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LAND BUY-BACK PROGRAM FOR TRIBAL CONSULTATION MEETING
FEBRUARY 6th, 2013
BEST WESTERN RAMKOTA HOTEL AND CONVENTION CENTER
RAPID CITY, SOUTH DAKOTA

(Transcriptionist’s Note: Designation of “(inaudible)” throughout transcript means that speaker could not be heard due to lack of utilizing microphones.

Designation of “UNIDENTIFIED:” means speaker did not state their name before or while stating comment/question

*Transcriptionist did not receive list of audience attendees until 2/19/13 and never received list of names of government employees. Spellings of names or identifiers may be incorrect due to this.)

1

2 ANTHONY WALTERS: Well good morning everyone. I think we are
3 about ready to get started. If there are any other tribal leaders out in
4 the audience there that want to move up I think there are a couple
5 more chairs at the tables, but if not there will be plenty of opportunity
6 to speak as well, but there are a few seats left.

7 To start off, I think we have asked President Brewer to give the
8 invocation this morning, then I will come back and talk about the
9 agenda for the rest of the day.

10 BRYAN BREWER: I'm sorry I cannot stand. **<Native language**
11 **spoken>** I really want to thank you for having us all here today. All of
12 our tribal leaders, all the people that flew in from D.C. and everywhere
13 else. I pray that they have a safe trip home and I pray that we have a
14 good meeting today. I pray that we do the best thing for our children
15 and our people back home.

16 I would like to welcome you all to the Black Hills, the home for all
17 of us and someday we hope to be here as our home. I would like to
18 wish all of you the best, I hope we have a good meeting today, I pray
19 that we all work together and that we band together and that we can
20 make these problems small and we can work them out. I would like to
21 thank everybody for being here, I pray that you all have a beautiful day
22 and a safe trip home. **<Native language spoken>**

23 ANTHONY WALTERS: Thank you President Brewer. Just briefly, my
24 name is Anthony Walters I am a member of the Cherokee Nation. I
25 work with the Department of Interior, I have worked with the

1 department for two years now as a counselor to the deputy secretary
2 Larry Roberts, who will speak in a few moments. I am also acting as a
3 tribal liaison for the Department's Land Buyback Program for Tribal
4 Nations.

5 Just a little bit about the agenda, we are going to go through a
6 round of introductions. If you have any prepared comments, feel free
7 to make them then but as you can see from the agenda, there will be
8 multiple times for everyone to speak throughout the day. So if you
9 could kind of keep your comments a little bit brief, but if you have
10 prepared comments feel free to make them at this time. We will have a
11 short break after introductions or we may jump straight into this
12 presentation that we have, hopefully you have all seen the initial
13 implementation plans that has been posted for about two months now.

14 We have a short presentation just to give an overview of that and
15 then we will really get into the discussion and back and forth with
16 everyone here. There is going to be a lunch break around 12:30 and
17 then we will come back for more discussions and then after the
18 morning session, the morning session will be relegated just to folks at
19 the table, but in the afternoon we will open it up to folks in the
20 audience other comments from other folks as well later in the
21 afternoon.

22 We are having a transcript of this being recorded, so if you could,
23 every time you speak please start with your name and affiliation just so
24 we can capture that in the transcript and it will be posted online as
25 well. With that, I am going to turn it over to Deputy Assistant Secretary,
26 Larry Roberts, to start us off.

1 LARRY ROBERTS: Good morning everyone, my name is Larry
2 Roberts, I am a member of the United Nations of Wisconsin, joined the
3 Department in September and I am very happy to have all of the tribal
4 leaders here today for this consultation. Thank you for coming. I
5 appreciate the warm weather, this is not Wisconsin weather, it is
6 usually about 20 degrees below zero.

7 Prior to joining this position I was at INGC and I know we came
8 out for a consultation, I think it was last year or the year before that
9 and it was 40 degrees below zero, so I know that this is uncommon,
10 warm weather. With that, I think I would like to open it up to tribal
11 leaders for any opening statements and if we just want to start this
12 way.

13 TEX HALL: Is it just on, Larry?

14 LARRY ROBERTS: Yep.

15 TEX HALL: Okay. Good morning, my name is Tex Hall, tribal
16 chairman of the Mandan Hidatsa Arikara Nation and the four peripheral
17 reservations in North Dakota. It is really an honor to be here and to
18 provide a few brief comments.

19 We have written testimony, but I wanted to just be really brief
20 and just try to get a little understanding of the Buyback. One of my
21 colleagues said that we are using our own money to buy back our own
22 land and I thought that kind of sets the tone for today. So that really
23 means, in my opinion, Mr. Roberts the needs for tribal involvement
24 because it was our money that was negotiated in the settlement and

1 there really should be tribal involvement and tribal participation for a
2 number of reasons.

3 One is approximately \$700 million of the \$1.9 is coming from this
4 region, the Great Plains and I think that probably most of the tribes of
5 the sixteen tribes of the Great Plains, or some of the top forty, which
6 constitutes I believe 90% plus of the \$1.9 billion dollar share. So, on my
7 reservation, of course, we are a million acres, we have grazing, farming
8 and then oil and gas. We are the number one producing oil and gas
9 tribe in the U.S. and we are the (*inaudible*) Formation which is world-
10 renowned now. It's the number one U.S. shale-producing formation in
11 the United States. There really needs to be tribal participation, again,
12 especially if we have development plans and there are a mixture of
13 tribal and allotted interests and energy corridors that we are
14 establishing, pipeline right-of-ways.

15 Of course, a refinery that was recently approved by Secretary
16 Salazar last month, or no, December 2012, clearly leads to quick action.
17 I know that some of the information that I have read on the Buyback
18 says that there will be maybe one or two tribes targeted first and
19 everybody else has to wait in line. I don't agree with that, with that
20 business and (*inaudible*) that's not good business in my opinion. If
21 tribes are ready with their identified tracts and of course you guys have
22 the title plant, so we need to be at the same level playing field to have
23 our own title plant or access to that title plant.

24 When we talk about appraisals and appraised value I am hoping
25 that estimated values are part of the equation. Estimated values is if all
26 parties agree, the willing seller, the tribe and the B.I.A. all agree that

1 there is no need for appraisal. Especially if you are talking about some
2 very small tracts. If it is 0.001, you know, we are going to wait for how
3 long for an appraisal? Because we already know that some appraisals
4 take one year, that is entirely too long. Oil and gas is not going to wait
5 for a year for an appraisal. What happens if OST (*inaudible*), I mean is
6 that where the appraisals come out of, the OAS, the Office of Appraisal
7 Service? What happens there? If that is one of your business principles
8 or practices, that train could come off and get derailed off that track
9 right now, if that's the only track that that train is running on.

10 Finally, the scholarship, I am really appreciative of the scholarship
11 money because I am an old-school principal and superintendent,
12 matter of fact I started at Fort Peck and cut my teeth at Brockton High
13 School in 1983 and '85 Tommy.

14 THOMAS CHRISTIAN: You bet.

15 TEX HALL: We won the district both years. So I really appreciate
16 the 60 or 65 million in scholarship dollars. I heard one region has
17 already went on record that the money should go just into a non-profit
18 nationwide or something like that. I don't agree with that. If 40%,
19 because these dollars, the way I understand it, are accumulated based
20 on the transactions, then based on that so much a transaction goes into
21 this fund. If most of those transactions or at least 40% plus are
22 occurring in the Great Plains, then 40% of those monies should be set
23 aside for the Great Plains, not for somebody else at non-profit where
24 our kids don't get a chance to have scholarships to go to school.

25 THOMAS CHRISTIAN: Absolutely.

1 TEX HALL: I mean if it wasn't for sports I probably would have
2 dropped out but thank goodness for basketball in those days. We come
3 from one of the poorest regions in the United States, Mr. Roberts. It is
4 well-documented. This is a huge opportunity for us. We are rich in land,
5 we are poor in money, but we're rich in land. We feel that we are also
6 rich in our youth, our human resources.

7 This is really important for us, this scholarship fund and that it
8 needs to be wherever the money is generating, then those dollars
9 should stay with our students here at this region. Thank you very much.

10 ROGER YANKTON: Roger Yankton with Spirit Lake. Mr. Hall,
11 Chairman Hall, has clearly stated what the common practice is of the
12 Interior is regarding land development and the proposed settlement
13 from 2010 had the clear instructions from the settlement of what
14 direction we should proceed. I think your development proposal
15 regarding the implementation plan needs a clear involvement from the
16 360 tribes throughout the nation. Chairman Hall has clearly stated with
17 strong points of the consensus and majority of the tribes have to
18 structure locally then part of the scholarship programs is really part of
19 some of this development. I concur with Chairman Hall that these plans
20 have to be addressed.

21 Spirit Lake right now is still in the implementation phase so we
22 have to get divisions and the department together to finalize and put
23 their proposal together, but Chairman Hall really laid it out the best
24 that I can say this morning. We will have further consultations in the
25 area in the Great Plains along with our local levels in each of our areas.
26 Thank you.

1 L. JACE KILLSBACK: *<Native language spoken>* My name is Jace
2 Killsback, I am a tribal councilmember for the Northern Cheyenne Tribe.
3 I am going on my ninth year as chairman of our Land Authority
4 Committee, which oversees all of the tribe's trust land.

5 The Northern Cheyenne tribe is about half a million acres, 98% of
6 it is held in trusts. 80% is tribally owned with 18% being held by IIMs.
7 Our goal, our tribal goal, is to have 100% ownership of our lands,
8 whether that's IIM or tribal. Members who have fractionations on our
9 land, because we are one of the unique tribes with our trust status, it is
10 considered prime land but it is also unleaseable because it is unable to
11 produce income because of its fractionation. We feel that this buyback
12 program is an assertion of our sovereignty to gain these lands to make
13 them part of the tribe's holistic view of our homelands. I think the
14 individual concept of land throughout history that has been given to us
15 by the Federal Government, has created a conflict particularly on our
16 reservation, that is why we have that holistic approach to tribal
17 ownership of the land. However, we are realistic that tribal members
18 do gain some success and some wealth in producing off of their lands,
19 but we know that this program is a voluntary program.

20 We know that the Federal Government is not compelling tribal
21 members or mandating them to sell back to the tribe. We definitely
22 want to thank the Obama Administration, Ken Salazar, Larry Roberts,
23 Mike Black. We feel that this buyback program isn't going to solve all
24 this fractionation problems, but it's a start. We saw the last year with
25 the tribal trust settlements and the individual payments to Cobell bring
26 a lot of money to our communities and we are thankful for that, but at

1 the same time I think Chairman Hall touched on it, you are giving us our
2 money to buy back our land and we wanted to echo that.

3 The issue with the scholarship, we brought it up two years ago at
4 Billings consultation that we did not feel comfortable with a scholarship
5 fund being set up with a national non-profit that those need to be
6 dispersed equitably, in an equitable way with those tribes who have the
7 largest IM account holders, those tribes with the largest trust lands. If
8 you are going to start taking other things into consideration, I think that
9 we should take in population and economic factors for that scholarship
10 program, if it is developed.

11 I think not just the area of the Great Plains, but the Rocky
12 Mountain area in a similar fashion. We are a large land-based tribe with
13 large population and a majority of our tribes are on that list and
14 represent a big portion of the nation's trust lands. I echo what previous
15 tribal leaders said and I want to thank you.

16 GERALD JACKSON: Good morning, my name is Gerald Jackson I am
17 with the Fort Peck Tribal Council from Montana. Just getting my feet
18 wet on this and I know I am going to hear some interesting comments, I
19 heard a lot last night. Like I said, being from a large, land-based tribe, I
20 got mixed feelings on this but everybody I heard talk already has made
21 those points clear. I know we have other newer councilmen that are
22 here behind us, so I'm just going to turn it over to my brother Tommy
23 and he will speak more on it.

24 THOMAS CHRISTIAN: *<Native language spoken>* Everybody woke
25 up early and it's good *<Native language spoken>* Fort Peck Reservation

1 <Native language spoken> from your reservations. <Native language
2 spoken> To my relatives, transcribe that. Who is transcribing?

3 <laughing/clapping>

4 You know, I come here and we come here in a strong contingency
5 from the Fort Peck Reservation, Councilman Jackson, Councilman
6 Bauer, Councilman (*inaudible*), because we understand that as a large
7 land-based tribe this affects us tremendously. We have two million
8 acres of land without our exterior boundaries and we only control, to a
9 certain respect, probably 43% of that. We have to consider some of the
10 problems of the past so we do not continue to make them.

11 Our council is currently involved in what they would call
12 decolonization and that has nothing to do with relocation I might add.
13 Remember, they did that way back in the day, decolonize the Indians
14 and relocate them, send us to the slums of all these cities and we are
15 supposed to turn into white guys. <Laughing> And again, I'm right off
16 the rez guys so please don't be offended, this is a reservation attitude
17 and I know Tex enjoys it, all of us tribal leaders enjoy it, so please don't
18 be offended, this is a little bit of jocularly, eh? We tease on the rez.

19 But with all seriousness I would like for you to understand that we
20 strongly feel that this is an infringement of which you refer to us as
21 from a Federal Government. Referring to us as sovereignties, but yet,
22 you come in and you impose your right when it comes down to mine.
23 You know, you think about this budget formulation process that they go
24 through. All the money that Congress appropriates Indian tribes for
25 services, they take it up here. All these guys, all these guys get a

1 hundred some thousand a year and then they are going to sit there and
2 they are going to go like this to us. Which is, I'm not putting you guys
3 down, but we are just understanding the problem. I'm a rez guy now so
4 I don't mean nothing to be no offense **<Native language spoken>** when
5 I do that, I'm not trying to be offensive, I am discussing this issue here
6 in a real term, as it affects us as the grassroots level.

7 As a tribal council member, we are looking at this process of,
8 again, decolonization. We are trying to understand the importance of
9 internalized oppression and some of these characteristics that we are
10 continuing to perpetuate from this manifestation of, "The only good
11 Indian is a dead Indian," okay can we say that? You know the
12 Department of BIA evolved from the Department of War, so we are
13 trying to go beyond that bureaucracy. If you are going to refer to us as
14 sovereignties, then let us be sovereign. We have an administration that
15 administers and manages \$60 million a year. Any corporate structure
16 would be envious of that. The only one that stole from us, no offense to
17 you guys because you are guilty by mere association, the only one that
18 stole from us at Fort Peck was the B.I.A. Ed, where you at? That's the
19 truth because when we persecuted these individuals, when we
20 prosecuted these individuals they were all employees of the B.I.A. What
21 I'm saying here gentlemen is we don't have a trust in that system that
22 you are trying to, again, impose on us at our level. I would hope that we
23 as first nation's people, people that believe we are indigenous to the
24 land and yes we do have control of our local communities. Yes, we can
25 administer these things.

1 I cannot sit back and subject myself to this colonized process of
2 paternalism and dependency and I'm not upset, I just have passion for
3 going in a direction that would help us realize the importance of
4 developing our economy, not aspiring to sovereignty, but aspiring to
5 independence based on our ability to economically develop. \$285
6 million **<Native language spoken>**, that's how much money they want
7 to take from this bunch of money so they can justify their bureaucracy
8 again. Now, that's not decolonization, I mean that's colonized thought
9 if I ever heard it and I apologize **<Native language spoken>**. Oh, good
10 to see you.

11 In that process gentlemen, this is the (*inaudible*) representing the
12 Department of Interior, these things need to be taken very seriously.
13 That process in which you are affording us an expenditure of money is
14 that actually the Indian monies, and again, we shared with Tex here
15 earlier, I'm glad to see you again Tex, all healthy. Tex here, I called him
16 Steve last night but Steve is about that much taller than Tex. The reason
17 I mention that is we know each other. We know, I see Jace and all these
18 guys here, we know each other. We know the needs of our community,
19 but nobody has ever come and asked us at a local level, "What do you
20 guys need?" Nope, they said, "You guys need this," and then we are
21 going right back to that same old process.

22 Hopefully, I need to kind of close out the statements here,
23 hopefully my older brother Donovan Archambault from Fort Belknap is
24 here, we are very close, we're very tight. So, as we come forward with
25 these meetings, hopefully the Bureau or the Department, not you
26 gentlemen, not you Indian guys that they got up there, and I'm not

1 being sarcastic – won't hide behind regulatory authority and deny us
2 that right to be sovereign, to be leaders in our country. There is a way
3 to do that and I shared that with Larry (*inaudible*) he come and visit us.
4 I told him, "You can solve these problems here local with us, right now.
5 Can you help us out brother man, you're up there, you're the second
6 man in charge right behind Salazar, can you help us?" This was two
7 years ago. He says, "Well what do we do?" He was kind of real ignorant
8 like, like I didn't know what I was talking about. I said, "It's called TLE:
9 Treaty Land Entitlement. Give us back the land that was ours at the
10 time of the treaties and we will be happy. That will solve your problems
11 and then we can control that." Nothing ever happened as a result of
12 that, but he sat there and he went like this and he pretended to write
13 something down. I don't know what he wrote down, but we never
14 heard back from the guy ever since.

15 So I hope, sirs, you shake your head, but I hope sir that in these
16 consultations - because that's what they're going to call it – that you
17 can come to our rez and understand that we are distinctly different,
18 don't homogenize us, don't (*inaudible*) us, but come to the Fort Peck
19 Reservation and you'll see. Ask Ed, he knows what our concerns are and
20 we are very independent and try to aspire to that independence and
21 understand the importance of this quasi-sovereignty and the leadership
22 of our people, the shirt-wearers of the people that are here the **<Native
23 language spoken>** that are here. I really appreciate you because we
24 tolerated a lot of this and when they are speaking about all of this
25 money that is definitely Indian money and then \$285 million trying to
26 go to something that doesn't enhance our economy at the local level, I
27 think that is going to be one of the biggest problems. Hopefully,

1 gentlemen, ladies and gentlemen, that we can come about something
2 as a result of these meetings that is going to benefit the grassroots
3 people at the local level that have to put up with limited healthcare, no
4 housing, all of these things, man. Third world conditions, why is that in
5 the great United States of America under the administration of a good
6 President, one with color, called Obama? So I have great respect for
7 that guy, but at the same time I think the hiding behind regulatory
8 authority based on these federal policies is not benefiting us, so if you
9 can come down to our level, help us out, hook us up man we will be
10 happy to participate in taking our share of that \$285 million and let us
11 do that. Okay *<Native language spoken>*.

12 <Clapping>

13 DONOVAN ARCHAMBAULT: Thank you Tom. You know I attended
14 a meeting at the consultation in Minneapolis and the guys up here I
15 think remember me. What I kind of got out of it, you know, was the
16 B.I.A. thinks this is a per capita payment, they are standing there
17 waiting for their per capita, \$285 million. I don't know what other tribes
18 who attended the meeting got out of it, but to me it was kind of
19 frightening and the bureau has a mandate to spend a quarter of a
20 billion dollars in the next ten years or the unspent money goes back to
21 the Treasury.

22 The clock is already ticking. Money is already being spent, but
23 they have no clear plan to mobilize this process. John McClanahan, at
24 the last meeting, said that, "We need the tribes need to tell us how to
25 do this plan," and I say, "Why should we tell them how to do this when
26 we already know what we want to do on our own reservations?" His

1 team is asking us tribes to help them perpetuate their existence with
2 resources that can be used to finally, realistically, open the door to self-
3 determination. To finally get out from under the thumb of the bureau
4 and to finally design something that will really work in the Indian
5 country.

6 You know, we have two visible natural resources, our people and
7 our land. Everyone of us have really went all out for the peoples' side.
8 We have colleges on our own reservations, we are graduating lawyers,
9 accountants and any kind of professional person you want, but our land
10 is still sitting there. These tribes should be given their share of that
11 administration cost of \$285 million like Tom said, based on the
12 percentage of fractionated land that they have on their respective
13 reservations. Give them ten years to complete their own plan. Fort
14 Belknap's share would be about \$16 million, based on your figures. We
15 will give you a plan in two years, we will give you a plan in one year, in
16 fact. And our plan will take out all of the bureaucracy with the Bureau
17 and utilize current legislation which allows us to set parameters for the
18 most productive use of our lands.

19 One of those acts is the HEARTH Act, no mention is ever made of
20 that, but yet that gives us some legal clout to design our own use for
21 our land. The B.I.A. was established two-hundred years ago to help the
22 tribes become self-sufficient. Today, nothing has changed. We are still
23 getting rations in the form of commodities, we still cannot do anything
24 without B.I.A. approval although we have contracts and self-governing
25 in some of those other programs. There are volumes of legislation to
26 assist and guide the bureau to help make the tribes self-reliant, yet,

1 two-hundred years later we are still being led down blind alleys with
2 little or no success towards self-determination. They are still
3 ambivalent as to their purpose, two-hundred years later we have
4 Cobell, Keeps Eagle, U-P, judicial victories which prove the B.I.A.
5 specifically and the U.S. Government in general to be wrong. All of
6 these cases are directly connected to our land, all start failures of
7 policy. Two-hundred years later we are at the doorstep to make
8 something good happen with Cobell and the B.I.A. is still trying to lead,
9 but their plan or purpose is still as clear as mud.

10 In summary, we have the opportunity to do something historic.
11 That can only happen if the tribes are full participants in this process.
12 The B.I.A. is looking for support to spend \$285 million in ten years and,
13 again, we don't need to do that. It appears that the B.I.A. is going to use
14 the Cobell money to strengthen its existence, but it should really be
15 trying to work itself out of existence, the initial mission of the Bureau
16 and you would have our total support on that. This plan should pave
17 the way for tribes to chart their own destiny and to finally rid
18 themselves of the albatross that has hindered our growth for the past
19 two-hundred years. This plan should conclude with the B.I.A. riding off
20 into the sunset and be banished from the reservations forever.

21 I thank you for your time and again, my name is Donovan
22 Archambault, I am the tribal chairman of the land committee and we
23 certainly could use this money and design our own title plan, we would
24 have our leases out in a week. We have leases right now that are four
25 years old that haven't been completed, we are losing income on it, we
26 have idle tracts of land that were supposed to be leased out by the

1 Bureau, that haven't been leased that we know. I have requested, our
2 superintendant, I wrote him three letters. I have not received one
3 response from him yet and I see him every day and I remind him, but I
4 still don't have that. I want to know how much money we are actually
5 losing and if we are going to give the B.I.A. the go-ahead again on \$285
6 million which we gained access to through a legal transaction, we're
7 crazy. Why the hell should we give them that \$285 million? That can be
8 used right here. You know, the Bureau has appropriated a lot of money
9 to help us, what do they call it, with technical assistance to provide
10 technical assistance for us to provide self-sufficient, but we are long
11 ways from it, cowboy.

12 I tell you what, we need to get together. We can take this \$285
13 million and we will do something that you haven't been able to do.
14 Thank you.

15 <clapping>

16 LEO O'CONNOR: My name is Leo Connor I'm the Treasurer for the
17 Yankton Sioux Tribe. I know I wasn't too well-prepared coming in here, I
18 see these two gentlemen sitting next to me here was pretty well-versed
19 before they even came in here, I need to write everything down.

20 You know, we have a small reservation about 40,000 acres and I
21 see that there is a lot of persons or members of the tribe of different
22 tribe that has fractionated interest on the reservation. If they are
23 willing to sell then we could buy those back and at least increase our
24 land base. For the last six years, we have been purchasing fractionated
25 interest from our proceed labor monies from 2006 through 2012. We

1 didn't purchase too many acres from them, in 2006 we only purchased
2 261 acres, 339 in 2007, 235 in 2008, 153 acres in 2009, 197 acres in
3 2010, 160 acres 2011 and 196 acres in 2012, so that's not very much.
4 With this buyback I'm pretty sure that the Yankton will benefit from it.

5 Now on this \$285 million and these gentlemen are talking about,
6 and I just glanced at it, but I think it says something about
7 administrative costs capped at 15%. Now I don't know if that is that
8 monies will be stopped at the regional level or will it come to the
9 agency because we could use, we could plan our own buyback program
10 at our agencies and use the administrative costs. I think if each agency
11 would administer their own buyback plan I think it would be more
12 feasible at the grassroots level. I think our people would have a better
13 understanding of going out and contacting these willing persons that
14 are willing to sell back their small fractional interest to the tribe. I know
15 it is going to be, I have been in realty before I have been in realty also a
16 number of years. I know every tribe has, want to buy a small interest
17 back, which a lot of them didn't want to sell. I don't know if this same
18 thing is going to happen at this buyback program or not, I'm pretty sure
19 some would be not willing to sell back to the tribes.

20 I am kind of glad this program came along because I know at the
21 Yankton agency, we are a small agency, and I know it will help us out.
22 Thank you. Bye.

23 THURMAN COURNOYER: I'm Thurman Cournoyer, Chairman of
24 the Yankton Sioux Tribe. As the Sioux tribes go, we've not very big we
25 are only about 9,000 members. Back in 1994 we briefly got our original
26 boundaries back to our reservation and when that happened, we

1 already had the state and the counties and all the cities in the area, we
2 got them all mad at us so they threw all their resources against us and
3 took us back to Federal Court. Now we are back to just a checkerboard
4 reservation again, it is very discouraging.

5 As a tribe, we don't have the resources to really fight back all of
6 the time, so when it comes down to this, what I would like to see and it
7 probably won't happen, but this money we are getting for buying back
8 this fractionalization piece of land, I would like to see it go to buying
9 back land altogether to get our reservation whole again. I know it is
10 only, it will probably never happen, but that's what I would like to see
11 since the fractionalized land is already part of our land base.

12 I think it is a good program, but I would like to see it expanded to
13 where we can buy other fractionalized interests. Thank you.

14 JIM BAKER: Well welcome everybody, I am glad to be here. I am
15 Jim Baker, Turtle Mountain Band of Chippewa Indians tribal
16 representative, I know some of you here, Tex is probably the best one. I
17 appreciate what you said Tex and this gentleman here and everybody
18 before me. My chairman couldn't make it down, he just had knee
19 surgery so he is going through therapy otherwise he would have been
20 here, so we are here.

21 I have a couple of things to mention, a lot of good things were
22 said before me, I won't repeat that. I go along with a lot of it, but our
23 reservation is up just about to the Canadian line, the Canadian border
24 in North Dakota. It is 6x12, we have 30,000 plus members in our tribe,
25 which is probably just about half of them in that general (*inaudible*)

1 County area. We added one more to the tribe yesterday because
2 before I left yesterday my daughter had a baby, so I got to see him
3 before I left, so another member.

4 Anyway, we are probably I'm thinking, the only, one of the few if
5 not the only tribe in the United States that has land all over the place. I
6 know these gentlemen know that, and Tex I mean, because we have
7 land by their area, by Fort Peck, by Fort Belknap, by (*inaudible*), I even
8 seen some allotments here in South Dakota on the map, western North
9 Dakota. That is why Trenton exists because a lot of our members
10 moved out there because their lands, they allotted lands on the public
11 domain out there. A lot of those lands, besides the ones on the
12 reservation, they're really fractionated.

13 My mother passed away a couple of years ago, went to the
14 probate I think I'm number three-hundred-some on her piece that she
15 had, it's really a lot of people, members of our tribe that are on those
16 lands. It is useless almost and when you get a lease you get what?
17 Pennies. I mean for a little grazing, but you know, when the
18 government gave us that land on the public domain because they took
19 all our land where it is at now and shrunk our reservation from 30x30,
20 well all of our reservation was bigger than that at one time but, now
21 from 30x30 down to 6x12. Now we do have some tribal lands around
22 surrounding the three countships, but when they did that to us a
23 hundred or so years ago they didn't realize there might be oil under
24 that land. A lot of our members are lucky enough to get some leases
25 now and are fortunate, and I mean that's good, because it is helping

1 them out because a lot of our people are as poor as everybody else, as
2 poor people on the reservation.

3 I believe, I am not exactly sure, but I know we have 500 plus
4 allotments out in western North Dakota and eastern Montana and like I
5 said, some down by the Crow Agency and a few scattered around other
6 places. At one time there was, I believe, 2600 because most of our
7 people had allotments out there that they were given out there. If we
8 had that part of our reservation all put together, it would be a lot
9 bigger than it is now. Most of our land, trust lands and individual trusts
10 are off the reservation. Must have had a bomb there and it blew up and
11 that's where the scattered pieces landed out there or something you
12 know.

13 I will give you an example, my grandmother – this is why we are
14 here together and why the Cobell started is what I'm going to tell you –
15 I didn't know, like I said, my mother passed away so her mom had land
16 and we received it. When we had the probate a few years ago they said
17 she sold her mineral rights in Montana, but kept her land in the early
18 fifties. Well my grandma was not a dummy, but she was an elderly lady
19 and everything, but who is supposed to look out for the Indian peoples'
20 way that they do things or advise them? Who? B.I.A., that's why we are
21 here today because of all of you know what went on the past, and I'm
22 still going to check that out because that is wrong if what they told us at
23 the probate, why would she sell that I mean most people sell their land
24 and keep their mineral rights, the other way around.

25 I was going to ask another question real quick, I don't want to
26 take up a whole lot of time as there are a lot of us here, just if and I'm

1 not exactly sure how much money is to buy the fractionated land like
2 you said and buying our own land back and things like that. What if
3 there is money left over for whatever reason, can we purchase if there
4 are non-Indians that want to sell their land if they are around the
5 reservation if we could use that money to buy their land, our land back,
6 especially fee land. I mean, I am just adding that into it, I know there is
7 buying our own land back from our people, but we bought land off our
8 reservation just these last few years and in the past two, but we pay for
9 it out of tribal funds and make a loan or whatever, but it's not Indian
10 land. We bought some of our own peoples' land back too.

11 I don't want to say everything because Patrick is going to say a
12 few things too, but thank you very much for my time and I appreciate
13 everyone speaking before me and after me. Thank you.

14 PATRICK MARCELLAIS: Good morning afternoon. Patrick
15 Marcellais, Turtle Mountain Band of Chippewa Indians. It is an honor to
16 be here and represent my people and my tribe in front of everybody
17 here today.

18 To elaborate on some of the stuff we discussed earlier, I am in
19 total agreement with everybody else here. Jim touched base on some
20 of our biggest concerns. I think throughout today you are going to
21 realize that all of these tribes are unique in their own way, we all got
22 our own certain needs and perspectives and to meet in a neutral area, I
23 believe the B.I.A. just has to come up and take an assessment on each
24 reservation and look at what we have to deal with on a daily basis. One
25 thing that is unique about us compared to these other tribes, these are
26 large-base, land-base Indian reservations, we are like one of the

1 smallest like Jim touched on that, we are only 6x12. We lost, we shrunk
2 over the years and we keep on shrinking because of overcrowdedness
3 on our reservation. One of our biggest concerns is the public allotments
4 out there with this buyback program. We would like to have access to
5 those public allotments.

6 We actually got our Turtle-Mountain tribe passed a referendum
7 on jurisdiction for these allotments. It's in our constitution, the territory
8 band shall extend to all lands within the Turtle-Mountain Indian
9 Reservation, all lands outside the exterior boundaries of the reservation
10 including public domain allotments wherever located, held by the
11 United States for the benefit of the band of the people, including all
12 lands, heirs, sky above, surface and sub-surface water, minerals, natural
13 resources and any other interests therefore, notwithstanding the
14 insurances of any (*inaudible*) of way of the United States Government
15 or any entity in full extent lawful consent of federal law. This is in our
16 constitution. We have been abiding by all the protocol of the B.I.A. We
17 went through all of the hoops and everything they processed, we got it
18 all approved through the Secretary of Interior to treat these public
19 allotments like they are on the reservation.

20 I think our biggest argument you are going to hear from us today,
21 we want to be able to access our land outside the reservation because
22 from what I'm understanding, in this buyback program, we got to only
23 buy the allotment land within the boundaries of our reservation, which
24 I don't think is right. A lot of our, like I can't stress enough how
25 overcrowded we are. Like Jim touched on, over 30,000 enrolled
26 members in a 6x12. We need this large allotment, we have such a small

1 land base that to provide home sites, small businesses, economic
2 development for our people. We don't have some of the natural
3 resources the other tribes have. We don't got the large land base. We
4 are overcrowded, plain and simple. Whatever issues or hopefully we
5 will come to an agreement with the B.I.A. or whoever else we have to
6 talk to, whoever's door we got to knock on to allow us to have access to
7 these public domains. Thank you, very much.

8 UNIDENTIFIED: Thank you.

9 RON BROWNOTTUR: Good morning **<Native language spoken>** to
10 everyone here. My name is Ron Brownottur. I'm a councilman at large
11 from the *(inaudible)* community on the Standing Rock Sioux Indian
12 Reservation. I got three little comments I want to make.

13 One is back in the early 2000's, the Standing Rock Sioux Tribe
14 received monies from the Federal Government under JTAC. We took
15 several million dollars of that money and bought our enrolled members
16 undivided interests. Thousands of acres. We have already proved that
17 we can do it, so if there is going to be a project out there we want to be
18 one of the ones that will be picked to do it, because we are ready.

19 Second comment, let's say on this buy back from our enrolled
20 members, that's voluntary. There's a lot of people on my reservation
21 that are, how do you say it, they are traditional, strong, I live on my
22 original grandmother's allotment, I ranch. They don't want to sell, a lot
23 of them won't sell. So if we are budgeted for \$110 million at Standing
24 Rock and let's say \$50 million is spent over the next ten years in the buy
25 back, and there's \$60 million sitting there, we should have the freedom

1 to buy within our boundaries fee land. Fee land that was lost through
2 taxation of the state government, the 24-15 claims. We should be able
3 to go back in there and buy that land back. I don't know how hard that
4 would be to do but to me it is so simple.

5 The third thing is scholarships. Our tribe provides \$3500 per
6 semester for enrolled members and we have been doing this for
7 decades. Every student that applies, gets funded. We have proven that
8 we can take care of our kids, because education is number one in my
9 book. With it, it is out of poverty, that's your key and we need to have
10 our funds funneled down to us bypassing all the bureaucratic levels of
11 taking their shares of that \$285 million and let us run it ourselves. We
12 know how to do it.

13 Stop trying to hold our hand and walk us down the road and say,
14 "Poor little Indian, you're uneducated, you're lazy, you're drunk." We
15 are passed those days, you know? We can compete with anybody, any
16 non-Indian person. Those are my comments, thank you. <Clapping>

17 JESSE TAKEN ALIVE: <**Native language spoken**> My friends and
18 relatives, my name is Jesse Taken Alive, I am from the <**Native**
19 **language spoken**> of Standing Rock, from Sitting Bull's people. As I said
20 in our language, we are here to talk about our policies, our laws as
21 <**Native language spoken**>.

22 We know that our <**Native language spoken**>, our non-Indian
23 policies are there and they are very confusing. They are very
24 disrespectful, that testament is easy seen with all the suffering and pain
25 that goes on back at our homelands. Incidentally, this is our homeland

1 as well. So I welcome you from the **<Native language spoken>**, the
2 Long Knives, to our homelands, especially here in the Black Hills. We
3 can only speak the truth and we speak our language, so I will try to
4 articulate some of that furthermore with the English language.

5 Our elderly people say there was a quote that they heard and it
6 will make us chuckle but there is a lot of sincerity behind it. A few years
7 ago when General George Armstrong, Custer, left Fort Robinson he told
8 his colleagues that he will be right back. He never came back. We know
9 that spirit exists with the **<Native language spoken>**, with the Long
10 Knives, we know that. The testament is all of the suffering at home.
11 Sadly, sadly, some of our relatives, because they respect it has turned
12 into a treatment of negative behavior by the United States of America
13 to the indigenous people who are owners of these lands. Nobody else
14 owns them.

15 So I appreciate you coming out here trying to resolve this, but on
16 behalf of the **<Native language spoken>** of Standing Rock, I am going to
17 say please let your superior commander or whatever you call him,
18 President Obama, come out and visit us in Indian country. We know he
19 has that in his heart. We know that we're not very high up on that
20 corporate ladder, because the United States is a corporate government.
21 It deals with money and numbers, but we tell our children at home that
22 we deal with the truth. That is all we want to deal with.

23 Please get that message to him that the budget short falls, as I
24 indicated last week in Aberdeen, they are not our fault. Indian country
25 didn't create these budget shortfalls. Next month some of the tribal
26 leadership are going to go to the United States of Congress and they

1 are going to hear that, “Oh, golly, awesome testament. I didn’t know
2 that, but maybe next year we will have some money for you to deal
3 with all these shortfalls.” Needs, not wants. Needs, not wants. As far as
4 the human rights violations go, that is all this is about.

5 Our policies from Indian country will never fit the policies of the
6 United States of America. As much as we all try, as much as we want
7 to work together, so it is imperative that we sit down and start talking
8 about our treaty relationship with the United States. That’s imperative.
9 As much as you try, from the Department of Interior, we are
10 competing, we are competing with the trust responsibility with plants,
11 rocks, animals and anything else out there that is called wildlife. That is
12 challenging for you. This is the message that we want you to share with
13 President Obama, it’s time for us to look at American Indians as
14 humans and that we are. That you understand that we are the
15 landowners and that we are pretty smart and brilliant. We have learned
16 your ways, we will maintain ours. We have told our children that, we
17 are relearning our languages. So with that language comes this type of
18 thinking to tell the truth. If we don’t do that, we are going to agree that
19 the suffering is going to continue and that is what we do not want. The
20 acceptance of these resources, for the record, is going to be deemed as
21 a small partial payment, small partial payment of the land leases that
22 we call treaties that the United States is making an overture with. A
23 small partial payment, the bill has not even been addressed yet and I
24 am talking about money bill.

25 Don’t think that we are going to agree and that we are going to
26 succumb because the United States is being so nice to us with their

1 money, that is not the issue at all. We are accepting these on behalf of
2 Standing Rock as a small treaty partial payment of the lands. We need
3 to use these lands, these monies, to fix up the deterioration and abuse
4 that has gone on and to address the upcoming and current challenges
5 that are going on. I am saying all of these in the most respectful way
6 that I can, because the highest court of the United States of America,
7 back in 1980 said the treaties will be interpreted as said Indians. That is
8 there for us and we are interpreting them. We do not want this whole
9 process to be a continuous and continuous of, "We didn't know. We're
10 sorry, but come back next year." The payments that we are talking
11 about today are small partial payment of the lease income that is owed
12 to Indian country. These, indeed, are human rights violations.

13 Last week I asked our area director if he would agree with that
14 statement, unfortunately, he couldn't. We understand that, we
15 disagree, but we understand that. That is what I talked about, your
16 policies are not reflective of all of our issues and needs. I am talking not
17 only about our racial issue here, I am also talking about a legal issue
18 here. The United States of America through Supreme Court said that
19 these treaties will be interpreted by us. That hasn't been changed, the
20 treaties haven't been undone.

21 We will maintain the fact that the treatment of our people are
22 human rights violations. Whether or not the armed through the DOI
23 disagrees or not (*inaudible*), they are that until we say they aren't
24 because we are the unfortunate victims of these human rights
25 violations. They go on and on and on, an excuse – a disrespectful
26 excuse – of the United States of America to say, "Oh, we have no

1 money.” We need to let President Obama know, that’s not our fault,
2 the lack of your money to pay for this is not our fault. Finally, we are
3 going to continue to defend our lands with prayer. We are going to
4 continue that. That was done for us for generations and it is our
5 inherent responsibility and desire to do that for our children,
6 grandchildren and those yet born.

7 This is the spirit, this is the message that the President of the
8 United States needs to hear. How you can get that through your
9 bureaucracy, I don’t know. This is why I’m asking to make certain that
10 the President of the United States hears these and comes out and visits
11 with us. We’re not renegades, we’re not hostiles, matter of fact, we’re
12 the opposite. When we say Lakota in our language, we are saying
13 “Peaceful people.” We are peaceful people, but as one of our leaders
14 back home, Sitting Bull said, “I fought only to defend the women and
15 children.” That has been instilled in us and we will continue to instill
16 that in generations to come. We’ve never been the aggressors, as he
17 said, he fought only to defend the women and children. Today it is with
18 words, today we try to educate people and if the truth hurts, I cannot
19 apologize because the truth is also hurting us; that truth of disrespect
20 and human rights violations. We need to help our people at home and I
21 appreciate the overture that you are doing today, and it is an overture,
22 because you are stuck with your policies, you can’t even agree with
23 your policies that these are human rights violations. Simply overtures,
24 but we will work with those for now, but get the message to the
25 President of the United States that the people of the Great Plains, the
26 original landowners, would like to have him come out here and meet
27 with us and then we can begin to talk about our truths, our successes

1 and all of these human rights violations. Having to talk about water
2 rights issues, **<Native language spoken>**, we say water is like a relative.
3 The United States looks at it as gold and money again, that's their
4 policy. We see it, we understand it and we vehemently disagree with it.
5 **<Native language spoken>**. <Clapping>

6 KEVIN KECKLER: Thank you. Good morning my name is Kevin
7 Keckler I am the chairman of the Cheyenne River Sioux Tribe. Welcome.
8 I appreciate the comments from the leaders a lot of my thoughts are
9 also their thoughts, I'm just going to take a few minutes and talk about
10 it. I am here to listen and then I will provide more comments based on
11 the presentation today.

12 I have reviewed the documents and the buyback program and all
13 of that and I appreciate the organization of it in terms of the outreach,
14 the research, the evaluation and the acquisition, but to me this is too
15 slow of a process. We have been down this road, as the gentleman
16 from Standing Rock said, we buy land quite often within our tribal
17 governments and in terms of outreach and the task associated with
18 that, we have 21 Indian communities within our reservation. To me,
19 outreach is going to every one of them. They are the people that are
20 the landowners and so outreach isn't going to go the headquarters of
21 my reservation and having a public meeting and then moving on.

22 Outreach, to me, is going to every one of them communities.
23 There are certain times of the month when we get better participation
24 at meetings. No one knows better about the process than us, because
25 we do it. We would like to see a process done that heavily involves the
26 tribes. We have had trust funds and a lot of things over the years here,

1 the Salazar settlements, and all of them that are going on, and them are
2 required a lot of outreach or meetings with our community members to
3 help them better understand what this is, the pluses and the minuses.
4 Who knows that better than us? Instead of people in suits coming and
5 going out into these communities and explaining the process to them.
6 We need to be heavily involved in that.

7 In terms of the third phase, the evaluation and appraisals, I
8 question that because of how we struggle today with appraisals on land
9 purchases that are of a small scale. I don't agree with the mass
10 appraisal process, I think we need to have a process that maximizes
11 values of this land to our tribal members. It needs to be done with large
12 tract evaluations or something that is going to give them the most
13 money. We deal with poverty, we deal with that every day as a tribal
14 leader and people need money for utilities, food, it happens all the
15 time. The best way to do that, is to be able to respond to their needs
16 when they want to sell land and make it happen quickly. We don't have
17 the time to get in line and wait for the pilot projects to finish, okay we
18 will get to Cheyenne River in 2015 – that can't happen.

19 We recently did a land purchase through some funds that we had.
20 We purchased 2,000 acres from our tribal members, this happened in a
21 matter of days, let alone months or weeks that this other stuff will take.
22 People need to absorb this information and it takes time, they don't
23 just come to a meeting and sign a piece of paper and say, "I want to sell
24 my land." They go home, they visit with their family as was said earlier,
25 this land has been in these families for generations. A lot of it isn't
26 going to be sold, but maybe parts of it are going to be sold. We need to

1 be able to adjust these programs to work with the reservations, each
2 one is different, as somebody down the line stated. We need to work
3 with that. In terms of the administrative portion, nobody knows better
4 of how to do this process than we do with our agency, the bureau and
5 us. We have, the sale that we recently did, we completed in November.
6 The purpose of the sale and the timeliness that we did it was to give
7 them money for the holidays and for the winter, so we purchased these
8 tracts, executed the deeds and did all of these things in a matter of
9 days. That is how this process needs to work, it needs to not work
10 where you are coming in, you are doing these mass appraisals and get
11 in line, we do one sale. It needs to allow these members to go in as they
12 choose and have the sales be done according to their timelines, not
13 ours. Scholarship program, I look at that and I feel the same way
14 Standing Rock does.

15 We have a higher education program that knows how to
16 administer our scholarships, our grants, we have a lot of programs
17 available to our young adults that are going off to college. I would like
18 to see them divided proportionally according to your percentages of
19 how much land you have here and give them funds to the tribes.
20 Maybe they provide you with a plan of how their scholarship works
21 according to this, but allow us to do it. We know how to divide them
22 programs up, spend that money for our children and allow them to go
23 to college.

24 I can't stress enough the importance of involving the agency and
25 the tribe. Our agency works very well with us, the realty office, we do a
26 lot of land transactions almost on a daily basis. Trade, sale, a lot of

1 activities and we know what we are doing there, so that needs to be
2 given to tribes to give them that opportunity. I don't think it's going to
3 take a lot of administrative dollars for us to do this, but allow us to do it
4 instead of coming in and telling us how to do it. Thank you.

5 JOHN YELLOW BIRD STEELE: My name is Johnny Yellow Bird Steele
6 of the Oglala Sioux, Pine Ridge, former President working with
7 President BREWER(?) now, he will be speaking for the Oglalas.

8 BRYAN BREWER: Bryan Brewer <*Native language spoken*> My
9 name is Bryan Brewer, President of the Oglala Sioux Tribe. We are going
10 to save a lot of our comments until the end until after we see the
11 information plan. We are anxious to see it.

12 One of our concerns is that on Pine Ridge, was have 47,000
13 members and we have 15,000 members that are pending. A number of
14 these people live off of the reservation who still own fractionated land
15 on our reservation. I can't say enough of how quick we have to get this
16 started, this has to be started as soon as possible. I have to agree with
17 the other tribes on pilot programs. I really believe that all the tribes
18 should be involved in this. I really believe that if the tribes, this is a
19 critical time and point, where we all need to work together. We have to
20 pool our resources, we have to get our technical people together and I
21 really believe that possibly through (*inaudible*), I believe we can come
22 up with a plan and maybe work with the tribes from Montana, but I
23 believe that this is something we have to do because it is critical.

24 I want to say that the Oglalas, we are ready, we have been doing
25 this, we have been buying back fractionated land, but we are ready to

1 go with this just like we have had some good words here on our
2 scholarships. We really believe that the money that the Great Plains
3 generated should come back to the Great Plains and I believe that is a
4 must. I believe it is very important that our tribes really work together
5 on this and allow us to do it ourselves. We are ready, we can do it. The
6 B.I.A., the local B.I.A., they are ready to work with us and we can do it.

7 **<Native language spoken>**

8 TERRI SMITH: Terri Smith representing the Northern Arapahoe
9 Tribe. I am an attorney as well as a tribal member. I appreciate what
10 everyone has says I think they are all valid points. I can't agree more
11 with what was said about each tribe being unique and different, that
12 can't be more true than for the Northern Arapahoe Tribe (*inaudible*)
13 reservation.

14 The reservation is home to two federally-recognized Indian tribes,
15 the Northern Arapahoe and Eastern Shoshone. It is a unique situation
16 because it is jointly owned with each tribe holding 50% interest in the
17 land and resources. However, there are many parcels of land that are
18 owned in fee for the Arapahoe Tribe, as well as in trust for the
19 Arapahoe Tribe alone, 25 U.S.C. 5-7-4-A, allows the government to take
20 land into trust for the Arapahoe Tribe alone. One of our main concerns
21 is that this program echoes that same policy and allows our tribe to
22 take (*inaudible*) for the trust alone. We have some more comments
23 that we will save until after the presentation.

24 KATHY DEERE: Hello, I am thankful and privileged and honored to
25 be here. My name is Kathy Deere I am from the Absentee Shawnee
26 Tribe of Oklahoma. I am the elected treasurer.

1 We are one of the smallest, we are a small tribe, you know in
2 Oklahoma. We have over 39 different tribes there and a lot of these
3 tribes here in this part of the country, you know, they have lots of land
4 and they have lots of members. In Oklahoma, where we have so many
5 tribes there, I feel like that since we have so many tribes there that we
6 may be on the losing side because there are so many of us and just like
7 my tribe, we only have like 3800 members. Most of our lands are
8 allotted lands, we do have some businesses on fee, fee land that we are
9 trying to develop and then just like me, I have thirteen tracts of land
10 that I'm on. I would like to sell it back to the tribe too, but like I said,
11 most all of our lands are allotted and so we could have anywhere from
12 50 to 200 on our lands, you know, so as my parents die and my
13 relatives go down, you know, it keeps getting divided and divided so I'm
14 really glad for this fractionated thing, land plan because it is very
15 important that our tribes get our land back.

16 The Shawnees are one of the ones that like to travel all over the
17 United States, so we could really, we could I guess you could say claim a
18 lot of the Midwest part because, you know, we were in the woodlands
19 but we didn't stay, we moved all the time. We are divided as it is now,
20 there are three tribes of Shawnees, we have the Eastern Shawnee, the
21 Absentee Shawnees and then we have the Loyal Shawnees – they've
22 changed their name, I think they're just called the Shawnee Tribe – but
23 you know, it just kind of worries me because like I said, being in
24 Oklahoma, there are so many tribes there and all of our lands are
25 allotted to us. It just concerns me that we may not get a lot of the
26 backside of what everybody else gets and I'm just kind of worried about
27 that part.

1 As far as, I agree with everybody else about using money to buy
2 our own land back, it's crazy, but that's the way it is. Non-profit, you
3 know, we're Natives we were here first and it just seems like why do
4 we have to be, give our money back to non-profits. All of these things
5 just concern me. I have more comments, but I just wanted to put that
6 out right now, so that's all I have to say. Thank you.

7 ROBERT SHEPERD: Good morning. Welcome to our region and
8 thank all the leaders that spoke already, mine will be pretty brief. First,
9 Michael Jandrew was not able to make it from the Lower Brule tribe
10 and he has some written comments he would like to submit for the
11 record.

12 As you have heard, we are unique in different ways and we are
13 similar to Yankton in the aspect that we are a checkerboard tribe also.
14 We all know that fractionated land does not help anybody, it's just
15 when you have a cup of dirt and that's your land, how do you develop
16 that. You can't really do any development or anything, so consolidating
17 is how we need to go. I appreciate the program because it is going to
18 help assist it. It's an effort that it would take us years to come up with
19 \$20 million of our own to consolidate land for ourselves, so I appreciate
20 the program. We are being very proactive, our team has been meeting
21 a few times.

22 I know this is a new program for both the tribes and for the B.I.A.,
23 so when we first started meeting we had all kinds of questions and we
24 didn't know how anything was going to go. I had told our staff that,
25 "Don't worry about the questions." Obviously, there is no set, nothing
26 is set in stone so let's create our process and let's create the

1 procedures to how we see this best to work and create our own plan,
2 give it to the B.I.A. and see what they say about it. They may accept it
3 as is, then that is our input and we can own that process because we
4 created it, not you. We know best about how to manage our lands,
5 better than you, because we do it every day. I am appreciative of the
6 program.

7 The last thing I have is scholarship, I agree as Pine Ridge said, any
8 money generated for scholarships from our region needs to stay with
9 our children. There's no reason to send it off to another region, you
10 know, that just doesn't make sense and as Chairman Keckler said, we all
11 have higher education programs, we all have schools, we all have
12 programs of our own. We can take care of that money, we have a plan
13 in place to distribute that money so we don't need a non-profit coming
14 in and telling us what we already do. I just wanted to put that on the
15 record also. Thank you.

16 RUSSELL EAGLE BEAR: *<Native language spoken>* I come from
17 the *<Native language spoken>* Nation the Rosebud Sioux Tribe, my
18 name is Russell Eagle Bear, chairman of the Land of Natural Resource, I
19 sit on the Tribal Council and our chairman, he is on his way so I have
20 been asked to say a few words here.

21 First of all, we at Rosebud, we do have a program already set up.
22 Since 1943 we have a chartered entity we call out Tribal Land
23 Enterprises and we have been doing this and we have been in business
24 since 1943, buying land back. Over the years we extended over \$50
25 million buying land back, not only from our people but from those
26 *<Native language spoken>*, you know there were some cracks in the

1 Constitution, they kind of, the window of opportunity for them to
2 purchase land from us from our tribal members, you know they would
3 trade a cow for 160 acres, or they trade an old Rambler for 160 acres.
4 Those things happened. Now we are in the process of purchasing that
5 land back and we have been doing that. We have been in that business.
6 There is no sense in reinventing the wheel. It sounds like you are
7 bringing us to the table and you have this big plan, or that you want to
8 develop a big plan, we already have a plan. I want to let you know that.
9 We have been in existence, this last month, we purchased over \$6
10 million worth of land in one of our counties. We are talking millions of
11 dollars here.

12 What we want for Rosebud, we have already been in existence,
13 there's no sense in reinventing the wheel, you know if we have an
14 allocation coming from our area, give it to us, we will spend it, we have
15 a good track record. Just recently, our consortium of tribes (*inaudible*)
16 purchased some land here in the Black Hills called **<Native language
17 spoken>** it created some controversy, because within our 1869 Treaty,
18 this land belonged to us, we had oversight. **<Native language spoken>**
19 Seven Council Fires of the Lakota. Yet today, it was in the white man's
20 hand, I don't know how they got it – probably illegally – but we had to
21 play their game and purchase that land because we didn't want any
22 development, especially in that area because of the sacredness of the
23 sites. Some tribes came together, more tribes and a lot of donations.
24 We purchased a piece of land here in the Black Hills for \$9 million, we
25 shouldn't have to do that. This land was taken away from us illegally.
26 The United States Government knows that, the court systems know
27 that, but yet we had to step up to the plate and purchase this land back

1 because of the sacredness, we believe in the sacredness. We didn't
2 want development out there. You know our reservations, you know, we
3 are struggling, we're poor. We barely make ends meet every month.
4 Our people are hungry, you know, they are cold, we have to provide to
5 them. Yet, we had to step up to that plate and do something like that.

6 We have already set a track record and you know, the ILCA, the
7 B.I.A. over the last, I don't know, five years you guys through millions of
8 dollars I think you spend \$4 million or \$4-6 million – I can't remember
9 the dollar amount but – purchasing under the ILCA program fractional
10 interest within our boundaries. You came in and competed with us, our
11 tribal land enterprises, but because you are a government and an
12 agency, you came in and did what you wanted to do. You purchased
13 that land in the name of the Rosebud Sioux Tribe and we can't even
14 collect the lease income because you're collecting it and you're going to
15 make that \$4 or \$5 million that you spend, you want to earn that back
16 and at that time, our tribe (*inaudible*) title to it.

17 That's a forty-year process, yet you know, because of the need
18 our people, you know you paid out more money than appraisals valued
19 in some cases, which I'm kind of thankful too because the Oglalas have
20 a big chunk of money that they can spend on buying back interest now
21 I'm going to sell you guys some land back. I want to name my price. I
22 own land up in Standing Rock, I want to go over there and name my
23 own price there too. We are kind of sitting in a good situation, for some
24 of us that have fractional interests. I am not going to let any land go in
25 the Rosebud, I'm going to maintain that. I think, you know, we do have
26 a plan in place, heck, we even got an agreement ready for you,

1 signature. I am hoping that the **<Native language spoken>** over here
2 kind of stand together and I'm hoping that, you know, we don't need to
3 meet like this every year for the next ten years to see if we're spending
4 the money right.

5 Heck, this Cobell case came into existence because of
6 mismanagement and we have a good track record, we're ready to go,
7 we don't need to wait ten years. I think we are ready to get started
8 here, so I'm hoping that we get working and I hope you don't create
9 another layer of bureaucracy just so people can get earned income or
10 get paid within the bureau's system. I really don't want to see that.
11 Give us the money, heck, we are ready to go to work and I think that's
12 the stand that Rosebud is going to take here. So with that **<Native
13 language spoken>** thank you.

14 AVIS LITTLE EAGLE: Good morning, my name is Avis Little Eagle
15 and I'm a representative of the Standing Rock Sioux Tribal Council. I
16 would like to say welcome to everybody that's here and really
17 appreciate all the comments that are being given. We do have several
18 sets of written testimony that we have provided and we intend to get
19 you some more written comments before the March 8th deadline.

20 I wanted to say here, it is really scary that this came about
21 because of mismanagement of trust resources and we said the federal
22 government mismanaged those trust resources. Then again, it's the DOI
23 that's going to be in charge of this, it's one of those things where we
24 are sitting here very apprehensive because we have the fox guarding
25 the henhouse again. One of the things that almost every one of these
26 tribal leaders said here is that we can do it ourselves. We can do this.

1 On Standing Rock, we have established our own department of land
2 management, the department has operated and done a land appraisal
3 program since 1994. We also have, if you look at this map here in this
4 plan, it says that Standing Rock is the reservation with 257,000,721
5 fractionated interests. We are the most fractionated tribe in the nation.
6 We have 6,210 tracts with more than two owners and so we have a
7 very great interest in what is going to be done here.

8 I really want to say that it is scary when we think, like I said, that
9 the Department of Interior is going to be in charge again because we
10 know, in our history, like twenty years ago they did a study of the
11 bureau dollars and they did, it was an inverted pyramid. For every ten
12 dollars that is allocated to Indian country, by the time it goes through
13 the bureaucracy, what reaches the people for services is one dollar.
14 That is really scary when we take a look at the amounts of dollars that
15 have been allocated for this buyback program, it scares me to think that
16 that money could be lost in the bureaucracy and won't go specifically
17 for this.

18 We don't have enough details, that is another thing I'm hearing,
19 we need more details. There is not enough details in this draft plan, we
20 still have questions. I would like to put in that the tribes can do it
21 themselves, we already have programs within our reservation and that
22 we should be allowed to use this land consolidation settlement funds to
23 provide financial assistance to the tribal programs that already exist so
24 that we can do it ourselves. So that the dollar doesn't get lost in the
25 bureaucracy. We need access to TAAMS, almost every tribe is saying it,

1 but the devil isn't in this detail. We don't know yet if that is going to be
2 allowed.

3 Another thing that is really urgent is that the ten-year window
4 opened in November and now it's January. The clock is already ticking
5 as we speak now and we are still asking for the devil in the details. We
6 want to know more information. Are tribes going to be able to do this?
7 Can we run our own programs? Can we use that money to run our own
8 programs? Are we going to be allowed to do this ourselves? The
9 comments that were provided by the Great Plains Tribal Chairman's
10 Association, it says, "To prioritize those tracts of land that can be
11 consolidated most quickly and efficiently and with \$1.6 billion in
12 funding for land purchases, the Department of Interior will have to
13 expend an average of at least \$190 million a year on land acquisition if
14 the funds were to go regionally." That means move, it needs to move
15 and if the window has already been open since November and we are
16 still here asking for the details, it is not moving really fast. If the tribes
17 already have these programs in place, let's let the tribes do it so it can
18 be moving faster.

19 We know our own reservations. The money needs to be allocated
20 regionally, not nationally and to make sure that all the funds come to
21 this level. Not, we don't want the \$1 when \$10 has been allocated.
22 Another thing is, outreach is one of the phases. Again, the devil in the
23 detail isn't there. Is it supposed to be the tribes are going to do the
24 outreach? Is the Department of the Interior, whose got the material?
25 Where is that information so we can start now, the window has been
26 open since November, or is this part of the outreach here? So we are

1 participating in the outreach now? Again, we really need to start
2 moving in a more solid manner that things are getting done. Another
3 thing that the tribes are really objecting to is that the funds should not
4 go back to the Treasury after ten years. It really doesn't make sense,
5 this is a settlement to the tribes, so why would it go back to the
6 Treasury? That is not making sense at all, that is not even right, at all.

7 Scholarship-wise, again, Great Plains students should be a priority.
8 The highly-fractionated land base is here, we have the largest land base
9 and we know that we are going to be generating that dollar for that
10 scholarship fund so it should be, again, prioritized for those students in
11 the Great Plains region. I am really territorial about that because we
12 have really suffered a lot, our tribes have so any little benefit that those
13 students can get, they do deserve it. I guess we know that the bureau is
14 downsizing on our reservation that's why those dollars should be given
15 into the tribal programs that are in place. We 638 contract out land
16 operations and land management so we should be able to use those
17 dollars to beef up our staff, because the bureau has been downsizing.
18 They have been eliminating positions and we want it at the local level. I
19 think I have touched on all of my bases there in my notes.

20 Oh, again, a plug for it to be done locally. In our treaties, we said
21 those land books would remain on the reservation and we need to keep
22 them here, we don't need it at a national level. Thank you.

23 PHYLLIS YOUNG: **<Native language spoken>** I am **<Native**
24 **language spoken>** from Standing Rock **<Native language spoken>** My
25 name is Phyllis Young, a woman who stands by the water. I am a treaty
26 person. The United States made an agreement with the Blackfoot and

1 <**Native language spoken**> bands who are the predecessors sovereign
2 of Standing Rock <**Native language spoken**> and as such, I took an oath
3 of office to uphold the 1868 Treaty.

4 The treaty lands are fee simple and as such, I am obligated to
5 move aggressively forward with the provisions of real estate for fee
6 simple and challenge the trust, which the Secretary only has the
7 authority for trust. This is limited to the trust. Trust is common law,
8 English common law, English custom. Lakota have customary laws with
9 regard to land that we are obligated to promote in this endeavor. I
10 believe in Article VI that the President of the United States is obligated
11 to come here to meet with us. Please know who we are. We have a
12 beautiful and incredible history. <**Native language spoken**> our land.
13 There are no other people in this world in indigenous communities who
14 own the land the way we do. \$120 million is a drop in the bucket when
15 there is a billion dollars in the treasury that our people refuse to take
16 for our land.

17 Welcome to my homeland, welcome to my beautiful Black Hills,
18 the most sacred place in the world. So I honor this meeting, this
19 covenant that we are having here, I welcome you. I am here to talk in a
20 good way, I also stand my ground as a treaty person. I believe that we
21 will have to move forward as a tribe, Standing Rock with two or three
22 different plans.

23 One, we will submit to you for the record within the parameters
24 of your program for the trust, very limited. We have forty-year periods
25 in our history that our land was in fee title and nothing was ever
26 compensated for us. I am still waiting for compensation for my

1 *(inaudible)* easement on the Missouri. There are 22,000 acres of land in
2 the riverbed that are part of this and I believe those are fee simple and
3 based on fair market value and a bundle of rights that come with it,
4 because that bundle of rights did not relinquish the possessory interest
5 that we have in fee simple. So we are talking a lot more compensation,
6 we are talking about the rights to our land in treaty status. Based on
7 our customary law, which the United States cannot terminate, cannot
8 take away, cannot destroy, which is why it was only by policy that you
9 prohibited our way of life. At Standing Rock, we already were
10 presented, we had a demonstration project under the Indian Land
11 Consolidation Program and the bureau competed with us, the B.I.A.
12 They said we couldn't have it there because we didn't have the office
13 space, but we did it anyway.

14 Like my constituent said there earlier, there are six people who
15 have the expertise to move forward with this land deal with the
16 fractionalization and work on those titles, but we have to do a
17 comprehensive assessment – a historical assessment – on our title
18 research to ensure that we cover those forty-year periods where our
19 land was in fee. A totally different value system with fee as opposed to
20 trust, so with this endeavor, you are limiting your formula to interest
21 tract and acre. We will use that formula for one plan that we have, we
22 will use our own fair market value system for those lands which were in
23 fee and into trust, into fee and for forty years, up until now, Interior has
24 refused to put 40,000 acres of land into trust. So now, we assess the
25 value of that based on the provisions of real estate for fee market.

1 We will do all of those and we only have a timeframe to come
2 forward with that also, but we do have a program, we do put \$1 million
3 minimum into a scholarship fund every year at Standing Rock, we have
4 our own formula. If it's not \$1 million that's going into our program,
5 then it doesn't mean very much. I want to move, I do sit on the
6 economics committee for the tribe and am responsible for the land and
7 natural resources, as well as I am the alternate for the Great Plains
8 water program, so I take that very seriously. I base my beliefs on the
9 1868 Treaty and as such as reserve that in our agreement, our
10 settlement agreement with the United States. It is incumbent upon the
11 government including President Obama to come to fix the title, it says
12 that in the treaty. The Sioux land book, that stays at the agency, we did
13 by court order and we were advised by Interior – or Justice – that, “Oh
14 we just put that into a CFR and we federalized it, so those are trust.”
15 We challenged them on the statutory law. The trust is common law, as I
16 said, English common law. As we move forward, we have an obligation
17 and a right to move forward with customary Lakota law based on
18 **<Native language spoken>**, So I will end my statement there, but we
19 will be presenting you with our plans accordingly from the Standing
20 Rock **<Native spoken>**.

21 CYRIL SCOTT: Good morning. Cyril Scott, President of the Rosebud
22 Sioux Tribe. Mr. Eagle Bear represented the tribe this morning, but
23 what I would like to say is you come here with this consultation. Every
24 time you do that, you go back to Washington and that's the end of it.
25 You take what you want. Well, we are here, as Native Americans the
26 indigenous people of these lands. We aren't asking you for anything.
27 We are telling you to give us what is rightfully ours with this money, put

1 it back in our tribes. Let us deal with the money, we sued you for
2 mishandling our lands and our money, well we don't want to do that
3 again. As Eagle Bear says we invited the wheel, it's been in Rosebud and
4 here in a lot of tribes. We aren't asking anymore, we are demanding
5 that you do the right thing here.

6 This is the money that belongs to the Indian people and you do
7 more for third-world countries overseas and all over. We have third-
8 world countries in our own lands, the lands you live in, D.C. or
9 wherever. These are all our land. So we ask, we want them, we want
10 the money to go into the tribes. It has to be, you can't do this anymore.
11 Don't come here and tell us that, "We went down and visited with
12 them, everything's good, we are going back to Washington and we are
13 going to do as we please," well, no President Obama says he is going to
14 help Indian country. We are going to hold him to this. This is how he
15 proves it. You take our words back to him. Tell him what Native
16 Americans want now, the original owners of the United States. Thank
17 you.

18 THOMAS WABNUM: Good morning everybody, my name is
19 Thomas Wabnum of Prairie Band Potawatomi from (*inaudible*) Kansas. I
20 would like to thank everybody for showing up here, you know we lost
21 this country because we could not band together. We cannot say that
22 today because we can band together and you can see it here today in
23 this meeting. There are many tribal leaders here today that understand
24 that we have another federal program in front of us that we wanted to
25 work.

1 Now I have a lot of reasons not to trust the government, because
2 you know they tried to terminate me in 1954. They tried to destroy my
3 reservation through allotment system, which is a weapons of mass
4 destruction, but also in the trust reform era, they tried to fix the trust in
5 which they didn't. We do not have a trust funds policy yet, we do not
6 have a trust policy yet. The Cobell lawsuit basically wanted to fix the
7 B.I.A., the B.I.A. is real consistent but it also wanted to do an accounting
8 of all of our money that we had that came off of these trust lands – it
9 did neither. We still have a problem today.

10 Again, this is something that we need to do and sometimes I may
11 sound a little bit bureaucratic because I did retire from the B.I.A. and
12 the OST. My Indian name is **<Native language spoken>**, which means I
13 walk in dark places, so I guess that's why I went to work for B.I.A. It was
14 just something that was handed down to me. This fight that we have, it
15 is all handed down to us and I look around at the tribal leaders and it
16 looks like many of us have gone through a lot of federal programs
17 together. We have seen what happened. Many of these federal laws
18 and federal programs we end up with less money and less land, but
19 that's not going to happen anymore because we are able to band
20 together to do this.

21 So in this buyback program I am saying that it is not really going to
22 be enough to end the federal problem with the fractionalization. We
23 want to be asked today to come up with separate cooperative
24 agreements on how we want this money distributed and of course each
25 of us wanted most of it to handle our problems in our area, but I think
26 we still need to work together in this cooperative agreement to let the

1 B.I.A. know that we are here. We are always going to be here, but we
2 don't want all these problems. So this cooperative agreement, I think,
3 we need to share and help each other on this to make sure we get what
4 we want. Also we talk about appropriations to the Bureau of Indian
5 Affairs and I think that each one of us, as tribes, need to tell the
6 government that we need annual appropriations for the buyback
7 program every year. This fractionation problem is going to go on for the
8 ones that the allotment systems that we don't buy, they're still going to
9 be there and they are still going to be a problem. That is a big expense
10 for the government, is taking care of the allotment system, the IIM
11 counts system. That problem is still going to be there, so that's why we
12 need to get together and work with them.

13 This is something that I am going to be involved with, with you
14 because I am on the tribal council now, it's a problem that we all have
15 together. As I look around, I see all the tribal leaders and I see that we
16 are here with the government, just like our forefathers did, but this
17 time we have a lot more knowledge of what went on. We need to
18 count on that to come together and work with these agreements, work
19 with these systems, we should be able to correct these problems a lot
20 faster. It shouldn't take ten years to buy our lands back, many of the
21 tribes have your own land office, you have your own realty offices, you
22 have your own appraisal systems and we are buying land back.

23 In 1960, the bureau gave a report that out of the 25 million acres
24 that we once had, we were down to 60 acres of tribal trust and we had
25 77,000 acres of individual Indian lands. That's not true today. We have
26 gaming profits now in which are elders have given us the ultimate order

1 of always get the land back for our children so we can create a bigger
2 and better reservation for ourselves. We can take care of that land, we
3 can take care of our own money. So that is what we are going to do
4 when we work with these people, to let them know all of you gave
5 good testimony, good remarks, it all came from the heart. We can feel
6 that from each other.

7 This is a thing that I just want to convey to you all, as a new
8 elected tribal council person, I am here to work with all nations to come
9 together to do this. We are going to let the bureau know that we are
10 going to work with them to come up with these good cooperative
11 agreements and buy that land back. Yes, it was our own money, I feel
12 that it was, and it (*inaudible*) fix the federal problem. Today, I would
13 just like to thank each and every one of you that showed up here, tribal
14 citizens, tribal government officials, bureau officials. I think we can
15 really make this program work at this time and we will watch them.
16 Thank you very much. <clapping>

17 UNIDENTIFIED: I guess I just want to make a couple of comments
18 before we begin the PowerPoint presentation. One is I appreciate
19 everybody, all the tribal leaders from the highest level being here
20 today, because we really need to hear directly from tribal leadership for
21 this program to be a success. I also appreciate that every tribe and
22 every reservation is going to have unique issues and a one-size-fits-all
23 approach is not going to work. I also appreciate what everyone around
24 this table has said, that I've heard, which is we all want this to be a
25 success. That we all want this, we have an opportunity here that may
26 not fix everything, but it is an opportunity to fix some things. You know-

1 THOMAS CHRISTIAN: Let me ask you a question real quick.

2 UNIDENTIFIED: Okay.

3 THOMAS CHRISTIAN: How come we don't have no coffee and
4 doughnuts? <laughter>

5 UNIDENTIFIED: Because they'll take it out of our settlement.
6 <laughter>

7 UNIDENTIFIED: Because we will have to pay them back for the buy
8 back program.

9 UNIDENTIFIED: There you go.

10 THOMAS CHRISTIAN: We will get 15% from all of these guys. And I
11 say that sarcastically.

12 UNIDENTIFIED: Take it out of our cut, you already owe us.

13 UNIDENTIFIED: So, I think we will take a break, but one thing I just
14 want to underscore-

15 UNIDENTIFIED: You gotta go get doughnuts!

16 UNIDENTIFIED: That we underscore before is that this program is
17 only going to succeed if tribal leadership supports it. If tribal leaders, if
18 all of you around this table do not support this effort, it will fail. That
19 \$1.9billion that Congress provided, they will take it back.

20 So, what I also want to say is that with regard, I know that
21 everybody wants to be involved, I've heard that everybody wants the
22 money to go to Indian country, the presentation is going to talk about

1 how we can utilize cooperative agreements. Some tribes want to
2 maximize use of those cooperative agreements, some tribes want to
3 tailor it to their unique needs, so I think one of the reasons the plan is
4 broad is because when we go to each reservation, it is going to have to
5 tailor to the needs of the tribal leadership in those communities. We
6 can only come up with that plan together, so, with that, we will take a
7 break. We will do a PowerPoint and thank you all for coming.

8 <BREAK>

9 ANTHONY WALTERS: I think we are ready to get started again for
10 the later part of the morning session before we break for lunch, if folks
11 want to start making their way back to their seats. I think as we get
12 started here, we are actually just going to go through a quick
13 introduction of the folks at the table, we didn't even do the
14 introductions for the federal folks here this morning, but we will start
15 with that. You guys want to start down there?

16 BRUCE LOUDERMILK: My name is Bruce Loudermilk, I am the
17 regional director for the Great Plains region Bureau of Indian Affairs.

18 LARRY ROBERTS: Larry Roberts.

19 MIKE BLACK: Good morning everybody, I'm Mike Black, enrolled
20 member of the Oglala Sioux Tribe, formerly the regional director for
21 Great Plains region. I am currently the director for the Bureau of Indian
22 Affairs our of Washington D.C.

23 JOHN MCCLANAHAN: Hello everybody, my name is John
24 McClanahan, I am the program manager for the Land Buyback Program.

1 ANTHONY WALTERS: I'm Anthony Walters, I work in the
2 (*inaudible*) Secretary's office for Indian Affairs and for the Land Buyback
3 Program.

4 TOM YOUNG: I am Tom Young, I work with the Office of Special
5 Trustee in the appraisal shop.

6 JOHN MCCLANAHAN: Okay, again, my name is John McClanahan, I
7 am the program manager for this Land Buyback Program. It is a position
8 I have had for about five months now. If it's okay with you, I would like
9 to take about ten minutes and cover two things.

10 First, I wanted to tell you just a little bit more about myself so you
11 have a sense of my background and then second, I will lead off the
12 presentation that we have put together here today about the initial
13 implementation plan that we released back in December. I will be
14 turning it over to Tony and Mike and Tom to help explain some of the
15 things we have in that plan. I have been with the Department for over
16 twelve years now, I have always been working on trust-related issues
17 since I've been there. I'm in Washington D.C. and while D.C. has grown
18 on me some, my home is really out here. I lived in Wyoming most of my
19 life, much of it in Riverton, Wyoming. I went to high school about 70
20 miles west of here. I practiced law in Colorado for a number of years
21 after that and then I moved to D.C. in 2001. When I got there, folks
22 said, "Are you crazy? What are you doing moving to D.C.? You live in
23 the mountains, your dog comes to work, you hike or ski for lunch, why
24 did you come here? What's this? I hear you're going to work on the
25 Cobell case? Isn't that the case where you will be sure to be held in
26 contempt?" My answer was, "No I'm not crazy, but I do care a lot about

1 the lands out here and I do care about the trust relationship and I
2 wanted to go there to make a difference.”

3 In the last several years at Interior, I have been focused on getting
4 historical accounting information out to tribes to help resolve their
5 longstanding claims. I see some familiar faces here that I have worked
6 with and I am happy to have been involved in that. I hope you all will
7 please understand that I am privileged and I am honored to be the
8 program manager. It is a job that I take very seriously and I enjoy it very
9 much. I am excited about working with you all in the coming years. I
10 want you to know that I am going to give my best to this, going to do as
11 much as I can to listen to you, support your plans and support your
12 involvement in this program, because as Larry said, it is true that this
13 program will be successful with the involvement of the tribes. I feel
14 strongly that that’s the case.

15 (inaudible from audience) Are you an attorney?

16 JOHN MCCLANAHAN: I am an attorney yes.

17 JESSE TAKEN ALIVE: Okay I just want that for the record, because
18 it has been our experience over the decades that you could be legal but
19 you still can’t be right. I just wanted that for the record. That’s very
20 important to us on our side of the table.

21 UNIDENTIFIED: That’s what you call a Philadelphia lawyer.

22 JESSE TAKEN ALIVE: I think that’s important for the record though,
23 because I don’t think if you put your law training aside and work as a
24 **<Native language spoken>**, like we do, and that is a very important

1 point as you commence forward. So thank you for your honesty sharing
2 that (*inaudible*).

3 JOHN MCCLANAHAN: Sure. And maybe I should say that I'm a
4 recovering attorney now. Well let's get into this presentation.

5 We have four main topics here. I am going to take the background
6 section and just hit some highlights and try to be as brief as I can
7 because we really want to keep the discussion going and continue to
8 hear from the tribal leaders to get their input. Then we are going to talk
9 about the implementation phases or steps that we have suggested in
10 the plan, and like I said I am going to turn it over to Tony, Mike and
11 Tom to help talk about these ideas of outreach, land research,
12 evaluation and acquisition. Then Tony was going to talk about tribal
13 involvement, which we obviously have hear a lot of comments about
14 today and as I said, it is important to the success of this effort. Then I
15 will finally talk about some of the next steps, how we are seeking to
16 ramp up the program as quickly as we can and be talking with
17 everybody that's involved here simultaneously in really trying to move
18 forward as quickly as possible because we really want to do that too. I
19 think folks understand that the Buyback Program comes from the
20 Cobell settlement.

21 It is focused on purchasing fractional interests in trust or
22 restricted land. Those tracts that we can buy on or fractionated tracts,
23 those are the ones where there are more than one owner. We have, as
24 we have talked, a limited time frame. We basically have until November
25 2022, ten years essentially, to utilize the fund that we were provided
26 through the settlement. The lands that we purchase will be held in

1 trust, they will remain in trust, they will be transferred essentially to the
2 tribes that have jurisdiction over the lands. I think it is also important to
3 recognize that the liens that have applied in the past, that is not part of
4 this program. This is a distinct program, no lien will attach to the
5 purchases that we make here. That was something that I know, in the
6 previous consultations, a lot of the tribal leaders made clear and
7 Solicitor Tomkins at the Department issued a formal (*inaudible*) opinion
8 that described that liens do not apply to the Cobell settlement context.

9 The slide up here, just to highlight the \$1.9 billion, I think the main
10 thing I want to mention here is that there is at least over \$1.5 billion
11 available for purchases. Our hope is that we maximize the amount that
12 is available for purchases. It is my hope that we don't spend
13 \$285million on administrative costs, that's the most that we could
14 spend. Ideally, we are going to minimize that and we are going to focus
15 the dollars, really, on purchasing land. The Department released, as I
16 said, a couple of months ago an initial implementation plan. This plan
17 came about after seven general consultation sessions and a previous
18 draft plan. Our intent was to take the comments and input and
19 incorporate them into the initial implementation plan that is available
20 on the website address that you see there. The plan is not final. This is
21 something that will continue to evolve, we want to hear from you as we
22 have today and incorporate your feedback and to have tribal
23 involvement.

24 We are going to learn a lot as we ramp up so we are going to need
25 to remain flexible to take those lessons learned and improve as we go
26 forward. We are going to continue to consult with tribes in these kinds

1 of settings, but we are also consulting with tribes one-on-one. We have
2 had a number of those kinds of discussions already and want to
3 continue to do that.

4 As Larry said, this plan is general, we try to provide however a fair
5 amount of detail, but it is general because we do recognize that there
6 are unique situations and circumstances at each location that we need
7 to tailor the plan to. When we sit down, individually with tribes or
8 perhaps groups of tribes that are joined together in putting together
9 their effort, we will seek to tailor it to those specific needs. I definitely
10 recognize that the tribal leaders, they are the closest to the land. You
11 have, as we have heard, programs that have been buying land for many
12 years. You know the special places, you know the special landmarks,
13 your children grew up here and so this is something that I respect
14 deeply and know that we want to hear and we want the involvement of
15 the tribal leaders to make sure that we have success. Yes sir?

16 JESSE TAKEN ALIVE: With that all being said, then why are you
17 trying to send your team to our reservations? Why not just use our
18 teams just like what you said.

19 JOHN MCCLANAHAN: I acknowledge your abilities and I think the
20 teams, as we will talk about a little bit later, are designed to provide
21 support in those places where some tribes may not be wanting to be
22 involved in every single aspect of the program. Those teams can also be
23 there to provide technical support and I think our goal is to support the
24 tribes and to work with them, to find out what it is that they are
25 wanting to take over and implement and what it is that we will be there
26 to help out for those that don't.

1 JESSE TAKEN ALIVE: Isn't that a little pretentious on the
2 bureaucratic side because they are assuming that we are incapable or
3 that we may need technical assistance? What if we don't want it? Then
4 we are paying for something, a white elephant and then you guys are
5 just sitting there.

6 JOHN MCCLANAHAN: Where the assistance is needed we would
7 like to provide it, but if it's not then we will work with that too. Thank
8 you. Yes sir?

9 DONOVAN ARCHAMBAULT: (*inaudible*) I have the same kind of
10 question that (*inaudible*) has with regards to economic base on the
11 reservation. (*inaudible*) 75-90% unemployment. I just said this morning
12 that we have colleges where we have engineers, we have accountants,
13 we have lawyers and we have all those people who we have trained
14 and put money into. We need to have those people picked up and put
15 on these teams that you are talking about. We don't want your team
16 over at our place. I said before, I don't want no cold-blood bureaucrat
17 on my reservation telling me what to do.

18 We need to have full participation from our level because I think
19 we are up here and you're down here trying to find out how to do this.
20 We already know how. We will show you, but just set aside over there.
21 We could use that \$285 million and that would help us in our economic
22 (*inaudible*) and it would also provide you with a good source of
23 employment through the reservations. That's what I would like to see, I
24 think all of us would like to see you use our people on our respective
25 reservations and I'm going to hold to that. I'm going to hold you to that,
26 also.

1 JOHN MCCLANAHAN: I agree that full tribal participation is the
2 ideal. We want to work to achieve that.

3 JESSE TAKEN ALIVE: So when you respond to the questions saying
4 that you will work with tribes that don't need B.I.A. assistance, how will
5 you do that? I am assuming that you are going to accept and work with
6 our method of solution, findings with our own people because we are
7 aware of the mandates that the government has that says you will
8 follow the Department of Defense pay scale and there goes that money
9 that we're all concerned about, into that process.

10 So, am I correct in saying that tribal solutions with tribal
11 membership, or wherever they choose, those will be the ones that you
12 will work with? Is that a factual, true statement? That you will do that?

13 JOHN MCCLANAHAN: Yes, we will work with tribal leaders and I
14 think there was a gentleman from Cheyenne River that explained, just
15 to elaborate that there are, there are great knowledge about where the
16 folks are, what happens in the communities, when they are available.
17 You know, if there are twenty different local communities, I realize that
18 the tribal leaders have a great ability, the best ability, to reach those
19 folks. We are very interested in getting those kind of people involved to
20 make this outreach happen.

21 JESSE TAKEN ALIVE: So when we put a plan together from
22 Standing Rock, that's the plan that will be implemented by the
23 Department of Interior? Yes or no?

24 JOHN MCCLANAHAN: I haven't seen that plan yet-

1 (inaudible)

2 JOHN MCCLANAHAN: What we would like to do is get the plan as
3 we have said in the plan and talk with you and sit down on a one-on-
4 one basis and work out the details and our goal, which would be to
5 reach a plan that we can both operate together. If it is that the tribe is
6 doing a number of activities we are going to support that, but we have
7 to have that plan, we have to sit down with you and we have to
8 understand it and hopefully come to an agreement.

9 JESSE TAKEN ALIVE: So the answer is, "No," then? It's a simple,
10 "Yes," or "No." That's all we are asking for. You have heard the spirit
11 and the direction that the tribal nations want to go with. We are trying
12 to take apart your responses that you are giving to us by making them
13 simple. All we are saying, what has been reiterated here, we have
14 already been doing this, we know how to do this, when we submit our
15 plan, will you implement the plan? And award, not give or anything, but
16 award those resources to us?

17 JOHN MCCLANAHAN: As I said, we want full tribal participation –

18 JESSE TAKEN ALIVE: And we know that. We know that. We are not
19 here to be paternalized or romanticized anymore. We are just here for
20 simple, simple answers and we have given you our simple positions.
21 That is all we want to know. With all due respect to the bureaucracy
22 that you folks should try to untangle, we are just here to ask you
23 questions and hear respectful answers and simple, "Yes," or "No." If we
24 can't do that, that's understandable as I said earlier, it's perfectly

1 understandable that the bureaucracy that you folks have to work
2 under.

3 I appreciate your attempts to do that, but certainly you hear
4 where we are coming from, in saying we already know how to do this,
5 when will you implement what we put together for ourselves with the
6 awards that we get from the United States. That's all we're saying. It's
7 real simple.

8 THOMAS CHRISTIAN: Just real quickly? Just real quickly now, are
9 you all recognizing the mistrust that you are feeling? I think you are
10 going too far ahead of yourselves. We are trying to speak to this with
11 some sense of truth, and I'm a tribal leader I represent the 12,000
12 members of the *<Native language spoken>* and in that prospect, I
13 don't think you're recognizing that there's a mistrust here.

14 We're not foolish, nor are we idiots. We are not going to throw
15 away all this money to recover something that was taken from us.
16 There is something not, a rapport has not been established, I don't care
17 what kind of consultation or meetings you guys have with whoever.
18 Evidently, I have consistently heard all morning, a mistrust here and we
19 ask for a question and answer back as Jay has asked and you cannot
20 commit to that. We would like to know what it is we need to do so we
21 don't get rid of this money, but at the same time we would like for you
22 all to understand that I think your assumptions, and that's what I call
23 the manner in which you are going forward, kind of pretentious
24 because again, we realize we are wards of the government. We realized
25 that it is congressional money and if we don't go along with you all, you
26 are force-feeding us something that we don't want to eat.

1 Again, remember that guy that was waiting in front of that
2 building with grass in his mouth? I feel the same way. We are not trying
3 to be radical or militant, we just want you all to recognize that as
4 **<Native language spoken>** we want to go forward for our people, not a
5 bureaucracy. I can't apologize for your regulatory authority that you
6 have to stand behind and protect under your oath or whatever you
7 took as professionals, but at the same time, as first nation's people we
8 believe we are indigenous to this land. You talk about fractionated
9 heirs, assuming everybody is going to sell. Well, one of the gentlemen
10 provided you with that< "This is my land, my grandmother's land, I am
11 not going to sell it." Not all of the land is there available for purchase.

12 I don't care what administrative process is messed up as a result
13 of that mismanagement of a bureaucracy that didn't have any futuristic
14 understanding of how first nation's people are. Now, gentlemen, we
15 don't want to compromise our quality of life that is very limited. We
16 live in third-world conditions, I don't know if anybody wants to deny
17 that or accept that. I'm sorry, I'm a rez Indian, I was born, raised, I lived
18 in those conditions many times and still do to a certain degree, because
19 of lack of resource and because of where I'm located. Are you all, help
20 me out boys, you are going to have to help me now – can you
21 understand the conditions that we have to go through, the compassion,
22 the empathy that this gentleman as a tribal leader has, as all of our
23 brothers here, myself, that we are conveying to you? Then all you can
24 do is come back at us with regulatory authority. Is there any
25 commitment that this particular monies that you are dangling in front
26 of us, which we are trying to grab and you are just putting things in

1 front of us, because you guys want this bureaucracy to be added. That
2 is why, sarcastically said or facetiously said, OST.

3 That was another manner in which was going forward from an
4 Indian perspective that was totally didn't help us one bit, it helped the
5 bureaucracy a whole lot, because then that fiduciary trust responsibility
6 was diverted to another bureaucracy. Help me out guys, you see? So in
7 that process, here is what is happening again. We are talking about
8 numbers and the government is in the business of numbers. We have
9 needs, not wants like my brother Jay said earlier, am I going down the
10 wrong path? Am I here wasting my time when I should be at home
11 looking after some of these social issues that are in need of housing,
12 water and all that good stuff? Or are you guys just going to continue to
13 patronize us with words?

14 Let's get some commitments here, you have (*inaudible*) leaders
15 here, people that have the ability to represent and the best way from
16 their heart. You know this morning **<Native language spoken>** we are
17 going to speak to you from our hearts. We did not come here to hide
18 behind a book or hide behind a paper. My brother gave you a very
19 passionate position. Does that mean anything? Or are we kind of going
20 in the direction that you want us to go or can we open this up and be
21 flexible so you guys can make those adjustments as you go? Are you
22 afforded that right or you can't commit according to your higher-ups?
23 And if you guys aren't the ones that can commit to that, maybe these
24 people sitting around this table, they are the ones that can commit to
25 that.

1 Like Jay say, how come Obama isn't here speaking to this
2 leadership? You have many chairmen in this room, same status as
3 President Obama amongst our people, but yet he sends you guys and
4 you guys can't commit to us. Give us a definite answer, I can go home
5 and tell my people, "Yes, we are going to get this. We are going to buy
6 this back. We can do that." But instead, you can't commit to a question
7 that this illustrious leader from Standing Rock has asked of you and just
8 kind of leaving us hanging. C'mon give me a Hallelujah brothers, I'm
9 feeling stranded, they are going to kill me right now. *<Laughing>* F.B.I.
10 will be chasing me around now.

11 But that is the thing that we are dealing with here, there is a lot of
12 mistrust here and I think you might have got ahead of yourselves in
13 recognizing the leadership is here, because I didn't come here to waste
14 my time to listen to bureaucratic rhetoric. Do you see what I'm saying?
15 And I don't mean to be disrespectful, like Jay said, we come here in a
16 good way. Lakota *<Native language spoken>*. That is how we come,
17 with this attitude *<Native language spoken>*, so as we do that, this is
18 what we are trying to help you all understand to help us. I don't want to
19 waste my time and I know my brother has a question here and I will
20 defer to him. He is a leader from the Fort Belknap reserve.

21 DONOVAN ARCHAMBAULT: I just want to ask you guys one thing. I
22 want to tell you something. My great-grandfather told me probably in
23 1942 or 1943, all the men folks were at the war but the old timers, the
24 old men. He was teaching us something and I didn't grasp the message
25 when he was telling me. When he told me to repeat this, I told him
26 what I remember then I got to a part, I said, "I don't remember what

1 you told me. What did you tell me?" He said, "Let me tell you this," he
2 said, "When I talk to you, I want you to hear me. I don't want you to
3 listen to me. You could listen all day long and not hear a thing I'm
4 saying, but I want you to hear me today."

5 I remembered that thing all of my life. I didn't know what it meant
6 until I read Chief Joseph's Surrender, when he said, "Hear me my
7 chiefs," he didn't say, "Listen, my chiefs." He said, "Hear me," and so
8 that is what we are asking of you today. We want you to hear us,
9 because then you can respond to us. Thank you.

10 JESSE TAKEN ALIVE: Are you going to negotiate with each tribe
11 individually because that is what this is leading to and I believe that is
12 what we would like. The Bureau of Indian Affairs back in the day
13 wanted to put us all in one box. It has created a lot of hurt and harm. I
14 would ask you this, and maybe we should allow you to present your
15 presentation, but, the tribal solutions – do you believe and agree that
16 we have them? Because we can read this. We can read what you are
17 putting on a wall. We can read, we know how to do that. What we are
18 asking is, do you believe and agree that we have the tribal solutions,
19 individually? Do you believe and agree in that?

20 MIKE BLACK: For an answer, yes. –

21 JESSE TAKEN ALIVE: Okay, now –

22 MIKE BLACK: But I wanted to just-

23 JESSE TAKEN ALIVE: Will you be able to negotiate with us
24 individually as tribes?

1 MIKE BLACK: Now that was the other thing I wanted to get back
2 to, your original question. If you provided us a plan, would we accept
3 that plan as submitted, and I would have to say the short answer is no
4 without knowing exactly what was in the plan. There may be certain
5 restrictions we have upon the money and how it has come down, but
6 that's where the negotiation comes in.

7 That's where the individual tribal consultation will take place and
8 we have committed to that. This is the second round of consultations.
9 You have looked at the plan, the previous plan that was submitted over
10 a year ago and then the plan that came out here in December and
11 hopefully you have noticed that a lot of the comments and things that
12 were raised in the first consultations did get put into the second draft
13 plan. That is why we are here again so that we can take this plan, take
14 the comments and there has been a lot of excellent comments already
15 today and I look forward to the rest of the day and what is going to be
16 coming, so that we can incorporate those into the plan.

17 The comment over here is, do we have the ability to be flexible?
18 Yes, we have the ability to be flexible. We are implementing a plan here
19 on a scale that has never been done within the Bureau of Indian Affairs
20 or Department of Interior or the Federal Government for that matter,
21 so we have to be flexible on what works and how we implement this
22 program. The \$285 million that keeps going around the room here, that
23 may on the face of it sound like a lot of money, but to implement a
24 program to purchase \$1.9 billion worth of land, that's a fairly limited
25 dollar amount, that's 15% overhead which is pretty unheard of even in
26 private industry as far as being able to implement a business or a

1 program. We have to be flexible on how we implement the program to
2 make the best use of those dollars and to make sure that we are able to
3 get all of the tribes that want to be involved in the program.

4 JESSE TAKEN ALIVE: And I would say this in conclusion, thank you
5 for your response. We know that treaties are adhesion contracts and
6 we know from them stems your understanding of trust responsibility
7 and these policies which are of adhesion in nature and spirit.

8 We know that, so we are going to try and be good Indians and
9 listen, but some of us can't be. You heard the cliché earlier, fox in a
10 henhouse, another understanding of that is we have Natives in the fort,
11 so this is what we are relying upon. Our Natives, our relatives that are
12 inside the fort now, were all these plans to kill and to steal and cheat
13 occurred, we have natives inside that fort and we know what's going
14 on. So we just need to cut to the chase with all of this, because again,
15 we can read this stuff. We absolutely can read this stuff. So we want to
16 negotiate with you and get a response from you because you did say
17 you believe and agree that we have tribal solutions. That is what we,
18 from Standing Rock, will look forward to you in implementation of
19 those, because we aren't all going to fit into that one box, not all of us
20 respectfully. Thank you.

21 ROBERT SHEPERD: Tex, yep. It's not a question, it'll be real fast. I
22 wonder, from what it sounds like, a lot of tribes do have their own
23 buying process. Instead of focusing on the front end of the process, the
24 buying, what about just doing a draw down process and we just keep
25 accountable to make sure that insuring the dollars you are providing is
26 actually buying fractionated lands? Focus on that end instead of a

1 process that a lot of tribes already have in place. I think, the point of
2 your program is to make sure that we are accountable to buy the lands
3 that the money is set aside for, so if we focus on that draw down
4 process of the money to verify that it purchased the lands that the
5 money is designated for, that process probably isn't in place. That
6 would be the accountability for the dollars, that's all you are looking for
7 is accountability to make sure that we are buying what we are
8 supposed to buy. If we focus on that and create that, I mean, that
9 would be a lot easier than trying to implement a program that we
10 already have that exists. Just some food for thought. Thank you.

11 ANGELA RUSSELL: Mike? Can I ask a question real quickly?

12 MIKE BLACK: Can you hold it maybe just for a little while?

13 ANGELA RUSSELL: I think it's really for *(inaudible)*, I mean can't we
14 just really *(inaudible)* what our law says and doesn't the law > thank
15 you I'm Angela Russell(?) and I'm sorry to butt in this way. I think that
16 this question, actually I'm here representing the Blackfeet Tribe, I have
17 just been on the phone with the chairman on some issues he would like
18 to raise. It seems to me that the crux of what we are talking about is
19 what the law says you can and can't do.

20 Now isn't it true that the law says that you can talk with the tribes
21 and maybe enter into an agreement with the tribe, but only to
22 prioritize what lands they want. The law doesn't allow the tribe to
23 actually get that money in its hands and make these purchases, does it
24 or does it not? Then secondly, on the admin fees, the admin fees that
25 we have all been talking about. Isn't it true that none of those admin

1 fees, right now under the law, can go to the tribes? In fact, all of the
2 tribes are here today on their own dollar. All the tribes are here on
3 their own nickel. Everything that the tribe is going to do to prepare for
4 this is basically at the responsibility and expenditure of the tribal dollar.

5 That's what I'm wondering, the way that I read the settlement,
6 the way that I have understood it, it's the United States that will make
7 these purchases on behalf of the tribes and the way the tribes
8 participate is to designate their priorities, because we can't 638. I did
9 read in the plan that maybe there is some change in thought or maybe
10 there is some leniency there if there is a self-governance tribe, but
11 none of the tribes in here are self-governance or the majority of the
12 tribes in the Rocky Mountain-

13 MIKE BLACK: I can answer your question right now.

14 ANGELA RUSSELL: So that's what I'm wondering. Let me finish by
15 saying, I think that a lot of the issues that were raised today, would be
16 issues that we could maybe take to Congress and say, "Can we tweak
17 the law, can we change this so that it's more tribal friendly?" Because,
18 as you know, this was negotiated with the tribes in the other room, the
19 tribes were not part of the whole negotiation to come up with those
20 program. That's sort of a loaded question, but thanks Mike.

21 MIKE BLACK: Okay just real quick, so we can move into the
22 presentation. I can answer to the question. You are correct, as far as
23 the law itself goes, there is restrictions on 638ing the Indian Land
24 Consolidation Program, but there is other processes through the use of
25 cooperative agreements that we have discussed in the plan and it was

1 discussed at length ad nauseum during all of the previous consultations,
2 that would allow for certain aspects or certain parts of the program to
3 be operated by the tribes. In addition to not just the consultation and
4 the priorities on those land areas, so that's what we are here to gather
5 information on, on different areas on how we can make a lot of this
6 work. So, you're right, but there are other processes that we can use.

7 JOHN MCCLANAHAN: Okay, just getting back to the presentation.
8 I wanted to note a few things about the lands, I think that everybody
9 understands that most of the fractional interests are located in the
10 Great Plains and the Rocky Mountains. There are many other locations
11 with fractional interests, but the bulk of those, as everybody
12 recognizes, are out this way.

13 We are able, under the terms of the settlement, to purchase
14 fractional interests in trust or restricted lands, we are unable according
15 to the settlement to purchase fee lands. The program is voluntary,
16 nobody will be forced to sell their interests if they don't want to. This is
17 a key if individuals aren't interested in selling, then there is the danger
18 that the \$1.9 billion will not be fully utilized, so we want to work with
19 you and sell this to the individuals so that they understand and they see
20 the benefits of getting these many, many small fractional interests
21 consolidated into stronger management holdings so that there can be
22 more active use of the land.

23 I'm just sort of looking around the room here, do you guys want
24 us to go through the PowerPoint? I mean, this is, we don't want to go
25 through the PowerPoint if there's no interest in doing that, we would
26 rather continue the discussion if that is what people want to do.

1 UNIDENTIFIED: I do.

2 JOHN MCCLANAHAN: You want to go through the PowerPoint?

3 UNIDENTIFIED: Yes.

4 UNIDENTIFIED: (*inaudible*) I have a question, or a comment. One
5 of the (*inaudible*) questions I have (*inaudible*).

6 A/V TECHNICIAN: I'm sorry, I don't mean to interrupt but I really
7 need you guys to use a microphone, otherwise I cannot have it
8 transcribed for the record. So if you could just state who you are and
9 grab a microphone in front of you, it would be greatly appreciated, then
10 I can make sure it goes in the transcript. Thank you.

11 MIKE BLACK: We need it for the record so we can have it
12 transcribed. Thank you.

13 UNIDENTIFIED: **<Native language spoken>** I guess that's my
14 question. You can have that for your record.

15 MIKE BLACK: I'm sorry if you could repeat the question sir, I can't
16 translate that, I'm sorry.

17 UNIDENTIFIED: I'm talking to you.

18 MIKE BLACK: Yes, I understand.

19 UNIDENTIFIED: Our meeting is with you, I'm not worried about
20 the recording. The ILCA purchase of land, fractional interest and what
21 they did was they put these tracts the leased revenues, they put them
22 in lien. Remember I said it is going to take about ten years to actually

1 revert back to tribal status. Are we in a position to *(inaudible)* with ILCA
2 with this money? Are you talking about flexibility, is that possible?

3 MIKE BLACK: With these funds, we can't purchase the liens, but a
4 number of tribes have raised this lien issue in our consultations and my
5 understanding is that we do have the authority to waive liens. So, that
6 is something we need to talk with each tribe that is interested, because
7 some tribes have approached us to waive liens for those properties that
8 are not generating revenue and there are some tribes that have
9 approached us to waive liens for all the lands that were purchased with
10 those funds. If the Department waived liens for all of the lands, that
11 would essentially be the end of the program because it is a revolving
12 fund and we have heard from some tribes that they do not want that
13 program to end, so they want a waiver of liens for those lands that
14 aren't producing revenue. Does that answer-?

15 *(inaudible)*

16 MIKE BLACK: Okay.

17 UNIDENTIFIED: Like was said, if a couple don't want to sell, maybe
18 for a few reasons. Maybe they live on the land too, you know? I'm sure
19 these people have to be reassured that once it is owned entirely by the
20 tribe because some people are afraid of politics. If they will sell their
21 land, they don't get on some of the council, they will tell them to get off
22 the land or something. I am sure, to reassure their security, that the
23 councils individually as you visit, will pass laws and things to support
24 the people that want to sell their land, they are ill at ease. They want to

1 stay on this piece, just sell it, but now it's tribal land so now they rent a
2 couple of acres from the tribe and maybe the whole thing, you know.

3 MIKE BLACK: Like a home site lease or something?

4 UNIDENTIFIED: Yea, yea, but some people may be leery of that for
5 several reasons, but these things have to be probably by each individual
6 tribe to reassure their people of their safety and whatever interest they
7 may have in the land, even though they sell it. Now what if they say,
8 "We will sell our land but I want you to buy me out," and I am gone or
9 what do I have there? I know when they are building roads and things
10 sometimes they have to move houses and they buy them out. I don't
11 know, these are just things you may need to give some thought to and I
12 think that's why we are asking questions, because we want to know
13 that everything is covered for our people, to reassure that they are not
14 assuming we are just in here.

15 Some people don't necessarily trust tribal councils either, you
16 know, really. They must trust me a bit, I've been the longest elected
17 councilman in our tribes, but that's why, I want to reassure them that
18 everyone is being treated fairly, both sides.

19 MIKE BLACK: Those are all good questions, good comments.
20 Thank you.

21 TOM YOUNG: I'm up next? Okay, on the appraisal side we are
22 really looking at doing two primary analysis, kind of and bringing the
23 two together to generate and appraisal report. So first off, we have to
24 clearly identify the properties we are appraising. We are going through
25 a process that we are taking the most current information from TAAMS,

1 which is the system of record for all our land ownership and we are
2 making sure in our computerized mapping systems that we accurately
3 defined the boundaries of every parcel of land on the reservation.
4 Second step that we do in there, we hop in and we identify the current
5 land use of every parcel of the land. So if there is twenty acres of
6 grazing and fifty acres of dry crop ground, we get that identified. We
7 are doing this mostly by looking at aerial photographs in those
8 situations where we can't tell from an aerial photograph what the
9 land's use is. We will hop out onto the ground, take a look at it, we will
10 visit with the B.I.A. look at their farm plans or whatever they have on
11 file to make sure that we accurately identify the current land use.

12 Second off, we will then hand that off to an appraiser and they
13 will identify what is called the highest invest use, and there are several
14 steps they have to go through to identify that. So, like at Cheyenne
15 River, you might have 160 acres of dry crop or of pasture ground sitting
16 right next to Eagle Butte. Well, that doesn't necessarily mean the best
17 use of that property is pasture ground. Cheyenne River has been doing
18 well with money lately, they got some settlements, they are doing
19 some great residential development the highest and best use of that
20 property may be residential development.

21 We are stepping back on every piece of ground and looking at it,
22 where does it sit in relation to the town? We know what is going on
23 with the local economy, are they building, are they not building and will
24 I get to find the highest invest use? On most of our property in the
25 Great Plains, Rocky Mountain is not quite as consistent. You have big

1 bunches of grazing land, you have big chunks of dry crop ground, so we
2 are able then to move fairly quickly on that.

3 RANDY PHELON: Excuse me, I have a question. My name is Randy
4 Phelon (*inaudible*) Just on the appraisal side of it, you know, we need to
5 be aware of that. By the time that everybody puts their appraisal in you
6 are going to have chaos. You are going to have a bunch of people
7 requesting appraisers and I think you are going to get bombarded if you
8 are not prepared for it.

9 TOM YOUNG: Yes, and we are working really hard right now to be
10 prepared for it. We are getting all this land use information together we
11 are getting the systems in place that we can handle, rather than one
12 appraisal request at a time, we can handle ten thousand.

13 RANDY PHELON: If there's a very small interest owner, real
14 minimal, have you considered a floor, a minimal floor dollar amount?
15 You know, because if it's so small a lot of people they just aren't going
16 to want to bother with the paperwork. If it is really a small, less than a
17 half acre or something like that. I am saying you should strongly
18 consider a bottom floor price and what that price is, I don't know, to
19 encourage sellers.

20 TOM YOUNG: Thank you for that. I think for the appraisal services
21 function I don't think that's more of a determination for them when
22 they are determining fair market value. I think that might be more of an
23 administrative-type decision that the program and department can look
24 into. We have heard that comment throughout consultation and we
25 understand that that's going to be a big issue on getting willing sellers.

1 There are going to be instances where people, the offers may not be
2 sufficient to garner that interest, but we are doing what we can and we
3 are still kind of discussing that. We are open to ideas on what people
4 think minimums might be or what they might like look, in the sense
5 that if that's what it takes for success for the program, that is
6 something we are going to have to consider.

7 RANDY PHELON: The second thing I wanted to bring up, are you
8 considering, like if a tribe enters into cooperative agreement,
9 *(inaudible)* are you considering just to how that would work? I mean,
10 are you doing the appraisals, are the tribes doing the appraisals and
11 you just review it and are you considering estimated values as part of,
12 in lieu of an appraisal?

13 TOM YOUNG: If the tribe has a cooperative agreement to do the
14 appraisal, they would do it. We still, the Department of Interior, still has
15 the responsibility for review and approval of all appraisals.

16 JESSE TAKEN ALIVE: You going to put a time frame on that? Are
17 you going to have adequate staffing?

18 TOM YOUNG: Yes.

19 JESSE TAKEN ALIVE: I would like to see that because it takes up to
20 a year, a lot of our tribes to get an appraisal.

21 TOM YOUNG: Yes. We are working on getting that in place. We
22 are doing all the position descriptions and the oil charts and all that it
23 takes to get an organization-

1 JESSE TAKEN ALIVE: Do you have oil and gas expertise on your
2 appraisals?

3 TOM YOUNG: We have the Office of Minerals Evaluation.

4 JESSE TAKEN ALIVE: You didn't answer the question yet.

5 TOM YOUNG: Yes.

6 JESSE TAKEN ALIVE: Yes.

7 TOM YOUNG: Okay.

8 JESSE TAKEN ALIVE: Because some of these wells produce for 30
9 years, so for estimated value, your appraisal has to have that expertise.

10 UNIDENTIFIED: I would like to add on to what Tex was saying, for
11 us though on Sisseton, it's the reviewing site. That's the issue right now.
12 So is that something we can put in our cooperative agreement? To
13 assign someone to our tribe while we are doing this, then they can be
14 relieved once we are done?

15 TOM YOUNG: To do the reviews?

16 UNIDENTIFIED: Right.

17 TOM YOUNG: The review responsibility, that's not something we
18 can hand off to a tribe under 638.

19 UNIDENTIFIED: No, no, no what I'm saying is could you assign a
20 staff person from your office to our tribe until we are done with all of
21 this stuff?

22 TOM YOUNG: That's a possibility.

1 UNIDENTIFIED: And then they can go back to their normal job?

2 TOM YOUNG: It's a possibility, but I don't think that it is very
3 likely, because we will be working in multiple reservations at one time.

4 UNIDENTIFIED: Well, that's going to be the recommendation from
5 us is to beef up on your reviewers.

6 TOM YOUNG: Yep.

7 UNIDENTIFIED: Because some tribes do 638 appraisals so that's
8 not their problem. The reviewers is the side that we have problems
9 with.

10 TOM YOUNG: What we are considering right now is a series of
11 three teams that will come out and do the analysis, gather the sales,
12 the real estate sales and do the analysis on that. Then we are having a
13 whole different team just for reviews, that's all they will do. We are
14 hoping to have that covered for you.

15 PHYLLIS YOUNG: I am using the mic, is it on? I seized the mic all
16 my life, so I'm tired of being nice little girl raising my hand. I have
17 questions about the, what Tex mentioned about the cooperative
18 agreement, because I want to know the parameters, standards, rules,
19 regulations for cooperative agreement. How, are they very limiting?

20 I am pleading ignorance here because I am used to 638 and I
21 would insist that it would be 638 if it was me making that decision, but
22 we have to look at the rules that are set out for cooperative agreement.
23 As government officials, are you just going to rely on the CFR and
24 enforce that to promote your cooperative agreement? You know, I

1 have, I take exception to this type of hearing, because I didn't envision
2 this. It is not an exercise of self-determination for ourselves as it is
3 coming to support a government project that we are going to support
4 you administering with your big fund of money to put it into
5 government land again, not into the tribes. It is really difficult, I said this
6 at the last hearing, it is a daunting exercise for us because the way we
7 feel about **<Native language spoken>**, our land, and so I'm concerned
8 on the onset about a cooperative agreement.

9 Then, can we put the money that is scheduled in here for Standing
10 Rock in an escrow account, or is it just government funds that you are
11 going to nickel and dime us with? How do we exercise that cooperative
12 agreement? That's my question. Someone, tell me what a cooperative
13 agreement is because my experience with cooperative agreement is
14 based on the CFR and enforcing those regulations, so I'm interested to
15 know how you are going to do a cooperative agreement. There is no
16 template, it's just negotiating, as far as I know. So, if there is a
17 template, show me. That's one question.

18 And appraisals, with the government, take forever. I have an
19 experience with my own land that I wanted to consolidate, but had a
20 very, very bad experience with land consolidation. I was denied for
21 fifteen years because the Bureau had an appraisal period of two years,
22 then three years, so when you went back and said, "Is my appraisal
23 done?" you heard, "Oh, well, the two years is up so it needs another
24 appraisal." So I wanted fifteen years, never got a land consolidation on
25 my own initiative. When I did a gift deed on behalf of my **<Native
26 language spoken>** I was charged with thirteen counts of theft that I

1 acted as the agent to do that land consolidation. So, I know what the
2 government can do and I know that in my efforts to do a good thing for
3 my family, I was criminalized. I have those experiences with land
4 consolidation as an individual, so I know what can be done to the
5 individual landowners on Standing Rock. I know the penalties that can
6 occur when they make those efforts on their own. So I want to see if we
7 are not allowed the 638 process, which we are familiar with, we are
8 familiar with that, because first we have a government-to-government
9 relationship. We have a treaty relationship, so our people are real
10 **<Native language spoken>** hesitant, afraid to have anything else even
11 to 638 contract because then they are delegating their relationship, and
12 you can't do that with the treaty.

13 That is the feeling among our people here and then if we are
14 going into a new agreement, a cooperative agreement, we know that
15 the government has its, you have the reigns. I just, I didn't think that
16 Cobell settlement would do this and I know my very dear friend Elouise
17 Cobell would not want this to be a government, even taking back the
18 money is unconstitutional. That was a settlement. Compensation, and
19 yet, you are going to take the money back, put it back in Treasury.
20 That's unconstitutional. So I'm having a lot of difficulty with just the
21 beginning for the cooperative agreement and with the appraisal
22 process because I think there are different situations with different
23 tribes that are going to require almost in-house appraisal. At Standing
24 Rock, I would say, we want our own appraiser, we want that in-house.
25 We want to be able to contract that appraiser so that we have our own
26 time frames and our own movement of activity based on our
27 movement and activities, not to wait for the Bureau for two years or

1 three years and send the money back, because I think that's the
2 objective here. Thank you.

3 RANDY PHELON: The other thing I guess I would like to say,
4 piggybacking on what Sisseton is talking about, you guys need to
5 designate each tribe or each reservation a go-to person or team leader
6 that we can call and work with you rather than waiting in line. This
7 could be a huge magnitude of assignments and applications that we
8 have to go through as a tribe. Like they are talking about at Standing
9 Rock, we too would like our own appraiser and that we would, but we
10 want somebody that we can call and that we can go to.

11 TOM YOUNG: Yes. It wasn't that I was saying you won't have
12 service. I'm just saying it is tough to take the person and put them as
13 Sisseton or Fort Yates for six months. We will definitely have someone
14 that you have a go-to guy, when you have a problem, this is the person
15 you call.

16 RANDY PHELON: Okay.

17 TEX HALL: Are they going to be in our region or are they going to
18 be in Albuquerque or where are they going to be?

19 UNIDENTIFIED: You know, we are concerned with –

20 UNIDENTIFIED: Boots on the ground.

21 TOM YOUNG: Yes. They are going to be, when they come out and
22 do the market studies, they come out and go to the county
23 courthouses, they talk with all the buyers and sellers, they go through
24 that process. They are boots on the ground. The tough part is, hiring

1 potentially, we are looking at over ten appraisers. To locate them in
2 one place you are not going to be able to recruit ten people, appraisers,
3 to live in Rapid City, South Dakota or Albuquerque. So we are going to
4 have to look at spreading them around, potentially using what we call
5 virtual positions, so they could work-

6 UNIDENTIFIED: I'm not big on virtual offices or virtual positions.
7 That doesn't work where I come from.

8 TOM YOUNG: However we can recruit people, we have a lot of
9 people. It is a heck of a workload.

10 UNIDENTIFIED: I don't know what the heck is a virtual position?

11 TOM YOUNG: It is where you could have a guy that works up at
12 Newtown, one person in Newtown and he knows he is part of this
13 team. He is working from his home office –

14 UNIDENTIFIED: He is there, but he's really not there, right? Like a
15 virtual person?

16 TOM YOUNG: In a virtual location. He just knows, he is going to be
17 on the road. When he is told to be in Navajo on Monday morning, he is
18 in Navajo. He is not physically, that is not his permanent residence, but
19 wherever he gets dispatched to, that is where he goes.

20 DONOVAN ARCHAMBAULT: I guess, this is Donovan Archambault
21 from Fort Belknap again. I guess my interpretation is of a cooperative
22 agreement is we cooperate with whatever you guys want to do. So if
23 you don't know, that's what it is. <Laughter>

1 UNIDENTIFIED: Yes sir?

2 UNIDENTIFIED: I agree with that assessment.

3 DONOVAN ARCHAMBAULT: But anyway, getting back to the
4 appraisal part of it, you know, you said you are going to GPS and fly and
5 look at different things and if you need to get on the ground, you're
6 going to land. Well, I got a brother here, well hell he knows every blade
7 of grass in Fort Peck. In fact, he eats grass. Oh, that's the wrong kind, he
8 don't eat that kind <laughter>, but in all seriousness, I agree with these
9 fellows. You know, we need to have them guys that live there that
10 know the land and know the people. They need to be on your team or
11 you need to put them on our team. Thank you.

12 JESSE TAKE ALIVE: Yes, I agree with that statement about what a
13 cooperative agreement is, but I want to ask a question again. In a
14 consultation, as I mentioned earlier, Custer did that and he never came
15 back. That's what I'm afraid is going to happen here because if we say
16 cooperative agreement, our interpretation of that, if somebody can
17 say, "Yes," or "No," to this, the cooperative agreement that you are
18 speaking of, it's on United States of American terms, is that correct?

19 MIKE BLACK: No.

20 JESSE TAKEN ALIVE: So we can come up with our own form of
21 cooperative agreement to get you to sign onto that as a sovereign, as
22 another nation.

23 MIKE BLACK: You can ask us to, but when I said, "No," it's not
24 going to be neither probably a federal government imposed agreement

1 or a tribal imposed agreement, it's going to be through negotiation
2 between the two parties. That is part of the consultation process, we
3 are going to come out and discuss with you, you know what part of the
4 cooperative agreements does the tribe want to implement, what parts
5 do you want the federal government – if any – to implement. What can
6 we, by law or statute, implement or be able to put into a cooperative
7 agreement.

8 JESSE TAKEN ALIVE: So whose cooperative agreement are we
9 going to sit down with? If this is one of the negotiating settlements, will
10 it be your cooperative agreement that we sit down with and your laws,
11 or is it going to be our cooperative agreement and our laws?

12 MIKE BLACK: I think, there again, I think it has been said a number
13 of times around the room already, each tribe has individual and unique
14 situations out there, just the same as it is going to be with the
15 cooperative agreement. There will be some type of a, we don't have it
16 right now, but some type of a template. That is part of what we are
17 here for, going around with these consultations to do to try and gather,
18 what should be in these standard cooperative agreements that we can
19 put out there that everybody can have a look at?

20 JESSE TAKEN ALIVE: See, you use the term, "flexible," earlier
21 today, but I'm listening to this and it is flexible within your laws and it is
22 limited to that. It doesn't say anything about tribal laws, it doesn't say
23 anything about anything of that nature, tribal laws from each of our
24 distinct tribal governments that are here that are meeting with you. So,
25 I am going to go home with the understanding that cooperative
26 agreements are within the confines of the United States of America's

1 laws, policies, CFR's, whatever they are, that's what I'm going to back
2 with unless you tell me different. That we can bring our own
3 cooperative agreement, you will look at it as a sovereign-to-sovereign
4 will discuss our cooperative agreement first, because remember, these
5 are our lands. That is what we are coming to the table with. Can you
6 agree to that?

7 UNIDENTIFIED: You know, the other thing that I would like to
8 mention –

9 JESSE TAKEN ALIVE: But I mean I want them to answer so we don't
10 forget what I'm asking. If you can't, just say, "No," and we will go on.

11 MIKE BLACK: There again, just the short answer would be, "No,"
12 unless I know what is in the cooperative agreement. It would be a
13 proposal coming from the tribes that we would take a look at and
14 negotiate as you said a sovereign-to-sovereign.

15 JESSE TAKEN ALIVE: So we can't even bring a cooperative
16 agreement to the table then?

17 MIKE BLACK: Yes. You can, that is what I just said. You can bring
18 that to the table and it would be the beginning of our negotiation
19 process.

20 JESSE TAKEN ALIVE: Not an OST, not a DOI, not a BIA, but a SRST
21 tribal agreement?

22 MIKE BLACK: You can sure submit that, yes. I can't tell you that I
23 can agree to it 100% right now, but we –

1 JESSE TAKEN ALIVE: We can start with that.

2 MIKE BLACK: It's a starting point.

3 JESSE TAKEN ALIVE: Okay then we want to take a look at your
4 agreement after that.

5 THOMAS CHRISTIAN: As long as it is not a B.I.A. agreement where
6 it says, "Boss Indians around."

7 JESSE TAKEN ALIVE: Yea. But then we will take a look at your
8 agreement secondly.

9 BRYAN BREWER: I would like to say one thing, I think you are
10 seeing a lot of frustration here from the tribes. I really believe that
11 there is a perception here that you believe we are incompetent of
12 doing any of these things. It is just the feeling that the federal
13 government doesn't think that the tribes can do anything right. So I
14 think that is why you are seeing some of the frustrations here.

15 When you say, "A pilot project," you are saying well one of them
16 will (*inaudible*) because one of them will probably screw up or
17 something like that and we should all be getting that money, right up
18 front. Give it to us. I believe that is the perception that I have, that you
19 can't trust us, you don't think we can do it. That's all I have to say.

20 MIKE BLACK: Thank you.

21 DENISE MESTETH: My name is Denise Mesteth. I work for the
22 Oglala Sioux Tribe and I would like to say good morning or is it
23 afternoon? Everyone's bellies are growling. I would like to say that the

1 Oglala Sioux Tribe, you know, has been purchasing land for awhile but
2 we, again, have to use the services of offices of special trustee. During
3 those services, sometimes assets on that land is not counted such as
4 wells that are instrumental part of that land. You know, without that
5 well, servicing the leaser, how can he survive? You just can't have
6 nothing, just the grass, you have to have that water. Are they able to
7 appraise, not only that land, but the assets on that land? Then what
8 about houses? What about all the assets on that land that the tribe may
9 become ownership, have ownership of? Are our people going to get
10 compensated for that?

11 I think that that is a legitimate question, I would like to see on the
12 Pine Ridge Reservation, we are going to go after appraisals, 638
13 appraisals I understand is going to be a separate contract from this
14 because, we too, have difficulty in getting appraisals in and I think it's
15 across the board. I think that the reviewer also has to be nearby and if
16 this reviewer needs to come down daily from Rapid City, so be it. We
17 need to have them nearby, we need to get these things done. If we are
18 just going to spend this money in ten years' time, you know, that's not
19 a lot of time.

20 We are going to still be here after you guys are gone, we are still
21 going to be here picking up pieces here too, you know, it's not going to
22 end for us. So we would like to get as much resources out there to carry
23 out the project.

24 MIKE BLACK: Thank you, I think I will respond real briefly to the
25 idea of certain circumstances on particular tracts and appraisers then
26 we might want to take our break for lunch. Just real briefly, on the

1 appraisals, when we talk about mass appraisal techniques, trying to get
2 80-90% of the tracts appraised through those types of techniques,
3 certain circumstances such as the ones you raised are unique for each
4 tract that may take them out of that mass appraisal type technique.
5 You know, that is going to be kind of an analysis, a time-cost analysis of
6 what can we really do to capture some of those tracts but still be
7 moving forward in a way that we are not taking too long or spending
8 too much on appraisals for specific tracts. Somehow, that will try to be
9 incorporated, especially when tribes identify those as priorities for
10 acquisition.

11 DONOVAN ARCHAMBAULT: Yeah, Tony, before we break for
12 lunch-

13 UNIDENTIFIED: On the TAAMS system, is it up to standard? Or is it
14 going to be part of an agreement too on accessibility? I know with our
15 local bureau or that our bureau (*inaudible*), every time there is a
16 (*inaudible*) or something wrong they always blame it on the TAAMS
17 system, so what are the solutions to that or is it going to be part of the
18 agreement that you are going to deal with the tribes?

19 And I would like to take lunch too because I am an assimilated
20 Indian when it comes to food, I want to eat at noon, just like the white
21 people.

22 MIKE BLACK: Okay, you don't want me to answer right now?

23 DONOVAN ARCHAMBAULT: Yeah, Tony, before you go, what it
24 sounds like here is a way the present laws and everything is written, we
25 can't use the money we want to down at the agency, you can't hire

1 certain people, you can't do, why can't we – we got ten years here now
2 – why can't we change that law so we can do what the tribes want to
3 do instead of doing what you guys are trying to do? We want to do
4 something totally different from what this law allows. We should redo
5 this before the ten years is up so we don't have to give the money up.

6 MIKE BLACK: Thank you for that comment. I think we will try to be
7 back in one hour from now, we will say 2 o'clock.

8 <BREAK FOR LUNCH>

9 ANTHONY WALTERS: Alright, everyone, we would like to start off
10 the afternoon just asking if people wanted to finish going through our
11 presentation, there's a few more slides but I know we have a lot of
12 open dialog for most of the morning and we can just continue with
13 that, without going through the rest of the presentation and it should
14 be available online, if not today, sometime in the next week.

15 A lot of you probably do have copies from the slides from the
16 lobby, but if you don't want to go through the final few slides, we can
17 just open it up for discussion again for the afternoon.

18 MIKE BLACK: Any preference one way or the other?

19 KATHY DEERE: We would like to continue on with the slides,
20 because you add a little bit more than what's on the slides, so I would
21 like to hear the comments.

22 MIKE BLACK: Sure. And it does generate conversation as well.

1 ANGELA RUSSELL: Mike? Before we get started we were asking
2 earlier if there is any (*inaudible*) maybe some technical (*inaudible*) or
3 language changes, to accommodate some of the things that the tribes
4 have talked about? Like for example, the scholarship, I don't think there
5 is anyway leeway in the scholarship language that (*inaudible*) to give
6 that money to tribes. Is there (*inaudible*) that leeway?

7 MIKE BLACK: A couple of points on that. One is, I think that with
8 the cooperative agreements and the discussion we were having before
9 the break. My understanding of the cooperative agreements is that
10 they are actually more broad, the department is looking at the more
11 broadly than what they described earlier and so that for example, on
12 outreach on those cooperative agreements, I would expect that the
13 vast majority of tribes would be entering into cooperative agreements
14 to perform that function of outreach.

15 So, but on the scholarship fund itself, I think that you are right,
16 that the legislation is pretty defined in terms of those scholarship funds
17 and quite frankly I'm not up to speed on the education component of it.
18 But with regard to cooperative agreements I just want to make it clear
19 that we don't have a template, we are willing to work off of what tribes
20 provide us to have those discussions and negotiations, but we will also
21 probably – I have heard some tribal leaders say that they do want a
22 template to take a look at to maybe work off of their first draft. So we
23 are open to doing that as well, but the idea with those cooperative
24 agreements is really to sit down on a government-to-government basis
25 and see what parts of this program the tribes want to implement. I

1 know we have heard a lot this morning about tribes wanting to
2 implement as much as possible. So thank you for the question.

3 JESSE TAKEN ALIVE: Can I give you an example why this is
4 important for us when it comes to scholarships? Just taking a Standing
5 Rock, one of the requirements with federal dollars is that students –
6 prospective college students – fill out FAFSA. When they do that, there
7 is a requirement of a parental contribution, assuming that families have
8 savings accounts and that’s not the case. So when they are not able to
9 contribute and if they do not have a savings accounts, definitely they
10 are the working poor class. So the student isn’t able to get what he or
11 she should be eligible for, but on paper it is legal and in reality, it is
12 wrong. So we have catered our program at home and our successes
13 aren’t with B.I.A.

14 Our money we use from B.I.A. is for some partial, a small portion,
15 for scholarships, but the majority of it is for administration and we use
16 other tribal funds and took out that requirement of parental
17 contribution, because the last time we looked, not too many of us had
18 a savings account. If you look across America today, with the financial
19 fiscal situations, the cry of fiscal cliff and all those types of things, we
20 learned through the news that people were having emotional problems
21 because they were having to dip into their savings. I am talking about
22 the greater majority in America, well we don’t even have a savings. We
23 catered something that is working, we are seeing a lot of success with
24 it, and this is why the flexibility that was mentioned here, I am
25 wondering how flexible that can be. I know what we are going to hear is
26 that, “Well, these are federal dollars and we can’t do that,” but in our

1 view though, it is our money because it comes off of our lands and all of
2 the mistakes that the United States made. So we are not going to agree
3 on that, because you are going to have to uphold your policies and we
4 are going to have to forward with ours.

5 So this is why it is imperative that we at least get some type of
6 sense on what “flexible” is and what “broad” is, et cetera, et cetera,
7 because it would be an exercise in futility and it is just going to be
8 something, “Well we tried to work with those Indians, but golly, they
9 are too wild and they don’t want to conform to the American dream,”
10 when in fact, we have Lakota, Dakota, Nakota dreams that we are
11 working with as well. Just to give you a brief example of what we are
12 talking about when it comes to our own ability.

13 LARRY ROBERTS: I appreciate your comment. I was one of those
14 students who I would not have gone to college were it not for the
15 support that (*inaudible*) was able to provide and so I do think that on
16 the education aspect, we have less- the law that Congress passed,
17 provides less flexible on that and we will provide the details on that. I
18 don’t know the details on that, but in regard to the cooperative
19 agreements and implementing the buy-back, I think that we do have
20 greater flexibility and we do want to make sure that we had these one-
21 on-one conversations with tribal leadership in terms of what do they
22 want and how should those administrative costs be spent. Does the
23 tribe want to implement the majority of the program, all of the
24 program, how is that going to work and have those one-on-one dialogs,
25 so I appreciate your comments.

1 JOHN MCCLANAHAN: I think that when we left off last, we had
2 just finished up talking about the evaluation step. We talked about
3 outreach before that, we talked about evaluation and so I think we are
4 at the point where we can talk about the acquisition phase of the
5 process. That is once we have the values and I can turn this over to
6 Mike Black to talk about that. The program is focused on sending as
7 many offers as we can out to the individuals, that is the main goal. So I
8 will turn it over to Mike and he can talk for a few minutes about that
9 step.

10 MIKE BLACK: Good afternoon everybody, I hope that everyone
11 was able to have a good lunch. I know that I am full, but I should be
12 able to get through this.

13 Just talking a little about the acquisition phase of this process.
14 One of the things, you know, we have considered a lot of different
15 things, a lot of input that has come through the consultation processes
16 and how we set up this program and then also taking into consideration
17 the limitations and restrictions placed on us by the fifteen percent
18 administration fund. And how we can best implement this program in a
19 cost-efficient manner and be able to get out there and purchase up all
20 the interests that are purchasable with the remaining funds out of that
21 1.9 billion dollars.

22 As I mentioned earlier this morning, this is something that has
23 never been done with anything of this size and scope with the
24 Department of Interior in the past, so we do need all of the input that
25 we can get on how we implement the program and how we will move
26 forward with it. As you notice on the slide there, we have a number of

1 different things and one of the keys here, of course, is going to be
2 getting values.

3 Tom talked a little bit about that on the appraisal process and
4 how we are going to look to maximize that process in order to make
5 sure that we have values that we can put offers on out there. We want
6 to get offers out to as many people as possible and that could bring us
7 to some points, as we move on, looking through and at the same time
8 consulting the tribes to make sure that we are meeting the priorities.
9 That will be part of the consultation and the cooperative agreements
10 and all of the different conversations that will go on as we move into
11 the program here. You know, there is a list of some of the possible
12 factors that we have considered as we have looked at this program and
13 through our previous consultations and there again, we look forward to
14 input on that and some of the other factors that will be coming up on
15 us. Go ahead. In order to be efficient, we have looked at trying to make
16 this, again, as efficient as possible, you know with the cost limitations
17 and resource limitations.

18 And also trying to make this basically a one-stop, or one-step
19 process, not a one-stop-shop Tex, but a one-step process. That means
20 that when we send out an offer getting all of the information out to the
21 potential and willing sellers that we possibly can regarding their land
22 interests, as well as making the process as simple as possible. Some of
23 you may have seen some of our previous inventory, land inventory
24 forms that have gone out to individuals in the past and they are really a
25 cumbersome form, really hard to read. So we are taking a look at that
26 form and trying to make it as simple as possible, including some check

1 boxes in there. So it would be easier for an individual to determine
2 what interests they have, what interests on that listing that they might
3 be open and willing to sell.

4 We are making some revisions to our TAAMS System to try and
5 incorporate that and automate as much of this whole process as we can
6 within the system itself. Let me just touch on this too, there has been
7 mention a couple of different times about information and TAAMS and
8 what we can provide to the tribes and that is something that we are
9 working forward to make sure that we get as much information out to
10 the tribes as well regarding what fractionated interests are out there on
11 your reservations, where those fractionated interests are, that will help
12 you to make those decisions as far as what your priorities would be and
13 where you would like us to go.

14 TEX HALL: Mike?

15

16 MIKE BLACK: Yea.

17 TEX HALL: Are you guys considering making, you know, like when
18 you go to Southwest or Delta, you check in on a kiosk. Is that
19 something, because the title(?) plants in Aberdeen, it makes it difficult
20 for a landowner to get access to their information. So is that some
21 consideration, to make it and use technology to make it more available
22 for landowners or the tribes to get their access to their records?

23 MIKE BLACK: You know, there has been discussion on that in the
24 past, Tex. Not necessarily, just as part of this program, but overall in
25 providing service out there. I do not know where we are with that, it is

1 a little bit more complicated with all of the security restrictions and
2 stuff on our data, being able to put it out on a kiosk. But it is something
3 that would still be looked at into the future here. We do that with
4 everything now days.

5 ANGELA RUSSELL: (inaudible, not at microphone) tracts. Is that
6 appealable, what regulations are going to apply? Do I ask landowners
7 saying, "Well wait a minute, I think that you forgot to value a house or a
8 well, is there anything I can do?" There has to be some regulations that
9 would govern that I would think, so that landowners would maybe say,
10 "I don't agree with that," or do you think it can be changed?

11 MIKE BLACK: Well I think that any landowner out there would be
12 open to file, to basically say that they don't agree with it. This is a
13 willing seller program, so if they do not want to accept the program,
14 they definitely do not have to accept the offer. They can come in with
15 something else, I don't know, through our appraisal process how we
16 will address that.

17 TEX HALL: What are the rules though? Is it ILCA or the court
18 settlement? What are the rules and regulations that govern this as we
19 are going to get a cooperative agreement with you?

20 MIKE BLACK: The court settlement says that the program will be
21 implemented in accordance with the ILCA amendments outlined in
22 AIPRA – The American Indian Probate Reform Act.

23 ANGELA RUSSELL: It does say fair market value.

24 MIKE BLACK: Yes, we are bound by fair market value.

1 ANGELA RUSSELL: AIPRA has a little more leeway in fair market
2 value.

3 MIKE BLACK: One of the things that we are looking at because,
4 you know, we are under a limited time frame here, we do have ten
5 years, although ten years in the big picture isn't going to be all that long
6 to try and implement this program, when you have forty of the top
7 reservations out there that we are going to be targeting. Plus, there is
8 one-hundred and fifty-five reservations overall, that have fractional
9 interests out there. We are looking at setting some time frames as well
10 as the appraisals are only good for a certain amount of time as well,
11 according to USPAP(?) regulations, so we are looking at setting
12 sometime of a time frame out there on an offer. Whether it be thirty
13 days, sixty days, I do not think that it has really been nailed down yet,
14 but that is something we are looking into as well.

15 The field, we will be looking at staffing local field offices that will
16 be able to answer questions, but there again, that could be something
17 that could also be incorporated into some type of a cooperative
18 agreement. Where we could respond to requests for information or
19 questions from landowners that are interested in the program. There
20 again, in the payments, under the program, we will be going through an
21 individual's IIM account. Anything else?

22 JESSE TAKEN ALIVE: Mike, where do you see the – as we get into a
23 cooperative agreement – where does any tribal staff, where does that
24 money come from to pay the tribal staff in a cooperative agreement?

1 MIKE BLACK: Any funding under a cooperative agreement to
2 implement this program would come from the fifteen percent. So,
3 therefore, we do have to –

4 JESSE TAKEN ALIVE: There is a budget there then?

5 MIKE BLACK: The budget is coming out of the fifteen percent,
6 anything to do with this program will come out of that fifteen percent,
7 that is where we have to be pretty judicious on how we look at this.
8 Because, you know, two-hundred and eighty-five million spread out
9 across this program, as I said earlier, fifteen percent is not a lot of
10 overhead to charge to a program like this.

11 DENISE MESTETH: Mike, I am assuming that (*inaudible*) is
12 confident that the TAAMS system, the title system, the title work, the
13 process to report, recording the deeds, developing the deeds, all of
14 those processes that are going to be involved have been refined or
15 updated, or do we have more staff? Because, I recall that in the ILCA
16 project, we purchased the fractionated interest, the advent cost to do
17 the interest that were purchased were very, very high. In fact, I think
18 that some of the stats said that they were almost like fifty to sixty
19 percent (*inaudible*) to do the purchases that we have done so far under
20 that ILCA program. So when we are looking at only fifteen percent, I
21 mean, that's a very minimal amount compared to the history of the
22 department in purchasing those fractionated interests. Has there been
23 a large upgrade in capacity so there is confidence that we can actually
24 do this for fifteen percent?

1 MIKE BLACK: That has been one of the major revisions that we are
2 going through on the TAAMS system right now is to address all of those
3 concerns. We are trying to automated the process as much as possible,
4 so that we don't need as much staff out there to process deeds and a
5 lot of the other activities that go with it; the mailings, trying to
6 automated the mailings as much as possible. We are going out with one
7 mailing wherever possible.

8 We are going to have to take a look at, under certain situations,
9 where if we get out to a certain reservation and the number of
10 purchasable interest based on the appraisals that come back to us,
11 exceed the cap that has been identified at this point, that is where
12 consultation – once again – is going to have to take place with tribe.
13 That way we can identify those areas that will be the priority of the
14 tribe, those will be the focal points of the program.

15

16 UNIDENTIFIED: Mike?

17 MIKE BLACK: Yes sir.

18 UNIDENTIFIED: I was wondering (inaudible question)?

19 MIKE BLACK: They will receive notice in the mail, once we have
20 made the appraisal, they will be getting an offer in the mail.

21 UNIDENTIFIED: You'll do the appraisal (inaudible)?

22 MIKE BLACK: Yea. I guess you could say that.

1 MIKE BLACK: We will be appraising largely in, you know, in a lot of
2 instances we will be doing what we are calling mass appraisals at this
3 point. We would be going out and trying to appraise a large area.

4 UNIDENTIFIED: Based on fractionated (*inaudible*)

5 MIKE BLACK: Right.

6 LARRY ROBERTS: I would also think that landowners would have
7 some knowledge in the aspect of there is going to be a tribal outreach
8 component here, right, so presumably when the program picks up at a
9 certain reservation, there is going to be a lot of tribal outreach that the
10 tribe would be doing to notify members that, "Hey, we are going to
11 start doing appraisals, we are going to start doing evaluations," and so
12 that would be a part of tribal outreach.

13 JESSE TAKEN ALIVE: How are you going to determine what tribe
14 gets what dollar amount? Is that going to be a funding formula or how
15 are you going to do that to determine how much money each tribe
16 needs for this tribal piece or tribal component?

17 UNIDENTIFIED: Cooperative agreement?

18 JESSE TAKEN ALIVE: The funding of it. There is one fifteen percent
19 that they are working with, so how are you going to determine how
20 much each tribe gets?

21 MIKE BLACK: I think that this could be a good opportunity to get
22 input from tribes here on what that might look like, the purchase
23 ceiling, the plan was developed based on taking into account the
24 number of fractional interests, tracts and acres. The breakdown of

1 outreach though could be something similar, if there is a certain tribe
2 that has a lot of individuals, if you look in the appendix of the plan,
3 some tribes reservations only have one-hundred or five hundred or a
4 thousand individuals that they would most have to do an outreach to.

5 Other tribes, especially up here in the Great Plains, maybe ten or
6 twenty-thousand individuals who own fractional interest at a location,
7 so it could be something based on something like that. We would love
8 to hear any ideas on that.

9 UNIDENTIFIED: And keep in mind, not only the numbers, but how
10 to approach the landowners. We still have a lot of our people who live
11 very modest lives at their own choosing. They still speak their language,
12 predominantly, of their own choosing. So if you are looking at a tribal
13 component of it, we are definitely going to come to the table, saying
14 that we've got these, what you all call "experts," and they should be
15 paid adequately to do this kind of work. This is to make certain that
16 they convey the proper message to these landowners to determine if
17 they do want to sell or not. That is a huge task for us at Standing Rock.
18 We don't want to make it sound like this is the train is going by and if
19 you don't get your requests in there to sell land, it's going to go past
20 and you will never see it again. That is the typical message or
21 understanding that a lot of our people have. It is kind of like under
22 conditions of duress.

23 Again, back to that, we are going to definitely come to the table
24 and say that we have our folks here on board with it especially a lot of
25 young people back home now are re-learning our language and it is
26 going to be an awesome good thing for them to become a part of this,

1 if they should choose to do so. You know, conversing with elderly
2 people, refining their language skills and on the issue of whether to sell
3 their land or keep it and understanding why in each case. That piece if
4 something that we will bring to the table. I don't know that the bureau
5 will be flexible enough to understand that or not, other than to say,
6 "Well we didn't know that," or "We got no money, we have to go on."
7 That is the concern that is brought to the table, at least from Standing
8 Rock today.

9 DENISE MESTETH: Good afternoon, I would like to make a
10 comment. I think it's on – yes, it's on. So, the OST(?) works with tribal,
11 or I'm sorry, the BIA agency and they receive requests for appraisals
12 through the BIA – will that change whenever we start doing the
13 appraisal requests at the tribal level. So we are down there, we are
14 working and we have a number of appraisals to get done, will they
15 accept our requests for those appraisals, or do we have to wait on BIA
16 to request those? I don't know the form that you have to fill out, but
17 we would like to have that full disclosure, if you don't mind, whenever
18 we work on those appraisals.

19 MIKE BLACK: Right now, all the requests come through an online
20 system that we have called OASIS.

21 DENISE MESTETH: Uh-huh.

22 MIKE BLACK: The tribe doesn't have access to it right now. We are
23 in the process of wanting to get access to you guys.

24 DENISE MESTETH: Great.

1 MIKE BLACK: We will have to go through a background clearance,
2 it is all web-based so you will be able to hit it, but we don't have any
3 tribes on the system right now.

4 DENISE MESTETH: Okay.

5 MIKE BLACK: So until that is in place, we would have to –

6 DENISE MESTETH: Utilize BIA?

7 MIKE BLACK: Yea, you would have to hop over to the agency folks
8 and code the request.

9 DENISE MESTETH: So you can see that there are some things that
10 we have to work out and make sure that those avenues are open for us
11 as a tribe to be able to get those appraisals on time, you know, to get
12 them recorded or requested first and foremost. Waiting for approvals
13 and so on, that is fine by me, but let's move it along and get those done
14 before we get behind that desk and start ordering them, that's my
15 opinion.

16 JOHN MCCLANAHAN: If I could just add a bit to that, one of the
17 things that we are suggesting is that we are going to use mass
18 appraisals, so if we just take – for example – Standing Rock, there is
19 about six-thousand tracts there. Our hope is that by using mass
20 appraisals, we will be able to capture a lot of those tracts, so the idea of
21 a request is, maybe doesn't fit so well because we are really trying to
22 get all of those tracts encompassed in that effort. It might be that there
23 is some tribal priorities that fall outside of the tracts that are within
24 that mass appraisals group. We will take a look at those and we can try

1 to do appraisals on those too. Again, I just wanted to point out that we
2 are hoping that the mass appraisal really kind of eliminates some of the
3 issues about making requests, because we are really trying to do this on
4 that wide of a scale.

5 IRVING PROVOST: Thank you, my name is Irv Provost I'm with the
6 Oglala Sioux Tribe. I have some questions here, actually some
7 challenges for you. You know in regards to this OST ceiling price for
8 Oglala Sioux Tribe, it's \$126 million. You know, this money, in my
9 opinion, has been allocated for us for a repurchasing based on your
10 assumption and figures.

11 I am going to challenge you people by saying one thing: This
12 money should be set aside for the Oglala Sioux Tribe and if we have an
13 invested interest in it, it should be set aside in an interest-bearing
14 account in our name. That interest should come back to our tribe. That
15 is a challenge. I have never seen anything in your guidance where we
16 cannot do this. Then another phase of this too, is when you start
17 looking at your fifteen percent administrative fee on this, that comes
18 out too. About eighteen million dollars. I looked at your parameters for
19 your operational concepts. You are challenging us where we cannot fit
20 into the last part, but the other three we can buy into. I have not seen
21 any parameters or guidance where our agreements with you are going
22 to be reviewed and be accepted. We need to be on the same playing
23 field here.

24 As the Oglala Sioux Tribe, we are ready to go, we can do this,
25 these three objects. In regards to that, we are looking at these three
26 items. You are looking at about \$6.3 million dollars of administrative

1 fees coming out of this. You know, the tribe can do these activities
2 because we know our people on the great Oglala Lakota Nation
3 reservation. It is time that we start saying, you know what, you guys
4 had this trust opportunity for years, and I am not bashing you in a good
5 way, you did the best you can, now it is time for us to make our stand
6 and do this in the best interest of our Lakota landowners.

7 We want to do this. We want to have trust and respect with our
8 Lakota people and that is our obligation as elected officials and our
9 organizations in our tribal programs to do this. We are ready to do this.
10 We want to access this money, but right now when we are talking and
11 throwing out ideas, I don't see no parameters, I don't see no guidance
12 on these three objectives, at all. But the clock is ticking and they are
13 saying that we have until May to do this. We are playing to your rules
14 and your ball game. This is our land that we are a vested interest,
15 because I believe in one thing the way I was growing up – the future of
16 generations as Oglala Sioux Tribe is our children, but we are not going
17 to stand as a great Lakota nation without our land base.

18 Even though I have heard a lot of conversation today of how we
19 are living, we do live in that way, even I do today. We are very proud of
20 our history, our culture, our treaties, Article VI of the constitution and
21 you guys have to remember this, it is the supreme law of the land. The
22 U.S. appointed officials by executive order have to follow these. It is
23 time that we start standing up for our Lakota people as elected officials
24 in stating that we want to do our own service in the best interest of our
25 people. Thank you.

1 BERNIE SHOT WITH ARROW: Good afternoon. My name is Bernie
2 Shot With Arrow, I'm from the Oglala Sioux Tribe council and I come
3 here in a good way. You know, there are two options, we go with this
4 plan that is on the table, which the white man has always brought to
5 our people. Me, personally, BIA is a joke – I hate to say that. It is a
6 failure.

7 Again, it is a failure because you are coming with a plan where
8 you mismanaged our people and yet you are coming again. But you
9 know, as a councilman representing my people, I wouldn't be talking
10 this way if I didn't care about my people, the children in Pine Ridge. We
11 got people that have no water, that are sitting there, struggling so they
12 put us in the office to speak for them. I come here in a good way, this
13 plan it's good, it's alright in your guys' eyes but in our eyes it is not
14 good. This whole Cobell thing was a joke, because we got a thousand
15 dollars, they got a hundred million, those lawyers, she got \$12 million.

16 Now again, we are sitting here with this \$60 million, or whatever,
17 for scholarships, that ain't going to help our children. This land, this
18 fractionated land, in the long run, to me I see it as another way our
19 people giving up our sovereignty, our treaties. My great-grandfather
20 **<Native language spoken>** and my great-grandmother Plenty Horses,
21 we come from people of Crazy Horse, but this system, Sitting Bull, they
22 all had dreams of what was going to happen here. So we have
23 education, I am a young man, a young councilman my people have
24 thought of me for leadership, so people my age we are speaking now,
25 we are not closed in like this boarding school syndrome. We are

1 educated. I have been to the police academy, I have been in BIA, but
2 me, I choose to work for my people.

3 So I come here in a good way and I speak to you tribal leaders, we
4 have our ex-president John (*inaudible*) Our tribal leaders, we can take
5 this deal or we can say, "Forget it, let's make a new deal," let's meet
6 with Obama. Because basically you guys, no disrespect, but you work
7 for us, we don't work for you. You are setting a plan down saying, "Take
8 it," we could take it, but basically we don't have to because BIA, IHS
9 and the treaties, it was never put there. Basically, our ancestors died,
10 they suffered so that we could have healthcare, education and that is
11 something the federal government doesn't understand but it is
12 something that is there. It is something that we have to fight for. Now
13 we have money, but as tribal leaders, I am asking you guys either we
14 take this deal or we just (*inaudible*) and walk away and fight for our
15 future of our people.

16 Now Cobell, I respect her and God rest her soul, but I am looking
17 at the future of our people and this deal that happened now that is on
18 the table, it is not a good deal, because here we are sitting here asking
19 you guys. Why are we begging you guys? You guys work for us. So I
20 come here, you know, to ask my people either we take this deal and
21 just put up with it and in the future we are going to suffer, in the long
22 run. I see a lot of problems with this because we are already suffering.
23 This BIA is a failed, it's a failed corporation that was supposed to serve
24 the people. It isn't a tribal thing, it is white people servicing us, it has
25 failed so has IHS, HUD, I hate to say that and I hate to be angry, but my
26 people are suffering in Pine Ridge. We got children that do not have the

1 education money they need, the healthcare they need, I got a step-
2 father that is probably going to die because IHS will not pay his bills.

3 Okay, that is a whole separate issue, but we got BIA who
4 mismanaged our land, so now here we sit. So anyways, I come here in a
5 good way, thank you for listening to me, respect for everybody but I am
6 just speaking my mind as a tribal leader. I have to support my
7 colleagues, you know, if we go with this deal I see in the long run it will
8 be devastating to our people again. I just thought I would say that, I had
9 to speak my mind to you guys. I know you guys really have no position
10 to say anything because you are looking for the BIA, so I think as tribal
11 leaders, excuse me, we do need to meet with Obama. We need to set
12 up a plan with him, because why not? You guys, I am a tribal leader, we
13 got presidents here on the same level as Obama. In the federal
14 government, our treaties, they are the law of the land.

15 That is something that, anyways, I just wanted to speak my mind,
16 you know. No disrespect. I respect you guys, we are all coming here in a
17 good way, but I am looking at the people, the children in Pine Ridge
18 that are suffering and every reservation is struggling, but I am speaking
19 on behalf of my people, the great Oglala Sioux Tribe. Alright, thank you.

20 MIKE BLACK: Thank you.

21 THOMAS CHRISTIAN: Let me talk. Can I talk? I am good at it you
22 guys. Good afternoon, I am kind of a little bit sleepy, like a little puppy I
23 ate and now I want to go to sleep, but I ate Chinese food, so I will be
24 hungry in a little bit and I will wake up again.

1 You know, gentlemen, one of the things as I sit here, this morning
2 I come in here ready to rock and they said it would be a decision-
3 making process, you are going to recognize the leadership that is here, I
4 am very honored and at the same time, very humbled to be associated
5 with a group of individuals with such compassion and empathy that
6 they have for people that they are mostly relatives and they are very
7 connected to.

8 Now you gentlemen come in here and I am sad because you treat
9 us like we do not know what we are doing. You tell us what you are
10 going to do. You talk about cooperative agreements. We have to
11 cooperate with you. It should be where you all cooperate with us, but
12 you argue the points in everything that was said here to justify a
13 bureaucratic position from, like this young gentleman was just saying,
14 this young tribal leader. He was just saying, trying to share with you his
15 passion that he has for the protection of his future and his people, we
16 believe that. We live like that. I don't get healthcare. Did you know
17 that? I don't get unemployment insurance, I don't get dental care, I
18 don't get eye care, I'm an elected official. I don't have a package that's
19 full of perks. I barely make \$45,000 a year and I have to raise a family
20 on that in a place where it's got nothing. You guys can't relate to that.
21 You know why? You are in a tax bracket that, if I was there man, I
22 would be driving new cars and everything else instead of working 24/7
23 for my people.

24 I am just sharing that with you not to make you feel hurt or put
25 you down like the young man said, I hate to say that but this is what I
26 feel as a tribal leader and I have been doing this for twelve years. This is

1 my sixth term sitting as a council member. And in that process, I have
2 recognized many inadequacies, that addresses this bureaucratic
3 process and that is why I came. I didn't come here to put anybody
4 down, because again I feel that you are all just the same as me. But
5 then again, when you hide behind regulatory authority that
6 compromises a philosophy of life and the integrity of that philosophy,
7 that's what saddens me.

8 I don't know if you understand exactly what I am saying and the
9 respects to that. This is what we are trying to convey to you, as just
10 common people from reservations where we were put, in the worst
11 places. We don't have resources, we can't go to the doctor. In our case,
12 if we make an appointment for a doctor to get adequate healthcare, we
13 have to travel 360 miles. Then they complain that it costs so much to
14 send us to the doctor, only because we don't have adequate services or
15 a hospital on our reservation.

16 Now those are the things that are pretty impacting, and please do
17 not get mad at me, I don't want you guys getting mad at me because
18 then you will go back, and I'm not teasing. You will say, Fort Peck, we
19 don't want to give them money, I don't think I could lobby for them
20 because that Tommy Christian talked so much shit he thinks he's
21 somebody, I don't think I'm nobody. I am trying to convey to you to
22 help you understand. What I do realize, is that I am a tribal leader that
23 represents twelve-thousand members of what this deal, what this
24 package is that you are trying to push down our throats. I am not saying
25 that you are. What I am sharing with you is what I am feeling and I have
26 no problem with anybody. Except, other than trying to get the best, the

1 biggest bang, for this buck in relation to Jay who is bringing forward
2 many good things as it relates to legal perspective. I am a treaty Indian
3 as well. I appreciate what the lady brought forward. I think as a result of
4 past experience with the bureaucracy, that we are here to justify your
5 guys' job. You guys got a job to do, I can respect your professionalism.
6 But I think we are here just to, and we are guilty by mere association,
7 so that you can go back to your bosses and tell them folks, "We did this
8 and here is what we did, we had a PowerPoint," you have to justify
9 your positions. That's how I feel.

10 I'm not feeling included in this whole package, I'm feeling like I
11 have to be involved. Like I said earlier, I didn't come here to waste my
12 time because I would be a little bit more effective where I'm from,
13 because that is where I have my authority. I have no authority down
14 here, other than hopefully people like yourselves would recognize the
15 leadership of all the chairs, all the presidents that are here, all the
16 council members.

17 Again, we aren't here to argue you, we are not here for you to tell
18 us what to do, I thought you were going to listen to us, but evidently
19 that is not the case. So Tex, as a classic politician, I am starting to worry
20 about where's the IDC in this thing, man?

21 *(UNIDENTIFIED and inaudible)* notes too.

22 THOMAS CHRISTIAN: Yea, yea, where is the IDC because that's a
23 classic political position in which the BIA is expecting us, as tribal
24 leaders, to go to think about it guys, think about it. That is what they
25 want us to do. In respects to that, gentlemen, please don't be

1 personally offended because I don't know any of you. I don't have the
2 right to dislike you or actually even like you, but what you represent,
3 what you represent is a bureaucracy from my perspective that
4 represents all these atrocities that have been inflicted on our people,
5 like the gentleman was trying to share with you.

6 These atrocities are such things as what had happened in
7 (*inaudible*) coming forward with this mismanagement of these funds
8 and you know something? The money that we got, is about that much
9 compared to what really happened. We know that, but we afforded the
10 bureaucracy an opportunity to try to respect themselves and give us
11 something, so we succumbed to that. We negotiated it. We went and
12 spoke with President Obama's officials in Washington D.C. Our whole
13 council went there to get this money, but we didn't go there in greed or
14 desperation, we went there accommodating the bureaucracy, out of
15 respect. That is all we go for.

16 So gentlemen, please, if you could listen to what we are sharing
17 with you, there are some common things that every one of us have.
18 Establish your plan on that. Establish and understand the importance of
19 what you are dealing with is people that are limited in resources. We
20 can't live a standard and quality of life like you and I'm not here crying
21 to you about anything, I'm not going to beg you for nothing, I have
22 more dignity and honor because of where I come from, my legacy and
23 my heritage. I have more than that, that is why I'm a tribal leader. But
24 at the same time, don't treat me bad. I have seen you guys kind of look
25 at these individuals, these tribal leaders, in kind of an ignorant way and

1 it made me feel sad that we humble ourselves to your wishes but you
2 can't respect that.

3 The joke that I made about the coffee and the doughnuts, that
4 was true. If you come to my house, guess what I would do to you? I
5 would give you coffee, doughnuts, a sandwich, something. That is
6 Lakota, Dakota, Nakota. That is how we live. So in that, you guys want
7 to call tribal leaders to the table and you guys can't even give us coffee
8 and doughnuts? That really wasn't a joke. That was to help you
9 understand that when you come to Indian country in the center of the
10 spiritual place that we are, you should understand who we are. Now,
11 this teasing about the IDC, that's probably going to come down to that.

12 Because all we are going to realize is however we can manipulate
13 that money that you guys are going to control, that you are going to
14 take and that you are dangling in front of us, this \$290 million. To us,
15 that is not true until it is right in our hands, okay? So how do you expect
16 to accommodate these things, when you can't even accommodate the
17 first payment of this Cobell money? How many people have not
18 received their payment because they couldn't do it, but yet they are
19 telling us that they are going to do this, idealistically. It's good to be
20 idealistic, I am the worst romantic idealist there is because I have hope
21 and humanitarianism, but look – "And six wives," he said – and please I
22 am serious, these guys are making me joke right here.

23 But we are Indians, as serious and stoic as we can look, we have
24 to look at things like that with a little bit of a jocularly, because what is
25 going on here is something that it is hard to appreciate because of the
26 distance that is there as a relation to the bureaucracy and the tribal

1 way of living. For as long as the BIA or the bureaucracy has been
2 involved with it, you would think we would be a little bit more friendly
3 and a little bit more conducive to an amenable relationship that can be
4 effective. But yet, look it, we are here, sitting here still bumping heads,
5 why? Because you guys want to justify your position of \$285 million
6 and we are saying we want this or we would like to see this? It's not
7 what we want, it's what we need, but you guys fail to recognize that.

8 So, as a tribal leader, I am asking you guys, trying to convey this in
9 a little bit more respectful way. Help us out. We're not idiots, we're not
10 imbeciles, we're not ignorant and I will share this with you all, many of
11 you sitting up there have cultural heritages. We have been here for
12 five-thousand years, carbon-dated. That was a white man, he carbon-
13 dated and said, "You have all have been here for five-thousand years,"
14 and we said, "Yeah, duh." We are going to be here for five-thousand
15 more and it's not because of us going along the bureaucratic way it's
16 because of that natural law process. **<Native language spoken>** means
17 we are all related. We respect that.

18 So as we continue to pursue a way that is going to be beneficial to
19 our future, our seven generations, that is what you are looking at. I
20 think we are losing, that guy that taught you Native American Studies,
21 that white guy – he didn't know what it was like to live on the rez. You
22 see? But (*inaudible*) I read it and I passed them all 100% on my test, I
23 passed Native American Studies, but it wasn't something that we do
24 and to live on the rez. And I'm not questioning or judging or criticizing
25 how you do things. What I am saying is, something's got to happen to
26 be a little bit more effective, gentlemen. I hope that we can talk with

1 your bosses and whoever that is, I hope it is Obama, because then you
2 would have an effective approach to dealing with these issues that you
3 are trying to present. You are presenting this to us, I should have sent
4 our land meeting and land committee people here instead of me
5 coming here, I feel that's how frustrated I am because I am dealing with
6 you. We should be, the chairmen, should be dealing with President
7 Obama and Congress, gentlemen.

8 I am not putting you down by no means, but that is where I am
9 coming from, because what we are talking about, the things we are
10 sharing with you, you think you will convey what I said to them? You
11 can't. You don't have that passion. You don't have that heart to do that,
12 because we live on the rez, so that is what I am saying that totally
13 ineffectiveness of what we are wishing to do here. We could do it on
14 paper and establish and you could teach us, isn't that what they are
15 trying to do? Teach us how to go along their way? Don't you feel like
16 students in here? I'm not a student, and I don't want to be. I am a
17 leader.

18 You know, somebody spoke of Crazy Horse. You know what he
19 used to say in our language? **<Native language spoken>** You guys know
20 what that means? That means, "Follow me," it means that as a leader
21 he would go first and the rest would follow him. Your bosses sent you
22 out here amongst us, you hope like heck we don't scalp you. That's a
23 joke, I am teasing, we wouldn't do that. But you see, now here you
24 have tribal councilmen and chairmen of tribes, we come out here first,
25 because, again **<Native language spoken>**, "Follow me." We are
26 wishing to come and now we come here and we have to argue with you

1 guys and then the chief, your chiefs are sitting up there and they are
2 being protected, that is not our way.

3 But anyway, I just wanted to convey that because I am going to sit
4 here like a good little Indian and you guys will hopefully, when we apply
5 for a grant or some more money, you will give it to us because Tommy
6 treated you good and all that good for Fort Peck. As far as this thing is
7 going, I'm going to depend on these more knowledgeable individuals to
8 hopefully lead us down a path that is going to be effective as it relates
9 to this money to buy the fractionated interest. It is a concern that we
10 didn't do that, you all did that. The outcome is going to be better for
11 you, not us, because again, many of our people are not understanding
12 how it is going to affect them in the future and seven generations down
13 the way.

14 That is the way that I feel as a reservation Indian, I apologize, I live
15 on the rez, I apologize I have to live with limited healthcare, I apologize
16 for having to live on commodities and get diabetes, I apologize for all of
17 that, but you know what – you should send us all a Thank You letter
18 because if it wasn't for us, you all wouldn't have a job. **<Native**
19 **language spoken>**

20 ANGELA RUSSELL: I think in the package there was some
21 discussion and I heard a couple of tribal leaders ask this morning about
22 *(inaudible)* and I guess, I think that there is a lot of frustration in this
23 room and it's not your fault and it's not the tribal leaders' fault actually.
24 Because this whole plan was *(inaudible)* without any tribal consultation
25 and that is what we are all living with today. I mean, this was a
26 settlement between the parties and the parties and their legal council

1 and the department and I know that none of you were actually at that
2 table to work out that settlement.

3 So now we are all trying to live with this settlement that was
4 negotiated and there were a handful of tribal leaders way back that
5 tried very hard to intervene in the lawsuit and some of you remember
6 that. We tried to intervene in the Cobell lawsuit about ten years ago
7 and we wanted to intervene and get in that lawsuit because we knew
8 that there would be a day like today, when there would be a decision
9 made and tribes wouldn't be in the driver's seat, tribes would be in the
10 backseat and they wouldn't have anything to say about the outcome of
11 that settlement. Well we are there now, that is today. So here we are.
12 So I think there is a lot of frustration.

13 In my lifetime, in the lifetime of everybody in this room, there is
14 never going to be another opportunity like this to put money into land
15 consolidation, that's a reality. I mean, there is never going to be
16 \$1.9billion to restore land to Indian country. That, in itself, is historic, so
17 I guess we are frustrated. On the other hand, how do we make this
18 work? I think I have asked twice and I think that Donovan Archambault
19 asked also, is there a willingness to even look at the law? I don't think
20 there is or maybe there has been an instruction not to even raise that,
21 because some of the things that the tribes have said today would take a
22 change in the law. We would have to change the law to get the
23 scholarship money into the hands of tribes, we would have to change
24 the law to get that money that has been designated for each
25 reservation to actually get into the hands of the tribe, we would have to
26 have some changes in the law, We may be able to accommodate these

1 cooperative agreements and make some headway on the menu of
2 items that, you know, the tribes can participate in.

3 My point was, this is the only opportunity that I see, in our
4 lifetimes, for meaningful land consolidation. If it's meaningful, if it's for
5 the tribe and not just to close IIM accounts and minimize the liability of
6 the United States to manage those accounts, if it's really meaningful
7 land consolidation, how are we going to balance those two interests?
8 Can the tribes purchase fee land? I don't know how many reservations
9 here, you could probably go to the agency and look at all of the
10 applications for a fee patent, because you have a lot of tribes, tribal
11 members that are desperate to sell because there is no other
12 opportunity. So there is always all those applications for fee patent.
13 There is also purchase of probate, right there at the probate you have
14 all these people that are confused, there's options to purchase, could
15 you purchase at probate? Could you purchase those fee lands? Could
16 the tribe decide that there is an area of fee land that they think is going
17 to benefit them, maybe they can put a hospital or a health facility or a
18 housing project. Can they buy that? Can this money do things that are
19 really meaningful land consolidation? I think that we are all frustrated. I
20 heard today, that, "Yes we can do these cooperative agreements,"
21 under what regulations? Are they appealable? What are the standards
22 for a tribe to prove capacity? Who is going to say, "Well you, Standing
23 Rock, I don't think that you can do this, but you Oglala, I think that you
24 can do this."

25 I think that is all, without some guidance and some real specific
26 parameters, that is going to put all of us at odds with one another and

1 we are going to have contention. I think that is scary, I think that Tom
2 Fredericks over there hit on an issue that I caught onto. We still have
3 land owner rights out here too, we still have land owner rights. If we
4 are going to do mass appraisals, that's great, but you are going to have
5 improvements and you are going to have other structures on the land,
6 you should have consent to go out on that land. How do we
7 accommodate that? Do we just barrel over the landowner's rights to do
8 this as cost-effectively as possible? Then again, the value, if you decide
9 my land is worth \$12 and you send me a letter in the mail and say,
10 "Here is \$12 and a deed, go ahead and sign it and take it," what if I
11 want to say, "Wait a minute, I want to appeal that. I think that my land
12 has water on it and it's the only water source in the area," and I should
13 have an opportunity do to that.

14 There are just so many unanswered questions here that I think
15 that this task is extremely daunting. I don't know, I have been sitting
16 here thinking, "How do we move forward? Do there need to be some
17 work groups? Do you need to have the tribes, do they need to form
18 work groups?" I'm not sure but I think that today there are so many
19 unanswered questions that this whole project is vulnerable. It is
20 vulnerable because we have so many loopholes yet that we haven't
21 closed. Back to my questions, can you be fee lands? Will you be fee
22 lands? No fee lands?

23 UNIDENTIFIED: It's not allowed.

24 ANGELA RUSSELL: Okay. No fee lands at all. Alright. See and that is
25 hard, because you are going to have tracts like at Black Feet. At Black
26 Feet, you are going to have undivided interest, maybe you have twenty

1 undivided interests and maybe eight of those are fee, and so if you are
2 going to do land consolidation and you are going to try and buy the
3 tract, you are going to have fee interest. There are quite a few of our
4 reservations that have undivided fee interest within the trust tract and
5 the tract is majority trust, so that's another issue. Thank you, very
6 much.

7 IRVING PROVOST: Yes, I've got a few comments here and
8 questions I want to bring back to all of us here. My name is Irv Provost,
9 like I said from Oglala Sioux Tribe.

10 You know when we started looking at this plan, the more and
11 more I get the feeling that our brothers up here have been our keepers
12 are going to contract us out to some entities. Because I believe that if
13 they would have had the capabilities within the bureau we would have
14 had a lot of our appraisals done for example. I will be honest with you,
15 we have some appraisals on sale, Pine Ridge, sitting at OST. Not with
16 the Oglala Sioux Tribe Office of Special Trust, we are going on three to
17 four years. These people are hurting.

18 I seen where the BIA contracted with two organizations and our
19 reservation talking to our enrolled members, they didn't provide the
20 best service they could. They kind of, in my opinion, failed. Chickasaw
21 Nation and ILCA I'm not bashing them, but I don't want to see this
22 contract on Oglala Sioux Tribe, I want to see our tribe take care of our
23 own people. That is our responsibility. You know, I always talk about
24 the almighty dollar, but I was taught the Lakota way that you come in
25 with nothing, then you leave with nothing. What you leave here is the
26 wisdom, knowledge, strength to the next generation to be stronger

1 than you. This is our opportunity people, we don't want to see this
2 contracted out. That's why you don't see them giving us parameters
3 and a plan, that's my opinion in my heart and I'm saying this honestly. I
4 don't want to see this contracted. Thank you.

5 THOMAS CHRISTIAN: What if we adopted those white guys that
6 own land on our reservation? Would you guys buy it then?

7 **<Native language spoken>**

8 RUSSELL EAGLE BEAR: Sitting here, observing (*inaudible*). How can
9 we, somebody mentioned flexibility, how can we work it so we can
10 accommodate or we should at least try. I have been to a lot of federal
11 consultation meetings and every single agency that comes, they have
12 only interpretation of the consultation. They come with (*inaudible*),
13 they want to consult with Indians, "Yea we had a room full of Indians
14 that day, all tribal leaders and we got our point across and this is still
15 the plan." You know, just one day mind you, when 5 o'clock comes, you
16 guys are going to go home, go back to your offices and say, "Yea we got
17 a room full of Indians, there was dissension among the Indians, there
18 was a comedian that was involved, they had their own comedian." But
19 the point I'm trying to make is you should allow us, maybe even some
20 time, you know you should have taken several days, three days, four
21 days, a week if you needed to and in a process let us consult among our
22 tribes.

23 Tomorrow morning I am hoping I guess we have an audience, I
24 know (*inaudible*), granted we will probably be in agreement with you to
25 a certain level, simply because we want to get this over and going. I tell

1 you, our people, the Lakota (*inaudible*), but the government in terms of
2 Black Hills (*inaudible*). Instead of a one-day meeting say, "Tomorrow
3 morning we are going to do a distribution process," just like Cobell but
4 that won't happen. I know you have your (*inaudible*) but the thing is,
5 you need to hear the people.

6 I mean listening to (*inaudible*), makes a very good point. Some of
7 the comments that were made, we should, we as tribal leaders are
8 representing our nations should be able to sit down and say, look they
9 brought a proposal here, what do you think we should do and then
10 send you back a message. That is what should happen. (*inaudible*)
11 PowerPoint, you guys individual tribes, we are going to go home and
12 see what happens and you guys have done your work. When I think of
13 consultation, I don't know maybe I have a misconception of what
14 consultation means, but it's something that two people can sit down
15 and hash out, come up with a plan.

16 The way I am sensing this is that it is kind of a, you know, this is
17 the way it is, we will take your ideas, yea we are hearing you, oh yea,
18 basically it's just you talking. I'm really, I guess, disappointed. Now I will
19 sit the rest of the afternoon and listen, but I think that maybe our
20 leaders or tribes should try to sit down and talk. Maybe we need to go
21 back into litigation again. Maybe this is something that really defined,
22 definitely for us, by a court of law. I'm really skeptical now today sitting
23 here. You know, our program (*inaudible*) exist back on Rosebud, we are
24 still going to struggle. I am really disappointed because when those Acts
25 came into play, most of the Acts, they took a lot of land away from us.
26 Here we are struggling to recover that and this was the mechanism in

1 place. I think that it was all to help us achieve status of 100%
2 reservation boundary, yet (*inaudible*). Where is that flexibility? Where
3 is that compromise? What did we have to do to address it in a legal
4 way? You should be as wise as us too. So I rest my comment, thank you.

5 PHYLLIS YOUNG: I guess I would have to say that I do not support
6 this. Listening to this and then on the record, I do not accept this
7 consultation. I have to say this because as I am listening to your
8 concepts as they are being presented for just the cooperative
9 agreement, the terms of that, your operations, the formula you are
10 going to use for your tracts, interest and acres, you're going to set that
11 formula and you are going to create that ceiling for every reservation.
12 You are going to create the groupings of reservations and to me, you
13 have federalized the whole payment, so that the money isn't actually
14 coming. Cobell settlement is not coming to the Indian people or the
15 tribes, it is going to the federal government. It has been federalized, so
16 that it will be subject to all of the federal rules and standards for your
17 operation.

18 For the land to be turned back into trust for the federal
19 government, so as you proceed today, I cannot accept this as my okay
20 for a consultation a tribal official and I cannot support the work that is
21 laid out in your PowerPoint, your position, I cannot support that on
22 behalf of the Standing Rock Sioux Tribe. Like my constituent from
23 Rosebud, I will sit here, I will listen, I will absorb, I will hear, but I will
24 not agree leaving this table, that I support this work if it has to, please
25 know who you are dealing with. We are **<Native language spoken>**, we
26 still survive based on who we are, that's our identity and as long as we

1 have that collective memory of who we are in our struggle and what
2 the government relationship has been, we will continue to be who we
3 are. So I have to say that, be it legislative, if we have to go back to
4 Congress and seek an amendment to this or what it is and how we are
5 going to work it out for our land, or does it have to be litigation that it is
6 an act that is unconstitutional. So I will continue to listen, but I do not
7 support this. Thank you.

8 CHRIS LINBLAD: Hello. My name is Chris Linblad I am in the in
9 house attorney for the Standing Rock Sioux Tribe. Obviously, there is a
10 lot of frustration among the tribes due to the delays and cost. Right
11 now, we are looking at a ten-year window in which the department
12 working with the tribes can expend a large amount of money, which

13 Angela Russell mentioned earlier that the ILCA process was very
14 expensive with 50-60% of administrative costs, but looking back at the
15 ILCA program, it is clear that the Cobell land consolidation program is a
16 much more massive undertaking than ILCA. ILCA was never able to
17 expend the amount of funds that the Cobell land consolidation program
18 deals with and as such it's necessary that work proceed quickly. Right
19 now and based on some comments at the last consultation hearing, it
20 appears that there has been very little work done with regards to
21 drafting template deeds and template cooperative agreements.
22 Documents such as these are going to be essential to ensuring that this
23 process is done efficiently.

24 Additionally, there are doubts as to whether this amount of
25 money can be expended within ten years and one only needs to look
26 back at the consultation process itself. The draft plan for this program

1 was released in January of last year after a series of consultations, the
2 department then issued what was called an initial implementation plan
3 eleven months later. The clog started taking in November and
4 essentially three months have now passed, three months of the 120
5 months to expend this money.

6 As we go through the initial implementation plan, there is plenty
7 of details that are missing. Those with regards to structures or
8 improvements made on trust land, the implementation plan is nearly
9 silent on how those will be valued. Additionally, the information with
10 regards to the college scholarship program are vague, at best, and I
11 believe that the tribe should have input with regards to how those
12 funds are expended. I believe that most of the tribes in the Great Plains
13 region would argue that those tribes with the most fractionated
14 interest which are purchased through this program, students living on
15 those reservations, are given a priority to receive scholarship funds.
16 Input should also be allowed with regards to whether students studying
17 particular fields should be allowed a priority, whether students
18 attending tribal colleges should be deemed a priority to receive such
19 funds.

20 There are a number of issues, I guess, at the last consultation
21 which we received conflicting information so I was wondering if, today,
22 the panel could address whether any land owner who owns both
23 surface and mineral interests in land would be able to sell the surface
24 interests while retaining the mineral interests. I know that would be a
25 question that many land owners at three affiliated tribes would like an
26 answer to, in addition to other tribes in this region. Again, we would

1 urge that the department move quickly with regards to setting up the
2 infrastructure necessary to ensure that this process is run in an efficient
3 manner and as I mentioned at the last consultation, it is absolutely
4 necessary that the tribes have as much input into this program as
5 possible.

6 Tribes in this region have a lot of capabilities when it comes to
7 land purchases and I believe that those tribes should be in the driving
8 seat. I am happy to see that the narrative, with regards to the
9 consultations, have adapted the draft plan that was issued, have
10 switched from easing the department's administrative burden towards
11 looking at the tribal priorities, but we also must ensure that the land
12 owners are given a fair deal and that their voices are also heard. Thank
13 you very much and with regards to the outreach, once again, I would
14 encourage that the department work with the tribes to develop some
15 materials to distribute to landowners now, so that when the
16 department and the tribes begin implementing this program that there
17 has been some education done already.

18 I, again, would encourage the department that not only with the
19 tribes, but also with tribal members at the district levels to ensure that
20 everyone knows exactly what this program is about and to help educate
21 them with regards to the benefit that it could provide to the tribes and
22 their members with regards to making large tracts of land able to be
23 used for beneficial use. Thank you very much.

24 JOHN MCCLANAHAN: Thank you. Sir could you use the
25 microphone please?

1 ERVIN CARLSON: I guess I have a question, my name is Ervin
2 Carlson, I'm a member of the Blackfeet Tribe and I work for the
3 Blackfeet Tribe land department and also I'm a landowner and quite
4 sizeable in land. I guess I own a lot of fractionated interest in land, so I
5 do have an interest. I have been involved in, I guess, this issue for a lot
6 of years.

7 One of the questions I would like to ask is, you know it has been
8 talked about here, maybe the question was asked, but talking about the
9 appraisals and then a mailing out to the people that want to sell land,
10 to see if they want to sell land to the interior for the tribes. I guess,
11 what chance would we have as tribes, if there's anybody on the
12 reservation that doesn't want to sell their land at all, I guess, I hear that
13 quite a lot at Blackfeet, as, "That's my land there," and to see if there's
14 no incentive, I guess, to buy those fractionated interests and you're
15 going to do a mass appraisal and then it just covers everything and not
16 particular to being able to appraise what I might have on my land. The
17 improvements, the water, the fencing and all of those improvements
18 there that I might not agree with and I don't want to sell any of my
19 land. I hear a lot of that on Blackfeet that, "Well, you know, I'm not
20 going to sell my land if I don't get a real good price for it. As miniscule
21 as it might be, that's my connection to that reservation and that's my
22 land, so I'm not going to sell that."

23 So if you're on the Blackfeet for example, if nobody wants to sell
24 their land and you don't want to listen to the tribes' priorities, what
25 happens to the money, if there's nobody on that reservation – or just
26 very few – that would want to sell their lands. Where is the money

1 going to go, I guess, after that if there's nobody there? And now look at
2 the tribes, if they have a priority and there's nobody a landowner there
3 that's not going to get enough money or incentive to sell their land,
4 then why not listen to the tribe and they are setting their priorities in
5 looking at the lands they want to buy back, if it's not that fractionated
6 interest. I know the fractionated interest is the BIA's biggest nightmare
7 and that's what this is all about, getting rid of that nightmare. But the
8 tribes have priorities and it might be to an economic benefit or in the
9 future they can even help the BIA with that nightmare as to if they are
10 looking to buy back lands that are going to be an economic benefit to
11 them, bring in more money to them and they are able to buy in the
12 future all of those fractionated interests from tribes.

13 So this is one of those that I think the BIA could look at that. It
14 seems as that we are not even looking at that, as if there's a mass
15 appraisal and a mass mailing out of people and they're not even aware
16 of what this, this mailing that might be coming to them. I mean it's just
17 like within the lawsuit, there's this lawsuit going on and people weren't
18 even, the tribal people, weren't even made aware of what was in that
19 lawsuit that might have been detrimental to them. You know, that's
20 where it all started from also. So I see that as this and kind of coming
21 the same was is that as not really informing our people of what can-
22 the lands of what is going on with them. So there needs to be that out
23 there with that, a lot of information getting out to our people. The way
24 I see it too is that, you know, we are right now it was just talked about
25 earlier that right now, the clock is ticking on that ten year window that
26 these have to be, to be, to be, this money has to be spent.

1 The way I kind of feel with tribes is that it's another way that I
2 guess that the bureau, or the U.S. government has looked at is as to,
3 "Well we went out and consulted them and we have this ten years, well
4 we can't spend all this money within this time, so this money is all going
5 to go back in to the Interior or to the Treasury." So it's just like, "We
6 went out, we consulted, we tried to buy the lands, we couldn't do it, so
7 now the money is all coming back." And I'm afraid that is exactly what's
8 going to happen within this and I feel like it's a plan, or just something
9 that is preconceived that that's what's put out there. "Well you know
10 we couldn't spend all of this money, we tried, so it's all going to go back
11 to the Treasury." I just think that if there's not enough people, and I
12 know within Blackfeet, I have talked to a lot of people again, that they
13 don't want to sell their land. If they're not going to get a real good price
14 for it, "Why should I sell?"

15 So there's going to be that money that's there and the tribes
16 should be able to set a priority, as I say, that the lands and I talked
17 about fee lands and you can't buy them. That's a big priority in the
18 tribes, there's a lot of non-Indians on the reservations that have bought
19 up the lands in there. It's a big thing that we have as tribes to buy those
20 lands back, to get every land within that reservation back into the
21 hands of the tribes and tribal people. So those are priorities that the
22 tribes that I think that should be looked at with this cooperative
23 agreement and working.

24 The other thing that I guess that I just wanted to say to tribal
25 leaders here and Russell and (*inaudible*) hit on it, you know we sit down
26 here and we talk about this consultation, but the way it looks like now

1 is that we should be sitting down and doing, just as Russ was saying, we
2 ask these questions. The tribes they ask these questions, “Well, what
3 can we do? What can we do to make this work?” Well, it can’t happen
4 because there’s a law that constitutes us to do this. Can we sit down
5 with the tribes and say, “What can we do?” I think it’s within the tribes
6 themselves and one gentlemen talking about it earlier, that the tribes
7 standing together and I think that’s what needs to happen now is to try
8 standing together and talking about going to Congress and saying,
9 “What can we do to change this law to make this land acquisition work
10 for us, the tribes, of all of the tribes, throughout the United States,
11 working together,” to say “What can we do to change these laws to
12 make it work for Indian country.” Thank you.

13 THEODORA BIRD BEAR: Yes my name is Theodora BirdBear I am
14 from Ft. Berthold(?) I’m a mineral owner and a surface owner also and I
15 have fractionated interests.

16 You don’t address how the minerals, gravel, timber, groundwater
17 is going to be appraised in this whole process. I seen the frustration this
18 morning about the difficulty of getting any answers from you guys and
19 this is supposed to be a consultation. There’s this factor, there’s that
20 factor, maybe we’ll do it this way, maybe that way, we don’t know. This
21 is like a \$1.9billion project and it’s being saddled on top of a BIA that is
22 already overwhelmed, so I fear for the individual Indian landowner in
23 this process.

24 The Cobell land purchase, they want to use tribal governments to
25 remove lands from individual Indians and it’s all in order to help BIA
26 record-keeping. This money, this \$1.9billion could be and should be

1 used for existing programs that make a substitute difference for
2 individual Indians, like estate planning, wills and probate, but instead
3 it's going to be used to extract land from people instead. When these
4 other processes like wills and probate can actually consolidate lands
5 and minerals and actually help the bureau, the Cobell case was about
6 individual Indians, yet the individual landowner and mineral owner,
7 they're the last party that's called to the table in this process and that's
8 only to get their signature.

9 So what that means, I think, is that there really needs to be a
10 national landowner's party to represent the individual Indians in this
11 process because they are the last party being invited to this table. The
12 process really needs to be revised to include landowners to address
13 this. You're only after their signatures.

14 UNIDENTIFIED: John, is that your name?

15 JOHN MCCLANAHAN: Yes sir.

16 UNIDENTIFIED: My question is, I have a question on it's in the
17 reading of landowners they're given a notice to sell the land and if they
18 don't respond, then that is an automatic sale, is that true?

19 JOHN MCCLANAHAN: No. There's no, there's no automatic sales.

20 UNIDENTIFIED: I mean, it can be considered, because it's like
21 either, "Yes" or "No," right? But how are you going to be able to
22 contact, I mean, no matter what we do we're not going to be able to
23 contact all landowners and that's my question. So if that happens,
24 that's why they should have the rights, right?

1 JOHN MCCLANAHAN: The main focus is to, in the outreach phase,
2 make sure that as many people as possible are aware that those offers
3 will be coming and like we have talked about we want to work with the
4 tribes and have the tribes do a lot of that outreach so we maximize the
5 ability for folks to receive those and be able to make a decision about
6 whether they want to sell or not. If they do not want to sell, that's their
7 decision and we're not going to force that person to sell.

8 UNIDENTIFIED: I mean, but what if then they don't turn in no
9 paperwork, what if then they can't be contacted, then what?

10 JOHN MCCLANAHAN: There's no sale.

11 UNIDENTIFIED: There's no sale?

12 JOHN MCCLANAHAN: There's no sale. Right.

13 UNIDENTIFIED: Because my understanding is someone told me
14 that it is going to be considered a sale whether the person sends a
15 letter in or not.

16 JOHN MCCLANAHAN: The only sales will be those that are actively
17 returned by the individual to either the Department or the tribe,
18 whoever is operating that position.

19 UNIDENTIFIED: Another question, okay, say someone does sell,
20 how much time will they get paid. Like what's the timeline? Is it either
21 ten years or will it be what the tribe decides to do or? What would be
22 the timeline, say I came in and I wanted to sell my land, how long would
23 I get to get a check?

1 JOHN MCCLANAHAN: Our intent would be to minimize the
2 amount of time. When somebody says, "Yes, I want to sell," and they
3 sign the documents, that would be an instruction to issue the payment
4 to their account as soon as possible.

5 UNIDENTIFIED: You don't know exact, like an acre, how much an
6 acre will be or a tract of land or?

7 JOHN MCCLANAHAN: I'm sorry?

8 UNIDENTIFIED: You know exact figures on how much it's going to
9 cost, how much a landowner can get?

10 JOHN MCCLANAHAN: It depends on the number of fractional
11 interests that they have and where they are located, but the intent –
12 and the appraised value of course. The intent is to make, once the sale
13 is agreed by the individual, those payments as soon as possible.

14 UNIDENTIFIED: Like what, or like she said over there earlier, it is
15 disrespectful, we come here but we're using our tribal funds to come
16 here as leaders. Just something for you guys to think about maybe next
17 time you set it up, you guys should foot the bill, that's just a common
18 courtesy. Because Lakota people, you know that's, you know being in
19 the government that we're in, government is government, seems like
20 we are taking away money from our tribal people to come here to try
21 to fight for them. So that's a question to think about, you know. You set
22 these up, you guys should foot the bill, honestly. Those were the
23 questions I had, so thank you.

24 JOHN MCCLANAHAN: Thank you.

1 DENNIS BEAUMONT: Good afternoon, my name is Dennis
2 Beaumont. I am here as a member of the Land Board back home and as
3 president of an Allottee Association of landowners back home.

4 First of all, I wanted to put emphasis on the gentleman earlier, or
5 at the beginning, that offered us a prayer. Something he said was really
6 important to me. He said that we should all work together, it's very
7 important. I'm glad to see that the tribal delegates here are working
8 together and asking their questions and their concerns to the
9 Department of Interior.

10 For over, well approximately, for 500 years we have been divided
11 and we outweighed the United States government has gotten their
12 way, but it's good to see that the tribal officials, delegates, are coming
13 together and speaking in one voice to, to be heard. I wished my elected
14 officials were here, of the executive branch, I see one legislator in here
15 and I'm glad that she came. I also want to, I took notes during the day
16 and during the meeting, in no chronological order, but I think that I
17 wanted to share something with the Department of the Interior.

18 One of the reasons for the Cobell settlement I can say that my
19 family has been a big loser in regard to the reasons behind the Cobell
20 case. Some of the older delegates here may have known about the boss
21 farmers that the Department of the Interior many years ago assigned to
22 the various reservations. One of them wrote a will that took away my
23 father's inheritance. He was there employed only as a farmer to show
24 the, my tribe how to farm, but he wrote a will to the beneficiaries of
25 that will, were – I hate to say it, but to an unscrupulous uncle, grand-
26 uncle of mine – so my father lost all of his inheritance and the land that

1 I own today, I've earned through hard work. That's one of the reasons.
2 The second reason is about a year ago, maybe a little longer, the
3 President of the United States signed a water settlement with our tribe,
4 there again, I lost my water right on my ranch. He expects me to go 65
5 miles away to what's called the Yellow Tail Dam. We have, the
6 settlement was 500 cows an acre feet behind the dam. He expects me
7 to bring that water to my ranch, water my livestock and my, and
8 irrigate my fields. So I lost. The water was mine since 1887. He divided
9 our tribe, up in the state of Montana, Department of Interior and
10 others. They divided my tribe. A lot of the young people don't own
11 land. This created a situation where we had to vote on this water right.
12 A lot of the young people that had no land defeated us, the landowner,
13 and so we went along, we had to go with the law that the President
14 signed. I lost my water right. I'm only allowed thirty-five gallons per
15 minute and I have to get a permit from the state of Montana to drill
16 that well. So, that's historic, I think you should know some of the cases
17 behind this Cobell settlement. I'm sure that everyone has lost
18 something in this room, speaking of people here, there's fee patented
19 land, other things that many of the tribes, tribal members have lost. I
20 wanted to share that with you.

21 I have other concerns too. Let's say the surface is settled, the
22 tribe, I mean, the tribe's plans are carried out, but the minerals are still
23 there and if we are fortunate some of us tribes are fortunate like the
24 three affiliated tribes and let's say they find oil. The mineral estates are
25 going to be the same thing, are the same reasons we're here today.
26 That's a concern of mine. I see that in the future. We have minerals that
27 haven't been explored but the surface may be settled but the minerals

1 down the road, I fear, are going to be another problem. Appraisals, you
2 talked about appraisals and on my reservation there's not very many
3 sales from Indian to Indian, but there are some fee patented sales, I
4 mean sales in fee patent. Now I see that these, let's say for example,
5 grazing land. A non-Indian buys grazing land for \$40/acre, but I'm
6 required by the Department of the Interior to buy it for \$100/acre, so
7 on these mass appraisals, I have a bad feeling that the value of that, my
8 land, if I were to sell some of my undivided small undivided interests,
9 the value would come down because the non-Indian doesn't pay what I
10 have to pay, what I'm required to pay. That's one of my concerns.

11 You got me thinking awhile ago how, you know, all of these years
12 we've waited for appraisals and couldn't get our business done. There
13 was a lady over here that said she waited the limit, two or three years,
14 then she had to go back and get an appraisal. How, all of the sudden,
15 can we do these mass appraisals? I have to question that, it doesn't
16 make sense. Like if you restricted me all of these years from buying
17 land, but all of the sudden we can do mass appraisals, that's one of my
18 concerns as a rancher. I have other concerns, but I think we are running
19 out of time I think you said four o'clock was going to be the scheduled
20 time to quit, so those are some of my concerns. Some of the history
21 behind this meeting and I wanted you to take that back to Mr. Obama
22 and let him know maybe how much I've lost. Thank you.

23 UNIDENTIFIED: Thank you.

24 UNIDENTIFIED AUDIENCE: (inaudible from audience) It seems to
25 be that we have the government's interest, fractionated land and then
26 we have the tribal leadership here and they have a little bit of a conflict

1 from what I'm hearing, because they are the beneficiary of what is
2 happening here. They're going to get the land is going to become tribal
3 land and the allottees and the tribal members are the lands that are
4 going to be bought. So I think it behooves us to reach out and some of
5 the people have talked about the allottees or the tribal members that
6 have the land. They need to have their interests protected and how is
7 that going to be? The appraisal process, as you know, you can either
8 appraise it in a manner that benefits the landowner or you can appraise
9 it that benefits the purchaser.

10 So I think it behooves the panel up there to really lay out for the
11 allottees, how they're going to appraise this. Are they going to use MIA
12 appraisers or are you going to do a mass appraisal and do it as fast as
13 you can and as quick and as cheap as you can? That's, those are the
14 kinds of things and tensions that are going to start to build here
15 because the tribe is a beneficiary in one sense and the tribal leaders
16 represent the tribe, they also represent the tribal members, to
17 understand that. Still the tribal members need to, somehow, be
18 brought into this equation because there's really three parties here,
19 there's the tribe, there's the BIA or the United States and then there's
20 the allottees or the tribal member. So I don't think the tribal member is
21 really adequately represented here in these consultations or these
22 discussions and certainly, if there's going to be appraisals done – mass
23 appraisals – done, we need to know what kind of standards are going to
24 be implied and what methodology is going to be used to appraise these
25 lands.

1 JOLETTA BIRD BEAR: Good afternoon. My name is Joletta Bird
2 Bear and I am a landowner and an interest holder. I am **<Native**
3 **language spoken>** and I live in Mandan, North Dakota. I would like my
4 comments to be reflected in the record of today. I understand that the
5 comments of previous landowners were incorporated into the draft
6 document that you have before you, which I do not have.

7 I question the practicality, the legality, the validity of the land
8 consolidation plan that you've devised, which is supposed to benefit
9 landowners such as myself. I question your competency in arriving at
10 fair value appraisals of the land which you have targeted in the
11 documents, which you have prepared. From what I know, appraisals
12 are a process that you have not fulfilled within an adequate amount of
13 time, which is beneficial to landowners to this date. When you say you
14 are going to do an appraisal and you are going to get it done within,
15 within that ten year period, which we have already now lost three
16 months, I know that your words are not true. I just know that.

17 The Cobell settlement is for the individual Indian. That's me and
18 that's you, sitting here, behind me, around me. The Cobell settlement
19 was not for the benefit of the Bureau of Indian Affairs, nor tribal
20 governments. Please understand that. The Cobell settlement of
21 \$1.9billion belongs to every individual enrolled Indian in this United
22 States. That money and our land interests are now at stake under this
23 ridiculous Cobell consolidation plan that you are attempting to get my
24 support for. I do not support this approach to land consolidation. I
25 question you and I want an answer from you. Today.

1 There are vehicles that work right now, today, on Indian land that
2 does consolidate fractionated interests. That does not alienate Indian
3 owners from their land, from that point on. Those vehicles are probate,
4 the will estate planning for families, that includes partitioning, that
5 includes gift deeding, that includes transfer of land. Those vehicles
6 work, they do not alienate the Indian from his land. Shame on you and
7 shame on our tribal governments if they are behind an effort that is
8 going to sever Indians from their own land, and pit Indian tribes against
9 Indian members.

10 This is a sad day if this goes further. I agree with the person who
11 stated, "This needs to go back to Congress," because the Indian
12 landowner has not been at this table and we are sitting around this
13 table listening to you. This event, right now, is indicative of a national
14 Indian landowner IIM association. No longer can we depend on the
15 Bureau of Indian Affairs or tribal governments to protect or advocate
16 on behalf of the Indian landowner. I do not say that with malice, but I
17 know in my heart that that is the situation it is today. Now, Indian
18 families can benefit from will planning, fractionation can be reduced,
19 Indian people can become aware of their property, their value, the
20 development if they choose and so on. You do not need to take that
21 land away from us.

22 I question where is the opportunity for me to participate and to
23 get funded by the United States government to purchase consolidated
24 fractionated interests so that I can develop what I want to on Indian
25 land. Why did you leave that portion out? I want an answer today.
26 Thank you.

1 JOHN MCCLANAHAN: I think the short answer to the question is
2 the Cobell settlement agreement that was ratified by Congress and
3 approved by the courts sets forth the guidance and the
4 principals/principles? That we are sitting here today trying to find a way
5 forward on. Those principles and guide posts provide that the money,
6 the \$1.9billion for the purchase of fractional interests from individuals
7 to be held for the tribes. So that is what we are working with and I hope
8 that we can work together to find a way to make the best of that. As it
9 was said before, it's a historic amount of money that we have and let's
10 see what we can do to use it the best way possible.

11 JOLETTA BIRD BEAR: You have just heard from me and I have said
12 that there are existing vehicles, which address the fractionation,
13 reducing it in a way that doesn't create fractionation of relationships
14 within tribes. You have just heard me say that to you. What I would like
15 to know is who devised the Cobell plan? Who are the people that I can
16 attribute that decision-making to? I want to know. Who are these
17 people that devised this plan? Because I belong to an Indian IIM
18 association of Ft. Berthold. And we were never consulted in this plan.
19 We were never consulted. I am here today because I heard of this, not
20 through my tribe, but through other sources.

21 MIKE BLACK: As it was stated by Mr. McClanahan Here, the
22 settlement itself was set out in the courts and then ratified by Congress
23 and then signed by the President. That is what sets out the reason we
24 are here today as far as land consolidation program and the purchase,
25 the willing – purchase of willing sellers of this land. The vehicles that
26 you talk about, they're still in place, those are still avenues that can be

1 used as an additional method to reduce fractionation out there and
2 allow the individual landowners out there to consolidate their interests
3 as well. It's not anything that's going to be excluded, it's not necessarily
4 part of this program, but it is another resource that we can use to help
5 reduce fractionation on Indian country.

6 JOLETTA BIRD BEAR: Mr. Black, we do not need \$1.9billion to
7 replicate vehicles that are working effectively. In 2005, the BIA's own
8 audit of its pilot program proved that it was effective 93.5% in reducing
9 fractionation.

10 MIKE BLACK: Are you talking the ILCA Program?

11 JOLETTA BIRD BEAR: Yes. One of your own programs that showed
12 that reducing fractionation through probate will planning was effective.
13 Those are things that need to be supported, not overlooked.
14 \$1.9billion, even the 15% administrative costs, that's questionable. The
15 \$60million for scholarships, that's questionable. Those are all trust
16 issues, we shouldn't be paying for that. I'm sorry.

17 MIKE BLACK: Point taken.

18 JESSE TAKEN ALIVE: The question about surface and mineral rights
19 purchases hasn't been answered, it's been asked about two or three
20 times. Can somebody discuss that?

21 ANTHONY WALTERS: For the purposes of the program and I think
22 it is outlined a little bit in the implementation plan, where there are
23 mineral-only estates versus service-only estates. We would certainly, I
24 mean as many as are appraised as the individual owner could sell

1 either/or, both, or not. Where the estates is combined including both
2 the service and mineral estate together already, I don't believe we
3 would be, we're certainly not interested or considering now, splitting
4 those up in the sense that that's not reducing the issue of fractionation
5 at that point. But where they are separated already, we would allow
6 the individuals to, or the individuals would have the opportunity to
7 either sell or not sell.

8 TEX HALL: You got a regulation on that or is that just something
9 you're throwing out?

10 ANTHONY WALTERS: No, I think it's just an initial idea that's in the
11 plan in the sense that the goal of the settlement and the ILCA Act.

12 TEX HALL: There's not an incentive, there's a lot of people who
13 would probably sell their surface but not their minerals, so that's not an
14 incentive, what you just said.

15 ANTHONY WALTERS: Certainly. I understand.

16 JESSE TAKEN ALIVE: When will we be able to see that? Or where
17 would we be able to see that?

18 JOHN MCCLANAHAN: I think that as I understand the comment,
19 that is something that is an interest of the tribal leaders is to be able to
20 purchase only part of the estate, the mineral estate for example. We
21 have said in our plan that that wasn't something we were wanting to
22 do, but part of the process is to hear you and consider whether we can
23 do that or revise our plan. So I think that is what we will do, will listen,
24 hear that and perhaps and change what we had set in the plan.

1 JESSE TAKEN ALIVE: What is going to be your response to these
2 hours of discussion today? In general terms, some solutions, positions
3 we've taken, respectively from each tribal government. When will you
4 be responding to us?

5 JOHN MCCLANAHAN: I think there is a number of different ways
6 we can respond. One of the ways is when we sit down with one-on-one
7 discussion with tribes, we can talk about how to take what we learned,
8 what we heard and change if we have said something that wasn't
9 consistent with what you are asking to do. We can do it in cooperative
10 agreements.

11 Part of the process that we went through to get to this
12 implementation plan was to have consultation sessions and part of the
13 plan was to write up what we understood the way we wanted to
14 incorporate the comments. By putting that out there, then we can have
15 a continuing consultation and dialogue about whether we got it right.
16 We may not have got it right and we are willing to continually look at
17 amending those plans or making improvements to better achieve what
18 you are interested in.

19 JESSE TAKEN ALIVE: John, thank you for your long answer, but it
20 seems that it has been our experience, frustrating as it may be, that
21 when we ask a bureaucratic system a simple question it seems like they
22 miss the question. My question was when, I didn't say how or
23 whatever, I said, "When will this happen?"

24 JOHN MCCLANAHAN: After, shortly after we finish the
25 consultation in Seattle next week.

1 JESSE TAKEN ALIVE: Shortly equates to...?

2 JOHN MCCLANAHAN: Within weeks. Months. We have a public
3 comment period that is open until March 4, so it will at least be after
4 March 4.

5 JESSE TAKEN ALIVE: After March 4th, so that could lead into next
6 year March 4th.

7 JOHN MCCLANAHAN: No, it won't be.

8 JESSE TAKEN ALIVE: See, the reason I'm saying this is because the
9 system is always demanding timelines and dates and we are simply
10 firing that back at you. When can you do this? You have the money, it's
11 your policy, adherence as it may be, at least you can give us within 60
12 days, within 90 days, something like that so we can prepare for that
13 and get things ready.

14 Now the slide that was up there, I just have a change on it. When
15 it says, "How Will Tribes Be Involved, Cooperative Agreements May
16 Be," to "Cooperative Agreements Will Be," will be entered. Because if
17 we don't say that, we are all going to get stuck into this one box as one
18 example. Again, respectfully, this is your policy and I agree with my
19 colleague, Miss Young, that right now it isn't acceptable to us at
20 Standing Rock. This is why I want to know when the follow up is going
21 to be, what kind of a response it is going to be, but in particular when
22 are we going to hear something. I am hoping it don't happen like this,
23 you come to Standing Rock and you are going to say, "You got ten
24 days." That's always par for any bureaucracy. That is my concern right
25 now guys. John, again, I don't want to belittle your response, but I

1 asked when and I didn't hear that, so just to illustrate an example of the
2 frustration that we go through, that we have gone through for decades.
3 I'll await to see what kind of response you give and we will vehemently
4 object to it if we do not feel the timeframe for us to respond is
5 adequate and appropriate. Just all of that for the record.

6 JOHN MCCLANAHAN: I'm sorry if I misunderstood your question.
7 If you want to set up a meeting with us to talk about matters specific to
8 Standing Rock, we are open to doing that. We have been talking with
9 other tribes and we can schedule that within a matter of three weeks if
10 you would like to.

11 JESSE TAKEN ALIVE: Have you had a plan presented to you from
12 any tribes?

13 JOHN MCCLANAHAN: We have had correspondence from a
14 number of different tribes as Tony indicated earlier that have laid out
15 tracts that they are interested in and they have submitted plans, so yes.

16 JESSE TAKEN ALIVE: And those will be implemented, do you know
17 when?

18 JOHN MCCLANAHAN: Until we sit down and talk with those tribes,
19 I don't know that I could put a specific date on that right now.

20 JESSE TAKEN ALIVE: One thing, after they please don't impose
21 ridiculous timeframes on us. As you said, the clock is ticking and this is
22 why I'm asking this. Sorry Tex, go ahead.

23 TEX HALL: No, I was just going to make a suggestion to the tribes
24 and to the bureau. We on the Great Plains have an association and of

1 course Rocky Mountain have an association and together we have
2 another one, it's COLT. The Coalition of Large Land-Based Tribes and
3 through Gary Kingman and Tom Fredericks and Majel Russell, all of your
4 attorneys, all of your land people, landowners, individual allottees, we
5 could come up with a template I think of a cooperative agreement.
6 Because we are kind of all over, this could bring us much quicker all to
7 the table because I came here and I certainly have made my comment
8 about time is of the essence because the clock started ticking
9 November 24th, 2012. So we could come up with a template that we
10 could present and then, of course, every tribe could then tweak it
11 individually. You could change and edit however, but at least it would
12 be a template that all of us could develop collectively and then present.
13 It wouldn't take that long, we have our Philadelphia lawyers too, so we
14 have our resources too.

15 Collectively we have some very sharp people that have been
16 around this game for a long time. Anyway, tribal leaders, that's my
17 suggestion that way Russell, as you said, nobody is picked off
18 individually. Instead, we collectively come up with a template that we
19 present Larry and Mike and John and everybody. I don't know how long
20 it would take us, but coming up with one draft template that we could
21 modify and have that flexibility to change, specifically for each tribe, I
22 think we could come up with it fairly quickly.

23 DENNIS BEAUMONT: If I may add something to Mr. Hall's idea,
24 when we came in we have to give the receptionist our phone numbers
25 and e-mail addresses. If you can get a copy, I would like to attend that
26 meeting. Again, I am a representative for Allottee Associations we have

1 many members and I will take this information back to them, but we
2 would like to be a part of this so we can give you our ideas for a
3 successful settlement to the American Indian. Thank you.

4 UNIDENTIFIED AUDIENCE MEMBER: I just wanted to say one thing
5 about the split estates that we were talking about evaluation. You
6 know, we do a lot of oil and gas work and we just sold a big company
7 and it's really complicated to value oil in the ground. There are ways to
8 do it and I'm just wondering if you guys at interior, you know you have
9 to know the reserves, what the reserve reports are and every oil
10 company that has leases on Indian land knows that when they drill how
11 much oil is in the ground that they can recover.

12 I was just wondering, I'm sure USGS or somebody from interior,
13 should be able to do that, but do they have the information or access to
14 all of the reserve reports of the oil companies that are developing lands
15 on the reservations so as to be able to value what a mineral estates
16 would be worth if you are trying to buy fractionated mineral estates?

17 TOM YOUNG: Yes, we have the Office of Mineral Evaluations that
18 will be dealing with the mineral rights. Now the intention is in the area
19 where they have already done mineral evaluations, we can use that
20 information in the real estates appraisal. In those areas where they
21 have not done the evaluations, we won't step in and doing any
22 purchasing because we need to be dealing with the full estate.

23 (inaudible from audience)

24 TOM YOUNG: Right.

1 (inaudible from audience)

2 TOM YOUNG: Yes, and our folks with minerals definitely
3 understand that with the change in the technologies that what we
4 looked at with minerals at (*inaudible*) in the seventies is a completely
5 different ball game than what is going on today. So they are very well
6 aware of that.

7 DENISE MESTETH: I would like to ask if that's true for
8 undeveloped resources. If it's true for undeveloped resources out
9 there, on Pine Ridge we have resources under our reservation that we
10 have not explored yet. So, not to open that can of worms, but just to
11 make sure that if the soil contains such resources that the value is then
12 taken and given to the landowner. That was just a brief something to
13 say.

14 I would like to also state that the tribe, our Oglala Sioux Tribe, the
15 Tribal Land and Natural Resources Committee is very adamant about
16 giving the first right for purchasing to the landowners that have interest
17 in that particular parcel. There is a lot of landowners that want to keep
18 their land, they want to pass that land down to their next generation. It
19 goes on and on and on and on. The tribal leadership wants to see that
20 happen, give that option to the other landowners within that parcel,
21 then option to purchase that interest, because the tribe in our
22 Constitution does not allow for the tribe to sell land, even to tribal
23 members. So we want to have that option in there, I think it is a way of
24 helping our individual tribal members, if they want to continue to own
25 their family land and pass it on and gain more interest in there and not
26 have to go to the other owners. I think it is a perfect way to work that.

1 Another thing is, you know, when we talked about low appraisals I
2 got an appraisal for my interest over there in Rosebud and they gave
3 me \$4 for four interests. It was .001 or something like that. You know, I
4 didn't do anything with it because I didn't think it would be worth their
5 stamp. I should have just signed the deed, if they had just sent me the
6 deed I probably would have just decided to gift it to them. You know, a
7 lot of people are not going to be that generous, what they are going to
8 do is say, "I ain't going to sell it, just let me die and let them take it,"
9 and will pass it on down.

10 Some people are really upset and only at the federal government,
11 but we need to look at making it more of an incentive for them to sell.
12 If they are going to get a dollar off of their interest, maybe something
13 under ten, you could add thirty to it. That's what they will get. If we are
14 able to expend that money within ten years' time period, then that's
15 right, but what we should do is really take into consideration our IIMs
16 out there and the time they have to, you know, 2% or two interest,
17 similar to that, it's not even worth sending back in. Because that's the
18 way that I felt, I felt, "That's not even worth sending back in." If I added
19 more money to it, if they added more money to it, if Rosebud Sioux
20 Tribe gave me \$30 for those four interests instead of a dollar a piece, I
21 would have said, "Alright, I'll sign. Yea." I would have sent it right back
22 in, thirty bucks is more than one dollar. So I would like to take that and
23 put that on the record to add to it. That's about it. Thank you guys.

24 JOLETTA BIRD BEAR: I have a question to Tom Young, the
25 appraiser. In this handout there are identified ten-million, six-hundred
26 and twenty-four and four acres identified as fractionated interest that

1 need to be purchased or eliminated. I want to ask you, Tom, how many
2 appraisers do you have on staff or is on staff in that office in Colorado
3 right now?

4 TOM YOUNG: We do not have an office to deal with this right
5 now. We are just, the money just became available and we are in the
6 process of developing the operation, so there are none.

7 JOLETTA BIRD BER: And you are looking towards which office to
8 help do the appraising on this.

9 TOM YOUNG: It will be a new operation.

10 JOLETTA BIRD BEAR: Which operation is that?

11 TOM YOUNG: The Land Buyback Program.

12 JOLETTA BIRD BEAR: What office in Colorado does appraisals right
13 now?

14 TOM YOUNG: None.

15 JOLETTA BIRD BEAR: None?

16 TOM YOUNG: None. No. Oh, the office of Mineral Evaluations,
17 sorry. Okay.

18 JOLETTA BIRD BEAR: You forgot.

19 TOM YOUNG: A little difference there, I'm thinking surface rights,
20 you are thinking minerals. So yes, office of mineral evaluations in
21 Denver, CO. Lakewood, CO actually.

1 JOLETTA BIRD BEAR: Okay. Now just reading the draft it talks
2 about the evaluation of land in terms of, I think, I don't know how the
3 western viewpoint that if it's not used, it's worthless. In our view,
4 where I come from, land is sacred. You do not attach that kind of
5 evaluation to it and you never will.

6 So when you are coming with that added to me, I can't agree with
7 you. I think that I'm hearing that from a lot of tribal leaders here saying,
8 "That's your idea, that's not my idea." So if this Cobell land program
9 that you are promoting is going to be effective, it has to reflect who we
10 are. It has to reflect that. Again, I go back to land and wills and estate
11 planning. That's where this self-determination comes from, Mr. Tom
12 Young. That is self-determination. Not taking it from me, not
13 threatening me, not condemning it and I do have to point out that
14 there is something going on in the western coastal lands with my
15 relatives over there. There land is being force sold under this. If you are
16 telling us that that is not going to happen, it is already happening. Just
17 pick up a paper and start talking to people who know out there. That is
18 something very troublesome, forced selling. I cannot agree with that
19 and I do want to be on a committee that is going to work on this. I want
20 that for the record. Thank you.

21 UNIDENTIFIED: I have just a few comments and I need to get on
22 the road. As I've sat here and listened today, it has generated some
23 new questions and my questions are based on the comments that you
24 have heard from tribal leaders today, do you feel that you have to go
25 back and revamp what you thought may have been the correct path,
26 but now based on the information you have gotten from us, the people

1 that have spoke, do you feel that you are going to have to go back and
2 rethink some of these things out or are we just giving our comments
3 and it is set in stone and we are going to move ahead? The one that
4 bothers me a lot is the issue of the test sites and to every leader it is
5 important that this project get going right away at their locations. If we
6 are going to pick two to four to six to eight of them out of the top forty,
7 it leaves the other 32 having to get in line and that is not something
8 that I am in favor of. I think that a lot of these administrative dollars
9 may need to be focused in ramping up the appraisal services portion of
10 this, as well as the people that support that function, because that is
11 the area that I have the most concern with in terms of all of the phases.

12 How are we going to keep up with this appraisal issue? It is just
13 kind of based on history of how we have ran into issues and so to me,
14 that is going to be the biggest problem. I think, as a group, it would be
15 wise to go back and think about this and allow all of them forty tribes to
16 move ahead right away. I am trying to think of ways, if that doesn't
17 happen, I'm trying to think of ways to get my tribe to the top of the list.
18 We talked earlier this afternoon, our two reservations border each
19 other, so maybe that is the carrot that we have to move us up on the
20 list if you're not going to allow everybody to participate from the go. I
21 think, if nothing else, with that scenario that I think that we need to
22 reconsider.

23 I am still having trouble, I know we are bound by law with this
24 scholarship portion of this and some people are not well-versed in that,
25 but as I look at it I look back at the mismanagement over the years and
26 the ancestors to the grandchildren and the great-grandchildren that are

1 trying to get an education today. Those are the kids that are suffering
2 and going and dropping out because they don't have the financial
3 resources to continue with their higher education. I don't think that it
4 should be based on percentage of sales, it is like dangling a carrot in
5 front of the people that are selling and telling them, "You buy this, or
6 you sell your land and we will move this scholarship into your tribe." To
7 me, that kind of violates the willing seller principle when we have this
8 carrot dangling to get them to do something, to get them to sell. We
9 also have a lot of tribal members, I think, that don't have an interest in
10 the education portion of this. They are barely getting by, times are
11 tough, we are having to find food at the end of the month before the
12 programs come out again at the beginning. We are struggling to keep
13 them in electricity, heat and propane, cutting wood and them people
14 are just wanting to survive. They do not care about this small
15 percentage to education. So if we could do anything in that area I think
16 we need to go back and figure that out. I think the grandchildren and
17 great-grandchildren at the people that suffered as a result of this
18 mismanagement, they should have the right to some of these dollars to
19 go to school.

20 In terms of the pricing of the acreage and the lands, we were
21 looking at the we talked about all day there has been discussion about
22 the purchase of fee and undivided interest and we have a lot of tracts
23 that have fee interest within those trust tracts there. As I read the law, I
24 don't see where that is precluded from being part of the purchase and I
25 would like to see something that explicitly tells us that we cannot do
26 that, because we have a lot of acreage within it. We have non-members
27 that have bought in there and it would just be a lot easier if we did not

1 have to deal with, if that was all trust. The lady that was up here, I feel
2 for her in terms of I think that we need to get the most money that we
3 can for our tribal members. Even though it costs this or that, that is why
4 I am in favor of finding a process in the appraisals and we need to spell
5 that out before we start so that everybody knows. We need to have a
6 system in there and it is probably going to be a modified system of
7 some sort. It needs to grant the most dollars to them individuals that
8 suffered through this mismanagement. The thing we do a lot with our
9 tribal members and, because a lot of people don't want to sell their
10 lands, this is theirs, it's been in their family and we do a lot of trading
11 with family members one-over-one land, we accept their undivided
12 interests and then give them one-over-one interest so they can actually
13 use the land. That has been fairly successful on the areas that we have
14 worked. I know a lot of people don't want to sell, so, so us that is an
15 option that we use and we use it quite often. It may not be right where
16 their family lived, but it's right in the area and so that helps us in that
17 area. I feel for people that don't want to sell their lands and we need to
18 be careful and make sure that it is definitely a willing seller and a willing
19 buyer and get the most money for them. Those are my comments and I
20 will also have some comments submitted before the deadline.

21 RANDY PHELON: I wanted to make a couple comments before you
22 guys close. I guess one of them is just listening, you know, first and
23 foremost you got to remember that when you come into Indian
24 country, we as Indian people we hold our land sacred. I don't care
25 which tribe we are, our land is sacred. We were taught that way, you
26 don't fight over land, your land is what is going to hold your family. So
27 you have to consider those. The other thing, when you are coming into

1 Indian country, you got to recognize and respect our culture. A lot of
2 people have said that in here. You come to our place, we will give you
3 the best we have; food and like Tommy the Comedian said, you know,
4 it's true. You guys invite us here yet you do not treat us that way. It
5 would have been really nice if you guys had offered us supper or
6 offered us even water.

7 Culture, just remember, this is your second stop. You are going to
8 have another stop in that country in Northwest, so you may want to
9 keep that in mind. You got to remember you are dealing with Indian
10 people. You got to have that respect. On IIMs I agree as a landowner
11 myself, I agree that our IIMs got to be part of this consultation also. As
12 far as the appraisals, I beg to differ there Mr. Young, I don't think that
13 you are going to be able to carry the caseload as long as we start doing
14 the, all the tribes start coming in with their demands. So, just for the
15 record, I just wanted to say that. Thank you.

16 LARRY ROBERTS: I guess I would just like to make a handful of
17 comments. One is all comments today we will be looking at those,
18 evaluating those, making changes, taking those comments to heart. I
19 appreciate the comment on getting as many tribes in the process as
20 quickly as possible that want to do so. We need to look internally at
21 how we can ramp up quickly so that every tribe that wants to
22 participate can quickly so that nobody is waiting.

23 I agree that we have to have a better mechanism for outreach for
24 IIMs and we will work on that. Fair pricing for lands, that is something
25 we are going to have to work on in terms of, I think, hand-in-hand with
26 tribal leadership as we are coming up with those evaluations. One of

1 the comments, there are multiple comments that are on the table
2 today that I think we will definitely take into heart is maximizing tribal
3 involvement in the program, because looking at what those
4 cooperative agreements are. The law just says cooperative agreements
5 so I want and we will go back and look at how we can expand that and
6 broaden it because it should be addressed as broad as possible to have
7 tribal involvement in those.

8 I appreciate the offer from COLT(?) for putting up, for putting
9 together a draft template that we can all look at it and work off of and
10 see how that works for each tribe and the Federal Government to start
11 those negotiations as we go reservation to reservation. I appreciate
12 everyone's time today, all of their comments, traveling long distances
13 for this consultation. If there are not any other comments, I think we
14 will start to wrap up.

15 *(inaudible comment)*

16 DENNIS BEAUMONT: I want to make a comment, about my
17 presentation, actually it is an apology. When I think of my family's loss I
18 get very angry and if there was any anger in my voice, I apologize. To
19 everyone. Thank you.

20 MIKE BLACK: Well thanks again everybody for coming today. We
21 look forward to working with everyone as we move on down through
22 the process. Thank you.

23

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