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Council for Native American Farming and Ranching  
December 11, 2014

[Start of file - 05:05]

Mark Wadsworth: All right. It's Thursday, December 11<sup>th</sup>, approximately 8:30. We'll begin with calling the meeting to order. I have a roll call beginning with Mary Thompson.

Mary Thompson: Here.

Mark Wadsworth: Jerry McPeak?

Jerry McPeak: Here.

Mark Wadsworth: Angela Peter? Angela Peter is not here. Edward Soza? Edward Soza is not here. Sarah Vogel? Sarah Vogel is not here. John Berrey? John Berrey is not here. Gilbert Harrison?

Gilbert Harrison: Here.

Mark Wadsworth: Porter Holder?

Porter Holder: Here.

Mark Wadsworth: Derrick Lente?

Derrick Lente: Here.

Mark Wadsworth: Tawney Brunsch? Tawney Brunsch is not here. Reid Strong?

Reid Strong: Here.

Mark Wadsworth: Chris Beyerhelm?

Chris Beyerhelm: Here.



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Mark Wadsworth: Leslie Wheelock?

Leslie Wheelock: Here.

Mark Wadsworth: Val Dolcini?

Val Dolcini: Here.

Mark Wadsworth: We do have a quorum. We'll start the meeting with a quick blessing here, and we'll have Jerry McPeak.

Jerry McPeak: Everyone [indiscernible] rise. Heavenly Father, thank you so much for giving us the freedom to do the things we're able to do. Thank you for giving us our health, for giving us the ability to maintain our health. Thank you for the things that you give us each day to help us to be aware of those things, to carry them with us in our heart. Help us to remember to give you the blessings, to give you the credit for all that you do for us. Over here help to make us strong. Help us to make us alert. Help us to make the right decisions. Let us ask for [indiscernible]. Amen.

All: Amen.\*\*\*

Mark Wadsworth: The next item is the review of the agenda. I guess the next item after that will be CNAFR housekeeping forms. Then we'll have OTR, Office of Tribal Relations, and Farm Bill update. Then we'll have an IAC, Intertribal Agricultural update. We'll break it 9:50 for about 10 minutes. Then we'll have a representative from NRCS to do a presentation



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on EQIP and engineering standards. Then we'll go to the Farm Loan Service update. Then we'll go to the USDA Ombudsman update. Then we'll go on to USDA opportunities for tribal college students. We'll break for lunch and return approximately 1:30. Then we'll go through the subcommittee updates, and I guess we'll have education and extension moved up as the first one. Then we'll go in to BIA facilitation. Then we'll go in to climate change and conservation, credit and credit deserts, and the Forest Service and BLM management and then subsistence. We'll break it 3:30 and then we'll have another Council for Native American Farming and Ranching working session. I guess, John, you have --

Angela Peter: Sorry, I'm late.

Mark Wadsworth: For the record, Angela Peter is here.

John Lowery: Good morning, everyone. Just looking at the agenda -- this is John Lowery, by the way, for the record. So as of right now, the NRCS presentation of EQIP and engineering standards, that is not happening as far as EQIP and engineering standards because the guy who was supposed to come is unable to come. Also, we did have a pretty good discussion yesterday around this, so there is a possibility that the state con for Nevada may come in to speak. We sort of discussed it yesterday. But if not, we might just strike this period and just keeping



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on. Other than that, I think we are good to go as far as any other changes that might be made.

Mary Thompson: Mr. Chairman.

Mark Wadsworth: Yes, Mary.

Mary Thompson: I would like to submit that we add the report from BIA representative. In future agendas and today, maybe substitute a written report in her absence.

Mark Wadsworth: Okay. Any discussion?

John Lowery: Mr. Chairman, this is John again. What I had envisioned today would be to provide her an update during the BIA facilitation report as part of the subcommittee, but now moving forward to have a report in the agenda or in the binder at least.

Mary Thompson: Thank you. And also Mr. Chairman, where on the agenda would we entertain recommendations? Would that be in the subcommittee updates and just doing the recommendations from there?

Mark Wadsworth: I believe it will be during the working session.

Mary Thompson: The working session?

Mark Wadsworth: Yes.

Mary Thompson: Thank you.

Mark Wadsworth: Yes, Gilbert.



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Gilbert Harrison: Good morning, Mark and members. Gilbert Harrison here. I wanted to express my concern about the absentees of the councilmembers. I think last time we had a problem with that, and somehow we need to encourage our members to be here for all the meetings because we have a lot of important stuff that we need to talk about and move on. Thank you.

Mark Wadsworth: Yes, Jerry McPeak.

Jerry McPeak: Thank you, Mr. Chairman. This is Jerry McPeak. Mr. Chairman and those who have to keep with the rules and regulations, I don't have to, that was a problem before and we discussed actually if there are two absences or we discussed absences and them just being, you know, I think if it's their own health reasons or death in immediate families. Beyond that, if this is not that important in your life, then bail off and let someone [indiscernible] is important. Is there anything that -- and I'm not sure we would want to. I'm telling you I would, but is it possible for us to give any kind of attendance regulations that --

Leslie Wheelock: This is Leslie. We looked into this before and I'm not sure what the outcome was. I think that we had concluded - well, I know we concluded - before to send in



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notices to those folks, asking them to pay attention and to attend the meetings. And if they weren't interested, to make way for somebody else. But John, do you recall?

John Lowery: Yes. Once a person hits three meetings, misses three meetings, then there is a process for removing them from the council. As of right now with this new council, John Berrey has been here. I haven't seen him since yesterday evening. Ed of course is on the IAC board so he's been in and out. Tawney has health issues in her family, had a death in her family, just FYI.

Mark Wadsworth: Yes, Chris.

Chris Beyerhelm: Chris Beyerhelm, USDA. I guess I'd like to extend the conversation we're having a little bit to the subcommittees too. I have actually been on some of these calls that the USDA people are the only ones on the calls. And I don't know if that's not the one I'm scheduling with your agendas or what the case may be, but I feel a little uncomfortable when it's just USDA people making these recommendations. So I guess I'll just throw that out there.

Jerry McPeak: We see each other all the time. This is Jerry McPeak. I'm sorry.



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Mark Wadsworth: Yeah, if we could just be more cognizant on those subcommittee meetings. I know the three that I sat on, pretty much there'd be one or two of us.

Jerry McPeak: John, originally we had two missed years. If they missed three, that they were a year-and-a-half which meant they could serve basically all the way through the two to screw up a place for someone in that length of time. So that is three total. And now that we're having four a year now or we're having three a year now meetings?

John Lowery: This year, we're working to have four.

Jerry McPeak: That will happen a little quicker. But I'm like Gilbert, I just hate -- it befuddles me. If you just want the title, you have a problem. Where did you get the three? Is that in --

John Lowery: Yes, it's in the FACA rules. I will dig it up and send it out so it will be all clear.

Jerry McPeak: I believe you. I just think it's a little bit lax when you don't meet -- you met every day. You met once a month. When we meet twice a year or three to four times a year, that's been pretty lax.

Mark Wadsworth: Derrick Lente.

Derrick Lente: Point of clarification. Derrick Lente, Sandia Pueblo. Point of clarification for John. When you said



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if they missed a meeting, is it if they come here and they show up for a little bit and they leave, is that counted as them being here for a session?

John Lowery: I'm not sure. We need to dig. Yeah, I need to dig into that and I'll find out exactly what is present and what is not.

Derrick Lente: I'm glad Gilbert brought it up and I'm glad that there's a concern here because that certainly is a concern of mine. When I applied for being on this council, I thought it was a great responsibility and it's something that I wanted to do because I love agriculture, and I love farming and ranching, and I love my people. I'm here not because I'm getting paid big bucks or because it's fun. I'm here because I think we can make a difference. If there is somebody that is here but not sitting at the table interacting with us, then that's no help to any one of us. And I'd rather see that seat be filled with somebody who, and I hate to say this and be so critical, but have somebody to take that seat that cares or would be present and would be able to interact with the council and bring their good ideas because they care about the future of farming and agriculture in native country.

And that being said, is the criteria for people missing meetings in the bylaws? And if it's in the bylaws, can we amend





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the bylaws today? Because I just see us sitting around this table and taking time to address this when we should be on the other business at this point. Thank you.

Mark Wadsworth: Porter Holder.

Porter Holder: Porter Holder, Choctaw Nation. John, is it possible that maybe within this council itself that we're able to reprimand the people that don't show up? I mean I don't want to go against each other, but if they're not going to be here, I mean, come on, man.

John Lowery: Let me go back and do some digging. There are people who get paid to know the ins and outs of FACA law. So let me go back and just find out some additional information and I can definitely provide it to you all. But I think just you guys mentioning it is what has to happen. You know what I mean? I am the designated federal officer, but at the end of the day, you guys are the council. If it comes to pleasing yourself and taking responsibility for yourself, I mean that has to be done because I can't sit in D.C. and tell you what you better do. I'm glad to see you guys saying that. That's what I'm saying.

Porter Holder: I'm like Derrick. I mean we're not getting paid big bucks to be here. This is [indiscernible] and passion about this, and if we can't get all of that at the table -- I



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understand family. I understand sickness. But someone that just comes in and sets you back, I don't understand that. If this council can move on something like that to remove them, then I would like to know. Thank you.

John Lowery: Yes, sir.

Gilbert Harrison: One other thing, John and Mark.

Mark Wadsworth: Gilbert Harrison.

Gilbert Harrison: I'd also like to express disappointment that there's the head person from the EQIP and engineering standards either backed out or didn't feel it was important to interact with us and not show up. I think we should just pass the word that, you know, it's important that they have people show up. Thank you very much.

Mark Wadsworth: I guess, John, before you sit down, we have to do our housekeeping forms.

John Lowery: I need to work out something. We're having a discussion about lights, for the record. [Off-topic conversation] All right.

This is John Lowery. The housekeeping items, just a reminder as far as travel and stuff. We're going to need receipts from you guys, so remember to get your hotel receipts. And then also, if there was any taxi to and from, any baggage receipts, please have those turned into me as soon as possible.



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I want to commend you guys because after the September meeting, I think you guys really stepped up and got me your stuff pretty quickly. So I really appreciate that. So even though I'm still waiting on one person, but we just decided to overlook that and just get on and just give them the flat rate.

Also, with regards to time away from work, I know and I've heard from a couple of you that everyone who requested time away from work received the time away from work for the September meeting. I was also informed by Gilbert that the time away from work from last December has not been put in. I'm not sure why. I know we're waiting on funds to clear the first time around which shouldn't have taken that long, but I did process by phone together so I'm not sure why we can get the September and not the December.

Gilbert Harrison: You'll follow up, right?

John Lowery: Yeah, I'll will follow up.

Gilbert Harrison: Thank you very much.

John Lowery: As a matter of fact, I'll do that as soon as I sit down here. Other than that, are there any questions, just general questions about tribal or anything related that I can answer? Okay. Thank you guys.

Mark Wadsworth: Thanks, John.

Chris Beyerhelm: Mr. Chairman.



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Mark Wadsworth: Yes, Chris.

Chris Beyerhelm: Back to our earlier conversation about I think Jerry asked if we could reprimand somebody that doesn't show up to a meeting. Maybe we just don't pay their travel if they're here and they're not at the meeting.

Mark Wadsworth: I guess something to ask those people that know about FACA.

Jerry McPeak: Mr. Chairman.

Mark Wadsworth: Yes, Jerry McPeak.

Jerry McPeak: If they have never answered the roll call, they're not here. I mean how would you know for sure it's here? Because that could be some kind of subliminal mirage.

Leslie Wheelock: Excuse me. This is Leslie. But people have to be recognized. So Angela was just a little bit late, missed the roll call but was recognized by the chair that she arrived. That's kind of on us to make sure that we notice when people are just a little bit late. But you make a good point.

Jerry McPeak: Yeah. If they haven't answered the roll call, which she did because he made that, but if they haven't answered the roll call, then they're not here. [Off-topic conversation]

Gilbert Harrison: Mark, I was thinking here. If a member of the council, if he travels to wherever the meeting is and not



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attend it, maybe his travel fees and his per diem should not be reimbursed. If he is just going to come out here and do other things besides attending the meeting, why is the government paying him to do that? Thank you.

Mary Thompson: Mr. Chairman.

Mark Wadsworth: Yes, Mary.

Mary Thompson: So I apologize for missing my subcommittee teleconferences, and I would blame it on the Internet service but it's a landline. And if you want to dock my time away from work, I'll be completely agreeable. Thank you.

Mark Wadsworth: Leslie, can we have the Office of Tribal Relations update with USDA?

Leslie Wheelock: Thank you, Mr. Chairman. This is Leslie Wheelock, director of the Office of Tribal Relations. We've been asked to provide an update on our office, on the Farm Bill, and on the budget. And I just want to walk you through - I'm not going to be voluminous in this - some things that are kind of important and on the high level and also fill you in on a little bit about what's going on in Washington whether you want to know that or not.

One of the things that happened a couple of months ago on the way over to a meeting, the secretary asked me to give him a list of the priorities for our office. What he said was, "What



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are you trying to do here?" And I said, "What do you mean, sir?" And he said, "What are you trying to do in this position in one word?" And after I got about six words out, he said, "That's not one word." Yeah, you have to work with the secretary. The word that I came up with in the spur of the moment was facilitate which actually is a big part of what we do. We help tribes get into USDA to figure out the black box of USDA. We take the comments that you all provide and that we hear around the country and bring them in and try to make people aware that there are concerns. There are problems. We try to figure out ways to ease those problems or make them less significant for our people.

We do a lot of work internally in terms of making sure that people how to get to tribes, that people understand that it may be a different process, that people understand what consultation is. Consultation is part of that facilitation and probably one of the biggest parts of it. We are trying to this year take the 20-something pages of the departmental regulation on consultation that Janie left us with and break it down into something that's a little bit easier for our folks to read and to understand because they don't have to read the whole thing. They just need to know what the basics are. We have a good model for that from the Department of Justice which has issued



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its internal policy on consultation this year. It's about six pages. It's very clear. We're going to duplicate it to the extent we can and add to it to the extent we need to.

Facilitate and entrench, that's kind of number one. Entrench is not on the document I gave to the secretary, but basically we have to get as much done in two years as we possibly can to make sure that people don't forget what we've been doing for these eight years just because I'm not here anymore. John is going to be here. John's like don't make any promises. There will be an Office of Tribal Relations, thank goodness, because it was made permanent in the 2014 Farm Bill and we want to make sure that they are as strong as possible.

There is another. There four points in this priorities list. One of the other points is solidifying the office to ensure that whatever happens in the next election, whoever comes in, however that transition occurs, that office continues operating so that you all can continue operating and the council can continue operating. Everything is strong and in place and funded to the extent we can keep it funded and get it funded.

One of the other four priorities is a focus on youth in our tribal colleges and universities. That's a little bit in part because those are organizations that are established by our tribal governments, our tribal leaders. Our tribal leaders sit



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on the board. I sit on the board of the USDA Tribal College and University Leadership Committee that is organized through AIHEC. We are trying to make that relationship stronger primarily -- well, in part because AIHEC has asked us to make it stronger and in part because we think there is a lot more that we can do to help those tribal schools be stronger than they are given the lack of funding and access to capital that they currently experience.

For your information, USDA has a number of programs that fund the tribal colleges and universities. We are one of their big financial supporters. And one of the very cool things that we found out going around to the schools that I hadn't known because primarily it's historical is that our tribal colleges and universities, the structures that they are in are funded through a rural development program called the Community Facilities Grant Program. Most of our tribal colleges and universities are completely debt-free for their facilities as a result of that program. So we built schools and dormitories as of last year. Muscogee Creek is the most recent school to be opening a brand new facility out there in Oklahoma.

Jerry McPeak: Say that last sentence again, not the Muscogee Creek part but your involvement in it.





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Leslie Wheelock: Our involvement in that work, in that effort is to make sure -- well, we do a number of things. We work with the tribes to make sure that they've got knowledge about the community facilities program. Most of the schools have already been through the program and have gotten their funding. Every so often, an issue will come up, we're needing money. They always need money. We are working within USDA to try to create additional opportunities for funding for the schools as well as for the FRTEP program. And we'll get into that in a little bit.

One of the other priorities is outreach and communications. Josiah Griffin out of Texas A&M - we won't hold that against you - joined our office this year and was given the role to get our website up and running and now given the role to make it better. He has put together a LISTSERV. If you are getting an email every week from us that tells you what programs are open, what programs are closing, recent announcement, things that are totally cool for tribes, that's because Josiah is putting that together. It's not just USDA-focused but it's primarily USDA-focused.

I don't know who's going to help me with the radio programming, but we're getting ready to start doing radio blogs so that our tribal radio stations can download a radio blog that



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does the same thing. But for our farmers and ranchers who are out there sitting on a horse or a tractor and listening to a radio or however they get their news driving around in their trucks, we're trying to get the information out that way as well because it makes a lot more sense to get it out that way than it does to put it on the Internet for most of our folks.

So those are the priorities that we gave the secretary. Some of those priorities fall out of the White House Council efforts. This is the council that was established last year through an executive order by the President. This is the council - that council for Native American affairs - that ensures that there is tribal leader's conference every year. That has now been put under the auspices of the White House Council for Native American Affairs.

And there are various subgroups of that council that we also sit on. There is an energy subgroup. We are part of that subgroup. There is a climate subgroup. We are part of that subgroup. There is a health and wellness subgroup. We will be part of that subgroup through the food and nutrition programs of our food and nutrition service, and that one has just been stood up. I'm probably missing one because I think to the extent that the White House is focusing on youth and education, everybody is focusing on youth and education. I have never seen anything



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working as hard to both get funding and impactful work into Indian country as the President's group. All of us who are in that group working to try to improve to the extent we can and get it set up for improvement, the youth and education priorities of the White House for our tribal youth specifically.

Then there used to be an economic development subgroup. With the focus on schools, with the focus on jobs and economies, that has now become the infrastructure and economic development group. And with the addition of infrastructure, most of that funding comes out of USDA's Rural Development programs. Between Rural Development and FSA, we are Indian country's bank. We like to go out with that and let people know that because when people hear money, they have a tendency to ask more questions, then we go out with all these acronyms and programs and chatter and talk about them. So the secretary has said it. We've said it. The White House has said it - Indian country's bank.

Infrastructure and economic development is co-chaired by the Small Business Administration and USDA. So I am running that committee or that subgroup along with Chris James from SBA.

To give you a little bit of information about the Farm Bill, let me go through the step pretty quickly here. Farm Bill update, I actually have to sit down and write one for you which I haven't had time to do. But there have been numerous things



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that have rolled out, as I said yesterday, to the extent that the regulations that are implementing the Farm Bill are rolling out to the extent they are statutory requirements. We put them out there. Sometimes they go out for no comments. Sometimes they just go out because we've been told to change a three to a five or whatever. Sometimes they go out for comment, the NRCS, the list of changes. The quick list that went out earlier with that really short implementation window for comments, we could take comments but there wasn't much we could do about those regulations because they were statutory.

They heard you yesterday saying that that period was not long enough, and we've talked to them about how the Tribal Consultation and the Administrative Procedures Act are two different things. They roll stuff out under the Administrative Procedures Act which has 30-60, 30-90, and 120-day windows usually for comment. We know that consultation doesn't have to fit precisely to that, and we know that tribal consultation can ask different questions and work in a different way than APA does. And so we tend to work differently for consultation when the need for consultation arises.

Once again those regulations, things that rolled out this year, if something is not working, it's because we missed it. If we miss the consultation opportunity, I know that Joe Frank



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sat down next to me at lunch the other day and he said, "Orange juice. Our orange juice is a problem. We don't know why it's a problem." Well, it's a problem in part because something went through that we missed. It didn't occur to us or we didn't see it or it was buried somewhere or it's statutory. And I told Joe to send me an email. Tell me what the concern is. I know that he's having problems with some commodity sales that he used to do with their orange juice.

One of the things that we're working on with the Food and Drug Administration, the state of Alaska and the Alaska delegation in Congress, is the traditional foods donation language that's in the Farm Bill. That donation language, we decided to look at Alaska first because the language is based on Alaska state law, and so we're trying to figure out what happens in Alaska right now given that they have that state law. What are the barriers that they currently have? How can we help to improve those? But we're also working with the FDA because the food safety regulations run smack into the allowance of providing these foods to public facilities, to schools, elder care facilities and so forth.

This is a bit of a slog but we're working hard on it and we're working on a couple of questions that came up from the Secretary's visit to Alaska concerning our commodities programs,



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and local purchasing, and USDA, and how can we do that better, and how can we support the economies in Alaska by doing a lot more locally than we currently do which is very little? And so we're working on that, trying to make sure that we're covering as much as we possibly can. We've got a lot of good support, but it's kind of like an octopus with each arm reaching out in a different direction and so we're trying to get that together.

A little bit about the budget update. Some of you saw me dancing over there yesterday because the Office of Tribal Relations' budget request this year added a whole \$4,000 to our budget. Yeah, right?

Male Voice: I haven't seen anybody so excited.

Leslie Wheelock: Oh, man. They're doing cost of living adjustments, and our budget hasn't changed. We're trying to bring kids through. We're trying to bring people into this office and it's a challenge with the way that our human relation system works. It's a challenge, and so what we've done is -- those of you remember who were here prior, remember Toni Stanger, and Toni is no longer with our staff. She had a term appointment and that term ended. And we've taken that position and broke it down into positions that younger people qualify for so we can actually bring in two people for the amount of money that we had allocated for Toni. And so that's what we're doing.



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It's going to take us a while to get fully staffed, and we need an admin desperately. So we're hoping to interview somebody next week to take on that role because we do all of our own stuff and it gets to be kind of a mess sometimes.

The budget update right now, I don't know if any of you watched the news this morning. We were - I think yesterday - thinking that we were going to have a nice budget continuing resolution that lasts a long time, but there apparently are some things within that budget that our Democratic senators don't like, and so we don't know really what we're looking at. We've got a continuing resolution proposed. We've got a two- to three-day continuing resolution proposed, and we've got a resolution proposed that will take us into September I think of next year. If they don't get anything done, we're free to play from about 6:00 on tonight because the shutdown I think is effective today at the end of close of business.

Male Voice: [Inaudible] worked out that will be tomorrow. They'll get something.

Leslie Wheelock: They'll get something done. Yeah, we're pretty sure they'll get something done. We're not planning on a shutdown. We are not planning on a shutdown at USDA. So I just wanted to give you that quick update. I am going to ask if you have any questions, or if there's anything of concern that we



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can help you with, or if you've seen or heard anything that you'd like to pass on to us. Thank you.

Mark Wadsworth: Gilbert.

Gilbert Harrison: Good morning, Les. Just a couple things. First of all, I'd like to request your office to keep us in the loop or update us on the status of the EQIP rulemaking because I think many of us here depend on EQIP for the project. So we're told that there's going to be something coming up pretty soon. In that way we -- otherwise, if you try to just go through routine, there are so many things on the Internet. It's hard to keep up. I'd like to request that. And we used to have a monthly update from your office, just a little blurb. We would appreciate that, and I thought that was really good.

Leslie Wheelock: I think there's one in your binder from October. The one in the November is late because we just haven't had time to put it together, but we'll be sure to make sure that you get that.

Gilbert Harrison: And I want to also say that I think OTR, you know, you're starting to get some working relationship between the other agencies and other departments within USDA. I think that's really good. I see that. Then I'd also like to thank John. He gets back with us pretty good on emails, and I





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think those are good things. I encourage you to do that. So thank you very much.

Leslie Wheelock: You're welcome. On the EQIP point, we have the EQIP language. It came in around 7:30 this morning and we're going to run it up to the UPS shop and get copies made. I had trouble getting it on to a thumb drive but it's ready to go. And as soon as I can get the file written down, I'll send Josiah over to make you all copies. You're welcome.

Mark Wadsworth: Leslie, Mark Wadsworth here. Within your statements, you were saying that you're trying to make sure that your office will go past this current administration. On our part as a council, can we assist with a recommendation to help with that? Is that needed?

Leslie Wheelock: I'm not sure that there is something that -- let me tell you what is needed and why I think that - I thank you for that - there may not be something. I'm going to ask John in a second if he's got some ideas. But our HR process is excruciatingly slow at least for our people. There are different groups that have managed to figure it out.

Male Voice: I think it's mostly slow across [cross-talking].

Leslie Wheelock: It's mostly slow. Okay, thanks for that confirmation. I thought it was just us. And the result is that



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we have difficulty by the time we find out who the folks are that have been cleared through HR. We put out a description for an admin assistant in July. We got the position recommendations for people to interview at the end of October. We chose three. We called them. Only one was still looking for a job. So it's tough getting things moving faster than that. Our hiring is one of the things that's really keeping us from just kind of blowing out there because we're all doing our admin work, and Josiah and John are supporting me.

The secretary this week issued a note, a memo that included the fact that that process is hindering our ability to meet our goals, not just OTR but the entire department. I don't know what the remedies are for that, but I'm not sure there's going to be something immediate. And so we're just going to keep pounding on it. Can you think of anything that the council can do or send over that would assist our office other asking for \$1.5 million? Oh, I didn't say that.

Female Voice: So noted.

John Lowery: I think it's you guys going back to your own tribal leadership and discussing some of these issues.

Mark Wadsworth: Mary.

Mary Thompson: Jerry first?

Mark Wadsworth: Did you want to go first, Jerry?



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Jerry McPeak: Not necessarily.

Mary Thompson: Thank you. In discussing those positions that you're looking to hire, I was looking at the recommendations in 16, 17. A couple of them have to do with the hiring preferences and Indian preference. So I just wanted to mention that as I'm sure that those preferences are being considered in the job descriptions.

Leslie Wheelock: So yes and no. We asked for people who have had experience working with tribes, tribal governments, tribal leaders, tribal issues. We do not have Indian preference capability at USDA like they have at the Bureau of Indian Affairs or Indian Health Service. And so what we're trying to do is to figure out along with the whole department-wide program called Cultural Transformation how we make the department look more like the people it serves. We're trying to figure out a little bit. We're focusing actually on our youth and where our jobs are and where our people are.

So we have a department of almost 100,000 people in jobs; 90,000 of those jobs approximately are in the field. They are where we live. They are where our tribal people live and for the most part, where our tribal people want to stay. We have trouble getting tribal people coming to Washington D.C., and there are several good reasons for that. But it's still a



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challenge. We are at this year starting with a focus on internships among the several minority organizations that we're trying to staff up on, and we've been working with OPM and one of our individuals in human resources to put together some programs that we think could result in not only getting people in on internships but actually getting people in on some jobs as the jobs open up and as we go out to conferences around the United States.

Mary Thompson: And so committee members, I guess as we go back and our discussing this little issue with our tribal leaders, we need to make sure we include in that discussion the need for Indian preference to be -- I guess that policy change needs to be made internally with some of the USDA programs.

Leslie Wheelock: It's statutory.

Mary Thompson: Statutory?

Leslie Wheelock: Yeah. It's a congressional thing.

Gilbert Harrison: Put it in the next Farm Bill.

Mary Thompson: Well, that's what our elected leaders do, is lobby for Indian initiatives, and Indian preference should be one of those.

Also, I would like to ask about the outreach and communication section, the radio and the Web information that Josiah sends out. And so I was kind of wondering too. I guess



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I have an idea of what type of information we need to get out there or the departments to get out there. I'm just wondering about how that's going to be rolled out. Is there a possibility of using some of that money to include our youth to get that message out? I mean everybody does the YouTube thing, the selfie thing. And with these podcasts or whatever they're called that we're using, can we find some local kids to share that information or to market for us or to blog for us or to do what kids do on the Internet these days.

Leslie Wheelock: I don't know the answer, but I think that there are a number of ways that we can include our youth. We can do competitions. We can do all kinds of things. We don't really have the staff to do it and haven't done it before, but that doesn't mean we can't do it.

Mary Thompson: You have all of those youth that have participated in Intertribal Agriculture Conference and written their essays and done all these things. They're very educated and knowledgeable about agriculture. While they may not know all the acronyms and what each program does, they know we're here. And I think that would be a good opportunity, a good place to not just focus on the youth but use the youth to get our message out. That is another place that I think we could use to advertise and market the job opportunities that you have



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here within the OTR and to maybe solicit more applicants using that same process. And if nothing else, educate this youth that those opportunities are there in the future, should they ever consider agriculture as a career. Thank you.

Leslie Wheelock: Thank you. As Mary was talking, this is how I like to do the work that we're doing. If you see something in that newsletter or the outreach or anything else that you want to comment on, critique, make suggestions to, please feel free. As Mary was talking, I put in ag youth blog. So we do blogs all the time, and I just noticed last week that one of our tribal blogs wasn't even written by a USDA person. It was written by somebody who's got a program out there running using USDA programs and they wrote this blog about little kids and their food program at their facility, whatever it is. We'll look into that. Thank you.

Mary Thompson: I appreciate that.

Leslie Wheelock: That's easy. That's [cross-talking].

Mary Thompson: Whenever I look on the TV and they've got -  
- I mean the White House, its initiative with youth and the backyard gardens and the whole nine yards and they've got all these blogs. There are some minority groups represented there, but I never see them out there in the Indian community with our



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Indian kids. I'm like, daggone it, we need to get on that bandwagon and we need to push and put our youth out there.

Leslie Wheelock: I like it. Thank you. Anybody else?

Questions?

Jerry McPeak: I do.

Leslie Wheelock: John.

Jerry McPeak: Go ahead, John, but I do have some things I want to ask.

John Lowery: I was just going to say, and forgive me if you've already said this, but we've also learned over the past year that there are a few tribes that actually have internship programs themselves and they are looking to send their students to do different internships. If your tribe or you have a tribe nearby who has an internship program where they are sending students to D.C. and taking care of stipend and place to stay, let us know. We would love to take a student, just in places where tribes themselves are implementing internship programs themselves and not waiting on something else. I know that when Jerry's daughter came up, I think the national FFA, wasn't it, actually put forth some funding that summer just to bring a handful of native kids to D.C. So that was totally on them and it worked out great for us.



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Leslie Wheelock: To follow on to that, one of the programs that supports kids like this in Washington, D.C. is the Washington Internship for Native Students that's run by American University. I found out about that program while I was in NCAI. We had about 30 kids that I was presenting to, and I said, "Where are you all working?" And for some reason, the Social Security Administration kept coming up. And so the first year that I was in this job, I got in a little bit late. But last summer, you can bet when those kids' resumes came out and where they were going, we piled as many of those kids into USDA as we could get. Josiah, do you know how many kids we finally ended up with? It's like eight.

Josiah Griffin: Last summer?

Leslie Wheelock: Yes.

Josiah Griffin: I believe it was [inaudible].

Leslie Wheelock: Twelve to 15. And we can order them off of the GSA schedule which makes it pretty easy for us to bring them in. They're expensive, but, shoot, we got kids coming in that really want to work and they wanted to know more about USDA. It suits our needs pretty well. I think you all had one or two, I don't even know, but we had them kind of buried around the department. And I really appreciate our agencies stepping





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up to the plate. I think APHIS took three of them, so it's a good deal.

The students are there at the summers. They're there one semester each. We have plenty of desk space. The one thing we don't have is a lot of money for a lot of interns. But as John said, if there are programs out there where you've got a youth that has been identified and funded and ready to come to Washington, we can find room for him.

Mary Thompson: Respond.

Mark Wadsworth: Yes, Mary.

Mary Thompson: I love what you're doing with the internships and working with the tribes. But I've listened to the youth essays and I don't know who coordinated that within IAC. But it would just seem like if somebody from OTR could sit down with the person who does the organizing over there and maybe propose and sponsor -- all right, let me see. Indian country's bank, RD and FSA, are you listening? And sponsor a competition with those kids to do a YouTube video supporting and promoting agriculture, youth and agriculture, youth and Indian country agriculture.

Leslie Wheelock: In the youth loan program alone, you could have a really nice piece on --



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Mary Thompson: But to start planning now for next year's conference and have that to be a piece of it.

Leslie Wheelock: Right. I like that.

Mary Thompson: Thank you.

Porter Holder: Thank you, Mary. Jerry, did you have something you want to add?

Jerry McPeak: Yes, I do. Thank you, Mr. Vice Chair. First, the most important, being a fat boy, dinner last night was great. Whoever set all that up and worked on that, you did a superb job. I know you located it. Location was great. It was a good evening. I mean my wife and I both really enjoyed it.

Leslie Wheelock: Thank you.

Jerry McPeak: So accolades. I get confused about the programs. But Farm to School food program, is that a federal program?

Leslie Wheelock: Yes, it is.

Jerry McPeak: Okay. And you're talking about the problem with -- there are some problems. Okay, go ahead.

Leslie Wheelock: No, you go ahead. Finish that.

Jerry McPeak: That's my question.

Leslie Wheelock: So the traditional foods language in the statute that I was talking about in the Farm Bill, it lists



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several different kinds of food. It lists marine mammals, shellfish, game, berries and vegetables. Berries and vegetables, USDA has jurisdiction over. We can do that, and that fits right into our Farm to School program. That whole donations to schools fits right in. We do not have statutory authority over marine mammals, shellfish, or seafood, except in certain instances where it's packaged and that sort of thing. We're talking about donations, and we will be talking about getting the packaged product into our programs wherever we can.

And so USDA says we don't say no; we don't say yes. The fruits and vegetables fit right into the Farm to School program, just bring them on. Bring them on and tell us how to get in touch with this. We'll help you get in touch with the school. We'll help you get in touch with a donor or whatever. But the problem that we're running into is that a lot of the new food safety rules do run right smack into this.

Jerry McPeak: That's what we're learning, yeah.

Leslie Wheelock: And so the legislation, the 2014 Farm Bill said that the secretary of Agriculture and the commissioner of the FDA - the Food and Drug Administration - shall make this happen. So we are in conversations. In fact, the FDA sent me a note this morning saying, when can we meet next week? They had



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a listening session last week where the tribes were in Washington.

Jerry McPeak: Thank you. A follow up. I've got like three or four, five of them. Are you on the same subject? If it's on the same subject, go ahead and get it now because I'm about to change subjects.

Mary Thompson: Thank you so much. In Cherokee, when our youth did the Farm to School and tried to do that program, they ran into a lot of not necessarily setback, but the GAP certifications was a challenge. I think that that's something that needs to be looked at and addressed as you're looking into this Farm to School and encouraging people to use that program. Thank you, Jerry.

Leslie Wheelock: Thank you. That's helpful.

Jerry McPeak: Thank you. I like what you said there because our tribe actually has our own farmer. We raise watermelons, and we're trying to get the watermelons from the farm to the school but we ran into a problem with them saying, well -- because of the food safety thing. So I think that's a great step that you made. That's wonderful. That's a fix when and if and how that happens.

We always want to hack on you guys about not reporting to us, but we probably don't report to you as well as we should.



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As an example, and I think Porter will agree to this, in Oklahoma, you have made a difference. As I said, whether it's the USDA or the Keepseagle or this group, we have a greater effort to hire Native American people. Whether you say we can show preference or not, there is a stated unofficial - if nothing else - desire. We had a meeting last week and I saw more Indian people that were working for the offices than I had never seen before. I don't know how to say this and not get you in trouble. I don't care, but whether it's a stated deal that you can state or not, in Oklahoma, it's happening. Isn't that right, Porter?

Porter Holder: Yes, it is.

Jerry McPeak: Yeah, it's happening. So you should feel good about that.

Leslie Wheelock: Thank you. That's good to hear. We need some more veterans.

Jerry McPeak: And see, that's our fault because we should give you that encouragement and let you know that we see it. It's subtle but very obvious, I think. I have a little struggle, and I am a Democrat. But I have a little struggle with we ask all the time and I'm not sure what we give sometimes. Can we fix our own stuff? I was talking to those kids the other day when we had the speech. I said when you



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point your fingers at someone else with three times back at yourself. Sometimes I'm not sure that we attempt to fix our own problems as much as we should.

I'm all about partnerships. I have a camp for kids in the summertime. But if I give a kid a free deal as compared if I give him a half-priced deal, he's more vested in it. When we go back, I don't - and we have the opportunity - I don't go to my tribe and report what happened. Beyond that, we have opportunities too. In Oklahoma, we have a couple of groups of tribes that we're invited to. And my fault, I think I should but you got to need to tell me if I shouldn't because that's our plan. And Porter, you're going to be involved too. Now you know.

Porter Holder: Whether I want to or not.

Jerry McPeak: Whether you want to or not. But January 8th to 9th, there is the Intertribal Council with five tribes at Oklahoma will have a meeting and they would welcome a report from us. The question is, is there a reason not to do that?

Leslie Wheelock: I don't think there is.

Jerry McPeak: Wouldn't that be a positive thing for you guys?

Leslie Wheelock: That would be a great thing. We have gotten comments from folks who are asking questions about the



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council in general, and it's like, well, how do these people get their information? If that's something you want to do, go right ahead.

Jerry McPeak: It's not something I want to do. I've got plenty of damn things to do, but if it's something that needs to be done.

Leslie Wheelock: It's important.

Jerry McPeak: Okay. So it needs to be done. Don't all of you have organizations that you can report to? I mean organizations of tribes. Or do you not? Do you not have organizations of tribes? Is there not an organization of tribes in New Mexico?

Male Voice: Sure there is, yeah.

Male Voice: We have a northeast one in my tribes, and we meet.

Jerry McPeak: And do you belong to [indiscernible]? All right, you need to.

Male Voice: We've been there and there really isn't anything there yet.

Jerry McPeak: You need to join that.

Male Voice: I was going to every meeting once in their meetings [cross-talking], but no one shows up and they're not really moving anything.



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Jerry McPeak: They do now. They just had one last week, but they do now.

Chris Beyerhelm: Mr. Chairman, if the gentleman would yield.

Jerry McPeak: Okay.

Mark Wadsworth: Yes, Chris.

Chris Beyerhelm: Just to add one point. We'd actually talked about developing press releases you all could take home and issue in your own name with some sort of a quote or something, and I think we did that after the first meeting and maybe we need to think about it again or at least putting into a newsletter if you have some sort of affiliation or something. We have to raise the stature of this body, I think, in order to have credibility and get more. I'd just like to throw that out as I don't think that would be too hard just to do a draft press release then you can tweak it however you want to or use it in a newsletter or something.

Leslie Wheelock: We can drop in the data underneath it. That would be great.

Jerry McPeak: Again, it's credit to you guys because it's you that create the thoughts of doing this. For me, because I know we have our own radio program - the Creeks do - I think several other tribes have their own radio program. They are





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asking for anything to come in for us to go and do that. We have a TV program on Saturday that we can go ahead and do. But the press release thing is a great thing. Personal appearances are even better - much, much better - and they will give us that time to do that. And that's something to do.

Leslie Wheelock: That would be awesome, if you could do that.

Jerry McPeak: Another follow up, Mr. Chairman or Vice Chairman.

Porter Holder: Okay.

Jerry McPeak: We go from that to a request. But a lot of my statements are questions really because I don't know. There may be a reason why this doesn't happen. And if there is, I'm okay with it. I'm all about give someone a job and let him do it and get it done and out of the way. And if he doesn't do a very good job, fire him. Very simple. When you or any of your staff are in our state, could we be notified that you're there or is there a reason that we shouldn't know that?

Leslie Wheelock: No. The only reason that you don't know that is because we scramble to put those trips together. It's one of those things that's like, oh, man, I should have. It should be right at the front of what we do along with notifying our state directors when we're in the states, and we often don't



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do that either. But you're right, we need to notify all of you when we're in your states.

Jerry McPeak: I'm not right. That was a question.

Leslie Wheelock: No. But it's something that we're not very good at. I think if we get an admin, we might get better. But it's one of those things where there's so much going on, we're lucky we can get on the airplane.

John Berrey: Does everybody in here get that USDA email every day, whatever, the list of all the stuff that they got going on?

Mark Wadsworth: John Berrey. From Josiah's email?

John Berrey: Yes. That's very informative, Mr. McPeak. That's fantastic.

Jerry McPeak: Okay. One last thing.

Mark Wadsworth: Yes, Jerry McPeak.

Jerry McPeak: Thank you, Mr. Chairman. And then I'll get off of here. So your suggestion made to us for all of us sitting here to not just show up at meetings in between times but to actually do something positive if we're back there and we can.

Leslie Wheelock: Yeah. Reporting out will be great. Bringing additional information back in will be great.



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Jerry McPeak: Did I mention how good a deal the dinner was last night?

Leslie Wheelock: Yes, you did, sir.

Jerry McPeak: Thank you, Mr. Chairman.

Mark Wadsworth: Thank you. Also, Leslie, I do at a minimum semi-annual reports to my council on the activities that we have through here. But I was kind of struggling until we got some hard data to give them rather than just verbal. So that sure assists us in our communications to our people in that aspect.

Leslie Wheelock: Thank you.

Mark Wadsworth: And also when I do attend other conferences, I've been invited to address the councils and there our issues. I believe the last one you showed up a day after I had spoken up there in Bozeman, Montana on soil and water conservation districts. I try to do my part.

Leslie Wheelock: Thank you very much. I appreciate it. I'm running way over my time, but I wanted to circle back to tribal preference. There's not tribal preference in our hiring. The preferences that we do have that I would be very interested in trying to figure out how to support better are disability in veterans. If we've got tribal veterans out there that can qualify for these jobs, we need to get them, help them figure



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out how to do these federal resumes and applications because it's not easy, and start getting them information on what the jobs are that are opening up so that we can help to get them into the workforce if that's where they want to be. Except for Jerry McPeak. Oh, that's off the record.

Mark Wadsworth: Yes, Chris.

Chris Beyerhelm: Mr. Chairman. Leslie, to your point, I was very lucky to be able to attend the first national veterans' conference in Des Moines, Iowa a couple of weeks ago. Just a fantastic event and I learned a lot. One thing that I learned about is that they actually have a program where the military will pay for a veteran to come in for 6 to 12 months into an organization where actually they can learn on the job. And then at the end of that 6 or 12 months, you can decide if you have an opening to go ahead and fill it or not. But it's a great opportunity that we're going to certainly look at, at FSA. I mean they pay their whole salary for 6 to 12 months so it's an absolutely great opportunity that we need to all look at.

Mark Wadsworth: Derrick Lente.

Derrick Lente: Thank you, Mr. Chairman. This council has done a lot of good work since its inception, and it's done through a very few meetings that they have throughout the year. I'm looking at the schedule for the upcoming 2015 year. And



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along the point of outreach to our own people, the people that are in the field, on the ranch, on the land doing the work that we're here to advocate for, why don't we take our meetings to them as opposed to them coming to us? I guess perhaps in Oklahoma, March 23rd to 26th, Mr. McPeak show us around his thousand-acre ranch there in Oklahoma. Maybe in May, instead of a teleconference, we can actually have something where we're able to meet at one of our respective areas and we be the host, one of us in the council be the host and invite our people to hear and see what we're doing.

And not only just that, but also we can have a chance to see what they're doing on the ground and their challenges. Because here in a room, we talk about we don't like to be talked to but we'd rather be talked to not from the federal folks but from the people that are on the ground, and I think that we're able to get out. And with all due respect to Las Vegas, it's a beautiful town but it's hard to really get a flavor of what we're talking about if we can't see it on the ground. And not only just here but also in Washington, D.C. I mean there's a whole lot of not farming and not ranching there in that town, you know. And so this makes me wonder why we can't take this show on the road and really meet with the people that are doing the work.



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Leslie Wheelock: I like the idea. One of the challenges that we have is that this council was established but not with a budget line item. John primarily goes around and says to our agencies, "We have a meeting coming up. Can you help support it?" So we collect money from all of the agencies that are interested in contributing throughout USDA. Sometimes we have some great folks who have some money that they haven't quite assigned to a place yet and sometimes nobody has money, and so it all very much depends. We're just going through funding cycles where the budget was so unplannable that people couldn't commit. Now we have a funding in place that's a little bit more stable, and so I think some of our agencies feel more comfortable stepping forward and doing that. Some of our agencies, FSA for example, pretty well on the hook for helping out and we appreciate that. But what we try to do on their behalf and on your behalf is to look for funding throughout the department because these aren't free to set up. And we do like to have the meetings. It means so much.

Derrick Lente: A follow up to that, Mr. Chairman. I guess perhaps an in-kind donation from each one of us is that we all have tribal buildings I'm sure that might be able to host a meeting like this that we wouldn't have to hopefully pay for or



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something. I think there's a lot possibilities that we could have if we just all pulled together.

Mark Wadsworth: John Berrey.

John Berrey: Thank you, Mr. Chairman. I appreciate it. I just have maybe something to think about in line with Mr. Lente. You know, one of the reasons I'm running around all week, we have the Intertribal Bison Council meeting this week. We have our on the ground bison people here in workshops. There's the Intertribal Ag going on right now. There's a lot of people in these buildings that maybe a part of these meetings could be all of us get together and talk about what we do in relationship with all the other intertribal agriculturally related events that are going on in town this week. We have a lot of our operators that are on the ground dealing with bison or cattle that are here.

Leslie Wheelock: So more of a roundtable, just sitting and talk to each other?

John Berrey: Yeah. If they're going to be helped to integrate a little bit at one time, I'm sure they would welcome it.

Leslie Wheelock: Thank you.

Chris Beyerhelm: Mr. Chairman.

Mark Wadsworth: Yes, Chris.



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Chris Beyerhelm: To piggyback again on Derrick's comments, I personally think it would be a great idea. I mean regardless of where the meeting is, if there was half a day or day of planned field trips where these folks will come talk to us about some of these operations or some of the challenges that Native Americans have and we can actually see it for ourselves. I mean it would be rewarding to me anyway.

So I mean the Vegas, the trip here I think is good in the fact that there are so many Native Americans here. It's the best public comment we get. I think we almost have to do this one, but I think it's a great point that I don't know why we'd ever want to meet in D.C. again. We should pick a venue where we can bring the show to the people. I think it's a great idea.

Jerry McPeak: The expenses. It could save the expense, I guess.

Female Voice: We have to have one of these.

Leslie Wheelock: Yeah, we have to have one of these. Oh, we do have to have one in D.C. The other reason that the D.C. one helps is to get people to us because we don't like -- it's hard to bring a whole bunch of feds out to Las Vegas to speak for a lot of different reasons, including optics. But they are there. It's the best way to get folks like the Secretary and Assistant Secretary Washburn and folks like that to come on in





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and talk. We're going to be working on that for the next meeting, so we'll see how we do.

Mark Wadsworth: Thank you, Leslie.

Leslie Wheelock: You're very welcome.

Mark Wadsworth: Thank you for your work. Are you ready, Zach, for the IAC update? Zach Ducheneaux.

Zach Ducheneaux: Good morning. I like the inquisition format. It suits my personality. First of all, thank you very much for the opportunity to present to you folks. I see some new faces here, and it's good to see some new faces. It's also very comforting to see that a lot of you have chosen to remain and continue to try to do some good work. We're exceptionally pleased to have you here alongside our meeting, and that is not only for the public comment. It's self-serving in a way. We want the folks on the council to know the good that the IAC is doing and to be able to see it firsthand.

We had Mr. McPeak come in and speak to our youth conclave, and we would like to have more opportunity to bridge that gap. It's a gap that we've been talking about in agriculture for, at least since I've been in it, the graying of agriculture. The last census number showed that Indian country is 58 years old, the ag producers. Non-Indians are 56 or 55, I don't recall exactly. But the point that's lost there is that the life



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expectancy of your average Indian is in the 60s. On some reservations, it's below 58. So that is of greater urgency in Indian country, that graying of and trying to find a way to do that transition.

Mark Wadsworth: Can you introduce yourself for the record, please?

Zach Ducheneaux: I'm very sorry. I'm Zach Ducheneaux with the Intertribal Ag Council, and I have the privilege of administering the Tribal Technical Assistance Network. That's funded through an agreement with the Office of Tribal Relations. And I'm sorry I didn't do that. Thank you. Let me get this shift to the right orientation here.

Jerry McPeak: I was going to comment about that.

Zach Ducheneaux: I bet you were.

Jerry McPeak: It's all going to go blank in just a minute, Zach.

Zach Ducheneaux: No, no, no. So in the past, we have forwarded reams of paper to you with recommendations from our experience in the field. And for those of you that I don't have the familiarity with that I do with Mr. McPeak, I'll give you a brief explanation of what the Tribal Technical Assistance Network is doing and an overview of what the IAC is doing writ large.



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The Tribal Technical Assistance Network's role is to provide regional technical assistance centers to provide services to inspire, assist, literally drag them through the door, Indian participation in USDA programs. And from the outset of the TA program, we have felt that we were the technical assistance that was contemplated in the Keepseagle settlement. Over the course of our existence, we have petitioned Mr. Sellers and others to sanction us and say this is what we meant. Well, they haven't yet. So we don't want to be now because we're starting the fifth year of this five-year agreement and we think there is still a lot more work to be done. So we don't want to be sanctioned as the Keepseagle's technical assistance any longer because they could say we've done it for five years, we're off the hook.

But that being said, we personally visited on the ground 400 Indian reservations. We've helped literally thousands of producers participate in the levels of nearly 15 million to 20 million in various USDA programs, and we believe we're starting to have a greater impact out there in the country. I'll forward each of you the annual report that we did submit to our membership for the record. Rather than stand up here and read with you, I prefer to engage in conversation. If at any time any of you have a question, feel free to interrupt my spiel and



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let's visit because I like what Mr. Lente said. I prefer to be talked with than talked to. It's more comfortable. It's more cordial, and I think we have an opportunity to get a lot more done and Mr. McPeak won't be able to tease me about my technological aid. Yes, sir, Mr. Harrison.

Gilbert Harrison: Good morning, Zach. Gilbert Harrison from Navajo. Anyway, you see that thing you have in your hand there? I see some other people with these. I tell my people back home those are the biggest obstacles we have when we try to convince young people about farming, because they have iPads, the iPhones with music in their ear or texting. It's really difficult. It's a battle that we -- I don't know whether we should just give up and say let's all text, but it is an issue. I don't know. It's just a sign of the times, I guess.

But a couple of things, Zach. I think to me, first item is EQIP, NRCS EQIP program. Many of us depend on that. And there's going to be rulemaking coming out pretty quick here. Time for comments. I think somewhere we ought to have some sort of a communication and do some joint recommendations because not only does that involve farming and ranching but infrastructure. How do we do the financing of those and the payments of those? I would like to see some sort of a coordinated recommendation maybe between IAC and a farm board here. That's one.



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The other thing is we're finding out there are several things that are statutory in nature. We have another Farm Bill that's going to be coming up pretty soon. We just got one done. I believe they're supposed to be done one every five years or whatever, 10 years. But I think it's not too early to start thinking about maybe getting some support and making some appropriate recommendations. So I think those are some areas that we can coordinate at. These have major impact on what we're doing because sometimes we get so involved in the small details of everyday living and everyday eking out farming issue. We forget these things. So I think I would like to see some sort of coordinated effort between the two groups here to come up with some good recommendations. Thank you very much.

Zach Ducheneaux: Thank you, Mr. Harrison. I couldn't agree more. We've started putting together our laundry list of things to seek more input on and try to develop into Farm Bill recommendations for the next go around, so I welcome the opportunity to visit with you folks and draw on your expertise to bring that to fruition.

I'll continue with the Technical Assistance Network. As of this year, we're fully staffed. It took us a long time to find a candidate in California that wanted to do what we're doing. And I think the challenge there was that nature of agriculture



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in California is as diverse as it is nationwide, as diverse as it is in Alaska. I think we need to put more emphasis in that area so that we can bring more resource to bear, especially in light of the drought that they're suffering. We've got staff in every recognized BIA region, and we have a partnership agreement with the United South and Eastern Tribes to provide TA for the most part in the eastern region.

The reason we decided to engage in that is they've got the network in the field. It's such a huge area with so many people. It's not like trying to cover Montana and Wyoming. You know, there's a town from here to the screen [sounds like] away. So we decided to try to draw on their network and partner with them to provide that, but we still go over there as needed from one of our other regions.

The Intertribal Ag Council is a nonprofit. Its membership is made up of every federally-recognized tribe and Alaska native village, all 566 by last count. That's our membership. The ones that come to our membership meeting every year pay the \$200 registration, vote and dictate policy for the IAC. But we help all of them equally whether they come here and participate in that or not.

Another of the programs that we administer nationwide is the American-Indian Foods Program. We had a real good



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presentation on food exports at NCAI last month or maybe two months ago in Atlanta. The towns and the hotels kind of run together. What that program does is it will take a Native American or a tribal producer that has an export-ready product and put them through an export readiness seminar which I think they're doing right next door. So if you guys have a chance to peek in there and take a look at it, it's pretty neat. We help them wind their way through the export regulations. Part of that is bringing them up to speed on the local customs for the places that we're going to take them, and we'll take them to food shows to help sell their product overseas.

It's really a backwards way of developing an export market from what typically happens. Typically you grow in the commodity market, you get to a level where you're starting to saturate your own market, and then you got to find something else to do with it. We don't have the resource to grow to that capacity. We've got credit issues that have existed since we first started learning about interest from the non-Indians when they got here. So we use this as a mechanism to get additional resource for a smaller amount of products so that we can have people develop their local supply capacity.

Red Lake Nation wild rice is a great example. When they first participated in our program, they were selling pounds of



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rice for pennies a pound. Because they were able to participate and come overseas with us to start selling their rice overseas, they're selling to the Queen of England now. They have taken that to develop their capacity to do a more robust job of marketing locally, and now they're selling for pounds per ounce, and that's money going back into our reservation economy. From the farm to fork, as is the popular saying now.

So the American Indian Foods Program is a valuable resource. One of the things that we would like to see developed is let's do that on a more local scale. We had a staff member write a successful grant to get a mobile farmers market going in the Great Lakes region. We've been taking products from reservation to reservation, and it's a great program. It's great to expose ourselves to other people's products, to learn how we can blend these together and develop other products. But what we really need assistance with is bringing producers who have that capability to produce a product to the American market. We feel that Indian country can raise as good a beef product as there is in the country, but we don't have the financial capacity to develop the next step in the supply chain because that is a very capital intensive deal.

As such, one of the things that we've recommended to Congress is a different type of tax credit system where





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companies that will come out there on the trust land will receive accelerated depreciation that producers can take, the same accelerated depreciation that Indians are allowed to take if they engage into a lease on that trust land to develop that next level in the value-added food chain. Let's inspire some private capital to come out there and do it. Once we start to get some in a box, the rest will take care of itself. But it's getting past that next hurdle.

Another of the things that the IAC is very focused on is continuing to try to massage the regulations and those statutes in the programs to where they really suit Indian country. NAP has been one of our talking points since it first came to pass. We have the ability now to go in there and secure a NAP policy for no fee. I think that's a great way to get Indian producers to start participating in risk management practices.

Val Dolcini: Zach, if I could?

Zach Ducheneaux: Yes, sir.

Val Dolcini: Val Dolcini, the chair of the Farm Service Agency.

Zach Ducheneaux: It's great to meet you, sir.

Val Dolcini: It's good to meet you, Zach. You know, NAP has been improved in the last Farm Bill. We're just on the verge of rolling out a rule that I think is going to benefit



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farmers and ranchers in Indian country, as well as other specialty crop producers and fruit and vegetable producers around the nation.

Zach Ducheneaux: Yes, sir.

Val Dolcini: It will cover greater losses, and it will also offer the opportunity to waive these administrative fees which allow folks to come in and access risk management tools.

Zach Ducheneaux: Absolutely, yeah.

Val Dolcini: NAP is the Noninsured Crop Assistance Program. We call it NAP. It's a low-cost risk management tool that FSA has had for some years, and it was always kind of tough to make work in certain parts of the country. We think the Farm Bill improvements will make it a broader tool for use around the country.

Zach Ducheneaux: It's a catastrophic level loss. If you've got a NAP policy and you lose 45 percent of your forage production to drought, it doesn't do you any good. But if you lose 55 percent, you're in the game under old regulations. And the new ones allow you to buy up to a 65-percent level of coverage. One of the things that we have specific to that is if there is any statutory authority to do it, that the council recommend to the Secretary to defer the premium payment until after the event as happens in regular crop insurance so that the



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Indian producer doesn't have to come up with the premium amount at the time of purchase based on the lack of access to operating capital in Indian country.

That's one of our specific recommendations that we're going to flesh out a little further for you folks. What we've done in the past is have a discussion with you folks and we'll submit written description of our recommendations for the record. That's one of them that we'll get you.

Along those lines, Risk Management Agency has the Livestock Risk Protection program. LRP they call it. What that will do is let you buy that same catastrophic level of coverage on your feeder calves. Indian country agriculture is a lot into the cows, and the Livestock Risk Protection covers the livestock the way NAP covers the grass. Again, there we need the deferred premium payment for that so that we don't have to get the producers to pay to try it out. Because we need to drag our Indian producers into a mindset of managing your risk, these products --

I tease my friend, John Lackey, with Risk Management Agency because he came out to do a presentation at Cheyenne River and one of my producers went over there and talked to him, and he started doing livestock risk protection or livestock feeder protection and then the next thing you know, he's in the futures



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market. So I told John Lackey, boy, you're the pusher and that was his gateway drug. But this guy had his calf crop protected all year. He knew he was going to have a breakeven plus guaranteed all year in the cattle industry, and now it's fairly uncertain. I mean the market is high. Nobody knows how long it's going to last. But that particular guy was covered, whether it's spikes or hits a valley. So that's another thing.

Chris Beyerhelm: Zach, I'm sorry.

Zach Ducheneaux: Yes, sir.

Chris Beyerhelm: After my presentation yesterday, a gentleman asked a question about the NAP program and you explained it further. I was hoping he would show up at the public comment period and talk about it, and he unfortunately didn't. Can you for the record explain what the issue is with that? As I understand it, it's the difference with whites or non-natives. The number of cows is considered with natives. It's the carrying capacity or the range. If you could explain that for the record, please.

Zach Ducheneaux: You bet. And this is with regard to the Noninsured Disaster Assistance Program wherein you can get the catastrophic level coverage. Or was it livestock forage?

Chris Beyerhelm: The livestock forage.



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Zach Ducheneaux: Yeah, livestock forage. The policy amount in Indian country is typically based on the number of heads you can run on your grazing permit. For the non-Indians, they come in with their balance sheet and it says I've got 1,200 cows. That's what they're covered at because it's assumed that they're feeding them for the course of the year. The Indian producer might have 500 cows, but he's only got a permit for 250 heads yearlong. These policies cover the growing season. We're on yearlong permits. There's a disparity there. Jerry is looking confused. I must be doing a poor job of explaining this or he's got something smart to say.

Jerry McPeak: No, I was supporting that. I have a question, Mr. Chairman.

Zach Ducheneaux: Yes, sir.

Jerry McPeak: Thank you, Mr. Chairman. We're talking about the difference between the east and the west and the grazing permits, and that's why I work so hard to study this thing. But how do you have a grazing permit for 250 but you have 500?

Zach Ducheneaux: You might have a headquarters of 160 acres and then what this guy is going to do --

Jerry McPeak: You have privately-owned land or you can be leasing.



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Zach Ducheneaux: Privately-owned land or he might be leasing.

Jerry McPeak: He'd be leasing nontribal land or something else?

Zach Ducheneaux: Yeah.

Jerry McPeak: Okay.

Zach Ducheneaux: And he doesn't get credit for doing that, but the non-Indian producer does.

Jerry McPeak: Got you.

Zach Ducheneaux: Great question. Thanks for helping me. But, you know, that's a disparity. If it's a livestock-based program, it should be number of livestock. The non-Indians, the assumption is, well, you're obviously caring for your livestock year-round. But with Indians the assumption is, well, you've got a 250-head permit. That must be how many cows you're caring for, and that's what your payment is based on.

Mark Wadsworth: Derrick Lente.

Derrick Lente: A follow-up question to that.

Zach Ducheneaux: Yes, sir.

Derrick Lente: That's assuming though that your tribe has a management system already in place.

Zach Ducheneaux: Yeah.



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Derrick Lente: And if your respective tribe doesn't have a management system in place with permits or with an established number of cows that a person's allowed to have, then what does that producer do? Are they out of luck to participate in that program?

Zach Ducheneaux: You see, in an ideal world, the Indians would be treated to whatever benefitted them. If he had 250 cows, he would fill out his deal and say I've got 250 cows that I'm taking care of. Regardless of permit, he can prove ownership on the cows. Clearly you fed them. So that would be irrespective of the permitting system or lack thereof on their home reservation. Tie it to the number of cows.

Derrick Lente: Thank you.

Zach Ducheneaux: Thank you very much.

Mark Wadsworth: Before we get off that topic, actually I've heard of like Fort Duchesne in which they actually purchased the policy themselves for the tribe on the forage space, not the cattle-based scenario. I guess that's something we should be doing.

Zach Ducheneaux: You bet. That's an option too. We pushed a lot of tribes to try to do that.

Mark Wadsworth: Yes, Mary.



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Mary Thompson: Thank you. Val mentioned some new language getting ready to roll out as a result of the Farm Bill. I understand that's statutory. Now what you're looking at, and to correct the disparity, where is that? Is that statutory also, the language that hinders the Indian rancher by holding him to his number permit head of cattle or the number of cattle per permit as opposed to I guess the non-Indian rancher? Where in the policy does that change need to be addressed?

Val Dolcini: We're talking about several different things. With regard to NAP, which is the Noninsured Crop Disaster Assistance Program - the acronym is NAP - there were changes made in the Farm Bill but there's also a rule that will soon be rolled out for folks to publicly comment on. And IAC may wish to comment on that in terms of making it more relevant and more applicable to Native American ranching operations.

The Livestock Forage Program, otherwise known as LFP, is another program that we've been talking about here. And that too, Mary, was a Farm Bill program rolled out in early 2014, and to-date, it's assisted about 430,000 ranchers around the country who had been impacted by things like blizzards and drought and wildfire and other forms of natural disaster.

The third issue that we're talking about is a program that the Risk Management Agency has, and that's another form of crop





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insurance essentially. I'm less familiar with that and less familiar as to whether it's useful in Indian country or whether it also needs to be changed, but there are multiple federal programs that we're talking about all in the context of this conversation here, some of which FSA has a direct role in overseeing and others that other USDA agencies have an involvement with.

Mary Thompson: But to that point, Chris, all of them are USDA programs.

Chris Beyerhelm: That's right.

Mary Thompson: Whether it's LFP, Risk Management or NAP.

Chris Beyerhelm: That's right.

Mary Thompson: And so are these three agencies sitting down to look at this recommendation and address it?

Val Dolcini: Yeah, we are. I mean the agencies that are directly under my supervision or the programs rather are NAP and the LFP program. This other one is the Risk Management Agency. But, you know, they're an agency we have close contact with all over the country and certainly in the halls of USDA in D.C. So yes, we're working together to make sure that we're talking to each other, that our programs mesh without too much disruption and that they're useful to our customers ultimately.



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Mary Thompson: And now that you're aware of this disparity, I mean I'm sure you were aware of it previously but as it's been addressed today, that might expedite the process.

Val Dolcini: And I suspect that Zach has been in touch with Bruce Nelson in Montana perhaps or others involved in the administration, particularly the Livestock Forage Program in the field. Bruce formerly was the administrator. Now that's the job that I have. So he's very aware of some of the program challenges we've got in Montana and elsewhere in the High Plains.

Mary Thompson: Okay. Thank you.

Zach Ducheneaux: And with regard to your question, Mary, there are guys in here that know more than me about this because they probably read it more than I have. But there is some latitude in the administration of this at the local level. So this is something that if we could work out a solution and a better way to apply it, it could be applied differently out in the field.

Mary Thompson: So what do you call that, the interpretation on the local level?

Zach Ducheneaux: The interpretation varies from region to region, state to state, and county to county.



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Mary Thompson: So then not just the disparity that Zach was talking about but the interpretation of the policy on the local level again is --

Val Dolcini: Well, I would add that there are national programs and so I can't have 50 different states applying them 50 different ways. But to Zach's point, we try and make sure that our programs have sufficient administrative flexibility to make them actually work in places like Indian country in Montana where the issues are different than my home state of California or ranching in Florida.

Mary Thompson: So there has to be some flexibility?

Val Dolcini: There is some flexibility. But like I say, these are national programs that ultimately are governed by a series of national policies as prescribed by the Congress and prescribed by our own internal rulemaking process. So you know, at the end of the day, we just want to make the programs work for the people that use them. And if we find that they're not being used or being used at a level that's not in keeping with what we think they should be used at, then we go back out and work with folks like IAC and Zach and stakeholders all across the nation to make sure that our programs ultimately are responding to the needs of the farmers and ranchers that we serve.



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Mary Thompson: Great. And the last thing to keep in mind is the public comment period when that opens. Thank you.

Mark Wadsworth: Yes, Chris.

Chris Beyerhelm: Zach, I don't want to hijack your agenda through your list. You and I have not talked about this so I don't mean to catch you off guard. I hear that a lot of the tribal members leave the reservation and go work in the city or whatever. One of the things we're trying to do is look at urban agricultural opportunities. What, if anything, can the IAC do to help us locate perhaps tribal members who have left the reservation and still, you know, would want to do some sort of agriculture in urban areas?

Zach Ducheneaux: Well, one of the things that we are constantly doing and one of the things that we pride ourselves on is meeting the demands of our customer base. We've got folks doing aquaponics in Oklahoma. It doesn't seem like aquaponics country to me, but they want it there so we're helping them do it. We have a young lady in our youth conclave that wants to do a hydroponic garden. She wants to start that when she gets home. So we're trying to serve our customers based on what they're telling us they need. It's challenging for us to reach all of the rural customers, let alone going to the urban areas. I mean, you realize that.



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Chris Beyerhelm: That's why I'm asking. We've got the same problem, it's the urban areas.

Zach Ducheneaux: Highlight our American Indian Foods Program. Let them know that you can do this on a rooftop in Minneapolis. We can work with that with you and folks in the room to try to show them that there is a market for this beyond the local market that could be lucrative enough for you to be able to go and do something more for your community than just feed your community.

Chris Beyerhelm: Thanks.

Val Dolcini: Mr. Chairman, if I could. Zach, that would be wonderful to work with you on something like that frankly because, again, the Farm Bill included some changes to the youth loan program and the microloan program, which I think make them more ultimately useful for farmers and ranchers of all kinds around the nation, but particularly those that haven't accessed our programs before. That's something Chris and I spent a lot of time working under the Farm Service Agency, is trying to open doors and put more chairs around the table for folks that haven't been able to avail themselves of the many good programs that FSA has to offer. So if you can help identify some potential applicants, we'd love to work with you there.



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Zach Ducheneaux: I may actually be helping them fill out a youth loan application here in the next few weeks. We'll work on that and then once we get that story going, that will go out to our press. We'll share it with you. You guys share it nationwide. John, you're not standing up because I'm done, are you?

Mark Wadsworth: I have a quick question.

Zach Ducheneaux: Yes, sir.

Mark Wadsworth: Does this also apply to bison herds?

Zach Ducheneaux: Yes, everything that we do applies to whatever the Indian or tribe chooses to grow. We don't distinguish. We let that be a local determination. With that, that's one of the things that we think in the Farm to School program that Leslie mentioned, local determination of what's traditional. In my country, it's kind of traditional to raise cows now. We've been doing it for 150 years. It's been a long time since we've lived off a buffalo herd. But if we start talking about cattle as our traditional meat, they say, well, you're not going to sell it in our school. Local determination of that really would be helpful. That's kind of the model that we'd like to try to employ.

One other thing, so that's the initiative to get Indian producers participating in risk management practices. You know



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there are three legs to this stool: financial literacy, risk management, and access to credit. We've been doing financial literacy work out there with the Indian producers for a long time. Honestly, that's something that probably has to come more from our school systems and our parents and guardians than an outside agency, but we're trying, to the extent that we have the ability, risk management. We need to get Indians in the door. We need to make those programs as accessible and impactful as we can. Otherwise, they're going to say what's the use? That's more government paperwork.

The other leg of the stool that we love to talk about, you'll notice I don't have any Farm Service Agency recommendations at this particular time for how they can be doing things because the folks that we work with in the Farm Service Agency have been as helpful as I've ever known a government agency to be. This is where McPeak usually gives me heck about brownnosing. I usually say, hey, what works for my people, I will do.

Mary Thompson: Good comment, thank you. You're working well.

Zach Ducheneaux: We came forward with a list of recommendations in our first annual report. We were able to work with Mr. Beyerhelm and then Mr. Nelson and Mr. Garcia, and



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hopefully with Mr. Dolcini to bring those things to pass without having to have it to come to a recommendation to the secretary for a piece of legislation. We hope to bring about that type of relationship with all of the federal agencies that we deal with.

Chris Beyerhelm: Mr. Chairman.

Mark Wadsworth: Yes, Chris.

Chris Beyerhelm: Zach, yesterday one of the commenters talked particularly about the LFP program and the fact that folks are getting these checks and then getting 1099s and then maybe haven't filed taxes for a number of years and the issues that was causing. Have you prepared some sort of document and then somebody I think mentioned that IAC maybe has a similar kind of educational piece, could you talk about that a minute?

Zach Ducheneaux: The IAC in years past through a partnership, I believe, with Risk Management Agency, this was before I was fulltime with the IAC, we developed a tax guide to help better explain tax liabilities to Native Americans. To that gentleman or lady that offered that comment, my response would be you lost a whole cow and you got paid a fraction of that cow. I think probably your tax liabilities are all right, so don't worry about filing. But the challenge that we face in Indian country is a lot of us do have the ability to operate on our trust land if we own it, with no obligation to file federal





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income taxes. The fear that they have is well, I did this. Now I've got to file because that's part and parcel of partaking in this program. Now, are they going to come after me for all those years I didn't file? Do I go to sit with an auditor and hire an accountant to validate all of that?

So there is that fear out there that this is going to be the start of a downhill snowball that I don't want to partake in. I think that's what they're probably getting at, Chris. I don't know how to fix that. If I come up with an idea, I'll bring it to you guys.

With regard to that third leg of the stool, credit, one of the challenges that we find universally is affecting a mortgage on trust ground. There are a lot of banks that will perpetuate the myth that it's not possible. Mr. Beyerhelm knows it's possible. We do it on a fairly regular basis, but we know it's time-consuming. So the banks are using the myth that it's not possible to get away from the chore of doing it. We think that they're required to do it under the Community Reinvestment Act. If you're going to operate a bank, you're surrounded by trust ground; you should serve your community or not take the subsidized money. That's a whole other story but let's talk about what we can do to improve the situation.



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There's been several efforts at MOUs between Interior and Farm Service Agency or the department writ large. Let's take a look at including provisions in there to share that review process, what happens with the trust mortgage. We'll help our producers get the package together. We'll take it to the Farm Service Agency. They'll say, yes, this looks like a good deal. We've got to get a mortgage to the BIA. That can take anywhere from three days to a year, depending on which particular superintendent you're dealing with, which particular regional director you're dealing with. They all work for Mike Black. You guys might run into him in the hallway someday out there.

Let's talk about how we can resolve this by stepping outside of the confines of our siloes and maybe have a third party review of those or just have BIA sanction the fact that if the FSA has determined that this is a viable loan, the business plan is probably already there. We don't need to go through all that hassle. Let's approve the mortgage and help this guy get into business.

Opportunities to buy property in Indian country do not come very often. The longer they are out there, the more inclined they are to go to a non-Indian. So you have to be ready when the time comes to do it. If Mr. Wadsworth decides he's going to sell me a quarter land and I say, "All right. Let me go to work



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on that." He comes back a year later and says, "Zach, what are you doing?" I say, "It's at the BIA; it's approved. I'm just waiting on the mortgage." He can't wait. So we've got to find a way to expedite that process. We think that an MOU, there's been talk of FSA using BIA appraisals and vice versa. Let's include the business plan review in that mortgage process.

Mark Wadsworth: Before we take to Gilbert, my experience was I used to sit on the housing board. One of the things that we were struggling back with - this was years ago - was the fact that if me as being an individual trying to get a mortgage on a home site lease, I had to have basically the specifications of a full foundation. It was a manufactured home and I met all of the requirements, met the requirements through FHA through the 184 program, I believe, at that time. The loan was ready to be done but the situation that they were coming back to me at FHA was that they didn't have a foreclosure agreement within the tribe itself, with that particular agency.

So I walked over there to VA, trying to use my VA certificate. VA is the same way. Sorry, our agency does not have a foreclosure agreement with your particular tribe. That's kind of - I hope - in this whole gamut, because this has been decades ago now, that has been solved where we have a universal foreclosure agreement. That instead of a tribe being tasked



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with having to have foreclosure agreements with every single agency that deals with lending, you know. I'd just like to put that out.

Zach Ducheneaux: I'd offer, Mr. Chairman, if I may, that we have a model in place that would make a lot of these tribes more comfortable with the FSA's real estate loan program. In the event of foreclosure, it can roll over into a leasehold mortgage administered by the BIA. Once the debt is paid back, it reverts to tribal ownership. Maybe we need to get more departments looking at it that way. That's a pretty viable business plan. It really manages the risk of the FSA because they know they're going to get made somewhat whole eventually.

Mark Wadsworth: But what has happened is that it's forcing our tribal people to basically be buying homes on credit card rates.

Zach Ducheneaux: Yes, sir, I agree. That shouldn't be because it's basically a tribally guaranteed loan. It should be a subsidized interest rate.

Gilbert Harrison: Gilbert Harrison of Navajo. We were fortunate here at the Council to start working with the Bureau of Indian Affairs on a lot of these common issues. We have a representative from the assistant secretary's office that sits



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in for our discussions here. Hopefully, we can resolve some of these interagency issues.

What kind of a relationship do you have with the BIA when you start facing some of these issues you talked about, that come up? It doesn't matter what we say or think, but the BIA is going to be there. Some of the things we're talking about is some of these policies and procedures that they work with are decades old. How do we address those? I would think that somewhere along the way, maybe we ought to start really having serious conversations with BIA. What can be done to maybe modify or revise or tweak some of these regulations so it does work across agencies, it does work with the outside world?

I don't know. It seems like when we hear about this, it seems to be like, well, we did this in this agency and it worked like this. Then with another agency, it didn't work. I'd like to see some consistency in how business is done because we don't need to reinvent the wheel on every little issue. Thank you very much.

John Berrey: John Berrey of Quapaw. I appreciate what you're doing. You're doing a good job, Zach. It's good to see you. Would you explain to me what you're talking about that these are the BIA appraisal systems? Because there's a lot of problems currently with those [cross-talking]. It's done at the



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Office of the Special Trustee. It's not really done at the bureau. I met with Michelle Singer a couple of weeks ago. We're trying to move the ball from instead of the Office of the Special Trustee reviewing every single appraisal, there are already licensed appraisers. They've already been approved by OST, yet they have to review each single one individually. You might help us by pushing them to just maybe doing sampling reviews to help expedite.

Zach Ducheneaux: I'm all for trusting that licensed appraiser to do his job the way he's supposed to and then prosecute the ones that don't.

John Berrey: Yeah, that's what the license is supposed to provide, it's the surety that they're going to do it right.

Zach Ducheneaux: I couldn't agree more.

John Berrey: Thank you.

Zach Ducheneaux: I've got an old school mindset. They're all the BIA to me. We shouldn't let them split up anyway.

John Berrey: That helps them though. If you're talking to BIA all day about appraisals [cross-talking] Office of the Special Trustee.

Leslie Wheelock: Just very quickly a followup, Office of the Special Trustee, I will take this. Anything else that needs



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to go over to them, you let me know. We'll take this one on.

This is Leslie.

Chris Beyerhelm: Chris Beyerhelm, USDA. Zach, yesterday afternoon, we held a consultation on the Highly Fractionated Land Program that was authorized in both '08 and '14 Farm Bill. Obviously, we need to gather all the data, but what my folks are telling me is three main themes came out of that: (1) is we should do it as a relending program; (2) is we should look at doing it through one or two major organizations; (3) that it should be agriculture land only. I'm just interested in your comment on all three of those.

Zach Ducheneaux: Those three forward statements, I approve of all three of them but I'd have to see the whole comment before I could give --

Chris Beyerhelm: I understand, just conceptually.

Zach Ducheneaux: Yeah, I would agree with those concepts from our perspective and what we've seen in the field.

Chris Beyerhelm: Okay.

Zach Ducheneaux: If I could, Mr. Chairman, just one thing about Mr. Harrison's comment about consistency and what I would like to see. The inconsistencies that you see in Mr. Dolcini's programs are a whole different set from what we see in the BIA and OST and the others. What I would like to see is some



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consistency in that inconsistency so that they're trying to fit the localities with consistent guidance from above to do what the people in the field need to make it work. A one-year timeframe on getting a mortgage approved is absolutely unacceptable. That's ridiculous.

We would like to have your help to raise it to the level of the secretary so that there can be some frank discussions about this because the secretary of the Interior is out there bragging about the land that he's getting back into trust. But we tried to get a number out of him, how much went out of trust last year? They don't document that. So we would like to elevate that to that level of discussion so that our secretaries can work together and come to a solution that works. If it is not possible, then we know, then we can help our friends on the congressional side find that solution.

Mark Wadsworth: For the record, I believe that if they have an OST office and are managing their lands correctly, they can give you the exact acres of trust.

Zach Ducheneaux: Oh, I believe so too.

Mark Wadsworth: But fee is not their responsibility as to what they hide behind.

Zach Ducheneaux: I have one final comment with regard to the BIA. What I've observed in the field - and this is Zach





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Ducheneaux, regular Indian tribe in the world - the places where the BIA runs the furthest amuck is directly correlated to the distance they are from the tribal office. At home, our BIA is in our tribal office. At Omaha, they're across town. Omaha farms can't use Omaha tribal ground because the BIA won't approve the lease. Do you think that's going to happen at Cheyenne River with the superintendent one phone call away from the chairman? No way. The superintendent don't want to take that kind of heat. So that's an observation that I've got out in the field. The further away that BIA is from tribal headquarters, the more problems we run into.

Like I said, I'll have further explanation of the things we talked about to get to you in the form of formal written comments. I'd be glad to take any questions, concerns, comments, gripes, if you've got them or any offers of what we should do better out there in the field.

Mark Wadsworth: I think I've got the signal. It's about time to wrap this up. But go right ahead, Porter.

Porter Holder: Porter Holder, Choctaw Nation, Oklahoma. Zach, I don't have a question as much as I do a comment. My hat's off to you for the work that you do for the Indian farmer and rancher. You inspire me to do more. The legwork that you put in for the Indian farmer-rancher and the youth, it just



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blows me away. I just want that on the record. I appreciate what you do. Thank you.

Zach Ducheneaux: You're welcome, sir. I couldn't do it without the support of the Intertribal Ag Council.

Porter Holder: Thank you, Zach.

Angela Peter: Hi, Angela Peter with Alaska. I just want to know if IAC has a presence in Alaska.

Zach Ducheneaux: Yes, ma'am, we do. We have Dorothy Shockley working for us out of Alaska. We have a gentleman named Dave Monture working with Mississauga.

Angela Peter: What are the plans for that? What exactly do they do?

Zach Ducheneaux: Their role in Alaska is similar to their role everywhere else in the world. The folks that contact us that we're able to reach out to that have something they need assistance with, we try to facilitate that assistance. We don't go into a region with a plan for how we're going to help the Great Plains tribes do cows. We wouldn't deign to go to Alaska and say this is what you need to be doing agriculturally speaking. We have people out there that are at your disposal. They're a phone call away. If you can't reach them, you reach me and I will reach them for you. They'll help you with whatever you want to do.



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Angela Peter: The only reason why I know about this is because I'm on this council. But you talked about 229 tribes. I'll bet you like 228 don't know. My point is that we can't get the information in to you or ask questions without trying to figure out that aspect. Thank you.

Mark Wadsworth: Thank you, Zach.

Zach Ducheneaux: Thank you very much folks. I appreciate your work.

Mark Wadsworth: Do we all need a break for about 10 minutes?

Porter Holder: We've got some coffee with us.

Mark Wadsworth: We'll be back here by 11:00 I guess.

#### **NRCS Presentation on EQIP and Engineering Standards**

Mark Wadsworth: If everybody could kind of get situated again. We're running behind and we'll try to get this through, have everybody's chance to do their presentations.

I think we'll go back. You're about ready to start us on the -- okay. Thank you.

Our next speaker will be on the NRCS presentation on EQIP and engineering standards. Bruce Petersen is the Nevada state conservationist for NRCS. He will be filling in for the



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individual that couldn't make it. And John Lowery would like to give us a little update on it.

John Lowery: Thank you, Mr. Chairman, John Lowery. Mr. Petersen will not be speaking on the engineering standards. I just wanted to clarify that before he comes up, but we will work to get Mr. Noller on the agenda at our March meeting so he can do that.

Jerry McPeak: By then, we might not want him.

John Lowery: I hope so. I hope everything is taken care of and we can move on from engineering standard specifications.

Mark Wadsworth: Okay, Bruce.

Bruce Petersen: Thank you for letting me speak. Bruce Petersen, I'm the state conservationist in Nevada.

Jerry McPeak: Yes, start by saying what EQIP stands for.

Bruce Petersen: It's Environmental Quality Incentives Program. I'll try to avoid acronyms. Let me express the apologies of Noller and Barry. They had intended to be here, travel issues came up and approvals came late. I know they would like to present at some other time.

I can give you a Nevada perspective on some of the things that I've heard here today and perhaps touch on some of the engineering things. I guess I was really glad to hear about the irrigation history being open to comments and some of the



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proposed changes. That will have a big impact and a positive impact for Nevada producers. The advanced payment issue that we struggled with under the last Farm Bill with the extension of a 90-day period to get those practices implemented and then raising that to 50 percent, that's a big deal for Nevada as well.

Let me just talk about payment schedules, cost lists, some engineering issues. In Nevada, we have a payment schedule that's based on an assessment done for a four-state area: Nevada, Utah, Arizona, and New Mexico. We come up with practice scenarios and payment schedules that are across that broad area of the United States. That is sometimes an issue when we get to a remote area in Nevada and try to do a land leveling project. Perhaps the payment schedule that we're working on isn't covering the cost at the extent that we'd like to see.

We revise that and negotiate it annually, and we make adjustments as we find issues. We've had things where windfalls have been available to producers. But in more cases, we're not covering the 90 percent that people like to think they're going to get under a tribal producer. We tried to avoid this 90 percent cost share statement, but just for the sake of simplicity, we offer approximately 90 percent cost share for practice installation.



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In Nevada, we've had some serious issues with that. We did an analysis, and it appears the contractors were charging more for tribal producers. So we went to the contractors and said why is that? They said, well, it's mobilization. Tribes are remote. It takes a considerable amount of time and money to bring the equipment there. So we've utilized remote mobilization payment on top of the regular cost share payment. I think that will help. But what would help even more so is if we could get some competition. We don't have a lot of contractors in Nevada. Everybody is sort of at their whim as far as how that kind of payments or costs you're going to incur.

We have at our disposal, as state conservationists, we can utilize interim conservation practice standards. So when I heard yesterday about micro projects or micro engineering, there might be a possibility to look at those projects and maybe bend our policy, bend our practice standards under an interim practice standard. Engineers are technical people and calculating. In my experience, they like tried and proven methods and they don't like to change, but they're open to that and we've done some of that in Nevada. We've also utilized used materials in Nevada. We won't offer an opportunity to use used barbed wire because we can't check the tensile strength on it, but we've used, used fencepost or railroad ties. In some cases,



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we've used, used pipe. If we can feel that the lifespan of that pipe or pole is going to exceed or meet the requirements of the practice, we'll use those. So those things are available.

We also have job approval authority. We have field office staff that might have job approval authority for a class 1 project or a simple land leveling or maybe a small pipeline and a trough. We have area staff who have higher job approval authority, and then we have a state office engineer and a state office engineering staff with even higher job approval authority. As we work on projects, depending on the class of those projects, those practices, if the person serving and designing it, if it exceeds their job capability then it goes to the next level. That adds delays in the system at times.

I can tell you at least in Nevada that we do a detailed survey and design before we contract under EQIP. So at least in our state, we're not seeing huge delays and then modifications and increases in the contract amount because the practice wasn't designed or we based it on an estimate. I don't know if that's what Noller was going to visit about.

We also have an opportunity in NRCS to utilize technical service providers. Those are folks who have technical skills that we can contract with. We then pay to design things, to do conservation planning, to do range planning, to do practice



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implementation. That works very well across the country. However, in Nevada, we have about 31 technical service providers. They do not have the capability and the desire to come to Nevada. We've tried to get them to come. We're remote. We can't expect someone to drive 100 miles north of Elko to do a land leveling project at the payment rate that we're offering.

So I would love to see more technical service providers. I would love to see tribal technical service providers. We do have some tribes that have done their own fencing. They have a fencing crew. We have tribal members who do land leveling. But most of the time when we get into construction projects with pipes and irrigation infrastructure and things like that, we have to seek outside contractors. That's where we've run into some issues with our payments not fulfilling the expectation of producers.

We have funding pools. We have tribal funding pools. We have a strike force funding pool in Nevada. We have socially disadvantaged funding pools. For the most part, when tribal producers apply for EQIP, if their project ranks out under the screening process as a higher-medium, it will be funded in Nevada. I know that isn't the case across the country. In some states, the demand for the program far exceeds the allocation.





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We fall into that in Nevada but not to the extent that you see in other states maybe.

We also have in Nevada a program called the Agricultural Management Assistance Program, AMA. It's run by the Risk Management Agencies. Under that program, we have some flexibility with irrigation history. It's not a requirement. Producer eligibility or definition is a little bit different than EQIP. We've used that program very well with tribes. Just a quick success story, we have a tribe that entered into an AMA contract this year of over half a million dollars. It's going to be an irrigation infrastructure upgrade from a dirt ditch to a lined ditch. Then we hope to come in with EQIP as we do the turnouts on farm tribal producers to do irrigation improvements then right on the fields.

We have the issue that was brought up with the 1099s. We have tribal members who will not enter into EQIP contracts because of that. You heard from Randy Emm yesterday. We've tried to do some outreach and some training on that. I partner with extension to help fund those two FRTEP positions in Nevada. Part of the salary is picked up by NRCS for two extension agents, one in the east and one in the west. I do not have a tribal liaison. I have nine offices and about 30 people in the field. I know that doesn't compare to Alaska as far as



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distances and staff, but we have 26 tribes and it's a huge area to cover. We're constantly trying to meet that need.

If I could, I have just one more success story. We heard yesterday about acorn, a tribe that depends on acorn production. In Nevada, we have a tribe or several that have historically utilized pine nuts. That's a part of their history and their culture and their sustainability. The U.S. Forest Service, NRCS, and the tribe have worked using our soil survey and ecological site descriptions to identify those prime areas for pine nuts and then preserve those. We have made great efforts in Nevada to control pinyon pine and juniper in the interest of sage grouse. Those trees are considered an invasive species. Anyway, we recognized and have worked with Forest Service to preserve those prime harvesting areas and perhaps try to manage those and certainly preserve them.

I also heard a lot of issues about BIA and I can tell you in Nevada, we had a sit-down meeting when I arrived. We talked about the need to work together. I don't think we've ever had an EQIP contract held up by BIA. They've helped us with identifying boundaries for fencing. They approve EQIP contracts routinely and quickly.



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I think things are working in Nevada. Of course, I only gave you the great side of it. You know, we have issues like everyone else. But when we hear them, we try to address them.

Gilbert Harrison: Thank you very much. You've touched on some topics that are dear to my heart. I'm sure it's like that to a lot of individual small farmers and ranchers. When we talk about EQIP and contract and cash, there are some issues or some concerns that I think should be addressed. The main one that comes to mind is the issue of a project cost. A project cost consists of all the environmental surveys and monies that have to be spent to do a project. Then you have design cost, X number of dollars, particularly if you're going to have a good sized system, NRCS or USDA engineers have the final authority. So your engineers have to come up with the design. There's a time for give and take to finalize the design. *Only* when that's done do you know the real cost, the real cost estimate.

I think I'd like to see some effort being made to be inclusive of all these costs and the final NRCS EQIP contract be based upon the realistic cost. I think that will really alleviate a lot of help. In my case, we had a contract for X amount of dollars. Once all these processes took place, it was substantially higher. That really put a lot of squeeze on us to try to find additional funds. So I think somehow we got to get



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a handle on this cost of a project, and I'm including the whole cost of a project.

In the same light, I think if you have a good-sized project that may take three or four months to complete, you have various phases. You talked about this irrigation lining. Well, you've got to do some earthwork. You've got to prepare the earthwork before you pour the concrete, before you do this. I'd like to see some ability to do drawdown. Many, many contracts including the federal, other agencies, state and others, if you have a contract, you can drawdown against that contract. If you have let's say like earthwork is done, it comprises 20 percent of the project. You should be able to bill for 20 percent. We have NRCS inspectors or others that come and verify the work stuff. I think there should be some ability to drawdown against a contract. Like I said, other federal agencies do that. I don't know why we don't do that.

The other thing, this 1099 is also another issue. I think in other federal contracts, if a contractor through a bid or whatever gets a contract, they have certain over cost items included in that contract. One of those is local taxes and federal taxes. Let's say if you have a \$100,000 contract, and on that contract you're going to be liable to the state or the county or the federal for taxes, they can amount to \$15,000.



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The total cost of the contract is then \$115,000, which says okay here, for the project, here's all the tax liabilities. That's how other contracts I've seen are written where that's all included as part of the contract. I think that would do away with some of this shying away from EQIP programs because of 1099 because it is part of the contract cost.

The last thing that I see is coordination between the EQIP program and some of these other USDA farm loan activities where if you have a \$100,000 project, you should be able to go back to NRCS or EQIP, get a loan to cover that. So you have working capital. At the end when the project is all done, you can just use that proceeds out of the contract to repay that. Something like that would make it easier in a lot of cases. I'd like to see some effort in those areas. Thank you.

Chris Beyerhelm: If I could just answer the last part of that, that's already available, Gilbert. We can authorize. We do it all the time where we provide the loan funds, take an assignment of the EQIP payment. When the project's done with those paybacks, that's done. Thank you. Sorry to interrupt.

Bruce Petersen: I know with the 50 percent, either we can pay upfront. It probably doesn't take care of the whole issue. But we can do an assignment of payment where the contractor can be assured that they will get paid.



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Gilbert Harrison: The assignment of pay is good. But let's say you have 40 percent or 50 percent of the frontend payments, advance of payments, but right now based on the 30 percent that I'm familiar with, you're expected to do the job in 30 days. For heaven's sakes, a lot of times that's just to gear up to do a project, to get people on board.

Bruce Petersen: Yeah, that's real hard.

Gilbert Harrison: So even that 50 percent, I've heard there's some time limitations. In that case, you haven't really done a lot because they only said, here's 30 percent now. Get everything done or else. This "or else" is big. Those are some of the things I think should be considered when we talk about the upcoming regs and some of the issues that have prevented projects from being implemented.

Bruce Petersen: Like I said, we negotiate our payment schedule annually. I'll bring that up and see if we can include tax as a component of that. I guess I haven't thought about that, but at least I can ask.

Mark Wadsworth: Derrick Lente.

Derrick Lente: Thank you, Mr. Chair. Derrick Lente from Sandia Pueblo, New Mexico. This is probably just a general comment, but I had an EQIP project on my land where I had about 50 acres and used a dirt ditch originally. That was the most



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inefficient way to irrigate. That's all we have in New Mexico because it doesn't rain there very much. I used EQIP dollars to put in an 18-inch pipeline, about 1,500 feet of pipeline.

But my first question is do we know annually how much each state gets and how much will be allocated to each state? Not only just that but then when I was -- that was my first time using the program. I felt like because of the limited amount of funds, there were tribes that I was competing with. You know what I mean? I'm an individual; I'm Derrick Lente, the farmer. But then I felt like I was competing with my tribe for the same money. Who gets priority over that? You know what I mean, because my tribe had a bigger project. But in my mind, my project was just as valid as theirs was. It was the same kind of pipeline project.

Are you able to identify funds or breakout funds that way to where some of the EQIP money goes to tribes and some will go to a tribal farmer or to an individual farmer? That's my first question.

Not only just that but then going along with what Mr. Harrison talks about in terms of over-engineering. I know that we had said that that's probably a bad word in this forum. But in terms of over-engineering as to how I found it on my project was it was a 1,500-foot long pipeline project that was over-



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engineered by way of having too many valves put in, recommended by engineering. So having so many more valves than what I really need because in reality, I use about 25 percent of the valves that are on the project. The rest of them just stay closed the whole yearlong and I never use them. But for me in my pocketbook, I had to pay an extra \$2,000 for each of those valves. I think that's the problem with a lot of the projects now. It's that an engineer that's sitting in his office says it's going to work best to these specs, but then on the ground, it just costs me another \$20,000 for that project out of my own pocket.

So I pose the question to the NRCS office in Albuquerque. Could we bypass the engineering specs and just put in fewer valves? They said no, that the engineer would not allow us to do that because that's his standards and that's what he wants to do. But for me, it was just a waste of money and it's something that I will never use.

Bruce Petersen: Well, your first point about allocations, we have an allocation formula nationally that doles out the funding by state. Then within the state, we have an allocation formula. In Nevada, we have funding pools that go to each of our service areas. We have other funding pools that maybe go to water quality. We have one EQIP on public land, BLM and Forest.





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We have tribal funding pools. We have drought funding pools. We have a whole bunch of them, and they vary by year depending on if issues come up. That information is available to Nevada producers. We kind of vet that through the State Technical Committee.

I guess we all have a limited amount of money. We all have much more interest than allocation, so you would have to compete. We do that through ranking criteria and screening tools. You'll probably recall filling that out. I can just say that's the process. I'm sure it's the same in every state. It may not seem fair, but I don't know how we get around it. We work on those ranking tools constantly to try to make them as fair and as resource-centered as possible.

Your engineering, I don't know why. I can't guess why an engineer would want to put a bunch of valves you don't need, but I recall pipelines in Nevada where we felt valves were needed. They weren't wanted so we just stubbed that in and capped them. You didn't have to pay for the valve, but it was available in the future if you want to dig it up and pull that cap off. Then you could pay for a valve at that point.

I guess if you brought it to their attention and they didn't give on it, there was something in our standard that required that. I can't try to second guess somebody. But I



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know that's an ongoing complaint with folks about our over-engineering.

Mark Wadsworth: Bruce, I'm Mark Wadsworth, Shoshone-Bannock tribe. I'll speak for my tribe in this aspect. When we first started getting involved with EQIP, we were a tribal range program. We would get so much money from our producers called range improvement dollars that we were able to utilize within the EQIP program. When we first started to end that business, we had like \$27,000. Out of that \$27,000, you're supposed to manage 330,000 acres. It was a struggle, believe me.

What I found out at the very beginning with our conservationist, worked with Kurt Cates, was that he was able to split out some of our programs into different phases. So that if we got the first phase of the well drilled then we could get that well-drilled money back to us, in which then we could buy the pipeline to get up to the tank. Then, with that reimbursed, then we were able to buy the tank and the troughs to finish the whole project in phases. That was, I would say, seven or eight years ago, was that practice. I don't know if that's available now or was --

Bruce Petersen: Certainly, we do that in Nevada. We have a screening tool that you receive additional points if you have a conservation plan that addresses the resource concerns, but



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your contract doesn't have to reflect everything you're going to do in that conservation plan. It can be done. Your contract, for example, that one, drilling the well, that's a piece of it. And then you come in the next year with the contract to add components to that. We do that. We'll do an irrigation ditch, and then maybe we'll add a pivot or some kind of a sprinkler on the end of that in the following contract. So you should be able to rank okay if you have a plan that covers everything.

Mark Wadsworth: And believe me, my experience with dealing with USDA, NRCS, with EQIP is nothing but glowing and thank you very much. We went now to where we now have over 15 separate solar systems within our reservation by using EQIP dollars and other dollars to help us through BLR and whatever may have been else available out there to leverage that, to get it going.

Bruce Petersen: That's nice to hear. Thank you.

Mark Wadsworth: I guess one final comment is that under 2501-G I believe under the CFR, tribes are able to use federal dollars from the Bureau of Indian Affairs as matching funds or other government programs. Is there a possibility of allowing USDA dollars to be a match for another federal program so that we could get better projects out on the ground?

Bruce Petersen: I would say yes.



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Leslie Wheelock: I think there probably is. There are restrictions, so the 638 funds, a portion of those funds can be used to supplement the additional funding that the tribes are asked for the matching funding or whatever that tribes are being asked to supply. And to the extent, they can't use loan money for that type of resource. But the regular funding, I'm not really sure why they can't use it for other programs, but we haven't been asked before to my knowledge. So I think it's a fair question for investigation. It took a while to get the 638 funding question answered, so this is a good one to take back. Thank you.

Mark Wadsworth: Thank you. Jerry McPeak.

Jerry McPeak: Thank you, Mr. Chairman. This is Jerry McPeak. Mr. Petersen, Mark's story and what you were saying today are what I think this Council was set up for and that's just to get folks to do the right thing. I'm not sure where you're raised and what your background is, but yesterday as I listened to you and today as I listen to you, it's evident that that's what you try to do. I'm sure that you're effective in this state and your people are effective in the state because that flows to them. What we didn't have in some places was that, the attitude as you know is the biggest thing. The attitude of that person who's starting with people out [sounds



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like]. I'm sure you probably hammer on that. I'm just guessing that when they make themselves available and they approach it by, how can we do this instead of how can we not do this? It's all the difference in the world. It makes the people -- it can't be done. It makes really easier to accept it as you know.

I'm making statements that you're already aware of. But always, as I say, thank you for that, and that's where we hope we're headed. I've been really interested to know what your own background was because to me, it's pretty obvious that you're not having problems with things that there were problems with. You're not having problems with those things because of you and the attitude you have and the attitude that I think you have filled your place with. I think you're probably the prototype of what we haven't.

Mark, his knowledge of all these is tremendous and his working of it. But we would hope that that is where we want to go with everything and it comes to people and that attitude. Then the rest of that, we can swallow. If you've done all you can do, we're okay with that. But what we've run into is that isn't what has occurred. So thank you for approaching it that way, and I hope that will permeate through the remainder of the system.



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Bruce Petersen: Thank you. I don't think I'm unique with state conservationists in the West, at least from what I've seen. Hopefully, we're all working to get things accomplished. I grew up in Minnesota. I started with the Soil Conservation Service at a point where we were draining everything, and then quickly that turned around. I headed West where I don't have anything to drain.

Mark Wadsworth: Well, thank you, Bruce, I sure appreciate that. Going to the next one will be the Farm Loan Service Update.

#### **Farm Loan Service Update**

Chris Beyerhelm: Thank you, Mr. Chairman. I've handed out a sheet, Executive Summary FSA Report based on Gilbert's request. Hopefully, everyone will have one in front of you. If not, we've got some extras. Just as a general background, as part of the Keepseagle settlement agreement, FSA is required to provide a semi-annual report to the Council, to the ombudsperson who's here in the audience, and then also to Class Counsel. The report is required to show the approval rates for loans between whites and Native Americans.

What we're required to do is show an overall report for the states, which you'll find in Tab 3, so all of the states. And



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then specifically, what you'll find in Tab 2 is county by county for 15 states. I think the 15 states were chosen based on a number of either the population of Native Americans or Keepseagle claimants or a combination of the two.

So what the report shows you is the number of applications received and the number of applications approved for each of those group of applicants. As an executive summary, I just picked out the three main things that I think that these reports show you this time around. I'm glad to discuss any of the other details also. But the gap between the approval rates between Natives and whites continues to decline. When we first started doing this report, the gap was about 8 percentage points. At the end of fiscal year 2014, which this report reflects, the gap was 2.9 for all of the states, and it's 2.6 for the 15 selected states. So I think we're certainly moving in the right direction.

The other thing that the report reflects is the number of applications continues to increase. We're up to 1,500 applications. I don't remember the exact number. At the last meeting, maybe, Jerry, you remember a report from the census guy about how many Native American farmers there were. It seemed like there were 20,000 or 30,000 or something like that. Market penetration for FSA type loans, we hold about 7 percent of the



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market share for all of agriculture. That would be a significantly higher number than that for Native Americans.

The last thing is the other thing we're tracking is the number of states that have more than a 10-percent difference between the approval rates continues to decline. We track it on a three-year average. It's down to eight right now. Five of those eight are states that only get one or two applications like Maine or places like that. So if you get two applications, you turn one down, you have 50 percent approval rate. I don't want to say it's statistically insignificant, but I think you understand what that means.

I want to talk about two other things, too, but I wanted to just take some time to stop now and see if there's any questions about the report or any other things that I've provided.

Jerry McPeak: Mr. Chairman.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Mr. Chairman, Jerry McPeak. Chris, again, from the beginning, you've got it. I wonder if it wouldn't be good for these new members to have a report that you gave us in 2012. I think I saw my copy where it showed what the people who had applied for it was and all those kind of things that you have. So you have that. And then the actual, even the request





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for loans. Anyhow, I think you'll remember that. That's about my copy.

Chris Beyerhelm: We've sliced and diced all of the numbers and all the difficult categories, yeah.

Jerry McPeak: Yeah. They can look at their state. They can look at their tribe. I think you even gave me, I know you did, as a matter of fact. You gave me one that broke down my state by tribe, which ones that have applied and that kind of thing. I think that these new people, if we give them a better background of where we came from. People always say I'm talking about goals. I tell them all the time, goals, if you don't know where you are, you don't know where you started, you don't know where you're starting from, goals are kind of irrelevant if you don't know what direction you're taking. But it's just a thought.

Chris Beyerhelm: I appreciate that. I can certainly do that.

Jerry McPeak: I just think --

Val Dolcini: Jerry, I'll just add. If you don't know where you are, you don't know where you're going either. And to the degree that you paid a compliment to the NRCS state con who was just here, I'd like to say that Chris and his entire Farm Loan Program Team have really taken --



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Jerry McPeak: He sucks, doesn't he?

Val Dolcini: He's horrible.

Jerry McPeak: I can't [indiscernible]. I can't do that anymore.

Chris Beyerhelm: So for the record, there were quotation marks around the horrible, right?

Val Dolcini: No. He's one of the finest people that FSA has. I'm glad that he's --

Jerry McPeak: He's done a nice job, but don't say anything. He's still got to get out the door and the door is only so big. We don't have time to enlarge the door.

Leslie Wheelock: Chris, can you swap out the projector? Are you using this? Are you going to use this?

Chris Beyerhelm: No. I hadn't intended to go through the report line by line. So yeah, absolutely. Thank you, Jerry. I appreciate that very much. Val, I appreciate your comments also.

Mark Wadsworth: Go ahead, Gilbert.

Gilbert Harrison: Gilbert Harrison, Navajo. Chris, I know you guys must have done something good here to see the numbers are increasing in the way we think are positive. But what I'd like to know is internally within FSA here, what have you done to make these improvements? Have you changed regulations or



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have you issued new guidance? What have you done to cause these things to improve? Because I know we're seeing numbers which saying we're headed in the right direction. But I know you guys have done a lot. You must have done a lot of good things. But what are some, I guess, bureaucratic things that you've changed or you've tweaked to make these things happen? Thank you.

Chris Beyerhelm: Yeah. Thank you for that question, Gilbert. I think its two things. One is, I think you've heard me say this before, it's a lot of times when we have people that have concerns or things that haven't worked out, I think our first reaction is we want to try to change the regulation. What I've always said, it's a people problem that sometimes you have what I call curmudgeons that are out on our county offices. So I've been very fortunate to have administrators, Mr. Dolcini, the current one, but certainly his predecessors have made it a point that when we find these curmudgeons, these people problems, we find a way. I don't know how to say this tactfully. I'm trying to not be --

Jerry McPeak: I have been waiting for this the whole speech.

Chris Beyerhelm: Let's just say we have serious conversations with them about public service and people's right to be treated fairly and consistently and try to look at the



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individual circumstances. One of the things to that point is we issued a notice about a year and a half ago. We've talked about you need to understand the different cultures of folks, not just Native Americans but across our country, the Hmong communities, the Hispanic communities and understand some of those places, people have credit problems. You need to understand that. You need to understand, particularly in the Native American communities, we require experience.

We're always looking for Schedule Fs to show we've got experience. Within the Native American community, sometimes that doesn't happen. They work with grandfathers, grandmothers, whatever. I think there are two things, just to make it short. We've empowered people to try to do the right thing. We have changed some regulations. We work closely with IAC to provide more direction to folks about how they can do the right thing and still stay legal.

Jerry McPeak: That's about as Washington, D.C. and politically correct as you can get.

Male Voice: He handled that smoothly.

Jerry McPeak: I can hear Washington, D.C. holding that BLMPC [sounds like] too.



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Chris Beyerhelm: I think that's a negative coming from you, Jerry. Was there anything you didn't understand about it, Jerry?

Jerry McPeak: I got it but kind had to sort through it.

Male Voice: I wouldn't quite put it that way.

Mary Thompson: Chairman.

Mark Wadsworth: Yeah, Mary Thompson.

Mary Thompson: Thank you. I'm Mary Thompson. I'm wondering if I'm going to regret this, whenever I say I've been agreeing with Jerry here lately. I do appreciate hearing some success stories about things that have come to fruition. Somebody said earlier about we used to hear about the hardship cases. I'm guilty of being quick to jump on the hardship cases. I think I've said something to the effect of interpretation of policy. So whenever I hear empowering people to do the right things, I like that. It seems to be that interpretation of policy or changing the policy to make it fit.

It is a good reality check to hear these things. That USDA does work and it's starting to work better for Indian Country. It still needs improvements, but we're getting there. I wanted to thank the NRCS person out here, Bruce, that he was willing to work on a local level to make those changes. I guess maybe I'm going to stop saying interpretation of policy, but I'm going to



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start saying empowering people to do the right things. That might be the politically correct term. But I do appreciate it. Thank you.

Mark Wadsworth: Yes, Val.

Val Dolcini: Mr. Chair, if I could just add to what Mary was saying. The interpretation of policy, I view it as being a little more creative than we've been historically. We've got a lot of black and white regulations. There are no two ways around many of the things that we do, but there's a fair amount of discretion within our regs. I think in many cases, and Chris is a veteran of the agency and Mike probably can attest to the fact that our people have not been as willing to be creative when it comes to getting outside of their comfort zone a little bit. So it's one thing.

If you had a 35- or 40-year relationship with a corn farmer from Iowa, you know exactly what he or she wants and their operation doesn't change much over time. It's another thing altogether for making a loan in Indian country or working with small Southeast Asian growers in Fresno County that might grow one acre of Asian vegetables, 20 or 30 different crops. You've really got to be creative when it comes to those things. That's where I give Chris and his team and people before him, frankly, credit for willing to think a little differently about the



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issues in front of us. It's great to have a legal settlement. That's good motivation behind you.

So to that degree, I think we were motivated to change our way of doing business by Keepseagle and other things. But really it came from within, I think. The culture of the agency and the culture of the leadership in certain functions, whether it's farm loans or farm programs had to change and they were the ones that let folks along the way too.

Mary Thompson: I appreciate that, and just to quickly respond. I think that in the future and as policy catches up with today's technology on the ground, there is going to have to be more empowering of the people to do the right thing. I guess awarding that or recognizing that and then you see the good, positive success stories as Bruce talked about in Nevada and we hear about not working in Arizona or New Mexico or something. Also, as people are going into different or nontraditional areas, whether it's the value added product, whether it's the traditional product that's starting to be gathered and harvested now and marketed. So we're going into new areas with vineyards, I don't know, we have to consider it for our future working relationships with programs. We need to consider those and try to get ahead of the game instead of catching up with the game. Thank you.



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Mark Wadsworth: Thank you.

Chris Beyerhelm: If I could mention too, just to piggyback what Val said. The three lawsuits - Keepseagle, Pigford, and women Hispanic - had kind of shaped our past. What came out of that was a philosophy that we wanted to treat everybody equally because we were concerned about additional filings. That was a gigantic mistake on our part because what ended up happening was we were treating everybody equally, exactly the same, not considering the different circumstances, not considering the different cultures. So when we shifted from treating everybody equally to everybody fairly, there was a significant mindset change that made a lot more sense. So I think that was good. Any other questions on the report, I do want to just touch on two other things quickly.

Mark Wadsworth: Go right ahead.

Chris Beyerhelm: Okay. One thing is Val mentioned Mike Hinton. Mike Hinton is our Native American liaison. Mike, if you want to just raise your hand. So we appreciate the work Mike has been doing with Indian country and helping advance some of these issues.

The two other things that are not specific to Native Americans but they encompass the producers that you work with are that Deputy Secretary Harden has started an initiative for





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beginning farmers, a USDA-wide initiative on beginning farmers. It's still in the workings coming up with a strategic plan, but it's very similar to what Zach talked about that it's kind of a three-legged stool with financial literacy/access to credit, access to affordable land - not just land but affordable land. Then the last one is creating support groups out in our communities.

Traditionally, I think our farmers and ranchers come from the local community and have support but more and more of those folks are coming from outside the communities and they don't have the local support. So we want to try to leverage the great wealth of knowledge that you have in your local communities. You've got retired bankers and lawyers and accountants and you name it. If we can create a cadre of those folks to help mentor and shepherd these folks through credit and agriculture, so that's an initiative.

The other thing is I think it has been mentioned here off and on this week. The 2014 Farm Bill specifically now mentions veterans as a group of farmers. I know there are a number of veterans on this board right here. First of all, we appreciate your service. This is going to be a great opportunity. The secretary talks a lot about the fact that the majority of our military comes from rural America. When they muster out of the



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military, in the past, they've almost been discouraged from coming back to rural areas. The training they're provided more kind of puts them in the direction of corporate-type jobs.

So we've been really working hard with the DOD and the Department of Labor to start saying it's important that veterans know they can return to agriculture if they want to. We talk about BIA a lot, but I want to tell you the VA is a little dysfunctional too. At this point, they do not recognize agriculture as a profession. They have all kinds of great programs where you can come out of the military and get into apprenticeship and be paid but agriculture is not one of them.

So the other thing the Farm Bill did was create a position, a USDA veteran liaison in Karis Gutter who's our deputy undersecretary for FFAS has been named that. He's a former Marine. He's working very closely with all the veteran communities to make sure that after veterans have served us so well that now we can serve them. So I wanted to mention that because I know it's important. If I could get a show of hands, how many on the Council are veterans? We got -- fantastic.

Jerry McPeak: Mark, can I have some comments?

Mark Wadsworth: Jerry McPeak.

Jerry McPeak: Thank you, Mr. Chairman. Along with that, I'm not a statistician much but there is something that came up



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in Oklahoma that we looked into. As an ethnic group, there's a higher percentage of American Indians that serve their country than any other ethnic group. We have the lowest percentage of Indians, the lowest percentage of any ethnic group who utilize veteran's benefits. The place I'm going to turn to that. I'm not sure what it says but I found it interesting. Thank you.

Mark Wadsworth: All right, any more, Chris?

Chris Beyerhelm: No, I'm done.

#### **USDA Ombudsman Update**

Mark Wadsworth: We'll go on to the next speaker, USDA Ombudsperson Joanne Dea.

Joanne Dea: Thank you. As you said already, my name is Joanne Dea and I'm with the USDA. I thank you for the opportunity to actually introduce the Office of the Ombudsperson. It's my job to actually establish the office and get it up and running. It is a new effort for USDA. It's a new office, a new role and function. There's been a lot for me to do in these first few months that I've been at USDA.

John is helping to hand out two handouts. One has a very short presentation that I'd like to walk through with you. It has a few PowerPoint slides. And then the second document is actually a front and back one-pager that talks a little bit



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about what I will do and what I will not do as an ombudsperson. In the back, it has some principles that I'd actually be talking through in the presentation. So we're really focused on the actual PowerPoint presentation that you have.

On the first page of the PowerPoint sheets that you have, you have two slides to a page. I'm going to cover the four following areas. The first one is what is an ombudsman? I'm also going to cover organizational ombudsman definitions. The third one is what are the International Ombudsman Association guiding principles on ombuds practice? The fourth one is, what does an ombudsman mean for USDA, for you, and individuals that might be in the audience?

As you go to Slide 3, which is the top of your second page, you'll see that there's just a general statement about what is an ombudsman. This is really just meant to introduce the idea and the concept of an ombudsperson to you.

As you look down at the last slide there, which is Slide 4, I wanted to help you all understand just a little bit more about kind of ombudsman. Ombudsman can serve an audience that's both external. So in terms of external, when we talk about that in the ombuds practice, it means that it's actually individuals or visitors who are talking to us from outside the organization. When we're talking about internal ombudsman, that means that



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it's actually serving groups that are within an organization. In the role that I've been asked to play, I'm actually going to be serving both external audiences and internal.

In terms of the actual position itself, I will be serving all socially disadvantaged groups. This is part of the Keepseagle settlement that not only Native Americans but also all other groups would be served. That was part of the agreement. As I've already said that ombuds can serve external audiences and internal. For USDA, that's going to mean that anyone who's within the organization that wants to come and talk to me about issues of access to USDA programs, they can do that as well.

As you go to the third page but is really Slide 5, you'll see an organizational ombudsman definition. On the first line, it has some bolded areas that I'll cover in just a minute too. The one area that I wanted to also just point out, which is a difference because perhaps some of you had worked with ombuds in the past or have friends who are in this work. There are many different types of ombuds that operate. It's important because by how they operate, they're going to do it in different ways.

Again, I'm serving at USDA as an organizational ombudsman. Some other sort of distinctions are that there is a classical ombudsman. Oftentimes, they're created by statutory language.



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They actually have formal investigation type of power. So they would do investigations. They would issue reports. That's not the way that I'll be operating. Again, this is just the reason why I want to take a few minutes to talk about this.

Another way that ombudsmen operate is that they can serve as advocates as well. You can imagine, maybe there's an advocate for sort of elderly care. That would be one example. In that case, they're going to actively act on behalf of that population. In my case too, again just a distinction, is I won't be serving in that capacity.

As you go to the bottom of the page for this slide, which is Slide 6, these again are the International Ombudsman Association guiding principles. There are really four, but the two that are on the page that you're looking at are neutral and impartial, which is fairly self-explanatory that I won't serve for anyone's side, and then confidential in terms of I'll be serving as an off-the-record resource. Then as well, confidentiality is the cornerstone for ombudsman, so it would be something that I will be taking very, very seriously.

As you go to the next page in your packet, you'll see that there are the two remaining International Ombudsman Association principles. One is independence. Something that will be important for you to understand about my role is that I'm an



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independent and separate office within USDA. So I'm just an entity on my own. And then informal, begins to talk about a little of the way that people could come to me. It's completely voluntary. People don't have to come to me first before they go to other possible paths that they might have in USDA to raise a concern.

The last bullet there talks a little bit that there's not a rigid kind of way that I would go about doing the work. So it's not I would do step one, step two, step three, step four, step five in every single case. I'm going to be using my discretion in terms of how I would handle a matter.

Gilbert Harrison: Excuse me.

Joanne Dea: Yes?

Gilbert Harrison: You're sort of a listening person. If you talk about resolution, how is that resolution? Is it followed up? Besides listening to the issues, how do you make sure that things get to a point of resolution or that's agreeable by the parties? How is that? I'm trying to figure out. Now you got two parties or somebody's complaining. You got the information. How do you handle the information so that beneficial results are gotten? Thank you.

Joanne Dea: Okay.



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Gilbert Harrison: As you said, you don't have any authority to --

Joanne Dea: Sure. I don't have any authority to compel anything to happen. I'm not a manager. I have a very separate and distinct role within USDA. Mr. Harrison, if you wouldn't mind, could I just run through the remainder of the slides and I'll come back to your question?

Gilbert Harrison: Thank you.

Joanne Dea: In terms of Slide 8, which is who does the ombudsman serve? The office is going to help minority farmers and ranchers, again, raise new future issues, shared concerns that relate back to accessibility to USDA programs. A main role that I'm to serve is to ensure that there's a fair process for all kind of the different parties that might come to me. Then, again, I had already mentioned that USDA employees can come to me.

As you go to the top of the next page, which is Slide 9, how will I do the work? This gets a little bit to Mr. Harrison's question, which is I'm going to listen. I'm going to try and really ask a lot of questions, understand the different perspectives that are there. I'm going to help to try and connect the farmers and ranchers with others within USDA. I know that many others within USDA in terms of Leslie in OTR,





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Chris Beyerhelm, many others are doing this as well. But if they come into me, that might be something that I can help as a swift [sounds like]. I'm also going to have access to a lot of information in terms of different data which is going to be shared with me, access to reports as well.

Then a main area that I'll have is to actually bring these core issues back to USDA. I'm actively working right now on creating a tracking system that as people call me, I'll be able to keep track of those issues to have some sense of where they're coming in and how often they're coming in as well. In terms of the next quick slide, there are benefits that I'm talking about which is really trying to identify issues earlier and get them resolved earlier as well.

If you turn to the next page, which is Slide 11, I've included two links which you can go to if you're interested in learning more about the ombudsman practice. So the International Ombudsman Association is the main association that keeps our standards of practice high and maintains the professionalism in this particular kind of niche area. I've also linked to the Coalition of Federal Ombudsman as well just as another source for you. Then my contact information is on the bottom of that page. I want to open it up of course to questions and comments and to hear your concerns.



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In terms of going back to your question about how is resolution going to occur. USDA is a big agency. I think that even in my short time at USDA, it's oftentimes very difficult to even know where to go and who to talk to. If you're working with an individual or someone out there and it's not working out, what are your options in terms of going to someone else as well? Within the agency, within USDA, there are ways that issues are supposed to be elevated. So that will be one aspect that I can help with, is to connect people with those right individuals.

My job is not to resolve every issue that comes into me. My job is really to try and identify what the core concerns are and bring those back to USDA, so that USDA can focus on those shared concerns that are coming from the farmers and ranchers. I hope that helps you a little. If you have follow-up questions and if anyone else has questions, I'd like to hear your comments.

Female Voice: Welcome aboard and good luck.

Joanne Dea: Thank you. Just so you all know. I started in June and I am still working to get the office up and running. At this point in time, I am anticipating that by the end of January or February at the latest, I'll be out there and that we can put the word out that I'm here. I'm working with folks



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inside of USDA to make sure we think about what our communications are in terms of my coming onboard. I expect that within USDA there will probably be more global messages that are sent out either at the secretary level or at the deputy secretary to share that I'm at USDA. Also, I'm working with many of the field service organizations to get the word out through whether it's state director meetings or the state conservationists or whoever is the right set of players to kind of help people understand that I'm here. That's what I'm doing.

Mark Wadsworth: Thank you, Joanne.

Joanne Dea: Thank you.

#### **USDA Opportunities for Tribal College Students**

Mark Wadsworth: John, on this USDA opportunities for college students.

John Lowery: Lawrence Shorty.

Mark Wadsworth: Lawrence.

Lawrence Shorty: Hello. My name is Lawrence Shorty. I'm the director of the USDA 1994 Tribal Land-Grant Colleges and Universities Program. It's great to be back with you all again. I'm here to provide some updates on activities that we're doing in the department to encourage agencies to consider and develop



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more internships targeting both students that attend the 1994 tribal colleges and universities as well as Native students.

I need to acknowledge that Leslie Wheelock has covered some elements of that, especially around the areas, most recently with the Tribal Nations Conference that happened a couple of weeks ago and doing some specific outreach.

We've been coordinating with the Pathways Internship coordinators, both the primary advisor as well as individual agencies to have teleconferences for the tribal colleges. That's important because we know that because all the internships shifted over to a federal government-wide Pathways Internship that students in general have struggled to get into the system and tribal students have especially struggled to become participatory in this new mechanism for internships.

If you remember, I described how Pathways worked during our last meeting, which it is based on the USAJOBS website. It's based also on the way that federal agencies and departments would recruit for full-time positions. Because of that and because it's Web-based, eight individual agencies, whenever there would be a vacancy announced either for a job or for an internship, they would get hundreds of applications and thousands in some cases I understand. Because of that and also because of veteran's preference that there's been some concern



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by some of our partners that some of the students wouldn't be able to compete for that.

With that in mind, we've also been preparing for our USDA and American Indian Higher Education Leadership Group. Our major partner with that is the American Indian Higher Education Consortium. They had requested that we coordinate amongst the undersecretaries' offices and their outreach staff for the development of plans to engage students of the tribal colleges and universities. With coordination of outreach staff, civil rights directors, and human resources staff, we think that's possible.

There's a big plan coming out of the office in which I'm in currently to make more of a priority the hiring of tribal students through internships. There's a plan to coordinate a large meeting during the spring of 2015. We will keep you apprised of that. In addition to that, if you did not know, the White House is also working to coordinate a meeting for native youth in July of 2015. I just learned of a nongovernment organization that's coordinating a couple of meetings also in the spring for which we'll work to become engaged. Are there any questions that I can answer?

Mark Wadsworth: Yes, Gilbert.



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Gilbert Harrison: Thank you, Mr. Shorty. Gilbert Harrison from Navajo. We have Diné College in Shiprock. Other areas I'm sure have Native American colleges. One of the things I wanted to explore was I did not see any curriculum within these colleges for an associate degree that would specifically be earmarked towards farmers and ranchers. I don't know. You probably don't have any say-so on curriculum development, but I would like to see some effort to get those kind of programs. They have all kinds of programs and social services in other areas but nothing to say about farmers and ranchers. There are many areas that they can cover and provide just as good as a degree of some type. Thank you.

Mark Wadsworth: Jerry McPeak.

Jerry McPeak: Mr. Chairman, I'm Jerry McPeak. Gilbert, I'm going to respond to that a little bit, not to protect them so much, but you may or may not know I taught ag in junior college for 27 years [indiscernible]. Agriculture though is an expensive major to go into. They can put a teacher in place in English or math, and if they've got a teacher and a blackboard, they can basically have a class. We're trying to do it with our tribal college, the Creek Nation, and of course we have access to all kind of things. But it is another step of expense that our college is trying to start up. As much as we want to do it,



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it's more difficult than it would be to start, if you wanted to have a kid get their -- it would be like nursing. Nursing is another expensive deal and we're trying to do the same thing.

But it's really not like getting a major in geology or getting a major in psychology or even education. We're on it. I'm not taking it up for them, but it's an expensive dadgum deal to do. To get the same classes for two years for an associate's degree is [inaudible].

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: This is Leslie. As a result of that, one of the conversations that I've had this week is around the idea of including a module on farm financing for those schools that have the business degrees or certifications. It's not a long course, but it's different from the regular financing, accounting, and so forth that they have to learn as part of that program. But it also makes them more useful and it gives them a better understanding of what's going on that they can help with at home if they're not at home, when at the schools. Thank you.

Jerry McPeak: It's unfortunate for you guys in New Mexico and Arizona. In Oklahoma, we have a network of junior colleges that teach ag and work actually pretty well with the other colleges. It's not like having to go to university and it's also directed to their area. We can get people in our colleges.



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You guys, I think you only have one junior college in New Mexico that teaches ag. Is that right? I think you have one junior college in New Mexico that teaches ag. I don't know that you have one in Arizona at all. You guys have a need for it, but the state has a need for it too.

Gilbert Harrison: Thank you very much. You know, we talk about the importance of land. We talk about the importance of conservation. We talk about the importance of getting younger people involved in farming and ranching. I feel that we should emphasize what we feel are important. Excuse me, Jerry, but if we say it's expensive, well, so be it. But in the end, we need to take care of our land. We need to make sure that we use it efficiently. We need to make sure that water is used efficiently - all these kind of things. So I think that it's just appropriate that at least we recommend to these colleges. Maybe they can come up with a way they can do it inexpensively.

We're all in the farming business more or less individually. I keep saying this. It's more of a hobby because we don't make money. Every year, around April, we visit our accountant. She said, "The IRS expects you to make a profit at least once in five years." I've asked her, you know, can I ask the IRS to come out and show me how to make a profit? It's one





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of those things. I know we're at the bottom of the pole, but at least we ought to try and make some recommendations. Thank you.

Mary Thompson: Chairman.

Mark Wadsworth: Yes, Mary.

Mary Thompson: Thank you. Mary Thompson. If you took a look at our Education and Extension Committee report, some of that discussion has been what Mr. Shorty has reported to us today. I'm wondering though if you can expand on the benefits of collaborating with OTR. Leslie mentioned this farm financing component. I'm sure that's an example of working with the Office of Tribal Relations, but I'd just like for you to expand on the benefits of working with OTR.

Lawrence Shorty: This is Lawrence Shorty, USDA 1994 Program Office. The function of our office is focused on working with tribal colleges and universities and the education of students that attend those schools. If you did not know, there is an Executive Order 13572 or 13592, American Indian and Alaskan Native Education and Tribal Colleges and Universities. The function of our office focuses primarily on the second half - tribal colleges and universities.

Coordinating with the Office of Tribal Relations, as Leslie has mentioned, broadens out the opportunities that are available for all tribal students. We wouldn't just be focusing on



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students that attend tribal colleges and universities. As you know, the great percentage of students are going to higher ed are not at tribal colleges and universities. There's also an opportunity for a greater pool to both come and get trained by USDA agencies and they could go back and benefit tribal communities or benefit the agricultural community as a whole. So that's probably one of the more immediate ways of benefiting with respect to internships and training of students.

Mary Thompson: Thank you.

Lawrence Shorty: Lawrence Shorty again. I'd like to respond to Gilbert with respect to some of the [indiscernible] that we have collected. The Tohono O'odham College in Arizona, they partnered with the main land-grant, the University of Arizona for ag and natural resource sciences. They have an articulation agreement with the larger school. Little Big Horn College in Montana is also working to develop more focused ag programs too.

With respect to our own school, because we're both from the Navajo tribe, the president of Diné College has made outreach to us for assistance in them building the school's land-grant capacity, you know, to become more involved in what USDA can offer them. Maggie George is the president. She was also a former political appointee to the former White House Initiative



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on Tribal Colleges and Universities. So there is some potential for what you're saying on that personal level.

Gilbert Harrison: Thank you.

Mark Wadsworth: All righty, any more questions? Lawrence, just maybe a recommendation, maybe if you would like to email us what you would envision a support from us to you in this effort. I think that we're all on the same page. We need an Indian agricultural school or college somewhere and then accredit it. It could top line [sounds like]. I think that if it's a mixture of different places or whatever, so be it, but we need that opportunity for our students.

Leslie Wheelock: Mr. Chairman, we do have forestry, at least one specialization, one school that focuses on forestry, and that's where we try to kind of funnel the students who are interested in that area. We could probably look to that school potentially as a model for that. But you've got farming and you've got ranching. They're two very different areas that would require some kind of a combined focus.

Mark Wadsworth: I would add that we have different issues like OST and permitting and all that [indiscernible] stuff. Thank you, Lawrence.

Lawrence Shorty: Thank you.

Leslie Wheelock: Thank you.



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Mark Wadsworth: I guess it looks like we have lunch hour. We'll reconvene at 1:30.

### **Subcommittee Updates**

Mark Wadsworth: Okay. It looks like we are going to go in to the subcommittee updates. For the record, Derrick Lente said he would have to be a little bit late. He has some conference calls he has to attend, but he would be coming in here later. John Berrey who was here approximately 10:00 this morning had to leave to go attend the Intertribal Bison Corporate Council, so he will not be here the rest of afternoon. And then Mr. Jerry McPeak has to take off here at 4:00 and expressed if we could go and talk about the Education and Extension update first just so that he can address that before he has to leave.

Leslie Wheelock: Mr. Chairman.

Mark Wadsworth: Yes.

Leslie Wheelock: A quick request. I had asked Josiah to print out the EQIP regulation, and we got a note back from him down when he was at UPS asking if I wanted to printout all 96 pages for each one of you. So what you have are the first 10 pages which doesn't tell you much of anything, but it does give you the information. And we will send that out electronically along with Leslie Deavers' contact information when we get back,



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so that you'll have an electronic version of it. Because all you've got are kind of the preamble things and there's not anything in here that even starts to talk about what the regulation is. I just said first 10 pages. It looks like I probably should have said the first 12 because it does start to be described on page 10. If you want to get online and find it before we send it out to you, at the very top of the first page there's a Web address that you can type in and it will come up there. It's also online on the USDA NRCS webpage that went out as part of the announcement.

Mark Wadsworth: What'll we go and find in it if we go [sounds like].

Leslie Wheelock: So this is the EQIP program and what you'll see in it are the changes that have been made since the 2014 Farm Bill that include a lot of language that provides better access to the programs for tribes and tribal individuals.

Male Voice: We might as well.

Female Voice: We might as well.

Val Dolcini: Leslie, on the NRCS page, there is just a one page release that highlights the [indiscernible]

Leslie Wheelock: Does it have a link? Val just told me that on the webpage, if you type USDAEQIP, it will take you to



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the webpage. And it talks about the release of the regulation.

Is there a link on there?

Val Dolcini: Yes.

Leslie Wheelock: And there's a link on there to the document too if you don't get it from us and you really, really, really want to read it.

Male Voice: USDA what?

Leslie Wheelock: Just type in --

Val Dolcini: The page is [nracs.usda.gov](http://nracs.usda.gov) and then just follow the link. There's a whole page on Farm Bill rules and such.

Leslie Wheelock: It has its own page.

Val Dolcini: Yeah.

Leslie Wheelock: Thank you.

Mark Wadsworth: Again, we reiterate that we're going to first address the Education and Extension Subcommittee. Two people are present right now, Porter Holder and Jerry McPeak.

Porter Holder: And Mary too.

Mark Wadsworth: And Mary Thompson. I'm sorry about that, Mary. And it said lead to be determined.

Jerry McPeak: That's me now.

Mark Wadsworth: What's that?

Jerry McPeak: That's me now.



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Mark Wadsworth: It is you now, okay. Jerry McPeak is the lead on this committee. Take it away.

Jerry McPeak: Thank you, Mr. Chairman. We had good visits when we discussed this and we're all on a learning environment. I think we were unanimous in what we would like to see I think what evolved last year from our discussions here about FRTEP. I didn't know what FRTEP was. I had no idea what it was. I bet you didn't either before. No, we weren't supposed to --

Male Voice: I thought that was [indiscernible] on the job.

Jerry McPeak: And to be candid with you, it is utilized very minimally in our area. I anticipate it's utilized very minimally east of us either. But having said that, it's a good program that works awfully well in areas that it works in. And our suggestion was going to the level that they wouldn't have to compete, they could know when you're at the other and that's just logical. It would be like trying to run a cattle business and you don't even know whether you've going to have cows next year or not. So it's hard to make plans and you don't have any pasture. So we think that's very, very valuable. I would like to know, John, what's ND in the first paragraph?

Porter Holder: North Dakota.

John Lowery: Yes.



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Jerry McPeak: Okay. And that's indication of a little bit -- that's a little bit bothersome [indiscernible] for you guys for utilization in the future. I hope you guys realize that that's money that's going to go to the West and it's not coming to East. You can say it is but it's not because we don't have them. We don't utilize them. Maybe we would. I'm not saying we shouldn't, but I'm just saying realize that's really what is happening.

The Tribal College program, I had some reservations and did asked about moving the Intertribal Relations Office from where it is now. And as I talked to the people back home and asked them, I found not anyone against it but not anyone knowing why. But as we have checked that, Mary and I and all three of us met this morning with John, we have assessed that that is a good idea and say it's going to save a lot of effort. And I think Lawrence has pointed out to us how that happens and why it would and we are all aboard on doing that.

The hybrid approach thing is in the next paragraph. It's about the internships. I'm not sure what they mean exactly, but I have two things with that. Yes, it is a good idea. We think it would be a good idea to seek partnerships with the tribes. The more investment that someone has in something, the more they want to protect it. A gift sometimes is taken lightly. So the





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tribes, if you're going to let a tribe have a certain amount of money and then they say, okay, we're going to match that with that and have two positions instead of one position, we think those kinds of things are good. So like this morning about tightening the regulation, if it's too tight, you can't do something with it. Maybe you say this money is there, match it if you want to. If you don't want to, maybe you don't. But like for us, that's something we would do. Our tribe would match that. I think most of the tribes would be on a matching program with those kinds of things, do that.

The other part that's not on there that also fits the word hybrid a little bit, that is this. I taught in junior college for 27 years. I don't if you have familiarity with ACT. We took people who had sub-ACT scores of 13, 14 and 15 and made them capable of competing with people who had 25, 26, and 27. That's what we did. We used to tell people that you have to be able to teach to teach in a state college. If you are an instructor, oh, you [indiscernible] you'll not be able to teach. They'll get it. They're just going to get it.

Well, that's the way I'm about the things that I do at the state legislature here either. My family is going to make it. We know how to. Generationally we have done it. We pretty much got to do something really horrible for us not to make it. The



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average student, the below average student, those kids that we're talking about that we started with, number one, they're not as motivated. Number two, they don't get encouraged as much. And yet these internship programs are selected by, "We want the good kid." So the kid that's beaten down, guess what? He just gets beaten down again. He doesn't get selected again. And yet I understand in USDA why you would want the very best and the brightest. They do the best job. And maybe long-term wise, you say, well, Jerry, long-term wise that helps that kid.

Well, what is that deal if you have to survive today and that kid doesn't care? We got a lot of miles at our junior college out of helping those kids who were average grades and below average grades. I gave you story after story of young people that we had that came through and made who's who in American universities. We've got kids that came in with below 19 ACT, which is considered the entrance level for ACT scores, who went on to Stanford and Harvard and of course lesser schools such as Texas A&M, University of Arkansas, University of Oklahoma and those places like that.

We took those kids and took a personal interest, but it takes a lot to have the opportunity to do it. But you actually did that in your program unknowingly a few years ago with internship program that you had. In implementing that, well, I



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cannot imagine the complexities of doing that. I think again within the tribe, that's something we have. The Tribal Colleges, that's one thing good about the Tribal Colleges. It's doing extra things.

But I hope that all of you here recognize that the outstanding kid makes it. They don't need your help. No offense. You can throw them a TV screen up there and here's the class, and they'll get it. That other one, not so much so. Are they motivated to drive? Do they believe in themselves? Not so much so. But that's how you help. The next generations are different one because [indiscernible].

Again, we're talking about the FRTEP, and they're not competing for funds, that is a very strong and very important thing that we think is good to the program. Mary and Porter.

Porter Holder: To follow up, Jerry, you're exactly right. The kid who's going to make it, he's going to make it. Wherever you drop him off, he's going to make it. And I agree with trying to reach the one that don't know he can. He can, he just doesn't know he can.

Jerry McPeak: That's exactly right.

Porter Holder: And I have to agree with you. You need drop down another level to get that kid because those at the top, as Jerry said, me and my family are going to make it.



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We're going to fight. We're going to scratch. We're going to do whatever we have to do. There are so many kids out there that are so beat down, and it comes from generations before. I mean they have never been told that they could. They've never been showed that they could. They've never had that hand up. So I have to agree with Jerry on that. This sounds bad, but let's drop the standard down a little just to reach them kids.

Mary Thompson: Mary Thompson. I would like to comment on the subcommittee meetings. While I did not attend all of them, I think that the possible recommendations that we have - and you all have the notes on them - should be considered included and on the record. Well, I don't want to read all the notes and everything. I think the possible recommendation should be read in to the record. And while the first one is being utilized at this point and we've seen evidence of it in these meetings, I think it just would be a success, a little feather in our subcommittee hat if it's put on the list. And that possible recommendation was to ask the departments to utilize all available hiring authorities including internships, fellowships, and other employment opportunities. USDA should also utilize other authorities in use by federal partners such as Indian preference. Yes, it needs some and they need the verbiage cleaned up a little bit. But basically that's what it is.



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The second one, as the department replaced the 1994 Tribal Colleges and University Program within the now permanent Office of Tribal Relations within the Office of the Secretary, that one we're discussing and that one we would like to see some follow up on and some more investigating to see if it can happen.

Leslie Wheelock: Mr. Chairman, if I may? I have a thought for consideration for the committee about that, and that is that the - John's going to have to help me with this - REE NIFA. It's an organization that has five of the six funding programs out of USDA that fund the schools, that provide pretty good essential support for the schools. One of the considerations that I've been making, while the Office of Tribal Relations is interested in ensuring that the programmatic work of the 1994 schools of Tribal Colleges and Universities continues, that there may be another place where one could consider suggesting that those programs be put or that that programmatic element be put. And that is within not NIFA itself but within its parent agency which is REE. Help me here.

John Lowery: Research Education and Economics.

Leslie Wheelock: Research Education and Economics, which is full of professors and PhDs and really cool people at USDA. It's one of the places that that program, along with the Hispanic Serving Institutions Program and the Historically Black



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Colleges and Universities Program, resided at one time. I think they all were there once. But it also assists with another program that in my opinion needs this kind of support and that's the Hispanic Serving Institutions Program. So to the extent that we can lift both boats at the same time, I would like the Council to consider whether that's an alternative, or the committee consider whether that's an alternative for their recommendation.

Jerry McPeak: You consolidate all of what you said.

Leslie Wheelock: I can consolidate all of that into one thing. One of the other places that the 1994 Tribal College and University Program team could be placed and that focus could be placed is within Research Education --

John Lowery: And Economics.

Leslie Wheelock: -- and Economics mission area of USDA.

Mary Thompson: Thank you, Leslie. This could be amended to say not just the Office of Tribal Relations but Research Education and Economics or other appropriate department. But at this point, this is a recommendation from the subcommittee to the committee. Yes, we will need further investigation to resolve the issue as with everything else. So those things can be looked at. I appreciate your input.

Leslie Wheelock: Thank you.



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Mary Thompson: And the last thing was to include legislative changes in the language for FRTEP. And we put down in the notes the following: The Federally Recognized Tribal Extension Program, FRTEP, will be a non-competitive grant program within the Smith-Lever 3D budget line with funding secured for existing FRTEP recipients. And it has a reasoning down there.

This is not on the list but I'd like to add it just for my perspective. The FRTEP agents have always been this big family across the country that helped and supported each other with their projects and programs. As their funding became more and more competitive down through the years, they've kind of slowed down on supporting each other and partnering with each other and collaborating with each other on their projects. Because as the competition grew it's like, okay, my project has got to be bigger and better and the Cadillac projects so when it comes to funding I might get a better shot at that funding. So that has hindered this family-type relationship between the FRTEP agents across the Indian Country. I don't think that it would help or benefit any of the projects that are going on in Indian Country when the competition is there as it's starting to become. That's just my personal thoughts on that, but these are the recommendations that we would submit to the board and the



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programs for consideration and further investigation. I yield the floor.

Mark Wadsworth: Anybody else have any comments or questions?

Chris Beyerhelm: Mr. Chair.

Mark Wadsworth: Yes.

Val Dolcini: Just a general comment and it's something that Leslie just said that sort of spurred me to think. You and I and perhaps others should sit down when we're back in Washington and see if we can pull together the various and disparate internship programs that are scattered all over our big department into something that's a little bit more manageable for efforts like this. I'm thinking the Office of Human Resources Management, OHRM, probably has something like that. Departmental Management, DM, has something along those lines. FSA has done the Hispanic Association of Colleges and Universities internship programs for some time. And we usually get folks in our state offices, as well as in the headquarters office. So I think this is a USDA challenge. We've been stovepiped for so many years that one mission area might not know what another mission area is doing, and we could be doing exactly the same thing. So we need to continue to break down





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the barriers in our 100,000-person department and make sure that we're being sufficient as we can about these things.

Mary Thompson: Great idea, would you keep us abreast of your progress in that initiative?

Val Dolcini: Will do.

Mary Thompson: Thank you.

Jerry McPeak: One last thing.

Mark Wadsworth: Yes, Jerry McPeak.

Jerry McPeak: Thank you. I know sometimes that we are so close to something you don't see as well. I found myself on education with my camps and so on that I tell my people all the time tell me because I can't see it, so don't hesitate. I got a feeling you guys see it and I got a feeling you know it, but those internships are extremely motivational for those kids. I'll go ahead and say that. I was going to avoid that, but my daughter was motivated. How do I say that? She's always an Indian kid, but she worked on tribal relations field [sounds like]. It absolutely affected her approach to what she wanted to do. She became more philanthropic and less motivated by the dollar and very, very motivated toward her heritage. I mean it was probably the most impactful thing, I would say. She's done some pretty neat things. I mean I was [indiscernible] softball and all that, and that's like no big deal. But this deal was a



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big thing to her and it's amazing that it was also. You guys are there and maybe you don't recognize further there but it's a big deal.

Val Dolcini: Well, and just one more story if I could. These internship programs enable us to diversify our workforce because ideally, and when I was state director in California, we really looked to interns as our future employees. If an intern had a good experience there and thought that there was a career for them as a farm loan officer or as a county executive director, we wanted to make sure we cultivate those young women and men. And many of them were students of color, so we were able to bring in new perspectives in to the agency and new experiences to bring to bear. And it really goes a long way towards helping our county offices look a little bit more like the customers that they serve, whether it's an Indian Country or in Fresno County where we've got Southeast Asian Hmong speakers.

The workforce in Oklahoma is about 300-persons, give or take, workforce. And I think about 10 percent are Native Americans, self-identified. There could be more. So you know, we really have tried to diversify our workforce where we can around the nation. We've got a long way to go, but I think internship programs are a great start.

Mark Wadsworth: Go ahead, Jerry.



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Jerry McPeak: Thank you, Mr. Chairman. I don't want to belabor this because I've done it already, but it's something I've seen with my college experience of teaching it. To go along with what Porter said, there's a little thing that happen in your life you remember forever. When I was in college, in a pretty difficult genetics class we've got a guy sitting up on the front row. And I mean this dude is a suck up. He is sitting on the front row brown nosing and everything. He's brown nosing everybody. He's about to wear us out. Our instructor, he gets it too. Pretty soon this dude, about two-thirds of the semester, Dr. Noble [phonetic] was his name, Dr. Noble said, "Son, you know, you'll make 4.0 [indiscernible] Oklahoma State University. You'll be researcher or something like that, you'll make a pretty good living. Those boys back in the middle, they'll probably make 3.0 so they'll make school teacher and stuff, so they're going to be all right. The same old boys at the back they're barely going to get out of here and they'll go send back millions of dollars to this institution."

Well, that's kind of my point about the person that maybe doesn't look so bright in the academic world. Maybe he doesn't look in a meeting deal with people, which is what you learn. I had the same thing when I took over the Tax Commission of the Creek Nation. I had people who wanted to tell they had the



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authority to do it and you can't do it because I said you can't do it. And after about three weeks they're behind the deal and says find a way. If it's legal, find a way. So that really is a story from college that the professor, yeah, a 2.0 guy is going to send back millions of dollars. So you probably recognize that. But it's often, I don't know how you guys are going to select that. That will be --

Porter Holder: Right. It's hard to do.

Jerry McPeak: So how do you do that?

Porter Holder: [Indiscernible] standard is not -- it probably shows my education. But Level 2 and Level 3, you've got some kids in there that's got talent. That's got to be tapped in to. They don't know they have it. And if you scratch the surface, it's like planting a seed. Bam. Once they figure out they can, once they take the attitude that I will not be denied this, they just flourish.

Jerry McPeak: And their talents may not be academic.

Porter Holder: It may not be academic

Mark Wadsworth: You bet. Just kind of a summation then, we're going to work together more to try to bring the internship availability more out in the open from the different agencies to the forefront. Then from what I heard from Leslie, a kind of



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recommendation is to look more into the positives at possibly having FRTEP moved under the REE program.

Leslie Wheelock: Excuse me, sir, not FRTEP. It's the 1994 institution program.

Mark Wadsworth: Oh, the 1994. Okay. And I guess that brings me back down to FRTEP or just recommending more funding for them.

Jerry McPeak: Permanent funding. That's the deal, it's the permanent funding. We don't have to guess the funding where they know next year they're going to have it rather than it being yearly, year-to-year. The other thing is the Tribal Colleges, putting Tribal Colleges under the Tribal Relations - what do you call it?

Leslie Wheelock: It's called the Office of Tribal Relations.

Jerry McPeak: That deal.

Leslie Wheelock: And with that recommendation, you can do what you like. I was just offering an alternative.

Chris Beyerhelm: Mr. Chairman.

Jerry McPeak: Okay. I'm sorry. So yours in place of?

Leslie Wheelock: What? So to make it very clear what we're trying to do, what we're trying to do is to ensure that the programmatic elements beyond scholarships and internships



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are still in place. Because the group as it is right now, that Lawrence works, is heads up. It does a lot more than scholarships and internships with our tribal schools. And there's another place within USDA. I do work with our tribal schools. There's another place within USDA that does a lot of work with our tribal schools, and that's REE. So it's just that right now I'm just looking for some flexibility.

Jerry McPeak: So you're telling me they don't do that now?

Leslie Wheelock: I wouldn't know. I would love to do it.

Jerry McPeak: Okay.

Leslie Wheelock: But looking at politics, the way I look at politics there are two places it could be put. One is in the Office of Tribal Relations, and the other is in REE.

Jerry McPeak: And now you're saying it should go into REE?

Leslie Wheelock: No. I'm saying it could go into either.

Mary Thompson: Either/or.

Leslie Wheelock: It would be successful in either.

Jerry McPeak: My experience in giving Washington, D.C. a chance to make a choice is not a good experience.

Leslie Wheelock: Then don't let them. That's fine. I'm just giving you my opinion.

Jerry McPeak: You've got a 50-50 shot, and about 1:4 they're going to get it right.



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Mark Wadsworth: And I believe Mary wanted a little bit more data on that before making a specific recommendation either/or.

Mary Thompson: It's a recommendation for further investigation and information.

Chris Beyerhelm: Mr. Chairman.

Mark Wadsworth: Yes.

Val Dolcini: First of all, I strongly support the idea of FRTEP getting more funding. From a practical standpoint, I was pretty excited. I know Christine said it wasn't [sounds like] an absolute, but FRTEP could potentially tap into the cy pres money. So given a budget-constrained environment, if that word gets out, the likelihood of USDA putting anymore funding in the FRTEP knowing that that possibility is there probably not real good. So I just want to mitigate the expectations here a little bit. I don't know if there's a way this Council can, I guess a couple of people on this Council could be making those selections so perhaps I'll just leave it at that.

Mary Thompson: Strike that from the record.

Chris Beyerhelm: But I don't know. I think there's a real opportunity for that organization to benefit from cy pres funds, which I think will go a long way to advance all the things we've talked about here.



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Mary Thompson: And if I may reply, that is true that that probably is just far down the line as - I mean the FRTEP or the cy pres fund being settled - as getting this language in the Farm Bill. They're both years down the road. They don't even accomplishing even one. But the main goal is to somehow get the FRTEP program situated to where they are not competing for funding on a yearly basis. Although, it's five-year out and then disbursed yearly, they're competing for funding. To get them to be designated as in-line item in the budget, that's the intent. However we get there, we know that we're never going to get appropriate funding for any program. Whether it's USDA or IHS or housing or whatever, we know where that is. But thank you for the comments. Thank you.

Porter Holder: Any more comments on that from anybody? Mark had to step out for a minute so I'll be your boss for a little while. The next on the agenda is the Bureau of Indian Affairs Facilitation Subcommittee. John Berrey, he is not present. Gilbert Harrison is here. Derek is temporarily out. Jerry is here. And Kathryn had to leave. Derek is the lead on that, but --

Jerry McPeak: Go and turn it over to John. It looks like he's all good. Look out he's on his [indiscernible]. He is staring me down.





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John Lowery: Two things. So just to make sure regarding the education extension, there's no recommendation that will be brought before the full Council - right - right now.

Jerry McPeak: Maybe you don't have the FRTEP thing. I would make a motion that this Council recommend that the Tribal Colleges be put under - what do you call it - Tribal Relations.

Leslie Wheelock: Office of Tribal Relations.

Jerry McPeak: That's a motion.

Female Voice: I second.

Chris Beyerhelm: Discussion.

Porter Holder: Discussion.

Chris Beyerhelm: Just a practical question, Leslie. Would you anticipate if that happen that you would get more staff? Because I'm just concerned. I mean you guys are already overburden now.

Leslie Wheelock: I would anticipate if that happens I would get less staff. I would get Lawrence and Lawrence's team to the extent that there's one person left behind to do scholarships and internships where they are currently located. I don't think the scholarships and internships piece will come with it although that could be part of it, and certainly somebody will ask.



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Chris Beyerhelm: I just would be concerned for your sake and staff's sake that we don't want -- you're already --

Leslie Wheelock: Yeah. No, we couldn't do it without additional staff. What that does though is to integrate the work of the Tribal Colleges and Universities with the Office of Tribal Relations. It makes both of them stronger and more dynamic. But I'm not lobbying for that.

Mary Thompson: Vice Chair.

Porter Holder: Yes, ma'am.

Mary Thompson: And I'm wondering now, Jerry and the other Education Extension Subcommittee members, maybe we should hold off and continue this discussion and have something a little bit more thought through for the next meeting in March. Because I don't think that it's a great or absolute cut and dried deadline that we need to start working on these things. We do need to clean up the language and own the recommendations. And you all are going to be working and looking into collaborating with all the other programs who have internships out there, and that information might be helpful to the subcommittee in making further recommendation.

Porter Holder: Mr. Shorty, do you have something?

Lawrence Shorty: I was thinking along the lines that Leslie had mentioned in terms of cross-training within the



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office. For the practical side, to answer Chris Beyerhelm's question too, we will also provide opportunity for any staff, not necessarily me but any staff to get cross-trained in the range of issues that the Office Tribal of Relation participates in and we'll build a larger pool of talent that would ultimately benefit the relationship between tribes and USDA. Because the way that John and Josiah and the other staff have worked within the Office Tribal Relations has really made those employees quite strong. It's like that.

Porter Holder: Thank you. Okay, we've had a motion and we've had a second. But there has been a discussion to retract it.

Jerry McPeak: Oh. I agree if you want to hold, table it. I retract the motion.

Mary Thompson: For further input.

Jerry McPeak: Yeah.

Porter Holder: Let the record show, Jerry retracted his motion.

Mary Thompson: Okay. I retract the second. Thank you.

Porter Holder: We go to the next subcommittee.

Female Voice: I got a question.

Porter Holder: Are you good, Jerry?



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Jerry McPeak: Truthfully, no, I'm not good. No offense to Washington D.C., but this is why I hate Washington D.C. You know that dog is chasing my cows. Shoot the damn dog. We don't need the committee to beat on that. Now, the thing is that I respect what you say. I yield to your knowledge of what there is. You make a decision and do it. And if you do it wrong, do another one. By the time you all get around to doing something, I could have screwed up five times. I've been wrong five times and still we get it right before you all make one decision.

Having said that, just like the FRTEP thing, I would like to recommend we attempt to find more funding. We attempt to find funding to stabilize FRTEP for where it has an annual funding and then we don't have to go put it up for a bids [sounds like] every time. Now the fact that that can or cannot be done, I don't know. But my whole dadgum life, I've been told [indiscernible] short, ugly and not smart, all those kinds of stuff, so what? Jeez, don't tell me what can't be done. Tell me what you want done and then we'll go do it. Now you opened that up for so dadgum long in that place, up there drives me nuts. I've told you before they want me to run for Congress. I told them I [indiscernible] stay up there because I can't stay up there.



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We've been really slow the first two years. We've done crap. I appreciate the four things we've got listed, but it's been really, really slow.

Mary Thompson: Okay, point taken.

Jerry McPeak: Okay. So I don't think we can get make the money. Well, so flipping what, so I got my butt kicked again. That's not fresh territory. That's happened before. You guys, I respect where you guys went. I went to go ask the Tribal College people. The Tribal College people didn't understand the question, and that was a concern for me. Then when I came back, you guys answered the question for me. So where the heck do you want the damn thing? Because those folks out there, I'll sell them on that. We can sell them on it. So what do you think work best for them because we're all for less red tape. We're all for getting from Point A to Point B without going through X, Y and Z. But the FRTEP thing, no, I'm not willing to back off from that. That needs your recommendation.

Female Voice: I agree.

Jerry McPeak: I agree. I bet we don't. That's my bet.

[Cross-talking]

Chris Beyerhelm: Maybe, John, you're going to have to weigh in on this. I mean if you look at 13 and 14 on the recommendation already made, and we've already made that



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recommendation with the secretary both for repositioning of FRTEP and for additional funding. So I mean I don't know that a response has been given yet, so maybe just leave it on the table.

Leslie Wheelock: I can give you an update on that. Let's finish with this first though. Because from both Lawrence's prospective and my prospective on the 1994 program, we would both, I think, appreciate it being in the Office of Tribal Relations. And we think that our tribal leaders who have established those schools, they come in to our office on a regular basis. They're talking to us on a regular basis. We go out and visit the schools. It doesn't add that much to our load, but it might make a big difference to them. That does help? I'm sorry I even introduced something different. Does that not help? You asked me what we thought and I --

Jerry McPeak: You may not go like that.

Leslie Wheelock: I have a problem because I don't want to lobby for something that looks like I'm land-grabbing, self-serving, or otherwise trying to bulk up my office.

Jerry McPeak: No. That's not --

Leslie Wheelock: I hear you, but I live in that world and I have to live in that world. So I wanted to give you every



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perspective that I have because if it doesn't come with me, I know where I would like it to go.

Jerry McPeak: So you apologize for talking, is that it?

Leslie Wheelock: I am talking about apologizing for talking about it. With regard to the FRTEP program, one of the problems, or probably *the* primary problem that the FRTEP program has is that it is located in the appropriations language as a line item that is within the competitive stack of line items under the Smith-Lever 3D program. It is a competitive program and it requires the competition being in that space, in that slot, in that line item on the appropriations list. About three months ago, as the 2016 budget was getting ready to go up to the Hill, we started talking with the director of Congressional Relations at USDA about moving it out, about finding its own space.

Tim Grosser has more background on this because he has participated in the subsequent conversations to that one that kicked everything off. Dr. Amber Tosca [phonetic] of REE who is over at NIFA went to a meeting with the director of Congressional Relations. I got pulled out to do something else, so I couldn't be there. She found out that we had set up the meeting and, thank goodness, came down to take the meeting. As a result of Sarah Vogel walking some information up to the Hill



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the last time she was in Washington for the meeting, there have been meetings. I know there's been a meeting with Hyde Camp's [phonetic] office. I think there have been possibly others. We have folks on the Hill who are interested in getting this moved.

The one comment that I got back from the director of Congressional Relations was tribes need to be asking for this on the Hill. I'm like, well, tribes don't even know what we are talking about. I mean the line item on an Appropriations Bill, the Smith-Lever 3D, who's going to find that. So we've got some interest. I think what you are trying to do supports that effort that is kind of quietly under way, and I think that we've got certainly some momentum behind it. It certainly helps the Council to come out and say this is what we want to have happen. I'm probably giving you more details than you want again, but then we have been working on this one along with NIFA.

Mary Thompson: So Sarah then might be able to share with us some information about who -- well, the lobby and effort is a whole different part. What I need though is the information that's out there that I can take to my elected representatives and ask for support whenever we're in D.C. and be able to show them who in general is supporting it, and where it's been, and who might be supportive of it to get them onboard with it and get them in --





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Leslie Wheelock: When Sarah was in town, we provided her with resolutions out of NCAI that also support this change along with some information that we had assembled internally about this problem. There is also, by the way, in the 2014 what I call the manager's notes to the Farm Bill - which is rather extensive in length - language that says stop treating this program like a competitive Smith-Lever 3D program. We're not sure about the history of how it ended up on the line item it ended up on, but I gather that that's something that some people see as an error for the program. But we're still digging around and trying to figure out what that means exactly. So there's work under way. I just wanted to give you a little bit more detail than you probably needed about what it is.

Mary Thompson: Thank you.

Porter Holder: Jerry.

Jerry McPeak: Thank you, Ms. Chairman. Speaking on this from a political standpoint, you folks in the West will have to recognize how politics works in that those of us where we are from, you take basically South Dakota and certainly south of Nebraska and east of New Mexico, it doesn't affect us. It is not to say that our people will vote against it. But to get them to go fight for it, I think we might, can get votes for it. I think we might, can get help for it. But our tribes are



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probably not going to be very passionate about selling the idea because they are not in it. I think you can get support. I am not sure how much help you can get fighting for it, but I think that they can. I'll be happy to tell folks, they vote for this deal when the thing comes up. But do you understand the politics I'm saying? Okay. Thank you.

Porter Holder: All right. With all of this back and forth discussion here, I'm a little confused which is very hard to do. Do we have a motion on the floor?

Jerry McPeak: I retracted.

Mary Thompson: No.

Leslie Wheelock: We don't.

Porter Holder: Okay. All right. End of discussion.

Mary Thompson: I know. I was confused too.

Porter Holder: I would return the mic back over to the chairman.

Mark Wadsworth: The next one on the list is BIA facilitation.

Jerry McPeak: So we need to make a recommendation?

Male Voice: It comes up and down like a yo-yo.

Jerry McPeak: I'm not going to make another. I made one. I retracted. I'm not making another one.



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John Lowery: Jerry is not going to leave here and get on a plane just to send me a nasty email on Monday saying you guys passed stuff without me knowing about it. So I just want to make sure everything is done right because I'm going to start forwarding the emails to the entire Council.

Jerry McPeak: That's illegal for lack of a quorum, as a matter of fact.

John Lowery: Even though it didn't happen.

Mark Wadsworth: All righty. Yes, BIA.

John Lowery: Yes. So John Berrey is not here. Gilbert Harrison has left. Derek is not here. Jerry is working hard, and Kathryn is gone. So I think I'll stand up here and take one for the team.

So summary. These guys met a little earlier. The subcommittee learned that BIA is currently working with USDA's Forest Service, DOI's Bureau of Land Management, also DOI's Fish and Wildlife, and also the National Park Service on the Burned Area Emergency Response program. You will hear this again during the Forest Service BLM. But this was something that was discussed in the subcommittee.

The subcommittee also discussed if an individual child member should be able to use a BIA grazing permit as equal to



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base property. Once again, you will hear that during the Forest Service subcommittee report.

Jerry also discussed his meeting with BIA director, Mike Black, on the issue that he's working on within Oklahoma. The subcommittee also heard about training opportunities between BIA and USDA, and then we discussed the trainings being conducted by BIA for USDA employees staying on the local level and learning more about the HEARTH Act and also the recent updates to lease and regulations.

The follow up was the members asked for time to be set aside in Nevada to discuss priorities for the subcommittee over the next two years. So we met over there and talked a little. I don't really know if we set priorities, but we did discuss some stuff. There were no recommendations coming out of our meeting, but it was asked yesterday by Mary. You asked Kathryn to provide sort of a report, so she did. We sat here yesterday afternoon and put together a small report. I've got it up there on screen. I want to go over it real quick and I will email this out to you, okay. So she put it together between here and Carmine's [phonetic].

This is very small. But just like I said, I will send this one to every one whenever I get on back in to the office. So one of the prior recommendations that BIA and USTA duplicate -



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well, issues/recommendations - is that BIA and USDA duplicate work by conducting separate appraisals rather than accepting each other's appraisals. So this had been discussed previously in many different formats, in many different arenas. The status of that in the actual 2014 Farm Bill, it authorizes the secretaries of Agriculture and Interior to accept each other's appraisals. There currently are discussions on the way to make sure that everyone understands and that this gets down to the local level. So this will be a positive, which I think Chris can definitely say that this will be a major positive act. It's not used a lot, but there are cases where appraisals are done.

The next was trust lands should satisfy the farmers for base property for Forest Service grazing permits. Kathryn said that she had reached out to the specialists in the Office of Trust Services of BIA. They conducted a research of the Forest Service regulations and determined that the definition of base property is not clear when applied to Indian lands and interpretation may vary from region to region. So Forest Service rather than the BIA has the authority to interpret their own regulations on this, but BIA is happy to work with the Forest Service further.

So this came out of our meeting yesterday. It was decided that we will request a formal communication, email or letter or



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something, from BIA leadership on their stance regarding using trust lands as base property for grazing permits on Forest Service lands. So what we need to do is we need to get something from BIA leadership that provides us with some clarity so that we can give that to the Forest Service. And we will have to --

Gilbert Harrison: Excuse me, John. It says right there the status. So it's Forest Service rather than BIA has the authority to interpret their own regulations. My understanding was that base property was a statutory type of a requirement; therefore, it's fairly clear that it's set in the law. We're trying to work around that without having to redo the law. It just seems to me like it's sort of a bunch of, what's it called, a gooly [sounds like] talk amongst bureaucrats. Thank you.

John Lowery: Yeah. I think what Kathryn has found out is that this is a Forest Service issue. It is as far as what Forest Service will accept in order to be able to get a grazing permit. And BIA is willing to work with them if needed in a way that will help the individual or native farmer and rancher to be able to get the grazing permit. And if they need to provide some type of clarification to the Forest Service as in, hey, it's fine with us, then they're willing to at least do that if it makes it easier for Forest Service to accept.



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Male Voice: Yeah, I think that the base property requirement, whatever part of that is statutory, it certainly still has an implementation part that has some discretion and that's guided by regulation and directives which is something I think the Forest Service has heard from you guys they need to work on. I did actually talked to Ralph Giffen from Forest Service about where they were on that. He said that they're still working on the process, but that they have plans. Before their proposed amendments, the directive go out, they have plans to work of course with the Office of Tribal Relations but also with the Udall Center to do some outreach to make sure that they really hear from the communities before they start making changes. So that would be, I think, in the moment. Once they actually reach out in the drafting process, that would be the moment to start talking about this again.

Leslie Wadsworth: This is for the directives?

Male Voice: Yeah. Well, it could be. I mean --

Leslie Wheelock: They're out now. I mean they're in my office now.

Male Voice: Oh, they are.

Leslie Wheelock: Yeah.

Male Voice: That's good.



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Gilbert Harrison: Thank you again. I think the intent and the end result is somehow to get native farmers and ranchers that are on trust property to have equal and fair access to lease land on BLM or Forest Service property -- well, no, to graze their animals on there. Right now we're just being excluded, and that's not fair. And that's all we want, is a fair chance. We'll compete with anybody, but give us a fair chance. Just open the door. That's all we're asking for. That's the intent, and that's what we're asking for. Thank you.

John Lowery: Let me just remind everyone that Ralph Giffen did come and speak to the Council back in September, so he definitely heard these same issues brought up. So, once again, Forest Service is going through their rigmarole as far as putting stuff off for comment. They have one of the longest comment periods probably in the entire federal government, and then their review process is very long. As Ralph actually told us on the record, it's that he actually hope to get this done before he actually retires. So it's going to be a long process. But as Kathryn put up here, she has reached out to BIA to see if they are able to provide any assistance to the Forest Service to help make it easier for tribes right now, for individual tribe members now. So we'll see what we're able to get out there.





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The third one was she said that BIA and USDA need to coordinate better and educate each other on their programs. BIA and FSA met on October 2, 2014 to discuss the RPOC and related issues. RPOC, Val, can you remind me what -- ?

Val Dolcini: I think it's a Farm Bill commodity program.

John Lowery: Yeah. So we actually just wanted to make sure BIA understood what was coming. We'll make sure that they understood that this was within the Farm Bill. And that individual farmers, that there would be an election and there would also be a --

Val Dolcini: A reallocation of base acres for sustainable yields.

John Lowery: Exactly. So this is just a step for us taken to make sure that these guys are ready and to see if they had any questions. So it was actually a very productive meeting. We realized that BIA did not have any issue with this part of the Farm Bill, and they did not think that it would cause any issues with the individual tribal members at the local level. We're proactive. That's what we're trying to do. So if BIA will say, oh my goodness, we're about to cause big storm, then Val and these people will say, okay, let us work together to ease any burden. But according to BIA officials, there should not be any burden.



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In another area, NRCS and BIA staffs in the Navajo region had a joint training session to understand each of those programs and operations about two years ago. Another session is planned for February 2015 to further implement the MOUs. In the next meet, we'll have a half day session with just BIA and NRCS staff, and then a half day including tribal representation from the Navajo area. According to Keisha they will focus on avoiding duplication of efforts, working better together, coordination on conservation planning and also how to better leverage funding between NRCS and BIA. So these are some of the items that are going on in the field and we hope to build upon this in the Southwest.

Mark Wadsworth: John, could I make a comment?

John Lowery: Yes, sir.

Mark Wadsworth: I really think that including NRCS and FSA also who has MOU, the same MOU that they talked about here, should probably be a party to that. Our reservation has never really been tracked the way that FSA needs to track built-in for like EQIP programs. We have big blank areas that you know we have to make that track.

Secondly, in the same aspect I think that you guys need to understand the OST process along with us understanding your base acreage and your production requirements. Because one of the



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things on our reservation that I can tell you, too, that a 10th of the percent how many acres we have in which range unit, total acres of the whole thing. But our tribe cannot tell us how many acres was in alfalfa, or how many acres was in spuds, how many acres was in grain. Whereas, if we could kind of start working at massive system when we're talking something huge here. It's something I think that could be a goal so that tribes will have the opportunity to track their own base, their own acres grown and be able to know. It's just like you said, you got know what you have before you know where you're going. And it's one of those things, almost like an agricultural inventory, that we need to be able to make better decisions as managers.

And then one of the things that I always run into is that tribes actually in some cases are requiring more than just NIFA. In that we'll call it TEPA, Tribal Environmental and Protection Act, or rules or regs. And we have to mesh those. And believe me, there would be some tribes that don't require it and some tribes that do. And it's one of those things too that I think are just kind of regional situations where everybody really needs to be involved in FSA. I really think it needs to be involved in this education too.

John Lowery: Thank you, sir. Number four, this was part of Credit Subcommittee. What came out of that was does DOI have



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any programs to support tribal courts in the area of commercial and business law or perhaps dealing with tribal UCC and related codes. We did find out that BIA has offered training on UCC. They are willing to work with us and our partners to do additional trainings as well. So that's just something we found out over the last two weeks. So we will be inviting Trisha Tinggo [phonetic] I think is her name. She's going to be coming and meet with the Credit Subcommittee.

I don't feel like you're going to have a lot of issues strictly for this subcommittee. I think you're going to get a lot of just overlap. So what you guys are already discussing in the other subcommittees is going to fall in to this one. So just like BER, you know, we're going to discuss this. I'm not going to even mention that again.

Chris Beyerhelm: Mr. Chairman. If I could, John, just interrupt. I don't know. I don't see the rest of your slides, so I don't know if it's in there. But I just want to clarify. I mean there are two different issues with this training. One was working with the Federal Reserve to train tribes about how adapt UCC if they wanted to. The other piece of it was to train the tribal judges. So it's two different pieces of training. Is this one specifically about the court system?



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John Lowery: Yes, sir. Because our question was we know that there's money for the criminal side, but we were not sure if there was training for the business side of tribal law. We were able to find that out.

Chris Beyerhelm: So the idea here is that BIA is going to train the tribal judges?

John Lowery: I don't want to say that. I just want to say that BIA has trainings. I think that that's something that we have to take to the Credit Subcommittee. I would love to see what these guys are offering compared to what the Federal Reserve is offering.

Chris Beyerhelm: So I think there are three things we need to look at. One is what DOI has. One is what the Federal Reserve has. And then Janie has some similar type of product. So we need to look at all three and see what are appropriate and consolidate. So we're not going through different directions with this.

John Lowery: Right. Just as I've said, Chris is on the Credit Subcommittee. And I think right now you guys are doing a pretty good job by just doing a lot of fact-finding, you know, finding out what all is out there. Because it's amazing how much training is out there, and then at the same time you hear like same issues. Like, yeah, we have all these great training



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but we can't get the judges there or we can't get the tribal officials there. And then there is, well, can we record the trainings? Can we offer them at a tribal gathering? What can we do? So I think right now, based on you all recommendations from the May meeting is we're trying to find out what all is going on.

As Chris mentioned, we do have the Federal Reserve meeting with us. We will have these ladies here from the BIA meeting with us. Leslie and I have a meeting with the CDFI Fund on Monday, whenever get on back in to town. So we will have them meet with us as well. So we will find out what all is out there with regard to business training.

Number five is the BER. We will go to the BER. We've been over BER. You guys passed resolutions about BER. So BER.

Number six, request for BIA liaison, of course you guys requested that. Larry Roberts, the deputy assistant secretary, came and spoke to you guys a year ago in this room. He promised you a liaison when we have one.

So these are just six items off the top that we were able to identify, where we are working closely together with regards to what you guys have asked us to look into.

Chris Beyerhelm: Mr. Chairman. John, can you go back up to two or three or where we're working together? We need to



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coordinate number three. I mean obviously Kathryn has got to agree but the conversation we've been having about this coordination are much more than this. I mean I'd like to get that recorded on this document. BIA is in agreement what we've been talking about is that problem with us is we don't know who to talk to. We throw it over the fence. We throw the stuff over, the mortgage, the business plan over the fence. We don't know where it goes. We don't hear, we don't know who to call. So the idea was that we want very local meetings with FSA, RD, NRCS, and BIA people. We want to know who they are. We want to look at them at the eyeballs. We want to get to know them and be friends with them, so we know what to do.

Then while we're having those meetings all at the same time around the nation, that all of the Washington leadership is on a VTC saying this is what we want, we're going to empower them to do the right thing. I hope she's agreeable to put that in the document. To me, that's the cornerstone of this whole thing.

Jerry McPeak: Right. Mr. Chairman?

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Chris, we have an ombudsman. She'll take care of all of that. Just see her right after the meeting. Ombudswoman, not ombudsman.

Male Voice: Person.



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Gilbert Harrison: Mark.

Mark Wadsworth: Gilbert.

Gilbert Harrison: Mark, thank you. I think this is sort of in line with what we were talking about yesterday, it's to institutionalize a protocol that can say who is the contact person that will go beyond the changes that we expect in some of these executive offices and that you know there's a working document. I think it should be signed by both assistant secretary and maybe Secretary Vilsack for somebody to say this is how we're going to do things. Thank you.

Mark Wadsworth: Thank you.

John Lowery: I'm done. But we will get this out to you. We got [indiscernible] some. But you guys asked for it, so we put it together and here it is. But we'll have it out to you next week. Thank you.

Mark Wadsworth: Thank you. The next committee will be Conservation and Climate Change. Chris Beyerhelm is lead on this one.

#### **Conservation and Climate Change Subcommittee Update**

Chris Beyerhelm: Thank you, Mr. Chairman. I'm kind of new to this committee so I guess, Angela, feel to free to jump in anytime. And Mary, are you on this? You've met with us earlier. Were you just sitting in? Okay. All right.





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And so what I want to do is make reference to the document you have that John handed out. What I want is to try to put some closure to some of these so we all agree we're done. So the first time around the recommendation that was made out of this committee was number three which dealt with the WHIP funds.

Jerry McPeak: [Indiscernible]

Chris Beyerhelm: Just tell me when you're ready for me to proceed, Mr. McPeak.

Jerry McPeak: I'm ready.

Chris Beyerhelm: So we're on number three, the WHIP program. As discussed earlier, that program has been rolled into the EQIP program. I think funding was provided. What I'd like to recommend is that we check that one as done. I'm not sure there's much more to do. I don't know if we need to vote on this or we can just get a consensus that we can check this one off.

Mark Wadsworth: I'm sure we can because now WHIP has been gobbled up by EQIP, so it's no longer even a program.

Chris Beyerhelm: And I think the issue with the WHIP before was, and what was happening was that projects that were endangered species were getting priority and sucking above all the funding. Now that's not happening. It doesn't mean there's



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enough. Okay. Plus at the last meeting we added climate change to this subcommittee.

Before I get in to those recommendations, I want to just talk about one other recommendation related to conservation and that is the allocation of CRP acres. The discussion was that at FSA we accept a certain percent of acres by county into the CRP program. In some counties, I guess a lot of counties, the number of acres in a reservation at the county maybe 50 percent but only 10 percent of the land in CRP is in those 50 percent of the acres. So in other words, the non-reservation land got a greater proportion of land into CRP. Some of that is because, you know, the sign up was there. Perhaps the tribe didn't understand or get in in time. I mean there's a lot of reasons for that.

But the discussion around another resolution was to - and I don't even know if it's statutory or regulatory. Val and I had a couple of conversations with Mike about it and I don't know that he was clear whether or not a recommendation should be made. It's that a reservation that took up a significant portion of the county should at least be not necessarily guaranteed but have the opportunity to have 25 percent of that land put in to CRP. So I guess I just open that up for



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discussion whether we want to proceed with that line of thinking.

Mark Wadsworth: I think we need to stop the bleeding. And why I'm saying that right now is that there is a national effort to take CRP lands off the books. So if you had a tribe that currently did get 10 or 15 percent of their lands into CRP, yet those lands are still within the overlaying boundaries of a county. But if you look at the reservation lands as itself, so maybe this county now has - if you took out the reservation counties - an extraordinary amount of land in the CRP. When you have this reduction in that county because they no longer can accept any more CRP and have to reduce it, you're bleeding more on the reservation.

Who was not aware of the law, and we had to look at this law that was passed back in 1985. Basically, the first Indian language that was ever in a Farm Bill was in 1990. We did not become aware of that on our reservation until 1992, seven years after the program had been involved. Now we're just losing more and more where I guess if you could say, okay, the tribe doesn't have 25 percent yet, so all the reduction should come on that side to make it fair if that would work. It's just a recommendation of mine.



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Chris Beyerhelm: I don't know exactly how it's worded, but I guess [cross-talking]

Mark Wadsworth: Yeah. It's something, I think, that you guys need to discuss. But I think you understand the premise now. If we can tackle it without having to do anything on a statutory or Congress level, it just would help us.

Chris Beyerhelm: Is there anybody that doesn't agree? Okay. All right. The next thing, the climate change thing is something a little bit new. I'm just going to throw out some things we talked about. And Mary, I need you. Don't go anywhere because I had to leave and you took good notes. And Angela, you were there also.

All right. The first thing that we discussed, this issue is not without controversy. There is a USDA-wide effort for a USDA kind of strategic plan. And as we develop rules and regulations, we're supposed to take into consideration the impact it might have. But I think that's not been very aggressive. Would that be a fair statement, Val? I think taking into consideration that --

Val Dolcini: Yeah. I mean I think it's been fairly aggressive actually around the department. It certainly been one of the secretary's big priorities, to move on climate



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change. I don't know how much attraction it's gained outside of the department these days.

Chris Beyerhelm: Yeah. It certainly has been the secretary's initiative as far when you write a rule or regulation to specifically say it. I mean at one point there is even a conversation about it in order to get these funds, you had to show us that you were doing some sort of a practice that was going to mitigate climate change. So I don't know that we've gone that far. So that was it. We started the conversation with that.

But some of the things we did come up with and these are just off the top of my head is that for any of these programs that do have some sort of a bidding process, that extra points would be provided if the particular project that was going to be implemented could help mitigate climate change. So that was one of the ideas. To try to encourage any projects like that, solar systems or whatever the case maybe, is to provide similar type of funding like EQIP has that half upfront and then the rest of it when you finish it up. That was another idea.

Targeted funding perhaps within programs, within programs, if the project itself would help mitigate climate change would have targeted funding. We discussed educating, what role USDA would have in educating producers, whether we'd be having some



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sort of flyer, brochure or something on a counter that they could take or leave without shoving it down their throat or anything like that. And then particularly looking at the 4-H and FAA curriculum. I think Josiah was going to look into what they are doing so we don't duplicate that. That's probably the best place to start trying to get this message out as those young kids come up through the system to make sure they understand what the issues are.

And then kind of on the bigger scale, we talked a little bit about carbon sequestering and what role USDA could play in trying to be the brokers of carbon sequestering between industry and agriculture. So those are just some of the ideas. Then I had to leave. Mary, were there some others? I think you said you discussed -- or Angela.

Angela Peter: This is Angela from Alaska. We discussed that the youth are a big push for the secretary and for everybody, and to have the youth become teachers for the parents, to get them more educated in solar panels or other - what did you call that, Mary - other environmentally friendly items. Do you have anything else?

Mary Thompson: I guess I would add to that 4-H or the youth education initiative, and along with the presidential prerogative that the 4-H youth educating their parents project



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might be something worthwhile regarding environmentally friendly agriculture practices such as solar projects for economic development and other benefits that could be listed. We also talked about maybe not saying climate change or global warming or some of those words there that many farmers down home don't understand.

Jerry McPeak: They don't want to understand.

Mary Thompson: Yeah. And start using environmentally friendly words. We did talk about the extra points for grant proposals if they were environmentally friendly. Well, that includes all the USDA programs. We talked about STEM, and science and technology and engineering and how it plays a role in agriculture and youth.

Angela Peter: Mary, and one thing along with the youth I forgot was to actually partner with those businesses that have environmentally safe products, having expo for the children or children and their parents, just brainstorming.

Mary Thompson: And for some reason there on the CRP, I've got a note here that says add tribe to the CRP language which is an administrative policy I understand.

Mark Wadsworth: It might actually be a congressional change to the law.

Mary Thompson: Is it? Okay.



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Chris Beyerhelm: I think that had to do with the discussion we had earlier, is that 25 percent of the county and/or 25 percent of the tribal land or something like that.

Mary Thompson: Okay, please strike that.

Chris Beyerhelm: And so I have all those remarks. Did you have any others? You are in our group too.

Mark Wadsworth: I guess that in summation just at this point in time, I really have a vision that when things like this are started within a government like USDA, we'll probably be hearing more and more about this. And we might as well be at the forefront than trying to catch up. Leslie.

Leslie Wheelock: As a result of the White House Council on Native American Affairs' focus and Chairwoman Diver and Mayor Joule being appointed to the President's climate change task force, we have been working rather extensively to pull together information on the climate-related work that is going on in USDA. USDA Forest Service has about 40 years' worth of tribal climate research partnerships that they have been working on between Forest Service and the tribes. We have these new climate hubs that have been established that don't have any funding and are wrapped around our researcher centers, and also don't have direct tribal relations at this point, don't have tribal partners partly because they got stood up so fast. I'm





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not sure of all the other reasons, but they know that they need tribal partners.

I would suggest that we might want to bring in Forest Service, the climate team, and/or the climate hubs to provide presentations to this group so that, you know, I know you don't like to be talked to or talked at but these are programs that are in USDA. And from my work in the government, they are head and shoulders above anybody else except perhaps NOAA's. We, in USDA, are having trouble getting the word out that we have these programs, that they are substantial. They have their own webpage. If you look up USDA tribal climate, it would take you to this huge block of information. So I think that we need to see what we can do to help you understand, help everybody understand about our programs. Thank you.

Chris Beyerhelm: So I guess the issue is do we want to do some more research on this by having these folks come in. Or out of all those things we mentioned, is there a recommendation that the Council wants to do in the interim?

Jerry McPeak: I have a question.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Thank you, Mr. Chairman. At the risk of sounding like I live in Washington, D.C., I recognize that climate change and awareness is a politically correct place to



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be. And I understand politics regardless of how much I have a distaste for it. But Gilbert is headed towards trying to make things simpler. And by throwing climate change into things, you have to complete this or do this and be doing this thing to get this. That's counterproductive in making things simpler. This is a statement, not a question. I recognize the political correctness and handiness of us being, oh yeah, we're going to jump right on this thing with you. At the same time, I want to make you aware that you are making it more complicated for Gilbert's applications and the things he's going to have to do when you do that.

Chris Beyerhelm: Yeah, I know. I think - I don't think, I know and we appreciate that. That's where the discussion started, and I think we all agreed that that's not where we want to go. What we want to do was if somebody did want to do something that mitigated climate change, that they get some priority in funding or points or consideration for their project rather than saying in order to get money you have to. It's rather more of an incentive, if you will.

Female Voice: Incentive, not requirement.

Chris Beyerhelm: Right. So do we want to wait and do some more research and get Forest Service and others? Would that make sense?



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Angela Peter: I have a question.

Mark Wadsworth: Go ahead.

Angela Peter: Mary mentioned about holding off on the recommendations until March so we could work on them further. Is there a reason why we would want to get them in now as opposed to March? Is there any kind of urgency?

Chris Beyerhelm: I don't know that there is or isn't. If I outside looking in and the Council met in Vegas for three days, I'd probably say, well, what the heck did they do? So it's kind of nice if you can say, you know, at least we come up with a couple of recommendations. Now that's not a reason to accelerate it and do it, but --

Jerry McPeak: It's realistic.

Chris Beyerhelm: It's realistic, yeah.

Leslie Wheelock: I would not suggest waiting until you can learn more about what is happening in Forest Service or otherwise in USDA before making a recommendation. It's a lot of information. I don't know that it will change what you're focusing on one way or another. We might actually in March come up with a recommendation for how those climate hubs can connect with tribes, but we're not there yet. So don't let what I just said slow you down.



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Mark Wadsworth: And if I may make kind of a vision statement of this is that what I'm thinking about is that, you know, we have some very secluded Native American populations that live off of the grid and do not have the ability to pump water. And with the solar systems and the way that I've used or experienced use of them, they are an excellent tool for getting potable water, irrigation, livestock water. And maybe in the case of Alaska, the ability to start a little farm for subsistence or whatever.

Angela Sandstol: And drinking water.

Mark Wadsworth: Yeah, and drinking water. That's kind of in which if we can utilize instead of trying to have them buy \$15 gallon gas to have it delivered to them to run a generator to try to pump water, let's make it easier to use something that's natural and last for years and years. So that's one of the visions of what I'd like to think about.

Gilbert Harrison: Thank you, Mark. I'm just sitting here. Our basic charge, again, I always refer back to basic charge in trying to work on the issues that prevent Native Americans from participating. I think that's the number one charge we were given with some others. But how does this fit into that realm? And this is why I was saying maybe we ought to set some parameters. We can't spend a lot of time on this issue or we've



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got other issues that are facing us. I sort of think we need to say is this really a charge that we were give? Thank you. It's important, but --

Chris Beyerhelm: Mr. Chairman, I don't remember when we added climate change to the subcommittee, whether it was a vote or just some sort of consensus. I don't recall what that was, but it seemed pretty clear to me that there was a consensus among the committee that they wanted to add this topic to the subcommittee. I'm fine if you want to take it off there.

Mary Thompson: I would request that you consider this as a recommendation. Let me rephrase that. I would suggest this recommendation, and it is a request for information from USDA programs that have climate change initiatives ongoing or within their programs, and/or other environmental friendly practices as it pertains to youth and agriculture. And once we get that information and compile it, then we could move forward with other recommendations. But I think we need that information first, if Forest Service has something, if any of the other programs have some projects under way.

Chris Beyerhelm: Mary, if I may. If I could suggest a little change. Since most of our programs, if not all of our programs, I think the loan programs are the only one I know of that we actually work with minorities. Or not minorities --



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Male Voice: Youth.

Chris Beyerhelm: -- kids of minority age. You're not going to get much of a report if the parameter is working with youths. Would you disagree, Les?

Leslie Wheelock: No. But there's a program. The 21st Century Conservation Corps has a youth component, and Foreign Service has youth.

Chris Beyerhelm: I understand. But if you're looking at the bulk of FSA programs, you're going to get an empty set.

Mary Thompson: Well, then what do we need to -- we need to change it to and incorporate any initiatives?

Chris Beyerhelm: What I would recommend - if that's where you want to go - just like Val said, this has been an initiative of the secretary. All the agencies had been told or asked to put together a strategic plan about what they are going to do about climate change. Some major request is to provide a compilation of those strategies, business strategies, if you will, and then to see what we're doing. I'm not sure I can articulate that today. Perhaps Val can. I know what FSA is doing. And then from there see where the gaps are and make recommendations.

Mary Thompson: Okay. That request or that idea is great. And Gilbert, I guess what the committee was looking at or what I



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had in mind in looking at this practice was how it could benefit or enhance an agriculture program or process. Angela was talking about hoop houses in Alaska with solar power for gravity-fed water. You know that's agricultural practice and that would fit into this climate change. Also, well, any solar projects, wind projects or anything like it could enhance your agriculture production without increasing your utility needs if it's gravity-fed water, if it's solar power to pump the water. And those types of initiatives could be used on the ground at home. As we learn more about it and if there are grant dollars out there available to help with this process, then all the more better. Thank you.

Mark Wadsworth: So did you want to make that official?

Chris Beyerhelm: I don't think we need to make a recommendation. I think Val and I can take that back and -- I mean, I'll certainly take charge of that rounding up with USDA's plan.

Val Dolcini: Yeah, I think OTR staff could probably collect all the various things that are going on in the department for purposes of sharing it with this council and with other customers out there.

Mary Thompson: With the other departments.



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Val Dolcini: I mean we're doing a lot of stuff. I tend to agree with Gilbert. I don't know if this is the most important element of what this council is charged of doing but to the degree that the access to program issue is one of the charges, and I think that it is, this is an important element of that. It's also something that the U.S. government in general has spent a lot more time thinking about and talking about over the last number of years, so why not provide the information to our customers who can choose to do what they will?

Mary Thompson: Thank you.

Val Dolcini: I don't know that there is a recommendation in there necessarily except to say that USDA staff will work to compile all of these in some fashion that's a little bit more user-friendly and will report back.

Mary Thompson: Very good.

Chris Beyerhelm: So Mr. Chairman, in some way then I guess what I'm hearing is that we'll do what Val just said on the CRP thing. We'll work internally to see whether there is something we can just do. If Mike Smith - who is the deputy administrator - feels that we need some heavier lift in the department or statutorily, we can look at driving up our recommendation and go from there.

Mark Wadsworth: Okay. Great.





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Chris Beyerhelm: Now, the other thing I want to bring up - and I don't know exactly what category this is in, it's what you guys had brought up the first day - it's about this, the Waters of the U.S. issue. Of all the committees we have, I think that comes under conservation. It probably is closest than anywhere else. And I don't know what we will do or say but, I mean, does the council want to go on record or say anything about that?

Mark Wadsworth: Myself, Mark Wadsworth here, I do not know enough about the whole picture at this time to make a recommendation.

Chris Beyerhelm: I've done some more research on it since you brought it up and ran it by our environmental folks. I mean, basically what you're saying is that the things that normally like fencing and whatever which were just kind of routine now have to meet NRCS standards and that the Corps of Engineers is expanding its authority over a lot of these things, that they would actually have to come and approve some of these kinds of things. I don't know that that helps. It's still a little bit vague but it's clearly - I don't know if encroachment is the right word - into the way you're doing business today. There's no question about that.

Mark Wadsworth: Yes, Gilbert.



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Gilbert Harrison: Thank you, Mark. I think the conservation of water shall I say is sort of regionalized because I know people back east are being flooded, but on the southwest and the west we have severe shortage of water. So I think there ought to be some sort of an encouragement that projects that tend to conserve water should be really looked at on a priority basis. Because I know in my community we are converting in the old open ditch system. In the open ditch systems you lose water by seepage. You lose water because you have all kinds of grass and stuff that soak it up. You have trees that grow under ditches, and the evaporation, those are the biggest wasters of water besides the actual farming itself. So we're converting that to an underground system and you get rid of a lot of this right off the bat. So in our sense, that's a conservation of valuable resource within our region.

Now, I don't know how other regions would consider conserving water, but I think that that subject is sort of regionalized to areas that have extreme drought of issues. And with this very limited precipitation in winter that we're having here, I know we're going to have shortage this coming summer. So I think those are some of the things that I consider of importance but sort of like on a regional basis and as a sort of envy when I see people driving in two or three inches of water



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running down their streets and we get nothing. So thank you very much.

Mark Wadsworth: And I guess another question should be to the federal employees. Are you free to vote in favor or against this or is that anything that would affect you?

Val Dolcini: On Waters of the U.S.?

Mark Wadsworth: Yes.

Val Dolcini: Well, I don't know that I would vote on that issue, Mark. But I think you probably said it best. I don't know that the council has examined this issue closely enough to really take a position. And again, it gets to the charge of the Council for Native American Farming and Ranching. That's my own opinion.

Mark Wadsworth: I guess the next question logically is, I guess, we all have to do our own reading on that and find out.

John Lowery: I think we have a good enough relationship with people over at EPA to get somebody come in and to meet with the subcommittee and give you guys a thorough one-on-one on this. We work closely with some of them. I mean not a lot, but there's a couple of people over there so we could definitely get somebody in the room to provide a deeper dive on this.

Leslie Wheelock: This is Leslie. The other person, Leslie Deavers, who was here yesterday indicated that there is somebody



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within NRCS who has the responsibility for addressing this as well, so I think we've got some resources. If you want to learn more about something before you actually put forth a recommendation, then we could bring those folks in.

Mark Wadsworth: Jerry McPeak.

Jerry McPeak: Sure, I can provide you a civilian without any connections to politics or political situation. Also provide information about it, if you'd like. It is going to be something. If it goes through, it impacts Indian country tremendously in my opinion.

Mark Wadsworth: Well, I'm just going to show my ignorance. Is this a bill that they are trying to pass or --?

Jerry McPeak: No. It's a deal that has been on the books for a while, but new interpretations and new work by a lady has -- we've gone from having navigable waters to anything that runs in the navigable waters. Which means out there, when it rains out there in that street -- so anything that runs in navigable waters is part of the problem. So if it runs in that set [sounds like], that's all the water in the United States. That has gotten so broad in its interpretation that it wasn't bad but now it's become dangerous.

Chris Beyerhelm: If I could?

Mark Wadsworth: Yes.



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Chris Beyerhelm: I'll just read, if it's all right, into the record what our environmental folks said about this.

Mark Wadsworth: Okay.

Chris Beyerhelm: So the question I asked them was does this impact our programs. It says, yes, the rule will expand the reach the Corps of Engineers in the areas currently reserved for NRCS authority. For example, if an engineer permit will be required for CRP projects, EPA and the Corps of Engineers are attempting to establish by a rule what Congress would not grant in law and the U.S. Supreme Court explicitly said the federal agencies can't do. Normal exempt activities such as fencing, brush management and pruning would be required to meet technical NRCS standards. By linking exemptions to NRCS standards, they can't be changed without public notice or public input and can be withdrawn at any time. The proposed rule still defines tributaries and adjacent in ways that make it impossible for the typical landowner to know if ditches or lower areas would be considered waters of the United States. Although the language is broad enough to give the enforcement and permitting agency field plenty of room defined that they are. Proposals were so hotly contested that timeframe for comments was extended from July 21<sup>st</sup> to November 14<sup>th</sup>. So I think the time is over to comment on it. It was actually a *Federal Register*.



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Female Voice: That sounds crazy.

Jerry McPeak: We've dealt into it pretty heavy in Oklahoma. Unlike Gilbert, we do have water and a lot of it. And we've actually had raids on the water from the Indians, as well as just the water in Eastern Oklahoma, right Porter? And the west who doesn't have any water made those raids which made us uniquely aware of water and about the value of water probably from the prospective of from not having it but from having it. This allows a somewhat wide array of governmental agencies to have some say over what you do with your land even to the point that there's one place in this thing that says if you do not follow these guidelines for a certain length of time, they can - this is what I'm looking for - basically take your land.

Mark Wadsworth: Any additional comments?

Mary Thompson: I would make one.

Mark Wadsworth: Yes.

Mary Thompson: I guess that I personally need to understand this a little bit better. And thank you for reading that into the record, Chris. That gives me tools or information to be able to take back to my tribe and request that they do some lobbying on the Hill whenever this change comes up for a vote. Thank you.

Mark Wadsworth: Yes, Jerry.



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Jerry McPeak: One final thing. I don't want to indicate that I am -- my communications with Jim [phonetic] in the office is very open. Not that I agree with everything, but I am all but absolutely certain he is the chairman of the committee and this time it's not coming out. But it has a life and as I told him, until you beat it - it's not beaten in Oklahoma in the legislature - then it may come back to life again. So I don't think they're going to see it, but just because it exists out there, it's dangerous. It's really dangerous. But I don't think you're going to see it this year or at any time while he's still there.

Porter Holder: You don't think we will see it enforced any time soon?

Jerry McPeak: Correct. I don't think there'd be any more action on it. I don't think it will ever get through it. They'll have to take it to the committees, I believe.

Chris Beyerhelm: Yeah. It's a rule promulgated by the Environmental Protection Agency. So what they do, they will do. But Senator Inhofe and others in the Congress will hold exhaustive hearings over it, I'm sure, and may look to derail it legislatively if they think that it's something adverse to the interest of their constituents. So it's an issue that will hang



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around. Whether anything ultimately happens with it, you know, I think Jerry is probably right.

Porter Holder: Yes, Gilbert.

Gilbert Harrison: Porter, again I emphasize - here, I have on the Internet, dated September 8, 2014. Secretary of Agriculture, Secretary Tom Vilsack today announced the reappointment of eight members, et cetera, et cetera. The council provides recommendations to the secretary on changes to the Farm Service Agency and regulations and other measures that would eliminate barriers to the program's participation for Native American farmers and ranchers. And that's why I say that we need to get back to basics. It's right there, right in the front paragraph. And I think because I really am afraid that we can get mixed or involved with a lot of things, make a lot of recommendations, but we should get back to what we're basically charged to do. Thank you.

Porter Holder: Thank you, Gilbert. Why can't this council go ahead and make a recommendation? You said it earlier. Well, forget that I ever asked you. Definitely I asked you before. I mean not long ago. Why can't we go ahead and make a recommendation? For lack of a better word, knock this in the head. At least we're expressing our concern about it early. Why not be ahead of the curve instead of behind the curve?





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Angela Peter: I think all we can do is state that we oppose it.

Porter Holder: Right. But will it be a strong recommendation to say, hey, we don't like this, it needs to be changed. So what if nothing happens? At least it's on the record.

Mary Thompson: And it's already up to Congress now, right?

Chris Beyerhelm: No.

Angela Peter: Not yet? How far up the ladder is it? I mean in the recommendation we could always put in the barrier, the reason why we are recommending this because it does hinder. If you get people on your land taking away your land, you don't have -- no way you're going to participate in the program anyway. Thank you.

Porter Holder: That's what I say. I've been behind the curve, and I've been ahead of the curve. I'm damn sure I've been ahead of it first, you know, over behind. So what if they say, well, this is not something we can do. At least it's out there. At least they know. These people don't like that. I mean we recommend straight to the secretary who's the strongest one in USDA. Yes, sir.

Jerry McPeak: Mr. Chairman, this is Jerry McPeak. I strongly believe that the Inter-Tribal Council of the Five



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Tribes in Oklahoma, as well as the UNIOKT - which is Oklahoma, Kansas and Texas tribes - will pass resolutions strongly opposing this. So I'm not sure I understand what you're saying, but let's not get caught in the weeds here. But at least those Indians are going to stand up and say get away from this thing, it's dangerous. That's not that we follow their lead because they haven't done it yet. I'm just saying that, in fact, I had a call where they're asking me if I would get the wording for it but --

Val Dolcini: It may be more impactful if it's the groups that you describe, Jerry, rather than a council made up of Native American farmers and ranchers and several federal employees. I will abstain on a vote on Waters of the U.S.

Porter Holder: I can understand that.

Val Dolcini: And it will be recorded on the record as doing such.

Jerry McPeak: I think you got it right. I don't think you have to. But if I would sit where you guys are, I wouldn't touch it with a 20-foot pole. That being said, where I am, that is such a damn bad piece of work. It's horrid. It's horrid for Indian country. It's horrid for Indian people. It's horrid for any one that's in agriculture. It's the most horrid thing that's come out of Washington, D.C. since Keepseagle.



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Absolutely horrid. It's permanent. You're talking about a permanent danger. You're talking about a permanent impact. I don't know, what the heck. I can't imagine how they can get in a room and come out with this thing.

Porter Holder: I can understand the federal people sustaining that. That would not offend or bother me in anyway. I fully understand that. With me as a producer, this last year in this council, the one thing I say is what have I got to lose? Nothing. I've got everything to gain. So why not let it be on the record that this council opposes it? So what if it doesn't do any good? Is anybody following me on that? Yes, John.

John Lowery: I think, and this is going to probably run into Jerry's hands, but I think it's all about how you word it. Because this is coming off of the Clean Water Act which was passed back in 1972, I believe. So the law is there. This is a regulation that's coming out of the law. So I think it's just a matter of you guys just framing your recommendation. You know, (a) we identify this as a problem, that it could be a problem and we just want to be on record as being against something that can prohibit an individual native farmer or rancher from being able to conduct business. I mean, you're not against the law. You're just against a recommendation or a regulation that has



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been drafted to implement a part of it and you just want to be on record as making sure that it doesn't hinder tribal farmers.

Porter Holder: So something along the lines of we recommend that the secretary take a really, really hard look at this thing.

Jerry McPeak: We can be stronger than that. We can do that, can't we, Mr. Chairman?

Porter Holder: Yes, sir.

Jerry McPeak: If we're going to do something that weak, don't do anything. I mean if you've got to go out there and take a weak stand, don't take a stand, that's a puss. I had survived the state legislature. It's going to surprise you guys because I answered questions succinctly. If they could be answered yes or no, they get answered yes or no. My questions are undoubtedly what they'd be. No one has to wonder about what the question was, and no one has to wonder about what the answer was. I am a little reticent about flying the recommendation out there because the other one that I flew out there a while ago, we wanted that. It's like it runs and winds up being nothing which, again, is my problem of what we've done for two years.

But this could be so simple. It's this body opposes the implementation of the Waters of these United States as written. Jeez, that leaves you so much latitude. What are you opposed



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about? We don't have to delineate what are we opposed about. We don't need 15 lawyers digging into it and telling what we oppose about it. We oppose it as it's written.

Mary Thompson: Mr. Chairman, I would make a move.

Porter Holder: Say it again, please.

Mary Thompson: Mr. Chairman, Mary Thompson requesting permission to make a move that we, as the council for Native American Farmers and Ranchers, identify the Waters of the U.S./U.S. EPA rule as something that would prohibit and hinder agricultural practices in Indian country, and so state our opinion.

Porter Holder: I like it.

Mary Thompson: In parenthesis and for whatever that's worth.

Jerry McPeak: Right. That's what you have to understand.

Val Dolcini: Well, don't sell yourself short. I mean that begs the question, John, how are these recommendations packaged for the secretary? Is this a letter to him or is it --

Leslie Wheelock: Through a letter.

Mary Thompson: And I would add if someone would like to amend that or make it stronger without going into another hour of discussion, so be it. But otherwise, let's make a statement and vote on it. And yes, Jerry, I yield you the floor.



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Jerry McPeak: Mr. Chairman, I would only amend it as - I'd put it in the way you said it - as it is written, because that gives us a lot of territory. If they want to go back straight to that and fix it, we're okay. As it is written, just --

Val Dolcini: As it is written or as it is proposed? As it is written in the Clean Water Act of 1972 or as the new expanded definition of Waters of the U.S. as proposed?

Jerry McPeak: The Waters of the U.S. is not the same thing, I think, the 1972 was.

Val Dolcini: The Waters - the original definition came out of the Clean Water Act of '72. I think what EPA is trying to do today is expand the definition.

Mary Thompson: As it's proposed.

Chris Beyerhelm: Waters of the U.S.

Jerry McPeak: As it is written, that covers it. I'm telling you folks, now you're beating it to death. The second thing was the point is, yes, we're making this to Secretary Vilsack. But if someone ever wanted to know and ever asked or if we ever came out and going to say, "Well, we oppose that," I think it's worthwhile that we were there, that we did oppose it ahead of time. Like you said that we oppose it. Yes, we said we oppose it. It wasn't something that we ignored. We recognize it and we oppose it, and that's all there was to it.



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Mary Thompson: Should I reread it?

Porter Holder: Yes, reread it.

Mary Thompson: We, the council for Native American Farmers and Ranchers, identify Waters of the U.S./U.S. EPA rule - and in parenthesis - as it is proposed - identify this is something that could prohibit and hinder agricultural practices in Indian country and we oppose this proposed rule.

Mark Wadsworth: Could I just ask a question or two again? Because I just want to know. Is this just at the level like Ms. Deavers at this point in time where she has the regulation and is now writing it up or -- because I want to know throughout the public comments if this has already been deleted or not. Do we know that? Or just making another --? But we're making a recommendation after the fact of the public comment just to be on record, I wouldn't --

Leslie Wheelock: Mr. Chairman, I don't know what the answer is to that because I'm not following this particular piece of work. I do know that if I Google it, the first thing that comes up is a webpage like the one I'm showing to you right now on my iPad that looks like it is very much alive and very much active. And I don't think it's going away of its own accord anytime soon.

Chris Beyerhelm: Mr. Chairman, if I could?



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Porter Holder: Yes.

Chris Beyerhelm: To Val's point, the comment period ended November 14. So I suspect that somebody is sorting through all those comments. Some are very similar perhaps to what's being said today. They will then either revise or amend what they intended or proposed to do based on those comments. You know, even though it's alive, it's still subject to final rule on what it's going to look like in the long run.

Mark Wadsworth: And then will Secretary Glickman go talk to --

Porter Holder: Vilsack.

Mark Wadsworth: Vilsack. I'm sorry about that. It's getting late in the day. Hey, I got to meet him so I just -- I was nervous.

Val Dolcini: That would be three secretaries ago, Mark.

Mark Wadsworth: I know. I'm now showing my age.

Female Voice: Strike from the record.

Chris Beyerhelm: Again, I think what Val was saying, I mean these pieces they've already been approved by the hierarchy. They actually go into the *Federal Register* and probably EPA or whatever. So the comments are going to be taken into consideration. And I mean not that it is similar, but





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there were some fairly significant comments that were being made about -- and I got a mental block about the --

Mark Wadsworth: I just had one.

Chris Beyerhelm: Who regulates the poultry industry?

Leslie Wheelock: FDA? [Cross-talking] Oh, food safety.

FSA?

Mark Wadsworth: APHIS.

Chris Beyerhelm: APHIS, yes. A fairly significant proposal has been made a couple of years ago, with all the comments. But then the next day - just like Val said - it's that even if this comes out on the other end looking still something that's not good, Congress can certainly say we're not doing it. So we probably need to make a decision and move on. And I'm with Val. I'm going to have to abstain also. So I think you guys just need to decide what you want to do.

Jerry McPeak: I second the motion. Mary made the motion.

Mark Wadsworth: I second. Question?

Male Voice: Was there a discussion?

Jerry McPeak: We just had.

Male Voice: Okay. I move that we table the motion and move on to the next subcommittee.

Mark Wadsworth: It's been moved to table the motion. Any discussion?



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Jerry McPeak: I'm absolutely against that. That's what we did for two dadgum years around here, we table every damn thing. We couldn't take a stand. We couldn't take a stand on a marshmallow.

Male Voice: I'm against that too. It's out there.

[Cross-talking]

Jerry McPeak: This time though, we're not tabling the motion.

Leslie Wheelock: Mr. Chairman, if I may. I can tell you parties that have responded to this. There are 91 results for a search of the comments that were submitted prior to the November deadline for submitting comments. There are comments from everyone including Lake Superior Chippewa, Lac du Flambeau, Muckleshoot, GLIFWIC, Southern Ute, [indiscernible] Bay, Gila River, anonymous, anonymous, anonymous, all kinds of Indian Ag, Quinault. We have 92 different comments, 92 different tribal-related, Indian-related comments submitted. I'm just offering that for an idea of how closely the tribes have been paying attention to this particular rulemaking. Thank you.

Mark Wadsworth: There's been a motion at the table. Any second? The motion dies. Going back to the previous question. Any further discussion? If not, all those in favor.

Female Voices: Aye.



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Male Voices: Aye.

Mark Wadsworth: Anyone opposed? Anyone abstained?

Val Dolcini: Abstain.

Leslie Wheelock: Abstain.

Reid Strong: Abstain.

Chris Beyerhelm: Abstain.

Mark Wadsworth: Please mention your voice for the record.

Val Dolcini: Val Dolcini.

Leslie Wheelock: Leslie Wheelock.

Reid Strong: Reid Strong.

Chris Beyerhelm: Chris Beyerhelm.

Jerry McPeak: Good thinking.

Mark Wadsworth: The motion passed. I was basically thinking you had a very good comment in there before you leave, Jerry. I think that we're at a point now that we probably would be in favor of that motion that you brought before. I just like to bring it up before we go on our next deal for another hour. But anyway, it's to make a recommendation that the 1994 colleges being underneath the Office of Tribal Relations. Is that correct? That was the one motion that we wanted. Could somebody reintroduce that?

Mary Thompson: You just read it, I'll second your move.



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Jerry McPeak: Okay, I'll read. I will make the motion, I want a motion before.

Angela Peter: Somebody has got - for the record - to say it.

Mary Thompson: Restate the motion, please.

Jerry McPeak: What's that? That's the Tribal Colleges be put under the Office of Tribal Relations rather than where they are currently.

Mark Wadsworth: Any discussion? No further discussion.

Mary Thompson: 1994 program.

Mark Wadsworth: Oh, I'm sorry about that. I needed to ask for a second.

Mary Thompson: You're talking about the 1994 Tribal College program?

Jerry McPeak: Yes.

Angela Peter: I second.

Mark Wadsworth: Seconded. It had been moved by Jerry McPeak and seconded by Angela Peter to recommend to the secretary of Agriculture that the 1994 Indian Agricultural Program be moved into the Office of Tribal Relations. Any further discussion? All those in favor, say aye.

Male Voices: Aye.

Female Voices: Aye.



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Mark Wadsworth: Any opposed? Any abstained?

Leslie Wheelock: Leslie Wheelock, abstained.

Mark Wadsworth: Thank you. Motion passes. Now the next one will be credit deserts.

Chris Beyerhelm: Okay. I guess the first order of business, Reid, are you --? I think you had maybe left the meeting when we reapportioned people to these committees. So if you want to stay on this committee. You did such good work.

Reid Strong: Thank you. I am happy to stay in the committee. I think you know my time with you is maybe limited. This is maybe one of the last meetings that I'm in this role for. So I'm happy to be on a committee. I don't know that you can expect that I'll be there for the next meeting.

Chris Beyerhelm: Okay. Very good. What I want to do is just to give Jerry a head start. So you can get out your document again.

Jerry McPeak: Are you telling the one that we got yesterday?

Chris Beyerhelm: The one you got yesterday. The one John handed out. We do not anticipate doing any additional recommendations at this time. We made some fairly significant recommendations.

Jerry McPeak: What area are we now?



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Chris Beyerhelm: Credit and credit deserts, yeah. We've made some fairly significant recommendations, seven of them. Some, I think, are done. Some we're working on. So, I mean, if there's some discussion or some other thoughts that you want us to do some additional recommendation, we certainly can. But at this time we hadn't proposed any. So I want to start at the bottom of the page, page 1, where the council recommends that the secretary encourage all USDA programs to adopt the micro project philosophy. The report out on this one is that of course FSA has a microloan program. We're also currently looking at a farm ownership microloan program. The one we have is just operating.

We're looking at doing one where people can buy one or two acres, 50,000 or less. Particularly the specialty crops kind of folks. So I think for FSA it's a check. RD, as you can tell, you can read from the information John put in there, has three different microloan programs with very small amounts - \$5,000 - for the rural development, the reprogram, and also some of the grant funds that they administer. So I think there could be a check mark for RD. We had a lot of discussion around NRCS and the microloan project philosophy. From what I could see, it seemed to me that they were receptive and that things were being written down. So I think we're hopeful that that will continue.



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And so on that one I put ongoing. So then we bifurcate that out, John. Check mark, FSA. Check mark, RD. That for NRCS it would be ongoing and hopefully by the next council meeting -- Jerry, go ahead.

Jerry McPeak: I have a question. You guys work a lot with REAP?

Chris Beyerhelm: I don't know about a lot, but some. Yeah. It's an energy program that, you know, we're doing some sort of hog building or poultry building or whatever. Well, absolutely. Yes.

Female Voice: Yes.

Jerry McPeak: When you say energy program --

Chris Beyerhelm: This would be for solar panels mostly. This can be used for other things, but that's the main thing. It's for agriculture facilities.

Jerry McPeak: That's one thing that's so nice about these acronyms, these deals because REAP, I'm like REAP. Totally different deal.

Chris Beyerhelm: Rural Energy for America --

Jerry McPeak: I got you. I'm with you now. I'm with Oklahoma REAP which is a different REAP. Thank you.

Chris Beyerhelm: Okay. So we're good with that. FSA, check. RD, check. NRCS, ongoing. Any opposition? Okay.



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Hearing none -- so the next one is recommendation 7. The council recommends that the secretary foster the engagement of Community Development Financial Institutions, also known as CDFIs, in the delivery of credit. So again, this is something that FSA initiated already. We have actually done a fairly significant training with all Native American -- at least we invited all Native American-owned CDFIs or runs CDFIs to a training about how they can become guaranteed lenders for our loan programs.

We actually have Tawney Brunsch one of our council members who is close to submitting her application for her organization to become the first Native American guaranteed lender. And we got a couple, two or three other ones considering it. RD also has programs that have CDFIs that are eligible to become guaranteed lenders for their programs. So I'd like to suggest that this one is done. I mean there's obviously more to do, but we've put out the welcome mat. We'll continue to do that. But I think as far as making recommendations to the secretary that we foster that engagement, I would argue - I don't know if argue is the right word - I would say that that one is done.

Mary Thompson: Question on the training component. On the training component, there will be future training?





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Chris Beyerhelm: Yeah, it's certainly going to be an ongoing training and not just with native-owned CDFIs. The other issue we talked about is access to agriculture on underserved areas. So we're going to do that on an ongoing basis too.

Mary Thompson: As requested or do you have anything scheduled? I mean, is there anything in the pipeline?

Chris Beyerhelm: There is nothing in the pipeline right now.

Mary Thompson: Okay. That's a request?

Chris Beyerhelm: Right. You're right, as we go forward. Any other discussion on that one? Comments? Questions? Okay. The next one, the council recommends that the secretary foster improvement of the lending environment in Indian country. So this is the one we've been talking about where we worked with the Federal Reserve Bank to offer the UCC training to tribes to the pros and the cons of adopting UCC, also providing the language about what a resolution might look like to adopt UCC. And those are going to be scheduled for some time in January or February. We're just waiting until after this meeting to pull a trigger with Federal Reserve on when to actually do that.

Now I understand all we're going to be able to do is to go out through OTR with an invite to tribes saying, listen, we've



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got this training available where I think they are willing to go to the tribes. It's not going to be something that they are going to have to go fly or drive somewhere. But if tribes choose not to do it, obviously -- and this is where I think back to Jerry, your point about you guys going back and at least for your tribes that have not adopted UCC at least say, listen, we need to at least listen and be open-minded to this. Mr. Jerry.

Jerry McPeak: Yes.

Chris Beyerhelm: I'm sorry. Mr. Chairman, Jerry has a question.

Jerry McPeak: This is Jerry McPeak. This is where we have to accept our own responsibility, accept the determination of our own faith. When they make it available, it's up to us, it's up to the Indian people to avail themselves of what is there. They are saying they'll come to our tribe. They're saying they'll have a meeting for five of our tribes, but it's up to us to utilize it. And it's a little bit like the thing we talked about that student that was a C student that can make a great hand. We can really help ourselves, but help ourselves is truly what eventually it needs to come down to if we're ever going to really accomplish anything of permanence. So appreciate that deal at the same time reminding you that communicating - boy, I like politically correctness here - communicating. When I have



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things for the tribes, I communicate multiple times on the same subject.

We probably are not good. And as I get to the Blackfeet, I found the same thing there as I did within my own tribe and tried to re-communicate within Oklahoma. We didn't communicate once. We would probably average four times to get a good turnout. That's not your responsibility. Admittedly, that's not your responsibility. But I recognize in practicality, that's honestly what we did. What's your experience like that? I really rarely get very much response. I did remember it's the chiefs that somehow you send some of the chiefs and it doesn't get found.

Mark Wadsworth: I'm just going to answer this as a prior mutual fund representative/salesman and it just comes to that it's that people generally need to hear something three to five times before they'll retain it. It's just part of life.

Chris Beyerhelm: And combined with this, this is also what John talked about. There's a little overlap for who's talking about it. Another piece of that training component is to make sure the tribal judges understand agricultural law and UCC and mortgages and all that good stuff because, as I understand, a lot of times that's where things get hung up - is when it gets



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to the judges. They're trying to either implement or evaluate or analyze case law or something.

Jerry McPeak: Mr. Chairman, isn't that some of you loan on Indian land and Indian situations because we have sovereignty and they are somewhat afraid to go to the tribal courts and deal with it? I mean, for us, that's a real reality in our area because I like to have those conversations.

Mark Wadsworth: Yes.

Leslie Wheelock: Mr. Chairman.

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: After that training that's being recommended and actually adopting the UCC as part of it, the jurisdictional issues are some of the rest of it and they do a really nice presentation. But in addressing this particular point that you're just talking about, we do have some tribes that have, rather than set up their own UCC kind of support back office, which is what you really need once you get a UCC, you've got to have a place to file all of the filings and you've got to have a way to pull them up and adjudicate them. They revert to state law at some point, or state adjudication, or state administration. But they have what makes the entrepreneur, or the business, or the party that's lending comfortable that there



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is a UCC. So it's a mandate, if you will, in order to ensure that people are comfortable coming on to Indian land.

Chris Beyerhelm: So the last piece of this is that, as we again discussed earlier, is that we need to coordinate between what Janie is doing and what DOI is doing and then what this particular program is. So I would call this one ongoing, and I think we've got a good start on it. But certainly I'm not ready to say we're done. There's a lot more work to do there.

The next one, number 9, the council recommends that the secretary establish an interagency task force on lending in Indian country. What we found is that there are currently a number of interagency committees working together that got access to capital in Indian country. Most recently the White House Council on Native American Affairs created the economic development subcommittee that brings in the USDA partners. So as a consequence, I guess, we just felt that it didn't make much sense to do another one, that we maybe got this one covered, either call it done or I don't know if we can actually withdraw it. It's a recommendation.

Leslie Wheelock: Which one are you on?

Chris Beyerhelm: I'm on number 9. Did I skip one?

Leslie Wheelock: Mr. Chairman, I would recommend leaving this on here for now. We're actually using it to move forward



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in some federal high level work that we're trying to do on credit. Credit doesn't see [sounds like] some brainstorming. We'd like the emphasis where it is. We'd like to make sure that it stays in the rural ag tribal area. And I think that to the extent that we can keep this one on, we are supporting a lot of the work that we hope to produce out of the group that's working. I can leave it there because I don't have approval to go out with a statement on what we're doing yet.

Mark Wadsworth: For clarification, is that the second section of number 8 or the first section 9?

Leslie Wheelock: No, it is number 9.

Chris Beyerhelm: It's the first section as a total. So I think what you're saying is there's really -- we want to leave it on here to give us some leverage.

Leslie Wheelock: Yes.

Chris Beyerhelm: So we can leverage the other committee. This is what we're working on, but there is no intention to create another interagency committee on this.

Leslie Wheelock: That's right.

Chris Beyerhelm: Okay. All right. Questions or comments on that one? All right. The next one is number 10. Leslie, if you would. I think you've been working on this one. This is on



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the development of the Native American radio broadcasting outreach strategy.

Leslie Wheelock: So this is Leslie. Within the Office of Tribal Relations, since I've gotten there, I pretty much had difficulty figuring out why we're not using radio to communicate with our tribal folks because it's the most accessible media available. We have within the Office of Communications the person who supports us. He is a radio writer. I used to do radio but I couldn't talk now. And Josiah and John went to our Office of Communications and have gotten us committed to beginning this in December 2014 of which there are two weeks left and you guys are going on vacation. And I'm doing it next week, Monday, Tuesday or Wednesday morning.

John Lowery: Mr. Chairman.

Mark Wadsworth: Yes.

John Lowery: Next week, Leslie will be doing a podcast - a radio podcast. Next week Leslie will be meeting with the native CDFI people over at Treasury. Next week she's supposed to be going and speaking to impact [sounds like]. Isn't that right, impact? But I think she's going to be going so I'm going to be going. So next week we've got a lot going on within our office just around this. So this week, this. Next week, this. Week



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before, this. The tribal leaders' conference. And then I'm going on vacation for two weeks. Do not email me, Gilbert.

Gilbert Harrison: We're going to do a search on the Internet.

Angela Peter: With your phone. [Cross-talking]

Mark Wadsworth: Leslie, would you want to call this one done or ongoing?

Gilbert Harrison: I think we're losing the quorum here.

Leslie Wheelock: I think this one is done. We don't have a strategy yet. So leave it on there until we get a strategy. We don't have a guideline for what we're doing, what we include, what we don't include and that sort of thing. So we need to finish that. Just because we're doing one doesn't mean we've got a plan to do more.

Chris Beyerhelm: Okay. And I think, Val, you and I haven't had a chance to discuss this. But I think we need -- when we're doing public affairs kinds of things and stuff like that, we need to just every now and then make a point of doing one with Native American radio also. And I'm assuming that when the secretary does his -- they're invited, I assume so. I hate to assume that without knowing, but I know it could be a part of the strategy too. This is to make sure that Native American radio is okay. All right, so we'll call that one ongoing.





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All right, so number 11 is the secretary should develop training opportunities for USDA and Bureau of Indian Affairs' staff to facilitate collaboration. Again, this is the overlap one. I think we talked about that with what John put up there. I talked about what the strategy is that we want to try to get this face-to-face meeting at the local and regional levels with the BIA folks so we know who they are so we can establish some relationships there. We'll call that one ongoing.

Number 12, the secretary should foster better outreach to lender associations. We had a lot of conversation about this. I think what we decided was that whether this is right or wrong or indifferent, it's whether it's the cart or the horse. What we wanted to do was do the piece first where we go out and provide the UCC training and try to encourage Indian country to hang out the welcome mat a little bit. And then when that's done, go to the lending community and say, listen. Here are these 25, 30, I hope 50, I hope 60, I hope 100 tribes that decided to adopt the UCC. You have no excuses not to lend in Indian country.

So we come to them with not just a carrot but a little bit of a stick. We're not going to be -- Sarah Vogel might be a little [cross-talking] very clear about that, but I think we'll smooth it a little more. They do have obligations under Dodd-



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Frank and the Community Reinvestment Act. But at the same time, without a tribe adopting UCC, they've got a -- Zach would probably disagree that it's a legitimate reason, but I don't think they'd be in violation of Dodd-Frank or Community Reinvestment Act if they can make an argument and can't protect their security. We want to do that one first, then go to the lending community.

I also know that we've been in close conversation with Farm Credit, ABA, IBA - ABA is American Bankers Association, IBA is Independent Bankers Association - about doing a credit summit, if you will, where we'd talk about these same things; adopting UCC; what are the strategies; bring in some lenders that lend in Indian country and talk about the successes they have and the strategies they have. This one has not started -- well, conversations are started but it's in initial stages. Questions on that one? That seems reasonable? Okay.

I think, Leslie, did you -- I think that covers it. I think we decided not to do any new ones, like I said, unless somebody has other ideas. We got some heavy lifting here to do. There are significant things to be done on some of these we just talked about. It's kind of getting a whole change in philosophy with both in Indian country and in the lending community to make this happen.



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John Lowery: What was the status? Did you say what status it would be on?

Chris Beyerhelm: I guess we'll call it ongoing.

John Lowery: Ongoing?

Chris Beyerhelm: Yeah.

Mary Thompson: Excuse me, Mary Thompson. Could that also include 12 though? It's kind of the same thing.

Chris Beyerhelm: I was speaking about 12.

Mary Thompson: Oh, I'm sorry. I'm a page behind. I was on 11.

Chris Beyerhelm: Yeah. Eleven is BIA, and 12 is the lending community where we would go out to farm credits, and ABA, and IBA, and others.

Mary Thompson: Okay, I'm lost, excuse me.

Chris Beyerhelm: Hey, Mr. Chairman, I think that concludes the credit and credit deserts' subcommittee report.

Mark Wadsworth: Does anybody want a break?

Female Voice: Yes.

Male Voice: Yes. [Cross-talking]

Angela Peter: John, what is the last part? Isn't that what Jerry wanted and then he left?

John Lowery: The what?

Angela Peter: The working group or --



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John Lowery: Hey, I'm not going to say nothing.

Porter Holder: No, John, we need you commenting.

Angela Peter: We need your recommendation for us.

Mark Wadsworth: You want to take a 15-minute break, 4:15  
back. [Break]

Just for the record, Gilbert Harrison had to leave so now  
we're --

Female Voice: Down to one.

Mark Wadsworth: Down to eight. [Cross-talking]

Leslie Wheelock: Do we have enough, John?

John Lowery: Not in the present form, but I know Porter is  
here, right?

Mark Wadsworth: Yes. We don't have anything to vote on  
though.

John Lowery: One, two, three, four, five, six. You guys  
have been pretty flexible today, so who knows? We'll see.

Female Voice: I don't believe we could vote anyway.

John Lowery: But let it be known in the record that it's  
4:19 and we have eight people left. I just want that to be put  
on there because I will be asked for more time.

Angela Peter: Well, by me.

Chris Beyerhelm: I'm sorry. What do you mean we have  
eight people left?



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Angela Peter: Out of the whole group.

Chris Beyerhelm: Okay, got you.

Mark Wadsworth: Okay, we'll go into the Forest Service and Bureau of Land Management Subcommittee. We've had a meeting on this, I believe. Was this the one that both you and Josiah was privy to also?

I guess we can go through item 18. The council recommends that the secretary have the Forest Service clarify the rights to the use of tribal lands and may satisfy the base property requirement and obtain a grazing permit. From the previous BIA facilitation, it looks like that is just an ongoing situation, but all their appropriate people have been notified and they are working on that. Any idea when we'll have some solid comments or is that going to have to be a part of the new regulations that Ralph was working on? Pretty sure --

John Lowery: Mark, I'm not sure. I think we're still trying to work that out on the BIA end, but I do think we do need to bring Ralph back in the meeting with you guys as a subcommittee to sort of discuss what all has taken place, that you guys met with him back in September.

Mark Wadsworth: I think that will be very smart. We will consider that section ongoing. Next item will be number 19 on the last page. The secretary should have the Forest Service



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review the impact of the current system preferences for grazing permits and the ability for Native American ranchers to participate in the system. Again, I think this is an ongoing situation, but all the appropriate parties have been notified and it is being worked upon. No further recommendations I think we can make on either two of these; one is item 18 or 19.

Number 20, Forest should develop guidance on best practices for handling grazing in Indian country presented at the 14th meeting. I think that this currently is kind of a spotty situation in which I know in our region or our area of my reservation, we continually get comments for NEPA on any Forest Service plans that have been leased out within our territory or previous lands. I don't know if that's happening across the board though. Any discussion on that? Consider that still additionally ongoing.

Forest Service should create a partnership with tribes in order to hear from tribes during the review or revision of the grazing directives. From Ralph's talks, I really don't know exactly when that door is going to be open, but I think what we're working with has been, I guess, difficult in the past. It's very politically based, and it was just one of the things that he explained to us that will probably take some time in



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getting done, but it will be coming in the works under the regulations, new regulations.

Leslie Wheelock: Mr. Chairman.

Mark Wadsworth: Yes?

Leslie Wheelock: What is Ralph's last name? John, what's Ralph's last name?

Male Voice: Giffen.

Mark Wadsworth: Ralph Griffin?

Male Voice: Giffen, no R. I don't think there's an R.

John Lowery: Yeah, Giffen. Yeah, G-i-f-f-e-n.

Leslie Wheelock: Thank you.

Mark Wadsworth: And he's the current Forest Service representative for allotment and grazing's activities.

John Lowery: That's close. Yes, sir. Mr. Chairman, he did mention that they would reach out to tribes and will be seeking those opinions. And he also mentioned coming back to you guys and seek an opinion too on those regs once they were put out there. That's standing, and we definitely need to follow up so that's something that you and I can work together on with him.

Mark Wadsworth: And I believe he told us that during our general meeting and through our subcommittee meetings, those comments would be entered as public comment to us. And then,



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the secretary should create a memorandum of understanding between the agency that administers the Burned Area Emergency Response Program. That is currently being done.

John Lowery: Yes, sir. At our next meeting, I've already got word from the BIA, Myron, from your area, Myron, what's his last name? Anyway, the BIA person who handles the BAER funding. And also, our Forest Service lady who handles BAER has both told me previously that they will meet with us when we meet again with the subcommittee to give us an update on the MOU. But they are working on it, and they do want to make sure that they keep you guys up to date on it.

Mark Wadsworth: With that, I think that we have got the appropriate parties involved that need to be involved at this time on the federal level, but that door will be open for tribal involvement when we get a more solid stance or an ability to make an effective comment. Any other further questions or concerns about BLM, Forest Service, concerning BAER or the grazing allotment part?

John Lowery: Mr. Chairman, I want to throw out something as the staffer for this committee, and this is just to put it on record as something for us to discuss going forward. I would not ask for you guys to discuss or debate it now. I think we discussed changing names of subcommittees and stuff in the past.





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But I think that maybe this subcommittee could be changed to the land management subcommittee. And the only reason I say that is because last week, we actually had a land management agency tribal leader meet and greet. We were actually able to bring in individuals from DOI within USDA, Department of Homeland Security and stuff. So land management, there's a lot of agencies doing this, and even though our charter is not towards other agencies but still land management. At the end of the day, USDA is doing a lot with land management and Forest Service is not the only one. Bureau of Land Management is not the only one within DOI. It's just something I think we could discuss further in the subcommittee and maybe thinking about changing.

Mark Wadsworth: I'd mention too probably the Park Service and also possibly the Bureau of Rec and other concerns on that.

Dan Cornelius: [Inaudible]

Male Voice: Come to the microphone. Come to the mic, please.

Mark Wadsworth: State your name.

Dan Cornelius: My name is Dan Cornelius. I work for the Intertribal Ag Council. Just you talking about different agencies with Land Management, Fish and Wildlife Services and other huge ones, they've got an effort of landscape conservation cooperatives that cover the whole country that involve some of



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it, but one other consideration and for the record, something you might want to consider.

Mark Wadsworth: Thank you, Dan. All right, I think we can jump on to the next committee which would be subsistence. Would you like to -- Angela Peter.

Angela Peter: I apologize. I missed the last two teleconferences because of our difference in time. I put it as the wrong time. So at any rate, okay, the Subsistence Committee was basically formed because we obviously in Alaska have a big problem with our subsistence and how the subsistence fish and wildlife have decreased to almost a point of people having to either go to jail for feeding their kids or go to jail for not feeding their kids. It's just really a challenge there. So I'm glad we got this committee.

Although, when we were talking, I don't really oppose us combining this committee with -- I'm tired. What is it? Global, yeah, conservation. That would be fine with me if we wanted to do that, but what we're really looking for is a definition of subsistence so it could be a standard throughout the agency in order to address some subsistence issues. You have something?



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John Lowery: Yeah, I think I handed out this one-pager on subsistence to you guys. And if you didn't get it, then I have a few extra copies. Do you have a copy, Leslie?

Leslie Wheelock: Yes.

John Lowery: Okay. Up under the Alaska National Interest Lands Conservation Act, ANILCA?

Angela Peter: ANILCA.

John Lowery: ANILCA. There is a definition there and it's also the same one that's also used by the Alaska state law as well regarding subsistence. That definition is the customary and the traditional use of wild resources for various uses of food, shelter, fuel, clothing, tools, transportation, handicrafts, sharing, barter, and customary trade.

Right now, this is the language that guides ANILCA. It's also the definition that guides the Federal Subsistence Board which oversees subsistence within Alaska. I actually went and visited with the Alaska caucus the other day and actually threw this out to them. I only got one response back and it was, "We have no problem with that." I say that to say this. Is this something that you would be interested in us using and moving forward with as we try to incorporate this definition across USDA because it's already currently used by Forest Service and it's also used by our sister agencies over at DOI?



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Angela Peter: Yes, I would, gladly.

John Lowery: I just pulled some of this stuff offline for everyone - dual subsistence management, the reason why they have a Federal Subsistence Board, and then I put a little bit of the current action, the current make-up of the Federal Subsistence Board. So the Department of Interior, Department of Agriculture work very closely. I think Butch Blazer actually went up there earlier this year and actually met with the Federal Subsistence Board. We do have a lot going on there, but of course there's always room to improve and stuff. I think what we hear a lot of is that they are following the law that they have. Whereas, this council, we're always trying to look at how we can do things even better or maybe remove some of those barriers.

As another point, the guy who actually handles subsistence in Alaska for Forest Service is actually retiring this month, Steve Kessler. He's actually retiring. There's probably 25 years of knowledge there going out the door. But there's a guy coming up I think from Montana who has done a lot around subsistence who will be taking his place. We're going to be moving there as well.

Angela Peter: There's a lot of work to do. I know that and sometimes it's hard to even decide where to start. You have the state which doesn't recognize the tribes. You have the



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tribal people who are the ones that are starving, going to jail, what have you. Sometimes getting people just all of them in the room is the way to go, but while I'm on this council, I would like to address subsistence. It's the most important issue for the people in Alaska. Thank you.

Mark Wadsworth: For the record, I think that I'll go ahead and read what the Federal Subsistence Board -- the Federal Subsistence Board is the decision-making body that oversees the Federal Subsistence Management Program. It is made up of the regional directors of the U.S. Fish and Wildlife Service, National Park Service, Bureau of Land Management, Bureau of Indian Affairs, and the U.S. Forest Service. There are three public members appointed by the secretaries of the Interior and Agriculture; two represent rural subsistence users and one is the Federal Subsistence Board chairman. The secretaries have delegated the authority to manage fish and wildlife for subsistence uses on federal and public lands and waters in Alaska to the Federal Subsistence Board.

Angela Peter: A lot of people in there. So do you guys have any questions?

Mary Thompson: I have just one. Chairman, I wasn't clear on it. The subsistence definition is, I guess the top one is still pretty much the same as the one in the current action that



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has been used by I guess the act. The definition on top - there are no changes at this point?

Angela Peter: No, it is the definition of ANILCA, if we could just say we're using that definition. I think it's the same.

Mary Thompson: Okay. And then this definition, where other than ANILCA would you put this definition?

Angela Peter: Well, USDA has not really addressed subsistence in the past. I guess when we were talking -- I just remembered Chris saying we needed -- he would like to see a uniform definition when we talk about the programs and how Alaska Natives would be eligible to participate in those programs. So this definition if we fall under that, that's as far as I --

Mary Thompson: Maybe someone else. I guess what I'm looking for is as you're redefining it, where else does it need to be to make it more consistent with and more user-friendly to the Alaska Natives?

Leslie Wheelock: Mr. Chairman, I have a question.

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: This definition used by the subsistence board, do we know or do they use a different definition?

Angela Peter: As far as I know, this is the one.



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Leslie Wheelock: Okay.

Angela Peter: But, you know, I could come back. I agree. I have a lot of more -- I'm just a fisherman. I don't care about the board, but that's all I've done, is commercial and subsistence fishing all my life. But getting into this whole issue is a lot of work so I have a lot of work to do. I agree that I will get the definitions all to you by the next meeting.

Leslie Wheelock: Do you want help?

Angela Peter: Yeah, thanks.

Mark Wadsworth: I think this is one of the linchpins that Mary was referring to, is that in order to have subsistence recognized, we need to have that added to the NASS. It was one of the first discussions I remember that we were talking about in the first recommendations that we made. And has NASS -- I know that we had sort of an update from them previously, but I guess, Chris, you may want to talk about that.

Chris Beyerhelm: Yeah. This is Chris Beyerhelm. We had a presentation. They showed us in there, they have subsistence in there. You have to look very closely. If you read it closely, you could identify yourself as subsistence, and they would say you have to produce or consume at least \$1,000 worth of stuff. So I think what we asked them to do is maybe make it a little more prominent. So in the short run, somehow we need to do some



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education in Alaska to make sure when you're doing that, that you go to page whatever it is, 17 and look at 17-A and you identify yourself as subsistence because I'm not sure in the long run whether they would do any more than that because their argument is they've already done it. It is in the book. I've seen it. It clearly says you're going to identify as subsistence farmer in there.

Mark Wadsworth: Yes, Angela.

Angela Peter: My only argument with that is that, you know, the surveyors, wouldn't they sometimes know? I work for the census, and you pretty much know where you're doing the census. I mean wouldn't they at least identify that you're subsistence, you do a thousand pounds of meat [sounds like]?

Chris Beyerhelm: I'm sorry. This is Chris Beyerhelm. That maybe too what we've said and asked, is those people you hired to do the census in Alaska, can you make a point of that when you're canvassing and going around and those kinds of things?

Angela Peter: Yeah.

Mark Wadsworth: Could you possibly get what those current numbers are, kind of in a breakdown at a request from them?

Chris Beyerhelm: I'm pretty sure it's already in there. They slice and dice numbers that you wouldn't believe. I can





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take responsibility to double check on that, but I'm pretty sure they already have those numbers in there.

Angela Peter: It might be a good idea for us to keep those numbers from this point forward on some kind of a campaign that we could identify at least for the record.

Mark Wadsworth: Any other? Yes, Leslie.

Leslie Wheelock: I just have a follow-on comment to what Angela just said. One of the things we have to be aware of is that it will be understated. Because it's Alaska, its role, if they haven't already filled out a form, a survey, they don't get one automatically, so they have to go ask for one so it makes it complicated. NASS does a lot of extrapolation - I'm told - based on the information they do get. So it's kind of like what's the real data and what do they extrapolate that out to?

Angela Peter: Where do they get the survey of people? Do they just mail or do they go around?

Male Voice: They go around.

Leslie Wheelock: They do both.

Angela Peter: In Alaska, they go around?

Leslie Wheelock: I don't know what they do in Alaska. They mail but they mail to individuals who filled out a previous survey. So the five years, if you fill that one - five - at the last ag census, then you'll have one mailed to you. If you



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didn't, you won't. If you don't know there's an ag census going on and it's collecting subsistence information, you're not likely to get one just to check that box. That's what I'm trying to make very clear. And they do go out. I don't know about Alaska, but they do go out and do surveys, and I doubt that they come to the villages in Alaska to do an ag census survey.

Angela Peter: I know I'm going to say it on record. My whole idea just working with the census is that the census is really, really good in switching things around and getting the numbers that they needed because they've got people on the ground, in the villages working. So maybe that's what [inaudible].

Leslie Wheelock: We might want to put NCAI on this because their census person who's really, really good is Alaska Native and she's super.

Angela Peter: Who?

Leslie Wheelock: So that might be a good thing. Amber Ebarb.

John Lowery: Amber Ebarb. This is John Lowery. Also, as you can tell by just being here with the Intertribal Ag Council, they worked really close with NASS over the past few years to get a good count. So I think we definitely have to work with



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IAC with regard to pushing that more in Alaska as well. I think Ross and his group definitely want to make sure that is done even better next time. I mean they're happy for the 2012 census. I think we're all happy with the 2012 census, but we want to do even better for the 2017 so keep on working on it.

Mark Wadsworth: Yes, Daniel.

Dan Cornelius: This is Dan Cornelius. I just want a quick add in. They only do the ag census every five years, but they're always accepting more data. So I think that's an important thing. We don't necessarily need to wait until the next one to start beating on doors. We're spreading the word among folks who can help to get more folks turning in their information.

Mary Thompson: Is there anything that the council could recommend on this that you see with it?

Leslie Wheelock: No, not right now anyway. I'm sorry. This is Leslie. Nothing comes to mind immediately. Can you think of anything, John?

John Lowery: I think you could say that the council is concerned with the count in Alaska and that you want to encourage and promote and push a greater role in counting the Alaska Native population coming up. I think we could do some type of wording just like that and just stress it, not just



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Indian country -- well, Indian country as a whole but totally to put a good emphasis on Alaska and the Alaska Native people there.

Just like Leslie said, we might not need to pass that now, but that's something that, as Dan said, this is done every five years, and that's 2012; it's now 2014 going to 2015. So actually two years from now, they will be doing the count again, so it is right around the corner to be honest with you. We're always taking stuff too just like Dan.

Angela Peter: I think it would be really good for us to get the data together about how many people were counted in Alaska.

John Lowery: Yeah. Oh, that's easy.

Angela Peter: Definitely put an emphasis on the need to get out there and do it.

John Lowery: Well, Troy [phonetic] came and spoke to you guys on September. I know he threw out the numbers. I do not remember them off the top of my head. Yeah, I think those guys are definitely open to working with us. I mean they gave our office a one-on-one overview of the entire census within Indian country. So it was just me, Leslie, and Josiah sitting in the room there with all these NASS people. So they're definitely invested and interested in, just like I said, with Ross and IAC



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constantly pushing them. I don't think it's going to hurt to get a push from you guys as well.

Angela Peter: Thank you. I really think that we definitely get to the bottom of why agriculture is not in Alaska though. We're not in the ag, in the census. Maybe they thought there was no need.

Leslie Wheelock: Although, if I may, there was recently a report on the increase in the number of agricultural producers in Alaska that was reported in the press. Somebody is counting them. I don't think that came out at NASS. I don't know where it came from, but it came up before the NASS piece was finalized, I think, but I'll go back and find that and share it. It would be nice if we could get more because it would introduce the food, the non-catch food.

Angela Peter: Yeah, definitely.

Leslie Wheelock: We'll do increase access and reduce the price.

Angela Peter: Tyonek has been working real hard. I'm not trying to be biased because I'm from there but we did start the first TCD up there. It's just amazing to me how one hoop or one garden can change the children in the community. It can change the parents. It can change the way we get food. We're talking about -- I sit at 22 minutes from Anchorage. What about those



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that have to travel four different routes to get to Anchorage? Think about the benefit that that could provide them would be. It would be pretty large.

Mark Wadsworth: Under this current definition, on my reservation, I know that they would qualify a lot more of our individual tribal members to the count by virtue of how many elk, moose, deer we eat - not sheep, virtually in any unoccupied lands within the United States the way their treaty reads. But also, like people in Mary's area that make baskets and have more than \$1,000 from art and crafts because we do a lot of beadwork on our elk hides, deer hides, and they make dresses and such and actually -- so you know the tanned hides and stuff, I think it would show -- I think it amazed a lot of people how many Native Americans really do live -- a substantial portion of their living comes from the land for subsistence.

Mary Thompson: Mark, this is Mary Thompson. I do count the value added product as the income from my garden, my traditional garden. And I've heard talk from some of the different programs that it's allowable, working within there and everything, but I think this continued work here will be greatly appreciated by all. Anybody else have a question?

Mark Wadsworth: If not, we have this working session planned. I guess we'll just throw it open, if anybody else has



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concerns, issues they'd like to apprise everybody of or anything like that. I know John gave us plenty of time for us to work together. I appreciate it, John.

Leslie Wheelock: Mr. Chairman, if I may, we could talk about the next meeting for lack of a topic and what we might want to see happen at that next meeting just to do a tiny bit of brainstorming even though our brains are all kind of dead.

Angela Peter: I have a question. I don't know if it's possible, if it's too much work, but if you can pull out the "what the heck am I supposed to do" things out of there and say, "Angela, you said you're going to do this," you know, that way. I mean those minutes are long. It's not that I don't read them, but you know what I mean? But they're long.

John Lowery: You won't do that. That's long [inaudible].

Angela Peter: No, if you can't, that's fine. That was just a suggestion. In your off-time, John.

Leslie Wheelock: If they're searchable, we've got --

John Lowery: Seriously though, I sat at my desk one day for about 30 minutes and read the entire notes of one of our meetings. So it really is just taking the time. Like I always tell myself, take an hour to get exercise. You just take a few moments to sit down and just read through them things. I mean, honestly, it's not that much once you -- I mean it's all double-



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spaced. Just take a moment and read it. Seriously, it's not as overwhelming as you expect it to be.

Angela Peter: No, I mean I read it.

John Lowery: Yeah, yeah.

Angela Peter: You got all the part things --

John Lowery: No, I don't.

Angela Peter: Never mind.

Val Dolcini: Well, the minutes captured in this transcript that's being recorded, those are the minutes essentially. That probably would be helpful to go back over the last couple of meetings and just see, what are the outstanding items that have either required resolution or things that we have resolved that can be reported in this next document to the secretary?

Mary Thompson: Chairman, Mary Thompson speaking. On a request I guess for the next meeting, what we would like to see, and everything is usually covered, but it's just the follow-ups on what we went through this time. The little list that we've gone through, I've marked it up and have my notes on it and everything. The follow-up on all of the subcommittees, that information if it was noted or in writing or something and as you get them ready, just zip them out to us and keep it fresh in our memories so that whenever I get over there in Oklahoma in





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March, I haven't forgotten what I said or what I meant to say.

Thank you.

John Lowery: Mary, I think one way to help that is to provide me with your notes so I can take it and combine it with everybody else's notes and my own too, and I think that that would help me out a lot as far as getting this. I need help, so I will appreciate anything, any notes you've got.

Mary Thompson: Well, I'll be glad to do that.

John Lowery: Seriously, if there are certain things like for instance, you guys were a tag-team in the conversation subcommittee thing. If there's something there, get it over to me and I can make sure that I put that in there because it just helps me out a lot.

Mary Thompson: I thought I was going to have to go back out there and strike little black marks through all the misspelled words and professional words.

John Lowery: God has gave us spellcheck.

Angela Peter: Not for my name though.

John Lowery: Val, your wonderful people at FSA print these out for us. I just want to thank you and to thank them and Chris. Your guys are the one who came up with the logo. You guys always print out our nametags and you always provide our



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little boards. So I say that on behalf of OTR, thank you guys at the Farm Service Agency for getting that done for us.

Val Dolcini: We won't take credit for the extra [cross-talking].

John Lowery: No, no. But seriously, though, we can put it in there and say, hey, can this be done? And they said, look, give us two days and you come pick it up. That's the government working.

Val Dolcini: Happy to help.

Mary Thompson: At its finest. Thank you, sir.

Mark Wadsworth: If nobody else anything else they want to discuss.

Porter Holder: I have one thing. Porter Holder, Choctaw Nation. We heard from a public speaker yesterday, Tom Harris, about the harvesting of one animal per 100,000 acres. I'd just like to ask the councilmembers and the federal people too. It's important. Let's take a harder look into that and see what -- I can just tell by the compassion that he had for that. That's a serious deal. There's got to be something that we can help that man with, and help the state of Alaska with. I would like to have more information on that to kind of dig more into it. It's kind of hard to do. Yes, ma'am.



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Mary Thompson: I could forward you the emails on the reports.

Porter Holder: Okay. I'd appreciate that.

Mary Thompson: I could forward all you guys that.

Chris Beyerhelm: Yeah, if you would, that would be --

Porter Holder: Something about his body language, his voice, it kind of touched me. I can tell it was near and dear to him. It's just something I'd like for the councilmembers to take under consideration, to give some more thought on, maybe some input at the next meeting or something. Yes, please send me the emails. Thanks.

Mark Wadsworth: And just one side note for Leslie and John's information is that we just happened as we went walking out of here after his speech, I ran straight into Dr. Terry Clark through APHIS and trying to let him know about the predator problem. So if you contacted with Terry, he'd probably work with you.

Angela Peter: I wanted to just thank John, Jeremiah and --

Female Voice: Josiah.

Angela Peter: No. Josiah. I always want to call you Jeremiah. [Cross-talking]

Male Voice: Call me Joseph.



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Angela Peter: And Leslie, you guys do a really hard job here and I appreciate it. That's all.

Mark Wadsworth: Somebody make a motion to adjourn.

Mary Thompson: Well, I think everybody does a hard job and you keep straight and you do your work and you follow up. We need all of you sitting on each little subcommittee because the information that you have to share with us would save us a lot of rehash and everything whenever we'd get over here. I didn't know that all these interns and all these programs and everybody had an internship program or something like it. There's so much that I don't know about what's going on in USDA, and I'm glad you guys are trying to figure it out a little bit as you're collaborating and working together and communicating and empowering. What was that, empowering stuff?

Male Voice: Doing the right thing.

Mary Thompson: People to do the right thing. I like that. I'm learning some new -- I don't know if they're politically correct phrases or not, but I'm learning some new phrases. I thank you all. And I know we got you running all over the place and finding us a place to eat and bringing us the paper and a pen. It's appreciated. Thank you.

Val Dolcini: Well, you know, that's a good reason I think to do at least one meeting a year in Washington and, obviously,



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it's a requirement of the council. But I forget precisely what the agenda was like last September. But maybe day one of the meeting is just presentations by the various USDA and other federal government agencies that have some relevancy here and they don't need to be super long, but I think just to give folks a flavor of what's available out there and force the federal agencies, many of which are our sister agencies in this department but there are others scattered across the government, to be in the same room together, too, hearing the same thing at the same time.

Mary Thompson: In response, I appreciate that. And hopefully, it would be the same individuals that reported to us the first time, but also in that report, I would like to see I guess a followup or a little comparison or the notes that when we started where we were, and to this point what we have accomplished with the programs working together. And yes, I do like that idea, but hopefully not just starting all over from day one when we had all the reports coming to us. Thank you, Val.

Porter Holder: Before I make this final motion, I do want to apologize to my subcommittee members. I have missed I know one meeting. On half of my place, I get one bar signal. On the other half, I get less than that. When I get caught on the back



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with absolutely no way to get back, I'm kind of limited there. I do apologize. Do not think I'm not engaged and not concerned. So forgive me, and I will do my best. On that note, I'll make a motion we adjourn this meeting.

Mary Thompson: Anybody else? I second that motion.

Mark Wadsworth: Moved by Porter Holder to adjourn the meeting then seconded by Mary Thompson. Any discussion, other question? All those in favor, say aye.

All: Aye.

Mark Wadsworth: Any opposed?

Female Voice: To Oklahoma -- [cross-talking]

Mark Wadsworth: The motion passes. Adjourned.

Mary Thompson: The only reason I seconded it so it can be on record that I [cross-talking].

Mark Wadsworth: Thank the recorder. You've done a heck of a good job over there. Thank you.

[End of file]

[End of transcript]