

2024

USDA TRIBAL ADVISORY
COMMITTEE REPORT

December 31, 2024



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TRIBAL ADVISORY COMMITTEE MEMBERS

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Secretary of Interior Affairs, Muscogee (Creek) Nation (Eastern Oklahoma Region)
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Executive Summary

The USDA Tribal Advisory Committee (TAC) is pleased to present this inaugural report to the Secretary of Agriculture and to the relevant Committees of Congress per our committee charge. The TAC, authorized by the Agricultural Improvement Act of 2018 (7 U.S.C. 6921(b)) and seated in December of 2023 is tasked with submitting recommendations no less than once annually to relevant committees of Congress and the Secretary of Agriculture surrounding USDA programs in Indian Country, including recommendations to Congress of suggested amendments or new laws. Over the course of 2024, the TAC held four public meetings and 34 subcommittee meetings to seek input from federal partners, stakeholders, agricultural producers and others. Two of the four public meetings were held virtually and two were in-person, one in Washington, D.C. and one in Las Vegas coinciding with the Intertribal Agriculture Council's annual convention. From these TAC meetings, subcommittee meetings and the four public comment periods, the 78 recommendations contained herein were each passed unanimously by a quorum of the full TAC on December 11th, 2024.

The Committee would be remiss to not frame this report with the context that Tribal agriculture is vital to the health and food security of all Americans. Tribal agricultural producers operate nation-wide, within and outside of reservation boundaries, and on all types of land. Market value of agricultural products sold by American Indian and Alaska Native producers nearly doubled from \$3.6 billion in 2017 to \$6.4 billion in 2022¹. While the vast majority of Native farms and ranches are livestock operations, Indian Country represents a broad spectrum of modern and traditional farm production, seafood, subsistence farming including hunting and gathering, value-added production, timber harvest, and more. The United States farm policy that serves as the catalyst for the world's safest, most affordable and most nutrient-dense food supply directly impacts the regional economies throughout the United States and the world. The TAC is seated with representatives from throughout Indian Country, including experts in agricultural extension, Tribal Colleges and Universities (TCUs), restaurateurs, agricultural non-profits, Tribal nations, Tribal conservationists, legal counsel and agricultural producers. The diverse perspectives and expertise on the Committee have made for robust discussion and the participation from Indian Country agricultural producers in the public comment period has brought us to the recommendations contained herein.

The Committee also frames this report in the context of Indian Country generally being rural with the unique needs of rural communities. Indian Country economic development, therefore, is also rural economic development. In fact, Tribal governments and businesses are some of the

¹ National Agricultural Statistics Service (Issued February 2024). "Census 2022." https://www.nass.usda.gov/Publications/AgCensus/2022/Full_Report/Volume_1,_Chapter_1_US/usv1.txt

largest employers in parts of rural America. The TAC's recommendations provide important legal and policy changes to better assist USDA in providing services to reservations and rural communities.

Much of the early discussion for the TAC consisted of revisiting the progress on recommendations² submitted to USDA by the Council for Native American Farming and Ranching (CNAFR). Working in Indian Country has given the Committee members valuable experience on the benefits of government efficiency and follow-through. The TAC felt it pertinent to revisit CNAFR recommendations, check for progress on any that were ongoing, and prioritize following through on the foundational recommendations of that group. USDA reported that many of the recommendations have been resolved by the agency, and several of the others informed some of the recommendations included in this report. The TAC recognizes the historical significance of the CNAFR, and is indebted to the work done by that Federal Advisory Committee to improve outcomes for Indian Country and rural America. We humbly acknowledge the honor and accept the challenge to pick up the work of building a greater Tribal agricultural economy—and thereby a more sustainable future for rural America.

Several themes arose from the deliberations of the TAC throughout 2024. As required by the 2018 Agriculture Improvement Act, the Deputy Secretary for Indian Affairs or their designee and other Bureau of Indian Affairs program staff were in attendance at TAC meetings. Discussions included reducing redundancy in program delivery for Tribal governments and producers, the lack of funding for technical assistance and implementation of statutorily-required Agricultural Resource Management Plans (ARMPs), grazing and leasing regulations, and evaluation methods for local BIA office superintendents. As the law grants no authorization for the TAC to make recommendations to the BIA, the conversations involving the BIA focused on building recommendations that could lead to USDA assisting Tribal governments and producers with issues where BIA overlap occurs, and bottlenecks in program delivery may appear. Since the focus of ARMPs is to guide land use and conservation efforts on Tribal lands, and USDA-NRCS programs offer cost-share programs for this type of work, there is potential for conservation funding to assist Tribes with developing and implementing ARMPs to focus conservation resources throughout Indian Country on established goals. We believe this will lead to more efficiently utilizing program dollars for a greater impact, and limit the checkerboard approach to conservation programs and agricultural practice improvements. In 2025, the TAC intends to focus on the joint MOU between USDA and BIA to further improve government programming for Indian Country.

² United States Department of Agriculture (June 2018). "Council for Native American Farming and Ranching Recommendation Tracker."

<https://www.usda.gov/sites/default/files/documents/cnafr-recommendations.pdf>

Another common thread in TAC discussion was the unique government-to-government relationship between Tribes and the US Government. Deliberations centered around the importance and need for continued Consultations, expansion of PL 93-638 Self-Governance opportunities, reliance on Tribal Historic Preservation Officers in lieu of Federal cultural surveys where appropriate, streamlining communication between agencies on Tribes' behalf, a focus in the need for more expertise at the agency level in Federal Indian Law, and protecting Tribal information through improvements to the Freedom of Information Act when federal agencies deal with Tribes.

The relationship between federal agencies and Tribes has grown to a point of collaboration in many cases throughout recent decades, but there remains work to be done for Tribes to feel comfortable openly communicating with agencies without fear of protected information being at risk. Additionally, when it comes to cultural resources on Tribal lands, the most informed and efficient professionals available are the Tribal Historic Preservation Officers. These professionals can lend a hand to program efficiency by concurring with project activities and eliminating the need for redundant federal surveys and processes. Finally, the Indian Self-Determination and Education Assistance Act ("638") has proven to be monumentally successful in strengthening Tribal nations, serving the needs of Tribal citizens, and reducing redundancy in federal programs throughout Indian Country. In many cases, the expansion of 638 to federal programs has reduced administrative costs and improved program delivery times by relying on local expertise, logistics, and control. The TAC recommendations advocate for the expansion of 638 compacting throughout all USDA programs, and offers several means to accomplish this goal.

One final theme of TAC discussions and subsequent recommendations concerns the need for improved access to credit, flexible financial terms, market entry opportunities and the sustainability of the farm economy. Agricultural markets are increasingly tumultuous, and rising interest rates have squeezed already razor-thin margins throughout the agriculture industry. These market conditions make agricultural production difficult for even the most seasoned in the industry, let alone for beginning farmers and ranchers, who are key targets of numerous farm programs and are vital to the sustainability of the agricultural industry in America.

Financing throughout rural America is growing difficult to obtain, due in part to the decline of the relationship-based local bank and the standardization of lending throughout the industry. In 2019, many producers were over-leveraged, with over 9% of crop farmers and nearly 7% of livestock operations being considered Highly Leveraged or Very Highly Leveraged by USDA³; this has led to large carryover balances in the subsequent reporting periods and higher interest on

³ United States Department of Agriculture, Economic Research Service and National Agricultural Statistics Service. (2020). "Agricultural Resource Management Survey." <https://www.ers.usda.gov/data-products/chart-gallery/gallery/chart-detail/?chartId=92957>

remaining debt as inputs rose and farm income fell through 2023⁴. As such, the Farm Service Agency plays a key role in stabilizing farm operations in Indian Country. The TAC includes in this report numerous recommendations for improving FSA programming to fit the needs of Tribal and New and Beginning Farmers and Ranchers in the years ahead.

Additionally, as Tribes have invested heavily in agricultural operations and infrastructure, Tribes and Tribal communities are well-positioned to provide safe and nutritious food products to local and regional food economies and federal nutrition programs. There is a continued need for investment in these regional food models including cold storage and logistics, inspection, infrastructure, extension and technical assistance for producers engaging in this work.

These recommendations are a culmination of effort, expertise and thoughtful deliberation by many throughout Indian Country over the past year. Assisted by the work of our Designated Federal Officer and pertinent staff within the USDA Office of Tribal Relations and USDA program staff, the work represented here is within our charge to build a strong foundation for long term improvements in USDA policy for all Americans, and for producers in Indian Country. We believe these recommendations can move Indian Country forward, decrease redundancy in federal programs, enhance the economic impact of dollars invested, and stabilize the American agriculture sector. If we can provide any additional information or support for these recommendations, please reach out to me at (918) 549.2515 or via email at tkissee@muscogenation.com.

Respectfully Submitted,



Trenton Kissee
Chairman, USDA TAC



Meagen Baldy
Vice Chair, USDA TAC

⁴USDA Economic Research Service. (December 2024). "Farm Sector Income & Finances: Farm Sector Income Forecast." <https://www.ers.usda.gov/topics/farm-economy/farm-sector-income-finances/farm-sector-income-forecast/>

2024 TAC and Subcommittee Meeting Dates

Subcommittee Meeting Dates (Virtual):

- Wednesday, June 26, 12-4:45 MT
- Thursday, June 27, 12-4:45 MT
- Tuesday, July 16, 12-4:45 MT
- Wednesday, July 17, 12-4:45 MT
- Tuesday, August 20, 12-4:45 MT
- Wednesday, August 21, 12-4:45 MT
- Wednesday, October 23, 12-4:45 MT
- Thursday, October 24, 12-4:45 MT
- Wednesday, November 13, 12-4:45 MT
- Thursday, November 14, 12-4:45 MT

TAC Meeting Dates:

- Friday, February 23, 10:00-4:20 MT (Virtual)
- Wednesday, May 29, 7:00-4:00 MT (Washington, D.C.)
- Thursday, May 30, 7:00-10:00 MT (Washington, D.C.)
- Thursday, September 5, 10:00-5:00 MT (Virtual)
- Monday, December 9, 11:00-4:00 MT (Las Vegas, NV)
- Tuesday, December 10, 7:00-4:00 MT (Las Vegas, NV)

COMMITTEE ADMINISTRATION SUBCOMMITTEE



Committee Administration Subcommittee

Issue 1. Tribal and Treaty Rights Legal Expertise

USDA is responsible for protection of Tribal Treaty and other rights. USDA Office of General Counsel (OGC) does not have sufficient resources, specifically with respect to Tribal and Treaty rights, and especially compared to the U.S. Department of the Interior Solicitors (USDOI-SOL).

Recommendations:

- 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 USDOI-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.

Issue 2. FOIA Exemptions

While the Freedom of Information Act (FOIA) is important to ensure government accountability, the Act also constrains USDA and Tribes' conversations due to the fact that information provided to USDA by Tribes may be required to be released.

Recommendations:

- 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.

Issue 3. Coordination across USDA Self-governance Interests

Many Tribal Governments have the capacity and expertise to administer programs more efficiently than federal agencies. This is especially true for agriculture and nutrition programs, where many tribes already operate programs in this space. Public Law 93-638 has been

successfully implemented by Tribal governments for decades. USDA has not been a significant part of those self-determination programs, but implements programs, services, functions and activities (PSFAs) that Tribal governments could perform. This is especially true given the rising cost of living in rural areas, the inability of USDA to hire for open positions, and the availability of Tribal citizens to fulfill those roles who may prefer to work for their Tribe rather than the federal government.

Recommendations:

- USDA should 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.

Issue 4. Agriculture Resource Management Plans

Agricultural Resource Management Plans (ARMPs) are intended to guide conservation and agricultural practices, policy decisions, and land use throughout Indian Reservations. The Bureau of Indian Affairs requires ARMPs to be implemented by Tribes, or the Secretary must create a plan for Tribes to implement. However, these plans are extremely costly to do well, and Tribes are often working to develop and implement these plans with limited resources and technical assistance.

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.

Issue 5. Tribal Law Parity

In many cases, “state” or “local” are used to describe participants and/or decision-making stakeholders in USDA programs. Due to Tribes not being specifically mentioned, these stakeholders and potential participants are often excluded from decision-making or excluded from program eligibility altogether. Additionally, because not specifically mentioned, Tribal resource concerns, Tribal law and Tribal practices are not included in the development of

programs and funding eligibility.

Recommendation:

- 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.”

Issue 6. Tribal Parity in the Conservation Title

Inclusion of Tribal language wherever “state” or “local” or “regional” is included is important to correctly apply program priorities with clarity.

Recommendations:

- Wherever a reference is made to “state” or “local” or “regional” agricultural producers, the term “Tribal” should be inserted into that section.

Issue 7. Office of Tribal Relations

OTR’s ability to directly report to the Secretary of Agriculture reflects the federal trust responsibility and unique government-to-government relationship between Tribal Nations and the federal government and has been instrumental in policy changes benefiting Tribal farming, ranching, forestry, and other economic activities related to agriculture.

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.

ECONOMIC DEVELOPMENT SUBCOMMITTEE



Economic Development Subcommittee

Issue 1. Match Requirements and Accessibility to Federal Funding

Match requirements pose barriers to Tribes' involvement in USDA grant programs, because Tribes may either not have the match available or would be required to take funding away from other critical priorities. While the official charter of the TAC is directed towards changes in USDA programs, the Committee believes that the waiver of match requirements should be implemented across US government programs, and not limited to USDA.

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.

Issue 2. Access to Credit is limited in rural and remote areas.

Credit access and capital needs continue to stifle economic and workforce development in Indian Country, reducing self sufficiency and business growth in rural areas. There are no-cost legislative proposals that have been designed by the Farm Service Agency to address this reality. The Tribal Advisory Committee fully supports all of these legislative proposals and recommends that Congress takes action on the following.

Recommendations—Each of these recommendations require congressional action:

- 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 have 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.”



EDUCATION AND RESEARCH SUBCOMMITTEE

Education and Research Subcommittee

Issue 1. Census Data Provides an Incomplete Picture for Tribal Food Production

Census data collected by NASS is incomplete in Indian Country. Issues include lack of data surrounding subsistence farming, gathering, fishing and hunting, invasive species and market opportunities. Accurate data will allow for more efficient use of federal program dollars.

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.

Issue 2. Research at TCUs

Tribal governments are leading efforts to restore ecosystems within their territories to honor their Covenants with the Creator and provide for the exercise of Treaty and other rights. Often, those efforts include research primarily conducted by state universities and colleges. Tribal colleges and universities (TCUs) are poised to be a greater part of that research effort.

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.

Issue 3. Parity in Funding Opportunities for 1994 Tribal Colleges and Universities

1994 Tribal Colleges and Universities (TCUs) are vital educational hubs that provide culturally relevant learning opportunities and serve as centers for advancing agricultural education and research yet receive disproportionately less funding compared to other land-grant institutions.

Recommendations:

- Congress should make TCUs eligible for all USDA NIFA funding opportunities.
- Congress should establish Tribal set-asides and preferences within all non-FRTEP NIFA funding authorities while retaining the competitive nature of the funding.

Issue 4. Federally Recognized Tribal Extension Program (FRTEP) is Chronically Underfunded

Underfunding for the Federally Recognized Tribal Extension Program (FRTEP) limits the number of extension agents available to serve rural and remote Native communities, and diminishes access to resources which require extension agents to operate on limited, competitive grants and restrict capacity to support agricultural producers.

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.

RANCHING, FARM PRODUCTION
AND CONSERVATION
SUBCOMMITTEE



Ranching, Farm Production and Conservation Subcommittee

Issue 1. Allotment Consolidation

Fractionation of Indian lands presents unique difficulties to Tribes and Tribal producers in making the best use of allotted land. Allotment consolidation is a critical component of increasing agricultural production on Indian lands.

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.

Issue 2. Fallow Lands Cost and Eligibility

Fallow lands are often overgrown with invasive and/or undesirable species. Reclaiming these lands takes immense financial resources, heavy equipment, expertise and time. Some USDA programs require that lands have a recent production history, prohibiting producers from utilizing program dollars to reclaim fallow lands. Additionally, these lands are often less desirable than prime farmland, and would be a great entry point for a beginning farmer or rancher with less resources.

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.

Issue 3. Timeliness of NRCS Cultural Resource Team Assessment

NRCS-funded projects are often stalled due to NRCS Cultural Resources teams not being able to provide assessments in a timely manner.

Recommendations:

- 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.

Issue 4. Lack of NRCS Tribal Planners/Tribal Liaisons

USDA NRCS do not have enough Tribal planners on the ground and Tribal liaisons. This limits Tribes' ability to develop and implement conservation practices, develop agricultural markets and stabilize Tribal food supplies.

Recommendations:

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

Issue 5. Carbon Market Development in Rangelands and Forests

Carbon markets, although gaining popularity, are primarily aimed at row crop production and not grasslands or timber lands. Many Tribal lands, although sequestering carbon through grass and timber production, are not eligible for entry into these markets.

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.

Issue 6. Tribal Priorities for Tribal Lands

Presently, conservation on Tribal Lands remains subject to the state NRCS Office's discretion. Tribal priorities are not uniformly guiding USDA resources reaching Indian Lands.

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

FOOD, FOOD SAFETY,

AND TRADE SUBCOMMITTEE



Food, Food Safety, and Trade Subcommittee

Issue 1. Transitioning between FDPIR and SNAP

Persons eligible for both SNAP and the FDPIR program cannot pivot between programs seamlessly. If a Tribal citizen wishes to switch programs due to availability and/or seasonality of foods, the wait time for benefits can be in excess of 45 days, leaving vulnerable families without nutrition assistance. There is currently a statutory prohibition preventing persons who qualify for both SNAP and FDPIR from using both in the same month.

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.

Issue 2. Commodity Purchase Program Barriers

Tribal producers are precluded from selling into federal food purchasing contracts by a lack of AMS inspectors, difficulty becoming a vendor, and the volume of goods required to submit bids for federal contracts. This leads to the same large producers being selected repeatedly for federal contracts.

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.

Issue 3. Increase Funding for Cold Storage and Distribution Facilities

With the expansion of Tribal and local meat processing, the industry took a step in the right direction towards a more stable and resilient food supply. However, the national lack of cold storage and distribution hinders these facilities' economic growth and strains logistics in times of instability.

Recommendations:

- 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.

Issue 4. Tribal Parity in Food Inspection

Tribal governments that have established Tribal food codes and Tribal food inspectors are the regulatory authority of their Tribal lands and Tribal food safety. Tribes across Indian Country are facing the lack of federal meat inspectors to certify Tribally produced beef and poultry. Getting locally raised meat into local school nutrition programs and stores is a necessity for Tribal communities that face food shortages during national and local disasters.

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.

Issue 5. FDPIR Supply Chain Issue.

The first is the food shortages, delivery delays and supply chain issues affecting the Food Distribution Program on Indian Reservations. In conversations with stakeholders across the United States and in deliberation with the TAC in our September meeting, the Tribal Advisory Committee recommends the following action items be considered as solutions to these issues.

Recommendations

- USDA should continue to include Tribal representation in the review of the FDPIR RFP process and update as necessary.
- USDA should provide financial assistance to ITOs that are in short supply to purchase needed items for their programs and allow purchases from any retailer.
- USDA Office of Tribal Relations should field a task force that receives comments from ITOs and tribes and provide that feedback to USDA-FNS and the TAC.
- USDA should conduct Tribal consultations in advance of RFP release.
- USDA should use a regional sourcing model to meet the needs of ITOs and Tribal FDPIR programs.
- PL 93-638 pilot programs should be made statutory.

- Congress should appropriate adequate funding for FDPIR infrastructure development and expansion, allowing ITOs additional capacity for food storage.

FORESTS AND PUBLIC LANDS SUBCOMMITTEE



Forests and Public Lands Subcommittee

Issue 1. Protection of sacred sites, cultural resources, and exercise of Treaty rights

Tribal sacred sites, cultural resources, and other Tribal and Treaty resources are located on what are now National Forests and Grasslands. The United States Forest Service (USFS) law enforcement branch is the primary police service responsible for protection of the resources and of Tribal citizens exercising their religious and cultural practices and Treaty rights and protection of cultural resources, but is underfunded and does not have sufficient personnel to effectively do so at all times.

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.

Issue 2. 1872 Mining Law

The 1872 Mining Law constrains the USFS's ability to manage National Forests and Grasslands consistent with ecosystem needs and Tribal and Treaty rights.

Recommendation:

- Congress should repeal the 1872 Mining Law.

Issue 3. Fire Safe and Fire Resilient Communities

Wildfire risk is increasing due to the elimination of fire on the landscape over the last century and climate change. Communities need to become fire safe and fire resilient to survive.

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.

Conclusion

The USDA Tribal Advisory Committee is honored to submit these recommendations to the United States Secretary of Agriculture and to relevant Committees in Congress. Members of the TAC believe that these recommendations will help strengthen the foundation of conservation, farming and ranching, hunting, fishing and gathering, and stewardship that Tribal nations have built since time immemorial. Throughout the calendar year 2024, TAC members solicited information from USDA program staff, the Bureau of Indian Affairs, farmers, ranchers, fisheries and other stakeholders to provide impactful recommendations. Throughout 2025, in addition to providing follow-up commentary as requested to the 2024 recommendations, the TAC will continue to examine farm policy, markets and rural economies to provide recommendations pertinent to the rapidly evolving conditions of the agriculture industry.

In the modern era of Tribal Self-Determination, Tribal nations and Tribal agricultural producers can undoubtedly strengthen rural American economies by providing safe, wholesome and nutritious food and food products to our Reservations and communities. Building on the progress in the Government-to-Government relationships between Tribes and the United States, providing more efficient program delivery through increased Self Governance opportunities, and fortifying credit opportunities for New, Beginning, and Tribal Farmers and Ranchers are paramount to success in 2025 and beyond.