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IN RE: GOVERNMENT TO GOVERNMENT CONSULTATION BETWEEN
THE DEPARTMENT OF THE INTERIOR AND TRIBAL LEADERS

THE FOLLOWING IS THE GOVERNMENT TO GOVERNMENT CONSULTATION
BETWEEN THE DEPARTMENT OF THE INTERIOR AND TRIBAL LEADERS, TAKEN
BEFORE LISA NONNEMACHER, TRANSCRIPTIONIST, AT SHERATON CRESCENT
HOTEL, 620 WEST DUNLAP ROAD, PHOENIX, ARIZONA, COMMENCING AT
APPROXIMATELY 8:30 AM, SEPTEMBER 29, 2011.

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APPEARANCES:

STACIE SMITH, FACILITATOR

MEGHAN CONKLIN, DEPARTMENT OF THE INTERIOR

CLAYTON HONYAMPTewa, HOPI NATION

HILARY TOMPKINS, DEPARTMENT OF THE INTERIOR

JODI GILLETTE, DEPARTMENT OF THE INTERIOR

ELAINE FINK, NORTH FORK RANCHERIA

GREG ABRAHAMSON, SPOKANE TRIBE

VICTORIA GUZMAN, ON BEHALF OF THE WALKER RIVER PAIUTE
TRIBE

THERESA ROSIER, SALT RIVER PIMA-MARICOPA INDIAN COMMUNITY

LARRY RODGERS, EASTERN NAVAJO LAND COMMISSION

(ALL CONSULTATION AUDIENCE MEMBERS STOOD AND INTRODUCED
THEMSELVES. A LIST OF THESE CONSULTATION AUDIENCE MEMBERS
IS ATTACHED.)

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P R O C E E D I N G

Whereupon, the Government to Government
Consultation between the Department of the Interior and Tribal
Leaders was commenced at 8:30 AM, as follows before Lisa
Nonnenmacher, Transcriptionist:

STACIE SMITH: Hi everyone I just wanna
let you know we're gonna start a little bit late let people
filter in. If you are representing your tribe at the table if
you're a tribally elected official or you're empowered to speak
on behalf of your tribe it'd be great if you could come and grab
a seat at the table. Make sure that you have a placard or we'll
make sure that you have a placard and that way the conversation
in the morning will take place primarily among the elected
officials and people empowered to speak for tribes. And then
after that we'll open it to the to everybody all others. So if
you are here as an elected official it would be great if you
could come and sit at the table. We'll probably get started a
little bit late maybe in the next 15 minutes or so. Thanks.

GOVERNMENT TO GOVERNMENT CONSULTATION BETWEEN THE DEPARTMENT OF
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1 (INAUDIBLE) late start we just wanna give people a little bit
2 more time to get in here so we're gonna start at 9:00. So
3 that's 10 minutes so if anyone wants to get a little more coffee
4 before then we will we'll all start at 9:00. And again if you
5 are able to speak on behalf of your tribe we'd love for you to
6 come and join us at the table. Thanks.

7 MEGHAN CONKLIN: (INAUDIBLE) welcome you
8 all. I thank you for traveling here and joining us to embark on
9 the fifth, is it the fifth Cobell consultation, on land
10 consolidation. Before we get started here we wanna start
11 everything off in a good way and so I've asked Clayton
12 Honyamptewa from the Hopi Nation to come up and provide an
13 opening prayer.

14 CLAYTON HONYAMPTEWA: Thank you.
15 (Listening for translation) I said good morning it's a good
16 morning this morning. I just wanna say that we're all happy to
17 see all you here gathered here to work on this issue of the on
18 the land, to hopefully make things better you know for the
19 benefit of the people of our children our grandchildren and the
20 ones still coming after them. So their they would benefit from
21 this and make use of our lands and you know see the future that
22 things will be great. On the other hand we pray for rain.
23 We've had a devastating few years or more than a few years and

1 our crops our animals they need it, so we pray for rain that way
2 you know they grow. They use the rain the grass eat the grass
3 and nourish themselves. So they're the young ones will prosper
4 and benefit from it. And also overseas our young men and our
5 young women that are serving our country to protect them also
6 the hope that we see them all come back home to our land back
7 here and what they've been fighting for over there. And again I
8 wanna say I hope we come to an understanding on what this issue
9 is about and for the betterment of our people. (INAUDIBLE)
10 Thank you.

11 MEGHAN CONKLIN: Good morning everyone.
12 Thank you very much for being here this morning. We appreciate
13 all of you taking time, many of you to travel here today, to
14 spend the day with us to have a dialogue and for us to receive
15 your comments about implementation of the Trust Land
16 Consolidation Program that's under the Cobell Settlement. My
17 name is Meghan Conklin, I'm Associate Deputy Secretary at the
18 Department of the Interior. Myself and Jodi Gillette who's also
19 here are co-directors of Cobell implementation for Secretary
20 Salazar. There are a number of others who are here today who
21 are part of the Department of the Interior team working on this
22 issue that I'd like to point out. And first, she'll be making
23 remarks later, we're joined by the Solicitor of the Department

1 of the Interior, Hilary Tompkins. We are also joined by Jodi
2 Gillette who is Deputy Assistant Secretary for Indian Affairs.
3 Next to me I have Bryan Bowker who is the Regional Director for
4 the Bureau of Indian Affairs. And also behind us we have Kallie
5 Hanley who works in the office of the Secretary and Tony Walters
6 who works for the Assistant Secretary of Indian Affairs and both
7 of them have played a very integral part in helping get today's
8 meeting together. I also know we're joined by a number of BIA
9 employees in the audience. I wanna thank you for being here
10 today as well. I think all of you know that the Cobell
11 Settlement is a key priority for Secretary Salazar and for the
12 Obama administration, and a little bit later Jodi Gillette and I
13 are gonna be offering a power point presentation that will walk
14 you through some of the basics about the Cobell Settlement and
15 about the Trust Land Consolidation Program. And I just again
16 wanna thank all of you for being here today. Our number one
17 goal today is to listen to you and to hear your comments. All
18 the comments that we're hearing throughout these consultations,
19 is our fifth one so far, are gonna be very valuable to us as we
20 go about figuring out our plans for how to implement this key
21 program. And our goal really is to make this a meaningful
22 consultation and to really sit here and to be able to receive
23 and listen to your feedback as we go about developing our plans

1 for this program. So again I wanna thank you all for being here
2 today and I'm gonna pass it out now to Hilary Tompkins.

3 HILARY TOMPKINS: Thank you Meghan.

4 Good morning, I wanna first properly introduce myself in
5 accordance with my Navajo culture, so and for those of you who
6 speak Navajo bear with me. (Listening for translation). I'm a
7 member of the Salt Clan on my mother's side and Taos Pueblo on
8 my father's side, and I'm originally from Ramah, New Mexico.
9 And it's a real pleasure to be here. It's really nice to get
10 out of Washington D.C. and see the rest of the country and be
11 here in the Southwest makes me a little bit homesick. I used to
12 come to Phoenix at the beginning of my law career as a paralegal
13 for the Navajo Nation. And I remember flying in the little
14 plane from Window Rock down here to Phoenix for legal meetings
15 and I always was confused with the time change 'cause you know
16 we were in different time zones. But it just brings back good
17 memories to be here. As Meghan said I'm the Solicitor for the
18 Department of the Interior. That's the chief legal counsel for
19 the department. So I handle all the legal issues of the
20 department and the various bureaus and agencies in the
21 department and obviously that includes Indian Affairs issues.
22 I've been in that position for two years now, previously I was
23 in Albuquerque, New Mexico. And I'm just thrilled to be a part

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1 of this team at the Department of the Interior. Under Secretary
2 Salazar's leadership it's been an amazing two years and I know
3 that Secretary Salazar is committed to working with Indian
4 Nations tribal leadership, respecting the government to
5 government relationship. And as Meghan mentioned we have high
6 ranking officials here from the department. From the Bureau of
7 Indian Affairs and also Jodi Gillette who is the right hand
8 woman to Assistant Secretary Larry Echo Hawk. And Meghan is the
9 right hand woman to Deputy Secretary David Hayes. And we also
10 have Mike Black from Montana who is the Director of the BIA
11 who's not here today but we work very closely back in Washington
12 D.C. Also the head of the Office of Special Trustee, Ray
13 Joseph. So from my vantage point in the legal department I see
14 all these various arms of the Department of the Interior working
15 together on these issues. So I'm thrilled to be a part of this
16 amazing team. I also learned very early on when I started in
17 this position and came to see very vividly the commitment of
18 President Obama to empower Indian Nations, and support your
19 goals and initiatives, along with Secretary Salazar. And from
20 the very start of my appointment they emphasized to me the
21 importance of turning a new page in this relationship. So as
22 soon as I took this position I was working very closely with the
23 Secretary, Deputy Secretary David Hayes, and all of these

1 amazing folks to settle the Cobell litigation. And that was
2 something that I worked on for devoted the first 6 months in
3 this position focusing on seeing if we could reach peace in that
4 longstanding litigation, over 13 years of litigation. So it was
5 it wasn't always easy but we got there and we brought it across
6 the finish line. So it was a real testament to me that even
7 though we can have our differences between the United States and
8 Indian Nations there we can have differences we can have
9 disagreements but we can also reach resolution if we're
10 committed to it. And I think this settlement is a testament to
11 that. I also in my office in my role have been looking at
12 seeing if there's opportunities to resolve other lawsuits that
13 we have with Indian Nations. There are quite a few of them but
14 I have committed myself and my team and the Department of the
15 Interior as a whole has committed to seeing if we can resolve
16 those issues. Given my experience working in the area of Indian
17 law for it's not quite two decades yet, but for many many years
18 one thing that has been impressed upon me is that this
19 relationship we have it's a legal relationship it's ongoing it
20 goes into the future it's long standing there's a lot of history
21 there, but it's important that when we see opportunities to
22 collaborate and work together we should seize those
23 opportunities. And so I constantly think about that in the work

1 that I do. So with that I want to also recognize the tribal
2 leadership here. I think it's always been impressed upon me the
3 importance of tribal leaders and the roles that they take on and
4 the responsibilities that you have leading your governments your
5 people and the huge huge responsibility that that is. And the
6 importance that our leadership talks together and listens to one
7 another and hears the concerns hears the complaints be candid be
8 forthright. And I just wanna recognize the tribal leadership
9 here today that took time out of your very busy schedules to
10 come and meet with us because I know you have a lot on your
11 plate and a lot of places you probably want to be or need to be.
12 So I appreciate you taking the time out to come and meet with
13 us. So today's consultation is about one part of the Cobell
14 Settlement. It's on the Land Consolidation Implementation part
15 of the settlement. So that's the focus of today's consultation.
16 We wanna hear your thoughts we wanna hear your questions. This
17 is an ongoing process nothing has been set in stone no decisions
18 final decisions have been made about this program. That's the
19 importance of having these consultations. One final thought
20 that I wanna share with you is I also believe it's important
21 that when we talk about consultation we also talk about
22 implementation. And I know again from my work in Indian Country
23 that there is an emphasis on government to government

1 consultation and it is very incredibly important to the decision
2 making process. And I believe it's important that we look to
3 then what's next after consultation and it's important to have
4 implementation. And I believe depending on how the appeals in
5 this case turn out that we will be facing the implementation
6 phase in the near future. So it's important that we not only
7 consult but we also implement. So I just wanted to share that
8 thought with you. So thank you again for coming. It's a real
9 pleasure to be here and now I'm going to turn it over to Jodi
10 Gillette for some comments. Thank you.

11 JODI GILLETTE: Thank you and I just
12 also wanna echo Meghan and Hilary's sentiments that this is
13 really critical. This is a the consultations that we're going
14 through on Cobell are probably the biggest I think opportunity
15 for tribes to really weigh in and let us know, and if you don't
16 have prepared comments today you can still submit them in
17 writing and that's available. Today we're also announcing that
18 we are extending the comment period to November 1st. I believe
19 that's gonna come out in the press release today later on.
20 We're also going to host one more consultation in the Great
21 Plains region at the end of October, October 26th. And those
22 are all some adjustments that we've made to reflect what we've
23 heard in the field so far. We also know that the we've heard

1 this and we know that the commitment to meaningful consultation,
2 and I think that's what we're trying to emphasize here, is that
3 the department and the administration is committed to meaningful
4 consultation and how we're doing that is in a few different
5 ways. But as you might already know the president issued a
6 memorandum that required all of the agencies to submit a plan to
7 the OMB and the Domestic Policy Council at the White House to
8 ensure that we are all of the agencies have a way that they're
9 going to implement the executive order on Consultation 13175.
10 And we've done that and at the Department of Interior we've
11 developed a policy, we haven't signed it into we haven't
12 implemented it yet because we're we still we're going through
13 public comment phases but that's coming within the next month.
14 But Kallie and I both work on that. Hilary you know as a
15 Solicitor is involved with you know how that's looking and how
16 that's going to be played out. But we've what we've tried to do
17 as much as possible in the Cobell consultations is reflect our
18 proposed policy in even if it isn't put in place yet we we're
19 reflecting it as much as we know, so the 30 day notice and you
20 know if tribal leaders really need more time we're gonna be
21 flexible about that. But I think even more important than just
22 the logistics of consultation is the fact that we really are
23 here to listen and the way I look at it is that the how I

1 approach consultation is that I'm listening to what tribes are
2 saying, and you can listen but sometimes you can't hear. So I'm
3 I try to play a very active listening role and I try to really
4 hear what people say. And then the last thing is to not give up
5 on what tribal leaders have told me. And I think that's
6 something that's I've seen that expressed and followed through
7 it's not just me doing this I see leadership people like Larry
8 and people like Hilary and people like Deputy Secretary Hayes
9 especially Secretary Salazar, and these are really important
10 conversations and dialogue that we go through internally but
11 more importantly we want you to be able to see how we've
12 implemented what you've said. The Cobell consultations we've
13 held so far we've had five of them this is our fifth one and we
14 are learning a lot. And I think that the thing that I've heard
15 probably a theme throughout all of them is a real hesitancy to
16 think that we're here listening and I just wanna assure you that
17 I understand where that's coming from. And I just by way of
18 background I'm a member of the Standing Rock Sioux Tribe and I
19 grew up in Pine Ridge and never really worked in the Federal
20 Government before, I've always worked for my tribe or for a non-
21 profit that helped develop tribal capacity. And so my
22 perspective is unique I see that when you are not part of the
23 Federal Government things can seem like they're just not really

1 reflective of what the needs are on the ground so that's sort of
2 my energy my drive my reason for being here, is to make sure
3 that as a policy maker that I am doing everything I can to make
4 sure that we are trying to meet the needs and really in a
5 genuine way. I don't think anyone would disagree that the
6 president is an easy person to work for in that respect because
7 he too is committed to Indian Nations to strengthening the
8 government to government relationship the nation to nation
9 relationship with tribes. And he's told me in person that the
10 work that we've done on Native Americans is something that he's
11 really proud of and he wants to see like Hilary talked about and
12 I think Larry Echo Hawk also talks about we're turning the page
13 on some dark chapters. I think in a really good way we come out
14 here and we know that the issue of land fractionation and land
15 consolidation is a priority for the nations that face it,
16 whether it impacts their development whether it impacts you know
17 the probates the all the different ways that it impacts. But I
18 think that in the opening prayer the Mr. Honyamptewa summarized
19 it the best is that you know we really have to deal with land
20 consolidation to look forward for our children. And its land is
21 something that you know I was raised to understand as being very
22 sacred and really embodying who we are as a people. So the more
23 that we can focus on and I say who we are as a people as Lakota

1 | people I'm speaking from the personal Jodi and not the
2 | Department of Interior Jodi, but we do know that this is a high
3 | priority and we look forward in a good way to working with
4 | tribal leaders and the expertise that's out there on this issue.
5 | So with that I think we'll get started with the land
6 | consolidation slides.

7 | MEGHAN CONKLIN: (INAUDIBLE)

8 | introductions?

9 | JODI GILLETTE: Oh the introductions
10 | okay. Go ahead.

11 | STACIE SMITH: So we wanna just welcome
12 | the leaders we have the table and representatives of tribal
13 | leadership to just introduce themselves briefly and oh I'll
14 | introduce myself. My name is Stacie Smith and I'm a
15 | facilitator. I work for a non-profit organization based in
16 | Boston and the department has asked me and my colleagues to just
17 | help out with structuring these sessions and making sure they
18 | run smoothly and also making sure that the feedback that they
19 | hear is all gonna get put together synthesized and can really
20 | help them in making any decisions. So if we could just take a
21 | moment ask you to introduce yourselves then we will move onto
22 | the presentation.

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1 ELAINE FINK: I'm first. My name's
2 Elaine Fink and I'm Tribal Chairwoman for North Fork Rancheria
3 (INAUDIBLE) Indians in California which is the exact center of
4 California geographically and with me today is Councilmember Pat
5 Beihn.

6 GREG ABRAHAMSON: Good morning and
7 thank you. My name is Greg Abrahamson, I'm chairman for the
8 Spokane Tribe and I also have a tribal councilmember here with
9 me it's Rodney Abrahamson.

10 VICTORIA GUZMAN: Good morning my
11 name is Victoria Guzman. I am not a tribal official but I am
12 here I work for my land department and I am here on behalf of
13 the Walker River Paiute Tribe. The Walker River Paiute Tribe is
14 thankful for the opportunity to participate in this tribal
15 consultation with the Department of the Interior regarding the
16 Trust Consultation component of the Cobell Settlement. We feel
17 that the tribal involvement is important and necessary to make
18 this program a success and to get our comments questions and
19 concerns on the issues heard by those responsible for
20 implementing this program. Thank you.

21 STACIE SMITH: Okay thank you. So with
22 that Jodi I'll be handing it to you to.

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1 JODI GILLETTE: (INAUDIBLE) Meghan
2 (INAUDIBLE).

3 STACIE SMITH: (INAUDIBLE).

4 MEGHAN CONKLIN: Oh okay I can start off.
5 We're gonna what Jodi and I are gonna go is we're gonna offer a
6 PowerPoint presentation that's gonna provide some basic
7 information about the Cobell Settlement and about the Trust Land
8 Consolidation Program. And each of you when you checked in this
9 morning should've received a packet that has some basic
10 information about it on sort of breakdown of land fractionation
11 by regions within the BIA, and also some basic information about
12 some preliminary goals and strategies that the department has
13 identified for the Land Consolidation Program that we'd love
14 your feedback on this morning. And so let's go to the next
15 slide. I'm gonna offer a little bit of background and then turn
16 it over to Jodi Gillette. (Speaking to a third party: That's
17 okay. (INAUDIBLE). Looks like we're having a little bit of
18 technical difficulties (INAUDIBLE) get it sorted out. Thanks
19 for your patience time.

20 (Transcriptionist's note: there is
21 audible background noise that is unrelated to the interview that
22 was not transcribed.)

23
24 STACIE SMITH: You're all set now.

1 MEGHAN CONKLIN: Okay great we're gonna
2 start on the power point. Thanks for your patience as we
3 figured out or some technical difficulties. I just wanted to
4 point out another lady from the department who has joined us
5 back here, this is Sharon Pinto she's the Acting Regional
6 Director for the Navajo Region NBIA, so thanks for being here
7 today. So I'm just gonna provide a little bit of background and
8 then pass it over to Hilary or to Jodi to add to add in. But as
9 many of you know the Cobell Settlement was approved by Congress
10 on November 30th, 2010. The name of the law was the Claims
11 Resolution Act of 2010 and then signed by President Obama into
12 law on December 8th, 2010. This was after at least a year of
13 work of a number of people on Capitol Hill and in the department
14 to try and get this law passed. In the audience we have a very
15 important lady in helping get this law enacted Allison Binney
16 who at the time, I know you spent a lot of sleepless night
17 helping get this law enacted as well as Hilary and my boss David
18 Hayes. And there's two major components to the Cobell
19 Settlement, the first is a one point five billion dollar fund
20 for class members to compensate them for their historical
21 accounting trust fund and asset mismanagement claims. I wanna
22 make it clear that this part of the Cobell Settlement is not the
23 purpose of today's consultation. Any questions about this

1 section need to be handled by the plaintiffs, and the way to
2 reach them if you do have a question they have a website
3 IndianTrust.com and they have a 1-800 number 800-961-6109. The
4 second portion of the settlement is what we are here to talk
5 about today and this is a one point nine billion dollar fund for
6 the voluntary buyback and consolidation of fractionated land
7 interests. So going onto the next slide, so if you look at
8 again I said the there the what we're talkin' about today is
9 this one point nine billion dollar fund for the voluntary
10 buyback in consolidation of fractionated land interests. Per
11 the settlement agreement only up to 15 percent of that one point
12 nine billion which comes to 285,000,000 can be used for
13 administrative costs. And another key component is as an
14 additional incentive for land consolidation up to \$60,000,000 of
15 that one point nine billion will be set aside, provide
16 scholarships for higher education for American Indian and Alaska
17 Native youth. Which if you kind of add up all those numbers
18 together that means that a grand total of about one point six
19 billion will be used for land the land purchasing program. Next
20 slide. There are a number of provisions that were outlined in
21 the Cobell Settlement and if any of you are interested in
22 reading the settlement documents we have a specific area on the
23 Department of the Interior's website that has a lot of these

1 documents that you can download if you'd like to read some more
2 background it's www.doi.gov/cobell and a copy of the settlement
3 agreement is up there. But we have a number of requirements
4 that were laid out there for the Land Consolidation Program that
5 I just wanted to remind everyone today as we go through talking
6 about this program. The Land Consolidation Program can be used
7 for the following purposes, the first is acquiring fractional
8 interests in trust or restricted lands including the
9 administrative costs that I mentioned earlier related to such
10 acquisitions. And one important point that I wanna make sure to
11 let all of you know today, since this has been a question that's
12 been asked of us at a number of the previous consultations, is
13 that the fees cannot be used for the purchase of fee lands. And
14 the second is that for every land sale as I mentioned a portion
15 of the sale will be set aside in a scholarship fund for Native
16 American and Alaska Native students and that's up to
17 \$60,000,000. And the third is these funds can be used to
18 support the work of the Secretarial Commission on Indian Trust
19 Administration and Reform. And just as an aside there around
20 the time that the Cobell Settlement was agreed to Secretary
21 Salazar issued a secretarial order sort of initiating a
22 Secretarial Commission on Indian Trust Administration and Reform
23 and a few months ago the department went ahead and published a

1 charter for this secretarial commission and we had a public
2 comment period where we solicited nominations from Indian
3 Country and from others for people to serve on this commission.
4 It will be a five member commission. This will be a commission
5 that will take a look at sort of trust administration broadly
6 and offer recommendations to the secretary on how to make
7 improvements in our handling of trust assets moving forward.
8 The department has not yet announced or moved forward with
9 naming people to be appointed to the commission but if you are
10 interested in seeing a copy of that charter the same website
11 doi.gov/cobell is the best place to find that information. Next
12 slide.

13 UNIDENTIFIED FEMALE VOICE: I THINK
14 THAT THIS (INAUDIBLE)...

15 MEGHAN CONKLIN: I can I'm just gonna
16 turn it over to Solicitor Tompkins if you'd like to just offer a
17 little bit on sort of the legal status of the settlement 'cause
18 that is a question that comes up today.

19 HILARY TOMPKINS: Yes thank you
20 Meghan. So after we obtained congressional approval of the
21 settlement then President Obama signed that Bill into law but we
22 still had the third branch of government the judicial branch
23 that needed to act on the settlement because the lawsuit was

1 before Judge Hogan in the federal district court. So in
2 December of 2010 Judge Hogan granted preliminary approval of the
3 settlement and then we went through the class notification
4 process which took several months. And after that process Judge
5 Hogan held a hearing on the fairness of the settlement and
6 that's where the judge assesses the components of the settlement
7 and makes a decision on whether it meets certain criteria in
8 order to be deemed a fair and reasonable settlement. So on June
9 20th of this summer this past summer Judge Hogan issued a
10 finding and approved the settlement. And the actual order that
11 he issued was issued on August 4th. So from August 4th of this
12 past summer there's a 60 day window in which to file any appeals
13 and we have used we have had some parties appeal, and those are
14 pending there's various issues involved with those. For the
15 briefing schedule of that appeal briefing will conclude in early
16 January, January 6th. And the briefing part of the appeal is
17 where parties that are challenging the settlement submit written
18 briefs to the court and then Department of the Interior and
19 plaintiffs will also submit written briefs to the court, and
20 that all concludes I believe on January 6th. Then the appellate
21 court and this is the D.C. Circuit Court of Appeals will review
22 all those briefs may have a hearing and make a decision. So
23 that's the next phase in the appellate process. The settlement

1 does not become final until we receive a non-appealable final
2 decision. And once that occurs and assuming it's an approval of
3 the settlement then the funds will be disbursed under the
4 settlement. So we're waiting for that final non-appealable
5 decision from the court.

6 JODI GILLETTE: Do you wanna talk about
7 the timeline?

8 HILARY TOMPKINS: Sure. So another
9 component of the settlement is that we have 10 years to expend
10 the funds on the Land Consolidation portion of the settlement.
11 And that time period begins once all of the appeals have been
12 exhausted. So we haven't started that 10 year time period yet.
13 Again that has to wait until we receive a final judgment. So
14 that's the timeframe we have in order to expend the funds for
15 land consolidation. All right.

16 JODI GILLETTE: And just one more point
17 sometimes we get questions about whether or not we have to wait
18 for anybody to appropriate or Congress to act to make sure that
19 those funds are there but they're in Treasury right now we don't
20 have to wait for any kind of budgetary process on Cobell.

21 HILARY TOMPKINS: Right, that's
22 right. In the Treasury we have a fund, the Land Consolidation
23 Fund. And it is there for 10 years.

1 MEGHAN CONKLIN: Okay and Jodi you wanna
2 take over?

3 JODI GILLETTE: Okay sure so some of the
4 key features of the Land Consolidation Program and I know in the
5 beginning I talked about how we really wanna listen during
6 consultation, I think it's important to set the framework. And
7 this is really where why we have this slide presentation is that
8 there are pieces of the Land Consolidation Program that are by
9 law and through the settlement there were you know numerous
10 negotiations and so we just know that by law we can we have some
11 parameters that we can work within. And the main thing that's
12 important to know is that the Cobell Settlements Land
13 Consolidation Program (INAUDIBLE) existing statutory authority
14 and that's all set forth in the Indian Land Consolidation Act
15 ILCA. The purpose of the ILCA and the Cobell Land Consolidation
16 Program is described in the law to acquire as many fractionated
17 interests as economically feasible and to consolidate these land
18 interests into tribal ownership to promote and enhance tribal
19 self determination economic social and cultural development
20 needs. So it's pretty key to know that we have to follow the
21 existing authority and the tribes who have had some experience
22 in the current, we know ILCA didn't reach all of the tribes that
23 it only had a limited number of tribes because of the

1 limitations we had on the budget there, but we also want you to
2 know even though it (INAUDIBLE) that authority it doesn't mean
3 that we're going to absolutely duplicate what we've already done
4 in the past. And so that's still that's why we're having these
5 consultations is so that we could better understand what could
6 be improved upon what were some of the challenges and even what
7 were some of the strengths. So this is the next slide we're
8 talking about how to best implement the Cobell Land
9 Consolidation Program. We have an internal Cobell
10 implementation team and Meghan and I co-chair that the team and
11 we have regular meetings and we've identified some guiding
12 principles for the Land Consolidation Program and we are seeking
13 input and especially related to the goals here today. (Speaking
14 to a third party: You can go to the next one.) So the potential
15 guiding principles for the Cobell Land Consolidation and then I
16 do wanna echo what Hilary said is that these are not set in
17 stone we wanna have feedback on those. The program should serve
18 multiple goals and the first goal that we've identified is that
19 it should reduce land fractionation in highly fractionated
20 areas. Goal two implement a plan that is time and cost
21 efficient. And goal three consolidate land in areas of tribal
22 preference to be determined through tribal consultation. And I
23 think that the to get more specifically into each of the goals

1 it's really important to understand how we're looking at each of
2 them. The first strategy under goal one is to prioritize highly
3 fractionated lands. Strategy two is to target individual Indian
4 money account owners. Strategy three target landowners having
5 the most number of purchasable interests. Strategy four target
6 landowners having the most number of tracts. So this is these
7 are all strategies that we would employ under the highly
8 fractionated goal. Goal two implement a plan that is time and
9 cost efficient and this is something that is important to note,
10 that earlier we had talked about there's constraints on the
11 administrative costs that we can spend on land consolidation, so
12 if we had unlimited funds to do land consolidation on the
13 administrative side you know the questions might be different.
14 But we'd there is a cap on what we can spend to implement it on
15 we can buy purchasable interests under the one point six or so
16 fund that's set aside minus the 60,000,000. But it we are
17 really capped out at the administrative side and as I think
18 we've heard a lot of tribal leaders speak to the need for to be
19 more efficient in general at the Department of Interior and so
20 these are some things that we've set forward as strategies.
21 Strategy five target lands requiring minimal prep work prior to
22 offers being made. Target tracts which have landowner consent.
23 Strategy seven target tracts with the largest per interest owner

1 largest interest per owner. And then goal three consolidate
2 land in areas of tribal preference to be determined through
3 tribal consultation. Strategy eight target tracts identified by
4 the tribes. Strategy nine target tracts with economic
5 opportunity for tribes. And just wanna emphasis that these
6 goals are not in prioritized order we just have them in a random
7 order and we have heard from tribes on numerous occasions that
8 they believe goal three should be moved to goal number, and
9 that's something that we said we could we can do but we wanna go
10 out to all the tribes. So if you feel the same you know we're
11 open to that and we'd love to hear your feedback, even on the
12 numerical order of how these are laid out. The next steps for
13 the Land Consolidation Program is to incorporate tribal input
14 through these consultations. We would develop a Cobell Land
15 Consolidation Program implementation plan based upon the
16 feedback that we've received through these consultations. We
17 would conduct an outreach and additional consultations and
18 that's something that is really important is to have follow up
19 and see if to double check with you, and I think we do this on
20 all kinds of different fronts the you know regulations and all
21 the different places we have consultations and interactions, we
22 try to go out again and see if what we heard was okay or we let
23 you know what we how we're reflecting what we heard, conduct

1 outreach and additional consultations and then proceed with
2 implementation. And as Hilary, as the Solicitor had noted we
3 are in an expedited timeline because we have we were able to get
4 an expedited process in the appeals side and so these are things
5 that are gonna happen pretty quickly and we really appreciate
6 all of you coming here and helping us think about this. I think
7 that's all I have.

8 MEGHAN CONKLIN: (INAUDIBLE) Stacie.

9 JODI GILLETTE: So I guess we'll start
10 of by...

11 UNIDENTIFIED FEMALE VOICE: Is Stacie
12 do you want me to go Stacie?

13 STACIE SMITH: No I'm gonna I'm just
14 gonna say a few things to supplement this to just review a
15 little bit more about the process overall and what we're gonna
16 do here today in a little more detail. So...

17 JODI GILLETTE: Stacie I just wanted
18 to...

19 STACIE SMITH: Yeah.

20 JODI GILLETTE: Make sure that people
21 understand you have explained your role here and what we've but
22 the reason that we've asked a third party facilitator to come in
23 and help us facilitate is that we did hear from the folks early

1 on that there was that we wanna make sure that you know that we
2 are reflective of what you're doing and so we have a third party
3 facilitator to make sure that however we're moving forward that
4 we have the a neutral body that's sort of checking us. And so
5 it's a good thing that Stacie, I think it's a really good step
6 that Stacie's here and we're not making all of our decisions in
7 a vacuum, and Stacie's free to she is a third party facilitator
8 so she doesn't she's not part of the Department of the Interior
9 and she's been a real asset to us in helping us to reflect on
10 what we've heard and how we're moving forward.

11 STACIE SMITH: Great thanks Jodi. Yeah
12 as you already said my role is really to ensure that the
13 conversations allow people's input and then after the
14 conversations that we have at the consultations that the
15 department is really hearing and seeing what we learned from all
16 of the consultations together, and to the extent possible trying
17 to make sure those get into the implementation plan. So that's
18 part of what my role is. So to overview the process again this
19 is the fifth of these regional consultations. They're taking
20 place all over Indian Country. The first four were in Billings
21 in Minneapolis in Seattle and earlier this week in Albuquerque.
22 We have another one scheduled for Oklahoma City next week and
23 then as Jodi said they've added a seventh in Rapid City that's

1 gonna be Wednesday, October 26th. The written comments have
2 been extended to November 1st so in addition to all of the
3 feedback that's coming from this process all written comments
4 will also be incorporated into the thinking of the department as
5 they move forward in trying to come up with an implementation
6 plan that's responsive to the needs of Indian Country. And this
7 is the information on how to submit written comments it's also
8 in the Federal Registers and it's I think posted on the Cobell
9 website on the DOI site. So an overview of what we're doing
10 today and this might shift a little depending on how much
11 conversation and input we have, but the plan is to begin the
12 conversation on a government to government level. That is with
13 tribally elected leaders and with those who have been authorized
14 by their tribal leaders to speak on behalf of the tribe. That's
15 not necessarily limited to the people sitting at the table.
16 We've heard that there are some elected officials who are
17 sitting back as well and so you all also during this early
18 session if the people who are at the table can defer to you you
19 can also add your comments. That's really helpful. So this is
20 really important to for the officials to hear from the
21 officials. So this is really a government to government section
22 of today's consultation. And then this was scheduled to go 'til
23 lunch that component of it, since we don't have that many

1 | elected officials in attendance today it may not go 'til lunch.
2 | But until we exhaust the comments from government to government
3 | on the government to government level we'll have that. After
4 | that we'll take a break whether it's a lunch break or a morning
5 | break a short break. And then we'll come back and we'll open up
6 | the floor to hear from tribal members, tribal organizations,
7 | landowners, other members of the public who have comments about
8 | this program and how it affects them and concerns and questions
9 | all of those are welcome. For other federal employees the hope
10 | I think is to be really in listening mode primarily today. Just
11 | a couple of meeting guidelines and probably not that crucial
12 | given the small group we have but we just wanna make sure that
13 | everybody gets a chance to speak. So to speak one at a time, to
14 | share the floor, I think the one about being respectful and
15 | constructive are important no matter the size of the crowd.
16 | There really is a lot of emotion this is a very important topic
17 | for a lot of people it affects you directly. There's a lot of
18 | history that isn't necessarily pleasant. There's some
19 | acrimonious history to this issue. Just to remember that the
20 | people at the table here aren't necessarily the one's
21 | responsible and even if they are to speak respectfully to each
22 | other so that we can be as effective and constructive as
23 | possible. The more specific you can be with any kinds of

1 recommendations or ideas that you have of how this program can
2 work for you the better that's gonna be. Because they're gonna
3 have to come from this take all this feedback and come up with
4 an implementation plan. So the more you can advise them on what
5 that plan should contain from your perspective the more they're
6 gonna have to work with as they're moving forward. So I think
7 that's the goal. A couple of housekeeping notes the bathrooms
8 are down the hall and if you can silence your cell phones and
9 pagers, put them on vibrate mode, and if you do need to take a
10 call to just step out of the room so that everybody's able to
11 continue on with this conversation that'd be great. The other
12 thing I wanna say is that the transcripts of all these sessions
13 are being posted on that Cobell website. It we need a little
14 bit of time to get them finalized and up there but I know the
15 first three are already up there. The fourth one we're still in
16 progress and the one that take place this week you in two or
17 three weeks we expect to be able to post those as well. So this
18 is a really transparent process. Everyone can see what kind of
19 input the department's been given and then when the
20 implementation plan is ready to distribute for comments you'll
21 be able to see how those comments fed into whatever comes into
22 that plan. So I think that's all I have to say and with that I
23 think we can open the floor to the tribal leaders at the table

1 and if you wanna also call on your counterparts who are sitting
2 behind you to speak as well you can use these mikes when you do
3 that. So I hand it over to you.

4 ELAINE FINK: Well my interest here
5 today, I'm Elaine Fink Tribal Chairwoman of North Fork
6 Rancheria, we're virtually landless. We have an 80 acre parcel
7 that is an allotment land but it is owned by individuals. So
8 actually what our interest is is there's some allotments lands
9 around in the area our interest is how we can help with the
10 fractionization as far as purchasing these properties and
11 condensing it down to where there's just a few owners and maybe
12 then the tribe can have housing or something on these properties
13 at that time. Other than that the scholarships that's exciting
14 as far as how we're gonna do that. One of my concerns is we
15 have the Bureau of Indian Affairs taking care of our allotment
16 lands in the area but actually we don't get that much care and
17 some of the reasons is because they haven't got the staff. One
18 of my concerns is that when we get down to this level as far as
19 helping with the fractionization we need to have people that's
20 able to help us and I guess I'm just concerned about that's
21 going to be. For instance with probate properties we can help
22 as a tribe in our area when there is probate issues but then
23 I've been told that that would open up a can of worms, that we

1 about 90 mid 94 or 95 percent that's in trust status. And we
2 have quite a few areas within here that are fractionated. And
3 some of them have less than one percent or (INAUDIBLE) that
4 there. And part of that too is if we have some of them and
5 we'll go through this process what happens if we don't get
6 nobody that wants to sell? They say that this is my this is my
7 land this has been given to me by my ancestors I'm gonna keep it
8 I am not gonna sell it. I know that there's always been this
9 talk of trying to eliminate OST out of out of the department to
10 where they don't have to worry about that always having
11 (INAUDIBLE) sunset on that office. Another portion is the
12 payback or we've heard that this is this is a settlement fund
13 and that it will be a loan and we disagree that it's a loan that
14 it's part of the settlement and that the tribes shouldn't have
15 to pay it back because it's the settlement there, and some of
16 the aspects that go with that portion. And on parts of the
17 appraisal process I know when we go through it right now it's a
18 very timely it's very timely to get our lands appraised to
19 purchase 'em a lot of times it take so long that sometimes by
20 that time it too long expires too long a time expires by the
21 time we go through that bureau process right now of gettin'
22 appraisers, so I think that that's one thing that the tribes
23 will be trying to look at. And I know that we looked when we

1 talked about this in the Northwest we talked about if there's a
2 way that we can that the money comes out and then it comes to
3 the tribes to where the tribes can compact that or 638 it to
4 where we can utilize it, 'cause we know a lot of these a lot
5 better than what the department knows there so. And thank you
6 very much.

7 UNIDENTIFIED FEMALE VOICE: (INAUDIBL
8 E) again you want me to?

9 MEGHAN CONKLIN: Yeah you can start
10 (INAUDIBLE)...

11 VICTORIA GUZMAN: I have quite a few
12 things here but we wanna start out with that Walker River asks
13 that you allow tribes to develop and administer their own Land
14 Consolidation Programs. Be able to contract the funds
15 established to purchase those interests fractionated interests
16 from the landowners on their own reservations. Tribes know what
17 is in the best interest of their tribe and tribal members. They
18 know which fractionated lands would be priority and benefit most
19 for agriculture wetland preservation protection for cultural
20 resources and economic developments. So one our questions was
21 how would these priorities be considered when dealing with
22 interest purchase. You know out of the one point nine billion
23 what formula will be used to allocate for purchase to purchase

1 the interests and will the administration dollars be going to
2 consultants in the BIA? Who's going to be in charge of the one
3 point nine billion and how are they going to implement monitor
4 and make sure the money is spent in the time required for the
5 Land Consolidation Program? There is a 10 year timeframe that
6 all the money must be spent and I think we answered this on the
7 slide was what if what if the timeline is not met and when does
8 the 10 year timeframe start. We oppose liens being placed on
9 the income from the acquired interest as it was done with the
10 former buyback program through BIA. We find it completely
11 unacceptable as a tribe should be able to use the income from
12 the land and not the federal government for financing other
13 tribal projects. And we ask that if the liens are placed on the
14 income that we that they be waived by the secretary who has that
15 authority. Our tribe is concerned with checker boarding on the
16 reservation. When the tribe does not have money to buy interest
17 from landowners they are taking their lane out of trust and
18 moving it into fee where they can sell to non-Indians. On the
19 other hand there are non-Indians with 20 acre fee parcels for
20 sale and the tribe has no money to purchase. Could lands such
21 as these be purchased for the tribe to put back into trust and I
22 think you answered that by saying this money would not be used
23 for buying fee land, however we have a problem on our

1 reservation where there are interest of fee land within the
2 allotments. So in order to consolidate those you are going to
3 have to buy out those small pieces of those fee interest, due to
4 the fact that when probate came those Indians married to the
5 non-Indians they did not at that time have those interests go to
6 the heirs Indian heirs, it went to the non-Indian spouses. So
7 now after years and years and years those fee interest are a
8 problem. How will the appraisals be done and will they will it
9 be same from reservation to reservation? And is BIA going to
10 hire more key positions such as appraisers and realty personnel
11 to expedite the process of purchasing land? As this chairman
12 said it takes a long time for appraisals it takes a long time
13 for everything that's requested from the BIA. Will the
14 landowner be required to sell both surface and mineral rights or
15 can they be divided, and again if so does this require two
16 appraisals? BIA Realty and OST staff will be needed to will be
17 assigned specifically to assist tribes with the necessary
18 documents title status reports to identify tracts landowners
19 shares etcetera. If the tribes are successful and a decision is
20 made to allow to tribes to administer their own programs. Will
21 any of this money be used to help tribal members who don't wanna
22 sell don't have the resources but wanna consolidate their lands?
23 Because it is also important to our tribe that we help our

1 tribal members. How are you going to educate our tribal members
2 and individual landowners regarding the trust consolidation
3 component of the Cobell Settlement? How do you keep track of
4 these persons' whereabouts unknowns? Because that is also a
5 problem that's ongoing. And when you purchase their or sign off
6 to purchase their interest and you put the money into their IIM
7 accounts what happens to that money and how long does it sit?
8 How do you track those? Will there be additional consultation
9 meetings held on the 60,000,000 that can be set aside for
10 scholarships for post-secondary vocational or higher education?
11 This may not relate to this consultation but a recommendation to
12 help individual landowners with their land is to change the
13 regulations in partitioning. This regulation requires a 100
14 percent consent from landowners and doesn't work leaving the
15 majority of landowners unable to use their land the way they
16 want. And then my final question was what is the status of the
17 Secretarial Commission on Trust Reform which I believe you did
18 answer, and that we ask to please provide further information to
19 our tribe as it becomes available. It is important to ensure
20 that decisions are made in the best interests of the tribes.
21 Thank you.

22 HILARY TOMPKINS: Okay thank you.

23 Those are very important questions and I'll take a stab at some

1 of them. And then I know my abled colleagues can cover those
2 that I don't. Just to give you some context it was important in
3 our negotiations of the Cobell Settlement to include this very
4 important issue of fractionation. And we believed it was
5 imperative that we address the issue and seize this opportunity
6 with the settlement to do so. Obviously fractionation is a
7 challenging issue that did affect Interior's ability to
8 administer all of these accounts and interest. And so it seemed
9 that in order to get a solution that would have positive effects
10 going forward it was important that we included this
11 fractionation issue in the settlement. So I wanna emphasize I
12 think we're at a very historic moment where we do have a very
13 large fund that will hopefully be able to address this issue
14 head-on. And at Interior we are really focused on how we can
15 get it right how we can be successful in seizing this moment.
16 And we believe our success is dependent on understanding your
17 needs your concerns, because as the tribal leaders here have
18 emphasized you know on the ground the situations that you have
19 and what is in your best interest for your community. So you
20 are critical to the success of seizing this moment in time with
21 this new program. It is a huge increase of funding very
22 significant. I think past years the appropriation had been in
23 about the 30,000,000 range so we need to be sure that we launch

1 this in a way that's going to be effective. I'll speak to some
2 of the issues that fall more on the legal side of the ledger.
3 In terms of no consent if individual owners do not want to
4 convey their interest they don't have to. That is part of what
5 we have in the settlement that consent must be given. There is
6 an exception for whereabouts unknown. There is a process for
7 trying to contact whereabouts unknown and then after five years
8 their interest can be conveyed and the funds will go into their
9 IIM account. But for those individuals that we can contact and
10 they don't consent they do not have to convey their interest.
11 We did include the scholarship fund in the settlement to
12 encourage folks to come forward and convey their interest.
13 Depending on the value of that interest a portion of additional
14 funding will go to the scholarship fund. But we also understand
15 that some folks feel that might not be enough and we've heard
16 that in other consultations. So we'll need to explore that and
17 see if legally there's some other option to create other
18 incentives in order to encourage folks to come forward. I think
19 that question also illuminates the need to confer with the
20 tribal leadership and the communities that are impacted by this.
21 It's important that we have support from all of you to find
22 opportunities to focus on certain tracts focus on certain owners
23 that you would know better than us that they're interested that

1 they would like to move forward with conveying their interest.
2 So I think that question really goes to the heart of the issue
3 that we need to somehow be sure that we are in communication and
4 know where those opportunities are. In terms of the lien issue
5 and I know that's been discussed at other consultations as well,
6 the Indian Land Consolidation Act does have a provision that
7 provides that a lien will be placed on the interest. It also
8 however has other provisions where you can waive the lien the
9 Department of the Interior. And there is certain criteria that
10 you look at in order to waive the lien. So there is some
11 discretion within the Department of the Interior to waive those
12 liens. So we're aware that that's a big concern and we're
13 looking at that. In terms of (INAUDIBLE) of the really
14 overarching theme that we've heard in these consultations is
15 that tribal leadership, Indian Nations want to have a role in
16 all of this and know how to administer these issues. I'm aware
17 that many Indian Nations have Indian land consolidation plans
18 have offices programs that are already looking at these issues
19 actively. So we've heard your comments that we need to tap into
20 those resources and knowledge empower tribal nations' tribal
21 leadership to take the lead in their communities to do that and
22 be a part of that. I know 638 contracting has been referred to
23 as well. As you all know the Indian Land Consolidation Act does

1 not allow for 638 contracting as written today. But there are
2 other provisions that allow for cooperative agreements MOUs MOAs
3 that we could enter into. So there are some tools at our
4 disposal I believe that we can work together on to have those
5 inter governmental agreements where we can be partners in
6 implementing this program on the ground. So we're looking at
7 that as well. In terms of probate questions and I know that
8 there's been concern about fee lands within reservation
9 boundaries and how do we deal with those issues. As you know
10 from the slides this particular fund is focused on trust and
11 restricted fee interest. I do know that in the probate
12 provisions as well as in some other management provisions in the
13 Indian Land Consolidation Act there are opportunities for the
14 Indian tribe that has jurisdiction over those lands to be able
15 to make an offer on that land before it goes into non-Indian
16 ownership. There are some exceptions if the non-Indian fee
17 owner is part of the family and that sort of thing. But there
18 are some incentives in the Act today that are to address that
19 further to address that. I guess on the Trust Reform Commission
20 I can speak to that real quickly and then I'll pass it onto my
21 colleagues here to fill in anything that I've missed. The Trust
22 Reform Commission I believe is again a really important step
23 towards moving into the future in a positive way. Secretary

1 Salazar established the commission by secretarial order. It is
2 to look at how the Department of the Interior as a whole can
3 administer its trust function. And it's to assess the current
4 situation evaluate it provide recommendations for moving
5 forward. We have sought nominations for individuals to serve on
6 that commission. The criteria includes looking at individuals
7 who have experience with trust administration issues who have
8 experience working in Indian Country on these issues and we have
9 received a number of very good nominations. So it hasn't been
10 set up yet but we are looking at constituting that commission.
11 It also will be funded in the 15 percent that was referred to on
12 the slides. And again I think this hopefully shows to you that
13 we at the Interior Department are we were trying to resolve the
14 issues of the past in this settlement, get at some of the target
15 some of the challenges that we think might of in part gotten us
16 to where we are today with land fractionation so we included
17 land fractionation in the settlement. And then it was important
18 to look forward with the Trust Reform Commission. So I just
19 wanted to give you that additional information on the Trust
20 Reform Commission. So hopefully that answers some of your
21 questions and I'll turn it to Jodi and Meghan and whomever else
22 to.

23 MEGHAN CONKLIN: (INAUDIBLE).

1 JODI GILLETTE: Okay.

2 HILARY TOMPKINS: Follow up on some
3 of the other.

4 JODI GILLETTE: Well I guess I did I do
5 wanna just respond to the part where we talked about you all
6 talked about the processes the you know the different things
7 that we need to do to make our processes to go faster and that's
8 something that we're really looking at. We know that they have
9 to go faster and I think what's most helpful is if you can help
10 us to think that through. I mean I do hear from some tribal
11 leaders and other folks, where do you where do you see where you
12 know where can we aside from I heard the mention of more people
13 in those positions but beyond that are there other things are
14 there ways that we can tighten things up and make them move
15 faster, and then the other things is you know how much how much
16 of the money will go to consultants and you know that's a good
17 question. We clearly haven't gotten to the level of detail
18 where we can we can tell you about resource plans or anything
19 like that. We really are here to hear what you think and if you
20 think we should we should be sending money we should be hiring
21 we should you know those are all things that we wanna hear
22 about. And then the other thing that I just wanted to respond
23 to was that the part about you know the consultation after these

1 initial consultations we do wanna go out for more consultation
2 once we have a plan in place. And we know that we're gonna be
3 asking tribal leaders to be to be really paying attention to
4 their inboxes and understanding that if things start to move
5 fast for the implementation date then we're gonna start moving
6 fast too because that 10 years does start, it doesn't start when
7 we're finished with consultation it starts when the judge has
8 resolved all the appeals. And so there's not really any kind of
9 flexibility there and of course I've heard Deputy Secretary
10 Hayes and I've heard Secretary Salazar say time and time again
11 you know we really don't wanna send any money back to Treasury.
12 And so we're gonna do everything we can to make sure that we are
13 spending the funding and purchasing land for consolidation. So
14 I think that's the status. I don't know if we wanna talk about
15 the status of the secretarial commission other than we are
16 considering right now and we're not ready to announce anytime
17 soon, but we did have the open period for we asked folks to
18 submit names and we're looking at those.

19 HILARY TOMPKINS: Can I just follow
20 up real quickly on appraisals and some of the comments on that?
21 Under the Land Consolidation Act the secretary has the power to
22 set up identify fair market value for these lands based on
23 geographical units. So regionally and can adopt a plan in terms

1 of how they assess or the department assesses fair market value
2 and that is something we're looking at really really closely to
3 see what would be the best approach for each region that we work
4 with. It's not clear where we're gonna come out on that but
5 your experience on the ground is very critical because there
6 might be differences that need to be taken into account. There
7 might be good experiences that you have all had in terms of
8 appraising land in your area given the unique conditions that
9 are there. And we can benefit from hearing about that and
10 knowing where you've had some really good successful
11 experiences. I know in past consultations that kind of
12 information has been shared. So we are looking at that as well
13 and I just wanted to emphasize. And the point about appraisals
14 that are stale and be sure that what we do on the left side you
15 know is compatible with what we're doing on the right side. We
16 I that's a really important point that we are coordinated and
17 that we expend funds in a way that maximizes moving towards
18 consolidation. So we need to be sure our appraisals are done in
19 a timely way that remain fresh and are in concert with the
20 actual transaction occurring and the title documents being
21 issued properly and the payment being made. So we're aware that
22 there's many different components to these transactions and they
23 need to be coordinated and timely. So we appreciate that point.

1 MEGHAN CONKLIN: So I just wanted to see
2 if I can fill in any gaps that haven't already been wonderfully
3 articulated by my colleagues here. And I wanna thank you for
4 those comments. And I just wanted to echo what Hilary said in
5 all the consultations we've had by far the I'd say the most
6 brought up comment is the desire for Indian governments Indian
7 Country to have more direct involvement in the administration of
8 this program. And we've heard that loud and clear. You know as
9 Hilary mentioned because we're (INAUDIBLE) the Indian Land
10 Consolidation Act we don't have the authority to use 638
11 contracting under this program. But we are gonna go back and
12 take a look into our ability to use cooperative agreements and
13 MOAs and MOUs in this program 'cause we've definitely heard that
14 comment loud and clear. And Elaine you had brought up the
15 scholarship fund and I just wanted to provide a little bit more
16 background. The settlement agreement requires that the
17 plaintiffs recommend two non-profit organizations to administer
18 the scholarship fund. And they have done that. They've
19 recommended two entities that most of you should be familiar
20 with. The first is the American Indian College Fund and the
21 second is the American Indian Graduate Center. And a lot of
22 tribes have weighed in on behalf of one organization or the
23 other and what will happen here is the Department of the

1 Interior is evaluating both of these groups and eventually the
2 secretary has the authority to make a decision on which non-
3 profit group will administer the fund. In terms of consultation
4 with Indian Country there will be a board that has input in how
5 the non-profit entity administers the fund. And I believe they
6 are required to consult with Indian Country on a few of the
7 members on that board. So I just wanted to let you know some
8 more about that. And then President Abrahamson the question you
9 brought up about wanting to make sure that tribes do have the
10 ability to comment on any draft plan and I know Jodi also
11 addressed this, I wanna assure you we will make sure that any
12 draft plan the department does pull together as a result of
13 these consultations we will make available for people's
14 feedback. We're still figuring out based on the court timeline
15 whether or not we will do more face to face consultations but I
16 think at minimum we'll make something available in the Federal
17 Register and have a comment period so that's very important to
18 us as well. So those are my quick reflections and would turn
19 back to any of you if you have additional comments you wanted to
20 make.

21 GREG ABRAHAMSON: Greg Abrahamson the
22 Spokane tribe. I was one thing on the commissioners there that
23 we (INAUDIBLE) we expressed this at the Northwest or when we had

1 the Seattle too that we would like to make sure of that because
2 there's gonna be I think there's gonna be six commissioners and
3 I think we have 11 regions and we wanted to make sure that we in
4 the northwest had a northwest representative on that commission
5 there so.

6 MEGHAN CONKLIN: Um hum.

7 GREG ABRAHAMSON: And we didn't know
8 that and I tried to look when I looked on it to try to look at
9 list I couldn't find it when I went to that website
10 (INAUDIBLE)...

11 MEGHAN CONKLIN: In terms of a list of
12 who's been nominated?

13 GREG ABRAHAMSON: Yes.

14 MEGHAN CONKLIN: We haven't...

15 GREG ABRAHAMSON: Or who's the list
16 of nominees on there so.

17 MEGHAN CONKLIN: We haven't made that
18 available and there will be five members of the commission and I
19 think we have (INAUDIBLE) process internally we're gonna go do
20 in terms of evaluating the nominations but we have heard that
21 concern from a number of regions about wanting to make sure
22 there's diversity and regional representation so thanks for
23 that...

1 GREG ABRAHAMSON: Okay.

2 MEGHAN CONKLIN: For that comment.

3 GREG ABRAHAMSON: Okay and then the
4 other one was on the value as they go through the appraisals
5 that we have a minimum (clears throat) excuse me that there
6 would be a minimum amount there. Let's say that I own I own a
7 parcel of land and I have one 1,000's of X amount of acres and
8 you do the appraisal and realistically when it comes down to it
9 that maybe my amount is only worth \$5 or \$10 realistically but
10 we believe that there should be, and to entice tribal members to
11 sell their portion is that there should be maybe that there's a
12 minimum amount and that's what would help entice tribal members
13 to sell their portions of their property (INAUDIBLE). That's
14 all I had. Thank you.

15 MEGHAN CONKLIN: Nothing more?

16 ELAINE FINK: Yeah I just wanna add to
17 that as far as the fractionize that's a good idea as far as
18 having a minized(sic) a minimum amount. I've always been
19 concerned about the appraisal. I know that we've had in our
20 area usually go out to a real estate person to do appraisals but
21 then you look at fractionized pieces are they really do they
22 really have the value of a property that say is fee land in the
23 area that's for sale. Because actually you can't do what you

1 would do with a piece of property that's fee land if it's
2 allotment land or in trust it wouldn't have that much value. So
3 that's a really good idea to have a minimum amount to give to
4 the people that do have a fractionized piece. All of this is
5 bringing up so many other questions like how is it going to be
6 determined as far as a tribe. Who's going to be dealt with
7 first? Is it the ones with the larger land issues? Is it the
8 ones with the smaller ones that could be taken care of I would
9 think quickly? And also the tribal involvement I think that
10 would expedite a lot of things and also would not cost as much
11 money if you do have the tribes that are in the area more
12 involved in what's happening particularly with their pieces of
13 land and stuff (INAUDIBLE) where they're at so (INAUDIBLE).

14 UNIDENTIFIED FEMALE VOICE: (INAUDIBL
15 E).

16 HILARY TOMPKINS: I think it does
17 make sense to maximize those opportunities where we can really
18 streamline and where a lot of the groundwork has already been
19 done and where we know that there are highly fractionated tracts
20 and appraisals have been done or there's an interest in
21 conveying the fractionated interests, so certainly we need to be
22 aware of where those opportunities exist. And I just wanna
23 emphasize I think that's where tribal leadership and tribal

1 governments come in to help us chart that path, because we don't
2 want to follow an approach that's just some formulaic approach
3 that doesn't make sense in certain in certain situations. So
4 and we're exploring all that we're trying to make a decision and
5 determination about where do we focus and how do we focus in a
6 way that maximizes us moving forward. So we're thinking the
7 same way on that. And I think as we continue this dialogue the
8 more specifics I think I'm getting a sense that we're at the
9 more thematic conceptual stage of this discussion but I think in
10 time we'll need to get down to more particulars to move forward.
11 And I think we're very interested in learning about those
12 particulars.

13 JODI GILLETTE: Yeah and I think that
14 just so that everybody sort of sees where we're coming from it
15 we know that there's everybody knows that there's not an
16 infinite amount of dollars for the purchase. There's not there
17 also not an infinite amount of dollars for the administration
18 process but we also know that there's not a 100 percent of
19 willing sellers. So the sellers have to be voluntary and so you
20 know knowing those kinds of givens we have to make some targeted
21 decisions. And maybe it's a couple of scenarios maybe it's
22 three scenarios it doesn't have to be all you know one way but
23 the more that we understand how it can better work from region

1 to region or from state to state whatever the circumstances are
2 the better off we are to put those kinds of things forward in a
3 plan.

4 ELAINE FINK: Another comment too I've
5 been on tribal council going on nine years that hasn't been
6 long. And we all know when we carry around date books when you
7 start writing in the places that you need to be and where you're
8 gonna go next month and stuff I mean time is flying. I would
9 like to see this and I think everybody else is we need to just
10 hit the ground running once we get this 10 year start date
11 because it's going to fly.

12 UNIDENTIFIED FEMALE VOICE: Thank
13 you.

14 STACIE SMITH: Are there any other
15 comments from elected leaders maybe who aren't sitting at the
16 table?

17 JODI GILLETTE: Maybe tribal governments
18 that have sent program folks with expertise?

19 STACIE SMITH: Yes. If you could just
20 introduce yourself (INAUDIBLE).

21 THERESA ROSIER: Hi I'm Theresa Rosier.
22 I'm here with Stacey Gubser we're with the Salt River Pima-
23 Maricopa Indian Community. We have a pretty robust land

1 consolidation program but we've never used the federal program.
2 So we would definitely wanna explore that. In the past it
3 hasn't worked didn't think it would work well for us. Obviously
4 our one of our biggest concerns is the federal lien so we would
5 look at the statutory exemptions but that's just not appealing
6 to the tribal government to have a federal lien on land that
7 belongs to the tribe and was reserved for the tribe. So we'll
8 have to explore that more but that was our hang-up in the past
9 with doing the program. Also tribes such as Salt River and Gila
10 River and I can't speak for Gila River due to our location our
11 land is much more expensive than other tribal communities. So
12 in the past I think there's been a reluctance by the department
13 from what we understand that our land's just too expensive to
14 spend a \$1 buying half a parcel where maybe in the Midwest they
15 could spend a \$1 and buy you know 30 parcels. So we I know that
16 there is that's something that's gonna be have to be looked at
17 when you divvy up how you're gonna allot the money because we
18 can't control the cost of our lands. And we're next to
19 Scottsdale they're always gonna be expensive and so that's
20 something that's very important to us is looking at how you're
21 gonna divvy up the money and equity is an issue. And the land
22 in at our community is just always gonna be more expensive just
23 due to its location and that's completely outside the control of

1 the tribal government. So and I guess that question was asked
2 is how is the money going to be divvied up and I don't think we
3 got an answer on that. And if the answer is we don't know yet
4 that would be helpful. But I think that's something that we
5 definitely wanna know is it a grant funding is it application
6 based or is it a formula? How will that money be divvied up?
7 Another issue is we since we're a self governance tribe we do
8 our own appraisals. We still have to have OST review of those
9 appraisals and we also do our own surveys and we have our own
10 staff costs so when you talk about administrative costs those
11 type of costs are absorbed the community. We I mean definitely
12 it's extremely expensive we get \$300 for appraisals from we get
13 zero money from the federal government for appraisals. So if we
14 do participate in that we would need a significant amount of
15 funding to actually pay for appraisals surveying costs staff
16 costs, so I'm hoping that those are considered when discussions
17 are made about administrative costs. And also in talking about
18 not being able to use self governance or 638 on this program we
19 would strongly encourage MOUs and cooperative agreements 'cause
20 our program can just be so much quicker. You know in our
21 program the real holdup is OST review of the appraisals. But if
22 we're really gonna go buy a parcel of land the tribal process is
23 you know front end we (INAUDIBLE) three weeks to go get an

1 appraisal, negotiating working with the tribal member maybe
2 total max two months. It could be at the OST for six nine
3 months waiting for review. So really if you wanna have a
4 program that's moving fast we would prefer to do it through an
5 MOU and do it our way 'cause it's just so much quicker than
6 going through a lot of red tape and internal departmental
7 processes. Right now those are our issues so right now the only
8 question I'm really seeking is you know how what are you looking
9 at mechanisms for dividing up the money? What's the formula
10 grant based what's kind of the plan there? And looking at
11 equity between different tribal values how do you plan on doing
12 that too?

13 JODI GILLETTE: I will just answer the
14 question about how are we going to divvy up the money so you can
15 probably imagine that if we did have that already figured out and
16 we came out to consult with you then we're gonna get criticized
17 for not asking you how we should do it before we come out and talk
18 to you. So if you have suggestions about what would work and
19 knowing you know the sort of level of sophistication that a lot of
20 tribes have already in working with different funding agreements
21 and different mechanisms to work with MOUs or contracts or
22 whatever that the more information that you can give us of how you
23 think that would work the better. And that will inform the

1 implementation plan. So the answer is no we don't have it figured
2 out in terms of divvied up by reservation or by tribe or by region
3 or anything like that. And that's really why we're out here.

4 THERESA ROSIER: All right.

5 LARRY RODGERS: MORNING.

6 MEGHAN CONKLIN: Morning (INAUDIBLE).

7 LARRY RODGERS: My name's Larry Rodgers
8 I work with the Eastern Navajo Land Commission in Crownpoint,
9 New Mexico. Good morning elected leaders I with all due respect
10 I hope you don't mind me coming to the table with you. I do
11 work for a commission five Navajo Nation council delegates that
12 serve on the 24-member council, five of 'em represent Eastern
13 Navajo. I'd like to speak on their behalf if I may. I want to
14 be as bold as the boldest one on the commission. First of all I
15 Navajo Nation's made up of five agencies if we if we're talking
16 bureaucracy. Each of the five agencies contain about 5,000,000
17 acres of land. Eastern Navajo as you might know is very well
18 checker boarded. About 15 to 17 percent of those lands are
19 allotment lands involving up to about 5,000 people. So it does
20 have a the discussion has a great deal to do with Eastern
21 Navajo. The Navajo Nations (INAUDIBLE) pursuing a Navajo land
22 consolidation based pretty much based on the spirit of the 1983
23 National Consolidation Act but it's more than just what we're

1 talkin' about. Eastern Navajo should have been made part of
2 reservations back in the late 1800's. Of course the Dawes Act
3 of you know placed a tremendous burden on how those lands would
4 be pursued in terms of ownership over the years. And Navajo
5 Nation I don't know if other tribes experienced this but the
6 Eastern Navajo is considered off reservation so the allotment
7 process was kind of a an alternative to not forming that part of
8 the nation into a reservation. And we've of course ever since
9 had complications since. In terms of recommendations I have a
10 couple of recommendations a few comments and then just one
11 question. I know Meghan said that you've heard a lot about you
12 know tribes wantin' to do this under contract the Navajo Nation
13 would like pursue it in that fashion as well however a couple of
14 points I think I'd like make. In terms of recommendation
15 regarding distribution I think you've already have a sense of
16 where people where there are needs so perhaps maybe based on
17 that you could use that same allocation as a formula in terms of
18 funding to different parts of the Indian tribes across the
19 country. The other part about it is the 10 year clock as
20 mentioned here that's gonna go by in no time. It's just like
21 the fee (INAUDIBLE) trust activity with the with the BIA that is
22 you know it hits a bottleneck everything gets you know back
23 jammed log jammed for quite a long time. (INAUDIBLE) it's

1 probably gonna happen with this as well too. So perhaps maybe
2 that the timing of that 10 year clock probably should begin not
3 when it's well not when the appeal is approved but when the
4 contract is entered into with the particular Indian Nation to
5 run the program. I think that would be a more appropriate clock
6 then they're individualized. And y'all know the unique
7 circumstances behind or with each Indian Nation. We are so
8 different so the things that I might have to say might not hold
9 well with other tribes. But you know we look at the Navajo
10 Nation as a unit in which you know there are 110 chapters local
11 sources of government and treatment of the same we might be even
12 under different BIA agencies. But there are 110 ways Navajo
13 Nation tends to feel like they're on common grounds when it
14 comes to dealing with local issues especially lands. The part
15 about liens you know the question really is why should tribes
16 (INAUDIBLE) Indian Nation owe anything? These were our lands to
17 begin with. We just want 'em back. In terms of maintaining
18 data regarding the development of how this will implemented I
19 think you should have a pre-Cobell set of data because you've
20 already done quite a bit of purchases already, and you should
21 have a post-Cobell data control. And talking about data the
22 Eastern Navajo Land Commission has been requesting information
23 on where these land where certain interests have been have been

1 purchased. And there is no way to get that information readily.
2 I don't think BIA is well equipped to map those for us because
3 you know in terms of dealing with local leaders it's good to
4 show things on maps rather than in tabular you know form. So my
5 recommendation would be to do that as well. And that's where
6 this pre-Cobell comes in terms of how much lands have been you
7 know are we talking about that have been purchased and can we
8 can we show it on a map? And of course in terms of how much
9 money has been spent on it and how many acres are we talkin'
10 about per tribe or whatever? I hope that's not a big tall order
11 to you know to request but that would be a recommendation. The
12 question related to this for the Navajo area is I understand the
13 land consolidation office out at Crownpoint that's run by the
14 Chickasaw Nation Industries will be closed in a couple of weeks
15 and I'd like to know how long that will remain closed? That's
16 the only question I have. In general I'd like to make other
17 comments. Okay so Indian Nations should be delegated the
18 authority to deal with tribal allotments within their
19 jurisdiction. Again this is where I've said earlier that we're
20 all different. It really is the United States government that
21 created this whole class of people ownership and it back to the
22 late 1800's back to the treaty dates from there on classes of
23 people have been created. And it's only been done by the

1 federal government. And it makes it hard at the local level to
2 have deal in unity with local jurisdictional issues because of
3 all this. It is time to start undoing that. And I hear well I
4 respect the president to understand this problem with Native
5 Americans. I really appreciate that wholeheartedly. I wish
6 that this opportunity this window of opportunity could be a
7 little bigger and I'm afraid that it's coming to a close to deal
8 with some of these matters. I'm not puttin' the politics on the
9 table of re-electing the president or anything I'm not saying
10 that I'm just saying however it is whatever it was if it's four
11 years or eight years this opportunity is gonna you know close on
12 us like we didn't even know it was there. So I just wish that
13 we can really buckle down and get some of these you know some of
14 these things done and put in place for the benefit of the future
15 of peoples. When these regulations or these laws have been put
16 in place regarding control of land ownership and so forth the
17 federal governments feelin' it you know due for example the
18 Cobell lawsuit you've been under pressure because of that. What
19 it also has done is that in the area of allotments tribes have
20 no regulatory authority. Tribes cannot tell allotment owners
21 what to do. And there's a great fault there because it breaks
22 up the homogene- (INAUDIBLE) homo- oh well.

23 MEGHAN CONKLIN: We know what you mean.

1 LARRY RODGERS: Yeah well help me say
2 it.

3 MEGHAN CONKLIN: Homogeneous (INAUDIBLE).

4 LARRY RODGERS: Yes homogenous.

5 MEGHAN CONKLIN: Yeah.

6 LARRY RODGERS: Of the particular tribe
7 yeah and it does that it breaks that up. The worst thing that
8 it does is that it puts local residents it victimizes local
9 residents and isn't that where the key really is is you know how
10 people about the local level is treated? That's where the
11 problem is. When allotments' allottees have ultimate control of
12 these lands it you know the rights-of-way for public utilities
13 water lines power lines all this it you know it doesn't benefit
14 everybody (INAUDIBLE) come across the table. Because of the
15 checker board lands let's say for example you've got you've got
16 a checker board land right here you have tribal trusts here and
17 then you have also tribal trusts back here and you have a
18 utility line that goes that should cut across these three pieces
19 of land, the allottee the allottees control everything here.
20 These people will never get utility service as a result because
21 they have that control. These folks this way might have
22 services. You know in this day and age when all of America only
23 maybe one and a half percent don't have utilities we're talkin'

1 about Navajo Nation where 25 to 30 percent of families still
2 don't have electricity and running water. And in Eastern Navajo
3 this problem creates all that. And anyway I think I'm makin' my
4 point quite clear about that. There needs to be delegated
5 authority to the Navajo Nation to have better control and work
6 with tribal allotments. I think enough said. On behalf of the
7 attendees I'd like to request since you have our email addresses
8 could you email us your presentation please?

9 MEGHAN CONKLIN: Yeah I think we can make
10 that available.

11 JODI GILLETTE: Sure (INAUDIBLE).

12 LARRY RODGERS: Okay. Thank you very
13 much.

14 MEGHAN CONKLIN: Yes thank you.

15 JODI GILLETTE: Thank you. As far as
16 the just in response to some of this some of the comments I
17 think the main thing that I wanna make sure that folks know and
18 in terms of the data we are looking at making more data
19 available before November 1st for tribes to have that
20 information by tribe. I don't think that that data is mapped
21 per se but it will be in sort of a tabular type of format. The
22 other things is that I think we are interested in the questions
23 of accountability and that's not just from the standpoint of you

1 know what tribes would like to know but I think that we are
2 gonna get questions like that from all directions and so having
3 those in the forefront while we're looking at the plan is gonna
4 be really key to the success. So if we're creating the plan
5 understanding where we're headed with it you mentioned you know
6 how much money has been spent and how much what is the
7 difference between before Cobell and after Cobell those are
8 really good questions that you know are extremely helpful right
9 now. And then just having the understanding that I think the
10 department deals with a lot of the issues that you speak to on
11 rights-of-way and easements and access for lots of things that
12 are just common place for the rest of America and I think that
13 we're really attuned to the ways that the fractionation impacts
14 those things. But as far as like the I'm not sure if we have an
15 answer on the if we can get you an answer on the Navajo Nation
16 the Chickasaw Nation Industries office we'll try to get you
17 something by the end of the day. Okay.

18 LARRY RODGERS: Okay.

19 MEGHAN CONKLIN: And the other note about
20 we'll look into making the presentation available but just so
21 everyone knows we are making the transcripts for these
22 consultations available on our website. If you go to
23 doi.gov/Cobell the transcript from the Billings consultation and

1 the Minneapolis consultation are so far posted and eventually we
2 will post the transcript for this one online so everyone will
3 have a chance to refer back to that.

4 STACIE SMITH: Any other I just wanna
5 see if we have any other tribal leader comments and then we can
6 (INAUDIBLE) people representing or empowered to speak on behalf
7 of their tribes? Okay so why don't we take a 15 minute break
8 and then we'll come back and we will open the floor up for
9 comments from all. So it is now 10:53 why don't we come back at
10 10 after 11:00 so 11:10 we'll come back together and we'll open
11 up the floor. Thanks. So we're gonna come on back together.

12 MEGHAN CONKLIN: All righty.

13 STACIE SMITH: All right if I can
14 invite everybody to come on back to your seats.

15
16 (Transcriptionist's note: There is
17 audible background noise that is unrelated to the interview that
18 was not transcribed.)

19
20 STACIE SMITH: So we're gonna come back
21 together I wanna give tribal leaders one last opportunity to
22 speak before we open it up to the public as well and of course
23 you can keep you can still speak even after the public and the
24 other landowners and other interested people who are here speak.

1 I just wanted to highlight there were a couple of really great
2 questions that were asked to the department officials. What's
3 your plan for you know allocating the resources what's your plan
4 for prioritizing and they said back to you we don't have one yet
5 we wanna hear your answers to that. So I wanna encourage you to
6 think about some of those questions where you really want to
7 know what the department is gonna do and let them know give them
8 some recommendations give them your thoughts. This is your
9 opportunity to have a voice in those decisions and to help them
10 come up with the right answers to those questions. So opening
11 it back up here any comments additional comments? Okay so I
12 open the floor. There's a microphone here and a microphone
13 here. If I can ask you to identify yourself your name and any
14 affiliation that you have so that we can make sure that that
15 gets included into the transcript and if you wanna just you know
16 come on up to either mike. And if you have questions for the
17 officials if you wanna pause and let them answer those questions
18 you know you can feel free to do that as well.

19 PUBLIC SPEAKER: (Allison Binney) Hi Good
20 morning. Allison Binney with Akin, Gump Law firm on behalf of
21 the Gila River Indian Community. And I mostly just have
22 questions right now. The community's gonna be submitting
23 comments but I think that they just sort of have questions right

1 now. The first question is on the Secretarial Commission. I
2 know that the Department issued their notice for nominations on
3 July 4th weekend and it gave 30 days for nominations but as the
4 Consultations have gone on it seems like there's more interest
5 in the Commission and I've heard from several tribal leaders
6 including from the Gila River Indian Community that maybe
7 whether the Department could consider extending the deadline for
8 nominations, just because the original nomination period was
9 fairly short and there was only like I think one Consultation
10 that had happened before the deadline. And I think as the
11 Consultations have gone on people have a little bit better
12 understanding of what the Department's goal is with that
13 Commission and there seems to be more interest in being
14 nominated for the Commission. So I don't know if there's any
15 interest in doing that but I just put it out there it sounds
16 like you, the Department hasn't appointed anybody yet. The
17 other question that has come up at the community is when the
18 comments are submitted to the Department will they be made public
19 or are they (INAUDIBLE)? There was some question from the
20 community about you know when they submit comments how what's
21 the process, will people other people be able to review their
22 comments? Will they be able to review other people's comments?

23 JODI GILLETTE: You want an answer?

1 PUBLIC SPEAKER: (Allison Binney) Yeah
2 that'd be great.

3 JODI GILLETTE: I don't think that we've
4 made a decision on that but you know by all means we can make
5 them publicly available for people and what we've done in the
6 past on other types of consultations is anytime we get written
7 submissions we post them online. And I don't know if that is
8 that something that you think people would wanna see?

9 PUBLIC SPEAKER: (Allison Binney) I don't
10 know. I think just as they formulate their comments that was a
11 question that's come up as (INAUDIBLE).

12 JODI GILLETTE: Well I think you know we
13 could do that and you know to ensure transparency the best thing
14 is if a tribe doesn't want their comments posted online I don't
15 think that we've made it you know made it clear that if they do
16 submit something they would be publically available (INAUDIBLE)
17 you know to (INAUDIBLE) you know everything can be publically
18 available, but this is something that I've seen in a lot of
19 other places where tribes wanna see that somebody at Interior
20 has taken a look at their comments and the way that they can see
21 it is if they're reflected online somewhere. And so and you
22 know in the past we have done that.

GOVERNMENT TO GOVERNMENT CONSULTATION BETWEEN THE DEPARTMENT OF
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1 PUBLIC SPEAKER: (Allison Binney) Okay.

2 JODI GILLETTE: So if there are tribes
3 that wouldn't want I mean I guess we could we could put it out
4 there...

5 PUBLIC SPEAKER: (Allison Binney) They
6 could say that in the comments...

7 JODI GILLETTE: In the communiqué yeah.

8 PUBLIC SPEAKER: (Allison Binney) If they
9 don't want 'em public?

10 JODI GILLETTE: Right.

11 PUBLIC SPEAKER: (Allison Binney) Okay
12 that's helpful. Do you have any timeframe by which you're
13 thinking of finishing the draft implementation plan? I know
14 there how many how many appeals were there? I know of two I saw
15 or were there more than two appeals filed does anyone know?

16 HILARY TOMPKINS: (INAUDIBLE).

17 PUBLIC SPEAKER: (Allison Binney) In the
18 in the actual Cobell lawsuit?

19 HILARY TOMPKINS: There's been two
20 others filed...

21 PUBLIC SPEAKER: (Allison Binney) So
22 two...

23 HILARY TOMPKINS: There's three.

GOVERNMENT TO GOVERNMENT CONSULTATION BETWEEN THE DEPARTMENT OF
THE INTERIOR & TRIBAL LEADER - THURSDAY, SEPTEMBER 29, 2011

1 PUBLIC SPEAKER: (Allison Binney) So
2 three?

3 HILARY TOMPKINS: There's three...

4 PUBLIC SPEAKER: (Allison Binney) Three
5 pr-...

6 HILARY TOMPKINS: But procedurally
7 they're in different postures. So only one of the appeals have
8 been set has been set for a briefing schedule.

9 PUBLIC SPEAKER: (Allison Binney) Oh okay
10 so probably the earliest then you're looking's like late spring
11 for like final resolution maybe?

12 HILARY TOMPKINS: For sometime in the
13 spring if the Court of Appeals rules on the...

14 PUBLIC SPEAKER: (Allison Binney) Okay.

15 HILARY TOMPKINS: On the appeal at
16 that time.

17 PUBLIC SPEAKER: (Allison Binney) Is the
18 goal to get the draft implementation plan kind of done? I think
19 I think everybody's probably happy that you're gonna do a draft
20 and then seek additional comments on that draft. I think that's
21 really great. But is there is there a goal or a timeframe by
22 which you want the draft out so you can have additional
23 consultation? 'Cause I assume that you once the final order

1 comes from the judge like the appeals are resolved like that's
2 when the time the time the 10 year time frame starts so you'd
3 probably wanna get everything finalized by then right?

4 MEGHAN CONKLIN: Yeah it's a that a good
5 question. We haven't identified when we would release it but
6 that's one of the things we need to go back and discuss after we
7 get through these consultations. But so I think...

8 PUBLIC SPEAKER: (Allison Binney) Okay.

9 MEGHAN CONKLIN: We'll be able to update
10 you later on but we don't have a timeline identified yet.

11 PUBLIC SPEAKER: (Allison Binney) Okay.

12 JODI GILLETTE: And I think that you
13 know we are aware that you know we have to balance both the
14 implementation or the 10 year clock with being thorough in our
15 ability to put forth a really good plan. But we you know we are
16 certainly I think even on the consultations and how we've rolled
17 out consultations as soon as the judge gave us the go ahead and
18 the signal to be able to have discussion with tribes on the land
19 consolidation piece you know we moved as we moved pretty quickly
20 on that. And so it is possible to move.

21 PUBLIC SPEAKER: (Allison Binney) Okay.

22 And then I have another question about the secretarial
23 commission. Have you identified how much money that you're

1 gonna like you know put towards the commission or that'll just
2 sort of depend once the commission gets up and running and you
3 sort it out then?

4 MEGHAN CONKLIN: Yeah we haven't
5 identified as I said earlier in my presentation the money to
6 provide for administration that commission comes out of the 15
7 percent so out of that 285,000,000 but we haven't identified yet
8 exactly how much of the money we'll put towards the commission.

9 PUBLIC SPEAKER: (Allison Binney) Okay.
10 And I just have one last question.

11 UNIDENTIFIED FEMALE VOICE: (IN-
12 AUDIBLE).

13 PUBLIC SPEAKER: (Allison Binney) I think
14 is there still an order in place that limits the department's
15 ability to communicate with class members and tribes about the
16 settlement and including the land fractionation?

17 HILARY TOMPKINS: Yes there is a
18 communications order in place yes.

19 PUBLIC SPEAKER: (Allison Binney) So it
20 still limits your ability to consult with tribes?

21 HILARY TOMPKINS: On the broader
22 settlement for...

GOVERNMENT TO GOVERNMENT CONSULTATION BETWEEN THE DEPARTMENT OF
THE INTERIOR & TRIBAL LEADER - THURSDAY, SEPTEMBER 29, 2011

1 PUBLIC SPEAKER: (Allison Binney) Okay.

2 HILARY TOMPKINS: Department of

3 Interior employees yes.

4 PUBLIC SPEAKER: (Allison Binney) Okay

5 thank you.

6 HILARY TOMPKINS: Um hum.

7 MEGHAN CONKLIN: And perhaps Hilary could
8 sort of tell us more about it but we did have to get a special
9 approval from the judge to even start holding these
10 consultations.

11 HILARY TOMPKINS: Yeah and we went to
12 Judge Hogan seeking permission to start these tribal
13 consultations earlier in the process to lift part of that
14 communications band so we could talk about these issues, knowing
15 that we didn't wanna wait until final approval of the settlement
16 through the judicial process to get started because we'd lose a
17 lot of time that way. So I think we've been trying to use this
18 time pending the final judicial review in a productive way and
19 start these consultations. And similarly to the question about
20 the draft plan we are cognizant that we wanna use this time in a
21 valuable way and not waste any time so we're trying to get as
22 much done as we can during this interim period before the final
23 order is issued.

GOVERNMENT TO GOVERNMENT CONSULTATION BETWEEN THE DEPARTMENT OF
THE INTERIOR & TRIBAL LEADER - THURSDAY, SEPTEMBER 29, 2011

1 PUBLIC SPEAKER: (Ed Azure) My name is Ed
2 Azure I'm from Fort Belknap, Montana but I own land at Fort
3 Peck, Montana.

4 STACIE SMITH: (INAUDIBLE).

5 PUBLIC SPEAKER: (Ed Azure) Is that
6 better? Okay I'm not a tribal leader I'm just talkin' for me
7 and my family. I just got one prelude question type thing. Are
8 we talkin' just surface or minerals or both you're gonna buy
9 with this one point nine billion? Anybody. I heard there's
10 lawyers.

11 HILARY TOMPKINS: Yes I thought I
12 didn't I thought Meghan was gonna answer...

13 PUBLIC SPEAKER: (Ed Azure) I mean you
14 Obama sent you to talk to me.

15 HILARY TOMPKINS: Yes sorry yes it
16 includes surface and mineral in the Indian Land Consolidation
17 Act.

18 PUBLIC SPEAKER: (Ed Azure) So you're
19 gonna buy both?

20 HILARY TOMPKINS: It depends on what
21 is being offered by the seller. By the owner.

GOVERNMENT TO GOVERNMENT CONSULTATION BETWEEN THE DEPARTMENT OF
THE INTERIOR & TRIBAL LEADER - THURSDAY, SEPTEMBER 29, 2011

1 PUBLIC SPEAKER: (Ed Azure) What I offer
2 to the tribe?

3 HILARY TOMPKINS: Yes that's correct.

4 PUBLIC SPEAKER: (Ed Azure) If I offer my
5 minerals this one point nine billion is gonna be able to buy
6 that?

7 HILARY TOMPKINS: Yes it includes
8 both sub-surface and surface that's correct.

9 PUBLIC SPEAKER: (Ed Azure) Okay now
10 you're gonna give each of the appraisers an average of what \$300
11 to appraise the surface and then another \$300 for the minerals
12 so that'd be \$600 per tract?

13 HILARY TOMPKINS: We have we haven't
14 made a decision about how to approach appraisals for...

15 PUBLIC SPEAKER: (Ed Azure) So you're
16 just takin' suggestions?

17 HILARY TOMPKINS: Yes we're taking
18 suggestions.

19 PUBLIC SPEAKER: (Ed Azure) Okay now I'll
20 agree with John Boehner on this and I heard there's a lawyer up
21 here. If the president can by the signing of a piece of paper
22 attack Iraq he can put \$600 more into the hands of a tribal
23 landowner like me. With Obama signing an executive order to say

1 the buyer and the seller agree on a set price that the exchange
2 can happen. Let's say I own 10 acres of land and the tribe
3 offers me a \$1,000 okay you're gonna pay a white appraiser to
4 come in and say it's worth a \$1,000 why not turn around and say
5 okay Ed your land is worth a 1,000 here's 1300. Then we get
6 away with the appraiser. For the minerals are gonna be much
7 much harder because they're unquantifiable, right and that's the
8 basis of an appraisal you got to quantify it monetary
9 quantification. Okay where that you know I don't know how we're
10 gonna resolve that because my suggestion would be to turn around
11 say okay Ed appraisal is historical information that (INAUDIBLE)
12 being (INAUDIBLE) the table let's say seven years of income that
13 was generated to this date today your land is worth a \$1,000.
14 Okay in minerals it didn't produce anything up to today for the
15 past seven years your minerals have not been explored they have
16 not been drilled a pipeline has not been run so it's worth
17 nothing. But if you get Fort Peck to turn around and say hey go
18 ahead and allow that drilling allow that exploration then it's
19 worth something because there is oil down there. But it's just
20 not been handled. With an executive order or an or something by
21 the superintendent saying okay council you guys can't agree to
22 go ahead and drill on Ed's land we'll do it for you. Take or
23 have the BIA take back the trust responsibility. If Fort Peck

1 doesn't want to allow us to have our land explored for minerals
2 then the bureau should do it. Okay that's how I think we should
3 handle that. Now as far as the one point nine billion dollars
4 me and this other lady had and my wife's an accountant we had
5 trouble figurin' out how many zeros go behind billion. Now
6 we've been attacking this problem since early 70's maybe and
7 today one point nine billion dollars is gonna sound like a lot
8 to the tribal leaders but it's really not. I don't know how
9 about the zeros but is it \$40 an acre or \$410 an acre that this
10 one point nine billion dollars is gonna buy? I don't know which
11 one but it ain't very much to me. Okay then that takes care of
12 the 285,000,000. Okay out of that 285,000,000 there is supposed
13 to be \$60,000,000 going into education. I think enough money
14 has been pumped into Indian education. Right now they got
15 enough. My family doesn't benefit from Indian education but I
16 have my land. Okay so there's no correlation between my land
17 ownership and Indian education. So the Indian education portion
18 should be taken out of this law. Right now the tribes do get
19 money for Indian education and they should use it okay it should
20 not be part of this law. If you're gonna take \$60,000,000
21 already my brother had been trained I don't know he's a welder
22 he's a carpenter he's a draughtsman heavy equipment operator and
23 he has no job. So if you're gonna use \$60,000,000 use

1 \$60,000,000 not for education but for jobs. Let me see what
2 else here. Okay and then how are part of this money 15 percent
3 is to go to the council to buy land from me. The council is
4 gonna get 15 million dollars and they're gonna hire lawyers like
5 that. Where is my lawyer? You know do I get some of that
6 money? What's so hard about selling for me to go over to talk
7 to a lawyer to turn around and say I wanna sell my land? It
8 shouldn't cost 15 percent should just cost telephone piece of
9 paper. I'll sell it you know if we don't bring in the lawyers.
10 If we're bringing in lawyers I ain't gonna sell it. Okay and
11 then that goes for the appraisal the lawyers and then you're
12 talkin' about buyin' tracts of land or whatever that I would
13 agree with. Because right now the biggest impact that you're
14 gonna have for the one point nine billion is to have this land
15 buyin' it I mean if you buy my land fine if you don't that's
16 fine too. But speakin' for the rest of my family I know we have
17 some good land and some bad land. Go ahead and buy the good
18 land and we'll sell it. But we don't need to turn around and
19 hire appraisers or lawyers or anything else. Come over sit down
20 we'll have a good cigarette we'll have a good cup of coffee make
21 a deal BIA Superintendent sign it and we're done. 10 years
22 that's too long you know I mean the councils are gonna sit
23 around you give 'em 15 percent every year they're gonna do that

1 and they're gonna table it table it table it and 10 years are
2 gonna be gone and the landowners are gonna be left with nothing.
3 The (INAUDIBLE) my notes okay the out of the 15 percent the
4 council is going to turn around and find out who to invite to
5 the meeting to buy their land. On my land some of my tracts of
6 land we have a single paper like this and that'll go on I think
7 six or eight pages of heirs to one tract. I mean I don't even
8 know some of them that are on the on the list. Out of the out
9 of the 15 percent the bureau and the council should turn around
10 and write to each one of those people. If you can't find 'em
11 you know I mean you're not God. If you can't find 'em you can't
12 find 'em. But at least notify them. But I don't want you know
13 it to be left up to like the council to turn around and notify
14 the landowners or strictly to the bureau to notify the
15 landowners because it takes quite a bit of calls to even get a
16 statement of ownership. And now I'm gettin' 'em regular but I
17 had to keep on 'em. The lady told me that you would respond to
18 an email I tried that two times I give up on you. So that
19 doesn't work. So write me a letter and tell me okay this is
20 what we think about your land ownership. If I choose to start a
21 fire with it fine that's up to me. At least you notified me.
22 If not then I'll go to the table with you. The getting back to
23 the to the appraiser appraisal the biggest concern I would have

1 would be the minerals. The land is nothing I mean the surface
2 at least on Fort Peck and Fort Belknap our land is really
3 worthless but it's the minerals that are under there. So I
4 think maybe a little bit maybe more thought could be put into
5 how you're gonna buy my minerals and what about the minerals
6 that have yet to be explored. 'Cause if you explore it then we
7 could help out the United States more with natural gas or not
8 but as it sits and the council don't wanna explore it then we as
9 landowners are gonna be left with nothing. We sell it to the
10 council then they'll gonna explore it and we get nothing. Thank
11 you for your time. Tell (INAUDIBLE) I said hello.

12 MEGHAN CONKLIN: Thank you.

13 HILARY TOMPKINS: I'd just like to
14 quickly make a comment and we have a gentleman who wants to make
15 a comment so I appreciate those thoughts. I think we all are
16 striving to minimize the administrative costs associated with
17 these transactions so your points are well taken and thank you.

18 PUBLIC SPEAKER: (Gerry Emm) My
19 name is Gerry Emm I'm a I reside in Nevada. I'm a non-member I
20 could be a member my father and my brothers and sisters are
21 could be members in Yerington. I own land on three different
22 reservations. I own land at on Walker River and in Fallon and
23 on Washoe public domain allotments. And this is a these this is

1 a huge issue you know (INAUDIBLE) something that we've been
2 discussing and you know since I've been this big. And it's
3 really been interesting because my family has been involved in
4 land issues they're farmers ranchers. And it's we're we operate
5 my father's first was located on the Walker River and he's a
6 non-member he's a member in Yerington. And so these issues that
7 are coming up are pretty close to home and in the in the over
8 the course of time the few years I've bought land and it's been
9 really interesting 'cause I've been participating you know in
10 with the Indian Land Working Group and in some of these hearings
11 and things for a while and I wanted to kind of open with a
12 little bit of a story is. I purchased a public domain allotment
13 at up in Carson Valley and bought it at an auction. It was land
14 that had been allotted back in 1930 and by a lady named Katie
15 Martinez(sp?) who was distant relative. And over the course of
16 time I tried to purchase this land. Well the it went to
17 fracturing ownership I think there was four owners on it and so
18 when it went to supervised sale I bought it. And so I had I
19 didn't have enough money right then so I had a non-Indian
20 partner that came in with me it's a 40 acre parcel and so we
21 purchased it and then and we were gonna get a right-of-way. The
22 land had been it was an isolated tract that the had the right-
23 of-way extinguished back in and this was in late 1980's the

1 right-of-way to it was extinguished back in the early 1960's and
2 had gone through the process of going to and it ultimately got
3 appealed to the 9th Circuit Court. And the 9th Circuit Court
4 ruled that the statute of limitations had run out since the
5 property had been used. The original owner had died in 1952 and
6 the heirs had other homes that were close by and so they hadn't
7 accessed that ground. So then consequently they lost the you
8 know they went the landowners adjacent went to the through the
9 court and through the process and had the right-of-way closed.
10 Well the heirs took that to court and they got went to the 9th
11 Circuit and it was ruled that the statute of limitations had run
12 out. So the bureau didn't have any responsibility, and the
13 heirs had brought the brought the case that the bureau had the
14 responsibility of maintaining that right-of-way to this
15 allotment. And so the bureau didn't argue the issue they just
16 said statute of limitations was had run out and so the land was
17 landlocked. So I purchased it figuring with the idea that I
18 could negotiate with the adjacent landowner and get a right-of-
19 way and you know he's a somebody I knew and ultimately it ended
20 up where that didn't happen. And we went to state court and
21 tried to get a right-of-way into it and we got beat in state
22 court and as an individual ran out of money to go and try and
23 take this to a different level. And you know looking back we

1 probably should've taken a little different little different
2 attack on how we presented our or the facts that we were going
3 after (INAUDIBLE). So my partner and I decided we were just
4 gonna sell the property. With him being a non-Indian we had to
5 you know he couldn't own land in trust so I went in and I was
6 gonna we divided it and I went to put it in fee so that he could
7 have his share and I could have my share. So I went to the
8 bureau and put in application to go to go to fee and they said
9 okay. They said (INAUDIBLE) got your application you need to
10 get three people to vouch for you because you have to be
11 competent in order to take this land to fee. So they handed me
12 this document and it's two pages. And they and they said we
13 need three names of people that can vouch for your competency.
14 And I told 'em I said okay so I gave 'em three names. I gave
15 'em my attorney's names and I gave 'em a rancher down there and
16 then I gave 'em a Washoe tribal member that was a friend of mine
17 he was ran the smoke shops over there at that time. And so it
18 went through and they sent out the competency forms and I don't
19 know if you've every seen the competency forms? It ask the
20 questions you know of are you able to manage your own affairs
21 can you take your kids to school do you take 'em to church can
22 you pay your bills dah dah dah. You know it's a it's a 1900's
23 document. And so anyway I got it filled out and (INAUDIBLE)

1 send my competency forms back in not a problem so the competency
2 goes forward. And it was it was kinda funny 'cause it just
3 kinda went through and you know it's just something I laugh
4 about all the time. And so went and tried to tried to sell or
5 get access for my part my part of the parcel which was still in
6 trust. Couldn't get it done so ended up where you know I
7 couldn't get it done and we were lookin' for a homesite and we
8 were gonna stay there and so I took it I went back in and I said
9 you know I need to get another application to go to for to go
10 'cause I'm gonna take this land to fee and sell it. And so the
11 realty guy he takes the application and he gives me three more
12 and he said I need three names for your competency. And I said
13 I just came in last year and filled out the other ones so I said
14 has something changed in the meantime. And he's you know he
15 just said well I'll have to talk to the superintendent about
16 this and see. So in the end I didn't have to they said they
17 didn't make me do a redo my competency again. So the question
18 becomes and this is the kind of the funny part of the whole deal
19 is when I went and got people to vouch for me being competent I
20 had one Indian on there. If he wasn't competent could he vouch
21 for me being competent? And so it gets even better yet is who
22 when I turned the competency forms in who signs off on my
23 competency? The superintendent. Okay if he isn't competent how

1 can he rule on my competency? And then it goes up and here's
2 Bryan who is the Western Regional Office if it goes to you and
3 so my question and I'm not I'm not picking I'm not picking on
4 anybody here I'm just telling you the story is if it came down
5 and Bryan had to sign off on my competency or if something
6 happened do you have your competency forms? And if not you know
7 it goes up and it goes up and I think Aida Deer was in office at
8 that time so the last question was was does Aida Deer have her
9 competency forms in order to you know sign off on these
10 competency forms. So the point of that discussion or that story
11 is is this is stuff that's been going on and the land stuff the
12 land regulations and being able to access lands and to improve
13 commerce and to bring economic development to the reservations
14 which is done through the tribes is not just the matter of
15 dollars. You know it's a matter of updating regulations and
16 bringing things and if we look at historically you know you look
17 back in history and I and I think that a person has to look back
18 in history in order to understand you know why things happened
19 and if we look back at you know when the treaties were signed
20 and when the reservations were formed and the Dawes Act was put
21 in place, you know there was probably a need 'cause there was a
22 lot of our ancestors everyone of you that has you know we had
23 relatives that couldn't speak English didn't understand you know

1 and that had to have guidance which is why you know the bureau
2 was put there to help with these issues. And because of this
3 Dawes Act and the system you know we ended up with the issues
4 that we have now and that just kind of puts us where we're at
5 now. So that being the case you know how do we you know this is
6 an opportunity to resolve some of the some of those issues. You
7 know I look at the strategies on here and the goals and the and
8 the goals I see are to make it easier on the bureau. You know
9 you guys the government has the issue here with the government
10 is administration of these IMM accounts. That's your issue when
11 I look at these and every goal and everything I see on here
12 deals with that issue that you know too much money is being
13 spent on administration of these accounts. And I agree. You
14 know I think that there is better ways to do things and I know
15 over the over the years you know I've been approached by a lot
16 of different people that own land and they say you know I don't
17 want I wanna sell this land. You know and Victoria and I work
18 you know in the same with the same in the same tribe and she's
19 representing tribe I'm an individual. I'm representing an
20 individual I'm not representing the tribe at all. And but we
21 sit down and talk about these issues and you know the and she
22 sees that people are comin' in wantin' to sell and so these
23 issues are out there all the time. So the there's a couple of

1 things and you've probably heard this from other places is as an
2 individual and as a farmer you know that has a that we our
3 families run businesses and you know agriculture, and I was a I
4 was a member of the Indian Ag Council on the original board and
5 this is one of the issues you know that we tried to deal with
6 for a long time, is when you look at the reservations and until
7 gaming came along you know the a lot of the reservations were
8 Ag. And a lot of 'em you know a lot of 'em still are. You know
9 the majority of the reservations the economies on the
10 reservations outside of tribal government or government is
11 agriculture. And it's a huge component and one of the things
12 that we deal with as individual farmers or operators is the
13 ability to try and consolidate pieces of ground that are big
14 enough to be economic unit a viable economic unit. And so we
15 run into the issues of leases. You know we run into the issues
16 of permits we run into these issues and since Cobell has come
17 about you know the ability to get a lease done in a timely
18 matter(sic) timely manner is you know is almost non-existent.
19 It takes a longtime. Now we look at Ag leases you have to be a
20 year in advance to go on leased ground to run it through a
21 bureau lease. And you know the and it's really dangerous as a
22 as a operator or as a farmer to go in and get a lease a verbal
23 lease with somebody without having the bureau to have a legal

1 means to back that up because you see leases that are broken all
2 the time. And this you know this has happened with us and or my
3 family. And so one of the things as we look at doing the
4 consolidation which is to make bigger units and if you're
5 involved in agriculture at all you understand scale. You know
6 that there is there is a scale that you have to have in order to
7 be economically viable. And in order to purchase equipment and
8 to get financing and do those types of things anymore it takes a
9 lot of money. You know when you've got a tractor that is
10 runnin' a used tractor that's \$50,000 or a new tractor that's a
11 \$100,000 and you've got a couple two or \$300,000 just in
12 equipment out there you know it takes a lot of money to do that.
13 But if we look at on reservations one of the things that you see
14 is especially on at Walker River is Walker River is a very good
15 reservation where a lot of people own their own equipment. And
16 a lot of and you know and if we really looked at the ability to
17 make this a real paying business it doesn't work. But if we but
18 that's just the nature of how agriculture and business on a
19 reservation works. It's a lot of small pieces that you're
20 trying to put together to make an economic unit. And so one of
21 the things that would that really I would like to see is to
22 allow individuals to participate in this Land Consolidation
23 Program. And the question comes now is on a reservation and Jodi

1 you talked about being enrolled at Standing Rock and growing up
2 in Pine Ridge you know and I don't know your family background
3 or anything but do you own land on both reservations?

4 JODI GILLETTE: No.

5 PUBLIC SPEAKER: (Gerry Emm) Okay.

6 JODI GILLETTE: I wouldn't be able to
7 work on this if I (INAUDIBLE).

8 PUBLIC SPEAKER: (Gerry Emm) Okay and but
9 the issue becomes is if we if you have land that and I'm a big
10 advocate I'm a total advocate of no loss of trust land, you know
11 but I think that as we look and go back I don't know if the
12 bureau's ever done an analysis of how much land on per portion
13 on percentages and acreage is owned by non-tribal members not
14 non-Indians non-tribal members. And you can see the gentleman
15 that spoke before you know he's he said he was in lived Fort
16 Belknap and they had land in Fort Peck. And so you can see and
17 this issue and if you look across the board you know we hear of
18 that happening all across the country and it's a huge issue.
19 You know and I think we've done estimates at Fallon when I was
20 working over there which is the (INAUDIBLE) Reservation and it
21 was close to 40 percent of the reservation was owned by non-
22 tribals. And that was you know so it's a it's a huge issue and
23 as we've you know as our families have you know we have a 100

1 years of inter-marriages between reservations and with boarding
2 schools you know it used to you know that everybody's inter-
3 married more and more and more and so you know we have people
4 that are enrolled on different reservations that are that are
5 made up of different tribal bloods and this is an issue that
6 we're looking at. But I think it's something that really needs
7 to be analyzed as you go forward because this is gonna impact
8 you know the development of the of the or the consolidation of
9 the lands or the opportunities that people have. And with the
10 tribes having jurisdiction you know within the exterior
11 boundaries of the reservation you know you can deal with those
12 tribal issues of jurisdiction that's not an issue with on the on
13 the trust lands but I think that there needs to be an
14 opportunity in here for individuals to participate. One of the
15 other things that comes about and I and I know that you've heard
16 this before is that with undivided interest it talks about
17 greater than 20 you know and if we look at and you know the
18 highly fractionated the definition of highly fractionated and
19 one of the easiest ways to start solving this is a piece at a
20 time. You know you aren't gonna be able to go in there and I'll
21 guarantee you in 10 years you aren't gonna be able to solve all
22 of these issues but you can get started. And the easiest ones
23 to consolidate are the ones that have two owners or the ones

1 that have small owners. Get those bought. The land itself
2 under these land consolidations plans the land itself can be a
3 revolving fund I call a revolving fund where the land can you
4 can start trading out land. You know and I have a piece of
5 ground that's over on a public domain allotment which is a whole
6 different issue about you know rather than reservations. But I
7 have there's I own land on four allotments three 160's and a
8 120. And I own 19 point five acres if you do the math I own 19
9 point five acres out of almost 400 and almost 500 acres of
10 ground. And so you know what I would like to do and that land
11 was originally allotted to my great great grandfather so you
12 know I do have an interest in wanting to stay there. But by the
13 same token you know being the under I'm one of the under-two-
14 percenters that are in that is you know I don't want to give up
15 that legacy. You know I want I want that for my kids but it
16 would really be nice to have that set aside and to and
17 partitioned into parcels. Now with the Land Consolidation Plan
18 you could you could look at doing that, so that that's one of
19 the things as you go forward on with this. The public domain
20 allotments that we're that we're dealing with over at Washoe I
21 don't know how that's gonna be handled because under the Washoe
22 Tribes Constitution they don't have the authority to regulate
23 anything in there but hunting and fishing. They have asserted

1 some jurisdiction with environmental issues and things you know
2 but as far as being able to develop a program and the
3 jurisdiction over that I don't know who's gonna handle that when
4 they put together a consolidation program. This might be a
5 great opportunity to take one of those and to deal with the
6 public domain allotments. Because they are a they're a
7 different animal they're gonna be (INAUDIBLE) different
8 jurisdictions than what is dealt with on the reservation. And
9 then I talked about the last thing I wanted to talk about since
10 I see you're gettin' edgy here is the right-of-way issue. And
11 you know the right-of-way issue on allotted lands has been I've
12 never been able to really to get a straight decision about it.
13 Because my thought on the right-of-ways on (INAUDIBLE) it's like
14 the Winters Doctrine. You know they allocated lands and they
15 allocated water because the Indians were gonna be made farmers.
16 Why would they do an allotment and not give you a right-of-way?
17 And I don't know you know and there's been (INAUDIBLE) back
18 'cause I know that they've landlocked allotments that happens or
19 that you don't have you know it's there should be an inherent
20 situation there that there should be a right-of-way you know
21 that you shouldn't be able to block that. And you know I
22 haven't you know and I don't know if that's something that would
23 be dealt here but you know that's something that needs to on the

1 right-of-way so it needs to be dealt with. But in you know and
2 you look at the reasoning on it and it should have there should
3 be an inherent right-of-way because with the same you know idea
4 of what of what Winters did with the water. So anyway this is
5 there's been you know this is a lifetime of discussions so I
6 don't wanna take up anymore time but this is something that you
7 can you know I think that we really need to do and the main
8 thing I wanted to do was to make sure that individuals you know
9 that oughta be able to participate in this. You know not with
10 the idea that they're gonna be separate from the tribal
11 jurisdictions you know that they have but they're able to
12 participate and because we are we're all mixed up. You know our
13 tribes are intermarried and we're all mixed up so if you're
14 gonna close it out and go back to just having the tribes do it
15 you know you're going to take away the economic engine that
16 drives agriculture on the reservations which is 95 or 98 percent
17 of the reservations with agriculture are individually owned.
18 You know when you look around at the tribal operations that are
19 out there and there's a lot there's more failed ones than there
20 are successful ones. And even NAPI and Gila River Farms when
21 they first started out got a lot of money to keep them goin',
22 whereas you know the individuals you know we depend on the banks
23 and on trust land and especially fractionated land we can't get

1 loans. You can't get a loan to operate it or anything on
2 fractionated lands. So that's just one of the things I'd like
3 you to look at. Thank you.

4 STACIE SMITH: Okay thank you. So just
5 a couple of quick things one is I think the everybody's really
6 interested to hear all of the public comments. I think for
7 purposes of time if you can try and be as concise as possible
8 with your comments so that everyone will get a chance. My other
9 question is you know we're approaching the lunch hour but I
10 wanna get a sense of how many more people are interested in
11 speaking. And if it makes sense for us to go a little bit
12 longer if that's gonna basically be as many people as we have
13 who wanna speak or if we have lots of comments left to go we
14 should take our break for lunch and come back after lunch and
15 have as much time as we need. The department is here for as
16 long as people wanna comment so this is not to cut anyone off or
17 cut short any comments that people wanna make. It's just to get
18 a reality check so that people don't all go to lunch and come
19 back and then we have you know another one comment and then and
20 then we end. So can I just get a sense of people who have
21 comments they'd like to make? Do we have more? Sir? Sir. So
22 we have two. Are people okay with doing comments before lunch?
23 Taking a couple more comments before lunch and then we'll see if

1 we get through everybody's opportunity to speak and end up
2 closing early? Okay...

3 JODI GILLETTE: Yeah and I think that I
4 would I would just say that I'll come back after lunch whether
5 or not we get through the two comments just in case while people
6 are eating and thinking about things...

7 STACIE SMITH: Okay.

8 JODI GILLETTE: They wanna come back...

9 STACIE SMITH: Okay.

10 JODI GILLETTE: You know but I for the
11 interest of you know everybody else I think if we can get
12 through those that would make sense.

13 STACIE SMITH: Okay terrific so sir do
14 you wanna?

15 PUBLIC SPEAKER: (Michael Hughes)
16 (INAUDIBLE) I'm happy to wait after we stop for lunch.

17 STACIE SMITH: Well why don't why don't
18 we take a couple more comments now and see and see how we do...

19 JODI GILLETTE: That's we can do it now
20 I'm just saying that in case other people come that aren't in
21 here now or if folks have things they wanna add to their
22 comments be good to do that then but if you if you could go now
23 we could go have a long I'm sorry a extended morning.

1 STACIE SMITH: Yeah.

2 PUBLIC SPEAKER: (Michael Hughes)

3 (INAUDIBLE) my name is Michael Hughes and I'm not speaking on
4 behalf of a tribe I'm a other I guess individual independent
5 consultant on Indian Affairs. And what I wanna talk about is
6 some of the implementation issues. And I've been following the
7 Indian Land Consolidation Program now for a couple of years and
8 as I looked into it about three or four years ago I was
9 surprised to find that it was a very interesting program but
10 that not a lot of people really understood it or knew about it.
11 And I was doing some pro-bono work at the time with the Indian
12 Land Consolidation what are what are they called Indian Land
13 Working Group and they were having a conference down in Tucson
14 and so I asked the people if we could have the Indian Land
15 Consolidation Program staff on the agenda for the Indian Land
16 Working Group conference in Tucson. And we actually got them to
17 be on the agenda and the pitch was you guys have a very
18 interesting program but nobody knows anything about it. People
19 don't understand what it is you do they don't understand the
20 legislative limitations they don't understand you can't purchase
21 fee land. They don't so let's have you guys come down and bring
22 your presentation and explain we got we got an opportunity for
23 the Director Robin Jaeger and the Deputy Director Brenda Walhovd

1 to speak to several hundred people about their program and to
2 start to get the information out. And that was a couple of
3 years ago and the poor program has sort of been on a yoyo
4 existence for the last couple of years. Their peak as you know
5 was around 2006 2007 and the Office of Special Trustee at one
6 time saw them as the answer to a lot of problems. And during
7 the middle of the Bush administration at one point the Office of
8 Special Trustee actually requested \$50,000,000 from the Congress
9 and Congress said well we won't give you 50,000,000 we'll give
10 25,000,000. So the Indian Land Consolidation Program ended up
11 having for a period of several years \$25,000,000 to operate and
12 they built up a pretty good staff of a or somewhere around 60
13 people. And in the process of doing that you have to recruit
14 people you have to train them you have to through a whole series
15 of policies and procedures. How do you approach landowners, how
16 do you identify the lands, how do you do the valuation of the
17 lands, how to negotiate with the landowners, how do you execute
18 the sale, how do you record the title, how do you transfer the
19 ownership, how do you set up the repayment procedures for the
20 liens with the tribes, how do you collect the lien payments, how
21 do you account for them. All of (INAUDIBLE) a lot of very
22 detailed technical work which means a lot of training and staff
23 development. And so things were going along fairly well until

1 the last year of the Bush administration the federal agent
2 domestic agencies got a planning target from OMB said you gotta
3 cut your budgets by five or six percent. Well five or six
4 percent turned out to be the entire budget for the Indian Land
5 Consolidation Program. So the Special Trustee at the time Ross
6 Swimmer said well we're just gonna zero out we're gonna
7 eliminate the Indian Land Consolidation Program. And if you go
8 back and look at the 2009 budget justification for the Office of
9 Special Trustee it was a very disingenuous justification. It
10 said that the program is not being effective it's not really
11 reducing the volume of fractionation. Well that's like arguing
12 we should eliminate the Indian Health Service because diabetes
13 continues to go up. What was in fact happening was where the
14 program was operating primarily in the Midwest Region and a
15 little bit in the Great Plains Region they were they were making
16 a lot of progress particularly in the Midwest and in Wisconsin
17 where they had started as a pilot program 10 years ago. And
18 people didn't know that and we got them to talk about that at
19 the Indian Land Working Group Conference. So in fact they were
20 making progress but they didn't have the volume of money to
21 really spread out to other parts of the country. The other
22 thing that was happening was well the justification said so now
23 we can end this program in 2009. But what the justification

1 Office of Special Trustee budget didn't explain is you've got
2 these revenues coming in from the liens from the lands that have
3 been purchased 2,000,000 or two and a half million dollars a
4 year so what do you do with those lien revenues if in fact you
5 no longer have a program, do they just sit there. And there was
6 never any answer to that. So the budget was zeroed out for the
7 Indian Land Consolidation Program in 2009. Some of the tribes
8 that I work with wrote letters to Secretary Salazar and said
9 please do not eliminate the Indian Land Consolidation Program.
10 It's an important valuable program. If the Office of Special
11 Trustee doesn't care about it they don't want it move the budget
12 back to the BIA where it actually began back in 1999 when they
13 began to have some operational money. And it's always been a
14 BIA program but the funding was controlled by the Office of
15 Special Trustee during the Bush administration. So Secretary
16 Salazar allowed the control of the budget to be returned back to
17 the BIA and the and the program was given a budget of \$3,000,000
18 in the fiscal year 2010 budget but it wasn't new or additional
19 money. In fact that money \$3,000,000 was taken out of the
20 budgets of other BIA real estate programs. And so on one hand
21 you're build you're reestablishing this program but on the other
22 hand you're taking money away from existing BIA programs. After
23 the 2009 budget cut the Land Consolidation Program had to go

1 through a reduction of force and they lost probably 50 staff.
2 So their current status well before I get to that so in 2010
3 then they had \$3,000,000 and they were continuing to operate and
4 then in the 2011 budget then what they Obama administration
5 requested was \$1,000,000 with a reduction in FTEs from 12 to
6 five FTEs. And the thinking was well the Cobell Settlement will
7 be implemented. And I think it was a premature budget cut. And
8 then as you all know the Congress in its final continuing
9 resolution for fiscal year 2011 said zero for Indian land
10 consolidation. So the current status of the Indian Land
11 Consolidation Program is it is a little office that operates out
12 of Ashland, Wisconsin with no existing budget, operating on
13 carryover dollars with a skeleton staff of I don't know
14 according to the BIA budget justification five FTE. And what
15 we're talking about here is this gargantuan task of implementing
16 this one point nine billion dollar Indian Land Consolidation
17 Program hopefully hitting the ground running when all the
18 appeals are exhausted in the spring of 2012. But in order to do
19 that the Indian Land Consolidation Program is gonna have to
20 recruit staff, they're gonna have to get 'em in place, they're
21 gonna have to train them on all of these procedures 'cause you
22 don't want people just running around talking to landowners and
23 not having procedures for doing that, and that is going to take

1 some time to gear up to get moving. And during the period when
2 they did have money \$20,000,000 in 2006 2007 they were operating
3 on 66 FTE and then another 60 or so contract personnel so they
4 had a extended staff of about 120 positions. So it's gonna take
5 something on that order to get geared up and to start operating
6 this program again and that's going to take time. So I'd like
7 some real thought put into that. If the 15 percent is
8 \$285,000,000 and some of that money's spent for the commission
9 and spent for other things they end up having \$200,000,000 over
10 a 10 mear(sic) period that's roughly \$20,000,000 a year to
11 operate which would be an adequate budget to do the
12 administrative work. The one of the big questions on that will
13 be the cost of appraisals. Will the Indian Land Consolidation
14 Program be able to purchase its own appraisals or does it have
15 to go outside? And the last time I checked the appraisal
16 function for Indian affairs was still controlled by the Office
17 of Special Trustee which adds another layer of bureaucracy. And
18 in politics when BIA's making requests for appraisals is OSG
19 gonna respond or not? And sometimes that depends on what side
20 of the bed they woke up on that morning. And so there either
21 needs to be bring appraisals back to the BIA or somehow address
22 that so that Indian Land Consolidation Office can get timely
23 appraisals. There was a lot of questions about minerals this

1 morning, one of the big features of the Land Consolidation
2 Program was that they were using some of their money to purchase
3 mineral evaluations from the Office of Minerals Evaluation which
4 is a Department of Interior Office located in the National
5 Business Center and physically located out of Lakewood, Colorado
6 I think. A very very important function and part of the
7 politics of the end of the Bush administration of pushing tribes
8 into oil and gas agreements while cutting funding like Johnson
9 O'Malley and housing and social services and scholarship. There
10 was an effort to try to do away with that office of Minerals
11 Evaluation because that was the only source of independent
12 technical appraisals on oil and gas values for Indians. And
13 it's a very a very important office and that office needs to be
14 maintained especially if you're looking at Great Plains, North
15 Dakota, areas where you have significant oil and gas values. So
16 the whole question of implementation and staffing and training
17 and all of those are all very concrete considerations. One of
18 the things I would recommend is that the Indian Land
19 Consolidation Program be allowed to start recruiting and hiring
20 and put staff into place now and not wait until January when the
21 money is released. And there could be two possible sources of
22 funds for that. One is right now the BIA has historically high
23 levels of unobligated dollars available out of fiscal year 2011.

1 So some of that money could be used then to finance the staffing
2 and putting offices in place. The other source of funds is the
3 Office of Special Trustee itself. They spend \$25,000,000 a year
4 on fiduciary trust officers for which there's no longer any need
5 because of the Cobell Settlement. And those positions could be
6 rified and the money that's used to finance the fiduciary trust
7 officers could be used to finance the startup costs, rebuilding
8 the Indian Land Consolidation Program. So I'll stop with that.
9 Thank you.

10 MEGHAN CONKLIN: Thank you.

11 STACIE SMITH: (INAUDIBLE) had someone
12 else who wanted to make comments? Do you wanna?

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1 PUBLIC SPEAKER: (Jonathan Dayea) Hello
2 my name is Jonathan Dayea with the Navajo and my sister and I we
3 (INAUDIBLE) fairly new to this just like real new. I mean it's
4 just like all these guys is talking it's things I guess it's
5 been goin' on for quite a while and after my mom passed on not
6 too long ago that's when we really find out that we have
7 something to do with these lands. And just a quick one when all
8 these lands get the infractionations(sic) I guess when it gets
9 all divided and among your siblings and everybody else now you
10 don't have to sell your land right? Whatever you own?

11 JODI GILLETTE: (INAUDIBLE) it's
12 voluntary.

13 PUBLIC SPEAKER: (Jonathan Dayea) So you
14 know for us we were trying not to divide it up. I guess on
15 paper it states as it's divided. But when some of your siblings
16 or your cousins decide to sell their land will you find out?
17 You would know right?

18 MEGHAN CONKLIN: I'm not sure I'm not
19 sure on that one. We'll have to check on that if other
20 allottees will be notified.

21 UNIDENTIFIED FEMALE VOICE: (INAUDIBL
22 E).

23 STACIE SMITH: I'm not do you know?

1 PUBLIC SPEAKER: (Jonathan Dayea) Okay
2 and one other one real quick one. See I think not only me you
3 know it just happens to everybody else when their kids start
4 gettin' out of high school they start trying apply for
5 scholarship funds now would you have to have sold your land to
6 be entitled to a scholarship for your kids?

7 MEGHAN CONKLIN: I don't believe so. I
8 don't...

9 PUBLIC SPEAKER: No. No you don't have
10 to to be eligible for the scholarship you don't have to sell
11 your land. The scholarship will be administered by one of two
12 organizations and they will set up the criteria for who would be
13 eligible for the scholarship.

14 PUBLIC SPEAKER: (Jonathan Dayea) Okay if
15 I can I need information from somebody how to go about it. And
16 that's it. Thanks.

17 MEGHAN CONKLIN: Thank you.

18 PUBLIC SPEAKER: (Gerry Emm) Can I ask
19 you a follow up question off of that? That's the one of the
20 other things that I wanted to and I think I've read somewhere
21 that it's been wanting to be addressed but as a co-owner as a
22 fractionated owner that there should be some provisions in there
23 to let the co-owners participate in a partition or ultimately

1 what gets done. Because if it ends up in a situation like you
2 just heard that some people want to sell their shares or
3 whatever then there's gonna have to be some type of partitioning
4 process that is brought forward if you want to if the individual
5 wants to stay on the allotment that they're on. Which there
6 might be some historical value you know such as mine where you
7 know it was part of my family and even though it's a small share
8 but the way the partition works now is you have to have a 100
9 percent of the landowners have to agree, and when you look at
10 three or four pages worth of landowners you know that'll
11 probably never happen. So one of the things that you might want
12 to look at is to put into place a process either through
13 arbitration or mediation or you know something that would be
14 able to partition those lands for those. 'Cause you're gonna
15 end up especially with a lot of owners and different values
16 associated with those not dollar values but just personal values
17 that you might end up with a certain situation so that's one of
18 the things that you're gonna have to look at doing. Which would
19 free up half the land you know it would free up part of the land
20 which again resolves your issue because now you're consolidating
21 that down to a specific parcel.

22 JODI GILLETTE: And I think I just
23 wanted to make sure as we talk about purchasing the land the

1 government purchases the land then it goes to the tribe. So
2 it's not like it's going to an outside entity or something. I
3 don't know if that would that's helpful.

4 STACIE SMITH: Okay do we have any
5 final comments before we break for lunch and then there will be
6 Jodi an opportunity after lunch (INAUDIBLE).

7 JODI GILLETTE: Yeah if folks wanna come
8 back I'm willing to just and I don't know if there's others that
9 may show up and they may not know that we...

10 STACIE SMITH: We're breaking
11 (INAUDIBLE).

12 JODI GILLETTE: Yeah we broke for the
13 day so.

14 STACIE SMITH: Okay.

15 JODI GILLETTE: It's not like we have to
16 really have a whole session but if there are people that wanted
17 to clarify or have an additional comment.

18 STACIE SMITH: Okay great.

19 JODI GILLETTE: And I don't I don't know
20 that we would we'd all need to come back but.

21 STACIE SMITH: Right. So are there any
22 other anyone who wants to make one more comment before lunch?
23 Yes ma'am.

1 PUBLIC SPEAKER: (Eileen Sanders) My
2 name's Eileen Sanders and I'm Navajo and a private landowner
3 which we inherited from both of our parents. And my main
4 question is I thought the government was broke. I thought the
5 country was broke. Where is all this money coming from? So
6 even if we were to sell our land we sign our name and stuff the
7 government's broke country's broke our signature's there, are we
8 denied our receiving our payments now? Coming back and telling
9 us oh the country's broke we don't have the money. We don't
10 have what we said we were gonna do which has always been the
11 case I think with our forefathers you know our relatives. Long
12 time ago history tells us how our people were I wanna just be
13 blunt and say cheated out by the government. Okay? So as long
14 as my name's on the dotted line you come back and tell me well
15 you already signed it so but the country is broke you're not
16 gonna get your money but then later down the line I'm gonna be
17 out of land out of money so to speak. So my trust is not really
18 in you guys to say okay I'm guaranteed I'm gonna have this. So
19 number two I think there was a lot of lack of communication
20 because I didn't hear about these meetings. It just so happened
21 that one of my sisters went online and read the information
22 about these meetings taking place. I mean look around this
23 place should be packed you know with Natives landowners private

1 landowners. So I think there was a lack of communication there
2 that one I don't know how you communicated with some of these
3 people that are here the tribes. I'm sittin' here wondering
4 where's my tribal representative? Where are the people that
5 represent me in from Window Rock? You know these people that I
6 elected into office. I mean you see all those empty chairs so I
7 think too there is really a lack of communication that happened.
8 And like I said we should have a packed house a standing ovation
9 or whatever lines outside asking for a bigger place. So it just
10 overwhelms me how this place is empty. And if you did
11 communicate with my tribe then right there the communications
12 stop. And as you hear from a lot of these natives we don't
13 really have that one on one communication with our
14 representatives in our tribal headquarters. And yes we do have
15 a lot of chapters that it you know dwindles down to. And even
16 when you go there for assistance and stuff nobody knows
17 anything. So those are my two biggest questions.

18 JODI GILLETTE: Well I guess I just
19 wanna say that you know I do understand that there's a question
20 of trust and not trust in terms of trust land but a trust in the
21 government saying something and doing something about it. But
22 to the comment you made about the you thought the government was
23 broke I just wanna I just wanna say that the we had talked about

1 this earlier that the money's already at the Treasury and so
2 there's not by law there's you know there's all kinds of things
3 in place and controls in place where that funding isn't gonna go
4 anywhere, and I think that you know having a an understanding
5 that we you know we we're not talking about having to go to
6 Congress and ask for more money and I think you know there is a
7 lot of concern about that around the country right now. And
8 then the other thing is with the communication we did work with
9 regional and agency offices and we do put out press releases for
10 the various papers and we we've you know we've tried to our best
11 and can we do better yes we probably can always do better. But
12 we did reach out to the tribal governments and to the media
13 outlets to make sure that people knew that and like I think
14 Solicitor Tompkins talked about earlier that we know there's a
15 lot of competing priorities that we're just not sure about
16 timing-wise why you know why there are some people that come.
17 Some of the consultations if you go across the country some of
18 'em are packed some of 'em are full and others are not and
19 that's just how it's been. And you know that's about the extent
20 of what I can say about communication. We do it both
21 electronically fax you know have the regional directors reach
22 out directly and our third party facilitator Stacie's group also
23 do outreach to try to get folks interested. And you know we'll

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1 always be competing with a lot of other consultations and we
2 hear that from tribes and other engagements that tribal leaders
3 will have and so you know we can't always control all of those
4 variables.

5 VICTORIA GUZMAN: I have a question
6 Victoria Guzman Walker River Paiute tribe. You say the money's
7 sitting at the Treasury and I'm sure it's gaining interest what
8 do you plan to use the interest for?

9 UNIDENTIFIED FEMALE VOICE: No
10 interest...

11 MEGHAN CONKLIN: (INAUDIBLE) non-interest
12 bearing account.

13 JODI GILLETTE: No it's not an interest
14 bearing account.

15 VICTORIA GUZMAN: It's not interest
16 bearing?

17 JODI GILLETTE: No and it's going to be
18 in the Treasure once the appeals are final assuming it gets the
19 settlement is ultimately approved.

20 VICTORIA GUZMAN: And the other thing
21 I'd like to touch base on was the communication from you to
22 tribal leaders to bureau staff. You know we came here with a
23 lot more questions today rather than recommendations and

1 | comments. And we felt that we needed to get more information
2 | from this consultation meeting before we can turn around and
3 | effectively educate our tribal members and individual owners.
4 | So that's what we're waiting for so that we can do the outreach
5 | and we feel that we're the best ones to do the outreach for our
6 | reservations and our community members and tribal members.

7 | UNIDENTIFIED FEMALE VOICE: Thank
8 | you.

9 | JODI GILLETTE: And certainly any
10 | suggestions that folks will have to make sure that we can
11 | improve on how we communicate is always welcome.

12 | MEGHAN CONKLIN: So one thought is that
13 | unless we have other comments today and I don't wanna cut anyone
14 | off if there are additional comments, one thought is we could
15 | conclude the formal part of this consultation if there aren't
16 | additional comments but as Jodi mentioned we'll be willing to
17 | come back if people wanna have an informal discussion does that
18 | oh I see that there is actually more (INAUDIBLE).

1 PUBLIC SPEAKER: (Unidentified Female
2 Voice) I expected a large turnout too but I just thought people
3 are workin' and I also just happened to look on the internet and
4 seen that it was today. But I think people workin' is a big
5 problem about this.

6 MEGHAN CONKLIN: Thank you.

7 JODI GILLETTE: Thanks.

8 VICTORIA GUZMAN: (INAUDIBLE)

9 Victoria Walker River Paiute Tribe I would just like to add that
10 we're we were happy that we were able to be here today to
11 participate in this hearing and I wish there was a lot more
12 tribal leaders because you know the people sitting around us
13 this table is bare so you know how important is it to each of
14 our tribes and our leadership on behalf of our members. And to
15 us the scholarship component it would be important. We don't
16 get a lot of education dollars we really hurt for education
17 dollars. We're like 80 percent poverty level no jobs and so our
18 kids and children need to be educated in order to go out and get
19 those jobs to run our tribe to run our economic development and
20 so that is very important to us. Thank you.

21 MEGHAN CONKLIN: Do any of the other
22 tribal leaders have any concluding remarks you wanna make?

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1 MEGHAN CONKLIN: Thank you. I wanted to
2 turn now to Solicitor Tompkins and see if you have any
3 concluding remarks.

4 HILARY TOMPKINS: Thank you Meghan.
5 It's been a real pleasure to be here today and I really
6 appreciated all the comments and I know in my role as Solicitor
7 it's very very important to me that I hear from tribal
8 leadership and understand the issues on the ground that you face
9 on a daily basis. That's critical to my assessment of issues
10 and decision making so thank you for the opportunity to be here
11 and I look forward to continued discussions on this important
12 issue. Thank you.

13 MEGHAN CONKLIN: Jodi did you have any?

14 JODI GILLETTE: Well I just wanna thank
15 everyone for the time and the thought that they've put into and
16 I know may of you've traveled a long ways to from California and
17 various other places. It is always an honor and a privilege to
18 visit with you especially about important issues such as the
19 land. Thank you.

20 MEGHAN CONKLIN: I also wanna thank
21 everyone for being here today and say that I think after these
22 remarks that we're gonna conclude the formal part of today's
23 consultation but at 2:00 if people wanna come back and have an

1 informal discussion with any of us we're happy to do that 'cause
2 we do wanna make sure everyone had the opportunity to comment.
3 But again I just wanna say that it's been wonderful to receive
4 all these comments and Jodi and I and Hilary and others have
5 been traveling around the country meeting with tribal leaders
6 and just wanna make sure you understand that we're very
7 committed to incorporating the comments you've offered today
8 into any plan that the department does develop for
9 implementation of this program. And just thank you again for
10 being here today. And there's a few others that I just want to
11 make sure to recognize. I wanna thank Stacie and Meredith for
12 all the work that they did to prepare today's consultation as
13 well as Annette(sp?) and Regina(sp?) who have been traveling
14 around with us helping get everyone checked in. So thanks again
15 and I hope that you enjoy the rest of your day.

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E N D O F P R O C E E D I N G S

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