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U.S. DEPARTMENT OF AGRICULTURE (USDA)
Council for Native American Farming and Ranching
(CNAFR)

1400 JEFFERSON DRIVE, SW
WASHINGTON, DC 20250
WHITTEN BUILDING
WILLIAMSBURG ROOM, 104-A

WEDNESDAY, JUNE 20, 2018

1 EXECUTIVE SUMMARY

2 CONTENTS:

3 Call to Order and Roll Call: Mark Wadsworth

4 Blessing: Roselyn Yazzie

5 Welcome and Review of Agenda/Meeting Materials:

6 Abby Cruz

7 FSA: Farm Loan Program Statistics and Update on

8 Outstanding Recs

9 NRCS: Tribal Weather Station Network

10 Farm Bill Overview: Robyn Whitney

11 Farm Bill Consultation Update: Linda Cronin

12 Keepseagle Updates from Lead Counsel: Christine

13 Webber

14 Next Steps for the Council: Diane Cullo

15 Working Session and Recommendation Discussion:

16 Mark Wadsworth

17 Public Comment Period: Mark Wadsworth

18 Adjourn

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1 EXECUTIVE SUMMARY

2 The Council for Native American Farming and
3 Ranching (CNAFR) held its final meeting on
4 Wednesday, June 20, 2018 at the U.S. Department
5 of Agriculture's Whitten Building located at 1400
6 Jefferson Dr. SW, Washington, DC 20250 –
7 Williamsburg Room - 1st floor - 104-A. The
8 Council is a Federal Advisory Committee of the
9 U.S. Department of Agriculture. Notice of the
10 meeting was provided in accordance with section
11 10(a)(2) of the Federal Advisory Committee Act
12 (FACA), as amended. The focus of the meeting
13 consisted of, but was not limited to, hearing
14 public comments, discussions with USDA agencies,
15 and recommendation discussions. This meeting was
16 open to the public. There was a two-hour period
17 of time from 4:00 to 6:00 p.m. for public
18 comments.

19 BACKGROUND

20 In accordance with the provisions of the
21 Federal Advisory Committee Act (FACA), as amended
22 (5 U.S.C. App. 2), USDA established an advisory
23 council for Native American farmers and ranchers.

1 The CNAFR is a discretionary advisory committee
2 established under the authority of the Secretary
3 of Agriculture, in furtherance of the Keepseagle
4 v. Perdue settlement agreement that was granted
5 final approval by the District Court for the
6 District of Columbia on April 28, 2011.

7 The CNAFR operates under the provisions of
8 the FACA and provides recommendations to the
9 Secretary of Agriculture. The purpose of the
10 CNAFR is (1) to advise the Secretary of
11 Agriculture on issues related to the
12 participation of Native American farmers and
13 ranchers in USDA programs; (2) to transmit
14 recommendations concerning any changes to USDA
15 regulations or internal guidance or other
16 measures that would eliminate barriers to program
17 participation for Native American farmers and
18 ranchers; (3) to examine methods of maximizing
19 the number of new farming and ranching
20 opportunities created by USDA programs through
21 enhanced extension and financial literacy
22 services; (4) to examine methods of encouraging
23 intergovernmental cooperation to mitigate the

1 effects of land tenure and probate issues on the
2 delivery of USDA programs; (5) to evaluate other
3 methods of creating new farming or ranching
4 opportunities for Native American producers; and
5 (6) to address other related issues as deemed
6 appropriate. The CNAFR members were selected by
7 the Secretary of Agriculture and represent a
8 broad spectrum of persons interested in providing
9 solutions to the challenges of the Native
10 American communities.

11 The meeting was called to order by Mark
12 Wadsworth, Chairman. The roll call was taken.
13 Chairman Wadsworth then called upon Roselyn
14 Yazzie to give the Blessing.

15 WELCOME AND REVIEW OF AGENDA/MEETING

16 MATERIALS: ABBY CRUZ

17 The first item on the agenda was a welcome
18 and review of agenda/meeting materials by Abby
19 Cruz, Senior Policy Advisor at the Office of
20 Tribal Relations (OTR). She directed everyone's
21 attention to the contents of a folder including
22 the agenda, a contact sheet with e-mail
23 addresses, a full list of Council members, a

1 travel procedures document, a 56-item list of
2 recommendations, and the CNAFR Charter. Also
3 included was the Tribal Youth Resource Guide
4 (available on the OTR website).

5 A brief discussion was held about issues with
6 connectivity and Wi-Fi in Indian country. Remote
7 rural locations have difficulty getting Wi-Fi and
8 that affects their ability to participate in
9 votes conducted by e-mail. Additionally, these
10 connectivity issues impact economic development,
11 information sharing, etc.

12 The Council discussed that this might be the
13 last meeting depending on what the Secretary
14 wants to do in the future. The CNAFR was set up
15 mainly as a result of the Keepseagle settlement,
16 to give direct recommendations to the Secretary
17 as a part of the court judgment on hurdles or
18 situations that could be improved to stop
19 discriminatory practices.

20 Farm Service Agency (FSA): FARM LOAN PROGRAM
21 STATISTICS AND UPDATES: Bill Cobb

22 Bill Cobb introduced Richard Fordyce, the new
23 Administrator of FSA. They gave updates on the

1 Farm and Loan Program statistics. The diverse
2 nature of many different farms and ranches and
3 the conditions present in very different
4 geographical locations poses challenges to cover
5 those underserved populations with the specific
6 issues they have. Communication is difficult.
7 Sherry Crutcher talked about the difficulties
8 with the new Farm Bill and disaster programs and
9 the loopholes that render it useless for farms
10 and ranches that do not meet certain
11 qualifications to receive aid. The types of
12 weather that affect one region are not present in
13 others. Jerry McPeak spoke about the efforts
14 some tribes are making to share the work on
15 providing connectivity in rural areas.

16 Tawney Brunsch spoke about Native Community
17 Development Financial Institutions (CDFIs) and
18 financial institutions that service the Native
19 American community. They dispersed about 11
20 million dollars in loans recently. They have had
21 some success being an intermediary with other
22 lenders to establish relationships with the
23 Native American participants. She called upon

1 FSA to perhaps help them in that effort.

2 The summary of the FSA report indicated that
3 in 2017 they had the highest amount of loans yet
4 at a little over a billion dollars. However, the
5 beginning farmer loans were down about 1% from
6 2016. He talked about microloans, having made
7 about 6700 of them in 2017. In the same period
8 they had 271 youth loans for Native Americans
9 totaling under \$563,000. They did not use all of
10 the funds in 2017. In 2018 so far they have
11 obligated about 4.1 billion dollars. The number
12 of delinquent loans is down and they encouraged
13 people to let them know early if they anticipate
14 that they will have trouble repaying the loan and
15 are financially distressed, rather than waiting
16 for it to become a problem, as they have
17 servicing tools to address that. To help
18 customers keep track of their loan status they
19 are working on a full service online website at
20 farmers.gov.

21 Ms. Brunsch offered her help with CDFIs for
22 rural development, as they have experience with
23 those packages, and Bill Cobb said that they

1 would be interested in that.

2 Angela Peter from Alaska added that they have
3 a good relationship with the Farm Service Agency
4 and they are working on identifying areas with
5 economic development opportunities, noting that
6 in Alaska the Alaska Natives working with the
7 land do not call themselves farmers and ranchers
8 so the semantics sometimes cause seeming
9 disqualifications.

10 NRCS: TRIBAL WEATHER STATION NETWORK

11 Jimmy Bramblett talked about the weather
12 stations that are being installed to cover more
13 area for more accurate weather forecasting which
14 affects the farmers and ranchers.

15 FARM BILL OVERVIEW: ROBYN WHITNEY

16 Robyn Whitney with the USDA Office of
17 Congressional Relations talked about the history
18 of the Farm Bill and what they are today. The
19 Secretary of Agriculture and the U.S. Department
20 of Agriculture are engaged in listening processes
21 with producers. There is widespread
22 communication to receive feedback on the Farm
23 Bill with Congress and regional officials

1 involved. And while USDA does not participate in
2 the drafting or writing process of the Farm Bill,
3 it does answer technical questions that arise and
4 serves as the implementer of the legislation
5 after it passes. Erin Parker noted that the
6 House version of the Farm Bill is different than
7 the Senate version. To her, the Senate version
8 has more provisions that fit with what the
9 Council has been working toward and its 12 titles
10 would offer opportunities for Indian Country with
11 provisions for commodities, conservation, trade,
12 nutrition, and rural development.

13 FARM BILL CONSULTATION UPDATE

14 A Farm Bill consultation update was provided
15 by Linda Cronin. This included a report out of
16 the New Mexico Farm Bill consultation on May 14-
17 15, 2018 at the Institute of American Indian Arts
18 (IAIA) located in Santa Fe, New Mexico. This
19 occasion represented the first time in 10 years
20 that the Secretary met with tribal leaders in a
21 consultation setting. Topics of discussion
22 included all 12 titles of the Farm Bill. Also,
23 recently at the National Food Distribution

1 Program on Indian Reservations, there was another
2 workgroup consultation meeting where feedback
3 specific to that and some other food and
4 nutrition service programs were discussed and
5 that has been a standing work group that has been
6 meeting two to four times a year, and that work
7 is continuing. There was also a listening
8 session on broadband at the recent National
9 Congress of American Indians (NCAI) meeting and
10 those conversations are continuing.

11 Additionally, USDA's Office of Tribal Relations
12 has a cooperative agreement with Intertribal
13 Agriculture Council.

14 KEEPSEAGLE UPDATE

15 Christine Webber, Lead Counsel, gave a
16 Keepseagle update and detailed how the payments
17 and credits were being made on the claims. There
18 was a modification to the settlement agreement
19 that took a considerable amount of time to
20 resolve, but it was approved by the district
21 court in April of 2016 and following appeals was
22 resolved by March this year when the Supreme
23 Court declined to hear the appeal. So, pursuant

1 to that modification of the settlement agreement,
2 supplemental award checks were mailed out on May
3 21, 2018 to almost 3600 individuals who were
4 prevailing claimants during the claims phase of
5 Keepseagle. And those checks were \$18,500 direct
6 to the claimant and \$2,775 being paid to the
7 Internal Revenue Service (IRS) to offset taxes
8 that would be due on those settlement awards.
9 So, a considerable amount of money has now gone
10 out and all but about 560 checks have been cashed
11 as of the end of last week, so most of that money
12 has been processed and those are the final award
13 payments that are going out to the claimants.

14 Another portion of the remaining settlement
15 funds was designated under what was referred to
16 as the Fast Track Funds. These are a total of 38
17 million dollars that the class council was
18 directed to submit recommendations to the
19 district court for distribution to nonprofit
20 organizations that had a track record of
21 supporting Native Americans in agriculture. The
22 original idea was these recommendations were
23 actually due and were submitted to the court six

1 months after the district court approved the
2 modification to the settlement agreement, but
3 because of the appeal nothing happened after the
4 recommendations were submitted and after the
5 appeal resolved the court unsealed the
6 recommendations. The USDA, or Department of
7 Justice on behalf of the USDA, submitted some
8 comments and we responded to that on May 11,
9 2018, so that has now been fully addressed in the
10 district court which is awaiting on the district
11 judge to rule on the distribution of that 38
12 million. There was a report out on the process
13 they used in formulating these recommendations,
14 which included 180 days to create an entire grant
15 process. Regarding the projects chosen, they are
16 now pending before a district judge and we hope
17 that in the next few weeks we will hear from them
18 and get ruled on this judgement and promptly get
19 that money distributed so that it can actually
20 start having an impact in Indian Country which
21 is, of course, the goal all along. That will
22 leave approximately \$265,000,000 remaining in the
23 settlement fund that is designated for the Native

1 American Agriculture Fund and that is a trust
2 from which the court actually, back in 2016,
3 approved the appointment of 14 trustees and an
4 Executive Director, Janie Hipp, and the trust is
5 going to be holding its first meeting in July
6 2018. They have a lot of work to do to get
7 organized and stand up an organization from
8 scratch and figuring out their annual budget,
9 staffing and so on, and, of course, developing a
10 grant process. So, in conclusion, this brings 19
11 years of litigation to a close and we are looking
12 forward to seeing the final fruits of the
13 Keepseagle settlement being harvested this fall.

14 NEXT STEPS REGARDING THE COUNCIL

15 Diane Cullo led the discussion on next steps
16 for the Council and what form a new Council or
17 Committee might take. She expressed that this
18 Secretary of Agriculture is committed to
19 improving communications and working with Indian
20 Country, not because we have to, but because it
21 is the right thing to do. She confirmed that the
22 Secretary wants to continue this Council in some
23 form. Two options are being run parallel. The

1 Senate is trying to include it in the Farm Bill
2 proposal and it would be a new iteration of the
3 CNAFR. And regardless if that gets passed, USDA
4 is working internally to develop a Native
5 American agricultural advisory committee. So,
6 whether it happens through the Farm Bill or USDA
7 does it internally, rest assured that the CNAFR's
8 commitment and dedication and work has been
9 noticed and the USDA, under Secretary Perdue's
10 leadership, will continue the partnership moving
11 forward. The Council members agreed that they
12 would like to help orient a new group and provide
13 them with the details of previous work that has
14 been done. Some also would consider being on the
15 new committee if asked.

16 RECOMMENDATION DISCUSSION:

17 Mark Wadsworth. Following are four
18 recommendations that the Council is making:

19 RECOMMENDATIONS

20 Recommendation: The Council recommends that
21 the Secretary support the current language in the
22 Senate version of the Farm Bill regarding the
23 USDA Tribal Advisory Committee. However, the

1 Council recommends four-year staggered terms,
2 open to reappointment. The Council also
3 recommends that, regarding the seven positions
4 chosen by the Secretary, that the process of
5 selection be similar to that of the Council for
6 Native American Farming and Ranching. The
7 Council prefers the statutory option; however, if
8 that were not to occur, the Council fully
9 supports the creation of a new Native American
10 advisory FACA committee.

11 Recommendation: The Council recommends that
12 the National Forest Service add an applicant-
13 designated race or tribal affiliation tag to its
14 grazing permit collection criteria.

15 Recommendation: The Council recommends that
16 the full list of CNAFR recommendations be
17 presented to the new USDA Native American
18 advisory committee. Previous Council member(s),
19 as well as the Office of Tribal Relations, can be
20 available to provide background and context
21 regarding these recommendations.

22 Mr. Wadsworth called for a vote of the
23 recommendations and the motions were passed.

1 The public comment period opened and was
2 ended.

3 Members of the Council expressed their thanks
4 and recognized others as being very helpful in
5 the work that has been accomplished and are open
6 to contact in the future to continue to work on
7 issues.

8 The meeting was adjourned by Mark Wadsworth.
9 (Whereupon the above-entitled matter was
10 concluded).