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IN RE: Trust Land Consolidation Program
Regional Tribal Consultation

The following is the Trust Land Consolidation Program Regional Tribal Consultation, taken before Erika Runge-Zins and Timothy J. McGowan, Court Reporters and Notary Publics, at Mystic Lake Casino Hotel, Wabasha Room, 2400 Mystic Lake Blvd., Prior Lake, Minnesota, commencing at approximately 8:34 a.m., August 18, 2011.

1 APPEARANCES:

2 Stacie Nicole Smith, Facilitator

3 Jodi Gillette, Department of the Interior

4 Anthony Walters, Cherokee Nation

5 Glynn Crooks, Shakopee Mdewakanton Sioux

6 Michael Black, Bureau of Indian Affairs

7 Michael Berrigan, Solicitor's Office

8 Tom Maulson, Lac du Flambeau Tribe

9 Patrick Red Eagle, Ho-Chunk Nation

10 John Morrin, Eagle Clan of Anishinaabe Nation

11 Kevin W. Leecy, Bois Forte Tribal Government

12 James DelaCruz, Quinault Indian Nation

13 Greg Potter, Lake Superior Chippewa

14 Eldrid Curbien, Lake Superior Chippewa

15 Winfield Rondell, Sisseton-Wahpeton Oyate Tribe

16 Garryl Rousseau, Sisseton-Wahpeton Oyate Tribe

17 Scott Weston, Oglala Sioux Tribe

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19
20 (All consultation audience members stood up and
21 introduced themselves. A list of these consultation
22 audience members is attached.)
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P R O C E E D I N G S

Whereupon, the Trust Land Consolidation Program Regional Tribal Consultation was commenced at 8:34 a.m. as follows before Erika Runge-Zins, Court Reporter and Notary Public:

MS. GILLETTE: Good morning, everyone. Welcome to the second consultation on the Cobell Settlement. We are going to start off this morning with introductory remarks by the Vice-Chairman of the Shakopee Mdewakanton Sioux Community, Glynn Crooks.

MR. CROOKS: Good morning, everybody. I would like to say on behalf of my fellow business council officers, Chairman Stanley Crooks, Secretary/Treasury Keith Anderson, myself, and the entire Shakopee Sioux Community I would like to welcome you to our community. We know that you have a lot of important things to discuss today, so I won't take up too much of your time. It is kind of early for me because, as I always tell Jodi, don't get ahold of me until 10:30. But I realize the importance of this meeting today and, you know, you can't stand Jodi up, you know, the lady that used to

1 work at the White House. So let's give her a round
2 of applause for that part of what she did.

3 (Applause.)

4 MR. CROOKS: On Monday at Cannon Falls I
5 got to meet the President and I said to the
6 President, we really miss Jodi at the White House.
7 We really do. But I know that she has another job
8 that is just as important, and we are happy to have
9 her there as well. And she is probably going to kill
10 me later for talking about her, but --

11 This weekend we have our annual pow-wow, so
12 if you are in town stop by and check out our pow-wow.

13 Again, welcome. As we all know in our
14 Dakota tradition we begin things with a prayer, so I
15 have asked Leonard Wabasha, our Cultural Resources
16 Director for the Lower Sioux Community to come over
17 and offer a prayer. So with that I would like to ask
18 Leonard to say the prayer. Will you all please rise.

19 (All present stood and Leonard
20 Wabasha said a prayer.)

21 MR. CROOKS: Thank you, Leonard. You
22 may be seated. Unfortunately I am not going to be
23 able to stay around, but I do have representatives
24 hidden in the audience here who will let me know what
25 you all did today. So, again, welcome, and have a

1 good day.

2 MS. GILLETTE: Thank you, Vice-Chairman.

3 (Applause)

4 MS. GILLETTE: Before the Vice-Chairman
5 leaves I want to thank the Shakopee community for
6 inviting us and to host this consultation here. I
7 know that we have many consultations that are going
8 to take place throughout the rest of the time period.
9 We are in our consultation time period until
10 mid-October. And it has just been a real joy to work
11 with the community here, and I just want to thank you
12 for allowing us -- to host us here in your homeland.

13 Good morning, everyone. I'm Jodi
14 Archambault Gillette. I'm just going to go right
15 into the opening remarks, because we do want to get
16 to the discussion.

17 I am the Deputy Assistant Secretary for
18 Indian Affairs at the Department of the Interior. I
19 am also an enrolled member of the Standing Rock Sioux
20 Tribe, and I did grow up most of my childhood and
21 younger years before I was 18 on the Pine Ridge
22 Indian Reservation.

23 I'm two years into my service to
24 Washington DC. It has been a real joy. I just came
25 over to the Department of the Interior in January

1 and, again, working on many different portfolio items
2 and this is one of them that I was assigned.

3 I just want to welcome everybody for coming
4 here today to the Consultation regarding the Trust
5 Land Consolidation Program, under the Cobell
6 Settlement. I appreciate everyone's time that they
7 took to travel, to prepare, to think about this
8 important topic. We want to just let you know that
9 this -- this being our second tribal consultation,
10 government to government consultation on the land
11 consolidation program, this is really a historic
12 moment. As you know the Cobell Settlement has been
13 a key priority for the Obama Administration since the
14 President and then Candidate Obama began running for
15 office. Settling many of the trust litigation
16 matters is something that he has taken seriously and
17 this settlement is a testament to that fact.

18 We know that the relationship between
19 tribes and individuals and the federal government is
20 something that has been contentious in the past, and
21 we want to make sure that everybody understands that
22 this is a way that we are trying to signal a new era
23 in the government to government relationship with
24 Indian country.

25 The Cobell Settlement not only resolves the

1 contentious 15-year litigation, but also responsibly
2 turns the page on these unfortunate pieces of our
3 relationship with the past. The Cobell Settlement
4 was approved last year on November 30, 2010, and the
5 President -- President Obama signed it into law on
6 December 8, 2010, and we have several different --
7 not a lot of leaders there, but we did have some
8 leaders there. I believe Chairman Maulson was
9 present at the signing last December.

10 We are still continuing down the road
11 where we have a number of different keystones that we
12 are going through right now in terms of the
13 settlement of the litigation. And one of the things
14 that is very different right now than it was
15 at the first Consultation is that on August 4th the
16 U.S. District Court for the DC Circuit granted final
17 court approval, and I do have a member of our
18 Solicitor sitting here with us, and so I will turn it
19 over to him. But just so you know that that is a big
20 milestone for the settlement of this litigation.

21 There are -- there is going to be
22 another timeframe coming up here where folks can file
23 an appeal in the next 60 days from August 4th, and
24 that is when the time starts ticking. What is the
25 date for the final deadline?

1 MR. BLACK: 60 days.

2 MS. GILLETTE: 60 days from August 4th
3 so October, beginning of October, folks can file
4 appeals, and then the court has time to decide
5 whether or not they will consider those appeals, and
6 if they do decide to consider one or more then it
7 will take another timeframe.

8 So I want to be clear about the timeframe
9 that we are working under so that you know it is not
10 going to happen tomorrow, that we are not going to go
11 into implementation of this Land Consolidation
12 Program tomorrow. We do have some court procedural
13 items that have to be completed before the Treasury
14 transfers the money over to the Department of
15 Interior, and that's something that I just want to be
16 clear that this isn't happening -- we are not having
17 this conversation and then it is going to kick into
18 gear next month or the month after.

19 We are very much looking forward to these
20 consultations because in the Trust Land Consolidation
21 Program we really will value all of the different
22 feedback that we get during these consultations.
23 Back before April of this year we couldn't have
24 conversations under this program because the
25 Plaintiffs' attorneys were pretty adamant about not

1 having communications between the Department of the
2 Interior and Plaintiffs, and that prohibited us from
3 having consultations or conversations about how this
4 program is going to be designed.

5 And in response to the tribes'
6 overwhelming request to make sure that we have these
7 discussions in advance of the finalization of
8 settlement, the Department of Justice filed a motion
9 with the U.S. District Court and that motion was to
10 ask permission for us to communicate with class
11 members regarding the Land Trust Consolidation. We
12 are very pleased that the judge granted that motion
13 and we are able to begin these consultations on this
14 part of the program.

15 Today's Tribal Consultation is the second
16 of six. On this particular program additional tribal
17 consultations will be held through October 15th in
18 Seattle, Phoenix, Albuquerque and Oklahoma City.
19 These consultations will be -- are notices. I
20 believe we do have copies of the exact specifics --

21 MS. SMITH: I have the dates, yes.

22 MS. GILLETTE: I think it is part of our
23 slide show, but we do have the specific details about
24 where the next Consultations are. All tribes are
25 invited to participate in any Consultation you want.

1 So even though they are in a particular region you
2 are welcome to join any Consultation.

3 I also would like to take a moment to
4 recognize the Department of Interior team that has
5 joined us here today. I want to start out by
6 thanking my colleague, the Director of the Bureau of
7 Indian Affairs, Michael Black. We all call him Mike
8 Black. He is a former Regional Director for the
9 Great Plains Region of the BIA, and has graciously
10 accepted to be the Director at the BIA during this --
11 while we have been in this Administration, and he has
12 been a wonderful team member of this whole process,
13 and not just on this, but on all of the different
14 things that we work on. So I want to thank him for
15 joining us here today.

16 And I also want to recognize a few of the
17 other components of the Department of Interior that
18 are here with us. Michael Berrigan, is from the
19 Solicitor's Office, and he is the Division of Indian
20 Affairs Associate Solicitor. So that basically means
21 that everybody that works, all of the lawyers, they
22 are -- the Solicitor's Office is our lawyers,
23 and he is over all of the lawyers that oversee Indian
24 affairs. So he has -- I think his boss is the Deputy
25 Solicitor, Patrice Kunesh. But he has recently just

1 taken on this role as Associate Solicitor, and has
2 been doing a wonderful job.

3 Before that he worked on trust cases
4 within the Department of the Interior. So this is a
5 real honor to have someone of his caliber joining us
6 here today.

7 Also have Counselor Tony Walters. He is
8 from the Cherokee Nation and we are really glad to
9 have him here today because he is a big asset and
10 help on the different things that we work on for this
11 Consultation.

12 With that I want to start our discussion.
13 We want to go through some of the basic information
14 on where the program lies, and we are going to go
15 through a Power Point, but before we do that I'm
16 going to turn it over to Mike Black to provide
17 opening remarks.

18 MR. BLACK: Good morning, everybody. It
19 is a pleasure to be here with you today. I look
20 forward to hearing from all of you today about the
21 reason we are here. And to reiterate some of the
22 things that Jodi said, the main purpose of this
23 Consultation today is to talk about a 1.9 billion
24 dollar portion of the Cobell Settlement regarding the
25 Indian Land Consolidation appropriation and the

1 reduction of the fractionation.

2 This has been occurring across Indian
3 country now for many, many years. So we are here
4 largely to hear from you, not so much for us to sit
5 up here and talk and tell you what we are doing. Let
6 me reiterate that this has been coming out for months
7 and months, and it is being asked, what is our plan,
8 how are we going to implement that. That is what we
9 are here to talk about. How do you want to implement
10 this Program. How do the tribes want us to apply
11 this Program.

12 There are a number of facets to go
13 through and we will go through a lot of that in more
14 details as we go through the Power Point.

15 And I will also maybe just touch to the
16 fact that this is a Consultation on the Indian Land
17 Consolidation Program. The court did grant us a
18 waiver to be able to be here with you today to
19 discuss that, but we still have limitations on us as
20 government employees and our ability to communicate
21 with class members regarding any other portions of
22 the litigation. So if there are questions and
23 comments to that we may have to just defer those at
24 this time. There is only three people that have been
25 excused to be able to do that and that is Secretary

1 Salazar, Deputy Secretary Hayes, and the Department
2 of Interior Solicitor Hilary Tompkins.

3 We are hear to listen to all of the
4 comments coming in today and we appreciate everybody
5 taking time to come out and visit with us today. We
6 are taking these consultations very serious. It is
7 going to drive how this Program is going to be
8 developed and implemented out in Indian country.

9 Thank you very much.

10 MS. GILLETTE: Thank you, Mike. We'll
11 go ahead and start with the background on the Cobell
12 Settlement, and both Mike and I are going to be doing
13 the presentation on the slides.

14 So, as I mentioned, the Cobell Settlement
15 was approved on November 30, 2010 and was signed into
16 law by President Obama on December 8, 2010. The 3.4
17 billion dollar Cobell Settlement includes two major
18 components. A fund of 1.5 billion for class members
19 to compensate them for historical accounting, trust
20 fund and asset mismanagement claims, and what we are
21 here today to discuss is the 1.9 billion dollar fund
22 for voluntary buy-back and consolidation of
23 fractionated interests.

24 I want to sort of emphasize the point of
25 voluntary buy-back. This isn't something that we are

1 going to force anybody to sell. I think I have to
2 make that emphasis because there are some
3 misperceptions about how this is all going to
4 work. This is voluntary buy-back, so if a person
5 doesn't want to sell their land, they don't have to.

6 There will be an additional incentive for
7 land consolidation up to 60 million that will be set
8 a side to provide scholarships for higher education
9 for American Indian and Alaskan Native Youth. That
10 is something that we can -- you all can talk about,
11 but I'm recused from that matter. So any questions
12 that you have Mike will have to handle that. It
13 is not at all in any kind of final stages. It is
14 still very preliminary about how that is going to
15 work.

16 The status of the Settlement on December
17 21, 2010 the District Judge Hogan granted preliminary
18 approval. And on June 20th -- this doesn't have the
19 updated part about August 4th. So we will get that
20 updated, but August 4th he did grant final approval.

21 The Settlement becomes final and funds
22 become available for disbursement after any appeal
23 from Judge Hogan's approval has been resolved. So if
24 there are appeals then those have to be resolved
25 first before we can start implementation.

1 The key features of the Land
2 Consolidation Program, all of this is part of the
3 settlement agreement that I'm going to go over here,
4 and just an important thing that you should note
5 about the settlement. All of these documents, all of
6 these different court orders and laws that the
7 settlement claims -- what is it? Settlement? Claims
8 resolution. They changed the name about three times
9 and I can never get it right. This is all found on
10 their website, www.doi.gov/Cobell. We have all of
11 the legal documents available for that.

12 As well as I should probably give everybody
13 fair warning that any comments are going to be a part
14 of a transcript. We published the transcript from
15 the last Consultation on our website. So we are
16 trying to make sure that the process here is very
17 transparent and everything that is said during the
18 meeting is going to be published on our website, the
19 Cobell website.

20 The Cobell Settlement Land Consolidation
21 Program tracks existing statutory authority that is
22 set forth in Indian Land Consolidation Act, otherwise
23 known as ILCA. The purpose of the ILCA and the Land
24 Consolidation Program is described into law as
25 follows: To acquire as many fractionated interests

1 as economically feasible and to consolidate these
2 land interests into tribal ownership to promote and
3 enhance tribal self-determination, economic, social,
4 and cultural development needs.

5 The existing ILCA program is under the
6 Bureau of Indian Affairs right now, even though many
7 of the processes and other components are interfaced
8 with the Department of Interior. So I will turn it
9 over to Mike.

10 MR. BLACK: Many of you in here probably
11 participated in the Land Consolidation Program. As
12 you are probably aware that began over here in the
13 Midwest Region several years ago, and I don't recall
14 exactly when that was, and it was expanded out based
15 on at one time we were receiving funding through
16 Appropriations Committee to continue that program.
17 Just to touch on that real quick.

18 The Cobell Land Consolidation Program
19 funds can only be used for specific purposes, and
20 that is to acquire fractional interest in trust or
21 restricted lands. Then there is also a portion of
22 the 1.9 billion that will be used for administrative
23 costs to carry out the Program.

24 For every land sale a portion of that sale
25 will be set aside for an Indian Scholarship Fund for

1 Native American and Alaska students, and that can be
2 up to a total of \$60 million, and I believe it is
3 five percent of the sale will go towards the Fund.

4 Is that right, Michael?

5 MR. BERRIGAN: That's right.

6 MR. BLACK: Then costs associated with
7 supporting the work of the Secretarial Commission on
8 trust reform, and that is a Commission that is being
9 set up by the Secretary and nominations have been
10 requested, and I believe the date for submitting
11 those nominations has come, has closed.

12 MS. GILLETTE: Yes.

13 MR. BLACK: Hopefully you have all seen
14 that and have been able to submit those. I don't
15 have the status of where that is right now. That
16 will be determined by the Department.

17 The government to government consultation
18 on how best to implement the Cobell Land
19 Consolidation Program, that's the reason we are here
20 today. We have an internal team up at the Department
21 that consists of members Meghan Conklin is pretty
22 much the lead for this, Deputy Assistant Secretary
23 Hayes, and including myself, and Jodi Gillette, and
24 Brenda Walhovd from the Indian Land Consolidation
25 Program, and a number of staff members.

1 And we have been working to identify
2 several potential guiding principals for moving
3 forward with it, and we are here to seek the input of
4 the tribes and everybody in the audience as to how
5 best to implement that Program out in Indian country
6 that will best meet the needs of the tribes.

7 Some of the potential guiding principals
8 that we have identified right now would be, you know,
9 goal number one, to reduce land fractionation in the
10 highly fractionated areas. Implement a plan that is
11 time and cost efficient. Consolidate the land areas
12 and tribal preference. That means largely working
13 with the tribes to determine those areas that would
14 be of highest priority to the tribes for economic
15 development, land restoration, restoring tribal home
16 lands, et cetera.

17 Reducing land fractionation and highly
18 fractionated areas is goal number one. The strategy
19 is to prioritize those highly fractionated areas,
20 look at the individual Indian money account holders
21 and target those individuals that may have large
22 numbers of fractionated interests and target
23 landowners with the most number of tracts.

24 Goal number two, implement a plan that is
25 time and cost efficient. Target lands requiring

1 minimal prep work, you know, before we would be able
2 to make an offer. Those may be some that are already
3 in the hopper, or some that have already indicated
4 interests to have their lands purchased and to come
5 forward to the Program. Some of them where we may
6 have offers basically ready to go, just waiting on
7 funding. Target those tracts that already have the
8 landowner consents, and target tracts with the
9 largest interest per owner.

10 Goal number three is to consolidate land
11 areas based on tribal preference. There, again, that
12 would be something that we would be working closely
13 with the tribes to determine the land areas and the
14 tracts that are highly fractionated and determine
15 them based on some priorities of the tribes, which
16 ones the tribes would be the most interested in
17 having the Program go after. That may be one -- one
18 of the driving factors may be the economic
19 opportunity, and that's to give the tribe the
20 majority interest in some of these tracts where
21 you have a lot more flexibility and ability to lease
22 those lands and do different things with them, home
23 sites, whatever the case may be.

24 MS. GILLETTE: So the next steps for us
25 includes incorporate tribal input through government

1 to government consultations, and the Cobell
2 Settlement and the Indian Land Consolidation Program
3 requires consultation on a specific piece, and that
4 is the identification of tracts that will be
5 considered for consolidation. So if you are
6 participating in a Program now you already know that
7 the Program, the ILCA Program does that through
8 communication where they ask you to prioritize the
9 tracts.

10 But with the way that this Administration
11 looks at consultation the Executive Order 13175 and
12 the Presidential memorandum wants the agencies to
13 take consultation very seriously. And so when there
14 are items that are of great significance that will
15 impact tribal communities we have the policies in
16 place that we make sure that we consult with you.
17 As an aside we have an on-going commenting period. I
18 think it ended just recently. But we are going to be
19 putting out a new Department of Interior consultation
20 policy.

21 We have been trying to make sure that the
22 policy items that we are considering have the
23 greatest input and a dialogue with tribal members
24 that is going to be meaningful as this Program gets
25 shaped. We want to make sure that this Consultation

1 and any consultations that we have with tribes that
2 there is a high degree of accountability in how we
3 are looking at this. So I don't think that we want
4 to --

5 What we try to do throughout this whole
6 process is to be as open and as structured as
7 possible. This is a formal meeting that we have with
8 tribal leaders. It is one of the biggest initiatives
9 that we are taking on in several years. It is new
10 funding and it will require us to really have a close
11 understanding of what kinds of things you think that
12 we could do better.

13 So we just want to emphasize that this
14 meeting, these meetings that are occurring throughout
15 the country in the next few months are very critical
16 to how we consider this Program.

17 I want to invite my colleague up, Stacie.
18 If you would like to come up and join us. We did
19 hire a third-party facilitator because we know that
20 oftentimes there are things that we need to be
21 reminded of when we are making our decisions, and our
22 third-party facilitator is somebody who often comes
23 in and they want to make sure that we are all
24 balanced out and we are not thinking one-sided. So
25 she has been a wonderful ally and a person that keeps

1 us straight as we are deciding our next steps. I
2 just want to thank Stacie for coming.

3 I also just want to say, we are going to
4 develop the Land Consolidation Program implementation
5 plan. If we need to conduct additional consultations
6 or outreach then we are going to do that, and then we
7 will eventually proceed with implementation of the
8 Land Consolidation Program.

9 Stacie, if you want to come up.

10 MS. SMITH: Sure. Hi, everybody. Good
11 morning. As Jodi said, my name is Stacie Smith. I
12 work for a non-profit organization based in Boston,
13 Massachusetts. We were asked to help the Department
14 to make sure that these consultations are effective
15 and to do whatever we can to just get everything set
16 up for you, to make sure that all of the input that
17 you give to the Department gets captured and
18 reflected back to them, and that they are able to put
19 that and synthesize that all together, to make sure
20 that what they come up with as a draft plan is really
21 responsive to what they hear from Indian country.

22 So I'm here to try and help the
23 conversation move smoothly as much as I might be
24 helpful. One thought was, since we do have room at
25 the table, if we have any tribal leaders, elected

1 officials who would like to come up and join us at
2 the table, even if you are not the one representative
3 for your tribe, why don't you come on up and join us
4 at the table so we can really have a robust
5 conversation here. So I welcome any tribal leader or
6 tribal elected official, or anyone who has been asked
7 by your tribe to represent them to just come on up to
8 the table.

9 As you do that I will walk through a little
10 bit of what we are going to do today. A couple of
11 logistical things, if you haven't figured out yet,
12 the bathrooms are actually around, you can go either
13 way, kind of opposite in this little square area
14 here. And if we can ask people also to silence
15 your cell phones or text message pagers, and if you
16 want to take a call to just step out.

17 So today we have packets that everybody
18 got it. The packets should include a two-sided
19 document that reviews those preliminary goals that
20 Jodi and Mike walked through for you, with a little
21 bit more detail describing each of those. And
22 as they said the Department is particularly
23 interested in hearing your thoughts about which of
24 these -- they are not mutually exclusive, but where
25 should the emphasis be put as they are really

1 defining the criteria of how to spend this
2 money to best meet the needs of Indian country. So
3 in your packet there is a little bit more information
4 on that.

5 There is also a two-sided fact sheet that
6 has a little bit of information about fractionated
7 land in Indian country and in the different regions
8 that might be helpful to you.

9 So what we are going to do is after we
10 finish these initial remarks, really open it up to
11 you as Jodi and Mike said. This is really a chance
12 for the Department to hear from you, your thoughts.
13 We have given a couple of different topics that we
14 have heard of from the Billings Consultation
15 and then from other conversations as the Department
16 has reached out and people have reached out to the
17 Department, and shared what their concerned about for
18 this Program.

19 An addition to the primary goals,
20 preliminary goals, and strategy, which we will try
21 and spend a little separate time focusing on, some of
22 the other issues were appraisals.

23 People wanted to talk specifically about
24 how you are going to do those and to hear your
25 thoughts about what works, what doesn't work, what do

1 you want to see happen with the appraisal process
2 that is always consistent with the law. And
3 the administration of the Program, people have a lot
4 of specific suggestions or recommendations about the
5 administration of the Land Consolidation Program.

6 So those we pulled out as topics you might
7 want to discuss and offer your comments on, and I
8 think that the Department is hoping for dialogue as
9 much as possible so they can really get as much
10 information as possible in as much detail.

11 So the thought was to have the morning
12 really focused on the tribal leaders, the elected
13 officials around the table, and then in the afternoon
14 move the comments to include everybody who is in
15 attendance. We will sort of see how timing goes. If
16 we run out of conversation at the table we can open
17 it up earlier, so we'll just check in on how that
18 goes.

19 A few other things I wanted to mention,
20 they spoke, you know, these consultations are one way
21 to get your comments in to the Department, and a
22 transcript is being made and going to be made
23 available on the website. But there is also an
24 opportunity to submit written comments. This is the
25 information about who you will submit those to, to

1 Michelle Singer's office. There is a fax number and
2 an address here as well. If you can send those
3 comments, too, and those comments will all be
4 consolidated and given over to the decision-makers
5 for this Plan and will be integrated in with all of
6 the comments and the information that people are able
7 to hear here at these different consultation
8 sessions.

9 And lastly I just want to offer a couple of
10 guidelines for this to be a really effective meeting.
11 For people to be as concise as you can in sharing
12 your comments, and make sure that everybody gets a
13 chance to speak. I think we are a small enough group
14 and we have enough time that that is not going to be
15 a problem. Just to remind you, being respectful of
16 each other. I know there is -- this is a really
17 important issue for a lot of you here, and there is
18 some very troubling and difficult history behind it.
19 But as much as we can to -- you can feel free to, you
20 know, make clear of any difficulties or challenges
21 that you have seen, but to try and do so in a
22 respectful way particularly to the people who are
23 in the room here.

24 Speaking one at a time using the
25 microphones. We have plenty of microphones at the

1 table and when we move to the audience we have
2 microphones for you as well. Then to be
3 constructive. That doesn't mean you can't raise
4 concerns. Please do raise concerns, raise
5 challenges, but as much as you can offer really
6 tangible recommendations, that is what is really
7 going to help them shape this Plan for how to spend
8 this money. So the more constructive, specific
9 details, recommendations, suggestions, ideas that you
10 can offer, I think the more useful that is going to
11 be for the Department in moving forward.

12 So just a couple of thoughts from me.

13 Because we have a court reporter here and
14 she is trying to get everybody's name right, if we
15 can ask that as you speak to just say your name again
16 and your tribe or the organization or group that you
17 represent.

18 I'm going to now open it up. Maybe we
19 can go around the room and have a round of
20 introductions from our tribal leaders and if there
21 are any other tribal elected officials or appointed
22 representatives who would like to come up and join
23 us at the table, you are welcome to do so.

24 Sir, would you like to begin?

25 MR. MAULSON: My name is Tom Maulson. I

1 want to go on record that I'm not here as one of the
2 Plaintiffs, even though I am. I just want to say
3 that I'm not really satisfied the way the process is
4 going, because I really believe that this issue has,
5 you know, been litigated, and it's a tribal thing.
6 It isn't a Bureau thing anymore. The Bureau is --
7 and not being disrespectful to my friends that sit at
8 the table here, it wasn't their fault because the
9 Bureau got into this particular situation.

10 But I really believe that we need to
11 find some solutions, the tribal governments versus
12 the Bureau of Indian Affairs trying to do this for us
13 once again. I believe we have talent out there as
14 Indian leaders to do this ourselves, and that the
15 Bureau can look back and take a look at what we
16 are doing and what we have done. I think it is
17 really important that, you know, the tribal leaders
18 sitting at the table need to take that step.

19 I got a lot of concern in reference to,
20 once again, the process how it is telling us what we
21 have to do. You know, we have been Indians all my
22 life, and a lot of Indians have passed on because of,
23 you know, this here situation that took place.

24 My reservation was a reservation. It
25 wasn't a reservation for checker boards for the white

1 man or a -- was set there because we were put there
2 by the same body that wants to now tell us how to,
3 you know, buy back those fractionated pieces of
4 property.

5 I have got some questions later as we
6 go through, but I just want to say that much. I'm
7 not really happy on how the process is going to take
8 place. That we need to get a group of our own
9 leaders and mandate, once again, you know, to this
10 process because it took us 16 years in order to
11 get to this here level, and people have a tendency to
12 create a lot of enemies or create favoritism, or
13 create this or that.

14 You got to understand this money goes to
15 the individual Indian, it doesn't go to the tribes.
16 I guess that is why we as a tribal leader and myself,
17 tribal chairman, and that is why I am sitting here as
18 a tribal chairman, not as a plaintiff, because I
19 really believe it was their fight. It wasn't the
20 tribes in general fight, you know, to get to where
21 we are at here today.

22 So I ask the leadership here today to
23 take a look at maybe putting together some type of
24 committee out there and sitting down with this here
25 group of people right here, so they can take these

1 here so-called consultations, you know. We have been
2 consulted enough as Indian people.

3 I'm going to leave that go and I hope that
4 the day goes well for us. Hope that everybody has a
5 good cap on and prayers are good. I want to thank
6 the Vice-Chairman of this Reservation here that it
7 was a good day to start out.

8 MS. MAYO: Good morning, everyone. My
9 name is Zoya A. Mayo and I am the Director of Realty
10 Services for the Lac du Flambeau Band of Lake
11 Superior and Chippewa Indians, and in support of my
12 Chairman's remark I'm really looking forward to these
13 consultations concerning this issue. As some of you
14 may know, Lac du Flambeau was one of the original
15 tribes in the Land Consolidation Project, and it has
16 been highly successful on our reservation in addition
17 to our own land consolidation efforts that we have
18 been putting forth through our tribe with our own
19 funds through the last decade or so.

20 I would just like to briefly state that,
21 you know, this is not a one size fits all situation.
22 Every tribe is different. We all have our own needs
23 and own priorities, and it is not just going to do --
24 it is not going to be resolved through three or four
25 consultation meetings. It has got to be an on-going

1 process. You know, the more the tribes can be
2 involved in and maybe even ideally in, you know,
3 directing these programs or this Program themselves,
4 I think the more successful it is going to be.

5 So, you know, just from our perspective,
6 you know, we recognize that each of our tribal
7 governments are different. We have our own needs and
8 certainly the Bureau and the Interior should be
9 recognizing that also.

10 MR. RED EAGLE: Good morning, everyone.
11 Patrick Red Eagle, Ho-Chunk Nation. I came here
12 today to gather information about the fractionated
13 lands that everyone is talking about here today.

14 MR. MORRIN: (Speaks in native
15 language.) Good morning. My spirit name is Eagle
16 Warrior. My English American name is John Morrin. I
17 come from the Eagle Clan of the Anishinaabe Nation.
18 I'm representing Grand Portage Tribal Council as Vice
19 Chair and committee member.

20 I guess I'm just happy that there is going
21 to be more money available. We have our band members
22 who come to us who are -- who have a lot of
23 fractionated interest in allotments, and many of them
24 say they will never probably use that land, and we
25 have a land use ordinance that the majority of our

1 reservation is designated as cultural preservation,
2 many hunting and fishing areas, just the geography of
3 our land.

4 The majority of the land is really not
5 suitable for our people to live on, so the majority
6 of it is hunting and fishing, and sacred sights, and
7 cultural preservation areas. So many of the
8 allotments that exist on our lands are way up
9 in the northern part of our reservation where people
10 will never reside, and so we have a lot of
11 fractionated interest.

12 I request at least for money set a side
13 so that many of our tribal members who come to us who
14 do want to sell those interests to the band, and when
15 we do have the money, we may set aside some monies to
16 buy those fractionated interests, and I know the
17 Bureau in the past, the Ashland Agency has supplied
18 some money, but that money went dry a few years ago,
19 and those tribal members still come to us and say, we
20 would like to sell that interest to the band. We
21 would rather it be in band control rather than
22 individual -- individual control.

23 We are looking forward to a process where
24 the various reservations will be able to access
25 certain funds so that we can buy back that land and

1 put the land back in common ownership, the way it
2 originally was when we signed the treaty in 1854
3 before the allotment process was imposed on us, and
4 really without our consent.

5 So I hope there is a fair process at each
6 tribe based on their need. We have taken a position
7 at Grand Portage that it is a priority that we buy as
8 much back of the land and restore that land back into
9 tribal ownership. We realize in the future
10 jurisdictions may become a very, very important issue
11 for us as tribes, and the more land that we
12 have in our possession and control of that increases
13 our ability to, again, have say over our lands that
14 we understand we were just put here to be stewards
15 and take care of those lands, and there has been a
16 lot of disruption over the years within that ability
17 for tribes to take control and control those lands
18 for the future generations.

19 So I'm happy that there is going to be some
20 funds set aside that we'll be able to tell our --
21 because our tribal members are still coming to us and
22 wanting to sell those interests, so I hope that there
23 is a fair process within the various tribes of the
24 Midwest Region that we can access those funds in a
25 positive way, and that we don't end up fighting

1 over it and it becomes a very competitive thing where
2 in the past it seems like we have been be pitted
3 against each other when there are certain funds
4 available.

5 But that is really important, I believe, to
6 many tribes and for us in Grand Portage to get access
7 and buy as much land back. And we also purchase as
8 much land as -- the fee lands that exist on the
9 reservation we have spent millions of dollars of our
10 gaming revenues and from other tribal enterprises to
11 buy back any land that people make available to
12 sell. So we are pretty fortunate. We have got
13 between 90 and 100 percent of our land base back in a
14 concerted effort by our tribal government to restore
15 almost back to 100 percent if we can the lands on our
16 reservation.

17 I hope I hear some more stuff today to tell
18 our tribal members. They don't quite understand.
19 You know, they can go to the website, but the common
20 tribal member they don't understand a lot of the
21 rhetoric, you know, on that website.

22 So they come to us to say, could you
23 explain this? So I hope today and in the future we
24 can get more information as to like Chairman Maulson
25 talked about what that process is about so that that

1 process really isn't really complicated for the
2 common tribal member, because there are a lot of
3 tribal members who are really interested in this
4 settlement and want to take advantage of it.

5 I hope the process does get a little more easier, I
6 guess, easier to understand in the future. Thank you
7 very much.

8 MR. LEECY: Good morning. I'm Kevin
9 Leecy. I'm the Tribal Chairman for the Bois Forte
10 Band of Chippewa in Minnesota. I'll save my comments
11 for the discussion period.

12 But I just want to say that we look forward
13 to working with everyone here as we get through this
14 process. Thank you.

15 MR. DELACRUZ: Good morning. My name is
16 James DelaCruz. I'm from the Quinault Indian Nation.
17 We are surrounded by the State of Washington. We
18 have about 240,000 acres that was completely allotted
19 for us over 30 years ago and the Nation only held in
20 trust about 1,700 acres of our Reservation.

21 Presently today we developed a buy-back
22 program. About a third of our Reservation now is
23 owned by the Quinault Indian Nation, and our goal is
24 to some day have that Reservation all in trust in the
25 name of the Quinault Indian Nation. We have 3,000

1 members. So when we do that we will have a
2 never-ending resource for our membership. It is
3 basically timberland.

4 So I'm here to listen and not take much
5 time from the people in this Region. I want to thank
6 them for holding this here, but I'm here to listen
7 and see what happens when we go into Seattle. Thank
8 you.

9 MR. POTTER: Hello, I'm Greg Potter.
10 I'm from the Bad River Band of the Lake Superior
11 Chippewa. I sit on the council. I would like to say
12 I also share in some of the views that Chairman
13 Maulson had expressed. We do carry quite a bit of
14 talent within each of our tribes, and maybe we can
15 open and operate our own land consolidation office
16 within our own -- each tribe. And also here to learn
17 myself about this Program and look forward to a good
18 day. Thank you.

19 MR. CURBIEN: Good morning. Eldrid
20 Curbien (ph).

21 I'm also with the Bad River Band of the
22 Lake Superior Chippewa. I'm just here to get more
23 information about the process that will be taking
24 place. Thank you.

25 MR. RONDELL: My name is Winfield

1 Rondell. I'm a Tribal Secretary from the
2 Sisseton-Wahpeton Oyate, a Traverse Reservation in
3 South Dakota. I have a few comments to make before
4 we continue on.

5 Ms. Gillette earlier made the statement
6 that this was a landmark settlement. I, myself,
7 don't believe that. If it would have been a
8 landmark, if it would have been in the billions when
9 this first came out of how much money was mismanaged
10 for us. Now, as time went over it keeps getting
11 chopped down now to where it is nothing it would have
12 been.

13 That original amount that was first
14 brought up, okay, if that is what we had settled on
15 then that would have been a landmark, but I don't
16 believe it is a landmark now, because it has been
17 chopped down to where it is nothing.

18 You know, another thing I don't agree with
19 is the people who did this to us, to us tribal
20 members, now they are telling us, you have to use it
21 for this. No. The people who messed this up
22 shouldn't be telling us anything. We did this.
23 It is our fault. Now, you come and they are telling
24 us you can only use it for these things. We are the
25 ones who are a victim. You let us decide how these

1 monies should be spent and used.

2 We are the ones who work with our people
3 every day, see them every day. We know their needs.
4 We know the conditions they are living in. It isn't
5 the people in Washington. You know, you can't see
6 from there. No matter how many times you send people
7 out from Washington to any of the tribes, and you
8 take that information back, it is not the same as if
9 those people were to come, the ones who make these
10 decisions, to come out and see. It is different when
11 you see something, when you see somebody living in a
12 home, no water, no electricity. Somebody tells you
13 that, oh, no, it can't be that bad, you know. They
14 need to come see how we are instead of just sending a
15 body out. That don't work.

16 It took 15 years, 15, 16 years to get to
17 this point. As I mentioned earlier money keeps
18 getting littler and littler, the settlement. That
19 ain't to our -- we are not going to benefit. We
20 would have benefited if that money amount that was
21 first mentioned was left up here, instead of being
22 brought way down here. Then all of the tribal people
23 would have benefitted.

24 We would have been able to buy back all
25 of the lands that were taken from us. I don't know

1 how in the end this is really going to turn out, how
2 it is going to benefit the tribes. From past
3 experience and listening to our elders, never once
4 has the government looked out for the benefit of the
5 tribal people, and in my up bringing with elders,
6 grandparents, '90s, and listening to how they spoke
7 of the government.

8 So for me I kind of don't think that
9 it's going to turn out what is good for us, for us
10 tribal people. I don't see that. But that is
11 just, you know, from listening to elders who doubt
12 the government people before I came along. And from
13 some of our relatives sitting here, you don't hear
14 too many good things.

15 I would just like to say that we know
16 our needs. We know what we need, let us decide.
17 This money is sitting 1.9, to me it should have been
18 more than that. That amount was more than that, and
19 if it has to sit there until we decide, but just let
20 us decide. The ones who did us wrong are saying
21 it has to be used for this or it is going to be taken
22 back.

23 So I just want to let us decide, instead
24 of taking it back, how it is to be used. We know
25 what we need. Thank you.

1 MR. ROUSSEAU: Good morning. My name is
2 Garryl Rousseau. I'm also from the Sisseton-Wahpeton
3 Oyate. We are in the northeast corner of South
4 Dakota. I'm mainly here to listen and agree with my
5 fellow council member on his comments, and also some
6 of the comments of the other tribal leaders made.

7 But I do have one question as far as these
8 consultations, who decides how they are set up?
9 Because right away I can see one problem is that we
10 are talking with the Department of Interior, DIA,
11 right away. I would suggest that we have tribal
12 leaders meet in the morning and then have this
13 consultation in the afternoon so the tribal leaders
14 can discuss their individual problems, because we all
15 have different problems.

16 MS. GILLETTE: Would you like me to
17 respond?

18 MR. ROUSSEAU: Yes.

19 MS. GILLETTE: The consultations are set
20 up by the work group that Mike mentioned. I'm a
21 co-chair on the work group with Meghan Conklin, and
22 so we are more than happy to be open to whatever kind
23 of recommendations that you have on how we can
24 structure these. But I just want to say, you know,
25 out of respect for tribal leaders, I really wouldn't

1 want to tell tribal leaders that they can caucus
2 beforehand.

3 They have every right to organize that.
4 But I feel like the Department of Interior, you know,
5 sort of telling tribes that they should do that is
6 beyond what I think our scope should be. But if that
7 is something that folks want to do.

8 I know that in Seattle that is going to
9 take place, that tribal leaders are going to visit a
10 day beforehand before the consultation takes place.

11 MR. WESTON: Good morning, everybody.
12 My name is Scott Weston and I'm from the Oglala Sioux
13 Tribe. I'm one of 18 council members. I was tossed
14 by our president and by our council to come and
15 represent our tribe, and before I do that I want
16 to -- before I say anything anymore I just want to
17 ask for forgiveness for speaking in front of my
18 elders, because it is you who have kept us where we
19 are, and it is you that are ailing, and I am tasked
20 now as a leader to take care of our children because
21 it is our children that we are sitting here for.

22 So I don't want to take up a lot of time
23 because I'll ask more questions, but one of my
24 uncles -- I just need to say this before I go any
25 further.

1 One of my uncles was a former tribal
2 chairman, Paul Iron Cloud back in 1988, I believe it
3 was, and is now the housing director. Really hit
4 home. And one of the things that -- the thing that
5 he said that stuck in my mind was that a -- he said,
6 you know, it doesn't matter if you have got a
7 Ph.D., a BA or an MA or an MS or whatever, you know
8 what, it was our treaties that kept us here that our
9 educated people are now still trying to take care of.

10 These men were not educated at all. And
11 it is still the United States government
12 that is still trying to break it down, but they
13 can't. They can't break it down. So that is why we
14 are here.

15 And we are here for our people, so we are
16 going to make a stand. We are going to -- we are
17 going to understand that we know that we can make a
18 difference because where I come from with 1.7 million
19 acres of fractionated interest allotted tribal
20 ground, with the way the United States government is
21 handing out these checks we can't cash a 62 cent
22 check. So I think we need to be strong in our
23 decisions and say that we need to really look at how
24 this is going to play out.

25 My tribe, I am the Vice-Chairman for our

1 land committee, and we drafted a resolution and we
2 are going to make it into an ordinance that we want
3 to do this ourselves. We have the opportunity
4 because it is there. I have talked with the BIA, our
5 Deputy Superintendent last week, he feels the same
6 way. I talked with our tribe, our chairman, they are
7 all of the same sentiment that I am is that we need
8 to do this ourselves. But we need to look
9 collectively between all of us.

10 So when we finish here I would like to --
11 if I could, Jodi, Mike, get a copy of this Power
12 Point presentation so I can take it back, because I
13 need to go make this Monday -- this coming Monday,
14 August 22nd, the Great Plains Tribal Chairman
15 Association is meeting. So I am going to take
16 this and propose this to them, and have them make
17 sense of it.

18 I know they are drafting a resolution also
19 that -- that they are of the same sentiments of the
20 Oglala tribe that we, they, everybody within the
21 Great Plains wants to do it their own way.

22 So with that we'll visit some more. Thank
23 you.

24 MS. GILLETTE: Thank you, Councilmen.
25 I'm not sure if there are other tribal

1 representatives in the audience who have chosen not
2 to sit at the table. But I would be happy to hear
3 from folks. If you want to just give a -- I know
4 there are several of you out there, so maybe if you
5 can just stand up and state your name and where you
6 are representing.

7 (All consultation audience members stood up
8 and introduced themselves. A list of these
9 consultation audience members is attached.)

10 MS. SMITH: With that why don't we come
11 back to the table and offer an opportunity for
12 further comments, particularly on these preliminary
13 goals. So if you look in your packets. Again, there
14 were several goals outlined, three goals, and for
15 each there were a number of strategies. I know that
16 we heard pretty strongly that tribes are really
17 interested in deciding for themselves how to
18 implement this Program. I think that is being duly
19 noted.

20 I think it is also helpful to the
21 Department to hear, you know, where are your
22 priorities. If you are -- some of you have said
23 that, and if you are doing this you can say
24 so.

25 Yes, sir?

1 MR. LEECY: Excuse me. Is there a
2 packet?

3 MS. SMITH: The packet is just a couple
4 of pages.

5 MR. LEECY: Oh, okay. All right.

6 MS. GILLETTE: I just have one item
7 that -- I guess a couple of clarifications that we
8 didn't have in our Power Point presentation and are
9 important pieces of information.

10 One is that the law or the Settlement Act
11 requires us to spend the 1.9 billion dollars within
12 10 years or it goes back to Treasury. So the other
13 restriction we have on the funding, the 1.9 billion
14 dollars, is that we will have to use no more than 15
15 percent of it for administrative costs. So that
16 basically comes out to -- 15 percent of 1.9 billion
17 is 285 million dollars that we can't exceed that over
18 the lifetime of 10 years in order to use that -- in
19 order to purchase lands, and the -- so that leaves a
20 total of 1.615 available for land purchase.

21 We have very set limits and that's the
22 reason we have -- we have to set goals on the funding
23 that how we are going to implement this Program is
24 really critical and how you see us implementing it is
25 very important.

1 The other clarification, just one more
2 thing is that what was in the Claims Settlement Act
3 is something that was negotiated and we have to pass
4 it through Congress, and so it is law and it is not
5 something that we can change right now. I know that
6 there are concerns about the amount and there are
7 concerns about the way it was structured. Those are
8 all things that when it comes to the law Congress has
9 to change that in order for us for make those kinds
10 of changes.

11 But we are more than happy to hear from you
12 in how you think that it should be. But really if we
13 can't change that law we are looking at, under the
14 constraints that we are under, how can we best
15 implement the program.

16 MR. MAULSON: If I may?

17 MS. GILLETTE: Sure.

18 MR. MAULSON: (Speaks in native
19 language.) I want to say to everybody again, I have
20 been at this here for going on 16 years and I agree
21 with that young man in the corner over there, and I'm
22 hoping that we get something that comes out of this
23 here, we come out of this here they call it
24 consultation.

25 I would like to see us put together a

1 consortium of tribal leaders, you know, from this day
2 forward to participate because it can only echo what
3 went around this table in reference to maybe not
4 these people, but the people in the Bureau that they
5 represent.

6 We have major problems on our reservations
7 in reference to our lands. I, as a tribal leader,
8 can go back to my tribe and identify exactly how I
9 want to buy the property that was literally given
10 away by the Bureau of Indian Affairs some years back
11 prior to my time, and how that reservation was
12 put together and how it was torn apart, not by us.

13 My life has been fractionated ever since we
14 become reservation Indians. We probably have, what,
15 49 percent owned by non Indian people from all over
16 the world on my reservation. I have a -- that's our
17 reservation. (Showing a map.) Everything in red
18 there is owned by a non Indian person. They took it
19 under the same concept that we are sitting here for,
20 along with the Bureau to dictate to us, you know, how
21 we should use those dollars to buy the fractionated
22 portion, which is pure pittance, crumbs once again to
23 a lot of our people.

24 I need to buy back all of the white owned
25 land, that's got to be looked at, and I need these

1 people to support me, these high official people all
2 of the way to DC when it comes to taxation on my
3 reservation. The State of Wisconsin, the Bureau of
4 Indian affairs, I need them at my side of the table
5 like we are sitting right now. I don't need them to
6 tell me how to buy my land back on my reservation and
7 from who. We'll set those priorities. We'll make it
8 happen.

9 My tribe was one of the first pilot
10 programs when the Bureau -- or when the dollars came
11 back for the fractionated portions of the land in the
12 reservation. It was successful. When we first
13 started everything in red right there was
14 fractionated. We picked up a lot of that because it
15 was appropriated dollars that came from the Bureau of
16 Indian Affairs or through Congress.

17 If you were to take a closer look on that
18 now we have got land that we bought from the state we
19 see a lot of Indian owned white land on our
20 reservation that is for sale, and because we got
21 gaming they feel that we got deep pockets and we can
22 afford that. So I guess, you know, we need to push
23 another lever or shift another gear in reference to
24 mandating that the Bureau of Indian Affairs sit in
25 our corner again to see if we can have the dollars

1 out there, appropriation dollars to buy back our
2 reservation. It is really sad that we have to do
3 that.

4 Jodi talked about administration just
5 shortly. You know, we have to put a -- in order to
6 do a lot of this stuff, and I know that you all
7 probably run through the hoops, as they call it, to
8 look at the administration, to take some of those
9 dollars ourselves to put a person to work on our
10 reservation or to our -- or our land management
11 program, appropriate dollars out of that portion of
12 the monies, that 200 plus million dollars.

13 I think we have the ability. We have come
14 a long ways as Indian people. We have the technology
15 today, a cell phone, documentation, computers to make
16 our own judgments. I think if the Bureau wants to
17 play its part and be an advocate for us and not, you
18 know, constantly having listening sessions or
19 consultations, or government to government. They
20 need to identify exactly where we plan to go with
21 these dollars.

22 Granted it wasn't a lot of dollars. I
23 hear that cry all of the way across Indian country.
24 There was more dollars way back then. We have to
25 push for that. People died and are still dying today

1 as we talk today in waiting for those appropriated
2 dollars to come to their reservations.

3 Back home I get constant calls and, you
4 know, is the check in the mail? While we have many,
5 many of these here listening sessions after listening
6 sessions that is what took place, you know, a hundred
7 years ago, and so our land got taken away from us
8 because we didn't listen, or we didn't become
9 stronger leaders.

10 Well, I'm taking a stand as a tribal chair
11 person and hopefully the rest of the governmental
12 people take that same stand, let us make that
13 determination. Let us not point fingers at these
14 here people, they didn't have nothing to do with it
15 at that time. They are carrying forth, I guess the
16 water if you want to call it that. As my good friend
17 used to say, you know, don't beat up the -- what do
18 you call it? The messenger, I guess.

19 But they need to understand the messages,
20 got to understand that we are the leaders for our
21 people and they are not, and that we are a sovereign
22 government and that we can make that determination.
23 We should not be told. I, too, would like to see the
24 documents so I, too, can go back home and talk to our
25 Great Lakes organization and maybe other tribal

1 leaders to identify the things that we are looking
2 at, and allow them to make that determination.

3 I just really believe that we shouldn't
4 just keep talking about it. That's the mode that we
5 are being put into once again, meeting after meeting
6 after meeting. Winter is going to be coming upon our
7 people very shortly all across this nation. We need
8 checks to go to those people. We need to get right
9 into the meat of the distributing. We need to
10 spend all of it. That's why we went into court. We
11 don't want nothing to go back. Let us make that
12 decision.

13 So I'm hoping that we can do that. We
14 need to take, you know, a share of that ourselves as
15 Indian nations to administer this ourselves. We
16 shouldn't allow anybody else to do that. We need the
17 Bureau to work while the Bureau is there, and their
18 fiduciary responsibility to us as Indian nation is to
19 work with us and work along side of us, and
20 accomplish the things that we need, not what Congress
21 needs or anybody else, but what our needs are.

22 So I am hoping that we can form that
23 consortium out there made up of tribal leaders, their
24 attorneys, but not make it in such a manner that it
25 is going to go for another 16 years. We need that

1 now. We need it in the very short future. Like I
2 said, time is of the essence, people are dying
3 every day. The fight wasn't easy out there. But we
4 didn't fight these people. I guess they are just
5 trying to come to some type of conclusion.

6 And I hope that they understand it, that
7 what we say today should not have to be said over and
8 over and over no matter where they go on their flow
9 chart up there. We need to make it happen. Leaders
10 that are sitting at the table we can't just, you
11 know, put it out there and tell them, okay, next year
12 we are saying the same thing. I hope not. So I want
13 to say that much and I, too, will listen.

14 MS. GILLETTE: I think I want to
15 acknowledge some of the points that both Chairman
16 Maulson and other leaders have brought up here.

17 We fully understand. I think that, you
18 know, we would be fools not to understand the fact
19 that tribal leaders look at land consolidation as a
20 whole, and we are only talking about a piece of it
21 here. We have full acknowledgement that, you know,
22 this is money that is to be used to reduce fractured
23 nations, and it is not money that is used to buy back
24 fee lands. That is something that is mandated by the
25 law and we are not in a position -- like I tried to

1 point out earlier, that we can only work under what
2 the laws say, and we don't make the laws. Congress
3 makes the laws. So the Indian Land Consolidation Act
4 is to reduce the fractionation.

5 And, you know, Chairman Maulson has
6 probably the greatest -- well, at least as far as I
7 can tell, he has the greatest understanding of how
8 this litigation came about and how everything -- I
9 think everybody has, but from being also a Plaintiff,
10 and I know that he is not here in that capacity,
11 but really looking at how this all came about.

12 We just know that this Consultation is to
13 just really deal with the land fractionation, and to
14 try to get the land consolidated under that portion
15 with a full understanding that there is a whole other
16 part of it, several parts of it that have to do with
17 making your homelands whole.

18 I would like Mr. Mike Black to talk a
19 little bit to you briefly about the work that we have
20 done in this Administration to put fee lands into
21 trust. It's not related, but I think it is a good
22 point to bring up.

23 MR. BLACK: I was going to say it is not
24 necessarily related to the Indian Land Consolidation
25 Program and the reason we are here today. But

1 effective through this Administration and Secretary
2 Salazar, and largely under his leadership there has
3 been a major effort to pass for two years or a
4 year-and-a-half, here or so of what we are calling
5 the Restoration of Tribal Homelands. That has been
6 the trust initiative that has been kicked off by
7 Secretary Salazar and Assistant Secretary Larry Echo
8 Hawk.

9 And I can talk real brief and real quick
10 here about it. You know, we have all dealt with this
11 and we have all got horror stories on some of the
12 land that you tried to bring into trust. I have
13 heard these things over the years that you may have
14 cases that have been sitting out there for 10 years
15 or longer in some cases. There has been many, many
16 impediments to bringing that land into trust over the
17 past decade or more. Some of it deals with the
18 previous administration, some of it deals with states
19 and counties and other offices.

20 And through the last year-and-a-half we
21 have made a real concerted effort to try and
22 streamline that process, standardize that process,
23 and work with all of the parties involved to make it
24 easier for the tribes and all of the parties involved
25 to bring land into trust. Prior to this

1 Administration, say the previous three years, brought
2 in probably somewhere around 20,000 acres of land
3 into trust, and over the past year-and-a-half to two
4 years we have brought in 122,000 acres of land into
5 trust on behalf of the tribes.

6 So I think we are making great strides
7 in that process. We have been working with our staff
8 and the tribal staff to standardize the process. We
9 just signed off and approved the Fee to Trust
10 Handbook last month. Hopefully that has gotten out
11 to everybody. If it hasn't, please let me know. We
12 are working on getting that out to everybody. It
13 lays out the process. It lays out everything that
14 all of the parties need to do, and that is talking
15 both on the tribal side and for the individual
16 applicants, and for the BIA staff.

17 We have also developed some brochures,
18 which are just about a three-page bi-fold or tri-fold
19 brochure that there, again, just very simplifies the
20 process and the things that we have to do.

21 We have worked very hard at improving
22 our communications with all of the parties involved
23 on the fee to trust application, whereas the regional
24 staff is directed to quarterly provide reports to the
25 tribes on the status of their individual application.

1 Hopefully you have been seeing those.

2 I have been getting copies of them
3 pretty regular. Also, we are dealing with the
4 applications. We took a look at some of those
5 applications that have been sitting there for any
6 number of years for any numbers of reasons. We had
7 the staff go through and evaluate those, work with
8 the tribes, you know, for some of the information
9 that we may have needed that may have been missing in
10 some of those applications. Working with the tribes,
11 and in some of those applications they may not
12 necessarily have been valid, maybe in a previous
13 administration and has changed some things, and some
14 ideas for the new Administration.

15 If an application is stale and it is not
16 going anywhere and we don't have all of the
17 information, we will send it back and basically say,
18 please, you are more than welcome to resubmit it. We
19 just don't want it to sit there and impede any other
20 further progress on their applications.

21 So we are trying to work with the tribes
22 on that to make sure that we are communicating.
23 If an application comes in it puts the timelines on
24 our staff to make sure that they respond to the tribe
25 on that particular application, letting them know we

1 received the application. Here is what the next
2 steps are going to be.

3 Here is maybe some more additional
4 information that may be necessary for us to move this
5 forward. So with that I think we are making some
6 great strides in that effort. We are planning on
7 here in the near future to working with the handbook
8 to get out and provide some training to both BIA and
9 the tribal staff on the process of what the
10 expectations are when we move forward.

11 MS. GILLETTE: Thank you, Mike. I just
12 wanted to bring that point out because I know that
13 many tribal leaders have expressed the need to look
14 at this issue wholistically, and we do try to, but as
15 far as these conversations that we are having today
16 the Consultation is really focused on reducing
17 fractionation, and we can go through a whole listing
18 of what it means that we have 300,000 individual
19 account holders today and what that is going to mean
20 10 years down the road if we don't do something about
21 it, 20 years down the road what that means for the
22 budget, just to manage those types of numbers.

23 I know that from my -- the last time I went
24 home there were 40 of us, just my sisters and
25 bothers, and my family and I with all of our kids,

1 and we are not shrinking, I guess is what my point
2 is. We are not shrinking in Indian country. Unless
3 we address the fractionation issue this can only --
4 not just multiply, but exponentially multiply.

5 This is the whole purpose behind getting
6 some efforts around reducing the fractionation and we
7 really do want to hear the specifics, if you have any
8 specifics. But with a goal -- I'll go through the
9 goals. Before I start going through just sort of
10 opening it up one by one I'm going to start off with
11 goal three because that was something that the tribal
12 leaders said pretty loudly in the past at the last
13 Consultation, and actually our principal Deputy
14 Secretary Hayes did want to change the order of the
15 goals because the first goal should be consolidate
16 land in areas of tribal preference, and that is
17 something that we said that we would look at.

18 So before we go through the other two
19 goals I just want to see what you think of this goal
20 and if you have any thoughts around it, the strategy
21 to target tracts identified by the tribe, how should
22 that be done. Target tracts with economic
23 opportunity for tribes, how should that be done.

24 In the last Consultation I know that
25 folks identified tracts that had cultural or

1 spiritual or historical significance to the tribe as
2 being a targeted tract. That is not added here, but
3 it is something that we did hear loud and clear from
4 some of the tribal representatives.

5 So what are your thoughts around that
6 being a goal, moving it to, you know, the goal number
7 one, and any input that you have we would greatly
8 appreciate that.

9 MR. LEECY: Jodi, may I comment on that?
10 I think it is good because no one knows their land
11 better than the tribe themselves. But I want to go
12 back to what you said about the fee lands and that
13 not being included.

14 A lot of the tribes are on the border with
15 Canada. As a result of Departmental action in the
16 '50s we saw a lot of these allotments that if they
17 were owned by an heir on the other side of this
18 imaginary border, which we didn't recognize, those
19 allotments were taxed and sometimes forfeited and put
20 into fee status. So that is something to consider
21 when we are talking about not putting any fee lands
22 period. I think we really need to take a look at
23 that.

24 MS. GILLETTE: And I think that, you
25 know, we can certainly take that in and, you know,

1 add it to the places where, you know, we are
2 restricted by two different laws, one is the Cobell
3 Settlement Act that tells us to look at ILCA,
4 and right now that is just something that we can take
5 back for consideration. Well, we can't consider it,
6 Congress has to.

7 Any thoughts on this goal, any other
8 thoughts?

9 MS. MAYO: Zoya Mayo, Director of Realty
10 for Lac du Flambeau, Lac du Flambeau tribal member.
11 I have been in my position for nine years now, and as
12 far as specifics go, the Indian Land Consolidation
13 Program I have a letter from that office on July 29th
14 of 2010, fractional interest two-day purchase was
15 16,891. Another letter, nine months later,
16 April 21st of 2011, fractional interest purchased to
17 date, 16,892.

18 So that is one more acre in nine months.
19 And that is basically because the program it's been
20 extremely effective on our reservation. Yes, we
21 appreciate those efforts and we also have our own
22 land consolidation program for fee interests.

23 The Program, as I stated before, and
24 specifically this one coming up, it needs to be
25 tailored to each tribe's individual interests. We

1 don't have a lot of our members left with two percent
2 or less interest, so that is why the Program has not
3 been very effective for us in the last year because
4 we are being told what we can buy and what we can't.

5 Our allotment lands a lot of those
6 interests, remaining interests now are left in
7 estate, their whereabouts unknown. They are
8 left to non-members turning over to fee interest, and
9 we have to have the ability, and we have the
10 responsibility -- just because those land interests
11 are in those status, they don't cease to be Indian
12 land anymore. So when you talk about fractionation
13 and consolidation, you know, we have to have the
14 ability to look at purchasing those and not just from
15 our own Indian members. A lot of our allotment
16 interests are in those categories, and we need to be
17 able to look at purchasing those because they are
18 still our lands, and, you know, some of these
19 interests have been in estate status for years and
20 whereabouts unknown for years, and in non tribal
21 members, you know, we have been approached by
22 non-tribal members to purchase these lands, but we
23 don't have the money to do it.

24 The Lac du Flambeau in particular we
25 should have that responsibility and that right to do

1 that with these monies. We should be able to
2 determine how these monies are going to be used and
3 every tribe should be able to determine that.

4 Thank you.

5 MS. GILLETTE: Thank you.

6 MR. BLACK: Just to touch on that.

7 Thank you very much. I appreciate that.

8 The issue right now is -- the Indian Land
9 Consolidation Program used to receive appropriated
10 dollars, and I think at our peak year we got
11 somewhere about 35 million in one year to operate the
12 program. I think that is largely when you saw a lot
13 of the success you saw with the Lac du Flambeau.

14 At the current time we don't receive
15 additional appropriated dollars to operate the
16 program, so it is operating on what is a buy-back
17 situation. So those funds that are coming in those
18 are the funds that the ILCA Program utilizes to
19 purchase additional interests at this time.

20 Therefore that really restricts our
21 ability to go out, you know, after a lot of those
22 larger interest and therefore they may be -- you have
23 heard of the two percent issue before. That is not
24 something that we are considering right now under
25 this Program is a restriction on two percent or less.

1 We are really looking at the input from the tribes
2 and to really reduce fractionation overall.

3 I hope that answers that question for you.

4 MS. MAYO: Are you looking at the tribes
5 having the right to purchase the whereabouts unknown,
6 the interest in the estate status yet? And also from
7 non members?

8 MR. BLACK: When you say, non members,
9 do you mean non member natives?

10 MS. MAYO: Non member --

11 MR. BLACK: -- that would still be trust
12 land fractionated interests --

13 MS. MAYO: Yes.

14 MR. BLACK: Yes. That would all be
15 considered.

16 MS. MAYO: Okay. That would be great.

17 MR. BLACK: The whereabouts unknown
18 issue may be a little bit different thing. If our
19 Solicitor wants to comment on that or we can get you
20 some feedback.

21 MS. GILLETTE: There are specific items
22 within the Settlement that talks about whereabouts
23 unknown. During lunch I'll look that up and I'll
24 show you what it says in the Settlement.

25 MR. MAULSON: Chairman Maulson again. I

1 appreciate that coming out because that was one of
2 the major issues I think. I don't know about the
3 rest of the tribes sitting at the table. I know that
4 Bad River has got a lot of land that non Indian
5 people own on their reservation that they have for
6 sale signs up there, and that's something that we
7 would like to sit down with the Bureau of Indian
8 Affairs and try to figure out some type of concept in
9 reference to first right of refusal where these
10 people have to identify within the reservation
11 boundaries, they have to offer it to the tribes first
12 if the tribes have the means to purchase it.

13 But I just think that those were our
14 lands, you know, and I think -- I got documentation
15 because of the Dawes Act or whatever Act took place
16 back then, and there was not enough native people 18
17 years or older where they sold over two miles of our
18 frontage. It is right in one of your local papers,
19 it was brought up some years ago.

20 Like they say, we shouldn't have to worry
21 about talking about the horror stories. We just
22 don't want it to happen again. It is our time.
23 Coming up we should have that opportunity to sit down
24 and figure out some type of formula that, you know,
25 the land that was set aside, you know, by Congress,

1 and afforded your opportunity -- at least the Bureau
2 of Indian Affairs to handle it on our behalf at that
3 time, that we make it right again. That we don't
4 have to get into litigation, and go back into the
5 political, judicial arena because someone promises us
6 something and they didn't come up with it.

7 I'm glad to hear you say that these here
8 lands that, you know, go into probate that the tribes
9 have that right to take a hard look at that, and we
10 can possibly, possibly I say, use those dollars to
11 look at that fractionation. There is really no
12 definition other than small interest.

13 MR. BLACK: I just want to make sure
14 there is no misunderstanding. There are some
15 specific provisions within ACRA (ph) and ILCA that
16 allow for purchase and probate of fractionated
17 interests. So it would have to be done in accordance
18 with those as well as it is -- when we say non
19 Indians that is probably fee lands again. I think
20 Jodi kind of clarified that issue. But there is the
21 issues of, you know, non member natives where you may
22 have somebody like myself, an enrolled Oglala, that
23 may own fractionated interests on your reservation
24 that has happened through probate. There, again,
25 those are fractionated interests that need to be

1 looked at and would be prioritized by the tribes.

2 MS. SMITH: Just a point of timing, I
3 know on the agenda we have scheduled to take a break
4 at 10:00 for 15 minutes. If people would like to
5 take a break.

6 MS. GILLETTE: One more comment.

7 MS. SMITH: Okay. We will do one more
8 comment.

9 MR. WESTON: I have a question. Number
10 three, we are talking about our number one goal right
11 now, right? If we look at it, you know, and then,
12 you know, the tracts that you are requesting the
13 tribes, you know, to put the most value and cultural
14 and economic values, and well, it kind of circumvents
15 if you go back to goal one, it circumvents and it
16 steps all over this number one strategy on goal one
17 because it says, the most fractionation, such as
18 those lands with greater than 20 owners. Well, there
19 are tracts of land on my reservation that are 500 or
20 more that are cultural that we would like to pick on,
21 and so where does that --

22 I know, Mike, you talked about the two
23 percent and you are not going to go there. Are we
24 going to try to endeavor to purchase these .0000, 15
25 zeros. Are we going to do something like that,

1 approach that type of process?

2 MR. BLACK: I guess what I was trying to
3 say, you know, there was a lot of talk that we were
4 not going to purchase interests over two percent, and
5 that is not our intent and that is not the plan right
6 now. We are looking at all of the fractionated
7 interests. Again, a lot of that will be done in
8 consultation with the tribes. When you have those
9 interests, like my mom that owns .00138 or whatever
10 it may be, out there, but we also have somebody that
11 may own five or 10 percent interest in that same
12 parcel that may have the 500 owners, you may have
13 somebody that owns 10 percent interest in it, and
14 somebody that owns those little, tiny postage stamps
15 out there.

16 And I think you need to look at all of
17 that in order to really, truly consolidate these
18 lands for the best use of the tribe, whether it be
19 cultural or economic, or whatever means and purpose.
20 That is why we are here. That is part of the intent
21 of this Act.

22 MR. WESTON: Okay. There is a lot of
23 gray area within the tribe. I don't know where this
24 two percent came from. I don't know. It was out
25 there for whatever reason.

1 That was one of the biggest concerns
2 that we have because we have got these -- where I
3 live there is a half of section of ground, there is
4 320 acres with 700 heirs on it. So, you know, that's
5 pretty tough. But I'm glad you -- I'll get back to
6 you. Let's take a break now.

7 MS. SMITH: So if we can come back at
8 10:30.

9 (A break was taken at 10:16 a.m. until
10 10:42 a.m.)

11 MS. GILLETTE: Just to start off with
12 one announcement. We are going to have a "dear
13 tribal leader" letter that is out on the front desk,
14 and maybe we can have somebody bring that around.
15 But they do have the specific dates and locations of
16 the following Consultations that we are going to hold
17 from now until October 15th. I think the last one is
18 in Oklahoma City on October 6th. But they are in
19 Seattle, Albuquerque, Phoenix, and Oklahoma City.

20 A couple of things. We did have some good
21 discussion, and I want to say if you do have any
22 comments on the goals and how those are going to
23 work, feel free to bring those up.

24 One of the questions that we had in
25 terms of some of the comments that were made earlier

1 today was about how to make this fair and how to make
2 this equitable. As you know the 1.9 billion dollars
3 is a set amount. It is defined. We have a defined
4 amount of 15 percent administrative costs, that is
5 set and defined. We really would like to hear how
6 you would tell us to make this fair and equitable.
7 If you have any ideas. I know that the tribes that
8 have already participated in an Indian Land
9 Consolidation Program had brought this up earlier in
10 how that worked or how you think it could be
11 improved. That is something that we are interested
12 in, in terms of the fairness and the equitable part
13 of this. So if you have any comments to that effect
14 we would really appreciate that.

15 MR. MAULSON: One comment, Jodi.

16 MS. GILLETTE: Sure.

17 MR. MAULSON: Like I say, going back to
18 the same type of concept. Allow the tribes, first of
19 all, to put some type of proposal, who knows better
20 than they do on their reservations, and take a look
21 at -- get a clear definition of fractionated lands.
22 I mean, you know, you have heard different people
23 take a look at -- you know, what is the definition.
24 Because we were, like I say, I think we were one of
25 the three tribes when they first started the pilot

1 program some years back in reference to the Bureau
2 appropriated x number of dollars to work with tribes
3 out there on the fractionated process. And we got in
4 a little hot water with you all in that particular
5 area because what we started to do was buy up greater
6 lands than two percent. That is where that two
7 percent came about.

8 So I guess, you know, allow us to -- I
9 guess to allow us to work with our leadership if we
10 ever form something prior to these here consultation
11 things, that allow us to make those determinations
12 within our reservation. I mean, you know, once we
13 start to buy within that fractionation of the lands I
14 think, you know, you have got to just allow us to
15 make that determination. Give us that extra rope, I
16 guess, if you want to call it from the Bureau's side
17 to say, yes, those Indians can make that decision.

18 I think it would be a lot easier and a
19 lot simpler, because they are buying up some of the
20 lands that people have been holding on to for quite a
21 few years and say, well, we are not doing nothing
22 with it, it's maybe 40s or partial of those 40s are
23 way out, you can't get to them, you can't build a
24 house on them, maybe they want to sell maybe 20 acres
25 of that or 10 acres of that.

1 There is a lot of knowledge that we know
2 that you all don't know. You know, even if we were
3 to write you or whatever.

4 But I was standing outside and what bothers
5 me the most is the fact that when we pick up these
6 parcels of land, you know, we get title -- it
7 takes -- I don't know how long it takes to get that,
8 and I heard Mike talk about that a little bit here in
9 reference to that. They have been out there for
10 10, 15, 20 years before you get a clear title for the
11 tribes to, you know, look at this. Yet, you know, on
12 our reservation when a non Indian person buys another
13 parcel of land from another Indian person on our
14 reservation they can go to the county or whatever and
15 can get a title just like that.

16 So what makes that easier and why do we
17 to have worry about jumping through the hoops to
18 acquire it. I think we need to back away from a lot
19 of those regulations, especially if it deals with
20 land that is going to be put into trust on the
21 reservations for that fractionation.

22 So hopefully we can come up with
23 something that is more simplistic and transparent, if
24 you want to call it that, you know. I guess we can
25 do that once hopefully that we can form a consortium

1 of the leaders out there to mandate once again that
2 responsibility that you all have and we can give
3 you what we want, not what you all expect of us.

4 MS. GILLETTE: I guess I want to thank
5 you for that. I think that is a great idea. Again,
6 just back to the point that somebody made earlier
7 that folks can organize. I don't feel like I can
8 tell you how to organize. I can certainly visit with
9 people who are organized and, you know, you can bring
10 your concerns to the table during these
11 consultations, but it is -- with a court order on
12 communication, I can't do it.

13 I have to bring in one of the people
14 that is cleared for those discussions. But by all
15 means we are taking written comments and these
16 consortiums, if you want to have tribal discussions
17 that is certainly up to you and we would -- I think
18 it would be -- would be helpful so that we can have
19 some of the nuts and bolts, and I think that is what
20 we are really looking for here is the how, how do we
21 do this and how is it that this is going to be fair
22 to people.

23 And these are the questions that we are
24 grappling with. We have a finite set of money and we
25 have a finite set of administrative costs, and there

1 is going to be -- we haven't made any decisions yet.
2 We put forward some goals.

3 And as the councilman from Oglala Sioux
4 Tribe pointed out, some of those goals don't seem
5 like they compliment each other or they might be
6 opposed to each other, but I don't think that they
7 necessarily are in all instances. What we want to do
8 is look at how do we roll this out, and how do we
9 make decisions about the implementation of it. And
10 so any thoughts that you have to that effect
11 would be really helpful.

12 MR. LEECY: Jodi, I just wanted to
13 support what the Chairman was saying on the
14 Consolidation Act. I think it is a broad definition
15 in there because it is "any fractional interest in
16 trust or restricted lands", and I think as the
17 Chairman was saying that we -- the tribes or the
18 bands need to make that decision. I think you have
19 heard from all of us here that we have different uses
20 for our lands in different scenarios on each
21 reservation. So I would agree with that.

22 MS. GILLETTE: So for those of you who
23 participated in the Indian Land Consolidation Program
24 maybe you could tell me how that works now and how
25 you could see it working in a bigger scale.

1 MR. MAULSON: Jodi, I would like to
2 probably ask my land manager to sort of give you an
3 oversight, maybe a quick synopsis of how we did what
4 we did. As I showed you our map and the dollars that
5 we used, the federal dollars we used.

6 MS. MAYO: As you all know my tribe was
7 one of the original tribes in the Program. As I
8 stated previously, we are certainly grateful for that
9 opportunity. We feel that because we were one of the
10 original tribes that we have been able to avoid a lot
11 of the just ridiculous fractionation that has
12 occurred for unfortunately some of our neighboring
13 tribes, not only in Wisconsin, but across the United
14 States, and it is because of that program that we are
15 in that position.

16 The Program has bought back
17 approximately 73, 7,400 acres for us in fractionation
18 interest. We have our own consolidation buy-back
19 program for fee lands. We bought back approximately
20 2,200 acres in fee land from non members. So, you
21 know, we have a program that has been in existence
22 for approximately 10 years, funded with ILCP funds
23 and also funded with our tribal general funds, that,
24 you know, where we -- land purchase is one of our --
25 one of our highest priorities on our reservation, not

1 only fee lands, but our interest as well in
2 allotments. So it is has been a tremendous success.

3 But every tribe is different. You know,
4 the BIA and the DOI you guys have to understand that
5 because what may be right for us may not be right for
6 another tribe maybe a hundred miles away. So, you
7 know, to group us all together and not allow us that
8 flexibility to determine our own future with our own
9 lands and basically tell us what we can do. We
10 need -- our particular tribe needs to concentrate on
11 whereabouts unknown, estate status.

12 I think there was a little confusion
13 before. You know, a lot of our allotment interests
14 through marriage have been inherited by non members.
15 And to us those are still our lands. They don't
16 cease to be Indian land just because they are owned
17 by a non member. So we have to have the ability to
18 be able to purchase those back, and it cannot be
19 limited just to Indians or non enrolled Indians as
20 was suggested in our case, but that may not work for
21 another tribe.

22 We all have to be aware of that, you
23 know, we have our own needs and our own priorities
24 and respect that, and, you know, the DOI and the BIA
25 has to respect that and work along with us to make

1 that happen, and I think that is the only way that
2 this Program is going to be a true success for
3 everybody.

4 MS. GILLETTE: So in the details of what
5 you are saying is that it has worked for you thus
6 far. Have you been consulted by the Program as to
7 which tracts and how you decide which ones you should
8 purchase?

9 MS. MAYO: Yes, we have. We have in the
10 past, but we were limited to two percent or under,
11 and that has hindered us in a lot of areas. We were
12 also limited to only buying from enrolled members.
13 So, you know, a lot of those interests they pass to
14 non members through marriage, through children not
15 having a enough blood quantity to be on the roll. So
16 a lot of our allotment interests are owned by non
17 members in fee status right now, and we need to get
18 those back.

19 And the Program the way it stands right
20 now, it is not going to be very beneficial to us if
21 you restrict us from buying those interests. We need
22 to be able to do that as a Lac du Flambeau band.

23 MS. GILLETTE: That is very helpful.
24 Any other comments from folks who have participated
25 in the current Land Consolidation Program?

1 MR. WESTSON: I have got a question. It
2 goes back to -- I have got some notes from our land
3 director and from our land committee chairman, and
4 they talk about the liens on the purchases of this
5 land. Wouldn't it be more effective, efficient,
6 whatever you want to call it, to give it back to the
7 tribe rather than do that because of the liens,
8 because of the process that it is going to take one
9 to two to three years for it to roll back over, and
10 wouldn't it be just because it's for our ownership of
11 our lands to our people.

12 I mean correct me if I'm wrong, but I
13 mean aren't we just wasting undue money for the
14 purchase -- and don't get me wrong. I mean the
15 Program is good. But it is just the length of the
16 process that it takes that if we are spending -- we
17 don't need to spend, and if it was directly from the
18 tribes we would have that say so and the process
19 would not be as long as it is taking right now.

20 I know we are talking about there is --
21 we have got an agenda that talks about the
22 appraisals, but that is just bugging me. That is
23 sticking in the back of my mind.

24 MR. BLACK: I mean that same issue has
25 come up repeatedly, Scott. This is something that

1 was raised up at the Billings Consultation session
2 with the tribes. And under the existing ILCA
3 amendments -- and let me just kind of reemphasize to
4 everybody, you know, that Cobell Settlement itself
5 and the Claims Resolution Act 2010 basically say that
6 this 1.9 will be implemented in accordance with the
7 ILCA amendments. So it would probably beneficial for
8 us to get copies out to everybody. It is only a
9 couple of pages, I believe. We can get copies made
10 for everybody to kind of refresh you on that.
11 Now, within those amendments it does say that under
12 the Program liens will be placed on the property. So
13 there will be a lien on the title until it is paid
14 off, and then the title is free and clear to the
15 tribe.

16 Now, that is not the plan under this
17 process, and this is something that comes from the
18 Deputy Assistant Secretary Hayes, that that would
19 kind of defeat the purpose of what we are trying to
20 do here. We have some issues related to the
21 amendments and stuff, and our Solicitor is here and
22 he can maybe touch on some of it, but we are working
23 on some ways that we can get through this process.

24 But that is not the plan here to purchase
25 these lands and put liens on them to where the tribes

1 have to pay them back. There is an effort here to
2 really consolidate these lands, put them into
3 majority tribal interest that you can use those lands
4 free and clear of liens.

5 MR. MAULSON: Chairman Maulson. Mike, I
6 think if we are going to be really true partners out
7 there and you are going to have fiduciary
8 responsibility to us then we need to figure out how
9 we are going to circumvent that process. We, too,
10 get ourselves in that situation.

11 I can only go back and re echo, you know,
12 that the lands that we have lost to the white man on
13 our reservation because we didn't have enough head of
14 household, and the Bureau came in and sold these
15 lands, and these lands have probably been sold I
16 don't know how many times over on our reservations,
17 and there is no requirement because it went into
18 a fee status concept. I believe that if there was
19 really partnership it probably wouldn't have
20 happened, number one.

21 And number two, those restrictions
22 should be on those lands also. Like I say, going for
23 first refusal or whatever.

24 But I really believe if we are going to do
25 that we have to make an effort to take away that --

1 where they put that say three, \$400 on it until it
2 becomes free and clear, and then it goes back to the
3 Bureau of Indian Affairs. No different then the
4 checks that are given to us for three cents. I think
5 I got a check here the other day, three cents, I put
6 it on my wall someplace. I mean that's sad.

7 If I don't cash it, you know, it will go
8 back to the Bureau and they will make a lot of money
9 on that one. How many other tribal members are in
10 the same situation. They will make really a lot of
11 money.

12 We need to build our partnership, Mike,
13 and people from the Bureau to do the unwrongs that
14 are in place. Granted we were not probably good
15 business people. Our great, great grandmothers and
16 fathers, but you know they didn't have to do that
17 because they looked at land different than we do
18 today.

19 So I hope that, you know, we can come to
20 a resolution that the gentleman to my right over here
21 is talking about. We need to make it a lot easier
22 and more transparent, and easier for us to put our
23 reservations back together again. Like those old
24 people say, you know, we need to bring this stuff
25 home to our lands and if we are going to be good

1 partners. Let's see if we can do that together.

2 Thank you.

3 MR. BERRIGAN: Mr. Chairman, let me just
4 respond to that and take Mike's invitation to say a
5 little bit about this, because at the Consultation in
6 Billings Deputy Secretary Hayes did announce to the
7 whole assembled group there that the intent was not
8 to force the liens that are required under the
9 statute that the statutory language imposed. When I
10 got back to DC I got my attorneys look at that issue,
11 what in detail does ILCA actually require in terms of
12 liens, because, as Mike said, the settlement and the
13 settlement statute requires, of course, that we
14 follow the law, and that is what ILCA is, it is a
15 statutory regime, and the language in the statute is
16 mandatory in terms of liens.

17 However, there is a lot of language that
18 also gives the discretion to the Secretary, a great
19 deal of discretion in working with those liens, and
20 we are looking at ways that we can be as pro-active
21 and flexible as possible to deal along the lines of
22 what you are talking about, Mr. Chairman. That is
23 clearly the instructions that we received from the
24 Secretary and the Deputy Secretary on that.

25 So I can assure you and the other

1 leaders here that we are in the process of doing
2 that, and trying to make this Program be as flexible
3 and effective as it can be, and taking the input that
4 we get to do that across the board in implementing
5 this Program. So I thank you for your concerns and I
6 assure you we are trying the best we can on that.

7 MR. MAULSON: In response to that,
8 because of treaty rights and that was part of the
9 fish wars way back in the '80s and early '90s, you
10 know, Indian people when they look at we have that
11 was reserved for us we are not really even on their
12 radar screen. Even if we were to put all of our
13 consolidated lands and these liens that took place we
14 couldn't even make a pimple on somebody's back.

15 So I guess it is insignificant. I guess
16 it is easy and we being part of America today that
17 there is no reason today why we couldn't sit down as
18 a potential partner of the Bureau of Indian Affairs
19 and take a look at just foregoing that process, like
20 you say. I hope that comes due in my lifetime.

21 Like someone said, we are doing it for
22 our kids. So hopefully the quicker the better, I
23 guess. That's why I was standing outside, you know,
24 sort of indicating, you know, is the Bureau just
25 trying to put stall tactics because if we don't to it

1 in 10 years, 10 years goes by fast. It will catch
2 you all sitting out there. You guys are younger and
3 I was younger and time isn't stopping for us. So we
4 need to make sure that we don't give that money back.
5 We need to make sure that we go faster than what we
6 are doing right now.

7 I know you have got some dates for that,
8 but, you know, people back home they are to going to
9 ask, where is the beef, where is my check, you know,
10 when does that come about. People are wanting to get
11 educated where they want to know when those dollars
12 are coming about. Education dollars. Are we going
13 to run the gauntlet again.

14 That's what I'm saying, and I'm not being
15 disrespectful to our Bureau people here, but you need
16 us to push our buttons back home, and I guess if some
17 tribes are just sort of lagging out there or show no
18 interest, or whatever, they need to do that because
19 it is to their best interest, it is their membership.
20 It isn't to their tribe, it is to the tribal people
21 that lived and died a long time ago.

22 So I encourage us to move as fast as
23 possible because time is of the essence. We as
24 tribes if we are going to build a partnership we need
25 to do the right thing for our people because it is

1 catch up time for the Indians.

2 Thank you.

3 MS. GILLETTE: Thank you. Mr. Chairman,
4 I really appreciate those words, and I think that
5 there is nobody that understands better the timelines
6 that we are working under.

7 We didn't come up with those timelines.
8 They are part of the settlement agreement that the
9 Plaintiffs and the Department of the Interior
10 negotiated and then Congress had to approve.

11 So the 10 year timeline is both a good
12 thing and a bad thing. We think it is necessary to
13 get this going as quickly as possible, but it is a
14 big hammer that if we don't get this out it is going
15 to go back.

16 So I think that with that being said the
17 conversations that we are having are in response to
18 the great need to have people at the table with us
19 helping us to make the decisions, and I go back to
20 the process, the nuts and bolts of this. We need
21 sort of really concrete things that we can do better.

22 We have heard loud and clear that tribes
23 want to be in control of how this is implemented in
24 their own nations, how does that happen, how does
25 that work, what can we do. I'm saying this in all

1 sincerity that we have to get beyond the
2 justification of why we need to do it this way. We
3 need to understand better. I would love to
4 understand better how.

5 MR. WESTON: So basically you want a
6 plan?

7 MS. GILLETTE: I would just love to hear
8 what that looks like. I mean because at the -- you
9 know, that's the whole purpose of the consultation,
10 in order for them to be meaningful we have to get
11 beyond that we want it this way, and we know that you
12 have experience with the programs, and we know that
13 they are -- if you don't as tribal leaders there are
14 land specialists out there and people that do
15 understand it, you know, gosh, if we could just get
16 them to do it this way it would be better, or, you
17 know, there is no boundaries of what the
18 possibilities are.

19 I think that the information that Lac du
20 Flambeau has been providing is very helpful. It
21 informs us and it informs our process.

22 MR. WESTON: The reason why I want to
23 keep going, and I was talking to one of my friends
24 Mr. Dennis over there from my tribe. I haven't seen
25 for him years, but we talked about the same issues

1 that we talked about 30 years ago when we were kids
2 growing up, running the same camps, the same draws,
3 the same pieces of land, the same parcels are still
4 the same. There is no way to grow that land that you
5 talk about.

6 So the plan is to purchase them. But
7 the question to the Bureau, to the United States
8 government is, how are you going to assist us in
9 that. And say that if we want to, how are you going
10 to sit down and tell us, okay, what is it you want.
11 Because we do have a plan in place. But the process
12 that we want to take isn't what is proposed here.

13 So how do we start the negotiations
14 because time is of the essence. You know,
15 1.9 billion dollars is not a lot of money, and
16 10 years is not a lot of time. As long as we sit
17 here, and like the Chairman across the way said, you
18 know, we talk about our kids. I said it earlier.

19 So what I'm trying to get at is what do
20 we got to do to get to that, to start the process
21 instead of having -- I know consultations are two
22 of -- this is the second of six, you know. What is
23 it that you want to see, actually want to see. Let
24 me put that back in your court.

25 MR. MAULSON: Could I respond a little

1 bit? I would like to make a suggestion again for the
2 Bureau. Take a look at the different regions that we
3 are in. Take a look at all of the different land
4 management people that we do have sitting in this
5 room for their particular tribes. Get a consortium
6 of those people and sit down and have a meeting.
7 Have one meeting, you know, along with maybe the
8 Bureau sitting on one side and they working.

9 Because, you know, just like I showed
10 you earlier (showing a map), all in red was back when
11 we were in the pilot programs with appropriated
12 dollars on a pilot program, and that was over
13 13 years ago. And we have got some small red
14 spots over here with some allotted lands that we
15 would like to purchase.

16 But you know there is a mechanism and this
17 is, you know, sharing this -- sharing all of this
18 stuff with you all to make that fractionated and help
19 your people back home with a little bit of money that
20 they do get, far greater than three cents I can tell.
21 But the whole idea is that we form that. You know,
22 we should after today the land managements under the
23 different reservations, say in the Midwest, we should
24 all get together and get some of the key people from
25 the Bureau and we sit down and set a date just like

1 you are building a house.

2 You set a date at those timeframes so
3 people can understand on your reservations. And not
4 try to do it wholistically, you know, the southwest
5 got a different concept, maybe more lands or
6 whatever. But I mean I believe that would be the way
7 to go, that would be one way to go and make it happen
8 in those particular regions. I don't know.

9 You guys that are land people out there,
10 maybe you need to say something. This is your time.
11 Granted leaders are saying something. But, you know,
12 I depend on her and some of her staff back home, and
13 I'll be dependent on my council to make a decision.

14 But, you know, we need to move on. Like
15 I say, time is important to myself as a leader.

16 MR. BLACK: Let me briefly respond to
17 some of the comments. I appreciate them. They are
18 all good comments at this point.

19 Touching on one thing, we mentioned the
20 10-year timeframe, and during our initial Power Point
21 presentation we talked about some of the processes
22 that are happening within the courts on the appeals
23 and stuff. So our 10-year timeframe has not started
24 yet, just so everybody is aware of that. That won't
25 start until it gets all of the way through all of the

1 court process and that is finalized, and the funds
2 are appropriated out of Congress, that will start our
3 10-year timeframe.

4 That is why we are here going through
5 this process right now. That is why we pushed so
6 hard with the court to get a relief -- get some
7 relief on our communication order so that we could
8 come out and talk with the tribes about the
9 implementation of the Indian Land Consolidation
10 portion of the settlement. Because we realize we
11 have some time to get this all set up.

12 We have an existing program that is out
13 there. I appreciate all of the comments from the
14 Chairman. It has been successful with the limited
15 dollars that we have had. Now not saying it is
16 perfect. I think the comments have been made a
17 number of times that one size doesn't fit all. I
18 couldn't say it better myself. And that's why if you
19 look at some of the goals, they do vary somewhat.

20 And I don't think that we are tying
21 ourselves, we are not trying to tie ourselves to any
22 one specific strategy or goal here. We have to look
23 at all of the tribes across the country, everybody
24 has different needs and different situations and
25 circumstances out there, and I think we have to

1 tailor the implementation of this Program to meet all
2 of those needs. That is why we are going around the
3 country and hitting these six different consultation
4 locations, realizing that things are different.

5 I mean I just came from the northwest
6 out in Colville and Yakama here yesterday, and the
7 day before. And growing up in the Plains and working
8 in Rocky Mountain Region and Great Plains Region, you
9 know, most of my career, I can tell you things are a
10 lot different out there. You know, a lot of the
11 things are the same, but a lot of things are very
12 different, you know, in some of the things that they
13 have to deal with. So we have to take all of that
14 into consideration.

15 And that's largely why we are here,
16 Scott, is we do want to hear from you. You say we
17 want a plan. I think all of this is going to develop
18 into those plans, or into that plan or those plans
19 for that matter. What are your priorities out there
20 for Pine Ridge, how do you guys want to approach this
21 Program. How do you want approach the Program at Lac
22 du Flambeau. And we need to pull all of those in and
23 somehow come up with a consistent strategy to
24 implement this Program nationwide, taking into
25 consideration all of the different aspects that are

1 out there for us.

2 I hope that answered your question.

3 MR. WESTON: Yes, it does. Thank you.

4 MS. GILLETTE: I think the timing of it
5 is -- and that is why I tried to talk about that
6 earlier. I am just going to have Mike from our
7 Solicitor's office clarify what that looks like, so
8 we have a start time. When Treasury sends the money
9 over to the Department of Interior, you know, that is
10 the start time of -- well, actually the start time is
11 when all of the appeals are final.

12 So I am just going to have him talk
13 about that and what we are guessing. We don't know
14 because we don't have control over the court. So we
15 really -- we would love to have this happening ASAP.
16 We want to get started on it, but it might be a
17 little bit of a blessing that the court hasn't made a
18 final -- that they made a final approval, but they
19 still have processes to go over, and we have no
20 control over those processes.

21 Those are all the separation of powers,
22 you know, the court has control over that piece. So
23 I am going to turn it over to Mike to get further
24 clarification on that.

25 MR. MAULSON: Mike, maybe before you do

1 say something. Are we putting the cart before the
2 horse in this particular area in reference to tribes
3 wanting to buy back land that, you know, they are
4 going to be eventually -- the individual people are
5 going to be paid based on -- you know, the land based
6 on that they once owned or whatever. Are we going to
7 run into some type of a problem with that?

8 You know, just like I said when I was
9 talking to her, in the areas that the Lac du Flambeau
10 tribe bought back and the land base that they took
11 from individual Indians, well, they now receive a
12 percentage of that, you know, through the payment
13 process.

14 MR. BERRIGAN: That's a good question
15 and unfortunately I'm not going to be able to answer
16 that question because that goes directly to what Mike
17 and Jodi have alluded to earlier which is all
18 government officials are still under court order not
19 to communicate with class members or potential class
20 members for the Cobell Settlement on the nature of
21 the Cobell Settlement generally. That is just --
22 that is still a court order. That has been in effect
23 for several years now and we have reenforced it
24 through the Interior throughout this process as we
25 have gone along.

1 So your question, sir, goes to that
2 other piece of the settlement. As Jodi said, we did
3 go to the court and ask for relief from that court
4 order, and I should say, it was opposed by
5 Plaintiffs' counsel, they did not want us to engage
6 in these communications on land consolidation at this
7 point, but the court agreed with us that it was
8 prudent to do so, and we have been doing that for the
9 last month or so.

10 The reason is because, as you all know,
11 this is a very complicated matter with a lot of
12 particularized interests that vary from tribe to
13 tribe and from region to region, and so we thought it
14 important to engage in these conversations to think
15 about what to do.

16 The time period to answer Jodi's
17 question, the funds are already appropriated. As
18 part of the Settlement Act Congress appropriated all
19 of the funds to fund both the individual payments to
20 class members and the two sub classes, and to fund
21 the Land Consolidation Program. So that is sitting
22 in the Treasury now.

23 The spigot won't turn on so to speak
24 either for the Land Consolidation Fund or for the
25 payments until all appeals have been finished. Now,

1 when that is, it is hard to say. We do know that so
2 far there have been at least two appeals that have
3 been filed in the DC circuit, or at least notices of
4 appeal that groups or individuals plan to file.

5 So how long that appeal takes just
6 depends on how long it takes for the DC circuit to
7 act and what the briefing and so forth will be. We
8 anticipate it will likely be at least a number of
9 months. That's very vague. But that's about as good
10 as I would say. It just all depends.

11 The reason for that, of course, the
12 definition of it being final is in the agreement
13 itself, and the statute that Congress passed
14 incorporates that same definition in that statute,
15 that it is not final until all appeals are done. So
16 once the appeals are done then on that date the 10
17 year clock will start, and on that date the money
18 transfers into the accounts to allow the money to
19 flow for the Land Consolidation Program and for the
20 payments. So that's the answer to the timing and the
21 appellate process.

22 MS. GILLETTE: Thank you, Mike. I just
23 think that, you know, we don't want to go too far off
24 track thinking that we are spending a lot of time
25 talking when we could be actually doing. When I say

1 this is maybe a blessing in disguise is that it gives
2 us more opportunity to have the conversations we need
3 to have before we make decisions, in both in the
4 spirit of what the Claims Resolution Act and the
5 Tribal Consultation Policies that we have place.

6 We do want to hear from people before
7 any decisions are made. So, you know, having plans
8 in place and having proposals, and having
9 recommendations on how this can all work better is
10 extremely helpful.

11 MS. SMITH: I would just like to jump in
12 for one second to make a note on the agenda, to be
13 clear, this time is open to talk about appraisals, to
14 talk about the administration of the ILCA -- or the
15 Program. So for the tribal leaders at the table we
16 have it sort of broken down in the afternoon, in
17 particular for the public as well. But please feel
18 free the tribal leaders, tribal representatives to
19 speak about appraisals, to speak about the
20 administration of the Program. I know you have been.
21 Or any other topic that you think are really
22 important about how to implement this Program.

23 So I just want to make sure that was
24 clear.

25 MS. GILLETTE: Thank you.

1 MR. DELACRUZ: Jodi, for Quinault one of
2 the things that we see and listening to out at
3 Billings when they say, this is not ILCA, but many
4 tribal leaders ask the question of what is
5 fractionation. We talked about 20 owners. We
6 certainly have fractionations of 100 owners and
7 allotment. We don't know the aggregated numbers of
8 some of them. We were trying to get them to prepare
9 for this.

10 One of the things that are happening in
11 Quinault is that we have one or two allotment owners
12 that want to sell their trust properties, and so when
13 will the answer be given on what is really a
14 fractionated interest that we can look to to purchase
15 these trust properties for tribal members who are
16 wanting to sell, and sometimes they go out in trust.
17 And so do we know when or how that is going to
18 reviewed and who is going to give that answer?

19 MR. BLACK: There is probably varying
20 definitions of fractionation. I mean you have got --
21 fractionation could be two owners. I mean that
22 parcel is fractionated. Because we also have got
23 what we have been talking about a lot here when we
24 talk 20 or more owners we are starting to get into
25 the area of highly fractionated interests. Those are

1 those interests that, you know, where you get the six
2 cent check or the 16 penny check and stuff, where you
3 only own a small piece.

4 And those get to be problematic for all of
5 us from the standpoint, you know, the owners that own
6 those small interests get the tiny checks that are
7 really -- don't mean much and they hang on the wall,
8 and the tribes really can't utilize that property
9 because you don't have any majority interest over it.

10 So I think as we go through this
11 process, you know, part of the input we are trying to
12 gather is, what cost benefit ratio here. Is it more
13 of a benefit to the tribe to go after some of those
14 lower fractionated interests or to really attack the
15 highly fractionated interests. So those are some of
16 the things we are soliciting the input on right now.

17 MR. LEECY: Jodi, I have another
18 question here. On title One of the Claims Resolution
19 Act of 2010 requires that, "The Secretary shall
20 consult with Indian tribes to identify the fractional
21 interests within the respective jurisdictions of
22 Indian tribes for purchase in the manner that is
23 consistent with the priorities of the Secretary".

24 I'm wondering how you are doing that.
25 If you are going to do it in a consultation

1 processes. As I hear the other tribal leaders speak
2 I think we all or most of us have a land acquisition
3 priorities list in what we are doing individually,
4 and I think that we haven't been asked for that, at
5 least I'm not aware of it, what are Boise Forte's
6 priorities, what are Lac du Flambeau's priorities,
7 and really get a snapshot of what we look like before
8 we make decisions, and I think that would be very
9 helpful to get that information from each individual
10 band of tribe.

11 MS. GILLETTE: And how that is working
12 together -- this is really helpful. So that is
13 something that would inform our process. I also
14 think that it is very specific information, so how we
15 ask you for that information would be -- you know,
16 every tribe is going to do their prioritization
17 differently, so maybe if we can do some kind of a
18 survey. I don't know if we can do a survey. We have
19 to go through all of these laws every time we try to
20 ask for things.

21 But if tribes want to provide that.
22 What is it, the Paperwork Reduction Act, we have to
23 go through OMB to ask tribes for information in a
24 certain format, and that is the most useable
25 information when it is all consistent. But tribes

1 can, if they wanted to, organize and get their
2 priorities in a certain format and then provide that
3 to us. I don't know how likely it is that we can get
4 that done in the next month or so, but it is
5 something that we could consider.

6 The other thing is that we are asking
7 for your input on how the Secretary should do his
8 priorities. So the Secretary is asking us to put
9 together, you know, how the goals are laid out.

10 Those are the things that we are going to base the --
11 in accordance with the Secretary's priorities, and
12 that is how this is all coming about, and how it
13 works together is what we need help on, what we need
14 your input on.

15 MR. MAULSON: Jodi, it's good thing you
16 don't have to ask the Bureau to go to the bathroom.
17 You would be in a tough spot, along with all of that.
18 Appraisals. You asked about appraisals. You know,
19 the only way that we are going to do that is we allow
20 our land management -- I don't know if some of them
21 have appraisal people. But I think it is important
22 that you allow us because sometimes I know that the
23 appraisals that come from the Bureau of Indian
24 Affairs were way out, they were years out.

25 We just couldn't get someone to do that.

1 So I guess we need to take a look at how to look at
2 that 200 and some million dollars for administration.
3 I am hoping that we can all come to some resolution
4 or process on how to dig into or get a portion of
5 that for our different tribal land management
6 departments to make sure that we are doing it right
7 back home.

8 I know some tribes that I have talked to
9 they have appraisal people right on board, and we
10 need to make it clear that, you know, those are our
11 numbers, they are not Bureau numbers. Like I say, we
12 need to go back to the partnership again. An
13 agreement that we need to make together that they
14 believe in those numbers, you know, that can be
15 adequate for our people that have those fractionated
16 parcels of land, because if you are going to base it
17 on -- I'll give you an example.

18 On the Lac du Flambeau reservation the
19 fee property, personal property tax that goes to the
20 county is over 200 million dollars. I mean, you
21 know, it's something that we got to really take a
22 hard look at. On land values that is close to one of
23 our bigger lakes over there a piece of property.

24 I mean there is just a lot of things
25 that I guess we don't need your hand into it. You

1 need to take our judgment call or if it is fair, you
2 can, I guess appeal the fairness to my tribal council
3 because that is one that I will probably have to go
4 through in order to make that happen.

5 I'm hoping you allow the tribes to put
6 together some type of fee process for that process.
7 Mike, maybe you want to respond.

8 MR. BLACK: Since the beginning of all
9 of this, this all started kicking up about the time I
10 reported to Washington DC in about April of last
11 year, and ever since then one of the key things we
12 have been talking about in consideration of the
13 implementation of the Program is appraisals.
14 I think that we can all agree to a point that it is
15 critical to the success of this operation and every
16 one of you there again can probably and have told me
17 horror stories related to appraisals, the amount of
18 time that it takes us to get appraisals.

19 And to implement a 1.9 billion dollar
20 program buying fractionated interests, we have to
21 come up with a better way to do our appraisals.
22 And one of the things we have really been looking
23 hard at is coming up with some type of a process
24 dealing with mass market studies, or market
25 appraisals.

1 Those are one of the things that, you
2 know -- those of you that have some experience with
3 doing some of these things, it would be critical for
4 us to hear about those and how you have been able
5 to do it and how we can do it. We still have to meet
6 our requirements regarding the fair market value, and
7 so -- and we have our use tax standards, and I think
8 there is ways within there to deal with, you know,
9 some type of a market study that would meet those
10 requirements and allow us to implement this
11 Program on a broader basis, quicker and effectively.

12 Just to go back real quick on the
13 fractionated definition. If you notice in your
14 handout there, it does refer to a 25 USC, you know, a
15 definition of highly fractionated tracts, those being
16 100 plus owners or 50 to 100 co-owners regarding the
17 highly fractionated interests.

18 You will also see in there the pie
19 chart. I mean we do have a picture of the
20 fractionation of trust lands out there, the allotted
21 lands that we deal with. We have those.

22 What we do need is, from you, what are
23 your priorities, and how to deal with those. There,
24 again, that is one of the things we are here to talk
25 about.

1 MR. MAULSON: Jodi, I don't want to be
2 disrespectful to you when I said you have to go back
3 all of the time.

4 But, you know, you need to come to us,
5 too. I guess that is what I'm trying to say. Not
6 always go back to the Bureau and see if this fits
7 that or -- like my land director says, you know, one
8 doesn't fit all, you know. I think that we need more
9 relationship on this side with you all on these here
10 types of things and identify that we want to be fair
11 to our people. That's really why we think we need to
12 do that. That's the concept and what I am trying to
13 push.

14 MS. GILLETTE: I fully appreciate that,
15 and not being an employee for the government ever
16 before this President came into office I can say that
17 I have learned a whole lot about the types of
18 restrictions that are put on to federal employees,
19 and how they perform their jobs. When I say that I
20 have to go back and ask, it is not that I have to go
21 back and ask because I don't have permission to go to
22 the bathroom or whatever, but I do have to go back
23 and make sure that I'm not breaking any laws.

24 So that is how -- the law is in place
25 and we have to follow those laws. If we don't follow

1 them then this guy becomes very close to me. My
2 Solicitor becomes close to me because we'll get sued
3 or we will go to court for something, and it is not
4 at all an affront, and it is not a way to push off
5 tribal leaders or a stall tactic, or anything like
6 that.

7 I just try to do the best I can without
8 breaking any laws. There is a law in place for how
9 you survey individuals and tribes, people outside of
10 the federal government that requires a whole lot of
11 steps that I didn't know about until I worked there.

12 So with all due respect to you it is not
13 that I'm trying to avoid questions or avoid work. It
14 really is -- there are things in place, you know, I
15 didn't know about before I got there. I learned
16 quickly.

17 MS. SMITH: Are there any other
18 comments?

19 MS. MAYO: I actually have one more in
20 relation to the appraisal area. I think it was
21 stated that the area of appraisals is going to be
22 critical in the success of this Program, not only --
23 no matter who is administering it, whether it is
24 going to be on the tribal level or the federal or the
25 agency level, or whatnot. But in our particular case

1 in Lac du Flambeau we have waited years for
2 appraisals to be done. The Great Lakes Agency I
3 think only has one certified appraiser for the entire
4 agency area with all of the tribes.

5 So I realize there are staffing issues.
6 And the best possible solution would be to allow us
7 or to have the tribes be able to hire their own
8 appraiser. We have a Lac du Flambeau tribal member
9 who is a certified appraiser and she has done work
10 for the Bureau of Indian Affairs. So we have the
11 talent out there and I'm sure many tribes do. That
12 is one area, I guess, that, you know, that tribes
13 should be allowed to take on is the issue of
14 appraisals.

15 And, you know, we have a gentleman in
16 the area who is very familiar with trust land. He is
17 not an enrolled member, but he does all of our
18 appraisals on our trust land when we purchase lands
19 or whatnot, or have probate issues, he does those,
20 and it is so much easier to be able to get an
21 appraisal done in a couple of weeks versus a couple
22 of years. So that is going to be a huge critical
23 area that the tribes should have considerable say in.

24 MR. WESTON: Along them lines, we have
25 the same problem. From what I was told by our land

1 director, she got me up to speed before I got here.
2 She told me that when the appraisal process starts
3 there is a difference between whether it goes through
4 ILCP or if it goes to OST in Rapid City, and the fair
5 market values are always varied. Sometimes they are
6 high, one is higher than the other, but the process,
7 the length of the time is always the same.

8 So, you know, there is that gray area
9 then that needs to be -- and giving the tribes -- I
10 feel giving the tribes that opportunity, and I'm sure
11 everybody else in the room, tribal leaders feel the
12 same, because it is there, the opportunity is there,
13 and this is about our people. I say that every time
14 because we need to move this process.

15 And I'm not trying to put the cart
16 before the horse. In no way. And, you know, that's
17 not what we are about. What we want to do is we just
18 want to get it done right. We have been the third
19 world country in our own country's back yard forever,
20 and that is why we need to be that pimple.

21 I need to tell you this story,
22 U.S. Attorney Eric Holder -- or no. I testified.
23 Attorney General Eric Holder, and I told him I said,
24 we are that third world country in your back yard
25 because everybody gets to go home to their nice

1 places and they have this appraisal job. I throw
2 that in as a scenario. But, you know, we sit at home
3 and have to deal with this every day.

4 We have to decide whether or not we are
5 going to be -- on my reservation 85 percent of our
6 work force is zero. So I have to assist with trying
7 to -- and there is a lot of the tribes like this. We
8 have to sit there and say, okay, all right, some
9 family members is going to call me, some tribal
10 members is going to call me and say, okay, Scott,
11 this is what I need.

12 I have to make a choice between whether
13 I'm going to take a sick family member home, buy
14 hamburger, or buy grand baby some diapers. That's a
15 choice of three that they have to make. And I have
16 to sit there and deal with it.

17 So by the time we sit there and try to
18 do something like this, 10 years down the road, you
19 know these are the things that I look at day to day,
20 but at the same time I'm looking 10 years down the
21 road, 15 years down the road because I may not be
22 elected the next round, but, you know, if I'm going
23 to do it I'm doing it wholeheartedly.

24 The appraisal process is nil. To us it
25 is totally. Don't get me wrong, I'm not harping on

1 you. I'm not banging on you. I know this is your
2 job and you have to sit here and listen to us harp.
3 But this -- this is a third world country banging on
4 your back door.

5 Thank you.

6 MS. GILLETTE: Thanks, Scott.

7 MR. BLACK: Anybody else have any
8 comments at the table. You are not restricted to
9 talking right now. If there are some things you want
10 to go over, over lunch and bring back, we look
11 forward to it.

12 MR. MAULSON: Just maybe one other
13 thought. We talked about the Bureau doesn't have a
14 lot of key people within their departments at the
15 Washington level all of the way down. Maybe they can
16 start to a -- you know, Indian people learn really
17 quick, you know, and I guess maybe we can start to
18 put together a working program out there for native
19 land people to get our people to be more aggressive
20 in pursuing the opportunity to not only land
21 purchase, but surveying, and the whole nine yards.

22 We need another push from offering that
23 to the native tribes out there instead of relying on
24 -- sometimes we become lazy, always rely on somebody
25 else to do it for us. Maybe it is time now that we

1 stepped to the plate and, like I say, using some of
2 the -- going back again to administrative dollars
3 again, that we take some of those dollars and start
4 to build our own appraisal teams out there within our
5 own reservations, and with the help of the Bureau of
6 Indian Affairs, you know, to follow, like Jodi says,
7 follow the criteria that the Bureau is going to be
8 satisfied with.

9 You know, I look at, you know, how the
10 white man does it, he can go out and get his place
11 all surveyed and done in a matter of weeks, and
12 within 10 days, two weeks he can get a title to that
13 piece of his property. And there is no reason why we
14 can't start that. Like I say, maybe in the next -- I
15 don't know long it takes to get credentials to become
16 a surveyor or one of these here people that can
17 identify, you know, that piece of parcel over there
18 and this piece of parcel, and then put their value on
19 this parcel in the middle.

20 I mean I don't know. I don't go to
21 school anymore. My education didn't go that far,
22 12th grade and the rest was all hard knocks as a
23 tribal leader and a tribal judge for six years and
24 have to deal with probate and all that kind of stuff.

25 But I just believe there is simplistic

1 ways of doing this for the Indian people, but we need
2 to do it. We need to step up and do it. I guess
3 with the help of -- once again, if the Bureau is
4 looking really at the partnership of helping Indian
5 people do these things then they need to come to the
6 plate with us and say, you know, swing this way or
7 bunt, or whatever you want to call it, but let's get
8 the job done. That is how we are going to succeed as
9 partners out there.

10 I'm hoping that, you know, these here
11 type of dollars can help in that particular way
12 because that is -- administratively those are things
13 that, you know, each land management, you know, tribe
14 has a program out there, and they can have their own
15 people doing it. Under the credentials or the eye of
16 the great -- it used to be White Father, but not
17 anymore, but he still can be the eye, I guess.

18 Let's see if we can do that. That would
19 be one good way to work on tribes. You know, if
20 there is only one person that definitely helps the
21 different small Bureau programs like up in Ashland
22 over there, I know they are really strapped for -- I
23 know their cuts are being cut all of the time.

24 If we can get that type of -- if there
25 is that type of dollar out there, let's go after it.

1 Let's start that or at least look at that, or we can
2 prepare ourselves for that, and if we can come to
3 some type of collaborative effort to make that
4 happen.

5 MS. GILLETTE: We have just a few more
6 minutes, but just to go over a few things. I know
7 I'm not going to summarize everything that was
8 captured here today.

9 But one of the main things, the message
10 that we keep hearing loud and clearly is that the
11 tribes want to be -- want to have a strong voice on
12 how this is going to take place on their own lands.
13 That this is something that they are very interested
14 in doing for themselves. So that was a clear message
15 that we heard this morning.

16 Another thing when we talked about the
17 tribes' priority for the Land Consolidation of
18 fractionated interests, we heard there is a need to
19 look at highly fractionated parcels, culturally
20 valuable parcels, estates and -- what is the word?
21 Probates and estates, and whereabouts unknown, and
22 then the economically viable parcels, and then one
23 thing I heard is the need to address going out of
24 trust, those individuals that are looking at selling
25 it, and not selling it within the tribe.

1 And then the other part is how should
2 DOI -- these are questions that I had asked, how
3 should the DOI, the Department of Interior, equitably
4 allocate the settlement funds across the priorities
5 of the tribe, and just really looking at the ways
6 that tribes -- again, you guys talked about how we
7 needed to look at the -- look at being flexible based
8 upon what the tribes' priorities are, and that we
9 make sure that that is at the forefront of what we
10 do, and with the appraisals just looking at ways to
11 allow tribes to do more of that process.

12 Two, is that it is too slow right now,
13 that we need to look at ways to speed it up, make
14 sure that it is fair, and in line with the fair
15 market value of the way that it is supposed to be,
16 and the way that we do it now.

17 And then just to sum all of that up, you
18 know, the Councilmen from the Oglala Sioux tribe
19 said, just getting it done right in general. So
20 looking at ways to create a better partnership as we
21 move forward. Looking at what the last comments that
22 Chairman Maulson talked about is how do we make a
23 stronger partnership, and how are we going to not
24 just end with consultations, but continue a dialogue
25 that can be, not just useful to how we make our

1 decisions, but also useful to the future of the
2 tribes that you all represent.

3 And I think that in many ways I think
4 all of us that have come to the positions that we
5 have, and I did work in Indian country all of my
6 life, for, I guess, all of my life before coming to
7 the Obama Administration. And I know that Mike has
8 worked for the BIA for over 25 years, right?

9 MR. BLACK: 24.

10 MS. GILLETTE: 24. But I do want to say
11 that I don't think that anybody is doing what they
12 are doing -- we had to beg Mike to take the position
13 of the Director of the BIA because he is very
14 comfortable and he liked to be with -- in a position
15 that is closer to the tribes and the actual work, and
16 I don't think that we are progressing down any paths
17 that will be viewed upon as a disrespect or sort of
18 like, you know, we are not trying to do this just to
19 check the box. We do want to have a really good
20 process that we can walk together and have a product
21 at the end of the day that we are all proud of and we
22 can stand together on.

23 We know that -- or I guess I know that this
24 hasn't been -- this relationship between the federal
25 government and tribes has a long history of a lot of

1 contention. That is an understatement. I do know
2 that this is a way that if we can stay positive to
3 how to do it better, that is what is going to be very
4 helpful, and we know -- we are fully aware of the
5 things that have gone wrong, and I do say that I
6 wouldn't have come to work in DC if I didn't think
7 that with the right kind of attitude and the right
8 kind of mindset we can do some things way different
9 and way better than what tribes have gotten in the
10 past.

11 With that being said, you know, I just
12 look forward to the discussions after lunch, and
13 hopefully that we can have a discussion with other
14 people that are not tribal leaders or include
15 everybody in the discussion if folks who haven't had
16 a chance to speak and want to have some time after
17 the program we can go ahead and do that.

18 So with that I think we are going to
19 break for lunch. Stacie, do you want to go ahead?

20 MS. SMITH: Yes. We are going to try
21 and get back by 1:00 and then work together. We have
22 until 4:00 to take all of the other additional input
23 and comments. We suggested a couple of topics, but
24 we can take on whatever topics people are interested
25 in doing. So if we can come back together at 1:00

1 ready to work. We will have microphones ready for
2 everybody to be able to join into the discussion.
3 Thanks so much.

4 (A lunch break was taken at 11:46 a.m.)

5 ***

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

7 Whereupon, the Trust Land Consolidation Program
8 Regional Tribal Consultation was commenced at
9 1:34 p.m. as follows before Timothy J. McGowan, Court
10 Reporter and Notary Public:

11 ***

12
13
14 MS. SMITH: So the suggestion on the
15 agenda was that we take on a couple of different
16 topics, and we take them on, maybe, one at a time.

17 So if people want first to speak about the
18 preliminary goals and strategies, that is, the three
19 goals and all the strategies underneath that were
20 laid out in the handout that you got -- Do you have
21 thoughts about what you heard around the table
22 earlier or what you read in there? -- to just come on
23 up to these mikes.

24 I just want to remind you, for our court
25 reporter to be able to -- to, please, just state your

1 name and your affiliation if you're with a tribe or
2 with an organization, so that we can make sure that
3 we get that accurate in the transcript. So starting
4 off talking about -- and, of course, tribal leaders
5 at the table are also welcome to speak more on this
6 topic as well.

7 So on the preliminary goals and strategies,
8 primarily, which is the prioritization of where to
9 focus. Just come on up to the mike.

10 MR. MUSCAVITCH: (Speaking in non-English
11 language.)

12 My name is Fred Muscavitch, and I'm a
13 division director of land management for the Oneida
14 Tribe of Indians of Wisconsin.

15 Thank you, first, for giving me this
16 opportunity. Thank you, tribal chairmen and tribal
17 legislators, for allowing me to sit at the table up
18 here and present some of the ideas that we have.

19 It was our opinion that the idea was to
20 flesh out some of the recommendations and to help the
21 Secretary decide on what are going to be the
22 priorities of the Secretary. That was brought up
23 earlier this morning. What will the priorities of
24 Secretary be that all the tribes will follow?

25 What I heard this morning from many people

1 was that the goal that is already set as No. 3, for
2 the tribal input, the tribal decision-making, should
3 be moved to No. 1.

4 If we go with Goal No. 1 as it is set, then
5 there are many different decisions that'd have to be
6 made: Are we looking at the number of tracts that
7 will be affected? Will we be looking at the number
8 of owners? How many tribes are going to be affected?
9 Or are we looking at regions?

10 In looking over the preliminary documents,
11 it talks about the highly fractionated areas, and
12 we've heard two different definitions of that. The
13 one that is written is that a tract must have 100 or
14 more owners, or it could have 50 to 100 co-owners but
15 no owner owning more than ten percent. That's the
16 one that was written and handed out in a
17 pre-consultation fact sheet. The one I've heard from
18 the panel was, 20 or more owners was highly
19 fractionated.

20 In both of those cases, if the Secretary
21 would go with that recommendation, Recommendation
22 No. 1, to target the highly fractionated, I believe
23 the vast majority of tribes would be left out. I
24 believe Mr. Maulson and the Oneida tribe, many of the
25 tribes in Minnesota and Wisconsin do not have a huge

1 number of highly fractionated. With the Oneida
2 tribe, we have several pieces that are owned by five,
3 six, maybe 20 owners, but we're not going to hit that
4 highly fractionated -- and if the Secretary goes with
5 Recommendation No. 1, to focus on highly
6 fractionated, many, many tribes will not be part of
7 that.

8 Another area -- looking at is, Should we
9 attempt going after a region? Saying that we have 4
10 million owners, owned interests, over all the
11 regions, if you look at the pie chart on -- it's
12 called page 1 of "Land Consolidation Fact Sheet" --
13 it would be obvious to me that Bureau of Indian
14 Affairs would want to focus on the Rocky Mountains
15 and especially the Great Plains: Easy, fast; let's
16 focus on Great Plains, get them done, and we'll
17 probably hit half of those interests.

18 Whereas, if you're hitting the smaller
19 tribes who have fewer than 100 tracts that are being
20 looked at, those may take longer to get to, won't
21 make the ten years, even, and so then you're leaving
22 tribes out.

23 So what I'm saying is, bottom line is that
24 in order to get all the tribes involved, asking
25 tribes if they would like to voluntarily enter this

1 program, you cannot use the highly fractionated
2 definitions, either of them. You'd have to leave it
3 open to the tribe: How do you want to spend the
4 money? And again, that's something I heard over and
5 over this morning from the tribal leaders, saying
6 they would like to have a voice in how the money is
7 used.

8 Another thought is, if you would take the
9 money that's offered and divide it by the number of
10 tribes and -- you get a certain amount for each
11 tribe; if you would divide the money by region, you
12 get a certain amount for each region.

13 And again, my region, the Midwest region,
14 would get 4.4 percent, and that would be divided
15 amongst the tribes that are here, but it would not be
16 attacking -- a part -- if you had a choice between a
17 parcel of land that has two owners -- 40 acres with
18 two owners that are in Mr. Maulson's area and his
19 tribal land, or a parcel of land on Mr. Weston's
20 properties, where you've got 800 owners, we certainly
21 think the BIA would be much more interested in the
22 800 owners, to eliminate that.

23 Again, this morning I'm hearing, and what
24 I'm supporting, is that we look at each tribe, and
25 they would decide voluntarily which definition they

1 want to use.

2 And then I have one comment on the
3 appraisal, and that is, I'm understanding that in
4 order to write a check for someone for the
5 appraisals -- you do an appraisal: You've got 40
6 acres, you've got 800 owners on that property, and
7 you're writing a check for two cents, eight cents, a
8 dollar for people, and people are using this for
9 wallpaper.

10 I was suggesting that there should be a
11 minimum amount. If it costs the BIA to write -- 48,
12 45 dollars to write a check for the administrative
13 staff, wouldn't it make sense to just do one check
14 that might be for the \$50 minimum, no matter what
15 your ownership is? And you get a \$50 check that you
16 will cash, and then the BIA won't have to be writing
17 checks every year.

18 And that's all I have to offer. Thank you.

19 MR. BERRIGAN: Thank you very much.

20 MS. GILLETTE: Thanks.

21 MR. BERRIGAN: We have anybody else in the
22 audience? There we go.

23 MR. STAINBROOK: My name is Cris
24 Stainbrook. I'm president of the Indian Land Tenure
25 Foundation. We're an entity that does not represent

1 any given tribe, although we work with a fair number.
2 I think at last count, we've probably worked with
3 somewhere around 100 to 110 tribes.

4 This topic has been a focal point of the
5 work that we've been doing for the past nine years,
6 and prior to that, with the Northwest Area
7 Foundation, we worked on consolidation issues and
8 Indian land issues.

9 First, let me apologize for not being here
10 this morning to see your presentation. I was in
11 Montana getting an earful about Mike Black, some of
12 which I could repeat and some of which I couldn't.

13 No, I'm kidding you. It was all good.

14 Rather than go right to the goals and the
15 comments on the goals, one of the things that I would
16 encourage Mr. Hayes to do immediately is to put in
17 writing the statement regarding the liens and no
18 liens on the properties that are acquired. I think
19 this is one of the burning issues that we certainly
20 hear about from all of the tribes while we're out
21 there.

22 I think there is ample reason for these
23 funds to be used to acquire the undivided interest
24 but not have the tribes pay for that process. And,
25 in essence, putting a lien on those properties and

1 the forgone income from those properties is the
2 equivalent of the tribes buying that property with a
3 loan from the Bureau of Indian Affairs, and that
4 certainly was not the intent of the settlement. And
5 this all could be kind of cleared away from the four
6 of you getting your beatings as you go around of the
7 country by having Mr. Hayes simply put that out in a
8 statement and make it very clear right now.

9 I think another argument for you not doing
10 that is, through the calculations that we made in
11 2003 and 2004, maintaining those records on the
12 individual interests will cost the Bureau somewhere
13 between 50 and 60 dollars per year in administrative
14 costs, and if you roll that up over 20 years, which
15 many of the liens were stretched out to go to, you're
16 looking at 1,000 to 1,200 dollars generated in
17 administrative costs, which -- you know, some of
18 these interests are probably going to be valued at
19 100-plus dollars or even less than that, and so more
20 would be paid out in administrating it than it's
21 worth.

22 The other fundamental piece that we think
23 is terribly important, and you've already heard it
24 from the tribal leaders, is that the tribes should be
25 the ones administrating this program.

1 I think it helps shift the goals to be more
2 appropriate to the individual tribal level. I think
3 that would certainly be Indian Land Tenure
4 Foundation's preference, and with all the tribes that
5 we work with, we're seeing a capacity and a
6 competence in Indian country with the tribal land
7 office staffs that could easily do this program.

8 I think it could be easily done -- to get
9 into a few of the specifics, it could be easily done
10 with a modest amount up front, and then do it on a
11 performance contract, with a 15 percent premium, if
12 you will, for the administrative costs, and then just
13 have that as a rolling fund at the tribes so that,
14 over time, those interests are bought and the tribes
15 get reimbursed for that.

16 You know, in many ways, that's a remarkable
17 savings, given that the individual, undivided
18 interests are costing \$125 a year in administrative
19 costs from the Bureau.

20 We heard a few minutes ago from Chairman
21 Maulson that he got a three-cent check. When we did
22 our calculation on this, we came up at -- well, at
23 first, we came up with \$90 as the administrative
24 costs for an undivided interest per year, and then
25 the Bureau came up with \$125, and the difference,

1 largely, was that it costs \$45 in administrative
2 costs to cut a check. And so if you're cutting a
3 three-cent check and it's costing you \$45 in
4 approvals and all the time that goes in it, you can
5 see that that's just not a worthwhile payoff.

6 And three times, we've approached the
7 Bureau about bringing in private capital to this.
8 Because if you look at the model of the
9 energy-performance contracts that were common in
10 Washington, D.C., for federal buildings in the early
11 '90s, we had designed a program for consolidating
12 interests, letting the tribes consolidate interests,
13 and doing those under a performance contract that
14 could have used private capital with a reimbursement
15 on the split savings of administrative costs and
16 would have paid an equitable return to the investors.
17 Unfortunately, your predecessors didn't see that as a
18 value to the Bureau, for whatever reason.

19 In the absence of having the tribes run the
20 program, my suggestion is that you engage the tribes
21 in every possible fashion, and in the meantime, you
22 go back to Congress and ask for some changes to the
23 Indian Land Consolidation Act. It's been amended a
24 couple of times. I think there are some pieces of
25 AIPRA that need to be altered, and I think you could

1 do this all in one fell swoop, and that would allow
2 for the tribes to be more engaged in operating these
3 programs.

4 I think the \$1.4 billion that will be
5 available will be woefully short of what's needed to
6 consolidate all of the interests that are out there,
7 even if that's doable. I think -- you're never going
8 to get to 100 percent, because there are just some
9 folks who are not going to sell their interests, but
10 to get most of those \$1.4 billion will be well short.

11 In 2002, we calculated that it would be
12 about \$2 billion at that time to consolidate the
13 interests if you purchased them all; a week later,
14 the Bureau came back with even a higher number on
15 that. And so if you go nine years later, we're now
16 at a whole different ball game. We're probably at
17 3 billion, 4 billion. And those were very
18 conservative estimates.

19 So ultimately, you're going to need either
20 other capital to be coming in or have the tribes
21 fully engaged in the program in much the same way
22 that the previous consolidation program worked, in
23 that that capital feeds back into more purchases,
24 actually, and the tribes could buy out the other
25 interests.

1 But, you know, the one thing that I think
2 the Bureau -- two things, I think, that the Bureau
3 could really focus on.

4 One is, promoting the various models that
5 are out there that the tribes might want to consider.
6 I think the Tribal Land Enterprise at Rosebud, with
7 some tweaking, would be a very good model for a good
8 many tribes, and we see some variations on that. I
9 think the tribes, and especially some of those in the
10 Plains that we work with, are concerned about losing
11 their economic underpinnings once the undivided
12 interests are purchased from the families.

13 And so farmers, ranchers, small-business
14 people, they aren't necessarily willing to be in
15 business with the tribes, and if the tribes are
16 buying 51 percent of the land title, many of those
17 folks will either go to fee land or off-reservation
18 land and/or go out of business completely, and I
19 think that -- that would be a detriment to the Indian
20 economy.

21 I think there are ways around that. I
22 think the TLE model from Rosebud offers a good
23 example of a way around that, where long-term
24 assignments and accumulation of those interests in
25 land work to benefit the individuals and the economic

1 activity that's there.

2 Just a couple of quick questions. One:
3 Jodi, you ask about equity, and how could this be
4 done equitably?

5 You know, I haven't given a lot of thought
6 to that, but it would seem to me that looking at the
7 number of individual interest holders with the tribe
8 may be that -- at least a benchmark where you could
9 start and then modify that, as long as that
10 allocation didn't exceed the number of undivided --
11 or the value of land on the reservation to be
12 purchased. And by that I mean -- well, let me give
13 you a quick example.

14 At Rocky Boy, we were holding a community
15 meeting, and they wanted to talk about undivided
16 interests. Now, at Rocky Boy, there are few, if any,
17 undivided interests on Rocky Boy. I think it's an
18 executive-order reservation, and it was never
19 allotted. There are a few assignments that get
20 treated kind of like it, but that's about it.

21 We had a room with more people in it than
22 this who were undivided-interest holders, but their
23 undivided interests were at Fort Peck, Fort Belknap,
24 Crow, Northern Cheyenne, Black Feet, Pine Ridge,
25 Rosebud -- I mean, from all over the place.

1 And in an allocation scheme, those
2 allocations would then go to the home reservation
3 where their land was, as opposed to Rocky Boy, which
4 really doesn't need that allocation. That would be
5 the extreme. In other cases, you would have this
6 allocation that should be at least a modest cut at a
7 way to start.

8 On appraisals -- you know, appraisals are
9 tough, and we've tried to answer that question for a
10 number of tribes who've been asking us about -- Is
11 there any way we could figure out a new method for
12 getting appraisals done more quickly?

13 We had an intern a year ago look at
14 appraisals in Indian country and do a paper for us on
15 it. There are very few Indian appraisers who are
16 certified at the correct levels in order to be out
17 there doing appraisals; in fact, she could only find
18 14 of them, all of them with the Office of Appraisal
19 Services, and since then, we've heard -- well, we
20 heard of one today, which was news to us, and we
21 found another one in Oklahoma.

22 So we've been looking at, Are there ways
23 for us to get involved in terms of getting more
24 appraisals done -- or more appraisers certified?
25 It's a long process. At best, we're three years and

1 probably more like four or five years out from the
2 getting more Indian people certified as appraisers.
3 I think it's one of those pieces where we have a hole
4 in our economy in Indian country that we should be
5 able to plug, plus do a service to the tribes in
6 having more appraisers available.

7 With that, we will be -- Indian Land Tenure
8 Foundation will be providing you with written
9 comments down the road and may see you at some of the
10 other consultations as well. Thank you.

11 MS. GILLETTE: I just had a follow-up
12 question, because I'm not -- I didn't understand your
13 point, because I was taking notes, and I think I may
14 have missed a phrase or a sentence, but right before
15 you were talking about -- you were giving the example
16 of Rocky Boy, and you made a statement that
17 allocations should not undermine the value -- can you
18 just spell that out a little bit for me --

19 MR. STAINBROOK: The allocation shouldn't
20 be higher than the value of the land that's
21 fractionated on the reservation.

22 MS. GILLETTE: Okay. Thank you.

23 MS. SMITH: You're welcome to come to the
24 table or just speak into one of the standing mikes,
25 whichever you prefer.

1 MR. SMITH: Thank you. My name is Joseph
2 Smith. I'm director of land management for Standing
3 Rock Sioux Tribe.

4 You know, this program is called
5 consolidation, but it's really just a land-purchase
6 program. There's other methods of consolidation that
7 could be accomplished, you know, working with the
8 Bureau.

9 And, you know, we do that at Standing Rock.
10 You know, we do purchases from individuals; we also
11 assist them if they want to consolidate their
12 interest in exchange for tribal land.

13 You know, like you mentioned earlier, not
14 everybody's going to want to sell their interests,
15 and so some other method to accommodate them would
16 help, because we do have individuals enrolled on our
17 reservation that do own interest in other
18 reservations, so there's another method for them to
19 consolidate that interest, is by exchanging with
20 those enrolled in another reservation.

21 Another thing that would help us is data
22 from the TAM system: In our case, you know, the
23 number of allotments that the Bureau has and the
24 number of owners on those allotments, you know, that
25 would be able to assist us in how we can help people

1 in that consolidation and, essentially, how much time
2 it may take to get this accomplished. Thank you.

3 MS. SMITH: Anyone else? Any other
4 comments?

5 We had said initially on prioritization,
6 but anything on appraisals, anything on program
7 administration, and any other topics?

8 MR. KROHN: Tim Krohn, land information
9 manager, Fond du Lac Reservation.

10 A couple comments. We don't like the idea
11 of liens on the property. As I understood it, Cobell
12 will not have liens on the property when it's
13 consolidated. Is that correct?

14 MR. BLACK: Well, currently, that's not the
15 intention or the plan.

16 MR. KROHN: Okay. And then with ILCA,
17 there are liens on the property, and in the
18 regulations -- I think 2213(b)(3)(A), (B), and (C),
19 if they can be aggressively applied, would eliminate
20 the liens, is one possibility. Maybe 2213(b)(5)
21 also.

22 And then on fractionated tracts for Cobell,
23 there are, on our reservation, fee interests in those
24 same parcels that are under trust. A procedure to
25 handle those would be helpful.

1 And as for appraisers to streamline the
2 process of getting appraisal or getting an appraiser,
3 when we purchase land, we get about two to three
4 appraisals and split the difference, negotiate, come
5 up with an answer, and that's good enough for us to
6 purchase those lands.

7 And then the final one would be for
8 anybody -- any tribe that wants to, to get TAMs at
9 their office. In theory, TAMs are supposed to arrive
10 at our office before September 30, and I've been
11 asking for about ten years to get it. It's very
12 helpful to get the information out of TAMs, and that
13 would reduce the amount of calling back and forth to
14 BIA for BIA folks to have to go get this information
15 for us. Thank you.

16 MS. GILLETTE: Very helpful. Thank you.

17 MR. BLACK: And just as a note: I'll
18 follow up on your TAMs-access issue.

19 MS. SMITH: Anyone else? Do any of the
20 tribal leaders want to make any further comments on
21 these?

22 MR. ROBERTS: You guys are pretty good
23 warriors. You know, I can't find -- I couldn't find
24 you guys. I had to track you down. Nobody seemed to
25 know where you guys were at. So I finally found you

1 anyway.

2 So anyway, name is Roy Roberts, and I'm
3 from Red Lake, and I have relatives, as my mothers
4 and uncles and -- that have land, and they've gotten
5 letters from -- apparently from the Bureau, I
6 believe. Right?

7 I don't know where they came from, but
8 anyway, four of them had zero amount of money on
9 them, and one of the uncles had just -- had \$1,000,
10 saying, you know, interest, whatever, on his land.

11 So they're a little confused about those
12 things, and everybody's a little bit confused about
13 how this thing works and how they can have this land
14 and not have any interest on it and it's been in the
15 family for quite a few years.

16 So any information that you could help with
17 people on that, it would be helpful, because I don't
18 know anything about it, they don't know anything
19 about it, and nobody seems to know anything, you
20 know, although there is a settlement out there and
21 their land is probably included.

22 So anyway, I'd like to just have the
23 information about that and how they can -- how it's
24 the best way for them to go and proceed with this.
25 Apparently, they've been asked to sign some kind of a

1 statement or document, whatever, and -- anyway,
2 everybody's said, "Well, don't sign anything yet
3 because you don't know." And so they don't know, so
4 they didn't sign anything yet, and -- at least I hope
5 they didn't.

6 So that's where my interest is, and -- is,
7 basically, because they've got this land, and it
8 doesn't seem to make any sense to anybody about how
9 you can have zero interest on land and one of them
10 has interest on it. All right. "May gootch"
11 [phonetic].

12 MR. BERRIGAN: Okay, sir. Thanks very
13 much. Let me just try and respond to that in two
14 pieces.

15 One thing that -- as I said this morning --
16 I'm not sure if you were here this morning or not,
17 but the Cobell litigation's been going on for about
18 15 years, and there's a series of court orders in the
19 litigation that prohibit government employees from
20 advising and talking about the potential Cobell
21 settlement and the litigation before there was a
22 settlement because it was such a contentious piece of
23 litigation, so --

24 Those court orders are still in place, so
25 all of us here at the table that are government

1 employees, we're allowed to talk about the
2 land-consolidation planning that's a piece of the
3 Cobell implementation, but it sounds like your
4 question may be different than the land-consolidation
5 piece and may go to either the Cobell settlement
6 itself and the payments that would be forthcoming as
7 a result of the settlement, or have more to do with
8 the lands themselves, which may be a BIA function
9 that we can talk about.

10 So what I'd suggest is, maybe we can talk
11 off-line in a few minutes and I can find out a little
12 more clearly from you what you may be concerned
13 about, and we'll try and be responsive to that, but
14 we're also very constrained by the court orders not
15 to engage in any conversations which are prohibited.
16 So if that's acceptable to you, I'll be happy to talk
17 with you and get more details from you.

18 And the last thing I would say is, if there
19 are questions about the Cobell settlement itself, the
20 attorneys for the Cobell plaintiffs -- it's their
21 obligation to consult with the class, and there's a
22 Web site and 1-800 number that are --
23 IndianTrust.com, I believe it is, and we can get you
24 that information. The problem is, a lot of that has
25 happened already, because we've got an approved

1 settlement, now, that the judge approved in August.
2 But all of that is -- I can talk with you separate
3 about that, so I hope that's somewhat useful to you.

4 MR. BLACK: Okay. Do we have any other
5 comments? And please, just so everybody knows, now,
6 I think -- I hope it's in the packet and stuff,
7 Stacie, but you're not restricted to -- this isn't
8 your only opportunity to comment. There will be --
9 and I know everybody can't make all of the
10 consultations, but there will be four additional
11 consultations; plus, we are accepting written
12 comments, and I believe the name and address is
13 included in here somewhere. I know I saw it.

14 MS. SMITH: Was there a tribal-leader
15 letter put out there?

16 MR. BLACK: If you don't have it, check at
17 the front desk out here, and we should have some
18 information for you. But please, we've -- even
19 though maybe you have made some verbal comments
20 today, if you have additional written comments after
21 you go home or something hits you on the way home on
22 the drive, please, put it down on paper and get those
23 comments in to us. We look forward to hearing from
24 you.

25 We're here as long as you need us today, so

1 if you have some comments, please.

2 MS. GILLETTE: We can also consider
3 breaking for a little bit and then coming back, but I
4 do want to give everyone who wants to speak the
5 opportunity to say something. And I think we've
6 heard from most of the people who are representing
7 the different nations. We did have a list of the
8 people that preregistered, so, you know, we're
9 willing to just sit here, and if you'd like to -- if
10 you have any questions -- you know, happy to visit
11 about those questions as well.

12 MR. JANIS: My name is Terry Janis. I work
13 with the Indian Land Tenure Foundation, and my boss,
14 Cris Stainbrook, has already spoken for the
15 organization. But what I'd like to do is raise an
16 issue in more of a conversation, if I could, and it
17 goes to the question of the possibility that the
18 funds, the program itself, would be run through the
19 tribes.

20 In my listening all of this morning, that
21 was the primary comment that tribal leaders made:
22 Their desire that the monies itself and the program
23 be run through the tribes, consistent with their own
24 tribal programs. I know that the complexity of
25 accomplishing that is -- there's a lot to that.

1 But one of the issues that I think raises
2 itself most immediately in the forefront is whether
3 ILCA and AIPRA and the legislative provisions of that
4 allow for that as an opportunity.

5 And I think two or three things are
6 important to consider in that.

7 Not to go into the details of those
8 particular provisions -- because, to be honest, I
9 haven't studied them and I don't know which
10 particular provisions of those pieces of legislation
11 would prohibit these monies and this program to be
12 run through tribes -- I think that any statement or
13 argument that is made that those pieces of
14 legislation prohibit it can be argued.

15 My review of those pieces of legislation --
16 again, without thinking specifically about this
17 issue -- there is no provision in there that
18 specifically says this cannot happen. There may be
19 provisions about contracting and compacting, that if
20 a tribe wanted to compact these monies to go through
21 them for their buy-back programs, there may be
22 specific issues with that that would require a
23 certain type of compliance.

24 But there are so many other options than
25 compacting and contracting. These monies can run

1 through tribes through a variety of different options
2 and a variety of different vehicles that don't
3 necessarily require a contract or a compact in order
4 to accomplish that.

5 So I would suggest, on the one hand, that
6 the policy issues that are paramount here, which is,
7 number one, the importance of tribal
8 self-determination and actions within these programs
9 that advance and support tribal self-determination;
10 number two, the very nature of the Cobell settlement,
11 which, as Elouise is kind of famous for saying, these
12 are Indian resources; these are Indian lands; these
13 are Indian monies. These are not federal monies.

14 And the very nature of the Cobell
15 settlement is to right a wrong, and that in
16 implementing that Cobell settlement, we should
17 advance that as a priority rather than doing it in a
18 way that continues to create more problems and more
19 difficulties.

20 That being said, I think that the kind
21 of -- the policy priorities that come from a priority
22 on advancing self-determination as well as advancing
23 the interests of the Cobell litigation and the Cobell
24 settlement, I would encourage the committee that
25 you're a co-chairperson of to think through not only

1 the problems that may exist in running these monies
2 through the tribes, but look at it in a more
3 proactive way that looks for opportunities to run
4 these monies through the tribes and come forward with
5 suggestions of how that might work: What are the
6 vehicles that these monies can run through tribes and
7 give tribes some options and something to react to?

8 I think that would be a worthwhile thing
9 for you to present before your next hearing, not that
10 you don't have enough work to do already.

11 But there is such a priority that tribal
12 leaders have expressed on running these monies
13 through their own programs, advancing their own
14 self-determination, and taking advantage of the
15 programs and decisions that they've already made,
16 identifying which pieces of land are a priority for
17 them and why, that it just doesn't make sense not to
18 take advantage of it when, by everything that I can
19 think of from a legal perspective, if we look -- if
20 we flip it around and look at it more proactively
21 from an opportunity perspective, we should be able to
22 find a way to run these monies through tribes through
23 a variety of different vehicles and avoid the
24 problems that might be there by only thinking about
25 it as a contracted or compacted opportunity. Thanks.

1 MS. GILLETTE: Thank you. I think, you
2 know, that's really tremendously helpful when those
3 kinds of questions are posed, and I do want to say
4 that we talked about this quite a bit beforehand,
5 is -- you know, how far do we go with -- before our
6 conversations with tribes?

7 And so I think that it should be really
8 clear that we haven't made decisions, and we probably
9 will not make decisions until we go to all parts of
10 the country. So it's not that we feel like -- we
11 feel like we can't get ahead of our conversations
12 with you all, so if the next phase is to have some
13 viable options on the table before the next
14 conversation that we have, say, in general, that
15 makes sense, and, you know, that's what we're hoping
16 from these -- from our consultation sessions, we get
17 direction and we get ideas, and then we develop, and
18 then we present it back to the tribes.

19 MR. JANIS: Exactly.

20 MS. GILLETTE: And so that's where the --
21 in the next steps, we want to have the opportunity to
22 go back and evaluate and develop, and then come back
23 and see what people are going to do -- you know, see
24 how they -- what they think of that. And, of course,
25 you know, the timing thing is working out in our

1 favor with the way that the court process is working
2 out, but just want to be sure that --

3 We could have come with a bunch of ideas,
4 and then there would have been the criticism on the
5 other side, that "you guys have already decided what
6 you're going to do."

7 MR. JANIS: No. I understand completely.
8 And --

9 MS. GILLETTE: Yeah. So -- and we
10 haven't -- we honestly haven't decided what we're
11 going to do, and that's why we want to talk to you
12 first, and then we can come back.

13 MR. JANIS: And it's the very nature of
14 consultation, isn't it?

15 MS. GILLETTE: Right.

16 MR. JANIS: I mean, you've heard -- and
17 this is the only session that I've heard, but the one
18 thing I would walk away from here -- and you'll see
19 this in the transcript -- is that tribal leaders want
20 the program and the monies to run through the tribes,
21 for the reasons that they've expressed and I've tried
22 to paraphrase.

23 I suspect that that was the same in
24 Billings, and given those first two priorities stated
25 by tribes, your coming back with some list of

1 opportunities that could advance that, I think,
2 advances the idea of consultation.

3 MS. GILLETTE: That's helpful. That's
4 really helpful.

5 MR. LEECY: And Jodi, I just wanted to
6 second that. I have that written down here, "Will
7 the implementation of the program be available to
8 tribes under the self-determination and
9 self-governance?" So from a tribal perspective, I
10 just want to second that for the record.

11 MR. BLACK: Do we have any more comments
12 from the floor right now, or would --

13 I see Scott walking back in. Does he got
14 any more comments for us?

15 MR. WESTON: I've got a whole bunch. Be
16 here for five days.

17 (General laughter.)

18 MR. BLACK: Do you have anything you'd like
19 to say right now, Scott?

20 MR. WESTON: Not right now.

21 MR. BLACK: Okay. Absent that, we could --
22 I mean, it's always -- after lunch -- it's always
23 good to take a quick break shortly after lunch so
24 none of us get too dozy, but -- we could do that,
25 give people an opportunity, and if not, then we can

1 come back, and Scott might think of a few things
2 between now and then, and then otherwise --

3 Like I say, I can -- I'm available
4 afterwards if some of -- you know, maybe some people
5 don't want to come up, and they may have some
6 specific questions that maybe not even relate to
7 this, other issues that you'd like to meet with me
8 on, or Jodi, for that matter. We can make ourselves
9 available then.

10 But why don't we come back in, say, 15
11 minutes?

12 MS. GILLETTE: And I just want to add onto
13 that that this really is your opportunity to ask
14 those questions and have those conversations, because
15 as we keep saying, the court order in place barring
16 communications really doesn't allow us the
17 opportunity to meet with people and have the
18 communication that we'd like to have. So if -- you
19 know, if, after the break, there's not a lot more
20 comments, you know, we'll just be standing -- we'll
21 be waiting up here, and if you'd like to have those
22 conversations, we're open, like Mike said. Thank
23 you.

24 (Recess taken.)

25 MS. SMITH: So we're going to just come

1 back together and see if there are any final
2 comments.

3 MS. JOHNSON: Lisa Johnson, from Mille
4 Lacs, director of real estate.

5 One of the comments I would make is, in
6 light of the time frame we have to spend this money,
7 that the BIA go back and look at administrative fixes
8 to certain things to help streamline this process so
9 that it can get done in ten years.

10 You know, when our funding came available,
11 they had done a memo that allowed tribes a resolution
12 to waive the appraisal process for that right-of-way
13 activity, and I guess what I'm saying is that we need
14 to go back and look at all the regulations we have.

15 And if appraisals is going to be such an
16 issue in getting enough people out there in Indian
17 country to do these appraisals, where else are we
18 needing those appraisals? In our leasing, our
19 business leases, in our rights of way, and other
20 types of activities like that.

21 Can we waive some of those on tribal lands
22 and allow that process to occur so we're freeing
23 those appraisers up to work on the Cobell work?

24 So I think we need to go back and look at
25 everything and see what we can do to streamline that

1 process so we can free up those appraisers to do the
2 work they need to do.

3 MR. BLACK: Thank you. Do we have anybody
4 else that would like to say anything before we close
5 up today?

6 Okay. Well, going once, going twice.

7 Well, as I said earlier, please, you know,
8 this isn't your only opportunity to comment. We will
9 be accepting written comments up until October 15, so
10 if you do have some follow-ups, please, please get
11 those in to us. Like I say, we are really looking to
12 the audience and to the tribes and people out there
13 to give us some input and give us some ideas that we
14 can move forward with.

15 I wanted to, first off, thank everybody for
16 being here today. I really do appreciate everyone
17 taking time out of their schedule to come here and
18 spend a little bit of time with us and visit with us.
19 I think we've had a -- it's been a great day. We got
20 a lot of really good comments, lot of really good
21 issues put on the table, a lot for us to take back
22 and to think about and to mull over.

23 And as we go around to the remaining four
24 consultations, you know, like I say, it's going to
25 take -- there's going to be a lot of information --

1 we're hearing some of the same things and hearing
2 some new ideas today, which is helpful for us to take
3 and formulate how we're going to move forward on this
4 plan.

5 And once again, I wanted to thank
6 everybody, and I'd like to make a special thank-you
7 to the Midwest Region, Diane Rosen, regional
8 director, and her staff for coordinating the
9 logistics of this consultation. As you can imagine,
10 number one, working with us folks out of D.C. can be
11 really difficult sometimes, and to set up a
12 consultation like this takes a lot of work, and she
13 gave me some names to particularly make sure that I
14 acknowledge, and that's Pam Gordon, Vickie Parisien,
15 Mervel Harris, and Darren Smith. If we could give
16 them a round of applause, I'd appreciate it.

17 (Applause.)

18 MR. BLACK: Well, with that, I will close
19 and let Jodi have an opportunity, but again, thank
20 you very much. It's always a great pleasure for me
21 to come out and to visit with the tribal leaders and
22 the tribal delegations and stuff, as coming from the
23 field up to D.C., I know firsthand that the people
24 that know the best and know what really works and
25 doesn't work out in Indian country are you folks in

1 the room, the tribal leadership and the tribal
2 councils out there, so again, thank you. I
3 appreciate it. And all input and advice is
4 appreciated. Thank you.

5 MS. GILLETTE: Thank you, Mike, and I just
6 want to thank Mike and Mike for joining me here
7 today. The leadership and the expertise that these
8 two individuals bring to the table is just something
9 that makes my job a lot easier than it really could
10 be without having them as partners in this endeavor.

11 And I also want to thank Tony, because Tony
12 is with me right across the hallway, and he just puts
13 in a lot of hours, a lot of time, to make sure that
14 we're moving the ball along and we're keeping track
15 of all of the things, and he does a lot of the memos
16 and things like that that we have to turn in, so I
17 really appreciate that.

18 I want to just close by saying that -- I've
19 said this before already, but we do value everyone's
20 participation and your input. I think with this
21 administration, we try to make a special effort to
22 take the recommendations and the concerns and the
23 questions to heart in everything that we do, because
24 I know that there's just a huge, long history of
25 being ignored.

1 And being from the tribal perspective
2 before I came into this administration -- I wasn't a
3 tribal leader and I wasn't -- I wasn't anything but
4 an advocate, so with that, you understand what it --
5 I understand very well what it feels like to be able
6 to be on the other side of the table and say
7 something over and over and over and feel like
8 nobody's listening.

9 And with that in mind, that's why I came to
10 work at this administration, because I don't want to
11 be that person who sits there and nods their heads
12 and then just goes along ahead and does what they
13 want to do anyways. And so all of the information
14 that's provided during these consultation sessions
15 and the commenting period are invaluable to our
16 process, and we do appreciate the work that the field
17 people do, because we also can't do this without your
18 help. Brenda from the Indian Land Consolidation
19 Project program has joined us here today, so I would
20 like to thank her for the work she's done up to this
21 point.

22 And then I just want to offer a welcome and
23 extend our invitation for you to join us in the
24 future consultations that we're going to have, and
25 those are -- as we progress and we move towards

1 October 15th, you'll see that each region's going to
2 be a little bit different, but when other people from
3 various regions join the consultations, it does
4 provide a comparative context for you all, and it
5 also is helpful to us in preparation for the next
6 region that we're going to, where -- the different,
7 unique considerations for the various places in the
8 United States.

9 So with that, I'd also -- I'd just like to
10 invite up one of the elders in the audience, Louis
11 Houghton from the Winnebago Tribe, to give the
12 closing prayer.

13 MR. HOUGHTON, JR.: Before I say the prayer
14 here, I'd like to thank the people from Washington
15 that come to ask for tribal input on this important
16 issue.

17 I attended the Billings meeting, and that
18 was basically the same questions, and, of course,
19 some new questions come up. But this setting was way
20 different from Billings. It's a smaller setting than
21 Billings. Billings was too large, I think. Not that
22 many tribal questions could be asked there. But
23 maybe in the future sessions, sessions like this, I
24 think, would be more important for all the tribal
25 issues, questions, to be asked.

1 And I thank you for the honor for asking me
2 to say a prayer for us.

3 (Closing prayer led by Mr. Louis C.
4 Houghton, Jr.)

5 MR. BLACK: Thank you again.

6 MS. GILLETTE: Thank you for traveling here
7 today.

8 (Proceedings adjourned at 2:36 p.m.)

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1 STATE OF MINNESOTA)
) ss. CERTIFICATE
 2 COUNTY OF WRIGHT)
 3

4 Be it known that I, Erika Runge-Zins,
 recorded the morning session of the foregoing
 5 proceedings; and I, Timothy J. McGowan, recorded the
 afternoon session of the foregoing proceedings;
 6

7 That we were then and there a notary public
 in and for the State of Minnesota;

8 That the foregoing was recorded in
 stenotype by me and was reduced to typewriting by me,
 9 and that the transcript is a true record, to the best
 of my ability, of the proceedings;
 10

11 That we are not related to or employed by
 or contracting with any of the parties in this
 matter, nor are we interested in the outcome of the
 12 action.

13 S/Erika Runge-Zins
 14 Court Reporter
 My commission expires
 15 January 31, 2015

S/Timothy J. McGowan
 Court Reporter
 My commission expires
 January 31, 2015

16
 17
 18 CERTIFICATE OF COURT REPORTER

19 I certify that the foregoing is a correct
 20 transcript from the record of proceedings in the
 21 above-entitled matter.

22
 23 S/Michelle M. Miller
 Court Reporter
 24 My commission expires
 25 January 31, 2015

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