

# I.T.M.A.

## Inter Tribal Monitoring Association on Indian Trust Funds

Albuquerque, New Mexico

4th Quarter Newsletter ♦ 2004

### I.T.M.A.-Members

Central Council Tlingit & Haida, Alaska  
Kenaitze Indian Tribe, Alaska  
Metlakatla Indian Community, Alaska  
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Tohono O'odham Tribe, Arizona  
Fort Bidwell Indian Community, Calif.  
Ewilaapaayp Band of Kumeyaay Indians, Calif.  
Hoopa Valley Tribe, California  
Sosoba Band of Luiseño Indians, California  
Yurok Tribe, California  
Southern Ute Tribe, Colorado  
Coeur D'Alene Tribe, Idaho  
Nez Perce Tribe, Idaho  
Passamaquoddy-Pleasant Point Res., Maine  
Penobscot Nation, Maine  
Lac Vieux Desert Tribe, Michigan  
Sault Ste. Marie Tribe of Chippewa, Michigan  
Grand Portage Tribe, Minnesota  
Leech Lake Band of Ojibwe, Minnesota  
Red Lake Band of Chippewa, Minnesota  
Blackfeet Tribe, Montana  
Chippewa Cree Tribe, Montana  
Confederated Salish & Kootenai Tribes, MT.  
Crow Tribe, Montana  
Fort Belknap Tribe, Montana  
Fort Peck Tribe, Montana  
Northern Cheyenne Tribe, Montana  
Winnebago Tribe, Nebraska  
Fallon Paiute-Shoshone Tribe, Nevada  
Walker River Paiute Tribe, Nevada  
Jicarilla Apache Tribe, New Mexico  
Mescalero Apache Tribe, New Mexico  
Pueblo of Cochiti, New Mexico  
Pueblo of Laguna, New Mexico  
Pueblo of Picuris, New Mexico  
Pueblo of Sandia, New Mexico  
Three Affiliated Tribes, North Dakota  
Turtle Mtn. Band-Chippewa, North Dakota  
Absentee Shawnee Tribe, Oklahoma  
Alabama Quassarte Tribe, Oklahoma  
Cherokee Nation, Oklahoma  
Kaw Tribe, Oklahoma  
Iowa Tribe, Oklahoma  
Kiowa Tribe, Oklahoma  
Muscogee Creek Nation, Oklahoma  
Osage Tribe, Oklahoma  
Quapaw Tribe, Oklahoma  
Thlopthlocco Tribal Town, Oklahoma  
Confederated Tribes of Umatilla, Oregon  
Confederated Tribes of Warm Springs, Oregon  
Cheyenne River Sioux Tribe, South Dakota  
Sisseton-Wahpeton Sioux Tribe, South Dakota  
Chehalis Tribe, Washington  
Confederate Tribes of Colville, Washington  
Quinault Indian Nation, Washington  
Forest County Potawatomi Ind. Comm., WI  
Oneida Tribe, Wisconsin  
Eastern Shoshone Tribe, Wyoming  
Northern Arapaho Tribe, Wyoming  
Association Representative - Affiliate Member

## ITMA HOSTS LISTENING CONFERENCES TO HEAR TRUST CONCERNS

### 2004 ANNUAL MEETING TO FOCUS ON LISTENING CONFERENCE ISSUES.

What is an ITMA "Listening Conference?" It's a unique opportunity for tribal leaders and members to voice their trust-related concerns, ask questions of their federal trustees, and get answers.

During the past several months, IMTA has hosted seven regional Listening Conferences throughout Indian Country, from Okmulgee to Oneida, Pendleton to Phoenix, and Fort Berthold to Billings. The conferences bring officials from the Office of Special Trustee (OST) and the Bureau of Indian Affairs (BIA) to reservations, where they learn, first hand, from Indian people about their trust-related problems, such as delayed probates, trespasses on trust land, inaccurate appraisals of trust property, and mismanagement of Individual Indian Money Accounts.

A number of trust policy matters have arisen at these meetings, making it clear that more needs to be done to solve these frequent problems. At its 15th Annual Conference, October 27-29, 2004 in Las Vegas, ITMA will present a workshop, Emerging Tribal Trust Issues, where participants will develop strategies to make real, positive changes in how federal agencies address these concerns.

Tribal presenters have talked about issues ranging from IIM account management, lease



Chief Jim Gray

and trespass issues, appraisals of their trust property, delays and confusion in the probate process, and mismanagement of trust resources. OST Special Trustee for American Indians Ross Swimmer, and his Principal Deputy Donna Erwin, and their staff, have

attended most sessions and listened to concerns. They provided answers when possible, and committed to following up. BIA regional staff have also participated in the sessions. The sessions have given federal representatives a better understanding of the variety of trust-related issues confronting Indian people. The majority of issues presented are BIA related.

The Listening Conference also included updates about the OST operation and the reorganization of the BIA. Quapaw Tribal Chairman John Berrey has provided information on the "To-Be" Re-engineering Process, a project designed to streamline and make consistent the trust-related functions of the BIA. He noted that a major problem is the lack of consistency between



John Berry

various BIA offices on how they handle probate, leasing, appraisals, and other transactions. Berrey stated that when the "To-Be" is fully implemented, procedures will be standardized and improved, and training for staff will be more effective and efficient.

*All presentations at the Listening Conferences were recorded and transcripts are available for the cost of reproduction.♦*

# LISTENING CONFERENCES IDENTIFY MAJOR TRUST POLICY ISSUES

According to Mary Zuni Chalan, ITMA's executive director, a priority list of trust policy issues is being developed for further investigation and discussion at ITMA's Annual Conference. The ITMA Board of Directors will determine the preliminary priority list of policy issues and, upon completion of the Listening Conferences, will finalize the list for submission to the ITMA Tribal membership, who will determine a strategy to forward these policy issues to Washington, DC, and to both the Congressional and the executive branch agencies. Thus far, preliminary critical issues include:



Charles Jackson  
ITMA Board Member

First, Tribal members and leaders have been unanimous in their opinion that the Federal Government's trust responsibility to Tribes cannot artificially be divided between OST and BIA, as new federal policies attempt. The OST staff has

announced that the OST is responsible only for trust funds, while the BIA will manage trust resources. Yet OST has taken responsibility for appraisals of trust lands and resources. Indian people have stated at the conferences that this division will cause more delays and confusion.



Members of the ITMA Board of Directors

Second, presenters have consistently voiced disapproval of a new federal policy which does not define all fee-to-trust applications as "trust-related transactions." Trust applications for fee land, which never has been in trust, for example, off-reservation land or land which was declared "surplus" during the Allotment Era and opened to non-Indian ownership, will fall outside the definition of a "trust-related transaction." If a process is re-defined as not trust, the federal

government will not automatically have a trust-based fiduciary duty to manage that process in the best interest of the beneficiary.

Third, the selection and location of OST trust officers, who are intended to be liaisons for Indian people with trust-related problems, has not been approved or even presented to the Tribal Councils on the reservations where the trust officers will be located. This has caused serious objections on several reservations, and some Tribal Councils have announced that they will not allow the trust officers to be housed on their reservations.

Fourth, the split in BIA operations between so-called "trust" and "non-trust" operations continues to concern Tribal leaders. Again, calling something a "non-trust" program means that the federal government does not have fiduciary responsibility for the proper management of that program.

Fifth, many Indian people voiced concerns about trespass and waste of their tribal trust land and resources; the lack of enforcement against trespassers and below-market-value leases are seen as a common and recurring problem.

Sixth, the probate process has been described as extremely slow and cumbersome by many presenters. Speakers declared that the non-Indian

world would not allow its probates to drag on for years, even decades, yet tribal people must wait for years to settle estates.



ITMA Board Members and Staff

Finally, appraisals, regardless of agency location, are not handled in a timely or consistent manner. Some people have waited for years for an appraisal, or they have been denied the right to see their appraisal reports. and respective regional Tribes. ♦

*Note: All presentations at the Listening Conferences are recorded and ITMA will have a complete transcript of the proceedings available upon request, for cost of reproduction and mailing. A summary report of each conference will be available at no charge to all conference participants and respective regional Tribes.*



Mary Zuni Chalan  
ITMA Executive Director

# MUSCOGEE (CREEK) RESERVATION, OKMULGEE, OKLAHOMA APRIL 2-3, 2004

The InterTribal Monitoring Association's first "Listening Conference" on trust-related issues was held at Okmulgee, OK, on the Muscogee (Creek) Reservation April 2-3. Osage Chief Jim Gray, also Vice-Chairman of the ITMA Board of Directors, moderated the session. Chief Gray announced this Listening Conference was perhaps the first time, since most recent federal "trust reform" efforts began, that Tribal members and Tribal leaders talked directly to OST decision-makers and got on-the-spot and meaningful responses to their questions.

"I've attended many so-called 'consultations' in which the communication went one way-Indian people spoke, but there was very little sense that anybody was really hearing them," Gray said. "This meeting was very different; it was much more of a true dialogue between us and the federal government. It was very gratifying to see this happen."

OST Special Trustee Ross Swimmer and his Principal Deputy Donna Erwin listened, took notes, and responded specifically to every person who asked them questions about their trust-related problems at the two-day meeting. Other OST staff at the meeting were often instructed to get information and take action to address each speaker's concerns. The Bureau of Indian Affairs Regional Director Jeanette Hanna was also present to respond to questions.



Ross Swimmer, Jeanette Hanna, Donna Erwin



Marcella Giles  
ITMA Board Member

Individual Indian landowners talked about their land being taken by non-Indians without their knowledge, about oil and gas wells springing up on their allotments but no lease payments sent to them, about flagrant grazing trespass on their lands, about "Private Property" signs posted on fences keeping them off their land, about mysterious documents they were required to sign, about unresponsive and rude federal bureaucrats who refused to help them with their problems.

"This conference provided our people with immediate access to information about their trust assets," Gray said. "This service in itself was very valuable. We didn't have to go searching for the right person to talk to-those people came to us." ♦

The following statement was submitted by OST to ITMA on June 16, 2004 as a response to ITMA's request for follow-up to issues presented at the ITMA Listening Conference of April 2-3, 2004 at Okmulgee, OK.

*"The Office of the Special Trustee for America Indians (OST) is in contact with tribal and individual Indian beneficiaries who expressed concerns regarding trust matters at the Muscogee ITMA conference held on April 2-3, 2004. Most issues that were raised at the conference involved consolidation of information and research from several entities. OST is coordinating efforts between the Department of the Interior Bureaus and tribally managed trust programs to facilitate a comprehensive response to each issue.*

*OST is committed to increased communication and responsiveness to tribal and individual Indian beneficiary trust concerns and needs. To date, several issues raised at the April 2-3 session are resolved and others are in various stages of research and disposition. Important to note is that each issue was requested to address involved information protected by the Privacy Act. OST will continue to communicate with each beneficiary as each issue is researched and completed."*



Vice-Chairman Mervin Packineau



Todd Hall- Chairman of the Mandan, Hidatsa and Arikara Tribes



BIA Regional Director- Bill Benjamin



Listening Conference Panel One



Listening Conference Panel Four

## THREE AFFILIATED TRIBES RESERVATION, FORT BERTHOLD, NORTH DAKOTA MAY 25-26, 2004

The second Listening Conference, held May 25-26 at Fort Berthold, ND was moderated by Three Affiliated Tribes' Vice Chairman and ITMA Board Secretary Mervin Packineau. Tex Hall, Chairman of the Mandan, Hidatsa and Arikara Tribes and National Conference of American Indians President, welcomed participants to the conference. Hall said that this was the first time ever that Indian people have had the opportunity to gather, on their own reservations, to ask trust-related questions and get answers from federal representatives.

Hall described changes in the budgets of the OST and the BIA, noting that for the second year in a row significant funds have been shifted from agency-level offices to the OST and BIA central office functions. He said that the OST and BIA plan to hire regional top level staff is not what is needed on reservations.

Funding shifts, he said, result in a shortage of local staff and failures to address problems such as probates, title records backlogs, land transactions, leasing and payouts, and land fractionation issues.

Emotional, individuals' testimonies included comments about parents and grandparents dying while waiting changes to improve the operations of the BIA. Tribal Council representatives voiced agreement that the federal government must live up to its trust responsibility. Others voiced concerns about confusing IIM account statements, untimely issuance of lease checks, fractionated heirship, wills, appraisals, trespasses, lease negotiations and compensation, gift deeds not being recorded, land being foreclosed on by banks and noxious weeds on trust land. Consolidation of land interests and the possibility of loans to accomplish this, possibilities of trading fee land for trust, streamlining of the fee-to-trust process, raiding of cultural and sacred sites, and tribal consultation regarding the trust reform process was also addressed. Furthermore, it was stated that there are about 14,000 beneficiaries whose whereabouts are unknown.

Archie Fool Bear, Councilman of the Standing Rock Sioux Tribe, landowner, Chairman of the Standing Land Owners Association and Treasurer for the Upper Missouri Landowners Association, presented probate concerns. He explained his opposition to the BIA reorganization, noting that the Tribe has, on record, denied OST-OTFM's request to remove any records from the Standing Rock Sioux Tribe.

Tribal Councilman, Todd Hall spoke on behalf of elders addressing range unit grazing, price rate increases, the faulty "desktop" appraisal process, and the need to have appraisals include range conditions. He said the BIA is doing nothing to assist Indian landowners with improvements on the land, and individual Indian ranchers must be included in any discussions affecting this area. Hall said the BIA re-organization has created more red tape and confusion regarding the fiduciary roles of the BIA and OST.

Throughout the conference, Ross Swimmer responded to individual's concerns and committed to follow-up. He emphasized the importance of the ITMA Listening Conferences stating, "I don't think we can do without these. I think we need to be out here to hear. We don't need people to have to come to Washington to talk to us. So I appreciate the opportunity to be able to have these kinds of meetings, and I assure you that you are not wasting our time and your not wasting yours either, because we do want to hear about issues that are out here in Indian Country." ♦

# CONFEDERATED TRIBES OF THE UMATILLA RESERVATION, PENDLETON, OREGON JUNE 8-9, 2004

The third ITMA Listening Conference was held June 8-9 on the Confederated Tribes of the Umatilla Indian Reservation. This Listening Conference drew a number of Northwest Tribal leaders and sparked discussion on a variety of important issues. The event was moderated by Charles Jackson, Treasurer for the ITMA Board and a member of the Warm Springs Tribe. More than one hundred fifty people attended the two-day session.



Chairman of the Umatilla Tribes  
Antone Minthorne

Antone Minthorne, Chairman of the host Umatilla Tribes, welcomed the attendees and invited them to a special ceremony marking the 149th anniversary of the Tribe's treaty-signing with the U.S. Government.

Ernie Stensgar, President of the Affiliated Tribes of Northwest Indians and, described a number of NW Tribes' trust concerns, emphasizing the importance of the federal government's trust responsibility to manage natural resources, including fish and



Chairman, Coeur d'Alene Tribe  
Ernie Stensgar

wildlife, as is required by the treaties establishing many of the reservations in the region. "As the 'money manger' for Tribes, OST must recognize the Federal Government's responsibility for the trust resources that generate the money," he said. "The Federal Government has just as

great an obligation to assure that trust resources are not wasted and ruined as it does to make sure that the dollars that eventually get into tribal and individual trust accounts are managed properly."

Don Sampson, Executive Director for the Umatilla Tribes said that federal officials must recognize that their fiduciary trust responsibility is to manage all tribal trust resources, not just the trust funds, which are created by revenue from those assets. He emphasized that the federal government "has to restore the trust resources it has destroyed, this is also part of the trust responsibility." Sampson noted that federal hydropower projects on the Snake and



Chairman Jerry Meninick

Columbia River systems have led to the destruction of many salmon runs, and that this is just as much a violation of federal treaties with Tribes as mismanagement of trust fund assets.

Nearly all Tribal leaders objected to the attempt to split the federal government's trust responsibility between trust funds (OST) and trust assets, or natural resources (BIA). OST Principal Deputy Donna Erwin

acknowledged that these themes ran through the presentations, but was reluctant to say OST would consider any change in its current division of responsibilities with BIA.



Tribal Chairman, Ron Suppah

Colville Councilman Michael Marchand noted that OST staff have said that the agency operates "like a commercial bank," but pointed out that OST is more than a commercial bank to Tribes, who have no choice but to have OST as their money manager. This kind of situation demands greater accountability to Tribes, he said.



OST Principal Deputy Donna Erwin

When asked if the OST would terminate operations, Donna Erwin said that the OST (which is now housed in a new 200,000 square-foot building in Albuquerque) would be in operation for many years, and that a proposed plan for its continued operation will soon be released. ♦

## CROW TRIBE RESERVATION BILLINGS, MONTANA JULY 15-16, 2004



Tribal Administrator  
Scott Russell

ITMA's fourth Listening Conference was held on July 15-16 in Billings, Montana and was moderated by Scott Russell, Tribal Councilman for the Crow Nation, and a member of the ITMA board of directors. He said that "Ten percent of the fractionated lands in the entire United States are on the Crow Reservation" and "the Crow Nation is hosting these sessions to see if we can find some solutions to this problem." BIA official Clark Madison said the Wind River Reservation has more owners per tract than any other Tribe. "There are some tracts owned by 600 or 700 people," he said. "Obviously that is an awkward problem."

Another issue addressed by many speakers was the problem of failing irrigation systems on reservations, and the "Operation and Maintenance" fees for the systems which allottees are forced to pay.

Doreen Bell, Councilwoman from the Fort Belknap Reservation, said she agreed with concerns about failing irrigation systems and questioned why allottees are paying the "O & M" fees. "I don't know why the allottees are still being charged these," she said. "Nobody knows what 'O and M' is, and this is the BIA's fiduciary responsibility."



Robert Upton, OST  
Midwest Financial Trust  
Adminstrator

Chippewa Cree Tribal Councilman Richard Parker Jr. reminded federal officials that the federal government has a trust responsibility, not just for trust funds and resources, but also for education, law and order, and social services programs. "But these are now considered 'non-trust' programs and are being put on the back burner," Parker said.

Dr. Vernon Hill, Chairman of Shoshone Business Council for the Eastern Shoshone Tribe, described the treaties that established a permanent homeland for his Tribe, noting that there are many as-yet-unfulfilled promises from the federal government in those treaties. He said there are now about 3500 enrolled Eastern Shoshone Tribal members, and unemployment rates on the reservation exceed 60 %, with 25% of those who are employed are earning less than 4k annually. "We need commitment and support of federal government," he said. "We keep hitting a brick wall and we work with Congressional delegation and they are just as frustrated with the Department's lack of response. We need action from the federal government."



Richard Sangrey,  
Chippewa Cree,  
ITMA Board Member

Dean Curtis Bearclaw, from the Crow Tribe, and a member of the Crow Oil and Gas Committee, reported that the group has been investigating the "Ash Creek Exploration," which produced about 8-10 million barrels of crude oil, but no payments were ever made to the Crow Tribe. He said that the committee has reason to believe that forced migration of oil, through water injection, was conducted on this site. He asked the OST to "release any and all information on this issue so we can continue in this investigation." The Crow Oil and Gas committee wants access to coal and oil development files.

The OST and BIA practice of outsourcing jobs and projects to non-Indian companies also was questioned by several presenters. John Berrey, Chairman of the Quapaw Tribe and an ITMA Board Member, said "there is not a real effort by OST or BIA to outsource to Indian companies.



Listening Conference Panel

There isn't an emphasis to do outreach in Indian country, to look at them and help them develop the capacities to meet these needs."

Chippewa Cree ITMA Board Member Richard Sangrey moderated on the closing day. ♦

# ONEIDA NATION GREEN BAY, WISCONSIN AUGUST 12-13, 2004

## SPECIAL TRUSTEE DESCRIBES OST PROBLEMS, POSSIBLE SOLUTIONS AT ONEIDA NATION CONFERENCE

The fifth ITMA Listening Conference was held Aug. 12-13 at the Oneida Nation and was moderated by ITMA Board Member Charles Jackson. Delays and problems in moving Tribal fee land into trust status were described by several speakers at the conference, including Oneida Tribal Council Secretary Julie Barton.



Councilwoman Julie Barton

Councilwoman Barton said that dozens of fee-to-trust applications from Oneida have yet to be acted upon, at great cost to the Tribe. "We must regain control over land within the Oneida Reservation in order to take advantage of [economic development] opportunities," she said.

"We own approximately 25% of the [original reservation] land with almost 6,200 acres in trust. But we also own 8,639 acres that we cannot get the federal government to process into trust status. In the meantime we must make payments to local government in lieu of taxes on this land." She said the Tribe pays \$1.5 million in taxes on land that should be processed into trust status by the federal government.



Councilman Paul Ninham

Ross Swimmer, head of the Office of Special Trustee, attended the Aug. 12 meeting and acknowledged that fee-to-trust applications are held up, in part because the federal government does not want to take on "a whole new level of responsibility" with new trust lands at a time when it is trying to fix problems of the past.

He said that delays in moving land into trust also are due to outdated federal laws which "prohibit us from doing very common sense things." He suggested that laws need to be changed to provide "another classification of land where it is not totally under the DOI's responsibility. We need to think creatively and innovatively," he said, and added that he has been looking into legislation to develop a new category of trust land which would speed the fee-to-trust process.

Swimmer recounted the Department of Interior's efforts in 2001 to create "BITAM" (the Bureau of Indian Trust Asset Management) to manage all these assets, and how it failed initially because of Tribal opposition to the concept. "That was the genesis of the Tribal Trust Task Force and their job was only that to help with reorganization," Swimmer said. "After a year's worth of work we felt very strongly that we had heard from the tribes." He said Tribal leaders agreed to leave management of trust resources (natural resources) with the Bureau of Indian Affairs and allow OST to manage trust funds. This led to the creation of additional staff at OST with responsibility for managing trust funds. In addition, new "Trust Officer" positions were created to represent individual trust beneficiaries, to provide a "one stop shop" for individuals who have questions about their trust accounts. ♦



BIA Representative with Ross Swimmer, OST

President, Tina Danforth

Listening Conference Panel

## NORTHERN CHEYENNE RESERVATION, LAME DEER, MONTANA AUGUST 19, 2004

### PRESENTERS QUESTION GRAZING RATES, IRRIGATION FEES

At the request of the Northern Cheyenne Tribe, a tribal-specific session was held August 19 on the Northern Cheyenne Reservation in Lame Deer, MT.



Vice-Chair, William Walks Along

The conference was attended by Tribal members, Tribal leaders, and representatives from the OST and BIA.

Vice chairman for the Northern Cheyenne Tribe, William Walksalong, spoke about the federal governments fiduciary obligations to the tribes. He stated that "the federal government has the obligation to protect and support Indian Tribes and individual Indians." Vice chairman Walksalong further stated that a policy needs to be developed to protect Indian lands and resources.

Geri Small, Northern Cheyenne Tribal Council President, voiced her Tribe's concern that the current reorganization of the Bureau of Indian Affairs will not accomplish what it should, that it will be "another reform effort that has wasted four years...with little to show for it." She said that Tribes in her region are concerned about "huge amounts of funding" being shifted to the OST and BIA central office functions. President Small said that these efforts are not likely to improve service delivery to Indian people. She noted that appraisals are delayed, that probates are delayed and that the reorganization plans of BIA and OST are not addressing those problems.

Councilwoman Dorene Bell of the Fort Belknap Indian Community stated that fractionalization problems are a major concern on her reservation, where 95% of the land is held in trust. She urged that more funding be provided to help the Tribe buy these fractionated interests. She also requested that the BIA have a better outreach to people on the reservation, which is 200 miles north of Billings. Because of the great distance, many Indian people are unable to travel to the agency. She also challenged "O & M" charges to Tribal members for an irrigation system which does not provide them with any water. "It defies logic to bill individuals for water received when they receive none," she said. ♦

## SOUTHWEST REGIONAL LISTENING CONFERENCE PHOENIX, ARIZONA AUGUST 30-31, 2004

### ARIZONA LISTENING CONFERENCE PRESENTERS DESCRIBE MINE RECLAMATION EFFORTS, DIFFERENCES IN OST/BIA BUDGET

I.T.M.A.'s final 2004 Listening Conference was held August 30 in Phoenix, AZ, and hosted by the Tohono O'Odham Nation. The conference was attended by Tribal members, Tribal leaders, and representatives from the Office of Special Trustee and the Bureau of Indian Affairs.

Governor Roland Johnson of the Laguna Pueblo described Laguna's experience as the site of the



Laguan Pueblo, Gov.  
Roland Johnson

world's largest open-pit uranium mine. Governor Johnson stated that the federal government, in its development of the Anaconda Mining Company's mining lease, did not require adequate provisions for reclamation of the mine area. He said that Laguna is currently trying to reclaim the land where the mine was after it closed in 1982. However, there were

no standards governing uranium mine reclamation and it became the Pueblo's responsibility to develop such standards. Laguna is currently in a 20-year monitoring period in its reclamation effort.

Vivian Saunders, Chairwoman of Tohono O'Odham, noted that a former Department of Interior Solicitor accurately described the federal government's trust responsibility, it must meet "fiduciary standards of care and loyalty, to make trust property income productive, to enforce reasonable claims on behalf of Indians, and to take affirmative action to preserve trust property."

Among other presenters, Quapaw Tribal Chairman John Berrey described the progress of the "To Be" process for improving trust-related systems at the BIA. Special Trustee Ross Swimmer spoke about the creation of the Office of Special Trustee and its current budget. He stated that allegations that the OST has taken money from the BIA are not true. "Our budget is fairly insignificant," Swimmer said. He said the OST budget is around \$100 million, as compared to a \$2 billion budget for the BIA. For FY2005, the OST has requested \$135 million. ♦

# ITMA/DOI NEAR AGREEMENT ON "TRIBAL TRUST FUNDS SETTLEMENT PROJECT"

The Intertribal Monitoring Association on Indian Trust Funds and representatives of the Department of Interior/Office of Historic Trust Accounting appear to be nearing agreement on a major project related to Tribal trust account settlement.

Representatives of ITMA and OHTA have been negotiating an agreement for the "Tribal Trust Funds Settlement Project," which ITMA would coordinate. The project is aimed at helping Tribes determine if they can reach agreed-upon balances in their trust funds accounts for the years 1972-1992, the period of the much-debated "Arthur Andersen Review" of those accounts.

The results of the Arthur Andersen Review have not been accepted by many Tribes, and this project would examine the processes used by Arthur Andersen to determine a methodology for arriving at fair and acceptable account balances in Tribal trust accounts. The project will be entirely voluntary on the part of Tribes, and no Tribe who participates in the effort will be required to settle account balances with the U.S. government.

The project would provide funds for Tribes to hire trust fund experts to assist them in this work. If Tribes and the federal representatives can agree on a methodology for examining accounts, this would be applied to specific accounts, at the request of a Tribe, to determine what a fair and just settlement might be. Settlements of these balances would be paid out of the federal government's Judgment Fund.

If the Tribal Trust Funds Settlement Project is funded by the agreement now being negotiated, ITMA will host an information session about it at the ITMA Annual Meeting in Las Vegas, Oct. 27-29. A letter regarding this project will be sent to all Tribes in the near future. ♦

## CALL TO EXPRESS INTEREST TRUST FUND ACCOUNTANTS

ITMA is seeking Expressions of Interest from individuals and/or firms with expertise in trust fund accounting to contract with ITMA in FY 2005. A successful individual/firm will have had successful experience in reviewing and analyzing trust fund accounts to determine the validity of account balances, and in developing appropriate methodologies for such review and analysis. Individuals/firms with additional successful experience in forensic accounting methods, and/or with accounting processes used by the U.S. Department of Interior in its management of Indian Tribes' trust accounts are preferred.

Please send a letter detailing qualifications and work experience, including resumes, and the names and phone numbers of three references, to:

**Mary M. Zuni-Chalan, ITMA Executive Director**

mail: ITMA  
2800 San Mateo Blvd. NE, Suite 105  
Albuquerque, New Mexico 87110

fax: 505-247-1449  
tel. 505-247-1447  
email: [itma@itmatrustfunds.org](mailto:itma@itmatrustfunds.org)

## I.T.M.A. HAS MOVED! PLEASE NOTE OUR NEW OFFICE ADDRESS

ITMA is now located at our new office address. Our phone and fax numbers will remain the same.

NEW OFFICE

ITMA  
2800 San Mateo Blvd. NE, Suite 105  
Albuquerque, New Mexico 87110

NEW OFFICE

InterTribal Monitoring Association  
2800 San Mateo Blvd. NE, Suite 105  
Albuquerque, New Mexico 87110

# I.T.M.A. 14th ANNUAL CONFERENCE

GOLDEN NUGGET CASINO & HOTEL | Las Vegas, Nevada

October 27-29, 2004

## Conference Sessions:

**OCTOBER 27, 2004**  
8:30 a.m. - 5:00 p.m.

**OCTOBER 28, 2004**  
8:30 a.m. - 5:00 p.m.  
*ITMA Annual Luncheon*

**OCTOBER 29, 2004**  
8:30 a.m. - 1:00 p.m.

### Conference Registration Deadline

Registration (includes all sessions & luncheon)

- \$200.00 BY October 4, 2004
- \$250.00 AFTER October 4, 2004

### Hotel Reservation Deadline

Hotel Reservations: 1-800-634-3454  
Reference "ITMA" by September 26, 2004  
Block Room Rate @ \$55.00/day plus tax

Please register & obtain updated information at our website [www.itmatrustfunds.org](http://www.itmatrustfunds.org)