PIPELINE SAFETY CONFERENCE

Presented by
David C. Smith

November 3, 2017
Elouise Cobell
Henry Dawes
Allotted Land
Allotted-Tribal Land
Allotted-Tribal and Fee Land
Mixed Individual and Tribal Allotments

½ Tribal and ½ Allotted

½ Tribal and ½ Allotted

½ Tribal and ½ Allotted

½ Tribal and ½ Allotted

½ Tribal and ½ Allotted

½ Tribal and ½ Allotted
Pipeline on Allotted Land

Allotted

Allotted

Allotted

Allotted

Allotted
Lands allotted in severalty to Indians may be condemned for any public purpose under the laws of the State or Territory where located in the same manner as land owned in fee may be condemned, and the money awarded as damages shall be paid to the allottee.
Pipeline on Allotted - Tribal Land

- Allotted
- Tribal
- Allotted
- Tribal
- Allotted
- Tribal
No grant of a right-of-way over and across any lands belonging to a tribe . . . shall be made without the consent of the proper tribal officials.
Pipeline on Allotted, Tribal and Fee
Pipeline on individual/allotted

½ Tribal and ½ Allotted

½ Tribal and ½ Allotted

Allotted

½ Tribal and ½ Allotted

½ Tribal and ½ Allotted

½ Tribal and ½ Allotted

Tribal

Allotted

Tribal
Lone Wolf the Younger
Davilla v. Enable Midstream – The Emaugobah Allotment
In your letter you indicated you were prepared to file an action for trespass on behalf of the unidentified owners of Allotment 84. As you may know Oklahoma Native American Tribes in many instances are unique and distinct from others. Under generally recognized property law pertaining to Trustee Allotments, only the Secretary of the Interior, acting through the Bureau of Indian Affairs, represented by the United States Attorney has standing to bring an action on behalf of the owners. We could find no authority where such standing can be assigned to another entity. If you are aware of such authority, please share that information so we can educate ourselves as to the changes.
Enable Tries to Condemn the Allotment

• Dismissed
• Fees awarded of $103,000
The Landowners sue

• Damages
• No Statute of Limitations
• Accounting for Profits
• Injunction
“Defendants are hereby permanently enjoined from using the pipeline under the tract at issue in this case and are hereby required to move said pipeline within six (6) months of the date of this Order.”