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TRIBAL CONSULTATION

WITH

THE UNITED STATES DEPARTMENT OF THE INTERIOR

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Taken at
BEST WESTERN RAMKOTA HOTEL
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Rapid City, South Dakota
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P R O C E E D I N G S

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3 MR. JOHN TAHSUDA III: So we'll kick off the
4 consultation here. And I'll start off with just a
5 couple of housekeeping things.

6 The purpose of this was, really was an exercise
7 for the Department. When new leadership came in
8 last year, we wanted to take a look. And we've been
9 looking at the Department from several different
10 angles, one of which is the administration of our
11 duties and responsibilities and are there better
12 ways to do that.

13 I think it's incumbent upon every new
14 administration when they come in to take a look at
15 how processes are working and see if there's a
16 better way to do it or at least a different way to
17 do it that might achieve better results. So that's
18 really sort of the root of what this is, to
19 specifically look at (unintelligible) reservation
20 via trust acquisitions.

21 For us, for the BIE, taking land into trust on
22 reservation is a relatively routine process even if
23 there is a large environmental issue or something
24 that goes with it. But we have a long established
25 and routine process that takes place primarily out

1 in the regions unless it has to do with gaming.

2 Off reservation is a different matter, and it
3 brings with it additional considerations that are
4 required under the law and under our regulations. It
5 also brings with it sort of extra legal
6 considerations. Sometimes there are political
7 considerations that weigh in, local communities, all
8 the way up to governors, et cetera, senators, who
9 become interested when there's an off-reservation
10 fee-to-trust acquisition proposed.

11 And so this exercise was to take a look at how
12 we handle off-reservation acquisitions and see what
13 are the similarities with on reservation that make
14 it useful but what is different and what we could do
15 better to try to deal with these issues. At the
16 root of it is or at the bottom of it for us was
17 really looking back over the history,
18 off-reservation acquisitions, they often take years
19 to get processed, to get to final decisions. They
20 cost the tribes and us. But the main concern is the
21 cost to the tribes. It's sometimes millions of
22 dollars. Sometimes it takes so long tribes have to
23 re-do environmental, the environmental statements
24 that are done, assessments. And sometimes there are
25 changes in valuation that we have to go through. So

1 in dragging these things out, it creates a lot of,
2 not just of time but a lot of expense for folks.

3 And so, again, looking at it from the angle of
4 can we find a better way to handle our
5 responsibilities in this way, we sent out a "Dear
6 Tribal Leader" letter. There are several questions
7 there that were intended to try to kind of guide the
8 discussion at least, you know, from our mind. And
9 this is not, you know, an exhaustive list by any
10 means. You don't have to stick to them. If you
11 have other questions or issues on off-reservation
12 fee to trust that you want to raise, you're
13 absolutely free to raise those.

14 But for us, you know, we wanted to try to make
15 sure that we had some of the questions that we had.
16 And hopefully we can get some answers from you or
17 some discussion and dialogue from the tribes about
18 those questions and how we could or could not
19 structure our process better.

20 So with that, I think I'd like to kick off. I
21 have -- first on my list I have Chairman Gourneau.

22 Come on up, sir.

23 CHAIRMAN BOYD GOURNEAU: First of all, can I
24 request that maybe Ready lead us in a prayer to kick
25 this meeting off?

1 MR. JOHN TAHSUDA III: Oh, thank you. Yes.
2 Completely my bad.

3 (Prayer)

4 CHAIRMAN BOYD GOURNEAU: I guess the first
5 question would be to keep it simple. On our land
6 into trust, with the bureaucracy there is now and
7 instability, I mean, Dani is acting and people get
8 shuffled around so much, there's no continuity. We
9 just need to keep it simple. And when it comes to
10 land into trust, no matter where it's at, you know,
11 it should work in our favor because it was our land
12 to begin with. And to help tribes regain land
13 within the boundaries, it should be even simpler.
14 It should be at the local level.

15 In an auction last year, you know, a guy got
16 80 acres for paying a guy's grocery bill. And
17 that's -- you know, the people back home don't like
18 debt. And that's what they did. Either that or a
19 proper burial. So that should be at the local
20 level. I don't see why off reservation it shouldn't
21 be, too.

22 And as for Lower Brule and you know our plight
23 with Oacoma, it took 15 years. And we contested all
24 along that we would follow NIGA on any gaming, but
25 through the process Samsonite was there to start 150

1 people working at 12 bucks an hour back in the early
2 '90s. The mood around Oacoma was so bad that they
3 went away.

4 You bring up MOUs, MOAs with local and state,
5 it's going to be pretty tough for South Dakota. I
6 don't see a -- because they contest every time we
7 put any land into trust. It's just housekeeping for
8 them. So every tribe in that avenue is going to get
9 contested. But, you know, within the boundaries it
10 should be, you know, a, pardon my language, a
11 no-brainer. That's where we're at. I just think
12 the decision should stay, on all of it, with the
13 regional director, and we need to keep as much
14 bureaucracy out of it as possible.

15 Thank you.

16 MR. JOHN TAHSUDA III: Thank you, Chairman.
17 Chairman Cromwell?

18 CHAIRMAN CEDRIC CROMWELL: (Native language).

19 I'm Cedric Cromwell, Chairman of the Mashpee
20 Wampanoag Tribe, Cape Cod, Massachusetts. It's
21 C-E-D-R-I-C, last name C-R-O-M-W-E-L-L. I'm
22 Chairman of the tribal nation.

23 Good morning, my friends and tribal community.
24 I am Chairman of the Mashpee Wampanoag Tribe, a
25 federally recognized tribe that has existed in what

1 is now southeastern Massachusetts since time
2 immemorial. We are the tribe that met and fed the
3 Pilgrims at the first Thanksgiving. When you hear
4 about (unintelligible) and the (unintelligible)
5 tribe, that was the Wampanoag Nation. That was our
6 people.

7 The United States failed to protect our land
8 from encroachment in the 19th century despite
9 federal laws which should have protected our land,
10 and so we became a landless tribe.

11 The Department finally took land in trust for
12 Mashpee and proclaimed it our reservation in 2015.
13 We had strong local support for the re-creation of
14 our reservation. This ended decades of landlessness
15 for my tribe.

16 Now the Administration has refused to defend
17 the original decision to take our land in trust, and
18 it has withdrawn from the appeal in that litigation.
19 So our land, we were never moved off our land, but
20 it became (unintelligible) land, and so it was
21 reconstructed as a reservation.

22 To us it appears that the Administration is
23 poised to disestablish our reservation, take our
24 land out of trust and make us landless again. In
25 its proposed regulations, the Department includes a

1 provision that references taking land out of trust,
2 something that Interior has never tried to do
3 before. We are concerned that our reservation is
4 the Department's target.

5 This would be the first time since the
6 termination era that Interior has taken land out of
7 trust and disestablished a reservation. I hope
8 everyone in Indian Country sees what is happening to
9 us.

10 Bipartisan legislation, the Mashpee Wampanoag
11 Tribe Reservation Reaffirmation Act that is
12 currently in place with Congress, (unintelligible),
13 has been introduced in the House and Senate to
14 reaffirm the status of our reservation.

15 The House bill has strong support from both
16 Republicans and Democrats, including Rep. Tom Cole,
17 Rep. Doug LaMalfa (Chairman of the House Indian
18 Affairs Subcommittee), and Rep. Raul Grijalva.

19 The bill also has significant support
20 throughout Indian Country. We currently have ten
21 letters of support from individual tribes and tribal
22 organizations, including USET and NIGA.

23 We humbly request that tribal leaders present
24 here consider supporting the legislation. If our
25 reservation is taken out of trust it will set a bad

1 precedent for all of Indian Country. The
2 legislation simply protects our existing reservation
3 so that we can continue to exercise our sovereignty
4 and provide for our members.

5 I want to make three points today regarding the
6 proposed changes to the fee-to-trust regulations.

7 Indian Country has not asked for these changes
8 to the fee-to-trust regulations that you have
9 suggested. What we have asked for is your help to
10 relieve some of the serious damage that the Carcieri
11 decision has wreaked on many of the most needy and
12 economically disadvantaged tribes in America. It is
13 incredible to us that the Department's ten questions
14 do not even acknowledge the Carcieri problem.

15 The current proposals appear to perpetuate the
16 creation of "second-class tribes," which has
17 worsened since the Carcieri decision was rendered.

18 We are deeply concerned that this consultation
19 was scheduled while we still have no Assistant
20 Secretary for Indian Affairs and no Deputy Solicitor
21 for Indian Affairs.

22 The onerous burdens the Department wishes to
23 place on Carcieri tribes are inconsistent with case
24 law, with the spirit of the Indian Reorganization
25 Act, with your trust responsibility, and with --

1 sorry about that. The pages are stuck here. A
2 little Elmer's glue got in the way -- common moral
3 decency. And of course they are inconsistent with
4 the President's pledge to reduce regulatory burdens.

5 The Mashpee Tribe urges the Department to cease
6 this assault on fee to trust, to have more
7 compassion for landless and land-poor tribes who
8 have no access to your "on-reservation" rules, and
9 to do everything you can to avoid being the first
10 Administration since the termination era to take a
11 reservation away from a federally recognized tribe.

12 I have "Dear Tribal Leader" letters that I will
13 be handing out to tribes. I ask for your support in
14 signing onto these letters and sending them into
15 Congress. This is my attorney. She'll hand those
16 out to you.

17 But I appreciate your time.

18 MR. JOHN TAHSUDA III: Thank you, Chairman.

19 So I was reminded that I was remiss as well. I
20 assume everybody knows me, but I will formally
21 introduce myself. And most of you probably know
22 Jeanie, but we'll introduce her as well.

23 So my name is John Tahsuda. I am the
24 Principal Deputy Assistant Secretary for Indian
25 Affairs, Department of Interior.

1 And to answer in parts Cedric's question, I am
2 exercising the authority of the Assistant Secretary,
3 so in essence we're not without an Assistant
4 Secretary at this point.

5 So joining me today is Jeannie Hovland. She's
6 spending a little time with us before she takes on a
7 new and bigger role with the Administration. So
8 Jeanie is working as an advisor in our hallway, the
9 Assistant Secretary for Indian Affairs, and was kind
10 enough to stay around and assist us with this today.

11 MS. JEANNIE HOVLAND: (Native language)

12 It's great to be home. It's great to see
13 everybody. Thank you for your comments and I look
14 forward to hearing more. And yeah, go ahead and
15 drop off any comments you would like to me and we'll
16 make sure that it gets back to D.C. and will be part
17 of the record.

18 So thank you for being here. And it's again
19 nice to be home.

20 MR. JOHN TAHSUDA III: Thanks, Jeanie.

21 So with that, I have next on my list
22 Vice-Chairman Douglas Yankton.

23 VICE-CHAIRMAN DOUGLAS YANKTON: Good morning.
24 Thank you. My name is Doug Yankton, Y-A-N-K-T-O-N.
25 I am the vice-chairman of the Spirit Lake Nation.

1 And I just came, you know, to see how -- and
2 make comments in regards to some of the questions at
3 one of the previous listening sessions in Shakopee.

4 At Spirit Lake we buy back a lot of lands over
5 the years, lands that was originally given to us in
6 a reservation setting from the U.S. Government. So
7 over the past few years we've accumulated a lot of
8 that land back. When we buy the land back, it's in
9 fee status and then it gets converted to the trust
10 responsibility status. So in reality, it's really
11 not the tribe's land yet still because the
12 government is now holding it for us in trust, so we
13 have all of these rules and regulations and
14 protocols that we still have to follow.

15 I think there needs to be some new regulation
16 changes in the CFRs to allow the tribes to have more
17 control and say over those lands that we purchase
18 back with our dollars, not the government's dollars,
19 our own tribal dollars, but yet it's still under the
20 control of the government. So, you know, I'd like
21 to see those changes.

22 And also, we don't really struggle as much as
23 the South Dakota tribes do when it comes to that
24 conversion from fee to trust, and I think there
25 needs to be something done to help other tribal

1 nations with that process. And I know it's a state,
2 county, tribal relationship issue probably, but
3 somewhere down the road I'd like to see where the
4 other tribes of other nations get that same courtesy
5 that some of us other tribes in other areas get in
6 the transfer of not having such a long holdup on the
7 state or the county end to get that conversion done.

8 With that, thank you.

9 MR. JOHN TAHSUDA III: Thank you.

10 All right, that's all I have on my list. So
11 are there other folks, council members, et cetera?

12 MS. SASHEEN THIN ELK: Yes.

13 MR. JOHN TAHSUDA III: Yes, ma'am.

14 MS. SASHEEN THIN ELK: (Native language)

15 Good morning, my Relatives. I just want to
16 greet you with a heartfelt handshake. My name is
17 Sasheen Thin Elk. I'm the realty director for the
18 Yankton Sioux Tribe. I am standing as proxy for our
19 Chairman, Robert Flying Hawk. He had some other
20 things to do with legals and the Corps of Engineers
21 today.

22 And I have all the documentation on the back
23 table there. But I just wanted to say that
24 consultation occurs with the tribes' general council
25 only, and any informational meeting leading up to

1 consultation is not consultation. The tribes are
2 considering this meeting as a preliminary
3 informational session with our consultation at a
4 later date.

5 The Yankton Sioux Tribe appreciates the
6 opportunity to comment on the crosses of placing
7 land into trust with these revisions of the
8 regulations. The tribe is greatly concerned with
9 the proposed regulatory changes and the effects that
10 those changes might have in regard to tribal
11 autonomy, security and self-governance, among other
12 things. With that in mind, the tribe submits the
13 following comments.

14 Federal Trust Responsibility and Tribal
15 Self-Determination: The proposed revisions to the
16 fee-to-trust regulations undermine tribal
17 self-determination and limit tribal economic
18 development. By giving deference within the
19 decision-making process to states and local
20 governments, the Department of Interior is proposing
21 to put the interest of those states and local
22 governments before the interest of tribes. As
23 mentioned above, there is no trust responsibility
24 owed to state or local governments, and the trust
25 responsibility owed to tribes is a sacred promise

1 that must be given priority over other interests.
2 Likewise, by providing for more state and local
3 government involvement, the proposed revised
4 regulations have the potential to delay or even halt
5 tribal opportunities in the areas of economic
6 development that would lead to tribal prosperity.

7 The fee-to-trust regulations as currently
8 drafted already afford state and local governments
9 plenty of deference in the land acquisition process.
10 The current regulations implement a rigorous
11 fee-to-trust process that already requires
12 consideration of state and local government
13 interests. For on-reservation and off-reservation
14 land acquisitions, the Secretary is required to
15 consider the impact that an acquisition of
16 unrestricted fee land would have on the state and
17 its political subdivisions resulting from the
18 removal of the land from tax rolls and consider any
19 jurisdictional problems and potential conflicts that
20 may arise.

21 It is a violation of the trust responsibility
22 for the Federal Government to treat tribes
23 effectively as political guinea pigs for their
24 experiments on changing policies. Tribal nations
25 have had to deal with changing policies towards

1 dealing with native peoples since the beginning of
2 colonization. These policies have included
3 allotment, assimilation, termination, and finally
4 self-determination. There has been stability in the
5 policy era of self-determination and tribes are
6 thankful for that. However, to implement the
7 proposed regulations as revised would subject tribes
8 to further continuing and uncertain changing
9 policies, not to mention the regulations would
10 undermine fundamental goals of tribal
11 self-determination.

12 The fee-to-trust process is necessary for
13 reservation restoration. Due to the disastrous
14 Federal Government policies of allotment,
15 assimilation and termination, as well as the sale of
16 reservation lands to non-Indians, the Federal
17 Government is directly responsible for taking more
18 than 90 million acres of land from Indians, totaling
19 nearly two-thirds of all lands that were once tribal
20 reservations. The Yankton Sioux Reservation is now
21 a checkerboard reservation due to the history of
22 these failed policies as applied to the tribe.

23 And as the realty director I guess what we come
24 into or what I've seen in my experience is fee to
25 trust, and that's if everything goes smoothly, can

1 take two to three years to go through. Reverse
2 process going from trust to fee, you're looking at
3 30 days, maybe a little bit more, but that's going
4 smoothly. So, I mean, that in itself speaks volumes
5 and it's telling enough.

6 I know I heard comments earlier from the
7 gentleman about how we're using our own tribal
8 dollars to purchase these lands back that we had
9 occupied first. And I think that these types of
10 regulations or changing of them already -- our tribe
11 specifically, we face a lot of hardships against the
12 county, the state. And it's just unfair. It's
13 unfair for our peoples. And that's what we're
14 trying to get back, especially as a checkerboard
15 reservation, to try to acquire this land back for
16 our peoples for cultural preservation to use these
17 lands.

18 Also, the Yankton Sioux Tribe wants to comment
19 that we do not increase the role of state and local
20 governments.

21 These proposed revisions, along with others,
22 give substantial deference to state and local
23 governments when deciding to approve or deny
24 applications to get fee land placed into trust. The
25 tribe is concerned that giving such an amount of

1 deference to state and local governments will make
2 the fee-to-trust process even more difficult, time
3 consuming and costly. This amount of deference, if
4 given to certain states, will make the fee-to-trust
5 process nearly impossible to implement. Some
6 states, such as South Dakota where the tribe is
7 located, consistently challenge any and all
8 fee-to-trust land acquisitions under the current
9 regulations, which afford the state substantially
10 less input and deference in the process than would
11 the proposed regulations.

12 The Federal Government has offered no reasoned
13 explanation as to why state and local government
14 should be afforded so much deference in the
15 fee-to-trust process and the tribe sees no
16 legitimate reason why states and local government
17 should have so much power in this context. The
18 fee-to-trust process is a legal mechanism afforded
19 to tribal nations and tribal individuals for the
20 benefit of tribal nations and individuals under the
21 Federal Government's trust responsibility. As
22 discussed above, the Federal Government owes this
23 trust responsibility to tribes, not to state and
24 local governments. State and local government input
25 should be limited significantly more than would be

1 the case under the proposed revisions because states
2 and local governments have little at stake compared
3 to the tribes that apply for fee land to be placed
4 into trust.

5 So I just want to say thank you.

6 And then also to all the tribes here, you know,
7 we're, I guess, doing something for our land and
8 making sure that we can preserve the land that we
9 have but also obtain it back, and that's something
10 really powerful in itself.

11 So thank you all for listening and letting me
12 talk.

13 MR. JOHN TAHSUDA III: Gay Kingman?

14 MS. GAY KINGMAN: Gay Kingman, Executive
15 Director, Great Plains Tribal Chairman's
16 Association.

17 And with me is Mark Van Norman, general counsel
18 for the Great Plains Tribal Chairman's Association.

19 And our chairman, Harold Frazier, is on his
20 way, and I know he will have some comments.

21 But I wanted to just start with the Great
22 Plains. We have 16 tribes in the Great Plains, and
23 they are all treaty tribes and they are all
24 full-service tribes. And by that I mean they run
25 entire governments; they have their own tribal

1 courts; they have their own Departments of
2 Transportation; they have their own departments of
3 housing, education. And we're the second largest
4 region with the most Bureau of Indian education
5 schools. And this is our territory here in the
6 Black Hills.

7 We welcome you.

8 And we welcome our guests from the tribes out
9 of our state, (unintelligible) from Connecticut.

10 We're trying to get back our land here in the
11 Black Hills. And Mark will speak on the effort we
12 have with Pte Sla.

13 But I wanted to say that this region, more than
14 any other region, is land based. We have over
15 10 million acres of land in our region that the
16 tribes have. And I go to the East Coast or the West
17 Coast and I see tribes with small acres of land.
18 And it's not wrong. It's just that we're so
19 different. And this diversity needs to be
20 considered.

21 And I agree with what the law states in the
22 Indian Gaming Regulatory Act that nothing in this
23 section shall affect or diminish the authority and
24 responsibility of the Secretary to take land into
25 trust. And we believe in that. And we work with

1 our regional office any time we do want to get land
2 into trust.

3 And in meeting with the Secretary last week, we
4 agree with his stand on putting the authority at the
5 front lines, which is our tribes. And we would
6 appreciate that with land into trust as well. So
7 these revisions should not diminish at all the
8 authority of the Secretary here or the regional
9 level or the superintendent's.

10 I guess I just would like to request that there
11 is no need for these regulations, in that we
12 testified to this fact in the Minnesota consultation
13 and we will reiterate that again in writing.

14 So with that, I'd like to ask Mark who's been
15 the point person in getting our land into trust for
16 spiritual reasons and return part of our Black Hills
17 to us in the Pte Sla effort.

18 MR. MARK VAN NORMAN: Thank you, Gay.

19 I don't mean to speak in front of anybody, but
20 I think we have a little gap in our lineup of tribal
21 leaders.

22 So just to give you a little bit of historical
23 background: We're happy that you're here. We're
24 happy that you're here to consult with the tribes in
25 the Great Plains Region in Rapid City. And for our

1 region, we always think it's very important that
2 this is our original territory and our original
3 homeland. And our Native nations were here for,
4 from the beginning prior to the United States. And
5 we're not originally part of the United States.

6 So it goes back to the earliest precedence
7 among the government to come out and say that they
8 needed to work with the tribes on a nation-to-nation
9 basis and we have that background in our treaties.
10 And the United States came out. Probably the first
11 treaty among the Sioux Nation tribes is an 1805
12 treaty, and the United States came out and asked for
13 the Sioux Nation to recognize the United States'
14 sovereign authority over their fort at Fort
15 Snelling.

16 When we entered into treaties, they were
17 treaties of peace and friendship. And the United
18 States came out and asked us to enter into treaties
19 as native nations. And they recognized that our
20 nations had the power of war and peace, the power of
21 self-government, the powers of sovereignty over our
22 people and our territory.

23 The 1851 treaty in particular recognizes the
24 original territory of the Lakota. And, you know,
25 it's titled "Treaty with the Sioux Nation and other

1 Indian nations," and it was recognized in our
2 nation -- on a nation-to-nation basis. And back
3 then, you know, the land was coming to the United
4 States from the Louisiana Purchase. And in the
5 Louisiana Purchase they have a provision that says
6 that the United States will -- that all of the
7 existing international treaties, until such time as
8 they enter their own treaties with the Indian
9 nations based on mutual consent.

10 And there were territorial acts that were in
11 place for what was then the western United States
12 coming up to the Mississippi River, and they
13 established a precedent that the United States
14 pledged that the utmost good faith would always be
15 observed towards the Indians, in our liberty and
16 property we would never be invaded. And when we're
17 talking about liberty, that's the same liberty that
18 the United States talked about in the Declaration of
19 Independence, life, liberty and the pursuit of
20 happiness. And those rights come from the Creator
21 and they're enjoyed equally by all men. So -- and
22 all men meaning all people.

23 So when we have our treaties, we exercised our
24 liberty to have our own nation and our own
25 self-government, and so in our land our liberty is

1 about our self-government, our sovereignty, our
2 treaty rights. And that's the basis that our Indian
3 nations came into the United States. We did not
4 immigrate into the United States. The United States
5 immigrated to our lands.

6 So that background comes forward through the
7 different territorial acts. And one of the
8 territorial acts that's significant is the 1854
9 Kansas/Nebraska Act. And in that act it says the
10 treaties will be rigidly adhered to, that the
11 territory of the Indian nations shall not be
12 included under the territorial government, that it
13 will remain Indian country, and that the rights of
14 persons and property of the Indian nations would
15 continue to be respected by the United States. And
16 when they say persons and property, that's coming
17 forward, that's referring to liberty and
18 self-government and our lands. So that's just three
19 years after the 1851 treaty, and that's affirming
20 the 1851 treaty. And that's in the understanding of
21 the committee on territories and the committee on
22 Indian affairs as they do that legislation.

23 Well, that's Nebraska territory. As the states
24 move forward to be organized into states, then the
25 territory changed in 1860 to Dakota territory. And

1 that again includes the (unintelligible) clause that
2 says that the territories shall not interfere with
3 the rights of persons and property among the Indian
4 nations. And that's the understanding from the
5 formation of Dakota territory.

6 And as Dakota territory was split into two
7 states in 1889 for statehood, they had provisions in
8 there in their enabling act and in their statehood
9 act where in the state constitution they were
10 required to agree that we the people of South Dakota
11 forever disclaim all right and title
12 (unintelligible) held by Indians or Indian tribes
13 and that they would recognize continuing
14 congressional jurisdiction over Indian affairs.

15 So as we come to statehood, the state does not
16 acquire authority or jurisdiction over Indian lands.
17 So all this idea about consulting with the state
18 over reservation lands is somewhat misplaced because
19 it doesn't recognize this historical background. So
20 we feel like these lands should always have been
21 Indian country and reservation lands and lands that
22 the tribe has jurisdiction and ownership of.

23 And we never consented to the loss of any of
24 our lands. So when we look at the Black Hills, we
25 think back to the 1868 treaty and we consider that

1 on reservation.

2 When we look at the 1889 act and the taking of
3 11 million acres between our six reservations in
4 western South Dakota and Crow Creek across the
5 river, we think of those lands as being our original
6 treaty lands. So as those come back into trust for
7 our tribes, there should be an automatic process to
8 take those in trust because the original agreement
9 with the United States was that these are Indian
10 lands.

11 This is our permanent home. And that's what
12 the treaty says, it says "Permanent Home". So how
13 long was it supposed to last? It was supposed to
14 last up through today and for our future
15 generations. The treaty also says "Or shall forever
16 cease." How long is that supposed to last?
17 Forever.

18 So today when we think more of the rights of
19 people and we don't think that, you know, wars
20 against people within the United States are
21 appropriate, we think there should be a process for
22 the United States to make things right. So we feel
23 like the Secretary of Interior should be cataloging
24 unoccupied federal lands and returning those federal
25 lands to the tribes and that you should be working

1 with the Department of Agriculture to return those
2 unoccupied federal lands to the tribes. And that's
3 a longstanding position of our tribes.

4 You know, it came up more recently in the
5 Dakota Access Pipeline Case. And, you know, our
6 tribes have never received our treaty rights up
7 there. Those were treaty lands for us. And it's
8 going to impact our water rights. The BIA did tell
9 the Army Corps that they should be consulting on
10 those water rights, that they should be consulting
11 on the potential damage to the tribes. And the Army
12 Corps ignored the BIA. So the Department of
13 Interior has to do more to carry forward that trust
14 responsibility.

15 And we have many of those similar issues that
16 are arising where there are proposals for uranium
17 mining, for gold mining, for various different
18 impacts to our sacred lands, and these lands have
19 never been properly addressed or resolved by the
20 United States since the Supreme Court's decision in
21 1980 that it was unconstitutional taking of the
22 Black Hills.

23 So we feel like the Secretary should be, when
24 you consider trust lands, should be considering all
25 of those lands reservation lands and should be

1 automatically taking lands that we reacquire into
2 trust.

3 Now, we did work very hard up at a sacred site
4 that we call Pte Sla in the center of the Hills to
5 reacquire lands that were private fee lands and
6 going to be sold, and we talked to the county about
7 what their issues might be and worked those out and
8 they did not object to us recovering the sacred
9 site.

10 But we don't feel like the county authority
11 should be written into the regulations or into the
12 law because our relationship is a nation-to-nation
13 relationship with the United States, and we can deal
14 cooperatively with our neighbors on our own.

15 And there's a requisition in the Indian
16 Reorganization Act that tribes have authority to
17 negotiate with the Federal Government, the state or
18 local governments. But when you say "negotiate,"
19 that suggests a voluntary imposition taken by the
20 tribe, not a mandate from the Federal Government.

21 So the character and the nature and the timing
22 of those negotiations is up to our Indian nations,
23 and it shouldn't be something that's included in the
24 regulation as we seek to reacquire our homelands.

25 So we have, you know, a number of those

1 concerns. We do think that there ought to be a
2 categorical exclusion under NEPA. And we understand
3 you're taking a separate process on that for
4 on-reservation acquisitions, and we feel like the
5 reservation was set up clearly to be a permanent
6 home for the purposes of providing, you know, a
7 place for us on our original territory. And we feel
8 like all the NEPA issues are really for federal
9 lands where the Federal Government owns title
10 outright or federal projects that are funded by the
11 Federal Government, but it shouldn't be piggybacked
12 on a treaty and trust relationship with the tribes.

13 So as to the gaming issue, we feel like under
14 2719 Title 25-UFC-2719, that that process is already
15 there and the issues regarding off-reservation
16 gaming ought to be dealt with directly through those
17 processes.

18 So we appreciate whatever you all can undertake
19 during your watch here of Interior to help us deal
20 with some of these longstanding issues and to help
21 us protect our homelands, and I think that's what
22 people are really looking for. And they're really
23 looking for, you know, with what the Secretary has
24 talked about, about honoring treaties and honoring
25 federal trust responsibility.

1 So thank you very much for that.

2 MR. JOHN TAHSUDA III: Thank you, Mark.

3 MR. DAVID POURIER: Good morning. My name is
4 David Pourier, tribal council representative for the
5 Oglala Sioux Tribe.

6 My question is to you, to start off: Are you
7 here representing the state or the county? Because
8 most of the time our fights with the Oglala Sioux
9 Tribe are with the counties that surround us and
10 even the state.

11 At present we're going to -- we fight with
12 Jackson County to put land into trust with all of
13 those within the boundaries of the reservation. We
14 fight with Bennett County to put land into trust.

15 Some of these lands we're trying to put into
16 trust are the forestry patent lands that happened
17 years ago, and them minerals, the subsurface is
18 still in our tribal members' name but yet the county
19 commissioners will not let us put it back into
20 trust.

21 Today we're fighting with Fall River County.
22 As some of you know, we have 1,200 plus acres up
23 there by Hot Springs. The county is requiring us to
24 build fences just to put it into trust and name it
25 Oglala Sioux Tribe.

1 You know, it's always a battle for the tribes
2 to put land into trust. The Federal Government is
3 never behind us, which they have a trust
4 responsibility to all of us to support us. But
5 we're out there on a limb doing these things.

6 I don't know if you've heard the news, but they
7 did research here in Rapid City. 1,200 acres was
8 tribal ground at one time. Where did it all go? It
9 was given to the National Guard and the City of
10 Rapid City. The Federal Government didn't step in
11 to help. Is the Federal Government going to step in
12 and help us now? I think there needs to be
13 something done to assist the tribes.

14 You know, instead of making it easier for us,
15 it makes it harder. Because, granted, us South
16 Dakota tribes, if we have to go through the
17 counties, we're not going to get nothing back into
18 trust. We can't even get roads fixed that lead into
19 the reservation from the counties. You know, it's
20 sad to say, but that's a reality that we live with
21 out here.

22 I thank you for coming, but it's about time
23 that you come. But I do have one question for you
24 and I would like an answer: Why was Great Plains
25 left out on the reorganization? There's nothing

1 scheduled for the Great Plains area tribes. I think
2 we deserve to be heard on this rather than traveling
3 to Billings, Minneapolis or the South or wherever.
4 But there's nothing in the Great Plains area. We
5 would appreciate consultation here. When we went
6 all the way to Minneapolis, the Great Plains was not
7 scheduled for this type of consultation either. Why
8 is Great Plains -- are you scared to come see us or
9 are we just pushing away? We don't know what's
10 going on.

11 It gets frustrating for tribal governments to
12 have to deal with this. That's why I ask -- it's
13 like the government is representing the state, not
14 the tribes. I would just like to know because I'm
15 at a loss why the Great Plains area tribes is not
16 being considered on the consultation on the
17 reorganization.

18 Thank you very much.

19 MR. JOHN TAHSUDA III: Thank you.

20 (Applause)

21 MR. JOHN TAHSUDA III: To answer your specific
22 question, we will be coming out here. Part of it is
23 I anticipate that we'll do probably several rounds
24 of consultation on the reorganization. My
25 assumption is that the tribes, you know, after

1 they've been through one, will probably want to
2 digest the information, have some thoughts. And it
3 will be helpful to us all to have sort of follow-up
4 consultations, and obviously we would like to have
5 those in different locations than the first round
6 were in. The Secretary committed last week to, that
7 we would do one here in the Great Plains as well.

8 So the original thought with the original
9 locations for the first round of consultations was
10 to kind of take a test run at the new maps and what
11 the new regions would look like and do consultations
12 in those regions just so we could get a sense and
13 the tribes could get a sense of what we're talking
14 about.

15 So the -- so the current joint regions under
16 the reorganization would put Montana in with the
17 Dakotas in a common region. So that was the reason
18 for us doing it in Billings. And there was no
19 thought process of excluding anybody. Again, we'll
20 come here and do it. So we'll be reaching out to
21 you later, probably early summer as we get through
22 this first round of consultations and start planning
23 out the next round as well. And I presume you guys
24 will be happy if we can talk to Gay and she can
25 communicate with you where would be a good place to

1 do it.

2 But I'm never scared to come out here and I'm
3 happy to come out. I'm from Oklahoma, the western
4 part of the state which looks a lot like this, so I
5 actually feel very comfortable and happy in the
6 Great Plains.

7 So thank you.

8 Go ahead, sir.

9 MR. LAWRENCE WALKER, JR.: (Native language).

10 I am Lawrence Walker, Jr.

11 Relatives, I'd like to say good morning to each
12 and every one of you. It's good to see you all here
13 this morning. I greet each and every one of you.
14 And thank you for allowing us to come on over to
15 your lands to partake of the consultation that's
16 going on today.

17 My name is Lawrence Walker, Jr. I'm a
18 legislator with the Ho-Chunk Nation in Wisconsin.
19 We had the opportunity to go to some of the other
20 consultations throughout the country. And when this
21 one came up, it's just right around the corner from
22 us, so we made our way over here. It's good to be
23 back in Rapid City.

24 And thank you to the government, the government
25 representatives in listening to the words that we

1 all have to say.

2 At some of the other consultations, even out on
3 the East Coast we had people from the West Coast and
4 from all different areas. So it's good to see
5 representation from not only the area where they're
6 having that but people from outside, because then we
7 could compare the reasons why we, our people, hold
8 the positions that they do in regards to these
9 proposed changes.

10 Just to give a little background, our Ho-Chunk
11 people in Wisconsin, at one time we numbered in the
12 millions, just like all of us did somewhere along
13 the way. And the large lands that we were on
14 through a lot of the history, when white people,
15 when they came here and through everything that
16 happened to all of us, our numbers slowly dwindled.
17 Right now we're at right around 7,767 Ho-Chunk
18 people in creation right now. And through a lot of
19 that time, through a lot of that history we were
20 removed 11 times from Wisconsin and the different
21 places that we came. And we even came amongst our
22 Sioux relatives at one time way back some years ago.

23 And when we would be removed, we continued to
24 go back home where we come from. And the different
25 villages that we had there, those families, they

1 returned back to those villages where they came
2 from. Some of them were up north around the Wausau
3 area and all the way down to Wisconsin and around
4 the Madison area. And through all of those
5 different villages there, we continued to return.
6 And then we were removed again.

7 And so when we started -- when we kept going
8 back, they kept removing us. 11 times that happened
9 before they got tired of moving us around. And by
10 that time what was stated was that wherever it was
11 that our Ho-Chunk people, wherever they were
12 residing, they were allowed to stay in that area.
13 So those villages began to flourish again. And then
14 our relatives, they came out of hiding.

15 For some of the areas that we have in Wisconsin
16 there, they have large swamps. And some of our
17 relatives would even go into the inside of those
18 swamps and they would stay in there. We even had
19 stories where they were in there for years before
20 they even came out. And so those relatives there,
21 they never left. And the people that they come
22 from, those are our relatives today.

23 And so the places where we're at now, we had
24 the opportunity to turn those into those federal
25 lands to utilize the fee-to-trust process that had

1 existed up until now. And for that, even the, what
2 you would consider off reservation, it was still a
3 tedious process for us but we still continue to
4 utilize it and have those people that were
5 completely dedicated to that fee-to-trust process
6 like other tribes, too, in that they would take care
7 of those for us in the hopes of navigating the least
8 resistance, the best way to get through all the
9 requirements that are there so that we would obtain
10 that trust status on those lands that we reacquired,
11 just like our other relatives were saying.

12 When we came to the point where we're at today,
13 in looking at the proposed changes to the
14 fee-to-trust process, specifically addressing off
15 reservation, we are not contiguous. We are
16 checkerboard. There are a large number of counties
17 within the state of Wisconsin where we have our
18 villages, where we have our communities, where we
19 have land bases there. And because they are not
20 contiguous, then we work with each and every one of
21 those counties where we're in. And those of our
22 representatives, other peoples here, you know how
23 that goes when you start working with counties.
24 That kind of dictates the relationship that you have
25 and the resistance that you're going to go through

1 to obtain that final part.

2 Depending on how that relationship goes with
3 the people in the county there will dictate whether
4 or not those lands actually do get into trust
5 status. And so we continue to foster those
6 relationships along with each and every county that
7 we're in. And that, again, is another tedious
8 process for us. But through that, then we obtain
9 neighborly relations with them, with some of them
10 but not all of them.

11 And we also -- we also get caught with some of
12 those ones where they have their own policy,
13 strictly against any fee to trust, and we also work
14 with them as well.

15 So those are long processes for us, but we
16 still continue to look at that and finding
17 experience in the process in being able to navigate
18 that so we get to that part where we'll have land
19 for our people to live on; we'll have land for, to
20 be able to build businesses so we're able to support
21 the different services that we provide to our
22 people.

23 It isn't any different for us than it is for
24 any of our relatives sitting here. Those are the
25 things that we look at is to help our people along.

1 It isn't any more than that. We're not looking for
2 something above and beyond what the Creator would
3 want for us to be able to take care of us. We can
4 eat; we can sleep; we can be self-sustaining, those
5 are the things that we look for. And the process
6 that has been put up today will not help us in that.

7 The process that is being proposed makes it
8 even more difficult to obtain that final part that
9 we want to help our people along, regardless of what
10 we're going to be doing on that land. It's always
11 to better ourselves along. That's all, plain and
12 simple.

13 And so that was the reasons why our
14 representatives made the effort to go to other
15 consultations that were around the country. And I
16 believe we were at four or five of the consultations
17 that were out there. And we -- again, we appreciate
18 that opportunity.

19 We did submit our position paper. We did
20 submit supporting documentation in regards to that
21 that the Ho-Chunk Nation does not support any
22 changes in the existing fee-to-trust process.

23 So I just want to be able to listen to some
24 more of the people, representatives of the people
25 here to make some expressions because that helps us

1 along as well in fine tuning our position on the
2 opposition to the proposed changes.

3 Thank you for your attention.

4 MR. JOHN TAHSUDA III: Thank you, Mr. Walker.

5 Anybody else?

6 Why don't we take a short break. Maybe
7 Chairman Frazier will be here by then or we can have
8 some more discussion. So we'll take a
9 five-minute -- ten-minute break, ten minutes.

10 (Recess taken from 10:33 a.m. to 11:02 a.m.)

11 MR. JOHN TAHSUDA III: We'll get started again
12 here. We have a couple of new arrivals, and I'd
13 like to recognize them.

14 Chairman Weston, we're closer to home to you.
15 I've give you the privilege of either going first or
16 turn it over to Chairman Frazier.

17 PRESIDENT TROY (SCOTT) WESTON: I believe it's
18 still morning. Good morning, everyone. And good
19 morning to my people, the people that have been
20 assimilated to the government process.

21 And I apologize to the other Native Americans
22 in this process because you have no choice but to do
23 what the government tells you because you become
24 that puppet, P-U-P-P-E-T.

25 THE COURT REPORTER: What is your name?

1 PRESIDENT TROY (SCOTT) WESTON: My name is Troy
2 Weston. Everybody calls me Scott. I am the
3 president of the Oglala Sioux Tribe.

4 First of all, because of our treaties, we
5 should not have to be doing this process at all. We
6 have 60 million acres of 1851 treaty lands. That
7 established who we are. And why is the government
8 trying to impose more rules?

9 Because our treaties, the 1851 and the 1868
10 treaties, Fort Laramie treaties, are verbiaged in
11 Article VI of the Constitution of the United States
12 of America, which is supreme law of the land. And
13 so if you're going to impose and change our
14 processes for us, then you should change the
15 Constitution of the United States of America.

16 We didn't ask to be here. You are afraid of
17 us, so they wanted us to sign these treaties because
18 they got tired of us killing white people. And I
19 don't say that as a racist remark. I say that as a
20 historical event that happened. Because we were
21 just taking care of our own. You imposed IRA on us.

22 We had a traditional form of government that
23 kept us lasting for centuries. We didn't have that.
24 But we were imposed through IRA to be getting the
25 money to do what we have to do. And little by

1 little, every president, every form of government is
2 whitling away at treaties, letting policy, statute,
3 regulation dictate what we have to live by. But we
4 need to go back to the treaties.

5 This reorganization process, let's go back to
6 the treaties and go back to what it really, really
7 meant. Number one in the first place, that was
8 going to take care of us. And that's what we need
9 to start doing.

10 If you want to start fighting, hey, remember
11 Custer. We won. Remember? That's the only reason
12 why they signed the treaties. And I told that to
13 the forest service about the gold mining process.

14 You know, the DAPL situation, that was a
15 peaceful, prayerful protest. That's all it was. It
16 was anywhere from 10- to 20,000 Native Americans in
17 one place at one time and, ooh, it was a bad thing.
18 That's why people are afraid of us because we're not
19 afraid to fight. Our veterans per capita by
20 ethnicity, they call it, is the largest people that
21 served in the military. What's wrong with that
22 picture? You didn't want to fight us but we still
23 fight for you. We do things out of respect for
24 everyone because we take care of our own.

25 And I'm sorry you don't want to look at me no

1 more, Mr. Tahsuda. I know you don't want to
2 because -- if you would, please. I see you looking
3 up that way and down there. I say that to everybody
4 because you are that person that needs to hear us to
5 make those above you understand that we oppose
6 everything that's happening and that when -- if we
7 have a consultation and not a listening session, we
8 should be heard. We should be consulted with. We
9 should be given that chance to be able to tell you
10 or be a part of a change for a process that's
11 perfect, or try to be. So that's why I'm asking you
12 to please turn around and look at us and watch us
13 when we speak because we're tired of having this
14 process.

15 I'll give you an example. We had the DAPL.
16 When I first got into office back a year ago
17 December, we had the DAPL consultation with the Army
18 Corps down here at the Holiday Inn. There was eight
19 of them sitting there, eight government people
20 sitting there. One was playing something on the
21 phone. One was looking at Facebook. One was
22 drawing pictures. And I had to slam on the podium
23 for them to pay attention.

24 Because if we give you that attention all day
25 long -- I mean, my attorney just basically fired me

1 up just a little bit ago, and that's why I'm talking
2 like this. He said it jokingly, he said, "If you
3 two chairmen don't split apart, they're going to
4 stop the consultation." That's our cynicism. But
5 those are the things that we fight for every day.

6 You know, we talk about fee to trust. Where
7 did that come from? Whose idea was that in the
8 first place? Why are we doing it now? I will
9 remind you that through our treaties all of this
10 should have already just been an automatic process.
11 We created so many programs or departments to
12 prevent you from doing your jobs. It just used to
13 be the BIA superintendent and that was it. Well now
14 you got the BIA superintendent; now you got a deputy
15 for this, a deputy for that, and then you've got
16 this over here. Then you move to, BIA to Office of
17 Special Trust. Then you come over here and you got
18 something else started.

19 What are we doing? Why aren't tribes consulted
20 more often? Why aren't tribes involved in the
21 change of the process? Because this is about us.
22 This is about our people. Everything I say is on
23 behalf of our tribal nations, not just my tribe but
24 all of the tribal nations, especially our treaty
25 tribes. We signed treaties because that was the

1 only way that they could stop us from being who we
2 are.

3 But I'm getting kind of wound up here. I'm
4 getting away from my topic here. I've got some
5 notes here that I want you to really, really pay
6 attention to. It says: The goal of the land into
7 trust program should be restoration of our Indian
8 nation homelands in order to promote Indian
9 self-determination, tribal self-government,
10 revitalization of our tribal economies, government
11 programs and services, including education,
12 healthcare, housing, transportation, police, fire,
13 sewer and sanitation, water services, cultural
14 preservation, including the recovery of Sacred
15 Sites. Because these are all of the fights that
16 we're fighting right now. And making our
17 reservations true homelands to our reservations,
18 that's what we need to be looking at.

19 You know, and I made that point earlier that we
20 should be -- they should be automatically returned
21 into trust because it was trust originally. It was
22 originally true trust land.

23 And now we have to have a process. We have to
24 create somebody a job that wasn't on our tribes and
25 let them decide whether or not they could be trust

1 lands.

2 And then you talk about the buy-back process,
3 buying back some of this land, there's some seeded
4 deeded land that was appraised. There's a chunk,
5 some seeded land in Jackson County, 160 acres.
6 Inside of that quarter section of ground was ten
7 acres that was allotted land. That land outside got
8 appraised at 1,500 bucks apiece an acre. That
9 tribal land was appraised at \$145 an acre. It was
10 the same land that was farmed that produced, yielded
11 the same crop as that seeded land which was
12 originally treaty land, trust land. Now what's
13 wrong with that picture? You tell me what's wrong
14 with that picture.

15 And that's why we fight every day. We butt
16 heads every day, even between ourselves about trying
17 to figure out what we have to do. Because we're
18 getting nickels and dimes and half of a penny
19 anymore and we're fighting for scraps. The meanest
20 dog is going to get the scrap. Why? Why is that?

21 The lands should be able to be given
22 automatically back to our own people so that we can
23 create our own destiny. Because if we don't, I
24 shouldn't be here; I shouldn't be fighting for my
25 people. Because you are trying to keep us down

1 here.

2 Remember, we're this third world country in the
3 United States Government's backyard. And we let you
4 live here. We let you come here. Every day we
5 think about that. We used our own respect, the way
6 we were taught through our traditional ways to let
7 the government come here, to let the white man come
8 here, open our arms up like we do. We still do that
9 historically, traditionally, because we're a loving
10 people.

11 We're not killers. We're savages by white
12 man's standards. But we did it to survive. And if
13 we can't survive, there's going to be a war. There
14 will be a war.

15 Just like this gold mining process up here. I
16 go back to that DAPL process, that was a peaceful
17 prayerful protest. If they let gold come into this
18 country, you're not going to have 10- or 20,000
19 Indians. You're going to have a million pissed off
20 Native Americans, the first nation's people. And
21 they're not going to go to jail. I was told this,
22 "They will not go to jail. They will die." That's
23 what we have to deal with every day.

24 And you get to go home and be ignorant to our
25 fight, to our everyday dealings. You get to go home

1 to your nice warm houses. And you don't have -- you
2 close the door, turn on the TV or whatever. You
3 don't have to deal with that. We hear it every day
4 as tribal leaders. All of us in this room, we hear
5 it every day. We see it every day. That's why I
6 was late because I was dealing with my tribal
7 people's issues because they're my priority.

8 So I want you to understand that I'm not
9 talking to you and being loud and being
10 disrespectful. I applaud what you do because you
11 are taking it like a man and like a woman, over
12 there, both of you, but that's your job. You get
13 paid to sit here. You get paid to sit here and
14 listen to the most negative things in the world.
15 And then you get to go home and say, Geez, why do I
16 always want to be like this? Now you know. Because
17 we hear it every day. We fight the same fight every
18 day on each tribe. It doesn't matter what the -- it
19 doesn't matter the magnitude, the fight is there
20 because we created enough -- we were given just
21 enough to have to fight over what we have left.

22 So I want to thank you for giving me this time.
23 I have this piece of paper that I'm going to submit.
24 I want to get even more time. We will be scheduling
25 more meetings. The Great Plains Tribal Chairman's

1 Association and my tribe will be passing more
2 resolutions that we want more consultation before
3 this is even thought of. Because my first part of
4 this deal was the reorg process needed to stop and
5 go back to our treaties.

6 So thank you for your time.

7 (Applause)

8 MR. JOHN TAHSUDA III: Thank you, President
9 Weston. So I feel compelled to say this: I
10 appreciate your desire to make a statement. And I
11 understand in normal course people look each other
12 in the eye. That's not how I was raised. In my
13 tribe, to stare an elder in the eye when they're
14 speaking to you is disrespectful and aggressive, and
15 so that's why I don't stare at you while you're
16 speaking. But you asked me to do that. I learned
17 how to do that. I was spanked as a child in school
18 and told to look people in the eye. I can do it.

19 UNIDENTIFIED SPEAKER: Was it a government
20 school?

21 MR. JOHN TAHSUDA III: It was a state school.
22 It was a government school.

23 So I just wanted to say that. Thank you.
24 Thank you for your words.

25 Chairman?

1 CHAIRMAN HAROLD FRAZIER: Harold Frazier,
2 Chairman of the Cheyenne River Sioux Tribe.

3 I'm going to play a song.

4 (Native language song played.)

5 And that's the way I feel. That's the way our
6 people feel. I'm just tired of it.

7 You know, I don't know, I've done this several
8 years. You guys like to pout, go home, don't do
9 anything for us, don't help us, don't even want to
10 come to see us. I don't even know why we're here,
11 because you guys are going to do it anyway, you
12 know. And I'm just tired of it.

13 You know, these ain't for us, these
14 regulations. They shouldn't be pulled on the Great
15 Sioux Nation. If the government truly wants to help
16 us, the Sioux tribes, then take all of your people
17 west of the Rockies and east of the Great Lakes and
18 leave us alone. That's what needs to happen if you
19 want us to have economic development, if you even
20 want us just to survive.

21 Ain't you guys tired of living like this? Man,
22 these ain't our ways. Where in the world do you
23 have to ask to be an Indian? Only in America. And
24 this is how bad the government treats our people:
25 "you don't have that card, you ain't an Indian. You

1 don't have that status, you're not who you are."
2 Only God and your father and mother dictate who you
3 will be as a race. But yet that's how they control
4 us. And I've learned that's all they're here for is
5 to control, control the Indian. They're not here to
6 help us.

7 How -- by you being here, how are you going to
8 help us? You're penalizing us for others. One size
9 does not fit all. Someone wants to build a casino,
10 that's their business. I don't care. I wasn't
11 raised to be jealous, greedy. But that's how
12 America is. They don't want Indians to prosper.
13 And you guys will not fight for us. It's a fact.

14 Jim Cason will tell you, "This is what I want,"
15 and you guys gotta do it, don't you? Like President
16 Weston said, "puppets". I heard that as a young boy
17 growing up, but now I can really see it. When you
18 got politicians and bureaucrats leading, it's never
19 going to work. We need leaders.

20 You gotta be a leader. No one can take your
21 dignity away. Only you can give it away. Stand up
22 for us Indians.

23 I'd rather walk away like famous Dave did than
24 to be a bureaucrat. Do you remember him? Dave
25 Anderson couldn't make that change so he walked

1 away. I have a lot of respect for him for doing
2 that. He's a man. He's an Indian man.

3 I've been to Washington, been all over.
4 Nothing. People in high offices come to the
5 reservations, nothing. They are afraid of us. They
6 really are.

7 Guilt, this country was built on guilt and it's
8 run by guilt, guilty of what they've done to our
9 people, to our lands, used their God to lay claim to
10 our lands. You know what I'm talking about. And
11 yet they claim to be the most self-righteous people
12 in the world.

13 So I think there should be no regulations. How
14 come you don't tell that white man what he can and
15 can't do on his land? But you guys are just here to
16 control the Indians. It is really bad.

17 I've never -- I was chairman before, and it
18 wasn't as bad as it is today. And nobody is
19 standing up for us, nobody. Our congressionals are
20 failing us, everybody. It's a fact. It's just a
21 waste of resources being here, operating. When are
22 we Indians going to be free? There's still that,
23 subtle laws, gotta get permission to leave the
24 reservation. It's there.

25 This is just a waste of time. You guys are

1 going to impose more regulations. White is right,
2 Indians down here. And all you educated people, ask
3 yourself, Do Indians really have rights here in this
4 country? And the answer is no. The Indian Civil
5 Rights Act don't protect us from the state or
6 federal governments. I seen it firsthand with that
7 Dakota Access Pipeline. Is it right for a man to
8 hurt a woman? There's a cop, I gotta picture and I
9 sent it to some of you guys, that cop, his weight,
10 his knee on the lady's head pushing it into the
11 ground. Nothing will happen to that cop, but that
12 lady is probably going to spend time in jail. For
13 what?

14 All I know is South Dakota better gear up
15 because I ain't taking this shit no more. And I
16 know our people ain't. But if you want to help the
17 Indians, get rid of these regulations. I don't even
18 know why -- that's our land. You guys pay taxes to
19 us. I like to say our titles of our lands were way
20 before treaties. There's proof from the Big Horns
21 to the Great Lakes, that's Sioux Nation country.

22 So I guess just leave. I mean, there's nothing
23 else to say. No matter what I say, you guys ain't
24 going to listen. You already got marching orders.

25 Thank you.

1 (Applause)

2 MR. JOHN TAHSUDA III: Thank you, Chairman.

3 MR. MARIO GONZALES: I'm Mario Gonzales from
4 OST, an attorney.

5 I would like to give you a little background on
6 these 151 regs as they apply to the Sioux people.
7 And I think you already heard that we started out in
8 terms of land recognition with the 1851 Fort Laramie
9 Treaty. So the Oglala Sioux Tribe, as well as the
10 other Teton and Yankton tribes have a claim to
11 60 million acres of land under that 1851 treaty and
12 also 14 million acres of non-treaty land east of the
13 Missouri River between the James and the Missouri
14 River.

15 And then we come to the 1868 treaty, and the
16 1868 treaty created a permanent homeland here in
17 western South Dakota. And it's stated in Article 16
18 that all the land north of the North Platte River
19 would be unseeded territory and that the Sioux
20 people would have a right to hunt and exercise
21 fishing rights, hunting rights, right of passage
22 over that unseeded territory and then western South
23 Dakota would become a permanent homeland. Well,
24 that didn't happen very long.

25 I just want to give you a little background on

1 the 1868 treaty and the 1851 treaty because they go
2 together. When they went to the Indian Claims
3 Commission, the Indian Claims Commission looked at
4 the 1868 treaty and they said, "Well, look, under
5 Article II it created the Great Sioux Reservation
6 but it said there's relinquishment language; you
7 relinquish all the land around western South Dakota.
8 (Unintelligible).

9 You go to Article 16, and Article 16 says that
10 that's unseeded territory. And Article 11 says that
11 if you remain unseeded, you have the right to hunt
12 out there as long as there's buffalo out there to
13 justify a chase.

14 So then when it gets to the Indian Plains
15 Commission and you go to treaty processes, you go to
16 ownership, 1851 treaty, ownership. Evaluation, they
17 valued that at \$20 million.

18 And then you go to the offsets. It's a
19 three-step process. When it got to the offsets, the
20 Indian Claims Commission, later the claims court --
21 when the Indian Claims Commission's life expired in
22 1978, it went to the claims court. And the claims
23 court, the Indian Commission's Claims Court said,
24 "Well, the evidence shows here that General Sanborn
25 said that you're not giving up any land. In the

1 1868 treaty, all of that land out there, unseeded
2 territory, not giving that up. When Red Cloud
3 signed he was assured he wasn't giving up any land.

4 The other treaty said that we will fight to the
5 death before we give up any of that land out there.
6 And there was all kinds of testimony like that. But
7 then the claims court said that nevertheless, even
8 though it never was the intention of the Sioux
9 Indians to give up any land, because somebody snuck
10 that language in there, it amounted to a
11 (unintelligible) of land, 34 million acres of land.

12 So what happened? We intervened. In that case
13 the Oglala Sioux Tribe intervened. And we took that
14 up to the federal circuit. And we pointed out that,
15 Hey, (unintelligible). We want out of this case.
16 We've got two resolutions passed by the Oglala Sioux
17 Tribal Council to withdraw from that case because we
18 didn't want to be part of that fraud perpetuated on
19 us from the courts.

20 And of course they wouldn't let us out. They
21 came up with excuses like, "Well, it's not fair to
22 these other Sioux tribes." And we said, "Well, you
23 just let the Yankton Sioux out of Docket 74. Let us
24 out. What's the difference?" But they hung on and
25 they wouldn't let us out. They wouldn't honor our

1 resolutions from the Oglala Sioux Tribal Council.

2 And so the federal circuit then made a
3 decision. They agreed with us. We asked for a
4 (unintelligible), a reversal. And they agreed.
5 They reversed it. But the federal circuit put a
6 language in their decision and then stated that,
7 There's a way you claims attorneys can resolve this
8 case for all that 34 million acres. You don't have
9 to meet with your clients. You can go behind closed
10 doors with the government attorneys and stipulate to
11 offsets and consent decree and resolve it.

12 Well, even though we got a reversal, the Oglala
13 Sioux Tribe appealed it to the supreme court. We
14 made a record. We said that this is repugnant to
15 everything we stand for to (unintelligible) that
16 territory. It's right in the supreme court brief we
17 stuck in there. And we don't acquiesce to what's
18 happening here. The purpose was we wanted to make a
19 historical record of our position in a supreme court
20 petition (unintelligible). Because we knew it would
21 probably be denied. And it was.

22 So it comes back down. And then behind our
23 backs without our consent, our claims attorneys,
24 three of them, met with the government attorneys and
25 they stipulated away 34 million acres of our land

1 for \$40 million. That's the land that we see all
2 that coal going out of from Gillette, Wyoming. They
3 seized all that land up there. Where they are
4 putting like those oil wells, that's our land. We
5 didn't give it up. It's the land up there where
6 DAPL is located to the Heart River, that's our land.
7 We did not seed that. But we had it crammed on.

8 So what we did is we went back into court.
9 When it came back down and the judge basically
10 implemented a government settlement offer as its
11 final decision, we took that up again to the federal
12 circuit on a Motion for Relief from Judgment. And
13 when we got back to the federal circuit, of course
14 it was denied, but we got one single opinion which
15 agreed with our position of Judge Newman. And
16 that's the way that case stands today.

17 So we had it crammed on us of taking our land,
18 34 million acres, it's crammed down our throats, but
19 that doesn't mean it's over with because there still
20 has to be a political solution to resolving those
21 claims.

22 Okay, I want to say right now that the Oglala
23 Sioux Tribe has never seeded one acre of land in our
24 history, not one acre through all the treaty
25 processes.

1 So then we get up to -- I want to point this
2 out. You get up to the Black Hills Act, which was a
3 unilateral act. It wasn't bilateral. And in
4 Article 1 it says no more -- Article 1 says that
5 they're confiscating the Black Hills in violation of
6 Article 12 and treaty. But it also states in
7 Article 1 that Section 16 of the 1868 treaty is
8 abrogated. In other words, they're confiscating all
9 of that land that I just mentioned and
10 (unintelligible).

11 So then you go to the Black Hills Act, again
12 you go to Article 5 and it says, In consideration
13 for all the land we just stole from you basically,
14 confiscated, we're going to provide all aid
15 necessary for civilization, which hasn't occurred.
16 There's been no (unintelligible). They're still
17 taking all of that coal out. You know, they're
18 draining all of our resources and we're not really
19 getting adequate consideration from the state.

20 There's still some benefits in the Black Hills
21 Act, continuing benefits, but they're totally
22 inadequate. And we had those (unintelligible)
23 appropriations throughout the years. Where
24 implementing Article 5 of the 1877 act and the
25 treaty, they always refer to those as

1 (unintelligible) appropriations. The Snyder Act
2 ended that. All of a sudden the government said,
3 "Oh, we're tired of these (unintelligible)
4 appropriations, so we'll just lump sum it to the BIA
5 and let the BIA distribute it." So that's what they
6 do now, tribal priority allocations. Those are
7 totally inadequate for all that land they took. Of
8 course it's priority. They say, "Okay, you get
9 \$6 million for social services. Now prioritize it."
10 So all of a sudden say, "Well, you know, we're going
11 to prioritize let's say subsistence rations, BIA
12 subsistence rations," so we prioritize a little
13 higher than maybe some other tribe. Some other
14 tribe like Standing Rock prioritizes within their
15 budget so their people are getting more subsistence
16 rations than we are. So it's not priority at all.
17 It's not tribal priority allocations because they're
18 inadequate. We're just prioritizing what little
19 money we get from the government the BIA doles out
20 to us in violation of treaties. We're not getting
21 adequate consideration. And, you know, that's what
22 we have to live with. And there's not enough money
23 coming in to provide to the people.

24 But let me get on a little further. Now we go
25 to the 89 Act and the 89 Act creates the Pine Ridge

1 Indian Reservation. What is it? 3 million acres,
2 more or less? And in that act, Article 8 -- excuse
3 me, Sections 8 to 12 provides for allotments on our
4 reservation, but it says that these allotments shall
5 not be mandatory without the consent of the adult
6 population, men and women on our reservation.

7 So we didn't want allotments. We fought
8 allotments. From 1889 to 1904 we fought allotments.
9 We didn't want them. We want to be like Red Lake,
10 no allotments, tribal land assigned to our people in
11 terms of use, you know, assignments, use for us.

12 You know what happened? We had Charlie Bates,
13 our allotting agent, appointed to come to Pine
14 Ridge. The Secretary of the Interior sends him a
15 letter and that says, "Allot the Pine Ridge
16 Reservation," in violation of Article 9 I think it
17 was which requires our consent.

18 So Charlie Bates gets that letter. Says,
19 "Reserve the land for the government," which is not
20 the agency, and he allots our reservation up in
21 violation of the 89 Act.

22 And I should also mention that the 89 Act in
23 Article -- Section 28 says that this act will not be
24 valid without three-fourths adult males, just like
25 the 68 treaty. They never got three-fourths. It's

1 an invalid act. It never really was implemented
2 like Congress intended. What happened was we had
3 white men sign that 89 Act. I can't remember, 200
4 or so. And it got allotted as Indians on all these
5 reservations. And not only that, they were under
6 the age of (unintelligible). Supposed to be 18. We
7 documented that there were a lot of under 18 year
8 olds that signed this. So they never got
9 three-fourths signatures on the 89 Act. It
10 shouldn't even be a valid act right now that
11 allotted our reservation out. And even assuming
12 that it is valid, it still never complied with
13 Sections (unintelligible).

14 So here we stand now, once it was allotted out,
15 then all of a sudden we have the Burke Act in 1906
16 saying, We'll go ahead and issue these three patents
17 for these Indians. And a lot of land was lost
18 through fraud, through fraudulent sales, to tax
19 foreclosures. Some people in Europe during World
20 War I lost their allotments. They had to pay taxes
21 on it (unintelligible) and sold it. So all of a
22 sudden we see a chipping away of our reservation
23 land base in violation of the 89 Act.

24 So then what happens is that later Congress
25 passes the IRA, the Indian Reorganization Act. And

1 Section 4 says all land transactions are frozen.
2 And Section 5 says the Secretary can purchase land
3 back for the tribe and put it back in trust. That's
4 where the 151 regulations come in. They were
5 basically a result of Section 5 of the IRA.

6 You say, "Well, all the tribes aren't IRA
7 tribes." Yes, they are. There was two elections
8 under the IRA. The first election was, a
9 referendum, was to adopt the benefits of the IRA.
10 And every Sioux tribe did that. So you hear some of
11 these tribes, "We're not an IRA tribe." That stuff
12 is false. Every single Sioux tribe adopted the IRA
13 benefits. And that included putting the land,
14 keeping the trust, the land behind the trust in
15 trust under Section 2 indefinitely and
16 (unintelligible) and Sioux benefits for the Sioux
17 were continued. So there were benefits in the IRA
18 that enticed all the Sioux tribes to adopt the IRA.

19 Then the second go-around was to adopt an IRA
20 constitution. Three tribes elected not to do so,
21 Standing Rock, Crow Creek and Yankton. The rest of
22 the Sioux tribes are constitutional tribes.

23 So then what we have now is a situation where
24 we're sitting here. We never agreed to allot our
25 reservation out. The government came in. They

1 started chipping away, allowing first of all under
2 the Burke Act forestry patents, later supervised
3 sales under the 1948 Act, and then they allowed a
4 lot of land to be transferred primarily under the 48
5 act. I guess it would be the Supervised Sale Act.

6 So now we have a situation, Well, let's all be
7 fractionated. Whose fault is that? Is it our fault
8 that all of that land is being fractionated on those
9 reservations? No, it isn't. It's the government's
10 fault. They should have never allowed it at all.

11 Now, why do we have 151 regs? Because we also
12 had under that 89 Act allotments. And once the land
13 goes into fee, there is the illegal counties within
14 our reservation trying to tax it. And why do I say
15 it's illegal? Because under the 1868 treaty and
16 Article 8 of the Black Hills Act, it says that we
17 guarantee you Sioux Indians, you know, basically
18 Sioux Indians an orderly government. What does an
19 orderly government mean? Does that mean you have
20 another government come in and compete with us? You
21 have two general purpose governments trying to do
22 the same functions within the same territory?
23 That's not an orderly government. Those counties
24 have no business on our reservations. Why are they
25 allowed to come in and start performing the same

1 functions as our tribal governments and start taxing
2 our land belonging to fee?

3 So that's the problem with the 151 regs because
4 they're looking at the counties. That's the
5 message, "Well, that's our tax base, so we have to
6 find some way to, you know, protect the tax base and
7 so we have these 151 regs." The question is should
8 they be retroactive? Prospective? Well, I think it
9 would be unfair if you made them retroactive in
10 existing applications. Assuming that you keep the
11 regulations, they're shown to be prospective, not
12 retroactive in terms of compliance with new regs.

13 But the 151 regs are there. I think on our
14 reservation we don't think that they really have,
15 they should really have advocacy. We should be
16 able to buy back fee land on the reservation and it
17 should automatically go back into trust. This can't
18 be a one-way street. When people apply for their
19 fee patent, (unintelligible), but it also
20 automatically goes into fee. "Put it back into
21 trust." "No. You gotta get this permission of the
22 counties to put it back in fee." Why is that? Why
23 can't we just put the land back in trust when it's
24 automatically purchased in fee by a tribe on the
25 reservation? It seems like it should be a two-way

1 street, not a one-way street. But that's the way it
2 is right now.

3 And off-reservation acquisitions, that might be
4 a little bit different. Although like our president
5 said, the 1251 treaty (unintelligible) should really
6 be (unintelligible) by the Sioux Nation. We didn't
7 see a single acre of land during the course of our
8 history, the Oglala Sioux Tribe and the other Sioux
9 tribes probably likewise.

10 Do you have any questions? You're just here to
11 listen?

12 (Laughter)

13 MR. JOHN TAHSUDA III: Thank you, Mario. Do
14 you have any questions of me?

15 MR. MARIO GONZALES: It reminds me of
16 (unintelligible), somebody from Cheyenne River said,
17 "All we want is a Leave-Us-Alone law." Remember
18 that.

19 Thank you.

20 (Applause)

21 MR. JOHN TAHSUDA III: Thank you, Mario.

22 Anybody else?

23 (No response.)

24 MR. JOHN TAHSUDA III: Well, I'll offer a
25 couple of thoughts. I don't want to be perceived as

1 the frog on the log here not saying anything. I'll
2 offer a few comments. And then if you guys have
3 something or if what I say sparks another comment or
4 suggestion from you, come on up.

5 So I'm glad you gave a little bit of history on
6 the 151 regs, Mario.

7 So -- and I think sort of as a foundation
8 thought, we kind of have to remember first off, we
9 have responsibilities as federal officials to abide
10 by laws. There are constitutional issues. The
11 government that we work for, the Federal Government
12 has these requirements, constitution statutes, et
13 cetera. And part of that is that the actions that
14 we take, and I know you guys know this, but the
15 action that we take can't be arbitrary. We have to
16 explain why we're doing this, and there has to be
17 some reasonable reason why we're doing it.

18 So the IRA -- you know, the 151 regs didn't
19 come into place until the '70s, I think it was.

20 You might remember it more.

21 UNIDENTIFIED SPEAKER: What's that now?

22 MR. JOHN TAHSUDA III: The 151 regs were
23 actually not adopted I believe until the '70s, I
24 think it was. So before that Interior just used the
25 mere authority of the act to take land into trust

1 for tribes. We know during that time period after
2 the IRA, the government wasn't doing a lot of taking
3 land into trust. So -- but starting in the '60s and
4 '70s there was a renewed interest in restoring the
5 reservations, et cetera, self-determinations coming
6 around.

7 There was also a historic sort of change in the
8 way the Federal Government operates as we get into
9 the latter part of the 20th Century and dictated, in
10 part, by the supreme court and dictated by further
11 interest in the further creation of the bureaucracy
12 of the Federal Government is to say that there
13 needed to be regulations for things that the
14 government does. And this is one of those
15 processes. Didn't have a regulation before,
16 followed up by the desire to have some. There were
17 court cases challenging the government's action.
18 These regulations, you know, are put into place to
19 show that there is a reasonable process that the
20 government is using in taking this action called,
21 taking land into trust for a tribe under the
22 statutory authority of the Indian Reorganization
23 Act.

24 And then since then the regs have been changed
25 several times, more often because of litigation,

1 because of cases that have been filed. And the
2 Department, the Federal Government has tried to
3 amend the regulations to both protect the statute
4 and to try to further, you know, so that the statute
5 does not become useless and can continue to use the
6 authority of the statute. So it provides more
7 guidance, more explanation basically through the
8 regulations of why the government is taking this
9 action. The unfortunate part of that is that it
10 creates more regulation, right? And it becomes a
11 bigger and bigger process, and we get to kind of
12 where we are today.

13 I would say that some of the -- probably the
14 provisions, other than environmental, the
15 environmental provisions which are required by other
16 statutes, particularly NEPA, but some of the other
17 provisions that are in our regulations now that have
18 to do with public notice, getting comment from local
19 governments, dates, et cetera, are in the
20 regulations because of litigation. They sued the
21 Federal Government. And the courts, federal courts
22 agreed that the Federal Government wasn't doing a
23 good job of explaining to these other outside
24 parties who have an interest in the final action,
25 they weren't explaining what they were doing in

1 getting to the decision to take this action.

2 And so there was Chairman Gourneau, I believe
3 it was one of Lower Brule's cases, I think was a
4 serious challenge to the authority of the Secretary
5 under the IRA to take land into trust, just the very
6 basic authority. And so the regulations were
7 substantially changed following that case to try to
8 bulk up what you call the constitutional sufficiency
9 of the statute, because otherwise the court was
10 questioning, the federal courts were questioning
11 whether the statute was too vague to be applied in a
12 reasonable manner, and so the department bulked up
13 the regs again, provided more process for the people
14 who are interested in the decision. And that kind
15 of gets us to where we are today with all of these
16 notices to local governments, they get an
17 opportunity to comment, et cetera.

18 The courts also get us kind of back to where we
19 are talking about the off-reservation provisions of
20 the 151 regulations. The courts have also said that
21 basically there's no real, there's no distinction in
22 the IRA between on reservation or off reservation,
23 so simple authority for the Secretary to do this.
24 But the federal court said that, We think there is a
25 historical difference between a tribe getting lands

1 on its reservation, that's part of the fundamental
2 purposes of the IRA is restoring reservations, et
3 cetera, but then they questioned that if it's off
4 reservation now and there's no limitation that says
5 the Secretary can't do it, so the court's question,
6 "What is the limitation?" There must be some
7 limitation, right? And so that came into being the
8 provisions that deal specifically with off
9 reservation and putting a few more nuts and bolts
10 into the process so that we, Interior, can represent
11 essentially to courts that when we make a decision
12 for you, for the tribe to take land into trust, that
13 no, this is a carefully reasoned, not an arbitrary
14 decision; we have a good basis for doing it.

15 And in this case when it's off reservation, we
16 have listened to and we have mitigated or addressed
17 or determined not to import the interests that the
18 other communities outside of the reservation have
19 put forward either in opposition or just in
20 questioning that. So those off-reservation
21 provisions, the additional requirements for
22 off-reservation acquisitions come out of that.

23 And, again, this has all been part of the
24 Department's attempts to protect the statue, to
25 protect the ongoing authority of the Secretary to

1 exercise the ability to take land into trust. So
2 that's kind of where we are now.

3 And I understand oftentimes for folks looking
4 at changing something, it may not be a great
5 process, but at least you know what it is now. And
6 looking at changing it always raises the question,
7 "You're changing the status quo. What is it going
8 to be after that?" So it's understandable that
9 people may be opposed to it, question it, whatever.

10 MR. MARIO GONZALES: I know that Section 5 of
11 the IRA, if I recall correctly, states that the
12 Secretary has the discretion, the Secretary can put
13 fee land back in trust on the reservation and near
14 the reservation, off the reservation near the
15 reservation. What is near the reservation? Because
16 Cheyenne has put land in trust in Bear Butte. How
17 far away is that? Is that near their reservation?
18 So we need to look at those kind of things, too. If
19 they can put land in trust at Bear Butte which is,
20 what, 150, 200 miles from the reservation, then why
21 can't we do it within our original territory?

22 MR. JOHN TAHSUDA III: I think that's a
23 perfectly legitimate question to ask. Again, the
24 distinction between on reservation, off reservation,
25 near a reservation, you know, larger than fleshed

1 out in court cases in a sense, and at least --
2 there's certainly at least a logical, you know, a
3 logical explanation of taking an action if it wasn't
4 part of a historic reservation, right? I can see
5 that. So that's part of what we'd like to hear.
6 Right now it's not really treated that way. You
7 know, is that a reason to do it? And there are
8 those and other reasons, right? There are obviously
9 religious and cultural sites that are very
10 important.

11 I mean, right now we don't distinguish between
12 the purposes of an off-reservation acquisition, so
13 whether it's for gaming or some other business, a
14 gas station or something, or is it just to acquire
15 the site because the tribe thinks it's really
16 important to protect it from being destroyed or
17 whatever. So we don't distinguish that.

18 And so one of the questions that I think is,
19 would be good to ask and good to consider, if we go
20 down the road of changing the regulations, and that
21 that decision is not made, but if we did, you know,
22 would it be good to have some distinction? Now, if
23 we say that, then we're going to have to build in
24 something to say that we have a reasonable basis for
25 making those distinctions of course. But I think

1 it's worth a discussion anyways to see if we can do
2 that.

3 And Mark referenced earlier, you know,
4 categorical exclusions. And I think if we, you
5 know, have some distinctions between the anticipated
6 uses of the off-reservation acquisition, then we can
7 also bring into play things like categorical
8 exclusions, et cetera, NEPA. It can also help us
9 speed up the process that way as well.

10 So that's all part of what's been rolling
11 around in our heads. Again, with the fundamental
12 question being, Can we actually improve the process.
13 And the whole intent of this is to improve the
14 process.

15 So -- and let me jump to, because I think it's
16 related, I know there's -- a lot of people at every
17 one of the consultations we've held, people have
18 raised concern about the question of whether there
19 should be, we should have a provision to allow MOUs
20 with local governments. And so -- and the thought
21 process of that -- it already happens, right? A lot
22 of tribes are doing that. And so in our minds it
23 was never intended to be a requirement. It would be
24 sort of a plus up to get faster action on the
25 process, right?

1 So we have to, by the regulations -- again,
2 this was all part of trying to protect the
3 statute -- you know, we have to hear from local
4 governments and hear what the impacts will be on
5 them, if there are any, et cetera, right? Well, if
6 you already have an MOU with this local government
7 that says we've considered the impacts and we've
8 already agreed on how they're going to be handled or
9 that there are no impacts, then we can kind of move
10 through that part of the process faster as well. So
11 that was the only idea with that.

12 And if you can't -- some tribes have good
13 relationships with local governments and some don't.
14 Historically sometimes it's difficult. So if you
15 don't want to ask for an MOU or go down that road,
16 you don't have to. If you go down it and it doesn't
17 work out, we still would do our normal process of
18 considering, you know, what --

19 UNIDENTIFIED SPEAKER: I think the MOU would be
20 beneficial for off-reservation acquisitions. But
21 you should also have the alternative in case you
22 can't get an MOU (unintelligible).

23 I think on the reservation, you know, 151.10 I
24 think it is, the criteria I think really needs to be
25 modified to be (unintelligible). It makes it too

1 hard for on-reservation acquisitions to occur. I
2 think some of those criteria could be eliminated.
3 Like I said, I think that when the tribe, when the
4 government itself, the tribal government buys fee
5 land and acquires it, they should have a right to
6 put that back into trust automatically
7 (unintelligible). And I think it's 151.10, you
8 know, the criteria, it's just too much, what do they
9 call it, red tape, too much bureaucracy there, and
10 it should be simplified.

11 And also somebody mentioned an appraisal
12 process. I think OST. I think that appraisal
13 process, I don't know if it's been refined yet, but
14 that should really be simplified also. The tribes
15 maybe should be allowed to do their own appraisals
16 or governments should find a way to expedite
17 appraisals. It just slows everything down. There's
18 a backlog of trying to put land into trust. I think
19 that's really an issue. I don't know if OST will
20 still be here in the future.

21 And then we have a separate agency doing
22 appraisals on minerals. Why? Why two different
23 agencies doing appraisals? Why can't they be under
24 one agency and simplify it?

25 MR. JOHN TAHSUDA III: We've proposed that, but

1 we're getting some opposition from Congress on doing
2 that.

3 President?

4 PRESIDENT TROY (SCOTT) WESTON: So you talked
5 about MOAs, MOUs and peas and carrots and apples and
6 oranges. You know, the ILCA process already
7 purchased land for us. Where is that process? I
8 was just told by our councilman and land committee
9 chairman that.

10 According to Secretary Zinke and Cason, the
11 ball is in your court to finish that process to turn
12 it back into trust and to get the money back that
13 was supposed to be coming back to us. Where is that
14 process and when is that going to be done? Because
15 we've been sitting here waiting.

16 For how long, Dave?

17 UNIDENTIFIED SPEAKER: Two years.

18 PRESIDENT TROY (SCOTT) WESTON: Two years. And
19 it's been a ten-year process. So where is that?
20 Can you tell us that so we can start planning?
21 Because we have been planning, the money that's
22 coming back that's generated off the interest, the
23 tribes buy more land back. But we haven't heard
24 anything. So can you let my tribal nation, our
25 council know what's going on?

1 MR. JOHN TAHSUDA III: Yes. You're
2 specifically talking about the waiver of the
3 (unintelligible) liens?

4 PRESIDENT TROY (SCOTT) WESTON: Yes.

5 MR. JOHN TAHSUDA III: So I'll be hopeful
6 that -- so next week is the National Congress of
7 American Indians. I know that some people think
8 that's a dirty word. But anyway, we're going to be
9 there and we're planning to be able to make an
10 announcement there that we've got the process done,
11 the secretarial order will be implemented and we can
12 start the process and the liens will be waived and
13 then we can start the process of giving the tribes
14 those funds to use for acquisitions, fractionated
15 acquisitions.

16 PRESIDENT TROY (SCOTT) WESTON: Do you have a
17 timeline for that when you make that announcement?

18 MR. JOHN TAHSUDA III: I'm sorry, what do you
19 mean? A timeline --

20 PRESIDENT TROY (SCOTT) WESTON: When we're
21 going to get the actual --

22 MR. JOHN TAHSUDA III: The money in your hands?
23 The money in your account?

24 PRESIDENT TROY (SCOTT) WESTON: The money in
25 the bank, not so much my hand but in the bank so

1 that we can start making them purchases. Because we
2 have willing sellers that are sitting there waiting
3 because of the processes.

4 And even like Mario just related, too, was the
5 appraisal processes. They were trying to use them
6 through that buy-back process because there was a
7 pile of -- all of the lands were appraised, all of
8 those willing sellers. Well, those are no longer
9 any good. Prior to that an appraisal lasted six
10 years. Since this buy-back process stopped, and
11 we're trying to get back into it, because we spent
12 \$115 million purchasing back land in that buy-back
13 process, those appraisals are now -- they're done.
14 They're too old, they say, because of the land has
15 gone up in value. But I've looked at some of them
16 and that land has gone down.

17 And there are people that have been sitting on
18 this process when we created this, when we agreed
19 around the hallway, down the hall here in this
20 buy-back process that everything was going to work
21 like clockwork, and that's the only reason why we
22 went with it. To this day we have heard nothing; we
23 have seen nothing; we have done nothing, all because
24 of the government.

25 We want something done. And that's why I ask

1 for time lines. So if you would, let us know
2 immediately.

3 MR. JOHN TAHSUDA III: So I don't want to
4 overpromise. So we'll make the announcement.

5 PRESIDENT TROY (SCOTT) WESTON: Just give me a
6 date.

7 MR. JOHN TAHSUDA III: We'll make the
8 announcement next week. So I believe the process is
9 the waivers will be sent out. The notification --
10 you'll get a notification of the waiver of the
11 liens. I don't know, I mean, what the timeline will
12 be on that for you to get that in your hand.

13 The funds, I also don't know -- this gets into
14 a bureaucracy I know nothing about, which is the
15 handling of funds between OST and then into your BIA
16 accounts, et cetera. But part of the -- part of the
17 delay for us in the last couple months was trying to
18 clarify how that would work. And so I'm told that
19 we have that worked out. And so I just don't have a
20 timeline for you of when the money would be
21 available for you.

22 I know that -- so we have coming up pretty
23 quickly a second round of reservations that, where
24 the buy-back program is coming back to here in the
25 Great Plains. And we certainly, you know, we will

1 have those funds available for you before that
2 program comes back to the reservation. So you can
3 use the mass valuations that we do, et cetera, if
4 you want and to use those funds to purchase through
5 that.

6 So that's been one of the goals all along is to
7 get it done, to get this, the Secretarial order done
8 and to get the funds available for you to use in
9 companionship with the regular buy-back program
10 going on.

11 I don't have a hard date for you unfortunately.
12 Again, I don't want to overpromise, but that's
13 the -- that's what we're shooting for.

14 PRESIDENT TROY (SCOTT) WESTON: So to clarify,
15 on top of the money -- because we are in that
16 buy-back process. We are one of the tribes that are
17 back in it. So that money that is originally that
18 we've (unintelligible) is going to be allocated to
19 us to be able to start our program.

20 What did John Long say? 250,000?

21 UNIDENTIFIED SPEAKER: Yeah.

22 PRESIDENT TROY (SCOTT) WESTON: 250,000 to
23 start our process. And then there's going to be an
24 allocation of money to purchase the land.

25 MR. JOHN TAHSUDA III: Right.

1 PRESIDENT TROY (SCOTT) WESTON: Or are you
2 going to give us our ILCA mony back to purchase the
3 land? Are we going to have two pots?

4 MR. JOHN TAHSUDA III: Well, we'll have a pot
5 for the buy-back program to buy the smaller
6 fractionated interest. You will have your pot of
7 money to buy the interest that you want to buy.

8 So we have restrictions on what we use the big
9 buy-back program pot for, right? Trying to mainly
10 get smaller interests and clear them out of the way,
11 right?

12 You don't have those restrictions for your
13 fund. You can use your funds to buy one big
14 interest if you wanted to, right?

15 So -- but the goal is so when we come through
16 with the program again, the mass valuations will pop
17 out, we'll have all that set and you'll be able to
18 see those and be able to use those for the purchases
19 that you want to do with your pot of money. Does
20 that make sense?

21 PRESIDENT TROY (SCOTT) WESTON: Yep. Okay,
22 thank you.

23 MR. JOHN TAHSUDA III: That's the goal.

24 UNIDENTIFIED SPEAKER: Just one question to
25 clarify then. When the chair people are notified of

1 this, of the release of, on the liens and stuff,
2 will the stipulations come with them what we can and
3 cannot use those dollars for? Because the reason
4 I'm asking is there's been rumor, because there's
5 all kinds of rumors that come out of D.C. --

6 MR. JOHN TAHSUDA III: Really? I've never
7 heard anything untrue ever come out of D.C.

8 (Laughter)

9 UNIDENTIFIED SPEAKER: The reason I'm asking is
10 because we were told that we can't buy from single
11 owners; we can't buy fee lands that are on the
12 reservation; it had to run similar to the buy-back
13 program. That's why I'm asking, are them
14 stipulations going to come out when the chairman or
15 those participating tribes in the ILCA when they're
16 notified, are them stipulations going to come later
17 or at the same time?

18 MR. JOHN TAHSUDA III: So the only stipulation
19 is the stipulation required by ILCA itself that they
20 be, you know, restricted or trust fractionated
21 interests. You can't use them for fee land or fee
22 interests, right.

23 UNIDENTIFIED SPEAKER: See, that's the problem.
24 See, the government is telling us what to do again
25 with our tribal money.

1 MR. JOHN TAHSUDA III: Well --

2 UNIDENTIFIED SPEAKER: We should be able to
3 spend tribal money on fee land or buying a piece of
4 the moon or whatever we want.

5 MR. JOHN TAHSUDA III: I would agree with you,
6 absolutely, except these funds were part of this
7 specific statutory structure, and so I don't have
8 the ability to waive statutory requirement.

9 UNIDENTIFIED SPEAKER: I'm going to tell you
10 something. I'm sitting here thinking we have, on
11 Pine Ridge we have non-Indians owning in trust
12 property that's allotted trust where there's several
13 owners, so they have no particular piece. Follow
14 me?

15 MR. JOHN TAHSUDA III: Yep.

16 UNIDENTIFIED SPEAKER: But we cannot buy that
17 fee land because there's really kind of
18 no (unintelligible). We want to be a sole owner but
19 we can't buy that fee person out. The only thing,
20 we'd have to take it out of the general fund. But
21 this pot, this pot of money would help the tribe
22 purchase these. So, you know --

23 MR. JOHN TAHSUDA III: I agree.

24 UNIDENTIFIED SPEAKER: -- it's really catching
25 us.

1 MR. JOHN TAHSUDA III: Yeah, I understand.
2 You said buying a solitary interest, or if
3 there's a tract that only has one interest, one
4 owner.

5 UNIDENTIFIED SPEAKER: Yeah.

6 MR. JOHN TAHSUDA III: That's a good question.
7 I actually don't know off the top of my head. And
8 here's why: Because I don't know -- I don't know
9 that we put those into the list of properties that
10 we do valuations, et cetera, for. Because there's
11 only one owner, so it's not fractionated.

12 Because I think when our guys go out and do the
13 mass valuation, we get the property map and how many
14 owners, et cetera, and they do those fractionated
15 parcels. I don't know that we do ones that are not
16 fractionated, so I think they may not get a
17 valuation. So I'm not sure how to answer that,
18 unfortunately. I'll try to get an answer though and
19 get back to you.

20 MR. MARK VAN NORMAN: I just want to respond a
21 little bit to the discussion of the Lower Brule case
22 and just say that we think it is important to
23 understand our lands in the context of history and
24 what's gone before. And from our point of view, our
25 original lands are, for the Dakota, over in

1 Minnesota and Iowa and coming this way to eastern
2 South Dakota, and the Yanktons were over that way.
3 And our folks were from, our Lakota tribes were on
4 both sides of the Missouri River.

5 And when you think of these territorial acts
6 and the Indian country statutory provisions that
7 were in place, non-Indians were not allowed to come
8 out and settle. Non-Indians were not allowed to
9 acquire title historically until you came up to
10 these various territorial acts. And the treaties
11 reserved a lot of lands as permanent home. And also
12 other lands were reserved by the Secretary along the
13 east bank as kind of a buffer zone to keep the
14 non-Indian settlers away from our treaty lands and
15 to reduce conflict, et cetera.

16 Those lands over there that the Lower Brule
17 Sioux Tribe was looking forward to, they had a
18 strong connection to those lands. It was a
19 historical burial place of one of their leading
20 chiefs, and it was also a place where there was an
21 original BIA agency, Indian agency, you know, prior
22 to the agency coming across the river. So the case
23 was completely wrong as a matter of fact and also as
24 a matter of law because the court didn't bother to
25 understand the historical connection that the tribe

1 had to that land. So there was some crazy
2 statements in there about acquiring that land in
3 trust would be similar to acquiring the Empire State
4 Building in trust for a chief on his, as a wedding
5 present.

6 Well, I don't think the supreme court was
7 countenancing that decision, and so what they did is
8 they vacated that decision and they granted, vacated
9 and remanded. So we can't really look to that
10 decision for guidance about what the meaning of the
11 act is or what Section 5 is.

12 But one of the flaws in the decision was they
13 read Section 5 in isolation from the rest of the
14 statute and from the statutory purposes. And the
15 statutory purposes are very broad, which is to
16 restore Indian homelands and to revitalize economic
17 development and for education. And it refers back
18 to our agriculture and Sioux benefits, tribal
19 self-government. And many of us have constitutions
20 that are related to the Indian Reorganization Act.

21 It also provides for corporations. The Great
22 Plains Tribal Chairman's Association is now set up
23 as a Section 17 corporation to achieve the
24 intertribal business of the Indian nations in the
25 region.

1 So we feel like when you read the act together,
2 that Section 5 is not really subject to
3 constitutional challenge and that that 8th Circuit
4 decision was a bad decision.

5 The supreme court has since cited Section 5
6 with approval. And, you know, we feel like we're
7 not in constitutional jeopardy with Section 5 at
8 this point.

9 And what we're really talking about is looking
10 at things in history when we have our treaties, and
11 our treaties are still the law of the land. As
12 we're trying to implement those treaty
13 responsibilities of the United States, then we'd
14 like to have those read in context with these
15 remedial statutes like the IRA which is intended to
16 recognize that the Allotment Act did too much damage
17 to Indian tribes by taking too much land and that
18 surplus federal lands ought to be restored and that
19 land ought to be taken in trust so that people can
20 have a viable homeland.

21 Now, obviously the objectives of the act
22 haven't really been realized fully over this past,
23 you know, I don't know how many years. It's a lot
24 of years. 80 years maybe, 80 plus years. So it's a
25 lot of years. But if we have the poorest counties

1 in the country, and we have Oglala Lakota County and
2 Ziebach County and Todd County are among the five
3 poorest counties in the country on an ongoing basis,
4 obviously we need more economic development.

5 Obviously we need more action under the Indian
6 Reorganization Act to recover our lands.

7 And the problem for us is getting into the
8 bureaucracy. And we know there are good people
9 working over at Interior trying to do something
10 worthwhile with your time over there, but we also
11 run into a lot of this bureaucratic stuff. Like,
12 you know, just recently we've been hearing from the
13 Solicitor's Office at Interior that maybe there's
14 some problem with the BIA leasing tribal facilities.
15 And, you know, we've been over to the BIA and the
16 BIA has been telling us, "Why don't you take out a
17 loan? Why don't you build your own facility and why
18 don't you lease it back to us and we can pay you
19 rent and that will help you pay for your mortgage on
20 that facility?" And then we do, and there's some
21 new administration, they hire someone new at general
22 law at Interior and they say, "Oh, we can't lease
23 those buildings." And it's like, "Really? Is that
24 just crazy if you've been doing it for so many years
25 that all of a sudden you're going to have a new

1 legal opinion on that?"

2 So that's where we have a lot of concern that
3 when you're going to try and take action to improve
4 something, that sometimes it doesn't work out that
5 way. And there's a lot of concern that we already
6 have a very difficult process and we don't want to
7 make it more difficult. We don't want to give the
8 implications to the county that there's a
9 government-to-government relationship between our
10 Indian nations and the county because our
11 government-to-government relationship is with the
12 United States and it goes back to those treaties.
13 And so those are the difficulties that we face.

14 So I think if you could keep that in mind that
15 that Lower Brule case has been vacated and that the
16 regulations have been updated since then, you know,
17 I think that we feel like we're in good standing
18 with the constitutionality of the Indian
19 Reorganization Act.

20 So I just wanted to add that to the record.

21 Thank you.

22 MR. JOHN TAHSUDA III: Thank you, Mark.

23 Anybody else?

24 MR. ROGER WHITE OWL: Good afternoon. (Native
25 language).

1 My name is Roger White Owl. I am the
2 Intergovernmental Affairs Officer for the MHA
3 Nation, Three Affiliated Tribes, here on behalf of
4 Chairman Mark Fox.

5 On November 30th we did send a letter to your
6 office on action for the Figure Four Ranch
7 fee-to-trust application that we put in.

8 The Mandan Hidatsa and Arikara Nation (MHA
9 Nation) respectfully requests that you direct the
10 Bureau of Indian Affairs (BIA) Director to refer
11 approval of our Figure Four Ranch Fee-to-Trust
12 Application back to the BIA Great Plains Regional
13 Director. The 9,303-acre property is adjacent and
14 contiguous to our Fort Berthold Indian Reservation,
15 was included in the lands set aside for us in an
16 1870 Executive Order and within our original
17 reserved area in our 1851 Treaty of Fort Laramie.
18 We purchased the fee property in 1999 and have been
19 working since 2011 to have it taken into trust.

20 Action on the application has been pending for
21 more than a year following BIA's issuance, which in
22 this time frame would be two years now, issuance of
23 an Environmental Assessment or the EA and Finding of
24 No Significant Impact (FONSI) in the fall of 2016.
25 Comments received from the surrounding counties and

1 the state were considered in this process. Please
2 find attached to this letter the FONSI and a map
3 showing the property in relation to our reservation,
4 in which we will submit that.

5 We understand that the BIA regional and agency
6 offices are prepared and ready to address our
7 pending application. However, because of potential
8 environmental liability from existing oil and gas
9 development, the application was referred to the BIA
10 director on May 27, 2017. We ask that the director
11 refer the application and review process back to the
12 regional office.

13 Our BIA regional and agency offices are capable
14 and experienced with fee-to-trust applications
15 involving potential environmental liability and oil
16 and gas development. In 2012, the director
17 delegated authority to our regional and agency
18 offices to approve a fee-to-trust application for
19 lands that we are using to develop oil and gas
20 refinery. The refinery property carried an even
21 higher environmental liability than Figure Four
22 Ranch. In addition, these offices have been on the
23 front lines of the oil and gas boom on our
24 reservation for more than a decade. They understand
25 these issues and the EA was developed with their

1 insight into these critical matters.

2 We also note that the BIA's visual inspection
3 of oil and gas facilities on the Figure Four Ranch
4 did not identify any spills, leaks, stressed
5 vegetation or any condition that would be considered
6 an eminent threat of a release. All the companies
7 with facilities located within the property are
8 insured and bonded to address any release and
9 remediation of incidents that occur as a result of
10 their operations. The potential for the Federal
11 Government to expend funds associated with a release
12 is unlikely under these conditions.

13 As you know, the MHA Nation and our Fort
14 Berthold Indian Reservation sits in the middle of
15 the Bakken Formation, one of the most active oil and
16 gas plays in the United States. Taking these lands
17 into trust will provide certainty for ongoing uses
18 and surrounding development. The lands will also be
19 a significant addition to our land base. Taking
20 these lands into trust will allow the MHA Nation to
21 expand its base for economic development, preserve
22 the culture of the MHA Nation, provide for our
23 members, and maintain the homeland we reserved in
24 treaty with the United States.

25 We respectfully request for your assistance in

1 seeing that immediate action is taken on this
2 fee-to-trust application.

3 Sincerely, Mark Fox, Chairman, Three Affiliated
4 Tribes.

5 On behalf of the chairman, as you can see, what
6 I just read verbatim, we put this application in so
7 many years ago. We are still -- we have followed
8 all the regulations. Everything has been followed.
9 The counties and -- the state and the county have
10 been a part of the process and have agreed. And we
11 are still waiting, since 2011, to get this done.

12 And the chairman wanted to stress that this
13 process, it does need improvement but there are
14 areas that we don't agree with. And we will submit
15 this as part of it.

16 And as you'll see on the land, we have the
17 legal description of all the land in the area and
18 how it affects it and with the EA. So we will
19 submit that into there. But Chairman Fox wanted to
20 convey that.

21 Although we do stand in solidarity with our
22 fellow Great Plains tribes on the issues and the
23 stances that they have brought up also and that we
24 feel that this process at this point in time the MHA
25 Nation stands opposed.

1 With that, again, my name is Roger White Owl,
2 Intergovernmental Affairs liaison for the MHA
3 Nation, Office of Chairman Fox.

4 MR. JOHN TAHSUDA III: I think I have a way out
5 of this bog for us. It's really been about the
6 environmental concerns and potential liability, the
7 potential liability. So anyway, sometimes it helps
8 to actually be a lawyer and you can talk to the
9 Solicitor's Office. So I think I have a way out for
10 us on that and we can start getting the ball
11 rolling. Thank you.

12 We are only 30 minutes short of our allotted
13 time anyway, so unless there's another comment for
14 the good of the order, I will close out this
15 consultation.

16 Thank you all for coming here, and I hope you
17 all have a safe journey home, and we look forward to
18 seeing you at the next consultation.

19 * * * * *

20 (The proceedings concluded at 12:30 p.m.,
21 May 31, 2018.)

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1 STATE OF SOUTH DAKOTA)
2 COUNTY OF PENNINGTON) ss.

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I, CINDY K. PFINGSTON, hereby certify that the foregoing pages numbered from 1 to 95, inclusive, constitute a full, true and accurate record of the proceedings had in the above matter, all done to the best of my skill and ability.

DATED this 10th day of July, 2018.

/S/ CINDY K. PFINGSTON

CINDY K. PFINGSTON
Registered Professional Reporter

My commission expires:
February 4, 2022

CHAIRMAN BOYD	77/3 77/17 78/3	10:33 [1] 40/10
GOURNEAU: [2] 4/22	78/15 78/19 78/23	10th [1] 96/10
5/3	80/4 81/13 81/21	11 [3] 35/20 36/8
CHAIRMAN CEDRIC	81/25 82/20	55/10
CROMWELL: [1] 6/17	THE COURT REPORTER:	11 million acres [1]
CHAIRMAN HAROLD	[1] 40/24	26/3
FRAZIER: [1] 49/25	UNIDENTIFIED	11:02 [1] 40/10
MR. DAVID POURIER:	SPEAKER: [13]	12 [3] 6/1 59/6
[1] 30/2	49/18 67/20 75/18	61/3
MR. JOHN TAHSUDA	77/16 81/20 82/23	1251 [1] 66/5
III: [41] 2/1 4/25	83/8 83/22 84/1	12:30 [1] 95/20
6/15 10/17 11/19	84/8 84/15 84/23	14 million acres [1]
13/8 13/12 19/12	85/4	54/12
30/1 32/18 32/20	VICE-CHAIRMAN	15 [1] 5/23
40/3 40/10 49/7	DOUGLAS YANKTON:	150 [2] 5/25 72/20
49/20 54/1 66/12	[1] 11/22	151 [10] 54/6 63/4
66/20 66/23 67/21		64/11 65/3 65/7
72/21 76/24 77/25	\$	65/13 67/6 67/18
78/4 78/17 78/21	\$115 [1] 79/12	67/22 70/20
80/2 80/6 81/24	\$115 million [1]	151.10 [2] 75/23
82/3 82/22 83/5	79/12	76/7
83/17 83/25 84/4	\$145 [1] 46/9	16 [5] 19/22 54/17
84/14 84/22 84/25	\$20 [1] 55/17	55/9 55/9 59/7
85/5 90/21 95/3	\$20 million [1]	160 acres [1] 46/5
MR. LAWRENCE	55/17	17 [1] 87/23
WALKER, JR.: [1]	\$40 [1] 58/1	18 [2] 62/6 62/7
34/8	\$40 million [1]	1805 [1] 22/11
MR. MARIO GONZALES:	58/1	1851 [10] 22/23
[3] 54/2 66/14	\$6 [1] 60/9	24/19 24/20 41/6
72/9	\$6 million [1] 60/9	41/9 54/8 54/11
MR. MARK VAN	'	55/1 55/16 91/17
NORMAN: [2] 21/17	'60s [1] 68/3	1854 [1] 24/8
85/19	'70s [3] 67/19	1860 [1] 24/25
MR. ROGER WHITE	67/23 68/4	1868 [9] 25/25 41/9
OWL: [1] 90/23	'90s [1] 6/2	54/15 54/16 55/1
MS. GAY KINGMAN:	/	55/4 56/1 59/7
[1] 19/13	/S [1] 96/11	64/15
MS. JEANNIE	1	1870 [1] 91/16
HOVLAND: [1] 11/10	1,200 [1] 30/22	1877 [1] 59/24
MS. SASHEEN THIN	1,200 acres [1]	1889 [3] 25/7 26/2
ELK: [2] 13/11	31/7	61/8
13/13	1,500 [1] 46/8	1904 [1] 61/8
PRESIDENT TROY	10 [2] 42/16 47/18	1906 [1] 62/15
(SCOTT) WESTON:	10 million acres [1]	1948 [1] 64/3
[13] 40/16 40/25	20/15	1978 [1] 55/22
		1980 [1] 27/21

1	7	27/5 53/7
1999 [1] 91/18	7,767 [1] 35/17	According [1] 77/10
19th [1] 7/8	74 [1] 56/23	account [1] 78/23
2	8	accounts [1] 80/16
20,000 [2] 42/16	80 [2] 88/24 88/24	accumulated [1]
47/18	80 acres [1] 5/16	12/7
200 [1] 62/3	89 [8] 60/25 60/25	accurate [1] 96/7
200 miles [1] 72/20	61/21 61/22 62/3	achieve [2] 2/17
2011 [2] 91/19	62/9 62/23 64/12	87/23
94/11	8th [1] 88/3	acknowledge [1]
2012 [1] 92/16	9	9/14
2015 [1] 7/12	9,303-acre [1]	acquiesce [1] 57/17
2016 [1] 91/24	91/13	acquire [4] 17/15
2017 [1] 92/10	90 million acres [1]	25/16 73/14 86/9
2018 [3] 1/25 95/21	16/18	acquires [1] 76/5
96/10	95 [1] 96/6	acquiring [2] 87/2
2022 [1] 96/17	A	87/3
20th [1] 68/9	a.m [2] 40/10 40/10	acquisition [5]
2111 [1] 1/24	abide [1] 67/9	3/10 15/9 15/15
25-UFC-2719 [1]	ability [3] 72/1	73/12 74/6
29/14	84/8 96/9	acquisitions [12]
250,000 [2] 81/20	able [13] 38/17	2/20 3/12 3/18
81/22	38/20 38/20 39/3	15/14 18/8 29/4
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