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Department of
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[Due to Technical Difficulties, the transcript for this two day meeting is incomplete.]

Council for Native American Farming and Ranching
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Mary Thompson: And any step forward even if it's a half a step on any of these issues is the right direction because if we didn't be going forward, then goodness, we're going backwards. And we don't have enough resources in our FRTEP programs the way it is. I think this is a good progress report and we know what we need to do to keep it going forward. So as board members, I would ask all of us to please get a hold of our representatives and support these things. Thank you.

Mark Wadsworth: And as we're going through these recommendations, you pretty much realized that this subject matter would fall under the youth and education committee, for follow-up in the future. Yes, Jerry.

Jerry McPeak: We've discussed this also before. This is Jerry McPeak from Creek Nation, Oklahoma. We've discussed this before. We already are making things happen as much more complex and saying, talking about making those things happen. Meaning people accepting responsibility for their own plight is also important. For those of us who can afford to pay for some of that education and for some of us, we are doing that. I

didn't know we had a FRTEP person until you all told me in Oklahoma City we had one. I can't imagine it. I just haven't met that lady, by the way. Not yet. We live near there. Also, health and mental are the other two people that are supposed to be in. I see, I've never seen them at anything besides the meeting in all these years, even now.

I don't know how you say that but -- I don't know how you do that with the tribe but there are those of us who can afford to pay for the education of our youth and we should step up and do that. We should also be responsible for educating our youth in agriculture. We shouldn't expect someone else to give us the education in agriculture necessarily if we can afford to help ourselves. Many of our tribes can afford to help themselves. For we prioritize our thing. We can talk about that we think the youth is important but we're putting money into other things that we obviously must think is more important.

And again, I feel quite comfortable talking about this because I come from Oklahoma - a state who says that children are important but we have decreased funding for education more than any other state in the United States. I'm not saying that because I'm proud of it because obviously I'm not. But at the same time that seemed wrong. I'm saying that I can talk about some things because I'm old. I'm a veteran. I've got a house full of guns. I go to church pretty regular so I can pick on

religion. I can pick on the veterans. I can pick on old folks. I can pick on any because I am one. There got to be some openness to say some things but we are some of those tribes who can do it need to step up and take responsibility to raise our own children. If we're going to expect white folks to raise our children, then we shouldn't expect them to have to raise them the way we wanted to. That's a little bit harsh, perhaps, sounding. I really strongly believe that because some of us have gotten strong enough.

The most progressive tribe, I think, in Oklahoma is seeking right now to find a way. Every business they set up, they set it up with the idea that business will succeed without any exterior help. It will succeed just like anyone else who'll start a business. That's progressive. I think it's also very realistic like I said.

So I hope as we look at this and we talk about grants and we talk about things and we talk about getting help through this that we also look inside ourselves and see what our own tribes can do and step up and do that. I recognize this as well. I can't afford it. Well, it's kind of like in Oklahoma when I have teachers tell me that they don't get paid enough while driving around new cars. Everything I have gotten has 50,000 miles on it. I can afford a car. I'm just likely not to buy the car. What are you going to like to do? What are the tribes

going to like to do? Are our children really that important or not?

Mark Wadsworth: Thank you, Jerry. We are scheduled for a break but Derrick, you're leaving. You've got to be out there by 10:55, is that what it -- ?

Derrick Lente: I got to be there by 10:45.

Mark Wadsworth: 10:45. So I'm going to just open it up to you, Derrick, if there's something you really want to voice before you take off.

Derrick Lente: Absolutely. Thank you, Mr. Chairman and I thank all of you and I thank your tribe for the hospitality and the time here at this go-around. For my fellow council members and for the staff of the federal agencies that have been here, if this is in fact our last meeting and we don't get selected again, I fully intend to reapply. But nonetheless, I wanted to make a proper closing at the same time to let you all know it's been much of my pleasure and privilege to be a part of this council. I joined not knowing really what I was signing up for. Just knowing that I come from an ag family and that ag is very much important to our history and to our future of not just my pueblo, not just New Mexico but for Native America.

That being said, I'm very big on ag. I want to make sure that we leave ag for our future generations, which is why yesterday I fully supported Mr. McPeak's motion to create that

subcommittee in the hopes that we're doing what we can do now. It seems like we may not be making a whole lot of headwind in some instances, but in some instances we are. But the work that we are all doing now is simply setting the stage for my daughter, your kids, your grandkids and for the future so that they might be able to inherit what we have been able to have as Native people ourselves.

I've brought it up in the past that our role is changing. I'll tell you, what is that? Houses grow faster than our [indiscernible] where I come from. Houses grow faster than [indiscernible] where I come from. I say that because it's happening not on tribal nations, not on tribal land but on the outside. And so I said it before and I'll say it again is that in the next 10, 20, or 50 years, tribes are going to be the only people farming in our areas. Believe me. I see it. I see it all the time. If someone's going to inherit some land, but I don't want to work it anymore. It's too hard. For what? They could become an instant overnight millionaire if they sell that property with a lot of rights where I come from, with the property rights where I come from.

So that being said, let's do what we can to protect what we have. If that means that we rely on whatever assistance that the federal government can give us, then let's do that now. Let's make it work for our own good. If that means that as

tribal nations, we have to invest our own monies to make what little ag we have for our respective nations, then let's make that investment. Because at the end of the day, all we're doing is sustaining ourselves and making ourselves live for what our ancestors died for.

That being said, I, again, really appreciate the time and the energy that all of you have put into this council, the staff and the members, for leaving your loved ones at home, your work at home so that you can help voice the concerns of Native America. And that being said, Mr. Chairman, I appreciate the time and I bid you all farewell. Hopefully I'll see you again sometime down the road. Thank you, sir.

Mark Wadsworth: Would everybody like to break for 10 to 15 minutes?

Leslie Wheelock: I just want to make sure everybody got their USDA coffee mugs. Those are from me and I just want to thank you all. I know that we'll be talking about all kinds of different things to do but I figured that everybody drinks coffee or something that they can put in that mug. So thank you. Thank you. Thank you very much.

Sarah Vogel: Can they be mailed out too?

Leslie Wheelock: Sarah, we've got one for you.

[Background conversations] Sarah, did you hear we're breaking for 15 minutes?

Sarah Vogel: Leslie?

Leslie Wheelock: Yes, ma'am?

Sarah Vogel: I'll call you in 15 minutes then.

Leslie Wheelock: Okay. Thank you.

Sarah Vogel: Thank you.

[Break 0:09:47 - 0:33:04]

Mark Wadsworth: Okay. If we could get situated again here, we'll be having a conference call.

Female Voice: There are two participants on the call including you. You are joining your conference as a host. For a menu of available commands, press star/pound.

Mark Wadsworth: I guess we're ready to go here, Joanne. Introduce yourself and if you're ready to go over your -- we do have the papers I guess that you gave to Josiah and it's sitting in front of us, starting with the overall package from USDA Ombudsperson, July 2016.

Leslie Wheelock: I don't know if she's on, Mark. Is she on?

Mark Wadsworth: It said two people were on there.

Leslie Wheelock: Yeah, but we're one of them. That's Sarah on there.

Mark Wadsworth: Okay. [Background conversation] I have to back up from that previous statement. I misheard. That session will be Sarah at 1:35 or what? Joanne will be up.

Joanne? Okay. We have the NRCS presentation. Okay. We just need you to talk in the microphone there.

Tony Kramer: Can we? It's so impersonal. I don't like standing behind the podium of that. First of all, I just want to thank you -- I thank Jason I guess, for asking me to attend because just the morning session that I've been attending here has been very educational for me. I've been with the agency for a minimum of 34 years. I started in the field. My father was a technician in my home county for 40 years so I've grown up with NRCS in providing good, technical assistance and financial resources to farms and ranchers across the country. It's something I take very seriously. I understand the issues that we have in the tribes and the tribal lands. I think we've made some headway but I think there's a lot more work we can do. And I guarantee you. This is also Jason Weller's sentiment as well. Just kind of as an opening, I just wanted to make sure that you are well aware that we are aware of the issues and concerns. We want to continue to hear and have much more dialogue and definitely, we want to hear when we have issues or concerns and we try to work together to work through those.

Before I get into that, I did hear some specific things you guys wanted to know about EQIP, some of the funding levels, and I do have some information on that. I did want to share a few things that our folks also -- as deputy chief of programs, I

have all the mandatory Farm Bill programs - so the Environmental Quality Incentives Program, the Agricultural Conservation Easements, the Stewardship Program. We also have our conservation planning and technical service providers. They're also in the area that I oversee. But also we have a programmatic outreach. Ron Harris is our division director. At least some of you may have heard of Barry Hamilton, who is our tribal liaison.

And so that staff is really just been up and going for about the last year, a year and a half. There's a lot more we can do and a lot more we want to do. So please do not hesitate to make your issues or concerns or questions. Mail them to us and I guarantee that we'll address them accordingly.

On that note, just here in the past year, the NRCS, I believe mostly through the outreach division there, has made available over a million dollars to six different tribal partners to assist with the outreach to tribes and producers and tribal youth, particularly getting them started and up on agriculture and getting them in as new beginning farmers, and providing some of the background and some of the education that are necessary. I don't have which of those partners are but on any of these issues if you guys want more information, I can get Barry then to do a little write up to give you guys the specifics - who these agreements are with and what are some of

the activities that they're doing. But the premise of that is to get some of the youth into agriculture. We're mostly focusing on the tribal youth.

Another area which I think is very important is in our technical service providers. We're working with the tribal colleges and universities in some of the tribal conservation districts to get education programs for tribal members to become technical service providers, to provide that assistance of NRCS that we utilize that quite often now. We have like over a thousand TSPs registered, the folks that will come out and do the immediate planning and do some of the activities that NRCS would normally do. We do not have a capacity of tribal members in that area so we're focusing on getting some of the tribal universities and some of the other folks to have it. We're providing funds and resources so they could put on orientations and put on training sessions to get these folks up to that level where they could become certified. So I think that's another definite positive. Now, on to --

Mark Wadsworth: Before you get all set. So if that certification, the TSP for tribal college didn't -- what type of background or requirements do they have to have to --?

Tony Kramer: There is an educational requirement for some of the activities but it varies. Like for example, if you are want to do engineering, the practice is you have to be a

licensed engineer. So obviously, you've had to go through those practices. But if you just want to be certified to do conservation planning, you don't have to have a college degree. But there may be some training or some other educational requirement that goes along with that. And that's what this is designed to do is try to maybe provide some of that so they can get over that hurdle. They can become then a certified technical service provider. Because as a TSP, you get to choose what kind of things you want to work on. You don't have to be an engineer. You don't have to do the engineering. You could do ergonomic practices. You could do nutrient management planning, the CNMPs for the livestock waste, any of those things. You could do forestry, which is really big mostly at the East. We have a lot of TSPs that are foresters or do some forestry plans and things of that nature because we just don't have the expertise or the capacity anymore to do some of those things. Some do have an educational requirement but it's not necessarily formal education. Any other questions on those?

Mary Thompson: On the DSP?

Mark Wadsworth: Yes, Mary Thompson?

Mary Thompson: Thank you. I think my concern or my question is would tribal colleges or -- it's not an issue or concern or anything like that, it's just that we have a land-grant college in the state of North Carolina. And it's quite a

distance away it's like the outside of the state and so it's not readily available.

Tony Kramer: Okay.

Mary Thompson: So are there avenues for other tribes that are rural or that much distance between the resources?

Tony Kramer: I can look in there but I think there definitely is. And I think that's why I think we're also working with some of the tribal conservation districts to do the same type of activity, not just the universities. But I don't know if there's any of these activities going on in North Carolina but I can find out.

Mary Thompson: Okay, thank you.

Tony Kramer: Yes. I believe there would be definitely opportunities and virtual too.

Mary Thompson: Virtual?

Tony Kramer: Yes, absolutely.

Mary Thompson: Because with Angela in Alaska, with the tribal villages there, it's --

Tony Kramer: Absolutely, yeah, the virtual ways. But I would assume that avenue is available but I can find out.

Mary Thompson: That would be great. Thank you.

Mark Wadsworth: Angela Peter.

Angela Peter: Yes, my organization in Alaska Tribal Conservation Alliance subcontracts with Tyonek Tribal

Conservation District. One of my tasks is to have ten certified conservation planners. However, there is no program in Alaska to train conservation planners so I just wanted to mention that. Thank you.

Tony Kramer: Obviously, I'm sure you have worked with Bob to see if there's any opportunity for those folks to get training through the NRCS route or --

Angela Peter: Yes, I'm in close contact with him. I'm just saying there's not one. What we're working on doing is to kind of grow our own, working on a program to try to get Alaska Natives certified and in their village doing things instead of even myself as an outsider to some of the villages would know how they do it.

Tony Kramer: Yes, because one thing I know about a lot of state conservationists, a lot of states have done is typically NRCS will hold conservation planning courses, things of that nature. And they've always opened it up or leased some spots for the public, for TSPs, for soil and water districts, perhaps with the tribes. My boys encourage that. I don't know if they're all doing it or to what extent. But I think we can find out.

Angela Peter: Things are really new in Alaska.

Tony Kramer: Yes, okay.

Mark Wadsworth: Tony, as you're working for the certification, has there been effort for your courses to be actually college credits?

Tony Kramer: I don't know about that but any of ours can be considered college credits. But I can check on that. I don't believe so but anything that we do internally is actually considered a college credit. I'm not aware of that but I can find out, yeah.

Mark Wadsworth: It's just an idea may be. Yes, Jerry?
Jerry?

Jerry McPeak: Thank you, Mr. Chairman. How readily available are these positions as far as the technicians are concerned? As I'm sitting here, thinking about we have a tribal college and we utilize NRCS to train technicians. Are the positions available? Are you training someone for a job?

Tony Kramer: Yeah. I mean, we just put out -- I'd say in the past year, we probably hired a hundred, at least maybe more in soil conservationist which are entry level and soil conservation technicians across the country. So that it's a constant opening door, if you will. We're losing people; we're bringing people on. Now it's not always going to be in their community, of course. While these positions get advertised, there could be ten locations and they're all across the country.

But yes, we are still hiring. We're bringing on people as we lose people, if you will. But those entry level positions have been coming out quarterly, if you will. They usually come out now and rather than coming out individually like they used to in the past. The regional conservationist like Astor Boozer, who's out here in the West, will consult with all his state conservation here, who all has soil con positions that are vacant. We're putting them all out in one big -- it will be a big one list where all the locations are. Folks can pick and choose.

Jerry McPeak: Where are you located now?

Tony Kramer: Excuse me? Me, I'm in Washington, D.C. I live in Virginia but my position is right now in Washington, D.C.

Mark Wadsworth: Leslie Wheelock.

Leslie Wheelock: Hi, Tony. A couple of things that have come up here and in the other places, the tribal colleges and universities, if you've got a certificate or a certification program, they run certification programs regularly, almost all of them. So it's a matter of getting that into your curriculum. The other point is that we've had the tribal college presidents tell us that they provide conservation education courses. And they have heard from their students that when the students apply to USDA for the soil conservation positions, they're often

lacking one or two courses. The schools don't have the list of required courses. So they ask for them. I don't know if we have a standard list that's online that people could just look at and so I need to go get that and my school doesn't offer it. So I'm going to have to spend the summer over here, picking up that.

Tony Kramer: I don't know if it's online but we can provide that. Ron Harris will have that. And I'll guarantee you that the area we'll have there probably lacking is in the soils. That's always the issue. That's everywhere. It's soil science, yes, because to be a soil conservationist, a 457 series -- I'm going to talk, throw that stuff out, but that's what I am, a 457. You have to have 30 core hours in soil science. And in a lot of the universities, instead of environmental science, it says they may not have those soils and so they cannot qualify for that 457 series. That's the issue that Leslie has brought up. That's a widespread issue across the country with a lot of the colleges. We typically do provide that information to those - here are the core courses to get these folks in. We can provide that. That's typically the area that is lacking, is in the soil science.

Jerry McPeak: You're going to have to have a master from soil science. You have to get a master's to get them out of soil science, wouldn't you?

Tony Kramer: Well, if you want to be a soil scientist, yeah.

Jerry McPeak: I mean you got 30 hours. Even at a ground meet [sounds like], you don't take 30 hours of soil science.

Tony Kramer: To be honest, I went to a college of agriculture. I got a degree in agronomy but I focused on crops. I only have 40 hours of soils but I qualified for the 457 series. But if I didn't have those soils, I wouldn't have qualified either.

Mark Wadsworth: Gilbert?

Gilbert Harrison: Good morning, Gilbert Harrison from Navajo. On the EQIP, one of the couple of questions on Navajo or any other trust land where -- and maybe to a certain extent, a lot of lands, how do you handle in a sort of consistent or is there a policy that addresses the control of land issue? How do you handle that on native lands, because we are having a heck of a time on Navajo with that issue? Thank you.

Tony Kramer: Yes, Gilbert. I can address that and that is one area that I think what -- and our policy is that an individual or a group - because we can do group contracts - let's say for EQIP, it doesn't have to show and it doesn't have to be with a lease. You're going to do any -- but just prove to the planner that we have control of the land.

That works most of the time but not in the situation. I know your situation in New Mexico. I spoke a lot with Xavier, the state conservationist there. There are so many members and so many that we have to at least to have one that would speak for or say, we are the operator, we are the decision maker. Therein that then lies the issue then, they cannot show control of land, they cannot have an EQIP contract. That's a problem that we're trying to work out.

We still have to because it's a statutory requirement that you have to qualify for the EQIP. You have to be a farmer or farmers or rancher. The land has to be agriculture for us to be able to -- which therein lies the issue we talked about this morning. And that person has to have control over the land for the life of that contract.

Our policies don't always allow themselves to be useful in the situation that you described but we're trying to work through with some issues with our policy folks in Washington, D.C. I've been working with BIA also because there's some issues there. And we're trying to work with our local state conservationists. Is there a minimum mechanism or another way we can still honor the statutory requirement but tweak our policies a little bit so they can work with you? We have not come to a resolution yet. But that is definitely an issue that we are aware of.

Mark Wadsworth: And before we carry on to -- there was a couple of more people that are thinking about the TSP, and then we'll come back more to that one. Is that all right, Gilbert?

Gilbert Harrison: Thank you.

Mark Wadsworth: Yes. Did you want to go first, Josiah?

Female Voice: I just had a question, if you don't mind?

Mark Wadsworth: Yes.

Josiah Griffin: Well, thank you, Mr. Chairman. This is Josiah Griffin. So looking at the TSP certification and these requirements to be a soil conservationist, would it be possible that once acquiring that TSP certification and having say X number of hours working in the soil conservationist space, that that could serve in lieu of the 30-hour credit requirement?

Tony Kramer: Maybe, I don't know. That's a human resources' question. I don't know how they classify people but I don't know. I think to be honest, to actually qualify for soil conservation you definitely have to have a college degree. No, a technician, no. A technician does not require a college degree. I do know that. So that maybe for a technician, that might work, yes.

Mark Wadsworth: And Dave Smith?

David Smith: All the positions we have are really driven by the Office of Personnel Management. And so they are the ones that do these many hours, this kind of experience and to

qualify. So they are online, opm.gov. You can look it up, soil conservationist, soil contact, resource conservationist so all those requirements are out there. And I have to look at them all the time.

Tony Kramer: Thank you, Dave. That's correct.

Mark Wadsworth: Ma'am, did you have another question or not? Okay. I do. Well, the first one, please clarify to me that what you're looking for with the TSP is somebody that would be able to help me in developing an EQIP project and being able to sign off on that, is that what -- or are we looking -- what exactly -- you said two separate things there.

Tony Kramer: Oh, okay, I'm sorry. Yeah, I guess the technical service provider -- they go back a little ways back. I can't remember the first time they showed up in the Farm Bill but 2000, maybe even before that, which gave the agency the ability to certify individuals that were not NRCS employees to be able to do certain functions that maybe we would do that maybe we no longer have the resources.

A very good example, as I mentioned before, was doing forestry management plans. In order to participate in the EQIP and to do a Forestry Stand Improvement, I think you have to have a plan. Over the years, we've lost our forestry resources within the agency. So now what we do is we have individuals. They could be contractors. They could be whoever - soil and

water districts, employees that have that background, we certify them. They go through a process to be certified. Now, they can go out to that landowner, provide that plan, NRCS accepts that it's their own and they can move on with their EQIP contract. So that's the TSP in high cut, that's just kind of the -- yeah.

Mark Wadsworth: Because you're talking about soil scientists. Our BIA person here, Brandt Hines, actually, his degree is in soil science, am I correct?

Male Voice: Natural resource management.

Mark Wadsworth: Natural resource, but a person like that who works within BIA if he had the qualifications could become the TSP working together with the BIA and the NRCS.

Tony Kramer: I'm not sure about a federal employee being a TSP within their capacity. But because federal money is being phased in -- but a state employee. We have state employees, county employees that also, for example, state employees that work in the conservation environment arena may become a TSP, things of that nature, private consultants, even a farmer. There's no requirement. Yeah, I'm not sure but I know NRCS can't do it. I can't do a TSP on the side while I'm working for NRCS. I don't know about other federal agencies.

Mark Wadsworth: Well, in the capacity of working for a tribe, it's his duty too so as far as your duty also. It might be an idea [sounds like] you could look into. It's a lot easier

for me to walk ten yards to his office to schedule times to communicate with the other people here.

Tony Kramer: Oh, if you're just talking, providing that technical assistance, by all means. The TSP is a form --

Mark Wadsworth: That's where I got that.

Tony Kramer: Okay, I'm sorry. [Cross-talking]

Mark Wadsworth: I talking about assistance in the TSP.

Tony Kramer: Okay, I'm sorry. I'm sorry. Just our general tech, absolutely, utilize the folks that can provide it. In the D.C. science often, that's fine. What I'm talking is the TSP is more of a formal process where they actually get paid by NRCS to do a certain function. Yeah. They're non-NRCS, non-governmental, and they actually get paid for their services. You don't have to pay me or pay him so that's a different issue. I'm sorry if it was unclear.

Female Voice: Well, there's life after January 20th.

Mark Wadsworth: Okay, Gilbert?

Gilbert Harrison: Thank you very much. So far the TSP providers, now are they under contract in general to NRCS and you just send them out there? Let's say, like somebody has an EQIP program or grant that you send them out there. They do the actual work and then they bill you or how is that provided?

Tony Kramer: The landowner utilizes the TSP. And the landowner will get the funds to pay that TSP in their EQIP

contract if they opt to do that upfront. Let's say, I want to use a TSP to do all my planning. That money will go to the landowner. The landowner hires and employs the TSP.

Gilbert Harrison: Okay, yes, the reason I ask is that because again on Navajo, the TSP people are hard to find that will come up to the reservation, the fact that the landowner or whoever many times won't have the frontend money to pay these people to do the technical services. And so if it's part of a contract, why can't NRCS? Since you have a list, you know who's certified, why can't you hire them on behalf of your grantee to go out there and do the service and then we pay them? Because it would be a lot simpler and then because NRCS has the money and it will be a service that would normally be something you can do.

Tony Kramer: To be honest, Gilbert, we did do that. We kind of do it outside of the -- TSP is a very specific item that we work on. And it's the relationship I just described where you hire someone. But NRCS, on a regular basis and I'm sure Idaho has it, we have agreements with partners, with soil and water districts, with the TNC, that they go out and do all that exactly what you described.

So we do that also. We just don't call it technical service provider, if that makes any sense. We have a lot of planners out there. We have biologists. The state of Missouri

hires in an agreement with the state its biologists. I think there's 20 or 30 of them working in our offices. And it's a shared position so we do that a lot. But it's not under the umbrella of TSP necessarily. It's putting boots on the ground, getting technical resources out there. We put some of our money in. The partner put some of their money in, things of that nature. So we do that on a very wide scale. It's not under that TSP umbrella. The TSP is a very specific item for those people that are certified. But we do exactly what you described in a lot of cases, yes.

Mark Wadsworth: One last final, you know, like with Eureka projects, you'll come up with a schedule, what would be paid. Does that fall under the 90 percent you'll pay for, 10 percent we have to put up or come up with, or is it totally 100 percent paid by NRCS through the TSP? And further, is that scheduled on hourly that you have for your maximum that you will pay and have that pay --

Tony Kramer: The TSP portion, it's not tied directly to the financial assistance but it's done very similar to the way because we have what we call a payment schedule for EQIP. Let's say you're going to install this practice, this is what NRCS will pay you. We do the same thing with TSP. There is a schedule. Depending on the activity, there is an amount that will go to and then you hire whoever, but this could be higher

or lower than that. I don't know how they come up with that, whether it's on an hourly or what it is, but the economists and some of the folks they have developed that if you needed someone to do a neutral [sounds like] management plan on so many acres, this is how much NRCS will give you to do that so it's very similar.

Mark Wadsworth: And that's part of your EQIP --

Tony Kramer: It will be part of the EQIP contract. That's correct.

Mark Wadsworth: And it isn't subject to the 90 percent, 10 percent, or how is that?

Tony Kramer: Yes, it is. I mean, yeah, because it's still resources that are going to the producer. Yes.

Mark Wadsworth: Thank you. I think we're -- and then Gilbert I mean, it sounds like more working together with --

Tony Kramer: Yeah. Well, I think one of the questions I think I noticed, too, just how much EQIP actually goes out there. I do have some numbers. If I don't read the numbers my folks gave me, they'll get mad at me so. I usually don't even have a piece of paper but they said please print it off because you'll forget and you'll give them the wrong information. So in 2014, over \$950 million in EQIP was allocated to the states. It's across all states. In '15, it was over \$960 million and the same in 2016.

One of the questions I think you guys had is what about reallocations and things that are coming in, redistributions? Last year, over \$70 million of that was sent back in by states that couldn't use it, and then reallocated back out to states that needed more. It's a very small portion but we do have that happen every year. Majority of the states utilized all their funds but for reasons beyond their control in some cases projects fall out. Hey, I can't use this. They'll send it back. Almost every state has a wish list of additional funds, and then we go now to that working with the state con to prioritize those and give those funds back out. So in the tune of around \$70 million a year, it comes back in, it goes back out. It is going on right now. This is about the time of year because we like to try to get those funds even though we have no [indiscernible] funding now. We still try to get all those funds obligated by September 30th.

Mark Wadsworth: My question is this is programmatic where you have a portion of that that is dedicated in the beginning for socially disadvantaged --

Tony Kramer: That is correct.

Mark Wadsworth: -- beginning farmer? What percentage of that \$950 million is dedicated for that specific area?

Tony Kramer: By statutory requirements, 5 percent. Every state conservationist that gets their allocation, 5 percent

needs to be set aside. Every single one of them meets it. I know I have this information too. I could get it. We go well above and beyond that 5 percent every year, nationally. But every state, they are required to set it aside in a separate pool and rank it separately, the applications that come in. Typically in a lot of cases I know -- I worked in the Northeast a little bit, up in Maine. Up there, they're doing 10, 20 -- I mean because the applications far outweighs and so Juan Hernandez, the state conservationist typically puts much more money into that than the 5 percent to meet the demands. So I mean that goes on throughout the country.

Mark Wadsworth: Yes, Tawney?

Tawney Brunsch [off mic]: Is there any way to kind of weed out, to filter out how much of that goes to Native Americans because we're obviously socially [sounds like] disadvantaged and probably [indiscernible].

Tony Kramer: Yes, yes, yes, and we can, and we do a lot. For example, I believe, last year around \$30 million. Yeah, \$30 million of that went just to tribal contracts, over almost 700 tribal contracts based on this information. So that's just very small because you're right, it goes to all of those groups. That was just last year.

Mark Wadsworth: I'm just going to push this thought out here for information. If you were to lump together all the

native lands within the Lower 48 or without including Alaska and Hawaii into one body of land through treaty boundaries and stuff, we would account for the fourth largest state in the United States. Native American people are the single largest private landowner in the whole United States. If you were to include the Alaskan corporation lands in that aspect and Hawaii, we'd be the largest state in the United States. But we're being lumped in for those contracts within another group as you know. I guess what I'm trying to get at is we were at the table here but for the last decade or so, and now you see how much we need it because you were getting applications that are not being met from Indian Country.

Tony Kramer: Yes. And that 5 percent is just statutory that we have to set aside. Like I said, we go far beyond that. We got states I know, and I don't know about Idaho but I know of two others, they also set aside pools for tribal just by themselves. State conservationists have the ability to do that. They have. I'm not trying to pass the buck but I'm the one that pushes it back to that state con. That state conservationist is working with the state technical committee, working with this tribal community. They should be the ones to decide where do these funds go. We divvy it up at headquarters. We give it to them. All we're saying is that a minimum 5 percent has to be

devoted to these groups. Many of them go well beyond that, well beyond that, and that's what these numbers reflect.

Like I said a lot of them do -- like I'm very certain up in Maine they do this and I know in some other states. They still have their 5 percent and they'll throw in the tribal funding pool where they set aside additional money just for the tribal lands. We encourage that. But you're right, we could do more. We could do a lot more. I agree.

Mark Wadsworth: I just can go on here, as this is going through my mind. Gilbert, land base is high. This is as big as West Virginia?

Gilbert Harrison: Yeah.

Mark Wadsworth: Could I ask you what West Virginia's EQIP allocation is on a state level?

Tony Kramer: I don't know offhand, to be quite honest with you. But I'm sure it's more than what you guys got in your contract. It's more than \$500,000, because that's what in your EQIP contract efforts.

Male Voice: One.

Tony Kramer: One. Yeah. I'm sure it's far more than that. Yes.

Gilbert Harrison: Mark, another issue that I think involves policy type of decision is that on Navaho, and I guess all other places, when you're qualified and when you've been

qualified and you've been given a grant, an EQIP grant, you're required to do that in one year.

Now, from a practical standpoint, say myself, if all of a sudden I'm told I have this project for maybe \$200,000 or \$300,000, okay? And I'm told to do it in one year. In that one year I've got to do all the NEPA requirements; I've got to do all the designs; I've got to do all the construction on trust land. Because some of the other partners, it's almost impossible to do that because just to go out and get somebody to do your NEPA requirements and get the money for it, frontend money, it's going to take you a bunch of time maybe three or four months. And for somebody to come and actually do the study and get a report ready and then it's processed through your tribe, the BIA, and approved by NRCS, that's almost like a one-and-a-half year process. You know how long these NEPA requirements take.

So right there you're already into the second year of a one-year contract. At that time then you actually have to go out and get somebody. I've been told that an USDA EQIP program can design a system. But already at that time they say we don't have the staffing. You have to get somebody else to design it, and this involves money and time. Only at that time are you ready to actually do construction, and that in itself is a minimum of three years practical experience. I think somehow a

policy type of decision needs to be made to say let's take a look at really what it takes, and take a look at the process it takes to do this.

And the other thing, too, is we should be allowed as recipients to draw down on this contract. This is a ballpark figure. A \$500,000 contract for me to do a NEPA study and all of that is going to cost me about \$30,000 to \$40,000. I should be able to hire somebody do the NEPA. Once that's done, draw down from this contract. Get that out of the way, and design again. It could cost I mean \$20,000 to \$30,000. Get the design done. Draw down against this contract. Get that out of the way. Then I'm ready for my construction.

Yet the way the program set it up it does not work that way. You have to foot all these bills, and at the end of time then you get reimbursed. That puts a tremendous roadblock in terms of getting construction projects done. If you're a tribal entity, or some big corporation, that's not a problem. But on individual land or individual grantee, that is a tremendous roadblock.

So I think as a policy level, I think I would like to recommend NRCS, USDA, take a look at that policy. How can we do that? I worked for the federal government for many years. The contractor who wins the contract, the right project, he is able to draw down for various components. Like he is able to drawn

down for it when he does dirt work, he gets paid for that. When he does the foundation, he gets paid for that because he has paid his subsidy [sounds like]. So he is able to draw down as the project goes.

But in this case, we can't have that done. We can't do that. That's a big, big hurdle. So as a policy, since you're from an upper echelon of NRCS EQIP, I think it behooves you guys to really take a look at this, the flow of the project and expenses and the timelines. Thank you very much.

Tony Kramer: Yes, yes, Gilbert. You're absolutely right. One of the policies, one thing you're referring to if we're actually working on the construction, what we call a partial payment, and you're right, in policy we do not do a partial payment. But a couple of things though that concern me and all, you have to follow-up with Xavier. There is no requirement that you have a one-year EQIP contract. Those can go to ten years by statute. We don't encourage ten years I mean because that's a long time, but most of our EQIP contracts by average are two to three years. So there is no requirement for a one-year.

But there is also the ability - and this is just within the last couple of Farm Bills - to receive an advance payment up to 30 percent. So that opportunity should be there for you. It should be there for you as well. So that's why I need to get some more info from the folks out there to nail this down. But

you're right. If they're squeezing all that in one year, that's almost undoable. So I agree with you.

Gilbert Harrison: If you get the advance you have to have that done in 60 days.

Tony Kramer: Yeah. You have to do your work -- yeah.

Gilbert Harrison: So be realistic. Thank you.

Tony Kramer: Absolutely.

Mark Wadsworth: Josiah, I think you have --

Josiah Griffin: Thank you, Mr. Chairman. Again, this is Josiah Griffin. So as a matter of public record, the Office of Tribal Relations with major support from the Farm Service Agency, Natural Resources Conservation Service, and Rural Development has started doing a whiteboard project for the Secretary of Agriculture. In that project, we have been looking at establishing a baseline for what self-identified American Indian and Alaska Native applicants, how many of them are participating in these programs? How many of them are being obligated or awarded contracts through these programs, and dependent on the program, some additional criteria or requirements.

I can say based on our information for fiscal year '15, it looks like \$23,944,896 that were allocated to self-identified American Indian, Alaska Native applicants and states with federally recognized tribes. We tried to limit it down to those

dates as a matter of control, and for the federally recognized tribes, because both can apply under EQIP for that same fiscal year, FY15, \$11,491,222 were awarded to these tribes for a grand total of \$35,436,118. So I mean as Tony was saying, there is progress. There is support from the state conservationist but the conversations that we are seeing here from the council I feel should definitely be considered in how we move forward and how we consider the implementation of this work.

Tony Kramer: Thank you, Josiah. I appreciate that and I'm just glad your numbers match with the ones they gave me, close, pretty close. You saw me check it.

Leslie Wheelock: That took a lot of work, sir.

Tony Kramer: Hopefully, you're getting it from the same people. I hope, you know, so I keep my fingers crossed. Whenever you throw out numbers, you always have that fear. But that's good, that's close. But I did not have the federal so thank you for that. That was not included in their report. But I think it's something that Gilbert and I and Dave were talking about there at the break. I'm not trying to make excuses or anything, but I've been at national headquarters going on ten years. I started as a soil con summer trainee. I worked in the field for most of my career in different states.

Probably the most important job that we do in programs, but also the most difficult, is developing a policy that provides

enough flexibility but then also makes sure that we're following congressional intent, but then makes 52 different states and other groups satisfied, and things that work across the country and they don't. They don't always. I'll be the first to admit that there are a lot of areas, especially in the tribal areas, that a lot of our policies that we need to take a real look at because things are just different. They're just different. Just like they're different in South Carolina as they are to Washington State. They're different and they should be looked at differently. You know we can't have one size fits all. It's very difficult to balance that on a pretty regular basis.

So how we address that is we do the best we can, we put out a policy, and then we have dialogue. I am proud about this. I think I probably am one that has changed policy more often than anybody in that position because of discussions like this. I typically go out to the field. I go 10, 12 times a year to the field, not to a meeting, but out with the DC [phonetic], out with the landowners, out on a farm, what's working, what's not working. I bring lists back. My people, they don't like it when I go out because I come back with a whole list of things. Can we change this? Can we change this? Can we change this? Sometimes we can't. Other times we can. So we have made changes so please keep the dialogue coming because we can make adjustments in a lot of these areas.

Mark Wadsworth: We'd love you on our tour.

Leslie Wheelock: Yeah, you would love the tour.

Tony Kramer: Well, if it weren't for United Airlines, I might have made it. Sorry. They had a little different travel plan than I did. So I didn't get in until late last night.

Gilbert Harrison: Again, thank you Mark. Let me make one suggestion, okay? Have you ever considered putting together a Native American farmers or ranchers' workgroup to make recommendations? And also in anticipation of the next Farm Bill to maybe make some recommendations from the actual users of the programs on trust land and allotted lands, an advisory group? Thank you.

Tony Kramer: Personally, I think that's an excellent idea. I think it's something I'm sure we also will have some comments on that. Yes, go ahead?

Leslie Wheelock: This is Leslie. So just for everybody's information, we just went through this with FNS and their Food Distribution Program. A tribal leader workgroup could be created at the tribal leader level. In order to avoid the FACA requirements, they're not allowed to make recommendations through the secretary. However, those working groups end up collaborating a lot between the tribal leadership, and the federal government leadership, and then it all has to kind of trickle back down again.

But you end up talking to Chief Weller for example from NRCS or your leadership does, and so the information has to flow up and across or they need advisers in the room or something that works that way. The Food Distribution Program is a lot easier to do as a workgroup because we don't have thousands and thousands of individual people out there who are doing separate things with their food. They all get the package, but our abilities to do that, there is not an easy way to do it.

Amanda Burley: Very quickly --

Gilbert Harrison: Thank you, Leslie. Tribal leaderships and tribal leaders are not farmers and ranchers. You need somebody that's actually down at grassroots to provide answers that have really experienced the kind of issues that NRCS, USDA, and others can recommend. Thank you.

Mark Wadsworth: Angela? Go ahead, Angela.

Amanda Burley: Okay, thank you. This is Amanda. For the record, I just want to clarify a statement by Leslie Wheelock. USDA is not in any way trying to avoid FACA requirements. However, we can allow for tribal leader workgroups because they are duly elected by their people. So anybody who is in an elected position is allowed to participate in a workgroup and provide advice, collaboration, et cetera, to USDA. However, that is outside of the official consultation process as outlined under Executive Order 13175. Thank you.

Angela Peter: Go ahead, Josiah. Oh sorry.

Mark Wadsworth: Yes, Josiah.

Josiah Griffin: Thank you again, Mr. Chairman. Sorry, Leslie. Just to reiterate, the council charter for the Council for Native American Farming and Ranching has changed based on council feedback overwhelmingly, based on council feedback, to allow the addition of, or replacement of so to speak, a representative from NRCS to attend these regular meetings. It is our hope that you, as representatives of American Indian and Alaskan Native producers, are able to pursue a more active dialogue with NRCS through this channel.

Mark Wadsworth: Anybody else? Angela?

Angela Peter: I was sitting here. I just want to make sure that what I've said wasn't misstated, or understood well. Bob Jennings [phonetic] has been a godsend to Alaska. What I was getting to, alluding to is there is a lot of program cuts there because the money is gone. He's done his best to keep the tribal conservation districts up and running. But anyway, maybe he does lack resources for that, the planners, and I wanted just to make sure that it's true.

Tony Kramer: Oh sure. Yeah.

Angela Peter: Thank you.

Tony Kramer: Thank you for that, Angela. Yeah, don't get me wrong. I would not want to avoid FACA either but that's why

going out in the field to kick in the clods [sounds like] with somebody I don't need to go through that. So anyway, I understand. I fully understand. But Leslie and Amanda are absolutely right. We're getting into that time period where we have to be very careful because we are going to eventually start another Farm Bill. When will it start, when will it end?

Leslie Wheelock: Somebody has to.

Tony Kramer: My guess is not until there's a new administration. I don't think anybody is going to really start with anything up. I have not heard any rumblings. I think that's my guess. But obviously we do need to be very -- and again understand that I think a lot of those rules or policy there. So everyone has an opportunity to be heard. I think that's the main thing. But there are a lot of avenues that we will provide. There will be listening sessions. There will be things of that nature I know as we always have in the past.

Mark Wadsworth: Tony, we actually have Forest Service and BLM people that are scheduled for 11:30. That's probably what you heard the clicking on [sounds like].

Tony Kramer: Great.

Mark Wadsworth: But did you have anything else back there?

Tony Kramer: No. Again, I just thank you. I got my information there, the email. I will definitely give a brief report to Jason Weller. I don't have anything with me. I'm

sorry. No, I left them. I usually carry them in my briefcase, and I didn't bring that with me. I'm sorry.

Female Voice: Your last name?

Tony Kramer: K-r-a-m-e-r. Tony Kramer. K-r-a-m-e-r.

Mark Wadsworth: Did you have a TV show?

Tony Kramer: No. I can't get my hair to do that. I don't know. I guess I'm not tall enough either. I don't think. Yeah. Thank you all very much.

Leslie Wheelock: Mr. Chairman?

Mark Wadsworth: Yes, Leslie?

Leslie Wheelock: This is Leslie Wheelock. I have a suggestion. Having listened to Gilbert and having listened to Matt [phonetic], who's not here, who is the agriculture manager?

Mark Wadsworth: Resource manager.

Leslie Wheelock: Resource manager for the tribe. Tony noted that, recognized that Indian Country is different. And even within Indian Country, the term limits -- some of the terms of these contracts are statutory, and so there's not a great ability to do much with them. The terms on some of these contracts may not mesh with the requirements to work with BIA, or what we're seeing on the ground.

So for example, we got Gilbert, small, sole proprietor, trying to get something done and moving within his community. You've got essentially a co-op that you're working with, right?

And by himself pretty much, at least that's what he's told us. And then here we've got for one contract - just teasing you - here we've got one contract that I think is CSP for 16,000 acres to do an NRCS application or series of applications across 16,000 acres. I don't know how many other farm industries we support, others we support that have that kind of land that they're trying to manage under one contract. But this person had himself and two other people trying to do it. That's just one contract, and they have many trying to fulfill those contracts.

I think that was an NFSA contract actually, but that's another aspect that I'm not sure the USDA has a whole grasp when it comes to Indian Country is different, and it's different even within Indian Country to that extent. So there may be a policy recommendation in there to look at the terms and see where there is some flexibility for both of those kinds of ends of the bell curve. Thank you.

Mark Wadsworth: All righty. We have other people on the telephone line here. But just for the guys calling in, we have a scheduled lunch here so we're going to have a little bit of activity while we're having your portion. So just please bear with us. First of all, I'd like to, either one of you, to take a lead and introduce yourself, and the second one to introduce

yourself, and then whoever would like to start in the discussion of Trust Lands and the Base Policy Relationship.

Allen Rowley: Okay, I can start here. Allen Rowley, the director of Rangeland Management and Vegetation Ecology for the Forest Service in the Washington Office. I have with me Ralph Giffen, who's been involved in range management for a long time.

Leslie Wheelock: And here in the room we have Carl-Martin Ruiz from the Office of Civil Rights. Civil Rights had taken on the ask, if you will, of the council to look into this issue and have an initial report back, because we've been working this among several different organizations including Forest Service.

Allen and Ralph, thank you so much for being on the phone. We also have included our OGC team partners, our office, and the Office of Civil rights. Civil Rights was going to bring something back for this meeting and I will turn to Carl-Martin, to let you know where we've gone with that request from this council, and then we'll have Forest Service follow on that. Thank you.

Carl-Martin Ruiz: Thank you Leslie. Mr. Chairman, once again --

Leslie Wheelock: You might want to take your mic over there so they can hear you on the phone better.

Carl-Martin Ruiz: Okay. Can you hear me on the phone?

Allen Rowley: Yes.

Carl-Martin Ruiz: Okay.

Leslie Wheelock: Thanks.

Jeff Knishkowsky: And also, this is Jeff Knishkowsky, from the Office of the Assistant Secretary for Civil Rights. We have a PA [sounds like] on the phone as well.

Carl-Martin Ruiz: Okay. So, Mr. Chairman, I understand that this concern regarding base property and grazing, you know, has been an ongoing concern of the council. So I am going to read my comments because I know that these comments are going to go on the record, and I want to make sure that what I have goes on the record.

I am pleased to once again have the opportunity to be part of this group, representing Dr. Joe Leonard, and I bring you greetings on behalf of Dr. Leonard. As I mentioned yesterday during our meeting with others on the reservation, I'm the director of the Office of Adjudication, and the reason this is important is because it was a program discrimination complaint regarding grazing permits that forms the basis for my comments today.

From April 1 through June 14, 2013, the Office of the Assistant Secretary for Civil Rights conducted a comprehensive compliance review in Regions 2 and 3 of the Forest Service. This review evaluated the grazing management program along with the civil rights and recreational special uses programs.

Specifically, the review of the agency's grazing land management policies for Native Americans included assessing the grazing permit process and evaluating minority access to the national forest in accordance with land management regulations and policies.

Our compliance review has found 28 areas of non-compliance and concluded with corrective action for each of the findings. Included and addressed in the corrective action was the finding that the grazing regulations were outdated and that the prohibitive cost of property proves difficult for participants to meet the base property requirements. Corrective action included implementation of the Forest Service regulations in a more consistent manner with program participants and development and implementation of a uniform application of the Forest Service grazing permit validation procedures in accordance with Forest Service regulations.

Some of the efforts that Forest Service has performed, and I'm just going to mention three areas and then I'm going to defer to the Forest Service on other areas following my comments. Nondiscrimination assurance agreements. The Forest Service rangeland management in regions containing grazing associations are systemically updating agreements to ensure the approved nondiscrimination clauses are included in those agreements. Rangeland management is systemically updating

grazing association agreements. Outdated nondiscrimination assurances are being replaced with an Office of General Counsel approved statement.

In Region 2, we have 18 associations as of July 2015. Seven assurance clauses have been updated for Region 2 grazing associations. Between 2016 through 2018, five more agreements will be renewed and updated to include the revised assurance clause language. Region 3 does not have any grazing associations, and for that reason, I don't have anything to report regarding region 3. There might be something at the conclusion of my comments that Forest Service can report on regarding that area.

Program participation. The Forest Service has a collaborative strategy to move forward with the updating of the agency's directives for Rangeland Management and Grazing Permit Administration. The Forest Service has engaged the services of the U.S. Institute for Environmental Conflict Resolution to help engage internal and external stakeholders with various points of views and positions. And from those engagements, the Forest Service will go through a formal directive process with full public notification and engagement. And again, I will defer to the Forest Service in terms of timelines and so on when they intend for those things to proceed.

Range management has conducted an internal consistency assessment of eight regions, supplements, and amendments to directives to determine consistency with national direction. The updating of the relevant directives - Forest Service manual 2200 and Forest Service handbook 2209.13 - is a regulatory process. After appropriate consultation with stakeholders, Forest Service will release a draft proposal with public notification and engagement, and then a final directive for release. The Forest Service, again, can provide the dates and the next steps regarding when that action will take place. Range management keeps OASCR updated on the status of revisions to that process.

Now some of the actions that we, in the Office of the Assistant Secretary for Civil Rights, have taken are as follows. OASCR has become aware that this has been an issue, I know, in reviewing some of the documents in preparation for this meeting going back to 2014, at least to 2014, that this has been a concern on the part of the council for quite some time. And I know that Dr. Leonard is extremely concerned about the next steps in terms of Forest Services' engagement in this process.

Specifically, many Native Americans are unable to get term grazing permits based upon the base property eligibility requirements to participate in the Forest Service programs. 7 CFR 2.25 provides the delegated authority for the assistant

secretary for Civil Rights to, number one, evaluate departmental agency programs, activities and impact statements for civil rights concerns. As I had mentioned yesterday in the other meeting, it's a routine practice on the part of our office that whenever there is a regulation that is issued, revised, before it's issued, before it's finalized, it comes through our office for the purpose of us conducting a civil rights impact statement, to make sure that that regulation or directive in no way excludes anybody from participation in USDA programs.

7 CFR also provides the authority to the assistant secretary to analyze and evaluate program participation, data and equal employment opportunity data and makes its analysis available to other appropriate departmental entities. That authority also allows us to conduct civil rights investigations and compliance reviews department-wide. And as I mentioned again yesterday, whenever an individual files a civil rights complaint as an individual, our office takes a look at it, investigates it, adjudicates it, and that's part of the authority that Dr. Leonard has been granted.

Pursuant to 7 CFR and Departmental Regulation 4330, which is nondiscrimination in USDA-conducted programs and activities, agency heads are required to timely collect and make all race, ethnicity, and gender data and information on all program applicants and participants, and conducted programs as necessary

and requested by our office, to enable efficient and effective monitoring and evaluation of the department's programs of civil rights compliance and enforcement.

So that information is something that we'll routinely ask of agencies when there is a need for us to gather that information. Agencies have that information in one form or another. OASCR is in constant communication with Forest Service and the Office of General Counsel to ensure uniform and equitable application of this regulation, and based upon the May 23, 2014 recommendations from this council to Secretary Vilsack and the concerns raised during this meeting and prior meetings, OASCR is looking to develop a comprehensive action plan with the Forest Service regarding grazing permits and other roadblocks to full participation in USDA programs and activities.

So I wanted to report that out on behalf of Dr. Leonard and our office and read my comments because I know how important it is to this council on those areas that I mentioned that I'll defer to Forest Service. I would like, Mr. Chairman, unless there's questions, is to have somebody from Forest Service take it from there and report on what they've been doing regarding this area.

Mark Wadsworth: Will that be you Allen or you Ralph?

Allen Rowley: So we're prepared to talk about that. We actually had focused more on the question of base properties,

specifically, rather than the larger report that was just shared, and we'll be ready with your -- as those questions come up.

Mark Wadsworth: Gilbert Harrison.

Gilbert Harrison: This is Gilbert Harrison from Navajo. I appreciate the work that the Office of Civil Rights is doing, and I do appreciate the efforts of Forestry Service's doing in this area. But one area that I really would like to have the agencies address is that issue of base property as it relates to tribal trust lands and residents and farmers and ranchers, particularly ranchers, that have legal permits on trust lands that should be equivalent to a home-based property as defined in the regulations. Because that's one of the biggest stumbling blocks, is the issue of definition of base property as it relates to trust property. Thank you very much.

Mark Wadsworth: Mary Thompson also.

Mary Thompson: Thank you, Carl, very much for delivering that message. I've got all kinds of questions rolling around in my head, but I'm so glad to hear that. I'm wondering. What's the date of that audit finding, I guess?

Carl-Martin Ruiz: That was conducted April 1 through June 14th of 2013.

Mary Thompson: That was conducted and completed at that time?

Carl-Martin Ruiz: Yes.

Mary Thompson: So, at this point then, we've got three years to correct the findings?

Carl-Martin Ruiz: Correct.

Mary Thompson: And, so Allen and Ralph are, going to report to us how they've corrected those findings?

Mark Wadsworth: Right now they just got the subject matter on the agenda of discussing base property requirements. They're ready and prepared to address that issue.

Mary Thompson: Which would be, I guess, per or up-to-date and in compliance with this review. And, okay, I'm going to get just a little bit off-subject here, but the gentleman representing BIA, there is probably some type of collaboration that needs to go on with BIA also, and all of Indian Country, as they are correcting or complying with the findings. And I'm just saying that, maybe as a matter of opinion, that BIA has got to step into this and partner and collaborate to do all these corrective measures. Now, am I totally wrong in thinking that?

Mark Wadsworth: If I may, this is Mark Wadsworth, I'm actually chairman of the Council for Native American Farming and Ranching, but also I work for the Shoshone Bannock Tribes, and I also am a Shoshone Bannock tribal member. On our tribe, we are one of the few tribes in the United States that actually has treaty language between the Forest Service and BLM properties in

ceded lands. So therefore, within our tribe, we're able to exercise the rights of being able to allot Forest Service or BLM grazing allotments with no question asked because it's a part of the treaty. [Cross-talking]

Pilar McLaughlin: [Indiscernible]

Mark Wadsworth: Okay.

Mary Thompson: What's that? Okay, so you don't need BIA's input?

Mark Wadsworth: Yeah, on this tribe. So I don't think that Brandt would be able to answer your questions.

Mary Thompson: Okay. And just another, off-this-track comment too - was the gentleman in the back is the tribe's attorney for Shoshone Bannock Tribe?

Mark Wadsworth: Yes.

Mary Thompson: And yesterday issues were raised, and Carl pointed out, and mentioned several times about if there are issues that the Office of Civil Rights can address, to bring those issues to them. So I hope you're noting the results of those efforts in this Forestry Service grant compliance review. Thank you.

Mark Wadsworth: And as the council, the lady that was on the line, could you restate your name?

Pilar McLaughlin: Pilar Velasquez McLaughlin.

Mark Wadsworth: Who is she working with?

Leslie Wheelock: She is a Civil Rights person who was at our last meeting, attorney McLaughlin.

Mark Wadsworth: Okay. Thank you, Pilar. Can we go into the prepared remarks or comments on the base property?

Allen Rowley: Allen Rowley here, I'm ready whenever you are.

Mark Wadsworth: All right. Go right ahead.

Allen Rowley: Okay. First off, let me thank you for the invitation to address the group, to address the council, and for the flexibility to join by phone. We had several scheduling issues, and I appreciate this flexibility.

Let me start with I want to back up a notch and say here's what I think the goal or objective of the council is, at least for this discussion. It's about what can we do to increase the opportunity and increase the actual amount of grazing by livestock owned by Native Americans on National Forest System lands. That's the big goal and we've identified one specific issue here about base property. I want to go back to that big goal because there's a couple other things we should keep in mind.

Let me start right away. In the compliance review that was reported out earlier, the Office of Civil Rights has accepted the Forest Service action plan and we're on track as reported out. We've implemented the assurance clauses and still

implementing some of the -- implemented the nondiscrimination assurance clauses where necessary. We are still working on a data collection process to protect personal identification information and collect ethnographic information on all of our permit holders. And that's a nationwide issue for the Forest Service and touches grazing and special uses and minerals and timber sale operations and all of that. So we're still trying to thread the needle there to collect the appropriate ethnographic data and protect the identity at the same time. So that's, in 30 seconds or less, that's an additional update I'd provide to the earlier report.

So now let me go back to that big goal of increasing grazing. There are actually several pathways to get there. One way is by treaty rights. So, just to remind you, I put this in the general education category. We have situations where existing treaties with Native Americans include grazing rights. We work with the tribes to develop an agreement to describe how that grazing right will be exercised to protect the natural resources we're all concerned about. We have a great, I think a great example, of that with the Nez Perce tribe and the Wallowa-Whitman National Forest in Eastern Oregon, where we have one of those agreements in place for them to exercise their treaty rights. That's in place right now.

The other place we can talk about increasing grazing of Native Americans on National Forest System lands is through our traditional ten-year term grazing permit. Those permits are acquired probably three different mechanisms. A current permit holder may choose to sell either their livestock, their base property, or both. They would waive their permit back to the Forest Service and identify the purchaser of the base property as a preferred applicant. And we would review to make sure the preferred applicants meet the requirements of owning livestock and owning the base property. We issue them the new ten-year term permit.

I share that with you -- I think most of you may be aware of that process. I want to share it with you because I know there are several tribes, the Ute Mountain Ute Tribe out of Towaoc, Colorado for example, has two grazing allotments that they acquired that way. They're held - I think it's by a limited liability corporation that the tribe own. They have a piece of property, they own some livestock, and they're actively grazing on the -- well I'm not sure they're active this summer, but they have been active grazing on the national forest through that term permit.

No doubt there are some other individual tribal members who'd also have acquired permits in the same way. And as pointed out earlier, we have not been collecting ethnographic

data, ethnicity data, on permit holders. So I can't tell you how many permit holders may or may not be Native American. I do want to give you a couple of statistics though that I think is important to keep in mind in this conversation.

We go back to 1995, there were approximately 9,000 permittees in the National Forest System, and they were authorized to graze about 1.2 million head of cattle. So, 20 years ago, 9,000 permittees, 1.2 million head of cattle. 2015, there's a little bit short of 6,000 permittees, so a reduction of about 3,000. They are permitted or authorized to graze approximately 1.2 million head of cattle. So the news is, over that 20-year time, it's gone up and down, but with that snapshot of those two points in time, the authorized use is consistent. The number of permittees is going down. This appears to point towards some consolidation in the livestock industry, likely driven by economics of the industry. That in itself may be a significant barrier -- building a barrier to entry for permittees. So I just wanted to plant that seed towards you to think about as another place we could lean into, policy changes.

Let me talk about two other ways people could acquire permits. One is through the grant process where there's a vacant allotment. There's been no permit; the permit was waived back to the Forest Service without a preferred applicant.

There's nobody currently grazing. We go through a grant process where we would take proposals and select the next permittee based on the quality of their management plan. That's not used very common, but I share it with you because in 2014, I believe it was, there was a grazing allotment in Colorado that was vacant and it was restocked by a permittee, by an operator, who did not hold a permit anywhere else in the National Forest System. They did own livestock and own some base property and that's how it started.

There's another grant process that I'll share with you because it's really quite rare, I might say. You know, if you look across the landscape in the National Forest System, there's about 7,000 grazing allotments, and that's about what we have. It is possible that in a Forest Plan revision effort, a forest supervisor could just decide to establish a new grazing allotment, that will not likely is possible, and then we'd go through the grant process the same way. Send us a proposal to graze this brand new allotment, we would evaluate that they own livestock, own base property and select a permittee based on their proposed management plan.

I wanted to share all those as possible entries into grazing on National Forest System lands for all Native Americans. All of those routes with the term grazing permit have the requirement of base property. So now we'll get right

to the point. I believe in the pre-work you have a copy of our Forest Service handbook describing base property. Let me give you the quick definition out of our 36 CFR 222.1. I'll summarize. Base property is land and improvements owned and used by the permittee for farm or ranch operations, specifically for the permit. The key to that is owned.

So, working with our office as general counsel to review that, is there a way to use trust lands to meet the base property requirements? Our current advice, is know that in general, trust lands don't meet the owned requirement that's currently in our CFRs. To change that to yes, as pointed out earlier, it takes a change of our directives or authorizing regulations, and as pointed out earlier, we are engaged with the Udall Institute and others to build a collaborative strategy for full public notification of that change. We have asked for this to be put on the agenda for a regulatory change through the department, and we are awaiting the clearance from the department to move ahead through the public process.

I will add, in my research on this topic, it appears to me that there's rationale to treat individual allottee lands different from tribal or allottee lands. I think I can develop some logic there to treat them differently, and that change, again, is all tied back to changing our authorizing regulations to include that in an open and public process. So that's the

end of what I had prepared. I'd be happy to have a discussion and questions for clarity and/or discussions and ideas of what changes might look like in the future once we get a clearance to proceed with the directives, the CFR updates.

Mark Wadsworth: Allen, that's who I'm speaking with?

Allen Rowley: Yes, that's correct.

Mark Wadsworth: Yeah. This is Mark Wadsworth again. I've got a couple of questions here. How many permits have been reallocated over the last ten years? Do you have an idea?

Allen Rowley: No. I don't know how many permits have changed hand over the last ten years. Just in terms of a nose count, I don't.

Mark Wadsworth: Kind of further on that question that I have, I would imagine all of these reallocated lands are basically going to the people that purchase their base property. Would you feel that's the most correct statement?

Allen Rowley: No. It's a mix. It's all three vehicles. It could be base property, it could be livestock, or it could be both. With the kind of consolidation as I shared with you going from 9,000 permittees to 6,000 permittees, I wouldn't expect a big number of those were based on purchase of livestock only. I would expect some appropriate share of that to be just based on livestock.

Mark Wadsworth: Okay. Yeah.

Sarah Vogel: This is Sarah Vogel and I'm also calling in remotely. You referenced that you had submitted materials. Mark, what tab would that be at?

Mark Wadsworth: Well, the material was a loose leaf paper that was slid inside the folder.

Leslie Wheelock: In the front of the binder.

Mark Wadsworth: In the front of the binder.

Sarah Vogel: Oh, okay. I see, this is just a regulation but I'll go ask to [indiscernible] brought up many documents, many studies, quite a bit of work that's been going on of which we have not been until today, I believe, given in the background. So I would appreciate it if with the last speaker and this speaker, send a collection of all the pertinent papers to the members of the council and it could be done through Leslie, I'm sure.

Leslie Wheelock: That's correct.

Sarah Vogel: This needs to be studied. I'll just pop in on there is such a thing as the difference between de jure discrimination that's intentional, only white folks could to do XYZ and de facto discrimination. I think there is discrimination that's going on and it might not be overt. I've certainly been to grazing [sounds like] association meetings and I've been to people with permits in Forest Service land and grazing association meetings for Native American farmers and

ranchers. They will tell you that there are a few Native American in those grazing association. We may not have numbers or have done surveys but [indiscernible] I think we would have a pretty good hand of on this process just the de facto discrimination has occurred.

Female Voice: Chairman?

Mark Wadsworth: Thank you. And I have one other question. Excuse me, this is Mark Wadsworth again. In light of the Forest Service Tribal Relations and the direct is through the Forest Service manual stating section 1560 and in the handbook of the Forest Service, under 1509.13, how has your office changed any of your approaches in working with tribal communities around the United States?

Allen Rowley: From a nationwide perspective, from a Forest Service-wide perspective, we've asked our individual national forest to work directly with each tribe in each nation at that level with that government-to-government relationship. An example I'm going to give you is just recently, we approved our *Forest Service Handbook* to provide a mechanism for the collection of forest products by tribes for traditional uses to move it out of a monetary permit system and move it into authorization consistent with gathering for traditional uses of forest products. Be they large boles [sounds like] or plant material or berries, or many, many uses. So there's an example

that were just in the last three months or so. I'd offer that as an example of a change we've made. So that's it. System wide, Forest Service system-wide change, and then again, each individual tribe and national forest, they should be having similar conversations about what they can do to further relationships.

Mark Wadsworth: Porter Holder?

Porter Holder: This is Porter Holder, Choctaw from Oklahoma. Having the change in the language in the directive, which is good but that process would take years to complete. Are there any other administrative remedies that could be pursued by the Forest Service in the meantime?

Allen Rowley: Allen Rowley here. That's a really good question because quite frankly, to date, we've had a hard time getting, proving it through the normal public involvement changes for changes in regulation. There is a room for secretarial declarations from the Secretary of Agriculture to give us some more space here. That would be an avenue we haven't pursued yet. That might be something the council could look into to see what the interest the secretary may have for that. I believe one of the ways you all can be helpful is there's a larger concern about leasing of the permits and a larger concern about property ownership tied to permits. This is industry-wide. And so could we get a declaration of where

specific to Indian trust lands either/or individual allottee or tribal trust lands that was narrowly worded just to the trust lands and not about property ownership. Because I'm afraid if we open the door about property ownership in general, it may have in fact the backlash effect, a more negative impact on Native American participation -- that large corporations could start weighing in on permits in a way that we can't foresee and it would be even harder to get through the door. I think it's a good question, part of my speculation about the answer, how would you want to word something and would the secretary entertain this idea of something more directed to us.

Porter Holder: Thank you. We will work on that between us to see if we can get you some more room there maybe.

Jeff Knishkowsky: This is Jeff from Civil Rights. I wanted to ask a question but I wanted to wait and see if there was anything else that any of the other council members wanted to ask.

Mark Wadsworth: Yeah, we have two people have other questions on our side of the fence. Gilbert Harrison?

Gilbert Harrison: Gilbert Harrison, Navajo. In your presentation, you used the word preferred. Does that sort of indicate that it may also prevent new applicants from having a fair chance at getting a grazing permit? Can you define the word preferred for us? And then also we talk about tribes.

There are tribal corporations and tribal ranches and also there are individual members of the tribe that have livestock that are ranchers. I think in your work, we would like to have individual livestock owners that reside on trust lands to be able to apply for and have an equal chance of getting a grazing permit on the forestry land because it all goes back to the issue of base property.

Many of these individual ranchers, I know in Navajo, they do have a permit from the Bureau of Indian Affairs which provides an area set aside on the reservation that is equivalent in my judgment to base property because that is their recognized grazing area, traditional grazing area that they use. So it's no different than an outside owned base property. Please be aware of those kinds of issues as you work through the process. Thank you very much. But again, please define for us preferred that you used before. Thank you.

Allen Rowley: Thank you very much for that comment. Let me respond back and be clear about when I used the word preferred. That means specifically in our business that a person purchased through private treaty either the livestock base property or both. That's what that means. It's simply an identification of them buying somebody else's cattle or sheep or land. That's how they become identified as preferred because the current owner of the permit wants to acknowledge and

communicate to the Forest Service, hey, Joe just bought my cows. I want to identify him as preferred. The grant process would be, I'd say different.

Ralph Giffen: This is Ralph Giffen. The grant process, we go through an order of process to identify entities that might be in the priority order of who would be the preferred applicant. If say there is somebody who left an allotment and somebody else is on that allotment who has had reductions in use, that would be the first person in order, the first priority who we had identified as the preferred applicant. There are others in that line before we get to a point where it would be an open solicitation for new permit holders. It's a way in which we establish order by which we think that people have a priority to be first to seek that permit. That's all within our handbook and we certainly can send that along as we've done some of the other stuff related to our base property but in this case, our grant process too.

Allen Rowley: And then let me add the other point about duly noted that I don't want to pretend that a tribally-owned corporation and tribally-owned ranch is not the same as ranch in operation owned by an individual tribal member. Those are not equal and both of those opportunities should be available. Currently, both of those opportunities are being exercised. I think Sarah Vogel mentioned earlier, not at high levels. You

know, I gave an example of the Ute Mountain Ute tribe in Towaoc, Colorado having a permit. There's an example. I don't have an individual tribal name, individual I could name. I know they're out there and I also know there's not very many of them. I'm not trying to cover that up at all. Duly noted, there are individuals and there are tribal corporations. Both should have access and they're not equal to each other. They're just different organizations. So thank you for that comment. Mr. Wadsworth, I think you had identified at least one more commenter there in the room?

Mark Wadsworth: Yes, we do. And then, the gentlemen at the end would like to make a statement also.

Leslie Wheelock: This is Leslie Wheelock, Director of the Office of Tribal Relations. I have a question. You noted that the number of permits has dropped from 9,000 to 6,000, which was [indiscernible] some sort of consolidation. What happens to those 3,000 permits that people are no longer using?

Allen Rowley: What changed is the number of permittees, okay? The allotment is the real estate or subdivision so there's about 7,000 allotments. In 1995, we average about 1.5 permittee per allotment. In 2015, we've got 6,000 permittees on 7,000 allotments. We're averaging about - without doing the math - about 0.9 permittees per allotment. What's going on is an individual permittee will have multiple allotments on his or

her permit. They are still being used. The limiting factor is the number of allotments, not the number of permittee. There are allotments with six or seven individual permittees running on it in common. Think about this example, suppose it is 1995 and we go to the Fish Creek allotment and there are six permittees. Over time, two of them decide to sell out and their neighbors buy their cattle. In 2015, there are only four permittees on the Fish Creek allotment; they still has the same number of cattle. That's what happened to that with that consolidation.

Mark Wadsworth: All righty. We'll have one more comment and then we have to break for lunch. Gentleman at the end, I'm sorry I forgot your name on the phone.

Male Voice: Jeff.

Mark Wadsworth: Jeff.

Jeff Knishkowsky: Oh, Jeff, yeah. Thank you. Allen, I'm just wondering. I know you mentioned in your remarks about the work with the Udall Center. I'm just wondering in terms of building a collaborative strategy, is there any information you can provide to the council just about any of what that work has involved and what's envisioned for what the Udall Center has begun doing and what might be in the works?

Allen Rowley: Until we get the signal clearance from the department to initiate, we are waiting for that signal to do the

fine scale plan. In concept, our conversations has been organizing listening sessions that are geographically dispersed around the country, mostly in the West, and organizing listening sessions that are also ethnically diverse. Let me use an example, Albuquerque, Denver, and Salt Lake City is not enough. You know, we might have to go to Las Vegas and New Mexico to reach out to people there. So our strategy, our conversations with the Udall Center has been how to design that kind of outreach in terms of listening sessions. Also, we'll need some strategy about do we go forward with a draft of what these regulations should look like that's 80 percent done? Or should we go out with a draft of regulations that are only 10 percent done? Those are the kind of conversations we'd be having with the Udall Center. Because again you can imagine, you get a different response with the 10 percent done versus 90 percent done and which one will give us the best product in the end.

Sarah Vogel: This is Sarah Vogel. I think it might be very helpful in the process if someone or some entity cognizant with that kind of issue [sounds like] and the interest of Native Americans in trust lands that are on adjoined/nearby Forest Service lands, ranchers who have an interest in accessing and using on Forest Service land. What I'm thinking is somebody along the lines of say [indiscernible] foundation or a [indiscernible] legal action group or somebody along those lines

it might not [indiscernible] help be representative of the OTR on that to provide early input. I think the result would be all better if that were to take root [sounds like].

Allen Rowley: Yeah. Thank you. I might add this council, as well, providing some advice on particularly these trust land issues.

Sarah Vogel: Yeah. And that could start by sending us all the materials that you have referenced today.

Allen Rowley: Okay. After, I might suggest I would work through Leslie Wheelock and others at the department to figure out what pieces, you know, how to make that as effective as possible.

Sarah Vogel: Well, I think the portion is gone through [indiscernible] of getting paper.

Allen Rowley: Okay. Duly noted, thank you.

Mark Wadsworth: Yeah. This is Mark. Before we break here, I guess we just have one other question. When you are mentioning the Nez Perce tribe, mentoring Ute Mountain Ute, and I believe you said the Walla Walla but I think you were mentioning the Forest Service, well, the actual forest reserve. I assume that you were dealing with the Umatilla Tribe out of Oregon or was it in Washington? Were you referring to having tribal permittees and were those all individuals? Well, you said Ute Mountain Ute was a more of a corporation but on the

other two that you mentioned, were those individuals permittees or tribe?

Allen Rowley: Mr. Wadsworth, the Nez Perce tribe is an agreement between the tribe and the Wallowa-Whitman National Forest. It's specifically tied to the treaty rights of Nez Perce there in Eastern Oregon. That would be a document that we should be able to get a copy and get it shared with the council so you can see what that looks like. That agreement is with the tribe to allow the tribe to exercise their treaty rights.

Mark Wadsworth: Yeah. We also have an MOU with you also.

Allen Rowley: Yeah.

Mark Wadsworth: That's just basically for the management of the allotment on a five-year basis. All righty, Gilbert has one more comment and then we'll break for lunch.

Gilbert Harrison: This is Gilbert Harrison from Navajo. I just like to ask, what is your anticipated timeline? Also, when you do prepare a draft, would you be willing to share that in person with the council? Thank you very much.

Allen Rowley: I don't have a firm timeline on updating the regulations. Again, I'm waiting for the approval from the department. Yes, it would be good to share. When we enter a public process, I need to be careful with what we share that's written. I might say it this way, a better way to engage the council may be a work session at some point in the future if you

wanted to entertain - well, I think I know you do - this idea of how would we identify and describe the use of trust land to meet the base property requirement. That would be one thing. I think you could help us write that language. And then once it's written, we could share that in public. That might be the kind of use for the Native American Rights Foundation and the council and some other people eventually to help think through the details of writing that language. Unfortunately, I do not have a timeline I can share with you.

Sarah Vogel: Is the dialogue going on now with the grazing association that have and the folks that have permits?

Allen Rowley: Not on this specific issue yet. No.

Mark Wadsworth: Well, thank you for now. I think if we want to meet, probably a pretty good firm date would be in the first week in December in Vegas where we try to convene with the other tribes and along with the Inter-tribal Agriculture council meeting just to give you kind of an expectation for another face-to-face.

Allen Rowley: Okay.

Mark Wadsworth: All right. Thank you.

Sarah Vogel: This is Sarah again. I do think that before such a meeting because of the technical nature of the various laws, the regulations, the policies and the procedure that the Forest Service goes through, I think it's very important that

people be working on it prior to that December meeting or else it will just adjourn without enough progress. And conceivably, somebody from the IAC should be around that working group.

Mary Thompson: Thank you, Sarah. It's Mary.

Leslie Wheelock: Sarah, this is Leslie. We will continue working on it within the department. It has, at this point, enough feasibility in enough places that we're pulling up all kinds of information as we move along. Additionally, to the Forest Service team on the phone, again, thank you for joining us and if possible if you can electronically forward the links or the documents that were referenced today including the material out of the handbook or directives that you spoke about earlier, that would be particularly helpful. We're trying to get it to people as soon as we can in a concise format. The sooner we can get it to them, the better we will be able to because people are travelling. Thank you.

Allen Rowley: Okay, we will do that.

Porter Holder: Thank you all. We're going to break for lunch at this time and we do appreciate you.

Allen Rowley: Thank you.

[Lunch break]

[Start at 3:28:24]

Mark Wadsworth: All right, it looks like we're making the phone calls now.

[AT&T Telecom operator gives instructions]

Female Voice: Is there or somebody else?

Mark Wadsworth: Yeah. This is Mark. Who's on the line?

Rick Gibson: This is Rick Gibson from OGC.

Mark Wadsworth: Oh, great.

Female Voice: I'm on my tablets now.

Rick Gibson: Hello?

Mark Wadsworth: Can you hear me, Rick?

Rick Gibson: Yes, I can hear you pretty well.

Mark Wadsworth: Okay. It's about 1:30. We just got through eating lunch so bear with us. We'll just go ahead and start right on time here. So if you'd like to kind of give us an update on the *cy pres*?

Rick Gibson: Okay, great. Thank you very much. I appreciate the opportunity to address the Council again on Keepseagle Settlement. After your last meeting on April 20th, Judge Sullivan approved the agreement to modify the *cy pres* provisions of the settlement agreement. As a result, the new modified provision provides for substantial initial disbursement of \$38 million to beneficiaries recommended to the court by class counsel after consultation with Native American leaders. It also provides for an additional payment of \$18,500, plus an additional amount paid to the IRS for tax relief to all individuals who submitted a successful claim in the Keepseagle

claims process. It also provides for class representative award of \$100,000 each to three named class representatives who participated in the latest negotiations for these modifications. Finally, the modification provides for the creation of a trust foundation that would select beneficiaries and disburse the funds over a period of up to 20 years. USDA was very, very pleased with the resolution and with Judge Sullivan's approval of the agreement.

After decisions of these types, there is a 60 days period where any party can appeal. On June 20th, class representative Keith Mandan filed a notice of appeal of this order, Judge Sullivan's order, granting the unopposed motion to modify the *cy pres* provision. And on June 22nd, class member Donovan Craig Teagle [phonetic] who is an attorney in Florida filed a pro se notice of appeal of the order as well. Mr. Teagle previously filed letters on the court's docket on September 8, 2014 indicating he wanted to be part of the *cy pres* trust for the individuals making decisions. But it seems now based on this filing that he's against the *cy pres* resolution. Mr. Mandan is represented by a firm that did some advocacy permits, seems to be against all *cy pres* resolutions in the case. That's where that stands. Payments can't be made until the appeals are concluded and the district court's order is affirmed. USDA still doesn't have a role in selecting any of the beneficiaries

of the remaining funds. We hope the appeal will wrap up very quickly. The parties will be filing initial papers with the appeals court coming up in about two weeks, and then the briefing schedule will be later in the fall. So USDA is hoping that we get a decision winter of 2016 as the most optimistic or winter-spring 2017.

As the appeals proceed forward, class counsel is still working on other work related to the Fast Track Funds of \$38 million. There have been meetings convened, and there are materials in your binder that speak to the Fast Track Fund and the work that Echo Hawk Consulting is doing. As far as I understand that that work will continue, all the vetting will continue in the anticipation that the court's order will be affirmed. I know I'm sharing my spot with the ombudsperson. She has a report that she was to issue so I want to reserve as much time as we can for her as well. If anyone has any questions, I'd be glad to answer them now.

Mark Wadsworth: Mary Thompson.

Mary Thompson: I'm just wondering if [indiscernible] we can get a copy of the approved modified edition or amendments.

Rick Gibson: Yes. I'd be glad to provide that to you. I'll email it to Leslie after I get off this call so you have it.

Mary Thompson: Thank you.

Mark Wadsworth: Did anybody else have any questions about *cy pres*? Gilbert Harrison?

Gilbert Harrison: This is Gilbert from Navajo. I did not quite catch, but I understand there was a last minute appeal and has that been resolved and has the final judgment been made?

Rick Gibson: I'm sorry, Gilbert. I couldn't quite hear the question. A last minute --?

Mark Wadsworth: Question from Gilbert was that he couldn't quite hear you about the situation of the appeal status. If you could kind of reiterate the actions from prohibiting final decision or disbursement?

Rick Gibson: Ah yes, Gilbert. Until the district court's order is affirmed by the Appeals Court, the *cy pres* process is on hold. The filing of an appeal automatically kind of stops any kind of process to put together the trust or distribute the funds as the parties agreed to distribute them. So we have to wait for the decision of the Appeals Court in the case they decide the *cy pres* provision is legal in some ways to go forward.

Mark Wadsworth: Thank you. All right, now, can we go to the ombudsperson, Joanne Dea?

Joanne Dea: Hello. Can folks hear me? Thank you for the opportunity to actually speak to the group today. So what I wanted to walk you through is actually -- I sent in a little

package to Idaho for each of you, and so on the package you should see on top a document that actually shows that there's six items in the package. So I'm going to walk you through those items.

So the first item is actually a summary from me, the ombudsperson, and that is -- hello?

Amanda Burley: Joanne, this is Amanda. Could you please just make sure that you speak up and speak very clearly? Thank you.

Joanne Dea: Yes. Yes. So, there is a summary from the USDA ombudsperson. It's just a few pages. In this particular summary page, these are basically my observations from a variety of discussions that I've held over the first year. So it would be individual, it would be hearing from different groups, spending time with each of you at the Federal Advisory Committee meetings, being at other advisory committees as well, and then listening to discussions through multiple venues. So it's not a comprehensive list of all the barriers and challenges, however, it reflects some areas that may merit some additional attention by USDA.

So in that summary piece, there are three main themes that I saw over this past year. So, one is actually improving the customer experience. The second area is understanding cultural values and differences, and the third area is getting

information to our farmers and ranchers consistently and thinking of more focused ways to reach our customers.

So as you turn to the next section - so these are all separated by a bright yellow sheet - you'll see a table that says State Breakout for FSA Direct Loans from 2010 to 2015. This covers seven states. So it's Arizona, California, Montana, New Mexico, Oklahoma, South Dakota, and Texas. This information is information that you have all been receiving as council members, and so I choose this information and just put it in a summary table for these seven states. So as you look at the table on the far left column, there are some numbers that are bigger numbers. For example, Arizona, there is an 18,375 number. That's the number of operators for that state for American Indian operators. Again, you'll see the year, you'll see the applications that are received and approved, and then we turn these into percentages, and then rejected and then also percentages as well. So it shows two groups which are the American Indian operators if you go through the left-hand side of the sheet, state-by-state, and year-by-year. And then on the right-hand side of the sheet, it is for the Caucasian applications for FSA direct loans, and again, kind of same format.

So if we keep going through the package, if you turn to the next section, past another bright yellow sheet, you'll see

another summary table. The summary table is called the State Breakout FSA Direct Loan for 2010 to 2015. It's eight states which are Alabama, Arkansas, Colorado, Nevada, North Dakota, Utah, Washington, and Wyoming. The format again is going to follow similar to the table that I just walked you through. I'm showing all these 15 states again. These were the states that you as a council were most interested in. If you turn to the next section, which is also showing on your cover sheet, as item 4, the title for that set of graphs is called The Farm Service Agency Direct Loans to Farm Operators. It's over three census years. So it's showing 2002, 2007, and 2012. Again, it's for all 15 states which are listed on the cover sheet, but also shown in these graphs.

The graphs are kind of stacked on top of each other, so if you're looking at Alabama, the top graph is for received applications to show you as a percentage of the census, and the bottom graph for that state is the approved application. Sometimes when you look at those graphs, they look almost identical but sometimes you can see that there are differences as well. The bottom, Source Information, which shows the table with different numbers on it is the farm operators again for each population for the census year, so 2002, 2007, 2012 for American Indians, and then also for the white Caucasian

operators as well. And so, again, this goes through state-by-state.

In order to create these graphs, I did have to ask FSA for a separate data pool to get this information. I didn't go back before 2002 because I was given information from FSA indicating that the information is not as clean in prior dates to 2002. So I only showed for the three census years. At the very end of this package are some notes that talk about how NASS changed the collection of their data, and then again walk you through a little bit of what I just talked to you through as well.

In the next section, again past the next bright yellow sheet, there are notes on some maps that I've created, and so I won't walk through this document. It will be a document that you can read at a later point in time. I will talk through pieces of it, but for example, there are state notes that talk through the next set of 15 maps. It talks about sort of concentration of where farms are according to county, but again, it goes through state-by-state for the 15 states. So what I'd like you to look at now is actually the 15 maps. We can look at, let's just say Alabama, in terms of maps that you can see. What I want you to understand is just what you're looking at in terms of these maps. So these are each a state-by-state view. So even with the state [indiscernible] you can see surrounding states. So you'll see portions of another state, and you may

also even see an entire state. So the outlines of the state are in white, and then the green dots are actually the service location areas, the FSA offices.

The white triangles are actually an estimate of farms. So it could be as few as five farms, or it could be 14. So actually it's just a range. These aren't actual farm locations, but it shows within a county generally what the farm numbers are, and so this is referring to Native American farm within a county area. The last outlined areas are tribal lands, oftentimes reservation lands. But you may also see like small black dots.

And so, again, they only look like dots but if we were able to kind of expand the view on these dots, it would actually be an outline, tribal areas as well. So most of the colors on the map are blue and green, and what I'm trying to show is the distribution of FSA direct loans on these maps. So if you can see the underlying maps with no color. That means that there were no loans within that county area. Some of the maps go to other colors like yellow, orange, and red. And you can see the legend in the gray box towards the bottom. If it's, again, like over 100 applications, it's going to show red.

So we have a few states where there's going to be other colors on the map but for the most part, it's going to be blue and green that you see on the distribution of the maps that you

have in front of you. So I'm going to go ahead and stop there. That's through just taking you through the entire [inaudible] that you should have in front of you.

Mark Wadsworth: Joanne, Mark Wadsworth here. Did you see through utilizing both NASS data and FSA data, was it mirroring each other or is there a discrepancy between the numbers between the two agencies?

Joanne Dea: I'm sorry. In terms of the question, it's asking if I find any discrepancy between the two agencies. There are different data, such [sounds like] dated information, so in that way I would say no, not seeing discrepancy just because they're pulling very different information. I think that the census folks here at USDA would acknowledge that they're always trying to do better on making sure they have an actual realistic count of the number of farm operators across any groups.

Mark Wadsworth: So for the record, you're saying that NASS' and FSA's data is in line with your report?

Joanne Dea: I think that's a difficult question for me to answer because, again, it's pulling from very different data sites, so actually it's information that was given to me when I asked for information. So that's the best information that was given to me.

Gilbert Harrison: Hello, Joanne. This is Gilbert Harrison from Navajo. I have a question on your charts. On the handout, this is the first page of the charts, and it's the right-hand side, it says Arizona, over from 2002, 2012, and 2007 being the break point. From 2007 to 2012, this is a flat line. There's been very, very little activity. I do know that I never had indications that in the midst of tremendous need on the Navajo reservation, the number of loans on trust lands is almost nil - zero. Have you done any investigation or any research on why this is so? Because like I said, I personally know there's tremendous need, yet there's very little activity on the part of USDA and the loans. Why? How can we get some answers for the why? Thank you.

Joanne Dea: It's very difficult for me to hear your comments, Gilbert. I got portions of it, but there were portions that I couldn't hear.

Mark Wadsworth: You have to bring your phone more to the --

Gilbert Harrison: Thank you. I just want you to know, Joanne. I guess my questions are sort of at least from what I just asked or leads to.

Joanne Dea: I'm sorry. I can't hear the question.

Gilbert Harrison: This indicates we have a break in system. How can we improve this graph?

Amanda Burley: Joanne, this is Amanda. The question Gilbert has is how can you improve the graph --?

Gilbert Harrison: How can we improve the graph so we have not only more applicants but more approval for FSA loans? I mean there has to be something that prevents this from occurring. Have you done any investigation, or who can investigate the why that these things, the lines leads up to almost zero? Thank you.

Amanda Burley: So Gilbert is concerned that the line is flat, and that the number of applicants has not increased as the number of approved applicants has not increased, and he wanted to know if you have researched into the reasons why that has occurred. Thank you.

Joanne Dea: Thank you for helping me to understand what Gilbert's concern is. So these graphs and all the materials I started with were intended to start conversations with the leaders to try and understand both what's going on, but also what improvements can be made as well. I think across several of the states, many state directors are trying to figure out kind of additional staff, but also working within their restrictions and limitations on budget.

So I think there is work that's going on to try and help increase, and the hope is that really being able to perhaps see

it a little bit more visually, that might help spark more conversations as well.

Mark Wadsworth: Debbie Holman. Connie. I'm sorry.

Connie Holman: It's Connie but that's okay. This is Connie Holman. One of the things that I wanted to bring up is these green dots on this map that are supposed to be FSA offices, what they are they are FSA offices but they aren't FSA offices with farm loan program presence. I think in Arizona, and Mr. Gilbert you might know, I don't remember exactly, but there's only I think two offices that have a farm loan presence in that state.

Gilbert Harrison: That's right.

Connie Holman: So a lot of the issues that you see are going to be travel distances and they don't have the resources to cover some of these. New Mexico is another one that doesn't have that many farm loan approving offices. So that's that. I think probably resources might be part of it as Joanne alluded to. It's sometimes we having to deal with our lack of resources. We are hiring some new folks but it takes a lot of good placement [sounds like] to the pipeline too.

Mark Wadsworth: Sarah, did you come on?

Sarah Vogel: Well, this is Sarah. I received only four of the documents and only a little while ago. I didn't have the chance to look at all of them, and I couldn't follow all of the

discussions because certainly some of the documents are missing like the maps and the colored sheets that Joanne was referring to. But I did have questions because one of the documents that I received just did set up to 2012, and this council was set up about 2012. So I'm kind of curious what has gone on since 2012 and since the appointment of the ombudsperson. I don't think the data from 2002 or 2007 is very useful because of the differences in the definition of what is a Native American farm when they are counting entire reservation as one farm. Obviously, that doesn't shed much light. They only have better data after it came out and about. I think the new agriculture census corrected. The agriculture census information came out and about sometime in 2010, and it was used in the settlement negotiation in Keepseagle.

So I guess I don't have very much to say about this. I don't see if that's being very useful for our purposes. And I don't think it will reflect a lot of the good work that the people at FSA have been doing in trying to get more loans out and the impact maybe that the microloan programs have been having. So I guess that's kind of all I have to say. If there is information like this, I think it would be very helpful to all the council members to get documents like this in advance so that we can study it and not just have to react to it.

Mark Wadsworth: Joanne, did you have anything to reply?

Joanne Dea: I will just share that in terms of why it doesn't go beyond the 2012 just in terms of the graphs. It's because I was trying to work with census year information. So of course the next census year, since it's every five years, would be then 2017.

Sarah Vogel: Let me react to that. I don't think the numbers of farms are changing very often. I think the Nation as a whole tends to rely on state data that came out in 2012, 2015. We have a pretty good idea of what's going on in 2013, 2014, 2015. I think this council -- and when we did start? Leslie, what year was it that the council started?

Leslie Wheelock: I want to say it's 2012.

Sarah Vogel: Yeah. So we have data prior to 2012. The last two covered all of that, or not all of it in 2010 and prior. But I think we would have been much more interested in how well USDA is going in terms of getting applications. And of course, we've often said many times, the relationships between the number of applicants and the number of farmers and ranchers, it's somewhat of a measure of how well the outreach is going. USDA is one of the [indiscernible] sources of credit on reservations because of the credit desert issue that we've been discussing. So many banks won't lend us. So one would expect a higher rate of application from Native Americans, and the other farmers and ranchers would have more options. But I guess I'm

just saying that I don't think that [indiscernible] all that useful because 2002 and 2007 census data wasn't useful, and using later information I think would be of more interest to this council.

Joanne Dea: Just one other comment is that, I'm happy to work with the Office of Tribal Relations to get you a full package. The summary tables that you don't have as well do cover information from 2010 to 2013. And again I realized that you do not have all the documents in front of you to --

Sarah Vogel: When did the council get these records?

Female Voice: This afternoon.

Sarah Vogel: I don't know this afternoon is all that. I'll let Tawney in.

Mark Wadsworth: Tawney Brunsch.

Tawney Brunsch: I will say that I'm --

Male Voice: Turn it on.

Tawney Brunsch: Hello? Okay. So I will say that one of the charts included here is a State Breakout of FSA Direct Loans from 2010 to 2015. But unfortunately, it looks like South Dakota is near almost at least a second record low for percentage of Native American applicants received compared to total applicants. So we're on a downward trend for 2015. We were at 10.2 percent of the applicants received for Native American in 2010, and in 2015 we're down to 2.6. So I don't

know that that shows, that describes the picture that we were hoping to see. It brings up though back to your point, Sarah, about having the meeting materials in a timely enough fashion for us to be able to review them. Just for the record, I do know that the bylaws require us, call for us to have meeting materials in advance and allow for that to be electronically -- and I don't know. I know I've discussed with Leslie already how. Maybe we get with Leslie and say whether we want the meeting materials electronically or just printed. Once we get there, I always want them electronically. But it needs to be a good week to 10 days in advance of the meeting so we do have time. It will be a more productive meeting if we have a chance to really know them inside and out before we get here. Thank you.

Male Voice: Shorter.

Sarah Vogel: And to circle back a little bit. I appreciate I don't have the data to 2015. But again, I think we have to be very careful in terms of comparisons. If the census data under-counted in say 2007 census, then if there were five Native Americans applying and only five farms that were counted, then that would look like great statistics. But it will be a false comparison, so I just caution. I don't know these charts and graphs without more analysis that people could provide the data and more time would be all that helpful. But I do think

this is material that would be interesting and useful and could be possibly used by the guide the credit desert subcommittee.

Mark Wadsworth: Thank you. We have one more comment from Gilbert.

Gilbert Harrison: This is Gilbert Harrison again. I have one question. You indicated these graphs are used to start conversations. Who is responsible for starting some conversations and corrective actions and stuff like that? Thank you.

Joanne Dea: Again, Gilbert, it's a little hard to hear. But I understood your question to be who's responsible for kind of corrective action in terms of the accountability piece. Did I hear that correctly?

Gilbert Harrison: Yes.

Joanne Dea: So I would also say that FSA will need to kind of continue those conversations as well. So that will be, I think, you know in talking to Jim Radintz and others, and I know that Connie is there in Jim's place. But that was just probably a place where a portion of the responsibilities will be.

Mark Wadsworth: Connie Holman.

Connie Holman: Okay. As a point of clarification, Tawney, where did you pull your information in South Dakota?

Tawney Brunsch: It was like under the fourth, about the fourth section there --

Connie Holman: Okay. Well, I was looking at this and I think what this says in South Dakota is for Native American applications, there were 78 received, 71 approved, which is 91 percent in 2015. Okay. Where did the 2 percent come from?

Tawney Brunsch: Because the very last column to your far left I'm assuming is the percentage of Native American applicants to total applicants within the whole state.

Connie Holman: The far right --

Tawney Brunsch: Do you see that? Because it looks like the trend has been downward in South Dakota just overall. So I didn't want to bling [sounds like] that.

Connie Holman: That's says Caucasian applications.

Tawney Brunsch: Right. So if you want to compare, like it looks like the trend is that there's a decrease in Native American applications but there's also a decrease state-wide from like non-native applications, too, so it wouldn't be fair to say, you know whine too much about a decrease in Native American applications.

Connie Holman: Okay.

Tawney Brunsch: But if you use the percentage, the number of Native American applications compared to the percentage of Caucasian applications, it's still a decrease.

Connie Holman: Okay. Because take [indiscernible], it says the number of --

Tawney Brunsch: Rejected.

Connie Holman: Yeah, the person rejected.

Tawney Brunsch: No. Rejected is in the next column.

Connie Holman: Okay, rejecting the person, okay, anyway.

I think probably it would be easier if you got it ahead of timing and could figure it out.

Tawney Brunsch: Absolutely, yup.

Mark Wadsworth: Within South Dakota, you know, just looking at the rejection percentage was a high of 22 percent where it looks like the Caucasian is like 2 percent rejection rate, which is a huge difference in one year. But then, even having a 9 percent rejection rate, that rejection rate is still compared to a 2 percent is still --

Tawney Brunsch: Right. But I think that just proves Sarah's point too, right, look how fun it is to really pull this apart, state-by-state even, and look at the different things we would see and be able to make really much more effective recommendations.

Female Voice: Right, and one of things that you have to remember when you're doing percentages is it's a percentage of the application so if you get less application, then your percentage, it's easier for your percentage to be higher. I can say this. This is one of the things that we particularly look at from the national office when we take our teams out of the

farm loan risk assessment teams to the states. The difference in the percentages, the numbers of rejected or withdrawn applications, and the difference in processing times and that's a direct result of the lawsuit [sounds like] and in trying to monitor those on a state-by-state basis. So it's one of the things that we've become much more attuned to during the period of time that the statistics would have shown.

Mark Wadsworth: Jerry McPeak.

Jerry McPeak: Thank you, Mr. Chairman. This is Jerry McPeak from Oklahoma. I like some things that I saw here. I saw some things termed customer service.

Joanne Dea: What?

Jerry McPeak: The terminology good stuff, they were selling something, and at customer service reported. I'm not sure what that says about Oklahoma. Porter, if you look at our numbers we have in Oklahoma, even we got a whole lot poorer last year or so.

Porter Holder [??]: Yeah, we got less [indiscernible]

Jerry McPeak: Oh we got a whole -- yeah. We are -- more than white and our Caucasian or Native Americans, we increased, and leading up to take a long time leading up to the fact that in Oklahoma, we really think, I think, and Porter will agree that we got comparative improvement as far as our customer service was concerned. These folks got pretty bad gone

aggressive. They really got aggressive in Indian Country. I mean all you had to do is say. If they just thought you wanted somebody out there, they brought them out there. We have millions. They have millions in the state, and white folks come and go specifically invite the Indians go to the tribes and invite us to come and deal even. So when I first saw it, well the Indians have increased in the number of applications but when I looked, the Caucasian increased the number of application is the same thing. So I think the service just carried over. I'm only saying this to say that I've heard some of you allude earlier. We cannot take the human factor out of it. The human factor, not only can you not take it out, that is the most important portion of it. I think we have that discussion earlier. That is the most important portion of it. I really think we are seeing an uptake, a significant uptake as far as service mindedness is concerned.

Male Voice: We wonder why?

Jerry McPeak: We wonder why, Bruce says. That is not just being with the Indian there but it's also bringing the Caucasian. I think perhaps it keeps a little credit, but it just carried over and it has been a tremendous effort to be of service out there in our state. So sometimes I like coming in and listening because me and you guys are struggling with

relationship and with what's happening it seems in areas. And in ours, don't you think Porter that they've come a long ways?

Porter Holder: Yes, I do. I think the Keepseagle started a good habit that carried over across the nations. I mean across the state. Yeah, it corrected a lot of the human factor in this. And I will say this, I've said it before to the council members, if you have a tribal member in your area that is having trouble, in your field office, if you would contact one of these Washington people, you would be surprised at how quick this field office will come and comply when they get an email or phone call from Washington DC. Thank you.

Jerry McPeak: If I may continue?

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Thank you, Mr. Chairman. Along with that, ours, as you all know I'm a state representative, and I don't go to Washington DC for anything, hardly, except about these meetings. Because if we call our state people, you just have to act like you think there's a problem. Our USDA guy, he's on stuff like why don't I rise like a chicken on June bag, and if those guys -- they know their -- then went over and as a matter of fact any of this, but they met at our college just about a month-and-a-half ago. I happened to hear about it and just went over. I mean you don't have to call. You just call in state. You tell them, hey, can you just check on this for me? Pooh.

So again, [indiscernible] commended for what they do. I think they all have shown some improvement in some areas. There are some tradition that I wasn't aware of. There just is tradition, and needs to be fixed because I was appalled at just some of the things I heard. I just could not ever believe it. But in our deal, we're kind of poor Okies and we apply, and we bought a lot of money, and if we look at the numbers, therefore, our ability has to do with, I think, a human thing that has been there. They've done a really great job in the last couple of years.

Mark Wadsworth: We'll take one more comment from Mary Thompson and then Tawney, I believe, that you're going to be 2:30 did you say or --?

Tawney Brunsch: 2:35 but we're going [indiscernible].

Mark Wadsworth: But anyway, Mary Thompson.

Mary Thompson: Thank you very much, Mary Thompson speaking. Joanne, I was trying to read your summary and everything but I'm a one-track mind person. I can't read and comprehend what I'm reading and listen to the conversation at the same time. But I have a request, just for me, would you put North Carolina's numbers and statistics in the next report coming out? Joanne?

Joanne Dea: Hi, Mary. So I did hear your request, and I'm also wondering -- this is a question to the chair, was Jeff Prieto able to talk with you prior to this council meeting?

Mark Wadsworth: No.

Joanne Dea: Or during the council meeting?

Mark Wadsworth: No.

Joanne Dea: Okay. I feel like one of these pieces of information that I need to share with the council as well because we had really tried very hard to try and coordinate a call to make sure that you all also understood what my role was at this point. It's that the secretary has actually redirected my work, and so Mary, I did just hear your request about the North Carolina information. I can look into that information for you separately, but at this time my work, the focus now is to be actually Hispanic farmers and ranchers, and women farmers and ranchers. So I think it's important that the council is aware of this information.

Mark Wadsworth: All right. Well, thank you, Joanne.

Joanne Dea: Mary, again, I did hear your request so I will respond to your request maybe separately and offline, and also Sarah Vogel, we will make sure that you get a full package as well too.

Mary Thompson: Thank you.

Sarah Vogel: Thank you.

Mark Wadsworth: Let's go ahead and carry on for a concern that was brought up to the council, and then we'll have Connie

discuss this. Connie, you have some committee comments you'd like to make before you take off today?

Connie Holman: We never really got to visit much about the new youth and education subcommittee. I guess we decided who will be on that subcommittee. But if Jerry's the lead and he says that we can follow up at a later date, I do believe that that requires more thought probably than the 15 minutes we've got or whatever. But as long as we schedule another follow-up meeting. I want some clarification, I guess, on the dates though. If we're actually going to be making recommendations that we would like considered you know before the end of our terms, what's the firm deadline? I mean when would you like to see those by?

Mark Wadsworth: Go ahead, Amanda.

Amanda Burley: For the record, this is Amanda. Everyone's terms, seated on the council right now, are set to expire on September 4.

Jerry McPeak: Louder.

Amanda Burley: Your term is set to expire on September 4th, and so that being a very soon date, your recommendations need to go in as soon as possible basically so within the next two weeks.

Sarah Vogel: Excuse me, whoever is speaking. I can't understand at all.

Mark Wadsworth: It's our loudest person in the room here.

Amanda Burley: Hi, Sarah. This is Amanda. What I was saying is that everyone's current term on the council, their appointment expires on September 4th. Therefore, recommendations should potentially be in to the administration no later than probably two weeks from today. So you could possibly get an expedited response. And as a reminder, within that time period, applications for the new appointments are due by August 22nd, and they are due by close of business. That is a firm date - no exemptions. So please be mindful of that.

Jerry McPeak: What's the firm date?

Amanda Burley: August 22nd.

Jerry McPeak: What's the date when you really have to have it?

Amanda Burley: August 22nd.

Jerry McPeak: My wife has these dates like that. It's a deadline two weeks later.

Mark Wadsworth: Anybody have a calendar in front of them?

Amanda Burley: Like this? It's blank. It's coming.

Male Voice: Yeah, I got one of them in front of me.

Amanda Burley: So August 22 is a Monday.

Male Voice: It's a Tuesday.

Amanda Burley: Not on my calendar. [Cross-talking]

Female Voice: It's a Monday.

Mark Wadsworth: I think the date we're most concerned about is getting in our approved recommendations for this year to the secretary. I think those will be probably due by the 12th of August, which means that we will have basically next week and early the week after that to do your committee meetings, draft up your recommendations, so that we could act on them possibly on a teleconference on August 12th.

Leslie Wheelock: August 12th? August 12th is a Friday.
Mary, what are we doing?

Mary Thompson: A conference call on this?

Mark Wadsworth: Should we try to do it on the 11th just to give Friday just to add a day to work on them or what do you think? I know we have a tribal holiday, so I'll have a half day off on the 12th, but if we could have a conference call about 10:30.

Angela Peter: No. Sorry. You're going to take me off of my hours.

Mark Wadsworth: Yeah, 10:30. You'll make it at 7:30 your time. Okay. What time in Alaska could work?

Angela Peter: 9:00.

Mark Wadsworth: 9:00, which would make it not in time that we sit in right now. It would be 12:00.

Angela Peter: That's good. I see you name it 9:00 Mountain Time?

Mark Wadsworth: Yeah.

Angela Peter: On the 12th?

Mark Wadsworth: Yeah.

Angela Peter: Okay.

Female Voice: And that's this time here?

Mark Wadsworth: That's the time it is right now. It would be noon here.

Female Voice: Noon here.

Mark Wadsworth: 9:00 your time.

Female Voice: 10:00 my time.

Mark Wadsworth: 2:00 your time.

Amanda Burley: Can I say that? Mr. Chairman?

Mark Wadsworth: Yes.

Amanda Burley: Sarah, can you hear me?

Mark Wadsworth: Sarah?

Sarah Vogel: I was trying to figure out your time and your time and I'm not in Central. Tell me and I'll be there.

Amanda Burley: Sarah, can you hear me?

Sarah Vogel: Yes. Yes, I can.

Amanda Burley: For the record, this is Amanda. Based on the timetable that we have, Mr. Chairman, I would recommend that this afternoon that the council go ahead and firm up the recommendations that have been discussed yesterday and today. If there are going to be any additional recommendations, we need

to go ahead and outline those today so we can have a working draft, which we could circulate around by email. People could have some back and forth, have some time to look at it because we basically need to have that outline and sent as soon as possible if we're going to have a final letter submitted by August the 12th to have a conference call, and outlining next steps. That would be my recommendation to you. And then that would allow the USDA team to have time to also formulate the responses, requests, and somewhat time in there hopefully. I also wanted to do as much as I can. I will be meeting the agency next week, so I need to do as much as possible. Again, that is not necessarily a concern for the council and I recommend that. Josiah is also working in conjunction with me, but I would like to have you in the best shape possible before I go.

Mark Wadsworth: Are you leaving on a Friday?

Amanda Burley: I was actually supposed to leave this Friday but I was going to leave on Wednesday of next week, but I might just do a whole week because we've got a lot of stuff to do.

Angela Peter: Dedication appreciated.

Mark Wadsworth: Let's go ahead and break for a few minutes and then we'll come back and tackle this thing, okay? Tawney, did you want to say anything before you take off?

Tawney Brunsch: Just that it's been an experience. Hopefully, I've contributed as much even a fraction as what I've gotten out of it. Honestly in just getting to meet you all and work with everybody and getting to see the outstanding communities that you come from. I think we've got a good momentum right now honestly. I hope that everybody considers putting in an application to be reapproved for this council because I feel like right now, we're going to start getting stuff done. I mean honestly, we are just now, it's where the rubber hits the road basically, and I really hope that you'll stick with this. I know I plan on applying and looking forward to really getting some stuff done for our Native American farmers and ranchers and our communities, so thank you.

Mark Wadsworth: Thank you. We'll convene in 2:45.

[Break 04:25:32 - 04:52:18]

Mark Wadsworth: Sarah, are you there?

Sarah Vogel: Yes, I am.

Connie Holman: Okay. Can you hear me now? All right, Connie Holman, for the record. When I'm excited, I talk fast; so if I talk too fast, slow me down. I am proud of what we have been able to accomplish with the microloan program. Is it perfect? No, but we're working on it. Hopefully, by the time we're finished and by the time those of you with the council will agree with me about that.

We implemented the microloan OL program on January 17th of 2013. Since implementation through this morning, we have made 21,000 loans - 20,929 loans. In 2016 alone, we made 6,040 loans for a total of \$115.3 million. That has gone up every year, the number of microloans that we have made. Out of that 2016 [indiscernible] year, 297 of those have been to - those who have identified themselves as Native American for \$8.1 million. In January of 2016, we implemented the FO Microloan. Both of those are limited to \$50,000. Since January of 2016 when we implemented that program, we've made 156 FO microloans, for a total of 5.15 million, which averages about \$33,000 a piece, give or take.

Mark Wadsworth: FO stands for?

Connie Holman: Oh, I'm sorry, Farm Ownership. We have two major programs, the Operating Loans and Farm Ownership loans. At the same time, the delinquency rate on operating microloans is actually lower than the percentage for our regular loan program. We're just at about 3 percent for the percentage of delinquent operating microloans. Out of that, 156 Farm Ownership microloans, well, only one of those have been to a Native American, and that loan was for \$24,000.

Well, one of the things that's important to remember about the Farm Ownership microloan is that it is limited to \$50,000. And then so when we were talking about Indian [indiscernible] a

lot of people have said, you can't do much with \$50,000 even when it comes to purchasing land. And that's true. It also will be available for construction of barns and that type of thing. One of the things that we have in mind in developing the microloan Farm Ownership loan was that it was a bridge to, hopefully, help some of the youth buy small parcels of land to expand their farming operation. And so we have farmed [sounds like] a youth into an adult. We would need [sounds like] to a more adult operation.

Like I said, we started the loan program, implemented the Operating Loan microloan in January of 2013. As soon as we finished that fiscal year, OIG decided that they needed to do an audit on our microloan program, which wasn't really unusual, other than the fact that it came so quickly after we'd implemented it. They reviewed seven states, I believe it was. They started out with three, then they expanded to five states, and then they expanded to seven. It took about a little over a year actually before we got the report which concerned me about what they were going to say, what they were going to find.

But we were very pleased they had two issues with the program as a whole. One of them was in some instances we were taking too much security. Our other regular loan program required 150 percent if it was available. For an OL microloan, if it's a time loan to purchase livestock or equipment, we need

to require them that they secure it 100 percent. That takes a change in mindset. So that was one of the things that they identified as an issue. One of the other things they identified as an issue was outreach. We weren't doing enough outreach. We could have argued the fact that because the program had been so successful, obviously we were doing some kind of outreach.

We did answer that audit and agreed to do some additional training. From the time that the program was implemented until now, we've also got a new outreach program as part of the deputy administrator for field operations. And their staff has kind of taken over the outreach part of our programs. So we were hoping that they're able to do some more of these group-type meetings and things like that. When we are at Oklahoma, we've seen that, correct?

Male Voice: Yeah.

Connie Holman: They were number one. They made more microloans than anybody in the country that first year. It's up in the western.

Jerry McPeak: It is in the very northern edge. It is about 28 miles out of Kansas.

Connie Holman: They did a really good job. Almost 80 percent of all of the microloans that they make are to individuals who identify themselves as beginning farmers or socially disadvantaged farmers. So one of the things that we

believe the program is doing is, it is reaching those that we really intended which were those that are either small beginning farmers or maybe the niche-type, non-traditional type farmers, and as they grow their operation. We do believe that it is reaching the folks that it's intended to reach.

Now, there's someone in this meeting this morning, one of the things we try to do when we started out with this program was we formulated a plan on how we were going to roll that out. One of the things that we did is we required every farm loan employee across the country to attend one of our webinars that we gave from the national office. So we thought that that gave a consistent message that is opened by either a deputy administrator or an administrator. So, we put the message out there, it is consistent and it was also how important it was and what the goal of the program was supposed to be. I believe that's another reason why it has been so successful as far as the roll out is concerned. Any questions? I think I've covered most of the statistics.

Mark Wadsworth: Just quickly. Ben, we have never met your compatriot here. Could you introduce yourself to the council please?

Dustin Carter: My name is Dustin Carter and I'm the farm loan manager for the Blackfoot FSA Office.

Mark Wadsworth: Which would be Bingham County?

Dustin Carter: Yeah. We cover all of the Fort Hall Indian Reservation and then all of Bingham County, Power County, Butte and Custer County as well.

Mark Wadsworth: Dustin, what is the participation rate in our area for Native Americans in the microloan program?

Dustin Carter: Gosh, I don't have any statistics to tell you exactly. I know we've done one for sure this year. There's a tribal member here. I don't believe we had any in previous years. We might have actually done two this year. I can't give you anymore specific than that because I don't have the exact numbers, but we have seen some applications and we have seen some successful loans.

Mark Wadsworth: Thank you. Anybody else have any questions for the microloan?

Angela Peter: Can I wait until the end to make my comment or are you through with this?

Connie Holman: I'm through with microloans, unless you have -- I was going to talk next about how it [indiscernible] Indian land.

Mark Wadsworth: Gilbert.

Gilbert Harrison: Damn casinos, I need a microloan to get home. Gilbert Harrison, I'm from Navajo.

Female Voice: I thought you were going to take your computer over?

Gilbert Harrison: That's gone too. Anyway, previously before, there were not as many loans on trust lands and issues more. Specifically, what has FSA done to increase their loan portfolio? Have they reduced the requirement for collateral? Are they taking more risk? Specifically, what have you done to increase the ability to loan out for applications? Secondly, loan means you have to repay. Has there been any indication or any record of what kind of default that you're experiencing? Thank you.

Connie Holman: Well now that you asked, one of the things that we tried to realize as we got ready to roll this program out, is a lot of the issues that faced the different groups that we felt like would be most likely to use it - Native Americans being one of those. We specifically added some points into our handbook that we hoped would help with that. For instance, there have been a lot of complaints about the fact that we have credit requirements, as far as having good credit or at least not having bad credit. There was a lot of concern over the fact that in a lot of cases, medical bills unfairly create issues for Native Americans. We've built some language into our handbook that talks about those kinds of medical issue, medical collections, and things like that or behind. Like payments due to medical issues or things tied with the BIA as far as the Indian health and stuff like that.

Part of the microloan program says, you don't necessarily have to have the experience if you have a mentor. And many of the things that they built into that was we'd always require a mentor or look for a mentor to be someone, maybe an FFA teacher or something like that. One of the things that we do is we specifically said in tribal areas where culture dictated that your family were farmers and they brought you up and trained you as you grow that that's one of the things we would consider to meet that requirement.

We specifically looked at some of those 12 things that had been issues in our regular program to build some flexibility into it. Because quite honestly what we looked at when we looked at the Microloan Program was that that was the risk the agency was taking. On this Microloan Program, on the microloans, when we started out there were only \$35,000. And then the guys kept saying, in a lot of cases, that's just a car loan. So we tried to look at that as we could afford to take a little more risk when it was a smaller loan. That's where we'll go with that. I forgot the other part of your question.

Mary Thompson: The microloan for his gambling habit.

Connie Holman: We'll have to talk about that offline.

Leslie Wheelock: Indication and record of default.

Connie Holman: Oh, yeah. It's actually less than our regular loan program. The last record I saw, it was something

about 3 percent. So that is less than our regular loan program is.

Leslie Wheelock: Excuse me, [indiscernible]. Sarah Vogel, are you on the line? I need to ensure there's a quorum.

Sarah Vogel: Pardon?

Angela Peter: Oh, yes.

Leslie Wheelock: Yes, you're there. That's fine. Please continue.

Sarah Vogel: Yeah.

Leslie Wheelock: Please continue. Thank you.

Male Voice: That is a cloud.

Sarah Vogel: Pardon?

Connie Holman: Okay. Did that answer all of your questions? Okay.

Mark Wadsworth: Sarah, she was just making sure you were on the phone line to maintain a quorum.

Sarah Vogel: Oh. Yes, I'm here. And I'm really delighted to hear all the good news about the microloans. Hopefully it is a real estate loan, the FO Loan [indiscernible]. But I won't leave you guys without a quorum. No, no.

Connie Holman: Okay, anything else about the microloan program? Yes.

Gilbert Harrison: I have one more question there. After you've made your loan to let's say a first-time farmer or

others, what kind of resources or technical advice or do you have any counselling to provide for these people so that sort of encourage them and make sure that they succeed in what they want to do? Do you have resources or can you refer them to other people if they want -- you know, like what kind of products to plant or any of that? I guess what I'm saying is, besides the loan, what other services do you provide to make sure that that loan is successful? Thank you.

Connie Holman: Okay. Well, about two years ago when I came on, we did a lot of technical assistance in our office. We've lost a lot of employees over the past few years, and so we aren't able to do as much of that. Most offices that I'm aware of - and you can correct if I'm wrong for your area - if there's questions regarding what to plant or when to plant or what to spray with, or any of those kinds of things, we do refer those to the extension service in whatever area you're in because they're familiar with that. What we do is basically from a financial standpoint. At the end of the cycles we work with them. Once they make a loan, we work with them, or before they make a loan, we work them upfront to put together the cash flow. And then once they've finished that first cycle, then we do what we call a year-end analysis, which is analyzing what they've made, what they've spent, and that kind of thing. But we do try to do a lot of that. The only thing is we have less resources

to do it and sometimes we don't get the chance to do that as much. But generally if we can't, we can refer those folks to particularly the extension service. They do a lot of those type of things as well.

Female Voice: Thank you.

Female Voice: Josiah.

Josiah Griffin: This is Josiah Griffin. Additionally to Connie's point, the Farm Service Agency has been rolling out a pilot project for Bridges to Opportunity. They're not only compiling a list of national programs and state programs, but resources that are in your neck of the woods that have an extended experience handling a diverse cadre of questions. So if you came in saying, I'm a new farmer, I'm interested in credit opportunities, they might direct you to, say, First Nations Development Institute or to your local extension agent. If you came in asking for pollinators, they might recommend you talk to the local university who might have a specialist dealing with just that specific subject. And so to my knowledge, being quite a bit more proactive in trying to make sure that it's not just an extension that you have access to but those other opportunities that are relevant to what you're seeking.

Connie Holman: That's correct. It started as a small pilot project and it's growing every year. We're adding additional states to that. In addition, unless there's any more

questions about the micro FO or Farm Ownership or Operating Loan? In addition, as I said earlier this morning, the Farm Storage Facility Loan just implemented a microloan program sometime about May. I don't know a whole lot about that, but I do know it does have a more reduced application than the regular Farm Storage Facility Loan.

In addition to that, the Farm Loan Programs, hopefully this fall, will be implementing what we call the micro-lending program. That's where we're getting some of the CDFIs involved. Someone that doesn't have the experience with ag loans, it would be a smaller loan but we will be looking at guaranteeing that. We have an easy guarantee, where we roll out about the same time, and that the equivalent of the guarantee side of what the microloan program was on the direct side. It will be reduced paperwork for the lender. As far as what comes to FSA, it will be limited to \$100,000, but it will cover also Farm Ownership loans and Farm Operating loans. What? Anything at all on loan?

Mark Wadsworth: On the farm storage, what was the limitation for lending on that?

Connie Holman: The farm storage facility? I'm not sure. I can get that information and get it to you.

Ben Evans: This is Ben Evans with the Farm Service Agency. The Farm Storage Facility loans - the Microloan Program - is up to \$50,000. It can be a one, three, five years or three, five,

seven-year term, and hay sheds, green bins -- it has a whole list, yeah. They come out with trucks, green trailers - some of that has kind of been put on hold until we get it clarified with procedure. But like I said, in the counties I'm in, we just did our first microloan for a hay shed.

Porter Holder: Porter Holder, Oklahoma. What's your interest rate on your microloan?

Ben Evans: I believe right off, the seven-year for July is 1.5 percent. The good thing about the microloan, the regular Farm Storage Facility loan was an 85 - you as a producer put down 15, and we loan on 85 percent. The microloan is 5 percent down and we loan on 95 percent.

Porter Holder: At 1.5 percent?

Ben Evans: On a seven-year. And then the five years, I don't have it. It's less. It's one point --

Porter Holder: It's less?

Ben Evans: Yeah, on a five-year.

Connie Holman: It's on a graduated scale.

Jerry McPeak: What's the qualification deals? That's what you're going to ask wasn't it?

Porter Holder: For a microloan?

Jerry McPeak: Yeah.

Porter Holder: If you do qualify, I mean.

Ben Evans: You come in, we look at your production history. Well, that's the other kicker. The microloan, that is one area that it's geared more towards maybe smaller producers that don't produce that much or don't have the production history. Usually, we're looking at the past three years on a regular microloan so we'd run your crop reports. You wanted a hay shed, we'd look at your last three years' production and we can store up to two years of storage. But they get taxes, the financial stub, updated balance sheet, credit report, three years of taxes. And then we just have a checklist you go through. I highly suggest it's one program I think we could utilize a lot more. It's good. It's starting to really get going in our county, like I said.

Porter Holder: At home too. I see it more at home, I mean, I've never heard of the microloan until Chris Beyerhelm started talking about it. I've never really heard about it in my county, I've told a few people about it, but now word is out. I mean, I know a lot of people who's got microloans now. Derrick, yesterday, was talking about it as two or three months. It's more as days, and Chris, if I recall right, he said sometimes if everything's just right, if you go on that morning, it could be that day.

Connie Holman: That's correct. The paperwork is so reduced. The application form, what tab is that behind Amanda?

She provided you a copy of the application in your book behind tab number 8. It is feasible. But that application, between 330 application, plus the environmental information, plus a credit report fee, is all you might have to have. Now, every case is different. In some cases, you might have to provide some extra information. One of the things we did with that is we said, if you have off-farm income but you don't need that off-farm income to show your payment [sounds like] ability, then we don't verify that. So there's a lot of ways that we cut the requirements, the paperwork requirements on the microloan.

Porter Holder: That's an outstanding program for a farmer and rancher.

Connie Holman: Especially those that are farmer or I mean smaller or those that -- and I've worked for this agency for 35 years, almost 36. And one of the reasons we can't pay, and justified I believe so, is that it was too overwhelming when you walked into the county office and they handed you the stack of papers that looked like this. That to me are the things that this program did, is it took away the intimidation factor of somebody slacking, that they did a lot of paper acting. Now you don't have to fill this out when you get back in. When you go out today, you certainly will go straight in and say that's all right, I'll operate on credit cards at first. And that's what we have a lot of.

Jerry McPeak: Very accurate. That's accurate.

Connie Holman: It is. I worked in Hawaii and I --

Jerry McPeak: Okay. So you think that. Yeah, I get that.

Connie Holman: We had a lot of paperwork that we'd rather operate on credit cards than to come in and face paperwork. So that's one of the things that we kept in mind when we're looking up at this.

Jerry McPeak: What's in that? It can be up to what?

Connie Holman: Up to 1,500. And the firms did for 13 months. Another thing that you can use those for is refrigeration, right?

Female Voice: Yeah.

Connie Holman: Yeah, you can use those for refrigeration. So I think in a lot of areas where you do stuff for farmer's market and then stuff like that, well, that probably would be --

Jerry McPeak: How about coupon?

Connie Holman: There is a million dollar application fee, he says. And I think it's, with that said, when we got it out there I was sure I couldn't retire right away because that would have feel like really going out on a high note because there are a lot of folks that said you'll never make it alone, you'll never make it work, and we definitely proved that wrong. I can talk all day. Come on, come on.

Mark Wadsworth: I understand the storage one. I was just wondering what the limitations for the big spud sellers out here or a storage.

Female Voice: Not the microloan?

Mark Wadsworth: Not the microloan but the regular one.

Ben Evans: Mr. Chairman, Ben Evans again. You can go up to 500,000. Those are the 15 percent down. We loan 85 percent. And so same thing, we're looking at production to justify how big the storage that you're seeking. But potato cellars are an eligible storage facility.

Mark Wadsworth: Same percentage rates?

Ben Evans: Yeah. It's either 1.5 or 1.65 for seven. Then there's a 10 to 12-year on lease [sounds like]. Once you get up to 500,000, you're looking at 10 or 12 years. So I can't quote you right offhand what it is. I'd have to look on the Web. But it's good. You won't find a better interest rate to do those facilities. Same \$100 application fee, and that's just to help us file the liens and do things that we got to do.

Male Voice: I'd give the \$100 to keep me from filling out all that paperwork.

Ben Evans: Yeah.

Male Voice: We give more than that, don't we?

Male Voice: Yes.

Connie Holman: Anything else? Well, thank you for giving me the opportunity to stop by. I'm proud of it. Yes, ma'am.

Mark Wadsworth: Yes, Mary.

Mary Thompson: Thank you very much. I appreciate all this. This is good information. And I wanted to commend you on the way you rolled up the microloan packages and the webinar training, the consistency in the training that come from top to bottom to make this easily accessible for everybody. I think that model should be used within other USDA programs to help them get that training, that consistent training from the upper level to the state levels and county levels. I think that would benefit a lot of other programs. Thank you.

Connie Holman: Thank you. Technology is cheap these days, and they utilize technology. In addition to OIG, my staff, every year we do a review, an audit, then randomly pull files based on -- we use a prototype from each state. And we go looking on the identified trainings, then we're training those. The general rule, my staff holds three or four - depending on how consistent we can be - what we call hot topic trainings every year. So we're always taking the information that we find on those audits and continuing the training process as we go. So we use the data, and those are required for all of our farm land owners and people too. So it keeps getting updated. It

keeps a consistent message. It keeps them knowing that we're checking behind them.

Any other questions? She's waving. I've got to hurry evidently. All right. Well, I've got my card. I'd give everyone one my cards. If you have an issue, I got my email at the bottom. Have anybody call me if they've got a problem, a real banking issue, and we'll look into it. That's what we'll do.

Porter Holder: Porter Holder. I do have a situation coming up. I talked to Jim about this a couple of times. There's a young man that's fixing the go-ahead and apply for a loan. It's a land loan, but he has the cattle. They want three years of income tax return. This kid is 20-years-old. He doesn't have three years. I talked to Jim about this. I asked him, I said wouldn't the cattle bearing this kid's brand be proof enough that he's been in the business this long? I told him that he was ready to fix the due and probably ready to fix the run-in too. I just want to alert you to it too. Because I understand and he told me he's going down there next week, he's going to run into this so I may give you a call or Jim. I don't have Jim's card number, but I'd give you all a call to kind of help him to navigate that if he has trouble.

Connie Holman: That's fine. Give me a call. Give me a call anytime. You can give this member, this email to anybody.

It's not a secret. It leads direct to my desk. It doesn't go to the secretary. It's got an answering machine. If you leave me a message, I will call you back. But I promise you we will look into it. It won't take days to do unless I let you know that something's up and I can't. We usually try to respond to something within 24 hours.

Porter Holder: Thank you very much.

Connie Holman: Highly fractionated. All right. Now I want to talk about other things. We did implement the program in December, I believe it was. November or December 2015. We have not been able to make one of those loans mainly because we haven't gotten an application for it. We have \$3 million to loan. It goes to a tribe, or a tribal organization, or a CDFR. The sole purpose is to consolidate fractionated interest. In other words, we would loan the money to a CDFI and that CDFI would in turn loan that money out. I think that's a not good example. Yeah, a CDFI. For instance, I'd say we would loan the money to them and they would in turn loan that out to an individual member of the tribe that wanted to consolidate fractionated interest.

I didn't say we don't have any. We have had several inquiries about it, many of which have moved [sounds like] out. I would really, really like to get this money out there this year, before September 30th. If you know somebody that's

interested, a tribal organization that's interested, I will see the loan be out, to work through the application process with me if we could just find somebody that we can make a loan to. You know the first one is always the hardest in the FSA.

Male Voice: Yeah.

Connie Holman: So I'm just getting the first one on the books. But I will be happy to work with anybody or see somebody out there or whatever it takes.

Mary Thompson: I think Mark is going to volunteer to get the first application.

Connie Holman: Any questions about highly fractionated?

Mark Wadsworth: Well, I think you heard from the council that they were highly interested in this. So you'll probably be getting some other inquiries.

Connie Holman: Good. I hope so. Yes?

Leslie Wheelock: Connie, I know that we have a bit of a struggle with the rates. Can you tell the council what the current rates are to the lenders?

Connie Holman: I can't exactly. It's tied to another loan. Once I can, I promise I will give it. The reason I can't is because Carrie is the one that's actually doing it. The problem is she's out due to illness in the family. But I will get that information and give it to you so you know.

Leslie Wheelock: Thank you.

Connie Holman: Other questions regarding highly fractionated? That program we'd been handling at the national office. Every program we have makes its way down, including even the ITLAP - the Indian Tribal Land Acquisition Program. It's handled out of the site office. Because it was such a small amount of money and we figured it will wind up being at most once a year, we could hold that money in the national office and implement that program there. So they've working with me. Then I'll lend my staff, which is Carrie Novak, to help you get through that program.

Mark Wadsworth: I was just thinking to myself that one of the biggest problems for tribal members to buy amongst each other is that they're required to have an appraisal, and that appraisal has to come through the Bureau of Indian Affairs because of its trust status, to make sure that they're getting the most appropriate price. So that in itself is a huge monster within the Office of Special Trustees and also within the Indian Buy-Back Program. I think this might be a possibility or in the future you may run into that situation in trying to lend to tribes and them trying to get it out. Before they can lend it out, they have to wait for the appraisal and it takes a little time.

Connie Holman: Yeah. I mean it depends on the area. This is one of the things we run into on tribal consultation. I can

say tribal consultation works because when we originally got this, the initial 2008 funding --

Leslie Wheelock: I'm recording you.

Connie Holman: -- when we originally got this in the 2008 funding, I had this all written and I knew exactly how we were going to do it. Why is it so hard? Then I realized we spent within 13 months [indiscernible] that we mentioned at tribal consultations. So we did. We set up seven face-to-face. They got seven. In addition to that seven, we also did seven more, participated in seven more at the Office of Tribal Relations put together as a USDA. So we had 15 face-to-face across the country. The first one we had was Washington DC where nobody showed up. The second one we had was in Oregon. What was the name of the town?

Female Voice: You were in Pendleton?

Connie Holman: Pendleton. Pendleton, Oregon. And they started talking about the years it would take to do it. Prioritizing years that it would take to do it. They declared it hard work. And all of this stuff that I took, that we -- and when I say "we" I mean non-natives, have no idea. So it didn't take long to figure out that the way that we had it planned wasn't what -- because they had tied it to a BIA regulation in addition which said to be highly fractionated it had to be at least 15 years and you need to consolidate 100

percent and a lot of other stuff. So we went back. Actually, while we were out in South Dakota where ever it was, it's the first time somebody said why don't you make this a [indiscernible] program.

So we went back and actually convinced them that the only way it could be implemented, the only way it could be implemented to at least be successful was to sever it from the BIA regulation they tied it to, which tied it to the 2014 Farm Bill to do that. So tribal consultation works. But in this particular Highly Fractionated Indian Land Loan Program, we've consulted them 16 different times to make it happen.

Gilbert Harrison: I have a hypothetical or maybe type of question. Our reservation is in New Mexico. We're right against the Colorado Stateline. Now, Colorado just recently went to recreational marijuana. Now one of the things we've been talking about is would the reservation, would a microloan be eligible to start a weed farm under -- ?

Connie Holman: Wait, sir. Wheat farm or weed farm?

Gilbert Harrison: Weed. Marijuana.

Connie Holman: I can answer that one for you.

Gilbert Harrison: Yes?

Connie Holman: The answer is no and the reason is --

Jerry McPeak: It's illegal.

Connie Holman: It is illegal. It is illegal nationally, in state law. It's not national [sounds like] law when it's national funds.

Gilbert Harrison: The reason I ask is the federal government says we deal with Indian Nations government-to-government, nation-to-nation. So we do not operate under state laws and that we have the right to negotiate with that and see if we want to do that. So why can states do it and not others?

Connie Holman: I don't know. I can't answer that one for you. But I can tell you that you can't use our money.

Jerry McPeak: If you need some money to get your marijuana crop going, we got lots of marijuana donors and hopefully they'll be glad to *loan you money to get there. You don't need to go through them. You don't need to go through them. There won't be any paperwork. There'll be a handshake and others will take care of the value. You won't take care of it. I'm just telling it will be a lot easier if you just to deal out there.

Gilbert Harrison: They talk about economic development and then when we take it --

Connie Holman: Thank you for that joke. It's treasury funds. It's because it's United States too and our feelings with United States Treasury funds. So there is a prohibition in the law, the conic [sounds like], which is a law that establishes our rules and regulations. There's a law that says

we can't do anything with Treasury, meaning that it's the law that's why we can't. We can't loan money for anybody to do anything with OTR land or anything like that. So it's tied to the Farm Bill from the Treasury.

Gilbert Harrison: I guess I'd continue eking a living now. Thank you.

Connie Holman: With the right tomatoes, you won't get arrested for it.

Gilbert Harrison: Thank you, Connie.

Connie Holman: Mr. Chairman, thank you for the opportunity to be here. I know I've been sent here for Mr. Garcia, but it's been interesting. And I will say this because I'm sure, I must come down. I will tell you I've never been on this side. Because I was on this side in Las Vegas, behind the 8-Ball there, and I remember Mr. McPeak giving this -- he did look so innocent over there. But thank you. I appreciate it.

Leslie Wheelock: It's taken him years to perfect that look.

Mark Wadsworth: Amanda, did you want to carry us through the end of this on the two-year work plan?

Amanda Burley: Thank you, Mr. Chair.

Sarah Vogel: This is Sarah. Is there a tab number for that?

Amanda Burley: I'm sorry. Could you repeat yourself, Sarah?

Sarah Vogel: Is there a tab number in the material?

Amanda Burley: No, there is not a tab number because I was hoping that I had spoken with the Chairman about this. It needs just to be up for discussion because this is not a decision that I can make as DFO. It's for council action.

Sarah Vogel: Thank you.

Amanda Burley: Yes. I just wanted to make the suggestion, because this is your last meeting in your current appointment, in addition to your recommendations to please consider through your subgroups identifying at least one high priority recommendation or action that you would like to see accomplished within the next two years of the next council. The reason for this is that it may take a while to get the next panel seated. We don't know who will be serving in that particular council. It would be unfortunate if the good work that has been done for the past two years was somehow set aside, taken in another direction and then realizing, oh, wait, maybe they were on to something and then we're going back to it. So we don't want to waste time. We don't want to lose ground that has already been gained. But that, again, that is just my personal advice to the council. I cannot make that recommendation, but I would strongly support that sort of arrangement.

Leslie Wheelock: I have a letter I need to read.

Mark Wadsworth: Okay. Leslie Wheelock to move it on.

Leslie Wheelock: [Cross-talking] Or Angela asked, sorry.

Amanda Burley: Angela asked the question of when I suggested that it be done. I was hoping that that could be outlined and identified in your letter to the secretary as well, so August 12th.

Jerry McPeak: August 12th?

Amanda Burley: August the 12th. Just one. Again, it's only a suggestion but one high priority idea for each subcommittee to focus on over the next two years that could potentially have a deliverable done by then.

Mark Wadsworth: Leslie.

Leslie Wheelock: Thank you, Mr. Chairman. At the last meeting we did not yet have a response from the Secretary's Office to the recommendations that were made at the December 22, 2015 meeting. We have received a letter subsequently to that last meeting that I would like to read into the record. I will read this pretty quickly. It's addressed to Mark:

Dear Chairman Wadsworth: Thank you for your letter dated December 22, 2015 enclosing five recommendations on behalf of the Council for Native American Farming and Ranching. The council's mind-filled section of issues - who wrote this - concerning American-Indian and Alaskan Native producers

continues to inspire U.S. Department of Agriculture actions, enhancing a stronger government-to-government relationship with Indian Country.

Over the CNAFR's five-year tenure, the council's 29 recommendations have addressed the programmatic scope admission of all 17 USDA agencies. The work of the council is not done yet. While the Federal Advisory Council Act, or FACA, limits the authorization for FACA committees like the council to two years, I have asked the Office of Tribal Relations and Ms. Dana Richey, the council's designated federal officer, to help facilitate the renewal of the council beyond the terms provided in the *Keepseagle v. Vilsack* Settlement Agreement.

Similar to the council, the USDA Office of the Ombudsperson was tasked with providing recommendations to promote equitable access to USDA programs and services. These recommendations are supported by objective data and result from comparison of studies on potential institutional or situational discrimination. The ombudsperson is aware of the council's recommendation to incorporate 2012 Agricultural Census data as a reference point for analyzing Farm Service Agency and Loan data in Indian Country, and has been collaborating with the National Agricultural Statistics Service to determine the appropriate NASS datasets to address the council's recommendation.

Additionally, the USDA will continue to collaborate with the Department of the Interior when developing and implementing policies and programs. A specific issue USDA and DOI are working to improve is the double-cropping restrictions and impediments to program participation due to conflicting departmental regulations and administrative guidelines. The USDA and DOI have existing agreements that outline the necessary framework to achieve improved communication and collaboration at the local and national level, as well as facilitating cross-training of statutory, regulatory, and administrative policies and requirements.

Currently, USDA has a memorandum of understanding through FSA, Natural Resources, and Rural Development Conservation Service with the DOI's Bureau of Indian Affairs. That was created to facilitate cooperation among the agencies when implementing on Indian lands conservation practices and business development, farming and animal management, and grazing and ranching programs. USDA also has an agreement through the Forest Service with the DOI's Bureau of Land Management Park Service and U.S. Fish and Wildlife Service. The purpose of this agreement, referred to as Service First, is to provide a framework of cooperation to improve agencies' effectiveness, efficiencies and enhance the reach of federal lands and resources.

The Office of Tribal Relations will monitor and report coordinated efforts and accomplishments at each council meeting. Through the Intertribal Technical Assistance Network, the Intertribal Agricultural Council serves as a key partner to USDA in providing extension to Indian Country. The Office of Tribal Relations is working with the Farm Service Agency and other USDA agencies to continue funding and support for IAC's technical systems program. Furthering access to local and traditional foods continues to remain a priority for the USDA, and supporting the development of food and agriculture codes that strongly coincides with this focus.

The USDA's Agricultural Marketing Service and Office of Tribal Relations are actively engaging with the University of Arkansas School of Laws, Indigenous Food, and Agriculture and the university's development of a template code available for adoption in Indian Country with the goal to implement pilot programs with tribal partners. The OTR will continue to assist the 567 federally-recognized tribes across Indian Country with access in the USDA programs and services relevant to their needs. Thank you once again for the council's recommendations addressing agricultural concerns in Indian Country and for your letter. Sincerely, Thomas J. Vilsack, Secretary.

There's a typo in here. And so kind of a follow on to this, as you heard, the position of the ombudsperson was

established through the Keepseagle Agreement. Along with the expiration of the council and under the Keepseagle Agreement, that position was scheduled to expire. The Secretary noted that with the council in place, with the work of office along with the work of all of the agencies that are working hard in Indian Country, we have a lot of points of contact that we didn't have before the Keepseagle Agreement.

We have had several settlements over the last few years that have been necessitated. We've had two necessitated from class action and one that wasn't. The one that wasn't was the Hispanic and Women's Settlement arrangements. The Secretary was concerned that they don't have the kind of support that Indian Country has in the form of this FACA and the ongoing work in the USDA agencies, and so has asked the ombudsperson to look in that direction and see if there are concerns that should be raised before there is a class action or that should be raised in order to make our services better provided to those communities.

The council has been reestablished, as you know. I'm looking through this trend to kind of update it because it has been sitting in our rotational secretarial system for a while. The MOUs between the Bureau of Indian Affairs and NRCS, FSA and Rural Development, we have discussed those with Mike Black over at the Bureau of Indian Affairs and we are in the process of editing those to make them what I call evergreen, which means

that they won't expire, and keeping those in place because they've been very useful on a number of instances. There was one other thing here that I needed to talk to.

Mary Thompson: Which MOUs?

Leslie Wheelock: There are two MOUs with the Bureau of Indian Affairs. Rural Development has one MOU. Then FSA and Natural Resources Conservation Service share an MOU on the second one. The double-cropping restrictions that we raised to the Secretary's attention, he did write a letter as promised over to the Secretary Jewell. We've been trying to follow up on that, but haven't been able to get an answer. Additionally, in our discussion with Mike Black, we mentioned it to him. This is about a month ago, I think.

Female Voice: Yes.

Leslie Wheelock: And he said he hadn't even seen the letter yet. It would likely have come to him for resolution. And so we've provided him with a letter and we'll be looking for followup.

Mary Thompson: This letter?

Leslie Wheelock: No. The letter that Secretary Vilsack sent to Secretary Jewell on the double-cropping prohibitions in the tribal land leases in Oklahoma.

Mary Thompson: Thank you.

Angela Peter: I have a question.

Porter Holder: Yes, Angela.

Angela Peter: Hi, this is Angela Peter from Alaska. Well, I don't know if you realized when this whole tribal conservation district stuff started in Alaska. It was by Alaska Village Initiatives. We did not hear about IAC until we found out that, and we just recently heard that they are tasked to have representatives in every state or at least representatives in Alaska. And that is just not being done. If you remember, Zac said for me to call him at the last meeting or get a hold of him and we'll work on it. I have submitted, let me see, I think I believe two emails and three calls. And I wrote him a letter describing what the cost would be that we came up with would be the cost to have two representatives in Alaska. So I just want that for the record. Thanks.

Sarah Vogel: This is Sarah. I was having a hard time understanding who was speaking.

Angela Peter: Hi. It's Angela.

Gilbert Harrison: Thank you. This is Gilbert Harrison from Navajo. I had written, too, but Leslie just read the [indiscernible]. Then I made a retrial for it, yeah, before the council here. Under the new charter, Item 10, it says: The Variation. The variation of the council shall be continuing. And in the letter that you wrote from the secretary, it says to work with and facilitate the renewal of the council for terms

beyond the Settlement Agreement. Does that mean that the council will continue for years to come? It says right here that, one, duration will be continued. And then here it directs OTR to facilitate the concept beyond the terms provided in the Keepseagle v. Vilsack Agreement. What are we reading here? Thank you very much.

Amanda Burley: This is Amanda. The answer to the question is that the language that is included in the charter, meaning that it's ongoing, means that this council works continuously for the terms set forth. The terms of each FACA is two years. So that means no matter what, this council has to be reauthorized every two years. Because there was a snafu with the paperwork with this particular council during the spring, this council had to go through the process of being reestablished which is a slightly different process but it's all internal paperwork. It doesn't change any sort of status of this particular council. Does that make sense? Does that answer your question?

Gilbert Harrison: Yes. Thank you, Amanda. It does clarify that. But the way it was written wasn't too clear. But the question I have is in the council, on a number of occasions we do recommend to the Secretary what this council continue. It could be renewed every two years, but the life of the council should continue to the future because we have many issues to

address. The settlement basically says these coming terms could be the last term for six years. What happens beyond that? That was one of the concerns that the council had so we recommended how can we continue this advisory committee beyond what was specified in the settlement. This is what I'm trying to cover, is where are we at on that?

Leslie Wheelock: We're beyond the settlement, and it's just been reestablished.

Mary Thompson: So the next council would be a FACA council?

Leslie Wheelock: It's the same. It's essentially the continuation of the council. So the Secretary approved the council be continued in operation beyond the term required by the Settlement Agreement. All of the paperwork that Amanda talked about was a whole stack of stuff that we had to go through in order to make that happen. We go through that stack of stuff every two years per FACA rules in order to reestablish this council or any council for that matter. Any council, yes. It's not just us. Jerry just reminded that is for any councils, so any FACA. Every FACA has to be reestablished every two years. Some of them have been in existence for a very, very long time and we hope this one will be too. Thank you.

Sarah Vogel: This is Sarah. I would like to just express my personal appreciation for the fact that the Secretary has

renewed the council even though the settlement no longer requires it. I think that's because the council is fulfilling a good purpose and the Secretary, whether he'll be here next year or not, wants it to continue. I also want to point out that no other group of farmers and ranchers have benefitted so much. The black farmers don't have it, and the Hispanic Women. It's unique and I'm glad it's continuing.

Mark Wadsworth: Also within the letter there is a request of more of I guess the situation. Since the judgment was over or fulfilled with the ombudsperson, that the ombudsperson go on to work on other areas as needed by the secretary. I, for myself, am in agreement with it. Unless anybody else has some heartburn about losing the ombudsperson, I think let it happen.

Mary Thompson: Well, Chairman, I would hope that we would be able to still call on her if we needed some census or data information. Realizing that she has other goals and objectives, she might be able to provide us additional information in the future.

Sarah Vogel: This is Sarah. I think we have a direct pipeline to the secretary if we need to.

Mary Thompson: Thank you, Sarah.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: Are you ready for a different subject yet?

Mark Wadsworth: Yes, we can carry on.

Jerry McPeak: A very good job on this side of the table, by the way, young lady. Again I appreciate your stand to come every time. That's really important. If you can get the same folks coming every time. Otherwise, it's like having a quarterback walking into the third quarter game and handing you the ball and you just came in from the street. That is, well, let's say for me. I guess we've had some really good people from USDA. I came in quite skeptical about some of that. Some of my skepticism was merited as I found out, but a lot of it wasn't. But any time we can have the most difficult really in your set case, but we've seen a lot of good common sense here this week which we missed perhaps earlier. It got better as we went along with that.

With that, the Secretary specified about the IAC here and Mary says she hasn't been in contact with them.

Mary Thompson: Very minimum.

Leslie Wheelock: It was Angela who said it.

Jerry McPeak: How active are they with your tribe?

Porter Holder: Porter Holder. Probably a little more active with the years. Because I've kind of gotten no one, Steven --

Jerry McPeak: That was Zach.

Porter Holder: I think that was [cross-talking] Butler. They are agents out there, like Zach. I kind of got to know him a little bit. I don't know about IAC until I got into this.

Mary Thompson: Your point?

Jerry McPeak: My point is, and I made this statement before, I don't have a problem with it. Because, again, I think that it's not like when I was in legislature. I'm not worried about making laws for my family because we're going to make it. I'm not really worried about the creeks [sounds like]. I'm not also worried about the sharks and shakes because we're all going to make it. We know now, we know how to do it, we're going to do it. So I understand that. But I don't need people to have them -- because the folks who are running IAC are doing a good job. But people sometimes get driven with this, that they're the extension folks that get them out there. In our area that just doesn't happen. I don't know how Gilbert's areas is. You don't see them either? Okay.

So I think we have certain western tribes and maybe northern tribes where they're very, very active. And I think their work, that is great for those areas. But it should not be perceived that this is a nationwide situation. I'll have it anyway I can. I'm happy to have it any way I can. I would love to work with them any way I can. But we don't need to have a perception that that is a nationwide organization that is

helping in the nationwide youth situation, in the nationwide farming situation because even though we're very involved when it started -- in fact one of the criticisms that I love the very most from elders was on the beginning of it: They've done a great job, they did a great job in the areas that they are in.

Mark Wadsworth: If I could too, just before Mary has comment, we've had these discussions before about individual groups wanting our support and we've refused to take that stance for any individual group. Remember having a letter of recommendation from one group requesting for us [sounds like] and we took the stance that we are not going to take one group over the other? I agree with you totally in the response to that, we're not IAC. In a way it's just hard to kind of get in my mind what the purpose of that statement was other than to tell them that they were working with another group of people that were helping with the extension, I guess. But yes, Mary.

Sarah Vogel: This is Sarah. We have made a statement in the Secretary's letter?

Mark Wadsworth: Yes.

Mary Thompson: Mary Thompson for the record. I think that sometimes it is misinterpreted that we do support or sponsor the affiliation between IAC and Council for Native American Farmers and Ranchers. It may be there especially since we have decided to piggyback on to that conference to have our board meetings

and our biannual board meeting. I can appreciate what IAC's missions and goals are and that they originated out here in the northwestern section of the United States where it's majority commercial farming and ranching. I can appreciate that and I appreciate what IAC has done for that area. However, for many years I don't think IAC even recognized that there was Indian tribes and Indian farmers and ranchers on the other side of Mississippi. That's the reason that I'm sitting here, to say that we are there. And the help that we get from IAC is very minimal although it be -- well, actually there's none that I'm aware of. Now at the last --

...

Mary Thompson: The last time we met with IAC, they informed us that we had a regional representative. Actually she represented the North Central area, but they gave her an additional area which was us - East of Mississippi. So when there's anything going on and, yes, they've done some youth summits and I think the last one was at Seminole County in Florida where they actually got cancelled and stuff, but it was me contacting them and basically still getting nothing. So I guess if they're going to be mentioned and supported and be a major part of this, and I understand why now, then I just want it to be fair and just and equal resources spread across Indian Country. Thank you.

Sarah Vogel: This is Sarah. I just wanted to take people back a little way to 2010 when we negotiated the settlement agreement. At that point there was no special technical assistant support dedicated to Native Americans at all. It was part of the settlement agreement that I think there has to be 15 people working across the country. When you think about 15 people, it's better than no people. But the council was one requirement. The ombudsperson was another requirement. Then the enhanced services, there had to be 10 to 15 regional venues to talk about deployment of people for help in getting loans and work with people who were working with FSN on projects and so forth.

Then there was also the pointed language [indiscernible] and they selected IAC to do that job because it had previous experience doing it. Sometimes they were financing the loan operations with just the prototype. But I worked with them back in the '80s so I'm just saying that it's too little. It's not enough. But it is no longer required under the settlement agreement. So I personally took the secretary's statement that they were working to get funding or working with -- they did put it, but I don't have it open in front of me now. They were working with FSA and other parts of USDA to get the money to renew this commitment.

By the way, Jerry, I do think there are two or at least one IT person staying in Oklahoma, who came to our meeting in Oklahoma. So they might be working 15 hours a day and the demand is much greater. But if we didn't have the IAC contract to USDA, we wouldn't have any special federal TA or technical assistant out there for Native American farmers and ranchers.

Mary Thompson: Thank you, Sarah. This is Mary. I appreciate that and I appreciate that IAC is able to provide some technical assistance programs. All I'm saying is we would like our fair share.

Sarah Vogel: Yeah. I'm not there obviously, but you didn't know it from IAC who was able to come?

Mary Thompson: No.

Sarah Vogel: Were they invited?

Mary Thompson: Yes.

Leslie Wheelock: Yes, they were, Sarah.

Sarah Vogel: Well, are we operating now without a contract?

Leslie Wheelock: No. They have a contract. They have a contract until the end of the fiscal year.

Sarah Vogel: I see.

Leslie Wheelock: Their funding has been requested and it's likely to come through flat from last year to this year. We

don't have an appropriation yet so I can't contract with them for the next fiscal year until we have one.

Sarah Vogel: Yes. So it should mean that there's [indiscernible].

Mary Thompson: Sarah, what I'll do is I'll get in contact with the representative. I believe her name is Leah. She did introduce herself at one of the regional meetings in IAC. I will maybe request her for some information. There may be tribes east of the Mississippi that are getting more technical support that I'm aware of.

Amanda Burley: Excuse me, I apologize. We have lost our quorum. This does need your help.

Sarah Vogel: I believe mine could be the line with the number --

Amanda Burley: Number 6. The quorum is back.

Sarah Vogel: Pardon me?

Leslie Wheelock: I'm sorry, Sarah. We were working around quorum being here and not being here. Would you ask your question again, please?

Sarah Vogel: Are you asking me a question?

Mark Wadsworth: No, did you have a final statement or a question you were talking about?

Sarah Vogel: Yeah. My question is will there be a meeting in December with IAC?

Mary Thompson: Our term is going to end.

Mark Wadsworth: Our term officially ends so we won't be able to make that decision yet.

Amanda Burley: Mr. Chairman?

Mark Wadsworth: Yes, Amanda.

Amanda Burley: That is true. You cannot make the determination of where the December meeting would be held, however --

Sarah Vogel: [Cross-talking] the decision of the council to let you know.

Amanda Burley: However, you can make a recommendation.

Sarah Vogel: So it is that you refer. [Indiscernible]

Mark Wadsworth: Okay. That's Sarah's opinion.

Sarah Vogel: Thank you.

Mark Wadsworth: Alrighty. Any other further discussion? All right. Carrying it on to your work plan, kind of the idea of having things carried forth. I'll tell you I heard of a great idea. My staff just kind of carried this through a little bit, the brainstorming, maybe an action item that we can immediately address. It's that I was unaware that throughout the whole 17 agencies through the USDA, that sitting before their legal counsel out of the Office of General Counsel or OGC, that they do not have one lawyer who has any experience in Indian law or Native American Indian law. I think we as a

council becoming aware of this, maybe one of our recommendations to the secretary is that they hire a Native American Indian law expert within the Office of the General Counsel so that they'll have some ability for adding questions. It's just an idea. Just shooting it out there. Mary Thompson.

Mary Thompson: Thank you. Hiring a Native American tribal member lawyer with expertise in Indian law or an attorney with expertise in Indian law?

Leslie Wheelock: An attorney with expertise in Indian law.

Sarah Vogel: I think that will be the only [sounds like] thing.

Mary Thompson: Sarah, would that be a Native American with expertise in Indian law or an attorney with expertise in Indian law?

Leslie Wheelock: We can't do it.

Sarah Vogel: I don't know if they can actually advertise for this.

Jerry McPeak: We can't do that.

Leslie Wheelock: No. We can't do it.

Sarah Vogel: [Indiscernible]

Mary Thompson: Could you word that for us and email it to us?

Jerry McPeak: Only Indians can get away with hiring --

Mary Thompson: Indians.

Jerry McPeak: Indians, that's right. I'm saying that's what we're going to do. Maybe they'd stop us. See if they could stop us.

Sarah Vogel: [Indiscernible]

Leslie Wheelock: Yeah, members of this council don't have to be Indians.

Sarah Vogel: [Indiscernible]

Leslie Wheelock: What?

Jerry McPeak: Oh, someone who has some background or some knowledge about Native American situations. It would not be exclusive to not knowing about other things. I think what Mark wanted was someone who has some background or some kind of abilities, or skills, or training toward Indian law. Not one who necessarily has to have that exclusively for Indian law, but one that could at least speak wisely and educated about Indian law would get there. Is that about right?

Mark Wadsworth: Yes. It's just an expert that has the expertise of knowing how treaties work and knowing the difference between a compact tribe, an IRA tribe --

Jerry McPeak: They have to know about other stuff too.

Mark Wadsworth: Yes, it's those sorts of situations. Also I guess a certain clarification here. Yes, tribes can say we can only hire tribal members. But we actually can do that because the United States can say we can only hire U.S.

citizens, and that's where our rights come up to be able to hire Indians.

Female Voice: Native Americans.

Jerry McPeak: That is good.

Mark Wadsworth: Just for the record.

Jerry McPeak: That's good. I like that.

Mark Wadsworth: Which committee would that fall under? Would that be just kind of a general council decision, for everybody to -- could we do it right now?

Mary Thompson: Yes.

Jerry McPeak: Who would like to make that recommendation?

Porter Holder: Porter Holder. I would like to recommend that the Office of General Counsel retain two full-time employees on staff who can advise USDA agencies on intersections of USDA policies and potential effects on tribal interest and populations. Do you like that wording?

Mary Thompson: I like that. I'll second that from this body.

Mark Wadsworth: Then moved by Porter and seconded by Mary Thompson. Any further discussion? We'll do the name call vote on this one. Mary Thompson?

Mary Thompson: In favor. Aye. Yay.

Mark Wadsworth: Yay? You say yay?

Mary Thompson: Yay.

Jerry McPeak: You will vote once, Mary.

Mark Wadsworth: Angela Peter?

Angela Peter: Yay.

Mark Wadsworth: Jerry McPeak?

Jerry McPeak: Here. Yes.

Mark Wadsworth: Yes? Okay. Porter Holder?

Porter Holder: Yay.

Mark Wadsworth: Leslie Wheelock?

Leslie Wheelock: Yes.

Mark Wadsworth: Connie Holman for --

Jerry McPeak: That's right.

Connie Holman: I say yes.

Mark Wadsworth: Gilbert?

Gilbert Harrison: Yes.

Mark Wadsworth: It's getting old [sounds like], it's about
time here. Yes?

Gilbert Harrison: Yes.

Mark Wadsworth: Okay. Carl Luis Cruz [sic]?

Carl-Martin Ruiz: Yes.

Leslie Wheelock: Carl-Martin Ruiz.

Mark Wadsworth: Yeah, it's getting late.

Leslie Wheelock: It's so chichi [sounds like].

Mark Wadsworth: I know. Do you know this [indiscernible]?

Leslie Wheelock: Not yet, not until next meeting.

Mark Wadsworth: Not yet, not until the next one, okay.

Leslie Wheelock: Yeah. Actually yes. He is a member. Sorry. That's why he's sitting at the desk in front of the table.

Mark Wadsworth: Tony Kramer?

Tony Kramer: Am I eligible as a member?

Leslie Wheelock: Yes, you are, sir.

Tony Kramer: Then I vote yes. [Indiscernible]

Leslie Wheelock: It's new.

Mark Wadsworth: All in favor --

Sarah Vogel: What about me?

Mark Wadsworth: Sorry, Sarah. Sarah, the most important one.

Leslie Wheelock: It's impossible. It's impossible.

Mark Wadsworth: Sarah Vogel?

Sarah Vogel: Well, I don't know if I [indiscernible].

Mark Wadsworth: Continuing on with the two-year plan. It's then suggested that through the new committee structure, that everyone by August 12th in their committee think of one solid recommendation you would like to have us present to the secretary that could probably or most possibly be completed within the next two years. Is that kind of what we were looking at?

Female Voice: Yes.

Mary Thompson: Mr. Chairman.

Mark Wadsworth: Yes, Mary.

Mary Thompson: I have another thought for this board's consideration as far as an action item that I believe would both educate and make more resources available in Indian Country. And that would be I guess the training model that -- gosh, I can't find my notes. It's the training model that Connie just talked about.

Leslie Wheelock: Yeah, the microloans.

Mary Thompson: The microloans, the FSA microloans. The training model that they used to train the USDA staff and to utilize what limited resources they have available, which would have been the webinars, to bring the training from the -- I think that we should recommend that that type or that style or that model of training be used within the other USDA programs to hopefully get -- we're good?

Female Voice: Good.

Mary Thompson: To educate and to get the services out there. I really don't know how to word that, but that is my general thought. Maybe someone could write that, to word it for me if you know what I mean. Does this board consider that a worthy action item that is doable in the next two years? I know that there's probably some progress going on and there's some

things going on and have been in the last few years since we've been talking about this issue.

Jerry McPeak: Mr. Chairman, I have a question.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: In the description Mary have had, it should be use Connie's model to be the prototype. Do you feel, Connie, that your model as a prototype can be transferred to other agencies?

Connie Holman: Yes, I do. I don't see a reason why it couldn't because we utilize the technology that we had made available to us.

Leslie Wheelock: Mr. Chairman?

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: This is Leslie Wheelock speaking in favor of the motion. Over the course of watching things with like the 2014 Farm Bill, there were things that the Office of Tribal Relations was presenting before the field staff knew what we were talking about. And I tend to agree that to the extent that we can get field staff up to speed on some things, especially when it's brand new, as quickly as possible. It would be highly useful. We had some state representatives who were asking us questions that they should have had the answers to. The only reason I knew the answers is because I had sat through the

regulatory vetting process so I knew a whole lot more than they did, but I knew surprisingly more than they did.

Mary Thompson: I appreciate that comment. From the sustainability subcommittee, I made a little statement yesterday about these USDA programs and resources be made available to tribal member farmers in order for them to be able to utilize it. Getting that message out and getting that information out down to the field offices would be vital to the sustainability or to promote the sustainability. Especially since we've been talking NRCS and I know BIA is something of a different color with RD and just all the programs.

Mark Wadsworth: Yes, Gilbert.

Gilbert Harrison: Hello.

Female Voices: Hello.

Gilbert Harrison: I'm hearing the battery down.

Female Voice: Sorry. It's late in the day.

Female Voice: What did you do?

Mark Wadsworth: Remove the battery and --

Gilbert Harrison: Mr. Chairman and members, I'm talking about a two-year plan. One of those things that I'd like to suggest is that I don't think we should start addressing what issues or what shall we recommend for the next Farm Bill. This Farm Bill 2014 is ongoing now, but we know there's been some

things left out. I think we need to identify and input to get us some positions that we can forward as a recommendation.

Mark Wadsworth: To expound about Gilbert's talk, for some of us, if we are accepted again for the next two years, that will be our final input on this committee in the capacity of being on the council. So I think that if we do manage to be all sitting together again, we have to get that urgency in our mind, that this will be our last shot as a group together. So yes, Jerry.

Jerry McPeak: I recognize that [cross-talking].

Leslie Wheelock: Probably.

Jerry McPeak [poor audio]: I recognize that with my background I'm probably like the person to write that there's likely enough time from the heavy dodgers [sounds like] - would you raise your hand please - it's likely we're not. For those of you who can't relate to that, then you haven't ridden a horse very much. So my deal in that deal that after the November election, how that turns out is going to have everything in the world to do with what's going to become the most important thing for us to do. Whether we're playing defense or offense is what's that going to come down to. Now you may not like that. I don't like that. But that's just the fact where, yes, it's we're dealing [sounds like] with administrations and Indians, nothing to do with that.

As I said anything about two years, I sit here thinking, you know, my goal is for two years within the period that we have the November election. So it's difficult for me because they're going to say that I want to do such at the time - I want to do that. But I may want to protect what I've got instead of trying to get somebody else. I'm just telling my struggle with it. I probably have a lot of contributions because I'm scared to death of what might happen. If it does, good God almighty, we better just hope you'd be able to save what you've got because you might not be able to save what you've got. Now that I'm leaving [sounds like], I'm like the course has been set a bunch of times. Now, I can do it in December, by the way, and that's four more months.

Mark Wadsworth: Anybody else has any comments? Any ideas?
Gilbert.

Gilbert Harrison: Well, this may be just a comment I think for the next council. The last three meetings I've really enjoyed because we've had a chance to rotate. We were at Oklahoma City. We went to Cherokee. And now we're here. We're getting some really firsthand information and firsthand knowledge of what other tribes are fighting for and having the obstacles and issues that I think is really worthwhile. I think maybe there are some that the next council should at least make an effort to continue. Yes, there's going to be time when we'll

still meet up in Washington and Vegas. But then in between I think it's really a good experience because not all Indian nations had the same problems. They're not all the same, so I think that's very good. We started something and I'd like to see that continue for the next council in the next two years. Thank you.

Mark Wadsworth: Leslie.

Leslie Wheelock: Yes, Chairman. Following on Gilbert's comments, one of the areas that we talked around and haven't really visited closely is our tribal colleges and universities. One thing I'd like the council to consider, whether it's this council or the next council, is trying to have at least one of those meetings a year at a place where there is a tribal college or university. So that you have not only the benefit of if we pay for the space, we're adding to their coffers but also you've got an ability to meet the students and the staff of those schools to find out more about them and to learn how USDA programs are helping them and what they're learning about soil conservation, agriculture, water resources, science and research and all of the really cool things that we'll find out that they're doing when we go out. Thank you.

Mark Wadsworth: Carry on.

Leslie Wheelock: Are we doing conference calls?

Mary Thompson: I'm sorry, Leslie. Go ahead.

Leslie Wheelock: No. I'm just trying to figure out what's the next step. It's 4:30. If we're trying to figure out what this council can do before it ends, we know that we've got resolutions so we need to have conference calls. We didn't get through all of the tracker resolutions to talk about them. I think those are the two high priorities at this point along with coming up with any new resolutions that we can take care of while we're here.

Jerry McPeak: Do you have those resolutions --?

Mary Thompson: No. We never even got started. May I?

Mark Wadsworth: Yes, Mary.

Mary Thompson: Maybe what we could do though is the motion. The first motion that was made for the consideration of, I guess, the final action items that this board is going to put forth, including the conversation that I had and the conversation that Gilbert has started, if we can continue to work on those prior to this conference call, and the final action items. But right now we've got three things on the table that I think are good that we could at least get into draft form for consideration as final action items of this board.

Mark Wadsworth: Why don't we do this then? Land management, you're the chair. If you want a conference call with the committee, when would be a good day? We got the timeframe of August 12th. Then set up a day and time and

coordinate with Josiah. I imagine you could set up that conference call schedule.

Josiah Griffin: Yes, sir.

Mark Wadsworth: You get the first shot there, Gilbert.

Gilbert Harrison: I would like to recommend when we have our first conference call, that we then host it either August 8th or 11th.

Sarah Vogel: This is Sarah.

Mark Wadsworth: Yes, Sarah.

Sarah Vogel: Does this mean that we will be doing this staffing issue with the Forest Service?

Mark Wadsworth: Yes.

Sarah Vogel: If it is possible, I would like to be on that committee [sounds like].

Mark Wadsworth: You're more than welcome. Land management.

Gilbert Harrison: Land Management members, what do you think?

Mark Wadsworth: I think we better do it on the 8th?

Gilbert Harrison: On the 8th? Okay.

Mark Wadsworth: What time?

Gilbert Harrison: Well, definitely there is the time zone. Mine is mountain.

Mark Wadsworth: Well, you're mountain too? I'm mountain also. I think Derrick is mountain, isn't he?

Gilbert Harrison: Yeah, mountain.

Mark Wadsworth: The only two would be probably Jerry and Connie here at central.

Gilbert Harrison: Which is one hour ahead of us. Just go ahead and shoot. Or maybe 10:00 in the morning?

Mark Wadsworth: That would be 11:00 your time. Okay.

Leslie Wheelock: Sarah, did you hear that?

Sarah Vogel: Is that 11:00 AM?

Mark Wadsworth: Yeah. It would be 11:00 AM Central.

Sarah Vogel: Is all that with materials or the reference to the conversation? Not to get out with [indiscernible].

Mark Wadsworth: Alrighty. Josiah will get as much information as he can that you're missing.

Sarah Vogel: I think they're all in the module.

Gilbert Harrison: Excuse me, Mark. That would be August 8th at 10:00 AM Mountain Daylight Time.

Mark Wadsworth: Yes.

Gilbert Harrison: Thank you.

Carl-Martin Ruiz: Mark, can you include me in that committee?

Mark Wadsworth: Yes. Carl will also be on that phone call. We will send this out, the notification, for everyone. You're free to attend if you want to.

Mary Thompson: Thanks.

Gilbert Harrison: Then I shall go ahead and circulate an email on that too. Thank you.

Carl-Martin Ruiz: Amanda, would you be on the call too?

Amanda Burley: I'll be in the service by then. But I can be on it.

Mary Thompson: Oh, yeah. You'll be based --

Mark Wadsworth: Let's get this wrapped up. Let's look at sustainability. What's a good day for you?

Mary Thompson: I was thinking the third box [sounds like].

Mark Wadsworth: Okay. That is next Monday, correct?

Leslie Wheelock: Wednesday.

Angela Peter: Next Wednesday?

Leslie Wheelock: Yeah.

Angela Peter: Or we could now go at least [indiscernible] then and then have another one right before it.

Mark Wadsworth: What time would you like it? August 3rd.

Angela Peter: August 3rd at 9:00 AM for me.

Mark Wadsworth: At 9:00 AM. It would Alaska Time. What do they call it?

Angela Peter: Yeah, Alaska Time.

Leslie Wheelock: It's Alaska Time. That's noon Eastern Time. Oh, sorry. It's 1:00 PM. You're right, it's 1:00 PM Eastern Time.

Mark Wadsworth: 11:00 Mountain.

Leslie Wheelock: And 12:00 on Central.

Mark Wadsworth: We'll go with the sustainability then on August 3rd, 9:00 AM Alaska Time. With Pacific, are you two hours ahead of them or --?

Connie Holman: One hour.

Mark Wadsworth: 10:00 AM Pacific, 11:00 AM Mountain, noon Central, and then East Coast would be 1:00. Let's go to Credit. Tawney is not here. Sarah, could you give us a time you would want to meet with Credit?

Sarah Vogel: I'm willing to say for them to tell me so everybody knows what time to come in. Otherwise, if I may do the time in, could it be before 5:00?

Leslie Wheelock: It's Connie, you, Sarah, myself, and Jim, and a BIA representative, whatever that means.

Sarah Vogel: Okay. Well, if Leslie could nail that down, we could meet, set the time [indiscernible] the time, great. If not, we could change it.

Leslie Wheelock: Yeah. Let's go ahead and state a time.

Sarah Vogel: Pardon?

Leslie Wheelock: Let's go ahead and state the time.

Sarah Vogel: Okay. How about starting noon [sounds like], the time is in Central.

Leslie Wheelock: That's 9:00 on my time, right?

Mark Wadsworth: No.

Leslie Wheelock: Oh. That's 11:00 my time. Got it.

Mark Wadsworth: Your battery is running low.

Leslie Wheelock: It really is.

Mary Thompson: At what time? I'm sorry, I didn't hear.

Leslie Wheelock: 11:00.

Mark Wadsworth: Eastern.

Leslie Wheelock: August.

Mark Wadsworth: For the record, it would be August 5th at 10:00 Central, 11:00 AM Eastern Time.

Leslie Wheelock: Mr. Chairman?

Mark Wadsworth: Yes, Leslie.

Leslie Wheelock: No. Josiah.

Mark Wadsworth: Oh, Josiah. I'm sorry about that. I guess, we got one more committee to schedule. Do you want that done or do you want to --

Josiah Griffin: We can schedule the other committee.

Mark Wadsworth: Okay. The next committee is Youth and Education Committee. Jerry McPeak is chair. We're turning you on to Jerry.

Jerry McPeak: I wonder what are the days - don't you think we'll have to do it one day [indiscernible]?

Leslie Wheelock: Yeah. Yes, please.

Jerry McPeak: Unless there's several who'll report [sounds like] [indiscernible] is correct?

Female Voice: That's correct.

Leslie Wheelock: Yes.

Jerry McPeak: And as we're going to deal, so having you both [indiscernible].

Female Voice: Oh, yes. Right.

Jerry McPeak: So either you'll attend, let's see it's 9:00 your time [indiscernible].

Female Voice: 12:00?

Female Voice: It's 9:00 is 1:00 Eastern Time which should be 12:00 your time.

Mark Wadsworth: Derrick's mountain. Tawney is the same time as you.

[Very poor audio quality from 37:19 to 38:44]

Mark Wadsworth: And as I said before, it will be anybody who would like to - other than the committee members - and we get the tribe grants too. And Josiah Griffin.

Josiah Griffin: Thank you, Mr. Chair. This is Josiah Griffin. We will send out an email to all of the council members letting them know the times and dates that were decided

for the subcommittees. Referencing the subcommittee chairs, if you could send me the agenda and any additional follow-up information so that we can disseminate that to the subcommittee members and the members at-large, I would certainly appreciate it. All proposed materials. Thank you.

Gilbert Harrison: Thank you very much, Mark. This is Gilbert. Now that we have our subcommittees and we have their dates lined up, I wonder, I hope you all can send us a format to follow. In terms of recommending, what should the format look like so there's consistency? When we write up something, what do we need to say? Is it in resolution form or is it going to be in some form of a format? What format?

Mark Wadsworth: Leslie is the one who's going to do that.

Gilbert Harrison: That's what we're going to follow? Okay. Can you send us some [indiscernible] form of that so then we can just copy that? Thank you very much.

Josiah Griffin: Yes, sir. We'll go ahead. And, sir, this is Josiah Griffin again. We'll go ahead and get that sent out alongside the date and time for the subcommittee meetings.

Mary Thompson: One last thing before it's over. Do you have anything else to take care of?

Mark Wadsworth: No.

Mary Thompson: I'm just trying to finalize a couple of things here because I do that. We're just trying to finalize some wording here so that I can make a motion on an action item.

Leslie Wheelock: Oh, gosh. We should not let this group enter a bar. We're already loopy.

Mary Thompson: The action item or the issue was standardized. On the training opportunities for USDA staff, the recommendation that I will put forth on the floor here for your consideration would be - the council recommends to the secretary direct agencies to provide mandatory programs and specific training to staff who administer programs through national webinars, or videos, or teleconferences to ensure consistent messaging and application of the program goals.

The rationale, as in our discussion, would be the USDA is hierarchical in nature. Decisions that are made on this national level are not always thoroughly or evenly communicated with their staff across the country which limits the effectiveness and efficiency of USDA in implementing its programs. I mean a USDA agency works out communications on a new program. The USDA hierarchy needs to be included in sharing that information across the regions. The most senior officials that oversees the agency should be involved - be it the secretary, deputy secretary, or the undersecretary.

A strong example of successful agency communication rollout includes the FSA, microloans, national webinar rollout. This model should be replicated and utilized across the department. By providing strong communication of USDA programs, it will strengthen the ability of Native American farmers and ranchers to be more sustainable and independent operations. That is my move for more consideration.

Mark Wadsworth: Any motion on the floor? Any seconds?

Porter Holder: I second.

Mark Wadsworth: Seconded by Porter. Any discussion? I have one comment, if I may. Maybe when we were talking about the states and the state directors, that they also have some sort of training in the tribe's treaties that they represent or to serve. Kind of an idea. Amanda.

Amanda Burley: Yes, Mr. Chairman. Would you like to make that a separate standalone recommendation to ensure that it's clear to the secretary, that all staff should be well-versed and understand what treaty obligations are?

Mark Wadsworth: We could do that. Any further discussion on the motion on the floor? All right then. No further discussion? Yes, Gilbert.

Amanda Burley: Did you get a second on that?

Mark Wadsworth: Yes, we did.

Gilbert Harrison: One final comment, I promise. Members, our time will be coming to an end. I plan to reapply. In case for some reason I don't get selected, I want to let you know I very much appreciate and very much enjoyed working with you guys. You've been a professional group. Sometimes a little bit on this side, but really it's been good to work with you. I do appreciate and I do thank all of you for your patience. Sometimes I get carried away, but I do appreciate the time we spent together and that we got to know each other. That's my last comment for the day. Thank you.

Mark Wadsworth: There's a motion on the floor. Or do you have comment?

Angela Peter: I just wanted to make mention that Alaska doesn't have treaties, so we have ANCSA. It would be good for everybody that works with us to know a little bit about that. We have corporations that own the land. We have tribes that are on that land that do not have the right to be. So it's very, very --

Leslie Wheelock: Complicated.

Angela Peter: Yeah. And that is the state of recognized tribes. Thank you.

Leslie Wheelock: I have a question. Angela, do you know of a very simple guide to ANCSA? Because everything -- okay.

Angela Peter: I'll get you one because we're teaching it at NRCS about --

Leslie Wheelock: That would be helpful.

Angela Peter: My pleasure.

Mark Wadsworth: Yes, Jerry.

Jerry McPeak: You've got something to --

Mark Wadsworth: I was just thinking that with that recommendation that I came up with, we can work it within one of the committees and get the correct language. Because honestly, I'm not totally versed in the difference between an IRA tribe, state-recognized tribe, or a treaty tribe, an ANCSA tribe. We just need to wordsmith that, that we correctly get that verbiage to the secretary for the state directors. Yes, Jerry?

Jerry McPeak: Thank you, Mr. Chairman. I'm in favor of doing [indiscernible] because I'm sure when you do the things that we do, your time is up, et cetera. I'm waiting quite often. But, for me, when I'm doing my part, I'm totally getting people involved in education. I'd like to introduce two young people back there. The gentleman with a cap on, that's Jerry Baster [phonetic] who is in his junior year [indiscernible] majoring in ag education. The young lady is my daughter. That's Joy McPeak. She's got an internship with the Tribal Relations department there. She is finishing up also there majoring in ag education. They'll do that job I'm sure

they can. These guys know about agriculture. We got 500 kids on 20 states this year. And she's thinking that over. I'm just the TV personality with the pretty face. And she runs [indiscernible] really runs it and done a good job. But I wanted to introduce them. They've been standing and waiting. They've been very patient.

Mark Wadsworth: Nice to see you, Jerry.

Jerry McPeak: [Indiscernible]

Mark Wadsworth: There's a motion on the floor. All those in favor, say aye.

All: Aye.

Mark Wadsworth: Any opposed? The motion passes. Somebody do the --

Mary Thompson: I appreciate it.

Mark Wadsworth: It's nice to see you, guys. It's just like old friends, so that's good. And new ones, yeah.

Sarah Vogel: [Cross-talking] the meeting in person. It's been fun seeing you [indiscernible], thank you.

Mary Thompson: Sarah, hope to see you again.

Sarah Vogel: Yeah. I hope so too. [Cross-talking]

Porter Holder: I make the motion that we adjourn.

Mark Wadsworth: Is there a second? We have several. All in favor, say aye.

All: Aye.

Mark Wadsworth: Any opposed? The motion passes. Thank
you, guys.

[End of file]

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