



INTERTRIBAL MONITORING ASSOCIATION on Indian Trust Funds

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SUMMARY REPORT

ITMA LISTENING CONFERENCE

Hosted by

OSAGE TRIBE

Osage Cultural Center

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September 9, 2008

The Osage Tribe hosted the Intertribal Monitoring Associations 17th “Listening Conference” at Pawhuska, Oklahoma on September 9, 2008. Chief Jim Gray, of the Osage Nation opened the session and introduced Ms. Sharee Freeman, Director of the Office of Self-Governance who was representing Mr. George Skibine, the Acting Assistant Secretary – Indian Affairs. Ms. Freeman stated that Mr. Skibine was recused from any matters relating to the Osage Nation due to his membership in the Tribe and that she was the official designee to address Osage matters. Ms. Freeman stated she was present to listen and learn and that she believed Tribes would serve as a ‘steadying force’ in Central Office current and upcoming transition issues in the Central Office.

Following Ms. Freeman’s remarks, Chief Gray introduced Ms. Donna Erwin, Deputy Special Trustee, and Vicki Forrest, Deputy BIA Director - Trust Services who both introduced OST and BIA staff present for the session. Ms. Erwin provided a brief overview on ongoing OST activities including the Beneficiary Call Center services, efforts to discontinue issuing paper checks to beneficiaries and the promotion of direct deposit and debit cards for beneficiary receipt of funds. Ms. Forrest discussed BIA’s on-going efforts to finalize the TAAMS conversion on a nationwide basis.

Mary Zuni-Chalan, Executive Director of ITMA, provided an overview of ITMA including its mission and objectives and explained the process for individual testimony and DOI response. Ms. Zuni-Chalan then discussed ITMA’s new project to dialogue with Indian Country seeking strategies to reduce fractionated ownership of trust lands and introduced Ms. Majel Russell, ITMA Legal Consultant, who later conducted a power point presentation on the history of fractionated lands in Indian Country.

Ms. Erwin, Ms. Forrest and Ms. Jeannette Hanna, Eastern Oklahoma Regional Director, formed a panel to respond to the questions and issues raised by each of the individuals providing testimony on trust issues. Chief Jim Gray began the individual testimony and raised numerous issues critical to the Osage Nation including the following.

- the fee to trust process,
- the necessity of developing solutions to fractionated land ownership to rebuild tribal land bases decimated by the federal allotment policy, and
- the proper management of the tribal trust assets, particularly the Osage Mineral Estate.

Chief Gray also requested the federal representatives clarify whether they recognize the new Osage Constitution or conflicting federal regulations relating to Osage membership. Finally, Chief Gray expressed concern about the Osage Agency's recent decision to discontinue paying property taxes owed by individual Indians out of individual trust funds.

Following Chief Gray, 14 individuals provided testimony regarding trust land and asset management. Cynthia Boone, member of the Osage Minerals Council, provided testimony on behalf of the Minerals Council. She stated the Minerals Council had confidence in the current DOI management of IIM accounts and expressed concerns about the Osage Tribe contracting these services. Jewell Purcell, also a member of the Osage Minerals Council, expressed concerns about the BIA's recent decision not to pay the restricted property tax to Osage County on behalf of individual landowners without notice or consultation with the Tribe of Tribal members.

Ten individual Osage Tribal members provided testimony and discussed a variety of issues including:

- Concerns about individual Tribal members losing 'headrights' if the tribal administration assumes management of IIM accounts;
- Preservation of the Nation to Nation relationship;
- Clarification of which agency actually serves as the fiduciary trustee of the Osage Minerals Trust and who are the proper beneficiaries of the federally created Osage Minerals Trust;
- Concerns about the accuracy of Osage land records due to instances where restricted lands were not included in land inventories;
- Concerns that BIA records did not have accurate addresses despite persons being easily locatable in the local community;
- Concerns that the non-payment of taxes on restricted lands out of individual trust funds could result in a loss of lands for some individuals;
- Concern that BIA provides little assistance to landowners to negotiate beneficial leases for grazing;
- Concerns about BIA's failure to consult with Tribal members prior to making key decisions impacting landowners;
- Concerns that the BIA Superintendent and the Tribal Chief need to develop a better working relationship;
- Concerns that funds paid into DOI by lessees do not go into interest-bearing accounts during the period prior to approval of the lease;

- Concerns that the Osage Agency realty office is inadequately funded and has a shortage in staff;
- Concerns with backlog of appraisal requests;
- Concerns that only property on the individual landowner's land inventory is income generating property;
- Questions about the definition of a 'competent' Osage member and who makes the determination;

The DOI panel provided responses to the above questions as well as agreed to meet with concerned individuals privately to address concerns. In particular, Ms. Erwin clarified the various roles of DOI agencies and representatives in regards to responsibilities for managing the trust, status of funds prior to approval of leases as non-trust money, current process for obtaining appraisals and which agency is responsible. Ms. Jeannette Hanna, BIA Regional Director, informed the audience that a public meeting was scheduled to address the concerns of Tribal members regarding the Osage Agency's decision not to pay restricted property taxes. She further stated that a decision to contract management of the Osage IIM accounts was internal to the Tribe but that the Tribe would have to comply with same standards as DOI in management of the accounts. She further offered to work with individuals on a one to one basis regarding lease issues and also concerns about records accuracy.

In addition to the Osage tribal member testimonies, Paul DeLodge of the Ponca Tribe and Anthony Broncho, councilman from the Shoshone Bannock Tribes of Fort Hall, Idaho, provided brief testimony regarding delays in receiving payments and addressing the fractionated land ownership problems on a national scale. Other Tribes from the area who participated in the session included the Quapaw Tribe, Otoe Missouri Tribe, Pawnee Tribe, Kaw Nation, Muscogee Tribe and the Alabama Quassarte Tribe.

Local Agency, Regional and Central Office representatives of the Bureau of Indian Affairs and Office of Special Trustee also participated in the Conference and presented status reports on ongoing trust reform activities. The Osage Tribe graciously provided lunch to all participants. Tribal participants ended the session expressing appreciation for the opportunity to raise issues with the DOI representatives, and for the work they were conducting on behalf of the Tribe.