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ITMA LISTENING CONFERENCE

JUNE 9 – 10, 2005

**HOSTED BY THE NAVAJO NATION
HUERFANO CHAPTER HOUSE
HUERFANO, NEW MEXICO**

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June 9 – 10, 2005

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Welcome, Spoke in Navajo

Invocation

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LISTENING CONFERENCE SUMMARY REPORT

Sharon Clahschillschilliage

Welcomed everyone to Navajo Nation and the Huerfano Chapter House. She explained that Huerfano is Spanish name for Orphan. The Huerfano Chapter population is the largest concentration of Navajo people located on the Navajo reservation. This location was chosen for the Listening Conference because it has more landowners than other places in the Navajo Nation. The women outnumber the men, and there are over 200 democrats and over 100 republicans here. Ms. Clahschillschilliage stated that in mid-winter President Shirley approached her and asked her to conduct a meeting for Navajo Allottees. Sharon then met with the National Congress of American Indians (NCAI), about initiative, then met Mary Zuni, from ITMA. Mary took over from there and made the job easier because Mary was already working on Listening Conferences across the Nation. Sharon stated that all concerns and issues stated at this Listening Conference will also be heard by President Shirley and forwarded to Senator McCain for consideration in his upcoming legislation on Trust Reform.

Selena Manychildren

Introduced as the English/Navajo Interpreter, her part of program is to interpret and assist any way she can. Ms. Manychildren then spoke in Navajo to the attendees.

Wilson Ray

Spoke in Navajo to attendees.

Mary Zuni

Welcomed everyone and thanked the community for attending the Conference. She introduced ITMA staff and informed everyone that this was the 9th Listening Conference that ITMA has conducted in Indian Country. The formats have all been the same, and information gathered from these sessions will be published in a summary report by ITMA. This report will be mailed to all participants that have signed in and left a mailing or email address. Listening Conference information is shared with the federal government to let them know of the issues that individual account holders have. These Listening Conferences would not be possible without the Office of the Special Trustee. OST has shown a commitment to work with tribes and to attend the Listening Conferences with local, regional and national representation. ITMA has made several requests to the Bureau of Indian Affairs at the national level, but they have not participated in the Listening Conferences, however, the regional BIA offices have participated.

Ms. Zuni explained that ITMA and NCAI are involved in a Trust Reform initiative to assist with gathering information in Indian Country for the drafting of Trust Reform Bill that is to be introduced by Senator McCain. She stated that this initiative did not write legislation, but rather drafted "principals" to give to Congressional staffers. ITMA does not know what the Bill will contain so it is possible that ITMA may not be in support of the bill, we do not know yet. We have to see the Bill, distribute it to Indian tribes and individuals, then analyze it and get responses from Indian Country.

Selena Manychildren

Interpreted in Navajo what had been said so far.

Helen Sanders

Mary Zuni introduced Helen as an ITMA Board Member, an Individual Money Account holder and a member of the Special Trustee Advisory Board.

Ms. Sanders stated that she was originally allotted 88 acres on the Quinault Reservation. Sanders has timber on her land and has had to deal with BIA a lot and these dealings have been disappointing. Her organization/reservation is 100% allotted. Ms. Sander's reservation was selling land/allotments and she did not like what she saw so she purchased some land and farmed/logged them. Ms. Sanders then read a letter from BIA that she received about a proposed lease on her land, a letter that has her very upset. The writer of the letter, talked to everyone in the Bureau about this lease, but did not talk to Helen. She stated that her experience is that realty officers at BIA are too understaffed and overworked to get the work done.

OST

Donna Erwin

Ms. Erwin stated that OST was created under an act of Congress. OST takes care of the financials, (funds & money that BIA used to take care of). OST sends out the checks & monthly statements to IIM account holders. OST wants to say that they have made a difference. IIM account holders get quarterly statements, if not then they need to contact OST and let them know. Donna thanked ITMA for doing a good job with the Listening Conferences, and stated that ITMA is an independent group that does these Listening Conferences and not part of OST or BIA.

Ms. Erwin talked about statements that IIM account holders should be getting, and gave an overview of a sample statement. People were told to review their statement to see if they have received all checks owed to them. OST can go back like a bank to see if it (a check) was disbursed and/or if it was cashed, if not, OST will issue another check. OST does not send out checks that are less than \$5 for oil & gas or for less than \$15 for other accounts. On oil & gas accounts, OST receives information and money from the oil and gas companies, they then deposit it and invest it. Twice a month these accounts are paid out to account holders.

In the future, in a few months, the account holders will start to see a listing of the lands they own on their statement. Right now you do not see that on the statements. Also on the statements will be who leases land, what is leased, how much and what should be coming from land/leases.

A question about coal was asked from a landowner, Donna said she will look at that statement during a break individually.

Checks – One of the things OST talks about is checks, if OST issues checks out for oil or gas, they do not issue them out if they are for pennies until they add up to \$15.00.

Ms. Erwin talked about what could happen to checks from the OST flow chart (gave examples of check being lost, etc.), even if check is for pennies, with direct deposit to a bank account, all money & pennies are immediately deposited into the account and this is done in one day.

The whereabouts unknown were talked about. Donna said that OST is trying to find people that OST/BIA has lost contact with. Currently, OST is giving information to tribes, chapter houses, etc. to help locate people on the whereabouts unknown lists.

The lock box was described with examples of the benefits of lock box per a flow chart that was shared. A one day turnaround for deposits is averaged with a lock box versus the old way which takes longer.

The OST Call Center information was distributed and the toll free phone number was given verbally and on a handout. Donna described services available through the Call Center, and explained that this Call Center gives back time to the field workers, previously these workers were handling incoming phone calls and inquiries.

Several of the people in attendance here have requested to have their IIM statements reviewed, and OST made a commitment to look at them during this Listening Conference. Attendees were told to see one of the OST representatives present to make an appointment while they were here to review statements if people had their statements with them.

Fiduciary Trust Model

Chairman John Berrey

Introduced himself, Carole Overberge and Geri Small, who both work with him on the Fiduciary Trust Model. Chairman Berrey thanked the Navajo people for allowing the Listening Conference to take place and for attending.

The Chairman stated that in 2001, there were proposed changes in trust reform. A Trust Reform Task Force was developed then primarily failed, and that the Navajo Nation participated in this Task Force but was also the first tribe to pull out. The Task Force ultimately failed and the TO BE model began. The TO BE, looked at 8 processes, and spent 1 year looking at processes around Indian Country. The reviewers talked to and observed individuals, judges, OST, BIA, appraisers, accounting, flow of money, surveys and titles within the system.

Title – Albuquerque Title Plant has a place that reviews the titles for the Navajo Nation.

Leases – are looked for compliance, conformance and the management of leases.

Beneficiary Services - Individual or tribal government, explains how inquiries were handled

AS IS – Chairman Berrey stated that this is how the government was handling fiduciary trust.

1. There was no clear policy between the central offices and the 12 regional offices, basically they found 12 different ways that DOI was managing Indian Country. Therefore, making a lot of problems.
2. There was no training for BIA workers, no detailed books, outlines, tools, to do jobs properly.
3. There were over 70 different programs managing leases.

TO BE – This is what we wanted the management of Indian Country to be. This model is working on the receipt of funds, thus designing the way at the local agency level. From this the Fiduciary Trust Model (FTM) was formed. This, book of the FTM goes step by step

Karole Overburg

Stated, we want to see improved services to the beneficiaries. BIA is upgrading their computer systems, making them work for themselves and the tribes.

Leases are now getting done in a timely manner

Geri Small

Just started with the Fiduciary Trust Model, and encouraged people to speak at the Listening Conference so that BIA and OST can provide better service in Indian Country.

President Joe Shirley Jr.

Navajo Nation President, appeared after the lunch break and spoke to the attendees in Navajo. In English, the President then welcomed the people, thanked the sponsors and people putting on the Listening Conference. President Shirley thanked BIA, OST, ITMA, NCAI, and the Navajo Nation Washington Office. He then spoke in Navajo again to audience, and at the end stated that he again wanted to express his appreciation for the guests coming to his land to listen to his people, and asked that they please listen to the people as they have a lot of experience.

Chester Benally

Mr. Benally asked, how is all of the Listening Conference information going to be used to help the individuals? He stated, we have OST & BIA here, and they are defendants in the Cobell case. What is going on? We have people here wanting to compromise (OST & BIA). How are they going to improve what has happened in the past? I am still puzzled on all of this and don't know if our people have come out to talk to the allot tees to see what they think. Speak your mind because our leaders need to hear from you (allot tees).

BIA

Eloise Chicharello, Regional Director Navajo Nation

Introduced herself and the other BIA people present. Ms. Chicharello stated that she and her staff are available to answer questions today and any other time. She mentioned the other organizations present and briefly explained what they do. FIMO, is in Farmington and works with BIA strictly on Navajo issues. FIMO handles individual oil and gas interests and has 4 BIA employees stationed in Farmington, basically FIMO is the equivalent of MMS. She explained that BIA handles tribal and coal interests. She is here to work with OST and to help get information to the people.

Ms. Chicharello stated that their duty is to provide services, not to negotiate Cobell. She told attendees that they can call NARF to get information on Cobell. This meeting is not the level to discuss Cobell.

It was stated that BIA is doing what they have been doing for past hundred years, just better now. BIA has trust responsibility to both allot tees and tribes. BIA tries to protect both interests, they don't take sides, they get opinions from their attorneys as to what should be done if there is a

conflict between individuals and the tribe. BIA is working to bring back Superintendents, the first one to be brought back is Mr. Bird Bear.

Omar Bradley

Deputy Regional Director for Trust Services

Mr. Bradley introduced himself and explained that his job duties require him to travel the Navajo Nation extensively. One of the main issues he has observed since he started working here is that there are no Superintendents at local level, but now BIA has gotten approval to bring the Superintendents back. Bradley stated that he brought some brochures on the American Indian Probate Act of 2004 and the Indian Land Consolidation Project.

Duane Bird Bear

Agency Superintendent, BIA in Crownpoint, NM 505-786-6032

Mr. Bird Bear introduced himself and said it was a pleasure to be here. He said that there are many probate problems, and that probate means ownership. BIA is working on reducing the whereabouts unknown and the special deposits. Currently, he is involved in the PNM Midway Mine closure that is to take place by 2008. Mr. Bird Bear stated that he is going to meetings with the State of New Mexico, the Navajo Nation and the mining company. There is ongoing work with rights of ways throughout the Navajo Nation. Mr. Bird Bear also informed the attendees that if they knew of any BIA employee that was not doing their job or know working with an individual, they need to let him know, Bird Bear stated that he wants to make everything easier for the Navajo people.

M. Dan Morgan

Deputy Superintendent

Mr. Morgan began by saying ask us, what are we doing? As of 3/12/05 the Special Deposit Accounts has a distribution of over 5000 Navajo landowners. OST has been sending contractors to help BIA with work.

Mary Zuni

Ms. Zuni spoke again to clarify some people and correct the record, as some people thought that ITMA was a part of the federal government. Ms. Zuni stated that ITMA is not a Government agency, ITMA is a national organization of 63 tribes across the country. Tribes who are members of ITMA have significant trust accounts. ITMA provides forums for tribal governments and individuals to provide information. This is an educational/informational session for all of us. ITMA monitors the trust activity of the federal government. This Listening Conference is not to discuss Cobell. We are here to talk to OST and BIA about your concerns and issues. The Listening Conference is sponsored by ITMA, not OST or BIA, both were invited by ITMA to the Listening Conference. Ms. Zuni stated that the purpose of Listening Conference has many facets. ITMA is often asked to go to Congress to testify on behalf of Indian Tribes and individual account holders. The information gathered at the Listening Conferences help us to provide this testimony.

Calvert Garcia

Mr. Garcia stated that we may lose some of the crowd because we cannot talk about Cobell, these people came to talk about Cobell.

Testimonies

1. John Atencio Sr.

Mr. Atencio said that he would like my people (Navajos) to see the money (Cobell lawsuit) He said “I would like for you people to see the money”. You’re Navajos!

2. Harry Jack

Mr. Jack started by saying that Navajo land is valuable, it contains gas, gold, etc. The money belongs to the Navajo People.

3. Molly McCabe, Manulito Chapter

As an allot tee I have several questions, I wanted to ask to the panel here:

Property – as an eligible heir would I, how would I proceed to keep my heirs as they are?

My dad is the original allot tee. If an escheat falls less than 5%, do the remaining heirs or the tribes have priority to get those shares?

Is it possible to place the IIM accounts into a bank to earn interest?

Selling gravel above ground – would those inherited groups be able to negotiate?

For each right of way project you need to get signatures.

4. Dick Charley, Chaco Canyon Eastern Navajo

I came to hear about the Cobell case.

If we lose the Cobell case what happens?

I would like to see the Navajos people get the money.

OST/BIA RESPONSES

Donna Erwin - OST

Mary Zuni will get Native American Rights Fund (NARF) information to people who want Cobell updates.

Accounts and money do earn interest through IIM accounts with the government.

Probate Code – who will inherit the land?

If you execute a will you can convey it in any amount to who ever you want.

AIPRA will not be effective for one year.

The Probate Reform Act was developed to stop fractionization.

Sand/gravel – we need to find out who can negotiate.

The more heirs, the harder it is to make decisions, try to get 51% of the land owners in agreement.

Omar Bradley – BIA

51% ownership of the land is the standard, with at least 51% consent, we can execute right of ways. BIA is trying to locate people who have moved away but have ownership in allotments.

There is not an easy way to solve these issues

Eloise Chicharello – BIA

Make an appointment with BIA agency to find out what is going on with your property. Find out what all your landholdings are. Land use for right of ways is valuable. An example is land phone lines. People should be compensated for right of ways for phone lines, (not cell lines). These are leases to companies to put in a line, we need to see if it is at fair market value. 51% ownership and consent rules.

Jim Stockmorton – FIMO

Stated numbers and figures needed for approval to do things with oil & gas both in the industry and with BIA.

Virginia Moore – OST

Spoke in Navajo

Testimonies

5. Chester Benally

First spoke in Navajo then stated these are the concerns that I have:

Checks, we don't get them on time.

Compensation, why are people getting the money they are getting?

My concerns are the land.

Impacts of water, the vegetation, the air

Loss of animals, loss off grazing,

Bonding on this type of activity, when is that bond going to be utilized?

When is the Trustee for the Navajo people going to step in and help?

We have great value of the land.

The BIA Appraiser takes no value in the land and when it is time to appraise, it is appraised below market value.

The white man comes and says our land is desolate and BIA agrees, when are you (BIA) going to change this?

Look at the empty chairs, lack of trust is what causes us to walk out.

We heard you introduce yourselves and say what you do, but you didn't say what you have changed.

Allow written comments for about a month or two to be entered on the record.

6. Eleanor B. Johnson, Nageezi

Spoke in Navajo first then expressed concern that most of the people left after hearing that this Listening Conference was not going to discuss *Cobell*. Ms. Johnson stated she heard about the Listening Conference through the live radio broadcast that the Navajo Nation was providing today. Ms. Johnson said that modern progress has destroyed the Navajo land. Indians get very little money. If Eloise Chicharello (BIA Regional Director), is tired of us, I say replace her.

7. Jose Lester Rinkton,

Spoke in Navajo. We are told to make our speeches short and quickly (referring to the requested ten minute testimony request by ITMA). We hear about travel and development on land, we need to be together and unified.

8. Thomas V. Platero, Tohatchi

Spoke in Navajo. I'm going to say things that concern me and my people.

When are they (BIA and OST) going to help?

Is this all talk and no action?

Nobody has done anything about it, we haven't seen it.

Where is the money, where is our part of the money?

It is embarrassing to see a check come in for .43, \$2.17.

We are getting just crumbs.

Show us where you all stand and where we stand.

Should we believe what you say or not?

When are we going to hear back about this matter?

When are we going to hear about the *Cobell* case?

Mr. Platero said that we changed the subject for this meeting.

9. Bessie Bilatso

Spoke in Navajo. In my family there are 4 of us left, children of the allot tee.

When is BIA or OST going to fix the land I was talking about?

The oil & gas companies have made a mess of the land, it is nowhere to live or raise a child.

We have our belief of the Great Spirit.

Let's do some action, let's work together, stop passing the note.

What happens to our comments?

10. Bertha Mescall, Pueblo Pintado

Spoke in Navajo. There are many times when our people are at fault, sometimes we are to blame. I tried to get people to stay this afternoon. I don't understand the government.

President Shirley was here, he spoke for just a few minutes then left. This is not a leader.

Ms. Mescall stated that she has not been paid for her oil on the land. There is no respect for them.

11. Leonard Shorty

Spoke in Navajo. Is there a move to legislate a Bill for Indian people living on their land to not pay taxes on interest income?

Donna Irwin – OST

It is hard to listen to people coming in and saying trust us.

We really need you to come and talk to us so that we can get compliance.

We need details of your issues.

We have to prove ourselves to you, I don't expect you to trust me.

Do you own the subsurface royalties? That may be why you are not getting payments.

Fractionization is another issue with payments being low.

Renewals are every 20 years for rights of way.

Cobell sued the government, the government did not sue you. The suit was for an accounting of the trust accounts, not for money.

We want to work with you problem by problem.

You will not be getting a check for less than \$5 or \$15.

The statements will list smaller payments received, but won't be paid out until reach the threshold amount.

We do not tax your oil and gas, but the interest that it earns is taxed.

OST is visiting with the IRS to work out tax issues.

With Social Security – OST is trying to get clarification so that royalties do not prohibit benefits.

Eloise Chicharlelo – BIA

I agree with Donna Erwin on issues with land. Let FIMO know so they can inspect it.

We do need information on the location, name, and your interest on an allotment.

You need to have ownership for us to talk to you. If your mom still owns the allotment, your mom needs to contact us.

I need to know if you are treated badly by anyone at BIA

Jim Stockmorton– FIMO

I would like to go with you to make an onsite visit to see where and what you are talking about with problems.

Right of way cost \$2500 an acre (collecting).

Appraisals – value will be based for adjacent areas on state or private land (allotment has to receive equal or greater value of what is received by non-Indians)

Quality of oil is also determinative of the price.

Value of our marketing center for oil is less than that received for Oklahoma, so it cannot be compared to Oklahoma.

Allotments cannot receive less than 16 & 2/3%

We have both BIA staff and BLM staff at our office, when we go onsite, both will come out.

MMS is also there to make sure you are receiving market rates and to make sure the production rate is accurate. We all do onsite production verification.

We have folks who have less than 1% ownership in royalties an example is : (1% of \$1000.00 = \$10.00), that is how much a person would get if they had a 1% interest in \$1,000.00.

We have folks who own less than 1%.

Omar Bradley – BIA

Some allottees don't get any royalties from oil & gas.

Thanked people for coming and speaking of issues.

Andrew Tso – Navajo Nation

Closed the day with remarks in Navajo.

Day Two

Andrew Tso – Staff Assistant to the President, Navajo Nation President’s Office

Welcome, Spoke in Navajo

Invocation

Selena Manychildren – Interpreter

The purpose of the Listening Conference today is to provide information to you directly from BIA, OST, ITMA

Specifically, to listen to you and your questions with your allotments.

She explained to those present that President Shirley was present yesterday, but had to leave to attend some other pressing business.

Andrew Tso – Navajo Nation President’s Office

Spoke in Navajo

Well we’ll get started with the first speaker here.

Selena Manychildren – Interpreter

Introduced panel (OST & BIA)

Testimonies

12. Thomas V. Platero, Bobcat Den

Spoke in Navajo

I’m speaking on behalf of my people, you all are sitting right there and say you want to help, we have problems with the land, the beauty, problems caused just trying to get the gas & oil. They leave the land, they are not replacing it or re-beautifying it the way it was. We have to haul water from somewhere else when the water gets contaminated.

We need you people to come out here to see how things are.

We have been trying to get you out here for 30 years.

Every time we make a call and ask a question we get “I don’t know”.

We need help, we need it badly.

I know that BIA does not want to tell us everything, they are brainwashed by the government, afraid to lose their jobs, they protect their jobs and themselves.

They don’t come around.

We want to find out what happened to our escrow account, did someone put their hands in it?

Did the government use it to pay their bills? That is what I heard.

Mr. Platero stated that he thinks that another group came here today and took over meeting.

There are many here who are hesitant to speak, they lack education.

Livestock gets sick because the land is not restored, many people have to go elsewhere to haul in water.

13. Casey Curley, Blanco Canyon

Andrew Tso read letter written by Casey Curley into record

Question: When my mother was alive she used to get plenty of checks and money, but when she died the probate took long and the amount was the same, shouldn't there have been more money in the account?

Settlement: Why is it taking so long, are they are using more money on the lawyers and costs?

Donna Erwin – OST

Escrow account – any talk about money is Cobell, that is not what we are here for.

No money has been put in an escrow account.

The Cobell suit is for an accounting only.

When you talk about restoring the land we desperately need you to call us and give us information on what and where the land is so we can go see it.

Accountability – that is one thing we here daily at OST, BIA, MMS. We are in Trust Reform, we must be accountable. I am passionate about knowing where the land is so we can check on it. We should be able to show you what has gone on in an account and show you exactly what was in an account and how much has been paid out.

Jim Stockmorton – FIMO

I would also like to work with you to see the accounts and land to see the problems, I will not make a promise that I cannot keep.

Duane Bird Bear – BIA

Gave brief chronological history of Cobell and the future possibilities (appeals, re-hearings)

The lawsuit is asking the OST to provide an accounting, the plaintiffs did not request damages.

There is not much communication about Cobell even to us at BIA, told people to contact BIA at the Washington DC level.

I have never been fearful of losing my job as federal employee, I have always gotten good reviews.

I came to BIA to try to make a difference.

If there is a pipeline break we need to know about that right away. We need to know specifics.

I appreciate your comments, make your comments a matter of record, usually it's the people who raise the issues who get a response.

M. Dan Morgan – Deputy Superintendent - BIA

I am the one who oversees probate, special deposit accounts, etc.

I always try to see the side of individuals and tribes and help them.

14. Jackson Bunny,

Spoke in Navajo.

15. Wilson Ray – Nageezi

I'd like to say to the panel and the people here, that you called this a Listening Conference, I do not know who should be listening, them, or you.

These people are listening and expecting something in return, I think money.

They are expecting a settlement and money,

Upset because Cobell was not being discussed

16. Bobby Werito,

If oil is discovered on an allotment and the oil site is away from the allotment do they still get paid?

Jim Stockmorton – FIMO

Stated New Mexico law on oil sites and proximity to allotments.

When there appears to be need to develop a large area Can it be shared? Yes, if you have further questions please contact us.

17. Jenny Pete, Huerfano

The Navajo people have many problems and needs.

We are blessed with sheep, cows and horses.

What is in my land is mine.

Allottees were asked to sign documents, she will not sign any more documents.

Was to sign for an oil well, but thinks Navajo Nation/NAPI opposed it so it didn't go through.

18. Betty Lente,

How do you know if it is true if there is oil & gas out there?

How do you know where the reservoir is and how far does it extend?

Andrew Tso – Staff Assistant to the President, Navajo Nation

Spoke in Navajo

19. Bessie Bilatso,

What has happened to allotment & grazing?

Spoke in Navajo

I'd like to come down to the point.

25CFR to change allotments

Give us and we shall have input on how the law should be.

Cobell – what is the figure for? Is it help for the people or is it for the Interior?

I want my allotment to be free from any oil & gas, I don't benefit from it anymore under the lease.

What has happened, why is it like that?

It bothers me, I'm talking for my people and my family.

I want some answers, that is the only way I will understand.

20. Ernest Yazzie Jr. – Navajo Nation Council, Church Rock

Spoke in Navajo

I would like to ask all of you to set up a meeting near Gallup. The Navajo Nation is large and many people could not come to this location due to the distance.

Thanked people & panel for coming to meeting.

Wants to know why, when gas lines are being drawn, why don't the landowners have a say instead of just the chapter houses.

21. Billy Chaquito, Pueblo Pintado

Spoke in Navajo

Pipelines are visible on land.

Confusion on rights of ways, believes that right of ways should be reduced to 8 years instead of 20 years.

Stated that they have needed a Superintendent in Crownpoint for sometime now.

22. Mary Jackson,

Spoke in Navajo

Where is the money? The tribe will not answer her.

This land is a concern, this land has been handled in her family for some time.

Was raised on land, when oil was discovered, some people paid a lot, others paid a lot.

23. Sereta Yazzie, Ramah Realty Office

My question is about the wills. Since BIA will not help with drafting the wills what will happen?

We were told that BIA would forward names of people to OST and OST would give names of attorneys that might help the people write wills.

24. Leonard Begay,

Spoke in Navajo

Refers to Navajo people looking at younger people to learn and understand what is going on.

Propane, Butane and Natural Gas are expensive.

Thanked people for being here.

Need to work out a better solution for right of ways.

Need to fix roads, there is a lot of money passing through the tribe, why don't they fix the roads?

Donna Irwin – OST

BIA is trying to find a way to find attorneys to do wills for people through grants.

Jim Stockmorton – FIMO

Spoke about price of oil. How it is priced, where it comes from where it goes.

We get less money than Texas & Oklahoma.

Quality of oil also depends on price. Some oil is very good quality and some oil is not so good quality.

Explained how payments are generated. (Same as day 1)

Indians get higher royalty rates (1/6 of a barrel that allot tees, verses 1/8 of a barrel for non-Indians)

FIMO, located in Farmington, New Mexico, is the only office in the entire US that has BIA, BLM & MMS al in one place.

Duane Bird Bear – BIA

Cobell is not about damages, it is about tracking the money that came in and went out of trust accounts.

If you have questions about Cobell, contact the Cobell attorneys.

Wills – BIA has a directive to stop providing assistance on Indian wills.

There were concerns that GS-4 level Legal Clerks were giving legal advice in drafting wills for people. These people are not knowledgeable or schooled in the law of will drafting. This was the basis for the policy change within BIA.

We are also to return all wills in our possession and advise the people to provide their own secure place for their wills.

If you want a will you need to go to Legal Services or retain a private attorney.

25. Elmer Brown Sr.,

I am from here, Huerfano Chapter House

The Navajo people do not understand the settlement.

If there is this money, how are we going to deal with the money?

Duane Bird Bear – BIA

If there is a settlement with Cobell, it is up to the Plaintiffs to decide how the money, if any will distributed.

Mary Zuni – ITMA

Mary was asked by Donna Erwin to give overview of National Trust Reform Workgroup, and status of the Cobell case.

Mary Zuni talked about the process of the National Trust Reform Workgroup, and how meetings were held across the nation, ending with a work product of principles. Ms. Zuni added that we are not addressing issues of money in the Workgroup. That is a matter for the Cobell Plaintiffs. ITMA is not getting involved in that area and the government is not in a position to answer questions because they are a party in the lawsuit. ITMA is not the party to respond to Cobell. During the Listening Conference, Mary Zuni called NARF at the Washington DC office and got confirmation that is the office to call for information. ITMA printed NARF's address & number and made it available for whoever wanted a copy of it.

26. Eddie Begay, Huerfano

Spoke in Navajo. I am from this area and have been fortunate to have inherited land from my father.

I have questions on water rights, rights of way, leases, negotiating.

27. Jean Begay,

Spoke in Navajo. She stated that he is from this area and appreciated the meeting here.

Stated her family has farm land

Uranium was released into her land and ruined their farm land. They continued to plant, but crops do not grow on uranium contaminated land.

Wants to express concerns about uranium.

Young people are not concerned about the land and the people.

28. Sereta Yazzie

From Ramah, New Mexico. She does not have oil or gas. She is looking into gravel.

Is there a listing of attorneys available to help with the wills?

Is there an active search or is the government just working on getting rid of the BIA helping them?

If they have to use attorneys, they can not travel due to age, isolation and finances. Lack of money is also a concern.

The families need to be educated on fractionization, consolidation, probates and royalty rates so they can understand why they are getting small checks.

Ramah agency is facing dual enrollment problems. It affects land ownership, inheritance, etc.

How do we identify who is living where?

We need more Listening Conferences, the allottees need to be heard.

29. Howard Begay, Red Valley Arizona

Spoke in Navajo. Mr. Begay's main concern is the letter he got from OST, wants to know where is the money (what little he gets), where is it coming from. Did someone take it?

Selena Manychildren – Interpreter

President Joe Shirley spoke to the people yesterday, told them the conference was to listen to them. It was an information gathering session and some of the information would be taken back to Washington, D.C.

30. Lucille Charley,

Some of these people say I am losing my English. My concern is for the future generation as I listen to the elders here today.

One of the questions I have is how was the BIA & OST was created?

Why are people still drinking contaminated water?

Land titles & ownership, if I leave, will my children inherit my shares? I guess I have to find out from the realty office.

31. Carrie Marie Smith, Utah

Ms. Smith stated that she was told that she can only get paid for an allotment if she has a grazing permit on oil & gas land, but found out otherwise.

32. Bobby Pablo,

Mr. Pablo asked about a question pertaining to lands owned by brother and sisters. Mom had land, now she is deceased, some of siblings are also deceased. He used to get money from the lands but now does not get anything.

Requesting more compensation for the lands.

Donna Irwin – OST

Dual enrollment – there should only be one enrollment, it is important that we work with you to figure this out. If you inherited land from somewhere else, you should still use your original enrollment.

Special Trustee – Created by tribes & individuals to oversee collection of money, OST is trying to collect money faster so you can get it quicker.

Kathy Rugen – OST

OST is working with attorneys to provide will services and should have that list out in the next month.

OST is doing outreach in Native American communities and gave current listing of outreach meetings scheduled.

Duane Bird Bear – BIA

Subsurface of the land – your ownership of the land is what depends on how or if you get paid royalties.

The people need to schedule meeting with Jim at FIMO.

The need for more outreach has been discussed at meetings with Navajo Nation.

BIA wants to coordinate more outreach for Navajo people.

We will try to restore the land for grazing.

Will try to improve/save water supply.

Thanked ITMA for allowing them to make their comments.

Andrew Tso – Navajo Nation

Closing comments in Navajo.