

UNITED STATES DEPARTMENT OF INTERIOR

In re:)
 Trust Land Consolidation Program)
 Regional Tribal Consultation)

TRANSCRIPT OF PROCEEDINGS

Holiday Inn
 Billings, MT
 July 15, 2011

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1 P r o c e e d i n g s

2 SECRETARY SALAZAR: Good morning
3 everybody. Steve, how are you?

4 UNIDENTIFIED SPEAKER: Great.
5 Welcome to Montana.

08:25:25

6 SECRETARY SALAZAR: I want to say at
7 the outset, thank you all very much for coming.
8 Thank you for the wonderful invocation this
9 morning. Thank you for all of you who are here
10 so very early in the morning at 8:15 as we
11 start moving forward with the implementation of
12 the Cobell settlement.

08:25:36

13 I want to say that there have been
14 many people who worked on this matter for a
15 very, very, long time. And for me when I
16 became Secretary of Interior, one of the things
17 that President Obama asked me to do was to make
18 sure we were doing everything possible to turn
19 a new page in the relationship between the
20 United States and Native Americans. And so we
21 have done that. The agenda that President
22 Obama has for First Americans is one which is
23 to make sure that we are fixing problems, but
24 at the bottom line that we are treating the
25 sovereign nations of the United States, the

08:25:48

08:26:00

08:26:15

1 First Americans, with respect and with dignity,
2 and so the tribal consultation process is very
3 much a part of that.

4 Our agenda, as we have worked on it
5 now going on three years, has been to make sure
6 that we are taking some of the most difficult
7 issues and addressing them on behalf of the
8 nation on behalf of First Americans. So it's
9 been in that light that we have moved forward
10 in an effort to try to create safer communities
11 and to deal with the issues of crime and
12 violence on reservations, and so with
13 leadership of Senator Dorgan and others we were
14 able to pass the Tribal Law and Order Act, we
15 have a major initiative within the Department
16 of Interior with our sister agencies and BIA to
17 reduce the level of violent crime in
18 reservations across the country.

19 We worked very hard on behalf of
20 education with Assistant Secretary Larry Echo
21 Hawk and Keith Moore trying to invest more in
22 what's happening with Indian schools around our
23 country. We are proud of the work we have done
24 there, but we know we have a lot more work to
25 do.

1 In the arena of economic development,
2 we obviously, when you look at the state of the
3 economy and most of the reservations around the
4 country, there is no doubt they have been in
5 the kind of conditions that you would
6 characterize as a permanent kind of depression
7 when you start looking at unemployment rates
8 that are 30 and 40 percent. I know the Crow
9 have about a 45 percent unemployment rate. So
10 when you start looking at those unemployment
11 rates, you know how much we have to do in
12 economic development.

13 We worked very hard to address issues
14 of Indian water rights, which really have been
15 cases that have been around and litigated for
16 decades, in some cases 50 years, as happened
17 with several of the cases here in Montana, and
18 as a result of the leadership of David Hayes,
19 we have been able to do a lot to try to resolve
20 some of these significant water cases. Later
21 today we will be on the Crow Reservation with
22 Mike Connor, the Director of the Bureau of
23 Reclamation, the Commissioner of Reclamation,
24 we will actually be taking the first steps in
25 the transfers of monies and making the Crow

1 water rights settlement a reality.

2 So all those things that we work on,
3 and they all fall under the umbrella of the
4 President's directive to all of his cabinet,
5 and what we do is to work to empower First
6 American communities and we treat them with
7 dignity and respect and we turn the page to a
8 new beginning, which was reflected very much in
9 the prayer and invocation this morning. And
10 I'm proud of the work that we have done up to
11 this point in time. Recognizing, of course,
12 400 years of history is not turned in a matter
13 of a two and a half years. I feel proud of
14 what we have done, but I feel very proud also
15 of the recognition that we have a long ways to
16 go in so many ways. This new chapter and this
17 new book, if you will, is only on chapter one.
18 There are many more chapters to be written.

19 One of those new chapters to be
20 written is a chapter related to Cobell and the
21 whole issue of fractionation. And that's what
22 this tribal consultation here is today, and
23 you'll be hearing from a number of different
24 people who will talk about that. But really
25 the purpose of today's meeting, the first of

1 the consultations on Cobell, is to hear from
2 all of you on the draft strategic plan which
3 David and his team have put together.

4 I want to just give a shout-out to a
5 few people who are here. You know, in the
6 Indian Affairs Section of the Department of
7 Interior, and for a long time an inspired
8 administration even before, it was pretty much
9 times when there would be great absences in
10 leadership of the assistant secretary's office,
11 and I'm proud today to say that we have some of
12 the very best people in the United States of
13 America working in that part of the department.
14 Larry Echo Hawk is a wonderful champion, a
15 Pawnee, who loves the issues of First
16 Americans, who works on their behalf every
17 single day.

18 And he's ably assisted by Mike Black,
19 who is here as the head of the Bureau of Indian
20 Affairs, and who has done so much in so many
21 ways. I remember him coming into my office
22 about a year and a half ago and I said, why
23 aren't we processing applications that we have
24 pending before us on lands into trust. Right
25 now because of Mike's leadership and Larry Echo

1 Hawk's support we are probably doing 10,000
2 percent more than we have ever done before.
3 It's because the machinery of government is
4 beginning to work once again.

08:30:54 5 Then Jodi Gillette, those of you have
6 not gotten to know Jodi, I want you to get
7 Jodi, because she really is a star not only
8 with within the play house but a star within
9 the Department of Interior. I'm so very proud
08:31:08 10 of her and how much she has put into the many
11 issues of the Department of Interior because
12 Cobell is only one of things that she works on.

13 And on this particular matter she has
14 worked very closely with Meghan Conklin, and
08:31:19 15 the two of them are the co-leads in the Cobell
16 implementation program working very closely
17 with David Hayes.

18 And on Indian affairs, continuing
19 just a little more, Ray Joseph, the Office of
08:31:30 20 Special Trustee, is a very important office, an
21 office that has lots of difficult issues to
22 deal with. But Ray has already made a
23 tremendous difference in terms of dealing with
24 issues of the special trustee and also getting
08:31:43 25 ready for the Cobell litigation.

1 And I can't help but mention Mike
2 Connor once again. He truly is, I believe, the
3 greatest Commissioner of the Bureau of
4 Reclamation. And it doesn't matter whether we
5 are in Arizona or California or here in Montana
6 or the Dakotas, he finds ways to solve problems.
7 And I'm so very proud of him.

8 Kallie Hanley, who is a part of our
9 team and who has been helping put all these
10 together.

11 And then Hilary Tompkins and Mike
12 Berrigan. Hilary from the Solicitor's office.
13 Hilary is the first Native American to ever
14 serve as the Solicitor General for the
15 Department of Interior. And I was proud when
16 the President and I selected her to be in that
17 position because it's important for us to have
18 some of the nation's First Americans. She is
19 Navaho, working in areas also that are not just
20 Indian affairs. She does her work as the
21 solicitor for the department across the board
22 in all the issues we face, and I'm very, very
23 proud of her.

24 And I also just want to make a quick
25 shout-out to our Montana senators and a few

1 others who are not here, but without Jon Tester
2 we would not have been able to have gotten this
3 work done on Cobell and on the water rights
4 settlement.

08:32:54 5 And without Max Baucus here in
6 Montana, who basically was able to work in a
7 bipartisan way to find the funding to implement
8 these settlements on water rights and on Cobell
9 we would have failed. We came close. We had
08:33:06 10 this thing almost blow up in December of last
11 year, but we somehow were able to bring it
12 across the finish line. So these two senators
13 are wonderful leaders and people who I have a
14 tremendous amount of respect for.

08:33:17 15 I want to say, just a finally before
16 I turn it over to David Hayes, a word about
17 David. Without David -- he is a Deputy
18 Secretary of Interior. I remember my first
19 knowledge about David was back in President
08:33:31 20 Clinton's administration when there was a
21 meeting down in Arizona and the Native American
22 community was very upset with Secretary Babbitt
23 because no progress had been made on any of the
24 Indian water right settlements. And I remember
08:33:46 25 having a conversation with Secretary Babbitt at

1 the time, and Secretary Babbitt said, I have
2 brought a person who can fix things, a person
3 who is about results and who gets things done.
4 And it has been my honor for the last two and a
5 half years to work with David as the Deputy
6 Secretary of Interior on both the water rights
7 issues as well as Cobell. I can tell you it
8 would not have happened without him. There
9 were many people who told us as we started work
10 on the case and on the negotiations with Cobell
11 and the plaintiffs, that it couldn't be done;
12 that the best thing for us was to continue to
13 litigate this case, which had been in
14 litigation for 15 years, which essentially it
15 caused my predecessor, Secretary Gale Norton,
16 to take down the painting of Navaho breaking
17 camp from behind the Secretary's desk and shove
18 it into a closet somewhere in the basement.
19 But David was not to be deterred by that
20 history. David said, we can solve this
21 problem.

22 So with his great leadership working
23 with the court, working with the plaintiffs,
24 and many meetings, that he and Hilary Tompkins
25 and Elouise Cobell, we finally were able to get

1 it across the finish line.

2 But once we had the agreement then we
3 also had to work very hard with the White House
4 and with the Congress to get it to the point
08:35:04 5 where we have the \$3.4 billion dollars that is
6 already appropriated. So we don't have to
7 worry about that money being taken back. It
8 will help us in the implementation of the
9 Cobell settlement.

08:35:15 10 And finally, the President himself,
11 this is an issue which he very much cares
12 about. He's aware of the Cobell case, he's
13 aware of its history, and without his push and
14 the push of his people like Pete Rouse to get
08:35:28 15 the Cobell settlement done, it would not have
16 got ten down. So it's a \$3.4 billion dollar
17 deal, \$1.9 billion which will deal with the
18 fractionated interests which we are addressing
19 here today. The remainder of the money will go
08:35:42 20 out to the individual plaintiffs in the case.

21 And then there's a \$60 million dollar
22 education fund for education for Native
23 American people that will also be set up as a
24 part of this process, and David will get a
08:35:54 25 little more into the details.

1 So with that, it is my honor to
2 introduce to you the Deputy Secretary of the
3 Department of Interior, David Hayes. Give him
4 a round applause for all his great work.

08:36:09 5 (Applause.)

6 DEPUTY SECRETARY HAYES: I will talk
7 from sitting here, if that's all right. It's
8 early this morning. We are vicious at the
9 Department of Interior. We believe in early
10 getups.

11 So let me first thank the Secretary
12 for his overly generous remarks, which is
13 typical of our Secretary. I think the fact
14 that the Secretary of the Interior is here
08:36:23 15 today, this morning, kicking off the first
16 consultation meeting on Cobell, demonstrates
17 his personal commitment to Indian country, to
18 righting the wrongs of the past, to addressing
19 these issues in a forthright manner. The
08:36:39 20 Secretary does not run away from issues, he
21 runs toward issues.

22 And on this particular matter the
23 Secretary's personal involvement was absolutely
24 essential to addressing this long standing
08:37:10 25 problem of trust administration in Indian

1 country. You know the history. Very, very
2 difficult litigation, high emotions, and
3 rightly so. Indian Country had a lot of
4 reasons to be unhappy with the federal
08:37:27 5 government and the way that traditionally the
6 federal government had administered trust
7 assets on behalf of individual Indians, on
8 behalf of tribes.

9 Rather than continue with the status
08:37:41 10 quo, we had our phalanx of litigators, teams of
11 litigators going into court, having that
12 standoff that had occurred for 15 years. The
13 Secretary said, let's solve this problem. He
14 was personally involved in working with the
08:37:56 15 judge, with the lead plaintiffs, with Elouise
16 Cobell, at critical times entering the room and
17 making things happen. We are fortunate to have
18 him as our Secretary of the Interior. Let's
19 give Ken Salazar a round of applause.

08:38:11 20 (Applause.)

21 As the Secretary mentioned, this
22 consultation meeting, this government-to-
23 government consultation meeting, is to hear
24 from you as tribal leaders. I will give a
08:38:27 25 short review of some of the key elements of the

1 Cobell implementation challenge that we face
2 and opportunity that we face. And then we will
3 look forward to your input as tribal leaders.

4 I want to thank at the outset the
5 leadership in particular of Meghan Conklin and
6 Jodi Gillette who have been working with a team
7 at the department to prepare for this
8 consultation. We made a decision that we
9 wanted to have the best government-to-
10 government consultation we could. We thought
11 the best way to do it would be to put together
12 some thoughts we have on how to implement this
13 land consultation program, and then get your
14 input. We will not move forward until we have
15 completed these consultations and taken Indian
16 Country's views into account.

17 We are also very fortunate to have in
18 particular Mike Black here and Ray Joseph,
19 leadership of BIA and OST, whose organizations
20 will be essential to implement this land
21 consolidation program. And Mike, you know, he
22 sent 17 years here in Billings. I think he
23 wanted to have this consultation here just so
24 he could get home. So we accommodated him,
25 because we are going to get a lot of work out

1 of this guy when it comes to the consultation,
2 or, rather, the implementation program.

3 All right. We have a few slides. I
4 will run through the slides sprightly, and then
08:40:05 5 we'll look forward to your input.

6 So some basic background. As you all
7 know, the settlement was approved by Congress
8 in November of 2010. We were all celebrating
9 that. It took more than a year to get it
08:40:21 10 through Congress and it was immediately signed
11 by the President thereafter on December 8th,
12 that should be 2011.

13 I'm sorry, it is 2010. The
14 settlement itself was approved by Congress on
08:40:35 15 November 10th, what I'm saying is we struck the
16 deal with the plaintiffs a year before that.
17 It took a full year to get through Congress.

18 Now, there are two major components
19 to the \$3.4 billion dollar settlement that the
08:40:48 20 Secretary referenced. First, is the \$1.5
21 billion dollar fund for class members to
22 compensate them for historical accounting trust
23 fund and asset mismanagement claims.

24 And the second is what we are
08:41:01 25 focusing on today, the \$1.9 billion dollar fund

1 for the voluntary buy-back and consolidation of
2 fractionated land interests.

3 The \$1.5 billion dollar fund, for
4 those of who have individual trust accounts,
08:41:18 5 you have been communicated with by the court
6 and by the plaintiffs to identify what your
7 potential payout associated with that \$1.5
8 billion dollar fund. That is being handled by
9 the court and by the plaintiffs under the
08:41:37 10 court's supervision. It's not being handled by
11 the Department of the Interior. So we are not
12 administering that, that's not what this
13 consultation is about. The court has a formula
14 for issuing those payments, and that money will
08:41:55 15 begin flowing once the settlement is finalized.
16 And if we can move to the next slide, we can
17 see -- we'll deal with that in a couple more
18 slides.

19 In addition to the \$1.9 billion
08:42:12 20 dollars, part of that \$1.9 billion dollar
21 settlement, an important point is that there is
22 an incentive for individuals who have
23 fractionated ownership interests, there's an
24 incentive that is going to be built in that if
08:42:30 25 you sell that individual interest back to the

1 federal government and it gets turned over to
2 your tribe, we will be depositing money into an
3 account for scholarships for American Indian
4 and Alaskan native youth, up to \$60 million
5 dollars are going to be provided through this
6 settlement for scholarships.

7 Next slide.

8 All right. Here is the status of the
9 settlement. This is moving along well. In
10 December of last year Judge Hogan granted
11 preliminary approval of the settlement. That's
12 what kicked off the outreach that those of you
13 who are class members have been getting over
14 the last several months regarding the potential
15 payments under the class action.

16 And there was an opportunity for
17 folks to object to the settlement, and Judge
18 Hogan, just a few weeks ago on June 20th, had a
19 long hearing called a fairness hearing. At the
20 end of the hearing, he determined, he ruled,
21 that this settlement is fair. He approved the
22 settlement.

23 Now, we are awaiting for that
24 settlement to formally become final. Once it's
25 final, funds become available and we can

1 actually implement it. We are waiting to see
2 whether Judge Hogan's ruling will be appealed.
3 If it is appealed, we have to wait for the
4 appeal to run before we can implement this
08:43:57 5 settlement. So we are uncertain right now
6 about whether we are going to be able to move
7 ahead this fall or we are going to have to wait
8 for those appeals to run, which could take a
9 number of additional months before we get
10 underway.

11 Next slide, please.

12 So we are focusing with this
13 consultation on the land consolidation program.
14 Here are a couple key features. First of all,
08:44:08 15 the settlements, land consolidation program,
16 tracks existing authority that's set forth in
17 the Indian Land Consolidation Act. And the
18 purpose of the program is described very
19 straightforwardly here, and let me read this,
08:44:38 20 because this is what we are all about: To
21 acquire as many fractionated interests as
22 economically feasible and to consolidate these
23 land interests into tribal ownership to promote
24 and enhance tribal self-determination,
08:44:52 25 economic, social, and cultural development

1 needs.

2 You know what the problem is, that so
3 many parcels of land have become over the years
4 highly fractionated, and individual Indians may
08:45:08 5 have a very small slice of a piece of land,
6 which as a practical matter makes that land
7 unusable often, or at least certainly not
8 optimally usable. The idea here is to provide
9 an opportunity voluntarily for those individual
08:45:29 10 landowners to get fair value for that slice of
11 land, to help Indian scholarship money as an
12 additional incentive, and then to provide those
13 parcels, those fractionated interests, to the
14 tribe, so that it can be used for the good of
08:45:49 15 the community. The tribe needs to get 50
16 percent of the fractionated interests, have
17 control, so that then the land can be used for
18 tribal interests for the whole community, for a
19 health clinic, for a school, for development,
08:46:07 20 instead of being frozen because of the joint
21 ownership.

22 Next slide, please.

23 The law is, as it should be, quite
24 directive about how these funds can be used,
08:46:20 25 the \$1.9 billion dollars. The primary purpose

1 is to acquire those fractionated interests.
2 And there are funds for administrative costs
3 relating to the acquisitions, but that's
4 limited to 15 percent total of the \$1.9
5 billion. As I mentioned, for every land sale a
6 portion will be set aside for the scholarship
7 fund.

8 Finally, you should note, and the
9 Secretary will be happy to expound on this,
10 there is a related effort that the Secretary
11 has kicked off, a secretarial commission on
12 trust reform, that will be gearing up as soon
13 as the settlement is finalized as well, we can
14 use some funds to support that purpose. And
15 just in a quick nutshell, what that's about is
16 the Secretary's view that we are not done in
17 fixing the trust problem that we have as the
18 United States as trustee, and the Secretary is
19 going to be appointing a five-member commission
20 from Indian Country to help advise him on going
21 forward how best to administer trust assets,
22 how best to use BIA, whether to continue with
23 OST, administratively how best to be more
24 service oriented when it comes to and
25 responsible when it comes to administering

1 trusts.

2 Next slide, please.

3 Okay. Now we are getting to the meat
4 of it, and just a couple more minutes. We've
08:47:54 5 had some internal discussions in anticipation
6 of our discussions with you as tribal leaders
7 to figure out, and give us a sense of how best
8 to implement this land consolidation program.
9 Our internal team, while we've been waiting for
08:48:11 10 the settlement to go final, has had a lot of
11 discussions about how to do this. We've
12 identified several guiding principles to move
13 forward with the program. And we want your
14 input on all of these.

08:48:23 15 Next slide, please.

16 So potential guiding principles. Our
17 sense is that this land consolidation program
18 should serve multiple goals. Goal No. 1 is
19 perhaps the most obvious, to reduce land
08:48:42 20 fractionation in highly fractionated areas. In
21 other words, get as much bang for the buck as
22 we can for those tribes that have very highly
23 fractionated lands. And this is not an evenly
24 distributed problem in Indian Country.
08:49:03 25 Actually, here in the plains states you have

1 the highest concentration of highly
2 fractionated lands. So one proposed goal is to
3 tackle that, which would suggest a heavy
4 concentration of effort and money in this
08:49:21 5 region, frankly, as opposed to other regions
6 where the fractionated issue is not as
7 significant.

8 Goal No. 2 is to implement a plan
9 that is time and cost efficient, which might be
08:49:37 10 a little bit different, but complementary.
11 Under the Indian Land and Consolidation Act
12 there already has been, as many of you know, a
13 lot of effort to identify landowners who may be
14 willing to sell their fractionated interests.
08:49:54 15 We've had a very small program, with very few
16 funds. So we have not had the ability to take
17 advantage of those expressions of interest.
18 And some tribes have been working with BIA when
19 Mike was the regional director here, he was
08:50:09 20 very involved in this; some tribes have been
21 working to do the appraisal process to move
22 forward; and there's a cadre of folks who are
23 ready to go. And now we will have the money,
24 and perhaps we should focus on that group as a
08:50:27 25 priority and start moving the money out and

1 taking advantage of that work that's been done.

2 A third goal, again, these not
3 necessarily in conflict at all, but different
4 points of view, we should focus on
08:50:43 5 consolidating lands in areas of tribal
6 preference, and that's what these consultations
7 are all about, and a major purpose of this
8 program, of course, is to be responsive to
9 tribal government. And so the extent, for
08:50:58 10 example, that a tribal government believes that
11 certain parcels of highly fractionated lands,
12 if they could be subject to this program and
13 the tribes could get control of those lands,
14 would be particularly important for the tribe
08:51:13 15 and for the sake of the whole community,
16 because they are in a very important spot on
17 the reservation where development can occur, or
18 whatever.

19 So those are three different goals,
08:51:27 20 and we think it's useful to think about and to
21 get tribal input on your views on how we should
22 prioritize moving ahead among these goals. So
23 the rest is all really just a further explanation
24 of these goals.

08:51:47 25 Please go back to goal No. 1, very

1 quickly.

2 So reducing land fractionated in
3 highly fractionated areas, should we prioritize
4 highly fractionated lands, should we target
08:51:59 5 individual Indian money account owners who may
6 have interests in several different parcels.
7 If we focus on that, we may get the
8 fractionated interest issue addressed more
9 quickly. Should we target landowners having
08:52:16 10 the most number of purchasable interests and
11 see how that falls out, or the most number of
12 tracts. In other words, with the goal to
13 reduce land fractionation in highly
14 fractionated areas, there are several ways to
08:52:32 15 go about it. You know, you can try to identify
16 individuals that have interests in several
17 parcels, you can focus on the parcels that have
18 many owners, it's a complicated sort of
19 calculus.

08:52:45 20 Goal 2, the time and cost efficient,
21 this is what I was talking about, should we
22 target lands that require minimum prep work
23 prior to offerings being made because it works.
24 Also, where there's landowner consent where the
08:52:58 25 work has been done, or target tracts of the

1 largest interest per owner so you don't have to
2 deal with as many owners in order to get the
3 results and get the lands into a non-
4 fractionated situation.

08:53:14 5 Finally goal 3 is tribal preference.
6 Should we be focusing first or foremost on
7 tracts identified by tribes and perhaps tracts
8 that the tribes identify as having the most
9 economic opportunity or otherwise having the
08:53:31 10 most benefit for tribal government.

11 Is that all the slides? There might
12 be one other slide. Is that it?

13 Here we are. Next step. We are here
14 to get your input on these issues. We want to
08:53:46 15 develop the land consolidation program, and
16 while we've done some initial thinking as you
17 can tell, we are very much in the phase of
18 wanting your input, so that we can come up with
19 a plan after these consultation meetings that
08:54:04 20 will be responsive to your needs as tribal
21 leaders. And, of course, the interests of the
22 individual landowners that were the subject of
23 this Cobell litigation.

24 So with that, I'd like to turn it
08:54:18 25 back to the Secretary to begin the

1 government-to-government consultation.

2 SECRETARY SALAZAR: Thank you very
3 much, David, for that great overview. And let
4 me at this point, I think we have a
08:54:37 5 facilitator, I think it would be useful -- Ms.
6 Facilitator, come up here. I think it would be
7 very useful to go around the table and have the
8 great leadership of America's First Nations who
9 are represented here go ahead and introduce
08:54:56 10 themselves.

11 I'm going to have the tribal
12 representatives go around the table and tell
13 us, again, I know many of you because I have
14 worked with many of you in the past, but tell
08:55:23 15 us your name and the tribe, and then we will
16 get into the substantive comments later on. If
17 Jon Tester comes in before we have to go out to
18 Crow, we will have him at that point in time go
19 ahead and comment.

08:55:34 20 Tracy, why don't we start with you
21 and then we'll just go around the table.

22 MR. TRACY "CHING" KING: Good
23 morning, Mr. Secretary. My name is Tracy
24 "Ching" King. I'm the President of the Fort
08:55:48 25 Belknap Assiniboine and GrosVentre Tribes just

1 north of here, and I do have counsel in the
2 audience.

08:56:05

3 MS. ROXANN SMITH: Good morning. My
4 name is Roxann Smith, I'm the Vice Chairman for
5 the Fort Peck Tribes, and I have some counsel
6 here as well.

7 MR. RICK KIRN: Good morning. My
8 name is Rick Kirn, I'm a Tribal Council member
9 of the Fort Peck Assiniboine and Sioux Tribe.

08:56:14

10 MR. PETER DUPREE: My name is Peter
11 Dupree. I'm with the Fort Peck Tribes Tribal
12 Council.

13 MR. MIKE JANDREAUX: Mike Jandreaux,
14 Chairman of the Lower Bruel Tribe.

08:56:24

15 MR. WILLIE SHARP: Willie Sharp,
16 Chairman of the Blackfeet Tribe, and have
17 counsel here with me.

18 SECRETARY SALAZAR: How is Elouise
19 doing?

08:56:45

20 MR. WILLIE SHARP: Good.

21 SECRETARY SALAZAR: Hanging in there,
22 fighting the good fight?

23 MR. WILLIE SHARP: Yes, hanging in
24 there.

08:56:49

25 MR. ORVILLE ST. CLAIR: Good morning.

1 My name is Orville St. Clair, I represent the
2 Eastern Shoshone Tribe from the Wind River
3 Reservation in Wyoming. Thank you.

08:57:07 4 MS. LILLIAN WANNA: Lillian Wanna,
5 I'm with the Sisseton-Wahpeton Oyate, from
6 Sisseton, South Dakota. I'm their realty
7 specialist.

08:57:21 8 MR. WOODROW WELLS: I'm Woodrow J.
9 Wells for the Blackfeet Tribal Business
10 Council.

11 MR. JAY ST. GODDARD: Jay St.
12 Goddard, Blackfeet Tribal Business Council,
13 also Montana-Wyoming Tribal Leader Chairman and
14 also Idaho.

08:57:33 15 MS. MAJEL RUSSELL: Good morning, I'm
16 Majel Russell, and I'm here representing the
17 three affiliated tribes.

08:57:52 18 MR. BUD MORAN: Good morning. I'M
19 Bud Moran, Chairman of the Salish Kootenai
20 Tribes.

08:58:04 21 MS. TERESA WALL McDONALD: Good
22 morning. I'm Teresa Well McDonald. I work for
23 the Confederated Salish and Kootenai Tribes. I
24 provide council support and I'm also the Acting
25 Tribal Lands Department head.

1 MS. DONNA FISHER: Good morning. I
2 am Donna Fisher, and I represent the Ashland
3 District for the Northern Cheyenne Tribe.

08:58:15

4 MS. JENNIE SMALL: I'm Jenny Small.
5 I'm a Tribal Council member with the Northern
6 Cheyenne Tribe.

08:58:26

7 MR. ALEC SANDCRANE: Good morning.
8 I'm Alec Sandcrane, I represent the Northern
9 Cheyenne Tribe, Birney District, Tribal
10 Council.

11 MR. ROBERT CAMPBELL: Good morning.
12 Santee Sioux Nation, Tribal Treasurer,
13 representing Chairman representing Chairman
14 Roger Shell.

08:58:36

15 MR. GEORGE SCALPCANE: Good morning.
16 I'm George Scalpcane, Northern Cheyenne Tribal
17 Council and member of the land committee.

08:58:51

18 MR. JACE KILLSBACK: Good morning.
19 Jace Killsback, Northern Cheyenne Tribal
20 Council, chairman of our land committee.
21 Welcome to Montana.

22 MR. JIM FIELDS: Good morning. Jim
23 Fields, Pawnee Nation of Oklahoma.

08:59:04

24 MS. VENETTA CLARK: Treasure for the
25 Cheyenne River Sioux Tribe.

1 MR. VERNON IKE SCHMIDT: Good
2 morning. I'm Vernon Ike Schmidt, I'm the
3 official representative for the Rosebud Sioux
4 Tribe, representing Rodney Bordeaux, President.
08:59:15 5 I'm the Executive Director for Tribal Land
6 Enterprise.

7 MR. ROBERT COURNOYER: Good morning,
8 Mr. Secretary. My name is Robert Cournoyer,
9 I'm the chairman of the Ancient Yankton Sioux
08:59:29 10 Tribe.

11 MR. RODNEY MORRIS: Good morning Mr.
12 Secretary, and I want to say thank you to the
13 word of prayer given this morning to start the
14 day with our consultations here, and today I
08:59:42 15 come along with my grandsons and also my
16 brother here Joe Harlan, he's our realty
17 department with Omaha Tribe. Right now my
18 position is I sit on the Omaha Tribal Council
19 member.

08:59:58 20 MR. RAY JOSEPH: Good morning. My
21 name is Ray Joseph, I work for OST.

22 MR. MICHAEL BERRIGAN: Good morning.
23 My name is Mike Berrigan, I'm the Associate
24 Solicitor, Division of Indian Affairs.

09:00:24 25 MS. JODI GILLETTE: Jodi Gillette,

1 Deputy Secretary for Indian Affairs.

2 MS. MEGHAN CONKLIN: Hello. I'm
3 Meghan Conklin, I'm Associate Deputy Secretary
4 at the Department of Interior. It's an honor
5 to be here with all of you today.

6 DEPUTY SECRETARY HAYES: I'm David
7 Hayes, I work for Ken Salazar.

8 SECRETARY SALAZAR: And I'm Ken
9 Salazar, and I work for all of you, including
10 David Hayes.

11 DIRECTOR MICHAEL BLACK: I'm Michael
12 Black, Director of the BIA.

13 MR. JIM SHAKESPEAR: Good morning.
14 Thank you. My name Jim Shakespear and I'm
15 actually the Chairman of the Northern Arapahoe
16 Tribe.

17 SECRETARY SALAZAR: Why don't we turn
18 it over to you Stacie, and you lead us through
19 our program.

20 MS. STACIE SMITH: Great. I'm going
21 to take a moment to walk us through a little
22 bit of the process overall for these
23 consultations and particularly for our day.

24 My name is Stacie Smith, I'm just
25 helping out as a facilitator here. I work for

1 an organization called for the Consensus
2 Building Institute. We are based out of
3 Boston, Massachusetts. I have a couple quick
4 slides.

09:01:26 5 This is the first of six regional
6 consultations. The dates and the locations of
7 the other five consultations were announced
8 yesterday. I want to make sure everybody is
9 aware of what they are. There's also
09:01:38 10 information in your packet, so you don't need
11 to write this all down now, but I wanted to
12 make sure that that this is out there for
13 everyone to see.

14 Next slide.

09:01:49 15 I also wanted to highlight the
16 written that written comments can be sent or
17 faxed to Michelle Singer's office. Michelle is
18 in the back here and she's collecting all of
19 the comments, written comments, in addition to
09:02:03 20 all of the oral comments that are being
21 collected at these sessions. So if you go home
22 after this and you think of a couple other
23 things you'd like to say, please feel free to
24 write those down and send them in and they will
09:02:15 25 being equally incorporated.

1 Next.

2 Okay. So just to quickly review the
3 agenda for today. As you've heard, we've had
4 some opening remarks, and we'll have I think
5 one or two more, and then the rest of the day
6 is really devoted to tribal leaders and to
7 tribal representatives, to landowners, to
8 tribal organizations and associations, members
9 of the public, to really give your input to the
10 department and to have some conversation and
11 dialogue with the department about your
12 concerns, your interests, your ideas on these
13 goals and prioritizations, as well as other
14 issues about the implementation of this land
15 consultation, this land consolidation program.

16 So what we are going to move to next
17 is asking the tribal leaders at the table to go
18 around and give some preliminary thoughts from
19 what you heard, what you've read about the
20 goals and strategies that were outlined by
21 Deputy Secretary Hayes, and because we have the
22 Secretary here only for a short time this
23 morning, we are going to ask first to go around
24 with some very brief remarks by each of the
25 representatives so that we are sure that

1 everybody gets a chance to speak before the
2 Secretary has to depart at about 10 o'clock.
3 So before our break, we are going to do kind of
4 just two or three minutes each. And then after
5 a break we'll go around again and have an
6 opportunity for more in depth conversation
7 between the tribal representatives, tribal
8 leaders, and the members of the department who
9 are here to speak more about the program.

10 After that we'll move to additional
11 comments on any other aspect of the land
12 consolidation process that you might want to
13 speak about to more comments about the goals,
14 if you'd like to make those then. And we'll
15 try and really do all of that before lunch.

16 And lunch will be on your own.
17 There's information at the reception desk about
18 restaurants nearby. There's always a
19 restaurant here at the hotel and we've let them
20 know to expect our group to be coming around
21 that time.

22 We'll come back after lunch and then
23 we will have an opportunity for all of the
24 other members of the public, members of tribes,
25 members of associations and organizations that

1 are here that would like to speak and make
2 their comments. Those are equally important to
3 the department as landowners, as people who are
4 affected by what happens. So the afternoon
09:05:02 5 will really be devoted to making sure that we
6 get all of that input and all of those
7 comments.

8 Next slide.

9 I just want to talk for a couple
09:05:12 10 quick meeting guidelines. It's helpful, we
11 have a lot of people, and people have a lot of
12 things to say. So we are going to try to share
13 the floor, be as concise as possible in your
14 comments. Some of these issues are very --
09:05:26 15 people have very strong feelings about them, so
16 as much as possible to be respectful to each
17 other and try and be tough on the history,
18 tough on the problem, but not tough on the
19 individual people who are here. And to speak
09:05:38 20 one at a time. We try to have as many
21 microphones around here as we can. We also
22 have some handhelds that we can pass around.
23 So very simple rules.

24 A couple other things. If people can
09:05:49 25 silence your cell phones, put them on vibrate,

1 your Blackberries. If you do need to take a
2 call or respond to a text, if we could ask you
3 to just step out of the room so that it doesn't
4 disturb the group as a whole.

09:06:03 5 And the last thing I want to say is
6 to walk you through what's in your packet.
7 There are packets of information that are being
8 handed out at the reception. If you didn't get
9 them, they are right over here at the table.
09:06:15 10 But in your packets you'll have an agenda for
11 today; goes into a little more detail. Also,
12 those draft goals and strategies that the
13 Deputy Secretary went over. Those are in your
14 packet, so you can open them and refer to them
09:06:29 15 by number, by goal number, if that's helpful.

16 There's also a fact sheet that says a
17 little bit about the distribution of the
18 fractionation problem. And information about
19 these additional consultations, as I said, is
09:06:45 20 in there as well.

21 Lastly, at the end of your packet
22 *Federal Register* notice about the Commission on
23 Trust Administration and Trust Reform. We are
24 not going to focus on comments for that here,
09:06:58 25 but there's information in the back of there

1 that tells you where you can submit those
2 comments. The department is now in a 30-day
3 comment period on that. So you are welcome to
4 enter those comments using the information
09:07:13 5 that's in that packet. We wanted to make sure
6 you had that in case you were interested in
7 making those kinds of comments.

8 And with that I'm going to hand it
9 back to you, our tribal leaders and
09:07:32 10 representatives, to go around and make some
11 brief comments what you've heard about these
12 goals, these strategies, and your thoughts and
13 your input. And we are going to try to keep
14 this round kind of brief and take a break at
09:07:47 15 ten o'clock, come back, and have a chance for
16 more in depth comment.

17 So I don't know if we want to go
18 around one more time so people all will get a
19 chance to make comments.

09:07:58 20 MR. TRACY "CHING" KING: One of the
21 issues is what is the administration cost
22 that's going to be taken off the top of this
23 money as far as looking at ways to better
24 service the undivided interest. When I was on
09:08:36 25 the council back in the '90s we were looking at

1 ways to get the undivided interest bought.
2 Unfortunately, the BIA fought us because
3 sometimes when you are outspoken they will try
4 and hold you down or starve you out. Those
09:08:56 5 kind of tactics don't work any more. I would
6 like to have a plan where back in '96 I see in
7 the packet of appraisals here in Billings of
8 about an inch, inch and a half thick for Fort
9 Belknap and the rest of the reservations were
09:09:16 10 only not even a quarter of an inch. So really
11 basically was an insult because a lot of our
12 elders passed away trying to sell their
13 undivided interest and give it to their
14 grandchildren.

09:09:32 15 And I had a hard time because the
16 administration then kind of held you hostage if
17 you were kind of sort of outspoken. And so
18 those tactics going to continue because back in
19 '96 those undivided interests, there's probably
09:09:56 20 doubled, tripled, and those kind of things I
21 hate to see that -- I mean, there should be
22 time lines, and what's the appraisal process
23 for that. I'm hoping that we could -- you
24 know, the BIA don't have to like me, but don't
09:10:04 25 hold it against the people who are in need of

1 money. You don't have to like me, just work
2 with me.

3 MS. STACIE SMITH: We have a court
4 reporter making a transcript of all of our
09:10:50 5 remarks and it would be helpful for him to have
6 your name.

7 SECRETARY SALAZAR: Let's take one
8 more comment and then I'll have Senator Tester.
9 I think what I would like to do is to go around
09:11:07 10 and hear from you so we actually are hearing
11 from you as opposed to us spending 20 minutes
12 responding to your question.

13 Tracy, you raised very good questions
14 on administrative costs and the attitude of the
09:11:21 15 BIA. So at the end your comments we'll try to
16 respond to all of those, I think that's the
17 best way trying to get the information from
18 you.

19 Roxann, well take your comment, and
09:11:30 20 then we'll come back to Senator Tester.

21 MS. ROXANN SMITH: Thank you.
22 Welcome Senator Tester.

23 My name is Roxann Smith, and I'm from
24 the Fort Peck Tribes, I'm the Vice-Chairman.
09:11:41 25 My mind was going everywhere as we are were

1 watching this power point. And prior to coming
2 here one of my concerns was how the appraisal
3 process is going to take place. At Fort Peck
4 we have a lot of fractionalized land, as does
09:11:58 5 most of our tribes. My concern is also not
6 just for the appraisal of the surface land but
7 also the minerals, because Fort Peck has oil
8 deposits and coal deposits and we just want to
9 make sure that we are not cheating any of our
10 allottees.

11 I just wanted to make reference to
12 the act that was passed without any tribal
13 consultation, and I appreciate having this
14 opportunity to have a consultation. It's that
09:12:29 15 AIPRA Act that was passed without any tribal
16 consultation in the past has directly affected
17 many of our tribes, and because of that,
18 land -- well, you all know the AIPRA act, I
19 just wanted to refer back to that.

09:12:45 20 We have at Fort Peck a lot of
21 culturally important land that's important to
22 the Sioux Nation. We have an area up in our
23 northern part of our reservation where Sitting
24 Bull camped, and that land was land that was
09:13:03 25 probably sold out by allottees because it was

1 so far from the populated areas of our
2 reservation. I would like to be able to see
3 our tribe be able to buy that land back from
4 the non-Indians, if possible. We've had land
09:13:24 5 that was -- we had people that wanted to sell
6 their land years and years ago because they
7 needed to feed their children, and so they sold
8 their land out to the non-Indians, and I would
9 like to see us be able to purchase that land
09:13:42 10 back, and that will be from the non-Indians.

11 Also, we want to be able to have our
12 individual landowners be able to buy their land
13 back as well, and my concern again is back to
14 the appraisals.

09:13:57 15 I have a question on one of your
16 slides, you said you were going to establish a
17 committee on administrative trust, I wanted to
18 ask the question of who will sit on that
19 committee. I would like to see tribal
09:14:12 20 representation on that committee.

21 That's what comes to mind right
22 offhand here. I will pass it on.

23 SECRETARY SALAZAR: Thank you very
24 much, Roxann.

09:14:27 25 At this point I'm going to turn it

1 over to Senator Tester. Let me just introduce
2 him by saying I have known Jon Tester for a
3 long time because he and I served in the U.S.
4 Senate together, and there are very few people
5 who know their state and who work as hard as he
6 does on behalf of Montana who work in that
7 crazy place called Washington, DC. But Jon
8 Tester is back here every weekend with the
9 community standing up for the people of
10 Montana. And I can tell you that without his
11 great leadership, we wouldn't have done the
12 water rights settlements which are so important
13 here to the State of Montana and to Indian
14 Country. Without his great efforts and his
15 push with a number of people in the U.S.
16 Senate, including the leadership in the U.S.
17 Senate, we would not have been able to get the
18 Cobell settlement funded at over \$3.4 bill
19 dollar mark. So the people in the State of
20 Montana and Indian Country have a great friend
21 in your United States Senator Jon Tester.

22 SENATOR TESTER: Thank you, Ken.
23 Thank you, Secretary Salazar. And thanks all
24 of you for being here today. Thanks for having
25 me. As I walk in the door, I hear Ching

1 talking about if people don't like you. Ching,
2 we all love you, okay?

09:15:50 3 Like many of you, I'm very, very
4 proud to be here. This has been a long time
5 coming. And we are here not only to celebrate
6 a new beginning of land ownership in Indian
7 Country, but to celebrate a new era of
8 partnership. For too many years tribal,
9 federal, state governments, worked against one
09:16:05 10 another. But today we are here as partners
11 working together to find new solutions to old
12 problems.

13 I very much appreciate the good
14 Secretary of Interior, Secretary Salazar,
09:16:15 15 coming to Montana for this first event. This
16 is the first tribal consultation on creating
17 trust land consolidation program. His being
18 here shows that he is very serious about
19 upholding the government's trust responsibility
09:16:28 20 to the American Indians. I hope, Mr.
21 Secretary, the good ideas that you hear in this
22 room you are able to take back with you to make
23 a difference in any final action.

09:16:42 24 This effort will undoubtedly improve
25 Montana but it is critical that all partners

1 involved work together with open lines of
2 communication. Most importantly, I'm happy to
3 see the tribal leaders and tribal members with
4 everybody here that has a stake in all of this.

09:16:55 5 Your participation is critical for
6 creating an initiative that improves the lives
7 of individual tribal members and Indian Country
8 overall.

09:17:08 9 And although she can't be here today,
10 I think we should all stop and take a moment to
11 recognize the work of Elouise Cobell. Without
12 a doubt we would not be here today without her
13 sustained hard work. Elouise demanded justice
14 for more than a decade and she got it for all
09:17:22 15 of us. I remember talking to Elouise when I
16 was in the state legislature about her efforts
17 to solve this problem. We owe her many thanks
18 for her determination to make things right.

19 (Applause.)

09:17:35 20 As many of the people know in this
21 room, after permanently reauthorizing the
22 Indian Healthcare Improvement Act, settling the
23 Cobell case was on the top of my priority list
24 when I became a member, Montana's only member,
09:17:53 25 of the Senate Indian Affairs Committee. I was

1 proud to work with my colleagues in the Senate
2 on both sides of the aisle to get it over the
3 goal line, and needless to say Max Baucus
4 played an incredible role in all of this. But
09:18:05 5 I have to say, it is disappointing that this
6 settlement did not receive support from the
7 whole delegation. Although we asked for the
8 legislation to approve the settlement, the
9 congressman was not there when we needed him,
09:18:17 10 and he voted against it when he had the
11 opportunity to vote for it. That's
12 unfortunate, and there's something to be said
13 about accountability. But I'll leave that
14 accountability up to you.

09:18:27 15 This settlement is important for not
16 only addressing past mistakes, but equally as
17 important for avoiding future mistakes. And
18 that's why we are here today to talk about
19 creating a system that not only sounds good but
09:18:39 20 one that works well on the ground. As you know
21 in addition to the \$1.5 billion dollar fund
22 that will compensate individual tribal members
23 for past mistakes that the government made, the
24 settlement also establishes a \$1.9 million
09:18:47 25 dollar fund to buy back fractionated interest

1 of land, it creates a program to consolidate
2 those interests, and places the land back into
3 trust for the benefit of tribal communities.
4 The program is important because it will allow
5 tribes to use their land for economic
6 development.

7 Since the allotment era of
8 fractionated reservation lands and since the
9 Indian Reorganization tried to put them back
10 together, individual American Indians and
11 tribes have struggled to use their land for
12 their productive purposes. Fractionation
13 resulted in multiple and in some cases hundreds
14 of individual Indians owns a tiny piece of a
15 parcel of land. The result was without
16 constant -- without consent nobody, nobody,
17 could do anything with it regardless of the
18 potential that it may have. This program has
19 the potential to change all of that.

20 But we have to implement it in the
21 right way. Because although it has a potential
22 to succeed in a very, very big way, it also has
23 a potential to fail in a very big way. Got a
24 lot of money on the line. People are watching.
25 If we do it right, we will not only improve

1 Indian Country but he we will build up a lot of
2 trust and confidence. If we do it wrong and we
3 waste money, we will take giant step backward.

4 The challenge for all of us is to
5 look forward to the future and make decisions
6 that will improve the lives of not only our
7 generation but more importantly to improve the
8 lives of our kids and grandkids. This
9 settlement and this program gives us an
10 opportunity to leave things a little better
11 than the last generation handed over to us. I
12 ask you to join me as a partner to recognize a
13 incredible opportunity that this presents and
14 rise to the challenge.

15 Once again, I want to thank you all
16 for become being here. This is a great
17 meeting. Secretary Salazar, thank you for
18 being here. I look forward to hearing all the
19 great ideas that will come out of this meeting
20 today. Thank you all.

21 (Applause.)

22 SECRETARY SALAZAR: Rich.

23 MR. RICH KIRN: That's kind of a
24 tough act follow here, Senator Tester.

25 First off, my name is Rick Kirn, I'm

1 a Tribal Council member for the Fort Peck
2 Assiniboine Sioux Tribes. Presently I'm the
3 Chairman of the Economic Development Committee
4 and I'm a past chairman of the land committee.
5 So I have a lot of issues with this
6 fractionation. We've been doing this for a
7 long time trying to defractionalize our
8 reservation.

9 Some of the problems that we have --
10 well, first off, Senator Tester, we would like
11 to thank you for all that you've done and all
12 that you will do for the Indian Country and
13 also for the State of Montana. We are behind
14 you one hundred percent on everything that you
15 do, and I just wanted to let you know that.

16 SENATOR TESTER: Thank you.

17 MR. RICH KIRN: And it's nice to have
18 you home and it's nice to have everybody else
19 here. It's really an honor to be able speak to
20 such high respected leaders of our country. It
21 is an honor to have you here and it's honor to
22 be able to speak to you.

23 On the issue of fractionation, I hope
24 that we don't just stop there, because
25 fractionation is just one problem that we have

1 with the reservations. You know, back during
2 the allotment era we lost a lot of our valuable
3 and most productive lands through the sale of
4 that and taken out of trust responsibility into
5 fee status. And we need to get that land back
6 also.

7 I notice in your plans here that you
8 basically are targeting trust land, which is
9 the easiest thing to do. We are not here to do
10 the easiest thing, we are here to do the right
11 thing, and it's going to be difficult, but we
12 need to start purchasing back some of the fee
13 lands also, you know, that was taken through
14 attrition or just taken through sales of people
15 who didn't really know what to do with their
16 land back in the older days. But we need to
17 deal with that issue also.

18 And we as a tribe, and I'm sure
19 almost all the tribes in Montana and everywhere
20 else are pretty responsible in taking care of
21 the responsibilities of our people and of our
22 tribe. We already have regulations on how to
23 purchase that land back. We would be glad to
24 share them with you. But we won't purchase any
25 land back whether it be fee or trust unless we

1 can get controlling interest in it. There is
2 no sense in owning land if you don't have the
3 controlling interest in it. So we try to
4 target land that we can either purchase the
09:22:56 5 majority of it or take controlling interest of.

6 And we also purchase land that would
7 pay itself back most readily. We have
8 classified lands, and irrigated land as our
9 highest priority. And then we go to dry
09:23:08 10 farmland and then we go to pasture land. We do
11 good outside that sometimes when it's a pasture
12 or range unit that we can consolidate the land
13 and make more money of off.

14 So we have a lot of suggestions on
09:23:20 15 what to do. And I'm sure everything everybody
16 else does here, too. And we are looking
17 forward to working with you all in being able
18 to some of those things forward to us.

19 Again, it really is a honor to be
09:23:30 20 here and make those accommodations. Thank you.

21 MS. STACIE SMITH: Thanks to
22 everyone. I just want to jump in briefly and
23 say we do have a limited time with the
24 Secretary. And I know everybody would like to
09:23:43 25 have a chance to speak with him. So to try to

1 keep this round of remarks brief, and there
2 will be lots more time as the day goes on to
3 say more.

09:23:52 4 MR. RICH KIRN: Well, I beat that
5 deadline.

6 SECRETARY SALAZAR: I think the
7 comments so far have been very, very good and
8 very, very helpful to me.

9 UNIDENTIFIED SPEAKER: My colleague
09:24:03 10 has already spoken, I will pass on.

11 MR. LARRY DeCOTEAU: Thank you. My
12 name is Larry Code , I'm a tribal councilman
13 with the Turtle Mountain Band Chippewa. We are
14 one of the larger tribes in Northern Plains.
09:24:16 15 We have over 30,000 members within our
16 organization and we have the smallest land
17 base. We have a little miserable 6 by 12
18 reservation with adjacent lands, you know. We
19 are one of the only tribes in this country
09:24:29 20 where instead of allotting lands adjacent to
21 our reservation or on our reservation, they
22 sent us to Montana, they certainty us to South
23 Dakota, western North Dakota. So our tribe is
24 scattered all over this country.

09:24:42 25 So we are having difficulties with

1 land. We cannot progress economically because
2 we have no land period. We have a hell of a
3 place to put a housing project. That's how bad
4 our territory is.

09:24:56 5 And we have lands, like I say, in
6 Montana and they are under the public domain.
7 So they are not considered under this Cobell
8 agreement, which is a treaty right. They have
9 the same right as the people on the Turtle
09:25:08 10 Mountain Indian Reservation do with the lands
11 in Montana, the same rights. But yet they are
12 left out of this Cobell agreement, which
13 doesn't seem right to our tribe.

14 So that's why we are here to try to
09:25:18 15 get this kind of thing straight because like I
16 say we have land in Fort Peck, Fort Belknap,
17 well have land on the Cheyenne River, Northern
18 South Dakota. So these lands we have to get
19 them involved with this Cobell agreement.
09:25:33 20 Because that's half of our lands. 33,000 acres
21 with have in the Turtle Mountains. We another
22 have 35,000 scattered within these three
23 states. So if we don't get on this Cobell
24 agreement with our lands, the Turtle Mountains
09:25:47 25 don't like it. I thank you very much for your

1 time.

2 MR. MICHAEL JANDREAUX: Good morning.
3 Thank you for the opportunity to speak to you.
4 You know, the Cobell case, as far as our part
09:26:03 5 of the country, has very negative and some
6 positive aspects to it. The real idea of
7 consultation, although there are many meetings
8 scheduled for it, is kind of a nebulous ideal.
9 You know, having served with my tribe for
09:26:27 10 nearly 40 years now, I have listened to this
11 word so many times and seen that it's kind of
12 interpreted the way that is most justifiable
13 for the administration or the Congress for
14 government of the United States. The real
09:26:50 15 meaning of this issue and how it impacts our
16 tribes and the generations to come are not
17 truly a part of what really becomes the end
18 result.

19 So while all intent is good, and
09:27:15 20 hearts are good, the reality of what happens and
21 the impact of what happens are always things
22 that go negative to our real development, to
23 our real consolidation, and to the real
24 infringement upon our rights and
09:27:36 25 responsibilities of governing bodies of our own

1 people.

2 I would ask that the considerations
3 that are brought out here today are not limited
4 to those immediate problems, but are limited to
5 the life of what will occur as a result of the
6 final product.

7 Thank you.

8 MR. WILLIE A. SHARP: Mr. Secretary, I
9 am Willie Sharp, Blackfeet Chairman. I want to
10 thank you very much.

11 I am Willie A. Sharp, Chairman of the
12 Blackfeet Tribe. We have several other
13 councilmen here who will be talking on
14 different topics. I know that the economic is
15 one aspect that we deal with on our
16 reservation. We have a large tracts of oil and
17 gas that is hindered by the fractionation, and
18 that's a real concern. There are several other
19 areas I guess, and some of the other councilmen
20 that will speak about them.

21 But I have a concern about some of
22 the land we are talking about people,
23 allottees, that own it here. I have a concern
24 with like military, that we have military
25 installations on the reservation that were

1 owned way back, the radar system or something.
2 Those are now EPA field projects, I don't know
3 when they'll ever get to them. We have county
4 lands that were acquired but the county lands
09:29:28 5 are no longer being used and we would like to
6 see those returned back to the tribe, like
7 airports and different tracts.

8 School district, school districts
9 acquire land, people give them the land way
09:29:43 10 back so they can have their kids in the
11 community would have a place to go. We would
12 like to see those returned back.

13 We have an issue with some of the
14 other lands, like Glacier National Park, Lewis
09:29:59 15 and Clark National Forest. Some issues of land
16 there are real paramount in the usage and some
17 of the returning back. Some of the allottees
18 that were immersed into the Glacier National
19 Park way back when, but there are tracts of
09:30:17 20 land that are in the park now that used to
21 belong to allottees. That's an issue.

22 We have the Helena series, we call
23 them Big Sandy series, of way back when
24 allottees were being allotted, there were large
09:30:30 25 tracts of land outside the reservation, like

1 all the way down to Helena, you know, different
2 parts. They were allotted to the female that
3 married a nonmember, so those lands were out
4 there, and they are scattered out there along
5 the High Line.

09:30:46
6 We have a real issue with
7 encroachment. And I'm not racist or anything,
8 but we have large segment of Hutterites buying
9 up large tracts of land, and they are
10 competitive with us and we are at a
11 disadvantage because they can collectively pool
12 their resources together as a colony, whether
13 it's from Canada or in the surrounding area.
14 So that's an issue.

09:31:01
15 The other one is we have larger
16 tracts of land being bought up by the Dalai
17 Lama groups, and that's a real concern along
18 our front there. We are afraid that once they
19 buy them up they are going to subdivide them
20 and sell them off as parcels. So it's in the
21 area where some of our lands are real sacred
22 along the Rocky Mountain front.

09:31:18
23 And, again, I would say an education
24 of the allottees, because they don't really
09:31:49 25 understand the fractionation aspects. They

1 think the tribes are stealing their land, this
2 and that, so I would like to see something real
3 positive in that area to bring awareness about
4 how this impacts them to stem the flow of
5 selling of land and fee patents, that type.

6 Again, I want to thank you. I don't
7 want to take too much time. Thank you.

8 MR. ORVILLE ST. CLAIR: Thank you.
9 Thank you again, Mr. Secretary. Again, my name
10 Orville St. Claire. I represent the Eastern
11 Shoshone from the Wind River Reservation in
12 Wyoming.

13 You know, each of us around the table
14 our reservations and tribes have a unique
15 history with the United States government. Our
16 story at Wind River started in 1863. We signed
17 a treaty for 44 million acres of land. Five
18 years later the United States government come
19 back and basically said we want to renegotiate,
20 but it really wasn't a renegotiation. You know
21 how that story goes. So we now control two and
22 a half million acres of land, which is trust
23 and allotted land. The exterior boundaries of
24 our reservation is 3.2 million acres of land,
25 about 800,000 acres is fee land, and the rest

1 of that is federal either Bureau of Reclamation
2 or some sort of other federal controlling
3 agency.

4 The problem we are having down at
5 Wind River is the encroachment, as the
6 gentleman to my left has talked about, but it's
7 from the state and county governments
8 infringing upon our tax base. They currently
9 impose a 7 and a half ad valorem property tax
10 and a 6 percent severance tax on our oil
11 production. Now, this is going to directly
12 affect some of the lands that we are talking
13 about. Because those lands, if we are to
14 purchase fractionated interests of lands that
15 are producing oil and gas, that's going to take
16 off some of the revenue and affect some of the
17 income stream from the state and county.

18 SENATOR TESTER: Orville, who is
19 imposing the taxes, and is it on the reservation?

20 MR. ORVILLE ST. CLAIR: Yes.

21 SENATOR TESTER: Who is doing it?

22 MR. ORVILLE ST. CLAIR: Fremont
23 County.

24 SENATOR TESTER: Oh, the county
25 government is.

1 MR. ORVILLE ST. CLAIR: County
2 government, 7 and a half percent ad valorem
3 property tax. We have been supporting the
4 county and state ever since we started
09:34:28 5 producing oil at Wind River. We have an
6 ongoing discussion with the State of Wyoming
7 right now on taxation. But we'll need the
8 federal government's help when we come to that
9 hurdle.

09:34:42 10 I guess I have two other concerns.
11 The other one is in the Rocky Mountain Region
12 through the BIA there's a limited funding for
13 appraisers. And I'm sure you're going to need
14 appraisers to complete the task at hand.

09:35:01 15 We also are one of the few
16 reservations that have an adjudicated water
17 right through the Big Horn adjudication. So
18 not only the tribes have ownership of water,
19 the allottees also have ownership of water. So
09:35:12 20 these fractionated interests will come along
21 with a water right. Currently I don't think
22 those water rights are being valued in the
23 appraisal process, let alone the oil and gas,
24 the sand and gravel. My reservation is a rich
09:35:30 25 reservation when it comes to mineral

1 development, and I'm not sure they are being
2 appraised in the right manner. So that's going
3 to be some of our concerns at Wind River.

4 Thank you for allowing us to have
5 this time with you.

6 MR. GERALD SMALL: My name is Gerald
7 Small, tribal Council member at the Chippewa
8 Cree Tribe in Rocky Boy. It's an honor to be
9 here. I don't have questions yet.

10 MS. LILLIAN WANNA: Good morning.
11 It's going to be here with all of you this
12 morning. My name is Lillian Wanna. I'm with
13 the Sisseton-Wahpeton Oyate from Sisseton,
14 South Dakota. I guess we are one of the
15 highest fractionated reservations in South
16 Dakota.

17 But one of my questions, because we
18 have a lot of our Canadian relatives who own
19 land with us, and before our public law was
20 passed in 1984, the non-Indian spouse, the non-
21 enrolled children were allowed to inherit. So
22 my question is, if we are going the buy land
23 back from the Canadians, and there's is either
24 in fee or restricted, whose responsibility
25 would be to take those interests into trust for

1 our Oyate?

2 I read a lot of the material. It
3 pertains to fee and restricted. On our
4 reservation, I have been in realty for 38
09:37:02 5 years, we know our landowners basically. We
6 were one of the first tribes to get FHA loans
7 to purchase land. We have paid back all our
8 FHA loans. In fact, our last loan, we have
9 paid back four years earlier than we were
09:37:19 10 supposed to.

11 I guess another question is, on the
12 previous ILCA purchases, how does a tribe apply
13 for a waiver? Our tribe, was not involved in
14 the last purchase program, and some of the
09:37:45 15 lands that were purchased we don't think should
16 have been. Like they purchased, they called it
17 lake shore, like half a mile, three-quarters of
18 a mile from a lake, and paid this girl \$75,000.
19 Now, the income off that we figure is going to
09:38:05 20 take over 300 years because basically what it
21 is is rocky pasture land. There is no lake
22 shore. So when we called Wisconsin, and they
23 never did get back to our chair chairman, on
24 how do we apply for a waiver on some of those
09:38:23 25 previous purchases.

1 And my other question is, the
2 Canadians are the fee interests, who will take
3 those into trust? At the time they are
4 purchased, is there going to be somebody, a
09:38:39 5 person there, to start the fee to trust
6 process? Because I don't know how all the
7 other county commissioners are that we all have
8 to deal with, but I bet you've never dealt with
9 commissioners like Roberts County in South
09:38:56 10 Dakota. One tract of land took us 13 years to
11 put into trust.

12 I'm thankful that the tribe is going
13 to be involved this time from the appraised
14 value to the documents to getting them
09:39:17 15 recorded. The last time there was no tribal
16 involvement and this time, you know, it's good
17 to see that there will be tribal involvement in
18 the purchase of these lands.

19 I guess those are my two biggest
09:39:33 20 questions, is the fee to trust. You know, we
21 do have a lady on staff with us who is helping
22 the Canadians probate their land on our
23 reservation. It's a long, slow process. Our
24 Canadian relatives, you know, don't have the
09:39:52 25 money to come from Canada to our reservation to

1 get into court. So we have had a person now on
2 for four years. It's working real well. The
3 ones that we did get probated, some of them are
4 interested in selling, some aren't. The ones
5 that aren't, say this is the only ties to you,
6 you know, our relatives at Sisseton. But when
7 we do purchase from a Canadian, our fee
8 non-Indian spouse, who puts that into trust for
9 us?

10 Thank you.

11 SECRETARY SALAZAR: Thank you,
12 Lillian.

13 MR. JAY ST. GODDARD: Good to see you
14 again. Again, Welcome to Montana. Who started
15 all this should really be here with us, but due
16 to health issues she is home healing up. If it
17 wasn't for her we wouldn't be at this table.
18 She is Blackfeet. Elouise Cobell. And back in
19 April lost another elder waiting for this day,
20 that would be my mother, she supported Elouise
21 a hundred percent. Prayed for her, called her
22 every day and encouraged her. Along with other
23 elders who passed on waiting for this to
24 happen.

25 I want to echo the words that Tracy

1 King said about the BIA system. I hope it
2 doesn't go back to that part of the process.
3 We get bombarded C.F.R. books. Rulings. We
4 have to go back and talk about these things we
09:41:35 5 are going to lay out for our people. The
6 people back home that don't understand the
7 issues that we are going to lay out for them.
8 In laymen's terms, simple terms, none of these
9 C.F.R. rules, you can and can't do. Because
09:41:49 10 right now on Blackfeet we are still treated
11 very bad by our administration, the deputy
12 secretary, the new one there is the worst.
13 She's given us a bad time and I don't want to
14 see her run through that office. If we have to
09:42:05 15 work through Billings, we will work through
16 Billings. But right now our superintendent,
17 our deputy secretary, treat Indians very bad,
18 along with our leasing processes.

19 Right now they run off over a million
09:42:18 20 dollars of business to ranchers. There are
21 probably over 15, 20 ranchers went out of
22 business because of those two individuals. And
23 I say that openly. I've been addressing it
24 since I got bark on the council and nothing is
09:42:31 25 being done.

1 But with that said, the last land
2 purchase issue you guys had, Velco or whatever,
3 didn't work with a darn. We are still
4 wondering where that money is at. How many
5 lands got bought, the tribes didn't get to
6 utilize that very much. As our chairman as
7 stated, economically we are strapped, because
8 it is the Interior's trust responsibility when
9 it turns into trust. But what banks out there
10 are going to lend tribes, lend individuals,
11 because it's in trust land or on the
12 reservation? These are the economic straps
13 that we go through, because once it's in trust
14 the banks don't want to touch it. We have to
15 leave it in fee. But I guess there's hurdles
16 that we've learned to get through and we will
17 continue to do that.

18 Right now we talk about lands,
19 there's four large ranches brought up by
20 nonmember ranchers married to Indian women,
21 they've established their lands, sold them off
22 to nonmembers, and when can this money go
23 towards Indian tribes such as the Blackfeet?
24 Right now these ranchers, because we have no
25 money, 80, 90 percent of the time there's a

1 process, we are the first right of refusal, but
2 80 or 90 percent of the time we don't have the
3 money to buy these large lands, these pieces of
4 ranches that these nonmembers are selling. We
09:44:04 5 have to scramble, leave other ranches in fee so
6 we can go to FHA to borrow the money to try to
7 keep our lands base.

8 But also the five people you hire, I
9 hope you look at tribes that have people and
09:44:18 10 staff that know this process that can keep it
11 simple so we can report it back to our
12 membership. I was at the beginning, I give
13 testimony back in DC with Elouise, along with
14 attorneys before Dorgan, in front of Mr.
09:44:34 15 McCain, who supported the settlement. Elouise
16 thought I was crazy because I said you better
17 ask for us because we are going to cut us way
18 down. That's what happened.

19 I would also like to know is this
09:44:46 20 money going to be spent in ten years? And if
21 not, where is it going to go? I hope it
22 doesn't go to the administration.

23 But also, just out of respect, I know
24 you guys hired a lady out of Baltimore to
09:45:03 25 facilitate this, but I wish the tribal leaders

1 would have been contacted here in Montana and I
2 think we could have facilitated this meeting
3 very well. The tribal leaders understand each
4 other and know where we come from. And I
5 welcome all the other tribes from South Dakota
6 and surrounding areas. It's going to see you
7 all here.

8 But there's a lot more questions,
9 hard questions, that need to be asked. This is
10 going to be a long, lengthy process. But most
11 of all our hope our allottees, our members,
12 that are hoping for this money are not left out
13 of the process, because they have concerns. To
14 me \$800 is going to be gone in a week. One
15 trip to Walmart, there goes a ten-year battle.
16 It should have been more.

17 Thank you.

18 MS. STACIE SMITH: Everyone, I just
19 want to remind you about time, if we can just
20 ask one leader per tribe to speak in this first
21 go around. We do want to try to get everyone a
22 chance to speak to the Secretary.

23 MS. MAJEL RUSSELL: Good morning
24 again. It's great to see you here, Senator,
25 with this critical issue, Secretary Salazar,

1 Mr. Hayes, all the other dignitaries.

2 As I said earlier, I'm Majel Russell
3 and I'm a member of the Crow Tribe and a
4 landowner at Crow, part of the plaintiffs'
5 class here. I'm also here today, though,
6 speaking on behalf of the three affiliated
7 tribes.

8 And I guess listening to all the
9 tribal leaders, I think one of the key critical
10 issues right at the forefront here is what are
11 the objectives of DOI, and I think we looked at
12 those a little bit, and what are the objectives
13 of tribes? And think all the tribal leaders
14 that have spoken so far have talked about true
15 land consolidation. They want to restore their
16 land bases; they want to undue the affects of
17 the allotment act; they want to buy fee lands;
18 they want to buy lands that they don't have
19 money in their own revenue streams to purchase.

20 So I think if you look at true tribal
21 land consolidation, today is a historic and
22 incredible event because ever since 1934 this
23 country has never put money into financing true
24 land consolidation. You did have the ILCA
25 project, but obviously those funds were very

1 limited and very restricted.

2 So now is a historic event and the
3 tribal leaders are all here to express their
4 concerns that they want true land
09:47:34 5 consolidation. And is true land consolidation
6 consistent with the objectives of the
7 department? The Indian land consolidation
8 program looked at closing accounts. It focused
9 on interests that were 2 percent or less of a
09:47:45 10 tract.

11 So what happened is, although you may
12 have purchased a lot of those interests, tribes
13 ended up owning little tiny fractionated
14 interests. And there's a lien on those
09:47:56 15 interests. They are not under tribal control.

16 So in this program I think it's going
17 to be critical to rethink all of the law that
18 supports the Indian land consolidation program.
19 Are we going to focus on 2 percent or less
09:48:08 20 interests? Can we buy fee land? Can we buy
21 tracts that are really going to benefit tribes?
22 If the tribe wants to have a energy project can
23 they purchase the surface so that they can
24 reach that mineral. There's a lot more to true
09:48:20 25 land consolidation and to right the wrongs of

1 fractionation than focusing on 2 percent
2 interests. So I think that's one big issue
3 objective. And I will try to speak quickly.

4 The other thing is we are concerned
5 about capacity. What is the capacity of the
09:48:34 6 bureau? And, Mr. Hayes, I heard you say
7 there's a cadre of people that are prepared to
8 implement this program. The history of the
9 Department of Interior is that you've never
10 been able to spend more than \$30 million
09:48:45 11 dollars in any given year purchasing
12 fractionated land interests. Those interests
13 still have a lien on them. You know, they are
14 still under management of the BIA. The revenue
09:48:56 15 is limited in order to satisfy those liens.
16 Title work is not complete. They are still a
17 lot of title issues on those small interests
18 that were purchased.

19 So I think we have capacity issues
09:49:07 20 that we need to think about. Is there really
21 the ability to develop that capacity within the
22 BIA? And can we do it timely? Can we do it
23 within ten years? That means we have to spend
24 \$200 million dollars on land purchases every
09:49:21 25 year now for ten years in order to expend all

1 of this money. And the record of the bureau is
2 difficult, and I was there as part of that
3 record making. So I can say that with some
4 knowledge.

09:49:34 5 Finally, I think that there are lots
6 of challenges that we have to consider. I've
7 heard the tribal leaders mention valuation.
8 How are we going to value these lands? How are
9 we going to value them timely? How are we
09:49:45 10 going to value mineral interests? How are we
11 going to value improvements that are sitting on
12 these lands? There's lots of case law that
13 addresses whether or not improvements are part
14 of the trust property or not. So I think we've
09:49:57 15 got valuation issues.

16 We've also got conflicts in the law.
17 The settlement act says fair market value. But
18 the law that is cited allows you to do some
19 other things as an estimate of value. So how
09:50:10 20 do we iron out the conflicts? Do we need to
21 propose technical amendments to clean up
22 basically some of the conflicts and make this
23 process easier? So I think we do have a lot
24 of those challenges that we also need to look
09:50:23 25 at, and as the day goes on I have a lot more to

1 say about that.

2 But I thank you very much for your
3 presence here today and for this historic event
4 that we are all I guess encroaching. Thank
5 you.

6 MR. BUD MORAN: Senator Tester,
7 Secretary Salazar, again, welcome to Montana.
8 Welcome to Montana to all the tribal leaders.
9 I'm Chairman Bud Moran from Flathead, Salish
10 and Kootenai Tribes. We've been involved with
11 the ILCA program that's ongoing right now.
12 Since its conception, we put very small amount
13 of acres in, we purchased a number of acres but
14 it's been real small. Like Majel said, the
15 work that you have to do to get some of these
16 things process is tough, and should be stream-
17 lined a lot better. We have a number of
18 comments that we are going to make on this
19 program. There's different things that we
20 think could be done.

21 We appreciate the goals. We think
22 the goals probably need to be looked at and
23 maybe set in different order, because there are
24 certain things that have to be done before
25 number one goal could be done.

1 But anyway, we think there's
2 modification of appraisals, and I think that's
3 being talked about.

4 Then we talk about the probate laws,
09:51:57 5 we adhere to, when a section of land is
6 probated, in some cases it goes into fee
7 interest, so we have to address those fee
8 interests. We have to be allowed to buy those
9 fee interests so we can have that piece of
09:52:14 10 land. And tribal members have a right, they
11 deserve the right, to face-to-face consultation
12 on their property. We try to do that. We make
13 every attempt at Flathead. We don't do things
14 without the membership. And we are real glad
09:52:35 15 that that's a process here, we are real glad we
16 are talking to dignitaries and department.
17 Majel and I have been involved in it, nothing
18 against the department, but there are things
19 that should happen at the onset. We should
09:52:50 20 establish a goal in how this is going to
21 operate, not something that we think it's going
22 to operate in a certain way. There's a number
23 of tribes that are very competent in operating
24 their programs and we should allow them to
09:53:06 25 operate it in a contract-to-contract manner.

1 And we should have projects SKT or SNI in
2 Washington distributing some of this money,
3 working with these programs so they know how
4 the tribes operate. These professionals, they
5 know how we can get this money spent for the
6 betterment of the tribes. And I really support
7 that.

8 We, the Flathead Tribes, has in the
9 last two and a half years have put 52,000 acres
10 into trust status, and that's probably as much
11 as the department has totally in the bureau.
12 Not saying the bureau is not doing the job on
13 that, but doing the right job that we put a
14 team together that can do that, and tribes on
15 the ILCO program tribes can put their teams
16 together and they get the same process. We
17 just have to set the team up and set the
18 requirements. Some modification on those
19 requirements I think could take place.

20 Thank you very much.

21 SECRETARY SALAZAR: Thank you, Bud.

22 MS. JENNIE SMALL: Good morning. My
23 name is Jennie Small. But I will turn it over
24 to our land authority chair, Jace Killsback.
25 But I wanted to say one thing.

1 I would like to remind all of you
2 that this process needs to be simple. We need
3 to eliminate the bureaucracy, and I really
4 appreciate all tribal leaders' comments. I,
5 too, have the same concerns, but I am going to
6 turn it over to our land authority chairman.

7 UNIDENTIFIED SPEAKER: Welcome to
8 Montana. I also will turn it over to our land
9 authority chairman.

10 MR. ROBERT CAMPBELL: Robert
11 Campbell, Santee Sioux Nation. You said
12 something about appeal. If there's an appeal,
13 is that going to change the consultation in any
14 way?

15 MR. JACE KILLSBACK: Jace Killsback,
16 Northern Cheyenne Tribal Council, Chairman of
17 the Land Authority Committee.

18 Our council members will be given
19 giving more technical comments and questions,
20 but mine are general in purpose.

21 If you look at your pie chart that
22 you handed out, Great Plains and Rocky
23 Mountain. Over half large land-based tribes is
24 who we represents here. Trust issues. So I
25 guess Cobell is forcing us into that era of

1 trust reform that we've been waiting for the
2 last 15 to 20 years. In history ownership was
3 something foreign to Indians as far as
4 ownership of land. The land owned us. We seen
09:56:14 5 that change through history with reservations,
6 government policies, reorganization. We seen
7 it with allotment. We seen it with
8 assimilation. We seen it with termination. We
9 are in the process of still dealing with
09:56:40 10 modernization that was attempted, the BIA. And
11 now we are in the era of consultation.

12 Historically like Majel mentioned,
13 this is really important for Indians and Indian
14 tribes and our generations to come, in that how
09:56:59 15 we proceed with this era of consultation is
16 going to be written in history books on how the
17 government worked and dealt with tribes and
18 continues to work and deal with tribes.

19 The culture of the BIA post Cobell,
09:57:17 20 you mentioned, Senator Tester, can go either
21 way. And I think that what you see is an
22 opportunity for the government to change that
23 culture in Indian Country of what the bureau is
24 and has been. And that's unaccountable to
09:57:37 25 tribes.

1 The problem that we have from a more
2 technical aspect was already mentioned in
3 regards to lack of appraisals, backlog of
4 appraisals, lack of accurate surveys,
09:57:55 5 consultation on those surveys. The issue of
6 whereabouts unknown. The sunset of OST. Those
7 have all been brought up the last ten years
8 with past consultations. So there is testimony
9 out there, there is policy papers out there,
09:58:14 10 and I think it would be important for us to
11 revisit those, because a lot of times we do
12 consultation and we wonder where it goes. Does
13 it just go into the black hole of the
14 bureaucracy?

09:58:30 15 You as a government should be able to
16 provide us with some sort of matrix on actions
17 that have been taken in regards to
18 consultation. And in fact, make us feel our
19 words, our testimony, are being put to task,
09:58:47 20 because we've done this a number of times in
21 the last five years.

22 In regards to tribal priority, I
23 think it's going to be crucial that we are --
24 the government defers to tribes and tribal
09:59:06 25 input on how we handle this process. All the

1 tribes have been working with, an example, all
2 the tribes have been working with FSA to do
3 buy-back of their lands, and I think it would
4 be important for the bureau to look at a
5 specific either BIA loan program for buy-back
6 or use of some of this money as equity to
7 leverage more buy-back. Too many times tribes
8 have become checkerboarded through that process
9 of individuals taking their land out of trust
10 either to mortgage or to sell. And we want to
11 avoid that.

12 The other part that was brought up
13 was AIPRA, and I know it was mentioned earlier,
14 and I think there were previous resolutions,
15 even from the region here and individual
16 tribes, opposing that, but with those
17 oppositions are some solutions that actually
18 can be included in this process now in regards
19 to how probate is handled with land
20 fractionation.

21 The other thing I wanted to mention
22 was fee to trust. And a lot of times tribes
23 have the priority of putting fee land into
24 trust for spiritual reasons. Maybe that land
25 has sacred significance, but a lot of times the

1 notion is you're going to put a casino there.
2 Well, who cares if we do? That's part of
3 economic development also, and that is also
4 significant to tribes, because of what energy
10:01:03 5 development might mean or not mean to certain
6 tribes. So there's got to be an open mind when
7 tribes want to put their land in trust, either
8 adjacent or off the reservation, even with that
9 fear of casino development.

10:01:19 10 That was something that set us back
11 in fee to trust was the whole gaming tribes
12 push in the '90s that really hurt large
13 land-based tribes in our efforts to consolidate
14 our land and put it back into trust. So I
10:01:39 15 think there are some wrongs there that need to
16 be fixed as far as the perception, as far as
17 the culture of what tribes are doing with their
18 land.

19 And lastly, with the settlement, with
10:01:54 20 the act, I'm also an advocate for the bureau.
21 I advocate for the bureau's hands on programs.
22 We don't want to start seeing it geared towards
23 OST where it is more conceptual, we want the
24 hands on people to serve us on the reservation
10:02:14 25 with realty and range departments, because

1 that's our biggest problem now is funding for
2 those positions, lack of those positions. We
3 still are a direct service tribe, we still hold
4 the government responsible for those services,
5 for them to limit their own departments
6 actually hurts the individual tribal member
7 when they are trying to get a home site, when
8 they are trying to lease out their land.

9 And so I think in general terms we
10 are in the process of writing history, and I
11 think with further comments from my council
12 will be more technical, but I wanted to share
13 that with you from a more tribal perspective.

14 Thank you.

15 SECRETARY SALAZAR: I appreciate that
16 very much. Let me just say, I'm going to have
17 to leave here in about five minutes because
18 otherwise we'll upset a bunch of folks who are
19 ready to celebrate the Crow water rights
20 settlement who are waiting for us on the Crow
21 Reservation. But my deputy, the deputy who has
22 been so involved in this, David Hayes, will
23 continue to be here through the consultation.
24 But I would like to hear from the rest of the
25 tribes who have not yet spoken. I have just

1 about five minutes.

2 MS. CINDY WEDDELL: My name is Cindy
3 Weddell, I'm Vice Chair Flandreau Sioux Tribe.
4 My tribe's land base is less than 5,000. We
5 are a small tribe. We only have members of
6 600. So this Indian Land Consolidation Act, it
7 affects our members, because they have a lot of
8 land on different reservations, North Dakota,
9 Nebraska, Minnesota, and in South Dakota.

10 When we are talking free to trust, I
11 know our tribe right now, too, we've within
12 buying fee land since we are such a small
13 land-based tribe, try and buy fee land and turn
14 it into trust, but we are having problems with
15 the county commissioners. I mean, they are
16 really hard to work with. The only way that
17 they will even sign anything is if we say we
18 are going to give them, like in our ambulance
19 contract, they wanted \$10,000, otherwise they
20 won't come on to our reservation land with the
21 ambulance if we need them. And we don't have
22 the funds for it right now. So they are
23 holding us to try and turn our fee land into
24 trust.

25 That's all I have to say. Thank you.

1 MR. JIM FIELDS: Good morning. My
2 name is Jim Fields with the Pawnee Nation of
3 Oklahoma. Good to be up here in the northern
4 part of our nation. What I'm hearing from our
5 tribal leaders, especially our tribal elders,
6 when will we get our money? That's the main
7 thing.

8 The question I have is regarding the
9 priority of funding, who is to be paid first or
10 will it be based on those who are more highly
11 fractionated than others or those who apply
12 first?

13 Another issue or question we have is
14 in Oklahoma we have surface rights and mineral
15 rights. And will it involve both or either?

16 Another concern or question is I
17 heard comments about fee land. My understanding
18 was this is only trust lands. In Oklahoma we
19 have trust and restricted lands, so I assume
20 it's the same thing. But they are wondering if
21 there's any -- will be any incentive pay for
22 those who are more highly fractionalized. For
23 example, in Oklahoma we have fractionalized
24 just down to a millionth of an interest. So
25 will there be incentive pay?

1 What's the future of additional
2 funds? Is this just the beginning? Have you
3 all estimated what the cost of -- total cost of
4 those are -- can you all hear me?

10:06:38 5 What about those after you pay those
6 that volunteer to sell their land, will there
7 will be a program to encourage others, and what
8 would that encouragement be?

9 I notice in our graph chart here that
10:06:55 10 eastern Oklahoma is probably one of the
11 smallest ones, and, of course, you have to also
12 realize that I worked many years in the bureau,
13 I worked in the south plains, and I worked all
14 of my career in eastern Oklahoma, and if you
10:07:08 15 factor in the consideration there's an act
16 called the 47 Act that affected the Five
17 Civilized Tribes. And under that 47 Act any
18 land when it's inherited and probated that the
19 owner is less than one-half degree, that land
10:07:27 20 automatically becomes unrestricted, no doubt
21 about that. And I'll say, just for example,
22 it's probated through the state courts. So I
23 know there's a various ways that we all do
24 things, and I think my being here, I'm glad to
10:07:45 25 hear the northern view, and I think it's good

1 if we share with others when you come to
2 Oklahoma in October, that you'll probably hear
3 the same things, comments, Mr. Secretary.

4 I know your time is short. So I'll
5 just pass it on.

6 SECRETARY SALAZAR: Thank you very
7 much, Jim.

8 MS. VENITTA CLARK: Thank you. My
9 name is Venitta Clark and I'm the treasurer for
10 the Cheyenne Sioux Great Plains. Our chairman
11 is not able to be here. We are here to listen,
12 I know there will be a lot more discussion at
13 home, but my question is when will you be
14 coming to the Great Plains for consultation?

15 One of the things we wanted to ask,
16 on your handouts in the background you have
17 makes available \$1.9 billion, the majority of
18 which will be used by the Secretary to operate
19 the ILCP for the purpose of addressing the
20 problem of fractionation. It doesn't have no
21 dollar amount of what's going to be spent to
22 purchase. So that's our comment right now.

23 MR. VERNON IKE SCHMIDT: Good
24 morning, Mr. Secretary. My name is Vernon Ike
25 Schmidt. I'm here representing the Rosebud

1 Sioux Tribe.

2 I have two resolutions to present.
3 One of the resolutions almost entirely the same
4 as the Great Plains Tribal Chairmen's
10:09:12 5 Association, but it's basically asking that
6 Rosebud Sioux Tribe be considered in the
7 contracting. We do have an organization that's
8 been in existence for 68 years, it's called
9 Tribal Lands Enterprise. We've taken 12,000
10:09:31 10 acres and now we are managing over 900,000
11 acres through this process. And I have a
12 history and some of the bylaws if anybody is
13 interested.

14 We also have a resolution here, Mr.
10:09:48 15 Secretary, requesting that you consider
16 Chairman Rodney Bordeaux as one of the
17 candidates for the commission. He's very
18 articulate. He's been on the tribal council
19 for about four years. He's finishing up his
10:10:06 20 third term as chairman of the tribe. He's got
21 a business management degree. I'm putting a
22 plug in for him mainly for our area down there,
23 he would be a good spokesman.

24 I have other comments and things I'd
10:10:22 25 like to explain later in the day on what we are

1 doing at TLE, that would dovetail right into
2 what's going on now. So thank you.

3 SECRETARY SALAZAR: Thank you.

4 MR. ROBERT COURNOYER: Good morning,
5 Mr. Secretary, and Senator Tester. It's a
6 pleasure to be here in Montana, but we would
7 like you to come to the Great Plains region for
8 a consultation because we have the largest
9 concentration of IIM account holders and
10 fractionated interests.

11 And I think that my question was that
12 the tribes weren't involved in this whole
13 process. From the very beginning it was for
14 the IIM account holders. So it is kind of
15 ironic that after the fact that we are having a
16 consultatijon, but it is for a good purpose,
17 and it's to consolidate all these fractionated
18 interests. Like Ms. Russell and a few others
19 that had spoke about the lien hold on these
20 lands that were purchased, I wish we could work
21 on it and take that out language out because it
22 takes forever to pay that off. So that would
23 be one of the questions we could work on.

24 Not only that, the Yankton Sioux
25 Tribe, we finally won our court case. We've

1 been battling with the State of South Dakota
2 for 18 years plus, they were trying to
3 disestablish and say we were no longer a
4 reservation, and we finally won that case. The
5 Supreme Court denied State of South Dakota
6 cert. That was a major victory for us.

7 (Applause.)

8 UNIDENTIFIED SPEAKER: Good morning,
9 Mr. Secretary. Thank you for being here. My
10 tribal council member here handed me the
11 microphone and asked me to say a few words
12 here. I will try and make it as brief as I
13 can.

14 Our main concern I think right now
15 was it was spoken here before, the valuation,
16 the appraising process. In the past
17 historically tribal lands have always been
18 valued very low compared to non-Indian lands.
19 That is still a big problem on our reservation.
20 In 150 years we lost 90 percent of our
21 reservation either by hook or crook. And we've
22 become a very poverty reservation.

23 Our concern is the appraisal process
24 and also future fee to trust, as was spoken
25 here, there's a little irony here because AIPRA

1 has removed tribal governments from -- or, no,
2 I'm sorry, the plan has removed tribal
3 governments as a part of this process. And yet
4 AIPRA says the tribal governments have the
5 right of first refusal. Are these lands going
6 to be -- do they all have to be fee to trust
7 lands?

8 I'm going to stop the ball right
9 there and maybe later on today have another
10 comment. Thank you.

11 SECRETARY SALAZAR: Thank you very
12 much.

13 Jim, did you speak?

14 UNIDENTIFIED SPEAKER: I will defer
15 over here, the guy that works with our land
16 pretty much.

17 SECRETARY SALAZAR: We will take you,
18 Jim, and I will make a closing comment. And
19 Jon Tester make a closing comment. And then
20 we'll take a break.

21 MR. STEVE WILES: Mr. Secretary,
22 Steve Wiles, and I work for the Northern
23 Arapahoe Tribe. And our comments revolve
24 around the valuation process. And it's
25 basically who do you represent in this, because

1 you represent both buyer and seller as trustee.
2 And so later we will have a number of comments
3 about that, going out Councilman St. Claire's
4 concerns about water, mineral rights, and so
5 forth. I will wait until later for specific
6 comments.

7 SECRETARY SALAZAR: Thank you, very
8 much. Did everybody at the table have an
9 opportunity to speak for the tribes?

10 Let me make a few closing comments.
11 Then what I will have the deputy secretary do
12 is try to review some of the comments and
13 questions you all raised as part of the ongoing
14 consultation.

15 First, just to answer some of the
16 questions here that have been asked. First, in
17 terms of the five-member trust reform
18 commission that we will set up. That obviously
19 the membership of that commission will be
20 decided upon based on consultations with the
21 tribes. We want it to work and it has to be
22 great people that can help us make sure we take
23 this historic opportunity and get it right. So
24 no decisions have been made on who ought to be
25 on that commission at this point, and that's

1 part of what we will do through consultation.

2 Number two, someone asked the
3 question about the appeal. You know, this
4 thing has been long in coming, very long fight,
5 almost died many times in the Congress because
6 we had people who were opposed to it, like
7 Denny, what's his name, Rehberg, and other
8 people. So how we ended up finally getting
9 this thing through was almost a miraculous
10 thing, and it happened because of the future
11 push from Elouise Cobell, support from tribal
12 members and tribes throughout the country, as
13 well as the great push from so many people who
14 were helping us from the White House, the
15 President himself, and people like Pete Rouse
16 and Kim Tee Hee, and others who were involved
17 with us.

18 We still don't have the final package
19 here. We have the money. We have to go
20 through getting the court to say it's ready to
21 go. But what we do have from the court is we
22 have the authority to go ahead and start these
23 consultations. So these consultations will
24 continue. And I'm confident we will work
25 through these appeals in the foreseeable

1 future. So these consultations are important.

2 Let me put an underscore on that. I
3 heard from many of you this sense when the
4 Department of Interior and its agencies act,
10:17:15 5 that it's usually Washington handing things
6 down and letting the tribes know what it is
7 that we've done. What we are trying to do here
8 through these consultations that are taking
9 place around the country is to make sure that
10:17:27 10 we are getting your input; that we are doing
11 this, the United States, recognizing the
12 sovereignty of tribes and we are working on
13 developing the program for the long term. So
14 these comments we heard from you this morning
10:17:39 15 are very helpful in that regard.

16 You know, three, I've heard comments
17 around the table on simplicity, and the
18 importance of setting up a program here that
19 can be understood, that is simple, that doesn't
10:17:53 20 get caught up in a bureaucracy that doesn't do
21 anybody any good. So these consultations will
22 be helpful to us as the entire team puts
23 together the process as we move forward. And I
24 can guarantee you by the time we finish these
10:18:06 25 consultations around the country, the way we

1 move forward will probably look very different
2 than even what we put up on the board today.
3 That's the purpose of the consultation is to
4 learn from you to so at the end of the day we
5 have a program that we can all agree upon.

6 Two last points. The reality of it
7 is that every tribe is unique. You hear it as
8 we go around the table and you speak about the
9 individual issues that affect each one of the
10 tribes. And underlying a lot of that is the
11 fact in the history of the United States tribes
12 have not been treated right and they have not
13 been treated fairly. And so one treaty broken
14 after another treaty. I think that's part of
15 the great reason why there is angst and
16 significant mistrust on the part of Native
17 American communities throughout our country.
18 So that's part of what President Obama has
19 vowed to fix, and that's part of what we are
20 trying to do here.

21 I want to comment on the concepts of
22 I think the larger issue, which many of you
23 have raised on matters that we may not be able
24 to resolve within this \$1.9 billion dollar fund
25 that we have for buying up the fractionated

1 interests and trying to deal with that
2 particular issue. But what I hear you loud and
3 clear is on the importance of our priority to
4 restore tribal home lands. And in that vein we
10:19:29 5 took a program that was frankly in paralysis
6 and was not moving forward, and I think,
7 according to Mike Black's last count, just in
8 the last year, year and a half, when we put
9 this program in a way that's moving forward,
10:19:44 10 we've taken about 120,000 acres of land into
11 trust. That's not enough. There's still a lot
12 of applications that are pending out there. So
13 what Mike Black is doing he's putting the boot,
14 if you will, to the regional directors and to
10:19:58 15 others so we can do a better job on the
16 restoration of tribal homelands. But that is
17 important to us. At the end of the day we
18 recognize the Cobell case is only a part of
19 what we do on the restoration of tribal
10:20:11 20 homelands or other things that need to be done.

21 And we look forward in this
22 consultation process to also be able to learn
23 about some of these issues that we may not be
24 able to address because they may not be within
10:20:23 25 the confines of what we can do in the decree

1 that was entered by the court or in the act
2 that was passed by the United States Congress,
3 which we now implement.

4 The last and final comment that I
5 will make is I do think this is an historic
6 opportunity. Never before has the United
7 States of America set aside \$3.4 billion
8 dollars to compensate for past wrongs. But
9 also to help invest in the restoration of
10 tribal homelands. And so while it is a
11 daunting task, it also is one which is a
12 historic opportunity.

13 And it will work best when we are
14 doing this in true partnership and true
15 collaboration with the tribes and the
16 individual account holders around the United
17 States of America. I hope as this consultation
18 continues today and as we move forward to the
19 other consultations that we will hold around
20 the country, that we will be able to make sure
21 that at the end of the day we have a process
22 which will work for all of you.

23 I'm mindful so often the United
24 States and the Department of Interior have said
25 we are going to do X, and they never get it

1 done. And it's important. I don't know what
2 the future is for Barack Obama. I hope he has
3 another five and a half years in office, but I
4 don't know. But I do know this. We have about
5 a year and a half for sure that is still his
6 privilege to serve this country. And in that
7 year and a half what we have to do is we have
8 to make sure we get this historic opportunity
9 right and that we make the kinds of
10 institutional changes which Larry Echo Hawk and
11 which Mike Black are leading so that we don't
12 have the same problems that many of you were
13 referring to with respect to the BIA.

14 So with that, what I would like to do
15 is turn it over to Jon Tester for some closing
16 comments, and then we will take a break. And
17 when we come back I will ask David to walk
18 through a whole host of the other issues that
19 you all raised and we'll continue the
20 consultation.

21 SENATOR TESTER: Well, thank you, Mr.
22 Secretary. Very quickly, I was remiss in my
23 opening comments, I want to welcome everybody
24 from the surrounding states and throughout
25 Indian Country for being here today, and in the

1 great State of Montana. We appreciate you
2 coming to our neck of the woods and expressing
3 your concerns about how this bill moves
4 forward.

10:22:40 5 We have an opportunity here today,
6 and there will be opportunities over the next
7 several months, to communicate and make your
8 ideas heard and make your concerns heard and
9 make this program the best it can be. It is
10:22:53 10 critically important you do that, and I think
11 your presence here today verifies the fact that
12 you are willing to do it.

13 The person sitting to my left, the
14 Secretary of the Department of Interior, is
10:23:04 15 somebody, as he pointed out in his introduction
16 to me, somebody I served with in the U.S.
17 Senate and somebody that I've worked very, very
18 closely with since he has been Secretary of the
19 Department of Interior. Ken Salazar is a good
10:23:16 20 name. Ken Salazar is somebody who knows how to
21 listen and he knows how to address problems.
22 When you talk about getting information from
23 the ground and taking it to Washington, DC, and
24 making good decisions, and in the end decisions
10:23:29 25 be will made, and as with all decisions, you

1 know, there will probably be one or two folks
2 out there that aren't happy with it, but the
3 fact is he's going to take all your input and
4 make the best decision he can to make this
5 program work because he's committed to it. He
6 understands the challenges and he has a real
7 commitment to making sure this works.

8 And so just in closing, opportunities
9 to talk to the Secretary and to talk to high
10 level staff in the Department of Interior don't
11 happen every day. It's going to happen a fair
12 amount for you guys over the next few months.
13 Make sure you take full advantage of it. Thank
14 you all for being here.

15 (Applause.)

16 MS. STACIE SMITH: Thank you. We are
17 going take 15 minutes for a break. We'll come
18 back at 10:40

19 (Recess.)

20 DEPUTY SECRETARY HAYES: Good
21 morning. Let's regather if we can. Thank you
22 all for your attention this morning, your
23 participation. What I would like to do here is
24 continue the discussion and by first perhaps
25 commenting on some of the issues that were

1 raised by some of the tribal leaders with the
2 Secretary and the Senator, and then perhaps we
3 can have a focused discussion on some of those
4 issues.

10:45:57 5 In terms of proceeding, I think the
6 plan is that we'll take lunch around 12:30 or
7 so. So we will move directly into that. I may
8 be leaving a few minutes before 12:30 to catch
9 a plane, but Meghan and Jodi are going to stay
10:46:19 10 throughout. The first thing I have to say
11 that's most important, is that Meghan Conklin
12 and Jodi Gillette are really running this show,
13 and they are the ones to get your comments
14 into. We have very frequent meetings, Jodi and
10:46:39 15 Meghan, with Hilary Tompkins and me and the
16 Secretary. So we are all deeply involved. But
17 in terms of making sure that your detailed
18 comments get in, get the right attention, they
19 are much more reliable than I am.

10:46:57 20 I thought there were so many good
21 comments, I cannot do them justice here, and
22 will not try to summarize all of them. But I
23 picked out a few items that were recurring
24 themes that I thought might be useful to just
10:47:10 25 make some comments on and start a dialogue

1 about.

2 One concern that was raised, and a
3 are appropriately so, is how can we make sure
4 that this \$1.9 billion dollars goes as far as
5 it can to actually get into the pockets of the
6 individual account holders and into Indian
7 Country for the benefit of the land
8 consolidation program. I will tell you when we
9 were working with the Congress on this piece of
10 legislation, we thought it very important that
11 we not have a program that doesn't succeed and
12 doesn't get the money into the hands of the
13 individual trust owners. And as a result, we
14 agreed to a hard number limitation on
15 administrative expenses for this program of 15
16 percent. The total overhead for this program
17 cannot exceed 15 percent.

18 Also, we set aside \$60 million for
19 the Indian scholarship fund. That means that
20 we are required by law to spend more than \$1.5
21 billion dollars of this money on the purchase
22 of individual trust accounts of fractionated
23 ownership interests. I will tell you that this
24 limitation on administrative costs is going to
25 be extremely challenging for us. That's

1 appropriate. We have to -- we should have to
2 do this very efficiently. But it's going to
3 mean that in our relations with all of the
4 interested tribes, we are going to have to
5 constantly be very concerned about limitations
6 on how much money we have to actually implement
7 the program. And as many of you pointed out,
8 there are some very tough implementation issues.

9 Appraisals are going to be a huge
10 part of the administrative costs which will be
11 the appraisals. Everyone is going to want to
12 make sure that we have identified fair value.
13 Certainly an individual trust account owner, a
14 fractionated landowner, is not going to be
15 willing to sell back their ownership interest
16 without confidence that the appraisal is
17 correct. And so that's going to be a huge
18 issue.

19 And I'll get into more of that in a
20 minute. I just wanted to make the point that
21 we have a very significant constraint on how
22 much funding we have available to actually
23 implement this program, and it's a good thing,
24 because the constraint will force us to spend
25 the vast majority of these funds on the

1 purchase of fractionated land interests, which
2 is what this is all about.

3 Let me mention three or four other
4 items, and then let's pick topics that you
5 think are the most important for us to talk
6 about and just have a dialogue about them.

7 There's a question about the appeals
8 process and about how these consultations fit
9 into a potential appeal here. And the
10 Secretary answered that to some extent. We
11 have our schedule for consultations. We are
12 going to roll through these consultations into
13 mid October. We are going to complete them
14 regardless of whether there is an appeal.

15 There is likely to be an appeal filed on Judge
16 Hogan's ruling. And it's unfortunate because
17 it's going to delay the ability to get this
18 money into Indian Country. We cannot actually
19 spend any of this money until the appeals are
20 done. We will hope that the appeals will move
21 forward in an a expedited way, but for those of
22 you going back to your tribal councils and to
23 interested folks who are going to wonder, okay,
24 when is the money coming? That's still in the
25 hands of the courts.

1 So we'll see what the appeal
2 situation is, and we'll see if there are
3 appeals filed, how quickly the court rules, the
4 court of appeals rules.

10:52:02 5 I will say, I need to compliment
6 Judge Hogan and the district court in the
7 District of Columbia. Judge Hogan took in all
8 of the concerns about the Cobell settlement,
9 had a long hearing, and moved very quickly to
10:52:21 10 approve the settlement, because he recognized
11 that further delay is not a good thing, and he
12 made his -- he did his ruling and did it
13 quickly. And we will hope that regardless,
14 everyone has their rights to the courts, but we
10:52:37 15 will hope that the courts will continue to do
16 what they have been doing here since we entered
17 the settlement, which is to give expedited
18 review of complaints or concerns about the
19 settlement.

10:52:49 20 A question was raised about whether
21 our plan is to in fact implement this program
22 and complete it in ten years, and what happens
23 to the money if it's not completed in ten
24 years. I will say this: We want to front load
10:53:13 25 this program to the greatest extent that we

1 can. Those of us who are political appointees,
2 we are working for President Obama. When
3 there's another president, I won't be here.
4 Ken Salazar won't be here. What motivates us
5 is to do good while we are in office. Just
6 like it motivates all of you who are elected
7 positions for your tribal council. Your time
8 is short. You want to make a difference.
9 That's what we want to do also. We have no
10 incentive to drag this thing out. To the
11 contrary, we want to get the biggest bang for
12 the buck earliest, and have this program start
13 on the right foot and stay on the right foot.

14 And that's why we are excited about
15 these consultations, because we are going to
16 need a partnership if we are going to success
17 here. You know how these things can go. If
18 there's kind of back talk that this program
19 isn't being thought out carefully, it's not
20 being well run, why should I sell my individual
21 interest, you know, that can really be very
22 debilitating. So just know that we want to
23 front load this.

24 I hope there's not a single penny
25 left after year, I don't know, five or six.

1 Ten, forget it. And to be honest, I'm not sure
2 of the details, but I thought we negotiated
3 something if there is money available at the
4 end of the ten years, that it goes into the
5 scholarship fund and not back to the treasury.
6 Is that right?

7 Okay. So the last thing we wanted to
8 do is if for some reason there was trouble
9 spending the money, we didn't want it to go
10 back to the black hole on the U.S. Treasury.
11 Don't quote me on that here if anyone is here
12 from the press. We want that to go into the
13 Indian scholarship. And Mike is confirming
14 that that's the way the legislation was
15 drafted.

16 Let me offer a couple other thoughts
17 and then let's open it up. Many of you spoke
18 eloquently about the importance of dealing with
19 the bigger issues of reconsolidating tribal
20 lands and dealing with the continuing allotment
21 problem and the fact that there is encroachment
22 with fee land on your reservations.

23 We are extremely sympathetic to that.
24 And I guess I'll make two points. One is, this
25 particular program, this \$1.9 billion dollar

1 land consolidation program, we were able to get
2 this program as a result of the Cobell
3 litigation. It grows out of the litigation.
4 And the argument we made was, you know, this
5 fractionation problem is one of the reasons why
6 the U.S. fell down in its trust obligations.
7 As the number of individual trusts continue to
8 proliferate, the government got further and
9 further behind in professionally dealing with
10 those individual trusts as the trusts got
11 proliferated, got smaller, but the obligations
12 continued, and our argument was, let's -- we
13 will be helping to address part of that
14 underlying problem if we can stop the continued
15 proliferation of these extremely small trusts,
16 so let's buy back those interests, voluntarily
17 if the folks are willing to sell them back, and
18 then provide it to the tribe, and you get the
19 additional benefit of the tribal governments
20 then having control of that land for the
21 benefit of the whole community, which we hope
22 and expect will be attractive to many of the
23 individual fractionated landowners who realize
24 that land isn't of much value to them or their
25 community because it's so fractionated.

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1 The result being that we can only
2 spend this money on those fractionated
3 interests, the individual account owners. But
4 as the Secretary emphasized, we have a parallel
10:57:40 5 program that Mike has really spear-headed since
6 he came to Washington from this region to
7 facilitate and to take the slow walk out of
8 moving lands that you as tribes have bought in
9 fee into trust, which is critical. And I know
10:58:00 10 that you need more money to be able to do more
11 of that. And I just want to be straight with
12 you, we can't use Cobell money for that
13 purpose.

14 But I do think that this \$1.9 billion
10:58:16 15 dollars will unlock land that will be extremely
16 valuable to the tribes and will help reinforce
17 the whole point of why trust land that is
18 managed by the tribes is so important to your
19 communities. And we hope that will reinforce
10:58:30 20 our program to continue when you do have land
21 that you have been able to purchase in fee to
22 get it into trust so that it is part of our
23 whole community's land base. So we are
24 committed to that effort, but I've got to tell
10:58:43 25 you straight, we've got to spend this money the

1 way Congress let us spend it, but let's take
2 full advantage of that.

3 Let me mention one other issue. It's
4 a very tricky issue that we are going to need
5 to work very closely with you on. Several of
6 you have mentioned as tribal governments you
7 have either by yourself or through affiliations
8 had a lot of very good experience under ILCA
9 and elsewhere at facilitating the kind of land
10 purchase programs that we're going to be
11 needing to implement here as part of this
12 program. And there's interest in having the
13 tribes take on some of these responsibilities
14 that we have under this new law. We are very
15 sympathetic to that, and we are going to figure
16 out a way to work with you on that. There are
17 a couple of tricky aspects of this.

18 Under the law 638 contracting isn't
19 permissible here. So we have that reality.
20 You know that. But, number two, there is a
21 tricky little issue here because the interests
22 of the individual landowners, fractionated
23 landowners, their interest, which we are under
24 this settlement looking to serve and giving
25 them the opportunity to sell their lands, may

1 not be completely aligned always with what the
2 tribe wants. The tribes may be more interested
3 in some lands over here that may or may not --
4 that are fractionated but may or may not be
5 highly fractionated, they may or may not line
6 up completely with the interests of the
7 individual landowners.

8 I think this can be worked through.
9 I think it's largely a theoretical potential
10 difference of views between individual
11 landowners and the tribes, but it potentially
12 can complicate how we can involve the tribes in
13 this process in terms of the contracting issues
14 and that sort of thing.

15 That said, you know, many of you,
16 particularly in the Great Plains, have terrific
17 programs, and have been working under ILCA,
18 which is, you know, in respect kind of a small
19 pilot project for what we are now looking to do
20 in a much bigger way, so we want to take full
21 advantage of what you've got in place. And we
22 are going to need to talk about this more as we
23 proceed and as we get thinking about how to do
24 it.

25 There is another practical problem

1 here. We have this limitation on how much
2 money we can spend administering this program.
3 And that's going to be a challenge for all of
4 us. There's not a lot of money here for
5 supporting the program. Most of the money has
6 got to go into the pockets of the individual
7 fractionated landowners and the Indian
8 scholarship fund.

9 But I think working together we'll
10 figure this out. But this is going to be
11 complicated, and what we want to do is be very
12 transparent with you as we think this through
13 in the coming months. We have made no
14 decisions in this area at all. We have been
15 waiting eagerly for these consultations. In
16 that regard, we wanted to do these
17 consultations earlier, but the court wouldn't
18 let us talk to tribal leaders and the
19 plaintiffs wouldn't let us talk to you all
20 until the settlement was final. We finally got
21 so frustrated we went to the court, and over
22 the plaintiffs' objections, we asked the court
23 if we could start these consultations with you
24 even before the final settlement is final,
25 because it is not yet final, and the court said

1 yes, start those consultations. So we are
2 really pleased we are able to as a result this
3 dialogue.

4 I guess the final point on the
5 appraisal side, several of you made the point,
6 number one, how important will appraisals are
7 going to be; and, number two, you know, how
8 much more support BIA and OST are going to need
9 with tribal governments to do appraisals. And
10 you're right on both scores. I mean, the
11 appraisal process is going to be extremely
12 important.

13 And the reality is that we do not
14 have the capacity or infrastructure right now
15 to do these appraisals. If we want to front
16 load this thing, and I think we do, we are
17 going to need to gear up in a big way and bring
18 in professionals and try to get uniformity of
19 approach and all within these constraints of
20 how much money we can spend on the support, and
21 we are going to need your help in doing that
22 right, because appraisals are by definition
23 related to local conditions, and we've got to
24 get this right in terms of your local area when
25 valuing the land.

1 I might have Mike comment a little
2 bit on this issue, but we want your input on
3 this. We have not figured this out in terms of
4 how we are going to sort of bring the resources
11:04:25 5 in. We do feel fortunate that ILCA has been
6 out there, it's been a very small program, but
7 it's given some practical experience for many
8 of you tribes and us in terms of where this
9 process can kind of grind to a halt or have
10 problems. And I think we are going to really
11:04:48 11 try to take full advantage of that experience
12 as we think about, okay, so we are going to
13 have this ILCA concept, but we are going to
14 need to blow it up into a huge program, where
15 are the problems going to be, how should we
11:05:04 16 anticipate those issues, and make sure we have
17 a system in place that addresses those so we
18 don't have huge bottlenecks, sort of
19 expectations that are dashed, et cetera.

11:05:22 20 Let me ask Mike to comment a little
21 bit on that, because we are very fortunate to
22 have Mike where he is, having had experience
23 with ILCA and some of you. I'd like to have
24 Mike's comments on that. And then I'm going to
11:05:37 25 stop talking and let's get back to some of

1 these issues and just have a back and forth on
2 the issues that you'd like to talk about in
3 more depth. Mike.

4 DIRECTOR MICHAEL BLACK: Well, good
11:05:50 5 morning everybody. As always, it's great to be
6 back in Billings, Montana, and back in Montana
7 and Big Sky Country and to see a lot of my
8 friends and stuff from the Great Plains Region
9 as well. You know, this is my whole career up
11:06:06 10 until the last year or so has been spent
11 between the Great Plains and Rocky Mountain
12 Region. Once again, it's good to be here.

13 Just to touch a little bit on what
14 David was saying, the appraisal issue, I've
11:06:15 15 heard that, and I had my notes here, and I
16 think almost everyone of you raised that, the
17 valuation and appraisal issue.

18 And if we look at the traditional
19 appraisal process parcel by parcel, and then
11:06:27 20 speaking to some the things that David
21 mentioned regarding administrative funds, I
22 think there again just on that alone that could
23 be cost prohibitive. I've had conversations in
24 the past with many of you in the room here
11:06:39 25 regarding what can we do to maybe streamline

1 this process, what can we do to look at
2 alternative methods, mass appraisals, different
3 ways that we can go out and make sure not only
4 can we get more streamlined and efficient
5 process, but a less costly process as well that
6 we can move forward. And I mean it's really
7 going to be a key to the overall ILCA process.

8 And I've been working a lot with Mr.
9 Joseph over here with OST, since he's come on
10 board, and he has a lot of good ideas. And I
11 think between the two of us, and then based on
12 a lot of the input that we get today and
13 throughout out these consultations around the
14 country, I think we can put our heads together.
15 We have a lot of smart people in this room
16 night now, and I think between us and the rest
17 of Indian County, we can come up with some ways
18 that we can really streamline this process,
19 make it a lot more cost effective and something
20 we can move the program forward a lot quicker.

21 DEPUTY SECRETARY HAYES: Great. Why
22 don't we open the floor, and Stacie can
23 intervene as appropriate, make sure we are
24 moving along and being responsive to the issues
25 you would like to raise. I just ticked through

1 a whole bunch of issues that came out of your
2 opening comments. Anyone one to jump in and
3 take one of these on and we can talk further
4 about it?

11:08:10 5 MR. VERNON IKE SCHMIDT: From my
6 experience on the Rosebud, the first process
7 for the land sale is you got to get an
8 application put in the BIA. The gal there is
9 Marilyn Travis. Anyway, they have a tally of
11:08:43 10 land values in the four-county area, and I
11 asked her, well, how do you do the appraisals.
12 They say, well, we use this as our -- as the
13 main starting point, because it's updated
14 regularly. And if it works for them, it should
11:09:00 15 work for in other places, you know. But it
16 really expedites on the ILCA purchases.

17 That's my comment on that.

18 DEPUTY SECRETARY HAYES: That's the
19 kind of experience we want to tap into.

11:09:27 20 Let me make a couple other comments
21 here, because there was a very important point
22 here.

23 There's an important difference in
24 the Cobell land consolidation program from ILCA
11:09:42 25 in this regard: We are not expecting the

1 tribes to pay back the cost of the property
2 that will come into tribal control here. ILCA
3 anticipates that, and that's why I think
4 perhaps, Vernon, it was you who mentioned that
5 you look at the higher -- at the properties
6 that have income streams so that you can pay it
7 back. That is not the plan here. The plan
8 here is to spend the money in terms of getting
9 the individual account holders who are
10 interested to sell their interests and then we
11 will turn it over to the tribes without
12 expecting additional payment from the tribes.
13 That's very significant.

14 And it changes the calculus a little
15 bit. I mean, we want to maximize the number of
16 fractionated interests that we can potentially
17 clean up the books on. And a lot of those
18 interests are not in necessarily high-value
19 lands, but there they are. And that was very
20 important to us when we were working on this
21 program and looking ahead.

22 And I think that makes it easier in a
23 lot of respects. Needless to say, easier for
24 tribal governments to be sure, you're not
25 acquiring a burden here, this is all good, I

1 think, from the tribal government perspective.
2 But also from the individual Indian interest
3 holder perspective, we are not going to
4 prejudice an individual fractionated owner by
11:11:55 5 saying, well, your land doesn't have oil and
6 gas on it, so you're last in line to get the
7 opportunity to get some value out of it, help
8 promote Indian scholarships, and get the land
9 in tribal ownership where it can be used more
10 beneficially.

11 But I do think, to Mike Black's
12 point, we are going to use mass appraisals; we
13 are going to need to do what Rosebud does,
14 which is take some broad cuts here.

11:12:35 15 Now, many of you mentioned this gets
16 complicated when you've got valuable resources,
17 and those have got to be part of the appraisal.
18 So there are going to be limits to what you can
19 do with mass appraisals, and where you have
11:12:50 20 lands that have oil and gas or mineral
21 resources or whatever, that's got to be taken
22 into account, otherwise it's not a fair
23 appraisal. It's that simple. So we'll need to
24 figure out how to do that.

11:13:04 25 But we are going to need to -- I

1 think the reality is, I'm just throwing this
2 out for your reaction, too, but I think the
3 reality is in order to make this program work,
4 we are going to have to do kind of high-level
5 appraisals, and not be able to do individual
6 appraisal by appraisal, we will never get this
7 program done and we will not be able to get the
8 money out. And the law anticipates that we do
9 this. I mean, we are not talking about doing
10 anything other than what the law suggests that
11 we can and should do.

12 So I think your help in terms of how
13 we develop these appraisals, making sure we've
14 got a good set of criteria for the appraisals,
15 and your helping explain to everybody what we
16 are up to is going to be very important,
17 assuming we work together along these lines.

18 MS. STACIE SMITH: More comments about
19 appraisals on this topic?

20 MR. RICK KIRN: Again, my name is
21 Rick Kirn, I'm a tribal council member of the
22 Fort Peck Assiniboine and Sioux Tribes.

23 Again, thank you, Deputy Secretary
24 Hayes, for your comments. You know, I think
25 what you need to do, though, you need to give

1 credit to the tribe to be able to handle some
2 of these issues that you talked about. This
3 morning it was brought up about the conflict,
4 the inherent conflict that you have as BIA,
5 both as buyer and seller. We are the same way,
6 as represent tribal representatives. When we
7 go to buy tribal lands we have interest of the
8 whole tribe and then we have to have the
9 interests of the individuals that we are buying
10 it from. So we are not new to that situation
11 and what we are put under. We know our people
12 and we know what our people want, and we do, we
13 come across saying, if you sell it to a
14 nontribal entity, you're losing all your future
15 rights and benefits and revenues off that land,
16 whereas if you sell them to the tribal you're
17 going to keep that. So a lot of them are
18 willing to forego some of the appraisal rights
19 knowing they are not getting a bad deal but
20 they may not be getting every single dime that
21 might be coming to them because of an appraisal
22 that may not even involve issues that we are
23 trying to deal with by the tribe. So we have
24 that right.

25 And, you know, we also, when we buy

1 land, we want to buy the majority interest, as
2 I said before. So we leave it up to the
3 individual to say, if you want to sell your
4 land, you need to get hold of the rest of the
5 owners of that land and convince them to sell
6 more of it or else we can't buy your interest.
7 They are the ones that do that. If we go out
8 there and try, no matter what we tell them
9 there's always a suspect there. We let them do
10 it. And they are capable of doing that to a
11 point. But the regulations from the BIA don't
12 allow that. They are still treating us like
13 people who don't know what's going on. That
14 was the original, I think, the idea of BIA
15 trust responsibilities, to handle people who
16 were ignore informant. I don't mean stupid but
17 ignorant. Well, we are not ignorant any more.
18 We are able to handle our business and they are
19 able to handle their business. We protect
20 those who can't. So we need to keep that mind.

21 You know, the appraisal process, we
22 need to have some kind of a system where don't
23 have to appraise every piece of land that's
24 there. We can buy a piece of land on one
25 section and then have to have the appraisal on

1 the next section when it is identical land on
2 our reservation. It's agriculture or it's
3 pasture land or whatever. There is really is
4 not much difference, and we should leave it up
5 to those individuals to decide if they want an
6 appraisal, maybe we should take it out of what
7 we're giving them to appraise it if they are
8 that adamant to know every value of it. Let's
9 put it back on to them. It's an opportunity
10 there. Those are the issues about the
11 appraisals that we have.

12 Also, our tribe has gone out and
13 hired private appraisers to come in and
14 appraise our land because we could not wait for
15 the BIA's schedule. They are so busy, they got
16 a lot of tribes that they appraise for. But
17 when we hired a private appraisal, we still had
18 to it take it to the regional office to be able
19 to have them go over the appraiser's appraisal.
20 And that just took time also. So that didn't
21 gain anything out of it other than to waste the
22 money to hire a private appraiser. We need to
23 streamline that process, too. If they are a
24 qualified, certified appraiser, we should be
25 able to take them for their word on it, the

1 minimum overview view or minimal from the BIA
2 just on the appraisal process.

3 Are we just going over appraisals or
4 do we want to read --

11:17:20 5 DEPUTY SECRETARY HAYES: Let's just
6 do appraisals now and then go to other issues.

7 MR. RICK KIRN: That's what I had on
8 appraisals here.

9 DEPUTY SECRETARY HAYES: Well, Rick,
11:17:29 10 first, you know, you are absolutely right about
11 the tribes also have this challenging
12 situation. And you worked through that. This
13 program will not work, it will not work,
14 without working closely with tribal government.
11:17:55 15 It just will not work. We know that. And we
16 want this to work. You guys are going to be
17 out there selling this program we hope, helping
18 to persuade folks that this is a good thing to
19 do. And this will be hard for many individuals,
11:18:15 20 you know. It's a small slice but it's their
21 small slice, right? And I'm going to be
22 getting this little check for that? So this
23 whole program without your help could fall on
24 its face and we don't solve this kind of
11:18:38 25 systemic problem here.

1 So we are going to find a way, and
2 this consultation process is a good start, to
3 figure out how to make sure that tribal
4 government is totally involved in this and we
11:18:56 5 are finding a way to rely on your good offices
6 to help us make this happen.

7 And on the mechanics of the
8 appraisals, we are going to hire private
9 appraisers. We are not going to rely on our
11:19:11 10 small cadre of appraisers. We are going to
11 front load this sucker. We are going to bring
12 in private appraisals. We do have some money,
13 and it's not enough money, but we got some
14 money, we are going to spend it, and we are
11:19:24 15 going to have to have a streamlined process.
16 This cannot be bureaucracy as usual. This is
17 going to have to move quickly.

18 I think, also, our ability to sort of
19 have individual account owners realize that
11:19:40 20 this is a good thing will depend on our getting
21 the money out quickly and sort of the feedback,
22 hey, this is happening. If it drags out, you
23 know, it just adds to more of the back talk and
24 what are we doing this for?

11:19:56 25 Bud.

1 MR. BUD MORAN: Bud Moran. Secretary
2 Hayes, we really must take direction that
3 you're talking about. We are tribal leaders so
4 we can talk to our constituents. If we don't
5 communicate with them, we are going to fail.
6 Because everybody distrusts everybody. And
7 then we are not any different. They distrust
8 us and then we have to show that we are
9 sincere, too. We have to show we are
10 supporting you and your program. But we got to
11 know what your program says. We have to know
12 that.

13 And then we have to empower the tribe
14 in our contract programs or specialists that we
15 have, we have some very good specialists in the
16 field, and they know what's going on out there,
17 they know the people, and we have to use them
18 as best as we can, because if we would do that,
19 it's going to be successful, but it may not if
20 there starts to be questions.

21 MS. STACIE SMITH: I'm going to offer
22 a suggestion, because I know a lot of people
23 wanted to speak. One way to indicate if you
24 want to speak, you may take your placard and
25 put it up on its side like this. That way we

1 don't detract from the person who is speaking,
2 but that we know that you are next in line or
3 in the line to speak. So if you just want to
4 just use these as a little hint.

11:21:24 5 MR. JAY ST. GODDARD: Yes, we are on
6 appraisals, you commented we need to go out and
7 get these appraisers, but I think there needs
8 to be a cap, because just like any other
9 business, as soon as these appraisers are here
11:21:38 10 about this money, the prices are going to go
11 through the roof. So, tribes, we need to cap
12 that. We already have trouble with some
13 appraisers that inflate their prices compared
14 to others.

11:21:53 15 Like Mr. Kirn was stating earlier, we
16 have land board meetings at Blackfeet twice a
17 month. There's individuals coming to us,
18 probably seven or eight people per agenda,
19 wanting to sell their shares. So they already
11:22:05 20 know, they will agree to go with the adjacent
21 appraised value price. So we have minutes, we
22 have people offering that, but many times
23 because we don't have the money, we have to
24 turn them away, that's their first right of
11:22:19 25 refusal. I guess if those individual tribal

1 members are willing to settle for that, saying
2 your appraisal is at \$200 a acre, \$175, \$300,
3 and they know it's their land, they should be
4 able to sell it for that price. Instead of
5 that, we go through the hurdles of the BIA, you
6 know. That's why I said there's too much
7 C.F.R.. There's that consent process.

8 If this is going to be a consent
9 process, we'll be here for a long time, and we
10 don't want that. There's members, tribe is not
11 an interest in a parcel of land, that person or
12 the tribe is going to get consent, that type of
13 stuff. It just prolongs things. So to me we
14 know what the problems are, the histories, like
15 Bud said. Listen to the tribes. Let us handle
16 our own business. If this money is really
17 allocated to the tribes to purchase this land,
18 then allow us to do that would without going
19 through all these BIA hurdles.

20 And if you look at that C.F.R., a lot
21 of those are meant to hold us back. They say
22 they are looking out for the best interests of
23 the landowner, but they are hurting them. When
24 they are ready to sell that land, let them sell
25 it. Because know what they are there for. Get

1 this money streamlined to an account or
2 whatever. The tribes are ready to do a lot of
3 this, and I guess when we are ready, when the
4 court stuff is over, streamline it to a certain
11:23:54 5 account, and let's get it going. And I think
6 it need to be separate from ILCA. That did not
7 work, especially for the large land-based
8 tribes. If this is a new thing, then let's do
9 a new thing and streamline it, because ILCA
11:24:07 10 might have worked for one or two, but it didn't
11 work for us, because we were ready, and where
12 is it at today?

13 That's just my comments. We need to
14 move to -- get something that's going to be
11:24:19 15 quicker and easier.

16 And appeals, I mean, valuation of
17 land, I just like to see a cap on it, because
18 the appraisers, they are going to go crazy.
19 They will run their rates sky high.

11:24:39 20 MS. Majel RUSSELL: Majel Russell.
21 When we talk about appraisals, a long time ago
22 the Bureau of Indian Affairs did appraisals and
23 appraisals were handled right in the Bureau of
24 Indian Affairs. And actually you did mass
11:24:51 25 appraisals. You did a big area of comparable

1 kinds of land and you did a mass appraisal and
2 you didn't have to spend so much money on it.

3 But then we moved into this situation
4 where we took appraisals out of the BIA and we
11:25:05 5 put them into OST actually as part of it, and
6 they are in a different department, but I think
7 one of the big hangups is that it's really only
8 bureau policy or DOI policy that we have to use
9 a USPAP appraisal. That USPAP appraisal on
11:25:24 10 every single trust transaction is actually an
11 overkill of what we need to implement a program
12 like this. So I think you've said we are going
13 to rethink how we are doing these appraisals of
14 these lands and I think that would be a big
11:25:39 15 start is to move back or detract from the USPAP
16 appraisal requirement.

17 The other issue I wanted to raise is
18 you're going to find a lot of these lands out
19 in Indian Country, and especially, I'm not real
11:25:53 20 clear yet if we are going to move beyond the 2
21 percent or less interest focus. If we are
22 going to stick with 2 percent or less
23 interests, you're going to be looking at some
24 lands that when you do your fair market value
11:26:04 25 appraisal are not going to be worth much. They

1 are going to be worth \$10 or \$15 if you have a
2 hundred owners on an 80-acre tract and that
3 80-acre tract doesn't have mineral, it's just
4 agricultural land, it's not going to be worth
5 much. So are we going to be able to pay
6 incentives, are we going to actually be able to
7 go over what your fair market value would come
8 out to be to get people to participate in the
9 program?

10 And I think there's room in the law
11 that says that the Secretary can come up with
12 methods of valuing property rather than to be
13 strictly stuck only appraisal by USPAP, which I
14 think is policy. So I wanted to ask about
15 that.

16 DEPUTY SECRETARY HAYES: Well, I can
17 tell we'll look forward to your detailed
18 comments on all of these issues.

19 Let me just make a quick comment,
20 because I mostly want to hear from all of you.
21 We would like your input on that appraisal
22 issue. I think our sense is that the law
23 requires us to pay based on fair market value,
24 and that will mean that in a very highly
25 fractionated situation where you have a small

1 sliver of an interest and you have property
2 that doesn't have a high value, that means the
3 payout is going to be very small. And that's
4 going to be a challenge to have folks give up
5 that piece.

6 The Indian scholarship fund was
7 intended to be an incentive. And that's a tool
8 we can use to basically say to somebody, look,
9 I know, you know, you own a hundredth of an
10 interest in this land, the appraisal is X
11 dollars, your share is Y dollars, I know that's
12 not much. But if you accept a check for that
13 from the federal government, that will go to
14 the tribe; and, number two, for that check we
15 will deposit -- we will draw down toward that
16 \$60 million dollars of Indian scholarship
17 funds. Say for the individual interest, we'll
18 put 25 bucks or 50 bucks towards this
19 scholarship fund. You will be helping Indian
20 youth get educational opportunities.

21 You don't like that, huh?

22 MS. MAJEL RUSSELL: Not that I don't
23 like that. I have to say it while you put it
24 on the table, do tribes get to determine who is
25 going to get those scholarships? I mean, we

1 have this Indian scholarship fund that we are
2 going to fund. I guess the concern that a lot
3 of tribal leaders had, and still have, is that
4 our tribal education departments can't finance
5 even a quarter of the students that need to go
6 into higher ed. We can't do it. And we are
7 concerned about. Is the tribal government, all
8 these different tribal leaders, are they going
9 to be able to have a say in who get those funds
10 on selection of students? How do they
11 participate in that? I guess those are
12 questions that we don't know on the scholarship
13 fund.

14 DEPUTY SECRETARY HAYES: Maybe,
15 Meghan, you could talk about this very briefly.
16 The law has requirements here to identify a
17 couple of nonprofits. Do you want to speak to
18 that Meghan?

19 MS. MEGHAN CONKLIN: As David
20 mentioned, the law requires that a fund of up
21 to \$60 million dollars will go into a
22 scholarship fund for education for Indian youth
23 and Alaska native youth. And what was required
24 in the settlement, the plaintiffs are going to
25 recommend two nongovernment organizations to

1 the Secretary that could oversee this
2 scholarship fund.

3 And, also, in addition to this,
4 there's also going to be a board that will
11:30:21 5 oversee the scholarships of five people, am I
6 correct?

7 And so there's going to be
8 recommendations that can be provided for who
9 can sit on this board that will help this
11:30:35 10 nongovernmental organization decide where the
11 scholarships are given out to.

12 DEPUTY SECRETARY HAYES: But there's
13 been a specific organization already
14 recommended. Do you know the name of it? Two
11:30:45 15 of them.

16 Yeah, the American Indian College
17 Fund. That's exactly right. That's one of the
18 two that have been nominated. There's going to
19 be no reinvention of the wheel. We are going
11:30:58 20 to rely on that fund, or there's one other
21 possibility. They will have tribal membership
22 on their board to help steer the funding.

23 I will tell you, the Secretary is
24 very excited about this, and I'm sure you are,
11:31:17 25 too, the opportunity of \$60 million dollars

1 spent by a nonprofit that has experience in
2 Indian Country.

3 But I don't want to dwell on this too
4 much. What this points out, though, is the
11:31:33 5 broader point that Bud and others were making.
6 We are going to need to have really good
7 communication tools here working with you to
8 explain the program, that doesn't exist yet, we
9 are on the front end here of this consultation
11:31:46 10 in figuring out how to do this program. I
11 think where we are going to have to spend some
12 money together with you as tribes is on
13 communication stuff in particular and work with
14 you to help us on that.

11:32:00 15 Let's keep getting some comments.

16 Yes.

17 MR. ALEC SANDCRANE: Alec Sandcrane,
18 Northern Cheyenne Tribe.

19 I guess one question I have is on the
11:32:09 20 appraisal you keep saying fair market value.
21 Yet on our reservation when they do the
22 appraisals and it comes back to the BIA, our
23 land isn't being sold the same as the rest of
24 the region around us. It comes back lower.
11:32:30 25 How is that going to be addressed? Same land

1 here not too long ago went for 3 or \$400 an
2 acre surrounding there. We did a five-county
3 study. And then it comes back to us on the
4 appraisal, it's same type of land, dry
5 farmland, comes back \$156 an acre because it's
6 on the reservation they said. What's the
7 difference there? I mean, the same
8 agricultural land. Same thing being done.
9 Hay. Yet ours comes back \$250 lower than the
10 surrounding area. That happens a lot on our
11 reservation. Is the BIA going to follow the
12 fair market value or are they going to come
13 back and say, well, it's on the reservation,
14 it's going to go for this much?

11:32:52
11:33:14
11:33:34
11:33:45
11:33:55

15 DEPUTY SECRETARY HAYES: We need to
16 work together on this. The law requires fair
17 market value. The question of what is fair
18 market value is the tough part. And we need
19 good appraisals. I think the point you are
20 making is appraisals have to be good appraisals
21 and fair appraisals. And there's a perception
22 that's not the reality and that's not always
23 been the case. We need to address that to be
24 sure.

25 Let's have a couple more points on

1 appraisals and then let's switch topics to
2 another topic.

3 MR. TRACY "CHING" KING: My name is
4 Tracy "Ching" King, I'm the president of the
5 Fort Belknap Assiniboine Grovant Nations.

6 My understanding, is there any office
7 that's set up waiting for this appraisal
8 process? I believe what I was told in Ashland,
9 Wisconsin there is this consolidation effort
10 that is staffed, trained, and waiting.

11 Also, another issue, you know, the
12 BIA system is political as well. So if you're
13 kind of -- I don't know, the only way to call
14 it, if you are I brown noser or whatever and
15 you get promoted and you don't have any
16 experience in these realty areas, then you're
17 just hurting the whole system. And so we took
18 action Monday to IPA, one of our BIA employees,
19 so we could get ahead of the system.

20 And I think the appraisal system with
21 the with the IPA and having all the trouble we
22 had in the '90s about the appraisal system,
23 when you get \$65,000 from a 638 contract, which
24 is I would call it half-assed funding, so it's
25 never enough to get where we really want to be.

1 We have a model program that we 638 contracted
2 into the process that we wanted to move on to
3 look at this. One of the undivided interests
4 causes division within your people. But I
5 think if you looked at some of the key
6 positions that may not be working, I believe
7 you have to deal with that; otherwise, we are
8 going to continue to fail.

9 We also talked about the process of
10 treaty committees where they have
11 interest-bearing accounts. Maybe that's
12 another way where we could draw interest on
13 this money. I don't know the law does that or
14 not, but we should be able to draw some
15 interest on there so we could continue with
16 that, you know.

17 And one other thing, what good is a
18 scholarship fund through this when the public
19 school systems are failing our Indian kids? I
20 mean, in my lifetime I've never, ever seen an
21 Indian child fail, but the system fails them.
22 And so that's what I see is maybe we have to do
23 like what Fort Belknap College does, somehow
24 get around having a immersion school to teach
25 culture within our educational system, because

1 a lot of kids fail, or the system has failed
2 the kids, but that's some of the things how
3 does the BIA and OST work with make sure we
4 have -- I mean we have, what is it, like a
5 two-year appraisal is only worth two years and
6 then it comes on, so the political system, it's
7 going to cost if you don't get those appraisals
8 and have a system in place that would work, you
9 know.

10 So those are some of the concerns
11 that I think should be brought up.

12 DEPUTY SECRETARY HAYES: Thank you,
13 Tracy. Couple more and then we will move on.

14 MS. JACKIE GREY: Can you hear? My
15 name is Jackie Avery and I'm from Alaska. I
16 represent the Chugach Region, seven tribes
17 there. And I'm just -- as you all know, Alaska
18 is a very large state and the only way to a lot
19 of our native allotments or support is by boat
20 or airplane. So I just want to ask that when
21 the criteria is set up for all these
22 appraisals, that you take into consideration
23 location, the time, and your shelf appraisals.
24 There's a shelf life on appraisals.

25 So sometimes you can get an appraisal

1 but it takes a year or so because they can only
2 do appraisals during the summer to fall, three
3 months, say, that period. So they are gearing
4 up for the whole State of Alaska. And the
5 shelf life then is halfway over when it's being
6 reviewed. I'm just asking the time frame of
7 the appraisals and the shelf life and those be
8 set up in the criteria.

9 DEPUTY SECRETARY HAYES: Very good
10 point. Thank you very much.

11 Jim and then Vernon and then we'll
12 move on to another topic.

13 MR. JIM FIELDS: I notice in your
14 draft you're making goal No. 1 one was to
15 purchase, I guess, those areas that are highly
16 valued and with more than 20 owners.

17 Of course, my question following
18 that, if you have an area that has more than 20
19 owners, do all the owners have to volunteer to
20 sell it, or can you just buy parts of that land
21 area? It would be very difficult to get all
22 20 or more owners to agree to sell. If one
23 says I don't want to sell, does that handicap
24 the other 19 owners?

25 DEPUTY SECRETARY HAYES: No, no one

1 is going to be forced to sell.

2 MR. JIM FIELDS: It would be
3 unconstitutional.

4 DEPUTY SECRETARY HAYES: That's
5 right. As others have mentioned, if the
6 tribe -- if we are able to buy back half of the
7 ownership interest, effective control goes to
8 the owner of that half, or 51 percent. So
9 that's really what we are striving for. And
10 that would be the tribe, that land would go to
11 the tribe.

12 But also I will say there is
13 advantage even in terms of let's say you have a
14 parcel with a hundred owners, if 30 will sell
15 their interest back and it becomes tribal,
16 that's better, that's 30 fewer small little
17 trusts that have to be managed; that provides
18 the tribal with a potential down the line to
19 get additional 20 percent in there.

20 And that's one of the goals here,
21 again, it's a really good question, because one
22 of the goals is to provide the opportunities
23 for the maximum number of individual
24 fractionated landowners to sell back their
25 interest, which are not doing them much good,

1 at least in the minds of many of them.

2 So even though it may not immediately
3 turn into an obvious benefit for the community,
4 there is a benefit to those individuals, and I
11:42:27 5 would argue there is a long term benefit to the
6 whole system by removing out a significant
7 percentage of these fractionated interests.

8 MR. JIM FIELDS: An additional
9 comment, administrative costs, I think we would
11:42:48 10 only like the costs of the program and not
11 factor in the cost of the interior officials
12 that are working in this program. If you
13 factor that in with the high salaries, it will
14 kick up. Maybe it could be volunteered on the
11:43:00 15 part of the Secretary to donate that cost.
16 That would be part of the administrative costs.

17 DEPUTY SECRETARY HAYES: Sure. It
18 feels like I'm doing this for free. I don't
19 know if I am or not.

11:43:12 20 MR. JIM FIELDS: The other question I
21 have, I think it's real good that I came up
22 here, because this is my first visit to the
23 northern country and to hear comments by the
24 northern tribal leaders, I think it would be
11:43:24 25 good if other tribes... because, you know,

1 historically, we are region by region and it's
2 one region versus another region and so forth.
3 But I think it's good if of the different
4 regions with their concerns and comments and
5 questions visit other regions also. Because I
6 have a lot of issues here. I'm sure some of
7 the things I bring up will be unique to
8 Oklahoma and not to other parts of Indian
9 Country. I noticed we are going to be set up
10 in October. I think the reason I came up here
11 because when we had not had that notice before,
12 we thought maybe this would be the only time we
13 would have to comment on. It's good that you
14 are making these six. But it's also good that
15 other tribal leaders come to Oklahoma so they
16 can hear our comments.

17 And these are really good comments
18 you all have here. They are unique, new to me.
19 This area of these lands, and, of course, in
20 Oklahoma we have a unique set of laws dealing
21 with lands in Oklahoma that you may not have
22 here. So it's good that we do that.

23 The issue on scholarship monies. Of
24 course, you said administered by a board. How
25 will it be distributed, because as you know,

1 with different regions, we have different -- if
2 it's patterned after the BIA higher education
3 program, then you know I've always had an issue
4 with how money is distributed within the Bureau
5 of Indian Affairs. Historically if you go way
6 back in history, it was always distributed by
7 BIA location. And I think the trend in self-
8 determination to make the distribution by
9 tribal rather than by agency location.

10 But you still look at a budgetary
11 process and the bureau is still defined by
12 region or agency. So you have different areas
13 that have different populations, different
14 amounts of land in trust or restricted, so
15 these things have to be factored in. I know
16 you heard it before, and I will say it again,
17 Oklahoma seems to be on the short end of the
18 funding. That's not to say northern doesn't
19 have as much area. I know you all have a
20 strong tribal land base. You're land-based
21 tribes. Oklahoma, because of the forced upon
22 us allotment program, we have little actually
23 trust property. But we have a high population.
24 We have probably over 700,000 Indians in
25 Oklahoma that are members. But when you look

1 at your land base, it's really quite small.
2 But then there needs to be some consideration
3 for that. Thank you.

4 DEPUTY SECRETARY HAYES: Thank you,
5 Jim.

6 Vernon, final comment on appraisals,
7 and then we'll go eat. And, Ernie, you'll
8 speak really quickly, too. Go ahead.

9 MR. VERNON IKE SCHMIDT: When ILCA
10 had some funding on the Rosebud and the bureau
11 administered the fractionated purchases, it put
12 them in competition with our tribal land
13 enterprise organization, because every month we
14 budget \$90,000 for fractionated interest
15 purchases, and our purchases went down to
16 probably less than \$30,000, \$40,000 a month
17 because of the competition. And the reason
18 that they were able to get a lot of the people
19 went to ILCA was because they were able to
20 expedite the appraisal process. So they were
21 able to get their money a lot quicker. And at
22 TLE, we utilized the bureau to do appraisals.
23 We also have the capability to hire outside
24 appraisers. And recently with some fee
25 purchases we had to go to the outside in order

1 to expedite getting these fee lands purchased.
2 They are on the market so we have to move quick
3 because of the competition.

4 So I always felt that ILCA funds
5 should have been -- those tribes that are
6 capable should have been allowed to 638 them,
7 but, you know, that's not the case. But with
8 these settlement funds, even if it boils down
9 to the bureau having to ending up doing the
10 purchases, we started working with the bureau
11 and our regulatory arm of the tribal to come up
12 with a future land purchasing scheme so that we
13 are purchasing the fractionated interests that
14 are really in the interest of the tribe,
15 because once the tribal owns land on the
16 Rosebud, we can't sell it unless it goes to a
17 referendum vote of the people. So we look for
18 any of the trust lands out there, if we don't
19 have an interest in them, we want to hurry up
20 and buy into that, because that will discourage
21 the other landowners from trying to go outside
22 of the process to sell their lands to nonmembers.

23 And we also have the first right of
24 refusal to purchase lands, and we've been
25 pretty successful with that on the Rosebud

1 because we had the money to make the purchases.
2 But there was a lot of lands that slipped
3 through the cracks in the past and went on out
4 of trust. So we are trying to prevent that.

11:49:17 5 The lands that are going to be
6 purchased through the settlement funds are
7 going to be turned over to the tribe? You
8 see, the ILCA funds aren't going to be turned
9 over until that investment is paid for. And
11:49:29 10 I'm hoping that if it's a good purchase for the
11 tribe, we can go in and buy some of those ILCA
12 investments and get the 50 percent, get the 100
13 percent, you know, that we need, because we
14 perfect the leases on a lot of land that's 50
11:49:47 15 percent to that tribal land enterprise.

16 So those are just some comments I
17 wanted to share. Thank you.

18 DEPUTY SECRETARY HAYES: Thank you,
19 Vernon. Ernie.

11:49:59 20 MR. ERNIE LITTLE: Good morning. I'm
21 not here in an official capacity. I come from
22 the Oglala Sioux Tribe and I am a landowner and
23 I do work with the tribe in the development and
24 in the different areas for some time in our
11:50:21 25 reservation. That's how I came here officially.

1 I, too, have some concerns. I have
2 children. I want to pass it on and what to
3 deal with. I appreciate the comment over here
4 about ceilings. I've been involved with all
5 kinds of contractors. Our reservation gets
6 funded with different types of vendors when the
7 money comes. And there's a lot of money comes
8 there and not very much stays.

9 So I think there should be some type
10 of a top that they do to get the local
11 appraisal. We do in a sense of electrical and
12 water, you know, the bureau has a standard and
13 they have a checklist, and sometimes a lot of
14 times the relatives sign it just to give you
15 permission. And some want like give, for
16 instance, 13 cents, and laugh at that, and they
17 want a dollar or something. And then you go
18 to that appraisal thing, and it stops the whole
19 process, or slows it up. A lot of times have
20 spent tribal resources developing an area and
21 you cold wall that and start over.

22 I think that issue there is something
23 that should be highly considered here. You
24 know, a ceiling on the appraisers. And I
25 really speak for tribal business. If and when

1 there's a tribal enterprise that can handle
2 some of this contracting, hopefully that's
3 considered. I appreciate that opportunity.

4 There's one more question I think
11:52:25 5 needs clarification here. I've worked in a
6 number of areas, and one of the issues that
7 pops up, I think I'm the third generation
8 landowner, I took property from my father,
9 divided it up basically in a will so my
11:52:46 10 children wouldn't run into this, I divided it
11 up I felt fair and got two of the sons that
12 want to live there, fixed it, so if the other
13 children should sell, they'd have to sell to
14 the other children. Hopefully they honor that.

11:53:05 15 But it was all of this in mind, with
16 all of this in mind, and my experiences, I've
17 been in families when the issue divides it, and
18 it's sad, it's a sad thing. But I've also been
19 involved where people want to just go on and
11:53:27 20 move in a different environment.

21 There's a mineral right, I don't know
22 if anybody spoke of that. If the tribe buys
23 that and the mineral rights stay with the gift,
24 a lot of the people gift it, which is how I
11:53:55 25 ended up with mine. And I ended up buying a

1 number of my siblings' land. And I encouraged
2 them to keep that mineral. So I got the land
3 for my children without the mineral. And be it
4 whatever may, I figured if there was any
5 resource there that should happen, that then
6 people, I don't know what prompt them to sell
7 them, you know, it's an economic issue, that
8 was prompted at that time by my sister or
9 brother or something, they could keep that, you
10 know. So I guess I wanted to mention that.

11 I heard a comment about them shares
12 that are so small that would be a burden on the
13 tribe or the government to track them. I've
14 dealt with a lot of people. It's unending.
15 There's just no way you could have the
16 resources to maintain it. And I don't know the
17 tribes' experiences, but on our reservation we
18 do not have a bureau survey. I don't know if
19 the tribes take some of the little resource
20 they have and give it to the bureaus to help
21 our people serving their little pieces of land.
22 I don't know, I always argue that's the
23 government's responsibility. They created that
24 issue. They should provide the dollars to
25 survey them people's land or their home sites.

1 It almost falls in the organizations that
2 administers some of the services. There are
3 limited resources. In this case I work in the
4 housing for some time where it was detrimental
11:55:56 5 to a home because you spent so much money in
6 the requirements. You got a GPS, and I might
7 have been in this room when I spoke about GPS
8 system sometime. There's some highly qualified
9 people, and I don't know if they are government,
11:56:14 10 I know I spoke to a bunch of superintendents
11 one time, I don't think I got a response, but
12 if they could -- you know, the GPS system is
13 fairly accurate. I don't know if that would be
14 suffice for a home site, but I think this is
11:56:32 15 the only opportune time I might have to say
16 that for the record, you know.

17 But I would like the tribes to
18 consider when you talked about scholarship
19 monies, I was a part of our college, which is a
11:56:51 20 very productive, well run college, that somehow
21 some of them resources maybe go back into a
22 service with that tribe being the contractor
23 for them surveys or them types of things. I
24 just wanted to say them few things as I had the
11:57:19 25 opportunity.

1 I don't like to start talking, I have
2 a hard time stopping.

3 DEPUTY SECRETARY HAYES: Well, you're
4 bumping up against lunch, Ernie, which is a
5 dangerous place to be.

6 MR. ERNIE LITTLE: Thank you.

7 DEPUTY SECRETARY HAYES: Thank you,
8 Ernie.

9 You know, I think actually it's a
10 good place to break. We were going to have
11 lunch at 12:30 but we started early. Why don't
12 we have lunch now. And let me suggest that
13 over lunch folks think about two or three or
14 four of the top items that you'd like to drill
15 down deeper in with us this afternoon after
16 lunch. I think this is a good discussion on
17 the appraisal side, we hit the scholarship
18 fund.

19 Mike and I have to run for some other
20 briefings. Meghan and Jodi, who I told you are
21 really running the show here, are in fact going
22 to run the show after lunch. So come back
23 after lunch.

24 And then can I reemphasize what Jim
25 said? I hope some of you will come to some of

1 the other consultation meetings, and we can
2 continue the dialogue. We are going to be
3 intensely talking with you guys through mid
4 October on all these issues. And then we will
5 see what we come up with.

6 So thank you all. We will see you
7 after lunch.

8 MS. STACIE SMITH: Thank you so much
9 to Deputy Secretary Hayes.

10 We are going to come back at 1
11 o'clock. We will have more time for tribal
12 leader comments. We will also open up the
13 floor to have comments from all of the other
14 tribal members and participants here today. So
15 we will see you back here at 1 o'clock.

16 (Recess.)
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(Afternoon session.)

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MS. STACIE SMITH: I know there's a lot of people at lunch. We want to get started so we can hear from as many people as possible before 4 o'clock. So if I can invite everyone who has come to come in and sit down.

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13:11:07

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MS. MEGHAN CONKLIN: Hello everyone. I hope everyone had a wonderful lunch. I want to thank you all for your participation today. We've had some very meaningful comments this morning and we look forward to receiving comments from everyone for the rest of the afternoon.

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One of the things in particular that we would love to hear your reactions to in the packet you received when you checked in is a copy of the preliminary ideas for goals for the land consolidation program. These are the goals that Deputy Secretary Hayes reviewed during his presentation. The goal of reducing fractionation, submitting a plan that that is time and cost efficient, and implementing a plan that corresponds to different tribal goals as we learn through that consultation process.

1 Some of that document you have in your
2 materials that you checked in, we would love to
3 hear your particular reactions to those, as one
4 of our main points of these consultations we
5 want to get your comments and will be working
6 on refining those goals as we go through these
7 series of tribal consultations.

8 There are a couple in the audience
9 who are also here with the Department of
10 Interior that I wanted to make sure you got
11 know today as well. Sitting over here is Tony
12 Walters. Tony is a counselor to the Assistant
13 Secretary for Indian Affairs and has been a
14 really integral person in helping to pull
15 together today's event. And I just wanted to
16 thank him for that.

17 I think she has left the room but you
18 may meet Kallie Hanley at this some point.
19 Kallie really helps run a lot of the logistics
20 for today's event. We wouldn't be able to be
21 here today without all of her help.

22 One of the questions that has come up
23 a few times I wanted to pull your attention to
24 is the issue of the secretarial commission on
25 Indian Trust Administration and Reform. In

1 your packet of materials, as Stacie mentioned
2 earlier this morning, is a copy of the *Federal*
3 *Register* notice that was published recently for
4 the establishment of this trust reform
5 commission. And in that you can find
6 information on how you can send comments to the
7 Department of Interior about this proposed
8 commission, and also for you to send your
9 nominations for people that you think should
10 serve on the commission. While it's not
11 something that we are planning to consult on
12 today, I just wanted to make sure you're aware
13 where you can send those nominations to, since
14 that came up earlier.

15 With that I wanted to turn it over to
16 Jodi Gillette.

17 MS. JODI GILLETTE: I don't want to
18 take too much of your time today, but I just
19 want to thank everyone for coming to the
20 consultation today and traveling the many miles
21 that many of you have traveled to join us here
22 today. And, also, I just want to thank you for
23 your caring about this issue because I know
24 there are a lot of other things that take your
25 attention away from these kinds of issues.

1 There's a lot of urgent needs out there in
2 Indian Country and I know that many of you have
3 to deal with a lot of different things at the
4 same time. So coming here and letting us hear
5 about what you think you're thinking, giving us
6 feedback on our approach and how we are going
7 forward with the Indian land consolidation
8 piece of the Cobell settlement is going to be
9 very instrumental.

10 And for that piece of what we are
11 working on today and what we are talking about
12 today, I just see it, and I've heard this a
13 couple of times from tribal leaders, that this
14 is a really important turning point. It can be
15 a very positive occurrence in history. And we
16 can make it a very good outcome, but we can't
17 do it without your input, and we can't do it
18 without your honesty, and we can't do it
19 without your expertise on what's going to work
20 the best in Indian Country.

21 I know that there has been -- I
22 always want to acknowledge that our history
23 with the United States government, I say "our"
24 being a member of the Standing Rock Sioux
25 Tribe, but I'm also working with the Obama

1 Administration in this tenure at the Assistant
2 Secretary's office in order for us to have the
3 best kind of representation to ensure we have a
4 strong tribal voice. And I'm not a tribal
13:16:01 5 leader, but I really do my best to reflect and
6 to remember and to try really hard to take the
7 comments and the concerns that you have and
8 keep that as a guiding principle for everything
9 that we do.

13:16:19 10 This is the beginning, and I think
11 that Deputy Secretary and the Secretary both
12 stated that previously that we are beginning
13 discussion and we do welcome future
14 participation in other consultations. We also
13:16:36 15 welcome written comments so that we can have
16 more detail if you are not able to go into a
17 lot of the technical things that you'd like to
18 see or feedback that you'd like to give. And
19 we also encourage you to feel free to reach out
13:16:53 20 to us through Michelle Singer or reach out to
21 me directly to give that kind of guidance and
22 insight that if you're not feeling like you're
23 getting your needs reflected.

24 We do plan to post a summary document
13:17:11 25 after the consultation through the *Federal*

1 *Register*. That's something that we are trying
2 to keep this as formalized as possible in order
3 to honor the time and commitment that you've
4 put into this, and we do want to make this a
5 meaningful encounter each and every time you
6 come to the table. So we know that this is one
7 of the highest priorities that is in this
8 administration at the presidential level, at
9 the secretarial level, at our level, at the
10 Assistant Secretary's, and we feel like this is
11 something is a priority that we are trying to
12 reflect what you've told us of what's important
13 and the things that you need to address as far
14 as fractionation.

15 So with that, I just would like to
16 turn it back over to Stacie, and we are going
17 to -- I think I'll let you do the next step.

18 MS. STACIE SMITH: So we've heard a
19 request particularly for comments about this
20 goals document. It's in your packet. So if
21 anyone wants to refer to that directly. We are
22 open the floor to comments from tribal leaders
23 at the table and from those tribal members and
24 tribal organizations and others, members of the
25 public, anyone is welcome to make a comment.

1 We have two microphones out. So we do ask you
2 to come and stand behind the microphone and
3 speak into the microphone. Please do say your
4 name and affiliation so that we can get that on
5 record as well.

6 And then if there are tribal leaders
7 at the table who would also like to make
8 additional comments, you know, maybe putting up
9 your placard is the best way to let us know you
10 want to do that and we will sort of move back
11 and forth. Jodi and Meghan will respond as
12 appropriate.

13 So is there any -- so we will go with
14 you, sir.

15 MR. ROSS RACINE: Good afternoon. My
16 name is Ross Racine. I'm the Executive
17 Director for Inter-Tribal Agriculture Council,
18 it's a nonprofit organization of tribal
19 members, tribal government members. And I've
20 got some comments and some questions.

21 Number one, who determined the tribal
22 ownership is the only solution to fractionated
23 interest problem? That's a question.

24 Why has trust corporations made up of
25 owners, each owner is a certificate owner, not

1 much different than stock owners in
2 corporations, is not a part of this solution,
3 or not a part of this solution?

4 Number three, government assimilation
13:20:10 5 program and then the various allotment acts
6 recognize individual Indian ownership. This
7 program needs to provide individual tribal
8 members to purchase common shares, which, by
9 the way, is addressed by ILCA as well. In
10 other words, I need to be able to buy out my
11 brother without competition. If he's willing
12 to sell to me, then I should be provided the
13 same opportunity as all of this focus on
14 tribes.

13:20:45 15 Now, that's may be in conflict
16 tribes, but if we are going to retain our
17 family lands that's been in our ownership, our
18 family ownership, since allotments were made,
19 we ought to be able allowed to do that. As an
13:21:05 20 example, my dad is a 13th owner. There are one
21 sister left and the rest have all been cut
22 down. But we want to retain my grandfather and
23 my grandfather's place, we ought to be allowed
24 to do that.

13:21:22 25 The question, is the program going to

1 acknowledge that part of ILCA and provide funds
2 for individuals to do the same thing that
3 tribes can do?

4 On the education program, and that
13:21:41 5 also is addressed in goal 2 c, which says focus
6 on the largest interest per owner. Well, I
7 think individuals should be able to be afforded
8 that same opportunity with that goal. If I
9 have the opportunity to buy the largest
13:21:59 10 interest in my grandfather's allotment and I'm
11 a common owner, I should be provided that
12 opportunity.

13 Scholarship program. There's a
14 resource management education program buried in
13:22:17 15 Part 166 of the C.F.R. that's never been
16 implemented. That was put into law in 1993 and
17 the BIA has yet to implement it. My question
18 is, can this scholarship program, some of those
19 funds, be dedicated to developing a cadre of
13:22:35 20 tribal resource management as -- managers as is
21 spelled out in that education program?

22 Question on the appraisal process.
23 Lease or permit value is impacted positively by
24 federal programs that these lands are enrolled
13:22:58 25 in, specifically wheat-based, barley-based,

1 peanut-based program with U.S.D.A. Whether
2 they are an Indian lessor or a non-Indian
3 lessor, that lease value is directly correlated
4 with the programs, U.S.D.A. programs, that that
5 land is enrolled in. And my question is, how
6 are you going to take that value and fold it
7 into the appraisal process?

8 Thank you for the opportunity.

9 MS. STACIE SMITH: Thank you. Yes.

10 MS. TERESA WALL McDONALD: Good
11 afternoon. My name is Teresa Wall McDonald and
12 I work for the Confederated Salish and Kootenai
13 Tribes.

14 I have a comment on the goals. In
15 conversation with our Tribal Chairman Bud
16 Moran, he made a suggestion on the order of the
17 goals. He thought goal No. 3 should be changed
18 and reordered to be goal No. 1, because he said
19 you're beginning a process with government-to-
20 government tribal consultation anyway.

21 And then with goal 3, reorder A and
22 B. That our first strategy should be to target
23 tracts with economic development opportunity
24 for the tribes, because we are really talking
25 about looking into the future for the benefit

1 of all of our children and people yet to come,
2 so let's target tracts with economic
3 development for tribes.

4 And then he thought goal No. 2 was in
5 the right place in terms of implementing a plan
6 that is time and cost efficient. And, again,
7 we hope that the federal processes are
8 streamlined so that the money can be expended
9 for the benefit of all tribes within the
10 ten-year period.

11 And he would make goal No. 1 goal No.
12 3. But he said let's start with the
13 consultation with the tribes, because that's
14 where you're starting the process anyway.

15 And then looking at goal No. 1,
16 earlier today we talked about what we are going
17 to do to motivate individuals where maybe they
18 are only receiving a \$10 check for their
19 interest. There was one suggestion today that
20 within the terms of the program that there be
21 some sort of an incentive. I would like to
22 call it a transaction cost or a closing cost.

23 And going back to reality, many of
24 our tribal members come from areas where there
25 is high unemployment, gas, transportation, many

1 do not have phones, those are all still the
2 harsh realities of Indian Country. So if you
3 have some sort of a transaction cost or closing
4 cost where you could assist someone with the
5 cost to come forward and complete the
6 transaction. Salish Kootenai has done the ILCA
7 program for several years. Lanita Matt, here
8 in the first row, worked on getting deeds
9 completed, and when they are very small values,
10 and when somebody is unemployed, they have
11 difficulty coming forward and completing that
12 transaction. So we think that it's important
13 to think of some sort of a closing cost or
14 transaction cost, something that would assist
15 them in coming forward to complete the
16 transaction.

17 Thank you.

18 MS. STACIE SMITH: Yes.

19 MR. GEORGE DuCHARM: Good afternoon.

20 My name is George DuCharm. I'm also from the
21 Confederated Salish Kootenai Tribes. Those are
22 very good comments.

23 I just wanted to say that you've
24 heard a lot of negative about the past ILCA
25 programs. Salish Kootenai was a pilot project

1 for the ILCA program. We like to think our
2 program was a success. We bought 338
3 interests. We brought five tracts into one
4 hundred percent tribal owner. We had a mass
13:27:51 5 appraisal process that was developed by OST,
6 with the assistance of our staff. We broke up
7 into zones, mountain zones, lake area zones,
8 arid zone, and each of those zones had
9 attributes that were added to value the
10 appraisal process. If it had timber, it got
11 this value. If it had water on it, it got
12 added value. So it was really a successful
13 program we ran.

14 The problem with the program was we
13:28:26 15 ran out of money. And I hope that we are
16 afforded the opportunity to rekindle that
17 program and get back on track and acquire some
18 of those interests. As Teresa said, the
19 economics are tough. Those people are out
13:28:42 20 there wishing they could sell those interests.
21 We've got how many applications on file? 111
22 from the previous program that weren't able to
23 service because we ran out of funds. We did
24 have a successful program. We are very proud
13:28:58 25 of it.

1 Thank you.

2 MS. STACIE SMITH: Thank you.

13:29:17

3 MS. GAY KINGMAN: Hi. My name is Gay
4 Kingman, Executive Director of the Great Plains
5 Tribal Association. I have instructions from
6 our chairman that he wants to have a
7 consultation in the Great Plains on September
8 13th and 14th so all of our member tribes can
9 participate. And if that date is not feasible,
10 it fits in between your other consultations,
11 but we would work with you on another
12 consultation date.

13:29:41

13 We do feel in keeping with consulting
14 fully with the tribes, we would like that for
15 the Great Plains tribes.

13:29:56

16 Then I was really happy to see this
17 circle graph in the material, because we've had
18 a difficult time in getting statistics and
19 information out wherever it comes from. Not
20 all of our tribes are on TAAMS. So in keeping
21 with transparency of information and
22 statistics, we would really like to have better
23 information coming to the tribes, and in
24 particular as we go forward with the land
25 consolidation.

13:30:14

13:30:36

1 Earlier, the Great Plains Tribal
2 Chairman has gone on record, passed a
3 resolution, we do want contracts with tribal
4 governments or the inter-tribal organizations.

13:30:56 5 We know better on our situations than
6 other firms that might come in from outside,
7 and I believe Blackfeet said that same thing.

8 As far as appraisals, I know we
9 already discussed that, but we are going to
13:31:16 10 beholding an appraisal summit in our region
11 about that same time, September 13, 14th,
12 because our landowners have to go to not only
13 the Bureau of Indian Affairs for appraisals but
14 also to the Office of Special Trustee, and then
13:31:35 15 also to BLM. So once this process starts, it
16 gets bogged down in the bureaucracy, and that's
17 part of what causes the delay. So we are going
18 to be holding that appraisal workshop or
19 conference.

13:31:53 20 And the other part of the appraisals
21 is we want to train our own Indian people for
22 appraisals, because they understand our land,
23 they understand the isolation factor that we
24 have, they understand the distances. We have
13:32:06 25 all of the Indian colleges on our reservations,

1 and I talked with some of the presidents and
2 they are looking into the possibility training
3 our own Indian appraisers.

4 I would like to enter this into the
13:32:26 5 record, I don't know who to give the this to,
6 but the resolution, and then work with you on
7 holding that consultation in the Great Plains.
8 If not September 13th and 14th, then a date
9 that we can come together on.

13:32:52 10 MR. ROBERT COURNOYER: Good afternoon.
11 This is Chairman Cournoyer from the Yankton
12 Sioux Reservation.

13 You know, there was a lot of good
14 things said and a lot of things that we need to
13:33:03 15 follow through and a lot of promises made.
16 Like the gentleman had stated earlier, I was
17 going to ask him can we get that in writing
18 when he said there wouldn't be any liens on the
19 lands that were bought with the settlement
13:33:19 20 money. You know, I mean, you always say words,
21 but it's better when you have it in writing.

22 I do have some testimony here, too,
23 that I would like to submit to the record, but,
24 you know, I really think that we are asking the
13:33:38 25 tribes to weigh in on all these issues, and I

1 know it's a little bit after the fact, even
2 though this Cobell settlement has been for the
3 individual Indian money account holders.
4 You're asking us to decide for some people that
5 maybe some of them people don't want to sell
6 their fractionated interest. I know that I
7 heard a lot of that testimony go on when we
8 were at some of the AIPRA hearings, American
9 Indian Probate Act, so we don't care only got a
10 teaspoon of dirt and we only get 15 cents, we
11 don't want to sell our land. Which is fine,
12 you know.

13 It's about time that we clean up this
14 mess with consolidating the lands, because I
15 think it takes a lot of valuable resources from
16 the BIA, because it takes millions and millions
17 of dollars to manage these accounts. It takes
18 time, money, effort, and I hope that this
19 program works, and I hope when that money is
20 freed up, the money comes back to do good to
21 reprogram it so that it can go for other things
22 that the tribes need. You know, a lot of us
23 tribes, we don't have resources like oil, gas,
24 timber, all these things. You know, some of us
25 are just out here on the plains with no

1 resources other than just our land, and our
2 land is really devalued. You know, like
3 someone had mentioned earlier, some of the
4 lands when it's appraised, the Indians don't
5 get to appraise that appraised value that a
6 non-Indian's land would get appraised. And
7 there's a heck of a difference in price
8 sometimes. We were trying to buy some land
9 down in our area, some of that farm ground was
10 going for about \$4,000 and we were trying to
11 buy some land along the river and they wanted
12 \$10,000 an acre. So if we want land, to buy
13 some of our land back, they are making us pay
14 astronomical prices. We've been putting a
15 little money away every year to buy back these
16 some of these fractionated interests, and buy
17 out some these individual landowners, and we
18 are lucky we do have some money to do that.
19 Every year we put so much aside to do that. We
20 also paid off our FHA commitment so we no
21 longer owe FHA any money whatsoever. But, you
22 know, when we did have those FHA loans, there
23 was an ungodly amount of interest that was
24 charged. You know, you paid almost three times
25 what the principal was.

13:35:45

13:36:02

13:36:22

13:36:39

13:36:57

1 So I hate to say it, but, you know,
2 everywhere we turn in the past we've always
3 been gouged, you know. I mean, who's looking
4 out for the best interests of the tribe? Who
5 has that fiduciary trust responsibility, you
6 know? A lot of times you don't want to say,
7 well, it's the BIA, but in all actuality a lot
8 of that fiduciary trust responsibility is
9 entrusted to the BIA.

10 Most of our reservations we can't do
11 anything economically because when you can't
12 collateralize your lands, once it's in trust it
13 prohibits you from using it for collateral for
14 anything. So, you know, we don't have anybody
15 stepping up to the plate and saying, oh, yeah,
16 we want to come and develop on your
17 reservation, we got this thing coming. But it
18 never happens. You know, there's no way that
19 we move forward economically, socially, there's
20 all kinds of ways that we are still 20 to 30
21 years behind everybody because there is no
22 development there. And not only that, we serve
23 the poorest of the poor.

24 A lot of our people only live on 3 to
25 \$7,000 a year. You know, who could believe

1 that in this day and age. It is still
2 happening out there. I feel for those people
3 and those people that get small lease checks.
4 When you talk about YOKA, I'm glad we never got
5 involved in that program because they did hold
6 the liens on some of that land, and I guess a
7 lot of them, from what I gather the pay back
8 period was pretty great. But I just hope that
9 we move forward on this issue because when it
10 comes to land, we've all but been stripped and
11 reduced down greatly in our land holdings
12 through all of our treaties.

13 If we didn't sign treaties they were
14 going to take it anyway. They did those
15 treaties to make us feel good. I can remember
16 when the Yankton Sioux Tribe had holdings of
17 over 32 million acres, and through subsequent
18 treaties all the way down to 1852, 1858 treaty,
19 we gave up 12 million acres then, too. That
20 reduced us down to 440,000 acres. And today we
21 are lucky if we hold 40,000 acres, because
22 1892, which was ratified in the 1894 agreement,
23 which opened up the allotment act and all those
24 types of things on our reservation, it was
25 supposed to protect for 30 years no land was

1 supposed to be sold, but most of our individual
2 allotments at that time were sold or swindled
3 or taken away from them, dishonest agents that
4 worked for the bureau, BIA. A lot of them were
5 land speculators, sold land, and opened up our
6 lands to the settlers that were coming in then.

7 You know, coming down from having at
8 one time 32 million to about 40,000 acres, you
9 know, that's really disheartening. Like I
10 said, the only thing I really feel good about
11 is the State of South Dakota, Charles Mix
12 County, which we live in, a lot of the small
13 towns that are there and all the people that
14 went against us to try to disestablish us, and
15 we went to the Supreme Court three times with
16 that issue, and this last time the Supreme
17 Court denied the State of South Dakota and all
18 the people that were against us cert. So that
19 made us feel a little bit good. But we are
20 almost down to no land. And if that decision,
21 we would have went to the Supreme Court, and we
22 haven't got very good decisions out of the
23 Supreme Court, you know, what if they would
24 have just disestablished us, then where would
25 that have put us?

1 Even the State of South Dakota went
2 so far as to take us off the state map. So,
3 you know, they've done a lot of things to us.
4 But we as Indian people, we're survivors.

13:41:55 5 And I will hand our testimony in, and
6 Gay presented a resolution from the Great
7 Plains region. I just wanted to say something
8 I hope was meaningful and that you really take
9 what we are saying here very seriously because
13:42:19 10 we are in some hard tough economic times. As
11 it is, reservations have high unemployment, and
12 all those types of issues, and we are fighting
13 poverty every day. A lot of our people don't
14 worry about a lot of these things because
13:42:36 15 sometimes some of those people are just worried
16 about getting through that day and having
17 enough food to feed their children or whatever.
18 Those are some of -- they don't even worry
19 about a lot of these things. That's why we
13:42:50 20 have good leadership in Indian Country that
21 speak up for them.

22 Well, thank you.

23 MS. STACIE SMITH: Yes.

24 MR. RYAN RUSCHE: My name is Ryan
13:43:11 25 Rusche, I'm an attorney for the Assiniboine

1 Sioux Tribes of the Fort Peck Reservation. Our
2 council members have asked me to provide
3 comments on the goals as we reviewed them
4 earlier in the week. I don't know that they
13:43:21 5 were considering these official comments, but
6 they were thoughts that the council had in
7 looking at the goals that were provided. The
8 tribes intend to provide you with official
9 comments by September 16th, or whatever the
10 deadline is.

11 The first thought was that any
12 consolidation plan must adhere to the
13 principles and not diminish the trust
14 responsibility of the United States. In
15 particular, in developing the land
16 consolidation plan, we must consider the
17 existing regulations relating to the use of
18 trust land and how those regulation also may
19 impede economic development, land productivity,
13:43:34 20 and acquisition. And I think, again, reflects
21 that we can't stress enough as has been said
22 here today already the need for improvements
23 and enhancements relating to the appraisal
24 process, which is currently hindering
13:43:43 25 productivity and acquisition as many people

13:43:56

13:44:11

1 have already said here today.

2 There was also some discussion that
3 the goals of the plan should not be designed to
4 benefit the department, that the goals should
13:44:22 5 be designed to benefit the beneficiaries. That
6 I think with respect primarily to goal No. 2,
7 which in a lot of ways I think there was some
8 feeling it looked more like a Christmas list
9 for BIA and not for the Indian landowners.

13:44:38 10 The third thought was that the plan
11 should be flexible, that each tribe can tailor
12 a plan that fits the need of that particular
13 tribe and reservation and allottees on that
14 reservation. By doing this consultation will
13:44:55 15 occur between the U.S. and each member Indian
16 tribe rather than these mass type meetings.
17 So, in other words, the fine tuning with
18 respect to each reservation should be done on a
19 tribe-by-tribe basis.

13:45:09 20 The fourth is that this consultation
21 process we hope will signify the official end
22 to the era of BIA's use of Cobell as an excuse
23 for not taking action on things not relating to
24 accounting. We hope that that is a new day on
13:45:25 25 that.

1 Next, any savings to the federal
2 government as a result of the land
3 consolidation plan, the reduction of
4 fractionation, that those savings should be
5 passed along or reprogrammed to tribes for land
6 purchases. The plan should have tools
7 necessary to remediate environmental problems
8 or other encumbrances like liens, water liens,
9 those types of things, which are associated
10 with lands identified for consolidation,
11 compromised land, environmentally or whatever,
12 should not be excluded from the process with
13 the goal of simply trying to rush through the
14 easiest tracts for purchase, because it seems
15 like that would leave the tribes stuck with
16 having to deal with the harder transactions at
17 the end once the money is all gone and people
18 may have changed. So we think there should be
19 a balance there, or at least it is something
20 that should be factored in. And, again, these
21 are not the official comments, these are some
22 of the thoughts that have arisen while
23 reviewing the goals.

24 Finally, we think it's critically
25 important that tribes be provided with maps or

1 lists of the lands you've identified as
2 fractionated, or highly fractionated, so we can
3 put them into maps and begin our review for
4 upcoming acquisitions. We think this should
5 happen now even before the plan is finalized,
6 because otherwise we are concerned that we may
7 be forced to make quick decisions when really
8 there should be no reason why we wouldn't be
9 able to review that now and start formulating a
10 plan of our own.

11 So, again, we will try to have
12 official comments to the goals by the deadline.

13 MS. ANITA MATT: Good afternoon. My
14 name is Anita Matt, Confederated Salish
15 Kootenai Tribes. I just wanted to mention that
16 with the appraisal there's a difference in
17 every reservation. Our reservation, which is a
18 the Flathead Reservation, sits between the two
19 highest growing counties, which rises up our
20 prices. We don't have the problem with them
21 reducing our appraisals, it's jacking the
22 prices up. So land can be anywhere from 4 to
23 \$10,000 an acre.

24 So when you're looking at comparables
25 of \$350 an acre, \$250, or \$700 an acre, there's

1 a lot of difference. So I'm hoping that when
2 they look -- when they start separating the
3 money out and obligating to different tribes,
4 they look at the land prices, because it cost
5 us a lot more per acre than it would in eastern
6 Montana.

7 Another thing I'd like to comment on,
8 I'm hoping departments start working together.
9 Ross mentioned U.S.D.A. There was an
10 individual talking about programs with the
11 U.S.D.A. on loans. The whole idea, whoever the
12 landowner is, has the right utilize his own
13 property. So if we can find ways to get the
14 majority owner, that sure helps. So that was
15 just one other comment that I had about
16 everybody working together.

17 Thank you.

18 MR. JIM SHAKESPEAR: Thank you very
19 much again. I'm glad I could be here today to
20 speak on behalf of the Northern Arapahoe Tribe.
21 My name is Jim Shakespear. Recently I was just
22 voted a month ago by my peers to chair the
23 tribe's business council.

24 But a couple of things. You know,
25 our reservation in Wind River, we are really

1 unique, we share the reservation with our
2 neighbors, the Eastern Shoshone pretty much,
3 and we share what they call the joint resource.
4 And the land is basically, you know, a joint
5 resource that is managed by the BIA.

6 A couple things I'd like to comment
7 on. The things that I hear today basically is,
8 you know, time is of the essence. From what we
9 understand from expedite, front load, you know,
10 streamline. So, you know, like I said, you
11 know, we look at this pie here and we can see,
12 you know, being from the Rocky Mountain Region
13 we are probably the second highest pieces on
14 the pie here that is the fractionated interests
15 on our reservations.

16 But I'd like to -- like I said, when
17 it comes down to deciding, you know, how we are
18 going to do this and whatnot, I would just like
19 to speak on -- you know, actually, I sit on the
20 Land Resource Committee, too, for the Bureau of
21 Indian Affairs, from the tribal standpoint, and
22 our tribe, too, we do a lot of land exchanges,
23 you know, basically. And how this is going to
24 affect that, you know, that's another, I think,
25 piece of the puzzle where how this is going to

1 work.

2 But I would just like to add that,
3 and actually it's got to be very -- you know,
4 it's got to be something that's got to be
5 worked out, really thought through, with all
6 the tribes that are involved.

7 All right. Thank you.

8 MS. STACIE SMITH: Thank you.

9 MR. BUM STIFFARM: Good afternoon.

10 My name is Bum Stiffarm. I work as the chief
11 administrative officer for the Fort Belknap
12 Indian community, and I've asked President King
13 if I could say a few things.

14 Jodi, you must have heard us in Las
15 Vegas, and welcome to Montana for your first
16 consultation meeting. We kind of got after her
17 down there because they never had anything in
18 Billings or in Rapid, so welcome here, Jodi,
19 good to see you again.

20 The majority of the people here sound
21 like they are pretty skeptical of the bureau in
22 handling the land consolidation component of
23 the Cobell case. I'm just as skeptical. You
24 know, they are the ones that caused the
25 problem. They are the reason why we are here.

1 And why put the fox back in the hen house, you
2 know? I was taught by a good friend of mine
3 from Oklahoma one time, he said, you know, Bum,
4 he said, if it walks like a duck and it sounds
5 like a duck, then it must be a duck. Kind of
6 told me to be a straight shooter, so that's
7 what I try to do.

8 This 15 percent administrative costs
9 that are going into these funds, the \$1.9
10 billion is going to be reduced to \$1.6 billion.
11 The money has been judged by the court to go to
12 land purchases. Well, you are already losing a
13 bunch of money with this 15 percent. It's the
14 bureau's responsibility to do a lot of this
15 work. Any funding coming from the Cobell case,
16 and I can bet you Elouise never intended to
17 reduce the bureau budget and bureau
18 responsibility.

19 I commend President King from Fort
20 Belknap and also Councilman Jay St. Goddard
21 from Blackfeet for saying that. And you have
22 to listen to them.

23 There is a funding mechanism in
24 place. As treaty tribes, we were allocated
25 small amounts of money for land that was taken,

1 just like the gentleman said. We do have money
2 in some of our tribal coffers that still
3 represents the taking of our land. But there's
4 a funding mechanism in place. If they are not
5 going to allow us to 638 any of this, use that
6 funding mechanism because it works. We've
7 developed simple programs using these funds,
8 burial programs, social programs, educational
9 programs. So that's a mechanism that can work.

10 At Fort Belknap over the past few
11 years we've completed 300 appraisals and we are
12 really proud and we can model that program and
13 hopefully the other tribes will contact us and
14 we will give them that information how we are
15 going to do it.

16 That's not the problem. The problem
17 is when we send these 300 appraisals to
18 Billings. OST sits on them for whatever
19 reason. Underfunded, undermanned, whatever.
20 But that's where the problem is. It's in these
21 area offices. And I told big Ed I was going to
22 bash him, he's still my friend, but that
23 component isn't working here at the regional
24 office. I can only speak for Billings, I'm not
25 sure what's happening anywhere else. But

1 that's where the problem lies.

2 So I'd like to get the BIA thoughts
3 how you're going to administer the 15 percent.
4 Mr. Hayes said it's not enough money. That's a
5 heck of a lot of money, you figure it out here.
6 So I was wondering when is the bureau going to
7 come up with their plan? We have October 15th
8 to finish our tribal consultations. When is
9 the bureau going to come up with their plan?
10 Or are they already working on it? It seems
11 like they should be. So give us a date when
12 you're going to come up with the plan.

13 But I'm glad my good friend Majel
14 talked about the educational component. I was
15 the past president of the National Indian
16 Education Association in the '90s, so I know a
17 little bit about Indian. I don't believe one
18 organization, the American Indian College Fund,
19 should be given the opportunity solely to come
20 up with a mechanism for the funding of this \$60
21 million. The reason I say that there's a
22 number of good Indian educational organizations
23 and associations out there that have
24 responsibilities for different students,
25 whether they be Head Start, kindergarten

1 through K-12, and higher ed. I don't have
2 anything against American Indian College Fund,
3 but I'm thinking they only represent the tribal
4 colleges, and I could be wrong. I don't have
13:56:15 5 anything against tribal colleges. The Salish
6 people with their college over there, they have
7 my daughter in their college, and I thank them
8 every day. But I don't think the American
9 Indian College Fund is the sole organization
10 that should do that.

11 Everybody can testify that we have
12 many, many needs in Indian education. At Fort
13 Belknap, we only get \$350,000. Our true need
14 is about \$6 million to fund all of our college
13:56:47 15 students. And they get by \$400 a quarter, \$600
16 if you're a sophomore more and so on, but those
17 are just some the needs.

18 As President King said, we have
19 public schools that are failing our students.
13:57:03 20 We have colleges that maybe aren't failing but
21 they don't have enough money to provide a
22 quality educational program.

23 So if you're going to do this
24 commission, do it wisely and spread the
13:57:15 25 commission members unique ly across the country

1 so we can have good representation from
2 everyone.

3 The last thing I'd like to share with
4 you is that if you don't have a plan, if you
13:57:28 5 don't have a plan, our tribe, like many others,
6 have the capacity now to develop and operate
7 their owned land consolidation programs. We
8 have that. Like Councilman Kirn from Fort Peck
9 was saying, we now have that knowledge and
10 capacity and we can do it. But we need that
11 funding directly to go to tribes.

12 Thank you for that opportunity.

13 (Applause.)

14 MS. STACIE SMITH: Yes, sir.

13:58:04 15 ALEC SANDCRANE: Thank you. One of
16 the things I heard, correct me if I'm wrong,
17 they were saying with this money we can't
18 purchase fee land on our reservations. Why is
19 that? Because it was once tribal lands. We've
13:58:33 20 had some lands there where tribal members put
21 them in fee to get loans and they lose them in
22 auctions. Yet they are still in the interior
23 boundaries of our reservations. And now we've
24 got some of these people who have bought these
13:58:49 25 fee lands coming to us and want to sell them

1 back to the tribal. Yet we don't have the
2 money to buy them. And when I heard of this, I
3 thought, all right, now we are going to have
4 some money to buy some of these fee lands back
5 from these individuals, but now I hear we can't
6 use that money in that way.

7 And that brings up another question.
8 You're talking about individual fractionated
9 lands. Does this include people who are single
10 owners? Believe it or not, we still have
11 single owner people with their full allotted
12 properties. Or maybe just two of them own the
13 160 acres. Does this include them also?

14 Also, is their program where they are
15 doing land exchanges over there in Arapahoe
16 Shoshone Reservation? I've asked this
17 question, and I still haven't gotten an answer.
18 If we can do that, some of us that do have
19 fractionated land that we don't want to sell
20 but we can't use the land because it's so far
21 away up in the middle of nowhere? We've got
22 tribal members coming and asking me, can we
23 trade our land so that we can for a little
24 piece along the highway where we can put our
25 house? Because right now the land I have is 15

1 miles out in the middle of nowhere. I don't
2 have a car. I can't walk that far. So these
3 are some of the questions I'm asking.

4 I've been told by one person, no, you
5 can't do that. And there's another one that
6 says, yes, you can do that. So which is it?
7 Yes, we can we trade the tribe land, or not?

8 Another question I have, at the time
9 of the establishment of our reservation we had
10 tribal members that had been granted lands just
11 like any other white person off the
12 reservation, mainly up in the Otter Creek area.
13 Yet, when they established the reservation,
14 they forced these people to move on to the
15 reservation and give up their -- I can't
16 remember what you call them, these little plots
17 of land that they had and had worked and
18 established for one year and it's supposed to
19 be their land. Yet, they were forced to move.
20 We've asked for records for these, and nobody
21 can seem to find any. What avenue do these
22 claimants, tribal members, have to find these
23 records? These are some the questions I've
24 been asked to ask.

25 I guess that's about it for now.

1 MS. JODI GILLETTE: There was one
2 question about the ability for the department
3 to use this funding for the purchase of fee
4 lands, fee simple lands, that are not
5 restricted, and it can't be used because we are
6 tracking the Indian Lands Consolidation Act.
7 The settlement says we have to follow that act,
8 and that act, when it was passed, was for the
9 purpose of reducing fractionation of Indian
10 lands that are already in there. So that's
11 pretty much -- you know, we have to, and we are
12 not going -- we are not addressing that here in
13 this consultation.

14 The other thing is that -- I could be
15 wrong, I don't think anything in ILCA excludes
16 single owners. I think the purpose, anything
17 that has the potential to fractionate I believe
18 it is eligible, and a single owner can
19 fractionate eventually. So I don't think it
20 excludes that.

21 And then as far as the exchange of
22 tribal lands, I know that each tribe is unique
23 so I'm not going to comment on that, but I know
24 that it does happen in other places. But
25 specifically for Northern Cheyenne I can't

1 answer.

2 MS. MAJEL RUSSELL: This is Majel
3 Russell. I guess following up on that, Jodi, I
4 guess one of the other specific answers we've
5 been looking for today is if you can buy
6 interest greater than 2 percent, you know, if
7 you're going to stay focused on 2 percent or
8 less, or if we are going to be able to
9 basically expand from just the 2 percent or
10 less interest, and what you just said basically
11 that a one over one interest may not be
12 excluded to prevent that land from
13 fractionating, that would be a major expansion
14 from the focus on 2 percent or less. And I
15 think that would be critical, because right now
16 a lot of our tribes have a whole number of
17 applications sitting there of people who want a
18 fee patent and want to sell their land.
19 Unfortunately, that's a miserable reality for a
20 lot of us in Indian Country is that people are
21 poor and there are no opportunities, so they
22 are looking to get a fee patent and sell their
23 land. And one of the things tribes could do,
24 or the department could do for the tribe, is to
25 purchase those interests before they go into

14:03:26

14:03:39

14:03:52

14:04:08

14:04:23

1 fee. It would basically be a purchase to
2 prevent loss of land into fee status. And I
3 think there's provisions in ILCA that allow for
4 that. So I'm wondering if that might even be a
5 considered use of the fund.

6 And then finally, another area that I
7 think is a very beneficial tool in AIPRA is
8 purchase at probate, and I haven't heard
9 anything yet about that. And I'm wondering if
10 we are going to be allowed to use these funds
11 to purchase tracts at probate. And I
12 understand that Salish Kootenai in particular
13 when they received ILCA funds were unable to
14 purchase tracts at probate using ILCA funds.
15 So purchase at probate is a great tool that we
16 would be using widely if we could actually
17 access funds. So that's another area I'm
18 wondering if we can use funds to go in at
19 probate or have you go in at probate and
20 purchase these tracts for tribes.

21 MS. STACIE SMITH: Thank you. Sir.

22 MS. JODI GILLETTE: I just wanted to
23 respond. We are in an opening mode right now.
24 We haven't made a decision yet. What we have
25 made out in our goals, if you have any

1 particular order, I would appreciate the
2 chairman from Salish Kootenai (inaudible) that
3 is because of what -- (inaudible.) And how
4 that's defined isn't in this settlement. We
14:06:14 5 would like to know what you think.

6 So we are open. We are not putting
7 out a hard number. We haven't made any
8 decisions. So if there's things that we can
9 do, you know, those are certainly -- your
14:06:26 10 suggestion is well taken.

11 MR. JAMES DELACRU: Good afternoon.
12 I'm like a fish out of water over here. James
13 Delacru. I'm from the Quinault Indian Nation
14 in the State of Washington. Coming here I'm
14:06:46 15 joined by Councilman Johnson. Our being here I
16 didn't realize there was going to be regional
17 meetings. So we look forward to our time in
18 Seattle. I'm going to my comments brief here
19 today.

14:07:00 20 One thing that is happening on the
21 Quinalt Indian Reservation, we are strapped
22 sometime by the Forest Service environmental
23 issues, spotted owl, these type of things cost
24 our tribe and our tribal members a lot of
14:07:19 25 dollars. I am an allottee or have inheritance

1 and my brothers and sisters probably lost over
2 \$300,000 of possible timber harvest because of
3 riparian zones. So essentially those are
4 takings from either the tribe or tribal
14:07:39 5 members. Whether it's part of Cobell or not,
6 we need to find a way to purchase these parcels
7 from either the tribal member allottee or
8 reimburse the process somehow to address that
9 concern. Thank you.

14:08:02 10 MR. TRACY "CHING" KING: My name is
11 Tracy "Ching" King, I'm the president of the
12 Fort Belknap Assiniboine Grosventre Nations.

13 One of the big concerns I have, some
14 of us have irrigation lands that are undivided
14:08:19 15 and ruined with saline seep and other things.
16 It's hard to get that land out. I mean, if you
17 tried to grow knapweed or leafy spurge, I don't
18 think that would even grow in some of the
19 ruined lands. You know, you kind of look at
14:08:41 20 that, you know, I used to work for the BIA, I
21 couldn't get cloned so they got rid of me. So
22 one of the things that I see, you know, a lot
23 of this land that our elders or people with
24 limited income, they couldn't lease their land,
14:09:07 25 so at the time back in the summer of '86, 1986,

1 they leased a lot of the land out to
2 non-Indians, and they waived the water -- the O
3 and M. So the O and M was put on the landowner
4 and the land was at \$2 an acre, and they ran a
5 lot of cows along the river. And so as a
6 result they passed a law that now they could
7 come after your social security, anything,
8 garnish it, it goes to the U.S. Treasury.

9 So those kind of practices, you know,
10 and I even told Elouise Cobell back in August
11 of '89, we buried a lot of records, receipts,
12 you know, on our old dump site. They can't
13 fire me now because they did a long time ago,
14 so I had to bring that up.

15 But one of the things you see a lot
16 of the wrong doings, I couldn't get myself -- I
17 had enough of it, so I had to move on, but I
18 even appraised land with my mentoring of Margie
19 Bell Azure, we did IPA per position to get
20 ready for this. So I looked at some of the
21 land classifications, and that's going to be a
22 big concern, that process, if you can't
23 irrigate it, and there's lands out there, where
24 if you just pay the O and M and dollar an acre,
25 then so be it, you know. So we are kind of

1 getting trapped and smothered by the different
2 practices. And those are huge issues that we
3 have to look at.

4 I mean, you ask for our input as
14:11:18 5 tribal leaders, but, you know, that's why we
6 want to know if we could buy land, because a
7 lot of the undivided interests within Fort
8 Belknap, some of our representatives,
9 non-Indians sat at the courthouse and they
10 bought up a lot of those undivided interests
14:11:34 11 when that portion came into the fee. So those
12 kind of things, I have a hard time, you know,
13 we are limited. And you ask for our input, but
14 then soon you use the law against us. So I
15 think our comments regarding that need to be
14:11:58 16 taken serious.

17 A lot of us tribes, you know, we have
18 a lot of foreclosures because of the Keeps
19 Eagle. We had a non-Indians working with their
14:12:18 20 bankers to steal the land. Give you a big loan
21 and then turn around and foreclose on you. So
22 if you look at Fort Belknap there's huge swaths
23 of land that these bankers stole from us. I
24 got to thinking, hell, our people who are on
14:12:38 25 general assistance and GA, we have members that

1 are now felons over two or three hundred
2 dollars, and so they become felons over trying
3 to make it, and then on the other hand these
4 bankers worked with U.S.D.A. and they use the
14:12:57 5 stroke of their pen to sell people out and then
6 they own, these non-Indians, own our land. But
7 they don't go to jail. We get a settlement.
8 They will don't go to jail, you know. So I
9 have a hard time with that when I see our
14:13:12 10 people struggling.

11 You know, you see non-Indians farm
12 and ranch and I've seen them favored on our
13 reservation. So our people have to struggle,
14 but they become millionaires on Fort Belknap.
14:13:34 15 I'm probably saying they do the same on other
16 reservations, plus they get our land. You
17 know, to me that's very offensive that those --
18 I mean, it's easier, faster, to put your land
19 into fee than it is to get it back into trust.
14:13:51 20 I mean, the application process they will hand
21 carry everything. And so those kind of
22 practices, I mean, the appraisal system,
23 everything has to look at a lot of the problems.

24 But I have a hard time when I see --
14:14:09 25 with the help of U.S.D.A., BIA, they want to

1 take our land, you know. And IHS, they want to
2 kill us. The department of education, they
3 want to keep us uneducated. Then the
4 Department of Justice they want to lock us up.
5 So we don't have a chance. It should be the
6 other way around, start prosecuting these guys
7 that steal our land and steal our crops, our
8 oil and gas. They get bailed out with these
9 settlements. We go to jail, you know. That's
10 very offensive. So it's time that we see some
11 economic flourishing on our reservations
12 instead of seeing our people starving.

13 Look at some of our people that are
14 on the streets. They are still people.
15 Something like that, I see them struggling to
16 survive because maybe they were an abused
17 child, or got beat up in the boarding school or
18 raped or something, you know, and yet we don't
19 have anything for them to help them become
20 better citizens in our community to help them.

21 But I'm really thankful that Jodi,
22 you know, Jodi really helped us a lot when she
23 was in the White House. I've always e-mailed
24 her and called her and she's always given me an
25 answer when I had some. I'm glad she's over on

1 this side to help us push this. Thank you,
2 Jodi, for being here.

3 I'm hoping that I could some day
4 trust the trust responsibility of our trust
14:15:59 5 assets here and that you guys could let my
6 guard down, so I wouldn't have to fight. Thank
7 you.

8 MR. JAY ST. GODDARD: There's a lot
9 of comments that still need to be addressed.
10 There's a lot of things that go in depth to the
14:16:21 11 Elouise Cobell case that we will probably have
12 to address later, that we don't foresee, such
13 as this education scholarship ship thing. I
14 can see where it could cause problems. And \$60
14:16:39 15 million dollars is a lot of dollars that could
16 go toward land purchase. I don't know what
17 it's going to do probably take a act of
18 Congress. I guess they see it as their money.
19 Although they stole it, they're telling us how
14:16:48 20 to spend it. Maybe a scholarship could go
21 towards some issues that that Mr. C brought up.
22 Allow families to buy their land back, too. So
23 we need to work with these.

24 But in the beginning, maybe even
14:17:04 25 before this process, I respect Mr. Cedric, Crow

1 Chairman. I respect him a lot. But out of
2 respect to us as tribal leaders, I think their
3 ceremony could have took place at a different
4 time. The man we should be talking to should
14:17:24 5 have stayed here. They always try to get away
6 and exit out of these consultations. And my
7 request is that they be at the next two or
8 three and they stay there until we are done.
9 Because this stuff is handed down to lower
10 level people. We as tribal leaders I feel on
14:17:36 11 the same level as these individuals. And to me
12 where is the hell is this government-to-
13 government going?

14 In some cases it works, some cases it
15 don't, but overall it hasn't been working. So
14:17:49 16 we talk about time constraints. Mr. Obama's
17 term, we don't know if he will be there for the
18 next four, but we ain't got time. I think
19 these five people need to be appointed before
14:18:06 20 the next consultation. They should have been
21 at this table already with us. Because we
22 don't we know what our needs are, and the more
23 we point our problems to you guys, write them
24 down, it takes longer. Listen to us, because
14:18:22 25 by the time you get all your feedback and it

1 comes to us, it's going to be an election,
2 somebody is going to be different. We don't
3 know. Hope not. But the five people need to
4 be put in now. These people brought some
14:18:37 5 requests, look at it. I got a recommendation
6 that our land director, Mr. Martin McGee, who
7 is here, be put on that panel, too.

8 But stated earlier, what is stumbling
9 tribes up is the C.F.R. And right off the bat
10 in the back here, requisition to apply, that
14:18:52 11 darn C.F.R. booklet, where you guys copy
12 things. They go by that stuff. That's what's
13 really holding us up. But these guys touch on
14 some stuff. I know the Indian word pushed by
14:19:12 15 Montana legislature, that the word "squaw" be
16 removed from the language. But I'll be blunt
17 about it, we had on the Blackfeet reservation,
18 I'm sure all these other tribes had it, we call
19 them squawmen. They married our Indian women
14:19:34 20 to benefit their own purchase lands, and now
21 that's what's going on in Blackfeet country.
22 Guys are getting old, dying off, their spouses
23 might have died. But here we are because the
24 white man benefited all the benefits of our ag
14:19:49 25 programs, our FSA loans. We have to struggle

1 to buy these big large pieces of land back and
2 we don't have the money. That's why we can't
3 mess around, all this litigation, whatever.
4 Mr. Black should sit through this whole thing
5 if he's over everybody. It's like Ching said,
6 it's who you brown nose to get to the top of
7 the level, but when we put them in these
8 positions they don't know what the hell they
9 are doing. They can jump from realty,
10 irrigation, but you put them on the top level,
11 what are they doing? They are trying to go
12 over something that they should have built from
13 the ground up. Still going on here. That's
14 why we have those problems in Blackfeet. But I
15 guess it's going to take a resolution to ask
16 those people to move on.

17 That's what hurts us in Indian
18 Country. You guys send out these
19 superintendents, these deputy secretaries, they
20 get big headed. I guess they got the old
21 saying they are going to boss Indians around.
22 They create their own agendas beyond the C.F.R.
23 That makes it hard on us. That's where I don't
24 want to see this go. That's why I'm speaking
25 up. I'm glad Mr. Stiffarm spoke up and

1 supported Tracy's words and mine. We are not
2 here to be nice. They might have won a
3 lawsuit, but like we said over lunch, my
4 councilman also spoke, why are we allowing you
5 guys to administer what they screwed up? It
6 should be run by the tribes. Not you folks,
7 us. You guys put us through too damn many
8 hurdles all the time.

9 Elouise Cobell, Blackfeet Indian, she
10 wasn't a bureau worker, she wasn't OST. She
11 battled for individual allottees, tribes. She
12 won the case. Let us administer it the way we
13 think it should be so can we move on in a
14 quicker manner. Because there's so many issues
15 through here. We already got, 60 sheets of
16 paper. And it's our first consultation. Next
17 one let's come back with some answers, some
18 avenues that's going to work for the tribes.

19 You got your pie chart here, I'm not
20 speaking against any tribe, but we see the
21 numbers, percentages there. Let's start there.
22 Because right now as the consultation is going
23 on, we are probably going to lose one of those
24 huge ranches to another nonmember. Maybe a
25 Hutterite colony. They already bought up \$6

1 million dollars worth of land on the Blackfeet
2 reservation. But the more loopholes you put in
3 front of us, or allow your people to lull you,
4 the regional office, the local BIA agencies, to
5 have a say over this process, it isn't going to
6 work, it's going to take longer and longer, and
7 another Congress will come in and pretty quick
8 we will lose this allocation, lose this hard
9 fought money. I'm very adamant about getting
10 this done. Let us do it. Why are we all
11 sitting at this table and you are listening to
12 us and then we hand it over to you to tell us
13 how to spend it? In the first place, not you
14 people, but the people before you screwed it
15 up. I just don't understand when an Indian
16 gets a step above, they've got to be knocked
17 back down. We get one victory and we get
18 knocked down again.

19 I hope this consultation process
20 speeds along. The less Interior we see up
21 there and the more tribal people that know what
22 we are doing, you educated us. We have to do
23 what we have learned. We got people on our
24 staff, I know, can do a heck of a lot better
25 job than the bureau. So allow us to do that.

1 Get these five people appointed and have them
2 by the next consultation. I encourage tribes
3 from this meeting get your ideas, get your
4 requests forward. I think we are just kind of
5 barking in the air. Some of these are already
6 set in stone. And I know the formality of the
7 Interior, well, let's hear them out, but we are
8 still going to do what we are going to do. I
9 hope that ain't the issue here.

10 I've been here before, seen where
11 things slip through the cracks. I give you an
12 example. Mr. Swimmer was pretty hard fellow to
13 just sit there and took a lot of heat. Nothing
14 was done. This appraisal issue went to OST,
15 nothing was done. That was supposed to be a
16 big plan to help all the appraisers. But that
17 didn't take place.

18 And we are still talking about
19 appraisal. They took it out of BIA and moved
20 it over to OST. To me they didn't do things to
21 muddy up the waters. But my next question is
22 from an elder. What about these government
23 parcels that were taken from individuals? Can
24 we buy those back or are you just going to give
25 them back, or do we have to buy them? There

1 are some parcels that were lost by individual
2 ranchers because they couldn't pay for them O
3 and M charges from an irrigation ditch that was
4 built 50, 60 years ago, and water never did run
14:25:37 5 through it. And some to date some of those
6 people are still being billed for that. I
7 don't think we should have to buy those back.
8 They should be given back to that family or
9 whoever had them. I know there's one or two
14:25:50 10 parcels that people still talk about.

11 But you know there's a lot of good
12 comments. I guess that's why we are elected
13 and we are always asked to step up to talk,
14 because a lot of tribal leaders, they stand
15 back and kind of go with the flow. But I would
14:26:09 16 hope that this body listens and gets it back so
17 Salazar, that we can't be messing around with
18 consultation after consultation. Let's start
19 taking some action from today on. Listen to
14:26:30 20 some of these requests and put these people in
21 place. If it's one, if it's two, you don't
22 have to have all five in place. But, I know
23 you guys will go back and say, oh, we got to go
24 by this nice little C.F.R. paper, all the
14:26:45 25 rigorous paragraphs, the things we can't do.

1 Let's take the request from the tribes and put
2 these people in place. And I know we can move
3 forward a lot more faster to get this start
4 paying, because the longer we take the more we
5 are going to lose land.

6 There's a lot more issues here and
7 they will probably be followed up in a letter.
8 We'll go back and write up all our requests and
9 information. I'm not picking on you guys. I
10 know, Jodi, you are working hard, Meghan, but,
11 again, I'm going to say, Mr. Salazar and Mr.
12 Black, they should be sitting at the table.
13 They can't be getting up and heading out.

14 Thank you.

15 MS. MEGHAN CONKLIN: Okay. I just
16 want to thank you for your comments. I know
17 Mr. Black, but I understand your point.

18 I just wanted to react to a few of
19 the comments I've heard in the last hour, see
20 if I can clarify a few things.

21 First of all, there have been several
22 comments about the order of the goals document
23 that we provided to you. And that point is
24 well taken. I think that in drafting the goals
25 document that was not meant to be an order of

1 importance, but I think that that is a very
2 valid point, and I wanted to thank those of you
3 who have made that point.

4 I also wanted to thank George from
14:28:20 5 the Flathead for his comments, letting us know
6 about the success of the ILCA program. Where
7 you are from I think it's good to hear there
8 are some good examples out there where we learn
9 where this program has been successful and see
10 how mass appraisal techniques worked.

11 Also, Ryan, I just wanted to clarify.
12 You made a comment about the intent about goal
13 No. 2, which is the potential goal of
14 implementing a plan that's time and cost
15 efficient. I think all that we were intending
14:28:36 16 to get out there is the issue of the fact that
17 we are limited to 15 percent of the cost for
18 administrative costs, which comes to about \$285
19 million as David Hayes was talking about. So
14:28:53 20 we need to be cognizant of trying to keep the
21 administrative costs as low as we can, making
22 sure as much of this money as is possible can
23 go into the right hands.

24 And also the time limitation of
14:29:08 25 trying to expend this within ten years. That

1 was the intent there, just to clarify that for
2 you.

3 And then lastly, Jay, your comments
4 about the secretarial commission on trust
14:29:32 5 administration and reform. While it's not the
6 focus of today's consultation, I just wanted to
7 let you know that the call for nominations for
8 people to serve on this five-person commission,
9 that deadline is for August 8th, as you see
10 from the *Federal Register* notice. There is an
11 address there for you to send your written
12 suggestions for people to serve on the
13 commission. I'm actually the one who is
14 receiving them. I did get the written
14:30:01 15 suggestions from the Rosebud Sioux, but I would
16 be happy to, if anyone has written nominations
17 for people that they would offer to me today,
18 I'm more than happy to serve them.

19 MS. STACIE SMITH: Why don't we take
14:30:16 20 one more comment and we will take a short break
21 and come back.

22 MR. JIM FIELDS: Jim Fields again
23 with the Pawnee nation of Oklahoma. Sitting
24 here and I was just amazed the process we are
14:30:41 25 going through historically. I'm an old

1 bureaucrat. Spent almost 40 years in the
2 bureau. When I came in the bureau in the
3 middle '60s right out of college, if you looked
4 around at the Bureau of Indian Affairs you saw
5 all the superintendents and all the decision
6 makers were white people. And I think it was
7 only through the Indian preference law in the
8 middle '70s where we have Native Americans and
9 Indians serving in those key positions. And I'm
10 glad to see today that we have from the
11 Assistant Secretary on down Native Americans.

12 If you look historically, and I can
13 sympathize with those comments regarding not
14 trusting the federal government. Because
15 that's what the relationship is, it's a process
16 or a history of nontrust. You know, you look
17 at even consultation, historically how do you
18 consult with us? Well, you consult with us
19 historically by publishing in the *Federal*
20 *Register* and then you come out and you listen
21 to our comments, and then you go ahead and do
22 what you want to do anyway. You seem to have
23 the attitude historically of you knowing what's
24 best for us and what's going for us. I really
25 appreciate the comments from the tribal leaders

1 who said, this is our turn, come out and not
2 only listen to us, but make us a part of the
3 decision process. I think that's what's not
4 been happening in Indian Country, we are not
14:32:16 5 being a part of the decision making. Maybe
6 it's because you don't think we know enough or
7 educated enough, but we have a wealth of
8 experience. You know, I can take each of these
9 issues, like appraisals and, say, well, do you
14:32:30 10 factor in the cost, might being of cultural
11 value to it. Is there a value to this land
12 that goes beyond what you consider just to be
13 the cost of the land. You know, the land to us
14 is really sacred. And it means a lot when you
14:32:47 15 have a history with it. And we are caretakers
16 of the land. But that don't seem to be the
17 non-Indian perspective on land. It's what is
18 the value.

19 You know, in talking about these
14:33:01 20 trust accounts, I can recall when I was working
21 my way up through the bureau back in the '60s
22 and early '70s where you had to supervise
23 account holders who may have money in their
24 accounts and they would come into the agency,
14:33:18 25 whether the administrative officer or

1 superintendent who was a white person, you
2 actually had to lie to him, her, to acquire
3 your own money. I can recall, for example,
4 having to go to the local merchant and say,
14:33:36 5 give me a receipt for a refrigerator, and I'll
6 give you \$150 just for that receipt, because
7 they might have needed the money for other
8 purposes that they determined that they needed,
9 but it didn't fly with the BIA, they said,
14:33:49 10 well, know, you need to buy furniture or buy
11 land -- I mean, not land, but by appliances or
12 something. So they actually went and lied to
13 them. But that was -- to me that's atrocious,
14 because you had to lie to get your own money.
15 That was something that just was detestable to
16 me, but that's what they did. That was the
17 attitude. You have to appreciate, especially
18 you younger people who haven't been in the
19 bureau who don't have the historical knowledge
14:34:19 20 of what the relationship was historically.

21 You know, you talk about what we call
22 the trust doctrine. In the trust doctrine it
23 really is based on we trust you to take care of
24 us. That's basically what the trust doctrine
14:34:35 25 is. It's a trust that we placed on you to take

1 care of us and do it in our best interests with
2 our consultation and with our involvement in
3 the process. But that has not happened. You
4 failed in carrying out your trust responsibility.

14:34:52 5 You know, in Oklahoma we have laws on
6 the books that still on the books that we have
7 forced partitioning of Indian land, we have
8 undivided interest, where if you have a one
9 non-Indian owner, he can force the other owners
14:35:08 10 to sell. That's still on the books for the
11 Five Civilized Tribes. You say how does a
12 non-Indian acquire an undivided interest.

13 Well, they do it because maybe an Indian has
14 some legal issues and he doesn't have the means
14:35:30 15 to pay, so a lawyer would step up, and this
16 happened, will step and say I'll do this case,
17 you deed me your 2 acres or your undivided
18 interest. And so they do it. And turn around
19 and they apply for a forced partitioning of
14:35:51 20 that land. And it's done in state courts, no
21 less.

22 We have in Oklahoma what we call
23 squatter rights. To me I still don't
24 understand how it happens, but it's a law
14:36:06 25 called a 47 Act where a white person can come

1 into Indian land and settle on it and after 15
2 years they can acquire ownership of that
3 property. That's trust and restricted property
4 through state courts. So you say, well, how
14:36:26 5 does that happen? Well, it happens because
6 when we went through the allotment beginning in
7 1906, 19 million acres were allotted in east
8 Oklahoma to the five tribes. And within 20
9 years of that, 16 million acres that had gone
10 out from Indian ownership, primarily by this
14:36:43 11 method which I just shared with you. The thing
12 is these things are still on the books. We
13 still divide land that way.

14 Now, this happened, this Indian lady
14:37:00 15 living on a house, undivided land, she might
16 have owned 40 acres -- 5 acres of a 40-acre
17 tract, her home was there, and in one
18 non-Indian owner went through a forced
19 partition action and actually gained title to
14:37:19 20 her property. Now, she got the money, they
21 sold the land. You know, in Indian Country
22 land is hard to divide. Undivided interest is
23 terribly hard to divide because land is not
24 equal. So what's easy to divide is money. So
14:37:36 25 what happens in these cases is the state judge

1 orders its sold. Sold for value. And then the
2 value, that money is divided up between the
3 Indian owners.

4 And the thing is that's still
14:37:55 5 happening today. This lady, and it happens
6 every day, lose their Indian ownership in
7 property. So I don't know how you address
8 those issues, but there's still issues today.

9 Now, I know that you are federal
14:38:07 10 employees and I've been in the federal
11 government, and when I sat either as a
12 superintendent or regional director, I sat
13 there and I thought, you know, if I could speak
14 up and defend these interests, but I couldn't
14:38:20 15 because I was a federal employee. And as you
16 all know, you don't go against -- but it was
17 good that President Obama recently issued an
18 executive order as far as consultation, because
19 in the last couple years, or year since you
14:38:36 20 issued it, I guess, man, we've been getting
21 consultation out of the woodwork. We've have
22 people consulting with us who haven't even
23 thought of us before. We have the Department
24 of Defense coming over here and wanting
14:38:49 25 consultation meetings, agriculture, HUD,

1 Education, they all call come to us now wanting
2 to comply with the President's executive order.

3 But thing that we have yet to see is
4 what happens next. It's good to come to us and
14:39:01 5 ask us, but like this gentleman over here said,
6 it doesn't mean anything. You turn around and
7 do what you want to do anyway. So I think it's
8 time that you recognize, really, our sovereignty.
9 If you talk about government-to-government
14:39:14 10 relationship, then let's practice that. Let's
11 not come out to us and tell us what's best for
12 us, because you done that since we were
13 defeated by the United States.

14 But these are comments that I had,
14:39:28 15 and I think as we go throughout Indian Country,
16 especially you younger people, you need to
17 really look at the federal tribal relationship
18 and really understand how these people had
19 these heart felt comments, and they are from
14:39:44 20 the heart. I hope that you listen to us and
21 that it makes a difference. And I suggest
22 we've yet to see is what difference does it
23 make.

24 I talked to one other tribal leader
14:40:00 25 here during the break and we are getting into

1 other areas rather than fractionation. That's
2 what your concerned with. But, you know, for
3 us, this is the first crack at the apple
4 because this is the tip of the iceberg.

5 There's so many other issues that is not on the
6 table now that we have really concerns about.

7 And I think in the end, you know, I've always
8 said, I've always said in my years, my dad was
9 a tribal chairman and tribal leader back in the

10 '60s and '70s, I used to sort of not make fun
11 of him but tease him a lot, he said just wait,
12 son, one of these days... You have to excuse

13 me, the emotions. You know with the Pawnees,
14 like, for example, what was taken from us, we

15 were removed to Oklahoma in the 1870s, and with
16 me personally that was my grandfather. Both my
17 grandparents were born in Nebraska and died in

18 Oklahoma, and I know we are in the process now
19 trying to acquire land back in Nebraska, which

20 is our traditional homeland, and I know a year
21 ago Kearney, Nebraska, we had several pieces of

22 land that was donated to us by people around
23 the Kearney, Nebraska, area, so we are going

24 through that trust acquisition process with him
25 in Nebraska, and I know they opened up a

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1 visitation with us a little over a year ago,
2 and when we went there it was in June, they had
3 big signs across the community says, "Welcome
4 home, Pawnee." And I think that meant a lot.
5 We just hope the government steps forth in
6 these efforts, because to us our homeland is in
7 Nebraska, and we were forced to move where we
8 are now.

9 But that's the way it is with all
10 Oklahoma tribes. I think every tribe in
11 Oklahoma has their trail of tears. And these
12 treaties that were forced on us, and I think
13 treaty itself is a joke, you know, because you
14 told us in the treaties you were going to take
15 our land, and you were going to give all these
16 things to us. If you read these treaties, you
17 are going to provide social services and
18 education and to a point where our living is
19 comparable to other Americans. I tell you
20 right now this never happened. If you look at
21 statistics, I'm quoting stuff that all of us
22 know, we look your death rates, health rates,
23 they are the lowest of all Americans, per
24 capita income is low.

25 So I really applaud this effort by

1 the United States through President Obama to
2 try to rectify these things. And I know you
3 can't do this overnight, but I just applaud
4 this. And I hope that it's just not another
5 false promise. Thank you.

14:44:02

6 (Applause.)

7 MS. STACIE SMITH: Thank you.

8 MS. JODI GILLETTE: Thank you for
9 those comments. I don't ever want you to feel
10 like you have to apologize for getting
11 emotional. I know that this isn't always easy
12 for a lot of our leaders and a lot of our
13 people. And that's just something that it's
14 part of being human, sometimes these things
15 just come out. So I just don't want to feel
16 like it's a bad thing.

14:44:21

14:44:36

17 I do think that we are all hopeful,
18 like you said, that was a key word that keeps
19 coming back to me that we can take this as an
20 opportunity or we can change things the way
21 will be in the future, or we can say things are
22 just going to keep going back. I think part of
23 the reason we are all here today is to try and
24 get it to where everyone is thinking that this
25 can result in good and it can result in

14:44:55

14:45:13

1 something positive. And I say this over and
2 over that we can't do it without your feedback.
3 We really are genuinely sincere when we say
4 that we need suggestions, we need feedback, we
14:45:31 5 need comments, we need honestly where things
6 aren't working. We like to hear where things
7 are working well but we also need to know where
8 things are not working. And even most
9 importantly can we do, what are some proactive
10 things that we can do to fix them.

11 MS. STACIE SMITH: I think with that
12 we will take a 15-minute break. So if people
13 want to get up and stretch your legs, we'll
14 come on back here about 3 o'clock. We'll have
14:46:05 15 another hour to talk together this afternoon.

16 Thanks.

17 (Recess.)

18 MS. STACIE SMITH: Okay, we are going
19 to get started again.

15:08:51 20 Thank you everybody. I know it's
21 been a long day and we had an early start.
22 We've had short breaks and we've kept you to
23 them.

24 We've got about another 40 minutes or
15:10:17 25 so for comments and then we'll take a couple

1 minutes at the end to let the department give
2 their final thoughts as well.

3 There's been a really nice range of
4 topics that have been raised. Some very clear
15:10:40 5 themes that people are concerned about. And
6 some very directed suggestions to the
7 department about how to administer this program
8 and how to make it really work for the tribes.
9 So take about another 30 minutes, if we have
10 that much of comment.

11 Yes, sir.

12 MR. STEVE WILES: Steve Wiles from
13 Northern Arapahoe Tribe following up on
14 Chairman Shakespear's comments about
15 implementation. The Northern Arapahoe Tribe
16 would certainly like to administer this program
17 for its people. I think a lot of the points
18 have been touched on specifically that cover a
19 lot of reservations. One of them is the split
15:11:16 20 estate issue. On our reservation we have split
21 mineral and surface estates. The tribe would
22 certainly be interested in acquiring either one
23 of those, or both of those estates.

24 The problem with getting people in to
15:11:47 25 sign on for small amounts of money, in the past

1 we have implemented an incentive program. The
2 lady earlier called it a closing cost or a
3 transaction fee. There needs to be some type
4 of program such as that set up, whether it can
15:12:03 5 come through the settlement statement or has to
6 be initiated by an individual tribe. When
7 you're paying people 3 dollars, 7 dollars, 22
8 dollars for an interest in property, it
9 doesn't -- they don't respond unless they have
10 something real there. And the suggestion
11 earlier by the department was that giving to
12 the scholarship fund might be enough. I don't
13 think it probably will be.

14 So we are very interested in
15:12:33 15 exploring setting up a transaction cost or some
16 incentive fee to get people in to sign the
17 paperwork on these items. I think that's going
18 to be a necessary component of this program to
19 do that.

15:12:49 20 If the department is precluded from
21 doing that, I assume the tribe is not. And
22 maybe it will fall on the individual tribe's
23 responsibilities to get their people in to sign
24 that might mean paying money to do that, which
15:13:03 25 would be just part of the cost of acquiring

1 this land from the tribe's point of view.

2 On the appraisal process aspect of
3 this, one person mentioned that all appraisals,
4 real estate is local and appraisals are local.
15:13:20 5 Very true and we need to go to a more massive
6 appraisal process to get this accomplished
7 because of the shear volume. Part of the
8 problem that we encompassed in Wind River is
9 that when we do get appraisals local, that they
10 often entail a certain amount of prejudice,
15:13:38 11 which other folks have spoken about as far as
12 lower land values. Actually, removing the
13 appraisal process from the local area is
14 probably going to be a benefit to the
15 fractional interest holders because they may
15:13:52 16 receive a more fair value than what is
17 perceived locally as diminished value because
18 it's on a reservation.

19 We have several other concerns about
15:14:08 20 the specific implementation of the program on
21 the appraisal process, but the tribe wants to
22 be integrally involved in administering the
23 process and following through on the quality of
24 the product of the appraisals so that we can
15:14:23 25 ensure that our members get the maximum value

1 that they deserve from this. And we will
2 submit written comments about this later.

3 MS. STACIE SMITH: Any other comments?

4 MR. ROSS RACINE: I am Executive
5 Director of the Inter-Tribal Ag Council.

6 I was told I wasn't as clear as I
7 have been in the past about the rights of
8 individuals to be a part of this process. So I
9 want to add some clarity to that. Process for
10 Indian ag producers whether they are farmers or
11 cattlemen, they borrow the money to buy cattle
12 or they borrow money to buy farm implements.
13 Once that is paid off, then they start
14 investing in land and putting together a home
15 unit. Where normally they start off on
16 grandpa's place, they use owner use to set that
17 aside to really get started. And to me we can
18 talk about sovereignty all we want to, but
19 until the tribe and the community have the
20 ability to feed themselves, sovereignty doesn't
21 mean anything. How can you be truly sovereign
22 if you can't feed yourself? And that's a key
23 part of reservation economies that need to
24 govern where you go to these programs. That's
25 a key part of sustainable economic development

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1 is based on that land resource and the use of
2 that land. I think we need to rethink where we
3 are going with economic development and make
4 sure that our communities have safe, healthy
15:16:14 5 food, and be able to provide that locally.
6 That to me is the overarching umbrella that
7 should be driving this.

8 And then when we look at the
9 individual rights that we have within ILCA to
10 purchase at probate or to purchase common
15:16:29 11 interest in title, that becomes a key part of
12 that ability to feed our community.

13 So I hope that adds a little more
14 clarity to the rights of individuals to be a
15:16:47 15 part and to be included in the decisions that
16 you make and the land purchase process. Thank
17 you.

18 MS. MEGHAN CONKLIN: Thank you, Ross.

19 MR. JOSEPH HARLAN: Good afternoon.
15:17:22 20 I've been sitting here fighting within myself
21 whether I should say something or not, but I
22 think this is an opportunity to say what's on
23 my mind. I said this a few times at different
24 places and people kind of get this reaction, or
15:17:39 25 I didn't get a reaction. It might be too

1 simple, it might be absurd, I don't know. But
2 I've been working in the realty field for a few
3 years, and as I worked in that area I saw there
4 was this disparity between the value of Indian
15:17:57 5 land versus non-Indian land. And it bothers me
6 and I would go to places and I would talk about
7 it.

8 I ran into a gentleman back in 2008
9 at a meeting and I think it was Indian lands
10 tenure or something to that effect. I told
15:18:15 11 this gentleman about it, and he says, you know,
12 I appreciate that, because he says, I worked
13 with the BIA for a long time, quite a while, 30
14 years, something like that, and he says, I
15:18:32 15 worked in appraising, and he said, to tell you
16 the truth, he says, I had it up to here. And
17 he says, my wife got sick, and he said, I think
18 it's time for me to get out. And he said, I
19 bought some land in Colorado and I took her up
15:18:52 20 there and he said it did her a world of good.
21 He said, I thought about my life and where I've
22 been, and I think I would like to give that
23 back to the Native Americans, that they've been
24 mistreated. And so he says, you know, the
15:19:09 25 appraising process is a very complicated

1 process and it takes a long time and it takes a
2 lot of schooling. And he said, but, however,
3 there are basic elements in that process, and
4 he said, I think it's easy to learn. And he
5 says, I think, maybe we can start a consortium
6 of Native American realty officers. He said, I
7 would train these people those basic elements
8 of the appraising process and what they look
9 for. He said, of course, those educated
10 appraisers will get mad at us and they might
11 sue us, but he said, if tribes can have their
12 own appraisers, he said these people would be
13 closer to the land and they would have love
14 that land more and they would value it more.
15 Maybe not money, monetary wise, but he said,
16 they would have that, as this gentleman spoke
17 here, that cultural value. Our people are
18 buried there. And this is the good part, he
19 said, I would be willing to train pro bono.

20 And I think some people probably look
21 at this opportunity to make a lot of money, you
22 know, but I don't think that's where it's at.
23 And I think if tribes were interested, why not?
24 Why can't we train our people and have them
25 work in that area instead of the bureaucracy

1 and special interest groups or looking at the
2 dollar sign as everything, benefitting the
3 grass roots people, the Native Americans, the
4 people who are downtrodden anyway, you know.

15:21:22 5 But anyway, I set aside some money
6 and I was saving, I was going to set up a
7 workshop, and my tribal government needs that
8 money, so they took it. I guess, you know, it
9 will be a while before I get there. However, I
10 think, you know, this process of training
11 people could probably be done before this
12 appeal process is completed, you know. I'm
13 sure there's going to be appeals to this thing
14 and it's going to take some time. But I think
15:21:40 15 these people love what they are doing and feel
16 good about what they are contributing to their
17 tribe.

18 Anyway, that's about all I want to
19 say today. So thank you for listening.

15:22:07 20 MS. STACIE SMITH: Could you state
21 your name?

22 MR. JOSEPH HARLAN: My name is Joseph
23 Harlan, I'm with the Omaha Tribe in Nebraska.

24 MR. BILL TOVEY: My name is Bill
15:22:21 25 Tovey. I'm with the Umatilla Tribes in

1 Pendleton, Oregon.

2 I just want to talk about appraisals
3 a little bit. In 2007 we assumed appraisals,
4 they were probably two years backlogged.
5 Within six months we cleaned up the backlog. I
6 think we could do the appraisals. We've got
7 tribal members in training right now. We do
8 have some issues because we get the directions
9 from OST, who gets the directions from the BIA,
10 and so our superintendent will put some
11 criteria on there like timber sales, that you
12 got to count riparian areas, which increase the
13 value of the appraisals. If there's a HUD
14 house on there, it's not very clear if that's
15 part of the property, which it should be in the
16 appraisals you look at, or if it's really
17 personal property of that. So that's what
18 fluctuates the appraisals.

19 USPAP and the yellow book, if we are
20 going to have to do appraisals following those
21 criteria it will take a lot longer. We have
22 about 1500 allotments on our reservation. We
23 do probably 200 a year, including market
24 studies and those type of things. So if we can
25 focus on restricted appraisals, or market

1 studies to get baseline information, and then
2 have more detailed appraisals, that would help.

3 The other thing is the one-year time
4 limit for an appraisal. If get an appraisal
15:24:00 5 done this year, by the time next year it's not
6 worth anything. So if you can extend that to
7 three or four years, I think you could solve
8 that problem.

9 I agree with what people are saying
15:24:11 10 here today, that it should be the tribes
11 leading the charge. Maybe the BIA running
12 sending the checks, but we have a land project
13 strategy on purchasing land, what we want to
14 purchase for economic development, for securing
15:24:31 15 right of ways or easements, protecting riparian
16 areas, consolidating areas for timber harvests
17 or for farming operations. I think we can come
18 back to the BIA and OST with a very good plan
19 if the money came directly to the tribe.

15:25:07 20 MR. RANDY PEREZ: Is this on? Randy
21 Perez, I'm from the Fort Belknap Tribe here
22 north of here. I'm a landowner, although I
23 work for the tribal irrigation program and I
24 have some questions on that or comments on
15:25:39 25 that.

1 I work for the tribe and I have been
2 a past councilman. My questions have been
3 pertaining to the appraisals. And my comments
4 on is that if there is that many owners, and
5 there are some tracts that we do have that are
6 like two or three thousand owners, they fall
7 well below the 2 percent.

8 But my question is, why are we going
9 through an appraisal? We know what the land is
10 worth before it's even appraised. It's just a
11 math question of coming up with an amount of
12 money. Some of these individuals are probably
13 not going to receive more than a few dollars.
14 Some of it probably isn't economical to hunt
15 them down and make them sign an application
16 because it really isn't worth their time and
17 it's going to take somebody within the
18 reservation, it's going to take the bureau or
19 whoever is going to run this program to work
20 with the tribe to do this, so that these
21 individuals will come to the table.

22 Currently they are doing it in gift
23 deeds. It seemed like a lot smoother operation
24 by going through gift deeds. A couple years
25 ago that didn't take place. For instance, it's

1 going to take a lot more money than this 15
2 percent to do all this work. I know it's going
3 to take a lot more than that, unless there's
4 another avenue to shorten the expense on it.
15:27:23 5 You have to work with the tribes to determine
6 that expense.

7 But the gift deed is simpler. For
8 example, I have a little deal with the bureau
9 that took place here, they didn't have this
10 gift deed, I thought they did at the time, they
15:27:35 11 didn't. Me and the buyer agreed on a price.
12 The BIA refused to sell it. This was a full
13 interest tract. So we come up with an idea
14 here, and I paid him for three-fourths of it
15:27:52 15 and he paid me back so I could buy the other
16 fourth. And during that process, that second
17 process, I paid the bureau three times, the
18 clerks all came back to me all three times
19 because of their failed process. So you know
15:28:08 20 they have problems in their disposal, land
21 disposal. I guess it comes back to the area
22 office or at the agency, this working back and
23 forth.

24 There's got to be a cleaner way to do
15:28:25 25 this process, plus pay their appraiser, you

1 know, \$800, \$900. Of course, if our appraiser
2 just were one person or you multiply it around,
3 so it applies to 30 or 40 people, or do you pay
4 him again for their appraisal for the next
15:28:44 5 person? You know, there's a lot of those kind
6 of questions are mathematical, or fractionally.
7 Math you could figure this all out.

8 The other question I have is as an
9 owner. I'm a landowner. I don't want the
15:29:02 10 tribe as a stranger to my title in the event
11 that somebody wants to sell it. I think there
12 should be some way under the bureau system it
13 has to go into fee. Under the tribal system,
14 or you give it to the tribe, it can stay in
15:29:22 15 trust. The tribe can't sell it on the
16 reservation. In our case the tribe can't sell
17 land to an individual, which kind of eliminates
18 this fractionated interest. But they could
19 trade it.

15:29:37 20 So what I'm saying there should be
21 some way where an individual, if it's 2
22 percent, that isn't very much, 2 percent of 320
23 is what, 6.4 acres, and depending on the math,
24 if it's worth \$200 or worth a thousand dollars,
15:29:56 25 depending on what it's worth, it's free to the

1 tribe apparently on this thing. And there
2 should be a way where the individual could
3 either pay the bureau for the money to pay it,
4 so it could be transferred to the individual,
15:30:10 5 or leave it open where an individual could
6 trade the tribe for that parcel of land, trade
7 their allowable, at least at Fort Belknap. At
8 other places they may not. You know, there's a
9 whole -- there's a situation there as a
10 landowner, I think I wish that would be covered
11 some way. That's a realistic approach to it,
12 that somehow we are covered, too.

13 In the oil and gas, I'm not really
14 sure if you are resolving oil and gas. Like
15:30:46 15 that home that created the oil and gas thing is
16 probably more problematic than anything because
17 what happened there our allotment was 1921, the
18 tribe was given 50 years for use of that on the
19 reservation, it was about 800,000 acres on our
15:31:04 20 reservation; therefore, when they were sold or
21 exchanged people sold it to the tribe, it
22 didn't go with it. So in 1971 they split it
23 all up. So if there was marriages and all the
24 kinds of stuff that took place, it divided up
15:31:22 25 into kids, and that's where you get a lot more

1 undivided interests on the reservations because
2 of the -- it was, you know, on the reservation
3 it wouldn't worth anything, therefore, it
4 couldn't receive any kind of income off of it
5 either. So the creation of the fractionated
6 interest just continued.

7 I own a tract of land, I think I'm
8 one one-hundredth, and the acreage is 400
9 acres. So I have a lease, oil lease with that,
10 1 percent, I get 2 percent now, I get about 15
11 cents a month. But a lot of people are proud
12 that they even have 2 acres. They have 2
13 acres, they don't know where it's at, but they
14 are not going to sell it to you, or the tribe.
15 That's just the way I feel. Anyway, I don't
16 know about the oil and gas stuff.

17 Now, again, landlocked, I'm talking
18 even if it's BIA bought it and gave it to the
19 tribe, I would say over 50 percent of these,
20 they are not going to receive any income often
21 of it because it probably belongs to the
22 individual that has majority interest, they're
23 not going to have a contract with the BIA or
24 tribe. They are going to use it for nothing.
25 And there's a lot of those situations like

1 that. It's hard to clean up because you don't
2 have 51 percent interest. And that's what you
3 are trying to clean up anyway. But it doesn't
4 take place.

15:33:03 5 But if it's landlocked there's
6 still.... So actually, I think, for the
7 benefit, you try to get lands that are
8 leasable, or income-wise, I guess I think it's
9 not going to be a lot of benefit here because
10 your percentage is so low, and I agree with I
11 think Majel here, you should have increased
12 that 2 percent. 2 percent should be some
13 different figure. And I'm not no position to
14 say it should be 10 percent or 20 percent or 5
15 percent. 2 percent is just too low I would
16 think to create a program.

17 The idea of targeting fractionated
18 interest I think is your goal and I think you
19 should maintain it, but you need a program.
15:33:56 20 And there's some people here that are fairly
21 intelligent enough that have been involved with
22 land transactions for years, but one thing that
23 it really don't target is an agricultural
24 person, whose interest is in agricultural, how
15:34:11 25 he could -- how he fits into this thing. And I

1 think Ross talked about it a little bit.

2 Like mine is family land. My mother
3 worked to buy her sisters and that is
4 everything to us, just to own the land. Again,
15:34:27 5 I end up with it, so I have kind of a tie to
6 it. And some people don't have any ties to the
7 land because they just don't have the interest
8 or it's so far away. Like I got a couple
9 cousins here that we have the same interest in
10 some land, but it's still like 1 percent, a
15:34:45 11 long ways away from being a whole interest.

12 But anyway, I think the 2 percent
13 with best regard to the program here is too
14 low, and I think if you want a program that
15:35:05 15 will work and to expend your money that's not
16 going to hang out there, I think that
17 percentage should be higher than that.

18 Right-of-way is another thing.
19 Right-of-way problems on the reservations are
20 just now beginning. Anybody can shut their
15:35:19 21 land off. Nobody can go through it. There's
22 no roads. A lot of our areas are remote. If
23 you are going to use that as a criteria to
24 purchase land, right-of-ways is a question.
15:35:36 25 Are you going to buy right-of-ways? And the

1 tribe, the public right-of-ways is a big
2 question. I think right-of-way, undivided
3 interest that would apply to right-of-ways, I
4 think it would be beneficial to tribal members,
5 or the tribe as a whole.

6 Water rights, when we talk about
7 this, Montana is a general adjudication state.
8 Basically means they are adjudicating your
9 water rights and there is going to be a decree
10 who owns that water on each respective
11 reservation. The more recent one is the Crow
12 Tribe. They all have land attached. We got
13 land on our reservation because of the water
14 right issue, it's not adjudicated, we have
15 adjudicated water rights, which is in 1908,
16 which everybody enjoys, and that was for a
17 percentage of the water, but the actual land
18 itself that that adjudication isn't complete
19 yet. But just because it's in irrigation
20 system, they value it at \$1200, \$2000 an acre.
21 So if you have a little place there, you're
22 going to pay that much for land that may be
23 worthless and doesn't have any income. Water
24 rights on some reservations, you know, it's a
25 liability and not a benefit because you don't

1 enjoy the income off of it that you should
2 enjoy. And some of them aren't developed where
3 you do enjoy it. That's going to create a
4 problem for individuals that want to buy land,
5 too.

6 I guess the other question, too, as
7 soon as the government gets in the act here,
8 the land is going to go up. I don't care how
9 you look at it. There's competition and people
10 want to buy it. So actually land will go up.
11 They say land isn't worth much on the
12 reservation as off the reservation. Which
13 mathematically it may or may not be. But,
14 again, farmland, if it's worth \$500 if it's
15 farmed, or CRP worth \$500, it probably isn't
16 going to be much more than that. That's
17 kind -- farmland is more stable in its price.
18 They don't have pasture land that's farmable
19 any more. Farmland actually somehow pays for
20 itself. You can take 320 acres of pasture land
21 and you pay \$150, \$200 an acre, well, that's
22 going to be up there \$64,000 or \$48,000. Be
23 very hard to pay for that. So you need other
24 land to paper for it. So that's how on pasture
25 land. But we are talking about undivided

1 interest, too.

2 So the other thing is recreation
3 land, just came -- we had an outside appraiser
4 come in here and appraise some land on our
15:38:39 5 southern end of the reservation \$3500 an acre.
6 That might be something that the committee here
7 could work with and that would be something
8 that they could buy with all their money that
9 they do have.

15:38:59 10 My last question -- I guess I
11 probably have a lot of questions -- but one
12 question I do have is that in the '80s and '90s
13 some lands were foreclosed by individuals and I
14 think Jay talked about it, that they lost their
15:39:19 15 property, and that's government land. Once
16 it's foreclosed and goes into -- goes back to
17 the U. S. Government into fee, it becomes fee
18 land. I don't know if those people could buy
19 that back or if it could be part of this or
15:39:41 20 not, but that's something -- I had some good
21 friends that lost property. That's kind of in
22 the back of my mind and I was wondering if they
23 would ever receive it back.

24 And the other thing I guess as a
15:39:55 25 landowner, it's kind of like a free program,

1 but really isn't free, it came off the
2 settlement of the individual, not the tribal
3 government. So I think that's one of the
4 questions we have is when they buy a
15:40:12 5 fractionated interest on it, somebody's
6 allotment, actually the individual income, I
7 think the tribe has their own lawsuit. I'm not
8 sure.

9 But those are some questions I had,
10 and I think, you know, they were questions I
11 had in my mind and I probably have more, but
12 one of the things is that I think there is
13 tribal people that could come up with a program
14 on their respective reservations that may be
15:40:24 15 acceptable, but I'm not sure how your program
16 is going to be run. I know you're just having
17 initial meetings. But you're probably going to
18 have more meetings after this. Anyway, thank
19 you.

15:41:17 20 MR. JOHN DOSSET: My name is John
21 Dosset, I'm the General Counsel with the
22 National Congress of American Indians. Deputy
23 Secretary Hayes met with the executive
24 committee and they asked him to start
15:41:37 25 consultation on this program. I know the

1 executive committee is really appreciative
2 that you guys are moving on this now. Thanks
3 on behalf NCAI for getting this going. It's a
4 terrific program you guys are getting started
15:41:52 5 with. And we really want to work closely with
6 you and do anything we can to help move it
7 along.

8 I did want to raise just a couple
9 points and I will do them fairly quickly
15:42:02 10 because I know it's getting toward the end of
11 the day. One is on land data and information
12 that tribes may need in order to engage in the
13 consultation. At least a part of the
14 consultation is for tribes to be able to select
15:42:13 15 which tracts of land that they would be
16 interested in consolidating. And I know that
17 many tribes have their own data and information
18 systems, but they may not be as up to date as
19 what the Bureau of Indian Affairs has. And I
15:42:28 20 would be interested, Mike in particular in
21 working with you or with Darrell LeCount, in
22 maybe putting together an idea of what kind of
23 data requests to be fairly easy for the Bureau
24 of Indian Affairs to put together as far as
15:42:41 25 getting information to tribes on the

1 fractionation on their reservation in their
2 region, and it might help with some of the
3 planning that tribes need to do, or even the
4 consultation overall.

15:42:52 5 A second reason that I think looking
6 at the data will be important, at least what
7 we've seen is about 40 percent of the tracts in
8 Indian Country aren't fractionated at all.

9 They are still in single ownership. But in the
10 previous administration, the Bush
11 administration, they cut off all supports for
12 estate planning. And at least in our view at
13 NCAI this has been really a serious -- going to
14 create serious problems. We could spend \$1.9
15 billion dollars on land consolidation and 50
16 years you'll have just as much fractionation as
17 you have before if there is not estate planning
18 to try to keep land from fractionating in the
19 future.

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15:43:21 15
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15:43:31 20 So I know this funding can't be spent
21 on estate planning, but I think it may be
22 worthwhile for the bureau to think about estate
23 planning and what they can do to work with
24 tribes and provide some funding for estate
15:43:46 25 planning, so that the unfractionated land

1 doesn't become a lot like the fractionated land
2 that's the problem right now.

3 The third thing I was going to
4 mention Deputy Secretary Hayes mentioned that
15:43:58 5 you guys are looking favorably on the idea of
6 contracting with tribes. I'm really encouraged
7 by that. I think that's -- we are in the area
8 of tribal self-determination, tribes always do
9 it better than the Bureau of Indian Affairs
10 does. So it's great news that you are taking a
15:44:10 11 look at that. But what he said, there's going
12 to be some issues to work through. At least,
13 what you might consider doing, some of the
14 tribes have fairly well developed land
15:44:22 15 consolidation programs, like Rosebud's tribal
16 land enterprise. You might consider working
17 with them and start thinking about what the
18 parameters of an agreement would look like so
19 that you can get that going. Because I know
15:44:36 20 you guys have your interests in the program,
21 the tribes have their interest in the program.
22 That's what agreements are all about. And if
23 you can use this time, perhaps those agreements
24 would be ready to go whenever the appeals are
15:44:47 25 done and the money is ready to go. I know the

1 tribes are really interested in making sure
2 this program doesn't drag out too long. We
3 might run into a future administration that
4 doesn't support it, and so getting this done as
5 quickly as possible is important.

6 And then lastly, there's been a lot
7 of talk today about appraisals and different
8 ways that the Indian Land Consolidation Act has
9 been interpreted. I know NCAI has been
10 involved in the 2000 amendments and 2003
11 amendments to the Indian Land Consolidation
12 Act. You know, when we were working on the
13 bill, we always thought we gave the Bureau of
14 Indian Affairs all kinds of flexibility to
15 devise these programs, and then I think
16 sometimes it goes to the solicitor's office and
17 everybody reads a statute differently, and it's
18 viewed as being much more restrictive than
19 perhaps what we intended when we were working
20 with Congress.

21 I would just like to offer we would
22 be very glad to work with the solicitor's
23 office on how can we interpret these laws to
24 give you guys the maximum amount of flexibility
25 and efficiency, what were tribes thinking about

1 when we developed the statutes, and then if
2 technical amendments are needed in Congress, we
3 would be -- that was something that we always
4 reserved when we went to work on these issues
15:46:05 5 with Congress before, we said, hey, we are
6 doing the best we can on the Indian Land
7 Consolidation Act, but we always know we need
8 to go back and get some more technical
9 amendments to fix it up. So we've reserved
10 that right with Congress, and we would be happy
15:46:16 11 to work with you to go back to Congress if
12 necessary. Of course, ideally we could work it
13 out within the solicitor's office or
14 regulations. But if we have to go back to
15:46:31 15 Congress, we would like to work with you on
16 that.

17 Again, thanks once again for all the
18 work you are putting on in this program, all
19 the consultations you're going to be doing,
15:46:40 20 traveling all over the country. Thanks again.

21 MS. JODI GILLETTE: Thank you.

22 MR. ERNIE LITTLE: Once, again, my
23 name is Ernie Little. I'd like to, as a tribal
24 member, Oglala Sioux Tribe, make a statement
15:47:01 25 for the benefit of my tribe. I heard quite a

1 bit of testimony about fee to trust. Been
2 involved in some of that. Seen some a lot of
3 our good lands go out of control of the tribe
4 with no way, no resources to get them back.

15:47:23 5 I'm bothered by something that I'm
6 aware of, and everyone in this room probably
7 knows the history of Wounded Knee . We have a
8 historical site here that some people were
9 involved in. And ended up on our reservation
10 some of the last resistance. I own land where
11 some of them people ran to the stronghold.
12 I've owned some of that through my mother.

13 That piece of land where that store
14 and stuff used to sit, several years ago it was
15 offered to the tribe through one of their
16 programs. I don't know if any of the tribal
17 programs or the tribe itself had the resources
18 to purchase that. The significance of that
19 property and the people that are buried on that
20 hill, this program it might have the
21 opportunity to benefit Oglala Sioux Tribe and
22 all the other tribes that people are resting
23 there, to get that back for the Pine Ridge.
24 There's a number of other fee lands that
15:48:49 25 surround that place, and it's sad, sad to see

1 what's happening there and no resources to do
2 that. I thought it might be the opportunity
3 for me to say that. Once, again, it's for the
4 children. I understand the significance of the
15:49:18 5 land base and the possibility of not having a
6 home. I wanted to say that for the record.
7 I'd like to make one more statement while I
8 have the opportunity.

9 I had an experience trying to finance
15:49:38 10 an office for the housing authority. As
11 everyone probably knows in this room, Mr.
12 Johnson Holy Rock was the father of Indian
13 housing. He's one of our tribal members, our
14 tribal elders, 90-plus years old. And I don't
15:49:57 15 know if it ever developed, even if it wasn't
16 for Mr. Holy Rocks relationship with John
17 Kennedy. So I say that in honor of Johnson
18 Holy Rock.

19 We took a U.S.D.A. loan for \$3.6
15:50:15 20 million dollars. A large loan. I worked eight
21 or ten programs with U.S.D.A. So when they
22 brought up this title insurance, I was blind-
23 sided by that. And I truly feel it's not
24 necessary. You have the Bureau of Indian
15:50:38 25 Affairs realty office, federal office, you have

1 U.S.D.A., federal agency, yet somehow when we
2 spoke earlier here about the middle men
3 developing things to take some of the top money
4 off, in that process my tribe, through whatever
15:51:02 5 monies we have to pay that back, we'll pay that
6 \$6,000 worth of insurance. And I don't know
7 how much other attorney, TA dollars, I had the
8 ability to implement that loan with the regular
9 U.S.D.A. process, to finance some elderly homes
10 that we built there, six, eight of them, and I
15:51:30 11 thought it was sufficient, you know. But
12 there's something in there that this gentleman
13 talked about that was really sad when he talked
14 about those encumbrances talked about earlier.
15:51:46 15 There's a 640-acre tract, and I probably put 30
16 houses on that tract through the years, or
17 rural water systems on there, the power lines,
18 individual tracts, we have Sundance grounds on
19 part of it, the U.S. Highway 18. And the
15:52:06 20 processes of researching old FmHA loans where
21 the resources from the tribe would have to
22 satisfy the loan, we had at least ten acres,
23 ten acres from the tribe, and had to title
24 search all them records. And it's not
15:52:40 25 necessary.

1 I think if there's some way, Jodi, or
2 maybe I speak directly to you, that them
3 organizations could adjust that title research
4 TSR to the acreage involved with whatever is
15:53:02 5 going to be put on that property, and I think
6 it came down to it, we had many people involved
7 in that, and I think it came down to searching
8 for a record in 1923 for the State of South
9 Dakota U.S. highway. Just by visual I could
10 tell them there was a Nebraska power and OST
15:53:23 11 water in that road. You know, I would say
12 truthfully then were the only encumbrances on
13 there and spent 60-plus days, and I don't know
14 how many people through the system to clear
15:53:39 15 that.

16 So I just wanted to mention that.
17 Maybe somebody might take that and plug it in
18 and it will be very helpful to all the tribes.

19 I, too, want to thank the audience
15:53:53 20 and thank you for sitting there and giving me
21 this opportunity. Thank you, again.

22 MS. STACIE SMITH: So I see we have
23 one more comment from the tribal leaders. No?
24 Okay. Do you still want to speak now? No?

15:54:13 25 So given the time, I think I'm going

1 to hand this over to our department to give
2 some final remarks and to close us out for the
3 day.

4 MS. JODI GILLETTE: Thank you
15:54:39 5 everyone, and I've been commenting throughout,
6 so I don't want to take lot of time discussing
7 and rehashing some of the things that I've said
8 already. We have heard from a lot of different
9 perspectives today and it has been very
10 helpful, anywhere from the questions from how
15:54:56 11 we are going to handle mineral interests, oil
12 and gas, how we are going to address individual
13 interests, how we are going to in terms of
14 those that want to participate. What are we
15:55:10 15 going to do about contracting. The need for
16 better data. We are keenly aware of the sort
17 of underlying trust issue, and not in terms of
18 our trust responsibility but the trust that
19 tribal leaders and people have in our ability
15:55:33 20 to do something. And we are really wanting to
21 work with you the best way that we can to make
22 sure we can perform and we can have a
23 successful outcome.

24 I don't know what the answers are to
15:55:53 25 a lot of the questions you have here today, and

1 that's a good thing, because if we already knew
2 the answers, then we would have already planned
3 without having these discussions. And so we
4 are taking your comments back and we are doing
15:56:07 5 analysis of everything that we've heard. The
6 written comments are also going to be very
7 constructive and helpful input that we are
8 going to take back.

9 And at the end of the day really what
15:56:19 10 this is all about is having meaningful
11 consultation, and we hear that over and over
12 again throughout the day that you've been here
13 before, you've told us these things before, and
14 you are not satisfied with how we reflected
15:56:38 15 your input. So we are going to do a summary at
16 the end of all six consultations and we are
17 also looking forward to hearing after that what
18 the next steps are. We do want to have another
19 sort of input or somehow when we do our plan,
15:57:02 20 we want to come back to you with that plan and
21 see if you can provide us more insight and
22 analysis.

23 And I heard something from one of the
24 gentlemen that was talking that there's an
15:57:16 25 interest for the tribe and there's an interest

1 for the Interior, and I really think that we
2 want to do our best to reflect -- we don't want
3 to have an interest in here, we want to reflect
4 the best way we can the tribal interest.

15:57:31 5 With that in mind, we also are under
6 the constraints of the 15 percent administrative
7 costs. So clearly there's going to be some
8 balancing and prioritization, because we can't
9 do everything for everyone, but we want to do
10 the best that we can to get to meet as many of
11 those objectives as possible. We are at the
12 beginning of this interaction, and hopefully
13 within the next -- the comments period is open
14 until October 15th. I know the first
15:58:07 15 publishing of this consultation said September
16 15th. We extended it for another 30 days,
17 because we didn't feel like 90 days was
18 adequate time. We know in the summertime news
19 gets out a little bit slower. So we are having
15:58:24 20 five more consultations, and we do invite folks
21 to come and join us. As you are processing
22 this information and taking it back to your
23 tribes, we'll have a consultation out in
24 Seattle, which is close for the Rocky Mountain
15:58:37 25 tribes. We will have another one out in

1 Minnesota, Minneapolis, Minnesota, where the
2 Great Plains can participate there. There's a
3 couple more, Oklahoma City, Phoenix, and
4 Albuquerque, and I'm not going to give the
5 dates, because I can't tell you them off the
6 top of my head.

7 But with all sincerity I just want to
8 express our appreciation for the work that
9 you've done and the time that you've put in to
10 representing your nation and your families as
11 you come and join us here today in Billings.
12 Thank you.

13 MS. MEGHAN CONKLIN: I want to thank
14 everyone for being here today, particularly
15 those of you who are were here bright and shiny
16 this morning. I know it's been a long day. I
17 appreciate you being here, spending the day
18 with us, and offering your very honest and
19 heart felt comments. And being very welcoming.
20 This is my first trip to Montana. I'm a native
21 Californian. I appreciated how welcoming all
22 of you have been to me today.

23 As you heard earlier from Secretary
24 Salazar, this Cobell settlement is a very key
25 priority to Secretary Salazar and to President

1 Obama. And I want you to know that attention
2 to this issue is receiving attention from high
3 levels at the Department of the Interior
4 because we take this matter very seriously.

16:00:04 5 And it's really been a tremendous
6 honor to be here with you today and to listen
7 to your very important comments and meaningful
8 comments about this program. As Jodi
9 mentioned, this is just the beginning of our
16:00:18 10 consultations. We are going to be having five
11 more consultations through October 15th in
12 other areas around the country. And you are
13 also welcome to send in additional written
14 comments to the department through October
16:00:30 15 15th. And we look forward to receiving those.

16 And I just want to echo again that we
17 take your comments very seriously. We are
18 going to be evaluating them very closely as we
19 continue to internally discuss this issue and
16:00:45 20 develop our plans for implementation of that
21 program.

22 And I just again want to thank all of
23 you for being here today, and I hope that we
24 can continue to work together. My door is
16:00:57 25 certainly open, if you ever have questions that

1 I can help you with, I look forward to staying
2 in touch.

3 And I want to turn it over to Mike
4 Black or Mike Berrigan again or Ray Joseph to
5 see if you have any closing comments.

6 MR. MICHAEL BERRIGAN: This Mike
7 Berrigan. I'm with the Solicitor's office.

8 I want to clarify something that I
9 think Deputy Secretary Hayes said this morning
10 in passing relates to the \$60 million dollar
11 scholarship fund provision, how that works. It
12 is possible for more than \$60 million dollars
13 to go into the scholarship provision under the
14 settlement agreement in two ways. One under
15 the whereabouts unknown provisions where after
16 five years if the whereabouts unknown are still
17 not claimed, those funds can go to supplement
18 the scholarship fund.

19 And in addition, payments that are
20 left over from the trust class, administration
21 class, can also supplement the \$60 million
22 dollar scholarship fund. So it can be higher
23 than \$60 million total. But the settlement
24 agreement specifically says that money that's
25 not spent from the land consolidation program

1 would revert back to the treasury after ten
2 years. So that's one of the reasons that
3 Deputy Secretary Hayes said we want to front
4 loads the process and try and spend all of that
16:02:21 5 money as possible. That was based on a
6 miscommunication from myself to Deputy
7 Secretary at the table. I wanted to clarify
8 that before the end. So thank you.

9 MR. MICHAEL BLACK: First off, I
10 would like to apologize for having to leave
16:02:35 11 early this afternoon for a little bit. As you
12 well know, there's been a number of incidents
13 happening around Montana here over the past few
14 months with the flooding at Crow and the
16:02:47 15 Montana area and the recent oil spill out at
16 Exxon. I did have to go to a briefing with the
17 Secretary on the oil spill.

18 Again, I apologize for having to
19 leave. I will look forward to seeing the
16:02:59 20 transcripts of the comments that came in while
21 I was absent. I look forward going through all
22 of them as we go down this road.

23 But, again, thank you for welcoming
24 all of us here today. I knew coming in,
16:03:10 25 knowing the tribes and stuff that we work with

1 out here, that we were going to get a lot of
2 good, well thought out comments, and I wasn't
3 disappointed in the least about it. I hope the
4 department feels the same. I think this is
5 going to go a long way for our success in this
6 program. And just from my own standpoint, this
7 is huge. I mean, this is one of the biggest
8 things that we as the Bureau of Indian Affairs,
9 OST, and the department have undertaken at
10 least in my 23-year career and I think in the
11 history of the BIA.

12 And failure is not an option. As far
13 as I'm concerned, we cannot fail on this. And
14 I don't think we will. But in order to succeed
15 that's going take a all of us walking hand in
16 hand. It will take a cooperative effort
17 between the Department of Interior and the
18 tribes and allottees and taking everybody
19 interests into account to success with this.
20 We are going to need your help as we go forward
21 and I appreciate all comments and I know the
22 willingness to help us success with this.

23 So thank you. Those of you that are
24 sticking around, enjoy Montana, it's a great
25 place to be. Thank you.

1 MR. RAY JOSEPH: I just wanted to
2 echo some of Mike's of comments and say I
3 appreciate the opportunity to be here today.
4 It's a privilege to hear your honest and
5 sincere comments. And at the same token it's a
6 wonderful opportunity that we work together in
7 this spirit of partnership.

8 Just yesterday I walked into a lovely
9 situation at Fort Peck, for example, and I
10 would like to let President King know that
11 several of his staff presented some great ideas
12 for us to work together. Came up with a
13 wonderful solution to a problem that we didn't
14 come up with on our own. And it was one of
15 those opportunities to work together. And I
16 think that's what this is about is at times
17 there were individuals who thought we had to
18 have a plan. I know Senator Tester was very
19 keen on this opportunity, and it was something
20 that we had to work together to structure. And
21 there were a lot of folks who said, why don't
22 you have a plan, and it was partly to build
23 this a collaborative way, which can be
24 frustrating to folks at times. But at the same
25 token it's only through walking hand in hand at

1 the same time, that's our organizations working
2 together. I know at times that can be very
3 frustrating for folks to understand, well, you
4 got passed off here and got passed off there.
16:05:39 5 My Mike Black and I are two floors apart. I
6 can tell you that stairway is used a lot where
7 I'm running up and there and he's running down
8 to deal with some of these issues on and work
9 together. It's not a separate organization at
10 all. In many cases we are already working on
16:05:49 11 many of these issues. That's something that
12 the department has taken as a step forward, and
13 we all technically work for Ken Salazar, who
14 has a very unique perspective on that. He's
16:06:03 15 very driven on that.

16 Again, I thank you for the
17 opportunity to be here today, and it's been a
18 privilege.

19 MS. STACIE SMITH: Thank you so much.
16:06:12 20 I think the transcript will be made available
21 on the website when it's completed. And I
22 think other information is all available on the
23 website.

24 Thanks to every one for being here
16:06:25 25 today. Have a great afternoon and evening.

1 (Applause.)

2 (Proceeding adjourned.)

3 REPORTER'S CERTIFICATE

4 I, Richard L. Mattson, Certified Court
5 Reporter, certify that the foregoing
6 proceedings were reported by me in machine
7 shorthand and thereafter reduced to typewriting
8 via computer-aided transcription; and that it
9 is a true and correct record of the proceedings
10 contained therein.

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14 _____
15 Richard L. Mattson
16 Certified Court Reporter
17 Notary Public for the
18 State of Montana
19 Residing at Billings
20
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