

The United States Congress is expected to begin discussion this session on the 2007 Farm Bill. Every five years to seven years Congress reauthorizes present programs and enacts by law new programs of the United States Department of Agriculture. Indians have not traditionally been a part of this process until 1990, when USDA presence was mandated on Reservations. Since that time there has been considerable effort put forth by producers, Tribes, Intertribal Agriculture Council and agencies of USDA to improve services to Indian people and their land. This effort must continue and part of the process is to make sure the Indian voice is heard in the development of the 2007 Farm Bill.

#### Government Relationships:

Treaties, Executive Orders and numerous court decisions are the basis of the so-called Federal Trust Responsibility to Indian Tribes and their members. Presidential Orders have determined that the federal trust responsibility does not rest solely with the Secretary of the Interior, as it is sometimes believed. The United States breached its over-riding trust responsibility to Indian people and Indian Tribes through the action prescribed in the Reorganization Memorandum #IV, signed by the Secretary of Agriculture and the Secretary of the Interior in 1940. This policy agreement between the U.S. Department of Agriculture and the U.S. Department of Interior, "Reorganization Plan No. IV of 1940" transferred certain conservation functions to USDI from USDA. This transfer of function was interpreted to prohibit USDA from assisting Indian land owners or users whose land was held in trust by USDI (BIA). This prohibition has caused 96 million acres of Indian and Alaska Native lands to be devoid of the extensive conservation effort received by other lands in this Nation.

Every President since President Nixon has issued proclamations or Presidential Orders on the relationship between Tribal Nations and the United States Government. Fulfillment of these proclamations or Presidential Orders must come through a clearly defined process of the Government to Government Relationship. Development of such a definition must include both parties. In addition to bringing formality to Tribes relationship with the Federal Government, a process must be defined for the mutual development of federal regulations that impact the ability of USDA to deliver programs and services to Indian people and their lands. Regulations and policies must be developed in a manner that Tribal authorities, policies and the unique land ownership are all recognized. The Departments of the United States Government must coordinate their efforts and work to remove restrictive barriers caused by inter-departmental policy and regulation. The Department of Agriculture must work with the Department of Interior, Bureau of Indian Affairs to eliminate conflicting regulations which inhibit participation in USDA programs.

#### Education:

There is a need for an increased amount of outreach to Tribes on USDA programs and the Farm Bill process, funds for scholarships, internships, continuance of the Tribal Credit Outreach Program, continue present outreach programs, increase 2501 funding, and continue funding for the Extension Indian Reservation Program.

Present attempts at providing education on USDA programs are not providing the level of

information necessary. These programs need to be expanded to address those regions of the country not presently being adequately served. The presently established State Outreach Committees within USDA are not providing educational benefit to the Indian communities, tribal governing bodies or producers within their respective states. The most functional programs providing this needed education are the hiring of Indian people to provide the education needed. Present local USDA staff does not have the time necessary to provide adequate outreach while they are administering programs. Most do not have the responsibility of "Outreach" in their position descriptions and it would be a lower priority if added to their already overwhelming list of present responsibilities.

The recommendation is to expand outreach programs (Individual USDA Agency Outreach, the Extension Indian Reservation Program & the 2501 Small Farmer Outreach Training and Technical Assistance Program) to a level that provides for all areas of Indian Country being provided all of these programs. The individual USDA Agency outreach is non-existent and must be mandated. This mandate should Rural Development and Agriculture Research Service. The Extension Indian Reservation Program must be implemented to its original authorization and design which was 85 extension agents and a minimum budget of 6 million dollars. Community based organizations must be utilized as the primary mechanism to increase outreach within the 2501 Program. With increased funding and agreements, the 1994 Indian Land Grant Colleges would be another mechanism to increase opportunities for local education programs.

Other educational efforts-need to be stepped up within USDA, the State Outreach Committees need to be present on Reservations more than once a year. Agencies need to increase the appointment and use of Indian Advisory Committees. Adequately staffed full-time USDA service centers placed on Reservations would increase the amount of education as well as increase the knowledge of what is necessary to provide the conservation needs of Reservations. USDA agencies need to increase their efforts at recruiting Indians to work within their agencies. This can be accomplished through scholarships, internships and cooperative work programs.

Programs:

Indian Country is at least 50 years behind, their neighbors, in conservation efforts. This void was created by wrongly addressed policies of the 1940's. Present efforts at providing programs and services by fitting "Indians" into the same mold as their off-reservation counterparts has not been successful. Factors such as land ownership, land tenure, differing tiers of government who all have a say in the administration and/or management of lands as well as differing conservation needs are all factors which hinder USDA from being as successful an need be in delivering services to Indians and Indian lands.

Flexibility needs to be built into conservation programs. Acceptable practices, length & implementation of contracts, recognition of non-traditional crops and the assurance that range lands continue to receive at least 50% of the funding for conservation are areas that need to be addressed on an individual topic basis. USDA has classified Indians as being Socially Disadvantaged (traditionally underserved) thus a higher percentage of cost share is warranted.

Additional support for this statement can be garnered from the fact that the definition of "limited resource" was developed without the inclusion of Indian demographics.

The differing level of conservation needs between the traditional USDA participant and Indian lands have been mentioned earlier in this discussion. Special emphasis is needed to address the basic resource inventory needs on Indian lands. Large portions of Reservations are without basic soil inventories and range inventories. Those reservations fortunate enough to have such inventories are basing their data needs on inventories that are a quarter century old. This dated information limits landowners and land users ability to utilize present programs. This data also limits USDA's ability to implement or deliver programs as the local staffer has to generate this base-fine data.

The return of agriculture conservation programs would increase the level of Indian participation as it creates the necessary flexibility to deal with three governments, land ownership; limited ability to participate in long term contracts and with the fact that USDA is a relatively new participant in conservation on Indian lands. Indian lands have not received the focus on conservation as their neighbors and the need to protect primary resources are as great or greater gives justification to a special emphasis program aimed at bringing conservation implementation to an equal level. This can be done through a separate Indian Title in the Farm Bill or a special emphasis program aimed at benefiting only Indian owned lands.

Today's programs and services are designed to fit the traditional participant in USDA programs. Thus, regulations and policies are written without regard to how they impact the 2nd largest landowners in the US, Indians. An example of this is the 10 year contracts for EQIP. A majority of Indian land users do not have the benefit of long term leases or permits thus their lease term excludes them from participating in the program. Indians are held to differing requirements than their non-Indian counter part. For a reservation to qualify for the Indian Feed Program there has to be demonstration that there is a 35% reduction in available forage. For a county to qualify for the Livestock Assistance program, they have to show a 30% loss in forage availability.

The Indian Livestock Assistance Program needs to be re-authorized as well as funded on a continuing basis. The timely response to initial application, approval processes and the ultimate provision of benefit to producers must be expedited. It should not take 8 months, a year or in some cases 2 years to provide assistance to producers. This program needs to be applied to Indian owned land. If their design is to benefit Indians, then requirements insuring Indians are the primary beneficiaries need to be instilled and complied with.

One proposal that would be of benefit to Indian participants allowing some flexibility, increasing education and gathering resource inventories is spelled out as follows:

- 1) Only for those land owners/producer who have never participated in USDA programs, a first time enrollment would enable the land owner/producer to have a resource assessment and conservation plan developed on his holdings. The land owner/producer would have the opportunity to select no more than 3 practices from a list of practices (currently developed for the EQIP program) and apply those practices in a two year time frame. The cost share rate for this first time participant would be 80% for the three practices selected. During the process of

getting the three practices applied on the ground, a mandated educational program would take place with the participant which brings about a working understanding of the purpose of the conservation practices being applied. This first step would introduce the participant to USDA and its programs. It would create resource assessments and conservation plans on Indian land and it would begin the process of applying conservation practices on the land. Once this step is completed, the land owner/producer could only participate in one of the next two steps.

2. The second step would have a longer contract period of 3 to 5 years and would consist of the land owner/producer selecting conservation practices from the same list but again the practices selected would be limited to 3 to 5 that could be applied in the prescribed term. The educational component would continue through the term of the second step.

3. The third step would be the enrollment in the present long term programs such as EQIP and the education component would continue.

4. The on-reservation education component could be provided by the Extension Indian Reservation Program. This program is specifically designed to address agriculture education and youth programs on Reservations and is designed to provide 1864 Land Grant University Extension agents on 86 Indian Reservations. Utilization of CREES in the education component would involve the local Conservationist & Executive Director in the design of the component but would allow the Conservationist & Executive Director to focus on planning and practice implementation. This approach would insure the involvement of NRCS, FSA and CREES.

#### Technical Assistance:

Full implementation of the directives set out in the 1990 Farm Bill has not been attained. Implementation varies by state and to some degree by Reservation. Only one agency NRCS, has taken major steps to staff offices on Indian Reservations. What they have found in the effort is that the demand for services is overwhelming and can not be provided by one staff person. The technical assistance demands from the Indian community come in the forms of two levels: one being the Tribal Government and the other being the landowners and land users, Tribal Government demands focus on Reservation wide concerns while the landowners and users want their farms and ranches addressed. Short time frames for program implementation require USDA staff to focus on those individual Indians who the staff thinks are ready to do this quickly which leaves those with the least knowledge and least ability unable to participate.

Full-service USDA Offices would address this need. Staffing requirements for conservation professionals should be based on demand and conservation needs not on county or state lines. One USDA staff does not have the ability to meet the demands of program delivery, resource data gathering, and recruitment for programs, contract compliance and outreach.

#### Conservation Committees: (County FSA Committees & Soil & Water Conservation Districts)

Increased attention has been dedicated to the insurance that Indian landowners and land users are given the opportunity to vote in county elections. This needs to continue as well as insuring that local administrative areas are designed to insure Indian representation on these committees.

Soil & water conservation districts were put in place by federal law and their beginnings largely financed by the Federal Government. The establishment of these necessary components of NRCS program delivery should be supported in Indian Country.

The benefit of such organizations has proven to be invaluable to local USDA service providers. Training provided to Tribes and producers on what Districts do and how to start a district should be funded. Start-up funding for those entering the process is a component provided in the past and should be renewed to those locations entering the process. The benefits of Indian Districts include a direct correlation between those locations that have districts, and program participation levels and general community knowledge of USDA programs. Those reservations with conservation districts are much further along than those without.

#### Lending:

The United States Government through Farm Service Agency remains to be the largest source of lending for Indian Reservations. Farm lending programs need to increase their focus on youth lending as well as beginning farmer lending. The present beginning farmer program needs to be modified to realistically fit a beginning farmer. Present criteria limit participation to only those that have adequate capital that would allow borrowing at any commercial credit source.

Increased effort must be put forth to facilitate the insurance that trust lands stay in trust during the debt servicing process of FSA. The new administration of the Department of Interior may be receptive to the transfer of trust title between Interior and FSA. The options presented by the 98 Credit Amendments need to be utilized by FSA, BIA and Tribes. Increased participation in FSA lending programs would take place if qualifying Tribal Credit Branches were allowed guaranteed lender status.

#### Marketing:

What is being produced on Indian lands is relatively unknown to the Federal Government. The commodity crops, livestock, and non-traditional commodity crops need to be inventoried and brought into the commercial market place as well as specialty markets. The livestock grown on Indian lands can be categorized as an all natural product thus capable of returning greater financial benefit to the Indian communities. Agencies such as the Agriculture Research Service should be providing guidance to bring these products into the consumer marketplace.

This Discussion paper only hits the highlights of issues needing address in the 2007 Farm Bill. Further refinement of issues and program design will be forthcoming.