



TRIBAL GOVERNANCE

Guide to Food & Agriculture



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DEVELOPED BY THE INDIGENOUS FOOD AND
AGRICULTURE INITIATIVE - UNIVERSITY OF
ARKANSAS SCHOOL OF LAW, WITH SUPPORT FROM
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PUTTING TRIBAL SOVEREIGNTY IN FOOD SOVEREIGNTY

The Indigenous Food and Agriculture Initiative (IFAI) at the University of Arkansas School of Law enhances the health and wellness of Tribal communities by advancing healthy food systems, diversified economic development, and cultural food traditions.

With the generous support of the W.K. Kellogg Foundation, IFAI developed the Tribal Governance Guide to Food and Agriculture to provide Tribal governments with a one-stop-shop for navigating opportunities as they invest in their food systems.

The W.K. Kellogg Foundation has provided foundational support for IFAI's Tribal governance work for many years, including significant support for the Model Tribal Food and Agriculture Code Project referenced throughout this guide.

We are grateful for this longstanding partnership and the Foundation's commitment to supporting Tribal sovereignty and improved healthy food access for families and children in Tribal communities across Indian Country.

Tribal Nations cannot be truly sovereign without food sovereignty. However, navigating the complex legal frameworks and policy considerations impacting Tribal food and agriculture can be challenging. This guide offers Tribes a pathway towards food sovereignty through resources that can accomplish that goal. IFAI is the first law and policy center dedicated to supporting Tribal nations in food and agriculture. Our work supports Tribal governments, producers, and food businesses with educational resources, policy research and strategic legal analysis as a foundation for building robust food economies.

Wado,

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(Cherokee Nation)

Executive Director

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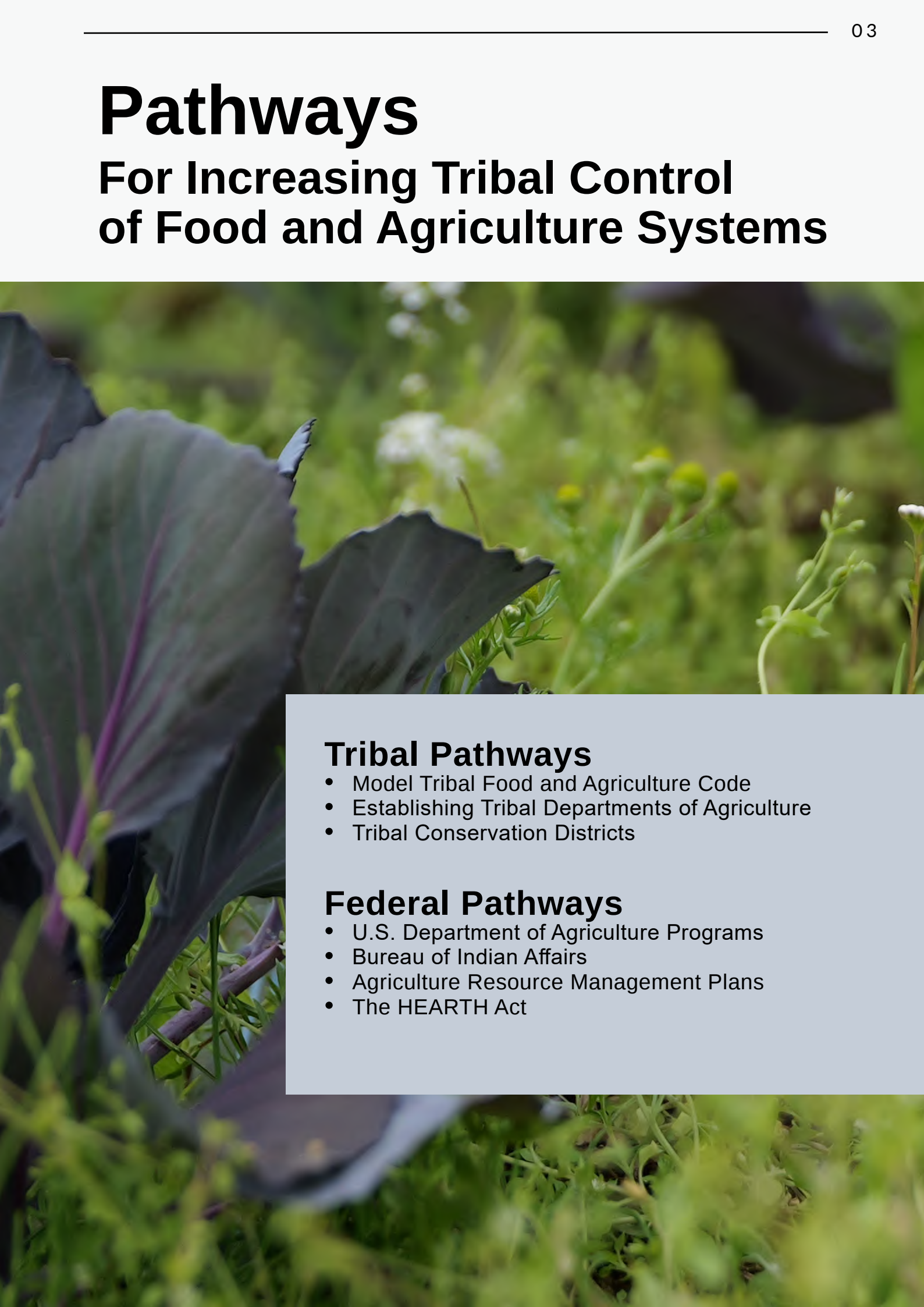
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Pathways

For Increasing Tribal Control of Food and Agriculture Systems



Tribal Pathways

- Model Tribal Food and Agriculture Code
- Establishing Tribal Departments of Agriculture
- Tribal Conservation Districts

Federal Pathways

- U.S. Department of Agriculture Programs
- Bureau of Indian Affairs
- Agriculture Resource Management Plans
- The HEARTH Act

Tribal Pathways



Tribal Nations are sovereign governments. Tribal citizens have governed themselves, fed their people and stewarded their own resources since time immemorial.

As Tribal governments work to build and manage agricultural resources today, they must create frameworks within their governments to support this effort. Tribally specific agriculture and food laws, departments of agriculture, Tribal conservation districts (TCDs), and resource-sharing agreements with external partners can all build a foundation for long-term stability in these systems. That success can further support economic and cultural health through improved access to healthy food for everyone in Tribal communities.

This section focuses on opportunities their governments may pursue independently as sovereign nations to direct the development of their food and agricultural systems.



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Law and Policy: Creating Tribal Food and Agriculture Law

A legal code is a comprehensive collection of existing laws. Codes serve as a legal foundation, establishing the basis by which rules are applied consistently and fairly throughout a particular government's jurisdiction. Codes are a primary resource for establishing good governance and order. They protect individual rights and the collective rights and interests of communities. In some instances, codes can also protect the rights of nature itself by imbuing entitlements, and by clearly defining protected, encouraged, permissible, and prohibited actions.

Further, legal codes can support consistency and fairness in decision-making while reducing the risk of arbitrary judgments, a common misconception about Indian Country. Codes provide a stable, predictable, and reliable environment that encourages growth and social well-being, while promoting public health, safety, and welfare.

Enacting specific agricultural laws and policies is one step Tribal governments can take towards controlling their food systems. But, given the breadth of agricultural law and the many goals and challenges involved in food system development, it may be difficult to determine a starting point.

[IFAI's Model Tribal Food and Agriculture Code](#) (Model Code) can be a helpful resource. Developed to assist Tribal governments in regulating food and agriculture within their jurisdictional boundaries, the Model Code provides Tribes with a sample set of laws and regulations that can be tailored to their specific needs. Tribes can, and should, modify

the Model Code to reflect their unique priorities, traditions, and cultural values, ensuring the provisions are relevant and effective. IFAL is committed to working closely with Tribes seeking to customize the Model Code and offers comprehensive support at no cost to a Tribe. These services include explaining the Model Code sections and providing examples from existing Tribal, state, and federal laws. In addition, IFAL offers education and customized support to adapt the Model Code to meet each Tribe's priorities.

By collaborating with elected Tribal leaders, their attorneys and staff, IFAL ensures the customized code promotes Tribal sovereignty and governance while aligning with the community's cultural values and economic objectives. Thus, Tribes can create effective, sustainable, and culturally appropriate agricultural policies and regulations, fostering a thriving agricultural sector.

The Model Code currently contains 19 chapters across topic areas relevant to Tribal food and agriculture. However, the Model Code chapters highlighted here are starting points for Tribes interested in formalizing operational frameworks over food and agriculture systems in their jurisdictions.

These code chapters discuss the foundations of Tribal agriculture governance, including departments of agriculture, labor, and food and agriculture business entities by reviewing comparative Tribal, state and federal statutes. Each chapter contains sample statutory text for Tribes to customize and adopt. The Model Code is available in its entirety by request at tribalfoodcode.com. **IFAL recommends a side-by-side review of this Governance Guide's Model Code discussions by chapter with the corresponding text in the relevant titles of the full Model Code.**



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Model Code – Chapter One: General Provisions



This chapter outlines the general principles of Tribal sovereignty and the purpose behind adopting this Model Code. It emphasizes the importance of formally adopting statutes in support of a Tribe's legal and jurisdictional authority over its food and agriculture systems.

Exercise of jurisdiction over matters that may threaten the health or welfare of a Tribe, *including the actions of non-Indians on fee lands within a reservation*, is a critical component of self-governance and a recognized *Montana* exception.¹ Food and agriculture, especially in relation to food safety, food access, nutrition, and economic welfare, directly impact the health and welfare of Tribal citizens.²³⁴ As such, Tribes should feel free to exercise robust jurisdiction and regulate food and agriculture to protect Tribal health and welfare, to secure food sovereignty, and prevent federal, state, or local actors attempts to overreach and encroach on Tribal sovereignty. General Provisions in Chapter One support that effort.

How does this portion of the Model Code support Tribal Governance in food systems?

1. Strengthening Tribal Sovereignty:

- Implementing the Model Code's "Chapter One: General Provisions" empowers a Tribal government to assert sovereignty by establishing clear legal and regulatory authority over food and agriculture. This is crucial as external regulations and encroachment by federal, state, and local actors is unlikely to cease.
- Its adoption reinforces the right to self-governance, ensuring unique cultural and economic needs are met through tailored statutes governing food and agriculture resources.

2. Streamlining Services and Communication:

- Creating a dedicated department of agriculture centralizes agriculture, food systems and policy-related activities. This ensures a cohesive approach to managing agricultural resources and policies.
- A dedicated department can be readily identified by Tribal citizens and stakeholders, offer programmatic services and offer direct engagement with non-Tribal entities. This department may also provide access to grants, loans, and other operational resources. This unit of the Tribal government can act as a focal point for information sharing on opportunities and regulations impacting agriculture, food systems and economic development, including commerce and safety-related compliance requirements.

3. Encouraging Economic Development:

- Departments of agriculture can provide targeted support to local producers and agribusinesses. This includes technical assistance, streamlined processes like permitting or enrollment for direct services, and advocacy for Tribal interests in agricultural policy discussions.
- Tribal department of agriculture employees develop subject matter expertise and contribute to the economy like any other employee. Supporting local agriculture entrepreneurs further promotes economic development.
- These departments can also manage the Tribe's agribusiness enterprises. Some examples include livestock herd management, farmers markets, processing facilities, crop and produce production, agricultural fencing, agritourism and fee-based permitting for wild harvests or hunts. They provide Tribal governments with a dedicated entity with subject matter expertise supporting the pursuit of external funding through public and private grants, cooperative agreements, contracts and loans. This organizational option facilitates access to funding, supports enterprise development, and offsets investment costs otherwise requiring repayment for start-up or operating loans.

4. Improving Resource Management:

- Departments of agriculture can develop and implement comprehensive strategies, like an Agricultural Resources Management Plan (ARMP). This supports sustainable, effective, and Tribally driven management of agricultural resources.
- These departments ensure agricultural policies and practices align with the Tribe's long-term goals and values. It can also facilitate coordination with other departments to align stewardship and management activities, leading to better resource utilization, cross-government integration and sustainable practices.

5. Enhanced Food Security:

- Regulating and supporting local food systems can improve food security and food sovereignty for Tribal citizens. This includes access to healthy, culturally appropriate food, and reduced dependency on external food sources.
- Improved food security contributes to the overall health and well-being of Tribal citizens.



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Establishing a Tribal Department of Agriculture

In adopting “Chapter One: General Provisions” it is vital to appropriately plan the role and scope of a department of agriculture, including weighing staffing considerations. Planners should conduct a thorough review of existing resources, identify long-term goals, and strategize on how best to meet them.

A process called “resource banking” helps to compile and organize all available resource inventories. IFAI’s [“Developing a Tribal Department of Agriculture: Resource Banking for Informed Goal Setting”](#) is a readily available template to guide this process. As the resource banking process evolves, it will inform how to best organize the department, with numerous examples available.

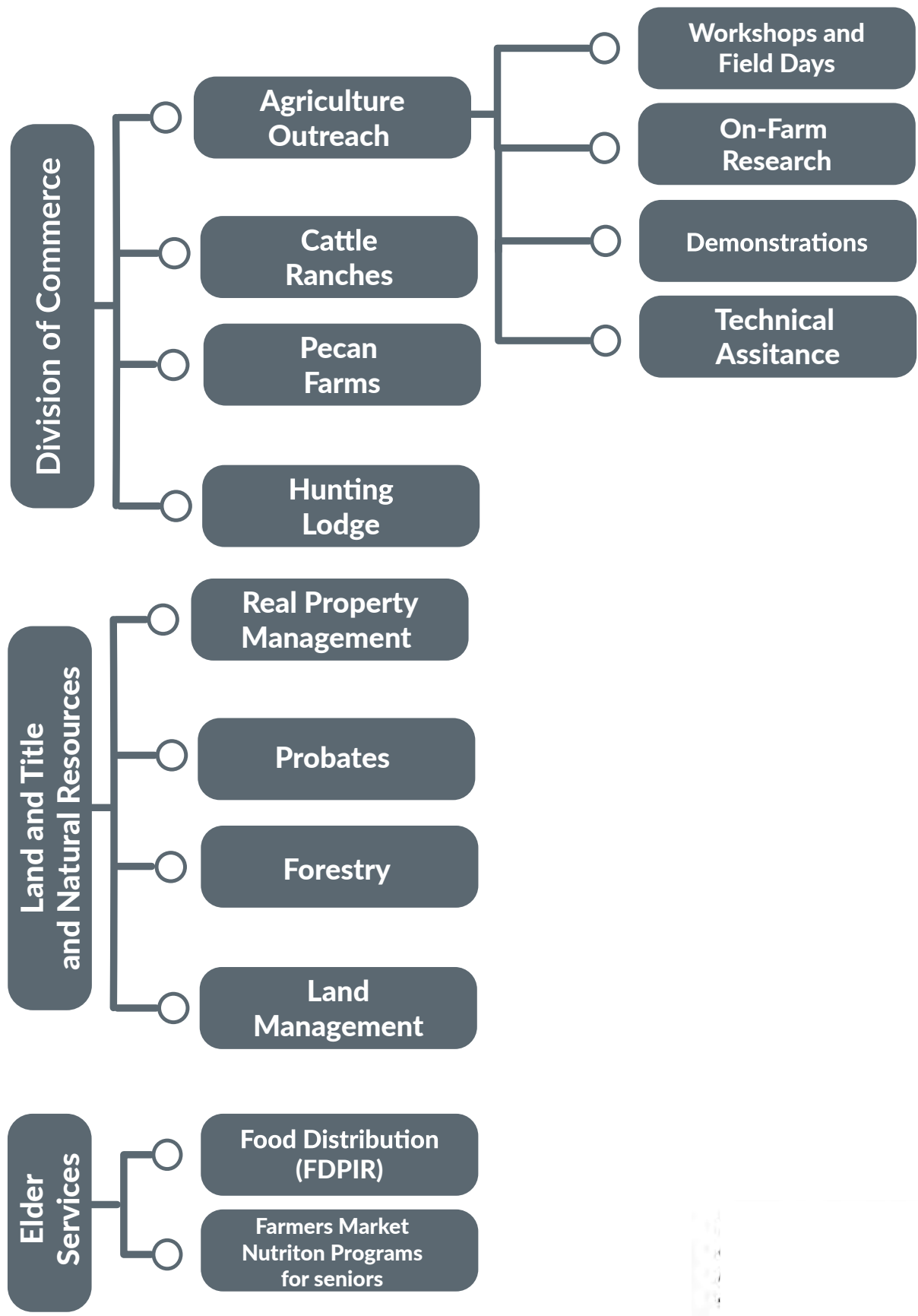
Please find examples of organizational charts for Tribal Departments of Agriculture on the following pages. These examples were created after analysis of existing Tribal governments’ agriculture departments, divisions, and programs. How a department is structured within the Tribal governance framework depends on the intent of how the department will engage with other departments. Tribal leaders must determine what services, programs, and work the agriculture department will administer, with knowledge that some of these responsibilities may already exist in other departments or programs.

For example, if a department or division of agriculture is developed with the intent to manage agricultural enterprises with a revenue goal, the unit may best be housed under a department of commerce (see Example Chart 1). If the intent is to provide comprehensive service delivery and program administration for all food and agriculture programs, then the department may be at the cabinet-level with a secretary of agriculture reporting directly to the Tribe’s executive leader (see Example Chart 2). If administering a smaller number of programs or responsibilities, then the department may be organized alongside existing programs like realty services, land management, environmental protection, nutrition programs, and so forth. (see Example Chart 3 & 4).

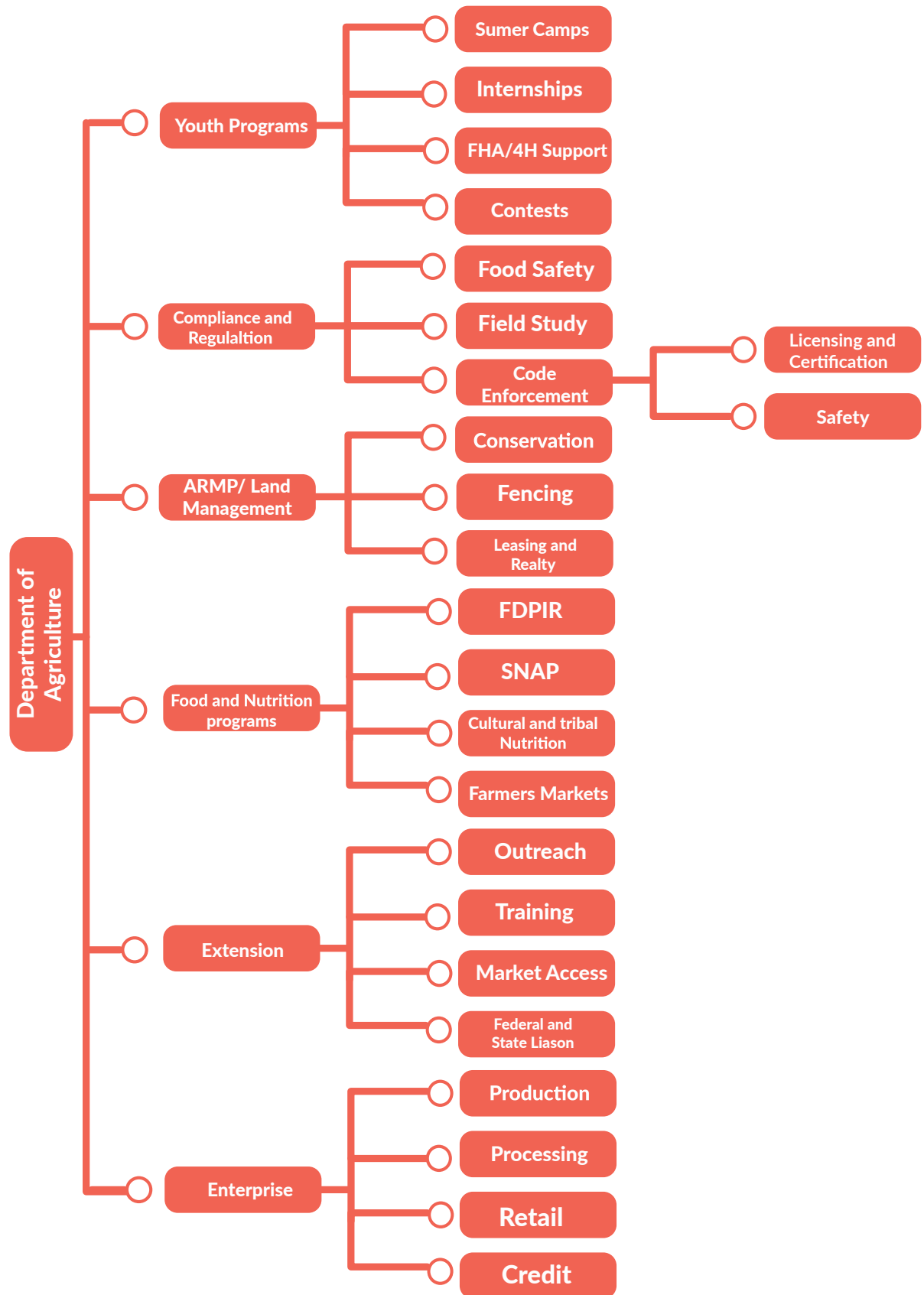


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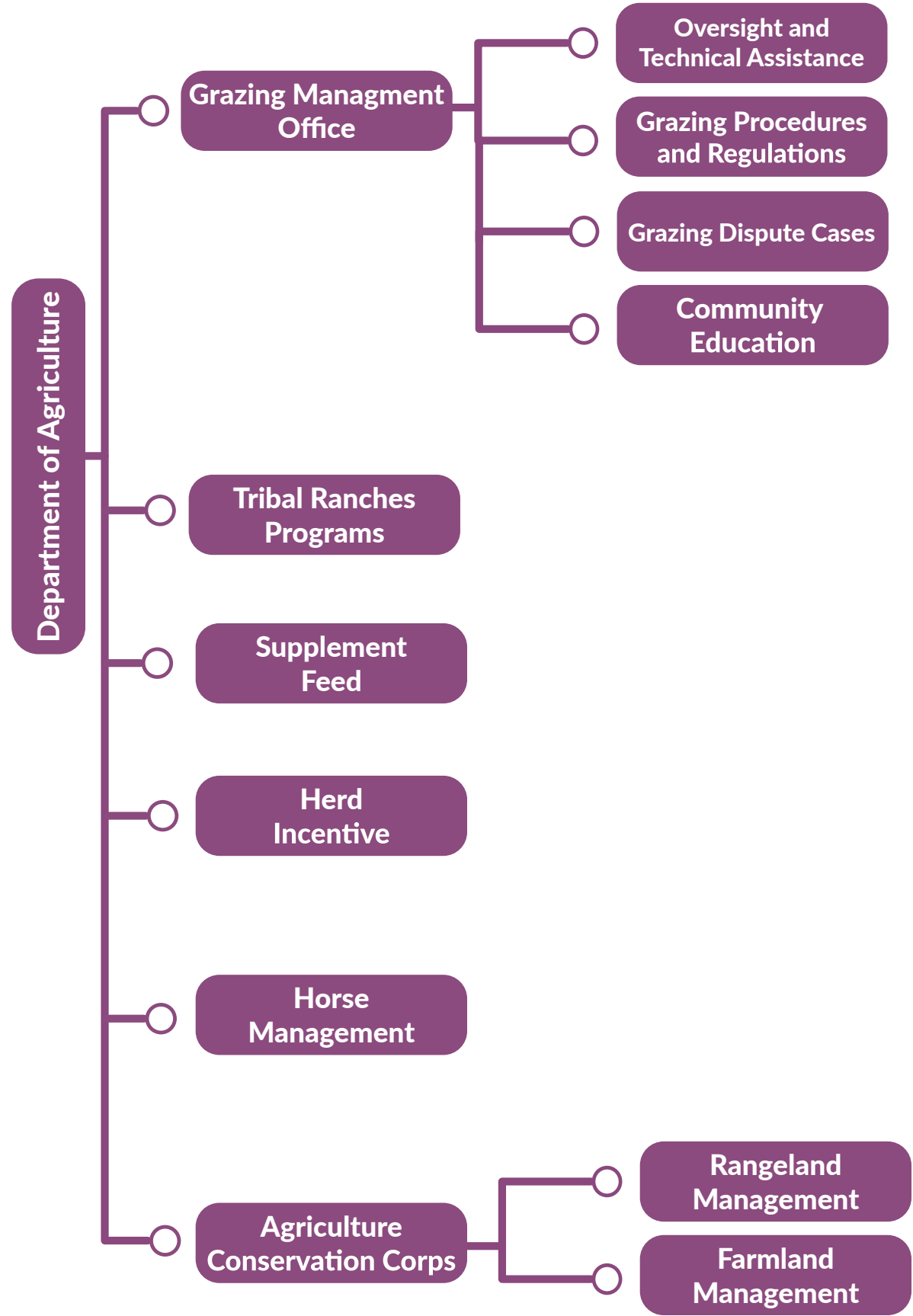
Example of Department of Agriculture Chart 1



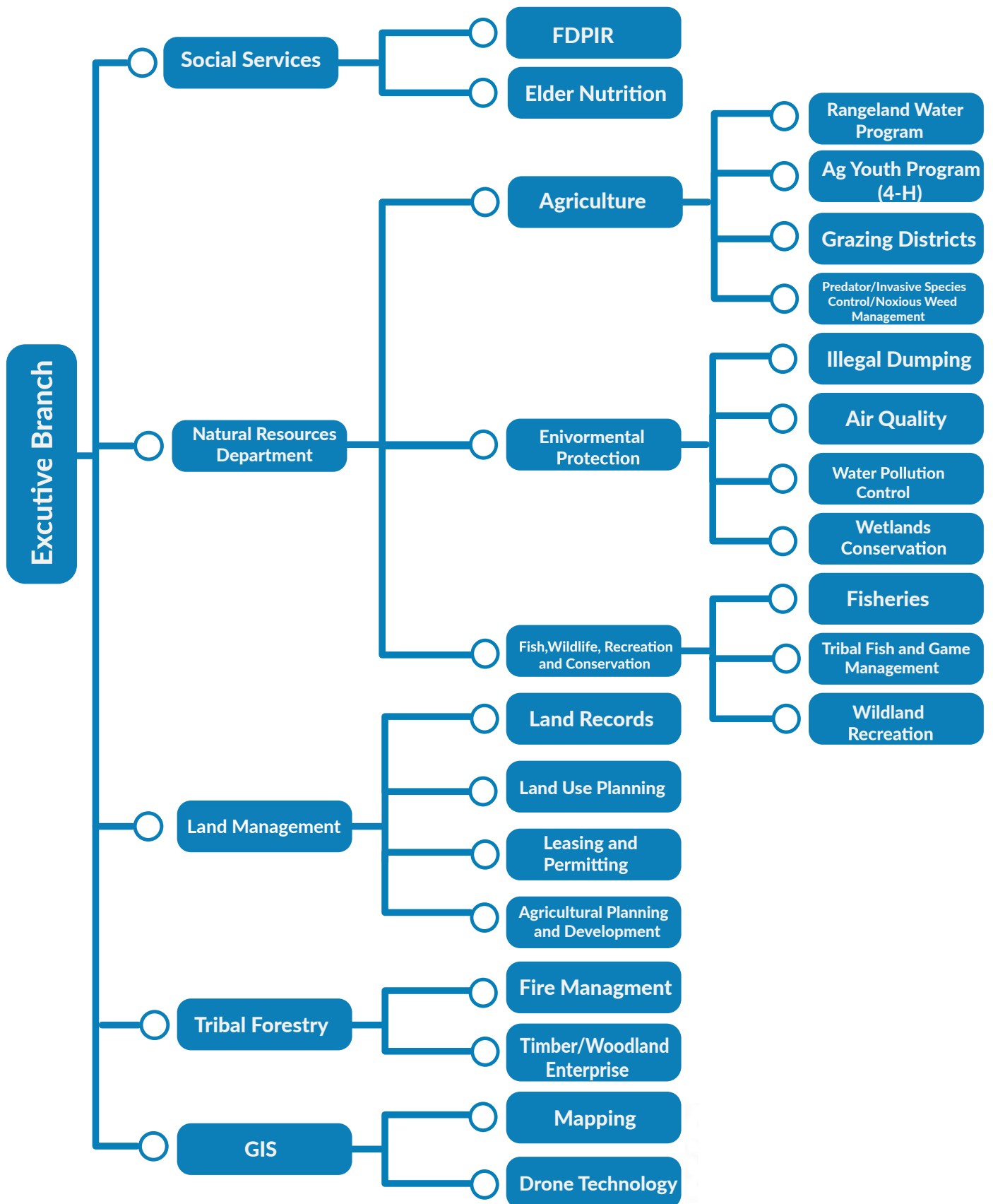
Example of Department of Agriculture Chart 2



Example of Department of Agriculture Chart 3



Example of Department of Agriculture Chart 4





Position Descriptions

To staff a department of agriculture, Tribes should design position descriptions detailing the responsibilities and scope of positions to be staffed. On the following pages are example position descriptions for a director and assistant director of a Tribal department of agriculture. These position descriptions can be adapted based on information from resource banking efforts, Tribal priorities, and internal human resources standards.

Director Position Description

Position Title: Director
 Program: [Tribe] Department of Agriculture
 Term: Full Time

Location: _____
 Start Date: _____
 Salary: _____

Position Overview

The Director of the [Tribe/Nation Name]’s Department of Agriculture is responsible for planning, developing, and implementing agricultural projects and initiatives within [Tribal Nation]. The Director supports the vision and action plan outlined in the relevant guidance such as relevant Tribal statutes, an Agriculture Resource Management Plan, Food Sovereignty Plan, Climate Adaptation Plan, and other goals or objectives set by the Tribal executive leadership, Tribal Council/Business Committee, community stakeholders, and/or advisory boards.

Key responsibilities include working with Tribal agriculture producers to understand the current state of agriculture, providing departmental support to help producers access relevant information and federal programs, and analyzing and developing policies applicable to producers and agricultural resources of [Tribe]. The Director represents Tribal agricultural interests in communication with Tribal, federal, and state agencies and advises the Tribal Council on policies impacting agriculture within [Tribe’s] reservation. The Director is responsible for forming productive relationships with local, state, and federal entities to enhance economic development opportunities in agriculture through various funding sources. The Director will also ensure that department projects align with referenced guidance, and will work with Tribal leadership, Tribal Council and/or the advisory board to assess the plan’s status annually.

Principal Duties and Responsibilities

- Reporting to Tribal leadership, Tribal Council/Business Committee and/or the advisory board informed on agricultural issues and developments as scheduled or by request
- Provide technical assistance and outreach to agriculture producers within [Tribe]
- Oversee the implementation of departmental goals as defined in the referenced guidance
- Develop and manage budgets, including Tribal, federal and private grant funds
- Administer federally funded programs, including budgeting, reporting, and recordkeeping
- Prepare reports, conduct policy analysis, and provide updates to Tribal Council
- Collaborate with federal, state, and Tribal departments to deliver programmatic support to producers
- Implement department goals and objectives as directed by Tribal leadership
- Work with USDA, BIA and other federal departments, agencies and programs to reduce barriers in federal program delivery, including rangeland management, leasing and conservation efforts
- Represent [Tribe] and Tribal producers in national committees, advisory boards, and other civic bodies regarding agricultural issues
- Oversee dissemination of relevant information to community through various channels
- Travel regularly within and occasionally beyond the reservation boundaries as required
- Other duties as assigned

Qualifications and Skills

- Minimum: Bachelor’s degree (BA/BS) in agriculture, natural resources, or a related field
- Preferred: Master’s degree in agriculture or a related field
- Experience securing and administering funding
- At least two years of management experience

Assistant Director Position Description

Position Title: Assistant Director
 Program: [Tribe] Department of Agriculture
 Term: Full Time

Location: _____
 Start Date: _____
 Salary: _____

Position Overview

The Assistant Director will support the [Tribe's] Department of Agriculture Director in planning, development, and implementation of agricultural projects within [Tribe]. This role involves collaborating to advance the Department's visions, as outlined in the relevant guidance, such as the Agricultural Resource Management Plan, and other goals established by Tribal executive leadership, Tribal Council and/or the advisory board, pursuant to the direction of the Director.

Primary responsibilities include working with local agriculture producers to understand the current state of agriculture, providing support in accessing federal programs, and offering education and outreach on agricultural policies affecting producers. The Assistant Director is expected to be available onsite to offer support to producers and community members and participate in meetings to provide updates to relevant groups and advisory boards.

Principal Duties and Responsibilities

- Provide direct technical assistance and outreach to agricultural producers within [Tribe Name]
- Assist the Director in implementing goals as defined in the ARMP or relevant plan
- Support the development and management of budgets, including Tribal, federal, and grant funds, as well as associated record keeping
- Prepare reports, analyses, and updates for Tribal leadership, Tribal Council/Business Committee, and/or the advisory board
- Collaborate with Tribal departments, federal agencies, and community organizations to support producer needs and advance department objectives
- Disseminate agriculture-related information through various community channels
- Organize meetings with producers to gather feedback and offer technical assistance
- Travel within the reservation, with occasional off-reservation travel
- Additional duties as assigned to support department goals

Qualifications and Skills

- Bachelor's degree in agriculture, natural resources, or related fields, or equivalent experience
- At least five years of experience in Tribal or general agriculture
- Knowledge of Tribal land tenure systems and related processes
- Strong administrative, interpersonal skills, public speaking, and communication skills
- Ability to collaborate effectively with producers from diverse backgrounds
- Ability to work productively with government agencies and external partners
- Proficiency in Microsoft Office and Google Suite applications
- Strong report writing and documentation skills
- Excellent listening and critical thinking skills
- Valid driver's license

Public Relations

Employees of the Department of Agriculture are expected to maintain a professional appearance and engage with the public courteously and cooperatively, representing the Department positively within the Tribal agricultural community and among co-workers. Maintaining an optimistic and considerate attitude is essential in interactions with producers and community members.

Establishing a department of agriculture is a foundational step to asserting governmental authority and systemically promoting agriculture. A dedicated department can centralize food production service delivery, and policy-related activities after careful planning. A cohesive approach in managing these resources and policies creates a foundation for long-term stability and success rooted in the Tribe's unique goals and priorities.

By implementing the Model Code's "Chapter One: General Provisions," Tribes can exercise sovereignty, support economic development, improve resource management, enhance food security, and provide a clear statutory framework for agricultural activities.



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Model Code – Chapter Eighteen: Agricultural Labor



This chapter's comprehensive model for agricultural labor was developed based on a variety of codes from other jurisdictions. It encourages Tribes to consider their current food system and labor force (e.g., migrant/seasonal workers, Tribal citizens, non-Tribal citizens) when incorporating a comprehensive agricultural labor code. The Model Code language in this title offers Tribes a flexible framework to adopt or adapt according to their needs.

How does this provision support Tribal governance in food systems?

1. Defines Agricultural Labor:

- This chapter details which types of workers are considered agricultural labor, based on a preceding definition of agriculture. The code can be modified to define agricultural labor as what the Tribe deems appropriate or align with provisions it may have previously adopted.
- Additional language may be added to the code to exempt or differentiate treatment of certain classes of workers. Examples include family member labor on agricultural enterprises held by Tribal citizens, labor provided through Tribal reintegration programs, or those in youth or experiential work programs.

2. Exemptions for Agricultural Employers:

- The chapter discusses exemptions from minimum wage laws for farms meeting certain conditions. This portion of the code may be particularly relevant if a Tribe has adopted its own minimum wage law that does not contemplate exemptions for agricultural labor, helping Tribal agricultural operations manage labor costs.
- This section also covers exemptions from workers' compensation insurance requirements under specific conditions, potentially reducing operational costs for Tribal farms.

3. Protections for Agricultural Workers:

- This section also includes provisions related to migrant farm laborers, who are often employed for seasonal work like crop harvesting. The statutory language promotes fair treatment and working conditions for migrant workers.
- Some state codes extend additional protections for agricultural workers, which Tribal Nations may choose to incorporate into their labor code to enhance worker welfare.
- It also provides guidelines for the formation and operation of agricultural employee organizations, ensuring that workers have a platform to voice their concerns and negotiate working conditions.

4. Exemptions and Requirements:

- Tribes may choose to provide exemptions to minimum wage requirements for qualifying agricultural operations, aligning with federal law excluding agricultural operations from these requirements.
- The chapter also addresses the exclusion of agricultural workers from overtime requirements under federal law, giving Tribes the option to follow this exclusion or require overtime pay for hours worked over 40 hours per week.

By implementing “Chapter Eighteen: Agricultural Labor” from the Model Code, a Tribal government can promote fair labor practices, enhance economic efficiency, promote legal compliance, and protect the rights of agricultural workers. This chapter provides a solid foundation for developing comprehensive and effective agricultural labor codes that align with the Tribe’s goals and values.



Model Code – Chapter Nineteen: Agricultural Business Entities and Uniform Commercial Code



The [Uniform Commercial Code \(UCC\)](#)-focused chapter of the Model Code provides a detailed guide on the formation and regulation of agricultural business entities within a Tribal framework. It emphasizes the importance of consistent regulations to manage financial transactions and protect the interests of both debtors and creditors. The chapter also discusses the adoption of the UCC and the [Model Tribal Secured Transactions Act \(MTSTA\)](#) to support economic development in Indian Country.⁵ Adoption of widely accepted uniform or model codes reduces the risk of uncertainty across jurisdictions and promotes uniformity of legal application. This consequently reduces barriers and hesitancy of external partners to engage in business activities within the Tribal jurisdiction, due to unfamiliarity or perceived risk.

How does this provision support Tribal governance in food systems?

1. Formation of Agricultural Business Entities:

- The chapter offers sample text for enabling legislation addressing business and non-profit entity formation under Tribal law, including general partnerships, limited partnerships (LP), limited liability partnerships (LLP), limited liability companies (LLC), corporations, non-profit corporations, and cooperatives. Each is described by its ownership structure, liability, financing, and tax implications.
- Forming a business entity legally separate from individual owners offers liability protection and financial certainty, which are crucial for fostering economic development. Federal tax benefits and exemptions may also trigger depending on which form of business organization is selected.

2. Uniform Commercial Code:

- As a set of laws, the UCC governs commercial transactions with a goal of commonality and consistency in commercial dealings across jurisdictions.⁶ These transactions include the sale, lease, and transfer of personal and commercial

property. Consistency supports a common understanding of commercial transaction rules and protects the rights of parties involved in financial transactions.

- The UCC has been adopted in all 50 states and many Tribal jurisdictions. Tribes may adapt the UCC for cultural or Tribally specific practices, waivers of sovereign immunity, and federal regulations unique to Indian Country.

3. Model Tribal Secured Transactions Act:

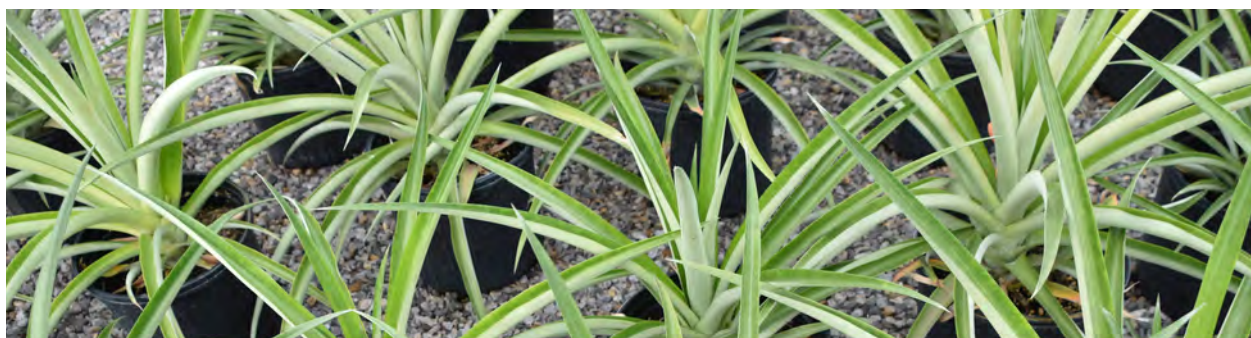
- This legal tool is specifically designed to address the nuanced needs of Tribal secured transactions⁷ while providing familiarity to outside creditors. The Model Tribal Secured Transactions Act (MTSTA) offers a tailored framework for secured transactions, ensuring that Tribal laws are compatible with broader commercial practices.⁸
- Adopting the MTSTA can help Tribes foster economic development by providing a clear and consistent legal framework for secured transactions. Familiarity with code frameworks can reduce external partners' or investors' perceived risks and support agricultural producers.⁹

Tribes implementing the Model Code's "Chapter Nineteen: Agricultural Business Enterprises" provisions can establish a statutory framework that supports economic development, protects agricultural producers, and ensures compatibility with Tribal practices and broader commercial laws. This chapter is essential for any Tribe interested in enhancing economic infrastructure and promoting agricultural economic development.

These three Model Code chapters are the first statutory framework tools Tribal governments should consider for policy-based support to enhance their agricultural sector. These chapters provide a foundation in developing governance over the Tribe's food and agriculture practices, services, and industry. Once adopted and implemented, Tribes are better able to assert sovereignty, promote economic development, and ensure the well-being of their citizens.

Further, adoption of the Model Code chapters supports Tribal efforts to grow food and agriculture systems that reflect the unique cultural and economic needs of their specific communities. With these tools, Tribal governments strengthen their governance, support local entrepreneurs, and improve food security for their citizens through greater resource management.

At its core, the Model Code is a strategic guide to build a resilient and thriving agricultural sector in Indian Country. By starting with these foundational chapters, Tribes can lay the groundwork for long-term success and self-determination, ensuring their agricultural policies and practices align with their values and goals.



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Tribal Conservation Districts

A county-level conservation district is a local governing entity that helps landowners and communities manage and protect natural resources like soil, water, forests and wildlife. Conservation districts are the focal points for technical and financial assistance, often from federal agencies like the [U.S. Department of Agriculture](#)'s (USDA) [Natural Resource Conservation Service](#) (NRCS), to promote sustainable land use, reduce erosion, improve water quality, and support conservation education.

First developed at state government levels in response to the Dust Bowl of the 1930s, nearly 3,000 conservation districts work to improve conservation and stewardship of natural resources at the county level today.¹⁰ Given the nearly century-long existence of conservation districts, there are numerous resources available to learn about their impact and services. Those entities include:

- [Indian Nations Conservation Alliance](#) (INCA) – A nonprofit 501(C)3 organization established in 2002, INCA promotes community-based and locally-led conservation activities by establishing and supporting Tribal conservation districts.
- [The National Association of Conservation Districts](#) - The national organization for 3,000 local conservation districts.
- [The National Association of State Conservation Agencies](#) - A coalition of state conservation agencies that operate state environmental, sediment control, and soil erosion prevention programs.
- [The National Conservation Districts Employees Association](#) – The Association exists to serve conservation district employees with technical knowledge about programs, policies, and procedures. The Association offers resources to facilitate improved service delivery and professional development for employee members.



Tribal Conservation Districts: Supporting Food Systems and Agricultural Production

While Tribes can form their own, there are relatively few Tribal conservation districts (TCDs), with just over 45 TCDs currently operating across 13 states.¹¹ If organized under Tribal law, TCDs are a valuable tool Tribal governments can use to steward natural resource priorities.

Like their county-level counterparts, TCDs create a conservation-focused partnership between the Tribe and NRCS for funding and other activities, facilitating the improvement of Tribal lands by promoting the conservation and management of natural resources such as soil, water, wildlife, and forests. Because TCDs are reflective of a Tribe's governing structure and interests, they may also infuse local and traditional knowledge into land stewardship and management in their jurisdictions. Further, TCD board members and staff serve as a technical resource for conservation efforts on Tribal lands while providing intra-Tribal coordination to various departments and parties in the government. TCD board members and staff are often responsible for coordinating assistance from NRCS and other federal, state, local and private sources dedicated to conservation activities.

Tribal conservation districts may be formed as an entirely independent entity from the government or may exist as a sub-entity of the Tribe. The status of the TCD will impact its eligibility for funding solicitations, implement programs, and to hire employees that collaborate with Tribal government departments in other sectors.



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TCDs in Action: Duck Valley Conservation District Example

Tribes who have formed their own TCDs have seen success in their efforts. The [Shoshone-Paiute Tribes of the Duck Valley Indian Reservation](#)'s conservation district along the Idaho and Nevada borders is one example. Formed by the Tribes in 1954 under state law, the Duck Valley Conservation District was the first of its kind.¹² As chronicled by [NRCS in 2020](#), this TCD partnered on a significant infrastructure project to improve water access to one third of its reservation's 12,777 acres of irrigable land that was serviced by canals. The reservation's irrigation system was hampered by years of deferred maintenance – a common challenge on many Tribal reservations.¹³ As noted by NRCS, the Tribes faced further obstacles in getting water to its producers, many of whom rely on income from grazing leases or their own cattle herds.

“One of the challenges to creating a more efficient irrigation system was to find water sources for the cattle while keeping them out of the canals and ditches, further degrading the infrastructure. The irrigation system must be drained in the winter to prevent damage from freezing temperatures, but this leaves no water for the cattle. Similarly, if the open ditches were changed to pipelines as part of the [Regional Conservation Partnership Project], the cattle wouldn't have water in the summer.”¹⁴

A partnership between the Tribal government, the TCD and other local partners resulted in the Duck Valley Conservation District capturing a \$3 million [Regional Conservation Partnership Program](#) (RCPP) award to upgrade irrigation systems, remove livestock from riparian areas, and restore stream banks. The partnership funding was also the first of its kind awarded to a Tribe. Through the TCD, the Tribe improved access to drinking water while also ensuring a reliable source of frost-free water for cattle in the winter.

TCDs in Action: Choctaw Nation Tribal Conservation District Example

The Choctaw Nation of Oklahoma has turned its TCD into a resource providing several services, such as soil analysis and technical assistance, to local producers. In a novel approach, it also rents out heavy equipment for conservation projects, cutting down on input costs to producers directly related to conservation opportunities in the Tribe's reservation. Through its cost-sharing agreements with NRCS, the Choctaw Nation TCD provides additional financial support for land stewardship practices that can be implemented throughout its jurisdiction.¹⁵

TCDs in Action: Blackfeet Natural Resource Conservation District Example

The Blackfeet Natural Resource Conservation District (BNRCD) was formed in 1996 to fill a gap in representation left by county conservation districts overlapping the Blackfeet Reservation in Montana. The BNRCD opened access to federal conservation programs for Tribal producers and landholders. Prior to its formation, Tribal farmers and ranchers struggled to understand and apply for USDA and NRCS programs due to limited outreach and education. County-level conservation districts did not adequately represent Tribal interests, prompting Tribal producers to establish a district that could advocate for the Blackfeet community's unique needs and perspectives.¹⁶

One of the BNRCD's earliest challenges was building relationships with neighboring county conservation boards and federal agencies. The BNRCD had to navigate unfamiliar territory, forming strategic partnerships and conducting outreach to ensure Tribal producers could access technical assistance and funding.

In recent years, BNRCD has tackled significant resource issues. Those issues included updating 1960s-era rangeland data to correct lease rates and addressing water management, the latter of which had long plagued the reservation's producers due to deferred maintenance.¹⁷ BNRCD also developed the Blackfeet Agriculture Resource Management Plan that guides sustainable agriculture, water use, and land management across the reservation.

The goals, organizational structure, and methods of the approximately 45 TCDs nationwide vary. Yet, their presence provides a greater input to producers, landowners and citizens on resource management priorities at the local, Tribal level.

While establishing Tribal conservation districts can require concerted effort, there are a variety of examples available for guidance. Further, technical assistance providers like the Indian Nations Conservation Alliance may provide further support. The resources that follow in this section are a starting point for Tribes considering the development of a Tribal conservation district.

Tribal Conservation District Resources: TCD Formation Checklist

Establishing a TCD requires collaboration and strategic planning rooted in the community's values and needs. Before policies are drafted or partnerships formed, Tribal leaders, landholders, and producers must work together to assess environmental priorities, resource needs, and the community goals that will shape conservation efforts. This is not solely an effort to draft regulatory standards. The creation of a TCD forges a path for Tribal sovereignty in land stewardship, accessing technical support from federal agencies, and preserving the community's ecological resources. This step-by-step process offers guidance on planning, organizing, and initiating a Tribal Conservation District that reflects both tradition and innovation.



Tribal Conservation District Resources:

TCD Formation Checklist

Establishing a TCD requires collaboration and strategic planning rooted in the community's values and needs. Before policies are drafted or partnerships formed, Tribal leaders and producers must work together to assess environmental priorities, resource needs and the community goals that will shape conservation efforts. This is not solely an effort to draft regulatory standards. The creation of a TCD forges a path for Tribal sovereignty in land stewardship, accessing technical support from federal agencies and preserving the community's ecological resources. This step-by-step process offers guidance on planning, organizing, and initiating a Tribal Conservation District that reflects both tradition and innovation.

Step 1: Determine the purpose of the TCD.

- Some Tribes focus on conservation management to improve soil health, water quality, forest health and/or wildlife conservation. Recently, some Tribes chose a conservation district format to oversee and implement their ARMP.

Step 2: Decide on the geographic location to be served.

- How much or little of the Tribe's land should the TCD serve?
 - A small agricultural sector?
 - A particularly important forest, watershed, or other natural resource?
- Almost any geographic location can be served, with explicit clarification of land base that the TCD governs versus non-TCD land.

Step 3: Decide how the TCD will be formed.

- Will the TCD be an entity under the Tribal government or an independent agency of the Tribe?

Step 4: Will the TCD be governed by a board, and if so, how will it function?

- Will the board operate as a council where all votes are equal or where unanimous consent is required?
- Will there be a chair or director tasked with administration and decision-making?
 - If so, will there be a non-voting or advisory board to be available for advice and consent?

Step 5: Decide how the governing or advisory board will be formed.

- How many seats will form the board?
- Will there be special designations or eligibility for those seats?
- Will the Tribal government appoint board members?
- Will some board seats be automatically seated with Tribal Council representatives, Tribal staff, designated elders, or representatives from Tribal community groups?
 - For instance, will they specifically represent by district, by committee or subcommittee leadership, Tribal program or department like agriculture, realty service/land management, historic preservation, environmental, etc.
- Will there be requirements for board service such as experience, land ownership or control status, education, minimum age, etc?
- Will there be any seats reserved for community members or affinity group leadership?
 - Examples include local farmer/rancher coalitions, landowners' associations, elders' councils, or any other relevant group.

Step 6: Decide how to support and fund the TCD.

- Will funding and support come from the Tribe? If so, will it be a one-time appropriation to start the operation or will there be continuous funding support? For what purpose will the funds be designated for use (salary, board stipends, office space, vehicles, equipment, supplies, incentive payments, or other operating expenses)?
- Should the Tribe add a fee charge to each lease agreement to support TCD activities that would benefit the land?
- Are TCD activities revenue generating and if so, should those revenues be placed in a revolving fund for the TCD to use?
- Will the TCD or Tribe in partnership with or on behalf of the TCD apply for grants, gifts, or loans?
- Will the Tribe negotiate funding support for the TCD in their self-governance agreements with the BIA?

Step 7: Draft a resolution.

- Organize the criteria that informs the parameters of the TCD and refer to it in a resolution in the appropriate format as required by the Tribe. Consider identifying an elected sponsor for the resolution and working with that Tribal representative to finalize the draft. Additional code may also be developed to provide a regulatory framework or statutory guidance that describes the role and responsibility of the TCD beyond its formation.

Step 8: Submit the resolution to the Tribe's legislative body for a vote to adopt (Tribal Council, Business Committee, or General Council, for example).

- Look through the Tribe's rules and regulations regarding resolutions and go through the appropriate steps to ensure that the resolution goes through the proper channels.
- Legislative or Tribal legal counsel may need to review the resolution prior to submission. The resolution may need to be considered by committee prior to a vote by the full council. The Tribe's General Assembly (all eligible Tribal citizen participants) may need to vote on the matter depending on the Tribe's governance structures.

Step 9: Seat the board.

- Solicit nominations and/or make board seat selections.
- Announce the membership of the board.

Step 10: Once seated, the Board should create governing TCD bylaws.

- Bylaws can include the composition of the board, how it is to function, etc.
- Much of the subject matter to be included in the bylaws may have been decided earlier in the process. It now needs to be drafted into the bylaws for formal adoption.

Step 11: Hire TCD staff.

- This step is optional. Some TCDs operate without employees, however, most hire a manager or director and program staff to offer technical assistance and perform work on conservation projects, plans or assessments.

Step 12: Develop a Mutual Agreement with NRCS.

- A mutual agreement, like a memorandum of agreement, provides a detailed framework of how the TCD and the NRCS will work together in order for the TCD to maximize the benefits USDA-NRCS can provide.
- The Tribe should contact their local NRCS Tribal liaison. If a local liaison is not available, the State Tribal Liaison or the State Conservationist may be contacted.
- Finalize the content of mutual agreement and begin execution of the agreement. The Tribe/TCD must sign as well as NRCS counterparts. Follow the appropriate internal Tribal processes to execute an agreement.
 - This may require review by the Tribe's attorney or approval by executive or legislative leadership. An approved mutual agreement must also be signed by the U.S. Secretary of Agriculture.

Step 13: The TCD is ready.

- The body is now functional and can begin Implementing the TCD in accordance with the resolution, bylaws, and mutual agreement that has set forth the endeavor.





Tribal Conservation District Resources: Creating a TCD as a Legal Entity

Once planners have decided on a purpose and structure for a Tribal Conservation District, ensuring it is codified as legal entity under Tribal law is the next step. The Tribe's governing body may pass a resolution establishing the conservation district. The establishing resolution should include the TCD's purpose, the areas served, and the functions and structure of its governing board. The resolution should also list the eligibility criteria for board members serving on the TCD.

Tribes may appoint board members at-large or include specific representation. Seats may also be reserved for representation from Tribal community groups like landowner associations, farmer and rancher coalitions, or other relevant Tribal affinity groups. Board seats may also be correlated to specific geographic areas.

The resolution may also specify staffing and funding support provided by the Tribe. It should also clearly indicate if the TCD is organized as a Tribal government unit or an independent agency of the Tribe. If the latter, the resolution should explicitly state if the conservation district is subject to, or under limited oversight, by the Tribe.

Resource: The Indian Nations Conservation Alliance (INCA) has developed free resources for Tribal Nations wishing to create a TCD, including an example resolution that Tribes can customize and format to fit their own resolution process.¹⁸

The resolution may also specify staffing and funding support provided by the Tribe. It should also clearly indicate if the TCD is organized as a Tribal government unit or an independent agency of the Tribe. If the latter, the resolution should explicitly state if the conservation district is subject to, or under limited oversight, by the Tribe.

Resource: The Indian Nations Conservation Alliance (INCA) has developed free resources for Tribal Nations wishing to create a TCD, including an example resolution that Tribes can customize and format to fit their own resolution process.

Tribal Conservation District Resources:

Bylaws for Board Actions

Once appointed and seated, the TCD board will create bylaws, which are a set of rules by which an organization will operate. They govern board actions and delineate roles, responsibilities and obligations for members and officers. The TCD has discretion over what provisions are included in their respective bylaws.

Provisions such as the composition of the board by reference to the enabling Tribal resolution, frequency or schedule of board meetings, notice requirements, and voting rules are typically included.

An example of TCD board bylaws from Indian Nations Conservation Alliance is included [here](#) for reference.¹⁹ Like the sample resolution referenced above, these sample bylaws are a starting point and should be tailored to the specific needs, goals, and circumstances of the Tribe and/or TCD.

Connecting with Federal Assistance

Once organized in purpose, under Tribal law and governed by established bylaws, the TCD should connect with the state NRCS Tribal Liaison or designated NRCS staff on a Mutual Agreement with the Tribe, TCD, and USDA-NRCS. These agreements allow TCDs to maximize benefits NRCS program and service delivery while establishing formal recognition by the federal agency.²⁰ Outreach to these officials along with the NRCS State Conservationist should begin early in the process of developing a mutual agreement. Mutual agreements must be approved by the U.S. Secretary of Agriculture or their designee, which can take time. Until that approval occurs with the Tribe, TCD, and USDA-NRCS, the agreement cannot be formalized or implemented.

Mutual Agreements also create a conduit for the TCD to administer NRCS programmatic opportunities and access federal technical assistance to implement conservation activities in the jurisdiction. A formal agreement also supports the TCD's ability to execute subsequent NRCS funding agreements, including an Alternative Funding Agreement (AFA). These direct funding agreements are between a Tribe or TCD and NRCS. An AFA can focus on the administration of select conservation activities across lands within the geographic jurisdiction of the Tribe. AFAs also can facilitate a single "enrollment" of all eligible Tribal lands in the specified conservation practices without requiring multiple applications by individual Tribal landowners, lessees, or the Tribal government on lands held in trust for the benefit of the Tribe.

Tribal conservation districts can be a powerful tool to champion Tribal priorities for local conservation efforts. This pathway supports collaboration between a Tribe and NRCS and can funnel technical assistance, financial support, and relevant education to Tribal governments and communities in support of conservation priorities.



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Resource Sharing Agreements

In many rural communities, the path toward resilient agriculture and food systems is often strengthened by partnerships that reach beyond Tribal trust lands. Non-Tribal individuals, organizations, and government entities, whether local, county, or state, frequently hold valuable resources, technical expertise, and infrastructure that can support Tribal-led development efforts. These external collaborators may play a crucial role in complementing Tribal knowledge and goals, offering tools, funding, and shared capacity to address complex challenges ranging from land stewardship to food security. When coordinated thoughtfully and respectfully through a resource sharing agreement, these partnerships honor Tribal sovereignty and support rural American communities, both Native and non-Native alike.

A resource agreement is between two or more parties in areas of shared interests. For Tribes, they can optimize the use of shared resources by specifying the terms and conditions under which Tribal, federal, state, and local entities cooperatively manage resources in a mutually beneficial manner. They can directly address common challenges, enhance efficiency, and promote sustainable practices.

Although Tribes can choose to address resources like land and water, they are not limited to those considered solely agricultural. They can also include resources like equipment, staff, software, office space, data management tools, and more. These agreements assist in avoiding the duplication of effort, offer potential cost savings, and increase capacity for larger projects, especially in rural areas. Further, they strengthen partnerships through the exchange of knowledge and skills.

Addressing common challenges collaboratively can result in improved service delivery and support in Tribal jurisdictions, often extending even beyond Tribal stakeholders in the community.

Documents known as Memoranda of Understanding (MOU) guide these agreements by addressing the parties' shared resource and geographic concerns while establishing a solid framework for cooperation. An MOU is not a legally binding or enforceable agreement. Yet, an MOU can still be valuable to formalize a partnership and serve as an operating guide. A quality MOU will provide clear communication, expectations, and mutual understanding between all parties. Tribal governments can leverage MOUs to collectively manage natural resources, boost local food production, support and oversee information sharing, aid in implementation, and coordinate enforcement. MOUs can also uphold and strengthen important cultural traditions best fitting a Tribal community's unique goals.

MOU Intra-Tribal Template

These documents can and should be adapted to accommodate the different needs Tribes encounter in stewarding lands and sharing resources. Their language will differ based on included parties, relevant resources, priorities, and other considerations.

Below is a template example between two Tribes, with identifying information removed.

MEMORANDUM OF UNDERSTANDING Between [Tribe 1] And [Tribe 2]

Purpose:

This Memorandum of Understanding (MOU) establishes a framework for cooperation and resource sharing between [Tribe 1] and [Tribe 2] to support [Tribal agriculture and nutrition concerns]. This MOU outlines terms and conditions under which staff and resources will be shared between the two Tribes.

Scope:

1. Staffing Arrangement:
 - o A staff member from [Tribe 1] _____ program will be stationed at the [Tribe 2] _____ program office.
 - o A staff member from [Tribe 2] _____ program will be stationed at the [Tribe 1] _____ program office.
 - o The staff members' salaries will be funded as follows:
 - [Tribe 1]: ____% of the salary for the staff member stationed at [Tribe 2].
 - [Tribe 2]: ____% of the salary for the staff member stationed at [Tribe 1].
2. Roles and Responsibilities:
 - o [Tribe 1]:
 - Provide funding for the staff member's salary as outlined above.
 - Provide office space and equipment for referenced staff member.
 - Ensure the staff member has the necessary resources and support to fulfill their duties.
 - Collaborate with [Tribe 2] to identify priorities and goals for the initiative.
 - [Insert additional deliverables.]
 - o [Tribe 2]:
 - Provide funding for the staff member's salary as outlined above.
 - Provide office space and necessary resources for the staff member.
 - Ensure the staff member has the necessary resources and support to fulfill their duties.
 - Collaborate with [Tribe 1] to identify priorities and goals for the initiative.
 - [Insert additional deliverables.]
3. Resource Sharing:
 - o Both Tribes agree to share resources, including but not limited to, office space, equipment, and materials necessary for the initiative.
 - o A detailed inventory of shared resources will be maintained and regularly updated.
4. Duration:
 - o This MOU will be effective from [start date] to [end date], unless terminated earlier by either party with [number] days' written notice.
5. Evaluation and Reporting:
 - o Both parties will regularly evaluate the progress of the initiative and make adjustments as necessary.
 - o Regular reports will be submitted to [designated officials] to ensure transparency and accountability at the following frequency: [Annually, Bi-annually, Quarterly, Monthly.]
6. Amendments:
 - o Any amendments to this MOU must be made in writing and signed by both parties.



Tribal Secured Transactions

Tribes can also leverage resource sharing agreements to facilitate something known as secured transactions.²¹ In 2005, [the Uniform Law Commission](#) (ULC) published the Model Tribal Secured Transactions Act (MTSTA) which sets forth rules necessary to govern lender/borrower or other creditor/debtor relationships. The Model Act was updated in 2017 to incorporate agricultural liens.²²

For agricultural producers in Indian Country, these code updates were interventional for many credit-starved communities. Where rules are unclear, creditors may perceive additional risk. This may result in an outright refusal to do business or, alternatively, increase the cost of transactions to offset the perceived risk. Tribes that clarify and consistently implement these rules encourage economic development. By mitigating the uncertainty, Tribes can support access to credit within their jurisdictions.²³

Publicly accessible central filing systems are a crucial component of secured transaction law. Under the MTSTA, creditors/lenders file financing statements with the appropriate office to provide notice of their security interest in the property of a debtor/borrower, also referred to as collateral. This makes their interest in the collateral prioritized over the interests of most others.²⁴

For example, if a borrower offers collateral of a stock trailer to secure a loan from a bank, the bank may file a financing statement reflecting its interest in that collateral. Should the borrower fail to pay, the bank will have priority rights to leverage the collateral to recoup the benefit of the bargain. If the borrower fails to pay multiple lenders or creditors, the bank will generally have a priority interest above any of the other creditors/lenders that may seek to assert a claim on the borrower's property to recoup their losses.

The MTSTA recognizes three ways in which Tribes may choose to handle filing systems for secured transactions, including establishing their own filing system, collaborating in a multi-jurisdictional filing system, and participating in an existing state filing system.²⁵ The expense of implementing and maintaining a central filing system may be cost-prohibitive for some Tribes. Many can avoid the affiliated costs of standing up their own central filing system and benefit from an established state framework by entering into a written agreement with that respective state office.

The ULC highlights some successful agreements where states provide ministerial services while acknowledging Tribal sovereignty and supporting Tribal laws.²⁶ It also provides a sample template for a Joint Sovereign Filing System MOU, while supplying a [copy of the compact](#) between Crow Tribe of Indians/Apsáalooke Nation and the Office of the Montana Secretary of State for a Joint Sovereign Filing System.²⁷

Whether engaging with neighboring towns, county agencies, federal institutions, non-profits, or academic collaborators, these agreements allow Tribes to articulate priorities, responsibilities, and shared visions in ways that reflect local context and cultural values. Well-crafted MOUs serve as a powerful framework for Tribal governments and TCDs to shape meaningful, multi-directional partnerships. MOUs will differ—each can be tailored to the unique landscape of community goals, capacity, and resources. By embracing collaboration through resource-sharing arrangements, Tribes amplify existing frameworks with new opportunities for stewardship, innovation, and food system resilience across their jurisdictions.



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Federal Programs and Opportunities

Tribes may also choose to pursue federal programs to support and develop agricultural resources. Some federal programs exist to specifically serve Tribes. Others have wider eligibility criteria or support individuals like farmers or ranchers, food processors and entrepreneurs. These programs are created by Congress or, sometimes, by presidential directive. Administration of the programs is informed by regulations developed to assist federal agencies in carrying out Congressional directives. These regulations detail processes program participants should comply with and rely on for guidance. The combination of statutes, regulations, and programmatic efforts lay the groundwork for Tribes to pursue these funding pathways.

Both USDA and the U.S Department of the Interior (DOI) created guides to help identify opportunities available in Indian Country. They are not comprehensive, as program availability may change depending on funding and the creation of new programs or “sunsetting” of old programs. Still, the guides are valuable as a starting point.

Laws like the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act) and the American Indian Agricultural Resource Management Act (AIARMA) provide additional pathways for federal opportunities.²⁸ Each statute is designed to bolster land and resource management processes while creating Tribally led frameworks.²⁹ Working knowledge of opportunities under the HEARTH Act or AIARMA can aid Tribal governments in governments exerting control over working lands and exercising food sovereignty.

Federal Resources: USDA Programs

Published in 2022, “[USDA’s Resource Guide for American Indians and Alaska Natives 2022](#)” provides an overview of programs, loans, grants, and other opportunities in which Tribes are eligible to participate.³⁰ Some are specifically for Tribes, while others have wider eligibility criteria but include Tribal participants as eligible.

This guide is not exhaustive and is subject to change as administrations and Congress adjust these programs. Yet it remains a great resource for its wide-ranging list of USDA programs available to Tribal governments, Tribal entities, and Tribal producers. Below is a selection of programs in this guide that Tribal governments can leverage in managing their agricultural resources.



Land Stewardship

- [The Conservation Stewardship Program \(CSP\)](#) is administered by [NRCS](#) and is open to Tribes interested in improving upon their existing conservation. NRCS offers technical and financial assistance to help agriculture and forest producers with conservation efforts. An agency planner assists applicants with establishing, adding, or increasing conservation practices if they awarded renewable, five-year contracts to participating producers. CSP offers three forms of payments:
 - Annual contract payments for maintaining existing conservation and implementing new practices;
 - Supplemental contract payments for adopting resource-conserving crop rotations or advanced grazing management;
 - And minimum contract payments for most participants.³¹

In 2024, the Southern Ute Tribe used CSP to secure an alternative funding arrangement for rangeland health conservation activities on the Tribal lands with NRCS.³²

- [The Conservation Resource Enhancement Program \(CREP\)](#) is administered by the [Farm Service Agency \(FSA\)](#) and may appeal to Tribes interested in targeting a specific environmental priority, such as water quality or habitat restoration. This grant program is a component of the [Conservation Reserve Program \(CRP\)](#). Applicants and agency staff develop CREP agreements, and once complete, they can receive financial incentives, including annual rental payments and cost-sharing assistance for establishing approved conservation practices. Eligible partners must provide matching funds for this program, the amount and type of which must be specified in the CREP agreement. A potential downside is that the land being improved must not be used for agriculture production for the time of the CREP contract.³³

In 2022, the Cheyenne River Sioux Tribe, the Oglala Sioux Tribe, and the Rosebud Sioux Tribe entered CREP agreements, enrolling eligible grass, pasture, and other agricultural lands within the boundaries of their reservations.³⁴

- [The Environmental Quality Incentives Program \(EQIP\)](#) is administered by NRCS and is a program for Tribes exploring ways to integrate conservation practices on working lands. It provides technical and financial assistance to address resource concerns, including water quality, soil health, habitat restoration, and disaster mitigation. Agency staff work with producers and landowners to plan conservation practices to be carried out by the program participants. When available, financial assistance may be provided to implement conservation practices, with Tribal program participants qualifying for advance payments, rather than submitting receipts and proof of completion for reimbursement and reduced cost-shares.

According to NRCS, Alaska Native Tribes, Native Corporations, Tribal entities, and individual Tribal producers receive the majority of EQIP funds in Alaska, accounting for nearly \$95 million deployed to address natural resource concerns in FY 2024.³⁵

- [The Conservation Innovation Grants Program](#) is a grant program promoting the development and adoption of innovative conservation technologies.³⁶



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The program is offered in three categories: Classic, On-Farm Conservation Innovation Trials, and State CIG Classic. Classic is a nationally competitive offering. On-Farm Conservation Innovation Trials offers funding to offset the risk of implementing innovative conservation practices and support evaluation of the impacts of the implementation of said practices. State CIG Classic is funding offered competitively but focused on addressing priority resource concerns as determined at the state level.

In 2023, Choctaw Nation of Oklahoma was awarded over \$700,000 to implement a drone technology program to assist in innovative land management techniques.

- [Tribal Forest Protection Act \(TFPA\) programs](#) are administered by the [U.S. Forest Service](#) within USDA and the [Bureau of Land Management](#), permitting Tribes to protect forest and range lands by entering agreements to implement conservation plans under the Tribal Forest Protection Act.³⁷ Under this law, the Secretaries of DOI and USDA may enter into agreements with Tribes to carry out eligible projects on Tribal lands and federal lands that:

- Either border or are adjacent to the Tribe's land and
- Pose a threat to Tribal lands, resources, or communities.

Eligible projects must cover lands at risk of fire, disease, or other threats and have no scheduled activity by the federal government that would address the risk. They must be designed to protect Tribal interests and be consistent with the land management plans for federal lands. Once approved, projects may be carried out under limited self-governance authority.³⁸

The Lac Vieux Desert Band of the Lake Superior Chippewa secured funding for a project to improve wild rice habitats called the Gete Miinikaanan (Ancient Seeds) Project. This project not only emphasizes conservation, but it also fosters food sovereignty and cultural preservation.³⁹



Agribusiness and Economic Development

- [The Farmers Market Promotion Program \(FMPP\)](#) is administered by the Agriculture Marketing Service (AMS) and could be suitable for Tribes interested in starting a farmers' market. It is housed under the [Local Agriculture Market Program \(LAMP\)](#) and according to the USDA, it “funds projects that develop, coordinate, and expand direct producer-to-consumer markets to help increase access to and availability of locally and regionally produced agricultural products.”⁴⁰
- FMPP offers four project types with a 25 percent matching fund requirement:⁴¹
 - Capacity Building—awards range from \$50,000-\$250,000;
 - Community Development Training and Technical Assistance—awards range from between \$100,000-\$500,000;
 - Turnkey Marketing and Promotion—awards range from \$50,000 and \$100,000; and
 - Turnkey Recruitment and Training—awards range from \$50,000 to \$100,000.

In 2023, the Mesa Grande Band of Mission Indians was awarded nearly \$100,000 to market the produce grown on Mesa Grande's Golden Eagle Farm. The goal of this project is to increase online sales, boost social media engagement, and encourage more on-farm visits and onsite purchases.⁴²

- [The Specialty Crop Block Grant Program \(SCBGP\)](#) is administered by AMS. Tribes interested in producing and selling specialty crops may consider applying. The block grant has no fund match requirements. Projects are eligible that address both regional and national level specialty crop issues including:
 - Food safety;
 - Plant pests and disease;
 - Research;
 - Crop-specific projects addressing common issues; and
 - Marketing and promotion.⁴³

Crops eligible under this program are defined under the Specialty Crops Competitiveness Act of 2004 as “fruits, vegetables, tree nuts, dried fruits, horticulture, and nursery crops (including floriculture).”⁴⁴ In 2024, the Ho-Chunk Nation Department of Agriculture, along with the University of Wisconsin-Madison, was awarded a \$99,000 SCBGP grant to increase and diversify vegetable production within the Tribe's jurisdiction.⁴⁵

- [The Local Food Promotion Program \(LFPP\)](#) is also administered by AMS and open to Tribes seeking to expand access to local food producers and businesses. This grant program offers four project types to applicants who can meet the 25 percent matching funds of the federal portion of the grant.⁴⁶ These projects can be for:
 - Planning;
 - Implementation;
 - Turnkey marketing and promotion; and
 - Turnkey recruitment and training.



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This program differs from FMPP by focusing on getting food products from producers to secondary markets, rather than direct-to-consumer activities.⁴⁷ In 2023, the Swinomish Indian Tribal Community in Washington captured a \$98,000 LFPP award to develop and expand the Tribal-owned Swinomish Shellfish Company to participate in regional shellfish markets.⁴⁸

- [The Beginning Farmer and Rancher Development Program \(BFRDP\)](#) is administered by the [National Institute of Food and Agriculture \(NIFA\)](#). Tribes interested in encouraging more people to start farming and ranching may utilize this program. BFRDP grants can be used to facilitate education, mentoring, and technical assistance for beginning farmers and ranchers. Projects can only be awarded for collaborative networks or partnerships with qualified public and/or private entities. Tribes are one of the eligible entities.⁴⁹ Applicants must provide 25 percent matching funds from non-federal sources. Match waivers may be requested if the awardee plans to serve an underserved area or population.⁵⁰
- In 2020, the Rosebud Sioux Tribe's Economic Development Corporation was awarded almost \$600,000 over three years to develop training and technical assistance for Tribes/Tribal members establishing new farming operations in South Dakota.⁵¹



Rural Infrastructure

- [The Community Facilities Direct Grant and Loan Program](#) is administered by [USDA Rural Development \(RD\)](#) and offers loans and grants to applicants to construct, expand, or improve essential community facilities in rural areas. Qualifying essential community facilities involving Tribal food and agriculture issues include projects improving utilities, transportation infrastructure, community gardens, food banks, greenhouses, and irrigation projects. This program has a graduated scale fund match requirement based on the community's population size and median household income beginning at 15% for larger communities of 20,000 or less and median household income below the poverty line and maxing out at 75% for communities with a population less than 5,000 with a median household income below the poverty line.⁵²

In 2020, the Bay Mills Indian Community received a \$6 million loan to construct a medical office building that would provide medical, dental, pharmacy, lab, imaging, behavioral health, optical, community health, and traditional healing services.⁵³



- [Water and Waste Facility Loans and Grants to Alleviate Health Risks on Tribal Lands](#) is another RD-administered funding program. For Tribes with limited access to safe drinking water and waste disposal services, this fund aims to serve low-income communities. Only areas where residents face significant health risks due to limited access to sufficient and affordable water or waste disposal are eligible. Funds can be used for projects designed to handle stormwater drainage as well. Matching funds are usually required, but some awards have been funded to cover 100% of the project.⁵⁴ In 2022, the Standing Rock Sioux Tribe received \$3 million to install a water main from Kenel, S.D., to the North Dakota border to extend rural water service to approximately 250 people on the reservation.⁵⁵
- [Solid Waste Management Grants](#) are another RD funding source available to Tribes seeking to reduce water pollution through projects that address pollution caused by solid waste sites. Eligible areas must be rural with a population of less than 10,000. Funds can be used to:
 - Identify threats to water resources;
 - Provide technical assistance and/or training to communities to divert waste from landfills;
 - Enhance the efficiency of active landfills; and
 - Prepare for closure of landfill sites and future uses.⁵⁶

In 2024, the Tribal Solid Waste Advisory Network, which serves 28 Indian Tribal Organizations (ITO) in the Pacific Northwest, received a grant to enhance Tribal solid waste programs through culturally appropriate training and joint program collaboration. The waste network assisted participating Tribes in addressing challenges impacting their solid waste reduction programs.⁵⁷
- [The Electric Infrastructure Loan & Loan Guarantee Program](#) is an RD-administered funding option for Tribes. The program offers funding to construct and improve electric distribution facilities and services. Projects may include maintenance, upgrades, or expansions of electric facilities, system improvements, replacements required to furnish and improve electric service in rural areas, energy efficient upgrades, and renewable energy systems.

Qualified borrowers may use the loans to finance up to 100 percent of the construction work plan. RD also has the discretion to issue hardship loans for applicants in rural areas recovering from unavoidable events, such as natural disasters.⁵⁸

In 2024, the program issued a \$76.5 million loan to support the construction of a 93.7-megawatt solar photovoltaic farm in the Red Mesa Chapter of the Navajo Nation.⁵⁹

Food Access and Nutrition

[The Special Supplemental Nutrition Program for Women, Infants, and Children \(WIC\)](#) is administered by [USDA's Food and Nutrition Service \(FNS\)](#). Federally recognized Tribes are eligible service providers, defined as local agencies, to provide health and nutrition assistance to mothers and children.⁶⁰ Currently, 33 Tribes operate WIC in their respective service areas.⁶¹

WIC provides free and healthy food and nutrition benefits and education to low-income pregnant and postpartum women, breastfeeding mothers, and children under five.

- [Sun Bucks \(Summer EBT\)](#) is also coordinated by FNS and allows for Tribal administration at the local level. It is designed to provide funding to assist families with school aged children to purchase food during summer months, when children are not receiving school lunches. Each school-aged child is entitled to \$120 (\$40 per month) in grocery benefits for the summer via preloaded cards. Families already participating or eligible to participate in the [Supplemental Nutrition Assistance Program \(SNAP\)](#) or [Food Distribution Program on Indian Reservations \(FDPIR\)](#) or other specific income-based programs are eligible to participate in Sun Bucks.

If a state and Tribe serve overlapping geographical areas, a written agreement is required to coordinate the Summer EBT. The agreement should address the timely exchange of information, including dates and measures to prevent dual participation. Funds can be spent on breads and cereal, meat, poultry, fish, fruits, vegetables, dairy products, and snack foods.⁶² Tribes administering WIC are eligible to administer this program, with no fund match requirement for administrative costs.

In recent years, the Cherokee Nation and Chickasaw Nation have administered this program in Oklahoma, with recipients reporting lower levels of food insecurity, 65 percent, compared with eligible nonrecipients at 82 percent.⁶³

- [The Senior Farmers' Market Nutrition Program \(SFMNP\)](#) is an FNS-administered program supporting local food purchases for income-eligible elders. Tribes are eligible grant awardees. This program also allows for the development of new and additional community support agricultural programs.

Under this grant program, eligible seniors receive coupons that can be used to buy food from approved farmers, farmers' markets, or roadside stands. These benefits can be used to purchase locally produced honey, fruits, vegetables, and herbs. Participants must be at least 60 years of age and have a household income not exceeding 185% of the federal poverty income guidelines. From 2016-2023, eight ITOs administered this program across six different states.⁶⁴

- [The Commodity Supplemental Food Program \(CSFP\)](#) is an FNS program designed to provide nutritional support for eligible participants. The program provides both food and funds to state agencies and ITOs for food packages given to income-eligible elders.

Participants must be low-income and at least 60 years old. Food packages include a variety of foods, such as dairy products, juice, bread, cereal, rice, pasta, canned fruits, vegetables, and more. These packages are intended to supplement participants' existing diet. Often, these individuals can receive benefits from other programs, such as FDPIR, along with these benefits.⁶⁵ Currently there are seven ITOs administering this program across six states.⁶⁶



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Federal Resources: The Federal Register and Non-USDA Funding

Many federal agencies have programs that can support Tribal food systems, often by providing critical infrastructure or financial support necessary for long-term investment in agriculture or agriculture supports. These programs can offer financial assistance for entrepreneurs, water/sewer infrastructure funding and more. Below are a few programs across federal agencies outside of USDA, with many funding opportunities searchable on [Grants.gov](https://www.grants.gov). Further, Tribes may follow daily updates of federal funding announcements through the [Federal Register](https://www.federalregister.gov). This running log of federal programs has subscription features allowing Tribal staff and officials to be alerted to funding sources relevant to their Tribes' specific interests.

Environmental Protection Agency (EPA) Programs

- [Small, Underserved, and Disadvantaged Communities Tribal Grant Program](#) provides funding assistance for Tribes to aid in compliance with Safe Drinking Water Act requirements. It funds projects that help public water systems in small, underserved, and disadvantaged communities best comply with federal regulations. and provides funding assistance for Tribes to aid in compliance with Safe Drinking Water Act requirements.⁶⁷ It funds projects that help public water systems in small, underserved, and disadvantaged communities best comply with federal regulations.

This program has a specific allotment for activities in American Indian and Alaska Native Village communities. For the 2024 fiscal year, more than \$225 million was designated for these communities.⁶⁸

- [The Government-to-Government Program](#) provides grants to Tribal governments to support programs that lead to measurable environmental or public health impacts in communities, with specific mentions for underserved communities.

These are defined as “a community with environmental justice concerns and/or vulnerable populations and include communities of color and indigenous communities.”⁶⁹

In 2023, the Buena Vista Rancheria of Me-Wuk Indians received more than \$500,000 to address environmental issues related to water and water resources, as well as Tribal cultural uses of it, including aquatic plants and animals.⁷⁰

Small Business Administration (SBA) Programs

- [The Program for Investors in Microentrepreneurs \(PRIME\)](#) supports Tribes seeking to encourage entrepreneurship among their citizens in the food and agriculture sectors. Grants for Tribal governments and nonprofit organizations fund training and technical assistance to disadvantaged microentrepreneurs. Funding can also support training and capacity-building efforts for microenterprise development organizations and aid in the research and development of best practices for them.⁷¹

In 2019, the Cherokee Nation was awarded nearly \$150,000 from PRIME to support Tribal entrepreneurs.⁷²



Federal Emergency Management Agency (FEMA) Programs

- [The Safeguarding Tomorrow Revolving Loan Fund Program](#) may be a funding source for Tribes interested in supporting hazard mitigation efforts. FEMA provides grants to federally recognized Tribes to establish revolving loan funds that community members can borrow from after a disaster. Borrowers must have an approved hazard mitigation plan prior to their withdrawal.

Tribal governments must complete a capitalization grant application, have a hazard mitigation plan, develop an intended use plan and create a project proposal list. Tribal governments must also provide a match by depositing at least 10 percent of the total grant award into the loan fund.⁷³ In 2024, FEMA awarded the La Jolla Band of Luiseño Indians to a \$5.1 million grant for their revolving loan fund focused on natural hazards mitigation, land use planning changes and building code enforcement.⁷⁴

Bureau of Indian Affairs

The BIA has many programs Tribes can use to develop their work in agriculture and natural resources, [with a full list of those programs and services on its website](#). The [BIA's Division of Natural Resources](#) is also a good resource. This division creates policy, directs funding, administers programs, and provides oversight of the Bureau's sub-agencies. These agencies provide a wide array of services, including planning, management, conservation, development, and utilization of agriculture and wildlife resources on trust land.

Tribes should review the list to identify ones that align with their goals. The following BIA resources can be useful to Tribes in expanding agricultural efforts.

- The [Access to Capital Clearinghouse](#) is a searchable database of federal funding opportunities, including grants, loans, and tax credits, available for Tribal nations, individuals, and businesses. The Clearinghouse can be an effective tool for Tribal organizations to search for federal programs available to support the Tribe's goals.
- BIA Self-Governance Funding is also available to Tribes who are interested in including funding for agriculture programmatic service delivery within their annual self-governance agreements. This is particularly relevant for Tribes administering agricultural realty services for trust and allotted lands and those with specific agricultural provisions in their treaties.
- End of year funds at BIA may be available at the end of the fiscal year and can be made available to Tribal governments upon request. These funds can be general in nature or specific to certain programs and support a wide variety of agricultural and natural resource conservation initiatives.

The BIA slate of programs is just one way in which the agency supports Tribal agriculture and natural resources efforts. Additionally, the BIA carries out additional responsibilities under two laws, AIARMA and the HEARTH Act.⁷⁵



Agricultural Resource Management Plans

AIARMA was enacted to support the development and implementation of ARMPs by Tribes. These plans are important mechanisms for Tribal management of agricultural resources in their jurisdictions. While this law established a statutory pathway, it remains underfunded by Congress and as such, underutilized by Tribes.

The law authorizes Tribes to determine the best pathway for ARMP development. Pursuant to AIARMA, Tribes can opt for a BIA-developed plan or develop their own. In either case, the 10-year management plans include Tribal goals for managing agricultural resources. They must specifically list actions necessary to accomplish goals.

ARMPs can be an effective tool for Tribes to set their own agricultural resources policies, because AIARMA directs the BIA to substitute the Tribes regulations if in conflict with the relevant provisions of a Tribe's ARMP. This is a powerful acknowledgment of Tribal sovereignty over Tribal lands. It can also serve as a pathway for Tribal producers and citizens to be directly involved with resource management and conservation in the community.

Tribes interested in setting their priorities for managing their agricultural resources may want to consider developing their own ARMP. This is a three-year process and requires robust community engagement, among other statutory directives.

Tribal ARMPs must:

- Determine available agriculture resources;
- Identify specific Tribal agriculture resource goals and objectives;
- Establish management objectives for the resources;
- Define the Tribe's critical values while providing holistic management objectives;
- Identify actions to reach objectives;
- Be developed with Tribal citizen input through public meetings;
- Incorporate public meeting records, existing survey documents, reports, and other research from Federal agencies, Tribal Colleges and Universities (TCUs), and land grant universities; and,
- Be completed within three years of initiation.

There are significant benefits in developing an ARMP that is unique and specific to a particular Tribe.



It is, however, a long process and challenging to navigate without dedicated agricultural staff at the Tribal government level. If not currently in existence, Tribal governments should consider establishing a dedicated agriculture department or conservation district before any ARMP-development processes. Dedicated Tribal subject matter staff capable of working with Tribal government entities, the BIA and community members can support the plan's development and completion. These staff may also be tasked with supporting fundraising efforts for the ARMP as needed to develop a thorough and expansive plan as contemplated by AIARMA, given the historic underfunding by Congressional appropriators.⁷⁶

Self-Determination and Agricultural Resource Management

ARMP development and implementation is by nature a self-determination process. AIARMA ties the opportunity for Tribes to develop their own ARMP to a self-determination contract. Those choosing to receive direct services from the federal government as an acknowledgment of the federal trust responsibility may not elect to pursue their own ARMP development on this basis. However, Tribes that choose a direct service pathway can still be involved in goal-setting and agricultural resource management, even with BIA developing the ARMP. BIA is required to include the provisions outlined in AIARMA at 3711(b)(C).⁷⁷ (See bulleted list on page 48.)



This offers an opportunity for Tribal citizens and community members to engage in the process through public meetings and comments, and for the Tribe to work with BIA to identify resources and establish goals.

Data Collection to Support ARMP

Developing a robust ARMP requires adequate information and data about agricultural resources and the Tribal community to make informed decisions and undertake strategic goal setting. Data collection should include input at the local, Tribal level with citizen feedback and participation. Tribal control and collection of data informs policies that align with community needs, but also furthers data sovereignty, defined as “the right of a nation to govern the collection, ownership, and application of its own data.”⁷⁸

Creating ARMP objectives specific to each agricultural resource requires compilation and analysis of data related to Tribal agricultural resources and practices. Tribes developing an ARMP without direct BIA support will consequently have more control over their own agricultural systems data. This will often result in a higher workload for Tribal staff leading the plan’s development. By utilizing existing resources and technical assistance like those referenced in this section, Tribal staff can ease that burden while supporting data sovereignty for their Tribal government and community.





Tribal Resources

Tribes can catalog inventories of all potential food and agriculture resources. Existing Tribal Departments of Agriculture, or an existing equivalent, are vital in this data collection. These resources may include natural resources, realty, cultural preservation, historic preservation, environmental, commerce, records or archives departments. Staff from these programs or departments can help locate and share information needed for developing an ARMP, which may include:

- Total Tribal land;
- Status of all Tribal land (trust, restricted/allotted, fee, etc.);
- Livestock numbers from across the Tribal reservation or jurisdiction;
- Previously developed Tribal reports and data;⁷⁹
- Existing equipment that can support food and agriculture (tractors, implements, etc.);
- Historical use and production records; and,
- Land and/or agriculture provisions in treaties.

Community Based Resources

There may be additional opportunities for data collection partnerships with local organizations and educational institutions including:

- State and local higher education institutions, including TCUs;
- Local school agriculture programs;
- Federally Recognized Tribal Extension Program (FRTEP) agents;
- Local county extension offices;
- Local food and agriculture nonprofits;

- Local Tribal producer or landholder groups or livestock associations;
- Tribal or local conservation districts;
- Irrigation districts;
- Land, water, or other natural resource related boards; and
- Elder Councils

Additional Indian Country Resources

Further resources may be available for Tribal staff conducting data and information gathering necessary for an ARMP. Some resources include:

- [The Native Land Information System](#) (NLIS) provides data through its ARMP-IRMP Planning Portal, which includes training, video tutorials, and access to data sets with Tribal socioeconomic information, agricultural resources, cropland productivity, rangeland/grazing management, land ownership and leases, water resources, climate resources, biodiversity, renewable energy, mineral resources, cultural resources, forest management, and more.
- [The First Nations Development Institute's Food Sovereignty Assessment Tool \(2d. Edition\)](#) is designed to help Tribes collect data on their own food systems.⁸⁰ This free resource provides an excellent starting point for Tribes who may be new to the process of analyzing their existing resources.
- [The Empowering Agriculture Through Tribal Sovereignty \(EATS\) Resource Ecosystem](#) developed by IFAI provides multiple resource and information banking worksheets to help guide informed decision-making on food and agricultural policy development. The EATS ecosystem of resources is free to use and frequently updated with new tools.

Federal Resources

AIARMA requires federal agencies to release data that can help Tribes in ARMP development and can improve federal program delivery to Tribal communities and producers.

Data requests should be made to the appropriate contact at each agency or department. The department or agency office tasked with assisting Tribes may be helpful in this process as well, like the Office of Tribal Relations at USDA. But not every department or agency is timely or thorough in providing data. Challenges in timely access of data have occasionally resulted in the need to leverage the Freedom of Information Act (FOIA) to obtain requested information. A FOIA request may be necessary to gain complete access to certain relevant information. Several federal agencies may have information relevant to ARMP development and include, but are not limited to:



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- [The Natural Resource Conservation Service](#) is a key resource during ARMP development and implementation. Key NRCS data may include the total acres the Tribe has dedicated to or is eligible for conservation programming. It may also have the number of Tribal producers participating in NRCS programming, soil information, watershed mapping, water resources, and historic conservation practices in specific geographical areas.
- [The Farm Service Agency](#) can provide information, such as total Tribal funding for offered programs like the Livestock Indemnity Program (LIP), amount of farm loans applied for and issued, total amount of loan funding provided, acreage dedicated to the Conservation Stewardship Program (CSP) and the Conservation Reserve Program (CRP). FSA may also possess a summary of its existing services and programs on the Tribal jurisdiction.
- [The Bureau of Indian Affairs](#) has detailed information and data regarding food and agriculture-related endeavors on Tribal lands. This includes irrigation systems/ projects and rangeland inventories.⁸¹
- [The United States Geological Survey](#) (USGS) does maintains data regarding certain land remediation, soil types, mining activities, mineral deposits, groundwater location, quantity and quality and other hydrologic information.
- [The National Agricultural Statistics Service](#) (NASS) conducts the [National Census of Agriculture](#) every five years. This national dataset provides a snapshot of American agriculture on land use and ownership, operator characteristics, production practices, farm income, and more. It also includes a count of farms and ranches across the United States. There is a special publication for each Census that also looks specifically at agricultural production by reservation, as reported by Tribes.⁸²

Agricultural Resource Management Plan Funding

Because AIARMA has been historically underfunded, Tribes may need to employ creative funding strategies to finance the development of an ARMP.

Despite the framework provided by AIARMA, securing funding from the BIA for ARMP development has been a persistent challenge. The directive remains underfunded, meaning Tribes must navigate a complex landscape to identify and secure financial resources to support their development and implementation. While a self-determination contracts negotiation is the primary avenue for obtaining ARMP development funding as authorized by AIARMA, Tribes have had limited success in securing funding exclusively through that option in amounts sufficient to complete a robust ARMP as contemplated by the statute.

One potential funding source is remaining year-end funds at BIA local and regional offices in addition to funding through a self-determination contract. These funds can be allocated to support ARMP development. However, the availability of these funds is not guaranteed. This uncertainty necessitates a proactive and strategic approach. Ask!

Additional Funding Sources

- **General Tribal Budget:** Tribes can allocate and appropriate from their general fund to support ARMP activities. This approach requires careful planning and prioritization to ensure sufficient resources are dedicated to ARMP development and implementation.
- **Departmental Funding:** Specific departments within Tribal governments may have budgets that support ARMP activities. For example, departments focused on natural resources, agriculture, or economic development may have funds available for ARMP-related projects.
- **United States Department of Agriculture (USDA):** The USDA offers various grants and programs that can support agricultural development and resource management on Tribal lands.
- **National Association of Conservation Districts (NACD):** NACD provides funding and technical assistance for conservation projects, which could align with ARMP goals.
- **Non-Profit Organizations:** Numerous non-profit organizations are dedicated to supporting Indigenous communities and sustainable agriculture. These organizations may offer grants, technical assistance, and other resources.



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- **Private Foundations:** Foundations with a focus on environmental sustainability, Indigenous rights, or agricultural development may provide funding for ARMP activities.
- **Colleges and Universities:** Partnerships with academic institutions can provide access to research funding, technical expertise, and student support for ARMP

Strategic Planning for ARMP Funding

To effectively secure funding for ARMP development and implementation, Tribes should engage in strategic planning. This involves several key steps:

- **Needs Assessment:** Conduct a thorough appraisal of the Tribe's agricultural resources and management needs. This will help identify specific goals that require funding and prioritize projects based on their importance and feasibility.
- **Funding Research:** Research potential funding sources, including federal grants, private foundations, and non-profit organizations. Understanding the criteria and application processes for these funding sources is crucial for successful grant writing.
- **Partnership Development:** Establish collaborations with other Tribes, academic institutions, non-profit organizations, and government agencies. These partnerships can provide additional resources, expertise, and support for ARMP projects.
- **Grant Writing:** Develop strong funding proposals that clearly articulate the Tribe's needs, goals, and plans for ARMP development. Effective grant writing requires attention to detail, a clear narrative, and alignment with the funding source's priorities.
- **Advocacy and Negotiation:** Tribes should advocate for ARMP funding during self-governance contract and compact negotiations with the BIA. Clearly define the Tribe's funding needs and demonstrate the potential impact of ARMP projects on the Tribe's agricultural sustainability and economic development.

A Detailed Exploration of Funding Sources

National Association of Conservation Districts (NACD)

This association supports local conservation districts in their efforts to implement conservation practices. ARMPs can be used as a comprehensive conservation plan, with Tribes able to utilize funding for conservation planning in an ARMP. NACD may be able to provide funding and technical assistance for planning activities like soil health initiatives, water quality improvement projects, and habitat restoration efforts.

Non-Profit Organizations

Numerous non-profit organizations support Indigenous communities and sustainable agriculture. For example, the First Nations Development Institute offers grants and technical assistance to Native American communities to support economic development and sustainable agriculture. The Native American Agriculture Fund (NAAF) is another key resource, providing grants to support business assistance, agricultural education, technical support, and advocacy services to Native farmers, ranchers and Tribes.

Private Foundations

Organizations focused on environmental sustainability, Indigenous rights, or agricultural development in the private sector can be valuable partners in ARMP funding. Organizations like the W.K. Kellogg Foundation, the Native American Agriculture Fund, the Rockefeller Foundation, and First Nations Development Institute have funded projects that align with ARMP activities like conservation planning, data collection and analysis, food sovereignty prioritization, and community feedback sessions.



Colleges and Universities

Partnerships with academic institutions can provide access to research funding, technical expertise, and student support for ARMP projects. Land grant universities with strong agricultural programs often have grant funded programs and research initiatives that align with various ARMP goals. Collaborating with these institutions can enhance the technical capacity for Tribal ARMP projects and provide valuable educational opportunities for Tribal members. For example, IFAI is housed within the University of Arkansas.



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Achievable and Lasting Funding Strategies

To build a sustainable funding strategy for ARMP development and implementation, Tribes should consider the following steps:

- **Diversify Funding Streams:** Relying on a single funding source introduces significant risk, with uncertainty regarding federal, Tribal, or other governmental funds. Should that single source end, the work is not sustainable. Where practicable, Tribes should diversify funding sources. This can include a mix of federal grants, private foundation funding, and partnerships with non-profit organizations and academic institutions.
- **Develop Strong Partnerships:** Building strong partnerships with other Tribes, government agencies, non-profit organizations, and academic institutions can secure funding and implement ARMP projects.
- **Internal Capacity Building:** Investing in Tribal staff to manage and implement ARMP projects is crucial. This can include training in grant writing, project management, and technical skills related to agricultural resource management. Developing these internal resources enhances the Tribe's ability to secure funding and successfully implement ARMP projects.
- **Engage the Community:** Securing true buy-in from the Tribal community in the ARMP process can enhance its effectiveness. Community involvement can also build support for ARMP projects and increase the likelihood of securing funding from external sources that value community-driven initiatives.
- **Monitor and Evaluate:** Continually evaluating the status of projects focused on implementing management objectives to meet goals for agriculture resources per the ARMP is essential. This builds a strong case for continued funding and support from both internal and external sources. Regular reporting also identifies areas for improvement and ensures ARMP projects are meeting their goals.

By combining self-determination contracts, general governmental budgets, departmental funding, and external grants, Tribes can develop robust ARMPs that support their long-term agricultural and environmental goals. The success of these efforts depends on strategic planning, effective advocacy, and cultivating diverse partnerships.

Leveraging the HEARTH Act: A Ho-Chunk Nation Example

This unique federal law creates a self-governance pathway for Tribes to establish their own leasing policies over trust or restricted lands. Under HEARTH, Tribal governments can take on as much of the leasing process as they choose by developing their own regulations. Those leasing regulations are then submitted to the BIA. They must be consistent with existing federal Indian leasing regulations and require an environmental assessment.

Congress passed the HEARTH Act in part to address delays caused by the requirement for Secretarial approval of leases.⁸³ This requirement is rooted in the concept of the federal trust responsibility to Tribes and dates back to the General Allotment Act of 1897.⁸⁴ Intended to honor the trust responsibility, in practice, this provision has often posed a major obstacle to economic development across Indian Country. Tribes have regularly waited years before receiving the required Secretarial approval to lease their own lands.

Prior to 2013, when the BIA finalized amended regulations that added a set approval or disapproval date of a Tribe's leasing regulations, there were no deadlines for Secretarial approval.⁸⁵ The HEARTH Act requires Secretarial approval, but the law comes with a deadline of 120 days for the Secretary of the Interior to decide on a Tribe's submitted regulations. This is a shorter timeframe than the approval process for individual leases added by DOI in 2013.⁸⁶

A case study of the Ho-Chunk Nation's HEARTH Act process conducted by the [Center for Indian Country Development at the Minneapolis Federal Reserve Bank](#) found that the overall time to acquire leases was streamlined by the Tribe managing the process.⁸⁷ The Ho-Chunk example also highlighted other benefits for Tribes. It noted the HEARTH Act process reduced federal oversight through its one-time only approval from DOI requirement. It also promoted Tribal sovereignty and local control, allowing the Nation to develop flexible approaches in tailoring processes to focus on its priorities, which included agricultural leasing. The quicker and more responsive process also gave Ho-Chunk Nation the ability to encourage further investment and economic development in its jurisdiction.⁸⁸

The HEARTH Act Process for ARMP Developments

Given the unique nature of 574 federally recognized Tribes, the HEARTH Act was designed for each Tribe's unique circumstances. Its parameters include leases for business, agriculture, wind and solar development, as well as wind energy evaluations. It also can be used for residential leases, as well as leases for religious, educational, recreational, cultural, or other purposes.⁸⁹

The HEARTH Act covers only Tribal lands held in trust or restricted status, excluding those individually owned. Any individually owned lands are still subject to the BIA approval process to be leased.⁹⁰ Agricultural and business leases are limited to an initial 25 year term, with an option to renew for up to two additional twenty-five-year terms for a total of 75 years.⁹¹ Grazing leases are generally limited to 10 years.⁹² Certain Tribes listed in the statute may execute leases of up to 99 years.⁹³ Still yet, other Tribes, pursuant to the statute, may have different lease term limits specific to the nature of the lease or the land at issue.⁹⁴ To begin this process, Tribes submit proposed leasing regulations based on a BIA checklist.⁹⁵ Additionally, IFAI offers language in the [Model Tribal Food and Agriculture Code](#) to assist in drafting these regulations specific to agricultural leases.



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The HEARTH Act does allow for some federal oversight of Tribal regulations, authorizing the Secretary of the Interior to assess whether a Tribe is compliant with its own regulations.⁹⁶ Generally, Tribal leasing regulations must be consistent with the existing DOI's Indian Leasing Regulations⁹⁷ and establish an environmental review process. Under the HEARTH Act, this requirement becomes relatively flexible, allowing Tribes to opt into DOI Leasing Regulations selectively. For example, a Tribe can choose to regulate agricultural leases under the HEARTH Act but still choose Secretarial approval for residential leases.

Finally, the HEARTH Act compliant environmental review process included in Tribal regulations must identify significant environmental effects of the proposed lease. The process must also allow for public notice and comment while requiring the Tribe to respond to relevant and substantive public comment.⁹⁸

By accessing the HEARTH Act's opportunities, Tribes can decrease lease approval times and increase local control of their leased lands. Drafting and obtaining approval for Tribal regulations can be time consuming. Once approved though, lease acquisition times can be shortened through Tribal management, rather than BIA. These benefits also give Tribal governments, their citizens and stakeholders the ability to develop a regulatory framework that reflects Tribal priorities, instead of federal directives. Expediting and localizing the process will consequently benefit Tribal economic development through faster leasing, resulting in increased agricultural production activities without lengthy delays.



Tribal Participation in Federal Processes

Tribal Nations must be included when the federal government engages in work impacting Tribes or their citizens. Given its size, it may seem like many federal government processes happen behind closed doors. But there are many ways Tribal nations can participate in these processes impacting Tribal food systems, producers, and Indian Country communities.

In some instances, participatory actions can be undertaken proactively. Others involve pursuing avenues for recourse or response to federal actions that may negatively impact Tribal sovereignty. This section discusses Nation-to-Nation consultation, federal advisory committees, and the rulemaking process as primary ways that Tribal leaders can shape federal programs that could support agriculture in their jurisdictions.





Nation-to-Nation Consultation

An official Tribal consultation is a formal, government to government meeting and discussion between entities of the federal government and federally-recognized tribes for the purposes of including Tribal perspectives into the federal decision-making process on matters that will impact Tribes and Tribal citizens.⁹⁹ Consultation is rooted in the fundamental principles of Tribal sovereignty and the unique Tribal-federal relationship, including the federal trust responsibility.¹⁰⁰ It is a powerful tool, allowing Tribal leaders to engage federal decision makers on policies and programs impacting their communities and citizens. In the instance of Tribal leaders supporting Indian Country food and agriculture issues, these consultations often take place with USDA, DOI and U.S. Food and Drug Administration (FDA) consulting officials.

Nation-to-Nation consultations are conducted between elected Tribal leaders, or their designated proxies, and federal consulting officers. This is because consultation is a deliberative, legally authorized meeting between sovereign governments. Formats can vary. They can be formal or informal, in-person or virtual, between multiple Tribes and the federal government, or just one Tribe. Consultation can cover one topic, or many. The involvement of decision makers makes consultation a powerful tool to resolve issues impacting Indian Country producers.



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How and When Should Tribes Request Consultation?

Federal policies on consultation are guided by Executive Order 13175: Consultation and Coordination with Indian Tribal Governments.¹⁰¹ It directs federal actors to determine if “any action that has a ‘substantial direct effect’ on one or more Tribes, on the relationship between the federal government and Tribes, or on the distribution of power and responsibilities between the Federal Government and Tribes.”

Tribal leaders can request consultation at any time. When informal discussions reach an impasse, Tribal leaders should and can request consultation. The below guide may help Tribal staff determine what steps are necessary before notifying their elected leadership that a consultation may be necessary.



Identify the Need

- Identify the issue(s) to be consulted on: Determine the specific issue or policy that impacts your Tribe and requires Federal consultation. This could be related to land use, environmental concerns, cultural preservation, or any other matter that may affect Tribal citizens, lands or Tribal interests.
- Define specific outcomes: Tribal leaders and their staff should clearly identify their goals for consultation, as there are instances where wide ranging discussions occur during these gatherings resulting in topic drift. While useful in some instances, topic drift may result in a deviation from a focus on cogent outcomes. Tribal leaders should identify what changes are sought in a policy, program or operation, ensuring federal compliance with existing agreements, or addressing specific concerns.

Prepare and Send a Formal Request

Draft the request: Write a formal letter on Tribal letterhead to the appropriate Federal department or agency. The request should:

- Determine the appropriate federal addressee, specifically its lead official on the topic the Tribe is requesting consultation for. For example, BIA agriculture lease consultation requests would most likely be directed to the [Assistant Secretary of Indian Affairs](#). For a request concerning the [Food Distribution Program on Indian Reservations](#), the letter would be to USDA's Deputy Undersecretary for Food and Nutrition.
- Briefly introduce yourself and your Tribe.
- Clearly state the purpose of the consultation request, citing specific laws, treaty rights or any other foundational texts of relevance.
- Include the contact information for Tribal leaders and a key staffer who can monitor correspondence. Having a designated staffer to help organize correspondence and logistics alongside the Tribal leader will assist in getting to the table at the consultation.
- Submit the request via email and/or first-class mail to ensure receipt. If via email, ensure the relevant department/agency's intergovernmental affairs or Tribal affairs office is copied on the email. Following any specific guidelines provided by the agency for submitting consultation requests can support a timelier response.

Preparing for Consultations

Notice and invitation to participate in the consultation from the federal government should arrive at least 30 business days before the date of the consultation. Relevant materials necessary for Tribal officials should also accompany the federal invitation or be posted at the agency's website dedicated to Tribal consultations.

Once Tribal representatives receive an invitation or agenda from their federal counterparts, those should be used to support Tribal travel arrangements and inform preparation for the consultation. Additionally, Tribal staff should engage in the following preparation activity:



Brief Tribal Consulting Officials

- Collect legal documents, historical records, environmental assessments, and community feedback. Create a concise summary of the issue, including key points, objectives and desired outcomes.
- Gather all relevant documents, data, and background information and list out expected outcomes of the consultation in a briefing document.
- Brief the Tribal consulting official on the most critical information. Staff may consider drafting a short opening statement explaining the intent of the consultation request.
- From the gathered materials, staff can develop concise talking points that the Tribal official or proxy can use during the consultation.
- Prepare a list of questions and concerns that should be addressed during the consultation.
- Outline the desired outcomes and goals for the consultation.

Coordinate logistics and meeting details

- Ensure the consultation is scheduled and confirmed with the federal department. Coordinate the time zone, date, and location, including any specific rooms.
- Organize and prepare all materials needed for the consultation, including documents, presentations, and handouts required by Tribal leaders sitting at the table with Federal officials.
- If the consultation is virtual, ensure all technical aspects are set up and tested, such as video conferencing tools like Zoom for remote attendees as well as Wi-Fi passwords for in-person attendees.



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Meeting and Follow Up

- Prepare to document the consultation process, including taking notes and recording key points discussed.
- Plan for actions taking place after the consultation, including a follow up letter. Refer to in-meeting notes summarizing the specific discussions outlining next steps. If there were issues that Federal consulting officials said they would follow up on, specifically ask for a response with a timeline in that letter. Federal staff take notes and sometimes issue their own summaries of consultation discussions. A Tribally authored follow up letter is a good practice to ensure that perspective is documented for consideration.

Federal Limits in Consultations

There are instances where federal consulting officials are unable to resolve issues raised by Tribal leaders. Understanding practical and statutory limitations of authority will help Tribal leaders prepare for how to navigate these obstacles.

Statutory Issues

Programs outlined in legislation that become law, like the Farm Bill, are guided by the principle of Congressional intent. This principle refers to the purpose and objectives legislators expressed when introducing and passing the bill. It guides how laws should be interpreted and applied. Federal agencies who implement laws must do so in a manner consistent with the goals and purposes set by legislators.

Any changes to these statutory requirements would require new legislation, reflecting a shift in Congressional intent. Federal staff cannot change or waive statutory requirements without Congressional action. These laws are binding and require legislative amendments to alter.

For example, under the current [Farm Bill's Rural Development Title](#), Native Community Development Financial Corporations (CDFIs) are largely unable to qualify as re-lenders to the [Community Facilities Direct Loan program](#). USDA's Rural Housing Services Community Facility (CF) Direct Loan even amended their own regulations to allow USDA to make loans to qualified CDFIs and other community lenders.¹⁰² However, the eligibility requirements set forth in those amendments to the application still made it difficult for qualified [Native CDFIs](#) to apply. Until Congressional action in the form of a statutory change is made, this program remains underutilized by one of the key lending tools available to Indian Country communities.

Tribal leaders may find it more fruitful to discuss these statutory obstacles directly with their Congressional delegations rather than requesting Tribal consultation with federal agencies. While federal consulting officials cannot make changes in the law and therefore cannot commit to Tribal leaders that they can do so, there is still some value in raising statutory issues in consultation with federal agencies when the opportunity arises. If legislators choose to change the law, Congressional staff may ask federal agencies administering that program for technical assistance on potential legislation. If statutory barriers have already been raised to federal agencies during consultation, then the agency will have been on notice about Tribal barriers and may have already researched the issue.

Consequently, they will be better prepared to respond to Congressional inquiries for technical assistance and perhaps more likely to support a request for a statutory change.

Regulatory Issues

Congressional intent still guides how agencies create and adjust regulations. These agencies do have the flexibility to interpret and implement laws aligning with the original intent of Congress. For instance, the USDA might adjust regulations for food distribution programs to better serve Tribal communities, but these adjustments must still fulfill the broader goals set by statute. Federal staff can adjust regulatory requirements through administrative processes, such as rulemaking or policy changes. These can be made to better serve Tribal needs without needing new legislation.

A good example of this was USDA's response to the [2024 FDPIR supply chain breakdown](#). As the scope of the breakdown compounded, USDA used its regulatory authority to waive certain regulations to allow Tribes more flexibility and tools to respond to the crisis.¹⁰³ Raising these issues during a consultation where the federal agency has the legal authority to make a change without Congress can spur agency action. Further, it can lead to more fruitful conversations between Tribes and federal agencies long-term.

Additional Resources

In preparing for consultation with USDA officials specifically, Tribal staff may find the following resources helpful:

- [“Facilitating True Nation-to-Nation dialogue: A guide to effective and meaningful consultation with Tribal Governments”](#) – Indigenous Food and Agriculture Initiative, 2023;
- [“Best Practices in Federal Consultation”](#) – DOI-BIA Office of Regulatory Affairs and Collaborative Action, 2022; and
- [U.S. Department of Agriculture's Departmental Regulation 1350-002 on Tribal](#)



Tribal Participation in Federal Processes: Agency Actions

Tribal governments can participate in federal agency processes by monitoring and responding to their actions. Federal agencies issue volumes of notices annually on thousands of topics, from proposed rules on the way a federal program will be administered to notices of funding availability. In many cases, these agencies are legally required to:

- Maintain an open comment period;
- Consider comments received when deciding on the matter at hand; and,
- Respond to comments received when publishing the final agency determination on that matter.

None of these processes are a substitute for a federal agency following through on its legal obligation to consult with Tribal nations. However, engagement in these processes, when paired with consultation, can better position these agencies to make informed decisions about structuring programs that account for the unique complexities that Tribal nations may encounter when seeking to access federal programs to support Tribal food systems. Federal agencies often lack this understanding. In other instances, they may understand concepts broadly but lack a nuanced view of the ways federal policies impact different Tribal food systems. Tribes can further encourage understanding of these nuances by submitting official comments on federal agency action. An additional step would be to proactively nominate Indian Country experts to federal advisory committees when application windows open. The following sections discuss each of these opportunities.

Engagement Opportunity: Reviewing Federal Register Notices and Submitting Official Comments



Monitoring federal agency action centers largely around reviewing the [Federal Register](#), a daily journal published by the Office of the Federal Register, situated in the National Archives and Records Administration agency. The Register is a daily journal of federal government activities. Accessible online at no cost, the Federal Register is a means for federal departments like USDA or DOI to inform the public about ongoing work. USDA is legally required to use the Federal Register to inform the public about regulations in various stages of development and to offer periods of public comment to receive feedback as they develop regulations. It also contains notices of public agencies and advisory committee meetings, Tribal consultations, and federal funding opportunities. Agencies may also sometimes issue a Request for Information (RFI) in the Federal Register, seeking out public comments about specific topics in advance of regulatory actions.



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When a notice seeks public comments, the Federal Register notice explains the process, including any specific questions the agency is seeking feedback on as well as the methods of providing comments and deadline for the comment period. By submitting official comments for the record, Tribal governments and citizens can actively participate in the regulatory process. Their comments can provide agencies with valuable insight into the complex ways that federal programs may or may not work in Indian Country. Official comments must legally be considered during the federal regulatory process, and they do influence the shape of federal action.

For example, on August 14, 2023, USDA's Food and Nutrition Service (FNS) published the [proposed rule](#) on improving access and parity in food distribution programs. This proposed rule suggested revisions to federal nutrition programs including the Commodity Supplemental Food Program (CSFP) and the Food Distribution Program on Indian Reservations. Tribes and Tribal organizations did submit public comments for the record. From those comments, FNS was guided to include several elements in its final rule that improve service delivery and food package quality for the 53,000 Tribal households relying monthly on FDPIR.

The comment period built into the departmental rules and regulations feedback process is an important avenue for Tribes to ensure that federal programs meant to serve them reflect their realities and address the barriers consistently faced in Indian Country.

Resources on Federal Notice and Comment Processes

Federal rulemaking can be complicated. The numerous publications in the Federal Register each day can be challenging to sift through. Organizations like IFAI can support Tribes in identifying actions that may impact food systems and agriculture.

Consider the open comment period on the proposed rule on food distribution described above. IFAI developed a [policy analysis](#), [worksheet on income eligibility requirements](#), a [comment template letter](#), and facilitated a webinar for Tribal stakeholders to discuss the proposed FNS rule. IFAI publishes weekly policy briefs, accessible [here](#), highlighting Federal Register notices relevant to Tribal food and agriculture.

Tribal Engagement Opportunity: Federal Advisory Committees

These entities represent another opportunity for Tribes to participate in federal agency processes. Federal advisory committees are sometimes called "FACAs," after the federal law that governs them.¹⁰⁴ These committees of experts, representatives, government employees, and specialists in a specific area are typically engaged to develop recommendations for an agency's leadership on a specific topic.¹⁰⁵

For example, the Treasury Tribal Advisory Committee was created by Congress to advise the Secretary of the Treasury on "significant matters related to the taxation of Indians, the training of Internal Revenue Service field agents, and the provisions of training and technical assistance to Native American financial officers."¹⁰⁶



FACA members are subject matter experts and thought leaders advising federal agencies on improvements to government operations and programs. The committees are advisory only, and agency leadership is not legally obligated to act on recommendations. Still, their recommendations and findings do often shape federal action and can educate agencies about the unique needs, challenges, and complexities of Indian Country. Tribal participation in these bodies is crucial to including Indian Country perspectives in federal processes.

There are approximately 1,000 advisory committees currently in existence across the federal family.¹⁰⁷ The volume may seem daunting, but the Government Services Administration (GSA) maintains a Federal Advisory Committee database that is easily searchable.¹⁰⁸ Individual agencies also advertise open nomination periods and public advisory committee meetings through their own external communication channels and through the Federal Register.

The list below highlights just a few of the advisory committees with subject matter areas relevant to food systems and agriculture, and which Tribes may wish to nominate individuals for or participate in:

- [Tribal Advisory Committee \(TAC\)](#)
Established under the Agriculture Improvement Act of 2018, the Committee's primary purpose is to provide advice and guidance to the Secretary of Agriculture on matters related to Tribal and Indian affairs. The TAC plays a critical role in supporting Tribal sovereignty. By providing space for Tribal agriculture leaders to facilitate government-to-government consultation, the TAC enhances the effectiveness of agricultural and nutrition programs within Tribal communities.
- [Regional Tribal Conservation Advisory Council \(RTCAC\)](#)
Through the USDA-NRCS, Regional Tribal Conservation Advisory Councils were established in 2013 to improve Indian Country's access to federal conservation and land stewardship programs. RTCAC operates similar to TAC in the way it strengthens government-to-government relations and consultations. Each council is composed of Tribal representatives, federal employees, and representatives from regional Tribal organizations working to address conservation issues and enhance communication and collaboration between USDA and Tribal governments.
- [Advisory Committee on Beginning Farmers and Ranchers](#)
This committee advises the Secretary of Agriculture on strategies, policies, and programs that enhance opportunities for new farmers and ranchers. With Indigenous representation, this committee can communicate the specific resources needed for new Native American farmers and ranchers.
- [Advisory Committee on Minority Farmers](#)
This committee is responsible for advising the USDA on strategies to maximize marginalized farmers' and ranchers' participation in the department's programs and services. For Indian Country agriculture, it specializes in the administration of the Outreach and Assistance for Socially Disadvantaged Farmers and Ranchers Competitive Grant Program, as well as all civil rights activities within the USDA.

- [Urban Agriculture and Innovative Production Advisory Committee](#)

This USDA committee advises on policies and outreach related to urban, indoor, and other emerging agriculture production practices. They assist with identifying barriers or potential innovations that these types of agriculture productions might face. Urban agriculture initiatives can provide opportunities for economic development, food sovereignty, and sustainable farming practices, which are crucial for enhancing food security and resilience in Native American communities.

- [Bureau of Land Management Resource Advisory Councils](#)

The Regional Advisory Councils advise the Bureau of Land Management, which is under the Department of Interior, on land use planning and management of public lands and resources. Indian Country participation in this space helps to ensure that Native American agricultural lands are managed sustainably, equitably, and culturally sensitive.

How to Participate in Federal Advisory Committees

Tribes can nominate subject matter experts to any federal advisory committee when it has an open seat. When nomination periods are open, the appropriate federal agency will publish a notice in the Federal Register. Organizations like IFAI will typically share out those notices through email newsletters to ensure that Tribes have visibility to the nomination process. The Federal Register will outline the specific requirements of each nomination process, due dates, specific contact information, and background information on the committee.

Application processes vary. Typically, a federal agency will ask for a brief nominee profile, letters of recommendation, and examples of their work in the specific area that the committee focuses on. Federal agencies review all nominees and contact selected individuals. Although these are uncompensated positions, travel costs for committee members are typically provided at federal rates for in-person meetings.

Tribes can also participate in the FACA processes by sending representatives to attend public comment sessions of meetings. Tribal representatives can ask questions of the committee or make suggestions to its members about topics to explore or recommendations to advance.



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Conclusion

Federal decision-makers have guided programs and policies impacting Indian Country food and agriculture issues with varying inclusion of Tribes and Tribal stakeholders in decision-making. The adage of “if you’re not at the table, you’re on it” has governed the relationships between federal decision-makers and the Tribal communities they serve.

Now more than ever, Tribes can be intentionally self-directed in determining their own food and agriculture priorities and may choose to leverage federal programs to develop, expand, and manage their agricultural resources. It is the hope of IFAI that Tribal staff, leaders, and stakeholders find this guide helpful as a resource to start, build, or expand Tribal food and agricultural programs and operations. Tribal sovereignty demands food sovereignty, and with targeted investments and programming, Tribes can take control of their own food sovereignty destinies.

IFAI is available to support Tribal food and agriculture efforts at no cost to Tribes. IFAI would like to thank the W.W. Kellogg Foundation for their support in the creation of this Governance Guide and for their commitment to Tribal food and agriculture systems development.







Case Studies

Agriculture, food, and natural resource development around Indian Country is varied and responsive to respective communities. The resources and tools described in this guide can set a foundation for that work. What form that ultimately takes, and how it grows, will depend on the Tribe. The outcomes are endless, and the possibilities can seem abstract. To ground these resources and tools, the following are real world examples of Tribal governments executing their vision for food and agriculture in their communities.

These case studies show where Tribes used federal dollars, often supported by Tribal government and other funds, to develop food and agriculture operations. While USDA dedicates significant resources to the development of Tribal food and agriculture capacity, many federal programs have resources available as well. The below examples are but a few of many where Tribes sought to localize their food systems. Many operations start small, such as a community garden growing traditional foods for that community, but can establish a foundation for growth.

Jamestown S’Klallam Tribe Traditional Foods Program Community Garden



Summary of the project:

The Tribe’s Traditional Foods Program started a community garden in January 2020. The 30-acre Tribal-owned property includes an orchard, berry farm and a preparation kitchen where produce is cleaned and prepared. The garden itself began as a quarter acre plot, before the infusion of pandemic funds helped expand its offerings.

The Traditional Foods Program uses the garden to feed the community and as a tool to teach food sovereignty, healthy lifestyles, and diabetes and obesity prevention.

Throughout the pandemic, program staff taught from the garden in person, when possible, and also on Zoom. These courses focused on nutrition, diabetes, exercise and gardening. Local community volunteers tend to the garden and help harvest. Jamestown S’Klallam garden foods are also included in Tribal elders’ weekly meal programs and in the health clinic. Tribal Vice Chair Loni Greninger of Jamestown S’Klallam provided responses to the following questions.



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How much funding and staff support did the Tribe use to get the community gardens going?

“The Tribe used \$1 million in available through federal funding pandemic response in 2020, to revamp a house into office space for the Traditional Foods & Culture Program, which later became the new [Culture Department](#) on December 1, 2023.

In FY25, the total amounts to just over \$350,000 for salaries of department leadership (who oversee traditional foods programs) and a garden manager, supplies, and equipment. Tribal Council approved additional hard dollars to supplement this work.”

How much in federal funding went into the project?

The Tribe’s primary grant funding is from the [Good Health and Wellness in Indian Country \(GHWIC\)](#) and [Tribal Practices for Wellness in Indian Country \(TPWIC\)](#) programs.

- GHWIC, in partnership with Northwest Portland Area Indian Health Board: 5-year grant, \$140,000/year.
- TPWIC: 5-year grant, \$150,000/year.

TPWIC also awarded Jamestown S’Klallam Tribe a supplemental \$50,000 in FY25 CDC TPWIC funds to utilize traditional foods as a means of healing for substance use recovery and opioid prevention.

What were the goals when the Tribe started on the project?

Jamestown S’Klallam Tribe’s goals included:

- Refamiliarize S’Klallam people with their plant and animal relatives.
- Teach traditional ways of planting, maintaining, harvesting, processing, and storing foods such as smoking sheds and ground cooking pits in addition to hunting and harvesting fish and shellfish.
- Teach contemporary ways of harvesting, processing, and storing foods, such as canning.
- Reduce dependence on processed foods, therefore reducing diabetes and obesity.
- Make traditional foods as familiar in daily life as other familiar foods.
- Teach cooking methods so families are not anxious to cook traditional foods.
- Learn the Klallam language by teaching Tribal members the names of their traditional foods and integrating their use regularly.
- Provide opportunities for physical exercise through gardening.
- Give opportunities for a Tribal space for singing, drumming, and dancing practices.

Were those goals met, or adjusted?

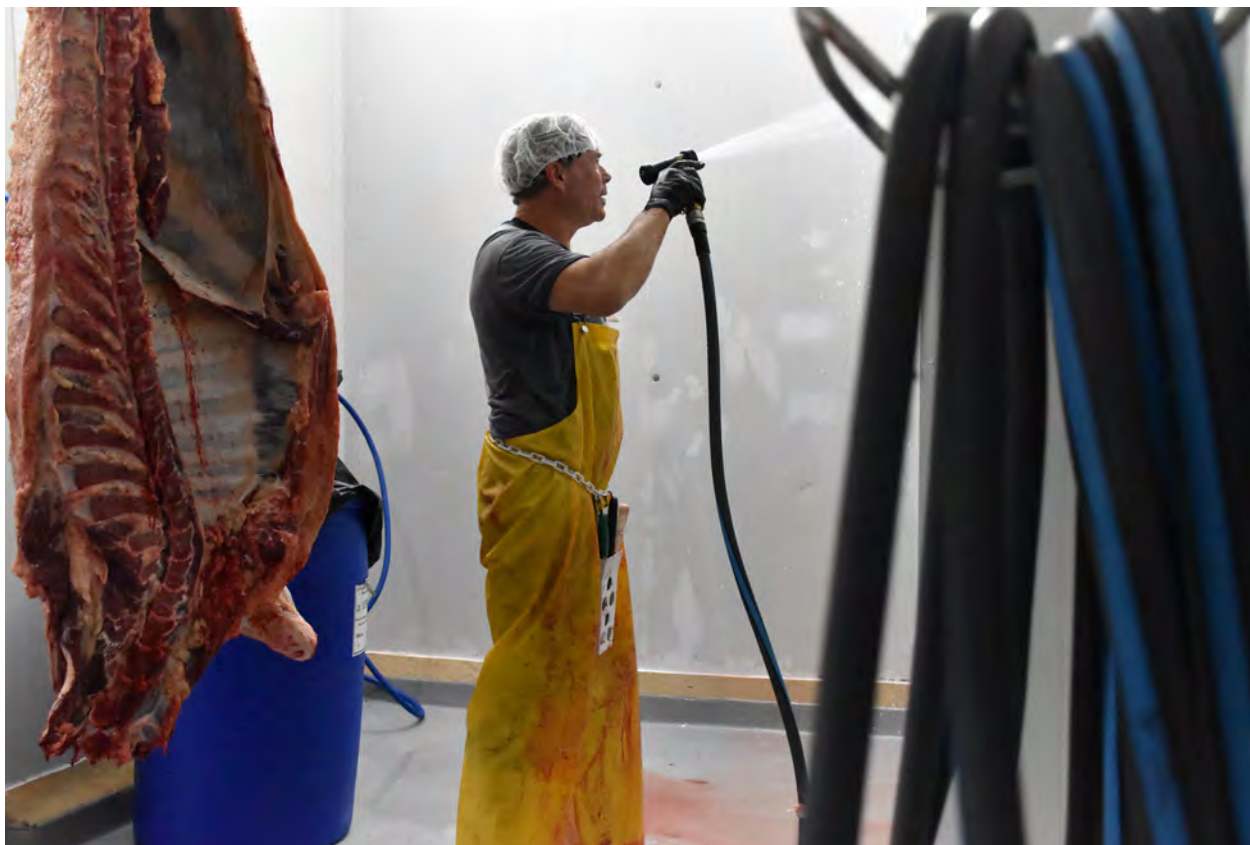
“Yes, the Tribe’s initial goals were met and are ongoing. The frequency of events decreased after COVID restrictions were lifted. [The Tribe] did many events during COVID to keep the community connected. As restrictions were lifted and workweeks became more “normalized,” [the Tribe] reduced traditional foods events as other Tribal-wide department events increased. This was to help with both staff and participant work-life balance.”

Would the Tribe do it again?

“Yes, [as of December 2024] the Tribe is currently applying for the next round of CDC-[Northwest Portland Area Indian Health Board](#) funding. To supplement this, the program also requested \$10,500 in Tribal hard dollars for buffer funds and full coverage of our garden manager for nine months. The Tribal Council approved these for FY25. Our cultural programs, separate from the traditional foods garden, are also fully covered by Tribal hard dollars.”

The Tribe expressed that flexibility of funds enabled the Tribe to use them effectively in their community. They also found the application and reporting processes less burdensome than other funding.





Osage Nation

Butcher House Meats

Summary of the project:

Like many areas of the country, the Osage Nation and communities within its rural jurisdiction in north-central Oklahoma faced a shock during the early months of the COVID-19 pandemic. The shutdowns in national supply chain networks, especially those in the meat processing sector, resulted in shortages at the local and Tribal level. Tribal programs serving the Osage Nation's most vulnerable members, including the elderly, disabled, and children, could not find meat.

In response, the Tribal government initiated a plan to use pandemic funding to address chain breakdowns in the food system. The result was a locally based meat processing plant and storefront, Butcher House Meats.

Today, Butcher House Meats operates a 19,000 sq. ft. facility located on Tribal trust land, processing cattle, pork, bison and seasonal deer. It can process up to ten head per day from its own herd or from



outside producers, both Tribal and non-Tribal alike. Dr. Jann Haymann, Osage Nation Secretary of Natural Resources provided responses to the following questions.

Federal funding source: CARES Act

What were the Tribe's goals in this project?

The Osage Nation's goal in developing a Butcher House Meats was to localize the meat processing capabilities and lessen the impact locally of future national supply chain breakdowns on Tribal citizens and the non-Tribal communities in its reservation.

Additionally, the Tribe's goal is to one day see Butcher House meats become self-sustaining through sourced revenues as a service providing entity.

Finally, one of the Tribe's goals was to support local producers who were typically captive to distant, regionally based meat processing plants.

How much Tribal funding went into the project?

Approximately \$10 million.

Butcher House Meats is run as a Tribal government service under the Osage Nation Department of Natural Resources. Annual operations costs are appropriated by the Osage Nation Congress. While the meat processing plant and retail storefront are operated for both service provision and revenue generation, its use as a government service insulates it from short term market forces which may impact a strictly for-profit operation. As the plant generates more revenue, the aim is for Butcher House Meats to be a self-sustaining enterprise.



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How many Tribal jobs were created or local jobs supported by the project?

Eleven people are presently employed at this facility. The staff consists of one plant manager, four coordinators, four meat technicians, and two cleaners, with hopes for future employee pool expansion. The greatest challenge is finding enough skilled and willing employees for work. To address this the Osage Nation has focused on workforce development partnerships with a wide array of local partners, both Tribal and non-Tribal alike.

The Nation is leveraging one of its own programs that places Tribal citizens looking for employment within the facility for a 6-week trial period in which they can do on-the-job training.

Did market access increase?

Yes. Producers from as far as Colorado and Kansas, as well as those across the state of Oklahoma, make use of this facility. In addition, other Tribes with their own herds utilize the Osage Nation's facility.





Spirit Lake Sioux Tribe

Food Distribution Program on Indian Reservations Self-Determination Demonstration Project

Summary of the project:

The Spirit Lake Sioux Tribe has deep experience with USDA-funded food and nutrition programs. The Tribe currently operates the FDPIR and Commodity Supplemental Food Program (CSFP) and Local Food Procurement Act (LFPA) programs. When the 2018 Farm Bill allocated a limited set of funding for a pilot project allowing select FDPIR programs to source local, culturally relevant food items, the Spirit Lake Tribe was selected for the second phase of funding.

Even with extensive familiarity of USDA nutrition programs, the FDPIR pilot project is seen as especially impactful for the Tribe's goal of enhancing food sovereignty initiatives. Federal programs like FDPIR are important tools for Tribes in rural, remote jurisdictions that enable them to serve their most in-need community members. These programs also come with a challenge, in that their management under USDA contracts requires any potential vendor to source products on a national scale. This dynamic results in few, if any small or medium sized producers fielding bids to become USDA vendors.



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[USDA's Self-Determination Demonstration Project](#) allowed the Tribe to self-source select food items traditional to the community on Spirit Lake Reservation. The selected food item, bison, is sourced from a Tribal-owned vendor and is in high demand from the Tribe's FDPIR program participants.

The benefit of regional and local sourcing conducted by the Tribe became increasingly useful in summer 2024. During that time, the single national warehouse sourcing foods for FDPIR programs across the U.S. repeatedly failed to deliver food over the course of several months. In the case of Spirit Lake and other Self-Determination Tribes, the impact was somewhat lessened thanks to their existing Self-Determination contract for bison. Self-Determination is also colloquially known as "638," in reference to the law originally enabling Tribal self-determination in relation to federal programs, the Indian Self-Determination and Education Assistance Act, Public Law 93-638. Mary Greene Trottier, Spirit Lake FDPIR Director, provided responses to the following questions.

Federal funding source:

U.S. Department of Agriculture

What were the Tribe's goals in this project?

The Tribe wanted to explore the possibility of self-sourcing food items at the regional level for their FDPIR package. This goal was largely achieved, and the sourcing's existence even paid dividends when the national FDPIR supply chain was impacted by missing deliveries. The challenge program managers at Spirit Lake reported most often was an interest from small and medium sized, local producers in supplying the program but who could not commit due to the lack of long term guarantees for USDA funding.

How much Tribal funding went into it?

"We did not use Tribal funds to support this project because we ran this pilot project alongside our existing FDPIR program. The 638 bison procurement came from USDA funds and those bison went into the food boxes distributed to our participants."

How many Tribal jobs were created or local jobs supported by this?

"The Spirit Lake Tribe owns and operates a bison herd project through our Tribal Spirit Lake Fish and Wildlife Department. The project manager had to hire another part-time staffer just to manage the uptake on bison that went into our FDPIR packages."

Did the nutrition program's participation numbers increase?

"Yes, our FDPIR take rates increased from 180 lbs. per month to 1,400 lbs. in bison alone. It is by far our most in-demand item. Having it available really is important to our Tribal participants, and there is pride that it comes from a herd their own people manage."



Glossary

AFA	Alternative Funding Agreement
AIARMA	American Indian Agriculture Resource Management Act of 1993
AMS	Agriculture Marketing Services
ARMP	Agricultural Resources Management Plan
BIA	Bureau of Indian Affairs
BFRDP	Beginning Farmer and Rancher Development Program
CDFI	Community Development Financial Services
CREP	Conservation Resource Enhancement Program
CRP	Conservation Reserve Program
CSFP	Commodity Supplemental Food Program
CSP	Conservation Stewardship Program
DOI	Department of Interior
EPA	Environmental Protection Agency
EQIP	Environmental Quality Incentives Program
FDPIR	Food Distribution Program on Indian Reservations, USDA
FMPP	Farmers Market Protection Program
FNS	Food and Nutrition Service, USDA
FSA	Farm Service Agency, USDA
HEARTH Act	Helping Expedite and Advance Responsible Tribal Home Ownership
IAC	Intertribal Agriculture Council
IFAI	Indigenous Food and Agriculture Initiative
ITO	Intertribal Organization
LAMP	Local Agriculture Marketing Program
MTSTA	Model Tribal Secured Transactions Act
NASS	National Agricultural Statistic Services, USDA
NFBC	Native Farm Bill Coalition
NRCS	Natural Resources Conservation Service, USDA
RCPP	Regional Conservation Partnership Program
RD	Rural Development Agency, USDA
SCBGP	Specialty Crop Block Grant Program
SNAP	Supplemental Nutrition Assistance Program
TAC	Tribal Advisory Committee
TCD	Tribal Conservation Districts
TEFPA	The Emergency Food Assistance Program
UCC	Uniform Commercial Code
ULC	Uniform Law Commission
USDA	United States Department of Agriculture
USFS	United States Forest Service
USGS	United States Geological Survey
WIC	Special Supplemental Nutrition Program for Women, Infants, and Children



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Endnotes

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21. See page 35 for information about secured transactions.
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