



USDA TRIBAL CONSULTATION & LISTENING SESSION ON EQUITY/BARRIERS
APRIL 2023

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FARMING, RANCHING, AND CONSERVATION

Register for the Consultation: [HERE](#)

2022 Barriers Progress & 2023 Next Steps: The following items were identified as top barriers to Tribal participation in USDA Farming, Ranching, and Conservation programs in previous USDA tribal consultations and listening sessions with Tribal Nations. The USDA agencies are continuing to address these issues.

- 1) **LAND ELIGIBILITY ISSUES: MISALIGNMENT WITH BIA AGRICULTURAL LEASES AND FEDERAL GRAZING PERMITS**
- 2) **INDIAN COUNTRY LIMITED ACCESS TO USDA AGRICULTURAL/LAND FINANCING**
- 3) **IMPLEMENTING SYSTEMS TO ENSURE ACCOUNTABILITY IN PROGRAM AND SERVICE DELIVERY**
- 4) **SUPPORTING TRADITIONAL FOODS/FOOD WAYS**
- 5) **VALUE ADDED/SHARED SUPPLY CHAIN RESOURCES TARGETED FOR INDIAN COUNTRY**
- 6) **CREATING SYSTEMS TO ASSURE INDIGENOUS KNOWLEDGE INFORMS USDA PROGRAM**

1. **LAND ELIGIBILITY ISSUES: MISALIGNMENT WITH BIA AGRICULTURAL LEASES AND FEDERAL GRAZING PERMITS**

What we heard from Tribes in 2022 Consultation: Inconsistent coordination between Bureau of Indian Affairs (BIA) and USDA has resulted in BIA agricultural leases and federal grazing permit dates and deadlines that are inconsistent with, and sometimes contradictory to, USDA's rules and requirements. This lack of alignment causes significant lost opportunities as well as financial losses for some Native producers.

Examples of Progress Made to Date:

- FSA and OTR hired a term-limited **Special Policy Advisor on Tribal Agricultural Lands** focused on working with the Department of Interior (DOI or Interior) to review DOI's agricultural lease regulations to align them with requirements of USDA farming and conservation programs.
- FSA is **reviewing FSA policy handbooks and making administrative changes** to address systematic barriers facing agricultural producers operating on tribal trust lands.
- FSA signed **historical Conservation Reserve Enhancement Program (CREP) agreements** with three Great Plains tribes empowering tribes to be the decision makers FSA and plans to establish more CREP partnerships with Tribal Nations through active outreach and engagement efforts. Increasing CREP partnerships with Tribal Nations will ensure increased protection, conservation, and restoration of native agricultural lands, and USDA is committed to expanding these partnerships.
- The Forest Service/National Grasslands have clarified that **tribal trust lands are eligible as "base property" for a grazing permit.**

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Tribal Input Needed:

- **Forest Service/Grasslands Grazing permits.** Over the years tribal producers have identified challenges with accessing National Grasslands/Forest Service grazing permits. The barrier of using trust lands as base property has been addressed. What other barriers and impediments make it challenging for Tribal producers to obtain National Grasslands/Forest Service grazing leases?
- **Interior/Agricultural Solutions** –What is the biggest barrier between how the Bureau of Indian Affairs regulates agriculture leases and the eligibility requirements of USDA’s farm and conservation programs? What would Tribes and Producers consider success as the Bureau of Indian Affairs and USDA implement their MOU on tribal agricultural lands?

2. INDIAN COUNTRY LIMITED ACCESS TO USDA AGRICULTURAL/LAND FINANCING

What we heard from Tribes in 2022 Consultation: USDA policies on 1) eligibility of trust lands and land “ownership” rules, 2) eligibility of tribal governments and their arms and instrumentalities, 3) recognition of credit access issues, and 4) unfavorable tribal buy-back terms makes the acquisition of capital for agriculture land access and operations challenging. Tribes requested that USDA adapt more climate-smart agricultural production practices.

Examples of Progress Made to Date:

- **Improved Procedures and Forthcoming Regulations.** FSA is finalizing changes to its policy handbooks and streamlining the direct loan application to better align with existing statutory guidance on the actual needs of farm loan borrowers. Additionally, USDA is implementing IRA Section 22006 to provide expedited assistance for at-risk agriculture operations through financial relief for distressed and guaranteed loan borrowers. These measures are anticipated to provide greater flexibility for recognizing local credit access opportunities in relation to what FSA administers and support producers in accumulating an active working capital reserve. These measures include:
 - *Updating FSA procedures to ensure both loan officers and borrowers have the opportunity to compare FSA’s terms with those offered by commercial banks.*
 - *In cases where banks offer terms that don’t meet the borrowers’ actual needs, updating FSA procedures to ensure that they can access credit through FSA when otherwise eligible.*
 - *Addressing FSA procedures to offer terms that assist borrowers in the accumulation of working capital reserves.*
 - *Directing FSA staff to use their discretion to better benefit the borrowers they serve.*
- **Partnerships for Climate-Smart Commodities.** Over 20 tribes and tribal groups were selected by USDA for projects under the Partnerships for Climate-Smart Commodities program. These projects provide technical and financial assistance to producers in implementing climate-smart production practices, pilot new innovations, and support the development of markets for climate-smart agricultural products.

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Tribal Input Needed:

- **Defining “Control” of Land to Provide for Agriculture Financing and USDA Programming.** Eligibility requirements between USDA, BIA, Tribal Nations, and commercial agricultural lenders do not often align on definitions and requirements on land, livestock, feed, seed, and financing for operations. “Ownership” and farm structures can be unique in Indian Country. How can FSA better recognize or define “control over the land” for producers seeking USDA programs, including FSA financing, when agriculture leases on tribal lands are not clear or otherwise not available?

3. CREATING SYSTEMS TO ENSURE ACCOUNTABILITY IN SERVICE AND PROGRAM DELIVERY AND INFORMING INDIGENOUS KNOWLEDGE IN USDA PROGRAMS

What we heard from Tribes in 2022 Consultation: FPAC staff is not sufficiently trained in providing service to tribal nations and citizens resulting in disparate treatment of tribal producers. Tribal leaders recommended policy changes and accountability, which include more consistent policies across state and agency lines.

Examples of Progress Made to Date:

- **Staff Training** - A national directive was released outlining **FSA’s Responsibility with Federal Recognized Tribes and American Indian/Alaska Natives** requires nationwide training for all permanent and temporary FSA employees, state and county committee members on tribal sovereignty, tribal consultation, the federal trust responsibility, and relationship with federally recognized tribes. Other USDA agency staff training is also ongoing.
- **Recognizing Tribal Views and Knowledge in Conservation Policy.** New NRCS General Manual policies, systems for ensuring indigenous knowledge informs NRCS practices are being developed to strengthen and provide accountability, uniformity in service delivery, tribal consultation, and collaboration. NRCS is further implementing a new Tribal Hiring Strategy to better recruit and retain people with an understanding of Indian Country in tribal-facing positions.
 - New systems were implemented to assure **indigenous knowledge informs NRCS practices and programs.** Systems facilitate the creation of new interim conservation practice standards, Environmental Quality Incentives Program (EQIP) scenarios and Conservation Stewardship Program (CSP) enhancements based on indigenous knowledge to make NRCS programs more meaningful to Tribal Nations and tribal producers.
 - NRCS stood up the **Indigenous Practices Team** and is working with Tribal Nations and state NRCS staff to develop demonstrations with the intent of creating a new conservation practice based on the indigenous underground growing **Walapini concept** from west central South America. NRCS developed a Conservation Innovation Grant focus area prioritizing project proposals that are based on indigenous knowledge.
 - NRCS State Tribal Liaisons were brought into the **payment schedule decision making process** with the goal of:

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- *Developing indigenous conservation solutions into EQIP scenarios or CSP enhancements.*
- *Improving incentives for Tribal EQIP projects.*
- *Developing better protocols for determining when Alternative Funding Arrangements (AFAs) are advantageous to Tribal Nations.*
- Development of the **Indigenous Stewardship Method Conservation Evaluation and Monitoring Activity** incentive under the EQIP program.
- Development and approval of **NRCS Tribal Hiring Strategy** to improve NRCS conservation and technical and financial assistance to Tribal Nations and tribal producers.
- **Alternative Funding Arrangements to empower tribes and better fund tribal conservation:** In 2022, the alternative funding arrangements policy was published, allowing for greater tribal self-governance, and overcoming EQIP and CSP reimbursement difficulties for federally recognized Tribal Nations. AFA training was provided to tribal staff at the Intertribal Agriculture Council annual conference. The first AFA programmatic agreements were signed by the leadership of two Federally Recognized Tribal Nations and the Montana State Conservationist for USDA's Natural Resources Conservation Service.
- **Expanding Access to Crop Insurance.** RMA launched a [new pilot program](#), providing roughly \$1.9 million in funding to the IAC to train, credential, and establish a pipeline of crop insurance agents and adjusters within Tribal and other underserved agricultural communities. RMA also spearheaded a [new service](#) that assists entities serving underserved agricultural producers and communities with completing applications for funding opportunities.

Tribal Input Needed:

- **NRCS Inflation Reduction Act Conservation Funding.** The Inflation Reduction Act provided a significant amount of funding to plus-up conservation programs. NRCS wants to assess the allocation of staffing and programmatic funding resources to assure Tribal Nation and tribal producers have adequate access to Inflation Reduction Act resources to meet their conservation goals.
 - What actions should the Natural Resources Conservation Service take to identify Tribal conservation priorities?

4. SUPPORTING TRADITIONAL FOODS/FOOD WAYS

What we heard from Tribes in 2021-2022 Consultation: Indigenous foods and indigenous foods ways (indigenous permaculture, subsistence hunting and fishing, wild food gathering and propagation) are not incorporated well into FPAC programs including conservation, loans, risk management, and disaster programs.

Examples of Progress Made to Date:

- **Recognizing traditional animals in disaster assistance programs** - FSA updated Emergency Assistance for Livestock, Honeybees, and Farm-raised Fish (ELAP), the

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Livestock Forage Disaster Program (LFP), and the Livestock Indemnity Program (LIP) to ensure coverage of livestock losses including horses maintained on eligible grazing land. Many family farms and ranches use their forage to raise horses to augment their other agriculture endeavors.

- **Inclusion of Bison/Buffalo into FPAC programs** – FPAC is committed to supporting efforts to restore buffalo to the land helping to preserve Indigenous foodways for future generations. In 2023, NRCS developed better Bison Management incentives in EQIP. In 2022 FSA added *Mycoplasma bovis* as an eligible cause of loss for LIP. FPAC worked with OTR to finalize the [producer handbook created in partnership with Intertribal Buffalo Council \(ITBC\)](#) to inform interested tribal communities and Native cattle producers about the process, costs, and factors involved in transitioning to bison production.
- **Tribes have requested Federal crop insurance for wild rice.** RMA has identified unique tribal management practices that require further research. RMA is contracting for the development of a pilot crop insurance policy for wild rice, expected to be awarded April 2023.
- **RMA’s [Whole Farm Revenue Protection \(WFRP\)](#) and [Micro Farm](#) policies** are available to address situations where tribal food products need coverage but would not fall under long-standing Federal insurance policies. Recently, changes were implemented under the WFRP program to accommodate the record-keeping system of tribal communities and encourage participation.
- Other insurance policies such as **Livestock Risk Protection (LRP) and Pasture, Rangeland, Forage (PRF)** were created or recently expanded, and participation continues to increase, as both products most closely meet the needs of Native American producers.
- Forest Service is working on a comprehensive effort between the Ottawa National Forest, Chequamegon-Nicolet National Forest, and the Lac Vieux Desert (LVD) Band of Lake Superior Chippewa Indians to address **lake water quality, habitat, access, food sovereignty, and preservation of tribal culture** on LVD across state lines. LVD will be involved in the bridge design to ensure their TEK is incorporated.
- **NRCS actions include:** \$7.5 million in Equity in Conservation Outreach funding, improved EQIP small scale agriculture conservation incentives, removal of barriers to fish passage, Indigenous Practices Team, and NRCS Tribal Liaison involvement on EQIP payment schedule decision making.

Tribal Input Needed:

- **Traditional Foods into FPAC programs.** FPAC agencies are teaming up to improve inclusion of traditional foods into conservation, crop insurance, and disaster programs. One of the consistent issues we hear is need for more information on how to show cash flow for your indigenous food initiatives for consideration in USDA financing.
 - What are the traditional food, harvesting, or farming priorities in your communities?
 - How can USDA better recognize and elevate your food sovereignty efforts as eligible projects?
- **Tribal Web Portal.** USDA is finalizing and preparing to launch a public tribal-focused web portal with emphasis on: *Navigating USDA, Equity, Food Sovereignty, Tribal Partnerships, Healing the Land, Ag Risk & Disaster Recovery, and Indigenous Representation.* Provide

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any topics and recommendations on how USDA can improve communications with Tribal Nations and tribal producers to tribal.fpac@usda.gov.

5. VALUE ADDED/SHARED SUPPLY CHAIN RESOURCES TARGETED FOR INDIAN COUNTRY

What we heard from Tribes in 2022 Consultation: Expanding opportunities for marketing and value-added crops is important to tribal economies, including education and training. Providing support for infrastructure development for meat processing, value added crops, food aggregates and farmers markets can expand marketing opportunities and enhance the income produced within the tribal boundaries. Specific support is needed to assist with getting buffalo to market at a price point that is affordable to support buffalo returning to the regular diet.

Examples of Progress Made:

- **Meat and Poultry Technical Assistance Agreements (MPPTA)** - AMS has provided an additional \$15 million to expand and extend the current technical assistance network. Funding will be used to renegotiate and extend some of the six current MPPTA agreements and support an additional technical assistance provider to the current network with a focus on expanding technical assistance for poultry processing. Updates:
 - **Intertribal Agriculture Council (IAC)**
 - Upcoming Technical Assistance: “Meat to Market” Webinar Series - launched in December 2022, in partnership with Southwest Grassfed Livestock Alliance (SWGLA) covers a variety of information for meat supply chain business development and management.
 - Link to Series: <https://www.youtube.com/@intertribalag>
 - **Flower Hill Institute (FHI):**
 - Established a partnership with Leather and Hide Council of America FHI to address the underutilization of coproducts which and highlight their value.
 - Link to background information: https://www.aamp.com/blog_home.asp?display=87
- **Partnerships to Reduce Barriers in Grant Programs** – AMS continues its partnership with Florida A&M University and University of Maryland Eastern Shore to evaluate barriers to AMS grant opportunities for socially disadvantaged communities. Project cooperators presented at the 2022 National Agricultural Marketing Summit in October. Six new co-leaders have been onboarded to the project and 23 new focus groups have been held. Data transcription and coding is underway.
 - Project Website: <https://www.wcp.umes.edu/extension/ams-grants-evaluation-bipoc/>

Tribal Input Needed:

- How can USDA better partner with tribes and tribal organizations to develop education, training, and infrastructure resources to increase capacity to leverage: 1) meat processing, 2) value added products 3) food aggregators and farmers markets to expand marketing opportunities and enhance the income produced within the tribal boundaries?