



## INTERTRIBAL AGRICULTURE COUNCIL

PO BOX 958, BILLINGS, MT 59103

July 7, 2025

The Honorable Scott J. Davis  
Senior Advisor to the Secretary of the Interior  
U.S. Department of the Interior  
Bureau of Indian Affairs  
1849 C St., NW  
Washington, D.C. 20240

*Via email: [consultation@bia.gov](mailto:consultation@bia.gov)*

Re: Intertribal Agriculture Council's Comment on BIA's consultation on Executive Order 14210 - Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative and related topics

Dear Mr. Davis:

Thank you for this opportunity for the Intertribal Agriculture Council (IAC) to provide comments on the Bureau of Indian Affairs's (BIA) consultation on Executive Order 14210 - Implementing the President's "Department of Government Efficiency" Workforce Optimization Initiative and related topics, as requested in the April 14, 202 Dear Tribal Leader Letter.

The IAC was formed by a coalition of federally recognized Tribes in 1987 to fulfill a recommendation in a Congressionally directed report to assess agricultural needs in Indian Country. Since our founding, the IAC has been guided by our member Tribes in fulfilling our mission of pursuing and promoting the conservation, development, and use of Tribal agriculture resources. Since our founding, the IAC has actively supported Tribal producers across the country through tailored, on-the-ground technical assistance and services, as well as advocacy for improvements to Federal policies that impact Tribes and Tribal producers.



IAC supports improving BIA efficiency and streamlining processes, but any changes must be supported by the Tribes to whom the government owes a trust responsibility. IAC maintains that a Tribe's decision to enter a 638 contract or compact with BIA or to continue with direct services rests solely with the Tribe. Currently, **IAC has significant concerns that further workforce reductions, agency reorganization, and funding decreases would have serious, negative impacts on Tribal agriculture operations, management of agricultural trust lands, and economic stability and well-being of Tribal citizens.**

Indian agriculture is a significant driver of economic growth and job creation in Indian Country, \$6.5 billion in agricultural sales in 2022<sup>1</sup>. Furthermore, Tribal producers are operating on approximately 63 million acres of land<sup>2</sup>, much of which constitutes land over which BIA has oversight. Tribal agriculture operations are responsible for conserving and developing Tribal lands, feeding communities, and advancing Tribal food sovereignty.

Below, IAC provides detailed answers to BIA's consultation questions.

**Consultation Question 1: What recommendations would you make to Indian Affairs to improve efficiency through staffing changes, resource sharing, process improvements, and potential consolidation of programs and offices?**

Government efficiency at BIA is best advanced by fully staffing all BIA offices and divisions. IAC strongly urges BIA to expeditiously fill existing staff vacancies and to identify BIA divisions that would benefit from additional staffing. Indeed, the U.S. Government Accountability Office last year issued a report outlining long-standing workforce shortages at BIA and making recommendations for BIA to increase hiring<sup>3</sup>.

Current workforce shortages have led to profound inefficiencies that delay critical responses and approvals for Tribes and Tribal producers, directly leading to lost income, financial instability, and missed economic opportunities in Indian agriculture, as well as significant degradation and loss of financial value to trust lands. The failure to maintain adequate staffing to meet Tribal needs is an abrogation of the federal government's trust and treaty obligations to Tribes.

**1.1. Inadequate staffing hinders access to agricultural credit and economic opportunity**

Tribal producers nationwide rely on USDA Farm Service Agency (FSA) for access to credit, but the BIA plays an essential role for these producers in accessing FSA services

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<sup>1</sup> 2022 Census of Agriculture Highlights - American Indian/Alaska Native Producers.

<sup>2</sup> *Id.*

<sup>3</sup> U.S. Government Accountability Office. 2024. Indian Affairs: Additional Actions Needed to Address Long-standing challenges with Workforce Capacity. <https://www.gao.gov/products/gao-25-106825>



Access to financing is essential for agriculture operations because it enables producers to afford the high upfront costs of land, equipment, inputs, and labor needed to remain competitive and sustain production. A study on agricultural financing in Indian Country found that 73% of Tribal producers polled were limited by lack of access to capital, and that overall unmet financing need in Indian agriculture exceeds \$42 billion<sup>4</sup>. With 86% of Indian communities lacking even a single lending institution<sup>5</sup>, FSA plays a critical role in providing financing to Tribes and individuals who cannot access other forms of financing. However, this critical financing for Indian agriculture relies entirely upon coordination between the BIA and FSA.

Consider the following example: an individual Indian producer wishes to purchase a 60-acre parcel of fee-simple land to expand their beef cattle operation. They already raise cattle on their 60-acre Indian allotment, held in trust. A non-Native producer is also interested in the same parcel and already owns 60 acres of fee-simple land nearby.

In order to secure an FSA Farm Ownership Loan to purchase the land, the Indian producer must first obtain a Title Status Report (TSR) and a federal appraisal of their trust land to use as collateral<sup>6</sup>. Even at current staffing levels, these BIA-administered processes face significant delays. Producers and loan officers — at both commercial banks and the FSA — report that TSRs can take 90+ days to process, and appraisals may take 6 to 9 months.

By contrast, a producer operating entirely on fee-simple land typically waits just 1–2 weeks for a title report and 2–4 weeks for an appraisal, allowing them to complete loan processing within 14–60 days. **Further, Indian producers using trust land routinely face loan timelines of 120–360 days due to administrative hurdles. That’s on average five times as long.**

These delays are already untenable. In the example above, the non-Native producer — able to move quickly with fee land — would likely secure the parcel before the Tribal producer could even complete their paperwork. In a real-life case, one Tribal producer, frustrated by repeated delays, chose to convert the trust land she owned to fee-simple after losing a key land acquisition opportunity — reducing her Tribe’s jurisdictional land base in the process.

Further reductions to BIA staffing would only worsen these bottlenecks, effectively denying Tribal producers access to critical USDA programs. In 2022 alone, agriculture operations in

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<sup>4</sup> Akiptan. 2022 Market Study: Capital Access for Native Agricultural Producers 46-47 (2022), <https://www.akiptan.org/2022-market-study>.

<sup>5</sup> Native CDFI Network Report, <https://nativecdfi.net/>

<sup>6</sup> 52 IAM 4-H: Indian Affairs Mortgage Handbook, 55-56; *see also* US GAO, GAO-19-464, Indian Issues, Agricultural Credit Needs and Barriers to Lending on Tribal Lands 16 (May 2019).



Indian Country generated \$6.5 billion in sales. With over 66,000 Native agriculture operators, the economic consequences of making this work impossible would be profound<sup>7</sup>.

***Recommendation 1.1.1:*** BIA should establish clear deadlines with a set number of days for BIA to complete appraisals and TSRs, as well clear recourse for Tribal producers when appraisals and TSRs are not completed within the deadline.

***Recommendation 1.1.2:*** BIA should maintain sufficient staffing, including hiring additional staff, at the Appraisal and Valuation Services Office and the Branch of Land Title Records to complete appraisals and TSRs respectively within the established deadline. Additional staff reductions will needlessly exacerbate delays that will further limit agricultural economies in Indian Country.

## **1.2 Inadequate staffing leads to poor management of agricultural trust assets, land degradation, and loss of land value**

The lack of sufficient staffing at BIA's Division of Real Estate Services and Division of Natural Resources has led to significant inefficiencies in the management of agricultural trust assets, land inventories and surveys, and management of feral horses, leading to land degradation and financial losses for Tribal landowners and lessees alike.

### **Inadequate support for development of Agricultural Resource Management Plans (ARMP)**

The American Indian Agricultural Resource Management Act of 1993 (AIARMA) authorized Tribes to develop an Agricultural Resource Management Plan (ARMP) to increase Tribal authority over the management of their agricultural and range resources, improve the ability of Tribal producers to farm and ranch on Tribal lands, and improve management of agricultural and range resources. A Tribal ARMP is developed with significant community input and outlines the Tribe's critical values and goals for the use, management, protection, and conservation of the Tribe's agricultural resources. Once approved and signed by the Tribe and BIA, the BIA must adhere to the Tribal priorities and management practices to the greatest extent possible.

While BIA is responsible for assisting Tribes with the development and implementation of ARMPs, the lack of staffing and funding at BIA has meant that Tribes have largely had to develop, implement, and update ARMPs with limited BIA assistance and limited resources. As a result, many Tribes must hire expensive outside consultants, have outdated ARMPs, or never complete the process. In addition, some Tribes have reported that BIA fails to approve and sign

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<sup>7</sup> USDA, National Agricultural Statistics Service. 2022 Census of Agriculture: American Indian and Alaska Native Producers (2024).  
[https://www.nass.usda.gov/Publications/Highlights/2024/Census22\\_HL\\_AmericanIndianANProducers.pdf](https://www.nass.usda.gov/Publications/Highlights/2024/Census22_HL_AmericanIndianANProducers.pdf)





ARMPs in a timely manner and that, in some cases, even when ARMPs are in place, BIA staff may not fully recognize the ARMP in land management decisions.

***Recommendation 1.2.1:*** BIA’s Division of Agriculture and Rangeland Management should maintain sufficient staffing, including hiring additional staff, to provide technical assistance and support for Tribes developing ARMPs through a contract or compact. When a Tribe elects not to contract or compact development of an ARMP, the Division of Agriculture and Rangeland Management must have sufficient staffing to develop the ARMP in consultation with the Tribe, as required under AIARMA.<sup>8</sup> Once developed and implemented, BIA must maintain sufficient staffing to monitor, assess, and enforce ARMPs.

***Recommendation 1.2.2:*** BIA’s Division of Agriculture and Rangeland Management should amend its handbook (54 IAM 1-H) to establish deadlines that provide a set number of days in which the BIA must review ARMPs, complete environmental reviews, sign and approve ARMPs, and other steps requiring BIA engagement and sign-off.

### **Inadequate inventorying and monitoring of Tribal agricultural resources**

Tribal producers have reported BIA field offices often fail to conduct regular inventorying or monitoring of Tribal agricultural resources due to lack of staffing and funding. These monitoring and inventorying responsibilities, which include land surveys, soil surveys, vegetation inventories, rangeland health evaluations, and more, are the basis for “land use planning and allocation decisions by BIA and the Indian landowner.”<sup>9</sup> Tribal landowners cannot make informed, financially- and ecologically-sound decisions without complete, up-to-date data and assessments.

***Recommendation 1.2.3:*** BIA Division of Agriculture and Rangeland Management should maintain sufficient staffing, including hiring additional staff, to conduct regular inventorying and monitoring of Tribal agricultural resources, as required by law. At a minimum BIA Division of Agriculture and Rangeland Management as they were prior to January 2025. However, such rates were still insufficient, and thus additional staff in excess of levels prior to January 2025 are necessary to fulfill the BIA’s trust obligations.

***Recommendation 1.2.4:*** BIA’s handbook allows regional offices to “establish frequency of monitoring (e.g. annually, every five years, when conditions warrant<sup>10</sup>.” BIA should amend the handbook to direct field staff to establish clear expectations for regular assessments no

<sup>8</sup> 25 U.S.C. § 3711(b)(1)(B).

<sup>9</sup> BIA Agricultural and Rangeland Management Handbook, 54 IAM 1-H, p. 5 (July 2021).

<sup>10</sup> *Ibid.*



less than every 10 years. More frequent monitoring may be requested. Current flexibility to frequency of monitoring has led to extremely infrequent monitoring or no monitoring at all.

### **Inadequate management of feral horses**

The overpopulation of feral horses on Tribal agriculture land is a significant environmental and financial challenge for Tribes throughout western and southwestern states. According to a 2017 GAO report, the number of feral horses on Tribal lands was estimated at 93,000, though this number is likely an underestimate<sup>11</sup>.

The overpopulation of feral horses is significant and growing. In Navajo Nation, the number of feral horses is more than twice the Bureau of Land Management's target Appropriate Management Level (AML)<sup>12</sup>. The Confederated Tribes and Bands of the Yakama Nation have found the number of feral horses increased five-fold from 2005 to 2023 to over 15,000 head. Feral horse populations can grow at 20-25% per year<sup>13</sup>.

This invasive species has been linked to degradation of rangeland ecosystems, including severe soil erosion and trampling that leads to destruction of native plants, traditional medicinal plants, natural springs, fishery habitats, and food resources for native wildlife such as moose, elk, and deer. The impact on food, agriculture, and land resources is severe: Feral horses have been known to denude entire fields of crops and to compete with cattle for forage and hay, leading to significant damages and financial losses to Tribal producers. Tribal members who rely on hunting to feed their families are unable to hunt on lands that are no longer plentiful with wildlife due to the destruction of vegetation by feral horses.

While the BIA does not have a standalone program to aid with feral horse management, its legally binding trust responsibility to protect Tribal land compels action on behalf of Tribes dealing with feral horses.

***Recommendation 1.2.5:*** BIA should maintain sufficient staffing, including hiring additional staff, within the Division of Natural Resources and funding to support management and removal of feral horses from Tribal lands, including through the Branch of Fisheries, Wildlife, and Recreation's Invasive Species Program.

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<sup>11</sup> U.S. Government Accountability Office, 2017. Animal Welfare: Information on the U.S. Horse Population. <https://www.gao.gov/products/gao-17-680r>.

<sup>12</sup> Wallace, et al., 2021. An abundance estimate of free-roaming horses on the Navajo Nation. Rangeland Ecology & Management. Volume 74, January 2021, Pages 100-109.

<sup>13</sup> Doucette, H., Carr Childers, L., & Bruegger, R. (2021). An Overview of Wild Horses and Burro Management in the American West. Colorado State University Extension.



**Recommendations 1.2.6:** BIA's Division of Natural Resources should engage in education and outreach with farmers and ranchers, industry, environmental organizations, animal rights groups, and other stakeholders on the ecological, agricultural, and financial impact of feral horse overpopulation in Tribal lands, as well as impacts on access to food for Tribal members that rely on hunting for food. In addition, where allowable, BIA should provide educational resources to Congress on the impact of feral horses.

**1.3 Inadequate staffing hinders effective land lease and grazing permit management, leading to loss of land value for Tribal landowners**

The lack of sufficient staffing at BIA's Division of Real Estate Services and Division of Natural Resources has led to significant inefficiencies in the land leasing and grazing permitting processes, including delays in obtaining leases and permits, inadequate oversight of lessees and permittees, reliance on outdated data and agricultural practices, and inadequate enforcement of trespass.

**Inadequate processing, monitoring, and enforcement of leases and grazing permits**

At Tribal consultations, Tribal leaders have reported that lack of staffing has led to significant delays for processing lease applications, bids, and reports, exacerbated by lack of timelines for responses. Tribal landowners have also reported that BIA regularly fails to monitor and enforce compliance with lease requirements, leading to degradation of natural resources and land value. Tribal landowners report land is returned to them in a worse state than when it was originally leased—whether from overgrazing, lack of noxious weed management, or other poor management.

**Recommendations 1.3.1:** BIA should maintain adequate staff positions within Division of Real Estate Services, including through additional hiring, to process, monitor, and enforce leases.

**Recommendations 1.3.2:** BIA's Division of Real Estate Services should develop a clear plan with deadlines to address the significant backlog in lease-related requests. The Division should also establish clear deadlines for processing new requests.

**Inadequate assessment of and updates to grazing capacity determination**

The BIA's current Agricultural and Rangeland Management Handbook outlines the standards, requirements, and procedures required to implement its policy on the Agricultural and Rangeland, including determining grazing capacity of range units based on best scientific and technical data available, ecological surveys, extreme weather events and climate data, utilization



data, wildlife, and other factors. BIA is directed to further adjust grazing capacity using site- and area-specific factors including plant composition, water availability, and livestock access<sup>14</sup>.

Historic understaffing at BIA, though, means that BIA is not able to do regular assessments of range units, which are essential to making site- and area-specific adjustments to grazing capacity. Determinations of grazing capacity therefore often rely on outdated data or do not incorporate area- and site-specific factors. Moreover, BIA's determination of grazing capacity often does not reflect modern agricultural practices, such as rotational grazing, that increases animal units in smaller paddocks before rotating them to a new location. As a result, producers on Tribal lands may not be able to benefit from conservation practices that improve land quality or from conservation funding from USDA.

***Recommendations 1.3.3:*** BIA should maintain adequate staff within the Division of Real Estate Services, including through additional hiring, to conduct regular assessments of grazing lands to make appropriate adjustments to grazing limits.

***Recommendations 1.3.4:*** BIA's Division of Natural Resources should update the process for determining grazing capacity to reflect modern agricultural practices that can enable higher grazing capacity while protecting land health.

### **Inadequate enforcement of trespass regulations**

The BIA is responsible for enforcing trespass regulations on leased land, but Tribal producers have reported repeated failures to investigate and resolve trespass claims due to inadequate staffing. Inadequate or delayed enforcement of trespassing regulations leads to damage and/or depletion of agricultural trust resources; for example, trespassing livestock may deplete grazing forage that a Tribal producer relies on. In severe cases, trespassers may allow their livestock to overgraze a range unit, causing ecological damage that may be difficult and expensive to repair. In both cases, the Tribal lessee or landowner is financially harmed: a Tribal lessee may need to purchase hay to compensate for the lack of forage, while a Tribal landowner's land may be returned in a degraded state. The failure to adequately enforce trespass regulations and allowing degradation of agricultural trust assets is a failure of the federal government to meet its trust responsibilities. Additionally, for Tribal producers participating in USDA NRCS programming, the uncured trespass can compromise their good standing in their program and result in negative action taken by the USDA against the producer who is in legal possession of the land, through no fault of their own.

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<sup>14</sup> BIA Agricultural and Rangeland Management Handbook, 54 IAM 1-H, p. 26 (July 2021).





***Recommendation 1.3.5:*** BIA should maintain sufficient staff, including through additional hiring, to enforce trespass regulations and protect agricultural trust assets, reflecting the federal government’s trust responsibilities.

***Recommendation 1.3.6:*** In addition, IAC urges the BIA to revise and update trespass regulations to clarify the trespass enforcement process, clarify the rights of Tribes and Tribal producers in the process, provide specific timelines with a set number of days for resolving trespass claims, and prohibit an ongoing trespasser from restarting the clock merely by moving to a different pasture or unit.

**Consultation Question 2: What recommendations would you make to Indian Affairs to improve access to Federal programs, funding, and services?**

Tribes and Tribal producers rely on essential programs, services, and funding from the U.S. Department of Agriculture (USDA). However, Tribal producers face unique challenges navigating the federal bureaucracy to access these programs: producers must navigate not just USDA’s regulations and requirements, but also BIA’s. At best, navigating USDA and BIA is burdensome, time-consuming, and expensive. More often, it means navigating regulations that are duplicative or contradictory, or that simply do not reflect the realities of agricultural production in Indian Country.

In 2019, USDA Farm Service Agency (FSA) and Natural Resource Conservation Service (NRCS) signed a Memorandum of Understanding with BIA to improve the “coordination, planning, and implementation of certain USDA programs on [...] lands held in trust.”<sup>15</sup> The MOU was extended an additional five years in 2024<sup>16</sup>. While IAC strongly supports and appreciates this MOU, Tribes and Tribal producers nevertheless continue to face significant barriers accessing federal programs at USDA due to administrative delays at BIA as well as conflicting regulations.

Below, IAC lists several examples of unacceptable administrative delays and conflicting regulations:

- Tribal producers rely on ownership and operating loans from FSA. On trust lands, however, producers face significant red tape and delays to applying for loans as they must

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<sup>15</sup> Memorandum of Understanding between and among the U.S. Department of Interior, Bureau of Indian Affairs and the U.S. Department of Agriculture, Farm Production and Conservation Mission Area. 2019. <https://www.farmers.gov/sites/default/files/documents/mou-bia-fsa-nrcs-2019.pdf>

<sup>16</sup> Extension of MOU relative to planning and implementing certain U.S. Department of Agriculture Programs on Indian Lands. 2024. <https://www.farmers.gov/sites/default/files/documents/mou-bia-fsa-nrcs-ext-2024.pdf>



separately obtain title status reports and appraisals from BIA. Delays from BIA mean that the average loan on trust lands takes five times as long to obtain as on fee simple land.

- To enroll acres into an NRCS conservation program, Tribal producers often must complete separate environmental reviews for NRCS and for BIA. BIA does not accept environmental assessments conducted by NRCS, leading to duplication of effort, time, and cost.
- BIA leasing regulations typically limit leases to a maximum of ten years. USDA conservation programs typically have contract lengths of 5-10+ years. Contracts for the Environmental Quality Incentive Program, for example, typically range between 5-10 years while the Conservation Reserve Enhancement Program is typically 10-15 years. Because of BIA administrative delays, producers often do not have enough time left in their lease to participate in a conservation program that would improve land quality, reduce input costs, and support long-term financial stability.
- To participate in many USDA programs, Tribal producers must obtain a Farm Number from FSA, which identifies the land that a producer farms or ranches. The FSA Farm Number, however, does not always correspond with existing BIA Tract Numbers that are associated with the same farm or ranch. As a result, producers on Tribal lands have to secure two different sets of numbers (one from the USDA and one from the BIA) to enroll their land in USDA programs.

**Recommendation 2.1:** BIA, FSA, and NRCS leadership and field staff should engage in joint training to better understand each other's programs and identify challenges for navigating USDA programs on Tribal land. Joint trainings should minimally include an overview of BIA programs, Tribal sovereignty, 638 agreements, Indian land status, HEARTH Act, and BIA leasing and grazing regulations for USDA staff. For BIA staff, joint training should include an overview of FSA and NRCS programs, conservation practices, and farm records. Joint trainings should also discuss ARMPs, data sharing, and outreach and education. While steps have been taken at BIA in recent years to advance these type of training efforts, fewer staff and fewer opportunities to engage with their counterparts at USDA in person will be a missed opportunity to bring about greater efficiency aimed at supporting rural economic stability and development.

**Recommendation 2.2:** BIA, FSA, and NRCS should jointly hold a Tribal consultation on barriers to accessing USDA programs on trust land and to effective management of agricultural trust assets. This joint consultation would not be a replacement for all consultations required from both Departments, but for the purpose of agriculture in Indian Country, it is critical to have both Departments at the consultation table to ensure programs and resources are reaching Indian Country.



**Recommendation 2.3:** BIA, FSA, and NRCS should jointly develop and implement steps to streamline requirements, simplify approval processes, and otherwise address barriers to accessing USDA programs on trust land and to effectively managing agricultural trust assets. If statutory changes are required, the three agencies should communicate these changes to Congress. We also reiterate that streamlining and improving processes at BIA requires sufficient staffing at BIA, including filling existing vacancies and identifying offices that need additional capacity.

Recommendations for improvements for streamlining processes include, but are not limited to:

**Recommendation 2.3.1:** BIA should accept environmental assessments conducted by NRCS for enrollment in NRCS programs. If NRCS requirements for environmental assessments do not meet BIA's statutory and regulatory requirements, BIA should work with NRCS to align requirements.

**Recommendation 2.3.2:** BIA, FSA, and NRCS should develop a process for improved sharing and aligning of geospatial data while protecting Tribal data sovereignty and data privacy.

**Recommendation 2.3.3:** BIA and NRCS should align rangeland management standards and practices to simplify enrollment of trust land in NRCS programs. For example, BIA and NRCS should use the same process for determining Animal Unit Months that take into account modern conservation practices.

**Recommendation 2.3.4:** If BIA is unable to conduct land assessments and surveys, including soil health surveys, vegetation inventories, land surveys, and other assessments, BIA should accept existing assessments conducted by NRCS. If NRCS assessments do not meet BIA's statutory or regulatory requirements, BIA should work with NRCS to align requirements.

**Recommendation 2.3.5:** BIA should work with NRCS and FSA to review BIA leasing and grazing regulations to ensure such regulations do not prevent or otherwise pose an undue burden on producers wanting to enroll land into conservation programs.

**Consultation Question 3: How can Indian Affairs optimize its functionality and effectiveness to provide Tribes with improved flexibility to foster economic growth, address**



**the specific local needs of their communities, and increase pathways to self-determination and self-governance?**

IAC appreciates and supports the Administration's commitment to and support for Tribal sovereignty, self-determination, and self-governance. IAC also agrees that increasing flexibility and streamlining processes will support economic opportunity and job creation in Tribal communities, so long as staffing and funding are not stripped at the BIA. Reduced staffing and funding will only work against increasing pathways to self-determination and self-governance. Moreover, the current rate at which reductions are being implemented is taking away key resources without ensuring systems are in place to ensure Tribes and individual producers will have access to what they need to continue their agricultural operations and programs.

Tribal agriculture and agri-businesses are already drivers of economic activity in Tribal and surrounding communities, but additional support is needed to fully realize Indian agriculture's full potential. The current reduction trajectory is alarming for those in Tribal agriculture who rely on local agency staff to process their documents and other requests to maintain their farming and ranching businesses.

**3.1 Advance Tribal sovereignty through full implementation of the American Indian Agricultural Resource Management Act of 1193.**

The American Indian Agricultural Resource Management Act (AIARMA) of 1993 was an important step for advancing Tribal sovereignty in agriculture, but unfortunately AIARMA has never been fully implemented. Under AIARMA, BIA is required to manage Tribal lands in accordance with the Tribe's approved Agricultural Resource Management Plan (ARMP) and with Tribal agricultural laws and ordinances. AIARMA also authorized the Secretary of the Interior to waive Department of Interior regulations or administrative policies that conflict with an ARMP or a Tribal law as long as it does not violate a Federal statute, judicial decision, or trust responsibility.

Unfortunately, as discussed above in Section 1.2, chronic understaffing at BIA has limited the ability of Tribes to develop and implement ARMPs. Even when a Tribe has an ARMP and/or Tribal laws and ordinance on agriculture, many Tribal producers have reported that BIA does not recognize, implement, or enforce ARMPs and/or Tribal laws and ordinances. This failure stems not only from lack of adequate staffing but also from lack of education and awareness of field staff on their statutory obligations. The failure to fully implement and uphold AIARMA violates Congressional intent, hinders Tribal sovereignty, and undermines the federal government's trust and treaty obligations.





IAC reiterates Recommendation 1.2.1 to maintain sufficient staffing, including hiring additional staff, to assist Tribes with developing ARMPs.

***Recommendation 3.1.1:*** BIA should conduct training with field staff on statutory obligations under AIARMA. BIA should additionally require field staff to review and understand any ARMPs within their region.

***Recommendation 3.1.2:*** If not already established, BIA should establish a process for Tribes to request a waiver of DOI regulations and policies that conflict with the Tribe's ARMPs and/or Tribal laws and ordinances. Waivers should be clearly communicated to field staff.

***Recommendation 3.1.3:*** If not already established, BIA should establish a process for Tribes to report failures of BIA staff to comply with ARMPs and/or Tribal laws and ordinances that elevates the issue beyond local BIA staff. BIA should establish a process with clear timelines for remedying any violations of ARMPs and/or Tribal laws and ordinances.

### **3.2 Advance Tribal sovereignty by supporting 638 contracts and compacts and direct services**

Authorized by the Indian Self-Determination and Education Assistance Act of 1975 (ISDEAA), 638 contracts and compacts are an important tool for advancing Tribal sovereignty by enabling Tribes to take over the administration of certain Federal programs, services, functions, and activities (PSFAs). Many Tribes, for example, have entered 638 agreements to administer realty and natural resource management services, allowing Tribes to directly manage agricultural trust assets. Other Tribes choose to receive services directly from BIA.

IAC maintains that the decision to enter a 638 contract or compact with BIA rests solely with the Tribe. As BIA considers further workforce reductions and/or reorganization, IAC is concerned that the responsibility for administering BIA PSFAs will increasingly shift to Tribes — regardless of the Tribe's preference. Moreover, a 638 agreement with BIA does not diminish BIA's trust responsibility to the Tribe, nor does it eliminate BIA's obligation to continue supporting the Tribe. Finally, negotiating a 638 agreement is a complex process that requires significant input and contribution from BIA.

***Recommendation 3.2.1:*** BIA should maintain sufficient staffing, including through additional hiring, to provide services and supports to direct service Tribes.



**Recommendation 3.2.2:** BIA should maintain sufficient staffing, including through additional hiring, to assist Tribes with negotiating 638 agreements and to support Tribes with 638 agreements.

Thank you for this opportunity for IAC to provide comment on proposed workforce changes and reorganization at BIA. For more information, please do not hesitate to reach out to Abi Fain, Chief Legal and Policy Officer, at [abi@indianag.org](mailto:abi@indianag.org) and Mai Nguyen, Policy Director, at [mai@indianag.org](mailto:mai@indianag.org).

Sincerely,

Kari Jo Lawrence  
Chief Executive Officer  
Intertribal Agriculture Council