

**NATIVE AMERICAN LENDING STUDY/
ACTION PLAN REGIONAL REPORT**

**West Region
Workshop
May 12 - 13, 1999
Sparks, Nevada**

Sponsored by
Community Development Financial Institutions Fund
U.S. Department of Treasury,
Inter-Tribal Council of Nevada
And
California Indian Manpower Consortium, Inc.



**THE COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS FUND
DEPARTMENT OF THE TREASURY**

NATIVE AMERICAN LENDING STUDY/ACTION PLAN

OVERVIEW

This report summarizes the proceedings of the regional workshop conducted by the CDFI Fund in association with regional sponsoring Native organizations. The report also provides highlights of the study, the related CDFI Fund mission, the regional workshop process, affected stakeholders and a profile of participants. The results of the workshop are organized according to the major building blocks of the workshop agenda (also included) and accurately represents the wide range of issues, strategies and proposed actions that were developed through break-out teams of involved participants and stakeholders.

PURPOSE OF THE STUDY

The Native American Lending Study/Action Plan was authorized in the CDFI Fund's enabling legislation and requires the Fund to investigate and make recommendations to Congress and the President to eliminate barriers to private sector lending and investment on Native American Reservations and other land held in trust by the United States.

SCOPE OF REGIONAL REPORT

This report includes the following major sections:

- Native American Lending Study – An overview of the purposes of the study, a certification of authenticity of the contents and recognition of the co-sponsoring and supporting agencies.
- CDFI Fund Mission and Study Mandate – Summary of the overall CDFI Fund mission and outline of the major requirements established by Congress in Public Law 103-325.
- Workshop Process and Stakeholders – A summary of the process and principles that drive the workshop approach, as well as a listing of the major stakeholders involved in and affected by the proceedings of this report.
- Definitions – Definitions of terms used in defining barriers, impacts, strategies and actions as well as the responsibility and time frame codes used for the action planning step in the workshop process.
- Workshop Participants – A summary of the breakdown of the major types of stakeholders involved in the workshop.



- Workshop Agenda – The agenda for the two day session, noting the emphasis on team break-out sessions and presentations for maximum interaction among stakeholders, sharing of ideas and concerns, and bottom up planning on solutions to overcome identified barriers.
- Issues, Ideas and Remarks – Selected quotes from the court reporter transcript that represent the voices and visions of participants during the presentation segments of the workshop.
- Barriers and Impacts by Teams – A listing of the complete range of barriers and their related impacts developed by teams during the initial break-out sessions.
- Top Five Priority Barriers by Teams – The rank order priority barriers established by each team after reviewing and rating the entire range of barriers and impacts identified in the previous section.
- Priority Barriers and Their Impacts – A summary of the related impacts for each of the rank order priority barriers identified by each of the teams.
- Team Strategies and Actions – The strategies and action plans developed by the teams for each of the top five priority barriers. The action plans include identification of responsible parties and implementation timeframes.
- Participants – A list of workshop participants and their organizations.

DISCLAIMER

The contents of this report represents the recorded results of regional workshop proceedings. Materials in this report are derived from professional court reporter transcripts of proceedings, as well as presentation materials (flipcharts) prepared by workshop participants. As such, it is an authentic summary of participant issues and ideas and does not represent the policy or position of the U.S. Department of the Treasury.

CREDITS

The CDFI Fund expresses its deepest appreciation to the Inter-Tribal Council of Nevada and California Indian Manpower Consortium, Inc., without whose extensive efforts this regional workshop would not have been possible.

WORKSHOP FACILITATOR

Charles W. Johnson, The Johnson Strategy Group, Inc.



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INTRODUCTION

CDFI FUND MISSION

The Community Development Financial Institutions (CDFI) Fund mission is to promote access and local economic growth by directly investing in and supporting community development financial institutions (CDFIs) and expanding financial service organizations' lending, investment, and service within under-served markets.

NATIVE AMERICAN LENDING STUDY MANDATE

Public Law 103-325-SEPT. 23, 1994 (108 STAT. 2187)

SEC.117.(c) Native American Lending Study –

- (1) In General. – The Fund shall conduct a study on lending and investment practices on Indian Reservations and other land held in trust by the United States. Such study shall –
 - (A) identify barriers to private financing on such lands; and
 - (B) identify the impact of such barriers on access to capital and credit for Native American populations.
- (2) Report. – Not later than 12 months after the date on which the Administrator is appointed, the Fund shall submit a report to the President and the Congress that-
 - (A) contains the findings of the study conducted under paragraph (1);
 - (B) recommends any necessary statutory and regulatory changes to existing Federal programs; and
 - (C) makes policy recommendations for community development financial institutions, insured depository institutions, secondary market institutions and other private sector capital institutions to better serve such populations.

WORKSHOP PROCESS

To assist in completing the study, the Fund is developing strategies and action plans to address key financing barriers and their impacts. These are being developed through thirteen regional workshops and one round table workshop in Washington, D.C. The regional workshops have the following major features:



1. Invitation to key stakeholders, including Native American organizations and populations, private for-profit and not-for-profit financial institutions, Federal financial regulatory agencies, and State/local agencies involved in the financing and economic development arena.
2. Workshops considered all types of lending and investing.
3. Ninety percent of the workshop involved break-out sessions where participants defined barriers, their impacts, strategies and action plans. Participants were encouraged to define solutions and strategies, not just problems and barriers.
4. Complete recording of results using professional court reporters and flipchart summaries of break-out sessions deliberations.
5. Maximum face-to-face networking among participants, resulted in two-way education and built a foundation for future partnerships.
6. Results and relationship development are expected to have a “shelf-life” beyond the workshops and reports to Congress and the White House.

STAKEHOLDERS IN THE NATIVE AMERICAN LENDING STUDY

- U.S. President
- U.S. Congress
- Tribes and Native American Organizations
- Not-for-Profit Organizations
- Federal Financial Regulatory Agencies
- Federal Agencies
- Financial Institutions
- Secondary Market Organizations
- State Agencies

PARTICIPANT STATISTICS

Of the 42 participants attending the workshop:

- 18 were from Tribes
- 5 were from the private sector
- 19 were from the Federal, public, not-for-profit or educational sectors



DEFINITIONS OF TERMS

The following definitions were used by workshop participants and apply to this report:

Barrier Any impediment to lending and investment practices on Indian Reservations and other land held in trust by the United States. Barriers occur in a variety of forms, including Tribal, private sector, not-for-profit, State, Federal and regulatory settings.

Impact The effects on Native American populations on the inability to gain access to credit or capital for many types of financing or lending purpose. Each barrier can have more than one impact.

Priority The top five barriers in rank order with 1 being the highest priority.

Strategy A well thought out course of action to be taken to remove barriers and minimize their impacts. Strategies are generally longer term, involve a variety of resources and move toward measurable results. Each priority barrier can have more than one strategy.

Action The implementation of a strategy, having an outcome, a responsible party and a schedule for completion.

Responsibility The party or parties accountable for completing an action. For the purposes of this report, the following responsibility parties are used:

- Federal Agency (SBA, BIA, CDFI Fund, HUD, etc.)
- Federal Regulatory Agency (Federal Reserve System, Office of Thrift Supervision, FDIC, etc.)
- Financial Institution (commercial bank, credit unions, savings & loan, etc.)
- Intertribal Organization (Inter-Tribal Council, Tribal business association, etc.)
- Other (specify)
- State Entity (State government, State Financing Authority, etc.)
- Tribal Entity (Tribal government, Tribal enterprise, etc.)
- U.S. Congress
- U.S. President

Time Frame Time frames are as follows:

- Short term or up to 1 year
- Medium term or from 1 to 5 years
- Long term or 6 plus years



WORKSHOP AGENDA
CDFI FUND NATIVE AMERICAN LENDING STUDY/ACTION PLAN
WEST REGION WORKSHOP
Sparks, Nevada
May 12-13, 1999

This agenda is not designed as a conference or panel of speakers, but a workshop where participants, through facilitated work groups, will identify barriers to accessing capital and credit on Indian Reservations, describe the impacts of such barriers, and create strategies and action plans to overcome barriers.

Wednesday, May 12

- 7:45 A.M. Continental Breakfast
- 8:30 Opening: Greeting and Remarks
- 8:45 Welcome and CDFI Fund/Process Overview - Rodger Boyd, Program Manager, CDFI Fund
- 9:15 Workshop Ground Rules and Formats - Facilitator
- 9:30 Team Break-out No. 1: Identification of Barriers, Impacts and Priorities
- 11:30 Team Presentations of Barriers, Impacts and Priorities
- 12:15 P.M. Lunch
- 1:15 Guidelines for Developing Strategies
- 1:30 Team Break-out No. 2: Strategies Development
- 4:00 Team Presentations of Strategies
- 5:00 Adjourn

Thursday, May 13

- 7:45 A.M. Continental Breakfast
- 8:30 Opening-Recap of Strategies from Day One - Rodger Boyd, CDFI Fund
- 8:45 Guidelines for Creating Action Plans - Facilitator
- 9:00 Team Break-out No. 3: Action Plans
- 11:30 Team Presentations of Action Plans
- 12:15 P.M. Open Session
- 1:00 Closing Remarks and Adjournment – Rodger Boyd, CDFI Fund



OVERVIEW

In order to provide a sense of the perspective and passions of participants, selected quotes from participant presentations have been abstracted from the court reporter transcript. This is a representative mix of the voices and visions and helps tell the story about concerns raised during the course of the workshop.

ISSUES, IDEAS AND REMARKS

“They [barriers] were: The expectation on the Tribal part or Tribal individuals and free money; the culture of grants, or being used to receiving grants . . . That has two impacts: Trying to put all their energy into seeking grants even though they're very competitive. And they haven't developed an understanding of development through lending.”

—Sarah Marsereau, USDA Rural Development

“Another issue was stability and structure of Tribal governments themselves, which is from one spectrum to another. We have very sophisticated modern governmental structures and some that are just jumpstarting themselves getting off the ground. One thing I reminded myself, probably the biggest barrier we identified that isn't on here, but I think everybody confirmed it at the break, biggest barrier to Reservation development is too much democracy.”

—Brian Wallace, Washoe Tribe

“If you build relationships outside and inside, particularly in California, a lot of Tribes are separated in bands but they have common cultures and they're members of the same nation. If they band together and share their culture and resources and build relationships with each other, they're very powerful and they can bring the rest of the players to the table. Again, that's immediate. And that's something that can be driven without seeking outside help.”

—Frank Riolo, Borrego Springs Bank

“. . . sometimes Indian Tribal governments are treated no differently than, say, a corporation, that may acquire a loan. And I've always come from the standpoint that Indian Tribes aren't going anywhere. They're going to always be there, and they'll look at alternatives, if for some reason they might be in a default. Whereas a corporation that goes in for a loan or a partnership, they can dissolve and declare bankruptcy and pretty soon they're gone.”

—Arlan Melendez, Reno/Sparks Indian Colony

“. . . I'd like to just say what I got out of this [workshop] is basically a lot depends on communication. Actually getting out there and talking about the issues with the bankers and all those different people in the State and the Federal level as far as interacting a little more. I think Tribal people can just stick in our own communities sometimes. And there's a lot we can learn. A good example is just interacting with lenders here today.”

—Arlan Melendez, Reno/Sparks Indian Colony



OVERVIEW

Immediately after introductory remarks and presentation of workshop guidelines, participants were organized into teams, with each team representing a proportionate mix of stakeholder types who attended the workshop. Teams identified as many barriers and their related impacts as they could so as to provide an understanding of the issues that drive needed changes.

BARRIERS AND IMPACTS BY TEAMS

1 TEAM

<i>BARRIERS</i>	<i>IMPACTS</i>
1. Tribes have no collateral	<ul style="list-style-type: none"> • No jobs are created • No improvements are made in the Tribal structure • No trust is developed • There is no incentive to pursue loans
2. No development of government to government relationships	<ul style="list-style-type: none"> • Discrimination (Tribes and members are treated differently)
3. No credit to Tribal members	<ul style="list-style-type: none"> • Discriminatory practices (single parent)
4. Limited use of Tribal assets to acquire loans (i.e., GSA equipment and cattle)	<ul style="list-style-type: none"> • Slow economic development • Slow development of Tribal people's access to jobs and capital
5. No financial institutions servicing Tribes	<ul style="list-style-type: none"> • Discourages Tribal members
6. Tribes' lack of experience in processing applications to banks	<ul style="list-style-type: none"> • Low self esteem of members going into banks • No confidence in utilizing the banking systems • Fear of denial by banks
7. No BIA support	<ul style="list-style-type: none"> • Limited fiduciary responsibility
8. Outdated BIA policies and initiatives	<ul style="list-style-type: none"> • New land acquisition is limited • Lack of support for Tribal expansion
9. Tribal court systems	<ul style="list-style-type: none"> • No enforcement of authority



BARRIERS	IMPACTS
	<ul style="list-style-type: none"> • High risk to lenders
10. Funding does not increase at the Federal level for new or newly banded (Federally recognized) base Tribes	<ul style="list-style-type: none"> • Funding is usually based on population • Makes an additional burden on States, cities and counties
11. Limited transportation	<ul style="list-style-type: none"> • Limits growth of the Tribal community
12. A Tribe's economic development is based on individual financial management but Tribal members lack training in that area	<ul style="list-style-type: none"> • Personal economics is not developed • Public trust/personal responsibilities
13. Indian economy based on cash in hand	<ul style="list-style-type: none"> • No savings • No credit history • No available credit • Credit cards are too accessible
14. Cultural barriers	<ul style="list-style-type: none"> • Insensitivity to Native American beliefs
15. Sovereign immunity waivers	<ul style="list-style-type: none"> • Concerns about loss of sovereign immunity • Concerns about keeping Tribal lands intact
16. Young people need financial education and awareness	<ul style="list-style-type: none"> • There is no direction for the concepts and ideas of corporate development
17. Tribal structure and banks have limitations with what they can bring to the table	<ul style="list-style-type: none"> • Prevents proper financial planning



BARRIERS	IMPACTS	<i>“One thing I reminded myself, probably the biggest barrier we identified that isn't on here, but I think everybody confirmed it, . . . biggest barrier to Reservation development is too much democracy.” –Brian Wallace, Washoe Tribe</i>
1. Land trust issue	<ul style="list-style-type: none"> • Waiver of sovereign immunity issues • Cannot use as collateral in structuring deals • Have to pay a higher price for capital • Land acquisition • Reservation land expansion 	
2. Stability and structure of Tribal governments	<ul style="list-style-type: none"> • Constitution and corporate charters inhibits business (i.e., leases) 	
3. Legal issues – liability, torts, sovereignty	<ul style="list-style-type: none"> • Cautious off-Reservation investment and limitations (leases, etc.) 	
4. Unstable national political environment- national leaders change the rules and the basics	<ul style="list-style-type: none"> • Destabilizing to Tribal development efforts 	
5. Lack of leadership in private industry to recognize the Native market and invest on the Reservation	<ul style="list-style-type: none"> • Extra barriers 	
6. Lack of knowledge of Tribal government by private lenders	<ul style="list-style-type: none"> • Tentative relationships and cautious views of Tribal commercial/political experience • Cultural barriers 	
7. Tribal members do not have the equity needed to get involved in loans	<ul style="list-style-type: none"> • Cannot secure home equity and commercial loans nor buy a car to go to work 	
8. Lack of Tribal or any other commercial lending institutions on or near the Reservation	<ul style="list-style-type: none"> • Must walk to beat of outsiders who have an insufficient understanding of community needs and cultural priorities • Uneven access to personal savings and lending • No access to technology 	



BARRIERS	IMPACTS	
9. Polarization between gaming and non-gaming economies	<ul style="list-style-type: none"> • Inequitable access to capital 	
10. “Economics or financing” is a foreign concept to most Tribal members	<ul style="list-style-type: none"> • Lack of depth in Tribal development orbit • Distinct cultural barriers 	
11. Tribal unemployment, intermittent employment, and/or short term seasonal employment	<ul style="list-style-type: none"> • Labor force is limited 	
12. Financial institutions’ extraordinary lending and security standards	<ul style="list-style-type: none"> • High collateral standards - dollar for dollar 	
13. Distorted or limited views of scales of economic development and infrastructure needed to support those different levels (i.e., private/tribal/personal)	<ul style="list-style-type: none"> • Lack of comprehensive view of all scales of development (i.e., economic literacy) • Lack of basic infrastructure components, such as phones 	
14. Lack of comprehensive Tribal development orbit (planning, application, evaluation, political, social, cultural, etc.)	<ul style="list-style-type: none"> • No lasting impacts or benefits (crapshoot) • There is talent not being capitalized or mobilized to support community development • Economic development would be stronger if there was development in other cultural and political aspects of Tribal life 	
15. Cultural and political sovereignty and economic nationalism	<ul style="list-style-type: none"> • Double edged sword – the limited separatism that Tribes enjoy also causes a stress relationship with the U.S. 	
16. Development of entrepreneurial excellence (internal) and the spirit related to business training	<ul style="list-style-type: none"> • Depth of community talent 	
17. Cultural/traditional vs. entrepreneurial nexus trade-offs	<ul style="list-style-type: none"> • Mixed efforts to lead and understand 	

“And I’ve always come from the standpoint that Indian Tribes aren’t going anywhere. They’re going to always be there, and they’ll look at alternatives, if for some reason they might be in a default. Whereas a corporation that goes in for a loan or a partnership, they can dissolve and declare bankruptcy and pretty soon they’re gone.”
–Arlan Melendez, Reno/Sparks Indian Colony



BARRIERS	IMPACTS
18. Federal partnerships are overly paternal, penalizing those who are at the thresholds of self-finance	<ul style="list-style-type: none"> • Costly entry into financial game • Weighted against the underdogs
19. New government start-up capacity development and ownership (self determination)	<ul style="list-style-type: none"> • Slow progress, limited opportunities • The ones that have the least need the most • The communities just getting started in self-determination find that the opportunities and partnerships aren't there
20. Lack of traditional government revenue bases to tax	<ul style="list-style-type: none"> • No Tribal government ability to finance Reservation private sector



Team break-out session in progress



Team presentation of barriers and impacts





BARRIERS	IMPACTS
1. Lenders and Federal agencies lack of education about Native American Tribes	<ul style="list-style-type: none"> • Lenders don't change requirements, i.e., down payments • The loan process stops at the first barrier or confusion
2. Lenders lack flexibility	<ul style="list-style-type: none"> • Action ends at the first barrier encountered
3. Lenders seeking cookie-cutter deals and bring timeframe expectations to the table	<ul style="list-style-type: none"> • This gives lenders a reason to decline loans • Credibility fails and trust is lost
4. Lack of understanding of sovereign Tribal government's trust lands by lenders and Federal agencies	<ul style="list-style-type: none"> • Relationships and trust are not built between Tribes and lenders • Banks lose out on a market and potential investments
5. Tribes lack of understanding of Federal programs and guarantees	<ul style="list-style-type: none"> • Not as many deals are made as could have been • Relationships are frustrated
6. Lack of two-way trust	<ul style="list-style-type: none"> • Limits relationships • Limits action and deals
7. Lenders practice doesn't match the marketing rhetoric and expectations are not met	<ul style="list-style-type: none"> • Causes frustration
8. Tribes lack of understanding of lending basics, process, and jargon	<ul style="list-style-type: none"> • Puts a damper on Tribal members' confidence • Increases the time the process takes • Members don't ask the right questions
9. Not identifying the lender or Tribal person authorized to make decisions	<ul style="list-style-type: none"> • Get a "no" too quickly • Don't understand the chain of command and creates an atmosphere of confusion, mistrust and antagonism • Spreads inaccurate information • Breaks deals



BARRIERS	IMPACTS	
10. Lack of technical assistance providers available at the Reservation level	<ul style="list-style-type: none"> • Poor planning by the individual or Tribe • Banks are turned off by the lack of a business plan or documentation • Prevents the establishment of small businesses • Poor communication and negotiation 	<p><i>“And if they [Tribes] band together and share their culture and resources and build relationships with each other, they're very powerful and they can bring the rest of the players to the table. Again, that's immediate. And that's something that can be driven without seeking outside help.”</i></p> <p><i>–Frank Riolo, Borrego Springs Bank</i></p>
11. Expectation of “free money” at Tribe and individual levels (grant mentality)	<ul style="list-style-type: none"> • Limits loans • Increases the time it takes to access money • Hurts relationships • Customers willing to wait for grants • Native American do not learn about borrowing and finance 	
12. Tribes lack of business understanding and the profit motive	<ul style="list-style-type: none"> • Impacts how business plans and strategies are created 	
13. Tribes invest their energy in seeking grants	<ul style="list-style-type: none"> • There's no energy left to pursue development through loans • Not enough grant money 	
14. Tribes lack of capacity to pursue development, find and secure grants, lack of management expertise, and lack of skilled manpower to package and present loans	<ul style="list-style-type: none"> • Tribes put their energy into grants because they think there's no chance of loan • The Tribe limits their own options 	
15. Lack of Federal and lender manpower	<ul style="list-style-type: none"> • Not enough time and manpower to pursue Tribal deals 	
16. Statutory: JTPA, WIA, USDA	<ul style="list-style-type: none"> • It takes a lot of work to make programs work for Tribes • Limits funding sources to Tribes 	
17. Lack of knowledge of CRA by Tribes	<ul style="list-style-type: none"> • Don't seek investment money from banks • Prevents Tribal development 	



BARRIERS	IMPACTS
18. Lack of knowledge of whose programs can do what (Federal to Federal; Federal State; government to private)	<ul style="list-style-type: none"> • Tribes lose benefits of all the programs • Tribes have to cope with multiple sets of rules • Banks won't participate in Federal loan guarantee, too many rules
19. Inconsistent legal interpretations of statutes and regulations	<ul style="list-style-type: none"> • Inconsistent program delivery across country • Costs of deal too high due to legal • Court of jurisdiction issues
20. Racial discrimination	<ul style="list-style-type: none"> • Missed opportunities • Intimidation
21. Collateralization on Tribal trust lands	<ul style="list-style-type: none"> • Stops deals



Team break-out sessions in progress



4 TEAM

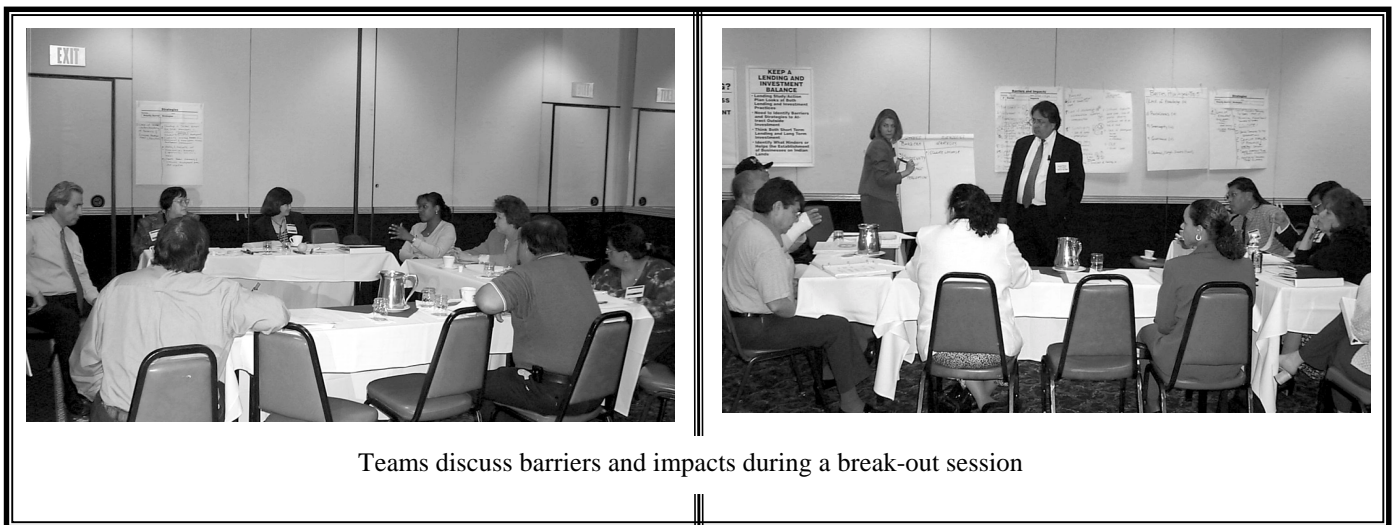
BARRIERS	IMPACTS
1. Bad credit	<ul style="list-style-type: none"> • No loans
2. Limited collateral	<ul style="list-style-type: none"> • No loans because it complicates the loan structure • A barrier to credit on the Reservations
3. Remoteness of Reservations	<ul style="list-style-type: none"> • Inability to provide technical assistance and training because the cost is prohibitive • Missed opportunities • Transportation is difficult • Limits the market demand • Economies of scale are not there to make small businesses viable
4. Lenders lack of knowledge of the Tribal structure	<ul style="list-style-type: none"> • Missed or avoided opportunities • Stereotypes
5. Tribal members lack of knowledge of financing	<ul style="list-style-type: none"> • Missed opportunities
6. Legal issues of land trust, taxes, levies and Tribal courts	<ul style="list-style-type: none"> • Time factor • Fewer loans • Avoidance • Costs
7. Lack of banks or credit unions on Reservations	<ul style="list-style-type: none"> • Tribes unable to access credit
8. Lack of relationships between financial institutions and Tribal members	<ul style="list-style-type: none"> • Confusion • Duplication • Limited access • Lack of strategic planning • Inefficient use of Reservation • Lack of trust
9. The perception of how sovereignty works	<ul style="list-style-type: none"> • Lack of business, mortgage, and infrastructure development • Lack of use



BARRIERS	IMPACTS
10. The safety and soundness of Lenders' regulatory policies	<ul style="list-style-type: none"> • Fewer CRA loans • Limits what financial institutions can do to provide loans to Native Americans
11. Governance	<ul style="list-style-type: none"> • Results in discrimination from lack of knowledge in terms of how business can be facilitated on Reservations



Closing words



Teams discuss barriers and impacts during a break-out session



OVERVIEW

After identifying as many barriers as possible, teams were asked to establish a rank order of the top five barriers using a weighted rating system where each participant, basically, voted on the relative importance of the barriers. This section summarizes the rank order priorities of the barriers by team with number one being the most important and number five being the fifth in importance.

TOP FIVE PRIORITY BARRIERS BY TEAMS

	1 TEAM	2 TEAM	3 TEAM	4 TEAM
ONE	Collateral Issues	Land Trust Issues	Lack of Tribal Understanding of Business and Economic Development	Lenders and Tribes Lack of Knowledge
TWO	Financial Management Capacity and Education	Legal Issues	Lenders and Agencies Are Not Educated About Native Americans	Remote Location of Reservations
THREE	Lack of Lender Education about Tribes	Extraordinary Lending and Security Standards	Collateralization on Tribal Trust Lands	Perception of How Sovereignty Works
FOUR	Sovereign Immunity Waivers	Tribal Members' Equity Barriers	Discrimination by Lenders	Governance
FIVE	No Financial Institutions Serving Rural Tribal Communities	Lenders Lack of Knowledge of Tribal Government	Lack of Capacity Within Tribal Government Systems Manpower and skills	Collateral and Legal Issues



OVERVIEW

For each of the top five priority barriers listed in the previous section, a summary of their impacts is listed. These impacts assist in understanding the effects of the barriers that need to be overcome in identifying solutions and strategies for change.



PRIORITY BARRIERS AND THEIR IMPACTS

	BARRIERS	IMPACTS
1	Collateral Issues	<ul style="list-style-type: none"> • Can't create jobs • No improvements are made in the Tribal structure • No trust is developed • There's no incentive to pursue loans • Slows economic development • Slows development of Tribal people's access to jobs and capital
2	Financial Management Capacity and Education	<ul style="list-style-type: none"> • Tribal members lack training in that area • Adversely affects personal economics • There is no direction for the concepts and ideas of corporate development • Low self esteem of people going into banks • No confidence in utilizing the banking system • Fear of denial by banks
3	Lack of Lender Education About Tribes	<ul style="list-style-type: none"> • Insensitivity to Native American beliefs • Discrimination
4	Sovereign Immunity Waivers	<ul style="list-style-type: none"> • Concerns about loss of sovereign immunity • Concerns about keeping Tribal lands intact
5	No Financial Institutions Serving Rural Tribal Communities	<ul style="list-style-type: none"> • Discourages Tribal members • No everyday experience with banking and financing



2

TEAM

	BARRIERS	IMPACTS
1	Land Trust Issues	<ul style="list-style-type: none"> • Waiver of sovereign immunity issues • Cannot use as collateral in structuring deals • Higher price for capital • Land acquisition • Reservation land expansion
2	Legal Issues	<ul style="list-style-type: none"> • Cautious off-Reservation investment and limitations
3	Extraordinary Lending and Security Standards	<ul style="list-style-type: none"> • High collateral standards • No loans • No economic development
4	Tribal Members Equity Barriers	<ul style="list-style-type: none"> • Tribal members cannot secure home equity and commercial loans nor buy a car to go to work
5	Lenders Lack of Knowledge of Tribal Government	<ul style="list-style-type: none"> • Creates tentative relationships and cautious views of Tribal commercial/political experience • Creates cultural barriers





	BARRIERS	IMPACTS
1	Lack of Tribal Understanding of Business and Economic Development	<ul style="list-style-type: none"> • Not as many deals are made as could have been • Relationships frustrated • Puts a damper on Tribal members' confidence • Increases the time the lending process takes • Native Americans don't ask the right questions • Impacts how business plans and strategies are created
2	Lenders and Agencies Are Not Educated About Native Americans	<ul style="list-style-type: none"> • Causes confusion and frustration • Lenders don't change requirements, such down payments • The loan process stops at the first barrier
3	Collateralization on Tribal Trust Lands	<ul style="list-style-type: none"> • Relationships and trust are not built between tribes and lenders • Banks lose out on a market and potential investments • Stops the deal
4	Discrimination by Lenders	<ul style="list-style-type: none"> • Missed opportunities • Intimidation
5	Lack of Capacity Within Tribal Governments	<ul style="list-style-type: none"> • Tribes put their energy into grants because they think there's no change of a loan • The Tribes limit their own options • Tribes do not learn about borrowing and finance • Banks are turned off by the lack of a business plan and documentation



4 TEAM

	BARRIERS	IMPACTS
1	Lenders and Tribes Lack of Knowledge	<ul style="list-style-type: none"> • Missed opportunities • Stereotypes
2	Remote Location of Reservations	<ul style="list-style-type: none"> • Inability to provide technical assistance and training because the cost is prohibitive • Missed opportunities • Transportation is difficult • Market demand is limited • Economies of scale are not there to make small businesses viable
3	Perception of How Sovereignty Works	<ul style="list-style-type: none"> • Lack of business, mortgage, and infrastructure development • Lack of use
4	Governance	<ul style="list-style-type: none"> • May result in discrimination from lack of knowledge, etc.
5	Collateral and Legal Issues	<ul style="list-style-type: none"> • No loans because it complicates the loan structure • A barrier to credit on the Reservations • Time factor, fewer loans, avoidance, costs



OVERVIEW

After prioritizing barriers and identifying the top five priority barrier impacts, the teams conducted two follow-up break-out sessions. The first session focused on identifying a range of strategies for each of the top five priority barriers. Each team then presented their strategies to the entire group and plenary session. The teams then returned to their break-outs and identified action plans, including responsibilities and time frames, for selected strategies. Please note that there may not be an action plan for every strategy since teams decided which are the most critical strategies that require action. Please refer to Definitions of Terms in the introduction for an explanation of responsibilities and time frames.

TEAM 1

STRATEGIES AND ACTIONS

BARRIER #1: COLLATERAL ISSUES

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Tribal guarantee for individual loan; Tribal equity injection (a silent second)	Encourage Tribal government to develop ordinances that address, at the Tribal level, collection policies, jurisdictional matters, title issues and alienation – use them to drive up or down the process to the BIA and financial institutions	Tribal Entity Intertribal Org. Federal Agency Financial Inst.	Medium Term
B. Individual given lease by Tribe	<ol style="list-style-type: none"> 1. Develop a practical guarantee mechanism to provide a profit motive for financial institutions and make it easier for Tribes to access capital 2. Work with the collective group of SBA, BIA and USDA to simplify and streamline the guarantee process 	Tribal Entity Federal Agency Financial Inst. Other (micro loan sources)	Medium Term
C. Use Federal guarantee			
D. Use other investments assigned as collateral			
E. Use home equity			



STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
F. Use other equity (e.g., cattle), insurance assignments; down payment assistance program			
G. Develop Tribal ordinances for collection (jurisdiction issue); leasehold interests as collateral			
H. Develop guarantee mechanisms			
I. Unsecured loans to persons with strong income streams			
J. Develop Tribal ordinances to give the lender access to assets and collateral			
K. Unsecured loans if financial strength is adequate			
L. Limited waiver of sovereign immunity			
M. Collateralize with an assigned asset or investment like a tax base			
O. Change policies and statutes relating to lending so they will work with Tribes			
P. Documentation and collection processes			



BARRIER #2: FINANCIAL MANAGEMENT CAPACITY AND EDUCATION

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Build financial capacity by educating Tribes and Tribal members on financial management, the importance of credit and credit management	<ol style="list-style-type: none"> 1. The Tribe takes a proactive role and educates itself, establishes its own ordinances, packages its product better, seeks relationships with financial institutions, Federal agencies and outsiders to do that – then it will have the collective ability to force the rest of the players to the table 2. The Tribe and intertribal organizations communicate effectively within themselves and become unilateral – then they will be combined in their performance and presentation to outside agencies 	Tribal Entity Federal Agency Financial Inst.	Ongoing
B. Attend distance education facilities after local training			
C. Student internships within and outside of the Tribe			
D. Tribal culture provide incentives to get a financial education			



STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
E. Create a lending community advisory board where banks, financial institutions and the private sector come together to educate the Tribe			
F. Develop a business plan, short and long term, that includes financial education			
G. Tribal training in communication and negotiation			
H. Tribal training in financial planning			
I. Build consensus on development direction, consensus on roles of council and staff			



BARRIER #3: LACK OF LENDER EDUCATION ABOUT TRIBES

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Educate the lending community about Tribes and sovereignty issues to develop trust through understanding			
B. Share success models (individual entrepreneurs and Tribes)	Find out where the successes are, access the information	Tribal Entity Intertribal Org. Federal Agency Financial Inst. U.S. Congress U.S. President State Entity	Short Term
C. Build relationships and establish common ground, resulting in lender commitment			
E. Have a clear discussion on how the lender and Tribe will do business			



BARRIER #4: SOVEREIGN IMMUNITY WAIVERS

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Paradigm shift is a specific exercise of sovereign (not waiver of) immunity	Educate to understand what sovereignty is: <ul style="list-style-type: none"> • It is an exercise of sovereignty, not a waiver issue • If you understand sovereignty and how to exercise it, you may not need to waive it 	Tribal Entity Intertribal Org. Federal Agency Financial Inst. U.S. Congress U.S. President State Entity Fed. Reg. Agency	Short to Ongoing
B. Develop dispute resolution mechanisms that are standardized and utilized	<ol style="list-style-type: none"> 1. It begins with the Tribe to clearly identify standard dispute resolutions and ways to exercise and collect 2. Educate the other side 	Tribal Entity Intertribal Org. Federal Agency Financial Inst.	Short Term



BARRIER #5: NO FINANCIAL INSTITUTIONS SERVING RURAL TRIBAL COMMUNITIES

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Make it profitable for banks to serve rural Tribes	Bring together multiple rural areas and identify resources and economic strength to point out a profit motive to financial institutions	Tribal Entity Intertribal Org. Financial Inst.	Medium Term
B. Create and nurture Tribal/rural/lender partnerships and work together to create more banking in rural communities	<ol style="list-style-type: none"> 1. Increase Federal credit enhancement 2. Change the tax bracket 3. Tribes “buy local” and create demand 	Tribal Entity Intertribal Org. Federal Agency Financial Inst. U.S. Congress	Long Term
C. Financial education creates a viable product			
D. Get nontraditional lenders connected to Tribes (e.g., micro loan programs are valuable, available, but not being utilized)			
E. Provide ATMs, bank over the internet, bank by phone			



BARRIER #1: LAND TRUST ISSUES

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Limited waiver in certain sovereign immunities on a project by project basis, one small section of land at a time			
B. Encumber the leasehold mortgage and improvements			
C. Create a financial institution owned by the Tribe to create inside entity taken as collateral	Charter a financial institution that is owned and/or operated by a Tribal entity	Tribal Entity Intertribal Org. Federal Agency Fed. Reg. Agency State Entity	Medium Term
D. Government guaranteed loans to lenders, i.e., HUD 184 mortgage insurance	Apply to Federal agencies (SBA, HUD, BIA, USDA, EDA) for land funds and guarantees	Tribal Entity Intertribal Org.	Short Term
E. SBA provides guarantees			
F. Indian Financing Act (BIA) government guaranteed loan program			
G. Tribe to develop an economic development corporation and become a CDFI lender	Tribes become a corporation and then apply to the CDFI to become a lender	Tribal Entity Intertribal Org. Federal Agency	Medium Term



BARRIER #2: LEGAL ISSUES

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Develop a regional, intertribal court system			
B. Develop a “model” uniform commercial code (UCC) for Tribes to implement or incorporate into the one they have	Develop a uniform commercial code or “model” UCC for Tribes to adopt and adapt to fit their own needs	Intertribal Org. Other (Tribal Government)	Medium Term
C. Develop an educational process for contract negotiations; give the Tribes an idea of how to negotiate	Tribes partner with community colleges to develop a curriculum for contract negotiations	Intertribal Org. Tribal Entity Other (Community Colleges)	Short Term

BARRIER #3: EXTRAORDINARY LENDING AND SECURITY STANDARDS

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Develop Tribal liaisons within lending institutions	Contact banks and establish a relationships that leads to a liaison person within the bank	Tribal Entity Financial Inst.	Short Term
B. Develop CRA strategies to provide fair and equitable access services to Native Americans (Native Americans are held to a higher standard because of the trust land issues.)	Contact congress after CRA strategies have been developed by intertribal organizations in partnership with First Nations Development	Intertribal Org. U.S. Congress Other (First Nations)	Long Term



BARRIER #4: TRIBAL MEMBERS' EQUITY BARRIERS

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Develop a cooperative of different people, businesses and commercial/housing ventures and pool the resources			
B. Develop internal education programs to provide training in personal and business financial management	Start training Tribal members in personal financial management at the elementary level	Intertribal Org. Tribal Entity	Short Term
C. Develop economic development institutions with Tribes to support creation of initiatives such as IDAs (Individual Development Accounts), SBICs	Develop an economic development organization within the Tribe to create initiatives such as IDAs (Individual Development Accounts), SBICs and cooperative commercial/housing ventures	Intertribal Org. Tribal Entity Federal Agency	Medium Term
D. Congress needs to fund the grant program of the Indian Financing Act	Petition the President, Congress and the Interior Department (DOI) to fund the <u>existing</u> grant portion of the Indian Financing Act	Intertribal Org. Tribal Entity Federal Agency (BIA, DOI) U.S. Congress U.S. President Other (NCAI)	Medium Term



BARRIER #5: LENDERS LACK OF KNOWLEDGE OF TRIBAL GOVERNMENT

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Develop a joint problem solving and educational process between Tribes and lenders and the Federal government	Continue CDFI’s collaboration with banks, Tribes and intertribal organizations, government agencies and other lenders to increase knowledge of all parties about Tribal governments and lending practices to overcome barriers to accessing capital in Indian Country	Intertribal Org. Tribal Entity Federal Agency (CDFI and BIA) Financial. Inst.	



BARRIER #1: LACK OF TRIBAL UNDERSTANDING OF BUSINESS AND ECONOMIC DEVELOPMENT

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Develop a Tribal forum for local members to discuss visions, priorities relevant to community and economic development	1. Establish local Tribal meetings to formulate action and participation at the grassroots level	Tribal Entity Intertribal Org.	Short Term
B. Evaluate existing Tribal governments and economic development resources on the Reservation	2. Identify funding resources to develop a strategic community and economic plan		Short Term
C. Identify and evaluate off-Reservation resources and opportunities available to Tribes	3. Create a draft strategic plan and present it to the community for approval		Medium Term
D. Create Tribal community and economic development goals and objectives			



BARRIER #2: LENDERS AND AGENCIES ARE NOT EDUCATED ABOUT NATIVE AMERICANS

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
<p>A. Establish a national clearinghouse for information about Tribes, Tribal leadership, laws, etc.</p>	<p>1. Follow-up on the presidential initiative to develop a clearinghouse</p>	<p>Tribal Entity Intertribal Org. Federal Agency U.S. President</p>	<p>Short to Long Term</p>
	<p>2. Assess the feasibility for a national clearinghouse for economic development</p>	<p>Tribal Entity Intertribal Org.</p>	<p>Short Term</p>
	<p>3. Lobby for congressional appropriations for the clearinghouse</p>	<p>Tribal Entity Intertribal Org.</p>	<p>Medium Term</p>
<p>B. Develop regional education outreach programs, workshops and training symposiums</p>	<p>Establish regional meetings with Tribal leaders, Federal agencies and lenders to present Tribal strategic community and economic development plans</p>	<p>Tribal Entity Intertribal Org. Federal Agency</p>	<p>Short Term</p>



BARRIER #3: COLLATERALIZATION ON TRIBAL TRUST LANDS

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Evaluate existing Tribal land tenure, including land trust, and leasehold options	<ol style="list-style-type: none"> 1. Research existing Tribal laws to allow Tribes to establish leaseholds 2. Create Reservation land use plans and zoning ordinances 	<p>Tribal Entity</p> <p>Tribal Entity Intertribal Org. Federal Agency</p>	<p>Short to Medium Term</p> <p>Medium to Long Term</p>
B. Educate lenders on avenues of alternative collateralization on Tribal lands and how to get around the issue of trust land as collateral	Develop information for mortgage approval and put it in writing	Federal Agency	Short Term



BARRIER #4: DISCRIMINATION BY LENDERS

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Develop a dialog and relationships with lenders	Develop a dialog and relationships with lenders	Tribal Entity Intertribal Org.	Short to Long Term and Ongoing
B. Make borrowers more aware of their legal rights	1. Inform borrowers their recourse is to go to the Dept. of Justice	Federal Agency	Short Term
	2. Hold information workshops on the Reservations about the CRA	Tribal Entity Intertribal Org. Fed. Reg. Agency	Short Term
C. Review of legislation for compliance	Hold information workshops on the Reservations about the CRA	Tribal Entity Intertribal Org. Fed. Reg. Agency	Short Term
D. Assure existing CRA regulations are upheld and strengthened, in particular with regard to Native American issues			



BARRIER #5: LACK OF CAPACITY WITHIN TRIBAL GOVERNMENTS

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Cultivate internal expertise on community and economic development financing	1. Seek Congressional funding (HUD, USDA, SBA, BIA, etc.) for technical assistance	Tribal Entity Federal Agency Intertribal Org. U.S. President U.S. Congress	Short to Medium Term
	2. Provide financial planning workshops	Tribal Entity Financial Inst.	Short Term
B. Develop a legal environment conducive to lending	1. Develop Tribal ordinances which address repossessions, foreclosures, etc.	Tribal Entity	Short Term
	2. Develop and adopt appropriate UCCs	Tribal Entity	Medium to Long Term
	3. Strengthen Tribal court systems (review status of Presidential initiative)	Tribal Entity Federal Agency U.S. Congress U.S. President	Medium to Long Term
C. Establish legal regional Tribal clearinghouses			
D. Increase technical assistance for capacity building	1. Seek Congressional funding (HUD, USDA, SBA, BIA, etc.) for technical assistance	Tribal Entity Federal Agency Intertribal Org. U.S. President U.S. Congress	Short to Medium Term
	2. Provide financial planning workshops	Tribal Entity Financial Inst.	Short Term



BARRIER #1: LACK OF KNOWLEDGE BY LENDERS AND TRIBES ABOUT EACH OTHER

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Develop business training for Tribes	1. Educate through training Tribes in developing business startup	Tribal Entity Federal Agency (SBA)	Short Term
B. Provide technical assistance to Tribes for follow-up and one on one counseling	2. Provide technical assistance	Financial Inst. U.S. Congress Other (Nonprofit)	
C. Educate!	3. Deliver training on Reservations		
D. Bring training to the Reservations			
E. Develop database of resources available (website) to Tribes and lenders	Development of a Web Page/matrix table identifying lending resources available to Tribes	Federal Agency Financial Inst. Other (Nonprofit)	Medium Term
F. Create strategic plan on how to promote information that's available	1. Tribal workshops concerning Tribes' issues, i.e., assessment of the Tribes' needs (especially in financing), developing an understanding of bank language and their loan process, before going to the bank	Federal Agency Financial Inst. Tribal Entity Fed. Reg. Agency	Short Term
	2. Pre-workshops to educate Tribes regarding upcoming seminars and meetings	Tribal Entity	Short Term
G. Peer to peer, cultural, mentoring program between Tribes and lenders	Mentoring: cross training programs between lenders and Tribes, internships, business to business	Financial Inst. Tribal Entity Intertribal Org. Other (Nonprofit)	Short to Medium Term



BARRIER #2: REMOTE LOCATION OF RESERVATIONS

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Educate lenders on resources available on the Reservation (supply a feasibility study)			
B. Tribes conduct feasibility study and present to lenders			
C. Financial institutions to assess their own rural services			
D. Create dialog and communication	Tribes create a dialog with lenders leading to formal discussions	Financial Inst. Other (Tribal Council)	



BARRIER #3: PERCEPTION OF HOW SOVEREIGNTY WORKS

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Educate lenders and Tribal government on limited waivers	Educate lenders and Tribes by developing uniform definitions and codes of sovereignty, giving the lender an instrument for recourse	Financial Inst. Tribal entity Intertribal Org.	Medium Term
B. Develop continuing training for lenders and Tribes on what limited waiver means			
C. Tribes and lenders develop an alternative recourse to limited waivers as collateral			
D. Talk a common language between Tribes and lenders	Educate lenders and Tribes by developing uniform definitions and codes of sovereignty, giving the lender an instrument for recourse	Financial Inst. Tribal entity Intertribal Org.	Medium Term
E. Develop a “working group” or “task force” of Tribes and lenders to set strategies in motion			
F. Tribes adopt or develop a similar legal code to UCCs, something that will provide lenders with collateralization			



BARRIER #4: GOVERNANCE

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Tribal government create a Tribal corporation to manage corporate activities	Tribal government create a Tribal corporation and implement it	Tribal Entity State Entity	Short Term
B. Nevada Tribes and lenders develop relationships that transcend elections and councils			
C. Standardize agency processes	Establish an agencies task force to develop consistent policy/legal decisions to Tribes re: Federal program to Tribes, encompass policy decision on level of risk and acceptable means of dispute resolution	Federal Agency	Medium Term



BARRIER #5: COLLATERAL AND LEGAL ISSUES

STRATEGY	ACTION	RESPONSIBILITY	TIME FRAME
A. Tribes create their own financial institutions	Tribes to create their own financial institutions	Tribal Entity	Long Term
B. Tribes create loan/loss reserve pool to aid in collateralizing a loan			
C. Financial institutions use cash flow projections vs. traditional collateral			
D. Use international models to bridge “the gap”, i.e., guarantee loan institution or program by Federal agencies (OPIC)	Use international models to bridge the gap, i.e., OPIC	Tribal Entity	Long Term



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