

**TESTIMONY OF**

**MARK L. AZURE, PRESIDENT  
FORT BELKNAP INDIAN COMMUNITY COUNCIL**

**Before the  
United States House of Representatives, Committee on Natural Resources,  
Subcommittee on Indian and Alaska Native Affairs**

**Oversight Hearing on  
*"Implementing the Cobell Settlement: Missed Opportunities and Lessons  
Learned"*  
April 4, 2014**

Good Afternoon Mr. Chairman, Committee Members and guests, and thank you for providing the Assiniboine and Gros Ventre Tribes of Fort Belknap an opportunity to express our concerns about the implementation of the Land Buy-back Program enabled by the Cobell Settlement. My name is Mark Azure and I am the President of the Fort Belknap Indian Community Council, the governing body of the Assiniboine and Gros Ventre Tribes of the Fort Belknap Indian Reservation in Montana. I am a United States Army Veteran and a member of the Assiniboine Tribe of Fort Belknap. The Fort Belknap Indian Community consists of over 7000 enrolled members of the two Tribes, for whom I am pleased to offer these comments.

The Fort Belknap Indian Reservation was allotted through a separate act of Congress in 1921. Since that time, many original allottees died without wills, creating a significant fractionated interest problem. In the 1920s there were 1,189 individual allotments issued covering over 650,000 acres on Fort Belknap. As early as the 1950s the Tribal Council utilized various sources of funding to purchase land from heirs of the original allotments. Our fathers and grandfathers on the Tribal Council saw the detrimental effect that fractionated interests was having on the ability to use lands.

In recent years the source of income to purchase lands has dried up. According to the Department of Interior, in 2012, the Fort Belknap Reservation had

3,007 fractionated tracts encompassing 570,883 acres with 55,329 separate interests that potentially could be purchased if sellers were willing.

At Fort Belknap, we have contracted a Tribal Land Department from the BIA to help administer Tribal lands under a P.L. 93-638 contract for over thirty-five years. To satisfy our tribal goals, the tribal government contributes \$180,000 annually under its aid to tribal government contract. This action shows our deep commitment to tribal land acquisition. We also have experience with buying allotted lands from enrolled members. In fact, we have within the last few years spent \$778,000 on land acquisitions in an attempt to purchase back land for our tribes, and since the inception of our Land Purchase program in the 1970s, over 150,000 acres of allotted lands have been purchased and added to Tribal inventories. Many other acres have been exchanged and consolidated. While these numbers may seem large, unfortunately, our lack of resources has held back our overall plan to purchase fractionated interests from willing sellers and solve the large remaining fractionated interest problem that has plagued economic development.

Our staff has attended national meetings of the Large Land-based Tribes for decades, emphasizing the need for Tribes to address fractionated interests. We have patiently waited “our turn” while other Tribes were successful in receiving funds to purchase fractionated interests.

In 2012, we were excited to see the potential for our Tribal Land Purchase plans to receive funding through the Cobell Settlement. We looked at the December 18, 2012, Land Buyback Plan of the Department of Interior, and were ready to get moving. We attended numerous “listening” conferences, and were frustrated that our many suggestions, made by Tribal leaders and staff with decades of experience and focus on enabling Tribal-run programs, seemed to receive little consideration.

When no specific contracts were even proposed by March, 2013, we submitted a draft contract in April, 2013, to get the process moving. Five months to identify and enable existing Tribal programs to begin purchasing lands seemed to be long enough. We were then and continue to be very concerned that Congress set a ten year limit on the availability of these funds, beginning in November, 2012.

Unfortunately, we received ***no*** feedback on our written proposal and agreement of April, 2013. Instead, DOI staff proposed a standardized “boilerplate” agreement to all Tribes in June, 2013. While somewhat discouraged about no response to our written proposal, we submitted a new agreement based on the “boilerplate” agreement in late June, 2013. We incorporated most of the assurances and procedural steps the DOI had sought in their draft, but upgraded the agreement to address needs at Fort Belknap.

Again, we received ***no*** feedback on our June, 2013 proposal. Instead, DOI, almost a year after funds became available for purchasing lands, in the fall, 2013, published a process whereby Tribes could contract with DOI, but advised that they wanted detailed proposals, and then they alone would respond and prepare their “boilerplate” agreement, with no changes to be expected from their prepared draft.

We have reluctantly assented to this process and submitted a letter of interest and a resolution to the DOI. It is now eighteen months into the 120 month time frame whereby these funds will be available. We know people are interested in selling interests. We have applications for land sales for millions through our existing processes. Regrettably, we are no closer to purchasing these lands than when we started.

Two of the goals in the 2012 DOI Buy-back Plan were to “maximize tribal participation in the program” and to “establish and maintain clear communication

throughout its operation”.<sup>1</sup> These were appropriate goals. We embraced these goals, and spent significant Tribal resources in attending meetings and drafting agreements to implement these goals. We operated under good faith that DOI meant to implement these goals. It is now nearly eighteen months after those goals were drafted, and we are discouraged that neither of these goals are progressing.

As far as we know, the Billings Regional Office of the BIA does not have a clear plan to implement the Land Buy-back Program for Regional Tribes. Our attempts to initiate a specific process here at Fort Belknap have had no response. We know that historically, a single transaction to be recorded in the Billings Regional Title plant has taken six months. We cannot comprehend how that office could contemplate processing the 50,000+ transactions anticipated in the Buy-back plan from Fort Belknap alone over the next several years. We have not seen an upgrade in volume capacity in that very important office.

These funds could mean an unprecedented influx of monies to our local economy. At Fort Belknap, the DOI projected \$54 million of the total available would be needed to fund land purchases. These funds will impact our local economy in multiple ways. If we could administer the purchase program, local jobs will be created. The services needed to support these administrative efforts will support local businesses. Purchase funds will go to individuals who often are unemployed otherwise. Their families and extended families will all benefit, as will local businesses. Tribal government will benefit from the lease and use of lands purchased.

But none of this is happening now, as the process the DOI is implementing is uncommunicative and ignores Tribal input. We have been saying the same things for over a year. The transcripts of the listening conferences will affirm our position that we are ready and willing and want to administer these funds now.

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<sup>1</sup> Updated Implementation, Land Buy-back Program for Tribal Nations, Summary, Page 2 of 32 (December, 2012)

The Cobell Settlement was a landmark in U.S. government and tribal relationships. It sought to remedy a long-standing problem of failed government administration of resources. Its focus was to redress problems created for individuals by failed government process.

Our leadership has often commented that it is ironic that funds paid to redress problems created by failed government administration should be proposed to be tightly administered by the same bureaucracy that created the problem.

While not perfect, by any means, our people have elected leaders who have administered Tribal land buy-back programs for decades. We sincerely would like the opportunity to obtain the funds designated by Congress, apply them to our existing programs, upgrade those programs where necessary, and get busy with the land purchases Congress assigned these funds for in the settlement process.

We know that the DOI has spent a lot of these monies in the last eighteen months on hearings, staff and forms. We are quite concerned that millions of dollars which should have been spent on local efforts and purchasing lands are now gone, without the purchase of a single square foot of land at Fort Belknap! We respectfully ask this body to provide oversight and mandate corrections to get these monies to Tribes to facilitate Congress' intent to purchase fractionated interests.

Thank you again for the opportunity to provide our perspective.

Sincerely,

Mark L. Azure, President  
Fort Belknap Indian Community Council