

1

2

3

UNITED STATES DEPARTMENT OF THE INTERIOR

4

5

6

7

LISTENING SESSION

8

2016 LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS

9

10

11

12

1:13 p.m.

13

Thursday, March 3, 2016

14

15

16

17

18

19

20

Albuquerque Convention Center

21

401 Second Street, N.W.

22

Albuquerque, New Mexico 87102

1 PARTICIPANTS

2 DEPARTMENT OF INTERIOR:

3 MICHAEL CONNOR, Deputy Secretary, Department of
4 the Interior, Washington, D.C.5 VINCENT LOGAN, Special Trustee for American
6 Indians, U.S. Department of the Interior, Washington,
7 D.C.8 LAWRENCE ROBERTS, Acting Assistant Secretary,
9 Indian Affairs, Department of the Interior, Washington,
10 D.C.11 JOHN MCCLANAHAN, Program Director, Land Buy-Back
12 Program for Tribal Nations, Department of the Interior,
13 Washington, D.C.14 KATHERIN GROUNDS, Senior Advisor, Tribal
15 Relations, Land Buy-Back Program, Department of the
16 Interior, Washington, D.C.17 SANTEE LEWIS, Senior Advisor, Tribal Relations,
18 Land Buy-Back Program, Department of the Interior,
19 Washington, D.C.20 LORNA BABBY, Senior Advisor, Tribal Relations,
21 Land Buy-Back Program, Department of the Interior,
22 Washington, D.C.

1 PARTICIPANTS (continued)

2 DEPARTMENT OF INTERIOR (continued):

3 ALBERTO UGÁS, Supervisory Appraiser, Office of
4 Appraisal Services, U.S. Department of the Interior

5

6 TRIBAL MEMBERS/SPEAKERS:

7 LEONARD TSOSIE, Councilman, Navajo Nation Council,
8 Window Rock, Arizona

9 ERNIE STENSGAR, Vice Chairman, Coeur d'Alene
10 Tribal Council, Plummer, Idaho

11 GEOFFREY STANDING BEAR, Principal Chief, Osage
12 Nation, Pawhuska, Oklahoma

13 EDDIE HAMILTON, Governor, Cheyenne & Arapaho
14 Tribes, Concho, Oklahoma

15 GARY BURKE, BOT Chairman, Confederated Tribes of
16 the Umatilla Indian Reservation, Pendleton, Oregon

17 ROBERT SMITH, Tribal Chairman, Pala Band of
18 Mission Indians, Pala, California

19 JESSE ALLEN, Oil and Gas Manager, Muscogee Creek
20 Nation, Tulsa, Oklahoma

21 NORMA "JEANIE" LOUIE, Social Services Director,
22 Coeur d'Alene Tribe, Plummer, Idaho

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22

PARTICIPANTS (continued)

TRIBAL MEMBERS/SPEAKERS (continued):

FRANK ADAKI, Navajo Dine' Tribe, Arizona

JOSEPH SMITH, Director of Land Management,
Standing Rock Sioux Tribe, Fort Yates, North Dakota

DENNIS CLAW, Many Farms Chapter, Navajo Nation,
Many Farms, Arizona

BILL TOVEY, Director of Economic Development,
Confederated Tribes of the Umatilla Indian Reservation,
Pendleton, Oregon

RANDOLPH SCOTT, Land Services Administrator,
Confederated Tribes of Warm Springs, Warm Springs,
Oregon

RUSSELL BEGAYE, President, Navajo Nation, Window
Rock, Arizona

LIZ ARAGON, Pueblo of Laguna, Laguna, New Mexico

MARTHA GARCIA, Navajo Language Interpreter

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

2 (1:13 p.m.)

3 MR. MCCLANAHAN: Ya'at eeh. Good afternoon. My
4 name is John McClanahan. I'm the program manager for
5 the Land Buy-Back Program. We're going to go ahead and
6 get started. I would encourage folks that are in the
7 back to come on up closer if you'd like. It looks like
8 we've got plenty of room. So please feel free to come
9 forward.

10 At this time, I'm going to invite Councilman
11 Leonard Tsosie up to the mic here to make some opening
12 remarks and invocation for us. Mr. Councilman?

13 MR. TSOSIE: (NATIVE LANGUAGE SPOKEN.) I don't
14 know if the sign language person can pronounce Navajo
15 or do the sign in Navajo. (NATIVE LANGUAGE SPOKEN.)
16 Leonard Tsosie (NATIVE LANGUAGE SPOKEN.) I guess he
17 could.

18 (Laughter.)

19 MR. TSOSIE: (NATIVE LANGUAGE SPOKEN.) John
20 McClanahan. (NATIVE LANGUAGE SPOKEN.)

21 (Laughter.)

22 MR. TSOSIE: I told them that you're okay.

1 (Laughter.)

2 MR. TSOSIE: (NATIVE LANGUAGE SPOKEN.) There was
3 a good turnout this morning, and many valuable, good
4 questions were asked I understand. The only thing that
5 I think I heard that people were concerned about is the
6 lack of Navajo interpretation, and so maybe next time
7 we could do better with that. I don't know how we're
8 going to do it today, but I don't mind interpreting
9 here and there every once in a while because I noticed
10 we have some elders.

11 (NATIVE LANGUAGE SPOKEN.) Let's open up with a
12 prayer. (NATIVE LANGUAGE SPOKEN.) Amen. Thank you.

13 MR. MCCLANAHAN: Thank you, Mr. Councilman. I
14 appreciate your words. Thank you, everyone, for
15 coming. Again, my name is John McClanahan. I'm the
16 program manager for the Land Buy-Back Program. We're
17 here today to hear from you. We want to listen to you.
18 We want to hear your insights and perspectives on the
19 Program, so please share your thoughts and ideas. It's
20 very important that we listen to Indian Country to find
21 out how we're doing, find out how we can do better.

22 We have a court reporter here that's able to take

1 down your comments. And like we've done in the past,
2 we will take that information and respond in our Status
3 Reports and in our frequently asked questions. So it's
4 been a useful part of the Program in the past to have
5 these sessions. So rather than responding to your
6 feedback today, we will, again, respond in those
7 reports that we issue. That way we'll be able to allow
8 as many people as possible to let their voices be
9 heard.

10 To get us started, I just wanted to say a few
11 things about the scope of the Buy-Back Program, some of
12 the key principles that are involved, and then I want
13 to recognize a number of folks that are involved in the
14 success of the Program.

15 First of all, fractionation has got a massive
16 impact on Indian Country. There are about 150
17 locations nationwide that are feeling the effects of
18 the allotment policy. About 235,000 landowners across
19 Indian Country that have fractional interests, and in
20 the Program we've identified 42 of those 150 locations
21 where we will be making offers through about 2017.
22 Those 42 locations represent about 83 percent of all

1 fractional interests across Indian Country, so many of
2 the highly fractionated locations are on our schedule,
3 and we've been to many of those already.

4 Second, I wanted to make sure everybody
5 understands that this Program is voluntary. What that
6 means is that if a landowner gets an offer from the
7 Buy-Back Program, it's their choice as to whether they
8 want to participate or not. If they want to sell some
9 of the fractional interests -- again, that will go to
10 the Tribe -- they're able to do that. If they don't
11 want to sell any fractional interests, that's okay,
12 too. So it's really important that we work with Tribal
13 leaders to educate the landowners about the Program and
14 make sure that they know that it's their choice.

15 Informed decision making is a key principle for
16 the Program. Our main focus is to, again, educate
17 landowners, answer their questions, and make sure they
18 understand their land and the options before they
19 participate.

20 Examples of outreach are the kinds of events we
21 had this morning. I hope that many of you were able to
22 attend this morning's session. I hope also you were

1 able to go to the resource tables that we have outside
2 the room where you can learn more about appraisals,
3 look at a map of your land, learn more about how we
4 look at the minerals. So, many of our staff are here,
5 and if you haven't been to those tables, I encourage
6 you to do that. There are a lot of good resources
7 there that you can obtain today. I also appreciate the
8 Navajo Nation. They have a table as well for Navajo
9 landowners that want to engage with their staff that
10 are helping us with the Program.

11 And finally I want to recognize all the teamwork
12 and cooperation that's involved in this Program.
13 You're going to hear a number of updates today, but one
14 of the most amazing ones I think is that in just a
15 short amount of time we've given 67,000 of those
16 230,000 landowners a chance to participate in the
17 Program. And we did that by sending out \$1.7 billion
18 in offers to landowners, and so that's really a huge
19 impact in a short amount of time.

20 Even beyond those numbers, though, are the
21 conversations that we've been able to have with Indian
22 Country. I know many of you heard me talk before about

1 the Cobell litigation, and that was an important piece
2 of litigation. But one of the issues with that is that
3 we were unable to communicate with landowners for many,
4 many years except through legal counsel. And so,
5 through this Program, we're able to talk with Tribes
6 and landowners like I think we've never been able to do
7 before. And landowners now are much more aware of
8 their land, and I think we're creating a lot of
9 goodwill in Indian Country.

10 So that opportunity we've provided and those
11 conversations wouldn't have been possible without the
12 involvement of the Tribal leaders, many of whom are
13 here today. And so, I want to recognize the 20
14 locations that we've been to so far. Your involvement
15 and support has been instrumental to the success.

16 We've been saying from the very beginning that we
17 would not be able to achieve success without your
18 involvement, and you've shown us that's definitely the
19 case. From any point in time we usually have 40 to 60
20 Tribal staff that are helping us implement this Program
21 at the local or the grassroots level. So thank you,
22 Tribal leaders, and your staff that have helped us get

1 the Program going.

2 I also want to recognize and thank the many other
3 locations that we haven't been to yet. I recognize
4 that you're anxious to be involved in the Program, and
5 I appreciate your patience. We've got a Planning
6 Initiative happening right now where we're seeking to
7 learn from the remaining locations, about 100, if
8 you're interested in the Program. So, again, I look
9 forward to working with you. Please express your
10 interest in the Program by March 11. So, again, thank
11 you for your patience there.

12 I also want to recognize the many staff from the
13 Department of the Interior that have been helping with
14 the Program. Just about every single office is
15 involved from BIA, to the Office of Special Trustee, to
16 the Bureau of Land Management, Office of Evaluation
17 Services. We're all coming together as a team with the
18 common purpose of serving Indian Country, and I really
19 hope that you've seen our collaboration and working
20 with you as being effective. And so, many of them are
21 here today. A number of folks are local here. I
22 encourage you to get to know them and ask them

1 questions.

2 Finally, outreach, like I said, is a key part of
3 the Program. Those 230,000 landowners are located all
4 over the country, some in foreign countries, so we
5 always have the challenge of how to reach them. One of
6 the things that we've done and Tribes have also done is
7 create videos to help explain the Program. So the Buy-
8 Back Program has recently completed a video that we're
9 going to show here today. It's somewhat of a premiere.

10 You're the first ones to see it, so we're going to
11 play that now. It's about 10 minutes. We're going to
12 make this available so all the Tribes have access to
13 this and can help us get the word out. So why don't we
14 go ahead and play that video now? Thank you.

15 (Video presentation.)

16 MR. MCCLANAHAN: Okay. I hope you found that
17 informative. Like I said, we'll have that available on
18 our website. I also wanted to just note that back in
19 the corner over there we do have some Navajo
20 translators, so if there's anyone who is interested in
21 having the information shared in Navajo, there is a
22 group of folks back there in the corner.

1 Now I'd like to introduce the Deputy Secretary of
2 the Department of the Interior, Michael Connor. The
3 Deputy Secretary oversees the Buy-Back Program and is
4 responsible for chairing the leadership at the
5 Department that are also helping ensure that the
6 Program succeeds.

7 DEPUTY SECRETARY CONNOR: Good afternoon,
8 everybody. Thank you, John, for that introduction, but
9 not only for the introduction. I want to thank you for
10 your personal commitment and your leadership of the
11 Land Buy-Back Program. And I'm going to go through
12 some statistics here and only talk briefly, but I do
13 think it's astounding how far we've come during the
14 course in which the Program has been in place.

15 I want to thank all of you for taking the time
16 today to join us here. I'm particularly happy to be
17 here as a New Mexican. It's always a good opportunity
18 for me to get back home, even if it's only going to be
19 for a few hours, so I apologize in advance. Sometime
20 between 4:15 and 4:30, I'm going to have to get out of
21 here to catch a plane back to Washington, D.C. But I
22 will look forward to the dialogue because we believe in

1 ongoing collaboration, transparency, and implementation
2 of the lessons learned throughout each year of this
3 Program.

4 And today, I think, as you've seen from this
5 morning's activity and during this Listening Session
6 this afternoon, it will be no exception.

7 As John mentioned, I chair a board of departmental
8 leadership that oversee the Buy-Back Program. I
9 continue to be amazed by the speed at which the
10 Program, working in partnership with the sovereign
11 Tribal nations, has already achieved major milestones.

12 And I got an opportunity to discuss this
13 yesterday. I was in a hearing in the House of
14 Representatives, the House Interior Appropriations
15 Subcommittee. Tom Cole is a member of that committee,
16 Congressman Cole from Oklahoma, a member of the
17 Chickasaw Nation, who helped move the Cobell settlement
18 and the Land Buy-Back Program authorization through
19 Congress. We had a very good discussion. He continues
20 to be very supportive of the progress, and it's great
21 to have bipartisan leadership in support of moving this
22 Program forward.

1 As you know, the Buy-Back Program is time limited,
2 and it's been authorized by Congress to have that
3 implementation occur through the year 2022. So as of
4 today we're about one-third through the 10-year
5 settlement timeframe.

6 Since the Program began making offers in December
7 of 2013 -- it took a little while to stand up the
8 Program -- the Buy-Back Program has paid more than \$735
9 million dollars to individual landowners, and restored
10 the equivalent of approximately 1.5 million acres of
11 land to Tribal governments. That's nearly half of all
12 the funds -- 47 percent to be exact -- that are
13 available for purchasing fractional interests.

14 At the same time, the Program has been efficient
15 in carrying out the operation here using approximately
16 only \$42 million of the authorized \$285 million that
17 was available for administration implementation costs.

18 We're very proud of that. That's only six percent of
19 the costs that have been overall reflected paid to
20 individual landowners. And we're proud of that because
21 this is not a Program to create a large Federal
22 bureaucracy. It's a 10-year Program that we want to

1 implement efficiently within -- well within the costs
2 that are allocated for administering the Program, and
3 invest more into benefits for both individual
4 landowners and Tribal governments.

5 We have repeatedly said that the participation and
6 engagement of Tribal nations is critical to the success
7 of the Buy-Back Program, and these significant results
8 stem directly from our partnerships with Tribal leaders
9 across Indian Country. The Department has now entered
10 into agreements with 28 sovereign Tribal nations to
11 cooperatively implement the Buy-Back Program, and each
12 agreement is unique in time, scope, and
13 responsibilities based on the expressed interest of the
14 particular Tribe.

15 The bottom line is that the Program continues to
16 solidify the priorities set by President Obama, who has
17 made it a priority across the board to rebuild
18 effective partnerships with American Indian
19 communities. We're very proud of the President's
20 personal interest in strengthening Tribal nations, and
21 the Land Buy-Back Program as part of that effort.

22 Even with the progress that has been made, a

1 staple of this Program has been building on the lessons
2 learned through Tribal input. We have learned from our
3 work at every location even while tailoring
4 implementation to the unique circumstances of each
5 location in collaboration with the appropriate Tribal
6 government. If you have not yet had the chance to
7 review the Program's 2015 Status Report, I highly
8 recommend you do as you can see that progress has been
9 made, and the lessons we have learned as we have
10 implemented the Program. So we have been listening.

11 For example, you'll note that financial education
12 opportunities, processes for information sharing, and
13 training for Tribal staff have been augmented based on
14 the feedback that we've received. In addition, we've
15 also been able to make offers on tracts with
16 improvements on them. That's a change in the Program
17 that we've made within the last year.

18 The Program continues to expand, and I urge you to
19 take note of the Planning Initiative as John mentioned
20 in his opening comments. This two-pronged effort seeks
21 input from Tribal governments and landowners who are
22 interested in participating in the Program. This

1 interest is a major factor among others the Program
2 will consider as it develops the next implementation
3 schedule for 2018 and beyond. We've already selected
4 the locations that we're moving to through 2017.

5 We know that there are already some Tribal
6 governments that would like us to return or to extend
7 Program implementation at their locations. Know that
8 we do hear you, and we certainly appreciate your
9 enthusiasm and your partnership. Our current focus is
10 to ensure that we evaluate possible implementation for
11 remaining locations with the remaining funds and the
12 time we have.

13 The findings from our current Planning Initiatives
14 will help our allocation of the remaining resources for
15 the Program. After those determinations have been made
16 through the input from the Planning Initiative, we will
17 have the opportunity to analyze if additional resources
18 exist, and where they might be utilized at locations
19 where purchase offers have already been sent.

20 This may be the final opportunity for unscheduled
21 Tribes at this point in time to register their interest
22 in participating in the Program, so please respond no

1 later than March 11th, 2016. I believe that's next
2 week, and you'll hear more on the Planning Initiative a
3 little later.

4 In conclusion, we at the Department strongly
5 believe that the success of this Program is vitally
6 important for the future of Indian Country as a whole.

7 We are focused on ensuring that landowners are aware
8 of the Program and are given every opportunity to make
9 informed decisions about the potential sale of their
10 land at fair market value. As John stated and I'll
11 reiterate, and we'll probably keep reiterating, this is
12 a voluntary Program. I was just looking at some of the
13 statistics. We range anywhere from some locations of
14 about 22 percent of accepted offers to about 79 percent
15 of accepted offers at other locations. It's up to the
16 individual landowners.

17 So that is why we're here today and why we're
18 committed to hearing from you, and doing what we can to
19 both strengthen Tribal sovereignty and help Tribal
20 communities realize and effectively implement their
21 priorities.

22 And now, I'd like to invite our special trustee

1 for American Indians, Vince Logan, to say a few words
2 to you also. Thank you very much for being here today.

3 I appreciate it.

4 (Applause.)

5 MR. LOGAN: Good afternoon. Thank you, Mike, for
6 the introduction. It's wonderful to be here, and it's
7 an honor to participate today on behalf of the Office
8 of the Special Trustee for American Indians. A lot of
9 our staff is in the audience because we have a -- one
10 of our large facilities out here up at Masthead.

11 And thank you, John, for inviting me, too, and
12 it's a wonderful film. And I greatly appreciate the
13 mentions of the OST in the film, and we are happy to
14 participate as a partner with the Land Buy-Back Program
15 and getting information out to landowners.

16 So as you heard, the Buy-Back Program strengthens
17 Tribal sovereignty. Every interest sold reduces
18 fractionation and promotes land consolidation, which
19 allows Tribes to manage and use reservation lands for
20 the benefit of the Tribal community as a whole.

21 But it can be a life-changing event for individual
22 landowners. In just the past year, we have seen

1 purchase offers that have ranged from a few hundred
2 dollars to hundreds of thousands of dollars. While we
3 are all working diligently to make sure that landowners
4 have the information they need to make informed
5 decisions about their land, we also know that it's now
6 critical, and I mean critical, to provide financial
7 training, including budgeting, investing, and planning
8 for the future. The bottom line is we want to help
9 empower beneficiaries to grow and sustain personal
10 wealth.

11 For those landowners who choose to sell their
12 land, it's important to think strategically about how
13 you're going to use the funds you receive from the
14 sale, and we refer to that as a liquidity event. So
15 for many of you there's a large liquidity event
16 forthcoming. It may be the only -- the single -- the
17 only time an individual receives such amount during
18 their lifetime. The proceeds of a land sale represent
19 the land's legacy, and the funds from the sale can
20 offer both long-term and short-term benefits.

21 At the OST, we have dedicated staff -- many of
22 them in this room -- to provide beneficiaries with

1 additional information regarding land interests and
2 what options may be available to them with respect to
3 the proceeds of the sale, the liquidity event. We have
4 a table set up outside. I believe it's that way. So
5 please come by and speak with us or pick up information
6 about how to contact the Trust Beneficiary Call Center.

7 The number was in the film, and, of course, we have
8 information outside, or to visit our financial
9 empowerment website.

10 Now then, if a landowner chooses not to sell their
11 land, it is equally important to consider how to best
12 utilize the property during his or her lifetime, and
13 how to most efficiently pass it to his or her intended
14 beneficiaries. There are certain Federal rules and
15 Tribal codes, and it's very complex, that govern estate
16 planning options that may be available. And these
17 decisions are not only important, but many of them
18 cannot be rescinded or changed after they're made.

19 Thus, it is critically important to get as much
20 information as you possibly can to make careful and
21 informed decisions about land interest and estate
22 planning options. And we at the OST are very happy to

1 help you with those decisions and getting that
2 information.

3 Now, we have partnered with the BIA and a number
4 of other Tribal organizations in legal aid services and
5 law schools to help provide Indian trust beneficiaries
6 with resources to assist in estate planning. And the
7 biggest priority for our team collectively is to
8 provide landowners the answers they need to make these
9 decisions about their land and the liquidity event.

10 But it's up to all of us in the room and Tribal
11 leaders, many of them in this room, all of us to engage
12 in this effort. We cannot reach the number of
13 landowners that are out there prospectively if the
14 Tribal leaders and our community workers, you know,
15 without their help. So we ask to work with you in this
16 regard.

17 Even if your location has not yet been scheduled
18 for implementation, there are a number of steps that
19 Tribes can take right now in terms of readiness and to
20 prepare for involvement within the Land Buy-Back
21 Program. With only 45 days for a landowner to accept a
22 purchase offer after it's received, it's important to

1 start now.

2 So the OST and the Buy-Back Program are
3 undertaking this monumental effort, along with our
4 other Federal partners, and what we're doing is we are
5 helping in advertisements and media relations,
6 postcards, phone calls, posters, and public service
7 announcements at regional events and at sessions such
8 as these. We ask that -- for Tribal help in
9 disseminating this information, and with community
10 participation and engagement. You will help us all
11 make sure that this Program succeeds. You can also
12 help owners making informed -- these informed decisions
13 by hosting informational events, and encouraging
14 willing sellers to call the OST Beneficiary Call
15 Center, particularly during the Planning Initiative.
16 All right.

17 So I hope that everyone here will join us in
18 assisting the outreach efforts throughout the lifetime
19 of this Program. The proceeds from sales from this
20 effort can truly make a difference throughout Indian
21 Country for individuals and for the communities they
22 call home.

1 And now, I would like to turn the microphone over
2 to Larry Roberts, our new Acting Assistant Secretary
3 for Indian Affairs. Larry?

4 (Applause.)

5 MR. ROBERTS: Good afternoon, everyone. It's
6 really great to see everyone here this afternoon when
7 it's a beautiful day outside. We're obviously talking
8 about a very important topic here. I am a member of
9 the Oneida Nation of Wisconsin, so it's also really
10 great to see Packer fans here. I see a gentleman with
11 a Green Bay Packer hat over there, so we're everywhere.

12 I also want to -- we forgot to mention one of the
13 ground rules that we're going to be -- we forgot one of
14 the grounds rules we're going to cover today, which is
15 obviously this is a Listening Session. We want
16 questions from all of you. There is one person in this
17 room that we will not be taking questions from. He
18 will not be allowed to ask questions, and that is --
19 Assistant Secretary Kevin Washburn is with us here this
20 afternoon. So, Kevin, thank you for joining us.

21 (Applause.)

22 MR. ROBERTS: So I just want to very briefly

1 reiterate the historic opportunity the Program
2 provides. As most of you in the room know, when
3 Congress went down the allotment policy path and Tribal
4 lands were lost, we're still -- we're still struggling
5 with the history of that allotment policy. And the
6 Program offers an opportunity to correct some of that
7 and to restore it not to the Federal government, but to
8 restore it to Tribal ownership.

9 And so, it's a key opportunity. It's a voluntary
10 opportunity. And it's really exciting what some of the
11 Tribes have been doing throughout Indian Country when
12 they've implemented the Program there. And so, for
13 example, the Land Buy-Back Program is going to work
14 closely with not only individuals, but Tribal
15 leadership to figure out what are -- how do we
16 prioritize certain areas. How do we implement the
17 Program most effectively for those Tribes?

18 And so, as you probably saw in the video, former
19 President Brewer from Oglala Sioux Tribe, when they
20 implemented it on their reservation, they looked at it
21 and they were able to acquire parcels for homeownership
22 for homes. And so, by working with the leadership and

1 with the Tribal community, they were able to utilize
2 the Program to open up these lands to make them useful
3 for homeownership purposes.

4 At Gila River Indian Community where we've also
5 implemented the Program, the Tribe has been able to
6 consolidate lands for a transmission corridor that was
7 very important for the entire community. At Squaxin
8 Island, some of the Tribal members who decided to sell
9 their interests, they wanted to do because they wanted
10 to make sure that the Tribe was able to better protect
11 some of the world-class oyster beds at Squaxin Island.

12 And at Crow where the implementation, as Deputy
13 Secretary Connor mentioned, the response rate was
14 through the roof in terms of those that had decided to
15 sell their interests. Some of those folks decided to
16 sell their interests because the Tribe wanted to
17 establish a community water plant at Crow. And so, the
18 Program helped provide the resources to make all of
19 that -- all that happen.

20 For the Tribal leaders in the room, and I know
21 that there a lot of them, and I know that there are
22 Tribal leaders here who have traveled from near and

1 far, as far as Idaho and other places, your commitment
2 to the Program and your leadership to the Program is
3 obviously critical. Everything that we do at the
4 Department and within Indian Affairs' Assistant
5 Secretary's Office, we're only as successful as Tribal
6 leadership is. I mean, we take our cues from Tribal
7 leadership, and that has borne out with this Program as
8 well. It has reaffirmed that reality.

9 So at Crow, 65 percent of the owners that were
10 contacted with an offer, they decided to sell their
11 interests. That was more than \$100 million paid to
12 individual owners within Crow. At Swinomish, 80
13 percent of the folks decided, yeah, this is the right
14 thing to do, we want to have the Tribe own these
15 interests to better protect these lands.

16 But as every speaker has said here, and we can't
17 say it enough, it is a voluntary Program. I've been
18 with the Department for over three years, so I was at
19 the Department as this Buy-Back Program was getting
20 implemented and up on its -- up on its feet. It had
21 some tough congressional hearings where there was
22 skepticism about how the Program was going to move

1 forward. But I also participated in a lot of the
2 Listening Sessions that we were doing early on.

3 And, you know, it really rang true to my heart
4 some of the folks that said, you know what? I'm never
5 going to sell this interest because this is the -- this
6 is the interest of land that my father or my
7 grandfather gave me, and I don't want to sell. And
8 that's completely legitimate, right? I mean, that is
9 -- that is completely fine. It is a choice for you
10 all. This is an opportunity. It's an option. And if
11 you decide not to sell for whatever reason because it's
12 very personal for everyone, that is 100 percent fine.
13 But we want to make sure that everyone has accurate
14 information in terms of the Program and how it's being
15 implemented.

16 So with that, I want to welcome up to the stage
17 Vice Chairman Stensgar from the Coeur d'Alene Tribe,
18 and he is going to share with you some of the great
19 work Coeur d'Alene has done to implement and share with
20 you some of his observations. So thank you.

21 (Applause.)

22 MR. STENSGAR: (NATIVE LANGUAGE SPOKEN.) Hello,

1 my friends. It's good to be here. Actually it's an
2 honor to be here in this land. I had a friend from the
3 Phoenix area who every time I'd see her, I'd tell her,
4 how's the desert people. And she'd look at me and she
5 said, we're good. We're fine. How's the mountain
6 people. And I said, we're still there. It's kind of
7 cold up there. She'd say, well, it's hot down here,
8 and we'd get together and visit. But we'd all start
9 our conversation like that, and it was a blessing to be
10 there.

11 I've been around in Indian leadership for a long
12 time, 35 years on my Tribal council. And during those
13 35 years I was able to cross the Nation and visit
14 different nations as well as go to D.C. and fight for
15 sovereignty, and make sure that the government lives up
16 to the trust responsibility that they have to us. So I
17 have a lot of scars. I wear them proudly.

18 I served this country as a marine. I joined in
19 1966, and one of my friends was -- as I joined in my
20 platoon, there was only one Indian guy in there besides
21 myself. And when we got together, we recognized our
22 blood, and we got together and we became brothers. He

1 was a Navajo. He was from Chinle. His name was Larry
2 Billy. And unfortunately not too long after we landed
3 in Vietnam, he was killed in action. To this day every
4 time I go back to D.C. and I visit the monument, I say
5 a prayer for Larry because he was a good friend. I
6 remember him.

7 My (NATIVE LANGUAGE SPOKEN) is here with Navajo,
8 so thank you for giving that friend. I'll always
9 remember him.

10 (Applause.)

11 MR. STENSGAR: I actually don't know why I was
12 called up to speak with acting secretary here, and John
13 I think was to tell you about the experiences that I
14 have personally with the Buy-Back Program. And I speak
15 from a allottee owner as well as a Tribal leader. I
16 inherited my property from my -- from my mother. My
17 father was cava on a cava reservation, and that land
18 went to the siblings over there.

19 But after I heard about the Buy-Back Program, I
20 looked at it very, very carefully, and I decided that
21 maybe this Program wasn't for me. I had a good chunk
22 of land that I -- that I utilized, and it was very,

1 very important to me and I thought to my -- to my
2 children.

3 My children inherited the land from their -- from
4 their mother and from their grandparents, and it was
5 highly fractionated. They say it's fractionated, but
6 so much so that they couldn't do anything with it. And
7 I remember my daughter talking to me and asking me if
8 she should sell or not, and I told her I can't tell you
9 -- I can't tell you to sell. That's your choice. I
10 said, this land is our heart, I said -- I said, you
11 make up your mind.

12 And she said, Dad, I need a home, she said, and I
13 have bills to pay. And I understood that because she's
14 always got her hand out to me.

15 (Laughter.)

16 MR. STENSGAR: So she did. She decided to sell,
17 and I told her as I advised her, I told her, you know,
18 I said, you're going to sell that property, and I said,
19 you're going to get money, and it's going to enhance
20 your life. I said, but, I said, you're not going to
21 lose that land. I said, that land is going to come
22 back to the Tribe. And I said, and you're still going

1 to own it. As a member of the Coeur d'Alene Tribe,
2 that's going to be yours.

3 And she did that, and today we have that property
4 and it's Indian. It's (NATIVE LANGUAGE SPOKEN).
5 That's how we say it in Indian, our language, so I
6 thought that she did well.

7 So I thought that she did well, but I think what I
8 want to impress is that it's our choice. It's our
9 land. No one can tell us what we have to do with that
10 -- with that property. If we want to sell we can. If
11 we don't, we don't have to. Nobody is pressuring us.

12 I think the Program is good because on my
13 reservation anyway, we have a lot of agriculture, and
14 we grow a lot of wheat. We get like 80, 90 bushels to
15 an acre of wheat, so the ground is very important to
16 us. We have timber up there, and timber goes for \$250
17 a thousand, so timber is very, very important to us.
18 But if we -- if we just have a small portion, that
19 check that we get from Interior from our IIM account,
20 maybe only a dollar and a half in some cases it's so
21 fractionated. And those people I would encourage to
22 sell because that land isn't doing them any good.

1 As a Tribal leader, I don't want any land to go
2 off my reservation, to go out of trust. I want it to
3 stay in Indian ownership. There's local governments
4 that are around that are bordering our town and within
5 our towns that want us to go away. They say, hey, your
6 reservation isn't there anymore, it's diminished, and
7 you can't call yourself a nation. You don't have
8 sovereignty. How can you when you don't have that,
9 when you don't have as much as the State does or the
10 economy does.

11 And I tell them, hey, Mister, I said, we have a
12 boundary. My people died for this -- for this
13 property, this little bit that we have left, and it's
14 ours, and it will always be ours. And we're not going
15 to go away.

16 So as long as I've been here for this 35 years
17 that I've been out in Council, I've been fighting for
18 this property, for our land, for the heart of my people
19 because it's sacred to us. It's sacred how we harvest,
20 how we harvest the elk, the deer, the bear. We gather
21 the huckleberries. We go dig the camas. We gather the
22 water potatoes, all those important food that are

1 important to us.

2 When I go sweat, and I go down to the lake, and I
3 jump into the pure waters, or I go up to the mountain
4 and recognize the (NATIVE LANGUAGE SPOKEN), our Father.

5 That's ours. And now it'll never go away because I'm
6 going to be here forever. My grandchildren are going
7 to be forever. (NATIVE LANGUAGE SPOKEN) people that
8 stole my voice. (NATIVE LANGUAGE SPOKEN.)

9 (Applause.)

10 MR. MCCLANAHAN: Thank you. Thank you, Mr. Vice
11 Chair. Those were wonderful words. Thank you. That
12 was really great.

13 Now, I want to introduce Santee Lewis. Santee is
14 a Tribal advisor in the Buy-Back Program. Santee is
15 going to give a brief presentation on the Program, and
16 then next we'll get to input from Tribal leaders and
17 landowners.

18 MS. LEWIS: Thank you, John. (NATIVE LANGUAGE
19 SPOKEN.) Hello, my people, my family. At this time
20 I'll be delivering an update on the -- on our Program.

21 The Land Buy-Back Program for Tribal Nations was
22 established in the Cobell settlement agreement and the

1 Claims Resolution Act of 2010, which provided for a
2 \$1.9 billion fund to purchase fractional interests,
3 meaning there has to be more than two owners in one
4 tract of land; in trust or restricted status, meaning
5 there -- well, in other words, there are -- no fee land
6 purchases are permitted from willing sellers.

7 Participation in the Program is purely voluntary; at
8 fair market value with -- and with any 10-year period.

9 The Program will end in 2022.

10 The principle goal of the Land Buy-Back Program is
11 to reduce the number of fractional land interests
12 through voluntary sales that place purchased interests
13 into trusts for Tribes. These transfers consolidate
14 trust land basis for conservation, stewardship,
15 economic development, or other uses deemed beneficial
16 by sovereign nations.

17 The Program has two main priorities. For
18 individuals, the Program strives to promote awareness
19 and education to facilitate informed decision making
20 and maximize opportunities to participate. For Tribes,
21 we want to strengthen our partnerships not only by
22 respect and upholding Tribal sovereignty, but also by

1 tailoring efforts at each location based on Tribal
2 involvement and priorities. In keeping with these
3 priorities, the Program has held past Listening
4 Sessions, such as this current Listening Session, to
5 hear from these priority groups.

6 There are four phases of the Program: outreach,
7 land research, valuation, and acquisition. Outreach
8 refers to the continuous process of communicating with
9 landowners regarding the potential opportunity to sell
10 their fractional interests. This phase involves
11 addressing questions and concerns landowners may have
12 regarding this sale or regarding issues that might
13 arise as a consequence of the sale. Outreach also
14 includes planning, sharing information, and consulting
15 with Tribal leaders.

16 Land research includes the development of data
17 related to mapping and land use as well as any other
18 data necessary to establish the fair market value.
19 Valuation is the process of appraising fractionated
20 lands to determine their fair market value. And
21 acquisition is the process of making offers to
22 landowners in an effort to acquire interest from those

1 interested in selling.

2 As of February 19th, 2006, the Program has spent
3 more than \$736 million to acquire nearly 1.5 million
4 equivalent acres of fractionated land. This represents
5 399,500 purchased interests on over 26,500 tracts.
6 Furthermore, over 10,100 tracts have reached at least
7 50 percent Tribal ownership, which will help Tribes
8 achieve important economic benefits and community
9 goals.

10 Here is a graph that depicts total payments to
11 individuals. As previously mentioned, the Program
12 initiated purchases in late 2013, and as of February
13 2016, more than \$736 million has been paid to
14 industrial landowners. Any amounts remaining in the
15 fund in November 2022 must be returned to the U.S.
16 Treasury.

17 The Department has identified 42 locations where
18 land consolidation activities, such as planning,
19 outreach, mapping, mineral evaluations, appraisals, or
20 acquisitions are expected to take place through the
21 middle of 2017. These communities represented 83
22 percent of all outstanding fractional interests across

1 Indian Country.

2 The Program recently launched a two-pronged
3 Planning Initiative to help determine its
4 implementation schedule for 2017 and beyond. Tribal
5 governments not already scheduled for implementation
6 and all landowners with fractional interests are
7 invited to formally indicate their interest in
8 participating in the Program by March 11th, 2016.

9 An important factor will be the number of willing
10 sellers at each location. Landowners can indicate
11 their interest by calling the Trust Beneficiary Call
12 Center to register as a willing seller. Registration
13 in no way commits a landowner to sell, nor does it
14 guarantee that a landowner will receive an offer. It
15 is simply the best way to ensure the Program is aware
16 of their desire to receive an offer, and provides an
17 opportunity for advanced outreach and information to be
18 shared with a landowner at the earliest possible time.

19 Our website also -- well, our website now features
20 a table that shows the top 10 locations with the
21 highest percentage of landowners who have registered as
22 a willing seller as of January 31st, 2016, including

1 those who have already sold some, but not all, of their
2 fractional interests. This Planning Initiative will
3 also conclude on March 11th, 2016.

4 It is important that landowners understand their
5 land, consider their options, and have a plan for how
6 to use the funds they receive from selling their land.

7 Financial training empowers beneficiaries to grow and
8 sustain personal wealth. More information is available
9 at our website.

10 The left of the screen features an example of a
11 quarterly report, and on the right, BLM's website.
12 Landowners do not need to wait until the Land Buy-Back
13 Program is implemented on their reservation to get more
14 information. Landowners can contact the Trust
15 Beneficiary Call Center with questions about the
16 Program, visit their local OST office or BIA office, or
17 find more information on our website.

18 For those who were not able to join us before the
19 Listening Session, Federal staff will be standing by
20 during the break and after the -- and after this event
21 ends today to discuss your land interests and trust
22 services you may need. Thank you.

1 (Applause.)

2 MR. MCCLANAHAN: Thank you, Santee. Now we'd like
3 to invite Katy Grounds to the stage here. Katy is also
4 a senior advisor for Tribal Relations in the Buy-Back
5 Program, and she's going to help facilitate comments
6 from Tribal leaders and individuals. Katy?

7 MS. GROUNDS: Thank you, John. At this time, we'd
8 like to begin the first of two open comment periods at
9 today's Listening Session. As John mentioned earlier,
10 we have a court reporter here today who is developing a
11 transcript of the comments that are shared with us.
12 The transcript will be made available on the Program's
13 website in the coming weeks.

14 For the benefit of our records, we'd ask that if
15 you are to share comments, that you come up to one of
16 the two microphones here at the front of the room, and
17 that you identify yourself and your Tribal affiliation
18 before you share your comments. And if you can speak
19 directly into the microphone, that'll ensure that the
20 court reporter is able to include your remarks in the
21 transcript.

22 So first I'd like to invite any Tribal leaders to

1 speak, and please remember that we also have a second
2 open comment period after the appraisal evaluation
3 presentation today after the break. So any Tribal
4 leaders who have prepared remarks who would like to
5 share?

6 MR. STANDING BEAR: Thank you, Katy, and thank
7 you, Mr. McClanahan, Mr. Roberts, Mr. Logan, and Mr.
8 Connor. I'm glad to see you all working together and
9 talking to each other. I wish the solicitor was with
10 you.

11 Osage Nation, where I am chief, has learned some
12 lessons, and I think the Program has, too, on the
13 consequences of our Federal government not learning
14 from each other. We signed the cooperative agreement.

15 I signed it in May of 2015, and we were expecting
16 offers to go out to our landowners in the fall of 2015.

17 Because of the unique status we are told, of our
18 land titles, we have not been able to do anything, even
19 though I had told all our people in public meetings and
20 in our newspaper that this was going to happen.

21 Because we were not able to go forward, the credibility
22 of my administration and this Program have suffered.

1 We are glad to know that working with Santee Lewis
2 and your Program we are moving forward now, but I must
3 urge all of you to continue to talk to each other. We
4 did not know we were that unique. From our
5 perspective, the procedures of land transfer have been
6 the same for decades. Our solicitors in Tulsa and
7 Muskogee know this. They know the rules. Our BIA in
8 our superintendent's office and in our offices in
9 Muskogee, they know it's never changed. It was
10 surprise to us that this Program had not known this,
11 but to us it's still the same Federal government.

12 Now, our place, in 1906 we had about 1.5 million
13 acres, and in one lifetime, just take my grandparents
14 just from when they were young and to the time they
15 passed in the 1990s, we were down to 75,000 acres, most
16 of it fragmented. And I can tell you, like a lot of
17 you can see what happens, our people get scattered to
18 the world. Of our 20,000 people, only 3,000 live
19 within our reservation area because when we lose the
20 land, off they go.

21 So this Program is very, very good. We want to
22 buy the land back. We're using our own funds, too, to

1 buy land, and then we try to create it where they want
2 to come back because you can't continue as a people if
3 you're -- if you're gone, if you're scattered like
4 that. That's what we think, so we are -- we are really
5 trying hard, and we're really supportive of this
6 Program.

7 So this morning I met with Mr. McClanahan, and I
8 said the same thing. To me, I just am disappointed
9 that other branches of our Oklahoma BIA -- we don't
10 have BLM where I am working on it. BIA did not step up
11 to the plate and take a look at this Program, and get
12 as excited about it as we are and say, look, here's how
13 you do it in Oklahoma, just want to make sure.

14 But we are really happy now that the BIA
15 Acquisition Office, and I haven't met the director yet,
16 but I've been told I would, is now understanding this
17 and working with Santee Lewis and your team. It
18 appears we're getting there.

19 And I don't know how many other Tribes have found
20 this uniqueness problem, but the Federal government
21 needs to know we're not all the same. We all have
22 different rules that we consider normal from where we

1 sit, and we ask that -- you don't need hire new people.

2 You've got plenty of people in the existing Federal
3 government that know these things. So reach out to
4 each other because we're promoting this Program true --
5 as well as Tribal leaders. But when we say something
6 to our people, they expect it to be true.

7 And now, since this last year, because oil and gas
8 has gone down so much and we rely on that, a lot of our
9 people are putting what's left up for sale. And it
10 comes across my desk, and I'm trying to find money out
11 of our treasury to buy it. We need this now because
12 the financial stress is here, plus our individual
13 allottees, they want a good price for that land. So
14 that's the other thing we ask you to do is be sensitive
15 to those appraisal costs, and let the Tribes come in
16 and say, well, we'd like to suggest how to compare
17 those with other appraisals that we know about.

18 So we're willing to help any way we can, and we
19 appreciate the help you're giving us, but so far we
20 haven't seen anything. We've just been talking. So I
21 just signed in February a brand new cooperative
22 agreement, and it's sitting in your office somewhere,

1 Mr. McClanahan. And I look forward to you signing that
2 so we can pick it up and get those offers this fall.
3 One year late, but let's get it going, and that's what
4 I'd have to say today. Thank you.

5 (Applause.)

6 MR. HAMILTON: Thank you. My name is Eddie
7 Hamilton, governor of Cheyenne and Arapaho Tribes, and
8 I want to thank you for kindly allowing us to speak
9 today, and thank the great State of New Mexico for
10 having this event here.

11 We submitted a letter of interest in 2014. We
12 still have not received a reply. It seems like
13 additional thresholds may have been added to meet
14 before we can actually -- the Tribe can actually
15 participate. We believed the Buy-Back Program was
16 being made available for all Tribes.

17 Now, our main question, we had a conversation
18 October of 2015 with the DME, the Division of Minerals
19 Evaluation, Mr. Estes. The question that we had was
20 basically was most of the highly fractional --
21 fractionated tracts which have a large number of
22 interest owners -- 200 to 400 -- have a mineral state.

1 Since the Land Buy-Back Program is to reduce
2 fractionation, how will these purchasable tracts be
3 categorized in stage one category of land purchases
4 during the implementation phase?

5 So the response I got back from DME was, "DME
6 performs mineral evaluation work prior to
7 implementation at a location. Tracts will be
8 designated as stage one, stage two, or stage three,
9 based on DME's mineral evaluation work, and will be
10 used on geology, not based on a tract's level of
11 fractionation." So does this not go against the goal
12 of reducing fractionation?

13 Also in February, last month, February of 2016, we
14 sat in on a webinar that was held by Land Buy-Back
15 Program. And it identified amount for the Cheyenne
16 Arapahos that was made available to us, an amount
17 identified there. We asked is that still available.
18 The forthright answer was no. So we would like to know
19 why that amount of money is no longer allocated to us,
20 and has another amount been identified for us to work
21 with in the purchasing of fractionated tracts.

22 How was this change authorized? Was it a written

1 policy? Was it a recorded decision? Where did the
2 money go? What possible reason was there for diverting
3 that money? Our land is still heavily saturated and
4 fractionated with fractionation, and we have -- we have
5 yet to be selected for this Program.

6 We're interested in knowing policy recorded
7 decision was made to classify lands with paying sub-
8 surface minerals as non-purchasable. We only -- we
9 only learned of this new restriction within the past
10 several months, so it seems like there seems to be un-
11 some way, somewhere, sometime the intent of the Land
12 Buy-Back Program switched purpose from reducing
13 fractionation to spending Cobell funds at a rapid rate
14 and making -- spending the milestone.

15 And in closing from our standpoint, there's to be
16 -- there is an appearance of adding barriers to the
17 participation requirements. We came here today in good
18 way and hopes that all Tribes get their equal share of
19 the Buy-Back funds. I don't believe that our
20 priorities to purchase land from willing sellers is
21 being given enough consideration by those
22 administrating the Buy-Back Program. We're not asking

1 for special treatment. We're asking for fair and equal
2 treatment to work on a nation-to-nation basis. Thank
3 you.

4 (Applause.)

5 MR. BURKE: Hello. My name is Gary Burke. I'm
6 from the Umatilla Tribe, northeast part of Oregon, and
7 we also participated in the Land Buy-Back Program. My
8 name is Gary Burke. I'm the chairman of the board of
9 trustees, the governing body of the Confederated
10 Tribes, Umatilla Indian Reservation. I appreciate the
11 opportunity we share to Tribal experience with the Land
12 Buy-Back Program, and our thoughts on how the Program
13 should proceed.

14 Oops. I've got to get real close.

15 The Umatilla Tribe has -- government has partially
16 repaired the damage that was caused by the allotment
17 policies. The Umatilla Tribe was one of the first
18 Tribes to execute the LBB Cooperative Agreement and to
19 implement the Land Buy-Back Program. In the following
20 results, we have fully utilized the purchase ceiling to
21 acquire 1,675 fractionated interests containing 10,142
22 acres of the cost of -- at the cost of \$12.4 million.

1 According to the recent LBB report, there's over
2 \$48 million in unexpended Tribal purchases ceiling
3 funds after Program implementation on 18 reservations.

4 It is time to plan for these expended funds will be
5 allocated and developing a plan that would encourage
6 the following: that the LBB funds avoid a large over
7 expenditures of Program funds as we are seeing in the
8 reservations to avoid unfair allocation of the LBB
9 funds; allocate unexpended LBB funds to Tribes that
10 have successfully implemented LBBP or there is
11 additional willing sellers; consult with Tribes to
12 avoid and develop criteria reallocating unspent LBB
13 funds.

14 Along with everybody else in this room that are
15 affected by these allotment policies from a long time
16 ago, I, too, am a landowner. I'm a chairman of the
17 Tribe. I'm one of the chiefs of the Umatilla Tribe.
18 We have three Tribes, which is the Confederated: the
19 Umatilla, the Cayuse, and the Walla-Walla.

20 Everyone is affected by the allotment policies,
21 and the opportunities to come here and to talk for
22 Tribes, my Tribe especially, on how to get our land

1 back. Like Mr. Ernie Stensgar said, some of them come
2 to me and also had these same concerns of selling in
3 order to sell back to the Tribe.

4 I'm a treaty Tribe. My treaty is 160 years old.
5 I also have ceded land areas, which we all utilize
6 today. A lot of people talk about aboriginal ways of
7 life, and talk it about in the past tense. A lot of
8 Tribes are still practicing those aboriginal ways
9 today, and I believe that is true. And I encourage
10 every Tribe to keep your traditions and cultures alive,
11 which keeps us the way we are and the people we are
12 from the oldest to the youngest.

13 I'd like to thank Mr. McClanahan for giving time
14 for us. We've spoken him to -- other times even on our
15 reservation, he's come forward to talk to us face-to-
16 face. It's okay to talk with letters, emails, but when
17 you talk face-to-face with somebody it means more, at
18 least to me, to speak with somebody. You can look at
19 them and almost tell that they're willing to help. And
20 whatever the endeavors are in the future, I hope that
21 things like this will continue.

22 And I thank all of you for helping us on that

1 table there, and I encourage the people to be thankful.

2 That's what the Creator teaches us. All the time, be
3 thankful for what we've got. (NATIVE LANGUAGE SPOKEN.)

4 Thank you.

5 (Applause.)

6 MR. ROBERT SMITH: Thank you. Good afternoon. My
7 name is Robert Smith. I'm chairman of the Pala Band of
8 Mission Indians in Northern San Diego County. I'd just
9 like that we want to get involved in the Land Buy-Back
10 Program. We sent a letter of interest. We've got
11 about 13,000 acres, which is kind of big for
12 California, but we've got over 5,500 fractionated
13 shares, so we look forward to being a part of the
14 Program. And thanks for your time.

15 (Applause.)

16 MR. ALLEN: Jesse Allen from the Muscogee Creek
17 Nation in Oklahoma, and we'd like to know what steps
18 are being taken to address the unique issues of
19 restricted landowners in Oklahoma with the Muscogee
20 Creek Nation, and also the five Tribes, and what can we
21 do to assist in that situation. Kind of it's almost
22 like the Osage. We're kind of in that same situation,

1 so.

2 MS. LOUIE: (NATIVE LANGUAGE SPOKEN.) Hello, my
3 friends. I'm Jeanie Louie from the Coeur d'Alene
4 Tribe, and I am here representing the Affiliated Tribes
5 of Northwest Indians. I'm on the board for that
6 organization. And this is not really concerning the
7 Land Buy-Back, although our Tribe has been very
8 successful in that endeavor, but it concerns the
9 Scholarship Fund.

10 And the last conference that was held with ATNI,
11 the Tribes there were asking if I would attend the
12 Listening Session, and ask you some of these questions.

13 And the first one is where and how the individuals are
14 to apply, and if they're a high school graduate, is it
15 for a four-year scholarship. And also, are payments
16 for scholarships for bachelors, masters, doctors, or at
17 any level? And does this also include technical
18 schools scholarships?

19 And while we recognize that this Program does not
20 administer the Scholarship Fund, it would be very
21 helpful if the Program would communicate information
22 about how the funds will be used. Thank you very much.

1 (Applause.)

2 MS. GROUNDS: Thank you. At this time, are there
3 any other Tribal leaders who wish to speak?

4 (No response.)

5 MS. GROUNDS: Okay. If not, I'd like to invite
6 any guests, including any landowners here today, to
7 step up to the microphone and share comments.

8 MR. ADAKI: (NATIVE LANGUAGE SPOKEN.) I hope all
9 of you distinguished guests sitting at the head table
10 understood what I said.

11 (Laughter.)

12 MR. ADAKI: I just wanted to get a little smile
13 from them. They're so serious --

14 (Laughter.)

15 MR. ADAKI: -- thinking about Washington, D.C. to
16 see how the Redskins are going to do.

17 (Laughter.)

18 MALE SPEAKER: Broncos.

19 MR. ADAKI: Broncos.

20 (Laughter.)

21 MR. ADAKI: Honorable Deputy Secretary, the
22 Special Trustee, the Acting Assistant Secretary of

1 Indian Affairs, and our Program Manager. And I
2 understand Mr. Washburn is in the audience. Is he
3 still here? Oh, he took off. You scared him off,
4 John.

5 Okay. I'm a landowner. I now reside here in
6 Albuquerque, New Mexico. As I said, my name is Frank
7 Adaki. I'm Dine', and we live on the west side,
8 Paradise Hills. And one thing that the white people
9 have taught me going to school was save for a rainy
10 day, and we did. My wife and I did very well. I'm
11 retired after having been on the front lines for 37 and
12 a half years in the criminal justice system,
13 transferred all over the country as a Federal agent.
14 And I've been retired, like I say, 17 years, and we
15 have a consulting business that we have.

16 And also we travel quite extensively all over the
17 country. I was stationed back in Washington, D.C. at
18 one time. I went to the FBI National Academy there in
19 Quantico, and I went through the Department of the
20 Interior management training back in 1970. And I -- so
21 I know what and how it is in Washington, D.C.

22 So I'm a landowner. I've attended many of these

1 sessions that we have, and this morning I addressed the
2 audience in regards to my concerns. The concerns I had
3 was the appraisal and what they are using very loosely,
4 fair market value. We are dealing with another project
5 which is going to end up like the Cobell case. This
6 involves the right-of-way across allotted land, and
7 it's going to have a significant impact all over the
8 country, and we're going to prevail.

9 So the fair market value they use for a right-of-
10 way is the same thing, and fair market value to us is
11 peanuts. It's not what we should be getting for a 20-
12 year lease to a major oil company. Landowners get
13 about \$26, \$29 for that. Now, is that fair? It's not
14 fair.

15 For this Land Buy-Back, the same thing, fair
16 market value. We have three tracts of land, the Adakis
17 do: South of Gallup where my dad was from, two wells;
18 Mundialito, we have 160 acres there that belong to Mom;
19 and then in the Pinedale area. So what we decided was
20 to keep the land intact.

21 Whether we believe it or not, we as Native people
22 can't seem to get along. We're always bickering.

1 We're always fighting with one another. And so, if
2 there's a family like myself -- there's 12 of us that
3 Mom and Dad raised. And if one or two should decide to
4 sell, it's going to cause some real indifferences,
5 indifferences of such that one of them is going to say
6 you already sold, so you don't belong here. You
7 already sold, so that road that goes over to where you
8 live is not going to be as -- it's not going to happen.

9 So these type of things are there, which I think we're
10 completely overlooking.

11 The distinguished Tribes from the Umatilla, Coeur
12 d'Alene, Osage, and others talk about success on their
13 reservation. They're small reservations compared to
14 the Navajo. Navajo Reservation is about the size of
15 West Virginia. It has sparse rural areas.

16 I'm just thinking about where I'm from. Yeah, if
17 we had a little community that was close knit and some
18 of the landowners sold, I could see development
19 happening. But most of these land that we're talking
20 about are located in rural areas way out in the
21 boonies. And in order to develop it, the Tribe is
22 going to have to dig into their -- to their coffer to

1 build roads, to construct, in order to gain whatever
2 profit that they may want to gain.

3 So these are all questions that a lot of us have,
4 which we would like for the distinguished members from
5 Washington to think about. I know that government can
6 do what they want to do. When the Syrian conflict was
7 going on, when it started, I received a letter with
8 letterhead and everything. And it mentioned that
9 25,000 Syrian refugees were going to be relocated to
10 the Navajo Reservation, 25,000 over to the Standing
11 Rock Reservation up in South Dakota/North Dakota. And
12 that caused an uproar, and luckily it turned out to be
13 a hoax.

14 So these type of things are there where the
15 government came back later on and said -- when
16 reservations were being established -- when they were
17 established, there was certain criteria that the Tribes
18 were supposed to do in order to satisfy the government
19 that the Tribe is going to develop, strategize, and
20 what they're going to do with the land that they got.
21 And they were saying that most of the Tribes have not
22 done it, so the government is there. They can do

1 whatever they want to do.

2 And so, this Land Buy-Back, it may sound good.

3 The money is there, but the money is going to be gone,

4 and the land is going to be gone. The individual that

5 sells will be out in the cold. And so, this is --

6 these are the things that I'm looking at, that a lot of

7 us are looking at. And I appreciate the fact that this

8 is a Listening Session. Rather than you talking to the

9 people, giving a chance for the people to talk. Thank

10 you so much.

11 (Applause.)

12 MS. GROUNDS: Thank you. We're going to take a

13 short break, but before we do that, I want to return to

14 the panel to see if there are any responses to what's

15 been shared.

16 DEPUTY SECRETARY CONNOR: Yes. Can people hear

17 me? Yeah. If I talk into it, people can hear me.

18 It's amazing how that works.

19 I appreciate the input so far. I just have a

20 couple of high-level thoughts, but I do want to talk a

21 little bit about our Oversight Board because I do think

22 -- a couple of things that I think is responsive.

1 The Osage Nation, I appreciate your strong
2 recommendation that we continue to talk to each other.

3 I think that's incredibly important. And that's
4 really the purpose of our Oversight Board, and we'll go
5 back and discuss some of the issues that we hear, but
6 it's for that exact purpose.

7 This is a complicated Program where we need strong
8 coordination amongst the various elements of the
9 Department from appraisal services within the
10 Department, legal questions, Bureau of Indian Affairs,
11 the Office of Special Trustee. So I appreciate the
12 need for more coordination.

13 We need to -- and a lot of these issues that we've
14 dealt with from Listening Sessions or input that we've
15 gotten through consultation, we've taken to the Board
16 and we've discussed it, and we've strategized about it.

17 So it's good to know there's still more work to do
18 along those lines, and we certainly have a mechanism
19 that we will continue to employ and need to employ
20 obviously from the comment that you made.

21 I do think the question of unfair allocations came
22 up also, and I wanted to talk a little bit about that.

1 There is a ongoing tension with respect to the
2 Program. It's a tension, but it's also, you know, one
3 of the realities that we're trying to deal with in
4 creating purchase estimates for different locations,
5 trying to map out how we can over the course of the
6 Program at least give an opportunity to the many
7 different locations in excess of 100 that we need to go
8 to over time.

9 So we do want to move quickly. We want to
10 organize ourselves. We want to incentivize as much
11 opportunity as possible in individual locations. But
12 we're also cognizant that we can't spend all the money
13 at certain locations, and that's why we created the
14 purchase estimates, trying to give ourselves a target,
15 move forward, but at the same time ensure that even as
16 we expeditiously implement the Program at certain
17 locations, some may be below the purchase estimate,
18 some may be above the purchase estimate.

19 So far, it's kind of balanced out, and we continue
20 to move along, and we think we can equitably allocate
21 the resources. At the end of the day, though, our
22 overarching goal will be to not return a dime of this

1 money to the Federal Treasury. This was money set
2 aside by Congress through the settlement process so
3 that it could be available for those willing landowners
4 to have their interests purchased, and for Tribes to be
5 able to consolidate land. So we all understand how
6 difficult it is, particularly in these constrained
7 budget times, to get resources to carry out a Program
8 like this, so we certainly want to ensure that we make
9 use of all those resources.

10 So I'd just mention that. We're cognizant. We
11 understand the need to be fair and try and get to
12 opportunities amongst all the different reservations,
13 the locations that are eligible. But also in the back
14 of my mind is we need to expand these resources, and
15 that's the balance that we'll continue to try and
16 strike as we move forward.

17 There are other specific issues I think. We're
18 looking forward to hearing more of the landowner issues
19 that will be raised so that we can continue to
20 strategize in the outreach process, and try and answer
21 as many questions even on an ongoing basis so
22 landowners can make those informed decisions that we

1 talked about.

2 But that's just a couple of quick thoughts and
3 comments, but I want to turn it over to anybody else
4 who -- on the panel who wants to give a quick response.

5 MR. ROBERTS: I'll be very brief since I'm
6 standing between you and a break.

7 (Laughter.)

8 MR. ROBERTS: Chief, that's the reason we have
9 these Listening Sessions, but you should feel free to
10 reach out to any of us on this table. I know you
11 reached out to me very early on about the Osage
12 rulemaking. We want to be responsive, work with you,
13 so appreciate you being here today and sharing this
14 information.

15 It sounds like Oklahoma BIA, it seems -- sounds
16 like it's -- we're on the right track, but always my
17 phone line is open to you at any time to resolve the
18 issues.

19 Along those lines, I do want to let other Tribal
20 leaders in the room know that we do have a regional
21 director, and his staff in the back of the room here
22 for this region. And so, we're in listening mode here

1 today, but I want to make sure that Tribes, if you're
2 from this region that you have good collaboration not
3 only with the Land Buy-Back Program, but obviously also
4 our regional director.

5 And then I just want to touch upon a couple of
6 things. Jeanie Billy, you run -- you had a lot of
7 questions from ATNI about the Scholarship Program. I
8 think it's something that we can talk about here to
9 make sure that that's -- the Scholarship Program, just
10 so everyone in the room knows, is not administered by
11 the Federal government. It's not administered by the
12 Department of the Interior at all.

13 Having said that, I think that there's a way that
14 we can put some of that information up on our Land Buy-
15 Back Program website so that it's easy for you all to
16 find because you have very good questions here. And
17 I'm going to talk with John during the break to see
18 what answers we can provide to you all today on that.

19 And finally, Mr. Adaki, one, thank you for your
20 service. Two, appreciate all of your comments here
21 this afternoon. One of the things you touched upon was
22 something that I talked about during the opening

1 remarks, which is making sure that whatever purchases
2 are out there from voluntary sellers, that it be
3 strategic, right? That you don't want to purchase
4 lands necessarily where it's not going to -- where
5 they're vacant and hard to get to, and not going to
6 make good use. And so -- and that's why we want to
7 work very closely with Tribal leadership so that we are
8 coordinated, and hopefully getting -- making the most
9 of the resources from those -- from those individuals
10 that do choose to sell.

11 So with that, I'll turn it over to Vince or John.

12 MR. MCCLANAHAN: Yeah, just real quick, I want to
13 recognize the Governor from Cheyenne-Arapaho. After
14 the break, we're going to have a presentation on the
15 valuation approach for the Program, and I realize your
16 questions are in large measure centered around the oil
17 and gas or mineral type properties. And so, we'll make
18 sure to try to cover that, and if we don't we can
19 respond after the comment period to elaborate on that.

20 And then, the only other thing I'd mention is that
21 we are looking to add additional locations to our
22 schedule. Like we've talked about a little bit today,

1 we've got 42 on our schedule, and through the Planning
2 Initiative we want to hear from Tribes, such as
3 Cheyenne-Arapaho, that are interested in becoming
4 involved, and our staffs have been talking quite a bit.

5 And so, Cheyenne-Arapaho and other places are definite
6 candidates to be added to the schedule this summer
7 after we get input from, you know, around up to 100
8 folks that aren't on our schedule yet. Thank you.

9 MS. GROUNDS: And with that, we're going to take a
10 quick 30-minute break, so we'll be back in this room at
11 3:15. Out the left -- your left side doors, there's
12 refreshments, food, and coffee, and beverages. And the
13 resource tables will also be open.

14 (Break.)

15 MS. BABBY: Okay, everyone, we're going to get
16 started again so we -- so we have enough time for
17 another comment session. I think pretty much everyone
18 is back in the room.

19 My name is Lorna Babby. I'm a member of the
20 Oglala Sioux Tribe, and I've been with the Program from
21 the beginning. It's been pretty amazing to go from our
22 very first land sale on Christmas Eve in December 2013

1 to where we are today, which is pretty close to halfway
2 with our available funding.

3 I've been with the Program for two and a half
4 years now, but I've been dedicated to the protection of
5 Indian land and water rights for decades. It's really
6 my passion. And part of that is making sure that the
7 government, the Federal government, lives up to its
8 responsibilities with respect to Indian lands and
9 water.

10 Some of my colleagues laugh when I tell them this,
11 but my dad actually taught me about the allotment
12 policy and its devastating impact on Indian lands when
13 I was just a little kid. And it was -- it had a huge
14 impact on me, and it really -- it pretty much
15 determined my career path.

16 And I went to law school with the specific goal of
17 getting the education I needed to do something about
18 this allotment, the problems that have been created by
19 allotment. So to be involved with the Buy-Back
20 Program, it just -- it means a great deal to me.

21 And I also understand that we have some great
22 opportunities here to consolidate these fractionated

1 lands and to strengthen the Tribe's ability to make
2 decisions about land use that are going to benefit the
3 entire membership. But at the same time, the decision
4 of each individual landowner whether to participate is
5 a very personal one.

6 Although my dad really encouraged me to go to law
7 school and to work in this field, and to join the
8 Program, he had a really difficult time making up his
9 mind when he did receive an offer, and he didn't think
10 it was going to be that difficult. So I do appreciate
11 we have a great opportunity, but it's for every
12 individual to decide whether it makes sense or not.

13 Right now, I want to introduce one of my
14 colleagues who's also been with the Program from the
15 beginning. Alberto Ugás is a supervisory review
16 appraiser with the Office of Appraisal Services, and
17 he's going to provide some information on the Program's
18 appraisal methods, and we hope this is helpful
19 information. And then right after his presentation, we
20 are going to have another comment period. So, Albert.

21 MR. UGÁS: Thank you, Lorna. Hello. Good
22 afternoon, everybody. Like Lorna said, my name is

1 Alberto Ugás. I'm the supervisory appraiser with
2 responsibility over the mass appraisals that are being
3 generated for the Buy-Back Program.

4 I am -- I am relatively new to the feds, almost
5 three years now when the Program started, but I had
6 never worked for the Federal government before. My
7 experience has been -- has been at the local
8 jurisdictional level. I came here from Washington
9 State. I was a deputy assessor at one of the
10 jurisdictions neighboring Seattle, and so I have been
11 an appraiser for a long time. I'm an old guy, believe
12 it or not, although I do know that I look the part.

13 I have been an appraiser for almost 30 years, and
14 a good 20 years of those have been working on the mass
15 appraisal side doing appraisals of, at times, hundreds
16 of thousands of properties for property tax purposes,
17 so I've been around the block a little bit. And I want
18 to tell you, the -- this is my first opportunity to
19 work with Native American communities. It's one of
20 those things that we go through life, and there are
21 some things that have always been on our bucket list
22 that we have not quite been able to reach.

1 And working -- not only working, but getting to
2 become familiar with Native American communities, it's
3 one of those things that was on my bucket list that I
4 had never had the opportunity to do. So when -- I've
5 always considered myself to be a sibling or a close
6 relative of Native Americans because my father also was
7 a member -- I mean, his ancestors were members of the
8 Chimu and Mochica cultures on the coastal deserts of
9 Northern Peru, which is where I born.

10 When you've had the opportunity to work for as
11 long as I have and you have the opportunity to finish
12 your career in a place on a Program like the Buy-Back
13 Program -- I don't know if you guys have noticed it,
14 but most of the people here have stated how important
15 and what a privilege it is to work on the Buy-Back
16 Program.

17 And there's a common thread there, and that common
18 thread is that we get it. We get how critically
19 important this is on Indian Country, and we are all
20 working very diligently and very hard to do the
21 absolute best possible job that we can. And I hope
22 that you appreciate that because from a professional

1 career I can tell you it is a treat to be able to work
2 in an environment where there are so many capable
3 individuals, and everybody is so committed to the -- to
4 the objective and the mission. It is a privilege, and
5 I am, quite frankly, very fortunate to be here. So
6 thank you.

7 Now, I'll shut up, and I'll get going with the
8 presentation.

9 (Laughter.)

10 MR. UGÁS: So this is -- I work for the Office of
11 Appraisal Services, and the office -- the mission of
12 the office is to provide our clients, the BIA and OST,
13 with high-quality, independent, and objective services
14 prepared in accordance with national and Federal
15 appraisal standards. The highest quality appraisal
16 services are the foundation for sound real estate
17 business decisions made by or on behalf of trust
18 beneficiaries. Our vision is to be the finest
19 appraisal organization in the Federal government
20 through the professionalism of our appraisal staff, to
21 be a center of excellence for appraisal services.

22 Now, we've heard this plenty today, the origins of

1 the Land Buy-Back Program. And at the end of the day,
2 the objective is to purchase these fractional interests
3 from willing sellers at fair market value. And we've
4 heard, too, about fair market value and whether that is
5 a dream or a reality.

6 Fair market value is determined by the Office of
7 Appraisal Services. It is an appraiser's professional
8 estimate of what a property would sell for in an open
9 and competitive market.

10 Now, let me tell you, there is a legal definition
11 for "fair market value." It's not something that is
12 ephemeral, that it means this to you and that other
13 thing to somebody else. There is a very clear legal
14 definition. There has to be a willing seller, a
15 willing buyer, neither under compulsion to buy or sell,
16 informed in their decision making with a property that
17 has been exposed in the open market. And all of those
18 definitions need to be there in order to qualify as
19 fair market value. So we're not winging it. It has to
20 meet the criteria.

21 Oops, I turned it off. I did it. They shouldn't
22 trust me with technology.

1 So appraisals are completed by OAS for each tract
2 of land. They are used to provide professionally
3 derived and impartial estimates of market value. They
4 are required by law to provide both the beneficiary and
5 the government information on the value of the land.

6 All appraisal work performed by OAS conforms to
7 the Uniform Standards of Professional Appraisal
8 Practice. And it doesn't matter what type of appraisal
9 you're doing, whether you're in the Federal government
10 or whether you're in -- you're in the private sector.

11 All appraisals in the U.S. have to conform to the
12 Uniform Standards of Professional Appraisal Practice.

13 If you want to sell your private property, whether or
14 not it is trust land or you go, you hire an appraiser,
15 that appraiser has to abide by the Uniform Standards of
16 Professional Appraisal Practice.

17 All staff appraisers from OAS are certified,
18 holding the high level of appraisal licenses. To
19 ensure a credible, impartial, and responsible appraisal
20 process, the Buy-Back Program worked with the Appraisal
21 Foundation. They sought an independent peer review to
22 come and take a look at what we were planning on doing

1 before it had even started, and to pass judgment as to
2 whether the methods and the practices that we were
3 proposing, whether or not they were valid. And the
4 Appraisal Foundation agreed that the methodology that
5 was being proposed was sound.

6 Now, at a subsequent review this last September
7 after we had already appraised some good -- I think by
8 then we were close to 18,000 properties that had
9 already been appraised. We asked the Appraisal
10 Foundation to come back and do a review now of the real
11 work that had been done. And during that review the
12 following findings were made: "The team has done an
13 outstanding job managing the appraisal processes, and
14 further, in the appraisal profession, this is a major
15 accomplishment that should make OAS and the Department
16 very proud."

17 And what they were referring to here is the fact
18 that most people don't realize it, but mass appraisal
19 is a first-time endeavor on the Federal government.
20 They had never been done before. So we had to build a
21 system from the ground up, and we are -- we have built
22 a state-of-the art system that, quite frankly, most

1 mass appraisal jurisdictions that have been around for
2 tens -- for many, many years can even hope to have.
3 Because of the ability and the community of effort
4 throughout the Federal government, we have been able to
5 build a system that is unparalleled. And then, quite
6 frankly, a lot of people, our peers, we just came from
7 a convention of assessors, and they marvel at what the
8 team at OAS has been able to accomplish in such a short
9 period of time.

10 Now, none of this -- these accomplishments are
11 only possible through the close cooperations of the
12 Tribes in the appraisal process, and that is a critical
13 point. It doesn't matter where we are working, we need
14 to rely on local Tribal staff and members to become
15 engaged in the exchange of information because the more
16 information we have from the area that you know better
17 than anyone else, the better the finished product is
18 going to be.

19 We just finished a product in the Pacific
20 Northwest, a heavily forested commercial timber
21 reservation, and we were able to develop a market
22 valuation model of commercial timber properties. To my

1 knowledge, that is the first time that anybody has been
2 able to develop a commercial timber market value --
3 valuation model.

4 And so, it's a huge accomplishment that would
5 never have happened had the Tribe not been willing to
6 allocate significant resources to provide us the data
7 that we needed. Nobody knows that data better than
8 they did -- better than they do. And they were willing
9 to sacrifice and give us and share all of that data,
10 which is what allowed us to cross the finish line.
11 That close cooperation is imperative.

12 At its most basic level, an appraisal is defined
13 as "the act or process of developing an opinion of
14 value." For Buy-Back purposes, all properties
15 appraised as though vacant, meaning that only the land
16 is value and none of the improvements that might be
17 there, and that's an important distinction. Buy-Back
18 funds can only be used to purchase fractionated land.
19 They cannot be used to purchase your house. So when we
20 appraise a property, we appraise it as though there's
21 nothing there, only the land.

22 Now, there are three major or primary methods to

1 develop that opinion of value. There's the cost, the
2 income, or the sales comparison approaches. These
3 three can be used independently, but they are most
4 typically combined in a variety of different ways. The
5 cost approach is based on what it would cost to replace
6 the property or rebuild it after deducting for accrued
7 depreciation. And obviously when you are -- when you
8 are talking about vacant land, the cost approach is not
9 very applicable.

10 The income approach is based on the income stream
11 that the property generates capitalized to determine
12 its present worth. So if you have a property that is
13 generating income year after year after year, we have
14 to calculate what the income might be. We have to
15 capitalize it and bring it down to what its present
16 worth might be, the present worth of that income
17 stream, and that reaches a value conclusion. It may be
18 or it may not be applicable on some -- on some lands --
19 vacant lands.

20 And the third is the sales comparison approach,
21 which is based on what similar properties in the
22 vicinity have sold for recently. And most of our

1 appraisals are based on the sales comparison approach.

2 Typically when we are working a project, we look at a
3 map of the reservation, we draw a line typically around
4 a 25-mile buffer or so from that -- from those
5 boundaries of the reservation.

6 And then I have been blessed with an awesome
7 staff. They have been trained. They have been working
8 very diligently. We send staff out to those locations,
9 and we tell them, you go out to those courthouses, go
10 talk to those recorders, go talk to those assessors.
11 And you harvest every single sale that has happened
12 within these lines for the last minimum five years.
13 For mass appraisal, you need to have a significant
14 volume of sales data. And typically we look at
15 everything that have sold in your area for a minimum of
16 five years.

17 Now, when you're dealing with vacant land, and
18 because of the nature of our Native communities,
19 predominantly we're talking with a very consistent type
20 of property. There are very -- they're very consistent
21 it doesn't matter where in the country you go. So we
22 have irrigated cropland, and we are cognizant of the

1 fact that irrigated cropland might come in different
2 flavors.

3 There are different types of irrigation methods.
4 You could have a center pivot. You could have surface.
5 You could have drip irrigation. All of this is data
6 that we need to capture for every single property that
7 we're going to appraise and for every single sale that
8 we're going to analyze. So at the end of the day we
9 end up with a huge database with all of these
10 characteristics. I call it we are mapping the DNA of
11 every single property, and it takes -- it takes a lot
12 of data.

13 We also have dry croplands, which obviously are
14 more predominant on the northern latitudes. We have
15 open range, whether that's on the -- on the -- on the
16 Great Plains or down here in the American southwest.
17 Range is range. We have recreational property, and,
18 again, they're going to have different flavors based on
19 the -- based on the location. We have rural commercial
20 property, and we have rural residential property.

21 And those are the primary property types, and so
22 that's really most of what we are appraising, 99

1 percent of what we are appraising. Throughout the
2 country, there are these type of properties.

3 Now, depending on the property type, the number of
4 properties needing to be appraised, the number of
5 available sales, and the complexity of the assignment,
6 the final report may be conducted in one of three
7 different ways. It may be a mass appraisal, it may be
8 a project appraisal, or it may be an individual
9 property appraisal.

10 How many appraisals have we done to date? There
11 was a previous slide that may be questioned, but as of
12 the end of Calendar Year 2015, OAS has completed
13 appraisals for the Buy-Back Program on 20 reservations
14 across nine states. And these represent over 22,000
15 appraisals comprising about four and a quarter million
16 acres.

17 And that's all I have. Thank you very much.

18 (Applause.)

19 MR. UGÁS: Oh, I forgot the most important slide.

20 Most of you hopefully have seen this brochure which
21 was available outside, still is available. It was
22 prepared by the Indian Land Tenure Foundation. It is

1 -- it is laden with a lot of information on appraisals,
2 how they are done, what this means, what that means. I
3 encourage you to go and get one of those. They're
4 available outside. And it will go a long ways and help
5 you understand the appraisal process. Thank you.

6 (Applause.)

7 MS. GROUNDS: Thank you, Albert. Now, we'd like
8 to open it up for our second and final open comment
9 period of the Listening Session. And if there are any
10 Tribal leaders who have prepared remarks, they're
11 welcome to begin the comments.

12 MR. TSOSIE: (NATIVE LANGUAGE SPOKEN.) Hello,
13 again. My name is Leonard Tsosie. I'm a Council
14 delegate with Navajo Nation Council. And Navajo Nation
15 is now participating in the Land Buy-Back Program, and
16 so we've had some experience with this. (NATIVE
17 LANGUAGE SPOKEN.) Thank you, Mr. McClanahan, Mr.
18 Roberts, Mr. Logan, and Mr. Connor for coming to New
19 Mexico Indian Country and visiting us, and we look
20 forward to having a good dialogue and discussion with
21 you.

22 With the Navajo Nation, we've identified some

1 Tribal priorities in this Land Buy-Back Program. And I
2 think it's very important that the Program give it
3 serious attention, not only the appraisal and other
4 things, but also the Tribal priority. One of them is
5 what we call floating allotments, and those are
6 allotments that are out there by Tohajiilee, Alamo, and
7 Ramah outside Mother Navajo. And so, how do we work
8 that out, and how do we make the offer, and how do we
9 convince and work side by side to address not only the
10 concern of the landowner, but also in the Tribe, the
11 Tribe to purchase and working together.

12 The other one is also the economic development.
13 We have many paved roads and other ways that we can
14 promote economic development, all those allotments
15 around border towns. And, again, we'd like to see some
16 serious effort on the part of the Program to help the
17 Navajo Nation in securing some of these lands, or work
18 with you to make them eligible, or to help in
19 purchasing those for the benefit of the Tribe. In the
20 end, it's all for the benefit of the Tribe, so I'd like
21 to see that.

22 The other one is it appears that a decision -- a

1 unilateral decision has been made, and that is to not
2 make the offer, and not let the landowner know that,
3 you know, this is oil rich area, this is in certain
4 categories. We're not going to send them an offer, or
5 that those under 18 and all that, and then are not
6 mappable.

7 And I think it shortchanged the allottees because
8 we've been telling them that this Program is coming,
9 and it's a good Program, and that this is going to
10 happen. Then all of a sudden -- they've participated
11 like today, and then all of a sudden they don't get an
12 offer. Then our credibility as Tribal leaders is on
13 the line. The credibility of the Land Buy-Back Program
14 is on the line because then that's when they tell us
15 and said we never got an offer, and you were praising
16 this Program, what happened, and because a unilateral
17 decision was made to not send out the offer for certain
18 categories. I think we need to work together on that
19 to try to make the offer to as many allottees as
20 possible.

21 The other one, too, is not telling -- or those
22 that are incarcerated and trying to get to them, and

1 then the "whereabouts unknown." For Navajo, we have
2 over 4,000 "whereabouts unknown," and how do we reach
3 them. And I think we need to begin to have the Land
4 Buy-Back Program begin to share data with Navajo Nation
5 government to identify the whereabouts, and also the
6 BIA that are there, to see what we could do to identify
7 these "whereabouts unknown." It also helps us not only
8 in the Land Buy-Back Program, but also in right-of-way
9 acquisitions and others, and I think in the end it
10 could be a win-win thing for Navajo Nation in trying to
11 share that information.

12 It appears now that all those information are kind
13 of like hands off to us, and especially the similar
14 thing with the appraisal. Because what'll happen down
15 the road is that if the Navajo Nation becomes an owner
16 of an allotment, we'd like to know who our co-owners
17 are, you know, and who do we work with. And when the
18 Federal government does not wish to share that
19 information with us, then we don't know, and we're
20 still in the dark on who our co-owners are.

21 And it's the same thing with the appraisal. Many
22 of the Navajo people that do not read or write the

1 English language resort to their Tribal leaders, and
2 they have come to me and they've asked me what is the
3 appraisal of my land, the (NATIVE LANGUAGE SPOKEN),
4 that they look at this. What is the value of my land?
5 (NATIVE LANGUAGE SPOKEN.) How do they do -- how do
6 they do it? And when that appraisal information is not
7 shared with us, I end up just telling them I don't
8 know.

9 And I think we need to figure out a way, and the
10 gentleman, Alberto, was praising the review. But the
11 thing about that is I take that with a grain of salt
12 because there's no Tribal review of the appraisal that
13 happened, the appraisal process. I think it's
14 important to have a Tribal review to make sure that the
15 concerns of our -- in the Navajo case -- of our Tribal
16 members, and that they're being treated fairly.

17 We've raised this concern before, and we continue
18 to raise that concern. And I think in the absence of a
19 Tribal review, you can give yourself gloating reviews,
20 but to us, it's not big deal, and it's near zero. So
21 we'd like to address that. And then, some of these, we
22 respectfully request that they be shared with Tribal

1 leaders so that we could then begin to address them.

2 The other thing that I would like to recommend is
3 I think you should lean towards a second round towards
4 the end. You should not send one dime back, you know,
5 back to the U.S. Treasury. And in the end, make the
6 offer even if you need to make a higher offer to expend
7 the funds, because I think if you send it back, it
8 represents a failure on the part of the Land Buy-Back
9 Program, and that's what Congress is going to say, that
10 we got so much money back, and what the heck happened.

11 And so, I think it's very important that you do so.

12 So those are my comments, and, again, thank you
13 for coming over and hearing us out. (NATIVE LANGUAGE
14 SPOKEN.)

15 (Applause.)

16 MR. JOSEPH SMITH: Good afternoon. I'm Joseph
17 Smith, director of Land Management for Standing Rock
18 Sioux Tribe. We just finished our Buy-Back Program in
19 December.

20 You know, a lot of our landowners were scattered
21 out the Great Plains, and Rocky Mountains, and across
22 the country. And so, our outreach focused on those

1 areas, a lot of large events in those areas. So, you
2 know, based on the offers, you know, we had over 7,000
3 individuals accept an offer. The Tribe acquired under
4 200,000 acres. And the initial implementation plan
5 said, you know, 766,000 acres that were purchasable,
6 so, you know, we reduced that by 25 percent.

7 So with all that we have done now, you know, so
8 now we need to look forward. So a lot of landowners
9 didn't get an offer, chose not to accept it for their
10 personal reasons. But a lot of them want to complete
11 an exchange, and, you know, the Tribe contracted the
12 appraisal Program years ago. It's not funded near
13 enough to accomplish that. And so, you know, with the
14 Mass Appraisal Program, you know -- you know, the
15 reviews that it got on it, which you should start
16 looking at making that available, you know, just not
17 one time and done, you know. So you have a couple of
18 years that we could use it.

19 It also provided values for Tribal lands in
20 addition to allotted lands, you know, updated annually
21 and the land doesn't change, the values do. We did
22 provide land sale value to them for use in the Program

1 because without moving it forward, you know, last year
2 we lost 137 of our members, resulted in 104 probate
3 hearings, so those numbers are going to go up again.

4 The other thing that we, you know, we need is
5 access to TAAMS. You know, we've been trying for three
6 years to get access to TAAMS. My staff from land
7 operations, we've all got our cards for access, but,
8 you know, we're trying to find out where the training
9 is, you know. We can't get at the Agency. We haven't
10 heard it at the regional office.

11 You know, another thing to consider is an exchange
12 Program amongst members enrolled in other reservations
13 that don't live on that reservation. So a lot of our
14 members may own land at Fort Peck, Cheyenne River,
15 aren't able to use it and may not be able to pass it on
16 because of inheritance laws. You know, so some
17 exchange program amongst the members working with the
18 BIA, OST, or whatever, to accomplish that, you know, so
19 those people that may be able to exchange with someone
20 living at Standing Rock or another reservation.

21 Thank you.

22 (Applause.)

1 MR. CLAW: (NATIVE LANGUAGE SPOKEN.) My name is
2 Dennis Claw. I come out of Many Farms Chapter. I have
3 a position held by me for the resource back in 1996
4 from my own chapter. I did my resource -- natural
5 resource livestock and all that. And I came out here
6 on behalf of my family. My wife is a part of -- a
7 member of the allotment, so it seems I do have some
8 interest in it.

9 And I appreciate what you said, Leonard, about on
10 behalf of your people, and I thank you for it. And
11 members that's sitting there and helping -- giving a
12 helping hand to the people here, and I appreciate that.

13 And I'd like to say a few words to my people here
14 out of my own reservation. And I'm a salt clan born
15 for Zuni Tachine (NATIVE LANGUAGE SPOKEN) lending you
16 out a helping hand to buy land -- buy the land back
17 (NATIVE LANGUAGE SPOKEN).

18 Back in '96, I terminated my office as a grazing
19 official. (NATIVE LANGUAGE SPOKEN). We don't know how
20 to work wills, and we don't understand wills, and which
21 is a thing that brings an argument among the family
22 (NATIVE LANGUAGE SPOKEN). When it comes to a land

1 issue, and land use permit, and (NATIVE LANGUAGE
2 SPOKEN).

3 I was an instrument for my own people and tried to
4 bring some understanding for the harsh arguments over
5 the family, within the family over the property
6 matters, you know, understanding the wills and what --
7 which way wills go, you know. I come out of a -- seven
8 members out of a family, and one sister, and six of us
9 were brothers, and that's the way we were brought up.
10 And I for one and my family don't understand what
11 "will" is, you know, so I have no shame to express
12 myself that way. So I feel that way about the same --
13 all of you, you know.

14 And then as I have looked back into the farming,
15 ranching, and I have looked into it myself personally
16 (NATIVE LANGUAGE SPOKEN). There's empty corrals, and
17 dried up farms, and all these, and it brings you
18 embarrassment as a representative from certain
19 chapters. And that's what bring me shame, you know.
20 And since there's a helping hand here to assist you,
21 and I'm just thinking that this would be utilized in
22 certain means and certain ways so you could improve

1 your living standards.

2 (NATIVE LANGUAGE SPOKEN.) One question that I
3 have in mind here is talking about appraisals and if
4 the land user or landowner hires his own appraiser, can
5 it be done. That's what I need to know, and I'm sure
6 some of these people would like to hire their own land
7 appraisers. And I know that they have that in mind,
8 too, to question that.

9 And on the other hand, I know that the Indians are
10 phasing out. And I for one, I have a family with a --
11 have different origins, you know, have Russians, and
12 have Italians, and have different Tribes, you know.
13 That's what I have in my grandkids. I don't have any
14 Navajos. And I'm pretty sure that we're going to be
15 depleted within about the next five generations or so.

16 So anything that comes before us, who are we
17 really doing it for, or are we just doing it for the
18 government, because there ain't going to be no more
19 Navajos, no more Indians, you know. It'll be just
20 nothing but white, blacks, or some different origins.
21 That's the way I see it.

22 And all these casinos that we really fought for,

1 that we really brought it out here for purpose of
2 revenue, that's not going to be ours. That's going to
3 belong to the government. That's the way I feel about
4 it. Some different Japanese or different nationality
5 is going to own it, and rent it, and run it, and
6 they're going to do it, and they're going to rent it,
7 and they're going to pay the rent to the government.
8 That's what they're going to do, and we'll be living in
9 some other place.

10 Our grandkids is going to be living in some other
11 place. That's the way I look at it. I already realize
12 and visualize that thing, and that's the way it's going
13 to be. So thinking about these things and thinking
14 about all the practice and the understanding of (NATIVE
15 LANGUAGE SPOKEN). Fluency, that's one thing that
16 possibly we need to stick with that. (NATIVE LANGUAGE
17 SPOKEN). But myself (NATIVE LANGUAGE SPOKEN).

18 Thank for understanding. Thank you.

19 (Applause.)

20 MR. TOVEY: Good afternoon. My name is Bill
21 Tovey. I'm the director of economic development for
22 the Umatilla Tribes in Pendleton, Oregon. I'm also

1 treasurer for the Indian Land -- or Indian Land Tenure
2 Foundation. Just a couple of comments.

3 We went through the Buy-Back Program. It was
4 fairly successful with Umatilla. I see Iris over
5 there. Appraisals was one issue that a lot of our
6 Tribal members wanted appraisals, and it was very
7 difficult for them to get appraisals. They wanted to
8 see it on paper, those costs.

9 A couple other areas that could help out in the
10 future is transparency between the Tribe and the Buy-
11 Back Program. I think one of the gentlemen talked
12 about TAAMS, getting on TAAMS. We compacted our
13 bureau, and so we got bureau TAAMS, but we don't have
14 the Buy-Back TAAMS, the module there. And so, that's -
15 - what we'd have to do is get the information and just
16 hand input it to figure out what our percentages were,
17 what we're buying on those parcels.

18 I think another area would be that getting
19 information real time, usually we'd wait every week,
20 and then we'd get an update of how much -- how many
21 offers we accepted, how much we purchased, what our
22 ceiling was. And so, if Tribes had that directly

1 rather than having it come, you know, every week or
2 every other week, that would be great. Thank you.

3 (Applause.)

4 MR. SCOTT: Good afternoon. I'd like to thank the
5 panel for being here for this Listening Session. I
6 can't say welcome to this country. I'm not from here.

7 I'm from Oregon, so I wouldn't be able to welcome you
8 here, but I'm glad you're here for this session.

9 And Warm Springs -- actually my name is Randy
10 Scott. I'm the Land Services administrator for the
11 Confederated Tribes of Warm Springs. And we do have an
12 active land purchase program which I administer the
13 funds for it. And part of what we're -- we purchased
14 are when a non-member heir in probate inherits, we have
15 inheritance that we have, it's a public law, that we
16 automatically purchase the non-member heirs. And so,
17 that money comes out of that land purchase budget.

18 And we also -- we administer the affairs for our
19 public domain allotments. Outside of the boundaries of
20 the reservation, there's tracts. We have tracts in the
21 Delts, Hood River, John Day, and Condon. I don't have
22 specific numbers, but we have tracts in those areas.

1 We administer the grazing leases, agriculture
2 leases on these properties, and also there are owners
3 on these lands. The original treaty that Warm Springs
4 signed was giving up 11 million acres in exchange for
5 650,000 acres, which made up our boundary of the
6 reservation. But in that treaty, also we kept ceded
7 rights, hunting and fishing, gathering berries, digging
8 roots, all usual and accustomed places. That treaty
9 was ratified by Congress.

10 And so, these properties that are outside of the
11 boundaries of the reservation are still within the
12 ceded lands, which we administer. The Tribes issue
13 hunting tags, deer hunting, issue a ceded area tag, and
14 the State of Oregon recognizes that tag as a -- as a
15 legal hunting tag where they can move outside the
16 reservation and hunt deer using that tag. There's
17 fishing rights that we have within the ceded lands.

18 And this Program, as was explained earlier --
19 early on, when the Program was beginning that the ceded
20 -- I mean, the public domain allotments would not be
21 considered, but we had to prove that we do have
22 jurisdiction. Yes, we do. We manage those lands. We

1 issue leases. I know where these lands are at. As
2 Land Services, I go out there. We post signs on the --
3 on the boundary. This is Federal trust land, no
4 trespassing. And only those that -- the farmers or the
5 ranchers, they can be on there, but the general public
6 can't enter those lands. So we do recognize and we
7 hold jurisdiction over those lands.

8 And so, we're still not on the list. We sent in a
9 letter of interest in 2014. That letter was accepted.

10 We will -- the Tribes do intend to send another letter
11 before the March 11th deadline. But we would also like
12 to petition that the public domain allotments be
13 included. A lot of the owners are non-Tribal members.

14 These lands are located near the Columbia River.
15 Warm Springs has jurisdiction up to the south of the
16 Columbia River. The Yakama has jurisdiction north of
17 the river, the Umatilla on the -- in the east, all
18 within our own -- their own boundaries.

19 And as the treaties were signed, the main intent
20 was to move the Indian population away from this
21 commerce area, so that's how we moved down to Central
22 Oregon. But there were peoples that refused to move,

1 and these people were issued these allotments. Now,
2 they're the public domain allotments outside the
3 boundaries of the reservation. But being that they're
4 in close proximity to the Columbia River, a lot of
5 these owners are not Warm Springs Tribal members.
6 They're Umatilla members. They're Yakama members. And
7 when they pass on, then we automatically make those
8 purchases, so we buy land outside of the boundary of
9 our reservation consolidating our Tribal ownership.

10 So these are the -- these are the criteria, I
11 believe, to justify to include the public domain
12 allotments when considering Warm Springs for entering
13 the Program. Thank you.

14 (Applause.)

15 MS. GROUNDS: Thank you. We have time for one or
16 two more comments.

17 MR. BEGAYE: Ya'at 'eeh. (NATIVE LANGUAGE
18 SPOKEN.) Russell Begay. (NATIVE LANGUAGE SPOKEN.)
19 I'm the president of the Navajo Nation, and appreciate
20 you all being here, and the opportunity for Tribal
21 leaders to address you all.

22 And so, some of the concerns that we have as a

1 nation, our biggest concern is we want every allottee
2 that wants to sell their land to get a good price for
3 the land because they've been working it for most of
4 their lives and maybe all of their lives, been passed
5 down from their grandparents. And so, there's -- for
6 them there's a lot of value.

7 And if you go to places like Oklahoma, land sale
8 is constant. People are always selling land within 25
9 miles range of where an allotted land may be, or in
10 other places where -- like California. And so, you can
11 get a really good high price for land that you want to
12 sell if you're an allottee in places like Oklahoma,
13 California, and other places.

14 But out here on the nation, Navajo Nation, it's
15 that you don't see that constant overturning of
16 ownership of land. So you go 25 miles out, and the
17 value of those in our, we believe, is equal to many of
18 the land that are valued at higher level in places like
19 Oklahoma, California, other places because they put as
20 much effort into it. They value those land. They've
21 made huge improvements on it.

22 And so, the appraisal system needs to be more

1 fair, because the selling of and the buying of land is
2 very limited, and because nobody wants to sell their
3 lands in Navajo way. (NATIVE LANGUAGE SPOKEN.) You
4 know, it's sacred. Land is sacred, so why should we --
5 why should we sell our land because it's sacred to us.

6 We hold it for our children, our grandchildren.

7 And so, the appraisal will not be as high for the
8 same amount of land as you get for in Oklahoma and
9 other places. So what I'm saying is that you need to
10 take that into consideration is that maybe on the
11 nation the value may be very low in comparison to other
12 places, but we believe that those values should be
13 higher, not because -- because we don't -- we don't --
14 we don't sell our land. We hold on to it. So you're
15 going to see very limited land exchange through the
16 buying and selling of it. That's one.

17 Then number two is we have, a lot of non-Navajo
18 landowners are people that have moved in, and they're
19 ranchers, and land has been given to railroad, and to
20 other non-Navajos. And so, we have them all among us.

21 So when we talk about land consolidation, we believe
22 that it needs to be amended so that we can buy land

1 back that were given to ranchers -- white ranchers, to
2 railroads, even to schools in large amount.

3 And so, as -- when that -- if that doesn't happen,
4 then our land will never be consolidated. It will
5 always be fractionated. So to be able to buy our land
6 back -- some of them were taken by counties. Others
7 were taken by cities. Others were taken by Federal
8 government, BLM. And they took Navajo land, and we
9 want those back. We want to buy those back using these
10 dollars that's been set aside in settlement.

11 And then other one I want to say is the first part
12 of it we -- our allottees did get monies back through
13 the settlement. And, but I think it needs to be
14 revisited to make sure that they got adequate
15 compensation from the Cobell settlement because some of
16 them may feel, well, maybe they didn't pay me enough.
17 Maybe I should've gotten more from that settlement set
18 aside from the Land Buy-Back Program. And so, I think
19 that needs to be revisited to make sure that every
20 Navajo that was paid out of the Cobell settlement, make
21 sure they got the right amount that they're owed
22 through their settlement.

1 And so, going back to Land Buy-Back is there needs
2 to be more options available to our people. For
3 example, if they want to sell that land, they want to
4 make sure that they can remain there, they can -- they
5 will be given automatic home site leases, grazing
6 leases, and those -- maybe business site leases if they
7 want to pursue that so that they don't sell, and then
8 the government will come back and say, well, now you
9 need to move because it no longer belongs to you. They
10 want to remain there on location.

11 So the leasing part should be automatic is that if
12 I sell my allotted land and I've lived there, I want to
13 hold it for my children, I should be able to get
14 automatically the minute I sell it. But right behind
15 there should be another paper where I signed that says
16 this is a home site lease for Russell Begaye, or this
17 is a home site lease for this person, or a grazing
18 lease, or a business site lease.

19 And those should be automatic because the people
20 that live there and they want to live there and hold
21 those land for their children, they should get that
22 land automatically and immediately, not wait through

1 the whole process of clearances. And sometimes it
2 takes two or three years to get a lease, but those
3 should be automatic for people that are selling their
4 allotted land.

5 So those are just some issues, but the thing is
6 people that want to sell their land, they want to make
7 sure they get the right price for it and want to be
8 compensated properly.

9 So, again, thank you for coming to Navajo Country.
10 Thank you.

11 (Applause.)

12 MS. GROUNDS: Thank you, President Begaye, and
13 thank you all for your feedback. Mr. Deputy Secretary,
14 I want to turn it to you for any final words.

15 DEPUTY SECRETARY CONNOR: It helps if I talk into
16 the microphone.

17 I very much appreciate the input that we've
18 received this afternoon. Very thoughtful. Covered a
19 lot of the issues that I think we've been discussing
20 amongst ourselves. And so, we have work to do.

21 I think one of the overall goals that I've noted
22 that we've talked about and I know that continues to

1 evolve is the level of cooperation, and transparency,
2 and information sharing between what we have as the
3 Land Buy-Back Program and the Tribal governments. And
4 I think we've incrementally increased the amount of
5 information sharing and that transparency. My sense is
6 that we need to continue that dialogue and move forward
7 with that particularly.

8 I think this was a good presentation about the
9 valuation that we do and the process that we go through
10 in the appraisal process. But my sense is,
11 particularly in Navajo because of some of the unique
12 circumstances that exist, we'll have to continue to
13 have that conversation and explain those -- the
14 foundation for the valuation process. I sense that's
15 going to be very important as we move forward. So we
16 are committed to doing that.

17 With respect to Tribal priorities, that is the
18 value of the cooperative agreement, the MOAs that we
19 have had with Tribal governments. I think it's
20 incredibly important that we work in partnership with
21 the Tribal governments to do outreach to the landowners
22 themselves, and the Tribal governments have to be

1 integral to that process. That's one aspect of it, but
2 also implementing the Program in a way that recognizes
3 those Tribal priorities I think has been our goal.

4 I think it's a very good point, Mr. Tsosie, that
5 you raised and that process. I think that's where,
6 whether it be -- I think Assistant Secretary Roberts
7 raised this in his comments about some of the
8 successful initiatives that have been implemented at
9 certain locations. And that's really key to not only
10 understand the economic development activities or the
11 cultural protection activities that the Tribes want to
12 do, but then working with the community of landowners
13 where that might be the most possible, and maybe
14 prioritize where we focus our resources so we can make
15 offers in the most efficient manner possible. I think
16 we will continue to do that. That is a very high
17 priority for the Program overall.

18 The issue of non-eligible lands, I think there
19 have been some policy cuts that we've made over time.
20 I think and I hope, having coming in as Deputy
21 Secretary after the Program had gotten up and going, I
22 think there was a thoughtful discussion in moving

1 forward. And some of that was some of those policy
2 decisions were made evident through our Status Reports,
3 et cetera. But I think this has been a good dialogue
4 to know that in some of those areas, we need to also
5 make clear some of those decisions that we've made, the
6 basis for it. Some of them, particularly the mineral
7 interest one, I think, is one that it's going to be
8 tough to do something different at this point in time.

9 With tracts with improvements, we have done things
10 differently with public domain allotments. I think
11 that's part of the dialogue that we wanted to have
12 through this discussion. And so, that input is very
13 helpful as we move forward because we will be making
14 more decisions through the implementation process as we
15 move forward.

16 Overall I think that's just a sampling of the
17 issues that I heard. I think we will be continuing to
18 work through the liaisons the cooperative agreement
19 process. I have to say we have had a lot of talented
20 people come through this Program, and the Land Buy-Back
21 Program staff has been terrific in getting this thing
22 up and going. We keep getting these people taken away

1 from us because they are talented, but we keep finding
2 more talented people, and we're very fortunate to have
3 done that.

4 So we're going to keep the process moving, having
5 these high-level discussions, having good interactions
6 with respect to the policy decisions that we make as we
7 go forward, and then relying on the staff to do the
8 day-to-day work to increase transparency, the
9 foundation for making valuation decisions, and for
10 implementing the Program at specific locations. So I
11 appreciate the opportunity, the input. A lot to think
12 about the over the next couple of months with respect
13 to this Program.

14 MR. LOGAN: Yes. Well, once again I'm glad that
15 the OST is a partner in the Land Buy-Back Program. I'm
16 happy that we have so many of our staff here in the
17 audience.

18 My message is pretty short and sweet. I cannot
19 stress to the people in the audience and to the Tribal
20 leaders to please take advantage of the financial
21 education programs that make up the Land Buy-Back
22 Program, those that we provide at the OST and those in

1 the -- that are provided by other groups.

2 Financial education is key here. We have
3 liquidity events going on throughout Indian Country,
4 and not only financial education in terms of personal
5 finances, but also estate planning. I think someone
6 mentioned about wills, and please take advantage of
7 wills clinics in your communities. We don't -- we want
8 to make sure people make wise, informed decisions about
9 their personal finances with respect to these liquidity
10 events, so the proceeds from sale.

11 Thank you, mm-hmm.

12 MR. ROBERTS: Thanks. I just want to touch upon a
13 couple of topics that a number of the speakers this
14 afternoon raised, and that is information sharing with
15 the Tribal governments. And I think -- you know, I
16 know the Buy-Back Program has worked really hard to
17 share that information because, quite frankly, I think
18 there's not enough money from the Cobell settlement
19 itself to purchase all of the fractionated interests
20 out there if we had a willing seller -- if everyone was
21 a willing seller.

22 And I think we've been hearing from Tribal leaders

1 about what is the next step when -- you know, what do
2 we -- what do we look at in terms of after this Cobell
3 implementation is over, is there another Cobell 2.0
4 where it looks at where Congress passes legislation to
5 carry on the Program once we've paid out all of the
6 money to those individuals that do want to sell.

7 We're also looking at, as most everyone knows in
8 the room, the Obama Administration has been all about
9 restoring Tribal homelands. And so, some of the
10 comments, for example, from Mr. Smith earlier from
11 Standing Rock about how do we utilize this information.

12 How do we provide this information to Tribes to
13 facilitate exchanges that may not be under the Buy-Back
14 Program itself, but it's still restoring Tribal
15 homelands to Tribes through exchanges or through at
16 least Tribal members that are living in that area. And
17 so, really appreciated those comments.

18 And then finally, I know President Begaye
19 mentioned, you know, what about the situation where an
20 individual sells their interests. Can they lease those
21 lands? Can they automatically get a lease agreement?
22 And, you know, off the top of my head the thought is,

1 well, these are now returned to Tribal trusts, and so,
2 you know, we would be looking to Tribal law on how
3 those lands would be used once the Tribe has reacquired
4 those interests.

5 And so, I appreciate everyone's comments today. I
6 hope that this was -- I know that this was a helpful
7 session for us. I hope that all of the people in the
8 hallway and this session today, it was helpful for you
9 all to learn more about the Buy-Back Program. And I
10 really appreciate your interest in the Program.

11 MR. MCCLANAHAN: I just want to say thank you to
12 all the Tribal leaders and the individual landowners
13 that came today. We had an awful lot of Navajo folks
14 here, and I'm glad to see that. We also had a number
15 of leaders from other Tribal nations and landowners
16 here, too, and I'm glad to see that.

17 We have additional folks here for another hour at
18 least at the resource tables, including information on
19 "whereabouts unknown" owners, which, as Councilman
20 Tsosie pointed out, an important part of the Program.
21 We work with each Tribal nation to share landowner name
22 and address information, and we really look to the

1 Tribes to help us locate landowners so that we can get
2 them an offer. So we have information at the tables
3 about "whereabouts unknown." And the Office of Special
4 Trustee, their local field staff are available to help
5 locate people. That's a main part of their mission.

6 The other thing I want to note is our video,
7 again, will be online. We also know that Tribes are
8 preparing their own videos. The Navajo Nation has done
9 a video, and they have done that in the Navajo
10 language. We will make that available on our website.

11 Shoshone Bannock, Standing Rock, other Tribes through
12 our cooperative agreements have done their own videos
13 as well. So there's a lot of resources out there for
14 Tribes and landowners to access.

15 Again, I just want to express my appreciation to
16 everyone that came here, and I hope you have a safe
17 trip back to wherever you're going.

18 We have one more comment, I guess. Sir?

19 MALE SPEAKER: Testing one, two, three. Well,
20 good afternoon all of you people here, everybody. And
21 I'm from reservation, too -- reservation side and the
22 Tribal side. It's the area where I'm from.

1 So I'm kind of concerned about the allotment. I
2 don't know they feel about it -- about the allotment.
3 It's just not too -- not 20 miles this way and not 30
4 miles that way. It's just a very little area. That
5 one-quarter section is just for one horse. There's one
6 cow. Maybe at least three goats, horse, sheep,
7 something like that.

8 At this time, I have a kind of concern about it.
9 And I wonder how would our grandparent, our nollie
10 sides, and our late father, mom, they're not here.
11 They were the boss. They owned a area. But nowadays
12 they don't really herd sheep no more. They're all in
13 town working there just like me. So I guess that's
14 just the -- some people might say that they just work
15 at the lands, and they're in town, boogie woogie there
16 and here. So that's my very concern.

17 So this is the mostly on the eastern portion of
18 Navajo Nations. The western portion is that
19 reservation. I think I'm the only one from there. How
20 many are from reservations? Let's see hand. Oh,
21 another one. We're just two team here. What about
22 this side?

1 So some of us, we're using the reservation side
2 and the area that we pay for yearly per so many miles
3 this way and that way. So this is what happens. We're
4 concerned about it just like somebody says, right?

5 What happen if this happen, what happen then? So right
6 now, what are we saying we Navajos are sitting here and
7 listening. What is in our mind? That's my questions.

8 They have a good idea, but I think we're going to pay
9 more.

10 That's my thing here say with Tribal leaders when
11 you're sitting there. Is he gone? So I'm not talking
12 against him. I'm just -- I guess they already approved
13 something for this area. They're good areas. We all
14 maybe walk down there, and take pictures, and send it
15 to New York, to Obama, let him take look at it. But
16 Obama is good friend of mine. So this, I'm very
17 concerned about it.

18 What do we feel about a reservation and -- or
19 allotment (NATIVE LANGUAGE SPOKEN). So, and, Leonard,
20 what is our Tribal leader's concern about this
21 situation here? That the plans, what they have, are we
22 saying yes and getting the money, and what do we do

1 with that money as they go to Tribal leaders over there
2 and get more boogie woogie thing. I'm just teasing
3 you, Leonard. You always tease me, that's why.

4 So that's where my concern is. So I think I'm
5 going back to reservation. I live in town myself. We
6 work there. So I may be pretty close to 30 years now
7 today. I was boogie woogeying here to learn more about
8 the things that they're talking about it, so we decided
9 to come down. And we got here. I went to school here
10 just couple -- maybe three or four yards away from
11 here. Actually I went to school -- finished school.

12 So this is my concern. We used to have elderly,
13 the ladies and the mens. We don't have those anymore.

14 They usually really want -- don't want to change
15 something like this. And if they come back, what would
16 we tell them? So that's the question that I wanted to
17 tell all of these Navajo just sitting there. I don't
18 know what their thinking is. I don't know what they're
19 going to say.

20 But I think I'm going back to White Rock and Lake
21 Valley informed about this. Lake Valley is on the
22 agenda here. I mean, and unless -- nobody is here, so

1 I guess they're representing two chapters here. I'm
2 not representing. I'm just got here on my own so to
3 find out what sort of situation with all the land back
4 and reservation, and also on the Checkerboard area. We
5 call it Checkerboard area. That's where we pay for the
6 area to use it. So I think a lot of these people are
7 from eastern portion of the reservation. So that's my
8 concern.

9 And for your -- you said do you want to get paid,
10 and some of us already paying for it on the
11 Checkerboard side. So is it going to increase
12 according to what animals we're going to put there. So
13 that's my concern.

14 And right now, I don't think people, we're not
15 aware of it, and also on the reservation side, some of
16 them live on the reservation side. They move out on
17 the Checkerboard side, half a year this side, half a
18 year this side. So they transport their livestock like
19 that. So that's my very concern.

20 What would I tell when I get back to White Rock
21 and they have a chapter meeting? Lake Valley. Lake
22 Valley is listed, but nobody is here from there. So I

1 think -- I don't know. I really don't know.

2 So I appreciate for your concern your side, and
3 also you keep saying about the Navajo Nation back
4 there. There's only one council that I see. I don't
5 know what their plan is now at this time. So I'm just
6 kind of -- I really don't know where we're heading, but
7 I don't -- I think so you have a good idea to get this
8 area is what I'm saying.

9 Now, I appreciate it. Thank you very much, and
10 God bless you.

11 MR. MCCLANAHAN: Thank you.

12 (Applause.)

13 MS. ARAGON: (Off audio.) Hi. My name is Liz
14 Aragon. I'm from the Laguna Reservation, and I have a
15 few questions to ask.

16 I was wondering that once they sell the -- people
17 sell their property, can the Tribe turn around and sell
18 it back to non-Indians or the government take over it,
19 and we're going to have smaller land? And then my
20 other question is will this affect my social security?

21 If I'm on social security, will it affect it being
22 that if we sell the land, the large allotment? And do

1 I have to pay taxes on it, and is it going to affect my
2 -- the healthcare also?

3 And other thing is the reason why I would like to
4 sell my allotment is so I could remodel my house to get
5 it to -- weatherize it, put windows and central heat
6 and stuff like that. I can't get a loan in the city
7 because I don't own the land. I don't own the house.
8 I live on the reservation. That's the reason I would
9 like to -- I would like to sell my lot. What I was
10 wondering was, you know, these are the things that I'm
11 worried about is about taxes and also my social
12 security because I own a lot.

13 And another thing (inaudible). Why do they give
14 it -- since this is out of a settlement, why can't they
15 put it in a trust fund for the people and then use that
16 money to help with the education for their children or
17 to build their schools, schools fixed up, or for the
18 people to remodel their houses, too. There's some
19 houses that need to have new windows put in them
20 because it's not -- it's not the energy efficient.

21 And I was thinking why should the money go back to
22 the government when that's from a settlement, that it

1 was left over, they could divide among the people that
2 do have this land (inaudible).

3 MR. MCCLANAHAN: Sure. So thank you all. I know
4 that we're running a little bit over. I'm going to try
5 to address some of your questions. But as we explained
6 before as part of this Listening Session, we are going
7 to address your questions in writing as well so that
8 you have something, and that'll be reported out in
9 writing. But let me try to answer a couple of your
10 questions very briefly as we're wrapping up here.

11 In terms of if you decide to sell your interests,
12 that is -- that is in trust for the Tribe. It would
13 take an act of Congress to take that out of trust, so
14 the Tribe couldn't decide to just sell it. I mean, it
15 would literally take Congress to pass a law to take it
16 out of trust to sell. So it's with the Tribe forever.

17 In terms of the funds that you would receive for a
18 sale, they would be -- they would be deposited right
19 into your IIM account, so it would be treated the same
20 way as any other funds you already get in your account
21 itself. And so, I don't -- I don't think that those
22 are taxed, but I don't want to be a tax attorney today

1 either. So I think that they are -- but we can provide
2 these answers to you.

3 And then the last issue with -- about the funds, I
4 mean, we are already -- we're a few years into this --
5 into this Program. We've already paid out nearly half
6 the funds to individuals. And so, as I said earlier,
7 we don't expect any funds to go back to Congress at
8 all. In fact, we think we're going to be in a
9 situation where Tribal leadership is and the
10 Department, you know, are going to be having to have
11 these conversations. And I think members of Congress
12 are going to look at, you know, how do we expand this
13 Program to move forward because I don't think we're
14 going to have any funds going back to Congress or to
15 the -- to the Treasury. So thank you.

16 MS. GROUNDS: Thank you for your feedback, and
17 we're going to end the session so that landowners have
18 an opportunity to talk to us outside at the Listening
19 Session.

20 MR. MCCLANAHAN: One more.

21 MS. GARCIA: Okay, I'll close it down here. Good
22 afternoon, members on the panel from the Federal

1 government, and members of the different Tribes that
2 are represented, Tribal leaders all the way down to
3 landowners that are here today. My name is Martha
4 Garcia. I'm from Ramah Navajo, and many of you
5 probably have heard about Ramah Navajo by now. And
6 we're here again today.

7 We've been attending from Ramah Navajo, myself,
8 and staff members, and other Tribal leaders, in the
9 past to these Listening Sessions. And we're pretty
10 much aware of the Cobell issues and the Land
11 consolidation Program, and then now it's the Land Buy-
12 Back Program. And we have made comments, but we have
13 never received feedback, and I submitted a written
14 document to you again.

15 So we would like to hear and continue to work with
16 you. And we would like to continue to work with our
17 Tribal leaders, as Mr. Tsosie had mentioned here, that
18 there are some concerns and issues that we need to
19 resolve among the three communities that are outside
20 the other land of the Navajo Nation. And we will
21 continue to do that.

22 But our concerns are still -- remains the same,

1 and we want to continue to work with you to resolve
2 those as we have expressed in the past, and we would
3 like to hear from that. We have been very fortunate
4 that we have been very fortunate that we have been able
5 to contract many of our Federal programs, including
6 realty. And through those programs we have been
7 working with our community members and giving them the
8 information that's needed for them to start working to
9 avoid fractionation of their land in the future. And
10 many have stepped up within the past two years to avoid
11 that by going into estate planning, and will writing,
12 and all that. And we were able to do that because we
13 had contracted the realty program.

14 But when it comes down to working with the Land
15 Buy-Back Program, it was very unfortunate that we were
16 not informed because we have our Program, and we needed
17 to coordinate with the people that are working under
18 the Navajo Nation Land Buy-Back Program. It wasn't
19 until after the fact that we started hearing about how
20 things may be done. And we had a lot of questions, and
21 we've tried to work through those, and there are
22 questions by community members that still needs to be

1 addressed at this time.

2 So I just ask for your cooperation and work with
3 us very closely as well as the Navajo Nation. Mr.
4 Tsosie, if you can carry that back for us. And then,
5 Mr. Begaye, if you're still here, we'd like to continue
6 to work with you on this very important issue. Thank
7 you.

8 MR. MCCLANAHAN: Thank you.

9 (Applause.)

10 FEMALE SPEAKER: (Off audio.) I have only one
11 thing to say real quick. We were not asked to do
12 interpreting, and I feel a little bit injustice to the
13 people that were here earlier this morning. All the
14 Navajo people left because they were limited on their
15 English speaking. I mean, they've gone to school and
16 they understand some of it, but they weren't able to --
17 I don't think they have the confidence to really come
18 up and say things in the way that they --

19 I sat by a couple of people and talked to them,
20 and they just didn't have the confidence to really
21 talk, and they felt like they had a lot of questions.
22 And so, I really feel like the next time you have

1 interpreters, if you could get interpreting equipment
2 so that they can pick it up like the United Nations
3 where you have interpreters, and then people that need
4 it can put it on their head, because there was a lot of
5 questions on appraisal, why there's percentage on it,
6 and others wanted to say something, and I was trying to
7 encourage them to go up there. I'll stand by them and
8 interpret for them. And they were -- they didn't feel
9 like doing it.

10 So we sat here and we tried to talk to people,
11 but, I mean, you know, I think it's just better having
12 interpreting equipment when you hire interpreters. And
13 I just feel like it was an injustice today to the
14 people that were here this morning.

15 MR. MCCLANAHAN: Thank you. Thank you for your --
16 yeah, it's excellent feedback. Thank you.

17 FEMALE SPEAKER: I mean, you guys are the top
18 head --

19 MR. MCCLANAHAN: Yeah, thank you.

20 FEMALE SPEAKER: -- echelon, so make that
21 accessible to the people, and I think that's really
22 important.

1 MR. MCCLANAHAN: Okay.

2 FEMALE SPEAKER: You want, you know, people to
3 make comments. That's important because a lot of them,
4 you know, they were just like, okay, we're being talked
5 to, but they're not listening to us, so.

6 MR. MCCLANAHAN: All right, thank you.

7 FEMALE SPEAKER: So that's all.

8 MR. MCCLANAHAN: Okay.

9 (Applause.)

10 MS. GROUNDS: Thank you. The resource tables will
11 be open for the next hour, so 5:30. We have a ton of
12 food left over, so feel free to take some with you as
13 you head home. And also, if you parked in the
14 Convention Center parking lot and picked up a white
15 parking ticket, stop at the welcome table and get a
16 parking validation. That's great. Thank you.

17 (Whereupon, at 4:43 p.m., the meeting was
18 adjourned.)

19

20

21

22