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UNITED STATES DEPARTMENT OF THE INTERIOR

COBELL SETTLEMENT

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In RE: )  
 TRUST LAND CONSOLIDATION PROGRAM) )  
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 LISTENING SESSION )  
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TRANSCRIPT OF PROCEEDINGS

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Taken at 911 Northeast 11th Avenue  
 Portland, Oregon

DATE: Thursday, May 29, 2014

REPORTED BY: Kristin M. Vickery, CCR, CLR 3125

1 PORTLAND, OREGON; TUESDAY, MAY 29, 2014

2 1:00 P.M.

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5 MS. GIACCARDO: Okay. We'll go ahead and get  
6 started. Please stand for the invocation.

7 (Invocation.)

8 MS. GIACCARDO: Thank you, Chairman Greene.

9 (In Native language.) My name is Genevieve  
10 Giaccardo. My native community is the Pueblo of San Felipe.  
11 I'm senior adviser with land Buy-Back Program for the tribal  
12 nations with the Department.

13 I'm very happy that everyone was able to make it  
14 today for our listening session with Deputy Secretary  
15 Michael Connor. Assistant Secretary for Indian Affairs  
16 Kevin Washburn will be joining us very shortly. We also  
17 have several other Department and program people with us  
18 today. And I'll let them introduce themselves in just a  
19 minute.

20 As you can see from the agenda, after we do the  
21 introductions, Deputy Secretary and the Assistant Secretary  
22 will provide some opening remarks. And then we'll have a  
23 brief status overview from Andrea Kadish. She's also a  
24 senior adviser for tribal relations with the Buy-Back  
25 Program.

1                   And just a reminder, we have a court reporter here  
2                   who will be transcribing everything which will be made  
3                   available to everybody. So if you could speak your name  
4                   very clearly, tribal affiliation, and/or position so that we  
5                   can make sure that we have all the correct information.

6                   And so with that, I'm going to pass the microphone  
7                   around to some of the program people here so that they can  
8                   introduce themselves.

9                   MR. SPEAKS: I'm Stan Speaks, the regional  
10                  director, Northwest Region. And thank you for coming.

11                  DEPUTY SECRETARY: I'm Mike Connor. I'm the  
12                  Deputy Secretary of the Interior.

13                  MR. MCCLANAHAN: Good afternoon, everybody. I'm  
14                  John McClanahan. I'm the program manager for the land  
15                  Buy-Back Program for tribal nations.

16                  MS. KADISH: Good afternoon. My name is Andrea  
17                  Kadish. I'm a senior adviser on tribal relations with the  
18                  land Buy-Back Program.

19                  MS. CRISMAN: Good afternoon. I'm Iris Crisman.  
20                  I'm deputy director, office of appraisal services for the  
21                  Buy-Back Program.

22                  MR. LECOUNTE: Good afternoon. I'm Darryl  
23                  LeCounte. I'm the -- presently serving as the acting  
24                  regional director of the Rocky Mountain Region. And I also  
25                  have been an architect for part of this program and

1 supervise the acquisition center in Billings, Montana.

2 MR. JAMES: Good afternoon. Jim James, deputy  
3 special trustee, field operations with the Office of Special  
4 Trustee for American Indians in Albuquerque. The Office of  
5 Special Trustee field operation supports the Buy-Back  
6 Program through outreach efforts with the tribal programs  
7 and with your program.

8 MS. GIACCARDO: And then Bodie Shaw is right back  
9 here in case you have any...

10 So with those introductions, I will go ahead and  
11 defer to Deputy Secretary for his remarks.

12 DEPUTY SECRETARY: And, Genevieve, (in Native  
13 language).

14 MS. GIACCARDO: (In Native language).

15 DEPUTY SECRETARY: All right. What the heck.  
16 Good afternoon, everybody. And thank you for traveling from  
17 wherever you did travel to be here today to help further  
18 educate all of us in the federal family who are trying our  
19 best to get this program up and going in a meaningful  
20 progress as quickly as possible.

21 It's an ongoing dialogue, and I know we have had  
22 numerous consultations. But I think this is a critical  
23 aspect of the program. So I'm happy that we can continue  
24 that today, particularly happy that I can continue it as my  
25 first consultation government dialogue with you all

1           regarding this program in my new role as Deputy Secretary  
2           here at the Department.

3                     It's been 12 weeks now. I guess I'm on my  
4           13th week. And I'm -- it's time that I stopped counting.  
5           But I -- it's been quite the learning experience going  
6           forward, and this has been a big part of that effort as far  
7           as my new responsibilities, so I appreciate the opportunity  
8           to hear from you all today.

9                     Kevin Washburn, our Assistant Secretary for Indian  
10          Affairs, will be joining us soon. We'll figure out the  
11          program one way or the other. Kevin, right now, is on a  
12          conference call with the Secretary of Education regarding a  
13          lot of issues that we're trying to address in the area of  
14          Indian education. So it's an important dialogue, and I know  
15          Kevin will be down here as soon as that discussion is over.

16                    As Genevieve indicated, we have folks -- and from  
17          the introductions, folks from all aspects of the federal  
18          family who are involved in the Buy-Back Program. Everybody  
19          from the buy-back staff themselves to valuation services,  
20          the BIA, particularly BIA's leadership and acquisition  
21          program, the office of special trustee, everybody has a role  
22          to make this program as effective as possible, and beyond  
23          just the federal family.

24                    So from that standpoint, it's very appropriate  
25          that the program resides in the Deputy Secretary's office to

1 be my overarching responsibility for all areas of the  
2 Department. And so I've focused on that as part of -- as I  
3 was nominated to be part of this departmental leadership  
4 team.

5 But obviously, in my prior capacity as the  
6 commissioner of Bureau of Reclamation and in my previous  
7 capacities at the Department and the U.S. Senate, I've done  
8 a lot of work with Indian Affairs issues over time, mostly  
9 in the area of water and land issues. So this is not  
10 unfamiliar terrain to me at all. And from that standpoint,  
11 it's been one of the most welcome aspects of coming into  
12 this new area of responsibilities, getting the opportunity  
13 once again to focus on and about tribal issues.

14 I also wanted to say, we've had several meetings  
15 already this morning, employee meetings. We had a  
16 celebration of the -- some cooperative signings that I'll  
17 talk about a little later on. But overall, Kevin and I have  
18 both expressed how wonderful it is to work in this  
19 administration given the interest of the President;  
20 leadership in the White House; Secretary of the Interior,  
21 starting with Secretary Ken Salazar during his tenure and  
22 continued on with great force by Secretary Jewell in her  
23 leadership, the interest, the support, and the desire to  
24 make significant progress while we have our time in the  
25 administration on issues of importance to Native Americans

1 across the board wherever they are, wherever those issues  
2 reside.

3 They're land and water and other natural resources  
4 issues; they're in the area of social services; they're in  
5 the area of law enforcement; they're in the area of  
6 education, always with the underlying important aspect of  
7 promoting tribal sovereignty and self-determination as part  
8 of that effort. So we're all committed to that.

9 We, who are part of the administration, we have  
10 about 33 months. I guess we can get the sense that I'm  
11 counting a lot of these time frames. But I can assure that  
12 it's counting and thinking, We don't have enough time to do  
13 all the things we want to do. But from that standpoint,  
14 there's a sense of urgency to make progress as quickly as we  
15 can.

16 I want to take -- as a threshold, I just want to  
17 take an opportunity to -- this opportunity to recognize the  
18 importance of tribal leadership to partnership in this  
19 program as well as the partnership in what we do across the  
20 board. And I don't mean to have extensive remarks, but I  
21 want you to understand that I -- that I understand a lot of  
22 the issues important to you, that I understand the role and  
23 relationship between the federal government and Indian  
24 tribes. And then we will hopefully not take away from the  
25 time here to hear back from you as part of the dialogue

1           today.

2                         But of course, we wouldn't be here without the  
3           leadership of one person in particular, Elouise Cobell in  
4           her role as the lead plaintiff in the landmark case Cobell  
5           v. Salazar is where we last had it. It started with Cobell  
6           v. Babbit, Cobell v. Norton, Cobell v. Kempthorne.

7                         But we're very proud of the fact that it ended  
8           with settlement in Cobell v. Salazar. And that's a  
9           \$4.3 billion settlement with lots of different aspects of  
10          that, including the substantial land consolidation activity  
11          that we're here to talk about today. So, very much, it's an  
12          ongoing legacy of incredible importance. We're cognizant of  
13          that as we carry out the program.

14                        Also as I'm in the Pacific Northwest, and we  
15          greatly appreciate Stan Speaks' hospitality in hosting this  
16          effort today. And certainly, nobody knows better than Stan,  
17          the leadership of Billy Frank that I want to acknowledge and  
18          pay respect and homage to here as a Nisqually elder and a  
19          leader, not only in Indian Country, but overall in the  
20          United States as a whole. I think Billy's leadership  
21          transcended Indian Country.

22                        It's a lesson for all of us in how we should  
23          conduct ourselves starting with his advocacy for the fishing  
24          rights that were ultimately recognized in the Boldt  
25          decision. But I heard Billy referred to in the aftermath of

1 his death as a warrior, peacemaker, consensus builder, and a  
2 visionary leader. And I think I can't say any more than  
3 that in highlighting his different roles, all of them  
4 incredibly important to us all who care about these issues.

5 Moving on, as we go forward with the program, your  
6 leadership is -- in tribal communities and your support of  
7 the program is absolutely critical. We recognize that. You  
8 helped us launch the program. It's been a couple of years  
9 in the work now, but we're moving forward. And I think  
10 we're moving forward expeditiously now to try and ensure  
11 that we complete our responsibilities working with you over  
12 this ten-year period that we have for implementation taking  
13 us up through November of 2022.

14 This morning we celebrated three more cooperative  
15 agreements. I think that brings us to a total of seven.  
16 We've got more in the works that I think we'll be announcing  
17 very soon. We've got other arrangements with Tribes in that  
18 context for moving forward. So we're building out and  
19 connecting with Tribes and ready to increase the level of  
20 activity exponentially over where it's been since December  
21 when we started making offers.

22 I recognize that there are a number of you here  
23 today who are not yet part of that mix of those who have  
24 cooperative agreements, those who have -- on the list that  
25 we announced a couple weeks ago on May 15. We had

1 highlighted where the program stood at that point in time  
2 moving forward with substantial land consolidation  
3 activities on 21 reservations through the end of 2015. But  
4 I can assure you, that's a work in progress, that's a list  
5 in a set of work activities that we are going to continue to  
6 add too.

7 We look at it as we have a number of factors and  
8 criteria that we've identified up until this point that are  
9 key to us deciding where to move the program and get it up  
10 and going. We've also got capacity limitations that we're  
11 obviously dealing with from the program standpoint. One of  
12 those, most significantly, is how quickly we can do the  
13 appraisal work necessary to support the program. We're  
14 working on how to increase that capacity.

15 And I also, as we move forward now with a  
16 substantial number of offer and activity on the Pine Ridge  
17 Reservation in South Dakota and for Makah and other  
18 localities, we're going to apply lessons learned so we can  
19 further increase the efficiency with which we do our work.

20 Our continued collaboration with tribal leaders is  
21 going to be incredibly important to that effort. And we all  
22 know the challenges. But just to kind of provide a little  
23 bit of context again, we've got an estimated 245,000 owners  
24 of fractionated interests in -- of approximately 3 million  
25 fractionated interests across Indian Country that exist on

1           150 reservations that are eligible to participate in the  
2           Buy-Back Program. So your active support and participation  
3           and collaboration, a word that's been used by many tribal  
4           leaders this morning and continuing into this afternoon, I  
5           think is the right way to approach this.

6                        As Deputy Secretary, I am actively committed to  
7           continuing this dialogue, to continuing with our efforts to  
8           be transparent in how we make decisions moving forward, and  
9           to maintain this open dialogue that exists right now. This  
10          is easily -- in my 12 weeks on the job, this is easily one  
11          of the three top areas that I focus on as far as time  
12          matters to get up to speed on where we are and to try and  
13          provide directional leadership in consultation with the  
14          folks who have helped us to get to this point as we move  
15          forward.

16                      So I'm absolutely committed to doing that and will  
17          be -- this isn't one-stop shopping to do this consultation  
18          and to move on. It's an ongoing part of my responsibilities  
19          that I intend to carry out until the end of this  
20          administration and make sure that we've left a good path for  
21          the next administration, whoever they are, to come and  
22          complete the task and ensure that we get the job done in the  
23          time frame that we have.

24                      Just quickly, I want to talk a little bit about  
25          those accomplishments that we've had so far. We've got --

1           since offers began in December 2013, we have now accepted  
2           offers in the amount of over \$62 million. And that's  
3           resulted in consolidation and restoration of approximately  
4           177,000 acres to the Tribes that exercise jurisdiction over  
5           those lands. So it's a good start. We've got a lot more  
6           work going.

7                        I should say that number's a little different than  
8           what it was a couple weeks ago when we made the announcement  
9           about the 21 reservations that we're going to undertake  
10          activity on through the end of 2015. While we've got offers  
11          out in substantial forces, as we do in Pine Ridge now, that  
12          number changes by about \$600,000 per day during the course  
13          of that level of activity.

14                       And so from that standpoint, when we're up and  
15          going and start making those offers, we've got a whole set  
16          of activities that we're going to be moving into different  
17          reservations. As we're moving through this summer, you'll  
18          start to see those numbers move very quickly again. And  
19          that's what we need to do to stay on target.

20                       In addition to the offers and completing the  
21          consolidation of that land in those interests back to  
22          Tribes, we've got a whole lot of underlying activities  
23          starting as we start to move forward on different  
24          reservations, land valuation, appraisals, mineral studies,  
25          developing data bases, having -- not these necessarily large

1 consultations, but ongoing meetings with Tribes that we're  
2 conducting.

3 We're also moving forward and have already made an  
4 initial transfer to the Cobell Educatin Scholarship Fund of  
5 approximately \$580,000. That program is going to be managed  
6 by the American Indian College Fund. Overall, in the  
7 Buy-Back Program, they equal to make contributions up to  
8 \$60 million for that effort that will benefit native  
9 American students. So it's an incredibly important part of  
10 this overall settlement in that that part of the overall  
11 settlement is moving forward now. And I think we're going  
12 to, by the end of June or early July, make significantly  
13 more additions to that fund.

14 One last set of issues I want to mention as we set  
15 the stage for the discussion is to highlight that we  
16 understand the need to work with tribal leadership and the  
17 importance of that to this overall effort in that  
18 collaboration and having you help us do the reach-out  
19 activities, the notifications to members of those tribal  
20 communities, to do all that work. And in some cases, it's  
21 significantly more work. In some cases, it's less.

22 What we're trying to be here is be flexible, as a  
23 program, to undertake the cooperative agreements. We've got  
24 not a whole lot of flexibility in the overall nature and  
25 scope of those agreements, particularly from a

1 financial-resources standpoint because we do have a limit on  
2 our administrative costs involved for the program.

3 And so -- but at the same time, we're trying to  
4 work with Tribes to ensure -- if it's a reaching out and  
5 engaging the tribal community and understanding the breadth  
6 and scope of the offers to be made under the program, we  
7 certainly need and want your assistance in that. If it's  
8 moving forward in some other cases where they like us to do  
9 valuations to help along those lines, we have those  
10 situations.

11 And we have some tribes who don't want a  
12 cooperative agreement who want us to just to collaborate  
13 with them and keep the lines of communication open as we  
14 move forward and implement it from our standpoint. We're  
15 open to all those different arrangements in moving forward.

16 Even as we do that and we try and engage with the  
17 tribal leadership as much as possible and will continue to  
18 do so, we do have a tight schedule and we do have  
19 responsibility to individual land owners as part of this  
20 settlement. And so from that standpoint, that is the  
21 balance that we're trying to seek to carry out the  
22 responsibilities, to move forward expeditiously adhering to  
23 a schedule that will ensure that we can make those offers,  
24 consolidate as much land as possible back to tribal  
25 leadership and tribal ownership to further your ability to

1 meet the needs from your people's standpoint, whether it's  
2 economic, whether it's protecting cultural values, whatever  
3 it is. That's our ultimate goal.

4 But we also want to ensure that we make those  
5 offers, that we get as much land back to tribal ownership,  
6 and we do it in a way that ensures that we're not giving  
7 back any money at the end of this program time frame in ten  
8 years. That is -- none of us want that. We want to make  
9 sure we maximize the investments, the acquisitions that we  
10 make and leave Indian Country in a much stronger position,  
11 overall, to meet those future needs. This is a huge  
12 opportunity, and we need to make the most of it.

13 And so from that standpoint, there are situations  
14 where we're going to have to continue to press forward and  
15 position ourselves to make those offers and give those land  
16 owners a chance to participate in this program. And we  
17 think that will accrue to everyone's benefit. And just know  
18 that that's an ongoing need that we have in addition to our  
19 desire to have this a strong a partnership as possible with  
20 the Tribes and their leadership.

21 Overall, I would just say it took us a while to  
22 get up and going because there's so many different aspects  
23 of this program from the Department's standpoint as I  
24 mentioned, all the different entities that are involved in  
25 this program to do the consultations that we needed to do.

1 I think there was seven initially, and then there was the  
2 program plan that was put together, and then there were  
3 another three consultations after that.

4 But notwithstanding that time that it took to get  
5 up and going, with the announcement we made a couple weeks  
6 ago, we're going to be moving forward with those 21  
7 reservations and ultimately be in a position that -- to make  
8 offers that represent about half of the fractional interests  
9 that are out there. A little less than half of the overall  
10 dollars that are available for the program are represented  
11 in those 21 reservations.

12 At the same time, I think through that  
13 consultation process through the program the way it's been  
14 put together, we're going to have purchase ceilings  
15 indicating the limitation on the investments we make so that  
16 we can ensure that just because you're not part of that  
17 first 21, that there's not going to be a lack of resources  
18 when we do move to those reservations that aren't part of  
19 that list. And we continue to add to that list.

20 So that's the way the program's been structured.  
21 I think right now we're running about 34, 35 percent of the  
22 offers that we're making are being accepted. So we'll see  
23 if that continues along in that percentage. We've obviously  
24 got a bigger data set we need to look at as we move forward  
25 on to different reservations. But if that's where we end up

1 over the next couple years, you know, we'll obviously be  
2 repurposing some of those funds in furtherance of the  
3 ultimate goal, which is where we can maximize the  
4 acquisitions for the program.

5 So a lot of information that I just threw out to  
6 you. And we're going to have a little bit more here. I'll  
7 turn it over, in a second, to our terrific Assistant  
8 Secretary for Indian Affairs, Kevin Washburn, who's a great  
9 friend and partner and who has done just terrific work in  
10 keeping this program moving forward in the absence of a  
11 deputy secretary for about eight months in between the time  
12 David Hayes left the Department and I got confirmed at the  
13 end of February.

14 And so Kevin has really been the strong force and  
15 advocate for that department. So we're not going to let him  
16 go. I'm going to keep my arms around him.

17 And, again, he's going to do a PowerPoint talking  
18 about the program in a little bit more detail. And then  
19 we'll leave plenty of time to have a dialogue that we need  
20 to have with all of you.

21 And so with that, once again, thank you all for  
22 taking the time. And I hope to meet and talk with all of  
23 you at some point in time over the next several months and  
24 years. And with that, let me turn it over to Assistant  
25 Secretary Kevin Washburn.

1                   MR. WASHBURN: Thank you, Mike. And thanks so  
2 much for your leadership.

3                   I'll be quick here because also what we want to do  
4 is hear from you. Let me just tell you, we have two real  
5 goals for the session today. One of them is to continue all  
6 consultation that we've been doing around the Buy-Back  
7 Program. And there has been extensive consultation. This  
8 all started before I got to the department. I came in in  
9 the middle.

10                  But the program's been doing a great job of  
11 consultation and getting feedback and incorporating that  
12 feedback and changing our course a little bit. We keep  
13 changing our course as a result of these consultations. So  
14 part of this is to keep doing that, to listen to you, to  
15 hear about where we need to make course corrections and that  
16 sort of thing.

17                  And, secondly, it's for Deputy Secretary to really  
18 engage with you. He is new to this. Now, he's now been  
19 pretty fully enmeshed in it because he's been in a lot of  
20 oversight meetings for the Buy-Back Program already. And  
21 we're really grateful to have him onboard. And he wanted a  
22 chance to interact directly with you.

23                  And this is kind of an important time. I mean,  
24 we've got new leadership stepping in, and it's a time where  
25 we can sort of -- I don't want to say we're going to pause

1           because we're not pausing. We're still charging forward on  
2           a lot of fronts. But it's a time to sort of take a step  
3           back and say, Okay, what other course corrections are  
4           needed.

5                         And that's a good opportunity to both get him up  
6           to speed -- help to get him up to speed even more, but also  
7           to evaluate things. So we're grateful for that.

8                         We have a lot of staff here and people who are key  
9           to the program here. We have the Office of Special Trustee,  
10          Jim James is here. We've got no less than two regional  
11          directors here from the BIA. A lot of the program -- the  
12          Buy-Back Program people here. And I see we've got our  
13          tribal leaders here, several tribal leaders.

14                        I see President Enos from Arizona and Governor  
15          Mendoza from Arizona. Who came -- did anyone come from  
16          further than Arizona, or do they get the prize for the  
17          furthest? Anybody -- tribal leaders come from further for  
18          that? Well, thank you. Okay. Yeah. Notice President Enos  
19          sat right up front. That's -- I like that. I like that.  
20          That's the kind of student you want. I'm a law professor in  
21          my day job. I like those students who sit right up front.

22                        Okay. Well, I don't want to take too much time  
23          because our job here is mostly to hear from you. Andrea has  
24          a kind of a status. Andrea Patton is the presenter of the  
25          status of where we are right now in the program. So let's

1 turn it over to her. And then we will -- we will hear from  
2 you all.

3 And we do want to hear from everybody that wants  
4 to speak. You know, I would ask you to keep your comments  
5 short until everybody's had a chance to speak so that we can  
6 get through everybody comments. But then, if there's time  
7 left over, you can speak again, because we really want to  
8 hear from as many people as we can.

9 So thank you all for coming out. This won't be  
10 successful if you all aren't supportive and aren't part of  
11 this process. So we are really, really grateful for you  
12 being here.

13 Okay. Andrea?

14 MS. KADISH: Thank you. Good afternoon. My name  
15 is Andrea Kadish. I just got married. So I'm sorry if I  
16 already introduced myself as Andrea Patton to most of you.

17 I'm a senior adviser on tribal relations with the  
18 land Buy-Back Program. I'm also a member of Sac and Fox  
19 Nation, and I also descend from Cherokee, Choctaw, and  
20 Citizen Potawatomi Nations of Oklahoma.

21 I'm going to give a brief presentation to help us  
22 kick off discussion of today's listening session. I'm going  
23 to go over program background, progress so far, and some  
24 current areas of interest. And then we'd like to get into  
25 tribal leader and landowner feedback, questions, and

1           comments.

2                       So what is the Buy-Back Program? It is the land  
3 consolidation program that came from the Cobell Settlement  
4 agreement. It has a 1.9 billion dollar fund to purchase  
5 fractionated interest in trust of restricted land at fair  
6 market value from willing sellers within a ten-year period.

7                       There are four phases of the program. The first  
8 is outreach. This is when we reach out and try to get  
9 everybody interested in making and accepting the offers.

10                      Land research phase is when we collect data  
11 necessary to establish fair market value. The land  
12 valuation phase is more popularly known as the appraisal  
13 phase.

14                      And land acquisition, this is when we actually  
15 make the offers.

16                      So for our progress so far, we have established  
17 the program. We did this through putting out an initial  
18 implementation plan, went through tribal consultation. And  
19 because of that we put out an updated implementation plan  
20 that responded to tribal input. We updated the deed to  
21 address feedback from land owners. We attained review of  
22 our appraisal methodology from the Appraisal Foundation. We  
23 also expanded the trust beneficiary call center to answer  
24 questions, update addresses, and make a log of interested  
25 sellers.

1           And also we published some guidance on cooperative  
2 agreements, and also we published some award templates that  
3 assist tribes in preparing the cooperative agreement  
4 applications. We've also been striving to share information  
5 with both tribes and individual landowners. We've had three  
6 tribal consultation sessions so far. We've had outreach to  
7 all 50 states and also in several countries. We have  
8 launched a Web site. We have participated in webinars  
9 hosted by NCAI. We also had another webinar for tribal  
10 leaders. And most recently, we pushed the initial  
11 implementation schedule.

12           As the Deputy Secretary mentioned we've had  
13 \$62 million in sales and consolidated over 177,000 acres.  
14 We've been able to contribute approximately 580,000 to the  
15 scholarship fund. We've completed initial mapping at 19  
16 locations. We've completed appraisals at three locations,  
17 but we've started appraisals at 18 locations.

18           We've also been able to enter into agreements with  
19 seven Tribes, including Coeur d'Alene, Salish and Kootenai,  
20 Umatilla Indian Reservation, Gila River, Northern Cheyenne,  
21 Oglala Sioux, and Sisseton-Wahpeton.

22           We have identified four areas. These are just a  
23 few of the areas of interest that we're interested in that  
24 we'd like to get some feedback today. This is by no means  
25 us trying to limit the discussion but just things that we

1 hope to hear people comment on in addition to whatever else  
2 you would like to comment on, including ideas for effective  
3 outreach, any common questions that you might be receiving  
4 from landowners. We'd like to get some feedback on our  
5 acquisition documents, and also we'd like to discuss  
6 coordination and communication among the Buy-Back Program  
7 and the Tribes themselves.

8 So what's next after this listening session? We  
9 want to take the feedback from this session and use it to  
10 improve our implementation of the program. And then the  
11 program will focus implementation on locations based on the  
12 initial implementation schedule of the 21 Tribes that was  
13 announced a few weeks ago. And we'd like to continue  
14 receiving input from all Tribes.

15 We have many different ways to get information  
16 about the program. The Web site that the Buy-Back Program  
17 has, has a lot of information. It is continually updated.  
18 The Trust Beneficiary Call Center, which the number is up  
19 there on the screen, provides lots of information to  
20 individual landowners. And also you have land Buy-Back  
21 Program tribal relations advisers. So that would be myself,  
22 Genevieve Giaccardo, and also to Morgan Rodman who is not  
23 here today.

24 So as promised it is a short presentation. And  
25 we'd like to get into the discussion section. And I'll turn

1           it over to Genevieve Giaccardo.

2                       MS. GIACCARDO: Thank you everyone for your words.  
3           Just a reminder, written comments, if you have them, we will  
4           take them from you at this moment. You can either give them  
5           to Andrea or I or the person who is sitting at the sign-in  
6           desk. So, say your name, tribal affiliation, and whatever  
7           hat you're wearing when you're here to -- when you stand up  
8           to comment.

9                       But let's move immediately into the tribal leader  
10          tribal staff comments right now. There's two microphones  
11          here if you'd like to come up to them. If you need me to  
12          bring the microphone to you if you have special needs, and I  
13          can do that as well. Just go ahead and raise your hand and  
14          indicate that.

15                      DEPUTY SECRETARY: As people are preparing their  
16          comments, I just want to highlight that, as Kevin mentioned,  
17          he's a law professor. He's prone to the Socratic method of  
18          asking questions. And I did time in the U.S. Senate, which  
19          means I can speak for very long periods of time.

20                      So we're going to try not do any of that while  
21          you're commenting and try and keep our comments till the  
22          end. So we're listening. We are fulling engaged, but we  
23          want to make sure you all have the opportunity to make your  
24          comments. We might interject a bit every once in a while.  
25          We tend not to be able to help ourselves, but our goal to

1 listen.

2 MS. JIM: My name is Ruth Jim. I chair the roads,  
3 irrigation, and land treaty for the Yakama Tribal Council.  
4 I have some comments in regards to this Buy-Back Program.

5 We've recently discovered that some of our TSRs  
6 have people listed on them that shouldn't even be on there.  
7 And we believe it happened when they converted to TAMS. And  
8 so in regards to the buy-back, you know, some of these  
9 people are probably going to get offers that shouldn't even  
10 be getting offers.

11 And another thing that brings concern to me is  
12 that, you know, Portland recently lost the probate  
13 department to Albuquerque. And Yakama has a backlog in  
14 probates. And we already have probate upon probate. And  
15 them being moved to Albuquerque is going to even add more  
16 problems to our backlog in probate issues.

17 And be it that, you know, this Buy-Back Program is  
18 right along with the individual Cobell Settlement, I would  
19 like to make a comment, since OST is here, that recently  
20 they posted some whereabouts unknown on Facebook. And I  
21 kind of wonder what is going on with that because some of  
22 those are parents that were deceased a long time ago. And  
23 the landowners that are -- now have IAM accounts already got  
24 Cobell Settlement. Now their parents are going to get a  
25 Cobell Settlement also.

1           And you know, those of us that inherited land only  
2           got an IAM account upon our parents' passing on. I just  
3           wanted to make that comment for the OST Department.

4           And you know, it seems that, on behalf of the  
5           Tribes across the United States, I know I heard the comment  
6           saying that I'm glad that you're showing interest and that  
7           you're here.

8           Those of us tribal leaders, we have to be here or  
9           else -- because, you know, the federal government, they make  
10          the decisions on our behalf. Everything that we have to do  
11          is made by the United States government. So that's why we  
12          have to be here. But I thank you for, you know, offering  
13          the opportunity for us to make these comments.

14          And that's all. Thank you.

15          DEPUTY SECRETARY: Thank you, Ms. Jim.

16          MR. BATT: Good afternoon, everyone. My name is  
17          Tino Batt, tribal treasurer for the Shoshone-Bannock Tribes  
18          of Fort Hall, Idaho.

19          And again, Fort Hall is located in southeast  
20          Idaho. Right now, we're the 13th fractionated. And our  
21          disappointment is not being selected earlier in this  
22          program, because we think that the main purpose of the  
23          Buy-Back Program is to buy fractionated land. We hold 2,500  
24          tracts. And out of those tracts, there's about 20 --  
25          260,000 tracts fractionated. So our disappointment is on

1 the selection process. And we kind of expressed this when  
2 we were in Seattle when we did consultation that the main  
3 purpose is to buy fractionated land, start from the top  
4 because there's always going to be money there. Let's don't  
5 worry about.

6 Our concern, the Tribes' -- and we kind of  
7 disagree -- is the mass appraisals. We don't like the  
8 thought of the mass appraisals because, again, every land in  
9 our area is different. And to do this mass appraisal on  
10 each -- as -- you know, for one -- for example, range is  
11 considered -- we may be considered as farmland. You know,  
12 it depends because we have our land use and ordinance  
13 agreement as well. Which is we're trying to incorporate  
14 into the corporate agreement. But that's what we disdain is  
15 we do not like the appraisal, the mass appraisal process.

16 The next thing is if the Department is unwilling  
17 to allow Tribes to perform land appraisals, will the  
18 Department provide results of appraisal activities to the  
19 Tribes? Those are another question.

20 My next question is: If we weren't part of the  
21 group selected, for example, as you guys listed and as the  
22 Department of the Interior listed out those Tribes, if those  
23 Tribes do not have the cooperative agreement and the Tribes  
24 that do, that have the -- for example, the Shoshone-Bannock  
25 Tribes, we have ours ready in line. We sent our letters of

1 intent as well. We're wondering, Well, if those Tribes are  
2 not ready to step up, is it possible for the Tribes to move  
3 forward and jump on the band with it since we're ready?  
4 That's one of the questions.

5 Another question, is this true that the outreach  
6 task for the reservation is kept at flat fee of \$500 rather  
7 than taking into account the unique needs and conditions  
8 presented at each reservation? That's one question.

9 I know you can't answer all of these questions,  
10 but I kind of highlighted the most questions that we thought  
11 more prudent. As well as we have tribal elders here that  
12 will talk later on the -- this dissatisfaction of where  
13 we're going, wheeling and dealing with this Cobell as well  
14 as the Cobell payments.

15 Next question, is that the Department again  
16 recently extended the deadline for the most recent waivers  
17 of offers on the -- on the Pine Ridge Reservation with a  
18 90-day deadline. Will that be the new standards for  
19 landowners to set the Buy-Back Program for all Tribes?

20 And the next thing is the Tribe right now is in  
21 agreement of this HR 4694, which is regarding the process.  
22 To us, the Tribe, it's very dissatisfaction that the  
23 Interior would not even take the 1.9 and invest that. Right  
24 now, that money's not being invested. And therefore, our  
25 tribal people or landowners will not get any interest from

1 those. And it's very sad. I would hate to be you guys'  
2 accountants or your banks because, you know, if I give you a  
3 hundred dollars and then expect you to invest that, well, I  
4 guess you're just going to sit on it and so, to me, that's  
5 very dissatisfaction.

6 And that's why many Tribes are moving forward  
7 legislated to do this HR 4694 to get this moved. And again,  
8 the Tribe allows the Tribes to administrate our own land  
9 Buy-Back Program. Again, we -- the other thing is, I know  
10 the Deputy, you mentioned that we've got until 20 -- we've  
11 got ten years. And we agreed with this Act because it  
12 allows the money to continue rather than cap it to that ten  
13 years. It's not going to -- it's not going to take ten  
14 years to get this resolved. That money is never going to be  
15 needed. Use this money for what it's intent and not return  
16 it back to the Treasury.

17 So we're moving forward working with our  
18 legislator in the House, would be Mike Stinson, and he's  
19 very advocate for Indian Tribes and very supportive of us.

20 The other thing that we kind of concern, we kind  
21 of disagreement, we know it's in the -- in -- regarding --  
22 and we express this again, it's regarding the educations.  
23 We know money is set aside to, you know, American Indian  
24 college. And we agree with education, but every Tribe has  
25 its own needs.

1           And for Shoshone-Bannock Tribes, that money -- if  
2           our members are being -- are voluntarily to sell their land,  
3           we believe that money should have been back to the Tribe so  
4           we can put that in our education, not for everyone else who  
5           may not have land or fractionated land.

6           The next concern, was going to -- is regarding the  
7           first right of refusal.

8           In our tribe, most of our land, we hold -- you  
9           know, I said 554,000. 95 percent is owned by our tribal  
10          members or by the Tribe. For us, that's amazing because  
11          we're taught not to sell our land, even if it's shovel. I  
12          mean, we have tribal members who believe in that. And for  
13          us to sell it, it -- we're -- it's going to hurt. But then,  
14          there's a new generation that don't understand the main  
15          purpose of what that land is there for.

16          For example, I have -- right now, I have a house  
17          on 20 acres. I have ten people in that -- on that land.  
18          I'm glad it's family because I know where that land comes  
19          from. And it's given to our great great grandparents when  
20          they came from Nevada and they settled in Fort Hall.

21          The reason why we want to do this mass -- want to  
22          do this first right of refusal for tribal members is because  
23          I want to have that time to offer it to my other families  
24          that I'm the one to buy it rather than them going straight  
25          to the Bureau and say, Hey, give me my check.

1           There's some instances where tribal members will  
2           do that without informing the other tribal families. Maybe  
3           there may be dispute or just out of resentment. For us, we  
4           should have that first right of refusal as tribal members,  
5           landowners, to buy our other family members out and give us  
6           that time.

7           There's not -- there's that 30-day window which is  
8           not ample time to do all that. I know there's going to be  
9           concerns from tribal leaders, is that, in doing that, the  
10          Tribe doesn't have the funds to offer and give our tribal  
11          members that money. They would have to go to town, go get a  
12          loan, and pay our tribal members off -- their tribal  
13          members.

14          So our concern is, that money -- give us ample  
15          time to do that first right of refusal. Don't -- I know the  
16          Bureau wants to rush, get this, transfer it, sell it, give  
17          it to Tribe, then work we're done. Then you want to -- then  
18          you -- then the Bureau, of course, wants to say, We're done.  
19          We did a good thing. We did a good job.

20          I have a couple more questions, but some of them  
21          were kind of all been answered. But those are the main  
22          concerns that we kind of had concerns. But really, the one  
23          thing that really kind of -- we -- kind of really irritates  
24          us that money isn't even being invested. It's just sitting  
25          there. So we're hoping other tribal members move forward in

1 support of that bill which is being introduced in the House.

2 We're hoping the -- we're hoping to even amend  
3 that bill, to add some provisions. But we don't want to  
4 destroy that bill so it doesn't get passed through.

5 So those are my concerns, and I will leave all my  
6 questions and concerns on behalf of the Shoshone-Bannock  
7 Tribe and our people.

8 Thank you.

9 MR. WASHBURN: Thank you, Tino.

10 And we just want to address one other thing just  
11 because it could keep coming up, and -- so this issue about  
12 investing the money, it's a -- it's an important issue. And  
13 I guess I just want to correct a -- maybe, what could be a  
14 misconception based on what Tino said.

15 The reason there's a bill to do this is because we  
16 do not have authority to do it now. We're not sitting on  
17 this money and sitting on it and not investing it. And you  
18 know -- but the reason that's happening is we do not have  
19 authority to do that.

20 And what we're hearing -- what we hear from  
21 Congress is that it would actually cost more money. I mean,  
22 that money's coming from the United States. So for us to do  
23 that, Congress would have to appropriate even more money on  
24 top of the \$3.4 billion they already offered. And so we've  
25 got to -- we've got to convince them that they've got to

1           appropriate more money so that we can invest that. They  
2           just didn't anticipate that happening whenever they passed  
3           the bill.

4                        So you know, again, it's not a bad idea. If there  
5           was -- you know, if there were really money that we had full  
6           freedom with, we would be needing to invest that pursuant to  
7           our trust responsibility. At this point, Congress has not  
8           given us that authority, but we are -- you know, we will be  
9           examining that legislation and you know, anxious to see what  
10          can be done about that.

11                       MR. BATT: Thank you.

12                       My next -- my question is, to you again, are you  
13          going to be fully supportive of that bill if it moves  
14          forward? Because again, the Interior is our trustee. And  
15          that's the main purpose of -- you know, we thought, Well,  
16          maybe the Interior will do it.

17                       You know?

18                       MR. WASHBURN: Yeah. Well, we don't have  
19          authority to do it. We will look at the bill. I don't  
20          know. I don't have authority to sit here myself and tell  
21          you because I haven't even looked at it, honestly. I don't  
22          know what else it does.

23                       And you know, we -- I know this frustrates  
24          everybody, but it is a vast bureaucracy and it takes a lot  
25          of people to look at that bill to say, Yes, thumbs up, we

1 support it.

2 And the Department of Justice gets to say  
3 something about that, knowing me and others. So I don't --  
4 I'm not free to sort of state our position.

5 But you know, the settlement of Cobell was  
6 something that the administration took -- was strongly  
7 supportive of. The President and Secretary Salazar wanted  
8 to get this done. And you know, there's a strong commitment  
9 to this and especially to the buy-back portion of it so that  
10 we can prevent these kinds of problems from arising in the  
11 future.

12 And so, you know, I guess it's an important  
13 question. You know, the interest on that kind of money  
14 could be, you know, substantial. But it's -- it's the  
15 tiniest percentage of the overall money. And so mostly what  
16 we've been focusing on is just trying to get the money spent  
17 in a fruitful way. And we will be happy to look at that  
18 legislation and try to figure out a way forward that will,  
19 you know, satisfy a Tribe's interest in wanting, you know,  
20 there to be more money than the \$1.9 billion that we have in  
21 the program.

22 MR. BATT: Thank you.

23 MR. WASHBURN: Thank you, Tino.

24 Grant?

25 MR. STAFNE: Wow, he knows my name. I must be a

1           thorn in your side.

2                       My name is Grant Stafne. I'm tribal executive  
3 board member from the Fort Peck Assiniboine and Sioux  
4 Tribes. I'm also the chairman of the land committee. And I  
5 have 20 years of federal experience. That's why I know  
6 Mr. Speaks. And I thank you for allowing me the opportunity  
7 to testify or make some comments here. I want to keep it  
8 short and sweet, you know.

9                       But as you know, I testified in Congress two  
10 different times, one at the House and -- what? -- I had  
11 one -- one with the Senate. And you know, so I -- we do  
12 have a cooperative agreement that was offered to us, and we  
13 have not signed it yet as we had some questions and concerns  
14 regarding various things and we need to meet with  
15 Mr. McClanahan.

16                      And you know, Ms. Kadish, you mentioned something  
17 about feedback on the acquisition documents, you know.  
18 Our -- we have never seen these documents here, acquisition  
19 documents, from Pine Ridge. But luckily my aunt is enrolled  
20 there, and she brought it to us. And that was only time we  
21 got to look at it.

22                      So I feel the buy-back staff should send it to us  
23 to review it to give you some comments in the first place.  
24 Like I said, I -- the only -- the only reason I got to view  
25 it is my aunt's enrolled in Pine Ridge.

1           And anyway, the Department of Interior initially  
2           offered four tasks to implement the Buy-Back Program to each  
3           reservation. And one was to do outreach, two was to do land  
4           research, valuation, and acquisition. Somehow the  
5           acquisition came off of that. And we would like, you know,  
6           due to the newly developed, automated systems and -- but no  
7           guidelines or parameters on available funding for the  
8           remaining tasks were ever seen. Transparency, we've been  
9           asking for that for -- since the time this was first kicked  
10          off, you know.

11           Last year I was the director for the land Buy-Back  
12          Program. The Fort Peck Tribes had been purchasing land for  
13          30 years on our own. And you know, we would have liked to  
14          have an opportunity to keep doing it. We are still doing  
15          it, but we would like -- like to join the -- these  
16          individuals in that task. And we feel, who would know more  
17          about the land than us or, like, the regional director. We  
18          would like to negotiate our contracts with the regional  
19          director from Rocky Mountain region.

20           I don't know if you guys are aware, the size of  
21          our reservation is 2.1 million acres, 954,000 still held in  
22          trust, you know.

23           And that leads on to the cooperative agreement  
24          should -- you know, they're offering \$500,000 straight  
25          across the board. No matter what size of reservation, you

1 know, it's just 500,000. Or in this case, they offered us  
2 70,000 more. 20,000 more than a reservation that is  
3 probably five times smaller than ours. And our reservation  
4 is way bigger. So that's one of the reasons why we didn't  
5 sign. There's no -- across the board, no ratios, nothing  
6 like that.

7 The budget, no budget -- no budget for  
8 administrative tasks. No -- no budget on accounting for  
9 each task. No tribal-specific consultations on appraisal  
10 processes, purchasable and nonpurchasable interests. No  
11 specific info -- information on mineral appraisal process.

12 As -- as you know, the Bakken Formation is right  
13 next to our reservation. And we feel the only reason that  
14 it's not being offered to us is, how are -- you know,  
15 they're scared of our minerals. You know, that's the bottom  
16 line, is scared of our minerals.

17 I just want to point out transparency.

18 So thank you.

19 MR. CHRISTIAN: Is this on?

20 (In Native language.) What I said was, Welcome my  
21 relatives. On this day I'm going to speak to you from my  
22 heart and I offer you all my hand.

23 Welcome, Deputy Secretary of Interior, Kevin  
24 Washburn.

25 And of course, Mr. Speaks, thank you very much for

1 welcoming us here. Good job.

2 You know, one thing I noticed -- excuse me. I  
3 would like to introduce myself now. (In Native language.)  
4 My name is Eagle Claw, and they also call me Four  
5 (phonetic), but my real name is what you guys call me, is  
6 Tommy Christian. I'm a tribal executive board member from  
7 the Fort Peck Assiniboine and Sioux Tribes. And I've been  
8 doing that for -- this is my 15th year. I'll be going into  
9 my 16th year. So I have a little bit of an understanding of  
10 some of the things that we, as res Indians have to tolerate.

11 Me and John McClanahan, this guy here, you know, I  
12 think I could whoop up on him, but I'm scared of him because  
13 he might get some backing from Washington, D.C. No. I'm  
14 teasing. Me and John are good friends, but we have our  
15 differences.

16 The differences is, I'm not sure he fully  
17 understands what I have to endure or tolerate living on the  
18 reservation. I'm not sure that he fully understands the  
19 importance of being a -- trying to adapt to what they call a  
20 sovereign nations. As if. But at the same time, again,  
21 they expect us to do -- do all this stuff, and yet they keep  
22 changing the game.

23 So I think -- you know, one of the things that I  
24 think is sad about this land buy-back process, Secretary  
25 Washburn is, you know, why did they not include 638?

1           There's whole process there. There's a whole bureaucracy.  
2           There's a whole regulatory authority for all of this onus to  
3           come and give the tribes an opportunity to do this. And  
4           they took it totally out of there.

5                       Now, as a tribal executive board member, I'm not  
6           paranoid. But I think they're after me based on action like  
7           that. You know, they develop this 638 bureaucracy and  
8           regulation for -- for handling money or programs, stuff like  
9           that. Then you get a prime opportunity for us to involve  
10          ourselves in something as personal as getting our own land  
11          back, and then they take 638 out of there. Does that make  
12          sense? They taught us on 638, and then they took it away.

13                      So you know, again, Secretary Washburn, this is  
14          what I'm saying. These things are just kind of going crazy.  
15          They're just kind of going all over the place. And John  
16          knows what I'm talking about. You know, I have nothing  
17          against John, but I wish I could strangle him sometimes.  
18          No. We have -- we have good discussions. And he -- and the  
19          thing of it is, Secretary Washburn, John, knows our  
20          concerns. We've told him and shared with him time and time  
21          and time again. And we're just getting really frustrated.

22                      You know, they said, there needs to be some  
23          collaboration and so -- for this cooperative agreement. Let  
24          me see. Did we change the definition of collaboration and  
25          cooperation? When they tell us under agreement to

1 cooperate, they tell us what they're going to do. We're  
2 going to give you 500,000, that's it. That's all you're  
3 going to get.

4 That's not collaborating. That's not cooperating.  
5 That's not consulting. That's telling us and dictating  
6 because, again, they say, No, this -- we can't 638 it.

7 They're just telling us again, asking for our  
8 participation, and yet telling us what to do. And then  
9 they're saying collaborate and cooperate. Does that make  
10 sense to you? I don't think so. And it's quite confusing.

11 But again, I think, it's the intent of the  
12 bureaucracy. It's the intent to continue to oppress us  
13 under this system that we're trying to figure out. Who are  
14 they, all of you all? Now, and please, I'm not -- I don't  
15 want to make you defensive. I'm not trying to get you  
16 upset. I'm not trying to be disrespectful. Mr. Speaks is  
17 up there; I would not do that. But who are they wishing to  
18 appease -- think about it -- us or Congress?

19 AUDIENCE MEMBER: Congress.

20 MR. CHRISTIAN: You bet. And so that's our  
21 problem, Mr. Washburn -- excuse me Secretary Washburn.  
22 That's the problem.

23 If you all were looking after our interest, guess  
24 what? You'd go to our regional director who knows us on --  
25 personally on most all -- all of the Tribes in Montana, I'm

1 speaking of, that particular region. And he knows how to do  
2 this. That's why I brought up 638. That's why I brought up  
3 the regulatory authority that has been in place they took  
4 away.

5 So as a tribal leader, I'm not paranoid. But God  
6 darn, I think you're all after me, man. You know, so I just  
7 wanted to share that with all of you all here to give you  
8 something to think about.

9 As a tribal leader, I've been called somebody that  
10 has a big hat on that doesn't know what he's talking about,  
11 doesn't know nothing about this cooperative agreements and  
12 all that. But we've been trying since day one. They told  
13 us, We're going to consult with you.

14 And you know, I've never seen a lady like this at  
15 any of those other consultations. I don't know if any of  
16 those other meetings that they called consultations were  
17 documented because there was a lot of strong words that were  
18 said by tribal leaders --

19 Remember that one in Rapid City, John?

20 MR. MCCLANAHAN: Of course.

21 MR. CHRISTIAN: Was that -- was that documented?

22 MR. MCCLANAHAN: Yes, it was.

23 MR. CHRISTIAN: I've never seen a transcript of  
24 it. Did you ever transcribe it?

25 MR. MCCLANAHAN: We did. It's on our Web site.

1 MR. CHRISTIAN: Because there was a lot of strong  
2 words that were shared there in regards to some of the  
3 tribal leadership which I thought -- you know, this is --  
4 this is what my position was, and I'm not trying to make  
5 these guys feel bad; I'm just helping us understand. If we  
6 continue with this attitude of entitlement, we're going to  
7 continue to be led down this road.

8 This guard up here, I said -- I told this old  
9 fellow, I said, Hey, watch that guy. He's got your  
10 billfold.

11 That guy said, No. I wouldn't steal nothing out  
12 of there.

13 I said, that's what you said when you first got  
14 here.

15 You know, and so are we to believe that? Are we  
16 going to be that naive to really believe that and accept  
17 that?

18 This is what I'm saying. We've got some skin in  
19 the game here, Secretary Washburn, a lot of skin. We had a  
20 whole lot more before, you know, 1492 or whatever that year  
21 was. I don't know when it was. I don't celebrate that day.  
22 But -- you know, and in that, that's what they said. And so  
23 we believed them in a respectful way.

24 And I dare say, the reason I started off with my  
25 language is because in our language -- the Lakota language,

1 Dakota language, Nakona language -- there's no sarcasm.  
2 What we mean is what we say. And what I shared with you, in  
3 a good way, respectful way, we believe you. Now believe us.  
4 We're not stupid. We're not imbeciles. We know what's  
5 going on.

6 I've been a tribal leader for 15 years and have so  
7 much compassion and empathy for our people, it just hurts.  
8 So I'm willing to work with individuals like John McClanahan  
9 to try to cooperate and collaborate. But don't redefine  
10 that word, because the way I define it, we're supposed to  
11 work together, eh?

12 And in that, what they call negotiations, well,  
13 we're going to say this and you say this. Okay, we'll say  
14 this. Let's meet in the middle instead of just, boom, you  
15 guys continuing to tell us what you're going to do with your  
16 money. And I do understand it's DOI money. I do understand  
17 that it's an act of congress.

18 And another big problem that I have is -- again, I  
19 think this gentleman from Fort Hall brought it up -- the  
20 scholarship money. We've got a college on our -- on our  
21 reservation as well that needs that money to give it -- to  
22 give the tribes no control over where that -- those  
23 scholarships go when they have their own educational  
24 institutions on their own reserves, I think that was a very  
25 sad thing. And I think we need to rethink that so --

1           because we have people that have been denied access to the  
2           economy, denied access to the education, denied access to  
3           healthcare, denied -- you know, there's so many things that  
4           we can say. And I'm not calling anybody names. I'm just  
5           addressing life as it is on the res. And we're so denied  
6           resources, this is why this is so important and we're  
7           speaking about, not the money that's going to be given to  
8           people that are selling the land, but the land.

9                           (In Native language.) Thank you.

10                   MR. SCOTT: Hello. My name's Randy Scott. I am  
11           the contact person for the Confederated Tribes of the Warm  
12           Springs, Oregon with the Buy-Back Program.

13                   I'm also the land services administrator for Warm  
14           Springs. And as such, I deal with the land. I deal with  
15           the purchase of lands. I deal with probate and inheritance  
16           act purchases.

17                   And one of the -- one of the first things that I  
18           noticed out of the program was that the fee lands were not  
19           included in this Buy-Back Program. Now, the fee lands,  
20           primarily with our reservation, are owned by non-Indians.  
21           And some of that happened when the -- with the Warm Springs  
22           Reservation, a surveyor had mistakenly surveyed out our  
23           reservation boundary. And in 1970s, I believe, the --  
24           President Nixon approved the -- the actual boundary as the  
25           McQuinn line.

1           So when the boundary line changed, there was  
2 non-Indian owners that owned land there when the line moved  
3 back behind their lands. Now they're inside the  
4 reservation, and they still own it in fee. Now, I've got  
5 people, some of those families, that are willing to sell  
6 those lands to the Tribes. And some of this is forested  
7 lands.

8           And so working with the program, we're -- we're  
9 supposed to -- we set up a working group to set up  
10 priorities. Now, the first priority in my list were those  
11 fee lands. Now, that's what -- from my office, those are  
12 the priorities.

13           And also the -- not only the fee lands but the --  
14 our allotted lands off reservation, that -- the public  
15 domain allotments that the Tribes have jurisdiction over.  
16 Now, those lands are not included either. And with my  
17 office, those lands are priority. They're -- a lot of them  
18 are primarily along the Columbia River, and a lot of  
19 nonmembers have ownership, small ownerships.

20           And how we're taking care of that is through our  
21 inheritance act purchases. Warm Springs will not allow a  
22 nonmember to inherit, so we buy them out. But from my  
23 perspective, those are priority tracts. And neither one of  
24 those items are on -- or allowed on that -- on this program.  
25 And those, in my mind, are priority.

1 Thank you.

2 MR. HALLIDAY: Well, I guess I might as well talk  
3 since I got up. I'm here today. My name's James Halliday.  
4 I'm from Warm Springs.

5 I'm an individual landowner. And I was really  
6 glad when I came in here today, you guys gave me this tag,  
7 because I wanted you guys to know I'm not just a number for  
8 you guys to push around on your desk. I'm a real person.

9 So I just wanted you -- and I -- I'm here because  
10 I own land in Warm Springs and in -- over in Muckleshoot. I  
11 got land up there too. And I want to pass this land on to  
12 my children because I've got children up there and I've got  
13 children down here too. And so I want to pass that on to my  
14 children.

15 And so I wanted to talk to you guys about -- let  
16 me see if I can read my note -- about that land because I've  
17 had a lot of problems, you know. My family, you know, we  
18 own that land, and it's been leased out for like 40 years.  
19 And I only get \$2,000 a year for that land. And it would be  
20 really nice for me to have that land and build a house  
21 there. But it costs me a lot more money than that to live  
22 off of my land. It cost me two -- \$4,000 a month to pay  
23 rent, buy groceries.

24 When my family got that land, you know, a hundred  
25 years ago, it was supposed to be for me to take care of my

1 family. And because that land is leased out, I can't take  
2 care of my family now. You know, I can't have my cattle. I  
3 can't build a house there. And so now I have to move some  
4 place and pay rent. And so, you know, it cost me a lot more  
5 than that just to live off of my land.

6 And so, you know, I was hoping that you guys would  
7 take this land Buy-Back Program and, like you said, use it  
8 to buy the fee lands because there's a lot of non-Indians  
9 that live on our reservations. And you guys aren't using  
10 any of that money to buy any of that land. You're just  
11 buying it from the Indians. And so you're displacing the  
12 Indians.

13 And you guys talk about this 5 percent, you know,  
14 if you -- in AIPRA if you have less than 5 percent, the  
15 Tribe's going to -- they're going to take your land away  
16 from you and it will go back to the Tribe. But 5 percent  
17 might be 5 acres. That's plenty of room for you to have to  
18 build a house.

19 And so you know you need to be talking about  
20 building houses for people. Because when -- in your opening  
21 statement, you said the ultimate goal of this program is  
22 maximum acquisitions for this program. You didn't say  
23 anything about families or children. You know, you need to  
24 be conscious -- this should be for bettering families,  
25 better Indian families not just taking the land away from

1           them. You know, because there's a lot of people out there  
2           that don't have homes. And so that's what I would hope that  
3           this program would do, would be building homes for people.

4                     You know, because if you come and you buy my land  
5           and you give me a thousand dollar check, that's only like  
6           maybe a month's rent or some groceries or something, and  
7           then I'll be homeless. Because that's what this land  
8           represents to my family, is us having a home, not just for  
9           me but for my children.

10                    And so I'm hoping that, you know, this would --  
11           instead of -- and the appraisals, the thing I don't like  
12           about the appraisals is, these appraisals that you guys are  
13           doing, they're not good appraisals because this land  
14           represents what my children are going to have not, just what  
15           I'm going to have. And so if you only pay me a thousand  
16           dollars for this appraisal, you know, that's a homesite that  
17           I could have. And so that's what I would much rather have,  
18           is a home that I can pass on to my children.

19                    MR. HORN: Okay. Good afternoon, Mr. McClanahan,  
20           Mr. Washburn, and the crew up here. It's an honor.

21                    My name is Curtis Horn. I'm from the Fort Belknap  
22           Reservation. I'm Assiniboine representative, also a land  
23           board chairman there. And I've been dealing with the land  
24           buy-back since I got there. I guess it was one of my  
25           priorities when I decided to run for the tribal council.

1           So I made it here and I guess I -- going back and  
2           forth with you Mr. McClanahan and your crew. But I do have  
3           some points here that -- I brought some written stuff for  
4           your people. And I wanted to talk to you guys a little bit  
5           today. I'm not going to go out in left field or just do a  
6           lot of BSing here. I'm going to go straight to the point  
7           with you guys.

8           But I'm with some of these guys here to. I would  
9           still like to -- I know I told you guys when I started I  
10          would like our share of the 54 million for Fort Belknap to  
11          be in an interest bearing account for us for the duration of  
12          the ten years for us to solely buy land on Fort Belknap  
13          Indian Reservation here. And that's one of my -- one of my  
14          concerns.

15          And the other one -- couple of the other gentlemen  
16          here brought it up -- is we have this fee land. I got a --  
17          I brought a letter from Mr. Connor saying you guys are going  
18          to buy restricted fee land. That's what I have on Fort  
19          Belknap. I would like to buy a bunch of that up. We have a  
20          lot of people that are interested in selling to us.

21          We, at Fort Belknap, have been buying land for  
22          many years and -- but at this time and age, we're like the  
23          rest of the country, we don't have the money to buy it  
24          anymore. But with this here, we hope to consolidate a bunch  
25          of it with your land buy-back crew here.

1                   And the second -- third one in my papers here is,  
2                   I've been going back and forth. I started off with  
3                   Genevieve, here, months ago. I was talking about an O&M  
4                   charge. It's a lien on some of our valley, our irrigatable  
5                   waters. That's an O&M charge, but in your -- in your  
6                   language in this land buy-back it said we wasn't going to  
7                   buy lands with liens on them.

8                   Well, to me, this is not a lien. It's not a  
9                   federal credit union lien. It's not a state bank lien. it's  
10                  not an FHA lien. It's a lien that the BIA imposed on us  
11                  landowners for irrigatable lands. And that is -- I guess  
12                  that came from the same place what Cobell took -- when  
13                  Cobell took BIA to task, you know. I think this goes hand  
14                  in hand with that. I would appreciate it if you guys -- you  
15                  put it in to your language to buy these lands back for us  
16                  with the O&M charges on them, you know. I think that's  
17                  fair.

18                  Other than that, I came here to just deliver these  
19                  to you guys and meet some of you. I met most of you, but  
20                  Mr. Connor, I want to speak with you when I'm done here.

21                  Other than that, I'm -- I'm very pleased with  
22                  working with the land Buy-Back Program. We're making a lot  
23                  of progress, and I hope to make more progress and work with  
24                  you guys in the future. I don't want to take up too much  
25                  more of your time, but I would like to visit with you guys

1 later.

2 Thank you.

3 MR. BALD EAGLE: Good afternoon. My name is  
4 Curtis Bald Eagle (phonetic), and I'm of the Minneconjou  
5 Sioux from the Cheyenne River agency of South Dakota, raised  
6 in the Cheyenne River and Oglala Sioux Tribe.

7 One of my concepts when I was growing up from --  
8 my upbringing is that we, as people, didn't have the right  
9 to sell our land or neither do you have the right to buy it.  
10 That was the way I was raised. No person, no -- no --  
11 anyone doesn't have that right to go and say, Well, I'm  
12 going to buy this and buy that.

13 The thing is, is I found a lot of things out. And  
14 this is before the Bureau of Indian affairs right now.

15 My father and my mother passed away in the early  
16 '60s. There was a legal document of will written through  
17 the tribal -- Cheyenne River Sioux Tribe, leaving me sole  
18 heir of all of their inheritance, which includes, from what  
19 I understand, undivided interest and divided interests.

20 The Bureau of Indian Affairs nullified the will  
21 out here in Montana somewhere on the day that I was on my  
22 way to Vietnam -- I'm sorry -- when I joined the Marine  
23 Corps. And on the day I was on my way to Vietnam, they  
24 approved the nullification and reverted everything back to  
25 the Cheyenne River Sioux Tribes.

1           So during my tour in Vietnam, a year later, one of  
2           my sisters passed away, so I came home on emergency leave.  
3           And at that funeral, I found out that she was my biological  
4           mother and the two people that raised me, that mother and  
5           father, were actually my grandparents. So they had left me  
6           everything that they had ever owned in this will. And my  
7           sister, my aunt -- finally found out she was my aunt -- told  
8           me I need to check into this. So -- but at the time, I was  
9           in service. So I told her I would check into when I got out  
10          of the military. That was in 1970. So I inquired about it.

11           And they told me that, being's I was not an  
12          original member of the tribe, I had nothing coming. So I  
13          said, Okay.

14           I left the reservation anyway. So I was making --  
15          making my way out here in urban areas, California, Oregon,  
16          all over the United States.

17           When the civil rights got start during the  
18          Alcatraz, I got involved in civil rights. And I contacted  
19          some lawyers, and they said that there was a manifest in  
20          justice or something -- some kind of injustice stuff. They  
21          told me to pursue it. So I pursued it a few times, and they  
22          kept telling me the same thing, You've got nothing coming.

23           And then just -- or you know, during this Cobell  
24          stuff, I had another sister pass away, but she was my half  
25          sister, I guess, from my mother's family. So when she

1 passed away, she didn't leave a will, but I was left an  
2 inheritance because I was her half-sister [sic]. And then  
3 also, they took my grandparents' land and broke it all up  
4 and reverted it back to my brothers and sisters. And so I  
5 inherited from my mother.

6 So I questioned it. I said, How I can inherit  
7 from somebody that you told me I had nothing coming from in  
8 this legal document?

9 Because this is what the Bureau of Indian Affairs  
10 always tells people, Write a will. Write a will.

11 I mean, this -- I took it to every lawyer that  
12 knows anything about law. And they said this was a grave  
13 injustice.

14 So here's the thing, I've got offers from this  
15 Buy-Back Program from my little pittance of inheritance that  
16 I got through the family tree here. But at the same time,  
17 I'm challenging this will that's before the BIA, I guess it  
18 is. So how can, at the same time while it's still in  
19 litigation, still be broken up and sold? I don't understand  
20 the concept of it.

21 I mean, I've got a number. Like the letter says,  
22 at least we've got a number, but I'm still a human being.  
23 My rights were violated from what I understand. You know,  
24 but my rights have always been violated since I can remember  
25 as a child growing up. That was basic norm of being Indian

1 people in American. I tried to -- tried to not become  
2 bitter over it.

3 I got involved in the civil rights movement  
4 because of this fact. And I took a lot of -- a lot of flak  
5 from a lot of people because of my involvement in the civil  
6 rights movement. But then I find out that I'm still not  
7 recognized as an Indian because I don't have this number.  
8 And I think that's one of the most horrendous thing that you  
9 could ever do to a person. You know, they talk about this  
10 holocaust and stuff. It's the same thing. They put numbers  
11 on people.

12 My parent always told me, when they -- when they  
13 tried to enroll me, they -- this was all political in the  
14 beginning. They told me, they said, You don't need a number  
15 to be an Indian.

16 And I've always lived to that day. Because I  
17 don't need to be an -- you know, I don't need a number to be  
18 an Indian, to be proud of who I am. I always have been.  
19 And I just wanted to address some of these things. Some of  
20 these tribal member probably had the same thing happen to  
21 them in their family tree somewhere because of some of  
22 records were mismanaged or lost or whatever.

23 But there are still cases out there in my scenario  
24 that needs to be addressed before they even have this land  
25 Buy-Back Program of whatever it is.

1           And I still believe the same thing. The  
2 government, nobody, has no right to say I want to buy your  
3 land because it's not my land to begin with. It's the  
4 Creator's.

5           Thanks.

6           MS. RUSSELL: Good afternoon. I'm Majel Russell,  
7 and I'm a tribal member from Crow. I'm enrolled in Crow. I  
8 also was a landowner at Pine Ridge. I'm no longer a  
9 landowner at Pine Ridge because I participated in the  
10 Buy-Back Program, and I'll talk to you about that in a  
11 minute.

12           I also am an attorney in Montana, and I have been  
13 the architect of numerous proposals for tribes that are  
14 participating in Buy-Back Program. And specifically, I  
15 helped the Fort Peck Tribe with their proposal and worked  
16 with Cheyenne Tribe with their proposal and the Blackfeet  
17 Tribe also with their proposal.

18           And I guess I have some comments that I think  
19 might make that process easier for Tribes and maybe helpful.  
20 First of all -- and I think -- I think, Mr. Stafne stated  
21 that earlier, I really believe that we need some parameters  
22 and some guidelines and some guidance on every one of the  
23 tasks that are available for Tribes to undertaken for  
24 implementation, and I think we need a budget.

25           You know, one of things that I have -- have been

1           involved with over this last year is we develop a proposal  
2           of what we think would be workable on a particular  
3           reservation, taking that reservation's size, number of  
4           landowners, instance of fractionation into account. And we  
5           put together a plan that we think will be workable on that  
6           reservation for outreach, for land research. We didn't  
7           undertake valuation because we had no idea on what kind of  
8           money would be available to undertake a valuation effort.

9                       And then we enter into what I think -- and I  
10           believe that GG may agree -- then we do this back and forth  
11           and back and forth until we finally reach something that is  
12           acceptable to the department. And with one of the  
13           agreements that I worked on, I think that that agreement  
14           went back and forth like 11 times.

15                      Now, if we had some parameters at the outset that  
16           said, Okay, if this is your reservation size and you have  
17           this many landowners, and your fractionation rate is this  
18           amount, if you could give us a range of what would be  
19           appropriate, maybe we could start with that. But I think --  
20           and maybe now we're further in the program where you have  
21           some of that established.

22                      But I also think that tribes have to have the  
23           opportunity to develop their unique types of outreach. What  
24           might work for outreach on one reservation is not going to  
25           work on another. I mean, if you have a two-and-a-half

1 million acre reservation and you have a predominant  
2 native-speaking membership and you have people in remote  
3 areas, that's a whole different kind of outreach than if  
4 you're going to have a much smaller reservation where maybe  
5 you don't have a predominance of the Native language.

6 So there are different factors to think about on  
7 how we approach this. So I guess I'm saying I don't think  
8 one size fits all, but I do think we need some parameters.  
9 And I think those parameters should be established based on  
10 what was in the first initial implementation plan, and  
11 that's size of reservation, number of landowners, and  
12 incidence of fractionation.

13 I think we've heard a couple people in here today  
14 ask, the 500,000 across the board, that's what we've heard.  
15 We've heard, Well, everybody's going to get approximately  
16 500,000. That's the general range. That should be  
17 appropriate for outreach.

18 I think that there should be some latitude with  
19 that. And there should be the unique circumstances of each  
20 reservation considered. So from that, I'm saying that, you  
21 know, I believe that we should have standards, parameters,  
22 guidance, and some budgeting. You know, for the 285 million  
23 that was set aside for administration in this program, it  
24 would be really helpful if we could see a budget for that.  
25 How much has been spent on improving TAMS? How much has

1           been spent on developing the acquisition center? How much  
2           is being set aside over here for outreach? You know, how  
3           much is available for outreach? How much is available for  
4           the whole appraisal process? We don't really have an  
5           understanding of what that's costing.

6                     I think it would be really helpful if we could  
7           look at Pine Ridge. We understand Pine Ridge, and I'm a  
8           landowner there and I participated in the program. How much  
9           did it cost us to make those offers at Pine Ridge? You  
10          know, how much did the whole process cost from the postage  
11          to the appraisal process to processing the deeds. You know,  
12          what did that cost and then how can we look at those numbers  
13          and look at what's appropriate for Tribes to receive to  
14          participate.

15                    Then I also wanted to make a couple comments of  
16          landowners. And I'm a landowner at Crow, and I also owned  
17          land at Pine Ridge. And at Pine Ridge, I got my offer in  
18          the mail. And I completely understood, you know, what my  
19          offer was. And because I've enrolled at Crow and not at  
20          Pine Ridge, I agreed that it was best, with my sisters, that  
21          we should -- we should sell our land to Pine Ridge. They  
22          were very, very small. And we felt like the Tribe was  
23          entitled to have those lands back and make the best use of  
24          them. So we agreed to do that.

25                    But I have to say that I still feel like I didn't

1           have any outreach at all. I didn't receive any outreach  
2           from Pine Ridge or from the Bureau of Indian Affairs or from  
3           the Buy-Back Program because I didn't live at Pine Ridge.  
4           I live in Montana.

5                     My two sisters live in Tennessee. And they had no  
6           idea what hit them. When they got the offer, they called me  
7           and they said, We don't know anything about this. What is  
8           this?

9                     So I think that outreach needs to go beyond just  
10          the reservation. We need to figure out how to reach people  
11          way beyond just the reservation locale. And I know that, at  
12          Pine Ridge, I think offers went to almost every state in the  
13          union. People owned land in almost every state in the union  
14          at Pine Ridge. So I think outreach needs to go further.

15                    Now, I'm preparing and thinking about what my  
16          offer's going to look like from Crow. Now, at Crow I own 64  
17          tracts of land. I own interest in 64 different tracts, so I  
18          have 64 interests in land at Crow. I haven't received one  
19          iota of information.

20                    The only reason I know about all of this is, of  
21          course, I'm working with all of you, and I'm very much on  
22          top of the Buy-Back Program. But if you're not, you're not  
23          going to know anything about what's happening on what's  
24          going to happen in a few months at Crow.

25                    So I think that we need to start outreach earlier

1 for landowners. And I think we need to be sending out  
2 postcards, or we need to -- you know, even if the Tribe is  
3 working on a cooperative agreement, if they're not quite  
4 there yet, I think there's a trust responsibility on behalf  
5 of the Bureau to try to get that information out to  
6 landowners.

7 And then, I also think a very critical piece of  
8 information you need to talk to Tribes about is the right to  
9 purchase. Now, at Crow I own land with -- in some cases,  
10 with very few others. There's land that I have that only  
11 has three and four owners. Now, from what I understand,  
12 you're going to be making offers on those parcels. And  
13 those are big tracts. Some of those are 640 tracts with  
14 three owners. And now, I understand you're going to make  
15 offers on that.

16 Now, under federal law, I have a right as a  
17 landowner to buy out my co-owners. And what I'm really  
18 concerned about is, with that short shelf life of the  
19 appraisal and what I'm hearing from everyone, is that you're  
20 not going to deal with the co-owner purchase. But then when  
21 the Tribe acquires it, I should just go to the Tribe and try  
22 to work with the Tribe to maybe buy out my co-owner.

23 Okay. So my example is, maybe there's three of us  
24 that own a tract of land. Two of us don't sell, but one of  
25 the owners wants to sell. We want to buy that tract; we

1 want to buy that interest so that we can consolidate and  
2 hold it. Okay. Now, what I'm hearing is, that that's too  
3 difficult to do in the program. And so instead, I should  
4 just wait, and when the Tribe acquires it, go work with the  
5 Tribe.

6 The problem is, I don't know of a tribal  
7 constitution that allows the Tribe to actually sell the land  
8 once it's vested with the Tribe. I know the Crow  
9 constitution doesn't allow that. So once that land, that  
10 title vests with the Tribe, they can't sell the land back to  
11 me. And there's a lot of other tribal constitutions like  
12 that. So my right to purchase my -- the co-owners'  
13 interests before they sell it is circumvented.

14 And I think we need to think about that. Even if  
15 you don't feel like you're going to go down that road, you  
16 need to tell people. You need to let people know, Wait a  
17 minute here. You've all got to understand, you know, that  
18 we're not going to do co-owner purchase or we've got to have  
19 some transparency about that. So that's -- that's one of  
20 the concerns I have.

21 The other concern that I think is very  
22 important -- and this is both from an individual landowner  
23 and with Tribes -- now, at Pine Ridge 30 percent of the  
24 tracts were omitted, and they were considered  
25 nonpurchasable. So when they went and did all the mapping

1 and appraisal at Pine Ridge, 30 percent of the tracts were  
2 considered not purchasable. I think we have a similar  
3 figure at Northern Cheyenne. There's a certain percentage  
4 of the tracts that are not purchasable. And that's going to  
5 come out in the data.

6 Now, I understand, I guess, it's the appraisers  
7 that are making that decision on which tracts are not  
8 purchasable. I think that tribe should be involved in that,  
9 and there should be a tribal-specific consultation so the  
10 Tribe can understand why are these tracts not in the  
11 program? Why are these tracts omitted? There must be some  
12 very valid reasons, but we should know what those reasons  
13 are.

14 And as a landowner at Pine Ridge, only a portion  
15 of the tracts I own there were on my offer. And there's no  
16 information to the landowner about, Well, why aren't these  
17 tracts included? Why are they omitted?

18 There's no information to the landowner or the  
19 Tribe. I think that's a key issue on who's making a  
20 decision that certain tracts are not purchasable. Why are  
21 those tracts not purchasable and shouldn't the Tribe be  
22 involved in that discussion? And then further, shouldn't  
23 the landowner have information?

24 And -- let me see. I talked about the budget.  
25 The other thing is on mineral valuations. We keep hearing

1           that there's a process to look at mineral valuations. But  
2           what I'm not clear on is, what is that process? Are we just  
3           looking at tracts and if they have mineral potential, are  
4           they being omitted? Or are we actually trying to do a  
5           valuation of that tract with that potential for mineral  
6           development? I don't think that's been made clear. I think  
7           that would be really helpful. And I know for Fort Peck,  
8           that's a key issue. It's going to be a key issue at Crow.

9                     You know, if -- are you just -- what are -- what  
10           is being called mineralizing tracts, which are -- you're  
11           looking at a tract and saying, Oh my gosh, there's mineral  
12           potential; let's knock it out. Or are we actually going to  
13           try to approach a process to value the mineral? So I think  
14           we need more information on that also.

15                    So thank you for the time to comment, and I'm  
16           apologizing if I stepped in front of any tribal leaders  
17           here.

18                    Thank you.

19                    MS. GIACCARDO: Thank you, Majel.

20                    I see another tribal staff person who wants one  
21           more. And then we'll take a short break, and we will move  
22           to the second portion of the listening session which was to  
23           concentrate mostly on individual landowners. But I think we  
24           can -- if there are any other tribal leaders that want to  
25           speak in the second portion, you know, we'll listen to them

1 as well.

2 MS. ENOS: I'm going to jump in right now before  
3 the break.

4 MS. GIACCARDO: Yes.

5 MS. ENOS: Thank you.

6 My name is Diane Enos. I am the current elected  
7 president of the Salt River Pima-Maricopa Indian Community  
8 in central Arizona. We are in the metropolitan Phoenix  
9 area, which means that we are about 25 miles from the center  
10 of Phoenix. Our nation is bounded by metropolitan areas,  
11 and, as such, we are very active in the development process.

12 I have an outline here, but I will try to follow  
13 it. But the outline is -- takes points from our  
14 application. I have a copy of our second application here  
15 which was submitted to you folks. But I want to hit on some  
16 points which we feel are very compelling reasons for you to  
17 take another look at our application and grant us the amount  
18 of moneys that were calculated to be right for Salt River  
19 for the Buy-Back Program.

20 The Department of the Interior, on May 15 of this  
21 year, fairly recently, you all announced 22 additional  
22 tribes being awarded funds for the Buy-Back Program. We  
23 were -- when I say "we," I mean the people in the Community.  
24 We've been waiting to do this for a long time at the council  
25 as well. We were really disappointed that we were not on

1 the list. But today I'm hopeful to -- when I hear you say  
2 that you're relooking at some of the issues. And I'm really  
3 heartened by what I heard you say earlier, both Mr. Connor  
4 and Mr. Washburn. And it gives me an obvious optimism here.  
5 So that I think that when I do lay out our compelling  
6 reasons for why you should consider Salt River again, I hope  
7 that you do take that to heart.

8 The Buy-Back Program's implementation plan insist  
9 that we identify the 17.4 million which was to be allocated  
10 to purchase the fractionated lands from Salt River, and  
11 that's an item that we have also outlined in our application  
12 itself -- this thing's too high. I feel like I've got to  
13 stand on my toes. I'm going to lower it a little bit.  
14 Excuse me.

15 We are -- Salt River is in the top 40 -- I know  
16 that sounds like a hit record -- or record hits or  
17 something. But we are in the top 40 of highly fractionated  
18 lands in the list that was put out by Interior as well. And  
19 just to give you an example, there are tracts of land in my  
20 Community which have over 700 individuals in there. And I  
21 have a couple of examples that I'm going to describe to you  
22 which will layout the picture very clearly.

23 There is one ten-acre tract in one of the most  
24 highly developable areas of my Community that, within the  
25 period of 15 months, there were 746 individual interests in

1           that ten-acre allotment. In 15 months, that number rose up  
2           to 774.

3                       That's just an example of how rapidly the -- the  
4           problem of fractionation's occurring in Salt River. And I  
5           know we're not alone. I know that.

6                       But also, since 2011 when this whole concept of  
7           buy-back started out, the Community became actively  
8           involved. We engaged our staff. And I'd like to also  
9           acknowledge -- and speaking of staff -- two of my staff, key  
10          staff members that are here with us today.

11                      Theresa Rosier of the general counsel's office,  
12          who has extensive experience not only in attorneyship -- is  
13          that a word? -- but in land issues for my Community. She's  
14          worked with the -- with the Department of Interior with the  
15          Indian Affairs as well, I believe, in Washington. She's got  
16          a lot of experience.

17                      In our application, also, we acknowledged Stacey  
18          Gubser, who's also present, who's the director of the  
19          Community development program. Stacey's department has  
20          about 14 employees dealing with land issues alone. And  
21          numerous folks at her office have been tasked to develop the  
22          information in our application packet.

23                      We have attended numerous consultation sessions  
24          with Interior on this issue. And prior to the specific  
25          Cobell land Buy-Back Program, the consolidated land Buy-Back

1 Program, we've been watching that ever since that came out  
2 as well. We even hosted a site visit from the buy-back  
3 staff on November 21 of last year and submitted not one but  
4 two applications. This is our second application. And we  
5 had applied to be part of the pilot project program, and  
6 then we had a cooperative agreement to be a cooperative  
7 agreement Tribe.

8 The Community has never been provided any feedback  
9 from Interior for any -- from any of your staff as to why we  
10 have not been selected for either of these two programs. So  
11 we're eager to do that. And at some point, now, hopefully  
12 we won't need to do that because you'll put us on your list.

13 The Community should be awarded a cooperative  
14 agreement as soon as possible. And some of the reasons  
15 are -- and I know that Governor Mendoza is here from the  
16 Gila River Indian Community. We are a sister Tribe to the  
17 Gila River folks because a lot of our own individuals,  
18 tribal members, own land in both Communities.

19 So it would have been efficient -- and I know that  
20 Gila River -- congratulations, Governor Mendoza -- signed  
21 their agreement today, and they were awarded moneys to do  
22 the buy-back. But a lot of our people own land in Gila  
23 River and vice-versa. A lot of their people own land in  
24 Salt River that are willing to step up and be part of the  
25 Buy-Back Program. So it would be a good step, I think, for

1 Interior to try to -- what is it they say? -- kill two birds  
2 in one stone. I don't like that analogy, but it might apply  
3 here.

4 There are presently 2,548 Gila River landowners  
5 who own interests in Salt River. 2,548. And there are  
6 1,824 Salt River landowners who hold interest in Gila River.  
7 So we're looking for efficiency and benefits here. So  
8 that's something for you all to think about.

9 Another reason for you to consider us is that land  
10 values in my Community -- in our Community continue to rise.  
11 The more time that passes only increases the cost of land  
12 within Salt River. The reality is that as more time passes,  
13 the land -- the less land can be bought and consolidated.

14 And I have another example here. I asked staff  
15 this morning on the way in. And there is ten-acre -- well,  
16 no. Wait a minute. There is a couple of examples here.  
17 And I'm going to talk about land value. And -- and this  
18 ought to be looked at in the context of our location.

19 So there is, in one section of the Tribe, where  
20 there's highly developable land, the increase has been  
21 11 percent in value over five years. For example, in 2009  
22 the -- according to the appraisals -- acceptable appraisals,  
23 it was -- the price for land in that particular area was  
24 \$170,000 an acre. Now, in -- well, in 2013, the price of  
25 one acre in that area of land is \$200,000 an acre.

1           And there's another part of the Community some of  
2    you may be familiar with. We've created an entertainment  
3    district by establishing the Salt River Fields at Talking  
4    Stick in our Talking Stick cultural entertainment district.  
5    The increase in value and cost of that land in that  
6    particular area of the Community has been 12 percent over a  
7    five-year period. The example is, in 2009 in that  
8    particular spot, land cost -- costed 230,000 an acre. In  
9    2013, the price has gone up to 261,000 per acre. \$261 --  
10   hundred thousand dollars per acre.

11           Those are two of the most serious examples to  
12    illustrate to you that the more time that passes, that we  
13    aren't able to participate, the more costly it's going to be  
14    and the less land we'll be able to successfully buy.

15           In our application, also, we are not asking for  
16    any funds to administer the land buy-back. We've been doing  
17    this for so many years and we have actually been buying land  
18    back from the Community where -- for instance, the Salt  
19    River Fields, when the Community decided to go into that  
20    particular development, not only was there tribal land  
21    there, but there was allotted land. And in order to  
22    successfully move forward with this tribal enterprise, we  
23    had to buy some of our members' land back.

24           So not only that, but in the years past, people  
25    have come up to us, some of them have been from Gila River

1 and other Tribes, where they had such a small percentage of  
2 interest that they wanted to sell their land to the  
3 Community. So Stacey's staff has been doing this since --  
4 probably about nine years.

5 We have all the parts in place. We've got the  
6 road map that's been well traveled to do land buy-back. We  
7 have -- and so therefore, we're not asking for  
8 administrative costs to do that. And I know that some of  
9 the other Tribes here need that. And I will support their  
10 needs, but Salt River isn't asking for any. We're ready to  
11 do this. We've been -- as I mentioned, we've already had  
12 the necessary administrative capacity or the tribal -- and  
13 the tribal readiness to implement the program today.

14 We've been doing this actually, I stand corrected,  
15 for 15 years. We have GIS capability that we've had for  
16 many years. We've got 14 staff, again, as I mentioned, in  
17 Stacey's office, in her area, that deal solely with land  
18 issues. We have also five certified appraisers already on  
19 contract with the Community and by way of appraisals, we  
20 have that methodology well in place. Because we've been  
21 doing it so well, the Bureau has signed off on these land  
22 purchases.

23 So we -- I've been sitting here listening to  
24 some of the recommendations about the appraisal process. We  
25 already have that set up and have already been doing it.

1 And our track record is well-established. We have a strong  
2 track record for land purchases since 2004. We have already  
3 executed land purchases for over 328 acres that the Tribe  
4 itself has bought.

5 The Community is able to purchase allotted  
6 land through an established partnership with the BIA. Salt  
7 River agency has weekly contact with the Office of Appraisal  
8 Services in Phoenix. We're actively involved in this  
9 program already.

10 And there was some discussion earlier about  
11 outreach. We already have established landowner interest.  
12 Landowners are coming to the Community, as they have been  
13 for many years, offering to sell their land. Outside of the  
14 Buy-Back Program, the Community already has over 400  
15 applications, over 400 applications on file from allotted  
16 landowners who are requesting and have requested that the  
17 Community buy their allotted interest. Clearly, there's  
18 landowner interest already in the Buy-Back Program.

19 The process that we use in -- for instance,  
20 when we needed to purchase some allotted land from the --  
21 for the Salt River Fields, this had to be done with a  
22 15-month period. We had numerous meetings with landowners  
23 in the allotment. We had individual meetings with them  
24 where people want to talk to staff privately. That happened.

25 We had letters going out and opportunities

1 for them to fully participate and understand what it is, the  
2 appraisal was going to be and what the process was going to  
3 be and what the appraisal ought -- actually turned out to  
4 be. Then whether they chose to sell their land back to the  
5 Community, that was their decision. But they did it fully  
6 knowledgeable. That's what we already have in place.

7 And in conclusion, I wanted to tell you that  
8 if you awarded the cooperative agreement with the Community,  
9 it's a win-win for both the Department and for us and our  
10 individual landowners. Because right now -- because there's  
11 so many people in any particular allotment, it's difficult  
12 for a developer to come in and strike a deal. How can you  
13 make a deal with 700 people? Can you imagine the time that  
14 that would take? The energy?

15 Our staff already has up-to-date, accurate  
16 land recordings. We're self-governance, and we've had our  
17 compact for many years. In fact, we even had training for  
18 some of the BIA folks to come out and see how we kept an  
19 accounting of our land and our realty interests. So we are  
20 more than ready.

21 And if you want a win-win, then I would  
22 really urge that you take another look at our application.  
23 It outlines these major points that I'm describing to you  
24 today. And you'll see exactly what our plan is. And we're  
25 just bewildered as why you didn't put us on this new list.

1 But let me add, I'm very hopeful today that you're going to  
2 include us. We're ready to take the money, my staff is then  
3 me. We'll take a check. We'll take MasterCard.

4 Thank you for hearing me today. I truly  
5 appreciate this. And I'm going to go home with my fingers  
6 crossed. Thank you so much.

7 MS. GIACCARDO: Thank you.

8 We're going to take a very short break, ten  
9 minutes. We'll be back here at 3:20, and then we'll resume,  
10 have tribal leaders back, if you like.

11 DEPUTY SECRETARY: And I just want to mention, I  
12 know that we may lose some people after the break. This  
13 tends to happen in these type of discussions. If we do,  
14 fine. We certainly welcome everybody to stay. And we'll  
15 have some high-level responses at the end. But for those of  
16 you who can't stay, thank you very much for your  
17 participation. I just want to make sure, if you do leave,  
18 we properly acknowledge the critical nature of your  
19 attendance and appreciate your input.

20 Thank you.

21 (Recess taken.)

22 MS. DAVIS: Okay. Mr. Washburn and Mr. Connor, my  
23 name is Frankie Davis. (In Native language.) My name is  
24 Frankie Davis. I'm the managing director of the Diné  
25 Allottee Association. And this covers 30- to 60,000 Navajo

1 allottees in the -- well, basically in eastern agency of  
2 New Mexico.

3 Basically the Indian families with allotments are  
4 the majority, if not the sole owners of allotments not the  
5 Tribe. Tribes may have been consulted, but why were  
6 allottees left out as they are the majority holder? Now,  
7 remember, let's put this in context. I'm talking about the  
8 allottees in New Mexico regarding the Navajo Nation. We are  
9 the majority. Okay?

10 And basically the following was written in  
11 consultation with our attorneys:

12 In 1935 there were approximately 6,000 Navajo  
13 Indian allotments, mainly in New Mexico, outside the Navajo  
14 boundaries reservation. Today there are approximately  
15 60,000 Navajo allottees making the Navajo allottees the  
16 largest single group of allotment owners in the United  
17 States.

18 And Diné Allottee Association hereby represents --  
19 or presents to the BIA the following facts in evidence in  
20 support on behalf of the Diné Allottee Association members  
21 and all Navajo allottees.

22 I do have about two -- 2,000 of our membership  
23 papers here. And basically this is the application for  
24 membership to the Navajo allottees. So this is -- actually,  
25 in actuality, there's 2,000 of us here with me right here.

1           Okay?

2                         And their question is, why did you have this  
3 meeting here and not out there because we have a majority  
4 out there in the Navajo Reservation in eastern agency? And  
5 yet I had to drive -- I don't fly because you guys have  
6 money; I don't. But anyway, I had to drive all the way  
7 here. And there's a lot of sorted thoughts on that. Some  
8 of them say, Well, they don't want you to speak up. They're  
9 trying to do things under the table.

10                        Okay. So the next situation is, I'm going to read  
11 this. This is our immediate request for a cessation of the  
12 land Buy-Back Program and implementation of the following  
13 NEPA, N-E-P-A requirements:

14                        Categorical exclusions for the land Buy-Back  
15 Program for allottee lands doesn't mean any N-E-P-A --  
16 NEPA -- I can never say it -- NEPA -- NEPA's requirements  
17 because of the previously noted exemptions.

18                        An environmental assessment needs to take place  
19 for all allottee lands. The draft of this assessment needs  
20 to be open for review by the public with public meetings for  
21 the allottees all across the United States. This includes  
22 the draft or any finding of significant impact. This should  
23 be conducted independent of BIA. If this environmental  
24 assessment cannot be signed off on, then an environmental  
25 impact statement needs to be conducted according to NEPA.

1                   These are the requests of the Navajo allottees.

2                   Frankie Davis, managing director.

3                   I will give you a copy of this.

4                   Now, you might not like what I have to say and --  
5                   because I do stand for the Navajo allottees. Basically, the  
6                   BIA has used -- in fact, let me just read it. Okay?

7                   What NEPA document was completed for the land  
8                   Buy-Back Program? The Department of Interior has chosen to  
9                   use a categorical exclusion for all the purpose of the  
10                  fractionated interests across the country which is not  
11                  acceptable and an environmental impact statement is needed  
12                  because -- now remember, this is -- this exclusion is  
13                  insignificant for the allottee land buy-back because of the  
14                  legal exceptions listed in this document. And I will tell  
15                  you, just basically, go over it really quick.

16                  According to NEPA compliance checklist,  
17                  extraordinary circumstances are present in regard to Navajo  
18                  allottee lands because of high controversial environmental  
19                  effects or involve unresolved conflict concerning  
20                  alternatives used -- alternative uses of available  
21                  resources.

22                  That's in NEPA Section 102(2) and E in  
23                  parenthesis.

24                  Five, have a precedent for future action or  
25                  represent a decision in principal about future actions with

1           potentially -- potentially significant environmental  
2           effects.

3                       Next, have the possibility for a  
4           disproportionately high and adverse -- adverse effect on  
5           low-income or minority population, Executive Order 1289.

6                       Possible extraordinary circumstances present.

7                       Here's No. 8, how significant adverse effects on  
8           species listed or proposed to be listed on the list of  
9           endangered or threatened species or have significant adverse  
10          effects on designated critical habitat for these species.

11                      And this next one is very, very important, have  
12          the possibility to limit access to and ceremonial use of  
13          Indian sacred sites on federal lands by Indian religious  
14          practitioners or significantly adverse affect the physical  
15          integrity of such sacred sites.

16                      Now, with all of that said, I do have a copy for  
17          you.

18                      I represent, again, approximately 60,000 Navajo  
19          allottees. These people basically, in fact, don't have the  
20          correct representation.

21                      And I'm going to probably say a few things about  
22          somebody you know, Kevin Washburn, and her name is basically  
23          our -- our representation out in the region there in New  
24          Mexico, Arizona, Utah. There's a woman named Sharon Pinto.  
25          She is our regional representative. She's constantly very

1 unbalanced emotionally. She has emotional tirades. She's  
2 embarrassing, and she gives three- to four-hour notices  
3 expecting all Navajo allottee to be in a meeting. And then  
4 she runs off because she says we will not reason.

5 And on top of that -- this is a side note -- she's  
6 actually cut off and stopped all oil leaseings for behalf of  
7 the allottees. And she's fired all who worked with us, the  
8 good people who care about their people. She's fired every  
9 one of them. If not, she's relocated some of the female  
10 workers and threatened them and said, Do not have any  
11 contact with these allottees.

12 She's threatened them because she said, You will  
13 lose your job if you do.

14 All OST workers, FIMO, many of the workers that  
15 work with her are in total fear of her coming in and firing  
16 them because of her emotional tirades. You need to listen  
17 to that. All of you. This is the kind of leadership we  
18 have right now. And I am not making up this story. This is  
19 all of these allottees. 2,000 of them are present with me  
20 right here.

21 So anyways, at this point, I'm pleading for the  
22 Navajo allottees because, you know, they are illiterate.  
23 They didn't have the advantages of a grandfather who put me  
24 in school. And I'm educated.

25 And like some of these Native Americans said, you

1           can't walk on us. We know who we are. We know what we are.  
2           These lands are sacred.

3                     Right now, Sharon Pinto said, For one acre of  
4           land, the Navajo Nation is going to throw us 2,000 -- 20 --  
5           or \$25,000.

6                     What if there's 30,000 people or 3,000 or a  
7           thousand people with those fractionated lands in on that --  
8           on that land? What are they going to get? 85 cents each or  
9           \$1.50 or maybe 12 -- \$12? It's ridiculous.

10                    Because this is what I tell them. You look at  
11           your lands. Look at the surface value. You're talking  
12           about fair market. Where are you taking that into  
13           consideration?

14                    Then, subsurface. You know what? There could be  
15           gold under there. And who's going to be the winner? You.  
16           And we're going to be sitting here with our -- our bag of  
17           flour, basically. And what's going to happen?

18                    Then, when you buy our lands back or the Navajo  
19           Tribe has it, guess what's going to happen? One day, that  
20           land that you sold, what if they want to build something on  
21           there and they want to dig oil or gas -- I don't care  
22           what -- they found some minerals? And guess what? You're  
23           not going to have that land. You're going to be displaced  
24           like you've heard.

25                    This is very, very, very real to us. My people

1 are not literate. And Sharon Pinto stands there and  
2 preaches to the choir and is trying to force this on us.  
3 And that's why I am here. I traveled this far because I am  
4 not. I am intelligent.

5 And that land -- that land is so sacred. There is  
6 no price there you can give me. My grandparents are buried  
7 on that land. They're my ancestors. And I am the  
8 culmination of every one of them.

9 These people are so poor. They live on dirt  
10 floors. And I don't know if you guys still live on dirt  
11 floors. And when you go out to Counselor and Crownpoint,  
12 you see these people -- my people -- this is 20th [sic]  
13 century. They're living on dirt floors, and they don't have  
14 electricity. This is sick.

15 And because of that, they will jump at your offer.  
16 If you gave them \$25, they would jump at it because they  
17 have such a need and they are in such dire poverty. You  
18 know, the Navajo, it's called (in Native language). It has  
19 killed many, many people.

20 That's why you, getting the \$25,000, is like a  
21 million dollars to them. But where is it going to go once  
22 it's spent? Where is their going to -- land be once they  
23 realize they can't have their land anymore?

24 This is deep. This is us speaking. We have no  
25 leadership there. If I were you, and I'm gutsy, I'd tell

1 Sharon Pinto, I will do what I can to get you fired.

2 She's my relative. She's done everything to  
3 degrade and not lift her people. She's a sorry, sorry  
4 excuse for a person right now. This is what we are living  
5 in within the Arizona, New Mexico, and Utah allottees.

6 And, no, I will not accept the land buy-back, or  
7 you will see me in court. I love my people. I love my  
8 land. We have an answer for fractionation. It's not your  
9 way. It's our Native American way. It's our Navajo way.

10 I hope you listen to me. I've -- I've heard  
11 everything that's been said.

12 And where is this study that has not been done?  
13 Where is it? And why aren't you using this exclusion?  
14 Because if you had really done your homework, you would go  
15 to every one of these people's lands, every single -- all of  
16 these 60,000 allottees, and you would do the study on every  
17 fijin (phonetic) one of their lives. That is the exclusion.

18 There's three steps on NEPA. You've chosen the  
19 one on the bottom, the cheap way out. Because it takes a  
20 lot to go one by one -- 60,000 Navajo allottees -- to go do  
21 that study on each of their land to make sure that it's  
22 right.

23 This is from my heart. I'm bringing you this.  
24 I'm the managing director of the Diné Allottee Association.  
25 I'm here for -- on behalf of 30- to 60,000 Diné Allottee

1 Association. And for these allottees I pray you listen with  
2 your heart not appeasing Congress but to listen to us.  
3 Because what I say is true. And it might not be true for  
4 these people, but for my people it is.

5 (In Native language).

6 MR. PETERS: Ray Peters from Squaxin Island Tribe.  
7 We are from the southern Puget Sound.

8 And one of the first informational sharing  
9 conference calls that the Interior had with the different  
10 regions, I was on that call. And one of the things that I  
11 really stressed was, you know, the issue of fractionated  
12 interest is a problem. The consolidation is something that  
13 is important to all Tribes, and that it was important not to  
14 leave out the small Tribes in this.

15 Squaxin Island Tribe, for the past ten years, has  
16 had a land Buy-Back Program. We don't have a lot of  
17 resources, but we committed to that in our budget cycle to  
18 put money away. We have the infrastructure. And one of the  
19 things that I emphasized was, please don't forget the small  
20 island-based Tribes because it is as big of an issue for us  
21 as it is for any other Nation. So I appreciate that.

22 The Squaxin Island Tribe and its council  
23 appreciates the fact that we are one of the 21. And we will  
24 move forward diligently, as we've done previously on  
25 outreach, to make sure that those tribal members understand

1 the benefit of consolidating Tribe -- consolidating that  
2 land and putting it into tribal ownership, that we still  
3 continue to be owners of that land. And that it's really  
4 important, vital, that that land stays in trust.

5 I also want to emphasize that continuity is so  
6 important. You know, the different programs that we've had,  
7 it seems like there can be, at times -- about the time that  
8 you get a contact person in the Interior or regionally,  
9 there's a reshuffling of employees. And you have a good  
10 start. This program is starting to get momentum. I  
11 appreciate your words that you're going to incorporate what  
12 we say to make it better. But we need continuity. We've  
13 got to keep that staff in place.

14 One of the biggest frustration as a tribal leader  
15 is when you develop that relationship, and all of the  
16 sudden, that person gets delegated to some other place. And  
17 then that changes. For us to continue the momentum and best  
18 use these dollars, to consolidate land, Kevin, Michael,  
19 Stan, have continuity. Keep those good people in place.  
20 Make changes if they're not doing the job. If we can, and  
21 we get the ball rolling, add with more good people.

22 And I pray that you all stay healthy and keep each  
23 other strong so we can finish this task and get it over the  
24 finish line. And so I appreciate that. On behalf of the  
25 other land-based Tribes, I hope that there's more that

1           become part of this program.

2                       The other thing is, if I heard correctly, as we go  
3           into the different phases, if the dollars aren't being used,  
4           that they will be reissued, put into programs that are  
5           efficiently carrying out the land buy-back.

6                       So thank you.

7                       MS. GOOD BEAR: Good afternoon, Kevin Washburn.  
8           Good to see you again.

9                       Deputy -- and I don't know your title officially,  
10          here, but just to try to give you due respect, Mr. Connors,  
11          too.

12                      And my name is Carol Good Bear. And I'm from the  
13          three affiliated Tribes in New Town, North Dakota and from  
14          the Mandan Hidatsa Nation. We have three Tribes there. And  
15          I'm a member of the Mandan and Hidatsa, but we also have a  
16          third affiliated Tribe called Arikara.

17                      And on our reservation we have over 1.4 million  
18          acres. And -- and within that land base, a lot of the land  
19          is fee. Whatever is tribal and whatever is allottee, you  
20          know, then it's broken down. And I've been looking for  
21          resources so that our allottees can be informed about  
22          what -- what's the next best move and how we can best  
23          participate in the Buy-Back Program.

24                      But we have a huge amount of development occurring  
25          up there as we speak. And many, many, many years ago, there

1 was these creatures called dinosaurs. And now they have  
2 turned into a different element here. And our people at  
3 home are pockets of people who are cultural who are still  
4 spiritual. You know, they are seeing how this is coming  
5 back forward, and it's turning into something of this day  
6 and age, which is a monetary value.

7 And the people have their ties to the land, just  
8 like this lady said about our ancestors are there. So they  
9 have respect for that land, but there's a huge amount of  
10 development going on. And to be land rich and dirt poor is  
11 what a lot of generations have been from the late 1800s  
12 forward, and then you move into the Dawes Allotment Act.

13 So we're in the middle of a catch-22, some of us,  
14 with still having a wonderful outlook for our culture, want  
15 to try to have a wonderful feeling and a relationship with  
16 nature and the deities. So on behalf of allottees from Fort  
17 Berthold, we are dealing with that all in spite of a huge  
18 development.

19 And -- and one part of it that I wanted to bring  
20 note -- a lot has been said, so I don't want to repeat  
21 anything about what other Tribes are facing. But one thing  
22 that -- there are landowners there who want to participate  
23 in the buy-back. There is so much truck traffic there, and  
24 we're trying to establish corridors, whether that be  
25 pipeline and other access.

1           And in the middle of all this development, we need  
2           to have help in the area of separating out the valuation of  
3           the minerals and just looking at the surface, so that we can  
4           reduce that fractionation and we can continue some  
5           development.

6           And there again, I stress again that catch-22  
7           situation, so to speak. You know, on one hand, we want to  
8           keep our land pristine. But on the other hand, we want to  
9           get out of poverty. And then you add in our Tribe and what  
10          we're trying to establish with our own economic development.

11          And basically, the elders, you know, what they  
12          teach us is we're all one. You know, they say that among a  
13          lot of Tribes. And we feel that way. But this white man  
14          law and governance has separated us from out from under our  
15          Tribe with this allotment. But we're still under a Tribe.  
16          And we -- we want to stay there.

17          But yet with our allottee interests, we're dealing  
18          with how to manage that, and then we're dealing with, you  
19          know, looking at the Tribe overall. So I just mainly wanted  
20          to point that out. That hasn't been brought out. But  
21          you're hearing from an allottee, and you're hearing from  
22          the allottees over there that represent the Nueta Hidatsa  
23          Sahnish Development Corporation. And a part of our entity  
24          is a land association.

25          And so I encourage -- I invite you to come where

1 we are. And I know you come way over here by the coast, and  
2 that these people are very welcoming. You're coastal  
3 tribes. Thank you for your hospitality and your wonderful  
4 song that was sung here even at the beginning of the opening  
5 at this meeting. You know, what a beautiful people here,  
6 cultures that are here. And I'm thankful to come here. But  
7 I'm asking you to come to where we're at too, in the -- in  
8 the large land-based Tribes among Montana, North Dakota,  
9 South Dakota.

10 You know, don't be afraid. We won't scold you too  
11 bad. We'll keep Tom at bay there. I sure appreciate his  
12 comments.

13 But I'm just honored to sit here and make these  
14 statements to you. And I just want to ask that you might  
15 look our way and hear us today about what we're asking for.  
16 I know it's going to cause for an exception, but we ask you  
17 to look for that for us and think about us and what you can  
18 do on that level to help us.

19 And my dad used to say, You know, if a white man  
20 gives you a chance to talk, get up and say something.

21 So I drove all the way over here. And I wanted to  
22 say something because you represent that white father over  
23 there -- they -- the black eagle father over there  
24 (inaudible) your Crow brother. But you represent that power  
25 over there. So I just wanted to say something.

1                   And thank you.

2                   MR. WASHBURN: Mr. McClanahan just wrote a note to  
3 me to point out that the President -- you know, there was a  
4 story in the Washington Post on Friday that the President is  
5 going to be going to the Great Plains -- what we call the  
6 Great Plains Region this summer. And so really happy about  
7 that.

8                   And Deputy Secretary Conner was actually just out  
9 at Three Affiliated Tribes at Fort Berthold in New Town --  
10 what? -- two weeks ago or something like that.

11                   DEPUTY SECRETARY: Yes, exactly yes. I was hosted  
12 by Chairman Hall and members of the Council and leaders of  
13 the various departments talking a lot about those issues  
14 that you just referenced and the changes -- the dramatic  
15 changes going on within the reservation.

16                   And so it's a very complicated -- it's a huge  
17 opportunity. But it's also that, it's complications. And I  
18 was very impressed that the Tribe has structure in place now  
19 to try to deal with that and try and get the benefits of the  
20 development while certainly dealing with impacts of the  
21 development.

22                   And putting this program in that context, that's a  
23 new complication we have to think about.

24                   MS. TETON: Hello. My name is Wilma P. Teton.  
25 I'm a member of the Shoshone and Bannock Tribes. And I'm

1 also a recent retiree of the Bureau of Indian Affairs branch  
2 of real estate services.

3 As a realty specialist, I know what the  
4 fractionated heirship has caused. I just retired from a  
5 Standing Rock agency. I was there for five years before I  
6 retired. And I just came home back to Idaho.

7 Most recently on our reservation, the  
8 Shoshone-Bannock Tribes of Fort Hall, Idaho, the elders have  
9 organized. We've organized, as a matter of fact, because of  
10 information that we have not received as elders. We were  
11 not included in on the Buy-Back Program. We haven't really  
12 had no contact with those of us that are responsible with --  
13 that they call it the land-use program as well as the Tribes  
14 that are -- who have participated in this program.

15 There are three of us that journeyed here from  
16 Fort Hall early yesterday evening, and we were sent here as  
17 a delegation.

18 Basically, what was asked of us to inform you is  
19 that in regards to the buy-back, my people, the unallotted  
20 landowners now, they want to know, what is going to be the  
21 true value of the land when -- in this Buy-Back Program?

22 A lot of us, we have right-of-ways which include  
23 your power line. We have right-of-ways that include the --  
24 the gas and oil. We also have right-of-ways that include  
25 the railroad, the land, and et cetera. You know, there's a

1 lot of improvements on the land. We have irrigation. We  
2 have pivotal systems out at Fort Hall. We have a lot of  
3 those. We have oil wells. We have -- I mean, not oil  
4 wells, but we have water.

5 Oh, and by the way, we were recently told that we  
6 do have an oil line on our reservation. And how come the  
7 Bureau of Indian Affairs has not told us that?

8 You know, these are some of the things that we  
9 were taught as young people, that some of the people have --  
10 the speakers have said before, we were taught not to sell  
11 our land, that our land is sacred to us. So basically, I  
12 was asked to -- to tell you, you know, we really need the --  
13 to know what the true market value is, the current market  
14 value of what the land is. And it's going to include all  
15 these improvements.

16 Because I know at Fort Hall, what they've done is,  
17 they buy your land, yes. But they retain the mineral  
18 rights. In addition to that, they don't give you any  
19 monetary value for the improvements that are made on this  
20 particular tract of land.

21 And I know at Standing Rock, there's mass  
22 inheritance there. I know a 160-acre tract, there was over  
23 1000 landowners. And that was last year. And I imagine  
24 it's probably maybe doubled or tripled as of this year.

25 You know, at Fort Hall, we don't have that type of

1 fractionated heirship. But I know that we were supposed to  
2 have been 13 on the list from what we understand in talking  
3 with our -- with one of our lead attorneys, Mark EchoHawk.

4 And that's the sad thing, is that when you go and  
5 we have to find out as landowners, that there actually has  
6 been initiation for the Buy-Back Program. We -- the  
7 unallotted landowners, we're not informed. So we're jumping  
8 on the bandwagon at a later date. And it really causes a  
9 lot of irritation, I guess, to the landowners because  
10 they're not involved.

11 And you know, that's one key thing that the Bureau  
12 of Indian Affairs -- excuse me for saying that. I know I'm  
13 just recently retired, and I have to watch my Ps and Qs.  
14 But you know, we've been wronged in the past. And currently  
15 we feel we're still being wronged.

16 So consequently someone needs to step up to the  
17 plate and say, Hey, this is exactly what is expected. This  
18 is what we want to see out in the Indian community.

19 Oroville Lipan Horse (phonetic), years ago when I  
20 met him, I was at a ceremony with him. He told me that I'm  
21 a (in Native language). In my language that means I'm a  
22 speaker. And as women people, some of us don't have that  
23 right to speak. But he said, You do, because you come from  
24 that line of people.

25 So I just wanted to let you know that we are and

1 we want to be recognized. We want to -- the people that are  
2 going to be working our land-use committee and Mark EchoHawk  
3 and whomever else, you know, we want to be involved. We're  
4 not to be tossed to the wayside to think that they can  
5 overrun us and they can tell us, Yes, you need to sell your  
6 land.

7 Because like I said, we were told, You do not sell  
8 your land. That the land is -- there's no value to it.  
9 It's sacred.

10 Anyway, that's one key issue that we had. And I  
11 was told to tell you that from the landowners that we met  
12 with just this past week.

13 The other thing, our Fort Hall isn't (inaudible).  
14 On the Cobell Settlement, it was brought to my attention  
15 because, as a former government employee, I know that  
16 there's always interest accruing, right? We found out that  
17 the interest was going to be directed towards the two -- or  
18 to two entities for education. And the other was for the  
19 Buy-Back Program.

20 On my reservation they said no. Why should we  
21 have our interest that we have accumulated in our IAM  
22 accounts, individual IAM accounts, why should we have the  
23 interest go to some other entities? That's not going to  
24 benefit us. We want it to benefit our people on our  
25 reservation.

1           Because overall, the American Indian College Fund,  
2       where is that located? I know that the graduate program is  
3       located down in New Mexico. We're X-number of miles from  
4       New Mexico. We're also X-number of miles -- and I believe  
5       the American Indian College Fund is locate where? Do you  
6       know?

7           AUDIENCE MEMBER: Colorado.

8           MS. TETON: Colorado, okay.

9           You know, it's -- those are the questions that we  
10       have. How many of our Indian people are actually going to  
11       be benefiting from it?

12           In fact, on my reservation, the Fort Hall Business  
13       Council, just this past week -- because we landowners, we  
14       pressured them. We told them we wanted that interest. So  
15       according to this bill that Fazio (phonetic) and Wash  
16       (phonetic) are going to initiate, we're going to request --  
17       our business council is backing the landowners saying that  
18       we want the interest.

19           We do not want the interest going to those two  
20       other entities. We may be selfish in that respect. It's  
21       what our forefathers had. Now we are the -- we have  
22       inherited it. That's our feeling on that.

23           And then the other thing is -- I know this was a  
24       little off the subject of the Buy-Back Program, but what  
25       I've initiated here is a spreadsheet on the Cobell

1 Settlement. Initially, the Cobell lawyers received  
2 \$99 million thanks to Elouise Cobell. Now, the example that  
3 I have listed here is that we have two classes. We have the  
4 historical as well as the trust administration class.

5 Initially, we're all given \$1,000 each.

6 For example, now, say, we had an individual IAM  
7 holder that had \$10,000 that he or she was expected to  
8 receive. Now we find out that that thousand dollars in the  
9 historical account has been minused from that 10,000 leaving  
10 that IAM account holder with only \$9,000.

11 Now, in talking with the attorneys who are  
12 representing the trust administration class, we find out,  
13 since 2009 to present, they have spent approximately  
14 \$12 million. And they will -- or they plan to collect this  
15 amount. And it's going to come from us, the IAM account  
16 landowners -- holders. Do we want that to happen? We say  
17 no.

18 So I guess, in essence, what we're trying to tell  
19 you is, we landowners, we want our money now. We don't want  
20 this to continue. You know, as a former Bureau employee and  
21 as person who worked on per capita payments and judgments  
22 here in the Northwest, I received my initial training here  
23 in Everett, Washington.

24 You know, what we've done is -- on appeals what  
25 we've done is we've held back X-number of dollars for those

1 individuals, and we made out payments to those who are  
2 eligible. I think, in the particular instance, that's what  
3 needs to be done. Why hold on to something when -- and make  
4 everyone else suffer? In the meantime, there's more  
5 additional deaths. There's more additional appeals, or  
6 et cetera, that are being taken care of. You know, why not  
7 take care of us now?

8 And pretty much, that's what my statement is to  
9 you.

10 Thank you for listening.

11 MS. TOWERSAP: (In Native language). In my Native  
12 language, that means good day. My name is Zelphia Towersap.  
13 I'm a Shoshone and Bannock person. I speak both languages  
14 and I write both languages.

15 And I'm a -- well, I guess in the white man's way  
16 of saying, you know, you're traditional. But we just say,  
17 Well, you're a sun dancer. You're a sweat. You're a church  
18 person. You're -- you're a this and you're a that.

19 So you know, it's just our way of communicating  
20 with one another.

21 And -- and I -- yesterday -- day before yesterday  
22 and yesterday, I went on a cultural trip out towards Emmett,  
23 Idaho where our -- our chiefs that used to be there, they  
24 gave them land. And it took all these years for it -- for  
25 this to surface. So we were out there looking at them.

1 And -- and we found out a lot of things.

2 And -- and it was very interesting because we have  
3 been there maybe about five, six times already. But we  
4 never really found out what we found out yesterday. And --  
5 but people must already know about this area where the  
6 Chief, his name is Chief Eagle Eye, and he -- they hid him  
7 up there in the mountains. It's an area what we call (in  
8 Native language.), that means where there's a lot of  
9 willows. So he was in that area there.

10 And now they're building things on some of those  
11 lands over there. And they're going to build ecological  
12 buildings of some sort. So we went to see for ourselves if  
13 this is really going on. And we went to the site, and we  
14 find people are digging around with shovels. And -- and so  
15 these things, they need to be protected because Chief Eagle  
16 Eye is a sacred man.

17 When the -- when the army -- the soldiers would  
18 chase him, he would make it snow so they couldn't catch up  
19 him. So we used to have people like that.

20 And today, you know, we -- we eat too much white  
21 food, and we kind of lost all those things, you know, we  
22 used to -- we used to have.

23 And so -- so any way, these are the things, you  
24 know, we Indians -- we -- we want to protect for the sake of  
25 our children and for the sake of the sacred land that we

1 have and the air and the soil and the plants.

2 Right now, back home, we really cannot eat the  
3 plants because of -- there's a Simplot. The smoke is always  
4 rising in the air, every morning, every night. We can't  
5 really breathe in the four directions the way we used to.  
6 And we can't drink water in our -- in our sacred sites  
7 because it's polluted with all kinds of things that are  
8 coming out of this fertilizer.

9 And then our soil, you know, white people, they  
10 plow our land. And they have pesticides and all kinds of --  
11 all kinds of stuffs in our soil, so our soil is really  
12 not -- it's really not the way it's supposed to be. So all  
13 of this, you know, it's causing a lot of -- not -- lot of  
14 disease, especially lately. You know, we're getting a lot  
15 of cancer. We're getting a lot of lung problems. And even  
16 little kids, little babies are born that way.

17 And one time I went to -- no. I won't talk about  
18 that.

19 So anyway -- anyway, because of what we do, you  
20 know, I was selected to come over here. So Wilma caught me  
21 on the way yesterday. So I met her. I met these two on the  
22 road, so I just hopped on with them and here I am today.  
23 But anyway. That's the Indian line.

24 And I don't want to repeat what Wilma said, you  
25 know, about Cobell. And on -- but anyway, our Indian people

1           they talked, I guess, the other night. And they didn't want  
2           to pay this \$12 million more. So as a result, they said, We  
3           just want the money, so go over there and speak for us.

4                        So that's why we are here.

5                        Also they told us that we're going to pay a fee  
6           for education. Well, long time ago our forefathers, you  
7           know, made a treaty, Fort Bridger Treaty. And the  
8           government promised that they were going to pay for our  
9           education. So now -- so are we paying for this education?  
10          That's my question.

11                      At the same time too, I used to work at our junior  
12          high and high school at the Sho-Ban school. And I really  
13          feel sorry for our Indian kids because they're there because  
14          of the neighboring schools do not want our Indian kids  
15          because they don't know -- they don't know their English;  
16          they don't know their math; they don't know too much about  
17          reading. So they send them to our school.

18                      And this is where, you know, I got involved with  
19          education. I see the education is a lazy, lazy place for  
20          teachers so that they can put a child in that corner. And  
21          the child doesn't learn because he's labeled. And my child  
22          happened to be in that category, and we grew up in that  
23          category, being in -- placed in corners.

24                      So that's why I see, today, our young people  
25          they're not educated. They need help. Because we Indians,

1 we cannot read. We don't know how to read a book. And  
2 we're not interested in book. What we do, we learned by  
3 hands, by doing things. And that's how -- most Indian  
4 students, that's how we learn. That's how I learned.

5 And so what I'd like to see for our young people  
6 is to encourage our young people into agriculture, into  
7 ranching, into some kind of skills so we -- our kids can  
8 learn to use their hands.

9 But we have a problem too. We have neighboring  
10 towns, like Blackfoot, Pocatello, American Falls, they do  
11 not hire Indians. I never see Indians behind a counter.  
12 You go down south, the Navajo Country and that area there, I  
13 see a lot of young people behind counters. And -- and I  
14 wished -- you know, we are educated. You are educated.  
15 Many of you have master's degree, Ph.D.s.

16 And a good example is today, in front of us, do  
17 you see Indians over there? And so we need our Indian  
18 people in those positions that's there to listen, to make  
19 changes because we need change. And we want somebody to  
20 listen and understand us. Because many times when we speak,  
21 we really can't talk about the issues right down to the  
22 point because we don't know how. But if you were in that  
23 position over there, you'd understand what we are talking  
24 about.

25 And -- and, for instance, that selling land -- and

1           like everyone else says, you know, this soil, our land --  
2           our soul we call it, our land, our (in Native language).  
3           That means our big land. Across the United States is our  
4           big land, and we need -- we take care of it.

5                         We go out and we visit our old sites that -- we  
6           come to Boise. Every year we come to Boise, and we have to  
7           work with the people there. And to say that we have  
8           returned to Boise Valley.

9                         Our people go down to Camas, Camas Prairie. And  
10          they go to Camas. Every year they do that. And now we go  
11          to other places to go pray. And a lot of times, you know,  
12          we're not there to destroy anything. We're there because  
13          we're praying and praying for all of us so that we can work  
14          together, we can understand each other and help each other.  
15          This is what we want.

16                        And -- but right now, you know -- but we don't see  
17          this. We don't trust. And so hopefully, as a result of  
18          meetings like this, those of us that cannot go, then, you  
19          know, we could express ourselves and make changes.

20                        And -- and then concerning our laws, you know,  
21          when we don't trust, what do we do? We just have to live  
22          with it. And a lot of times, you know, we can't sell our  
23          land, because where are we going to go after we sell our  
24          land. I had some friends over there among the -- among the  
25          Winnebagos. Winnebagos, they say, don't call me Winnebago.

1 That's a bad word. Call me...

2 MR. WASHBURN: Ho-Chunk

3 MS. TOWERSAP: What is it?

4 MR. WASHBURN: Ho-Chunk

5 MS. TOWERSAP: Ho-Chunk.

6 He said that's our name. And you know, if you  
7 have the guts to stand up and make change, it's more power  
8 to us. Because that's what we need, is to get up and say  
9 something for ourselves.

10 Concerning our land, you know, it's like they tell  
11 us don't sell land. And -- and they tell us leave this tax  
12 alone. But what did our people do, our young people?  
13 Because they don't know. Because today, we don't visit each  
14 other, so we don't talk about these things, so our young  
15 people do not hear these things.

16 And -- and but today, you know, back home we have  
17 land that's already developed. But you know, we Indians,  
18 we're not using that land. It's white people are leasing it  
19 from us.

20 So -- now Indian -- young Indian people, they say,  
21 Well, why can't we tax them?

22 And yet we were told do not touch that tax. It's  
23 like we opened the door. So we have to be careful.

24 And -- and the other one too is, if we trade  
25 land -- okay, my aunt, at one time, traded land with another

1 person. Okay. The other person died. So what did that  
2 land do? It went back to its original landowner.

3 So we have situations like this. And it makes you  
4 wonder, Well, I want to trade land.

5 But do I? What's going to happen later on? So  
6 these things, you know, we need to -- we need to know. And  
7 that's why, hopefully, things like this, when we make laws,  
8 you know, we already have our treaties. We have our -- we  
9 have our constitution and bylaws. But when they're not  
10 followed, they make more laws. And then we're just all  
11 lawed out.

12 And the other issue, too, that I see, is this OST,  
13 they call it. Every four months you get a big letter.  
14 And -- and the Indians, you know what they do with it? They  
15 say, I don't understand this. Throw it away.

16 They throw it away. And you know, I was telling  
17 them one time, you know, You ever look at that?

18 He said, Yeah. But I don't understand it. He  
19 said, I don't understand fractions. I don't understand  
20 decimals.

21 And one time I went to the BIA, and I said -- I  
22 told them, How much is one acre? One acre, you tell me in  
23 feet.

24 They said, No, we don't do it like that. He said,  
25 we figure it with 20 acres.

1           And then I asked him, Well, why do you use  
2           decimals? To me, a decimal means one. Is one acre point  
3           and 005? That means it's a acre and a quarter.

4           And they said, Yeah.

5           And then, How about these 000?

6           And then they figured it out. And they said, Oh,  
7           you've got 26 acres and some point.

8           I said, I don't understand. I don't even  
9           understand. To me, decimal is -- if there's a zero there,  
10          then -- and 00, it must be less than -- less than one acre.  
11          I said, you tell me in feet.

12          They said, Well, we don't -- we don't do it like  
13          that. We don't understand either.

14          And I thought, Well, we Indians understand feet.  
15          Well, I want to know, I've got one acre, point, and the  
16          00 -- and you tell me, how many feet is in this one acre?

17          And they don't even know. So that's why that  
18          paper -- I'm just warning you, people that's sitting over  
19          there, it's waste of money for you to send that big envelope  
20          to us because we don't understand it, and we end up throwing  
21          it away.

22          So -- and then, to make things worse, you know, we  
23          have grazing land. We have grazing land of a hundred and  
24          sixty, I think. I'm not sure on that one either. And many  
25          of us have maybe like 20 acres at least. And then in that

1 big envelope, they don't tell us how many per cattle unit  
2 grazes on your -- on your land up there. They don't tell us  
3 that.

4 They -- they -- two days ago now, we were going to  
5 have a ceremony, and we were looking for water. We went up  
6 to our -- the big streams that we call, you know, our sacred  
7 water. When we got up there, there were 12 cattle in that  
8 water, and, oh, that water was just so dirty. And we had to  
9 go to another place. And that water, it was just barely  
10 trickling out. But we had the patience and we waited.

11 As we were waiting there, there were trucks coming  
12 down from over the hill that was -- they were big cattle  
13 trucks. And then some pickup were pulling a long trailer  
14 from the east side of our reservation, onto our reservation.  
15 They were bringing in cattle. And I looked at that one  
16 license plate. It had 4B on it.

17 Well, on the north end of our reservation is  
18 Blackfoot. They have 4B license. Why is that truck coming  
19 from the east end of our reservation and bringing in cattle?  
20 All you had to do was come from Blackfoot this way. So we  
21 have situations like that. And I found out they were  
22 bringing in cattle from Utah, from California.

23 And long time ago we used to have a Fort Hall  
24 stocker association. In those area on the east end, there's  
25 two areas you can come in. There are two homes up there.

1 And they're called range riders. So they would check all  
2 those people that are coming in from that side. And then  
3 every day they would ride the range, and they'd check out  
4 the brand.

5 But today, that's free -- free grazing you might  
6 say. So we don't even know how much cattle is on our land.  
7 But in the -- in the fall, we -- it's almost bare, hardly  
8 any grass left because it was overgrazed.

9 And we tell our leaders and they don't seem to  
10 listen. They don't even want to listen because they're  
11 landless people, so they don't care.

12 And so any way, and then our -- our grazing money  
13 went. You know what? I get 1 cent, 2 cent, 33 cents. Of  
14 all the cattle that are coming up here -- and those  
15 yellow -- I mean, those big envelopes, they don't tell me a  
16 squat because they don't tell me how many give AUM on there.  
17 So we have, you know, problems like that.

18 And so anyway -- and one thing I want to emphasize  
19 to you -- to you leaders, our leaders, they go all over.  
20 They like to fly. They like to fly around. When they get  
21 on the council, they said, Oh, I want to help you. I want  
22 to do this for you. I'll listen to you. You are (in native  
23 language).

24 As soon as they get on the council, away they fly,  
25 away they fly. I guess they get wings or something.

1           And so anyway, I'd like to see you people  
2           encourage the leaders, if you have rules to go by, tell them  
3           to follow that rule. Because they'll listen to you, but  
4           they're not going to listen to us because they don't tell us  
5           anyway. So -- so I'm encouraging, you know, all of you  
6           to -- to tell our leaders, What did you do today?

7           Or even put a time limit on it, What did you do up  
8           to this point?

9           No. You don't have to say that. But I wish it  
10          was like that, yeah. But I don't want to take too much of  
11          your time. I know time is of the essence so -- but I want  
12          to thank you, every one of you here to listen to me. And  
13          maybe we'll cross paths somewhere.

14          And good days. Thanks.

15          MS. GIACCARDO: Okay. We'll take one more  
16          comment.

17          MR. SAMPSON: Thank you. I'll be brief. My name  
18          is Don Sampson. I'm the director of the Institute for  
19          Tribal Government, Portland State University. In my former  
20          life, I was the chairman of the Umatilla Tribe in Pendleton,  
21          Oregon and also the chief executive officer of the Umatilla  
22          Tribe.

23          And I know that today the Umatilla Tribe signed a  
24          cooperative with the Bureau for the land Buy-Back Program.

25          Just a little bit of history, back in 1997 when I

1 was the chairman, we initiated our own land Buy-Back  
2 Program, land acquisition strategy. And this was as a  
3 result of gaming revenues. And like many tribes that are  
4 fractionated interest or checkerboarded reservation with  
5 fee, non-Indians owning land on the reservation, our goal  
6 was to try to buy back as much of the reservation, some  
7 250,000 acres, that we could. And so that was our goal.

8 And it's really about tribal sovereignty. It's  
9 about building the capacity of Tribes to regain our land and  
10 to manage it as we wish to manage it. And I think that's  
11 the important part of this opportunity, as I see it here,  
12 with this \$1.9 billion.

13 I remember, when we first started our land  
14 acquisition program, we got funds from the Eagle Staff Fund.  
15 And that's where we started our entire land acquisition  
16 strategy way back. This was almost 25 years ago.

17 There are some Tribes here who have very  
18 well-established programs right now. I think Fort Peck has  
19 talked about theirs. Squaxin has talked about theirs. So  
20 some Tribes have the capacity. They've got real estate  
21 people, they've got -- maybe they have a plan in place that  
22 they can follow, and they've got a strategy and a priority  
23 list of where they want to purchase those lands. Because  
24 it's driven by the tribal leadership.

25 And I think that's something that I would suggest

1           you consider is -- as I look through the -- the cooperative  
2           agreement, you identify outreach, the research, the  
3           valuation, and then the acquisition process. It's almost  
4           you're -- almost like you're missing the very first,  
5           important step which is help the Tribes build the capacity  
6           to develop a plan, a strategic plan that they can take  
7           forward, long after this Buy-Back Program is over and spent  
8           up, to regain their reservation lands, to consolidate their  
9           lands, and to manage those lands.

10                       And we even look off reservation. Our Tribe looks  
11           within our boundaries first as the priority. But then we're  
12           looking at acquiring all of our aboriginal homelands as part  
13           of a goal. So this is a goal that's not only ten years  
14           long. It's a hundred and two hundred and a thousand years  
15           long.

16                       So I would urge you to take a look at some of the  
17           programs that are out there. There are some really good  
18           land acquisition plans. I have one here at Umatilla. I was  
19           engaged in developing this when I was on the board and  
20           updated and revising it when I was the CEO. And I hope that  
21           you will listen to the folks at Umatilla or at Fort Peck or  
22           at Squaxin or those Tribes that have these plans in place.

23                       And where there aren't plans, allocate some  
24           resources so the Tribes have the capacity to, No. 1, even  
25           write this cooperative agreement; and, No. 2, to either hire

1 the capacity or bring on the capacity to start doing these  
2 very important, strategic land acquisition plans.

3 So this is for the long haul. This is probably  
4 the best opportunity you will ever see for a long time to be  
5 able to create that capacity for Tribes to regain the land  
6 back. So that's my only comment, I hope.

7 And Umatilla has put this on their Web site. It's  
8 a public document. I'm sure that those are -- documents,  
9 those model programs, can be presented to Tribes in addition  
10 to when you have these example cooperative agreements or the  
11 checklist, provide that.

12 The second part is inheritance codes. Many Tribes  
13 don't have inheritance codes that prevent the -- the  
14 fractionation of land, and particularly land going into the  
15 ownership of non-Indians. So that's another part of the  
16 infrastructure the Tribes need going forward.

17 So the important thing, I think, is the strategy;  
18 providing the resources for them to develop that strategy;  
19 let them build capacity; and then allow them to have the  
20 infrastructure which is a legal infrastructure, like the  
21 inheritance code.

22 Thank you.

23 MS. GIACCARDO: We have two more, I think. You're  
24 at the microphone. And then a gentlemen standing up in the  
25 back. And we'll take those two.

1 MS. RED DOG: Okay. Good afternoon. And I want  
2 to thank the officials for the -- from the Department of  
3 Interior for sponsoring the listening session with Tribes  
4 and also with landowners on the Cobell Buy-Back Program.

5 My name is Renee Red Dog. And I'm the executive  
6 director for the San Xavier Allottees Association. We're  
7 located southwest of the city of Tucson. We're a satellite  
8 district of Tohono O'odham Nation. We have 71,000 acres.

9 The Association has been established since 1991.  
10 And the reason that we established in 1991 was because of  
11 water rights for southern Arizona and also our filing of a  
12 suit against the City of Tucson because our economic  
13 viability for San Xavier because we were a farming  
14 community. Our water levels dropped because of the huge  
15 pumping of the mine and also the City of Tucson and adjacent  
16 communities around San Xavier. So that's the reason we  
17 organized as landowners.

18 The reason that I'm here today is I have a  
19 responsibility because I -- we represent about 1400  
20 landowners at San Xavier. And, yes, we do have  
21 fractionization there. But we also have, I think, economic  
22 development opportunity.

23 And some of the concerns that I have is that this  
24 fractionization is being seen as an Indian problem. I think  
25 that's an Indian problem in terms of the U.S. government,

1           because you guys pretty much created the problem. You've  
2           tried to deal with that throughout the years. Because I  
3           think that we've had so many legislative acts imposed upon  
4           Indian peoples, Tribes, and Indian landowners, such as the  
5           Indian Land Consolidation Act that was passed and then the  
6           amendment was passed, and then we had AIPRA passed, and now  
7           we have the Buy-Back Program. And so we have had all these  
8           legislative acts passed to try to deal with the  
9           fractionization issue in one capacity or another.

10                         And the issue is, is that when the Buy-Back  
11           Program was designed by Department of Interior, were these  
12           other programs, such as the Indian Land Consolidation Act,  
13           really looked at in terms of what it was supposed to  
14           accomplish? Because some Tribes have implemented the  
15           inheritance or the probate codes and some Tribes haven't.  
16           And that's part of the problem with some of the Tribes in  
17           dealing with the landowner issue.

18                         The other thing, too, is I agree that, you know,  
19           the Tribes have responsibilities. And some of them are  
20           willing to step up to the forum or step up to the plate and  
21           take responsibility in trying to solve the land problem that  
22           they have. And hopefully they're willing to deal fairly  
23           with the landowners, to talk to them.

24                         And that goes for the BIA too. Because as you  
25           heard from the representative from Navajo, their BIA person

1 does not do that. You know, they don't want to work with  
2 the Tribe because it's easier to deal with the Tribe, to say  
3 yes to the Tribe, but not to deal with the landowners.  
4 Because there's a lot of landowners that need information  
5 that go to them and want part of their time.

6 And sometimes the BIA people there express that  
7 they don't have the time to work effectively with the  
8 landowners. And that's a sad position for the Bureau of  
9 Indian Affairs as trustee for these landowners. They should  
10 make themselves available. They should be there to educate  
11 the landowners as to what they can do in order to keep their  
12 land and stuff.

13 There's been various programs, such as the will  
14 writing services. We at San Xavier, as an association, are  
15 working really close with our Bureau of Indian Affairs, the  
16 Papago Agency, to educate and to provide will writing  
17 services. And that is one of the things came out as being  
18 funded, was, you know, get out there; tell them, you know,  
19 what fractionization is; what they can do to stop  
20 fractionization; and that they need to look, as a family and  
21 as a person, who inherits their land. And that takes a lot  
22 of education to do so.

23 But these programs are available. There's  
24 consolidation program. There's the petitioning program.  
25 There's a will writing. There's doing the life estate. All

1 of these type of programs are available to the landowners,  
2 but who's responsible to do that? Especially if some Tribes  
3 don't have active associations that are wanting to work with  
4 the landowners to ensure that they pass their interest along  
5 to one individual in their family, or that at the time of  
6 the probate, that maybe the first right of refusal is on the  
7 table for somebody in the family to take into an interest or  
8 another allottee to take in that interest to keep that  
9 allotment viable and stuff.

10 There hasn't been enough time provided to the  
11 Tribes to educate them. And that means going out and  
12 meeting with people. And some of the Bureau people do not  
13 do that. They sit in their offices. Our BIA staff asked  
14 us, when we go out and we provide services, Can we come  
15 along?

16 Because they bring all that material you have  
17 sitting out on the table about will writing and estate  
18 planning, they bring that out to the people. They're  
19 willing to sit down and talk to them about that. And so you  
20 need to really look at all your agencies to see exactly what  
21 it is they're doing.

22 The other thing about BIA is the management issue  
23 of all the records. Somebody brought up the fact that there  
24 are people listed on allotments that shouldn't be there.  
25 That's true. We even know that because we, as the

1 association in our collaboration with BIA on, you know,  
2 who's got a probate, how did it pass, who are the new people  
3 on the allotment and everything, we work with them to  
4 confirm, Hey, how did this person get on there. You know,  
5 was it by marriage? Was it common law marriage? Is it a  
6 non-Indian? Is it an adopted child?

7 You know, these are kind of discussions back and  
8 forth as to clarification as to who are the landowners. And  
9 the new landowners that are on these allotments, that's  
10 something that BIA should be doing. But we have a pretty  
11 good record system. We're trying to clean that up with our  
12 agency. But I'm pretty sure there are a lot of Tribes and a  
13 lot of agencies that don't have good records' management.

14 Which gets to whereabouts unknown list, because  
15 now you have a third party, the Garden Grove people that are  
16 calling and putting out this list. And we have been  
17 monitoring that. And what we do is we call family members  
18 because we see a name and it's an allottee deceased or  
19 somebody that we know is living. And we call them, their  
20 relative, and say, You know, you need to get ahold of your  
21 brother or sister or somebody or call these people in  
22 Washington because they are looking for these people.

23 And we got that list down to like 350 for Tohono  
24 O'odham Nation. But we just recently got a new listing, and  
25 it's up to 2,000 again. You know, so I'm like, What's going

1 on? You know, why is there a third party cleaning up the  
2 record system that was the sole responsibility of the Bureau  
3 of Indian Affairs in the first place for records  
4 managements? So that's being cleaned up.

5 The other thing is, on land valuation, because  
6 there was brought up and stuff, and the issue of mass  
7 appraisals, you have to be out there on the land to -- to  
8 see what exactly is it worth and stuff. People want to  
9 know. You know, to be fair about them, just getting a  
10 letter in the mail and saying, Oh, well, this is the value  
11 of your land; this is what you're being offered, it may be  
12 more valuable than that, especially to them.

13 And I thought that the implementation plan, the  
14 first one, said there was going to be direct contact with  
15 the landowners. And now it's up to the Tribe or it's up to  
16 the Department people to contact the old landowners. But  
17 you're doing it by mail. It goes back to the -- what this  
18 lady brought up, we get a letter in the mail, what's it look  
19 like? Eh, okay. Toss it.

20 You know, there is a lot of things that need to be  
21 done in order for people to understand what this Buy-Back  
22 Program is and what it means. It means tribal sovereignty  
23 for the Tribes, but the Tribes have also got to deal fairly  
24 with the landowners. They have to -- the landowners need to  
25 be -- feel comfortable that they are making a right

1 decision, that the Tribe is going to use the land for a good  
2 reason. And there are people that are landowners that are  
3 willing to sell their land to the Tribe because they see,  
4 you know, we are part of the tribe. But what are they going  
5 to do with that?

6 And the Tribe has to be upfront with the  
7 landowners because if the Tribe has a land-use plan and  
8 says, Oh, well, we're going to build, out here, this  
9 industrial park in the future, five, ten years, but we're  
10 going to go ahead and get it.

11 It's a question of whether or not that information  
12 goes out to the landowners because the landowners have a  
13 right to say, Hmm? Do I want a one-time payment, or do I  
14 want economic viability of maybe getting into a lease option  
15 with the Tribe for that industrial park that means that I  
16 get income every year? One or the other. One time payment  
17 or economic revenue coming in.

18 Those things need to be looked at, especially from  
19 the Tribe's point of view. They have to be up front with  
20 the people and stuff. And they should be into -- we heard  
21 land-use planning. They need to do that. They need to plan  
22 for the future of the whole tribe, including the allotments  
23 and stuff. That's called tribal sovereignty.

24 One of the comments I made in Tucson at U of A  
25 was -- and it's in your packet -- is a potential conflict of

1 interest with the Department of Interior. Because it  
2 there's an issue where a landowner says, You know what? I  
3 didn't get a fair deal on this and stuff, so I'm going to  
4 take the Tribe to court, who's the Department of Interior  
5 going stand by? The Tribe or as trustee for the landowner?

6 You talk about a conflict of interest for the  
7 Department of Interior. Well, I'd like to see that. You  
8 know, what actually are you stating the reasons by which you  
9 deem a conflict of interest by the Department of Interior on  
10 a certain land transaction?

11 The other thing is that purchase ceilings -- you  
12 heard that -- 500,000 for every Tribe. We're a small Tribe.  
13 We're a District. And we're the only ones that have  
14 allotments. Our Tribe is not going to -- because of the  
15 size of who they are, you know, I don't know if they're  
16 going to take the 500,000 or if they're going to want more  
17 or whatever and stuff. That's something that the Department  
18 needs to look at.

19 You know, and it was stated here, there are Tribes  
20 of various sizes. Tribes have little tribal land base, but  
21 they have a lot of allotments, so maybe they need more money  
22 to deal with the informational and the educational  
23 notification to all the landowners, which includes meeting  
24 with them, going out, meeting with them on Saturday in the  
25 evening, things like that. Because Indian people get their

1 information from that, from meetings and having the  
2 opportunity to ask questions.

3 And then, lastly, fee lands. There are a lot  
4 of -- at San Xavier, we're very much intact. We have a  
5 couple little fee lands, and we have -- the Tribe has land  
6 in there. I think that was because of the escheatments,  
7 which I thought was outlawed by the lawsuit, the UP case.  
8 And I thought that the Bureau of Indian Affairs was going to  
9 go back, look at how the Tribe gained land in some of these  
10 allotments, and go, Hmm? I think we need to transfer that  
11 Tribal interest back to somebody from the estates that --  
12 where it was taken. There's a lot of still cleaning up that  
13 needs to be done.

14 But in regard to fee land and checkerboard, a lot  
15 of the Tribes appear -- if you look at their maps, they do  
16 have fee land which is creating a jurisdictional headache  
17 for these Tribes because they have native people, nonnative  
18 people. Do you tax these people? Who polices them? You  
19 know, things like that.

20 And I don't see and I -- and I heard that today,  
21 you know, in looking at the buy-back, this should have been  
22 a priority issue. Get the nonnative people out of  
23 reservations and put it in the tribal land status that way  
24 we don't have the jurisdictional issues affecting the  
25 Tribes.

1           Because we know counties out there want -- apply  
2           their land-use or zoning ordinances and the taxation issues  
3           on reservations and stuff. And they don't have a right to  
4           do that. Because tribal sovereignty and self-governance  
5           dictates that the Tribe should develop its own system of  
6           management, its own system of governance, and its own system  
7           of the laws in its jurisdictional area. And with these  
8           checkerboard and there's -- I guess they're still going to  
9           be there. You know, Tribes are going to have -- still going  
10          to have the headache.

11           So these are just some of the comments that I  
12          wanted to make because when the buy-back came up, I thought,  
13          Okay. Got to find out as much as possible about this new  
14          legislative act that's come down the tubes again. You know,  
15          we just got through with AIPRA. We're implementing that.

16           And I stated, too, that the Tribes need time to go  
17          out and educate their people. You know, this is brand new  
18          stuff. And now we have to go back out and educate the  
19          landowners again because of the buy-back.

20           I just don't like the \$75 check that they're going  
21          to get when they just put in an application. I mean, that's  
22          like dangling a carrot over a rabbit hole because Indian  
23          people see money and they need money. And some of the  
24          elders and people that, you know, look at that and say, Wow,  
25          I'm going to get \$75. And I might get more.

1           They may jump at that. And that's totally unfair.  
2           That's unfair for the government to even put that in there  
3           and stuff. That -- I just kind of see that as foul because  
4           you're enticing people that may have limited English and  
5           education. And they see that money thing there, you know  
6           they're going to jump at that. And that's totally unfair.

7           Thank you.

8           MS. GIACCARDO: One more comment.

9           MR. WASHBURN: And we are like -- we are way over  
10          time. And we don't want -- we don't like to cut things off,  
11          but we also are kind of at risk of holding people hostage  
12          that -- that have -- that want to be here for the whole  
13          thing. And so we don't want to do that.

14          So we saw this gentleman standing when we tried to  
15          cut it off earlier, and so we've got to cut it off  
16          somewhere. And we hate to do that. We certainly are  
17          willing to get comments at any time. And written comments  
18          can be submitted as well. But I can -- I'd ask the  
19          gentleman to keep his comments as short as he can so --  
20          again, so that the people who need to be somewhere can get  
21          there. But we certainly want to hear from you.

22          MR. HARP: It will be short. We appreciate the  
23          listening session here today about Cobell land buy-back for  
24          the Tribal Nation. I'm here today on behalf of the  
25          Allottees Association and Affiliated Tribes of the Quinault

1 Reservation.

2 We've been in existence for 45 years. We were  
3 formed way back then for the purpose of suing the Bureau of  
4 Indian Affairs for timber mismanagement. We were successful  
5 with the landmark Mitchell case. I'm sure some of you have  
6 heard about that.

7 We're still in existence today for that amount of  
8 time. And we have -- we have some concerns. And I've got  
9 it in a written statement I'll share with you.

10 We have some concerns about the land buy-back on  
11 the Quinault reservation. Those concerns are mass  
12 appraisals; RMZs, or the buffer strips in sensitive areas of  
13 the reservation; and primitive improvements on trust  
14 property. Those three categories are concerns. I've got  
15 more in-depth detail about each one of these in my papers  
16 here.

17 But we -- we've been in contact with  
18 Mr. McClanahan since last fall about some of our concerns  
19 and our issues and will continue to keep in contact with the  
20 people of the land Buy-Back Program.

21 I heard during the break that someone's coming out  
22 to Quinault in June. We welcome anyone from the Interior  
23 Buy-Back Program to come out and see the reservation itself.  
24 You can see, after being there, that mass appraisals just  
25 will not work for you. And we would like to have the RMZ

1 issue considered in the Buy-Back Program for Quinault if and  
2 when there's a cooperative agreement entered into.

3 By now, Mr. McClanahan should know what RMZs are.

4 MR. WASHBURN: He just explained it to me.

5 MR. HARP: It was explained in my paper too,  
6 Mr. Washburn. And so I will hand you the packet at this  
7 time.

8 I do have -- and I've got one more thing to show  
9 you. The Quinault Indian Reservation, do you see the blue?  
10 That's what small tribe owns. The red is individual  
11 allottees. 60 percent of the Quinault Reservation is owned  
12 by individual allottees like myself. I just wanted to share  
13 that information with you.

14 MS. GIACCARDO: Thank you. I can take it from  
15 you.

16 So I was also notified before we began the  
17 listening session to do not forget any of your personal  
18 items. The -- once it's closed, they do not save any so  
19 there isn't a lost and found. So just make sure that you  
20 take everything with you.

21 Thank you very much. Written comments, we'll  
22 accept. And I will let -- closing remarks.

23 DEPUTY SECRETARY: Thank you, again, everybody.  
24 And I certainly don't want to hold you up any longer. But I  
25 did think just a very, very brief response was appropriate.

1 And I'll have just a couple minutes and then turn it over to  
2 Kevin for some closing remarks.

3 Once again, I appreciate the input. It's very  
4 valuable. If you come to these listening sessions, and we  
5 do try to do our homework and we work with the staff and we  
6 get briefed on things we might hear. But the value of  
7 coming here and actually engaging in the listening session  
8 is the fact that you hear things different than what you  
9 think you're going to hear. And certainly, that is my  
10 experience today.

11 There are some tough issues that we need to still  
12 wrestle with with the program overall. Just some of the  
13 ones that I heard today, co-owner purchases; the  
14 consultations; further discussions on appraisals,  
15 particularly giving time for people and individual -- those  
16 with fractionated interests to understand the appraisal  
17 process, to have confidence in it, that it values the  
18 entirety of the interest that we're looking at. Certainly  
19 that's going to be an issue that we need to continue to work  
20 on.

21 Overall, there's some very good input on some  
22 issues that I knew we were going to face, talk about,  
23 parameters on cooperative agreement; the concept of a  
24 budget; continuing to refine the factors and parameters for  
25 those agreements based on ones we've entered into as we move

1 out and deal with the different areas that we are expecting  
2 Tribes to help us, whether it be the outreach, whether it be  
3 the valuation. Those are key elements that we want to  
4 continue to build upon.

5 And so there's some follow-up suggestion -- follow  
6 up on some of the suggestions made that I expect we'll be  
7 discussing in the weeks and months ahead. So I hope we can  
8 continue to approve that process.

9 And last, there was a discussion about a number of  
10 items that I think we, as a program, feel constrained about  
11 based on the legislation that authorized and directed us to  
12 engage in the Buy-Back Program.

13 Certainly there's the issue of investment --  
14 investing the \$1.9 billion that came up. Kevin gave a very  
15 good response. We don't think we have the authority under  
16 the law that created the program. We are open to that  
17 dialogue that's going on on Capital Hill right now. As an  
18 administration, we will have input on any legislation that  
19 comes forward. So we will certainly look at that aspect of  
20 new authority for the program because it obviously makes  
21 some sense on some levels. We've got to understand if it  
22 does approve, it would result in additional cost.

23 There's the idea of why don't you use the model of  
24 638 contracts that already exist as far as the measure of  
25 consultation and cooperation? That's a model that we

1 understand. We don't think that that's a route we can take  
2 under the current existing legislation. I understand that's  
3 in the new proposed legislation.

4 And I also understand that, as your trustee, you  
5 expect us to weigh in in a manner that we collectively think  
6 will benefit Indian Country. I just want to end on that  
7 note.

8 As I -- as any legislation gets going, I'm going  
9 to be looking at it and giving my input on what the ultimate  
10 administration position is, looking at, is it going to cost  
11 additional resources, because I don't think it's likely that  
12 Congress will pass any amendments to legislation that cost  
13 additional money. Given this day and age, and I want to  
14 better understand it.

15 So with respect to the idea of 638 contracts as  
16 the mechanism for moving forward, I understand why we need  
17 to think that through as a model. But just to give you some  
18 parameters, we've got a cap on our administrative cost in  
19 this program of 15 percent, \$285 million. We have had  
20 proposals for cooperative agreements that have ranged  
21 anywhere from several hundred thousand dollars to  
22 \$10 million. At \$10 million, if we were going to do that on  
23 140 reservations, that's \$1.4 billion in itself. Greatly  
24 exceeds 285 million.

25 If you average it out to -- some reservations have

1 a wide range. If we average it out at \$5 million, that  
2 would be 700 million. It would be four times over what we  
3 have -- three-and-a-half times over what we have for  
4 administrative costs.

5 At \$500,000, which we don't have an absolute cap  
6 of \$500,000 for cooperative agreements. But probably they  
7 will average out to that right now, we're at \$70 million.

8 And so that's just something, as we look forward,  
9 we're going to have to be cognizant of that budget of the  
10 15 percent. And that's why we look at ourselves as having a  
11 limited framework on the resources.

12 Now, at the same time, we want to maximize  
13 flexibility. But I just want to be very candid with you  
14 about the constraints we feel we're under now. Even as we  
15 look at new legislation, we'll be cognizant of those  
16 constraints. But we want to continue this dialogue and do  
17 what makes sense for the program and maximize the value.

18 Because I heard a lot of tension here between  
19 tribal goals and landowner goals in some cases. In a lot of  
20 other cases, there's -- there are similar goals. But there  
21 is some tension there. And that tension can be alleviated  
22 with some time and resources to do better outreach and to  
23 better communicate between the Tribes and the landowners.  
24 And the Tribes can help the federal government do that.

25 And so there's work to be done. And there's new

1 strategies that need to be in place. And this was just  
2 helpful to think about that. But I wanted to give you some  
3 of my thoughts as we move forward.

4 MR. WASHBURN: Thank you, Deputy Secretary. And  
5 thanks for being here all day.

6 I think this was a very successful day because  
7 part of it was just to survey the field again and see  
8 what people -- see what's on people's minds. It's been  
9 really, really useful to do that.

10 I want to sort of underline something. And  
11 basically, everybody who was here today, almost everyone up  
12 here is either a tribal member or has Indian heritage. And  
13 the one who doesn't have that grew up in the west and is  
14 very familiar with Indian Tribes.

15 So -- and I guess I have to say this about the  
16 BIA. You know, the BIA has an Indian hiring preference.  
17 And most of the employees, the vast, vast majority of  
18 employees at the BAI are Indian people. And they're Indian  
19 people who serve Indian Country. And it's -- honestly, it's  
20 one of the hardest jobs in the federal government, I think.  
21 And it's not easy. We -- and next to being a tribal leader,  
22 it's probably one of the most criticized positions that  
23 anyone holds in the federal government.

24 And so we -- we are here with open hearts to  
25 listen to you. But, let me say, it's not easy sometimes. I

1 mean, we don't -- often, we don't feel responsible for the  
2 things that have happened over many, many decades. It's our  
3 job to try to fix those things. But virtually, everything  
4 we do in Indian Affairs and the BIA is try to correct past  
5 mistakes by the federal government. Lord knows, the federal  
6 government's made a lot of them.

7 And we have a full-time job trying to do that.  
8 But that's really virtually everything we do, is correcting  
9 mistakes that the government has made in the past. And we  
10 are committed to trying to do that. And we're -- that's why  
11 we're here, and that's why we're here listening.

12 Covered a lot of material today. And the Deputy  
13 Sectary raised some of those. So let me talk about a couple  
14 of the others.

15 One of them is the scholarship money question.  
16 When Congress enacted the Cobell Settlement, you know, this  
17 law, it directed money to go towards scholarships. It's not  
18 interest. It's not interest that's earned off this amount.  
19 It's just money that Congress said -- it said up to  
20 \$60 million of the money that it appropriated should go  
21 toward scholarship money for Indian people.

22 I -- you know, why is that? One of the reasons is  
23 everybody's got a different interest, and everybody -- when  
24 legislation passes, you know, some people don't have  
25 fractionated interests. And why would they, you know, want

1 to have this thing passed, because it's going to cost the  
2 taxpayers a lot of money. It's the right -- we know it's  
3 the right thing to do. But it -- the object, I think, was  
4 to serve a lot of interests and a lot of needs out there.

5 I mean, education is a big need, and scholarship  
6 money is big a need. Now, we know, though, that it probably  
7 ought not be us, the federal government, determining where  
8 that scholarship money should go. So that's going to be  
9 determined by an independent board that's been established.  
10 And that's the scholarship -- the Cobell scholarship board.

11 And there's a couple of independent scholarship  
12 entities -- the AICF, American Indian College Fund that  
13 primarily funds tribal colleges; and the American Indian  
14 Graduate Center the primarily funds, you know, university  
15 and graduate level studies. And so these two entities will  
16 be handing that money out, not us. And they will be doing  
17 it with an independent board that's going to be guiding  
18 them. And it's all -- it's all Indian people that are  
19 sitting on that board. And they've been appointed. So they  
20 will be making those decisions. It won't be us.

21 I understand the interest in the people who are --  
22 where the reservations where the land is being sold, to have  
23 to make sure that some of that scholarship money comes back  
24 there. And I think that's exactly right. But one of the  
25 things about sort of saying that that's open to all Tribes

1 is that it gets more people interested in the success of  
2 this program. And, at any rate, that's a decision for that  
3 board to determine. It's not for the Department of the  
4 Interior. And so you know, we certainly can pass on these  
5 views, but that's -- you know, that will be made  
6 independently. It won't be the federal government making  
7 that decision.

8 I also heard a lot about, you know, people not  
9 wanting to sell their land and being taught that it's  
10 improper to sell their land. And I'm very sympathetic with  
11 that idea. I think we all are. I mean, this is sacred land  
12 that represents sacred promises. Sacred promises that  
13 haven't been fulfilled very well, frankly.

14 And I -- because of that, the way the program  
15 works is, no one is required to sell their land. It's only  
16 willing sellers. They have to want to sell their land for  
17 the land to be sold. And if they do sell it, they get at  
18 least the fair market value of the land. I heard criticism  
19 about the \$75 payment. We actually set that base payment  
20 because we wanted people to get at least something for their  
21 land even if their land is worth only pennies or dollars.

22 And some of them really are worth -- you know,  
23 these tracts that have a thousand owners and they're, you  
24 know, a 60-acre tract or something like that, they might be  
25 worth, you know, mere, you know, pennies or dollars. And

1           so -- so we wanted people to at least be compensated for the  
2           time it takes to, you know, figure this out and fill out the  
3           application. And so we provided for the \$75 base payment --  
4           minimum base payment. But really it was just to be  
5           respectful of the time that it takes for people to fill out  
6           these forms and figure this stuff out.

7                        I'm really grateful for the allottees being so  
8           well-represented here. And I know that the people who are  
9           representing the allottees are trying to help allottees  
10          grapple with these issues. And I think we're grateful for  
11          that because that's a really important part of this. They  
12          need to be well-represented.

13                      You know, the way the settlement works -- you  
14          know, because when the Cobell plaintiffs settled this case,  
15          those are allottees. They're, you know, individual Indian  
16          money account holders. The benefit to the program largely  
17          are to Tribes not necessarily to the direct plaintiffs.  
18          Because the benefit is that the Tribe gets the land. We are  
19          purchasing the land from those allottees, fractionated  
20          interests, and giving them to the Tribe not to ourselves, by  
21          the way.

22                      You know, the government doesn't benefit. It's --  
23          the land will be held in trust for Tribes. Government does  
24          benefit in that this impossible task that the government has  
25          been handed through mistakes by Congress in the past will

1 now be eased a little bit, because it is an impossible task  
2 of trying to keep track of thousands of owners on a single  
3 parcel -- small parcel of land. It's just impossible. And  
4 so we will benefit that way.

5 But my sense is these -- these allottee's  
6 associations are really important as far as the outreach.  
7 And we heard a little bit of complaint about the outreach at  
8 the Pine Ridge Reservation. And I want to defend the Oglala  
9 Sioux Tribe. They did, actually, a great job of outreach.  
10 We've been very successful in the Buy-Back Program on the  
11 Pine Ridge Reservation. And that was the Tribe. The Tribe  
12 contracted to do that outreach.

13 And, again, it's been fabulously successful.  
14 Millions and millions of dollars have been purchased on the  
15 Pine Ridge Reservation. But they had a blank slate. I  
16 mean, they didn't have a path to follow about how to do this  
17 outreach. So they had to come up with -- come up with this  
18 from scratch. And I think we and they learned a lot about  
19 how to do outreach from their efforts. And so that's the  
20 problem with being one of the first Tribes. It -- you know,  
21 things may not go perfectly. But we certainly are trying to  
22 learn from everything we do. And this is how we learn, from  
23 hearing from people and going forward.

24 And so I want to -- you know, people spoke from  
25 their hearts today. And we really, really appreciate that.

1           And we learned a lot and heard a lot that helped reinforce  
2           our views about certain things or change our views about  
3           certain things and things that still need to be ironed out  
4           and things that, frankly, maybe Congress still needs to iron  
5           out. Because as the Deputy Secretary said, there are some  
6           things here that we didn't choose for them to be this way.  
7           It's what the legislation required or sometimes the  
8           underlying legislation, like the Indian Land Consolidation  
9           Act.

10                       And some of those things, we need to keep an eye  
11           on that and always be evaluating what needs to be changed as  
12           we go forward. It's just that it's really complicated to  
13           change those things if it requires an act of Congress. So  
14           bear with us on those things.

15                       I want to thank you all for participating, as  
16           the Deputy Secretary did. I want to thank the Deputy  
17           Secretary for being up here all day and the Buy-Back  
18           Program.

19                       I don't think that there's very many issues  
20           that haven't been raised -- that were raised today that were  
21           news to the Buy-Back Program because we got copious notes  
22           and pretty good analysis and context around some of the  
23           things you said because the Buy-Back Program is -- you know,  
24           they've become real experts in a lot of these issues. And  
25           we won't address all of those things now because we don't

1 want to keep you any longer. But rest assured they -- this  
2 does conform to our thinking going forward. And many of  
3 these issues will be addressed as we go forward if we can  
4 address them.

5 And we thank you for traveling here to leave  
6 your families to come help us work through these issues.  
7 And we really, really want this to be -- this program to be  
8 successful. And it will be more successful because of the  
9 contributions that you have made today. So thank you so  
10 much for being here. And helping us.

11 Yes, ma'am?

12 AUDIENCE MEMBER: Will it be available to read?

13 MR. WASHBURN: This will be on the Web site as  
14 soon as it's finished. We load these up. And we've  
15 actually -- this is -- we've had around ten consultations  
16 already. And those are -- those transcripts are -- we've  
17 had those. And we've had some listening sessions and such  
18 too that aren't formally transcribed. But the ones that are  
19 formally transcribed are up on the Web site.

20 And there's actually a wealth of information on  
21 the Web site. I hate to send you to a Web site. It's  
22 just -- you know, but there's a lot of information there  
23 around a lot of decisions we've made and the implementation  
24 plan, which has been changing as we move forward, is on the  
25 Web site as well.

1                   So thank you, all. Thanks for staying so long.  
2                   And thanks for speaking from your heart, and thanks for  
3                   providing us great information. Please help us to continue  
4                   educating people out there because some of you learned a lot  
5                   today too, I hope, as we did. And I hope you'll share that  
6                   information that you learned with others. And we really  
7                   appreciate your support.

8                   Thank you so much.

9   (Proceedings concluded at 5:17 P.M.)

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I, the undersigned officer of the Court and Washington Certified Court Reporter, hereby certify that the foregoing proceeding was taken stenographically before me and transcribed under my direction;

That the transcript of the proceeding is a full, true and correct transcript of the testimony, including questions and answers;

That I am neither attorney for nor a relative or employee of any of the parties to the action; further, that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested in its outcome.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this day of , 2014.

\_\_\_\_\_  
Kristin M. Vickery  
Certified Court Reporter, 3125