

UNIVERSITY OF
ARKANSAS®

Empowering Indian Country through economic development and greater food access

Cultivating Tribal Food Sovereignty:

Developing a Tribal Department of Agriculture

June 4, 2020

Agenda

About IFAI

**Implementing a Department of
Ag**

Model Code Framework

**Federal Funding
Opportunities**

Management Perspectives



Indigenous Food and Agriculture Initiative



Our Founding

- Establish in the Univ. of Arkansas School of Law in 2013 by:
 - Vice-Chancellor Stacy Leeds; and
 - Founding Director Janie Simms Hipp
- Moved with Vice-Chancellor Leeds to Office of Economic Development in July 2018

Our Mission

Enhance health and wellness in tribal communities by advancing healthy food systems, diversified economic development, and cultural food traditions in Indian Country.



Our Work in Indian Country



Putting Tribal Sovereignty in Food Sovereignty

We provide strategic legal analysis, policy research, and educational resources to empower Indian Country through food sovereignty, agriculture, and economic development.



Tribal Departments of Agriculture

A Department of Agriculture is the house where tribal food sovereignty lives. What organizational structure best fits your tribe's needs?

- **Professional Staff/Development**
 - Youth Internship Programs
 - Professional Staff Sharing
- Retaining Institutional Knowledge
- Federal Grant/Funding recipient
- Oversight of programmatic activities
- 638 Self Administration Opportunities
- **POINT OF CONTACT**

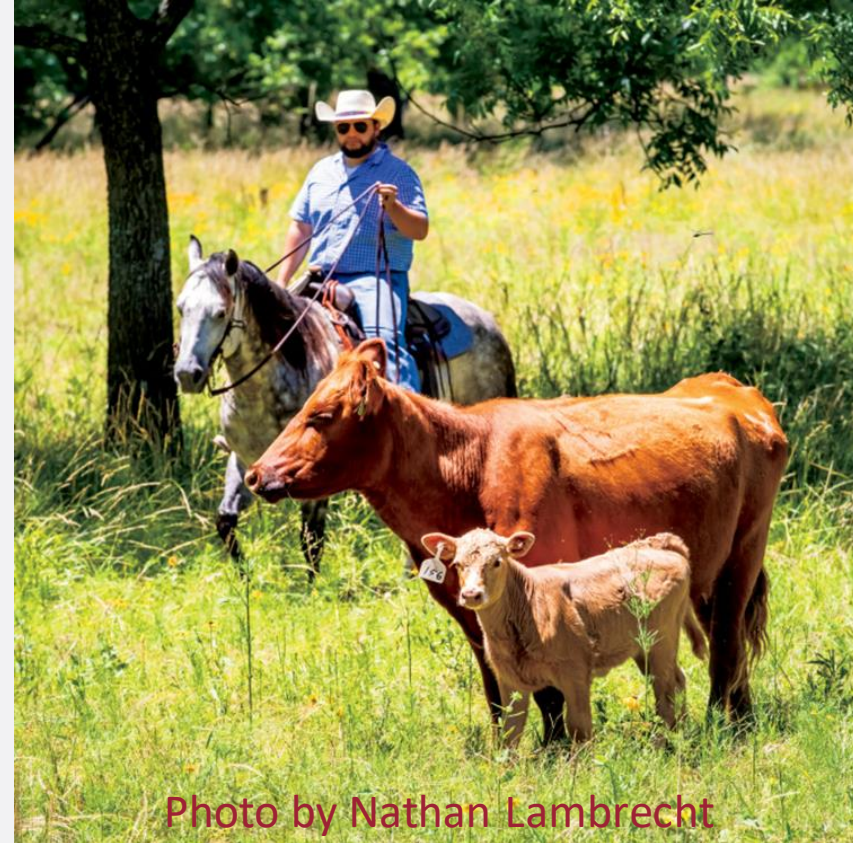


Photo by Nathan Lambrecht

Setting Goals

“If you build it ... They will come”

— Field of Dreams

What is the goal or purpose of your Tribal agricultural operation?

- **Regulatory Entity**
- **Outreach and Technical Assistance**
- **Education and Youth Programming**
- **Community Services**
- **Grantmaking**
- **Traditional Knowledge and Seed-keeping**



Anatomy of a Tribal Dept. of Ag.

Component Parts of Your "Operation"

Regulation

- Hemp Production
- Food Safety

Conservation and Land Management

- NRCS Program Sign-Up
- Forest and Timber Management
- Cost-Share for Federal Programs
- Technical Service Provider
- AIARMA Agricultural Resource Management Plans



Anatomy of a Tribal Dept. of Ag.

Component Parts of Your "Operation"

Education and Youth Programming

- Leadership Events
- Youth Advisory Board
- Young Farmer and Rancher Loans or Grants
- FFA/4-H Livestock Program

Federal Program Administration and Passthro

- FDPIR 638 Food Procurement
- NRCS Alternative Funding Arrangements



Anatomy of a Tribal Dept. of Ag.

Component Parts of Your "Operation"

Community Outreach

- Community Gardens
- Farm-to-School
- Tribal Events

Tribal Enterprise Headquarters

- Agritourism
- Cattle Ranching
- Growing Produce



Implementing Your Plan

Response to Insular Needs of Tribe

Number of Staff

Reporting Structure to Tribal Leadership

Delineation of Authority

Necessary Competencies of Staff

Interfacing with Other Tribal Departments and Policies

Federal Requirements for Staff, as applicable



Department of Agriculture: Staffing

Hire Professionals and Skilled Employees

Leadership with vision and execution

Develop internal expertise

Build institutional knowledge

Recruit young graduates

Externships

Fellowship placements

Staff to program goals

Train current staff on desired skills

Share professional staff with partners



Implementing Your Plan

Response to External Needs and Tribal Leadership

Tribal Priorities within Larger Community

Feasibility of Plan and Necessary Consulting Services

Alignment with Larger Vision of Tribe

Firsthand Involvement of Tribal Leaders

Determining Structure – Tribal Department or 501(c)(3)?



Implementing Your Plan

Sources of Revenue

Fee-Driven Enterprise

Funded from Tribal Revenue

Tribal/State Compacting

Federal Grant Opportunities

External Private Opportunities



Department of Agriculture Funding

Tribal Departments of Agriculture can be designated recipients for targeted agriculture and/or natural resource program funding opportunities

- **Federal Funding**

- Rural Development Grants
- Conservation Program Benefits
- Infrastructure
- Environmental Assets

- **External Funding**

- Private Grantmakers like NAAF, FNDI
- Credit Opportunities
- Capital Donations/Gifts



Implementing Your Plan

Determining Appropriate Structure and Authority

Where does the authority originate?

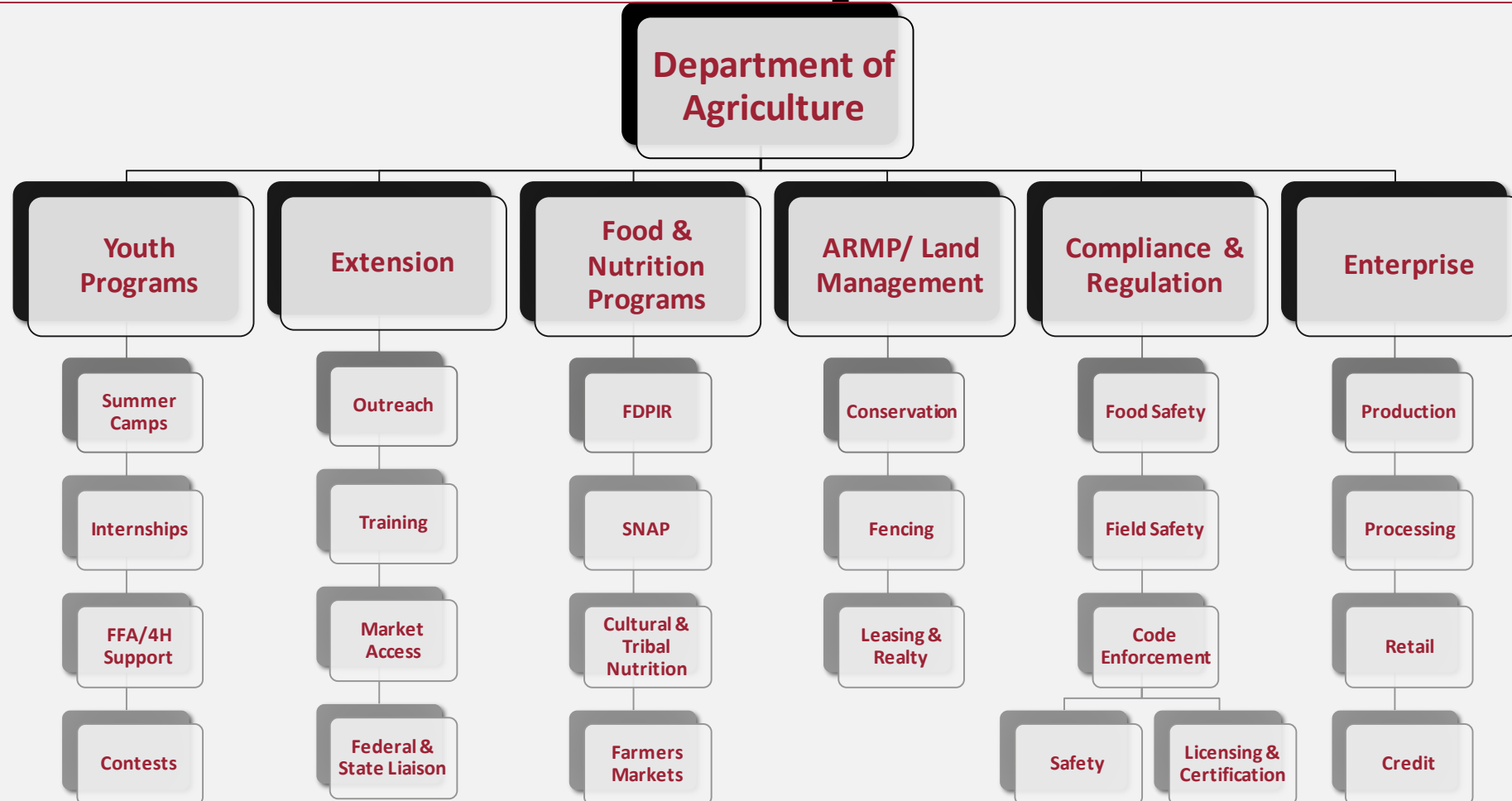
- Tribal Constitution, Code, or Proclamation

Where does it fall within your governmental structure?

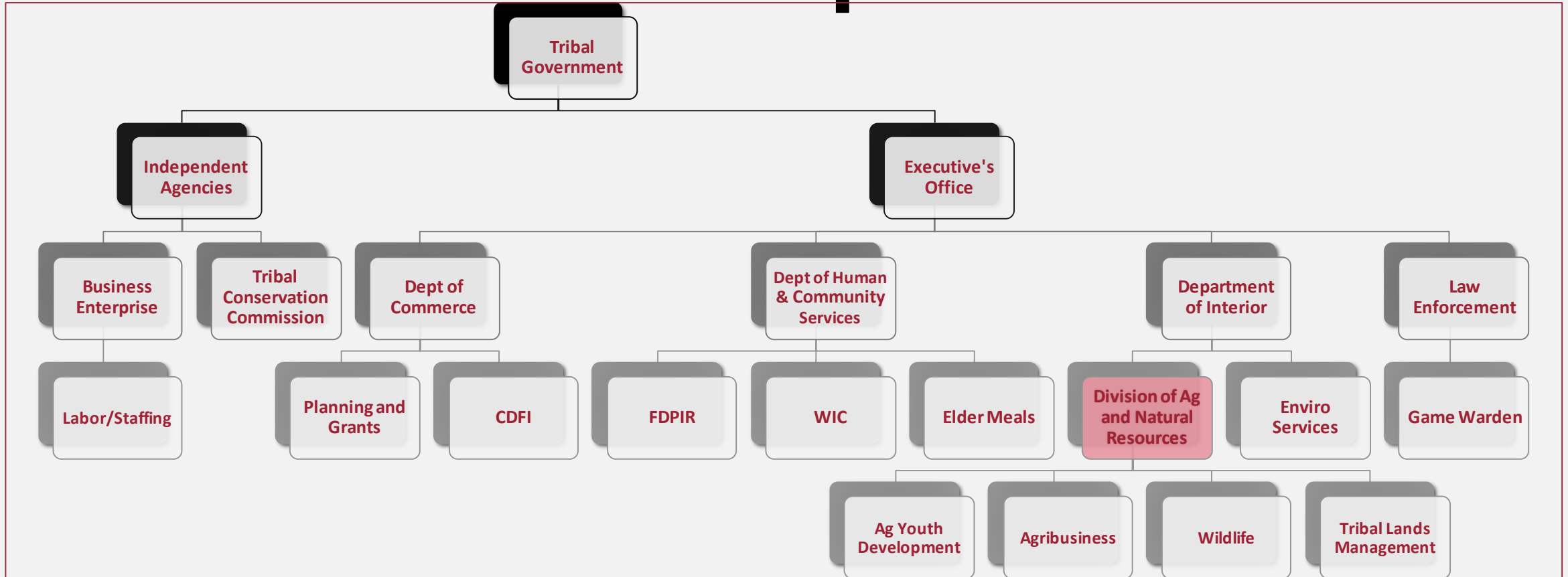
- Tripartite Government (Executive, Legislative, Judicial)
- Business Council
- 501(c)(3) Reporting to Tribe



Department of Ag: Org Chart Example



Department of Ag: Org Chart Example



Regulatory Departments of Agriculture Promote Resource Allocation

Strengthens emergency management planning and implementation

- Connecting with local agriculture operations establishes a network of food growers
- Provides a centralized point of contact for third party assistance
- Establishes a single conduit of communication for disaster response
 - Third-party interest in donating food and services
- Can encourage individual producers and other entities involved in agriculture and food supply systems to also plan for emergencies
 - Individual plans
 - Folding in partners in food chain systems in large scale emergency management



Cultivating Opportunities through Departments of Agriculture

Departments of Agriculture Can Serve As...

Source of Data Collection and Maintenance

- 2017 Census of Agriculture
 - USDA National Agricultural Statistics Service (NASS) collects confidential agriculture operation data
 - Data collected by state, county, Indian reservation every 5 years
- Building on the Food Sovereignty Assessment provides evidence for needs-based response

Single Points of Contact for Information, Technical Assistance, and Resources

- Direct Tribal agricultural production to public and private resources
- Facilitate market opportunities
- Promote employment opportunities in Tribal, federal, and private sector



Model Tribal Food and Agriculture Code

WWW.TRIBALFOODCODE.COM

- Establishing a Dept of Ag ←
- Traditional Foods/Seeds
- Health and Nutrition
- Animals and Livestock
- Animal Harvest and Sale of Meat
- Horses
- Land Use
- Agriculture and Food Safety
- Plant Production, Health, Sale of Produce
- Aquaculture
- Bees and Honey Production
- Agroforestry and Silviculture
- Trade and Marketing of Ag Products
- Liability
- Water
- Conservation
- Alternative Agriculture Production
- Ag Labor
- Ag Business Entities



Model Tribal Food and Agriculture Code

- The most important consideration for in adopting a food and agriculture code is promoting and preserving tribal sovereignty.
- By adopting a food and agriculture code, a tribe can set its own standards and preferences regarding regulation and rulemaking.
- Preventing encroachment on tribal sovereignty by external governments or entities assures that tribal priorities are upheld, that cultural standards control and tribes are empowered in decision-making and self-determination.



Economic Development & Food Security Opportunities: 638 Authority at USDA

The 2018 Farm Bill for the first time extended "638" Tribal self-governance authority to USDA in the FDPIR program for food procurement.

- FDPIR 638 Opportunity
 - Enables Tribal Nations/ITO's to enter into self-determination contracts & procure food for FDPIR food packages.
 - Opportunity to promote tribal sovereignty through food & help support local Tribal producers of foods—fresh fruits & veg, traditional food products
 - Congress appropriated \$3 million for this demonstration project, available until FY21.
 - USDA is still working on opening the application process for this.



Occupying Regulatory Space: Food Safety Regulation

The Food Safety Modernization Act (FSMA) pushes food safety regulation onto the farm. Tribal Nations can occupy that space for their jurisdictions.



Tribal Food Safety regulation

- Tribal Nations have been involved in food safety from time immemorial, and the Model Tribal Food & Agriculture Code positions Tribal Nations as the most appropriate government to shape food systems on Tribal lands—that includes food safety.
- Recognizing that Tribal Nations and AI/AN producers are already engaged in international food trade, the Code offers a harmonized FSMA approach so that producers have clarity and can easily access all available markets.
- Maintaining Tribal laws and regulations on food safety, especially around FSMA, sends a message to other regulators that the Tribe is occupying this space & Tribal laws should apply.
- Through a Tribal department of agriculture, Tribes can inspect & regulate food production/food business on Tribal lands.



Economic Development & Food Security Opportunities: Parity and Federal Partnerships

Identifying and Defining Your Markets

Identifying Food Producers and Growers: Framing Data Availability

Background:

- USDA National Agricultural Statistics Service pays for enumerators
 - (salary, travel expenses, and other costs) for survey collection
- Cooperative agreement between NASS & NASDA started with just 20 states in 1970
- Surveys provide “justification” for federal and other targeted funding sources with anonymized data
- 2017 Census of Agriculture provides data by self-identified AI/AN producer and 72 Indian reservations

Opportunity:

- Departments of Agriculture help facilitate government-to-government relationships (like for like)
- Departments can house enumerators
- Partnerships with NASS and the Economic Research Service may support mutually beneficial surveys



Economic Development & Food Security Opportunities: Parity and Federal Partnerships

Building and Strengthening Agricultural Markets

Identifying Feasibility of Agricultural Markets through Rural Business Development Grant

Background:

- USDA Rural Business Development Grant funding for feasibility studies, business planning, and training to support job creation
- End-beneficiary must be separate entity from applicant
 - Tribal business enterprise can be eligible end beneficiary if governing body separate from Tribal government and not subject to removal without cause
 - Board members must not be on Tribal Council or other governing body

Opportunity:

- Support studies for how to structure business/enterprise under Tribal and Federal laws / regulations
- Promote (agri-)business incubation and training



Economic Development & Food Security Opportunities: Parity and Federal Partnerships

Building and Strengthening Agricultural Markets

Identifying Feasibility of Agricultural Markets through Rural Business Development Grant

Background:

- USDA Rural Business Development Grant funding for feasibility studies, business planning, and training to support job creation
- End-beneficiary must be separate entity from applicant
 - Tribal business enterprise can be eligible end beneficiary if governing body separate from Tribal government and not subject to removal without cause
 - Board members must not be on Tribal Council or other governing body

Opportunity:

- Support studies for how to structure business/enterprise under Tribal and Federal laws / regulations
- Promote (agri-)business incubation and training



Economic Development & Food Security Opportunities: Parity and Federal Partnerships

Parity in State Funding

Competitive Funding Exists for State Departments of Agriculture

Background:

- USDA Agricultural Marketing Service awards funding for state departments of agriculture
 - Federal State Marketing Improvement Grant (1:1 match) for research / innovation of markets
 - Specialty Crop Block Grant to enhance competitiveness of specialty crops

Opportunity:

- Creating like institutions supports “justification” for like funding opportunities
- Parity in funding opportunities may require legislative change



Economic Development & Food Security Opportunities: Parity and Federal Partnerships

Outreach and Engaging AI/AN Producers Effectively

Background:

- Departments of Agriculture are centralized resources for agricultural activities
- USDA issues disaster designations counties facing natural disasters impacting agricultural production
- USDA offices and agencies solicit membership for committees and councils to inform USDA processes

Opportunity:

- Departments of Agriculture receive, consolidate, and distribute information to support the viability of agricultural operations
- Departments of Agriculture can help inform USDA processes



Economic Development & Food Security Opportunities: Parity and Federal Partnerships

Bridging Partnerships through Cooperative Agreements

Background:

- USDA has multiple cooperative agreement authorities to support agricultural activities
 - *Farm Service Agency*
 - ❖ For nonprofits and higher education for financial trainings, value added production, recordkeeping, property inheritance, and crop production
 - Natural Resources Conservation Service
 - ❖ For federal, state, and organizations to further NRCS mission
 - Office of Tribal Relations to further coordination and effectiveness of Federal programs
- FDA State Produce Implementation Cooperative Agreement Program
 - For States to assess produce landscape and produce food safety activities

Opportunity:

- Departments of Agriculture provide central point of contact for activities that support engagement and coordination for Federal activities
- Discretionary funding may provide targeted opportunities for Tribal projects if agencies know who to contact



Food Hubs/Cooperatives

Develop Market opportunities for tribal enterprise and local/tribal producers

- Tribal USDA Vendor contract with local subcontractors to meet volume demands
 - With MTFC regs, subs meet tribal safety requirements vs onerous USDA mandates
- Local/Regional Sourcing from tribal producers
 - FDPIR 638 Sourcing
 - Volume packaging for upstream supply chains



Value Added Opportunities

- Processing/Packaging
 - Fresh produce packaging
 - Canning
 - Livestock processing
- Branding/Labeling
- Product Enrichment
- Vertical Integration
- Operation Diversification



American Indian Agriculture Resource Management Act of 1993

Pub. L. 103–177, Dec. 17, 1993, 107 Stat. 2011

Intended to address the underserved nature of agricultural land in Indian Country by:

- Enhancing tribal producers' ability to grow crops and ag products;
- Affirming tribal sovereignty in the management and regulation of agricultural properties; and,
- Increasing educational opportunities for native students regarding natural resource management

Tribal self-governance approach to agriculture land management and ag land leasing –

- 1) protect and conserve lands for the highest productive potential;
- 2) increase production and expand diversity of ag, income, employment, and subsistence;
- 3) consistent management with integrated resource management plans;
- 4) providing technical assistance, training, and education;
- 5) promote self-sustaining communities; and
- 6) assist trust and restricted Indian landowners in leasing their land for a reasonable annual return consistent with prudent management and conservation practices.



AIARMA

C) Whether developed directly by the tribe or by the Secretary (of Interior), the plan shall—

- (i) determine available agriculture resources;
- (ii) identify specific tribal agricultural resource goals and objectives;
- (iii) establish management objectives for the resources;
- (iv) define critical values of the Indian tribe and its members and provide identified holistic management objectives;
- (v) identify actions to be taken to reach established objectives;
- (vi) be developed through public meetings;
- (vii) use the public meeting records, existing survey documents, reports, and other research from Federal agencies, tribal community colleges, and land grant universities; and
- (viii) be completed within three years of the initiation of activity to establish the plan.



Use of existing resources

Build from what you have

- Facilities
- Regular gatherings/events
- Information Technology
- Production Facilities
- Land Base
- Existing Staff
- Knowledge



Use of existing resources

Build from what you have

- Facilities
- Regular gatherings/events
- Information Technology
- Production Facilities
- Land Base
- Existing Staff
- Knowledge



Youth & Individual Producer Development

Youth Programs

- Curriculum
- Internships
 - Summer Youth Work
 - College Internships
- Sponsorships
 - Livestock
 - Contests
 - Travel
- FFA/4H Support
- All Indian Livestock Shows
- Hosted Competitions

Individual Producer Development

- Training
 - Recordkeeping
 - Safety Certifications
- Land Leasing/Acquisitions Assistance
- Extension Supports
 - Point of Contact
 - On Site Assistance
- Information Sharing
- Compliance Assistance
- Access to Credit
- Generational Planning



How IFAI Can Help

- Planning
- Goal Setting
- Funding opportunity information
- Legislative support for tribal code development, education, advocacy
- Organizational development
- Staff profiles/skill sets
 - Attorneys
 - Federal Experience
 - Tribal Experience
 - Food and Ag Program Expertise
 - Policy Information and Research



How You Can Help

- Become or Recommend an Advisory Board Member
- Share program successes
 - Food hubs/cooperatives
 - Dept of Ag development
 - Staff Development
- Attend the Youth Summit
 - Hosted virtually this year
- Let us know what you are doing
 - Successes
 - Challenges
 - Knowledge gained



Department of Agriculture: Management Perspectives

- **Hiring/Staffing**
- **Location/Proximity**
- **Internal Roles**
- **External Roles**



Staffing

- **Consider Operations**
 - **Specific skills needed**
 - **Training/PD resources**
- **Consider Organizational Structure**
 - **Supervisory roles**
 - **Schedule needs**
 - **Proximity**
 - **Technology**
- **Job Descriptions**
- **Qualifications/Navigating Tribal Hiring Preferences**



Location/Proximity

- **Central or Off-site Offices**
 - Pros/Cons analysis
- **Technology available**
- **Potential limitations**
 - Connectivity
 - Travel time
 - Infrastructure
- **Visibility**



Internal Roles

- **Service Provision**
 - **Scope**
 - **Populations served**
 - **Program review**
 - **Qualitative analysis**
 - **Quantitative analysis**
- **Enterprise Management**
- **Custodian of Expertise**
- **Inter-Programmatic Relations**
- **Policymaker Communication**



External Roles

- **Outreach**
 - **Service Populations**
 - **Collaborators**
 - **Funders/Grantmaker reporting/Feedback**
- **Communications/Consultations**
 - **Federal Government**
 - **State Government**
 - **Local Government**
 - **Inter-tribal partnerships**
 - **Trade Associations**
 - **Media**
 - **Public Reports**





UNIVERSITY OF
ARKANSAS

*Empowering Indian Country through economic
development and greater food access*

G. Blake Jackson, Policy Officer and Staff Attorney, gjackso@uark.edu

Erin Parker, Director of Research, esparker@uark.edu

Josiah Griffin, Policy and Program Specialist, jwg012@uark.edu

Carly Griffith Hotvedt, Director of Tribal Enterprise, hotvedt@uark.edu

Indigenous Food and Agriculture Initiative

University of Arkansas

Fayetteville, AR

www.indigenousfoodandag.com

www.nativefoodsafety.org

