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INDIAN ENERGY SOLUTION CONFERENCE

GOLDEN NUGGET HOTEL & CASINO
LAS VEGAS, NEVADA

AUGUST 6, 2008
2:12 P.M. - 3:29 P.M.

REPORTER'S TRANSCRIPT OF PROCEEDINGS

HYDROCARBON RESOURCE DEVELOPMENT

Moderator: Walter White Tail Feather, Energy Director
Assiniboine and Sioux Tribes of the
Fort Peck Indian Reservation
Poplar, Montana

Chair: Marcus D. Wells, Jr., Chairman
Three Affiliated Tribes

Reported by: KEVIN WM. DANIEL, NV CCR 711
RDR, CRR, CBC, CCP

1 PROCEEDINGS

2 MR. WHITE TAIL FEATHER: Welcome to the
3 breakout session, Hydrocarbon Resource Development,
4 and my name is Walter White Tail Feather. I'm the
5 Energy Director for the Fort Peck Assiniboine and
6 Sioux Tribes in Montana. The reservation is about an
7 hour south of Canada, an hour west of North Dakota.
8 So right in that corner there.

9 And we're going to have some statements made
10 first, and then open the discussion to the audience.
11 And if you would, if you do have a comment for the
12 record, everything will be taken down exactly as it's
13 said. And when you step up to the mike, please say
14 your name, where you're from, your Tribe, and who
15 you're working for, your title. And that would really
16 help the process along.

17 And with that, I'd like to introduce our
18 Session Chair, Chairman Wells from Three Affiliated.

19 MR. WELLS: Good afternoon, everybody. My
20 name is Marcus Dominique Wells, Jr. I'm the Chairman
21 of Three Affiliated Tribes, Mandan, Hidatsa and
22 Arikara in western North Dakota, home of the Fort
23 Berthold Indian Reservation. We have a few of our
24 staff here today to attend the CERT Conference 2008.
25 Roger Whiteall, Jr. is my delegate to attend the

1 meetings, and whenever Mr. Fred Fox, our Oil and Gas
2 Commissioner, can make the meetings, he would do the
3 same.

4 But on Fort Berthold we've been pretty busy,
5 and there's been a lot of development. We're right in
6 the heart of the Bakkan Formation. As you heard
7 Senator Dorgan express yesterday during his initial
8 comments, he calls on us quite often, I, Fred, Damon
9 Williams and Council at the Three Affiliated Tribes to
10 speak on behalf of the Mandan, Hidatsa and Arikara,
11 when he needs not only the oil, gas and energy and
12 different things like that, but being he is a North
13 Dakota senator, senior senator, he calls on us because
14 of our availability. And we have many things that are
15 in the works with the Tribe, and I'm glad to be asked
16 today to sit up here and provide what information I
17 can, and I'll call on my oil and gas expert Fred Fox
18 who's in the audience today. Fred, stand up and let
19 everybody know who you are. You come to a lot of
20 meetings, and he's our expert. The Tribal Council
21 depends on him and Damon Williams to provide us with
22 the information in regards to oil and gas, pipelines,
23 developments, easements, rights-of-way, leases,
24 permits, and wind energy itself.

25 So when we're called on to speak in front of

1 the Senate Indian Affairs Committee, Chairman Dorgan
2 normally calls on us, and we come in and we sponsor
3 his request to witness on behalf of Fort Berthold, as
4 well as Indian Country.

5 Little bit about myself: I'm the Chairman
6 of the Tribe now going on my second year. Prior to
7 that I was the Four Bears segment representative
8 representing the Tribe for eight years, two terms.
9 Prior to that I was the TERA Director. I know Conrad
10 was here yesterday. I got a chance to visit with him.
11 He was there when I was in TERA from 1991 to '98, and
12 prior to that I was realty specialist with leasing and
13 permitting and land then in my past work experience
14 with oil and gas signatures on Fort Berthold, and
15 basically I guess other than that, my education: I
16 have a Masters in Management from University of Mary,
17 2002 and business administration major from Dixie
18 State University, 1988.

19 So I guess with the background that I have,
20 I would just like to share whatever I can today to
21 give you our pros and cons, our strengths and our
22 weaknesses for Fort Berthold, but that we also look
23 out for you out there in Indian Country when we go to
24 D.C. and we testify on your behalf.

25 You know, the Federal Government has a trust

1 responsibility, regardless of time, place,
2 circumstances, warrant. They have no excuses. They
3 have a code of federal regulations. They've got
4 policies. They've got procedure. They have all of
5 the federal trust responsibilities, and we at Fort
6 Berthold don't ever let them forget that.

7 So when we do our part, we do it
8 professionally. We let the Senator basically say what
9 he needs to say as far as the Federal Government's
10 responsibilities, but in regards to our lobbying
11 efforts, they're never-ending. I've been on Council
12 now 10 years. The last 16, 18 months have been
13 exclusively on getting the leases approved, getting
14 the bonuses paid, getting the permits approved.

15 It's been a frustrating issue. We've had
16 many reporters come to Fort Berthold, telephone
17 conferences. It's just -- I guess the oil and gas
18 prices, you know the market for different things, and
19 whether they stay at \$100 or they go below \$100, the
20 Tribal members are really happy. They had an
21 opportunity to utilize their minerals for -- the last
22 say 50 years there's only been two or three booms, and
23 the last one was in the '80s, and now there's one
24 today.

25 So with that, our people are actually

1 finally getting some opportunity with their minerals.
2 The Tribe does buy land from them when they're looking
3 to find some means to get by from year to year, but
4 the Tribal Councils, administration after
5 administration since the allotment era, have not
6 wished to purchase the minerals. Because we told the
7 Tribal members for years to hold onto their minerals.
8 One day they'll benefit you.

9 So 90 percent of the time the Tribal members
10 will do that. They'll maintain their minerals. And
11 today, they're the biggest benefactor, the allottees,
12 descendants, the original. Basically the opportunity
13 now is theirs. The Tribe does have minerals, but
14 those are primarily under the lakebed and the
15 riverbed. Fred knows all about that. It's cloudy for
16 me because there's a Mineral Restorations Act they
17 allowed for us to get some of our minerals returned,
18 but for the most part, our allottees and the Tribe now
19 are going to top \$90 million in bonuses alone for
20 signing their leases. And before the end of the
21 calendar year, according to the Office of Special
22 Trustees and the department at Fort Berthold, we are
23 going to top a hundred million dollars to the Tribe
24 and allottees both. So it's a good time. There's a
25 lot of new cars, a lot of good things happening on

1 Fort Berthold, but today I'll provide more information
2 if you request it.

3 So a little bit about our participation in
4 CERT. We were one of the founding Tribes back in
5 1975. In fact, my father was one of the original
6 members with CERT and Mr. Lester and the things that
7 they do. We leaned on them many years, and now it's
8 our turn to assist. So just as our sister and brother
9 Tribes crossing the country have supported CERT,
10 that's what we want to maintain.

11 So I'm glad to be here today and whatever
12 else we can do to assist we will do that. But, you
13 know, it's with our openness that Three Affiliated
14 Tribes, Fred, myself, Damon, Council, we keep
15 ourselves open to new ideas. If you have some
16 proposals for us to learn from to help out each other,
17 as sister and brother Tribes, we'd appreciate that.
18 We're just trying to do the best we can. We don't
19 know half the issues we're supposed to. We've come a
20 long ways, but we've got a long way to go.

21 So we've been fortunate that we've been
22 using our opportunities with Divine. And we've had
23 91, 92 meetings at the Council and we've opened every
24 meeting with a prayer and we work for our people. So
25 the numbers that we've had on the last roll was

1 12,000. We have today a lot less than Navajo. I
2 heard those numbers yesterday, and, wow, they have a
3 lot of people. But before we had smallpox on Fort
4 Berthold, we were close to 70,000 ourselves. But when
5 that came and the Hidatsas went down to literally a
6 handful, and the Red Cross came in too with an
7 epidemic that happened on Fort Berthold in our
8 history, so if that didn't happen, I imagine we'd be
9 close to, you know, 70,000 yet today. But as it is,
10 we're at 12,000 members of the Mandan, Hidatsa and
11 Arikara.

12 That's a just little introduction to who I
13 am and what we're doing on Fort Berthold, so turn it
14 back to Walter.

15 MR. WHITE TAIL FEATHER: Thank you. And I
16 believe there's a statement that I'm supposed to read
17 into the record.

18 Indian lands possess as much as 20 percent
19 of the onshore oil and gas resources of the United
20 States, yet only produce about 4 percent of the
21 onshore oil and gas, and receive less than 1 percent
22 of the total value of the oil and gas revenue stream
23 produced by onshore U.S. oil and gas industry.

24 These numbers indicate a number of anomalies
25 that haunt Indian participation in the American oil

1 and gas industry. Some knowledgeable Indian
2 professionals believe these numbers confirm that
3 Indian lands have been relegated to a virtual
4 neocolonial status in industry, and because of high
5 governmental overhead associated with developing and
6 producing from Indian lands, the dual taxation that
7 oil companies operate under and ease by which Indian
8 leases can be held and associated reserves can be used
9 as assets for financing operations away from Indian
10 lands, that there is little incentives under the
11 current policy regime for oil companies to produce
12 from Indian lands.

13 Indian Tribes are seeking to create a new
14 model for developing Indian oil and gas, one in which
15 the Tribes play an important role as the developer
16 entity. But the current Indian policy and energy
17 policy structure were created and have operated
18 without regard to the status of Indian Tribes and the
19 energy resources those Tribes and their members own.

20 As a result, there are numerous impediments
21 to the development and production of oil, natural gas
22 and coal bed methane found in Indian lands.
23 Identifying these impediments and finding the policy
24 solutions to them could create new economic
25 development opportunities for Tribal economies, while

1 also delivering new domestic production to the
2 American economy.

3 Indian economic prosperity has been a policy
4 goal that has eluded the Federal Government for
5 generations. Likewise, increasing domestic production
6 to reduce dependence on imported energy has been a
7 long-held American energy goal. We now have in sight
8 the accomplishment of these two important goals as we
9 move to support Tribal development of Tribal energy
10 and partnership with private industry and capital.

11 We will hear first from those who signed up
12 to speak to the issue. After they've all had their
13 turn to speak, we will open a dialogue and discuss the
14 issues, ask the necessary questions, and provide the
15 grist for new policies that support Tribal control and
16 development of Tribal resources, a simple but
17 provocative concept.

18 So with that, given that there are, you
19 know, many stories, many facts about oil companies,
20 hydrocarbon development, I would ask the question,
21 what -- if you could have laws and policies tomorrow,
22 and/or written into law in a few weeks that would help
23 us today, what would those be? And what are the
24 solutions and what would you like to see be able to
25 happen on your reservation?

1 So I just open that up and so please again,
2 please feel free to come up to the mic. State your
3 name, where you're from and your organization and your
4 Tribe. Thank you. No takers? Okay.

5 MR. WELLS: This topic is real easy for
6 myself to talk about, because it's been a labor of
7 love, I guess.

8 So the Tribe, Three Affiliated Tribes,
9 Mandan, Hidatsa and Arikara, have had oil and gas
10 underneath our reservation boundaries since the
11 beginning of time. But the problems that we've
12 experienced over these administrations in these years
13 has been the regulations.

14 One of the regulations that was
15 insurmountable was 100 percent signature requirement
16 to receive an oil and gas development approval for
17 your minerals. And we would have literally leases
18 miss the hundred percent signature requirement by
19 99 percent, 98 percent, because after the probates and
20 the undivided interests, up to 200, 300 Tribal members
21 and others, that was tough.

22 So you'd have big companies come to Fort
23 Berthold over years and years that will never come
24 back. Amaco, Shell, all these companies that just
25 threw their hands up with frustration, not at the

1 people, not at the Tribe, not at any of the
2 regulations at the Tribal level, the Bureau's
3 regulations, 100 percent signature requirement.

4 So in 1997, with the assistance of many
5 players at the time, the Tribe was able to work on a
6 reduction down to 51 percent, more like the easements
7 and rights-of-way that we deal with at certain times
8 for road and pipelines and different things like that.

9 So that got approved, and at the time it was
10 the tail end of the '80s boom, so it really didn't
11 make an impact or even affect our situation, our
12 circumstances. And then the price of a barrel of oil
13 went down to about \$25, you know, so basically it was
14 cheaper to store it than produce it.

15 So, there was nothing really happening from
16 '97 on until approximately 2004, thereabouts, 2003. A
17 few companies come in and offered \$10, \$15 a bonus,
18 you know, and we approved a couple at the Council
19 level.

20 And then the election of 2004 came in and
21 there was a request to try again.

22 I skipped one thing. Back in 1997, there
23 was a proposal and it was called the Alenco proposal.
24 The Alenco proposal turned out to be a political hot
25 potato. Who was in support of it was not going to get

1 re-elected, and who was against it was going to get
2 elected, and basically, you know, you heard politics
3 come up on many of your different sessions or what
4 have you, but that's what happened.

5 And there was issues regarding development,
6 versus political. And that's how that went. So
7 basically the person who opposed the Alenco got
8 elected, and that proposal sat, and any time a new oil
9 company would come in, the first word people would say
10 is "Alenco," and then a new company would leave and
11 they'd frown. Why don't they want development? So
12 you actually got afraid to even bring up oil and gas,
13 because it was kind of like a political negative.

14 So today, we went beyond that. And I
15 remember the vote like it was yesterday, January 2005,
16 the same issue came up. Well, Black Rock is going to
17 be another Alenco, you know. You're going to be
18 ousted. All seven of you Councilmembers might as well
19 pack your bags. So anyways, we went on and we voted
20 and we said, we need to do this, because there's
21 different circumstances. It's not political, it's
22 economics, and the Tribe needs some revenue. So it
23 went through, and that company had some problems,
24 because it was an IMDA. IMDA's are new for the Bureau
25 again, once again.

1 So we passed that January 2005. The market
2 started going up and up and up, and finally the BIA
3 finally took the initiative to market the minerals for
4 the allottees and for the Tribe. On one hand, we're
5 undivided with allottees, but we do have 100 percent
6 contiguous tracts within the reservation so we can do
7 our own.

8 But in the meantime the superintendent did a
9 bid sale in December of '04, and -- 2000, no, excuse
10 me, 2006 -- and what that did is it moved up the
11 market for the allottees. The bonuses went from \$20,
12 \$25, \$35 up to I think \$165 to sign with the oil and
13 gas company, and it was a big positive.

14 So the Bureau then started negotiating with
15 the companies, because in 1997, not only did the
16 criteria go down to 51 percent for the Mandan, Hidatsa
17 and Arikara and Fort Berthold on our million acres,
18 650,000 of those acres roughly are in trust. So
19 within that 650,000 acres, we had these bids start
20 working toward development.

21 So there was second part of that '97
22 legislation that still is lingering today. The bid is
23 not the final dollar figure. So if ABC Company came
24 in and bid say \$200 bonus, the day after or the day of
25 the bid, XYZ Company could say, well, I'll go 201 and

1 the superintendent will follow that company around and
2 say "Sign here." Then another company will say, 202,
3 and they'll just keep going. It can go forever.
4 That's the only problem we've got with the '97
5 legislation.

6 So it's a good thing for the allottees and
7 the Tribe, but it actually is hindering circumstances
8 somewhat. But it's only going up, as far as the bonus
9 payment, so you know, to me, you know, it's legalized
10 bid shopping, but you know, as long as they drill a
11 well, as long as they develop a well and they get to
12 the end game which is oil royalty, then it will be all
13 right.

14 So they had that come up first of all. And
15 in the meantime, our MJA kept getting kicked back to
16 us over and over with Black Rock. Then we had a
17 couple of other companies come in, JT Energy I believe
18 was another. In November of 2007, I believe, they had
19 another bid sale, and then the bids were a lot higher,
20 and today I think the high amount is a thousand
21 dollars a bonus bid per acre. So it's moving.

22 But as I started in my first opening
23 comment, the Tribe has got to lobby. It's got to do
24 more than just basically depend on the area office and
25 the agency, because they're still not approving

1 permits, after all those bonuses have been sent
2 through the system and the leases approved, we've
3 still got permits to receive, and it's just very
4 frustrating.

5 I was just talking to an individual in the
6 hallway. I told him 18 months has been a struggle,
7 frustration, we're wearing thin. Patience is wearing
8 thin, and that's why I think Senator Dorgan is
9 basically talking about Three Affiliated firsthand
10 because he actually came to our reservation. He
11 walked into the BIA's office. He talked to the clerk.
12 He talked to the receptionist. He talked to the
13 specialist. He talked to the officers. He talked to
14 the superintendent, and he said, "What's wrong?" And
15 reality is BIA was caught off guard, and they have no
16 excuse. Because it's the same CFR, and it's the same
17 duty and responsibility. I don't know, but in
18 reality, he is calling a spade a spade when he said
19 his word, the "I" word, but I won't use it, but that's
20 what he had to do to get attention.

21 So I and Councilman Benson, the Chairman of
22 Natural Resource Committee visited with Secretary
23 Kempthorne and Senator Dorgan, and he told Secretary
24 Kempthorne, "You will fix it by July 7th or I'll
25 take the money out of your budget and fix it myself,"

1 is what he said. I was sitting right there in his
2 office with Secretary Kempthorne.

3 Then that was the afternoon session, and
4 George Skibine, Acting Secretary for Bureau of Indian
5 Affairs was there, as well as Mike Black. And that
6 was the Democratic hammer, beating him over the head.

7 Of course, Secretary Kempthorne is
8 Republican. So in the morning I'll tell you a little
9 bit about that meeting. Governor Hoeven, Republican
10 Governor of North Dakota came to Washington, D.C. with
11 us to help Fort Berthold, because what's good for Fort
12 Berthold is good for North Dakota, so that's why he
13 was there. We needed help to get these permits
14 approved.

15 And in the morning, the meeting was mellow,
16 everything was right as rain, you know, because
17 they're both Republican. Kempthorne and Governor
18 Hoeven, so it looked pretty hopeless in my mind. But
19 then in the afternoon, Senator Dorgan just said, "I'm
20 giving you one week and you're going to fix it or
21 else," and they did. They're sending six FTEs up to
22 Fort Berthold and Aberdeen area, and they're going to
23 expedite some of this work.

24 But I just got a telephone call from one of
25 our Tribal, Call to Preservation Officer, and the

1 signatures still aren't coming from Aberdeen. So
2 we're doing our work at the Tribal level, at the
3 agency level, and it's still being held up with the
4 federal red tape.

5 So that's the frustration we have. But once
6 it does happen, you know, our allottees will be better
7 off. It will be in the long run, you know, making
8 sure you do it right and making sure the cultural
9 sites are not just run roughshod, basically, because a
10 lot of these sites are cultural and they're held in a
11 high regard in our Council. We won't just build over
12 cultural locations that are key.

13 In fact, our first location, Fred and the
14 Natural Resource Committee and the Council had to move
15 the spud site over a little bit because of cultural.
16 So I mean, so we want to keep that in high regard too,
17 culturally and respect-wise, because we never ever
18 overlook where we came from.

19 And it's been a positive thing. So when I
20 hear some of the companies' frustration and
21 complaints, it kind of gets old a little bit because
22 they're talking about your grandfathers, your great
23 grandfathers, your grandmothers, your great
24 grandmothers, your ancestors, because I don't think
25 there's any reservation that has sites that aren't

1 within a square mile. I mean, it's our history. It's
2 where we came from.

3 You know, so you can hear them to a point,
4 and I think Fred gets, Fred and I both get frustrated
5 because on one hand we want the development, but we
6 want it done right.

7 So our first couple of locations have been
8 few and far between, but they're by the book, so we're
9 doing everything we can.

10 So there's been a lot of speculators -- not
11 going to say there's not -- that come into the
12 reservation and they don't even intend to drill,
13 because they're going to wait for someone to give them
14 a better figure, and they're going to flip their lease
15 to another company.

16 So we put a resolution in place, this came
17 out of Fred's office, 8020, and I'm not really clear
18 on the mechanics of it, but basically it's going to
19 send the flip fund on the bonus that they're going to
20 pocket by changing companies in midstream to the
21 allottees, and it's not new. It's done somewhere,
22 somehow other places, but this is going through the
23 process that the agency's going to be administered by
24 the Bureau of Indian Affairs that when a company
25 flips, that the allottees will get the mineral

1 difference. So it's kind of a good resolution.

2 And then after we did a lot of our work, our
3 education, our learning curve, Aberdeen comes back and
4 tell us, "Oh, by the way, whatever you tell us to
5 enforce, we'll enforce it," after we've leased up
6 practically 80, 75 percent of our different holdings,
7 but better late than never. So put it that way.

8 So it's been, it's been a trying time. It's
9 been an interesting time. But being a former
10 Councilmember and TERA Director, and then realty
11 specialist myself, this work is really not that
12 difficult, and a former land man, it's not that bad.
13 It's just something that can get away on you if you
14 don't know how to keep track of your backlog and your
15 workload. Just keep plugging away at it.

16 Of course, though, if you're not expecting a
17 boom and then all of a sudden you got 30 companies
18 standing at your doorway for your leases, then that
19 could happen. Fort Berthold agency in North Dakota
20 only had one clerk for a decade. Now they need 8 to
21 10 full-time. And then after the leases are approved,
22 they need to keep that type of a workforce on board to
23 do the royalties.

24 So, you know, basically I'm just letting you
25 know that in order to get where we're at today, we had

1 to see so many different lobbying efforts with the
2 senators and the area office in Washington, D.C. and
3 Secretary Kempthorne himself.

4 We don't want to remain dependent on the
5 government. We want to be independent of the
6 government. We're frustrated. We're tired of
7 waiting. We were flooded in 1950 for electricity to
8 our non-Indian neighbors, but we were devastated.
9 90 percent of our population lived in Elbow Woods,
10 North Dakota and they flooded us and they told us, go
11 live on the hilltops. And 77 below wind chill factors
12 in North Dakota on a hilltop is extremely harsh, but
13 that's what we had to do.

14 So we moved off the river bottom where we
15 had timber and trees to protect us from the harsh
16 winters, to out in the middle of nowhere, and grass,
17 plains, and it was really, really atrocities and
18 hardships, and those promises to have free housing,
19 free water, free electricity, free roads,
20 infrastructure are few and far between. The only
21 thing that I think we've received since then is some
22 compensation. I'm not saying complete compensation,
23 some compensation to the Tribe. But what the Tribe
24 has had to do is basically make up the difference of
25 the shortfall of the trust responsibility for the

1 flood, BIA shortfalls, IHS shortfalls, DUR shortfalls,
2 all of the different Federal Government shortages. We
3 make up the difference with our judgment funds off the
4 flood of Elbow Woods.

5 It's something that just hasn't gone away.
6 You don't want to I guess overlook, but we've had a
7 bridge built, but we haven't had a hospital. We
8 haven't had housing. We haven't had any -- putting us
9 back as whole, and in November of 2007, I testified
10 there once again for the Missouri River Basin Tribes,
11 and of course Fort Berthold was the most devastated,
12 so I was able to speak on that behalf again.

13 So this oil and gas development should help
14 us move on, and we probably won't be able to forget or
15 forgive -- maybe forgive, but not forget. We have a
16 lot of things to move forward with, but we have to pay
17 for the lack of trust responsibility dollars.

18 So in November 2006, we had a lot of
19 financial obligations to be met, so this oil and gas
20 fund that's going to be developed similar to our
21 sister and brother Tribes, Southern Utes who we're
22 going to visit with here in a week or two. We're
23 going to a tour down in their neck of the woods and
24 visit them and give us an opportunity to see what we
25 can do together by their advice and their

1 government-to-government technical brother-sister
2 Tribes. Together I think we can find a plan, so
3 Mr. Fred and Roger have been visiting with Southern
4 Utes for the last year or so and they've come to the
5 reservation and seen what we had. In fact, we're
6 doing business together. So it's going to be a good
7 thing. It's a positive thing.

8 And in reality, what we're going to probably
9 look at doing is balancing our debt, and then when
10 that day comes, start moving it back towards the
11 people in the areas of education and social welfare
12 and economic development and other social programs.
13 So we're not going to do anything extravagant. We're
14 just going to look at the basics, and hopefully each
15 segment will be in better shape and form than when we
16 started, and then start doing annuities, per capita
17 payments to all our members.

18 It's three, four, five, six years down the
19 road, but, you know, when the time comes, that's what
20 we want to do. And never forget what happened. I
21 don't think there's any a session, any a meeting of
22 our senior citizens that are over 60 where Elbow Woods
23 doesn't come up, I and Fred here, everywhere we go.
24 In fact, the Council has authorized us to do outreach
25 meetings to our members who were relocated back in the

1 '50s. We go out to Minneapolis, we go out to
2 segments, of course, and wherever we're called on,
3 we'll come out and give the information to our
4 members, and then we do a series of newsletters and
5 e-mails and whatever we can do on our website. I
6 guess we're still developing those things.

7 But in the end I guess that's what I know,
8 and I just wanted to share that with you and give you
9 kind of perspectives of the Three Affiliated Tribes.
10 It's interesting though, you know, November 2006 to be
11 practically unpopular. You know, our election was
12 pretty visible in Fort Berthold, and we went at each
13 other neck to neck and toe to toe, but in the end when
14 November 2006 swearing in came on, we just moved on.
15 And I haven't got no animosity toward anyone. I was
16 on Council for eight years and then moved up to Chair,
17 and today it's just for the best interests of the
18 people and do the best we can. And that's how we keep
19 ourselves positive, just keep moving on.

20 So when we are here supporting CERT, they've
21 helped us over the last decade, and now it's our turn
22 to lend a hand. So whatever Fred and Damon and the
23 Council choose to do, I heard Mr. Lester ask for
24 sponsors or whatever, we're going to do whatever we
25 can to give back, because we know we're all in this

1 together, and when I testified, Mr. Burello and
2 Mr. Middleton, they were getting grilled in D.C. I
3 don't know if you guys watched that on the replay, but
4 if you go to it, senateindian.gov, I felt bad for
5 them, and it sounded like Senator Dorgan was a
6 chairman for some Tribe. I just kind of sat back and
7 had to listen for once and didn't have to really put
8 on my I guess adversarial hat, but it was only in our
9 best interests. Because he's heard it over and over
10 and over as which excuse this time, you know.

11 And the TERA is new yet. 638's been here
12 for a long time. We have every opportunity to 638 our
13 bureau, but you know what, if we do that, Aberdeen
14 area office still signs off. So we'll do all the work
15 and it's hurry up and wait. So with the TERA, maybe
16 there's going to be something different. We'll see,
17 and we're looking and we're listening. Just as you
18 are today too, we're trying to watch and see and, you
19 know, respectfully I was a former Bureau worker, too,
20 and one day I'll go back so I don't really want to use
21 the "I" word, but they can improve, I'll use that word
22 with an "I."

23 But other than that, I guess I kind of
24 wanted to let you know where we're actually situated
25 today on our issues.

1 For the most part, with these EISs and these
2 new technologies, I guess, this programmatic
3 environmental assessment, according to Mr. Anthony
4 Dvorak who's going to be on Fort Berthold, I just got
5 his card in the hallway, would help us because right
6 now they go individual drill pad, per drill pad, and
7 that takes so long. I have Tribal members who are
8 waiting for two years. There's actually flags out
9 there on their property where it shows the corners for
10 their drill pad to be put, and there's a marker where
11 the drill spud is supposed to be, and they've signed,
12 and they're the owners of this property, topsoil and
13 minerals, and they can't get it drilled.

14 Today's date, I think we've only had one
15 spudded well on trust land and that was in Four Bears,
16 and it's roughly 60/40 Tribal minerals and allottee
17 minerals, and we could be doing better.

18 And then you go to the State land, right
19 north, well, west, and there is 70-some wells all lit
20 up at night. Looks like a little town, little cities
21 around there, and that's where we're heading for. So
22 hopefully by working out some of these things and get
23 this programmatic environmental assessment and
24 different things like that it will move it forward,
25 but still with the best interests of people at heart

1 and our traditional and our cultural perspectives.

2 So it's been an interesting road, and we got
3 a long ways to go yet, but I believe with our own
4 department now, that we've enacted and put budget to
5 and we're going to make sure we call on you sitting in
6 the audience, too. I mean, you have done some things
7 out there that are benefiting your Tribes, and we'd
8 like to try those. And whatever we can do to help
9 you, we're there. And our website's got all of our
10 phone numbers on it, and mine's on there too, so I
11 extend that invitation out. Thank you.

12 MR. WHITE TAIL FEATHER: Are there any
13 questions for the Chairman? Or IF anybody would like
14 to share their experiences? Yes.

15 MR. PAYTIAMO: Good afternoon. How's
16 everybody? I'm just going to talk a little bit about
17 some of our resources. I'll start off with forestry.

18 We have some pine trees the Bureau of Indian
19 Affairs forestry. One of our former governors was a
20 BIA employee -- oh, by the way, my name is Stanley
21 Paytiamo, I'm from Pueblo Acoma.

22 He tried to sell the idea to the Tribe to
23 harvest some of the timber. The Tribe wouldn't act on
24 it until, until he became governor. He decided when
25 he retired, he became governor and he went ahead and

1 sent out some bids to harvest the old pine trees, and
2 I think the contractor lost a lot of money on that
3 one, because they were too old. They should have been
4 harvested a long time ago.

5 And then we had some mineral studies made by
6 the Bureau of Indian Affairs and there's uranium, some
7 uranium spots on our property, but nothing exciting.
8 Our neighbor to the east, Little Pueblo, they have a
9 jackpile, which is one of the rarest, easiest uranium
10 coal, and they have adopted a resolution that they
11 will not go back and take the rest of the ore out.
12 There's still some there. In fact, they have a
13 village, which there's a lot of uranium underneath and
14 the old pueblo is sitting on top and they tried to
15 move them but they refused to move.

16 And there has been a lot of misinformation
17 with the employees and some of our Tribal members that
18 work there. They did not meet the OSHA standards, and
19 so a lot of them have had some cancer and some have
20 been compensated.

21 Then the Barrier Lake area and Anaconda
22 where they found the first uranium mine there by a
23 Navajo man in about '50s, and they've all -- they have
24 stopped mining there, and there's a place that's
25 called Mount Taylor. It's a shrine for some of the

1 Pueblos and the Hopi and Navajos. Right now they're
2 trying to preserve that and put it as a Tribal culture
3 area called TCP, and we've been meeting on that and
4 they've given us one year to get all our stuff
5 together and justify why we should not allow the new
6 technique to mine the uranium. And they've had some
7 real hot meetings in the community, and almost down to
8 name calling and that kind of stuff, heated
9 discussions. And the powers that be on the committee,
10 they favored, they voted in favor of by two votes of
11 not to mine the uranium under Mount Taylor.

12 Some of the people that have testified or
13 have talked when they were working there, the mines
14 that, it was very, very dangerous situation down below
15 to where people had to wear -- because it's the most
16 mountainous under a lava bed, it's still hot and
17 there's a lot of water underneath, and they had to
18 wear special, special rubber suits to protect
19 themselves and some have had heat strokes. One of
20 them, every time they, anybody, any employees had a
21 heat stroke, they pulled them out of there and they
22 wouldn't let them go back and they put them up on top
23 and they don't let them work there.

24 They've shut it down because the uranium,
25 counts of the uranium per pound have really gone down,

1 now it's going up. And they claim that there's new
2 technology on how to redo that and some of the
3 convention delegation have attended some of the
4 representatives and they support having employment
5 because there's, it brought in a lot of money when the
6 people were there.

7 Most of the people that were working there
8 had came in from outside, was Canadians who did
9 underground contract mining, and I think only like
10 about four of our people had contracted the removing
11 the uranium out of the underground, and right now they
12 have a skeleton crew that they're working on in trying
13 to clean up the mess.

14 I've gone to two meetings in three years and
15 I went to one couple of weeks ago, and it was also
16 another real hot meeting when the people were just,
17 the people that are living there fuss about quite a
18 bit. I have seen pictures on, at the national level
19 where they have whole communities were being asked to
20 move their cities out, and they have moved, and other
21 places where people refused to move and they start
22 putting crosses outside, plus they had buried their
23 families outside in the yard. And the government just
24 wouldn't do that.

25 I'm also on the National Council of American

1 Indians Waste Policy Committee, and we have a meeting
2 when National Congress of American Indians sat there,
3 big meeting throughout the country, are coming to
4 meet, and we have been to Yucca Mountain three times,
5 and I have been down to, in Carlsbad three times
6 since. It's a real modern facilities underneath.

7 Acoma was one of the first Pueblo Tribes had
8 opposed when they were putting in the -- to store
9 waste, uranium, not real hot stuff, but they were
10 starting to mix, but they said they'll never put any
11 hot stuff down there, but they -- you can't trust the
12 government anymore. They've been, understanding
13 what's going on, we're finding they have been putting
14 some real hot stuff down there. And I have been going
15 to Yucca Mountain, and we've been there and we've seen
16 a video put together by two old ladies who were
17 opposing Yucca Mountain, and those two ladies -- one
18 of these days maybe you need to see that film. It's a
19 very sad, sad picture on how they, our Federal
20 Government and Department of Energy had treated those,
21 that Tribe, because the Tribes oppose it, and they --
22 later one year, a few years ago, old lady had expired
23 and there was only one more left, but it's a film,
24 something to see. I hope that it's not repeated again
25 anywhere else.

1 And I've told the Shoshone man that the
2 government is going to run them over, no matter what
3 we say or what the Tribes say, because of this and
4 because of that and you don't mean anything to them.

5 As I mentioned this morning that all they
6 think about is the almighty dollars, profits. And so
7 at the Ambrosia Lake they're trying to, they finally
8 put a cap on the milling tailings, concrete cap, and
9 most of the water around that area, the residential
10 area, the water is so contaminated they can't drink it
11 anymore. They can't even let flowers with it, and
12 they've been giving them bottled water for the last
13 several years. The people in the community that are
14 upset and those of us that are downwind along the Rio
15 San Jose River, I've been fussing about that because
16 some of the -- when it rains, we have some of the
17 floodwater comes through there and we get some of that
18 uranium dust even on the windy day. We have those
19 things, even when there's the global site when they
20 have a dust storms in China, it gets over to our area.
21 Even over to your place where you live at. That's
22 where that -- that's how the sand gets when they have
23 the storm in China. So you even get some of that dust
24 storm, and we get some of the, all the uranium. If
25 you turn the lights off, I probably glow.

1 And so much for that. And finally, the DOE,
2 couple of weeks ago at a meeting after the people were
3 fussing, they want something done. DOE finally said
4 that okay, we'll take responsibility in helping you.
5 What is it that you want us to do, and the people told
6 them what they wanted them to do, and they're going to
7 start educating them and explaining to them what and
8 how they can live with the uranium in that area.

9 At the Mount Taylor, I didn't go to the
10 other meetings. They -- some of the community people
11 in that area were saying that instead of -- even
12 though if you do have a new technology in mining the
13 uranium, it's not going to be as bad as this one in
14 1954, that there's new technology and better ways of
15 doing things and you recycle it and especially the
16 waste.

17 And so they -- I think this past two weeks
18 maybe that they were scheduled to, according to the
19 newspaper, they were starting -- when it was giving
20 classes on how to protect themselves and how to
21 protect their community. So that's that much on the
22 uranium part. And then we do have some coal, but it's
23 nothing real exciting. I think the biggest one we
24 have is something like eight feet thick. It's nothing
25 to be excited about.

1 We have some specs of the uranium and we
2 have had some people from Texas. They tell us that
3 the terrain from the oil wells in Texas is the same
4 thing as on south side of our, the old Pueblo, and
5 they had permission to -- they do a seismograph and,
6 instead of drilling, and they did it on electronically
7 to see if there was any oil underneath there.

8 And our Tribe over a number of years, they
9 went through four phases, and they just kind of died
10 out. They never did go beyond a fourth phase in
11 drilling an oil well, and they did, in the '40s had
12 found some oil there, too, and they just put a cap on
13 it, but I think it wasn't producing enough.

14 And then also on the north side of Mount
15 Taylor and people had come in and they said that there
16 was some oil on their property below 7,000 feet, below
17 the Mount Taylor, and they said that the terrain up
18 north was the same terrain because they have some oil
19 there like Ute Mountain and Southern Ute have some oil
20 wells. They think there might be some oil over in our
21 area and they was going to dig, drill, and then they
22 was going to dig deep. So that's what had happened,
23 and CERT Tribe had -- CERT organization, I mean,
24 helped us interpret the seismograph, because it was
25 all technical stuff and they helped us put it in

1 layman's language, and it was tied up for about 20
2 years. We weren't supposed to release that
3 information, but I think that has expired and so --
4 it's nothing has happened. I guess they're not going
5 to find any. We're aren't going to start digging any
6 oil.

7 Going back to WAP, the reason why my Tribe
8 was objecting to it, because we honor and we call salt
9 our Mother Earth. It's salt down there, and that's
10 where they -- we kind of tell them bluntly that how
11 would you like for somebody to put uranium waste in
12 your mother's backyard? But they won't do this.

13 So it's a nice place down there. It's real
14 clean. It's got florescent lights, compared to Yucca
15 Mountain. Yucca Mountain is real, real old and they
16 have -- it's operated by an old train that's operated
17 with a diesel and they don't have any light switches.
18 They have ropes hanging down there where they come to
19 a Y and someone turns the light on, they just pull the
20 rope down. And the walls are, look like somebody's
21 old barn. So that's how old it is down there.

22 But again, when we went down there, we had
23 asked what kind of problems they had, because there
24 they were drilling that oil -- not oil -- a water
25 well, and they were trying a new technique. Instead

1 of drilling, they were doing it -- instead of drilling
2 and then putting water in there to soften the dirt,
3 they used a, a very large vacuum pump, vacuum like a
4 vacuum cleaner, and I had asked them what was the
5 major problem that you had when you were cleaning that
6 hole out? And he said that our engineers told us that
7 there's not supposed to be any water, but they went
8 down so many feet that they ran into water and they
9 ruined their vacuum pump. They got tunnels and
10 tunnels, just like here, under the real hard granite
11 rock.

12 So that's about what we've been doing. And
13 also, CERT Tribe had helped us, so we have some
14 geothermal water. Helped us develop some plans so
15 we're supposed to do a, raise catfish in Pueblo.
16 Being Pueblos, we don't really savvy fish and that
17 kind of stuff, so they didn't find too good.

18 (Laughter)

19 So it's kind of dormant and we're not doing
20 anything with it. They also, CERT has also put
21 together a plan for us on how we can heat some of the,
22 use the hot water in, use them for heating the small
23 business there. And we never did push it, and nobody
24 in the community kind of make any comments it was in
25 favor or not.

1 If you ever go to Santa Fe, they have those
2 and maybe you might have seen it, you know, the office
3 buildings and some of the stores, what they do is they
4 put pipes on the floor and then right on top of it
5 they put something like red bricks and they run the
6 hot water through there to heat up the buildings. So
7 that's what is happening in our area.

8 I talked about, yesterday I talked about I'm
9 in the emergency management, emergency management
10 team, and all our staff and the fire and the police
11 and the first responders, we all have -- we are all
12 certified to wear these spacesuits called Level 8. We
13 report to all the oil spills, chemical spills on
14 interstate 40. Lately we haven't had many chemical
15 spills. The biggest ones are diesel fuel spills, and
16 those things are real dangerous, because when you
17 spill diesel fuel on the road, it gets real slippery
18 because people are driving there at 75 miles an hour
19 on interstate, and so it's real dangerous to be there
20 on a road and try to get the people to slow down.

21 And when it comes to emergency management,
22 because we as Tribes, we're very, very superstitious.
23 I have a very difficult time in convincing my people
24 about being prepared for natural disasters because of
25 climate change. We had a flood in June, and we're

1 still trying to recover from that flood. And we've
2 had tornadoes in '76, and they don't want us to --
3 they don't like to hear about emergency management.
4 They don't want to do any drills, but all I can do is
5 tell them that, what if a natural disaster's going to
6 happen?

7 We're in the earthquake area. A fault runs
8 through the village. The thing that we have to -- the
9 thing that we have to worry about is that it's not
10 that we're predicting that it's going to happen, but
11 the question is when is it going to happen.

12 There are some worse things that can happen
13 in a disaster. Nuclear, I understand the nuclear
14 waste. I'm a certified radiological monitor and some
15 of the management structure I had picked up during
16 World War II. So I understand what radiation does,
17 nuclear waste stuff. It's dangerous stuff. You can't
18 smell it. You can't taste it. By the time you find
19 out that you have been contaminated with radiation,
20 when you find out, it's too late. You might as well
21 say good-bye.

22 The worst thing can happen to you,
23 especially those of us that are fire responders, first
24 responders, and I tell this to -- when we train our
25 people that are the Haz-Mat team, that please explain

1 to your family that the worst thing that can happen --
2 if anything worse is going to happen, it's that you
3 may not be home. You're not going to go home. You're
4 going to bypass the morgue. Your family is not going
5 to view your body. Please prepare yourselves. First
6 responders understand that.

7 Then also the pandemic flu they're talking
8 about, there's some areas in the community that are,
9 the whole county are being trained how to give shots
10 to the total county. And they're telling us this
11 stuff, that we're going to lose a lot of people, both
12 first responders and some of our community. And those
13 kind of things that you and I are not ready for. But
14 if anything is going to happen, it will happen.

15 So I thought I'd just share this information
16 with you. And then I also mentioned yesterday that
17 sure we want to prosper. As I mentioned that we now
18 have, instead have one cars now parking at your house,
19 we have four or five cars sitting there. That's a
20 good indication that our people have good jobs because
21 they have college degrees.

22 But when our people go to college,
23 22 percent don't come home. As soon as they get the
24 degree, they -- wherever they're at, they find their
25 jobs in California, Chicago, and New York, Texas.

1 Only time they come home is when they retire. So we
2 lose a lot of good manpower.

3 And then those of us that -- it's hard to be
4 a community developer. It is hard to work with your
5 people. Our people are very, very democratic.
6 Remember what I said yesterday? Mr. Paytiamo, you're
7 not human. If you want to be a leader, we're going to
8 be leaders. We just have to have strong will, thick
9 skin. People are going to call you names. Some of
10 those names that you don't want to hear. That's what
11 Ms. Paytiamo used to tell me. Mr. Paytiamo, you're
12 just not human. You never show any emotion. No
13 matter what people say to you, you act like you don't
14 feel it.

15 You get that way, you really get like that.
16 Sometimes I hate myself. I have feelings just like
17 everybody else, but I just don't show it.

18 I'm glad that I've been with my Tribe for 39
19 years now and I've had -- my name is Stanley Paytiamo
20 and my Indian name is Tyudziima, but I also have other
21 names that they call me. But it doesn't matter. The
22 sun is still going to come up, the sun is still going
23 to shine.

24 When I used to work for the Public Council,
25 I used to tell my staff, just walk that extra mile and

1 the skies are going to clean up, I mean clear up, and
2 then one of the ladies from Northern Pueblos used to
3 tell me, Mr. Paytiamo, you always say that. It looks
4 like I've just been walking for miles and miles, and I
5 just don't see the sign yet. It's cloudy. But that's
6 all part of life.

7 I like to say these things because I think
8 that's what Chairman up here said, tell us what you're
9 thinking, what's on your mind, because community
10 development is everything.

11 I'm an Environmental Protection Specialist.
12 I keep telling EPA that I think that domestic violence
13 should be part of EPA. They said no, it's not.
14 Everything is like this. Everything overlaps. That's
15 the reason why my Tribe doesn't have a constitution.
16 It is difficult. It's not like this. It is not the
17 government and the culture and religion. It's not
18 like this. They overlap. It's hard to divide where
19 there are no lines.

20 I think maybe seven generations from now
21 that the younger generation are going to be much more
22 brave and they might decide to go democratic and start
23 voting. We do teach them to go vote for the
24 president. You know who I voted for this time?
25 Obama. And guess what: I had some names calling me,

1 but I don't know if I made the right choice or not,
2 but that was my choice. I like Hillary, she's been up
3 to Acoma, help us with some rents.

4 I hope maybe in closing I want to say that
5 lets don't give up on whatever my friend from Navajo
6 said. Just go ahead and keep at it. Just keep
7 forward and don't look back. And let's go out and do
8 whatever we have to do, do whatever has to be done.

9 It's not easy, but you have all the answers.
10 I don't have the answers. Nobody doesn't have the
11 answers. BIA doesn't have the answers.

12 I always tell the youth, and my people, when
13 you get stuck, take time out. Sit down and rest and
14 go back in again, because after second cup of coffee,
15 you're going to find your own answers because each one
16 of us has a map, the puzzle. Each of you have the
17 right puzzle that fits, that plays where it's going to
18 go.

19 So that's reason why we're having these
20 meetings, so when we get together, not everybody knows
21 everything. That's reason why we need everybody's
22 ideas on how and where we're going to go.

23 I had some real big giants at home, old
24 Councilmen. They let me stand on their shoulders
25 until I was able to see farther, farther down the

1 road, not just five years, but beyond, and I hope
2 you'll be like that, too. Stand on your old people's
3 shoulder and look further down the road and see where
4 we're going and figure out how we're going to get
5 there.

6 We'll make it. These are things are not
7 hard. Things are just -- we just need to find the
8 right puzzle. Somebody says, "I found the right one."
9 Put it in there. See? You made it.

10 Thank you very much.

11 (Applause)

12 MR. WHITE TAIL FEATHER: Thank you, and with
13 that, I believe the session is closed. And you can
14 always write in if you have ideas and just send them
15 to CERT and they will certainly include them in any
16 policy formulation. Thank you very much. And I hope
17 everybody has a great afternoon.

18 MR. LESTER: Thank you very much, Walter.
19 We're going to take a short break, and then we're
20 going to -- those of us that are left standing, or
21 sitting, we're going to get back together. The intent
22 was to have some quick overview of the nine sessions
23 that we had, so we have some sense of what all was
24 said. None of us could be in all the rooms at the
25 same time. And then to have a quick discussion among

1 ourselves as to suggestions to us as to where can we
2 go from here. And some strategy talk. We have some
3 ideas we'll share with you, but we need to get some
4 more back and forth on that.

5 We promise to get some documents out to
6 everyone. This is a national effort so we'll be
7 sharing with Tribes who aren't here, people who
8 didn't, weren't able to be here or at this point in
9 time didn't consider the importance of it. Whatever
10 the reason, we're going to be ready to move forward
11 at -- NCAI's having their convention and so we want to
12 talk about how do we fold in with their process as
13 well.

14 So let's take a quick break, and then we'll
15 come back and let's see where we're going from here.

16 (Proceedings adjourned at 3:29 p.m.)

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1 CERTIFICATE OF REPORTER

2 STATE OF NEVADA)
3)
3 COUNTY OF CLARK)

4 I, Kevin Wm. Daniel, Certified Court
5 Reporter, do hereby certify:

6 That I reported in shorthand the proceedings
7 had in the above-entitled matter at the place and date
8 indicated.

9 That I thereafter transcribed my said
10 shorthand notes into typewriting, and that the
11 typewritten transcript is a complete, true and
12 accurate transcription of my said shorthand notes.

13 IN WITNESS WHEREOF, I have set my hand in my
14 office in the County of Clark, State of Nevada this
15 12th day of August, 2008.

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KEVIN WM. DANIEL, CCR #711

