

# **USDA TRIBAL ADVISORY COMMITTEE**

**December 10, 2024**

The Tribal Advisory Committee (TAC) was convened at approximately 12:00 P.M. Pacific Time on December 5, 2024, at the Intertribal Agriculture Council's Annual Conference, Palms Casino Resort, 4321 W Flamingo Rd, Las Vegas, NV. The hybrid meeting included virtual participants.

In accordance with the provisions of Public Law 92-463, the meeting was open to the public from approximately 1:00 P.M. Pacific Time to approximately 3:07 P.M. Pacific Time.

## **Council members present:**

Meagen Baldy  
William (Billy) Barquin  
President Whitney Gravelle, Bay Mills Indian Community  
Benjamin (Ben) Jacobs  
Trenton Kisse  
Councilmember David Pourier, Oglala Sioux Tribe  
Charles (Monty) Roessel.  
Whitney Sawney  
Kelsey Scott  
Glenn Teves

## **Council members absent:**

Karen Linnell

## **Staff of the U.S. Department of Agriculture (USDA) Office of Tribal Relations (OTR) attending were:**

Betsy Rakola, Acting Director  
Josiah Griffin, Designated Federal Officer  
Christian Jones, Program Analyst  
Elena Krajeski, Administrative Officer  
Ariel Williams, Administrative Assistant

## **Staff of the U.S. Department of the Interior (DOI) Office of the Assistant Secretary for Indian Affairs attending were:**

Bryan Newland, Assistant Secretary for Indian Affairs

Bryan Mercier, Director, Bureau of Indian Affairs  
Johnna Blackhair, Deputy Bureau Director for Trust Services  
Thomas Mendez, Branch Chief, Branch of Agriculture and Rangeland Development

## **INTRODUCTION AND ADOPTION OF THE AGENDA**

Committee members considered the agenda and approved the agenda with amendment that presented minutes from the September 2024 deliberations.

## **ADOPTION OF SEPTEMBER 2024 MEETING MINUTES**

Committee members adopted minutes pertaining to the September 2024 Committee meeting as presented.

## **PUBLIC COMMENT PERIOD**

**Jacob Caldwell, Shoshone Bannock.** Tribal laws should be compatible with USDA permitting and requirements. While there is \$338 million in agriculture production each year, Tribal members do not always take priority in land acquisition programs. There is a unique land commission with three people administering two million acres of land which should be removed by Congress. The (interagency) Memorandum of Understanding does not appear to appropriately address these issues.

**Nikos Pastos, Consultant.** There's talk about reclassifying 2.5 acres as beginning farmstead for disadvantaged farmers in the Farm Bill. Many areas are reclaiming homestead, and many continue to be denied credit. Additionally, the Yukon River is facing a salmon crisis that trawlers are trying to blame on climate change. Forty villages cannot access salmon due to overfishing. Hunting, fishing, and gathering should be considered agriculture and funded as such. Separately, the rewrite of the Columbia River Treaty diminished protection of lamprey eel and salmon. Power utility companies were not intended to earn their current level of profit. The Farm Bill should expand references for new and beginning farmers looking to enter subsistence agriculture.

**Buck Jones, Columbia River Intertribal Fish Commission.** USDA has improved relationship with some Tribes but more could be done through 638 contracts. Previous public comment attested to a Regional Food Business Center proposal that the agency did not consider for review under the determination that seafood is only one product. Seafood should be considered agriculture. Salmon is culturally relevant. Bycatch is problematic, including when deep trawlers fish pollock. This activity impacts subsistence access since traditional foods cannot return the Yukon River. The Local Food Purchase Assistance program is helpful since it allows Tribes as sovereign entities to control food purchase and distribution.

**Jesse Baker, Rancher and Mandan Hidatsa and Arikara (MHA) Nation.** The MHA Nation has 93 range units operating through five-year grazing permits administered by the Bureau of Indian Affairs. On these units, producers have reluctance using USDA programs. While a few access the Farm Service Agency, once they get to the Environmental Quality Incentives Program (EQIP) at the Natural Resources Conservation Service (NRCS), it can be challenging. Producers may spend two to three years from planning to project implementation to get the program going but then are at risk of losing their lease. While their permits can extend up to 10 years, the practice is not commonly used due to time. Mr. Baker acknowledged trying [to use] EQIP for fencing, water lines, and drains but was informed the agency would only fund permanent structures.

**Leon LaSalle, Rancher.** The 2018 Farm Bill included the provision of Alternative Funding Arrangements (AFAs) for EQIP and the Conservation Stewardship Program (CSP). The Chippewa Cree Tribe and Fort Belknap participated in the first two AFAs; however, only 6 Chippewa Cree producers participate in CSP. The Tribe is engaging in NRCS Montana which, the commenter noted, says the producer will provide technical assistance. Instead, Mr. LaSalle suggested that NRCS should be saying that the agency will provide this assistance.

**Red Bradley, Alaska Village Initiatives.** While Alaska has 229 Federally recognized Tribes, the State has received one percent of all USDA grants minus land grant funding from 2000 to 2022. Existing funding levels are problematic for a State that imports 95 percent of its food. Grants looking for monetary repayment or commercial sustainability run counter to traditional bartering and trading practices. Many Alaska Native Villages lack road access points, with only 1,000 miles of road in the entire State.

**Emily Burtueno, lipay Nation of Santa Ysabel.** The Tribe has six bands in Mexico and represents nine Federally recognized bands. A total of 18 federally recognized Tribes reside in San Diego County, the most Tribes in a single county in the country. Tribes remain underserved in many USDA programs, particularly in NRCS. While NRCS California plans to bring on eight more planners, even more are needed. Additionally, there are no culturally appropriate foods in the Food Distribution Program on Indian Reservations. While much funding goes to the USDA Forest Service, the set-asides require Tribal partnership. More Tribes should be collaborating for common ends. Additionally, scheduling this meeting when conference programming overlaps prevents people from fully participating.

**Porter Holder, Rancher.** The issue raised in public comment during the first meeting is being addressed. The TAC is historic for raising Indian Country's interests.

## SUBCOMMITTEE UPDATES & REPORT OUT

NOTE: This section identifies Committee Members in relation to their Subcommittee leadership role.

**Committee Administration Subcommittee.** Subcommittee Chair Kisse reported on the two subcommittee meetings held by each subcommittee during the previous quarter. Through those meetings, discussion raised the following issues:

1. Tribal Treaty Rights. Additional resources should be made available for the USDA Office of General Counsel to effectively opine on Tribal treaty rights and related Federal Indian law issues.
2. Freedom of Information Act (FOIA). Discussion raised that federal agency negotiations with Tribes should be granted the same level of protection as with foreign governments.
3. Hawai'i/Alaska Input. Discussion focused on whether a separate advisory committee should be established specific to Alaska Native Villages and the Native Hawaiian Community. Committee Member Scott suggested there may be greater strength in a unified TAC but that further engagement may be necessary with these communities.
4. Self-Governance. Committee Chair Kisse reflected that this matter may overlap other TAC subcommittees and led discussion on the need for additional self-governance authority at USDA. Committee member discussion focused on the concepts of a new USDA Office of Self-Governance, food inspection, and new, more flexible cooperative agreements with Tribal governments.
5. Agricultural Resource Management Plans. While DOI administers Agricultural Resource Management Plans (ARMP), previous subcommittee discussion reflected that USDA may have a role in providing cost share, technical assistance, and other resources for the development of ARMPs.

**Economic Development Subcommittee.** Subcommittee Chair Scott stated that the Subcommittee met once each month since the previous Committee meeting. These Subcommittee meetings included information gathering on Federal program match requirements and USDA Rural Development's dashboard for monitoring Tribal and Native Hawaiian Home Land obligations. Discussion raised the following topics:

1. Federal Match. Subcommittee Chair Scott led discussion that matching fund requirements pose barriers for Tribal involvement in Federal funding which may require Congressional action. Where USDA has authority to waive match, Committee members reflected that the Department should utilize this discretion for Tribes, Tribal members, Native Hawaiian Organizations, and Native Hawaiians.

2. Access to Credit. Subcommittee Chair Scott acknowledged that the Farm Service Agency designed legislative proposals in the President's budget and encouraged the TAC to adopt those proposals as recommendations for submittal.

**Ranching, Farm Production, and Conservation Subcommittee.** Subcommittee Chair Scott reiterated that this subcommittee convened monthly between Committee meetings. While reporting on this subcommittee's activity, the Committee discussed the following matters:

1. Allotment Consolidation. Fractionation on Indian land remains a significant challenge for Tribal producers.
2. NRCS Project Timelines. Committee Vice Chair Baldy expressed concern with the timeliness of National Historic Preservation Act implementation for NRCS programs. When a project occurs on Tribal land, the Vice Chair suggested that Tribe's Historic Preservation Officer sign off should be sufficient for all Tribes with historic claim to that land. Vice Chair Baldy further suggested that NRCS should employ more Tribal planners and liaisons.
3. Carbon Markets. While much Tribal land remains in prairie and forest, Subcommittee Chair Scott suggested that Tribes sequestering carbon grasslands and timber cannot fully participate in carbon markets. Subcommittee Chair Scott suggested that USDA should increase technical assistance and research for carbon sequestration in these areas.
4. Tribal Priorities for Tribal Lands. NRCS State Conservationists retain significant discretion in setting conservation priorities in their service areas. Subcommittee Chair Scott suggested that NRCS should be held accountable to directing proportional funding in their state to Tribal lands and that State Conservationists should consult with Tribes on their priorities. Discussion raised that NRCS should also expand technical assistance providers to include Tribes and that NRCS should leverage its Regional Tribal Conservation Advisory Committees in decision making.
5. Repayment on Start Up Capital. Subcommittee discussion suggested that start-up capital can be prohibitive for socially disadvantaged applicants. Subcommittee Chair Scott suggested that FSA could explore unique loan options for Tribes starting agricultural operations.

**Food, Food Safety, and Trade Subcommittee.** Subcommittee Chair Baldy reported out on past subcommittee meetings. Discussion raised the following matters:

1. Transitioning Between Feeding Programs. Tribal members are prohibited by law to enroll in both the Food Distribution Program for Indian Reservations (FDPIR) and the Supplemental Nutrition Assistance Program (SNAP) and can face upwards of a 45-day transition period when switching enrollment between programs.

2. Commodity Purchase Program. Subcommittee Chair Baldy suggested that Tribal producers face barriers becoming USDA vendors due to lack of Agricultural Marketing Service (AMS) inspectors, qualification requirements, and purchase specifications including quantity/scale.
3. Funding for Cold Storage. While USDA took positive steps in Tribal meat processing funding [programs], the Subcommittee Chair suggested that lack of available cold storage continues to strain logistics/food distribution.
4. Tribal Food Inspection Parity. Subcommittee Chair Baldy reflected that USDA should both respect Tribal food codes and should recognize these food codes as meeting Federal regulatory requirements for national inspection. Discussion suggested that food inspection could be a target 638 program.
5. Trade. Committee Member Barquin raised interest in addressing any regulatory impediments to trading food with Canada.
6. Food Supply Chain Disruption. Following discussions in the September meeting, the Committee re-submitted recommendations to the Secretary regarding the food supply chain disruption that affected FDPIR food deliveries.

**Forest and Public Lands Management Subcommittee.** Subcommittee Chair Barquin led discussion on this subcommittee's activity:

1. Law Enforcement and Investigations. The Subcommittee Chair reflected on multiple conversations regarding the protection of cultural sites and treaty resources on Forest Service land. In discussion, the subcommittee raised interest in supplementing available law enforcement and investigation staff, including through the potential cross-deputization of Tribal and BIA law enforcement agents, and the establishment of an indigenous ranger program for monitoring sites. President Gravelle reflected that additional clarification may be necessary on Forest
2. Regional Tribal Engagement. Subcommittee Chair Barquin suggested the Forest Service could adopt a regional tribal engagement model to discuss resource priorities and identify opportunities for closer coordination.
3. Forest Service Planning Rule. Subcommittee Chair Barquin proposed that the Forest Service should provide a comprehensive briefing on the 2012 Forest Service Planning Rule and how the agency incorporated Tribal input in ongoing activity.

## **OFFICE OF TRIBAL RELATIONS UPDATES AND DISCUSSION**

Vice Chair Baldy requested an update on USDA Office of Tribal Relations activities. Acting Tribal Relations Director Rakola affirmed that all remaining Office of Tribal Relations staff are "career" employees and will remain through the transition. Additionally, Acting Director Rakola reflected on announcements from the Tribal Nations Summit including the following elements.

**Interagency Training.** The Office of Personnel Management, White House Council for Native American Affairs, and contributing federal departments established federal employee training modules. These modules include trainings on the federal trust and treaty responsibility, and OTR shared intent to make these trainings available to USDA staff. Acting Director Rakola acknowledged ongoing work to develop new Tribal training modules on topics such as Tribal corporations, Alaska Native Corporations, and how these entities relate to Tribes. USDA agencies continue developing and implementing Tribal training for their staff.

Vice Chair Baldy questioned whether the trainings were publicly accessible. Acting Director Rakola confirmed OTR will verify [online access](#). Committee Member Barquin subsequently questioned which staff USDA anticipates taking these trainings. Given the variability of approximately 95 thousand USDA staff, including food inspectors without consistent computer access, Acting Director Rakola requested Committee input on this matter.

**Carlisle Indian Boarding School National Monument.** The administration established a new national monument at the Carlisle Indian Boarding School to commemorate the Indian Boarding School era.

**USDA Tribal Accomplishments.** USDA accomplishments are included throughout the interagency report. In total, USDA provided an estimated \$550million in funding in previous years covering nutrition, forestry, farming, conservation, and rural development.

## **DEPARTMENT OF THE INTERIOR REPORT OUT**

Vice Chair Baldy requested Deputy Bureau Director Blackhair provide an update for Department of the Interior activity. DOI confirmed renewal of the interagency Memorandum of Understanding (MOU) as an opportunity streamlining service, including through interagency training. Branch Chief Mendez reiterated coordination with USDA through the MOU, particularly through the Interagency Work Group's joint training subcommittee. These trainings provide a platform for common understanding of employee responsibilities and agency processes. At a later stage, DOI may seek to include Tribal member producer input in these trainings.

Separately, DOI acknowledged preparation of an Agricultural Resource Management Plan (ARMP) template and the provision of technical assistance for Tribes on establishing or renewing their ARMP. Through this work, Deputy Bureau Director Blackhair confirmed that several Tribes have an updated plan to 2034.

Regarding DOI agriculture and grazing lease regulation updates, Deputy Bureau Director Blackhair confirmed that OMB may not approve updates before January 25, 2025. Other funding opportunities such as for tribal botanical and invasive species projects remain available.

Council member Pourier expressed interest on additional Bureau of Indian Affairs engagement across his reservation. DOI acknowledged that many agencies have faced a workforce reduction since 2010, citing U.S. Government Accountability Office (GAO) report GAO-17-43.

## **RECESS**

Upon motion duly made and carried without objection, the meeting recessed at approximately 4:07P.M. Pacific Time.



**December 11, 2024**

The TAC reconvened at approximately 9:00A.M. Pacific Time.

**Council members present:**

Meagen Baldy  
William (Billy) Barquin, J.D.  
President Whitney Gravelle, J.D., Bay Mills Indian Community  
Benjamin (Ben) Jacobs  
Trenton Kisse, M.P.A.  
Councilmember David Pourier, Oglala Sioux Tribe  
Charles (Monty) Roessel, Ph.D.  
Whitney Sawney  
Kelsey Scott  
Glenn Teves

**Council members absent:**

Karen Linnell

**Staff of the U.S. Department of Agriculture (USDA) Office of Tribal Relations (OTR) attending were:**

Betsy Rakola, Acting Director  
Josiah Griffin, Designated Federal Officer  
Christian Jones, Program Analyst  
Elena Krajeski, Administrative Officer  
Ariel Williams, Administrative Assistant

**Staff of the U.S. Department of the Interior (DOI) Office of the Assistant Secretary for Indian Affairs attending were:**

Bryan Mercier, Director, Bureau of Indian Affairs  
Johnna Blackhair, Deputy Bureau Director for Trust Services  
Thomas Mendez, Branch Chief, Branch of Agriculture and Rangeland Development

**DELIBERATION ON RECOMMENDATIONS**

**Tribal and Treaty Rights Legal Expertise.** Upon motion duly made and seconded, the Committee considered and approved the following recommendations unanimously:

- Congress should provide additional funding to OGC to increase attorney hires, specifically with expertise in Tribal and Treaty rights.

- In the interim, OGC should leverage existing expertise within the federal government by creating mechanisms for OGC to contact USDOJ-SOL on matters related to Tribes and Treaty rights.
- The canons of construction require Treaties to be read as the Indians understood them. USDA and OGC must consult Tribes when Treaty rights issues arise to ensure the U.S. interpretation of those Treaties is consistent with the Tribes' understanding. USDA should consult further with Tribal governments to identify specific Treaty rights, and subsequent litigation, specific to traditional foods incorporated into USDA feeding programs (e.g., wild rice, etc.) and natural resources (e.g., certain bodies of water, trees, etc.) that Tribes use USDA programs to maintain and protect. USDA's Tribal Treaty database currently flags Treaties that require food or agricultural assistance. However, more specific references to these specific rights would help USDA better understand its specific trust obligations.

**FOIA.** Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations on FOIA unanimously:

- Congress should amend FOIA to exempt government-to-government conversations between the United States and Tribal governments. The exemptions for discussions with foreign governments is an excellent foundation for this Tribal exemption.
- USDA should develop best practices for sharing information in ways that will protect the sensitive nature of those conversations with Tribes.

**Alaska/Hawai'i.** Rather than include a formal recommendation to establish a Alaska/Hawai'i specific advisory committee, Committee Member Teves agreed that the report could issue a general statement on the need for further community input. The Committee moved to table deliberation on this recommendation until a later time.

**USDA Self-Governance Interests.** Committee members considered consolidating or separating recommendations on 638 policy. Chair Kisse expressed interest in maintaining separate recommendations including to create a USDA Office of Self-Governance/Compacting. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- USDA create an Office of Self Governance and Compacting within USDA; expand self-governance contracting and compacting throughout USDA programs.
- USDA should expand cooperative agreements with joint positions for USDA programs within Tribal Departments of Agriculture and Natural Resources or similar Tribal agencies.
- Congress should expand 638 functions to USDA with full funding for those programs.

**ARMP.** Committee Member Scott questioned whether the Committee has authority to consider recommendations for ARMPs. Acting Director Rakola acknowledged that USDA programs touch on other Departments such as Food Safety Modernization Act implementation and that the Committee may have merit where members link to USDA authorities. The Designated Federal Officer further affirmed the TAC's authority to identify and propose solutions to interdepartmental barriers. Chair Kisse identified that ARMPs reflect tribal conservation practices and concerns. Upon motion duly made and seconded, the Committee unanimously carried the following recommendations:

- The Bureau of Indian Affairs and USDA, through their joint MOU and in consultation with Tribes, should collaborate to prioritize Tribal resource needs identified in ARMPs for cost share programs, grant funding and other opportunities.
- USDA-NRCS should provide technical support, assistance, mapping and other resources to Tribes to assist in the development of their ARMPs.
- USDA should allow for the use of NRCS-EQIP program dollars to provide cost-share support to Tribes developing ARMPs, to complement the funding made available to Tribes by the BIA for supporting their ARMP development.

**Federal Match Requirements.** Committee Members discussed the scope of the TAC's authority, with Committee Member Barquin acknowledging that TAC recommendations should narrow focus to USDA authorities. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Congress should amend existing laws or pass new legislation waiving all match requirements for Tribes for federal financial assistance programs administered by the USDA.
- USDA should programmatically waive all match requirements for Tribes, American Indians, Alaska Natives and Native Hawaiians and Native Hawaiian Organizations where it possesses the discretion to do so.
- USDA should expand in-kind categories for Tribes so that Tribal treasuries are not depleted for match requirements.

**Access to Credit.** Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Eliminate Direct Farm Ownership and Operating Loan term limits by eliminating the cap on the number of times a borrower can get a Direct Operating or Direct Farm Ownership loan.
- Authorize refinancing of debt as a direct Farm Ownership loan program purpose.
- Increase the Direct Beginning Farmer Down Payment Loan Program Loan Limit to match the Direct Farm Ownership loan limit.
- Remove the Emergency Loan program requirement for written credit denial and adjust the production loss percent threshold from 30 percent to an amount to be determined by the Secretary.

- Remove prohibition of new loans for applicants that have received debt forgiveness when at least 7 years has passed since receiving debt forgiveness.
- Reduce the Direct Farm Ownership loan requirements to require an applicant to have one year of farming experience (and not three), or that the applicant have an established relationship with a mentor approved by the Secretary, or is a veteran who has been honorably discharged.
- Increase the lifetime limitation on debt forgiveness per borrower from \$300,000 to \$600,000.
- Increase the Microloan Limit from \$50,000 to \$100,000.
- Modify the statutory language describing the interest rate requirements for limited resource loans, microloans to beginning farmers and veteran farmers, and Indian Tribal Land Acquisition loans, including the establishment of an interest rate ceiling.
- Revise beginning farmer definition to require individuals of an entity to be beginning farmers without regard to relationship.
- Require Preferred Guaranteed Lenders to obtain concurrence to foreclosure by removing the authority of preferred certified lenders to initiate liquidation without Farm Service Agency concurrence.
- Provide flexibility on the use of funds reserved for Beginning Farmers by revising beginning farmer lending targets required to “to the extent practicable”.

**Census of Agriculture.** Committee Member Barquin asserted interest in a complete quantitative narrative for Tribal agriculture, including subsistence, hunting, and gathering practices. Committee Member Teves affirmed that an inconsistent definition of subsistence practices and recognition across USDA should be clarified through Census data. Question arose on whether the TAC could recommend action be taken by another USDA federal advisory committee. OTR responded affirmatively for this instance. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- USDA should ensure census data collected by NASS is complete and accurate for all Tribal reservations and should remove any barriers to collecting this data.
- Congress should increase funding to NASS to fund comprehensive and more accurate data collection targeting Indian Country.
- NASS Technical Advisory Committee should establish a subcommittee to directly address the lack of accurate and comprehensive data capture for Indian Country in the Census of Agriculture and Census Surveys.

**Tribal College/University (TCU) Research.** Committee Members discussed whether a specific increased funding goal should be included in any recommendations for TCU research support. Committee Member Roessel reflected that while TCUs had not identified a percent increase, an incremental funding increase may be easier to implement. Committee Member Roessel also acknowledged inadequate extension funding at 3 percent or \$11million. Committee Member Teves encouraged

recommendation consider the three land-grant pillars: research, education, extension. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Congress and USDA should provide greater funding to TCUs to ensure they have a basis for capacity building.
- USDA should work directly with Tribes and TCUs to identify research areas of importance to Tribal governments and support efforts to provide funding to TCUs from USDA and Tribes to conduct that research.

**TCU Funding Parity.** Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Congress should make TCUs eligible for all USDA NIFA funding opportunities.
- Congress should establish Tribal set-asides and preferences within all non-Federally-Recognized Tribal Extension Program (FRTEP) National Institute of Food and Agriculture (NIFA) funding authorities while retaining the competitive nature of the funding.

**FRTEP.** Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Congress should increase funding to bring the number of FRTEP extension agents from 35 to no less than 100 extension agents on Indian Reservations within 5 years.
- Eliminate the competitive nature of the FRTEP funding and instead use permanent funding similar to County Extension programs.

**Fractionated Allotment Consolidation.** Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- USDA should support fractionated land consolidation efforts through continued funding of Indian Tribal Land Acquisition Loan Program, Heirs' Property Relending Program, and Highly Fractionated Indian Land Loan Program.
- USDA should maintain funding for a network of USDA cooperators to ensure targeted Indian Country outreach, accessibility, and utilization of programs.

**Fallow Lands Cost and Eligibility.** The Designated Federal Officer referred to previous subcommittee conversation where NRCS staff shared the agency does not require production history. NRCS does require producers address existing conservation issues, including irrigation history for irrigation funding and limited growing seasons for hoop houses. Committee Member Scott proposed that for new and beginning farmers and veteran farmers, lack of water and a limited growing season could be considered the conservation issue. Upon motion duly made and seconded, the Committee considered and carried the following recommendations:

- USDA should waive land production history requirements for NRCS program enrollment.

- USDA should design a cost-share practice that allows producers to reclaim fallow lands for best use.

**Timeliness of NRCS Cultural Resource Assessment.** Committee Member Baldy affirmed that when her Tribal Historic Preservation Officer (THPO) signs off on a cultural resource assessment on Hoopa land, that THPO's signature should be sufficient for all Tribal THPO. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendation:

- USDA NRCS should accept THPO Letters of Concurrence as evidence that there is no further need for consultation for NRCS Funded Projects, so that implementation may proceed.

**Lack of Tribal Planners.** Committee Member Baldy expressed interest in NRCS making additional Tribal planners available. Committee Member Barquin suggested that while additional funding may be necessary, USDA has some authority to identify staff lines. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendation:

- Congress and USDA should increase funding for additional USDA Tribal planners, Tribal Liaisons, and Tribally-designated Technical Service Providers.

**Carbon Markets/Sequestration.** Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Congress should increase funding and technical assistance to explore carbon sequestration data and markets for grasslands/rangelands on Tribal lands.
- USDA-NRCS should provide technical assistance and cost-share programs for data collection related to carbon sequestration.

**Tribal Priorities for Tribal Lands.** Committee Member Scott reflected on previous public comment regarding how NRCS sets conservation priorities. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- NRCS should ensure Tribally-defined resource priorities direct the distribution of funds within the state proportional to the amount of Tribally managed acres.
- State level consultation for federal programs can help to more directly address implementation challenges at the local and state level, resulting in a greater appreciation for Tribal resource priorities.
- NRCS Practice and Enhancement Standards should be informed in partnership between NRCS State Technical staff and Tribal natural resources experts.
- NRCS should streamline the "certified Technical Service Provider" process by broadening the scope of certification qualifiers to include Tribal Land Office and Tribal Resource Management Staff as applicable.

- NRCS should require its Tribal Advisory Committees and State Technical Advisory Committees to be active, responsive, and accountable for taking action based on input received.

**Transitioning Between FDPIR and SNAP.** Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Remove the statutory prohibition preventing individuals from using both SNAP and FDPIR.
- Allow for joint enrollment in FDPIR and SNAP to remove delay in benefits when utilizing one or the other.

**Commodity Purchase Program.** Committee Member Sawney expressed interest in addressing previous public comment through recommendation on USDA commodity purchases. In responding to comments on existing USDA authority, Acting Director Rakola reminded the Committee that Congress did not authorize Indian purchase preference in USDA programs. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Lower volume thresholds for federal food contracts and/or allow tribal co-op participation.
- Increase funding for AMS inspectors and Technical Assistance to tribes and tribal producers for becoming a vendor.
- Congress clarifies that USDA should implement Tribal preference for programs serving Indian Country.
- Increase funding directly to FDPIR and Tribal Nutrition programs for purchasing from local and or regional Tribal producers in culturally appropriate foods and appropriate quantities.

**Increase Funding for Cold Storage and Distribution Facilities.** Committee Member Barquin encouraged the Committee take a blended approach in addressing limited cold storage and distribution facility access across rural America. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendation:

- Congress and USDA should increase funding for, and USDA should provide technical assistance for, capacity building within Indian Country, including for cold storage and distribution facilities.

**Tribal Parity in Food Inspection.** Committee Member Jacobs questioned whether the Committee's interest was on USDA recognition of tribal food inspection authorities or extending authorization for tribal food inspectors to utilize the USDA label. Acting Director Rakola noted that USDA consulted on the latter and acknowledged complexity in the food safety regulatory landscape. Committee members broadly expressed interest in recommending statutory amendment and that, should Tribes be granted

authority to compact federal food inspection, Tribal government inspection should carry the same legal weight as USDA inspection. OTR reminded the Committee that USDA does not inspect all food product and that the U.S. Food and Drug Administration maintains delegated authority under the Food Safety Modernization Act. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Congress should authorize tribal meat inspectors to have authority to use USDA Certified Stamp. USDA should provide training and cooperative agreements with tribes once authorized.
- USDA should authorize culturally significant foods such as wild game and fish through USDA programs within the local food programs in school nutrition programs.
- USDA should authorize these inspectors to meet the needs of local food inspection that neighboring communities can utilize.
- USDA should authorize Tribal food inspectors and the Tribal products inspected by these food inspectors as meeting the federal regulatory guidelines.

**Domestic Market Access.** Committee Member Scott encouraged the Committee take action to affirm USDA steps promoting domestic market access of Native food product. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendation:

- USDA should continue promoting domestic market access for American Indian foods.

Subsequently, the Committee unanimously amended this recommendation to read:

- USDA should continue promoting domestic market access for American Indian, Alaska Native, and Native Hawaiian foods.

**Protection of Sacred Sites and Cultural Resources.** Committee Member Barquin disagreed with USDA and asserted that the Department does maintain authority to cross-deputize Tribal law enforcement in Forest Service law enforcement and investigation roles. He also expressed interest in Congressional action granting USDA the necessary legal assurances to fully support treaty rights and related cultural protections in this manner. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Where the USFS does not have the authority to enter into agreements with Tribal entities, Congress should provide authorization for USFS to enter into such agreements.
- Congress should increase funding to USFS law enforcement to ensure sufficient enforcement resources are available to protect Tribal citizens' exercise of Treaty-reserved rights, religious and cultural practices and cultural resources.
- USFS law enforcement branch should enter into agreements with Tribal, BIA, and other federal police services to ensure adequate resources are available to protect Tribal citizens' exercise of Treaty-reserved rights, religious and cultural



practices and cultural resources. Agreements may include but are not limited to the following:

- Cross-Deputization Agreements
- 638 Agreements with authority to Tribal Police (including Conservation Officers) to enforce federal laws and regulation on the National Forests and Grasslands
- Mutual Aid Agreements between USFS and Tribal/BIA police services
- Special Law Enforcement Commissions to Tribal/BIA police services to enforce federal laws and regulations on the National Forests and Grasslands
- In addition to agreements, the USFS should establish an Indigenous Ranger Program that hires Tribal citizens to provide more monitoring of activities on the National Forests and Grasslands.
- Implement regular government-to-government meetings between the USFS at the Regional, Forest and District Level, USFS law enforcement and Tribal governments adjacent to or with cultural and/or Treaty ties to the Region, Forest and District.
  - The purpose of these meetings may vary but should include discussion of what resources should be prioritized and where and when to protect Tribal citizens' exercise of religious and cultural practices and cultural resources.

**1872 Mining Law.** Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendation:

- Congress should repeal the 1872 Mining Law.

**Fire Safe and Fire Resilient Communities.** Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendation:

- USDA should work with Tribal governments to promote fire safe and fire resilient communities through development of best practices, including resources to successfully implement those programs.

**Tribal law Parity.** Chair Kisse proposed recommendation that where USDA statutory authority mentions "state law" or any variant of "state and local", that "Tribal" should be inserted. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- Amend any reference to "state law" in the Conservation Title to say "State law or Tribal law" and any reference to "State technical committee" to "State technical committee or Tribal technical committee."
- Add language in the FSIS and FNS statutory legislation to include "Tribes."
- Wherever a reference is made to "state" or "local" or "regional" agricultural producers, the term "Tribal" should be inserted into that section.

**Tribal Input to USDA.** Vice Chair Baldy proposed that OTR maintains a unique role in facilitating government-to-government relations at USDA. Upon motion duly made and seconded, the Committee considered and unanimously carried the following recommendations:

- The Secretary should maintain USDA Office of Tribal Relations (OTR) as an Independent Office with Direct Access to the USDA Secretary to continue the facilitation of meaningful dialogue between Tribal Nations and USDA.
- The USDA should prioritize Tribal participation in the USDA budgeting process.

## **STRUCTURING COMMITTEE REPORT**

Chair Kissee opened discussion on the inaugural TAC report structure. Committee Member Sawney requested the report acknowledge contribution by Council for Native American Farming and Ranching members and their previous recommendations. The Designated Federal Officer reminded the Committee that its authorization requires the report describe Committee activities during the previous year and recommendations for legislative or administrative action for the following year. When Committee Members requested clarification on the submittal process, OTR requested to confirm with the Committee following further internal conversation.

## **2025 CALENDAR**

Committee members deliberated on when and where to propose meetings for calendar year 2025. The Committee affirmed the below schedule:

- February 18, 2025 (Virtual)
- May 6-7, 2025 (Hybrid/Washington, D.C.)
- September 18, 2025 (Virtual)
- December 2025 (Hybrid, to be determined at the Intertribal Annual Conference meeting)

## **ADJOURN**

Upon motion duly made and seconded, the Committee adjourned at 2:31P.M. Pacific Time.

I hereby certify that, to the best of my knowledge, the foregoing minutes are accurate and complete.



Trenton Kissee  
Chair, Tribal Advisory Committee