
IN RE: Trust Land Consolidation Program
Regional Tribal Consultation

The following is the Trust Land Consolidation
Program Regional Tribal Consultation, taken before
Joyce D. Calvert, Independent Court Reporters, at National Indian
Programs Training Center, 1011 Indian School Road, NW,
Room 234, Albuquerque, New Mexico, commencing at
approximately 8:34 a.m., September 27, 2011.

1 APPEARANCES:

- 2 Patrick Field, Facilitator
- 3 Meghan Conklin, Department of the Interior
- 4 Kallie Hanley, Department of the Interior
- 5 Dion Killsback, Bureau of Indian Affairs
- 6 Ray Joseph, Office of the Special Trustee
- 7 James Ferguson, Solicitor's Office
- 8 Bill Walker, Bureau of Indian Affairs
- 9 Eldred Lesansee, Office of the Special Trustee
- 10 Pat Girard, Office of the Special Trustee
- 11 Paul Rosetta, Santo Domingo Pueblo
- 12 Steve K. Boone, Zuni Pueblo
- 13 Shirley Bellson, Ramah Navajo
- 14 Ron Suppah, Warm Springs Oregon
- 15 Dixie Begay, Ramah Navajo
- 16 Frank E. Paul, Ramah Navajo

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

3 Whereupon, the Trust Land Consolidation Program

4 Regional Tribal Consultation was commenced at

5 8:39 a.m. as follows:

6 * * *

7 MR. PATRICK FIELD: Good morning, everybody.

8 We just wanted to check in this morning. In the
9 morning, the way the agenda is scheduled is the tribal
10 leaders in government-to-government conversation will be
11 talking with the Bureau and Department folks. So we
12 want to make sure that if there's any tribal leaders
13 here who aren't at the table already, we want to make
14 sure you are there. And what we do need to do is if you
15 are a tribal leader and are representing your tribe or
16 government, just go out to Regina and she will do a
17 placard for you and we make sure that you are at the
18 table. We want to make sure that we have full
19 government tribal representation at the table. So if
20 that's the case, just let Regina know, and she'll do a
21 plaque for you and we'll get you set.

22 * * *

23 MR. PATRICK FIELD: Good morning, everybody.

24 Thank you for coming out this morning. We really
25 appreciate you being here. It's very important to hear

1 everyone's voices on this important matter. My name is
2 Patrick Field, and I'm an independent facilitator in
3 helping with the consultations, including this one this
4 morning.

5 We want to start with a few folks giving us
6 opening prayers. So I'd like to turn to Mr. Yiyuk to
7 start and if you wouldn't mind coming up to the mike,
8 and we'll have Mr. Tribio do the second.

9 (All present stood for prayer by Yiyuk
10 Henry.)

11 MR. FLOYD TRIBIO: Good morning. I'd like
12 to welcome each and every one of you here to the
13 National Indian Programs Training Center. My name is
14 Floyd Tribio. I'm the deputy director of the training
15 center. I'm also an enrolled member of the Pueblo of
16 Zia. I'm very honored to present to you this morning
17 with an opening prayer in my native tongue, the Keres
18 language.

19 (All present stood for prayer by Floyd
20 Tribio.)

21 Thank you and have a blessed day.

22 MS. MEGHAN CONKLIN: Good morning, everyone.
23 My name is Megan Conklin, and I'm associate deputy
24 secretary at the Department of the Interior. My
25 colleague, Jodi Gillette -- whom I know many of you

1 know -- and I are co-directors of the Cobell
2 implementation for Secretary Salazar at the Department
3 of the Interior. There are others who are an integral
4 part of the Interior team working on Cobell
5 implementation that I would like to point out. First,
6 we were joined by Kallie Hanley, who is back here with
7 the Office of the Secretary, who has been a key person
8 in bringing today's event together. We're also joined
9 by Ray Joseph, who is the principal deputy special
10 trustee for the Office of the Special Trustee and Dion
11 Killback with the office of the assistant secretary for
12 Indian affairs.

13 We're also joined by James Ferguson, who
14 works for the office of the solicitor. I know there are
15 others in the room who work for BIA and OST, so forgive
16 me if I don't point everyone out, but I know we've got
17 Bill Walker over here, who is the regional director for
18 the Bureau of Indian Affairs. We're also joined by
19 Eldred Lesensee -- is that correct? Okay. I got it
20 right -- who works in appraisal services for the Office
21 of Special Trustee and also Pat Girard is here, who
22 works in public affairs for OST. I know there are
23 others in the audience, so please forgive me if me if
24 I've left anyone out.

25 I'm very honored to be here with you to get

1 to spend some time with you today to receive your
2 comments about how you think the department should
3 implement the trust land consolidation component of the
4 Cobell Settlement. Our main objective and our main goal
5 today is to hear from you and to receive all you have
6 your comments so that we can use them as the Department
7 goes about pulling together a plan for how to implement
8 this very important program.

9 We're very early in this process, and your
10 input today is going to be really critical to helping us
11 figure out our plan moving forward. And as you know,
12 this settlement is a very key priority for President
13 Obama as well as for my boss, Secretary Salazar. A
14 little bit later I'm going to be running through some of
15 the background of the Cobell Settlement and the trust
16 land consolidation program. And you should have
17 received some material in a packet when you checked in
18 this morning.

19 I again just want to thank all of you for
20 taking the time to come spend the day here with us.
21 Again, it's a really -- a tremendous honor to be here
22 with all of you today. This is a very historic moment
23 as we begin one of our other consultations on the Cobell
24 trust land consolidation program. Again, our main goal
25 today is to hear from you, and our goal is to make this

1 a meaningful consultation and to use all the valuable
2 comments that you offer us today as we move forward and
3 develop plans to implement the trust lands consolidation
4 program.

5 I'm very much looking forward to hearing all
6 of your comments today. Thank you very much.

7 MR. PATRICK FIELD: Megan, can we have the
8 tribal leaders introduce themselves.

9 MS. MEGHAN CONKLIN: Yes, please.

10 MR. PAUL ROSETTA: Good morning everyone.
11 My name is Paul Rosetta. I'm with the Santo Domingo
12 tribe. It's about 40 miles north of here.

13 MR. STEVE BOONE: Good morning. I'm
14 lieutenant governor of the pueblo of Zuni.

15 MS. DIXIE BEGAY: Good morning, everyone.
16 My name is Dixie Begay with the Ramah Chapter of Navajo.

17 MS. MEGHAN CONKLIN: Thank you. Mr. Paul.

18 MR. FRANK PAUL: Good morning, everybody.
19 My name is Frank E. Paul. I'm from Ramah, New Mexico,
20 vice president of that chapter, 110 chapters. And I
21 mention that to say that we like to be labeled as Ramah
22 Band of Navajo. We're still Navajo, but Ramah Band.
23 And that's who I represent here today. Thank you very
24 much.

25 MS. MEGHAN CONKLIN: Thank you. So I'm

1 going to begin with a short presentation that's going to
2 offer some background on the Cobell Settlement and the
3 trust land consolidation program that I think will be
4 helpful as we begins today's consultation.

5 Let's go to the next slide.

6 As you know, or may have heard, the Cobell
7 Settlement was approved by Congress on November 30th,
8 2010. The Act was called the Claims Resolution Act of
9 2010, and signed by President Barack Obama on
10 December 8th, 2010. This was after almost a year of
11 work by the Department. Many of you here, people on
12 Capitol Hill, trying to get this settlement enacted.

13 There are two main components to the Cobell
14 Settlement, which come to a total of \$3.4 billion. The
15 first is a fund for 1.5 billion for class members to
16 compensate them for their historical accounting trust
17 fund and asset mismanagement claims. This is a portion
18 of the settlement that we are not consulting on today.
19 This is handled by the plaintiffs. They do have a 1-800
20 number and a website set up that I can give to anyone
21 who has specific questions about that component. But
22 the main component we're here to talk to you about today
23 is the \$1.9 billion fund for the voluntary buyback and
24 consolidation of fractionated land interest. And this
25 is something that is going to be managed by the

1 Department of the Interior, the component that we're
2 going to discuss at today's consultation.

3 So some quick background on the land
4 consolidation component of the settlement. It's a
5 \$1.9 billion fund, as I mentioned. Per the settlement,
6 up to 15 percent, but no more -- or what comes to 285
7 million can be used by the Department of the Interior
8 for administrative costs. An additional component is,
9 as an additional incentive for land consolidation, up to
10 60 million will be set aside to provide scholarships for
11 higher education for American Indian and Alaska Native
12 students. You add all those numbers together, what
13 comes to \$1.615 billion will be used for land purchase
14 and the scholarship fund in total as we move forward
15 with this settlement. Next slide.

16 When the settlement agreement was agreed to,
17 there was a number of specific purposes that were
18 outlined that were required for the Department of the
19 Interior to follow as we go about implementing this
20 program. And for any of you who would like to see a
21 copy of the settlement or any of these materials, for
22 that matter, you can go to our website. It's
23 doi.gov/cobell, and we have a copy of the settlement and
24 all of these accompanying materials in case you want
25 further background.

1 But here are some of the specific
2 requirements that we're required to follow for the land
3 consolidation program. The first is acquiring
4 fractional interest in trust or restricted lands,
5 including administrative costs related to such
6 acquisitions. And one important point I want to point
7 out there -- because a number of tribal leaders have
8 raised this to us at some of the other consultations
9 that we've attended is that, unfortunately, these funds
10 cannot be used for the purchase of fee lands.

11 Second, for every land sale, a portion of
12 the sale will be set aside in a scholarship fund for
13 Native American and Alaska Native students, as I
14 mentioned. It will be up to \$60 million. And the third
15 is the cost associated with supporting the work on the
16 Trust Reform Commission.

17 And this is a separate issue, but just to
18 mention here, around the time the settlement was agreed
19 to, Secretary Salazar issued a secretarial order about a
20 secretarial commission on Indian trust administration
21 and reform. Just a few months ago we published a
22 charter for this secretarial commission, which, again,
23 is available on our website at doi.gov/cobell. This
24 will be a five-member commission that will not be
25 dealing with the land consolidation program, but it will

1 be looking at trust reform generally and about the
2 Department's handling of their trust assets and offer
3 recommendations on moving forward. We did have a public
4 comment period to receive nominations for people to sit
5 on this commission, and we have received those
6 nominations and are in the process of evaluating them.
7 But the commission is a separate matter. But I just
8 wanted to mention that in case people had some questions
9 about it.

10 Here's some quick background on where we are
11 in the court process and about the Cobell Settlement
12 itself. On December 21st of 2010, U.S. Senior District
13 Judge Tom Hogan granted preliminary approval of the
14 Cobell Settlement. And on June 20th of this year, Judge
15 Hogan approved the settlement after holding a hearing on
16 the subject. On August 4th, Judge Hogan entered his
17 final approval, trimming a 60-day appeals window. One
18 really important point there is that the Cobell
19 Settlement does not become final until any and all
20 appeals have been settled by Judge Hogan. We did learn
21 a couple weeks ago the D.C. court of appeals agreed on
22 an expedited appeal process for the Cobell Settlement,
23 which was good news, but I wanted to make sure that
24 everyone knows, because this has been a question we've
25 got that the settlement does not go final and these are

1 not made available until the appeals process has been
2 completed. Next slide.

3 A few things about the time line for the
4 land consolidation program. The settlement sets out a
5 ten-year time frame for the use of funds, so that would
6 be ten years starting from whenever we get the final
7 approval of the Cobell Settlement and these funds are
8 available. After -- according to the settlement, after
9 ten years, any unused funds will be returned to the
10 treasury. I just want to point this out, because a
11 number of people have asked about this time line. For
12 any of you who may know Secretary Salazar and seen how
13 he's worked as secretary -- as my boss, David Hayes, has
14 said a number of times -- he doesn't like moss to grow
15 under his feet. So I know there's been a lot of
16 concerns about the Department of the Interior not being
17 able to complete this promise within ten years. And I
18 want you to know Secretary Salazar wants to be very
19 ambitious with this program once we are able to start
20 and do our best to have achievements in this program
21 during the tenure of this administration. Next slide,
22 please.

23 Another couple of key points here about the
24 land consolidation program is that it tracks all the
25 existing statutory authority that we have that are set

1 forth in ILCA, or the Indian Land Consolidation Act.

2 The purpose of ILCA is described in the law as follows:

3 To acquire as many fractionated interests as
4 economically feasible and to consolidate these land
5 interests into tribal ownership to promote and enhance
6 tribal self-determination, economic, social, and
7 cultural development needs. Next slide.

8 One of the things that we mainly wanted to
9 talk to you about today is internally we have identified
10 some potential goals for this program and some potential
11 guiding principles, and we really would like to get your
12 input from tribal leaders and from others today on
13 whether or not you think that these are a good way for
14 us to go about implementing this program. So next
15 slide.

16 So here are some of the goals that we've
17 identified preliminarily that we wanted to talk to you
18 about at today's consultation. And I want to point out
19 that these goals are not listed in order of importance.

20 Our first goal as required in the Cobell Settlement
21 agreement is to reduce land fractionation in highly
22 fractionated areas. Our second potential goal is to
23 implement a plan that is time and cost efficient. What
24 I mean by "here" is recognizing that the program needs
25 to be completed in ten years or ideally, achievements

1 are made earlier on. And then cost efficient, as I
2 mentioned to you earlier, the Department can only use up
3 to 15 percent of 1.9 billion for administrative costs.
4 That comes to about 285 million. So we need to be very
5 cognizant of keeping those administrative costs low so
6 there's as much money as possible going out into this
7 land purchase program.

8 And the third goal and, you know, the big
9 piece that we want to talk to you about today is to
10 consolidate land in areas of tribal preference. And
11 this is what we're here to learn about from all of you
12 today in this consultation is how you think we can best
13 implement that goal. Let's go to the next.

14 So if we're looking at the first potential
15 goal of reducing land fractionation in highly
16 fractionated areas, we've identified a few potential
17 strategies that we would love your feedback on. The
18 first would be to prioritize highly fractionated land.
19 The second would be to target IM account owners. The
20 third would be to target landowners having the most
21 number of purchasable interests, and the fourth would be
22 to target landowners having the most number of tracts.

23 Next slide.

24 If we're looking at the goal that I
25 mentioned earlier, the potential goal of implementing a

1 plan that is time and cost efficient, one potential
2 strategy would be to target lands requiring minimal prep
3 work prior to offers being made. Another potential
4 strategy would be target tracts which have landowner
5 consent, and these would be landowners who have
6 approached the Department of the Interior and have let
7 us know that they're interested in selling their
8 interests.

9 And a seventh potential strategy would be to
10 target tracts with the largest interests per owner.

11 Last slide.

12 And, again, the goal of consolidating land
13 in areas of tribal preferences, some of which we want to
14 learn about some more today from you -- potential
15 strategies are to target tracts that have been
16 identified by tribes as being important. And strategy
17 nine would be to target tracts that would involve
18 economic opportunity for tribes.

19 So our next steps in terms of our process
20 internally at the Department of the Interior is to --
21 we're going across the country and doing these different
22 tribal consultations so we have the opportunity to meet
23 with tribes from different regions. We've been -- we
24 were in Billings in July and August. We were in
25 Minneapolis, and just recently were in Seattle, and on

1 Thursday, we're going to be in Phoenix. So we're going
2 through this process of meeting with tribes and tribal
3 leaders. We're going to incorporate all of the valuable
4 input that you offer to us into developing a plan, a
5 draft plan, on how to implement the land consolidation
6 program.

7 And one question that has come up, and I
8 want to make sure you know this is coming out of this
9 process, we will, again, use your input to develop a
10 plan. We will have a process for allowing Indian
11 Country to comment on any draft plan that is created out
12 of this. We aren't certain if there's going to be
13 another round of face-to-face consultations or if it's
14 going to be through a Federal Register notice, but I
15 want to make sure that commitment is out there, that you
16 will have the opportunity to comment on any draft plan
17 that is developed by the Department coming out of this
18 process.

19 Again, we may conduct additional outreach or
20 additional consultations. And then once we do receive
21 final approval of the Cobell Settlement, we will then
22 proceed with implementation. So that's a little bit of
23 the background I wanted to offer you to today.

24 Hopefully that was helpful. And, again, I just want to
25 remind you if you want to see any of these additional

1 materials, they are available on our website, and I'm
2 looking forward to hearing your comments today.

3 MR. PATRICK FIELD: I'm just going to
4 briefly cover the process for today and turn it to the
5 tribal leaders for comment, reflection, and input and
6 thought.

7 Just so you know, as I think Megan already
8 said, here is the consultations that have occurred or
9 will occur. There's two remaining after today, one in
10 Phoenix in just a few days and one a week later in
11 Oklahoma City. So you can see that there's been that
12 many so far. If you do have written comments -- and
13 many people want to, if they extended written comments,
14 given the complex issue, makes perfect sense. So the
15 written comments were originally due October 15th, 2011.
16 It's highly likely that deadline will be extended to
17 November 1, 2011. And comments can be submitted to
18 Michelle Singer, who is based here in Albuquerque, and
19 this is her address here. Regina, who helped you
20 register, works with Michelle, and we can put that up
21 towards the end so people can have time to write that
22 down.

23 MS. MAGGIE FREEMAN: I have a question. How
24 often is the website updated, and is this information
25 now available on the website?

1 MS. MEGHAN CONKLIN: Yes. This information
2 is on the website about where the additional
3 consultations are and how to submit written comments.

4 Yes, that's up there.

5 MS. MAGGIE FREEMAN: And how often is it
6 updated?

7 MS. MEGHAN CONKLIN: We update it pretty
8 regularly. I'd say every few weeks, we're adding new
9 information up there. Again, it's doi.gov/cobell.

10 MS. MAGGIE FREEMAN: The reason why I'm
11 asking is at the first meeting that was conducted, there
12 was a transcript of that meeting available for Billings.

13 MS. MEGHAN CONKLIN: That's right.

14 MS. MAGGIE FREEMAN: I saw other transcripts
15 for other meetings, but that wasn't available. Will
16 that be available?

17 MS. MEGHAN CONKLIN: We will be making the
18 transcripts from all these meetings available, and we
19 are working on getting the transcripts from Seattle and
20 Minneapolis up on the website. I'm sorry that they
21 weren't up there for you to read today. But we will be
22 posting them for all these consultations. They'll be
23 available on the website.

24 MS. MAGGIE FREEMAN: One other question: Is
25 it okay to videotape these meetings by individual

1 landowners? Is there a restriction?

2 MR. PATRICK FIELD: These are public
3 meetings. That would be a legal question.

4 MS. MAGGIE FREEMAN: Public meetings, but is
5 it okay to videotape?

6 MS. MEGHAN CONKLIN: We haven't had that
7 come up yet. You're asking a first question. I don't
8 really know.

9 MR. PATRICK FIELD: If you'll turn to --
10 there are recording laws, which usually are determined
11 often by State, not by the Federal government and there
12 are different restrictions for whether or not you have
13 to let people know, et cetera. I don't know whether the
14 solicitor's office can offer any direction on that
15 question.

16 MR. JAMES FERGUSON: Ma'am, I don't know,
17 but I will find out.

18 MS. MAGGIE FREEMAN: I'm asking only that I
19 have a brother that's in the hospital and my other
20 brother will be attending the meeting in Phoenix. He
21 expressed an interest in videotaping it for him. And,
22 also, just for his own records.

23 MS. MEGHAN CONKLIN: Well, during Phoenix.

24 MS. MAGGIE FREEMAN: Yes.

25 MS. MEGHAN CONKLIN: So maybe we can find

1 out today and we'll get back to you hopefully before the
2 end of this consultation so your brother knows if he can
3 videotape in Phoenix. Is that okay?

4 MS. MAGGIE FREEMAN: Thanks.

5 MR. PATRICK FIELD: We'll make sure if we
6 don't know the answer by the end of today, we might want
7 to make sure we have your contact information to be able
8 to let you know.

9 So for today, again, after our opening
10 remarks, as noted, we really turn the morning over to
11 the tribal leaders to discuss government-to-government
12 with the Bureau and the Department your views, issues,
13 concerns, about this issue. And we will let that
14 conversation run as long as the tribal leaders deem fit
15 to be able to express their needs and interests. Once
16 we are completed with that process -- which may or may
17 not be before lunch, we'll see -- we will then turn to
18 comments from landowners, the public, organizations,
19 officer from different tribes, whatever it may be, all
20 of you in the audience and again provide you the time to
21 address issues, concerns and the like as well. And we
22 may -- given that we have only four tribal leaders at
23 the table, we might actually start that before lunch.

24 In the afternoon, when we do turn to public
25 comment, we do ask people, as best they can, to try to

1 focus on different areas where they might give comment
2 at a certain time, although people will comment as they
3 set fit. So on the goals, on the question of
4 appraisals, which has certainly come up, the ILCP
5 administration and anything else regarding land
6 consolidation, or things that you have thoughts, ideas,
7 concerns about.

8 Basic meeting guidelines, what we like to do
9 is obviously we ask people to -- we want you to express
10 all your concerns and issues, but be as concise as
11 possible so everyone has a chance to speak and raise
12 their issues. Obviously, we ask that people be
13 respectful of one another, though we certainly can have
14 strong views and emotions and opinions about this.
15 Simply be respectful of people as people. We ask people
16 to speak one at a time so we can hear the issues and
17 concerns of that individual as they speak.

18 One of the things that I know the Department
19 and the Bureau have said to me as an independent
20 facilitator is insomuch as you can be prescriptive and
21 say, "I would really like it done this way and here's
22 why. Here's the best way to do it." Give prescription
23 advice. That's very helpful. If you give some very
24 concrete ideas for how they might proceed with
25 implementation. Insomuch as you can do that, that is

1 very, very helpful.

2 As noted before, there is a court reporter
3 here, and she will be taking detailed transcripts of the
4 entire proceedings so that this will be recorded and so
5 you have all of that. The Department will have that,
6 and as noted, that will be posted on the website as well
7 so that's public information.

8 Megan, anything else on the process before
9 we turn it over to the tribal leaders?

10 MS. MEGHAN CONKLIN: No. I don't have
11 anything else. I'm just looking forward to the
12 comments.

13 MR. PATRICK FIELD: With that, I turn it
14 over to the tribal leaders. We really thank you for
15 coming today and we look forward to your comments and
16 advice.

17 MS. MEGHAN CONKLIN: Are there any tribal
18 leaders who want to start?

19 MR. JAMES FERGUSON: While folks are
20 gathering their thoughts, my name is James Ferguson.
21 I'm an attorney with the solicitor's office. And one
22 point I'd like to reemphasize that Megan made is that
23 because the appeals process is still ongoing, that means
24 that we are still bound by the orders that were issued
25 by the Court. And the administration went to the Court

1 to ask permission to have these consultations, and
2 unfortunately, the Court granted it but does put very
3 strict limits on what the folks here at the table can
4 speak about. So wherein they cannot speak about the
5 settlement generally, they can speak about, and they are
6 here to consult on, the land implementation portion of
7 the settlement. So we just ask if you would restrict
8 your questions or comments to that. And that would be
9 very helpful for them to give information and hear your
10 thoughts and to implement this process in a way that
11 hopefully is helpful to everyone.

12 MS. DIXIE BEGAY: I guess I'll start off
13 here.

14 MS. MEGHAN CONKLIN: Okay, great. Thank you
15 very much.

16 MS. DIXIE BEGAY: Going to your goal number
17 one that you have on your preliminary goals that you
18 have? Number one? It speaks about the prioritizing the
19 highly fractionated land. And we with the Ramah Navajos
20 Tribe Chapter, we are under Southwest Regional Office
21 here in Albuquerque with BIA.

22 And most of our land out in the Ramah area,
23 we have about 47,582 allotted lands in our area. So
24 speaking on behalf of the people, and if you're going to
25 go through fractionated land, we would like to request

1 to consider that for the Ramah Navajo Tribe we have
2 Ramah Band land which is recognized by the Bureau, the
3 government, that we have land out there -- that these
4 fractionated lands be given back and be transferred over
5 onto the Ramah Band lands.

6 I think, if my understanding is correct, the
7 land will be -- the fractionated land will go back under
8 the Navajo Tribe, bought back or consolidated lands --
9 it's -- what my understanding is that will go back to --
10 but we're requesting that the Ramah portion of the
11 allotted land that we have there be redirected under the
12 Ramah Band lands. And that's our request from the
13 Chapter. And since we are under the Southwest Regional
14 Office here in Albuquerque. That pertains to your
15 strategy number one.

16 And I know Ramah has a lot of allotted lands
17 out there and we also have Ramah Band land that is
18 recognized by the government, also. So speaking on
19 behalf of that for the Ramah Chapter.

20 I don't know if Mr. Paul has any
21 additional comment.

22 MR. FRANK PAUL: Hi. I'm Chapter vice
23 president. I just want to add that what Ms. Begay has
24 said -- she's the Chapter secretary -- that is correct.

25 And I just want to add that the Ramah Band Navajo is not

1 a number two Navajo as far as Regional -- well, as far
2 as the Washington office is concerned. We're just one
3 of three isolated communities of the Navajo. And Ramah
4 is one geographically isolated.

5 Secondly, we are under Southwest, wheres the
6 Navajo, the big Navajo -- "big," is what we call it --
7 is located in Window Rock and has the majority of the
8 Ramah Navajo Communities or Chapters. The three
9 communities are geographically separate and secondly, as
10 I started to say, we have our own agency, which is Ramah
11 Navajo agency under the Bureau of Indian Affairs,
12 Southwest Region Office.

13 Also, historically -- it's a long story --
14 but the Ramah Navajo is separately established or has
15 its own self-governing body and will, which is respected
16 by the Navajo Nation, and we do respect the Navajo
17 Nation. We also respect the area for certain programs
18 and also Southwest Regional Office. We are understood
19 in that way.

20 Another change is that with regards to land
21 is recently, in fact, today -- this day -- if it hasn't
22 already happened or is about to happen, is that the
23 Navajo Nation president is signing off the last piece of
24 paper, bill, authorizing a recent purchase, which is
25 less than a month ago, of a new 16.3 quarter section of

1 deeded and trust land and private lands in the area of
2 Ramah, New Mexico.

3 As I said, we have a long history, but this
4 one is recent in a way. But just a word, that this very
5 land was taken away from the Ramah Navajo by school
6 lands, cattle growers and so forth. But now that was
7 labeled as a land settlement. Settlement meant that the
8 Navajo Nation accepted the money for the land because
9 land has been used for ranching and land use and so
10 forth. But we are back at where, by federal
11 regulations, and it is not Cobell funding, but under
12 another land consolidation act, that we are getting some
13 land back only by buying it back, if you will. Quote,
14 buying, land back that was settled in the settlement.
15 But the ranchers are no longer around and they can't
16 keep up with the land because of drought and so forth.

17 So we are adding -- in summary -- adding
18 additional lands of Ramah Navajo Band land. And that we
19 are going to continue to do it with the various acts and
20 laws that are being passed in our favor. So it appears
21 that in the name of Indian self-development and also
22 growth and determination, that we will be able to get a
23 sufficient amount of land to provide for self-sustaining
24 community. Not necessarily a reservation separate from
25 big Navajo, but working with Navajo. They're helping us

1 purchase back like this land in the case of that
2 16.3 quarter section that I mentioned.

3 So with that understanding, we are
4 convincing the big nation and also hopefully -- not
5 hopefully -- but Southwest Regional Office has already
6 assisted us by establishing, letting us keep the rest of
7 the -- the agency status with the superintendent. We
8 also are getting some federal lands for improvements.
9 So if people who every day -- may be today, and at the
10 Department of the Interior staff that are here would
11 understand is that that would be our position.

12 Now, if sometime in the future this becomes
13 difficult that we cannot really label ourselves and
14 develop ourselves as Ramah Band of Navajo -- and
15 certainly we'll have to work with that with our
16 government and the Federal government as well and the
17 regional office. Up until such time that we can do
18 things for ourselves, we would like to be allowed that
19 if we could.

20 And I just want to say this to be
21 understood, and in representing the Ramah Navajo people.
22 Thank you.

23 MS. MEGHAN CONKLIN: Do we have any other
24 comments from the tribal leaders.

25 MR. PAUL ROSETTA: I just want to ask this

1 question. As far as purchasing or acquisition of lands,
2 does that include any prior impairment of land claims
3 that was lost through a decree by the Court? Like
4 mining operations in the Cerillos Hills. And this was
5 said in the pueblo that it was under the original land
6 claims, but we lost, you know, because of the prior
7 Congressional actions of the different laws that have
8 applied to the landowners. Is that open to purchase or
9 just strictly individual landowners?

10 MS. MEGHAN CONKLIN: I'm sorry. I'm not
11 entirely certain of the answer to that, but I will look
12 into it and get back to you. I don't have the answer
13 for you right now.

14 MR. PAUL ROSETTA: Okay. And the next
15 question is, does it also include purchasing land back
16 from Bureau of Land Management in National Forest, that
17 has to go through the regular process through
18 Congressional action?

19 MS. MEGHAN CONKLIN: No. That would not be
20 a part of this program. Sorry. This would be working
21 with IM account holders who want to sell back their
22 fractionated interest as part of this program. It
23 doesn't include lands that are under Federal ownership.

24 MR. PAUL ROSETTA: The other question I have
25 is some of our current areas that are -- I mean, it's a

1 checkerboard area. There are some landowners that are
2 non-Indians, thus -- I mean, that's part of what needs
3 to be purchased, if there's an interest in it.

4 MS. MEGHAN CONKLIN: Are you talking about
5 fee lands? Is that why you're mentioning it.

6 MR. PAUL ROSETTA: No, it's private owned.
7 It's a checkerboard area. It's mixed in with
8 tribal-owned fee land and other private owners and
9 non-Indian.

10 MS. MEGHAN CONKLIN: I don't believe so. I
11 think, again, we're talking about lands that are held by
12 IM account holders who are interested in selling back
13 their fractional interest. And the issue of fee lands
14 has come up, as I mentioned, in a number of these
15 consultations. And I should say the BIA has a really
16 active fee-to-trust program that's been very successful
17 under this administration. I'm sure Bill and others
18 from the BIA can tell you more about it.

19 But as I mentioned, we're not going to be
20 working with fee interests as part of this program.
21 It's more of the sort of, you know, lands that are held
22 by fractionated interests or by IM accounts that we're
23 looking to be bought back by the -- through this
24 process. I'm sorry that was not a very coherent answer.
25 But the answer is, no, unfortunately. I'm sorry.

1 MR. PAUL ROSETTA: Okay. Thanks.

2 MR. STEVE BOONE: Good morning, again.

3 MS. MEGHAN CONKLIN: Good morning.

4 MR. STEVE BOONE: There are about four main
5 topics the Zuni Indians would probably have to address.

6 A good step to stop further fractionizing of land for
7 effective management and Zuni will be getting their
8 lands back. Most of the Zuni allotments are located
9 where it is hard to gain access for development, and the
10 main one is a -- some funding set aside to implement the
11 goals, all the goals.

12 That's it.

13 MS. MEGHAN CONKLIN: Okay. Sure.

14 MS. DIXIE BEGAY: I have another question
15 here on your goal number 3(b), the tracts and the
16 opportunity for tribes. Are you talking about the
17 fractionated lands that is going to be bought back or
18 the tribe's going to get that portion back and that
19 money can be used for economic development? Is that
20 what I'm -- I mean, am I understanding that wrong?

21 MS. MEGHAN CONKLIN: I think one of the
22 things we would love to hear more about today, if there
23 are specific fractionated interests that tribes have
24 identified that they think should be part of this
25 program that can represent, you know, lands that could

1 have economic potential for a tribe. That's sort of
2 what we meant by that potential strategy there. So
3 there is -- tribes have identified these specific lands
4 could be important to the tribe economically.

5 MS. DIXIE BEGAY: That would be to the
6 tribal plans, or do you already have those plans from
7 the tribes?

8 MS. MEGHAN CONKLIN: We don't. That's
9 something that we would love from feedback on from the
10 tribes, yes.

11 MS. DIXIE BEGAY: But this money can be used
12 to repurchase fee land and things like that?

13 MS. MEGHAN CONKLIN: No, it cannot.

14 MR. STEVE BOONE: I have a question. Will
15 we be getting any access or funds or monies that would
16 help us redevelop?

17 MS. MEGHAN CONKLIN: Can you kind of
18 elaborate more on your question there.

19 MR. STEVE BOONE: I guess the road
20 structures and to gain access to the lands that are
21 being talked about. These areas, they are mostly, I
22 guess, the outskirts of our main reservation and our
23 main roads.

24 MS. MEGHAN CONKLIN: So the question is
25 whether or not the funds can be used for infrastructure

1 to access some of these lands. Is that right? I just
2 want to make sure I'm getting the question correct.

3 MR. STEVE BOONE: Yes.

4 MR. DION KILLSBACK: Good morning. My name
5 is Don Killsback.

6 To Mr. Boone, the question that was raised
7 and I pose it for everybody, is whether or not tribes
8 will be able to use Cobell money for roads, essentially
9 for reservation roads.

10 Unfortunately, that's kind of a separate
11 issue that the Department of the Interior handles
12 through the BIA roads program. And it's part of the
13 funding allocation and budgeting process that every
14 reservation has issues with. And your concern about the
15 roads is very important, and thank you for bringing that
16 to us. Because we at the Interior take roads very
17 seriously. It's a part, like you said, very important
18 for tribal members to gain access to and from
19 businesses, schools, housing, education. All of that is
20 very important.

21 But I believe that the Cobell Settlement
22 will not be able to use those funds. But those do come
23 from a different aspect of the Interior which would be
24 from the Bureau of Indian Affairs. And I believe our
25 regional office here with our regional director,

1 Mr. Walker, he would be able to address that. Even our
2 roads people here from regional office will be able to
3 address more roads questions.

4 So if that answers your question.

5 MR. STEVE BOONE: Thank you.

6 MS. MEGHAN CONKLIN: Thank you, Dion.

7 MR. PATRICK FIELD: Tribal leaders, your
8 choice. Do you prefer to continue the conversation
9 here, or would you like to hear from members of the
10 public now, or what would be your preference.

11 MR. PAUL ROSETTA: There's only a few of us
12 here, so.

13 MR. PATRICK FIELD: There's a number in the
14 audience.

15 MR. STEVE BOONE: That's fine.

16 MR. PATRICK FIELD: Okay.

17 MS. DIXIE BEGAY: Just one more thing. I
18 did mention Ramah Band lands that are under the
19 Southwest Regional office here in Albuquerque BIA. I
20 would like to request the BIA to make available to the
21 Ramah Navajo Chapter the number of highly fractionated
22 lands that we have in the Ramah area. How many acres do
23 we have, locations. And so that based on the numbers
24 that we receive. And like I stated earlier, that each
25 tribe is going to have a plan so we can begin to work on

1 our plans for these lands that are there, these
2 fractionated lands that we have on Ramah in
3 consolidating some of these lands. That we would
4 request that of BIA here in the Southwest Region.

5 MS. MEGHAN CONKLIN: Thank you very much for
6 the comment. That's very helpful. And a number of
7 people have brought that up in consultations that we've
8 attended previously, wanting some more specific data
9 from the Department of the Interior on fractionated
10 interests. And that is something that we are working
11 on. We should have that available soon. And when we
12 do, we'll make sure to send that out to tribal leaders
13 and make that available on our website. So thank you
14 very much for that comment. It's very helpful.

15 If tribal leaders are okay, I think we're
16 going to open it up now for some comments from the rest
17 of the audience. But we can always go back to you if
18 you do have additional comments. Just signal to us and
19 we'll be happy to do that. Thank you.

20 MR. PATRICK FIELD: Any time during the
21 public comment a tribal leader has an additional comment
22 or remark, if you will just tip your name placard up on
23 its end and we'll make sure that you are recognized.

24 MS. MEGHAN CONKLIN: Great. Thank you.

25 MR. PATRICK FIELD: So for everyone, as

1 people come up, come up as you're comfortable. Just
2 clearly state your name and any affiliation that you
3 have to by tribal organization. And if you just say it
4 twice just to have the transcriber -- so that she gets
5 your name and affiliation. And then feel welcome to
6 make your remarks as you will. There's a mic here and a
7 mic over there as well. So whatever order you see fit,
8 please come to the mic.

9 MS. MEGHAN CONKLIN: We don't bite. I
10 promise. Okay. Great.

11 MS. VICKIE ABEYTA: I'm Vickie Abeyta. I
12 work at the Bureau of Indian Affairs. And I think
13 what's lacking here is education. We have no
14 information going out to these allottees in regards to
15 Cobell, what their options are, no estate planning,
16 nothing for them. I see that, yeah, the tribe is going
17 to be able to benefit, but the allottees aren't.

18 Years ago, 2004, our right to do wills was
19 taken away. I think that it's something that's very
20 important. Rather than taking the land from the
21 allottees, let them plan for the future. Let them give
22 it -- you know, for their generations to come. But we
23 need to educate, and we're not doing that. So I think
24 that's one thing that needs to be out there is what
25 Cobell is about.

1 Yeah, everybody's gotten the letters, but
2 what is it about? What is it? You know, they see that
3 money, they see that carrot. But they don't have any
4 type of estate planning. They don't have -- they don't
5 know what's going on.

6 MS. MEGHAN CONKLIN: Thank you for your
7 comments. The issue of estate planning has been raised
8 to us before as well, and I think a number of people
9 have pointed out that, you know, there should be a way
10 to provide more assistance in estate planning going
11 forward so that we prevent these lands from being
12 fractionated in the future. That's something that we
13 are exploring.

14 We're not certain that we're able to use the
15 Cobell Settlement funds for estate planning, but I do
16 agree with you that it's really important and it's
17 something that we're going to explore more coming out of
18 these consultations what sort of options might be there
19 to better assist in those programs. So thank you very
20 much for those comments.

21 MR. ROBERT CASIAS: Hello, everyone. My
22 name is Robert Casias. I'm with the Bureau of Land
23 Management, Department of the Interior out of the Santa
24 Fe office. My office is responsible for performing
25 boundary work and surveys in Indian Country as well as

1 all the other Federal lands.

2 And I guess I would like just to make the
3 pitch that during the trust reform, during the FTM when
4 we crafted that address to what the Department needed to
5 do in terms of their trust responsibilities, survey and
6 boundary came up as one of those things that was of high
7 importance. Accounting, of course, was one, and
8 boundaries and ownership were another. And for the last
9 three to four years, the BIA has been funding a very
10 large boundary program across Indian Country, and it has
11 been very successful. We've been able to address some
12 of these very weak boundaries that haven't had attention
13 for over 150 years. And I think in many of the tribal
14 situations, it's benefitted because some of the trespass
15 that's been identified and being able to allow actual
16 deed-to-trust transactions have been effected because of
17 our work.

18 And I would suggest that there's a big role
19 to play -- and I'm sure the Department recognizes
20 this -- for BLM when it comes to identifying these
21 boundaries and assuring that there are accurate
22 measurements for those boundaries. Because especially
23 in the case where you have to subdivide sections, many
24 of the private people who have done that for tribes have
25 not taken the length of time it would take for the BLM

1 to do a survey correctly.

2 So I would just put a footnote in here that
3 BLM is more than ready to take up this charge, and
4 certainly we have four regions under our jurisdiction
5 here in the Southwest, because Oklahoma and Kansas and
6 Texas are also under our charge. So we think that
7 there's probably a large role to play for BLM, and I
8 would hope that as we move forward that the Department
9 makes some kind of listening session when it comes to
10 the boundaries and what the Department is able to do via
11 the BLM. I guess I would just offer that.

12 MS. MEGHAN CONKLIN: That's a very good
13 suggestion. Thank you very much.

14 MS. SHIRLEY BELLSON: Everybody, I would
15 like to address my comments. I just sit in here.

16 My name is Shirley Bellson, and I'm the
17 tribal realty officer for the Zuni Tribe, and I would
18 like to express a concern that there is really not talk
19 about how funding will be provided, if any, to implement
20 the goals and objectives that you folks have identified.
21 I think that they are good goals and objectives, but
22 where is the money going to be coming from to implement
23 these goals in order to be effectively carried out?

24 That's one area that we always neglect to
25 acknowledge or provide when we think about doing certain

1 things. And that's one problem that we have is we don't
2 have funding to do that at our level, and I'm sure if it
3 was a program that was administered by BIA, that they
4 will have the staffing and the funding to get it done.

5 But when it comes to the tribal level, we're contracting
6 fee programs from the Bureau, and we usually don't get
7 any additional funding for special initiatives that come
8 through, such as this thing that you're talking about.

9 So I would like to encourage that you think about how
10 this will be funded to implement the goals and
11 objectives.

12 And the other thing is that this person from
13 BLM was talking about surveying. If the tribe is going
14 to be acquiring interests from those individuals, there
15 needs to be some mechanism to identify, to survey these
16 tracts that they will be acquiring. And many times we
17 don't get no money either for surveying. Fractionated
18 interest, how is that going to be carried out as well?

19 And so it would help us to look at these issues a little
20 bit further if you can identify what specifically --
21 what things that the money will specifically be used
22 for. Not just generally to acquire funds, but if
23 that -- if you can identify what exactly can be done
24 with this money, it would help us do our planning at our
25 level.

1 Thank you.

2 MS. MEGHAN CONKLIN: Thank you very much for
3 those comments. I was writing them all down. It's very
4 helpful. I can answer a few questions about the funding
5 issue.

6 As I mentioned in some of my slides earlier,
7 specific authorization from Congress was achieved for
8 the Cobell Settlement for \$3.4 billion. And of that,
9 1.9 billion will be available for the land consolidation
10 program. That was a special authorization we got from
11 Congress. There's money available out of the judgment
12 fund for it. The monies will be made available;
13 however, as I mentioned earlier also, we are still in
14 the process of going through the Court's time line. And
15 so until all of the appeals have been settled through
16 the court process, the funding will not be made
17 available until that point. Does that sort of make
18 sense to you?

19 And the question about whether or not tribes
20 can have a more active role in managing the program is
21 something that has been a resounding comment that we've
22 heard through all these consultations. And I know
23 everyone in Indian Country is very interested in this.
24 Because we are required to follow their requirements of
25 Indian Land Consolidation Act, ILCA, we aren't able to

1 638 this program. But one suggestion we've gotten from
2 a number of the other tribal leaders is for the
3 Department to better explore our ability to use
4 cooperative agreements, compacts, MOUs, or MOAs to allow
5 tribes to have more of an active role in how this
6 program is carried out. And that is something that
7 we're doing some more research on and planning to
8 explore coming out of these consultations.

9 So I appreciate those comments very much.

10 Thank you.

11 MR. PATRICK FIELD: Comments, questions?
12 Issues that anyone wants to raise?

13 MS. MARTHA GARCIA: Good morning, everybody.
14 Can you hear me now? There.

15 MS. MEGHAN CONKLIN: Yes.

16 MS. GARCIA: My name is Martha Garcia. I'm
17 a member of the Ramah Band of Navajo. I came here this
18 morning as a landowner and also as a staff that's
19 working with the Ramah Navajo Chapter. I'm serving as a
20 development officer and work closely with the realty
21 program.

22 I'm a landowner through the ownership of
23 what my dad used to have, which is under the Navajo
24 Nation. And then I'm also a landowner. My mother is
25 going through the process of doing estate planning, so

1 in that way, I will be gaining additional land as a
2 landowner. And my concern here as well as the concerns
3 of many of the people that are landowners in the Ramah
4 Navajo area is probably the same. And for your
5 information, I also have been elected and have been in
6 various positions as an elected leader for my community.

7 The real estate office out at Ramah Navajo
8 community is contracted under the Public Law 93638. We
9 have staff members that are here with us today. Our
10 probate officer is Michelle that's working on our
11 probate. And then I also have Joanne Peno, who does our
12 real estate work. And they are closely involved, and
13 they know what it takes to work with individuals on a
14 day-to-day basis. And those are some of the concerns
15 that I have seen that I will express here today.

16 The Ramah land base out at Ramah is very
17 complex. We have about maybe seven different land
18 titles that are within the area where we live. We have
19 three trust lands; the Navajo Tribe trust lands, and we
20 have the Ramah Band trust lands, and then we have the
21 allottees. And we have a number of allottees. I think
22 it's 246 original allottees that are out there that owns
23 a quarter section, and that's what we're talking about
24 here today. We have State land. We have BLM land and
25 we have a lot of private lands that are checkerboard

1 across the area, so that's our land base. And when you
2 hear about consolidation, you want to consolidate and
3 make that just one trust land or ownership under the
4 Ramah Navajo community or Chapter.

5 Today I want to echo what my leaders here
6 have expressed, that the Ramah Navajo community with its
7 unique status that has been evolved over the many years,
8 we would like to see -- if any of our highly
9 fractionated land is going to be bought so it becomes
10 part of a tribe, then we would like to see that placed
11 under the Ramah Band land. We have more control over it
12 than over the Navajo Tribal trust lands. We're able
13 to -- the process of establishing and planning for any
14 infrastructure, from home site leases, any economic
15 development, it takes maybe only a fourth of the time it
16 takes to place -- get all the leases, right-of-ways,
17 whatever we need. It's so much easier to do it under
18 Ramah Band land than it is under Navajo Tribal trust
19 lands.

20 And, therefore, that's one of the reasons
21 why we would like to see it back under the Ramah Band
22 land. We have always been very independent. Navajo
23 Nation has no involvement in our allottees' interests or
24 whatever they want to do with their lands. Those come
25 directly to the Southwest Region Office, and it has been

1 like that for a number of years.

2 Historically. We have been working with the
3 Federal government through the BIA since the 1920s. And
4 only very briefly -- sometimes maybe in the '30s --
5 Ramah was placed under Navajo Nation at Eastern Agency.
6 But I don't know, they said it was just too far for them
7 to work with us. And they gave us back -- back then it
8 was called United Pueblo, and we have been under the --
9 in this region. And there were three of us that
10 Mr. Paul had mentioned, the To'hajiilee Band of Navajo
11 and then the Alamo Band of Navajo. But the two opted to
12 go back to Navajo Nation, and we're still here with the
13 Southwest Region, and our people have always stated
14 that, "This is where you stay. This is where you
15 belong. This is where we have been placed, so we will
16 continue to operate that way."

17 And through the 638, the Ramah contract that
18 we have made, there were a number of Bureau-operated
19 programs. We have taken over, and we have established
20 our own Ramah Navajo agency in 1972. And then using all
21 available processes that we could gain, we worked with
22 Congress back in the '80s, early '80s -- even the
23 '70s -- to obtain what was called government land and
24 place that under Ramah Band of Navajo. So that's
25 officially done, and it's an Act that has been done in

1 the early '80s. And I think there's over 30 sections of
2 land that now belongs to the Ramah Band of Navajo.

3 But I do have some questions. And as we are
4 doing land consolidation, as a landowner I know that I
5 have -- in one portion it's very highly fractionated.
6 Somehow through the probate, we had said that our
7 portion that my father had owned would belong to one of
8 my siblings. Well, another portion of that area became
9 available. We didn't have a probate. Instead, we had
10 requested at the first probate any other land that's in
11 this particular tract that it would now also belong to
12 that one sibling. Lo and behold, it didn't come out
13 that way and, therefore, it's very highly fractionated.
14 There's 13 of us as siblings, so you can imagine for
15 that small tract of area. I don't think we can even
16 stand on it.

17 And thinking back, if I was interested in
18 purchasing the rest of the highly fractionated land,
19 would I be able to dip into the land consolidation
20 funds, or is that just reserved for the tribe? If I
21 wanted to use that to buy the rest of the highly
22 fractionated and put it as one tract for a portion under
23 my name, would that be available?

24 MS. MEGHAN CONKLIN: I think one of the
25 things that we would be seeking to do in this program is

1 to work with all those individual owners of the
2 fractionated lands to sell back all their interest or a
3 majority of their interest so then the land is available
4 to the tribe. That's sort of the process that we're
5 looking at here.

6 MS. MARTHA GARCIA: So the individuals will
7 not be able to get -- buy out any shares of the rest of
8 the highly fractionated. Instead, you'll be working to
9 have the tribe purchase that so it would go back under
10 the tribe. Is that what I'm hearing?

11 MS. MEGHAN CONKLIN: Yeah. I believe so. I
12 think that's the sort of system that we're looking at
13 here, unless others have --

14 MS. MARTHA GARCIA: I think that kind of
15 defeats the purpose as a landowner, that, you know, I
16 have an interest.

17 MS. MEGHAN CONKLIN: Right.

18 MS. MARTHA GARCIA: But who's looking out
19 for my interests? You're looking out for the interests
20 of the tribe.

21 MS. MEGHAN CONKLIN: Right. That's one of
22 the concerns that has been raised here. So I understand
23 that, yes. Thank you.

24 MS. MARTHA GARCIA: So where do I file? But
25 that is a really concern that I have, and probably

1 shared, like you said, across the nation, what about my
2 interests as an individual?

3 MS. MEGHAN CONKLIN: Right.

4 MS. MARTHA GARCIA: How is that going to be
5 addressed? The other portion, working as a staff,
6 you're now placing a lot of responsibility on our realty
7 office. And within the Bureau, you're placing a lot of
8 responsibility of finding out how many of these lands
9 are highly fractionated, identify those, and work with
10 the individuals to get this under the tribe. And yet,
11 do dollars come with it?

12 I saw up there that a certain portion of
13 this settlement that's going to the land consolidation
14 is going to be provided for administration of these
15 lands. Therefore, I would like to request that those
16 funds also be coming down to our level. It's where the
17 real work begins. It's not in Washington. It's not
18 where somebody just signs off on whatever decision that
19 has been made. The legwork is really at the local
20 level.

21 I work with the probate office, and I've
22 seen them work, how much responsibility that has been
23 placed upon them. And it's not just going to one person
24 and saying, "We need your address. We need all this."
25 You have to get all kind of information and being

1 Navajo, some of us -- like I said, I have 13 siblings.
2 We have to go to each one of those. And some of them
3 might not be in the area. Some of them have passed away
4 and they have children scattered all over the place.
5 You have to go visit and get all the information. And
6 it has taken years just so establish those. And now
7 we're back to doing that in these highly fractionated
8 areas to get their consent and to see how this can be
9 done.

10 So all the legwork that I see, it's not
11 going to be a separate office. You're going to rely on
12 the realty office to do this. So my request is put the
13 money where the work is going to be done. We need money
14 down there to do it. Don't just place more
15 responsibility on us to do the work for you. We want
16 money to do that. We just have two staff right now.
17 And we're the highly -- in the Southwest area, we have
18 the highest allottees that are in our area. And,
19 therefore, I request that -- that you provide the
20 funding to those areas.

21 And then the other one is -- I think I went
22 through what I needed to say about what it takes to get
23 our landowners to understand what's going -- what it's
24 going to take, and it's done by the staff. But also
25 we're sitting here -- I don't see our elders in this

1 room. They don't know about it. Vickie just talked to
2 it -- Abeyta -- that there needs to be more education
3 done. How is that going to be done? Our sole
4 landowners that still have the quarter section, they
5 have no understanding of what the Cobell case is all
6 about. They have no understanding of -- they know that
7 they owned this quarter section and it's going to go to
8 their children. Or if they have an interest, they will
9 not understand how this whole process is going to work.

10 So that's where you need to start putting
11 your efforts to get to those people that are the
12 landowners. We can just speak as tribal leaders for
13 those people, but they're the one that needs to know.
14 They're the one that needs to understand. So you're
15 going to have to come down to their level and work with
16 them, and how do we do that? How do we get this
17 information?

18 My mother's 84. She wanted to come here,
19 but she says, "I can't be away from the house too long.
20 I have to be at home." And we can't bring them here.
21 So somehow somebody needs to go out there and work with
22 them, and that's the request that I have with all of you
23 that work -- that are going to be working in the land
24 consolidation settlement portion. That we can just be
25 the voice, but the people that's going to make those

1 decisions and give you the consent and to give it back

2 to a tribe or to have the tribe buy it would -- the

3 education would have to be made to them.

4 Otherwise, they're very -- they don't trust

5 the Bureau or anyone in the Federal government because

6 they're the ones that still remembers what happened.

7 When they had large flocks of livestock and they came in

8 and made those reductions against their will. And

9 that's how they're going to feel about this. You're

10 going to make them -- Navajo Nation or Ramah Chapter is

11 going to come in and say, "Well, you know, you just

12 barely have a little interest. I'm taking this land

13 back." That's not how they see it. They think it's

14 theirs, and rightfully so, it is. But whoever made

15 these decisions was without the landowners' involvement,

16 just tribal leaders, and we don't see that many of them

17 here today. We have the Bureau that makes those

18 decisions, but they distrust the decision of people

19 coming in and taking what they feel like, you know,

20 that's rightfully theirs.

21 So that's my comment, thank you.

22 MS. MEGHAN CONKLIN: Thank you. That was a

23 very helpful comment, and I think you're absolutely

24 right that we have our work cut out for us to educate,

25 you know, owners of these fractional interests about

1 this program and why participate. And I really would
2 love to hear additional comments from others in the
3 audience if they have thoughts on the best way for us to
4 go about doing that. Because it's going to be very
5 important as we would go about implementing this
6 program.

7 So thank you very much for all your thoughts
8 there. I appreciate them.

9 MS. DORI ALLEN DURAN: Hi. I'm Dori Allen
10 Duran. I'm an employee of the Southwest Regional
11 Office, and one of our questions would be on the
12 allocation of the administrative monies, how is that
13 going to be divided? Ramah Navajo just brought up, you
14 know, it needs to come down to the lower levels. We are
15 one of the smaller regions when it comes to allotted
16 land, but we have quite a bit of tribal lands. So when
17 you do your allocations, is it going to be broken down
18 by land base and allottees, or is it going to be broken
19 down evenly and dispersed evenly down to the lower
20 levels?

21 The second question is, is that I understand
22 that there's ILCA offices there are being created and
23 they will be used for the buyback purposes. If the ILCA
24 offices are being created, are they being created for
25 all regions, are they only being created for those that

1 have highly fractionated interests? If we should get an
2 ILCA office or an individual to assist in the buyback
3 procedures, are they going to be located in an area
4 where the landowners can come to them easily, or are
5 they going to have to travel into the regional offices?

6 Have you guys thought about that, where to locate these
7 offices and where the best opportunity for the
8 landowners would be? That's a concern of mine.

9 So that's something that I think the
10 tribes -- because here in our region, a lot of those
11 programs are contractor compacted by the tribal
12 individuals, and the question that we had in the back
13 row back there is how is that money going to come down?
14 Central office, yes, I see money up there, but that's
15 not where the work is being done. It's being brought
16 down into different levels, and as a regional employee,
17 I would like to see that even brought down lower.

18 So that's my comments.

19 MS. MEGHAN CONKLIN: Thanks for your
20 comments, and thanks for your service in the BIA. We
21 haven't made any final decisions on how we're going to
22 parcel out the administrative funds that are available
23 under the settlement or final decisions on the
24 infrastructure and where offices may be located, but I
25 can tell you the BIA is very involved in our thinking

1 here. Mike Black, your director, has been very
2 involved. So I would just encourage you, if you have
3 ideas, get them up through your regional director,
4 Director Black, and we'd be happy to take a look at them
5 moving forward.

6 So thanks for those comments.

7 MR. PATRICK FIELD: Other comments?

8 Questions.

9 MR. PAUL HICKEY: My name is Paul Hickey.
10 I'm a BLM surveyor stationed here at the BIA Southwest
11 Regional Office and my boss just got up and talked a
12 while ago. But if you haven't figured out how you're
13 going to distribute the administrative funds, what I
14 would suggest is that a part of it be set aside to do
15 surveys, have BLM either do the surveys in-house or
16 contract out the surveys. Because you can't really buy
17 land unless you know where it's located on the ground.
18 And I think surveys are a real important part of that,
19 and my job already here is liaison between the BIA and
20 the BLM concerning survey issues. I would be willing to
21 work with coordinating the effort of getting these areas
22 surveyed in conjunction with the Cobell Settlement here.

23 Anyway, I just want to put that on the table
24 for something to consider about when you're spending the
25 administrative funds. And we have 12 -- we're in 12

1 different regions of the BIA. We have a surveyor like
2 me. They call it the BLM Indian Land surveyors, and I'm
3 sure all the other ones would be willing to work on that
4 effort too and would suggest the same thing. That
5 surveys will probably be needed in this effort. Thanks.

6 MS. MEGHAN CONKLIN: Thank you. It's good
7 to see the BLM here as well. And I can assure you we've
8 got a number of different bureaus that we've talked to
9 in our sort of initial thoughts on implementing this
10 program. And I think that there's a definite need for
11 more engagement with the BLM. I had a brief
12 conversation with Mike Ned, who works on land issues for
13 BLM in D.C., but I think you raise a good point, and I
14 look forward to talking more about it.

15 MR. ROBERT CASIAS: This is about your
16 question about what might be done to educate some of the
17 people that are down at the landowner level. And I
18 think once the Department comes up with their strategy
19 about how they're going to approach, is it going to be
20 these large tracts? Is it going to be areas where
21 people are more willing to do the selling? When you get
22 the criteria, I think it would be very well-advised to
23 go to those agency levels. And they have these
24 occasional meetings that the agencies have quarterly and
25 what have you, and I think it would be very well-advised

1 to go there and let those people know that the
2 Department is coming to talk about this and to educate
3 the people that might be interested.

4 Because I think there is a lot of confusion.
5 You hear "fractionated," and I think you heard it today,
6 our checkerboard situation in New Mexico is such that
7 it's a big problem when you have fee and trust, fee and
8 trust, all over the place. It's hard for the tribe or
9 the BIA to manage those kind of boundary issues. So
10 when you -- when they hear "fractionation," I think a
11 lot of people think, "Oh, we're going to be able to get
12 rid of all these fee lands that are in the middle of the
13 reservation."

14 MS. MEGHAN CONKLIN: Right.

15 MR. ROBERT CASIAS: So I think there is a
16 lot of education that can go forward in terms of what is
17 the program about, and how might we get to the
18 landowners who might benefit from it? So I would say
19 that maybe getting down to the agency level when you-all
20 get to a point where you have the criteria settled would
21 be a very good place to start. I would offer that.

22 MS. MEGHAN CONKLIN: Thanks for that
23 suggestion.

24 Hello. Yes, please. Thank you.

25 MR. DAVID HARRISON: And thank you guys for

1 being here and for what you're doing, and I don't think
2 there's -- you may face some attitudes that you don't
3 make them feel particularly encouraged or appreciated.
4 But one that you're not going to feel, I don't think, is
5 nobody is going to envy what you've got in front of you
6 and you what you've got to do. So I think we appreciate
7 what you're taking on here.

8 With that said, let me start, I guess, with
9 some of your strategies, for instance, that you put up
10 there. And I would like to suggest that as you go back
11 to your deliberations, that you ask yourself, "What's
12 our real objective here?"

13 One of them you've told us is to get almost
14 \$2 billion spent within ten years. That's an objective
15 that you've made clear. Another one is to try to help
16 tribes with economic development and to buy land and
17 blah, blah, blah. But I think it might be useful to
18 ask, "What are we really starting out to do?"

19 For instance, one of the things that we
20 looked at in the strategy is to focus on the highly
21 fractionated lands. And I ask, "Why?" If the objective
22 is to try to put together economically useful pieces,
23 buying up a few dozen or a few scores or even a few
24 hundred of the few thousand undivided interests in
25 several scattered tracts of land isn't going to be an

1 economic -- create any economic opportunity or incentive
2 for anybody to do anything with.

3 If the objective is to reduce the number of
4 those individual interests that the Department has to
5 keep track of, then perhaps it makes some sense. But if
6 that's the objective -- I think our secretary's two
7 favorite words seems to be transparency and
8 accountability. But if the objective is to reduce that
9 number of 4 million undivided interests, then I think it
10 would be useful for the people to understand that. And
11 it might make some difference in the suggestions that
12 you get and the ways that you go about trying to entice
13 those people to the table.

14 If you're going to try to put economically
15 useful pieces of land together, then surveys
16 undoubtedly, critically, are going to be important. If
17 you're just trying to reduce that number of 4 million
18 undivided interests in land, you're trying to reduce
19 paperwork. And the people that own lots of those
20 interests don't know where it is now. You're not going
21 to know where it is when you bought it. So why spend a
22 lot of money surveying it if what you want to do is give
23 somebody some money to give up that interest that you
24 now have to keep track of.

25 I think to try to put a little -- think

1 about what our objective is first might help us focus on
2 ways to get there.

3 With respect to the actual purchases, I'd
4 like to suggest that we rethink a couple of pretty
5 recent decisions that the Department seems to have made.
6 One of them is a Federal Register publication earlier
7 this year that says it is the Department's view that
8 improvements to trust land are not considered trust
9 property.

10 Personally, I think that's a dumb thing to
11 have said. I think it is -- I can understand why it was
12 said, I think. In light of the government had just
13 spent this \$3.5 million or is trying like heck to spend
14 this \$3.5 million because of some, at least alleged
15 liability. So I presume you don't want slip-and-fall
16 liability or caving-in-a-roof liabilities or other kinds
17 of possible liabilities associated with improvements out
18 there. I don't know. But if you're going to be buying
19 this land and individual Indians who own it have put
20 homes on it, have put barns on it and fenced pastures,
21 have dug stock ponds, and all you can buy is the trust
22 interest, and you don't consider any of those interests
23 trust property, I can almost promise you that you're
24 going to be accused of ripping off the Indians.

25 Because anywhere else in the world not only

1 is that barn considered a part of the real estate, but
2 we spent most of our time arguing over whether the
3 fixtures attached to the improvements are part of the
4 real estate. Is that propane tank? Is that furnace?
5 Are those things part of the real estate?

6 But nobody ever suggests that the
7 improvement, that the barn itself, is not part of the
8 real estate, except we just did in the Federal Register.
9 So I'd really suggest that you think about or ask your
10 people to revisit that. Because it's going to cause --
11 you're going to underprice and under-offer the value if
12 you cannot consider a fenced pasture more valuable than
13 an unfenced pasture. If you can't consider a grazing
14 area with a stock pond on it more valuable than one
15 without access to water. So I'd really suggest that we
16 rethink that improvements are not trust property issues.

17 And in that regard, I don't know how you're
18 going to deal with this one, but it has been the
19 Department's view since the last D administration, that
20 allotted lands, when allotments were conveyed, a portion
21 of the tribal water right was conveyed also. Under the
22 same theory that the reserve water rights applied to the
23 reservations. Without water, the reservation would have
24 been worthless. By the same token, the theory has gone
25 that without water, the allotments would have been

1 worthless, and we don't acknowledge that we purposefully
2 put these people out on worthless land.

3 So how are we going to treat the water
4 rights associated with the land that we intend to buy.
5 And in most places at least we have to have some legal
6 description that these guys can go out and survey. And
7 most places the water rights are as yet unquantified.
8 But anyway, I ask you to give that some thought and at
9 least be prepared to address the landowners who ask the
10 questions. And somebody is going to say, "Is this offer
11 that you're making to me, does that include the water
12 rights that I have with this allotment?"

13 If you're going to buy whole tracts like the
14 quarter sections that are still intact, original
15 allotment, that's going to be a very important question.
16 Again, if you're going to buy a 1/2,656th undivided
17 interest in a 60-acre tract, it's probably not going to
18 be an issue. But where you want to look at buying lands
19 that have economic value, part of that value is very
20 likely to be the water rights associated with it. So I
21 suggest that we give that some consideration.

22 I presume we have asked ourselves is
23 every -- it cannot be that -- or maybe it is -- is
24 everything that is not price paid for land going to be
25 considered the administrative cost, or do we even know?

1 We've got 285 million bucks apparently for
2 administrative costs, but have we concluded just what
3 those costs are? Is the surveying really an
4 administrative cost, or is that part of the direct cost
5 of the acquisition or is anything other than the
6 purchase price considered administrative cost? I
7 suggest you're going to unnecessarily be tying your
8 hands if you take the view that everything other than
9 purchase price is by definition an administrative cost.
10 Because there is certainly going to be other pretty
11 direct costs associated with spending that kind of money
12 to buy that much land.

13 I think -- the question about whether that
14 boundary survey work is really an administrative cost or
15 part of the direct cost of acquiring the land I think is
16 likely to be far more important to you down the road
17 than it is to anybody else, especially as you can tell
18 here, the concern about unfunded mandates trickling
19 down. That's one part of trickle economics that
20 absolutely works, and that's the unfunded mandate part.
21 Because that will trickle down and it will cause logjams
22 and problems along the way if you don't think about
23 giving yourself flexibility to deal with that.

24 And I've offered these in the spirit of
25 trying to be prescriptive, not rock-throwing. Like I

1 say, none us of envies what you got in front of you, but
2 we do appreciate what you're out here doing and taking
3 the time to listen to some of these questions and
4 concerns.

5 MR. PATRICK FIELD: May I get your name and
6 affiliation.

7 MR. DAVID HARRISON: My name is David
8 Harrison, and I am a gadfly in the Indian trust
9 business, and I guess today I'm -- since you're in our
10 territory, I guess I say I'm here for the Inter-Tribal
11 Monitoring Association, Indian trust matters. And I
12 also represent a few tribes as a lawyer that have
13 significant allotted lands. And you're going to be in a
14 situation -- and I'm sure you know this -- as the phrase
15 that you -- those of you that went to -- you're going to
16 have to be able to deal with adverse economics. We
17 sound like we're all here to be partners in this
18 enterprise that we hope we feel like we have been
19 partners when we're through. But we're going to be
20 dealing with adverse economic interests. You want to
21 buy as much as you can for as little as you can pay for
22 it, because you can buy more. The landowners want as
23 much as they can get for the land that we have either
24 been blessed with or saddled with, depending on how they
25 look at it. But they certainly want the value for the

1 sweat and blood and toil and improvements they have put
2 into it.

3 So I hope you find a way to consider those
4 improvements as part of the trust estate that you're
5 going to be buying. So David Harrison, ITMA. And thank
6 you, too.

7 MS. MEGHAN CONKLIN: David, thanks for all
8 those comments. You clearly have a great deal of
9 technical expertise, and I thank you for flagging all
10 those issues in your speech. These are all issues that
11 you've raised that need some further thought as we go
12 forward in the program. So I look forward to talking
13 more, and thanks for offering all those to us today.

14 MS. DORI ALLEN DURAN: I'm back again. I'm
15 the non-shy one.

16 MS. MEGHAN CONKLIN: Okay.

17 MS. DORI ALLEN DURAN: My name, again, is
18 Dori Allen Duran.

19 MS. MEGHAN CONKLIN: Okay. Well, that's
20 good.

21 MS. DORI ALLEN DURAN: Back in the back row
22 here, we were just having a conversation --

23 MS. MEGHAN CONKLIN: Who is in the back row.

24 MS. DORI ALLEN DURAN: The shy ones.

25 MS. MEGHAN CONKLIN: Is this all the BIA

1 staff in the back row there?

2 MS. DORI ALLEN DURAN: Kind of. There's
3 some landowners back there.

4 MS. MEGHAN CONKLIN: Okay.

5 MS. DORI ALLEN DURAN: The question came up
6 when Cobell started, it started with the fund, the
7 money, the accountability of the money. When did it go
8 from the accountability of the money to purchasing
9 people's interest in their land? That's the part that I
10 kind of got lost on. We are now going from
11 accountability of income to taking income away from
12 Indian landowners.

13 And I know we only have 3 percent of the
14 land base of allotted, but when you take someone's
15 interest away, that takes their income away, that
16 affects their SSI payments. So has anybody taken that
17 into accountability? When you lose income, you lose --
18 it affects the services that an individual gets.

19 The other thing is that we have ILCA. ILCA
20 allows you to consolidate during probate within the
21 allotments. Why aren't we doing that with landowners?
22 Why aren't we consolidating with landowners first,
23 allowing them to purchase interest within their own
24 allotment, and then if there's no interest within those
25 allotments to purchase, then the tribe comes in. But

1 we're totally bypassing the landowners. We're going
2 straight to the tribe. Where is that going to get us?
3 Nowhere.

4 We all make good money here. Most of us are
5 Federal employees and we make decent money. But when
6 you're looking at a landowner that may only have \$100
7 income coming in off an allotment, that's a \$100 they
8 didn't have. So if our goal here is to account for the
9 money going through our trust systems, we're taking the
10 money away that should be going through the trust
11 systems. So that's just something to think about.

12 Has anybody gone back to look if landowners
13 start selling their interest, is that the going to
14 affect their Social Security income coming in or other
15 Federal monies that assist them to make it
16 month-to-month? I would like for somebody to do a study
17 on that and then get back with us.

18 Thank you.

19 MS. MEGHAN CONKLIN: We just want to sort of
20 respond here. We've got a lot of DOI employees I see in
21 the audience, which I'm glad that you've all taken the
22 time to come out here today. I know this is very
23 important to all of you too, and I'm glad to see so many
24 of you here.

25 As James mentioned earlier -- and I think

1 you're all aware -- we are still bound by an order that
2 prohibits communications with class members between the
3 Department and class members about the Cobell
4 Settlement. So we're on a little bit of that ground
5 right now with some of this discussion. So I just want
6 to be careful in answering.

7 Maybe we could go back to the slide that
8 describes the two main components of the Cobell
9 Settlement just so that that can sort of clarify.
10 Because your question about what's in the settlement --
11 there it is. This one here.

12 So there were two big components. The one
13 was the one that you mentioned, the \$1.5 billion fund
14 for the class members. This is something that is being
15 handled by the plaintiffs, and it's not something that
16 we can discuss today. But there is a website and a
17 1-800 number that the plaintiffs do have set up that you
18 can direct people to if you get these questions in your
19 BIA offices, or there are additional questions today
20 about this issue.

21 And the second component that was added in
22 was this \$1.9 billion fund for the voluntary buyback of
23 fractionated interest. And I emphasize that. This is
24 voluntary. We're not going to be taking anyone's land.
25 That's not something that's going to be done in this

1 program. So maybe you and I can talk a little bit

2 off-line. Would that be better?

3 MS. DORI ALLEN DURAN: Sure.

4 MR. PATRICK FIELD: Maybe after this

5 gentleman speaks, we'll take a break.

6 MS. MEGHAN CONKLIN: Oh, sure.

7 MR. YIYUK HENRY: My name is Yiyuk. I'm
8 from Kotzebue, Alaska, and all the comments that I have
9 are my own personal comments and not reflected on my
10 tribe, but I'm not here representing my tribe.

11 MS. MEGHAN CONKLIN: Okay. Thank you.

12 MR. YIYUK HENRY: And I would like to go to
13 the \$1.9 billion fund for voluntary buyback. Like she
14 says, she has 13 siblings. And I think that the
15 individual should have the right, you know, the owners.
16 But if she could buy back her land from her siblings
17 that she should be able to do it and not have to go
18 through this system here. If you can afford to buy the
19 land from your siblings, then you should be able to do
20 that. And they have the priority to do that. Instead
21 of selling it to the tribe, because who knows what the
22 tribe is going to do with it?

23 And also that -- another thing they should
24 consider is not to sell the land to the tribe, but to
25 lease it. Because once you sell it, it's gone forever

1 to the tribe. They will do with it what they want to.

2 And it's not going to be in your interest if you sell

3 it. It's going to be in the tribe's interest. And if

4 the tribe really wants that land, they will lease it.

5 They will lease that land, if they really want it.

6 So those are things tribal members not only

7 here, but all across the country should consider leasing

8 that land and not to sell it. If they can't -- if an

9 individual can't buy that land, the fractionated land

10 from their siblings, then they should try and consider,

11 see if they can lease it, and each individual would get

12 some of that money. That's what I'm going to do with my

13 land. I'm not going to sell it. I'm going to see if my

14 tribe wants to lease it. And I'll get it, and then when

15 I leave, my daughters will get it, and it'll just

16 continue to be leased to the tribe. See, this way it's

17 not only today that we'll be getting this money. We'll

18 be getting it tomorrow.

19 Because if you sell that land, it's gone

20 forever. But if you lease it, your family will always

21 have that income. And I wanted to comment on this while

22 we're here, because I have other comments, too. But

23 that can wait until later. Thanks.

24 MS. MEGHAN CONKLIN: Okay. Thank you. We

25 wanted to hear from Dixie first and then we'll go to the

1 break. Is that okay.

2 MS. DIXIE BEGAY: Thank you. Just talking
3 about the boundary issues here this morning. The
4 surveys. I support the need for surveys in our area
5 because we too have land surveyed back in the 1880s, and
6 lot of those markers have been removed. And not too --
7 a few years ago, they came back in for a small section
8 of land where I do own one of the acres there. And they
9 did a survey, a cadastral survey, on that land. And
10 what happened was from the natural markers to the
11 cadastral survey, took off 100 feet or more. And that
12 has been an issue within our reservation also, on the
13 Ramah Navajo.

14 So I support the survey. That needs to be
15 done and we need to get the true marks or cadastral
16 survey on that to have that. It does relate to the
17 lands that are going to be allotted lands that we have
18 there in Ramah too. So we do support that.

19 And if they could, you know, trickle down
20 some money for that in our community on our reservation.
21 We would really need that. And just like my case, we
22 did have one and it did move 100 or less yards of the
23 land from the old markers to the cadastral survey. So
24 there is a difference today. We would like the BIA to
25 consider that.

1 MS. MEGHAN CONKLIN: Great. Thank you. So
2 how long is our break going to be.

3 MR. PATRICK FIELD: I think in the agenda we
4 had it for 10:00, but we're at 10:30, so if we shoot for
5 a 15-minute break.

6 MS. MEGHAN CONKLIN: Okay. Great.

7 MR. PATRICK FIELD: If we return at quarter
8 of 11 to continue the conversation.

9 MS. MEGHAN CONKLIN: Thank you, everyone.

10 (Recess taken from 10:33 a.m. to 11:12 a.m.)

11 MR. PATRICK FIELD: We can get started
12 again. I think we wanted to just, I think, start. And
13 I think, James, you wanted to go over the parameters of
14 the consultation, so I'll just turn it over to you.

15 MR. JAMES FERGUSON: I should have done a
16 better job this morning of explaining the boundaries of
17 which we're working in with this the particular
18 consultation. Because the settlement is not final and
19 that is so, so very important, we are limited in what we
20 can speak about. So the administration went to the
21 Court to ask permission to have these consultations.
22 That request was opposed by the counsel for the Cobell
23 plaintiffs. And so the permission that was granted to
24 the administration was very, very narrow. The only
25 things that we can speak about is implementation of the

1 land consolidation. Anything else would be in violation
2 of the court order. And, of course, if that is done, it
3 would subject people at this table to those
4 consequences, and I know not only do -- nobody up here
5 wants that, but I'm sure nobody in the audience wants
6 that either.

7 So I will do a better job of when the
8 questions range too close to the line of reiterating
9 what our boundaries are. So I thank you for your
10 patience, and I apologize for not making that clearer
11 this morning. And with that, I will turn it back over
12 to Megan. Thank you.

13 MS. MEGHAN CONKLIN: Do we have additional
14 comments? I know we have another tribal leader from
15 Oregon that's just arrived. Thank you very much for
16 coming. If you have any comments you want to offer, we
17 will be happy to turn to you now or we can see if there
18 are additional comments from the audience, your choice.

19 MR. RON SUPPAH: (Speaking in native
20 language.)

21 Good morning. I'll keep my comments brief,
22 and understand that you have an ex-BIA realty guy that
23 came out of the field for about 15 years, and my memory
24 is kind of foggy.

25 First of all, I guess the first concern is

1 the ten-year expenditure plan and making sure that there
2 are a couple things that are honored by the government
3 in the advancement and evolution of that plan. First of
4 all, I request periodic review and reporting to the
5 tribes as far as what is the status and where are we at
6 on that plan during that ten years.

7 Secondly, I believe that the tribes should
8 concur with the plan before it advances because that's
9 critical on a government-to-government level.

10 Number two, I think that the confederated
11 tribes of Warm Springs thinks it would be beneficial if
12 there was a report or a map identifying the fractionated
13 lands on the Warm Springs Indian reservation, whether
14 that's in TSRs or a map, but something that would help
15 us identify what the problem is and then figure that out
16 as far as how we would attempt to approach that.

17 And maybe just a little historical
18 background from Warm Springs. Warm Springs does have
19 the Warm Springs Inheritance Code and Act since about
20 1973. And, basically, the tribe has chosen to put
21 approximately \$650,000 a year in our annual tribal
22 budget to acquire interest from willing sellers. And
23 that's been a very successful program, and kind of put
24 us a little bit ahead of the curve on a lot of this
25 fractionation problem. So I think now Warm Springs

1 owes -- the tribe owns a little bit over the 99 percent
2 of our reservation in trust.

3 I guess thirdly, there are many moving
4 pieces to this great puzzle. And one of them that has
5 been very beneficial to Warm Springs was an OST grant
6 for probate planning. And it really helped us as far as
7 will writing and incorporating that facet into our
8 member's minds so that they did a little bit more about
9 estate planning, and it helped us with reducing the
10 number of owners on some of our tracts. And it would be
11 very beneficial if some of these moving pieces could be
12 kept in place. Because I understand in talking about
13 the some of the OST staff that the problem is that the
14 OST fund is very limited, and with that, we have to
15 think about other options. And one of the things that
16 was mentioned was to talk to Mike Black and discuss this
17 with him more fully.

18 The fourth thing is has the secretarial
19 commission on trust reform been appointed? Who are
20 they? And if they're active, how do we connect with
21 them to input into this. Because over the past
22 20 years, we've been struggling with trust reform. And
23 this is about the third time I think that we have gone
24 through this exercise. And it would be more beneficial
25 if we could do it right this time.

1 I'm just going off of my notes, so excuse me
2 if everything is kind of fragmented. I guess in order
3 for the tribes and the government to deal with this
4 fairly and honestly, I think that the tribes are going
5 to have to have accurate TSRs. How accurate are those?
6 And I guess basically what it boils down to is a program
7 review of the realty division in the particular tribe.
8 Because from what I understand, TABS is still struggling
9 and fledgling to get its feet on the ground. So I think
10 that we're concerned about the accuracy of the TSRs.

11 UTL, unable to locate, it would be good to
12 see a comprehensive list per reservation about who are
13 the people you can't locate and you can't find, because
14 that will play a role in the eventual outcome and
15 solution to this fractionated issue.

16 I think basically I hate to mix politics
17 with business, but I would like to, at this point, put a
18 plug in for ITMA with Mr. Joseph. Because our
19 understanding is that the funded grant which funded ITMA
20 for the past 13 years is not going to be awarded
21 starting in '12, and Warm Springs is one of the tribes
22 that utilizes ITMA, Inter-Tribal Monitoring Association
23 quite a bit. In fact, David and Jim Harris and Mary and
24 a lot of the people connected to that arm have been very
25 useful. And getting us down here to tour OST was

1 probably a key point in that relationship we had with
2 ITMA because it allowed us to go into the archival
3 records and et cetera and look in the call-in system and
4 blah, blah, blah, et cetera, et cetera.

5 So I think ITMA is a very useful tool.
6 There are 65 tribes nationally that are members of that
7 association, and we feel like that in order for these
8 solutions to be fully and better developed, we're going
9 to have to start recognizing and utilizing the tribal
10 expertise that we have at our disposal. A lot of those
11 people that work there are individual Indians from
12 somewhere. And there's a lot more trust there.

13 So I think that I would like to put that out
14 there as a sidebar to Ray. And Ray has been very
15 receptive to possibly meeting with us on the matter, and
16 I appreciate his efforts and being newly appointed and,
17 et cetera. I think just in our general discussions, we
18 tripped over only three times. I'm kidding.

19 I was telling him about a word that I heard
20 that OST was going to get restructured and reorganized
21 and he said that that was not true. So I guess the
22 information we get out in the field is different from
23 what's actually happening in D.C. So it would be
24 beneficial to have a face-to-face discussion with the
25 appropriate level with Washington, D.C. personnel.

1 With that, I'd like to apologize to the
2 Southwest tribes for interrupting their consultation. I
3 missed the one in Seattle. Out of respect, I don't want
4 to infringe on yours. Thank you.

5 MS. MEGAN CONKLIN: Thank you for coming all
6 the way down here from Oregon. I appreciate all of the
7 comments, and I just have a few responses I wanted to
8 offer to see if they might be helpful.

9 First, you asked about the secretarial
10 commission on Indian trust administration and reform. A
11 few months ago we did publish the draft charter for the
12 secretarial commission, and a point about, we also put
13 out and published in the Federal Register a notice
14 asking for nominations for members for this commission.

15 As I mentioned earlier, this will be a commission of
16 five members and one chair that will be taking a broad
17 look at the Department's handling of trust management
18 generally and offer representations to Secretary Salazar
19 moving forward.

20 We have received a number of nominations,
21 and we're in the process of evaluating them, but we --
22 no, we have not announced the commission. The
23 commission's work has not commenced. So I wanted to let
24 you know that.

25 The second -- and this has been brought up a

1 number of times by a number of other tribes, so I
2 appreciate you raising it too, wanting more specific
3 data about fractionated interests and where they are
4 across the country. And that is something that we're
5 working on and we're hoping to have some answers for you
6 on that shortly, to be able to get back to tribes. Once
7 we do have that, we'll sent that out to tribal leaders,
8 follow up with everyone to make that information
9 available. So that's the second.

10 The third is wanting to make sure that
11 tribes are able to give input on any draft plan for
12 implementing this program the Department puts together.
13 And I can tell you we absolutely will do that. We
14 haven't decided going forward whether or not we have
15 additional consultations. There's still a lot to decide
16 there. But regardless, we will make any draft plan
17 available to Indian Country, at least through Federal
18 Register so people have the opportunity to provide
19 comment and input going forward. I can't definitely
20 commit that that is something that we will do.

21 Those are my comments. Thank you very much
22 for being here today. Did any other -- sure.

23 MR. RAY JOSEPH: I wanted to thank you for
24 your comments and making the trip down from Oregon. And
25 the very kind offer you've made to me to attend AT&I and

1 a number of other opportunities that we've had some
2 discussions on.

3 I appreciate your commentary about the
4 grants and the will-writing programs. Those are things
5 that we are looking at, but those are outside the scope
6 of this consultation program today. It's something I
7 want you to be sure you understand we are still looking
8 at those things. It just doesn't fall into this
9 discussion here. That's sort of outside the boundaries
10 here.

11 And as it relates to the ITMA grant, I'm not
12 sure how that fits into the particular funding structure
13 here, but the funding for that program falls into the
14 number of grants that the organization deals with. And
15 how that's put together is run through an organization
16 within OST. And it looks at the budgets for all these
17 grant programs. It's not like it's looked at
18 one-by-one. It's the entire budget. And as the Federal
19 budget is being evaluated, that's given back to us.
20 It's not deciding one-by-one. It's the entire budget.

21 So when those are reduced, it happens across
22 the board. It's not something we can look at and parcel
23 off pieces. It's just, here's the budget for
24 grant-making and if it's reduced, it's reduced. I
25 haven't looked at this in its entirety, but I know

1 that's the generic way we always apply the funding for
2 these.

3 It's also very important with grants that we
4 look to schedule meetings and communications through the
5 government GOTAR, if you will. Those communications are
6 very critical to make sure we're in compliance with all
7 the rules and procurement laws. So if we're going to
8 have a meeting, it's important that we follow the proper
9 procedures to protect both the tribes, the organization,
10 as well as the Federal government.

11 MR. RON SUPPAH: Madam chair? I have a
12 legal question, maybe for your solicitor. I guess he's
13 the solicitor.

14 MR. JAMES FERGUSON: Sure.

15 MR. RON SUPPAH: A few of the tribes have
16 taken a different legal route in their endeavor to
17 resolve the trust fund natural resources mismanagement,
18 and Warm Springs was one of them. And I guess my
19 question is now we've settled our trust fund
20 mismanagement to natural resources mismanagement case in
21 two phases. But I guess the issue from Warm Springs'
22 perspective is albeit the tribe settled their portion of
23 the case, the forgotten element is the individual tribal
24 members. And I guess now that this pot of money is
25 coming out, how will the tribes that have settled

1 otherwise the Cobell be considered?

2 MR. JAMES FERGUSON: That's a very good
3 question. And I appreciate you taking the time not only
4 to come down but you have such well thought-out
5 questions. Unfortunately, because of the limits that
6 we're under to conduct these consolidations, I can't
7 respond to that. We cannot speak about this settlement
8 generally. And your question clearly goes outside the
9 land implementation portion.

10 However, the counsel for the Cobell
11 plaintiff has an obligation to respond specifically to
12 those type of questions, and I can only encourage you to
13 follow up with them.

14 MR. RON SUPPAH: Thank you.

15 MS. MEGHAN CONKLIN: Yes?

16 MS. SHIRLEY BELLSON: I'm Shirley Bellson
17 again from Zuni. As we talk about these land issues,
18 the tribes that have been lucky to purchase these
19 interests from individuals, are we thinking about not
20 allowing individuals to save certain interests, reserve
21 certain rights, because if we do allow individuals to
22 reserve certain rights when tribes purchase these tracts
23 of land, then we will not be resolving the fractionated
24 interests, because we still have to manage the rights
25 that may be reserved by individual tribal members, like

1 mineral rights, water rights. We still have to probate
2 those estates, you know, and we won't be resolving the
3 fractionated problem. We'll still have to maintain some
4 sort of accountability on that as well.

5 So do we allow individuals to reserve
6 certain rights when we allow tribes to purchase these
7 tracts of land, or what would happened in these
8 situations?

9 MS. MEGHAN CONKLIN: So this is the same
10 comment that you had made earlier, David, about how are
11 we're going to deal with water rights and improvements
12 on allotments. I think that's a good question. I don't
13 have an answer for you yet, but clearly it's something
14 that we need to spend some more time thinking about as
15 we go about implementing the program. So I've
16 definitely flagged those and I think we've got a number
17 of these issues that we're talking about internally as
18 we move forward.

19 So another good comment to raise. Thank
20 you.

21 MS. SHIRLEY BELLSON: And that would also
22 kind of pose kind of like a conflict of interest between
23 like a staffer. Do we represent the tribe's interest at
24 this point and advise them certain things, or how do we
25 go about advising individual landowners? Do we advise

1 them not to reserve certain rights? You know, those are
2 some of the conflicting roles we will be looking at as
3 we look at implementing this task or whatever is coming
4 up.

5 MS. MEGHAN CONKLIN: Right. Thank you.

6 MR. PATRICK FIELD: Are there tribal leader
7 comments or other tribal member comments, other
8 landowners who want to make a comment? Suggestion? I
9 mean, there's a few topics we haven't covered in that
10 much detail. Great. Thank you.

11 MR. PAUL ROSETTA: I have a question.
12 Earlier I had said the tribe interest is in an area with
13 two sections, although the other sections are at least
14 in the Bureau of Land Management. And I was wondering
15 up to what amount would be eligible, or to be eligible,
16 or how will that be determined? Because currently we
17 know what those three sections will -- the asking price
18 from a private --

19 MS. MEGHAN CONKLIN: I'm sorry. I'm not
20 sure that I got your question. It was wanting to
21 know --

22 MR. PAUL ROSETTA: Well, currently there's
23 three sections there for sale, a private individual, and
24 we know what it costs. What amount of that that's
25 allocated are we entitled to?

1 MS. MEGHAN CONKLIN: I'm sorry. I'm so not
2 getting the question. Is it how the appraisal --

3 MR. PAUL ROSETTA: Well, you said there's a
4 certain percentage available to acquire land. So I want
5 to know specific to Santo Domingo or how is it
6 calculated, what amount will be eligible.

7 MS. MEGHAN CONKLIN: Oh, you want to know
8 that. We haven't decided that yet. I think your
9 question about -- and this has come up -- how we're
10 going to allocate the \$1.9 billion amount to different
11 tribes or different regions. Clearly, the settlement
12 has certain requirements about, you know, looking at the
13 most highly fractionated areas, so we've given you some
14 data in the packet that you got about where the most
15 fractionated regions are. But the question here about
16 exactly how much is going to be allocated to different
17 tribes, this hasn't been decided.

18 MR. PAUL ROSETTA: In the area -- the other
19 question is, the area that we're interested in, would
20 that be appraised? What if it comes in appraised at a
21 lower value?

22 MS. MEGHAN CONKLIN: Yeah. The appraisal
23 process is something that is going to be really critical
24 here. That is Eldridge there sitting in the back taking
25 notes, who handled appraisals for OST.

1 I think -- we have certain standards that we
2 are required to follow when we go about the appraisal
3 process. But clearly, we need to make sure we've got a
4 system in line here so that it's defensible and it's
5 fair, and people feel that it's a good process going
6 forward. So I guess we welcome comments from people and
7 how they think would be the most effective way for the
8 Department to go about the appraisal process.

9 But, again, that's one of those things that
10 has not yet been determined.

11 MR. PATRICK FIELD: Other questions or
12 comments from tribal leaders, tribal members or others
13 about appraisals? We've talked some about surveying,
14 administration; other comments from people about any of
15 those issues from tribes, tribal leaders, tribal
16 organizations, landowners?

17 MR. STEVE BOONE: I have a concern that we
18 won't have enough time for that first October 15th
19 deadline. I think if it's extended to November 1st will
20 be more -- I guess it might be or it might not be. But
21 we have at least about 500 landowners that we need to
22 address this issue. So given that we have to meet with
23 them and collaborate with them, too, we may not be able
24 to even meet that deadline of November 1st either.

25 MS. MEGHAN CONKLIN: Okay. Well, I

1 appreciate that. We're looking into extending the
2 comment period to November 1st. We haven't officially
3 gotten a register notice associated with it, but I think
4 we can accommodate that and make sure that people have
5 ample time to submit written comments. And I should say
6 for anyone here today who doesn't feel comfortable
7 getting up in front of the microphone -- I don't so much
8 like it myself sometimes -- you're more than welcome to
9 send in written comments to the Department. And you've
10 got the information there of how you can submit them to
11 Michelle Singer. So I appreciate that. Thank you.

12 Yes?

13 MS. MARTHA GARCIA: Along that same line,
14 the November 15th, which is only, what --

15 MS. MEGHAN CONKLIN: October 15th.

16 MS. MARTHA GARCIA: -- three weeks away?
17 Then November 1st is just a month and -- I don't know if
18 we would be able to get together and let the landowners
19 know they have the opportunity to submit written
20 comments. But we would have to do the education.
21 Somebody has to come out and do the education of what
22 the land consolidation portion of the Cobell Settlement
23 is all about and for them to respond. On top of that,
24 like I stated, many of our landowners are elders, and
25 they would have to have somebody sit down and help them

1 write the comments. So you would understand what that
2 is going to be all about.

3 So take a good look at the November 1st
4 deadline, or to extend it further than that, we would
5 appreciate that. We are planning on our annual basis,
6 we host an allottees education on various issues. And
7 last year it was mostly on probate. And since the
8 settlement happened, that's the one that we would like
9 to work with them on. But it's just the fact that we
10 have to get people there that understand and be able to
11 explain both in English and in Navajo what the
12 settlement is all about, and we're looking at
13 November 15 and 16 do to that. That seems like that's
14 the only date that we have available. So it's not --
15 we're in a situation where we want them to know, but
16 they won't be able to provide a written comment on it.

17 The other one is that in the Southwest
18 Region, it shows that we are the smallest. Point
19 3 percent of our people in the Southwest are allottees.
20 And based on that, don't forget us just because our
21 number is small. It still impacts us just the same as
22 everybody else, that 1.306 that's showing there, we have
23 that same -- we're at the same level of how we are -- as
24 landowners, we have the same interests as the other
25 allottees across the nation. But our number is really,

1 really small here in the Southwest. But don't forget us
2 and just, you know -- you can just see a tiny sliver of
3 it right here. And just because of that, don't let it
4 melt into the other colors for us. Keep us up there at
5 the forefront, and that you treat our landowners and
6 that they participate and that they understand and know
7 what is going on all the way down to their level. And
8 again, what I'm stressing.

9 And then the other one, it would be really
10 good to see an organizational chart to see where you are
11 situated on that chart. Are you part of the BIA? What
12 does it look like when you look at the Department of the
13 Interior? There are so many divisions and programs and
14 whatever that's within Department of the Interior.
15 Where are you situated on that chart so we can say,
16 okay. These are the -- this is how the relationship is
17 established between the various groups, and this is who
18 we would be working on -- we would be working with on
19 the land consolidation portion of the settlement, and
20 then the other settlement. And, you know, where do we
21 go? Is it still under the Department of the Interior
22 and who is responsible?

23 So these are the things that we can explain
24 to the people so they would understand. Otherwise,
25 they'll probably think, "Okay, it's at the agency level,

1 so I'll go there." But right now they don't have that
2 responsibility yet.

3 MS. MEGHAN CONKLIN: Thank you. You know, I
4 should point out that beyond this public comment period,
5 as I mentioned, there's going to be future opportunity
6 for tribes and tribal leaders to be engaged in this
7 process. As I mentioned, at the time when the
8 Department does have a draft plan for this program
9 available, we'll make it available to all of you for
10 providing feedback. So I don't want you to think that
11 because people don't make the comment period deadline,
12 that's it.

13 MR. PATRICK FIELD: I'm aware it's about 15,
14 20 minutes before lunch. We will absolutely reconvene
15 after lunch if people have more comments to make. If
16 not, we will probably conclude by lunch. So we do have
17 20 minutes or so left, so I want to see if anyone else
18 from tribal, tribal leaders, landowner, has additional
19 issues that they want to raise, ideas that they have
20 specifically that they want to bring up in the
21 consultation.

22 Tribal leaders at the table, are there
23 additional points? Issues? Concerns? Ideas that we
24 haven't talked about that you would like to raise in
25 addition?

1 Mr. Rosetta, anything else that you want

2 to --

3 Mr. Boone, anything else in addition that
4 you want to bring up?

5 Well, maybe at this point, Megan, I will
6 turn it back to you and your team and you can think
7 about perhaps some closing remarks and the like in terms
8 of where we're at. And then I think if we don't have
9 other comments, what I would suggest is that we would --
10 I want to check with you -- but we would, then, probably
11 conclude at lunchtime and then not reconvene after lunch
12 because people have had their chance to make their
13 comments.

14 MS. MEGHAN CONKLIN: That sounds okay to me
15 as long as everyone feels like they have had the
16 opportunity to say something today. If that's the case,
17 then I think it would be okay to conclude at this point
18 and allow everyone to go to lunch and enjoy the rest of
19 their day, but remind everyone that you can still
20 provide written comments to the Department, and there
21 are going to be additional opportunities to be engaged
22 in this process going out. And, you know, I do thank
23 all of you for having come here and spent the time, and
24 for you, sir, for traveling down from Oregon to be here
25 with us today. I know a number of you came from further

1 away and have your own responsibilities that you're
2 dealing with, so I appreciate you taking the time here
3 to talk to us.

4 You know, as I said from the outset, our
5 goal with these consultations is to make them
6 meaningful. We will be using the input that you've
7 given us today and other tribes and tribal leaders have
8 given us throughout this consultation process to help us
9 develop our plan moving forward. As I mentioned to you
10 today, any plan will be made available to Indian Country
11 for feedback. It's just the beginning of the process,
12 so to say. And I want to thank the rest of my team here
13 from the Department of the Interior. Thank you, James
14 and Dion and Ray and Jodi -- Kallie. I'm sorry.

15 Kallie's just reminded me, for those who
16 have specific questions about the settlement itself, as
17 James mentioned, we need to direct all those comments to
18 the plaintiffs. And I want to tell you now where you
19 can reach them, if you don't know. They have a website
20 set up that's called Indiantrust.com, and they have a
21 1-800 number that is 1-800-961-6109. That's where you
22 can direct specific questions about the settlement and
23 the \$1.5 billion fund that I mentioned, the class action
24 piece here that we're not able to address today.

25 So, again, I just want to thank everyone for

1 being here today. Dixie, you have a question?

2 MS. DIXIE BEGAY: I don't have a question,
3 but I would just like to make a final comment. This
4 tribal consultation, it's all recorded and written, that
5 it be taken seriously into consideration on our requests
6 and our wants that we need. And so really focus on
7 individual landowners and their decision and how they
8 want their lands to be either fractionated or they want
9 to -- whatever they need. But they need to be involved
10 in this. And for our people there at the chapter there
11 in Ramah, a lot of them have a lot of lands and they
12 should be given the time to decide on how they want
13 their land to be, you know, either given back to Ramah
14 Band lands or the tribe itself there, or if they want to
15 keep it or whatever. They need to be in the loop of all
16 this and that's very important for the individual
17 landowners and then with the Bureau on that.

18 MS. MEGHAN CONKLIN: Great.

19 MS. DIXIE BEGAY: Don't forget our comments,
20 and we would like to thank you for being here and
21 providing this consultation today. And, again, to
22 consider our requests and our needs in the community.

23 MS. MEGHAN CONKLIN: Thank you. Did anyone
24 else have any closing comments before we end today.

25 MR. YIYUK HENRY: My name is Yiyuk from

1 Kotzebue, Alaska. And I was also wondering, too, here
2 about economic development for tribes. You've got that
3 here down as economic development of tribes. Why don't
4 you have it for tribal members? Because you have a lot
5 of tribal members who are entrepreneurs out there who
6 want to go out and start their own businesses, but the
7 thing is they don't have the monies to go out there and
8 start these businesses. And you're not focusing on the
9 tribal members. Your main focus is on tribes.

10 And also another thing is on the \$60 million
11 for scholarships for Native Americans, how is that going
12 to be allocated? Is it going to be -- let me use an
13 example here. I've gone to college before and most
14 recently and before we had tribal members from -- let's
15 see. A tribe that came to -- went to college and they
16 got scholarships from the tribe, and you have these
17 individuals -- let's say you have one person who got
18 dropped off by a family member or came in on the bus or
19 by plane, because they couldn't -- that's the only way
20 they could get here.

21 Then you have another member of the same
22 tribe who drove here and went to college in their own
23 private vehicle. But then you have the same person who
24 could not afford to come here on their own who's waiting
25 for a scholarship. And they did not get the

1 scholarship, but the person who has the personal vehicle
2 that came down here who doesn't need the money, got it.
3 And how is it going -- how is this money going to be
4 allocated? Are they going to look at everybody the
5 same, or are they going to say, "Okay, you need it more
6 than this person, so you get first priority."

7 What I've seen in some of the tribes where
8 the one who needs it the most is most unlikely to get
9 it. And that's what we have to think about also.
10 Because it's not -- personally, to me, it's not fair
11 that the person who really doesn't need to get that
12 money gets it from the tribe. And how is that -- is it
13 money going directly to the tribe or -- okay, let's say,
14 for example, is it going to Window Rock, Arizona or is
15 it going to the chapters, the different chapters of the
16 reservation or any other reservation, is it going to the
17 main tribal office, or is it going to go to the
18 different chapters of the tribe?

19 MS. MEGHAN CONKLIN: Well, I have just one
20 thing I wanted to respond to your question about the
21 scholarship fund, and kind of how that will work before
22 we close here. The scholarship fund will make up the
23 \$60 million available for scholarships for American
24 Indian youth, as I mentioned. And one of the specific
25 requirements is that the plaintiffs, actually, had to

1 send a recommendation to Secretary Salazar for two
2 nonprofit entities to manage the scholarship, which they
3 have done.

4 So we've received recommendations from
5 plaintiffs, so Cobell and others, and they have
6 recommended two organizations. The first is the
7 American Indian College Fund, and the second is the
8 American Indian Graduate Center, which I understand is
9 based here in Albuquerque. So what we're doing right
10 now is we're evaluating these two organizations. And
11 eventually the Secretary has an obligation to make a
12 choice between these two entities as one of them to be
13 to be the organization that will manage the scholarship
14 fund.

15 There will also be additional oversight
16 there. There will be sort of a board that will sort of
17 provide input for the organization on how they manage
18 the program. We're required to consult with Indian
19 Country on a few of the members on that board. That's
20 sort of how the general process will be. I know of a
21 number of tribes have weighed in about one or both of
22 these different groups, and we've appreciated those
23 comments. But I just wanted to walk you through that
24 specific process there.

25 And thank you for coming down. Did you come

1 all the way from Alaska today?

2 MR. YIYUK HENRY: No. Actually I'm here
3 for -- I don't know how long I'll be here.

4 MS. MEGHAN CONKLIN: Thank you for being
5 here. I think that's it, then, for our comments today.
6 Again, thanks, everyone, for being here, and we look
7 forward to talking to you more.

8 MR. RON SUPPAH: When will the final
9 consultation report be out and available?

10 MS. MEGHAN CONKLIN: I don't have a specific
11 date for you yet. We need to complete the consultation
12 process. We still have a few more consultations that we
13 need to do. We have at least two more, and we need to
14 get through the public comment period. And then the
15 Department will go through a process of evaluating all
16 the comments and working on the plan, so I don't know
17 when that will be. But we will stay in touch with
18 tribal leaders and make information available on our
19 website to provide you more updates on what's going to
20 happen.

21 MR. RON SUPPAH: Will that come through on
22 the Federal Register or how will that be?

23 MS. MEGHAN CONKLIN: It likely will.

24 MR. RON SUPPAH: Thank you.

25 MS. MEGHAN CONKLIN: Thank you. For the DOI

1 employees, I just thought maybe we could get together at
2 1 o'clock. Let's just meet back here and we'll figure
3 out what room we're going to meet in. Thank you,
4 everybody. Have a good day.

5 (The meeting was concluded at 11:57 a.m.)
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1 REPORTER'S CERTIFICATE

2
3 I, JOYCE D. CALVERT, New Mexico Provisional
4 Reporter, License #P-403, DO HEREBY CERTIFY that on
5 Tuesday, September 27, 2011, the Proceedings in the
6 above-captioned matter were taken before me, that I did
7 report in stenographic shorthand the Proceedings set
8 forth herein, and the foregoing pages are a true and
9 correct transcription to the best of my ability.

10 I FURTHER CERTIFY that I am neither employed by
11 nor related to nor contracted with (unless excepted by
12 the rules) any of the parties or attorneys in this case,
13 and that I have no interest whatsoever in the final
14 disposition of this case in any court.

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16 _____
17 JOYCE D. CALVERT, #P-403
18 License Expires: 2/1/12
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