



United States
Department of
Agriculture

United States Department of Agriculture
Council for Native American Farming and Ranching
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Mark Wadsworth: If everybody would kind of get settled here, we'd get going. [Cross-talking] Would you like to do your little brief announcement about the use of the microphones and stuff?

John Lowery: Yes, if everyone would please remember, we are recording this, so please wait and hold the mic over to you as close as you can and [inaudible]. Please remember to state your name before speaking [inaudible].

Mark Wadsworth: Okay, I'm Mark Wadsworth. And we need to go and officially call this meeting to order, go through a roll call first. Mary Ann Thompson.

Mary Thompson: Present.

Mark Wadsworth: Jerry McPeak.

Jerry McPeak: Here.

Mark Wadsworth: Angela Peters?

Angela Peter: Here. Peter.

Mark Wadsworth: Peter, okay.

Angela Peter: It just bugs me. I'm going to fix that. I have to bring my [indiscernible].

Mark Wadsworth: Edward Soza. Edward Soza is not here at this time. Sarah Vogel. Sarah Vogel is not here at this time. John Berrey. John Berrey is not here at this time. Gilbert Harrison.

Gilbert Harrison: Here.

Mark Wadsworth: Henry Holder.

Henry Holder: Yes, it's Porter.

Mark Wadsworth: Porter, I'm reading the names. Okay, Derrick Lente.

Derrick Lente: Here.

Mark Wadsworth: Tawney Brunsch. She is not here. Chris Beyerhelm.

Chris Beyerhelm: Here.

Mark Wadsworth: Reid Strong.

Reid Strong: Here.

Mark Wadsworth: Leslie Wheelock.

Leslie Wheelock: Here.

Mark Wadsworth: And Val Dolcini.

Val Dolcini: Here.

Mark Wadsworth: Gilbert Harrison, please do a blessing.

Gilbert Harrison: Yes, remove our hats please. Lord, we come before you on this beautiful winter evening or winter day here in Las Vegas. We pray that we get more moisture across the Southwest United States. And as of this day in our meeting

today, we pray that we have a clear mind and that we make the best recommendations and other decisions that are in the best interest of our people, the farmers and the ranchers. We pray this in your name, [speaks in Navajo]. Amen.

All: Amen.

Mark Wadsworth: Now on this first part, John you have introductions.

John Lowery: Hello, this is John Lowery, the designated federal officer. I just want to take this time for everyone to introduce themselves. And we can also ask those that are in the audience to introduce themselves as well just so we can know who are also here.

Angela Peter: Hi, my name is Angela Peter and I'm from Alaska. I work with the Alaskan Tribal Conservation Districts. We have formed the Alaska Tribal Conservation Alliance. It's kind of the counterpart for the IAC here, so that's what I do.

Chris Beyerhelm: Good afternoon, I'm Chris Beyerhelm, deputy administrator of Farmland Programs at FSA. I'm glad to be here.

Mary Thompson: I am Mary Thompson from North Carolina. I'm a member of the Eastern Band of Cherokee Indians.

Val Dolcini: Good afternoon, my name is Val Dolcini. I'm the administrator of the Farm Service Agency at the U.S. Department of Agriculture in Washington.

Gilbert Harrison: Good afternoon, my name is Gilbert Harrison. I'm with the Navajo, a member of the Navajo Tribe from the Four Corners Area. And I want to welcome you by saying *ya'at'eeh*. In Navajo, that means hello, so *ya'at'eeh* everybody.

All: *Ya'at'eeh*.

Gilbert Harrison: Okay, good. Thank you.

Porter Holder: Good afternoon, I'm Porter Holder. I'm Choctaw from the Choctaw Nation, Southeast Oklahoma. I live within the Choctaw Nation boundaries. I'm a rancher. And it's *halito* in Choctaw, which means hello.

Mark Wadsworth: My name is Mark Wadsworth. I'm a member of the Shoshone-Bannock Tribes. I also manage the range program for the Fort Hall Reservation. I do live on the reservation myself also in Idaho.

Derrick Lente: [Speaks in Tiwa]. In our language, that means good afternoon or good evening. And my name is Derrick Lente. I'm from the Sandia Pueblo in the middle part of New Mexico. It's good to be here this afternoon. I also want to say a special happy birthday to my daughter. Today she's a 13-year-old girl so that makes me a father of a 13-year-old daughter. I don't know what that means but I will find out what that means when I get home I'm sure.

Mark Wadsworth: I will guarantee you, next time, you'll have grey hair, I think.

Derrick Lente: I got one. I saw one this morning so it started. But I'm an attorney. I'm in New Mexico. I specialize in federal Indian law. I also teach at the University of New Mexico where I teach Pueblo [sounds like] Indian law. And my daughter and I are partners in a little operation we run. It's called Lente Land and Cattle. We farm alfalfa. We raise irrigated pasture and raise purebred Santa Gertrudis cattle, so it's good to be here this afternoon.

Jerry McPeak: Thank you. [Speaks in Muscogee] I'm Muscogee Creek from Oklahoma. I live in Warner, Oklahoma. I've got more jobs than anybody my age ought to have, so I won't go through all of those. Derrick to my right is a very smart, young man. He has Santa Gertrudis cattle which we haven't heard of at Connors State College.

Leslie Wheelock: For the record, that was Jerry McPeak.

Jerry McPeak: I'm Jerry McPeak, no way [indiscernible].

Reid Strong: I'm Reid Strong. I'm with USDA Office of Civil Rights and I'm here for Dr. Joe Leonard.

Leslie Wheelock: [Speaks in Oneida]. My name is Leslie Wheelock. I'm a member of the Oneida Nation of Wisconsin. And that's hello everybody. I'm the director of Tribal Relations at USDA.

Kathryn Isom-Clause: Good afternoon, I'm Kathryn Isom-Clause. I'm a counselor to the assistant secretary for Indian

Affairs at the Department of Interior. And the council asked for a liaison to the BIA, so that's what I'm here to do, to help out.

Mark Wadsworth: Thank you all and in Shoshone [speaks in Shoshone], it means good day. Anyway, I'd like to review our agenda meeting materials, is that -- John?

John Lowery: Yes, this is John Lowery once again. Just to briefly go over the agenda with you, so we had a call to order at 2:00, a blessing at 2:05, introduction at 2:10, review of agenda and meeting materials at 2:15. We'll have a Keepseagle update from 2:20 to 2:50 with Christine Webber. Then we have a 10-minute break from 2:50 to 3:00, a public comment period from 3:00 to 5:00, and then we're having a working session from 5:00 until 5:45. Is there any question regarding the agenda?

Okay, also regarding the materials in your binder, we do have the -- is this a sixth month report or yearly? Okay, this is the sixth month report from the Farm Service Agency, let's see. There are two in here, a report by county and also a report by state, dealing with the farm loans. So Chris will go over that tomorrow. That's from Tabs 2 and 3. In Tab 4, we have the October Monthly Report from the Office of Tribal Relations. Number 5, you guys asked for contact information for each other, so I put that in there in your binder. Number 6 is calendar of upcoming meetings for the council. Also at number

7, we got recommendation templates. So for any of you guys who are listening and coming up with some ideas and would like to have somewhere to jot this down. Number 8 is the *Federal Register* Notice for the council meeting, which went out last month. Number 9 is the map of the hotel, which is always good and also Las Vegas Airport to Flamingo Hotel, a map as well.

So you would not believe when I actually learned I was going to be the federal designated officer, this was one of the first things that they said to me, "Look, make sure your council members know how to get where they're going." Maybe we need to buy him a GPS device. Also, we put in the quick reference guide and also some note paper in the back. So I do have other materials to pass out with regard to the subcommittee reports and also a document to follow up on recommendations but we'll do all that tomorrow. Thank you.

Male Voice: John, I noticed that there were some blanks in the contact information for USDA officials. I think you can probably plug all of those in or emails and our phone numbers and such.

John Lowery: Yes, sir. Yes, sir.

Male Voice: That will be great so that others can get a hold of us if they need to.

John Lowery: Exactly, exactly.

Male Voice: Thank you.

John Lowery: Thank you.

Mark Wadsworth: Go ahead, Gilbert.

Gilbert Harrison: Mark, this is Gilbert Harrison from Southwest. I wanted to ask. Though we have a report in Tab 2 and Tab 3, we have a lot of numbers here in spreadsheet formation. If it would be possible maybe just a short recap in a paragraph or two to highlight some of the things that we've done here in USDA. I know you made a lot of good progress but it's hard for me to decipher individually from just a bunch of numbers. So maybe on the next report, if we can do that, it will be real good and very helpful. Thank you very much.

Chris Beyerhelm: Yeah, I can. It's okay to supplement material. John, I can get something ready for my presentation tomorrow.

Gilbert Harrison: Thank you very much.

Mark Wadsworth: Thank you. I guess our next agenda item is with Christine Weber.

Christine Webber: Good afternoon, my name is Christine Webber. And I'm one of the class counsel in the Keepseagle versus Vilsack litigation, for several years now in administering the settlement agreement. And I wanted to give you a further update on where we are and thank you very much for having us back. This has become a regular feature of your meetings. And I appreciate getting the chance to touch base

with you and also to be here to hear about all the work that the council is doing.

When I met with you last, it was in September. I can't remember the exact date. We were just about wrapping things up. We have made some additional progress since then. I want to fill you in on that and also tell you the latest developments in the court. On September 24th, we submitted to the court an unopposed motion to modify the settlement agreement. This is a motion filed by the plaintiffs but not opposed by USDA. Filed with that were the actual written modification of the settlement agreement. It was in the form of an addendum. It was signed off on by USDA as well as the plaintiff's counsel and the actual trust agreement that we were asking the court to approve.

So as we discussed at the last update basically this keeps the cy pres funds from the Keepseagle settlement for the original purposes of going to nonprofit organizations that provide services to Native American farmers and ranchers but it changes the mechanism for how those funds get distributed. The original agreement had class counsel simply making a recommendation to the court, the court approving it, and then the money is out. This process would take most of the \$380 million of cy pres funds, and put it in a trust and appoint a board of trustees. The exact duration will be at their discretion, but they have up to 20 years to pay the money out.

And it's still, again, to nonprofit organizations for the benefit of Native American farmers and ranchers. Question?

Jerry McPeak: Are you saying that's what you're recommending or that's what has been recommended to change [indiscernible]?

Christine Webber: That is the recommendation that has been made to the court.

Jerry McPeak: [Indiscernible]

Christine Webber: That we made and that USDA approved. So that's sitting before the judge right now. That would be 90 percent of the funds, \$38 [sic] million. There was a real strong desire to have some of the money distributed more quickly. Obviously, these negotiations over exactly how to handle the cy pres funds have taken about two years now. So there was some concern that setting up the trust and getting the grant-making process for a trust up and running would take some period of time. And so we agreed in this same settlement addendum to take \$38 million, 10 percent of the cy pres funds and do a fast track process with those funds in which it would be class counsel making recommendations to the court just because we can do that more quickly than a full foundation can be up and running.

So that motion was submitted to the court on September 24th and then on September 30th, we submitted our nominees for the

board of trustees. Again, these are nominations we have made. The court has not ruled on anything yet. That will be the third part of my update, it's the current status. But I do want to let you know who we nominated. This was a tough decision. We had about 100 names that were nominated to us. We had a series of meetings throughout Indian Country over the course of the summer which we solicited nominations. We had letters that went out to all of the class members. We had postings up on our website. And through those different avenues, we collected a large number of names of candidates. We did a lot of research about who these folks were and found a very impressive group of people and narrowed it down to the 13 names I want to go through with you today.

So we had Ross Racine you all I'm sure know. You were here at the ISC conference. Porter Holder, obviously also well-known to you all and one of our original named plaintiffs as well as serving as your vice-chair. Claryca Mandan who was one of the original lead plaintiffs in the Keepseagle case and really worked for a decade before that trying to get the case going. Professor Joseph Hiller who's a professor emeritus from the University of Arizona in the agricultural college there. Elsie Meeks who has just announced her retirement from USDA where she's been with Rural Development in South Dakota.

Male Voice: What's the name again?

Christine Webber: Elsie Meeks.

Male Voice: Elton?

Christine Webber: Elsie, E-l-s-i-e, Meeks, M-e-e-k-s.

Sherry Black who's with the NCAI. Pat Gwin has been director of Natural Resources for the Cherokee Nation. Paul Lumley who is executive director of the Columbia River Inter-Tribal Fish Commission. James Laducer who is a director and owner of Turtle Mountain State Bank. It's a privately-owned Native American-owned bank operating in North Dakota. That's actually been successfully doing lending on reservations and that's some of the expertise that we want brought in to the board. Charles Graham who is a state representative in the State of North Carolina in the General Assembly and a member of the Lumbee Tribe. Monica Nuvamsa who is executive director of the Hopi Foundation. Rick Williams who is retired now, but until a couple of years ago was director of the American Indian College Fund. And Michael Roberts who is executive director of the First Nations Development Institute.

So we've got really, a tremendously talented group of folks that permitted us to put their names forward as trustees. We actually also have many more talented folks, more than we could include on the first board. But one of the features of the trust agreement is term limits. So there will be turnover amongst the board of trustees. So we know that there's many

other talented folks to come forward and fill the shoes of these trustees as they step off the board.

The trust agreement also provides for advisory committees that the trustees would convene advisory committees whether they want specifically for geographic areas, whether they want to do it for specific types of farming or for specific particular issues that they want to have more input on. So we'll also be passing on to the trust once it's up and running many of the other individuals who we had the chance to learn about in the course of our search for these trustees because we think many of them are going to be good candidates for the advisory committees and for future board slots. So this has all been submitted to the court.

There are two other things going on. One was there were two groups that tried to intervene in the litigation. The Choctaw Nation and the Jones Academy, a school that they support, had moved to intervene and a group of claimants, a group of class members from mostly from Great Plains had separately moved to intervene for different purposes. The judge in November ruled that neither party would be permitted to intervene in the litigation. He said neither of them had legal standing, meaning they didn't have any legal rights to the remaining cy pres funds. Therefore, he was not going to let them intervene as parties to the suit but would let anybody

comment as a friend of the court on the motion that we had submitted to modify the settlement agreement.

On December 2nd, we had a status conference before Judge Sullivan. And at that conference, he permitted Marilyn Keepseagle, our first-named plaintiff to address the court. As I mentioned in some of our previous updates, there were a number of class members, including the Keepseagles, who hoped that the cy pres funds instead of being distributed to nonprofit organizations to provide services to Native American farmers and ranchers, could go directly to the prevailing claimants. We told the judge that at our status conference in November of 2013 and the Keepseagles had sent some letters to the court in the intervening months restating and reemphasizing that that was their first choice. And the judge had never seemed to take notice of any of these. But when Mrs. Keepseagle appeared in person at the December 2nd status conference, the judge let her speak. And she reiterated that this was a very strong preference of the Keepseagles and of a number of other class members as well to have the money go just to the prevailing claimants and not for the broader distribution of the cy pres provisions provided for.

The judge indicated that he was hearing her request as a request to modify the settlement agreement and that he did not know if there was any legal basis for the request. But he

obviously wouldn't expect her as a non-lawyer to know either and that he wanted to give her the opportunity to see if she could find a lawyer who believed that there was a valid legal basis and present legal argument on her behalf. As class counsel, we had already reviewed the issue and determined that under the terms of the settlement agreement, which said that there would be no modifications of the settlement agreement without consent from both the plaintiff's counsel and the USDA. We did not feel that we had legal grounds to ask the court to make any modifications to the agreement over USDA's objections. But obviously other lawyers might have different opinions and we have been working with Mrs. Keepseagle to identify a law firm that might be able to assist her in presenting those arguments.

As the judge said at the end of the hearing, she may not be happy with the ultimate outcome of what he decides. But he does want her to be certain that she has had every opportunity to have her views expressed and that he has considered all of the arguments that she or any lawyer on her behalf can make before he makes a decision. He feels very strongly about making sure that everybody feels fully heard. There were actually some other class members who had come to court that same day and he did not hear from any of them. He just heard from Mrs. Keepseagle but he did indicate that there would probably be another opportunity before he makes the final decision on the

pending motion to modify the settlement, another opportunity for class members or other interested persons to express their views to the court directly.

So right now, on the one hand, we have had progress. We actually now have a signed agreement. We have signed off on a trust agreement and a slate of nominees to the court. What we don't have is a date on which the court is actually going to consider the pending motion because he wasn't sure how much time Mrs. Keepseagle would need to try and identify counsel who would make an argument on her behalf. My best guess is it will be January or February before we're back in court with additional counsel for Mrs. Keepseagle at which point the judge will set a formal briefing schedule to address her request. And my best guess is it will be June before we have a final decision. Obviously, the court will set its own schedule. I'm just trying to give you my best estimate of when it's likely to be. So are there questions that I can answer?

Mark Wadsworth: Yes, Mary.

Mary Thompson: On the term limits, what were the terms?

Christine Webber: They are going to be three-year terms. Except for the very first because we're starting everybody off at once. We'll put some folks at two years, some at three years, some at four. So we'll start off a staggering pattern. And they'll be permitted to have two consecutive terms and a

maximum of -- I don't have it. I've got it at the back of my bag but I think it's a maximum of nine years so they can have two terms consecutively and go off the board and come back for another term.

Mary Thompson: The other advisory committees, do you have a timeline or a timeframe for setting those up?

Christine Webber: No, that will be up to the board of trustees to decide.

Mary Thompson: And I missed one of your -- I can find it out later. That's all I have. Thank you very much.

Christine Webber: Okay.

Mark Wadsworth: Gilbert?

Gilbert Harrison: Gilbert Harrison from Navajo. Somewhere along the line that we have recommended, of course, we agreed to the foundation concept but we have recommended that there will be no 20 years or some years for this foundation to exist because there is life after 20 years.

Christine Webber: Absolutely.

Gilbert Harrison: So I guess, where was that 20 years and how was it agreed to and by whom?

Christine Webber: That was a compromise. Our initial proposal on behalf of the plaintiff class was let's make this a permanent foundation. You know, \$380 million is a sizable endowment and it can generate interest so that you could have a

fund existing in perpetuity. USDA, DOJ - I should say that we communicate with the DOJ lawyers. They say they're speaking on behalf of USDA. I don't mean to attribute views to one versus the other. But we were told that there was a basic concern that we should try and get the money out as quickly as possible to benefit as much as possible the generation that was immediately impacted by the USDA actions that were the original subject of the lawsuit which obviously addressed things, incidents that occurred from 1981 through 1999.

And one of our points was that the settlement agreement specifically provided for estate claims that we recognize even by the time the claims process began in 2011, many class members had already passed away. Although there was a process for their heirs, for their children, or grandchildren to pursue claims on behalf of their estates, we know in many instances the individuals didn't have enough information in order to sustain a claim. Basically, the people who had the information were no longer with us and so many of those claims were not made which is one of the reasons we have so much leftover money. And that given that it was largely estate claims that were impacted by the timeframe of the settlement that having funds that benefit those individuals going into the future really is an important thing. Frankly, the individuals who were unable for whatever reason to make claims, people who passed away too soon, or who

didn't have clear enough memories of what they would need to set forth in the claim form would at least like to know that if they didn't get the money to help put their children on a better foundation going forward, that these funds would be available to the community to support their children going forward.

That was something we heard consistently when we first started talking about the foundation. I was here in 2012, I think, when this was something of a gleam in our eye before we had very serious discussions with USDA. And we had an extensive open comment period when which I filled up an entire notebook with taking notes about people's ideas of how these funds should be used. Well over half of them were very youth-specific. We took that very much to heart that what we were hearing from the community was that some of the best investments we could make is in youth-related programs to get the next generation of farmers off to a good start. So we've tried very hard to accomplish that as much as possible but there were countervailing concerns of get the money out as quickly as possible to benefit people who are alive today. Between those two views of infinity and five years, we got closer and closer together and finally ended up settling on 20 years.

Gilbert Harrison: Okay and one other comment please. The initial board, was there a call for nomination? How was the nominations solicited? Was it by the CFR? How was that?

Christine Webber: Well, it wasn't through the CFR because we're not a federal program directly. We solicited nominations through the Indian Farmer Class website, the case website. We sent written notice to all of the individuals who had filed claims about the proposed trust and encouraged them to submit suggestions about the trust in general, including specifically identifying trustees. We had a series of eight meetings through the summer, eight in-person meetings, plus three telephone conference calls to talk to both class members and members of the community in general about their views about the trust that we were still working out the final details on at that point. And in all of those programs solicited nominations for the board of trustees and through word of mouth also talked to folks who we knew had been active in this area to solicit their views and make sure we had a robust slate of candidates. As I said, we ended up with about 100 names to consider.

Gilbert Harrison: Thank you.

Mark Wadsworth: Yes, Chris.

Chris Beyerhelm: Chris Beyerhelm, USDA. Christine, thanks for clarifying that USDA comment a little bit because I think most of these negotiations have been between the DOJ and class counsel. I certainly know myself, Mr. Dolcini, his predecessor. Have you been involved in those conversations?

Christine Webber: Only to answer questions.

Chris Beyerhelm: Right. So thanks for making that, yeah, it's not that USDA was opposing any of these or you know, making any recommendations one way or another.

Christine Webber: Yeah. Obviously, all of our contacts have been with the DOJ counsel. And obviously, I hope that they also go back and talk to their USDA clients, that's what lawyers are supposed to do, talk to their clients. But I understand that particularly in some of the issues that we were discussing that the Justice Department felt some sort of institutional interest as the lawyers for the government in all cases that they wanted to address. That was actually in one of their most recent filings with the court. They talked about the institutional interest that the government is one of the reasons they had concerns about some specific proposals. My impression was that while it was on behalf of the government, it was particular concerns of the Justice Department.

Mark Wadsworth: Yes, Gilbert.

Gilbert Harrison: One other comment, so this final decision could drag out for a while?

Christine Webber: I'm afraid so. It's hard to know specifically. I think most likely, a decision by the summer by the district judge, and then of course there's the question whether anybody chooses to appeal that decision. That could delay things another year.

Gilbert Harrison: By another year?

Christine Webber: I'm afraid so. I don't know for sure that there will be an appeal, given the activity that's gone on. Although they were denied intervention, there is counsel for a group that calls themselves The Great Plains Claimants. They're obviously some of the claimants from the Great Plains, not all the claimants from the Great Plains, but the counsel for that group seems likely to try and pursue an appeal.

Gilbert Harrison: Thank you.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Jerry McPeak. Christine, thank you for the work you've done and obviously your personal portion put into that you actually felt and I appreciate that.

Christine Webber: Thank you.

Jerry McPeak: My questions aren't because I disagree at all, because I'm one that agrees that unfortunately for years, centuries, the government has parceled out enough for any of this to exist but not enough to become successful. So I think using the money in 20 years, not even that, less than that, 10 or 15 but, so I agree. So my question is not that I disagree, but you said we agreed and we selected. Who is we? It's paramount that I do know so I'll get it.

Christine Webber: Sure. Class counsel negotiated on behalf of the class, trying to keep in mind the interests of the

class as a whole and what we were hearing from a variety of class members.

Jerry McPeak: Class counsel, so lawyers?

Christine Webber: And our class representatives Porter Holder and Claryca Mandan have been very involved. Every time we had to make a decision, we go back and talk to them. We, also, throughout most of these have been talking to the Keepseagles, who are also named plaintiffs although as they became more settled that they really preferred a distribution to the class. They didn't want to talk about who would be on the board of trustees because they just wanted to focus on getting money to claimants. But know, Porter and Claryca have been if not present for all the discussions with the DOJ counsel, they're the folks we go back and consult with about each of our decisions.

Jerry McPeak: Porter's not very smart; he didn't bring me a cookie.

Porter Holder: Yeah, I got you a whole bunch of them.

Jerry McPeak: I want them delivered too. Followup, sir.
Followup Mr. Chairman.

Mark Wadsworth: Yes, go ahead.

Jerry McPeak: Okay. I'm accustomed to sitting in the state legislature. I get the long answers all the time. So the

"we" are the lawyers, and then some of folks who were involved in the original lawsuit.

Christine Webber: Correct.

Jerry McPeak: Thank you. And has it already been set? I understood, I think I heard that you guys or someone has decided about who is going to be eligible to apply for this, who is not going to be eligible.

Christine Webber: The basic contours are set forth in the trust agreement. Obviously, until it's approved by the court it's not final, final. But in terms of is there something that's been approved by both USDA and plaintiffs' counsel, yes.

Jerry McPeak: One more followup.

Mark Wadsworth: Yes.

Jerry McPeak: Thank you, Mr. Chairman. For my final followup, so then these board members really can't change about who's going to be eligible because it is going to be set by some court?

Christine Webber: All right, well, let me explain. The eligibility things are, for example, you have to be a nonprofit organization. It can be a 501(c)(3). It can be a tribally chartered nonprofit. So there's some basic things like that but there's going to be tons and tons of organizations that meet the basic eligibility requirement. The trustees get to decide which of those eligible organizations to fund and for which types of

projects. So there are some minimum requirements that are written in stone, but I think there's a lot of flexibility still for the board of trustees.

Jerry McPeak: One more now. Christine, you remind of being in the legislature again. That's not a compliment though. All right, so after all that long explanation, my question was, so the guidelines already have been set about who will be eligible, who is not eligible? That's a yes or no.

Christine Webber: Yeah. I already said yes to that and then you said so the trustees can't --

Jerry McPeak: So then they can't change who's going to be eligible. Your new board members can't.

Christine Webber: The basic eligibility requirements they cannot.

Jerry McPeak: Okay.

Mark Wadsworth: Gilbert?

Gilbert Harrison: Thank you. One more question. In the past, the council has talked about its life expectancy here because there are many issues that remain to be solved within the farming and ranching community as far as the USDA and other programs go. I think right now, we have about another three years to go before the council. Is that the life expectancy, the term of the council? Is that part of the agreement? Can that be extended? How can that be extended because I know I'm

not going to be on there forever, but I know issues are going to keep coming up. How is that determined, can that be done by a modification to an attorney? I mean, the court decision or the judgment or is that something that's up to the USDA to decide?

Christine Webber: The settlement agreement put the minimum term in place, and that's the additional three years that you mentioned. I think that will take us to the end of what's absolutely required by the settlement agreement. After that, the USDA obviously could continue. And I would hope they would recognize how valuable this has been and would choose to continue. The circumstances under which we could go back to the court and ask the judge to order USDA to definitely continue it are relatively narrow circumstances.

I would say that is unlikely. Because basically it would be if USDA were not complying with some terms of the settlement agreement, and we're like look, they're not doing what they're supposed to do, so you'd better keep this Council around to keep an eye on them sort of thing. But since happily - happily, that's a good thing - that has not been the case. I don't think we'd have any legal basis to ask the court. Of course, three years from now I might think differently. A lot can happen in three years. But for now I would say there's no legal basis to ask the court to order USDA to continue it. But there's absolutely nothing that precludes USDA from continuing it.

Hopefully, with the good record you're establishing, that will be a decision that USDA will make.

Gilbert Harrison: Thank you.

Mark Wadsworth: Okay.

Male Voice: Just a quick question, you may have the answer, with the extension of this three-year period, when does the council sun set?

Christine Webber: I'd actually have to go back and double check. Sorry, I had not anticipated that question so I have to go back to my settlement agreement, do the math, and make sure I got it right. So I'm not sure.

Male Voice: No problem, if you can get it back to us in the next few hours.

Christine Webber: I'm happy to check on that.

Male Voice: Thanks a lot.

Mark Wadsworth: Just for a comment to counsel, we do have to do that public comment period exactly at 3:00. So if we're going to have a break here, we can carry on. But, Mary Thompson?

Mary Thompson: Jerry was kind of touching on something I have notes here. I'm wondering if this, the board of trustees that you're establishing for the nonprofit, is that the same as a 501(c)(3)?

Christine Webber: The definition of nonprofit is broader than 501(c)(3). For example there's --

Mary Thompson: Okay, that's fine. So then will this board continue to get set-up and be ready to hit the ground running once a decision is made?

Christine Webber: No. They're on hold until the court approves. Because they're not appointed, they don't have legal authority to act until the settlement.

Mary Thompson: So they can't start setting policy or priorities or investment strategies or office or staff or anything like that?

Christine Webber: I'm afraid not.

Mary Thompson: And someone did touch on, or you touched on the criteria for eligibility for other nonprofits to be eligible to apply for the funds that are going to provide services to Native Americans. Does that include all socially disadvantaged nonprofit groups out there, or is that specific to federally recognized tribes, Native Americans? What?

Christine Webber: It's specific. It's limited to Native Americans. The funds can only be used for providing services to Native American farmers and ranchers. But it is not limited to federally-recognized tribes.

Mary Thompson: Okay.

Female Voice: The Keepseagles suit was brought on behalf of Native Americans whether they're federally recognized, state-recognized, et cetera, so that's the way the settlement agreement continues to read [sounds like].

Mary Thompson: I imagine somewhere along the way, though, someone's going to have to define Native American whether it's self-identifying as in census, self-identifying or something like it because to me that just -- well, thank you.

Mark Wadsworth: Chris.

Chris Beyerhelm: Chris Beyerhelm. Just a clarifying question on that, what if the organization providing the service to Native Americans are all non-native Americans? Does that make a difference, or is it just as long as the service is going to a Native American?

Christine Webber: There is no requirement that the organization have a particular composition. One of the examples that was actually discussed when we were back here in 2012 was the Future Farmers of America, not that they're all non-native, but certainly that's an organization that is not native-specific and much of the leadership structure is going to be non-Native Americans. But they have programs that operate specifically on reservations. This is just an example. Obviously, it's not that there's any decision made to fund them. But what we'd have to do is basically say, "Show us what part of your programs are

on reservations or otherwise very specifically targeted to Native youth. We can give you money. You have to promise to use it only in those programs and not for all the rest of your programs." So there have to be controls in place, but there's nothing that would preclude such an organization from applying.

Chris Beyerhelm: I'm sorry, I have one more question. So would organizations like FRTEP be eligible?

Christine Webber: Yeah, I don't see why not. Again, this is just off the top of my head but it's very broadly written in terms of nonprofit --

Chris Beyerhelm: They clearly serve Native Americans.

Christine Webber: -- nonprofit organizations serving Native American farmers and ranchers.

Mark Wadsworth: Thank you, Christine, we appreciate that.

Christine Webber: Thank you.

Mark Wadsworth: We'll have a short break here. But we do have to be back here in ten minutes for public comment. [Cross-talking]

If everybody would start to get seated we'll go into the public comment period. [Cross-talking]

Female voice: Two minutes.

Mark Wadsworth: Yeah, two minutes.

Female Voice: You should tell them.

Mark Wadsworth: You got about a minute here, people.

Female Voice: One minute.

Jerry McPeak: All you white folks, come sit down.

Gilbert Harrison: Did you really say that out loud?

Female Voice: Off the record. [Cross-talking]

Gilbert Harrison: We're recorded, Jerry.

Male Voice: That was Mark Wadsworth by the way.

Mark Wadsworth: No, I just came in the door.

Male Voice: I'm just the interpreter.

Mark Wadsworth: You know, I guess what we'd like you to do if you have public comments and you would like to make them, come up to the center mic here. Please speak your name fully and if you'd like to present your issues, we're more than happy to listen at this time.

Male Voice: Mr. Chairman, if I could ask a question?

Mark Wadsworth: Yes.

Male Voice: It seems that we've done this differently. Are we going to engage back and forth with the commenters, or are we just listening, what's the protocol here?

Mark Wadsworth: I think that we've mainly engaged before. I guess, I got a list of people. Where is it? Ricky Gabriel [phonetic], Colville Tribe.

Ricky Gabriel: Good afternoon everybody. I'm glad to see you all here. I'm glad you guys heard us last year. I was here last year also. I requested to have the Secretary of Interior

representing BIA here. Yeah, I appreciate that. That's kind of something we've had some issues with, our communication between all of the programs and all of the departments, but they work for the same person basically.

So I guess going into that, a long time ago we got set aside reservations and we agreed to reservations. We were told that we were going to be farmers and ranchers. That we're going to give up our traditional and usual territories and our way of life so that we could become farmers and ranchers and we were given this. We were given lands. We were given some infrastructure. We were given grain or beef, the market [sounds like] cow program like they had a long time ago where the government gave in our reservation, all of our families, a whole bunch of beef that they couldn't sell. They had a certain brand on them or something.

So a lot of our families back then had farms and ranches. From there it's kind of like through the years, after that it didn't seem like there was so much assistance. They just kind of forgot about everything. Now some of them that are here today, they're elders now. Some of them received part of that Keepseagle settlement, the first portion of it. The second portion of it is still here. There's different ways for tribal members to get into farming and ranching.

I guess my thoughts on different options are for one, to start that market cow program again. We got a whole room full of youth over there. But on our reservations, they say they're not developed or anything. But there's a lot of non-members there that are leasing ground on that land, and they're not like one pile fits anymore. They're really large corporate ag and ranching outfits. That's how we lost the original reservations that we started out with and were given all these things from the federal government. We lost major portions of our previous reservations. We were moved three different times on the Colville Reservation because of the farmers and the ranchers, the non-members moving in and actually out-competing us and taking away the resources.

In this case, here we have an opportunity, you know, the market is there for the beef. We had a problem recently. I have been told because of this whole issue brought up a bunch of - from our elders - concerns about getting our youth in. They're saying, "We don't want our grandkids treated like we were treated, when they go into this farming and ranching by the government." Pretty much all of the departments that we've had to deal with and today probably the biggest problem and killer of our farmers and ranchers besides the corporate competition on our reservation is the process, this process here that we go through. We've been educated that the bureaucracy in all of

these boards and these panels and everything are there. That's something we have to live with today.

But we have on our reservation in 50 years - it's been 50 years since we had a tribal member go through the Farm Service Agency Loan Program to start the farming agency and she's here tonight, the pilot project. Stand up Carrie. Carrie Pickingback [phonetic] here is the first one in 50 years to go through this program. It's kind of one of those milestones that is giving our tribal members hope. Now I have more people that are going through, you know, starting to access your programs, starting to access the [indiscernible] here.

There are some issues regarding the Department of Interior, BIA and FSA and USDA. It's just that the languages are different and I think their definitions are different on some of the processes. The process, it took so long to go through BIA. When she went to make her application, she did her application with FSA, but it sat in BIA for so long that it was going to expire. And once it expires you've got to start the whole thing over again. So we need some kind of communication between BIA and FSA to set some kind of deadline to it.

I know my Grandpa George was on the council also and my Aunt Lucy Covington was also on the council. They probably said the same thing that the process is taking so long with the Department of Interior to get some of these things through.

It's actually killing all of our applications into the new farming and ranching. Not just our farmers and ranchers but our young kids that are also beginning to get educated and indoctrinated into this process.

So those are some things that I would like to be addressed. And in the Keepseagle one, if we have all these opportunities right now, and I think and I agree that most of that money needs to be made available to the farmers and ranchers. Mainly our youth pretty much, you know.

I'm a councilman for the Colville tribes, but I also farm and I also ranch. That's something that, that's why I'm here. It's kind of farming and ranching is typically been low on the priority list but the market's there now, so tribes are having to notice. They're saying, "We have 1.4 million acres and it's undeveloped. Across the river everything is developed out here." They don't have to go through the extra agencies to get these access services like the USDA loans, you know. To go through a USDA loan for community development to whatever, we also have to bring in the Bureau of Indian Affairs whether it's farmers or whatever. Just because we are tribes, it adds more to the process. It doubles and triples our process. So if there's any way we could shorten that process, remove and review that process between the agencies, even just the definitions.

Get you guys all in the same room and start looking for easier ways.

On our reservation, we also have the Bureau of Reclamation. The United States funded this multi-billion dollar -- it's probably a trillion dollars in infrastructure to be developed 100 miles away from the Colville Reservations. At ground zero on the Colville Reservation which half of the river with the dams on it, part of that federal reclamation project, there hasn't been any infrastructure development. There hasn't been any kind of improvements on the land. So the tribe basically in this case, the farmers and ranchers are not able to get into the farming and the ranching and all that kind of stuff because we're 100 miles away. The resources that come from the reservation, they used to be ma and pa operations down in the Columbia Basin, but now they're big corporations also. It's really hard for us to start on that with the competition and the additional process.

But I just want to remind the government and also ourselves that when these companies come in, if they start out-competing our tribal members, we start losing sovereignty and we start losing our ground. That's kind of like how we lost our reservation. It's how we lose our reservation. Just recently we've had meetings with the Tribal Cattlemen Association. We've had non-members come in and tell us, "If the Indians are not

going to show up, they should just lose the right to vote. We'll run everything." So that's been an extreme case that cattlemen meeting hasn't met in like three years now. It's three years since they met and that's something that we're looking at now.

They're now moving through the Bureau of Indian Affairs, the non-members are to access our resources and by utilizing our policy. I hope that we can start getting more tribes to utilize the HEARTH Act [phonetic] and start making our own policy. The Intertribal Agricultural Council for Farmers and Ranchers, if I was to say that we can make some policy for all those youth that are sitting over there. For every 100 cows of non-member cows that's on the reservation, that five of those cows get put aside and marked to help start the ranchers. And the same was like the farming and the agriculture stuff like 5 percent of that gets set aside, specifically just to kind of a growth fund I guess, to help these young people next door.

In my tribe, that one person is -- that young person starting today is right here and she's the only one that's starting up. The rest of them are old now, the farmers and ranchers. We have some 4-H-ers, we have some small like microloan. Young people that are starting now with the FSA but that's after they get told by their grandparents, "I don't want you to get through the way they treated us." But I guess that's

something I'd like to say for our youth, and for you guys to maybe consider and most importantly communicate, you know, on all of our behalf. Thank you.

Mark Wadsworth: Thank you, Ricky. Next commenter will be Tom Harris.

Tom Harris: [Speaking Native American language], this greeting and request to be on your land in this community, it comes from the time when the oceans were 300 meters below where they are now. I'm from Alaska. I represent a small village in the southeast. We are Tlingit. We count as our grandparents the Dené and I speak on behalf of the community of Yak Tat Kwaan. Our statement is simply to say thank you for allowing us to be able to be a part of this. It's been very important to learn the lessons that you have already learned and to work with the federal government in this way. I'm very grateful to see Angela here and to be participating. We are as a state running, depending on how you count it, anywhere from 25 to 80 years behind you, trying to understand how to work with this program and to work with our neighbors and friends in the little Lower 48 as we call it.

I'm Tlingit, so I'm from the deep south of Alaska. And we have some similarities in many ways to what you're working on. We have a very difficult challenge ahead of us with working with our state. Many of you have already established positive

relations with your state and we're looking to learn from you on how we can establish a positive relationship with our state. My time here to share with you is to let you know that while all of us have grown up are thinking Alaska is the wildlife treasure of Alaska, we are the least productive wildlife state in the nation. I can tell you that more wildlife was harvested within 50 miles of Washington D.C. than was harvested in all of Alaska. I'm speaking of hoofed wildlife.

When we started having this discussion about the challenges of Alaska in 2000, Alaska was harvesting 16 animals per 100,000 acres. Today, I'm challenged to tell you that the latest reports are we're harvesting one animal per 100,000 acres. And when that animal represents \$10,000 to a remote village family and you lose that, then the community has to make a choice. That choice is either we stay here or we move. And we're seeing a phenomenal migration to the urban communities and it's creating all kinds of challenges for us.

We link this issue of loss of food to the domestic violence that's occurring in our villages. We're only 8 percent of the prison age population, but we're 40 percent of the prison population, and that number is growing. Many of them are young men in there who are in jail for issues of taking game out of season. No Americans have access to more wildlife habitat than we do, yet no wildlife habitat in America is so depleted as

ours. We're looking for guidance, we're looking for resources, we're looking for planning. We're tremendously impressed with the game ranching and private land wildlife management that is occurring. We need those skills, so if you have some young men who want to come north, we'll borrow them for a time, teach us. They may come back with a wife so that's part of the deal.

Our goal here is to keep this line of communication going. It's been wonderful for us to learn about your successes and we're wanting to know more. With that, [speaks Tlingit], thank you very much. Yes, sir?

Porter Holder: Porter Holder, Choctaw Nation. Call me dumb here, but why are you just harvesting one animal per 100,000 acres now?

Tom Harris: Because that's all there is. We have a group of biologists up there who are the "let nature take its course field." And they have allowed the predation of calves to go from 80 percent in 1980 to now - the predation by wolves and bears is about 97 percent. Even in Denali National Park, where there is no recreational hunting, the moose population there is 90 percent down from where they were.

Porter Holder: Ninety percent down?

Tom Harris: Yeah.

Porter Holder: Why?

Tom Harris: The issue is bad management in my opinion. We don't have the management skills that exist here. We cannot practice the three S's: shoot, shovel, and shut up, okay? And as a result we literally have villages complaining of too many bears. West Cook Inlet for example, the village of Tyonek about ten years ago had too many bears in the community. We have many villages where you're seeing pets being taken off leashes by predators.

Porter Holder: Thank you.

Tom Harris: Thank you.

Jerry McPeak: Jerry McPeak from Oklahoma, Muscogee Nation. I'm also one of the state representatives in the State of Oklahoma. Did I understand that you said 40 percent of the prison population was --

Tom Harris: Alaska native.

Jerry McPeak: Along with that, I have a cure for you. If you'll go down here to Porter's folks or if you just take Porter with you, he could show you how to fix that stuff. Be sure you got a copy of that.

Tom Harris: Yes, sir.

Porter Holder: But I ain't coming back with a wife.

Jerry McPeak: Oh, by the way, excuse me, Mr. Chairman, seriously, I know what you said in the end and I understand that you probably just meant people. But like my daughter is

extremely in agriculture, that's what she will do. She's probably tough enough to whip most men and we did come to Alaska this last summer.

That country is unholy big and so spread out that it's scary, but I had no idea about your -- we did come back disappointed by the way and that we traveled from Denali, from the peninsula almost to the Arctic Circle. And we finally saw an elk, or moose, or whatever the heck it was, just right outside of Anchorage. That's the only kind of critter that we saw. I could see not many of them at Warner, Oklahoma.

Tom Harris: Yes, sir, and that's the issue.

Jerry McPeak: We went to the back trail, the backwoods. I even took a chance went out there with the Swingtaloons [phonetic] that's who they tell me they were.

Angela Peter: Chickaloon.

Tom Harris: Now, don't go be changing our tribal names.

Jerry McPeak: I couldn't find them either by the way.

Tom Harris: One of the challenges we have is the reporting. You're hearing this information. This information was factual in 2000. And we are challenged by a state who won't report what the wildlife issues are. You're going to see us battling to try to get those numbers out so we can fix them.

One of the other challenges is we're the only state in the nation that does not recognize the private property owner is a

partner in the management of wildlife. We have the wildlife biologist actively opposing our efforts to manage wildlife on our property. In fact, it's a crime, you can land in jail, a year in jail and a \$10,000 fine on the first offense of trying to --

Jerry McPeak: First offense and then what?

Tom Harris: Managing wildlife on your property.

Porter Holder: On your own property?

Tom Harris: On your own property.

Jerry McPeak: Are you saying that you will kill them?

Tom Harris: Predators, trying to save a calf. I've been investigated for planting willows and that's a crime of baiting moose.

Angela Peter: You can walk out your front door and bait a moose.

Jerry McPeak: Okay, fine, well, I'm here to tell you. I'll do all of those things.

Tom Harris: You're more right.

Jerry McPeak: Follow-up Mr. Chairman. In all seriousness, I did try to visit some, thanks to Angela. I called her up three times a day for a week. She's simply fishing, lots of other things on what were happening. But either way, I'm confused a little bit about Alaska because going from the Lower 48 and we don't have any reservations like yours. But villages

and tribes, I don't exactly understand village and tribe. So you belong to a tribe?

Tom Harris: I'm a member of the Tlingit Nation, which is a tribe. I'm also a member of the Tongass National. They name Tongass National Forest after us, but we are not a recognized tribe. So in that regard, we are tribal members wherever we are.

Jerry McPeak: So how many tribal members do you have in that tribe?

Tom Harris: In the Tlingit Nation it's about 22,000.

Jerry McPeak: Twenty-two thousand?

Tom Harris: Yes.

Jerry McPeak: Don't you have a lot of tribes that are extremely small?

Tom Harris: Yes.

Angela Peter: We have 229 tribes, federally recognized tribes in Alaska.

Jerry McPeak: And some of them are really small?

Tom Harris: Right.

Angela Peter: Yeah, 20 people, 25 people.

Tom Harris: And those are villages where families have been forced to move out. When you're dealing with food cost of \$18 for a pound of meat and milk is \$22 a gallon, you don't really have a lot of choice.

Jerry McPeak: I'm trying to get this straight between a village and a tribe. You talked like they moved out and they went to a village and so then they became a tribe?

Tom Harris: No, a village is a location. And we have many villages that are on the brink of snuffing out because no one can afford to live there anymore. So the tribe in itself still exists, but that entity may have had to move out. They don't give up the fact that they're still family and that they hang on to that. In some cases, that's all they have left.

Mark Wadsworth: Yes, Angela.

Angela Peter: Mark, there's also been along with that when the number of children or families in a village gets to be a certain amount then they close the schools. So that further, really, you want your kids to have their education. That is a good thing for them.

Tom Harris: Under state law if through economics or otherwise the number of school children drops to ten, they close the school. When they close the school the number one power consumer in the community leaves, shuts down. And the cost of energy for the rest of the village goes through the roof. We're paying a \$1.16 per kilowatt hour in many villages.

Mark Wadsworth: I guess, I'd like to make a comment. Mark Wadsworth here. To you and what the council has been trying to work on within the Alaska and the subsistence arena is that one

of our recommendations was to NASS, to put a possibly a subsistence portion in their statistics. If you harvest, I guess, the limitation within USDA is you have to at least have \$1,000 generated from a farming operation before you can qualify for some of the funding applications. As a producer, considered as a producer, that we would want them to quantify moose has been a part of that because that's subsistence that you live off of. That's what you need to manage in some areas in that. We're making efforts in that. Also this WHIP, did that ever really pan out within --

Angela Peter: Going to EQIP.

Mark Wadsworth: Yes, going to EQIP.

Angela Peter: Yeah, it's working, at least it's back. With WHIP, we didn't have those kinds of programs though.

Mark Wadsworth: And I realized on your portion you probably don't understand that language because the Environmental Quality Incentives Program is now a part of the WHIP program, which used to be the Wildlife Habitat Incentives Program. And with that, they can get funding for habitat restoration. Five percent of it is supposed to go that way. And maybe you can talk with the gentleman back there from Alaska and go in that way.

Tom Harris: While we bring roughly 40 million acres of ANCSA land to the table, what really is needed to keep the

village alive is about 2,000 acres. If we can get assistance in managing that 2,000 acres literally creating a calf-safe zone, a place where we can protect them from the predators, then that's a great opportunity as well.

Mark Wadsworth: Go ahead, Jerry.

Jerry McPeak: Thank you, Mr. Chairman. By being there, it didn't appear to me that you're habitat was the problem.

Tom Harris: It's the predation. Literally, in West Cook Inlet where she lives, we have an abundance of bears to the point where that they were chasing down cows before they had their calves and getting them to drop them. We had one bear with a cache of 37 calves. So that's the kind of thing that we had to deal with and we literally had to embarrass the state saying, "If you don't get out there and give us permission, we're going to go out there and do it anyway. And you'll have to throw us all in jail because we cannot have this happen to our communities." So that's what -- we're at it. Not only do we have to learn about you, our state biologist needs to understand that landowners are partners on this process, not an opponent. We can get our young people working the land, that's less of them that are going to be getting in trouble.

Jerry McPeak: Let me ask one more question. I'm sorry, but this is interesting to me.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Thank you, Mr. Chairman. How is your state government's attitude and laws toward your people and your lives?

Tom Harris: Let me share with you that we recently had an election. For the first time, we have an Alaska Native as lieutenant governor and his partner. They campaigned together as a governor. This is the best new administration that we've ever seen. But the previous governors have refused to acknowledge tribes exist. As a result, they don't want to acknowledge the private landowner, who is the tribe or native corporation, as a partner in the management of wildlife. So we're looking for how do we invite the State of Alaska to join the rest of the union.

Mark Wadsworth: Thank you, Tom. Thank you so much. Just a reminder to the audience if you'd liked to do a public comment, we do have papers back there that you can put your name down. I'll just go to our next one is Karen Linnell. Ma'am, would you spell your name please.

Karen Linnell: L-i-n-n-e-l-l, Karen Linnell, from the Cheesh'na Tribe of Chistochina Village. I'm also Tlingit and [indiscernible] from the Southeast on my mother's side.

I just wanted to come and thank you folks for whatever you did last year to help us to get our MOA signed with the Secretary of Agriculture for our tribal conservation district.

That was very fantastic and I know I sent a couple of you guys an email thanking you.

As Tom said there's been a huge change with this recent election. We've been able to -- or I've been able to participate in the wildlife committee and chair that committee for the transition team for the governor where he took people from all walks of life from both sides. We have very green folks and extreme hunters and the subsistence users sitting in the same room looking for solutions to manage for abundance.

Right now, our state is managing the people. Whoever cries the most gets the candy and we're fighting over that one moose instead of looking at ways to improve that habitat and improve the stock. Tom also talked about the predator control and the Park Service and things like that. There is a new proposed rule that came through that was actually published that they did tribal consultation. They did not. They had letters sent out to the communities, the tribes, and that was basically it.

A few phone calls might have been made, but the press release for it said it was for formerly illegal predator control which means it's legal now. And predator control period gets hackles up from everybody across the nation. Through this proposed rule change, they're going to now change the way that subsistence rules affect the parks and the preserves in the State of Alaska. A superintendent can close the season just

like that on his own word and his own reasons without going through public comment. So it's a big process, change happening. That's something where public testimony, we're going through the Subsistence Resource Commission whose sole purpose is to govern or make recommendations on how to manage a park for that park, that Subsistence Resource Commission.

They have also the Federal Subsistence Board who makes those regulations. They're bypassing that system as well. And they're bypassing the state's Board of Game and their regulation process by cutting that all out. Under the guise of predator control, they've slipped this in there. We spent a month-and-a-half going through that meeting about once a week, going through it, piece by piece, to see what kind of changes they were putting in.

I chair that Subsistence Resource Commission for the Wrangell-St. Elias National Park. And with our staff, the park staff, we had a hard time figuring out what it was. So it was put in there and they said it was going to be a slight change to the rules for hunting and stuff like that.

We have a community in the interior, the Arctic Village in the Venetie area that they do bear denning [sounds like]. It's a traditional practice of theirs, but it's not a traditional practice of my people. And they're going to eliminate that whole process. That state regulation was put into place after

much public testimony, very graphic descriptions of how that process is done. And now, because somebody felt that was undue and probably a cruel means of hunting. That's their traditional practice from those two tribes, that's what they do. That's how they get their spring meat when the snow is deep and things are starting to thaw. So they're doing all these changes without even looking at what the testimony was at the Board of Game meetings. They're basing things on emotion rather than scientific fact, and their own NEPA process was bypassed in this.

So those are some of the things that we continue to battle. We're hoping with the state now, with this new governor and lieutenant governor and appointments to the Board of Game and Board of Fisheries that we'll have a more fair say in what's happening with our subsistence.

Again, you're going to hear things like co-management and that's our proposed legislation, to grant us rights to manage our subsistence on our own lands, to manage wildlife on our own lands. So I'm going to ask you to support that legislation and ask your legislator to support that legislation so that the Alaska tribes can start to manage their own resources. Those things are coming down the pipe. Things have been really changing in the last year-and-a-half.

It looks promising, but when you go in and then you have something like this with the Park Service, making this proposed rule change. That's what they did to one of our tribes in the Ahtna region. On the other side, at the Denali National Park, it was whittled away - their rights to hunt and access into the park so much so that they've nearly given up trying to hunt in that area because there are so many rules. You have to stay on this trail. Well, this trail here, the caribou might change their migration path, and they won't be there anymore. They'll move and you can't change that trail, those kinds of things that we have to and are constantly battling. Anyway, I just wanted to thank you. I wanted to thank you folks for your input last year and your support. It made a big difference. Thanks.

Porter Holder: Ms. Linnell, I've got your email. Sitting on this council, we get a lot of complaints, but that's what we're here for. I wanted to thank you for it. I passed your comment on to the person that I thought could help. I don't know whether it was me or it was Jerry that got what you did. But it's refreshing to get email like that instead of the one that we get. But like I said, that's what we're here for but thank you for that email.

Karen Linnell: Thank you.

Mark Wadsworth: Thank you. Next person will be Lisa Hillman.

Lisa Hillman: I'm going to stand over here because I don't like to have my behind to the audience, so I just figured this is better. I don't like that.

Female Voice: For the record only. [Cross-talking]

Lisa Hillman: [Speaks in native language], Lisa Hillman and I'm here before you because I can't really tell where else I'm supposed to go. I've been at this conference. I was in Washington, D.C. for a USDA food security project. This is something that we're doing with the NIFA, as far as a large, double state, multi-agency kind of a thing, to try and secure or reestablish food security in our area. So our area is very mountainous. It's defined by our river. We are a salmon-eating community and we're also an acorn. Those are our main staples.

Female Voice: We're trying to find out where are you from.

Male Voice: Where are you from, Lisa?

Lisa Hillman: California. I'm a Karuk tribal member, K-a-r-u-k, and that's in Northern California. Anyway, the deal is this, so I'm reading, and I'm watching, and I'm listening, and I see all kinds of people trying to help agriculture and native farmers. But you got to understand that a lot of tribes don't have anything to do with grazing. We don't have long fields where we see the sunset. Nothing like that, it's very mountainous. These mountains go straight into a river. But these areas are full of food that we have been using and have

been living from for since time immemorial. These are good foods and they keep us healthy - all of that.

Of course, all of this stuff has been taken away from us 160 years ago. We have little tiny couple of acres where we previously had over a million acres of ancestral territory. The thing is we are a subsistence tribe and we're happy with that. We don't want to market our crud [sounds like], and we don't want to sell all of our acorns, and our smoked salmon for all these people who are willing to spend a lot of money. And there's all kinds of programs where, "Oh, we could help you market your products." We don't want to do that. We do need help though. We do need help to be able to manage those lands for our resources that helps keeps us in subsistence food living.

In our area, we have over 50 percent unemployment rate. We have kids over 90 percent are eligible for the food in the free food programs. We have slews of women who need help with supplemental food programs. Yet, none of these programs that are introduced about, "Oh, we're going to help you native tribes out there." They are not helping us at all. We don't apply for any of that. So we are not eligible because I think what really is something to think about and I really like to bring this before you is we should rethink how to define a farm.

What is agriculture? What are these kinds of -- how would you describe economic development, rural development? If that's helping us manage our lands in our areas to be able to get a decent acorn crop because we don't have tons of other over stories that are mashing out any kind of growth. Clear some of those noxious weeds that are just causing high levels of water temperature decimating salmon. We can really use the help. I think the USDA's best interest is to rethink about what you mean by a farm. Can it be our acorn groves? Can we have that as our farm?

Even though we're not tilling, all we're trying to do is manage with low intensity fire to be able to make sure that next year we're going to have decent production. Anyway, these are the things that are near and dear to my heart. I've got a ton of other things for USDA but looking at the agenda it looks like farm and ranching, not going to get me anywhere here with our supplemental food program problem and our WHIP problem and et cetera, et cetera.

I'll just leave you guys with that one, if we could think about the definition, broadening the definition of farm, broadening definition of rural development in order to be able to accommodate for those of us tribes that are not out there. Nothing to say about riding horses across the prairie and all that. It must be beautiful, but that's not us. We're something

different and we're also people, good people, awesome people.
Thank you.

Angela Peter: It sounds like Alaska a little bit.

Male Voice: Not that way.

Mary Thompson: Chairman.

Mark Wadsworth: Yes, Mary.

Mary Thompson: I'm Mary Thompson and I'm from North Carolina. I have used several of the USDA programs and grant programs to help get my farm into development. My farm was three acres, but it's wild, edible, traditional, Cherokee food. I didn't have any problem with going through the programs and using them, the Farm Service or any agency in as far as defining my farm as a farm although it's not a traditional vegetable garden farm. It's the wild edibles including nuts and berries and things like that. Even artisan supplies, things that we need to dye our splints for our baskets. I would think that one of the programs, whether it may be through extension or some of your extension agent or FRTEP or somebody should be able to assist you with that. The programs that I worked with, the definition wasn't an issue. I'm wondering why that problem would be so big for you.

Lisa Hillman: Thank you very much, Ms. Thompson. On your three-acre farm, did you plant that all?

Mary Thompson: I had to transplant. And I can understand, you can't transplant a big oak tree to harvest the acorns or anything like that. I don't know. If getting some of the programs to look at their definition, and this has come up from several public comment sessions that we've had, the definitions need to be standard. The processes and the interpretations of the policies need to be consistent. Maybe I'm wrong there. Maybe in some places, depending on location, I don't know if it needs to be tweaked or not, but I think that's something that we can work on with these programs to make sure that the services are available for you and your people. Thank you.

Lisa Hillman: Thank you.

Mark Wadsworth: Chris.

Chris Beyerhelm: I'll just ask a clarifying question. Are these properties owned by individual tribal members or is it the tribe that owns the acorn trees?

Lisa Hillman: A lot of it is USDA and the Forest Service and not being managed through the Forest Service. Therefore, we have a sort of problem with wildland fires. Also, the setup that turns this wildland fire hazard also decimates all of the native plants or a great number of them reduces also the harvest yields. That's one aspect. We also have other tribally-owned, private-owned where you have a whole different set of possibilities for funding for management purposes. Again, these

management types of activities aren't where we're trying to make something new but just manage the resources that we have and help support those sorts of harvest scenarios.

Chris Beyerhelm: The reason I asked is a lot of the USDA programs, at least at FSA, are available to individual producers. Certainly, what you described in our loan program, something like that would be eligible for if somebody had a lease or could show that they lease this little section of trees and you're harvesting acorns. It would be an acceptable project and be eligible.

Lisa Hillman: Let me just ask a clarifying question. With this loan process that you're talking about, isn't there certain, like you'd end up having to have a certain percentage of profit made off of whatever it is that you're trying to -- ?

Chris Beyerhelm: Obviously, the loan has to be paid back. I mean if you're going to use the acorns within the tribe and there's another source of income, that would be fine. It doesn't have to be repaid from the product grown, as long as there's another source of income.

Mark Wadsworth: Val.

Val Dolcini: Lisa, I'm the administrator of the Farm Service Agency, and previously I was the state director in California and spent a fair bit of time in Happy Camp and Yreka

and the group tribe areas, so I know it very well. I love it. You pointed out an issue that -- oh, that was interesting.

Female Voice: [Indiscernible]

Val Dolcini: You pointed out an issue related to USDA definitions that I think has bedeviled all of the USDA folks up here and those that have tried to avail themselves of our programs historically. The Rural Development Agency, for example, has certain definitions around where they can do business based on rural, the definition of rural in statute. We have certain definitional requirements for agriculture operations. Typically, \$1,000 is the minimum level to define an agricultural operation. NRCS, the Natural Resources Conservation Service, may have yet more definitions. So that's our challenge really, is that USDA try and find a way to speak a common language when it comes to assisting smaller scale and beginning farmers and ranchers and traditionally underserved farmers and ranchers like Native Americans.

As you've been talking, I've been emailing with the deputy administrator for Farm Programs, who I knew was at his desk in Washington, and posed a question, what could we do for a Native American-owned acorn grove? And it was a question of first impression for him. He had not really come upon it before, but he said he thought there was something that we can do to work there. So let's stay in touch and continue to work on areas

where we might be able to provide assistance to individual tribal members or perhaps the tribe itself if that land is owned by the tribe.

Now, Forest Service properties kind of create different challenges for us. But to the degree that there are groves that are outside of the Forest Service that are owned by the tribe or tribal members, I think we can probably do something there. If you were using the acorns to mill your own flour and then sell it, and perhaps we can add a value-added business grant through Rural Development or something like that as well.

Lisa Hillman: We don't want to do that.

Mark Wadsworth: Microphone please.

Lisa Hillman: We don't want to do that.

Val Dolcini: You just want to be able to have some measure of USDA assistance though?

Lisa Hillman: Yes. The thing is we're not trying to market our products. We're not trying to make a business. We're just trying to live and subsist. I should say with quotation marks, this is a perfectly natural thing.

Val Dolcini: Sure.

Lisa Hillman: But it seems to be that so many of the programs are really geared toward, oh, they want us to make a business out of something and that's absolutely -- if we can feed our own people with what we actually used to have, well,

then maybe we can start talking about that. But at the moment, we have hardly enough for tribal ceremonies. There you go.

Val Dolcini: Let's continue the conversation about what USDA might be able to provide in this instance. I can certainly connect you with folks in our Yreka Service Center. I think it's the three service center agencies, so it's us, it's Rural Development, and it's NRCS. And I don't know if you live near Yreka or if that's an easy drive for you. We have a few offices in Northwestern California but we do have one there and one over on the Coast. But I'd be happy to see what we can do to provide some assistance.

Lisa Hillman: Thank you so much. I'll give you my card.

Leslie Wheelock: Don't go anywhere yet. Mr. Chairman.

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: Leslie Wheelock, Office of Tribal Relations, USDA. The Forest Service is part of the United States Department of Agriculture and Section 8105 of the 2008 Farm Bill, well, long in coming out. But earlier this year, the Forest Service published a proposed regulation on traditional and cultural purposes forest products for traditional and cultural purposes, allowing the secretary of Agriculture to provide Indian tribes with trees, portions of trees, or forest products for traditional and cultural purposes. The regulation has been long in coming and will probably be a little bit longer

and actually making it on to the street but it's coming. So keep an eye out for it.

Lisa Hillman: Thank you, Ms. Wheelock.

Leslie Wheelock: You're welcome.

Mark Wadsworth: Thank you. Next person will be Rodney Picking [phonetic].

Rodney Picking: Good afternoon, everybody. Ricky Gabriel was up here. I just wanted to say this is the first time I've ever been down here, and it's been just a wonderful experience. The questions, or actually not questions, they are statements that my wife, Carrie [phonetic], and I have. It took us almost two years to go through our FSA program to get an FSA loan. Carrie is the first female tribal member from the Colville Indian Reservation to ever receive a loan and the first one to receive one in about 40 or 50 years.

Granted, when God gave out tongues, I would step to mine twice, so that's why I'm talking. I have been speaking with Chris and Val through this whole deal. Part of the problem that I see with this is it's hard to fill out an FSA loan sometimes with the people that have the lack of education and knowledge. You go to a bank and you fill out a loan. You got somebody that says, well, you got to put this in instead of this. It would help to have people to be able to come in that has more time

because, granted, USDA, FSA are all spread out so thin right now; it's hard to get times to do that.

I grew up on the Colville Indian Reservation. I am a nontribal member, but I love the reservation just as much. I want to see people do well. Some of my dearest friends in the world are tribal members. They've tried to put in for FSA loans and been so frustrated, they give up or they don't know how to do it. I'd like to see some sort of a way for our younger generation to be able to have the help that is needed to fill out the forms. I was speaking with Chris and Val both. We're trying to work on that and trying to get it on our reservation. I say ours because it's easier.

There's a lot of land that is not being used that could be used to make a living and to be profitable. Ricky spoke about we have three big cattle ranchers that are nontribal members that run like 1,500 head of cows. We have 20. And it's hard to say, okay, we're going to kick you off. They're going to kick that guy off that unit because of our 20. But still we have just as much right to be there as he does. And we have Gebbers Farms which is a multibillion dollar cherry farmer, and he's coming in buying up, trying to buy water rights and trying to come and develop. There's got to be some sort of done so these kids can cross the hallway to be able to have a farm and be able to succeed.

But I wanted to say that these two guys have been helping us out quite a bit. Mike Shellenberger from the IAC has been awesome. Without him, we would have never been able to get as far as we've gotten. And I just wanted to tell you guys, thanks.

Male Voice: Thank you.

Female Voice: We appreciate it.

Val Dolcini: Mr. Chairman?

Mark Wadsworth: Yes, Val.

Val Dolcini: Just for the record, I met Rodney and his wife and Mr. Gabriel for the first time this afternoon. And fingers crossed, I hope that we're going to be able to close that loan next Tuesday for your operating loan. And I wish you all the greatest success with your ranching operations up there.

What the Farm Service Agency has done in the last couple of years, and we were really pushed in the right direction by a lot of stakeholders like the Pickings but others around the nation is to streamline many of its loan documents. So it's not quite as paper-intensive, although it's still paper-intensive as far as the process goes. The microloan process is one where we've really reduced the number of pages that people like Carrie need to spend time filling out. We've made about 10,000 of those loans since the program started in January of 2013. And the Farm Bill just signed last year, or earlier this year I should

say, authorized us to raise the level of microloan dollars from \$35,000 to \$50,000.

So it's been a really important tool for us as an agency and for our borrowers to avail themselves of. For those that don't need \$300,000 or \$1 million for a guaranteed loan, who might just need \$50,000 or less, this microloan is a great tool. It's much less paper-intensive, and I think it's ultimately going to be a lot more customer-friendly, which is really our goal on this thing. I see the Pickings nodding their heads. One of the loans I think they took was a microloan. Hopefully, you found that it was a little easier to maneuver through that paper morass than our big operating loans.

Rodney Picking: It was considerably not massive and easier. It was done in two days. It was no headache. I mean, I've been stressed out about the whole deal. I think some of the process of FSA needs to be adjusted a little bit because the first time we ever applied for our loan, it took him five months to tell us that we didn't qualify because our credit history wasn't good enough. I mean, I can call credit card and then later that day know that my credit isn't good enough. It surprised me. And then I always felt like he was sitting on his hands. We've spoken. I know things have due process of things that need to get done.

Then the next issue, we get our credit history cleaned up. Then all of a sudden there was an issue with easements through the BIA. BIA wasn't talking to the other and it sat on their desk for four months. It's like we're stressing out thinking of our loan. We're feeding 20 head of cattle hay every day. They ain't giving away hay anymore. There has to be more of a streamline to make it easier. It has to be easier for people. I mean, I'm the ranch guy. I'm the cowboy. She manages the books, and that's what she's good at. I'm just the dumb cowboy.

Porter Holder: Porter Holder, Choctaw Nation, when you're running into trouble with your local office, you should use this Council. You should take everybody's information here and contact one of these members, even me. What we need is state, county name, and I promise you, one phone call or one email from Washington, D.C., you'll be surprised at how fast your local office will comply with what you need.

Rodney Picking: That's like I said Ricky. Ricky and I went to high school together. I was on him, chewing on him going, "We need to do something. This isn't right." Then it took a couple of phone calls, and then the ball started rolling and then things got done. It's just like Val said. All we're waiting on now is our properties have to go through tribal land and they missed the easement issues. So it's just a little bit of wordage because FSA won't grant us the loan because they want

to protect themselves to have access, and it's just one more hurdle that we got to go through.

Mark Wadsworth: Derrick.

Derrick Lente: Derrick Lente, Sandia Pueblo, New Mexico. I was going to make the same comment as Porter's that whenever there's anybody that is in need locally at any reservation, I think they should feel like they have the liberty to call anyone of us to get some action taken. I know what you probably went through because my daughter has a youth loan, and the paperwork for her to get a \$5,000-loan was amazing. And not to say that it was impossible, but it just took a little bit of time and diligence on my part to make sure that we were able to fill it out correctly and make sure that we dotted our I's and crossed our T's.

I said this before in our first meeting in September that it's a mobile world, right? I think that if I can apply for a loan for a car or even a house on my phone, I think perhaps the USDA and the FSA should have that same capability. That would allow their farmers in the remote communities to not have to travel to perhaps an office that's 100 miles away, which is in my case, or just to have that capability because oftentimes, as tribal folks, we're in remote places.

That being the case is, if I can pick up my phone and use the Internet or do whatever I can, I'd rather do that, not only

just that for applying for a loan but also paying back that loan. That's still my gripe, is that I have to mail a check. I don't even have checks so I don't know what the heck I'm going to do. How am I going to pay it back? What's going to happen?

Male Voice: That works.

Derrick Lente: Yeah, that works. In any event, I appreciate your comments.

Chris Beyerhelm: Mark.

Mark Wadsworth: Yes, Chris.

Chris Beyerhelm: If I could respond - Chris Beyerhelm, USDA. Derrick, it was actually your comments at the last Council meeting that got the ball rolling, and we're working on both those issues right now. We expect to have an online application. I can't guarantee you it will be by the next meeting, but certainly, the meeting after that would be my hope. Also, payment online, things don't happen as quick as we'd like them to, but your story last time prompted us to start working on that, so thank you for that.

Val Dolcini: Chris, it'd be interesting to the members of the Council, as well as Rodney, how our portfolio has changed in the last decade or so. Some of the percentages that we talked about at national I think would be interesting.

Chris Beyerhelm: Yeah. In the last four or five years particularly, but probably six or seven total, we've really had

a focus on beginning farmers. Our portfolio has switched from about 30 percent beginning farmers to now it's close to 60 percent beginning farmers, and about 20 percent of it is underserved, traditionally underserved producers. I think there's been a real shift in where the emphasis has been. Certainly, folks like you and Derrick's daughter and other folks. We appreciate that. That's our mission in life now, to get that done. As I told you, personally I'll tell you publicly that I apologize for the length of time it took us to process your loan. It's not acceptable. And trust me, there's been conversations held.

Rodney Picking: Thank you again.

Male Voice: Thank you, Rick.

Mark Wadsworth: Next person up is Randy Emm.

Randy Emm: Good afternoon. I work with University of Nevada Cooperative Extension. We have been working with the FSA and NRCS agencies here in Nevada. We have been involved in helping to implement the EQIP programs. Also, a big thing that came out recently was the FSA forage loss [sounds like] program which put out quite substantial payments to Indian producers. What has happened is that along with these payments comes a 1099 that Indian producers must report.

We did a series of tax workshops last month in Nevada. A lot of people are not aware of the tax implications when they do

get this money. A lot of them before have not reported income tax as they were advised by either their tax advisors or other people. Being in their situation, we hear what we want to hear most of the times. So if we're told, yes, we do not have to report that, normally, we take the advice and don't report it. However, with the issuance of the 1099, if you do not report that income, then bad things start happening. You could get turned into Treasury which could confiscate some of your payments in the future.

I guess what I am asking here is that there has become a reluctance of people in Nevada in applying for these programs because of this issue. More importantly, it kind of affects the older farmers and ranchers that have not been reporting forever. They get this payment and then they get a 1099. Then they say, "Oh, man, what have we done? Will IRS come back and look at all our records in previous years and things like that?" It's not something that I guess you can do, but we need your help in helping address this problem.

IRS has some rulings. It depends on what type of land you're on as to whether you're taxable or not. One is tribal land. If you're a tribe, you're tax exempt. If you are a tribal member operating on tribal land, you must report that income according to the IRS ruling. This is not my saying. It's the IRS rulings. If you're on assignment lands, you must

include that as income. If you're on allotted lands that you own, then it is tax-exempt income.

A lot of the people do not understand these issues, even on the reservations. Some on assignment lands feel that they have the same standing as people on allotted lands. This is an issue that could become a big problem. I think it began with Keepseagle. But with Keepseagle, they were provided some money to help defray those tax expenses. With these big payments that they're getting from FSA, they go back three years and some of them are up into the \$90,000s, \$125,000s. It is going to create a problem.

I think we need your help in trying to help define what is taxable, what is not taxable, and get this clarified because there is a lot of confusion out in the areas on this. That's kind of where I'm coming from, if we could help. And there was a request from several people that they felt they were not taxable, and FSA should provide that information on the forms that were issued to them. Anyway, this issue needs to be brought up. Whether you can do anything about it, I do not know, but we do need your help.

Mark Wadsworth: Chris.

Chris Beyerhelm: Chris Beyerhelm from USDA. Randy, I think you provided Mike Hinton a copy of the book that you put together on this tax issue. I didn't get a chance to read the

whole thing, but when I looked at it, it was fantastic because that's something you've just done in Nevada. I think a good start would be if you could duplicate that.

Randy Emm: It started with Keepseagle. And Intertribal Ag, they have their draft report in there as to what it's about. Montana has a fact sheet put in there by Trent Teegerstrom and Ruby Ward and a group put together and it basically outlines as who is taxable and who is not.

Chris Beyerhelm: I'm sorry. Is it as simple as what you just said, it's depending on what kind of land it is and it isn't? I'm sure it's more complicated than that, isn't it?

Randy Emm: That's a simplified version. But, yes, basically, that's what it boils down to, what kind of land you're operating on. IRS, you know, what are they looking at or will they look at it?

Mark Wadsworth: Gilbert Harrison.

Gilbert Harrison: Thank you, Randy. This is Gilbert Harrison from Navajo. I understand exactly what you're talking about because on Navajo, many of the people, once they find out that there's going to be 1099, they shy away from EQIP program and other issues like that. I think that is a genuine issue that needs to be resolved that I know for a fact. This is what I was saying a little bit earlier. We live on trust land, federal lands. We have no control, no ownership. We cannot

encumber that land. I think there's some tax language that says something to the effect that you may be able to get by with it. But that is a real problem because it tends to have people shy away.

This where we were on that the cost of projects after design and all, you know, you can start out with a \$30,000- or \$40,000-project. By the time you finish it, it's a \$100,000-project because that's been, quote, designed appropriately to standards. Now, you're liable for a \$100,000-income if you look at IRS, so it's really a problem. It's not only where you're from but it's from Navajo too. And I can see like for 5- or 10-acre ranches, where are you going to get that kind of money to repay these loans, to repay IRS?

That's always been my argument. I was with the government for a while. If there's a contract, a contractor comes in and does some work, he's entitled to extra money to pay his taxes. Maybe this is what IRS ought to do. I mean, USDA should do that. NRCS or EQIP, they give you \$40,000. Treat it like a real contract, include in there money for paying your taxes. That's what these contractors do. Federal contractors, they're entitled to payment for taxes. So maybe that's another way to look at it. Thank you.

Randy Emm: One item there that came about, we came up with an estimate as to what it would take. It's a rule of thumb

estimate, but it would take about 25 percent of your payment to pay your taxes. It's not the income tax payment, it's a self-employment tax which is your social security. You got to pay your 7-point-something, and the employers got to pay 7-point-something, so that comes to 15 percent, and your income tax is about 10 percent out of that. And that's just kind of your basic, depending on your situation.

Val Dolcini: Mr. Chairman?

Mark Wadsworth: Yes.

Val Dolcini: Mark, Randy, pardon me. I appreciate the fact that the University of Nevada has been such a great partner with us here. Cooperative extension services all over the country have partnered with the Farm Service Agency and our sister agencies to implement Farm Bill programs, including the Livestock Forage Program here in the Southwest. In the West, obviously, we've had several years of drought which have resulted in significant payments under the LFP program. To date, we've assisted about 400,000 ranchers all across the country. So it's been a really very successful program that's kept ranchers on the land, but to the degree that we need to do a little better job educating those that receive big payments like that who may not be thinking of the tax implications, we're happy to work with you.

We've got a good team here, as you know, between the two agencies in Nevada. I think the state director of FSA, Clint Koble, was wandering around here this afternoon. Perhaps, we can get together with him and make sure that we're doing a better job in educating folks about the 1099 implications.

Leslie Wheelock: Mr. Chairman.

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: In listening to this, I know that I see that Zach does a program about how to balance out your expenses against that income so that you end up with a net filing, but this is for people who have never filed before perhaps in their lives.

Randy Emm: EQIP, you can do that because it's a 90-percent cost share, so you got your expenses to offset that. But with this Farm Service Agency payment, it goes back two years and you just get one lump sum all in one year. So how do you account for that? There are ways you can do that, but they need to know that before the end of the tax year.

Leslie Wheelock: Right. I think Kathryn and I will take this offline and see if we can figure out some way between the two of us. It may be that we got to go find somebody to help us to put together the guide that we all have that helps everybody out and the field helps us. And probably direct some of our big [indiscernible] to get some tax help and where they can call for

that because we've got folks doing that work in the organizations that are here today.

Randy Emm: If you also have some contacts within the IRS, that would --

Male Voice: I can't help you with that one.

Leslie Wheelock: I think we've got them.

Randy Emm: -- help us along that way. Basically, what it is, is clarifying their definitions I guess of what is taxable and what isn't. From the opinion of quite a few of the residents or the tribal members on the reservations is that if the tribes are exempt, they should also be exempt because the tribe has been set up for them. However, IRS does not recognize that. They recognize the tribal entity and not the individuals.

Leslie Wheelock: Thank you.

Mark Wadsworth: Thank you, Randy.

Randy Emm: Thank you, Mr. Chairman.

Male Voice: Let's take a break so everybody could stand up.

Mark Wadsworth: I think we'll take a 15-minute break. The comment period officially ends at 5:00. So if some other people want to put their names back down, we'll re-address them at 4:30.

[Break]

Are you ready? At this time, we have no one else who has expressed a desire to do a public comment. If nobody has a public comment, then I think we can call that officially over, comment period over. Next agenda item will be the CNAFR Working Session. John, what was your idea on that topic?

John Lowery: I want to get this on the record that I truly enjoy having Gary here working the mic. Thank you, sir. Mr. Chairman, as you've heard already earlier today, you guys asked me time and time again to give you time to talk, to work amongst yourselves without us talking at you. So definitely, I just want to step back and let you guys as a Council talk, work, discuss, decide, however you want to do this. That's what I had in mind.

Mark Wadsworth: Okay. Everybody on the Council has possibly seen this draft prospectus. It comes from the Native American rangeland management capacity building through the SRM, Society for Range Management. I've known Diana Doan-Crider ever since the tribal members started attending this on a national level. This is where the professionals from all your range conservationists meet, along with the public. She's a real, I believe, solid person. She has asked us for possible partnership or more likely, just an endorsement of this project that she's presenting to the USDA, through the Forest Service,

through the Range Management Program. I think it's in conjunction with the Crow Tribe tribal school out in Montana.

Also, they're trying to develop this as a teaching model for range conservationists in the Native American youth and as basically a recognized curriculum. She comes from a background of working as a bear scientist. Kind of strange, we've been talking about bears all day. Anyway --

Angela Peter: Has she been to Alaska?

Mark Wadsworth: No. She's at Texas A&M. Anyway, I would like to be, at least, able to write a letter of support possibly to her with a recommendation to the Secretary to help with this effort.

Jerry McPeak: Mr. Chairman.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Is this where you identify ourselves yet? Okay, Jerry McPeak. Are we asking for financial help or what are we asking for?

Mark Wadsworth: Actually, she would like the support so that she can do the grant writing for it herself. She isn't asking money from us directly.

Jerry McPeak: Or if the USDA necessarily for grant writing so that she can put on the grant writing thing that says, hey, we endorse her.

Mark Wadsworth: Yes. Yes, Gilbert Harrison.

Gilbert Harrison: Mark, thank you. I took a quick glance at this, and I have some question. I don't know if they are here or not, but it seems like there's sort of a repetition on how the other programs are going. I know IAC is into some of these. I know some of the tribal colleges are into this. It talks about training and all of that. I don't know how much repetition there may be. And on third page or so -- it's not a page number. It says we are currently making a three-year request to USDA for financial support and following. I guess the question is, are we endorsing the program? Are we endorsing the money also? I guess the question is USDA has a lot of programs and there are procedures and protocols for that. I wonder which one they're asking money for. These are just some issues that come to mind.

The last comment, it says rangeland. I'd like to put in a word for farmlands. We have a lot of farms, and there's a lot of need for some technical assistance and technical issues related to that. Anyway, those are the three questions I have. I don't know if they're here to make a presentation or I don't know if -- whatever. Besides that, I think --

Mark Wadsworth: Gilbert, I will read you the email communication to me. It says:

Hi, Mark. Thanks for your interest in potential partnership with our Native American rangeland management

capacity building initiative, which is being proposed by the Society for Range Management and Native American Range Advisory Council. We will be submitting this to Butch Blazer, Director of the Natural Resources at USDA for his consideration. While we planned on sending this proposal to you, to our potential partners after which receives this revised provision on Monday, December 8, I understand that you will not have Internet and hence, you won't be able to have the full proposal brought to you by then. Hence, I am sending this to you earlier than planned so forgive the writing. It is just a rough draft.

For now, please present this proposal to the committee or the Council as a draft and under consideration by the USDA. I will keep you apprised of any news and pending approval. We appreciate your Council's consideration to support this initiative and hope to be partnering with you in the near future.

Thanks. Diana.

Also, the reason why she is strictly dealing with just rangeland is this is a part of the Society for Range Management. But it can be built into an offshoot later for farmlands also. Go ahead, Mary.

Mary Thompson: Thank you. Mary Thompson. Mark, I can appreciate what she's wanting to do to help the folks and everything. My concern right now I guess is she asked it to be

submitted and this board take it into consideration? I'm a little bit concerned about endorsing programs or projects or things like that. I think if there's a funding request for a grant proposal alone or something like that, it would go through the lending programs themselves, wherever that might be.

I don't know that if we, as a board, endorse a specific project, if that might be considered favoritism or something like that, nepotism or -- maybe not nepotism. I guess that's just a concern and would need legal advice to tell me if that's something that this board should be doing. I appreciate what she's trying to accomplish here, but it's just the process. Thank you.

Mark Wadsworth: Who is next?

Derrick Lente: Derrick Lente from Sandia Pueblo. I also echo the concerns of Mary as well. I don't know if it's our role of this board to begin endorsing projects or even giving the impression that we have some ability to weigh in on who gets money and who doesn't get money. I don't think that's the role of this board at this point or the Council at this point. I think we can be supporters of individuals that come to our Council saying, "Help us with the process with the FSA or the USDA." But as far as projects like this, I don't feel it's my role at this point as a board member here to say, okay, I think we should support this, because at that point, we're opening

floodgates for others to begin saying, "Okay. Well, if you supported them, support me, and hopefully we get funded the same way." So at this point, I don't know if it's appropriate.

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: Mr. Chairman, I have met with this organization. Actually, I was invited to give a presentation to their meeting last year. It's a great little organization. But I am in the general inclination that Derrick and Mary both mentioned that if we are going to endorse something, I think that that something would be making a recommendation to the secretary that USDA pursue more youth-oriented programs for tribal members than currently being funded, pursued, supported at this point. And we can list a few for him for his knowledge.

I don't know what happens. I don't know that we have the authority to do an endorsement. I know we don't have the funding for it. I'm just not sure where it goes after that.

Mark Wadsworth: Yes, Jerry McPeak.

Jerry McPeak: Thank you, Mr. Chairman. We have to be given the authority to endorse something?

Leslie Wheelock: What does an endorsement from this council mean?

Jerry McPeak: I'm not sure, but I'm pretty dadgum sure we can endorse something. I am going to be offended and appalled

if this group is so hamstrung that we could not endorse something.

Leslie Wheelock: Excuse me, sir. I did not mean it as being hamstrung. I'm looking at it as a whole stack of these coming through here and working through - on Mary's point - how we do decide who to endorse and who not to endorse?

Jerry McPeak: I'm not disagreeing that there may be a whole pile. But I am concerned with your language of saying that we could not endorse something as a group. I thought that's what we were supposed to do.

Leslie Wheelock: I didn't say we couldn't. It was a question.

Mary Thompson: Jerry, my concern with this is that there is a request for money there. It's a funding issue. I can't endorse something that's requesting funding that I have no control over.

Jerry McPeak: If I may, Mr. Chairman?

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: My question was if that is a blanket statement about endorsing and we cannot take a stand on something, we might as well disband. I'm not saying before --

Mary Thompson: Jerry, I might disagree with you again. I feel like my job right here on this board, to endorse is policy

and procedure as far as implementing USDA programs. And I think that as far as I can go --

Jerry McPeak: Ma'am, you don't understand what I'm saying. Follow me closely here. The question was, her statement was, we could not endorse something. I don't give a flying flip if it's Martians flying to the next moon. The statement was we could not endorse something. That's what I took issue with. It wasn't about this particular thing. But if this is from USDA we can't endorse, then we have a problem.

Leslie Wheelock: Excuse me, but it was a question. I don't know or I don't think that we can.

Jerry McPeak: Really?

Leslie Wheelock: It was not a statement. I was not trying to make a statement.

Jerry McPeak: We probably need to look that up because if we can't endorse something --

Leslie Wheelock: Yeah, we do need to look it up.

Jerry McPeak: What are our recommendations? The recommendations we make, by the way, which we don't get any results back on, but the recommendations we make, what are they if they aren't endorsements for some ideological standpoint?

Leslie Wheelock: You don't think that what you heard today was getting any kind of support for the recommendations.

Jerry McPeak: No, I'm saying we don't get any report back about it. But any rate, that's neither here nor there. Thank you.

Mark Wadsworth: All right. I'll just get back hold of her and CC everybody on the communication back to her. At this time, we don't feel --

Jerry McPeak: Why don't you take a vote on that, unless you're not going to make a motion?

Mark Wadsworth: There is no --

Jerry McPeak: No motion? Okay.

Mark Wadsworth: -- no motion on the board, just a discussion. This is discussion, so I don't --

Female Voice: Okay.

Mark Wadsworth: Gilbert.

Gilbert Harrison: It says working session. The first two years now, we sort of went all over whatever came up. I think to be more effective, maybe we should set some ground rules on what can we address because in our charter, it set about 10 different items there. The main thing is to address barriers that prevent participation by Native American farmers and ranchers in USDA programs. Because if we get too many things, we don't have time to really accomplish everything, unless we are meeting once a month or something like that. And I think we should basically sort of narrow our field on what should we be

addressing; things that have long-term effect and recommendations that are worthy.

I think that's something that the Council needs to sort of look at and say okay. Because I've heard several things here this afternoon, public comments. Yes, they're valid comments, but how do we roll all of that into one or two recommendations to say, "This is what we're going to accomplish this coming year." To me, I think that's sort of something that we should talk about. Like this issue that we've made a recommendation or we're going to be coming to a recommendation on forest lands and base property.

We're making progress because that's going to be something that's going to have a long-term effect. Those are the kind of issues I think maybe we should take a look at. If we get too involved with the small details like what we have before us, it takes away from the time that we have. And I'd like to see us agree to some protocol or what you'd call it or some initiatives that we ought to concentrate on to really be effective. Thank you.

Mary Thompson: Mark, may I?

Mark Wadsworth: Yes, go for it.

Mary Thompson: In appreciation of what Gilbert said about getting on with things, just one little comment about the previous topic. As an individual person, Mary Thompson, I like

this proposal. I like the idea, and I wish them a lot of support and a lot of success with it. And I think it will happen because it's needed. That's my personal thought there.

But back to getting on with this Council's business, the Conservation and Climate Change Subcommittee met earlier today. And Josiah [phonetic], I don't know if he wants to give an update on this or not, but we discussed after a teleconferences and the face-to-face meeting today some possible recommendations. While they're still in draft form right now, I think that they should be submitted for the record so that we can continue to work on those. And we didn't get to the Education and Extension Subcommittee. It didn't get to meet. But there are recommendations there from previous teleconference phone call meetings, and I'd like to get those on the books too. And I'm sure the rest of the subcommittees have the same --

Male Voice: Tomorrow.

Mary Thompson: Oh, tomorrow? I'm not that informed. Okay, thank you. Sorry.

Mark Wadsworth: Yes, Gilbert.

Gilbert Harrison: Ours was a BIA facilitation, and I think there were a couple of recommendations that we made that we would like to see the Council take some action on. One is that federal administrators at the higher level tend to change with elections and all of that and other people move on to their own

journey in life. We felt it may be good to come out with some written protocol - I think that's what I would like to call it - on how we interact with the Bureau of Indian Affairs because we are two federal agencies. How do we communicate with them officially and not only now but down the line?

The assistant secretary of Indian Affairs may be going in a couple of years. We think they seem to change over every two years or so, and so the next person coming will have an idea this is how we agree to work together on these common issues. So I think something like that we recommend it would be appropriate for long-term problems and the resolutions. So I would like to see something of that nature be developed by the Council to say, okay, if we want to do a formal recommendation or formal request of BIA, what needs to happen?

Right now, I'm really glad that Kathryn is here because she is interested in making sure that things are addressed, but I think there ought to be something a little more formal. So I'd like to see us address and come out with a formal written agreement. It could be MOU or something to say this is how we shall work on issues of common interest. I think that was sort of what we talked about and what we said might be good to work on for this coming year. Thank you.

Mark Wadsworth: Leslie.

Leslie Wheelock: Two points, one is I checked. I had a chance to check. So if I may back up one bit, we do have the authority to take on other things that the Council deems appropriate. So that's really all I needed to do.

The other thing is that I don't know how we want to go about reading out recommendations from the work that the subcommittees have been doing. They've all been doing some really nice work. It's all on those lists. I don't know if we want to work through those tomorrow. I don't know if we have a stated set of recommendations from each committee yet, but somehow we ought to figure out how to get those down because right now, we're kind of scrambling in typing and I want to make sure we capture everything.

Mark Wadsworth: Yes, Mary.

Mary Thompson: Thank you, Mark. Hopefully, we can do this, at least get some in draft form there from the subcommittee tomorrow afternoon. And with Gilbert, the MOU with BIA and that type of thing. I'm wondering, Kathryn, what results have come about since our last meeting in D.C. on some of the issues that we brought to be BIA. Can you report anything back to us on that?

Kathryn Isom-Clause: This is Kathryn Isom-Clause. We've had kind of individual followup. Within the subcommittee, there was a question about tribal courts and working on the UCC and

that type of thing. We were able to get some followup. So far we've just been sort of making contacts and getting things ready to go. We don't have anything actually in place yet, so we need a little bit further direction. But if the Council would like, I can write up a little memo of everything that I followed up in the meantime because I think there are several different topics we've talked about that I haven't really had a time report on them but I can definitely do that. I don't have it all in front of me right now, and I want to make sure that I get it all, but I can certainly report back on that.

Mary Thompson: And with the things that were brought today which is probably a repeat of things that came up earlier, in your report, would you please include comments or suggestions from the secretary?

Kathryn Isom-Clause: Sure.

Mary Thompson: Are those things getting to his attention, some of the comments and questions that have come from your sitting in with this board?

Kathryn Isom-Clause: Yeah. I do always, after our meetings, report back to the assistant secretary.

Male Voice: Who are you calling the secretary?

Mary Thompson: The assistant secretary.

Kathryn Isom-Clause: The Assistant Secretary, Kevin Washburn.

Mary Thompson: Kevin Washburn.

Kathryn Isom-Clause: Right. So my boss, I definitely tell him everything we're doing. I also work with Mike Black.

Male Voice: Is that your boss?

Kathryn Isom-Clause: Yeah. But, you know, a lot of the issues are kind of more under Mike Black, BIA Director Mike Black. So I've been letting them both know everything that's been going on. And also I'm working with our staff within the BIA.

Chris Beyerhelm: Mr. Chairman, if I could just follow up on this conversation. Kathryn, I don't know if you're being conservative, but we have had other conversations about starting to have local regional meetings between BIA, FSA, RD, NRCS. We know who each other are and what our contact points are even to the point of trying to have - and this is just all on the planning stages - meetings are all the way across the country at the same time. Have leadership from all of our organizations be on a VTC and say this is what we're going to do, including sharing of appraisal, sharing of information, and where do we have overlap. If BIA is doing a function or an appraisal or some sort of evaluation, whether we could use that.

A common example is for our loans, we have to go out and count cows. BIA has to do some of that same kind of thing. So if they counted them first, we're going to take their count. If

we counted them first, BIA perhaps could take our count. So I think there is some progress being made in that area.

Logistically, it takes a little effort to get that done, but I think there are some things being done in a positive direction there.

Mark Wadsworth: Yes, Gilbert.

Gilbert Harrison: Chris and Kathryn, thank you very much. I think this is a very good start. What I'm talking about is putting something in written form so it will last a long time. Because in my lifetime, I've seen a lot of initiatives get started like this, then if it's not put in writing, it fizzles out. I don't like to see that happen because what we're addressing and what we're doing is very important, and we are making progress. Thank you very much.

Chris Beyerhelm: And if I could just follow, Mr. Chairman. There actually already is an MOU between BIA and USDA. There's a section there that talks about and collaborate as appropriate or whatever. I think we're using that general phrasing to cover this activity we're doing. If we need to get a little more detailed about it, we can do that. But there already is an agreement that we'll share information where appropriate.

Mark Wadsworth: And I think that MOA, isn't it on the website with USDA?

Leslie Wheelock: It is. Actually, there are two of them. There is one between BIA and Rural Development. And there is a second one between BIA and NRCS and FSA.

Mary Thompson: Question.

Mark Wadsworth: Yes, Mary.

Mary Thompson: Are those as a result of this Council for Native American Farmers and Ranchers or were they done prior?

Leslie Wheelock: They predated my arrival and were done. Janie and John did them probably about four years ago, I think, 2012. We started to try to implement them when I arrived. The BIA senior staff that was working on it all switched around, so we lost a little bit of momentum there. And so John and Kathryn have been working on trying to kick start, figure out what's already happening in the field because we do have a couple of states that have taken those MOUs to heart and are trying to implement everything that they can at the state level. And so we're trying to find out best practices. What's working, what's not working, what does belong at the federal level, and what is more important to have at the state level? The first meeting did identify the need to ensure that the regional folks, the local folks on the ground all know how to get in touch with each other.

And we, as Chris said, it's in its infancy but we're trying to figure out how to do that. Right now, it's just kind of

facts and information or emailing information around. We were told at one point that the BIA folks changed too often, but I don't think that's true. It can't change any more often than our folks do. So it's just trying to get them together. Once they know how to communicate with each other, getting them to do it.

Mary Thompson: Well, then, I guess that brings up another question. One, is it time to look at to amend or update the MOUs? And then number two, as successful as this might be or should be or as successful as it is because of these MOUs, would it behoove farmers and ranchers or Indian tribes to do an MOU on the ground level at home with BIA and Rural Development or NRCS, or is that just an added step that's unnecessary? If your MOU works on the Washington, D.C. level, then it should lessen the barriers on the ground level at home.

Leslie Wheelock: To try to address two questions, I think we might need to take a look at them after this initial assessment - with a couple of states, it's completed - and what's there and what needs to be done there. We have utilized the MOUs in particular where BIA was out doing the assessments for the fractionated land evaluations and needed to get access to data that USDA already has and not recreate the wheel. As a result of that, there were some roadblocks thrown up because they said, oh, we have to have MOU on the local level in order

to get this information out. And what happened, we just walked back to the MOU and we said we already have an MOU.

Mary Thompson: And so all you had to do was get the MOU out for them to be able to utilize.

Leslie Wheelock: All we had to say was we already have them.

Mary Thompson: And if I didn't know about that, I wouldn't, I mean --

Leslie Wheelock: That's right.

Mary Thompson: The ranch and farmer, I don't know to go online and take a look at that and use it as a resource.

Leslie Wheelock: That's right.

Mary Thompson: Education, getting the word out.

Leslie Wheelock: You got it. Thank you.

Mary Thompson: Thank you.

Mark Wadsworth: Yes, Kathryn.

Kathryn Isom-Clause: I just want to ask a question of Gilbert because I think how I understood you before was we have these MOUs for the regional and local level that Leslie was talking about and that Chris was talking about. But, Gilbert, are you talking about a position with the Council to specifically liaise, like I'm doing that that would survive potentially pass me to help with the Council level or -- ?

Female Voice: That's my understanding.

Kathryn Isom-Clause: Okay. So it's talking about kind of two different things.

Female Voice: Yeah.

Gilbert Harrison: I'd like to request maybe Leslie and John, maybe at our March meeting, let's put that on the agenda, okay, because we talked about this. There's already an agreement in place, but I'd still like to see a little more how are recommendations or how can we get some form of protocol on what kind of things can we actually address? Because in my lifetime, I've had quite a bit of experience with the BIA. Anyway, I'd like to put that on the agenda for next time around. Thank you very much.

Mark Wadsworth: Go ahead, Jerry.

Gilbert Harrison: Kathryn, is that true, BIA stands for bossing Indians around?

Kathryn Isom-Clause: That's what I heard.

Mark Wadsworth: You know, I've actually read the MOA between USDA and BIA, and it was just only specific to certain agencies within USDA. And we know that probably in that whole deal, it should have been probably Forest Service. It should have been a part of that other, you know, and would it behoove us to make a recommendation to the secretary that between the two secretaries and the Department of Interior with BIA and USDA

that they work in collaboration to encompass the whole gamut of USDA?

Leslie Wheelock: I could address at least part of that. There is a working relationship that's kind of like an MOU or an MOA between the Forest Service and multiple Department of Interior agencies even outside of the BIA that's called Service First. It's actually supported through an act of Congress or through appropriations, allowing Forest Service and these other agencies to offset each other's personnel expenses where they're essentially in the same space doing the same work. And what we might want to do is bring in one of the Service First managers to tell you about that program. It is a program that seems to be working. It's not the same as the MOUs. And I think that without hearing somebody describe it, it's hard to tell exactly where the differences are. But it does have a stronger support mechanism than the MOUs themselves have.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Thank you, Mr. Chairman. This is Jerry McPeak. I don't think that thing is on. I don't think it's an accident that the attitude of our BIA at the federal level happens to coincide with the Obama administration being there and with the Keepseagle Settlement. I think all of those things have aided in having us get there. My observation is that from the national level, our BIA is today much better than they were

two years ago when we started. Yet you're having some difficulty getting your message from there to down here.

As you know, earlier today, I talked about the ground. I really believe you need to ask the people who are standing in fields what needs to happen. At the same time, we have people working for you. That's got to come from the top down. I think that is beginning to get there. Again, I think that's no accident.

In Oklahoma, in my opinion, we have improved tremendously in our communication - don't you think - in our communication with our people. I'd continue to tell you about a young man named Mack Mullen [phonetic] that's reached in there and done some things and he has nothing to do with the BIA, but he sure helped with FSA and any other parts of USDA that we've done.

I like the conversations, but I also am not quite -- maybe I'm too young, Gilbert, but my approach is to run as hard as I can as far as I can and someone would jerk me back. I am more of the let's go and someone will stop us. I appreciate your fact about posterity and left historically. Those things are great, but we have two years now. We spent a whole year and more listening from up there with not having much input from down here. I like your recommendation. I like the fact you're going to make a recommendation.

I hope that we will make more recommendations. I hope that we listen to the people who are standing in the field or in the acorn trees and then make recommendations, being unafraid of where our limitations are. What are they going to do to us, fire us? [Indiscernible], we don't lose this job? I mean probably not. So I see no reason to be afraid of taking extremely strong stands or maybe even stands that someone unofficially tells me I can't take. I've always have been short, ugly, not very smart, not very good athlete, and didn't have any money. Therefore, I never was supposed to win or do anything.

So go out there and whip me. But take this far as you can, as fast you can, as long as you think you're right. Now, if you don't think it's right, get off of it, but let's make some recommendations. Let's listen to those things and make recommendations to them. We're improving. I don't know that we have done it, but Keepseagle has. I think the Obama administration has. I'm scared to death what's going to happen in four years, but we can't worry about that. Again, recommendation of what you've heard, and make those recommendations. Send them with Leslie and John to be heard, and then check and see where they've gone from there or did they just like smoke signals on a windy day?

So I hope that we'll make recommendations today and tomorrow, that you'll send that recommendation - a great one. But there are others. I hope that Angela has one. From what the lady said here today, I hope that we have a recommendation that says, hey, we would like to send a resolution. We make a resolution here and have it written up and send the resolution to the state representative, to the - what am I trying to say - legislature and Senate. In Alaska, it says we think, by gosh, you're screwing these folks. I wouldn't quite write it like that. We'll have the lawyer to write it differently than that. But we think, you know, we're aware of what's happening and we think it needs straightening up a little bit. If somebody says we can't do it, what are they going to do, sue us?

Anyhow, I hope we'll take a stronger stand. I hope that we'll take a stand with those things and don't be afraid of doing that. We have had great help with people who have seen that we've got to be face-to-face with. Again, my visit with Mike Black was better than I could ever dream it could have been. And I can see a change at that level. But, ma'am, it ain't so good when they get down at our house. Those folks have been indoctrinated for so dadgum long acting like BIA people, but I'm sure they'd understand at least on that one subject because it happened. Thank you.

Mark Wadsworth: Yes, Chris.

Chris Beyerhelm: If I could just piggyback on that a little bit. Jerry, I think your point is well taken. And Mary, I think you mentioned it. Val and I have had conversations about this that a lot of momentum that has been gained on a lot of these fronts is because of politically-led initiatives. Val and I talked of the importance of institutionalizing this with career people like me because as I said last time, Val, you weren't here, but I said "they be, we be," you know, they'd be going and we'd be staying. And it's not a bad way. That's life at our agency.

Jerry McPeak: I've heard every quote there is but I never heard that.

Chris Beyerhelm: Never heard "they be, we be?"

Female Voice: It was at the last meeting.

Jerry McPeak: I'll keep that one.

Chris Beyerhelm: But the point is that when they go, there's got to be people on the ground at BIA and FSA that believe in what we're talking about. I'm not saying there isn't, but you run that risk, is that all the administration leaves and we're all going to go back to our old ways. So I think there is some importance in institutionalizing these discussions that we're having, and these recommendations are a good way to do that, so I'd certainly support that.

Mark Wadsworth: Gentlemen, I guess if there is anything else, we're going to try to get together and have dinner tonight.

Jerry McPeak: I have a question.

Mark Wadsworth: Go right ahead.

Jerry McPeak: Mr. Chairman, Jerry McPeak. When they were talking about the subcommittees, I think, John, that you or you had someone - a secretary - taking notes and so that had probably been you. That's what I thought. So from our subcommittee's standpoint, education - who else on the education thing - from our last meeting, we made statements, and I think that he'll have those things that we kind of thought about making recommendations on. So I know that myself, we'd like to make a recommendation on some of the things we talked about the funding. So if you want to give me information, I'll try to write it up for you tonight.

John Lowery: It should be --

Jerry McPeak: In that folder? Yeah. You've got to come to the microphone.

John Lowery: It should be right in front of you. I passed it all out earlier today. I passed all the reports. And regarding the actual recommendations' followup, I have that [cross-talking]. That's one of them. [Cross-talking] but also as far as a followup to the prior recommendations, I have all

those for you too as well, and I'll pass it out to you, so you could see what else had been done.

Jerry McPeak: See what I mean? We established this [cross-talking].

John Lowery: Keep pushing, Jerry. Keep pushing.

Male Voice: Good job.

Gilbert Harrison: Mark?

Mark Wadsworth: Yes, Gilbert.

Gilbert Harrison: Again, fellow councilmembers, I brought up another issue here besides institutionalizing some of these communications. That is, should the Council, basically, set some guidelines on what is it we're going to comment on? Because I still feel that unless we have a lot more meetings, we have very limited time, so what kind of issues should we be addressing and making recommendations to the secretary? I'm just sort of saying where do we go in terms of recommendations? What kind and do we set some protocols? Do we set some parameters on what we forward? I'd like to have some more input from the councilmembers on what do you feel? Is it just appropriate the way we're going, just whatever comes up or -- ? Anyway, thank you.

Jerry McPeak: Gilbert, that's exactly why I like having more time to do this because you're talking about what comes up, whatever. It's not a whatever-thing because much of this stuff

I've thought about for months that we want to say. And I think you, just like the things you got to talk about in the subcommittee, you thought about for months. So I don't think it's a happenstance to you. I think most of us have thought about it for a while and then bring up. It's just having an opportunity to air that out with someone else to see how they feel about it and see whether we think that's right or wrong, and people you're associating with here and get their input.

So I doubt that it's as light as that. I think most of us who have come, just like you have of coming with something that they've thought about for a while and they've heard from their people and want to hear it. So I think probably all of it has a basis. I doubt much of it happens just because it happens right here, right now, and I thought of it really quickly.

Angela Peter: Mr. Chairman.

Mark Wadsworth: Yes, Angela.

Angela Peter: Hi. I'm Angela from Alaska. Are you talking about -- which one am I talking to, Gilbert? I'm sorry. I'm tired. Are you talking about since now that we have put two recommendations only to the secretary --

Leslie Wheelock: Put two lists of recommendations.

Angela Peter: Oh, two lists.

Leslie Wheelock: Yes.

Angela Peter: So you could take out two that were -- ?

Leslie Wheelock: John, I don't remember how many were in the first or the second one. I think the second one was 16 recommendations and three in the first.

Angela Peter: Okay. What happens to the first [sounds like]?

Leslie Wheelock: So Angela is asking what happened to them, which was my question too because we've been working on a report chart, a report to get out to folks in terms of what has been happening internally. The first set, I apologize, I don't remember the first set. We don't have them in our folders. So John is going to have to come back up here. We've taken care of a lot of things internally and have not, as we identified I think two meetings ago, have not been great in reporting back to the Council.

Angela Peter: Okay. Can I finish here quickly?

Leslie Wheelock: Sorry.

Angela Peter: The thing is that it would be great if we get a report eventually about what we've done. But what about what has not been done? Then somehow we've got to prioritize what comes next. So I get that. I just don't have an idea about how we're going to do that. But I'd still like to see if these things that we did recommend already, the stuff that hasn't gotten done become a priority. Thank you.

John Lowery: So I have put together a follow-up spreadsheet here on all 22 of your recommendations that you guys have made over the past two years. So I will pass this out in just a moment. I'll just give you guys a chance to look over them. Then tomorrow, I think, during our subcommittee report, I think that that would be a good time to discuss them further. That's what I was thinking, but you guys are the Council. As just my own opinion with regard to recommendations and set priorities, Gilbert, I think that once you start limiting yourself, then you've limited yourself.

Male Voice: That's right.

John Lowery: USDA, we do rural America. So I mean rural America has a ton of issues, and we have 17 agencies and 7 mission areas. So I mean if you limit yourself, you can just say strictly farming and ranching, and we can stick within FSA and NRCS and never get out of that if you want to. But I think that you have a pretty broad reach here within USDA, so I would not do that, but I'm definitely open to whatever you guys want to do.

Also with regard to the MOUs, Mark, with regard to them being BIA/RD and BIA/NRCS and FSA, those are our three main service agencies. So they just make sense from a service agency point of view that those three, along with BIA, would sign some agreement. Regarding Forest Service, Forest Service will say,

we're only going to service our forest land. We're not going to go beyond that. So as far as touching individuals on a daily basis the way the three service agencies do.

Angela Peter: Okay. So I guess that that really clears it up because we're not looking at having to prioritize a 1-2-3 thing. We could just put them all in there. I mean we've gotten one on, what is it, the climate? So if we even work on another one, at least we'll have two for that one. So yeah, I thought it was like this. Never mind. So we could just submit them.

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: I wanted to give you a little bit of information. This is Leslie, and I'd like Mary to go first and then I'll go after.

Mary Thompson: Thank you, Leslie. I'm kind of following up on what we're talking, the general topic of priorities and back to the subcommittee recommendations. I'm just going to throw this out there now because I want more input. One of the recommendations that we had thought about and talked about and discussed was moving FRTEP agents in Extension and the tribal colleges over to Tribal Relations and put them under Tribal Relations. But really haven't had a chance to talk to FRTEP agents and Tribal Relations and everybody to even see how or whatever that might work. So it's a recommendation, but I think

that we need to do a little bit more homework and get to a few other folks to see if it's doable, if it's feasible. That's probably the same thing with other recommendations that these subcommittees are coming up with. I guess a reality check, is it doable, and I think it would make our recommendations stronger whenever we put them out there. So that was one comment that's kind of a followup there.

And then the other thing I wanted to ask was that on the agenda and then the review of the agenda tomorrow, just heads up, could we add the BIA report on previous discussions or meetings or follow-up report from BIA and include that on the agenda? I know we had opportunity to amend the agenda tomorrow morning at 8:40. But just as a heads up, we may be asking this. Thank you.

Kathryn Isom-Clause: Unfortunately, I'm not going to be able to be here tomorrow. I'm flying back tomorrow. But I can write something up tonight and then give it to John.

Mary Thompson: That would be great. That would work.

Jerry McPeak: Thank you, Mr. Chairman. Thank you for the report you got out, John. That's great stuff. As a matter of fact, Mary, I was going to ask that the Education Subcommittee meet tomorrow at 8:00 before everything else, because I did do some research about that, about the FRTEP and tribal colleges and I actually found out that tribal colleges would rather not

do that - the ones I talked to. So that was one thing that I'd like to visit with. But to have another Education Subcommittee meeting tomorrow at 8:00, is that a doable thing, 8:00?

John Lowery: By the way, we still need a lead [sounds like] for the Education and Extension subcommittee. So I'm still waiting on you guys. Thank you, sir. I appreciate that.

And just FYI. On the first sheet here, I've got update at the very top, and then on the other sheet it's got necessary followup. That should be updated all the way across, not necessarily followup but update. Sorry. The necessary followup was from the previous write-up that I did. But everything kind of necessary followup is the current update for you guys today.

Mary Thompson: On the recommendations, John?

John Lowery: Yes, ma'am.

Mary Thompson: May I ask that question number 4 on these recommendations, would it behoove us to put these recommendations out there to the general public so that they know that some of the issues and concerns they have raised have resulted in a recommendation to the secretary?

John Lowery: Yes. We, as a matter of fact, actually talked to Josiah yesterday. We're going to place your two letters on our website. Once again, we can send them out to you guys via email, as we always do, and ask you to send them out as well to your point of contacts throughout.

Mary Thompson: We'll leave the rest of them out here for the folks to read on here. Thank you.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Thank you, Mr. Chairman. John --

John Lowery: Let me say this. Kathryn, just give me whatever you and I can actually discuss further, and in the future we'll have that on there. But what I envision - and I'm just the designated federal officer - was that when we did the BIA facilitation reports that that Derrick being the chair, sort of, so we'd give their report from the BIA perspective. So that's my comment and vision.

Mark Wadsworth: Yes, Gilbert.

John Lowery: But I just want, real quick, Jerry. I also want to thank my good buddy, Josiah. So he and I have been tag-teaming [cross-talking] this stuff. It's a lot.

Jerry McPeak: This looks good. Thank you.

Gerald Harrison: Thank you, Mark. This is Gilbert. If you look at this, there were recommendations that were made but I don't see what the formal response is. We see it's here. We see it's under consideration, but what is the formal decision on these responses? We recommend that the Council increase the meetings. Yes, we know, but there are others in here that we have, like number 8, foster improvement to lending environment. What's the formal answer been of the Secretary's Office? I

think that's one thing. We're making recommendations to the secretary. What's his really response? And I think some of these responses are just from OTR but not from the --

Chris Beyerhelm: Mr. Chairman, could I follow up on that? Gil, they may read that way, but that's not the way it's working. I think with these recommendations, I think as Leslie explained before, is that OTR is working very closely with all the other agencies to develop a response. For instance, on number 8, that is the response, is that with Leslie's direction and working with the subcommittee, we're working with the Federal Reserve Bank to provide UCC training to the states. So that is the response. We're, also, RD, FSA need for the UCC training and then also for mortgage lending.

So I think if you read the response that way, that is, at the secretary's charge, asking Leslie - Leslie, correct me if I'm wrong - working with the agency. So we've done it a little different this time, to try to make the agencies part of the process and part of the discussion rather than just saying the secretary says this or that or anything else, if that makes any more sense.

Leslie Wheelock: Mr. Chairman.

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: I just wanted to attach on to what Chris just said. So one of the first meetings that I attended, I

guess it was the second meeting, that was reinforced at the last meeting we had here in Las Vegas had a lot of EQIP pieces in it and it comes up constantly. And one of the things, as the Farm Bill came out, it was obvious that there were some regulations in there that could go any way, there was some discretion behind them on how they were written up. The people in NRCS, Leslie, I don't think had the information. But there are people within NRCS that we had passed that information to both from the listening session and from the recommendations over too so that they were already very well aware of what the requests were that had come through on that program and on the other conservation programs that could be affected by the new regulations.

So we think that we got as much out of the regulations and the changes in the regulations as we could, given what we had to work with and given the fact that they didn't want to go in and open up new regulations that they didn't need to address. They only wanted to work through the regulations they needed to address. Because we have the Farm Bill, they didn't want to open up new regulations that otherwise didn't need to be addressed yet because they're just trying to get the Farm Bill stuff out.

So what I think you'll see tomorrow - and I don't have a copy of the EQIP stuff yet, so I don't know when we're going to get that out tomorrow - but what you'll see is something that

looks very different from the old EQIP language in terms of just focusing on that part of the request. It's not going to be everything. There will still be other additional things that will be very useful for tribes, but it goes leaps and bounds beyond where we were on that regulation. And we've been trying to do that in all the regulations as they roll through that we can actually create a different song that Congress has given us some discretion on. The secretary is behind it. Everybody who is at the table is behind it. The deputy secretary, if I look like I'm at all agitated about something, she will turn and she will say, what is it? What is OTR's position? Nothing goes across that table without her asking that question.

So just be aware that stuff happens. We don't report out on it. I can't report out on what we're doing in those meetings because they're still in the midst of putting stuff together, but you see the changes on the finished product. Thank you.

Mark Wadsworth: Go ahead, Mary.

Mary Thompson: Did you have a response?

John Lowery: Yes, ma'am.

Mary Thompson: Go ahead.

John Lowery: Okay. So on the first five recommendations that you guys made back in February 2013, the first five - the secretary should increase the number of CNAFR meetings. When we first started off, we were having two. Now we're having three.

This year, with funding, we're going to have four. So your response is you're having four, which is up two.

Jerry McPeak: You're doubling it, huh.

John Lowery: The secretary should increase funding to provide for the increase in CNAFR. I'm going to tell you now we've actually gotten more funding. We haven't got it all. We haven't. The agreements haven't been written up yet, but we've gotten more. What's the word when you tell someone you are going to do it?

Female Voice: Support.

Male Voice: Commitments?

John Lowery: Commitments than we had before. The secretary should direct appropriate agencies. Number 3, Bob Jones had that worked out before we even sent this over to the secretary. Number 4: NASS, well, NASS came and presented at the Council on September whenever, 2012 numbers, and you guys asked them very direct questions about subsistence farming in 2017. Number 5, Janie Hipp, who was here this morning. So I mean those first five have been knocked out. I mean you've got to look at life is like that. It's like I don't see anything happening but you do. You just don't see it happening because -
- I don't know.

Jerry McPeak: When the law [sounds like] does kick that, so it just happened.

Chris Beyerhelm: John, I think if we just worded these differently and said done.

John Lowery: Yeah. Maybe I can just add that.

Chris Beyerhelm: That's the point I made earlier, yeah. Put a done column or completion date or whatever. Because you're right, I mean if you really read these results, a lot of these are done or a long way towards being done. So there's a lot more progress than --

John Lowery: And you're right. It is a matter of doing this a little bit better and getting it out sooner as well. So that was on me to get this out sooner to you. But I'm saying though, it is a matter of us reporting back to you guys quickly and in an appropriate manner so that you can read these and say, yeah, this has been done. So I totally get it.

Mary Thompson: I have a question though.

John Lowery: Yes, ma'am.

Mary Thompson: And even on this number 5, yes, Janie is here and she does participate in this type of thing. But I think when that question was asked, it might have been with her in her capacity as Leslie now is. Can Leslie participate in the public comment periods? Probably not, probably with the job and everything, I don't know. But I want to go to number 6 though, and you hadn't gotten there yet, but when Leslie -- I forgot her name.

Leslie Wheelock: Leslie Deavers.

John Lowery: Deavers.

Mary Thompson: When she was here earlier and we were talking about some of the projects with - and I don't know which one it was - an EQIP project or something with NRCS and talked about this micro project philosophy, it didn't seem like she was onboard with or familiar with that.

Leslie Wheelock: She's not. She's working on regulations. If I may, Mr. Chairman.

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: So Leslie has been focused primarily on getting the NRCS regulations out the door, and we've been talking about those particular items with different people. So Noller Herbert who is going to come to this meeting couldn't make it. He is our engineer and he is the person to talk to. We have some support from the Deputy Undersecretary's Office which is the person that I have been talking to about it, so that's Ann Mills. In talking about it, what we've focused on is the language that you see here which is the micro-project philosophy because if you saw the reaction to Chris saying over engineering, everybody kind of went, huh, no, it's not.

In fact, what we're trying to do, after you all went to lunch, Leslie Deavers, the state con [sounds like] from Nevada and I stayed back here. We're talking about how to put together

kind of a single-sheet directive out of NRCS that not only describes a little bit about how to cut a big project or even a little project into smaller pieces so that they can be done over a one- or two-year period. But also how to put that information into a single document that any tribal member can walk into an NRCS office and say, "Do you see this? I want to do this, and I want to do it with my X and my Y on my ranch or on my farm," so that it's an NRCS document that they're walking in with, not a piece of paper that they've written a little plan on. And their local NRCS office understands what they're talking about and understands that there is a way to do it that has been designed and that NRCS should be able to recognize.

Because I think some of the problems we have is that people in the NRCS office, they either don't want to put the package together or they can't put the package together or they've never seen it before or they think that they have to run everything up to the engineer to bless. Everybody is afraid all the way up of doing something that the engineer won't bless. And so, you know, we don't know what's causing some of these problems. But we're thinking that if there is something that the tribal people can walk into a local office and say this is what I'm trying to get done, that it might jog some people to either ask a question or do it.

Mary Thompson: And you've got the engineer onboard with this so he knows that we're working on this communication gap?

Leslie Wheelock: We're in conversation with him. He is not onboard with that because we were just talking about that after lunch. So we'll get him into the communication. But John has been talking to him.

John Lowery: Yeah, he actually had a presentation set up for you guys. And I think Thursday, he emailed me and said, "I cannot make it," so I was trying to get somebody else to come in. They said, "No. He is the head engineer. I will not come and speak on his behalf." So he is -- yeah.

Mary Thompson: Cool. Thank you.

Male Voice: I recommend there be a reset.

Mark Wadsworth: Yes, Chris.

Chris Beyerhelm: Mr. Chairman, given the time of day, I'd like to entertain perhaps a motion to adjourn.

Mark Wadsworth: A motion on the floor to adjourn, any second?

All: Second. [Cross-talking]

Mark Wadsworth: All in favor say aye. [Cross-talking]

Male Voice: Aye.

[End of file]

[End of transcript]