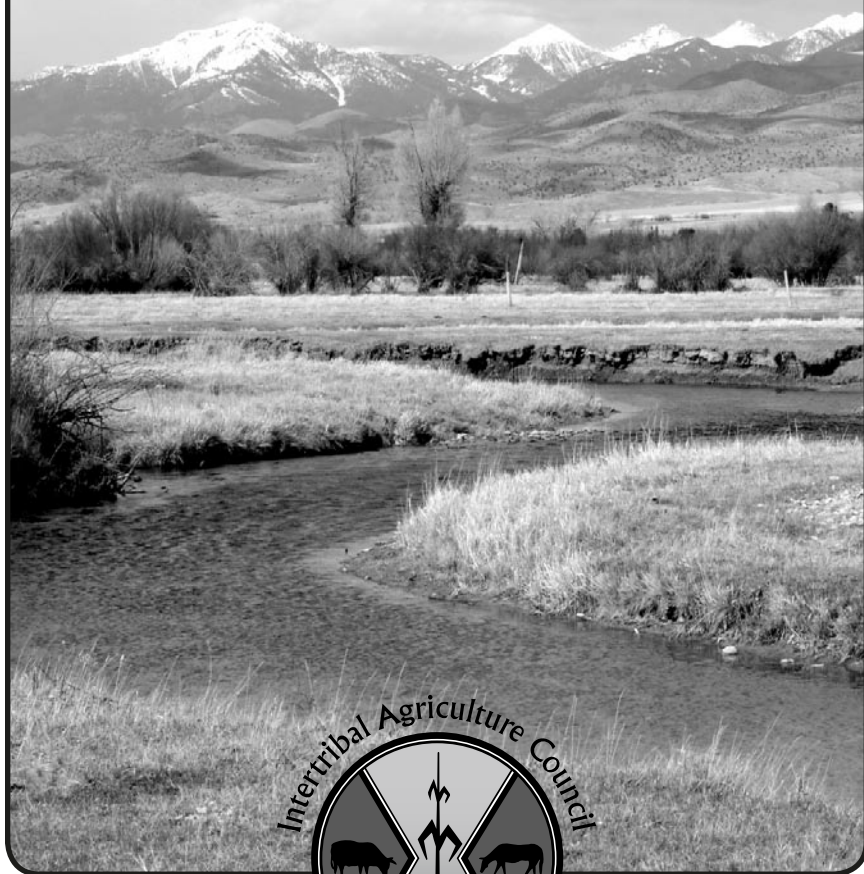


Soil and Water Conservation Districts



Promoting the Indian

Use of Indian Resources

11/2008

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FOREWORD

The Intertribal Agriculture Council (IAC), since its inception in 1987 has endeavored to improve management and conservation on Indian land. Land not only serves as the “home” but the natural resources produced by the land are still the greatest generator of economic wealth for Indian people. It is important that we preserve these lands as well as the culture to pass on to future generations.

Improving management and conservation of our “home lands” must include the land owner and land user in the conservation effort. Conservation has a cost attached to it and in this day of marginal agriculture income, the owner/user must utilize every opportunity available to apply conservation on the land.

We all know the family that has 150 head of cows and the operation has been in the family since the early 1900's. This life is the only job the father has had while putting six kids through high school. The range is in fair condition but could use some improvements, the bulls are of medium quality and are with the cows year long, and there is no hay base attached to the ranch. The only time you see this fella in town is to pay his leases in the spring and when he is shipping his calves in the fall. He's not the type of fella you see at the local Extension Office or at any of the management type seminars. He does not know the local NRCS rep nor has he heard of “cost share programs.” The only person this man visits with is his neighbor and that is during the time they are sharing labor or working cattle.

The neighbor is a little more progressive and becomes involved in the local conservation district. He cross fences his place, develops a few water holes for his cattle and even fences off part of the creek to protect his grandkids' favorite fishing hole. While the neighbors are horseback sorting cattle, the first fella asked the neighbor how he got all that work done all the while knowing they share the struggle of keeping things

wired together. The neighbor explains his involvement in the conservation district and the USDA programs he used to get this done. He also volunteers to get the NRCS rep out to talk to him.

The guy we all know met with the NRCS, talked about what he would like to do with his place. This discussion led to some cross fences, creation of a bull pasture and a grazing plan. The fella was able to sort his bulls off and feed them a little better and he was able to leave his cattle on grass a little longer, thus decreasing his hay bill. Within two years his calves were more uniform and weighed 50 pounds more. No, he didn't take to attending any more management type seminars than he had in the past, but the land was showing increased productivity and he was getting a bigger calf check. This example is conservation that benefits the land, the producer and community.

With this concept in mind, the IAC with the assistance of the Natural Resource Conservation Service (NRCS), has prepared this booklet to explain a process available to Indian Tribes and Tribal members to increase conservation on Indian lands. This, the third publication of this booklet, includes all that IAC has learned about Soil & Water Conservation Districts as well as the necessary documents developed since the publication of the first booklet.

It is the intent of this booklet to explain the purpose and organization of the NRCS, USDA, and to introduce the local level support structure, which directs NRCS activities. This booklet introduces some of the responsibilities of conservation districts and the options available to Tribal governments and reservation residents in becoming more involved in the conservation district(s) governing their respective reservation. This booklet also identifies other potential partners who can assist with the natural resource issues and conservation program development on reservations.

This booklet is designed to assist Tribal governing bodies and individual land users in gaining an understanding of how conservation districts direct local programs delivered by the Natural Resource Conservation Service (NRCS). It is not the intent of this booklet to serve as a manual, which describes each required step and required forms. Instead, this booklet is meant to provide a general understanding of the procedures involved. Any Tribal government interested in further exploring the options available to them can contact the IAC for an on-site presentation.

As a final note to this section, a thank you to the employees of the NRCS who were kind enough to provide guidance, review and editing of this booklet.

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INTRODUCTION

Various laws and regulations have established county-based delivery systems for the major farm and conservation programs of the U.S. Department of Agriculture (USDA). For example, the NRCS also accomplishes its work through a local committee: the Board of Directors of Conservation Districts, which is the topic of this booklet. These districts may be called Soil & Water Conservation Districts (SWCD's) or Natural Resource Conservation Districts (NRCD's) or simply Conservation Districts. Regardless of the name, the basic form and function remains the same.

A conservation district is a geographical area established for conservation purposes with a board of directors that serve as a local unit of government, which prioritize and assist in the delivery of services provided by NRCS. It is usually a subdivision of state government made possible under state law in response to a federal mandate. Conservation districts can also be a sub-division of a reservation, made possible by Tribal law.

The Secretary of Agriculture, in Memorandum No. 2006,01/18/80, recognizes the authority of Tribal Governments to form conservation districts by stating: *"Hereafter, in carrying out conservation programs and practices related to soil and water, Indian organizations operating under Tribal or Federal law may, if otherwise qualified, be furnished technical and other assistance on the same basis such assistance is furnished to districts organized under state law."*

Conservation districts can be described as the local committee that increases public awareness and participation in resource conservation. They represent cooperators as they are land users themselves, speak for the land, document the needs of the people and the land, and develop plans for resource conservation. They bring together entities to work on local common conservation problems. Districts identify

barriers preventing land conservation and bring proposed solutions to governing bodies. Conservation Districts are best described as the marriage of education, science and technology in agriculture and natural resources at the local level.

The Navajo Nation Soil & Water Conservation Districts on the Navajo Nation state their purpose is to “Provide technical assistance for the conservation and restoration of soil, water, plant, animal and related resources; to control soil erosion which is caused by wind and water, people and animals; control of flood damages, beneficial use of all waters, whether they be surface, subsurface and flood waters. Establishment in management of irrigated crop and pastures and haylands, planning and implementation of better grazing management systems, preservation and improvement of wildlife habitat and cultural resources. Planning and implementation of rural and economic development for the general well being of the Navajo People.”

THE NATURAL RESOURCE CONSERVATION SERVICE (NRCS)

A discussion of the Natural Resource Conservation Service (NRCS) is necessary here because it is the federal agency closely aligned with conservation districts at all levels. The local conservation district prioritizes programs and services for NRCS at the local level. The state association of conservation districts provides similar guidance at the state NRCS leader level and the national conservation district association provides input at the national level. NRCS played the leadership role in the early establishment of conservation districts as well as providing financial assistance to those districts. The relationship between NRCS as an agency and the local conservation district is defined by a formal written agreement, which is illustrated later in this booklet. Another important point in the NRCS/District relationship is that NRCS, through an agreement with the National Association of Conservation Districts, will provide a District Conservationist to the local conservation district. In other words, if you form a conservation district, NRCS will put a conservationist at your headquarters to work with you.

The NRCS started in 1929 with an emergency act of Congress in response to the famous Dust Bowl. Initially, ten experiment stations were established to work with Land Grant Universities to study soil erosion and ways to prevent it. However, individual farmers did not receive the benefit of the valuable research, nor did the individual farmers receive assistance in applying the research to their land, thus erosion went uncontrolled.

In 1933, the Soil Erosion Service was established to set up further demonstration projects focusing on watershed protection. Still missing was the technical expertise and financing desperately needed by the depression era farmers. In 1935, Congress changed the Soil Erosion Service to

the Soil Conservation Service, now the Natural Resource Conservation Service (NRCS), and made it a permanent agency of the United States Department of Agriculture (USDA).

In 1994, Congress authorized the Secretary of Agriculture to create the Natural Resource Conservation Service (NRCS) by combining the Natural Resource Conservation Service (NRCS) with other USDA conservation programs. The purpose of the agency remains to ensure the care and proper use of natural resources on all non-federal lands. Their vision is to have a productive nation in harmony with a quality environment. NRCS carries this out by assisting operators and land managers with total resource management plans that focus on soil, water, air, plant, animal, and human needs.

The mission of the NRCS is to help people help the land. NRCS provides technical and financial assistance through many programs designed to assist the land users in preserving and protecting natural resources. NRCS conservation programs include the Conservation Technical Assistance Program, Environmental Quality Incentive Program, Agriculture Management Assistance Program, Conservation Security Program, Emergency Watershed Protection Program, Watershed Protection and Flood Prevention Program, Farm and Ranch Lands Protection Program, Grassland Protection Program, Healthy Forests Reserve Program, Wetlands Reserve Program, Resource Conservation and Development Program and Soil Survey Program. Additional information on NRCS Programs can be found at <http://www.nrcs.usda.gov/programs/Index.html>.

Examples of practices they can help with include a wide range of irrigation engineering, land leveling, drainage, and water distribution; tillage techniques including terracing, contouring, strip farming and residue management; alternate cover crops and sod water ways for erosion control and water quality; crop and land use selection to best utilize existing soil types; pasture and range development; livestock and range

management plans; and watershed protection. Many of these practices enhance wildlife and fisheries and may be used to enhance sensitive plants.

To provide an idea of the technical assistance available, some of the occupations within the NRCS include: soil scientists, agronomists, soil conservationists, range conservationists, irrigation engineers, foresters, and hydrologists. This list does not include every profession within the NRCS, but shows the type of expertise available to the individual producer and the conservation district.

SOIL & WATER CONSERVATION DISTRICTS

THE BEGINNING OF CONSERVATION DISTRICTS

The Soil Erosion Service, who became the NRCS, was successful in the study of erosion and successful in the design of conservation practices to prevent the rampant soil erosion of the dust bowl days. However, the individual farmers were not applying the practices developed at experiment stations and land grant universities. Farmers felt that these newly designed conservation practices were being forced upon them and that they should have a say in how the practices were applied.

Farmers, employees of the agency and members of Congress felt that the government had a responsibility to assist land users with both financial and technical assistance in the application of conservation practices on individually owned property. Hugh Bennett, the ‘Father of Conservation’ wrote in a 1934 Natural Resources Board Report: “States should be encouraged to pass legislation authorizing aid in cooperation with the federal government in erosion control.” The report further states, “The organization of conservation districts or similar legal subdivisions of states should have authority to carry out erosion control measures.” These statements became the foundation of conservation districts.

On May 13, 1936, Standard District Act was published and set out a format for conservation district design that states were encouraged to adopt. The Act stated that an elected group from the local farm/ranch community could organize soil conservation districts as legal government subdivisions. The Act further stated that these districts were to carry out research on erosion control; have demonstration projects; direct prevention control measures; give land occupants various forms of assistance; make loans of equipment and materials; build and maintain structures; accept

contributions of money materials and services and propose land use regulations. You will find these responsibilities remain today as the main purpose and focus of the local districts.

Arkansas was the first state to enact the Standard District Act in May of 1937. Conservation district legislation was passed in all states by June of 1945. Nearly 3,000 districts are now in operation nationwide and in the US Territories. Most commonly these newly formed conservation districts established district boundaries which followed the established county boundaries.

THE IMPACT ON INDIAN LANDS

A question often asked is “Did the formation of conservation districts with boundaries that follow county boundaries include Indian owned land?” The answer to the question is the state formed conservation districts included all Indian owned land in that respective county in their districts.

“Did the formation of conservation districts which included Indian land bring benefits to these lands?” The answer to this question can be partially answered by looking at national policy and inquiry at the local level. A policy agreement between the U.S. Department of Agriculture and the U.S. Department of Interior, “Reorganization Plan No. IV of 1940” transferred certain conservation functions to USDI from USDA. This transfer of function was interpreted to prohibit NRCS from assisting Indian landowners or users whose land was held in trust by USDI (BIA).

This agreement was in place until July, 1977, at which time the following policy replaced it: “On the request of an Indian landowner or user to a conservation district, either individual, group or tribe (unit of government), and whose land is included within the boundaries of a conservation district, SCS (now NRCS) may provide assistance for planning and

implementing measures of a soil and water conservation program in the same manner, with the same requirements, that assistance is provided to any other land user.”

Inquiry at the local level must include the BIA involvement in Indian land management. According to BIA Manual 55, November 17, 1970, section 1.5C (4) Conservation Districts (a) General. It is the policy of the Bureau to cooperate as closely with Soil Conservation Districts as legal authority, available resources, and the need for soil conservation on Indian lands will permit. All Superintendents and Indian organizations are urged to cooperate to the fullest extent with Soil Conservation Districts in carrying out a complete conservation program on Indian lands within organized Soil Conservation Districts. The Bureau helps foster the establishment of Soil Conservation Districts. It recommends the inclusion of Indian lands in the formation of new districts and encourages the enlargement of established districts to include Indian lands. Special reports are required on this relationship. Section (b) describes the types of agreements between the BIA and soil conservation districts, which allow for the granting and/or loaning of BIA equipment to the local district.

In December 2006, BIA, NRCS, and the Farm Service Agency entered into a new Memorandum of Understanding (MOU) designed to clarify agency roles in coordinating, planning and implementing conservation program on Indian lands. A copy of the MOU can be viewed in Appendix E.

IMPORTANCE OF THE CONSERVATION DISTRICT FOR INDIVIDUAL SERVICES

At your request to either the conservation district or directly to NRCS, NRCS personnel will come to your reservation, farm or ranch to assist you in specific activities which will protect and improve the long-term health and productivity of your land. However, the conservation districts and their boards establish the local priorities, which

result in directing NRCS resources to specific purposes. So, while NRCS will provide limited service to individuals not within the boundaries of an existing conservation district or not a cooperator with the conservation district, this service will be generally limited to servicing cost-share referrals and assisting with eligibility determinations for USDA programs. The level of assistance from NRCS for things other than cost-share referrals and program eligibility determinations is set by the conservation district board, and they prioritize each and every conservation activity in their long-range plan and their annual plan of work. A conservation district can and does accelerate the conservation benefit to individual producers.

CONSERVATION DISTRICT BOARD OF DIRECTORS

The conservation district board, working with local farmers, ranchers, and other land managers, balance the national conservation programs with the locally determined conservation needs. They exercise the authority granted in authorizing charters, provide local guidance to the NRCS in the setting of local priorities, and offer long term stability to the use and management of the soil and water resources within the conservation district. It cannot be over stated that conservation districts increase public awareness and participation in conservation programs, provide a physical presence for conservation and bring together entities to work on common conservation problems. One established Indian Conservation District stated they have the Forestry, Minerals, Planning & Economic Development, and Wildlife departments within the Tribe as well as USDA, EPA, Indian Health service, BIA, and the Extension Service working with their district on the conservation needs of their Reservation.

The soil and water conservation needs, in Central Florida on the Brighton Seminole Reservation where high water-tables and flooding of crop and pasture lands is a nuisance,

are very different from the needs of the Central Arizona Gila River Reservation, where the local residents are actively attempting to get water onto their lands and where high water-tables may be considered a blessing. The local district board, working with local farmers, ranchers, and other land managers, identify the local needs and develop programs that balance the national programs with the locally determined needs to address the different conservation situations across the country. The locally elected district boards meet regularly, (once or twice per month) to develop and carry out the annual and long-range plans for conservation in their districts.

These conservation district priorities, both annual and long-term, help NRCS provide the kind of assistance needed to solve the local problems identified by local people. The districts identify the need for resource surveys such as soil or range surveys and coordinate with NRCS in getting the money and people needed to conduct these surveys. Perhaps a more understandable example would be to describe the district board-NRCS relationship as follows: The district board recognizes the need for conservation planning on all lands within the district, so they set a goal of having a conservation plan for every farm or ranch within the district within a period of five years. The local NRCS person looks at this goal and explains to the district board it is only possible to complete ten farm or ranch conservation plans per year with the present staff, thus it will take ten years to complete this goal. The district board can then either modify the goal to fit the actual rate of accomplishment by present staff, or request more NRCS personnel, or hire more district staff themselves.

RELATIONSHIP BETWEEN NRCS AND CD'S

The level of NRCS assistance provided to a conservation district is described in a formal agreement, such as a Cooperative Working Agreement, developed jointly by the

Conservation Board and the local NRCS, with approval at the state level (see appendix B). Conservation district boards and personnel do not supervise or direct NRCS on day-to-day activities, nor do Conservation districts prioritize NRCS budgets. Conversely, the NRCS does not supervise, direct or prioritize district activities or budgets. However, the district does prioritize the local conservation issues that will be addressed by the programs NRCS administers.

ELECTIONS

Generally, once a district is formed, the landowners and land users elect five to seven people as the board of supervisors, directors, or commissioners. They are usually on the ballot as non-partisans during general elections. The election process varies throughout the nation. In some other states, board members are appointed, and in some states, county extension agents serve as ex-officio members of conservation district boards. In the case of a district formed under Tribal Law, the Tribe determines the number of board members and determines the process to become a board member. District boards solicit input from a variety of sources to help develop and prioritize their long-range plan for conservation and development of the natural resources within the boundary of their district.

OTHER SOURCES OF ASSISTANCE

Besides the technical assistance received from NRCS, districts may also receive technical help from private organizations, state agencies, and other federal agencies such as Farm Service Agency, Forest Service, Fish and Wildlife Service, and the Extension Service. In most states, state conservation agencies have been established by state law to assist conservation districts with their program needs. In some states they are known as boards or commissions, but their responsibilities are generally the same. Some of their

responsibilities include:

1. Organizing new districts, consolidating districts, or making boundary changes.
2. Distributing any state-appropriated funds to districts. Issuing rules establishing guidelines and suitable controls for district funds and property, and to advise districts concerning their conformance with applicable laws and regulations.
3. Administer election and appointment procedures for district board member positions.
4. Assist districts in obtaining legal services from state and local legal officers.
5. Assist with agreements between districts and private and public organizations. Seek agreements with government agencies and assist with the development of Memorandums of Agreement.
6. Assist districts with program development, reviewing district programs and coordination of multi-district activities.
7. Facilitating the interchange of information between districts and provide information to board members, disseminating information throughout the state concerning conservation district activities, in particular to the Governor, the legislative agencies, the executive agencies, subdivisions of the state, federal agencies, and the general public.

FINANCIAL SUPPORT FOR CD'S

Some financial assistance for conservation district operation may come from the state and/or county for those districts formed under state law. This financial assistance varies from a few hundred to several thousand dollars yearly. Some districts have local taxing authority, while others have to raise their own funding to meet financial needs. An

example of fund raising is the selling of trees for shelterbelts and riparian restoration.

The respective Tribe usually funds those districts formed under Tribal charter. Some of the Tribal conservation districts are receiving grant funding for facilitating community development workshops. Others have developed contracts with USDA agencies to carry out community education workshops for programs and services. Another opportunity for funding of your district is the utilization of a portion of the administrative fees charged for the preparation of leases and range permits on your respective reservation,

Tribal Districts trying to secure grant funding from large foundations may find it beneficial to form a 501-(c) 3 organization. There are some benefits and drawbacks to this type of charter. Benefits of 501 (c) 3 include being tax exempt and any organization making contributions receive a tax deduction for the amount of the contribution. A benefit of forming under Tribal law is the sovereign unity of the Tribe insures that you will not be held liable or sued by an individual. Under the 501-(c) 3 charter you would lose this sovereign immunity status. Districts formed as a subdivision of the state have tax exempt status under IRS Code 170 and can receive tax deductible contributions.

Any funding received by a conservation district comes through a local mill levy, support from the respective state, Tribal contributions, or through self generated income through grants and contracts. The conservation district board does not receive operation funding nor do they distribute cost-share funding from NRCS. The NRCS budget for operation and cost-share is distinctly separate from the budget of the conservation district.

LANDOWNER/USER ROLES

Since virtually all land treated with conservation measures is privately owned or controlled, (no federal or state) it is

necessary that land users themselves carry out the work and are actively involved in the planning. Professional conservationists can provide recommendations for correction of the resource problems, but the professionals do not do the work themselves. The conservation district serves as a coordinator between the professional and the land user. The district board works with the land user to help them recognize the resource problem, to want to do something about it, and to individually complete or implement the professional recommendations.

POWERS AND DUTIES OF THE BOARD

A conservation district board may only exercise the powers given to them by a state or Tribal government. The following list has been taken from specific state and Tribal laws. Although the list is very formal, it is a direct example of the duties or powers granted to different conservation districts by different states and Tribal governments:

1. To develop comprehensive plans for the conservation of soil resources and for the control and prevention of soil erosion within the district, which plans must specify in such detail as may be possible the acts, procedures, performances, and avoidances which are necessary or desirable for the effectuation of such plans, including the specification of engineering operations, methods of cultivation, the growing of vegetation, cropping programs, tillage practices, and changes in use of land, and to publish such plans and information and bring them to the attention of occupiers of lands within the district.
2. To formulate regulations governing the use of lands within the district in the interest of conserving soil and soil resources and preventing and controlling soil erosion, and may conduct public meetings and hearings upon

tentative regulations as may be necessary to assist them in this work. The land use regulations that may be adopted by the supervisors may include:

- a. Provisions requiring the carrying out of necessary engineering operations, including the construction of terraces, terrace outlets, check dams, dikes, ponds, ditches, and other necessary structures.
 - b. Provisions requiring observance of particular methods of cultivation, including contour cultivating, contour furrowing, sowing, planting, strip cropping, seeding and planting of lands to water conserving and erosion preventing plants, trees, grasses, forestation, and reforestation.
 - c. Specifications of cropping programs and tillage practices to be observed.
 - d. Provisions requiring the retirement from cultivation of highly erosive areas or of areas on which erosion may not be controlled adequately if cultivation is carried on.
 - e. Provisions for such other means, measures, operations, and programs as may assist conservation of soil and water resources and prevent or control soil erosion in the district, having due regard to the declaration of policy set forth.
3. To act as a local delivery system for all local, state, and federal natural resource programs.
 4. To provide landowner/land user input in the delivery of programs and services from the NRCS. Often the concept of "government to government" fails to recognize the individual using the land. A conservation district insures the input from the user of the land.

5. To cooperate or enter into agreements with and, within the limits of appropriations duly made available by law, to furnish financial or other aid to any agency, governmental or otherwise, or any occupier of lands within the district in carrying on of erosion control and prevention operations within the district, subject to such conditions as the supervisors may deem necessary.
6. To make available, on such terms as it shall prescribe, to land occupiers, government units or qualified electors within the district, agricultural and engineering machinery and equipment, fertilizer, seeds and seedlings, and such other material or equipment as will assist such land occupiers to carry on operations upon their lands for the conservation of soil and water resources and for the prevention of soil erosion.
7. To conduct surveys, investigations, and research relating to the character of soil erosion and the preventive and control measures needed, and to publish the results of such surveys, investigation, or research, and to disseminate information concerning such preventative and control measures.
8. To conduct demonstration projects within the district. Demonstrate methods and measures by which soil and soil resources may be conserved and soil erosion in the form of soil blowing and soil washing may be prevented and controlled.
9. To carry out preventative and control measures within the district, including, but not limited to, engineering operations, methods of cultivation, the growing of vegetation, and changes in use of the land.

10. To construct, improve, and maintain such structures as may be necessary or convenient for the performance of any operations authorized.
11. To take over, by purchase, lease or otherwise, and to administer any soil conservation, erosion control or erosion prevention project located within its boundaries undertaken by the United States or any of its agencies, or by a state or any of its agencies; to manage as an agent of the United States, or any of its agencies or of a state and any of its agencies, any soil conservation, erosion control, or erosion prevention project within its boundaries.
12. To accept donations, gifts, and contributions in money services, materials or otherwise from the United States or any of its agencies or from a state or any of its agencies, and to use or expend such moneys, services, materials or other contributions in carrying on its operations.
13. Education and training programs for land users, owners and managers.
14. To hire employees, fix their compensation rate, and define job duties.
15. Acquire personal property such as equipment or machinery to introduce soil conservation practices to the community.
16. Have a separate account established by the district for funds received and dispersed by the board subject to audit according to government laws and regulation.

17. Participate in the state association of conservation districts as well as the national association of conservation districts.
18. Form and lead the local working group, which leads the application process for the Environmental Quality Incentive Program.
19. Participate in the State Technical Committee and the State Food Agriculture Committee.

The above list may contain similar activities to those of Tribal resource or land use committees. However, there are some differences between these committees and a conservation district, the most important being the authority for delivery of NRCS service comes only through chartered conservation districts and their elected directors.

BARRIERS TO INDIAN PARTICIPATION IN CONSERVATION DISTRICT PROGRAMS

The vast majority of states have established their districts along county lines. Larger reservations will be covered by as many conservation districts as there are county lines bisecting that reservation. To alleviate this problem, a few Tribal governments have established conservation districts under Tribal charter. Other Tribal governments have organized reservation-wide conservation districts under state law. Both ways of establishing conservation districts are now recognized and accepted nationally.

Since Reservation land areas are generally always a part of one or more conservation districts, where the resource problems on the reservation are much the same as resource problems in the rest of the district, then it is reasonable to expect assistance from NRCS when requested. However, problems in service occur when conservation needs on the reservation are very different than those in the rest of the conservation district.

Generally, Indian lands have not been developed to the same level as off-reservation lands. This differing level of development leads to differing priorities. As an example, off-reservation lands may all be cross fenced and have sufficient water developments for conservation pasture management, while little has been accomplished in pasture rotations on reservation. There may be a need for 500 miles of cross fencing, and 1,000 water developments on the reservation to properly manage the grazing resource. Because this type of work is completed on the lands they normally work with, the established Conservation District Board probably has not prioritized cross fencing or stock water development as a high needs item. They may have prioritized shelterbelts as their highest priority, so that on reservation participants will find

assistance available primarily for shelterbelt plantings. To get the needs of the reservation known and the NRCS programs meeting needs on the reservation, it is critically important for Tribal governments and Indian agriculture producers to become involved in setting the goals and priorities of the conservation district.

When you and your group or Tribe begin discussions on exercising one of the options available to you, there will be some concerns on the impacts to the established districts. Discussion should remain focused on the conservation of resources, not who owns the land or who's done what to whom in the past. The discussion of resource conservation will focus attention on your goals and the goals of the established districts. More often than not, everyone will be surprised at the commonality of the goals. Working toward common goals will lead to understanding and may lead to a mutually beneficial relationship between the Reservation and the established districts.

OPTIONS AVAILABLE TO RESERVATIONS TO GAIN ACCESS TO CONSERVATION DISTRICTS

There are several options available to Tribal governments and reservation residents in becoming involved in a conservation district:

1. Become involved in an established district or districts.
2. Form a conservation district under state law.
3. Form a conservation district under Tribal law.
4. Accept things as they are (status quo).

We have described the first three available options in the following discussion, but we have not described the status quo. The reason being is the purpose of this booklet is to increase the amount of conservation on Indian land as well as the number of Indian participants in USDA programs.

EXISTING CONSERVATION DISTRICT

Most Tribal governments are in the situation where their reservation is a part of one or more existing conservation districts formed under state laws and following political boundaries, generally county lines. Tribes may feel that this arrangement is satisfactory but would like to see more attention paid to the resource problems on the reservation. This means getting more involved with the conservation district governing body, the district board.

There are several ways to do this:

- a. Send Tribal representation to meet with the conservation district board on a regular basis and request that present reservation resource problems be addressed and be included in the priorities of the district.
- b. Following state conservation district law, circulate petitions and elect Tribal members to the existing conservation district boards.
- c. Provide newly elected Tribal conservation board representatives with training on how district boards function and how to play an active role in the meetings and the decision making process.
- d. Tribal governments may support participation of the newly elected Indian board members by encouraging them to attend the State and National Association of Conservation Districts meetings in order to gain greater understanding of districts programs, cooperating agencies and organizations.

PROS

Becomes an educational process for individuals representing the Tribe and the Tribe as well on the function of a conservation district.

No cost to the Tribe.

CONS

A voting board membership is not guaranteed.

Problems getting all eligible voters registered as the eligible voting list is normally maintained in the county clerk and recorders office.

Must share time and availability of NRCS personnel with the whole district.

RESERVATION CONSERVATION DISTRICT FORMED UNDER STATE LAW

Tribal governing bodies have the option of organizing a reservation conservation district under state code. In this option the district is formed under state statute and is operated under that authority. A certain amount of funds may be made available by the state for the operation of the district. These districts are fully recognized by all levels of state and federal agencies and may enter into a Cooperative Working Agreement with USDA-NRCS, and other agencies and organizations for technical and financial assistance. The pros and cons for Tribes to consider fully before entering into this option are:

PROS

A reservation district's long range plans (and subsequent technical assistance) will address the resource problems on your reservation.

May result in a higher level of technical assistance from NRCS than in the past.

May receive state funds for district operation.

CONS

May have potential conflict between state codes and Tribal regulations.

Some might see this approach as an encroachment on Tribal sovereignty.

PROCEDURE FOR FORMING

1. The Tribe would petition the state conservation agency for removal from the existing district or districts, which encompass the reservation.
2. The Tribe would petition the state conservation agency to form one or more conservation districts. The Tribe may choose to form just one reservation-wide district.
3. Tribes use the state election procedures to elect a board of supervisors made up of reservation landowners, individuals leasing reservation land and other qualified candidates residing within the newly established district boundaries.

RESERVATION CONSERVATION DISTRICT FORMED UNDER TRIBAL LAW

Tribes have the option of forming a conservation district for their reservation through Tribal law. In this option, local Tribal members have the right to make decisions on how their conservation programs operate, what the conservation priorities are, and determine what level of technical and financial assistance is needed. Districts organized under Tribal code also provide for long-term stability in the management of reservation resources in contrast to the fluctuation resulting from Tribal politics from one term to the next. It also adds stability in the turnover of NRCS personnel servicing the reservation. Again there are pros and cons of this option to be considered:

PROS

Gives Tribal members a voice in the operation of the district and establishing district policy.

Allows the district to enter into formal agreements with NRCS, other agencies and organizations, to secure technical and financial assistance.

Maintains sovereignty and freedom from suit.

This approach is most responsive to reservation problems and solutions.

District recognized by state and federal agencies.

Operation of the district is under Tribal customs and standards.

CONS

Depending on the individual state, state funds for district operation are generally not made available.

Tribal governing body must support the cost of operation.

PROCEDURE FOR FORMING

1. An interim board is appointed by the Tribe or by the participating landowners or users to carry out activities until a formal election can be held.
2. Research what the state law requires and surrounding states require conservation districts to carry out.
3. Research other Reservations nationally who have formed districts and how their districts are formulated by Tribal law.

4. The Tribal Governing Body authorizes the reservation-wide conservation district by Tribal resolution or ordinance.
5. Prepare a duplication of the MA (Appendix A) to be signed by the Tribal Chairman and the Secretary of Agriculture. This document and the Tribal Resolution are forwarded to the NRCS Native American Liaison, who secures the Secretary's signature and returns the document to the district.
6. Establish conservation district by-laws based on local concerns and the research done on other state and Tribal districts. A part of the by-laws must include the voter districts from which one supervisor per voter district is elected.
7. Elect a board of supervisors made up of reservation landowners and individuals leasing reservation land.
8. Establish a cooperative working agreement with the NRCS State Conservationist. (Appendix B can be utilized as a format but must be modified to fit the needs of your district and abilities of the NRCS to meet those needs.)

SUMMARY

The USDA provides numerous services of value to rural America and American agriculture, at all levels. The primary provider of conservation services from the USDA is the NRCS, created to provide technical assistance and leadership to private landowners and land users on programs, which improve and sustain our natural resources and environment. The NRCS also can provide financial assistance through many programs such as the the Conservation Technical Assistance Program, Environmental Quality Incentive Program, Agriculture Management Assistance Program, Conservation Security Program, Emergency Watershed Protection Program, Watershed Protection and Flood Prevention Program, Farm and Ranch Lands Protection Program, Grassland Protection Program, Healthy Forests Reserve Program, Wetlands Reserve Program, Resource Conservation and Development Program and Soil Survey Program. Additional information on NRCS Programs can be found at <http://www.nrcs.usda.gov/programs/Index.html>.

Prioritizing local needs and assisting in directing NRCS services at the local level where service is actually provided to individuals, is the function of the Conservation Districts, authorized by Federal Statute and created usually under State Charter. Improving Indian access to the important conservation assistance programs of the NRCS requires improving and nurturing the working relationships between the Tribal Governments, individual producers, landowners, and the conservation districts. If your Tribe or organization would like to have assistance in considering how best to gain support of a conservation district in directing NRCS services, please contact the IAC, at the address on the next page.

Intertribal Agriculture Council
100 N 27th Street, Suite 500
Billings, MT 59101
Telephone (406) 259-3525
E-Mail: info@indianaglink.com

As stated in the foreword, this booklet is designed to assist Tribal governments and individuals in gaining an understanding of conservation districts and the impact such a district can have in directing programs put forth by the Natural Resource Conservation Service. Further information can be obtained through your local conservation district or by contacting the IAC or the Indian Nations Conservation Alliance.

Indian Nations Conservation Alliance
350 Nye Road
Twin Bridges, MT 59754
Telephone (406) 684-5199
E-Mail: inca@3rivers.net

APPENDIX A

This agreement is the formal recognition by the Secretary of Agriculture of the intent of a Tribe in the formation of a conservation district. This agreement must be in place prior to NRCS at the state level negotiating a cooperative working agreement. The Mutual Agreement is the same agreement signed by the Secretary with all conservation districts, with the exception of the Tribal specific language.

It is recommended that the agreement language pertaining to USDA is not changed in content or context because of the extensive legal reviews completed on the document as it is written. However, Tribes can add their recognized authorities such as “Federally recognized Tribe organized under the 1934 Reorganization Act” as an example. The terms that provide the legal authority to the respective Tribe to develop a conservation district can be added as well.

One will note there are signature requirements for the conservation district although the district is not formed. This signature can be an interim board member appointed to represent the board for this occasion.

Once the Tribal Resolution has been passed and published, attach one copy of the resolution to each of the two signed copies of the agreement and forward the package to:

Director Resource Conservation, Development
and Outreach Division

Natural Resources Conservation Service
US. Department of Agriculture
1400 Independence Avenue SW, Room 5245-S
Washington DC 20250
Phone 202-720-6700

Questions may be directed to:

Edith Morigeau

NRCS Tribal Relations Coordinator

USDA, Natural Resources Conservation Service

1400 Independence Avenue SW, Room 5245-S

Washington DC, 20250

Phone: 202-690-2152

MUTUAL AGREEMENT

between the

UNITED STATES DEPARTMENT OF AGRICULTURE

the

_____ **Tribe/ Nation**

and the

_____ **Tribal Conservation District**

**For their Cooperation in the Implementation of the Common
Objectives and Goals of USDA and the**

_____ **Nation**

and the

_____ **Tribal Conservation District**

This Mutual Agreement (Agreement) is between the United States Department of Agriculture (USDA), the _____ Nation (Nation) and the _____ Soil and Water Conservation District (District).

Pursuant to the constitution of the _____ Nation, the _____ Tribal Council has the power to negotiate with federal, state and local governments on behalf of the Tribe. The authority of the District to enter into this agreement is _____ Tribal Council Resolution No. _____.

The USDA enters into this agreement pursuant to Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000; Memorandum of Understanding between the United States Department of the Interior and the United States Department of Agriculture, and their various agencies, relative to planning and implementing community development and natural resources management and conservation programs on Indian lands, dated May 9, 1988.

STATEMENT OF PURPOSE

The parties have the common objective of assisting people in their efforts to utilize and manage tribal resources in accordance with their capabilities and needs for protection and improvement. Each party is independent, has its respective responsibilities, yet recognizes the need to coordinate as partners for the successful delivery of all USDA programs.

IT IS UNDERSTOOD THAT:

Broad based community development and conservation programs delivered through the cooperation of the USDA and the Tribe are vital to the protection of the natural resources, economic stability and well-being of this country.

The parties reaffirm the relationship between the USDA and the Tribe. The Secretary of Agriculture intends to continue, within the terms of the various statutes administered by the USDA, to carry out broad programs of assistance encompassing technical, research, educational, and financial assistance to landowners and users. The parties also recognize and encourage a commitment from the Tribe in aiding the administration, coordination, financing, and delivery of all USDA programs related to community development and natural resources management and conservation programs.

This agreement is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by any party against the United States, its agencies, its officers, or any person.

It is understood that any financial assistance agreements entered into with the USDA in furtherance of this agreement shall require a written assurance from the recipient that all programs and activities will be conducted in compliance with all applicable Federal civil rights laws, rules, regulations and policies.

This agreement supersedes any prior memorandum of understanding or agreement and it is effective upon the signature of the parties. It may be modified at any time by mutual consent of both parties and can be

terminated by either party by a sixty (60) day written notice to the other party.

The parties will encourage other community development and natural resources related agencies to develop similar agreements.

UNITED STATES DEPARTMENT OF AGRICULTURE

By: _____

Secretary of Agriculture

Date: _____

_____ NATION

By: _____

Tribal Chairperson

Date: _____

_____ TRIBAL CONSERVATION DISTRICT

By: _____

Conservation District Chairperson

Date: _____

(EXAMPLE) RESOLUTION

Number: _____

WHEREAS, The _____ Tribal Business Council is the duly constituted governing body within the exterior boundaries of the _____ Indian Reservation; and

WHEREAS, The _____ Tribal Business Council has been organized to represent, develop, protect and advance the view, interests, education, and resources of the _____ Indian Reservation, and

WHEREAS, The _____ Tribal Business Council recognizes the importance of addressing Food, Agriculture and Natural Resource needs on the _____ Reservation through the utilization of the United States Department of Agriculture (USDA) programs and other federal programs and technical assistance and to increase Indian farmers and ranchers opportunities to own, operate and retain farms and ranches, and

WHEREAS, Technical and cost-share assistance provided by the USDA is most effectively provided through a Tribal Conservation districts' leadership and Long Range Natural Resource Plan, and

WHEREAS, A _____ Tribal Conservation District will have the authority to work cooperatively with other agencies, Tribal Resource Specialists, Tribal college, and boards, etc, to develop a Natural Resources Long Range Plan for the _____ Nation which will establish priorities under which the USDA agencies will operate on the _____ Indian Reservation, now

THEREFORE BE IT RESOLVED: The _____ Tribal Business Council hereby establishes the _____ Tribal Conservation District, defined by the exterior boundaries of the _____ Indian Reservation and authority of the _____ Tribe of the _____ Indian Nation and will enter into a mutual agreement with USDA.

THEREFORE BE IT FURTHER RESOLVED: The _____ Tribal Conservation District is empowered to enter into Cooperative Working Agreements with the USDA Agencies and others, with the Tribal Business Council approval, to carry out the Tribal Districts Long Range Natural Resource Plan, and

BE IT FURTHER RESOLVED, The _____ Conservation District shall develop and implement By-laws for establishing and governing the _____ Conservation District Board of Supervisors.

ATTEST:

The _____ **Tribe Of**
_____ **The Indian Nation**

_____, Secretary
_____ Tribal Business Council

_____, Chairman
_____ Tribal Business Council

CERTIFICATION

APPENDIX B

This document provides a guideline for the parties to utilize in the development of a Cooperative Working Agreement. The headers (Bold Print) represent topics for discussion and agreement. The print following the headers is meant to be the general purpose of that particular topic. The parties will find it necessary to address each of the topics with language more descriptive of their particular desired relationship.

COOPERATIVE WORKING AGREEMENT

Between the

**NATURAL RESOURCES CONSERVATION SERVICE
UNITED STATES DEPARTMENT OF AGRICULTURE**

And

THE _____ CONSERVATION DISTRICT

**For their Cooperation in the
Conservation of Natural Resources**

THIS AGREEMENT is between the Natural Resources Conservation Service (NRCS), an agency of United States Department of Agriculture (USDA), and the _____ Conservation District, collectively referred to as the parties, to define the roles and responsibilities of the parties.

AUTHORITIES, STATUTES, LAWS

NRCS is authorized to cooperate and furnish assistance to the parties in the conservation of natural resources as referenced in the Soil Conservation and Domestic Allotment Act, 16 U.S.C. 590; The Department of Agriculture Reorganization Act of 1994, Public Law 103-354; and Secretary's Memorandum No. 1010-1, Reorganization of the Department of Agriculture, dated October, 1994.

The Tribal authority for participation is defined in _____ Tribal Resolution _____ passed on ____, 20__.

The purpose of this agreement is to supplement the Mutual Agreement between the United States Department of Agriculture and the _____ Conservation District. This cooperative working agreement documents those areas of common interest of the federal and Tribal partnership in natural resource conservation.

The customers of the parties to this agreement are individual landowners/land users, federal and Tribal land management agencies, other individuals, groups, and units of government. The parties mutually agree to provide leadership in resource conservation. To accomplish this, we share a commitment to listen, anticipate and respond to our customers' needs; anticipate, identify, and address issues; maintain decision-making at the lowest level; advocate comprehensive resource management planning, maintain and improve our grass-roots delivery system; build new alliances to expand our partnership; foster economically viable environmental policies; improve the quality of life for future generations; and conserve and enhance our natural resources.

The parties pledge to work together by advancing and practicing teamwork; including input in the decision-making process;

communicating, coordinating, and cooperating; sharing opportunities; promoting mutual respect, support, trust, and honesty; and sharing the leadership and ownership, the credit and the responsibility. A mutual goal is to improve our efficiency and effectiveness by putting quality first; empowering people to make decisions; demonstrating professionalism and dedication and striving for continuous improvement.

ROLES AND RESPONSIBILITIES:

PERSONNEL

Each party is responsible for the hiring, management, supervision, development, and evaluation of its own personnel, including creating an environment that supports a diverse work force for NRCS and recognizing Tribal hiring preference in accordance with the Indian Reorganization Act of 1934 (25 U.S.C. 497).

TRAINING

The parties will provide appropriate leadership in administrative and technical training as determined by program needs. Training also includes the orientation of all employees and official in organizational philosophies, programs, authorities, roles and responsibilities of the parties.

Parties are encouraged to offer training opportunities to each other.

EMPLOYMENT

The parties will work together to coordinate individual staffing plan to include necessary disciplines for program delivery.

Employee evaluations will be done independently by the employing organization, but others may provide input.

TECHNICAL AND ADMINISTRATIVE ASSISTANCE

The parties will work together to determine the amount of technical and administrative assistance needed and available for program delivery at each level. Such assistance may include contracts, agreements, procurement, personnel, engineering, and/or other assistance provided by the parties.

PROGRAM DELIVERY

NATURAL RESOURCE PLANS

The parties will coordinate with public and private resource groups, other resource agencies, and interested parties to share information and resources in developing comprehensive natural resource plans.

RESOURCE INVENTORIES

The parties agree to identify, define, and coordinate the collection and use of resource inventory data.

The parties will cooperate in monitoring and validating the resource inventory data to assure that the data meets the needs of resource planning and evaluation processes.

INFORMATION SHARING

The parties will designate who has responsibility for collection and maintenance of particular resource information.

Parties will agree to work toward establishing and maintaining accessible data bases.

BOUNDARIES

The parties will agree on common boundaries for program delivery.

MARKETING

The parties will coordinate their efforts in the communication of program information to their customers.

TECHNICAL STANDARDS

The parties will adopt the NRCS Field Office Technical Guide (FOTG) and other science based technical standards, as appropriate.

JOB APPROVAL

Each party will assign conservation practice (job approval) authority to its personnel based on employee knowledge, skill and ability levels and within applicable laws and guidelines.

MAINTENANCE OF STANDARDS

The parties will develop a process to establish and maintain consistent standards.

RECORDS, FACILITIES AND EQUIPMENT

WORKING SPACE

The Tribe will provide office space per the FACT ACT, Title XXV, Section 2501.

EQUIPMENT

The parties agree to share equipment for common use within established guidelines and procedures.

RECORDS MANAGEMENT

The parties will define legal requirements and limitations for access and use of relevant records. The parties will agree on the maintenance, update, and disposition of relevant records.

FUNDING

The parties will work together to maximize available resources and actively seek funding to accomplish natural resource priorities and programs.

FEE FOR SERVICES

The parties recognize that nonfederal signatories may establish procedures to collect fees, where permissible, for the delivery of such services which are not provided through federal financial or technical assistance.

TORT LIABILITY

The parties will each assume responsibility for the actions of their officials or employees acting within the scope of their employment to the extent provided by federal laws.

ACCOUNTABILITY

The parties will design and implement an outcome-based evaluation system to determine if resource and customer needs are being met.

SCOPE OF AGREEMENT

Authority to carry out specific projects or activities, such as transfer of funds, acquisition of services and property, will be established under separate agreement.

CIVIL RIGHTS

The parties will be in compliance with the nondiscrimination provisions contained in Titles VI and VII of the Civil Rights Act of 1964, as amended, the Civil Rights Restoration Act of 1987 (Public Law 100-259) and other nondiscrimination statutes, namely, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Acts of 1975, American with Disabilities Act of 1990, and in accordance with regulations of the Secretary of Agriculture (7 CFR-15, Subparts A & B), which provide that no person in the United States shall, on the grounds of race, color, national origin, age, sex, religion, marital status, or disability be excluded from participation in, be denied the benefits of or be otherwise subjected to discrimination under any program or activity receiving federal financial assistance from the Department of Agriculture or any agency thereof, that the Tribe may provide for Tribal hiring preference in accordance with the Indian Reorganization Act of 1934

(U.S.C.479).

TERMINATION

This agreement can be modified or terminated at any time by mutual consent of all parties by any party giving 60 days written notice to the other parties.

_____ TRIBE

UNITED STATES DEPARTMENT
OF AGRICULTURE
NATURAL RESOURCES
CONSERVATION SERVICE

By: _____
(Tribal Chairperson)

By: _____
(State Conservationist)

Date: _____

Date: _____

_____ Conservation District

By: _____

Date: _____

APPENDIX C

This appendix provides an overview of the functions of the National Association of Conservation Districts and the State associations of conservation districts.

National Association of Conservation Districts

Across the United States, nearly 3000 conservation districts are working to conserve and develop land, water, forests, wildlife and related resources for the benefit of all. More than 15,000 men and women serve on the governing bodies of districts.

The National Association of Conservation Districts (NACD) was organized by districts and their state associations to serve as the national voice for the conservation district movement. Formed in 1946, NACD enables districts to collectively accomplish what would be difficult or impossible to accomplish individually. NACD pools district experience and develops national policies on a continuing basis. It maintains relationships with organizations and government agencies; publishes information about districts; works with leaders in agriculture, environment, industry, youth, religion and other fields; and provides services to districts through its various offices throughout the country.

NACD is a nongovernmental, nonprofit organization that is controlled and owned by its member districts and their state associations. It is financed by the voluntary contributions of its members.

NACD's primary purpose is to serve its member conservation districts in the conservation, orderly development and wise use of the nation's natural resources. NACD believes that decisions on conservation problems should be made on the local level, by local people, based on local priorities, with technical and funding assistance provided by federal, state and local governments and the private sector. NACD represents the conservation districts at the national level, speaking and acting as their combined voice.

"Conservation -Development -Self-Government" is the theme of the district movement, symbolizing the dedication of district officials to purposeful, constructive action in the field of conservation, resource development, and grassroots

leadership -fundamental to American growth and prosperity.

Additional information may be obtained from NACD at:

NACD Headquarters

509 Capitol Court NE

Washington DC 20002-4937

Phone: 202-547-6223

Fax: 202-547-6450

State Associations of Conservation Districts

State Associations of Conservation Districts have been formed to provide services, support and programs that also enable districts to collectively accomplish what would be difficult or impossible for individual districts to accomplish. Specifically, districts working together as an association can exert influence with key state decision makers, including the state legislature, provide statewide information exchange, and organize and deliver specific services and programs that their member districts request.

State associations are also caretakers of state- wide policies brought forward by local conservation districts and approved by resolution by the State Association voting delegates.

APPENDIX D

Included in this appendix is a list of Tribal Conservation Districts and their respective NRCS Conservationist. The intent of this list is to provide you and your District contact people who may be able to help you in formation, development of by-laws, securing of funding or application of conservation practices on the ground. Another benefit of this list is to provide the opportunity to share ideas and unify in the effort to educate USDA Agencies of the conservation needs of Indian Country.

**Tribal Conservation Districts National Directory
and associated Natural Resource Conservation Service
District Conservationist/Tribal Liaisons**

TYONEK TRIBAL CONSERVATION DISTRICT

Established 2005

Native Village of Tyonek Resolution No. 2005-15
Tyonek Native Corporation Resolution No. 05-15
Mutual Agreement 2005
Cooperative Working Agreements

Chair: Angela Sandstol

E-mail: asanstol@alaskapacific.edu

Temporary address

Tyonek Native Corporation

1689 "C" Street Ste. 219

Anchorage AK 99501-5131

Phone: 907-646-3108; Fax: 907-274-7125

NRCS District Conservationist

Crystal Leonetti

Anchorage Field Office

510 L. Street, Suite 270

Anchorage, AK 99501

Phone: 907-271-2424, ext. 110; Fax: 907-271-4099

E-mail: crystal.leonetti@ak.usda.gov

ARIZONA

Chinle Soil & Water Conservation District

Established 1982

Tribal Resolution #: CF-11-80, 2/7/80

Mutual Agreement: 10/21/82 updated 5/20/97

Cooperative Working Agreement: NRCS 12/3/90
updated 12/13/98

President: Anslen Joe

P.O. Box 86

Lukachukai, AZ 86507

Home Phone: 928-787-2342

Work Phone: 928 787-2500

NRCS District Conservationist

Lyndon Chee

Chinle Field Office

P.O. Box 490

Chinle, AZ 86503-4090

Phone: (928) 674-3612; Fax: (928) 674-3613

Cell Phone: 928-674-1896

E-mail lyndon.chee@az.usda.gov

**COLORADO RIVER INDIAN TRIBES NATURAL RESOURCES
CONSERVATION DISTRICT**

Established 1977

Mutual Agreement: 11/28/77 updated 9/25/96

Cooperative Working Agreement: NRCS 10/15/90
updated 1/20/98

President: Frank Martinez

P.O. Box 1152

Parker, AZ 85344

Phone: (928) 669-9826; Fax: (928) 669-9666

NRCS District Conservationist

Jim Krahenbuhl

Parker Service Center

PO Box 3366

Parker, Arizona 85344-6477

Phone: (928) 669-9826; Fax: (928) 669-9666

Email: James.Krahenbuhl@az.usda.gov

FORT DEFIANCE SOIL & WATER CONSERVATION DISTRICT

Established 1982

Tribal Resolution #: CF-11-80, 2/7/80
Mutual Agreement: 4/10/81 updated 5/20/97
Cooperative Working Agreement: NRCS 11/10/90
updated 8/20/99

GILA RIVER NATURAL RESOURCE CONSERVATION DISTRICT

Established 1991

Tribal Resolution #G4-164-86
Mutual Agreement 3/21/91 updated 7/18/96
Cooperative Working Agreement: NRCS 5/20/91
updated 3/19/1998

President: Gerald Brown

P.O. Box 1963
Coolidge, AZ 85228
Phone: (520) 215-5774
Other: (520) 562-6719

NRCS District Conservationist

Phillip F. Jacquez

805 E. Warner Rd, Ste 104
Chandler, AZ 85225
Phone: (480) 988-1078, ext. 104 ; Fax: (480) 988-1474;
Cellular: (602) 686-0887
Email: Phillip.Jacquez@az.usda.gov

HUALAPAI NATION SOIL & WATER CONSERVATION DISTRICT

Established 2000

Mutual Agreement 10/03
Cooperative Assistance Agreement: 5/15/02

Chair: Phillip Bravo

Phone: 928-769-2241

Joel Querta

Hualapai Nation

Department of Natural Resources

PO Box 300

Peach Springs, Arizona 86434

Phone: (928) 769-2254; Fax: (928) 769-2309

e-mail

NRCS District Conservationist

vacant

Kingman Field Office

101 East Beale Street, Suite C

Kingman, Arizona 86401-5827

Phone: (928) 753-6183; Fax: (928) 753-3254

Cell Phone 928-606-4273

LITTLE COLORADO RIVER SOIL & WATER CONSERVATION DISTRICT

Established 1981

Tribal Resolution #: CF-11-80, 2/7/80

Mutual Agreement: 4/10/81 updated 5/20/97

Cooperative Working Agreement: NRCS 11/10/90
updated 8/20/99

President: John David

CPO Box 3832

Tuba City, AZ 86045

NRCS District Conservationist

Felix Nez

Dilkon Field Office

HC 63, P.O. Box 6087

Winslow, AZ 86047

Phone: (928) 657-3251; Fax: (928) 657-3288

Cellular: (928) 606-9348

Email: Felix.Nez@az.usda.gov

MOENKOPI NATURAL RESOURCES CONSERVATION DISTRICT

Established 1997

Tribal Resolution #: H-157-96

Mutual Agreement: 4/21/97

Cooperative Working Agreement: NRCS 4/28/97

President:

NRCS District Conservationist

Leonard Notah

P.O. Box 158

Keams Canyon, AZ 86034

Phone: (928) 738-5667; Fax: (928) 738-5558

Cell Phone: 928-206-6337

Email: Leonard.Notah@AZ.usda.gov

NAVAJO MOUNTAIN SOIL & WATER CONSERVATION DISTRICT

Established 1982

Tribal Resolution #: CF-11-80, 2/7/80

Mutual Agreement: 5/26/82 updated 5/20/97

Cooperative Working Agreement: NRCS 12/3/91
updated 12/18/97

President: Lena Clisto

P.O. Box 429

Kayenta, AZ 86033

928-697-8482

NRCS District Conservationist

Jerry Gilmore

Kayenta Field Office

P.O. Box 429

Kayenta, AZ 86033

Phone: (928) 697-8482; Fax: (928) 697-8486

Cellular: (928) 606-9352

Email: Jerry.Gilmore@az.usda.gov

SAN CARLOS APACHE NATURAL RESOURCES CONSERVATION DISTRICT

Established 1988

Tribal Resolution #: MA-93-91

Mutual Agreement: 2/19/88 updated 6/27/96

Cooperative Working Agreement: NRCS 10/31/90

President: Steve Titla

245 S. Hill St., P.O. Box 1143

Globe, AZ 85502

Phone: (928) 425-8137; Fax: (928) 425-9048

NRCS District Conservationist

Mohammed Zerkoune

San Carlos Field Office

c/o Globe Soil Survey Office

PO Box 2538

Globe, AZ 85502-2538

Phone: (928) 402-0940; Fax: (928) 402-0941

Cell Phone: 520-471-4363

Email: mohammed.zerkoune@az.usda.gov

**WHITE MOUNTAIN APACHE NATURAL RESOURCE
CONSERVATION DISTRICT**

Established 1998

Tribal Resolution #: 02-98-21

Mutual Agreement: 7/20/00

Cooperative Working Agreement: NRCS 7/20/00

President: Curtis Suttle

P.O. Box

Whiteriver, AZ 85941

Phone: (928) 338-

Email:

NRCS District Conservationist

Jan B. Pertruzzi

P.O. Box 1706

Whiteriver, AZ 85941
Phone: (928) 338-3852; Fax: (928) 338-5424
Cell Phone: 928-205-9113
Email: Jan.pertruzzi@az.usda.gov

TOHONO O'ODHAM SOIL & WATER CONSERVATION DISTRICT

Established 1988

Tribal Resolution #: 03-78, Ordinance: 02-86
Mutual Agreement: 6/19/88 updated 9/13/96
Cooperative Working Agreement: NRCS 7/2/90 updated
6/9/98

Chairman: Regis Andrews

P.O. Box 577
Sells, AZ 85634
Phone: (520) 383-2851; Fax: (520) 383-5255

District Conservationist

Gilbert Two Two

Sells Field Office
P.O. Box 577
Sells, AZ 85634
Phone: (520) 383-2851; Fax: (520) 383-3445
Cell Phone: (520) 471-1956
Email: Gilbert.Twotwo@az.usda.gov

CALIFORNIA

KLAMATH TRINITY RESOURCE CONSERVATION DISTRICT

Chair:

District Staff:

Roby Cook

Klamath Trinity Resource Conservation District
P.O. Box 650
Hoopa, CA 95546

IDAHO

SHOSHONE/BANNOCK CONSERVATION DISTRICT

Established 1998

President: Tony Galloway

P.O. Box 306

Fort Hall, ID 83203

Phone: (208) 478-3891

NRCS District Conservationist/Tribal Liaison

Kurt Cates

Pima Dr., Bldg 7

PO Box 306

Fort Hall, ID 83203

Phone: (208) 478-3778; Fax: (208) 238-8018

Email: Kurt.Cates@id.usda.gov

MICHIGAN

KEEWEENAW BAY INDIAN COMMUNITY CONSERVATION DISTRICT

Chairman: Kerri Picciano

Natural Resources Committee

Old U.S. 41

Baraga, MI 49908

Phone: 906-353-8313

NRCS District Conservationist/Tribal Liaison

Bruce Petersen

107 Bear Town Road

USDA/NRCS

P.O. Box 820

Baraga, MI 49908

Phone: (906) 353-8225; Fax: (906) 353-8231

Voice Com: 9048-7229

Email: Bruce.Petersen@mi.usda.gov

MINNESOTA

WHITE EARTH TRIBAL CONSERVATION DISTRICT

Established 2006

Tribal Resolution #: 057-06-001 October 11, 2005
Mutual Agreement: In the process
Cooperative Working Agreement:

Dawn Kier

Agriculture/Wetland Manager
White Earth Natural Resources
2209 271st Ave. Unit 2
Mahnomen, MN 56557
Phone: 218-935-2488; Fax: 218-204-0206
Email: dawnkier@tvutel.com

NRCS – White Earth Tribal Liaison

Dustin Jaskin

41004 S. Ice Cracking Rd.
Ponsford, MN 56575
Phone: 218-573-3842
Dustin.jasken@mn.usda.gov

MONTANA

BLACKFEET NATURAL RESOURCES CONSERVATION DISTRICT

Established 1997

Tribal Resolution #: 1-97, 10/1996
Mutual Agreement: 3/1997
Cooperative Working Agreement: NRCS 5/1997

Chairman: Terry Tatsey

Address: P.O. Box 1966
Browning, MT 59417
Phone: (406) 338-2156
Ttatsey@bfcc.org

NRCS District Conservationist/Tribal Liaison

Bret Bledsoe

Browning Field Office

P.O. Box 1169

Browning, MT 59417

Phone: (406) 338-3153; Fax: (406) 338-3529

Email: bret.bledsoe@mt.usda.gov

CROW CONSERVATION DISTRICT

Established 1996

Tribal Resolution #: 96-16B, 1/96

Mutual Agreement: 4/96

Cooperative Working Agreement: NRCS 4/96

Chairman: Alex LaForge, Jr.

PO Box 699

Crow Agency, MT 59022-673

NRCS District Conservationist/Tribal Liaison

Jeremy Not Afraid

Crow Agency Field Office

Tribal Admin. Building

P.O. Box 699

Crow Agency, MT 59022-673

Phone: (406) 638-9102; Fax: (406) 638-9101

Email: jeremy.notafrail@mt.nrcs.usda.gov

FORT BELKNAP INDIAN COMMUNITY CONSERVATION DISTRICT

Established 1999

Tribal Resolution #: 34-99, 2/99

Mutual Agreement: 1/01

Cooperative Working Agreement: NRCS 3/02

Vice Chairperson: Janice Hawley
P.O. Box 333
Harlem, MT 59526

NRCS District Conservationist/Tribal Liaison
Terry Wamsley-Buck
RR 1, Box 775
Harlem, MT 59526-9705
Phone: (406) 353-8488; Fax: (406) 353-2228
Email: terry.buck@mt.nrcs.usda.gov

ROCKY BOY CONSERVATION DISTRICT

Established 1997

Tribal Resolution #: 95-97A, 12/97
Cooperative Working Agreement: NRCS 6/02

Chairman:
RR1 Box 542
Box Elder, MT 59521-9799

NRCS District Conservationist/Tribal Liaison
Tony Prince
Rocky Boy Field Office
RR 1, Box 542
Box Elder, MT 59521-9799
Phone: (406) 395-4066; Fax: (406) 395- 4382
Email: tony.prince@mt.nrcs.usda.gov

SALISH KOOTENAI TRIBAL CONSERVATION DISTRICT

Chair:

District Contact: Anita Matt 406-675-2700 Ext 1266

NEVADA

DUCK VALLEY CONSERVATION DISTRICT

Established 1954

Tribal Resolution #: none

MOU: 12/15/54

Cooperative Working Agreement: 9/05/97

Chairman: Rudy Blossom

P.O. Box 193

Owyhee, NV 89832

Phone: (775) 757-2001 Fax: (208) 759-3104

Jennifer Eiesle

Duck Valley CD

P.O Box 219

Owyhee NV 89832

208-759-3100 ext. 218

Eisele.jennifer@duckvally.org

**NRCS Rangeland Management Specialist/Tribal Liaison-
Chuck Petersen**

555 W. Silver Street, Ste. 101

Elko, NV 89801-2627

Phone: (775) 738-8431 x 118; Fax: (775) 738-7229

Email: chuck.petersen@nv.usda.gov

NEW MEXICO

SHIPROCK SOIL & WATER CONSERVATION DISTRICT

Established 1983

Tribal Resolution #: CF-11-80, 2/7/80

Mutual Agreement: 5/23/83 updated 5/20/97

Cooperative Working Agreement: NRCS 10/15/90

President: Albert Willie

Shiprock S&WCD

PO Box 3561

Shiprock, NM 87420

Phone: (505) 326-2472

NRCS District Conservationist

Melvin Gurule

P.O. Box 3561

Shiprock, NM 87420

Cell Phone: (505) 406-6263; Fax: (505) 368-5733

Email: melvin.gurule@az.usda.gov

NORTH DAKOTA

STANDING ROCK CONSERVATION DISTRICT

Established 1997

Tribal Resolution #: 146-96, 6/96

Mutual Agreement: 3/97

President: Richard David Bird Jr.

P.O. Box 462

Fort Yates, ND 58538

Phone: (701) 854-8412

NRCS District Conservationist/Tribal Liaison

Dwight Teske

Standing Rock Tribal Office

USDA/NRCS

SR Administrative Service Center

Building 1, Room 303

Standing Rock Ave.

P.O. Box 483

Fort Yates, ND 58538-0483

Phone: (701) 854-3775; Fax: (701) 854-7196

Email: dwight.teske@nd.usda.gov

OKLAHOMA

KIOWA TRIBAL CONSERVATION DISTRICT

Chair:

District Contact: Randell Ware 405-247 5766

OREGON

TİICHÁM CONSERVATION DISTRICT

Established 2003

Tribal Resolution No.03-073, 08/30/2003

Mutual Agreement: 10/03

Cooperative Working Agreement: Being drafted.

Chairman: Louie Dick Jr.

Planning Office

Confederated Tribes of the Umatilla Indian Reservation

73239 Confederated Way

P.O. Box 638

Pendleton, OR 97801

NRCS District Conservationist/Tribal Liaison

Terry Johnson

Mission NRCS Field Office

P.O. Box 638

Pendleton, OR 97801

Phone: (541) 966-2325

Email: terry.johnson@or.usda.gov

SOUTH DAKOTA

OGLALA SIOUX TRIBAL CONSERVATION DISTRICT

Established 1999

Tribal Resolution #: 99-151, 10/99

Mutual Agreement: 10/99

President: Ruth Brown

P.O. Box H

Pine Ridge, SD 57770

Phone: (605) 867-5821 Fax: (605) 867-5806

NRCS District Conservationist/Tribal Liaison

Michael Schmidt

Oglala Sioux Tribal Office

P.O. Box 2024

Pine Ridge, SD 57770-2024

Phone: (605) 867-2149; Fax: (605) 867-5044

Email: michael.schmidt@sd.usda.gov

WASHINGTON

COLVILLE TRIBAL CONSERVATION DISTRICT

Established 2003

Mutual Agreement: 10/03

Chairperson: Dale Smith

P.O. Box 111

Nespelem, WA 99115

District Administrator

Angie Bales

509-634-2374

P.O. Box 111

Nespelem, WA 99115

NRCS Range Conservationist/Tribal Liaison

Martin Bales

Colville Indian Agency

Nespelem, WA 99155

P.O. Box 111

Phone: (509) 634-2317; Fax: (509) 634-2355

Voice Com: 9019-1785

Email: martin.bales@wa.usda.gov

WISCONSIN

ONEIDA SUSTAINABLE RESOURCES ADVISORY COUNCIL (OSRAC)

Established 1997

Tribal Resolution #: none

Mutual Agreement: 06/07/1996

Cooperative Working Agreement:

Chairman: Pat Pelky

Little Bear Development

Ridge View Plaza, Suite 5

P.O. Box 365

Oneida, WI 54155

Phone: (920) 869-4551

NRCS Tribal Liaison

Tony Bush

3759 W. Mason Street, Ste. 6

P.O. Box 365

Oneida, WI 54155

Phone: (920) 490-8004; Fax: (920) 490-2450

Email: tony.bush@wi.usda.gov

WYOMING

WIND RIVER TRIBAL CONSERVATION DISTRICT

Vice Chair: Gary Collins 307-851-5964

**NRCS Tribal Liaison
Steve Poitras**

APPENDIX E

This document is the actual agreement signed between BIA, NRCS and the Farm Service Agency that clarifies each agencies' roles in coordinating, planning and implementing conservation programs on Indian Lands.

**MEMORANDUM OF UNDERSTANDING
AMONG
UNITED STATES DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
AND
UNITED STATES DEPARTMENT OF AGRICULTURE
NATURAL RESOURCES CONSERVATION SERVICE
AND
UNITED STATES DEPARTMENT OF AGRICULTURE
FARM SERVICE AGENCY

RELATIVE TO
PLANNING AND IMPLEMENTING UNITED STATES
DEPARTMENT OF AGRICULTURE CONSERVATION
PROGRAMS ON INDIAN LANDS**

This Memorandum of Understanding (MOU) is made and entered into among the Department of the Interior (DOI), Bureau of Indian Affairs (BIA), the Department of Agriculture (USDA), Natural Resources Conservation Service (NRCS), and USDA, Farm Service Agency (FSA).

I. PURPOSE

The BIA, NRCS, and FSA have common objectives of communication, collaboration, cooperation, and consultation with agricultural producers, Indian landowners, and Indian tribes for managing and conserving natural resources on Indian lands. The parties, therefore, enter into this MOU for the coordination, planning and implementation of USDA conservation programs on Indian lands in an environmentally, culturally and economically sound manner. This MOU identifies the respective Federal responsibilities that must be coordinated. It also recognizes the role of Indians and Indian tribes as landowners, land users, and as sovereign governmental entities with authority and responsibility for the development and administration of

natural resource programs on Indian lands. This agreement is made and entered into and between the BIA, NRCS, and FSA to update and replace the May 1988 Agreement.

The parties to this MOU recognize the degree to which the respective agencies are organized and staffed to carry out their trust responsibilities to tribes, which varies from region to region and from tribe to tribe. While this in no way diminishes those trust responsibilities, it is mutually acknowledged that the nature in which this MOU is carried out will be subject to these variables.

Definitions for the purposes of this MOU:

1. BIA means Department of Interior Bureau of Indian Affairs.
2. Conservation District (CD) means a subdivision of a State, tribal, or other unit of government organized pursuant to the applicable State or tribal law for the purpose of natural resources conservation, including plant and cultural resources.
3. Conservation Plan means the written document describing the conservation practice(s) which will be or have been established to conserve natural resources.
4. Conservation System means the combination of conservation practices and resource management for the treatment of soil, water, air, plant, and/or animal resource concerns.
5. FSA means Department of Agriculture Farm Service Agency.
6. Indian means a person who is a member of an Indian tribe, band, nation, or other group which is recognized as an Indian tribe by the Secretary of the Interior. Such term also includes any member of a Native Village Corporation, Regional Corporation, or Native Group established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b)).

7. Indian lands means all lands held in trust or restricted status by the United States for an Indian tribe or individual Indians.
8. Indian tribe means an Indian tribe, band, nation, or other organized group or community, including any Alaska Native Village, Regional Corporation, or Village Corporation, as defined in or established pursuant to the Alaska Native Claims Act (85 Stat. 688) [43 U.S.C.A 1601 et seq.], which is recognized as eligible for the special programs and services provided by the United States under Federal law to Indians because of their status as Indians.
9. IRMP means Integrated Resource Management Plan, which is a document that provides coordination of comprehensive management of the tribes' natural resources.
10. NRCS means Department of Agriculture Natural Resources Conservation Service.
11. Restricted land or land in restricted status means land to which the title is held by an individual Indian or a tribe and can only be alienated or encumbered by the owner with the approval of the Secretary of the Interior because of limitations contained in the conveyance instrument pursuant to Federal law or because of a Federal law directly imposing such limitations (see 25 CFR 151.2 Definitions).
12. Trust land or land in trust status means land to which title is held in trust by the United States for an individual Indian or a tribe (see 25 CFR 151.2 Definitions).

II. BACKGROUND

BIA administers 55.7 million acres of land held in trust by the United States for American Indians, Indian tribes, and Alaska Natives. There are 561 federally recognized tribal governments in the United States. The BIA and other

Federal agencies are responsible for consulting with Indian landowners and Indian tribes to develop their trust assets. This includes leasing and permitting these trust assets, directing agricultural programs, protecting water and land rights, and developing and maintaining infrastructure and economic development.

FSA stabilizes farm income; helps farmers and ranchers conserve land, air, wildlife, and water resources; provides credit to new or disadvantaged farmers and ranchers; and helps farm operations recover from the effects of disaster under a unique system where Federal farm programs are administered locally. This grassroots approach gives farmers a much-needed say in how Federal actions affect their communities and their individual operations.

NRCS provides leadership in a partnership effort to help people conserve, maintain, and improve natural resources and the environment. NRCS provides technical and financial assistance for implementing national conservation programs and conservation practices on non-Federal, private, and tribal lands in partnership with Conservation Districts and other Federal, tribal, State and local entities.

III. STATEMENT OF MUTUAL BENEFIT

The BIA, NRCS, and FSA have common objectives of consulting with Indian landowners and Indian tribes, promoting the best management practices for Indian lands and managing and conserving natural resources.

This agreement is made and entered into by and amongst the BIA, NRCS, and FSA to:

1. Ensure a clear understanding as to the applicable Federal and tribal laws and regulations and to define the role and responsibilities of the signatory parties.
2. Define those areas of mutual interest and assistance relative to managing and conserving natural resources and the delivery of conservation programs of the Federal Government administered by the NRCS, FSA, and BIA.

3. Effectively utilize the available resources of each signatory such as personnel, time, conservation technology, equipment, office space, and funds which may be made available for the delivery of conservation programs and services on Indian lands.

Therefore, the BIA, FSA, and NRCS find it mutually beneficial to cooperate in this undertaking and hereby agree as follows:

IV. RESPONSIBILITIES

A. NRCS will:

1. Provide technical assistance to Indian tribes, Indian landowners, land users, including subsistence agricultural producers on Indian and non-Indian lands. This assistance is provided to facilitate participation in USDA programs for which the individuals, tribes or groups are eligible.
2. Make monetary payments to program participants with approved contracts in a timely manner.
3. Utilize IRMP's, where available, in the delivery of NRCS programs.
4. Provide available natural resource spatial data of Indian lands to the BIA and Indian tribes, unless restricted from distribution.
5. Make Field Office Technical Guides (FOTG) available to BIA regional and agency area offices and to Indians and Indian tribes. (The NRCS FOTG is available on the NRCS Web site).
6. Advise BIA of available natural resource conservation programs and training.
7. Assist with the development of conservation plans, and/or conservation systems, for the production of agricultural commodities and subsistence agricultural activities

on Indian lands that will comply with the conservation compliance requirements of Title XII of the Food Security Act of 1985 (16 U.S.C. 3801 et seq., and amendments).

8. Consult with BIA during conservation planning assistance to confirm the appropriate land owner, lessee or permittee to ensure that all statutory requirements and regulations are completed.
9. Consult with BIA Irrigation Project or System Managers on all plans outlining the conservation and management of natural resources on any lands (including non-Indian, or non-Trust) within BIA Irrigation Projects.
10. Provide annual progress reports of NRCS assistance to Indians, Indian tribes, or non-Indians on Indian lands to the Director of BIA.
11. Certify the design, application and construction of planned and mutually reviewed conservation practices delivered through NRCS-administered conservation programs.
12. Perform spot checks and status reviews jointly with BIA staff on NRCS-administered conservation program contracts located on tribal lands.
13. Work with BIA and Indian tribes to identify technical training needs and provide training to BIA and tribal technical personnel.
14. Conduct and maintain soil surveys under the National Cooperative Soil Survey (NCSS) Program in cooperation with BIA and tribes on Indian lands, working through local MOU's and agreements, following NCSS guidelines.

B. BIA will:

1. Review all conservation plans that will affect Indian lands to ensure consistency with existing leases and permits.
2. Provide technical assistance to make needs assessments and feasibility determinations for conservation programs on Indian lands.

3. Work with NRCS to coordinate recommendations for stocking rates and grazing capacities, and provide production data and permit or lease information upon request, for the development and implementation of conservation plans to ensure that permitted livestock numbers are not exceeded.
4. Advise NRCS and FSA of existing programs, agricultural leases, rights-of-way or other encumbrances which may affect proposed projects.
5. Assist Indians and Indian tribes in developing conservation plans that will outline land treatment and management required to protect natural resources and comply with NRCS or FSA conservation program provisions, as applicable.
6. Perform surveys and investigations and prepare designs and conservation practice layouts that meet the specifications of the NRCS FOTG and conservation program specifications, and certify completion of practice implementation in accordance with requirements for NRCS or FSA conservation program provisions, as applicable.
7. Maintain complete files of all supporting computations, design data, construction specifications, as-built surveys, and completion inspections and provide copies to NRCS as necessary for contract payment documentation.
8. Prioritize conservation application workloads, giving joint projects between the signatories of this MOU a high priority for the use of available personnel, time, equipment, materials, and funding. The BIA will help facilitate the implementation of joint agency projects.
9. Include provisions that require the maintenance of all installed conservation practices as a stipulation in future permits and leases. The provisions will state that maintenance will be required of the lessee or permittee throughout the prescribed lifespan of the installed practice.

10. Accompany and assist NRCS and FSA personnel in performing quality reviews and spot checks on conservation practices, as determined by the specific conservation programs, during the lifespan of the cost shared practice.
11. Advise NRCS and FSA of existing BIA programs and amendments and provide training as requested.
12. Assist NRCS or FSA to ensure that all statutory requirements and regulations are completed prior to implementing any conservation practice.
13. Advise NRCS and FSA of any changes in tribal law that may affect existing or future USDA programs, to the extent that BIA is aware of such changes.
14. Provide ownership and natural resource spatial data of Indian lands to NRCS and FSA for communication, collaboration, cooperation, and consultation purposes unless specifically prohibited by a tribe or otherwise restricted from distribution.
15. Provide to NRCS and FSA, when available, IRMP's that have been completed and/or are under development by tribes.
16. Where appropriate, provide easement and landowner information for the installation of NRCS and FSA conservation practices on Indian lands.
17. Notify NRCS and FSA of changes of lease holder on lands under NRCS and FSA conservation program contracts.
18. Cooperate with NRCS and tribes in conducting and maintaining soil surveys under the National Cooperative Soil Survey (NCSS) Program on Indian lands, working through local MOU's and agreements, following NCSS guidelines.

C. FSA will:

1. Accept eligible applications for its programs and maintain a record of referrals for projects on Indian lands.
2. Transmit completed offers to participate in FSA conservation programs, as appropriate, to the appropriate NRCS District Conservationist and BIA office.
3. Provide program benefits, including payments to approved program participants, consistent with program rules and regulations.
4. Perform contract compliance oversight during the term of FSA-administered contracts.
5. Advise BIA and NRCS personnel of available programs and technical requirements for distribution to Indians and Indian tribes.
6. Provide technical assistance to the BIA upon their request, subject to the availability of FSA personnel and consistent with FSA conservation programs' mission, objectives, and priorities.
7. Advise BIA and Indian landowners and land users of FSA programs, notices of local committee elections and other special events.
8. Provide natural resource spatial data from Indian lands to the BIA, NRCS, and tribal governments for communication, collaboration, cooperation, and consultation purposes, unless restricted from distribution.

V. IT IS MUTUALLY AGREED AND UNDERSTOOD BY AND AMONG THE PARTIES THAT:

1. The parties will communicate, collaborate, cooperate, and consult to ensure that conservation programs, practices and plans comply with all applicable tribal and Federal laws and regulations.
2. Conservation facilities or improvements constructed on

Indian lands, under NRCS programs, will remain on the land and the operation and maintenance (O&M) shall become the responsibility of the current and succeeding lessee for the life of the practice.

3. The BIA has fire management responsibility on Indian trust lands for all fires, natural or man-made, and will coordinate with USDA on all prescribed burns that are part of a USDA conservation program.
4. The Indian Self-Determination and Education Assistance Act, 25 USC § 450 et seq., authorizes the BIA to contract with, and fund, tribes and tribal organizations that choose to take over operation of programs, including natural resource programs, and services formerly operated by the BIA. However, the BIA is still responsible for the contracted program and remains the deciding Federal official.
5. BIA, NRCS and FSA will jointly review this MOU periodically to determine if changes are needed to meet current policy, laws, regulations and arrangements.
6. None of the provisions of this MOU shall affect other programs and activities carried out by BIA, NRCS, and FSA.
7. This MOU encourages the development of subsidiary cooperative working agreements between tribal governments, BIA, and State-level NRCS and FSA Agency offices.
8. NRCS, BIA and FSA will handle their own activities and utilize their own resources, including the expenditure of their own funds, in pursuing these objectives. Each party will carry out its separate activities in a coordinated and mutually beneficial manner.
9. Nothing in this MOU shall obligate NRCS, BIA or FSA to obligate or transfer any funds. Specific work projects or activities that involve the transfer of funds, services, or property among the agencies will require execution of separate agreements and be contingent upon the

availability of appropriated funds. Such activities must be independently authorized by appropriate statutory authority. This MOU does not provide such authority. Negotiation, execution, and administration of each such agreement must comply with all applicable statutes and regulations.

10. This MOU takes effect upon the signatures of the Chief of NRCS, the Director of BIA and the Administrator of FSA, and shall remain in effect for 5 years from the date of execution. This MOU may be extended or modified upon written request of any of the Agencies and the subsequent written concurrence of the other(s). NRCS, BIA or FSA may terminate this MOU with a 60-day written notice to the other(s).
11. This MOU is not intended to, and does not create, any right, benefit, or trust responsibility, substantive or procedural, enforceable at law or equity, by a party against the United States, its agencies, its officers, or any person.

APPROVAL:

s/Arch Wells for December 6, 2006

USDI – Director, Bureau of Indian Affairs

Date

s/ Arlen L. Lancaster December 6, 2006

USDA – Chief, Natural Resources Conservation Service

Date

s/ Thomas B. Hofeller for December 6, 2006

USDA – Administrator, Farm Service Agency

Date

Intertribal Agriculture Council

100 North 27th Street
Suite 500
Billings, Montana 59101
indianaglink.com