

**Webinar Call of the Secretarial Commission on Indian Trust Administration and Reform
May 16, 2012
Meeting Summary v2**

The Secretarial Commission on Indian Trust Administration and Reform held a public webinar on May 16, 2012. Commissioner Robert Anderson chaired the webinar on behalf of Commission Chair Fawn Sharp, who was unable to participate due to other commitments. Sarah Palmer, U.S. Institute for Environmental Conflict Resolution (USIECR), facilitated the meeting and Bridget Radcliff, USIECR, took notes. Approximately 28 members of the public participated in the webinar. The webinar attendees are listed in Appendix A

Welcome, Introductions, Agenda Review

Commissioner Anderson welcomed everyone to the webinar, including Lizzie Marsters, Chief of Staff for Deputy Secretary Hayes, as the newly appointed Designated Federal Officer (DFO). Ms. Marsters expressed her delight in having the opportunity to work with the Commissioners and staff at the Department of the Interior.

Commissioner Anderson reviewed the objectives, agenda, ground rules, and procedure for hearing public comments. The meeting objectives were:

- Update progress of action items and tasks from the March 1-2 meeting.
- Update progress and take next steps on subcommittees
- Prepare Commission outreach to tribes, individual Indian, and tribal organizations about Trust management, administration and reforms
- Prepare for June in-person Commission meeting

Approval of March 1-2, 2012 Meeting Minutes (as revised)

The Commission approved the meeting minutes and the final copy will be posted on the Commission website: <http://www.doi.gov/cobell/commission/index.cfm>

Updates on Action Items from March 1-2 Commission meeting

Michele Singer, Acting Principal Deputy Special Trustee, Office of the Special Trustee (OST), provided an update on the status of information requested from OST. The OST has posted most of the information (IIM accounts by tribe and region, Indian Trust Examination reviews and audits) on the Commission SharePoint site and will have this information posted to the public site as well. The OST provided as much information as possible without disclosing confidential information. Information regarding the Associate Solicitor opinions is still being located.

Mike Black, Director, Bureau of Indian Affairs (BIA) provided an update on the status of information requested from the BIA. Mr. Black explained that the subject matter expertise is an ongoing process and that Bryan Rice and Darryl La Counte will be the points of contact regarding this issue. The request regarding Alaska Native lands has been provided to the Commission. The BIA was not able to provide specifics regarding the number of acres in 638 compacts. There are 55 million+ acres of trust lands and tribes may compact but only the tribal portion – not allotments, realty, or agriculture. Mr. Black indicated he needed more information from the Commission regarding the specifics of this request and

that he looks forward to further conversation regarding the approach of independent consultants. [Note: This is in reference to the 'consultant' referenced in the Secretarial Order 3292.]

Tiffany Taylor, Chief of Staff, Deputy Assistant Secretary Management, Indian Affairs, provided an update on the BIA consultations regarding administrative assessment and streamlining efforts. The BIA has nearly completed this effort, holding consultations in Miami, FL; Phoenix, AZ; Spokane, WA; Rapid City, SD; Norman, OK; Brooks, CA; and Anchorage, AK. Ms. Taylor explained there are three subject-matter consultations occurring during each session – administrative assessment, BIA streamlining, and BIE streamlining. The Bronner Group is facilitating the administrative assessment session and local staff are facilitating the streamlining sessions. A court reporter is preparing notes from each consultation and with the assistance of Regina Gilbert, Office of Regulatory Affairs and Collaborative Action (RACA) the summaries will be shared with the Commission. Ms. Taylor will send the agendas, supporting documentation, and consultation website to the Commission.

Approach to DOI evaluators, status update regarding initial review by BIA Pathways

Mike Black shared that the Pathways staff developed a report regarding the legislation and other statutes regarding trust administration and reform. The report is currently being reviewed and will be shared with the Commission before the June meeting. Mr. Black noted he will work with Commissioner Leeds and the research subcommittee on the timing and next steps.

Commissioner updates and discussion subcommittees membership, proposed tasks, products, and timelines

Commissioners Anderson and Leeds provided an update on the Research Subcommittee. Each Commissioner has staff working on bringing materials together and hopes to have a brief ready for the June meeting.

Commissioners Zah and Leeds provided an update on the Trust Models Subcommittee. The Commissioners noted that there is some overlap between the research and the trust model subcommittees. They noted that they are brainstorming with others to find models to examine. Commissioner Leeds indicated there are two categories to consider – management by private sector and management by the federal government. Commissioner Zah shared that he is working with a group at Arizona State University regarding a potential model and will share something with the Commission when it is ready. Mark Davis, OST noted that the Department shared with the subcommittee and Commission some preliminary research they conducted regarding trust models. The Department also has contacts in the private sector that may be willing to share their expertise with the Commission; the lead Department staff will coordinate with the Commission regarding this.

Commissioner Anderson provided an update regarding the Trust Relationship Subcommittee. He is currently working on a draft statement that he hopes to share with the Commission in the next couple of weeks. He noted that he is interested in the forthcoming Senate Committee on Indian Affairs hearing (May 17, 2012) and thinks there will be good information shared that can be incorporated into the definition.

The Commission then discussed the possibility of adding an Audit Subcommittee. Commissioner Anderson referred to the charter and noted that audits are mentioned as a task of the Commission. Michele Singer noted that the subcommittee could look at a multi-layered approach for risk management and trust examinations. Commissioners Leeds and Anderson offered to be part of the

subcommittee and Michele Singer will take the lead in providing early information and will provide additional information as requested from the subcommittee.

Commissioner Anderson noted that there is a lot of expertise at DOI and that the Commission should fully utilize the staff and federal resources as the Commission moves forward. He noted that the Commission is just getting started and that there will be opportunity for formal input at meetings from tribes and other experts.

The Commission then discussed subcommittee membership. Commissioner Anderson noted that the subcommittees should rely on experts to obtain appropriate information. Sarah Palmer, USIECR facilitator, noted that the operating protocols do provide some guidance regarding membership and that if the Commission wants to formally add members to the subcommittees they should notify the DFO. Ms. Palmer was asked to draft a more formal process for subcommittee membership and staff for review at the June meeting.

Review progress of Commission work plan

Sarah Palmer, USIECR facilitator, reviewed the Commission work plan. Ms. Palmer asked the Commissioners, what products they envision the Commission begin preparing (e.g. a single or a series of reports and recommendations)? She asked the Commission to keep these products in mind and including the process for the products to be reviewed and commented on more broadly. Ms. Palmer also asked the Commission to consider how many webinars and administrative calls will be needed over the summer to continue to make progress on products.

Public comments/questions – Round 1

Patricia Marks, Fredericks Peebles & Morgan: “At the TBAC meeting the tribal leaders present asked about budgeting and staffing and other issues regarding the sunset of the Office of the Special Trustee. It is unclear how these issues will be addressed by the Commission. What is the long-term policy role of the Commission? What will the Commission do regarding OST over the next two years? I specifically ask that the Commission communicate with TBAC regarding how the OST issue will be addressed.”

Commissioner Anderson responded that this is something the Commission will have to work out and discuss at the June meeting. Secretary Salazar asked for a comprehensive review and some functions have to be carried on as the Commission deliberates.

Commissioner Leeds noted that this issue came up at the first meeting and that the Commission has to look at the broad landscape of recommendations.

Commissioner Zah noted that the Commission hasn't had time to address this particular issue. He asked that the public give the Commission time to discuss and provide a group statement rather than individual option.

Draft Commission Communications and Outreach Plan

Commissioner Anderson presented the draft Commission communications and outreach plan. He noted that Wikipedia might not be a good thing because of the ability for anyone to change the information. In addition to the webinars and in-person meetings, the Commission has the website, which is very good, and the Commission has started to get input from those that know a lot about these issues.

Commissioner Anderson indicated that Cris Stainbrook shared a document after the DC meeting, the Commission had received input from NARF alerting to the fact that NCAI has six suggestions regarding trust reform that were presented to President Obama last December. He noted that getting this information from Indian Country is key. He also wondered if the Department Communications staff could format the outreach letter into a press release for tribal media outlets to utilize as a story regarding the Commission.

Commissioner Zah indicated that it is important to include the local press. He suggested that a press release could come immediately after the meeting with action items and this would help keep local people informed of what the Commission has done and plans to do. Commissioner Zah also noted that there are bilingual people and that information needs to be delivered in multiple languages. It is important that all tribal peoples have basic information regarding the Commission so they can ask more specific questions of the Commission.

DFO Marsters noted that she will work with Nedra Darling, BIA regarding outreach on a Facebook page, a June meeting press release, post-meeting press releases, and developing contacts to more local tribal media outlets.

Sarah Palmer noted that an online participant, Gay Kingman stated that intertribal organizations need to be included in the Commission outreach efforts and listed in the plan.

Public comments /questions – Round 2

There were no public comments during this period. Comments from the public posed on the webinar are presented in Appendix B. The Commissioners noted that written public comments and reports are very useful and they encourage the public to submit written reports to the Commission. These may be submitted via email to trustcommission@ios.doi.gov or via post to:

DOI - Office of Regulatory Affairs and Collaborative Action
1001 Indian School Road NW, Suite 312
Albuquerque, NM 87104

Review anticipated agenda items for June

Commissioner Anderson reviewed the agenda sketch for the June meeting and the Commissioners discussed ways to modify the agenda and potential guest speakers. It was noted that the meeting should focus on the opportunity for the public to provide feedback and information to the Commission and that presentations from experts regarding each subcommittee topic should be considered. It was also noted that any Department briefings should be brief to provide time for discussions.

Suggested panel speakers:

- Melody McCoy
- Ross Swimmer
- Kristin Carpenter
- Matthew Fletcher
- Paul Fry
- Richard Hughes
- Reed Chambers
- Kevin Washburn
- Bob Clinton
- Sam Deloria
- Alan Taradash
- Dan Rey-Bear

Suggestions for trust models discussion:

- Provide one or two different models for review and discussion
- Review of DOI white paper

Suggestions for public round robin discussion:

- Utilize questions from Commission outreach letter to help frame discussion

The action items from the webinar were reviewed and can be found in Appendix D.

The Commission will hold an administrative call the week of May 21 to finalize items for the June Commission meeting.

Commissioner Anderson thanked everyone for participating in the call and adjourned the meeting.

Upcoming Commission Meetings—open the public

- June 11 and 12 in Albuquerque
- Sept 13 and 14 in Bismarck
- December 6 and 7 in Seattle

Appendix A. Trust Commission Webinar Attendees

Name	Affiliation
Commission Members	
Robert Anderson	Commissioner
Stacy Leeds	Commissioner
Peterson Zah	Commissioner
Lizzie Marsters	Designated Federal Official
Facilitation Team	
Sarah Palmer	USIECR
Bridget Radcliff	USIECR
ITC DOI Support Staff	
Michael Black	Director, BIA
James Cordry	OST
Leon Craig	OST
Mark Davis	Counselor to the Action PDST, OST
Martin Earl	BIA
Patricia Gerard	OST
Regina Gilbert	AS-IA/RACA
Phillip Graf	OST
Richard Meyers	Office of the Assistant Secretary for Indian Affairs
Ginger Morris	OST
Valerie Olaizola	OST
Michele Singer	Acting Principal Deputy Special Trustee, OST
Tiffany Taylor	Chief of Staff, Deputy Assistant Secretary Management, Indian Affairs
Leita Yazzie	OST
Members of the Public	
A. Gay Kingman	Great Plains Tribal Chairman's Association
Alison Freese	Institute of Museum and Library Services
Angela Karst	Table Mountain Rancheria
Brenda Wallhoyd	Land Consolidation, ILCP
Brian Patterson	Oneida Indian Nation
Charlotte Hicks	Upper Mohawk, Inc.
Chief E. Skye Vereen	PeeDee Indian Nation
Cris Stainbrook	Indian Land Tenure Foundation
Cynthia Toop	Native Village of Barrow
Daniel Rey-Bear	Nordhaus Law Firm LLP
Daniel Watts	Nez Perce Tribe
Denise Desiderio	Senate Committee on Indian Affairs
Don Grove	Nordhaus Law Firm
Erin Shirl	University of Arkansas School of Law
Gretchen Gordon	Indian Law Resource Center
Hedi Bogda	Leech Lake Band of Ojibwe
Jeremy Brave-Heart	Hobbs Straus Dean & Walker LLP
Karen Blakslee	
Karla General	Indian Law Resource Center

Kitcki Carroll	United South and Eastern Tribes, Inc
Liz Dykstra	Tribal Member
Liz Gunsaulis	University of Arkansas School of Law
Matthew Kelly	Frederick Peebles & Morgan LLP
Melody McCoy	NARF
Phyllis Attocknie	Comanche Nation
Steve Beleu	Oklahoma Dept. of Libraries/Fed Gov't Information Division
William Gollnick	Tejon Tribe
Zo Devine	Center for Indian Community Development HSU

Appendix B. Questions and Comments from the Public via Online Webinar

Name	Question or Comment	Response
Gretchen Gordon	Will the notes that we can see on the screen be made available?	There will be a summary of the webinar made public after approval at the June Commission meeting.
Kitcki Carroll	What are the Albuquerque dates and is it open for non-Commissioner to attend?	The Albuquerque meeting is open to the public and will be held June 11-12. Information will be posted on the public website.
Cris Stainbrook	Where online is the data that Michele Singer said has been posted?	On the Commission website. [Post-webinar note: these materials were not online during the time of the webinar and will be posted to the Commission website]
Kitcki Carroll	You just went over reaching out to the intertribal orgs for sharing information. Recognizing that regions have various opinions, ideas, and positions on what trust reform should look like, how will the Commission make room for intertribals to be heard and engaged?	The Commission invites intertribal groups to speak up and let us know you want to be heard. Public sessions also available for comments and the Commission will address at that time. The written report from Indian Land Tenure was very helpful. Encourage groups and individuals to provide the Commission with detailed reports for consideration.
Matthew Kelly	For the audit subcommittee please be advised that a lead expert for NARF in Cobell and for at least 41 of the tribal trust mismanagement cases was Mr. Jim Parris.	
A. Gay Kingman	Don't forget the intertribal organizations to assist in getting out information. ATNI, GPTCA, USET, ITCA, ITCN, etc.	
Matthew Kelly	Tom Fredericks would like to speak. He represents a number of tribes on oil and gas and handled the Ute trust litigations.	
A. Gay Kingman	Be strong in the statement on trust relationship because there is an effort to dilute it even within the DOI. We here in Great Plains are all treaty tribes and have historic and strong trust relationship. We will not have it eroded. Also, the problems we are facing is in the implementation of trust by OST or people who think we are just another minority. Be careful with our trust!	
A. Gay Kingman	Regarding trust management and	

	administration – you will need a tribal leader to speak on implementation and the problems we are facing. Not all attorneys. Don't forget our tribal leaders who are knowledgeable and live the trust responsibility.	
Jeremy Brave-Heart	Will this agenda be available after this call?	Yes, it will be posted on the Commission website.
Matthew Kelly	What happened to the Rapid City June date? Some of the tribal leaders are asking.	Commissioner Hall asked the Commission to move the meeting to Bismarck in the fall to coincide with other tribal meetings occurring there around the same time.

Appendix C. Documents Reviewed During the Webinar

- A. DOI ITC Meeting 1 Summary Draft v5
- B. Indian Trust Commission Work Plan DRAFT v4 5-14-12
- C. ITC Agenda Sketch – June2012 v4 DRAFT
- D. ITC Outreach Communications Plan Draft v6 5-14-12
- E. ITC Subcommittee Charges 5-14-12
- F. ITC May Webinar Agenda Final 5-14-12

Appendix D. Webinar Action Items

TASKS	LEADS	COMPLETE BY
COMMISSIONERS		
Research Subcommittee: A. Coordinate Pathways product and next steps B. Coordinate research efforts of students and staff C. Update Subcommittee member list as appropriate, include staff and student roles	Commissioner Leeds w/Mike Black, Bryan Rice, Tiffany Taylor Commissioners Anderson and Leeds Commissioners Anderson and Leeds w/USIECR	May 31, 2012 May 31, 2012 June Meeting
Trust Relationship Subcommittee: A. Develop initial draft of possible definition to share with Commission B. Update Subcommittee member list as appropriate, include staff and student roles	Commissioner Anderson Chair Sharp and Commissioner Anderson w/USIECR	June Meeting June Meeting
Trust Model Subcommittee: A. Meeting to discuss DOI trust model white paper B. Update Subcommittee member list as appropriate, include staff and student roles	Commissioners Leeds Commissioners Leeds and Zah w/USIECR	May 21, 2012 June Meeting
Audit Subcommittee: A. Develop work plan and statement B. Pull together current DOI information and share with Commissioners C. Update Subcommittee member list as appropriate, include staff and student roles	Commissioners Anderson and Leeds Michele Singer Commissioners Anderson and Leeds w/USIECR	June Meeting June Meeting June Meeting
Provide link to YouTube video on Cobell that could serve as model for ITC outreach video	Commissioner Zah to Sarah Palmer	ASAP
Suggestions, comments re: draft outreach and communication plan to Sarah Palmer, Bridget Radcliff, Regina Gilbert	Commissioners	May 30, 2012

DOI TEAM		
Action Items from March Meeting A. Follow-on questions re: Alaska Lands Consolidation – clarification needed from Commissioners re: needs/interests	Mike Black	June Meeting
BIA Tribal Consultations A. Summaries from consultation meetings B. Link to agenda and consultation website sent to Commissioners	Regina Gilbert Kallie Hanley	June Meeting ASAP
Confirm materials posted to ITC website and alert May 16 webinar participants	Regina Gilbert	ASAP
Commissioner Outreach and Communication Plan A. Strike Wikipedia from outreach plan B. Revise Commissioner outreach letter into a news release, combine with announcement about June meeting C. Include intertribal organizations in outreach plan (suggested list from webinar question) D. Prepare a series of press releases to update tribes and tribal media about ITC work, including opportunity for Commissioners to respond to questions as a result of media outreach E. Prepare video/dvd about ITC work in language of tribes receiving information e.g. a video in Navajo F. Possibility of ITC Facebook site G. Update Communication and Outreach Plan based on Commissioner feedback	Communications Team Lizzie Marsters, Nedra Darling Communications Team Nedra Darling Nedra Darling Lizzie Marsters, Nedra Darling Communications Team	June Meeting Prior to June Meeting June Meeting June Meeting TBD TBD June Meeting
US Institute Facilitation Team		
Finalize March meeting summary and coordinate with Regina and Nedra to post to ITC website	Bridget Radcliff	ASAP
Draft language for operating procedures regarding support staff and subcommittee	Sarah Palmer	June Meeting

membership		
COMMISSION DOI FACILITATORS		
Discussion on approach to consultants	Commission, DFO, Agency leads, USIECR	June Meeting?
Coordinate w/Chair Sharp on items from webinar	Lizzie Marsters, Sarah Palmer	ASAP
June Meeting Preparations: A. Revise agenda schedule per recommendations from webinar B. Identify speakers for June meeting panels C. Identify points of contact to invite speakers to June meeting D. Confirm travel budget for speakers	Sarah Palmer Commissioners, DOI, USIECR Commissioners, DOI, USIECR DOI	ASAP May 25 Admin Call May 25 Admin Call May 25 Admin Call

G. Appendix D. Summary of Commission Webinar Action Items

TASKS	LEADS	COMPLETE BY
COMMISSIONERS		
Research Subcommittee: D. Coordinate Pathways product and next steps E. Coordinate research efforts of students and staff F. Update Subcommittee member list as appropriate, include staff and student roles	Commissioner Leeds w/Mike Black, Bryan Rice, Tiffany Taylor Commissioners Anderson and Leeds Commissioners Anderson and Leeds w/USIECR	May 31, 2012 May 31, 2012 June Meeting
Trust Relationship Subcommittee: C. Develop initial draft of possible definition to share with Commission D. Update Subcommittee member list as appropriate, include staff and student roles	Commissioner Anderson Chair Sharp and Commissioner Anderson w/USIECR	June Meeting June Meeting
Trust Model Subcommittee: C. Meeting to discuss DOI trust model white paper D. Update Subcommittee member list as appropriate, include staff and student roles	Commissioners Leeds Commissioners Leeds and Zah w/USIECR	May 21, 2012 June Meeting
Audit Subcommittee: D. Develop work plan and statement E. Pull together current DOI information and share with Commissioners F. Update Subcommittee member list as appropriate, include staff and student roles	Commissioners Anderson and Leeds Michele Singer Commissioners Anderson and Leeds w/USIECR	June Meeting June Meeting June Meeting
Provide link to YouTube video on Cobell that could serve as model for ITC outreach video	Commissioner Zah to Sarah Palmer	ASAP
Suggestions, comments re: draft outreach and communication plan to Sarah Palmer, Bridget Radcliff, Regina Gilbert	Commissioners	May 30, 2012
DOI TEAM		
Action Items from March Meeting B. Follow-on questions re: Alaska Lands Consolidation – clarification needed from Commissioners re: needs/interests	Mike Black	June Meeting
BIA Tribal Consultations C. Summaries from consultation meetings	Regina Gilbert	June Meeting

D. Link to agenda and consultation website sent to Commissioners	Kallie Hanley	ASAP
Confirm materials posted to ITC website and alert May 16 webinar participants	Regina Gilbert	ASAP
Commissioner Outreach and Communication Plan		
H. Strike Wikipedia from outreach plan	Communications Team	June Meeting
I. Revise Commissioner outreach letter into a news release, combine with announcement about June meeting	Lizzie Marsters, Nedra Darling	Prior to June Meeting
J. Include intertribal organizations in outreach plan (suggested list from webinar question)	Communications Team	June Meeting
K. Prepare a series of press releases to update tribes and tribal media about ITC work, including opportunity for Commissioners to respond to questions as a result of media outreach	Nedra Darling	June Meeting
L. Prepare video/dvd about ITC work in language of tribes receiving information e.g. a video in Navajo	Nedra Darling	TBD
M. Possibility of ITC Facebook site	Lizzie Marsters, Nedra Darling	TBD
N. Update Communication and Outreach Plan based on Commissioner feedback	Communications Team	June Meeting
US INSTITUTE FACILITATION TEAM		
Finalize March meeting summary and coordinate with Regina and Nedra to post to ITC website	Bridget Radcliff	ASAP
Draft language for operating procedures regarding support staff and subcommittee membership	Sarah Palmer	June Meeting
COMMISSION DOI FACILITATORS		
Discussion on approach to consultants	Commission, DFO, Agency leads, USIECR	June Meeting?
Coordinate w/Chair Sharp on items from webinar	Lizzie Marsters, Sarah Palmer	ASAP
June Meeting Preparations:		
E. Revise agenda schedule per recommendations from webinar	Sarah Palmer	ASAP
F. Identify speakers for June meeting panels	Commissioners, DOI, USIECR	May 25 Admin Call

G. Identify points of contact to invite speakers to June meeting	Commissioners, DOI, USIECR	May 25 Admin Call
H. Confirm travel budget for speakers	DOI	May 25 Admin Call