
UNITED STATES DEPARTMENT OF THE INTERIOR
COBELL SETTLEMENT CONSULTATION

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TRUST LAND CONSOLIDATION PROGRAM)
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REGIONAL TRIBAL CONSULTATION)
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TRANSCRIPT OF PROCEEDINGS

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REPORTED BY: Kristin M. Vickery, CCR, 3125

A P P E A R A N C E S

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T.J. Greene, Makah Tribal Council
9 Darrell Dixey, Shoshone-Bannock
Gabriel Galanda, Round Valley Indian Tribes
10 Greg Abrahamson, Spokane Tribe
James Delacruz, Quinault Nation
11 Fawn Sharp, Quinault Nation
Kat Brigham, Umatilla Tribes
12 Matthew Broncho, Shoshone-Bannock
Chief Allan, Coeur d'Alene Tribe
13 Philip Harju, Cowlitz Tribe
Carole Lankford, Confederated Salish-Kootenai Tribes
14 Tino Batt, Shoshone-Bannock
John Siriois, Confederated Tribes Colville
15 Ernie Stensgor, Coeur d'Alene Tribe
Kevin Lenon, Sauk-Suiattle Tribe
16 Neal McCaleb, Chickasaw Nation
Cathy Coby, Shoshone-Bannock
17 Stoney Anketell, Fort Peck Tribes
Donovan Archambault, Fort Belknap Tribe
18 Arman Minthorn, Umatilla Tribe
Joel Moffett, Nez Perce Tribe
19 Carlino Bettega, Round Valley Tribes

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1 SEATTLE, WASHINGTON; THURSDAY, FEBRUARY 14, 2013

2 9:12 A.M.

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4 MR. WALTERS: Before we get started, we asked vice
5 chairman Carole Lankford to give -- start us off with an
6 invocation.

7 (Invocation by Ms. Lankford.)

8 MR. WALTERS: Thank you for that.

9 Before I turn it over to the assistant secretary,
10 I just want to do a couple of things about the agenda really
11 quick. This morning we're going to lead with the leaders at
12 the table here. It should be tribal officials. In the
13 afternoon session, we'll open it up to the public, others,
14 landowners, et cetera.

15 There will be a few breaks scheduled throughout
16 the day. We do have a court reporter here to take a
17 transcript of today's proceeding. We'll post that online.
18 Whenever you do speak throughout the day, if you could,
19 identify yourself and your tribal affiliation so we'll have
20 that on the record.

21 We're going to do a round of introductions here in
22 a moment. I was asked to say that I know some folks are
23 interested in wireless for their laptops or whatever, in the
24 audience. There is a password up at -- Annette Romero has
25 it at the registration desk if anyone's interested in that.

1 With that, I'm going to turn it over to our
2 assistant secretary for Indian affairs, Kevin Washburn.

3 MR. WASHBURN: Good morning, everyone. Thank you
4 so much for being here. I'm Kevin Washburn. I'm a
5 Chickasaw from Oklahoma. And I've been in the job as
6 assistant secretary for about four months or so. And I
7 think I've been to the Northwest three times now. I'm happy
8 to be out here a lot.

9 We have a lot of leadership in Washington. Not
10 only you all, coming to visit fairly often, we, you know,
11 have our chairman of our senate Indian affairs committee is
12 one of the senators from the state of the Washington, and we
13 have our new nominee for the Department of the Interior,
14 Sally Jewell, who is from Seattle. And so it's -- it's good
15 that -- you know, you should know that this region of the
16 country is very well represented in Washington. And I
17 frankly love coming here. It's just beautiful out here.

18 We're here to provide you a little bit of
19 information today but also to listen very intently because
20 we need to learn from you. We have been given, in the
21 Cobell settlement, \$1.9 billion to try to solve some of the
22 very serious fractionation problems that led, in part, to
23 the Cobell case. And we have to make sure that we use that
24 money very, very wisely. And we need your input on how to
25 do that.

1 And we are going to talk to you a little about our
2 sort of draft implementation plan. We've also talked about
3 the fact that everything we do is going to be draft, though,
4 because this is going to be an ongoing process. It's a very
5 complex process. It's going to be really difficult to do
6 this well. And we think that -- I mean, I honestly think
7 job one for the next four years is making sure we implement
8 this well so there's no more Cobells in the future. And we
9 are, you know, deeply intent on succeeding here.

10 And again, we can't do it without your help. If
11 we go out to Indian Country, we're just people, you know,
12 from Washington in suits. You all are the people that --
13 Indian people interest holders are going to trust. And we
14 can only buy the land from willing sellers. So if we don't
15 have you committed to this, tribal leaders, the people that
16 are trusted in Indian communities, then we're not, at all,
17 going to be successful.

18 So I am so grateful that each of you that are here
19 today, that you're interested in this process and that
20 you're willing to help us move forward and cooperate with us
21 because we cannot be successful without you. So since we
22 are here mostly to listen today, I'm going to let the show
23 begin and sit back and look forward to hearing from some of
24 you.

25 Tony, do you want to take it over?

1 MR. WALTERS: Sure. This -- thank you.

2 Real quick, we'll do an introduction of the -- of
3 the federal panel here, and we'll go around to the people.
4 Feel free to start off with some opening comments if you
5 have them. There will be plenty of other time throughout
6 the day. But we do have allotted a five-minute period at
7 the beginning here while you're introducing yourselves for
8 any opening comments or prepared statements that you may
9 have. We'll start with introductions here.

10 MR. ROBERTS: Good morning, everyone. My name is
11 Larry Roberts. I'm the deputy assistant secretary for
12 Indian Affairs. I'm from the Oneida Nation of Wisconsin.
13 And I just want to start this off by thanking everyone for
14 spending their Valentine's Day with us.

15 MR. BLACK: Good morning, everybody. I'm Mike
16 Black, director of Bureau of Indian Affairs. I'm a member
17 of the Oglala Sioux Tribe. And it's great to be back out
18 here in the Northwest with all of you. Thank you.

19 MR. MCCLANAHAN: Good morning, everybody. My name
20 is John McClanahan. I'm the program manager for the land
21 buy-back program.

22 MR. WALTERS: Good morning, again. I'm Anthony
23 Walters a member of the Cherokee Nation. I've been working
24 with the Department of the Interior for a few years, and I'm
25 the counselor to the deputy assistant secretary. I'm also

1 the tribal liaison for the buy-back program.

2 MR. SPEAKS: Good morning. Stan Speaks, the
3 regional director of the Northwest Region.

4 MR. JAMES: Good morning. My name is Jim James.
5 I'm from the Pueblo Ohkay Owingeh, New Mexico. I'm the
6 deputy special trustee for field operation with the Office
7 of the Special Trustee. Happy Valentine's Day.

8 MR. LESANSEE: Good morning. My name is Eldred
9 Lesansee. I'm a member of the Zuni Pueblo Tribe of New
10 Mexico and been practicing as a real estate appraiser for
11 about 35 years now. I'm the director of the Office of
12 Appraisal Services with the Office of the Special Trustee.

13 MS. BRIGHAM: Good morning. My name is Kat
14 Brigham. I'm with the Board of Confederated Tribes of the
15 Umatilla Reservation. I'm the board of trustee's secretary.
16 I want to thank you for giving us this opportunity to work
17 with you on the Cobell settlement.

18 We know this is a huge issue, and the Umatilla
19 Tribe is prepared to work with you in trying to reach a
20 solution. We know there are a number of concerns to go with
21 what's going on, but we are prepared and willing to work
22 with you.

23 We are -- you know, for the Umatilla Tribe, we are
24 a small reservation, but at the same time, we are the 29th
25 on the list of the fractionated tribes. And when they did

1 an allotment act in 1988, we lost a lot of our land. But
2 not only did we lose a lot of our land, we lost our
3 sovereignty when that occurred. And so we have been working
4 really hard and planning really hard to get some of our
5 reservation back. And we have made some accomplishments in
6 doing that. And we want to continue to do that with your
7 help.

8 MR. MINTHORN: Armand Minthorn, Umatilla Tribe.

9 MR. BERREY: Good morning. My name is John
10 Berrey. I'm the chairman of the Quapaw Tribe of Oklahoma.
11 I'm here because I heard you were giving away Indian land,
12 and we really want some.

13 MR. STENSGAR: And I'm Ernie Stensgar, vice chair
14 for the Coeur d'Alene Tribe.

15 CHIEF ALLAN: I'm Chief Allan, chairman of the
16 Coeur d'Alene Tribe. I'm happy to hear you guys say that
17 this is draft still. So I hope you guys are -- mean that
18 because we have some problems with the -- some of the issues
19 in the -- in the language, so -- so you'll be hearing from
20 me.

21 MR. WASHBURN: Greg, don't give him in mike back.
22 Okay?

23 MR. ABRAHAMSON: I think I can take him. MMA.
24 MMA.

25 MR. WASHBURN: If they're fighting each other,

1 they can't fight us.

2 MR. ABRAHAMSON: That's our eastern band in
3 Spokane here.

4 Greg Abrahamson, tribal council, Spokane Tribe.
5 I'm glad you're back up in the Northwest in our area there.
6 We too are interested that is a draft form. We have got a
7 lot of fractionated parcels that we would like to get
8 addressed and get it taken care of here. It makes it tough
9 for anybody that's a piece of that the property to say that,
10 Oh, we'll go to the standard owner, that little bit of
11 parcel owner. But we would like to be involved, and we
12 thank you guys for being here.

13 MR. HARJU: My name's Phil Harju, vice chairman of
14 the Cowlitz Indian Tribe. And I would like to extend the --
15 on the behalf the Cowlitz as well as other tribe leaders
16 here, our thanks for you coming -- traveling here from
17 inside the beltway to what we call the real Washington and
18 hope that this is a very productive time.

19 Today is Valentine's Day. I -- I would remind the
20 assistant secretary that 13 years ago on this day, then
21 assistant secretary, Kevin Gover, signed the Cowlitz
22 acknowledgment. It was on Valentine's Day of 2000. That
23 ended of 145 years of negotiations with the federal
24 government and Cowlitz to be federally recognized. And so
25 we're still landless, and so we're here to talk. And we

1 hope to have -- that this will be a very productive time.
2 And again, thank you for being here, and thank all the other
3 tribal leaders for attending.

4 MR. MCCALED: I'm Neal McCaleb from Chickasaw
5 Nation representing Governor Anoatubby. We are here to
6 express our strong desire to manage our buy-back program.
7 We have over 18,000 fractionated interests in 111,000 acres.
8 We're 18th on the list. And so we're very anxious to
9 recover a lot of the land that was unscrupulously taken from
10 us at or near statehood in Oklahoma.

11 And we're anxious to participate and to listen to
12 comments from around the table and to hear from the
13 officials, the assistant secretary and other officials, of
14 the Department of the Interior in anticipation of this
15 opportunity. Thank you.

16 MR. ANKTELL: Good morning. My name is Stoney
17 Anketell. I'm tribal councilman from Fort Peck tribes. Out
18 of 2.1 million acres, we've lost roughly a third of it to a
19 lot of fractionated interest. And that's the vehicle that
20 it -- it goes out of trust. That's the vehicle that takes
21 land out of trust and to fee status. So we want to stop the
22 drain of our land base. So I'm very appreciative of this
23 program and hope for all the success.

24 MR. MOFFETT: (In native tongue) Joel Moffett, I
25 serve as treasurer for the Nez Perce Tribe. I want to

1 welcome the administrative -- administration officials to
2 the Northwest and Seattle. Appreciate you coming all this
3 way and dedicating your time and effort to this issue.

4 It's a huge problem as we all know. I think all
5 the tribes have taken efforts to try to tackle the problem
6 themselves. And now, finally, we have -- we have some huge
7 resources coming from the federal government to try to -- to
8 try to solve it. It's not going to solve once and for all,
9 but I think we can make a huge, huge effort into -- into
10 reducing that problem so, you know, the tribe and our tribal
11 members can utilize that land, their lands, to the best of
12 their ability.

13 And you know, really hope that -- that -- you
14 know, that the implementation plan that we're going to be
15 discussing today will be improved upon. Because I heard
16 that it was a -- the discussion that it's a working document
17 and that the administration is always going to be looking to
18 improve upon it and make it work for the tribes. So I
19 really appreciate those words because I think there's going
20 to be a lot of good recommendations from the tribes around
21 the table here today. Again, thank you for coming.

22 MR. ARCHAMBAULT: My name is Donovan Archambault.
23 I'm from the Fort Belknap Tribes in Fort Belknap, Montana.
24 And I attended the other two consultations. And last week
25 at Rapid City, Rosebud informed the team here that you're

1 getting \$285 million, and you don't have coffee. So today I
2 see we have coffee. Thank you, guys.

3 Anyway, I'm like -- I'm like Neal, and you guys
4 all heard my spiels down at the last meetings. And it's --
5 every tribe that attended those meetings are on record of
6 saying they want to run their own buy-back program. And I
7 don't know about -- that's why I came to listen here today
8 to find out and just -- so listening to some of you today, I
9 believe you feel the same.

10 Who knows the land better than us, you know? Who
11 knows the elders better than us? The elders are the ones
12 that are concerned about how we're going to do this. They
13 may have a little tract of land, but they want that. They
14 want to give that to somebody. So you're going to have to
15 figure out how -- we're going to have to figure out how
16 we're going to do that and include them in there and make it
17 worth their while.

18 A lot of us -- we have 760,000 acres of
19 fractionated tract land. And so we're very interested in
20 doing this. And I'm glad that we're trying to come to some
21 kind of a solution because when you look at this plan up
22 here, it looks like something that has already -- it's
23 coming out here and here's what we're going to do.

24 We don't want to hear that. We want to say, Let's
25 sit down and let's devise a method or a program that's going

1 to be applicable to the needs that we have as tribes. Thank
2 you.

3 MS. LANKFORD: Happy Valentine's Day, all of you.
4 My name is Carole Lankford. I'm vice chair of the Salish
5 Kootenai Tribes in Western Montana. And I really appreciate
6 this opportunity to be able to come and give you our views
7 from Salish Kootenai.

8 Salish Kootenai is in Western Montana, like I
9 said. And it's a 1.2 million acre reservation. And we own
10 63 percent of the land base. I do have prepared comments
11 that I will be making in the slotted time that you have. So
12 thank you so much for traveling out here.

13 MR. LENON: Morning. Kevin Lenon from the
14 Sauk-Suiattle tribe, tribal council treasurer. We're a
15 small tribe located in Darrington, Washington. We started
16 off with 8 acres, and we have numerous homestead allotments
17 that were taken away from the federal government and would
18 like assistance in acquiring back. Thank you.

19 MR. GREENE: Good morning, everyone. My name is
20 TJ Greene, Chairman for the Makah tribe. Glad to be here
21 today with all the tribal leaders and representatives. I'd
22 like to thank the administrative officials for being here
23 and taking the time to hear tribal concerns.

24 We're here to participate in that process, to
25 partner with you to accomplish this momentous task that's

1 before all of us. It's going to be difficult. We realize
2 that. And we would just want to do our part to help
3 accomplish the goals ahead.

4 In addition, I'd like to invite you, Mr. Washburn,
5 out to the Makah Reservation and any of your officials that
6 you choose to accompany you. Grab Mr. Speaks from the
7 Region. He could be your Indian guide to reach our own
8 little corner of the world. And we'd love to have you if
9 you could make the time. Thank you.

10 MR. WASHBURN: Thank you, Chairman.

11 MR. DIXEY: Hello, everybody. I'm Darrell Dixey.
12 I'm the councilman for the Shoshone-Bannock Tribes. And on
13 my right-hand side is Matt Broncho, Matthew. He's part of
14 the staff for the Shoshone-Bannock Tribes. And Tino, the
15 tribal treasurer and he also sits on the council. And
16 another member of the staff is Cathy Coby. She's part of
17 the Shoshone-Bannock staff. Anyway, I'm sorry I can't hear
18 very good. I have tribal members screaming at me all the
19 time, so thank you.

20 MR. BATT: Good morning. Again, like Darrell
21 said, my name is Tino Batt, tribal member. Again, our --
22 from Fort Hall, Idaho, Southeast Idaho. We come here with
23 our questions and also prepared to provide written and
24 verbal comments. And being No. 14 on the list, again, we
25 own about 140,000 acres. 97 percent still owned by tribal

1 members and the tribe itself. For the treaty, that's why
2 we're very interested and very eager to get to the top of
3 the list as well. Thank you.

4 MR. SIROIS: (In native tongue.) I'm John Sirois.
5 I'm the chair of the Colville Confederated Tribes. We also
6 thank you for coming to our little corner of the world. The
7 Colville Tribes are a confederation. We've got about
8 1.4 million acres of land bordered by the Columbia River and
9 the Okanogan River.

10 We've spent a lot of time and effort instituting a
11 buy-back program from our forest resources programs. So
12 we've got a lot of experience and have been working at this
13 issue for a long time. So we're real excited for this
14 opportunity to share and to help improve this. So thank you
15 for coming.

16 MR. GALANDA: Morning. My name is Gabriel
17 Galanda. I'm a lawyer in Seattle in private practice and a
18 member of the Round Valley Indian tribes. I'm the
19 designated spokesperson for my tribe, and I have five
20 councilmen seated here next to me, including our president,
21 all of whom will introduce themselves in a minute.

22 We're here with some concerns about the plan. We
23 too hope that it is subject to meaningful consultation and
24 the input that you get today will be reflected in the plan.
25 I will say from what I've seen since January 2012, that

1 input is not yet reflected in this plan. So hopefully what
2 is coming into your ears and into your minds and hearts will
3 be reflected in some version of the plan from this
4 consultation.

5 Our biggest concern, on behalf of all of
6 California Indian Country, is notwithstanding the fact that
7 we have a hundred tribes and 700,000 tribal members in
8 California, the largest per capita population in any state,
9 not one California tribe is listed in your top 40 list for
10 buy back.

11 So needless to say, California has been the
12 setting of a lot of land wars and genocide and treaties that
13 were never ratified, and there's not a lot of land base.
14 And our tribe still has 51,000 acres of reservation land,
15 42,000 trust acreage. And we have over 4,000 members who
16 are in need of federal support.

17 Candidly, we're not sure this program will work
18 for us in terms of our socioeconomics, 90 percent
19 unemployment, 10 percent per capita income per member. When
20 people who are desperately holding onto their land, they may
21 not want to voluntarily sell the land. I think the premise
22 that this is going to be a voluntary buy-back program is
23 false to begin with, and we need to explore it diligently.

24 But to the extent that this can work for our
25 people, socioeconomically and politically, we would like to

1 at least be considered. Right now, we think it is a bit
2 disconcerting that there is no California tribe,
3 notwithstanding land that we have, even on this list. So we
4 look forward to talking to you more and hopefully you will
5 hear our input in a good way. Thank you.

6 MS. DUNCAN: Good morning. I'm Rebecca Duncan,
7 and I'm a tribal leader of the Round Valley Indian Tribes.

8 MR. HOAGLIN: Good morning. My name is Eric
9 Hoaglin. I'm a tribal leader for the Round Valley Indian
10 Tribes.

11 MR. BETTEGA: Carlino Bettega, treasurer for the
12 Round Valley Tribes.

13 MR. WRIGHT: Ken Wright, president of Round Valley
14 Tribes. Buy back is -- should have been happening a long
15 time ago. You know -- you know, as we talk, it's getting
16 fractionated. That's how bad it gets. So happy Valentine's
17 Day, hopefully.

18 MR. JAMISON: My name is Eugene Jamison, one of
19 the Round Valley tribal leaders. And I look forward to the
20 dialogue. And thank you all for being here. I look forward
21 to some useful information I can take back to the tribe.
22 Thank you.

23 MR. DELACRUZ: Morning. James DelaCruz, council
24 member for the Quinault Indian Nation. Just about every day
25 we get tribal elders that call wanting to know if there's a

1 way that we can purchase their property. Up in Quinault
2 we've been in a buy-back program for over 30 years. And we
3 believe that we've developed a fair model, one of them being
4 is -- worked for my own personal family and my brothers and
5 sisters.

6 We did some of -- we negotiated sales, but part of
7 the problem that we face, as well as other tribe members, is
8 the appraisal process. We have to cover the cost and the
9 negotiation for that appraisal. And after six month's time
10 period, that running out and have to start over. I think
11 there needs to be presented some models that would improve
12 that. I hope that is something that's considered. And
13 Quinault won't purchase any property where the sellers
14 aren't willing. And I want to thank you for being here.

15 MR. IYALL: Good morning, Assistant Secretary
16 Washburn and Director Black. Welcome. My name is Bill
17 Iyall. I'm the chairman of the Cowlitz Tribe. I'm pleased
18 you could join us today. Of course you do -- you're
19 familiar with the Cowlitz Tribe as a landless tribe. Many
20 our of tribal members very well understand allotments across
21 the state.

22 I know my family. I think there's probably 25
23 pieces associated with my own -- my own account, but they're
24 all minor because of the, you know, probate process through
25 the years. And one thing I don't -- I know there was going

1 to be looking at, but it was supposedly a voluntary
2 buy-back, but I think there's some provisions that might
3 change that. As I understand it, percentagewise you might
4 not have a voluntary sale, if you will.

5 But the -- the big question, I think, remaining
6 for many of our tribal members is the value of the cultural
7 and natural resources. The tradition of that property is
8 not going to be reflected in the appraisal. So I know our
9 family has a waterfront piece on Puget Sound that has no
10 access to -- no water, so it's going to have little value.
11 But by the same token, for 150 years it's been in the
12 family.

13 So if there's an accounting of the cultural and
14 natural resources, that could be a significant part of the
15 value of this property. So I'm sure that's the case of many
16 of our tribes, whether it's the Quinault reservation, the
17 Squaxin reservation, Tulalip or Yakama, any of those
18 reservations have -- Cowlitz -- have a lot of meaning on
19 them. I appreciate it.

20 MR. WALTERS: Thank you all for the comments.
21 Normally, we would go right into the presentation. I don't
22 know if you have any further comments you would like to
23 make.

24 Okay. We'll do an overview of the program, and
25 we'll take a break after we try to get through the

1 presentation. And then we'll open it up for further
2 comments afterwards.

3 MR. MCCLANAHAN: Good morning again, everybody.
4 My name is John McClanahan. I'm the program manager for the
5 land buy-back program. I've been with the department since
6 2001. Ever since I got there, I've been focus on trust
7 reform and trust related issues. I've worked with many of
8 the tribes here around the table in my previous position at
9 the Office of Historical Trust Accounting focusing on
10 resolving the tribes' accounting and trust fund claims.

11 One of the things I learned during that process is
12 that we really achieve the best results when we come and
13 talk closely and listen and hear tribes. We do a much
14 better job in producing what is going to produce the most
15 benefit for a reservation. So I take that lesson and I'm
16 definitely applying it here. These are some of the most
17 useful things that we do, is work with the tribal leaders
18 and get their input.

19 Basically what I'm wanting to do today is, we've
20 prepared a presentation -- it should take roughly 20
21 minutes -- that will provide a summary and a overview of the
22 plan that we put together for the land buy-back program.
23 And just to say at the outset, it definitely is something
24 that is subject to change. We want your input, and we look
25 forward to making that plan better based our discussions

1 here and the discussions that we've had in the last few
2 weeks in Minneapolis and Rapid City and then also a number
3 of one-on-one tribal discussions.

4 So what I'll do is, basically, we've got four
5 topics. I'll start off by just giving an explanation of
6 some of the key points in the plan in the background
7 section. I'll turn it over to Tony, Eldred, and Mike to
8 talk about the steps that will occur -- we're suggesting
9 would occur when we are at a particular reservation.
10 They're subject matter experts and will help explain that.

11 I'll also turn it over to Tony to talk about
12 tribal involvement which, as the assistant secretary noted
13 at the beginning, is critical for the success of the
14 program. We're actively wanting to work with tribes. This
15 is a joint effort that will definitely be best with your
16 leadership and participation.

17 And then finally, I'll spend a few minutes talking
18 about some of the next steps that we've identified so that
19 we can move forward and get going on this very exciting and
20 historic opportunity that we have before us.

21 So this first slide -- and I did pass out copies
22 of the presentation. There may be some at the table if you
23 haven't gotten that yet. But this presentation, again, is
24 something that we've been doing in the last couple of
25 sessions and hopefully give you a good sense of what we're

1 suggesting. But again, we're open to input. If you -- if
2 it's okay with you, we'll maybe try to get through the whole
3 presentation; the idea being that maybe some of the
4 questions you have may be answered. And then we can take
5 questions, if that works.

6 So first of all, I think as everybody probably
7 understands at this point, we have a \$1.9 billion fund that
8 was established through the Cobell settlement. And this
9 Cobell settlement was finally approved just a couple of
10 months ago back in November. And so now we have the ability
11 to move forward.

12 We have a limited timeframe for the program.
13 Under the terms of the settlement, that 1.9 billion is
14 available for no longer than ten years. I've said, in a
15 couple of previous sessions, that our goal -- and I'm sure
16 you shared this -- is we're going to use that money well
17 before ten years. There's no way we want that to go back to
18 the Department of Treasury, so our challenge is to work
19 together to fully utilize that fund in the time that we
20 have.

21 We'll probably talk a lot about this issue, but
22 the purchases are voluntary under the terms of the
23 settlement. The individuals, basically, have the decision
24 as to whether they want to sell their fractional interest.
25 And fractional interests are those interests that are in

1 fractionated tracts, which means a tract of land that has
2 two or more owners. And so those are the fractional
3 interests that we're going to purchase.

4 It's limited to interests in trusts or restricted
5 property. But again, the decision to sell is up to the
6 individuals. There are some provisions about "whereabouts
7 unknown" that we will talk about later. But for the most
8 part, we're not doing anything but purchasing from people
9 who are willing to sell their interests at fair market
10 value.

11 Another point to emphasize is that this program
12 will not have liens. In the past land consolidation
13 efforts, there have been liens. And that's something, in
14 consultation back in 2011, we heard from tribes, and I hope
15 you understand that we listened. Solicitor Tompkins at the
16 department issued an opinion that confirms that liens don't
17 apply to this program. So if you purchased fractional
18 interests, those are free and clear. There's no recoupment
19 or payback of the purchase price.

20 Yes, sir?

21 MR. ANKTELL: I just have a real obvious question.
22 So a lot of it are single owner. We do have a lot of that.
23 It's trust land, single owner.

24 MR. MCCLANAHAN: Right. Under the terms of the
25 settlement, we're focusing on fractionated tracts, which is

1 two or more owners. So we're not purchasing tracts that
2 have one ownership. I do understand that there are a number
3 of those tracts out there, perhaps about 33,000 tracts in
4 addition to the 92,000 that are at play in this program.

5 And I think -- you know, not to discount the
6 importance of those 30-some thousand tracts, because you
7 know, when it's one over one, if somebody passes away and
8 has a lot of pairs, that's going to create a lot of
9 fractionation. So estate planning is key for those. But
10 those are not part of this program.

11 MR. ANKTELL: Okay.

12 MR. MCCLANAHAN: So back to the funding amount --
13 Mr. Berrey?

14 MR. BERREY: It's okay to ask questions as we go
15 along, or not?

16 MR. MCCLANAHAN: I'm okay with that. We're here
17 for you guys and so that's fine.

18 MR. BERREY: I was just wondering if there was any
19 contemplation to return the million dollars that had been
20 collected from the ILCO program in the past, if there was
21 any thought about that.

22 MR. BLACK: I can address that for you, John.
23 Right now we are looking at our options regarding those
24 areas that have already been targeted under the original
25 Indian Land Consolidation Program. We're working with our

1 solicitors and stuff. We do have the ability -- the
2 secretary has the ability to waive liens on some of those
3 properties. We do have specific requests that have come in
4 from a number of tribes that we're addressing right now.

5 MR. BERREY: So it would be good if we have land
6 with liens on it to send you a letter asking for them to be
7 waived?

8 MR. BLACK: We would need a letter from you to
9 request that. We would remove those liens. I don't know
10 where -- which direction we're going to take on that right
11 now, fully realizing that there's a lot of those lands out
12 there that, you know, may -- realistically may never be paid
13 off just due to the fact that they really don't generate
14 enough income to cover the cost of the original acquisition.
15 Those are some of the things that we need to look at as we
16 move forward.

17 MR. GALANDA: What if one single undivided
18 interest holder objects to the sale? Does it then become an
19 involuntary sale that's ineligible for acquisition?

20 MR. BLACK: No. Every individual interest is
21 based on a willing seller.

22 MR. GALANDA: Okay.

23 MR. BLACK: So if -- you know, if there's five --
24 well, let's just say there's ten interest holders within a
25 parcel or an allotment, nine of them want to sell and the

1 one doesn't, he doesn't have to sell or she doesn't have to
2 sell. It does not preclude from going out and purchasing
3 the other nine interests.

4 MR. GALANDA: So the tribe would then have the
5 controlling 90 percent interest and the dissident would
6 still have their 10 percent?

7 MR. BLACK: Yes.

8 MR. GALANDA: But could the tribe then force the
9 sale on that 10 percent interest once it's acquired
10 90 percent interest?

11 MR. BLACK: It wouldn't be necessarily under this
12 program. But there is some language within AIPRA that I
13 don't know the specifics of, that there is some ability for
14 tribes to do some purchase under AIPRA.

15 MR. GALANDA: So the idea is let's bring the
16 tribes into a controlling level of interest voluntarily, but
17 then the tribe could cause an involuntary sale of the
18 minority interest, in terms; is that correct?

19 MR. BLACK: I would rather turn that over to our
20 solicitors for a specific question, but there are
21 opportunities to do that, yes. I don't believe any tribes
22 really exercise that today, that I'm aware of, but this --
23 there are options out there available.

24 MR. GALANDA: Well, I think you understand,
25 though, there's two pending forced sales within this region

1 right now. So I just think it's something that we should be
2 aware of. I don't think it's a healthy presumption to
3 suggest that this will be done 100 percent voluntarily. I
4 think there will be an involuntary forced --

5 MR. BLACK: Under this program it is purely a
6 100 percent voluntary program. We won't -- we will not be
7 forcing sales under this land consolidation program now.
8 That will be purchasable by the tribes themselves.

9 MR. GALANDA: Correct.

10 MR. MCCLANAHAN: Okay. The next slide is just to
11 give a summary of the \$1.9 billion. As you can see, the
12 bulk of the funds will be used for actual payments to
13 individuals for their fractional interests. Again, the
14 folks that are interested in willingly selling their
15 interest.

16 There's also a provision for administrative costs,
17 but it can't exceed 15 percent, or 285 million. So the fact
18 that I show 285 million up there doesn't mean that that's
19 what we will spend or what we want to spend. Ideally we're
20 going to minimize the administrative costs. That being
21 said, 15 percent to run various different kinds of
22 operations is not necessary a lot of money, so we definitely
23 have to be careful in administrating the programs so that we
24 minimize those administrative costs. The administrative
25 costs include things like appraisal work; outreach, which

1 will be a key step of the program. It also goes for
2 supporting the secretary's commission on trust reform.

3 And then finally, there's also a scholarship fund
4 that can be funded through the buy-back program. And we'll
5 talk, on another slide coming up, about that in a little bit
6 more detail.

7 The next slide is about our plan. As we heard
8 this morning, the plan is subject to change. Our intent in
9 releasing the plan was to demonstrate that we had listened
10 and heard the tribal input in the previous consultation
11 sessions. There were about seven sessions back in the
12 summer and fall of 2011, and then there was a draft plan
13 before the plan that we released a couple months ago that
14 was published in January of 2012. And so our main goal for
15 that plan was to incorporate the feedback that we had
16 received in those consultations.

17 Just offer a couple examples of those, one was the
18 input we received in the liens. Another comment that we
19 received is that tribes needed additional information about
20 fractionation on their reservation.

21 So the next slide is just a quick picture of one
22 of the tables that we included in the plan. This is also
23 known as Appendix B. The plan is available on the Web site.
24 But this, Appendix B, basically lists all of the
25 reservations that we've identified, to date, that have

1 fractional interests. There are about 150 reservations.

2 So we wanted to respond to that request for
3 information by including a lot more detail than had been
4 shared in the past. So this table has, for each
5 reservation, the number of tracts on the reservation, the
6 number of tracts that have fractional interests, the number
7 of acres associated with those, the number of individual
8 owners, and some other things to help respond to that.

9 It's not intended to be the end of the information
10 that we want to share. One of the things that we've heard
11 and believe is the right thing to do is share more
12 information. So we also started creating some maps that
13 we'll talk about a little bit later that further provide
14 information that's necessary for tribes to be involved in
15 the program.

16 Another example of what we did to listen to the
17 tribes in the plan is to come up with a purchase ceiling,
18 which we'll talk about a little more. But I just wanted to
19 say again that the plan is really our best effort at
20 demonstrating that we are listening to the tribes and we
21 want to incorporate their feedback. It's not a final plan.
22 We know that it can be improved and we'll be looking at it
23 and adjusting it as we learn more and we start to work with
24 you more closely.

25 This slide just talks a little bit about the scope

1 of the program. Like I indicated, there are about 150
2 reservations with fractional interests. There are 92,000
3 tracts across the country that have fractional interests.
4 And there are about 219,000 individual owners. There are
5 also some owners that are estates. But for the largest
6 group of folks, it's 219,000.

7 There are 27 tribes within the Northwest that have
8 fractional interests, if I counted that correctly. There is
9 a table, as some folks have indicated, in the plan that
10 lists 40 reservations that have some of the most severe
11 fractionation. But there is also, like I said, a number of
12 other tribes that are listed in the Appendix B. And I just
13 want to make clear that if your tribe or reservation is not
14 listed in that top 40, that does not mean that we're
15 excluding that reservation from participation in the
16 program. We want to go to as many locations as possible.
17 And so that's something that I wanted everybody to
18 understand.

19 The next slide talks about what the purchase
20 dollars will go for. Again, we've got at least one -- over
21 \$1.5 billion for the purchases. One of the things, again,
22 that we've heard during the previous consultation sessions
23 is that tribes were interested in that money being used at
24 as many locations as possible.

25 As we were putting together the plan, we did

1 realize that if we were going to some of the larger
2 reservations and there was high interest in the program, a
3 lot of interested sellers, it might be possible to use most,
4 if not all, of that money at just a handful of locations.
5 And so we came up with a purchase ceiling concept.

6 It's our suggestion, and we're open to feedback
7 and ideas about how to improve this. But we came up with a
8 purchasing ceiling concept that basically identifies each
9 reservation's proportionate share of the total number of
10 tracts, fractionated tracts, fractional interests, and
11 acres.

12 So if we just use Quinault as an example, Quinault
13 has roughly 1.24 percent of all of the fractional tracts,
14 tracts, interests, and acres across the country. And so we
15 multiply that percentage times the minimum purchase dollars
16 of 1.5 billion and have a possible ceiling of about
17 \$19 million.

18 That purchase ceiling is not a set amount of
19 money. It's an initial amount, a target amount, if you
20 will, that we have suggested as what could be paid to the
21 individual owners of that location. So if there are enough
22 people at Quinault that are interested in selling, there
23 could be up to \$19 million that could be paid to those
24 individuals for a fractional interest.

25 Just to illustrate the flexibility in these

1 numbers, let's say that not enough owners at Quinault were
2 interested in selling and perhaps only enough sellers were
3 interested, such that we had 15 million in sales. That
4 unused money, the 4 million, could be used at another
5 location.

6 Conversely, if we saw at Quinault that there was a
7 high demand or a lot of interested sellers and there were
8 enough, essentially, to go over the 19 million and there was
9 another location that didn't have as many owners, there's a
10 possibility that we could add money to Quinault. So I just
11 say that merely as an example to illustrate the purchase
12 ceiling concept that we've suggested.

13 MS. BRIGHAM: Okay. The question I have is, you
14 know, everybody is out there going, "Money." Then there's,
15 you know -- so some of the people are thinking that, Gee,
16 the tribe's got a lot of money.

17 And therefore, they're going to want more. And so
18 sometimes the prices don't -- the appraisals go up based
19 upon the demand, I guess. And so, you know, I know it's a
20 lot of money, but at the same time, it may not be enough
21 money. So what are our options there?

22 MR. MCCLANAHAN: That's a good comment. I think
23 we're looking for your input. One of the things that this
24 formula does not do is factor in the value of the land. And
25 so that's something we're open to ideas about how to address

1 that. In talking with some of the tribal leaders over the
2 last couple of weeks, that's something that I've learned a
3 little bit more. And so again, I've looked for input from
4 tribal leaders to help us with that concern.

5 Just, if I could remind folks, when you want to
6 make a comment, just please introduce yourself and your
7 affiliation so that the court reporter can get that down.

8 MS. BRIGHAM: Do you want me to say that now?

9 MR. MCCLANAHAN: No, that's fine.

10 CHIEF ALLAN: Chief Allan, Coeur d'Alene Tribe.

11 Listening to the presentations, and you keep
12 talking about you guys have 1.9 billion and -- big number,
13 it's awesome, you know. But I assume that money's going for
14 40 tribes. So you take -- you do the math. And so the
15 hundred and -- 163 tribes leftover are only going to have --
16 my math -- 163 million. That's less than the 245 [sic] you
17 guys set aside for admin costs.

18 So I don't think it's fair that tribes in
19 California; you know, my brother tribe, Spokane tribe; us,
20 we're all going to have to -- I think you're creating
21 divisiveness and diversity. We're all going to be fighting
22 for scraps. I mean, I don't think it's fair. I think this
23 process is not a good process.

24 Like I said, you can't keep talking about
25 1.5 billion, you know, for purchasing. That's only for

1 those 40 tribes. Because with my math, the 90 percent of
2 the funding, so that's a hundred and -- a hundred and
3 thirty -- that's a hundred and -- \$1.3 billion set aside
4 just for those tribes.

5 MR. WASHBURN: Chairman, let me -- I guess, that
6 I -- we don't think that this is a lot. I mean, it's a
7 large amount of money, which makes it complex. But that's
8 the part that's daunting to me, not that it's an awesome,
9 great amount. It's that it's really daunting to try to
10 spend this amount wisely.

11 And so what I would like to see -- I just put my
12 vision out there -- that we get this running very
13 successfully and very quickly and we show Congress that we
14 can make a real big difference with this 1.9 billion, but we
15 can't solve the whole problem.

16 And it's my dream that, you know, not ten years
17 from now, but five years from now we've be so successful
18 that Congress sees that we are dramatically improving the
19 situation in Indian Country and restoring tribal homelands
20 with this money and that we are so successful, we can go
21 back and ask for more and be trusted that it will be well
22 used.

23 CHIEF ALLAN: You know, you're right. I was kind
24 of sugar coating. I was sugar coating it. It's not that
25 it's for the history of the tribe, but everybody in this

1 room already knows that I was just sugar coating that.

2 But yeah, it's pitiful that 1.9 doesn't even touch
3 what tribes lost in our history, in our fight. And -- yeah.
4 We all want to go back to Congress and get money. But we
5 don't have a crystal ball here. We don't know what
6 administration is going to be in there. What -- you know,
7 are we going to have Republicans in there, or are we going
8 to have Democrats in there? We don't know.

9 MR. WASHBURN: Will you pledge to me that you'll
10 try to make this program successful in Coeur d'Alene?

11 CHIEF ALLAN: We're always on board to make
12 anything successful. But I just wanted to know -- I don't
13 know if we have a 1.5 billion amount. It's -- that's not
14 true. I think for those 40 tribes it is, but not for the
15 160 other tribes out there that are going to have to come to
16 the table and fight and scrap. And it sucks. I mean, I
17 don't want to do that. I don't want to do that with all my
18 other brother tribes.

19 I want to be able to work with them, look them in
20 the eye and say, Let's solve this together and do this
21 together. But if we're all going to be put in a corner to
22 fight for the scraps, you know, that's what -- you know, I
23 feel like a dog. You know, I feel like a dog in a room.
24 Here, let's put 50 pounds of dog food in the middle and have
25 you other tribes fight for that 50 pounds. That's what it

1 seems like to me. You know, I could be wrong. I don't know
2 how some of the other tribes feel, but that's how we feel
3 anyways.

4 MR. ROBERTS: Chairman, I think that your -- the
5 comments that you're expressing are comments that we have
6 heard throughout the consultations. And one of those is
7 that tribes have been very clear that they want as many
8 tribes as possible to participate in this program.

9 And so we put out the list of the top 40 tribes
10 that have fractionation issues. But I think there's some
11 misconception that this is going to those top 40. And I
12 think as John goes through the PowerPoint, you'll see that
13 we're not going to focus just on the top 40. We want to go
14 to those other tribes that aren't in the top 40 as well.

15 And then spending caps themselves are flexible
16 because we really don't know how many willing sellers we're
17 going to have. And the caps are flexible to preserve money
18 for the tribes that are not in the top 40. But we're going
19 to be going to those tribes that are not in the top 40 as
20 well, simultaneously. It's not like we're going to go
21 through all the 40 and then go to the remaining tribes.
22 We're going to try to go to as many tribes as possible. And
23 so we have heard your -- those concerns. And we want to
24 reach as many tribes as possible.

25 We've also heard through consultations that, you

1 know, while we have these caps, some tribes may have
2 concerns that they won't have very many willing sellers at
3 their reservations. And that's fine. That's the
4 individual's choice. In which case, that allows us to
5 utilize those shortages at reservations where there are
6 willing sellers.

7 CHIEF ALLAN: That's good to know. Because we
8 were under the impression that this money was earmarked for
9 those top 40 tribes and that the pot of money that we were
10 going to be eligible for was only the \$163 million leftover
11 after that.

12 MR. ROBERTS: Just to expand on what Larry's
13 saying, the spending caps that John's been describing here
14 are based on the fractionation that happens in all the 150
15 reservations. And it's distributed equitably based on the
16 amount fractionation. So that No. 1 tribe that may have
17 40 percent of the fractionation out there versus the 150 of
18 the tribes that might have 3 percent. It's based on those
19 numbers out there. So everybody has an equitable
20 distribution based on the amount of fractionation on the
21 reservation under the spending caps that are online.

22 CHIEF ALLAN: If you look -- if you look at the
23 list -- numbers guy -- you know, 45 percent of the funding
24 goes to seven of the tribes.

25 MR. ROBERTS: Probably about 45 percent of the

1 fractionation is.

2 CHIEF ALLAN: Yeah. Yeah. You know, and we
3 looked at our numbers and -- you know, and the TAAMS
4 numbers, and we feel like some of those numbers are -- were
5 off a little bit. So how do you -- we were told that we had
6 to -- we had to have individuals contact TAAMS to correct
7 that number or the tribe correct that number. Because we
8 feel like the formula that you used is a little bit off.

9 MR. MCCLANAHAN: One of the things that we said in
10 the plan, in that Appendix B, is that we put that out with
11 the research to date and we wanted to hear from tribes in
12 particular locations if their tracts, counts, let's say that
13 the tribes thought were different. So we're open to working
14 with you to make sure that we understand those correctly and
15 have the right numbers.

16 CHIEF ALLAN: Yeah. Because we were under the
17 impression that we had to have individual -- and we can do
18 that. We can get our individuals lined up and send that in
19 to get that corrected. We can do that either way.

20 MR. MCCLANAHAN: Mr. McCaleb?

21 MR. MCCALEB: We're under the impression that the
22 case in the Chickasaw Nation that TAAMS has not included all
23 of the fractionated interests. So the question is, how is
24 that adjusted, and how the tribes have access to TAAMS to
25 make this comparison?

1 MR. BLACK: Well, this is something I wholly
2 expected to come up here today. I mean, it's come up over
3 the past couple days during the consultation. This is
4 really access to TAAMS data. And this is something -- you
5 know, we've been -- we've been dealing with the Cobell
6 litigation for the last 16 years. And due to some of the
7 restrictions that we went through over those years, there
8 was a lot of reluctance on the part of the BIA and on a lot
9 of our staff to release information that's in TAAMS. We're
10 beyond that now.

11 So if you have specific data requests and
12 information that you need, you can request that through --
13 and again, we're working with our staff to kind of reeducate
14 everybody and get everybody back on board with what we're
15 assuming will really be a new era here. So there -- we
16 should have a lot more -- a freer flow of information
17 between our ourselves and the tribes in the information
18 that's needed. And we can work with you to correct any of
19 those errors or anything that you might find out there.

20 MR. BERREY: What about bringing TAAMS to the
21 compacted tribes that have realty? There's only a few that
22 currently have TAAMS on site. You know, we've been applying
23 and waiting and sort of, you know, overhearing and things.
24 We can help make this process more efficient and make the
25 money go further if the compacted tribes had access to TAAMS

1 on their tribal complex at their realty office.

2 I mean, you could go into any courthouse in any
3 state and you can look at the ownership of different tracts
4 of land. It's not some sort of super secret thing. We
5 protect data for our tribal members every day. We should
6 have -- if we compacted, we get the dollars, and we did the
7 job. We should have the tools.

8 MR. BLACK: I think that's probably something we
9 can address on a tribe-by-tribe basis based on request. I
10 mean, there's a number of things that still -- irregardless
11 of litigation and the settlement -- that we have to work
12 through on security, training costs, and infrastructure to
13 make sure the proper equipment to protect us is out there, a
14 firewall.

15 But then again, that's something we can handle on
16 a case-by-case basis. There's approximately somewhere
17 around six tribes that currently have TAAMS access, and
18 we've been able to work those issues through in the past.

19 MR. MOFFETT: Joel Moffett from Nez Perce.

20 I guess, appreciate the explanation on how the
21 formula was calculated in trying to be fair and equitable
22 across all the tribes. But I guess if you don't have
23 accurate input data, then the output is going to be
24 inaccurate.

25 So you know, you talk about going tribe to tribe

1 and if you have some discrepancies with the data. We do at
2 Nez Perce. So I guess when was that snapshot taken of the
3 fractionated interest? When was that data collected? How
4 old is that data that was inputted to arrive at the top 40?
5 Because we -- you know, we just put in a request to our
6 local agency to get some data off TAAMS. And we come up
7 with a different number for Nez Perce. It says we have
8 12,000 purchasable fractional interests, but we came up with
9 a much larger number when we just put in the request last
10 week.

11 So I guess, how old is the data and can this be
12 corrected? And you know, I hear the urgency that -- the
13 clocks -- the ten-year clock is already ticking. So the
14 urgency's there. We want to move forward so that we don't
15 send any more money back to the treasury after ten years.
16 But then again, we've got to get it right. And so the data
17 has to be good on the input side in order to get a good
18 output.

19 MR. BLACK: I guess, John's probably best as far
20 as when that snapshot was taken. But keep in mind, we could
21 have took a shot yesterday; it's going to be different
22 today. Because, you know, people continue to pass away; we
23 go through probates; we continue fractionating. I mean,
24 it's fractionated as we sit here talking today. So there's
25 a certain -- those numbers are never going to be a hundred

1 percent except for at that moment.

2 And I just want to touch real quick, we made a
3 concerted effort here, over the past three years after about
4 2009 when the original settlement was signed, to make sure
5 that our title systems are as updated as they possibly -- as
6 possibly can be. We made a concerted effort at all of the
7 LPRO to make sure that our title data is accurate. And
8 there again, it's going to be -- it's an ever-changing data
9 set. But if you do have some specific things out there that
10 you really see some glaring mistakes or errors out there,
11 please let us know.

12 MR. MCCLANAHAN: Just real quick, the data that we
13 used was TAAMS data as of November 30, 2012. And before
14 that you see there's a page or so of narrative description
15 that describes how we pulled that together. And so you may
16 have already seen that, but in case not, make sure you look
17 at that. And if there are questions, we can go into more
18 details to make sure that you can understand how we got to
19 the numbers that are on the table.

20 MR. IYALL: Bill Iyall, Cowlitz, here.

21 Just a quick question. As I understand, the
22 valuation does not necessarily determine the number of the
23 fractionations that was the determination of the allocation.
24 So what I'm suggesting is maybe, if that's the case, that
25 there be an experience factor that comes into play as you

1 generate the valuations along the way. That might give you
2 a midstream or maybe a realtime adjustment to the allocation
3 of those funds. That might answer some of Chief Allan's
4 concerns or Joel's concerns too.

5 MR. JAMISON: I've got a question. My name is
6 Eugene Jamison, Round Valley Indian tribes.

7 And so what I'm hearing here is that you've
8 taken -- you've taken a number of fractionated pieces of
9 property and you valued them or appraised them or just come
10 up with this 1.9 billion or how was that? I'm confused.

11 MR. MCCLANAHAN: The 1.9 billion was established
12 by the parties in the Cobell case as the amount that would
13 go for the consolidation. The formula, the purchase ceiling
14 approach that we suggested, the plan, is based on the
15 fractionated tracts, the number of fractional interests in
16 those tracts, and then the acres. So then those three
17 components are what drive the purchasing amount, so it has
18 nothing to do with the values.

19 MR. JAMISON: Okay. So when you're ready to come
20 into -- or if you wanted -- if we needed you to buy back
21 some of our property, that property that we would want you
22 to buy back from an allottee, that would be appraised how?
23 By the -- would it be appraised at -- as if it was deedable
24 property, taxable property, or just in strictly -- how do
25 you do it if it's just in trust status?

1 MR. MCCLANAHAN: Right. So our approach -- and we
2 have a slide about this later, but real quick, the approach
3 is to value the tract assuming that it does not have
4 fractional interests. And so if we have a tract that's
5 80 acres and an appraisal is done and it's determined that
6 that's worth \$50,000 and there are ten owners, that \$50,000
7 would be allocated to each of those owners based on their
8 share of the whole tract. We value that tract level.

9 MR. JAMISON: Right. And my question, back to the
10 appraisal, would that be 80 percent of the appraised value?
11 And would any of this -- because isn't most appraisals done
12 only 80 percent of the value? When you appraise
13 something -- or you have to pay -- maybe I'm not saying this
14 right.

15 I'm more or less concerned about how it's
16 appraised and whether this land will be deedable later on
17 down the road. And I have a lot of questions too in -- and
18 even getting as far as into the equities of the land which,
19 you know, once you give it back, or can we buy back land
20 that has already been somehow taken out of our status and
21 then somebody enjoying the same benefits as all of us Native
22 Americans on some of the Indian lands. And so if we were to
23 go back through back taxes and find out that they have,
24 indeed, not paid any of their taxes, would that be lands
25 that we could buy back?

1 MR. MCCLANAHAN: Settlement in this program is for
2 the purpose of purchasing fractional interests and trusts or
3 restricted land. So those fee interests, I know, are
4 important to a lot of tribes. And perhaps one of the
5 benefits of this program, while it can't purchase fee
6 interests, is that it allows the tribes to, if they'd like,
7 to purchase the fee interests while our program focuses on
8 the trusts or restricted interests.

9 MR. JAMISON: Sure. Thanks.

10 MR. GALANDA: Mr. Black, I had a question in terms
11 of access to information. This is Gabe Galanda for Round
12 Valley.

13 Needless to say, some of the relationships between
14 the Regional Bureau Offices and tribal members are not ideal
15 or optimal. And I can tell you, Round Valley does not get
16 access to information through Sacramento.

17 Who or what offices -- the conduit of information,
18 if we need TAAMS data or, in fact, just practical
19 information to identify fractionated lands that could be
20 subject to this program, to whom in DC or anywhere else can
21 we contact for information and, in fact, get the
22 information?

23 MR. BLACK: Initially, you should probably work
24 through the -- either your agency office or the regional or
25 your servicing LTR -- or land title records office for the

1 TAAMS data and the information on the lands out there that
2 you need. If you do have problems getting that information
3 from your regional office or your agency office, then feel
4 free to contact up to the central office. And it would
5 either be Bryan Rice -- who is deputy bureau director of
6 trust services; he oversees all of the land, titles, and
7 records offices across the country -- or else contact me,
8 myself, if you have specific issues.

9 MR. BATT: I've got a couple of questions, and I
10 haven't had my turn yet to speak. We had a couple questions
11 regarding the money. Coeur d'Alene kind of mentioned that
12 if -- if the tribes are unable to -- let's say Sho-Ban
13 decides to spend all their allocation based on the
14 misinformation through TAAMS, can our tribe pass it to --
15 the other unallocated portion, like to Coeur d'Alene, can we
16 tap into their leftover funds based on the misaccuracy from
17 TAAMS?

18 MR. MCCLANAHAN: The intent, as I indicated
19 earlier, is for the purchasing to be flexible. So if a
20 particular location doesn't have the number of sellers to
21 get to their selling, then we want to be able to use those
22 funds in another location where the demand is higher.

23 One of the things that we're doing -- and this
24 builds on something Mike was saying -- in terms of making
25 sure that the title data is accurate, which has been

1 happening for many years, we've been going through a mapping
2 process that also results in greater confidence and
3 assurance in the information that we have. So it's my hope,
4 it's our intent, that we won't be talking about
5 misinformation in TAAMS and that we'll continue to confirm
6 that the information of fractional tracts is as accurate as
7 possible. So I hope that there's -- there aren't issues
8 there so we can resolve this.

9 MR. BATT: The Shoshone-Bannock Tribe used the
10 market study. Is this going to be used to determine the
11 fair market value for each parcel that we had appraised
12 individually?

13 MR. MCCLANAHAN: We are hoping to use mass
14 appraisal techniques as much as possible. And in about two
15 slides we're going to get to valuation. So if we could get
16 to that slide, we could talk a little bit more about that.
17 But market studies are one possible approach. Our overall
18 intent is to use mass appraisal techniques.

19 MR. BATT: Then I have a suggestion. We have an
20 issue with our region, our agency. If you guys could pass
21 it down to the agencies to help us release some information
22 through TAAMS because that's where we have -- we hit our
23 heads with our agency that allow you -- based on those
24 bureau employees, they're just scared to provide us more
25 information.

1 So if you can, again, pass that down, Stan,
2 especially to our agency, tell them, Hey, you've got to work
3 with us and release that information through TAAMS. Because
4 that's where our information -- what we want to make sure
5 it's accurate from all these leasers and -- as well as from
6 tribes that benefit from this. So that's my recommendation.

7 MR. BLACK: I appreciate that. Like I said
8 earlier, we're really making an effort to -- and as far as
9 the degree of reeducating our staff out there, like I say,
10 we've been beating into them for 16 years, you know, If you
11 release the wrong information, you're going to be found in
12 contempt of court.

13 People lost their jobs in the past over that. So
14 we're just trying to get people past that to the point
15 where -- you know, we can start releasing information again.
16 So we'll be working on that. Hopefully you see some
17 progress here over the next very short period of time.

18 UNIDENTIFIED TRIBAL MEMBER: When will we be
19 expecting to have the data so we can better conduct our
20 outreach valuation?

21 MR. MCCLANAHAN: We started preparing maps for a
22 number of tribes. And I also recognize that there are some
23 tribes that have very advanced mapping or GIS capabilities
24 too. And so part of it will be working with individual
25 tribes to exchange information. Right now, we have a number

1 of maps prepared that we've started to share with tribes.
2 And we're seeking to keep rolling those out as quickly as
3 possible.

4 There are also maps that the bureau had prepared a
5 number of years ago that may still be available that would
6 at least provide an initial picture of the reservation so
7 that tribes, for example, could identify priorities. But
8 we're, again, focusing on updating our mapping capabilities
9 as quickly as we can.

10 Sir?

11 MR. ANKTELL: Thank you. This is Stoney Anketell
12 from Fort Peck.

13 I just want to be on the -- I need some clarity.
14 This is just for lands that were allotted during the
15 Allotment Act which ended in 1934; is that correct? Or is
16 there more land involved than that?

17 MR. MCCLANAHAN: There are various different
18 allotment statutes for various different tribes. But
19 there -- that's generally true, that we're dealing with
20 tracts of land that were created based on allotment that
21 occurred before 1934.

22 MR. ANKTELL: Okay. The Indian Reorganization
23 stopped all allotments in March of '34, I think. That's why
24 your workload at the BIA has become an astronomical task, to
25 keep up with, you know, the exponential growth of

1 fractionated lands and so forth, correct?

2 MR. MCCLANAHAN: Yes.

3 MR. ANKTELL: And so, I guess, as one of the top
4 40 on the tribes, I'm very much in favor of -- of solving
5 this problem for you guys because it is a daunting task when
6 it comes to, say, a tribe like Fort Peck, who's -- I think
7 we have 120,000 allottees or more. Some -- we have 20-acre
8 tracts that we're trying to get leased for oil that have
9 400, 500, 600 owners. You know, and it's not good for
10 anybody.

11 And we are in an oil boom over there. And so this
12 is definitely slowing down progress on us. We see this
13 as -- as tribes get more and more real estate, then our
14 revenues are going to be going up and up and up, so our need
15 for federal assistance would be less and less, ideally, I
16 suppose. That's the hope.

17 My last comment is -- or question is, we have a --
18 we have a tremendous shortage, because we use our tribal
19 moneys -- we use tribal moneys right now to buy up
20 fractionated interests whenever possible, and we have
21 trouble finding a sufficient number of appraisers. You
22 know, the BIA has an appraisal office in Billings, but they
23 don't make appraisals. They just review them, you know.

24 And so our -- is the appraisal -- I suppose you
25 could have slides and everything, so I'll get off. But are

1 you all going to supply appraisers for us where we can --
2 because of the oil boom, I think everybody knows in our
3 region, in the Bakken area, the real estate's going through
4 the roof, blah, blah, blah. Appraisers are, you know,
5 scheduling us months and months in advance, and I see that
6 as a real detriment to getting this thing implemented. So
7 that would be my question. Thank you.

8 MR. ROBERTS: I appreciate your comments. I guess
9 a couple of -- a couple of things to note is, as John goes
10 through these next slides, and they were -- the draft
11 implementation plan sort of takes a broad brush. We know
12 that it's not going to be a one-size-fits-all in Indian
13 Country. And what we're going to need to do is, as we go to
14 each specific tribe, we're going to have to work directly
15 with tribal leadership to figure out, Okay, Fort Peck has
16 these issues; Fort Belknap has these issues; here's how
17 tribal leadership suggests we address those issues.

18 And so it's not going to be a one-size-fits-all
19 approach. So as you're going through, we're trying to have
20 a broad framework, but we're going to -- really for a lot of
21 these issues, going to have to sit down and talk with tribal
22 leadership about how to best implement the program on that
23 particular reservation.

24 MR. ANKTELL: Thank you.

25 MR. BERREY: Yes, John Berrey from Quapaw.

1 Is there any sort of thought of readdressing the
2 legal opinion that the appraisal function is an inherent
3 federal function and it has to be someone in Albuquerque or
4 OSD to review and approve it? Is it possible that we could
5 transfer that federal sign-off to a local agency, to the
6 superintendent to create efficiencies in the process of
7 getting appraisals completed in a timely approval of it so
8 we don't have to go back and reappraise it when the
9 appraisal expires? Then we could continue to march forward
10 buying land.

11 MR. MCCLANAHAN: This is a good comment, and we
12 definitely have heard it in the last couple of weeks. And
13 this may have also been a long-standing issue of appraisals
14 and the time that it takes for those. So that suggestion
15 among any others that folks would like to make are well
16 received. We're looking, obviously, to do the valuation
17 work as quickly as possible. And so that's an idea that
18 we'll consider. Thank you.

19 MR. HARJU: Phil Harju from Cowlitz.

20 I know that you guys have put a lot of work into
21 looking at the numbers of fractionated parcels, and you've
22 got all this data reached privately. Have you done any
23 analysis or talked to the tribes about how many willing
24 sellers are out there? Because you guys have great numbers
25 of large tracts of fractionated land that's going to be

1 useless if there are not a large amount of educated, willing
2 sellers that understand that the tribe is -- the BIA is
3 going to pay for this money and the tribe is going to get
4 ownership of that.

5 So my question is, with all of this analysis
6 that's going on -- I'll be frank with you -- I don't think
7 the Interior Department can spend \$1.55 million in ten years
8 buying back fractional interests even if you tried your
9 hardest. So that's my concern. And so have you -- what
10 data or assumptions have you made about willing sellers in
11 Indian Country with trust land?

12 MR. WASHBURN: John, let me talk about this for a
13 minute.

14 That's a very good point. And you know, the point
15 I made early on was that we have to have you all committed
16 to this. My view is that it's patriotic. It supports
17 tribal sovereignty to sell your fractional interest back to
18 the tribe. So you build tribal sovereignty; you help that
19 tribe restore their homelands. And so -- but they're not
20 going to believe us saying that. It's got to come from you.

21 And I think you're right. There's immense
22 emotional attachments to those interests, even though
23 they're unused -- you know, they kind of make the land
24 unusable. And -- but there's immense emotional attachment
25 to those lands. And it's up to you to develop -- help us

1 develop a stronger emotional attachment to the idea that we
2 can make our tribes stronger if they will sell it back.

3 And that's a -- that's a sales job. We've got to
4 convince people that they care more about tribal sovereignty
5 and their tribal -- developing their tribal homelands than
6 maintain this kind of ethereal connection to a piece of
7 land.

8 But you know, we don't have -- we don't know what
9 that's going to look like. It's up to whether we can
10 convince people to become willing sellers or not. And we
11 have doubts about that too, but we desperately need your
12 help about that.

13 MR. IYALL: So I mean, if you get five years into
14 this program and you've spent \$50 million, are we going to
15 take another look at this or -- I mean, the plan you devise
16 here in the next year, if it's not working, it isn't going
17 to help anyone. You're not going to have willing sellers
18 without --

19 MR. MCCLANAHAN: Yeah. We're going to be
20 constantly looking at it. We -- I'm -- you know, we're
21 confident that, you know, the first few tribes we go to,
22 we're going to learn a lot of things. And so we're going to
23 try to be constantly evolving the plan.

24 So yes. I mean, the short answer is yes. We -- I
25 really hope that doesn't happen, that we get five years down

1 the road and we've only used \$15 million. It's -- we hope
2 to be much more successful than that. But we can't do it
3 without the help of everybody in this room.

4 I think we're about at our scheduled breaktime. I
5 see there's a lot of questions. But let's take a couple
6 more and then maybe think about a break.

7 MR. GREENE: Can you expand on the settlement
8 provision stating, Settlement for purchasing interests from
9 landholders whose whereabouts are unknown, if those owners
10 are not located after the department undertakes the outreach
11 and the passage of five years, the owners shall have
12 consented to the conveyance of those fractionated interests?

13 Can you expand on that provision?

14 MR. MCCLANAHAN: Yeah. Under the terms of the
15 settlement, there is a language that says following notice
16 or like posting notices in tribal headquarters, newspaper
17 notices, and reaching out to the individual owners that
18 aren't known, that after the passage of five years, those
19 folks will be deemed to have agreed to convey their
20 interests. And the money for those interests would be put
21 into an IIM account for those individuals.

22 While that's in the settlement, our plan really
23 focuses on the individuals that are located and around right
24 now. So we're hoping that we fully utilize the 1.9 billion
25 by working with the owners that are actively participating

1 in the program. Our thought in the plan was that we would
2 not be focusing on that particular approach or provision in
3 the settlement agreement unless that -- unless we didn't
4 have enough sellers that were active. So that's something
5 that is kind of in the background. But again, we would
6 rather focus on the active participants as much as possible.

7 MS. BRIGHAM: Kat Brigham with the Umatilla Tribe.

8 I guess what I'm hearing from you guys is that
9 you've basically got a court order and that you were looking
10 for tribal input and you're also looking at the tribes
11 individually, so it's going to be based on the -- based on
12 the individual tribe.

13 And so I know for the Umatilla Tribe, we have a
14 number of sellers -- landowners, who are willing to sell.
15 So I think that's important for all of us to know, that
16 you're going to -- you're not going to just take the blanket
17 and say, Okay, this is how it's going to apply for the
18 tribes.

19 You're going to be working with the individual
20 tribes to find out just exactly how this likely fits or not
21 fits so that we can accomplish what the court order says,
22 and that is to try to get the \$1.9 million [sic] in within
23 the ten-year time frame.

24 I also think that it's really important at the
25 beginning of the meeting that you talk about exactly what

1 you talked about earlier in saying that, Okay, we know we
2 have a court order; we know we have \$1.9 billion to spend;
3 but we also are hoping that we are going to develop a
4 successful plan so that in five years we can go back and ask
5 Congress for additional money if that is not being spent.

6 But I think it's important, because I agree
7 people -- with what's said down here. I think it's -- we're
8 going to fight over this money. But if we know that there's
9 an option out there that says, We're going to have to prove
10 that we have -- can spend the money, be successful, improve
11 our ownership, improve our sovereignty, and develop plans on
12 how this is all going to be spent -- because that's our goal
13 is to improve our sovereignty and our land base, which was
14 taken away, not because we wanted it to, but it was taken
15 away from us and this is an opportunity for us to buy it
16 back.

17 But I think it's important that you show them, all
18 of us, that we are going to develop a plan that's going to
19 benefit all of us. Because if you don't, then you're going
20 to hear and see exactly what's going on. If -- we've got a
21 lot of concerns. We're going to fight over this money. And
22 I don't think any of us want to fight over that money. We
23 have seen the divide and conquer game. We have seen it --
24 how it has impacted us on everything you can think about.
25 Everything. And we don't want to play that game.

1 MR. BLACK: Yeah. Neither do we. And as Larry
2 said, the plan is a general plan. And we are definitely
3 wanting to sit down and work individually with tribes to
4 adapt it to the unique circumstances for each location. And
5 the purchase ceiling concept is our idea for ensuring that
6 there isn't that fighting going on because it does identify
7 an amount of money that can be used if there are no
8 interested sellers. So we're willing to work individually
9 with tribes.

10 But also everybody in this room is -- as the
11 assistant secretary said, we're all in this together. We
12 are going to do this together as a team, and we're going to
13 use this money the best way we can. So I'm confident that
14 we're all working together. And there's no fighting that
15 needs to occur. And so I'm committed to making sure that
16 we're all in the -- going in the same direction.

17 Because there is a lot of promise with this. And
18 I think the -- the gentleman had indicated something that we
19 didn't even really recognize. The reason we're reducing
20 fractionation is so that we're going to improve the ability
21 to use the land. Right now if there are 500 owners on a
22 tract, that tract is not active. And so by getting that
23 tract in a better situation, a better land use tenure, the
24 decisions can be made to lease it or conserve it or
25 whatever.

1 And so we're really, really going to work together
2 to achieve that goal, to make the tribal lands more
3 productive and stronger.

4 So let's take a break and come back. And we can
5 continue a little discussion.

6 (Recess taken.)

7 MS. LANKFORD: We have a very active land -- land
8 department, and we feel very fortunate coming by the
9 \$7.5 million. And so I just want to thank the department
10 for making this opportunity available. And I'll tell you,
11 when we -- when we do this, we're going to do it right and
12 we're going to do it to the best of our ability. And we're
13 going after more money if it's available.

14 So I just want to thank you guys for making that
15 available to the tribes, or the settlement, you know, and
16 the way it came out. So just appreciate that. But I do
17 have written comments, but I'll wait until that time comes.
18 Thank you very much.

19 CHIEF ALLAN: Thank you. First of all, I wanted
20 to say that I'm -- we were very blessed and very -- that our
21 previous leaders, Ernie Stensgar and some of the elders on
22 the council -- for the amount of money set aside with our
23 gaming dollars to purchase back land. So at Coeur d'Alene,
24 we're -- over the last decade, we've bought 500 trust land
25 acquisitions already. We've got a proven track record for

1 carrying out all these acquisitions.

2 We have a -- we maintain an active list of
3 interested sellers on our reservations who are ready to
4 sell. We just -- you know, obviously, the gaming dollars
5 come in. We don't have all the money all the time every
6 year to purchase all these lands, so we do maintain a list.

7 I've worked directly the BIA, Office of the
8 Special Trustee, the Office of Appraisal Services to carry
9 out hundreds of private-owned private fair market appraisals
10 for trust land on our reservation. So that's going to be a
11 big one. We're kind of wondering how the appraisal system
12 is going to work. Because we do -- we do get kind of put on
13 the run around when it's time for appraisals.

14 In the tribe, to be honest, we have a multimillion
15 dollar GIS system on our reservation that we maintain the
16 tracts, all of our land on our reservations. And we have --
17 so we're ready. I mean, I heard you guys say, We want
18 tribes to step up and do their part.

19 So we're ready. So we want to be part of that
20 pilot program. Because on Page 9 of your guys' plan, it
21 does say the focus is going to be on those 40 tribes. On
22 Page 9 of your guys' plan it says focus will be on those 40
23 tribes. So but we're -- I'm saying we're ready. We're
24 ready to rock and roll now. So you -- I invite you guys up
25 to come out and take a look at it, all of our stuff.

1 We have sent information in to our regional office
2 for TSRs and reports. We haven't got some of those reports
3 because we're waiting on the bureau. So not due to our
4 fault. We're ready -- we're ready to go.

5 On also on Page 21 of your plan, it says we want
6 tribes involved in doing this process. But it says,
7 according to the department, it does not envision property
8 payments for the acquisition phase.

9 So we need some guidance there or clearance. You
10 know, like I said, we're ready. We -- we can give you
11 guys -- if you guys ever give us the purchase part, you
12 know, we're ready to -- we're ready to hit the ground
13 running is what I'm saying.

14 So if you guys are just focusing on the 40 tribes
15 and that's the pilot program, we're -- what are all the
16 other tribes -- what are we all -- what -- are we just going
17 to wait until the 40 tribes, five years, six years down the
18 road, and say, Oh, by the way, you've got two years to
19 implement your plan now or something?

20 So a lot of answers. A lot of questions, so...

21 MR. ROBERTS: I appreciate your comments, Chief.
22 A couple of things. One is that I know that the -- the
23 draft report talks about a pilot program itself. And you
24 know, we've been talking a little bit internally. I think a
25 better way to think of that is that we're doing a ramp-up

1 phase where, you know, we may reach out to a handful of
2 tribes initially, but as we ramp up, very quickly we want to
3 go as broadly as possible.

4 I think the other thing is that, as I said before,
5 we're going to try to have a broad range of tribes
6 participate in the program itself, not just the top 40
7 because one of the things that we were consistently after in
8 these consultations or earlier consultations is as much
9 tribal involvement as possible.

10 CHIEF ALLAN: That's perfect. Like I said, I'd
11 like you guys to come out. We're ready. We have our GIS
12 system. We've been -- we actually been -- our elders, our
13 leaders in the past had, in their own hands, started buying
14 land, you know, 20 years ago. Not only just -- not only
15 trust land, but all -- all land. So we're -- we feel like
16 we've got a handle on it, and we're ready to hit the ground
17 running.

18 MR. ROBERTS: The day-to-day implementers are
19 right here, Tony and John. I would encourage you to reach
20 out to one of them to schedule a meeting so that they --
21 that they can work with you directly on coming out to Coeur
22 d'Alene or meeting in a mutually convenient place.

23 MR. IYALL: Bill Iyall, Cowlitz Tribe.

24 One of the complicating factors, I think, with a
25 lot of tribal situations, but is particularly exaggerated in

1 the Northwest, is the marriage practices over the thousands
2 of years here that disbursed that right of inheritance, if
3 you will, across the borders of many tribes. And so what
4 you have is, you know, basically, not necessarily an
5 affiliation of the allotment or the allottee of the given
6 tribe that crosses the boundary many, many times. So the --
7 I think there's not always that incentive that, Kevin, you
8 were thinking about.

9 So -- but by the same token, I would go back to
10 the -- kind of the -- one of the deterrents to selling a
11 piece of property is you're giving up much more than a \$300
12 appraisal or whatever because your family had access to
13 resources there, some of the most beautiful oysters that you
14 can find in the world. I mean, for \$300 you can only give
15 up access to that resource.

16 The other thing that I guess goes along with that
17 is that possibly if there's a way to ensure some kind of
18 continued access or, you know, joint resource or use of your
19 land once you give it up. You know, if there's a -- if the
20 plan has productive use, obviously there's going to be
21 something in the way. But if there's not a productive use,
22 some of these lands are in trust, so there might be not --
23 nonproductive use. And that use could still continue, but
24 the tribal ownership could simply transfer. I know my Aunt
25 Lilian asked our -- our -- both our kids to sell our

1 properties to the Squaxin, my grandmother is Squaxin. And
2 so she thought it would be good if we could give that
3 property back to the to Squaxin. But then to give up that
4 access and lose that valuable resource. And so that's a
5 consideration.

6 The other -- the question I have, though, is with
7 regards to the scholarships. When is that money -- what's
8 the trigger on the scholarships, and where does that go to?
9 Is it -- how is that allocated? Is it to the tribes or is
10 it to the allottees, or is it to -- who gets access to the
11 scholarships?

12 MR. WALTERS: Well, I think we have some slides
13 that probably answers some of those questions. But before
14 we get to that slide, Don and you guys have been hanging out
15 for quite a while.

16 MR. ARCHAMBAULT: Thank you, Mr. Waters [sic]. I
17 think a lot of tribes, like the gentleman said, are ready to
18 roll. We've had a land acquisition program for 25 years.
19 One time we had -- and for us, it's a lot of money -- we had
20 over a million and a half dollars in that. But it's been
21 exhausted. We have on file, right now, \$6 million worth of
22 fractionated interest proposals from people who want to sell
23 to us. Another \$4 million worth of those proposals have
24 been withdrawn because we haven't had the money to buy it.

25 According to your Table 1, we're in line to get

1 maybe \$54 million. We have one-fifth of that ready to go
2 right now. And you're right, we need to get this thing
3 going. But in the other two hearings that I went to,
4 99 percent of the tribes want to do their own buy-back
5 programs. They -- like I said before, they know the land.
6 They know the people. They don't want no hundred percent
7 bureaucrat coming over here telling us how to do our land,
8 you know, whatever it is.

9 We need to be thoroughly involved in this thing.
10 And even in the -- even in the plan itself, it says tribes
11 are going to be -- play a major role in this program. So
12 that means the administration -- are you guys going to help
13 us out with the administration dollars that you got as we're
14 going to do the major role of this buy-back program?
15 Because we need to have resources to do this also. We've
16 been nickel and diming ours all along. But it's still
17 increasing our -- our base, so we want to go to work.

18 And I think the other thing, before I lose the
19 mike, until we do something about this probate law --
20 since I -- I left the tribal office yesterday morning, and
21 last night about 10 o'clock I was informed two of our tribal
22 members were killed. And that's going to go back into
23 fractionation. While we're sitting here trying to solve
24 this problem, it's growing. So I think we need to stop and
25 look at, how are we going to fix this probate thing so we

1 don't have this fractionation problem again. Thank you.

2 MR. ROBERTS: Just to address, real quick, a
3 couple of your comments. Regarding the administrative
4 costs -- and we'll discuss that in a lot more depth here as
5 we go through the afternoon and we start to talk about the
6 acquisition process itself -- but, you know, we have 15 --
7 no more than 15 percent of the \$1.9 million, so
8 approximately 285 million, can be expended on administrative
9 costs.

10 We have to look at the overall program, and yes,
11 the tribes will have to be an integral part of this overall
12 process here. And it's through the cooperative agreements
13 that funding will be provided to the tribes for those
14 portions of the program that the tribes -- you know, through
15 negotiation with John and his program would be operating
16 under this. So those funds would be made available to the
17 tribes for those portions under the cooperative agreements.

18 To touch real quick on the probate issue and
19 estate planning issue, for those of you that were at the
20 trust commission the past couple of days, we've heard that
21 repeatedly -- I know I heard it repeatedly -- you know, that
22 this is another issue. And it is another -- however you
23 want to put it -- it's another avenue to approach that we
24 really need to address in dealing with fractionation. And
25 basically, not necessarily to fix the fractionating problem,

1 but it's a step -- it's another thing.

2 We've got to look at this and a lot of different
3 problems is how we go about addressing fractionation. How
4 do we reduce -- not only reduce the amount of fractionation
5 that's out there, but start to stem the tide, for lack of a
6 better term. How do you stop fractionation from continuing?
7 That's one avenue that we are going to have to address.

8 MS. NICHOLSON: Good morning. Janet Nicholson,
9 Colville Tribe.

10 I just want to make a further comment on the
11 probate that was brought up earlier at the table. The
12 gentleman stated it down here. With the probates we always
13 have another issue with it. We're not only trying to deal
14 with the fractionation in furthering that, but also that
15 when we have a probate, we have non-Indians that are
16 inheriting.

17 If they're allowed to inherit, that interest is
18 fractionated and then in fee. And in our location, our
19 tribe, then, has to make the effort to go and purchase it at
20 share sale and then take it through the fee-to-trust
21 conversion. So we would ask that those estates be addressed
22 in this land purchase to avoid that, to prevent that.

23 The other comment I would like to make or a cost
24 that we could perhaps ask, since the Cobell litigation has
25 been settled, I know we were imposed with the security

1 background checks. But I know at BIA every employee has to
2 go through that security check, and all compact contract
3 tribes. And that impedes us from getting access to the
4 TAAMS data. So I don't know how soon you'll have an answer
5 on that and, you know, when the solicitors will get a
6 response, but that would definitely improve our access to
7 the data.

8 MR. BLACK: Just real quick, I don't have an
9 answer for you today as to probate and conversion fee, but
10 that is something we'll try to get some answers to and
11 responses to.

12 Regarding the TAAMS access and the security
13 background checks, I mean, that has been an impediment to
14 getting access out to the tribes. I don't know that's
15 something we're going to be able to get around, just by
16 nature of data that's in TAAMS, the Privacy Act issues and
17 everything else related to it.

18 We're still going to have to address the security
19 background checks. And that's -- you know, part of thing
20 is, it's expensive. So we need to really sit down and work
21 through how we can best address that and still maintain the
22 central security issues and concerns on that.

23 MR. SIROIS: John Sirois, Colville Tribes.

24 One of the things that I want some clarification
25 on, addressing these top 40 tribes, will that be done

1 consecutively, or are you going to hit one tribe first, get
2 them done; the next tribe? That's a -- hopefully we're
3 going to start doing them all -- all at once. Is that -- I
4 have a couple of questions, so...

5 MR. WALTERS: I think the general idea is that we
6 would definitely be able to do multiple tribes -- be at the
7 multiple tribes or locations at one time. This first year,
8 of course, there's a bit of a ramp-up period as others have
9 said, just in staffing up. Internally, we haven't been able
10 to have staff on board until the settlement was finalized
11 and then funds available to even begin the staffing that we
12 need to be able to carry out some of the programs.

13 And that impacts, also, the ability to do
14 cooperative agreements as well. You know, very limited
15 staff working on this issue, with the settlement funds now,
16 that handle a lot of the requests and meetings that we've
17 had to setup, initially. But we do plan, as we move
18 forward, to be able to do more and more as capacity fills
19 and then advocate experience on how to streamline the
20 process as much as possible. And the next few slides will
21 get into that a little bit more.

22 MR. SIROIS: I had one more question -- actually a
23 comment and a question. I think you're hearing it loud and
24 clear that the tribes really want to run their own buy-back
25 programs. They have the expertise; they have been working

1 on this for quite a while. And this may be an avenue where,
2 you know, we can show you the path to follow.

3 I think -- well, one quick question I had about
4 the actual fund itself, is it in an interest bearing account
5 or is -- you know, are there any restrictions on that?
6 Because I think that might be a way to actually grow that
7 fund. If we can't spend it all at once, perhaps, you know,
8 you can make some -- some -- money off of it while it's
9 waiting to be spent.

10 MR. MCCLANAHAN: The fund is a fund that's
11 allocated with the government. It doesn't earn interest.
12 Once payments are made to individuals for their fractional
13 interests, those will be provided to the IIM account and it
14 would earn interest at that time. But while it's a federal
15 fund, those don't earn interest.

16 MR. DIXEY: I have to agree with that. I mean,
17 tribes should have the ability to run the buy-back program
18 just because, you know, we have to make the proposals and
19 demonstrate to you why the tribes have the capability to
20 conduct appraisals and demonstrate they've got certified
21 staffs.

22 Historically the tribes haven't had -- or hasn't
23 had the ability to access the DOI systems and records in the
24 past. This being the case, tribes, wanting the willingness
25 to conduct the consolidation of the program, and our scope

1 of work would be diminished. Just because we would -- we
2 would need to know the information up front so we can
3 conduct our proposals and get it to you, so we can help
4 ourself at work. And we would need to know, the tribe's
5 ability to access the systems so we can develop maps and
6 conduct the outreach in evaluation of the plan. And it
7 would be fair if the tribes had more authority to conduct
8 the program itself.

9 MR. ROBERTS: Well, I don't disagree that we want
10 to maximize the involvement of the tribes in the program
11 because the program is going to rise or fall based on tribal
12 support and contribution support.

13 The legislation itself doesn't allow 638 contracts
14 or self-governance contracts for this, so we have to work
15 through cooperative agreements. And because we have the cap
16 of 15 percent administrative costs, we want to use those
17 administrative costs as efficiently as possible. So we're
18 going to be working with tribes individually, best
19 maximize -- so that we're putting most of the money in
20 purchases and trying to minimize administrative costs.

21 MR. DIXEY: So is -- the DOI is going to create
22 the budgets for -- for the -- for all reservations? Would
23 it be the regional office creating the budgets to run the
24 programs for the various operations that need to take place?

25 MR. WALTERS: Well, the fund itself will be, I

1 think, managed out of the Office of the Secretary to do the
2 buy-back program itself. And that will -- that will help
3 facilitate funds to either the BIA or the OAS, whoever would
4 be carrying out some efforts of work. Cooperative
5 agreements will also includes details such as that.

6 We have a little bit -- there's some, I think,
7 flexibility there in how much is dedicated to each --
8 through each cooperative agreement depending on the work
9 that needed to be done at a location. Certain locations
10 have only a small number of individuals they need to do
11 values with. Other locations have ten thousand individuals
12 who own a fractional interest at that location.

13 So a lot of the details that you speak of will be,
14 I think, addressed in cooperative agreements as we start
15 working with tribes and others to continue to ramp up our
16 program.

17 UNIDENTIFIED TRIBAL MEMBER: I know at our
18 regional office, the realty office has a -- has a small
19 staff. So once we get this program up and running, the
20 staff there is going to be overwhelmed with work that's
21 going to be given to them.

22 MR. BLACK: This is -- we will get into that in
23 the next couple of slides as well when we talk about the
24 acquisition process. There will be staff dedicated solely
25 to the land buy-back program. It won't be -- it won't be a

1 burden put on the existing realty staffs because, quite
2 honestly, they have more than enough to do now, and to be
3 able to try and pick up these duties as well is not going to
4 work.

5 MR. WALTERS: I think the overall goal is to
6 minimize the impact on the existing workload in all agencies
7 and departments that are affected by -- that are working
8 with it. The buy-back program has a specific scope of work
9 that we need to have accomplished before we can start making
10 purchases. I know a lot of the agencies have roles and we
11 want to minimize the impact on their existing staffing in
12 agencies, regional offices, minimize the impact on that
13 workload while ramping up our ability to carry out the buy
14 back program.

15 MR. DIXEY: We just seem -- we need a lot more
16 information in order for us to create our plans. We need to
17 know a lot more specifics, a lot more detail.

18 MR. WALTERS: Right.

19 MR. DIXEY: So we can better create the plans.

20 MR. WALTERS: Thank you. Thank you for the
21 comment. I think some of the slides will address a little
22 bit of that. And of course, once we start meeting more
23 tribes individually, that will come out as well.

24 If you could continue --

25 MR. MOFFETT: Excuse me. Joel Moffett, Nez Perce.

1 Before we move on, I'd like to follow up on a
2 point by John Sirois because I think that was, you know, an
3 insightful comment with regards to the whole entire
4 1.9 billion that was dedicated from the settlement. And the
5 fact that, you know, the earning power of that has been
6 triggered is enormous.

7 And so I don't know if the Solicitor's Office, the
8 DOI, or the lawyers in the room have looked at that language
9 in the settlement, just earning .05 percent on -- you know,
10 is like a hundred million a year. I mean, so we're talking
11 about ten million -- you know, we're talking -- it adds up.
12 We're not going to be spending that money till a couple
13 years down the road. So it's going to earn a lot.

14 And so we were talking about, you know, the other
15 tribes who are outside the top 40, you know, that dedicated
16 130 million. Well, imagine a hundred million each year
17 added up. We could have a lot more tribes participating in
18 this. And I -- you know, I -- somebody's earning money off
19 of this 1.9 billion. Is it the feds? Are they, you know,
20 using it? Where is it going?

21 MR. MCCLANAHAN: Under the terms of settlement,
22 there's no authority to invest the money. And if the money
23 is not used, it goes back to the Treasury Department. And
24 so we're really working under those guiding principles of
25 the settlement agreement. And so it's for those reasons the

1 money isn't earning interest, perhaps among others.

2 MR. BLACK: Essentially, it's a treasury account.
3 We're not authorized to earn interest unfortunately, but
4 that's...

5 MR. JAMISON: Eugene Jamison, Round Valley Tribes.
6 There's a good point here about how much money
7 that we're losing with the 1.9 billion -- is it? -- in an
8 interest bearing account. You know, that would be some
9 strong concerns too, and I agree with them.

10 But I always have one other question. And that
11 is, if we buy back some of our allotted land that is
12 deedable and we could have deeded the land out and put it
13 into normal status and sell it or whatever, so think outside
14 the bubble, how about -- how about if we buy land and not
15 turn it into trust status, but still, again, don't pay taxes
16 on it? And so if that's the benefit that you get if you
17 turn it back into trust status and living under the federal
18 rules -- you see what I'm saying? Can we not make a stand
19 and not pay the property taxes if we're within the
20 boundaries of the reservation?

21 MR. WALTERS: I think -- to address that question
22 real quick -- as others have stated, the program -- the
23 buy-back program itself and the money it has is only going
24 to be buying fractional interest, fee or -- or fee or
25 trust -- I'm sorry -- trust or restricted, trust or

1 restricted. So we won't be buying fee that would then have
2 a choice of going into trust or not. Everything we buy will
3 already have been in trust or restricted.

4 MR. JAMISON: So we won't have the choice to buy
5 this allotted land -- we won't have the choice to turn it
6 into fee status? It'll just be the government's choice to
7 make sure that this stays in trust status?

8 MR. BLACK: Well, once -- we'll be buying allotted
9 lands. Once -- I mean, what the tribe does with those trust
10 lands is really up to the tribe. And I don't know that we
11 would restrict you beyond that. I mean, it's tribal land at
12 that point once it's bought through this program.

13 MR. JAMISON: So it's all -- it goes from -- it
14 goes from allotted status to tribal status.

15 MR. BLACK: Right.

16 MR. JAMISON: Now, that would be my point, though.
17 When it's in allotted status, would it be able to get the
18 deed to the property right and put into fee status? So we
19 could do the same and buy property and put it into fee
20 status and not have to pay the taxes if we're within the
21 boundaries of the reservation.

22 MR. ROBERTS: No. It's only existing trust or
23 restricted land. So if you're buying fee land, it's not
24 part of this program.

25 MR. JAMISON: But fee -- but the fee land, I mean,

1 it would be our choice to turn it into deedable property or
2 not, right?

3 MR. WALTERS: I think generally any land that's
4 owned by the tribe is trust. Rather than taking it out,
5 your question about paying taxes, I think, is an issue.
6 Once it's out of trust --

7 MR. JAMISON: And I think that we'd be able to
8 make arrangements with either the County or the City to make
9 arrangements in paying taxes to them other than paying the
10 property state tax. I'm just thinking.

11 MR. BLACK: That's not part of the program.

12 MR. JAMISON: Thank you.

13 MR. WALTERS: Briefly, since I know there was some
14 questions on the scholarship fund, this slide up here
15 details how the special fund will be managed. Just first
16 off, I want to say the Department of the Interior is not
17 going to be managing the fund in any matter whatsoever. The
18 settlement is pretty clear on how the fund will be
19 established, how it will be funded by purchases.

20 For each purchase that is made through the
21 buy-back program, you can kind of scale, depending of the
22 price of each purchase of fractional interest, a certain
23 portion of the fund will be going into the scholarship fund.

24 Once it's in that scholarship fund, it will be
25 managed by a nonprofit organization. There were two that

1 were offered up by the plaintiffs. The secretary will have
2 to choose one of those two. And they will be the managing
3 entity of that. So if there are questions -- and we've
4 heard a lot of questions and comments and suggestions on how
5 that fund should be managed -- they'll really need to be
6 addressed to that entity once it's created. There will also
7 be a five-person board that will be created as well that
8 will oversee and manage that fund itself as well.

9 It has been a big topic of conversation and
10 questions we've had. But the Department of the Interior is
11 really -- has no role in the management of that fund once
12 it's established, once it starts -- once the money starts to
13 go into that fund, once we start making purchases.

14 UNIDENTIFIED TRIBAL MEMBER: Tony, I have a quick
15 question. Is -- are there going to be opportunities on that
16 commission for tribal leaders who are in this buy-back
17 program to sit on that or is that just going to be attorneys
18 sitting on it or will we submit our suggestions later?

19 MR. WALTERS: I think that the terms of settlement
20 create a five-person board. Two of which are chosen by the
21 plaintiffs of the case; two are chosen by the Secretary of
22 the Interior; and one is chosen by the -- I believe, the
23 nonprofit organization itself. We do have a solicitor's
24 representative here who might be able to answer some more
25 questions.

1 MS. RAY-HODGE: Good morning, everybody. My name
2 is Vanessa Ray-Hodge. I am senior counselor to
3 Solicitor Hilary Tompkins in Washington, D.C. I'm from the
4 Pueblo Acoma.

5 For the scholarship fund, the way that it works is
6 the secretary will pick one of the two entities that the
7 plaintiffs nominated to administer those moneys. As the
8 slide shows, for every land purchase that is made out of the
9 \$1.9 billion, a percentage based on the sales price of that
10 land will be treasured to a scholarship holding fund.

11 Every quarter the money from that holding fund
12 will be transferred to the organization chosen by the
13 secretary to administer the fund. And that -- that fund,
14 while it will be administered by one of the two
15 organizations chosen by the secretary, will also be overseen
16 by a five-member board as Tony explained.

17 For the choices of the board members that the
18 secretary can choose, the statute requires that the
19 secretary consult with tribes on the nomination of those
20 members. And so when the secretary decides to go out and to
21 list the nominations, at that time tribal leaders and folks
22 in Indian Country can send in nominations of who they would
23 like to see sitting on that board, and the secretary will
24 pick two names.

25 And the -- as Tony mentioned, the plaintiff will

1 also pick two names. And then the organization itself will
2 have one member representative on that board.

3 MR. WALTERS: Thank you.

4 John?

5 MR. BERREY: Is access granted to all Native
6 American students to that fund or is it limited to tribes
7 that participate in the buy-back program.

8 MS. RAY-HODGE: It is not limited. So I think
9 that we've been hearing a lot of comments by tribes on
10 perhaps limiting who will get that scholarship money and
11 tying it to the tribes that are participating in land
12 consolidation. That can be something -- there's no
13 requirement or limitation on how that money is to be given
14 out. So it's going to be up to both the board member and
15 what constraints exist within the entity that's chosen to
16 administer the fund on how that fund gets distributed.

17 MR. SIROIS: Real quick question. What are the
18 two nonprofit organizations? Do you know?

19 MS. RAY-HODGE: We do. I'm going to defer, only
20 because I don't think that that is public record at this
21 point, and they're still being considered by the secretary.

22 MR. HARJU: Isn't it public record, the two that
23 the plaintiffs have nominated? That's public record, isn't
24 it?

25 MS. RAY-HODGE: To be honest, I apologize --

1 MR. HARJU: I read them, so I know it's public
2 record. The plaintiffs proposed some to the Secretary of
3 the Interior, didn't they?

4 MS. RAY-HODGE: Yes.

5 MR. HARJU: Yeah. It's been published who they
6 are. One's Harvard -- Harvard Group and -- yeah. I've seen
7 it.

8 MS. RAY-HODGE: Let me make a phone call at the
9 break, and I will check. I just don't want to --

10 MR. HARJU: I don't think it's a matter of
11 national security.

12 MS. RAY-HODGE: I'm sure it's not, but I want to
13 make sure that we confer with other folks in the department
14 before I say anything publicly.

15 MR. HARJU: Can I just say, my concern is there's
16 \$60 million that sits in the federal treasury that doesn't
17 draw a penny. If we really want to get scholarships to our
18 Native American students, the department and the group
19 should get together, transfer the \$60 million into an
20 interest bearing account, and allow these trustees to
21 administer a scholarship fund.

22 If you want to tick off how much \$5 comes in and
23 how much \$20, at the end of ten years, you would have
24 waisted \$60 million worth of interest that could have been
25 used for scholarships.

1 So if there's a way of transferring it in and let
2 them draw the interest and restrict how they spend it for
3 the first ten years, but I don't want a dime of that
4 \$60 million going back to the federal treasury. And all
5 that interest should go to Native American scholarships for
6 the next ten years. Like I said, with all due respect to
7 the federal government, it might help balance the budget,
8 but it would do a lot better if it was in an interest
9 bearing account and given to our students.

10 MR. ROBERTS: My understanding -- and thanks for
11 raising the comment. My understanding is that this fund,
12 unlike the acquisition fund, is being treated differently.
13 And it will be up to the organization that will be the
14 manager-administer of the fund to essentially invest those
15 funds. So my understanding --

16 MR. HARJU: But they're going to get the 60,
17 they're going to get \$5, and they're going to get 10 --
18 5 percent of the first million dollars sold over ten years.

19 MR. ROBERTS: Well, no. It's as each sale occurs.
20 And I think -- and correct me if I'm wrong, Tony -- but I
21 think we've done some initial looks at this and we think
22 that -- actually, that \$60 million ceiling will be hit
23 rather quickly just because of the volume of sales.

24 MR. WALTERS: I think when we -- when we get to
25 the next slide, we see -- and just the plan itself's -- kind

1 of going down the order of fractionation, generally
2 speaking, I mean, targeting those locations should generate
3 substantial amounts of scholarship funds just based on sales
4 that we hope to process at those locations.

5 MS. RAY-HODGE: Right.

6 MR. HARJU: Well, like I said, if the 60 million
7 is in an interest bearing account from the beginning, then
8 the scholarship fund will have more money rather than have
9 it sent to the federal treasury.

10 MS. RAY-HODGE: Well, maybe I can clarify that.
11 Because the 60 million -- so it's up to 60 million that's
12 authorized to go to a scholarship entity. Every quarter
13 based on -- every land sale will generate a corresponding
14 amount of money that goes to that entity chosen to
15 administer that scholarship fund.

16 For every quarter of sales, money is automatically
17 transferred into a holding fund. While it's in that holding
18 fund held by Treasury, it doesn't gain interest. But every
19 quarter there's a sweep of that money and it's sent to the
20 recipient organization.

21 And once that organization has those moneys every
22 quarter, they can invest in accordance with whatever the
23 board of trustees has determined as the investment portfolio
24 for this money. So they will gain interest. It won't be
25 automatic, but it will at least be swept out into an

1 interest bearing account as overseen by the board of
2 directors for the scholarship entity.

3 And that fund, the 60 million, once it leaves --
4 once it leaves treasury, it doesn't have to be spent in ten
5 years. So it will be up to the board of directors and the
6 recipient organization to determine how they want the
7 principal and interest spent for longevity of that fund.

8 MR. HARJU: So is there some -- can we put some --
9 in your planning, can you put some safety valve, that after
10 five years of this program, if there's only been \$5 million
11 put into the fund, you transfer the rest of it into there so
12 that they can start earning interest and doing the purpose
13 of that fund?

14 If it's all paid in there in the first five years,
15 that's fine. But at five years, we should take a look at
16 it, and say we've only put 5 million, \$10 million into the
17 scholarship fund and we're never going to spend all the
18 money -- it's going to go back to the treasury -- put it in
19 there, let them draw the interest, you know. It doesn't do
20 any good sitting in the treasury.

21 MR. ROBERTS: I appreciate the comment --

22 MR. HARJU: Not for the purposes for getting the
23 kids, our tribal members, into school.

24 MR. ROBERTS: I appreciate the comment. And we'll
25 need to -- I mean, we won't have an answer for you on that

1 today. We're going to have to look at it. It might be that
2 federal law prohibits us from doing what you're proposing,
3 but we'll take a look at it.

4 MR. GALANDA: This is Gabe Galanda on behalf of
5 Round Valley.

6 I just want to react to the suggestion apparently
7 other tribes have made at prior consultations that only
8 those tribes that are eligible for or participate in the
9 buy-back program -- which we know could be as few as 40, at
10 least, theoretically -- that only they be allowed or their
11 members be allowed to participate in the scholarships, and
12 I'd like to log an objection.

13 Philosophically, this money came from the Cobell
14 lawsuit which involved hundreds of thousands of Indians and
15 those members of over 560-some-odd tribes, not 40 tribes,
16 not even those tribes that might find themselves in the ten
17 percent of the line items on the \$1.5 billion. So I think
18 it would be irresponsible for the secretary or the
19 administration to restrict the scholarship fund to only
20 those selected tribes that may ultimately be eligible for --
21 or practically speaking, eligible for this particular
22 program.

23 So I would urge the secretary in appointing the
24 members of the board on behalf of the administration in
25 picking the nonprofit itself to ensure the scholarship is

1 available to any member of any federally-recognized tribe in
2 the United States of America. Thanks.

3 MR. BATT: I would like to make a comment on that.
4 We always get to this point of where we -- like the tribal
5 program of whether we're treated tribal or whether we're
6 self-governed, you know. We all have a different opinion.
7 But, you know, as tribal leaders, we have to make those
8 points and address those.

9 And we kind of agree with those other tribes, you
10 know. It's our land, that we paid for that portion. And it
11 should be for those tribes. That is we're having a tough
12 time through the bureau to get enough scholarships. Tribes
13 are investing, out of their own general funds, million of
14 dollars for scholarships.

15 And with the lack of the trust from our -- again,
16 per our treaty, that's our right to have those educational
17 help, welfare issues addressed. And if they're not being
18 provided by our trustee, then of course that makes us very
19 upset. And that's why I think tribes get in that position
20 who are saying that it should just be those tribes that are
21 in this buy-back program should be eligible, because it's
22 their land.

23 Again, land is tied to who we are. And of course,
24 Shoshone-Bannock Tribe, it's going to be hard because it's
25 our property. So that's why we still own 97 percent in

1 trust with our tribe members. We were taught never to sell.
2 And it's going to be a very hard position for us to pass our
3 tribal members to sell their fractionated land because
4 basically we have been told by our elders never to sell the
5 land, whether you own part of dirt, that's still your land.
6 It defines who you are and where you come from.

7 MR. IYALL: Bill Iyall, Cowlitz here.

8 I too am concerned that there might be limitations
9 on the distribution of funds. The benefiting tribes,
10 they're getting the bulk of the money out of the program,
11 basically for acquisition of the lands and that adds a lot
12 of resources for that benefiting tribe.

13 But the tribes that don't get the resources, I
14 think they should actually -- you know, they're deserving
15 some kind of benefit out of this trust settlement as well.
16 And I think there shouldn't be any restriction. It should
17 be any tribe. Any student of federally-recognized tribes
18 should have access to those scholarship funds.

19 MR. WALTERS: With that, I think we can go on,
20 talk about the process that the buy-back program envisions.
21 It is up for comment here, of course, and the -- through
22 written comments as well through online.

23 Just briefly, this is an overview slide of the
24 process that we had put forth. In the implementation plan,
25 we divided the process up into four phases.

1 There's an outreach phrase which would really
2 allow the program, and with the tribes' cooperation, to
3 really get the word out to those members or to those
4 individuals who own fractional interests at that location.
5 The word out that the program is being active. In the next
6 few months, they may receive an offer from the program or
7 for their interest in how they could -- how they could
8 participate, i.e, fill that out if they so choose too.

9 So that's kind of the initial step. That outreach
10 will also include that initial meeting with that specific
11 tribe as well. So the program will be active at a location
12 without first sitting down with the tribe and its
13 representatives on how to move forward effectively.

14 Moving forward --

15 CHIEF ALLAN: So we will -- there'll be a property
16 agreement with the tribes, then?

17 MR. WALTERS: Yeah. I think, generally speaking,
18 we've kind of -- kind of naturally, out of the consultations
19 and the discussions, we've envisioned probably a cooperative
20 agreement for each location that we go to. And some may not
21 have any funds attached to the tribe, willing to let the
22 department run its process. And otherwise it would be kind
23 of a tribe-by-tribe basis on what we put in that cooperative
24 agreement. But it will include all the details of what the
25 space entails, the kind of time frames that the program is

1 looking at now. And we can incorporate with the tribes
2 moving forward.

3 The next phase, there is the land research phase.
4 The whole -- this will be kind of going on simultaneously.
5 It already has started for the most part. As you can see,
6 we have a map in the back. It's kind of an example of what
7 output is for this phase. The land research phase is really
8 meant, we will collect all the data that's necessary to
9 appraise or determine fair market valuation for all the
10 tracts in a location.

11 You know, some reservations have ten -- 100
12 tracts; some reservation have a thousand, multiple thousands
13 of tracts. The idea of this phase is to get a hand bid in
14 line, everything that the appraiser would need or the tribe
15 would need if they're conducting the appraisals, every bit
16 of data they need to make sure they can do as many
17 appraisals as possible in a timely way.

18 The third phase there is land valuation. I'll
19 defer over to Eldred in a couple of slides here, and he can
20 talk a little bit more about how the buy-back program will
21 work with OAS on how to accomplish those valuations. Of
22 course, those are all done through a cooperative agreement
23 as well.

24 The last phase there is a land acquisition phase.
25 I don't know that it's too clear. The plan -- had some

1 comments over the last few weeks. Just generally speaking,
2 the way the program has been described in the plan is that
3 it's going to be very proactive. You know, the last land
4 consolidation effort we had have been very reactive. And
5 since there's a way to find the willing sellers, we do the
6 appraisals and we reach out to them only if they will be
7 interested in selling.

8 The whole idea -- the efficiency we hope to gain
9 here in streamlining the process, is that we want to
10 appraise all the tracts within a reservation, as many as we
11 possibly can. And then once we have those values, we can
12 send out a mass mailing of offers to all the individuals at
13 that location who own a fractional interest.

14 So if you have a purchase ceiling of 5 million or
15 50 million, whatever, we would want -- our hope is that we
16 can send out one mailing at one time to -- where all those
17 offers would encompass that purchase ceiling. That's
18 efficiently says -- and that's where the outreach comes into
19 play.

20 It's very important to get the cooperation of the
21 tribe. That's why it's the first thing on there. Because
22 if we don't have sufficient outreach ahead of that, then
23 that's not going to work because people will just get it in
24 the mail, they won't know what it is, and they'll probably
25 just throw it away.

1 And we've heard the suggestion that that would
2 happen. So the outreach is the key to making sure that the
3 tribes are aware, the individuals are aware that this is
4 what we hope to accomplish through the buy-back program. We
5 don't want to be reactive to what a seller -- we want to
6 send offers out to all individuals who may own so they can
7 make that choice. They don't have to figure out if they're
8 interested or not. They'll have the information there to
9 decide if they're interested once the offer is in front of
10 them.

11 So that's kind of how we hope to be very
12 proactive, streamline the process, and be able to be a
13 successful program with the limitations we have with the
14 admin costs and the time frame. This is how we hope to
15 generate that interest and generate that positive outreach
16 to the individuals who know how they can participate in this
17 program.

18 Mr. Berrey?

19 MR. BERREY: Do you all have, by any chance -- I
20 talked about this a little yesterday -- maybe some bullet
21 points or a draft or a date when we could see a draft of the
22 cooperative agreement so we can work hard to prepare
23 something to send to you all that we could start discussing?

24 Because, you know, I think there's a lot of tribes
25 that are to the point where they're ready to do the

1 cooperative agreement and they can move past a lot of the
2 preliminary stuff.

3 MR. WALTERS: We're already working on that.
4 We've discussed it a little bit at past consultations and
5 one of the tribes there, I think through the Cobell
6 organization as well. So it will be a work in progress.
7 And certainly it won't be one-size-fits all for each tribe.
8 But it's certainly a starting point that we can share over
9 the next few weeks, hopefully. Although, it may wait until
10 after the comment period so we can incorporate all the
11 feedback we've received.

12 MR. BERREY: Do you even have sort of a bullet
13 point list of what you want included? Is it -- does it
14 include outreach? Can we derive it from the overview and
15 sort of start preparing something?

16 MR. WALTERS: I think that's certainly a
17 reasonable starting point. That this is what we're -- this
18 is what we plan on doing if we were the sole implementer of
19 the program at the location. We're going to do outreach,
20 land research, valuation, and acquisition. But knowing
21 that's what we would do, the tribes can take that implement
22 and say, Well, we want to operate the program. Here's the
23 steps that the tribe would actually -- would take to
24 accomplish that as well. We have valuable input.

25 You've got a question there.

1 MR. ABRAHAMSON: Yes. That's along the line of
2 what John was saying too because there's all these timelines
3 for us to get going, because we've got lots of tribal
4 members already ready to sell theirs and stuff here so, you
5 know, getting through this cooperative agreement so we can
6 get started and have a check in the mail.

7 MR. WALTERS: Well, I will say, real quick, just
8 in response, we've heard the interest of tribes greatly at
9 all locations we've been to about their involvement and
10 utilizing the program to the fullest intent possible. As we
11 mentioned before, it -- just kind of overall, the first year
12 is kind of a ramp-up phase for us. So there will be some
13 kind of patience needed, I think, in just working on
14 checking. We'll have staff to review each cooperative
15 agreement as it comes in. So we're working to fill that
16 capacity as well.

17 We've already started meeting with -- some tribes
18 have requested a meeting. We haven't been turning down any
19 meetings. As requests come in, as proposals come in, we're
20 looking at those. We're providing -- we haven't been able
21 to provide any feedback on those yet. We're waiting for
22 consultation to end. But tribes have -- some tribes have
23 already been submitting correspondence or drafts for folks
24 that they think could be a starting point. We're taking
25 those as they come in.

1 MR. SIROIS: John Sirois, Colville Tribes.

2 And so we're really looking forward to looking at
3 the draft co-op, so we're looking forward to the next couple
4 weeks. I think it's really important to look at -- these
5 leaders bring up a good point, because what are the details
6 in those cooperative agreements that are going to speed up
7 the process in how you're working with tribes. I think
8 that's what we're really looking -- we want to look at that
9 as soon as possible so we can hammer out those details.

10 And my final question, so in the co-op agreement,
11 will land acquisition also be a part of that that the tribes
12 will be handling?

13 MR. WALTERS: Certainly I know the plan itself had
14 some language that may not be applicable at every
15 cooperative agreement. I think each cooperative agreement
16 will address acquisitions and how they'll be accomplished at
17 a location, but there's foreclosure on tribes being able to
18 do that.

19 I think as we go through the process that we'll go
20 through in the next few slides, we're really hoping to
21 streamline that through the TAAMS system in the sense that
22 we can do one mailing. And the department has the resources
23 to do mailings at that scale very efficiently and cost
24 effectively. So it will be kind of a case-by-case basis on
25 who should -- who's in the best position to carry out the

1 actual mailings and acquisitions process. It's not
2 foreclosed by the implementation center.

3 MR. BLACK: I'd also like to add to that too,
4 though. We have to take a good hard look at this. You
5 know, in consideration, we have up to and no more than
6 15 percent available to implement this program and give out
7 the pie. But we have to look at economies of scale and what
8 is going to be the best use of that money to be able to --
9 15 percent, in reality, in the size and the scope of this
10 project is not that much of money.

11 You know, if you spread it out amongst 150 tribes,
12 that's about a million bucks a tribe. And there's no way
13 you could implement that program at that rate. So we really
14 have to look close at areas where we can consolidate
15 functions and make the best use of the money through
16 economies of scale. Mailings is good area there. Looking
17 at different things, and we'll talk about it a little bit
18 more at the end of the acquisition portion of the
19 presentation.

20 MR. ANKTELL: Thank you. Councilman Anketell for
21 Fort Peck Tribes.

22 We're under the assumption as -- in our council
23 chambers that the money will be provided to form a land
24 purchasing office. Is that the wrong assumption? Land from
25 the settlement will be provided to the tribes? We're

1 already advertising, so if we have to pay for it, I suppose
2 we probably will, begrudgingly. But we were under the
3 assumption that money would be available to the tribes to
4 set up a land purchasing office.

5 Could I get a comment on that, please?

6 MR. WALTERS: Well, I think -- and we can
7 certainly have the discussion too at a break maybe. But the
8 idea is that the fund is available to carry out the
9 acquisition of fractional interests whether or not that's
10 through the department or the tribes. But I would -- I
11 would caution tribes to set up that type of infrastructure
12 on their own until a cooperative agreement is really worked
13 out since that's the mechanism that we can utilize to get
14 funds to the tribes.

15 MR. ANKTELL: I better get back home fast. Okay.
16 Thank you.

17 MS. LANKFORD: Carol Lankford, vice chair of
18 Salish Kootenai.

19 I have a question. If all the tracts were
20 appraised, all offers were mailed, and what happens if the
21 willing sellers amount exceeds the initial ceiling price?

22 MR. WALTERS: I think, as we kind of eluded to
23 before, if the willing seller at any location is greater
24 than the purchase ceiling, there would be a clause proposed
25 that we'd want to cap the purchase of that initially so --

1 to make sure that other tribes have the opportunity -- other
2 individuals at that location have the opportunity to benefit
3 from the program.

4 MS. LANKFORD: I'm just talking about like
5 lakefront property. Lake property is usually higher than
6 lots of the others.

7 MR. BLACK: I think a key to that also is going to
8 be consultation with the tribe so we prioritize those tracts
9 that we want to initially make offers on.

10 MS. LANKFORD: Thank you.

11 MR. WALTERS: And I think -- before we go on to
12 the next slide here -- the idea that we -- if we valued
13 every single tract, we wouldn't necessarily send out offers
14 on every single tract. We'd try to predict what the willing
15 seller area might be and adjust it towards maybe sending out
16 waves of offers at that location.

17 And a lot of this discussion would be accomplished
18 through the outreach phase. It really is twofold. One is
19 the initial meeting between the department and the tribe to
20 work out the cooperative agreements, work out the time
21 frames, remind you to kind of to really kind of promote the
22 idea in the plan that we hope to only be active at any one
23 location for two years, two and a half years in the sense
24 that if we can't appraise everything that quickly, if we
25 cannot offer amounts sufficient to exhaust the purchase

1 ceiling in two years, then there's something wrong with the
2 process already.

3 So the idea is we hope to be at a location, be
4 able to work through these steps that we have out there --
5 described here for two years and have all the offers sent
6 out in time and be done purchasing at a location where we've
7 exhausted the purchase ceiling and maybe we had a problem
8 finding additional resources that we could go to another
9 location.

10 So the outreach phase is really designed to have
11 an initial dialogue between the department and the tribe.
12 And it's also working out how to inform the individuals at
13 that location that -- what's going on, there will be offers
14 in the mail, how they can do that.

15 Part of the outreach with the tribe itself I
16 want to highlight here is the tribal priorities for
17 acquisition. You know, some tribes have mentioned that
18 they're already looking at the tract within their location
19 or reservations trying to prioritize which of those tracts
20 that they are most interested in purchasing first, if there
21 is a prioritization needed.

22 You know, part of that is the map in the back
23 there that we have. It will be on a slide here in a second.
24 That's something that we hope to take to tribes. And I know
25 the BIA agency and a lot of the tribes already have these

1 types of maps, but try to identify those tracts that they
2 really want to prioritize.

3 So that's one of the initial steps of the
4 outreach as well. Because we do hope to run into situations
5 where there's so many tracts there that, you know, it
6 would -- it would go beyond the purchase ceiling to buy all
7 those. So the tribe -- we wanted to burden the tribes with
8 which ones are best for economic development of the tribal
9 communities, things like that. We want to take a look at
10 those considerations as much as possible.

11 We hope to learn those here in the outreach
12 phase because to be able to purchase them, we need to
13 appraise them. We need to have the data available to make
14 sure they are appraised. We want to capture those as soon
15 as possible so we can incorporate those into our plan.

16 Go on to the next. And this is more details
17 on how we can identify tribal priorities. You know, we can
18 go down to the specific tribe and you can look at the map
19 there -- not on the PDF, but from a GIS-type system -- you
20 can see each map associated with the tract and the tracts
21 get prioritized that way. You could prioritize by
22 identifying a region or an area within the reservation that
23 the tribe wants to focus on; tract of particular land uses,
24 like range, grazing, farm, whatever purposes, economic
25 development, coastal, important conservation. Whatever the

1 tribe's priorities are from the tribes, we need to know that
2 the tribe has prioritized.

3 One other criteria there is, you know, some
4 tribes already have a percentage ownership in certain
5 tracts. So if they want to try to consolidate that even
6 greater, then that could be something they could prioritize
7 as well.

8 This is just a PDF of what's on the wall at
9 the back. Just real quickly, I know there's a lot of data
10 on there, but the yellow are the tracts that are a hundred
11 percent tribally owned. The blue tracts are the tracts that
12 are a hundred percent owned by the allottees; they're
13 fractionated tracts, but they're fully owned by individuals.
14 And then the dark green tracts are the ones that are
15 fractionated but the tribe already has some ownership
16 interest. This is a map of Pine Ridge Reservation.

17 So when we go meet with the Pine Ridge Tribe,
18 we would work with them where we had a starting point and
19 say, Well, what are your -- what are your tracts that you
20 prioritized? We want to make sure that those are captured
21 as part of our mass appraisal technique.

22 So we hope to avoid use -- or if you can --
23 tribes will prioritize other tracts, we need to know that.
24 In case they go outside of the mass appraisal techniques, we
25 can dedicate some resources to go back and prioritize them

1 as well.

2 The land research phase, as I said, is going
3 to make sure that all -- as many tracts as possible are
4 capable of being appraised so some -- like I said, some
5 reservations had ten, hundred tracts, and some thousands.
6 We want to make sure as many of those as possible -- 70, 80,
7 90 percent, if at all -- of a hundred percent if possible.
8 But knowing that we might not get a hundred percent, going
9 for as high as possible. We can appraise those and
10 determine fair market values so they can be included in the
11 offers that go out to individuals.

12 The mapping is important. Hopefully utilize
13 the land use wisely. A lot of that is capped leasing and
14 other forms. So a lot of -- all that information will be
15 gathered and that will be included with the cooperative
16 agreement as well. I know some tribes have a greater
17 knowledge of land use of the land itself. And that will
18 help us or help whoever is collecting the fair market
19 information, help them be able to do that as accurately as
20 possible.

21 UNIDENTIFIED TRIBAL MEMBER: I have a question.
22 Conducting land use search, environmental assessments, EAs,
23 must take place on all property to determine value.

24 Is DOI going to give deference to an EA before
25 appraisal or during acquisition?

1 MR. WALTERS: Well, I'm not sure I understand. I
2 don't know -- when you say an EA or -- is required, I don't
3 know if that's necessary for appraisals or for determining
4 fair market value.

5 MR. BLACK: Shouldn't be. Not under this program.
6 That would be the process generally to bring fee lands to
7 trusts, and they have to go through the environmental
8 process. These are lands that are already in trust so
9 already have those accountabilities. EAs aren't necessary
10 under this program.

11 MS. NICHOLSON: Under the former program, the BIA
12 actually had a policy in place that allowed blanket waiver
13 of the need for the category exclusion. Would you expect
14 that you would apply that to these?

15 MR. BLACK: Yes. Yes.

16 MR. BERREY: So there's no use -- you don't have
17 to identify the use?

18 MR. BLACK: It's -- we had a standard -- I want to
19 say it was a basically nationwide exclusion --

20 MS. NICHOLSON: Right. Category --

21 MR. BLACK: Under this program. Anytime there's a
22 federal decision, you have to go through an environmental
23 process. But it won't be on an individual basis.

24 MS. NICHOLSON: It actually was incorporated on a
25 paragraph on the deed.

1 MR. WALTERS: This is a trust-to-trust
2 transaction.

3 MS. NICHOLSON: Right.

4 MR. GALANDA: This is Gabe Galanda from Round
5 Valley.

6 So the plan on that -- so the Solicitor's Office
7 is of the opinion that the Cat X on NEPA still pertains to
8 intra-trust or trust-to-trust transaction such as this one?
9 We don't have to worry about allottees now claiming NEPA
10 somehow is a challenge to a transaction?

11 MR. BLACK: I won't speak for the solicitor, but
12 at the same time I would say we did -- we went with a
13 blanket process under the previous program. We used that
14 same process under this program, so...

15 MR. WALTERS: Just briefly, if we can go on to the
16 valuation phase. We have a director of appraisal services
17 to help describe a little bit on how we use mass appraisal
18 techniques.

19 MR. LESANSEE: Thank you. (inaudible.) to
20 evaluate the timber and minerals.

21 MR. WALTERS: Eldred, would you pull the mike
22 over?

23 MR. LESANSEE: I'm from the Office of Mineral
24 Evaluation with the -- it's part of the Office of
25 Valuations, sister office of the department. We'll be doing

1 the valuations of mineral interests. All the valuations
2 will be heavily dependent on -- primarily based on mass
3 appraisal valuations.

4 This is to reduce the administration cost in the
5 evaluation process, resulting in the most offers as
6 possible. There may be certain tracts that may not be
7 feasible to do a mass appraisal because of the complexity
8 and may not be involved in this. They may not be suitable
9 for mass appraisal. They may require more detailed
10 valuation.

11 MR. ANKTELL: Question. I was under the
12 assumption this money couldn't be used to buy minerals with.
13 Was that -- was that a wrong assumption?

14 MR. BLACK: No offense, Tony, but yes. If it is
15 an allotted mineral interest or mineral and surface interest
16 and it's fractioned, we will go after this as well.

17 MR. ANKTELL: That's good news. I was just told
18 that it didn't include minerals when I brought up that
19 20-acre tract of -- you know, in that area of high interest
20 where the oil is.

21 MR. BLACK: That's still a fractionated, you know,
22 interest.

23 PUBLIC MEMBER: At what value?

24 MR. ANKTELL: Well, that would be done by a
25 mineral appraisal. It used to be the BLM. Now there's an

1 office of mineral appraisals.

2 MR. LESANSEE: There's an Office of Mineral
3 Valuations.

4 MS. NICHOLSON: Janet Nicholson, Colville Tribe.

5 On an earlier slide, you indicated that the tribes
6 would be allowed to do a form to do the mass appraisals.
7 Will you be providing us with the mass appraisal methodology
8 so that we're sure that we incorporate it when we do our
9 mass appraisal?

10 MR. LESANSEE: We'll provide you with the
11 specifications on the mass appraisal valuation.

12 MR. GALANDA: Is mass appraisal legally
13 defensible? Because I'm going to bet that appraisal and
14 fair market value will be a serious issue of contention
15 between sellers and buyers with the trustee right in the
16 middle of that conflict of interest.

17 Is mass appraisal going to make that matter worse
18 or can it help alleviate that? Is it legally defensible to
19 mass appraise Indian realty?

20 MR. LESANSEE: I believe so. Because the
21 valuation, they're meaningful to the mass appraisals, will
22 be not complex. Those properties are -- those properties
23 that have a lot of -- ample amount of marketing data,
24 they're similar highest best use or same highest best use.
25 And they have to be -- of course, meet the industry

1 standards and also industry methods.

2 And another thing that the settlement requires too
3 is a third-party evaluation to be looking at the methodology
4 that we are going to employ to do the valuations. And
5 they're going to look at the various mass appraisal methods
6 and use them to make sure that they are defensible.

7 MR. MCCLANAHAN: Just to clarify one thing. When
8 Eldred is trying to point out the third-party review, that's
9 something that we've described in the plan. It's not
10 necessarily in the settlement. But it's something that
11 we're doing to make sure that the valuation process is as
12 robust and defensible as possible, but also we want to move
13 quickly. But we're balancing those two so we have good
14 defensible values.

15 MS. NICHOLSON: On the mass appraisal, then, if we
16 were to prepare a mass appraisal in compliance with what we
17 have, then we get the review, we get the approval, then are
18 we able to proceed with our acquisitions utilizing those
19 appraisals without having to submit them to your office for
20 review?

21 MR. LESANSEE: The -- the review process is checks
22 and balances to make sure that the valuations are done
23 appropriately and that they're defensible and credible
24 valuations. To protect the public interest, the review
25 process will be equivalent but at a certain degree may not

1 be a hundred percent reviewed. But particularly in the mass
2 appraisal there will be spot checks.

3 MR. MCCALED: Do you anticipate applying mass
4 approach to the areas like the Chickasaw Nation where there
5 are widely disseminated parcels over 13 counties? Do you
6 applicable regions served by --

7 MR. LESANSEE: I think with any appraisal problems
8 you have to look at the physical characteristics of the
9 location and ownership and so forth and look at the problem
10 and see if it's -- if mass appraisal does give Chickasaw
11 Nation problems, if it's too checkerboarded and we can't
12 apply it, then it's high risk. It doesn't make sense for us
13 to do mass appraisals in those situations.

14 MR. MCCALED: Then you would go ahead with
15 individual appraisals?

16 MR. LESANSEE: Yeah. We also have an option
17 called the Hodge appraisal process that we can still do
18 valuations and look at site specific -- each property
19 individually but report it under one report. And it's
20 pretty efficient as well.

21 MR. BERREY: If it's a willing seller, can they
22 waive the appraisal?

23 MR. ROBERTS: I think we're -- I think we're still
24 bound by the sanctions of fair market value.

25 MR. BLACK: We still have to do the appraisal to

1 establish the fair market value.

2 MR. MOFFETT: Joel Moffett, Nez Perce Tribe.

3 I'm very skeptical of the mass appraisal
4 techniques. Just being as the way that appraisals are run
5 now for Nez Perce, we don't contract. And so the OST, those
6 are the ones who transfer are OST, and they try to
7 streamline them. And the results have been arbitrary and
8 unpredictable. And it -- I mentioned this yesterday at the
9 trust commission meeting that it sort of drives a wedge
10 between the OST and the tribe, and then it even drives a
11 wedge between the tribe and the tribal members when we have
12 this appraisal process that we don't know that's just
13 unpredictable.

14 And so now we're trying to mass appraise. We need
15 to be really careful to get it right. And so I'm really
16 looking forward to seeing those mass appraisal techniques
17 that -- and I would hope that the tribe would have some
18 input in amending those if they're -- if they don't work for
19 us. Hopefully they're not set in stone.

20 And if the administration can work with the tribes
21 that currently don't contract that want to contract, because
22 I -- you know, some -- a lot of tribes here contract their
23 appraisals, and I -- and Nez Perce is seriously looking at
24 putting a request in to contract, looking at the Cobell
25 buy-back plan coming down the pipeline. So I would hope

1 that you would work with the tribes to -- who want to
2 contract to streamline that and so we get it as quickly as
3 possible.

4 A question I -- another question I have is in
5 regards to the valuation. So the properties -- tracts of
6 land that have permanent improvements upon them. You know,
7 this has been a problem for quite some time since AIPRA in
8 2008. You know, AIPRA doesn't recognize permanent
9 improvements on trust land as trust assets. So how is that
10 going to play in the appraisals here, valuations? Can --
11 you know, it's obviously going to increase the value of that
12 particular tract of land if there's improvement on it.

13 But does the issue of permanent improvements not
14 being characterized as trust improvements, is that going to
15 compliment matters even more? Have you guys thought about
16 that?

17 MR. LESANSEE: It's actually -- by not considering
18 value of existing improvements, it will help to streamline
19 the process, but we do have to consider the land
20 improvements. If we don't consider the structural
21 improvements, we still have to consider the land
22 improvements such as utilities, structure, roads, and stuff
23 to determine the land specifications.

24 MR. MOFFETT: So what you're -- so what you're
25 saying is that the dollars dedicated to the buy-back program

1 cannot be spent on structural improvements upon land; they
2 won't be factored in to the valuations of the other tracts?

3 MR. LESANSEE: It will refer to the instructions
4 as far as the -- defining whether the -- whether the
5 improvement is going to be included or not.

6 MR. WALTERS: Well --

7 MR. BERREY: I was just going to ask, for us, our
8 land is pretty homogenous. We used and were successful with
9 the reservationwide appraisals for the ILCO program. Is
10 there any way we can just update that mass appraisal to sort
11 of speed up the process?

12 So do we contact you and just say, Hey, can we
13 look at -- can we work on that and just update the mass
14 reservationwide appraisal? There was like three different
15 appraisals.

16 MR. LESANSEE: If you have that mass appraisal
17 evaluation that's already -- that was done several years
18 ago, yes. It's easier -- it's always easier to update.

19 MR. MOFFETT: Okay. Okay.

20 MR. HARJU: Did you answer Joel's question on the
21 improvements? I didn't hear what the answer to that was.

22 MR. WALTERS: I think the -- generally, if it's
23 not a trust asset, it wouldn't be included in the
24 transaction. So any improvement may impact the value of the
25 land it's on, I guess, through incidental -- but it wouldn't

1 be part of the actual transaction if it's not a trust asset.

2 MR. JAMISON: My name is Eugene Jamison, Round
3 Valley Indian Tribes.

4 Again, are these appraisal -- so now you're doing
5 a fair market value on these appraisals. You're doing
6 appraisals on land that has been sold around the Native
7 American land, like so, right? Is that correct?

8 MR. LESANSEE: That's correct.

9 MR. JAMISON: So that would be on fee status land.
10 Okay? So you're then taking your average off fee status
11 land. And our land is in trust, so I'm -- what is the
12 comparison that you guys are using or what is the medium
13 that you guys are using for fee -- fee status and nonfee
14 status? How are you guys coming to that happy medium of how
15 much you give us for our Native American land? Am I making
16 sense? Does that make sense?

17 MR. LESANSEE: Sure. We've dealt with that issue
18 for many years as far as how to determine the most
19 equitable, biggest return for what is a equitable fair
20 market value estimate. And we've looked at reservation
21 sales, and we have to meet the -- a certain criteria as far
22 as what a comparable sale is.

23 MR. JAMISON: Right.

24 MR. LESANSEE: And if it's not an arm's-length
25 transaction and there is some influence on the relationship

1 between the parties, then we have to consider that. And the
2 reason why we use off-reservation sales to determine fair
3 market on the trust lands is that those are -- those meet
4 the test of fair market value or support for fair market
5 value. And because, you know, if there's two buyers,
6 they're disinterested parties acting in their best interest
7 and knowledgeable and open and competitive.

8 MR. JAMISON: I can understand how it's going to
9 be an area to where it's going to be a little touchy because
10 one area, the fee status area, that's an area of equity. So
11 they're able to -- their equity grows with their property.
12 You see? So they're able to take it to a bank if they want
13 to and borrow money on the equity. But us, unfortunately,
14 we're under the thumbs of the federal government when they
15 buy land back so -- and so that's what I have to say there.

16 But back to -- now as soon as we get this land
17 back that you're going to buy back for us, will we have to
18 go -- you're waiving the environmental assessments and
19 speeding through the process. So when we give this land
20 back to our tribal members and take it to the bureau, we're
21 going to have to do all the EAs and all that other stuff
22 around our reservation and our site. And so how are we
23 going to deal with that?

24 See, because you're waiving the EAs to give an
25 appraisal.

1 MR. LESANSEE: Well, let me just clarify that.
2 We're not waiving the EAs or the environmental process.
3 We're looking at some type of a blanket or a categorical
4 exclusion or -- to the process. And also, I mean, under
5 this program, these are already trust lands. The liability
6 is already within the land within the federal government.

7 MR. JAMISON: Now -- now -- you know, there are
8 just so many questions I have. I won't take up any more of
9 your time.

10 MR. IYALL: Bill Iyall, here. Cowlitz.

11 Just another thought, relative. I know we're
12 talking about appraisals and valuations. But as I look back
13 at a lot of our land transfers, there's been family
14 cemeteries involved in areas. And so there's maybe some
15 NAGPRA issues, may not, I mean, from a standpoint of every
16 piece of land could have that if you look back far enough
17 into the history.

18 A couple of the areas that I'm aware of -- like, I
19 mean, I can see them in my mind's eye right now -- are
20 cemeteries, and see where some of them where that were on
21 trust lands. And a lot of that -- a lot of those properties
22 have family cemeteries on them. It's something to be
23 mindful of. Thank you.

24 MR. WALTERS: I think we can move on real quick
25 before lunch.

1 MS. BRIGHAM: On the last bullet -- Kat Brigham,
2 Umatilla Tribe.

3 On the last bullet, it says certain tracts may not
4 be amenable to mass appraisals valuation techniques which
5 may preclude purchase of fractional interests in those
6 tracts.

7 So I guess, what type of guidelines are you
8 looking at or have been established as to when they are
9 excluded?

10 MR. WALTERS: I think I kind of eluded to it a
11 little bit earlier. The idea of the land research base that
12 understands all the data necessary to do appraisals for a
13 hundred percent of the tracts, it's -- that's not possible.
14 We would need to know -- for mass appraisal -- mass
15 appraisal for those tracts. So we would want to do that.

16 Some tracts there's not research, as Eldred
17 mentioned. So if that's the case, our program, in order to
18 keep admin costs down tribe by tribe is we may not appraise
19 those tracts on what they identified as a tribe by -- as a
20 priority. We try to incorporate that as much as possible.
21 So that's the idea, that if we don't -- if certain tracts
22 aren't amenable to mass appraisal technique, they may not --
23 they may have fair market values for them, so there wouldn't
24 be, you know, purchase offers that go out because we didn't
25 have that.

1 UNIDENTIFIED TRIBAL MEMBER: Who is the department
2 going to use for a third party to review and validate
3 appraisals?

4 MR. LESANSEE: The Office of Valuation Services
5 has drawn up some specifications for the contract, and so
6 we'll be able to -- it will be awarded to the best vendor.

7 UNIDENTIFIED TRIBAL MEMBER: Office of
8 valuation...?

9 MR. LESANSEE: Valuation Services. That's a
10 department of the appraisal office.

11 MR. ANKTELL: OSD, right?

12 MR. LESANSEE: No. DOI.

13 MR. WALTERS: I think if we can get to the next
14 two slides real quick, it's the end of the process, and we
15 can take a break for lunch.

16 MR. BLACK: Just trying to touch real quick, we'll
17 just talk real quick about the acquisition process. And
18 then we'll -- you know, we've had a lot of discussions over
19 this morning about a lot of what we're talking about here
20 already. And let me just reemphasize a few items here.

21 You know, what we're looking at here is a program
22 of a scope that's never been done in the Department of
23 Interior, to get out and try to spend \$1.9 billion to deal
24 with the fractioning issue and trying to do so with a
25 15 percent administrative cap on funding.

1 So as we've looked at this program and how we want
2 to go ahead and implement it, you know, we're looking at,
3 you know, a couple of different things. You know, really a
4 ramp-up on hiring here as we initiate the program. We've
5 heard from tribes through all these consultations that
6 everybody wanted to be a part of it, and yes, we want
7 everybody to be a part of it. But we have to start
8 somewhere.

9 As we get ramped up -- you know, we had
10 restrictions on us until the final court settlement here
11 back in November. We couldn't spend a dime of that money
12 that was allocated to this program until November. So we
13 weren't able to really get any staffing ramped up, any
14 offices ramped up to start to implement the program.

15 So what we proposed under the program here is
16 basically three acquisition centers in this -- under --
17 these are all proposals right now, but we're looking at
18 Aberdeen; Billings, Montana; and Albuquerque as three of the
19 acquisition centers that would be implementing the program.

20 And then going back to what I've talked about here
21 previously is, we've really got to look at the processes and
22 the implementation of the program and the economies of
23 scale. How can we implement this program within that 15
24 percent constraint considering the fact that we have to deal
25 with outreach, we have to deal with the acquisition process,

1 and we have to deal with valuations?

2 You know, and that's a huge key to this program.
3 Every one of you are painfully aware, you know, of the
4 appraisal processes that we have to deal with. You know,
5 they can be costly. That's another reason to really look at
6 the mass appraisal-type process and systems out there.
7 There again, they can help to be more economic to get out
8 there and do mass appraisals versus any type of an
9 individual appraisal process.

10 We're looking at our TAAMS system and the
11 processes that we have in there. We're designing and
12 implementing modules that have automated a lot of the
13 systems. Our audit process is in development of these
14 offers that will be going out. We're looking at developing
15 a package that will include a cover letter, instructions, an
16 inventory of properties, and the desire -- or basically
17 indicating the desire to sell.

18 Trying to make this -- if any of you have ever
19 looked at our inventory -- our land inventory printouts that
20 have gone out before, they're really hard to read. They're
21 really designed for the BIA staff. They do this every day.
22 But we're simplifying that. We're trying to design an
23 inventory that everybody can read. We're going to have a
24 check box in there to check which properties you're
25 interested in selling.

1 And then we'll send some sort of -- we're
2 trying -- we're designing basically a -- one mailing and a
3 receiving office so that all of the mailings will go out of
4 one central location and be received back into a central
5 location. The acquisition offices will be the ones that
6 process those through the -- those programs -- those
7 offices. And trying to -- you know, when we looked at the
8 acquisition centers there, we also looked at, okay -- a
9 couple of different factors. Where is the majority of the
10 fractionation taking place? Where the majority of the
11 activity will be? And also where do we have, you know,
12 rather large LTRO offices that will be able handle -- or be
13 able to work with us -- handle the workload that will
14 probably be coming in as this program gets ramped up?

15 Keeping in mind, though, this is -- as I say,
16 these are all proposals. This is not, We're going to do
17 this. We're going to be looking at less is more as we move
18 forward. I think it's discussed a couple of times. It's
19 going to be an ever-evolving program. You know, as we find
20 out things that work better, as we go through the different
21 cooperative agreements with tribes, you know, what's
22 working? What isn't working? How can we improve?

23 And I think over the -- over the next couple of
24 years, this program is going to evolve to something -- or I
25 hope. You know, there's a lot of -- there's a lot of push,

1 you know, to get this program implemented as widespread as
2 possible. We've got to look at all those things and get
3 ramped up to do that.

4 I guess, you know, I could sit here and read the
5 slide and you can read them as well as I can, so...

6 CHIEF ALLAN: Just a couple quick questions on the
7 acquisition on the one-step offer. What's the timeline
8 for -- from the submitting the offer to closing? Because,
9 well, I think one thing the tribal members are going to deal
10 with is all these individual tribal members who get an offer
11 and then they're going to be coming to the headquarters and
12 saying, When -- where's my money? That's going to be a
13 problem.

14 With the Cobell stuff, I mean, I don't know how
15 many phone calls I got a day saying, when is, you know, the
16 \$1,000 Cobell...

17 MR. BLACK: Now, I mean --

18 CHIEF ALLAN: That's going to be -- is it legit?

19 MR. BLACK: Well, that's part of the reason --
20 like I say, we're working through our TAAMS models right now
21 and automating this process as much as possible. And the
22 time we receive an offer -- or a desire to sell back from a
23 landowner, we should be able to turn that around -- you
24 know, I don't have an exact timeframe -- rather quickly.
25 You know, once that offer is in, it's processed, and it's

1 usually -- you know, once we process a payment out to an IIM
2 account, it will be three to five business days or something
3 to that effect.

4 CHIEF ALLAN: As long as --

5 MR. BLACK: So now we -- it will be a lot quicker
6 than you've seen in the past.

7 CHIEF ALLAN: Okay.

8 MR. BLACK: And I just want to touch on outreach.
9 We've brought it up a number of times. That's really going
10 to be key to this program, you know, working with the tribes
11 here, is that we do our best outreach and education programs
12 on the front end of this, make sure that, you know, all
13 these willing sellers or people that might be interested in
14 selling are fully, you know, informed of the process and the
15 program before they even get these offers out there.

16 MR. JAMES: So the -- if you don't mind, let me
17 add to that.

18 Our goal is to turn these around in a normal
19 processing time, which is 48 hours, two days, from the date
20 of sell -- of the -- the -- you know, the deed signing and
21 the acquisition of the deed to the transfer of the money
22 into the IIM account. The money will be run through there.

23 And as Mike said, the outreach is going to be very
24 important from front end -- on the front end and, you know,
25 during it and probably subsequent to those offers. Because

1 when folks gets those letters, oftentimes, not only when
2 they read it, they're going to go, What does this mean? So
3 they're going to come to somebody in the tribe or the agency
4 or the acquisition center or maybe our trust beneficiary
5 call center to ask the questions.

6 So we're going to try and -- as a part of ramp-up,
7 we're developing some scripts; we're working with -- we want
8 to work with the tribes; we want to work with other entities
9 that we've worked with in the past to get word out.

10 And CII, for example, we did their -- we helped
11 with their Native money campaign involved in the Cobell
12 settlement. There was -- there were tribal leader letters
13 that went out under Assistant Secretary Washburn's signature
14 about a month ago -- you know, probably do something similar
15 to that once we get to a point where, you know, we're ready
16 to go.

17 MR. BERREY: I think it's important that you help
18 us manage expectations. It's really difficult for people to
19 understand those huge fractional interests where they're
20 really tiny but they're really big numbers. You know, so
21 you might want to think about some kind of simple visual
22 that helps people understand the size of that fractional
23 interest because they're crazy-looking numbers.

24 And if you just -- you know, I just think that's
25 important because at the end of the day when you get it all

1 down and you tell a person it's worth \$7.50, their interest
2 in a tract of land, they need to be kind of prepared for
3 that. And you know, what we do is we bonus it, incentify
4 it, out of our funds, those kind of things.

5 But you know, a lot of these small interests have
6 very little value. So I think it's important not to make
7 everybody mad, even prepare them that, Hey, your tract is
8 big, but your interest is small.

9 MR. ROBERTS: And I appreciate that comment. I
10 mean, that's a good point.

11 Stoney.

12 MR. ANKTELL: A quick comment -- or question
13 rather. What type of resolutions are you looking for from
14 the tribal executive boards, tribal councils? You know,
15 each land purchase need a tribal resolution since it's
16 coming under tribal -- the tribe's name? So a blanket
17 resolution? Maybe you could clarify that for me.

18 MR. BLACK: I guess, you know, I don't believe
19 we're required to have any resolutions under the purchase
20 portion of the program. However, a tribe would want to do
21 resolutions on their priorities of what tracts they'd be
22 interested in purchasing. Whatever works for you.

23 MR. BERREY: Maybe the cooperative agreement --

24 MR. BLACK: The cooperative agreements portion of
25 it would probably --

1 MR. ANKTELL: Okay.

2 MR. WALTERS: That's what I was going to say.
3 We've talked with tribes about the value of giving a
4 resolution, and they said the cooperative agreement stage to
5 demonstrate that, you know, perhaps proceeding that there
6 had been a number of community meetings and that the whole
7 tribal government and its members are behind participating.
8 So that can be embodied within the resolution and help
9 demonstrate that this is something that is important to the
10 tribe.

11 MR. ANKTELL: Yeah. Because right now we have to
12 declare interest, we have to -- first of all, when an
13 allottee wants to sell, we have to declare interest; we have
14 to, you know, get an appraisal; and then we have to, by
15 resolution, authorize the funding to buy that land.

16 So I guess you answered my question, cooperative
17 agreement, pass everything there, then it moves like clock
18 work, hopefully.

19 MR. WALTERS: That sounds about, right.

20 With that positive note right there, I think we'll
21 break for lunch.

22 MR. JAMISON: What are we going to do about the
23 nonnatives that have acquired our allotted land and then
24 when they find out that the government is offering a buyback
25 and they can't show deed to property and they're -- and then

1 all of the sudden the tribe says, Well, we own the property,
2 now we want the property -- to buy back.

3 So who's going to deal with the nonnative that has
4 interest? I mean, there's going to be a lot of lawsuits,
5 especially, among nonnatives. We're fractionated because of
6 this being (inaudible.) and that's not really within our
7 boundary (inaudible.) staying there.

8 MR. WALTERS: In our program it's really only able
9 to authorize by the fraction that they're already in trust,
10 owned by Indians (inaudible.).

11 (A luncheon recess was taken at
12 12:19 P.M.)

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1 SEATTLE, WASHINGTON; THURSDAY, FEBRUARY 14, 2013

2 1:40 P.M.

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4
5 MR. WALTERS: Hi, everyone. I think we're about
6 ready to get started again. I hope everyone had a good
7 break and a good meal for lunch. There are only a few
8 slides left, so we are just going to forego those. We have
9 copies of those in front of you. And we're going to open it
10 up for tribal comment.

11 And, President Sharp, we're going to open with
12 you.

13 MS. SHARP: Thank you.

14 I appreciate the opportunity to provide testimony
15 today at this consultation session. I'm going to provide a
16 quick summary of some issues. I want to, first of all, make
17 a few observations and, then, express a couple of concerns
18 with the proposal and, finally, wrap up with a question or
19 two.

20 My initial observation, I think, in this comes
21 from a policy, a tribal leader perspective, that I think
22 it's important for us to recognize where we are in time. It
23 was last year when I realized the Dawes Act was passed in
24 the late 1800s. And last year marked the 125th anniversary
25 of the Dawes Act. So it took us 125 years to get this to

1 this point.

2 And last year, James Anaya, the special rapporteur
3 for the UN toured the United States and delivered a report
4 that you always hear about the tragedies and the travesties
5 of the last century. I would like to just quickly -- I
6 think he has a good summary of the state of where we are in
7 terms of our lands. It was initially a human rights tour,
8 but the land issues were at the top of his report. And I'll
9 just quickly -- I've taken a couple of points right out of
10 the special rapporteur's report.

11 He says that this wasn't happenstance. Rather, it
12 stems from well-documented history of taking vast expanses
13 on indigenous lands with abundant resources, along with
14 active suppression of indigenous people's culture and
15 political institutions, entrenched patterns of
16 discrimination against them in outright brutality. All of
17 which figured in history as settlement of the country and
18 the building of the United States' economy.

19 In nearly all cases, the loss of land meant the
20 substantial or complete undermining of indigenous people's
21 own economic foundations and means of subsistence, as well
22 as cultural loss due to the centrality of land to cultural
23 and related social patterns.

24 So the observation I want to make with those two
25 points, when President Obama announced the UN Declaration on

1 the Rights of Indigenous Peoples, I think we can all agree,
2 in this room, that given 125 years from the Dawes Act to the
3 Cobell settlement and with this administration represents a
4 pivotal time in history.

5 A year ago we did not know whether tribes would be
6 in a position to administer the buy-back plan, the implement
7 of Cobell. We knew that the statute prohibited 638
8 contracts and self-governance contracts. Hilary Tompkins
9 said she'd take it back, look at the cooperative agreement.

10 So the first observation I want to make is, we,
11 the Quinault Nation, want to thank the efforts of Interior,
12 the solicitor's office, for taking a hard look at putting
13 tribes in the driver's seat, because this will represent the
14 first time where we're able to actually be in the driver's
15 seat as some major policies and implementations restore that
16 125-year history. And I think it's important to note where
17 we are in terms of history.

18 The concern that we had in the buy-back program at
19 Quinault is with the metrics that were used. It appears
20 that there were three metrics employed. The fourth metric
21 that we see was not included. And that fourth metric
22 includes determining the spending ceiling for the
23 reservation. The metric that was missing was the cost per
24 acre to acquire.

25 So for us, we have a vast reservation of forested

1 lands, timberlands. So the cost per acre to acquire that
2 parcel relative to other parcels like grazing and other
3 agricultural, may not be -- there may not be equity in those
4 calculations. So we see it that there's an imposition of a
5 ceiling, a spending ceiling, that all of those metrics
6 should be taken into consideration, including, not only the
7 three that were employed, but the fourth one, the cost per
8 acre. So that is the one concern that we have.

9 The other point, and it's a question really. We
10 are wanting to know that as this is rolled out, from ramping
11 up through progression, that there are going to be some
12 points in time where there will be an evaluation of the --
13 the plan as it's rolled out. We talked a year ago about a
14 standing point in time, maybe a year, two, three, five. We
15 just don't want to be in a position where we're eight years
16 into this and have not had a serious evaluation of it as it
17 progresses. So we think that it would be very important to
18 include those components to the proposal of the plan.

19 The second is family planning. At Quinault, we
20 see that as a major component. We have had to be very
21 creative, very strategic. In 1988 we only owned 1.5 percent
22 of our reservation. From 1988 to now, we're at 35 percent.
23 We've looked at various strategies to acquire those lands,
24 near-term harvest timber. We've not looked at bare land and
25 claim trees and waiting the 40 years so we can look at those

1 who are about to mature in ten years to acquire. We've also
2 employed pretty comprehensive looks at soil types. We've
3 looked at just a number of strategic approaches.

4 And that's the final point I just want to leave
5 with the group here is, we recognize that it did take 125
6 years. We're not going to solve it in ten years. And this
7 is one strategy of many strategies. It fits within maybe
8 two or three of the Quinault strategies, but not four or
9 five of the others.

10 And we want to continue to partnership with the
11 Department of Interior. We recognize the enormity of the
12 task. We recognize it's not going to be solved. But we're
13 with you and we want an effective and efficient
14 implementation of this strategy. And we stand by, ready to
15 partner with you to provide continued input, comment. And
16 we're ready.

17 We have our mass appraisal system prototype
18 developed. We've been working on that for a good long
19 period of time. We've collected the data. We are ready to
20 input the data. We are still missing some. I don't want to
21 repeat a lot of the comments this morning on the TAAMS
22 system, but that is something that we appreciate, your
23 efforts to provide that data.

24 We also appreciate the fact that today we learned
25 fractionation means two or more. That was a mystery to us.

1 That was a major barrier in our planning efforts as we
2 appraised the mass appraisal system. But now that we know
3 that, that's going to go a long way to help in our planning
4 efforts, so we appreciate that information. I heard today
5 that was very helpful.

6 So on behalf of the Quinault Nation, I thank you
7 for this partnership and we continue to look forward to
8 working with you to implement the remainder of the plan.
9 Thank you.

10 MR. ROBERTS: Thank you very much,
11 President Sharp, for your comments. We definitely -- as we
12 consider comments here, we will go back and look at that
13 question about that fourth category of cost per acre to
14 acquire and see what we can do there.

15 In terms of outreach, we have been talking quite a
16 bit, internally, about the need to be upfront on our
17 outreach, out front of any news articles. We have to be
18 proactive in how this program is being implemented out
19 there, not only to which reservations we're at, but across
20 Indian Country.

21 So I don't know if it's quarterly or biannually,
22 but I think we also need to obviously continue these tribal
23 consultations. So that's something that we're working
24 through right now.

25 And so I appreciate your comments. And you know,

1 I know Assistant Secretary Washburn and myself and Secretary
2 Salazar, I mean, we all feel that this program is going to
3 rise or fall with tribal support. And we need everyone's
4 help around the table for the success because it is a
5 daunting challenge.

6 Are there any other comments from the tribal
7 leaders?

8 MS. LANKFORD: Carole Lankford, vice chair of
9 Salish Kootenai.

10 I thank you for this opportunity. The
11 authorization of the 1.9 billion land -- Indian land
12 consolidation fund under the Cobell settlement is a great
13 opportunity to begin to address the longstanding problems
14 with rationing the ownership of Indian land. This is a
15 once-in-a-lifetime opportunity to the reserve [sic] the
16 detrimental effects of the allotment policies on Indian
17 Nations.

18 Therefore, it is the responsibility of the
19 department to ensure that funds are expended and the intent
20 of the settlement is achieved. In order to do this, we must
21 approach the issue of land consolidation differently in
22 order to achieve an improved result.

23 In order to achieve success, the administration
24 and the department must partner with tribes. The
25 partnership must respect the unique situations of each

1 reservation. Cooperative agreements and Indian Land
2 Consolidation Program designs must be flexible in order to
3 meet the needs of the 40-plus tribes where land
4 fractionization is a problem.

5 In the past the department has respected the
6 uniqueness of Indian Nations by allowing for different
7 self-governance agreements. In our request -- it is our
8 request that the department take the same approach and
9 facilitate agreements with tribes who have the capacity and
10 the knowledge to perform land acquisitions on their
11 reservations. This enhances tribal sovereignty and promotes
12 tribal acquisition, planning, and priority setting.

13 These agreements can be mutually beneficial and
14 tribes can assist the Department of the Interior to meet the
15 ambitious goals of the buy-back program. We are all
16 investing in the successful outcome when it comes to our
17 Native homelands. We support cooperative agreements for
18 tribes who have the capability and experience to do the
19 work.

20 In addition to establishing and funding several
21 cooperative agreements, the CSKT tribe requests
22 consideration of the following:

23 The department must take immediate steps to add
24 additional resources, financially and staffing, to the many
25 probate cases that are still pending in Indian Country. The

1 buy-back plan reference 20,000 probate cases that are still
2 pending. While we appreciate the focus on the land buy
3 back, we believe that parallel increased efforts must occur
4 on the probate side. Without increased probate efforts,
5 some heirs will not be able to participate in the land
6 buy-back program. Without increased efforts on probate,
7 fractionated interests could multiply at the same time we
8 are aggressively buying interests.

9 For the acquisition of very small fractionated
10 interests, it is our recommendation to provide a nominal
11 financial payment to an owner when they complete the
12 paperwork. This could be treated as a closing cost.

13 In tribal communities where unemployment is high
14 and poverty is generational, there are limited resources for
15 traveling, postage, accessing the notary, et cetera. Some
16 families cannot afford the incidental costs necessary to
17 execute a sale. Therefore, there needs to be some financial
18 family support to cover the costs associated with this sale.

19 Our recommendation is that the interior consider
20 adopting a seller's transaction fee of \$50 when the fair
21 market value is below 50. We maintain that the
22 additional -- addition of this closing cost would make more
23 fractionated interest acquisitions successful. Owners may
24 not come forward for \$3 payments, but they might come
25 forward for 50.

1 The CSKT supports adjusting the preliminary
2 purchase ceiling described on Page 10 of the pay-back
3 report -- the buy-back report -- excuse me. Some areas may
4 be able to do more successful outreach and land owner
5 identification. Therefore, the areas who can accomplish
6 purchases -- purchase agreements should not be held to an
7 artificial ceiling if overall buy-back funds remain
8 available. We support reallocating additional buy-back
9 funds if an area has reached its initial purchase ceiling
10 amount.

11 The CSKT holds that the 15 percent administrative
12 fee can be shared with tribes for the cost of outreach,
13 research, appraisal, and evaluation. In the absence of
14 evaluation, no purchase will be made. The CSKT have already
15 initiated efforts on massive -- on several mass
16 appraisals -- excuse me.

17 CSKT can support ongoing and meaningful tribal
18 consultation as the buy-back program implementation
19 proceeds. We believe that tribal nations must have much to
20 offer the interior department in terms of best practices and
21 lessons learned. We want the opportunity to have a
22 consistent, open dialogue until all land buy-back funds are
23 fully expended.

24 The Confederated Salish and Kootenai Tribes are
25 looking forward to a successful partnership with interior to

1 accomplish this important work.

2 Sincerely, Joe Durglo, chairman of the
3 Confederated Salish and Kootenai Tribes.

4 MR. WALTERS: Thank you.

5 I would like to remind everyone to just keep on
6 identifying yourself and affiliation. If you could, make
7 sure you pull the mikes up because I know she had trouble
8 hearing.

9 MS. LANKFORD: Oh, okay. Sorry.

10 MR. WALTERS: No. You were okay. Thank you.

11 MR. ANKTELL: Stoney Anketell, Fort Peck Tribes.

12 I want to take this opportunity to thank the
13 people associated with the Cobell, federal, tribal, and
14 governmental.

15 I want to do just a brief, brief history of what
16 has happened due to the Allotment Act to the Fort Peck
17 Reservation. 1988 -- or 1888, after the Indian Wars, the
18 Sioux and Assiniboine were granted two million one hundred
19 thousand acres of tribally-owned land within the exterior
20 boundaries of the Fort Peck Reservation.

21 After the formation and the two million one
22 hundred thousand acres of tribal land was established,
23 immediately, the federal government implemented an act and a
24 policy of allotting every tribal member a 320-acre pasture
25 allotment, 160-acre farmland allotment, and 20-acres of

1 timber allotment. So their rationale was, then, that all
2 tribal members, all Assiniboine and Sioux people of the Fort
3 Peck Reservation had their needs met, and they had all of
4 this excess land.

5 So then they implemented the Homestead Act onto
6 our reservation. They had met their, quote/unquote,
7 obligations to the Indian people and then opened up our
8 homeland to homesteading. In the subsequent years -- in the
9 125 years since the establishment of the Fort Peck
10 Reservation and the implementation of different
11 land-grabbing acts of the federal government, the
12 Assiniboine and Sioux people of the Fort Peck Reservation
13 has lost over one million one hundred thousand acres of
14 their homeland -- of our homeland, in these 125 years, all
15 brought about by a single act, that Dawes Act, which created
16 all the allotments.

17 Because of the allotments, no individual Indians
18 could sell their land to farmers who were leasing it from
19 them. In the old days, before you needed appraised values,
20 the BIA would allow any -- almost any transaction to occur,
21 as much as for a bottle of wine, you could lose 160 or
22 320 acres of allotted land. For being bailed out of jail by
23 your lessee, you could get -- you would give up a good chunk
24 of your allotment or all of it.

25 Then we went through a period during the

1 assimilation period where if you wanted to put any of your
2 allotments into fee status to sell it, you had to put your
3 whole, entire land, all of it, in the allotment -- into fee.
4 So then the taxes would start. And then before two or
5 three, four years, you would lose that land to the county
6 under tax liens.

7 So we have been under a constant -- a constant
8 threat of losing our land base for 125 years. And this is
9 really the first time in 125 years that any effort has been
10 made to reverse this intolerable wrong to the Indian
11 Nations. And so I want to stress, you know, that, you know,
12 yeah, we're sixth on the list; we're part of the 40. But
13 we've lost one million one hundred thousand acres because of
14 this flawed policy of the United States government. We've
15 lost a million acres.

16 So I just want to say that I'm -- I'm very glad in
17 this long line of my ancestry that I lived long enough to
18 see this happen. That, along with we just recently brought
19 61 genetically pure buffalo back to the plains. First time
20 in 130 years any buffalo that were genetically pure were
21 brought back to their homeland. They didn't belong in
22 Yellowstone Park. But now they're back into Indian Country
23 for the first time in 130 years. That was Fort Peck Tribe.
24 So I'm very proud of my tribe, my reservation, my people.
25 And I appreciate the progress that we're making now through

1 this endeavor. Thank you very much.

2 MS. BRIGHAM: Good afternoon. Okay. My name is
3 Kat Brigham. I'm with the Umatilla Tribe. When we signed
4 our treaty in 1855, we tried -- we signed it because we
5 wanted the land base. We wanted also access to regional
6 areas (inaudible.) So when we -- when the allotment came,
7 we didn't lose as much as they did. But at the same time,
8 we lost a lot of our land, a hundred thousand acres. It
9 went from 250,000 to 158,000. We had half of this. There
10 was no -- that was owned by non-Indians resulting in a very
11 checkerboard reservation.

12 We have been working to -- with BIA for over half
13 the owners of our -- who own trust lands -- on our -- are
14 other tribes, essentially the Nez Perce, the Yakamas, Warm
15 Springs, the Coeur d'Alenes, Colvilles. So we have a number
16 of nontribal members who own land on our reservation. And
17 so our goal is to get that land back. And we have a list of
18 sellers, willing sellers, and we want to be able to contact
19 them to let them know that we are willing to do this.

20 Of this list we have 1,014 fractionated allotments
21 with 18,000 owners who have interest in that fractionated
22 land. So we're willing to spend our 12 million real quick.
23 And we don't think, quite frankly, that will be enough. But
24 we totally understand that this is going to be done on a
25 case-by-case basis.

1 Our land program is ready to go. I think we have
2 the expertise to start moving on it. We have the
3 experience. We have been working with GSI [sic] to develop
4 a map. We have a map that basically shows you where we're
5 interested in buying our land, and we also have developed
6 priorities. We have a land acquisition plan that we have
7 identified priorities for which the tribe will purchase this
8 land. We're willing to start moving on that.

9 We have concerns with TAAMS, like everybody else.
10 But at the same time, we're willing to work with you to try
11 to get that all worked out. We are working with public
12 grant -- in the -- we've got -- the tribal land grant
13 program -- for \$20,000 to look at doing a buy-back program.
14 So we're going to be starting a -- trying to do outreach to
15 community members, reservation members so that we can start
16 that as soon as possible. Because we want to be able to
17 say, you know, we're ready. We've worked with these things.
18 And we know outreach is very important, so we're going to be
19 working on that now.

20 We also -- you know, when the cooperative
21 agreement comes out, we'd like very much to work with you to
22 find out how we can develop that agreement and move forward,
23 because we understand it's important. And we're -- I
24 believe we'll be willing to pass that resolution and say,
25 you know, we are going to follow and work on the property

1 agreement with you guys.

2 No. It was from the Indian Land Trust -- sorry.
3 I'm skipping through this long thing.

4 Anyway, the thing I just -- is that, you
5 know, we believe we're ready. We want to work with you. We
6 understand there are problems, but we also understand we
7 want to work with you to find the solution.

8 I think we -- the other thing too is, you
9 know, the Umatilla Tribe has been known for doing planning
10 because we know that's important. And we've identified some
11 ideas for our land. As I first -- as I stated, our treaty
12 was not going to be signed unless we had access to our first
13 foods and our traditional foods. We have developed process
14 in our program so that when we're looking at land, we're
15 looking at our traditional foods. How do you protect, how
16 do you manage so those first foods are available for the
17 next generations?

18 It's the same thing with our water. We have
19 a river vision that we've adopted and will be working that
20 same process to try to keep our land and our water, our
21 resources, there on the reservation as long as possible. So
22 those all fit together. So the more land we have that is
23 ours, the more we can manage it so it's going to be
24 available for the next generations.

25 And so, you know, like I said, we're really

1 interested in working with you. We understand the court
2 order, but we also understand that there are going to be
3 changes in it. And we need to seek solutions as we move
4 forward.

5 MR. ROBERTS: Thank you.

6 MR. SIROIS: John Sirois, Colville Tribes,
7 chairman of the Colville Tribes. Coming here today, I
8 really thank you for being here and listening to us. I
9 think our tribal leaders come here to share their hearts
10 from what their people have shared with them from their
11 experiences.

12 You know, I think when you look at the history a
13 lot of us signed these agreements, these treaties, to stop
14 the effects of war. But I think it was clear that the
15 Tribal Nations, some of what the President -- we let them
16 know fairly clearly that we're still at war. And this is
17 one of the aspects that we're -- is our battlefield. We're
18 trying to protect our land. And this is one of the things
19 that we're losing.

20 So when we look at this program, we see this as
21 another weapon that we can use to fight in that war. So you
22 know, we, the Colville Tribes, really stand strong in
23 support of this program in trying to, you know, trying to
24 find ways to fix -- find ways to improve it.

25 You know, our lands and our water are key to who

1 we are. They define us. We define them. You know, our
2 languages tell us and describe to us our relationship to
3 that land. And I'm glad that Kat brought up the point about
4 our traditional foods. And when (in native tongue.), when
5 the Creator made this land ready for the coming human
6 beings, there were a number of beings that stepped up to
7 offer themselves up for us, the roots, the animals. And in
8 that sacred sacrifice that they gave to us, we have the
9 responsibility -- and we'll always carry out that
10 responsibility -- to care of the lands and the water to make
11 sure that -- in every way, that we can provide for them
12 because they've provided for us and our survival.

13 So it's in that light that we come before you to
14 offer up ways and suggestions to, you know, face this
15 immense challenge that you have before you and try and
16 reduce this problem that we have. So I -- I continue to ask
17 you to look -- look to the tribes for, you know, all the
18 things that they -- that were offered up here today because
19 each one of them has something good that can improve this
20 process and help it along.

21 You know, like I said, we await those co-op
22 agreements and the language and look for ways to improve
23 those. Because, as we all know, the details really is what
24 will effect us later on -- excuse me.

25 So you know, in that light, we want to work

1 together to reduce and minimize some of the detrimental
2 things that have plagued this process in the past. Looking
3 at NEPA; looking at the security clearance that each of the
4 employees have to undergo; customer service training;
5 training the front-line staff on how they interact with
6 tribal members so that they have the best information; and
7 as well, making sure the tribes have access to the data
8 systems that will allow to help them to be the best that
9 they can be and approving this along and getting those land
10 transactions and having the maps made.

11 So you know, I can't express enough that this --
12 for our tribe, we're anxious to get going. And we're ready
13 to go, and we want to make sure that this is the best
14 process possible. Thank you.

15 MR. ROBERTS: Thank you.

16 MR. ABRAHAMSON: Greg Abrahamson, Spokane Tribe
17 council.

18 I do want to thank you guys for being here and
19 going through this. One thing is that -- as John said too,
20 the land defines us. It defines us, who -- the people we
21 are. The waters that surround us and stuff here is
22 particularly important to the tribes here.

23 We need to -- hopefully that this process,
24 including the cooperative agreements, which will make this
25 go in a relatively quick time period because we've

1 already -- we're almost six months into it, since November,
2 since it's been passed here, and almost a half year is
3 already gone. And not a piece of parcel's yet been bought
4 back here.

5 So we hope that this can be done through the
6 cooperative agreements and move quickly because -- like I
7 said earlier, that our tribe, we do have people ready and
8 willing right now to go through this process and get this
9 process going and get it going and get it done and spend
10 whatever funds we have available to go through that there,
11 so thank you.

12 MR. ROBERTS: Thank you.

13 MR. HARJU: Again, Phil Harju, vice chair of the
14 Cowlitz Tribe. Again, I want to thank all of you for being
15 here and all the other tribal leaders. Many of the tribal
16 leaders are very, very well-spoken and have said just about
17 everything I would say also.

18 Briefly, the Cowlitz, we're not going to benefit
19 from this tribe. In 1863 Abraham Lincoln opened Southwest
20 Washington to settlers, and the Cowlitz were dispossessed of
21 all their land without compensation, without a treaty,
22 without anything. We fought for years and received a land
23 claim settlement at 90 cents an acre at some point. And
24 that money sat in the federal treasury for 25 years until we
25 were recognized because the Bureau of Indian Affairs was

1 fearful that Cowlitz would take that money and buy land. If
2 you can believe that, they justified against the Cowlitz
3 getting their money because we would buy land with it. So
4 once we were federally recognized, the BIA stopped that. We
5 did get -- we did get recognized. And we do have a land
6 claim settlement.

7 But the Cowlitz, you know, we are very -- we have
8 tribal members that have allotments all over Western
9 Washington, so there is a keen awareness from the Cowlitz
10 people of what's going to happen with this buy-back program
11 and which tribes are going to benefit and how that's going
12 to be administered. So I appreciate all of your efforts and
13 all the other tribal leaders' efforts.

14 I do want to put some -- I think we've lost some
15 perspective from the federal level, and I feel I've got to
16 say this. We are here because of a -- this was not an act
17 of Congress; this was not done with tribal consultation with
18 565 tribes. This was a settlement of a trust mismanagement
19 case where the Cobell plaintiffs came up with this scheme.
20 And this -- that was approved by a federal judge and
21 Congress approved this.

22 This is not a comprehensive plan to solve
23 fractionated land claims for Indians in the United States.
24 This is a throw out of 1.9 billion out of a -- out of a
25 settlement of a mismanagement case. And again, I don't want

1 to be judgmental, but this was a mismanagement case of the
2 federal government of Indian Trust in our lands, Indians --
3 as I said, the historic trust and all of this. And we don't
4 have to -- I know you're also aware of this.

5 But remember, this settlement is part of a healing
6 part of a -- I would say, I don't know how to it say this --
7 not meant to be punitive, but the federal government has to
8 realize this is an obligation because of trust mismanagement
9 so -- and it's not a comprehensive scheme. So I urge you to
10 spend this 1.55 billion as soon as possible.

11 There are large land-based tribes that have
12 willing sellers. They have done appraisals. They are ready
13 to hit the ground. And so I urge the federal government to
14 not do what the federal government normally does, is all of
15 the silos in Washington, D.C., the Department of Interior,
16 the BIA, the BLM, OST, Minerals Management, and everyone
17 spending their own little part and doing their own little
18 thing about how to spend this money.

19 I have no doubt the \$285 million will be spent
20 within the ten year period for the management. I want to
21 see the 1.55 billion and the \$60 million into the
22 scholarship fund quickly and for the purpose that it's here,
23 is to try to solve some of the fractionated land interests
24 that are there.

25 And then, to say that -- and I have confidence

1 that the -- if you work with all these tribal leaders, it
2 can be done. But in doing that, I also want to say that
3 this is a unique time in history. While you're spending all
4 this energy to try to spend this \$1.55 million is to
5 realize -- take the blinders off and realize there are other
6 fractionated land problems that have to do with
7 mismanagement by the federal government, poor policies by
8 Congress, bad treaties, broken treaties, broken promises.

9 And this is the time to start looking at the
10 picture of probate. You know, who's in charge of
11 appraisals? Who's going to pay for land surveys? And to
12 work these problems out for the tribes because they're still
13 going to continue to be with the federal government and with
14 565 federal recognized tribes.

15 So take the blinders off, spend this \$1.55 billion
16 for the limited purposes you have. But look to the future
17 and deal with these tribal leaders that have -- that have
18 other issues including -- including trust land that's gone
19 into fee land in the middle of their reservation that needs
20 to be brought back to the tribe and put back into trust
21 without costing the tribe millions of dollars. It was their
22 land, many of it's part of a treaty, many of it's part of
23 land claim settlements.

24 Start this program, but take the blinders off and
25 look to the future. And when we have these meetings say,

1 Hey, we're going to have probate issues in the future; we're
2 going to have appraisal issues; we're going to have land
3 survey issues; we're going to have all of this data and
4 stuff. Let's -- let's solve this problem, but look to the
5 future and look to, like I said, restoring Fort Peck,
6 restoring lands to tribes that have lost it, and get lands
7 that have gone into fee status and get them back into where
8 they are.

9 And trust the tribal leaders out here. All of
10 these tribal leaders are elected by their tribe and their
11 governments, and they know what's best for their tribe. So
12 give them the deference they deserve and work this problem
13 out. And I think you can spend this \$1.55 billion in a
14 couple of years. And then we start working on the rest of
15 the issues that all of these leaders have identified here.
16 And again, thank you for coming to us.

17 MR. ROBERTS: Thank you.

18 MR. MINTHORN: Armand Minthorn, Umatilla Tribe.
19 First, I want to thank the interior and the Bureau of Indian
20 Affairs for coming to sit down with us. You know, us, as
21 Indian people, we've always had the means to get along with
22 each other. Us, as Indian people, because of the land that
23 we live on, because of the food that we eat, the language
24 that we speak, has always been a part of how and why we get
25 along with one another as Indian people.

1 And this why it's important that the interior and
2 bureau understand that the tribes are going to help each
3 other. We're going to help each other. And this is why the
4 interior has to continue with the consultation process.
5 This ain't going to end consultation.

6 Consultation is unique because it gives the
7 federal agency the ability to deal with that Nation or tribe
8 individually. And this is what's going to be part of this
9 whole consultation process. It's how you're going to treat
10 each tribe individually. And that's going to make this
11 Cobell thing work. That's what's going to make it work.

12 Because the comments this morning, it was very
13 clear that the blanket approach ain't going to work.
14 Treating everybody the same ain't going to work. But
15 consultation is going to be important for this whole
16 process. And I would hope that this team would continue to
17 go out and meet like this with tribes because we're all
18 different. We all have different needs. We all have
19 different priorities.

20 What the interior needs to understand is, because
21 of that, this uniqueness, the consultation is going to be
22 key. Uniqueness of consultation will be key. Again, it
23 can't be stressed enough. You folks need to get out, just
24 like this today, more often so that you can hear directly
25 from the tribes.

1 It's very clear that this plan, it will never
2 be a final plan. This plan is going to grow from the
3 mistakes and experience. We're going to learn from this,
4 interior and tribes. What we don't want -- like we said
5 earlier, we don't want to sit across from the table from
6 another tribe and have a dispute. We don't want that.
7 We're here to work with each other as tribes and support
8 each other.

9 I would hope that in the future as we go
10 along with this process, as we make mistakes, as we gain
11 ground, that this plan will become more familiar on what we
12 can do. But the plan has to be tailored to each individual
13 tribe, and that's going to take work.

14 I wouldn't expect that in five years, like it
15 was said earlier, that we go back to Congress. We can do it
16 sooner than that. And this is why it's important that we
17 work with each other. And the sooner we get this done, the
18 better. But we also need to be very careful with each other
19 because this has never been done before.

20 So again, I applaud the interior and the
21 bureau. And it's very serious, what we're doing. And this
22 is why consultation is important. Thank you.

23 MR. ROBERTS: Thank you. I agree, a hundred
24 percent, with your comments.

25 MR. BERREY: John Berrey, from Quapaw.

1 I've got just a couple questions. Also I wanted
2 to echo what's going on. Thank you all for your public
3 service for the Indian Country. It's a very honorable way
4 of life. And I know it's tough, and I appreciate what you
5 do for Indians.

6 We already have a vigorous buy -- purchasing
7 program at Quapaw, and we'd be more than happy to offer, you
8 know, tours, invite anybody to come look at what we do.
9 We'd also probably send you a draft cooperative agreement
10 next week so you can look at.

11 So I was wondering, if I would just continue
12 purchasing property based on the current appraisal that I
13 have and just use a sales contract to execute the
14 transactions, would you be willing to take those contracts
15 prior to the availability of the TAAMS system and then just
16 reimburse me for the money that I spend going forward while
17 y'all are getting your administrative process put together?

18 MR. WALTERS: I think maybe I should reserve that
19 question for another session and not today. And that's
20 something we'll look into. I mean, the purchase ceiling
21 isn't a beginning point from when we have our process
22 started. It's more of feeling of when we want to stop
23 purchasing at a location. So it's not really a -- there's
24 no start point.

25 So I mean, where there's something like that where

1 certain tribes have sales pending, I mean, we'll take that
2 back and really try to figure out how to work that out.

3 MR. BERREY: So is that a "maybe" or is that a
4 "yes"?

5 I mean, I could go home right now, and I could
6 keep buying land. Usually we wait until we get the GSR
7 before we get the final deed signed. But we don't mind
8 going ahead and continue buying, have all the appraisals
9 lined up, pay the individual, have the -- all the contracts
10 and agreements in hand, all following the current parameters
11 that we've learned through that consolidation office
12 program.

13 I mean, I think that would be really helpful
14 because we could just keep going. Now, I'm going to kind of
15 have to stop and tell everyone to hold off when I've got
16 people that are ready, willing, and able to purchase -- or
17 sell their land right now.

18 MR. BLACK: You know, you've heard our
19 bureaucratic answer, and I'll just add to that a little bit.
20 You know, people have to go back and look at the authorities
21 and laws that they operate under. But we would have to go
22 back and reimburse you, or we'd have to work out some other
23 process to do that. I think it's a viable solution.

24 MR. BERREY: Okay. Okay. Thank you.

25 PUBLIC MEMBER: So how do you announce that

1 decision that -- the question -- will you -- how you made
2 your decision on that question?

3 MR. BLACK: I think we've got a public comment
4 period that closes on March 4. We've heard a lot of good
5 comments today and in the past weeks. And so our plan is
6 to, as quickly as possible, have some kind of response to
7 the different comments that we have. And so I think it
8 would be in that context that we would respond to that
9 comment as well as a number of others that come to us until
10 March 4th.

11 CHIEF ALLAN: Before I get in my closing, I just
12 wanted to ask the question about "whereabout unknowns,"
13 about the formula used to -- so the pilot tribes that are
14 part of the pilot tribes, was whereabout -- was money set
15 aside knowing how much -- because the plans that we had for
16 "whereabouts unknown," you got to -- you got to wait for
17 five years to spend that money.

18 So that's going to put the tribes that are not
19 part of the pilot in a bind if we're -- like I said, I'm
20 kind of -- I'm a little concerned about that because -- just
21 with your guys' stuff that you guys sent out with our map,
22 for example, one of the pilot tribes, we're in the top
23 seven. Forty-five percent of them are earmarked for those
24 reservations. So with that, it's probably about a hundred
25 thousand individual owners in 45,000 different allotments.

1 Of those tracts of land, of those individuals,
2 probably 17,000 of them are currently classified as
3 "whereabouts unknown," 17 percent, which equals to
4 \$121 million. So my question is: Is that money going to
5 get set aside to -- because the plan says this funding has
6 to be held for five years according to the settlement
7 agreement. So I don't know how -- clarification on that
8 would be helpful for the tribes that are not in the pilot --
9 pilot program.

10 MR. BLACK: As indicated earlier, our hope is that
11 we're actively working with individuals that are proactively
12 wanting to sell and then that "whereabouts unknown"
13 condition is not something that we really need to invoke.

14 I also think it might be useful to point out that
15 while there are quite a few "whereabouts unknown" on the --
16 located in the plan, as a result of the payment process for
17 Cobell, my hope is that there's a lot more outreach and a
18 lot of the individuals are providing addresses, and so the
19 number of "whereabouts unknown" will go down because of
20 that. Also tribal cases, there have been a number of
21 settlements there.

22 So there's a lot of engagement, I think, in the
23 Indian Country and a lot more people that are providing
24 their addresses. And so again, I hope that number is going
25 to go down and, again, we will not really be utilizing that

1 and the moneys will be used for active participants.

2 CHIEF ALLAN: So in closing, I'm Chief Allan of
3 the Coeur d'Alene Tribe. I just want reconfirm everything I
4 heard today. And according to the plan, on Page 9, it says
5 this was only for -- going to implement the 45 tribes first.
6 But hearing from you guys today, said that wasn't the case.
7 If tribes were ready to hit the ground running -- I feel our
8 tribe is ready to hit the ground running -- so we're going
9 to submit all of our documentation, invite you guys to come
10 down and take a look at the program that we've had over the
11 last 20 years buying back properties.

12 But I just wanted to just kind of close with that.
13 And basically make sure I heard you guys right, that this
14 was draft form still, that we were still looking at it, they
15 were going to give us a fair shake at the table as well, and
16 we can go from there.

17 MR. ROBERTS: Thank you.

18 Mr. McCaleb?

19 MR. MCCALED: Thank you very much. I'd add my
20 appreciation to that already expressed. Thanks go around
21 this table for the opportunity to meet with you, visit with
22 you. Out of respect, I can add little to the wisdom that's
23 already been expressed by these tribal leaders except to
24 make a couple of observations.

25 The first is that in spite of all the injustices

1 that were done to Indian tribes and Indian individuals and
2 the erosion of their land base from 1887 to 1934 and
3 thereafter, I observed -- and I have a 50 year horizon of
4 being involved in Indian interests. And I was introduced to
5 Indian Affairs when the national policy was termination.

6 And I watched that mature and grow and improve
7 through -- largely through policy itself. And I think we're
8 at a historic juncture right now in terms of our
9 opportunities to reverse the 125-year history of the erosion
10 of the Indian land base that's been opinion provided by the
11 Cobell settlement. We all may have different perspectives
12 about how equitable it is and how useful it is, but it is an
13 historic opportunity.

14 And as I see it, the effectiveness and efficacy of
15 the implementation is going to be based largely upon these
16 cooperative agreements. And like any agreement or
17 partnership, it takes two thoughtful and respectful
18 consentees.

19 So what I hear the tribal leaders saying here is
20 that they are ready, willing, and able and, implied anxious,
21 to get on with this program as expeditiously as possible.
22 And the ability to do that is based upon these cooperative
23 agreements, which must be negotiated with the objective of
24 having adequate resources for implementation to the tribes
25 and a thoughtful and prayerful attitude of equitability to

1 the tribes.

2 And I think if this could work, we must all
3 mutually pledge to each other our best efforts to make this
4 work as quickly and as fairly as possible. Thank you for
5 the privilege of being able to speak with you.

6 MR. ROBERTS: Thank you, sir.

7 MR. JAMISON: I'm President Wright, Round Valley
8 Indian Tribes.

9 What, you know, I hear is there's millions of
10 acres that are lost. And I don't think that's going to be
11 enough money to buy back -- you know, you look at the
12 checkerboard up there; you might get ten checkers in there
13 from one tribe. So I would say we need more money for this,
14 you know, fractionization. That's all I had to say. Thank
15 you for being here.

16 MR. BLACK: I'm just going to say, this issue has
17 come up a number of times. We're fully confident in the
18 fact that the 1.55 billion or whatever that's available to
19 purchase fractionated interests isn't enough to purchase all
20 the fractionated interests that are out there today. This
21 isn't going to necessarily solve the problem. But it is
22 going to hopefully get us a long ways down the road.

23 But at the same time, we still got a lot of
24 unknowns as to how many people want to sell. I mean, we
25 heard this a lot last week when we were out in Great Plains,

1 and I used my mother as perfect example. She's a
2 fractionated interest owner and her interests are -- you
3 know, some of them aren't a lot bigger than the tip of this
4 pen that I have right here, and she's not about to sell
5 them. Because those are her link back to her homeland and
6 stuff, and she's not going to sell them.

7 So we have a lot of unknowns in this whole overall
8 process, and as we've been stating all along, this is a
9 willing seller program. So until we find out and get
10 further down the road, we probably aren't going to have a
11 good idea, you know, if this is going to be enough money to
12 go out and buy all of the willing sellers or how much of
13 that it's going to be.

14 MR. BERREY: Can't you afford to buy your mom out?

15 MR. BLACK: I want to go home every once in a
16 while for Christmas.

17 MR. GALANDA: This is Gabe Galanda.

18 I want to follow up with some of the remarks that
19 President Wright had to prepare for the tribe. And you
20 sensed a lot of question and, candidly, a lot of confusion
21 from the Round Valley Indian tribes today. And let me
22 explain a few reason why.

23 We are 4,000 members proud. We do have the second
24 largest reservation in California. We have 90 percent, not
25 9 percent, unemployment. Per capita income is \$10,000 per

1 year for 16 percent of tribal members. And quite candidly,
2 it is a miracle we're still a tribe.

3 In 1863 the United States Calvary, as you may
4 know, herded up a bunch of California Indians and put them
5 in Chico. And a number of them were basically forced on our
6 own Trail of Tears over a rugged mountain terrain into a
7 valley, the San Fernando valley. And today we have a
8 federation of eight tribes. At the time, however, most of
9 those tribes were not indigenous to that land.

10 What the United States thought was, Let's put all
11 these historically warring tribes into a valley and see how
12 long they last. And what started with one tribe was a group
13 of 460 Indians -- and I'm going to read the passage to you
14 in a minute -- and only 277 of those Indians completed the
15 hundred-mile, 14-day walk from Chico to Covelo.

16 And I just want to read one passage from what is a
17 book called Genocide and Vendetta. And that's a pretty
18 ominous term for a historical book about any tribe, but we
19 have a book called Genocide and Vendetta. And it's reported
20 that a cavalryman said about 150 sick Indians were scattered
21 along the trail for 50 miles dying at the rate of two or
22 three a day. They had nothing to eat, and the wild hogs
23 were eating them up either before or after they were dead.

24 So people literally lost their lives -- our
25 ancestors lost their lives while being herded up into this

1 valley on lands that by 1873 we had 182,000 acres left. But
2 by about 30 years later, well into the wake of the Dawes
3 Act, we didn't have much left there. So in the 1980s [sic]
4 when they were -- all the Indian land claims were filed, we
5 had 416 claims that were filed in the '80s of what were
6 called "forced feet."

7 And in the early 1900s and teens, basically Round
8 Valley Indians or Cobell Indians were killed for those
9 lands. That's how these lands, in large part, were forced
10 into being. So we had people literally dying to get to the
11 reservation. And I don't mean it in the other way. I mean
12 they were dying as they went to the reservation, then killed
13 for their lands.

14 And I explain this now because 125, 150 years
15 later this is the kind of anguish that these people, our
16 people, we, feel when people are now talking about having
17 what's left of land sold, voluntarily or involuntarily.
18 There's 42,000 acres left. 11,000 of which is contiguous to
19 the reservation. 30,000 of which is on the reservation. We
20 have a 50,000-acre reservation. You can do the math. That
21 suggests there's 20,000 acres of fee land on the
22 reservation.

23 Other questions you're hearing today is because we
24 can't tell you today, of the 185 fractionated parcels you
25 identified to us, which, are in fact, trust lands or

1 allotted lands or even fee land. We're taking you at your
2 word that there's 185 parcels that are fractionated. We
3 have two which we have a majority interest in. We don't
4 know that. And we don't have a relationship with Sacramento
5 that will allow us to figure that out.

6 So it's an ominous thought for us to now, several
7 decades and several generations later, to have this
8 conversation. In fact, we had a trust in another settlement
9 that a lot of our members thought would result in them
10 losing their 1/100 interest in their land. And so people
11 were intervening in Federal Court to try to stop us from
12 resolving the tribal trust litigation, which had nothing, of
13 course, to do with owning individual land.

14 The point is, these are the things that we're
15 trying to sort out as we entertain whether this would even
16 work for us. And I'll submit to that when you've lost tens
17 of thousands of acres, though certainly not the millions of
18 acres that our brothers have lost, and those have been
19 forced out of ownership and people have actually lost their
20 lives, you know, several generations later, that trauma
21 exists. And it's coming to bear in these conversations in a
22 way that we're not sure -- these elected leaders are not
23 sure they can manage politically on their reservations.

24 So if this is going to even work for Round Valley,
25 we will need your help to basically explain to the members

1 why their lands aren't being stolen from them. We fully
2 expect that, like many of our relatives who get 7 cents a
3 year on a 70-acre parcel, like your mom, they're not going
4 to want to sell that land. Because after the people that
5 died for that land and those that died and lost their land,
6 that's all that's left. And so 7 cents represents what's
7 left of, in many respects, their tie to them being an
8 Indian, their tie to the land.

9 So we're not sure, sitting here today, whether
10 this is going to work for Round Valley. We've heard a lot
11 of questions. We can't even identify the land sitting here
12 today. There are a lot of non-Indians that are, we believe,
13 squatting, to this day, on what is still Indian and even
14 fractionated lands. But we can't even figure that out
15 through cooperation with the bureau in Sacramento.

16 So we have questions like that. Can we even
17 politically manage this back home? Can you help us manage
18 this? We appreciated Secretary Washburn's comments about
19 patriotism. We're not sure that's enough, the tribal
20 patriotism, given the trauma that our people have suffered
21 over the last 150 years or so and all the issues we're
22 talking about today.

23 But we believe when that moment comes where those
24 offer letters go out, there will be a lot of tribal members,
25 one might desperately sell their land because of the

1 economic conditions I described. But others still might not
2 want anything to do with selling that 1/100 percent interest
3 in the land for other reasons I described. And ultimately,
4 a political nightmare that this tribal council may not be
5 able to manage, even with federal intersession.

6 Beyond that, we're not sure whether there's land
7 that's ultimately going to work in terms of uses and stuff.
8 Whether it can actually be economically developed into
9 something that will work for all of our people.

10 And we -- also we see acute conflicts of interest
11 in the buying and selling of this land. You have an
12 allegiance to this group of Round Valley Indians both as
13 tribal members and also this group of elected leaders and
14 their tribes. And those are different interests, but you
15 carry the same obligation both for the tribe and the
16 members. You will represent the buyer and the seller. You
17 will be between them on fair market value and what is the
18 fair price. You will be there on the issue of voluntariness
19 of involuntariness.

20 And I'm not sure -- we're not sure, that not only
21 were we ready for this conversation -- in fact, someone said
22 they were ready to hit the ground running; we're not even
23 close to that. We're not sure, honestly, that this entire
24 group of people is ready for the conversation that they're
25 about to ensue on some of these very heartfelt issues dating

1 back for many, many generations.

2 So with all that said, we thank you very much for
3 being here, for listening, for hearing us, for hearing our
4 confusion, our questions, our criticisms, our comments. And
5 we hope now to explore whether this will work for us and if
6 it does, to work with you in that regard. Thank you.

7 MR. ROBERTS: Thank you.

8 MR. BATT: Again, my name is Tino Batt,
9 Shoshone-Bannock Tribes.

10 In the beginning we were -- you know, again, I
11 said that the tribes owns 79 -- 97 percent of our land
12 whether it be tribal members or the tribe. And that's very
13 important to us. Because when -- before our tribe created
14 our constitution, there was an old resolution by our tribal
15 elders that if you sold your land, took it out of trust and
16 sold it to a nonmember, you were automatically giving -- you
17 were giving your rights away as an Indian. You were no
18 longer a Shoshone or a Bannock. And so you were taken off
19 the rolls.

20 That resolution is still standing. We agreed to
21 affirm that before this -- before the Cobell was finally
22 settled out because that's how our people really, strongly
23 believe we're tied to the land. Like you mentioned, my --
24 you know, we got parents and grandparents that tell us never
25 to sell your land even if it's just the tip of a pen because

1 that -- again, that's who you are. You need to know why
2 that land was given to you. And it kind of gives you who
3 owned that at the very beginning when it was allotted and
4 how the family had gone through.

5 So the Shoshone-Bannock tribes really believe in
6 trying to implement this program because of jurisdiction.
7 You know, we (inaudible.) state. We don't deal a lot with
8 the state, and we don't welcome that. Because again, as a
9 sovereign nation, we govern our own selves and our own
10 people who deal with jurisdiction within four counties. We
11 are only fighting with one county left. But the other
12 counties have given up their roads; they have given up all
13 other services because they understand that we know how to
14 take better care of our own membership.

15 So to us, it's more of a jurisdiction, keeping the
16 lands within the reservation, within the tribe's name. And
17 it's going to be hard to convince our tribal members of that
18 because it's an old teaching that we've been taught, never
19 to sell even if it's a little fractionated. But for us at
20 the Shoshone-Bannock Tribe, we are rephrasing it to our
21 needs just like every other tribe is rephrasing it to their
22 needs.

23 What we ask -- you know, and I don't see all of
24 the tribes here, all our sister tribes from California, the
25 Utes and the Goshutes and the other tribes that we have

1 relationship in Wyoming and Utah and Nevada, you know, those
2 are our sister tribes. You know, they look up to us a lot,
3 and so we refer this information back to our sister tribes
4 because they may not have the same acres or land basis as
5 us, but again, we still help one another within those
6 states.

7 And we -- at Shoshone-Bannock tribes, we continue
8 to exercise our treaty rights off the reservation. You
9 know, we still continue to hunt and fish off the
10 reservation, and that's what was given to us in our treaty.
11 And so again, with all that said, it really deals with
12 jurisdiction for us. And it makes us stronger so we can
13 govern and provide economic development for our people.

14 We have a lot of land that is in agricultural.
15 You know, we have the four largest potato producers
16 providing potatoes on our reservation. At one time, our
17 lands were leased at a hundred and -- less than a hundred
18 dollars an acre. Now we're up to 300, \$400 an acre. And
19 we're moving on up. Because for a while our tribal members
20 were taking -- were being taken advantage of by this lease.
21 So the tribe is really moving forward and taking advantage
22 of being in control for economic development.

23 And again, like I said, it really is, again, to
24 help the tribes, but we hope to phrase it to our membership
25 that it is for the jurisdiction issue to make us stronger

1 and to continue who we are. And, again, land is tied,
2 based -- as well as our language is tied to who we are.
3 Thank you.

4 MR. WALTERS: Are there any other comments from
5 folks around the table? If not, we can take a quick break
6 and jump straight into folks in the audience for their
7 comments. Does anybody else have anything?

8 MR. MOFFETT: Yeah. I'd like to make some
9 comments on behalf of the Nez Perce Tribe. Joel Moffett. I
10 serve as treasurer.

11 You know, I really appreciate the administration
12 officials here, you know, making time, coming all the way
13 out from Albuquerque or DC. And I really want to say a big
14 (In Native tongue.) to leaders from all the other tribes.
15 You know, they've really had good words and spoken from the
16 heart. And I hope that you folks won't just listen with
17 your mind but also listen with your heart. And I know that
18 a lot of you care deeply about Indian Country and tribes and
19 want to do your best.

20 And this is an historic opportunity, as was
21 mentioned before. We can't squander it. I don't see it
22 coming up again in my lifetime, really. And you know, this
23 is a problem not caused by the tribes. It was caused by the
24 federal government. It used to be a our trustee. And so I
25 think we need full cooperation from the administration in

1 all -- on all facets, in all respects to make this a
2 success.

3 You know, this -- this is not going to be
4 successful unless you involve the tribes. As was talked
5 about before, we -- we know the land. We're tied to the
6 land. We know it intimately. We know all of our
7 membership. We know them. We know -- we know -- we know
8 what their thoughts or feelings or where their hearts lie.
9 And if this -- if this comes from, you know, on high, on
10 top, it's not going to be successful. And I think you guys
11 understand that.

12 But I just want to reiterate that. That's an
13 important point. Because I look at your implementation
14 plan, and I see there's some assumptions already being made
15 about these cooperative agreements being highly unlikely for
16 a lot of tribes. And I see that language over and over
17 again. So it's almost like you're making a predecision
18 already that, Oh, tribes, you don't have the capacity or --
19 you know, to do outreach or appraisals or purchasing.

20 And so you're already -- you're already making
21 that decision before you go out and visit with the tribes
22 and talk to them about what their priorities are, what their
23 capacities are, how they can do it. And so that's
24 troubling. I hope -- you know, you talked about this as a
25 living document. I hope -- I hope you guys reexamine that

1 language and remove that. Because I think you need to be
2 fully open, transparent, and upfront with us in regards to
3 the cooperative agreements, because that's where the rubber
4 hits the road, and that's where we're going to really help
5 you out in a successful buy-back program.

6 You know, we talked about the historical
7 injustices that have happened to us. And I'm a Nez Perce,
8 in the same boat as a lot of tribes, that we ceded millions
9 of acres at treaty time, and then the Dawes Act hit. You
10 know, they wanted to turn us into to landowners. That was
11 completely against our culture and our ideology to own land.
12 They wanted to make us farmers or cattle ranchers or
13 whatnot. And this is a result of that.

14 And -- you know, but we still -- we still hold
15 close ties to all the resources, the land and the fish,
16 wildlife and the fruits and the berries. And so this -- you
17 know, this is -- this really hits to the core of us as
18 tribal members and tribal leaders. So we've got to do it
19 right. We can't -- we can't mess this thing up.

20 And so to do that, you need the tribe. You've
21 heard from us today that -- and -- but there are varying
22 degrees on tribes on how ready they are. But I don't think
23 you should -- I don't think you should cast off the tribes
24 who aren't ready yet. You need to bend over backwards to
25 help them get ready to implement the majority of portions of

1 these different phases of this implementation of the
2 buy-back program.

3 So I would hope -- I would hope that you -- I know
4 that there's only 15 percent. You know, you talk about that
5 not being enough to administer it. But I think that when
6 you go to the reservations, go to the different tribes,
7 you'll see that we have experienced, skilled folks working
8 for us, that if they were given just a small number of
9 tools, that we could do a lot of this work. And I think
10 it's going to -- that's going to play a big part of this
11 success.

12 So Nez Perce is ready, willing, and able. As was
13 mentioned before, we're ready to go. I'm not -- some
14 aspects, some, we need some assistance. As I mentioned with
15 appraisals, we don't -- we -- we don't -- we contract -- we
16 don't contract now but we would like to in order to get
17 ready because it looks like that's a preclusion for
18 cooperative agreement in that respect. So I think, you
19 know, we're -- we're -- a lot of the tribes are willing.
20 You just need to supply us those tools.

21 You know, just -- and again, allow us to be
22 creative. So when we talked -- we've talked about the
23 tribes that are setting their individual priorities. You
24 come out to the tribe and, you know, it -- we have to deal
25 with that -- that -- that, you know, a large portion of our

1 tribal members aren't going to be willing sellers. We --
2 how can we -- how can we -- can we look at other models,
3 like Rosebud Sioux or others where -- where the tribe worked
4 with their -- with their members in order to ensure that
5 they have a tie to their land as far as an ownership piece,
6 but they still freed up a lot of their tracts of land for
7 development? So they're not frozen, as was talked about
8 earlier, because there's a, you know, hundred, or 150
9 different owners.

10 You know, I hope the -- I hope you folks and --
11 who are going to be implementing this work with the tribes,
12 be flexible, get creative, make sure that we can utilize all
13 this money because I don't want to -- I don't want to send
14 back any to the treasury after ten years. But it's a huge,
15 huge daunting task. And so we need to get creative. As I
16 said, free up that flexibility for tribes and involve them
17 in every aspect. And don't -- don't -- don't assume that we
18 can't do a lot of these -- do a lot of these different
19 phases of the plan.

20 But I really appreciate the earlier consultations
21 they had around the country. I really appreciate the
22 changes made to the plan with regards to liens and
23 cooperative agreements and other things. I think there's
24 still some improvement that needs to be made to the plan,
25 tweaking it, mending it. But -- and with respect to -- to

1 allowing tribes more -- more authority and more
2 participation in the implementation of the buy-back program.
3 But I think it's an ongoing discussion. And I really
4 appreciate you coming out here today and the tribal leaders
5 and what they've had to say as well.

6 MR. WALTERS: We'll take a quick break until
7 3 p.m. And once we come back from the break, we'll open it
8 up for discussions from anyone else in the audience.

9 (Recess taken.)

10 MR. WALTERS: I think we're about ready to get
11 started for the afternoon. We have two microphones here set
12 up at the table. Feel free to come up and start sharing
13 comments. We're happy to hear them. And again, I do know
14 the agenda said we'll go till 4. Hopefully we'll get to as
15 many comments as possible to get them in. Maybe we'll stay
16 a little bit later. But I know tribes are -- always have
17 plans to travel back and wrap things up. So we'll start off
18 with comments. Start off with that mike.

19 PUBLIC MEMBER: My name is Robert Jackson. I'm a
20 Quinault Indian. I'd like to thank the Duwamish people for
21 having this hearing here. I would also like to thank the
22 executive staff. I would also like to acknowledge Helen
23 Mitchell. Without Mitchell versus U.S., we wouldn't be here
24 today. That we established there was mismanagement on the
25 Quinault reservation, took how many years? I donated my

1 2 percent to that legal fund so that we could get to this
2 point.

3 I'd like to offer a couple of suggestions and
4 recommendations. The first thing is that notice was not
5 given to all of the fractionated shares of an allotment that
6 a sale is being offered or an individual is petitioning the
7 bureau to buy. Isn't that the first thing you do in a
8 non-Indian land, is that you give notice to the other owners
9 of a piece of land that you need to sell?

10 I just got a check the other day from the Bureau
11 of Indian Affairs. They sold my timber sale, never even
12 notified me. You call them up. They say, Oh, we got
13 51 percent signatures, so we never bothered even sending you
14 a letter that there's going to be a timber sale. Shouldn't
15 that be the starting point that we at least get notice that
16 someone wants to sell?

17 Second thing is, Probate Reform Act calls for land
18 consolidations. So shouldn't we be sitting down with land
19 consolidation first? If we are enrolled tribal members and
20 own land in trust, then shouldn't we be able to sit down
21 with our co-owners and our families and consolidate land
22 instead of only throwing money at the tribe to buy it?

23 If we consolidate, we could probably get rid of
24 50 percent of the offers and keep land in trust. So if the
25 tribe is asking for \$50 million and you can consolidate

1 50 percent of those offers, then we have more money to
2 spread to buy other land, don't we? So shouldn't we -- the
3 next step be first right of refusal?

4 My mother, years ago, I always told her, when my
5 father died at age 6, that any time she wanted to sell my
6 father's share of her allotment -- because she's Yakama and
7 my father is Quinault -- that I would like to buy it. So
8 she called me up one day and said, Gee, Mom, I'd like to --
9 she said, Robert, I want to sell my share of your dad's
10 allotment. I'll sell the stumps for \$300,000.

11 I laughed hysterically. I said, Mom, if you can
12 sell my stumps for 300,000, I'll sign in a heartbeat.

13 She came back with a proper offer of what a fair
14 market value was after consulting a number of timber
15 companies. I then informed her that, Mom, I would like to
16 buy that, but I ask that you first give notice to my
17 brothers and sisters as well. I will not buy that land
18 unless they have equal notice, that they have an offer to
19 buy at the same price I do.

20 My sister called me and she said -- when she got
21 her notice in registered mail, and said, I want her to gift
22 deed it to me.

23 I said, I'm sorry sister, but she's competent.
24 She can give it to her dog if she wants to. But she's made
25 an offer. It's due in 30 days. Put up or shut up.

1 She's still contending that Mom should have gift
2 deeded the land to her. My brother said, No, I don't want
3 to buy it.

4 So I exercised my legal option in 30 days and
5 acquired the property.

6 My sister's still upset that Mom didn't gift deed
7 her the property to her 20 years ago.

8 So isn't it time that we actually have an open
9 door, that we actually receive notice from the bureau? We
10 are trustees -- they are our trustee, but they continue with
11 the same old plan that we don't need to give you notice.

12 An individual named Tony Johnson, a Makah Tribal
13 member, approached me. He said that I could testify about
14 his transaction. In 1928 his father was allotted ten acres
15 of land on the Makah Reservation. In 1933 the
16 superintendent issued an easement for the entire ten acre
17 parcel to build a road from the village to the ocean. Now,
18 unfortunately, the only problem when we found the records at
19 the National Archives, was that when you issue an easement
20 for an entire parcel, it's an illegal document.

21 So the Makah Tribe is still compacting, so they
22 came to Tony and said, We'll offer you \$500 for your
23 easement.

24 And said, Well, you know, there's one problem.
25 When you have a two-lane road that's paved, that's been

1 there for a number of years, and you're entitled to the fair
2 market value of the improved road that the bureau put in
3 under an illegal easement. So if you want to put up a toll
4 bridge, you're more than welcome to, Tony.

5 So went to the OST officer and she said, Well,
6 Tony, you don't have an IIM account, so I'm sorry. I can't
7 talk to you.

8 I said, Excuse me. Show me in the federal
9 regulations under OST where an OST officer can't open an
10 investigation for an enrolled Makah tribal member who does
11 not have an IIM account because there was no activity in his
12 account.

13 So she demanded that he open an IIM account. And
14 of course, he refused. He didn't have his enrollment card,
15 so he sent for the tribe to send him one. And he declined
16 the offer. The OST officer refused to even open a file or
17 investigate the claim.

18 So again, we have the same problem of top-down
19 management. Someone who might actually consult with Tony,
20 know a little bit about real estate, and call them. So
21 shouldn't he receive fair market value for an improved road
22 that was put across his property illegally?

23 Let's see. The incompetent provision. When I
24 review the bureau records -- I pulled them off yesterday --
25 there are no provisions for tribal court transfer of

1 incompetent people in a hearing within tribal court. So if
2 you have incompetents or someone unable to locate, shouldn't
3 there be a posted hearing in tribal court and
4 representation?

5 The next step would be an appeals court. We have
6 the tribal -- the Bureau of Indian Affairs and the tribe,
7 the judge, the jury, and the hangman. Shouldn't there be a
8 local appeals court or a BIA appeals court that would allow
9 us, in an inexpensive way, to adjudicate these issues? To
10 call witnesses? Or do we have to fly back to
11 Washington D.C. for a \$50 land settlement? Shouldn't we
12 have the first option of tribal court and representation so
13 that we can adjudicate these questions that the tribe would
14 not involuntarily take property?

15 I'll give you an example in Quinault Nation.
16 There was an offer of 80 acres near Point Grenville that
17 non-Indians logged the timber and were going to originally
18 donate the land to the tribe, then they decided to sell it.
19 The tribe exercised the option that said, We will scarify
20 the property, we will replant, but we will buy at a
21 discounted price.

22 So that impacts the value of that real estate for
23 a five-mile region of value for the tribe buying. When I
24 questioned the tribal buy-back individual, he said, Oh, we
25 have no obligation to pay fair market value. We only have

1 an obligation to pay the least amount we can for a piece of
2 real estate. So now you have an impact on the 80-acre
3 parcel because the tribe used federal dollars to plant that
4 property and it lowered the value of the purchase price for
5 a five-mile area of land for a comparable.

6 So shouldn't there be an appeals board and an open
7 record that would show how tribes purchased land and how
8 appraisals are given so we can at least hire competent
9 individuals for the review?

10 Again, I testified at Quinault General Council on
11 the 2nd of February that we create our own assessor's office
12 and clerk's office and we voluntarily submit our records to
13 that office rather than the Bureau of Indian Affairs. There
14 is no provisions or regulations that say that we cannot
15 create our own title plant and create our own public
16 records. And yet Bureau of Indian Affairs has refused to
17 allow us to do that. We have interest off the north
18 boundary. We can use those funds to create our own title
19 plant and the bureau would have no jurisdiction.

20 So the final thing is, there's been a history of
21 the so-called mass appraisal. In the Bush Administration,
22 when there was mass appraisals, Bush Administration came in
23 and said, Oh, okay. Well, we'll give an exemption for all
24 real estate under 250,000.

25 I worked with an appraiser who was laid off

1 because of that who works for a major bank. He said, Oh,
2 now all they do is go down to the assessors office, pull the
3 records for a neighborhood. If all of the houses are
4 assessed at 250,000, you have a hundred houses all the same.
5 Now all we have to do is drive by and take a photograph and
6 confirm with a real estate broker/agent that's the fair
7 market value. There's only one problem. Family A put
8 \$50,000 in landscaping in that neighborhood. And Family B
9 is a crack house, and you'll have to go in and mitigate the
10 meth for a hundred thousand dollars.

11 Yet that's the same formula that Fawn Sharp and
12 the Bureau is offering us, is mass appraisal. It didn't
13 work for FHA. Gee, what are those bonds that we have? We
14 just throw all these bonds together and they're all equal
15 value. What was that? \$11 trillion in 2008?

16 We have the same problem if the bureau is handing
17 us the same tap water. We can only do mass appraisals just
18 like George Bush, just like the last administration did of
19 mass consolidation of bonds. So why don't we get back to an
20 equal playing field? If you have nontrust property, you're
21 treated differently than you are by the BIA. So these are
22 my recommendations. Thank you.

23 MR. ROBERTS: Thank you.

24 PUBLIC MEMBER: My name is Philip Brendale. I
25 have a question. It goes to the best interest of the

1 sellers. The question is a two-part question. Will sellers
2 be allowed to do their own private appraisal, and is there
3 money available to help pay for that?

4 MR. MCCLANAHAN: The individuals would be
5 available to do whatever they wanted to do to inform
6 themselves, whether it be obtain their own appraisal or do
7 their own research. I don't know that we've thought about
8 providing funds to the individuals to do appraisals. But I
9 would encourage individuals to use whatever means or
10 research they wanted to inform themselves.

11 PUBLIC MEMBER: Thank you.

12 PUBLIC MEMBER: Good afternoon. My name is Chris
13 Stainbrook, Indian Land Tenure Foundation. First off, let
14 me tell you how much I appreciate the -- the listing that
15 you did after the first round of consultations, that the
16 very first plan that was put out immediately after those,
17 did not reflect many of the issues that were raised in the
18 consultations. But I think this plan has gone a long way in
19 doing that.

20 Let me also thank you for your forbearance in
21 Rapid City and the lessons that you learned and demonstrated
22 your listening power by, as Donovan said, having coffee here
23 today along with a number of other amenities that you've
24 provided.

25 And let me also apologize for some of my cousins

1 in Rapid City. You know, sometimes they get a little bit
2 excited over some of the things. It's a genetic trait that
3 we share among the Lakota people.

4 I come back out here to the Northwest to kind of
5 get settled down again. And one of the things that I would
6 appreciate and still very much appreciate from the leaders
7 in the Pacific Northwest is that they are very thoughtful
8 and prepared when we come to consultations like this. And
9 it's always good to see that leadership in Indian Country.

10 There are a few things that I would like to at
11 least raise cautions about as you go forward. And I think
12 I've raised this with a number of you already. The first
13 being, the permanent structures issue and how that's going
14 to affect a number of pieces of the buy-back program. And
15 it will -- as the permanent structures are now -- have now
16 been declared fee interest and not trust interest, I think
17 the presumption in Indian Country is that you're buying the
18 underlying land and the title or the shares within the
19 permanent structure will remain in a different ownership.
20 And I think that's something that we've tried, certainly, to
21 have conversations about giving each as seems to undo many,
22 many years of real estate law and -- and also confuses -- I
23 think, again, puts another layer of confusion within Indian
24 Country and property ownership.

25 As you do the appraisals, we're presuming that

1 those appraisals will reflect the -- not only the underlying
2 trust land but also the value of the permanent structures on
3 the properties. But that the individual interest owners
4 will be made aware that, in fact, it's only the trust
5 interest that's being purchased and not the fee interest in
6 those permanent structures including existing houses, farms,
7 corrals, fences, wellheads, and all of those kinds of
8 pieces.

9 Our preference, certainly, at accommodation would
10 be to see that issue resolved in some other fashion and have
11 those interests clearly defined as either restricted fee
12 interests or some -- some interest that conveys to outside
13 parties that they're nontaxable. I think without that we're
14 going to see more and more conflicts coming down the road.

15 The other -- one of the things that I would raise
16 a caution around is under the ILCO buy-back program we saw
17 the titling fall way behind, initially especially. At one
18 point we had heard rumors of being -- at current staffing
19 levels, being as much as six years behind and then the
20 staffing caught up with that over time.

21 In this case, the titling plants have -- could be
22 swamped instantaneously and perhaps never recover from that.
23 And I think, that alone, will set a lot of the programs back
24 in terms of communicating to the tribes what interests have
25 been bought and what interests have not been purchased. At

1 Rosebud we have anecdotal suggestions that people were
2 receiving payments for the lease income three years after
3 they -- after they sold their interest in properties. I
4 don't know if that's going to go forward or if you're
5 staffing up with thousands of people in your title plants in
6 order to handle the amount of interests you may be
7 purchasing, but it will be substantial.

8 People have raised the issue of appraisals being
9 slow. The question -- and I don't want to belabor that. I
10 think there is the opportunity to use mass appraisals,
11 particularly if you're not purchasing the permanent
12 structures on those properties and you're basically using
13 the land as the basis for that mass appraisal.

14 The other thing I would ask is, you know, are you
15 going to be making a single offer based on the appraisal?
16 And if someone has an issue with the appraisal or a
17 differing opinion about the value of the property, are you
18 going to negotiate some of these purchases? Or is it
19 single, Here's your letter, you can check the box, and then
20 we're done; or will you be willing to discuss with the
21 landowners or interest owners, perhaps, the difference which
22 may not be great, but may be a -- may be enough that they
23 aren't going to be interested in selling?

24 One other thing as a caution, you've talked about
25 having this program, essentially as a demonstration and a

1 learning process with changes throughout. In this area
2 particularly, the tribes went through a similar process with
3 the Northwest Power Planning Act and the direction given of
4 fish and wildlife recovery. And there was the
5 implementation of adaptive management for the Columbia
6 River. And there was to be this learning that went along.
7 And that learning was then going to be directing the program
8 in the future years.

9 The thing that was not well thought through was
10 the structure for how you capture the learnings, how you
11 begin to actually learn from what you're -- what you're
12 seeing in the field. I would caution you that you should
13 think about that on the front end, and not simply say we're
14 going to have some learnings come out of this, and at some
15 point we're going to be using those to restructure the
16 program.

17 With those cautions there are a few things that I
18 would like to talk about that have -- came up both today and
19 in Rapid City. As you heard, many of the tribes have their
20 own programs already. They're already operating. They're
21 in place, could easily be brought online to get your program
22 up and started very quickly while you still work with those
23 tribes at the top of the list of 40.

24 John Berrey happened to mention getting
25 reimbursed. We talked to the bureau in 2003, 2004, and

1 again in 2006, about performance contracts around
2 consolidating interests. At that time there didn't seem to
3 be much interest in that. But in essence, it's exactly what
4 John Berrey was talking about. Tomorrow, you could have an
5 agreement with 150 tribes in place that said, You bring us
6 the sale to the title plant and we'll reimburse you for
7 that.

8 The mechanisms are out there. It's easy to do.
9 You did it with the Indian Land Tenure Foundation when we
10 were the pilot project for AIPRA. It was a reimbursement of
11 fees. The contracts were easy to put in place. And I would
12 encourage you to go that route. Because not only will it
13 give every tribe an opportunity -- every tribe that's got a
14 program in place an opportunity to participate, but it will
15 also broaden your reach quickly to all of the tribes and
16 engage all of the undivided interest holders who are out
17 there.

18 You know, there -- at Rapid City there was a
19 question around, should there be a minimum price for an
20 interest.

21 And we will -- in our written comments to you that
22 we'll provide -- we'll provide you with a calculation for
23 getting to a minimum price that may be somewhat
24 disagreeable, but it will be based on a calculation used on
25 avoidable costs and will probably be somewhere around 280 to

1 \$350 per undivided interest based on your administrative
2 costs, which were calculated in 2004 or 2005 and your
3 avoidance of those costs going forward on each undivided
4 interest.

5 So I think, you know, one thing that that would
6 do, of course, is accelerate your purchase of very small
7 interests because you will, at even \$280, there are tens of
8 thousands of interests out there that you can be assured the
9 appraised value will be less than that. And you could do
10 those with the willing sellers very quickly.

11 The last thing I would comment on, there are, as
12 you heard, numbers of owners out there who don't want to
13 give up their last interests or their families' last
14 interests on the reservation, as much as anything, because
15 it's their connection to both home and the tribe. And I
16 think the tribes have the potential to offer more incentives
17 than DOI will ever be able to offer the sellers, potential
18 sellers.

19 In terms of the Rosebud model was talked about,
20 the tribes have the flexibility to even memorialize
21 interests in properties. So if an individual sells their
22 property to the tribe, they're issued a memorialized
23 interest in a site where there's a cultural attachment.

24 Tribes can work with farmers and ranchers so that
25 if they sell their interest to the tribe, then the tribes

1 provide an assignment, those farmers and ranchers would get
2 that assignment as long as they farm that land. And at the
3 same time, would have the capital that they need to expand
4 their operations. And you can even do it with homesites.

5 That those are -- those are pieces that are likely
6 to incentivize interest owners more than the education
7 benefit that's been talked about thus far.

8 Again, thank you for listening to folks and
9 incorporating comments. And the foundation will supply you
10 with written comments before the deadline. Thank you.

11 MR. ROBERTS: Thank you.

12 PUBLIC MEMBER: My name is Helen Sanders. I'm a
13 Chehalis Indian and an original allottee. I was going to
14 sit right in that chair and not say anything, but Chris
15 brought up a subject that really burns in my mind. And
16 that's the improvements.

17 I don't think you can buy the land under an
18 improvement because you're going to create a problem for the
19 person that owns the house. I've seen evidence of that in
20 probate where they're charging a lady that was the spouse of
21 a person that passed away. The house was built on his
22 property. They determined that she should pay rent from the
23 time of death, not the time of probate. She argued with it.
24 It's a very mixed up case.

25 But if you bought the underlying land and all the

1 improvements belong to that individual, someone would think
2 you have to charge them rent or it's not their property. So
3 why don't you consider that very seriously. Thank you.

4 MR. ROBERTS: Thank you.

5 PUBLIC MEMBER: My name's Larry Strom. And I'm
6 the chairman of the Quinault Allottees Association. And,
7 you know, I'm here to represent our allottees.

8 And I don't like the sound of the mass appraisal,
9 you know, with the exclusion that you're talking about.
10 Because I'm here, you know, my interest is protecting the
11 rights of the individual landowners. You know, and I'm --
12 I'm sure, you know, they'd be the ones that benefit by these
13 buy backs.

14 And all -- I sat here and I listened today. And I
15 was trying to figure out what -- what was actually being
16 said and who was going to benefit and how this thing was
17 going to work. You know, I didn't hear, you know, anybody
18 really say too much about our landowner. You know, because
19 I am one. You know, in my family, you know, we work with
20 the -- we work with the Quinault Nation. Where our learning
21 center is, where our school is, we donated that property to
22 the tribe so our kids could get an education.

23 And for economic development, where our casino is
24 today, that's property that's family owned. And the tribe
25 leases that property. You know, I'm all for economic

1 development. You know, I had sat here and I thought, Well,
2 why can't we get the bureau to relinquish some of their
3 responsibilities, with or without the exclusion, so we could
4 do our own business? We can take care of the needs of our
5 own people, our allottees. They own the biggest portion of
6 that reservation. Thank you.

7 MR. ROBERTS: Thank you.

8 PUBLIC MEMBER: I'm Danny Jordan from the Hoopa
9 Tribe, California. First of all, thank you for being here.

10 This is -- one of the things I've learned sitting
11 through these discussions on just this -- just this proposal
12 came forward and sat there, the level of commitment and work
13 that has really been done by the tribal representatives,
14 since -- I mean, gosh -- since, I would say, some we've
15 heard in 1945 has been just totally amazing.

16 And that's one of the things that really should be
17 kind of understood here, is that, in many ways, this plan is
18 really coming to the table to join a tribal network that's
19 been underway a lot longer than Cobell has been in the
20 works. And so -- and also the tribal representatives, the
21 tribes themselves, have -- have operated in the arenas of
22 trust land as well as fee property and fee-to-trust
23 transfers. And so these concerns about -- or any concerns
24 that there may be about can tribes do it right, they've
25 proven they can do it right. And they've purchased land.

1 And no matter what the source, other than -- it's
2 not this money for sure; it's tribal money that brought that
3 land. They, in fact, did buy it according to the federal
4 standards. There are things that need to be done to
5 actually make this more streamlined.

6 We know today that the -- all the problems or
7 the -- I don't even think we know how many problems remain
8 with the trust management system. We do know that LTRO is
9 not fixed. It's fixed for those trust tracts that we have
10 taken care of today. But those -- LTRO operates on a -- on
11 a "fix it as it comes to the forefront" process.

12 Nobody has gone in and scrubbed all those records
13 at LTRO. So one of the issues we're probably going to deal
14 with is simply LTRO records are not up-to-date. Probates
15 are not up-to-date. We know that right now, today, going
16 into the process.

17 So in -- we just need to understand that that is
18 probably going to begin to back up the land purchases
19 themselves. So we need to think about how these land
20 purchases will actually be carried out. Are they like a
21 typical federal transaction where you buy the land and have
22 to go through all the processes, including IIM accounts
23 being created for the checks or can something be done to
24 streamline that?

25 We ran into a similar situation on a road

1 construction project in Hoopa where we knew that the Indian
2 landowner that was selling us the right-of-way land was not
3 willing to wait for six months, a year, however long it
4 took, to make that IIM account payment and then have the
5 federal government pay that individual Indian for that
6 purchase because we'd just simply run out of time with the
7 construction project. And we had contractors and things.

8 So we called the regional director and said, How
9 about if we simply -- the Hoopa Tribe buys the land? We
10 will take a bill of sale, and we will hold that land and
11 we'll finish the road project. And then we will -- after --
12 when all of us have time -- deal with the -- basically, the
13 paperwork and fixing titles and all that. And it did work.

14 And my point is, that's the kind of flexibility
15 that we need to see designed in this. The best-case
16 scenario would be for this money to go to the tribes -- and
17 Umatilla has offered up so much information; Colville, they
18 know how to do this. What they need is the money in their
19 account. And let them cut the checks. Let them figure out
20 how to find those landowners and things. And let -- and
21 pick up a bill of sale.

22 Don't wait for LTRO to finally finish this process
23 because, as we all know, some of those record cleanups could
24 take three to four years to get done, by themselves,
25 depending on the probates. Let the tribe -- and really this

1 is a policy issue. I got a little concerned when the
2 earlier comment was, Well, we'll look at the legal standards
3 and then we'll get back to you on it.

4 This is a policy issue. This is
5 government-to-government, sovereign-to-sovereign issues.
6 And it should not be hung up by the most finest scrubbing of
7 the legal standards. This is fixing those kind of maps.
8 And that means that there has to be a -- as President Obama
9 says -- a new -- a new partnership relationship within your
10 tribes. And that really is a policy-driven issue. Take the
11 advice of the lawyers, but from a policy standpoint, Mike,
12 Stan, Kevin, make the decisions to help tribes here.

13 And I say that also from the standpoint of the --
14 what goes into drafting the cooperative agreements. The
15 fact is, I don't think that many tribes have demonstrated
16 that the United States has to be afraid of the tribes.
17 Those maps show just the opposite. And so -- and just the
18 fact that the tribes have such a track record in making
19 these things work long before this money came to the table.

20 I think that demonstrates that the tribal
21 leadership and their systems and -- you heard about how much
22 work goes into Salish and Kootenai's process and Colville.
23 The due diligence has been performed on the tribal side. So
24 it really does take as much commitment by the federal -- by
25 the United States to really meet the tribes and help them

1 implement the things that they've already done.

2 This is not something new to Indian Country. Just
3 as those maps are not new to Indian Country. They're real
4 issues that I -- you know, Joel's comment earlier about, you
5 know, Indian people go back home to this stuff. They go
6 back home to the county jurisdiction and the conflicts with
7 Indians, non-Indians, county jurisdiction, state
8 jurisdiction, federal jurisdiction, for that matter. Indian
9 people have to go home and deal with it.

10 If that's the approach to this, that this really
11 needs to be designed, not as a way to protect a federal
12 interest -- certainly those obligations have to be
13 protected, and the lawyers will tell you what those are --
14 but at the end of the day, they've got to be done in a way
15 that really does feel the tribal side. The tribal
16 governments have proven they can do that. And they've been
17 way out front on it.

18 On the -- Hoopa is last to the bottom. It makes
19 the bottom of the list. We're -- California is next to the
20 bottom. Hoopa is further down in the bottom of that pile.
21 Do we think that this is going to impact Hoopa for the
22 better or at all? We hope so. We're not betting on it.
23 We're not -- we're not setting up the bank account for these
24 checks because I don't think they're going to come.

25 So we're -- we have been working for -- since,

1 really, 1997 -- since the first Office of Special Trustee
2 was set up. Because we were just as concerned about the
3 tampering with tribal jurisdiction, as these maps
4 demonstrate. That we are the sovereign governments of
5 our -- of our territory. And our constitutions are clear;
6 the treaties did not seek that sovereign authority over our
7 territory. People expect us to -- to perform.

8 And so when we look at these -- whether it be
9 trust reform or even -- this is part of trust reform, we
10 have to look at it from the two standpoints, that those
11 treaties did, in fact, reserve tribal sovereign authority
12 over -- over our own territories. And that's what we're
13 dealing with, with the economic development or whatever.

14 And so when we began sitting down with the Bureau
15 of Indian Affairs in 1997 when OST first showed up, we said,
16 How do we fix the problems? How do we not -- not create
17 other bureaucracies, but how do we fix the problems?

18 And since then we've been really sitting down and
19 taking -- admitting issues and working through every one of
20 them. We've done major improvements in trust reform and --
21 and healing old problems between the tribe and bureau. And
22 we don't have breach of trust issues. We do trust the
23 valuations.

24 And our standard between us and the bureau is that
25 once a problem is identified, whether it's created by the

1 tribe or it was created by the federal government or it was
2 just simply created because nobody's doing anything, we will
3 sit down and figure that out. And we will do it in a mutual
4 way because the fact is we have to have an effective
5 trusteeship.

6 And so it's better for us to figure those things
7 out sitting down with the region and figuring out the most
8 beneficial way for it to work between the tribe and -- and
9 the bureau with a reprehensive rebel. And we think we've
10 proven -- we have proven that we can do some very major
11 things even within, you know, limited budgets and things,
12 so...

13 But the fractionated heirship was one of the most
14 difficult problems to deal with. And so we sat down with
15 the bureau, the realty people, the regional directors, and
16 the Indian law judges and said, What is the cause of this?
17 Not that we have them, but what caused them.

18 And ironically, what causes fractionated heirship
19 is a policy of the secretary that has been -- we think it
20 comes from the 1910 Congressional authorization that the
21 secretary can continue to partition land upon a
22 determination that the land continues to be a benefit of the
23 heir. That's right in the statute. How does he do that?
24 He hires Indian probate judges.

25 And so that -- that worst care scenario in

1 Minneapolis of about 8,000 owners, that just didn't happen.
2 Probate judges of the secretary caused that to happen. All
3 these fractionated heirships were caused by the secretarial
4 policy and the Indian law judge. So we ought to just get to
5 the point of fixing that problem.

6 The secretary has an existing policy that is --
7 that really guides the Indian probate judges decision --
8 probate decision that any partitioning of land is of benefit
9 to Indians. No qualification, no quantification, or
10 anything else. And that's what's causing the fractionated
11 heirships to occur.

12 If the secretary -- and this is -- we encourage
13 the department, the secretary, to begin a rule-making
14 process to change that policy from one of just continuing
15 unlimited fractionating land, undivided interest in land in
16 probates to one of approved-management policy, to where
17 the -- make the judge -- these are smart people; they've
18 been at their job a long time -- make them -- in that
19 probate process, before they make that decision to -- to
20 continue to fractionate ownership of land, make a
21 determination of whether or not the continuation of that
22 fractionation continues to be a benefit of an heir.

23 So if -- if you did that, and one of -- one of the
24 things that I'd suggest on the language is something like,
25 Require the judge to apply approved-management standard that

1 a probate judge cannot probate land that is not consistent
2 with the typical land-use policies of that reservation.

3 That would engage tribal government as well, and
4 it's just not Indian law judges sitting out there all by
5 themselves dividing land without any care or concern
6 about -- what these tribal leaders are saying -- fixing the
7 problem after it's caused. That would stop that process.
8 It would also engage tribes and the bureau directly into
9 management activities of land. That would stop
10 fractionation.

11 The -- what we heard in these discussions is that
12 the land is being fractionated at a higher level than can be
13 bought today. There's not enough money to buy it back.
14 Let's don't continue the same process. Again, it's -- we're
15 not saying -- because one of the things -- we don't want
16 this process to, then, take on brand new area. This is
17 something that we should get on either parallel to this or
18 certainly in another form. Let's get this process underway.
19 Let's make it happen. But let's also spend the time to
20 actually look at why it's happening in the first place.

21 The second is estate management. We have to be
22 looking at -- as what was just demonstrated by some of the
23 landowners, not everybody's going to sell. There's a lot of
24 questions about -- even today about how appraised values are
25 determined or whether or not, you know, the records are

1 there to complete them. Those things will begin to --
2 they'll slow down the fractionated heirship -- I mean, the
3 buying process.

4 Let's spend some time looking at family
5 trusts, because our prediction is that a lot of the
6 Indians -- most of the Indians will not sell their lands
7 just because they're connected to that land in more ways
8 than just money.

9 So let's really look at estate planning and
10 family trusts and helping allottees get together and
11 actually manage the land and even get to the point of
12 consolidating their own land, even within a family, if
13 that's what they choose to do, or gift deed it to the --
14 whether it be the tribe or other family members or whatever.
15 But taking estate management off the table simply guarantees
16 that we will have fractionated heirship in perpetuity, at
17 least until we stop and say let's fix the problems that
18 causes it. Stop the probate judges, change the secretary's
19 policy, and then let's really look at estate planning.

20 However you want to do it, we actually
21 have -- Hoopa has adopted some codes to help do that. We
22 know of four. We wish there were more, but we know of four
23 family trusts. Rosebud is one. We have a model. There's
24 one up in Caliente that the Bureau of Indian Affairs office
25 setup. There's another one down on the Klamath River that

1 is one allotment. So we think the Indian people will
2 actually -- can actually work within the framework of
3 that -- that estate planning and family trust once module is
4 developed.

5 So that's -- that's kind of what we're
6 requesting, that -- that we really -- whether be in this or
7 whatever process. We really do look at some of the
8 preventive, really, ongoing management issues. But then
9 again, don't slow up the -- this. Don't add an element
10 that -- that -- there's already enough, kind of, people
11 taxed and not enough people to go around, not enough money
12 to go around to start that process in some forum. But let's
13 really start the process. Start to kick that can down the
14 road. Thank you.

15 MR. ROBERTS: Thank you.

16 PUBLIC MEMBER: This gentlemen brought up
17 something I'd like to raise. Quinault Reservation, the
18 administrative law judge for probate -- I went to a probate
19 a while back and they make two interpretations. One day the
20 Quinault Indian Nation is an IRA tribe, and the next day
21 they're not. When I asked for a clarification under the
22 Probate Reform Act of the tribe's option to buy the land
23 within five years, Oh, that's not a requirement at this
24 hearing.

25 The next hearing I attended, it was. So I think

1 we need to clarify that issue of is the Quinault Nation an
2 IRA tribe or not in a decision by the court -- or this
3 board.

4 Second of all that -- I'm sorry. I just lost a
5 thought. The other issue that really raises it, how do we
6 have accountability for our elected officials. When we
7 adopted the Quinault constitution, my contribution was 50
8 signatures calls a special general council meeting. We have
9 them several times a year. The last one, we had 150 people
10 show up and debated for eight hours and took a vote. My
11 personal recommendation for our canoe journey is that we cap
12 it 750,000, motion carried after eight hours of debate.

13 So when we actually empower tribal governments to
14 take action with their constitutions, we can do that. But
15 at times, we have some problems with politicians and lack of
16 accountability. And so I would just ask that there be some
17 checks and balances put in place that would protect my
18 personal property rights.

19 Quinault Nation, I supervised construction of our
20 fish house in 1972, '73. And we put a provision that all of
21 our fisherman would have to sell to the fish house so that
22 it would sustain itself. Well, about a year ago we removed
23 that provision with a demonstration project. And now we
24 have \$20 million of seafood coming off our ocean, when we
25 were only at 4 million a couple of years before when it was

1 exclusively the preview of Quinault Nation Enterprise Board
2 that I sat on.

3 So when we open opportunity to tribal members,
4 that's the first step we need to start with. Give us the
5 opportunity. The Quinault Land and Timber joint ventures
6 with the white timber contract, splits the profits but
7 refuses to provide a performance bond that I could contract
8 with the tribe to log my own timber. So these are some
9 problems we have as allottees with our tribe that -- as this
10 gentleman points out. It starts with probate. It's starts
11 with regulation.

12 The Quinault Nation, I was just charged \$98,000 to
13 build temporary logging roads when I could actually build
14 that road for about \$5,000 worth of gravel. But I was never
15 given that opportunity. I wasn't given notice of the timber
16 sale. And so the Quinault Nation and bureau have never
17 resolved the issue of ingress, egress, and utilities. There
18 are no Nation highways within the Quinault Reservation. And
19 we end up subsidizing other property owners just to get our
20 timber logged.

21 So when is this board going to resolve some of
22 those issues of basic real estate? When you go to the
23 County, you can't sell a piece of land unless you have
24 ingress, egress, and utilities. Yet, in tribal land, it
25 continues to be a problem, that this commission could

1 actually resolve some of those issues and call on Congress
2 to make some changes. Thank you.

3 MR. WALTERS: We've approached 4 o'clock, as it
4 said on the agenda. Time is running out. Are there any
5 last comments that people would like to make before we close
6 down for the day?

7 Seeing no one jump up to the mike, I think we can
8 close it down. Certainly appreciate everyone coming out
9 today. I hope you all have safe travels going back. And
10 feel free to keep in contact with us. We're happy to answer
11 any questions. My contact information was in a lot of the
12 handouts that go out and on a lot of the buy-back program
13 materials, but you can contact any of us, and we'll be as
14 responsive as we can with any of your questions or comments.
15 Thank you.

16 (Meeting adjourned at 4:05 p.m.)

17 -o0o-

