



YUROK TRIBE

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February 1, 2007

Nancy Theodore
USDA, Food and nutrition Service
Food distribution Division
3101 Park Center Drive, Room 506
Alexandria, Virginia 22302
Via E-mail: nancy.theodore@fns.usda.gov

SUBJECT: Comment on Proposed FDPIR Funding Methodology

Dear Ms. Theodore:

Thank you for the opportunity to comment on the proposed new funding methodology for FDPIR. Yurok Food Distribution Program serves the members of 9 other local tribes as well as other federal Indians in Humboldt and Del Norte Counties, except for the Hoopa Reservation.

Here are our comments on the methodology as presented at regional meetings.

1. We support the objective of the new methodology: developing an objective and easy to understand process for fund allocation that "allocates funds on an equitable basis." We also support the objective to achieve a system that is "administratively efficient to implement." However, we do not see these objectives as equal in weight. Specifically, democratic systems - including adequate consultation with tribal governments - can be viewed as not "efficient" because they are slow and time consuming. In our view a just, open and equitable process consistent with democratic principles is a much more important objective than "efficiency".

2. We strongly object to the proposal to only subtract out capital expenditures over \$50,000. This aspect of the methodology has not and apparently can not be justified because:

- The western region has not had access to capital funds since 2001;
- it is perfectly feasible and no more work to subtract all capital expenditures;
- Allowing some capital expenditures to be included in the allocation formula runs counter to the stated objective to "allocate funds on an equitable basis."

To summarize, because it is unfair and unequal it is unacceptable to the Yurok Tribe if capital expenditures of any amount are included in the amount of past expenditures used for the purpose of calculating future fund allocation.

3. We are concerned that the "guidance" to be used for negotiations under the proposal has not been developed and is not available for review. It is our interest that the allocation process be fair and objective in its entirety. The negotiation guidance is an important element and the fairness of the system will in part be determined by the fairness of the negotiation guidance yet to be developed. We strongly recommend that the draft guidance be included in the next iteration of the proposal so that tribes can be consulted concerning whether it is fair, just and appropriate. If

this is not feasible then USDA should commit to a separate consultation on the “negotiation guidance”.

4. It is essential that the guidance for negotiations include objective measures of special circumstances. Tailgates are the obvious example. The actual number of miles driven per month to do tailgate deliveries is an example.

5. The “gradual implementation” feature of the Proposal has major flaws that make it inconsistent with and contradictory to a stated purpose of developing the methodology: equity. USDA can not achieve equity in a reasonable amount of time if each ITO/State Agency would receive a grant that is “no less than” the allocation for the previous year. In light of current federal budget realities, this can only perpetuate inequalities. We request that USDA and/or the Work group calculate how long it would take to achieve equity if this provision is retained assuming only COLA adjustments to the overall funding level for the next decade.

We support multi-year phased-in development but the current proposal goes much too far. A more appropriate phase in would be, for example, that no ITO will experience a reduction over the prior year of more than 10% during the adjustment period.

6. We strongly recommend that the Work Group bring back three feasible alternatives that achieve the stated objectives for consideration by tribes. Good consultation is not about asking for an “aye” or “nay” on a single proposal but rather presenting feasible options and gauging tribal comfort with those options. We support many of the statement that were made by tribal representatives at the western regional meeting concerning what constitutes good consultation.

7. Although it is beyond the scope of the methodology, we request that USDA consider that in the western region there have not been funds for capital outlay for 5 or more years. Our equipment is wearing out! USDA needs to take this need to Congress and also do what it can to make capital funds available to the western region. It was very disturbing to learn during the course of this process that some regions have had access to capital funds while others have not. **FDPIR NEEDS A FAIR AND EQUITABLE METHODOLOGY FOR ALLOCATING CAPITAL FUNDS TOO!** We strongly recommend that the Work Group expand its purview in order to develop a fair and equitable system for allocating capital funds.

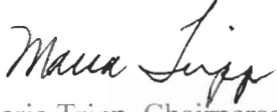
8. We also want to make a plea for USDA to allocate more nutrition funding through the FDPIR process and less through the competitive process. The nutrition education funds we are currently allocated are woefully inadequate. We would like to know whether the allocation fairness problems acknowledged for the administrative funds (and which we have learned also apply to the capital funds) are also reflected in how nutrition funds are allocated? If so, then the Work Group needs to rectify that inequality as well. Investments in nutrition education can actually reduce the need for food commodities and other assistance as well as improving the nutrition choices and options for participants. For example, we use the funds to educate the participants about backyard gardens. But we do not have a funding allocation for nutrition education that is adequate to do the job. Please give us a little more funding to work with!

Once again thank you for the opportunity to comment. We would like to share our comments directly with the other participating tribes. Please forward contact information for all those

tribes/ITOs/programs nationwide which have participated in the regional meetings. Please including e-mail addresses where you have them.

We look forward to the opportunity to review and consult with you on the next iteration of the proposal with (hopefully) at least three feasible options, the negotiation guidance and with provisions to assure that capital and nutrition funds are also fairly and equitably distributed included.

Sincerely,

A handwritten signature in cursive script that reads "Maria Tripp".

Maria Tripp, Chairperson