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UNITED STATES DEPARTMENT OF THE INTERIOR

LISTENING SESSION

2017 LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS

1:00 p.m.

Tuesday, April 25, 2017

Tulalip Resort Casino
10200 Quil Ceda Boulevard
Tulalip, Washington 98271

Tulalip, WA

1 PARTICIPANTS

2 DEPARTMENT OF INTERIOR:

3 MIKE BLACK, Acting Assistant Secretary - Indian
4 Affairs, Washington, D.C.

5 DEBRA DUMONTIER, Acting Special Trustee, Office of
6 the Special Trustee for American Indians, Albuquerque,
7 New Mexico

8 KATHERIN (KATY) GROUNDS, Supervisory Senior
9 Advisor - Tribal Relations, Land Buy-Back Program for
10 Tribal Nations, Department of Interior, Washington,
11 D.C.

12 WELDON (BRUCE) LOUDERMILK, Director, Bureau of
13 Indian Affairs, Washington, D.C.

14 JOHN MCCLANAHAN, Director, Land Buy-Back Program
15 for Tribal Nations, Department of Interior, Washington,
16 D.C.

17 JULIUS SNELL, Advisor - Tribal Relations,
18 Department of Interior, Washington, D.C.

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20 TRIBAL MEMBERS/SPEAKERS:

21 TERI GOBIN, Vice Chair, Tulalip Tribe, Tulalip,
22 Washington

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PARTICIPANTS

TRIBAL MEMBERS/SPEAKERS (continued):

PATTI GOBIN, Treaty Rights Office, Tulalip Tribes,
Tulalip, Washington

CHELSEA GOBIN, Teacher, Quil Ceda Tulalip
Elementary School, Tulalip, Washington

TRIBAL LEADERS:

EDDIE HAMILTON, Governor, Cheyenne and Arapaho
Tribes, Concho, Oklahoma

AUSTIN GREEN, Chairman, Tribal Council,
Confederated Tribes of Warm Springs Nation, Warm
Springs, Oregon

TRACY SMALL, Project Coordinator, Crow Nation,
Crow Agency, Montana.

HARRY BARNES, Chairman, Blackfeet Tribe, Browning,
Montana

DELANO SALUSKIN, Vice-Chairman, Yakama Nation,
Toppenish, Washington

TOM HAMMER, Fort Belknap Indian Community, Harlem,
Montana

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PARTICIPANTS

TRIBAL LEADERS:

MARY ANN YOUNGBLOOD, Tribal Elder, Suquamish
Tribe, Suquamish, Washington
STUART REDWING, Tribal Secretary, East Santee
Dakota Nation, Nebraska
FRANCIS MULLINS, Private Citizen

TRIBAL MEMBERS:

MONNA CORDONIA, Tulalip Tribe, Tulalip, Washington
TOM CURLEY, GIS Program Manager, Suquamish Tribe,
Suquamish, Washington
ROBERT WILSON, Cheyenne and Arapaho Tribes,
Concho, Oklahoma
NOREEN LAFORGE, Crow Tribe, Crow Agency, Montana
JAMES KELLY, Oil and Gas Administrator, Cheyenne
and Arapaho Tribes, Concho, Oklahoma

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

2 (1:00 p.m.)

3 MR. MCCLANAHAN: Hello. Good afternoon,
4 everybody. Welcome to the Land Buy-Back Program for
5 Tribal Nations 2017 Listening Session. My name is John
6 McClanahan. I'm the director for the Buy-Back Program.

7 I just wanted to start by saying we do have an
8 interpreter here at the front, so if there's anybody
9 that needs interpretive help, please come forward.

10 Before we begin, I wanted to introduce and hand
11 over the welcome to Chairwoman -- Vice Chairwoman Teri
12 Gobin to make a welcome on behalf of the Tulalip Tribe,
13 our gracious host for today's Listening Session. Ms.
14 Vice Chair?

15 MS. TERI GOBIN: Thank you. First of all, I'd
16 like to welcome you all here to our beautiful
17 reservation and our land. And we're excited to have
18 you be here to be part of this wonderful group that is
19 looking out for the best interests of Natives
20 throughout the country.

21 My name is (NATIVE LANGUAGE SPOKEN). My English
22 name is Teri Gobin. My parents are (NATIVE LANGUAGE

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1 SPOKEN), Joanne Jones and (NATIVE LANGUAGE SPOKEN),
2 Stan Jones, and my father was on the Council for 44
3 years, and 26 of those as chair. But I just recently
4 got on the Council. I'm three and a half weeks in, so
5 I know it all. No.

6 (Laughter.)

7 MS. GOBIN: So, but our Chairwoman, Marie -- our
8 newly-elected chairwoman, Marie Zackuse, is out of
9 town, and she was going to be here today, but her
10 schedule had some conflicts. So, this is the first
11 time we had a majority woman Council. We have four
12 women on our Council.

13 So, we are looking at quite a few changes in our
14 Tribe, and this is the year of the woman for our Tribe
15 and Mother Earth, and different things that we're going
16 to be bringing are going to be positive changes for our
17 people, and we're really excited about that. Our
18 schedules are conflicting all over the place. That's
19 one of the things we're going to get under control.

20 But, as a matter of fact, I have a meeting to head
21 out to right after we have the youth here perform. But
22 I'd like Patti to introduce the group here today.

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1 MS. PATTI GOBIN: Many of you see me -- see me
2 this morning, so I'm not going to speak much. But my
3 ancestral name is (NATIVE LANGUAGE SPOKEN). My English
4 name is Patti Gobin. I work for the Treaty Rights
5 Office for the Tulalip Tribes. And my parents are
6 Delores Gobin and Bernie Gobin, and my grandparents are
7 Joe and Ruth Gobin and Cecelia Young -- (NATIVE
8 LANGUAGE SPOKEN) Young.

9 And this is my daughter. I'll let her do the
10 introduction. She works for Marysville School District
11 for Quil Ceda Tulalip Elementary School, and these are
12 our kids.

13 MS. CHELSEA GOBIN: So, my name is (NATIVE
14 LANGUAGE SPOKEN), and I'm a teacher at Quil Ceda
15 Tulalip. And we're on the reservation just down the
16 road, but we are a public school in part of the
17 Marysville School District.

18 And when I started teaching, I thought we have so
19 much work to do in education, and I believe we have so
20 much healing to do. And so, I thought, well, my great-
21 grandmother is a survivor of Tulalip Boarding School,
22 and they did everything they could to stop her from

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1 being Indian. They beat her for speaking her language.

2 They made her feel as though she was less than human.

3 They made it illegal for our people to practice their
4 singing and dancing. They did everything they could to
5 take -- strip away being Indian from our people. They
6 weren't allowed to do that. Our people are amazing
7 people, and we survived that time.

8 So, one way of healing around education in a
9 public school is we sing every single morning as a
10 whole school. We sing a traditional song. These songs
11 belong to families, so I don't want to offend anyone if
12 some of these songs might be coming from your
13 territories. Some families have brought them forward
14 to give us permission to sing them, and I apologize if
15 there are any mistakes. We're still learning.

16 But we sing every single morning to try to heal
17 the past. We sing for our ancestors. We sing because
18 they weren't allowed to sing. They weren't allowed to
19 be Indian when they walked through the doors of the
20 education system. And if that's the one thing we can
21 start with, that's what we're doing.

22 Our next goal is to get Indian education in every

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1 single classroom in an indigenous way of thinking and
2 teaching, so, this is a start for us. So, thank you
3 for having us.

4 (Presentation by Quil Ceda Tulalip Elementary
5 School.)

6 (Applause.)

7 MR. MCCLANAHAN: I can't think of a better way to
8 start a Listening Session. Thank you so much, Vice
9 Chair. Thank you, singers and drummers. I know you
10 won't ever stop, but don't stop drumming and singing.
11 That was awesome. Thank you.

12 Today we're here to listen to Indian Country. Our
13 goal is to receive input, and guidance, and questions
14 that we will take back that we will hear, and as we
15 have before, use to improve the Program. Our goal will
16 be to be brief so that we can listen to you, so I will
17 make a few brief remarks.

18 I'm going to show a video. But, again, our main
19 goal here today is to hear from you about how the
20 Program is working, how it can get better. And that's
21 a very important thing for the Program because our
22 results, as you'll hear us talk about today, are really

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1 a result of working with Indian Country.

2 So, before I show the video, I just wanted to
3 frame a few of the issues to facilitate our
4 conversation today, and, first of all, I want to talk
5 about the scope of fractionation. This is a major
6 challenge that we have before us. There's about
7 245,000 people across 150 locations in Indian Country
8 that have three million fractional interests, and that
9 covers about 11 million acres of land.

10 As we've talked about in prior Listening Sessions
11 and in the reports that we've put out, 90 percent of
12 Indian land was lost through the allotment policy. So,
13 this 11 million acres that's remaining that's
14 fractionated with so many owners is so important to
15 focus on. And that's the mission of the Buy-Back
16 Program is to do what we can to consolidate the
17 fractional interests on that land.

18 Oftentimes this remaining land is the prime land,
19 the important land that's next to a river, or in the
20 bottom land, or next to a road or habitat. So, we're
21 really trying to make sure that that remaining acreage
22 is the best that it can be.

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1 In May of 2016, we announced a schedule of 105
2 locations that we're seeking to bring the Program to.
3 That's out of the 150 locations. We put that schedule
4 together after talking with Indian Country and getting
5 input from Tribal leaders and others. Those 105
6 locations encompass about 96 percent of all the owners
7 across these fractionated acres and about 98 percent of
8 the acres.

9 And we've quite a bit of progress working with
10 those locations, 37 now I believe that we've made
11 offers to. And those locations have achieved some
12 major progress with us in just a short amount of time.

13 Our first offers went out in December of 2013, and
14 those were at Makah, so right close to here, our very
15 first offers. And then we rolled out at larger
16 locations in the Great Plains at Pine Ridge and
17 Rosebud.

18 But at this point now, we've got some big results.
19 You're going to hear a lot of results, but one of the
20 big ones that I wanted to mention is that we've reduced
21 the number of fractional interests from the number that
22 existed in 2013 by about 23 percent. And some of the

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1 location-specific results are even greater than that.

2 I'm soo happy that Chairman Barnes is here today
3 from Blackfeet to talk about their results. Fifty-two
4 percent reduction in fractional interests. Pine Ridge,
5 44 percent. Fort Belknap about 45 percent. So, really
6 some tangible results.

7 The results that we've achieved, again, would not
8 have been possible without our cooperative agreements
9 and outreach with Indian Country. So, I just want to
10 take a moment and recognize all the Tribal leaders and
11 staff that are here today to help answer the questions
12 that the landowners have, and help disseminate
13 information about the Program. Your work with us has
14 been absolutely critical to making this work, so I just
15 want to say hats off to you, and thank you for your
16 partnership.

17 It's a huge, huge issue. Our job is not done.
18 And so, today we want to know what we can do to keep at
19 this issue of fractionation. We've got new leadership
20 obviously that's in place and coming in place in the
21 days ahead, and we know that they're very interested in
22 fractionation. They're taking a look at our progress

1 so far. They're asking as part of this fresh look what
2 other strategies could we bring to bear, especially
3 those that maximize the number of fractional interests
4 that we can consolidate. And so, you know, all options
5 are on the table.

6 A couple of things that have been discussed so far
7 are how can we make the appraisals that we do available
8 to as many people as we can, so if they want to do co-
9 owner purchases, that that's an option. We've also
10 talked about, and I'll get into this a little bit
11 later, our purchasing power. Of the dollars we have
12 left, how can that be used in a way that's going to get
13 the most interest?

14 And we've also talked about the possibility of
15 changing the schedule that we announced back in May.
16 And when I say "changing the schedule," that could mean
17 returning to places that the Program has already been
18 to. It could mean adding places that we have not been
19 to that are not on our schedule. But it also could
20 mean changes in not going to places that are already
21 identified. And I just want to make sure that we flag
22 that early and get your input on that.

1 The Federal Register notice that we put out before
2 the Listening Session flagged those items, but I just
3 wanted to take a moment here and identify that. I also
4 want to say we don't know what those changes might be.

5 Part of the process is to get input from Indian
6 Country, and we're analyzing the situation as well.
7 So, please provide your input. That will be
8 considered, and it's, again, very important.

9 We have hard choices. Any time you've got a
10 greater need than resources or time, you're going to
11 have to make hard choices, and so, we need your help
12 making those hard choices.

13 So, right now what I'd like to do is play a video
14 that we put together in the last couple of years. And
15 this is really a video that showcases the teamwork that
16 has been a big part of the Program. Our Interior
17 partners, the Bureau of Indian Affairs, the Office of
18 Special Trustee, the BLM, many other offices have come
19 together to make this a reality with Indian Country.

20 And so, you'll see many of our staff that are here
21 today in the video, and you'll also see Tribal leaders
22 that helped talk about the Program early on and what

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1 its benefits were to them. It's something that we've
2 shared with all locations, and it's on our website.
3 And it's, I think, a pretty good way to give you an
4 overview of the Program.

5 So, without further ado, I'll play that now.

6 (Video presentation.)

7 MR. MCCLANAHAN: Now I'd like to invite some of
8 the leaders from the Department of Interior up to the
9 stage that are going to be here at the table listening
10 to your feedback, and they'll each make some brief
11 remarks. I just, again, wanted to say thank you to our
12 staff all over the country, many of which are here,
13 many of which are in the video, for helping make this
14 Program happen.

15 So, I want to introduce Deb DuMontier. She's the
16 Acting Special Trustee for American Indians. The
17 Office of Special Trustee has been a major partner in
18 the Buy-Back Program in a number of areas, including
19 appraisal work and outreach. Deb?

20 MS. DUMONTIER: Thank you, John. (NATIVE LANGUAGE
21 SPOKEN) to the Tulalip Tribe for welcoming us with that
22 song. It really warmed the heart.

1 We often talk about how the Buy-Back Program
2 strengthens Tribal sovereignty. Every interest sold
3 reduces fractionation and increases land consolidation,
4 which allows Tribes to manage and use reservation lands
5 for the benefit of the Tribal community as a whole.

6 But a Land Buy-Back Program purchase can also be life-
7 changing for the individual landowner.

8 We are working diligently to make sure that the
9 landowners have the information they need to make
10 informed decisions about their land. We also know that
11 it's critical to provide financial training, including
12 budgeting, investing, and planning for the future, to
13 empower beneficiaries to grow and sustain personal
14 wealth.

15 For those landowners who receive a purchase offer
16 and choose to sell their land, it's important to think
17 strategically about how to use the funds received from
18 the sale. It may be the single and only time an
19 individual receives such an amount in their lifetime.
20 The proceeds of the land sale represent the land's
21 legacy, and the funds can offer both long- and short-
22 term benefits.

1 At OST, we have dedicated staff to provide
2 beneficiaries with additional information regarding
3 their land interests, and what options may be available
4 to them with respect to their proceeds of sale. We
5 have a table set up next door, Orca 3, so if you
6 haven't stopped by, please do. We also have
7 information about how to contact our Trust Beneficiary
8 Call Center or visit our Financial Empowerment website.

9 But not everyone will receive a Buy-Back purchase
10 offer, or if a landowner receives an offer and chooses
11 not to sell their land, it is still equally important
12 to consider how to best utilize the property, and how
13 to efficiently pass the interests to their intended
14 beneficiaries. There are certain Federal rules and
15 Tribal codes that govern inheritants of trust land.

16 OST and our partners at the Bureau of Indian
17 Affairs help landowners make informed decisions by
18 sharing information about various estate planning
19 options that may be available, such as gift deeds,
20 exchanges, and life estates. Because the rules and the
21 codes can and do change and are sometimes complex, it
22 is critically important to get as much information as

1 possible to make careful and informed decisions about
2 land interests and estate planning options.

3 Again, OST can help. We work collaboratively with
4 a number of Tribal organizations, legal aid services,
5 and law schools to help provide Indian trust
6 beneficiaries with resources to assist with estate
7 planning. The biggest priority of our team is to
8 provide landowners with the answers they need to make
9 informed decisions.

10 We are undertaking a monumental effort to conduct
11 outreach about the Buy-Back Program through
12 advertisements, media relations, postcards and phone
13 calls, posters, public service announcements, regional
14 events, and sessions on or near reservations. We have
15 also partnered with the Indian Land Tenure Foundation
16 to create a brochure, which you received in your
17 welcome packet, to help landowners understand how their
18 appraisals are calculated. This brochure is also sent
19 to every landowner who receives a purchase offer.

20 I hope that everyone here will join us in
21 assisting with the outreach efforts throughout the
22 remainder of the Land Buy-Back Program. The proceeds

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1 from this effort can truly make a difference throughout
2 Indian Country, for individual Indians, and the
3 communities they call home.

4 So, thank you for attending, and now I'd like to
5 turn the microphone over to Mr. Mike Black, our Acting
6 Assistant Secretary of Indian Affairs.

7 MR. BLACK: All right. Thanks, Deb, and good
8 afternoon, everybody.

9 First, before I get started, I'd like to introduce
10 down at the end of the table there, we have Mr. Bruce
11 Loudermilk, the Director for the Bureau of Indian
12 Affairs. And, Bruce, do you have anything you'd like
13 to say?

14 MR. LOUDERMILK: Yeah. You know, I just wanted to
15 come to this meeting and introduce myself. Obviously
16 previous to this position, which I got to D.C. on
17 December 24th, so relatively new as the Bureau
18 director, I was regional director of the Great Plains
19 Region. I've seen the positive benefits of this as it
20 rolled through the Great Plains for both individuals
21 and the Tribes. And I just wanted to be here today as
22 we go through this process here in the Northwest.

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1 So, thank you.

2 MR. BLACK: All right. Thank you very much,
3 Bruce.

4 Well, again, welcome, everybody, and thanks to the
5 Tulalip Tribe for hosting us this afternoon. We
6 greatly appreciate that. I want to reiterate what has
7 already been said about the historic opportunity before
8 us today.

9 This Program was designed in partnership with the
10 Tribes and the individuals through consultation and the
11 Cobell plaintiffs to help reverse the fractionation of
12 Indian lands that was set in motion under now
13 repudiated policies of allotment and assimilation.
14 Together we created this program which helps to keep
15 this land in trust, and together we can continue to see
16 the difference made in Tribal communities throughout
17 Indian Country.

18 The Program is about putting resources back into
19 Indian Country. Reducing fractionation reinforces the
20 cultural and economic future of Tribes. Consolidating
21 and returning these lands to Tribes in trust has an
22 enormous potential to improve Tribal community

1 resources by increasing home site locations, improving
2 transportation routes, spurring economic development,
3 and preserving traditional cultural and historical
4 ceremonial sites.

5 We're already seeing this difference this Program
6 is making, and some of you may have examples we can
7 cite. But as a result of the Program, the Squaxin
8 Island Tribe is now able to better protect its world-
9 class oyster beds. Land secured in trust for the Crow
10 Tribe is being used for a community water plant. The
11 Makah Tribe was able to build the Cape Resort Cabins
12 and Camping Recreational Vehicle Facility, which will
13 help generate further income from the Tribe. And the
14 Oglala Sioux Tribe of the Pine Ridge Reservation is
15 embarking on a major housing program aided by the
16 recent acquisition of land through the Program.

17 At Crow Creek, there was a single tract with
18 approximately 1,200 unique owners. After the Program
19 implementation, there are now about 850 unique owners
20 on that tract, but the Tribe owns 50.7 percent, making
21 this tract economically viable, something that they can
22 use. Since the Tribe owns the majority interest, it

1 can grant grazing permits and seek other opportunities
2 that'll benefit the whole community.

3 The Buy-Back Program and Tribal leaders must
4 continue to work together to ensure that the landowners
5 are aware of the opportunity to sell land interests for
6 the benefit of both the landowner and the Tribal
7 community. We've certainly seen some big results at
8 locations where Tribal leaders were actively talking
9 about the Program. I think John mentioned some of
10 these earlier in his talk.

11 You know, for an example, 65 percent of the owners
12 on the Crow Creek Indian Reservation who received an
13 offer said yes. Nearly 80 percent of the owners who
14 received an offer for land on Swinomish Reservation
15 decided to consolidate those fractional interests for
16 the community.

17 We know selling land is a deeply personal decision
18 that has impacts for both the landowner and the Tribal
19 community. We must always be guided by the idea that
20 this is a voluntary program: willing buyers, willing
21 sellers. And landowners should take the time to speak
22 with their families, to look at their fractional

1 interests and the benefit that they're receiving from
2 them, and ultimately make their decision based on
3 what's best for them.

4 The Blackfeet Nation took this task very
5 seriously. The Tribe worked to create the -- I'm going
6 to probably mess this up, Chairman Barnes, but the
7 Piikani --

8 MR. BARNES: Piikani.

9 MR. LOUDERMILK: Piikani Money Campaign focused on
10 financial awareness -- thank you -- exploring both what
11 options might be available for landowners who receive
12 large sums and how to look out for those who might
13 commit fraud or scams. And with that, I'd like to
14 welcome Blackfeet Tribal Business Council Chairman,
15 Harry Barnes, to speak about the significant gains for
16 Tribal control and reduction in fractional interests
17 the Nation has seen.

18 Thank you.

19 MR. BARNES: Thank you, Mike. (NATIVE LANGUAGE
20 SPOKEN), or as my mother knew me, Harry Barnes. I'm
21 Chairman of the Blackfeet Tribe. I, too, want to thank
22 Vice Chairwoman Gobin and the singers. It's a proper

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1 welcome and prayer. And I want to thank the Tulalip
2 Tribe for the hospitality, which is certainly not shown
3 in the casino as I lost last night.

4 (Laughter.)

5 MR. BARNES: That's one thing we have in common, I
6 guess, with the Blackfeet casino. The odds are always
7 in favor of the house.

8 I do want to introduce fellow Councilmember Tim
9 Davis and ask him to stand up. And then, I would like
10 to introduce the Blackfeet Tribe and ask them to stand
11 up -- excuse me -- the team, Blackfeet Tribal team.
12 That way, in case you have questions later, that's who
13 you need to talk to.

14 Billy Old Chief was our Program Coordinator, and
15 he is still. Next to him is Ted Hall, Program Partner,
16 team member, and then Mark Magee. Mark is our Land
17 Director for the Blackfeet Land Department. So, if you
18 have questions, get with them afterwards and ask them
19 because they know a whole lot more than me, but I
20 outrank them.

21 I would like to also recognize Elouise Cobell,
22 who's not here today, you know. But without her

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1 fortitude and intense desire to find justice for all
2 Indian people, this wouldn't -- we wouldn't have been
3 here today.

4 You know, unfortunately Elouise passed on before
5 she saw the fruits of her labors. While the case was
6 settled, the deal wasn't made until much later. So, we
7 thank Elouise, who was a Blackfeet member, Treasurer
8 for a whole lot of years. And I knew her, and others
9 knew her even better than I, so we certainly want to
10 recognize her.

11 I want to share with you a quick personal story.
12 Now, I think Mike or John asked me to speak here
13 because I'm a dynamic speaker. I'm handsome. I'm good
14 looking, and I'm -- and then I found out it was just
15 because Elouise Cobell -- so anyway.

16 (Laughter.)

17 MR. BARNES: You have to stick with me anyway. I
18 want to share this personal story because it's a lot of
19 about what we're talking about today.

20 Mom and Dad had 18 children, nine boys, nine
21 girls. The last birth was twins. I think that's when
22 they said, hey, we've got to quit this. But there's a

1 lot of cold winters in Montana. I was born in
2 September, which is, like, the ninth month -- yeah,
3 it's the ninth month of the year. She ended up with 40
4 acres from my grandmother, which then when she passed
5 was split between the 18 children. So, each of the
6 siblings had one-18th share.

7 Before the Land Buy-Back Program, nine of my
8 siblings have died, and so their children -- and when
9 they said "go forth and multiply," we kind of took that
10 literal, and so there's a lot of nieces and nephews
11 that are on that, too.

12 And so, we always had a personal connection. We
13 thought that was our connection to the land and our
14 culture, and our being Blackfeet was resting in that
15 land or Mother Earth, you know. You know, but our
16 leaseholder always had more rights than any of us, so I
17 couldn't even live on my land, much less pitch a teepee
18 or even run a cow because the leaseholder had more than
19 rights than I did.

20 And so, but we still always felt -- a couple of
21 siblings tried to gather enough signatures to do
22 something, never successfully. And so, we were never

1 able to do anything with that land, but we always
2 maintained that personal, emotional connection to our
3 homeland, even though most of us had not even -- had
4 long since moved away from the Blackfeet Reservation,
5 many in Spokane, you know, so that's the dry part of
6 this State. But that's exactly what this Program, the
7 Land Buy-Back Program, was designed to eliminate or at
8 least mitigate. And so, it's had an awful lot of
9 success.

10 The Blackfeet Reservation is over a million acres.

11 You'll see it right up there on the slide. We're
12 agriculturally based, okay? It's farming and ranching.

13 We're right on the eastern front of the Rocky
14 Mountains. We just signed -- voted positively on a
15 water compact settlement last Thursday, so we're very
16 -- still very excited about that. That has money in it
17 to buy land that has water allocation. And so, we look
18 forward to developing a lot of natural resources,
19 water, but also the land and irrigation.

20 So, we're the most -- third most fractionated
21 reservation. You'll see up on the left up here is the
22 parcels that we own 51 percent of before Land Buy-Back.

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1 Then the slide on the right shows those parcels that
2 we the Tribe own 51 percent of after Land Buy-Back.
3 So, you can see there's a substantial change in the
4 dots.

5 Now, we don't know yet the full impact. We're
6 estimating that we're going to realize a \$2 and a half
7 million per year recurring revenue stream to the Tribe,
8 which will enable us to buy other lands, especially fee
9 land. We have a lot of fee land on the reservation,
10 and John has not agreed to pay for those yet. We're
11 not done with the day yet either, though, John, so.

12 But our Program on the Blackfeet was very
13 successful, and I owe it all to the team. Normally the
14 Chairman takes all the credit while somebody else does
15 all the work. But I'm not up for reelection this year,
16 so --

17 (Laughter.)

18 MR. BARNES: -- I'll give them the credit. They
19 know me.

20 You know, we're the third most fractionated
21 reservation in the country, okay, so we had a big job
22 to do. We had -- we've reduced the number of acres or

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1 the tracts that are 51 percent owned by the Tribe now
2 by 52 percent, okay, so that's a substantial number.
3 Yeah, certainly exceeding that. So, we're number one
4 there.

5 We're number one in the total number of acres that
6 are going back to the Tribe: 323,407 acres are
7 reverting to the Tribe -- the Blackfeet Tribe, so you
8 can see that's a substantial amount of acreage. We
9 just don't know how much of it's contiguous yet. And
10 so, what are we going to do with it? What are our
11 plans? We don't know yet. We are going to reach out
12 to our community back home and let them be involved in
13 it.

14 We're number one in the number -- the total dollar
15 and offers sent out. We're number one in the total
16 dollars distributed through those offers. I told John
17 we're number one in the take rate. He disagrees with
18 me, but we'll take that up later, too.

19 Like I said, recurring revenues to the Tribe is
20 going to be approximately \$2 and a half million. It'll
21 allow us, and we just -- coincidentally next month
22 we're starting planning on a comprehensive land use

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1 plan, so this will fit right into that. It's hard to
2 manage those fractionated tracts, and so, we want to
3 find ways of further reducing the number of
4 fractionated tracts.

5 We are -- so fractionation has not cured
6 everything for the Blackfeet nor will it in Indian
7 Country. I think it -- I believe it to be a good
8 start, you know, but we have a long way to go. And so,
9 one thing I would ask all Tribes is to please lobby
10 your congressional delegation to try to get John some
11 more money. He needs more money.

12 So, what do I attribute the success to? It really
13 is an outstanding team that worked on the education and
14 the outreach portion through our compact. The only
15 involvement the Council had was we hired Billy Old
16 Chief, Jr., and for the most part we stayed out of it.

17 That's the way you can be successful in how the
18 Council contributed by sticking their nose someplace
19 else, in someone else's business.

20 The team conducted over 60 outreach events
21 stretching from Billings, Montana to Seattle, okay? We
22 identified where all the population pockets were that

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1 Blackfeet had moved to. We actually had a Relocation
2 Program years ago that relocated a lot of Blackfeet,
3 and so, there's actually quite a Blackfeet population
4 from Tacoma all the way up to Anacortes and the border,
5 you know. So, we have quite a few Blackfeet over here
6 that are trying to wiggle their way into a -- this
7 distribution.

8 We had performed over 1,900 notarized signatures
9 right on the Blackfeet Reservation. There were others
10 done not by the team. The team just did 1,900, which
11 tells me that's at least how many takers there were
12 right there in Blackfeet Country, or a close number.

13 In one day, they processed over 218 clients, you
14 know. That's processing a whole lot of people. We
15 located them up in the Bureau of Indian Affairs
16 building, and so they had ready access to records and
17 everything else. And so, they did an outstanding job,
18 sometimes staying until 8:00 at night. So, like I
19 said, I really give them all the credit for the success
20 we did.

21 The team was patient, respectful, and helpful.
22 And I say that, they emphasized the Program was

1 voluntary. Their job was to help people become more
2 informed so they can make informed choices. Just about
3 every speaker that spoke before me talked about
4 informed choices, because really that's our obligation
5 to our members, to provide them as -- with as much
6 information they need to make an informed choice. And
7 so, that's what our team worked on, you know, because
8 it is a highly personal and emotional choice.

9 There's a lot of people that make a -- that same
10 connection, and I shared my story -- personal story
11 with you. There's a lot of folks out there that feel
12 the same way, and so, it's a very tough, tough call,
13 but our team, as I said, worked with them patiently and
14 respectfully. While they could've ran out of patience,
15 while they could've said, oh, that's a really stupid
16 question, while they could've yawned and said I really
17 hate to be here, they didn't. They stayed right there,
18 always keeping a positive attitude.

19 Leadership. The Council did get involved in
20 encouraging participation and encouraging folks to get
21 yourself educated, make an informed choice, but the
22 choice is yours.

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1 We appreciate the cooperation of the Bureau, which
2 is not always the case sometimes in Indian Country, but
3 in this, we very much worked cooperatively. The Bureau
4 stayed there late. The realty person over at Blackfeet
5 Agency, she was right there. She was shoulder-to-
6 shoulder with the team providing information and
7 helping educate people on where their acreage was, what
8 they had.

9 And so, it really was a cooperative effort between
10 both our team and the Bureau of Indian Affairs.
11 Blackfeet Agency, I applaud them. I happen to
12 appreciate my relationship with Thedis Crowe. You
13 know, we come from a place where our government was
14 broke down. My first visit shortly after coming into
15 office was up to Thedis Crowe's office, and she said,
16 Harry, you know, there hasn't been a representative of
17 the Tribe in here in two years, maybe three years, you
18 know. So, she was happy to see me. We started off
19 well, and we're still going that way.

20 And so, I encourage you all, you know, provide
21 input to John and the rest of the leaders so that they
22 can go back and make decisions that'll further affect

1 us. If your Tribe hasn't completed their Program, it's
2 important that you still provide input to the decision
3 makers because this is your chance, folks. So now you
4 get to beat them up. Now you get to kick them around
5 and do all that stuff. But without your input, it's
6 pretty hard for them to do what's best for us unless we
7 tell them.

8 And so, I encourage all of you to step up to the
9 mic. It's your chance at the plate, and let them know
10 the direction you believe the remainder of the Program
11 should go. And they can take it to heart if you share
12 it with them, and so, without that, they can't.

13 I thank you for your time. I will be around
14 today, too, so if you have any questions for me. As
15 long as they're easy ones, I'll answer them. If
16 they're tough ones, I will refer you to somebody
17 smarter than me. And that's not a very high bar,
18 folks, but I'll find someone.

19 So, thank you all for your attention and your
20 participation.

21 (Applause.)

22 MR. MCCLANAHAN: Thank you, Chairman Barnes. We

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1 all know that you're a good speaker. Thank you.

2 I want to introduce Katy Grounds. She's a Senior
3 Advisor for Tribal Relations for the Buy-Back Program.

4 Katy leads a team of key staff that helps coordinate
5 our Federal teams that work very closely with Tribes to
6 tailor the Program to each location that we go to.

7 Katy?

8 MS. GROUNDS: Hi, everyone. I'm Katy Grounds with
9 the Land Buy-Back Program. I'm going to provide a
10 general overview of the Program's parameters that are
11 outlined by the Cobell settlement. And then I'm going
12 to provide an update on our progress to date building
13 on the information that we've heard today from
14 Departmental leadership and the landowner outreach
15 video that we all watched.

16 The Buy-Back Program implements the land
17 consolidation piece of the Cobell settlement. The
18 Program utilizes a \$1.9 billion fund to purchase
19 fractional interests in trust or restricted lands from
20 willing sellers at fair market value within a 10-year
21 timeframe, which is set to end November 2022. So,
22 we're about four and a half years into that 10-year

1 timeframe.

2 Interests purchased from individual landowners are
3 consolidated into Tribal trust ownership for the Tribes
4 that have jurisdiction over the lands. And as John
5 mentioned earlier, in May 2016, the Department of the
6 Interior announced a list of 105 reservation locations
7 that were scheduled for implementation through mid-
8 2021.

9 So, tracts or allotments, and we use those terms
10 interchangeably, were created as part of a now
11 repudiated Federal allotment policy where an individual
12 Indian was assigned a tract or an allotment of land.
13 And as land gets passed down through the generations,
14 the number of owners on each tract increases. So, when
15 we talk about fractionation, what we're talking about
16 is multiple landowners who own on a single of tract of
17 land.

18 And as we heard from Chairman Barnes' story and
19 also from a lot of you landowners who already are aware
20 of this, the challenge of fractionation is that because
21 of the multiple landowners who own on each tract, it
22 becomes difficult to make decisions about how to use

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1 the land. So, for example, at the Yakama Reservation,
2 the most fractionated tract has 304 unique landowners.

3 So, if you own on that tract and you want to build a
4 home, consent to a lease or a right-of-way, or make
5 other decisions about the land, you have to involve
6 those 304 unique landowners before you move forward on
7 any land management decisions.

8 So, as I stated earlier, the Program manages a
9 \$1.9 billion fund, and there are three pieces to that
10 fund. The biggest piece -- \$1.555 billion -- that's
11 what available to pay landowners for the interests that
12 they choose to voluntarily sell through the Program.
13 So, the biggest piece of the fund -- \$1.555 billion --
14 that's available to buy land.

15 The second largest piece -- \$285 million or 15
16 percent of the \$1.9 billion total -- that's what
17 available to administer the Program. So, that's the
18 cost of landowner outreach and education, the mapping
19 work, the appraisal work, the mineral evaluations, and
20 it also funds the agreements that we enter into with
21 Tribal nations, \$285 million. There's also a \$60
22 million scholarship piece of the fund, and we refer to

1 that as the Scholarship Fund.

2 So, the Program spends about 18 months at each
3 reservation to implement the Program. So, when we
4 break that down, there are four major phases. The
5 first phase is outreach, and that's when we meet with
6 Tribes and individual landowners to provide information
7 about the land, what they own, and what their options
8 are as a landowner, including their option to
9 participate in the Land Buy-Back Program, and also
10 alternatives to sale if the landowner chooses not to
11 participate or doesn't receive an offer.

12 The second phase is land research, and that's when
13 we gather data and information about the land, like
14 precipitation, elevation, soil types, whether there's
15 road access, the presence of timber or minerals, a lot
16 of other data points so that we can then do the third
17 phase, land valuations, and that's the appraisal part
18 of the Land Buy-Back Program. And that's when we
19 determine the fair market value on a tract-by-tract
20 basis.

21 Once the appraisals are complete, we move to the
22 fourth phase, which is land acquisitions. And that is

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1 when we send out offers to the individual landowners
2 and process those offers that are returned, and
3 transfer the interests in trust to the Tribe with
4 jurisdiction over the land.

5 Okay. So, now that I've covered the main
6 parameters of the Buy-Back Program, I'll talk about our
7 progress as it relates to land consolidation, the
8 implementation costs, and transfers to the Scholarship
9 Fund.

10 So first, on land consolidation, since the Program
11 began making offers in 2013, we have consolidated more
12 than two million equivalent acres across Indian
13 Country. We've purchased more than 690,000 individual
14 interests on nearly 40,000 tracts. So, as John
15 mentioned earlier, that's about a 23 percent reduction
16 in the total number of fractional interests that
17 existed in 2013 prior to the Land Buy-Back Program
18 making offers.

19 We've sent offers for interests at 37
20 reservations, including Yakama, and those offers are
21 actually going out this week. So, 37 reservations have
22 received offers, and over 13,000 tracts have reached 50

1 percent or more Tribal trust ownership as a result of
2 the Land Buy-Back Program.

3 We've purchased over \$1.1 billion worth of land,
4 which is over 75 percent of the \$1.555 billion that's
5 available to buy land under the Land Consolidation
6 Fund. And in terms of implementation costs, we've
7 expended 25 percent of the \$285 million that was
8 authorized for implementation costs. And that means
9 we've also entered into agreements with 46 Tribal
10 Nations so far.

11 The Department has now transferred a hundred
12 percent of the Scholarship Fund, or \$60 million. It's
13 overseen by the Cobell Board of Trustees, and it's
14 administered by Indigenous Education, Inc., and that is
15 a nonprofit corporation expressly created to administer
16 the scholarship program.

17 So, that is an update on where the Buy-Back
18 Program is right now. I'm going to turn it back over
19 to John.

20 MR. MCCLANAHAN: Thank you, Katy. I just want to
21 spend a few more minutes to identify a couple of key
22 areas that we're especially interested in getting

1 feedback from Indian Country on. This is not intended
2 to limit the scope of your comments, but really just to
3 try to convey a couple of points that we're really
4 interested in.

5 So, there are two major topics. The first one are
6 what are the best strategies for continuing to address
7 fractionation. And we've got two subparts to this:
8 how do we reduce fractionation with the remaining
9 funds, and then second, how do we do that in the long
10 term? And then the other topic that we're hoping to
11 get feedback on are off-reservation lands.

12 On the screen, I have got a picture or a diagram
13 here that will help us explain some of the factors that
14 we're looking at or that could be considered in using
15 the remaining funds that we have in the Buy-Back
16 Program. Right now there's less than \$600 million
17 remaining of the overall \$1.9 billion fund. As I
18 indicated at the outset, our new leadership is
19 interested in this Program. They're reviewing our
20 progress, and they're taking a fresh look at the
21 Program and asking what are the other strategies or new
22 ideas that we could bring to bear to use the remaining

1 monies.

2 Some of the ideas that are being discussed include
3 the value of the land, the size of the fractional
4 interests, and whether there's control on the tract,
5 meaning are there owners that can make a decision
6 somewhat easily?

7 So, looking at the picture here, I've stated a
8 question, which is: let's assume that the Program has
9 \$5,000 of a budget to make offers. We've got a choice.
10 We've got two tracts, Tract A and Tract B, where we
11 could make offers. One tract, Tract A, is valued at
12 \$9,000. The second tract is valued less at \$5,000.
13 That's, you know, based on an appraisal.

14 Each tract has a different number of owners, and
15 so, we've circled Tract B for two reasons. There are
16 two benefits of making offers on Tract B versus Tract
17 A. The first one is that if I use that \$5,000 to make
18 offers on Tract B, all five of those owners that each
19 have a 20 percent undivided interest will get an offer.
20 On the other hand, if I -- if the Program makes an
21 offer on Tract A, there's only going to be an offer for
22 two of the landowners.

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1 So, the benefit that we are able to realize with
2 making that offer on Tract B is that more people get an
3 opportunity to participate in the Program. And if they
4 decide to sell -- again, it's up to them -- more
5 interests are consolidated.

6 The second benefit that can come from making an
7 offer on Tract B is that if three of the owners that
8 receive an offer on Tract B decide to sell, then that
9 tract now has 60 percent ownership. And if it's
10 agricultural land, like most of the land at Blackfeet,
11 for example, then the Tribe is in ownership of adequate
12 interests to make a decision about the land. So,
13 making that offer on Tract B helps gets tracts into
14 Tribal control so our resources are better directed in
15 that sense as well.

16 So, the final bullet on this slide is intended to
17 indicate that using these kinds of factors, the Program
18 may adjust the schedule that we've announced. Again,
19 in May of 2016, we identified 105 locations that we're
20 seeking to bring the Program to. But, again, as we are
21 working with the new leadership, we're looking at any
22 and all strategies that could be utilized to best

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1 stretch those remaining dollars, and that could result
2 in a change to our schedule, as I pointed out. So, we
3 definitely are looking for feedback from Tribal leaders
4 and landowners on those questions.

5 The picture I've got here is intended to give you
6 a visual depiction of the progress that the Program has
7 made. As Katy and others have indicated, as I
8 indicated at the beginning, we've reduced the overall
9 fractional interests that existed in 2013 by 23
10 percent. So, the bottom curve is showing before the
11 Program, the actual increase, and then the bottom part
12 when the Program was implemented in 2012, we start to
13 see a major reduction in the fractional interests.

14 The top dotted line is shown to let folks see how
15 fractional interests would've continued to grow most
16 likely absent the Program. We're seeing a 1.2 percent,
17 or estimating, I should say, a 1.2 percent growth rate
18 in fractional interests. So, the Program has
19 definitely made a lot of progress, and there's been
20 solid gains, as Chairman Barnes described at Blackfeet,
21 with the number of tracts that are in Tribal control.
22 Those are long-term benefits that are going to

1 strengthen Tribal sovereignty when those tracts get to
2 50 percent. So, that's not going to change.

3 But what is going to change is every day that goes
4 by, even though the Program is making progress, folks
5 are passing away and fractional interests are being
6 created. And so, the challenge for Indian Country and
7 the Department is how do we continue to address the
8 issue of fractionation? The \$1.9 billion that was
9 provided through the Cobell settlement is a substantial
10 amount of money, but it is not enough to purchase all
11 the fractional interests that exist in Indian Country.

12 In our Status Report that we put out in November,
13 we indicated that it would be many billions of dollars,
14 assuming everybody was interested in consolidating
15 their interests, to solve fractionation. And that's a
16 major scope that, again, the Program is just not going
17 to be able to address, in part because the Program is
18 voluntary.

19 So, recognizing that large scope of the challenge
20 before us, we want to get input on what do we do for
21 the long term? How do we continue to address
22 fractionation, recognizing these 11 million acres that

1 are left are so important to the future of Indian
2 Country, and recognizing that they pose major
3 challenges for effective land management?

4 Again, it's a voluntary Program. We know folks
5 choose for various reasons, including personal reasons,
6 not to sell. And so, with those landowners that are
7 not interested in selling, we need to be thinking of
8 other options and tools that folks have described
9 today. And so, we're looking for input on those kinds
10 of ideas as we move forward, again recognizing the size
11 of the challenge before us.

12 Finally, one other area that I wanted to point out
13 are off-reservation lands, also sometimes referred to
14 as public domain lands. I know in the Northwest, there
15 are a number of locations that have been particularly
16 interested in this topic.

17 And the question that we're interested in
18 receiving input about is the priority that ought to be
19 ascribed to purchasing off-reservation lands when we
20 realize our limited -- our resources are limited, and
21 that there are quite a few -- most really -- fractional
22 lands that are within reservation boundaries.

1 The challenge sometimes with off-reservation lands
2 is that jurisdiction can be complicated, sometimes
3 disputed. And so, it can take extra research and
4 resources in order to determine where those lands would
5 be vested, which Tribe would receive the lands. And
6 so, that, again, is a question for input. What are the
7 relative priorities of those lands versus the on-
8 reservation lands? The second part of the question
9 that we're interested in is there's got to be
10 jurisdiction in order to acquire those lands if we're
11 able to do that.

12 And so, in our Federal Register notice that we
13 published before this meeting, we identified a number
14 of questions that one would go through in order to
15 determine jurisdiction, and so, we're asking for input
16 from Tribes about those questions. Are those the right
17 questions? Are there other questions that ought to be
18 asked?

19 So, with that, I appreciate your patience. And
20 now we want to introduce Julius Snell, who will help
21 moderate feedback from Tribal leaders. I want to
22 recognize we have a court reporter here, and so we're

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1 going to have your comments down, and it will be
2 helpful considering those as we move forward. So,
3 thanks again for your time, and I look forward to
4 hearing from as many of you as possible. Thank you.

5 (Applause.)

6 MR. SNELL: Yes, like John said, we'd like to
7 invite Tribal leaders up first if you have any
8 comments. Please come up to the mic if you can. Speak
9 directly into the mic. Provide us your name and your
10 Tribal affiliation so we can get the transcript
11 correct. And then after we're done here at the
12 Listening Session, we'll provide the slides and the
13 transcript onto our website.

14 So, please come up to the mic if you -- elected
15 Tribal leaders or people speaking on behalf of the
16 Tribe, to come up and make a comment. Thank you.

17 MR. HAMILTON: Good afternoon. My name is Eddie
18 Hamilton. I'm the Governor for the Cheyenne and
19 Arapaho Tribes located in Oklahoma. A couple of things
20 is just to -- I want to show gratitude and also our
21 concerns that we have within our territory.

22 First, you know, Elouise Cobell, I want to thank

1 her for her efforts, and also give you guys my praise
2 for your efforts of standing up here and taking on this
3 task of helping this Program come to fruition. In
4 those efforts, I know that, just like any other Tribal
5 leader or leader at most, you know, you have to go home
6 and spend some time trying to take out those arrows out
7 of your back from the day of listening to everybody's
8 concerns or frustrations. So, I thank you for your
9 efforts of what you're doing and what you continue to
10 do.

11 Our concerns at Cheyenne-Arapaho Tribes has mainly
12 been about, because we are in a checkerboard type of a
13 territory where our lands are not consolidated as most
14 territories are, is how do we get past this whole issue
15 of dealing with not only above-surface, but sub-surface
16 when we talk about those minerals. And how do we deal
17 with knowing that most of our lands, as fractionated as
18 they are -- I think we talked about one tract of land
19 that had over 500 people on there as owners.

20 But in reality, it's about trying to do what's
21 best for our people, and, in this situation, take
22 advantage of this opportunity for us to purchase those

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1 lands. But it's the concerns or the frustrations of
2 knowing that we can't do this if there's -- those below
3 surface of those, you know, like oil and gas. And
4 right now, in western Oklahoma, especially in northwest
5 Oklahoma, we're probably one of the top spots in the
6 Nation dealing with those types of minerals.

7 And how do we -- how are we able to purchase those
8 lands if we have that issue going on in Oklahoma,
9 especially in our territory? That's where we really
10 would like to get more of those answers and try to
11 figure out how we can best serve our people and get
12 those lands back, because I think the intent of this
13 whole Land Buy-Back was to actually, like you mentioned
14 in the video, was to strengthen our sovereignty, and
15 get our lands back that were once ours. But yet, it's
16 this issue of sub-surface and those types of issues.

17 So, that's really my concern. And, but once
18 again, I want to thank you all for your time and your
19 efforts, and give you praise for standing up here and
20 doing what you do. And thank you for your time.

21 MR. MCCLANAHAN: Thank you.

22 MR. SNELL: Thank you.

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1 (Applause.)

2 MR. GREEN: (NATIVE LANGUAGE SPOKEN). Good
3 afternoon, friends. My name is Austin Green. My
4 Indian name is (NATIVE LANGUAGE SPOKEN). I represent
5 the Confederated Tribes of Warm Springs Nation. I am
6 the Chairman of the Tribal Council, and I do have some
7 written testimony here I'll be providing at a -- at a
8 later time. But I do want to discuss some issues here,
9 and just want to use your time and things go out here.

10 First and foremost, I do want to thank the Land
11 Buy-Back team and the leadership that has come out to
12 listen to the concerns of Tribal leaders. Next, I do
13 want to recognize my staffers that have been working on
14 this issue -- Mr. Louie Pitt and Randy Scott -- as we
15 advance our -- advance forward on this issue.

16 Some of the concerns that I have is potential
17 adjustments to locations, even removing locations, as
18 mentioned in the Listening Session paper. Reasons to
19 continue working with Confederated Tribes of Warm
20 Springs, I believe that the Confederated Tribes of Warm
21 Springs sent a letter of intent that was accepted by
22 the Land Buy-Back Program -- Federal Program, and a

1 cooperative agreement and a budget was formulated. And
2 Tribal governments supporting the Land Buy-Back Program
3 as resolutions were approved and whatever other support
4 needed will occur.

5 And like I mentioned, Tribal staff was trained.
6 In other words, we -- both Federal and the Confederated
7 Tribes of Warm Springs Land Buy-Back Program are well
8 down the road to implement this project. The need for
9 land consolidation -- lessening the fractionated
10 allotment problem on our reservation and off
11 reservations are a high priority. Strengthening Tribal
12 and individual sovereignty is what the project will do
13 and is greatly appreciated.

14 Having the ability to do more with our lands is
15 especially needed as the Confederated Tribes of Warm
16 Springs is challenged for a decrease in revenues.
17 Consolidation and economic development priority
18 allotments will clarify development opportunities.
19 Protection of our way of life as Tribal people will be
20 further strengthened. Education of Tribal governments
21 and individual allotment owners is a great investment.

22 In the Middle Oregon Treaty of 1855, our contract

1 with the USA, we ceded -- basically we gave up 10
2 million acres that we own. Yes, we owned it. Short
3 course on treaties, two sovereigns brought their
4 inherent rights to the treaty negotiations. No one
5 gave us any rights. Tribes reserved off-reservation
6 rights to fish, hunt, gather berries and roots, and
7 pasturing of our stocks on unclaimed lands.

8 The four Columbia River Treaty Tribes all reserved
9 these off-reservation rights since time immemorial. At
10 the beginning of time, we fully administered, managed,
11 protected, utilized all of our lands, including off
12 reservation. Today we have off-reservation trust lands
13 and public domain.

14 Confederated Tribes of Warm Springs continue to
15 have governing authorities on these lands. Our Tribal
16 constitution and our ordinance administer and manage
17 these lands. Please consider including off-reservation
18 trust lands to be part of the Land Buy-Back Program.

19 Our services -- our Land Service Administrator has
20 reported the need to facilitation of co-owner
21 purchases. The Tribe has always supported keeping our
22 lands in Tribal ownership with individual ownership as

1 our second priority. Purchasing by a co-owner -- a
2 fellow owner, same family, should be facilitated. One
3 way is to share appraisals on those priority lands.
4 Sharing appraisals while they are still valid would
5 help our individual Tribal member allotment owners.

6 Long-term option. This is my first encounter with
7 the Land Buy-Back Program, and our Tribal government
8 will give serious thought and send them to you in
9 written comments supporting my comments and more later.

10 As I mentioned, I did have original testimony, but
11 things have changed and transpired and the need for
12 updates. So, I will submit my written testimony by the
13 May 31st deadline.

14 Thank you for giving me this opportunity.

15 MR. SNELL: Thank you.

16 MR. MCCLANAHAN: Thank you, Mr. Chairman.

17 (Applause.)

18 MS. SMALL: Good afternoon. My name is Tracy
19 Small. I am the Project Coordinator for the Crow
20 Nation. I am from Crow Agency, Montana. And I'd like
21 to thank the Department of Interior for putting on this
22 Listening Session with the Land Buy-Back Program. I'd

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1 like to thank everybody else who had attended and
2 sought consultation.

3 I have a few questions to ask. However, I'd like
4 to comment on today's session here.

5 In the past, when the Land Buy-Back Program was
6 tapped into the Crow Nation, there was nothing like
7 this here today. We were not having -- we did not have
8 any consultation about how to spend it and what are the
9 Tribal priorities, and what we needed to do through
10 that process as far as appraisal and even the market
11 value. We did not have that.

12 However, we were given that money, and it was
13 almost like watching a music video where they kind of
14 splash money at you, and here you go. And we had --
15 there was consequences to that. So, today as you are
16 -- I really hope that a lot of people took advantage of
17 that consultation with financial education, and the
18 appraisals, and your minerals, and where are the Tribal
19 priorities with that land.

20 Make sure you are getting educated. Make sure you
21 have that network. Make sure you have that feedback
22 with your Tribe because we didn't have that with the

1 Crow Nation. And right now, that's the question that
2 I'm going to ask with the Department of Interior that
3 if the Crow Tribe can go on ahead and ask for --
4 request another round of that funding in a fair manner
5 -- fair consultation to be brought to the Crow Nation,
6 having that financial education, having that appraisal,
7 mineral rights, knowing that and teaching that to our
8 people so that we know where also us as Tribal
9 executive officials, that we can share those
10 priorities.

11 The other question that I also wanted to ask is
12 during this Land Buy-Back Program, why are we not able
13 to purchase the fee land. Back when the Dawes Act of
14 1887, back in the Crow Act of 1920, there was by means
15 of the government to purchase on the Crow Reservation
16 by non-enrolled members to purchase our land, and it
17 was a really good plan. And when they purchased that
18 land and they were giving enrolled members -- Crow
19 enrolled members non-access to the water and power
20 lines.

21 That's why we want to request that second round to
22 have a fair shake, again, like I said on the financial

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1 education of this Land Buy-Back. And to have a fair
2 shake on that, purchasing the fee land from non-
3 enrolled Crow members that -- again, like the other
4 individual had mentioned, we, too, have a checkerboard
5 reservation, and we want to go on ahead and purchase
6 those -- that land -- the fee land. Not just allotted
7 land, but fee land so we can have access to our -- more
8 access to our water that we own and the power lines
9 that we want to go on ahead and utilize for future home
10 sites.

11 So, I don't believe I have any more questions
12 other than I just really want to thank everybody for
13 this time. I also recall this morning, Kathy when she
14 mentioned about the appraisals, make sure, to the other
15 Tribes, that your appraisals are efficient.

16 Our appraisals that came to the Crow Nation, they
17 gave us five times more than the market value when they
18 could've -- they could've at least appraised it at
19 least, you know, double time. That way we could've
20 managed our money to buy even just that much more land
21 instead of throwing money like crazy to our members and
22 saying your land is five times more than the market

1 value when it -- you know, even at least double the
2 market value.

3 Make sure your appraisals that come from the
4 Department of Interior are efficient, and that they are
5 -- you know, your Tribal officials are efficient at
6 knowing, well, how you're going to be -- have that fair
7 market value of those lands so that you can -- the
8 Tribe can purchase that land efficiently, and buy that
9 much more land.

10 Other than that, I thank you for your time.

11 MR. MCCLANAHAN: Thank you.

12 (Applause.)

13 MR. TSOSIE: Thank you (NATIVE LANGUAGE SPOKEN).

14 I'm Leonard Tsosie with Navajo Nation Council. We've
15 already gone through the Land Buy-Back effort. I come
16 here today to talk about not allowing the funds to be
17 returned to the U.S. Treasury, and if need be, make a
18 second round. In our Nation, it's been quite
19 successful.

20 The other thing, too, is to allow offers to be
21 made to Indian allotments that are under probate, and
22 help them to finalize these probates. They're all

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1 within the same program. The sooner that's done, you
2 know, the better the offers that are made to them.

3 Also, we're finding that allottees who have not
4 accepted the offer are actually asking about it now and
5 want to participate. They realize the success of the
6 Program and want to participate.

7 So, I just wanted to mention that, and I thank you
8 for working, and, of course, consultation is always
9 important. And we hope the Trump Administration will
10 continue the practice. Thank you. (NATIVE LANGUAGE
11 SPOKEN).

12 MR. MCCLANAHAN: Thank you.

13 (Applause.)

14 MR. BARNES: Harry Barnes, Chairman of the
15 Blackfeet Tribe. Those were my unofficial statements
16 up there. I do want to make sure that the Blackfeet
17 Nation's position is heard as well.

18 I echo what's been said certainly by almost
19 everyone. We want another pass, but we want you to
20 include fee land. There's a whole lot of reasons why
21 that's fee land. A lot of it's forced fee patents, you
22 know. We lost that land through every crooked means

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1 available, and so we want to consolidate that land into
2 the entire reservation as well, not just the trust
3 land. I guess the untrusted land, huh? And so, we
4 certainly want that to be considered.

5 As I talk to you this morning, John, and I don't
6 want to sound like let's use our own money to buy our
7 own land. But one way is to leverage the funds
8 available on any Tribe that does want to match funds so
9 that we can spread \$200 million to \$400 million in
10 purchases. That to me seems a reasonable way for us to
11 use our new-found revenue stream is to try to further
12 buy up, and if that includes fee lands, then we do it

13 But we're trying to consolidate all of our
14 reservation back into the control of the Blackfeet
15 Tribe and the Blackfeet people. And so, we stand with
16 the rest of the Tribes certainly in support of another
17 go-round, but also to seriously have you look at fee
18 land as well located within the exterior boundaries.

19 So, I thank you. I just wanted to make sure the
20 Blackfeet Tribe's position was out there. Thank you.

21 MR. MCCLANAHAN: Thank you, Chairman.

22 (Applause.)

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1 MR. SALUSKIN: Good afternoon. My name is Delano
2 Saluskin. I'm the Vice Chairman for the Yakama Nation.

3 And I, too, I want to thank the Tulalip people here
4 for welcoming us the way they did with prayer and song.

5 It's very appropriate.

6 But I have a couple of comments. One is we're
7 talking about fractionization, and one of the
8 recommendations of what I'm hearing is it would be nice
9 if everybody made a will. But on the other hand, wills
10 used to be made at our Agency, and they used to be
11 retained at the Agency level. Now, you're encouraging
12 us to do wills, but there's no place to ensure that
13 those wills are going to be available for -- when that
14 time comes for a person's interests to be probated.

15 And so, I really do think it's important if you're
16 going to encourage Tribes and members to do wills, that
17 you also provide the opportunity and ability to ensure
18 that those wills are protected and they're made
19 available when that time comes. So, that's my first
20 comment.

21 I want to echo what Mr. or the Chairman for the
22 Blackfeet Nation, you know. At Yakama Nation, we're

1 trying to think about how we can enhance this program,
2 and one of the things that we're looking at trying to
3 borrow some money to take advantage of this opportunity
4 when all these appraisals are completed. And then,
5 whatever -- because we were told in Tribal Council that
6 there are going to be a number of people who are
7 willing sellers that won't get an offer. And
8 unfortunately, many of those willing sellers may be
9 elders, and I know I have elders in the past that
10 wanted to sell their lands, but there wasn't the
11 ability to do that.

12 So, we want to be able to -- I mean, it's going to
13 be our goal to try to secure funds to enhance the Buy-
14 Back effort for those members that don't get an offer.

15 And it's going to be a challenge because, number one,
16 we were -- I was just told this morning that the Yakama
17 Nation appraisals was done January 30th or 31st. And
18 they have a shelf life of nine months, so that only is
19 going to give us maybe four or five months to try to
20 put together a program where we might be able to assist
21 in using the appraisals to acquire additional lands.

22 And so, you know, I'm just expressing a little bit

1 of frustration because, you know, had we had the -- I
2 mean, if this shelf life was for nine months from the
3 time that the offers went out, then I think that it
4 would enable to do a better job of trying to plan and
5 facilitate acquiring additional lands beyond what's
6 being made available.

7 The other thing is that I agree with, like I said,
8 the Chairman of the Blackfeet Nation, is that I would
9 hope in the future to address fractionization, that
10 there would be some resources made available, whether
11 it be low-interest loans, zero percent interest loans
12 to -- you know, that we could use to continue to
13 acquire lands that have a fractionation issue with
14 them.

15 So, you know, somehow or another, we want to be
16 partners. We want -- we want to help you address
17 fractionization, but at the same time, not all Tribes
18 have the ability to just put the money out there. I
19 think if we could develop a model that would allow us
20 to look at the value of the lands that's being
21 acquired, the rental incomes, and maybe we can come --
22 you know, come together with a program and a process

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1 for us to continue this fractionization reduction.

2 But at the same time, it's going to require --
3 it's going to require the ability to have current
4 appraisals. And that's really been an issue for a lot
5 of things, even on our lands to get them leased. There
6 is a backlog of unsigned leases because we can't get an
7 appraisal, and I can attest to that. I have a piece of
8 land that I've been waiting two years. People want to
9 lease it, but I can't get it done because the lease
10 hasn't -- I mean, the appraisal hasn't been done. So,
11 I think that's -- again, that's -- we need to be able
12 to depend and rely upon current appraisals if we're
13 going to continue to reduce fractionization.

14 The other thing is that there hasn't been a lot of
15 communications with regards to how do we help
16 facilitate Tribal members to do land exchanges, to also
17 to do purchase, you know, maybe other family members'
18 interests in a piece of property so that they can
19 increase, you know, their interests. So, I haven't
20 really seen a lot. I heard it once, but I haven't seen
21 this is how you can do it, this is how it can be done.

22 And I would hope that both the OST and BIA staff would

1 consider that as a priority to help facilitate Tribal
2 members to do land exchanges and/or Tribal members to
3 purchase lands that they may own in common on a piece
4 of land.

5 So, I'm sure that there's other things that I
6 could say, but I, too, will be working to provide you a
7 written testimony on behalf of the Yakama Nation. And,
8 again, I just want to thank everybody for coming.

9 (NATIVE LANGUAGE SPOKEN).

10 MR. MCCLANAHAN: Thank you.

11 MALE SPEAKER: Okay. My name is (NATIVE LANGUAGE
12 SPOKEN). I'm from the Blackfeet. And to just
13 reiterate what our chairman did say, that, you know,
14 with all these Cobell efforts, how we're able to
15 acquire this and it's a great thing. And thank you
16 guys for bringing this forward to the other Nations.

17 They mentioned off-reservation and our traditional
18 aboriginal areas. And, you know, in 1879, the United
19 States President made executive orders ordering us up
20 to another location, our old Agency at Fort Pershing.
21 And maybe you can convince this Administration to make
22 another executive order.

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1 That land was traditionally ours. Maybe we can
2 divide it up some for off-reservation for Indians to
3 get -- acquire that -- traditional aboriginal areas
4 back, too, as well that's been held in reserve for
5 other Federal lands. So, maybe Trump would do
6 something -- kind of an executive order like that
7 rather than a wall.

8 But we're just thankful for you guys and look
9 forward to good times, and hopefully that second round
10 will happen. We thank you for that opportunity, and we
11 just look forward to working with you guys again, all
12 the Tribes. Thank you guys for inviting us out here
13 and having a good Invocation from the schools here. We
14 really appreciate that.

15 Thank you. God bless.

16 MR. MCCLANAHAN: Thank you.

17 (Applause.)

18 MR. HAMMER: I'm from Fort Belknap, or my Tribe is
19 from Fort Belknap, and when my mother died, I went out
20 there. She always wanted me to be registered, so I
21 went out and got registered. And right away, they
22 tried to buy my land, a fractional landowner. I've got

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1 five percent. And then, you guys offer me one-quarter,
2 and that was 20 years ago. That's, like, you know,
3 anybody considering buying some land should think
4 about, you know, getting the true value of it. You get
5 ripped off.

6 MR. SNELL: Excuse me, sir? Would you mind just
7 stating your name so we can make sure and have your
8 name for the record?

9 MR. HAMMER: Tom Hammer.

10 MR. SNELL: Thank you, sir.

11 MS. YOUNGBLOOD: I'm Mary Ann Youngblood. I'm a
12 Tribal elder of the Suquamish Tribe. And I'm not sure
13 how low a fraction is. I know that in our Tribe, we
14 have people that are 222nd over 4,552nd, and they're
15 all non-Native. What do we do with those people? How
16 low is a fraction? And I'm confused.

17 I appreciate your efforts. I also am not sure and
18 have been asked, if the money, in fact, goes into my
19 IIM account, is it a taxable amount? Are we teaching
20 people how to deal with that as taxable income? And if
21 you can help, I would appreciate it. That all could be
22 in the packet. I haven't read it. But I do thank you

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1 for all being here. Thank you.

2 (Applause.)

3 MR. MCCLANAHAN: Thank you. Just a quick answer
4 on that, the monies that are received from a sale are
5 not taxable. There are more details about the
6 implications of the Federal programs and other programs
7 for benefits that folks should learn about, but the
8 taxation is not something that happens with the
9 proceeds from the Buy-Back transactions.

10 MS. YOUNGBLOOD: Thank you.

11 MR. SNELL: Do we have any other comments from
12 elected Tribal leaders, because we also have a comment
13 period after our break for others. But if we have any
14 other elected Tribal leaders, then we would like to
15 hear from them first.

16 MR. REDWING: Good afternoon. Stuart Redwing with
17 the East Santee Dakota Nation, Nebraska.

18 I guess I would just like to comment that my
19 Tribe, we met with some folks in Rapid City back in
20 June, and we were informed that our Tribe is coming up
21 for the Land Buy-Back this year, 2017. And I guess I
22 would just like to go on record, and we would like to

1 -- we would like to see that go through.

2 We did send in a letter of intent and a resolution
3 to participate in the Land Buy-Back Program. You know,
4 listening and hearing Trump's Administration wanting to
5 do away with or try to do away with some of these
6 Tribes not having the option of having this Buy-Back
7 for their own -- for their people. I would voice my
8 concern, you know, that the monies, I guess, set aside
9 for the Land Buy-Back Program itself is for our Indian
10 people, and it's not for Trump to say, you know, this
11 is how we're going to run it, you know. He's our
12 President and whatnot, but his office is there for us.
13 We're not here for them.

14 So, I'd just like to kind of make that point out
15 clear, and just to keep the East Santee Dakota from
16 Nebraska on the -- on page, and still like to
17 participate in the Buy-Back Program for our people.
18 Thank you.

19 MR. MCCLANAHAN: Thank you.

20 MS. MULLINS: Hello. My name is Francis Mullins.
21 I'm half Cherokee and half Irish. I have no Tribal
22 affiliation.

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1 My people are from Tennessee, and back in 1812, I
2 have ancestors that were sent to Washington, a
3 delegation, and they were held captive in a hotel at
4 gunpoint until they signed the Treaty of 1812. When
5 they went back to their reservation or their Indians,
6 they were massacred for not following through with what
7 their role was. They were going to Washington to fight
8 like what's going on here, land allotments and all
9 that.

10 And what happened later, the Indians were
11 whitewashed. They were considered white on Census
12 records. Today I couldn't become a member of any
13 Tribe. I have ancestors from the Eastern Cherokee and
14 also the other Cherokee Nations. And I can't prove
15 that because all the records have been burned or
16 disappeared.

17 So, for all the people that have land, I would
18 like you to seriously consider selling or whatever
19 you're doing because, frankly, it's a -- it's a legacy
20 that you have when you pass on and you leave your
21 fractions to your people. It's your legacy. And the
22 trust is probably owned by the government, and maybe

1 with what Tribal Nations is what they did in Tennessee
2 and down South. So, you guys should truly investigate
3 and make an educated decision.

4 But thank you for your guys' time and for the
5 people that are interested. You guys are doing a great
6 job. That's all.

7 MR. MCCLANAHAN: Thank you.

8 MR. SNELL: Thank you.

9 (Applause.)

10 MR. SNELL: Do we have any other comments from
11 elected Tribal leaders?

12 (No response.)

13 MR. SNELL: So, if not, I'd like to turn it over
14 to John just for some final comments for this comment
15 period, then we'll take a break. The resource tables
16 will be open, and then we'll come back at 3:30 for any
17 other comments after this.

18 MR. MCCLANAHAN: Thank you, Julius. I just wanted
19 to reiterate that we are encouraging written feedback
20 as well, and we're asking that that be submitted by May
21 31. So, if you have ideas, please feel free to expand
22 on those and put those in writing.

1 Just wanted to recognize a few themes that I heard
2 so far. Definitely hearing a lot of interest in fee
3 lands. In the Program, we're focused on trust land,
4 fractional interests and trust of restricted land, in
5 part because those are the lands that are held by the
6 class members in the Cobell case. And so, the Program
7 has made it a priority to make sure that the \$1.9
8 billion, the resource that we have is available to
9 those owners.

10 And also, we're trying to make sure that the
11 funding is used to address the trust interests that are
12 managed by the Department because those provide a major
13 challenge to the Department's management. And also, as
14 I indicated earlier, the trust lands are oftentimes the
15 most important lands. The allotted lands are the most
16 important lands that are there in communities, and so,
17 we want to make sure that we're focusing on getting
18 those to be productive.

19 The other theme I heard is education. Chairman
20 Barnes and the representative from Crow emphasized
21 financial education. I agree that that's an absolute
22 focus of the Program, and I think all of our speakers

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1 recognize that. And we have several of our staff here
2 that have access right today to maps and other data.
3 So, if you're a landowner and want to know more about
4 your land, we've got a team in the room across the
5 hall. So, please feel free to go over there and get
6 informed.

7 But, again, we're going to take a brief break.
8 We've been sitting here for a while, so let's do that,
9 and then come back and we'll ask for additional
10 feedback. Thank you.

11 (Break.)

12 MR. SNELL: So, we're going to go ahead and get
13 started. This is the second comment period. We'll be
14 accepting Tribal feedback. So, I just also wanted to
15 mention that we also have sign language interpreters,
16 so if you need some assistance, please come forward,
17 and we have some seats up here if you need that
18 assistance.

19 So, this afternoon if anyone has any comments they
20 would like to share with us, please come to the mic.
21 Please state your name, Tribal affiliation, and also --
22 yeah, just tell us your comments. But I also wanted to

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1 point out in your -- in your folders, there is an email
2 address where we'll be accepting written comments until
3 May 31st. So, if you don't want to speak now or if you
4 want to wait to provide your comments, you can do that
5 via email or letter. The address is also there. So,
6 if anyone wants to come forward, please do.

7 MS. CORDONIA: Hello. My name is Monna Cordonia.
8 I'm from Tulalip Tribes. And I'm a little new to
9 inheriting land from my family. The issue or the
10 concern that I have is how long it takes. Like, for
11 instance, with my aunt, it took four years for the
12 probate to clear. With my mother, it took another
13 three years for the probate to clear, and I just had a
14 sister who passed away last December.

15 And so, I noticed, like, in the audience a lot
16 earlier there's a lot of elders that are -- that are
17 here that are concerned about their land. And, you
18 know, if this Buy-Back Program is going into 2012 --
19 2022 and it's taking, you know, four -- three to four
20 years for a probate to close, you know, they're not
21 even having the opportunity to look into the land that
22 either they're inheriting or they're passing on to

1 their future children to be able to participate in this
2 Buy-Back Program.

3 So, with my sister's concern, you know, I had -- I
4 had kept calling BIA, I kept calling OST to see if my
5 mother's probate could close a lot sooner, and actually
6 to be taken off the judge's desk so that she could
7 benefit from the inheritance that she received from my
8 mother before she passed away from cancer.

9 So, you know, and it was a little frustrating to
10 be calling and hearing that it's just sitting on
11 somebody's desk. And, you know, and just recently I
12 just found out that the person who was handling the
13 probate on my sister's account moved to California, so
14 there's nobody even handling the probates right now in
15 the Everett office.

16 So, you know, for many elders that are here that,
17 you know, want to be able to take advantage of this
18 program and also to understand, you know, what land
19 that they're inheriting, it's -- three to four years is
20 a long time. And mind you, every single one of my
21 family members had a will, so it wasn't like, you know,
22 they didn't prepare and have everything ready for our

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1 families. And that's the other thing is, you know, I
2 want to be able to have my will ready for our future
3 generations so that, you know, the programs like these
4 can be implemented in a timely manner.

5 So, that's my concern. Thank you.

6 MR. MCCLANAHAN: Thank you very much.

7 MR. SNELL: Thank you.

8 MR. CURLEY: My name is Tom Curley. I'm the GIS
9 Program Manager at the Suquamish Tribe across Puget
10 Sound here.

11 So, we're in the early stages of getting aboard
12 here. And we just heard that a Trump Administration
13 decision to go slow has impacted us, so that's very
14 unfortunate. And I just wanted to express our
15 displeasure with that, not that, you know -- it's kind
16 of blowing in the wind, but crazy.

17 So, we've contributed quite a bit of time to this
18 project already. One of the great advantages so far
19 has been consultation with Tribal Council about this
20 and education, not that they needed educating really
21 because they're well aware. When we developed a Bingo
22 hall, and a casino, and other money making enterprises,

1 those funds were designed to go back to buying back the
2 fractionated reservation and the partition properties.

3 So, they definitely have a strong sense of that.

4 So, this was going to add to what we're already
5 doing. It's re-stimulated that discussion, which is a
6 very good thing. So, if this Program comes to a halt,
7 that sort of good dialogue with the elected members of
8 Councils will come to a halt, you know, and that's a
9 real shame because this is a good program, and we are
10 very much looking forward to participating in it. And
11 it has real value. It's already brought us value even
12 though we haven't actually participated.

13 So, I just wanted to make that clear, and just
14 register our discontent with this politicalization of
15 admittedly a political thing. But we'd love it to go
16 forward, and we hope it goes forward for other Tribes
17 as well so they can get the benefits. Thank you.

18 MR. MCCLANAHAN: Thank you. Thank you very much.

19 MR. SNELL: Do we have anyone else who would like
20 to make comments? So, again, state your name and your
21 Tribal affiliation, if any. Thank you.

22 MR. WILSON: My name is Robert Wilson. I work for

1 the Cheyenne-Arapaho Tribes of Oklahoma. Ever since we
2 started the Buy-Back Program, I've been crying about
3 the minerals. I think there's much more opportunity
4 there for our people.

5 And I don't understand. The Program started out
6 as reducing fractionation, but when you leave a group
7 of that land out, you're not helping us, you know? I
8 don't understand that. I know money is one thing that
9 was mentioned to us. We don't have enough money to do
10 the appraisals and all that good stuff, but I don't
11 think that's --

12 I'll just put it -- I don't think that's fair.
13 People are getting paid for other resources, timber,
14 different things. And many of those people own tiny
15 shares. They're not getting rich off that property.
16 They're not being able to do anything with that money,
17 and they're willing sellers. They're willing to sell.

18 I don't know why the Tribe doesn't have the
19 opportunity to purchase them through the Buy-Back
20 Program.

21 Just one other concern is a couple of people
22 mentioned buying land that was in fee. And I'll tell

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1 you, through the probate process, when people will
2 their property to non-Tribal members, once they inherit
3 that, it goes out of trust, and we lose that forever.
4 And some of them are small interests, some of them are
5 a little bit bigger, but something has to be done about
6 that. I don't know how that's going to happen, but
7 we've got tracts that got specs of fee property in
8 them, and someday, that's going to -- that's going to
9 be gone, too. So, I mean, it's already out of our
10 hands. But once people sell outside, we'll never see
11 that land again.

12 Minerals, same way. I mean, people are being
13 offered a lot of money for minerals right now, three,
14 four, five, six, \$7,000 an acre from the letters I've
15 seen. And if they take that, that'll be out of trust.

16 That'll be out of our hands. We'll lose that revenue,
17 not just the royalty, but the severance tax money that
18 goes along with that. We're losing two or three times
19 here.

20 But anyway, I thank you for the opportunity. I've
21 got a lot more on my mind, but I don't want to take up
22 a whole bunch of time. But anyway, thank you very

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1 much. Appreciate it.

2 MR. SNELL: Thank you.

3 MR. MCCLANAHAN: Thank you.

4 MR. SNELL: All right. Would anyone else like to
5 come up?

6 MS. LAFORGE: Hi. My name is Noreen LaForge. I'm
7 from the Crow Tribe from Crow Agency, Montana. And I
8 guess you could say why I'm here is because I lost out
9 on the Buy-Back. I did not understand the Buy-Back, so
10 I did not do the Buy-Back. I didn't know how to read
11 the maps. I didn't know -- I didn't understand it.

12 And so, this Program that is set up here, just
13 like Tracy Small mentioned, is a good setup. We didn't
14 have this back home. It was not set up like this.
15 There wasn't nobody there to help you with your maps
16 and say this is, you know, so and so. You know, you
17 have water running through this land, it should be a
18 little bit more, or there's not -- nothing running
19 through it, you don't have any minerals, so and so.

20 This was not brought up, so it was just kind of --
21 basically it was showing like this, oh, we'll buy your
22 land. The Tribe is going to -- they gave the Tribe

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1 some money to buy your land, and this land comes back
2 to the Tribe. Everybody is so broke. Every
3 reservation is broke. They're going to look at money,
4 like, oh wow, I could buy me a car, dah, dah, dah.
5 They went for that. Some of them that were educated
6 maybe had enough to invest in something. Some of them
7 didn't. Some of them are right back square one.
8 They're poor again.

9 I asked -- I called and asked about that, and they
10 sent me a packet, and they said that I and my mom could
11 still do it, even though, you know, they already did
12 the first one, so which we did, and we sent it back in.

13 We kind of worked it out. We kind of figured out the
14 map part ourselves the best we could -- of our
15 knowledge. We sent the packet back in. Then we made a
16 phone call and they said that we were put on the list.

17 Yeah, we received your paperwork. Okay, so we just
18 waited and waited.

19 We received a little green card in the mail -- oh,
20 before we got the green card, we received a survey
21 asking us how did you like the Buy-Back, and we -- they
22 were asking us all kinds of questions. We told them

1 that we didn't understand it. Nobody explained
2 anything to us. That's what we wrote in the little
3 notes. We answered it the best way we could. We sent
4 it back.

5 Then a little green card came in the mail and
6 said, yeah, we're -- we received your paperwork. Okay.
7 I called. We're still on the list. Now we got this,
8 so we came to this. So now, I'm asking my question,
9 are we still in the Buy-Back. And then, we were told
10 -- a few people I talked to -- I talked to Mr. John.
11 He said that that offer is no longer there, but we are
12 on the list.

13 I did see in the -- in the book that -- the
14 literature you guys handed out, we're the first ones
15 listed on there. We're under, like, something \$3
16 billion you offered to the Crow Tribe, but the Crow
17 Tribe only used, like, \$106 billion of it. I'm just
18 rounding some numbers off. I'm not on the dot here.

19 Where's the other part of that money? If the
20 Crows were offered this much money, where did that
21 other part go? And you're not even -- we're not even
22 in that half mark, but there's -- where did that part

1 of the money go? Couldn't that money go back to the
2 people that did not understand it, that kind of stayed
3 back on it like us and didn't sell out, and this
4 Program go down there and be explained to them where
5 they can get in on it? Is that available, or is it
6 long gone?

7 I'm asking you guys these questions. Anybody?

8 MR. MCCLANAHAN: Miss, I think the short answer to
9 the question is the Program made offers, but the
10 Program is voluntary, and so, not everyone accepts.
11 So, while we made \$300 million in offers, not everybody
12 said yes to those offers. And so, the total sales were
13 \$130 million, and so the offers were made, but not
14 everybody accepted.

15 And so, the resources the Program has have moved
16 to other locations. And as we've heard, there is this
17 major challenge where there's a great demand in Indian
18 Country for land consolidation, but the resources that
19 we have are not adequate to fully satisfactory that
20 demand. And so, we've got places that want us to come
21 back, like Crow. We have places that have not yet had
22 the Program that want us to come back. And so, we're

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1 trying to understand today how we answer that tough
2 question of our remaining, which is \$600 million, how
3 do we best utilize that.

4 So, I understand you're interested still, even
5 though when the offer came out you weren't ready to
6 participate. And so, we're tracking folks. We're
7 keeping your information down so if the Program is able
8 to go back to Crow or other places, we'll be in touch
9 with you and communicate with you about that at that
10 time.

11 MS. LAFORGE: I got one more question. Okay. you
12 know how like I said that you offered the Crows \$300
13 billion, whatever. And every Tribe down that list you
14 offered them this much money, but only this many people
15 went for it. So, that money that's left over, you're
16 telling me -- really what you're telling me is that
17 money kind of not -- doesn't exist anymore.

18 MR. MCCLANAHAN: Right.

19 MR. BLACK: Let me -- let me try to explain that
20 real quick if I can.

21 MR. MCCLANAHAN: Sure, please, Mike.

22 MR. BLACK: As you know, there was never \$300

1 million for Crow, and I'm going to use Crow as the
2 example here. What we did is we generated and we
3 developed what we call purchase estimates, basically
4 kind of looking at the overall \$1.555 million or
5 billion that was available for the overall program.
6 And then, we looked at all of the Tribes that had
7 fractionated interests out there, and tried, you know,
8 using a formula, kind of looked at a purchasable
9 estimate for each of those reservations so that we'd be
10 able to get the Program out there.

11 And then, looking at the return rates that we got
12 at reservations that we participated at, like Pine
13 Ridge, I think, was somewhere around 40 percent. You
14 know, some of the reservations were 30, some were at 50
15 percent. So, looking at that average, we tried to put
16 out an offer set that would somewhat help us to meet
17 that purchase estimate, at the same making as many
18 offers available as possible.

19 So, in the case of Crow, we looked at it, and
20 said, okay, we got about \$106 million and a purchase
21 estimate available to go out and purchase interests out
22 at Crow. So, we made offers somewhere around \$300

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1 million to try and achieve that \$106 million. And in
2 the case of Crow, it went over that amount.

3 I don't know if that helps to explain it or not,
4 but that's more or less how we came up with that
5 process.

6 MS. LAFORGE: Okay. Thank you.

7 MR. SNELL: Anyone else for comments?

8 MR. KELLY: Hello. I'm James Kelly from the
9 Cheyenne-Arapaho Tribes of Oklahoma, their Oil and Gas
10 Administrator. And I spoke individually with a few of
11 you pertaining to my concern pertaining to the Oklahoma
12 uniqueness of what we're going through right here.

13 It kind of concerns me because of the
14 fractionation that's going to continue on those
15 minerals that you're not going to appraise, and with
16 that, you're taking the value out of the tracts that
17 are spotted. You know, in Oklahoma, we've got
18 checkerboard, so surface type situations may not be our
19 best bet due to the fact that it's not contiguous.

20 It's not, you know, the conventional type reservation.

21 And so, you may have an acre here. You may have
22 half an acre there. You may have a lot over there.

1 But you can't do a lot of development surface wise on
2 that. So, when you talk about minerals, usually in a
3 640-acre tract, the minerals could be undivided,
4 especially when it's 640-acre spacing. So, with that
5 it becomes more valuable.

6 And a lot of these tracts that we're going to go
7 after are not severed. And so, once we do express what
8 we want -- what tracts we want and you take the
9 minerals away from that and sever it, two things
10 happen. One is it continues to fractionize, and the
11 other thing is takes the value away from even the
12 Tribal member who's trying to sell, and also the Tribe
13 who's trying to buy.

14 You know, right now in Oklahoma, northwest
15 Oklahoma is one of the hottest, if not the hottest,
16 part of the United States in oil and gas. And so, it
17 would be -- if the Tribal member is wanting to sell,
18 it's the best time for them to sell. And since the
19 Tribe is trying to buy, it's the best time for the
20 Tribe to buy. So, that value will be at its peak on
21 both sides.

22 And at that point, it wouldn't -- won't

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1 fractionize anymore, so it'll remain a good value for
2 the Tribe, and it'll stay within the Tribe. But if
3 it's -- if it remains just where it is now, the
4 minerals will become less and less and less and less,
5 which it'll lose its value every time you have a
6 probate. And so, you're taking away, in my opinion,
7 the purpose of putting this Program together to stop
8 fractionization, so.

9 And the other thing, too, is because of the
10 uniqueness of a lot of the Oklahoma situations there,
11 being checkerboard and everything else, there's unique
12 issues that we need to address or we'd like to address
13 with you. And so, we extend a welcome to you to come
14 to Oklahoma and present a forum there as soon as
15 possible or, you know, whenever it's convenient. The
16 reason we ask that is we know that there is a timeline
17 pertaining to the -- this Land Buy-Back.

18 And so, we'd like to be able to, not only our
19 Tribe, but, you know, all the Tribes in Oklahoma are
20 facing the same situation. And, you know, we're losing
21 that value and also the abilities to hold together the
22 land base right now. And we need some questions

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1 answered so that we can put together some type of plan
2 to retain as much land as possible.

3 Thank you.

4 MR. MCCLANAHAN: Thank you.

5 MR. SNELL: Any other comments?

6 (No response.)

7 MR. SNELL: So, like I said earlier, in your
8 packets, in your folders, we have the email address and
9 our physical address if you want to send written
10 comments to us until May 31st.

11 If there are no more comments, I'll turn it back
12 over to John, and after John or the panel here speaks,
13 our resource tables will still be open. So, if you
14 have additional questions that you have about your land
15 or about your Tribe, you can go next door or across the
16 hall to OST. John?

17 MR. MCCLANAHAN: Thank you, Julius. Just a couple
18 of quick things in closing from my perspective. I
19 first want to just thank again the Tulalip Tribe and
20 Vice Chair for welcoming us and hosting us. The
21 singing and drumming, again, was one of the highlights
22 I thought, and that was a really special way to begin

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1 this session.

2 The Tribal leaders that came today, Chairman
3 Barnes, thank you for traveling so far and for
4 recognizing Elouise Cobell, who was a major force that,
5 again, brought us here today. We're very grateful and
6 fortunate for the Blackfeet Tribe and both your
7 leadership in making this happening.

8 Tribal leaders from Cheyenne-Arapaho, Warm
9 Springs, Crow, Blackfeet, Yakama, Santee, Fort Belknap,
10 a representative from Suquamish, you have a lot of high
11 priorities. And so, it really means a lot for you to
12 take time from your busy schedules to come here and
13 share your concerns and your comments and feedback.

14 I've heard some really great ideas. I really
15 appreciate the idea of trying to leverage the resources
16 that have -- that we've got both with the Tribes and
17 with the investments that we made. So, the comments
18 about how the Tribes can bring their own money into the
19 mix is very helpful. Comments about how we can
20 maximize the use of the appraisals that our team has
21 done are things that I think are very interesting. And
22 we'll definitely take back comments about, you know,

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1 the owners that may not want to participate.

2 And, again, it's voluntary, so 40, 50, 60 percent
3 sometimes don't want to sell, so we need to be really
4 mindful of how to give them the appraisals. So, if
5 they want to co-owner purchases or exchange land with
6 their Tribes, that's a good solution.

7 And the other thing that we can do, we're looking
8 to do at least seriously, is if we buy interests and
9 somebody wants to pay us the price that we paid for
10 those, that's something that we're looking into. So,
11 the concept of leveraging our resources is something
12 that we really need to look at because, again, this is
13 a major challenge that we have.

14 The other thing I wanted to recognize is that
15 we're not ending the Program, and we have not decided
16 to change the schedule. I, again, just want to say, as
17 I recognized at the outset, these are things that are
18 possibilities, and so, we really wanted to be up front
19 and get your feedback on those ideas. So, don't walk
20 away thinking, you know, a decision has been made to
21 take someone off the schedule. I just want to, again,
22 recognize that's a possibility.

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1 And I'll finally close with we just really have
2 the challenge of there's a huge amount of fractional
3 interests out there. There's more than we can handle
4 basically. All the Tribes essentially that we've been
5 to want us to come back. Folks want us to do mineral
6 interests. I've heard that loud and clear from
7 Cheyenne-Arapaho and others. Folks want us to buy
8 interests at probate. Folks are interested in fee
9 lands. And so, those are all the desires that we have.

10 And so, with the remaining money, we've got to make
11 tough choices about how to prioritize.

12 So, again, thanks for your feedback, and I look
13 forward to working with you in the days ahead. Deb?

14 MS. DUMONTIER: Thanks, John. Thank you for
15 everyone attending and your feedback. It's been very
16 valuable. OST's mission is to honor our trust
17 responsibility with a beneficiary focus and
18 participation, and provide superior stewardship of the
19 trust asset.

20 We have resource staff here, and I've seen a
21 number of folks having to wait, and just ask for your
22 patience. What I think is really an attribute to the

1 trust reforms that we have in place now is we actually
2 have real-time access to your information right here.
3 So, we're able to provide that valuable information to
4 you so that you can make informed decisions as a
5 landowner.

6 So, really appreciate your coming out. And as Mr.
7 McClanahan mentioned, we know that the Tribal leaders
8 have a number of priorities, and it's a real honor to
9 have you here giving us your feedback. So, thank you
10 on behalf of the Office of Special Trustee for American
11 Indians.

12 MR. BLACK: Well, I'll keep it short and sweet.
13 Just thank you very much for coming and taking time out
14 of your day to spend the afternoon with us, and to
15 share your ideas and comments. And as everybody has
16 said, you know, we really do appreciate the comments
17 that have come in. We are hearing those. We'll be
18 taking these back to leadership back in D.C., and
19 sharing them with them as well, so don't think that you
20 haven't been heard. And, please, if you've got some
21 additional comments that you want to submit in writing,
22 please do that. So, thanks again.

1 MR. LOUDERMILK: And I'll keep it shorter and
2 sweeter. Thank you very much. Appreciate everybody
3 for coming and providing your comments, and thank you
4 very much.

5 MR. MCCLANAHAN: That concludes our Listening
6 Session. Have safe travels on the way home.

7 (Applause.)

8 (Whereupon, the meeting was adjourned.)

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