



April 29, 2021

Seth Meyer, Chief Economist
Office of the Chief Economist
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

RE: IAC Comments for the Record – USDA–2021–0003 – Notice of Request for Public Comment on the Executive Order on Tackling the Climate Crisis at Home and Abroad

Dear Mr. Meyer:

On behalf of the Intertribal Agriculture Council (IAC) and its Native Farm Bill Coalition membership, we appreciate the opportunity to provide comments on USDA–2021–0003 – Notice of Request for Public Comment on the Executive Order on Tackling the Climate Crisis at Home and Abroad. As we continue working with the U.S. Department of Agriculture (USDA) under the leadership of Secretary Tom Vilsack, the IAC appreciates that two of the Department's top priorities are addressing racial barriers and access to USDA programs and addressing the impacts of climate change. To support Tribal agriculture, we believe that when addressing the impacts of climate change, USDA must consider the historic and systemic barriers to accessing conservation programs at USDA and ensure that any new programs address these issues together.

We urge Secretary Vilsack and USDA to consider our recommendations and frameworks for addressing the climate change impacts in agriculture, and also further emphasize that USDA work with Tribal Nations in the spirit of President Biden Executive Order as true Nation-to-Nation partners and government collaborators to solve these issues together. Our Tribal leaders and Tribal food producers must be not just included in the comment periods and outreach, but must be equitably represented at the table during the decision-making process.

Tribal agriculture's ability to maintain and now thrive through the history for land takings and exclusion of Tribal producers from agriculture programs speaks to the resiliency of our agriculture producers throughout Indian Country. For centuries, our traditional practices and Native foods have been subjugated while our producers were removed to some of the least productive lands. Tribal agriculture has also weathered nearly 130 years of being written out of USDA's programming. Even at the founding of the IAC in 1987 on the heels of the farm

financial crisis, when IAC leadership and Tribal leaders met with the Secretary of Agriculture in 1989, he told them they were in the wrong building, and pointed out his window to the Department of the Interior. Despite our country's entire agriculture and land grant systems being built on Tribal land takings and cessions, Native producers were not seen as stakeholders in the Department until the last several decades and they remain essential in the fight for a more healthy ecosystem, food system, and economy in Indian Country.

Our Tribal lands possess some of the most pristine, yet fragile environments remaining in this hemisphere and it is becoming more widely realized that the solutions to climate change that are being advocated for are as old as our civilizations and rooted in our inherently regenerative and traditional practices. Those same solutions, which will lead to feeding our own communities and our neighbors, also hold the path to regaining true Tribal self-determination and self-sufficiency. Simply put, Tribal agriculture practices, producers, and systems can hold the potential to support strong climate smart practices to address the current crisis we are facing, and at the same time provide for economic booms in mostly rural areas. Indian Country is already well positioned to make these a reality.

Tribal agriculture production and food systems are essential economic development and community drivers in Indian Country. According to the 2017 Census of Agriculture, nearly 80,000 tribal producers are operating on over 59 million acres of land and generating over \$3.5 billion in economic activity. Spurring economic growth that will contribute to the physical infrastructure necessary while providing the pathway to tribal self-determination, tribal food sovereignty, while empowering the first keepers of our ecosystems to yet again lead the way towards climate recovery through regenerative agriculture and soil health systems that sustain our peoples and lands. However, for these changes to be effective, they must also be self-sustaining and lead to growth.

To address these topics, USDA must look to not only add new climate change programming initiatives, but ensure that all its existing programs, especially those in conservation and credit, include support for regenerative agriculture and traditional practices, and actually empower producers to take these steps. USDA must implement climate changing solutions utilizing the existing streams of production income and programming access by producers each and everyday. Our 80,000 Tribal producers are at the front lines of fighting climate change while trying to feed our communities and make a living. We must ensure those currently tending to our resources, the very foundation of our food system, are fully represented in this effort. Further, climate change concerns must be intricately woven into the fabric of all of USDA's programming. Having standalone programs that do not integrate with the current programs our producers access will not address the heart of the climate change issue nor leverage the full weight and funding already at USDA's disposal.

In all of our outreach to Native producers, almost all of them would convert to regenerative agriculture and other soil health practices if they could, however the limits to USDA's programs in conservation and credit limit that ability, or provide a federal agency or private finance sector representative to have the final say in how each producer works their land.

For example, the extractive nature of agriculture capital systems seek to profit off the production and sees agriculture as just another avenue for monetized investments, instead of making investments in both our producers, their operations, and their lands. The extraction of capital from our food system forces even more extraction from our soil, and results in abstract or disjointed strategies dependent on outside forces and funding, such as long-promised carbon credits, or incentive payments. If we do not fundamentally change how USDA and the agricultural sector thinks and approaches ag credit, then we run the risk of having the same type of structures and extractive systems embedded into any new programs or funding availability.

We recommend that USDA liberate the existing production income to make producers economically whole, by shifting away from a borrowing and lending framework, to one of true investment and return on investment. The long term deployment of capital, and the economic capacity it creates, will empower producers to make those decisions with money not only in the best interest of their production, but in the best interests of the long-term land health. Long term, stable financial investments will equal long term investments in combating climate change. This is a practical economic solution ready for implementation.

Too often we think of addressing climate change as a separate issue that stands alone, but it must be a part of everything we do and everything USDA does. With the agriculture finance system by its definition providing funding to so many producers across the country, including a climate focus in agriculture finance can have one of the largest impacts and footprints on climate change.

Other important considerations for USDA are that soil health practices must be used as the metric for carbon sequestration and for USDA to appreciate that humans are a part of the system that needs regenerated. When looking to address climate change, we have to look at the entire system holistically and regeneratively. If we do not address everything as a whole, and only address this issue through a piecemeal policy approach, we will miss a unique, generational opportunity to truly make investments in the health of our lands and food systems.

Additionally, in the context of supporting Tribal agriculture on or near Tribal lands, USDA must thoroughly and consistently engage with the U.S. Department of the Interior (DOI), as lack of coordination between the two agencies has plagued the ability for deploying existing conservation practices and implements. To fully support healthy and productive agriculture lands, both DOI and USDA-Natural Resources Conservation Service (NRCS) must update their accepted conservation practices and processes. While most of the currently acceptable practices

support the deployment of the conservation practices, many of the enhancements no longer apply, limiting producers ability to adapt and modernize their conservation practices to fit their needs.

This cross-agency collaboration must also include USDA, working with DOI, to prioritize specific funding to assist Tribes (including technical assistance resources) to develop Agriculture Resource Management Plans (ARMP) under American Indian Agriculture Resources Management Act of 1993. Strong resource management planning and further development of Tribal agriculture leasing regulations are essential to supporting not only the success of Tribal agriculture systems, but also for deploying conservation practices and programs on Tribal lands.

Further, the USDA should be required to accept any conservation plan or forest management plan conducted pursuant to an approved ARMP, by the NRCS, or U.S. Forest Service as equivalent to any environmental assessment deemed necessary. Guidance should be issued that such practices and plans shall receive a categorical exclusion from NEPA requirements, because they, by their very definition, improve the environment.

Finally, in order to address these systemic, historical, and current barriers currently facing Indian Country agriculture through climate change programs, USDA must acknowledge Tribal Nations' sovereignty through upholding its Nation-to-Nation relationship and furthering its trust and treaty responsibilities to Indian Country, as called for in President Joe Biden's Memorandum on Tribal Consultation and Strengthening Nation-to- Nation Relationships. USDA and Tribal governments must move forward together, in a true governmental partnership, as the federal government best serves Indian Country: "when Tribal governments are empowered to lead their communities, and when Federal officials speak with and listen to Tribal leaders in formulating Federal policy that affects Tribal Nations."¹

This approach not only includes additional, consistent Tribal consultation and outreach, but also timely engagement throughout all potential agency actions before USDA begins to take additional actions on climate change policies. Many of the proposed solutions at both the agency and even in Congress have not included much, if any, Tribal Nation input. Our sovereign Tribal governments and our First stewards of the land *cannot* be left in the same position we consistently are: having to adapt policies not written with Indian Country for Indian Country after the fact. Not having equitable inclusion and governmental equity in policy development not only leaves Indian Country out of the process, but puts us behind the curve again after being left

¹ President Biden, Memorandum on Tribal Consultation and Strengthening Nation-to-Nation Relationships, Jan. 26, 2021, available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/26/memorandum-on-tribal-consultation-and-strengthening-nation-to-nation-relationships/>

out of USDA conservation programming for nearly 130 years. Tribal governments and Tribal producers must be leading these conversations, not merely be stakeholders.

Additionally, all of the climate change programs, including existing programs must have Tribal specific funding and set-asides to ensure access for Indian Country. We currently see that in the NRCS program funding provided to each state that oftentimes the funding for Tribal producers often does not make it to Indian Country or does not fully meet the need. Along with this, if funding is available through federal grants, matching requirements must be waived as they inherently prohibit many Tribes, organizations, and municipalities from accessing these resources. A potential solution is to reduce match requirements on federal programs and offer set asides in grant opportunities for Tribes and limited-resource communities.

In the context of further land management, especially on forestry management and fighting wildfires. Tribal forests provide revenues for many tribal governments and employment opportunities for Indian people and rural communities. The 2018 Farm Bill created the Tribal Forest Management Demonstration Project which authorizes USDA and DOI to enter into “638 contracts” on a demonstration basis, whereby a tribe or tribal organization may perform the administrative and management functions of programs implementing the Tribal Forest Protection Act.

To date, only one Tribal Nation has reached a formal agreement with the Forest Service on a 638 agreement under the 2018 Farm Bill authority. USDA’s climate change policies must look to support greater Tribal participation in Tribal Forest Protection Act (TFPA) projects through the application of 638 contracting authority to TFPA projects on Forest Service or Bureau of Land Management (BLM) lands, and make these 638 authorities permanent and dedicate funding to TFPA 638 contracts. Healthy Tribally managed forest lands, sitting alongside federal forests which are also managed by Tribes, will help support forest health and reduce wildfire impacts, thus reducing the costs of fighting wildfires. Making these upfront investments in Tribal management will pay dividends down the road.

To ensure that these issues are addressed by USDA's actions on climate change in land management generally, USDA must commit to working with DOI on management of federal public lands through existing and new co-management opportunities to further, and support, the Nation-to-Nation partnerships and Tribal self-determination which builds on the existing 638 authority. Another important component of this is to fully implement the Alternative Funding Arrangements provision from the 2018 Farm Bill to further self-governance-like opportunities in conservation programming at USDA-NRCS.

Thank you for the opportunity to submit comments on the importance of climate change issues in Indian Country and we look forward to working with USDA to hopefully incorporate our philosophies and recommendations into the Department's actions.

Sincerely,

A handwritten signature in cursive script that reads "Kari Jo Lawrence".

Kari Jo Lawrence
Executive Director
Intertribal Agriculture Council
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