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LAND BUY-BACK PROGRAM FOR
TRIBAL NATIONS
CONSULTATION MEETING
Thursday, January 31, 2013
Mystic Lake Casino & Hotel
Prior Lake, Minnesota

Reported By: Lori Morrow

1 (Reporter's Note: The designation of
2 "[Inaudible]" in the means areas that
3 could not be heard due to background
4 noise, recording quality, muffled
5 speaking, etc.)

6 ANTHONY WALTERS: Good morning. Thank you for
7 showing up here today. We're going to have a full day
8 discussion here on the Land Buy-Back Program.

9 To start off today, my name is Tony Walters.
10 I'm from the Department of the Interior. I'm counselor
11 to Deputy Assistant Secretary Larry Roberts, who will be
12 speaking here in a moment. I am also acting as tribal
13 liaison on the Land Buy-Back Program for Tribal Nations.

14 I just going to go through the agenda real
15 quickly. We're going to have a morning round where the
16 Department of the Interior will have introduction and
17 quick comments. Then we'll have a quick round of
18 comments around the table where you can give your
19 introduction and name and tribe.

20 We have a court reporter here. So each time
21 you speak, if you could give your name and tribal
22 affiliation just to help our court reporter. And we'll
23 post the transcript online after the event.

24 We'll do our first round of introductions all
25 around the table. If you have any prepared remarks, feel

1 free to state them then. Try to keep them somewhat
2 short. We'll take a break after the introductory
3 remarks. And then we'll come back and have a short
4 presentation on the Buy-Back Program, the initial
5 implementation plan that we're here to discuss. And then
6 we'll open that up for discussion, we'll break for lunch,
7 and then come back for further discussion. And then
8 towards the end of the day, we'll take comments and
9 questions from other folks here in the room and not just
10 limited to the tribal leaders. The morning session will
11 be limited to the tribal officials at the table.

12 I'm going to turn it over real quick to
13 Shakopee Chairman Vig, who is our gracious host for us
14 today.

15 Chairman.

16 CHAIRMAN CHARLIE VIG: Good morning, everybody.
17 I want to welcome you on behalf of our community and our
18 Vice Chairman Keith Anderson, our Secretary/Treasurer
19 Lori Watso, and myself.

20 When I first saw the Land Buy-Back, I thought
21 this is great. We started out here in 1969, and we
22 recognized we've been buying back land ever since. We
23 had 200 acres, and we're up to about 3,500 acres now,
24 which is a big accomplishment for us here because the
25 land is so expensive. But I know that's not what this is

1 about.

2 But anyway, I just want to welcome you guys.

3 Thanks for coming and making your stay here. I hope
4 everything -- our accommodations are good for you all.

5 And I see a few -- I recognize a few of you in the crowd.

6 I'm slowly starting to learn more and more of the faces.

7 I've only been the chairman for about four months since
8 our Chairman Stanley Crooks passed away. So it's a real
9 quick learning experience for me.

10 But anyway, I think we're going to do a prayer
11 by Leonard Wabasha. And I think that's it. Thank you
12 guys for coming, and you have a nice time here.

13 LEONARD WABASHA: Grand Father, thank you for
14 this beautiful day. Today I ask you for your blessings
15 for the people who come here, for health, and for life
16 and for respect that we may all get along together. And
17 I ask you for blessings today for this group that's
18 meeting here, that they may discuss those things that
19 they need to discuss and accomplish what they need to
20 accomplish. Amen.

21 CHAIRMAN CHARLIE VIG: Thank you, Leonard.

22 LARRY ROBERTS: Good morning, everyone. My
23 name is Larry Roberts. I'm the Principal Deputy
24 Assistant Secretary for Native Affairs. I'm a member of
25 the United Nations of Wisconsin. And I want to thank

1 everyone for attending here this morning at this
2 consultation on the tribal Buy-Back Program. I want to
3 start off by just saying the weather this morning has
4 been really nice to come back to. I know this is normal
5 for this neck of the woods here. And so it's nice to
6 hear a number of my colleagues here at the Department of
7 the Interior coming from D.C. who think that this is
8 cold. And I know that actual cold weather is maybe
9 40 degrees below zero for extended periods of time.

10 So I appreciate everybody traveling here this
11 morning. We still do have a number of empty seats around
12 the table. I invite anyone to come up and join us here
13 at the table.

14 I want to start off by just saying that under
15 the Obama Administration and Secretary Salazar's
16 leadership, this administration has made it a top
17 priority to have consultations like this to restore that
18 nation-to-nation relationship with tribes.

19 Over the last four years, we have worked hard
20 to make a priority to place land in trust for tribes. As
21 of just January 29, we've processed over a thousand
22 applications to take land into trusts for nearly
23 200,000 acres. And so we will continue to prioritize the
24 trust acquisitions.

25 And obviously, today what we're talking about

1 is implementation of the Cobell settlement. And
2 resolving that Cobell litigation through a settlement
3 with the Plaintiffs is also a top priority for this
4 administration.

5 I think it goes without saying that our
6 progress over the last four years couldn't have been done
7 without the support and leadership of Indian country.
8 Without all of the tribal leaders helping us along the
9 way with insights and support, none of this progress
10 would have been possible.

11 Assistant Secretary Kevin Washburn wishes he
12 could be here today. He is in Oklahoma. He will be
13 attending some of these consultations. We have two more
14 scheduled, one for Rapid City and one for Seattle. But
15 he wanted me to extend a warm welcome to all of you for
16 being here today.

17 So the consultation today is to get tribal
18 leadership input on specifically how we use the
19 \$1.9 billion of the Trust Land Consolidation Fund. The
20 fund represents the largest effort to date that we've had
21 resolving the long-standing problem of fractionization of
22 Indian lands that was obviously started by the 11th
23 policy. We have ten years to spend the fund, to acquire
24 individual interests, fractionated interests, and
25 transfer them into tribal ownership. These will be

1 willing purchases from willing sellers. And we're going
2 to need everyone's help and leadership to make this a
3 success over the next ten years.

4 I want to just talk very briefly about some of
5 the statistics where we're starting from, talk a little
6 bit about the program, and then I'm going to turn it over
7 to John to provide more details about the draft plan.
8 And then it's really -- we're going to have a dialogue in
9 terms of what ideas and suggestions and recommendations
10 you have as we move forward.

11 So the department holds about 56 million acres
12 of land in trust surface acres and 56 million acres of
13 subsurface mineral estates in trust. More than
14 10 million acres of that 56 million acres is held in
15 trust for individual Indians. And so we estimate that
16 there's roughly 150 reservations throughout Indian
17 country that are affected by the fractionalization
18 problem. Those 150 reservations contain approximately
19 2.9 million purchasable interests. And those 2.9 million
20 interests that we're looking at in the Buy-Back Program
21 are owned by approximately 220,000 individuals. So it's
22 a huge issue that we're taking on over the next ten
23 years. And again, we'll need all of your support. The
24 number of fractional interests continues to increase.
25 It's grown about 12 and-a-half percent from 2007 to 2011.

1 And of all of these fractional interests, there's about
2 18 percent of individuals who are holding fractionated
3 interests, and their whereabouts are currently unknown.

4 So our goal is -- you know, we have an enormous
5 challenge but also an enormous opportunity here to repair
6 some of the damage that was done by the 11th policy. Our
7 goal is to purchase fractional interests from willing
8 sellers at fair market value and so that we can transfer
9 those interests in trust to tribes that will promote
10 economic development and self determination for the
11 utilization of those lands.

12 It's unlikely that the Buy-Back Program here
13 will be enough to purchase every interest out there. So
14 the proposed acquisition strategy that we're here to talk
15 with you today, we're proposing to prioritize
16 consolidation of the most highly fractionated tracts of
17 land.

18 We hope to enter into cooperative agreements
19 with many of the tribes and take advantage of tribal
20 expertise on the ground. And not only tribal expertise,
21 but we hope that by utilizing tribal expertise, we'll
22 minimize the administrative costs to this program. We
23 think that the cooperative agreements will improve the
24 overall effectiveness and efficiency of the Buy-Back
25 Program.

1 Moving forward, we will continue to have
2 consultations as we're making progress through this
3 program. And we're committed to actively reporting on
4 the progress, challenges and opportunities throughout the
5 life of the program.

6 The legislation that authorized the Buy Back
7 Program prevented us from fully implementing it until all
8 appeals were exhausted. Those appeals were exhausted two
9 months ago on November 24, 2012. Since then, we've been
10 moving quickly to get the resources in place so that we
11 can begin to fully implement this program.

12 We're preparing to move forward on all facets
13 of this program over the next few months. So we're
14 targeting highly fractionated reservations where the
15 problem is most evident. We're targeting less
16 fractionated reservations to learn sort of practices and
17 outreach and locating interested sellers so that we're
18 utilizing resources most efficiently where individuals
19 are interested in selling their interests and, obviously,
20 working with tribes through the proper agreements. Many
21 tribes through our consultations and interactions have
22 expressed a strong interest in the Buy-Back Program.

23 At this pilot program stage, we're not going to
24 be able to go everywhere at once. But as the
25 implementation plan indicates, what we will be doing is

1 setting initial purchase ceilings to ensure that the
2 resources are available to make purchases in as many
3 locations as possible, because one of the things that we
4 have heard from tribes through our consultations is that
5 tribes want us to be able to implement this program
6 across as many reservations as possible.

7 Our goal is to expend -- quickly after the
8 pilot program to expend a majority of the funds over the
9 next four years. We have ten years to spend it, but we
10 want to move as quickly as possible to obtain as many
11 interests as possible.

12 As I said, John is going to provide a detailed
13 overview of our initial plans. It's important for us to
14 get your feedback and advice today as we move forward.
15 The success of the program really hinges on your support
16 and your involvement.

17 We've identified four phases of the Buy-Back
18 Program: Outreach, which will be critical from tribal
19 leadership, land research, valuation, and acquisition.

20 Looking forward to hearing your insights today.

21 ANTHONY WALTERS: Thank you for those opening
22 comments. As I said earlier, we'll do a round of
23 introductions. We'll go around the table. If you have
24 any introductory remarks, feel free to say those. But
25 there will be time for further discussion, so if you can

1 reserve comments to talk about specific topics. But if
2 you have any comments, feel free to bring those up. As I
3 said before, we have a court reporter, so please state
4 your name and tribal affiliation as you go around the
5 table. And each time you speak -- the microphones do
6 work around the table, but I know they are spaced out.
7 So we'll pass this around.

8 Just real quickly, my name is Anthony Walters,
9 Counselor to Deputy Assistant Secretary Larry Roberts,
10 liaison for the Buy-Back Program.

11 JOHN MCCLANAHAN: Good morning, everybody. My
12 name is John McClanahan. I'm the program manager for the
13 Buy-Back Program. Glad to be here.

14 DIANE ROSEN: Good morning, everyone. I'm
15 Diane Rosen, the Regional Director for the Midwest
16 Region. I would like to welcome you here, and I would
17 like to also say that you have our full support within
18 the Midwest Region, myself, my agency superintendents and
19 deputies that we will do whatever we can to support the
20 tribes through this Buy-Back Program. Thank you.

21 TOM REYNOLDS: Good morning. My name is Tom
22 Reynolds. I work for the Office of the Special Trustee
23 for American Indians. I'm the Regional Trust
24 Administrator for the Midwest and Rocky Mountain
25 Administrative Regions.

1 TOM YOUNG: I'm Tom Young. I work for OST
2 Appraisal Services. I'm the acting executive director
3 for the Buy-Back Program.

4 DARRYL LACOUNTE: I'm Darryl Lacounte, Senior
5 Advisor to Director Mike Black with the Bureau of Indian
6 Affairs on Land Finders. Good morning.

7 DONALD MAY: Good morning, everyone. I'm
8 Donald May, Red Lake Tribal Representative for the Red
9 Lake Band of Ojibwe.

10 HARLAN BEAULIEU: Good morning, everyone. My
11 name is Harlan Beaulieu. I head up the land department
12 for Red Lake where we have one big allotment. And I'm
13 also the president of the Intertribal Ag Council. We
14 started working on the fractionated issue as an
15 organization in 1987. I personally knew Elouise Cobell
16 and worked with her with the first attorney who worked on
17 this whose name was Dan Pratt. The project soon grew too
18 big for him, so he had to pass it on to a larger law
19 firm. And from that, the process began. A little bit of
20 history on the project. Thanks.

21 ROBERT TWO BEARS: Good morning. Greetings.
22 I'm Robert Two Bears from the Ho-Chunk Nation.

23 RAY TOUTLOFF: Good morning. I'm Ray Toutloff,
24 Tribal Representative of Bois Forte Tribal Council.

25 DIANE GIBBS: Good morning. Diane Gibbs,

1 Tribal Representative from Mille Lacs Band of Ojibwe.

2 MELANIE BENJAMIN: Melanie Benjamin, Mille Lacs
3 Band of Ojibwe Tribal Chair.

4 LEONARD CROW BELT: Good morning. Leonard "Big
5 Horn" Crow Belt representing the Fort Peck Assiniboine
6 and Sioux Tribes in Northeastern Montana. We're here
7 today hopefully that we would leave with some strategy
8 and [inaudible]. Our reservation is about one-third,
9 one-third, one-third; one-third [inaudible], one-third
10 tribe, one-third fee. And we're very concerned about how
11 we get our fee land back into the trust also. So yeah.
12 Hopefully, we'll get some answers today before we leave.
13 Thank you.

14 MERVYN SHIELDS: Good morning. My name is
15 Mervyn Shields. I'm the land specialist with Fort Peck
16 Tribes.

17 FRANK WHITE BULL: Good morning. My name is
18 Frank White Bull from Standing Rock Sioux Tribe. This
19 land, you know, it's pretty interesting what happened and
20 how this came about, you know, with the Cobell and
21 Keepseagle settlements and things like that, that we have
22 to as Native Americans, as Lakotas, where we come from to
23 fight for what is ours initially. I know you guys work
24 for the DOI and the program to be who you are. I was in
25 the military for ten years, also, and I was in the

1 program during that time, too. But in Standing Rock, we
2 have over 257,000 fractionated interests. It's one of
3 the highest next to the Navajo. So now here we are.
4 There's one tribe our local BIA land ops guy gave for why
5 this fractionated land needs to be taken care of.
6 There's one tribe by our casino down south on the
7 reservation there. Of all the interests, there are so
8 many interests in that one tribal land that one person's
9 interest is less than a square inch, you know? And I
10 just recently looked at my little land I have up there,
11 there's a lot of zeros in front of mine. About six zeros
12 before you can see an actual number. But anyway, we'll
13 hope this goes good.

14 Thank you.

15 SHAUN EASTMAN: Good morning. My name is Shaun
16 Eastman, counsel for the Sisseton Wahpeton Oyate Tribe.

17 DONOVAN ARCHAMBAULT: My name is Donovan
18 Archambault. I'm the Tribal Land Committee Chairman.
19 And I've been following this, and I am kind of concerned
20 about a number of things, I think, that we can probably
21 get into before the day is over. But I think the probate
22 process that we're in right now is pretty harmful to what
23 we're trying to do. We could buy back all the
24 fractionated interests on the reservation from the first
25 probate we have and we start all over again. So I think

1 we have to do something about that before we do anything.

2 Thank you.

3 SHAWN BACKBONE: Thank you. I'm Shawn Backbone
4 from Crow Tribe, Vice Secretary. And we are interested
5 in an acquisition. We are a very highly fractionated
6 reservation on our 10.2 million acres of land. So we're
7 pretty interested in this buy back.

8 Thank you.

9 WOODROW PLAINFEATHER: Good morning. My name
10 is Woodrow Plainfeather from the Crow Tribe in Crow,
11 Montana. I was assigned to this program by Tribal
12 Chairman Darrin Old Coyote. Thank you.

13 STEVE WHITE: Good morning. I'm Steve White, a
14 Leech Lake Tribal representative.

15 LEROY STAPLES FAIRBANKS: Good morning. I'm
16 LeRoy Staples Fairbanks, District III representative for
17 Leech Lake Band of Ojibwe.

18 DON FINN: Good morning. Don Finn, Leech Lake
19 Band of Ojibwe, Secretary/Treasurer.

20 ROBERT DURANT: Good morning. My name is
21 Robert Durant, Secretary/Treasurer of the White Earth
22 Nation. And I would like to thank you and thank the
23 President's Administration for taking this so seriously.
24 We've been trying to follow a lot of the issues, and I
25 think they are linked to get into something that's going

1 to be very difficult. And also, as previously mentioned,
2 what's this here going to prepare us for? We at
3 White Earth have a lot of historical things when it comes
4 to land and fractionization. How long is this going to
5 take reading this here report or the scenarios? And you
6 said ten years. We also have WELSA, if you're familiar
7 with that, White Earth Land Settlement Act. It's over
8 ten years. That's not complete. This is going to be
9 very difficult. So we have a lot of other things that we
10 want to discuss. The ownerships of the band and CT,
11 trust, WELSA. We have a lot of things that we have to
12 recover. And is this going to be fair and making sure we
13 don't shut the door on our future again? Thank you.

14 ERMA VIZENOR: Good morning. My name is Erma
15 Vizenor. And I'm the tribal chairwoman White Earth. And
16 thank you for this meeting. Thank you all tribal
17 leaders. All of our tribes are represented today. This
18 is a meeting I'm looking forward to, and we can hopefully
19 accomplish a process here to take care of the
20 fractionated interests of land.

21 IRENE AUGINAUSH: Good morning. My name is
22 Irene Auginaush, District 1 Rep from White Earth
23 Reservation.

24 KRIS GOODWILL: Good morning. I'm Kris
25 Goodwill. I am a tribal attorney for the Lac Courtes

1 Oreilles Band of Ojibwe in Hayward, Wisconsin. I come
2 from a reservation that is very fractionated, typical --
3 or very checkerboard jurisdiction reservation. So this
4 is very much of an issue for Lac Courtes Oreilles.

5 One of the concerns that we have is whether the
6 appraisals come up with fair market value. We come from
7 a very beautiful reservation in which the fee parcels get
8 purchased by very wealthy people from the Cities. And so
9 that skews our appraisals very much. We have one parcel
10 that has basically a mansion on it, and next door to it
11 is a parcel with a typical HUD housing owned by our
12 housing authority. And so those are the kind of concerns
13 that we have. We've also been a part of the pilot
14 project. So right now we have existing liens, which is a
15 huge concern of ours.

16 TERRY TIBBETTS: My name is Terry Tibbetts.
17 I'm a District II representative for the White Earth
18 Tribal Council.

19 KENNETH "GUS" BEVINS: Good morning. I'm
20 Kenneth "Gus" Bevins. I'm the District III Rep for
21 White Earth Tribal Council. Thank you for having us.
22 Nobody can learn more about this. We have a big issue.
23 Some of our fractionated land is up to 4,500. You know,
24 it's a lot of people to try to get a hold of to see if
25 they want to sell their land. See how that happens.

1 Thank you.

2 ANTHONY WALTERS: Since we didn't take near as
3 long as we had in the agenda, we'll go ahead and go all
4 the way around the room, and everyone can introduce
5 themselves as well. Thank you.

6 SCOTT SOVECO: Good morning. My name is Scott
7 Soveco. I'm with the BIA regional office. I'm the
8 Aggregate Regional Director for Human Services for the
9 Midwest supported efforts, so the Midwest tribes in this
10 effort. Thank you.

11 MICHAEL NEUSSER: Good morning. My name is
12 Michael Neusser. I am with White Earth Nation.

13 TERRY JANIS: Good morning. My name is Terry
14 Janis. I'm an attorney and program officer with the
15 foundation here in St. Paul called the Indian Land Tenure
16 Foundation. I'm also Oglala Sioux from Pine Ridge. I'm
17 sitting with the rowdy guys from White Earth. Good
18 morning.

19 PATRICIA OLBY: Good morning. I'm Patricia
20 Olby, Superintendent, Minnesota Agency.

21 DIANE BAKER: Good morning. My name is Diane
22 Baker, Midwest Region BIA, currently working with
23 the Buy-Back Program.

24 KIM BACHARD: Good morning. My name is Kim
25 Bachard, superintendent with the Midwest agency.

1 VALERIE GREEN: Good morning. I'm Valerie
2 Green, regional supervisor and appraiser for the Midwest
3 Region.

4 NITA KEMP-RIEDEL: Good morning. My name is
5 Nita Kemp-Riedell, Real Estate Office for the Lac Courtes
6 Oreilles Tribe.

7 CORKY OLDHORN: My name is Corky Oldhorn. I'm
8 from way over there in Montana. Thank you.

9 TIM KROHN: Hello. I'm Tim Krohn, land
10 information manager of the Fond Du Lac Reservation.

11 CHRIS LINDBLAD: Hi. I'm Chris Lindblad,
12 Standing Rock Sioux Tribe. I'm tribal counsel
13 representative. As Frank White Bull mentioned, Standing
14 Rock Sioux Tribe has one of the highest fractionated
15 interests in the nation as well as its an issue
16 implementation plan. We are concerned that there's a
17 ten-year window of which to spend these funds, and the
18 fact that Indian Land Consolidation Program has not been
19 able to spend that type of money during its existence.
20 And we believe that the tribes should have a strong hand
21 in helping this plan regardless of whether or not 608
22 contracts should be used. The Department of the Interior
23 BIA should be helping the tribes to expedite this process
24 so that the funds are used in a timely, expedient manner
25 and tribes -- not only the Midwest but the Great Plains

1 Regions -- are able to deal with their large
2 fractionation problems. Thank you.

3 JOSEPH SMITH: Good morning. Joseph Smith,
4 record land management, Standing Rock Sioux Tribe.

5 MELANIE BENJAMIN: Melanie Benjamin, Mille Lacs
6 Band of Ojibwe.

7 KAYLA DANKS: Good morning. I'm Kayla Danks.
8 I'm the real estate officer here at the Midwest Regional
9 Office. I'm interested in learning what the Real Estate
10 Services can do and what their role is with the Buy-Back
11 Program. I'm also a member of the Three Affiliated
12 Tribes in the Fort Berthold Indian Reservation in
13 North Dakota. Thank you.

14 SUSAN WEBER: Good morning. Susan Weber,
15 Ho-Chunk Nation tribal representative.

16 VIRGINIA ST. JOHN: Virginia St. John, member
17 of the public, interested in what's happening with land
18 consolidation.

19 DIANNE DESROSIERS: Good morning. Dianne
20 Desrosiers, Sisseton Wahpeton Oyate tribal historic
21 preservation officer.

22 JIM WHITTED: Good morning. Jim Whitted,
23 Sisseton Wahpeton Oyate tribal historic preservation
24 officer.

25 MARIE ALDERETE: Good morning. I'm Marie

1 Alderete from Chickasaw Nation Industries.

2 CHAD COTT: Good morning. I'm Chad Cott from
3 Chickasaw Nation Industries. We have been the contractor
4 for the Land Consolidation Program for the last eight
5 years.

6 TODD MATHA: Hello. Todd Matha, Solicitor
7 General, Mille Lacs Band.

8 TONY METCALF: Good morning. My name is Tony
9 Metcalf. I'm a council representative from Rosebud,
10 South Dakota.

11 MELISSA HOLDS THE ENEMY: Good morning. My
12 name is Melissa Holds The Enemy. I'm in-house counsel
13 for Crow Tribe in Northeastern Montana.

14 JOEL SMITH: Good morning. My name is Joel
15 Smith. I'm the special projects coordinator for the
16 Minnesota Ojibwe Tribe.

17 KATHY PEIL: Kathy Peil, Fond du Lac
18 Reservation Land Information Specialist.

19 JAY DANIELS: I'm Jay Daniels. I'm a member of
20 the Cherokee Nation of Oklahoma. And I'm not
21 representing, but I'm just here because I'm nosy.

22 CHARLENE LAFONTAINE: Good morning. My name is
23 Charlene LaFontaine from SWO Tribal Realty.

24 CLAUDIA KIRK: Good morning. My name is
25 Claudia Kirk. I'm the legal research tech for the

1 Sisseton Wahpeton Oyate.

2 LILLIAN WANNA: Good morning. My name is
3 Lillian Wanna from Sisseton Wahpeton. I'm the land
4 acquisition specialist.

5 STEVEN HOWARD: Good morning. I'm Steven
6 Howard, executive director at Leech Lake Band.

7 LENNY FINEDAY: Good morning. Lenny Fineday,
8 legal director, Leech Lake Band.

9 GARRETT BIG LEGGINS: Good morning. I'm
10 Garrett Big Leggins, tribal council for the Fort Peck
11 Tribes.

12 KENNY SMOKER: Good morning. My name is Kenny
13 Smoker.

14 BRENDA WALHOUD: Good morning. I'm Brenda
15 Walhoud, and I'm a regular tribal member.

16 MALE SPEAKER: Good morning. I'm [inaudible],
17 [inaudible] director for [inaudible].

18 TONY SWADER: Good morning. Tony Swader. I'm
19 Grand Portage Roads & Realty manager.

20 SEAN COPELAND: I'm Sean Copeland, staff
21 attorney for the Fond du Lac Band.

22 MARK ANDERSON: Good morning. I'm Mark
23 Anderson. I'm the attorney for the Bois Forte Band and
24 the Minnesota Ojibwe Tribe.

25 RICH ROBINSON: Good morning. I'm Rich

1 Robinson, natural resource manager for the Leech Lake
2 Band of Ojibwe.

3 FEMALE SPEAKER: I'm [inaudible]. I'm an
4 officer of the deputy secretary.

5 DEB DUMONTIER: Good morning. I'm Deb
6 Dumontier. I work with the PDST with OST in the D.C.
7 office. That's the Office of Special Trustee.

8 CALLIE GRAY: Good morning. I'm Callie Gray,
9 Office of the Assistant Secretary.

10 TIFFANY TAYLOR: Good morning. Tiffany Taylor.
11 I represent the Department of the Interior supporting the
12 Buy-Back Program. Thank you for coming.

13 ANTHONY WALTERS: Thanks again, everyone. We
14 had a break scheduled, but we're moving along quickly.
15 So why don't we go ahead and we'll give the presentation
16 before the break. We'll take a break after that. We'll
17 probably take 20 or 30, maybe 40 minutes -- I'm not sure
18 how long -- to go through the presentation. But we'll
19 take a break right after that, and then we'll open up the
20 room for discussion.

21 Thank you.

22 JOHN MCCLANAHAN: Again, my name is John
23 McClanahan. I'm the program manager for the Land
24 Buy-Back Program. And I just want you all to know that I
25 take that very seriously. It's an honor and a privilege

1 for me to serve in that role.

2 I am really excited about the opportunity to
3 work with you to address such a complicated and
4 long-standing problem across Indian country.

5 I've been with the department for about 12
6 years now. And since that time, over these years, I've
7 seen a lot of improvements in the way the department and
8 the government has been working with tribes. I know that
9 we're probably not all the way there, but I'm confident
10 that we can continue to work together and continue to
11 improve the relationship.

12 The Cobell settlement is one of the major
13 achievements that has occurred in the last four years.
14 And there's also been a lot of cooperation working with a
15 lot of tribes to settle tribal trust cases. So again,
16 I'm confident that we're on a better path. And I've seen
17 what we can do working together, and I'm looking forward
18 to being part of this.

19 I've spent a lot of time thinking about this
20 meeting today and what success might look like. There's
21 a few things I wanted to mention just so you know where
22 I'm coming from.

23 First of all, my hope is that we get to know
24 one another, that we start building some trust and that
25 we create a good working, cooperative relationship as

1 we're going to be working together for the years ahead.

2 Second, I hope that you guys come away with a
3 better understanding of this implementation plan and that
4 we answer as many questions that you have as possible
5 today.

6 And finally and most importantly, I want to
7 make sure that we demonstrate that we have an earnest
8 intent to listen to you and to incorporate your ideas,
9 listen to your concerns, and walk away with a couple of
10 ideas, I hope, for ways to make the plan much better.

11 What I wanted to do today was just give a
12 little background about the plan. I hope all that sounds
13 good. I think that's a realistic idea for what we can do
14 today. Anyhow, what I wanted to do today is give some
15 more details about the plan. I hope most of you have
16 read it. You probably have a lot of questions. And you
17 can ask questions as I go through the presentation, but
18 if you want to hold on to those, that's fine, too. We'll
19 have plenty of time today to talk about what's in the
20 plan.

21 So the overview of the presentation, I'm going
22 to spend some time talking about the plan, as I said.
23 The second thing, we're going to talk about what happens
24 once we go to a reservation to buy back land. What are
25 the major phases or steps involved. As Larry Roberts

1 mentioned, we have an outreach phase, we have a land
2 research phase, we have an evaluation phase, and we have
3 the actual acquisition phase.

4 I'm going to turn over the discussion to the
5 folks here with me at the table. Tony is going to talk
6 about the outreach phase. Tom Young is going to spend a
7 little bit of time talking about the land valuation and
8 research phase. And Darryl LaCounte is going to talk
9 about the acquisition phase.

10 I think what we're going to do is hopefully
11 identify some of the key issues that are probably of
12 concern to you or issues that we think are important.
13 That's not to say that that's the limit of what we're
14 going to talk about. But there are some key questions
15 and topics that we want to make sure and identify because
16 there are things that we really want to hear from you
17 about and get your ideas and feedback on. So be
18 listening for those.

19 Tony is also going to talk about tribal
20 involvement. I think I counted at least 20 or so folks
21 from different reservations across the country. And I
22 know that you have a lot of knowledge and experience with
23 your own buy-back programs. You're close to the land.
24 You know what your priorities are. And so we do, as
25 Larry said, want to work with tribes, because this

1 program will be most successful if we work with you and
2 really leverage and gain from your knowledge. So Tony
3 will spend some time talking about tribal involvement,
4 because we do want to make sure it's an important feature
5 of this plan.

6 And then finally, I'll talk about some of the
7 next steps in the implementation plan. We talked about
8 consultation. That's what we're here for today. We take
9 that very seriously. So we'll talk about that and then
10 also talk about some of the ideas we have for how to get
11 this program going as quickly as we can. I know folks
12 have been anxious to get started as we have over the time
13 of many years to go through the appeal process for the
14 Cobell case. But we're finally at a place where we can
15 begin to implement the program. And we want to do that
16 carefully, but we also want to do it quickly. So we'll
17 talk about our ideas for how to choose some pilot
18 locations that allow us to advance some major parts of
19 the plan.

20 So with that, I'll just go ahead and start
21 talking about the plan and hopefully give you guys some
22 details about some of the major features of that.

23 The Buy-Back Program is a collaborative effort.
24 As I indicated, there are a lot of folks that are going
25 to be involved, especially the tribes. The individuals

1 that own the land are also very important to the program,
2 as are the various people and offices within Interior.
3 We're going to be all working together. It's going to be
4 a team effort. And that's really important, I think, for
5 this program to be a success.

6 The main goal of the program, as I'm sure
7 everybody understands, is to reduce the number of
8 fractional interests that are in trust tracts across the
9 country. We're seeking to purchase fractional interests
10 from individuals that want to voluntarily sell those
11 interests for fair market value. I think folks will also
12 know that fractionation means we're dealing with a tract
13 of land that has more than one owner. Those are the
14 kinds of tracts that we're going to seek to buy interest
15 in.

16 The Cobell Settlement Agreement is the
17 foundational document for this Buy-Back Program that
18 we've started. It was finally approved. The settlement
19 agreement was finally approved after appeals were taken
20 all the way to the U.S. Supreme Court towards the end of
21 November. So it's just been a couple of months that we
22 now have access to the \$1.9 billion fund that we'll be
23 able to have use of for the next ten years. The
24 settlement limits the amount of time that we have access
25 to that fund to ten years. We realize it's going to be a

1 challenge to responsibly deploy \$1.9 billion. That's a
2 massive amount of money. We should all feel very
3 grateful and fortunate that Congress has provided that
4 kind of resource to us. And so we hope to use that
5 sooner than ten years. But ten years is the longest
6 period of time that we have to use the fund.

7 The final key point on this page is that the
8 lands that we purchase, the fractional interests that we
9 purchase will stay in trust. When we buy a fractional
10 interest, it will be transferred essentially to the tribe
11 that has jurisdiction over the tract that contains those
12 fractional interests. And something that is different
13 from our previous land consolidation efforts is that
14 there will be no liens attached to the fractional
15 interests that are purchased under the program. That was
16 one of the concerns that we have heard over the last
17 couple years in planning for the program is that liens
18 ought not to apply. And the Solicitor of the Department
19 issued an opinion that confirmed that. So that, I guess,
20 is an example of one of the ways that we heard you, and
21 we're trying to listen to what your concerns are. So
22 again, no liens will apply to the lands that we buy.

23 What funding is available? As I indicated, we
24 have a massive amount of money, a huge resource to buy
25 fractional interests. Under the statute that approves

1 the Cobell Settlement, the fund is called the Trust Land
2 Consolidation Fund. And the bulk of that fund will go to
3 paying individuals for their fractional interests.

4 \$1,555,000,000. There's also the ability to use some of
5 that \$1.9 billion for administrative costs. That's to go
6 for things like doing appraisals, doing the title work,
7 doing the land research. It's also available to support
8 the efforts of the Secretary's commission on trust
9 reform. These costs are capped, however, at 15 percent.

10 We're hoping that we don't spend \$285 million in
11 administrative costs. We really hope that we maximize
12 the amount of dollars that go to the individuals for
13 purchasing their land. So we're hoping to increase the
14 \$1,555,000,000 as much as possible and minimize the
15 \$285 million.

16 Then finally, the other main component of the
17 \$1.9 billion is up to \$60 million can come from the fund
18 to go to scholarships for Native American folks all
19 across the country. This was basically set up as an
20 incentive under the settlement to encourage individuals
21 to sell their fractional interests. And we'll talk a
22 little bit more about how the scholarship fund relates to
23 the land consolidation in a minute.

24 How will the program be implemented? As I
25 think you probably all know, we issued an implementation

1 plan back in December. And that plan reflects and
2 incorporates the feedback that we received after issuing
3 a draft plan in January of 2012. And that plan was
4 preceded by a number of consultation sessions similar to
5 this one. And so this plan, as I've indicated here, is
6 available on the website. There are a couple of
7 attachments and appendices to that plan, including a list
8 of 150 reservations that have fractional interests and a
9 lot of other information. I think that during the
10 previous consultation, we heard you were looking for --
11 we recognized that the department has a lot of
12 information about fractional interests and that you
13 probably need more information. So we did try to provide
14 a lot more statistics about fractionation for each of the
15 reservations. Our research still continues. And if you
16 have questions or comments about the reservations we
17 identify, we're hoping to hear about that and work with
18 you in making corrections or updates.

19 The plan that we released is not a final plan.
20 It's our initial plan. It is subject to change. We
21 realize that we're going to learn a lot together as we
22 roll this program out. We also know that there's a lot
23 of good ideas that you have, and we want to make sure and
24 listen to those and incorporate those as we move forward.
25 So it's likely that we'll be issuing updates and making

1 changes. But hopefully, this plan gives you a decent
2 sense of our thinking and where we might be headed. But
3 again, we're open to suggestions. We're open to making
4 revisions and improvements based on what you guys believe
5 make sense.

6 The final bullet here indicates that
7 consultation will continue throughout the life of the
8 program. As I've said, and I'll reemphasize again, you
9 guys know a lot about the lands. You live close to the
10 lands. You have your own programs. And we see this as a
11 truly cooperative effort where we'll continue to learn
12 from one another. And we want to maintain open and
13 transparent communication with tribal governments and
14 keep the dialogue going.

15 What lands are purchasable under the Buy-Back
16 Program? As Larry indicated, there are about 150
17 reservations that have tracts that contain fractional
18 interests that we can purchase. There are about
19 2.9 million fractional interests within these locations,
20 and there are 219,000 unique individuals that own those
21 fractional interests. There are also about 30,000 -- I'm
22 sorry -- 20,000 estates that have fractional interests.
23 So when you add up the estates and the 219,000 people,
24 it's the people that we're going to be working with and
25 seeking to buy their interests from them.

1 Most of the fractional interests are located in
2 40 locations in the plan. We have a table where we
3 highlighted those locations. A lot of those are in the
4 Great Plains and in the Rocky Mountain Region. Most of
5 the acres are there. But there are a lot of other
6 fractional interests throughout the country. And we want
7 you to know that while we put the table in the plan with
8 the 40, we recognize that there are about 110 tribes in
9 addition to that that are affected by fractionation,
10 where, as we'll explain when we get to the next step,
11 we're going to be seeking ways to advance our way of
12 dealing with those interests as well as the more highly
13 fractionated locations as well.

14 I think it's important for everybody to
15 understand that this program will be purchasing trust
16 interests. We won't be able to purchase fee interests.
17 I know tribes have had a fair amount of success getting
18 land into trust. And that's oftentimes what folks think
19 of when they are thinking of land consolidation. But
20 again, here we're focused on the tracts of land that are
21 in trust and the interests that are in trust.

22 We will only be buying from folks that are
23 interested in selling. It's a willing seller program.
24 And when I say willing, that doesn't mean that there will
25 be unwilling sellers. It's up to the individual to

1 decide for themselves whether they want to sell
2 fractional interests.

3 I think there are a lot of benefits and know
4 the tribes can have a hand in helping explain what the
5 benefits are of selling fractional interests. We've
6 outlined a number of those in the plan. And I think the
7 key one is that with fractionation the ownership is such
8 that there are so many individuals that need to be
9 consulted or involved in making land use decisions that
10 oftentimes the land is not as productive as it might be
11 if there was more consolidated ownership. And so I think
12 one of the main benefits of acquiring these interests is
13 that we're trying to provide a better land tenure
14 situation for the tribal community as a whole so that
15 there is a more clear way to use or conserve the land.
16 But again, I want to emphasize that the program is
17 centered upon the interested sellers and that we won't be
18 forcing anybody to sell their interests.

19 How much is available for purchasing fractional
20 interests? As I indicated earlier, it's \$1,555,000,000.
21 One of the things that we heard from the previous
22 consultations is that tribes were interested in the
23 purchases occurring in as many of the locations across
24 the country that have fractional interests. And so one
25 of the strategies of proposals that we put in the plan is

1 a purchase ceiling concept. And that's intended to
2 identify what of these \$1.5 billion would be spread
3 across potentially the 150 locations. So we tried to
4 hear your concerns and come up with a way to fairly
5 identify how the moneys can be used in the most broad way
6 possible.

7 The basic approach is to take each location's
8 proportional share of the total number of tracts
9 fractioning the interests and acres and come up with an
10 amount that reflects that by taking that proportion times
11 the \$1.5 billion. So there's a table in the plan where
12 you can see we've applied that formula for each of the 40
13 locations. I want to emphasize that that's a preliminary
14 thought. Again, we're here for consultation. There
15 could be other ways to do that. And I hope we'll be
16 hearing those ideas. It's also important to understand
17 that the amount of money that's actually used at any
18 given location to buy interests depends on how many
19 individuals actually want to sell their interests. So
20 while we might identify the possibility for \$100 million
21 to be paid to individuals on a given reservation, it
22 really depends on whether those individuals decide to
23 sell. If they decide they don't want to sell, we're
24 going need to be flexible and deploy those purchase
25 dollars that are unused to other locations. So again, I

1 just want to emphasize that the purchase ceilings are one
2 idea. We thought about various alternatives for how to
3 again spread those dollars. But we're open to other
4 ideas and are subject to change.

5 Getting back to the scholarship fund for just a
6 minute here. As I indicated earlier, the scholarship
7 fund is set up for education for Native American folks
8 all across the country. And as it relates to the
9 Buy-Back Program, the Buy-Back Program will help fund
10 that scholarship fund each time an individual decides to
11 sell their fractional interests. So in the settlement
12 agreement, there's a schedule basically that outlines how
13 much will be contributed to the scholarship fund. And
14 I've got here the basic parameters for that. For
15 example, if somebody decides to sell a fractional
16 interest that's worth \$200 or less, \$10 will be added to
17 the scholarship fund. And this scholarship fund will be
18 managed by a non-profit organization that's outside of
19 the department.

20 Once a location is targeted, we have identified
21 four major steps to actually buy fractional interests.
22 The first one is outreach. This step is very important
23 to make sure that the individuals on the reservation or
24 wherever they may be located understand what the Buy-Back
25 Program is and how to respond once information comes to

1 them, basically an offer, so that there can be a good
2 response rate. So this is an outreach effort that will
3 likely involve the tribes. The Assistant Secretary, I
4 know, has talked about the value of tribal leadership,
5 for example, in leading radio messages and really getting
6 the word out to individuals on the reservation about the
7 Buy-Back Program and getting ready to respond to the
8 offers.

9 Land research is the step where we're going to
10 identify the tracts of land that have fractional
11 interests that we can purchase. We've done a lot of that
12 work already, working with the bureau. And this is also
13 an important step for basically categorizing those tracts
14 into different acreage types, which is necessary and
15 helpful to assign a fair market value. So using GIS and
16 other records at TAAMS will enable us to value the tracts
17 early.

18 The third phase is land valuation. That's
19 where we're going to be doing a lot of mass appraisals.
20 It's where we're assigning the fair market value for the
21 interests that we'll send offers out for. The fair
22 market value will be the amount that will be paid for any
23 given fractional interest.

24 And then finally, once we have got the
25 individuals ready and knowledgeable about the program,

1 we've done the land research, we have values, we'll send
2 out offers to individuals, and then we'll process their
3 acceptances hopefully and update the title records within
4 the department.

5 That's a high level overview of the four
6 phases. As I said, I'm going to turn it over to the
7 other folks that are helping out with the Buy-Back
8 Program and talk about these phases in a little more
9 detail.

10 Before I do that, are there any questions that
11 anybody wants to ask me about anything I just said?

12 Yes, sir.

13 MERVYN SHIELDS: Is there any chance we could
14 get a copy of that PowerPoint?

15 JOHN MCCLANAHAN: Yes. During lunchtime we'll
16 make sure that we have copies available for you.

17 MERVYN SHIELDS: Okay.

18 JOHN MCCLANAHAN: And we'll also post that on
19 the website. And there's a website address that we've
20 got here that we'll make sure we get. It's basically
21 www.doi.gov/buybackprogram.

22 ERMA VIZENOR: I have a question on -- this is
23 Erma Vizenor. People willing to sell voluntary, and how
24 about heirs you can't locate?

25 JOHN MCCLANAHAN: Under the settlement

1 agreement, there are some specific provisions about how
2 to deal with that issue. It's referred to as whereabouts
3 unknown. Oftentimes, these are the folks that can't be
4 located. In the settlement, there are notice
5 requirements that would be given to individuals that we
6 don't have an ability to locate right now. And after
7 five years, following the fulfillment of those notice
8 requirements, like publishing in newspapers and putting
9 notices in tribal locations, for example, there's the
10 ability to basically have those unlocateable folks be
11 deemed to have accepted the offer for their interests.
12 In the plan, we indicate that our main focus is going to
13 be in the immediate years especially to be focused on
14 working with individuals that we are able to locate and
15 that it may not be that we'll ever need to exercise that
16 ability. And so we indicate that's something that we
17 know about and that we're possibly going to use if
18 sufficient individuals who are locateable don't come
19 forward.

20 Yes, sir.

21 DONOVAN ARCHAMBAULT: Donovan Archambault,
22 Fort Belknap, Montana. A few years back, there was
23 another Buy-Back Program that you guys undertook, or the
24 bureau did. What is the status of that program? How
25 many acres did you buy back? If the tribes were

1 affected? Where is it?

2 JOHN MCCLANAHAN: That, sir, I believe you're
3 referring to the Indian Land Consolidation Project, or
4 ILCO, Indian Land Consolidation Office. Those folks are
5 still working. There are, I think, about 18 locations
6 that had been involved or are involved in that program.
7 Many of them are in the Midwest. Some are in the
8 Great Plains. But the interests that had been purchased
9 through that program are subject to a lien, and the lien
10 basically generates income. And that program is using
11 those moneys and tracking those moneys to continue to buy
12 fractional interests.

13 DONOVAN ARCHAMBAULT: The tribe has to buy back
14 land that you bought for them? Is that what you said?

15 JOHN MCCLANAHAN: Well, the liens basically are
16 something that exist --

17 DONOVAN ARCHAMBAULT: Don't sound right.

18 JOHN MCCLANAHAN: The idea behind the liens is
19 that there would be an income source in the future to buy
20 more fractional lands. I think the department is open --
21 I know there were other comments initially about the
22 liens, and I think we're open to talking about what might
23 be done with those liens. The Land Consolidation Act
24 allows the Interior Department to consult with tribes and
25 possibly do things differently with the liens. So I

1 think we're open to that.

2 DONOVAN ARCHAMBAULT: I guess my bottom line
3 question is why do you need \$285 million more dollars
4 when you already have the system in place that can do
5 this? We could use that money to buy more acres of land.

6 JOHN MCCLANAHAN: We are definitely building
7 from the existing system in processes that have been
8 developed through the existing program. They have
9 achieved a lot of success and learned a lot of things.
10 The ILCO/ILCA project did not receive the kind of funding
11 that we have now. I think the highest amount of funding
12 they received is about \$35 million. And so now we have
13 obviously a much larger amount of money, and we're
14 seeking to again build from the system. We're not trying
15 to recreate the wheel, but we are, as I think you'll see
16 shortly, trying to achieve some efficiencies because we
17 do have a much larger scale to work with here.

18 I think I'll take one more question, and I'm
19 going to turn it over to these guys, because they may
20 explain some things that you might ask about.

21 But go ahead, sir.

22 SHAWN BACKBONE: Thank you. Shawn Backbone
23 from the Crow Tribe. You say you won't be purchasing any
24 fee land. But what if this non-Indian rancher wants to
25 sell his fee land to this program? Would that be

1 feasible?

2 JOHN MCCLANAHAN: I understand the desire to
3 make that happen, but under the terms of the settlement,
4 we're only able to purchase interests in trust or
5 restricted land. We'll have another opportunity after we
6 finish the presentation to get your comments and
7 questions. So we'll look forward to that.

8 But I'll turn it over to Anthony Walters to
9 talk about outreach, and then Tom and Darryl will talk
10 about the other phases.

11 Thank you.

12 ANTHONY WALTERS: Thank you. Thanks for the
13 overview. We'll get into the details of each phase here.
14 And really, the details that I'm about to go through are
15 really what's going to happen once we target the
16 location, once the program is active at a location. You
17 mentioned the past ILCO program is about 18 to 20
18 locations. And because of the way that was structured,
19 they were able to move forward kind of through time and
20 to keep fee active at a single location for multiple
21 years at a time, and then somewhat on perpetuity the
22 program was to keep going with the liens and dollars.

23 Here we have a ten-year time frame, as
24 discussed. We have the idea of a purchase ceiling at
25 each location. And one of the key concepts of the plan

1 you might see in the implementation plan is that once we
2 target a location, we really only want to be active there
3 for a year, 18 months, 24 months tops. And we hope to be
4 able to achieve that by kind of the phases that we're
5 going to talk about right here. The idea is that you go
6 to a location, do the research that you need to do, do
7 the outreach that you need to do with all the community
8 members who own fractional interests at that location, be
9 able to conduct appraisals on as many tracts as possible
10 through mass evaluation techniques, which we'll discuss
11 here in a little bit. And then when we get to the
12 acquisition phase, we'll be much more proactive in how
13 we're reaching out to these individuals who own
14 fractional interests.

15 The past program was very reactive to folks who
16 came forward expressing interest. And that was necessary
17 due to the limited funding that they had. Here, we have
18 this kind of pretty much grander scale of funding to work
19 with. It wouldn't be very proactive. We want to send
20 out waves of offers to folks that we'll get into as well.
21 That way, we're spending as much money as quickly and
22 efficiently as possible. And throughout the entire
23 process, we'll [inaudible] priorities that have been
24 identified through this outreach phase.

25 So we'll get into the details here on the

1 outreach phase. When we target a reservation, we'll go
2 to the first big step there, which is really to go and
3 sit down and meet with the tribe itself, one on one with
4 the tribe, not this type of general consultation. But
5 we'll go travel out, talk to the tribe, talk about how it
6 can be implemented at that location in an efficient and
7 cost effective way. At that meeting, we'll discuss the
8 tribal priorities for acquisition. And I think there's
9 another slide here in a second on how that tribe might
10 identify those.

11 Another key concept is how best to do that at
12 each outreach location. Any one reservation can have
13 anywhere between 500, 1,000, 20,000 individuals who own
14 fractional interests at that location. We need to be
15 able to employ outreach to those folks, kind of prime
16 them to know what's coming if they do get an offer in the
17 mail, how do they respond. Do they have to respond. And
18 the answer to that is no. Everything is if willing. At
19 each location, we'll make sure people know exactly how to
20 respond, and hopefully, that will improve the acceptance
21 rate. I know at different locations in the past we've
22 had varying levels of success based on the willing seller
23 rate. It is what it is. People are able to choose to
24 keep their land, of course. There's no downside to that
25 to them. Obviously, the issue of fractionation, though,

1 does affect how the land can be used. Here we're trying
2 to be very proactive in how we approach the individuals.

3 Also, at that initial meeting with the tribe
4 about outreach, we'll discuss kind of their activities
5 involved, how they will be involved, how they will
6 participate in the program. We spoke about cooperative
7 agreements just briefly. We will get into that a little
8 more later in the morning, I believe, and then really a
9 common understanding of the time frame. Like I said, we
10 try to complete activities at that location in 18 to 24
11 months. With purchase ceilings, I think we will be able
12 to send -- we will be able to appraise enough tracts to
13 get to the fair market values that we can spend that much
14 money, send enough offers out to where, depending on the
15 willing seller rate, we'll be able to spend that much
16 money in a location in a relatively short time frame.

17 The other outreach phase is directed towards
18 the individuals on making sure that they understand how
19 they can participate.

20 I think in the past, we've had a couple of
21 either tribal leader letters go out, or in the
22 implementation plan itself, we were asking for tribes to
23 start thinking about their priorities for acquisition.
24 And you can do that in a number of ways. There's
25 specific tracts out there that we have a list of all the

1 tract ID numbers that you can comb through or developing
2 maps on how to help you with that so you can see where
3 tracts lie. You can identify tracts in a specific region
4 of the reservation. Maybe you have towns within your
5 reservation, you want to focus really on consolidating
6 the land there. Maybe there's other areas along highways
7 or for other cultural reasons or economic development
8 reasons, for whatever reason. We're not interested in
9 what the reasons are. But we are interested in knowing
10 what the priorities are so we can help accommodate those.

11 The other two is basing priorities on
12 particular land use, like I said. And then a lot of
13 tribes already have expressed interest in prioritizing
14 tracts that they already have some percentage ownership
15 in. You know, the tracts aren't just all tribal or all
16 owned. A lot are fee owned or a lot of tracts out there
17 where tribes already have some significant portion, 10 or
18 50 percent of the tracts. We can try to help part of
19 those that get either controlling interest or 100 percent
20 interest, whatever is feasible with the amount of
21 interests.

22 I think this slide helps to get into a little
23 bit of the land research phase, but also about how tribes
24 can identify their priorities.

25 This is a map of the Pine Ridge Reservation.

1 It's up on the wall in the back of the room actually if
2 you want to be able to go over there and look at that
3 later. On the map, we've mapped out all the tracts on
4 the Pine Ridge Reservation. The colors are different for
5 tribal ownership, allottees, individual ownership, and
6 tracts that have both tribal and individual ownership.
7 There are some kind of line on some of them where it also
8 shows those estates or the tracts that are combined
9 estates. They both have surface and mineral, and some
10 tracts are only mineral, and some are surface only. The
11 map is pretty detailed on that. We hope whenever we do
12 go to a location we'll have these maps available so the
13 tribes can use them to also help them identify their
14 tracts of land.

15 So just real quick on the research phase. This
16 isn't necessarily kind of a sequential thing. I mean,
17 the land research is something that we're obviously
18 already doing, the BIA over the TAAMS system. We have
19 all this data available to us already. When we do a
20 tribal location, we want to make sure that we're as up to
21 date as possible on titles and things of that nature.
22 Shows that the tracts have accurate legal descriptions.
23 We want to make sure we can come up with those. We're
24 assigning land use types. I know there's leases out
25 there we're using to determine whether the tracts are

1 good for range, grazing, farming, et cetera. And then
2 the maps, of course, will help -- issuing them will help
3 with implementing our evaluation of the appraisal to
4 determine what the fair market value could be.

5 JOHN MCCLANAHAN: Before we turn it over to Tom
6 to talk about the valuation, I just want to say thanks to
7 the leadership of Pine Ridge to allow us to display the
8 map to help us with our discussion today.

9 Tom, do you want to talk about the valuation?

10 TOM YOUNG: Sure. On the valuation side, we've
11 been tasked with appraising a lot of properties fast.
12 Typically, when we do appraisals, we will do a
13 tract-by-tract analysis. In this situation, the process
14 that we're going to go through, first off, is, like Tony
15 was just saying, we have to identify the properties that
16 are going to be appraised. We've gone through quite a
17 process of making sure that we can map each individual
18 tract of land accurately. What we're doing is pulling
19 the information from the land ownership database that BIA
20 has and slapping it together with the public land survey
21 that BLM maintains. And then it generates the boundaries
22 of every tract of land.

23 We've identified a few concerns as we go
24 through that process. Sometimes we'll find that the
25 information from BIA is missing the principal mineral, so

1 we'll have to go back and fix that, and then it will
2 automatically map. Pine Ridge was really nice. We had
3 well over 90 percent of things mapped real easily, and
4 then we had to step back and say there's a little concern
5 here. The most common concern we have with mapping
6 subject properties is when there's a metes and bounds
7 description in the land ownership database. It might
8 say, you know, everything in Section 1 south of the White
9 River. Well, what if the river moved? So it's tough for
10 a computer to automatically map that. So those are
11 manual things that we have to deal with.

12 So once we get all the subject properties
13 mapped out and are comfortable with those, we also then
14 go out, and we do a market study for each reservation.
15 So what we'll do there is we send out a team of
16 appraisers, and we gather all of the real estate sales
17 that have happened over a fixed period of time. So if
18 you're in a area with a fairly slow market, we might want
19 five years of data. If you're in an area that's pretty
20 active, the appraisers might be happy with just two years
21 of data. We go to the county courthouses, we contact
22 realtors, brokers, everyone we can find to find out what
23 property has sold. Up in Montana, you know, it's a
24 non-disclosure state. You can't just go to the county
25 courthouse and everything is there. You've got to get

1 out on the ground. You have to really work to find out
2 what property has sold and what it sold for. So we go
3 out and gather all these sales, everything that's sold.
4 And then the appraisers will sit down and analyze that
5 data to determine, okay, do we see any commonalities here
6 in the data. We might find that for commercial
7 properties there's not enough data. There's just not
8 enough market activity to come to some real conclusions.
9 But you might find for grazing properties a real
10 consistent market, that in the northwest part of the
11 reservation, grazing land sells for 300 bucks. In the
12 southeast, it sells for 400 bucks. And we document that.
13 When we find real homogeneous land types, property
14 types -- it might be grazing, it might be rural
15 residential, which is real common up in this area, it
16 might be dry crop ground -- we'll identify those. We'll
17 identify those baseline values. And as we confirm all
18 these sales with the buyers, we'll ask of them what
19 caught your eye about this piece of property. And they
20 will get to talking with you, and they'll say, you know,
21 what was important to me is that it had livestock water
22 on it. Well, after I get 10 or 15 guys tell me that,
23 that tells me, okay, these guys are -- they want grass,
24 they want to make sure they've got water for their cows.
25 Those are two things. We can then analyze all the sales,

1 and we can compare properties that have water, properties
2 that don't have water, and you can identify, okay, this
3 property sold for 10 bucks less per acre because it
4 doesn't have water. As we go through this process, then
5 we'll identify those factors that people that are active
6 in the market find important and how they affect value.
7 You take the results from those market studies, and you
8 put them in our computer system. What it does is it
9 takes the information from the subject properties then
10 where we've identified, okay, we've got a piece of
11 property with so many acres of grazing and so many acres
12 of dry crop ground, and the grazing does not have water.
13 We'll then compare the information from the market study.
14 So it will take the number of acres of dry crop ground,
15 300 bucks, minus 10 bucks because it doesn't have water,
16 so \$390 times the number of acres, and then we'll have to
17 apply the opinion of value of that land. It generates
18 what's called a restricted use report.

19 Now, in those situations that are not -- that
20 we can't do mass appraisals, the intent is to set them
21 aside until we get done with all the mass appraisals.
22 And the tribes have priorities that say, you know, we're
23 really interested in this area, concentrate on that
24 first, and then we'll deal with those.

25 So that's basically it. Does that makes sense?

1 JOHN MCCLANAHAN: Thanks, Tom. I just wanted
2 to add on a little bit to the point you just made. And
3 that is, the reason Tom spent some time talking about the
4 mass valuation or the appraisal techniques is because
5 that's in large part what we're trying to do as a
6 strategy to be able to send out as many offers to
7 individuals as we can. In other words, we're hoping that
8 when we go to a particular location, whether it's
9 Standing Rock or Pine Ridge or Rosebud, we hope that a
10 good percentage of the land that's there, let's say 70,
11 maybe even 80 percent of the land will be amenable to
12 mass appraisal techniques. And what that allows us to do
13 is value a lot of land really quickly and be in a
14 position to send out offers to as many owners as we can
15 to reduce our chances of utilizing or purchasing in a
16 given location. The reason that tribal priorities are so
17 important, again, as Tony said, not -- we don't
18 necessarily concern ourselves so much with why they are
19 important. But the reason we want to know about them is
20 so that we can find out how many of your priorities are
21 going to be outside that population of tracts amenable to
22 mass appraisal. The sooner we know that, the better that
23 we can prepare to work with you and to get resources
24 ready if we need to to do valuations on those tracts that
25 the tribes are interested in.

1 So again, please do share your priorities with
2 us as that will be important for our planning going
3 forward.

4 Darryl, do you want to talk about land
5 acquisition?

6 I'm sorry. Yes.

7 KRIS GOODWILL: I would like you to address the
8 issue that I brought up earlier, and that is that -- I
9 mean, you are the BIA. You know about the effects of the
10 General Allotment Act and what it had on reservations.
11 And so it seems really kind of unfair for the appraisal
12 process to take place and not take into consideration the
13 fact that, because of the General Allotment Act, we have
14 that fee parcel that's owned by the surgeon who lives in
15 Minneapolis and that parcel of land, and then he sells it
16 for \$1.5 million, and right next door we have the
17 allotted parcel that has tribal housing on it. And I
18 want to know whether that's ever taken into
19 consideration, because it just seems like a very unfair
20 process to me that it shouldn't be taken into
21 consideration that this is a reservation who had to
22 survive the devastating effects of the General Allotment
23 Act.

24 TOM YOUNG: We do take into consideration what
25 all property sells for on the reservation. So if you've

1 got a little side by side, it's actually in our tribal
2 members' best interest that that surgeon owns that piece
3 of property. If the land sells for \$2,000 an acre, and
4 then our tribal member that's selling through this
5 process gets the same amount of money that that surgeon
6 would get if they are selling their unallotted --

7 KRIS GOODWILL: You're also talking to somebody
8 who went through the pilot project, and we now have huge
9 liens. So, I mean, that's my bigger concern. And I
10 heard Mr. McClanahan say that you're willing to talk to
11 us about that. But that's also a very unfair process,
12 because you say that you had 15 tribes. I know in our
13 area we have five tribes who went through this process.
14 And, you know, we are very interested in talking to the
15 department about that.

16 TOM YOUNG: And my understanding under this
17 program, no liens.

18 JOHN MCCLANAHAN: Right. That's a good thing
19 to emphasize. This program is very different from the
20 existing program. As we've said, liens don't apply to
21 the Cobell Settlement Land Buy-Back Program effort. So
22 when we purchase lands, the land, if it generates income
23 on a grazing permit or some kind of farming lease, that
24 income will go directly to the tribe free and clear of
25 any kind of restriction so that the tribes can use that

1 income as they see best for the community as a whole.

2 SHAUN EASTMAN: I had one thing to add. I know
3 that you don't want to hear about the previous program,
4 you know, but it does matter, because if our tribe
5 consistently identifies a tract of land that already has
6 ILCO coverages on it, will we use the Cobell money? I
7 know that they are saying that we can only use this to
8 buy -- purchase fractional interests. We have to take
9 that into consideration when we do our priorities because
10 we know that there's ILCO coverage on that land that's
11 not making any money most of the time. It's still going
12 to be another 15 years before we even get any revenue on
13 that tract that it will actually be paid off. So we're
14 still looking at the inability to use the land. But that
15 conversation needs to be part of these consultations
16 because a lot of those tracts still hinder the tribe's
17 use of that land. Even if we buy portions of it through
18 the Cobell, there's still a lien on that property, which
19 it's almost like -- and this will be a consideration,
20 too, is that if those liens be waived for that parcel
21 that we use with Cobell money, that way the tribe can
22 actually use it. I mean, there won't be any liens on it.
23 We can actually build houses. We can have homesites for
24 people. But that conversation, it does matter in this --
25 with this program, all those ILCO purchases.

1 LARRY ROBERTS: And I think we agree with you.
2 That is an important point. I think that's something
3 that will be very important to have as part of the
4 conversation when we go specific to each reservation to
5 implement a program, because some reservations won't have
6 participated in that program, and it will be just this
7 program. But we'll definitely need to take those issues
8 into account. So it is a good point, and we do want to
9 hear more about it. And I think we'll probably have a
10 more in-depth discussion with each tribe as we're
11 implementing the program.

12 JOHN MCCLANAHAN: Darryl, do you want to talk
13 about the Buy-Back Program position a little bit?

14 DARRYL LACOUNTE: Sure. To begin with, none of
15 us know exactly what we're facing even from a tribal
16 perspective. We know that you folks are very interested.
17 We have no idea how interested your members are. And so
18 a lot of what we're talking about today is what we're
19 anticipating. But as we move forward, we certainly could
20 see a lot of things change based upon the willingness of
21 your members to sell their lands.

22 That being said, we still have to put something
23 in place to try and get moving so we can find out what's
24 going on and what we can find out what we're going to
25 learn when we get on the ground. And as you all know and

1 we know very well, we've never undertaken anything on
2 this grand a scale.

3 And I heard Donovan talk about the
4 administrative fund. When you look at \$285 million, it
5 is a huge amount of money. But when you look at it from
6 15 percent, suddenly it's not a huge amount of money.
7 We're not really famous for doing things on a low
8 administrative cost. And most businesses probably
9 operate above 15 percent. So that being said, we have to
10 be as efficient as possible. And John has mentioned
11 that. We've learned it as well. And being efficient is
12 trying to keep our stats as low as possible, automate as
13 many things as possible, and standardize as many things
14 as possible. So my task was to attempt to put something
15 in place to where we could have this Ford factory, so to
16 speak, the assembly line, how we get things done on a
17 mass scale.

18 Now, is it going to be a one size fits all?
19 Probably not. We don't know what the tribal priorities
20 are yet. We haven't really heard from you folks. That
21 could have a big impact on what we do. And the other
22 thing that's going to have a huge impact on it is our
23 ability to have values to make offers. We can't make an
24 offer without having a value. The settlement routes us
25 right back to the Indian Land Consolidation Act, which

1 says we can purchase at fair market value, meaning that
2 we have to have a value before we can make an offer on a
3 given parcel. Our hope -- in a perfect world, the hope
4 would be to send one package to all 222,000 of those
5 individuals that John mentioned earlier and buy
6 everything that they have. That would be our hope. But
7 we're not going to be able to do that. We understand
8 that. And 222,000 people, that doesn't equate to 222,000
9 offers under what we have now because many of those
10 people as you well know own on various locations. And
11 the approach we're taking is pretty much a
12 reservation-by-reservation approach as we get values. If
13 we have multiple values, we can make offers on multiple
14 reservations. But as you heard, Mr. Young talked about
15 how difficult the mass system is. And he's not sure how
16 many tracts on a given reservation he'll be able to use
17 mass appraisal techniques with. So there's a lot of
18 unknowns yet that we don't know about.

19 That being said, we still have to design
20 something to try and make offers to everyone. And
21 certainly, a big unknown, and I'll say it again, are your
22 priorities. If we go to you, and you say here, here,
23 here and here, that might be enough. That might be
24 everything we ever target at a given location. But from
25 a high level, we are designing a module in our system of

1 record right now to automate as many things as possible
2 and to try and change a lot of the rules that we've all
3 operated under for a long time. We are trying to get as
4 modern as possible, which is we're attempting to get our
5 legal folks to tell us that electronic records are good
6 enough in this day and age. We don't need paper copies
7 of everything. We're looking at every efficiency we can
8 because it's going to be a difficult task. And I know
9 all of you as tribal leaders understand what your
10 administrative costs are when you operate. And I hope
11 you can sympathize with us in that regard.

12 Also, a lot of our success is going to depend
13 upon how good we are and you are at outreach. The more
14 information that folks have, the more informed that they
15 are, the better the opportunity is for those lands to be
16 transferred to you. That's plain, pure, and simple. We
17 can send them a letter. We are looking at our
18 instruction sheet and our information sheet that's going
19 to go out with the package we send in an offer, but it's
20 probably not going to be enough. We need you, and we
21 need every resource we can to get the word out, here's
22 why this is beneficial to you, and here's what we're
23 trying to do, and here's what it will do in the long run
24 for you folks, the tribes, which is this is a long-term
25 deal. The way I look at it is once we get that fraction,

1 whatever it is, if there's six zeros before the decimal,
2 once it gets to the Standing Rock Tribe, that's it. It
3 will never probate again. To me, that's a victory. I
4 know there are folks higher up who want bigger results
5 than that. But I've been doing this a long time, and
6 every victory is a victory. We have to look at it from
7 that regard.

8 I can talk briefly about what we're envisioning
9 for an offer. And again, we're going to learn as we go.
10 And regardless of who sends the offer, whether it's us, a
11 contractor, or you, we're going to put that together.
12 And we envision it being a cover letter with clear,
13 detailed instructions. And again, the success is going
14 to depend more so on the outreach than the letter, I
15 think. But you folks know your people much better than
16 we do.

17 The second part of it will be a deed. The goal
18 is to do one mailing, to get everything done in one
19 mailing, which isn't something that was done in the
20 previous program we talked about. But we think our
21 limitations on administrative funds almost dictates to us
22 that we can't do multiple mailings to multiple
23 individuals. The goal is to send the offer. They accept
24 it based upon an inventory that we have. Hopefully, we
25 can make an offer on every parcel -- but that's again

1 subject to the values that we have on hand -- and return
2 that particular package to one location where the
3 electronic process would start. In addition to the deed
4 and the inventory, we're anticipating at this time a
5 consent to sell. And you look at these by page when
6 you're looking at mailing costs and you're looking at
7 your overhead. And as many of you know, some of these
8 inventories are certainly not going to be more than one
9 page. So we're anticipating that the average package
10 could be anywhere from 10 to 15 pages. And for the
11 efficiency of electronic scanning and record keeping that
12 we're trying to do, we're trying to make sure that these
13 things aren't stapled, folded, whatever, so the package
14 will look like that. It will be a large envelope. And
15 hopefully, again, we get them one time.

16 The detailed instruction, the deed -- the
17 inventory will serve as a part of the deed actually the
18 way we're envisioning it, and we're not getting pushback
19 from our legal folks. And it would have the interest
20 that individual owns, the location, the legal description
21 of it and basically a box, check the box. Do you want to
22 sell this interest or don't you. Here's the value of it.
23 And again, it's going to be based upon the values that we
24 have available. Hopefully, we have them all. And
25 hopefully, they are going to sell because that's good for

1 you folks, and it's good for everybody.

2 I'll talk a little bit about the time sensitive
3 of the values that we have. We mentioned earlier that we
4 hope to be at locations and get in and out. And the
5 reason that is is because, number one, values have a
6 shelf life. And to do them more than once with the
7 limited amount of administrative funds we have is
8 probably not going to be the most efficient way to do
9 this. Again, we're going to learn a lot from the very
10 first places we go to. But that's the reason we're at
11 this point looking at it from that perspective.

12 The challenges are there certainly whether we
13 do it, a contractor does it or you do it. Again, the
14 unknowns are hopefully going to be known shortly. But
15 until we get out there on the ground and find out, we're
16 still building this process. Thank you.

17 JOHN MCCLANAHAN: Thanks, Darryl. I think if
18 it works for everybody, I'll talk about the
19 organizational structure for just a few minutes, and then
20 we'll take a break and come back and talk about tribal
21 involvement and some of the next steps. And then we can
22 start to hear more from you about your ideas and concerns
23 and questions.

24 So this slide here is what is the
25 organizational structure of the Buy-Back Program. It's

1 headed by me. I'm the program manager. I am in the
2 Office of the Secretary. I report to the Deputy
3 Secretary. And the reason that there is that structure
4 at a high level within the department is that the
5 Secretary recognizes that this is an extremely important
6 program, it has a limited duration, and it's dealing with
7 a lot of resources and a lot of interactions with folks
8 all across the country. So the secretary issued a
9 Secretarial Order establishing the Buy-Back Program
10 making sure that there was high level oversight and
11 involvement within the department for this program.
12 There's also in the Secretarial Order that the Secretary
13 signed that's attached to the plan a Buy-Back oversight
14 board that will have the Deputy Secretary, the Solicitor,
15 Assistant Secretary Washburn, the Director of the BIA,
16 the Special Trustee for American Indians and others to
17 again provide what is needed in terms of oversight and
18 high level attention to this program. So those are
19 things, I think you can see, are real indications for how
20 important this program is to the department.

21 While there is that high level coordination and
22 involvement within the Deputy Secretary's office, this
23 program will definitely succeed best by using the
24 experience that is out there in the field. That's not
25 only the tribes, but it's also the Bureau of Indian

1 Affairs, the folks that are working with you on a daily
2 basis. It also will depend on the appraisal folks that
3 we have in the Office of Special Trustee for American
4 Indians. That's where Tom is. So we're looking to
5 assemble the best and brightest that we have and bring
6 everybody together and work together to achieve success.

7 A couple of key positions that we'll be filling
8 soon. We'll have an acquisitions director in the Bureau
9 of Indian Affairs that will focus on the kinds of things
10 that Darryl talked about, making sure that we have
11 automated systems, that we have standardized processes so
12 that we can minimize that 285 and definitely stay under
13 that if we can. We'll also have a new position in the
14 Office of Appraisal Services a deputy for valuations that
15 will focus full time on coordinating all the various
16 valuations that have to be done, whether those are done
17 by our own in-house folks, folks that the tribes may
18 have, or contractors.

19 We've also identified in the plan three
20 different acquisition centers out in the field, one in
21 Billings, one in Aberdeen, and one in Albuquerque. And
22 we structured it this way or were proposing it this way
23 so that we achieve some balance in terms of the
24 fractional interests that are out there. Roughly
25 speaking, each of these regional acquisition centers

1 would handle a third of the 2.9 million fractional
2 interests that are out there. So Billings would work on
3 Rocky Mountain and Northwest, and Aberdeen Great Plains,
4 and Midwest and then Albuquerque would basically take
5 care of the other regions.

6 As Darryl mentioned, we want to minimize the
7 number of staff given the need to watch out for the cost
8 limitations, but we are going to add staff. We've got to
9 do that so we don't hamper or affect the important work
10 that the people are already doing out there in the field.

11 Our next presentation will be about the tribal
12 involvement. Like I said, I think it's a good time for a
13 break if that works for everybody. We'll probably have
14 another 15 or 20 minutes tops for what we have left. And
15 I think we're on schedule. So we'll see you back here in
16 10 minutes. Thank you.

17 (Break, 10:44 a.m. until 11:15 a.m.)

18 ANTHONY WALTERS: We have a few more slides
19 that we'll go through. The agenda has us breaking for
20 lunch at 12:30. So hopefully, we'll get through these
21 slides in five or ten minutes, and then we'll open it for
22 discussion, hear from you guys the topics you guys want
23 to discuss about the implementation plan moving forward
24 and how we can incorporate that into our plans and
25 continue our planning effort. Break for lunch. We'll

1 come back. Hopefully, we'll identify some topics over
2 the next hour that we really want to focus on. And we
3 can focus more on those after the break. Otherwise,
4 we'll just let the discussion go naturally to whatever
5 topics tribal officials want to discuss as well. And
6 once we start winding down that discussion, we'll open it
7 up for others who are here today for participating.

8 So just real quick, before the break we spoke
9 about the process that we envision, the process that we
10 outlined in the initial implementation plan and how that
11 goes from the initial outreach to the evaluation of the
12 tracts, especially the tracts in the acquisition sending
13 out offers to individuals. I mentioned before that the
14 program really envisions being active at any one location
15 for 18 to 24 months. And hopefully, we can spend the
16 money in each of these locations with that process that
17 we have outlined.

18 Obviously, if any tribes are interested in
19 being involved or participating in the program
20 directly -- and that was addressed as well in the initial
21 implementation plan. And I should speak on that rather
22 briefly here before we move on. Tribes can be involved
23 in primarily two ways. One, of course, that I mentioned
24 was the tribal priorities and what tracts you guys have
25 that the tribe is most interested in acquiring fractional

1 interests in moving forward. That's going to happen with
2 every tribe that we target. Everywhere we go we want to
3 incorporate those priorities as much as possible.

4 The other aspect that tribes can be involved
5 in, I think most tribal officials are most interested in,
6 is participation in the program directly and how that can
7 happen. We outlined that in the initial implementation
8 plan. The laws and the Indian Land Consolidation Act and
9 the agreement prohibit the use of six or eight
10 [inaudible], which most everyone here is very familiar
11 with. But we have in the past and in our past
12 consolidation agreement used cooperative agreements.
13 That is authorized by the statute. We do address that in
14 the initial implementation plan, and we plan on using
15 those as well in our Buy-Back Program.

16 In the initial implementation plan, we did how
17 a couple initial criteria that we thought of that are
18 open for discussion here today as well. But overall, the
19 idea is that the tribe would put together its proposal on
20 how they might move forward with the Buy-Back Program,
21 keeping in mind, I think, the processes that we have
22 hopefully developed to streamline and automate the
23 process as much as possible to capture those efficiencies
24 and cost effectiveness of keeping the administrative
25 costs as low as possible. But cooperative proposals

1 should disclose the scope of work, the proposed
2 administrative costs of the tribe, and any schedule or
3 time frames that the tribe would like to work under in
4 that proposal.

5 We broke our process down into the four phases:
6 outreach; I think tribes are obviously in the best
7 position to conduct that outreach, and we hope that many
8 tribes take advantage of what the agreements utilize,
9 dollars for that, or help the Buy-Back Program conduct
10 that outreach. That's essential for this program to
11 succeed.

12 The other aspects, of course, are land
13 research. A lot of that information is already in the
14 department's database systems that we would utilize. Of
15 course, tribes have a lot of information of their own
16 that they can help us with in determining their
17 priorities, tract data that's needed to value land.
18 Obviously, the department has its existing Office of
19 Appraisal Services. Many tribes have their own appraisal
20 services as well. Many tribes have contracted previously
21 appraisal services as well. Under 638, though, you do
22 have infrastructure already in place to do some of that
23 work as well. But keeping in mind the time frames that
24 we wanted to capture kind of the efficiencies again.
25 That's what we'll need to discuss with any tribe that is

1 willing to look into entering into cooperative
2 agreements, as well as on the acquisition side. Each
3 stage we're going to try to incorporate the tribe as much
4 as possible. But as Darryl spoke earlier, we are trying
5 to automate that process as much as possible within our
6 systems where we can do this mass mailing of offers. And
7 we're happy to talk with the tribes about how they can be
8 included in that process as well.

9 Just moving forward, if you have any questions
10 on cooperative agreements in addition to whatever you
11 might see or might read in the plan, feel free to contact
12 me. My information will be at the end of the
13 presentation here. Yes.

14 DONOVAN ARCHAMBAULT: I have a question on this
15 cooperative agreement. We don't have your guys' proposal
16 or your budget or anything on this \$285 million. So why
17 do we have to send you guys a proposal? We don't have --
18 you're coming out here asking us how to help you do that.
19 But if we want to do it ourselves, we have to submit a
20 proposal to you, and you don't know what you're doing. I
21 don't understand that.

22 LARRY ROBERTS: Thanks for the question. I
23 think in large part the administrative costs are driven
24 by the specifics of each reservation, and so I don't -- I
25 think part of our consultations here is to learn more

1 about those costs. But to put forward an overall budget
2 at this point for all the different reservations, I think
3 we need tribal input on that.

4 DONOVAN ARCHAMBAULT: If I wanted to do it for
5 our tribe, and the chairman said you go down there and
6 you get this re-[inaudible], how would you determine what
7 my share of that administration money would be to
8 administer our own?

9 LARRY ROBERTS: We would have a conversation
10 with the tribe through consultation what parts of the
11 program does the tribe want to administer. Does the
12 tribe want to do 90 percent of it. Do they want to do
13 50 percent of it. What parts are they interested in
14 running and then talking about what's the most efficient
15 way to do that. So it would be through a consultation
16 conversation. It would be multiple conversations is my
17 guess working with tribal leadership.

18 DONOVAN ARCHAMBAULT: Well, the tribes I talked
19 to -- and I just came from a tribal leaders meeting in
20 Billings with the Montana tribes. And the tribes I
21 talked to -- some of them are here -- indicated that they
22 would prefer to administer this whole Buy-Back project
23 themselves. And in the words of some of them, why should
24 we let them do it. They already screwed it up once. You
25 know? And those aren't my words. These are the words of

1 the tribal leaders. And so why don't you give us a
2 chance? We have engineers. We have our own colleges on
3 the reservations that are cranking out engineers and
4 lawyers and accountants and everything else that we need.
5 But we don't have control of our land. You know? We
6 don't even have access to TAAMS. You guys know what's in
7 there. We don't. And it's our land. It's our
8 resources. I think this program here, we've been talking
9 about gaining self determination for 40 years. I got on
10 the tribal council when I was 36 years old. I'm 72 years
11 old today, and that term is still being tossed around
12 and, you know, used pretty freely in every conversation.
13 But there's not a one of us that are self determined yet.
14 This is an opportunity for us to be that, one opportunity
15 in a long, long time where we have the opportunity to do
16 something right, something good. And we have to
17 participate. We have to -- this one-size-fits-all policy
18 and regulation I don't believe fits anymore. We need
19 to -- we're all different. We're all unique. There's
20 536 or 540 tribes, hundreds of tribes. We're all a
21 little bit different. And we all know, like you said,
22 like Mr. McClanahan said this morning, and I've got it
23 right here, tribes know what their priorities are. We
24 know what our priorities are. So why don't you let us do
25 that.

1 LARRY ROBERTS: I don't disagree with a lot of
2 what you've said. I think it's going to come down to
3 when we reach out to each tribe sort of what makes sense
4 in working with tribal leadership how much the tribal
5 leadership wants to take on certain functions. What's
6 the most efficient way, because none of us wants the
7 money for administrative support to be any higher than it
8 needs to be, because the whole point of the program is to
9 have it there to purchase interests so it goes into
10 tribal ownership. Right? So I don't disagree with much
11 of what you've said. We do want to work with the
12 individual tribes on cooperative agreements and do that
13 where it makes sense where we can have the program run
14 efficiently.

15 DONOVAN ARCHAMBAULT: So if we go back to what
16 you just had on the board, a proposal back to Anthony
17 Walters -- who is Anthony Walters? Okay. I need to have
18 your card because I understand your proposal. But at the
19 same time, you know, I would like to have your proposal
20 on how you're going to do this, because I don't have it.
21 I have this little plan you put up there, but that
22 doesn't say anything. It's the same old bureaucratic
23 things. And, you know, I don't want 100 percent
24 bureaucrat on our reservation telling me what to do with
25 my land when it's all in TAAMS, and we can't get it. Can

1 you give us authority to get that? Can somebody up here
2 give us authority to get what's in that system? Because
3 we can't get it. Unless we go to the area, we can't get
4 that.

5 LARRY ROBERTS: I think there have been some
6 recent agreements that some tribes have been reaching
7 with the bureau to facilitate the sharing of information
8 in TAAMS. And that's something that we recognize from
9 the previous consultations, that the tribes wanted to
10 make sure they had access to that kind of information.
11 As we indicated, we're preparing maps. We're going to
12 share those maps and the data that underlies that, and I
13 envision sharing data back and forth to make this work.
14 And to build on what Larry said, the tribes are unique,
15 and we recognize that. And we want to meet with each
16 tribe individually and talk about many of the things that
17 you're bringing up and work out a solution where it can
18 be an efficient program. But it also enables you to
19 exercise your sovereignty, your right to self
20 determination, and really gives credence to the knowledge
21 that your members have, that the leaders have about what
22 they want to do with their land. So that's something
23 that we're very interested in. And what we will do in
24 the next weeks and months is sit down one on one and talk
25 about how we can make that happen.

1 DONOVAN ARCHAMBAULT: We thought we had the
2 world by the tail. This lady I work for at the area --
3 and Darryl knows her, Margie, Margie Measure. She had
4 access to TAAMS. But when we hired her, they took her
5 clearance away and everything else, and she never did
6 anything different until the same [inaudible]. I don't
7 know why they took her clearance away. But she doesn't
8 have access anymore. And that's one of the reasons we
9 hired her.

10 DARRYL LACOUNTE: Can I speak a little bit?
11 Margie retired from the system. We didn't fire her. She
12 retired. But that's typical. There were some really
13 good things, obviously, that came out of the lawsuit
14 itself, this being one of them. But there were also some
15 bad things that came out of it. And one of those was
16 that through various court orders through the years, the
17 department through our legal staff became very closed at
18 best with any information regarding individual Indians,
19 regarding IIM accountables. And our folks were so gun
20 shy that they were going to get a contempt of court
21 violation that the easy answer was always no, we can't
22 give you that. Well, that's no longer in place.

23 The information, the data contained in the
24 system itself we can provide to tribes. And it's just a
25 matter of what vehicle do we use to get it to the tribes.

1 I'm not so sure you really want access to TAAMS. You
2 want the data that's in there in something you can read.
3 In most of your cases, you all have staff that run some
4 sort of database. Our task now is just to get that
5 information into a format that you can read when we get
6 it to you. And again, you'll see this as we move
7 forward.

8 The settlement is only two months old. And
9 we're in the process of retraining our staffs to where,
10 look, we don't have to hide everything anymore. That's
11 not there anymore. We're not under those constraints.
12 But it was really a serious 16 years for us, I'll
13 guarantee you. And then as it progressed, people got
14 pretty gun shy about what they did release, whether they
15 could or not. Everything had to go through the legal
16 channel.

17 LARRY ROBERTS: I think at the end, the bottom
18 line for this program is that it is going to be self
19 determination with tribes, because if we come to your
20 communities and say we're going to do X, Y and Z, and we
21 don't have the support of tribal leadership, we all know
22 around this table that the program is going to fail. We
23 need your support. And that's why I started the
24 conversation today. And part of the consultation is we
25 need to be working hand in glove with tribal leadership

1 to implement this program, otherwise it's not going to be
2 a success. And I know everyone around the -- everyone in
3 the room wants it to be a success.

4 DONOVAN ARCHAMBAULT: I hate to be facetious,
5 but, you know, that's a foregone conclusion what you just
6 said. We need you to support us is what we need. We
7 haven't gotten that support.

8 JOHN MCCLANAHAN: So let's move on to some of
9 the next steps, and we can continue to take questions. I
10 do appreciate your comments, Donovan, and I hear your
11 needs. You want access to information, and you want us
12 to support your efforts to be involved as much as
13 possible, be directly involved in this program. And
14 we'll sit down and, like I said, work that out as best we
15 can.

16 So one of the main steps is that we want to
17 incorporate your needs, like I just said, into our
18 planning going forward. We have two more consultation
19 sessions coming up like this one. Next week we'll be in
20 Rapid City on February 6. The following week we'll be in
21 Seattle on February 14. We also, like I said, will be
22 talking one on one with tribes so we can learn about what
23 your interests are and what level of involvement you will
24 want to have in this program. And so consultation is a
25 major, very important next step.

1 Another important next step -- and this really
2 builds on what Darryl was saying -- is that we need to
3 learn a lot at the very outset of this program. So after
4 the public comment period closes, and that's March 4, we
5 want to select some initial pilot locations so that we
6 can get started working with you, refining the processes,
7 understanding what it's going to take to implement this
8 program on a scale that is contemplated by the
9 settlement. By doing that, by having some initial
10 locations, we hope to build capacity in a number of areas
11 that will really help us expand quickly. We will hope
12 for your patience because we want to work with you to
13 plan this program right. We want to get off on the right
14 foot. We want to build it correctly so that after the
15 first year or so we can really start going to a lot of
16 other locations and implement this program in a very
17 expeditious way for a lot of other locations. So I want
18 to make sure everybody understands that the fact that we
19 might start with a handful of locations, whether it's
20 five or eight or whatever, doesn't mean that other
21 locations will not be able to participate. It's just a
22 reality that we're just staffing up, and it's going to
23 take some time to get that capacity going. So again, I
24 ask for your indulgence as we get it ramped up.

25 Some of the factors that we're looking at --

1 and we're open to hearing about other factors. But some
2 of the ones that we're thinking about in selecting some
3 initial locations include geographic representation. We
4 want to ideally find some locations that will allow us to
5 get going in the Great Plains, in the Rocky Mountains,
6 down in the Southwest, and also in some of the other
7 smaller locations, smaller in the sense of fractionation,
8 so that we do learn about what the various issues are
9 that we might see in different parts of Indian country.
10 So that geographic component is pretty important. As I
11 said before, we are proposing three different acquisition
12 centers. So we would ideally want those pilot locations
13 to help us build capacity in those locations.

14 We also think it's pretty important in
15 selecting locations to go where the tribes have their
16 priorities together so that we know that as we start the
17 program we're being effective and responsive to buying
18 interests where the tribes believe it's important.

19 We also are looking at where our appraisal
20 records or title records are cleared up and ready to go.
21 We think it's important to have some early successes. We
22 want to have the ability to have lessons learned that
23 these initial locations can help tout to others. And so
24 where we're likely to succeed, that's an important factor
25 where we have staff ready. Where tribes are capable and

1 ready, that's another factor.

2 And all surrounding these factors are three
3 goals that we want to try to advance at the same time as
4 we move out and implement this program. And these are
5 threefold. We've got a number of locations, forty
6 locations, that have 90 percent of the fractional
7 interests. Those are, in other words, highly
8 fractionated reservations. We know that if we're going
9 to be able to use the \$1.5 billion, we've got to very
10 quickly and meaningfully go to those reservations because
11 that's where most of the acres and the interests are. So
12 in selecting locations, we're definitely going to be
13 looking at the highly fractionated places.

14 The next slide I'm going to get into a little
15 bit more detail. So I'll just kind of give you an
16 overview of these three areas.

17 The second main feature of the plan that we've
18 been talking about this morning is cooperative
19 agreements. We want to find some locations, some tribes
20 that we can get some good templates together so that
21 we're basically paving the way for those types of
22 agreements for other tribes.

23 And then finally, or third, we want to select
24 some locations that will help us understand what it's
25 going to take and what's involved in buying fractional

1 interests at some of those other locations that, while
2 they don't have as many fractional interests, are still
3 very interested in being part of the program from the
4 get-go.

5 I just have a few more things to say about
6 these three areas. As far as the highly fractionated
7 locations go, we indicated in the plan that we are
8 generally suggesting we go down the list in order of
9 descending fractionation. But we want to be flexible.
10 That's not a rigid list that we won't be flexible on.
11 We're going to be looking at locations that are adjacent
12 to one another. We recognize that there are individuals
13 that own in multiple locations, and oftentimes, that
14 ownership in multiple locations is most apparent where
15 reservations are right next door. Pine Ridge and Rosebud
16 as an example. But there are others out there. So that
17 for efficiency reasons may be just to try to find
18 locations that are together.

19 I mentioned some of the other factors a minute
20 ago that really applied to the highly fractionated
21 reservations like the availability of staff and
22 appraisals and those kinds of things, as well as the
23 interest of tribes and willingness to help out at the
24 beginning.

25 On less fractionated reservations, in the plan

1 we proposed criteria that would lead us to start the
2 whole process of acquiring interests at those locations.
3 And that criteria was where there was a demonstrated
4 showing or a critical mass of interested sellers, that
5 would lead us to deploy appraisal and other resources.
6 The idea behind this is that we're wanting to make sure
7 that when we expend these limited administrative dollars
8 at those locations, we do so with the likelihood that
9 they are going to be useful. In other words, we want to
10 do appraisals on tracts where it's likely there will be a
11 number of individuals that will be interested in selling.
12 It's going to be tough for us to spend money when we
13 don't know that it's going to go somewhere in the sense
14 of accepting sales with individuals.

15 There could be other ways to think about how to
16 go to these less fractionated areas, what the criteria
17 might be. And we want to hear from tribes and
18 individuals about what those ideas might be. So in
19 selecting the pilot locations, we're going to be trying
20 to learn some more about those smaller areas. We want to
21 work with you to figure out what are some of the best
22 practices for identifying interested sellers. We've
23 talked, I think, today some already about tribes really
24 knowing their members, knowing what the good modes of
25 communication might be, whether it's community meetings

1 or radio announcements, knowing where people live.
2 Tribes are really going to be very good at that, I think.
3 And so we're looking to develop a toolkit basically
4 through these initial pilots so that other locations will
5 know what to do when they are interested in moving
6 forward.

7 We've also talked just a minute ago about what
8 information tribes need. We recognize that in TAAMS
9 there's a list of individuals that own fractional
10 interests. Under the Land Consolidation Act, the tribes
11 are entitled to get that kind of information upon
12 request. And so in the pilot we want to learn about how
13 to get that information to tribes so they can help with
14 that outreach to find interested sellers.

15 And then we also want to in these pilots learn
16 about what this is going to cost. We've been doing some
17 research on our own and trying to plan about cost. But I
18 think it's important to talk with the tribes and work
19 with them. And maybe you can do things just as
20 efficiently if not more efficiently than we can. We want
21 to learn about what the cost might be for the locations.

22 So those are some of the key things we're
23 looking at in going forward in the next couple of months.
24 I hope what we've presented here is helpful. That is the
25 end of this presentation. But we want to start talking

1 about your questions and needs and ideas. And so let's
2 just move into that.

3 Here are some of the contact information that
4 we mentioned. And we're going to have this presentation
5 posted on the website and available for you all.

6 So let's start a discussion here.

7 ERMA VIZENOR: I have a couple questions
8 related to the settlement. What happens to the remaining
9 money, if there is of the \$1.5 billion, if after ten
10 years that's all used in this process? And then can I
11 just ask another one, please? \$285 million is for
12 administrative costs. Is any of those funds available to
13 tribes?

14 JOHN MCCLANAHAN: On the first question, I hope
15 we never really have to answer that. I hope that the
16 purchase dollars that we have are fully utilized and that
17 there would not be any other scenario. But under the
18 terms of the settlement, moneys that are not used will
19 basically be deferred back to the treasury. So we have a
20 limited ten-year time period to use the money. So again,
21 we're focused on making sure that we utilize that to the
22 fullest extent.

23 On the second question, the \$285 million for
24 administrative costs, that, like I indicated earlier, is
25 for things like outreach, land research appraisals. And

1 those dollars can go for bureau employees to do that kind
2 of work, they can go for third-party contractors, and
3 also and importantly, they can go to tribes through the
4 cooperative agreement like Tony talked about. So yes is
5 the short answer to your question.

6 ROBERT DURANT: Robert Durant, White Earth. I
7 have one question that I barely touched on this morning
8 when I brought it up. And it's the fractionization on
9 the ownerships. White Earth is one-sixth of the
10 Minnesota Ojibwe Tribe. We're the largest tribe, almost
11 20,000 members. When we get into the issue of the
12 direction that we're going, I see in one of your tables
13 your illustrative purposes we're all lumped into the
14 Minnesota Ojibwe Tribe. There's six of us. We're six
15 separate nations. The dollar amounts they do have set
16 aside for us, how are we going to determine the fair
17 equity, or how are we going to split that? Are we
18 creating an avenue of dissent or turmoil or a fight
19 between our nations which we cannot afford to do this?
20 What is the guidance that is being proposed as a
21 separate -- say you're going out to the tribes. But
22 under here you're going out to the MCT. My understanding
23 on one point there was a little bit going on. You
24 identified three MCT nations, but now it's all lumped
25 back into one. What is the purpose? All of us in the

1 MCT, we have badlands, we have MCT lands that we're
2 all -- you know, that we share. What are the values?
3 What's our trust. Like I said, we also have wells on
4 them, which is a huge thing, plus our allotments. So how
5 are we working with the MCT memberships? Before I can
6 get any further understanding trying to set things in
7 process for our land departments and everyone, we need to
8 know who we are in this process and where are we going
9 from there. We need to know this.

10 ANTHONY WALTERS: I think, generally speaking,
11 for the MCT, why we're not [inaudible], the initial
12 limitations act refers MCT. We can break that down into
13 the six bands and apply the same formula broken down that
14 way. We would be happy to meet with the MCT, with the
15 six bands specifically about how we can do that and how
16 we can support the existing programs for those six
17 tribes. Certainly, we will do that.

18 I think one of the underlying concepts of the
19 whole program is the land that is purchased goes into
20 ownership of the tribe with the jurisdiction. I know
21 that the bands themselves are working some of those
22 issues out amongst themselves as well. So I think we
23 didn't want to break -- we just want to put all the land
24 that's in our data for MCT tribes in one line just to
25 represent it that way. Certainly, when we interact with

1 the bands, we will do that individually. I know the old
2 or the existing ILCO didn't work with the bands as well.
3 But we will continue to do that. But just for our
4 purposes we will.

5 WOODROW PLAINFEATHER: Woodrow, Crow Tribe. I
6 know this is strictly surface land, but we have a lot of
7 minerals on the Crow Reservation. Has that ever been
8 addressed, the minerals?

9 JOHN MCCLANAHAN: Part of the program will be
10 to assess the possible mineral estate that will be owned
11 by individuals. Darryl I know knows more about this than
12 I do. But I do recall that quite a bit of Crow has
13 tribal mineral estate ownership. But where that mineral
14 estate is owned by individuals, that will be part of the
15 program. We will be seeking to purchase individuals'
16 interests in mineral estates.

17 DARRYL LACOUNTE: To expand on that, Woodrow,
18 again, it goes back to values. And an outfit that didn't
19 get mentioned this morning, at least that I heard, is an
20 office within the Interior called the Office of Minerals
21 Evaluation. And they're not necessarily -- they don't
22 call themselves appraisers. But what they do is they
23 come out and do a study of a reservation and say
24 mineralized for this particular mineral, and then we have
25 to find values for it.

1 We certainly have every intent of trying to
2 purchase mineral, and we're not going to separate any
3 estates. We're not going to take a tract right now that
4 has both surface and mineral and buy the surface or just
5 buy the mineral. It's all or none, because the
6 underlying objective is to reduce fractionization. So
7 yes, we're going to try and buy them. And again, it goes
8 back to value and then to the willing sellers again.
9 Does that help?

10 WOODROW PLAINFEATHER: Yeah. Thank you.

11 KRIS GOODWILL: I would like you to talk about
12 when you send out the mass mailings and trying to get
13 people to sell their land, say there are, you know,
14 hundreds of heirs on that parcel. What percentage do you
15 need back before you can proceed with a purchase?

16 ANTHONY WALTERS: Generally, when we send out
17 the offer packets, the expectation is whatever the
18 purchase is of that location, we will send out enough
19 offers to complete that purchase ceiling. And we would
20 have staff dedicated to that area to help folks fill
21 those out and respond to that. I think there's really no
22 set criteria on when we would -- what level would need to
23 be accepted before we actually purchase those. I think
24 the idea is once an offer is sent out from us, if someone
25 responds back, we would purchase those interests that

1 they are willing to sell. I don't think there's a set
2 criteria that we're waiting for. Does that answer your
3 question?

4 KRIS GOODWILL: Not really.

5 DARRYL LACOUNTE: Can I take that on? Because
6 I heard from Corky at the break, too. I think it's
7 something we haven't done a good job of. I know you're
8 all accustomed to a stranger with a title having to --
9 when a stranger title comes in, you're accustomed to
10 having a 51 percent consent. That does not go with this
11 program. If we make an offer, and it's a willing seller,
12 we're going to purchase it regardless of what the other
13 99 percent do. If that 1 percent is the only one who
14 wants to sell, we are going to purchase it if we have
15 made that offer. Does that help?

16 KRIS GOODWILL: So then you own 1/532nd portion
17 of that parcel?

18 DARRYL LACOUNTE: No. You would.

19 KRIS GOODWILL: Well --

20 DARRYL LACOUNTE: Again, I'll go back to what I
21 said this morning. Every purchase we make, I think, is a
22 victory that we'll never probate again. Hopefully, there
23 will be another program after this one to come in and get
24 the rest of it. But you have to start somewhere. And I
25 think that will be as aggressive as we can be. And

1 hopefully, they are going to step up and sell. But we'll
2 take what we get.

3 KRIS GOODWILL: But doesn't it depend on how
4 those heirs own that parcel, whether it's joint tenancy
5 or whether it's -- or can it be divided out into those
6 bits of that parcel?

7 DARRYL LACOUNTE: Certainly, joint tenancy is
8 something we're looking at. We haven't gotten the
9 official legal interpretation of it yet. We haven't
10 excluded making offers on joint tenancies, but we haven't
11 committed that we're going to go after them. We do know
12 how many are in the data, and it's -- it's not as
13 significant as some may think. But they are there. And
14 we're not going to target -- at this time, we're not
15 going to target life tenants. We may target remainder.

16 KRIS GOODWILL: And it sounds like you're not
17 going to target joint tenancy.

18 DARRYL LACOUNTE: No, I didn't say that. I
19 said we haven't got a legal ruling on that yet. We would
20 like to. But again, it's whether or not we get the
21 authority to do it. Joint tenancies essentially are
22 written. Everyone I had seen in the Indian Affairs are
23 joint tenants with the right of survivorship. And
24 obviously, if all of the joint tenants wish to sell,
25 that's something that would be pretty easy for us to do.

1 But if one did and the other didn't, then we have a legal
2 question. And --

3 KRIS GOODWILL: Exactly. That's --

4 DARRYL LACOUNTE: -- we haven't addressed that
5 yet.

6 KRIS GOODWILL: Okay.

7 LEROY STAPLES FAIRBANKS: LeRoy Staples
8 Fairbanks, Leech Lake. My question is, the cooperative
9 agreements, are they negotiable, or is the initial denial
10 final?

11 ANTHONY WALTERS: I think, as we mentioned
12 before, once that location is targeted, it's going to be
13 an ongoing battle between the Buy-Back Program and the
14 tribe. The initial discussions will be hashed out in
15 probably one meeting. Larry is going to be continuing
16 discussion back and forth about how the program can best
17 implement at that location.

18 JOHN MCCLANAHAN: Tim?

19 TIM KROHN: Tim. Regards to estates that are
20 listed on the health TSRs --

21 JOHN MCCLANAHAN: Tim, I'm sorry. Can you go
22 up to the mic just to make sure everybody can hear you?
23 Thank you.

24 TIM KROHN: In regards to estates that are
25 listed on the TSRs and the database, what's happening

1 with them? Are you ignoring them, or will something be
2 done?

3 JOHN MCCLANAHAN: What we indicated in the plan
4 was that the fractional interests that are held by
5 estates -- which again, when we pulled the data for the
6 plan it was about 20,000 estates. When those estates
7 owned interests, we are open to the possibility that the
8 tribes would request us to exercise a purchase in probate
9 option for those interests. And so it's something in the
10 comments we got in the previous consultations that we're
11 aware about. And we're looking to tribes to see if they
12 are interested in that process. We haven't highlighted
13 that so much in our plan. But that is a possibility that
14 we're going to work with tribes on.

15 DARRYL LACOUNTE: One of the things that we did
16 when we first heard there was a potential settlement is
17 we established a program that we refer to as the title
18 project. And the goal of that was to get our ownership
19 as up to date as possible. I know that may sound crazy
20 to you. But there are other things that land titles and
21 records offices do, providing title status reports for
22 economic development purposes or leasing or whatever it
23 is. We prioritized the ownership as best we could. So
24 hopefully, Tim, by the time we get to a given location,
25 the title is as good as it can be. We're still subject

1 to other players when it comes to probates, but we're
2 trying to streamline the process and get current
3 ownership up to date as quickly as possible. And we have
4 set certain performance measures for conveyances.
5 Probates are a little bit more difficult. Once we have
6 the final package back from OHA, we have put performance
7 measures on them. If we have the information available
8 to us, that title is going to be up to date. From the
9 BIA's perspective, we can't control what we get from the
10 judges, though.

11 RICH ROBINSON: In regard to probate, I have a
12 question. My father's probate was done not too long ago.
13 And when we got the probate back, it said that we had
14 80 acres of land still located on the Leech Lake
15 Reservation. When we checked with the [inaudible], they
16 said no, that is our land now. So I got a hold of the
17 Bureau of Indian Affairs and asked the realty, I said are
18 you guys going to stand behind us now that this land
19 according to your records is still our allotment. And
20 they said they would. But what do you do in a case like
21 that?

22 DARRYL LACOUNTE: I don't know the issue
23 specifically. But I would be happy to talk to you on a
24 break about it. I would be very happy to.

25 JOHN MCCLANAHAN: Maybe a somewhat way to

1 respond to that is, part of what we are seeking to do is
2 map the tracts that are fractionated that we might be
3 able to purchase. And through that process, it may be
4 that we'll be able to identify some tracts that have
5 issues that need to be researched. And so there may be a
6 set of tracts in the category like you mentioned that
7 will require more attention. And the reason we're doing
8 that mapping in part is to make sure that we're able to
9 identify the tracts that we can focus on quickly and
10 efficiently through mass valuation and get a lot of
11 offers out. But that's not to say there won't be some
12 unique circumstances out there that would require more
13 specific attention.

14 RICH ROBINSON: On a follow-up question on the
15 outreach, from a travel perspective, if we're going to go
16 out -- historically, you know, our people do not have a
17 lot of trust in the Bureau of Indian Affairs in the sale
18 of their allotments or the appraisals done on our
19 allotments. And we all know that this has been going on
20 for a hundred years. So if we're going to go out and do
21 outreach -- and before we're going to be required to go
22 out and do outreach with our people, we're going to have
23 to go out and tell them -- correct me if I'm wrong. But
24 we're going to have to go out and tell them this is what
25 your allotment is worth based on an appraisal done by the

1 Bureau of Indian Affairs, and this is how much money you
2 would get out of that, say, if you were to sell your
3 interest on the Buy-Back Program, correct?

4 JOHN MCCLANAHAN: It is correct that the
5 purchase amount -- the offer amount would be the fair
6 market value that's established by the appraisal that's
7 done as part of the program. And part of the outreach
8 phase, I think, would involve, as we've talked about,
9 making sure individuals understand the process and are
10 ready and aren't surprised as best as possible when they
11 get that package in the mail and that they know that the
12 amount in that offer is based upon an appraisal. And so
13 for the outreach piece, I think understanding the process
14 of how it was packaged and will come together is
15 important. But it won't be until the actual offer is
16 provided to an individual and until that specific fair
17 market value is determined and known to them. Yes.

18 DONALD MAY: Yeah. I've got a question here.
19 You know, since this came out, you know, we've been
20 flooded with applications up in Northeastern Montana from
21 individuals wanting to sell their land back to the
22 tribes. But I guess the bottom line is, you know, they
23 want their money today. You know, they don't want to
24 wait months for them to get a small check. But is it
25 possible there's some way they could gift -- you know,

1 they only have what, about 00013 or something -- can gift
2 these out to the tribes and work something out that way?
3 Is there something that can be done that way rather than
4 processing paperwork and maybe be able to get a check
5 maybe tomorrow?

6 JOHN MCCLANAHAN: I don't believe that this
7 program would stand in the way of those gifting processes
8 and other conveyances that individuals might want to
9 make.

10 FRANK WHITE BULL: Just a quick comment.
11 Looking at the selling of these individuals to programs
12 out there, probates hearings are always going to be -- we
13 have our loved ones that have passed on unexpectedly.
14 The majority of our people don't want to sell because it
15 causes, you know, animosity or division amongst the
16 family. So in our ways, we talk about equality. I want
17 to give my everything to my loved ones equally.
18 Everybody is equal in my eyes. That's how we got our
19 land, you know, that it's fractionated down to us. And
20 then looking back, the selling of it, the marketing, it's
21 going to be a challenge.

22 Some comments back home is that it's ironic
23 that the government misused the funds in the Cobell case.
24 That's what was won. And now we're using those same
25 funds that were misused to buy my land back. And so

1 that's going to be the challenge that we're going to have
2 to -- I wouldn't say convince, but just educate our
3 kuis, our grandmas, our lalas, our grandfathers, our
4 aunties. And so we look at that, and it's sad because a
5 lot of our kuis and lalas, this is all we have to say
6 that I can pass on is my land. It's unfortunate that
7 it's fractionated the way it is and how far it's been
8 down the line. But I want to keep it in the family. So
9 that's the challenge that as officials we have to go
10 forward and market this program. And so I just hope that
11 cooperatively that when you do come to our tribe at
12 Standing Rock and meet one on one with our officials
13 there, because each tribe is unique -- we can't do a
14 regional meeting because each tribe is unique. I can
15 tell you that right now. You know, they closed the
16 Cheyenne River, but they have a different -- you know,
17 the Sioux Nation Tribe. But the March 2 Act put us into
18 where we're at in the reservations. But hopefully, that
19 will go good.

20 I'm interested in more of the scholarship
21 program maybe this afternoon, you know, how that is. And
22 you guys are familiar with J. Tack [phonetic], how the
23 priorities went to landowners in that area there. But I
24 don't know how to gain interest in that area. But I just
25 hope the marketing side as far as what we're doing -- you

1 know, I say "we" because that's who we are, all together,
2 as one. We go forward to this no matter what tribes and
3 no matter where we come from. Today we sit here and the
4 other places, in Rapid and Seattle, and hear the same
5 stories coming forward. So, you know, there's one person
6 to speak for, you know, my tribe in the best way that I
7 can. And I present the best way I can. And I hope
8 that -- I wish you guys well. I know I came off strong,
9 but I'm still going to stand where I stand with the
10 common man for my tribe. You know? Because as a leader,
11 as an elected leader, that's all my people, our elderlies
12 have to rely on is me. I'm their voice. Go there, say
13 this for me. You know? I don't want to sell my lands,
14 but I'm having hard times. Pitiful, help me. So we look
15 at that. This is all that's balled into what we're
16 talking about. I know the bureaucratic system, as
17 Donovan stated, that's going to get involved, and it
18 almost like sounds heartless. But you've got to remember
19 we're common people, and we rely on the trust from the
20 bureau and the Department of the Interior to handle this.
21 It's been mismanaged once. We let you slide because we
22 still trust you. You know? But that's because we're
23 [inaudible] the Cobell case. Thank you.

24 JOHN MCCLANAHAN: Thank you for those comments.
25 That's a great message and attitude. I really appreciate

1 that.

2 I think my reaction is that, yes, we should
3 think about what the challenges or questions are that
4 individuals have as far as selling. Very interested. We
5 should come up with ways to educate and put information
6 out there so that they can make an informed decision. So
7 hopefully, during these consultations, as we work
8 together, we can come up with those things that will help
9 resolve those issues and make folks feel comfortable that
10 this is something we're trying to get together for the
11 benefit of a lot of people. So that's a great comment.
12 Thank you.

13 If folks could please identify themselves and
14 their affiliation when they have a comment or question,
15 that would be very helpful so we can get that on the
16 record.

17 LILLIAN WANNA: My name is Lillian Wanna. I'm
18 with the Sisseton Wahpeton Oyate. One of my questions is
19 have you determined what type of deed we will be using?
20 And another question is, on our reservation we have our
21 own airship [phonetic] bill. And if you're not enrolled
22 with our tribe, what you get is a life estate. With the
23 Cobell, could we use the Cobell moneys to buy life
24 estates? And can we use the Cobell money -- we have a
25 lot of people on our titles with just mineral rights.

1 When the Bureau of Land Management said on Sisseton
2 Wahpeton there is no minerals, can we purchase just
3 minerals with our Cobell moneys?

4 And another question is, we share with
5 Standing Rock the same appraiser. Is there going to
6 be -- are we going to have a review system yet? You
7 know, we would send out our appraisals, they get to Rapid
8 City, and they can sit there for months. Is Cobell going
9 to have a review appraiser? Is somebody going to review
10 your appraisals for our tribe? And if they are, who is
11 it?

12 Those are my questions.

13 JOHN MCCLANAHAN: I've got four questions down.
14 I think, Darryl, you probably can handle the first three.
15 And, Tom, you can probably get the fourth one.

16 If I can just say one little thing about the
17 first one. Yes, we're looking at the deed. We recognize
18 that there will be hopefully a lot of deeds that will be
19 out there. Those are important legal instruments, and we
20 want to make those modern in the sense that I've looked
21 at some of those, and they are somewhat antiquated. They
22 still use "the party of the first part" and "the party of
23 the second part." And so one of the things I'm
24 interested in is can we come up with a deed that is as
25 clear as possible. And I know Darryl may have more to

1 say about those other questions. But I just wanted to
2 offer that.

3 DARRYL LACOUNTE: The deed will be something
4 you haven't seen before. To expand on what John said, we
5 put the design together, and it's going through our legal
6 department now to see where our deficiencies or the lack
7 of deficiencies are there. Yes, we will buy mineral
8 properties. And there's discussion right now as to what
9 that value would be when it's been determined that it's
10 not owned. And I can't speak to the appraisal piece.
11 Was there one more question that I missed?

12 LILLIAN WANNA: Yeah. When we do the Cobell
13 appraisals, is there going to be a review person?

14 DARRYL LACOUNTE: I'll defer that to Tom. And
15 Tom just reminded me of your other question, which was
16 the life tenancies.

17 LILLIAN WANNA: Yeah.

18 DARRYL LACOUNTE: And at this time we're
19 looking at it, as I said earlier. What comes with that
20 is a whole 'nother valuation system. And we have to take
21 into account actuary tables and whatnot. I don't know
22 how amenable that will be to a mass valuation. But we
23 can certainly take a look and see what the extent of
24 those are on Sisseton Wahpeton. And I presume from
25 hearing from you that it's probably going to be a tribal

1 priority. So that brings on a whole 'nother light that
2 somebody can speak to at some point. Is that fair
3 enough?

4 LILLIAN WANNA: Yes.

5 DARRYL LACOUNTE: Okay.

6 TOM YOUNG: All right. Appraisal reviews.

7 Yes, we're going to do reviews. On the mass appraisals,
8 we'll establish a standard. So, you know, if we put out
9 a thousand of them at a time, we will establish a
10 standard saying 2 percent or 3 percent or 5 percent of
11 those we'll go ahead and pull them aside. We'll
12 double-check that the land information was identified
13 correctly and that all the math was done properly from
14 those market settings.

15 Now, if the tribe has a contract to do the
16 appraisals, again, it would follow our standard process
17 100 percent rating.

18 If we hire a contractor to go out and do the
19 appraisals, we typically will start with a certain level
20 of reviews, say 100 percent. And as they go along, and
21 we see they are doing a good job, we may decrease the
22 level of review, we may take it down to 25 or whatever, a
23 lesser percent as we're comfortable that they're doing a
24 good job. So upwards of three different types of
25 standards of --

1 JOHN MCCLANAHAN: And to make sure that that
2 happens in an expeditious way, we're going to be adding
3 staff to make sure that that process is quick. As Darryl
4 pointed out, we're not going to be able to send out
5 offers unless we have values. So we are keenly aware of
6 the need to be very efficient and have capacity to review
7 appraisals as necessary to get those out. So we'll be
8 adding staff.

9 TOM YOUNG: This may help, too, to expand on
10 that. We're looking at having one team that is
11 responsible for going out and doing these market studies,
12 gathering all those sales, analyzing it and generating
13 the market study report. We're looking at that. We'll
14 have another team that concentrates on those reviews and
15 doing the individual appraisals. So we definitely have
16 staff to do that.

17 LILLIAN WANNA: And I guess I have another
18 question. Our lands are so highly fractionated, like if
19 we get an appraisal for 140,000, say, we do the
20 breakdown, and these people get nothing off their
21 appraisal. Have we thought about how we're going to
22 compensate them if they want to sell?

23 JOHN MCCLANAHAN: One of the things that we're
24 looking at is what are some of the costs that are
25 involved in the transaction that might be something that

1 the department can recognize in determining the price.
2 But as we've pointed out, the main principal out of the
3 settlement is that we shall offer fair market value. And
4 so in coming up with the price, we're tied quite a bit to
5 what the fair market value is.

6 The assumption that our valuation approach will
7 likely make is that the tract is owned 100 percent. And
8 so I think that's -- what you're indicating in your
9 question is that when we value the whole tract, it might
10 be worth, you know, say, \$50,000, \$100,000, whatever, and
11 that the fractional interest then would be a part of
12 that. So that's --

13 LILLIAN WANNA: Well, some of the fraction is
14 so big they don't get anything.

15 JOHN MCCLANAHAN: Right. That's the nature of
16 fractionation in many cases.

17 LILLIAN WANNA: So our tribe now, as we buy
18 land, if their interest is so big that it comes to no
19 dollar value, we offer them we'll give you \$5, because,
20 you know, when you get people living in an urban area,
21 and they have to pay to use a notary, well, they're going
22 to get five cents, and the notary is going to charge you
23 two bucks. You know, why would you sell? You're going
24 to be in a hole to start with.

25 JOHN MCCLANAHAN: Yeah. I agree with your

1 point. And we are considering and open to recognizing
2 that there are costs to have notaries to review the
3 documents. And we want to see what might be possible
4 there.

5 SHAUN EASTMAN: One of the things that our
6 working group incentive is -- we're talking about
7 incentive payments like Lillian is speaking about. I
8 know what you're saying is that it says, shall be
9 marketable. But one of the things that we think the
10 secretary should use his discretion in is if you don't
11 offer them something, they are not going to sell it. We
12 were thinking 50 to 100 at a minimum. I like the table
13 you guys had earlier with the check boxes. I mean, and
14 then at the end you can put, you know, if the dollar
15 amount is less than the appraisal -- or the appraisal is
16 less than \$50 or \$100, then it's just automatically -- I
17 mean, at the end of the day, in the long run, when you
18 have the administrative costs on the bureau side, just to
19 administer a .60, as he said earlier, type of land, I
20 mean, it would work. I mean, those -- we've read through
21 this draft implementation plan several times. And it
22 keeps saying that it wants -- or the settlement says you
23 use the money, try to spread it as far as you can in the
24 best way possible is basically how I interpreted it. And
25 I think just getting those tracts, especially the ones

1 that are so fractionated like that, the more you can just
2 offer a minimum incentive payment, kind of what ILCA did,
3 too, I believe -- I may be wrong on that one. But that
4 would give those people more ability to sell. And you
5 can have every single interest they have, because when we
6 look at our status reports, one of our original chiefs --
7 we just took a brief look at his allotment. There's over
8 680 people. And you look, about a third of those are
9 just life estates. And then you look at the first three
10 pages are non-member Indians who can't inherit under our
11 public law anyway. Their children are probably most
12 likely not going to be able to inherit. So it's going to
13 be another stack of life estates. But with all those
14 pages of people owning, there's hardly anybody that owns
15 even 100 percent. But if we could get just a tract like
16 that, can you imagine how much the bureau would save on
17 administrating? Over 600. But we take care of that
18 title. Just with the minimum incentive payment, like
19 what he's talking about -- like Lillian is talking about.
20 I think that's an important part to think about, too.

21 JOHN MCCLANAHAN: Thank you. Those are good
22 comments. And we would appreciate any further input you
23 have about that, because those are things that we're
24 thinking about and open to trying to address.

25 And just to go back to something that Darryl

1 alluded to. There has been a policy within the bureau
2 for mineral estates to have a minimum amount for those.
3 I believe it's \$7.50 per acre. And so there is that
4 there. And that's kind of in the realm of what you're
5 asking about. But please continue to develop those
6 thoughts and help us get there, because we do want to
7 remove whatever obstacles there are to folks that have a
8 fractional interest that by the time you do the math,
9 it's so small we would want to make it worth their time
10 and see the benefit of actually filling that out and
11 getting the interests consolidated. Because, like Darryl
12 said, every one that we're able to get is a win.

13 DARRYL LACOUNTE: All I would add to that is
14 let's start using a new word instead of incentive. Our
15 lawyers don't like that. So let's come up with a cost
16 administration or something like that. But we hear you
17 loud and clear. But incentive, bad word. Thank you.

18 JOHN MCCLANAHAN: Yes, sir.

19 LEROY STAPLES FAIRBANKS: LeRoy Staples
20 Fairbanks, Leech Lake Band of Ojibwe. Sorry. I stepped
21 out, and I'm not sure if this question was asked. I want
22 to make sure it was asked. I know the IRS issued
23 guidance this past summer, I believe, on exemptions from
24 settlement dollars. Is this going to apply to the money
25 that's going to be going to the landowners or to the

1 heirs of the land being that it should already be
2 exempted from the initial settlement? Is that correct?

3 ANTHONY WALTERS: I think we're still working
4 on that with our office back at the department. There
5 are some provisions in the settlement and the act that
6 just the way it's worded and where it's worded, it's
7 causing some concerns and questions. But it's something
8 that is certainly on our minds, and we're looking into
9 it.

10 DARRYL LACOUNTE: We will know by the time we
11 make our first offer. We'll commit to that.

12 LEROY STAPLES FAIRBANKS: It's just changing
13 hands, and so it should already be exempted. I just want
14 to make sure that's clear because it's going to be a big
15 component of the outreach, that if they're getting taxed
16 on it, they'll probably be unwilling to sell.

17 ANTHONY WALTERS: Yeah. I think the tax issues
18 should be settled with the current land [inaudible].
19 Just generally, I know purchases made under the past
20 efforts, they would have like a sheet that would say kind
21 of the detriments that might occur when
22 people [inaudible]. We're trying to make it so there are
23 no longer those same type of -- whether it be other
24 federal assistance or Social Security or anything like
25 that. We're trying to make it very clear that the sales

1 won't impact that. That's still under discussion in
2 another agency as well.

3 KRIS GOODWILL: Did you say -- is this
4 PowerPoint going to be available? Are you going to put
5 it on your website?

6 JOHN MCCLANAHAN: Yes. We'll put it on the
7 website, and we will try to get some printed out before
8 we leave today as well.

9 KRIS GOODWILL: Okay. Thank you.

10 TERRY JANIS: On the taxation issue, could you
11 kind of restate that a little bit more with a little bit
12 more clarity, specifically in regards to it will not be
13 taxed by the Federal Government as income, and it will
14 not be taxed by the state regardless of where the
15 individual lives whenever they receive that payment?
16 What you're saying is a broad blanket statement that it
17 will not be taxed. But there's a lot of concerns that
18 I've heard from other people about those various
19 situations. Will it be taxed by the state? Will it be
20 taxed after they live no longer on the reservation but in
21 the city or, you know, off the reservation? Would you
22 clarify that?

23 JOHN MCCLANAHAN: I'll clarify it as best I
24 can. Like Tony indicated, in the existing program they
25 have had an information sheet that outlines a number of

1 the potential effects that a payment for land -- for the
2 sale of land might have on one's benefits on Social
3 Security or other general assistance type benefits. But
4 as to federal income tax, I believe that, because this is
5 a payment for trust assets, that that has typically been
6 exempt from federal income tax. But this is something
7 that we want to make sure is clear during the outreach
8 phase and in the packets and the information that
9 individuals will get so that there aren't any obstacles,
10 or, if there are, we can try to remove those as much as
11 possible.

12 TERRY JANIS: And also, as you're looking at
13 that, think through about how you're communicating the
14 existence of permanent structures on trust property and
15 how the Federal Government is deeming them to be not
16 trust assets and therefore not a part of that sale
17 acquisition and how that is going to be handled in the
18 acquisition.

19 JOHN MCCLANAHAN: Yeah. That brings another
20 dimension to these issues, which are, you know, pretty
21 complex. I mean, we involve the questions of state
22 taxation, and those are pretty complex. And so what I'm
23 saying here today is essentially these are important
24 issues that we want to get cleared up. I'm not, you
25 know, making any final pronouncements on it. We'll

1 continue to work with the Solicitor's office.

2 TERRY JANIS: You're not stating a legal
3 opinion at this point, huh?

4 JOHN MCCLANAHAN: Right. But it's an important
5 issue. I'm glad we're bringing up what potential issues
6 might be with the sales. And we want to bring clarity to
7 those as best we can. And so we'll commit to doing that
8 before sales go out. Thank you.

9 ERMA VIZENOR: Erma, White Earth. Just a
10 follow-up on Terry's question. That exemption, is that
11 going to also include people on public assistance?
12 Because if people are going to use Social Security,
13 they're not going to want to sell. I mean --

14 JOHN MCCLANAHAN: Yeah. This is --

15 ERMA VIZENOR: -- their supplemental Social
16 Security or their medical benefits or whatever.

17 JOHN MCCLANAHAN: Yes. These are the types of
18 things that we're looking at, because we have learned in
19 the past that folks have known that these payments for
20 their interests could affect those, and so they may have
21 staggered the sales. They may have said, well, I'm going
22 to sell my interests up to a certain amount. And then
23 they would -- you know, months later after that
24 eligibility period transpired, they would come back, and
25 they would want to sell more interests. That's not good

1 for us because that's only increasing the amount of
2 mailing, the amount of time for the individual to look at
3 the packet. So we're interested in looking to see if
4 there are ways to address those kinds of obstacles for
5 this program. But again, there are other federal offices
6 and folks involved, including the states, and we want to
7 make sure that we consult and work with them. But those
8 are good concerns. So please continue to help us resolve
9 things.

10 WOODROW PLAINFEATHER: Woodrow Plainfeather,
11 Crow Tribe, Montana. What will the life be of these
12 appraisals? Will they expire in the middle of
13 negotiations or something, Tom?

14 TOM YOUNG: They shouldn't, because when they
15 do the appraisal, that information gets recorded into a
16 database. It gets pushed over to TAAMS where they will
17 generate the offers. It should be a very quick process.
18 Okay? Typically, an appraisal will not be good if you're
19 in a real hot market where property is appreciating very
20 quickly. Right? So if you do an appraisal today in a
21 hot market, that may only be good for six months. But
22 we're looking at making these offers -- we're typically
23 not in a hot market like that. And we're typically --
24 we're looking at making those offers quicker than six
25 months anyway. So the appraised value shouldn't get

1 kicked off quickly, and it shouldn't be a problem with
2 the time limit. Make sense?

3 WOODROW PLAINFEATHER: Yeah. You say about six
4 months. It's going to be good for six months?

5 TOM YOUNG: No. It depends on what market.
6 You know, if you're doing an appraisal down in
7 Palm Springs, California, where you're doing a commercial
8 property, and things are selling very quickly, it may be
9 a short time frame. If we're doing it in Todd County,
10 South Dakota, where you barely have any activity over the
11 past five years, that appraisal might be good for a lot
12 of years. So it depends where we're doing the work.

13 WOODROW PLAINFEATHER: Okay. Thank you.

14 MERVYN SHIELDS: Mervyn Shields, Fort Peck.
15 I've got a question for Tom. You mentioned that tribes
16 hire their own appraisers. Now, how would that happen?
17 Do we have to be in a cooperative agreement?

18 TOM YOUNG: That's one for you, John, on
19 cooperative agreements.

20 JOHN MCCLANAHAN: Right. On cooperative
21 agreements, whether it's for outreach or appraisals,
22 those are things that we would talk with tribes about,
23 sit down and determine what functions of the program the
24 tribes are interested in implementing. And there's a
25 possibility that tribes can have their own appraisal

1 staff. And so we'll work with you if that's something
2 that you're interested in. The cooperative agreement
3 would talk about the professional standards and the
4 amount of money that would be provided to fulfill those
5 functions. So those are things that we can work the
6 details out.

7 CHRIS LINDBLAD: My name is Chris Lindblad,
8 Standing Rock's Legal Department. I wanted to get
9 clarification on a few things. First of all, the first
10 question would be, if an individual sells land, would
11 that money then go into that individual's IIM account?

12 Second would be whether or not an individual
13 can only sell their surface interests and retain their
14 mineral interests. We have gotten little information on
15 that aspect.

16 And then finally, what's the projected timeline
17 with regards to purchasing lands with regards to pilot
18 areas, if you want to call them that? Are we looking at
19 something being -- you know, land being purchased on
20 those reservations early this spring or the winter? And
21 then when would that second round begin after the pilot
22 project has been completed?

23 JOHN MCCLANAHAN: As to the first question
24 about the payment to the individuals, the answer is yes,
25 those payments would be posted to the IIM account for the

1 individual. That is appropriate so that we're able to
2 account for those moneys and report the transaction in a
3 regular statement that goes out to the individuals.

4 The second question about selling part of an
5 individual's interest, I think there might be two parts
6 to that. One scenario can be that an individual owns
7 three different fractional interests. They could decide
8 to sell all three of those fractional interests, and I'm
9 assuming these would be in different tracts. They can
10 sell two of them, or they could decide to sell none of
11 those. And I think the second aspect to your question
12 was if that individual owned a fractional interest in a
13 tract that had both a surface component and a mineral
14 component. And we are not wanting to separate or sever
15 those two estates. And so the sale would need to occur
16 on the whole estate.

17 And then on the timeline for purchases, we're
18 realistically not going to be making purchases in the
19 spring. Once we're at a location, we're hoping to start
20 purchasing and finish purchasing within an 18 to 24-month
21 period is our goal. Overall, it would be great if we
22 could be making purchases by the end of the year. But
23 we'll be talking with specific tribes to see if we can
24 make that happen. But we're moving as quickly as we can
25 to get in position to be making purchases.

1 ANTHONY WALTERS: One thing I want to add to
2 that. And you asked about the time we're moving on in a
3 location. The way the process is described, different
4 parties are responsible for the different parts. So
5 we're not -- I don't think we're necessarily waiting for
6 these first locations or pilot locations to be completely
7 done with the process. Once we've gone on an outreach at
8 the first few locations, we can start setting the stage
9 for doing outreach on the next location. It will be kind
10 of a staggered thing. We're not waiting until we do
11 everything sequentially. But each part of the process
12 can be done at separate times. Yeah.

13 CHRIS LINDBLAD: May I ask a follow-up
14 question? Again, it's Chris, attorney at the Standing
15 Rock Sioux Tribe. With regard to the cooperative
16 agreements, obviously, the tribes will have the
17 opportunity to take on certain functions in all four
18 phases, for example. As you are working with tribes and
19 participating in the pilot project, will you be working
20 towards developing some template cooperative agreements,
21 and will you also be looking towards developing some type
22 of template information brochure to deliver to landowners
23 who may want to participate in this program? I think
24 that might assist in helping other tribes expedite the
25 programs.

1 ANTHONY WALTERS: Right. And I think each of
2 those comments -- I think the whole idea of having a
3 pilot is really to get templates on everything that we
4 do, whether it's a cooperative agreement, knowing that
5 they won't fit -- one size doesn't fit all for every
6 tribe. But it will provide a starting point when we go
7 to each tribe after that or however we stagger the
8 process. But we're already developing some outreach
9 materials for OST that they can possibly provide that
10 people have already received and utilizing the call
11 center once we get the processes set up on that. There's
12 a lot of issues that -- kind of templates that we'll be
13 utilizing through the life of the program, and we'll
14 constantly update as we continue.

15 JOHN MCCLANAHAN: We'll take one more question,
16 and then I think folks are probably ready to take a lunch
17 break. And then we'll resume, and we can continue our
18 discussions.

19 TERRY JANIS: Terry Janis of the Indian Land
20 Tenure Foundation. As a follow-up on that, so the pilot
21 phase is going to happen as soon as you get running on
22 it, and you're expecting that to go for about a year.
23 And so by this time next year, say, you expect about six
24 to eight pilot initiatives to be completed with models
25 development of cooperative agreements, et cetera,

1 et cetera. And those pilots are going to be identified
2 by you. It won't be an open selection process. Is that
3 accurate? They will be identified by you in order to
4 meet those three criteria that you talked about
5 previously. And then once that pilot phase is completed,
6 then it will be much more of an open process where you go
7 through the list. Is that an accurate statement?

8 JOHN MCCLANAHAN: Somewhat. I think we'll want
9 to continue that discussion more. The expectation with
10 the pilots is that -- not necessarily that we will be
11 fully completed at all of the locations that are pilot
12 locations. But in each location, we will have developed
13 templates or toolkits or best practices or lessons
14 learned that can then be communicated to the other folks
15 that would be involved. As Tony said, you know, there
16 are going to be multiple locations going at once kind of
17 in different -- that will be farther along. Some will be
18 at a different place. And so we're hoping that with
19 these pilots, we'll talk about that together, that all of
20 us will be as transparent as possible about what makes
21 sense, and that that will be a good thing for the tribes
22 that will come next.

23 TERRY JANIS: So the identification of these
24 pilot locations, is there a process in mind that you guys
25 are going to select that as a result of these

1 consultations, or is anything else in place?

2 JOHN MCCLANAHAN: The idea is that we're going
3 to select those as a result of talking with everybody
4 during the consultations. We'll be talking with tribes
5 one on one, and then we'll use that input to make
6 decisions about where to go. And that's where our
7 thinking is at this point.

8 Well, let's break for lunch, and we can resume
9 discussions at 1:30 p.m.

10 Thank you, everybody.

11 (Lunch break, 12:34 p.m. until 1:56 p.m.)

12 JOHN MCCLANAHAN: Let's go ahead and get
13 started again. We've had a lot of good comments from
14 everybody, and we want to continue the discussion. One
15 of the things that I really liked and wanted to put out
16 there if we are interested in talking about it some more,
17 and that's something that Mr. White Bull said, and that
18 was, how are we going to sell this to the individuals in
19 Indian country that will need to decide whether to sell
20 their interests or not. I think that's a really big
21 point, and it's something that we might want to spend
22 some time thinking about. I know we've got some past
23 experience in terms of when we send out a package, what's
24 the response rate. And some of the things I see kind of
25 scare me, actually. And I think we want to create some

1 energy out there and make sure that there is support and
2 interest and there are best practices for how to reach
3 the individual. So I throw that out there at the
4 beginning here to see if that's something that could be
5 useful for us to discuss. You know, what are the ways
6 that we can identify those interested sellers and get
7 them ready and willing to sell their interests. That's
8 not that we have to talk about that, but I just thought
9 that was a good thing that we might spend some time on.

10 SHAUN EASTMAN: Shaun Eastman. One of the
11 things that our working group has been talking about is
12 we're going to do the newspaper, we have a tribal
13 newspaper, the Sota Iya Ye Yapi newspaper. We have a
14 tribal website that we're going to be putting our
15 information on. But probably the biggest impact for our
16 tribe would be having the public forums. And we have a
17 place, like our own place to have them, Dakota Connection
18 Casino that we could use. From my past experience
19 working and interning for ILTF, I used to go to district
20 meetings. That was helpful, too, if you could get in
21 there early and get out as soon as you're done. You
22 know, but probably the best one would be working with
23 the -- using what the tribes have already, like their
24 casinos or their community halls, and having those public
25 meetings. And I know how the government is about paying

1 for meals, but you need to provide a meal, too.

2 JOHN MCCLANAHAN: Thank you. That's good
3 input. Are there any other success stories or ideas like
4 that that any other tribal leaders want to share?

5 LEONARD CROW BELT: This is Leonard Crow Belt.
6 You know, we had a incident here not too long ago. It
7 was a 20-acre tract, and we couldn't find the ownership,
8 you know, who owned that 20-acre tract. And then we did
9 do some research and found out that the individuals that
10 owned it, they lived up in Canada. And there were six or
11 seven individuals that, you know, inherited that tract of
12 land, and they weren't even aware of it. So this is
13 another incident that we ran into just not too long ago.
14 I think they were going to build a road or something, and
15 we started doing some research on it. So they don't even
16 live in the country, you know. And I imagine, you know,
17 they probably would sell it back -- we can buy something
18 like that back because they probably have no interest in
19 it today anyways. But that was just an incident we ran
20 into. They didn't even live in the country. So thank
21 you.

22 FRANK WHITE BULL: Frank White Bull, Standing
23 Rock Sioux Tribe. One of the things thinking about this,
24 too, is, you know, I just did mine, like I said earlier,
25 back home on all of the land. And I had about 12 sheets

1 of paper with all these land descriptions and everything
2 on there. And looking at it, the tracts of land, and
3 see, wow, 320 acres. Well, no, this is what you own out
4 of it is .000007 whatever. And they already had a value
5 on it, you know, what the market value already was. So I
6 was wondering, you know -- and that's the question -- the
7 key that I want to bring out is the value, is when you're
8 selling this, this is what the value of it is, because
9 the education part on that as, you know, it's all part of
10 the probate system.

11 My dad passed away in 2006. So six of the
12 siblings, we, of course, divided that up. And so I asked
13 my brother, I said, do you know how much land you got?
14 No. I know I get like a \$37 check every once in a while.

15 So you see where I'm coming at. The majority
16 of the landowners are going to be young, you know, maybe
17 takojas, or our grandkids, that really -- so the
18 education part of it. And our local guy said the
19 grant -- he showed me a cheat sheet of what that means,
20 you know, of what your land means, what does that mean.
21 There's a little formula of what it comes down to, a
22 breakdown of what your interest is in that tract of land.
23 And so I think that's what it is. And to explain the
24 values monetary wise and then versus, like I said
25 earlier, is that you're going to have to convince ones

1 that land have been passed down to them why should I sell
2 this to you as a tribe. The bureau is involved with it,
3 too. So that's the question that we look at, that I look
4 at. I'm going to be a part of this program as a tribal
5 leader down the road that how -- you know, so I get the
6 value is what I'm looking at when your interest is only
7 worth 5 cents or something like that. As I said earlier,
8 well, it's mine. It's mine. It's all I have. If I sell
9 this right now, what am I to have. Sure, we could say
10 our tribal land is mine. That's the tribe's. That's all
11 of ours. But you know how the United States is all of
12 ours, too. So we have to convince them that we, our
13 people, I guess, the value of that land, why the money is
14 involved with this. You know, it's the education
15 process, maybe a brochure instead of a three-hour
16 presentation on a PowerPoint, maybe, like she said in the
17 districts, you know, Standing Rock particularly, we have
18 eight districts when we go to our meetings like that.
19 And we have two casinos. And we're using the local
20 resources, you know. It has to be appealing, inviting,
21 instead of just saying buy your land. It's like the
22 old -- I seen a picture in the Historical that Buy Indian
23 land, cheap land. You've seen those old pictures in
24 westerns, those old -- you know, cheap land. You know,
25 and that's our natives. We don't value our land in

1 money. That's the key right there. How do we do that?
2 You know? To sell this program to -- you know, there's
3 questions. So I just -- you know, the value of what it's
4 worth, I guess, to individual -- the value of all
5 fractions is down to the 1/10,000ths or whatever. So
6 just something to think about, something short, but yet
7 the punchline, hit it right away, you know, so they know.
8 And also be -- you know, your heart has to be there, too.
9 You know? It has to be there because they are going to
10 give you your heart. Some of them may be crying, and
11 some may be angered, you know, with that.

12 DARRYL LACOUNTE: Can I respond? Thank you.
13 In our part, we will do as best we can to put whatever in
14 front of them as is very clear and concise for them to
15 read. The reports that we've always used that you've
16 seen, those were pretty much designed for us to do our
17 internal work. And what we're doing now is we're
18 tailoring some new reports that are going to try and
19 avoid the twelve pages that you spoke of and cut right to
20 the chase. Here's what the total tract value is, here's
21 what your portion is worth. That we can guarantee you
22 we're working on, because, number one, I talked about
23 mailing costs and that sending twelve pages versus two is
24 a huge deal. And I agree, unless you've been in the
25 system your entire life, some of those things are pretty

1 hard to read, and they have codes and you need a cheat
2 sheet. And we're trying to do our best to put something
3 together that everybody can read.

4 JOHN MCCLANAHAN: And that's a good point,
5 Darryl. If I can just put out there, we really like to
6 hear ideas about what would be the key pieces of
7 information to put in those documents. What would be the
8 key messages or things that would go in brochures. So
9 let us know what your ideas are, because we're hoping to
10 make those responsive to the needs in Indian country.

11 TERRY JANIS: Good afternoon. My name is Terry
12 Janis. I'm staff at the Indian Land Tenure Foundation.
13 I had a couple of comments that I wanted to make. I'm
14 from Pine Ridge Reservation in South Dakota, born and
15 raised and managed. And with all due respect to the
16 important work that has to happen in order to really
17 bring together the land research and the valuation and
18 how the offer is communicated to individual landowners,
19 as important as that is and as important as you can make
20 significant advances in doing that efficiently and
21 effectively and putting together a packet of information
22 that is as clear and concise as possible, what I'm
23 hearing here as much as anything else is that the real
24 obstacle oftentimes is not going to be the lack of
25 clarity on that data information and that offer sheet,

1 but more the history between individual Indian landowners
2 and the Federal Government and the nature of what that
3 land means to us as Indian people, especially if you're
4 like me, that's born and raised on Pine Ridge but spent
5 most of my life in cities. You know? That land that you
6 have left back home, even if it's highly fractionated,
7 means a lot more to me than any amount of money that you
8 might offer me for it. And so there's going to be a lot
9 of that, you know, where people like me are not going to
10 sell that small piece of land regardless of how
11 informative or useful that packet is.

12 What will sell me, though, are some of the
13 things that can happen within my own community, right?
14 Understanding that my tribe is going to use my interest
15 in my land to do something for the community, to
16 understand that my tribe is going to take ownership of
17 that and their sovereignty as a nation is going to be
18 strengthened in that process, to understand that my tribe
19 is going to make that land as a part of a broader base
20 that will do something for our kids or do something for
21 my nieces and nephews or do something that has lasting
22 impact for my grandkids and the future of our people,
23 that's the story that's going to make a difference for
24 people like me. Right? And that can only be told by the
25 tribes. And the tribes are the only ones that can

1 understand how that story should be framed, how it can be
2 packaged and how it can be communicated to people like me
3 that are landowners on our reservations. And so what you
4 guys have set up here I think is a really useful starting
5 point.

6 The fact that you have the opportunity for
7 cooperative agreements where the tribe can define a much
8 more direct and active role in not only identifying their
9 priorities for acquisition of specific parcels of land,
10 but also take the lead in helping to inform their own
11 community members about the importance of why they should
12 sell this land to the tribe, not to the Bureau of Indian
13 Affairs or to OST or anybody else, that we are selling
14 our land to the tribe for a specific purpose that will
15 strengthen our nation. That's the story that the tribes
16 can tell in that kind of -- I think there's great -- it's
17 easy to underestimate the value of that. You talk about
18 the 15 percent and the significant amount of money that
19 can go to a lot of these activities that we're talking
20 about, right, outreach, land research, valuation, putting
21 the package together. To my way of thinking about this,
22 where the rubber meets the road is in an individual
23 agreeing to sell their land to the tribe. And them being
24 convinced of that, only the tribe can do that. So the
25 greatest value you have to actually accomplish this is

1 the tribe taking the lead in sharing that information
2 with its own members, acquiring the lands that they
3 prioritize, and having that 50 percent go to the tribe to
4 help pay for the costs and expenses of doing that
5 outreach, doing that information sharing, and making sure
6 the acquisitions happen the way the tribes want them to
7 happen. So that's my thought.

8 KRIS GOODWILL: I just want to echo that same
9 thing. I'm working on a supportive housing project right
10 now for Lac Courtes Oreilles, which is -- you know, this
11 is for homeless people, people who can't get into
12 traditional tribal housing. So that would be an example
13 of something that we would communicate. But at the same
14 time, we're applying for -- and this is where I see like
15 the example that you gave of sending out a mass mailing.
16 Maybe ten people respond, and so you sell those little
17 portions of it. But then we want -- we have a project,
18 and we are applying for state tax credits through a state
19 agency. We're applying for tax credits so that we have
20 money to build the supportive housing project. Well, if
21 you look at -- in the State of Wisconsin, if you look at
22 that application, it's about so how far is a barber shop
23 away from this place and how far is a bus stop away from
24 this place and how far are other amenities in relation to
25 your project. So you can see like the scenario that I'm

1 trying to paint is that it's almost a chicken or the egg
2 question -- turns into a chicken or egg question because
3 how do we plan that project when we have a parcel that
4 only ten little bitty pieces on that parcel is really the
5 tribe's. So, I mean, I think that a part of the answer
6 in how to address it is what Terry is saying is that you
7 have to have the tribal input and say this is what the
8 tribe wants to do so that we don't have just ten people
9 responding to it.

10 LARRY ROBERTS: I appreciate both of your
11 comments. I know we do as a team appreciate all your
12 comments. And I think, you know, it has -- I've said and
13 Tony has said that tribal outreach is going to be key of
14 this program. At the end of the day, it's only going to
15 be as successful as the work the tribes put into it and
16 tribal leadership. You're right. We're not going to be
17 able to provide that message. And it's only going to be
18 tribal leadership. And I think the message is this is
19 going to come with sovereignty, this is going to come
20 with self determination. But that can only come from the
21 tribes that are part of the program.

22 NITA KEMP-RIEDEL: I'm Nita Kemp-Riedell,
23 Lac Courtes Oreilles Tribe. And earlier -- and correct
24 me if I didn't understand this right. But I believe that
25 you said that any moneys that were not expended at the

1 end of the ten years would be reabsorbed by the U.S.
2 Treasury. And I was talking to Terry about that also.
3 That is like the law? There's no other way that --
4 because I kind of think of it as it's all our tribes'
5 moneys, that somehow we would have a say where that money
6 actually would go. Is it, as Terry said, possibly an act
7 of Congress to maybe change that? But if you could give
8 me a little more background on that, I would appreciate
9 it.

10 JOHN MCCLANAHAN: Yeah. I don't know that
11 there's a whole lot of detail in the settlement agreement
12 about the money going back. I mean, it's kind of a blind
13 statement that says you have it for ten years. And as I
14 indicated earlier, that's a scenario I don't want to have
15 happen at all. And so I think we're -- our interests are
16 together. They are shared there. We want to find ways
17 to deploy those dollars within the ten years and fully
18 utilize those. And so that's my focus. I would rather
19 focus positively on how we make that happen. But the
20 concern is important.

21 TERRY JANIS: Well, you can tell me if I'm
22 wrong about this, but as I understand it, the settlement
23 agreement was a court-agreed-to settlement. In order to
24 establish the funds necessary to pay the settlement,
25 Congress had to pass legislation that allocated those

1 funds. When Congress passed that legislation, a
2 provision in that bill was that the moneys for this
3 Buy-Back Program had to be expended in ten years. If it
4 was not, then it would be returned back to the Treasury.
5 It's in the legislation that established the moneys.

6 LARRY ROBERTS: I believe that's correct.
7 There's no one here from our Solicitor's Office today.
8 And when I started here, they said I need to check my law
9 license at the door. And I can't give legal advice. But
10 I believe that it is in the statute that we have ten
11 years. That's the deadline that Congress gave all of us.

12 RICH ROBINSON: I've got a question. Rich
13 Robinson from Leech Lake. I'm the natural resources
14 director. I served on the tribal council for six years.
15 And I was listening to this gentleman talking about
16 selling this to our tribal members. And I'm being
17 realistic here. We're going to have a problem on the
18 tribal government side if we go to -- historically, our
19 people, you know, have been really -- had a bad
20 experience with the bureau and with allotments and what's
21 happened over the last hundred years. A lot of them, you
22 know, they lost their land. The secretary would
23 transfer, and they'd never get approval. The bureau
24 would come in, do appraisals, under appraise. They
25 worked hand in hand on our reservation to sell our timber

1 for much less than it was worth. So a lot of our people
2 don't have a very good feeling about the Bureau of Indian
3 Affairs. In fact, if anybody had protected their rights
4 to their resources for a hundred years.

5 The problem you're going to have is if you go
6 on, and we have allotments -- we have two, three, four
7 hundred people that are heirs of some of these
8 allotments. Some of them have one-half of 1 percent.
9 And if we go in there as a tribal government and say,
10 well, we're willing to buy up your allotment, and we're
11 going to give you \$10 for it, they're going to laugh, or
12 they're going to be madder than heck, because there's no
13 incentive. And they're going to feel like again they're
14 just -- after 100 years, they're getting part of the
15 land, they're getting the shaft again. So I was
16 wondering if there's any way that there could be a
17 minimum amount that went to an heir of, let's say, \$100
18 or something. I mean, trying to convince them to sell
19 their interest -- and a lot of them don't understand the
20 concept of approximated interest. And we are dealing
21 with many elders. Even our young people, they don't
22 understand that concept. They feel like, you know, that
23 they are an owner of that land, and being an owner gives
24 them certain rights. To this day, a lot of them don't
25 understand that that 51 percent approval rate, what you

1 can do with the land is limited.

2 Then in regard to that, from the tribal
3 government's standpoint, if we're going to go in and buy
4 up interests on land, it would behoove us to go out there
5 and try to buy up the bigger interests so we can get the
6 51 percent approval so we can do something with that
7 land. If we go in and buy up 100 -- you know, we buy off
8 100 of the heirs, and that only comes up to 20 percent or
9 to 30 percent of the land, we still cannot do anything
10 with that land unless we get that 51 percent approval.
11 So it will behoove us to go in and buy up the bigger
12 shares at the front end for the people that have the
13 51 -- so they can get up to that 51 percent and then
14 spend a number of years after that trying to buy up --
15 find some way to buy up all these much smaller interests.
16 But if we're going to -- honestly, I just want to say
17 we'll look really foolish if we go in and try to tell
18 somebody we'll give them \$1.50 or \$2 for their land. And
19 then they're not going to understand that they're getting
20 \$1.50 because they think they've got 80 acres of land,
21 and you're going to pay me \$1.50. And I don't know what
22 we're going to do. But that might be something we could
23 negotiate or talk to individuals, somebody, that a
24 minimum amount could be paid to the heirs of these
25 allotments.

1 Thanks.

2 JOHN MCCLANAHAN: Thank you.

3 PHYLLIS YOUNG: Is everyone done? I'm Phyllis
4 Young. I'm tribal council member for Standing Rock Sioux
5 Tribe. I sit on the Land and Natural Resources
6 Committee. I came here to observe, but, you know, I've
7 been a malcontent all my life, so I just can't observe
8 today only.

9 This is a daunting task that we have. And when
10 it comes to land for my people, for the Lakota, the
11 hardest thing to do is a land transaction between our
12 membership, among our membership and the families because
13 we have an innate belief that that land cannot be sold.
14 And when you've campaigned all your life that the land is
15 sacred and that it's not for sale, how do you change
16 gears and say we want to buy land, we want to sell land.
17 So I think it's incumbent upon us to find a way that our
18 families, our tiwahes, can exchange and buy their own
19 shares amongst each other. And that's the only way that
20 our people are going to accept that. I want to keep my
21 40 acres, can I take your 40 acres, can we make a deal,
22 five of us, can we have 200 acres, and can we keep that.
23 That's already been proposed to me. So we're going to
24 have to create a system based on our traditional belief
25 systems in our extended families, our value systems

1 within us, to retain that for those families. We have to
2 do that. And so, you know, that's the hardest. This is
3 so encompassing an issue that, you know, I have many
4 questions because I as a secretary of the Upper Missouri
5 River Basin Indian Latisse [phonetic] Association, we
6 filed a lawsuit in 2007. And it's sitting in your office
7 in Interior. So it's there. It's a claim. And it
8 represents the land on the river bottom, all of the
9 tribes in North Dakota, South Dakota, Montana. So I have
10 a question on that simply because I'm a landowner in the
11 river bottom. Standing Rock, we have 22,000 acres in the
12 riverbed. And it's a lease in perpetuity for the Army
13 Corps to use, and payment is in lieu of trust, meaning
14 there's no payment. So I talked to the little white
15 grandpa across the river. And I said, did you lose land?
16 And he said, oh, yes. And he was at the North Dakota
17 legislature. I said, what do you get paid for it? And
18 he said, well, they gave me \$15 an acre, so that's what I
19 was getting for the last 50 years. And he said, what do
20 you get? And I said, nothing; it's flowage easement on
21 the river, and I don't get anything. It's in lieu of the
22 trust. Because it's in trust, I don't get anything. So
23 he got really upset for me, cussed, used all kinds of
24 English, German, French language that I won't repeat.
25 But he was very upset, and he said, you didn't get

1 anything? I said, no. It's been 50 years. But I said,
2 I filed a claim in Interior. It's there. But I've been
3 waiting, you know, 50 years. So 10 years is like a week
4 to me, that time frame.

5 They've taken your land. Took us 100 years to
6 perfect it. And now you have 10 years to undo it or
7 we're taking our money back. And for me, that's an
8 illegal transaction. It violates the principles of just
9 compensation. And so I've been arguing just compensation
10 under the Constitution of the United States all my life.
11 I know what it is to be homeless and hungry in the
12 national interest. So it made me a survivor. It made me
13 a fighter, though. So I'm going to be at the table to
14 insist on the rules and regulations that govern the
15 cooperative agreement, that the thinker not be pushed to
16 enforce the CFR to federalize what lands we have, to
17 ensure that the Interior does not take those lands, that
18 the tribe will be the owner, and that the people
19 themselves will have something to keep for themselves.
20 There's some assurances that I have to guarantee for my
21 own people and for my tribe that this isn't just another
22 taking. So it's a daunting task, but I question what
23 role the bureau will have in that 22,000 acres as part of
24 that program because -- I think because of the use of it,
25 it's beyond commercial in the national interest. So we

1 put \$1,000 an acre on it, and the government has to pay
2 us 150,000 for that. And we insist on that amount for
3 the landowners in that -- that's just for 3 acres. But
4 there are 22,000. So you times that formula that we
5 fixed. So we're not going to settle for Interior to come
6 in and create a ceiling, because they need that river
7 flow. You see how the lower states are fighting the
8 upper states and how desperately the economy uses that
9 river system. And we're the landowners. We're the ones
10 who own the riverbed yet. We need to be compensated.
11 And now that claims are over, it's incumbent upon the
12 tribes to develop their own formula to move forward. And
13 I believe that social impact assessment and new
14 methodology where you have to pay the landlady; you have
15 to pay the landlords now. Because we're not going to
16 come back. I'm not going to let my grandchildren come
17 back 50 years from now after you've used it and benefited
18 and lived a luxurious life off of what I own. So I'm
19 going to come back with the methodology, put it on the
20 table and say from here on out no more claims. You pay
21 me. Pay me for the \$7 billion you get from hydro power
22 every year. I want 25 or maybe 50 percent of it. So we
23 need to move aggressively as tribes to ensure that our
24 children don't suffer the same things that we do.

25 I didn't intend to speak today. I just

1 happened to be in the same building. But I wanted to
2 hear what other tribes had to share. I wanted to learn
3 today. But, you know, I'm on fire when it comes to my
4 land and my resources.

5 Thank you.

6 (Applause.)

7 LARRY ROBERTS: Thank you. Thank you for your
8 comments.

9 One of the things, we are here to learn as well
10 and to hear, obviously, ideas for tribes. One of the
11 things that came to mind during your comments was that
12 you mentioned the fact that how do we -- how do tribes
13 discuss the issue where somebody has a very small
14 fractional interest, but that's all they have, and how do
15 they convey that to a tribe -- or how do they convey that
16 to tribes and what is the messaging around that. And you
17 mentioned the issue about exchanging and buying shares
18 among tribal members. And it struck me that while our
19 program could consolidate those fractionated interests
20 and transfer them to the tribe, once those are
21 transferred to the tribe itself, as a matter of tribal
22 law, tribal law may want to acknowledge the rights to
23 those lands that are held in trust in the tribe, which
24 would be separate from federal law. But tribes could
25 pass their own tribal laws to recognize those

1 individuals, members, and their rights under tribal law.
2 And so I throw that out there off the top of my head as
3 something that we'll be thinking about further.

4 So thank you for your comments.

5 ANTHONY WALTERS: Just quickly to follow up
6 also on the idea of transferring among allottees, that
7 authority has been out there for a while now. And I know
8 we've had conversations with other groups, Indian land
9 working group, and they have talked about promoting that
10 authority for people that understand and know that that's
11 an option for them to do. You know, if you have an
12 interest in two different tracts of 1 percent, and you
13 have a family member that owns another 5 or 1 percent in
14 the same two tracts, they could theoretically swap those
15 amongst each other. That would increase the share of
16 each one. I think restrictions that we've had in place
17 around communicating with allottees due to the litigation
18 had really kind of dampened the ability for us to promote
19 that authority that is out there now. So I don't know if
20 that's something that this program can actually do,
21 because, obviously, the goal of the program is to spend
22 the money that we have to consolidate tracts in tribal
23 ownership. But that is an authority that's out there,
24 and that's something that we can probably include in some
25 of our documentation and information that's out there to

1 the tribe as well in moving forward.

2 JOHN MCCLANAHAN: Any other comments or
3 questions that folks want to ask about?

4 CHRIS LINDBLAD: Just to follow up a little
5 bit, an issue of how to --

6 JOHN MCCLANAHAN: Can you remind us of your --

7 CHRIS LINDBLAD: My name is Chris Lindblad,
8 Standing Rock.

9 Just to follow up on the schedule with regards
10 to spreading the word among tribal members, the attorney
11 from Sisseton Wahpeton Oyate had a very good point about
12 holding district meetings, holding community events where
13 we not only discuss the purpose of the settlement but
14 also explain there is an opportunity for a division
15 itself. There are interests in the tribe, but also to
16 explain the reasons why this would benefit the tribes as
17 well. As Mr. Janis mentioned, the tribes will have to
18 explain how this program will benefit the communities in
19 the long-term rather than simply selling it as an
20 opportunity for someone to make some money for selling
21 their land. I do think that it would be helpful, as I
22 mentioned before, if the department begins drafting a
23 brochure to kind of explain the basics of this program
24 and the opportunities that do exist for landowners and
25 begin distributing that throughout Indian country,

1 whether it be providing that to the tribes so they can,
2 you know, spread it among their people, but to also
3 schedule meetings on those 40 reservations that the
4 bureau or the department deem priorities to, you know,
5 speak directly to the landowners.

6 Right now in this meeting it has been talked
7 about how to best implement this project, but to create
8 forums to educate landowners about the possibilities not
9 only for them to sell their small, fractionated interests
10 that maybe result in checks that aren't worth the paper
11 they are printed on, as some people have explained in the
12 past. You hear stories about people using their checks
13 to wallpaper their walls. So there might be an
14 opportunity there. But also to explain the benefits to
15 the tribe provided by making beneficial use of this land,
16 whether it be to build new housing projects or similar
17 endeavors.

18 Thank you.

19 JOHN MCCLANAHAN: Thank you.

20 KRIS GOODWILL: There was some discussion about
21 unknown heirs and some tribes getting the list and saying
22 I know this person and I know that person. And I was
23 just thinking not true. I've worked for tribes for --
24 sorry. I've worked for tribes for a long time. And I
25 was trying to think of a way for those -- because we have

1 a lot of information about tribal members, certainly,
2 through our enrollment departments. Just to simply, I
3 mean, enrollment -- tribal members have incentive even --
4 I mean, we're not a per capita tribe. But one of the --
5 sorry I keep on using that word "incentive," but that's
6 one reason why tribal members keep their addresses up to
7 date with the enrollment department. But another reason
8 even for us is because in order to, you know, have a gas
9 tax number, you know, you've got to keep -- you know, you
10 have to have a tribal ID with your current address. So
11 I'm wondering how those two things can come together.
12 And I'm thinking that if you send a list to the tribes,
13 the tribes could send out a form letter to tribal members
14 and say, hey, here's a reason why we want to give you our
15 last known address to the BIA, and then therefore those
16 lists can get, you know, much more updated than what it
17 sounds like they are now.

18 TOM REYNOLDS: This is Tom Reynolds from OST.
19 I think you make a very good point. We currently have
20 approximately 80,000 IIM accounts through WAU. It's been
21 our practice to send out on an annual basis a listing for
22 each tribe. But I agree this is an excellent opportunity
23 to collaborate. It's in both of our best interests to
24 address these WAU accounts going forward. That's
25 something that we have actively tried to do. My

1 understanding is that on an annual basis those lists go
2 out to all of the tribes. But certainly, you're right.
3 Enrollment offices, for example, especially in a per
4 capita tribe, they generally have a much more updated
5 list than we do especially for individual small account
6 balances. So it's a real opportunity for us to share
7 information. Diane makes a good point that the list is
8 also online on the OST website.

9 JOHN MCCLANAHAN: I agree that's a good point.
10 And then perhaps there's greater opportunities for
11 sharing information back and forth on the website. We
12 can take a look at that and see if organizing it in a
13 different way could help.

14 I also wanted to say that, as a result of the
15 Cobell Settlement, there obviously has been a lot more
16 contact with individuals in getting settlement payments
17 to them. And so Tom referenced a number of whereabouts
18 I've known. And I'm hopeful, I guess, that that number
19 will come down as a result of those increased contacts
20 that we are getting more accurate address information. I
21 think that's a good point.

22 KRIS GOODWILL: As a tribal attorney, I don't
23 think I'm comfortable, you know, turning over my list of
24 addresses from my enrollment department. There's got to
25 be a step in between there where the tribe sends out a

1 form letter and says we want to give your last known
2 address to the BIA for this reason, and then -- we would
3 have to probably get their consent before we do it.

4 WOODROW PLAINFEATHER: Woodrow Plainfeather,
5 Crow Tribe, Montana. How do you justify taking that
6 quarter of a billion dollars, a lot of money, to do a job
7 that you've already been budgeted to do?

8 JOHN MCCLANAHAN: If I understand correctly,
9 you're suggesting that the administrative portion of the
10 \$1.9 billion is something that we already have. And I
11 guess the transactions that we're contemplating here,
12 purchasing interests for the tribe, is on such a scale
13 that that requires a resource that we don't have under
14 existing budgets to do that. And so the administrative
15 portion is necessary because those existing budgets go
16 for ongoing leasing or management of trust accounts that
17 already exist. And so we're talking here about many,
18 many transactions hopefully with individuals. And so
19 that administrative amount is necessary because, again,
20 we don't have that money in existing appropriations for
21 that purpose.

22 TERRY JANIS: Just to follow up on that very
23 briefly. Is it also accurate to say that that 15 percent
24 is available to tribes as partners in a cooperative
25 arrangement -- a cooperative agreement in this

1 acquisition process?

2 JOHN MCCLANAHAN: I think we've talked about
3 that before. When we sit down and work with tribes and
4 talk to them about implementation of a particular
5 location, there will be administrative costs that will be
6 necessary for outreach and plan research and those kinds
7 of things. And so that 15 percent is available to cover
8 those costs. And whether it's departmental folks that
9 are doing it or tribes, that is there. The specific
10 amounts will be established in cooperative agreements of
11 tribes.

12 We've heard a lot from the tribal leaders
13 sitting around the table. But Tony reminded me we should
14 also make sure that the folks in the audience who are
15 here that have comments can make those. So if you want
16 to ask a question or raise an issue, please do so. Too
17 much silence.

18 ANTHONY WALTERS: Well, I know on the agenda
19 there was room for a break in the afternoon, and then we
20 come back if there's not any more questions coming up in
21 the short-term.

22 LEONARD CROW BELT: Can I ask a question? I
23 know you mentioned a lot of times that you're going to
24 sit down and meet with the tribes. But I guess the
25 question for me will be when is this going to happen. I

1 know you mentioned the satellite offices in Billings and
2 Aberdeen or Albuquerque or someplace. When are we going
3 to see some activity in those offices, and where do the
4 tribes -- what satellites do they fall under? When is
5 this all going to come about, and when are the tribes
6 going to know what's going on in these offices that we
7 can start making contact? And, of course, we've already
8 got the ball rolling on some of this, but we need to make
9 sure that we're on board here. If we're not going to get
10 on board, we're going to get left behind, so I think we
11 need to jump on board and see when those offices are
12 going to get really active so we can be in contact with
13 them or them with us.

14 Thank you. This is Leonard.

15 ANTHONY WALTERS: Well, I think generally, you
16 know, we had an organizational chart slide up earlier
17 talking about where the offices would be. We had the
18 three acquisitions for the BIA that would really focus on
19 the BIA underneath each of those three centers in the
20 program plan equally depending on the number of
21 fractional tracts there. Generally, we're wrapping up
22 the consultation period here over the next month. We'll
23 take comments in the beginning of March. We'll kind of
24 then reassess what the comments were, how to incorporate
25 those into our plans and then, obviously, the idea of

1 selecting some pilot locations that we can roll out in
2 the interim. We'll also be developing and gearing up our
3 resources to expand operations fairly quickly after that
4 in the next year or so. So if -- we haven't met with the
5 tribes yet, so we're not really staffed up yet, either,
6 for this particular program.

7 Obviously, there's the agency and regional
8 office staff that we are starting to set up some
9 meetings. We're happy to take meetings. If tribes are
10 in D.C. for whatever reason, feel free to request
11 meetings. We're happy to take those. And, obviously,
12 we'll be starting up traveling then to tribes throughout
13 the country as requested or upon request and upon
14 schedule as permitting and meeting with tribes in the
15 near term as well. So there's just kind of this initial
16 time frame where we're kind of just in the gearing up
17 process as we really get staff in place to start rolling
18 on a lot of the phases that we're talking about earlier
19 in the process.

20 LEONARD CROW BELT: I guess that really doesn't
21 answer my question, because I assume we're going to be
22 under the Billings office working with Darryl. But, you
23 know, we can only get to see [inaudible] ASAP. Are we
24 looking at days, months or years before we really make
25 contact with that office and get things rolling? How

1 soon is this going to take place then? I don't know,
2 Darryl. Are we looking at months? I hope it's not
3 years.

4 Thank you.

5 DARRYL LACOUNTE: I can speak to -- yes, you
6 will be under the Billings office. It won't be me. But
7 the way we've divided it or intended it to work was that
8 the Billings office would handle all of Rocky Mountain
9 and the Northwest. And you heard John or Tony -- I can't
10 remember who -- earlier said when we put these offices in
11 place it was fairly close to a third/a third/a third.
12 And the office in Aberdeen is to have the Midwest and the
13 Great Plains, and the other office in Albuquerque makes
14 up a little less than a third of all the rest of the
15 country nationwide. But I can answer that yes, you will
16 be talking to the Billings office. But you can be
17 talking to us now. It doesn't need to be that staff,
18 whoever and whenever that staff materializes.

19 DIANNE DESROSIERS: I just had a --

20 JOHN MCCLANAHAN: Can you go to the microphone,
21 please?

22 DIANNE DESROSIERS: I can talk loud. I guess I
23 just more or less had a question.

24 JOHN MCCLANAHAN: Identify yourself, please.

25 DIANNE DESROSIERS: Dianne Desrosiers, Sisseton

1 Wahpeton. And my question was kind of in regard to that
2 gentleman's statement, like what's the time frame. We
3 know it's ten years. Is the clock ticking now, so it's
4 going to take us two years just to get through
5 consultation and then start to implement the programs in
6 like two years? Well, that takes us eight years, which
7 gives us even less time to decide on who is going to do
8 what and who gets what once again. So the time frame is
9 my question.

10 And then I have a comment, that education and
11 information is really important in Indian communities
12 because we have people in our communities and our elders
13 who -- I have a perfect example. My mother is 81. She
14 refuses to cash her Cobell check because she just knows
15 there's something behind that. There's something dirty
16 going on with the BIA. That's what she said. So she's
17 not cashing it. And I said -- you know, I would try to
18 talk to her. And she's a woman of the world. You know,
19 she's a veteran. She went to college when she was young.
20 She's traveled. She's a full blood Dakota. But I think
21 we always think that she's real, you know, open to
22 things, but she's just like I'm not cashing this check
23 because I know they're up to something.

24 The other myths that may be out there -- may or
25 may not be a myth, is some of the people believe that

1 what is going to happen is once they sell their
2 fractionated interests, which a lot of us have, that that
3 closes their IIM accounts and it's the beginning of
4 termination for our tribes. And so that's just a myth
5 that some of the people, you know, some of the questions
6 from elders and, you know, some of the information I'm
7 hearing back. And I'm the tribal historic preservation
8 officer. But we visit with elders often every day. And
9 so some of the myths that are out there really need to be
10 dispelled because they're not really understanding just
11 exactly what -- you know, what this is going to mean for
12 them if these fractionated interests -- and we try to
13 explain. I mean, I even said that it's to increase our
14 land base as a tribe. But, you know, those lands are
15 what -- basically what some of them, that's all they
16 have. So it's a serious concern for them.

17 Thank you.

18 LARRY ROBERTS: Thank you. I'll take a stab at
19 two questions, the time frame question that you raised
20 and also the education aspect.

21 With regard to time frame, we're going to
22 finish this first round of consultations, these next
23 three that we've announced. We're then going to move
24 forward with the pilot program. And then with that pilot
25 program, once we work out, you know, some of the bugs

1 that go along, the idea is to go as broad as possible as
2 quickly as possible. I think everybody working -- you
3 know, sitting here today, I don't want ten years to
4 lapse. I want to get this done as quickly as possible.
5 And so as part of my opening remarks this morning, I
6 mean, one goal that we have is to move a majority of
7 these funds out within the next four years. So we're
8 trying to move as quickly as possible. But that doesn't
9 mean that -- let's say a tribe is not on the pilot
10 program. That doesn't mean that we shouldn't be having
11 conversations, because you know the capabilities that
12 your tribe has much better than we will ever know. And
13 so we need to have that dialogue and that education to
14 say, okay, this tribe wasn't in the pilot program, but
15 we've been having conversations with them, and they're
16 ready to go, they have interested buyers, they have
17 capabilities here, they can do it much more efficiently
18 than we can. And so we have to have that dialogue.

19 And so none of us sitting here today can give
20 you a firm deadline. I understand all of us want that.
21 The fact of the matter is we don't know that at this
22 point in time. But what we do know is that we do want to
23 keep a dialogue open with all the tribes that are
24 interested in participating in the program. Does that
25 help?

1 FRANK WHITE BULL: I have a quick question.
2 Frank White Bull, Standing Rock Sioux Tribe. You
3 mentioned pilot projects. And we know that means a test.
4 You know? Test a tribe out and see how this goes. We've
5 been test subjects for all our lives in areas of land,
6 you know, since the Allotment Act, the Dawes Act. You
7 know, here we go. Let's give them 160 -- each man 160
8 acres. The rest goes out to the wicasas out there. Come
9 on in and get this cheap land. It kind of reminds me of
10 that now. So when you talk about pilot projects, you
11 know, I've got to go back and explain to my people a
12 pilot project. You know, you guys -- earlier you
13 mentioned that no tribe has been selected yet for the
14 pilot project. Rumor was that Pine Ridge and Rosebud
15 were going to be in the pilot project. That's the word
16 on the street as they say. I wish them luck, you know,
17 the bureau coming in and doing this.

18 And the gentleman and lady spoke about time
19 frames, you know. The government had put time frames on
20 us since their existence since coming in in 1492 on to
21 now. You will do this until we say you can do this. You
22 know? And the settlement came down from Cobell that said
23 that we owe you. We're sorry. This is the tribe's
24 money, correct? Indian? Or what? Is that the
25 government's money? You know, so we question that. And

1 this is where I come from is that when you do these test
2 projects, test pilots, you know, then you're going to
3 have us tribes competing, well, I want my tribe to go
4 first, no, I think we should go first. You know, kind of
5 like the old Mikey commercial. You go first, no, you.
6 Let's ask Mikey. And Sisseton, they will do anything.
7 No, I'm just kidding. I'm just kidding. But, you know,
8 just look at that. I have to drive by there. Go the
9 long way. I'll stop at your casino, though. So we look
10 at that, you know, as far as that test project time frame
11 and stuff like that in those tribes that are not involved
12 in the test pilot project, and we're going to wonder
13 what's going to happen.

14 I know there's, you know, growing pains and
15 things of what we just talked about today with these
16 pilot projects. It just makes me wonder, you know,
17 again, we're sitting here waiting and wondering how come.
18 And you're going to hear more about this in Rapid City.
19 I'll tell you that right now. So the plan's going to be
20 now. The plans going to be after your third
21 consultation. We want this implemented April 1st or
22 whatever. You know? You had all this time, and you're
23 right, the clock is ticking as of November 24. We're
24 already down to nine years and some months already. You
25 know? By the time we get this down, we have eight years

1 left, maybe even seven. So I just wish we could just
2 know for sure. Want it in writing. A long time ago,
3 word was just that. We'll get this done by next month,
4 shake hands, and move forward. Now you want it in
5 writing and agreements, you know, cooperative agreements,
6 MOAs, MOUs. You do this on your part; we'll do this on
7 our part. It's not like the old days anymore, lawyers --
8 that's why we hire lawyers to look at the legalities of
9 this. So I'll be honest. I haven't read the Cobell
10 Settlement case yet. I'm sure it's probably -- but I'm
11 sure there's something in there that -- due diligence
12 and, you know, get it done. But at the same time, you
13 know, we're looking at that time frame there.

14 And one comment that really came out to me, and
15 it's a heartening one, you know, the individual landowner
16 makes up all the tribes. Without the individual
17 landowner, would we be a tribe is the question. You
18 know? Individual Indian landowner, individual Indian
19 money, money account, IIM. You know? Individual.
20 That's the majority of BIA right there is individuals.
21 Without the individual allotments, I don't think you guys
22 would be sitting there. You know? Now it's passing down
23 to the tribes.

24 So that's again going back to my point of
25 selling this. You know, if I sell my land, I've got

1 about -- I added mine up. It's just over 6 acres out of
2 those 12 pages. And if I sell that, what's in it for me?
3 Am I -- who am I now? Am I still a Lakota? That was
4 passed down from generations down to me. And if I sell
5 that, what's my son going to get? What's my grandson --
6 what are they going to get out of it? So these things
7 are questions that I challenge you because you come to
8 us. You know, and as tribal officials, like you
9 indicated earlier, we live with our people arm to arm and
10 elbow to elbow, through disasters, through everything
11 that you name. We come and live with our people and make
12 this happen.

13 So my question is, how are you going to
14 determine which tribe is going to be a pilot project.

15 JOHN MCCLANAHAN: As I was explaining earlier,
16 we had a slide up there, and in the plan, we've talked
17 about a couple of different factors that might go into
18 that decision. I think, as Larry indicated, we're trying
19 to move out as quickly as we can. But we have to realize
20 that we just got access to this money a couple of months
21 ago and that it's going to take some time to snap up.
22 But while we're doing that, we want to work with tribes
23 that are interested in trying this out and providing
24 leadership, because we need leadership, too. And I think
25 there were comments about the tribes are interested in

1 this, obviously, and they have a unique ability to talk
2 with their members about why in their minds -- in the
3 communities' minds this makes sense. And so we're really
4 looking for that kind of support. I see that as a major
5 factor in where we go in terms of locations.

6 But we don't have an easy decision there. I'm
7 sure you can appreciate on the one hand, you know, you
8 might say, well, we don't want to go first, that's
9 dangerous. But on the other hand, folks are saying,
10 well, I want to go first. And so we're trying to reach a
11 balancing act here. But again, the key thing is we want
12 to do this right, and we want to pick locations that will
13 enable us to learn things, to create toolkits, to create
14 best practices, to find ways that you can help us help
15 the tribes move this program out as quickly as we can. I
16 know there are only so many days between now and
17 November 24, 2022. That's a limited amount of time, and
18 I wish I could say that we had more time. But we don't.
19 And so by working together, I would like to know what you
20 all think, what the tribal leaders think should be the
21 critical factors in determining where we go. We have
22 been and will continue to be as transparent as we can
23 about how that is going to work.

24 In the plan, we indicated that a proposal was
25 at least for the highly fractionated locations to start

1 generally from the top of the list. And that's
2 objective. Everybody sees that. It's printed on the
3 table. That's not the only way to do it, though. And
4 the purpose of this consultation is to hear from you if
5 there are other ways. And we're open to that. But that
6 was something that we thought about as an objective way
7 to be transparent. We're going to work down the list.

8 But again, we want to be flexible. There may
9 be tribes that aren't quite ready to be involved. And so
10 we're talking with them. We'll learn that. There might
11 be tribes that come to us and say, you know, we've been
12 working on our priorities for a long time. We have an
13 integrated resource management plan. We've been talking
14 to all our sellers. We're ready to go. That's the kind
15 of thing that we want to hear, because we want this,
16 obviously, to be successful just as much as you do.

17 Yes.

18 TIM KROHN: Tim Krohn, Fond du Lac Reservation.
19 You talked about GIS, that you would be using the GIS
20 layer. What happens if the tribes have better data than
21 what you have with GIS? You mentioned the BLM layer.
22 That's probably a very generic layer. We have surveyed
23 greater -- posted surveys of great quality on our layers.
24 So we would have better data than you would have. Would
25 you be using the tribe's data in situations where it's

1 appropriate? And would you be using actual ground acres
2 or legal acres? With your map, you know there are
3 differences between those. Sometimes a 40-acre parcel is
4 not a 40-acre parcel. Well, actually, 99 percent of the
5 time it's not. But that's just a minor detail. There
6 are other times there are rivers and lakes that move.
7 You could have a great big -- a large difference between
8 actual ground acres and legal acres.

9 JOHN MCCLANAHAN: Yeah. As far as the GIS,
10 yes, we would very much look forward to sharing data with
11 tribes. I know that there are a lot of tribes out there
12 that have been working on their reservations to get many
13 layers, whether it's rivers or roads or cultural areas or
14 grazing units. That's something that we would very much
15 like to have. That's the kind of thing that we should be
16 doing early on. One of the things that we are somewhat
17 far along with is mapping on our own part. We did, as we
18 talked about earlier, start mapping some of the larger
19 reservations, trying to stay ahead of the curve, so to
20 speak. And so we want to share those maps with you. But
21 as you point out, we also realize that there are other
22 pieces of information that would be useful in doing the
23 appraisal work or identifying tribal priorities. And so
24 yes, we want to use those resources that tribes have
25 already put together. We're not wanting to recreate the

1 wheel by any stretch if there's good information sets
2 already together.

3 Regarding acres based on the ground or the
4 legal description, part of the mapping process that we've
5 been going through is looking to see if there are any
6 differences between those two data points as a way to
7 make sure that we have accurate data as much as possible.
8 And I'll probably ask Darryl and/or Tom to add to this
9 question, too. But we have a title system that has been
10 in place for many, many years. And those legal
11 descriptions in there for large part are what we're going
12 to rely on in terms of the acreage. But like I said,
13 there are processes we've been going through to make sure
14 that those are as accurate as possible.

15 DARRYL LACOUNTE: The Bureau of Land Management
16 data that you spoke about is the underlying -- the
17 fundamental -- the foundation for Indian lands by
18 statute. 25 USC 176 says thou shalt be that. We wish
19 they were a little more modern in utilizing some of the
20 GIS techniques that are out there, some of the technology
21 that's out there. But so far we haven't been able to
22 convince them. And nobody, including you folks, would
23 want to spend more money surveying a parcel of land than
24 it's worth, I don't think. And so we're going to use the
25 best information available to us. And if that's GIS

1 layers that you have, certainly, we want them and vice
2 versa. We should all share that information and make
3 better progress. And you're right. There's very few
4 40-acre parcels out there. That's a problem trying to
5 put a square box in a round world. And I guess people
6 have known that since Jefferson put them out there to do
7 it. But we're going to do the best we can with what we
8 have. And if you think about it, been doing a lot of
9 land sales for the last 120 years using the system that's
10 in place now. We're just trying to make it better, more
11 accurate now, so we can buy and sell land, or else --
12 it's not a drop dead thing. Certainly helps the
13 appraisers get values, and it helps us all identify which
14 parcel we're targeting when we send our offer or
15 something like that. But we've done it before, and, as
16 you all know, we can continue that practice.

17 JOHN MCCLANAHAN: While we're on the topic of
18 maps, one thing that you may have noticed in the initial
19 implementation plan is that we suggested that part of the
20 offer would include a map. And that's a pretty new
21 concept, I think. And so I would be interested to hear
22 whether tribal leaders and individual landowners believe
23 that that would be a positive piece of information to get
24 in the offer packet. The idea basically would be let's
25 say a person has fractional interests in three different

1 locations. We would have a map included that would be
2 for each of those three locations, and somehow indicate
3 with color or somehow that these are the tracts that this
4 offer relates to. Here they are pictorially so they can
5 see a context or where they're at. So again, that's
6 something in the plan. And if you have ideas about
7 whether that's good or bad, we would sure like to hear
8 it.

9 MARGARET MACHGAN: My name is Margaret Machgan,
10 and my tribe is Sisseton Wahpeton. Since I was a little
11 girl, my grandmother always said that some day we would
12 be paid for our land. Well, I'm going to be 80 years old
13 in March, and you're talking about ten years. Why is
14 that time frame so long? Why did you put an estimate of
15 ten years on that? In all reality, a lot of us elders
16 hopefully will be here, but who knows.

17 JOHN MCCLANAHAN: Yeah. The time frame is the
18 outside time frame. And I'm not exactly sure what led
19 folks to put that into the settlement agreement, and
20 Congress ratified that in the Claims Resolution Act. It
21 may have been -- we can look into this further. But it
22 may have been to provide an incentive to make sure that
23 the issue is dealt with expeditiously. So that, again,
24 the ten-year time period is the longest time period that
25 we have. As Larry said, we want to use a majority of

1 this money within this administration, or four years, and
2 we hope that we're able to go under the ten-year period
3 as much as possible.

4 MARGARET MACHGAN: Also, in your choosing of
5 the pilot program with certain tribes, all the tribes are
6 different. Financially, they are different. You can
7 pick out the different tribes. Some have casinos that
8 are very successful. Others have casinos that aren't.
9 And then a lot of your tribes don't have casinos, period.
10 So how are you going to determine? Wouldn't there be a
11 big difference in what you're doing with the different
12 tribes?

13 JOHN MCCLANAHAN: Yes. We recognize that no
14 one tribe is alike. There are a lot of unique
15 circumstances out there. And what we've suggested is
16 that in selecting pilots, we want to do it so we advance
17 three areas that we've talked about in the plan. One
18 area is the highly fractionated reservations where there
19 are a lot of fractional interest owners and a lot of
20 acres. So we want to select some pilots that will help
21 us learn and build capacity for those very large places.
22 We also want to select some locations that don't have as
23 many individual owners or fractional interests so that we
24 can learn about what you might be faced with there. And
25 also we want to select locations where we'll have very

1 active tribal involvement. And so that purpose is really
2 to help pave the way for other cooperative agreements.
3 So those are, you know, kind of three areas where we're
4 looking to select locations. But there are other
5 relevant factors as well. We do want to find places that
6 will help us learn things that would apply to other
7 locations, even though, again, recognizing not all places
8 are the same. So we're trying to do it in a balanced way
9 so that when those pilots are complete, we have a greater
10 ability to rapidly expand the program to a lot of other
11 locations and we've tested our processes, we've hopefully
12 made some good lessons learned, and we're ready to go.

13 MARIE ALDERETE: Also about this meeting today,
14 I had read in the St. Paul Dispatch that there was going
15 to be three meetings. And one was, it stated, in
16 Minneapolis, Bemidji, and someplace out east -- or west.
17 I wasn't notified of this meeting. And I had made calls
18 during the week because I just assumed that it would be
19 at the federal building in Minneapolis or St. Paul, or it
20 would be maybe at the Henry Whipple Building where you
21 have an Indian bureau there. I got a call this morning
22 from a gal in Bemidji that told me that it was here at
23 Mystic Lake today. So how did all these people know to
24 come here? I wasn't notified, and I'm a landowner.

25 JOHN MCCLANAHAN: I'm sorry that you didn't

1 hear about that. We --

2 MARIE ALDERETE: Who would I have heard about
3 it from?

4 JOHN MCCLANAHAN: Well, the ways that we
5 communicated the meetings included a Federal Register
6 notice. And I know that that's not the most widely read
7 publication by everybody. But we did put a notice there.
8 We also put a notice on the website, and we talked with
9 some of the field staff to try to get the word out. But
10 we'll try to do a better job in making sure people know
11 in the future where the meetings are. We have a meeting
12 coming up next week in Rapid City. And then the
13 following week on February 14 will be Seattle. So again,
14 I apologize that you didn't get word. But we'll try to
15 do better at getting that out there.

16 MARGARET MACHGAN: Okay. Thank you.

17 JOHN MCCLANAHAN: Thank you.

18 Yes.

19 ALVIN BETTELYOUN: Good afternoon. My name is
20 Alvin Bettelyoun. I'm a Rosebud Tribal Council
21 Representative for Swift Bear Community. My mother is
22 also Janis from the Oglala Tribe. I'm here. We have
23 some land guys we call our experts for the Rosebud Tribe
24 who sit on the tribal council. They recently closed a
25 Black Hills deal concerning Eshla and the Shakopee Sioux

1 Tribe along with Standing Rock along the Cheyenne River.

2 And, well, our experts thought the meeting was
3 going to be held up at the Twin Cities next week, and
4 that's when they were going to come up, but I happened to
5 be here on a New Leaders conference here in regards to
6 being on tribal council. So, you know, I guess the next
7 step was similar. You know, I had to speak because
8 Rosebud was brought up as a pilot program here to
9 actually get started with the Oglala Sioux Tribe. So
10 this is all new to me.

11 Again, I'm a new council rep. So, you know, I
12 can't really talk about the land issues in regards to
13 this because of my lack of knowledge here. I had been --

14 JOHN MCCLANAHAN: I'm glad you're here. Thanks
15 for coming.

16 ALVIN BETTELYOUN: What I'm learning here I'll
17 definitely bring back. I heard you're having one in
18 Rapid City.

19 JOHN MCCLANAHAN: Yes.

20 ALVIN BETTELYOUN: Do you have the date?

21 JOHN MCCLANAHAN: February 6.

22 ALVIN BETTELYOUN: February 6. Okay. We'll be
23 sure to be there.

24 Also, if you have any kind of fliers or
25 whatever, you can send it to the Rosebud Sioux Tribe and

1 let our council people know so we can attend. We do have
2 a big voice, and we will say a lot there. I think we're
3 getting geared up and ready for you. Right now because
4 of lack of information we're getting into heated
5 discussions in the council chambers in regards to this
6 issue.

7 ANTHONY WALTERS: I don't think we expect
8 anything less out of a consultation in Rapid City.
9 Information is on line. It's at
10 www.doi.gov/buybackprogram. We'll certainly do what we
11 can over the next week. We'll publicize a little bit
12 more so that folks are aware it's at Rapid City at the
13 Ramkota up in Rapid. And the one on February 14 is in
14 Seattle.

15 JOHN MCCLANAHAN: Arctic Club, Seattle,
16 Doubletree Hotel.

17 ALVIN BETTELYOUN: Okay. Thank you.

18 SUSAN WEBER: Hello. Susan Weber from
19 Ho-Chunk. I had a question, and it had more to do with
20 the \$1.5 billion. Is that money accruing interest? And
21 if so, where is that interest going to?

22 JOHN MCCLANAHAN: That money is a mandatory
23 appropriation, and it's not accruing interest right now
24 at this point.

25 SUSAN WEBER: So there is no interest at this

1 point?

2 JOHN MCCLANAHAN: No, not that I'm aware of.

3 SUSAN WEBER: And there will be no interest in
4 the next --

5 JOHN MCCLANAHAN: I think the position is that
6 the kind of appropriation that it is doesn't allow for
7 interest to accrue. But if you have ideas or positions
8 on that that you would like to offer, we're open to
9 hearing about that.

10 SUSAN WEBER: Thank you.

11 ROBERT TWO BEARS: Robert Two Bears, Ho-Chunk
12 Nation. I guess I know that there was a bill
13 appropriation in that fund. I guess if there's any way
14 that it can go into some sort of ladder portfolio over
15 the short-term or long-term. I mean, that is a large sum
16 of money just sitting there doing nothing. And it
17 eventually would benefit the tribes and the national. It
18 just seems that it's a rather large fund. And if the
19 Department of the Interior isn't going to do anything
20 with it, I guess if you're looking for recommendations, I
21 guess I would rather see it in some fund drawing some
22 minimal or high interest.

23 JOHN MCCLANAHAN: Yeah. And I would want to
24 say that the comment that there's a set of money is maybe
25 not quite right. But I'm not an appropriations law

1 expert. But I think that part of it may have to do with
2 the scoring process and that there may be certain
3 understandings within the OMB and the Treasury Department
4 to actually have money eligible to be invested and earn
5 interest. And I don't know that those criteria are met
6 here. But this is something that if you have ideas about
7 that, then maybe that's something we can discuss further.
8 And if there's any legal issues with that, we can involve
9 our Solicitor's Office. And perhaps if there are
10 legislative ideas or needs that would have to be met in
11 order to change what I understand is the situation, then
12 we can work on that, too.

13 LEONARD CROW BELT: Quickly, are we going to
14 talk about the education portion of it? Did you make any
15 comments on the education part? Where is that money
16 going, and how is it going to be made available?

17 JOHN MCCLANAHAN: The Indian Education
18 Scholarship Fund would be funded in part through
19 purchases from land consolidation. And so that fund is
20 not yet established. It would be managed by an outside
21 entity outside of the department, a non-profit
22 organization. I think the question is a general question
23 about the Trust Land Consolidation Fund in general, not
24 pertaining to the scholarship money.

25 LARRY ROBERTS: I guess one question that would

1 be eligible for feedback is, I know that we've heard
2 during this consultation that some interest that we're
3 receiving in the department would be relatively small.
4 It would be amounts of money. And so what we've been
5 talking internally about for the education fund is that a
6 realistic benefit or enticement to have people sell their
7 interests, and how do we [inaudible] around that
8 education fund. So if folks have thoughts about that,
9 we're also looking at being interested in tribal comment
10 on whether there should be -- if it's legally allowable,
11 should there be a minimum amount that is put into that
12 education fund, bring our lists of the amount of the
13 purchase.

14 JOHN MCCLANAHAN: We might want to take a short
15 break, and you guys can think about that question and
16 other things that you have and come back in ten minutes
17 if that works for everybody.

18 (Break, 3:17 p.m. until 3:50 p.m.)

19 LARRY ROBERTS: We're going to convene the
20 consultation here and get back together. We're coming up
21 on 4:00 here.

22 Are there other comments or questions folks
23 want to discuss today? I know a lot of you have traveled
24 from far away, and I know a lot of you will be attending
25 our session in Rapid City. So if there are other

1 comments or questions, we're more than happy to continue
2 the conversation. But otherwise, I think what we would
3 like to do is start bringing this to a close if we've
4 answered your questions today.

5 KRIS GOODWILL: We were wondering about the IIM
6 accounts and so -- whether this question has been asked
7 before, but I wasn't sure about the answer. So, of
8 course, I'm putting myself in the hands of a tribal
9 member. The tribal member sells their interest. And so
10 the question is, does that money go into an IIM account,
11 and, if it does, then I think in order to help the
12 tribes, it's going to help to make sure that that's a
13 trust asset, that it wouldn't hurt them if they were on
14 SSI, whether, you know, Medicaid, et cetera, public
15 assistance.

16 ANTHONY WALTERS: I think we're still working
17 to clarify some of those specific issues about any other
18 benefits it might impact. But we'll certainly have those
19 flushed out by the time so those individuals are well
20 aware what that might entail. But any payments generated
21 would go to an IIM account. And a lot of individuals
22 have those already set up on whatever way they prefer.

23 DARRYL LACOUNTE: I would encourage you to take
24 a look at the language in the settlement under the land
25 consolidation piece, and I think it may answer the

1 question for you.

2 CHRIS LINDBLAD: I was just going to follow up
3 on that question just to ensure that there is clarity.
4 For example, when the tribal trust accounting
5 mismanagement cases were settled, both the IRS and SSI
6 essentially issued notices stating it would not
7 be affecting SSA benefits -- or excuse me, SSI benefits.
8 We just wanted to make sure that even if someone withdrew
9 the money from an IIM account that they would not be
10 taxable, that it wouldn't affect SSI benefits, Medicaid
11 benefits or anything of that nature. Maybe it might be
12 something where the Solicitor issues would be helpful.
13 The tribes would speak with individual landowners so that
14 they were well aware of any potential consequences.

15 Thank you.

16 LARRY ROBERTS: Yeah. Thank you for your
17 comment. That is definitely something we will take away
18 from today's consultation in terms of we need to have
19 those answered, and we need to go back and do some
20 homework here. So thank you for that comment.

21 Okay. Well, thank you all very much for
22 attending the consultation today, and we look forward to
23 seeing you all in the next consultations.

24 Thank you.

25 JOHN MCCLANAHAN: Thank you.

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LARRY ROBERTS: Safe travels, everyone.

(Concluded at 3:55 p.m.)
