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U.S. Department of the Interior
Indian Trust Asset Reform Act (ITARA) Implementation
Tribal Consultation

Minneapolis Convention Center
Minneapolis, Minnesota

Friday, August 26, 2016
Commencing at 8:30 a.m.

REPORTED BY: KELLEY E. ZILLES, RPR
www.paradigmreporting.com

1 Tribal Consultation meeting taken on the 26th day of
2 August 2016, commencing at 8:30 a.m., at the Minneapolis
3 Convention Center, Minneapolis, Minnesota, before Kelley
4 E. Zilles, Registered Professional Reporter and a Notary
5 Public of and for the State of Minnesota.

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7 APPEARANCES

8
9 Deb DuMontier, Deputy Special Trustee - Office of the
10 Special Trustee for American Indians

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12 John White, Deputy Special Trustee - Program Management,
13 Office of the Special Trustee for American Indians

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15 Cheryl Andrews-Maltais, Senior Policy Advisor to the
16 Assistant Secretary - Indian Affairs

17
18 ALSO PRESENT:

19 Office of the Special Trustee for American Indians:

20 Eldred LeSansee

21 Robert Winter

22 Douglas Lords

23 Bureau of Indian Affairs:

24 Michael Black

25

1 DEB DUMONTIER: Good morning, everyone.
2 We're going to get started. And we certainly appreciate
3 the attendance that we have here today. Welcome to the
4 Indian Trust Asset Reform Act. This consultation
5 session is our second session. My name is Deb
6 DuMontier, I'm the Deputy Special Trustee with the
7 Office of Special Trustee For American Indians. It's an
8 honor to be here and to be a part of this consultation
9 here in Minneapolis. My tribal affiliation is the
10 Confederated Salish & Kootenai Tribes of the Flathead
11 Nation located in northwest Montana, a large land based
12 tribe fully exercising self governance.

13 I was legal counsel for CSKT for ten years and
14 I'm still a licensed attorney in the state of Montana.
15 For the past 11 years I've been working with the Office
16 of the Special Trustee, OST, implementing and leading
17 trust reform. On behalf of the Department of the
18 Interior, the staff here today and those working
19 throughout Indian country, it is an honor to serve you
20 and to be a partner in the government-to-government
21 relationship.

22 We certainly appreciate your attendance here
23 today from the tribal leadership, the representatives
24 and the tribal members. We also appreciate the
25 participation by Cheryl Andrews-Maltais, our Senior

1 Policy Advisor with the Assistant Secretary of Indian
2 Affairs; Mike Black, the Director of Bureau of Indian
3 Affairs; Mike Smith, BIA; Eric Shepard, the Office of
4 the Solicitors.

5 There may be members of the media here today.
6 Are there any media? No. If there is media, please
7 just respect the proceedings and hold all questions
8 until after the consultation.

9 As you're aware, the Indian Trust Asset Reform
10 Act was signed by the president on June 22nd. We are
11 holding a number of consultation sessions across the
12 country and the last session will be a telephonic
13 consultation. We are accepting written comments until
14 September 30th, 2016. This legislation is an important
15 step to our commitment to strengthening tribal
16 sovereignty and decision-making. It also gives us an
17 opportunity to evaluate what has worked and what could
18 be improved within the systems and processes implemented
19 as part of the creation of the OST. Our staff and you
20 are critical parts of that evaluation.

21 Today's consultation focuses on Title III of the
22 Indian Trust Asset Reform Act, and you will hear me
23 refer to it and others refer to it as ITARA. The law
24 provides that the secretary will identify all
25 non-monetary management functions currently being

1 conducted by OST. Therefore, we are here to present
2 these functions and consult with you on where these
3 functions might be transferred to other entities within
4 Interior. And in a moment I'll be presenting a brief
5 PowerPoint on Section 304.

6 The law also provides that within 18 months the
7 secretary must ensure that Indian trust property
8 appraisals and valuations are administered by a single
9 entity within the Department. So today we are seeking
10 feedback on that transition. John White will present an
11 informative PowerPoint on Section 305(a) and some
12 suggestions on how this might be accomplished. But we
13 also looked forward to hearing your ideas.

14 We have a short presentation that Cheryl will be
15 presenting on the draft minimum qualifications for
16 individuals to prepare appraisals and valuations of
17 Indian trust property. When an appraiser meeting these
18 minimum qualifications prepares an appraisal of Indian
19 property and the user of the appraisal intends to forgo
20 Departmental review, the Department will be able to rely
21 on that appraisal without further review. You as a
22 trust beneficiary can commit the appraisal to the
23 Department for the use in a trust property transaction,
24 express your intent to weigh the review, and no
25 Departmental approval of that appraisal will be

1 required.

2 We are developing a proposed rule that
3 establishes the minimum qualifications and we're
4 interested on your views on them. And that particular
5 rule is still pending publishing in the Federal
6 Register. As soon as it's published it will be, it's
7 available in your packets now, but the comment period
8 will start as soon as it's published.

9 We are also interested in your views on the
10 process by which the Department would verify that an
11 appraiser meets those minimum qualifications and among
12 other questions that we will be presenting to you later
13 today. And finally, we are interested in your views on
14 the establishment of an under secretary for Indian
15 Affairs. ITARA provides that the secretary may
16 establish an under secretary for Indian Affairs who
17 would report directly to the secretary. We want to hear
18 your thoughts on this provision.

19 We are anxious to hear your comments and
20 suggestions. We have four short presentations, and in
21 general we want to take time to hear from you. So next
22 I'm going to be presenting on Section 304 of ITARA, the
23 improving efficiency and streamlining processes. But
24 first I would like to acknowledge our OST leadership
25 that's here today, Mr. Doug Lords, Rob Winter, Eldred

1 LeSansee. And then our staff, Yvonne is there at the
2 computer, we have Anita out at the table as well as
3 Annette Romero with the Bureau of Indian Affairs. A big
4 shout out to them for getting all this prepared.

5 So again, Section 304 requires the Secretary of
6 the Interior to identify non-monetary functions that OST
7 performs which is an opportunity for us to reflect upon
8 our current practices and to hear your recommendations
9 regarding this section on the act as we chart a path
10 forward together with Indian country. Also an
11 opportunity to reflect on the Department's progress and
12 Trust Reform and the next few slides will provide you
13 with a brief overview and some context of the Office of
14 the Special Trustee.

15 Why was OST created. The American Indian Trust
16 Fund Management Reform Act of 1994 created the Office of
17 the Special Trustee in response to the strong demands
18 for accountability and transparency for the Indian Trust
19 Fund. The primary purpose of OST was to improve
20 management of Indian funds and assets held in trust by
21 overseeing and coordinating trust reforms within the
22 Department.

23 In 1996 OST's role expanded by secretarial order
24 to include operational responsibility for the financial
25 trust fund management including accounting, investing

1 and disbursing to individual Indians and tribal
2 beneficiaries. OST was later delegated the functions of
3 appraisals of Indian trust lands and historical trust
4 accounting.

5 This next slide demonstrates the complexity of
6 our work not only in the trust funds managed, but the
7 number of accounts managed. Implementing a modern
8 centralized fiduciary trust accounting system, OST
9 currently manages approximately \$5 billion. OST
10 receives and disburses 1.7 million each year. With a
11 99.99 percent accuracy rate, OST processes on average
12 more than 40,000 financial transactions each day
13 totaling more than 10 million transactions annually.

14 So as the pie charts illustrate, the greatest
15 balance, over 80 percent, is held in 3,300 trust
16 accounts for 250 tribes invested in individual
17 portfolios to meet the cash flow objectives of their
18 respective tribes. Approximately \$845 million or
19 17 percent of the trust fund is invested in a pooled
20 account for over 400,000 IIM, individual Indian money
21 accounts, or 99 percent of the total accounts managed.

22 Since the settlement of Cobell, OST has received
23 an unmodified opinion on the IIM financial statements
24 conducted by an independent major accounting firm for
25 three consecutive years. In addition, OST developed a

1 strong focus on beneficiary services to ensure that our
2 tribes and individual beneficiaries receive the customer
3 service necessary to empower them with the knowledge to
4 make informed decisions about their trust assets. And
5 these slides are available in your packet.

6 Congress requested identification of all
7 functions other than collection, management and
8 investment of Indian trust funds that OST performs,
9 specifically those functions that affect or relate to
10 management of non-trust resources, which is the
11 appraisal services. For full transparency we've
12 identified our functions based on the budget
13 justification for OST programs, so we also have
14 identified the management, collection and investment.

15 In addition, OST has developed a comprehensive
16 fiduciary trust model to enhance beneficiary services
17 and accurately account for the Indian trust funds. Some
18 of the functions are interrelated with the monetary and
19 non-monetary resources. And the asterisk here, the
20 asterisks denote functions that impact other Department
21 of Interior offices, bureaus or tribes. And you will
22 find a description of all of these functions identified
23 here in your packet that's been provided today.

24 In addition to the improved financial system and
25 the maximized service delivery to the beneficiaries

1 displayed on this slide, OST established the Office of
2 Trust Records and the American Indian Records
3 Repository, we refer to them as the AIRR. The AIRR
4 located in Lenexa, Kansas is a dedicated underground
5 storage facility used for the proper safeguarding and
6 storage of fiduciary trust records. This is a major
7 achievement. The AIRR has specially trained staff
8 dedicated to protecting very important documents for
9 Indian country. And for the tribal leadership who are
10 interested in visiting the AIRR, please let us know so
11 we can make those arrangements.

12 OST has enhanced beneficiary services with trust
13 officers and staff available to assist beneficiaries
14 either on tribal lands or in close proximity to those
15 lands to partner with the Bureau of Indian Affairs, the
16 Office of Natural Resource Revenue, the Bureau of Land
17 Management, other federal and state agencies and tribes
18 in addressing Indian trust matters on a regional and
19 local level.

20 OST also operates a toll free trust beneficiary
21 call center with expanded hours of service in direct
22 support of beneficiary calls and inquiries providing
23 consistent, timely and accurate information. The TBCC
24 has responded to more than 1.8 million calls since 2004
25 with a first line resolution rate of 94 percent. The

1 industry standard is less than 15 percent. The OST
2 field operation's dedicated and direct services to
3 beneficiaries complements the work of our federal and
4 tribal partners so they can remain focused on our
5 mission and important stewardship of natural resources
6 and land.

7 In addition, our field staff aggressively looked
8 for account holders with unknown addresses through
9 outreaches, inner-agency collaborations, and searches of
10 over 7,000 electronic databases. Thus far we have found
11 more than 330,000 account holders and distributed more
12 than \$386 million. The success stories are incredible
13 and in some cases drastically changing lives. This work
14 has also helped the land buyback program for tribal
15 nations in getting purchase offers out to tens of
16 thousands of Indian landowners of fractionated interest.

17 Our fiduciary trust officers and regional trust
18 administrators provide financial empowerment training to
19 promote economic self-sufficiency. And OST also
20 provides beneficiaries with their statement of their
21 accounts including funds activities and real property
22 assets to help increase financial awareness and to
23 inform individuals and tribes of their interest.

24 OST's ongoing initiatives to streamline and
25 automate processes are based on best practices and

1 lessons we have learned from our close work with tribal
2 leaders and communities. Trust resource and asset
3 management in Indian country must not be stagnate and
4 trust reform should always be a work in progress.

5 OST is developing 21st Century tools to enhance
6 services such as online banking for IIM accounts. We
7 are enhancing straddle lab which is how tribes currently
8 access tribal account information. OST continues to
9 work on probate reform initiatives and provide support
10 for Indian estate planning services to assist Indian
11 landowners with understanding where to make a probate
12 reformat. We are reducing our carbon footprint and
13 promoting cost effective efficiencies with automated
14 trust processes and digitizing trust records.

15 OST will continue to support the Cobell
16 settlement and the land buyback program with our
17 expertise and innovation with appraisal evaluation,
18 outreach and account services. And OST has developed
19 with the assistance of nine pilot tribes and consortiums
20 an online evaluation tool to streamline the evaluation
21 process that is less burdensome on tribes than the
22 current evaluation process. And some of you that were
23 here a little bit earlier saw the video regarding that
24 program. We'll also have that available on our Website.
25 We refer to it as the tribal methodology project. And

1 of interest, it may meet some of the Title II
2 requirements of ITARA for evaluations.

3 Benefits to the separation of duties. We know
4 that OST's value comes not from its position within a
5 particular office of the Department, but rather from a
6 singular focus and discrete duties related to the
7 fiduciary trust responsibility. Moreover, these duties
8 must continue no matter in which office the functions
9 are located to maintain the level of service Indian
10 country deserves. The core trust accounting functions
11 providing direct beneficiary service and maintaining
12 internal controls were created and established
13 separately with the intention of operating independently
14 of the general trust operations. And this structure was
15 created to avoid conflicts of interest, commingling of
16 resources, redirection or reprioritizing of other
17 interest to ensure accountability and delivery of
18 services. Separation provides a dedicated and direct
19 approach to managing Indian trust assets in accordance
20 with sound fiduciary principles and practices.

21 We look forward to working with all of you to
22 implement the 2016 Indian Trust Asset Reform Act and
23 welcome the opportunity to dialogue with you to develop
24 a strong plan to serve Indian country. And the handouts
25 provided today are posted on the ITARA Website. We have

1 also provided links on that Website to various documents
2 and reports such as our annual audits and other
3 background material for your reference. In the
4 meantime, OST staff continues to work hard to serve
5 Indian country and remain focused on our mission to
6 honor our trust responsibility with a beneficiary focus
7 and participation while providing superior stewardship
8 of the trust assets for the proper discharge of the
9 secretary's trust responsibility.

10 So now I'm going to turn the microphone over to
11 Mr. White who has appraisals Section 305(a). There it
12 is. Thank you.

13 JOHN WHITE: Thank you, Deb. Again, my
14 name is John White, I'm the Deputy Special Trustee for
15 Program Management with the Office of the Special
16 Trustee. I'm an enrolled member of the Sisseton
17 Wahpeton Oyate which is located on the Lake Traverse
18 Indian Reservation in northeast South Dakota. I've been
19 with the federal government for 26 years. The first 12
20 of those years I was with the Bureau of Indian Affairs
21 where I was an accountant, I was an agency
22 superintendent at the Northern Cheyenne Agency in
23 Montana, and then for the past 14 years I've been with
24 the Office of the Special Trustee, and it's been the
25 last four years I've been in my current position as the

1 Deputy Special Trustee for Program Management. In the
2 last two years I've had the opportunity to work and
3 provide leadership with the, to the Office of Appraisal
4 Services.

5 Section 305(a) requires that appraisals and
6 valuations of Indian trust property be administered by a
7 single bureau, agency or other administrative entity
8 with the Department. Before I get into that I want to
9 give a brief history of where appraisal services has
10 been with the Department. In 2002 the appraisal program
11 came from the Bureau of Indian Affairs and was
12 transferred to the Office of the Special Trustee. From
13 2005 to 2009 the appraisal program was under what's
14 called the appraisal services directorate, which is now
15 called the Office Evaluation Services. And then in 2010
16 the appraisal program came back to OST and it's been
17 with OST ever since.

18 Another item I believe is important is that we
19 have at least a fundamental understanding of what the
20 appraisal process is. The diagram presented is its most
21 fundamental linear presentation of the appraisal
22 process. What I'd like to point out is it's a, we've
23 identified a five-step process obviously, but not
24 everything in the process is the responsibility of the
25 Office of Appraisal Services the way the process works.

1 Steps 1 and 2 are primarily the responsibility of the
2 Bureau of Indian Affairs who have tried and if they've
3 contracted or contacted the real estate services program
4 who request the appraisal, they provide an appraisal
5 request package to the Office of Appraisal Services.
6 Or, you know, it could be too if the tribe has
7 contracted or contacted the appraisal function they
8 could turn it over to their own internal tribal
9 appraisal program.

10 The appraisal office then prepares the appraisal
11 report. The appraisal report, whether it's a tribe or
12 direct service with the appraisal services program,
13 whoever prepared that report it goes out to appraisal
14 services for technical review. If the technical review
15 is acceptable then the appraisal report is provided back
16 to the requester, be it the tribe or the Bureau of
17 Indian Affairs, for them to continue or consummate the
18 trust transaction that required the appraisal report to
19 begin with.

20 Just a little information. Back in 2008 when I
21 guess the appraisal program was under the appraisal
22 services directorate, we had appraisal requests that
23 were passed through that numbered over 3,369. And as of
24 July of this year the appraisal requests passed through
25 were 289.

1 A lot of those things are improvements to
2 process, we've improved how we track appraisals. We
3 have what's called an Office of Appraisal Services
4 information system, which is actually an automated
5 tracking system which is utilized by the requester and
6 the appraisal office in requesting appraisals and
7 providing those appraisal reports back to the requester.
8 So we've automated where we can. We need to continue to
9 automate, we will continue to automate. And that's just
10 part of making the process more efficient or as
11 efficient as possible and leveraging where we can.

12 What I'm presenting here is an organization
13 structure, not a complete organization structure, but a
14 structure of what entities are involved in providing
15 appraisal services on Indian trust land. Obviously we
16 had the Office of Appraisal Services who is responsible
17 for the entire process, but there are occasions where if
18 there's mineral estates involved or if there is timber
19 involved, if there's timber stands that are on the
20 property being appraised we have to, we have to reach
21 out to other entities within the Department to get that
22 information so that we can, OST can complete their
23 appraisal report.

24 In instances if they're in mineral estates, we
25 get that information from the Division of Minerals

1 Evaluation, they are under the assistant secretary for
2 policy, management and budget. And in instances of
3 timber appraisals, we reach out to the Bureau of Indian
4 Affairs branch of forestry and they're under the
5 assistant secretary of Indian Affairs. This is some I
6 believe very relevant FY 2015 information regarding
7 appraisal services that have been conducted or
8 completed.

9 I call your attention primarily to bullet 3.
10 And bullet 3 is really what I consider the normal,
11 that's the normal volume that would happen outside of
12 the land buyback program. This is more of the appraisal
13 activity that occurs between appraisal services and the
14 Bureau of Indian Affairs or the tribe in conducting the
15 business we're used to, appraisals for land sale and
16 exchange or partial or lease or right-of-way, that's for
17 that type of activity. And in 2015 we completed 3,099
18 appraisal requests.

19 Bullet 4, this is important to me. Bullet 4
20 pertains to the appraisal work that we do or have
21 completed for the land buyback program for tribal
22 nations. We all know what success the land buyback
23 program has had. It needs to be understood that that
24 success is directly attributable to the work that
25 appraisal services has done because if it weren't for

1 the appraisals that they've completed, the land buyback
2 program would not be able to make the offers, purchase
3 the fractionated to make the purchase. So that's an
4 important factor.

5 Appraisal services is divided into two
6 divisions. We have the operations division which was
7 the former that I just discussed, and we have the land
8 buyback division which is bullet 4, but it's all
9 appraisal services. They're all under the leadership of
10 the Director Eldred LeSansee, and it's important to
11 understand that fact.

12 Something I'd like to point out too is the
13 volume of appraisal work that our Office of Appraisal
14 Services completes. If you look at that it's
15 approximately, for 2015 approximately 15,000 appraisals.
16 Comparable within the, there's really no other entity
17 comparable in the government that we know of that
18 completes that number of appraisals. We've found the
19 forest service in FY 2015 completed 1,100 appraisal
20 products. The volume of work that we do even under
21 operations is considerably more than other federal
22 entities.

23 This is just a pie diagram of the 3,099
24 appraisal requests that were completed by the Office of
25 Appraisal Services in FY 2015. 2,850 of those

1 appraisals could do without any, without getting
2 information from the Division of Minerals Evaluation or
3 the BIA forestry program. 2 percent we had to go to BIA
4 forestry, 6 percent we had to reach out to the Division
5 of Minerals Evaluation to get the information so that we
6 could complete our appraisal report. The reason I
7 wanted to present it in that fashion is it helps to
8 explain the single entity, which I'm going to get into
9 now, which is a requirement of Section 305(a).

10 Now for purposes of presentation only we called
11 it Indian land evaluations office. That doesn't
12 necessarily mean that's what it's going to be called,
13 but it's better than calling it a single entity. For
14 discussion, for presentation purposes we just call it
15 Indian land evaluations office. But the way we
16 interpret it in Section 305(a) is we wanted to take the
17 authorities of the Office of Appraisal Services, the
18 Division of Minerals Evaluation, BIA forestry, have
19 those authorities all within one entity called the
20 Indian land evaluations office.

21 The next thing we did was we identified who
22 potentially could administer this office. Option 1, the
23 Office of the Secretary. We actually came up with seven
24 options, but I'd like to point out option 1 is not
25 better than option 6 or option 6 is not better than

1 option 7, it's just to facilitate consultation in how
2 you look at the options we present. Option 2 is the
3 Office of the Special Trustee. Option 3 is the
4 assistant secretary - policy, management, budget, which
5 if you will recall earlier that's where the Office
6 Evaluation Services and the Division of Minerals
7 Evaluation, that's where they're located. It could be
8 the Office of Evaluation Services. The assistant
9 secretary of Indian Affairs, option 5. And keep in mind
10 too, when we talk about the assistant secretary of
11 Indian Affairs, you know, that they have the Bureau of
12 Indian Affairs, they have the Bureau of Indian
13 Education, they have assistant secretary of Management.
14 There's a multitude of entities under the Assistant
15 secretary of Indian Affairs. So that's the intent of
16 stating that one. We have the Bureau of Indian Affairs
17 which where appraisal services was prior to 2002. And
18 then the last potential option, the other. Those of you
19 who are familiar with the departmental organizational
20 structure, if there's an entity within the Department
21 that you believe could administer that we didn't list, I
22 just didn't want you to feel that you couldn't list
23 those. The six that we listed are by no means the only
24 ones. We welcome comments on any of these options or
25 another entity outside of the options we present.

1 So in conclusion, I provided you with a brief
2 history of where OAS has been. I explained the current
3 process and what organizations support OAS and being
4 able to complete the appraisal reports on Indian trust
5 land. And I just, I briefly discussed a single entity,
6 what we envision is the concept of having the
7 authorities under one entity which then who could
8 administer that entity.

9 At the conclusion of Cheryl's presentation if
10 you have any questions on the slides that I presented,
11 I'll be happy to answer them. If we get into the real
12 technical aspects of appraisals and those types of
13 things, I would refer those to our Director of Appraisal
14 Services, Eldred LeSansee. And with that, I will turn
15 it over to Cheryl.

16 CHERYL ANDREWS-MALTAIS: Thank you, John.
17 And good morning and welcome. My name is Cheryl
18 Andrews-Maltais and I'm a senior advisor to the
19 assistant secretary of Indian Affairs, and I'm also the
20 former chairwoman of the Wampanoag Tribe of Gay Head
21 Aquinnah in Massachusetts. And on behalf of Acting
22 Assistant Secretary Roberts, I'd like to welcome you to
23 this consultation on the Indian Trust Asset Reform Act,
24 or ITARA as Deb mentioned. And I'd like to really thank
25 you for taking the time to provide us with your valuable

1 insight and guidance so we can create the best trust
2 services structure as possible. And as John was saying,
3 what is being put out here today are ideas for your
4 comment, your feedback and your guidance so that we can
5 structure this that's going to best fit Indian country's
6 needs. Because as we're all too aware, finding the
7 answers to complex issues that face Indian country is by
8 far best determined by Indian country through your
9 voices and your tribal leadership.

10 Leadership knows what's best for their
11 communities and can provide us, the federal family, with
12 your unique insight and guidance on how to develop our
13 short and long-term goals, effective strategies and
14 performance measures that will complement division of
15 the Department and its mission in our service to Indian
16 country. This has been an exciting year for us and an
17 exciting trip for us in this administration. For the
18 past seven and a half years we've had so many
19 accomplishments and have made major strides in a
20 positive direction and this is just one more of those
21 accomplishments that we're looking forward to.

22 This is a direct result of the Department
23 working in collaboration with the Department's partners
24 in these initiatives and in doing this working
25 partnership in our government-to-government relationship

1 that we're able to better address unique diversities in
2 Indian country. Your voices have been heard in the
3 enactment of ITARA and now we're here to hear your views
4 and ideas on how to successfully move this reform
5 forward for the betterment of Indian country.

6 In reviewing the material regarding the
7 Department of the Interior's current structure, we're
8 seeking your guidance on how to continue to achieve our
9 primary mission and goals and to create effective
10 strategies under a new or modified model structure. We
11 look to you to provide your ideas and input on a plan to
12 ensure we're doing what we can to ensure that our plan
13 is working in support and in concert with Indian
14 country's missions, goals and objectives and that our
15 strategies are supportive of those initiatives. Again,
16 thank you very much for your time in being here.

17 So getting to the trust reform and the minimum
18 qualifications for appraisals. This is something that,
19 you know, we're investing a lot of, a lot of initiative
20 and a lot of input into Indian country for your views on
21 this. We have our subject matter experts here and I
22 hope that you'll take advantage of the opportunity to
23 utilize them and ask questions of what these proposed
24 ideas are.

25 But just for as the law reads right now, in

1 Section 305, the minimum qualifications that not later
2 than one year after the date of enactment of this act,
3 the secretary shall establish and publish in the Federal
4 Register minimum qualifications for individuals to
5 prepare appraisals and valuations of Indian trust
6 property. So that means that we have until June 22nd of
7 of next year to compile all your feedback and get us to
8 where we have established those minimum qualifications.

9 And Part C is secretarial approval. In any case
10 in which an Indian tribe or an Indian beneficiary
11 submits to the secretary an appraisal or valuation that
12 satisfies the minimum qualifications described in
13 subsection B, and that subsection acknowledges the
14 intent of the Indian tribe or beneficiary to have the
15 appraisal or valuation considered under this section,
16 the appraisal or valuation, one, shall not require any
17 additional review or approval by the secretary; and two,
18 shall be considered to be final for the purpose of
19 effectuating the transaction for which the appraisal or
20 valuation is required. And this is really big for
21 Indian country. So that this way once those minimum
22 qualifications are established, it allows the tribe's
23 organizations or individual Indians to move forward
24 through this process a lot more expeditiously than has
25 been the case in the past.

1 In part of 43 CFR 100, this part applies to
2 anyone preparing or relying upon an appraisal of Indian
3 property. What are the minimum qualifications for
4 qualified appraisers. A, the appraiser must hold a
5 current certified general appraiser license in the state
6 in which the property appraised is located. So no
7 matter where the property is, they must have a license
8 in that state. B, the appraiser must be in good
9 standing with the appraiser regulatory agency of the
10 state in which the property appraised is located. And
11 C, the appraiser must comply with the Uniform Standards
12 of Professional Appraisal Practice's rules and
13 provisions applicable to appraisers, including but not
14 limited to competency and ethics requirements. And this
15 is important to protect the tribes, the individuals, the
16 organizations as well as the government.

17 Must I submit an appraisal to the Department.
18 Yes, you must submit appraisals for transactions that
19 require secretarial approval under other parts of Title
20 25 and Title 43 of the CFR, which is leases and
21 rights-of-way. And the CFR is the Code of Federal
22 Regulations if you're not familiar with it.

23 Will the Department review and approve the
24 appraisal. And there are two answers. No, if, one, the
25 submission acknowledges the intent of the Indian tribe

1 or Indian individual to not require the Department to
2 review and approval; or two, the appraisal was not
3 completed by a qualified appraiser meeting the rule's
4 requirement; and three, no owner of any interest in the
5 Indian property objects to the use of the appraisal
6 without Departmental review and approval. However, it
7 would be yes if any of the criteria above are not met;
8 or two, the appraisal was submitted for the purchase at
9 probate under 43 CFR 30, which is Indian probate
10 hearings procedures, or the land buyback program for
11 tribal nations or legislation requiring the Department
12 to review and approve an appraisal.

13 Another question we had is what happens if the
14 Indian tribe or individual does not agree with the
15 submitted appraisal. One of our answers is if the
16 Indian tribe or individual Indian does not agree with
17 the submitted appraisal, the Indian tribe or Indian
18 individual may choose to not use the appraisal's
19 conclusions or findings and request that the Department
20 perform a separate appraisal or valuation.

21 Another question is, is the Department liable if
22 it approves a transaction for Indian property based on
23 an appraisal submitted by a qualified appraiser. And
24 the answer, the Department is not liable for any
25 deficient or inaccurate appraisal or valuation it did

1 not review or approve. Even if the Department approved
2 a transaction for Indian property, including but not
3 limited to a lease, grant or sale or purchase based on
4 an appraisal prepared by a qualified appraiser. And
5 that's why appropriate credentials and certification is
6 so important in this respect.

7 Other questions to consider are do any tribes
8 grant certified general appraiser licenses similar to
9 those granted by states. If so, is the license limited
10 to appraisals and valuations done on property within the
11 tribe's jurisdiction.

12 Another question is are the minimum
13 qualifications appropriate for appraisals and valuations
14 of timber, minerals or other property separate from
15 appraisals and valuation of real property, and if not,
16 what qualifications would be better suited to those
17 appraisals and valuations. Is there a way to allow for
18 the Department to verify an appraiser's qualifications
19 without requiring qualifications to be submitted with
20 each appraisal and still ensure that the appraiser is
21 qualified at the time the appraisal is submitted. You
22 know, for instance, have there been any changes to the
23 appraiser's qualifications such as a loss of license.
24 These are all considerations that we want to make sure
25 that we're taking into account.

1 So as I said, these are questions and
2 suggestions that are there. So if you would really take
3 the time to think about these questions, our responses
4 in order to formulate and guide your questions to help
5 us help you in guiding us in making our decisions in
6 these final rules as they come forward.

7 Now the other fun part is the Department of the
8 Interior Indian Trust Asset Reform Act also has Section
9 303 for providing for an under secretary for Indian
10 Affairs. And again, this is something that we're
11 looking for the tribes to provide us with guidance for
12 as to where that particular position would be.

13 Under Section 303, A, the establishment of a
14 position. The secretary may establish in the Department
15 the position of under secretary for Indian Affairs who
16 shall report directly to the secretary. B, appointment
17 shall be appointed by the president and by and with the
18 advice and consent of the senate, so it's going to be a
19 senatorial confirmation. C, duties. In addition to any
20 other duties directed by the secretary, the under
21 secretary shall, one, coordinate with the Office of the
22 Special Trustee to ensure an orderly transition of the
23 functions of the office to one or more appropriate
24 agencies, offices or bureaus within the Department,
25 which is what John was discussing earlier. Two, to the

1 maximum extent practicable, supervise and coordinate
2 activities and policies of the BIA with activities and
3 policies of all of the other related agencies, Bureau of
4 Reclamation, Bureau of Land Management, National Park
5 Services, Fish and Wildlife and the rest. And three,
6 provide for regular consultation with Indians and Indian
7 tribes that own interests in trust resources and trust
8 fund accounts.

9 D, personnel provisions. Appointments, the
10 under secretary may appoint and fix a compensation of
11 such officers and employees as the under secretary
12 determines to be necessary to carry out any function
13 transferred underneath this section. And requirements,
14 except as otherwise provided by law, any officer or
15 employee described in paragraph 1 shall be appointed in
16 accordance with the civil service laws. B, the
17 compensation of such an officer or employee shall be
18 fixed in accordance with Title V of the United States
19 Code. And C, in appointing or otherwise hiring any
20 employee, the under secretary shall give preference to
21 Indians.

22 And here is an organizational chart as it is
23 now. However, what we did is we're looking to the
24 leadership to determine exactly where you see the under
25 secretary's position and that staff would be housed

1 within the Department of the Interior. Also, at
2 question is where the funding for that position would be
3 coming from, whether it's coming from the current
4 budgeting or whether or not it would be coming from
5 additional monies.

6 So again, here we are looking to you to guide us
7 as to what you think that structure would be, where it
8 would be best suited, and what you envision as where it
9 would be most effective as well as being able to work
10 towards the other components of the Trust Reform Act
11 that we have. Thank you very much. And I'll turn it
12 back over to Deb.

13 DEB DUMONTIER: Thank you for those
14 presentations. This is our comment period now that we
15 will open it up for comments. We do have a court
16 reporter that will be taking down, or providing us with
17 a transcript, so please provide us your name. And
18 there's coffee available right out front if anyone would
19 like a cup of coffee, but otherwise we'll turn it over
20 now. And the microphone should be on.

21 CHERYL ANDREWS-MALTAIS: Are there any
22 questions or comments or concerns? I mean, we've got a
23 tremendous amount of subject matter experts here and it
24 would be wonderful to have an open dialogue about how
25 folks feel about this, the presentation that we have in

1 front of you, and any particular questions with regard
2 to anything that is either contained within the
3 presentation or within the act or within your packets
4 themselves.

5 LISA JOHNSON: Good morning. My name is
6 Lisa Johnson, I'm the director of real estate for the
7 Mille Lacs Band, I've been working for them for over
8 16 years. I fought the idea of being able to use
9 outside appraisers without having to be reviewed as long
10 as they met the minimum qualification, however, working
11 in Indian country and working with other professionals
12 outside of Indian country it's very clear that if
13 they've never worked in Indian country, they don't know
14 what they're doing. The Certified Federal Surveyor
15 Program the Bureau of Land Management operates has been
16 a phenomenal project and program that tribes have used.
17 I've talked to multiple tribal individuals and it's
18 worked really well for certifying people to work within
19 Indian country. Why not possibly do a certification
20 program for the appraisers so that they have to register
21 and you can go online and see who those appraisers are
22 and use them directly. I would ask you to check into
23 the CFSP program and maybe have something similar to the
24 appraisal process.

25 CRIS STAINBROOK: So I'm Cris Stainbrook,

1 I'm president of the Indian Land Tenure Foundation,
2 we're based in Little Canada, Minnesota and we've worked
3 with tribes from all over the country. And since you've
4 invited this conversation as opposed to consultation,
5 I'll take that opportunity.

6 I have kind of a broader question about I guess
7 the philosophy behind separating out appraisals as a
8 non-monetary activity. And it's one of the those I
9 guess burrs in my saddle about we see all this financial
10 literacy training going on in the country for Indian
11 people who are getting settlements and that sort of
12 thing, and my question always is why is land discounted
13 as one of their major assets, and it has an economic
14 value, it has a monetary value. And in fact, the
15 appraisal puts that monetary value in it. So how does
16 this end up being separated out as a non-monetary
17 function of OST?

18 DEB DUMONTIER: There was a lot of
19 discussion about that, Cris. We went back and forth and
20 when we looked at the legislation where we were to
21 identify the non-monetary functions of trust resources,
22 we looked at appraisals. It may or may not end up in a
23 financial transaction. And that's how we ended up
24 reviewing appraisals as fitting under the non-monetary
25 function that we perform, OST performs, because that's

1 basically what the legislation was asking for OST's
2 functions and other non-monetary, other trust resource.

3 CRIS STAINBROOK: Now I can, I can fully
4 appreciate why there was this kind of focus on
5 appraisals because it doesn't take long to be in Indian
6 country and hear people grouching about how long it takes
7 to get the appraisal done. And we've been kind of
8 working on that issue for a while at the foundation.
9 But I was interested to hear that in fact you have a
10 tracking system set up for, an electronic tracking
11 system set up for it. Can you give us some feel for how
12 long it's, I mean, what are the numbers telling you how
13 long it's taking you to get appraisals done. And when
14 do they enter the system, you know, do they enter the
15 system when there's the request from the Bureau or the
16 tribe that says we want this appraisal done or is it
17 later than that.

18 JOHN WHITE: Well, the requester at the
19 Bureau or the tribe, you know, it's sort of a mixed bag
20 because some tribes have access to the Office of
21 Appraisal Services information system, some don't. And
22 for those that are, for those tribes that have
23 contracted the real estate services program and they
24 don't, those requests are put in I believe by, I believe
25 by the Bureau of Indian Affairs.

1 ELDRED LESANSEE: Typically it's by us.
2 And the question about appraisal requests that are hard
3 copy submitted to Bureau of Indian Affairs are requests
4 actually initiated in the Bureau of Indian Affairs and
5 becomes a hard copy request for a tribe offering a
6 realty program may, that's typically where hard copy
7 requests originate. And they may not have access to the
8 system because they may not have connectivity to the BIA
9 network or the OST network. And so they submit the
10 request to us and we encode it into the system and then
11 we track it at that point.

12 CRIS STAINBROOK: Okay. And so what are we
13 looking at time wise?

14 ELDRED LESANSEE: Time wise, we recently
15 did a, a query of the system and I think the average
16 time was 117 days. But that includes anything from
17 lakes and lands to highly sophisticated, highly
18 developed properties, and so it's a blend. So it's a
19 hodgepodge of different types of valuations blended into
20 one turn-around time. But for special land valuations,
21 two weeks is probably typical.

22 CRIS STAINBROOK: Okay.

23 JOHN WHITE: Eldred didn't mention also
24 that, you know, the requester and the appraisal office
25 is part of the process to negotiate the completion dates

1 with the appraisal, so that's sort of how the priority
2 part comes in. If it's a high property for the
3 requester, then that's how they agree upon that
4 negotiation date. If you need something soon then they
5 try to do it soon. If it's something that's not
6 critical then the negotiated date is pushed out.

7 DOUGLAS LORDS: I should mention the Office
8 of Appraisal Services information system, you can
9 initiate, you can assign and track and report on
10 appraisal requests through that system. And it's been a
11 vital, it's kind of actually been the hub of valuations
12 for the land buyback program because the request comes
13 in electronically and then it gets, the information gets
14 transferred into the mass system or the mass appraisal
15 and valuation system, and so it's integrated into an
16 automated valuation system. So it's a very critical
17 system because we pull information from that into OAS
18 and do our valuations in the mass appraisal environment.

19 CRIS STAINBROOK: I have a question about
20 the qualifications, in fact, the certified general
21 appraiser, and I have no problem with that. The issue
22 really becomes around licensing. And a few years ago we
23 looked at what does it take to get into the various
24 states and become a certified general appraiser. And
25 some states recognize other states and some states

1 don't. And I'm wondering why not take this opportunity
2 to address an issue that Lisa even brought up, and
3 that's why not have a federal designation and have
4 certified general appraisers that are designated on the
5 federal level so that you don't have to worry about the
6 state pieces and you can have that person even move
7 around the country.

8 ELDRED LESANSEE: And that's a good point.
9 OME bulletin 936 provides that opportunity for, I guess
10 authority for federal agencies to have their staff
11 appraisers practice in multiple states and they don't
12 require a license in every state that they do work at.
13 So there's no, no requirement for taking into
14 consideration the reciprocation of states between states
15 or acceptance of one's state license to the other. So
16 like myself, I'm licensed in the state of New Mexico,
17 but I can practice anywhere in the country.

18 CRIS STAINBROOK: Okay.

19 ELDRED LESANSEE: So it's something similar
20 to that, the tribes could adopt, or that authority could
21 be applied to the tribe level.

22 CRIS STAINBROOK: Okay. I don't want to
23 hog the microphone, but let me ask one other thing. The
24 other question I had was a couple of years ago I was in
25 the northwest and they were going through a process with

1 Bonneville Power. And Bonneville Power was paying for
2 the appraisal on a right-of-way that they wanted. And
3 it just seemed to me that that, if nothing else, for an
4 Indian person if I were looking, if that were going
5 across my property I would have serious questions about
6 is there a conflict of interest here. And to some
7 extent you rely back on them, the Office of Appraisal
8 Services and their review as a trustee. And so will
9 some of that go away under this and should there be a
10 specific piece that says here's how we prevent conflicts
11 of interest.

12 ELDRED LESANSEE: Well, that's a valid
13 point because we do, I mean, there has been questions
14 too on the 936 program of tribes also operating the
15 appraisal program and obtaining valuations to support
16 transactions where the tribe is acquiring an interest to
17 Indian lot lands as a potential conflict of interest.
18 And the appraisal review served as a function to
19 eliminate that conflict because even though the tribe
20 obtains the appraisal, there's a level where there's a
21 review and approval of that work to make sure it's
22 credible and eventful.

23 In your question that's under this act itself,
24 eliminating that review function could potentially
25 create some issues because valuations also includes

1 litigation too as well and it includes the Justice
2 Department, Brian and his team with the Justice
3 Department usually comes in and provides their own
4 valuations to support that. So in those cases there
5 would probably be an exemption too because they take
6 over the transaction.

7 Third parties providing valuations has become a
8 common thing, whether it's an utility company like
9 Bonneville Power Administration or the State Highway &
10 Transportation Department, they provide valuations too
11 as well. And, and if there is no expert to look at
12 those valuations, you might get a variety of different
13 levels of quality, and there's a potential issue there
14 as well. So I don't know if the answer is whether, I
15 don't know if that's been discussed, I don't think the
16 team hasn't really discussed that issue or that
17 potential situation.

18 CRIS STAINBROOK: Okay. I'm going to
19 follow up with some written comments, but I guess, you
20 know, one of the, one of the pieces that I would just
21 make a brief comment on is more or less where it gets
22 housed about your comment about none of these are, I
23 think you meant priority order, there are some that are
24 better than others I think. But I would make one
25 comment about I think it's useful to have all of the

1 appraisals in one place, but that doesn't negate the
2 need for having qualified people who can do, timber
3 crews can be involved in a property that has timber on
4 it nor does it advocate the need for having someone who
5 can appraise minerals specifically to a property. So
6 it's not as though the needs are going to go away. You
7 can lump them in one place, but in reality you still
8 need those specialties I think in order to do a good
9 appraisal on the property and have those other values in
10 it.

11 The one other comment I would make. As some of
12 you know we've had an appraiser on our board for the
13 entire existence of the foundation, and in fact, it's
14 the only seat that's designated on our board of
15 directors, and that's to have someone who's familiar
16 with the appraisals of Indian land. And so we get a
17 fair bit of input from our appraisers on what goes on
18 out there. And I think one of the things that was
19 enlightening was when the land buyback program did the
20 mass appraisals on some of the large reservations of the
21 Great Plains and the acceptance by not only the tribes
22 but individual Indian people once it was explained that
23 in fact mass appraisals in many cases can be more
24 accurate than individual appraisals doing an Indian
25 appraisal because it gets more review and more scrutiny.

1 I think going forward I would encourage the
2 Office of Appraisal Services wherever it ends up in the,
3 in the structure to really consider how do we move
4 forward with some type of automated appraisal values
5 that cut down the need for the individual going out and
6 looking at, the individual appraiser going out and
7 looking at a 320-acre lot and a 15,000-acre grazing
8 area. And so I would encourage you going forward to
9 consider doing more and more mass appraisals and more
10 and more automation of it.

11 JOHN WHITE: You know, with regards to who
12 should administer the single entity. I hope in your
13 written comments I hope you do provide some feedback
14 because that was really one of the primary intent of my
15 presentation on where you think, who do you think should
16 administer this single entity, you know. And that's
17 important, that's the kind of feedback we need to help,
18 to help formulate whatever the, where that office
19 ultimately ends up.

20 CRIS STAINBROOK: Well, we will certainly
21 address that. Thank you.

22 ELDRED LESANSEE: In regards to your
23 recommendation for integration or incorporation of the
24 mass appraisal technique, we are doing that. Our goal
25 as OAS is to have the mass appraisal valuation as a

1 permanent operation within OAS. And we're taking
2 strides in bringing the two teams together, the division
3 of regional operations and the land buyback program
4 valuations together where the regional supervising
5 appraisers from the regional operation site sit in on
6 the development. And we recently had some great
7 success.

8 When the land buyback program was established
9 back three years ago we had to jump and really get an
10 accelerated implementation of the program. And as we're
11 doing that, you know, we're, we're developing as we're
12 going really. The program is, is evolving. And part of
13 the evolution is that we are cross training our people
14 and then also looking and trying to create methodology
15 and best practices within the buyback program to
16 establish more efficient operations. I think where we
17 brought the two teams together were the regional
18 operations team provided a local real estate expertise
19 on the knowledge of the market, bringing that together
20 with the modelers and our statisticians who are
21 knowledgeable about how mass appraisal developed and I
22 think they developed a very strong model.

23 LISA JOHNSON: Hi, this is Lisa Johnson
24 again from the Mille Lacs Band. I do have a question
25 with regard to the appraisal for purchase at probate.

1 Since it's an estate, so the individual going after and
2 getting a private appraiser would be the tribe wanting
3 to purchase that interest, how does that work. I mean,
4 the review, would that be required, because that's not
5 really been talked about so I'm just kind of curious
6 what that would like look.

7 ELDRED LESANSEE: In one of the slides it
8 talks about 43 CFR Part 30 and that's one of the
9 exceptions is still would be a review requirement for
10 those valuations.

11 CHERYL ANDREWS-MALTAIS: Would any of the
12 federal family like to add anything, say anything, give
13 a brief introduction on themselves, what you do. And
14 that might spur a little bit more conversation and a
15 little bit more thought process as far as questions.

16 DOUGLAS LORDS: Good morning. I'm Doug
17 Lords with the Office of Special Trustee in Albuquerque,
18 New Mexico. I'm an enrolled member of the Rocky Boy
19 Chippewa Cree for the Rocky Boy Reservation up in Box
20 Elder, Montana. And thanks to all the tribal leaders
21 that are here and the representatives.

22 But I guess I'm more interested in did we not I
23 guess do a good job in promoting that this bill was out
24 there. Obviously we would like to see more comments
25 about how we provide services, that's what this is all

1 about is how do we improve the services. It's not where
2 OST ends up or doesn't end up, it's how we continue to
3 provide that service. And as you can see, we still got
4 a number of consultations out there. So I guess I'm
5 asking, were the tribes aware of this bill, is there
6 something we can do better with what we've got left so
7 that we can get that input. That's what we need, it's
8 the future of Indian country and obviously you guys and
9 gals know better than we do what is needed out there or
10 not needed and how we can or cannot provide that
11 service. So I just, you know, if anyone would like to
12 discuss that, I would be happy to hear your comments,
13 recommendations, please.

14 ROBERT WINTER: I'd like to second what
15 Doug said. I'm Rob Winter, I oversee our accounting
16 functions which includes the collection, disbursement of
17 almost \$1.7 million each year. And I just want to also
18 request that, you know, you bring forth any of your
19 comments regarding OST functions in general, whether
20 they be positive or negative. We'd like to hear all of
21 your comments on the, the structure of OST as it stands,
22 the functions that OST provides and whether you have any
23 comments on whether you'd like to see those functions
24 stay intact or possibly moved elsewhere. So we just
25 welcome any comments, positive or negative, the more the

1 better. So thank you.

2 ELDRED LESANSEE: Again, my name is Eldred
3 LeSansee, Director of Appraisal Services. And I
4 apologize, I failed to introduce myself properly. I am
5 a member of the Zuni Pueblo Tribe of New Mexico. For
6 eight to nine years I've been in government experience
7 or service and most of it has been valuations. And
8 although I appreciate all the questions about valuations
9 and all that but, you know, and I think it's good
10 because it clarifies a lot of things that I think are
11 out there, the misinformation. Maybe we haven't, OAS
12 hasn't really communicated well our valuation story
13 about the successes we've had over the years. And yes,
14 we've come a long way, but in our partnership with our
15 sister office with the Bureau of Indian Affairs, these
16 things don't change because we do it alone, it requires
17 partnership with the OAS and the BIA and we rely on them
18 for information. Like with mapping, the digitalization
19 of tracking and so forth, that's used tremendously with
20 our buyback program. There's a lot of interdependency
21 without cooperation from other agencies moving to be
22 successful. We use the innovation, but it requires
23 partnership and cooperation and collaboration to build
24 this or make these successes.

25 I'm happy to answer any specific questions you

1 might have about valuations. Thank you.

2 DOUGLAS LORDS: And, I'm sorry, just one
3 more comment. I'd like to introduce Roger Heger who is
4 the FTO here in the region, Fiduciary Trust Officer; Dee
5 Graham who is acting regional trust administrator out of
6 Albuquerque; and then Mr. Hawkins, Russell Hawkins out
7 of BIA, I think he's still a superintendent, I hope so,
8 I hope I don't goof that up.

9 CHERYL ANDREWS-MALTAIS: Well, Eric, do you
10 want to introduce yourself.

11 ERIC SHEPARD: Sure. I'm Eric Shepard, I'm
12 the Deputy Solicitor for Indian Affairs. I'm here to
13 answer any questions you might have or discuss with you.
14 Thanks.

15 CHERYL ANDREWS-MALTAIS: I just wanted to
16 make sure everybody knew who the players were, the
17 people in the room. And we look forward to giving you a
18 break and an opportunity to kind of collect some
19 thoughts and come back maybe in about ten minutes.

20 DEB DUMONTIER: Cris, did you want to say
21 something?

22 CRIS STAINBROOK: I'd like to make a
23 comment before the break, before we do that. Let me
24 address Mr. Lords' comment or question about was it
25 publicized enough, was it out there enough. And I

1 think, and I want to do this at kind of a higher level
2 of how Indian country has kind of evolved and how they
3 view OST versus the Bureau of Indian Affairs. And I
4 think it's over the last, you know, 12 to 15 years
5 there's been this kind of split where individual
6 landowners and account owners are relying more on the
7 trust fiduciary officers and OST for information than
8 they do on the Bureau staff and the agencies. And to
9 some degree, and we've been getting more and more calls
10 on this, we see some of the Bureau staff going back to
11 some of the practices that occurred before the lawsuit
12 was ever filed, things like telling them we can't give
13 you the list of landowner and co-owners on your lot.
14 When we get those types of calls we refer them to the
15 trust officers. And they might not give it to you, but
16 you can go and talk to the trust officer and see what
17 you can work out there.

18 So what you see when you have a consultation,
19 the consultation notices usually go out to the tribes
20 and the tribes are served more by BIA than OST
21 certainly. And even, I mean, the numbers that were in
22 the presentation today even show that, you know, you're
23 doing 99 percent of your work with the individual
24 trustees or individual Indian people as opposed to the
25 tribes. And so you get a very different response from a

1 consultation like this where you send out those notices
2 than what you saw probably at Oneida last week or the
3 week before where it was the landowners getting together
4 in a conference. And I don't know that it's not
5 getting, you know, out to Indian country broadly, but
6 it's the audience that gets the notice and can they
7 attend consultations like this. So I just wanted to
8 make that comment. Thank you. Now we can take a break
9 if you want.

10 DEB DUMONTIER: Thank you.

11 (Short break taken at 9:56 a.m.)

12 DEB DUMONTIER: So I think we're going to
13 get started again and open up for comments. And if
14 there's any of the materials or slides that you would
15 like us to further explain, let us know. But we are
16 very interested in your ideas, not only about where
17 appraisal functions should reside, but also about OST
18 functions and where they would be more appropriately
19 administered. Or if you have ideas that would help us
20 to improve the services that we provide to Indian
21 country, we would appreciate that as well.

22 And then again, you do have until September 30th
23 to submit your written comments. And there will be on
24 September 19th will be a telephonic consultation that
25 individuals may participate in as well. Of course it's

1 not going to be a Webinar, so we're not going to be
2 presenting the slides, but we will have the phone lines
3 open for comment then too if you think that based on the
4 materials presented here today that you would like to
5 present later.

6 CHERYL ANDREWS-MALTAIS: Can we encourage
7 any other comments, discussion? As part of our
8 consultation and consultative process, you know, what we
9 do as the federal family is look toward Indian country
10 and Indian country leadership to really figure out ways
11 for you to help us help you taking that, you know,
12 taking that role on as Indian country being able to
13 guide us. We've been so fortunate in this
14 administration to have had such wonderful successes and
15 such a strong team of people and dedicated individuals
16 that are working so hard for Indian country that we
17 appreciate everything that people have brought forward
18 so far and do rely on going into the future to help us
19 really build the strongest and the best self-sufficient
20 Indian country possible.

21 So as Deb said, we have several other
22 opportunities with regard to other consultations that
23 are going to be taking place. You know, we've got the
24 phone-in and written comments always weigh very heavily
25 within the federal family. So, you know, please take

1 the opportunity to help guide us so that we can help you
2 help us help you help us.

3 DEB DUMONTIER: Thank you.

4 CHERYL ANDREWS-MALTAIS: Thank you so much.

5 DAVID POURIER: Good morning. My name is
6 David Pourier with the Oglala Sioux Tribe. I guess we
7 had some concerns about in the past the IIM Bank was ran
8 by the Bureau before OST took over. What will happen to
9 that offer and if OST goes away will those dollars be
10 put over into the BIA's budget so at least funding for
11 Pine Ridge could come back because of the shortage of
12 staff that we have. I know the Great Plains Tribe,
13 that's their concern too, where those dollars are going
14 to go. As long as it goes back to the tribes. Thank
15 you.

16 CHERYL ANDREWS-MALTAIS: Thank you.

17 MICHAEL BLACK: Just to give you a quick
18 response to that. Part of what we're doing here is to
19 help shape that. There's nothing set that says OST, any
20 function is going anywhere. That's kind of part of what
21 this whole consultation is about is to hear from the
22 tribes, find out what you envision going forward here.

23 There is a clause in the bill, correct me if I'm
24 wrong, that does state if there are any cost savings in
25 any kind of a realignment if that was to take place that

1 that would be presented to the Tribal Interior Budget
2 Committee to determine how those funds would get back
3 into the Indian program. I hope that answers your
4 question. By the way, I'm Mike Black with the Bureau of
5 Indian Affairs.

6 CRIS STAINBROOK: Again, I'm Cris
7 Stainbrook with the Indian Land Tenure Foundation. The
8 written comments that we'll provide can be a more
9 general scope, right, when we do this thing so that, I
10 mean, today we kind of focused on appraisal services,
11 but it will be much more broadly as I understand it and
12 cover the entire bill, that's what you're looking for is
13 input on that?

14 DEB DUMONTIER: We're focusing on Title
15 III, but that's partly because of the timelines in Title
16 III. But I believe Interior certainly would be
17 interested in any comments, you know, for the entire
18 bill. It's just today we were focused on Title III.

19 CRIS STAINBROOK: So I think, I think
20 Mike's comment about not being sure what's going forward
21 in terms of distribution, activities and services, and I
22 think most people who even heard about the Trust Reform
23 Act is that, well, it's going to trump that OST. And so
24 we certainly will include some comment to that end of
25 what we think the value of OST is and what we think the,

1 I mean, quite bluntly, we don't think the Special
2 Trustee should go away and at a bare minimum it should
3 be at least the watchdog that was originally set up.
4 And I know that might not sit well with some of the
5 secretaries in the future, it didn't sit well with the
6 ones in the past, I mean, but that was the, I mean, that
7 was the fundamental function initially.

8 The other thing I noticed in the presentation, I
9 guess this is under the Section 303. The one bullet
10 says, "To the maximum extent practical, supervise and
11 coordinate the activities and policies of BIA with
12 activities and policies of," and then it lists some of
13 the other agencies all within DOI. I'm not sure it
14 should just stop at DOI. I think, you know, the entire
15 federal government is the trustee and I think the role
16 of the Special Trustee should extend to outside of the
17 Department of Interiors. And I think that's, they try
18 to deal with that in other parts of the act, but I think
19 there's a role for the Special Trustee outside of the
20 Department of Interior also. Thank you.

21 CHERYL ANDREWS-MALTAIS: Anything else?
22 Well, again, on behalf of Indian Affairs and its Acting
23 Assistant Secretary Lawrence Roberts, I'd like to thank
24 you once again for coming and your thoughtful insight,
25 guidance and comments and suggestions. And we look

1 forward to maybe seeing you all in another face-to-face
2 round or hearing from you. And certainly anything else
3 that you can think of, please put it in writing and send
4 it in. The information is right in the packet. And
5 again, my name is Cheryl Andrews-Maltais, I'm Senior
6 Advisor to the Assistant Secretary, and I appreciate
7 your time this morning. Thank you.

8 DEB DUMONTIER: Thank you.

9 (Proceedings concluded at 10:28 a.m.)

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