in farm to school program so I'm wondering if there's an opportunity for or better availability for tribes to utilize

some of the programs like the SNAP and GAP, within the other programs?

Tom Vilsack: Well, by GAP you're referring to Good Agricultural Practices? Right. Well, there has been an effort recently in GAP to create a process by which multiple operations or multiple farmers could come together collectively and work together for GAP certification as opposed to this one-off process that can be quite difficult, and that may be something we could explore with the tribes in North Carolina, get some kind of major effort group certification that would allow access to programs. The Good Agricultural Practices is a result primarily of concern of meeting the food safety modernization responsibilities but sometimes there's a misunderstanding about all this because there are exemptions for very small operations in terms of that law so it may be that people may not fully understand that.

Mary Thompson: I think that's what it is. In order for them to utilize it and because in Cherokee, we're small farmers, and everyone's a small farmers and we don't have thousands of acreage of land up there but we would like to use the SNAP program within the farmers markets and in co-ops and things. It's just that sometimes the criteria to utilize those programs, the regulations won't cover all them.

Tom Vilsack: Well, we want to make sure -- obviously the worst thing that could happen to any producer would be for there to be a food safety problem because that would destroy the market, right? So, Leslie's taking notes and this is something we could potentially explore on a large scale group certification under GAP and make sure that if there is a contact person or persons that would be interested in establishing farmers market and access to SNAP beneficiaries, we can work with our Food and Nutrition Service to make sure that you have the technology that will allow that because it's primarily being able to swipe the SNAP card through the system. Depending upon the remoteness of the area, sometimes there's an issue with the wireless technology which then gets us into the whole conversation about broadband access which we're working on but it is a function of resources obviously. But Leslie can see what we can do in terms of accessing this program.

Mary Thompson: And the last comment is that not just Cherokee but the many other small tribes that are at range [indiscernible].

Tom Vilsack: Sure.

Mary Thompson: Thank you.

Tom Vilsack: Yes, sir.

Mark Wadsworth: Mark Wadsworth, member of the Shoshone-Bannock Tribes, a tribal range manager. Our tribe was

approached about two years ago, three years ago, about a situation dealing with carbon credits. These people were coming to us saying, "We'll open the door for you, do the research for you, find how many acres on your reservation is available for this carbon credit program." And as we started listening to it, maybe it did sound too good to be true, we're just really leery before we start jumping into this area. But with your one comment that one rancher sold her carbon credits to a corporation, that kind of lends credibility to me that maybe I should be taking this more seriously.

Tom Vilsack: Well, I would strongly suggest that you reach out to the NRCS folks in your neck of the woods to have them talk to you about how we might be able to help with the foundation for this type of opportunity. The foundation is the ability to measure, quantify, and verify the conservation results and then making sure that resources are obviously vested in the conservation practices. NRCS does all of that. They do Conservation Innovation Grant Program, they provide the resources to establish the measurement certification and verification process and then through the traditional NRCS programs, opportunities to do the conservation program. And then, they in turn are aware of the companies and entities that are interested in potentially purchasing these.

Mark Wadsworth: Because they were going into the fact that they could possibly make this traded like a commodity.

Tom Vilsack: Right. That's the goal. That's the goal. The goal is to --

Mark Wadsworth: So, USDA is behind in [cross-talking]?

Tom Vilsack: Absolutely. There are multiple different types of ecosystem markets. There's the carbon credit market we talked about. There's also water quality and water quantity set of markets. There's also habitat market opportunity potentially. So, the NRCS folks can sit down with you and sort of game out what might make sense in your neck of the woods and I strongly encourage that. Is there an NRCS rep here?

Mark Wadsworth: Tomorrow. One more situation. What we're talking about and I think that what we need to explore especially from your level to probably the secretary is we need to devise a system between the Office of Special Trustee, the Trust Asset and Allocation Management System [phonetic] that has been spent over close to \$60 million in which we get the income that we earn for resources and to pay it back to our tribal members or tribe itself. But it differs because the BIA has a system of allotments, like an allotment is allotted land owner, private land owner, and then we have like T tracts that is tribal lands. But when we're doing applications for EQIP to get a new area within however USDA signifies that area of department

[indiscernible] program money, it doesn't match the systems. So, we're trying to talk about the same thing but different language and I think that we need to work on that together.

Tom Vilsack: Well, that's a technical issue that I'm not as familiar with as I should be but --

Mark Wadsworth: It's part of the Cobell loss.

Tom Vilsack: It is something that -- I mean, are you telling me that that land classification or land ownership, for lack of a better word, doesn't qualify into our EQIP programs? Is that the problem?

Mark Wadsworth: One of the things we found out with USDA FSA is when we were to do a EQIP project on this tract of land as defined by USDA, they want permission by the land owners. Well, some tribal tracts [indiscernible], we have one tribal track that has 8000 members [indiscernible] portion of that [indiscernible].

Tom Vilsack: I see. And just getting 8000 people to agree to something.

Mark Wadsworth: And there's no way that USDA is going to [indiscernible].

Tom Vilsack: You know, we have the same kind of issue, somewhat similar issue on home ownership and home loans where we try to figure out a way to get around the idea that you really aren't in the position to mortgage a land because you didn't

quite own the land. I think we figured out a way to get around that. Leslie, maybe we should think about some way of figuring out how to do this.

Leslie Wheelock: The issue has come up in the regulations as we've been going through them. We've been trying to restructure things that we can restructure in order to make our programs more accommodating for the fractionations both among tribal members and [indiscernible].

Tom Vilsack: We just established as part of a larger Beginning Farmer and Rancher efforts a land tenure discussion and a small part of that is this whole issue.

Mark Wadsworth: I just think it's a huge resource that if we got USDA and BIA and OST to work together, because even inside that program we can do GPS modeling, we can do animal identification with inside of this program. I just think that probably on your upper level, sir, is that you just need to [indiscernible] open that door so these guys can probably get together and start trying to do some work [indiscernible].

Jerry McPeak: Mr. Secretary, Jerry McPeak from Muscogee Creek Nation, Oklahoma. Mine is not a question as much as a comment. It's something that the people of USDA have approved tremendously over the five years in Oklahoma. [Indiscernible] we don't have reservations and our complexities, [indiscernible]. But where one common thread is [indiscernible]

not throwing them under the bus but your USDA folks have done a great job but our problem is with BIA and that was the very first thing we met five years ago or how many years ago it was and it's still a problem for us. I think you're probably aware of that. It's a complexity you would not normally have with your regular USDA programs but we can get approval from your people and then the BIA just kills us and you're sitting there thinking, "What the hell? Why is this a problem?" So, I'm not sure how USDA gets BIA attention but we sure don't seem to be able to do that. Just a comment. [Indiscernible].

Tom Vilsack: If I had a dollar for every meeting I've been to where I've had to deal with other agency's challenges. I mean, EPA today, BIA, it's almost always the same. Our team does do a good job for the most part and we obviously have been better but we need to be even better.

I think there are two avenues here. Obviously, Leslie's got a counterpart and she can convey the concerns here, but to the extent that we can be quite specific about the problem and quite specific for example with this issue of ownership and approvals and so forth, to the extent that we can be more specific about the problem, I'm in a position to go to Secretary Jewell and say this is a specific problem that needs to be fixed.

Now, it doesn't fix the institutional concerns that are inherent in the BIA relationships but we begin the process of identifying a specific problem and solving the problem. This issue, to the extent that I can understand it specifically, I would be happy to communicate with Secretary Jewell. This is an issue, okay, and if you all could give us, not a thousand different problems you have, which I'm sure you'd have that many, but the three or four ones that are the most troublesome, then my direct contact with Secretary Jewell is one avenue.

The other avenue is there is a White House tribal council that is set up that is supposed to mirror the rural council that I'm in charge of, Secretary Jewell is in charge of this and maybe there's an avenue there for more coordination and better assistance.

Jerry McPeak: And I appreciate that we have it. The thing that is not unique is the commonality of how [indiscernible] occurs. I can certainly see [indiscernible] the diversity of all the programs [indiscernible] but it's a common problem, not an uncommon problem. It is not one that is just faced there in their tribe, their situation. It's one that we face [indiscernible] situation, I think.

Tom Vilsack: And help me understand this just a little bit better. Is it is situation where you're going to get the

approval but it just takes forever or is this a situation where they make it hard for you to even get to yes?

Jerry McPeak: For instance, land practice that we have, farming practices we have, your people will approve it and say it's okay and then [indiscernible] BIA says we can't do it. I'm like, what are you guys doing? [Indiscernible] in it for? And they'll say that we can't do it, they'll throw a roadblock out there when your people are, "Go on. They own the land. It's private. You bet we're clear." [Indiscernible] in Oklahoma [indiscernible].

Tom Vilsack: They're not interested in double cropping there, the BIA? Really? Well, that's something we are interested in.

Jerry McPeak: Yes, really. We are too. [Indiscernible] making a living.

Tom Vilsack: Leslie, give me two or three of these specific examples of double cropping, access to EQIP, and I'm happy to weigh in on this and ask for a meeting with Secretary Jewell and BIA folks and say, "Hey, there's a problem here. Let's figure out how to fix it." Because first and foremost, the Native Americans on the land are experts because they've been around for a while, and number two, our people actually kind of understand agriculture a bit over here, I don't know how

much they understand over there so maybe they have to be listening to us.

Is there a problem? I mean, what is the problem?

Leslie Wheelock: Some of it, it's historical there. The setup with the land leases historically has had restrictions written within the leases and traditionally there have been lease problems with the language it's been written into the leases. Jerry, what are the other things that you're running up against?

Tom Vilsack: All right. Let's stop there. Are these leases between BIA and --

Leslie Wheelock: And the lease owner.

Tom Vilsack: And who is the lease owner?

Leslie Wheelock: It can be a tribal member or a non-tribal member operating on tribal lands.

Tom Vilsack: You know, I'm going to show my ignorance here.

Jerry McPeak: Sir, that's not ignorance. We got into it. It's so complex.

Leslie Wheelock: It's complicated.

Tom Vilsack: But why is BIA even [indiscernible]?

Leslie Wheelock: [Cross-talking]. There have under statutory laws that were created over the course of about a century, the Secretary of Interior was given control over

everything that happened on Indian lands. Some of that control has been eased over the last 20 years, a lot within the last five years with the institution that's something called [indiscernible], the tribe's ability to take back some of that control but it's statutorily mandated that the secretary be asked for permission to do almost anything that touches Indian land.

Tom Vilsack: Okay. Well, then the question is, why wouldn't you routinely grant that permission unless it was something that was going to be harmful to the land or harmful to somebody else that -- why wouldn't that just be routinely granted?

Leslie Wheelock: That's a good question. We have about 15 months to work on that. Let's see what we can do.

Tom Vilsack: I'll do what I can. And just get me a couple of these and I'll start to weigh in with them. I mean, my guess is that Secretary Jewell may be generally aware of all of this but she may not be -- no? Not even generally aware?

Leslie Wheelock: I suspect she's not generally aware.

Tom Vilsack: Okay. Well, then that being the case, once she becomes aware, I would be shocked if she didn't respond in a positive way to do this. So, let's start working on the specifics here. And this is a very, very, very important point. And it is a result of over 25 years in public service.

The more specific people can be with their concerns, the easier it is for people who want to help to help. So often we come in in meetings like this where the concerns are general. And I don't mean to pick on EPA but I'll go into a meeting and people say, "You know, we're just regulated to death." Okay. And I'll say, "Which regulation in particular are you concerned?" Well, then it's a little harder question to answer but I can't actually help with we're over-regulating. I can't help it. But I can help when you come to me and say, "This is a particular issue, we can't get permission to do double cropping." Now that's specific and I can go back to Secretary of Interior and say, "Hey, we're trying to do double cropping because, A, it's to preserve water resources, and B, it creates new income opportunities, and C, it's better for the land health because it creates diversity and soil health and it's very consistent with what we're trying to do on climate. So, there are a lot of reasons why this is a good idea and we can't quite understand why you have a problem with this." And then all of a sudden the Secretary of Interior's on the other side and says, "Why do we have a problem?" Then it turns out, well, they don't really have a problem. It's just that maybe --

Jerry McPeak: Validating what you said, [indiscernible] with a specific problem, they've been a problem for years, and in three months get this fixed instead of being fought for five

years. We just fought and it couldn't be done, it couldn't be done, it couldn't be done on our level.

Tom Vilsack: And look, I don't understand this as much as any white person could possibly understand it but I understand a little of the frustration because you've been told a lot for centuries and sometimes we don't follow through.

[Indiscernible] we've got 15 months, at least as far as this outfit's concerned, to follow through. So we'll do what we can on these two issues that you all have raised. We probably have time for one more. Yes.

Gilbert Harrison: Again, thank you. Gilbert Harrison from Navajo. Mr. Secretary, one of the things that we've been having some issues with, I guess all clients of USDA EQIP has the issue of when you get a project approved, there's a thing that when it goes through the design and because the USDA [indiscernible] design requirements I guess are pretty strict, [indiscernible] inflate the project almost three or four times from what you really anticipated. So, I think that we've been talking about how do you get a handle on this over-engineering, it's an issue on the Navajo Reservation because you have a simple project, you want to do a simple way, by the time it comes back it costs \$100,000. And a lot of people shy away on that high price because there's a 1099 issue with that \$100,000 bill and it's hard enough to having pay tax on \$100,000 when you could've done

the project done about \$5000 or \$6000. I think there're those kinds of things that a lot of Native Americans on the reservation that I know of where have very small mom-and-pop type of operations, people shy away from EQIP programs because of those kinds of technical issues that surface and word of mouth gets around that, "Hey, you're going to get a big tax liability and people shy away." And somehow I think either -- take a look at it is what I'm saying. I think you need to be a little more reasonable. Thank you.

Tom Vilsack: Just a quick response to that. The whole -- communication's really, really important in government and we try to communicate effectively but sometimes we've got folks who understand the local area very, very well, and we've got folks who have been trained in the science of something, and sometimes they don't have a problem but sometimes the science guy and the local guy, they have a hard time communicating and that sounds to me like maybe that's kind of what is at play in here in part. Because if we overbuild or overdesign or overspecify, that's a communication issue. And what we ought to be doing if we're going to provide service is figuring out exactly what that land owner wants to do, what that farmer wants to do and figure out a way in which we can accomplish some or all of what he or she wants to accomplish without creating other issues that then make it so that they decide not to do anything. And Leslie, that's a

good conversation to have with Jason Weller of NRCS, is helping folks not responding to the project but responding to what the farmer wants to do, what the ultimate result is.

The ultimate result is I need more water or the ultimate result is I need to conserve or I've got this problem with soil. Don't over-engineer it to perfection. Maybe just make a little progress instead of no progress. Maybe you don't get all the way, all the progress you could get with a big operation, a big program, and maybe you get a little bit -- I mean, I'm for moving the ball down the field a little bit, getting closer to the goal line. Sometimes you don't have to throw the long pass, just five or 10 yards at a time. So that may be an attitude or a philosophy that we ought to be reminding our NRCS folks, at the end of the day it's about moving the ball down the field and it's about understanding the result that a person wants to get and not making it more complicated or over complicated.

So, I appreciate the time, I appreciate the conversation, and we will definitely follow up on a couple of these BIA issues, I truly appreciate it and we'll let the experts have at you now. All right.

Mark Wadsworth: -- but it was well received and express our gratification for him spending the time with us. We'll do the call to order. I'll go ahead and do the roll call. Mary Ann Thompson?

Mary Ann Thompson: Present.

Mark Wadsworth: Jerry McPeak

Jerry McPeak: Here.

Mark Wadsworth: Janice Stotts? Janice Stotts is not here.

Male Voice: Sorry. Janice is [indiscernible].

Mark Wadsworth: Okay. So, here or no? That's your secretary. Okay.

Jerry McPeak: [Indiscernible].

Mark Wadsworth: She's working on it. All right. Angela Peter?

Angela Peter: Present.

Mark Wadsworth: Edward Soza? Edward Soza is not here. Sarah Vogel? Sarah Vogel is not here. John Berry? John Berry is not here. Gilbert Harrison?

Gilbert Harrison: Here.

Mark Wadsworth: Henry Holder?

Henry Holder: Here.

Mark Wadsworth: Mark Wadsworth. I am here. Derrick Lente? Derrick Lente not here. Tawney Brunsch? Tawney Brunsch not here. Joe Leonard? Joe Leonard not here. Jim Radintz?

Jim Radintz: Here.

Mark Wadsworth: Leslie Wheelock.

Leslie Wheelock: Here.

Mark Wadsworth: And Val Dolcini.

Chris Beyerhelm: Chris Beyerhelm representing Val Dolcini here.

Mark Wadsworth: We do have a quorum. We do have eight people here, so we'll carry on. We'd like to start with a short blessing and then we'll go through and have Dana Richey do a conversation. Gilbert, would you?

Gilbert Harrison: Let's all bow our heads. Lord, we come before you on this very important occasion in this wonderful day in Washington, D.C. [indiscernible] recommend interests to benefit the Navajo Nation and other tribes [indiscernible].

Mark Wadsworth: Thank you, Gilbert. Dana, would you like to?

Dana Richey: Thank you, Mark. For those that I haven't yet met, my name is Dana Richey and I'm the new designated federal official for the CNAFR. Some of you I have spoken with this morning or in previous occasions and I look forward to meeting each of the members individually.

A couple of housekeeping things. We are now beginning to talk into microphones and I think that we did catch the secretary's presentation this morning. But I want to make sure that each person does speak into a microphone so that the court reporter can reflect accurately what it is that you do say.

The agenda has me in a moment going through the meeting materials. I propose that we probably skip that item. I'll

just point out that you do have a table of contents in the beginning of your binder and then also an agenda. Other than that, we'll be following closely the agenda and the reading materials that were provided to you in advance.

One other housekeeping thing. We do have a sign-in sheet that is circulating so that I ask everyone to please sign that so that we can also reflect in the minutes who attended these meetings, both today and tomorrow.

If there's any questions, please feel free to ask now or catch me if you have any questions later. Otherwise, Mark, I think that we can go ahead and begin.

Mark Wadsworth: Okay. Thank you, Dana.

We'll review the agenda. Well, everybody has it in front of them but we did already have one change, the timeframe now is 10:25. We will immediately after I get through going through the agenda, go with Zach Duchueneaux representing the Intertribal Agriculture Council, then we'll proceed with the Native Youth Leadership in Agriculture Summit and the Model Food and Agricultural codes with Janie Hipp, director, and we'll see where that gets us but we might just go immediately to the Keepseagle update before the lunch break. So, let's work on that here in the morning. After we get back about 1:20, go through FSA then we'll have Joanne Dea, the ombudsperson, do a presentation, then we'll go through the highly fractionated

lands through Jim, and then we'll do a working session and go through the recommendations, council reauthorization and other situations. It shouldn't give us until about to 2:30. Possible other recommendations or in-house kind of discussions at the end there and then we should adjourn right around 5, 5:30.

So, if we could, Zach, if you'd like to come on up?

Gilbert Harrison.

Gilbert Harrison: Before we start it, can we have an introduction of guests, please? I know the board, the council members but I don't know who the other guests are.

Mark Wadsworth: Janie, would you like to -- well, go ahead. Well, Zach's getting up there, but go ahead, Zach, and then we'll --

Zach Ducheneaux: Zach Ducheneaux of Intertribal Ag Council, member of the Cheyenne River Sioux Tribe.

Janie Hipp: Janie Hipp, citizen of the Chickadaw Nation, director of the Indigenous Food and Ag Initiative at University of Arkansas School of Law.

Josh Protas: Josh Protas. I'm the director of government affairs for Mazon: A Jewish Response to Hunger. A project you'll hear about shortly.

Jerry McPeak: You folks either need a microphone or speak louder.

Erin Shirl: I can speak loud. I'm Erin Shirl. I'm the assistant director of the Indigenous Food and Agriculture Initiative at the University of Arkansas School of Law and I'll be talking to you about our youth summit today which you have the materials in front of you.

Tina Zane: My name is Tina Zane [phonetic]. I'm a volunteer at the Office of the Ombudsperson.

Rhett Johnson: Good morning. I'm Rhett Johnson. I'm the national lead at USDA Climate Hubs.

Barry Hamilton: Good morning. My name is Barry Hamilton. I'm with the USDA Natural Resources Conservation Service. I'm the national tribal relations liaison officer.

David Sindall: Good morning. I'm David Sindall. I'm with the Office of Congressional Relations at USDA.

Stephanie Masker: Good morning. I'm Stephanie Masker. I'm with the Office of the General Counsel and I'm here to give the Keepseagle update.

Linda Cronin: Hi. My name is Linda Cronin. I'm with the Farm Service Agency Outreach Office.

Joanne Dea: Good morning. I'm Joanne Dea. I'm the ombudsperson for USDA.

Michael Ladd: Good morning. My name is Michael Ladd. I'm the tribal liaison with the USDA Food and Nutrition Service out of the Western region.

Beatrice Herbert: Good morning. I'm Beatrice Herbert and I'm a member of the Navajo Nation and also the tribal relations person for Food Safety and Inspection Service.

Mark Wadsworth: While we had the introduction, Zach Ducheneaux.

Female Voice: We're not quite finished.

Mark Wadsworth: Not quite finished?

Josiah Griffin: Good morning. My name is Josiah Griffin. I am stepping in as the assistant designated federal officer for the Council for Native American Farming and Ranching and I also help to coordinate outreach on behalf of the Office of Tribal Relations.

Female Voice: And good morning. My name is Sedelta Oosahwee. I'm an enrolled member of the Mandan, Hidatsa, and Arikara Nation. I'm also part Cherokee. I'm the acting deputy director of the Office of Tribal Relations.

Mark Wadsworth: Yes, Jerry?

Jerry McPeak: Josiah, can you get all your titles on one sheet of paper?

Josiah Griffin: Yes, sir. I'd say it's legal size but it still fits.

Mark Wadsworth: Yes, Zach.

Zach Ducheneaux: Good morning. Thank you, folks, for having me here. It's always a pleasure to come and visit with

the friends that I've made on the council and meet the new folks that are here joining us today. I'm here to offer a perspective from the position of the Intertribal Ag Council and its Tribal Technical Assistance Network on the occurrences and happenings in Indian country agriculture since we've last met.

I think the last time I had a chance to visit with you folks was in December at our annual membership meeting and I want to make sure that we extend an invitation to you folks to let's do that again. It really worked out good. We had a lot of feedback from our membership that they appreciated the opportunity to come and visit with the council at that place.

A few of the highlight issues that we've been working on. And before I get into those, I did bring Josiah a bunch of our *Success Stories* booklets, which is basically a summation of our annual report, and I don't know if those are in your pamphlets there but you'll get those at some point throughout the meeting. But the few of the things that we've been working on, some of the issues that were brought up with the Secretary are really relevant because we've been working on the same issues.

The coordination between the BIA and the Department of Agriculture on some issues, we see that across the country but we do see pockets where that is actually working effectively, so we like to make sure that we highlight that and bring that to your attention so that we can get that model up to Secretary

Jewell so she can cram it down the throats of the BIA people at the local level. We see a lot of discrepancy even between the same tribes within a region. So, there's just not the consistency there of application of good practices that is critical for our producers to stand a chance when it comes time to go get that EQIP contract, get that FSA loan, participate in a rural development program.

One specific example is with respect to the mortgage process, and it took all I could do to bite my tongue while the Secretary was talking and not say, "You can mortgage trust ground. We do it every week at Cheyenne River." One of the things that we've been working with is trying to streamline the process. So, we're going to convene a meeting at Cheyenne River and invite all that are interested in attending on the exact procedures and timeframes it takes to mortgage trust ground so that an Indian can participate in the commercial credit arena just like everybody else.

The lenders will tell you it's not -- and you guys have heard me pound on this particular podium about that before -- the lenders will tell you it's not easy or possible. They just don't want to do it. So, we're going to make it very clear this is how you do it, this is how it happens at Cheyenne River, it happens in a two-week period of time, and then we're going to take that up the echelons of the BIA, to Mr. Black [sounds like]

and above him if possible to say, "This is how easy it could be." Yes, sir, Mr. Wadsworth?

Mark Wadsworth: Yes. A question on that really before you carry on. Is this land both divided and then divided that you're able to mortgage out?

Zach Ducheneaux: If you have all of the parties involved, you can do undivided land. But specifically we're talking about one over one land or for the purposes of acquisition. But that's a good question and I should've mentioned at the beginning if any of you have any questions, feel free to interrupt me because I'm apt to repeat myself and say the same things I told you last time.

So, what we're going to do is try to build this model. We've got Farm Credit Services of America who have a lot deeper pocketbooks than our friend at the FSA ready and willing to get into this arena, start lending for the acquisition of trust land but they're running into problems with the timeframe it takes to affect a mortgage. They're saying they waited up to 18 months just to get the BIA to make that decision. So, we hope that we can start to clear that stumbling block out of the way of Indian producers.

We continue to have pretty good luck with the Farm Service Agency on the loan side and we're really seeing a lot of use of the microloan program. We hope to see that turn into the

starting point for a lot of our young producers who do have a chance. There are very few places in the country where young producers have the opportunity that an Indian producer can get on some of these bigger reservations out West where if they can get a grazing allocation, they can have a capacity to run 150, 200 head of cattle where that's just not possible in the rest of America. So, Indian country is poised to be a real big player in that.

We have had challenges with the disaster programs, a lot like what Mr. Harrison talked about but specifically we have had Indian producers turned away from the office with respect to signing up for disaster programs being told they need to bring forms that are not the be all and end all of their eligibility or else they're not going to be able to participate. Because we've got a pretty good network of folks out there who believe in our cause, we'd be able to get these resolved but the challenges that we still face, these pockets of, as Chris used to call them, knuckleheads, that don't understand that your job is to take the application. Eligibility is determined in other places. So, we've been able to overcome that hurdle and that's specific to the fires out in the Colville Reservation. We had producers show up there and one of our TA staff even went in with the individual and had them tell our TA staff who knows better, "Unless you bring a schedule F, you're not eligible for

these programs," which is an outright lie or clear ignorance that needs to be cured or rectified.

NRCS continues to do pretty good work in Indian country. The challenges that Mr. Wadsworth mentioned, we've cleared that hurdle at Cheyenne River and they did that way back before the TA network ever even started. The way they were able to do that is they had local ag people in the NRCS program, and one of the recommendations that we made to you folks before is find a way to build a conduit from your resource college curriculum to that local place.

I think we've got something like 75 percent of our reservation enrolled in the conservation stewardship program which is probably the best program to hit Indian country agriculture ever, and we've got a large portion of our reservation under a EQIP contract of one style or another. Be that as it may, we still see pockets in the country that are unserved so we've put in a regional conservation, an RCPP application to try to help do some of those things in Indian country that we see a need for, the undivided interests, those are really a challenge still and we think we can help find a way to do that, Mr. Wadsworth.

The rural development programs have not been as impactful for individual producers as they are for tribes and entities, and I think that's kind of what they're more tailored for with

the exception of the housing programs and what have you, but most all of the rural development staff in the country is doing a decent enough job. A lot of the challenge that we face is the resource doesn't stretch as far as the need, and I think you'll find that in Indian country writ large and nationwide with the way the budgetary discussions have been going.

I really would encourage you all to -- if you're interested, let me know and we can loop you in on the monthly reports that we submit to OTR and there'd be some good reading in there, more anecdotal information, and some of the numbers of the people that we're reaching out to. We do an annual report that summarized in our *Success Stories* because we hear so many negative things in Indian country that we feel it's important to say, "Hey, there are some things going right out there and these are the models that we need to be following."

With that, I'd like to see if there are any questions from the council before I continue to talk because it's been my experience that -- and I've had enough people stand up here in a room and talk to me. I don't take much from that but if I have a question for them and they are able to answer that or get back with me, that's been a more effective way of communicating. So, with that, I'd like to ask the chair if I could entertain a couple of questions.

Mark Wadsworth: Chris Beyerhelm.

Chris Beyerhelm: So, Zach, I don't have as much of a question but an hallelujah for you. So, I've been saying for a long, long time now that the biggest impediment to beginning farmers is access to land, access to land, and access to land. Of all the challenges Indian country has, one asset you have is all kinds of land, so I'm really glad to hear what you just said about what your tribe is doing and I certainly want to encourage all tribes, there is great potential with using the USDA and Farm Credit and commercial lenders if you can get this mortgage thing worked out. In non-Indian country, it's almost impossible for a beginning farmer to get started on any kind of -- I can get the five acres and do some sort of farmers' market kind of thing but to get hundreds of acres, and Indian country has that and it's a big asset they have related to agriculture, so kudos to you.

Zach Ducheneaux: Thank you.

Mark Wadsworth: Gilbert Harrison?

Gilbert Harrison: Good morning, Zach. This is my third year with the council here and one of the things that still bothers me is that when I first came on board the council here, we were talking about addressing some issues that have prevented Native Americans from taking part in USDA programs and we were at the tail end of the new Farm Bill. The new Farm Bill is out now and I noticed that many of these same problems exist within

the new Farm Bill that existed before. The IAC, are they addressing some of these issues to be addressed in a new, upcoming Farm Bill? I think it's renewed every five years. Because there were some progress made in the Farm Bill as far as making things easier but it still has a long ways to go. And particularly if you deal with the USDA on trust lands, there are still many issues that still need to be addressed. Are you guys thinking anything along those lines, start putting together some positions and things like that for the next Farm Bill? Because that determines to a large extent how much we can improve on this system. Thank you, Zach.

Zach Ducheneaux: Thank you, Mr. Harrison. And yes, we do. We do keep a running list of what we call a Farm Bill wish list and I can share that with the council if you guys would like to take a look at it.

We were advocating for 30 or 40 different things in the last iteration of the Farm Bill. Two or three of the things that we advocated for were successful. First and foremost was the funding of the Office of Tribal Relations on a permanent basis. Without that voice, Indian country just has to go from office to office in this building and it's a little bit ominous for some folks so we felt that that was critical.

Another was one that's specific kind of to your country and maybe to Oklahoma and a lot to California, the waiver of the two

or three out of five-year regulation with respect to EQIP irrigation. Well, to put it politely, they're screwing that up in California already and they've got a list of 17 things that have to be met before you can qualify for that waiver and that's not really what it was intended to be. So, there are things -- but we do have a list and we would love to share it with you folks so you could take it home, visit with your folks, and see if it's something that -- you know, if we had some tribal resolutions of support for these things, that would go a lot farther than Ross or Zach up here talking to congressional staffers about it.

Mark Wadsworth: Zach, one situation, and I guess I'm trying to be as specific as possible. And yes, we have been able to on our reservation utilize EQIP, but the specific issue that I have is not not getting the project on the tribe, it's that we have a different language within Bureau of Indian Affairs that does not match the language of the BIA. And it's not getting any better because we have two separate paths in the way that we manage land.

We manage land through the Office of Special Trustee with the TAM system that is in place. That's where we're going, that's where we're going to be. But if we want to communicate effectively between USDA and BIA, we have to start having these groups work together so that we as land managers or resource

conservationists or whatever it is or actual producers, we know what we're talking about when we approach the USDA, and the BIA understands this too. And it's a fantastic tool.

I think that there's great possibilities in management of resources utilizing the TAM system with the USDA but I just wanted the Secretary to start that conversation because I know that OST people are -- I got enough to do and BIA and I got enough to do, but we just needed that sort of support.

Zach Ducheneaux: And just to take off from that, Mr. Chairman, I think it's great that you had the opportunity to bring that up with the Secretary, because there's been talk about interdepartmental, interagency MOUs, MOAs, to try to iron these things out but if it's an interdepartmental memorandum of agreement where TAMs can transfer over and be used by FSA or they can find some hybrid that works for everybody, that's a solution. And it's a fairly narrow solution. It might require a lot of IT work but we've got to find a way to do it because the bureau probably isn't going to change, FSA isn't going to change because that's not their only customer so we've got to find a way to do that. And maybe if we can get it elevated to the departmental level like you folks were able to do today, maybe that's the key.

Very good. Any further questions? Yes, sir, Mr. Harrison.

Gilbert Harrison: Thank you again, Mark. I think you have a very good program but it's also a very well-kept secret out on the Navajo land and other areas. I guess somehow I'd like to see if there's a little more effort to do outreach programs. It's hard enough to get good information out there but I think you guys, you have a lot of experience, many things that we face, but somehow we need to have this exchange of ideas and words and what have been some of the common solutions. We talk about you can find out on the Internet. Well, guess what, on the reservation, we don't have access to a lot of Internet. And I do have it on here but I can't read it because the text is so small. So, I think face-to-face communication is a lot more effective. Thank you, Mark.

Zach Duchueneaux: Absolutely.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: This really probably isn't the time for it but I've been taking copious notes and I'm afraid I won't get around to it. Our problem USDA at home with us and with you folks talking up here, I recognize that you guys utilize e-mail and those kinds of things. It is not your second language up here, it's your first language up here. That's what you guys think when you put an e-mail. You need to grasp here, USDA and BIA, think about smoke signals. Smoke signals on a windy day are more effective than the fact that you put it out in e-mail

or you put it on the website. Where we're from, probably 60 percent of our rural people, I don't know, don't do the e-mail thing. They'd have to go to the library for it. Of our Indians, 80, 90 percent don't do the e-mail. Smoke signals on a windy day are more effective. This is my multiple time to make this statement. This is not hypothetical. This is reality. This is what you guys are trying to get to. It's a nice concept. We got a letter recently from the [indiscernible] conservation or whatever, all communications would now come on e-mail. Great. That means that you guys eliminated most Indians on a large portion of the [audio glitch] population that need the most help. For those of us who are -- I'm taking a [indiscernible] but e-mail is not a language out there in the real world. It's a language in the world you guys live in and really the world I live in, I get it. Thank you.

Chris Beyerhelm: If I could respond, Mr. Chairman.

Mark Wadsworth: Yes, please.

Chris Beyerhelm: Thanks for that, Mr. McPeak. I think we're cognizant of that, at least to the FSA and other folks to speak themselves. We're trying to live in two different worlds and continue to do hard copy, snail mail stuff and e-mail. But recently I'd be interested, we've taken to sending out what we call postcards about reminders about signing up for stuff, and I don't know -- Gilbert's shaking his head -- I'd be interested to

hear any of the council members that have gotten those, how effective those have been. Because we seem to be getting good response from that as we just send you little postcards saying, "Hey, it's time to sign up for whatever." Getting nods of the head and that's a good thing.

Porter Holder: Yes, Porter Holder. I have received those and that is a big help. That is the way to communicate. I mean, you can ask [indiscernible], Dana, I can't access to get my travel so [indiscernible]. I mean, we're rural out there. We're very rural. So, the card deal, yes, I received those and that is a big help and I hear people talking about them. So, that's a good move.

Jerry McPeak: Mr. Chairman. And don't get me wrong. I am a great proponent of we have to be responsible for ourselves. We have a bunch of that. We have a bunch of "we got the card and we didn't do anything about it." And we as Indians need to be more responsible for ourselves. We need to be accountable for what we don't do. But we don't get a shot -- the card is better, much better. But we have just gotten a notification not too long ago from one of our USDA offices that we weren't going to get that anymore, we're going to get it by e-mail.

Zach Ducheneaux: Was it on a postcard? Was it on a postcard?

You know, one thing before I close and get out of your hair, if I may, Mr. Chairman, we have identified the need for some certain things out there in Indian country and as an organization we try to fulfill them. The main office was recently responsible for putting together a NACA grant to the treasury to start a Native American Ag CDFI. So, we were awarded that. That's starting to happen out there. The IAC is going to spin off a Native American ag lending, CDFI specific. And it's not because CDFIs aren't trying. There are some out there that want to get in agriculture but there are none with that sole purpose and we think that that's needed out there in Indian country. So, that's one of the things that's coming on our radar screen.

Our membership meeting is coming up. We hope to have a substantial youth conclave there. Again, we didn't get funded for the chance to bring them and do the FSA things that we talked about with Mr. Radintz. We're going to do them anyway. We're going to find a way to do it, to bring those kids there, put them through an FSA loan application process, bring their chaperones in, and have them go through the youth loan advisor primer that we're going to give them so that when our kids get back to the reservation, if they've got the support structure, they have the ability to go right to the FSA office with their application and get started in the business. We're really

excited about that and we hope if the council doesn't come to the meeting, you folks can come out individually and share with us and see that happen on the ground.

With that, I'll close and ask for one more shot at questions and then I'm going to get out of your hair. Yes, ma'am?

Mary Thompson: Did you announce the conference dates?

Zach Ducheneaux: I'm sorry, I did not. It's December 7th through the 10th.

Sarah Vogel: Is your report in writing for us latecomers?

Zach Ducheneaux: I will give you a written report, summary of the comments and discussion, and I've also submitted our *Success Stories* for the record with Josiah, so he'll get that to you.

Sarah Vogel: Thank you.

Zach Ducheneaux: You're welcome.

Sarah Vogel: Sorry, I'm late. Unavoidable.

Mark Wadsworth: Okay. And for the record, Sarah Vogel is now present at the meeting.

Zach Ducheneaux: Thank you very much for your time and attention. I truly appreciate the honor.

Mark Wadsworth: Go ahead and start with Janie.

Janie Hipp: If you'll allow me, I want to introduce Josh Protas. Josh is the governmental affairs [indiscernible] here

in D.C. for MAZON: A Jewish Response Center. You will hear more about MAZON later, later during my conversation with you all. But MAZON has partnered with Shakopee [phonetic] to provide resources to our initiative to begin the process of a comprehensive model food and ag code development project for all of Indian country. So, I'm going to brief you a little bit about that but he has to run off and I wanted you to actually meet the person who's committed to this process.

Josh Protas: My apologies that I have to run off for a meeting. But I'm really so pleased to be able to be here for a little bit and to be partnering on this really important project. I know Janie will be briefing you with more information about that and look forward to continuing to work together. I think it's a really exciting potential with this.

Erin Shirl: Okay. I think I'm on deck and it's possible that I have a PowerPoint or something that's going to happen here. So, give me just a second.

Janie Hipp: While Erin is doing that, I'll let you know that this is Erin Shirl. Erin is the assistant director of the Indigenous Food and Ag initiative at the University Of Arkansas School Of Law which is where I am. Erin was also a staff attorney to Dean Stacy Leeds, the dean of our law school who is the only Native dean of a law school in the country, and Erin worked as a staff attorney to her on the trust reform commission

during that process. So, she has a long commitment to Indian country and we couldn't get by without her at all at the initiative.

Erin Shirl: I appreciate that. Thank you.

I'm going to talk about the youth that came to our youth summit this past summer. I want you to see their faces because they're just really great.

Janie Hipp: I think that we have a copy of that, don't we, in Section 4 of our manuals?

Erin Shirl: I think that there's a link that I sent Josiah so you can actually see the presentation if you send it around but I'm not sure that it's actually going to do -- hey, there they are. I had some notes which went away so I'm just going to wing it. It's okay.

As Janie said, I am Erin Shirl. I'm the assistant director of the Indigenous Food and Agriculture Initiative and I am here to talk to you about our exciting summer program that we do every summer at the university. We bring American Indian and Native Hawaiian and Alaskan Native youth from all over the country to hot, humid Fayetteville, Arkansas for 10 days of intensive training around the specific kind of issues that they're going to face as food and agriculture leaders in Indian country once they grow up and get out there.

And we've already addressed some of the issues this morning I think when the secretary was here, just some of really unique and specific issues that can come up in Indian country that just don't affect any other kind of producer. And so, what we want to do is give the youth that come to our program a really good grounding and foundation in those issues. They're not going to be experts but they're going to know that these are things that they're going to confront so they're not shocked when they get out into the world, when they start producing and that they're not surprised. They know that there're solutions to these problems. They know that they have sustained mentorship network through us and through the folks that we bring to speak to the kids and through each other, to rely on them and to be successful in the future.

So, I'm going to take you through our program. This is the 84 youth that we had at the university this past summer. They represent 47 tribes from all over the country. And one note about our program, we are so, so pleased to be able to offer this program at absolutely no cost to participants. That's been one of our goals from the very beginning. We pay for travel. We pay for food and housing. And we've done some incredibly generous partners who've enabled us to do that including USDA NRCS, I wanted to recognize them because we have NRCS here in

the room -- please give us a wave. Thank you very much for helping us to do this program last year.

The first year of the program, we had 48 students and we're able to do that in part because of USDA Risk Management Agency, we got a grant from them for the very first pilot year of this program. We've also had support from the Intertribal Agriculture Council, incredible support from them and from Farm Credit, and so many other people that enable us to offer this program at no cost, because we just don't want money to be a barrier to the next generation of leaders. If they're passionate food and agriculture and they want to come to our program, then we want to be able to make that happen for them.

So, I'll go into a little bit more of what they do right now but I want to show if it'll load. This should be a map of where they're from which would be really cool because you could see everywhere all over the country that they're from. And I just want to tell you, since the pictures aren't loading, we're doing a pretty good job of tracking with where the youth come from for our program and where a lot of farming and ranching is actually happening in Indian country. I had a map up here from the last agriculture census so you could see where our youth come from and then where the big land bases are, where a lot of the farming operations are according to the last ag census and how that tracks. Also had a map of the FFA membership that's

American Indian, we estimate there are at least 12,000 Native American youth in FFA and that was as of 2011, so I imagine that number has grown.

We also work really closely with them to do a lot of recruitment and outreach. We got a lot of amazing youth from FFA and many of whom I think the council saw in Oklahoma City. If you were at that meeting, you met some of those youth. Most, if not all of them, have come to our summit and many of them have also participated in Mr. McPeak's Be A Champ Camp, that's another excellent program that's working for Native youth. So, they're just really incredible kids. If you were here and you heard them talk, you know how passionate they are, you know how driven they are, and how successful many of them already have been in what they're doing.

So we have three major goals with the program. The first is to engage native youth in food systems and agriculture and make them understand that food and ag careers in Indian country is a sustainable and viable career choice. Those 12,000 Native American youth that are FFA members that I mentioned. We know that they're there and they're passionate and they're excited about agriculture but then you look at the ag census numbers and you know that for Native American producers and Alaskan Native producers, the under 35 category is the smallest number. So, they're interested as young people but then they're not staying.

And so, what we want to do is make sure that they understand that there's so much work to be done in food systems in Indian country and they can help their communities, they can help their tribes, and they can have amazing careers no matter what they want to do in food and ag.

So, we give them a pretty broad scope. We have folks from Farm Credit who come, they talk about lending. And we have folks who do risk management, so we'd lead them through legal risk and financial risk. And we also actually get them out onto a farm and let them talk to farmers and ranchers so they can see just the broad scope of work that there is to be done in food systems and how successful they can be no matter what they want to do. And there was a beautiful picture of some of our kids here. I'm so sad that it's not displaying.

Our second goal for the program is to promote intertribal cooperation and an understanding of food sovereignty. We really think that for the next generation, the future Indian country, they really need to understand that sometimes work gets done by coming together just like this council does from all over the country representing all of their tribes and all of their cultures to accomplish a common goal for Indian country, no matter what that happens to be in food and agriculture.

While they're here, part of the way that we accomplish that and promoting that intertribal cooperation is to break them up

into small groups that are as diverse as we can possibly they make them so they meet people from all over the country that they would never have seen otherwise and they work together all week on one particular presentation. They put a business plan together. We assign them a traditional food. It's not a traditional food for everyone in the group obviously but this year we had a few different ones. We did wild rice, we did bison, we did some berries, and we give the group that food and we say, "Okay. Here is your food. Make a business. Just do whatever it is that you want to do." And so, we really let their creativity shine through and they put together a business plan, they put together a marketing plan, they address legal risk, they usually have some kind of succession plan that goes along with it. This year we added in conservation planning so that they have little familiarity with EQIP programming. We really try to make sure that they are exposed to as much of a business in food as possible.

And we also have a culture-sharing night that we do, because this group is so diverse, and for a lot of these youth this is the first time that they've ever actually been in one place where they have this much diversity and these many tribes represented. I didn't want to go bird walking off into too many different stories but I will share one.

We have one young lady from White River Ojibwe come, 14 years old, and she showed up. She had a late flight so she's dragging her bag behind her into the law school for the opening ceremonies and she stopped me before we went into the room where everybody else was and she said, "Excuse me. How many people here are actually Native?" And I said, "Well, everybody here is Native. All of these are." And she said, "Really?" Like she was just absolutely shocked, like she couldn't believe. She said, "My mom told me but I just didn't think that would ever happen." But it did. And so, while these youth are here, we really want to give them a forum to share their culture, to share songs and stories and whatever it is they want to share with each other, to really embrace the diversity of the group and promote intertribal cooperation that way.

And this was a video of some of the young men that were at our summit actually singing and dancing to a song in one of their languages that one of them had written, but it's not going to play so just imagine that in your head, it was really cool. We actually did a round dance that night too in the law school. There were people that were studying for the bar who maybe did not appreciate it but all of these appreciated it very much.

The third goal, and this is really kind of our overarching goal here, is just to develop the next generation of successful leaders for Indian country in food and agriculture. And we

accomplish that through a lot of different ways. One of those things is classroom learning. We actually do 24 total hours over 10 days of classroom learning at the summit, which is a lot. I'm a lawyer and I did a lot of school and I don't think that I could maybe sit through that but they do, they are champs. And you might look out across the crowd and not think that they're really internalizing a lot of it but, man, when you see their business plans at the end of the week, that you can see that they really, really did.

And like I said, they may not walk out experts but they definitely have a good solid foundation in these issues. So, when they grow up and they want to start a business, they know what a business plan is. They know how to apply for a loan from Farm Credit, for example, to actually get that business up and running. They're familiar with conservation planning so that when they're out, they know how to apply to the EQIP program. Maybe if we can fix some of those issues with BIA, that path will be a little bit smoother for them. But they know that those issues are out there.

We do so much intense training with them. This is really college level material and one of the things that we want to work towards in the future years is actually getting them college credit for coming to the summit because we do this ed -- a land-grant university, we have that capability which we think

would be really fantastic. We're looking at maybe three hours of college credit in the future for them. So, fingers crossed that that actually works in the future.

I'm not going to show you our entire -- well, I wouldn't show you anyway because it's not going to display. You have a copy of the agenda. I won't actually read it to you. You can read it at your leisure. There's 11 pages of tiny type there because we really do just a lot, a lot of work. And you're going to see a familiar face here. Leslie Wheelock is on this slide. Leslie has actually come both years to talk to the youth. Thank you very much, Leslie. They learned a lot from you.

Female Voice: [Indiscernible].

Erin Shirl: I know. It's magic. Here is another one. As you can see this is our own Janie Hipp. She's actually -- I don't know if you can see it here in the top corner -- she's talking to the youth about food codes, because we really do a deep dive into the unique legal situation that Indian country producers find themselves in. And she's going to talk to you all a little bit more about food codes. And the reason that we go into this kind of detail is not only to give them a sense of the problems that they might confront but also possible solutions. We want them to know that there's a light at the end

of the tunnel and that there is a way to be successful and food codes is one way that it possible could happen for them.

We also have Stacy Leeds, the dean of our law school, give the fastest federal Indian law crash course you have ever had in your life. If you ever want federal Indian law in an hour and you happen to be in Fayetteville, Arkansas in July, then you should swing by and take her class because it's pretty intense. But she does a great job of outlining all of those issues for the youth.

We had Carrie Madison [phonetic] come and do a one-page business planning tool with the youth this year. It was so useful for them.

Another familiar face here, Jerry McPeak. He's missing himself over here. The youth absolutely love hearing from him. He's so inspirational for them every year, and I think if there's ever a year that he's too busy to do it, we're going to have to like move it or something because I don't think we could do it without him.

In addition to classroom learning, we know these are kids who a lot of them want to be farmers and ranchers, many of them already are farmers and ranchers, we can't keep them in a classroom all day, they want their boots on the ground, so we take them outside and we visited a cow-calf operation on campus. They actually got to put their hand in a cow's stomach which I

think is a really great learning experience. And they got to go to our horticulture operations on campus and taste some new grapes that they're actually developing out there.

We actually went, thanks to our partnership with Intertribal Agriculture Council we were down in Southeast Oklahoma and we got to visit Bedre' Chocolate which is a Chickasaw company. They make delicious chocolate. If you've never had better chocolate, you should definitely try it. We also got to go to the Chickasaw Nation Cultural Center where there's a beautiful spiral garden that was designed partly by the cultural center and partly by the IAC tech specialist, Steven Bonds. It was really, really hot out there that day so I'm not sure that they internalized how neat it was to be out among all of those beautiful plants, but they did walk through and they made it and then they got to go to Steven's farm and see his vegetable and chicken operation, and then they got fed some delicious Oklahoma peaches. So, I think there was a reward for all of the heat.

We took them to Wal-Mart because we're so closely situated at the University of Arkansas to so many different kinds of businesses, food businesses, and Wal-Mart is certainly a pretty big retailer and it's the largest food retailer in the world still so they listened to Wal-Mart and Sam's Club employees talked to them about food safety issues and the buyers from Wal-

Mart and Sam's Club who do produce and meat buying, actually talk to them about what they look for when they're out there and looking for more producers. So, we're not saying go sell to Wal-Mart. We're just saying here's an opportunity. That's what we're trying to do, just make sure that they understand that there's a million different things that they can do in their careers to be successful.

This was a really cool picture of JC Philips [phonetic] at the Fayetteville Farmers Market. That's another field trip that we do. We have one of the oldest farmers markets in the south. It's really vibrant. It's really wonderful. And there's just a lot of different products that the local producers there bring. It's not just vegetables and meat. We also have some value-added products. We have jellies and jams and local artists and cheeses, so the youth can really see kind of the wide range of things that you can do in direct sales if you're going to do that kind of thing.

And we just really bring people here from all over the country. This is a young lady from Alabama talking with a young lady who lives in Washington State whose family [indiscernible]. That's just an incredible connection that they get to make. And there was a really cool picture here which I had a young lady from Cheyenne River Sioux because I wanted to talk about the really neat things that can happen when you bring passionate

youth like this together from all over the country and there's a young lady that is not pictured here who together with another young woman who came to our summit last year, has been responsible for spearheading an effort that's going to create a youth board that's going to sit alongside and advise the general board of the Intertribal Agriculture Council.

The council voted unanimously at their annual meeting last year to approve a change to the by-laws that would allow that board to be seated and they're looking at seating it this December. So, we're going to have 12 youth from all over the country who are going to work directly with IAC, bring youth issues directly to IAC and try to get some movement and new programs going so that they can kind of drive their own ship which I think is really, really great.

These were their student presentations. You have one copy in your materials so you can actually see what they work on all week but you can see some of their conservation planning and some of the things that they do. In those materials you will see -- hopefully, we had about seven groups this year and they actually worked together to make sure that all of the groups were tied together. So, we had a restaurant, for example, they decided that they wanted to be a restaurant model, kind of after Ben Jacobs' Tocabe which is a Denver-based restaurant that sells delicious food that's all Native American inspired and sourced.

So, we heard from him at the beginning of the week and they decided that what they wanted to do was do this restaurant and they managed to source all of their products from the other groups. They would send these little liaisons out to all of the other groups while they were meeting to negotiate prices and it gets pretty fierce, but they got some good prices I guess because they managed to get every product. They got wild rice, they got bison, they got berries, they got vegetables.

And all of it was fostering this sort of intertribal cooperation, they are saying like, "Yeah, we can go up to Cheyenne River and we can get our bison for this product and we can --" and they actually thought through the logistics and they factored in transportation costs. Some of these guys get really, really specific. I think the program that I've put in your folder is the wild rice business and you can see they even got on Google Maps and have an exact location in mind for what they wanted. They decided this property was for sale and this is what they wanted to buy and they thought about how they were going to buy it, like what kind of loan they were going to need and how much of that was going to cost. And they had long-term and short-term goals for their business. They do a lot of work and they really do think things through.

This is what we do with the program every year. We bring the youth here and we teach them about a good portion of the

issues that they're going to confront in their careers. We had 84 this year. We hope to have 100 next year. We've received word through competitive grant process that we are going to have partial funding for our further three years which is wonderful but we do offer this program at no cost so we're continually fundraising for our program so that we can keep expanding and keep serving Native youth. We're going to have 100 youth next year, 125 the year after that, and 150 in 2017. We think that we can do that without losing our minds. We want to serve as many youth as possible. We also want the program to have a very personal experience feeling for all of the youth that come because we think that's a good way for them to actually internalize everything that they're hearing and connect with the material and engage with it. So, 150 may be about where we leave it.

We have a new partnership that we're working on with Intertribal Agriculture Council to potentially stand up, regional summits that are kind of weekend events. So, for youth who have summer jobs or just can't travel that far for one reason or another, they're going to be able hopefully to participate in sort of a mini summit in their particular region. We're still working out the logistics of that and obviously the funding of that is a big issue and we'll have to be continually fundraising for that but I think that's another way that we can

continue this program and really get out for folks who can't come to Arkansas every summer or just really are afraid of our humidity, which is to be fair a barrier. We've had some students from Alaska who were a little shocked this summer but they said that they liked it. By the end of the week, they were like, "Oh, I like this. I'll carry this weather home with me. This is good." So, anyway, that's what we do.

If you have any questions about our program, I know I talked really, really fast but I wanted to leave Janie enough time to talk about food codes because it's a really exciting project. I'll be around until about 12:30 and I'm happy to answer questions as soon as Janie is done or if anybody has any right now.

Mark Wadsworth: Mark Wadsworth here. As a part of your rice co-op, did you -- I found this out just last week, I guess, you know, through the USDA Agriculture Marketing Service, AMS, they actually have one Native American commodity that they track and that's the wild rice.

Erin Shirl: And it's wild rice?

Mark Wadsworth: Yeah. And that's the only one that we have on there. Did the students work with that too?

Erin Shirl: No. The marketing piece is the thing that we really, really need to stand up a little bit more I think every year. But I know that we had discussion around that in their

group. Their group leader was actually a Menominee and he grows wild rice so I think he discussed that with them briefly. I don't think it actually made it into the inner workings of their business plan necessarily but I do think he brought it up.

I'm done if nobody else has any more questions for me.

Janie Hipp: So, one of the things that Erin didn't mention is the first year we did this, between the first year and the second year, we doubled in size and we had 20 on the waitlist this year which tells me that the demand is there. But if you come back for a second time, then you come back under the agreement that you will be a fellow in the program and you have a heightened responsibility within each small group. And then, we have college age students who actually are the student leaders of each of the small groups. So, it's our intent that we would have first-timers, second- and third-timers, and then as they get older they would actually be student leaders of the student groups. Very exciting. We get no sleep, so if you want to come to join us in Arkansas in the latter part of July, carry on. [Indiscernible].

And another thing I wanted her to mention is these students are very revered guests on our campus while they're there and they are put up in our Honors' dorm. And it's so much fun. Of course, it is a few months out from it so I can say it's fun. It's a lot of work. But it's so exciting and we're very

committed to it. We're going to keep this going regardless. We're just going to keep it going. But one thing I will tell you is we could not do it without the Intertribal Ag Council being with us. They are there with us. They are there to get the word out. They're there to keep contact with the students during the off season.

And then the other thing I'll share with you too is the young people communicate with each other almost daily on Facebook, on social media. They keep up with each other. They reach out to each other, support each other. Even if they have problems in their own personal life, we've seen it. And I know Jerry, you see it too with the camps that you do. So, the more we can do this, the more we're going to love it.

Erin passed around to you -- don't try to read it now. I'm just going to quickly go through it. You met Josh who's one of our partners. Shakopee, we had lengthy negotiations and conversations with Shakopee and they stepped forward in the context of a new campaign that they have called Seeds of Native Health that's very much focused on doing everything we can to improve health outcomes in Indian country. We started talking to them, they reached out to us about the portion of our work that's around model food and ag codes in our conversations that we have on an ongoing basis at the initiative with tribal governments.

I'm an agricultural lawyer. I hold LLM degree which is a Master's in law, for you non-lawyers, and I received my LLM 30 years ago. And everybody says, "Why are you doing this at Arkansas?" The reason why is that the University Of Arkansas School Of Law is the first accredited and longest running LLM in food and ag law in the country. And I was proud to be an early student in that program, received my LLM in '92. So, not too long after I met Sarah which was like in '85. So, I was in one of the early classes. And we educate around 20-ish lawyers from all over the country and literally all over the world every year in our LLM program. So, when Stacy Leeds, our dean, asked me to come back to the law school and to give rise to The Indigenous Food and Agriculture Initiative, we always wanted to do a piece around youth development which Erin just talked to you about the summit, but we also knew that we needed to be working very closely with tribal governments. Every governmental organization -- state, local, federal -- all countries in the world, all have food and ag codes. They have direct policy that supports their agricultural and food sector. And it is our desire to help build that out for Indian country.

A lot of tribes have so much on their plates at this point in running a multitude of governmental programs and quite frankly don't always have somebody, a warm body who has food and ag law training with a combination of Indian law expertise. You

literally are sitting in probably two of the more complicated areas of the law. And so, when Shakopee and MAZON stepped up and said, "We believe in this project. We're willing to put phase one money into this project support to get this rolling," we conceptualized a design of a three-phase project that we hoped we can accomplish -- we're fairly certain that we can -- we do specialize in writing food and ag laws, so I think you've got a good team going here.

But this document that you have in front of you is the concept, the rationale, the background and design for how we're going to be approaching this. We are going to be seating an advisory body within the next 30 days. If any of you are interested in taking part in that advisory body in any way, shape, or form, please let Erin and I know. Their support is going to allow us to staff up not only with employees within the initiative but also contract attorneys around Indian country who are in the space or want to be in the space. And I will tell you that since we launched the initiative, we've been able to recruit at least one Indian law expert, native lawyer every year for the LLM and ag law program. So, I know that there's a desire, a need out there. We're already seeing people come to the program for this purpose.

Jerry's in the legislature and I'm sure he has something to do with that law when it comes up, but this is a fairly

comprehensive list of the possible, not the every single section of a code for a tribe but it is a possible listing of what we mean by a comprehensive set of sections within a title that a tribal government could decide to pass. We know going into the project that it's going to be widely -- every tribe is going to -- my tribe is going to take a different view of this than Navajo, a different view of this than anyone else. Our desire is to basically pull together using the best experts that we possibly can, a compilation of things that tribes should consider to strengthen and support their agriculture infrastructure, their food infrastructure. So, it's a very exhaustive list. We're not wed to this list being the be all and end all. These things need to be driven at the tribal government level. Nor do we believe that the initiative should go around telling tribal governments what to do. That is not our job. Our role as we see it is to be able to be the back office and to literally help tribal governments as they need to stand up these laws, have access to some expertise in this space. What they do with it is their business. They are self-governing entities and they should consider what they need to do and take action in the way that makes the most sense to them.

So, it's a fairly comprehensive list, as you see. We're going to be going out and doing at least we thought for seven, now we're pushing it up to 12 to 15 regional what we call

listening sessions, but it literally is a multi-day event on the ground that would bring together not only tribal lawyers and tribal government elected officials but also thought leaders in those regions, people who are involved as producers, people who are involved in farm to school for instance, or anything that would touch on food sector involvement together to actually learn why these things are needed.

Let me give you an example, and I get asked this all the time -- why do we need to do that? The new FSMA regulations are very specific. FSMA meaning the Food Safety Modernization Act.

Sarah and I were just at a meeting in conjunction with the most recent Farm Aid concert. This was on everybody's lips, wasn't it? And so, if you never want to have your foods leave your lands, that's one thing. But if you are moving your food tribe to tribe, across another jurisdiction or if you are marketing your food, you are in a different legal environment. And we've seen it over and over and over again. We get calls almost every week from tribal lawyers who are asking us, "Am I reading this right?" I mean, there's a lot of need at the tribal lawyer level for tribal governments to take action in these spaces.

Now, the other thing I'll share with you is I've never known a farmer or rancher on the planet that liked any kind of regulation even by their own tribal government. Totally

understand. Totally understand. But what I will tell you is we're embarking on a space and time where if tribal governments aren't speaking in these spaces, there is a huge gray area about how the law will treat tribal food products as they move around. These are unchartered territories, and without tribal governments actually speaking, we're in a totally gray area and a potential for a lot of litigation. NARF is in support of our project. NCAI is in support of the project. There's just layers of intertribal organizations that are with us. Intertribal Ag is involved and supportive. First Nations is supportive. We just have to be in this space whether we want to be or not.

So, food safety is an example. And actually seed issues, food safety issues, general liability for farmers and ranchers who farm on trust lands, those are issues. And there is one other issue that we're going to tackle first. Those are huge things to tackle first. So, that's it in a nutshell. We encourage you to read this document so you can really get a sense of where we're going with this and why. We think it's important. We are hopeful that the phase two and three funds will be forthcoming very soon and we'll make an announcement of that later, but be looking for us and participate as you see fit. Any questions?

Mark Wadsworth: Yes, Janie. In our part of the country or on my reservation, we deal a lot with ordinances. And actually I've been put in the task of writing the range ordinance for the reservation. And hearing about FSMA, is there something like a person that's just starting this process, they should be aware that -- because once our ordinance, they're like our lock hold code, they're the governing body for that area. So, when you're talking about this FSMA stuff, is that where it should be addressed? I'm dealing just in the cattle industry but we have various other products. I guess, what am I looking at or what should I be aware of?

Janie Hipp: There are some tribes that have passed what is termed a model food code. The model food code language really only attaches to a retail food safety code that FDA and USDA joined together to do but FDA is really the lead in that particular code. It comes out and is updated every so often every few years by the federal government.

Most of the tribes that have passed this model food code have not even begun to think about in terms of actual production. But that is where FSMA is going. The new Food Safety Modernization Act is pushing the food safety requirements onto the food production, onto the farm area. So, the tribes that have the model food code, it deals only with food safety in a retail setting and it's usually the gaming tribes that have a

need to have that on the books because the states have required that. But the tribal lawyers that we've talked to are already seeing that they're in a total uncharted area when we're talking about pushing the new regulations down onto the farm. That is totally outside of a retail setting and there's only about 30 tribes that have even ever put in the retail setting, FSMA.

And I'm glad you brought that up, Mark. Law, policy, ordinance -- it's all sort of an interchangeable terminology. We're not going to try to say to a tribe that all of these things need to be ordinances. That's really up to your tribal government as to how you put these policy pieces into play. But it's our intent to not only help with the actual drafting but also do education and training and roll out tools that will help tribes kind of figure out exactly -- what you do where you are is different than what Mary does where she is. The need for kind of having a smorgasbord of potential takes on what your portfolio of model food and ag codes would look like is going to be vastly different depending on where you are, what your markets are, what your food sector is within your own jurisdictional boundaries, whether you export to another country. I mean, there're layers of kind of decision points. I hope that helps but, yes, you're going to have to confront this because you all actually produce items that are covered under that law. Angela?

Angela Peter: Hi, Janie.

Janie Hipp: And yes, it has application to Alaska natives. Are you kidding me? We don't do that without --

Angela Peter: She already knows where I'm going.

Janie Hipp: Yes.

Angela Peter: The recruitment, how do you guys handle the recruitment for the program?

Janie Hipp: For the summit?

Angela Peter: Yes.

Janie Hipp: We actually send -- all villages -- I know where you're going with that. Everybody who's a federally recognized tribal government entity receives a notice of this, of the summit, and we send it to all Native media. We have probably over a thousand folks that are on our lists, our mailing list.

Female Voice: [indiscernible]

Janie Hipp: And they re-broadcast it.

Angela Peter: I didn't see it. I'm just --

Erin Shirl: I wanted to add too. We go to meetings like this all the time, we go to Intertribal Agriculture Council and we carry flyers for the summit and I think last year I was just kind of leafleting people -- because we didn't have anybody from Alaska the first year and we really wanted to this year. So, I think anybody who had any connection with Alaska I pushed flyers

on and that's actually we had about 10 apply which was awesome and I ended up only having four actually present at the summit which is a lot of transportation issues, so we know we've still got some bugs that we need to work out there. But for Alaska, we know particularly like actually giving people physical flyers to hand out and having mailing addresses of people to actually hand them to those folks is a really good outreach tool for that. That's part of our strategy too. But if you have any advice --

Janie Hipp: We'll make sure that you get that. Our problem is -- we send it out to every headquarters. The problem always is, where does it go from there? And so, we can get it into all of your hands multiple times so that you can keep pushing.

Angela Peter: Actually I wasn't concerned about that too much but I'm trying to -- as you know, we need to develop some kind of a program in Alaska. We're 50 years behind as it is and I'm doing multiple things to trying to get us up to date. One of them is to try to get a recruitment program for kids, for youth to get involved in natural resource. So, that's just kind of where I'm going with it. If you could give me a hand on how you could fix that.

Janie Hipp: We'd be glad to.

Angela Peter: Thank you.

Janie Hipp: Yes. Any other questions? Yes, Mary?

Mary Thompson: Thanks, Janie. For some of the smaller tribes where agriculture is not the highest priority for their tribal governments to address, I wonder how many tribes are participating and bringing their resolutions forward to help you with your programs and your codes and participating with their tribal attorneys to address some of the legal issues.

Janie Hipp: You would actually be surprised how many tribes are already kind of -- their lawyers are calling us because they're heading into spaces that they are unfamiliar with. And so, we have calls from tribes that have large farm and ranch, food business operations. We also have calls from pueblos. We also have calls from tribes that only do traditional foods. So, we're literally getting calls around the legal issues that pertain to each one of those kinds of food systems. And if you actually take some time to read the one-and-a-half pages of potential, you're going to see a lot of topics in there that wrap around protecting our traditional foods and protecting our producers who are out there farming those traditional foods. And so, that's very much on our minds, Mary. And making sure that small producers -- it's not our intent to put in motion anything that's going to overwhelm any individual farmer, rancher, gardener, producer in any tribal jurisdiction. If anybody's more aware of that than me, I don't

know who it is other than Zach and Ross. We have no interest in being in that space. But our problem is is that as lawyers, we would be remiss if we didn't tell tribal governments that these issues are coming at them. We're already seeing it.

Mary Thompson: Well, I haven't breezed through all of your little bullet points or the list here but one of the concerns I hope is in here is the intellectual property rights of small tribes especially with traditional foods.

Janie Hipp: Yes. And that is a very gnarly, complex legal issue. And tribal governments really need to be in this space of negotiating solutions that can be written into their ordinances or whatever their codes, their policies, because if we aren't proactive in that space, then we're not going to have a chance of protecting these traditional foods. So, yes, Mary. The very first call we got from the initiative when we opened the door and turned on the phone was around that issue. The greater American law is really weird in that area so we're going to have to get creative but we got to connect with the legal minds in Indian country around protecting these traditional foods. It's extremely important.

Mary Thompson: And the last comment, I guess with what you said, how to affect that change in the Native American arts or crafts act that's on the books.

Janie Hipp: There's an interesting correlation between what that law says and what we actually sort of need in the food arena. We don't have it though. It's not a matter of federal law in that space so you really are cobbling together theories.

Mary Thompson: Well, I guess within your program department, that wouldn't be a priority in lobbying for some effective change in that act but how do I help to [indiscernible]?

Janie Hipp: We're prohibited from lobbying but we're not prohibited from doing legal research and education and training around all of the issues that somebody's going to go talk about up there.

Mary Thompson: And that's what I need. Thank you.

Janie Hipp: That's what we're doing. So, the goal here is we believe that by solidifying the policy infrastructure that surrounds tribes and food and agriculture, individual producers or tribal governments, then we're going to have stronger health food systems that will lead to better economies as well as better health. I mean, that's our goal.

Jerry McPeak: Thank you, Mr. Chairman. One of my pet peeves in our tribe and some other places too is that we waste money on trips that do nothing, in Atlanta or wherever we got to, that we get there and there's nothing, it just wears me out. This is a preface to what I'm going to say. Having seen the

outcomes of the youth program she has over there, folks, as you all know it's kind of difficult to impress me. That deal is tough. That's good deal. My daughter was there, the councilor. That has nothing to do with the fact that as I watch and listen to these kids, the depth of their perception, what was going on was just amazing.

Any influence you have to get any tribe of yours or anyone you know to get those kids involved in this, this is a good deal. It's just amazing, the depth of the thinking it brings them to. I can't believe that they're arriving that way but they're leaving that way. It's really, really a great program, great situation. I would caution you not to make it any longer than what you've made it perhaps as far as days [sounds like] are concerned, but it really is a tremendous, tremendous program.

I don't listen to lawyer-ese very well, as Sarah can tell you probably. I don't do the lawyer thing so much. Having said that, also there's a deal in Oklahoma City every year that a friend of Janie's call us and you'll get lawyered to death but it's called a sovereignty symposium. If you want to send your lawyers to something that's worthwhile, it wears me out, my head's all scrambled before I get away from there but for you lawyer types, that's a good deal. That's a very, very intense 48 hours. It's real good too. But the kids, most importantly,

if you could get some of your kids to that deal she has, that is good stuff. You can't find a more intense deal that whether Indian or not is irrelevant, but still it wouldn't matter. The intensity and the thing that they gain, their conceptual thinking is impressive, very, very impressive.

Janie Hipp: Well, and one of the things that we really hammer, Jerry, is the legal issues because it's our opinion that if you don't walk out with a stronger understanding of the legal issues that surround how you are able to grow food where you are, then you don't have a full understanding of how difficult it can be and you don't have a full understanding of how you can actually climb over those difficulties like Zach was saying.

Jerry McPeak: That's great stuff but your kids wind up taking that and transferring that thought process, that approach to their entire life. So, you're shortchanging yourself, "Oh, that's great," but you expand it way further than that, it's way, way deeper.

Janie Hipp: Well, and I'll tell you, when they come the first day, I look at them and I tell them, "We don't have time for you to be 50. We need you now. We need you to embrace what your passion is and hang together and learn how to be an early leader in food and agriculture." And yes, I would love it if all the youth came to the University of Arkansas -- there I said it, okay? But I know they're not and that's okay with us -- but

don't tell our chancellor we said that. It's okay with us. We just want them to embrace staying with this because it's so important to all tribes that we have a group of young people who are ready to go and we don't need to wait until they're 50. It's fun too. But it's really hot. Just saying.

Yes, Sarah?

Sarah Vogel: Janie, you mentioned that you have support from NCAI and other organizations. Would it be helpful to you if you had a resolution support or something like that?

Janie Hipp: Of the food code?

Sarah Vogel: Of the council.

Janie Hipp: Of the model food code?

Sarah Vogel: Yes.

Janie Hipp: Yes, it would.

Sarah Vogel: Would you draft it?

Janie Hipp: Yes.

Sarah Vogel: Cool. We meet this afternoon and tomorrow.

Janie Hipp: I'll send it to you, somebody, via e-mail.

Sarah Vogel: Yeah. And then, I don't know the format but I think you might figure that out.

Janie Hipp: Okay. It would be helpful.

Mark Wadsworth: Yes, Gilbert?

Janie Hipp: Yes, Gil?

Gilbert Harrison: Again, good morning. I'm glad to hear that there's a lot of lawyers in Arkansas. We need some good lawyers to sue the pants off EPA for that spill that they did --

Janie Hipp: I'll have you know I was on the phone with Navajo every single day for three weeks after that happened helping any way I could.

Gilbert Harrison: Thank you. You know, we talk about these codes and all of that. I'm trying to figure out how do I make my older community, they are the ones that are most involved in our little community up and down the San Juan River, in terms of growing traditional foods and process and traditional products of those foods and with added value, how would I say now you've got all these codes that you've got to confirm with, you got to be aware of these laws, you know? Because I know most of the people out there, there's basically a trend to eke out a living to say, "Okay. I'm going to grow an acre of corn. I'm going to make steam corn, some [indiscernible] bread that I'm going to sell to the community here. Now, I've got issues related to legal issues." You know, it's sort of difficult at that level, I guess. Maybe at a tribal level it's okay to promote codes that deal with the external world, but what's internally, it's going to be rather difficult. So, I don't know exactly where we fit in, the little farmers. Thank you.

Janie Hipp: Gil, what I said, I meant. When we go out and do these regional sessions, we're going to impress upon particularly when we have the tribal elected officials in the room that if they put in motion something that is even more onerous on their small producers, then don't go even down the path. I have no interest in that at all. But I will tell you that I as an individual small producer have no legal authority to pass a policy to protect the traditional foods I'm growing. Only your tribal government has that.

And so, if we can impress upon the tribal governments in this process that they need to be very mindful and aware of the impact on their individual food producers, then we'll have gone a long way in equipping them to actually be in this space better. But some of these issues are coming at us from outside, from state and local governments and from the federal government, and we have to be prepared or those individual producers along that river are not going to be able to sustain it by themselves. So, we've got to think collectively but we have to be so mindful of not overwhelming them and bringing them along and seeing -- the proof is always in the pudding, Gil. You know this. But no, we're very, very mindful and that will be our message for sure.

Mark Wadsworth: Thank you, Janie.

Janie Hipp: Thank you.

Mark Wadsworth: We appreciate it.

Janie Hipp: It's good to see everybody.

Mark Wadsworth: You bet. We'll step right into Stephanie Masker, Keepseagle update, senior counsel of Office of General Counsel, USDA.

Stephanie Masker: Good morning. Well, you just heard my name. I'm Stephanie Masker. I'm from the Office of the General Counsel. I'm here to give you an update on Keepseagle, mostly the cy pres fund, and that's the leftover \$380 million after everyone is paid. And some of this you may have heard so I'm going to be brief. There was a couple of proposals presented to the court. First, class counsel proposed a trust be established to distribute the fund. The government's official position was that it did not oppose that concept. And just to start off, I just want to be clear, the government has no say in who the beneficiaries are of this money. The only reason we're involved is if there's going to be any sort of modification to the settlement agreement, parties have to agree. And that's written right into the agreement which is pretty standard. So, that's why we're involved.

So, status conference was held and Mrs. Keepseagle expressed a lack of support for the trust. She prefers that a second distribution be made to prevailing claimants. And so, the Judge Sullivan encouraged her to obtain her own counsel

which she did and she filed her own motion advocating for a second distribution to prevailing class members.

We had a status conference in June and at that status conference again, Mrs. Keepseagle was there and expressed her support for a second distribution. And then about 24 to 25 individuals also spoke, and every single person was in favor of some type of second distribution and opposed the trust. But there wasn't consensus. Some proposed having another round of distribution to those who prevailed, some to those who were denied in the claims process, and then someone to open up the process to those who didn't participate the first time. And the judge denied both motions before him. So, basically right now we in a way are back to the drawing board. The current settlement agreement or the initial settlement agreement is in effect. And under that original agreement, the cy pres or the leftover money can only go to those organizations already in existence and it has to be distributed all at once and in equal shares. It's possible to implement that term but it's not preferable.

The judge strongly encouraged the parties to negotiate again. And I can tell you that we've been in talks with class counsel and Mrs. Keepseagle's counsel. The subject of those talks must be kept confidential because it's the only way settlement negotiations can work, but I can tell you that we are

moving as quickly as possible. The government's goal -- again, this has taken too long so we want to make sure we have a resolution very soon. We want it to be as fair as possible and the government really wants as many members of the class to benefit as possible. And that is where we are.

And I just want to add, the Secretary mentioned something about his personal preference to have some of that funding go to the extension services. However, DOJ has advised us that funding cannot go directly to USDA programs. It's most likely an appropriations law violation. That money has to come from Congress. And so, it's possible if a trust was set up and educational institutions could receive grants, we may be able to indirectly fund certain types of initiatives but none of the money can come back to USDA. It's out of our hands. At this point, it's not government money anymore, but if there is going to be a modification as I said earlier, the parties have to agree and that's the level of our involvement. Are there any questions?

Gilbert Harrison: Good morning. Thank you very much for the update. I think the counsel has more or less recommended some actions on the remainder \$380 million. The latest round that we had heard before Mrs. Keepseagle made her wishes known was that it was going to go to a trust fund and that trust fund would be perpetual because the need for new and younger farmers

and people, experts in the Indian ag, it's going to continue for many years, and one of the things that we heard was that there was going to be a 20-year term on the expenditure of the remainder.

I wonder if there's any new thoughts about are we going to keep or is the government or are the people going to continue recommending the 20 years? Because, you know, that's just a blink of an eye when the need for younger people to get into ag, professionals to get into ag in Indian country, it's going to be a long-term thing. I wonder if there are any thoughts along those lines. Thank you.

Stephanie Masker: Thank you for your question. That was the original proposal that class counsel brought forth, it would've been a 20-year trust. At this point, I would encourage you perhaps to share your concerns with class counsel, because the government, while we will react to proposals, we do not make our own proposals for the funding. And again, we are in talks now so I can't convey what's been shared but if you do have some suggestions, I would encourage you to speak with class counsel.

Gilbert Harrison: Thank you very much.

Stephanie Masker: Sarah, do you have anything you want to add? I don't want to put you on the spot but if there's anything you would like to say, feel free.

Sarah Vogel: I'd say we're hopeful that there will be a resolution and we're happy that people are talking. That's about all I can say. Thank you, Stephanie.

Stephanie Masker: Thank you.

Mark Wadsworth: Jerry.

Jerry McPeak: Thank you, Mr. Chairman. Ma'am, in my request for this on to be on the agenda, I specifically requested to know the amount of funds there was a year ago or when we started as compared to the amount of funds there are now. I would think that that would be public information. Can no one not -- I would be disappointed if no one can give me a dollar figure. And that is like a bank statement.

Stephanie Masker: I know that interest has accrued but again the government doesn't have control of the fund anymore.

Jerry McPeak: Someone does, ma'am.

Stephanie Masker: Yes, yes.

Jerry McPeak: Getting where we are, this is kind of a problem for the folks who are out in the world, the ones who -- this seems to be something out there in the sky that -- it's kind of like by the way if you ever lose your phone, that iCloud deal, there's nothing in that damn thing. Well, this is an iCloud. This number just seems to be an iCloud because no one seems to be able to tell us who it is or what it is or where it is. And for the folks out in the world, that's a little

disconcerting in that we have this number that there is no longer a balance for. I have severe doubts that this thing has same number it was some time ago. I would anticipate there are some expenses out of it. That is something I get asked more than any other thing at home, I get asked that.

Stephanie Masker: That's good to know. Again -- and Sarah, I don't know if you have any additional information -- class counsel has control over the account and so they would have the balance. And I'm not aware that we've received anything in writing. I just know interest has accrued that may be something that may be shared in a court filing and then that would definitely be public in that way. I don't know that it's necessarily a secret. I just haven't seen an official --

Jerry McPeak: That's what they say about iCloud too. I don't know -- it's in there but we can't get it out.

Mark Wadsworth: Go ahead, Sarah.

Sarah Vogel: There've been quite a few filings in the court record about the manner in which the funds have to be deposited. Because this is a settlement agreement and because it's under the control of the judge, everything that has been done with this money in terms of where it is invested is all subject to elaborate requirements and these have all been filed publicly some time ago.

What is a pity is that because of the 100-percent safety requirement that we have, all of the funds are invested in super, super safe vehicles with very low, very low interest, and that's the way it is because we can incur no risk. So, the \$380 million is there. None of it's been expended. No legal fees have been paid to us from that amount, in case anybody wonders, and no funds have been paid out to nonprofits and it sits and it is accruing interest at a very minor, very minor amount, and it's all in 100-percent safe investments as required by the court. None of it can be expended either without approval of the court. I don't know what the current interest is but I'm sure we could find out. But really, it is completely safe and it hasn't been spent on anybody.

Stephanie Masker: Thank you.

Jerry McPeak: Thank you, Sarah. That's important because the non-paid out thing I think is the big question that we have. The people around in Oklahoma, which I appreciate that and I can't imagine the lawyers doing it for nothing and I wouldn't expect them to and they shouldn't [indiscernible].

Sarah Vogel: Well, we are.

Jerry McPeak: I know that. But the none paid out is the question we're getting quite out there.

Sarah Vogel: There may have been some bank fees, stuff like that that have been accrued and we have permission from the

court to cover certain expenses with respect to the creation of the trust. So, there've been some but in terms of any kind of self-dealing by the lawyers, none; in terms of any payments to any foundations, none; to any charities, none. It sits there. And obviously the longer it goes, sits in this limbo, the less good it is doing. I mean, it's doing no good now in the country. None. But hopefully that's one of the reasons why I think all of the parties -- the government, Department of Justice, USDA, class counsel, class -- everybody would like to see this money go to work for Native American farmers and ranchers. And in the event that it is ever sent to a nonprofit or nonprofits, it is absolutely essential and required and written in stone that they can only be spent for the benefit of Native American farmers and ranchers. That's a requirement.

Mark Wadsworth: And Stephanie, I guess I would like to add one tidbit to this because I absolutely am in agreement with and actually we signed off on this through the council that this funding should go back to Indian country, in some way, some facet, and I'm hearing that if something doesn't happen here pretty quick, we could even jeopardize that occurring. And we'd just like to support the efforts of getting the solution done.

But one of the things that I think what I ran into and I did a talk about the Council for Native American Farming and Ranching and they all assumed that we as council members have

some sort of power over this funding which we do not. We're just like them, we just make recommendations. And when we do make those recommendations, we, the council, as the tribal representatives are the ones making those recommendations, we cannot include the government officials and also sit on this council.

But one of the things that basically I had gotten from Indian country is that -- and I said this publicly -- I don't have a dog in this fight. I could've basically put in an application and I'm pretty sure I would've qualified for the \$50,000 or whatever the situation in but I didn't put in for my various reasons. I just didn't think -- it was too good to be true, I guess.

But anyway, the situation that I guess I'm hearing in Indian country is that they're starting to demonize these nonprofit organizations, like, "Why are you giving this money to this nonprofit," or "Why are you giving that money to them? We're the ones that have the cows or cut the blade of grass," whatever? And I said, "You know, I agree with this." I said, "Just as long as this funding either goes to you, good job. It's going out to you as a claimant, that's fine. I'm for that. But if it goes out on this other side, either to these nonprofits or to this trust that we wanted to help set up and establish, that's going to the tribes too and that's going to

benefit our other people that maybe didn't get involved in this, so, I'm for that also. But one of the things I do not like hearing here is that you within Indian country over this money are starting to fight and you're starting to demonize each other, 'Well, they're after it and I need it,' and I just don't like hearing that. And I just wanted to say this publicly, I just think it's a good thing and just let's get it settled as quick as possible.

Stephanie Masker: Thank you for that comment and the USDA shares your concern. And again, we want to benefit as many class members as possible. And as Sarah mentioned, it's very important to remember the initial purpose of this settlement and to stay true to that purpose. Any other questions?

Mark Wadsworth: All right. I think we can -- hey, Dana, I we pretty much almost got on time here, we have five minutes. If any other questions, I guess we could talk to you on the side here.

Stephanie Masker: Yes. Thank you very much.

Mark Wadsworth: Let's go ahead and break for lunch. And I believe the agenda says 1:20 so see you back here.

Mark Wadsworth: -- be getting started here pretty quick. I need the speaker here first.

Jim Radintz: Well, I think we've had a good meeting so far. I just want to update you on some things. I know you're

probably kind of interested to know some of what we have going on in FSA and particularly on the loan side. Of course, we're winding down fiscal year '15. If you're not familiar, the federal government runs on a fiscal year calendar that goes from October 1st to September 30th, so we can celebrate New Year's twice, once in October and once in January. We got that worked out, Jerry.

But of course, our fiscal '15 is winding down. We've had another really good year. From a lending perspective, we're probably going to, if not eclipse a record, at least get close to tying it in our lending programs. Both our direct ownership and direct operating programs have been moving really well this year. We are going to again get close to a record in direct ownership program. And of course, when I talk about our operating loan program, I think you heard the Secretary mention microloans. We're actually approaching our 15,000th microloan. And I also would like to encourage all of you if you haven't, to look some time at the FSA fencepost. I know the Internet is a little bit of an issue but one of the things I'd like to point out is our 13,000th microloan recipient was actually a young Native American woman in Arkansas that's getting started in the cattle business and she actually started out with an FSA youth loan and now got a microloan and I'm sure her next step will be hopefully what we'd call a regular operating loan. So, there is

a lot of good things happening out there and we're glad to have the support of folks like the Intertribal Ag Council and various members of this council and others as we work towards that.

For fiscal '16, of course the first thing is we hope that we'll be in business on October 1st. We're a little bit dependent on the Congress for that. But our outlook for funding is pretty much the same as for fiscal year '15. We look to have roughly the same amount of funding which means we should be able to meet most of the financing needs out there, so I just wanted to mention that.

A couple of other things maybe a little more specific, and I think Sarah, I think in one of your e-mails you mentioned the Lakota Fund. I'm proud and happy to announce that they have been made an eligible lender. And I haven't been able to talk to Tawney, I think they've actually made a couple of guaranteed loans now, so we're making some headway there.

Sarah Vogel: That is huge.

Jim Radintz: There're some other things that you might like along that line I'll get to in a little bit.

I think the best testimonial I can give to how things are going is what Zach Ducheneaux told me this morning and that is I said, "Well, what can we do?" And he says, "Well, you've got those isolated, as Chris likes to say, 'knuckleheads' out there,

but," he says, "otherwise, things are working pretty well." And he said he hadn't been getting a lot of complaints.

So, that to me tells me that there's a lot of things going right although certainly there are still some cases and there's been somewhere we've actually intervened here in Washington to get sorted out and straightened out. But I think generally the numbers will support the fact and I think even anecdotally we're making some headway and a lot of the problems we've been able to put aside. So, we're going to continue to work and continue that trend.

Some of the things we're also working on, I don't know -- how many of you are familiar with NAP, Noninsured Crop Assistance? Anyway, basically that's the program that folks can sign up for if they raise crops or their operation is such that they couldn't otherwise get crop insurance. Now, the Farm Bill made some changes to the NAP program because it hadn't been working as well as had been intended. So, if you're an underserved or beginning farmer, the initial signup fee is waived. They also added a buy-up feature so that it actually can be a lot more useful and we'll get a lot closer to helping a producer recover if there is a loss. Again, for underserved and beginning farmers, the buy-up cost is reduced by 50 percent. So, there are some really neat features there.

Now, what we've done is tried to encourage folks by really sort of bundling our loan assistance and NAP assistance. We actually directed our field staff that when they ran into situations where it looked like a loan applicant could benefit from NAP, they were supposed to literally walk them over to the person that handled the NAP in the county office and help them become familiar with the program and if appropriate, sign up for it. So, we've tried to make a little better linkage between the loan programs and some of the risk management programs that we have.

Now we've also tried to do something similar with the Farm Storage Facility Loan program that's really, really intended to be more of a commodity storage-type program. There's been a lot of changes to that lately. The number of commodities and kind of commodities has been increased. I think just what Val maybe three weeks ago you announced some additional changes. We've also encouraged our folks and sent out a directive encouraging them to try to bundle farm storage facility loans with our regular farm loans because there are cases where they can be more complimentary and really help the producer more, so there might be a case where the storage would actually be financed through a farm storage loan and then we would come in from the farm loan side and finance, say, a packing equipment or something that wouldn't fall under the regular storage loan.

So, we've been working, trying to I guess knock down some silos, you might say, and trying to combine assistance in a way that better meets producers' needs.

Jerry McPeak: [Indiscernible] for producers?

Jim Radintz: Yes. They are regular producers, yes.

Jerry McPeak: As opposed to us who might be users of those products?

Jim Radintz: Correct. Yes, you have to produce the commodity and need the storage for it. But we can't finance hay sheds, by the way, Jerry.

Jerry McPeak: [Indiscernible].

Jim Radintz: Well, you know, you can still stack the round ones under a roof. That may mean more to us here back East where we get a little more rain maybe, so another thing you can do.

We're also working on some other programs. Again, we talked about microloans. We're working on a guaranteed microloan program. We're working on a microloan real estate program to kind of complement our direct operating loan program. And I think finally we're also working on a guaranteed micro lender program that really our intent is that the focus of that would be on CDIFs and similar institutions to allow them to participate in our programs where in the past our focus has solely been on lenders with a higher level of oversight. So, we

are really looking to expand and branch that program out and I think that'll be a lot better fit at least in some cases for the situations out in Indian country. So, we've got those programs underway.

When we last met I think back in March, I mentioned that we had just renewed our directive on doing business in credit deserts and being more supportive of producers and applicants that are located in credit deserts. Of course, that directive is still in place but we're also working on a directive that should go out very soon that will provide some additional guidance in looking at credit worthiness and encouraging and directing folks to be a little bit more flexible when they look at someone's credit situation and be a little more comprehensive in looking at the reason why the person, if they ran into some credit problems, the reason why they got there. If it was something like a lay-off or a sickness or I know in some cases what I understand is the Indian health services really slow at reimbursing medical expenses and in some cases that creates some credit issues.

So, we're going to try to encourage folks to take a little more comprehensive look at that and that directive should be out in the next few weeks. So, I think -- one of the things I hear about a lot is that sometimes the credit worthiness and folks' credit reports can be somewhat of a barrier and in some cases

when people are confronted with circumstances totally beyond their control, we need to be able to do a little better job of taking that into consideration. So, we're working on that.

Those are I guess a few of the main things I would want to share in terms of where we are and some things we're working on in terms of making the programs a little more flexible and a little more accessible. I think we've come a long, long way as I think most folks here would agree, but we still have a long ways to go to make sure that we do the best job we can of making our programs accessible and spreading the word. And that's something else I wanted to mention. You know, FSA has had an outreach staff for quite a while but until recently it was a staff of one or two people. Fortunately, our outreach staff has been able to increase their resources, and so we should have a lot better coverage and be able to do a little more in terms of the outreach that we're doing around the country and trying to spread the word.

So, maybe I should pause there and see if there's any questions before I -- yeah, Porter?

Porter Holder: Who did you say that the fees were waived for?

Jim Radintz: For the NAP program, the signup fee is waived for basically minority producers and beginning farmers, and then the buy-up fee is basically cut in half.

Porter Holder: Has the signup fee for Native Americans just been waived like the last maybe year or so?

Jim Radintz: Yeah, it would've been effective with implementation of the last Farm Bill, the 2014 Farm Bill. So, yes, I'd say probably within the last 12 to 15 months.

Porter Holder: I wanted to make that recommendation a long time ago and just never got the opportunity but you all beat me to it, so good.

Jim Radintz: Well, we can't take credit. That was actually Congress did that and I'm sure somebody put a bug in their ear, but, yes, we were glad to do that and we do see some opportunities with that. Any other question on those things? Yes, Sarah?

Sarah Vogel: It's not really a question but I really want to commend you for doing all of that. I'm hearing such good things about the microloan program and the idea of a microloan land purchase program is pretty exciting. And all your other initiatives having guaranteed lenders in Indian country is really going to I think ramp up the amount of loans that could be made because of the risk, a lot of the risk would be passed off to Farmers Home and these lenders would not be limited to just making a few loans. It really increases their resources a lot. So, I know there's a lot of excitement about that in the CDFI network. So, I think this is all really good stuff. And I

assume some of these things are going to go out for public comment?

Jim Radintz: Yeah. Well, the rules will be published, I think they're actually going straight to final but with a comment period. Our target is in October for all of those programs.

Sarah Vogel: Excellent.

Jim Radintz: We're in the process of finalizing federal register materials and getting information system changes and those kinds of things but we're very close to a rollout for most of those. And thank you very much for your compliments. I'm glad to hear that we're actually making a difference.

As far as credit in Indian country, I would say I was interested to hear this morning that Farm Credit Services of America, from what Zach said, is engaging. We've had our own challenges in terms of convincing commercial lenders that they actually could do business out in Indian country. So, I think to hear that they're actually engaged and want to be involved is a good thing and hopefully we can all work together to get pass some of those BIA hurdles that Zach was talking about earlier.

Sarah Vogel: One other thing that I think has occurred, it's sort of on the side but it's very supportive of the work that you're doing, and that's the creation of the center for Indian country development at the Minneapolis Fed. And I know

you've met some of those folks, at least over the phone, on our credit desert credit subcommittee and Patrice Kunesh is now the co-director, so I think that's a -- some of the recommendations that we've made in prior sets of recommendations is to coordinate all the lenders and do all this and I think that's something that is pretty much the aim of the Center for Indian Country Development.

Jim Radintz: We've had a couple of just very preliminary discussions with them, and certainly especially as we move forward with our micro-lender initiative and some other things, we're going to be engaging them in a much more significant way over the coming months.

Let me move on into the highly fractioned land program. And I'm sure everyone here or some of you probably intimately familiar with the whole issue of the fractioned land and the problems associated with that.

Just to maybe recap a little bit, back in 2008 Congress actually authorized FSA to operate a loan program with the idea of trying to facilitate reducing fractionation. And we certainly took hold and planned to implement that program. We actually had drafted some regulations and procedures and went into the consultation process. And actually it was one of the first times we'd done consultation and we were really glad we did because what we heard everywhere we went is that the program

as Congress had intended and the way we had developed it consistent with their intention wasn't going to work. It had been tied very closely to some BIA regulations and processes and I think we had seven different consultations and what we heard at every one of those is that the way the program originally been conceived and authorized in the legislation just wasn't going to work.

So, at that point, we told Intertribal Ag Council and many other groups that we were going to put things on hold and try to educate congressional staff and others as to what the potential problems were. I'm not sure exactly if it was some lobbying some folks' part or our just explaining what the issues were as they'd been related to us but Congress did see fit to make some revisions in the 2014 Farm Bill and basically authorized us to do what we heard from consultations would work and that is to basically set the program up as an intermediary re-lending program and what that means basically is we would provide loan funds to some other organization or institution, maybe a tribal government, there's like an Indian land tenure foundation, I think, some group like that that would then actually turn around and use those funds to make loans to individuals to hopefully buy and reunify those fractionated parcels. So, that's the route we're taking. Unfortunately, we're well into the regulation process so I can't go into a whole lot of detail but

we are planning on launching that here in the next couple of weeks hopefully, and it will be made available, there'll be press and I'll make sure that everyone on the council gets more information on the program, but basically our intent is to be able to provide funds to some of these organizations that can then relend it and hopefully to somewhat reduce some of the fractionation.

Leslie has been working with BIA and has arranged one meeting and we're going to have I think at least one more to talk with them about how we might be able to work with some of the intermediaries to coordinate with the Cobell settlement and some other events like that. So, we're also going to be working on that.

And that's really where we are on highly fractionated land and hopefully in the next few weeks we'll be able to provide you with a whole lot more details on the program. I don't want to take too much of the council's valuable time. If there are any other questions or anything, I can answer.

Mark Wadsworth: Go ahead, Gilbert.

Gilbert Harrison: Gilbert Harrison, Navajo. This fractionated land, can you explain to me what -- I'm not too familiar with that term or what you're talking about. Thank you.

Jim Radintz: Okay, Gilbert. I'm sorry, I assumed that probably everyone knew and that was a bad assumption.

Basically it goes back to -- I think it's -- and folks that do know, correct me if I'm wrong, it goes back to something called the Dodds Act [phonetic] where it gave individual tribal members back in the late 1800s an allotment of land and what happened over time as people passed away, they didn't have a will or defined who they intended to get the land, so now suddenly a parcel of land over the generations may have 100 or 500 different owners. And of course, when it's that fractionated, it's hard to do much with the land. You can't sign up for government programs, there's a lot of impediments that that creates so there is a real need to try to re-unify those fractions. That sounds a little more familiar to you now. You probably just haven't heard about it referred to that way.

Mark Wadsworth: Jim, if I may too?

Jim Radintz: Yes, Mark.

Mark Wadsworth: When do you anticipate this highly fractionated loan you were talking? It may be available here within a matter of weeks?

Jim Radintz: Weeks. Weeks. Yes. We're very close to launching it.

Mark Wadsworth: Because right now Cobell lawsuit is in effect, so what is happening within the Cobell lawsuit so far as

tribes buying back fractionated interested, it's like going through its process right now and I think we even missed the boat probably on the Pine Ridge Sioux Reservation that had a lot of fractionation and they received their funding and their buy-back program was in effect.

And actually our part of the Cobell is coming through just as we speak today and so people are going to be sent letters or offers for selling back their percentage of interest or whatever is undivided. So, as soon as you have whatever information you can give, I think if you could contact Office of Special Trustee, again OST, I keep kind of mentioning that name recently because they're so involved in this situation that maybe besides the BIA, maybe they should be involved in this also. They would have a valid list of all major tribes to small tribes that have that fractionation problem, so I think that you could probably put most of your efforts on those areas that have already been defined by the lawsuit itself.

And I guess, one of the situations on that, Gilbert, is when we advertise our range units, we need to get landowner consent through the Bureau of India Affairs to allow us to advertise their land for having cattle go on there in which they'll receive a range permittee who will pay so much dollars per AUM. Then we have to track every dollar that is received by us through the TAM system so that we can go through and say,

"Okay. We received this money, you got your money, and this is how it was divided out." And it's all written in stone. Once we receive the money -- or we don't even receive the money anymore [indiscernible] tribe because basically to a lockbox in Missouri, I believe, or whatever, and then it goes through the computer system and this is all automated now. And then, those people will be paid within a matter of three days.

So, on one of our instances which we approached the BIA was we had on one fraction of the land which was 120 acres, 160 acres, had over 8000 owners. So, how are you supposed to get letters of consent from 8000 owners on this one track that's within these range units? Well, we virtually have over 1000, 2000 tracks on a reservation and half, I guess 60 percent's tribe but 40 percent is basically within the allottees that own portions of that. So, it is a huge problem. But what I like about that is that Cobell was only designed for tribes to be able to purchase the land back. What we're talking about here is an individual like me and you approaching those people being able to build our own land base within the tribe itself and working out all those stipulations through the bureau which you're going to have to mesh your appraisers with appraiser process through OST, which is going to be a huge hurdle, I think, or some way you guys will work that out but I commend that you guys are looking at this process.

Jim Radintz: Well, thank you, Mark, and thank you especially for making the point. I was just going to make the point that I think probably the biggest difference is this program does allow us to reach the individual landowners as opposed to I think my understanding is most, if not all of the Cobell funding has gone to the tribes. So, this would help keep some additional tracks potentially in individual hands. Any other FSA issues, questions? Yes, Mary?

Mark Wadsworth: Yes, Mary.

Mary Thompson: Mary Thompson. I'm wondering as I'm listening to the conversation and knowing that there's a role that BIA plays in recognizing heirs in possessory holdings or interest, and so, I guess my point is to Catherine [phonetic] from the BIA program, the question would be what is the BIA doing to help resolve some of the interest or some of the problems whenever there are possessory interests issues such as these.

Catherine [Phonetic]: Thank you. I think like you mentioned, it's mostly through OST right now. I don't want to speak for anyone and get something wrong on the record here so I'd be very happy to look into that even for tomorrow if that's okay, see if I can get some answers by tomorrow, report back to the council.

Mary Thompson: [indiscernible]?

Catherine: Yes.

Mary Thompson: Thank you.

Catherine: Thank you.

Jim Radintz: And one of the things we heard in the original consultations and why folks felt pretty strongly that this needed to be a different kind of program is they said that the local people, the folks out there, like whoever would get these funds to re-lend, would be better able to cope with the regional and kind of differences in the individual BIA offices and be better able to manage that than we could from headquarters or whatever.

Mary Thompson: And I understand and appreciate that because each tribe has a different relationship with their BIA agencies and with the other programs that would need to be involved in resolving some of these issues, that again just to reiterate the point that there needs to be some communication in order to get these land issues resolved so that tribal members and farmers and ranchers and partners can better utilize the USDA programs available to them.

Mark Wadsworth: And just for the record too, Jim, is that through the [indiscernible] law -- are you familiar with that also?

Jim Radntiz: I'm sorry, Mark. The?

Mark Wadsworth: [indiscernible].

Jim Radintz: That's one I'm not familiar with.

Mark Wadsworth: It's kind of trying to address the probate issue of having all these undivided interest become smaller and smaller, that currently there's a law in the books that if an individual has less than two percent undivided interest in an allotment and that person passes away without having a will, that that land will automatically revert back to the tribe. So, this is very important that I see that you open that door, open for like tribal members being able to buy their small interest from another family member or as such in an allotment to try to build that up.

Jim Radintz: Okay. Sarah, did you have a question or comment?

Sarah Vogel: Two, I guess. First, on the same point about the fractionated lands. I think many owners of fractionated parcels might be much more willing to sell to an individual farmer or rancher than they would be to their tribe. I've heard that a lot over the years because they really want to keep the independent farmer and rancher tradition going and not have it be kind of a tribal farm, tribal ranch.

My other question was there's a ton of statistics in here which I guess it came by e-mail but I didn't focus on it before I got here so I'm just wondering, did you see any trends in this? This is for fiscal year 2015?

Jim Radintz: Yes. The data you have there is from FY '15 through I believe the end of August. As far as trends, I would tell you that if you look out on national basis, there's virtually no difference between approval rates for Native American and white applicants. There are some places in some states, and I think Joanne is going to talk a little bit later and kind of indicate at least some of the work that she started to do. She did share with me a couple of reports that indicate we may have some concerns in some specific places. It may be programmatic errors or it may be something more, it's something I'm going to be having looked into. But when you look at just the national numbers, again I think it's kind of indicative of the fact that we have made a lot of progress. Like I said, there's virtually no difference. In fact, I think for what you'll see in there is for direct ownership loans, the approval rate for Native Americans is actually three- or four-tenths of a percent higher than for non-minority applicants, which it wouldn't be that many years ago I don't think you would've even dreamed that it would be like that.

Sarah Vogel: And what about outreach and the level of applications filed compared to, say, the census data? What I worry about, of course, is the lingering after-effects of past bad practices where people feel why go to [indiscernible], maybe it's not [indiscernible] yet or something like that so the

outreach I think is as important as processing those applications that come in.

Jim Radintz: Yes. And as I mentioned we've added some additional outreach staff which I think are definitely starting to pay off. But beyond that, we are trying to look at ways. Real honestly, we haven't been really good until recently in trying to measure a lot of the outreach and how that's working. We actually had ERS and worked with them to do some research to try to find some more efficient and effective ways of doing outreach. But that's something that I think we can never de-emphasize. I understand what you're saying and I think probably some of the things like having folks like Zach Ducheneaux endorse the programs and how well they're working, him telling, encouraging someone to apply means a whole lot more than anything I or anyone else at FSA could do, really. That's what we really need and I think if we can keep those kinds of things happening that will move us a lot closer to where we want to be.

Sarah Vogel: Okay. Thank you.

Mark Wadsworth: And since you are just in the process, and this will be my last comment but I think it's very important. BIA, when they hold their trust responsibility to the tribes or to the individual lottee [sounds like] and their lands in trust and say in the past since the 1930s, and this is prevalent through a lot of big land of tribes that were a process of this,

we had a lot of non-Indians purchased property from tribal members back in the day, but in order to purchase it they had to take it out of trust status, so, the BIA would say, "Oh, this parcel of 160 acres is no longer trust so you can sell it to this non-Indian within the reservation boundaries."

Well, after that happens, BIA just washes their hands, "We do not manage non-trust property. You're on your own." And I guess my biggest comment to you is open the door for this highly fractionated interest because there are parcels out there that actually have undivided fee interest [indiscernible] which is crazy but it's happened down the line. So, they're able to, as an individual, if you're trying to purchase some property, you are also opening the door for them to purchase the fee status land itself. And I think it can be self-fulfilling because BIA now has the ability to, if you petition and you buy that land that is out of trust and fee status, that you can petition the BIA to put it back into trust status in the future. So, if you open that door for also fee status lands be purchased through this highly fractionated program, it would help a lot.

Jim Radintz: Thanks for that comment. And just to clarify, maybe getting down into some weeds I shouldn't get into but I don't think that the program really -- I don't think there's anything that either limits it to trust land or excludes non-trust land, so I think it just has to meet the fractionation

requirements. And while you mention that, we actually, our regular programs and we've had a little bit of this where we can actually make a real estate loan to a tribal member to buy land from a non-Indian and actually purchase it and put it into trust status. That doesn't happen often but we do have that ability which the trust status doesn't bother us much at FSA. I mean, the biggest bother is coping with all the paperwork through BIA and other places. I know a lot of commercial lenders when you say it's in trust status, that's sort of the end of the conversation but that's one area where we can really take an active role.

Thanks, though. I wasn't aware that there was a lot of fractionated fee-type land. That's good to know if that comes up as we implement the program. Yes, Jerry.

Jerry McPeak: Thank you, Jim. Maybe I missed this -- did you say you can help in buying land that is in trust or you can help them buying land that's to be put into trust, or did you say both?

Jim Radintz: Both. We have financed transactions from one tribal member to another of trust land. We have financed transactions where someone buys non-trust land and puts it into trust. So, we can do both of those things.

Jerry McPeak: Thank you.

Mark Wadsworth: Yes, Mary.

Mary Thompson: And on that note, Jerry, on the purchase of loans for land that could be put into trust or tribal lands, Catherine, can we speed up the process to put land into trust?

Catherine: We'll try.

Mary Thompson: Thank you.

Catherine: [Indiscernible] everyday.

Jerry McPeak: [Indiscernible].

Mary Thompson: Well, if we get it done in the next 15 months, then it wouldn't be a problem. Thank you.

Catherine: [Indiscernible].

Jim Radintz: I'll be here, but with that, on the interest of time, I'll surrender the podium now.

Mark Wadsworth: Next speaker will be Joanne Dea, ombudsperson, update of the program.

Mary Thompson: In the meantime, Mr. Chairman, [indiscernible], please note that Catherine [indiscernible] BIA.

Joanne Dea: So, thank you for the opportunity to speak today to you all as the council, the CNAFR. As you know, I'm the ombudsperson and I do want to just emphasize that I am every deeply committed to listening to concerns and issues that Native American producers have around access to USDA programs. What I've just handed you is actually sort of a packet which includes a couple of different pieces in it. So, on the top portion is actually a two-sided business card and then right underneath

that is actually a fax sheet which is front and back, and then it's followed by the set of six slides which you had received prior to coming here, and then also the memo that launched this office, the signed charter by the secretary, and then a one sheet, very simple type of poster.

So, what I wanted to say is that I opened the office in the early summer, and so, the office is open now in terms of taking calls, and when you look at actually the six slides, which is sort of two per sheet, you can see that there are different areas that I am focused very strongly on which are really listening to concerns that are coming in around access to USDA programs that relate back to systemic repeating types of issues. And then, taking those and sharing them back to the USDA leadership and working with them closely to think about potential recommendations and areas that might potentially change. So, I wanted you all to have that.

In addition, if you flip it over to the second page, you can also see that the way that I've started out is with seven states and with Native American producers thinking that the area that issues which may come in are really with the service center organization, so Farm Service Agency, Rural Development, and the Natural Resources Conservation Service. So, those are all just background materials for you. We're not going to go into them a

lot today but again just so you can see what types of materials I'm handing out.

And then, in terms of where I wanted to spend some time, and Jim has mentioned this already, I have been working on data, so I am going to hand out a document to you all as well.

So, I just took a question as well in terms of when I would expand to all states. I didn't mention that but really right now I'm focused on just these seven states. I'm going to take some time to see how it's going and then sort of gauge when that expansion will make sense. So, it could happen second year or third year, but I will try and do that as quickly as possible.

So, in terms of what you have before you, as part of the Keepseagle settlement, there was information that was collected and it includes information that has to do with approved applications based on the difference between Native American applicants and Caucasian applicants. So, that information is state by state but it's also broken down into 15 states at a county level. The information was actually provided by the Farm Service Agency, and so that came from their own collection systems and we've just taken that and used that information. So, what I had been doing is actually working with a NAS [phonetic] statistician to think about what are the types of tests that make sense to kind of run on this set of information.

And so, there have been two main tests that have been run which includes the chi square and then the two proportions test.

What we found when we ran the tests is that there is a significant difference in five of the seven states. So, the causes for this difference, we don't know at this time. It's just not known. We can only say that there is a difference and we don't know what it means either at this point.

For the two remaining states of the seven that we looked at, California and New Mexico did not show up as statistically significant in terms of a difference. And so, that information is actually on your sheets. And then, in terms of looking at kind of application rates across, we found that there was also a statistical significant difference in terms of sort of the percentages which is shown by this 2.2 percent that is shown on the first table that you have. So, we looked at all five years across all the groups that we had, which were these two and show that 2.2 percent. Again, this data doesn't show what the causes are. We only know that there's actually a difference here and there would need to be more work to figure out what is kind of causing these differences.

If you look on page three, which is sort of a sideways table, it's diving into the information a little bit deeper to show what those five states that showed up significantly in terms of that statistical difference and you see the differences

on the far right part of the column as well. So, at this point, I have brought this information to FSA's attention, so we had some conversations this past week, so, we're very early in the conversation about looking at this information. Again, it's a first step. And we will be continuing that conversation and I will also be looking at additional reasons which are kind of behind the cause piece for this. So, again, my message is that I don't know what's causing it. So, with that, I'm actually going to stop here and see if there's any questions that you all have. Sure.

Sarah Vogel: I have a question. How did you select the seven states?

Joanne Dea: So, in terms of the seven states, because I opened up the program just to the seven states originally, the idea was that covered 80 percent of the proportion of Native American producers. So, through the NAS census information that I had for 2012, I opened up the program that way. And so, when we started to look at the information, I started with those seven states as well.

Sarah Vogel: And with the Keepseagle case, we asked USDA to collect statistics by county in the top 15 states. Did you crunch the numbers for the 15 states or break it down by county?

Joanne Dea: Once we got the information that I'm showing you today, we did start to look at county information on the

seven states that I'm talking about. So, we have looked very generally at the other states as well, but kind of for purposes of today, I wanted to kind of bring this more specific information to you.

Sarah Vogel: The statistical analysis, was that plug money [sounds like], plug numbers in to get a result out or was it more detailed? I'm no statistician but these seem like they would be relatively simple mathematical equations.

Joanne Dea: So, I think the biggest part that took some time was to really think about what was the appropriate analysis for this information. Once we got through that piece, it is actually a plugging it in in terms of crunching the numbers and doing the calculations.

Sarah Vogel: So, now that you know the process, you could crunch the numbers for the other eight of the top 15 in a pretty short order?

Joanne Dea: Yes.

Sarah Vogel: I think that would be very interesting as long as FSA is going through the trouble of collecting all those information by county, I think if you're looking at that. And another question that maybe I missed it, but do you compare it to the census data?

Joanne Dea: I don't.

Sarah Vogel: Why don't you?

Joanne Dea: It's a great question. The reason being that as you know from the Keepseagle information, there are certain numbers that I'm being given right now in terms of the applications and what those approval of the application rates were --

Sarah Vogel: The world is being given them. I mean, class counsel gets them, it comes to this council. They're public.

Joanne Dea: But in terms of the -- I'm sorry, repeat your question again.

Sarah Vogel: Whether you compare it to the census data which is public.

Joanne Dea: The only way that I've compared it to the census information at this point is to look and see what those numbers are by state. So, for example, in the seven states that these numbers have been run, I was curious in terms of each state, what even that population was based on the census for Native American producers, but I haven't done any type of analysis that brings that in in any way.

Sarah Vogel: I think that's also very important because if for example Native Americans are applying to Farmers Home at a rate of 10 percent and non-Native farmers or ranchers are applying at a rate of 20 percent of their population, that's a really important and critical feature if for example Native American are rarely applying or infrequently applying, why is

that? And when you also consider that because various legal and perception barriers, many of these are credit deserts except for FSA, one would think there'd be even higher percentage of Native American farmers and ranchers applying to FSA. So, I think this is a good start but I think there's a great deal more analysis and statistical data that you could be doing and I wish you would.

Joanne Dea: Okay. Yes.

Mark Wadsworth: Yes, Mary.

Mary Thompson: Thank you. Mary Thompson speaking. I'm just wanting to make sure that I got this right. The comparisons and the seven states that were chosen were because they represented 80 or 85 percent of Indian farmers?

Joanne Dea: They were 80 percent of the Native American producers. And I started with this subset, again, because it's the group that I'm going to be strongly doing outreach in terms of letting them know that I'm here as well, so, this seem like a good place to just start.

Mary Thompson: And was that based on acreage or just tribal members or Native American farmers?

Joanne Dea: This is just Native American farmers in terms of the applications because it's getting pulled from the information that FSA provides. So, it's actually applications

that are coming in and what's approved and what's rejected. So, those are the numbers I had to work with.

Mary Thompson: And one last question would be, by basing it on applications -- and this is just for my information -- would that be the number of federally recognized Native Americans or self-identified Native Americans?

Joanne Dea: These are self-identified.

Mary Thompson: So, that would kind of come from the census too [sounds like]. Okay. Thank you.

Joanne Dea: Okay.

Mark Wadsworth: I would echo the same situation here because I look at the seven states, I didn't know whether that was a random number, random analysis done through your statistical formulas and stuff, but kind of the oddball in here kind of looks to me as in Texas we all have dealt with Indian country and realize in Texas there is maybe one tribe recognized actually in the whole state of Texas. And so, when Mary asked is these self-identified individuals that are marking the checkbox Native American, it's just pretty much -- if it's a self-identified number that maybe that's an oddball situation. I don't have any qualms about it but I know that there isn't that much land mass in Indian-recognized tribes [indiscernible] farmers or ranchers. Go ahead, Mary.

Mary Thompson: And in response, Mark, thank you for touching on that but I guess not so much of a qualm but I do have an issue or concern when the loans are being made and you're including those statistics in your reports, that they are self-identifying as Native American farmers in that it may hinder other tribal members who are in fact federally recognized tribal members and not self-identified Native Americans. See where I'm going with that?

Jerry McPeak: You're worried they're lying is what you're saying?

Mary Thompson: Well, all the funds -- as Mark pointed out, Texas is one of those states and there's one Indian tribe there --

Mark Wadsworth: [Indiscernible].

Mary Thompson: Not for the record? And then, those numbers you are using in your data and I'm just wondering about the accuracy of the data when there may be only one tribe there but you're getting a large percentage of applicants there that are self-identifying as Native American. Some other tribes, and for example I'll use Cherokee, my tribe in North Carolina, as an example in that of the 14,000 enrolled members, I am not exactly sure how many are farmers and ranchers, and I think we're probably a medium-sized tribe, we're not really small as compared to other tribes but we're not large in comparison to

Navajo tribes, but those numbers would not be correctly skewed if in Texas you have a tribe of 5000 or 10,000 or -- and I'm just using that as an example -- if it was a 5000-member tribe in Texas, their numbers are getting represented here when we in fact have a larger tribe in North Carolina and our numbers are not even being included. That's what I'm trying to I guess make the point of, the information and the data that you are using, just making sure that it's accurate. Thank you.

Jerry McPeak: I'm probably going to be, which is not uncommon, the devil's advocate here and the standpoint that I'm probably going to be [indiscernible]. I understand the percentages and I totally get the percentages because we deal with the other side of that which is that we see smaller numbers or extremely small representations of agriculture expecting large investments in small numbers. That's difficult to justify.

Having said that, the big thing I wanted to say was -- having been probably I would assume if not the largest critic, one of the two largest critics in here when we started -- in Oklahoma, what is reflected in here and my interpretation is accurate. Oklahoma has done a superb job of improving what they have done in the last few years regardless of whether it was FSA or conservation districts or whatever. It has been I think a huge turnaround in attitude in wanting to do something, wanting

to do a better job. I probably wish the recorder was off back there but we were told in a recent meeting, and I quote, for those of us in tribes, "Before you spend any money on anything, check and see if we've got the money and we can make you eligible. And before you go spend your own money, see if we've got something we can help you." And that has really been the attitude and I hope that you will convey that, you folks with the USDA will convey that to your leadership. There is a tremendous difference in attitude. At that time [sounds like], we've just been here three years, it seems like 10 to me but it's been really, really, really good in Oklahoma in my opinion. Porter might take a different approach but it's just been my experience, and we've had at our local level someone is -- gotten a hold of someone.

Porter Holder: Yes. It's a lot better than with us [sounds like].

Sarah Vogel: Going back to the methodology that you're using, you're using these seven states. Of this seven, I would suspect that Oklahoma has about 50 percent because that's how we saw the activity in the Keepseagle case almost nationwide. So, you can take Oklahoma and other states and reach 80 percent pretty easily. It doesn't seem to me to be a very good method. And as I said before, I think it'd be very useful if you did

this because it sounds like a very simple calculation to have at least all the 15 states, if not more.

And besides, I do think that unless you tap it back to the potential eligible class, which is Native American farmers and ranchers and how many there are in the population and just see how many are making their way to Farmers Home, these statistics are of limited utility because you're not measuring how many people may be discouraged from applying. And the numbers in Texas sort of surprised me but I think unless we dig a little bit deeper and I think you're biting off too little, I think you should bite off more in terms of getting this baseline information out because then it can get back to Jim and others at FSA and just let them dig around and see what it is and what's going on. I think the statistics are extremely important.

And another thing is I think in the future, and I know I think I got these numbers on Friday, and -- what's today, Monday? That's not enough time for us to look at them before we come to the meeting. And if these numbers had been available since -- what's the number at the bottom of it, all these reports they're as of August? I don't know when they came out. But I think the earlier the better. Because like on our team, on the Keepseagle class counsel team, we're to see these and review them and so on, our statistical guru is Christine Webber

[phonetic], and actually Christine is on vacation this week so I can't even check with her but I think in the future if you could get these numbers to us in advance of meetings. And e-mail is fine, we can always print it out at home. We don't have to get hardcopies sent by FedEx but a little bit more time. And I really recommend that you try to give Christine a call because she did tons of statistical work on Indian country in general and has methodologies and ideas, and I don't think you've ever talked to her.

Jim Radintz: This is Jim Radintz. Just to clarify, the numbers that are in your notebook actually came from FSA, they didn't come from the ombudsperson. And they're as of August 31st because that was the last sort of closing the books day that we had. The reports were actually prepared probably about a week or so ago. It took us a little bit of time just to get through. To be honest, we've been having some system challenges and there are still some data that Joanne has asked for that I have not been able to provide because we've been having some internal IT issues that we're continuing to wrestle with.

Sarah Vogel: I apologize for expressing that view. I mean, it has to do with scheduling and end of quarter and I'm sorry, I [indiscernible].

Jim Radintz: I think that's legitimate. We probably could've cut off a little bit -- we were trying to make the data

as current as we could but we probably could cut off a little earlier and provided it a little earlier so people would have had a little more time to study it. Lesson learned for the next time out.

Joanne Dea: And I recognize that as well in terms of getting materials sooner. I'm not sure if I was clear on this point. We did run the chi square on additional states. The additional states, there were some states we didn't have big enough numbers to run it on, but the ones that we could were additional 19 states, and of those 19 states about half of them were statistically significant and the others were not.

Sarah Vogel: I think those half would be of deep interest to this council.

Joanne Dea: Okay.

Gilbert Harrison: Gilbert Harrison from Navajo. One question I had is I think you'd find there's a lot of difference between Native Americans that are off reservation getting loans versus Native Americans that reside on trust lands because there is quite a bit of difference and I can tell you that from my experience, so I think that that will also put a little different viewpoint on your statistics. Thank you.

Mark Wadsworth: Thank you, Joanne.

Joanne Dea: Okay. Thank you.

Mark Wadsworth: There is a change to the schedule in which Jim went through the highly fractionated and then we're going to jump to a CNAFR working session. Does anybody need to take a 10-minute break, 15-minute break?

Female Voice: [Indiscernible]

Mark Wadsworth: Yeah. Okay. We'll take 15 minutes. Be back 10 minutes to three, I believe.

Mark Wadsworth: All right. The next will be the CNARF working session. The recommendations go after for the council reauthorization, the ITAN Agreement, the review of the draft recommendation letter, and we'll go through the remainder of the day for internal working ideas. I'll turn it over to Leslie in a little bit.

Leslie Wheelock: Thank you, Mr. Chairman. I'm running in and out to mandatory meetings and I apologize. This is the benefit of having meetings offsite, I actually get to sit in the meetings.

Pursuant to our December 2014 recommendations, the secretary has sent back a response. I'm going to read that response into the record. On a letter dated September 1st 2015 to Mr. Mark Wadsworth, Chairman of the Council for Native American Farming and Ranching at his address, "Dear Mr. Wadsworth, thank you for your letter of January 28, 2015 sharing recommendations made by the Council for Native American Farming

and Ranching (Council). On behalf of that U.S. Department of Agriculture (USDA), I would like to thank you for your diligent and thoughtful consideration of the subject of the Waters of the United States and the education of youth at the tribal colleges and universities and your recommendations for future action. I apologize for the delay in responding," which was mostly our office's fault.

"The USDA has no rulemaking or regulatory authority with respect to Waters of the United States or other elements of the Clean Water Act (CWA). As with all CWA regulations the U.S. Environmental Protection Agency and U.S. Army Corps of Engineers have sole authority. USDA provides technical and financial assistance on a voluntary basis to agricultural producers and other landowners to implement a wide variety of conservation practices including many aimed at improving the health of our nation's rivers, streams, lakes, wetlands, and riparian areas. The council's recommendation concerning the 1994 land-grant tribal colleges and universities (TCUs) will take time to evaluate. There are multiple programs within USDA that actively support tribes and their TCUs in their essential work to improve the individual lives, communities, and land of Indian country and the Office of Tribal Relations collaborates with all of them. I have discussed the council's recommendation concerning the TCUs with OTR director, Leslie Wheelock, and asked her to

collaborate with appropriate USDA agencies and me to examine and lay out next steps to ensure the schools, the faculty, and the students are benefiting as much as possible from a coordinated relationship with USDA. Director Wheelock will report back to the council on this recommendation. I appreciate your and your colleagues' contributions, expertise, and service on the council. Thank you again for your letter. Sincerely, Thomas J. Vilsack, Secretary."

Male Voice: [Indiscernible].

Leslie Wheelock: No. I can't help it that you were talking while I was reading, sir.

Mark Wadsworth: It's all on Tab 3.

Leslie Wheelock: Yes, that's all under Tab 3 if you want to read it for yourself, sir, which I would highly recommend since you talked through that entire thing.

So, the second piece that we have -- by the way, I want to give you an update on the tribal college and university. So, I met with the Secretary. We had sent this response letter around -- as most letters in the department, it goes through a whole bunch of reviews before it goes out. This one went through a whole bunch of reviews and came back changed so dramatically we didn't recognize it so we tried it again. And the Secretary wanted to know what was taking so long, so we went in to talk to him. He expressed the same or a concern similar to the one that

I expressed in the December meeting when this resolution was passed. But he and the deputy secretary's office have asked our office to move forward with kind of checking all the boxes and working with all the people who have an interest in this. We have a congressional delegation up on the Hill that's interested in keeping it where it is and what we're trying to do is not agitate those people very much because the last time they were agitated, they zeroed out the budget of the Office of Tribal Relations and we're actually trying to get more money in that budget rather than less.

So, having said that, I think that we need to -- we're working very diligently in trying to make this happen. It does take a little bit of time to move stuff around in this department and we're right now working with the Office of General Counsel to ensure that we've got everything lined up to move forward. And that's the best report I can give you right now. Any questions?

So, with that, we move on to the last recommendations from the council that are --

Mark Wadsworth: Leslie?

Leslie Wheelock: Yes?

Mark Wadsworth: Could I go back to that TCU?

Leslie Wheelock: Yes, sir.

Mark Wadsworth: Is there, I guess, cautiousness to this or is there an actual, "No, we don't need the TCU under this," or it's just working fine?

Leslie Wheelock: It's everything cautiousness. One, you start shaking things around here, you never know whose cage you're going to rattle, and most of those cages are up on the Hill, so there's a desire not to overly irritate congressional people that we don't have to overly irritate, and we're not quite sure who that's going to be. And so, we think that we probably have our TCU state delegations behind us but that's kind of part of the work from my perspective, is going back to the tribal college presidents and talking them through this and making sure that if the state representative or senator calls them and says, "This has been brought up. What do you think about it?" they know about it. So, it's all a little bit of walking around and making sure that everybody who needs to know knows and then just saying we're going to do it.

Mark Wadsworth: And I would just like to say for the council again, is that our whole point in trying to make this effort is to improve, possibly help them out more in any way that we could possibly do that so that they have a stronger voice or maybe even more opportunity for funding or in effect, added assistance. That's our only purpose, not to rattle the cage or anything, just to help out.

Leslie Wheelock: Thank you. The second point under the working session is council reauthorizations. During our last meeting in Oklahoma, there were two recommendations that the council made as a result of John Lowery's departure from USDA. The letter that traditionally goes out that supports our recommendations has not gone out. We, I think, weren't quite sure that it hadn't but we've confirmed that it didn't go out. There has already been work. I'm looking under Tab 12 in your notebooks where there's a draft letter to Secretary Vilsack. This is a draft letter. It's in here. If you have comments on it, you don't need to read the under Tab 12. You don't need to read it now but it would be good to have your comments in the next week or so if that's possible. This letter will be edited down and I want to make sure that we have included any perspectives that are missing right now from the language.

Mr. Chairman, I see a question.

Mark Wadsworth: Sarah Vogel.

Sarah Vogel: Yes. In the event that other resolutions come about as a result of this meeting, could they be wrapped into this letter [indiscernible] all at once?

Leslie Wheelock: Sarah, they absolutely can be wrapped into this letter. It had been our intent to push them all together. So, what will happen is we'll take comments on this, we will re-draft this, we will add in whatever recommendations

are made in this meeting and then we will send that combined set of recommendations back out for final review.

Sarah Vogel: I just got a draft language from Janie about support for this food code law or project --- I forget the whole title -- and she already sent some proposed language which I just sent off to Josiah, you, and Mark, and maybe that could be printed out and circulated as a potential topic for discussion at the appropriate time. I think that would be great though. I don't think we'll have loss much if we add new issues in and go forward.

Leslie Wheelock: Jerry?

Mark Wadsworth: Yes, Jerry?

Jerry McPeak: Thank you, Mr. Chairman. Do you have a copy of your letter that you wrote to him or your recommendations, our recommendations or whatever?

Leslie Wheelock: That we wrote on which topic? That he's answering to, the Waters of the U.S. and the 1994 schools?

Jerry McPeak: [Indiscernible] schools primarily.

Leslie Wheelock: Do we have a copy of that letter?

Male Voice: [Indiscernible].

Leslie Wheelock: Okay. That would be a good idea. Print it out. Can you print it out, please?

Jerry McPeak: Thank you.

Leslie Wheelock: So, the two recommendations that we are in the process of working on from the last meeting include what's called -- well, I call it a reauthorization. I think it's called an extension of the Council for Native American Farming and Ranching as well as the extension of the Intertribal Technical Assistance Network.

We had been waiting on some determination to be made on the Keepseagle cy pres funds with regard to the Tribal Technical Network and I think that given the status of things as they are right now, we need to put a stake in the ground in order to hold that in place. I've also seen some material moving through the department and other agencies talking about supporting the work of the organization. Toward that end, one of the things that I asked Zach for to start doing is they send in every month a tally of work that they've done and I've asked them to include two additional counters in that tally, one of which is counting the number of farmers and ranchers that they are working with every month because that's not evident in their success stories, how much work they're actually doing.

And the other piece is the programs within USDA that they are utilizing. Because within USDA, we collect funding from the agencies to support the work of the Intertribal Technical Assistance Network and that collection is skewed toward what was happening on the ground when that contract was initially set up,

and at that time we had a lot of Forest Service sacred sites and USDA Sacred Sites work going on and so there's a big lump of funding that comes from the Forest Service when in fact the technical assistance network is not currently supporting most of the work of The Forest Service. They're supporting some of the agri-forestry and some of the wood energy products but not the way that they were when it was started. And they are providing support for programs that were not originally included in the sources of funding. So, we have to rejigger internally and in order to do that, we have to track what programs they are currently working on with our farmers and ranchers, a lot of which involve local food farmers markets, co-ops, and things that were not thought of when the program started six years ago.

So, that's what we're doing there. And that's the end of my report. We would like you to again take a look at the draft letter that's under Tab 12. If you have any comments, things that we've left out or things that you would like to know, let me know and I will be re-drafting that letter as soon as we have more recommendations and ensure that we get that back out to you. Josiah went to get you a copy of the letter that we sent to the Secretary concerning the tribal colleges and universities.

Jerry McPeak: Okay. It's already in here. I couldn't find it.

Leslie Wheelock: Oh, is that the one you were looking for? I thought you were looking for the letter that we were responding to.

Jerry McPeak: That's what he says [cross-talking].

Male Voice: [Cross-talking]. The one you're looking for, I'm not sure. The one she's talking about --

Jerry McPeak: Mr. Chairman.

Mark Wadsworth: Yes, Jerry?

Jerry McPeak: I have had a little conceptual difficulty from the beginning of -- and they're not here, but IAC, I appreciate the work that they do in the western region of the United States in particular, but again it's basically not so much for we're from. But the interlocking of IAC with the CNAFR or even with the USDA, is the USDA funding part of the IAC?

Leslie Wheelock: We are.

Jerry McPeak: Okay. Are they funding most of the IAC?

Leslie Wheelock: No, we're not. We're funding the Tribal Assistance Network so the Intertribal Ag Council people who are in the states who are working from farm to farm, ranch to ranch, those people are primarily funded out of the USDA contract. Those positions are primarily funded out of the USDA contract. That contract is the direct result of the Keepseagle settlement in which FSA and the Office of Tribal Relations were instructed to establish a tribal assistance network in the United States.

Jerry McPeak: Follow-up.

Mark Wadsworth: Go ahead, Jerry.

Jerry McPeak: So, you utilized the already existing framework of IAC to reach that more quickly, I assume?

Leslie Wheelock: That's correct.

Jerry McPeak: Okay.

Leslie Wheelock: We could look around for a different contractor at this point in time.

Jerry McPeak: Well, I'm not being critical of them at all. I just was never -- again, if I may, Mr. Chairman?

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Again, in our area, it's not the thing it is in the western part of the United States at all. We don't get it. We're not in it. We don't see it. We don't hear it. I know that everyone keeps saying, "Oh, yes, they're out there all the time," well, it's kind of like our county agent that we're supposed to have in Creek Nation I have never met and I still haven't met that lady. But again, it's neither here nor there. So, for us, it isn't the same deal. If I don't do anything else before I get off this thing [sounds like], I understand it. For us, that doesn't reach us. You're talking about [indiscernible]. In my interpretation also, I'm not sure that we need the help sometimes so I'm not -- I'm all about helping the folks that need the help and those of us will make it. So,

I'm not being critical of that either. It's just that I don't want you folks thinking that that's reaching us when it's not.

And it's okay because I think our other systems work -- like our USDA systems are working really well now and I think Keepseagle had everything to do with that along with the personnel changes that may or may not have been part of that. So, I think Keepseagle had everything to do with it, I just at the same time when I leave here don't want you folks to think that it's anything like the coverage that you guys get. You guys get quite a bit of help from IAC? Okay.

Leslie Wheelock: Well, imagine it's one, maybe two people in a state and they're circuit riding essentially. I'm not altogether sure. And they're all different with different ways of doing the work that they do. So, the coverage that Steven Bond provides in Oklahoma to the small whatever's near him or across the state or whatever it is he's focusing on, that work is very different from the work that the gentleman in California might be doing where he's creating MOUs with the local schools.

Jerry McPeak: We are all about the extension agent mentality thing even though ours is not working, I think it's the person, not the concept. We're all about that as our tribes and I visit the tribes, as you would know, a lot about those kinds of things, and again, we're all about co-oping with it, paying part of it ourselves. I think the Cherokees could be

expanded very, very easily. I think Choctaws, they've got their own system that's really, really, really comprehensive along the same, but I think we'd be interested in doing that cooperative extension thing or that cooperative that you guys have with that. It's just the communication and the background of the experience doesn't seem to fit so therefore we haven't gotten over into it. And I don't want you to think that we're not being critical of the way it's working because I think it's working pretty good out there. It just doesn't exist basically where we are.

Mark Wadsworth: And I believe too, Jerry, we're kind of talking about a situation before, remember when we had an individual group come up and ask for council recommendation for their funding for setup their program and we shied away from and saying that we do not want to be biased or be assumed to be biased towards any certain nonprofit or Indian organization. I think that by you saying what you did is that we are not here to promote IAC, we're not here to promote [indiscernible], we're not here to promote whatever, other associated and tribal agricultural program I guess is out there, which I agreed with after we had that discussion that day and I think that's what you were trying to say in [indiscernible].

Sarah Vogel: I just wanted to say that over the last decades, I have seen the work of the IAC and in many crazy

situations, they are the only game in town. With the few number of people that they have for the whole country, despite the very generous support of USDA, I think the settlement agreement said there had to be at least 16, but that's for the whole country, that's for 700-something tribes, but I know of many, many, many, many farmers and ranchers that would've been shut down but for the fact that somebody drove all night, got to their ranch, went with them to an appeal hearing, crunch the numbers, saved the day. So, I think that -- and it may be invisible. In fact, I know people who've been helped by it who are unaware that this wasn't just some service that was just generally provided.

So, it's too few, it's too little, and obviously there's I think a whole lot of work could be done in terms of making people more self-sufficient to deal with these more complex financial transactions so that they wouldn't need so much technical assistance. But we're not in that world yet so I think the role of technical assistance from whomever remains very important and that's one of the reasons why we had that in the settlement agreement and the USDA and the class counsel agreed that this should be a component of the programmatic reforms. I think it also says that the reports to the council are part of the Keepseagle settlement as well. So, it doesn't just all happen by accident.

Leslie Wheelock: Mr. Chairman, I am finished with my report unless there are additional questions.

Mark Wadsworth: Well, we'll drop into the next item. Go ahead, Gilbert.

Gilbert Harrison: Thank you. A couple of issues I wanted to talk about here in relations to Leslie's report and stuff. Back about January or February we started having these little updates every month. I looked forward to that because it was more up to date on things that OTR was doing, some of the initiatives and stuff like that. I thought that was good. But lately, we haven't had anything. It's been sort of -- I don't know why, we just haven't had any communications and I think I'd like to recommend to Leslie that we should pick this back up. It's good to have these one-liners, to saying that we're still alive and well or you guys still up and about. Thank you very much.

Leslie Wheelock: Mr. Chairman. One of the things that the council was getting were copies of our monthly reports to the Secretary about the work that we do and I know John was sending those out and you just reminded me that when John left, we were left with a big hole in our office and this is one of the items that fell into that hole. So, if there are other things that you're missing, if there are other things that you think have had focused in the past and for some reason you think we're not

paying any attention to it, if you're not getting reports of the paper or phone calls or the occasional "attaboy" e-mail and you're missing it, let us know.

I did want to mention that my office last week -- and I know I wasn't there, I know Josiah did the hefty role of lifting everything up to get it ready for this session and I really wanted to thank him for that work, I wanted to thank our office for pitching in at the last minute to make sure that we had everything in place. You will notice too that Jerry said he doesn't like to get e-mails, however, the minutes for this or the documents that are in your binders went out via e-mail for those of you who were interested in sitting down and pounding through a whole bunch of attachments because we didn't get the binders out in time, we didn't get them ready in time, our schedule a little bit off, and so for that we all apologize. It was not intentional and we did realize that they weren't going to get out to you ahead of time but we were kind of beyond being able to do anything about it. And we are going to try to do better.

We hope to have the position filled by the time we have our next meeting. We'll see how our HR department works with that request because I have the position description on my computer and ready to approve. It'll be open for five days. It's a GS 12/13, and that's to put a person into the role that John Lowery

was performing. And with that, I'll turn it back over, Mr. Chair.

Mark Wadsworth: Can I, at this time, because I think we're on last session here, we'll review the day and possible recommendations, so one of the things I'd like to kind of hear is from Dana, kind of introduce yourself and your past and stuff. We all kind of have done this and [cross-talking]. And you're our new DFO. [Cross-talking].

Dana Richey: So, I am employed with the Farm Service Agency. I've been with USDA total of about 26, 27 years. I've been employed by three agencies besides FSA, also the Agricultural Marketing Service, and just before this, with the Foreign Agricultural Service. Probably half my career has been dedicated to working with socially disadvantaged groups. My experience with tribal started in about the last year actually, I was doing a detail about four months with Patrice Kunesh before she left and, by the way, was a part of your last meeting in Oklahoma. I was accompanying her to some meetings out there and got a chance to visit the state offices of Oklahoma and I got to see Mr. McPeak and I remember talking with Mark Wadsworth and several others of you. So, about a month or two ago, I was asked by Val Dolcini and Chris Beyerhelm, who I worked for in FSA, if I would step in in the designated federal officer role of CNAFR, and I felt very honored to do that. And so I

appreciate the time working with Leslie and Josiah and the other members of CNAFR to help carry out the important work of this council. I'd be happy to take any questions, specific questions that you might have about my background.

Let me mention one more thing. One thing I want to mention, the work that I have done in the last about six years is in public-private partnerships and I started doing that with the Foreign Agricultural Service primarily focused on Africa and Central America where I worked with major corporations who wished to source from those countries, particularly products for their local offices or stores like Wal-Mart and so forth, Costco, a cashew project in Mozambique and like that. And so, I have more recently visited Navajo Nation in New Mexico and have also had some other conversations with tribes that I would be happy to connect to corporations if they have that interest in doing that kind of sales. So, I know it's something that Mark and I spoke briefly about when I was in Oklahoma this past spring. I've also reached out to Colorado River Indian Tribe recently and then as I said, met with Navajo Nation as well.

So, FSA has an interest in helping new and beginning farmers, tribal, veterans and so on and so on, and so because of my experience in public-private partnerships, I'd like to offer my help, my services as much as I can if there is a tribe who has that kind of interest, please do let me know.

Jerry, is that enough past for you?

Jerry McPeak: Ma'am, I think you're baiting
[indiscernible].

Dana Richey: Well, as I said, I've been here about 30
years.

Mark Wadsworth: Thank you. Go ahead, Jerry.

Jerry McPeak: Yes. Thank you, Mr. Chairman. Madam
Wheelock, it's important to note [indiscernible] I can just tell
you that last week I tried to call Josiah, I never could reach
him, so if you think he's in the office -- I'm only kidding.

Josiah Griffin: I have your note. If I may, Mr. McPeak,
you couldn't reach me because I was on the phone with your
secretary.

Mark Wadsworth: I guess we'll just -- I appreciate
everything that was said today. I'll just do kind of a review
as I've seen it.

Jim, that's fantastic. I don't know where that highly
fractionated idea came from but it's well needed and I think it
will be utilized. Also, I think that one of the reasons why I
came here again was that -- and I would kind of like to do a
possible recommendation and I hope that the NRCS person
tomorrow, but I think he's more onto the engineering side, but
if he can pass this to his people, is that they also have a pot
of money that is dedicated to every state to be utilized for

EQIP, Environmental Quality Incentive Program, for underserved or socially disadvantaged, which they put tribal funds into that pot and I believe it's five percent of that total budget dedicated for tribes to apply for and designate for those individuals to utilize.

One of the situations I would like you to know, and it mirrored kind of this presentation where you have to give us data on the number of loans being made and where they're being made to, if we could kind of get an update on the conservation side of USDA in that same aspect because it was the first year that we've ever put in for a conservation program for on our reservation and we were denied just because the demand in the state of Idaho now is exceeding that five percent allocation.

And one of my questions to my local person which probably couldn't answer the question, it's just way above his ability to get that sort of data, but I said, "Well, I know Idaho gets its EQIP, five percent for socially disadvantaged and it's supposed to be for this. Does the State of Delaware get this? Does state of Maine, Connecticut, all this other states? Are they utilizing all of their socially disadvantaged funds?" Because the whole gist of that was to help us catch up for all the years that we were denied access to that funding.

So, I would like to, maybe before we leave here, make a recommendation that if there is any other funding left over

through the EQIP program just for this instance, that then if they do not use their five percent, well, maybe it should go to the other tribes and other states that do have enough application or don't have enough money to be satisfied with the amount of funding that is available. I think that was the purpose of it. Why don't we just utilize for what is it intended? But that was my comment and recommendation.

Yes, Leslie?

Leslie Wheelock: Mr. Chairman, excuse me. Is that a recommendation from the council or is that to be discussed as a recommendation from the council?

Mark Wadsworth: We're under possible recommendations and this is one I'm kind of throwing up as a possibility. Yes, Sarah?

Sarah Vogel: Would somebody in the know define what socially disadvantaged means? I think it includes women, Hispanics, veterans, not just Natives.

Leslie Wheelock: Socially disadvantaged is most, if not all, minorities, women. Veterans have their own category of veterans and are typically referenced that way.

Mark Wadsworth: Yes, Mary.

Mary Thompson: Thank you. Leslie, in that instance, would I have a better opportunity or better chance of achieving my goal if I were to utilize the socially disadvantaged funding and

hopefully gain points for being a woman and an Indian, being a veteran?

Jerry McPeak: [Indiscernible].

Mary Thompson: But the other thing with the socially disadvantaged -- and as a legitimate question, could I or any other tribal member out there apply under either/or or do we have to stay within the bounds of the tribal resources funding source, grants, loans, whatever's available for tribal entities?

Leslie Wheelock: In most instances -- well, every program has a different application, and so some of them allow you to do multiple checkboxes and some of them allow you to do one and some of them don't have any checkbox at all except for recordkeeping purposes because they're open to everybody equally. I think you'll see some changes when we've got some Farm Bill regulations rolling out, but some of our programs have a restricted amount of application of program funding that is targeted to minority candidates or socially disadvantaged -- Mark, the program that you're talking about historically is something where the recipients re-apply every year and so you currently have -- everybody in place is meeting whatever those percentages were, and when they keep applying every year, there's no ability for another farmer/rancher to get into the program because you've got the same, let's call them 10, farmers and ranchers who just keep applying every year, and you have to

wait for one of them to fall out or wait for the regulation to change.

And so, that's -- I've heard this before and we actually sat down here and tried to talk our way through it and around it. And that kind of program, Mary, the other kind of programs that have a socially disadvantaged and a veteran set-aside, those are set-asides for those categories of individuals but you don't have to be a member of that category of individuals in order to get the benefits of the program. You qualify for the set-aside. So, if they've got a five percent set-aside and only four percent of the applicants are in that socially disadvantaged set-aside bucket, you're likely to get that program. But if it runs over, if they actually get six or seven percent socially disadvantaged sending in applications, your application in most instances -- and I'm not going to speak for all the programs -- but can be reviewed as part of the general application pool. So, you have in most instances a benefit of checking the boxes that are applicable as many as are applicable, and I would suggest. And if there is funding on the side of the fence that's not a set-aside, then you fall into that pool if you didn't qualify in the original pool. Does that make sense?

Mary Thompson: No.

Leslie Wheelock: It's a waterfall effect.

Mary Thompson: Well, it does kind of make sense but whenever I was looking at some of these funding opportunities and I think it was some grants through -- there was some grant funding available and there were several in the area where I'm at and we were looking at that and with those set-aside funds we thought that we would have better a opportunity of having our application selected and funded if we did one category over the other and simply because there were probably more people trying to get funding under Native Americans than there were under some of the different set-asides. And I think that sometimes we were unclear as to whether we could apply under both, either/or, and I think that's something that if clarified within the programs as they're putting out these NOFAs, that it would just be less complicated for the individual tribal member out there who is trying to get funding for their projects. Thank you.

Sarah Vogel: This is Sarah, and I think one thing that's really important to check out and verify is typically if there's a five-percent or 10-percent set-aside, that is not intended to be a ceiling. And certainly, that was a big problem back in the bad old days -- Jim's nodding -- but there might've been a socially disadvantaged farm ownership loan set-aside five percent, so that'd be maybe one or two loans statewide. And then, everybody else who's Indian were told, "We're out of money." Well, they weren't out of money, because the big 95

percent was still there and Native Americans should've been processed under the 95 percent. So, I would suspect that most of the set-aside programs that USDA has are supposed to be floors, not ceilings, but that just a question or two, as you walk in the door but typically if the set-aside money is used up, you're in the big pool. You should be in the big pool anyway. Occasionally there's a lower interest rate and that kind of funding would be limited but it's really important not to feel that you're often that little side pocket because you're not, you're in the big pool.

Jim Radintz: Mr. Chairman, if I could --

Mark Wadsworth: Go ahead, Gilbert.

Gilbert Harrison: Thank you. Gilbert from Navajo. I guess I do fit somewhere in there. I'm a veteran and I'm socially disadvantaged because I'm so busy with the farm I don't have time to socialize. But anyway, I'm just sort of sitting here and with all those criteria and set-asides, how do you transmit that to some poor farmer trying to just get help? The first time I was out in Las Vegas and the first time I heard the secretary give an announcement, one of the things I said was, "There ought to be an effort by USDA and other agencies to make it user friendly." Used to be in the computers, you'd have to program everything, now it's just click, click, click. That's

sort of user friendly. Somehow I think we need to emphasize the user friendly side of the equation. Thank you.

Mark Wadsworth: Yes, Jim.

Jim Radintz: Thank you. Yes, this is Jim Radintz. I wanted to expand or maybe clarify a little bit on a couple of things. First of all, one of the challenges we face in USDA is that of course there are different congressional committees that have jurisdiction over different [audio glitch] and it seems like every committee has their own idea as to how some of these targets or set-aside should be put in place. So, what FSA does in loans will be totally different than what NRCS does and EQIP and may even be totally different than what another part of FSA does. So, that's one of our challenges. I can speak strictly for the loan program because that's been one of the issues. We look at those targets more as a floor than a ceiling. We actually have performance goals in place for our field staff, challenging them to do more outreach and to find additional potential applicants. One thing that does is that it creates an incentive for them to help folks find a category.

If someone comes in and there are multiple categories and one of the -- just to give you one example, our ownership loan funds, Congress in its infinite wisdom set up a dual target. So, we've been trying to out of sensitive been trying to refer to SDA now as underserved because I think it has a little better

connotation. So, we have an underserved gender target and an underserved ethnic target that are set up in the law and they're both tied to population numbers in the census. That's just one example. But the way we have things structured does is it incentivizes our field staff, if someone comes in, wants to apply, they have an incentive to find that account where there is funding available. And the other part of it is we stressed our field folks that even if an application comes in, just as Sarah said, if we have funding in the larger account, we'll actually put additional funding in wherever that targeted demand is to fund those applications because if we can exceed those targets, we want to do that, and we've made it very clear. And I think those kinds of things are some of what's I think led to some of the improvements that everyone here has said they've seen. So, that's one approach.

But again, I think the challenge for me working for USDA is trying to figure out how to fit all these things together and how do I explain that, "Well, for FSA is this and for NRCS, it's something else." That is the challenge that we face and that's one of the things we really push our field staff to do is to be hopefully technical advisers for some of those things and help folks maneuver through some of those.

Porter Holder: Thank you, Jim. Any other questions for Jim or for Leslie?

I've got an issue that I want to discuss. We've talked about this before and since I'm from Oklahoma and he's from Oklahoma, I think I need to be the one that starts it. We've got a council member that makes no effort, does not show up, makes no effort, has -- we had a state meeting that -- what, about a month ago, Jerry -- that every head of state department was there, Leslie was there, [indiscernible] -- did I get that right?

Female Voice: [indiscernible].

Porter Holder: She was there. And he's from Oklahoma and he didn't show up. We discussed this before, "You miss so many meetings." This may be a question for Ms. Richey -- how do we get him off here? We need someone that is going to participate.

Jerry McPeak: Didn't we pass a bylaw [indiscernible]?

Porter Holder: I thought we did.

Jerry McPeak: We did.

Mark Wadsworth: This was discussed at the March meeting as well. I think there was something.

Porter Holder: Isn't this the third meeting. John Berry.

Jerry McPeak: That tells you something.

Porter Holder: Yes, that [indiscernible] tells you something actually. She said the same thing, "Who are you talking about?" I said, "John Berry." "Oh, yeah, because he hadn't been here. [Indiscernible] come to the first meeting."

How do you get yourself go to the effort to get put on this council and you don't participate?

Female Voice: [Indiscernible].

Porter Holder: Let him know he's gone? [Indiscernible].

Jerry McPeak: I think we voted an action last meeting to have --

Porter Holder: I can't remember where we left with that, to tell you the truth.

Leslie Wheelock: What happened at the last meeting was that, as I recall it, is that he hadn't -- this is Leslie. What I recall from the last meeting is that he had not yet missed the three meetings, and so, the discussion was tabled at that point.

Jerry McPeak: So, is there a rule? I'm sorry, Mr. Chairman. Is there a rule to that effect? Did we pass a rule to that effect that after you miss a certain number, you're gone?

Leslie Wheelock: I don't know.

Jerry McPeak: I think we did.

Leslie Wheelock: I thought we did too but I don't have a record of it. It would be in the minutes.

Female Voice: [Indiscernible] write him a letter and he's supposed to be able to come and talk [indiscernible].

Jerry McPeak: No. I don't think we did that.

[Indiscernible] three, he's gone. There's no excuse for that. That's ridiculous. And I'm from Oklahoma --

Leslie Wheelock: Excuse me, Mr. Chairman. Let us check the minutes from the last meeting and re-visit this tomorrow if we may. I realize we're going to have people trying to scramble out of town but we'll try to get the information to you as quickly as possible.

Porter Holder: He didn't show up at Oklahoma out there the other day. The kind of cut me to the quick.

Jerry McPeak: He didn't show up [indiscernible] Oklahoma, did he?

Porter Holder: No, he didn't show up at the Oklahoma [indiscernible] meeting and he didn't show up [indiscernible] the other day so I don't think we need him. He don't want us, we don't want him.

Jerry McPeak: Mr. Chairman?

Mark Wadsworth: Yes, sir?

Jerry McPeak: For those of you who aren't familiar with people from Oklahoma, they're not all like Porter and I but they should be. Are we on the review of the day and [indiscernible] recommendation [indiscernible]?

Porter Holder: [Indiscernible] housekeeping.

Sarah Vogel: [Indiscernible].

Jerry McPeak: Leslie suggested that she's going to look into the data and see what -- so that's where we're on that.

Sarah Vogel: [Indiscernible] but Jerry, I didn't mean --

Jerry McPeak: That's all right. [Indiscernible].

Sarah Vogel: Josiah just passed this document out and when Janie was here, I said, "Would you like support from the council?" She said, "Yes." I said, "Would you draft it?" She said, "Yes." So, this is it. She sent it and Josiah just printed it out. So, it's for people to review. I don't know whether folks want to take it up today or tomorrow, at the time tomorrow. I think it's a good idea to support something like this and it does have a link to USDA in the sense that the request would be that there should be all possible and available support including participation by OST employees in this project. Because I think the USDA folks would have a great deal of insight, as well as other agencies, that they could bring to bear on this issue.

Mark Wadsworth: Anybody else have any comments to this or did you want to address it this afternoon?

Jerry McPeak: Mr. Chairman.

Mark Wadsworth: Go ahead, Jerry.

Jerry McPeak: I have no qualms at all with the model code. I think it's important that we note that what Janie said today was there is no way they are forcing any tribe to do that, I

mean any nation to do that. They are saying that it is a recommendation. They believe it's a good idea and if we put our stamp doing the thing that's a good idea. But it's important to note that we are not in any way thinking that anyone should mandate to the nations that they do this.

Sarah Vogel: [Indiscernible] I'll move that we approve Janie's language subject to cleaning up by the OTR in the letter.

Leslie Wheelock: [Indiscernible].

Jerry McPeak: Second.

Mark Wadsworth: Third.

Leslie Wheelock: Mr. Chairman?

Mark Wadsworth: Yes, Janie?

Leslie Wheelock: This is Leslie Wheelock. There are a couple of things that -- I mean, it does need to be cleaned up. There are a couple of things in here. The program as it is is not a USDA program and the one thing that it is encouraging is participation by USDA employees and Sarah has probably identified in the first two lines the language that we're going to have trouble with. But I think that I will do my best to write it up. If the council passes it, I would highly recommend that people take a look at it and make sure that it flows from what we're supposed to be doing. I know that we're encouraging the Secretary and we're making recommendations to the Secretary

and the recommendation that this one is making that I can identify is USDA employees participating in the development of the model food and ag code project being undertaken. It's not a USDA program so it's kind of an at-will request. Thank you.

Jerry McPeak: Mr. Chairman?

Mark Wadsworth: Yes, Jerry?

Jerry McPeak: Perhaps not being as cultured as the rest of you nor as well versed in history, what is a Jewish response to hunger? Your stomach growls? Does anyone know what that is? Well, good. I feel better then.

Sarah Vogel: I think maybe it's a selection of initials, M-A-Z-O-N. Maybe it's a word in Hebrew or something like that. But it's a charity. It's a charity that gave a grant to --

Jerry McPeak: A what?

Sarah Vogel: A charity.

Jerry McPeak: That's what M-A-Z-O-N is?

Sarah Vogel: Yeah. It's an organization that gave a grant to U of Arkansas to do this food and agriculture work because it ties in with fighting hunger.

Jerry McPeak: And they are Jewish?

Sarah Vogel: Yes.

Jerry McPeak: I'm just asking, ma'am. [Indiscernible].

Sarah Vogel: They are. I mean, I just met the guy today but I've gotten a couple of e-mails from them and it's Shakopee

and this MAZON group which I've never heard of before but God bless them for supporting this work. It's pretty good. We could Google it. You could Google it. Okay.

Female Voice: [Indiscernible] address the issues of hunger.

Mark Wadsworth: I'm just reading this over and over again, kind of -- "in participation by CNARF members in the food and agriculture code being undertaken." "In participation," do they actually want us to -- kind of more definitive, what is the participation going to be? I think we're kind of getting into this process too if we're going to start supporting individual, I guess, organizations or not. And I'm just talking out loud here. You can correct me if I'm wrong or whatever. I think that maybe just taking out the MAZON and the community [indiscernible] group and just doing this as the CNARF itself making the recommendation as their own standalone letter saying that we see a need for this to be supported by USDA for the benefit of Indian tribes with the disclaimer that we're not telling tribes to do this or [indiscernible] exactly how that's going to affect tribes in the future. It sounds like we're on the cutting edge of this whole situation from what Janie was saying too so I just kind of got some unanswered questions so far.

Sarah Vogel: I think those are all good points. How about I withdraw the motion and take a stab at doing a one- or two-sentence re-draft for general support and cooperation where warranted by USDA? Because it will reduce barriers to participation in USDA programs if tribes are internally set up to ship and produce food and meat codes and so forth.

Dana Richey: This is Dana Richey. Mr. Chairman, I was going to suggest that we have an opportunity to review the charter of CNAFR to ensure that this kind of recommendation from the council is not out of bounds of the charter.

Mark Wadsworth: Yes, Jerry?

Jerry McPeak: We had a discussion similar to this at Las Vegas. I don't think [indiscernible] about. Nothing is binding legally about what we do so we would be very distraught if there are statements that we couldn't make. Now what people at USDA do with them, we understand, I think we all understand that we're simply making recommendations, but I would be very upset if there's -- not these [sounds like] recommendations we can make, whether USDA determines they are -- it's a little bit like your application, they should let them put in an application and someone else can determine if they're illegal or that they're not worthy or whatever but to say that we wouldn't make it a recommendation.

However, in light of that, Ms. Wheelock, to get into the rhetoric of lawmaking, I would like to suggest that we, in the first line, after the word "support" delete and beginning with the word "including" through the word "members," delete all of that. From the word "including" through the word "members," delete all of that. Beginning then with "in the model food and agriculture code project," all be included down to the word "law" in the six line and that be concluded with a period, and the remainder of that stricken from the recommendation. Thus, it would read, "The USDA and CNAFR should extend all possible and available support in the model food and agriculture code project being undertaken out of the leadership of The Indigenous Food and Agriculture Initiative at the University Of Arkansas School Of Law." That would strike everything in line two, the word "members" in line three, and go to line five, we'd strike everything from the remainder of that line, strike everything in line six and seven.

Mark Wadsworth: That's five strikes. You're out [indiscernible]. But anyway, anything on the second paragraph, Jerry?

Jim Radintz: Mr. Chairman?

Mark Wadsworth: Yes, Jim?

Jim Radintz: I don't know that we really need that second paragraph. It's more of an explanation of the resolution, and I

think with Mr. McPeak's changes, I think it gets closer to maybe what Sarah had in mind, is just sort of an endorsement of the concept, an indication that it's important.

Mark Wadsworth: Yes, Josiah?

Josiah Griffin: Mr. Chairman, this is Josiah Griffin. Just reflecting on previous council recommendation letters, I mean, historically what we've seen is the actual recommendation emboldened with a short paragraph with a more detailed explanation as to either why the recommendation is significant or what the potential intended impact is.

Jerry McPeak: In that case, we could cleave that second paragraph. I don't think we would like to include the language that we suggested that we strike from the first paragraph. That gets into some territory that could be pretty shaky. I'll change that. I don't want to attach my name to that. How about that? And then everyone else can decide for themselves.
[Indiscernible] you may love it, which is fine.

Sarah Vogel: I suspect Janie put that language in, about the Shakopee and MAZON because she's grateful to them for their monetary support for getting this program off the ground. So, she's just trying to acknowledge their support.

Jerry McPeak: I agree. But --

Sarah Vogel: But for our purposes, it isn't necessary. I think the second paragraph is good because it kind of lays out the area that it would be important to the work of USDA.

Mark Wadsworth: Further discussion, recommendation? Yes, Mary?

Mary Thompson: Thank you. Mary Thompson. I believe with this comprehensive model of food and ag code would be beneficial for Indian country and could support this recommendation. I especially like the intellectual property protections for traditional and tribal foods, the seed protection, sharing, propagating and controls over seeds unique to tribal history, educating the next generation of food growers, scholarships, supporting new and beginning farmers, gardeners, and business entrepreneurs, and addressing tribes lack of resources for food and ag law and knowledge of Indian law. And that would be beneficial for a lot of Indian country. Thank you.

Mark Wadsworth: Did we want to let Dana have a little time to review our language before we go through the formal or can you work with the changes through rewrite?

Dana Richey: I have no objections or comments on the changes that were made. I understand the reason for the changes that Mr. McPeak has proposed.

Jerry McPeak: [Indiscernible].

Dana Richey: I do understand the point you're making. So, thank you.

Mark Wadsworth: It has been moved and seconded to endorse the language that was changed by Jerry McPeak to the model of food and agricultural code project. I guess any further discussion, we can [indiscernible] question. All those in favor say, "Aye."

All: Aye.

Mark Wadsworth: Any opposed? Motion passes. Any other recommendations? Yes, Jerry?

Jerry McPeak: New subject. Tab 3, page one is the Secretary's response to Waters of the United States and all I'm going to do is make an update about that Waters of the United States. Sincerely I didn't believe that WOTUS, Waters of the United States, was actually getting legs. Unfortunately, it has grown legs. And admittedly this is my opinion but our people with USDA at home in Oklahoma are just [indiscernible]. They were at the meeting we went to, that was expressed and just recently [indiscernible] opposed to this but the people who actually have to oversee the implementation of this, think it's horrid to people who are actually on the ground. This is a disconnect from Washington, D.C. to the people.

I'm only reporting it and I understand and we understood. At the time we made this, I was under no misconception that

Secretary Vilsack had anything that he could particularly do, except that when he's in any cabinet meetings, say that, "Hey, these folks don't think this is very good." So, I'm reporting to you that Waters of the United States has grown legs. It now has a life. We are actually running a bill in Oklahoma legislature to give our people of Oklahoma an opportunity to vote on this that I recognize probably will have no effect. But we are concerned about it. I hope that you as Native Americans, I hope that you as U.S. citizens be concerned about it. But particularly there are some things written in those regulations that give the government an opportunity to come on to your land and do things that certainly the tribes can't accept, sovereign nations can't accept, won't accept, and I really don't know why any free American would accept. So, my report is only to tell you that what was an act for us, which I thought was a positive one, this actually has grown stronger than I thought it would. So, continue to be aware in your areas, be aware in your state, be aware with your congressional people that you can do things to help modify this.

It isn't that the concept is bad, which as Indians, you know, water is big to us. I'm going to -- Mr. Chairman, if you don't mind -- take this personal privilege to tell you a story that I got into about the water this summer in Oklahoma.

We have a set of about 150 houses. The houses cost a \$250,000 to \$500,000. They wanted the state to drill a well, give them the water free, for whatever it cost us drill a pipe on the water for no cost. I think it's going to have long-lasting effect for water in Oklahoma. I think there's a way bigger story to it. But in my argument -- Gilbert, you will appreciate this and it certainly wasn't politically correct - that won't surprise you -- but [indiscernible] my argument, I said, "You know, my people, whether we lived in teepees or houses, the first thing we did was find out if there was any water available. Just another proof that you guys, white folks, aren't near as smart as we are." But that's what's happening in Oklahoma. So, water, water, water, water. So important, the control of water.

Ten years ago when I ran, I was asked about my primary issue, I said I don't really have any issues but water is going to be my greatest concern, and the lady said, "You're nuts." Really, she wouldn't take my answer. But, water, folks. And water of these United States under the regulation that they're sending down now are absolutely horridly atrocious, and the people who have to apply those rules don't believe them at all. And anywhere, I haven't found one person who does. So, please be aware of your areas, be aware about your tribes but be aware in your own states because it's coming down.

Next subject. Our first meeting, Leslie, that we had, Josiah wasn't here yet, I'm just looking -- you are an intern with --

Female Voice: [Indiscernible]

Jerry McPeak: [Indiscernible]. Okay. And you're with?

Male Voice: [Indiscernible].

Jerry McPeak: Okay. So, what other USDA offices do we have here besides him?

Male Voice: [Indiscernible].

Jerry McPeak: You. There you go, I'm sorry.

Male Voice: Right, right. I'm actually here just shadowing the Office of Tribal Relations [indiscernible].

Jerry McPeak: Thank you. Do you get my point? They spent a year talking to us and at us and down to us, and now it's not important enough to show up?

Mark Wadsworth: Yes, Gilbert?

Gilbert Harrison: Gilbert from Navajo. In line with what Jerry's saying, when we first came on as council members here, I think one of the duties that we were charged with was to recommend to the Secretary policies or rules within USDA guidelines, within USDA, that prevent Native Americans from taking advantage of USDA programs. We haven't really done any specific recommendations as to what rule we have within the guidelines that USDA folks out at the field use to say these

need changes. We talk about things like this water code which is important, we talk about other things that we recommend to the Secretary, but I'm trying to think what have we really recommended to the Secretary, say, "We want you to modify this rule or this regulation," to say, "If you change this, it would benefit the Native farmers and ranchers." I think we should take a look at that. Because there's many, many -- even under the new Farm Bill, I've already come across three or four regulations that have not been changed or that have not been modified to make it easier. And I'll bring this up when we talk about EQIP tomorrow.

So, I think we sort of need to get back and -- [indiscernible] things that he can't change, we should be aware of that and not spend a lot of time on those but really get back down to what is it that we need to recommend that he has authority to change. That sort of bothers me. I'm not sure whether I'm in the right track or not but this is what I feel that we're lacking here and we have a lot of those on the table. And it's nice to know about these programs but the thing is maybe we should look back at our initial charge and say where do we need to go from here. Thank you.

Mark Wadsworth: Any other recommendations, observations, concerns? Yes, Jerry?

Jerry McPeak: Thank you, Mr. Chairman. I have a question that I would like, and something Gilbert points out, I'd like to hear more of what all you guys have to say about the areas where you're from. That's done me more good as far as understanding and trying to push this thing around [sounds like]. From my viewpoint of what we've all dealt with the last three years, Mark, and I've heard you guys talk about, is you get USDA recommendations but then we get BIA who doesn't agree with that or doesn't get on board with that. I guess my question is, do you folks think that this lack of confidence that BIA has in USDA or is it -- and you may have a better answer -- or is it the rules and regulations, the thing, guidelines? Is it history? What have you guys found at home, or Catherine, from your experience either?

Catherine: This is Catherine from BIA. And I think it's a variety of things. I think it's complicated and it varies regionally and by people and what level you're at. I think in terms of what the council is doing, you're not directly saying, "This is my recommendation for BIA," so we're working together but it's kind of a slow process as we keep trying to establish more meetings. I know Leslie's been working on setting up additional meetings between BIA and USDA. So, we're trying to really incorporate all the suggestions that we're hearing here but I think a lot of problems are longstanding, entrenched.

Statutory, it might be regulations, we kind of have to tackle them I think individually so we can figure out specifically what's the barrier there and then how do we address that specific barrier and just I think that there are myriad of barriers but we have to keep kind of looking at each one individually and figuring out how we can address those. That's my perspective, I think. I'd love to hear from the council more what we can be doing better, what specific issues there are we can address.

Mark Wadsworth: I guess, Jerry, it's quite interesting that you were talking about your double cropping issue and for some reason you're unable to do that within a permit or a lease as long as it was involved with the Bureau of Indian Affairs, that they would only allow you to do one at a time. Because it's always baffled me because I just ran into a same situation down in our reservation and we were trying to do the research on this, how come this happens.

And our example is that in the past we had a considerable open pit phosphate mine, it was the fourth largest in the United States at the time it was going. From that, we've had to deal with a lot of Superfund funding on that situation where we had some selenium problems also administered for that. So, when I came into the range manager position, we were just in the process where all of those leases were running out on the

farming or the mining leases. All this land that they had been working on also was within the range units. So, one of the situations with agreements with one of the mining companies was that they would agree to pay so much per dollar per acre for so long. At that time period that I came involved with it, that money ran out from FMC, from [indiscernible] and situation [indiscernible] because it was a phosphate mine that dealt with a lot of situations with some chemicals and as such.

So, there was a few tribal members that said, "Hey, I'm no longer getting this mining income or this small amount," and it was comparable to what their range AUM rates were, but I still see cattle out on the land. Because they had a lot of leases, not only leases that they did mine but they leased other leases that they would mine in the future but they never got to it or it just became such a situation that it wasn't profitable for them. So, we went back to the BIA and said, "You know, some of this land wasn't mined but yet it was open and there are cows on there. Why wasn't this dual leased, dual purpose? It actually was mined but it also had cattle grazing on it." And one of the situations they told us, "Well, that's never been the policy of our tribe. You could only lease for one use," and I guess that's something that needs to be corrected by the bureau because I thought it was just a tribal agency issue with BIA. But to find out from you guys that you're finding the same sort

of situation that you can't dual lease for two different uses, and I think that that's going to help the owners of that land.

Because right now we actually have a crossing trail where people herd their cows across our reservation and we charge a crossing permit fee, but what they did was they separated that land out of the range unit and put it into the pole line trail crossing area. It was about 9000 acres. We just re-GPS'd where it should've been about 2000 acres. We're taking that other land that was not used in the pole line trail and we're putting it back into the range unit so that they get income now from the grazing. But that 2000 acres where it's being dual leased both by the crossing permits and the grazing permits, we ran across the same situation that you cannot dual lease. And I think that even though it is being used for both aspects, because it isn't fenced off, it's not like a fenced off road, in some areas it is but for the most part it's being utilized in both ways, so I think we got to correct that. That is a solid recommendation I think that needs to come from BIA. Yes, Mary Thompson?

Mary Thompson: Thank you. And as we're talking about these issues, Catherine and I spoke earlier kind of on the side but for the record I would like to add that we talked about land trust, land-into-trust issues with BIA and Catherine explained that the process -- what our tribe is experiencing somewhere along the lines of eight years and that Catherine suggested that

process should not take that long. Well, we agree. So, I guess the recommendation is to evaluate or find that loophole or that miscommunication or that desk where all that paperwork is stacked up on and move it forward. But at least to take a look at what is holding up the paperwork process. Thank you.

Mark Wadsworth: Yes, Sarah?

Sarah Vogel: My thought -- and this harkens back to what Gilbert was talking about, that we don't seem to have enough recommendations with regulations, with recommended changes for regulation, and I would not fault the USDA folks or the agency representatives for that. I would fault perhaps ourselves because we haven't worked hard enough on our subcommittee structure, that the subcommittees -- and I know this is true for the credit subcommittee, we were set up, we had meetings, unfortunately, a lot of things got slowed down and partly my fault, partly loss of the minutes, but I think our subcommittees need to do the work in between the meetings and show up at the meetings, circulate in advanced to the meetings with very detailed things that are specific. And I'm sure the staff of the OTR will help us in making those recommendations very concrete. But that's kind of what I was thinking because if we wanted to have changes in, say, credit regulations, we would need to present those in a recommendation. So, more work for us but I think the results that we want would be more likely to

come about the harder we work on this. In between meetings, not just at meetings.

Gilbert Harrison: Mark?

Mark Wadsworth: Yes, Gilbert?

Gilbert Harrison: Thank you. Two specific areas that I am still not satisfied with. One was the recommendation that we had been trying to work on was the leasing of forestry lands where you dealt with base property and it said if you have a rancher on the reservation, you couldn't go off and lease property. And somebody's prime lands that Forest Service has that's under lease, we're told that the Forest Service was updating that but nothing so far, and so that discrepancy still exists. And the other issue that --

Sarah Vogel: May 2014 that request was made.

Gilbert Harrison: Yes. And so, that problem still is there and we don't have equal access to get these leases on forestry land, and that was one of the things that we're trying to work towards. And in the same sentence, we wanted the BIA to at least come to some sort of a recommendation or statement to say that if you have a valid land use permit under trust status where you're ranching, that would be equal to a base property off reservation. That still has not happened. Just to say that gives us an opportunity to get in on some of this prime grazing area. That's one.

Right now within the EQIP program, if you apply for EQIP program, there's a thing called you have to have control over the land that you operate. But on reservations, a lot of places we don't have that, it's open range so a number of families may use a water well, a resource that's common to those people which has been done all these years. And so, if we apply to upgrade that windmill or that water trough, the issue of control of land as interpreted by USDA says, "You don't have a fence around that property to say that you control it." But you know, in an open range situation, it's still federal trust land, Navajo Nation trust land. Yet, because that base property or that control of land as defined by USDA, you become ineligible. Those are the kind of things that I think comes to mind that is programmatic and I'd like for us to, maybe as Sarah says, somehow we got to start putting forth these and be persistent in getting some sort of answers. Thank you.

Mark Wadsworth: Yes, Sarah?

Sarah Vogel: That's a very good reminder, Gilbert, because all these recommendations, and there were a number of them made in May of 2014 to the Forest Service and the commitment was made that they would get back to us at some point when the consultation started or whatever, but I think an update after more than a year would be certainly in order. That's a big issue.

Mark Wadsworth: We did have a committee meeting on the Forest Service at one time after we had the recommendation and at that time the person -- Ralph, I believe his name was -- Ralph Linden [phonetic], I believe -- was mentioning that they're going to be going through their comment period for new regulations on the Forest Service-BLM allotment process. And he was mentioning at that time, I think it was one or two years down the road and here we are in one in two years -- I guess we do need to get it back on.

Leslie Wheelock: This is Leslie, The recommendations that include in the notes of reference to the Forest Service directives, those directives have been completed after extensive consultation and they are out for final comment over the next, well, I'm not sure how much time is left. They were released for final comment for about 120 days and so they're still out there and still open for comments. I'm not quite sure. I guess what we probably need to do is to take the recommendations back over to Forest Service and ask them for the specific sections in which the recommendations have been addressed so that we can focus those sessions back to the council. I think if we had had focused on these earlier, we would have had somebody here and we may actually still be able to get somebody here. So, we'll see what we can do. Thank you.

Mark Wadsworth: Yes, Sarah?

Sarah Vogel: I guess this is a little unclear. It says, "Forest Service continues to work on updating the directives that oversee the grazing permit process. Forest Service has agreed to come back to the council once consultation begins on the updated permit processes," which kind of implies that they would've been here by now, not now they have proposed final regulation out for public comment, so it does seem as though unless they intended to say, "As soon as we have final regulations, we'll talk to you," but the impression I guess I had is that they would come back once consultation begins. Because, for example, if they were consulting in and about Idaho, I think Mark would've been there.

Gilbert Harrison: Thank you. Gilbert Harrison. I'm trying to make at least one difference here. But anyway, would it be possible to ask Forest Service, whoever's working on this to come join us briefly tomorrow? I know it's a last-minute thing. If not, maybe we can get copies of what's being proposed so at least we can have a look at it. Otherwise, it's just floating out there somewhere and we don't know. Thank you very much.

Mark Wadsworth: All right. Any other further comments, suggestions?

Sarah Vogel: I think maybe Josiah or Leslie could, or Dana [indiscernible].

Male Voice: [Indiscernible].

Mark Wadsworth: I believe Leslie and Josiah are going to try to get somebody here but nothing definite. We'll see how that works. Anyway, any other comments or recommendations? Anybody want to move to adjourn? It's been moved and seconded that we break for today and then we'll meet tomorrow -- at what time? Eight o'clock. Okay. 8:30. All those in favor say, "Aye."

All: Aye.

Mark Wadsworth: Any opposed? Motion passes. Adjournment.