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National  
Congress of  
American  
Indians

**NATURAL RESOURCE  
CONSERVATION POLICY:  
INCORPORATING TRIBAL  
PERSPECTIVES**

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## The Charge

As required by Congress under the Soil and Water Resources Conservation Act (RCA), the U.S. Department of Agriculture (USDA) is seeking public input on natural resource conservation policy issues. The RCA, which provides broad strategic assessment and planning authority for USDA, includes provisions for ensuring that USDA soil, water and natural resources conservation programs are responsive to the long term needs of the nation. The Natural Resources Conservation Service (NRCS) is the lead agency working on the RCA assessment.

To assure that the USDA's report to Congress reflects the concerns and recommendations of tribal nations and Native peoples, the USDA Office of Tribal Relations requested that the National Congress of American Indians (NCAI) gather input from tribal nations on natural resource conservation policies and their application and impact in Indian Country. NCAI states at the outset that tribal governments and tribal lands are not included in the statutory language of the Soil and Water Resources Conservation Act. Tribal governments, lands, and interests have not been included in the previous RCA comprehensive appraisals conducted since 1979. NCAI is pleased that USDA supports tribal involvement in this current assessment, despite existing statutory exclusion.

NCAI, founded in 1944, is the oldest, largest, and most representative American Indian and Alaska Native organization serving the broad interests of tribal governments and communities. As part of its ongoing efforts to advocate on behalf of tribal governments and communities, NCAI includes tribal natural resources in its portfolio of important tribal policy concerns. In addition, NCAI is a member of, and helps facilitate the coordination of ONR Our Natural Resources (ONR), an alliance of tribal natural resource organizations developing a national tribal natural resource strategy.

This report is submitted to USDA and includes a summary of the activities, findings, and recommendations from NCAI efforts conducted from March 15 through August 31, 2011.

## Why the Natural Resource Concerns of Tribes Matter

Through this effort, tribal leaders and natural resource practitioners voiced a similar vision that tribes' future well-being lies with the sustainable management of their natural resources, which includes those under direct tribal control and sovereignty, those to which they have legally protected rights, and those with which they share common interests with other stakeholders. As part of this vision, there is recognition that tribal management of natural resources will not only enhance the well-being of Native peoples but all peoples.

More than a century of federal Indian policy denied tribes the rights to control and manage the lands upon which they were forcibly relegated, and the natural resources within those lands. These lands with natural resources are "owned" by tribes and Indian individuals but are held in trust by the federal government. The federal trust responsibility arises out of agreements between the federal government and Indian tribes. In the taking of vast tracks of land from the tribes, the federal government is obligated to protect and care for those remaining and significantly smaller (and often less fertile) lands and natural resources. All federal agencies have this trust responsibility, including USDA, not just the Department of Interior (DOI).

Over the past 40 years tribes are increasingly exercising their rights as sovereign governments to control and manage their own affairs with increasing expertise and sophistication, including management of their vast lands and natural resource assets. As such tribes are demanding that all federal agencies recognize and institute policies and programs that support tribal sovereignty, meaningful exercise of their trust responsibility and respect for the nation-to-nation relationship first established through the U.S. Constitution.

Tribes collectively own a land area of nearly 100 million acres, or more than five percent of the U.S. land base. The 55.7 million acres of Indian owned land in the contiguous U.S. plus the 44 million acres of Alaska Native owned land would constitute the fourth largest state behind only Alaska, Texas, and California. As this land is spread over the 36 states that include tribal lands, the range of natural resources, regions, climate, ecosystems, and management and conservation approaches and issues are as vast and diverse as the 565 federally recognized tribes themselves.



The 1<sup>st</sup> Annual Tribal Land Staff National Conference, Las Vegas, Nevada, April 19, 2011 brought 14 Tribal Natural Resource practitioners and Tribal leaders to discuss NRCS specific issues.

In addition many tribes, such as those in the Northwest, Great Plains, Great Lakes, and Alaska, have legally protected rights and interests in lands and waters outside these areas, thereby expanding the range of interest. Furthermore, ecosystems such as watersheds transcend jurisdictional boundaries, and are best managed from a natural resources perspective when all jurisdictions within them are working cooperatively towards common purposes. So all told,

tribal interests in natural resources goes significantly beyond even the nearly 100 million acres collectively owned.

This unique history combined with federal agency neglect and indifference, as manifest by decades of chronically inadequate technical and financial resources to protect and manage these trust assets, and lack of tribal inclusion in dozens of federal natural resource and environmental programs supporting states, local governments and private landowners, has put the management and conservation of tribal natural resources decades behind that of other land owners in the United States. Basic natural resource inventories and surveys of soils, waters, rangeland, forests, wildlife habitats, fisheries, and other resources have either not been completed or are woefully out of date.

Only 38 of the 565 tribes have Environmental Protection Agency (EPA) approved water quality standards (WQS) while all 50 states have WQS. Only about two dozen tribes have obtained water rights settlements delineating the quantity of their water rights. The tribal nations' singular and consistent experience with water rights over the centuries is the federal government's inability to commit adequate financial and human resources to resolve and implement tribal water rights claims, and its promotion of subsidized non-Indian water rights to the detriment of vested tribal water rights. Tribes lack the basic infrastructure such as dams and irrigation systems to support fundamental community and economic development, much less conservation practices.

Only seven percent of the 80,000 Indian farmers participate in USDA programs. Only six percent of tribes have access to higher education through USDA's community-based Cooperative Extension Program compared to 96 percent of the counties in the United States. This is only a small sampling of the status of tribal lands and natural resources and the vast inequities with the rest of the nation.

Native peoples are the first stewards of the lands and waters of this nation. They possess traditional and innovative natural resource management practices that are under-appreciated and under-utilized due to chronic under-funding and tribal exclusions from other federal programs. Tribal lands have vast potential for growth and improvement, such as agricultural development and increased support for forest management. Tribal governments and peoples have clear interests, rights, values, practices and responsibilities that must be incorporated in NRCS' ongoing and future work.

## **USDA Plays a Leadership Role**

As previously stated in the Introduction, tribal governments and tribal lands are not included in the Soil and Water Resources Conservation Act. Nor have tribal governments, lands, and interests been included in the previous RCA appraisals. Yet, it must be noted that many of those providing comments for this report commended the USDA for its leadership in working with tribes and particularly for the leadership of NRCS among the many USDA programs.

The USDA has a long history of efforts to engage and work with tribal governments and Indian land owners. In 1977, an inter-agency memorandum from the Administrator of the Soil Conservation Service (SCS, now the NRCS) states the policy in providing assistance to Indians who are owners or users of land that is under jurisdiction of the DOI and the Bureau of Indian Affairs (BIA). The Office of General Counsel reviewed a legal prohibition (from a plan issued in 1940) from assisting Indian owners or users whose land is held in trust for the DOI and found that under existing policies, SCS (now NRCS) "may assist any Indian land owner or user whose land is held in trust...according to" certain guidelines. This assistance could also be provided to the BIA for "services required in the performance of its overall trust management responsibility."

Further, in the Food, Agriculture, Conservation, and Trade Act of 1990 (P.L. 101-624), a special provision was enacted "requiring the Agriculture Stabilization Conservation Service (now the Farm Service Agency), the Soil Conservation Service (now the Natural Resources Conservation Service), and Farmers Home Administration (now Farm Service Agency (FSA), Farm Lending) to be present on reservations at least one day per week or at a time determined by the respective Tribe."

A current Memorandum of Understanding (MOU) between the BIA, NRCS and FSA exists to facilitate better coordination and provision of services to tribal governments and Indian land owners. This MOU, signed in 2006, updates and replaces one from 1988 and is due to expire at the end of 2011. Representatives of each agency are working to establish a new MOU.

However, regardless of these policy and legislative mandates, progress to ensure inclusion of, and to adequately address, the needs of tribes and Indian land owners in conservation programs over the past two decades has been slow and episodic.

Under the Obama Administration, efforts to work with tribes on a government-to-government basis have gained unprecedented momentum by the issuance of a White House Memorandum on Executive

Order 13175 (issued at President Obama’s first annual Tribal Nations Summit on November 5, 2009) reaffirming the policy of tribal consultation across agencies of the Executive Branch. Tribal interests are now formally represented on the Domestic Policy Council and two White House Tribal Nations Summits have been held. USDA, under Secretary Vilsack, has taken a leadership role in recognizing the unique status of tribal governments by creating the Office of Tribal Relations and placing people, both Native and non-Native, with extensive experience working with tribes in high level positions.

## Gathering Input to Inform NRCS Policy

NCAI conducted a number of activities to conduct outreach to and gather input from tribal governments, tribal natural resource practitioners, and others with an interest in tribal natural resources for this report.

- Four tribal roundtable meetings were conducted. Because of time constraints and the need to seek broad input from Indian Country, NCAI looked to key existing scheduled meetings to hold these roundtable meetings. The contributors at these meetings included tribal elected officials, tribal natural resource practitioners, and other tribal representatives with an interest in natural resources. These sessions included input from more than 80 different tribal nations with land bases ranging in size from a few hundred acres to 26,000 square miles. The regions represented include a range across the United States, with some concentration in the Northwest and Alaska. A summary of all four roundtable meetings is included in Appendix A.
  - Roundtable meeting conducted as a pre-session to the 1<sup>st</sup> Annual Tribal Land Staff National Conference, Las Vegas, Nevada, April 19, 2011
  - Roundtable meeting conducted at the Affiliated Tribes of Northwest Indians Mid-Year Conference, Coeur d’Alene, Idaho, May 18, 2011
  - Roundtable meeting conducted at the National Congress of American Indians Mid-Year Conference, Milwaukee, Wisconsin, June 13, 2011
  - Roundtable meeting conducted at the Yukon River Intertribal Watershed Annual Summit, Ruby, Alaska, August 5 and 6, 2011



Participants at the YRITWC Summit in Ruby, AK gather for the Water Ceremony on August 6, 2011 in Ruby, AK.

- Interviews, in person and by telephone, were conducted with 26 individuals representing a broad cross-section of entities involved in tribal natural resource conservation. These included tribal leaders, individuals from intertribal natural resource organizations, tribal natural resource staff, NRCS district conservationists, and NRCS tribal liaisons. The interviewees have a range of experience working in natural resources from eight years to a lifetime. They represent tribal nations with land bases that range in size from 20 acres to more than 60,000 square miles. They represent tribal nations in 20 states and a few individuals interviewed work at the national or state level with multiple tribal nations. The regions and natural resources represented provide a broad sampling of Indian Country. A summary table of interviewees' information is attached in Appendix B and a summary table of interviewee comments is attached in Appendix C.
- The efforts of ONR, an alliance of more than two dozen tribal natural resource organizations, helped to inform this report, particularly the recommendations. ONR is developing a national tribal natural resource strategy with broad tribal input. The mission of ONR is to protect and utilize the health and productivity of the natural resources to ensure the well-being of tribal cultures, communities, economies, and health of future generations while enhancing sovereignty. A number of ONR members participated in the roundtables and the interviews and helped to identify other resource people. ONR meetings held in March and August 2011 included specific discussion on areas included in this report. The document describing the ONR Mission, Vision and Goals is included as Appendix D. Additional information on ONR can be found at [www.ournaturalresources.org](http://www.ournaturalresources.org).
- NCAI staff also participated in the National Agricultural Landscapes Forum and one of the regional forums (Mesa, AZ), a collaboration of NRCS, Farm Foundation, and American Farmland Trust to gather information from the general public on conservation policy. Information from these two venues also helped to inform this report.
- Because natural resources policy is one of the highest priorities set by tribal governments, NCAI does policy research, analysis and advocacy in this area on an on-going basis. Background and issue papers on related subject areas were reviewed for this report. In addition, other pertinent reports were also reviewed from USDA and the Intertribal Agriculture Council.
- The work of NCAI on this effort has been guided by two advisors who represent significant tribal natural resource experience, national policy experience, and key organizational entities. Ross Racine, executive director of the Intertribal Agriculture Council and a member of a USDA Blue Ribbon panel of thought-leaders, served as an advisor to this effort. He participated in a number of the roundtables, provided on-going guidance, and reviewed this report. Arthur Blazer, president of the Native American Fish and Wildlife Society, also served as an advisor on this effort. He participated in the NCAI roundtable and provided on-going guidance.

## Summary Findings

The input collected for this report is structured in two main areas: *Discussion Questions and Topic Areas*. NCAI staff and advisors developed a set of four discussion questions that were used to frame the roundtable meetings and the interviews. In addition, the three topic areas (water security, climate variability, and landscape integrity) used for the Agricultural Landscapes Forum helped to solicit additional focused information. The findings below are summarized in these two main areas.

### Summary of Discussion Questions Findings

There was significant diversity across tribes, regions, and types of natural resources. We reviewed the responses of participants in the roundtables and the interviews with the goal of seeking common themes to organize the substantial input. For review of specific input, see Appendix C. It must be noted that there may be some overlap in the common themes.

#### Question 1

*Aside from money/funding, what are the regulatory and procedural barriers that affect tribes' ability to participate in USDA and natural resource conservation programs?*



The roundtable session conducted at the Affiliated Tribes of Northwest Indians Mid-Year Conference, Coeur d'Alene, Idaho, May 18, 2011 drew 12 NW region tribal participants. A number of them stayed well beyond the allotted time to hammer out recommendations.

#### **Tribes are Behind in Conservation Practice.**

Contributors identified a variety of reasons why most tribal governments and Native land owners/producers are years, even decades, behind states and non-Native producers. Less than seven per cent of the 80,000 Native farmers participate in USDA programs and there is a very low participation of tribes and Native land owners across the board in conservation programs. One expert estimated that 45 per cent of all resource inventory information is out of date. Basic assessments and inventories have not been completed for tribal natural resources or are outdated. Two related themes emerged:

- Tribes have historically been segregated programmatically to the Department of the Interior (DOI) and the Bureau of Indian Affairs (BIA) for services related to land and natural resources, thus systemically denying them long term access to both monetary and technical resources of the USDA. Resources through the DOI and BIA have been inadequate for tribal natural resource management needs and the infrastructure that supports conservation efforts.
- USDA programs, specifically NRCS, have historically not actively included or conducted outreach to tribes – governments or individual Native land owners. Many NRCS programs award conservation funding for those who have been in it for years, which automatically eliminate tribal entities or individuals from participation.

**Tribal Sovereignty and Trust Relationship.** The last 40 years have provided unprecedented opportunities for tribal governments to increase the exercise of their sovereign rights as a member of the American family of governments. These opportunities – and the demonstrated capacity of tribal

governments – bring a growing demand that their status be recognized and integrated across all Executive Branch agencies of the U.S. government. Many federal agencies and staff lack understanding of how tribal sovereignty and the trust relationship should be integrated into their programs and implemented in a government-to-government fashion. Efforts with tribal consultation are moving in the right direction but frustration and friction continues to exist between tribes and federal agencies on how consultation is conducted and reflected in action.

- Tribal governments are not treated as the sovereigns they are, which in law is, on equal or superior status to state governments. Tribes do not like being characterized as “socially disadvantaged”. However, in light of the previously described historic and endemic inequities and the existence of the federal trust responsibility, ought to be provided particular considerations as governments.
- Oftentimes, NRCS regulations, standards, and processes are contrary to tribal law, creating conflicts and delays.
- Tribal conservation plans – across a variety of natural resources – are not recognized or accepted by NRCS.

**Unique Needs of Tribes.** This theme is related to the sovereign status of tribes (above) but expands on the uniqueness of tribes in terms of conservation needs. There are 565 federally recognized tribes with unique cultures in the United States that own collectively almost 100 million acres which taken together make tribal land the fourth largest state. Their resources are vast and varied as are their issues. Many do not fit the traditional more conventional view that conservation is primarily tied to agricultural interests. The NRCS system has historically focused on traditional agriculture with an infrastructure that is structured around states and its subdivisions. Many tribal natural resource interests do not revolve around agriculture, but also fisheries, forests, rangelands, estuaries, and pristine waters. Tribes and Native peoples have a unique relationship with their natural resources that is the basis of their identity, cultures, belief systems, and practices. Within this perspective, natural resources are not viewed fundamentally as commodities, but as partners reciprocally sustaining each other’s lifeways. The gulf between conventional and tribal views of natural resources results in fundamental conflicts.

- Tribal science and wisdom informs natural resource conservation practices, and by its nature is sustainable (thus meeting the goal of “conservation”) yet is not valued in conservation programs.
- Tribes view their natural resources from an ecosystem perspective and are limited by the district structure and fragmented, and sometimes conflicting, approaches to conservation.
- Many tribes’ natural resources suffer the consequences of conventional views of conservation and its practices such as agricultural run-off that decimates fish resources.
- Treaty rights that extend beyond the boundaries of tribal land expand the purview of tribal concerns with respect to conservation practices.
- Many tribes, particularly those in Alaska, rely heavily and directly upon the bounty of the lands and natural resources around them for their sustenance, and are concerned about their subsistence rights and their very ability to survive.



Native students discuss issues concerning them and the Yukon River at the YRITWC Summit in Ruby, AK.

**Inconsistent Approaches, Limited Resources and Bureaucracy.**

A number of contributors noted that NRCS is doing a good job, they have good relationships with the staff, there are models and best practices that can be shared, and conservation practice among tribes has improved. However, even those who noted this, stated that NRCS approaches to and relationships with tribes are inconsistent. NRCS was described as operating in “silos.” Eligibility and consistency in the application of various programs were identified as issues. Most of these concerns also relate to the lack of an overall agency approach in addressing tribal sovereignty and the unique needs of tribes. In addition, there is inconsistency in the policies, procedures, and regulations between the DOI, USDA and other federal programs which create

delays in reviews, frustration among participants, and inconsistent and often conflicting goals among federal agencies.

- Trust lands are excluded from eligibility across a number of programs
- DOI and USDA do not work together to address the eligibility and inconsistencies within their respective programs.
- A number of contributors across regions stated that NRCS staff did not proactively engage in outreach with tribal governments and land owners.
- Relatedly, tribes, because of lack of awareness of NRCS programs, services, and responsibilities, do not reach out for assistance.
- Resources are not available to pursue the development of more Tribal Conservation Districts.
- It is impractical for the low number of district conservationists to cover the vast territories of tribes, particularly in Alaska.
- Confusion exists regarding program eligibility between individual Native land owners, tribal enterprises, and tribal governments.
- The application and review processes intimidate many individual landowners.
- It is inherently difficult to develop policies that apply to the diverse universe of tribal needs. Flexible approaches and latitude at the field level were promoted.
- State directors and field staff often provide services based on individual interpretations of policy and laws rather than what is “official.”

**Need for Training, Technical Assistance, and Education.** Many contributors noted that insufficient attention and efforts are provided for training, technical assistance, and educational materials to build capacity of tribes and individual Native landowners. These efforts and materials may in fact be available but tribes have not been able to access them. This may be because of the lack of NRCS outreach to tribes in the first instance and a lack of knowledge on the part of tribes and individuals about their availability. In particular, programs to support the training and education of Native youth are lacking.

## **Question 2**

*What are your top policy priorities for conservation, to help NRCS improve their programs?  
(At the tribal level? At the national level?)*

The discussions from the roundtable meetings and interviews were reviewed and similar policy priorities were identified and are summarized below:

- Approach and address barriers in USDA programs through a lens of tribal sovereignty.
- Recognize and accept the authority of tribal governments, including tribal government primary authority over tribal resources, and co-management over shared resources.
- Facilitate an effort between USDA, DOI, and other agencies such as EPA to address inconsistencies in policies, procedures, and regulations.
- Promote conservation stewardship models to sustain water and other resources for generations based on ecosystems, watersheds, and foodsheds.
- Broaden the view of conservation beyond the traditional agriculture-focused approach.
- Work with tribes to facilitate the development of a comprehensive Tribal Title in the Farm Bill reauthorization.
- Support efforts to develop and implement water conservation policies for tribes.
- Support efforts to research, validate, and integrate traditional science into conservation policy and programs.
- Include tribal trust lands as eligible for NRCS programs.
- Work with tribes to identify where tribal governments, intertribal organizations, and individual Native land owners may not be eligible in law, policy or practice, for NRCS programs, and support efforts to increase access.
- Initiate and/or expand efforts on invasive species control and management.
- Institute a tribal advisory council for USDA and particular programs within the agency.
- Include tribal representatives on all pertinent advisory councils – at the national, regional, and local levels.
- Increase substantially the number of Tribal Conservation Districts.
- Conduct increased outreach to tribes.
- Provide increased training, technical assistance, and educational materials to tribes and individual stakeholders.
- Focus program training efforts and educational materials on Native youth.

## **Question 3**

*If you had one comment to help NRCS streamline/improve their programs, what would it be?*

Questions 2 and 3 are similar and garnered many of the same responses. After review, below are the different responses than on Question 2.

- Provide training for NRCS staff on understanding and working with different cultures and tribal governments.
- Ensure NRCS shares tools and best practices.
- Provide resources to do preventative work in addition to mitigation.
- Expand and enhance outreach and assistance to tribes, particularly at the tribal level. Use the Memorandums of Understanding model for technical assistance.
- Provide capacity building resources for the development of more Tribal Conservation Districts.
- Increase the USDA portion of the cost share.
- Provide dedicated funding for tribes.
- Provide training and education within the school systems.

#### **Question 4**

*In regards to economic development and growth (global and domestic), what areas of natural resource conservation do you see having the greatest potential for sustained success?*

This question was included to elicit input from participants on the potential opportunities for tribes and Native land owners to derive economic value from their natural resources on a sustained basis. Tribal natural resources, if managed sustainably, have unrealized potential for improving the quality of life for Native people. Additionally, given current and future budgetary constraints, the ability to derive economic value from the vast and varied tribal natural resources is critical. The discussions elicited a variety of suggestions that are organized in the areas below:

- Conservation and Sustainability Programs
- Traditional Ecological Knowledge and Practices
- Food-Related Suggestions
  - Subsistence
  - Native Plants
  - Locally-grown products
    - Organic
    - Traditional Tribal Foods
    - Community Gardens
    - Farmer’s Markets
    - Farms-to- Schools
    - Medicinals
    - Tribal Farms
    - Bison
  - Tribal Entrepreneurship related to food products
- Forestry-related Products
- Labeling, Branding and Marketing of Native products – “Native-grown, Native-made,” “Buy Indian”
- Energy
  - Bio-energy Programs for Members
  - Renewable/Alternative Energy – wind, solar, geothermal, biomass
- Recreation and Tourism
  - Ecotourism

## Summary of Topic Area Findings

### Topic Area 1: Water Security

A few overarching statements can be made regarding Indian Country's interests in water. It is the mainstay of Indian Country. Tribes consistently list water as the highest natural resource priority. The sacredness with which tribal peoples address water and the creatures within and around it is not well understood by non-Native people. This chasm is a source of conflict and misunderstanding which, at this time, is generally to the detriment of tribal values and the health of the waters.

"Water security" encompasses many concepts. For the purposes of this report, it will be viewed under two overarching concepts: water quantity and water quality. Together, they manifest operationally in issues such as drinking water availability, water for agricultural purposes, water health for fisheries, and watershed management.

The data regarding tribal water quality is significantly deficient compared to waters of other governmental entities, as only 38 of the 565 federally recognized tribal governments have EPA-approved water quality standards. Though EPA recognizes that tribes have inherent (as opposed to delegated) authority to manage their water quality, Congress has statutorily prohibited tribes in Alaska, Maine, and Oklahoma from exercising this right. This data gap and these legal prohibitions are significant barriers to tribal involvement in RCA that must be addressed by USDA and other federal agencies.

Tribal access to discernable and sufficient water quantity also encounters significant barriers. Though many tribes have pre-eminent rights to water quantity, especially in the West through the Winters Doctrine (first in time, first in right), no more than two dozen tribes have obtained water rights settlements. Federal policies, sometimes admitted by the federal government, have historically favored and subsidized non-tribal water interests over the tribes. Those tribes that have gone through the arduous process of obtaining these settlements experience chronic and substantial shortfalls in appropriations from the Congressional authorizations. These shortfalls result in the partial construction of water infrastructure that in some instances becomes operationally useless. The lack of development of tribal water infrastructure, exacerbated by federal underfunding, essentially eliminates the possibility of economic, agricultural or energy development on the tribal lands awaiting that needed infrastructure.

Tribal interests in water often extend beyond the waters within their boundaries both legally and pragmatically. For example, many tribes in the Pacific Northwest and Great Lakes have treaty protected rights to fish and hunt in areas and waterways outside reservation boundaries (known as usual and accustomed places). Some of these tribes exercise joint and equal regulatory authority with other jurisdictions in the management of the natural resources in these areas. Furthermore, from a purely pragmatic standpoint to effectuate the goals of RCA, all jurisdictions encompassing a river or ecosystem ought to be involved in the management of that river or ecosystem.

Too often the outcome in the "competing interests" dynamic is not favorable to the tribes. Tribal peoples view the water as sacred in and of itself. Pristine waters are necessary for ceremonial practices. Healthy waters are essential for sustaining keystone species like salmon, shellfish, and wild rice. In these contexts, tribal peoples view natural resources as relatives whose sustained health are integral to the tribal peoples' sustained health, and by implication, are not simply commodities or resources to be exploited for profit, and for which the environmental conditions that ensure sustainability ought to be compromised. This indigenous perspective and their practical applications run counter to other often

more influential interests in economic development (agriculture, industry, and housing) which can detrimentally impact water quantity and quality, in turn impacting the natural resources tribes hold sacred.

## **Topic Area 2: Climate Variability – Adaptation and Mitigation**

Compared to the general population, tribal peoples are disproportionately impacted by severe weather events and associated environmental impacts attributable to climate change. This assessment is made by the Intergovernmental Panel on Climate Change, among others. This conclusion recognizes that tribal communities are deeply connected to local ecosystems and are economically and culturally dependent on the fish, wildlife, plants, and other resources of their lands. Tribal communities find it especially difficult to respond to these changes as well as impacts to their physical infrastructure and governmental services due to a lack of tribal economic, personnel, and environmental resources and, in some cases, small land bases.

Thus, climate-induced shifts or outright loss of the habitats suitable for native species and resources can result in the loss of economic and cultural resources. The geographic boundaries of reservations and resource availability restrict tribal options for relocation, limiting opportunities to move to areas where climate change impacts are not as severe. Predictions and increasing manifestations of worsening impacts, such as the continuing disappearance of roots, berries, salmon, caribou, and other traditional food sources, will severely distress tribal communities. Tribal rights to access resources on usual and accustomed areas outside of reservation boundaries are place-based regardless of climate-induced shifts in resource availability. The impacts are profound. Some tribes may no longer have access to important subsistence, medicinal, and cultural resources. Economic and subsistence livelihoods may disappear, replaced by foods known to increase the incidence of obesity and diabetes. Traditional practices and ceremonies that have bound tribal peoples and societies together for generations can begin to unravel.



The Yukon River Intertribal Watershed Council (YRITWC) held their 8th Biennial Summit - *We Are the River: Respect, Protect, Restore*, in Ruby, Alaska from August 4 – 6, 2011. Over 300 Tribal Leaders from 70 Tribes who live along the Yukon River attended the event; happy to camp out on the Gem of the Yukon.

### **Topic Area 3: Landscape Integrity**

The phrase “landscape integrity” evades a commonly recognized definition, therefore for the purposes of this report; the characterization originating from the National Agricultural Landscapes Forum on April 7<sup>th</sup> and 8<sup>th</sup>, 2011 in Washington, DC is used as a reference point. The Forum was part of the RCA assessment process of how well USDA conservation programs are serving the long-term needs of the nation. The Forum characterized landscape integrity as “[c]onnected landscapes that support agricultural production and provide environmental benefits [that] face increasing challenges from urban/suburban development, climate change and other forces.”

While some tribal representatives are interested in developing their agricultural potential, other tribal representatives operate from different premises on the meaning of landscape integrity. Significant emphasis is placed on protecting other natural resources like fish, timber, water, and traditional plants and medicines from degradation. Large scale agriculture operations, noxious weeds, hazardous wastes, pesticides, hydrofracking, climate change, and open burning – among other things – were identified as threats to landscape integrity as envisioned by tribal commenters.

To the issue of tribal agricultural interests, fundamental concerns were raised about RCA and USDA. Specifically, Indian Country does not have the basic resource inventory assessments in place that is a primary feature of RCA. Without them, assessments of agricultural potential cannot be made. With regard to USDA’s outreach to Native American farmers, though there are approximately 80,000 Native American farmers, less than 7 percent of them are involved in USDA programs.

On the issues of landscape integrity/conservation, some tribal representatives commented that USDA conservation programs generally overlook tribes as they tend to reward those who have been participating for years and do not reach out to new potential constituents such as tribal governments and individual Native land owners. Tribes and individual Native land owners desire the opportunity to be more involved in programs that would incorporate tribal visions of landscape integrity.

### **Recommended Actions**

The USDA is playing a key leadership role in the federal government’s responsibility to tribal nations. This effort to gather input and form recommendations for improvements on natural resource conservation policy for tribes and Native land owners is part of the larger movement at USDA to address tribal concerns. There are a number of other efforts throughout USDA that relate to issues raised and recommendations made in this report, including the formal consultation with tribal nations and the Report on Indian Sacred Sites, to name only two. Therefore, it is critical that the recommendations that follow be considered part of an overall comprehensive approach to improving the policy, programs and services for tribal nations and Native people.

If there is a fundamental concept that underpins these recommendations, it is that tribal nations and Native peoples believe that their well-being and that of their neighbors, now and in the future, is intricately tied to tribal land and natural resources. Tribes recognize the tremendous value and potential of their natural resources and are seeking long term investments to assure sustainability. These recommendations are driven by an overall desire for USDA to also recognize the tremendous value of tribal natural resources, tribal ecological knowledge and practices, and ecosystem-based approaches and take the necessary actions identified below as a long term investment not only in tribal nations but for the well-being of all people.

## 1. Existing Policies and Legislative Mandates

These recommendations recognize that often, changes in existing policy and law do not necessitate increased funding but rather a realignment of resources to more equitable distribution of resources.

- Fully recognize in policy and practice that the USDA, as an agency of the U.S. government, has responsibilities as a trustee of tribal lands and natural resources.
- Take action to ensure that all existing USDA legislative mandates and policies include “*and tribal governments*” wherever state governments are mentioned as eligible for services and funding.
- Review and revise all agency directives and incorporate “*tribe and Native landowner*” where missing.
- Direct that the special Indian provisions in current laws are implemented, such as the provisions in the Food, Agriculture, Conservation, and Trade Act of 1990.
- Fully integrate the nearly 100 million acres of tribal and Indian-owned land into the scope of work of the NRCS.

## 2. Agency-wide Approaches and Cross-Agency Collaboration

There were numerous references to impact of government agencies working in silos with fragmented approaches. A comprehensive and integrated approach may be better not only programmatically but improve cost and administrative efficiencies in this time of increasing budgetary constraints.

- Initiate an overall USDA approach to working with tribes on natural resource conservation issues that starts at the top, is institutionalized, allows for discretion, flexibility and innovation, and addresses inconsistencies.
- Under the mission of the newly formed White House Rural Council, chaired by USDA Secretary Vilsack, ensure tribal natural resources play a robust role in the natural resources focus of the Council and adopt tribal natural resources as a pilot effort for “working across executive departments, agencies, and offices to coordinate development of policy recommendations to promote economic prosperity and quality of life in rural America...” Tribes are key partners in rural economic prosperity and major land and natural resource owners in rural America.
- Convene a summit on tribal natural resources, to include tribes and appropriate administration officials from all executive departments, agencies and offices.
- Revisit, renew and/or revitalize current USDA agreements with the Department of the Interior and with the Environmental Protection Agency, and others to work together, and in partnership with tribes, to address the land and natural resource conservation concerns and needs of tribal governments and Indian people. Establish tangible and measurable goals and objectives provide opportunities for stakeholder input, and provide reports on the overall success and specific achievements under these agreements.

### **3. Partnerships with Tribes at all Levels – Tribal, State and Federal**

Partnering with tribes to manage and conserve their vast lands and diverse natural resources is critical. Many people shared examples of tribal representation and working partnerships with NRCS at all levels that led to successful outcomes and learning experiences.

- Direct NRCS tribal liaisons to work with tribes to bring together the federal, regional, state and local agency representatives to develop an integrated natural resources approach.
- Support and implement an NRCS tribal advisory council at the national and regional levels and at the state level in every state in which tribal land is located.
- Appoint and support tribal representation on any and all NRCS current and future advisory bodies.
- Assure that outreach to tribes and individual Native land owners by NRCS staff are a required part of NRCS field operations with performance goals attached.
- Engage tribes in the development of an Indian Title to the upcoming Farm Bill.

### **4. Knowledge and Capacity Building Efforts**

Tribes are building their capacity to better manage their natural resources. This process will continue to reap results if the services of NRCS are aligned to support this development process. Particularly critical to the long-term management of tribal natural resources is a sustained investment in Native youth natural resource education and training. Tribes and Native landowners need data, information, and knowledge to better make informed decisions and to be an equitable partner in government-to-government consultation. NRCS staff needs to expand their knowledge and understanding of tribal cultures and Traditional Ecological Knowledge.

- Provide basic conservation services to tribes and Indian landowners equitable to that of other land owners that includes outreach, education, training and technical assistance.
- Work with tribes directly and/or through the DOI to support basic natural resource surveys and inventories so tribes have accurate and current data to support tribal decision-making.
- Strengthen and expand understanding of tribal culture, tribal ecological knowledge, and the unique government-to-government relationship among NRCS staff at all levels.
- Document and share with tribes, Native landowners, and NRCS staff what is working in tribal natural resources conservation or “best practices” or “promising practices.”
- Promote the validation and integration of Tribal Ecological Knowledge into conservation practices.
- Inventory all NRCS training programs for youth and conduct outreach to tribes and Native landowners about these opportunities.
- Research and provide a resource list of youth conservation education and training programs (both those funded by NRCS and other funders) across the United States and disseminate to tribes.

## 5. A Special Recommendation on Alaska Native Conservation Issues and Input

In conducting the research for this report we were fortunate to be able to attend the Biennial Summit of the Yukon River Intertribal Watershed Council – an event that drew more than 300 Native people from the 70 member tribes and Canadian First Nations. Fifty-three (53) of the 70 members are Alaska Native tribes and represent 23 percent of the total number of tribes in Alaska and are located on the Yukon River watershed stretching from western Canada to the far western coastline of Alaska. Through this meeting and a number of one-on-one interviews, we were able to gather some amazing input on the natural resource conservation concerns and recommendations relating to Alaska, specifically the Yukon River watershed. We were not, however, able to gain what we would consider sufficient input from other regions of Alaska.

Tribal nations in Alaska have many natural resource conservation issues in common with their counterparts in the lower 48. However, these concerns differ in the sheer vastness of the land and natural resources, and the complexity of delivery of services. While not intended to be comprehensive, below is a sampling of the issues most often and consistently raised by those providing input:

- Subsistence Rights for hunting, fishing and gathering – Tribes in the lower 48 also express concern about subsistence but this issue is much more significant in Alaska because of a complex web of existence for Native people and the politics of the state. It is not just about food and physical survival – which it is – but also about culture and a way of life.
- Water Rights – Tribes in the lower 48 also identify water as a mainstay of tribes' existence but the sheer magnitude of the issues here are staggering.
- Waste Issues – Tribes in Alaska confront four major waste issues: Human waste disposal and treatment in small, very remote and not easily accessible villages with limited infrastructure; the disposal and/or treatment of waste from former military operations or facilities; and the disposal and/or treatment of waste from mining operations. The fourth issue is that of the wastefulness of commercial fisheries.
- Climate Change – Alaska is on the front lines of the impact of climate change – and Alaska Native people are confronted daily with how to deal with it. Entire villages face relocation; the ability to live a subsistence lifestyle has changed dramatically; resources are dwindling and/or changing; and alien species are invading.
- Distance/Time/Cost – Vast distances between Alaska villages already produces difficult travel. As the permafrost melts, new tree and shrub growth further complicates the commute between villages, resulting in longer travel periods, higher costs and severely impacts the transportation of food, supplies, and healthcare of the people.

The input from the Alaska roundtable and interviews is integrated within this report and the recommendations. These recommendations in the report focus largely on systemic improvements that, when implemented, will undoubtedly benefit Alaska Native tribes. However, regardless of this, a special recommendation is merited about natural resource conservation issues in Alaska.

- *It is recommended that the USDA undertake, in consultation with the Alaska Native tribes, a more thorough review of the natural resource conservation issues and development of a plan to address.*

## Final Thoughts and Next Steps

Tribal nations, as members of the American family of governments, have made tremendous strides over the last 40 years to strengthen their capacity to manage and control their assets such as their vast land and diverse natural resources. A watershed moment occurred in 1990, with the passage of the special Indian provisions in the Food, Agriculture, Conservation, and Trade Act when a clear charge of responsibility for tribal natural resources was directed to NRCS. Since that time NRCS has taken a leadership role in their work with tribal governments and Native land owners and progress has been made. The opportunity is now to have another watershed moment in tribal natural resource conservation. The recommendations in this report can open the door wider and provide the impetus for more formal and meaningful conversations between tribal nations, NRCS, and USDA.



ONR Our Natural Resources, an alliance of more than two dozen tribal natural resource organizations, helped to inform this report, particularly the recommendations. ONR is developing a national tribal natural resource strategy with broad tribal input.

## **Limitations of Report**

There are two main limitations of this report. The first is that the roundtable meetings were not in any way intended to be formal consultation with tribes and should not be construed as such. The second is that, while broad, the outreach to tribal leaders and other tribal natural resource practitioners seeking input for this report, did not reach all 565 tribal nations. While there are many concerns and overall recommendations common among tribes, each tribe has a unique view of their natural resources informed by their specific cultures and circumstances.

# RESOURCE MATERIALS

## Natural Resource Conservation Policy: Incorporating Tribal Perspectives August 2011

“Indian Agriculture: Yesterday, Today & Tomorrow,” Congressional Testimony of the Intertribal Agriculture Council, 1998.

“Memorandum of Understanding Among United States Department of Interior, Bureau of Indian Affairs and United States Department of Agriculture, Natural Resources Conservation Service and Farm Service Agency Relative to Planning and Implementing United States Department of Agriculture Conservation Programs on Indian Lands,” December 6, 2006.

“National Agricultural Landscape Forum: Landscape Integrity and Water Security in the 21<sup>st</sup> Century,” Summary Report, [http://www.farmland.org/documents/AFT\\_SummaryReport\\_NationalAgriculturalLandscapesForum\\_2011.pdf](http://www.farmland.org/documents/AFT_SummaryReport_NationalAgriculturalLandscapesForum_2011.pdf), American Farmland Trust, April, 2011.

ONR Our Natural Resources National Tribal Natural Resources Strategy, [www.ournaturalresources.org](http://www.ournaturalresources.org), July 2011.

Policy Papers on Natural Resources, National Congress of American Indians, December 2010.

“Tribal statements, issues and concerns,” Draft memorandum summarizing six Regional Tribal Consultations events held between October 2010 and January 2011, National Tribal Relations Coordinator, Natural Resources Conservation Service, February 18, 2011.

## APPENDIX A

### THIS DOCUMENT INCLUDES THE SUMMARIES FROM FOUR ROUNDTABLE MEETINGS TO GATHER INPUT ON NATURAL RESOURCES CONSERVATION SERVICE POLICY APRIL 15 – AUGUST 15, 2011

#### Report on the Tribal Roundtable on Natural Resources Conservation Pre-session to the 1<sup>st</sup> Tribal Land Staff National Conference Flamingo, Las Vegas, Nevada - April 18, 2011

**Background:** Natural Resources Conservation Service (NRCS), an agency in the Department of Agriculture, is conducting roundtables across the country on a broad strategic assessment and planning authority related to the conservation, protection, and enhancement of the nation's soil, water, and related natural resources as authorized under the Soil and Water Resources Conservation Act (RCA). The National Congress of American Indians (NCAI) is assisting the U.S. Department of Agriculture's (USDA) to gather input from tribal governments on policies and planning related to natural resources conservation.

NCAI is conducting outreach and seeking input through one-on-one interviews with tribal natural resources experts, a series of teleconferences with targeted tribal audiences, and a series of roundtables with tribal leaders. NCAI identified key conferences to hold these roundtables that would draw tribal leaders and tribal natural resources professionals. The Indian Land Tenure Foundation hosted the first annual conference for tribal land staff April 18 – 20, 2011 and generously agreed to have NCAI conduct the NRCS roundtable prior to the start of the conference. This is the first of four roundtables held between April 15 and August 15, 2011 to gather input for the USDA.

The four hour pre-session was structured with an opening panel that provided background information and the context for the roundtable. Ross Racine, Executive Director of the Intertribal Agriculture Council and Jose Aguto, Policy Advisor from the NCAI opened the roundtable. Rosalita Whitehair, Program Manager from the Partnership for Tribal Governance, NCAI facilitated the session.

During introductions, participants were asked to share their regions, the size of their tribe's land base and what are the principal natural resource activities on their lands. Overall, there were fourteen participants representing six tribal nations: the Pueblos of New Mexico; Shoshone from Idaho; Miccosukee from Florida; Mille Lacs Ojibwe from the Great Lakes Region; Southern Ute from Colorado; and, the Navajo Nation. These tribal nations represent land bases ranging in size from 9,000 acres to 26,000 square miles.

Ross Racine asked participants three questions. A summary of participants' responses follows each question.

*What are the regulatory and procedural barriers that affect tribes' ability to participate in USDA and Natural Resource Programs?*

- The Bureau of Indian Affairs (BIA) approval process is extremely lengthy and gets tied up in other federal regulations. For example, the Bureau of Reclamation, Indian Health Service and Bureau of Indian Affairs will not assist tribes in maintaining infrastructure

and this leads to frustration for tribes as each agency doesn't assist in keeping water systems operable.

- Conflicts of interest exist as tribes must contract with Bureau of Land Management (BLM) for land surveys. Tribes cannot use their own surveyor; though they may have environmental staff to do it themselves. Tribes are forced to take money out of tribal budgets to hire BLM staff to do the survey. This involves going through the tribal processes that adds to delays.
- Tribes have, in the past, relied on BIA to deliver services. But all federal agencies share responsibility in the federal government's trust responsibility. BIA seeks to isolate trust within BIA, convincing other agencies that the BIA is the only game in town. This is not the case and all federal agencies need to be educated on this point.
- There are only a small number of Native producers enrolled in USDA's Environmental Quality Incentives Program (EQIP). Tribal government requests "tribally-enrolled members only" can graze range units. Tribal members may not be enrolled, are still considered descendants, and yet cannot graze cattle on their reservation.

*What are your top policy priorities for conservation, to help NRCS improve their program?*

- Federal agencies currently do not cohesively work together. The interpretation of regulations changes as new federal personnel come on board.
- Counties are starting to enforce county taxation but do not provide any services to tribal membership, including for lands in fee status.
- USDA programs are not targeting tribes' priorities or needs. For example, the USDA is interested in broadband. Tribes do not have access to electricity and yet rural electrification funds are cut.
- Federal agencies such as USDA need to pay attention to local authorities and to provide more support to work closely with tribes. Agencies need to match federal priorities to tribal priorities.
- Promote conservation districts.
- States and counties must consult with tribes on forests.

*What are ideas for economic growth?*

- Critical infrastructures on the reservations are inoperable. For example, some dams now on the reservations are not repaired due to different agency regulatory inefficiencies and some are considered 'historical sites'. Dams and water pumps need to be repaired to service farmers for corn, alfalfa.
- There should be more initiatives to educate tribes about food assistance programs to expand traditional Native First Foods and co-ops. Tribes should expand traditional Native food. This would help to build more interest and incentives to get tribes to eat healthy.
- How do we protect what is ours and move it to greater productivity without petrochemicals and still grow safe healthy foods for our communities? Tribes also need to continue to develop export programs, both locally and nationally, with a focus of getting from raw products to finished products and first foods/traditional foods.
- Tribes need equipment to start farming.
- Add to the Farm Bill a section to protect culture and change the irrigation policy to address needs of the tribes.

Jose Aguto discussed the three policy themes identified by the NRCS and discussed these in the context of Indian Country. Participants discussed each theme and provided their concerns and comments.

### **Policy Theme 1: Water Security**

Water quality is a big issue for tribes who still have problem with sediment and metals getting dumped into the water from mining. Large watersheds start or go through Indian Land. The Clean Water Act Water Quality Standards implementation must have higher standards and accountability and enforcement must be maintained. Water rights litigation has become a volatile and complex process. Everyday people are not going to be able to understand the legislative and “legalese” that comes with water rights settlements for tribes.

Agencies come onto the reservation to build yet do not factor in the costs and efforts to maintain critical infrastructure. Some irrigations systems and head gates have degraded over time. Many are now considered historic therefore we cannot fix them or destroy them. This dramatically impacts tribal water uses, and as time goes by, costs to repair/rebuild multiply.

### **Policy Theme 2: Climate Variability – adaptation and mitigation**

Tribes are seeing a shift in climate seasons. Elders notice rivers that are now drying up and rain and snow changes. In some areas it snows more often in a certain month that never used to be or it’s not snowing enough during other times. These changes impact Native foods – plums, chokecherries. Now plant-life is changing and the vegetation preferences of animals cause them to migrate elsewhere.

Invasive species results in no bait fish, no game fish, and no salmon. Spiny water flea and zebra mussel eat all the zooplankton. Coastal zone sea levels rise and warming water promotes green algae, creating parasites and cysts in fish. This results in minimal traditional harvests now.

Tolerance level is now a complete “free-for-all”. Guidelines are not being adhered to for safe fish consumption, carbon credits, coal burning, mercury bio-accumulation, or the acidity of lakes.

Persistence pays – it took Taos Pueblo 90 years to get Blue Lake back and they recently won their water rights settlement after 40 years. Now air quality – took 20 years to fight. Tribe didn’t compromise and in the long term they won.

### **Policy Theme 3: Landscape Integrity**

Tribes are 50 years behind the public in accessing these programs. Tribes still are trying to meet basic needs. For example, Navajo has 12 million acres that do not have a United States Geological Survey on it. Less than seven percent of 80,000 Native American producers are enrolled in USDA programs because of a number of barriers.

Farming leases and grazing permits can be objected if no one re-designates land to family members to continue farming. Permits are generally passed down familial lines. But currently land permits can be pawned.

If fee lands cannot be kept intact and are divided up, farming among families is diminished. Some tribal constitutions do not have provisions for buying fee land within the reservation for Natives. Tribes need provisions so they can purchase fee land from Indians. The BIA will not administer lands or collect fees for fee land owned by Indians. The BIA previously acknowledged trust mortgage but no longer administers nor collect fees.

Highly fractionated lands on allotted reservations create issues for conservation programs. Land is transferred from trust land to fee land in order for the owner(s) to get access to credit. There is a requirement for 51 per cent approval from the fractionated land owners to implement conservation programs. Fractionation of land also creates issues for zoning the land and in developing Integrated Resource Management Plans and Policy.

We need more tribal voices. We need to continue to coordinate and acknowledge our local priorities. Tribes need to be more proactive with land management decisions.

Sovereignty. It's not something you have, it's something you do.

**Affiliated Tribes of Northwest Indians Mid-Year Conference  
Tribal Roundtable on Natural Resources Conservation  
Coeur d’Alene Casino and Resort – May 18, 2011**

**Background:** This is the second session in a series of roundtables across the nation to gather input from tribes on Natural Resources Conservation Service (NRCS) policy in relation to how it impacts tribes. The Affiliated Tribes of Northwest Indians (ATNI) represents 57 northwest tribal governments from Oregon, Idaho, Washington, southeast Alaska, Northern California and Western Montana. ATNI hosted their annual conference on the Coeur d’Alene reservation and graciously allowed the roundtable as one of their breakout sessions.

This two hour session gave tribal members an opportunity to discuss natural resource issues, identify barriers and provide recommendations for the report on NRCS policy. Our panel consisted of Zach Ducheneaux, Program Director for the Intertribal Agriculture Council and Rosalita Whitehair, Program Manager, Partnership for Tribal Governance Program at the National Congress of American Indians. Terri Parr, ATNI Natural Resource Policy Coordinator, facilitated the session.

There were twelve participants mainly from the Northwest Territory. Tribal nations represented land bases from 46 acres to 1,400,000 acres including non-continuous reservation lands, tidelands, shorelands and islands. Representatives of the Sauk-Suiattle, Yakama, Idaho Kootenai, Cowlitz, Lummi, Confederated Tribes of Siletz, and Confederated Tribes of Colville were in attendance as well as employees of the U.S. Department of Agriculture.

Zach Ducheneaux asked the participants questions, specifically asking for proposed solutions and ideas. Discussion followed the following focus areas. What is worthy of noting is the fact that the NW territory tribes focused on water issues first, which played a core role of every discussion point. Their tribal youth concerns also played a key role.

**Water:**

- Columbia River is one of our boundaries, yet can’t get allocations or water permitting. Don’t know how to get water for ranching. Used to have irrigation but now those systems don’t work. Trouble getting permits to use their own water, issues with state permitting and maintenance. Tied up with BIA. Include tribal irrigation projects in the schedule of activities.
- Columbia River Treaty includes tribes along the Columbia River. Others want to draw down the rivers. In Montana and Idaho, all the tributaries will be affected. Tribes need a seat at the table. We need a say in how this water will be managed. When the treaty was first set up – flood control, irrigation and power were the main interests in the original treaty.
- Bonneville Power Administration and Army Corps of Engineers (ACE) are the “US Entity” – the State Department will have to make negotiations between Canada and the United States (1964) and up for renewal. We need to add what we want included in it. Water flow, irrigation, court cases right now can affect the new treaty; also endangered species act can also have an effect. No one agrees on anything, too many competing interests. Water is life to Indian people. Conservation law to help navigate this can be a challenge.
- Water Management Programs: When the drought happened in Klamath, a little bit of water was still allocated to the tribes. Klamath Lake has a level requirement. The agreement kept everyone working together. Need funding to fix the water systems there. Dams will be removed. Ecosystems can repair themselves. Just need to work with them.

### **Tribal Youth:**

- Farmers and ranchers are older now. No younger people to carry on farming. Need incentives for tribal youth to get involved in farming. Youth incentive program in conservation.
- Need an economic impact study on wild horses. Need to work with TANF or agency to get youth to be involved with horses.
- Federal agency internships and scholarships needed for Native American Youth with Indian Preference.

### *What are the regulatory and procedural barriers that affect tribes' ability to participate in USDA and Natural Resource Programs?*

- Currently no intra-governmental streamlining – currently have several conflicting mandates. Conservation has to be a priority. Need interagency coordination with adequate funding.
- Probate process – sometimes works against tribes and keeping land within family farms.
- Colville is trying to get natural fish-runs back up the stream. The runoff from fertilizers comes into our streams. There's not one person or one agency to talk to. Streamline agencies to work together. We want action and results. We don't need more consultation. We need action and funding.
- Best Practices Solution on runoff of fertilizers: Develop an agreement for tribes that model the [Klamath Basin Restoration Agreement](#), which took over 15 years to work on but have all signed. The Klamath Tribes.org website received national attention and tribes faced persecution from bringing their issues forward (such as people overuse/overgraze the land, riparian needs, have examples in the report of how ranchers keep runoff from going into the water); this is a local plan for a local problem and a great model.

### *What are your top policy priorities for conservation, to help NRCS improve their program?*

- Streamline contracting. Need to change the laws to put into Farm Bill language.
- Cost share for reclamation. Recommendation for cost sharing.
- NRCS needs 638-Language. Will give us more options and need more authority. Tribes can then help themselves.
- Need to factor sustainability.
- Consult with tribes first!! Seek tribal input first!! Need specific legislation for co-management.
- Return native plants to federal and tribal lands.
- Require co-management with Tribes.

### *Shaping the next consultation law and recommendations:*

- How will agencies coordinate consultation with tribes? Agencies don't have them written down/not planned out. Government agencies, write out your plan with tribes at the table.
- Overall meaningful consultation policy in conservation, across the board. Bring regulatory agencies to meet with us at tribal conferences. Meet in a room. Implementation of our concerns.

- Set up regular consultation for regional areas. Allow for video chat and teleconferences. Use technology.
- Local issues can be brought up by local people, need to be heard – not decided upon by a congressman based in another state far away from us. We have agreements, pay attention to them. Be respectful of local arrangements and local decision making.
- Send out one of your experts with our tribal people. Your conservation agencies have experts that can come out to the tribes. Have an extension agent on every reservation.
- Green power/renewable energy – tribes are not being consulted – counties and states were consulted. Wind towers and solar panels were erected on sacred lands/burial sites. This can also affect the land, water, roots, wildlife. Tribes can give a better analysis of environmental impacts if we were consulted.

**Tribal Roundtable on Natural Resources Conservation  
Pre-Conference Session at the NCAI Mid-Year Conference  
Milwaukee, WI - June 13, 2011**

**Background:** This is the third session in a series of roundtables across the nation to gather input from tribes on Natural Resource Conservation Services (NRCS) policy and its impact on tribes. Fifty-three tribes with land-bases in California, New Mexico, Alaska, Oklahoma, Texas, Arizona, and Alabama attended the pre-conference session at the NCAI Mid-Year Conference.

This three and a half hour session was moderated by Arthur “Butch” Blazer, President of the Native American Fish & Wildlife Society and Blazer Conservation Connections. Our panelists included Ross Racine, Executive Director of the Intertribal Agriculture Council, Blue Ribbon Panelist of the National Agricultural Landscapes Forum and Jose Aguto, Policy Specialist at the National Congress of American Indians.

Butch Blazer opened the session with background information and provided context for the session. Ross Racine asked the participants questions, specifically asking for proposed solutions and ideas while giving background on current tribal agricultural issues. Discussion followed the following focus areas.

*What are the regulatory and procedural barriers that affect tribes’ ability to participate in USDA and Natural Resource Programs?*

- Menominee Tribe: Now have 30 invasive species.
- Mining is impacting watersheds and several species of fish.
- Acoma Pueblo: Need to enforce tribal cultural properties (on and off tribal lands) to access sacred sites. Up against the mining development (north side of Mt. Taylor). Uranium mining is using 10 million gals/day of aquifer water
- Environmental laws not being enforced.
- Federal or state agencies striking deals with the private sector and tribes don’t know about them, let alone don’t have the resources to get involved.
- No funding at DOI or DOE. Need to share success stories – e.g., Yakama, Southern Ute,
- All have success stories. How do we fix extraction legacy and make it beneficial? 40% of Navajo don’t have access to electricity.
- Companies approach tribes for carbon capture in forests, carbon offset plus forest management program, includes some companies world-renown for sustainable forestry. Who’s responsible for marking carbon credits over 5 years, or administrating costs? Cost of administration was greater than the sale (.e.g. Colville). Tribes are not sure about this.

*What are your top policy priorities for conservation, to help NRCS improve their program?*

- Marine Life Protection Act – States need to accept traditional science as well as western science. Science and traditional knowledge – let’s bring science and humanity together
- Adaptation model needs to be adopted. Include tribes in management plans; state policies have trouble accepting tribal policy.
- Chippewa: The most important element we need to protect and preserve is WATER. We’re beginning to see problems with water. There’s going to be huge battles with water. How can

tribes assert their inherent rights? There's water fights happening in Southwest and Great Lakes areas. Also water right issues fought between tribes themselves. Tribes also have to have "family" (intertribal) discussions.

- Energy Policy Act – 1813 study – Tribal Energy Resource Organizations (TEROs) – allow tribes to regulate their own water.
- Do the same for watershed, forest management (TERO- like for natural resource management)
- Hold USDA accountable and put NRCS people on the reservations for USDA programs – allow access for tribes.
- Emergency preparedness for natural disasters. Tribes need training and assistance. Forestry – BIA managed tribal forestry program but only simple 10-20 acre projects. Now tribes are seeing major disaster fires and floods. Need to consider our livestock as well.

*What are ideas for economic growth?*

- Would like NRCS change to alternative fuels.
- Tribal youth need to be trained in natural resource skills – (geologists, hydrologists, etc.) young folks look into social, education, gaming, business management careers. We need to show them that natural resources are important; have to excite the youth about these skills and incorporate culture, language, homeland, pride.
- Youth Conservation Corp (YCC) at 3 tribes – also AmeriCorps – working towards sustainability. Priority at the national level should be opportunities for youth.
- Cooperative ecosystems and interagency work with lead university – trying hard to learn how to work with TEK – e.g. work with Salish Kootenai, Forest Service, University of Washington – fire landscape and linking indigenous and Western fire science.

### **Policy Theme 1 - Water security**

- Tribes need to be involved in watershed management. Not a lot of tribal opportunity. It's always the feds or the State. Use Yukon River Intertribal Watershed Council as a model for collaboration.
- Even if tribes are into oil and gas, we can still do so in a respectful way. Don't let money drive, but rather help our people. We have something to share with others about our relationship with Mother Earth.
- Knowledge of our decisions, vulnerable peoples, up to our leadership to see dangers of development. Experts don't tell tribes the bad consequences. Corporations have professionals already on their side to negotiate.

### **Policy Theme 2 – Climate Variability**

- Encourage our students to major in these fields to help their people. Teach our children to study to become archeologists, geologists, hydrologists, etc... Not just traditional knowledge but need scientific knowledge to assist with looking at steps of prevention.
- Clear cutting millions of acres leads to ecosystem breakdown.
- Importance of education of tribal youth – combining traditional and western science.

- Sustain our gathering rights, harvesting. CA starting to understand Indian people as part of the science. Medical schools starting to bring in traditional medicine as well, recognizing that 70 % of the worlds medicines came from indigenous peoples. Need to recognize that tribes are sovereign nations.

### **Policy Theme 3: Landscape Integrity**

- Interagency collaboration needs to be mandated; federal agencies have stove-piped data. Measuring conservation program impact requires seven different agencies to provide their parts of their answer. In RCA law, have to mandate that any of these programs to monitor and improve environments need to be cross reaching.
- Instead of EPA mandating riparian rights, bring all agencies together.
- Tribes do a better job taking care of their resources compared to neighbors.

**Report on the Yukon River Intertribal Watershed Council Biennial Summit**  
***We Are the River: Respect, Protect, Restore***  
**Ruby, Alaska – August 5 – 6<sup>th</sup>, 2011**

**Background:** This was the final of four tribal presentations/roundtable sessions to a large tribal audience. On behalf of [ONR Our Natural Resources](#), the National Congress of American Indians (NCAI) was invited to present ONR, NRCS and conduct interviews with as many participants as possible. From August 4 – 6, 2011 the Yukon River Intertribal Watershed Council (YRITWC) and the Ruby Tribal Council hosted the 8<sup>th</sup> Biennial Summit in Ruby, Alaska, bringing together 300 tribal delegates.

The YRITWC is an international organization with non-profit status in the U.S. and societal status in Canada. The organization operates pursuant to an Inter-Tribal Accord, signed by over 70 First Nations and tribal governments spanning the entire Yukon River watershed and providing outreach to over 60 tribal communities. The Watershed Council recognizes the importance of building the capacity of tribal governments to enhance stewardship initiatives by providing the best available information, training and key support.

The unique nature of this Alaska session included two days of camping beside the Yukon River, Rosalita Whitehair, Program Manager from the Partnership for Tribal Governance, NCAI facilitated the interviews and presentation. Time on the floor was given to Ms. Whitehair on the August 5<sup>th</sup>, so she could briefly explain her attendance at the event and ask for identification of unique conservation concerns of tribal representatives present. On August 6<sup>th</sup>, Ms. Whitehair had forty-five minutes of presentation time to present ONR and give NRCS background information to the 300 participants. Forty-one tribal representatives stepped forward as tribal contacts that want to get involved and stay informed of natural resource updates/information. There were three personal in-depth interviews each lasting approximately forty minutes long, and nine brief interviews during the camp, which brought up concerns to address in the report.

**Fish issues:**

- Fish is in short supply (Yukon River has the longest salmon migration on the planet).
- “Salmon of the Yukon River drainage are a shared resource between the Yukon Territory (Canada) and Alaska (U.S.). Chinook and chum salmon have some of the longest migratory journeys in the world. The people along the river depend on this resource for food, social, ceremonial, recreational and economic purposes. Due to sharp declines of Canadian-origin Yukon River salmon populations, the two countries negotiated a cooperative management arrangement for these resources - that arrangement is now known as the [Yukon River Salmon Agreement](#).” – cited from a Yukon River Drainage Fisheries Association representative
- Subsistence closures – delicate balance these days now that we have less fish. Forty-three villages live on the Yukon, the state and Canada has put subsistence closure on the fish so that fish can swim upstream to make it to Canada. When this happens, this takes food off the plate of villagers.
- Treaty defined “escapement goal”, state has been trying to protect the pulse/waves of large mass of incoming mixed stock fish. The white man tells me how, when to fish and when not to fish. We’re so passive, pretty soon they’re going to tell us when and if we can trap mice. The term “customary trade” also means sale of subsistence fish, but term “commercial” hasn’t been defined.

- Yukon River Panel (have tribal representative) – with Border Passage Goal: to focus on increasing the number of fish spawning grounds and to have equitable share of harvest. This year the Feds went against the state and panel, and shut down subsistence fishing rights. We cannot let this happen again.

#### **Water issues:**

- We fight among ourselves, “Half our First Nations want clean water, the other half want mining jobs.”
- The Council of Canadians - Boycott Nestle! Because of water - Our fresh water heritage is at risk from the lack of government concern; poor information, mapping and research on our groundwater and surface water supplies; and the almost total absence of policy intervention by any level of government to set conditions on access to fresh water sources for export-driven production. Most of these virtual water exports go to the United States and represent a huge environmental cost that is not reflected either in the pricing of these commodities or in the calculations of the costs and benefits of free trade. [Our Great Lakes Commons: A People’s Plan to Protect the Great Lakes Forever](#) describes over-extraction and climate change.
- We can educate ourselves and make joint ventures with these companies. Become a part of them, infiltrate them so that we can learn and understand regulations and keep an eye on the environmental regulations. “Keep your friends close and your enemies closer.” We need to make sure we have sustainable and responsible mining. – First Nations
- There is a human right to water, not for profit. We need to develop a water strategy. Right now there’s 100,000 mining claims staked on the Yukon River and non-natives are hunting on native lands.

#### **Environmental concerns:**

- Oil spills are affecting our caribous. Some say that our caribou population has increased but they are sick, diseased and have changed their migration routes.
- Mine run-off is running into creeks.
- Moose are migrating further down south, not sure why.
- Invasive species: We have new birds coming in and don’t know where they’re from.

#### **Political issues:**

- Inclusion of Tribal Governments needs to be involved in their own education, public safety, health and natural resources.
- Because of ANSCA, AFN came about. Cannot depend on the corporations.
- Council of Athabaskan Governments: <http://www.catg.org/index.html> also gives direction and guidance to all who ask.
- This is a good time to focus on getting heard from Congress. Because next year, they’ll be focused on getting re-elected rather than listen.
- We are defined by nature not by our political boundaries.

#### **Climate Change:**

- Permafrost once protected the earth as a natural barrier, now melting and oil chemicals are seeping into the earth.
- Permafrost also causing local erosion of the river banks.
- Permafrost cannot protect the earth anymore. Now vegetation is thicker, trees are growing faster; lakes are drying up as the permafrost cannot hold up the water anymore. During the winter, you could go over the lakes with dog teams to travel, now there's thick vegetation and trees cutting off communities from each other.
- We're noticing a lot more rain than usual.

**Youth and Culture:**

- Training camps/aboriginal survival training camps. We need to re-learn how to live on the land.
- Vocational Agriculture School, to learn how to build wood canoes.
- We are a Salmon Nation - teach culture and limnology (study of inland waters) and forest ecology to our children.

## APPENDIX B

INTERVIEW PARTICIPANTS SUMMARY DATA NRCS TRIBAL REVIEW					
NAME	TITLE/LOCATION	REGION/STATE	YEARS/TIME IN NATURAL RESOURCES	ACRES/SQUARE MILES	PRINCIPAL NATURAL RESOURCES/ACTIVITIES
<b>INDIVIDUAL INTERVIEWS</b>					
Martin Bales	Tribal District Conservationist, Colville Reservation (12 tribes)	Northwest, Washington	Lifetime	1.4 million acres	Forestry to Range; Fish & Wildlife; Farm/Crop (small amt.)
Tony Bush	NRCS Tribal Liaison, Oneida (Wisconsin)	Great Lakes, Wisconsin	24 years	96 square miles	Surface and groundwater quality protection, stream restoration, tree establishment, grazing, energy conservation
Carol Crouch, PhD	Oklahoma Tribal Conservation Council, NRCS offices in Cleveland and McLean County Offices (39 tribes, 13 tribal conservation advisory councils, 27 districts)	Oklahoma	26 years		Fencing, environmental quality issues, livestock, buffalo herds, invasive species, rotational grazing
Frank Ettawageshik	Executive Director, United Tribes of Michigan; Former Chair. Little Traverse Bay Band of Odawa	Great Lakes, Michigan	Lifetime, NR Role in Tribal Leadership	900+ acres	Fish, wildlife, marsh, woodland, hunting and gathering of traditional medicines and foods, water quality, climate change, maple trees, food security, local alternative energy, light pollution
Ted Herrera	Tlaxcalteca and Affiliated Tribes of Texas	Southern Plains, Texas	10 years	20 acres	Maintaining traditional medicines, cultural use (Peyote)

**INTERVIEW PARTICIPANTS SUMMARY DATA  
NRCS TRIBAL REVIEW**

<b>NAME</b>	<b>TITLE/LOCATION</b>	<b>REGION/STATE</b>	<b>YEARS/TIME IN NATURAL RESOURCES</b>	<b>ACRES/SQUARE MILES</b>	<b>PRINCIPAL NATURAL RESOURCES/ACTIVITIES</b>
Ciro LoPinto	District Conservationist, PA, NRCS; President, AIANEA	National, New York/PA	27 years		Woodland, agriculture, forestry, wildlife, traditional medicines and food
Gary Morishima, PhD	Technical Advisor, Quinault Nation	Northwest, Washington	44 years	300,000 acres including water	Resource mgt, extraction; timber, fisheries; endangered species
Millie Titla	District Conservationist, San Carlos District	Southwest, Arizona	20 years	1.8 million acres	Sonoran desert to chaparral; juniper pinion and ponderosa pine forests; fish (Apache Trout)
Herb Webb	Tribal Conservationist, NRCS; Liaison with Salish Kootenai	Great Plains, Northwest, Montana	27 years	1.2 million acres; 600,000 owned by Tribes	Native range land, invasive species, wetland and riparian work; protecting from grazing
John R. Whitney	District Conservationist, NRCS; AI/AN Special Emphasis Program Manager	Northeast, New York	31 years	43,000 acres	Stream bank erosion and flooding; some agricultural issues
David Wise	NRCS Tribal Liaison, Center of Excellence (11 tribes)	Great Lakes, Minnesota	20 years	11 tribes in Minnesota	Wild rice, fisheries, hunting and fishing rights, forestry, wildlife, medicinal plants
Russel Zephier	Deputy Director, Indian Nations Conservation Alliance	National, South Dakota	10 years	Pine Ridge – 2.5 million acres	Agriculture production, cattle and livestock, water issues

INTERTRIBAL FISH, WILDLIFE, WATERSHED COMMISSIONS					
GREAT LAKES INDIAN FISH AND WILDLIFE COMMISSION					
James Zorn	Executive Administrator	Great Lakes	26 years	60,000 square miles	Exercise of hunting, fishing, and gathering rights; commercial and subsistence fishing; gathering of wild plants; maple/sugar; consvtn/mgmt program.
Jim Thannum	Director, Planning and Development	Great Lakes	30 years		
GROUP TELECONFERENCE WITH REPRESENTATIVES FROM GRAND TRAVERSE BAY BAND OF INDIANS – GREAT LAKES REGION					
Hank Bailey	Tribal Elder, Inland Fish and Wildlife Technician, Tribal Liaison for Fish and Wildlife	Great Lakes, Grand Traverse Bay, MI	Lifetime	3,500 acres plus treaty rights for outside reservation boundaries	Stream and river restoration, fish passage, fishery (white fish, lake trout, salmon) environmental services, forests, plants/resources for traditional purposes, wildlife
Brett Fessel	Fishery Biologist, Fish and Wildlife Coordinator		16 years		
Frank Dituri	Wetlands Ecologist and Project Manager		14 years		
Jason Kimbrough	District Conservationist, NRCS		12 years		
NORTHWEST INDIAN FISHERIES COMMISSION					
Mike Grayum	Executive Director	Northwest	40+ years	20 treaty Indian Tribes in Western Washington, Interests go beyond reservations boundaries through treaty rights	Natural resource co-management; biometrics; fish health and salmon management; shared natural resources policy issues.
Jim Peters	Policy Analyst for Habitat, Washington Conservation Commission (WCC)	Northwest, Washington	30+ years		
Todd Bolster	Policy Analyst for Habitat, WCC	Northwest, Washington	14 years		
Jim Weber	Conservation Policy Analyst, WCC	Northwest, Washington	23 years		

YUKON RIVER INTERTRIBAL WATERSHED COUNCIL					
Jon Waterhouse	Director, YRIWC	Yukon River. Alaska, 53 Alaska Tribes	8 years	330,000 square miles	All of the natural resources in the Yukon River Watershed; comprehensive natural resource management activities
The following interviews were held at the 2011 YRIWC Annual Summit					
James Akerelrey	Scammon Bay Tribal Council; Tribal Judge	Alaska, SW Region	20 years	62,000 acres	Fish (White, Pike), Wildlife (moose, beaver), permafrost
Michael Jimmy	Natural Resource Specialist, Emmonak Tribal Council	Alaska	20+ years		Waterfowl, moose, fish, year round subsistence, endangered species
Christine Rifredi	Tribal Operations and Appellate Judge, Gwichyaazhee Gwichin Tribal Government	Alaska		55,000 acres	Salmon, hunting and fishing rights

**SUMMARY OF INTERVIEWEE QUESTION RESPONSES  
REPORT TO NRCS ON TRIBAL CONCERNS  
AUGUST 2011**

**DISCUSSION QUESTIONS**

*In the following comments, Alaska concerns are italicized.*

**General Comments/Descriptions**

- In Arizona, have 12 tribal conservation districts – most of the tribal conservations districts belong to the State association of conservation districts and this has a board – elected and there is tribal representation.
- Currently there are 13 tribal conservation advisory councils and 27 districts. Councils are in states where there are smaller tribes – in OK it fits better.
- Tribal task force approached by NRCS in Wisconsin to participate in state technical committee. There were 3 charges – learn about NRCS programs, teach programs to tribes, test out contracting to tribes. Contracts designed for independent farmers and not all inclusive of tribes. Tribal view focuses on wild rice, aqua culture, buffalo, not traditional farming view. NRCS knew very little about tribes at that time, NRCS became more aware of presidential executive orders in relation to tribes. How would we implement these? Trying to work through those issues. With small contracts worked out bureaucracy to better serve tribes. State technical committee meetings on reservations to gain better knowledge of tribal operations (aqua culture, wild rice production, etc.), and learn about traditional cultures, worked to integrate traditional tribal knowledge, worked with scientists on wild rice seeding.
- In 2001 the Wisconsin Tribal Conservation Advisory Council (WTCAC) was set up with a 250,000 dollars set aside for tribes. Our mission is to expand that program to member tribes in Wisconsin. Creation of tribally appropriate program rather than state. This is an excellent model. Tribes received ear mark of funding, have their own internal ranking system, increase in funding for tribes to implement programs
- USDA 2010 Advisory Award to WTCAC

**1. *Aside from money/funding, what other barriers limit tribes' and/or individual tribal members' ability to participate in USDA and Natural Resource Program? (Regulatory/Procedural Barriers? Tribal Government Instability?***

- Outreach and technical assistance to tribal members is limited by the lack of infrastructure – some tribal members (elders) don't have Social Security numbers, many don't have phones, mailboxes, computers.
- One person has to work an enormous area
- Land goes into probate and conservation work stops; oftentimes problems working with new ranchers to develop resource management program because there are no immediate concerns
- Need technical assistance, training and educational materials for individuals and especially for young people to use natural resource cultural practices
- NRCS cannot cost share if there hasn't been irrigation systems before.
- Easement policies
- Availability of practices to address unique tribal concerns

- Oklahoma Tribes have indicated they don't understand why NRCS OK doesn't have a state tribal liaison. In other tribes, they do. It is a barrier that they do not have someone fulltime with that population and number of tribes (39).
- Land resource limitations
- Land ownership.
- Agricultural production must be demonstrated before eligibility.
- Lack of acceptable forestry management plan.
- No outreach from NRCS - Lots of district conservations say "tribes never call". IF they call we'll help, but do not solicit help. NRCS culture is "We wait for people to come to us and tribes don't."
- When tribal council changes, employees change – difficult to make a long range plans.
- Don't have a forestry consultant. A lot of tribes are used to being paid for consultation even though NRCS has technical expertise.
- "Catch 22" need a conservation plan to get financial assistance, yet you need financial assistance to make a conservation plan.
- NRCS's top priority is a conservation plan - map with goals, possibilities, alternatives – not necessarily have to be implemented but at least provide guidance.
- NCAI – talk to USDA and EPA about synergy. Agencies need to work together.
- Quinault utilizes some NRCS programs for rehabilitation of ecological processes. Barriers we see in doing things we want to accomplish are requirements that stem from the federal funding nexus, example of permitting. Now they are undertaking a multi-year restoration project on the Upper Quinault River – the blue back – sockeye salmon – mainstay of fisheries resources on the Quinault River. The Upper Quinault River was not included in the reservation and the conservation practices here are logging practices, agriculture and national parks have degraded the upper river. Trying to install engineered log jams. These are strategically placed on the Upper Quinault River to reestablish channels necessary to help the blue back salmon. Undergoing a NEEPA and EIS process right now. Takes time and resources and because they are public processes off the reservation, has to undertake an extensive public review – resources to support these type of activities is pretty hard to come by – has to come from other programs. Corps of Engineers are working with them. Also involves reforestation of some of the islands. Ability to secure logs at a reasonable amount to construct the logjams. Policies of the forest service about the value placed on the amount of timber provided free of charge.
- One limit is personnel, not having enough people to do the work – need someone to be the administrator so the tribes can apply for other USDA programs. Tribal staffing for NRCS is inadequate.
- The way the tribes have to apply for a program is a problem. Tribal enterprise has to have a tribal tax ID number – have to use the tribal government tax ID number. Gave examples with many enterprises. IRS doesn't recognize this as an entity of a tribe – Has to apply under a tribal government tax ID number. Is this something that USDA established or the Farm Bill or IRS? When tribal cattle operation applies, it has to use the tribe's Tax ID. It creates an accountability problem – money goes into the big pot. If they apply under their Tax ID and are therefore limited to the \$300 K limitation of the Farm Bill. Tribes are unlimited. The Tribal Farm operation is trying to separate themselves from the tribe and not have that limitation but still be under the umbrella of the tribe.
- Barriers have been reduced but bureaucracy. We have 17 pages just get a person's name into the system, intimidates applicants.
- Basic overriding barrier that comes up is the fact that most of the time most of USDAs policies

don't get filtered through the lens of sovereignty. They are not sensitive to tribal rights or concerns. They have not gone out of their way to determine if the easement policy would not infringe on tribal sovereignty.

- As we are preparing and reviewing policies, agencies have to think about sovereignty before development, not after. Sovereignty has to be at the beginning of policy changes, not after.
- There is not an understanding about the tribes in the east who own their land in fee. There is a difference between eastern and western tribes and the ownership status of their lands. It is tough to make policy decisions that incorporate all the unique differences between tribes.
- Not recognizing TEK management. A lot of lakes were drained so they could make more lands agricultural. Typical agriculture practices don't fit with managing important resources for the tribe. Beaver population is high now from over-deforestation. Need new technical standards for supporting traditional ecological knowledge for management of natural resources. (MN)
- Restrictions/requirement for eligibility to get into programs, such as to build a fence. Tribal members don't want to be burdened with more restrictions that programs place upon them.
- NRCS set up an orientation program for states to understand tribal needs. NRCS is typically set up more for agriculture rather than tribal needs. If a bad year for wild rice production, can tribes get compensated?
- Problems: cross share and internal bureaucracy of NRCS. Rules have been administratively difficult – on reservation aqua culture.
- 75 % funding with 25% tribal cost-share. Now with Farm Bill, NRCS provides 90% cost share be maintained for tribes, it's critical because of participation. IDC funding also comes out of program dollars, it would be better to fund under self-determination funding. Indirect costs are not figured into management.
- No in-house engineers for tribes.
- NRCS contracts designed for individual farmers, not tribes.
- State structure drives agriculture interests – that is not the same as tribal agriculture interest.
- We've overcome many barriers, because of being able to develop good relationships and worked through barriers, good example of how we need to work together. (WI)
- Tribes need to have projects that are "shovel ready" because NRCS deadlines are short and limitations on tribal staff. Longer timeframes needed for tribes, tribal environmental committees only meet once a month. Tribal approval and signature process is lengthy.
- Need more funding for programmatic assistance between NRCS policy and OMB.
- Farming is unregulated.
- Big issues in natural resources – protection and restoration of salmon habitat and shellfish beds (e.g., fecal coli form run-off) directly related to treaty rights
- Despite efforts of restoration, habitats continue to decline.
- Farms aren't provided the measures commensurate with salmon recovery or shellfish habitat protection.
- Not seeing wholesale riparian protections or salmon recovery plans.
- NRCS and associated conservation districts have been operating this way for decades.
- Individual farm planners can pick and choose – voluntary adoption, not mandated.
- Not seeing wholesale adaptation of riparian buffers.
- Off stream water should also include salmon conservation protection measures.
- No system of directly permitting or regulating these activities.
- The WQ agency hamstrung by farm lobby – as a practical matter farming in the state is largely unregulated -- persists under the yeoman farmer image "get Indians and enviros off our back".
- Quasi regulatory structure – e.g., Total Maximum Daily Loads (TMDLs) – how big do the buffers

should be? Study suggests one thing, but federal NRCS and CWA Section 319 funds don't require implementation.

- Trying to work with NRCS to create a funding program.
- Salmon recovery and watershed cleanup issues – multiagency multijurisdictional clean-up efforts – trying track recovery.
- Having a hard time getting information from farmers – management, tracking, and recovery is near impossible.
- NRCS is supposed to meld with the state; not trying to address the local needs.
- When we ask if their practices comply (fed law) – our practices have gone through intensive national progress – ignorance of the law and arrogance
- 3 barriers to participation in NRCS programs: 1.) Local conservation district – contract with local service providers – farmers – more aligned with agriculture interests – if NRCS funding is going to tribes to provide TA – lack of programmatic funds to build tribal capacity; 2) Money needs to be eligible for work done extra-territorially; and 3) Getting tribes recognized for criteria for technical service providers (TSPs) can do NRCS work – none of the tribes have TSP status – whatever that process is, needs to recognize tribes expertise in fisheries management; need to request NRCS regarding TSP certification to work with local conservation districts and landowners. Are TSP criteria asking the right questions?
- If you don't have science data – tribes have highly qualified scientists who can protect those habitats than the soil scientists. Tribes have the most information on the streams in their backyard.
- Have tribal co-management on natural resource issues out of necessity; Boldt decision made clear fisheries and hatcheries are co-managers (WA).
- Tribes have co-management issues – WQ, habitats, wildlife, fisheries – on reservation and off reservation U&A areas.
- There's no incentive to adopt the whole suite.
- When land being converted to salmon habitat – there's an economic incentive to keep it as ag, but not have to stop polluting. Should comply with WQ.
- NRCS is steadfast in saying “voluntary program”.
- Lack of success in salmon recovery – impact on treaty rights.
- Lummi sited a loss of \$25 million over a 10 year period because inability to harvest due to fecal coli form counts.
- *Tribal members not recognized by the State.*
- *Agencies and towns/villages are exempt from taking care of their waste.*
- *Military trash left behind.*
- *Council works by consensus, time deadlines difficult to meet as members have to agree and for them to meet means traveling long distances for council members.*
- *Municipalities not regulated.*
- *The term “Local hire” means state resident, doesn't filter down to Natives.*
- *We've been involved in conservation with Fish and Game, about 15-20 years. Fish and Game never took our elders seriously. My father would tell them he noticed a decline in the salmon. He was told, “You're not a scientist. You don't really know.” My father would tell them. “I'm a fisherman; the amount of fish is not the same anymore. It doesn't take a scientist. ” That was 30 years ago.*
- *Our funding was cut, now only part-time position. Always dealing with the people, see misuse of funds.*
- *Our food is important. The Yukon Delta needs Marine protection, essential fish habitat, enforce*

*no – trawl zones, set up new no-trawl zone. This migratory area is important for seals in the Yukon Delta. These habitats need to be protected for seals, beluga whales, and sea birds which when the river freezes, the ice becomes another type of habitat.*

- *All other areas of Alaska have some sort of protection, we do not have here in the Delta; the longest free-flowing river in the world.*
- *The Yukon River is over 2300 miles to the headwaters. We have estuaries (other species of fish depend on to spawn) – that herring passes through. They lay their eggs in the salt water area north (Kotlik/St Michaels) and south (Scammon/Hooper Bay). Have several species of anadromous fish (fish that need fresh water to spawn, and salt to mature, feed and grow).*
- *More than 120,000 King Salmon were caught in the pollack fishery trawl and they were just thrown away – this has been happening for years. Now we have over a hundred fleet of trawlers. CDQ (Coastal Development Quota) fisheries – now fish for economic gain.*
- *Ted Stevens helped start up the CDQ, PSC (Prohibited Species Catch) now is supposed to be enforced and have shipped over 17,000 lbs to Kotzebue and the lower 48 for food banks and donations but none for the locals.*
- *“Pollack Provides” – imitation crab meat, making billions off of Pollack. Had a co-op and 5 – 6 processors before CDQ came around. Now only have 1 buyer for the people and no competition and now the cost of fish is way down, so now fishing families are not making that much. Don’t have money to have things repaired. No money for snow machines for subsistence to help get us through the winter.*
- *Main focus has been on the salmon.*
- *Yukon River opens up two five fingered rivers, fishing in our village areas after Stevens Village, (by Fish and Game) was shut down because other villages can’t fish. At the Yukon Flats, we still have fishing/hunting rights on the land but still regulated. We have no equal access under state regulations, but under federal regs we do. We’re fighting over fish to stay alive.*
- *We have a government – to – government agreement for our fire management program. But with the government budget, we can’t take over the BLM Forestry Service.*
- *The Farm Bill affects us too. There is poor ability to be employed year round, instead depending on seasonal work we have to feed ourselves by using commodities, that’s how some of our people get by. Our villages are getting smaller because of decreases in job availability. Smaller villages will have school closures – if less than 10 children are enrolled, then the school gets shut down. Home school children use school resources but they’re not included. They should be included.*
- *We’re Indians - we like to give things away. We don’t stand up for ourselves. We need to change that.*

**2. What do you consider are the top two policy priorities for conservation? (At the tribal level? At the national level?)**

- Technical assistance, training and educational materials for individual land owners and particularly with tribal youth.
- Energy security and associated costs.
- Tribal Title in Farm Bill.
- There are tribal people who have a lot of common sense and wisdom. USDA should provide some training for tribal members. A scholarship program to participate in training programs.
- Water in Indian Country is one of the biggest issues – in OK and nationally -- the water quality and anything that impacts this is a major problem and is a high priority.

- Continuous conservation stewardship – to help those landowners implement best practices and to increase incentives. A method for maintaining conservation stewardship is a high priority.
- National level – in working with communities, other governments from around the world and within the US, we have the UNDRIP and have moved a long way in the way the nation and states will treat with and deal with the rights of Indigenous Peoples who live in their territory – respect for and relation with the earth.
- Dealing with climate change and how that will affect water issues – really big issues – across US and across the world. Have to be respectful of other beings on the earth. Native people’s world view is not the center of creation but part of it and being responsible for the other parts of creation. Priority would be for us to find ways to exercise these sacred duties that we have. For our people, figure out how to get these into the nation states – we have a longer view of things, a seventh generation view. Don’t treat the other beings and resources as commodities. When we turn it into commodities we lose touch of where it comes from. Native people need to get the dominant society to incorporate within their legal structures, the respect and honor for creation. Find ways to develop sustainable programs.
- Overall programs that would assist us in gardening, stewardship of the land, homeland security through decentralization of power and food production. Local control and local reliance.
- Has been talking with tribes in Indian Country about dwindling peyote for a number of years. Talked with Dr. Martin Terry – went to national tribal science forum to tell them about the issue. Intertribal Nursery Council – have a website – one of the strategies for preserving and maintaining our medicine is for a tribe to develop a nursery/greenhouse to raise this. This issue of dwindling peyote for religious purposes is faced today by Native American churches (100 chapters) in 20 states. The only US source of the medicine is in South Texas – in three counties.
- Depending on what you mean by conservation – has a variety of meanings, most commonly is wise use. In natural resource arena – “my use before yours”. This was the central issue in the Bolt decision. Court defined conservation in very narrow legal terms – removed all the wise use connotations. May confuse the responses we get.
- Have tribal governance and co-management authority recognized and accepted
- Need to forge partnerships and relationships to restore ecosystem processes on the landscape. – under European land tenure system, jurisdictions all become fragmented – state/federal agencies all fragmented along with political and regulatory jurisdictions are all fragmented. Resources don’t recognize those boundaries so there needs to be coordination to get done what needs to be done.
- The ability to continue to sustain tribal utilization of lands and resources to meet tribal needs.
- Tax ID number and the \$300,000 payment limitation for individuals not under the tribe.
- Tribal level top priority is preparing for climate events, specifically for western NY.
- National level- sustaining water and resource levels for future generations.
- The term Tribal Liaison can be misleading. It should be defined on how much time should be on TRIBAL conservationist activities.
- TEK management is another top policy priority.
- Invasive species control and management is an international concern – Great Lakes getting threats from invasive plants, fish.
- New standards, fitting USDA standards into tribal needs. We need new tribal standards/our own tribal needs to be put into the Farm Bill. Typical agriculture stuff keeps us on the edge of non-compliance. We have unique land situations. We can’t make what we have fit. It’s like putting a square peg in a round hole.
- Tribal priority – abuse of the land (overgrazing, if farming they don’t allow the land to revitalize

itself).

- Water Quality
- Land Erosion
- Pollution (landfills)
- You need Tribal Advisory Councils and technical committees on reservations.
- Work traditional and environmental knowledge together into the system.
- Exempt tribes from funding caps, (EQIP) formal exemption. Also need to setup education program for EQIP.
- Solution: have a full-time tribal liaison – because we have short time for deadlines, having to get through NRCS and tribal processes. EQIP funding for tribes have been high priority.
- The Cooperative Conservation Partnership Initiative (CCPI) – how best do we utilize CCPI? – need a broader base funding for staffing. If you have good people, you want to keep them; we have to chase money around to keep them.
- Freshwater conservation, monitor water resources and detect changes in water, results from bottling and selling, making fuel, drilling oil
- 20% of fresh water resources, ground water resources are being depleted, some consumers withdraw half a million gallons of water a day. Need accountability and this has an impact on conservation. Fresh water is the next gold rush.
- Outreach and education opportunities for the tribes. Boardman restoration projects, good website, outreach, building and maintaining departments for public outreach and education – how much resources that they put into it. Most don't have the manpower/staffing to do this. We need a way to present how tribes are working the land to help ease the tension between the tribes and their surrounding communities. These are opportunities for teaching moments surrounding natural resource management programs.
- Have local conservation districts, local boards with farmers.
- Funding for work to be done outside the reservation boundaries.
- Protect treaty rights. Interagency collaboration needed – CEQ, DOC, EPA, DOI, etc...
- Ensure that NRCS programs are aligned with regional programs (especially if land owners don't comply with them).
- NRCS needs to address local needs.
- NRCS needs to create programs that better fit the needs of the tribes.
- Have solid documentation of state obligations, compliance and deficiencies.
- Make sure their programs are aligned with salmon and hatchery recovery program
- Need to fully protect salmon habitat. If landowner unwilling, then they shouldn't be eligible for NRCS funding
- Travel to DC to meet with top level Administration and Congressional delegation to talk about fed. Government responsibility to treaty rights – all focused on salmon recovery
- We want EPA, NOAA, ACOE, FEMA, etc., to carry out their authorities – DPC, OMB, CEQ, EPA,
- Change criteria for TSP.
- Programmatic funds to build capacity for tribes.
- *Fishing – subsistence fishing should be at the same priority level or higher than commercial or sport fishing. Commercial and sport fishing needs a 5 year moratorium so doesn't have decreased stock in fish.*
- *Reverse the paradigm of salmon management. Big business Vs. Subsistence. Salmon Tribes/Salmon Nation needs legal protection.*
- *Funding, specifically the COPS/DHS money's should go to the tribes. Not directly to the state. We're always on the 11<sup>th</sup> hour chasing money when policies are written already. Lack of*

*understanding of rural Alaska. There is no money, no manpower, and no equipment. No emergency operation plans, no communication. They're way ahead of us. Our elders cannot understand what's on paper, it takes time. Our elders see things different.*

**3. If you had one comment to help NRCS streamline/improve their programs, what would it be?**

- There has to be a resource concern before NRCS can go in to help anyone. Programs need to be more preventative in nature.
- Improve availability of practices to address unique concerns and funds to assist
- NRCS is on track with the kind of programs they offer. They need to continue to offer how to work more effectively targeting underserved populations. We are at a time with NRCS that we are having a lot of turnover and losing experience. There has been a loss of basic training on reaching underserved populations and customer service. Field office people haven't received any training on understanding the different cultures – maybe a one-day training. NRCS could share their tools for reaching other populations. We have been spending time in the field and lost touch with doing the outreach. Every NRCS employee is responsible for doing outreach, doing open houses and promoting women in ag – women of color in ag.
- Policy priorities for conservation – a legal structure to support sustainability and respect for the world around us and how to deal with climate change.
- The delivery mechanism is there but more emphasis should be placed on assistance at the tribal level. The mindset of small landowners is that they think the programs are not for them. Put together a flow chart to explain to small landowners about the programs and that they are eligible to participate in.
- More outreach to tribes for program participation could be very much improved. To enhance the cost share rate for implementation, increase USDA share and decrease personal share would increase participation. There are a lot of small landowners. There are a lot of good programs available.
- NRCS needs to have a tribal advisory council. Regional or local tribal advisory councils.
- Dedicated funding for tribes - set asides for EQIP, WRP, GRP, WIPP, (targeted for specific concerns) – technical service providers can do the work (have to be certified).
- HETF are trained scientists, for example, if tribes want to turn agricultural land into wetlands – that's the WRP program – they may not get reimbursed for this work because NRCS has capacity to do this work.
- Tribal wildlife plan – NRCS could accept this – but couldn't pay them for the plan.
- Forest stewardship program – certified foresters are re-imbursed to write plans – tribal foresters could get on the list and be paid to do those plans.
- Conservation stewardship program (more general, need to recognize existing management efforts for decades - but may be too early for tribes) but don't need erosion control – like a green payment for being a good steward.
- NRCS is doing a pretty reasonable job. One of the difficulties is information—what is available, accessing programs for tribes. In Washington State, it has been good.
- On tribal land, there are not enough personnel to go around. Forest, Crop and Rangeland. Almost all of NRCS has just one person that covers multiple tribes.
- Develop some type of coordinated resource management agreement – something along those lines – if something is going to happen, we all need to sign off on it, tribes, wildlife, forestry, etc.. Right now we don't coordinate or know what the others are doing but this will allow us to share. NRCS is pushing towards this – to have all work together.

- To streamline them, at the field level, this is absent. It is getting more bureaucratic and more complicated.
- Wisconsin made a concerted effort to take money off the top to give to tribal communities, keeping them from having to compete for monies with other applicants. Don't let tribal governments compete in general population. This is a very successful program.
- Realize the uniqueness of tribal lands, how we can make things more consistent.
- Easier access to programs, too many regulations to comply with.
- If there is any way to simplify the process? NRCS staff spends more time with paperwork. This results in less time with the community. NRCS needs more tribal perspective.
- It's important for tribes to also acknowledge that NRCS is making an effort and looking at the successes and what is working for the tribes.
- Have a full-time NRCS tribal liaison.
- Develop good relationships and partnerships
- Develop MOU's – conservation technical assistance
- Baseline funding for tribal staffing
- Want to see practices packaged.
- 200 ft buffer with shade suggested - 15 foot monoculture grass funded and implemented
- *Don't let politicians and special interest groups push you around. Stand firm and do what's right.*
- *Need more interagency coordination (EPA, USDA, DOI, NSF...)*
- *Improve the delivery system –to go our people, more outreach and education. Visit the villages. Spend time a little time with the people to see what's happening out here.*
- *Pollack fisheries are tossing 11,000 lbs of fish. Trawlers aren't being monitored. Chums, Silvers, King Salmon are all being thrown away. 190,000 lbs halibut, crabs and other resources being thrown away. Most fishers are not even residents of Alaska.*
- *No more pollack fisheries, they waste everything and break up the entire habitat. The habitat is their home.*
- *Need more No Trawl Zone/Conservation areas.*
- *2011, Northern Bering Sea Research area will become a trawling area. If they hit the hot spot of fish habitat. Where that can catch thousands of fish, it won't be good for Alaska Native fishermen.*
- *NRCS can provide more training and education within our school system. Use our school programs, EPA has and it's been successful.*

**4. In regards to economic development and growth (global and domestic), in what areas of natural resource conservation do you see having the greatest potential for sustained success?**

- Traditional ecological knowledge and traditional concepts and practices.
- Native plants
- Renewables and locally grown products
- Trying to get some bio-energy program started on this reservation so that they can provide biodiesel products to members. They don't have the training and education to start the program right now.
- Renewables – relates to the energy part and relates to recycling and non petroleum products for energy. Windmills, solar energy, thermal energy.
- Locally grown products – community gardens, culturally significant plants – tribal security. Tribal farm – hopes they will expand. Have a program for community gardens for a minimal cost.
- Chickasaw has been working with tribes taking advantage of organic farmers. We need to bring

in our other USDA partners (Rural Development). Now has a whole network of farmers markets and tied this in with other programs where they accept WIC. Huge growth in organic farming and farmers markets and farm to school programs. Sees a lot of tribes developing their own beef industry. (Choctaw Nation)

- Sustainable forest products have a market.
- Food and medicinal “stuff”; if a tribe was to enter a global or domestic market, there is health, medicinal value in our bison meat, grass fed beef and we have traditional foods with a wonderful story.
- Durable goods – made in “Native America” market.
- Branding and marketing of tribal forest products. General public is unaware of the unique value that Indian management brings to the table – the values and the quality of the products. Are there opportunities to use branding and marketing for those products to distinguish those in the marketplace to command a premium? Increasing recognition of tribal management to help with not only market penetration but allow tribes to expand their sphere of influence about management practices.
- Promote naturally grown and organic products.
- Tribal governments are dealing with, in the northeast especially, with very small land-bases. There have huge competition between the small and large purposes. They have to balance agricultural and private farm land between building infrastructure, can also be an inherent conflict.
- Protecting private and important farm land. Keeping it in good sustainable condition.
- I’d rather see people locally eating healthier. Marketing causes ‘selling it’ rather than eating it.
- Hoop house to grow organic vegetables (cost share item, 90% cost share). Tribes out west only get 50% and get robbed from cost share – there should be one national standard for tribes. Put up a high tunnel. Extends your growing season. 70 ft by 32 feet usually and can be smaller. You have to be in production agriculture. Tribal people want to barter, we don’t keep records of how much we sell.
- Locally grown foods have the biggest impact for the future.
- Conservation on the land, taking care of the land.
- Up in Pine Ridge, there is the Mni Wocini Project that is building a pipeline from the Missouri river to the reservation. Treatment plant to clean water for domestic use. As they’re building it, non-native communities wanted parts of it, so it is now a bigger project, lots of water coming through it and it provides critical infrastructure. Native concerns are that they shouldn’t have to pay for the water. Not sure if there’s a limit on it.
- One of the key areas is to work with focusing on overcoming the barriers.
- Electrical energy is killing us.
- Biofuels
- Getting tribal foods into schools. Healthy foods need priority.
- Facilitation of community kitchens.
- Tribal entrepreneurs, what might work in one community. Conservation efforts on reservations.
- Food scientists on staff, tribes cannot afford – unique areas of expertise.
- Renewable or alternative energy sources, cost of energy is high, ties back to impacts on the earth and climate change. wind energy and other pursuits available through federal grants
- Develop standing tribal position to look at alternative fuels. The next Farm Bill also has energy opportunities.
- *Subsistence should get first cut of fishing rights.*
- *Ecotourism*

- *We don't have oil and gas like other Alaska regions. There is a little but not enough to sustain economies. We have to do it the traditional old fashion way. It's very expensive to build infrastructure to maintain and sustain a business. Transportation is very limited, everything is flown in. Donlin Creek is developing a mine in our region for gold and more. It has 25 years of life, unless they find something else. We have to educate our people for them to have sustainability and build economy for our people. We don't have a very good education system.*
- *Locals can operate the fisheries/processors on their own. We don't need outside people doing it.*
- *It'd be great to see subsistence camps, to help our families and children – to help families with subsistence activities/community – give our communities something to do and keep the children involved in culture, pride of heritage, strength, and peace in communities.*

## TOPIC QUESTIONS

### Policy Theme 1: Water Security

#### General Comments

- Water is the mainstay of Indian Country.
- Water issues are different in East from West. Cornell University had a gathering about this contrast. Hydrofracking; sacredness of water is not understood by non-natives
- We're blessed with a great resource of water. (Great Lakes)
- *EPA needs to apply/enforce the Clean Water Act.*
- *Build hatcheries. In the tributaries, where they spawn – develop hatcheries to help Chinook salmon come back. As long as there's no ananomite species. Maybe CDQ – with the bigger developers, and commercials could donate money to help develop tribal fish hatcheries.*
- *Fish are getting lesions where their scales are supposed to be. And getting cancer.*
- *Where the fish spawn, what settlement (metal/chemical/arsenic) is causing changes in their fish, when they're small. Is that what's killing them or has an effect on them?*
- *Need more monitoring of the water.*

#### Water Quality Issues:

#### **What are the health of the waters and challenges (e.g. sediment, nutrients, contamination)?**

- We have sediment, nutrients and contamination issues for surface water as well as temperature, also arsenic in groundwater. (Oneida and other Wisconsin Tribes)
- In specific areas of Wisconsin, the cost of putting in wells has more than doubled to get to the good water – driven up costs for putting in wells
- Surface water related, nutrients, manure – mostly farmland (Oneida) but most of other tribes in WI are not farmland. With some of the other tribes, it is access to lakes and invasive species and oxygen in the surface water of the lakes – doing a lot with retenuating. Lining the lakes with trees to cool the water
- At Oneida, building a buffer zone from streams agriculture. NRCS has done most of this. Oneidas does get funding from BIA to retenuate the streams usually includes buffering the area
- Temperature changes – there used to be a lot of trout fishing at Oneida but with farming in, it meant straightening out the streams which warmed them. Now they are taking out the straightening and lining them with trees to shade them. They are also putting wooden structures in the streams to create habitat for the trout.

- Climate is a major concern and this impacts water – Quinault is right on the ocean – salt intrusion in tribal water supplies and availability of precipitation.
- Water quantity and water quality – we don't have enough of it. We don't have water to farm with, for cattle, for wildlife (hunting and recreation in our lakes).
- Extreme erosion problems.
- Increase in flooding frequency and magnitude.
- No change in temperature of water
- NRCS wants you to measure progress. Not all tribes have baseline water quality available. Can't show what benefit those resources have resulted in. Again, funding for staffing for tribes have more successes than others. Difficult for tribes who do not have this.
- Phosphorus (Great Lakes)
- Based on location you can have greatly different water quality issues, even within the same region. You can have differences even in two watersheds that are close together.
- Contaminant causing fish consumption advisory, PCB's, Chlorine, Ethyl Mercury contaminate the fish – can't consume the fish. (Great Lakes)
- Shoreline development in N. Wisconsin, 1980's seen in a boom in lake home development, habitat issues/concerns now.
- Cranberry production. State wetland regulation exemption, impacts because of pesticides and fertilizers. Tribe (Lac Courte Oreilles) moving from cranberry production to wildlife.
- Loss of wetlands, nutrient sinks and filter and mitigate floods and pollution. If you have healthy swamps, you have good water quality.
- *Old Air Force sites left their trash. We've been working on cleaning it up. We don't have the funding to sample the beaches for carcinogen that is left on the shoreline.*
- *There needs to be equal access to resources and water, we're penalized. Filing a class action suit for equal access to the Yukon River. As citizens of the state, we should have access but we're not equal. We do not have full access.*

***What are the current relationships with partners (e.g. federal, state, county, tribal); are there formal agreements?***

- Formal agreements with NRCS and county, MOU with state (Oneida)
- NRCS has a corporate agreement with the tribe and the conservation district and with the BIA. (San Carlos)
- Tribe has a lot of partners with Forest Service, USFWS, state, Game and Fish, NRCS (San Carlos)
- Between NRCS and EPA and quarterly meetings, APHIS, FSA and Rural Development. NRCS has been a gateway to other agencies and developing rapport with their staff.

***Are there internal tribal regulatory controls (e.g. riparian grazing policy, fish hatchery discharge permitting) issues that are specific to tribal needs/resources?***

- Conservation policy, agricultural lease requirements, water resources ordinance, zoning (Oneida)

***Water quantity issues:***

***Current status and foreseeable status of water availability for tribal uses?***

***Water right settlements? Competition with other interests?***

***Weather patterns/event variability? (scarcity, excess, floods)***

- Right now the status looks bad. Differences in climate change. Ground water is less and less each year. There aren't a lot of sources to bring water up. (Colville)
- Missouri supply system -- looks like it will serve all the communities on the reservation – those that live close to the pipeline. (Pine Ridge)
- Tribal access to safe drinking water and basic sanitation – IHS will build lagoon system and turn it over to the tribes to maintain. (Pine Ridge)
- Need infrastructure for irrigation, energy development. (Pine Ridge)
- Policy needs to be changed to better suit the needs of Indian Country. Sometimes time limits cause problems. “If it historically has been irrigated” – Indian Country specific, because of policy changes every 2 – 5 years, we try to keep the irrigation going. If not, the state takes away the water rights because water isn't being used to its full capacity, thus reducing ground water amount each year. (Colville)
- It all comes down to funding and the average income for the Colville is only 15,000 dollars a year.
- The state is trying to come in and take away tribal rights to water because it is not being used “efficiently”. What about proper water storage for the future generations? (WA)
- Hatcheries pump a lot of water. Keweenaw Bay Indian Community is looking at recycling their water to save water and energy. Hatchery rehabilitation money would be good. Expand fish stocking capabilities for tribes.
- Clean up the mess that has been made. Preserve the water that we have.
- Yes, climate modeling done. West Wisconsin experiencing severe drought with the lakes at lower levels.
- Modeling has already been done. Scientists need to acknowledge TEK that tribes can bring to the table. If you're analyzing weather patterns, elders can participate but need funding to attend those meetings. Tribes can add to the conversation very effectively.
- Ceded territory lakes have a shift in species because of habitat loss and climate change.
- Wild rice – increase in water levels can tear the plants at their roots and wipe out whole crops.
- We will have a time that tribes will have to implement water conservation.
- Congress approved exportation of water outside the basin. Tribe that have water requirements need to be involved.
- *Water rights exist on both sides (Canada and US) for natives but have never been defined or asserted. Western thought is to divert/use for irrigation; native thought is to maintain quality and quantity of the water to maintain your way of life. We need to assert that right.*

***What systems and variables are most at risk (agriculture, food availability, aquatic species, soil quality, wetlands watersheds and wildlife)?***

- Based on settlement, San Carlos Apache was awarded annual entitlement from the Central Arizona Project (CAP), Salt River, Gila River and Black River yet; we have no water for farming, for cattle, for wildlife – all our ponds are dry, many of cattle ranchers are hauling water. (San Carlos)

***Water infrastructure (e.g. inventory of water conveyance and storage systems):***

***Current status of tribal access to safe drinking water and basic sanitation?***

***Current status of infrastructure for irrigation, energy/economic development?***

- *Pathogens – some places have sewage, solid waste exemptions (don't need permits, no personnel to enforce). No running water. Hooper Village for example (is a honey bucket village with a population of 1000 – 1300 people), when the villagers go to dump their human waste, they have them in bags, buckets and dump on the ground, gets on their shoes, gets tracked onto the floors at home with pathogens to infect others, including children.*

## **Policy Theme 2: Climate Variability – Adaptation and Mitigation**

### **General Comments**

- NOAA trying to recover and NRCS acting counter.
- Need federal leadership.

### ***What are the impacts of climate change on tribal natural resources?***

- Everyone realizes what is going on. What can we do to create models of what's going on? We need to create models to help all of us with long-term planning on what type of impact climate change will have. There are scientific models available, even with weather pattern changes.
- Wild plants coming to maturity faster.
- There are many impacts. Climate change is affecting water flows in terms of quantity and timing. These are very important for the ecological processes to sustain salmon. Changes in climate are having an effect on the timing and availability of some foods and medicines that are important to the community – roots, berries, and trees.
- There is a perceived increase in flooding, frequency and magnitude. Seeing it, hearing it, and using the emergency watershed protection program (EWP). Watershed wide storm damages, for rain and/or fire damage. It is the first time EWP has been used in NY ever in the Cattaraugus territory. Causing extreme erosion problems.
- Sulfite mining has a detrimental impact on air quality. Threats to the resources. We need to maintain a healthy ecosystem so we can live from the land like we intended do. I'm less of a supporter of marketing. We need to manage health and nutrition for our own people first.
- These farm program stumbling blocks keep us from doing healthy things on our land.
- Hotter summers, colder winters, affects plants and their growing cycles and how much is harvested.
- Need Green efforts, by tribes adopting more green products and processes. Buy Green!
- If tribes can bring to their perspective, it makes the situation more real for others.
- Tribes need funding for climate change initiatives. So they can monitor and research to assess the early phase - baseline studies needed. (Health decline in fish stocks shows it's too late).
- Tribes have old abandoned wells; they've sealed them to protect the ground water. Need to look at resource concerns with tribes rather than saying federal regulations keep us from doing anything.
- Water temperature – streams are going to be more susceptible than would otherwise (dissolved oxygen) - Ditched, drained, modified.
- Dead zones – lower or no O<sub>2</sub> – hypoxia in rivers and in the ocean – Puget Sound – more of a population cause issue, eutrophication.
- Ocean is a whole different issue – result of climate change.
- Major fish kills – We're on the trajectory – negative recovery – if we don't change the treaty

rights will be extinct.

- Barely hanging on – some tribes have no fisheries – and putting all efforts towards it but are being defeated by population growth, disjointed efforts, (NRCS is classic example)
- *We know it's warming up. It's wetter in the winter and colder.*
- *The permafrost is melting, threatening villages as the land erodes and chemicals from mining, military, hazardous waste, landfill waste – which is now seeping into the ground since the natural permafrost barrier is melting. As the water temperature rises, temperature related parasites are also arising = Ichthyophonus.*
- *Our waters are warming; the main body of water is warming. The fish are heading into creeks because of the warming water temperatures and going to places where they haven't been.*
- *River channels never the same, erosion, during the spawning – don't use big motors that mess up the river bank. 120 HP in the boats being used that's tearing up the river.*
- *Invasive plants, our trees, our animals that eat them – it's making them sick.*
- *Invasive plants – are bigger than what were thought.*
- *Build a better rapport – with universities, other fed programs that do water testing.*
- *Traditional knowledge can be shared and not abused.*

#### ***How will tribes effectively interface with national strategic climate change efforts?***

- Not within Quinault control – been very minimal. This is why the Quinault Nation has set policies for direct tribal involvement in the development of the rules. Need to document and demonstrate the legitimate knowledge that tribes have. Another way we participate, we have been conducting research - dealing with hypoxia, ocean acidification.

#### ***Do you have issues with invasive species – plants, pests, disease cycles, wildlife?***

- Double –edged sword. Some tribes believe the bear is a scared animal and represent souls of tribal elders. The bear population is 10,000 or more. Taking out deer, elk and moose calves. We have to figure out a good balance in the food chain.
- Have knotweed problems and are beginning to see species come into from other countries, insects, crabs, mussels and some native species are being displaced.
- Not climate related but there is invasion on native range land. This causes changes in the migration routes, including death and illnesses of the animals.
- NRCS does not have a good way to respond to invasive species right now. Japanese knot weed is running rampant, Tatarian honeysuckle is also a problem. Honeysuckle is an NRCS introduction. Multiflora Rose is also rampant another NRCS introduction.
- Legacy issues that are hanging over our well intentioned plant introduction.
- *Now see algae blooms in the Yukon River, have seen a huge nitrate spike in the Tanana River due to farming and gold courses.*
- *Black Ants about an inch long are here now. Invasive species, not sure if coming from barges or from where, not sure.*

#### ***Do you have issues with the quality and distribution of crops, grazing and forest lands?***

- USDA has hosted discussions between farmers and tribal council to smooth out conflict over use of the land.
- Grazing production down because of over-grazing.

- *Willows are moving north.*
- *The Spruce Bark Beetle is slowly moving north and killing trees.*
- *Tundra ponds are disappearing in some areas and appearing in others not normally where they are.*

#### ***Tribal water supply?***

- Tribe is developing its own local water supply, instead of relying on off-territory supplies. Generated a little bit of competition between water supply use and agricultural use. (Seneca)

#### ***What are the principal competing demands for water?***

- Demands between agriculture, wildlife and recreation. Irrigation water is important, people fish and boat, fisheries and associated wetlands also compete. (Salish)
- *Companies bottle water to ship out.*
- *Mining, Galena Air Force Base not cleaning up their mess. Uranium, Gold mining*

#### ***What are the principal competing demands for land use?***

- Primarily agriculture and recreation, recession has slowed down development. (Salish)
- There are bigger problems on the territory are related to over harvest of the forestry resources. The tribal lands of the Seneca nation are divided between common lands (managed by the tribe) and privately held lands (managed by same family). The common lands in particular are under extreme pressure for logging and firewood cutting. There has been no soil erosion or run off problems, but degraded the quality and sustainability of the woodland resources.
- NRCS recently moved toward support forestry resources. Some requirements are include approved forestry management plans. The planning and guidance is done by the state, most of the tribal governments don't work comfortably with NY. We have a barrier because they don't want to work with state, the individuals are mostly fine, but they represent the state. They have an incentive program, restoration of logging trails and areas. Has been very successful. Seneca's government and staff change frequently. Things fall through the cracks when staff changes that often.
- Up in Pine Ridge are home sites. A lot of people tired of cluster housing and want to get out to the larger areas that are part of their grazing land. More land taken out of that land unit, less leasing income.

## **Policy Theme 3: Landscape Integrity**

#### ***General Comments***

- Look at National Tribal Science Forum (University of Texas)
- The Intertribal Nursery Council (website) has a forum Sept 13, managed by the USDA & Forest Service.
- Landscape broken up by gas industry. Biggest destruction blight in North Country. PA has a long history of selling off resources fast and cheap – coal, forests; leasing out the state forests, giant well pads – filling in wetlands
- History: FSA was the bankers for the conservation program and NRCS was the manager. "Who

was in charge?" Local FSA committees had local farmers/ranchers giving out loans but not to tribes, only farmers had money to lease out the land in the 1980's. Tribal natural resources have their core missions and purpose that need funding so that tribal capacity is always there. Project outcome approaches only work when tribal based programs are adequately funded in the first place. For example, Mole Lake and what they did with their wild rice project.

***To what extent are Tribes included in state-wide, regional and national landscape strategy efforts?***

- Quinault Nation has been involved for quite some time to try to find ways to help species recover. For Northern Spotted Owl, the north boundary area excluded by virtue of an error. Was meant for improving land management. Most lands were allotted on the reservation and over time the ability to use those allotments was diminished through fractionation and alienation. Used to provide 200 Million board feet – reduced to 26 million feet by year. Needs to be consolidated - after the listing of the Northern spotted owl, the Nation was unable to access some of the old growth timber. Engaged in a multi-year negotiation with forest service -- and had to file suit and Quinault agreed to establish a conservation easement for 3000 acres – and this is also prime area for the Marbled Murrelet. Part of the north boundary settlement – section 5 lands – 1/3 of income from this was to help tribe with its land consolidation. With the listing of the Northern spotted owl, the income almost disappeared.
- Often, tribes are overlooked even though they have large landholdings, need to engage large land base tribes.
- *None. Not yet. Tribes are not engaged.*
- *BLM have a let-burn policy also affects our food resources; it dirties the water, fish, animals. The land is burnt so there's no food source for the animals and decreases hunting and fighting for the people. Two years ago was the major burn and we're still experiencing decreased food shortages.*
- *We don't want a let-burn policy, if you're going to have moose habitat. Then manage it, don't burn it.*

***Current soil quality – nutrient cycling, carbon cycling, erosion, salinity, compaction?***

- One of the things they have had to do is to impart nutrients into the watersheds to make up for nutrient deficiencies created by the loss of the sockeye salmon. This has substantially reduced the quality of the soil. (Quinault)
- Salmon are a biological vector that collects lots of minerals and nutrients that get released back into the ecosystem including the trees, forest, soils. Upper Quinault's inability to produce salmon. Apex predators were removed and has cascaded – balances are now upset. Now more growing by the elk and the deer.
- Lands overgrazed, need conservation efforts, lots of tribal members rely on leased land income to help them get by so not sure how well this will go over.
- *Military used DDT and Agent Orange in several areas on the land.*
- *Old military sites have PCB's Class 1, 2, 3 and asbestos getting into the native food chain.*

***What are the pressures on the uses of the land? What are other pressures affecting conservation? (food safety, public health, non-consumptive uses)?***

- Tribal perspective: losing a lot of good forage to noxious weeds. The tribe does not want to use

chemicals, so they've been looking for alternatives to kill the noxious weeds. We would like the USDA to look at the cost-sharing mechanisms to pull bad weeds. However, the young people don't know how to identify what should be pulled or killed.

- Texas will have 30 million people by 2030 and this is going to put a lot of demand on water supplies and the urbanization (land use conversation) is going to include some of our medicine lands to accommodate growth. I don't know how we can slow that down as we don't own the land where the medicine grows. We can get the word out to the landowners. Can USDA get the word out to those landowners to get the word out to maintain the habitat for our medicine?
- Logging and recreational development – cabins, camping (Quinault)
- Overall economy. Social perception of the users, we have overgrazing because of status symbol/stereotypes (of keeping up with the Jones'). "All ranchers have 500 heads of cattle". (Salish)
- Overharvest of forestry resources on tribal land and private lands – now degraded sustainability of forest resources. Need an approved forest management plan. (Seneca)
- Land income lease, if people rely on that, then no supplemented income to rely on. (Pine Ridge)
- Mineral rich area, mining is significant, the need to produce more from the land. Biofuel harvesting woody material taking everything off the landscape. Land fragmentation, large tracts of land from mining interrupts habitat. Large tracts of land also turning into recreational lands. (WI)
- Timber companies liquidating their lands from global shift of economics.
- Clear cutting forests transitioned from multi-use recreation areas.
- Urbanization – people move in and cut trees down, loss of habitat for wildlife; this takes out the habitat corridors so the habitat disappears.
- Large scale agriculture/farming monoculture practices overwhelm the system; need more organic and local producers. Get more local producers.
- Hydrofracking is killing our water resources.
- *Mining*
- *Commercial and sport fishing.*
- *Open burning/ unregulated open dumping.*
- *Native plant gathering should take precedence.*
- *Subsistence fishing should have priority over sport and commercial fishing.*

***What is the proportion of the landscape that is "touched" by USDA programs (commodity, conservation, other)?***

- 30 % here at Salish Kootenai
- Probably less than 10 % (Pine Ridge)
- Significant amount of ceded territory is forests. Implementation of the treaty rights have large tracts of land touched by USDA.
- Walleye, feeder streams may be running throughout farmland, there is no GIS coverage on where resources are being spent.
- Barriers funded here, soil management here. It'd be great to see where funding is being spent. Now that corn is ethanol, you lose your conservation program to take land out of production. Minimize fertilization could also be shown via GIS.
- Would like to see in-depth income indexing so NRCS can support increased cost-sharing to poorer farmers. USDA gears towards large corporate producers. We have family farmers but it's hard to get the funding they need to get started. Dairy farmers are going under, if NRCS can

support grass-fed beef and supply the beef to local communities, you provide economy, jobs, greener, local economy, cost effectiveness, direct sustainability is a win-win for all. When farmers are more sustainable, the tribes also benefit.

- *Water and sewer the USDA helps the villages, bringing in piped water and sewage system. Need to add more of that, and include in HUD (more funding). They provide dollars for public safety and health centers. It's not like we don't know who they are.*
- *Post offices are being shut down – affects food commodities not getting to our people. \$50 postal charge for boxes of food being delivered. Elders with limited income cannot afford this.*

***What are the vulnerable landscapes and acres at risk (erosion and nutrient runoff)?***

- Native range land is at risk due to invasive species. Development could get range land cheaper than other lands.
- Badlands – from erosion
- *Because of carbon in the atmosphere, the Arctic Sea Ice is melting. The polar bears move to land during the summer and have to have the ice to hunt seals to eat. This affects their livelihood.*
- *With the permafrost melting, the natural frozen barrier is gone. Mining chemicals and human waste seep into the earth, land is eroding and plants and trees are now overgrowing in many areas.*

***Are there growing demands on land use in your area (development, energy, recreation)?***

- Not too much. There are varied interests.
- Housing – people moving back from the cities who want big homes far away from others. But close enough to be by the highway, or water pipelines.
- *Need sewage treatment plants. And a giant well-controlled landfill. YRITWC moved 15 million pounds of hazardous waste. We know what the problem is; we just need to get moving/going on this. Too much study, too many reports, not enough action.*
- *What they're trying to do, The Doyon Regional Corp were stopped from exploring oil on the flats. Shareholders lost out, no gravel sales because of that.*
- *Biomass – because they burned up the whole country, through tribal coalition to utilize those burn areas, trying to put together a plan to use downed wood and use biomass to heat the schools and public facilities.*
- *We oppose oil and coal, methane development, no roads! Traditional trails can become public access if you use federal transportation program. Once you receive money for traditional trails and usage, it opens it for public access. Once you name it – it's been approved and listed, it's made public.*

# ONR OUR NATURAL RESOURCES DRAFT STRATEGY

## MISSION

Protect and utilize the health and productivity of the natural resources to ensure the well-being of Tribal cultures, communities, economies, and health of future generations while enhancing sovereignty.

## VISION

Tribal nations are united to manage natural resources and integrate science and traditional knowledge to sustain cultural life ways, protect the environment and build economies to enhance the well-being of all peoples, now and in the future.

## PRINCIPLES

- The Strategy will be developed, advanced, and led by tribal leaders and peoples.
- Tribal governments will exercise self-determination over management of the natural resources in which tribes have an interest.
- Natural resources are inextricably woven into the vitality of tribal peoples, communities, cultures, and lifeways.
- Tribal wisdom and beliefs embody sustainability, biodiversity, and conservation that is place-based and time-tested.
- Subsistence practices and First Foods will be protected.
- Tribal youth are essential to the future vitality of tribal natural resources.

**GOAL 1: Establish and advance tribal government involvement in the development and implementation of laws, programs and policies that affect tribal interests in natural resources.**

1. *Formalize tribal participation in federal decision making on natural resources in which tribes have an interest.*

2. *Enhance tribal advocacy with Congressional representatives and staff.*
3. *Create collaborative partnerships with regional entities, state and local governments, non-governmental organizations, and other stakeholders to improve relationships and/or co-management of shared natural resources.*
4. *Build tribal capacity to engage in natural resources management.*

**GOAL 2: Obtain increased base funding and equitable participation in funding, programs, and initiatives that affect tribal interests in natural resources.**

1. *Increase base funding levels to support tribal capacity to manage natural resources.*
2. *Obtain tribal eligibility for all new and existing laws and programs, and research related acts and programs from which they are currently excluded and increase tribal access to those for which they are eligible.*
3. *Increase tribal access to natural resource laws, and programs for which they are currently eligible.*
4. *Increase tribal government participation in federal, regional, state and local initiatives addressing local, regional, national and international for multi-jurisdictional approaches for natural resource management, such as climate change.*

**GOAL 3: Establish and advance the role of Tribal wisdom and beliefs in natural resource research and management.**

1. *Acquire resources enabling practitioners of Tribal wisdom and beliefs to participate consistently in the development of natural resource management policies and practices.*
2. *Identify the needs and acquire support for the protection and advancement of Tribal First Foods, subsistence practices, medicines, harvesting and sacred sites.*
3. *Establish and improve relationships and develop protocols with Tribal practitioners and other entities relating to Tribal wisdom and beliefs in research on and management of natural resources to ensure that sensitive information is protected.*
4. *Ensure that Tribes share equitably in benefits from research and management of natural resources.*

**GOAL 4: Identify, enhance and establish educational programs that promote the participation of all sectors of the tribal community in natural resource management programs and professions.**

- 1. Identify and provide support for and creation of education programs that enable all sectors of the tribal communities to actively participate in the management of tribal natural resources.*
- 2. Provide, locally, information on principles and practices for management of natural resources, including traditional knowledge.*
- 3. Identify and support partnerships with institutions (land grant/research universities, federal government training, science centers, private industry, etc.) interested in cultivating tribal involvement in education programs.*

**GOAL 5: Support the ONR Our Natural Resources alliance's work in the service of tribal governments and communities.**

- 1. Support tribal leadership's efforts to advance the natural resources strategy through consistent collaborative efforts with tribal governments, intertribal consortia, and other sectors of tribal communities, and by providing tribal leadership with ready access to expertise and credible information to enable them to participate more effectively in policy development.*
- 2. Within the alliance, consistently engage in dialogue and strategic initiatives to develop the organizational frameworks and procure the necessary funding to sustain such efforts.*