

SECTION 5501 OF THE 2008 FARM BILL**SUBTITLE F—MISCELLANEOUS****SEC. 5501. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.**

The first section of Public Law 91-229 (25 U.S.C. 488) is amended—

(1) By striking ‘That the Secretary’ and inserting the following:

‘SECTION 1. LOANS TO PURCHASERS OF HIGHLY FRACTIONED LAND.

‘(a) In General- The Secretary’; and

(2) By adding at the end the following:

‘(b) Highly Fractionated Land-

(1) IN GENERAL- Subject to paragraph (2), the Secretary of Agriculture may make and insure loans in accordance with section 309 of the Consolidated Farm and Rural Development Act (7 U.S.C. 1929) to eligible purchasers of highly fractionated land pursuant to section 205(c) of the Indian Land Consolidation Act (25 U.S.C. 2204(c)).

(2) EXCLUSION- Section 4 shall not apply to trust land, restricted tribal land, or tribal corporation land that is mortgage in accordance with paragraph (1).’.

QUESTIONS FOR CONSIDERATION

- 1) How does FSA determine that there is a valid purchase agreement which consolidates all interest in the property?
- 2) Should FSA consider taking security other than the real estate being purchased for the loan?
- 3) Rather than taking a lien on the real estate being financed, should FSA consider tribal guarantee as security for the loan?
- 4) Should the program be restricted to land for agricultural use?
- 5) What, if any, should BIA's involvement be in this program?

SECTION 2606 OF THE 2008 FARM BILL**SUBTITLE F – OTHER CONSERVATION PROGRAMS****SEC. 2606. VOLUNTARY PUBLIC ACCESS AND HABITAT INCENTIVE PROGRAM .**

(a) **ESTABLISHMENT.**—The Secretary shall establish a voluntary public access program under which States and tribal governments may apply for grants to encourage owners and operators of privately-held farm, ranch, and forest land to voluntarily make that land available for access by the public for wildlife-dependent recreation, including hunting or fishing under programs administered by the States and tribal governments.

(b) **APPLICATIONS.**—In submitting applications for a grant under the program, a State or tribal government shall describe—

(1) the benefits that the State or tribal government intends to achieve by encouraging public access to private farm and ranch land for—

(A) hunting and fishing; and

(B) to the maximum extent practicable, other recreational purposes; and

(2) the methods that will be used to achieve those benefits.

(c) **PRIORITY.**—In approving applications and awarding grants under the program, the Secretary shall give priority to States and tribal governments that propose—

(1) to maximize participation by offering a program the terms of which are likely to meet with widespread acceptance among landowners;

(2) to ensure that land enrolled under the State or tribal government program has appropriate wildlife habitat;

(3) to strengthen wildlife habitat improvement efforts on land enrolled in a special conservation reserve enhancement program described in section

1234(f)(4) by providing incentives to increase public hunting and other recreational access on that land;

(4) to use additional Federal, State, tribal government, or private resources in carrying out the program; and

(5) to make available to the public the location of land enrolled.

(d) **RELATIONSHIP TO OTHER LAWS.**—

(1) **NO PREEMPTION.**—Nothing in this section preempts a State or tribal government law, including any State or tribal government liability law.

(2) **EFFECT OF INCONSISTENT OPENING DATES FOR MIGRATORY**

BIRD HUNTING.—The Secretary shall reduce by 25 percent the amount of a grant otherwise determined for a State under the program if the opening dates for

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migratory bird hunting in the State are not consistent for residents and non-residents.

(e) REGULATIONS.—The Secretary shall promulgate such regulations as are necessary to carry out this section.

(f) FUNDING.—Of the funds of the Commodity Credit Corporation, the Secretary shall use, to the maximum extent practicable, \$50,000,000 for the period of fiscal years 2009 through 2012.

QUESTIONS FOR CONSIDERATION

- 1) Do any tribes currently have access or walk-in programs in place?
- 2) If there are access programs in place administered by tribes, what types of access are allowed? For example, hunting, fishing, other outdoor recreation, access corridor to public land?
- 3) More than 20 states have access or walk-in programs in place, would tribes consider administering a program similar to what is already in place and administered by the state, if applicable?
- 4) What additional Federal, State, tribal government, or private resources would tribes consider using to carry out the program?
- 5) What, if any, should BIA's involvement be in this program?