

# **USDA TRIBAL ADVISORY COMMITTEE**

**May 29, 2024**

The Tribal Advisory Committee was convened for its second meeting at approximately 9:00A.M. Eastern Time on May 29, 2024, at the USDA Headquarters, Whitten Building, Lincoln Room, in Washington, D.C.

In accordance with the provisions of Public Law 92-463, the meeting was open to the public from approximately 9:00A.M. Eastern Time to approximately 5:00P.M. Eastern 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.  
Karen Linnell  
Charles (Monty) Roessel, Ph.D.  
Whitney Sawney  
Kelsey Scott  
Glenn Teves

## **Council members absent:**

Councilmember David Pourier, Oglala Sioux Tribe

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

Heather Dawn Thompson, Director  
Josiah Griffin, Designated Federal Officer  
Elena Krajeski, 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  
Wizipan Little Elk Garriott, Principal Deputy Assistant Secretary for Indian Affairs

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

Committee members considered the agenda presented and approved the agenda with an amendment to include dedicated time for Committee deliberation on meeting times and Committee member introductions.

## **COMMITTEE MEMBER INTRODUCTIONS**

Committee members briefly introduced themselves, their Tribal Affiliation, and role where applicable. Committee members additionally offered the opportunity for non-Committee representatives of the public to introduce themselves.

## **TRIBAL REIMBURSEMENT DISCUSSION**

The Designated Federal Officer provided an overview of USDA's reimbursable expenses.

In addition to being eligible for compensation under the Tribal Advisory Committee's legislative authorization, Committee members may also seek reimbursement from USDA when engaged in invitational travel, including for in-person Tribal Advisory Committee Meetings. Authorized travel expenses eligible for reimbursement include nightly hotel rates at the federal per diem rate; taxi or other transport cost (including mileage) to and from the airport, hotel, and USDA's designated meeting site; airfare luggage fees, and meals and incidental expenses at the authorized daily federal rate. Any other requested reimbursable expenses must be discussed with the Designated Federal Officer in advance.

## **ELECTION OF CHAIR AND VICE CHAIR**

Upon a fair and open election, the Committee members unanimously elected Trenton Kisse as Committee Chair and Meagen Baldy as Committee Vice Chair.

## **ADOPTION OF BY-LAWS AND MEETING MINUTES**

**By-laws.** Committee members considered the By-laws as presented and tabled formal adoption until a new subsection could be drafted formally recognizing the Tribal Advisory Committee's authority to provide advice and guidance to the Secretary of Agriculture on matters pertaining to the Native Hawaiian Community.

**Minutes.** Committee members adopted minutes pertaining to the February 2024 Committee meeting with amendment recognizing Whitney Sawney in attendance. Committee member Gravelle abstained from voting since she was not present.

## **USDA RESEARCH PRIORITIES DISCUSSION**

Presenter: Jeremy Adamson, Chief of Staff, Research Education and Economics  
Sarah Beebout

Erin Riley  
Janyce Woodard

Overview. The USDA Research, Education, and Economics mission area is home to approximately 8,500 employees focused on research. Covering an estimated \$4billion budget, this mission area is split across the following agencies:

- Agricultural Research Service for in-house research on food supply and food production,
- Economic Research Service for agriculture economics research on new and emerging trends/issues,
- National Agricultural Statistics Service which provides over 400 reports each year on every aspect of U.S. agriculture including the Census of Agriculture,
- National Institute of Food and Agriculture which funds programming enhancing agricultural related sciences including through collaboration with land-grant institutions like Tribal Colleges/Universities, and
- Office of the Chief Scientist ensuring that scientific research across USDA is held to intellectual rigor.

TAC Discussion. Committee members engaged USDA presenters in substantive dialogue. Amidst discussion, Committee members received the following information:

- U.S. Forest Service labs are not under the Research, Education, and Economics mission area's purview.
- While Agricultural Research Service research stations are building out partnership with Tribal Colleges and Universities, no research stations currently operate on Tribal lands.
- Per recent guidance from the White House Council for Environmental Quality and Office of Science and Technology Policy, the National Institute of Food and Agriculture recognizes indigenous knowledge in its requests for applications.
- USDA's Next Gen investments target youth education utilizing American Rescue Plan Act dollars over 60 Minority Serving Institutions impacting 20,000 students including four (4) Tribal Colleges.
- The Research, Education, and Economics mission area will respond on the status of any current or forthcoming action plan progress reports.

Additionally, Committee members identified the need for additional conversation on the following elements:

- The Genetic Resource Information Network may benefit from additional funding as does the Beginning Farmer and Rancher Program, the Socially Disadvantaged Farmer and Rancher Program, Federally Recognized Tribal Extension Program, and Sustainable Agriculture and Research Education programs.
- The Census of Agriculture does not incorporate survey data on subsistence practice.

- The Research, Education, and Economics mission area does not maintain any readily identifiable economists that are Indian Country focus.
- Equitable funding levels for Tribal Colleges and Universities remain unmet.

## **APRIL 2024 CONSULTATION REPORT OUT**

Director Thompson provided an overview of the history of these barriers consultations as part of annual consultation and listening session series. Partially in response to the enactment of Executive Order 13985 on *Advancing Racial Equity and Support for Underserved Communities*, USDA began an annual consultation and listening session on tribal barriers to USDA program by topic area. Where these consultations started broad, discussion narrowed over the last four years as USDA continued to make progress in responding to tribal feedback.

Discussion reflected Committee member interest in institutionalizing these consultations as an annual occurrence and to develop a mechanism that acknowledges tribal input and frames USDA response. Committee members raised complimentary USDA activity like Regional Tribal Conservation Advisory Committees as providing avenues for tribal input and the need for further discussion on subsistence and other traditional practices in USDA food production and conservation resourcing.

## **TRIBAL OUTREACH AND USDA TRAININGS AND HIRING ADVISORY**

USDA is currently looking at a long-term and short-term strategy. On the short-term, USDA continues to coordinate with trusted partners like the Intertribal Agriculture Council on raising awareness on USDA programming and strengthening relationships between USDA and Indian Country. On a longer term, USDA is rethinking its hiring strategy for tribal facing positions and positions on or near tribal land in addition to the provision of training for USDA staff. When hiring these new positions, the Office of Tribal Relations partnered with the Office of Human Resource Management on a tribal hiring advisory that includes requiring tribal subject matter expertise including through reviewing applicants prior to issuing a certification.

## **BUREAU OF INDIAN AFFAIRS DISCUSSION**

**Alignment of USDA/BIA Policies.** Administrator Ducheneaux of the USDA Farm Service Agency and his staff, Assistant Secretary Newland, and Principal Deputy Assistant Secretary Garriott discussed ongoing efforts to strengthen alignment in policies including through the development of agriculture leasing regulations with Committee members. Principals from the Department of the Interior reflected that the Bureau of Indian Affairs always had the authority to maintain lease agreements longer than five (5) years, and this practice is anticipated to be codified in the regulations. Additionally, DOI anticipates including indigenous and regenerative agriculture practices within recognized lease activities.

Throughout its rulemaking, the Bureau of Indian Affairs recognizes that all of their regulations by nature affect Indian people; therefore, BIA first consults with tribes before drafting a regulation. While national policy is shifting to better recognize Tribal interest, Committee members reflected that these policies and priorities are not uniformly reaching federal staff at state and local levels.

As the Committee deliberated on its role in supporting these processes, questions arose on the amount of additional resourcing necessary to effectively meet trust responsibility expectations. DOI affirmed the creation of a Tribal Interior Budget Council to inform budget requests.

**Tribal Land Ownership Recognition in USDA Programs.** The 2022 Census of Agriculture reported an increase in farm acreage maintained by American Indian/Alaska Native farm operators. Committee members reflected that better understanding the composition of whether these operations are on or off trust land may support its deliberation. Assistant Secretary Newland acknowledged that for the last 50 years, DOI has trained its staff to defer to (beneficiary) land owners but recognized that where fractionation exists, BIA may need to participate in managing land owner recognition.

**ARMP Audit Streamlining.** Committee members reflected on challenges on finding auditors and the need for additional assistance in developing an Agricultural Resource Management Plan.

**Archaeological Survey Discussion.** Chair Kissee reflected on challenges where the Bureau of Indian Affairs federal historic preservation officer is not aligning with the tribal historic preservation officer, particularly where challenges arise on allotment enrollment.

## **PUBLIC COMMENT PERIOD**

**P. Holder, Rancher (Previous Vice Chair for the Council for Native American Farming and Ranching).** The Council for Native American Farming and Ranching had a term limit and served as a very powerful Committee. This new Tribal Advisory Committee is an express lane for farmers and ranchers in informing USDA considerations.

In Mr. Holder's area, a farmer owns land with 120 acres and a residence. While the Farm Service Agency during *Keepseagle v. Vilsack* refrained from initially providing financing, the farmer was successful in receiving financing elsewhere. That producer is again seeking Farm Service Agency assistance and is facing an agency that is using an up to 150% collateral as a baseline. The Tribal Advisory Committee should consider recommending the Secretary conduct a survey of Farm Service Agency loan collateral practices.

**N. Hernandez, President/CEO of Makoce Ag Development.** Makoce Ag Development is a place-based and indigenous led on the Pine Ridge Reservation. Mr. Hernandez recognized how food supports our relationships and self- and community-

based healing. While Makoce Ag Development is seeking scalable models of poultry in partnership with the USDA Agricultural Marketing Service and Food Safety and Inspection Service, poultry processing faces more 'red tape' than red meat processing facilities including in that there is no state exemption for custom exempt processing where the poultry is not intended for retail.

**B. Jones, Columbia River Intertribal Fish Commission.** Salmon is culturally relevant to many Tribes from California to Alaska, including in many of those Tribes' creation stories. Despite this significance, USDA commonly does not consider seafood as agriculture and eligible for USDA programs. Where the University of Maine sought to develop a North Coast Regional Food Center under the Regional Food Business Center, USDA deemed this application ineligible because the agency considered seafood as one product. Additionally, significant challenges exist in Tribes selling seafood product to USDA's procurement solicitations.

Where USDA provided funding for Tribes to purchase seafood through the Local Food Purchase Assistance program, four Tribes requested \$10.8million and only received \$2.9 million. To date, USDA has not been transparent on the funding allocation requested by the Columbia River Intertribal Fish Consortium or a Wisconsin based Tribal application. While USDA increased funds available through the round 2, Local Food Purchase Assistance Plus program, Tribal implementation of this program is challenging without administration cost being allowable expenses.

Additionally, training for HACCP and the extension of 638 for food inspection would be beneficial.

**C. Iron Pipe, Blackfeet Agriculture Department.** The 528 policy on prescribed grazing is challenging on the Blackfeet Reservation due to limited infrastructure and Environmental Quality Incentive Program assistance. Where probates under the Bureau of Indian Affairs misalign with USDA programming, accessibility in those programs becomes challenging. USDA disaster assistance funding should include natural predation of livestock from wildlife like bears or wolves. Additionally, domestic horses are being dumped onto the Reservation through trespass by non-Natives.

**D. Leavitt, Inupiat Community of the Arctic Slope.** Broadband deployment in Alaska should be a top priority for the Tribal Advisory Committee. Broadband in the Arctic is challenging and expensive. When systems breakdown, the lack of available redundancy further complicates access. USDA's ReConnect program should be consistent in requiring Tribal Resolutions of Consent. Additionally, USDA should seek more detailed maps on whether an area is 'served' and provide preference for Tribal governments operating on ancestral land.

**J. Romero, Pueblo of Jemez.** Upon appeal, the Tribe won back 5,000 acres of land. In the last few years, the Pueblo of Jemez secured a contract to run cows on the Caldera preserve. When the land changed hands to the National Park Service, one of the main tenants of the transaction was to keep the land a working ranch. Over time, the number

of allowable head decreased to 97. Where the request for applications is released to graze cattle, the site withdraws the RFA due to a necessity to conduct burns for environmental preservation. Allowing animals to graze on the land could also decrease the burn hazard risk.

**C. Hotvedt, Indigenous Food and Agriculture Initiative.** Executive Order 14112 is a critical tool that should be leveraged in addressing tribal challenges. Funding under the Federally Recognized Tribal Extension Program has been stagnant despite increasing pool of eligible applicants. The Tribal College and University extension network funding should be pooled into the Federally Recognized Tribal Extension Program.

BIA should not be used as an administrative tool in USDA's implementation of 638 self-determination pilots due to increased overhead cost. The authority for 638 should extend to conservation programming which could be an important leveraging model for building out Agricultural Resource Management Plans. Alternative Funding Arrangements and other models for direct Tribal engagement should be expanded.

National policy does not always correlate with local implementation. Consultation policy at the federal level should extend to their USDA state leadership.

## **TAC DELIBERATION**

Committee members broadly discussed their subcommittee structure and a desire to establish a core workshop.

## **RECESS**

Upon a motion duly made and carried without objection, the meeting recessed at approximately 5:00pm Eastern Time.

**May 30, 2024**

The Tribal Advisory Committee was reconvened for its second meeting at approximately 9:15A.M. Eastern Time.

**Council members present:**

Meagen Baldy  
William (Billy) Barquin, J.D.  
President Whitney Gravelle, J.D., Bay Mills Indian Community  
Benjamin (Ben) Jacobs  
Trenton Kissee, M.P.A.  
Karen Linnell  
Charles (Monty) Roessel, Ph.D.  
Whitney Sawney  
Kelsey Scott  
Glenn Teves

**Council members absent:**

Councilmember David Pourier, Oglala Sioux Tribe

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

Heather Dawn Thompson, Director  
Josiah Griffin, Designated Federal Officer  
Elena Krajeski, 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  
Wizipan Little Elk Garriott, Principal Deputy Assistant Secretary for Indian Affairs

**AGENDA AMENDMENT**

The Designated Federal Officer presented an amendment to the agenda to recognize a discussion with the Secretary of Agriculture and the passage of by-laws.

**ADOPTION OF BYLAWS**

Upon motion dully made and carried without objection, the Tribal Advisory Committee adopted the proposed by-laws as amended.

**TAC DELIBERATION AND WORKPLAN DEVELOPMENT**



Committee Member Barquin began the discussion by talking about institutional issues in negotiating in good faith with USDA, reflecting that discussion with line officers include what can be done but that as soon as they return from internal USDA clearance the tone changes. Where subcommittees can meet by the next quarterly TAC meeting, the TAC can pass a full slate of recommendations that can be adopted by December as final. Committee members generally agreed that USDA should take the tone of what can be done in lieu of what cannot. Chair Kisse expressed interest on any internal guidance or memoranda could be circulated within USDA to better reflect this tone.

Topics for deliberation raised including USDA support for the development of Agricultural Resource Management Plans, programmatic flaws hindering new producers across programming, and a tribal research agenda. Committee Member Gravelle encouraged participation by the Office of General Counsel to help inform Committee recommendations and deliberation and the need for TAC members to hold themselves accountable to a timeline.

Question arose on the nature of a change in administration. Director Thompson acknowledged that if and when such a change takes place, political appointees will turn in their computers and related equipment on January 20<sup>th</sup>. Director Thompson further referenced that leading up to this period, federal agencies draft briefing documents to support a smooth transition.

Principal Deputy Assistant Secretary Garriott encouraged the TAC to reference the USDA memorandum with the Department of the Interior as a model since it is renewed every five years.

Committee Member Linnell encouraged the TAC to seek sustainability in USDA programming, such as in addressing by-catch and the amount of fish product that is effectively unusable because of such practices. Discussion arose that impacts to Tribes should also be considered in policy impacts.

Part of conversation spoke to the availability of USDA inspected food processing facilities and the need for subsidizing voluntary inspection costs, particularly for wild animals that are endemic in an area.

While DOI acknowledged that they will provide program level contacts, the Designated Federal Officer reflected that Tribal Advisory Committee members should avoid contacting federal staff in their capacity as USDA TAC members and that such contacts should be facilitated by the DFO role. Chair Kisse reflected that where the TAC receives relevant information, Committee members should consider how to build a bench of tribal resources and navigation tools.

Where discussion shifted to subcommittees, TAC members generally agreed that the subcommittees established were correct but that the Committee Administration subcommittee scope should include Department-wide USDA policies and processes, such as the development of communication plans.

Question arose on the nature of training available to USDA staff. Director Thompson affirmed that the Office of Tribal Relations put forward trainings on Indian trust responsibility, consultation, and other related topics but that these trainings were not required for USDA staff. Committee Member Linnell posited whether such trainings should be required and questioned whether the trainings included reference to the Alaska Native Claims Settlement Act.

Committee Member Scott put forward a timeline for the Tribal Advisory Committee to work toward:

- June to August: Subcommittees gather information.
- September: The TAC puts forward three priorities for recommendations.
- October: Subcommittees finalize recommendations.
- December: The TAC submits a final report.

In preparation for the discussion with the Secretary, Linda Delgado from the USDA Office of the Secretary introduced herself.

Committee Member Linnell presented the following topics for discussion: funding for Alternative Funding Arrangements and a desire to extend eligibility to the Native Hawaiian Community and Tribal Conservation Districts; tribal relations strategies; competitive pay scales; Tribal placement factors and ensuring tribal staff have a career ladder; training and relationship building; increasing 638 opportunities; NRCS working lands manual; 530.2 lands eligible with the Farm Service Agency; the need for more direct funding; and the need for base funding to Tribal Conservation Districts.

## **DISCUSSION WITH AGRICULTURE SECRETARY VILSACK**

Secretary Vilsack briefly joined the Tribal Advisory Committee meeting and reflected on the importance of this Committee's mission and recent steps taken through to elevate and better recognize nation to nation relationships including through Tribal Colleges and Universities.

## **TAC DELIBERATION CONTINUED**

Committee Member Linnell proposed that food and practice costs should include expenses incurred through transportation and import, particularly for more remote spaces like Alaska and Hawai'i.

Committee Member Jacobs acknowledged the need to be reflective on Council for Native American Farming and Ranching recommendations, their successes and obstacles. Moving forward, he affirmed an interest in removing barriers for Native producers and identifying models for successful advocacy.

Committee Member Sawney proposed inviting Erin Parker, the new national tribal liaison for the USDA Food and Nutrition Service who previously served as a member to the Council for Native American Farming and Ranching.

Where discussion shifted to subcommittee meetings, Committee members identified days over the next few months where these subcommittee meetings should stack against each other. Committee members also discussed whether the December 2024 meeting should occur alongside the Intertribal Agriculture Council annual conference, to which the Committee generally found agreeance for this first year.

The Committee concluded deliberation with a discussion on how it can support engagement with Indian Country. Director Thompson acknowledged that where the TAC seeks to write a letter, the Office of Tribal Relations can distribute it to Indian Country. Committee Member Barquin expressed interest in the TAC submitting a letter to the Secretary on what took place in this meeting and the significance of the Committee's existence, to which Committee Members generally agreed.

When the Tribal Advisory Committee convenes again, Vice Chair Baldy proposed for the meeting to open through prayer.

## **ADJOURNMENT**

The meeting adjourned at approximately 12:00P.M. Eastern Time

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

Josiah Griffin  
Designated Federal Officer, Tribal Advisory Committee

These minutes will be formally considered by the Council at its next meeting, and any corrections or notations will be incorporated in the minutes of that meeting.