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Description of document: Office of the Special Trustee for American Indians (OST)  
2016 Status Report for the Land Buy-Back Program for  
Tribal Nations and summary of the results of the strategy  
review of the Land Buyback Program, 2017

Requested date: 26-February-2019

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Posted date: 23-September-2019

Source of document: Freedom of Information Act Request  
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Office of the Special Trustee for American Indians  
1849 C Street NW  
Washington, DC 20240  
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# United States Department of the Interior

OFFICE OF THE SPECIAL TRUSTEE FOR AMERICAN INDIANS

Washington, DC 20240

August 22, 2019

IN REPLY REFER TO:

OS-2019-01155

The Office of the Special Trustee for American Indians, Freedom of Information Act (FOIA) Office received your FOIA request, February 26, 2019, on March 14, 2019 and assigned it control number OS-2019-01155. Please cite this number in any future communications with our office regarding your request. You requested, *"I request a copy of the description of the Land Buyback Program Plan and the description of the Land Buyback Program Strategy"*.

We are writing today to respond to your request on behalf of the Office of the Special Trustee for American Indians. We have enclosed the 2016 Status Report and a summary sheet that describes the results of the strategy review of the Land Buyback Program, which is being released to you in its entirety.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **"no later than 90 workdays** from the date of this letter. **Your appeal must be made in writing.** You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the Office of the Special Trustee for American Indians response is in error. You must also include with your appeal copies of all correspondence between you and Office of the Special Trustee for American Indians concerning your FOIA request, including your original FOIA request and Office of the Special Trustee for American Indians response. Failure to include with your appeal all correspondence between you and Office of the Special Trustee for American Indians will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

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Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

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Attn: FOIA/Privacy Act Appeals Office  
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Web: <https://ogis.archives.gov>  
Telephone: 202-741-5770  
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response to your request, you may contact Meleanie Bell by phone at 202-208-5792, by fax at 202-219-0426, by email at [meleanie\\_bell@ost.doi.gov](mailto:meleanie_bell@ost.doi.gov), or by mail at Department of Interior, ATTN: OST (Meleanie Bell), 1849 C Street, NW, Room 3211, Washington, DC 20240.

Sincerely,

A handwritten signature in black ink, appearing to read "Keith A. Parsky". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Keith A. Parsky, Esquire  
OST FOIA Officer



THE ASSOCIATE DEPUTY SECRETARY OF THE INTERIOR  
WASHINGTON, DC 20240

JUL 28 2017

Dear Tribal Leader:

I am writing to update you on the Land Buy-Back Program for Tribal Nations (Program). In particular, this letter describes the results of the recent strategy review of the Program, which focused on determining how to consolidate the highest number of fractional interests with the remaining \$540 million in funding. There are two major results to share at this time: 1) a number of new policies to leverage the available resources, and 2) a revised set of locations where Program implementation may occur in the months ahead.

Thank you to the many individuals who took time to engage with us on this important Program. I want to recognize the significant input received from tribal leaders over the last few months through the open comment period announced in the *Federal Register* and during the multiple meetings the Department of the Interior (Department) engaged in with many of you, as well as hearing from the participants at the Program's 2017 Listening Session. The feedback received is diverse. Some tribes requested that the Program return to their location, while others requested that there be no changes to the schedule announced in May 2016. Others suggested that tribes might use their own funds to purchase fractional interests to take advantage of Program resources and processes, such as mapping and appraisals.

In addition to considering the comments received, the Program evaluated numerous alternative methods and policies during the strategy review. The resulting approach and locations described in this letter reflect the Department's consideration of tribal comments and other factors, including a greater emphasis on maximizing the number of fractional interests reduced, the available funding, as well as cost, efficiency, and leveraging of Program resources.

1. **Leveraging Resources.** The Program decided to pursue and implement new policies to better leverage Program resources, facilitate greater efficiencies, and increase opportunities to consolidate fractional interests, including:
  - Facilitating tribal and co-owner purchases. In response to tribal feedback, we are evaluating the Program's ability to facilitate tribal and co-owner purchases. We are also working to make certain information, such as mapping and land appraisals, more readily available. This may help tribes direct their own resources to reduce fractionation and manage tribal land. It may also facilitate individual landowner purchases. The Program anticipates announcing more information on these matters in the next few months.
  - Maximizing use of appraisals. Initially, the Program established an appraisal validity period of up to 9 months. Many tribal leaders urged the Department to consider a period of up to 12 months. We decided that we will strive to utilize mass and project

appraisals for up to 12 months, as long as appropriate market conditions exist when such appraisals are issued and thereafter. This approach seeks to maximize the time available to leverage the appraisals.

- Streamlining agreements with tribes. The Program revised the cooperative agreement process to clarify the funding parameters for tribes and to ensure that the maximum amount of the funding goes to land consolidation.
- Revised acquisition approach. To further maximize the remaining funding, the Program developed an offer approach that focused on acquiring: 1) interests in all Mineral (M) tracts determined to have no current economically viable mineral value, and 2) interests that are less than 25 percent in Surface (S) and Both (B) tracts. Resources permitting, the Program will also look to give priority to those tracts or interests where tribes or individuals are committed to using their own funds to acquire fractional interests.
- Extending purchase offer timing. Previously, purchase offers were valid for 45 calendar days from the date of the offer cover letter. Tribes and landowners requested a longer validity period. We decided to extend the due date from 45 days to 60 days to allow landowners more time to make an informed decision about their land.

2. **Revised Schedule.** To further maximize the consolidation of interests, we revised our implementation schedule based on several factors including: severity of fractionation; appraisal complexity; degree of ownership overlap between locations or geographic proximity; tribal readiness; past response rate; and cost and efficiency (including land value). With these factors in mind, the Department will look to implement the Program at the following locations:

- Blackfeet
- Bois Forte (Nett Lake)
- Cheyenne and Arapaho
- Cheyenne River
- Crow
- Fond du Lac
- Fort Belknap
- Fort Berthold
- Fort Peck
- Navajo
- Northern Cheyenne
- Pine Ridge
- Rosebud
- Santee Sioux (Nebraska)
- Skokomish
- Spirit Lake
- Standing Rock
- Umatilla
- Warm Springs
- Wind River

Because effective planning and coordination produces the best results, the Program will continue to educate landowners and build cooperative working relationships with tribes and their land staff. A Program representative will contact each tribe at the initial stages of planning for implementation.

The Program will continually assess progress and it may revise the schedule or add locations as capacity and resources allow, depending on the results achieved. Offer response rates, for example, will inform how many locations receive offers.

I recognize that some of you will be disappointed with the schedule changes since the Department previously announced 105 locations for implementation. However, our analysis during the strategy review period demonstrates that the revised schedule most effectively maximizes the remaining dollars to achieve:

- the greatest reduction of fractional interests;
- the largest number possible of landowners able to participate; and
- the most effective use of the Department's limited resources.

Several tribes commented that they have invested energy and resources in preparation for implementation of the Program. That work may help build a foundation for the policies outlined above. We look forward to collaborating with you to explore these alternatives.

It is clear that we have a major, long-term challenge before us. As I said during my testimony before the U.S. House Subcommittee on Indian, Insular, and Alaska Native Affairs in May of this year, the Land Buy-Back Program for Tribal Nations is a once in a lifetime opportunity to meaningfully address fractional interests that plague tribal communities and their efforts towards sovereignty and self-determination.

The Program's impressive level of collaboration within the Department of the Interior and with tribes will continue. Our staff is dedicated to efficiently and effectively using the remaining funds within the time currently allowed. I am committed to working with you to pursue multiple tools and methods to address fractionation and the many problems, inefficiencies, and impediments to infrastructure that it creates for Indian Country.

Again, your direct participation in this Program is much appreciated and worthwhile. I welcome ongoing dialogue about the future of the Program and will ensure that Program staff continue to engage with you and provide updates in various settings. Your continued involvement will be instrumental as we move forward with the Program and other initiatives to improve land management and productivity.

Sincerely,

A handwritten signature in black ink that reads "James E. Cason". The signature is written in a cursive style with a large initial "J" and "C".

James E. Cason  
Associate Deputy Secretary

# 2016 STATUS REPORT



U.S. DEPARTMENT OF THE INTERIOR

November 1, 2016

(Amended November 7, 2016)

## PROGRAM MILESTONES

- 2009** Dec 7 *Cobell v. Salazar* Settlement Agreement signed
- 2010** Dec 8 Claims Resolution Act of 2010 signed into law by President Barack Obama
- 2011** July – Oct Tribal consultations conducted (various locations)
- 2012** Nov 24 Final Approval of the Settlement after appeals exhausted to U.S. Supreme Court; 10-year period begins
- Dec 17 Land Buy-Back Program for Tribal Nations established through Secretarial Order No. 3325
- 18 Initial Implementation Plan released
- 2013** Jan – Feb Tribal consultations conducted (various locations)
- Oct 29 Valuation Plan released following review by The Appraisal Foundation
- Nov 8 Updated Implementation Plan released
- 15 Open solicitation period initiated for submissions of cooperative agreement applications or expressions of interest from locations representing 90 percent of fractionated land
- 18 First offers mailed to landowners with interests at the Pine Ridge Reservation
- 2014** March 30 First quarterly transfer of nearly \$580,000 to the Cobell Education Scholarship Fund
- May 15 Implementation schedule announced through the end of calendar year 2015
- 29 Deputy Secretary Michael L. Connor and Assistant Secretary – Indian Affairs Kevin Washburn hold Listening Session for tribal leaders and landowners in Portland, Oregon
- Sept 8 Total of \$100 million in payments made to landowners with fractional interests
- Nov 20 2014 Status Report released; implementation schedule expanded to 42 locations
- 2015** March 19 Deputy Secretary Connor, Assistant Secretary – Indian Affairs Washburn, and Deputy Special Trustee for American Indians Jim James hold Listening Session for tribal leaders and landowners in Laveen, Arizona
- May 28 The Osage Nation becomes the 20th tribe to partner with the Department to implement the Program
- June 25 Total of \$500 million in payments made to landowners with fractional interests
- July 8 Equivalent of more than 1 million acres of land restored in trust to tribal nations
- Sept 30 Sixth quarterly transfer of more than \$10 million to the Cobell Education Scholarship Fund, bringing the total amount contributed to nearly \$30 million
- Nov 4 Department announces a new Planning Initiative, encouraging tribes and landowners to express interest in the Program
- 2016** March 3 Deputy Secretary Connor, Special Trustee for American Indians Vincent G. Logan, and Acting Assistant Secretary – Indian Affairs Lawrence S. Roberts hold Listening Session in Albuquerque, New Mexico
- May 3 Secretary of the Interior Sally Jewell and Senator Jon Tester travel to the Blackfeet Nation for a signing ceremony commemorating a cooperative agreement to implement the Program
- 17 Program announces expanded implementation schedule adding 63 locations through 2021

## LETTER FROM SECRETARY JEWELL

I am gratified by the continuing success of the Land Buy-Back Program for Tribal Nations, and grateful for the involvement of tribal leaders across Indian Country and the relationships we have forged with participating tribal communities. Your collaboration has been key to the accomplishments achieved thus far. While this is the final Status Report for the Buy-Back Program under my leadership, the impact of this Program has only just begun, and I encourage you to remain involved in guiding its future.

Since the Program's first offers in December 2013, we have paid approximately \$900 million to individual landowners with interests at 30 locations, and restored in trust the equivalent of nearly 1.7 million acres of land to tribal nations. Payments are on track to soon surpass \$1 billion.

We continue to see the Program's positive impact in tribal communities as their governments make decisions about consolidated land to advance their goals and priorities. Consolidated land has the potential to help tribal governments protect cultural and natural resources, develop housing or schools, and plan for new or expanded community centers and health clinics.

We have now announced a total of 105 locations where Program implementation will begin by mid-2021. We developed this schedule by actively engaging both tribes and individual landowners. Scheduled locations represent nearly all landowners, fractional interests and equivalent acres, as well as all Bureau of Indian Affairs regions and states with fractionated tracts. The Program's pursuit of this aggressive implementation schedule will provide new opportunities, but it also involves new challenges. As we work with locations that have more complicated terrains, land titles, appraisal circumstances, and ongoing legal matters, we anticipate an even greater need to work closely with tribal governments. The Program will continue to welcome tribal ideas for how to meet the challenges.

In addition, we recognize that the Consolidation Fund will not be sufficient to purchase all fractional interests across Indian Country. When the Program fully utilizes all available funding, which we expect to occur by the statutory date of 2022, the value of the remaining fractionated land will likely still be several billion dollars. Because fractionation grows each day, continued efforts and new solutions will be necessary to protect trust lands.

In May 2016, I traveled to the Blackfeet Nation with U.S. Senator Jon Tester to commemorate an agreement with the Tribe and the significant work of Eloise Cobell and other tribal leaders in achieving the *Cobell Settlement*. There, I announced that the Department would consider ways to extend the Program, in part given the many requests to return to locations where implementation has already occurred. Preliminary observations from that ongoing analysis are identified in this Report, and the Program looks forward to working with leaders in the U.S. Congress and next Administration to consider these opportunities.

I am proud of the substantial, lasting steps this Program has taken toward fulfilling President Obama's goal of strengthening and investing in tribal communities. Significant work remains, however, to realize the Program's potential to support tribal sovereignty and enable effective long-term management of trust lands. I ask that Federal staff, tribal leaders, and landowners continue to maintain your excellent levels of government-to-government cooperation and communication to maximize the unique opportunities before us and take action for the benefit of generations to come.



*Photo credit: U.S. Department of the Interior*

## **BUY-BACK OVERSIGHT BOARD and PROGRAM LEADERSHIP**

Department of the Interior Secretarial Order No. 3325 establishes a Land Buy-Back Program Oversight Board, chaired by the Deputy Secretary. The Board works to ensure the Program is carried out effectively and efficiently, and provides policy guidance, ideas for improvement, oversight, and other assistance to the Program. The Board is comprised of key departmental leadership, including the following individuals:

Michael L. Connor	Board Chair, Deputy Secretary of the Interior
Michael S. Black	Director, Bureau of Indian Affairs
Elena Gonzalez	Deputy Assistant Secretary – Technology, Information & Business Services
Neil Kornze	Director, Bureau of Land Management
Vincent G. Logan	Special Trustee for American Indians
Lawrence S. Roberts	Principal Deputy Assistant Secretary – Indian Affairs
Hilary C. Tompkins	Solicitor

Key Program leaders responsible for implementation by various Interior offices include the following:

John H. McClanahan	Program Manager Land Buy-Back Program for Tribal Nations
Jodi A. Camrud	Acquisitions Director Bureau of Indian Affairs
Iris F. Crisman	Deputy Director Land Buy-Back Program Valuations Office of Appraisal Services
Catherine C. Kilgore	Acting Chief Division of Minerals Evaluation Office of Valuation Services
Douglas A. Lords	Acting Deputy Special Trustee – Field Operations Office of the Special Trustee for American Indians

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## Buy-Back Program Facts and Figures

### Fractionation

Fractional interests returned to tribes: 485,253  
 Number of tracts reaching >50 percent ownership: 10,891  
 Acres associated with those tracts: 1.8 million  
 Percent of tracts generating no income in FY2016: 63.1  
 Percent of tracts with 20+ owners: 35.1

### Tribal Involvement

Tribes with Agreements: 37  
 Approx. number of tribal staff hired under Agreements: 150  
 Outreach events hosted by tribes: 1,200

### Outreach

Total Landowners: 243,000  
 Postcards mailed: 375,657  
 Media impressions: 400 million  
 Incoming Call Center calls: 109,981  
 Willing sellers identified: 27,478  
 Approximate reduction in WAUs since 2012: 8,000

### Land Research and Valuation

Initial mappings completed: 140 locations  
 Mineral evaluations, reviews, and updated reviews: 59  
 Locations where land was appraised: 34  
 Tracts appraised: 24,363  
 Acres appraised: 4,055,516

### Acquisition

Locations with offers: 30  
 Offers made: 172,652  
 Payments to landowners: \$898,563,327  
 Percent of individuals who accepted offer(s): 44.5  
 Percent of those who sold all interests in an offer: 80.7  
 Percent of the \$1.555 billion expended: 57.8  
 Percent of landowners with offers: 42.1  
 Percent of fractional interests included in offers: 37.0  
 Scheduled locations for FY 2017: 20

### Implementation Costs

Max. amount available under *Cobell* Settlement: \$285 million  
 Amount expended as a percent of pmts. to landowners: 6.5  
 Percent expended: 20.6

### *Program payments to landowners*

\$1,555,000,000



Remaining

\$898,563,327  
 Expended as of  
 September 30, 2016

\$0

## SUMMARY

The *Cobell v. Salazar* Settlement Agreement (Settlement) provides for a \$1.9 billion Trust Land Consolidation Fund (Consolidation Fund or Fund) to be expended within a 10-year period ending in November 2022.<sup>1</sup> The Settlement makes the Consolidation Fund available to the U.S. Department of the Interior (Department or Interior) to acquire fractional interests in trust or restricted land from individuals who are willing to sell their interests for fair market value. In 2012, the Secretary of the Interior (Secretary) established the Land Buy-Back Program for Tribal Nations (Buy-Back Program or Program) to implement the land consolidation aspects of the Settlement.

The principal goal of the Buy-Back Program is to reduce the number of fractional land interests through voluntary sales that place purchased interests into trust for tribes. These transfers consolidate trust land bases for conservation, stewardship, economic development, or other uses deemed beneficial by sovereign tribal nations.

The Buy-Back Program is currently completing its fourth calendar year. The first year was largely focused on planning, consultations, research, analysis, and one-on-one engagement with tribal leaders and individuals. The Program began land consolidation

purchases in December 2013 and thus far has made more than \$2 billion in offers to nearly 102,600 unique individuals for interests at 30 locations. In Fiscal Year (FY) 2016 alone, the Program paid more than \$207 million to landowners who accepted offers. The Program has paid landowners approximately \$900 million since its inception, and it has created or increased tribal ownership in more than 30,000 tracts of allotted land – with nearly 1,200 of those tracts reaching 100 percent tribal trust ownership. The Program has restored the

*The late Elouise Cobell meets President Barack Obama at the White House on December 8, 2010*

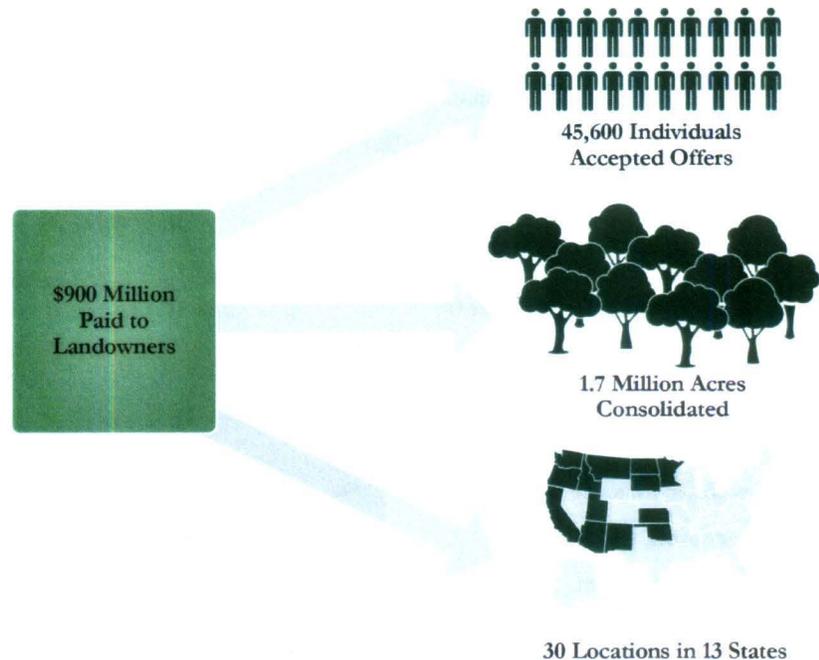


*Photo credit: Official White House photo by Pete Souza*

1. The Settlement was confirmed by the [Claims Resolution Act of 2010](#) and approved with finality on November 24, 2012, after appeals were exhausted through the U.S. Supreme Court (see [Settlement](#)). The 10-year period occurs from November 24, 2012 to November 24, 2022.

equivalent of nearly 1.7 million acres of land to tribal trust ownership.<sup>2</sup> The Program is working to efficiently use the limited amount of money identified in the Settlement for implementation costs, expending approximately \$6.50 for every \$100 paid to landowners.

This Status Report builds on previous years' reports and serves as a comprehensive description of the Program as of September 30, 2016, summarizing the key parameters of the Settlement and the corresponding implementation approach and processes of the Program. The Status Report also includes frequently asked questions (FAQs) (See [Appendix A](#)) and fractionation data in an effort to supply extensive and transparent information to tribes and landowners (See [Appendices B and C](#)). The sections of the Report are summarized below.



Introduction – Fractionation. Fractionation results from the repudiated policy of breaking up tribal homelands into individual allotments or tracts and then the division of ownership among more and more owners after the death of the original owner or allottee. Fractionation has grown exponentially over generations. As a result, many allotted tracts now have hundreds or even thousands of individual owners. This section summarizes the genesis of fractionation, the problems it creates for Indian Country, its current scope, the particular lands where the Program is focusing its efforts, and the Program's impact thus far in the context of long-term fractionation trends and increased tribal management potential.

2. Equivalent acres purchased represent only the undivided ownership interest acquired in a tract. For additional details, see the [Equivalent Acres](#) text box on page 9.

Key Parameters. The Department has established the following central priorities for the Buy-Back Program:

- **Individuals** — Promoting awareness and education to facilitate informed landowner decisionmaking while maximizing opportunities to participate, and
- **Tribes** — Strengthening partnerships, respecting and upholding tribal sovereignty, and to the greatest extent possible, tailoring efforts to each location based on tribal involvement and priorities.

In line with these priorities, the Program works toward the following goals:

- Reduce fractionation by consolidating interests for tribes, ensuring that land stays in trust;
- Maximize tribal and landowner participation;
- Establish and maintain clear communications with tribes, landowners, and the public; and
- Effectively manage implementation costs.

There are five overarching parameters that guide the design and implementation of the Buy-Back Program. These parameters include composition of fractionated locations, Settlement requirements regarding funding use; the size and application of the Consolidation Fund, the fact that the Program is a willing seller program, and tribal priorities.

Offer Methodology, Tribal Involvement, and Results. This section summarizes the Program's offer methodology, including the use of flexible purchase estimates. It also discusses the importance of tribal involvement, results through September 30, 2016, and the Program's implementation strategy.

The Buy-Back Program continues to work with tribes to implement the Program through cooperative agreements and memoranda of agreement (Agreements). In May 2016, the Program announced an expanded implementation schedule, which included 63 additional locations where land consolidation activities will occur. These 63 locations, added to the 42 previously identified for a total of 105 locations, reflect the vast majority of the total landowners and fractionated land across the Program-identified locations,<sup>3</sup> representing more than 96 percent of landowners, and more than 98 percent of both purchasable fractional interests and equivalent acres. In FY 2017, Program implementation is planned at 20 locations. The Program is already working with some of these locations and plans to engage with others in the coming months.

Primary Processes. There are four phases of the Program's land consolidation process – outreach, land research, valuation, and acquisition – which are described briefly below and in detail beginning on page 30:

- **Outreach** refers to the continuous process of communicating with landowners regarding the potential opportunity to sell their fractional interests. This phase involves addressing

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3. Program-identified locations refer to the locations included in Appendix B.

questions and concerns landowners may have regarding a sale or regarding issues that might arise as a consequence of a sale. Outreach also includes planning, sharing information, and consulting with tribes;

- **Land Research** includes the development of data related to mapping and land use, as well as other data necessary to establish fair market value for fractionated tracts;
- **Valuation** is the process of appraising fractionated tracts to determine their fair market value; and
- **Acquisition** is the process of making offers to landowners in an effort to acquire interests from those interested in selling.

#### Lessons Learned and Best Practices.

Tribal input, participation, and active landowner engagement remain critical to the Buy-Back Program's success. The Program solicited and received valuable tribal and landowner feedback during its March 2016 Listening Session in Albuquerque, which was attended by more than 500 tribal leaders, landowners, and other individuals.

#### *Resource tables at the March 2016 Listening Session*



*Photo credit: U.S. Department of the Interior*

The Program also conducted workshops with tribes and training for Federal staff, focusing on best practices for Program implementation and outreach. The [Lessons Learned and Best Practices](#) section (page 48) identifies current best practices in the areas of tribal involvement, outreach, land research, valuation, and acquisition.

Measuring Performance and Progress. The Program developed performance metrics related to the priorities and goals outlined above. The Program continues to use these metrics to measure progress towards its goals and presents the FY 2016 metrics in this section (page 58).

Community and Economic Benefits. Land consolidation is helping tribes achieve important community goals and, for the second consecutive year, the Buy-Back Program worked with the Department's Office of Policy Analysis to analyze its economic impact by reviewing Program payments to landowners through August 2016. The results of the analysis show that income received as a result of Buy-Back Program payments has had a significant impact on state and local economies. As of August 2016, cumulative Program payments contributed an estimated \$911 million to gross domestic product (GDP), \$1.7 billion in output of goods and services, and supported about 10,000 jobs nationwide as a result of the influx of funds into specific

areas and the associated spending. Tribes are already seeing the difference the Program is making, and this section includes several examples.

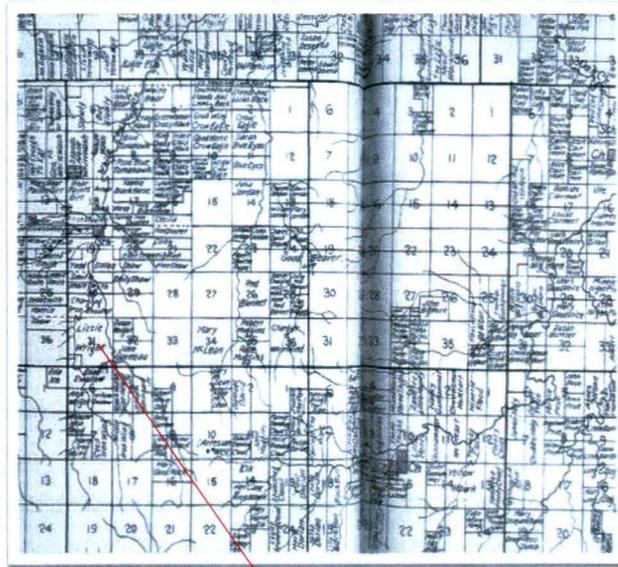
Next Steps. The Next Steps section highlights actions that the Program will take over the next year to continue to improve its outreach and consolidate land at upcoming locations. This section discusses pursuing implementation at additional locations on the expanded schedule, holding a fourth Listening Session in spring 2017, determining how to incorporate some off-reservation lands into the Program at additional locations, analyzing the results of the Program's landowner survey, building a Tract Viewer tool for the Program's website, and exploring, with Indian Country, options for extending land consolidation efforts.

The Buy-Back Program continues to welcome and pursue active engagement with Indian Country. Tribes and individuals may provide feedback during the upcoming Listening Session, tribe-specific meetings, and outreach events. Tribes, landowners, and others may also provide written feedback at any time by email to [buybackprogram@ios.doi.gov](mailto:buybackprogram@ios.doi.gov) or by mail (U.S. Department of the Interior Land Buy-Back Program for Tribal Nations, 1849 C Street NW, MS-5552-MIB, Washington, DC 20240). As a critical part of the Program, feedback received from tribes and individuals has led directly to many of the measures incorporated since the creation of this Program. In addition, many of the questions raised are addressed in the FAQs in Appendix A.

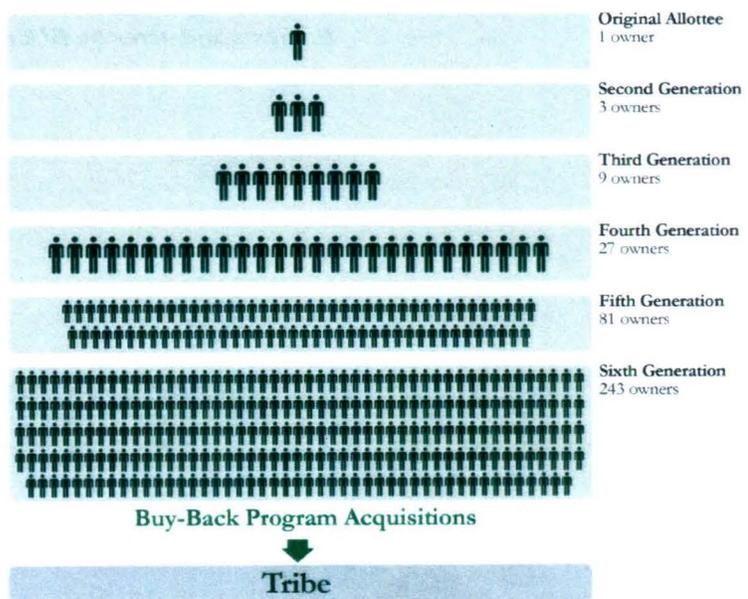


The following map of the Rosebud Sioux Reservation illustrates how part of the above tribal treaty land base was carved into thousands of individual allotted tracts by 1903.

Although the allotted land itself is not divided physically, the children, spouses, and other relatives of the original and successive landowners inherit undivided common ownership interests in the land. As a result, fractionation has grown exponentially over generations. Many allotted tracts now have hundreds or even thousands of individual owners. For example, there are more than 1,200 owners on a single tract of land on the Crow Creek Reservation in South Dakota.



Approximately 90 million acres (larger than the entire state of New Mexico) of the Indian trust land base were lost through 1934 because of Federal allotment policies that broke up tribal land bases into individual allotments. There are approximately 10.8 million tract acres associated with fractionated tracts with purchasable interests. The Buy-Back Program is currently focused on consolidating interests and acreage in the nearly 98,000 fractionated tracts containing potentially purchasable interests at Program-identified locations.



*For illustrative purposes only; not an actual ownership representation*

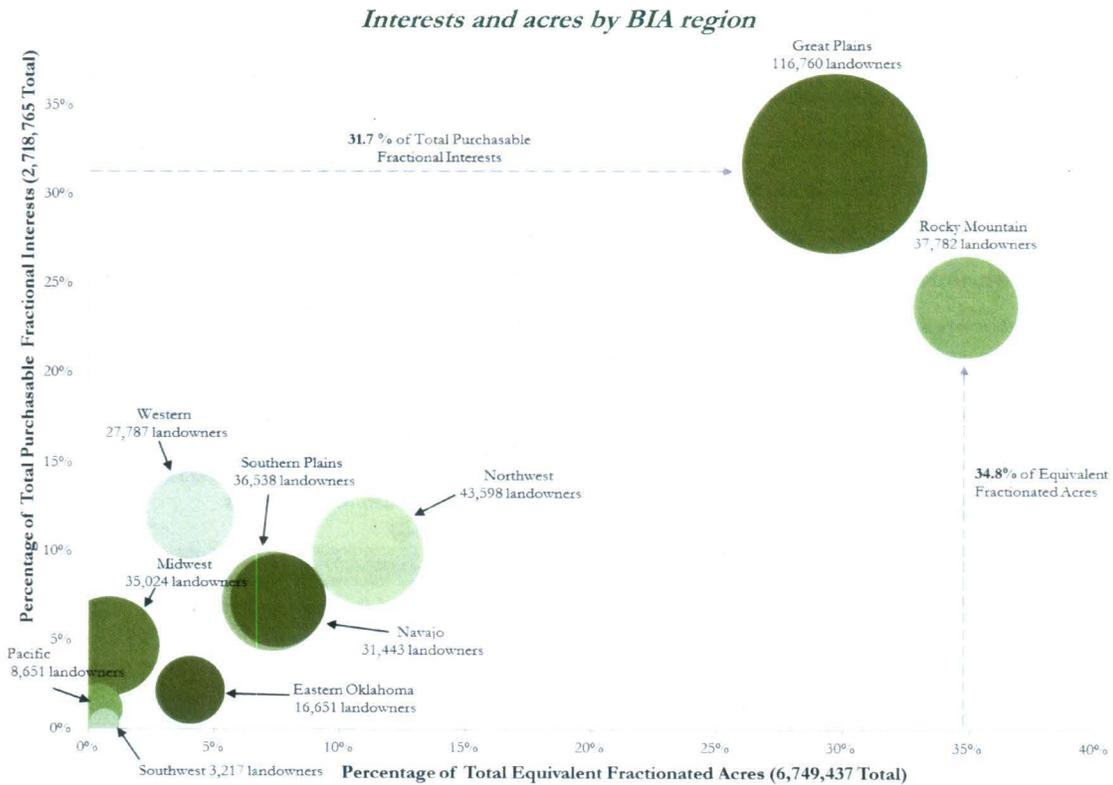
Fractionation is a significant problem in Indian Country. When tracts have hundreds or thousands of co-owners, it is difficult to effectively use the land. As a result, many highly fractionated tracts are underutilized, unoccupied, or unavailable for any purpose. Leasing and other income received for use of

fractionated land is divided among the owners, such that each owner often receives only a nominal amount based on his/her undivided ownership interest. During FY 2016, more than 65 percent of individual owners received \$25 or less in land-related income to their Individual Indian Money (IIM) account.

Fractionated ownership of allotted lands and the checkerboard nature of land ownership patterns pose major challenge to tribes that impact their ability to exercise tribal sovereignty and self-determination:

- Fractionated ownership can make it hard to protect or obtain access to sacred and/or cultural sites;
- The checkerboard ownership pattern creates jurisdictional challenges and ties up land within the reservation boundaries, making it difficult to pursue much needed economic; and
- Income received from the land, such as lease income, can be so divided that individual owners may receive just a few cents based on their fractional share.

Fractionation Scope. The figure below depicts current fractionation by Bureau of Indian Affairs (BIA) region, using the percentage of purchasable fractional interests and equivalent acres. Each circle represents the number of landowners for each region. The Great Plains region has the highest percentage of fractional interests (861,967 fractional interests, 31.7 percent) and the most landowners (116,760 landowners), while the Rocky Mountain region has the most equivalent fractionated acres (2,349,596 acres, 34.8 percent).



In order to understand how the Program measures progress, it is important to understand the concept of equivalent acres. The following graphic illustrates how the Program measures progress in terms of equivalent acres, which is the undivided amount of land associated with interests consolidated. Equivalent acres can be different than the total acres associated with a tract depending on the proportional amount of ownership interest purchased or held in a tract.

### Equivalent Acres – Tribal Management

Equivalent acres purchased represents the undivided ownership interest acquired in a tract multiplied by the total tract acreage. To illustrate, assume the Program purchases two 30 percent ownership interests in a 200-acre tract from two different individual owners (A and B) and the remaining four individual owners (C, D, E, and F) choose not to sell. The resulting equivalent acres of the ownership interests purchased would be 120. The tribe now has an undivided ownership interest in the entire 200-acre tract (a 60 percent undivided ownership interest), not a separate 120-acre tract wholly owned by the tribe. The four remaining individual owners have a combined 40 percent undivided ownership interest in the entire 200-acre tract or 80 equivalent acres.



No one landowner (including the tribe) owns a separate tract or subpart of the tract. Rather, each landowner owns an *undivided* common interest in the tract, expressed as a percentage.

The tribe in this example now has a 60 percent undivided ownership interest. It is important to recognize, however, that the tribe may not have a controlling interest. The percentage of co-owner consent required depends on the intended use.

There are approximately 150 locations across Indian Country with 97,970 fractionated tracts held in trust or restricted fee status. As depicted in the image on the following page, there are 10.8 million acres associated with these 97,970 fractionated tracts with purchasable interests. The image also depicts the potentially purchasable fractional interests in terms of the associated equivalent acres. In particular, approximately 5.4 million equivalent acres are currently eligible for purchase through the Program, including approximately 20,300 surface (S) tracts that have 1.5 million equivalent acres of purchasable interests and approximately 33,000 both (B) tracts that have 1.9 million equivalent acres of purchasable interests. These resource codes are explained on page 41. Finally, the image also shows the number of equivalent acres associated with interests that are not being purchased by the Program; eligibility requirements are outlined further on page 45.

### Fractionation Statistics

97,970 of the tracts held in trust have multiple owners with fractional interests subject to potential purchase and consolidation through the Program.

Approximately 63 percent of the 97,970 fractionated tracts generated no income to IIM accounts during the last 12 months.

34,356 tracts have 20 or more owners.

On average, each landowner owns an interest in 10 different tracts.

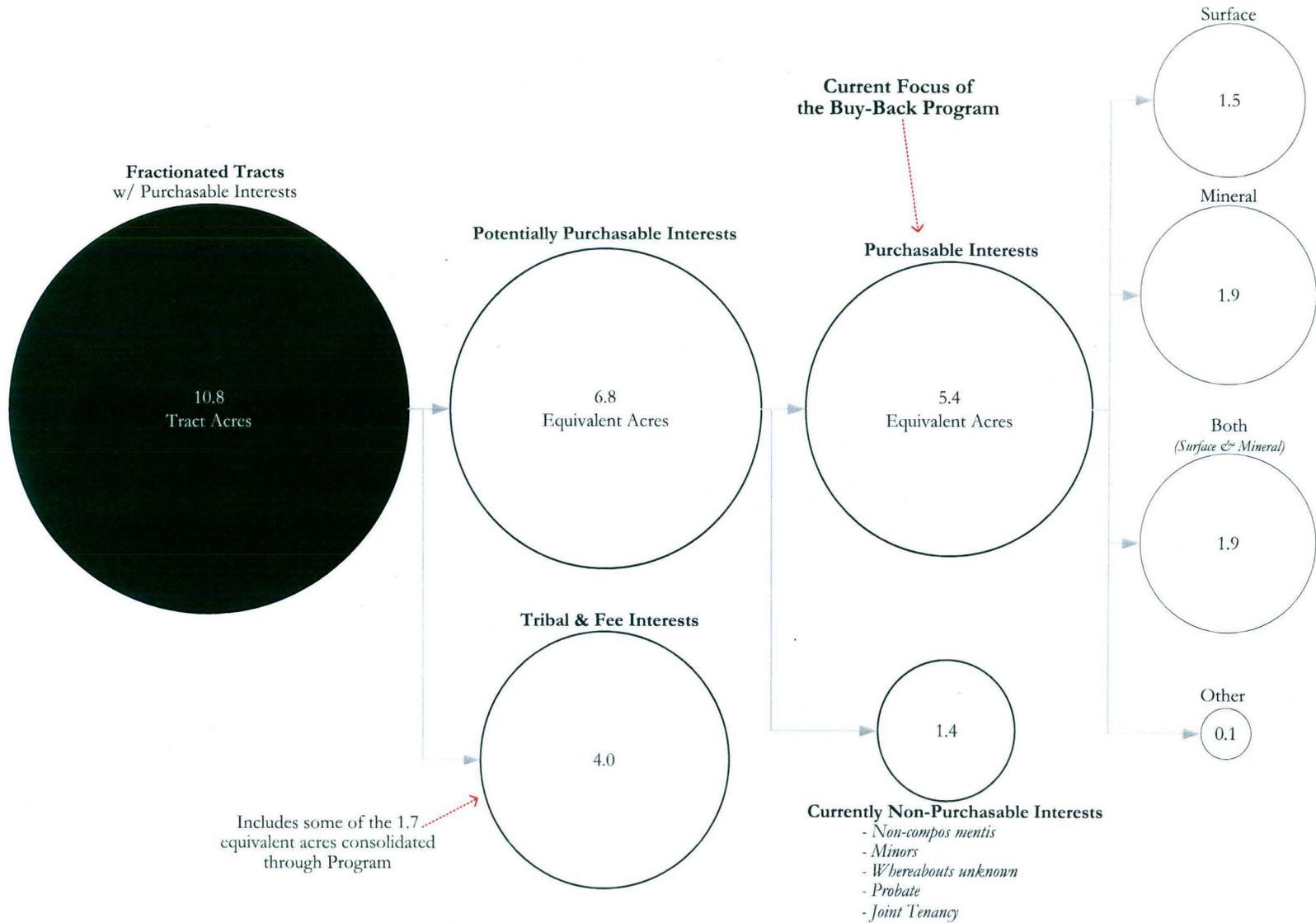
On average, each tract has 30 different owners (one location has an average of 149 owners per tract).

### *Prairie Band Potawatomi Reservation*



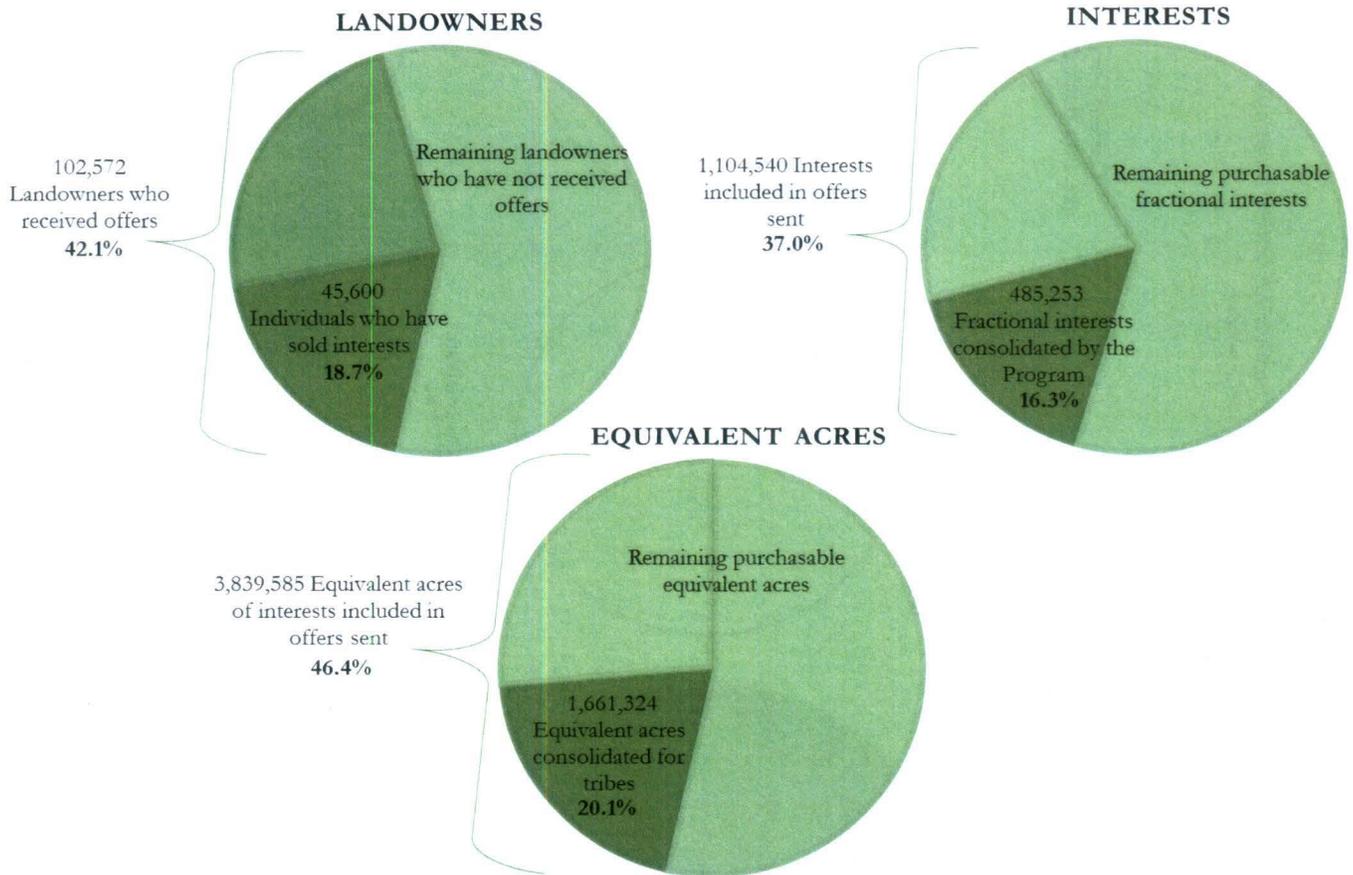
*Photo credit: U.S. Department of the Interior*

### Fractionated acreage at Program-identified locations (Acres shown in millions)

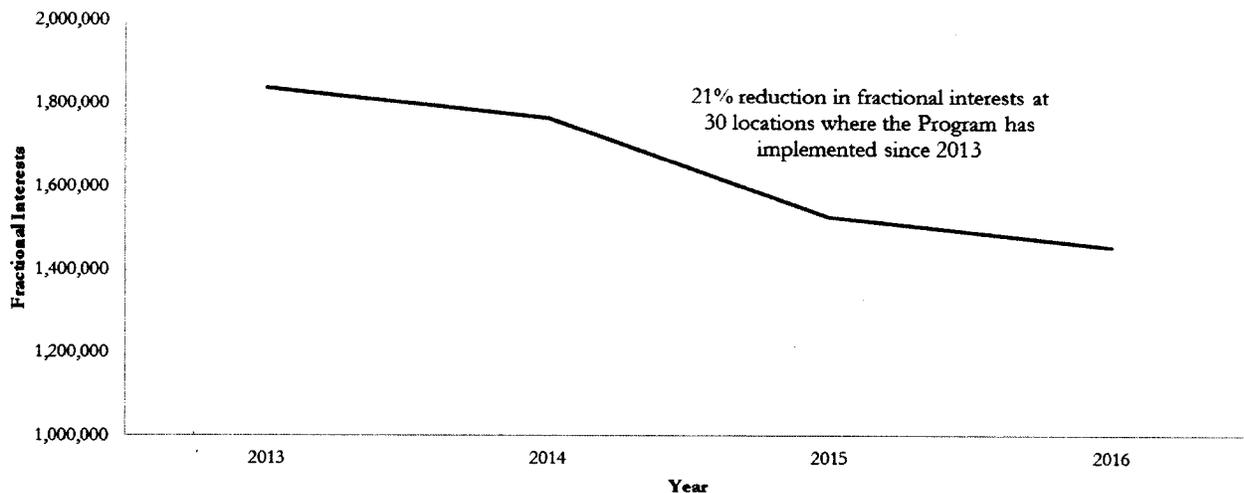


Progress. The Settlement provides a unique opportunity to have a substantial impact on fractionation in Indian Country. The Buy-Back Program is much more expansive than any previous land consolidation effort, focusing on a large number of tracts and owners at once without requiring an application from owners. It also allows for efficient and effective purchases that will reduce fractionation in the locations where it is most prevalent.

The charts below depict the Buy-Back Program’s progress since September 30, 2013, prior to Program purchases. As indicated, the Program has provided significant opportunities for landowners to participate in the Program.



The following graph illustrates the reduction in fractional interests for locations where the Program has sent offers as of September 30, 2016 (these locations are included in the table on page 27). For locations with Buy-Back Program sales, the total fractional interests decreased approximately 21 percent from 2013 to 2016. Several locations in the Great Plains and Rocky Mountain regions have realized even greater success as Program efforts at those locations reduced fractionation by more than 35 percent.

*Reduction in fractional interests from 2013 – 2016*

Future Projections. Even with the Program’s significant progress to date, and the results expected through 2022, fractionation will continue to be an extremely complicated, ongoing problem in the long term. And, it is critical to recognize that fractionation continues to grow each day, and future Program purchases may not keep pace with the rate of fractionation.

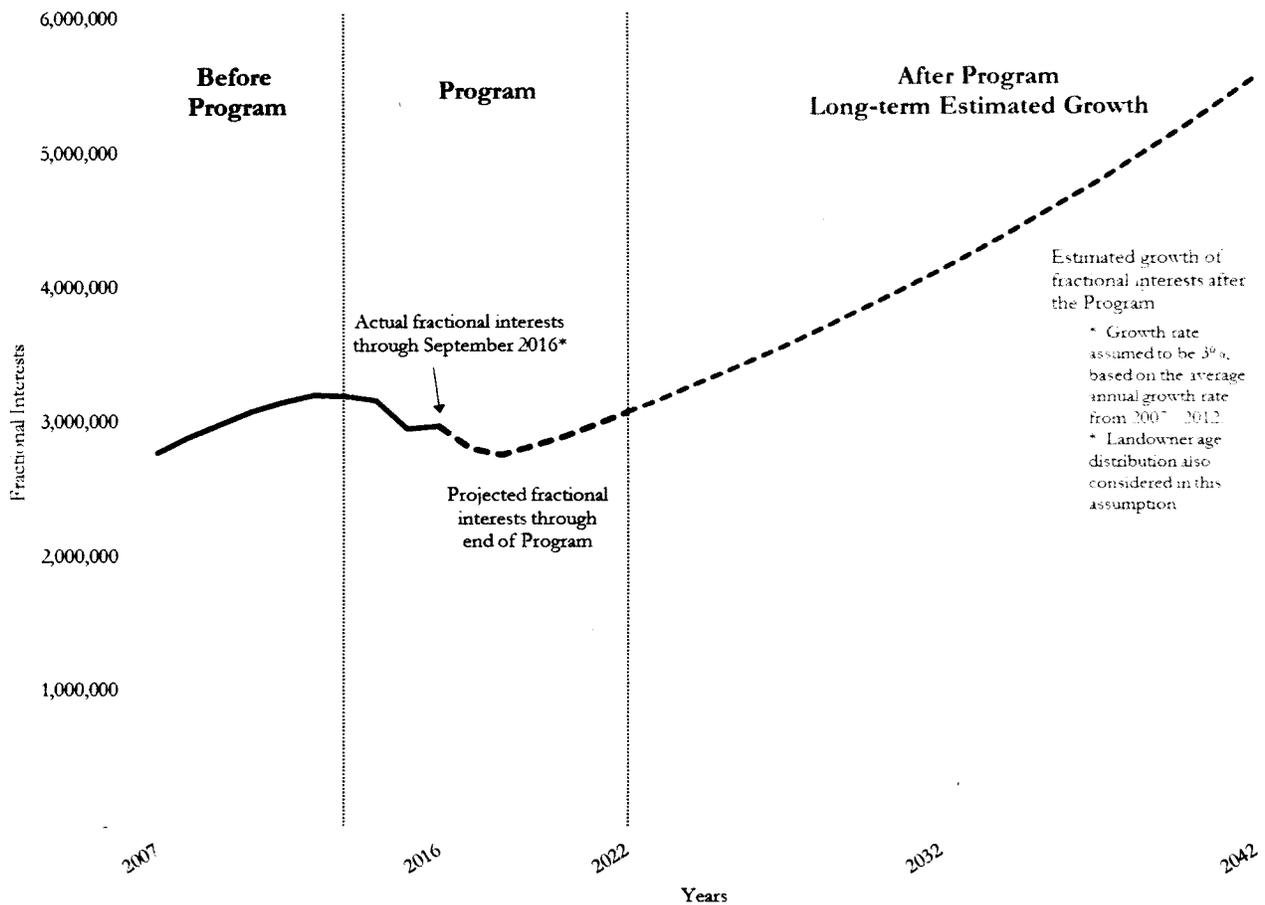
The following graph depicts the actual number of overall fractional interests through 2016, and projects the growth of fractional interests through the end of the Program and beyond. As indicated, without continued land consolidation efforts or other measures, total fractional interests may almost double in about 30 years.

The Program estimates that fractional interests may increase at a rate of 3 percent annually after 2022, based on fractionation growth prior to the Program from 2007 – 2012. This estimate is consistent with the Program’s preliminary analysis of landowner age distribution, ownership information, and life expectancy. The Program continues to work with internal and external partners to refine this estimate and intends to update its analysis and projections as it learns more.

The reduction in fractional interests is encouraging, but the Consolidation Fund will not be sufficient to purchase all fractional interests across Indian Country. In 2022, the value of the remaining fractionated land will likely be several billion dollars, based on the estimated value of the projected acres remaining and calculated using an average price per acre per location.

Thus, given the magnitude of fractionation involved, it is important to consider options for land consolidation – beyond that provided by the Buy-Back Program – while pursuing long-term strategies for strengthening the trust land base for the benefit of future generations.

*Total fractional interests 2007 – 2042 for Program-identified locations*



\* In addition to the normal causes of fractionation growth (i.e., passing on fractional interests to surviving relatives), the increase in fractional interests in 2016 is a unique spike created largely by partitioning work completed at the Blackfeet Indian Reservation of Montana and by efforts to load title and tract information into BIA’s Trust Asset and Accounting Management System (TAAMS) for Cherokee Nation, The Chickasaw Nation, The Muscogee (Creek) Nation, The Choctaw Nation of Oklahoma, and The Seminole Nation of Oklahoma.

### How Landowners Can Minimize Further Fractionation

Landowners can avoid further fractionation in several ways:

- Participate in the Buy-Back Program and sell their interests to consolidate land for tribal use;
- Write a will to leave all of their interests to an heir or the tribe;
- Gift their interests to an heir or the tribe;
- Sell or buy interests to or from co-owners;
- Exchange their interests with the tribe (provide fractional interests to the tribe in exchange for the right to occupy or use land under tribal management); and
- Create a joint tenancy for their interests by will or deed.

Effective Use of Land Consolidated. In order to make decisions regarding the use of a given tract of fractionated land, a required percentage of the individual owners must consent to the decision. Therefore, the Program measures progress by not only the number of interests consolidated, but by whether the interests consolidated in a given tract rise to the level that enables improved tribal management potential. The Program is working with BIA and tribes to explain the different consent requirements to facilitate decisions regarding consolidated land.

As a general matter, the percentage of co-owner consent, as well as the steps and type of approval and documentation required, depend on the intended land use (e.g., a tract of land could be used for residential, business, agricultural, or grazing purposes). Several land uses require majority consent, while other uses entail consent thresholds that depend on the number of owners for that tract (see 25 U.S.C. § 2218). Several land use categories and the associated consent requirements are described below.

For agricultural leases and grazing permits, majority consent of the individual landowners is required (see 25 C.F.R. § 162.207).<sup>4</sup> The table below shows that fractionated tracts with 50 percent or greater tribal ownership increased 77 percent over the past three years.

***Majority consent (agricultural and other uses)***

<b>Level of Tribal Ownership</b>	<b>Pre-Implementation (September 2013)</b>	<b>Post Implementation (September 2016)</b>
Tracts with ≥ 50 percent Tribal Ownership	13,466	23,865
Tracts with < 50 percent Tribal Ownership	80,443	74,105

In cases of rights-of-way, the Indian Right-of-Way Act of 1948 and its implementing regulations provide a mechanism for obtaining easements by consent. Majority consent of the individual landowners is required and, if the tribe holds any ownership in the tract, then tribal consent is also required (see 25 C.F.R. § 169.107). As a result of the Buy-Back Program, tribes now have ownership in nearly 13,500 tracts that previously had no tribal ownership.<sup>5</sup>

The following table is applicable to residential and business leases, and identifies tracts and acres in categories of fractionation identified by the Indian Land Consolidation Act Amendments of 2000 (see 25 U.S.C.

4. Majority consent is defined as greater than 50 percent ownership interest. Under certain circumstances, the Secretary is also authorized to lease or permit agricultural lands to the highest responsible bidder after advertisement. See 25 U.S.C. § 3715(c).

5. Section 357 of Title 25 U.S.C. (see 25 U.S.C. § 357) allows condemnation of lands allotted in severalty for any purpose authorized under state law. The United States’ view of the application of this statute to allotted land in which a tribe has acquired an ownership interest is set forth in the Response Brief of the United States, Public Service Co. of New Mexico v. Barboan, No. 16-2050 (10th Cir.) (filed September 30, 2016).

§ 2218). As indicated, even if the tribe does not gain a controlling interest through a reduction in the number of individual owners, current landowners are able to more efficiently use and manage the land.

*Fractionation statistics per statutory approval categories*

Sliding Scale – Statutory Approval Categories		Land Status					
		September 2015			September 2016 <sup>a</sup>		
# of Owners per Tract	Ownership that Must Consent in Writing	Total Fractionated Tracts <sup>b</sup>	Acres <sup>c</sup>	Tracts with Tribal Management <sup>d</sup>	Total Fractionated Tracts <sup>b</sup>	Acres <sup>c</sup>	Tracts with Tribal Management <sup>d</sup>
1 – 5	90 percent	29,718	3,060,620	2,561	30,598 (↑ 3.0%)	3,108,291 (↑ 1.6%)	2,438 (↓ 4.8%)
6 – 10	80 percent	16,096	1,752,319	1,766	16,601 (↑ 3.1%)	1,784,664 (↑ 1.8%)	1,918 (↑ 8.6%)
11 – 19	60 percent	15,953	1,825,821	3,285	16,415 (↑ 2.9%)	1,858,680 (↑ 1.8%)	3,3440 (↑ 4.7%)
20 or more	50 percent	33,727	4,059,073	7,736	34,356 (↑ 1.9%)	3,998,958 (↓ 1.5%)	7,729 (↓ 0.1%)
Total		95,494	10,697,833	15,348	97,970 (↑ 2.6%)	10,750,593 (↑ 0.5%)	15,525 (↑ 1.2%)

Notes: <sup>a</sup> Increases in fractionated tracts were disproportionately affected by the partitioning work completed at the Blackfeet Indian Reservation of Montana and by efforts to load title and tract information into TAAMS for Cherokee Nation, The Chickasaw Nation, The Muscogee (Creek) Nation, The Choctaw Nation of Oklahoma, and The Seminole Nation of Oklahoma.

<sup>b</sup> Includes only Level 1 fractionated tracts as defined in Appendix B.

<sup>c</sup> Includes total acres associated with the fractionated tracts (not equivalent acres).

<sup>d</sup> Excludes tracts 100 percent owned by a single owner (e.g., a tribe or individual) because such tracts are not fractionated and thus not purchasable by the Program.

Where tribes gain 100 percent ownership in a tract, there is a voluntary, alternative land leasing process available to tribes. Under the Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act), once tribes submit their governing tribal leasing regulations to the Secretary and receive approval from the Secretary, tribes are authorized to negotiate and enter into leases without further approvals from the Secretary. Tribal regulations approved under the HEARTH Act are consistent with the leasing requirements outlined in 25 C.F.R. § 162. The HEARTH Act only applies to tribal land (i.e., tracts fully owned by the tribe). More information on the HEARTH Act can be found on BIA's website at: <http://www.indianaffairs.gov/WhoWeAre/BIA/OTS/HEARTH/index.htm>.

## KEY PARAMETERS

The Settlement guides the design and implementation of the Buy-Back Program. It established a \$1.9 billion Consolidation Fund available to the Department for the purchase of fractional interests in trust or restricted lands during a period of no more than 10 years, starting on November 24, 2012. The Consolidation Fund may be used to acquire fractional interests, implement land consolidation activities, and pay the costs related to the work of the Secretarial Commission on Trust Reform.

Additionally, in accordance with the Settlement, the Buy-Back Program will contribute up to \$60 million of the Consolidation Fund to the Cobell Education Scholarship Fund (Scholarship Fund). This contribution will not reduce the payment amount that landowners will receive when participating in the Program to sell their land interests. The Scholarship Fund provides financial assistance to American Indian and Alaska Native students attending post-secondary

*Secretary Jewell greeted by students of the Blackfeet Boarding School*



*Photo credit: Department of the Interior*

vocational schools or institutions of higher education. As of September 30, 2016, the Program contributed nearly \$40 million to the Scholarship Fund. The scholarship program is overseen by the Cobell Board of Trustees and administered by Indigenous Education, Inc., a non-profit corporation expressly created to administer the Scholarship Fund. Since its inception, approximately \$3.7 million has been awarded in graduate and undergraduate scholarships to more than 1,000 highly qualified students, representing 110 federally recognized tribes. These students have attended or are attending more than 250 colleges and universities nationwide. More information about the scholarship program can be found on <http://cobellscholar.org>.

The Consolidation Fund has various components, summarized as follows:

Acquiring Fractional Interests (minimum available for purchase payments)	\$1,555,000,000
Implementation Costs (not to exceed 15 percent)	\$285,000,000
Scholarship Fund (maximum available, depending on interests sold)	<u>\$60,000,000</u>
<b>Total</b>	<b>\$1,900,000,000</b>

All interests purchased by the Buy-Back Program are held in trust for the recognized tribe (or tribes) that exercise jurisdiction over the lands, increasing the tribes' ability to use or protect the land for purposes they deem appropriate for the community as a whole.

The five overarching parameters that guide the design and implementation of the Buy-Back Program are highlighted below.

First, in 2012, the Department identified approximately 2.9 million fractional interests across approximately 150 locations that may be purchasable by the Buy-Back Program. These fractional interests are owned by more than 243,000 owners<sup>6</sup> and concentrated within a few locations in Indian Country. In the first few years of implementation, the Program's schedule focused primarily on highly fractionated locations. The Department has since announced a total of 105 locations on which implementation will begin by mid-2021. The schedule, expanded in FY 2016, represents more than 96 percent of all landowners and more than 98 percent of both purchasable fractional interests and equivalent acres.

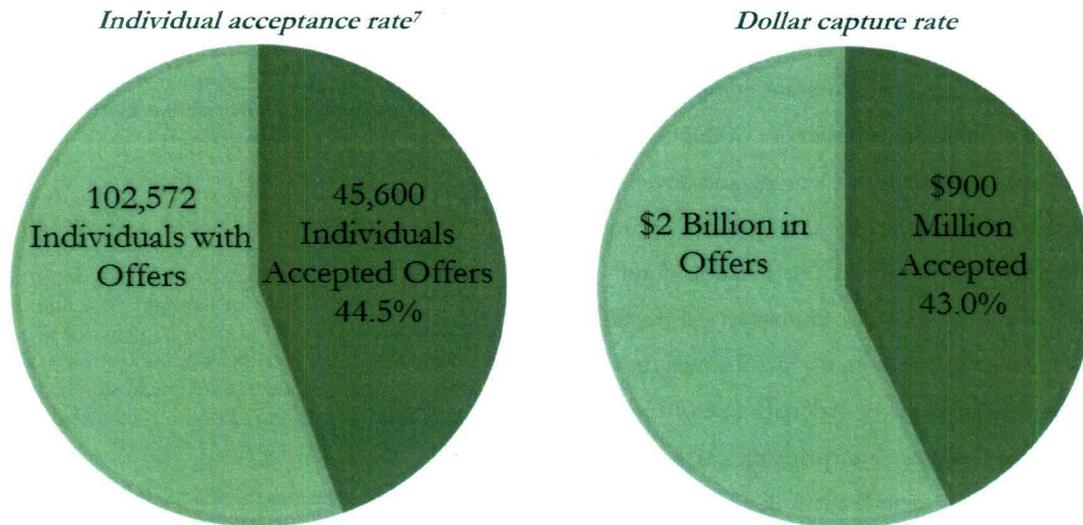
Second, the Settlement limits the amount of money the Department may use for costs associated with the various phases of implementing the Program. By law, no more than 15 percent (\$285 million) of the Consolidation Fund may be used for implementation costs in order to maximize the amount available for purchasing fractional interests. Furthermore, the Settlement requires that the Consolidation Fund be expended by November 24, 2022. Accordingly, the Program must be cost efficient and act expeditiously when administering the Consolidation Fund.

Third, despite the large size of the Consolidation Fund, it will not be sufficient to purchase all fractional interests across Indian Country. The value of the land corresponding to the equivalent purchasable acres exceeds \$1.555 billion. The Program estimates that more than 4 million currently purchasable fractionated acres (valued at several billion dollars) will remain following full use of the Consolidation Fund by 2022. The Program has primarily focused on those acquisitions that best reduce fractionation, address the effect of allotment, promote tribal sovereignty, and facilitate economic development. It also is imperative the Consolidation Fund be used thoughtfully and fairly, on cost-effective acquisitions, to have maximum impact. The Program is also assessing the viability of continued efforts and new solutions to address land consolidation in the long term.

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6. The whereabouts of more than 32,300 (13.3 percent) of these individuals are currently unknown. In addition to these individuals, there are two groups of owners that have one or more fractional interest at the Program-identified locations but that are not a current focus of the Program: 1) nearly 27,800 deceased individuals with estates and 2) more than 6,000 individuals under a legal disability (non-compos mentis or minors). Moreover, there are additional owners with interests that will not be acquired by the Program, such as owners of fee interests or owners of full (1/1) ownership interests.

Fourth, the Program must remain a *willing* seller program, meaning each individual landowner who receives an offer can choose to sell or not sell his/her interests. Full use of the Consolidation Fund depends on the number of fractional interests individuals choose to sell. Overall response rates are summarized in the charts below (response rates vary from location to location; additional details are provided in the table on page 27).



Fifth, the active participation of tribes in identifying priority tracts is a crucial component of Program implementation. The involvement of tribes in explaining what land consolidation means on their reservations is also key. Over the past four years, the Program has worked with tribes to build relationships and expand outreach efforts to increase landowner awareness.

#### A Personal Decision

One landowner shared her story with the Buy-Back Program:

*“It feels amazing to know that I can take care of my family on my own without government assistance and all that. It’s ... a freedom that I’ve never experienced before, never dreamed of having. It’s like all my dreams came true.*”

*“The significance of the Land Buy-Back [Program] and what it stands for is something that I totally support, and I’ve always felt was a great thing... [The land is] going back to our people to build and make it be something that it was supposed to be.”*

7. Some of the 102,572 individuals are individuals whose whereabouts are unknown (WAU). For more information on the Program’s approach to WAUs, see page 39.

## OFFER METHODOLOGY, TRIBAL INVOLVEMENT, and RESULTS

This section summarizes the Program's offer methodology, tribal involvement, results to date, and implementation strategy. The subsequent section (Primary Processes) describes the four phases of Program implementation – outreach, land research, valuation, and acquisition – and includes details about how the Program carries out its approach in close coordination with tribes.

**Offer Methodology.** The Program employs purchase estimates to help achieve broad use of the Consolidation Fund and to assist with the planning and development of offer sets. The underlying concept is to approximate the potential portion of the Consolidation Fund available to pay owners who choose to sell fractional interests at a given location, using a formula that considers a location's proportional share of fractionation across Indian Country. Key principles associated with purchase estimates include the following:

- Seek to maximize the number of locations that could participate in the Buy-Back Program and prevent expenditure of the available purchase funds at just a few locations.
- Reflect the need for a flexible approach, given that the effort involves hundreds of thousands of landowners and that the total amount that could be paid for interests at a given location depends on various circumstances that a formula cannot easily capture. Each sovereign nation has unique lands, history, laws, culture, traditions, and government. For example:
  - Per-acre fair market value amounts will vary, as will the number of purchasable fractional interests;
  - Land consolidation programs have been operational for decades at some locations, where many individuals could have already decided to sell, while those with interests at other locations are considering land consolidation for the first time; and
  - Acceptance rates may differ from location to location for various reasons.
- Purchase estimates are by nature approximate calculations, which are subject to change and refinement, and do not set a final, minimum, or maximum total dollar amount for purchasing interests at any particular location.

### How were the Purchase Estimates Determined?

For each of the three data points (i.e., tracts, interests, and acres), the Program calculated the proportion of the total for each location. The three proportions were then averaged. That proportion was then multiplied by the land purchase amount of the Consolidation Fund (\$1.555 billion) to produce a purchase estimate amount for a location. These calculations were performed using data as of September 30, 2013, for Program-identified land area codes (LACs).

To illustrate, consider the Blackfeet Indian Reservation of Montana. The 898,086 acres associated with its fractionated tracts were 8.4 percent of all such acres. Its 4,831 fractionated tracts with purchasable interests were 5.1 percent of all such tracts, and its 191,278 purchasable fractional interests were 6.4 percent of all such interests. These proportions average out to 6.65 percent, which, when multiplied by \$1.555 billion, provided an initial purchase estimate of \$103.4 million.

For relevant definitions, see Appendix B.

A location may not reach its purchase estimate due to a variety of factors including: limited appraisals, land values, or a lack of sufficient willing sellers. If a purchase estimate cannot be captured during implementation, the Program makes unused funds available to support offers at other locations. Moreover, it is possible that the actual sale amounts for interests at a particular location may exceed the location’s purchase estimate. Again, flexibility in the total amount used at each location is fundamental.

The Program ensures the Consolidation Fund is used efficiently through the following:

- *Leverage Efficient Use of Mass-Appraisal Efforts.* The Program leverages mass appraisals to help ensure that the greatest number of landowners with interests may have the opportunity to sell their land. Moreover, by using mass appraisals, the Program stays within the implementation cost limits of the Settlement. This increases the number of locations where the Program can be implemented.
- *Create Opportunities for Willing Sellers.* Willing sellers may continue to express their interest to the Office of the Special Trustee for American Indians (OST) Trust Beneficiary Call Center (Call Center), even after Program implementation has moved to other locations. The Program will re-evaluate its resources and progress by November 2018 to determine if additional locations can be added to the schedule.
- *Site-Specific Appraisals.* Some locations are not amenable to mass appraisal. Site-specific or project report appraisals may be necessary, but these appraisals are not as efficient as mass appraisals. The Program will remain open to focused site-specific appraisal work for targeted tribal acquisition priorities at locations where mass appraisal is not applicable, and the purchase estimate will establish the number of appraisals to be completed. Moreover, site-specific appraisals may be used to appraise additional land at a given location, even those that have used mass appraisal, in order to address key tribal acquisition priorities.
- *Make a Single Wave of Offers.* The Program aims to send a single offer set (wave) to landowners at a location. A single wave will ideally enable sales to reach a location’s purchase estimate.

**How do Purchase Estimates Work?**

Purchase estimates seek to maximize the number of locations that can participate in the Buy-Back Program and are designed to be flexible. The following example illustrates how the approach may work.

Initial purchase estimate as calculated using FY 2013 tracts, interests, and acres	\$50 million
Revised purchase estimate based on estimated unused funds from other locations	\$52 million
Mass appraisal results	\$250 million in total tract values, 4.8 times the revised purchase estimate
Potential offers	\$225 million (reflects application of offer policy criteria, such as exclusion of interests held by tribes or minors)
Actual offers	\$130 million
Actual sales	\$59 million

**Explanation.** Since mailing \$225 million in offers would likely cause the location to far exceed the \$52 million revised purchase estimate, the Program will use existing response rates to help determine the size of the offer mailing. Assume the expected response rate is approximately 40 percent. Therefore, the Program would seek to construct a single offer set totaling approximately \$130 million (or 2.6 times the \$50 million purchase estimate). The Program and the tribe will work together to determine which tracts will receive offers considering several factors such as selection of tribal priority tracts, tracts without existing tribal ownership, and tracts that are contiguous to those already owned by the tribe.

A single wave has several advantages. It allows a tribe and the Program to conduct focused outreach and clearly communicate offer due dates. From an operational perspective, a single wave is most efficient as it allows for a simpler offer process and minimizes the period of time when regular realty transactions are paused for Buy-Back Program activities. Clear tribal acquisition priorities and carefully timed appraisal work are necessary to achieve success using a single wave. The particular offers to be included in each wave will be determined by tribal acquisition priorities, level of fractionation, and percentage of tribal ownership, among other factors.

*Outreach staff, Land Use Commissioners, Land Use Director, and Tribal Surveyor choosing priority tracts with Program staff*



*Photo credit: Shoshone-Bannock Tribes*

- Continually Learn from Experience and Data.* The Program uses experience and data to estimate the scope of site-specific appraisal work and to determine the size of offer amounts. Total offer amounts can be based on an estimated acceptance rate consistent with past results. The total amount offered for landowner interests in the wave will comprise a certain multiplier (based on an anticipated response rate and available funds) of the location's total purchase estimate. In some cases, the total offer set amount may be higher to realize a single wave or to leverage mass appraisal work. As the Program enters its fifth year and fewer funds are available, there are more constraints on developing and managing offer sets. For example, the Program has less flexibility to use high multipliers or extend landowner due dates in order to make funds available for other locations.
- Apply Guiding Factors.* The determination of how to best expend funds will continue to be guided by the standards set forth – as a result of tribal consultations – in previous implementation plans and status reports. That includes consideration of factors such as the following: severity of fractionation, degree of ownership overlap between locations or geographic proximity, diversity of geographic locations, appraisal complexity, overall interest/readiness of the tribe as demonstrated through the FY 2014 open solicitation and FY 2016 Planning Initiative, number of owners who have demonstrated an interest in selling fractional interests, and cost and time efficiency. The Program will continue to use these factors in determining which locations it may add to the schedule or revisit in the later years of implementation, as well as how to reallocate unused purchase estimates.

These important measures allow the Program to allocate unused dollars to subsequent tribal communities or, potentially, to afford additional opportunities for locations that have already participated. The Program will continue to determine how to best expend unused purchase estimates in a manner that is transparent, fair, flexible, and consistent with the mandates of the Settlement and the authorizing legislation.

**Tribal Involvement.** The Program is working with tribes to tailor a strategy to the needs and culture of each tribe, including working to value and acquire tribal priority land. This section gives an overview of how the Program partners with tribes through Agreements, shares information and data with tribes, and works with tribes to understand acquisition priorities.

The Program enters into two types of agreements with tribes. First, it uses cooperative agreements, which are legal instruments similar to grants, representing the relationship between the Federal Government (i.e., Buy-Back Program) and a recipient of funds. Its principal purpose is to transfer a thing of value (e.g., funding) to a recipient to carry out a public purpose of support or stimulation, as authorized by the Federal

Government. Second, the Program enters into memoranda of agreement also known as memoranda of understanding). These are used when there is an agreement) to exchange information or coordinate programs but no funding is provided. While much can be accomplished through these Agreements, cooperative agreement funding should be viewed as a short-term resource to achieve the much larger and more valuable goal of land consolidation.

Agreements primarily include activities associated with outreach. The success of the Buy-Back Program depends largely on the number of landowners who voluntarily decide to sell their fractional interests and return their completed purchase offer packages in a timely manner. Tribal involvement, leadership, and support of outreach efforts are especially critical to ensuring the success of the Program.

Tribes have performed location-specific outreach activities based on their interests and capacities, including identifying landowners and conducting outreach events, via Agreements. For example, Cheyenne River Sioux Tribe outreach staff went door-to-door educating individuals about the Program. In total, the Tribe held 74 outreach events and made nearly 800 phone calls to landowners. They also used Facebook and newspaper advertisements to locate landowners who are Whereabouts Unknown (WAU) so those landowners could update their contact information and receive offers.

### Active Tribal Involvement

The Cheyenne River Sioux Tribe entered into a cooperative agreement with the Program, which included tribal participation in outreach activities. Through this agreement, the Tribe accomplished the following:

- Engaged tribal leadership to actively discuss the Program within the community;
- Developed and maintained a website to provide information to landowners;
- Held 74 outreach events, many with long hours and on consecutive days to allow for offer reprints and accommodate landowner work schedules;
- Made 757 calls to landowners;
- Completed 180 notary actions;
- Updated landowner names and addresses for 95 landowners (in coordination with the Office of the Special Trustee for American Indians [OST]); and
- Identified 341 willing sellers.

The Tribe's success was the result of working as a team, staying positive, and using the team's diverse skills in language, finance, and realty. The number and types of activities for effective outreach will vary from location to location.

The Program has found that it is generally more efficient and more cost effective for it to perform land research and valuation activities. However, occasionally, Agreements do include activities related to other implementation efforts. For example, Agreements do not include base mapping activities because those are being performed efficiently by BIA and the Bureau of Land Management (BLM) for immediate sharing with tribes. The Program may, however, fund other geographic information system (GIS) or mapping-related work by tribes in support of land research and valuation. Agreements also do not include activities in the acquisition phase, which is being implemented by the Buy-Back Program due to the centralized processes in Departmental systems of record, such as TAAMS.

The Program provides data and information products to tribes at several points throughout the implementation process. Tribes use these products to plan outreach events, conduct outreach activities, and identify tribal acquisition priorities. Tribes may also use this information to plan for other land consolidation activities outside of the Program.

Upon written request from tribes, the Program provides tribes with mapping, ownership, and landowner information to facilitate priority tract selection and outreach planning. These products include the following:

- Pre-Offer Products
  - ArcGIS geodatabases – geodatabases containing BLM Public Land Survey System (PLSS) data and a geodatabase with TAAMS legal descriptions;
  - Priority Tract Designation Packets – packets containing information and maps to support priority tract selection; including:
    - Land Reports – summary files containing tract information including tract resource categories (i.e., surface, mineral, or both), mappable or non-mappable status, and tribal ownership percentage; and
    - Wall maps – location-wide maps indicating mappable tracts, and current tribal ownership percentage;
  - Outreach Planning Reports – summary reports containing information on landowner locations and demographics;
  - Individual parcel maps – parcel-level maps for purchasable tracts;
  - Landowner information – files containing landowner contact information and ownership detail by tract such as Contact and Tract Spreadsheets (CATS);
- Post-Offer Products
  - Landowner Offer Reports – files containing landowner information for landowners receiving offers;

- Mid-Offer Reports – files containing mid-offer landowner information for landowners receiving offers; and
- Purchase Summary Report – summary of sales and land consolidated through the Program.

Finally, tribes' identification of acquisition priorities is an important input to several Program phases. The Program works with tribes to identify priorities early in the implementation process. The Program considers tribal priorities during implementation to the extent possible, and may work to appraise these tracts and/or acquire fractional interests in them. The Program supports tribes when selecting priority tracts, and this process is further explained on page 31.

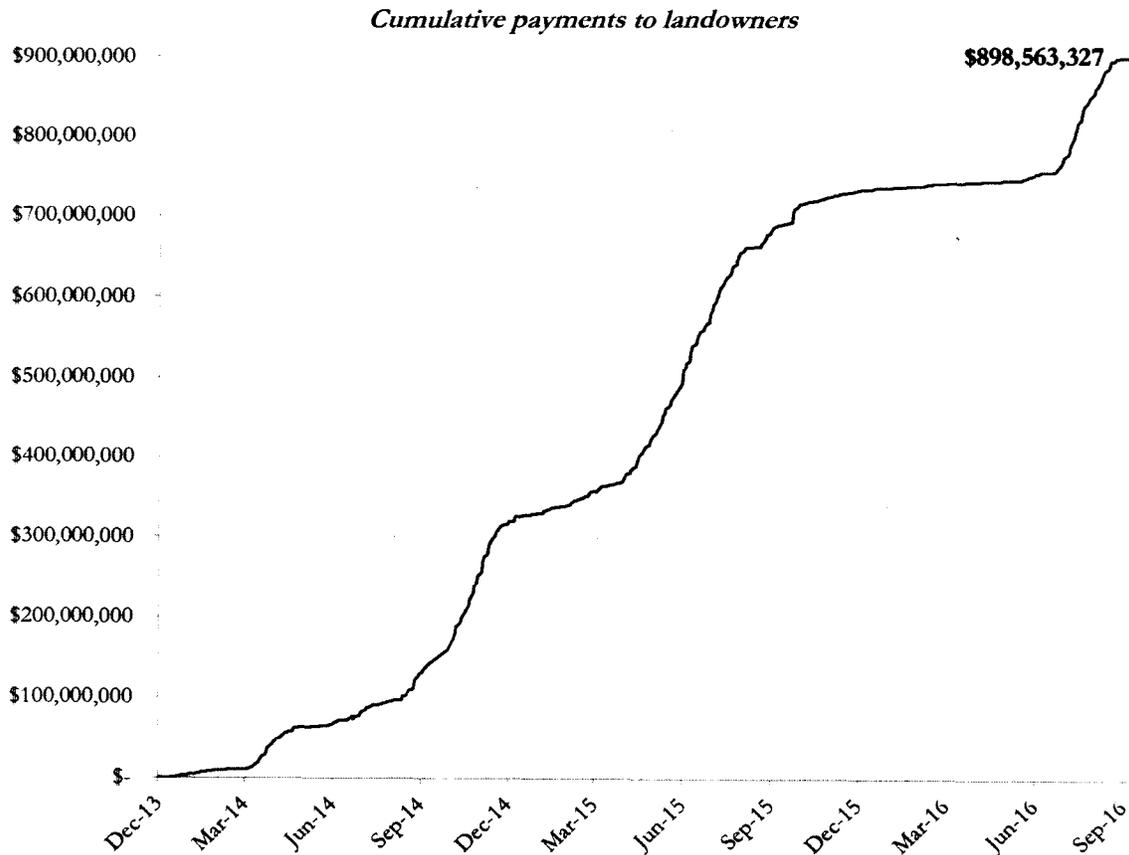
*Cooperative agreement signing ceremony  
at the Blackfeet Indian Reservation of Montana*



*Photo credit: Department of the Interior (left to right: Senator Jon Tester, Blackfeet Chairman Harry Barnes, Secretary Jewell, Chief Earl Old Person)*

In May 2016, Secretary Jewell traveled to the Blackfeet Indian Reservation of Montana with U.S. Senator Jon Tester for a signing ceremony commemorating a new agreement to implement the Buy-Back Program. The event also recognized the leadership of Elouise Cobell, a member of the Blackfeet Nation.

Results. In FY 2016, the Program paid more than \$207 million to landowners. Overall, the Program has paid landowners approximately \$900 million since inception, and created or increased tribal ownership in more than 30,000 tracts of land – with nearly 1,200 of those tracts reaching 100 percent tribal ownership. In more than 80 percent of the accepted offers, landowners opted to sell all of the interests included in their offer. The following graph depicts the amount paid by the Program to landowners since inception. The table that follows summarizes the Program’s sales to date.



**Offer and sales data through September 30, 2016**  
(Ordered by total amount accepted)

Location <sup>a</sup>	Individuals Receiving Offers <sup>b,c</sup>	Amount Offered	Individuals Accepting Offers <sup>b</sup>	Individuals Accepting Offers (%)	Amount of Offers Accepted	Amount of Offers Accepted (%)	Equivalent Acres Purchased
Crow	4,103	\$304,054,607	2,520	61%	\$130,477,269	43%	244,294
Pine Ridge	20,622	329,913,486	9,319	45	110,395,928	33	292,774
Standing Rock	18,131	230,687,368	7,395	41	110,161,479	48	191,453
<i>Navajo</i>	25,509	259,793,854	10,579	41	104,190,798	40	149,524
Cheyenne River	7,245	156,397,820	3,284	45	78,235,791	50	247,011
Fort Peck	9,303	205,561,644	3,749	40	70,147,915	34	218,340
Fort Belknap	3,490	104,430,105	1,852	53	60,707,370	58	200,652
Gila River	1,958	80,455,534	968	49	51,456,006	64	1,064
<i>Quinault</i>	2,174	59,513,063	1,208	56	39,728,998	67	9,216
Sisseton Wahpeton Oyate	2,998	65,575,508	1,357	45	31,622,762	48	8,861
Rosebud	13,649	101,449,368	4,450	33	23,597,262	23	46,175
Salt River	1,344	32,537,955	560	42	20,316,301	62	194
Umatilla	2,378	30,509,798	1,087	46	12,455,862	41	10,172
Salish and Kootenai	2,270	15,218,415	749	33	10,303,797	68	6,540
Northern Cheyenne	2,563	27,297,871	1,216	47	9,866,839	36	20,095
<i>Shoshone-Bannock</i>	539	11,054,577	183	34	5,434,270	49	2,751
Coeur d'Alene	506	13,334,520	220	43	5,207,475	39	2,586
Prairie Band Potawatomi	1,656	10,651,031	682	41	5,157,029	48	3,299
Lummi	942	4,364,314	512	54	3,787,983	87	684
Swinomish	216	4,302,570	171	79	3,195,323	74	243
<i>Fond du Lac</i>	4,014	6,295,269	1,105	28	2,700,274	43	3,421
Round Valley	1,114	5,974,767	292	26	2,412,973	40	344
Makah	950	3,988,755	429	45	2,345,587	59	242
<i>Ponca</i>	1,519	7,013,610	258	17	2,058,750	29	1,203
Agua Caliente	2	1,635,169	2	100	1,635,169	100	3
Squaxin Island	655	1,593,155	208	32	725,972	46	156
Cabazon	4	315,592	2	50	210,345	67	26
Quapaw	20	69,486	9	45	27,799	40	2
<i>Lower Brule</i>	4,334	11,192,577	0	0	0	0	0
<i>Osage</i>	36	2,657,006	0	0	0	0	0
<b>Total</b>	<b>102,572</b>	<b>\$2,087,838,795</b>	<b>45,600</b>	<b>44%</b>	<b>\$898,563,327</b>	<b>43%</b>	<b>1,661,324</b>

Notes: <sup>a</sup> See Appendix B for tribe names provided in a Federal Register Notice dated May 4, 2016.

<sup>b</sup> This column cannot be summed across locations since many individuals own land at more than one location, and may have been sent offers for more than one location.

<sup>c</sup> Includes landowners who are WAU for whom offers were generated but not sent.

As of September 30, 2016, the Program was processing outstanding offers for locations in italics.

Implementation Strategy. Given implementation funding and timing, practical considerations such as a limited appraisal validity period and efficiency, the Buy-Back Program is unable to be actively operating at all locations immediately. Although the Program is active at multiple locations simultaneously, it is only active at each location for a limited period. As the Buy-Back Program completes land consolidation activities at current locations, it continuously starts operations at successive locations.

Based on tribal and landowner feedback and consideration of various factors, the Program has scheduled 105 locations for implementation through mid-2021. The Program used various factors to add locations to its schedule and determine the best sequence of implementation, including the following:

- Severity of fractionation (e.g., as reflected by the three factors used to determine the initial purchase estimates described earlier);
- Degree of ownership overlap between locations or geographic proximity;
- Diversity of geographic locations to maximize efficiency, resources, and learning opportunities (especially for initial efforts in order to facilitate learning);
- Appraisal complexity;
- Overall interest / readiness of the tribe as demonstrated through the FY 2014 open solicitation and FY 2016 Planning Initiative;
- Number of owners who have demonstrated an interest in selling fractional interests; and
- Cost and time efficiency.

In the FY 2014 Status Report, the Program announced a schedule for implementation at 42 locations, including 10 less fractionated locations. By including some less fractionated locations in early implementation efforts, the Program has gained experience and input that helps inform implementation at future locations.

<b>Highest Percentage of Willing Sellers</b>		
<b>Location</b>	<b>Total Landowners</b>	<b>Percent Willing Sellers</b>
Yankton	6,746	33%
Swinomish	1,149	32%
Upper Sioux	44	30%
Lower Brule	4,998	29%
Crow Creek	8,954	29%

The Percent of Willing Sellers includes those who already sold some, but not all, of their fractional interests. See Appendix B for tribe names provided in a Federal Register Notice dated May 4, 2016.

In November 2015, the Program announced a Planning Initiative to assist in the development of the implementation schedule announced in May 2016. Through extensive discussions with tribal leaders and events with landowners, the two-pronged Planning Initiative gathered input from tribes and landowners. The Program received 57 Expressions of Interest from tribes during the Planning Initiative. Since the beginning of the Program, nearly 27,500 individuals identified themselves as willing sellers. Identifying oneself as a willing seller in no way commits a landowner to sell – nor does it guarantee that a landowner will receive an offer – it is simply the best way to ensure the Program is aware of interest.

In addition to the 42 locations announced in 2014, the 63 additional locations announced in May 2016 brought the total to 105 locations. The 105 locations include: 98 percent of outstanding fractional interests as of 2013; 96 percent of eligible landowners as of 2013; 10 of the 10 BIA regions with fractionated tracts; and 19 of the 19 states with fractional interests.

Locations where sales have occurred are shown with the percent of purchasable fractional interest purchased in parentheses. For tribe names as provided in a Federal Register Notice dated May 4, 2016, see Appendix B.

**105 scheduled locations**

*(Percentage of fractional interests acquired)*

- Absentee-Shawnee
- Agua Caliente (0.2%)
- Apache (Oklahoma)
- Bad River
- Blackfeet
- Blue Lake Rancheria
- Bois Forte (Nett Lake)
- Cabazon (1.7%)
- Cherokee
- Cheyenne and Arapaho
- Cheyenne River (41.2%)
- Chickasaw
- Choctaw
- Citizen Potawatomi
- Coeur d'Alene (12.5%)
- Colorado River
- Colville
- Comanche
- Crow (42.5%)
- Crow Creek
- Eastern Shawnee
- Fond du Lac (25.6%)
- Forest County Potawatomi
- Fort Belknap (44.7%)
- Fort Berthold
- Fort Independence
- Fort Peck (38.9%)
- Fort Yuma
- Gila River (1.1%)
- Grand Portage
- Habematolel Pomo
- Ho-Chunk
- Hoopa Valley
- Hopi
- Kalispel
- Keweenaw Bay
- Kickapoo Kansas
- Kiowa
- Kootenai
- Lac Courte Oreilles
- Lac du Flambeau
- Laguna
- Leech Lake
- Lower Brule (sales pending)
- Lummi (11.8%)
- Makah (18.1%)
- Mille Lacs
- Morongo
- Muckleshoot
- Muscogee (Creek)
- Navajo (27.4%)
- Nez Perce
- Nisqually
- Northern Cheyenne (37.0%)
- Northern Ute
- Omaha
- Osage (sales pending)
- Otoe-Missouria
- Pala
- Pawnee
- Pechanga
- Pine Ridge (44.1%)
- Ponca (5.0%)
- Prairie Band Potawatomi (25.0%)
- Quapaw (0.3%)
- Quileute
- Quinault (11.0%)
- Red Cliff
- Red Lake
- Rincon
- Rosebud (27.6%)
- Round Valley (11.6%)
- Sac & Fox (Missouri)
- Sac & Fox (Oklahoma)
- Saginaw Chippewa
- Salish and Kootenai (24.8%)
- Salt River (1.8%)
- Santee Sioux (Nebraska)
- Seminole (Oklahoma)
- Shoshone-Bannock (0.8%)
- Sisseton Wahpeton Oyate (10.1%)
- Skokomish
- Spirit Lake
- Spokane
- Squaxin Island (29.4%)
- Standing Rock (38.9%)
- Stockbridge Munsee
- Suquamish
- Swinomish (7.2%)
- Sycuan
- Tohono O'odham
- Tulalip
- Turtle Mountain
- Umatilla (25.2%)
- Upper Sioux
- Ute Mountain
- Walker River
- Warm Springs
- White Earth
- Wind River
- Winnebago
- Yakama
- Yankton
- Yurok
- Zuni

## PRIMARY PROCESSES

The Program's land consolidation processes are categorized into four phases: outreach, land research, valuation, and acquisition. The outreach phase occurs throughout implementation and involves consultation with tribes about various planning matters, such as tribal priorities and involvement, and working with communities to help individuals make informed decisions about their land. As this initial outreach is occurring, research concerning reservation lands happens simultaneously. Once the research is complete, the Program values fractionated tracts using various appraisal valuation techniques. Next, once fair market value determinations have been made, the Program develops an offer set and mails offer packages to eligible individuals for their consideration. Additional outreach activities occur after offer packages are sent to promote awareness and answer landowner questions. Each of these processes is described below in more detail.

**Outreach.** During this phase, the Program disseminates information to increase awareness of the land consolidation aspects of the Settlement and to prepare tribes and individual landowners for land consolidation activities. The outreach phase has two primary audiences – tribes and individuals.

### Outreach by the Numbers

More than 375,000 postcards mailed to owners  
 Nearly 110,000 Buy-Back Program related incoming calls to the Call Center  
 Approximately 27,500 unique willing sellers identified  
 Nearly 400 million media impressions

**Outreach to Tribes.** Communication with tribal leadership is a fundamental part of the outreach phase. Through Agreements, tribes work closely with staff from various Departmental offices. Buy-Back Program Senior Advisors – Tribal Relations (Senior Advisors) serve as the primary point of contact for tribes. Senior Advisors meet with tribes to discuss priorities for acquisition, decide how best to conduct tailored outreach for the landowners, and determine the tribes' interest and capacity to conduct some of the Buy-Back Program operations through Agreements, such as landowner outreach. Senior Advisors remain involved throughout implementation, providing tribes with a central point of contact and coordinator for Program-related matters.

One of the most important activities regarding outreach to tribes is the selection of tribal priorities. The Program works with tribes more than a year in advance of offers to identify mappable, purchasable land acquisition priorities. Tribes applying for an Agreement submit a preliminary priority tract list with their application. A tribe's early submission of priority tracts is crucial to Program implementation as appraisals may be determined by the tracts selected. Tribal identification of priority tracts is *particularly* important when the total value of the purchasable fractionated land under the tribe's jurisdiction is likely to exceed the purchase estimate.

For example, at the Lummi Nation, the value of fractionated tracts far exceeded the location's purchase estimate. The Tribe's first priority was to purchase lands for the Lummi Reservation Wetland and Habitat Mitigation Bank. Acquiring these lands was a priority because the development and operation of the mitigation bank was dependent on complete ownership of these lands by the Tribe, and a functioning mitigation bank will support housing, economic, and municipal development of reservation lands and nearby areas.

*Navajo Nation President Russell Begaye  
at the 2016 Listening Session*



*Photo credit: U.S. Department of the Interior*

The Program provides multiple tools for ranking priority tracts, including a Priority Tract Designation Guide. The Guide summarizes the various tools available for ranking priority tracts. Senior Advisors and other Program representatives also provide direct support to tribes during this process, such as assisting tribes with identifying purchasable and mappable tracts using ArcGIS geodatabases.

Outreach to tribes also entails planning and collaboration regarding appropriate outreach to landowners. Tribes often already have efficient methods to conduct outreach with their members, many of whom may own fractional interests. In addition, Senior Advisors, other Program representatives, and tribes use landowner and tract ownership information to strategically plan outreach events. For example, the Program and tribes can plan outreach events in areas where landowners are highly concentrated. Such information is contained in Outreach Planning Reports. The Reports present analytical information about the landowners who own purchasable fractional interests at specific land area codes and feature tables and maps detailing the geographic distribution of landowners as well as demographics. The Program provides Outreach Planning Reports to tribes in advance of offers being sent so they can design effective outreach activities.



### Resources for Landowners

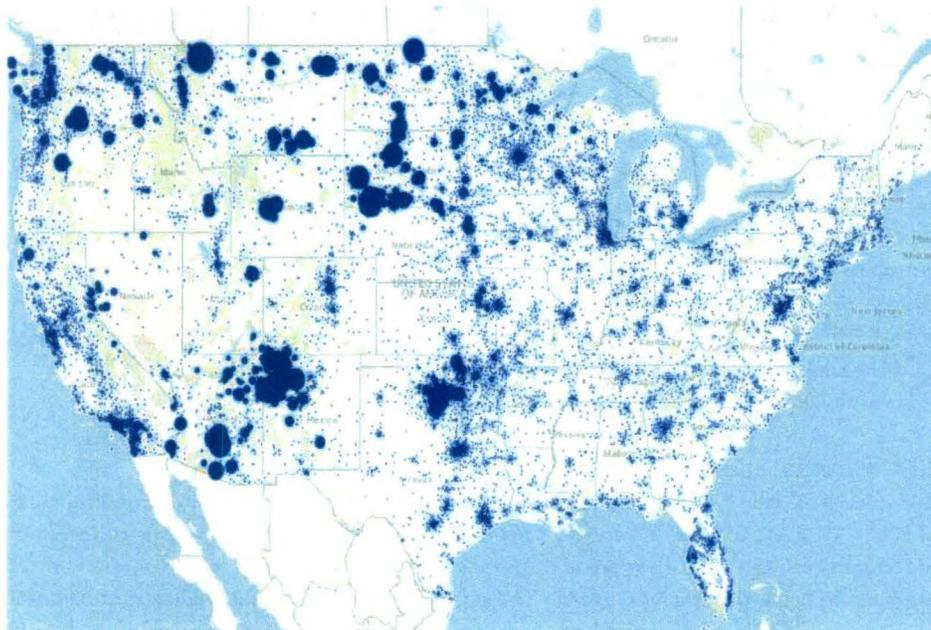
Landowners can access the following resources to make an informed decision about their land:

- Contact the Call Center at (888) 678-6836;
- Visit the Program's website at <https://www.doi.gov/buybackprogram/landowners/>;
- Visit their local FTO ([www.doi.gov/ost/fto/ftoRegions](http://www.doi.gov/ost/fto/ftoRegions));
- Visit their local BIA Office ([www.indianaffairs.gov/WhoWeAre/RegionalOffices/index.htm](http://www.indianaffairs.gov/WhoWeAre/RegionalOffices/index.htm));
- Contact tribal outreach staff; and
- Attend a local outreach event.

These resources provide general Program information, distribute and explain individual trust account statements and other reports, and allow landowners to update IIM account information and disbursement method.

Each tribe works with the Program to gather and assess landowner information in order to develop an effective outreach plan tailored to the landowners, the location, and its particular circumstances. Early implementation efforts found that owners are often geographically dispersed, which necessitates multiple outreach methods and resources. For example, landowners with interests at the Pine Ridge Reservation were located in all 50 states, 3 territories, and 11 countries. The map below illustrates the geographic distribution of landowners across the approximately 150 locations within the continental United States.

#### *Location of landowners with fractional interests*



## **Informed Decisionmaking – A Key Goal of Outreach**

Landowner outreach is focused on helping landowners understand the Program and make informed decisions, which includes:

### Understanding the Land

- Reviewing quarterly account statements to help owners understand how much land they own and whether it produces income.
- Acquiring and reviewing landowner reports, which may be found in the Indian Trust Systems Query (ITSQ), that provide data including tracts owned, portions of tracts held, legal descriptions, types of tracts, and income generated.
- Researching land on BLM site (<http://www.glorerecords.blm.gov/search/>) to locate original allotment documents using the tract legal description.
- Providing maps and showing owners how to view their land on public mapping websites.

### Reviewing all the Options

- There are various options for dealing with fractionated land beyond the Buy-Back Program. Landowners who do not receive an offer or choose not to sell their land may wish to speak with OST or BIA about planning to pass on their land in ways that minimize future fractionation. The OST has partnered with a number of tribal organizations, legal aid services, and law schools to help provide Indian trust beneficiaries with resources to assist with estate planning. For more information, go to: <https://www.doi.gov/buybackprogram/landowners/informeddecisionmaking>.
- Owners may want to consider: writing a will to leave all of their interests to an heir or the tribe; gifting interests to an heir or tribe; gifting interests and retaining a life estate; selling or buying interests to or from co-owners; exchanging their interests with the tribe (provide fractional interests to the tribe in exchange for the right to occupy or use land under tribal management); and creating a joint tenancy for their interests by will or deed.

### Considering Financial Implications

- Since Buy-Back Program payments can be sizeable (e.g., there have been more than 4,000 individual payments exceeding \$50,000, with some more than \$1 million), outreach staff also promote financial education and awareness to help owners think about what they will do with the money they receive if they choose to sell.
- Landowners interested in learning more about financial awareness may contact the Call Center or their local FTO; work with one of OST's many partner organizations that provide financial education; or may visit the OST website supporting financial empowerment: [http://www.doi.gov/ost/individual\\_beneficiaries/financial\\_empowerment](http://www.doi.gov/ost/individual_beneficiaries/financial_empowerment).

### Reviewing Rules Governing Fractional Interests <sup>a</sup>

- AIPRA – The BIA and OST assist landowners with understanding the American Indian Probate Reform Act of 2004 (AIPRA). The AIPRA created a nationwide Federal code for the probate of Indian trust estates by the Department's Office of Hearings and Appeals. The Act changed the way trust estates may be devised or distributed to heirs when there is no will. The act affects inheritance of all Indian trust or restricted land, except for lands located in Alaska and lands held in restricted fee status for members of the Five Tribes of Oklahoma and The Osage Nation. The AIPRA seeks to keep land in trust for enrolled members or individuals who are lineal descendants, but limits how distant those descendants can be from the descendant before the land goes to the tribe with jurisdiction. Tribes have the authority to have land descend to enrolled tribal members of their tribe only if they provide for that in their own probate code or if provided in special statutes, which have been accepted by the Federal Government. The provisions of AIPRA are

complex. Landowners should seek information for any questions they may have. For additional information, go to: [https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/aipra-brochure\\_PL108-374.pdf](https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/aipra-brochure_PL108-374.pdf).

- Tribal Codes – The following three tribes have tribal probate codes that were approved by the Assistant Secretary – Indian Affairs pursuant to AIPRA: Confederated Tribes of the Umatilla Indian Reservation, Northern Cheyenne Tribe, and Fond du Lac Band of the Lake Superior Chippewa.
- Special Statutes – In addition, tribes have specific Federal statutes that govern the disposition of trust or restricted lands, including at these locations:
  - The Creek Nation of Oklahoma <sup>a</sup> Act of August 29, 1967 (Pub. L. 90-76 § 3, 81 Stat. 177, 25 U.S.C. § 788)
  - Yakima Reservation (or within the area ceded by the Treaty of June 9, 1855 (12 Stat. 1951)), The Act of December 31, 1970 (Pub. L. 91-627, 84 Stat. 1874, 25 U.S.C. § 607), amending section 7 of the Act of August 9, 1946 (60 Stat. 968).
  - Warm Springs Reservation (or within the area ceded by the Treaty of June 25, 1855 (12 Stat. 37)), Act of August 10, 1972 (Pub. L. 92-377, 86 Stat. 530).
  - Nez Perce Indian Reservation (or within the area ceded by the Treaty of June 11, 1855 (12 Stat. 957)) Act of September 29, 1972 (Pub. L. 92-443, 86 Stat. 744).
  - The Umatilla Indian Reservation, Act of April 18, 1978 (Pub. L. 95-264, 92 Stat. 202, 25 U.S.C. § 463d).
  - Osage Nation, of Oklahoma <sup>b</sup> Act of October 21, 1978 (Pub. L. 95-496 § 5, 92 Stat 1660, 25 U.S.C. § 331 note, see also 25 C.F.R. part 17).
  - Standing Rock Reservation of North Dakota and South Dakota, Act of June 17, 1980 (Pub. L. 96-274, 94 Stat. 537).
  - Devils Lake Sioux Tribe of North Dakota (Spirit Lake Sioux Tribe) Act of January 12, 1983 (Pub. L. 97-459, 96 Stat. 2515).
  - Lake Traverse Indian Reservation (Sisseton Wahpeton Oyate) Act of October 19, 1984 (Pub. L. 98-513, 98 Stat. 2411).

<sup>a</sup> Future changes in laws cannot be predicted. The information provided is based only on rules and laws in force of the date of this Report.

<sup>b</sup> Probates of deceased members of the Five Tribes of Oklahoma and The Osage Nation are conducted by the State Courts of Oklahoma rather than the Office of Hearings and Appeals. *See generally* Act of August 4, 1947 (Pub. L. 80-336, 61 Stat. 73); 25 U.S.C. §§ 375d, 331 note; 25 C.F.R. parts 16-17.

As described below, the Program uses various resources and activities to support outreach efforts, including a Call Center, website, outreach materials, events, postcards, locating individuals who are WAU, proactive calls, and media coverage.

*Call Center.* The Call Center is the primary point of contact responsible for receiving inquiries from landowners regarding the Program. Located in Albuquerque, New Mexico, the nationwide Call Center provides a convenient one-stop service for beneficiary inquiries. Using a toll-free telephone number, beneficiaries may easily access information regarding their trust assets as well as request updates to, or disbursements from, their IIM accounts. During FY 2016, the Call Center responded to a total of 195,558

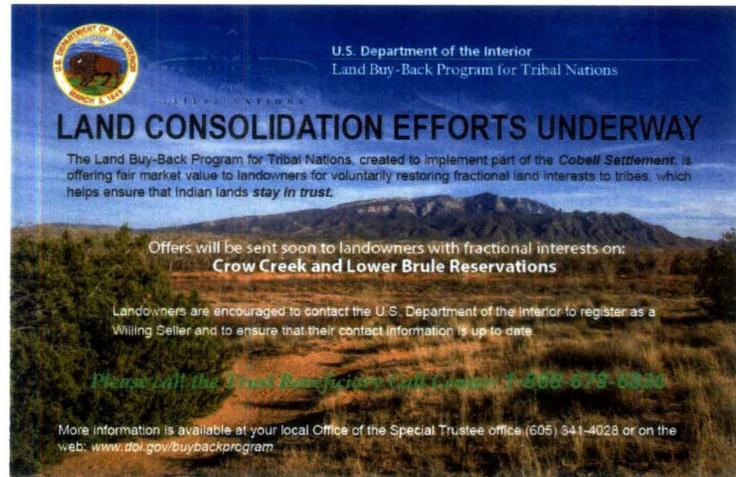
beneficiary inquiries (including both Program and non-Program related calls). The FY 2016 responsiveness metrics for the Call Center were as follows:

- average answering speed of 37 seconds;
- average call time of 3 minutes and 52 seconds; and
- rate of first line resolution of 98.5 percent

Landowners wishing to identify themselves as willing sellers may do so through the Call Center.

Beneficiaries can update their name and address and change their status from minor to adult. They also may request information on purchase offers, assistance with completing a purchase offer package, information on whether a tract is income producing, guidance about the impact a sale may have on the beneficiaries' use of fractionated land, and a conveyed interests report.

*Program advertisement for  
Crow Creek and Lower Brule Reservations*



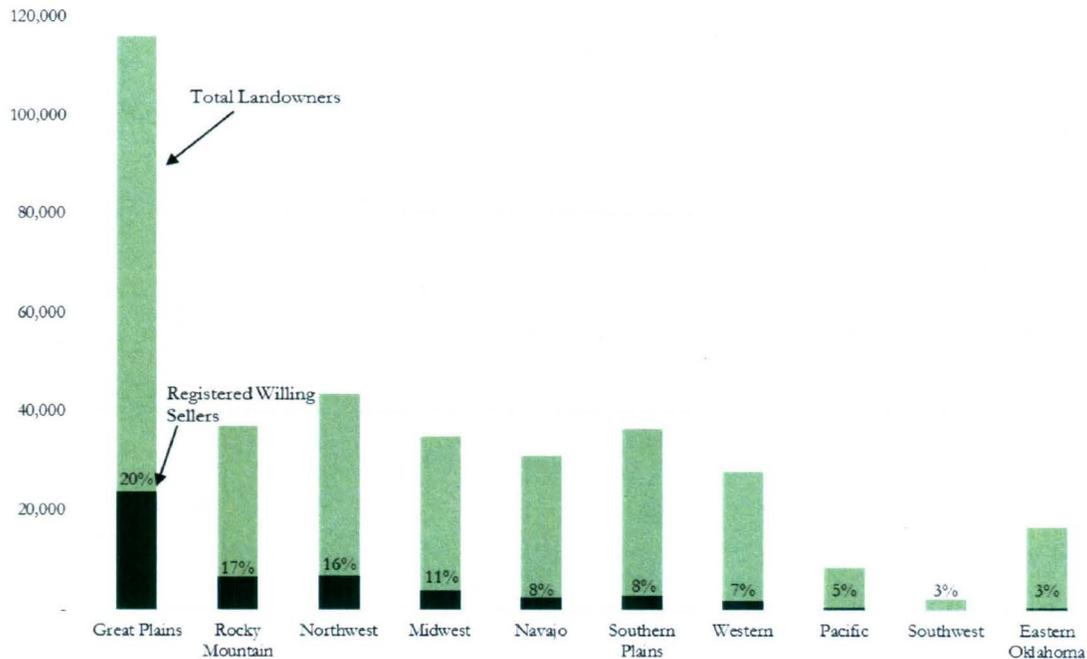
The Call Center has responded to a total of 109,891 Buy-Back Program inquiries, with 36,484 calls in FY 2016. Inquiries and related account update requests increased following offer mailings, outreach events, postcard mailings, letter mailings, and before offer due dates. The Call Center updated an average of 424 IIM accounts per month during FY 2016 after receiving requests from landowners to correct their personal information on conveyance documents.

During FY 2016, the Call Center also fielded 17,152 calls from landowners identifying themselves as willing sellers. Many of these willing sellers came forward during the Planning Initiative when the Program intensified its efforts to identify and engage individual landowners who may be interested in participating and encouraged interested sellers to identify themselves as such.<sup>8</sup> The graph below shows the number of willing sellers by region.

8. Willing seller self-identification in no way commits a landowner to sell his/her land, nor does it guarantee an offer will be extended; it merely identifies the landowner's desire to receive an offer and provides an opportunity for advance outreach and information to be shared with the landowner at the earliest possible time.

**Willing sellers by BIA Region as of September 2016<sup>9</sup>**

354,842 Total Landowners 48,939 Total Willing Sellers



Website ([www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram)). The Program has a comprehensive website designed to provide landowners, tribes, and the public with information. The site includes a detailed list of FAQs, outreach materials, sample purchase offer documents, instructions for completing the deed and purchase offer documents, Agreement information and guidance, and Program presentations, among other items.

***New video provides an overview of fractionation and the Buy-Back Program***

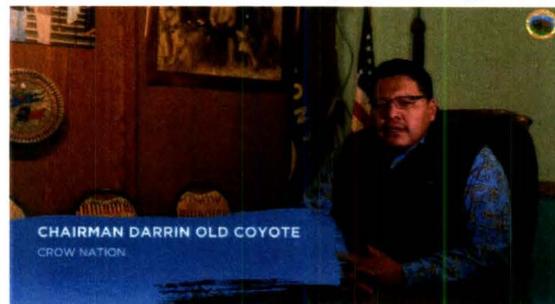


Photo credit: U.S. Department of the Interior

*Outreach Materials.* The Program develops a variety of materials to facilitate outreach. These products are available to tribes and individuals on the website and in local BIA and OST offices. Outreach materials include a Program brochure, pocket card, poster, fact sheets, sample deed, and event announcements. In addition, the Program provides Indian Land Tenure Foundation (ILTF) pamphlets, *Informing Indian Landowners on the Land Buy-Back Program* and *Understanding Appraisals and the Valuation Process in the Land Buy-Back Program*, to landowners receiving offers. These pamphlets serve as resources for landowners completing their purchase offers. In FY 2016, the Program developed a *What is the*

9. Individuals who own land in more than one location and/or have identified themselves as a willing seller for more than one location are counted multiple times in this graph and in total landowner and total willing seller figures.

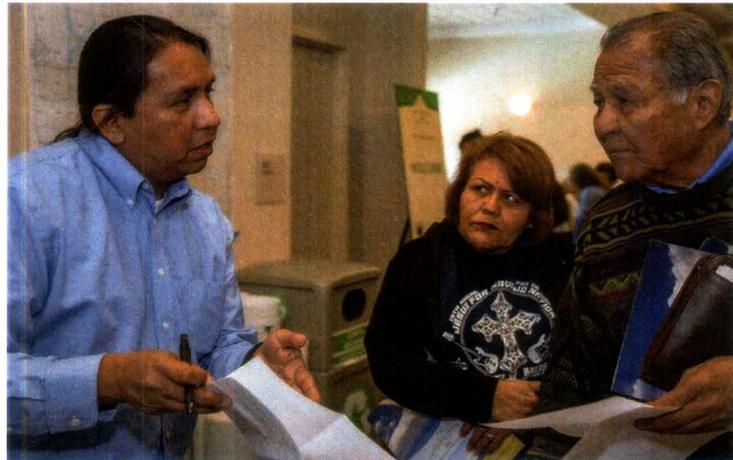
*Land Buy-Back Program?* video that explains fractionation, summarizes the Program, and highlights successes. The Program works with partner organizations and tribes to develop new material or tailor existing material for specific locations.

*Events.* In-person interactions at conferences and other events allow landowners to learn about the Program, meet staff, ask questions, and even complete their offer packages on site. The number and locations of pre-offer and post-offer events is determined by offer set size, location of landowners, available resources, tribal outreach efforts, and other pertinent factors. Tribes play a critical role in planning and hosting events; for example, the Fond du Lac Band of the Lake Superior

Chippewa reported more than 1,500 attendees at approximately 40 events. Tribal outreach staff held weekly events at community centers, gas stations, and other local establishments. In addition to location-specific outreach events, the Program hosts and attends regional and national events. Since 2013, Program representatives have hosted or participated in more than 400 outreach events throughout the country.

In March 2016, the Program hosted a Listening Session for tribes and landowners. Attendees visited different stations to ask questions and learn more about key aspects of the Program, including the appraisal and acquisition processes. Landowners were able to obtain land reports and other tools to help them make informed decisions about their land, including financial education and planning.

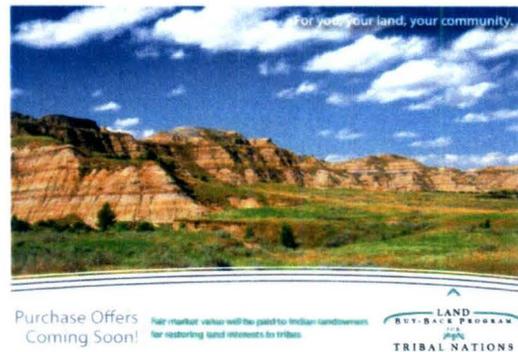
*Program representative Julius Snell assists landowners at the March 2016 Listening Session*



*Photo credit: U.S. Department of the Interior*

*Postcards.* The Program generally sends two postcards to landowners receiving offers - one postcard before offers are mailed and one postcard after. The pre-offer postcards alert landowners that they may receive an offer package in the mail and often provide information about upcoming outreach events. The post-offer postcards remind landowners of offer return deadlines. The Program works with tribes to customize postcards, which may contain tribal seals, flags, or other information or images recognizable to landowners. In addition, the Program mailed nearly 74,000 postcards as part of the Planning Initiative, reminding owners to update their contact information and identify themselves as willing sellers. In total, the Program has mailed more than 375,000 postcards to landowners.

### Sample postcard



*Individuals who are Whereabouts Unknown (WAU).* Another aspect of outreach to individuals is locating WAU owners. As part of its regular ongoing operations, OST seeks to maintain or update current addresses for IIM account holders. Through these efforts, which are intensified and focused during tribal participation in the Program, OST locates approximately 25,000 WAU account holders on average annually (including both non-land account holders and land-based account holders). At the same time, however, anywhere from 16,000 to 30,000 account holders may be reclassified as WAU on an annual basis as account holders move and do not provide a forwarding address.<sup>10</sup> There are now 32,321 landowners whose whereabouts are unknown who own nearly 354,000 equivalent acres (5.2 percent of total purchasable equivalent acres across Program-identified locations) in approximately 49,000 fractionated tracts.

In addition to ongoing efforts, the Program and tribes work together to identify and locate WAU landowners. If the identified WAU landowner owns an interest(s) on a tract with an outstanding offer, the Program then sends the individual an offer. The Program encourages tribes to locate WAU landowners through their outreach activities. For example, the Navajo Nation identified more than 600 WAU landowners in a 3-month period alone.

The Settlement and the Claims Resolution Act of 2010 explain the process the Program must take should it exercise its authority to purchase fractional land interests from WAU landowners who do not come forward. If those owners are not located after the Department undertakes the notice process identified in the

10. Pursuant to 25 U.S.C. § 2221, the Secretary is required to provide, on at least an annual basis, a form by means of which individual owners may confirm or update the owner's name and address.

Settlement and the passage of 5 years, the landowners shall be deemed to have consented to the conveyance of fractional interests that are located on a parcel of highly fractionated Indian land.<sup>11</sup> The Program has not exercised this process for WAU purchases thus far and, based on current response rates, does not anticipate making such WAU purchases in the future. Since the Program’s inception, the focus has been on locating WAU landowners through outreach efforts so individuals can receive and consider offers.

*Proactive Calls.* The Program calls landowners who own a significant amount of land. Roughly 33 percent of total unique owners hold about 95 percent of the fractionated acres associated with Program-identified locations. The purpose of proactive calls is to confirm offers were received, answer landowner questions, provide information on options available, and discuss financial aspects of selling their interests. In FY 2016, OST Program Specialists made more than 1,400 proactive calls to landowners to provide information and answer questions regarding the Program.

*Media Coverage.* The Buy-Back Program media strategy includes articles, opinion editorials (op-eds), press releases, public service announcements (PSAs), and national and local advertising. PSAs from Departmental and tribal leaders have been disseminated to tribal and local radio stations. A Buy-Back Program PSA is airing in Indian Health Service clinics in more than 15 states throughout the country. The Program regularly issues press releases on milestones and offer opportunities, conducts media interviews, and publishes op-eds throughout Indian Country. Each announcement is distributed to the media, tribes eligible to participate in the Program, and tribal and allottee organizations. The Program also purchases advertisements in brochures, magazines, local newspapers, and websites. Senior Advisors and outreach staff work closely with tribes to identify the most effective media outlets to reach their respective landowners and tailor communications accordingly.

Land Research. The Program collects the data necessary to establish the fair market value for the tracts containing fractional interests that may be acquired.

**Land Research by the Numbers**

140 initial mappings completed and made available to tribes

Implementing the Buy-Back Program requires information for thousands of tracts to be generated from

59 minerals evaluations, reviews, and updated reviews

TAAMS and other sources to provide the necessary data for determining fair market value. Fair market value is determined by the Department’s Office of Appraisal Services (OAS) and is a licensed appraiser’s estimate of what a property would sell for in an open and competitive market.<sup>12</sup>

11. Cobell Settlement Agreement at ¶ F(6); Claims Resolution Act of 2010 § 101(c)(5).

12. The Indian Land Consolidation Act provides that the Secretary may develop a system for establishing fair market value, which may include a system based on geographic units. See 25 U.S.C. § 2214.

The land-research effort includes identification of the fractionated tracts under tribal jurisdiction that contain purchasable interests. In particular, using data from TAAMS and the PLSS, BLM creates GIS layers to depict the tracts under tribal jurisdiction. Mapping tracts facilitates the valuation process by enabling tract land use categorization (e.g., range, dry crop, and irrigated crop), geographical analysis, and comparison to surrounding land and sales. While tribes can participate in some mapping activities, base mapping efforts are completed by the Department for efficiency and consistency purposes.

Resource codes indicate the type of ownership a landowner has over his/her interest. Surface (S) tracts have ownership rights only to the land surface of the tract, not to any minerals or other resources, such as oil, below the ground. Mineral (M) tracts have ownership rights only to minerals or other resources below the ground, but not to the land surface of the tract. Both (B) tracts have rights to both the surface and minerals.

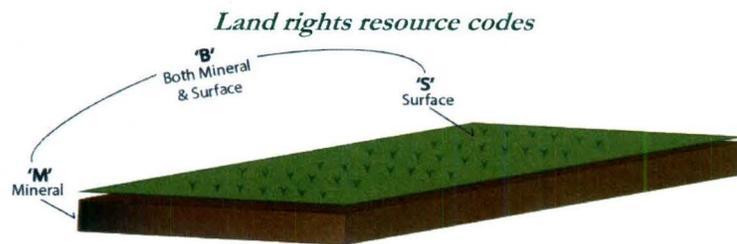
The Department's Office of Valuation Service's Division of Minerals Evaluation (DME) conducts minerals assessments in three stages. Stage 1 parcels are located in areas with no viable economic mineralization or within viable economic mineralization zones where an estimated commodity value can be readily established. Stage 2 parcels require more research, data, and time to estimate. Stage 3 parcels are associated with demonstrable commodity reserves, requiring intensive analysis. The DME examines parcels associated with Program implementation for a given location. Currently, the Program does not value tracts containing Stage 2 or Stage 3 minerals. However, parcels requiring more detailed analysis may occur at the later stages of the Program as resources and time allow. As of September 2016, the Program has completed 140 initial mappings and minerals evaluations for 43 locations.

### Tracts and Parcels

A tract of land, as referenced throughout this Report, is the real property trust asset in which an individual or tribe has an ownership interest. It is a defined area, often the boundary of an original allotment, and can include the surface estate, mineral estate, or both. A tract can be owned by one or more individuals and tribes. A tract with multiple owners is considered a fractionated tract.

A tract of land is composed of one or more parcel. Parcels also have defined areas. Tracts are not necessarily composed of adjacent parcels. In other words, a tract may be composed of just one single parcel of land, multiple adjacent parcels, and in some instances, multiple non-adjacent parcels that are separated by other tracts or parcels of land. A landowner owns an interest in a tract, not in a particular parcel.

Offers for the Buy-Back Program are made at the tract level. If a tract contains a parcel that cannot be mapped or appraised, then offers for interests in the whole tract cannot be made.



Some tracts may require additional information outside of TAAMS before values can be determined. For example, additional information may be required to clarify legal descriptions. Most information will be gathered during the land research phase. However, some tracts may require additional research that cannot be conducted with the rest of the location's tracts because doing so

would diminish the efficiency and cost-effectiveness of the Program. The Program works with tribes to include tribal priorities in the valuation request to the greatest extent possible.

During the mapping process, the Program creates several products and shares them with tribes, including ArcGIS geodatabases, initial base mapping, subsequent mappings, wall maps, and individual tract maps as described in the Tribal Involvement section. The PLSS and base mapping products require GIS capabilities. Tribes can work with the BIA Branch of Geospatial Support (BIA BOGS) to acquire this software. The Program also assists tribes by providing geodatabase training and support.

The Program provides three different oversized wall maps to tribes so they can easily visualize the current state of fractionation on their lands. The three maps include a general location map of the reservation, a map depicting current tribal ownership throughout the reservation, and a map showing current tribal tract management potential throughout the reservation. Individual tract maps, provided to tribes both digitally and in hard copy, help tribes identify tribal priorities based on geographic location. Individual tract maps are also provided to landowners in offer packages and at outreach events. These maps can help landowners make informed decisions about whether or not to sell their land.

### Categories of Land

**Fee Simple (Fee Land)** – Land ownership status in which the owner holds title to the property. The owner may make decisions about land use or sell the land without government oversight. The Buy-Back Program is not purchasing fee land.

**Restricted Fee Land** – Land ownership status in which the individual or tribe holds title, but there are restrictions on use and/or disposition of the land. Additional analysis and reviews are required for Buy-Back Program offers on restricted lands.

**Trust Land** – Land ownership status in which title is held in trust by the Federal government with restrictions on use and disposition of the land. Most trust land is within reservation boundaries, but trust land can also be off-reservation.

Valuation. The Program determines the fair market value of fractionated tracts at each location, which provides the primary foundation for individual offer amounts as required by the Settlement. The OAS completes an appraisal of a fractionated tract by appraising the tract as if it were a single-owner fee status tract, and compares it to similar tracts that have recently sold in the area. Adjustments, based upon market conditions, are made to account for differences between the tract being appraised and recent sales (e.g., the presence of water on grazing land for cattle would make a tract of land more desirable and therefore the tract may have a greater value).

The Program uses several types of appraisal methods. A mass appraisal method is used to value properties that are similar in use and have active and consistent markets, and have comparable available sales data. Mass appraisals allow for greater efficiency and consistency in valuations. Mass appraisals provide reduced implementation costs, expedite the appraisal process, and facilitate the

greatest number of offers. Individual or site-specific appraisals may be used on tracts that are difficult to value simultaneously with tracts amenable to mass appraisal. The Program relies most heavily on mass appraisal valuation techniques, such as automated valuation models using statistical analysis, market studies, and project appraisal reports. Site-specific valuations are used as warranted and as resources permit. An inability to value certain tracts may preclude the acquisition of some tribal priorities. Although the Program cannot guarantee that it will be able to purchase all tribal priorities, given its financial and operational constraints, it continues to encourage tribes to identify their priorities.

The Program has appraised nearly 24,400 tracts consisting of more than 4 million acres. Of this land, 96 percent of the acres appraised are agricultural acres. The remaining 4 percent of acres are used for a

### Valuation by the Numbers

24,363 tracts appraised

4,055,516 acres appraised

34 locations (18 mass appraisals, 15 site-specific appraisal locations, 1 combined location)

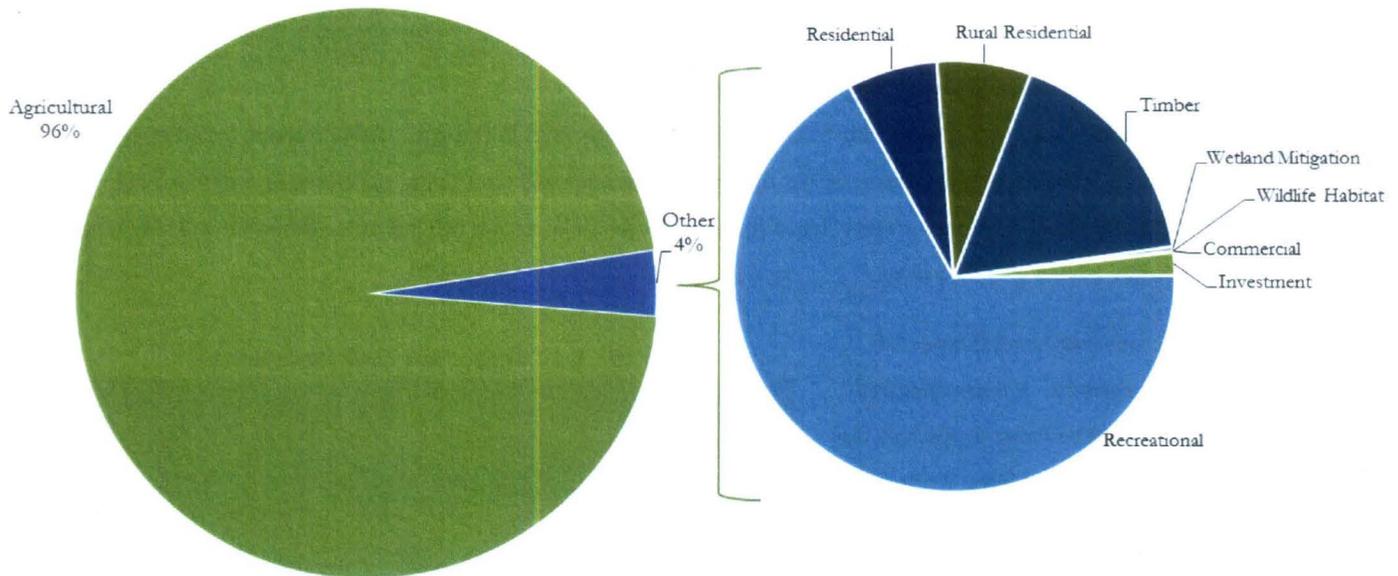
### Farm land at the Fort Hall Reservation



Photo credit: Fort Hall Reservation

variety of purposes, including recreational, timber, residential, commercial, and wildlife habitat. The charts below display the land uses of acres appraised across 32 locations.<sup>13</sup>

*Land use types of appraised land as of September 2016*



The Program's appraisal methods conform to the Uniform Standards of Professional Appraisal Practice (USPAP). To ensure the valuation methods and techniques meet industry standards, the Department obtained a third-party review of its valuation techniques from The Appraisal Foundation (TAF) in FY 2014. TAF is a non-profit, non-partisan organization, dedicated to the development of appraisal standards in the United States and to establishing qualifications criteria for appraisers. In FY 2015, the Department worked with TAF again to evaluate and update the independent review and analysis of the Department's Valuations Methodologies Plan for the Buy-Back Program and the Department's implementation of the Plan.

Tribes seeking Agreements to determine fair market values must demonstrate the ability to perform reservation-wide valuations in a manner that is efficient and cost-effective. Tribes that currently perform valuation or appraisal work for the Department may be better positioned to provide fair market values for the Program through an Agreement. The OAS reviews and decides whether to approve valuations performed by a tribe.

13. These pie charts do not include highest and best-use acreage information for tracts appraised at the Bad River Reservation and the Blackfeet Indian Reservation of Montana. The Program completed appraisals for these locations in September, but tract and acreage data for those appraisals was not available for this report.

**Acquisition.** Once fair market value determinations are made, the Program mails purchase offer information to eligible individual owners, including postcards, an offer package, and an informational pamphlet.

To make the acquisitions process efficient, dedicated BIA personnel use TAAMS to automatically generate offer packages, which include a cover letter, instructions for completing the inventory and deed, the deed itself, Purchasable Interests Inventory, maps, and a self-addressed return envelope. Individuals have 45 calendar days from the date of the cover letter to sell some or all of their fractional interests for which an offer has been made.

### Acquisition by the Numbers

More than 172,600 offers generated  
 Approximately \$900 million paid to individuals  
 More than 485,250 interests purchased  
 Nearly 1.7 million equivalent acres consolidated

### Buy-Back Program Eligibility and Purchasable Criteria

What makes a **tract** eligible?

- Tract has more than one owner
- Tract has at least one trust or restricted interest
- Recognized tribe exercises jurisdiction over the tract
- Tract must have appraised values
- Tract must be mappable (i.e., legal description of a tract does not require further research)
- Tract must not be 100 percent comprised of ineligible interests
- Tract with improvements and no leases must have a tribal resolution

What makes an **interest** eligible?

- Interest must be located within an eligible tract
- Interest must be individually owned in trust or restricted status

What makes an **interest** not eligible?

- Interest is owned in fee status or by the tribe
- Interest is subject to life estate or joint tenancy
- Interest ownership is pending legal transaction such as probate
- Interest is owned by a minor
- Interest is owned by an individual unable to make decisions on his / her behalf (under a legal disability based on restricted status of landowner's IIM account)

The offer price may have up to three components: (1) appraised fair market value; (2) minimum amount for subsurface ownership; and (3) base payment. The table below illustrates these components. It assumes the owner has a one percent undivided fractional ownership interest in three distinct 160-acre tracts, each with a different bundle of ownership rights. It is further assumed the subsurface ownership rights associated with two of the tracts have been determined to have no economic value. The offer to the owner for his/her interest in the three tracts would be \$1,239 as follows:

*Illustration of offer amount*

1. Appraised Values		
Tract 1 (“B” Both Surface and Subsurface)	\$640	(1 percent of \$64,000 surface tract value; see also 2a.)
Tract 2 (“S” Surface only)	\$500	(1 percent of \$50,000 tract value)
Tract 3 (“M” Subsurface only)	\$0	(see 2b. below)
2. a. Addition for Tract 1 Subsurface	\$12	(1 percent of 160 acres x \$7.50/acre minimum)
b. Addition for Tract 3 Subsurface	\$12	(1 percent of 160 acres x \$7.50/acre minimum)
3. Base Payment	\$75	(per offer, not interest)
<b>Total Offer Amount</b>	<b>\$1,239</b>	

Offer packages provided to individual landowners include a base payment of \$75 per accepted offer (not per interest), regardless of the value of the land. The base payment helps to offset the time and costs that owners may incur in responding to purchase offers. Offers also include information about contributions to the Scholarship Fund. For an interest purchased for less than \$200, a contribution of \$10 is made; for an interest between \$200 and \$500, a contribution of \$25 is made; and for an interest of more than \$500, a contribution of 5 percent of the purchase price is made. The contribution does not come out of the landowner’s payment amount.

Landowners who decide to sell their land have several options for getting the packages notarized and returning the packages to BIA. Notary services are often offered at outreach events and at local OST and BIA agency offices. Once a package is notarized, a landowners should return the completed offer package via the pre-paid return mail envelope. Once an offer is returned and approved, OST deposits the sale amount directly into the individual’s IIM account.

Following close collaboration with several tribes, the Program began making offers on fractionated tracts that have improvements – buildings or structures, including residential homes – beginning in late FY 2015. While the improvements themselves are not acquired through Program offers, their existence is considered in determining the fair market value of the underlying tract of land. Offers on tracts with improvements may be made if a lease is recorded in TAAMS or, in the case of tracts without a recorded lease, if the tribe approves a resolution requesting that the Program make offers on those tracts and indicating that the tribe will provide lease opportunities to individuals living on the land. In cases without a tribal resolution, the Program may find it appropriate to conduct additional field work to determine whether the tracts are inhabited. All Program transfers into tribal trust ownership are subject to the terms of existing leases and encumbrances on the land. This approach does not apply to tracts or interests held in restricted fee status where there is an improvement. The Program will continue to review restricted fee interests in tracts with improvements to determine if it is possible to make offers at a future point in time.

**Example of Program Processes**

To illustrate the four Buy-Back Program phases, consider an example reservation with 3,000 tracts containing 90,000 fractional interests owned by 10,000 individuals.

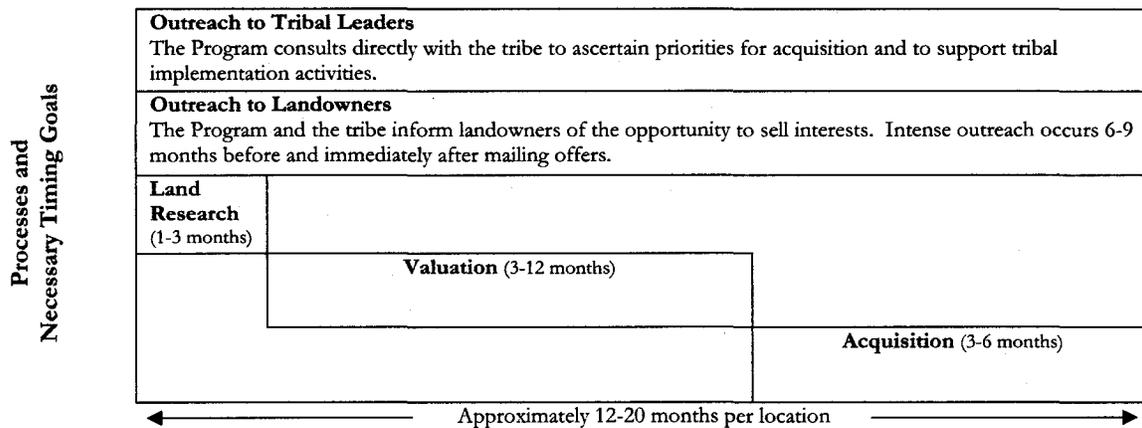
**1. Outreach.** In cooperation with the tribe, outreach must occur to support tribal implementation activities and to inform the 10,000 individuals that the Buy-Back Program will be purchasing fractional interests. During this time, the Program consults directly with the tribe to ascertain acquisition priorities it may have.

**2. Land Research.** While the Program and tribe are conducting outreach in the communities, other Department agencies gather data necessary to determine the fair market values of the 3,000 fractionated tracts within the reservation. For a number of reasons, a tract may require extensive research (e.g., based on mineral economic potential) to determine its fair market value. For this example, assume 10 percent of the tracts need extensive research, which would require excessive time or cost to complete.

**3. Valuation.** The Buy-Back Program initiates a valuation request to OAS for 2,700 tracts, omitting those 300 tracts that require further data or extensive analysis. This may preclude the Program from acquiring all the interests owned by certain individuals. The Program works with tribes to ensure that as many tribal priorities as possible are included in the valuation request. At this point, OAS begins to value the 2,700 tracts. To achieve efficiency and cost-effectiveness, OAS utilizes mass appraisal valuation techniques. The number of tracts these techniques may capture varies between reservations, but for this example, only 80 percent of those tracts are amenable to some mass appraisal valuation technique. Thus, the Buy-Back Program can expect fair market values for 2,160 of the 3,000 tracts.

**4. Acquisition.** Once the Program has received the fair market value for 2,160 tracts, it can send offer packages to individuals who own interests eligible for purchase. At most, offer packages would go to all 10,000 individuals who own fractional interests within the reservation or a subset because some of those 10,000 individuals may own interests only in the 840 tracts that were not valued. Offer packages have a return by date that is 45 calendar days from the cover letter date. The Program provides landowners with clear and concise instructions to complete and return the package. The acquisition phase is highly automated and centralized to reduce implementation costs and increase efficiency. This phase is carried out by BIA.

The Program, through BIA utilization of TAAMS and other existing operations and systems, mails offer packages to owners, receives and processes completed offers, and, through OST, posts payments to IIM accounts. If landowner participation for a location is low, the Program will seek to use the remaining purchase estimate amount at other locations. See the following diagram for an illustration of these processes.



The Program is only active at a location for as long as it takes to complete the phases of the process. Once the four phases have been completed at the location, the Program focuses its efforts on another location.

## LESSONS LEARNED and BEST PRACTICES

The Program regularly encourages Federal employees, partners, and tribes to share their ideas on how to improve operations. The Program gathers feedback through its annual Listening Session, tribal workshops, Federal training sessions, landowner surveys, and informal meetings and discussions. Key topics raised have included information sharing, early outreach planning, coordination of Interior efforts, the voluntary nature of the Program, the challenges associated with restricted fee interests, and the importance of consolidating and restoring tribal lands to protect tribal culture and traditional practices.

In addition, the Program has experienced some challenges over the past 4 years. The Program aims to learn from these challenges and improve its processes as a result. This section outlines lessons learned and best practices in the areas of tribal involvement, outreach, land research, valuation, and acquisition.

Tribal Involvement. The Program continues to identify lessons learned and best practices related to tribal involvement during implementation.

In March 2016, for the third consecutive year, the Program gathered tribal feedback at a Listening Session, which was attended by more than 500 tribal leaders, landowners, and other individuals. The event allowed

Federal officials to share programmatic updates and obtain feedback from participants.

The Program hosted several tribal outreach workshops for participants to learn and share challenges and best practices related to outreach. In October 2015, the Program hosted a tribal outreach workshop in Rapid City, South Dakota, to facilitate discussion among tribes preparing for outreach and those that had recently completed outreach activities. Tribal representatives shared lessons learned including the importance of planning and communication between BIA, OST, Program, and tribal staff; engaging tribal leadership; customizing outreach materials to include recognizable images such as pictures of historical leaders or tribal seals; inviting landowners that may live on nearby reservations to events; and providing landowners with options other than selling their land. Tribes also suggested the Program share additional information before Agreements are finalized. As a result, the Program now seeks to begin Agreement application work more than a year before offers are mailed in order to reach a final Agreement at least 9 months before offers.

*Cheyenne River Buy-Back Program Staff Florence Halfred, Elvira White Wolf, and Bernadine Little Thunder*



*Photo credit: Cheyenne River Sioux Tribe*

The Program also held a tribal outreach workshop in June 2016 in Lakewood, Colorado. Representatives from the Fond du Lac Band of Lake Superior Chippewa and Shoshone-Bannock Tribes of the Fort Hall Reservation presented on best practices from their experiences. The Tribes highlighted the importance of hiring qualified and dedicated tribal outreach staff to assist in implementing the Program, coordinating with other tribal organizations to execute outreach

*Participants view Shoshone-Bannock Tribes' video at the June tribal outreach workshop*



*Photo credit: U.S. Department of the Interior*

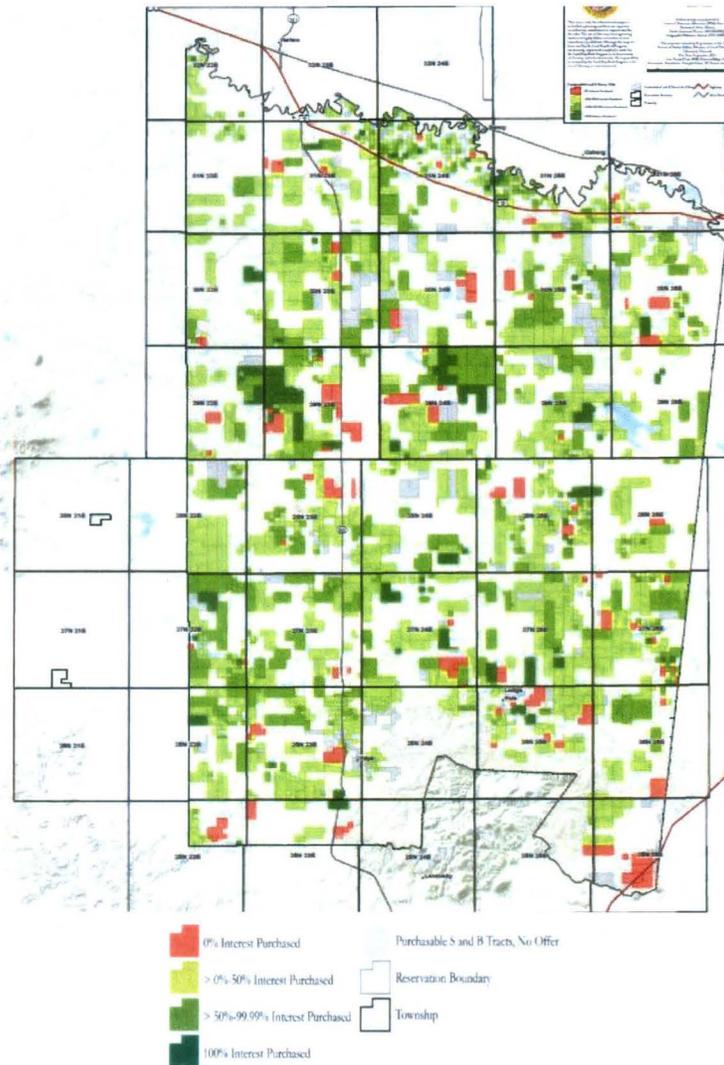
events, and making landowners feel comfortable by providing food or playing traditional music at outreach events. The Program plans to hold additional tribal outreach workshops in the upcoming year.

Program staff hold regular coordination calls with tribal staff to plan landowner outreach and provide updates on implementation. These calls aid the Federal and tribal teams with providing consistent information to landowners and allow for adequate outreach planning. The Program has developed a number of tools to assist with coordination between Federal and tribal teams. For example, the Program uses an event checklist when planning outreach events. The checklist includes information on staffing, room set-up, schedules, and related advertising.

Based on Call Center experiences, the Program requests that tribal staff share local advertisements and mailings with the Program. This helps the Call Center and other Program staff respond to landowner questions.

Tribes have expressed the desire for updates on sales progress and information on the tracts in which the Program has acquired interests. The Program provides tribes with various maps depicting land status after implementation. The sales map to the right shows increases in tribal ownership at the Fort Belknap Reservation of Montana. This map depicts purchasable surface (S) and both (B) resource code tracts on the Reservation. The green shaded tracts indicate different magnitudes of ownership interests purchased by the Program and placed into trust for the Fort Belknap Indian Community. The Program sent offers on 1,017 S and B tracts and increased tribal ownership in 938 of these tracts. Tribes can use this type of map to understand where the Program has increased tribal ownership and how much of an ownership interest has been transferred to the tribe as a result of Program purchases.

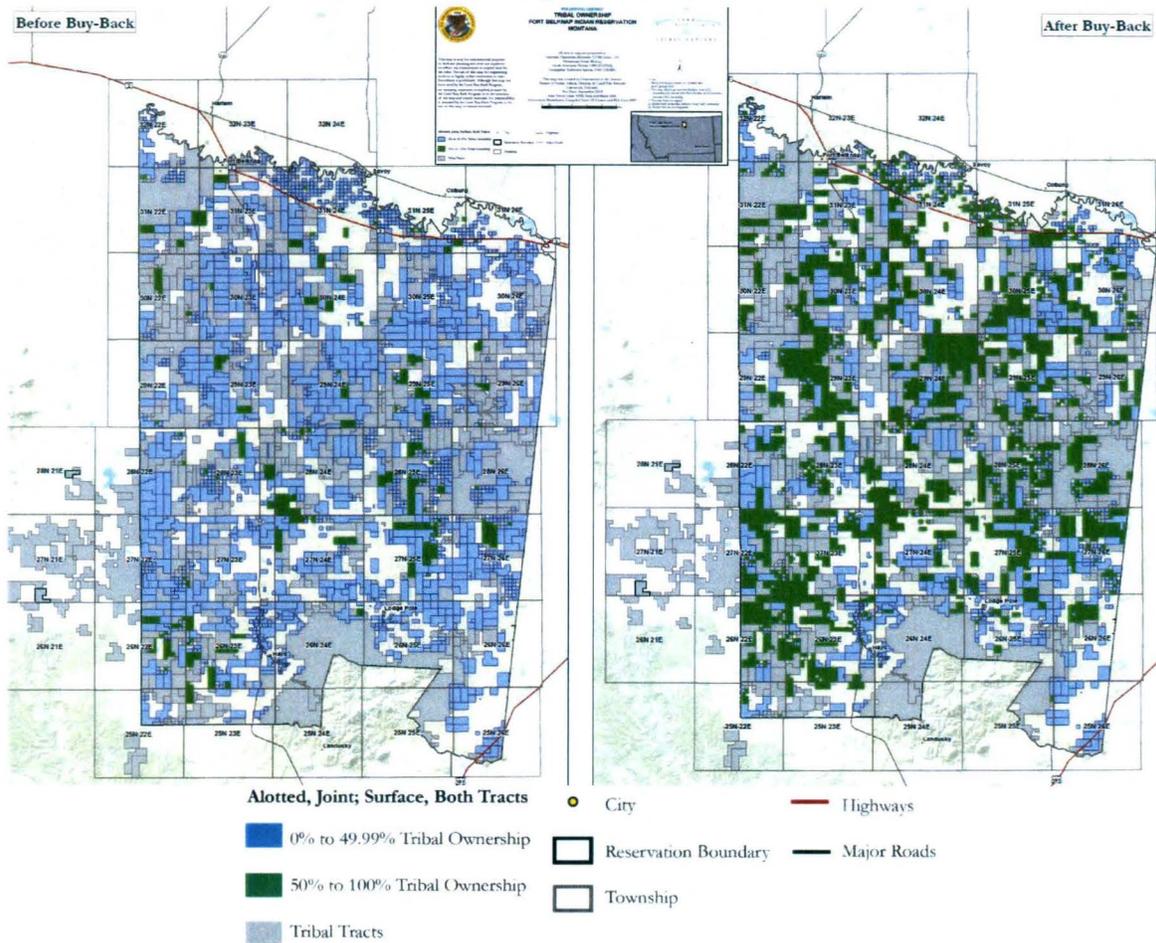
*Sales map for the Fort Belknap Reservation of Montana as of September 2015*



In response to tribal feedback, the Program now develops various maps to depict potential tribal management according to various consent requirements. Specifically, because much of fractionated land is agricultural, the Program now creates maps depicting tribal ownership levels to reflect applicable consent requirements. Prior to Buy-Back Program purchases at the Fort Belknap Reservation of Montana, there were 1,267 purchasable S and B tracts on the Reservation. The Tribe held less than 50 percent ownership in 1,084 tracts composed of 203,443 acres, and the Tribe held greater than or equal to 50 percent ownership in 183 tracts composed of 39,300 acres. After the Buy-Back Program, the Tribe holds greater than or equal to 50 percent ownership in more than 500 additional S and B tracts consisting of more than 100,000 acres. This is nearly a 300 percent increase in the number of S and B tracts in which the Tribe now has an ownership

interest of 50 percent or greater. Tribes can use such information about current land ownership to plan for future protection or use of tracts.

*Program increases tribal management potential by 300 percent for the Fort Belknap Reservation of Montana*



Outreach. The Program aims to continuously improve its outreach efforts and gather frequent feedback from tribes and staff in the field. For example, the Program improves and develops new outreach materials for landowners. The Program worked with the Indian Land Tenure Foundation (ILTF) to develop an appraisal insert for the existing brochure that is mailed to landowners prior to offers. The new appraisal insert provides information on land valuation. The Program also began encouraging tribes to develop contact sheets for landowners, containing contact information for various tribal and Federal offices that can assist landowners with Program inquiries as well as leases and other land management topics.

In FY 2017, the Program will increase its focus on outreach to landowners who may be classified as minors, but who have turned 18 years old and need to update their status with OST. The Program plans to contact

landowners informing them that if they have recently turned 18 years old, they need to update their status with OST to become eligible to receive an offer.

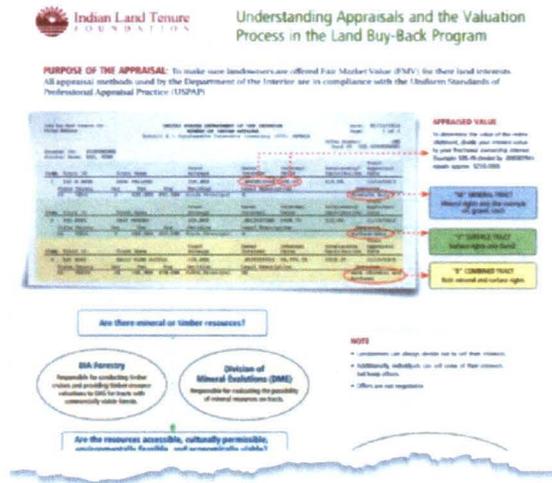
The Program understands the value of using a variety of outreach methods, such as personal visits and working with landowners to meet their unique needs. Staff members have traveled to private homes and hospitals to answer questions, assist with completing offers, and provide notary services. For example, a Puget Sound Agency Accounting Technician visited a terminally ill landowner in the hospital at his request to assist with his offer and provide information on resources for preparing a will.

Both tribes and individuals have expressed a need to help participants become aware of the financial implications of receiving funds for the sale of fractional interests. Towards that end, the Program, through OST and other partners, provides financial education opportunities at locations scheduled to receive offers. The Program is also collaborating with the Federal Reserve Bank of Minneapolis Center for Indian Country Development on a series of financial education articles.

The Program partners with other Departmental offices, other Federal organizations, and third parties to improve outreach efforts. The Program partnered with The White House Social and Behavioral Sciences Team to analyze offer, sales, and Call Center data. The Program began working with this team in FY 2015 and will continue working with them through FY 2017. The Program used the results of these analyses to better plan outreach efforts.

**Land Research.** One of the key lessons learned with respect to land research continues to be the importance of sharing mapping information with tribes as early as possible. This is essential for tribes that wish to participate in land research or valuation activities, but also important for tribes to identify their priorities. Mapping also helps to identify tracts that have non-contiguous parcels. In the valuation process, it is

*ILTF appraisal insert*



**Willing Seller Success Stories**

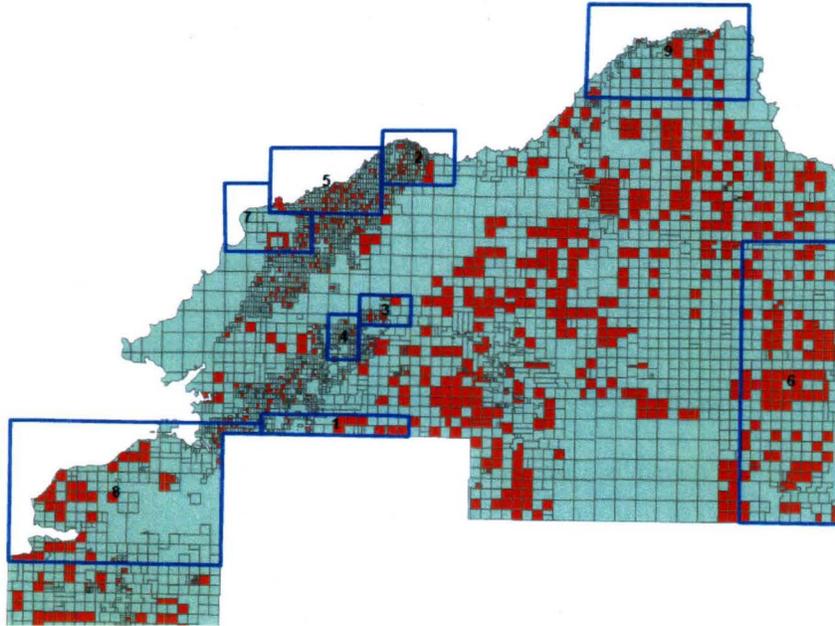
Gros Ventre and Assiniboine tribal members shared their stories about starting small businesses with the income from participation in the Program on the Fort Belknap Reservation of Montana.

One landowner began a mobile welding company, which is providing services to contractors, farms, heating and cooling repair companies, electricians, and the tribal housing department.

Another landowner began providing excavation services by purchasing a small excavator, pickup truck, and a flatbed trailer to haul equipment. The business does work for private and public housing, tribal offices, and infrastructure projects in local communities.

imperative that all parcels associated with a tract – especially non-contiguous parcels – are considered in developing the fair market value. The early identification of the non-contiguous parcels helps to ensure that the parcels comprising a tract are valued, enabling as many tracts as possible to be part of an offer.

### Tribal Spotlight – Shoshone-Bannock Tribes



The Shoshone-Bannock Tribes identified priority allotments they would like to have purchased, in addition to land interests of identified willing sellers. These allotments are located in nine different geographical areas, reflected on the map above. The tracts shown in red represent purchasable S and B tracts. The Tribes selected these allotments to help consolidate the most fractionated tracts, to stop encroachment, and to be able to actively manage the Fort Hall Reservation land and its resources, namely to gain control over the Portneuf River headwaters as reflected in the Area 6 (located in the bottom right in the map).

The Program has responded to tribal feedback about the need for GIS support and the need to understand the mapping process. In FY 2016, BIA BOGS hosted two mapping trainings for representatives from four tribes – the Lummi Tribe of the Lummi Reservation, the Makah Indian Tribe of the Makah Reservation, the Osage Nation, and the Confederated Tribes and Bands of the Yakama Nation. Training included parcel mapping and parcel mapping processing codes. Participants learned how to use geodatabases provided by the Program, which may facilitate the identification of tribal priorities as well as tribal community and land-use planning.

In FY 2016, the Program developed a policy for the acquisition of restricted fee interests. When the Program acquires fractional interests from landowners who choose to participate, the interests are immediately transferred and held in trust for the recognized tribe that exercises jurisdiction over the land. The Program's

implementation thus far has mostly involved fractional interests held in trust status. Many of the upcoming scheduled locations, however, feature fractional interests held in restricted fee status – especially those in Oklahoma.

Acquisition of fractional interests held in restricted fee status (versus trust status) presents particular challenges to Program implementation due to the change that occurs in status (i.e., from restricted fee status to trust status). Departmental policy requires an environmental review before acquiring land, as in the case of restricted fee to trust transactions, whereas environmental review is not required for trust to trust transactions. Given the unique goals associated with the Program, a more expedited screening process for known environmental hazards was developed and is now in use. The process includes review of Environmental Protection Agency (EPA) data and input from local land managers. Some tribes are helping implement this process at their reservations. The Program's approach will ensure that potential environmental liabilities are identified and considered before acquisition. Tracts identified as having environmental concerns will be excluded from Program offers. Conducting this modified environmental due diligence and purchasing restricted fee interests supports Departmental and tribal priorities.

The DME's work for the Program is creating efficiencies throughout the Department. For example, after implementation at the Umatilla Indian Reservation and the Fond du Lac Reservation, DME leveraged its Buy-Back Program analyses for these Tribes' probate efforts. The DME was able to use existing Buy-Back Program report data to update minerals information quickly and efficiently, resulting in the expedited processing of more than 80 probate cases. The BIA then provided the information to the Tribes to support their probate work. As Buy-Back Program work continues, this added efficiency and cost savings will continue to aid tribes with land consolidation and management activities.

Based on tribal feedback and implementation at particular locations, the Program developed several new processes this year to increase internal coordination, information sharing, and efficiency. For example, DME is working with OAS to develop a new process for sharing mineral values with the Office of Appraisal Services Information System (OASIS), which is a system used by OAS during the valuation phase. This process will allow OAS to query DME files for Stage 1 tracts that are available for use in the appraisal process. During their validity period, the completed tracts for a given location, including Stage 2 tracts, will also be available for query by OAS for additional critical valuation and realty transactions, such as probate, sales, and title transfers. The DME also relies on realty and locational information in TAAMS and works with local BIA realty offices to make determinations on mineral values. TAAMS is the database of record, and it is critical that records, including mineral records, are up to date and as complete as possible before DME performs mineral evaluations. The DME developed a presentation for Federal partners and tribal staff to explain why TAAMS records are important. The DME shares preliminary results with field staff for

feedback and additional insight. These types of improvements support work in Indian Country beyond the Buy-Back Program.

Valuation. The Program identified valuation lessons learned through its completion of appraisals and work with tribes interested in completing appraisals themselves. Mass appraisal continues to be the preferred approach whenever possible because it is the most cost-effective way to appraise large amounts of land. If a location has been identified as one that can be appraised using the mass-appraisal

methodology, it should be mass appraised either by OAS or the tribe. Appraisal work to date has shown that the use of mass appraisals results in greater efficiency and consistency in valuations, enabling the Program to value many acres simultaneously.

In order to deliver a large number of appraisals in a constricted time frame, OAS developed and implemented a state-of-the-art Mass Appraisal Valuation System (MAVS). The system was developed in-house through a collaborative process between OAS and OST's information technology department. The system is being updated with Prognose, a program that allows the use of sales data not only for mass appraisals, but also individual site-specific appraisals. The system capitalizes on GIS technologies, using aerial photography, oblique pictometry, and robust data management capabilities to gather hundreds of data points for each individual tract. Through the sharing of existing GIS data layers, OAS can acquire data on soil, hydrographical, topographical, utilities, and roads from various Federal, state, and local agencies to use in its analysis.

*Iris Crisman, Deputy Director, Office of Appraisal Services, appraises land at Navajo Reservation*



*Photo credit: U.S. Department of the Interior*

The OAS continues to develop new mass-appraisal models beyond the agricultural model, including a timber mass appraisal model and a rural residential mass appraisal model. For example, commercial timberland appraisals must combine the economic analysis of both the land and the timber. A credible, responsible, and defensible valuation requires the skills and knowledge of both a forester and a real estate appraiser.

### Using Mass Appraisals for Timber

For the Quinault Indian Nation valuation project, OAS integrated a certified forester into the mass appraisal team. Utilizing the advantages provided by the robust GIS technology developed for the Program, OAS was able to assemble a large enough dataset of timberland sales and expose its land, timber, and market characteristics to the statistical analysis routines developed for the Program. The end result was the generation of a mathematical model that seamlessly integrates all three disciplines and produces valuation estimates reflective of current market dynamics. This is potentially the first time that a statistical market model for timber properties has ever been successfully developed in the Federal real estate appraisal profession.

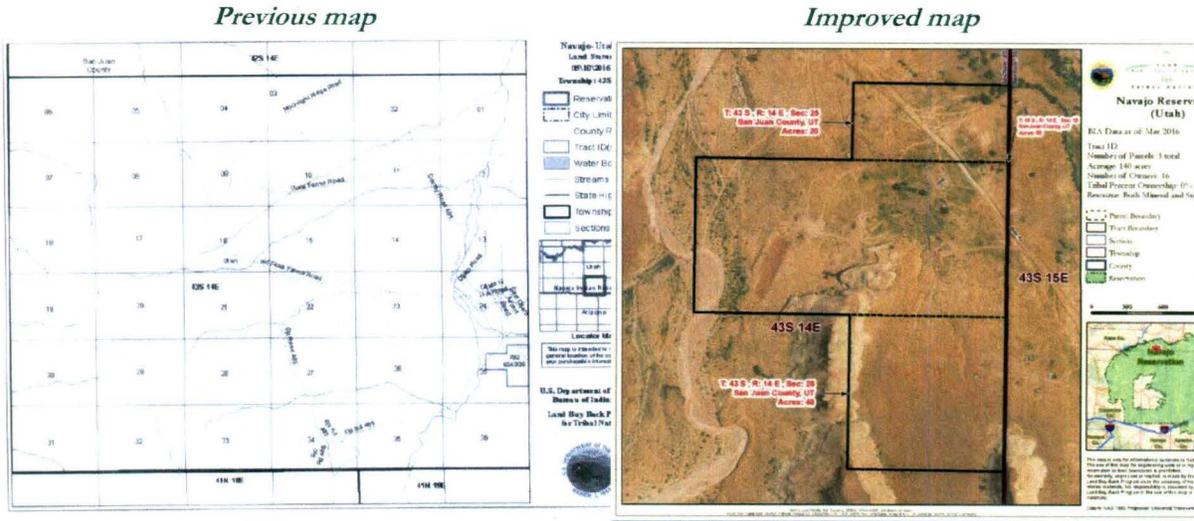
Tribal identification of priority tracts is crucial for locations that require site-specific appraisals. Experience has shown the importance of tribes determining a priority tract list early so as many priority tracts as possible can be appraised and included in the offer set.

The OAS also involves tribal and local Federal staff in the valuation process. While Agreements focus primarily on outreach, tribes often collaborate with the Program and share information regarding land research and valuation. For example, tribes may be able to provide OAS with additional sales data. The OAS also involves tribal and local Federal staff in mass appraisal work sessions. Such collaboration improves the appraisal process.

In an effort to increase transparency related to land valuation products, the Program clarified the process for promptly sharing appraisal reports with landowners and tribes. Landowners may request appraisal reports for tracts on which they own interests from the Call Center or an OST field office.

Acquisition. The Program is dedicated to making the acquisition process as easy and transparent as possible. The Program recently improved the quality of maps included in offer packages. The new maps reflect a number of enhancements, including additional information to assist landowners in making informed decisions (e.g., tract ID, ownership details, and whether the tribe owns an interest in the tract). The maps are produced using aerial imagery and are now in color to improve readability.

*Updates to offer map design*



For the first time in FY 2016 with Navajo Nation offers, the BIA Acquisition Center was able to mail offers for multiple land area codes in a single envelope. This enabled individuals who owned land at five different Navajo land areas to make a single trip to a notary to participate in the Program for those land area codes.

The BIA Acquisition Center continues to coordinate with agency leadership that may see an increase in requests from landowners to dissolve joint tenancy or life estates before the Program implements at a given location, which may allow these landowners to receive offers. Fractional interests held in joint tenancy or subject to a life estate are excluded from purchase offers.

*Landowner completes purchase offer at the Bullhead Community Center in Bullhead, South Dakota*



*Photo credit: U.S. Department of the Interior*

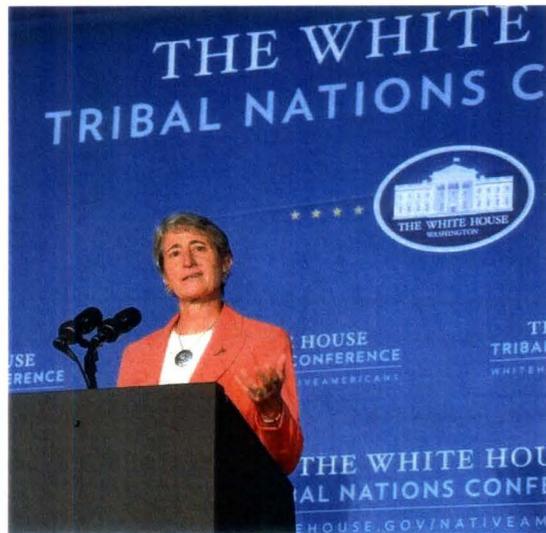
**MEASURING PERFORMANCE and PROGRESS**

The Buy-Back Program actively tracks and monitors its performance to achieve the goals set by the Department and the Settlement. Partner offices and tribes regularly report results and metrics. Similarly, the Program monitors funding by comparing and reconciling budgeted estimates with actuals in order to make adjustments based on outcomes achieved, thus ensuring a clear correlation between funding and results.

In FY 2016, performance results were shared regularly through various forums:

- October 2015 Indian Land Working Group’s 25th Annual Indian Land Symposium in Pendleton, OR
- December 2015 Lakota Nation Invitational in Rapid City, SD
- Quarterly Great Plains Tribal Chairmen’s Association Meeting in Rapid City, SD
- Coalition of Large Tribes 5<sup>th</sup> Annual Round-Up Meeting in Las Vegas, NV
- March 2016 Buy-Back Program Listening Session in Albuquerque, NM
- Tribal Land Staff National Conference in Worley, ID
- June 2016 OST Rapid City Office 10-Year Anniversary in Rapid City, SD
- National Congress of American Indians (NCAI) Mid-Year Conference and Marketplace in Spokane, WA
- August 2016 Indian Land Working Group 2016 Symposium in Green Bay, WI
- September 2016 White House Tribal Nations Conference in Washington, DC
- October 2016 NCAI Annual Convention in Phoenix, AZ

*Secretary Jewell at the 2016 White House Tribal Nations Conference*



*Photo credit: U.S. Department of the Interior*

The following table summarizes progress towards the Program’s goals.

*Program performance metrics*

Goal	Tracking	Value
Reduce fractionation and increase amount of land held in trust for tribes	<p>The Program tracks this goal by dividing the number of fractional interests purchased by the total Level 1 interests (see Appendix B for various definitions of interests, tracts, and acres). This metric reflects the reduction of fractional interests.</p> <p>Formula: fractional interests purchased / Level 1 interests in September 2013 = percent reduction in fractional interests</p>	<p>16.3 percent reduction in fractional interests</p>
	<p>The Program also tracks:</p> <ul style="list-style-type: none"> <li>• Total number of equivalent acres consolidated for tribes, and</li> <li>• Total number of tracts that experienced an increase in tribal ownership.</li> </ul>	<p>1,661,324 equivalent acres consolidated</p> <p>Interests in 30,244 tracts purchased (10,891 of these tracts increased to more than 50 percent tribal ownership; 1,196 of these tracts increased to 100 percent tribal ownership)</p>
	<p>The Program has a limited time frame of 10 years in which to expend the Fund to purchase fractional interests. The Program tracks its progress expending the Fund by calculating a Schedule Performance Index (SPI).</p> <p>Formula:  <math>SPI = \text{Earned Value (EV)} / \text{Planned Value (PV)}</math>  <math>EV = \text{Program purchases (\\$)} / \\$1,555,000,000;</math>  <math>PV = \text{Years progressed} / 10 \text{ years}</math></p>	<p>SPI of 1.5</p> <p>Currently, the Program’s SPI is above 1, indicating efficient performance.</p>
Maximize tribal participation in the Program	<p>The Program is structured in a manner that provides the flexibility to allow as much opportunity for tribal participation and assistance as practical at scheduled locations. This goal is tracked by the number of tribes with Agreements.</p>	<p>37 tribes with Agreements</p>
	<p>Tribes perform various activities under Agreements and report on these activities on a quarterly basis.</p>	<p>Nearly 1,200 outreach events hosted by tribes, with more than 35,000 attendees</p> <p>More than 2,000 media activities conducted by tribes</p> <p>More than 6,600 notary actions completed by tribes</p> <p>More than 48,000 mailings by tribes</p>

Goal	Tracking	Value
<p>Establish and maintain clear communications with tribes, landowners, and the public</p>	<p>The Program actively consults with tribes to identify and accommodate acquisition priorities as much as possible. The Program reports progress and communicates with Indian Country by providing clear, concise information, options, and guidance to landowners about their fractional interests and the opportunity to participate in the Program.</p>	<p>More than 375,000 postcards mailed</p> <p>Nearly 400 million media impressions across TV, radio, print, and digital platforms<sup>14</sup></p> <p>Nearly 110,000 incoming Program related calls to the Call Center</p> <p>Initiated 1,400 proactive calls to landowners</p> <p>At least 3 Program touchpoints for each landowner receiving an offer (i.e., more than 300,000 touchpoints)</p> <p>More than 50 national and regional conferences and events attended</p> <p>More than 60 in-person consultations with tribal leaders and staff on reservations. In addition, the Program maintains frequent contact with tribes during implementation through various means such as phone and email.</p>
<p>Effectively manage implementation costs</p>	<p>The Program tracks this by using a modified Cost Performance Index (CPI). The CPI uses the percentage of the land purchase portion of the Fund (\$1.555 billion) expended, divided by the percentage of implementation costs (\$285 million) expended. The resulting figure indicates how efficient the Program is in purchasing land in proportion to implementation costs:</p> <ul style="list-style-type: none"> <li>· CPI &gt; 1 indicates efficient expenditure</li> <li>· CPI = 1 indicates Program is on track</li> <li>· CPI &lt; 1 indicates inefficient expenditure</li> </ul> <p>Formula: <math>CPI = \text{percent of land purchase portion of the Fund expended} / \text{percent of implementation portion of the Fund expended}</math></p> <p>This goal is also measured by the percent of implementation costs expended.</p> <p>Formula: <math>\text{Expended} / \\$285 \text{ million}</math></p>	<p>CPI of 2.8</p> <p>Currently, the Program's CPI is above 1, indicating efficient performance, but is expected to trend toward 1 over the long term as sales from the highly fractionated locations are exhausted.</p> <p>20.6 percent implementation costs expended</p>

14. Media impressions is a commonly used communications metric that references the number of individuals who might have had the opportunity to be exposed to a story that has appeared in the media.

One of the Program's goals is to effectively manage implementation costs. The Program has spent approximately \$59 million of the \$285 million authorized for implementation costs, as shown below. Some of these expenditures include one-time, up-front costs, such as mapping, equipment, and system updates.

*Expenditures as of September 30, 2016*

<b>Category</b>	<b>Expended</b>
Land Sales (payments to individuals)	\$898,563,327
Scholarship Fund Contributions	\$39,600,287
<b>Implementation Costs</b>	
Outreach	\$14,464,519
Land Research	\$8,244,026
Valuation	\$12,645,043
Acquisition	\$13,890,724
Cooperative Agreements	\$8,448,271
Other <sup>15</sup>	<u>\$933,584</u>
Total	\$58,626,167

15. Other expenditures include those authorized by the Settlement but not captured in the four phases such as Trust Commission expenditures.





## COMMUNITY and ECONOMIC BENEFITS

An ongoing commitment to land consolidation in Indian Country will have long-lasting effects such as improving government-to-government relationships, fostering cultural preservation, spurring economic development, furthering social initiatives, and promoting environmental conservation. This section provides examples of how the Buy-Back Program has impacted tribes, communities, and individual landowners.

There are many ways in which the Program is having a positive impact on tribal communities. For example, tribes earn income from newly consolidated land. As a result of increased ownership, tribes have earned more than \$9 million from land consolidated through the Buy-Back Program since calendar year 2013.

Tribes that have participated in the Program are also exploring ways to best use newly acquired land. For example, the Office of Indian Energy and Economic Development has awarded nearly a million dollars in business development grants to enable tribes to evaluate and identify viable economic opportunities for their communities. The Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona was awarded \$60,000 to study the potential commercial uses of 58 acres acquired through the Buy-Back Program.

### Success Stories

The Program touches landowners' lives every day.

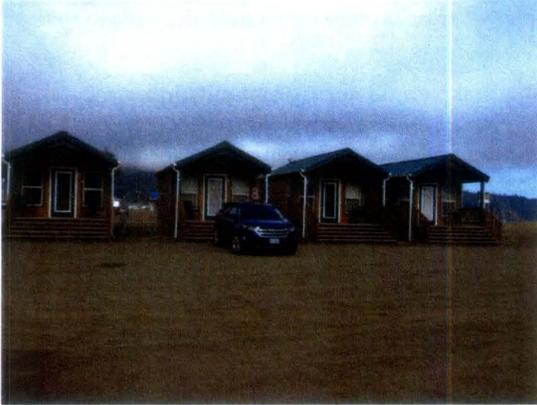
- One couple sold over \$100,000 of trust land, allowing them to fix their trailer and catch up on medical and dental needs. The couple is still in frequent contact with the FTO who provided assistance.
- A landowner who had just been released from the hospital arrived at her apartment only to find that she had been evicted. She went to stay with her daughter where she could sleep on the couch. Because the landowner was unable to travel due to illness, an OST Accounting Technician visited the home to help the landowner complete the offer package she received. The \$25,000 payment will help her get a fresh start and find a new place to live.
- When the Buy-Back Program contacted Janice Colliflower Hawley (featured below) regarding her fractional interests, she thought it would be a good way to sell small interests that were difficult to manage. Through the profit of the sales, she was able to purchase bulls and other cattle to grow her already successful cattle ranch operation.



*Photo Credit: Tescha Hawley*

Like the Salt River Pima-Maricopa Indian Community, many tribes have plans for further development or protection of newly consolidated lands. Some other examples of tribal initiatives include the following:

- The Oglala Sioux Tribe was instrumental in assisting Wakpamni Lake Community in leasing land consolidated through the Buy-Back Program. These buildings are a part of a local endeavor to bring economic development to the community, including various opportunities for jobs for tribal members. Included in the development is space for local food distribution storage, office space, a conference room, community board room, multipurpose space, and a day care. The Tribe is also embarking on land-use planning for a housing program throughout the Reservation, aided by the acquisition of land through the Program. The Tribe's Land Department is now working with various community districts to secure necessary infrastructure for traditional housing projects that will help achieve areas to serve the Tiyospaye unit, which means family or extended family.
- Consolidation has enabled the Gila River Indian Community to pursue an electrical transmission utility corridor on the Community's Reservation.
- As a result of Program purchases, the Squaxin Island Tribe is now better able to protect its world-class oyster beds. Without control of upland, there was always a threat to development or logging that would impact shellfish, especially if lands reverted back to fee due to fractionation.
- Land secured in trust for the Crow Tribe will be used for a new community water plant on land that is now 100 percent tribally owned as a result of the Program. The current water plant is not able to provide drinkable water to the growing community of approximately 5,000 individuals. This effort demonstrates how the Administration and Tribe have worked together to enhance Indian water rights, building on the 2012 Crow Tribe – Montana Water Rights Compact, which authorized funding to plan, design, and construct a Municipal, Rural and Industrial water system and to rehabilitate and improve the Crow Irrigation Project.
- The Cheyenne River Sioux Tribe has used lands consolidated through the Program for various purposes, including issuing grazing permits. The additional income generated for the Tribe on these consolidated lands will be used to provide critical services to their people. The Tribe also plans to use lands acquired through the Program for a rehabilitation center, business enterprises, and infrastructure (installation of water and utility lines, etc.).
- As a result of Program purchases, the Makah Tribe was able to build the Cape Resort Cabins and Camping Recreational Vehicle facility which will generate further income for the Tribe.

*Makah Tribe uses land to build Cape Resort**Photo credit: Makah Tribe**Photo credit: Makah Tribe*

As part of the Planning Initiative, many tribes identified specific plans and goals for consolidated lands. Some examples include the following:

- The Blue Lake Rancheria Tribe has plans to implement community utility infrastructure, including residential solar arrays, residential battery storage systems, biodiesel-fueled home heating systems, and high-speed broadband and internet connections.
- The Eastern Shawnee Tribe of Oklahoma has identified priorities associated with economic development, creation and expansion of housing, and protection of natural resources.
- The Kootenai Tribe of Idaho has identified allotments located adjacent to the Mission Portion of the Kootenai Indian Reservation, which is the primary location for government services and citizen housing. The Tribe wishes to purchase land to allow for future growth of government operations and housing to meet future population needs.
- The White Earth Reservation Tribal Council shared its plans to use consolidated land for housing development as well as conservation and recreation areas for Tribal members and their families.
- The Spirit Lake Tribe plans to use its lands for expanding pasture and hay lands for buffalo, developing pasture lands for the Sunka Wakan (horses) program, creating affordable housing, and developing community gardens.
- The Walker River Paiute Tribe provided the Program with a list of six potential projects regarding its goals for consolidated lands, including an improved domestic water system, additional housing, and a new health care clinic.

### Impact to Landowners

Some landowners used their income from Program offers to purchase homes or cars, start businesses, or pay medical expenses.

Chairman Dave Archambault of the Standing Rock Sioux Tribe talked with several tribal members about their decision to participate in the Program.

*“I know of an individual who was living in a home that was less than standard. It wasn’t a very good spot to be living. When that individual got an offer, as an elder he had a lot of land. He was able to pick and choose which lands he wanted to sell, and which lands he wanted to keep.”*

Chairman Brian Cladoosby of the Swinomish Indian Tribal Community also shared stories of landowner successes.

*“To be able to see a Tribal member, who is 50 years old, for the first time in his life have a brand new truck...and to see the smile on his face, something that he’s never had in his life. ...and to see tribal members fixing up their homes, to see tribal members just smiling. I would just encourage tribal members to seriously think about this Program, and the benefit that they’ll get out of it. The benefit, knowing that this land will always be in tribal ownership going forward, that it’ll never be out of tribal ownership. At the end of the day, try to make good choices with that money that, it’s basically manna from heaven.”*

Additional land consolidation will allow tribes to advance other social and economic goals, including development of schools, community centers, and health clinics. It also will continue to align the Program’s resources toward achieving tribal goals and priorities, and identifying and analyzing the long-term impact of land consolidation in future status reports.

Money received by landowners through the Buy-Back Program generates spending in local areas and supports economic activity. According to an analysis completed by the Department’s Office of Policy Analysis, Program payments to landowners had various impacts on the national and local economies, including the following:<sup>16</sup>

- *Nationwide.* Payments made to individual landowners contributed an estimated \$911 million in value added to the economy and \$1.7 billion in economic output, and supported about 10,000 jobs nationwide.
- *Montana.* Payments made to individual landowners in Montana contributed an estimated \$116 million in value added to the economy and \$217 million in economic output, and supported about 2,000 jobs statewide.

### Economic Impact Terms

**Value added** – Measures the contribution to the gross domestic product (GDP) of a region, state, or national economy from the Program through household spending.

**Economic output** – The total estimated value of production of goods and services supported by the Program through household spending. Output is the sum of intermediate sales (business to business) and final demand (sales to final consumers and exports).

**Employment** – The total number of jobs supported by household spending resulting from Program payments to landowners.

16. This analysis employs the widely used input-output methodology and software/data system known as IMPLAN for estimating the economic contribution of Interior’s activities in terms of output (sales), value added, and employment (jobs). This analysis used IMPLAN data released in 2013. This analysis is based on Program sales through August 31, 2016.

*South Dakota.* Payments made to individual landowners in South Dakota contributed an estimated \$103 million in value added to the economy and \$183 million in economic output, and supported about 1,500 jobs statewide.

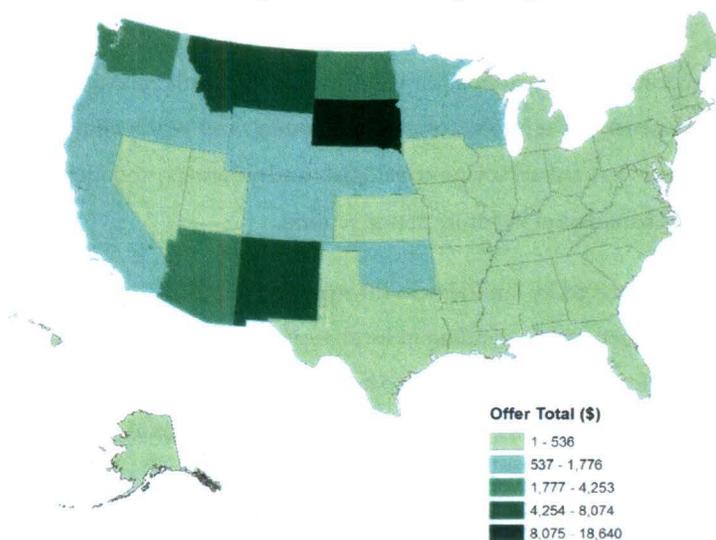
Landowners residing in every U.S. state and the District of Columbia have accepted offers extended by the Program.<sup>17</sup> Landowners residing in South Dakota accepted nearly 19,000 offers, more than 30 percent of all accepted offers, amounting to more than \$175 million. Landowners residing in Montana, New Mexico, Washington, and Arizona account for more than 40 percent of all accepted offers, amounting to nearly \$450 million.

The Program’s impact is significant on the state and local economic level. For example, landowners living in three Montana counties (Big Horn, Yellowstone, and Rosebud) accepted offers accounting for approximately 56 percent of the total \$206 million of offers accepted in the state. Landowners living in six South Dakota counties (Bennet, Jackson, Mellette, Pennington, Shannon, and Todd) accepted offers amounting to \$80 million, accounting for nearly half of the total value of offers accepted in the state.

The median payment issued to landowners residing in Montana was about \$6,600, which represents approximately 14 percent of the median household income in the state (about \$46,800). The median payment issued to landowners residing in South

Dakota was about \$1,560, which represents about 3 percent of the median household income in the state (about \$50,300). Landowners often spend income earned from land sales in their local economies or have used this income to reinvest in tribal communities.

*Number of accepted offers through August 31, 2016*



17. The Program has also sent offers to international locations. However, the Department’s analysis covers only the 50 States and the District of Columbia. Additionally, this analysis excludes landowners whose address information is no longer available. If landowners sell all of their land, their IIM accounts are closed, and address information is no longer readily available.

## NEXT STEPS

The Program intends to make progress in a number of areas over the upcoming year, including:

- Pursuing implementation at additional locations scheduled through mid-2021;
- Holding a fourth Listening Session in spring 2017;
- Determining how to incorporate off-reservation lands into the Program at additional locations;
- Analyzing results of the landowner survey;
- Building a Tract Viewer tool for the Program's website; and
- Exploring, with Indian Country, options for extending land consolidation efforts beyond 2022.

*Continued Implementation.* In May 2016, the Program announced an expanded schedule for implementing at 63 additional locations through mid-2021 to help ensure orderly and efficient operation of the Program. The Program continues to allocate unused land purchase funds to scheduled locations. The Program plans to reevaluate its resources and progress by November 2018 to determine if remaining resources exist so they might be utilized at additional locations and/or locations where purchase offers have already been sent. This evaluation will consider unused funds reserved for implementation costs. At that time, the Program anticipates having a better understanding of sales and actual or anticipated costs of implementation at less fractionated or more complicated locations (e.g., those that involve restricted fee interests, unique laws – such as the Five Tribes in Eastern Oklahoma, and site-specific appraisals). Allocating unused implementation funds will increase purchase estimates for the remaining scheduled locations.

*Listening Session.* In the coming months and years, the Program will continue to meet with tribes and actively seek their feedback and continued partnership in a joint effort to reduce fractionation in Indian Country and strengthen the trust land base. In particular, the Program will continue to welcome tribal feedback in FY 2017, and it will hold its fourth Listening Session in spring 2017.

*Off-Reservation Tracts (e.g., Public Domain).* Under the Settlement, fractional interests acquired by the Program will be held in trust for the tribe with jurisdiction over the land. Tribal jurisdiction over off-reservation allotments may be unclear or even disputed. There are several off-reservation land area codes that have approximately 600 off-reservation tracts with approximately 20,000 purchasable equivalent acres. There are additional off-reservation tracts within land area codes not identified primarily as off-reservation.

In the 2014 Status Report and Federal Register Notice dated November 24, 2014, the Program requested feedback on whether and, if so, how the Program should incorporate off-reservation tracts, including any suggested standards or processes that could be applied. Tribal feedback encouraged the Program to consider acquisition of off-reservation interests. Based on input and discussions with tribes, the Program policy is to include off-reservation tracts if tribal jurisdiction is strong, acquisition meets the Program's implementation factors - as discussed in the Offer Methodology section, and resources allow.

The Program recently mailed offers for interests on off-reservation tracts connected to the Turtle Mountain Reservation. In order to do so, the Program worked with the Turtle Mountain Band of Chippewa Indians of North Dakota to understand specific jurisdictional circumstances regarding these lands, such as tract location, the potential for competing claims to jurisdiction, and proximity to land with tribal jurisdiction.

In the coming months, the Program plans to circulate and request feedback on the suggested approach for applying the policy.

*Landowner Survey.* In FY 2016, the Program mailed a survey to approximately 54,000 landowners with interests at 20 locations who were sent offers in calendar years 2014 and 2015. The goal of this survey was to gather landowner feedback regarding the Program's current outreach methods and their reasons for participating. Nearly 6,000 landowners responded to the survey. Currently, the Program is analyzing survey responses and considering whether adjustments or improvements to its outreach approach are appropriate. Most respondents indicated that they were somewhat or very familiar with the Program before they received their purchase offer and that they had a somewhat or very positive opinion of the Program.

The survey contained questions about the usefulness of Program outreach methods. Initial findings indicated that the majority of respondents found purchase offer packages, the Call Center, and mailings sent by tribes to be very or somewhat useful sources of information about the Program. The survey also contained questions about landowners' reasons for selling their interests. Respondents identified several reasons they chose to sell with the most common being that they were unable to use fractionated land; they did not make use of land or did not receive enough income; they wanted the tribe to have ownership; and/or they were satisfied with the offer amount. The Program will continue to analyze the survey results, including write-in comments, and revise its outreach methods if appropriate. The Program may send additional surveys in the future.

*Website Tract Viewer.* Access to mapping data continues to be an important, highly sought-after element of Program resources. To better assist landowners with understanding the location of the tracts of land in which they own fractional interests, the Buy-Back Program is coordinating with BIA to develop a Tract Viewer tool for the website. The tool will enable landowners to populate an interactive map of their land on the Buy-Back Program website by inputting their Tract ID on a customized search feature. In addition to the 8.5 x 11 inch map included in the offer package, landowners will be able to use the tool to zoom in and out of a map to see a tract's geographic location. The tool will also include township, range, section, county, state, and acreage data. Field staff will also be able to use the tool to assist landowners with questions regarding their land.

*Looking Beyond 2022.* Through the Program, the Department and Indian Country are gaining a deeper understanding of fractionation and the beneficial impact of land consolidation. As discussed in the Key Parameters section, the Program anticipates it will not be able to consolidate all fractional interests across Indian Country with the Consolidation Fund. The Program estimates that more than 4 million equivalent purchasable fractionated acres may still exist after it fully expends the Consolidation Fund, which is expected to occur by November 24, 2022, the date by which the Settlement dictates that any remaining funds be returned to the U.S. Department of the Treasury.

Even with the Program's significant progress to date – including increasing tribal ownership in nearly 11,000 tracts, consisting of nearly 1.8 million acres, to greater than 50 percent – and the results expected through 2022, fractionation will continue to be an extremely complicated, ongoing problem in the long term. Sustained departmental, congressional, and tribal attention to a range of measures will likely be necessary to address the problem and maximize the value of the land base for the benefit of tribal communities. Because fractionation continues to grow each day, progress achieved by the Program in reducing the overall number of fractional interests will be compromised absent continued efforts.

In May 2016, Secretary Sally Jewell directed the Program's Oversight Board to pursue an analysis of options to extend the life of the Program so that additional future participants may benefit and so that the Program could return to locations where implementation has already occurred. Preliminary ideas, for discussion with Indian Country at the Program's next listening session, include options for continued land purchases in the long-term and policy changes aimed at helping address problems created by fractionation. The Department will continue to work with Indian Country to explore options for land consolidation.

A long-term commitment to land consolidation will produce several benefits. Among other things, it will improve government-to-government relationships, increase tribal sovereignty and self-determination, foster cultural preservation, and enhance economic and social development.

The Department looks forward to working with leaders in the U.S. Congress to inform strategies for future land consolidation or other efforts to address the issues caused by allotment.

## **APPENDIX A. FREQUENTLY ASKED QUESTIONS**

The frequently asked questions listed below are updated as of November 2015. The Program updates these questions as necessary, and the most recent version of the frequently asked questions can be found on the Program's website.

### ***I. Background and Overview Information***

#### **1. What is fractionation? Why is it an issue?**

Fractionation refers to divided ownership of Indian lands and is the result of land parcels (allotments) passing to numerous heirs over generations. The land itself is not physically divided; rather, the heirs of an original allottee own undivided interests in the allotment. Many allotments now have hundreds and even thousands of individual owners.

Divided ownership makes it difficult, if not impossible, to use the land for any beneficial purpose. In order to make decisions regarding the use of a given tract of fractionated land, a required percentage of the individual owners must consent to the decision. As a general matter, the percentage of co-owner consent, as well as the steps and type of approval and documentation required, depend on the intended land use (e.g., a tract of land could be used for residential, business, agricultural, or grazing purposes). Several land uses require majority consent, while other uses entail consent thresholds that depend on the number of owners for that tract (see 25 U.S.C. § 2218). As a result, fractionated allotments often lie idle rather than being utilized for agricultural, recreational, cultural, commercial, or even residential purposes. Even when a lease or permit can be obtained, highly divided ownership often results in individual owners receiving only nominal lease returns. A significant portion of landowners earn \$25 or less in annual income from their fractional interests in allotments.

At the start of the Program, there were approximately 150 reservations with 2.9 million purchasable fractional interests owned by approximately 243,000 individuals outlined in Appendix B (as of September 2016, the whereabouts of approximately 13 percent of these individuals were unknown).

#### **2. What is the Land Buy-Back Program for Tribal Nations?**

The Secretary of the Interior established the Land Buy-Back Program for Tribal Nations (Buy-Back Program) to give individual landowners an opportunity to help address the problem of fractionation, as part of the *Cobell* Settlement. The Program has \$1.9 billion available to purchase fractional interests in trust or restricted land from willing sellers at fair market value within a 10-year period, which ends in November 2022. Individuals who choose to sell their interests receive payments directly into their Individual Indian Money (IIM) accounts. Consolidated interests are then immediately restored to tribal trust ownership for uses benefiting the reservation community and tribal members.

### **3. Who is involved in the Buy-Back Program?**

The Buy-Back Program is an office within the Office of the Secretary, U.S. Department of the Interior. The Program works closely with the Office of the Special Trustee for American Indians (OST), the Bureau of Land Management (BLM), and the Bureau of Indian Affairs (BIA) to implement the Program across Indian Country.

An Oversight Board, chaired by the Deputy Secretary, also works to ensure the Program is carried out effectively and efficiently. The Board is comprised of key Departmental leadership, including the Solicitor, the Assistant Secretary - Indian Affairs, and the Director for the Bureau of Indian Affairs.

In addition, the Program is working with tribes to ensure the best information is available to landowners. Tribes participating in the Buy-Back Program have an opportunity to enter into Agreements, to collaborate on Program implementation. For more information, see the Tribal Government section of these FAQs.

### **4. What makes a tract eligible for the Buy-Back Program?**

To be eligible for the Buy-Back Program, all of the following must be true for a tract:

- The tract is held in trust or restricted status;
- The tract has two or more owners;
- The tract must be able to be mapped (in other words, the legal description of a tract must not require further research);
- The tract must not be 100 percent comprised of ineligible interests; and
- The recognized tribe must exercise jurisdiction over the tract.

### **5. What types of tracts are eligible for the Buy-Back Program?**

Resource codes indicate the type of ownership a landowner has in his / her interest. These codes can be found on Individual Trust Interests Reports (ITIs). There are many different resource codes, but three resource codes are commonly applied to tracts that may be purchasable by the Buy-Back Program:

- Surface (S) tracts have ownership rights only to the land surface of the tract, not to any minerals or other resources, such as oil, below ground.
- Mineral (M) tracts have ownership rights only to minerals or other resources below ground, but not to the land surface of the tract.
- Both (B) tracts have rights to both the surface and minerals of the interest.

On Both tracts, the Buy-Back Program only purchases the whole ownership interest (mineral and surface), which supports the Program's goal of consolidating fractional interests. The Program does not sever mineral rights from the surface rights.

### **6. What makes an interest eligible for the Buy-Back Program?**

Interests must be located within an eligible tract and must be individually owned in trust or restricted status to be eligible for the Buy-Back Program.

## **7. What makes an interest not eligible for purchase?**

An interest is not eligible for purchase through the Buy-Back Program if it is: owned in fee status or by the tribe; subject to life estate or joint tenancy; owned by a minor; or owned by an individual unable to make decisions on their own behalf (under a legal disability based on restricted status of landowner's IIM account). In addition, if interest ownership is pending legal transaction (such as probate), it will not be considered.

## **8. How is the implementation schedule being determined?**

The Buy-Back Program held an open solicitation from November 8, 2013, through March 14, 2014, during which tribes with jurisdiction over the most fractionated locations were invited to submit letters of interest or cooperative agreement applications to express their interest in participating in the Program. In November 2014, the Department announced 42 locations where land consolidation activities such as planning, outreach, mapping, mineral evaluations, appraisals, or acquisitions are expected to take place through the middle of 2017. Details are available in the Program's 2014 Status Report.

In November 2015, the Program announced a Planning Initiative to assist in the development of the implementation schedule announced in May 2016. Through extensive discussions with tribal leaders and events with landowners, the two-pronged Planning Initiative gathered input from tribal governments and landowners. From that review, the Department added another 63 locations to its schedule.

The 105 locations planned for Program implementation represent the vast majority of the total landowners and fractionated land across the Program-identified locations, representing more than 96 percent of all landowners; and more than 98 percent of both purchasable fractional interests and equivalent acres.

## **9. Why is the Buy-Back Program not acquiring fractional interests located in Alaska?**

The *Cobell* Settlement requires the Program to operate in accordance with the Indian Land Consolidation Act (ILCA). (See 25 U.S.C. 2201.) The language in ILCA specifically excludes lands located within Alaska. (See 25 U.S.C. 2219.) Consequently, fractional interests located in Alaska are not eligible to be included in the efforts of the Buy-Back Program.

## **10. Will the Program return to any of the locations where implementation has already occurred?**

The Program plans to reevaluate its resources and progress by November 2018 to determine if remaining resources exist so that they might be utilized at additional locations or locations where purchase offers have already been sent. In the meantime, interested landowners should call the Trust Beneficiary Call Center at (888) 678-6836 and indicate that they are a willing seller and/or to update contact information. Identifying yourself as a willing seller does not commit you to selling your land, nor does it guarantee an offer will be extended; it merely identifies your desire to receive

an offer and provides an opportunity for advance outreach and information to be shared with you at the earliest possible time.

#### **11. How does the Program determine what interests it will seek to acquire?**

The Buy-Back Program will send offers to as many individuals as possible considering the following purchase factors to identify tracts:

- Completed appraisal;
- Tribal priority tracts;
- Level of fractionated ownership;
- Tract values; and/or
- Interested / willing sellers.

There is no fixed formula. The purchase factors and associated values / rates will be different for each reservation. The Buy-Back Program continuously analyzes and adjusts the purchase factors during the time it spends at each reservation to obtain the most benefit for both the willing seller and the tribe.

#### **12. How much money is available to purchase fractional interests in land?**

The Claims Resolution Act of 2010 provides for a \$1.9 billion Trust Land Consolidation Fund. After implementation costs and the establishment of the Cobell Education Scholarship Fund, a minimum of \$1.555 billion will be available to pay individual owners fair market value for the fractional interests they voluntarily decide to sell.

#### **13. What happens to land after it is purchased?**

When landowners choose to sell their interests through the Program, those interests will remain in trust, but ownership will be transferred to the tribe with jurisdiction over the land. Landowners should review their offer package, including the deed, which will indicate the tribe with jurisdiction over the land. This effort strengthens tribal sovereignty by unifying lands for tribal benefit and use, such as economic development, housing, and cultural preservation.

#### **14. How is the Program ensuring efficient use of the Consolidation Fund?**

The Program is using flexible purchase estimates to help make sure that the Program will be implemented at as many locations as possible and that all available funds are not expended at just a few locations. These purchase estimates fairly and flexibly target available dollars for paying owners at each reservation based on the proportional degree of fractionation. These estimates are only guidelines, which are subject to change and do not set a final or minimum total dollar amount for offers at any particular location.

Some locations may not reach their purchase estimate due to a variety of factors, including lack of sufficient willing sellers. If that occurs, the Program will make unused funds available to support offers at other locations. At other locations, it is possible that the actual sale amounts for interests will exceed a purchase estimate.

**15. How are reservation purchase estimates determined?**

To maximize the number of reservations participating in the Buy-Back Program, the Department uses initial purchase estimates at each reservation where the Program is active. In particular, the Program will apply a formula that considers three factors relevant to fractionation, including: the total number of purchasable fractional interests within a reservation, the number of fractionated tracts within a reservation, and the number of acres related to those fractional interests. This formula establishes an estimated amount of the Consolidation Fund that could be used to purchase fractional interests within any one reservation.

**16. How long does the Program plan to be at each location?**

Due to limitations on implementation costs as set forth by the *Cobell* Settlement Agreement, the Program cannot support a long-term presence at each location. The Program plans to spend 12 to 18 months at each location; however, this time frame may be adjusted. Tribes may work with the Department to determine an appropriate time frame based on their individual needs.

**17. Is the Indian Land Consolidation Program still reaching out to landowners?**

The Buy-Back Program is a separate program from the Indian Land Consolidation Program (ILCP). As of October 2013, the ILCP is no longer acquiring fractional interests.

**18. How much will landowners be offered for selling their fractional interests?**

Willing sellers will receive fair market value for the interests they choose to sell. Fair market value is a type of value, stated as an opinion, of what a property would sell for in an open and competitive market and what a ready, willing, and able buyer might pay for a property in the current market. The Office of the Special Trustee for American Indians (OST) - Office of Appraisal Services (OAS) will conduct an appraisal to determine the fair market value for each tract of land that meets the criteria for purchase by the Program. The value of timber and mineral estates will be incorporated. Tribal nations may also perform valuations upon agreement with the Program and satisfactory review of appraisal reports by OAS. The value of specific fractional interests will be based on the interest's proportion to the whole tract. More information is available in the Land Appraisals section of these FAQs.

**19. What is the Program doing to protect landowners – particularly elderly landowners – who may receive large amounts of money from sales?**

It is important that landowners think strategically about how to use the funds they receive from selling their fractional interests as these are one-time large payments and lease income generated from these lands will no longer be received by the seller. The Program encourages landowners to understand their options and provides resources to assist with decisionmaking.

The Office of the Special Trustee for American Indians (OST), in collaboration with First Nations Development Institute (FNDI), provides financial training that includes but is not limited to budgeting, investing, planning for the future, fraud scams, power of attorney risks, and what landowners can do on day one with a large payment, which empowers individuals to grow and sustain personal wealth. In addition, this financial training encourages landowners to confirm the

status of their Individual Indian Money (IIM) account (e.g., voluntary hold or unrestricted / auto-disburse, check or debit card or direct deposit, names and addresses are proper and current) before Buy-Back Program funds are posted to the account and held on deposit or disbursed.

For more information on financial awareness, landowners can visit their nearest OST office, call the Trust Beneficiary Call Center at (888) 678-6836, find more information at <https://www.doi.gov/buybackprogram/landowners/informeddecisionmaking> or go to the OST's financial empowerment website at: [http://www.doi.gov/ost/individual\\_beneficiaries/financial\\_empowerment](http://www.doi.gov/ost/individual_beneficiaries/financial_empowerment).

If you know that someone is taking advantage of a landowner or elder, you should report this activity to local law enforcement.

## **20. What happens to fractional interests owned by individuals who are Whereabouts Unknown (WAU) landowners?**

Whereabouts Unknown (WAU) is the term used to describe Individual Indian Money (IIM) account holders without current address information on file. The *Cobell* Settlement authorizes the purchase of interests from WAU landowners. However, the Department hopes to implement the Program only through the active participation of willing sellers whose addresses are current. The following applies to purchases of WAU interests:

- The *Cobell* Settlement Agreement and enacting legislation require the Department to make stringent notifications and undertake efforts to locate WAU landowners of trust or restricted property.
- If after five years these owners cannot be located, they shall automatically be deemed to have consented to the conveyance of fractional interests that are located on a parcel of highly fractionated land.
- Interests purchased from WAU individuals will be paid at fair market value and the funds will be deposited in the individual's IIM account.

See the *Cobell* Settlement Agreement at ¶ F(6) and Claims Resolution Act of 2010 § 101(e)(5) for more information.

The Program has not exercised WAU purchases thus far, and based on current offer acceptance rates it does not anticipate making WAU purchases in the future. Rather, the Department works in several different ways to identify and locate WAUs. If WAUs who own fractional interests are identified during an offer set (and thus are no longer WAU), and the identified WAU owns interests on a tract that received offers, the Program will send the identified individual an offer for those interests.

## **21. What does *equivalent acres purchased* mean?**

The Program uses *equivalent acres purchased* as an important metric for our progress. *Equivalent acres purchased* represents the undivided ownership interest acquired in a tract. To illustrate, assume that the Program purchases two 25 percent ownership interests in a 200-acre tract from two different individual owners and that the remaining three individual owners choose not to sell. The equivalent acres purchased would be 100 acres, and the tribe has a portion of the undivided ownership in the entire 200-acre tract (a 50 percent undivided ownership interest), not a separate

100-acre tract wholly owned by the tribe. The three remaining individual owners have a 50 percent undivided ownership interest in the entire 200-acre tract as well. As the Program works to transfer ownership of sold interests to the tribe of jurisdiction, it is transferring the equivalent acres purchased. Refer to page 9 in the Status Report for more information.

## ***II. Cobell Education Scholarship Fund***

### **22. How does the Cobell Education Scholarship Fund relate to the Buy-Back Program?**

The *Cobell* Settlement provides for a Scholarship Fund that will make financial assistance available to American Indian and Alaska Native students wishing to pursue post-secondary and graduate education and training. Transfers to this fund are made according to the following formula:

- For every purchase of a fractionated tract interest costing less than \$200, \$10 will be added to the Scholarship Fund.
- For every purchase of a fractionated tract interest costing between \$200 and \$500, \$25 will be added to the Scholarship Fund.
- For purchases of a fractionated tract interest more than \$500, five percent of the purchase price will be added to the Scholarship Fund.

Funds placed into the Scholarship Fund do not come from the purchase amount paid to landowners and will not reduce the amount that an owner will receive on a purchase.

The Cobell Board of Trustees is responsible for the oversight and supervision of the activities of the fund's administering organization. For more information, go to: <http://cobellscholar.org>.

### **23. Why are scholarship funds not being returned specifically to the location where the land was purchased?**

The Settlement envisioned the Scholarship Fund as an opportunity for tribal youth across Indian Country. It does not direct funds back specifically to locations, but instead gives the Board of Trustees the power to manage the solicitation for and distribution of funds for American Indian and Alaska Native students in need nationwide.

## ***III. Engagement with Tribal Nations***

### **24. What role can tribal nations have in the implementation of the Buy-Back Program?**

The success of the Program hinges on tribal leadership, tribal participation, and tribal facilitation. The Buy-Back Program is interested in partnering with tribes to gain their direct participation in land consolidation efforts. Tribes have the opportunity to actively participate in the process, including identifying acquisition priorities, conducting appraisals, and leading owner outreach and education. Tribes are encouraged to become involved in the Program and funds are available to support tribal involvement through cooperative agreements.

Tribes are not required to enter into cooperative agreements to participate in the Program. In certain cases, such as when a tribe is not seeking funding to partner with the Department on land

consolidation efforts, it may be unnecessary and other vehicles, such as memoranda of agreement may be used. More information is available on the Program's website at: <http://www.doi.gov/buybackprogram/tribes/agreements>.

## **25. Why isn't a formal consultation occurring before the implementation process on each reservation?**

The Department held seven tribal consultations in the summer and fall of 2011 that were open to tribal leaders, landowners, and the general public to provide an overview of the *Cobell* Settlement, introduce concepts for land consolidation, and solicit feedback from Indian Country on strategies that could be used to drive program performance. The factors used to develop the Program's schedule were discussed at these consultations and is a product of those discussions. The factors were further outlined in the Program's Initial Implementation Plan in December 2012. In an effort to seek feedback on this Plan from Indian Country, the Program held three additional tribal consultations in early 2013, which were open to tribal leaders, landowners and the general public. The Program also held a Listening Session in May 2014 and another in March 2015. The Program will hold an additional Listening Session in March 2016.

The Buy-Back Program has engaged on a one-on-one basis with more than 80 tribes regarding the Program to discuss mapping information, answer questions, collaborate on implementation and tribal priorities, receive feedback on progress, and detail how the Department will further engage landowners. These discussions often covered scheduling, tribal acquisition priorities, strategies for utilizing purchase estimate amounts, and appraisal processes, among other topics.

## **26. How much funding is available to a tribal nation through a cooperative agreement?**

The Department recognizes the uniqueness of each location and tribe. The Program will continue to consult with tribes individually, and will continue to evaluate each proposal before initiating activities on the respective reservations. The Program's Tribal Relations Advisors are responsible for working closely with each tribe to understand its concerns and goals.

Each cooperative agreement between the Program and individual tribes is unique in time, scope, and responsibilities based on the expressed interests of the tribe. Amounts provided to tribes under a cooperative agreement will be based on approved budgets that estimate the costs associated with the specific services, products, and deliverables to be provided by the tribe. The Program will partially advance or fully reimburse cooperative agreement funds to the tribe for costs incurred in accordance with the tribe's submitted application and the applicable award terms and conditions.

Cooperative agreements present an opportunity for tribes and the Program to move forward together by providing funding for tribes to perform certain tasks, such as outreach to the landowners. While much can be accomplished through these agreements, cooperative agreement funding should be viewed as a short-term resource to achieve the much larger and more valuable goal of land consolidation. These awards should not be viewed as programmatic or long-term initiatives.

## **27. Will tribes be reimbursed for pre-cooperative agreement activities?**

The Buy-Back Program is limited by regulation as to what pre-award costs, or costs that are incurred by tribes prior to the award of the cooperative agreement, it can pay for. Regulations limit allowable pre-award costs to the following:

1. Those directly pursuant to the negotiation of the award;
2. Those necessary to comply with performance time frame;
3. Those that would be allowable if they were incurred after the award; and
4. Those approved by the awarding agency.

Because of the regulatory limitations on the payment of pre-award costs, and because the Buy-Back Program would prefer that tribes engage with it before beginning any land consolidation activities, the Program will only consider pre-award costs on a very limited, case-by-case basis. Tribes seeking to incur pre-award costs must obtain prior written approval from the Buy-Back Program Manager. Tribal requests to incur pre-award costs must establish that the requested costs are in full compliance with the applicable regulatory language governing pre-award costs.

## **28. Can tribal nations conduct appraisals?**

All appraisals conducted under the Buy-Back Program must comply with the Uniform Standards of Professional Appraisal Practice (USPAP). The Office of Appraisal Services (OAS), with the support of the Division of Minerals Evaluation (DME), will be the primary responsible party for completing valuation work necessary to determine the fair market values of trust tracts. Tribal nations may seek to perform one or more of the tasks related to the valuations. Project requirements must be carefully planned and coordinated with the Buy-Back Program and OAS. Tribes that currently perform valuation work for the Department may be better positioned to provide fair market values for the Program through an Agreement.

## **29. Why are indirect costs capped at 15 percent despite the fact that some tribal indirect cost rates have been negotiated to much higher rates?**

The Department considered extensive tribal input on this issue and explored various options to determine which indirect costs rates might be charged to implement the Buy-Back Program. The *Cobell* Settlement limits the amount of funding that may be used for implementation and other expenses (up to 15 percent) in order to maximize the amount of funds available for purchase of fractional interests. While some tribes may have previously negotiated higher indirect cost rates for other financial assistance awards, existing policy circulars recognize that agencies may establish different rates to address specific program needs or circumstances. Thus, to help ensure that the Program limits implementation expenditures consistent with Settlement requirements, it has capped the amount of indirect costs that will be paid by both external as well as internal partners.

## **30. How does the Program evaluate cooperative agreement applications submitted by tribal nations?**

The Program has developed comprehensive cooperative guidance documents to assist tribes with the cooperative agreement application process. These documents are posted on the website at: <http://www.doi.gov/buybackprogram/tribes/agreements>.

The Program will use several criteria to evaluate cooperative agreement applications including:

- Completeness of the application package;
- The tribe's capacity to perform the proposed activities;
- The tribe's proposed budget; and
- Other considerations as appropriate.

### **31. What is the typical duration for Agreements?**

Agreement lengths will vary and depend on the unique needs of each location. In general, Agreements will be made for a period of approximately twelve months; however, some may be for a longer period. Program implementation and Agreement awards should not be viewed as programmatic or long-term awards. The limited resources and time frame of the Program requires it to operate temporarily at each location.

### **32. Will liens be imposed on interests acquired and transferred to tribes?**

No, unlike fractional interests previously acquired under the Indian Land Consolidation Program, no liens are placed on interests that are acquired and transferred to tribal ownership under the Buy-Back Program.

### **33. What data does the Program have to aid in decisions about tribal acquisition?**

Tribal representatives have pointed out that they need greater and simpler access to landowner information to effectively conduct outreach and other land consolidation activities. However, in order to release names and addresses of landowners, as well as other data pertinent to an owner, the Program must follow Federal information and privacy laws that restrict the disclosure of certain information. For example, the Privacy Act requires that the Department publish a System of Record Notice (SORN) in the Federal Register. In early FY 2015, the Department published two updated SORNs associated with key systems related to Buy-Back Program efforts. The Department also developed a Privacy Act training and non-disclosure agreement (NDA) in compliance with Federal regulations and began distributing this training and the NDA to tribes in July 2015. In order to receive landowner information from the Department beyond what may be disclosed in accordance with 25 U.S.C. § 2216, tribal staff must make a written request under 25 U.S.C. § 2216, complete the Privacy Act training issued by the Department, and sign the Program's NDA. As a result of these measures, the Department may now share more detailed landowner information to assist the tribe with Program outreach.

The Program also works with tribes to provide them with two ArcGIS geodatabases. There are tables within these databases that include tract characteristics such as acreage, tribal ownership percentage, individual ownership percentage, fee ownership percentages, number of owners, resource code, and legal description for tribal and allotted trust tracts.

### **34. What mapping content may tribes receive to help determine tribal priorities?**

Two ArcGIS geodatabases are available to tribal staff. One of the geodatabases contains a digital representation of the Public Land Survey System (PLSS) derived from the Bureau of Land Management's official survey records. The other geodatabase contains polygons of all mappable

tribal and allotted trust tracts derived from legal descriptions in the Bureau of Indian Affairs' Trust Asset and Accounting Management System (TAAMS). These two geodatabases, along with the tracts' associated data, allow a tribe to develop unique maps to help determine tribal priorities for land acquisition.

Also available are large wall maps depicting tribal and allotted trust surface tracts and their associated tribal ownership percentage to further assist in determining tribal priorities for land acquisition.

**35. After Program implementation and consolidation, why are tribal governments not getting the land deeds?**

In order to effectively implement the Program within the allotted time period and in a large scale manner, the Department made an administrative decision to automate the conveyance process to include the review and approval of conveyances. The approved deeds are stored electronically in the Bureau of Indian Affairs' Trust Asset and Accounting Management System (TAAMS) and information contained within the deeds may be provided to the tribe as requested.

**36. What can our Tribal Nation and/or staff do now until the Buy-Back Program is implemented on our reservation?**

There are several things that tribal leaders may do to prepare for participation in the Buy-Back Program. One important activity is to become familiar with the four land consolidation phases. In particular, tribal staff can be identifying tribal participation activities they would like included in an Agreement, determining tribal acquisition priorities, and encouraging interested and willing sellers to update their contact information with the Trust Beneficiary Call Center. More information and resources are available at: <http://www.doi.gov/buybackprogram/tribes/preparation>. Additional information related to Agreements can be found at: <http://www.doi.gov/buybackprogram/tribes/agreements>.

***IV. Landowner Participation & Eligibility***

**37. What is Interior doing to ensure that landowners get timely information about the Buy-Back Program?**

While the Program welcomes the active participation by tribes, we recognize our commitment to ensure that individual landowners have the information they need to make informed decisions about their land.

The Program is holding outreach events, running advertisements in national and regional media outlets, developing and airing Public Service Announcements on tribal radio stations, and working to achieve story placement in prominent Indian and regional publications. In addition to the purchase offer package, each landowner typically receives two postcards — one prior to receiving the package and one after — to alert them to the upcoming opportunity. The Program has also partnered with tribal and allottee organizations on events, publications and speaking opportunities to reach as many landowners as possible.

### **38. Do I have to sell my land to the Buy-Back Program?**

No. Participation in the Buy-Back Program is completely voluntary.

### **39. Why should I sell my fractional land interests?**

It is your choice whether to sell some, all, or none of your fractional land interests. If you choose to sell any portion of your interests, you will be paid fair market value for your interests – interests which may be of little or no economic benefit to you now. Selling your interests results in land consolidation, which enables tribes to manage and use reservation lands for the benefit of the tribal community and generations to come. Tribes are able to utilize consolidated lands for purposes consistent with the values and needs of their members, whether for housing, community centers or businesses, or for recreational or cultural purposes. Reducing fractionation reinforces the cultural and economic future of tribes, and every interest you choose to sell reduces fractionation.

Many individuals have a strong personal and cultural connection to land which transcends economic value. By selling your interests through the Buy-Back Program, you help to preserve the Indian land base because interests purchased and restored to tribes will remain in trust forever.

### **40. What is the process for individuals to be able to sell their fractional interests in land?**

Once a reservation is scheduled for Buy-Back Program implementation and fair market values have been determined, individuals owning fractional interests in purchasable tracts on the reservation may receive a purchase offer package with the required documents and instructions for selling their interests.

Information on selling fractional interests is distributed through outreach events and local media outlets prior to and during the actual Buy-Back Program implementation at each reservation. Each landowner will also receive at least two postcards alerting them to the purchase offer and pending deadline.

A step-by-step video is available at <http://www.doi.gov/buybackprogram/tribes/the-purchase-offer-process> to help assist individuals with identifying critical information included in their offer package and completing the necessary forms. Additional information is also available in the Selling Your Land portion of this document.

### **41. Do I have to sell everything?**

No. You may decide to sell some, none, or all of your interests. If you decide not to sell any of the tracts listed on the Purchasable Interests Inventory included with your offer package, you don't need to do anything (neither the deed nor the Inventory need to be returned).

If you choose not to sell your land, it is important to consider how to best utilize the property during your lifetime and how to most efficiently pass it to your intended beneficiaries upon your death. There are certain Federal rules and tribal codes that govern the estate planning options that may be available to you and some of these options cannot be rescinded or changed after a decision

is made. Thus, it is critically important to get as much information as possible to make careful and informed decisions about your land interests and estate planning options.

The Office of the Special Trustee for American Indians (OST) has partnered with a number of tribal organizations, legal aid services, and law schools to help provide Indian trust beneficiaries with resources to assist with estate planning. For more information, go to:  
<https://www.doi.gov/buybackprogram/landowners/informeddecisionmaking>.

**42. I share ownership of my fractionated tracts with additional landowners. Do we all have to share in the purchase amount and/or do we all have to agree to sell?**

No. Each landowner who receives a purchase offer is being offered a specific amount for his / her shares of fractionated land only. The offer amount listed on the Purchasable Interest Inventory page is not split with any additional owners. Each landowner makes his / her own decision about whether or not to sell.

**43. What if I change my mind about selling?**

Be sure to carefully consider your decision before returning your documents for processing. Selling your owner interests in tracts of land that produce lease income means that you will no longer receive that income. Once your documents are processed, the conveyance is approved, and funds are transferred into your Individual Indian Money (IIM) account, the sale is final.

**44. If I sell some of my interests, can I later decide to sell more of them?**

Be sure to carefully consider your decision before returning your documents for processing. If you choose to sell only some of your interests, you may not be able to sell the rest at a later date. Once you submit your offer package to the Program for processing, you cannot submit a duplicate set of documents for additional interests that may have been included in the Purchasable Interest Inventory that is part of your package. The Program cannot process multiple sales for a landowner under the same offer set.

However, if you have already sold some of your interests by returning your offer package and later wish to sell more, you can identify yourself as a willing seller with the Trust Beneficiary Call Center at (888) 678-6836. If you do this, you may receive an additional offer package for your remaining interests if and when a subsequent wave of offers is made at your location. Identifying yourself as a willing seller in no way commits you to sell your land, nor does it guarantee another offer will be extended; it merely identifies your desire to receive an additional offer.

**45. I am interested in selling my fractional interests. What is required?**

Landowners do not need to wait until the Buy-Back Program begins implementation on their reservation to get more information. If you are interested in identifying yourself as a willing seller, learning more about how the Program works, understanding the appraisal process, or receiving financial training and resources to think strategically about how to use funds you may receive, please visit <http://www.doi.gov/buybackprogram> or call the Trust Beneficiary Call Center at (888) 678-6836.

When you call the Call Center, you should make sure your Individual Indian Money (IIM) account information is current and let the operator know that you are interested in selling your interests. The Call Center will need your name, Social Security Number, IIM account number, and current address. The Call Center can then identify you as an interested seller and will make sure your current name and contact information (address, phone number(s), and email address) are on file. Identifying yourself as a willing seller does not commit you to selling your land, nor does it guarantee an offer will be extended; it merely identifies your desire to receive an offer and provides an opportunity for advance outreach and information to be shared with you at the earliest possible time.

Owners will not receive a purchase offer until:

- The reservation containing their fractional owner interests is scheduled for implementation;
- Appraisal work has been completed; and
- The analysis of the purchase criteria for the Buy-Back Program on the reservation is completed.

#### **46. How can I change my address, name, and/or payment instructions?**

Landowners should contact the Trust Beneficiary Call Center at 888-678-6836 or visit their OST Office to update their contact information, and to provide any special instructions for payment, such as direct deposit. Changes should not be made on the offer package documents themselves, as this can delay or prevent processing. Landowners are encouraged to set up direct deposit, so payment is securely transferred to a bank account and available more quickly.

#### **47. When and how will I receive a purchase offer?**

You will only receive a purchase offer if: (1) the reservation on which you own fractional interests is scheduled for implementation; (2) you have been identified as owning an interest in a fractionated tract of land (defined as a tract in trust or restricted status with two or more owners); (3) the tract has been appraised; and (4) your interests meet the purchase criteria for the reservation. If these conditions are met, you will receive a purchase offer package in the mail.

#### **48. The Program is not currently scheduled to come to my location – is there any way I can participate?**

The Program plans to reevaluate its resources and progress by November 2018 to determine if remaining resources exist so that they might be utilized at additional locations. In the meantime, interested landowners should call the Trust Beneficiary Call Center at (888) 678-6836 and indicate that they are a willing seller and/or to update contact information. Identifying yourself as a willing seller does not commit you to selling your land, nor does it guarantee an offer will be extended; it merely identifies your desire to receive an offer and provides an opportunity for advance outreach and information to be shared with you at the earliest possible time.

**49. Are funds from the sale taxable?**

No. Under the Internal Revenue Service Ruling 57-407, income derived by an Indian from the sale of trust property is not subject to Federal Income Tax.

**50. Will funds from the sale be considered a source of income that affects my ability to participate in assistance and social service benefit programs?**

Individuals participating in any type of government assistance program should find out how funds received from the sale of their trust or restricted land interest may be counted by the assistance program. For example, land consolidation payments from the Program should not be considered as a resource, for a period of one year from the date of receipt, for the purposes of determining eligibility to participate in the Medicare/Medicaid program. See <https://secure.ssa.gov/apps10/poms.nsf/lnx/0500830852>.

However each state and Federal program sets forth its own eligibility requirements. Please refer your case worker to the relevant part of the Claims Resolution Act of 2010, P.L. 111-291 (Section 101(f)) (<http://www.gpo.gov/fdsys/pkg/PLAW-111publ291/pdf/PLAW-111publ291.pdf>) that discusses impacts on assistance programs.

**51. Will the sale affect my Social Security Income?**

Under the *Cobell* Settlement, funds received from Program sales are excluded from impacting Social Security Income for a period of one year from the date of receipt. Funds retained in an IIM or bank account longer than one year will be counted as a resource when income is verified for the Social Security Income benefit. Landowners may contact the Trust Beneficiary Call Center at 888-678-6836 to receive more information about Social Security Income reporting responsibilities, or their local OST Office for assistance.

**52. What happens to my Individual Indian Money (IIM) account after I sell?**

If you sell all interests that you hold, then your Individual Indian Money (IIM) account may be closed because selling your owner interests in tracts of land that produce revenue means that you will no longer receive revenue from those tracts. Please note that the account may only be closed after you receive payment for the sale of all of your interests and there are no other reasons that your IIM account should remain active. You will receive one final Statement of Performance showing the transaction of sale to the tribe. If you inherit new interests and your account was closed, your IIM account will be re-opened with the same account number. If you retain some of your interests, your IIM account will remain open and you will continue to receive your Statement of Performance showing the land interests you retain and any income generated as a result of those interests.

**53. If I choose not to sell my interests, how do I make sure my heirs get this land?**

The Office of the Special Trustee for American Indians (OST) can provide more information on estate planning options under the American Indian Probate Reform Act. Information is also available on their website: <http://www.doi.gov/ost>.

Information is also available from the Division of Probate at <http://www.bia.gov/WhoWeAre/BIA/OTS/Probate>.

OST has partnered with a number of tribal organizations, legal aid services, and law schools to help provide Indian trust beneficiaries with resources to assist with estate planning. For more information, go to: <https://www.doi.gov/buybackprogram/landowners/informeddecisionmaking>.

**54. What happens if I own land at several different locations?**

Offers are generated by location. If you own land on more than one reservation, you may receive multiple offer packages over the course of the 10-year Buy-Back Program.

**55. Why do interested sellers receive a base payment?**

The Buy-Back Program provides landowners with a base payment of \$75 per offer, regardless of the value of the land, to reflect the estimated time and effort required for individual landowners to complete their conveyance documents.

**56. Can you tell me if my relative is going through with the sale or how much they received? Can my husband or other relative call in for me?**

No. The Privacy Act of 1974 prevents us from sharing personal information without written permission from the individual landowner.

**57. Will the Buy-Back Program purchase land interests that I own in fee status?**

The Buy-Back Program is focused on purchasing interests held in trust or restricted status. However, offers on restricted interests may require additional reviews and analysis.

**58. Will the Buy-Back Program purchase life estate or joint tenancy interests?**

No. Life estate and joint tenancy interests are not purchasable interests under the Buy-Back Program. Joint tenancy is a form of ownership by two or more persons of the same property who share equal ownership of the property and have the equal, undivided right to keep or dispose of the property. Land is not purchasable under the Program if joint tenancy applies to 100 percent of the tract.

**59. Can the Program make offers to landowners whose Individual Indian Money (IIM) accounts are restricted due to an encumbrance?**

Yes. If your Individual Indian Money (IIM) account is restricted due to an encumbrance and you choose to sell any or all interests included in the purchase offer, the outstanding amount on the encumbrance may be deducted from the purchase price per the encumbrance plan before funds are disbursed from your IIM account. To determine how an encumbrance could impact an accepted offer, you should confirm whether your IIM account is restricted due to an encumbrance. If your account is unrestricted, there will be no deductions from the purchase offer.

## **60. How will I receive my funds if I sell my land?**

Landowners who choose to sell their fractional land receive payments directly into their IIM accounts. Once an unrestricted IIM account's balance reaches \$15 (or \$5 for oil and gas payments), OST automatically sends the funds to the landowner using one of the following means:

- Electronically transfers the funds to the landowner's account at a financial institution;
- Electronically transfers the funds to the landowner's personal debit card account at J.P. Morgan / Chase Bank; or
- Mails a check to the landowner's address on file.

Alternatively, a landowner may also place a voluntary hold on his / her IIM account, and funds in the IIM account will continue to earn interest. A landowner may then provide instructions for disbursement of funds or electronic fund transfer to an account at a financial institution, set up a debit card account, or remove the voluntary hold on his / her account.

The Program encourages landowners to utilize electronic fund transfers from their IIM account to an account at a financial institution. This approach is a fast, efficient, and safe payment option that avoids the risk of lost or stolen checks, or delays through the postal service. If a check is lost or stolen, it may take up to 15 months to receive a replacement check. The simplest way to utilize electronic fund transfers is to set up a deposit directly from a landowner's IIM account to their account at a bank, credit union, or other financial institution. Landowners may also receive their funds electronically through automatic transfers to a personal debit card account at J.P. Morgan / Chase Bank, even if they do not have an account at another financial institution. Landowners with a debit card may use the card to make purchases at locations that accept the debit card and withdraw cash at ATMs (certain fees may apply). More information on the debit card program is available at: [https://www.doi.gov/ost/individual\\_beneficiaries/debit](https://www.doi.gov/ost/individual_beneficiaries/debit).

Landowners may provide instructions for electronic fund transfers to their account at a financial institution or enroll in the debit card program by calling the Call Center at (888) 678-6836, or by contacting their local OST Agency office. More information is available at: [https://www.doi.gov/ost/individual\\_beneficiaries/signup](https://www.doi.gov/ost/individual_beneficiaries/signup).

## ***V. Land Appraisals***

### **61. How is the value of the land determined?**

An appraisal is the act or process of developing an opinion of value. Fair market value determinations for the Buy-Back Program are performed by a licensed appraiser. A determination of value is developed and reported by a licensed appraiser who researches many factors, including location, local market values and sales patterns, condition of the property, and zoning. One of the methods to calculate an accurate value is to use sales of comparable properties located near the subject property, which have recently sold. The subject property is compared to the sales to see how it aligns or differs with the comparable sales in many factors which may include size, location, access, utilities, etc. The appraiser then analyzes and makes adjustments to compensate for differences between the comparable sales and the subject property, and reconciles for a final opinion of value.

The appraiser values land as if it is not fractionated (i.e., held by a single owner), vacant, and in fee status. The amount offered for purchase of individual interests in trust or restricted lands is based on the fair market value of the tract.

**62. What is fair market value?**

Fair market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal.

**63. Is the fair market value the same for each tract in which I have an owner interest?**

The fair market value may vary for each tract depending on a variety of factors, including land use, location, acreage, access, and local market conditions. For example, you may own an interest in a 50-acre agriculture tract that is planted in dry crop (wheat). You might also own an interest in another tract that is a 50-acre agricultural tract, but this tract is an irrigated apple orchard. Upon researching the market, the appraiser may find comparable sales of irrigated orchards in the area running at \$3,000 per acre and dry crop running at \$500 per acre.

**64. Why is the Buy-Back Program using mass appraisal techniques?**

The breadth, scale, limited funding, and limited life-span of the Program necessitates the use of mass appraisal methods where appropriate. Such use will result in greater efficiency and consistency in valuations, enabling the Program to value many acres simultaneously. It will also assist in ensuring effective, efficient, and expeditious use of the Consolidation Fund.

The mass appraisal technique used by the Program entails detailed consideration of each tract of land.

The Program uses market studies or mass appraisal techniques to appraise homogeneous, non-complex, vacant lands that have comparable land sales available. In many highly fractionated Indian ownership areas, it is common to have agricultural properties that are similar in use and have active / consistent markets or comparable sales data that the Program can use in its appraisals. The Program will use the mass appraisal approach in these situations as appropriate.

The Program will not use mass appraisals for commercial or other lands within urbanized zones where greater variation may exist.

**65. What reviews has the Program undertaken to evaluate its appraisal methods?**

Appraisal methods used by the Buy-Back Program conform to the Uniform Standards of Professional Appraisal Practice. This ensures that there is no subjective analysis or conflicts of interest in the Program's appraisal process.

To ensure that the valuation methods and techniques meet industry standards, the Department also obtained a third-party review of its valuation techniques from The Appraisal Foundation (TAF). TAF is a non-profit, non-partisan organization, authorized by Congress, dedicated to the development of appraisal standards in the United States and to establishing qualifications criteria for appraisers. TAF's analysis, the Department's response to specific recommendations, and the plan outlining the Program's appraisal methodologies, are available on the Program's website at: <http://www.doi.gov/buybackprogram/appraisals>.

In FY 2015, the Department worked with TAF again to evaluate and update the independent review and analysis of the Department's Valuations Methodologies Plan for the Buy-Back Program. This second review focused on the implementation of the methods reviewed in FY 2014. TAF found that the Department had done an outstanding job managing the mass and site-specific appraisal processes.

**66. What is the shelf life of the fair market value for my tracts?**

Because continual reassessment of market values is not feasible given the limited time frame and limited implementation funds, the Program has established an administrative appraisal validity period of up to nine months from the date of valuation. Each offer will explicitly identify the appraisal date, and the owner can obtain information about how the fair market value was assessed at that time.

**67. When are the appraisals for the Buy-Back Program completed?**

Appraisals are completed as close to the offer date as can be reasonably managed for each location. The appraisal completion dates will vary for each reservation depending on the schedule.

**68. Where can I find out what the fair market value is for each tract in which I hold an owner interest?**

This information can be found within the Purchasable Interests Inventory, which is included with the purchase offer package.

**69. How can I receive a copy of the appraisal report?**

By calling the Trust Beneficiary Call Center (888-678-6836) or any OST field office, and upon land ownership status confirmation, an appraisal report will be sent to you.

**70. Will individuals be able to negotiate the value of the land?**

No. Due to implementation time and cost constraints as set forth by the *Cobell* Settlement Agreement, the Program does not have the time or resources to negotiate each sale price. If an owner is not satisfied with the amount offered for the sale of their interests, they may decline to sell. Additionally, individuals can sell some of their interests but keep others.

**71. How does the Buy-Back Program define improvements?**

Improvements are buildings or structures located on or attached to the land. Improvements may include, but are not limited to, buildings (including residential homes), structures, sidewalks, sewers, and utilities. Please see the Tracts with Improvements section of these FAQs for further details.

**72. Will improvements be included in the valuation?**

All tracts of land, regardless of whether there may be an improvement located on it, are appraised as vacant. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land. Improvements are taken into consideration in determining the highest and best use of the land. For example, it is possible that the existence of the improvements (like the availability of utilities or roads) might alter its categorization (residential v. agriculture).

**73. What does “highest and best use” mean?**

“Highest and best use” refers to the most probable and legal use of vacant land or an improved property that is physically possible, financially feasible, and appropriately supportable from the market to yield the highest possible value.

**74. Will my offer amount be increased if I own an improvement?**

Not necessarily. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land. Offers for fractional interests will not include any separate amount for the improvement because the improvement is non-trust property, and the Buy-Back Program is not acquiring such property.

***VI. Mineral Rights & Tracts with Improvements***

**75. May an individual who only owns mineral rights sell?**

Yes, a landowner who owns only mineral rights may sell those rights through the Buy-Back Program to the tribe with jurisdiction.

**76. May a seller retain fractional interests in mineral rights while selling the surface interest?**

No. The Buy-Back Program will only purchase the whole ownership interest (mineral and surface), which supports the Program’s goal of consolidating fractional interests. The Program is not severing mineral rights from the surface rights.

**77. Will my mineral and timber rights be included in the valuation?**

Yes, if there are mineral or timber rights associated with a property, they will be included in the valuation process. Please note, these rights may have very small or no contributory value if there are no minerals or timber present or if there is no market for the minerals or timber. For those situations where the mineral rights have a very small or no contributory value, an administrative

payment of \$7.50 per acre will be included with the total value of the land to account for the conveyance of the mineral rights.

In particular, the Department's Office of Valuation Service's Division of Minerals Evaluation (DME) conducts minerals assessments in three stages. Stage 1 parcels are located in areas with no viable economic mineralization or within viable economic mineralization zones where an estimated commodity value can be readily established. Stage 2 parcels require more research, data, and time to estimate; and Stage 3 parcels are associated with demonstrable commodity reserves, requiring intensive analysis. Currently, the Program only makes offers on Stage 1 tracts (it typically does not value tracts that contain Stage 2 or Stage 3 minerals or make offers on these tracts).

**78. Why is the administrative payment for Stage 1 mineral tracts set at \$7.50 per acre? Why not as a percentage of surface value, or increased over time?**

The \$7.50 per acre amount continues the past practice of the Indian Land Consolidation Program (ILCP), in which an administrative payment of \$7.50 per acre was provided for mineral rights determined to not have a current economic value contribution to the overall value of the property. The payment is not based on the value of the commodity (because the tract is determined not to have minerals of current economic value), but instead is intended as a payment to compensate for conveying mineral rights. While the minerals, if any exist, may have no current economic value, it is still important that the right be transferred so that the Program has clear title to all rights associated with the property.

The market for surface land rights and subsurface minerals are unique. Each one is driven by different factors and the relationship between surface and minerals markets may vary widely. Mineral markets depend on many factors, such as the type of mineral (sand and gravel, oil & gas, etc.), the infrastructure to support mineral development, closeness to markets, etc. It would be inequitable to compensate for minerals based on surface values. For example, grazing land with access to water may be valued much higher than adjacent grazing land without water. If minerals existed, the value of the surface would have no bearing on the value of the minerals. Consequently, there is no basis to support a percentage of surface value.

**79. Why might a tract be determined to have minerals with no economic contribution to overall value?**

A tract with mineral rights (including either both surface and mineral rights, or mineral rights already separate from the surface) may not have minerals of economic value, or may have minerals of such low value that the contribution to overall tract value is negligible. In order for a mineral deposit to add contributory value to the property, there needs to be a market for the mineral(s) (i.e., demand), and the market price for the mineral(s) needs to be higher than the cost of extracting and delivering the mineral to the market. The drivers for determination of value include: (a) existence of the mineral(s); (b) market for the mineral(s); (c) the market price of the mineral(s); (d) cost of extracting the mineral(s), and (e) costs associated with delivery of the minerals(s) to the market.

For example, a tract may have sand and gravel but may not be close enough to markets (e.g., major highway construction, or large metropolitan areas) to make it economic to transport the material.

In some cases, there may be other existing sand and gravel operations which are closer to those markets.

As an additional example, there may be a tract that has a one foot thick coal seam that is 200 feet below the surface. In order to market that coal, the owner would need to remove the overburden, and transport the coal to market. In this case the cost of extracting the coal (e.g. the additive costs of purchasing and/or maintaining equipment to remove the overburden, the cost of building new rail line or trucking the coal to an existing rail line), is much greater than the market value for that coal.

In summary, if a mineral exists, but no market exists, or the cost of extraction is high, or the location is so distant from the markets that delivery costs are prohibitive, then the mineral may have no contributory value to the property. However, to ensure conveyance of mineral rights as a part of full title to the tract, the Program is offering \$7.50 per acre for those rights.

#### **80. Who makes the determination of whether minerals of current economic value exist?**

The Division of Minerals Evaluation (DME), part of the Office of Valuation Services in the Department, is responsible for evaluating the existence of economically viable minerals. The professional geologists, minerals economists, and engineers in DME extensively review the known geology of a location to determine if minerals are known to exist, evaluate mining activity in the area of that tract, identify markets for any known minerals and whether extraction of any minerals can be completed cost effectively. Most tracts will not have minerals of current economic value; where tracts are identified that may have current economic mineral value, those tracts are set aside because further analysis would be required to begin to estimate the economic value of the minerals.

In addition, the valuation approach employed by the Office of Appraisal Services (OAS) also considers how mineral rights are traded in the local market. As part of its approach, OAS searches for current and historical land sale data to see what similar land has actually sold for in the pertinent locale (commonly known as “comparable sales” data). The comparable sales gathered include properties where surface and subsurface rights are sold together. Using these comparable sales is another way in which the Program’s offer amount is able to properly reflect the fair market value associated with the transfer of the surface as well as any subsurface minerals.

#### **81. If a person believes there is something valuable beneath the surface of their land, are they responsible for obtaining a separate valuation?**

No, the landowner is not responsible for obtaining a separate valuation. The Federal Government conducts a detailed analysis to ensure that the offer amount reflects fair market value the tract (surface and subsurface rights). Mineral values are considered in the highest and best use scenario for tracts with a combined estate (mineral and surface) and through the analysis of past and current land sales of similar properties. The owner of any mineral rights may also perform whatever analysis they would like to determine whether they agree with the offer amount.

Owners must make a decision over whether they think the mineral rights will eventually have value. The Buy-Back Program relies upon the best data available to evaluate mineral economics, and a

determination that no current economic value exists for minerals interests is based on solid research and analysis. It is up to interest owners to determine whether to accept their purchase offer, or take a chance on future discoveries or changes to the market.

**82. Will the Buy-Back Program make offers on fractionated tracts that contain improvements?**

Yes. Offers on tracts with improvements may be made if a lease (including a residential lease, sometimes referred to as a homesite lease) is recorded by BIA or, in the case of tracts without a recorded lease, if the tribe provides a resolution requesting offers on tracts with improvements and indicating that the tribe will provide lease opportunities to individuals living on the land. The Program will be acquiring fractional interests only in the land, not in the improvements themselves. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

**83. Will the Buy-Back Program purchase interests located outside reservation boundaries, including off-reservation interests?**

The Program's policy is to include off-reservation (e.g., public domain) tracts for locations where tribal jurisdiction is strong, acquisition meets the Program's implementation factors – as discussed in the Offer Methodology section of the Status Report, and resources allow. The Program continues to work with tribes to determine the most effective way to apply this policy.

**84. Will the Buy-Back Program make offers on fractionated tracts of land held in restricted fee status that contain improvements?**

The Program is considering whether to make offers on fractionated tracts held in restricted fee status that contain improvements and may update landowners in the event that a decision is made to make such offers.

**85. Are improvements located on trust land considered trust property?**

No, the Department considers improvements to be non-trust property. Improvements are not included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

**86. May I sell my improvements to the Buy-Back Program?**

No, the Program will be acquiring fractional interests only in land, not in the improvements themselves. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

**87. How will the Buy-Back Program affect me if I have a lease on any of the tracts in which I have an owner interest?**

Any purchases or transfers of fractional interests are subject to the terms of existing leases and encumbrances on the land. Existing leases on fractionated tracts will run their term. If you are currently living on or utilizing the land in which you own a fractional interest and you do not have

a lease or permit, you should contact the local BIA Realty Office before selling your ownership interest.

**88. Is a lease required for a Buy-Back Program sale to occur?**

No, although tribes must have approved a tribal resolution that provides a leasing opportunity to those individuals living in un-leased residences on allotted tracts. Landowners who do not have a lease should contact their local BIA Realty Office to inquire about the process before accepting their purchase offer.

**89. If I live in or own an improvement on trust or restricted land, should I have a lease?**

Yes, a lease provides clarity on the use of the land and any improvements. You may obtain a lease from the co-owners of the trust and restricted interests in the land, unless all of the owners have given you permission to take or continue in possession without a lease. The Code of Federal Regulations provides detailed leasing requirements. See Title 25, Part 162, of the Code of Federal Regulations, especially the general lease provisions (at Subpart A) and those regarding residential leases (at Subpart C).

**90. If I want to obtain a residential or business lease, how many of the landowners on the tract(s) must consent?**

As indicated in the below table, the answer depends on the number of individual owners who have an undivided ownership interest in the allotted tract of land. For additional details, see 25 U.S.C. § 2218.

<b>Number of undivided interest owners</b>	<b>Required percentage of ownership that must consent in writing</b>
1 – 5	90 percent
6 – 10	80 percent
11 – 19	60 percent
20 or more	50 percent

**91. If I want to obtain an agricultural lease, how many of the landowners on the tract(s) must consent?**

An agricultural lease of a fractionated tract may be granted by the owners of a majority interest in the tract, subject to BIA approval. Majority interest means more than 50 percent of the trust or restricted interests in a tract of Indian land. For additional details, see 25 CFR § 162.207.

**92. If I want to obtain a right-of-way, how many of the landowners on the tract(s) must consent?**

To obtain a right-of-way, you must obtain written consent from the owners of a majority interest in each tract affected by the grant of right-of-way, with certain exceptions noted in the regulations. Majority interest means more than 50 percent of the trust or restricted interests in a tract of Indian land. Additionally, if the tribe owns any fraction of the tract, you must also obtain the consent of the tribe. For additional details, see 25 C.F.R. § 169.107.

**93. How do I contact the co-owners of the land in which I have an interest?**

By submitting a written request to the local BIA office, you may obtain the names and mailing addresses of the owners of any interest in trust or restricted lands on a particular reservation, including the percentage of undivided interest owned by each individual.

**94. Will I receive an offer if I have outstanding debt on improvements that are located on the land that I want to sell?**

The Department does not maintain nor conduct any inventory on improvements, as they are non-trust property. Therefore, any debt or any other existing agreements regarding improvements will not be considered when making any offers. Any outstanding debt or contractual agreements for improvements will remain the responsibility of the improvement's individual owner.

**95. What if an improvement is not inhabited?**

The Program's policy for improvements is the same regardless of whether or not they are inhabited. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

**96. Are water rights considered for agriculture or other purposes of the land?**

The availability and accessibility to water is evaluated when determining the fair market value of a property. For example, there may be two adjacent properties, one with irrigation and the other without any water infrastructure. The property with availability and access to water, plus the infrastructure, would have a land use of irrigated farmland, while the other might be classified as dry farmland or range.

## ***VII. Selling Your Land***

**97. What is included in the purchase offer package?**

A purchase offer package includes the following:

- 1. Cover Letter**
- 2. Instructions:** The instructions explain how to fill out the documents necessary for the sale of your fractional ownership interests.
- 3. Deed:** The deed is the legal document for the conveyance of any fractional ownership

interests you choose to sell, as reflected on the Purchasable Interests Inventory included in the offer package. Completing and returning the deed and Purchasable Interests Inventory signifies your acceptance of the Purchase Offer in whole or in part. If you decide to sell some or all of your interests, you must sign your name exactly as it is typed on the deed in front of a Notary Public, and the Notary must completely fill out and place their seal on the lower portion of the deed.

4. **Purchasable Interests Inventory (Inventory):** The Inventory lists your ownership interests in each tract of trust or restricted land that is eligible for purchase under the Buy-Back Program, and the value of your interests in each tract. There are two parts to the Inventory: a SUMMARY and a DETAIL section. Additional information, including a legal description of each tract and the Scholarship Fund contribution for each of your interests, is included in the DETAIL section. Use the “Item” number for cross reference between the SUMMARY and the DETAIL section. If you decide to sell some or all of your interests, all pages of both sections of the Inventory must be returned.
5. **Map(s):** Maps show the general location of the tracts of land in which you own fractional interests.
6. **Self-Addressed Return Envelope:** The Package includes an envelope to allow you to return the completed Purchase Offer free of charge for processing by the Bureau of Indian Affairs (BIA).

The Buy-Back Program’s website has a section to help landowners become familiar with offer package materials at <http://www.doi.gov/buybackprogram/landowners/offer-docs>. A step-by-step video is available at <https://www.doi.gov/buybackprogram/tribes/the-purchase-offer-process> to help assist individuals with identifying critical information included in their offer package and completing the necessary forms.

The Trust Beneficiary Call Center is also available to assist you if you have any questions at (888) 678-6836.

The Indian Land Tenure Foundation has produced a useful brochure to help landowners walk through offer package documents, which is available at:  
[https://www.doi.gov/sites/doi.gov/files/migrated/buybackprogram/landowners/upload/ILTF\\_Pamphlet\\_Final.pdf](https://www.doi.gov/sites/doi.gov/files/migrated/buybackprogram/landowners/upload/ILTF_Pamphlet_Final.pdf).

## 98. What do I do when I receive a purchase offer package?

There are four key steps to take when considering your purchase offer:

1. First, review the deed and Purchasable Interests Inventory (Inventory) to assure your name and personal information are correct, and then determine whether to sell any or all of your ownership interests listed on the Inventory.

If your name or other personal information is not correct, do not complete and return the deed and Inventory. Instead, contact the Trust Beneficiary Call Center at (888) 678-6836 or visit your local Office of the Special Trustee for American Indians (OST) office to get any necessary corrections made, after which you will be provided with a new purchase offer package. **Do not make handwritten corrections, use white-out, or**

**place any other marks on the deed or Inventory, as this will delay or prevent processing of your sale.**

2. If opting to sell, use the Inventory to fill in the bubble adjacent to each ownership interest you wish to sell, or select the “Sell All Tracts” bubble if you wish to sell all interests.
3. In front of a Notary Public, sign the deed exactly as your name is typed. A Notary Public is required in order to validate the signature and to serve as the official witness. A current tribal, state, or Federal ID with a picture of the holder (for example a driver’s license) is required. Make sure the Notary completely fills out and places a visible seal on the lower portion of the deed. You can contact your local BIA or OST office for information about how to find a notary.
4. Return the original signed and notarized deed, along with all pages of the Inventory (both the SUMMARY and the DETAIL sections), in the self-addressed, postage paid envelope provided. You must return the original documents in order for the sale to be processed.

**99. Does my deed need to be notarized in the state in which my ownership interests are being sold?**

No, the deed may be notarized in any state. You can contact your local BIA or OST office for information about how to find a notary.

**100. Can I make changes to the deed?**

No. The deed is a legal document. It must be filled out neatly and completely. White out, cross outs, or stray markings will void the document. If necessary, a new deed may be requested. The Trust Beneficiary Call Center can assist with fulfilling this request at (888) 678-6836.

**101. Will I get a copy of the deed that I returned?**

A seller may make a copy of the signed, notarized deed and Purchasable Interests Inventory before returning them. You must return the original documents in order for the sale to be processed. A copy of the deed can be requested from any BIA Realty Office but will not be provided once the conveyance is completed.

**102. Will I be contacted when the sale / conveyance is complete?**

An Acknowledgement Notice will be mailed to each seller upon approval of a sale. The Notice specifies the amount deposited to the seller’s Individual Indian Money (IIM) account for the interests sold, and the amount contributed by the Program to the Cobell Education Scholarship Fund on the seller’s behalf. The Scholarship Fund contribution is not deducted from the seller’s payment. For more details about the Scholarship Fund, see the above section in these FAQs.

**103. Will the tracts listed on my Purchasable Interest Inventory be the same as those listed on my Statement of Performance?**

Not all of the tracts on your Statement of Performance may be listed on your Purchasable Interests Inventory. The Inventory will only list those tracts that the Program is offering to purchase.

**104. I need more specific information about my land ownership interests. Where can I obtain additional assistance?**

Individuals may contact the Trust Beneficiary Call Center at (888) 678-6836 for more information about their interests, or visit the local BIA or OST office for further assistance.

**105. Who did I inherit interests from?**

Individuals may contact the Trust Beneficiary Call Center at (888) 678-6836 for assistance in determining who their interests were inherited from.

**106. How long do I have to decide whether to sell all or some of my interests?**

Purchase offers are valid for 45 calendar days from the date of the Cover Letter in the offer package. Signed and notarized deeds and the corresponding Purchasable Interests Inventory must be post-marked by the deadline indicated in the Cover Letter. Landowners are strongly encouraged to review their land interests and consider if they are interested in participating in the Buy-Back Program prior to receiving their purchase offer.

**107. What happens if I return my package and it is incomplete?**

In order for your package to be processed, the required documents must be filled out correctly and returned to the Program within 45 days. Required documents include the Purchasable Interests Inventory (both the SUMMARY and DETAIL sections) and the signed and notarized deed. If any of the required documents are missing, or if the documents are filled out incorrectly, the Program may provide you with new documents to complete if time and resources allow. If time and resources don't allow, your sale will be declined, but you may receive a new offer if an additional wave of offers is made for the location.

**108. I returned my purchase offer package and have received an Acknowledgement of Conveyance Letter. What does it mean?**

An Acknowledgement Notice is mailed to each seller upon closing of the Sale / Conveyance. The Notice will list the amount deposited into the seller's Individual Indian Money (IIM) account for the purchase of the owner interests that the seller selected on the Purchasable Interests Inventory. The letter lists:

- Base Payment of \$75;
- Total Payment Amount; and
- Amount disbursed to Cobell Education Scholarship Fund

**109. When and how will I be paid?**

When your completed purchase package is received by the Program within the established time frame, the Buy-Back Program has 60 days to process your payment. When the purchase is approved, payment will be made to your Individual Indian Money (IIM) account.

**110. I received a “reminder” postcard from the Department of the Interior. What does it mean?**

Approximately halfway through each 45-day window, the Program will send “reminder” postcards to landowners who received a purchase offer package. If you have already returned your purchase offer package, you do not need to do anything further. If you received a postcard, but did not receive a purchase offer package, please contact the Trust Beneficiary Call Center at (888) 678-6836 immediately so they can help you receive a replacement package.

**111. Why did I receive a postcard before my location is scheduled for offers?**

You received a postcard because the Program has launched a nationwide recruitment drive to identify and engage landowners who are interested in participating. This is in addition to the events, advertising, and news stories that have appeared throughout Indian Country over the past three years. The level of landowner interest – or identified willing sellers – has always been one of the determining factors as the Program develops its implementation schedules. Identifying yourself as a willing seller in no way commits you to sell your land and is no guarantee that you will receive an offer; it merely identifies your desire to receive an offer.

**112. What if I miss the 45-day deadline to accept my offer?**

If you own fractional land interests on a reservation and missed the 45-day deadline to accept your offer, you may:

- Return your offer (including a signed, notarized deed) even though it is past the deadline. This late submission will be reviewed based on capacity, appraisal expiration, and the availability of funds. We cannot guarantee acceptance of late submissions.
- Call the Trust Beneficiary Call Center at (888) 678-6836 and indicate you are a Willing Seller. As resources allow, the Buy-Back Program may send offers to landowners who are interested in selling their interests after the Program’s offer response deadline for a particular location provided there is a current appraisal and funds are available.

**113. What will my tribal government do with consolidated land?**

If you chose to sell some or all of the fractional interests described in your purchase offer package, the interests sold are immediately transferred to, and held in trust for, the federally recognized tribe that exercises jurisdiction over the land involved. The tribe becomes a co-owner with the other remaining individual owners of the tract(s) involved, if any. A tribe’s ability to use the consolidated land depends on several factors, including the number of owners on a tract. A reduction in the number of owners, even if the tribe does not gain the ability to manage the land without approval of other landowners, may help current landowners more efficiently use and manage the land because there are fewer owners to work with. Depending on the number of owners and the percent of ownership held, tribes are able to utilize consolidated lands for purposes consistent with the values and needs of their members, such as housing, community centers or businesses, or for recreational or cultural purposes.

Each tribal nation has different plans and goals for land consolidated through the Buy-Back Program, just as every landowner has unique intentions for the use of the funds they receive from

the sale of their interests. We encourage you to seek information from your tribal leadership on the plans and goals for consolidated lands.

We're already seeing the difference this Program is making. For example, the Oglala Sioux Tribe is embarking on a major housing program, aided by the recent acquisition of land through the Program. As a result of Program purchases, the Squaxin Island Tribe is now better able to protect its world-class oyster beds.

## ***VIII. Estate Planning and Probate - Informed Decisionmaking Background***

### **114. What is a probate?**

Probate is the legal process by which applicable tribal, Federal, or State law that affects the distribution of a decedent's estate is applied in order to: determine the heirs; determine the validity of wills and determine devisees; determine whether claims against the estate will be paid from trust personalty; and order the transfer of any trust or restricted land or trust personalty to the heirs, devisees, or other persons or entities entitled by law to receive them. In other words, when an American Indian passes away and owned trust or restricted lands and/or trust funds at the time of death, there must be a way of transferring the trust lands / funds to the deceased person's heirs or to whoever is to take ownership under the terms of a will. Interior will determine what trust lands / funds the deceased person owned, determine the deceased person's legal heirs or devisees, and order distribution of the trust or restricted lands or funds to the appropriate persons. For more information, go to: <http://www.bia.gov/yourland>.

### **115. What happens to my trust or restricted property after my lifetime?**

Your trust or restricted property will pass to, or be inherited by, the person or persons you name in your will through the probate process. If you do not have a will, your property will pass to your eligible Indian heirs at probate. The probate judge will use AIPRA or a tribal probate code, approved by the Department, to determine how your trust or restricted land is inherited. During the probate proceeding, the probate judge will determine the heirs and beneficiaries to your estate. Your heirs may include your spouse, your children, certain relatives, or the tribe with jurisdiction over your trust and restricted land. For Alaska Native (AN) estates, the probate laws of the State of Alaska will govern who will inherit trust or restricted property located in the state.

### **116. What is a life estate?**

A life estate means a person has the right to the use the land during his / her lifetime. The life estate holder will receive the income from that land.

### **117. What are wills?**

A will is a written, legal document detailing a person's wishes regarding the disposition of his property or estate after he dies. A will must be signed and dated by the individual and must be witnessed by two or more individuals who also sign and date the will. The laws of each state vary

as to who may be a witness to the signing of a will and also the number of witnesses who must be present. You should consult an attorney if you would like to write a will.

**118. Who can I give my property to if I want it to stay in trust?**

You may give your property to anyone under the terms of a will. The person named in the will does not have to be an Indian or a person that is enrolled with a federally recognized tribe. If the person is not an Indian, the property may not stay in trust and the tribe with jurisdiction over the interest will have an opportunity to purchase the devised interest from the non-Indian. Additionally, if there is a tribal probate code, approved by the Department, that applies to trust or restricted property detailed in the terms of your will, the tribal probate code may contain provisions regarding the devise of interests to persons who are non-members of the tribe or persons not eligible to become members of the tribe.

**119. Who is an “Indian” under AIPRA?**

The American Indian Probate Reform Act of 2004 (AIPRA) changed the legal meaning of the word “Indian” for purposes of its provisions. It does not change the meaning of “Indian” for other purposes. Under AIPRA, an “Indian” is a person who:

- Is a member of a federally recognized Indian tribe, or
- Is eligible to become a member of a federally recognized Indian tribe, or
- Was an owner of trust or restricted land on October 27, 2004, or
- Meets the definition of "Indian" under the Indian Reorganization Act of 1934, or
- Owns trust or restricted Indian land in California.

**120. What is the Single Heir Rule?**

The Single Heir Rule is a provision contained within AIPRA that limits the fractionation of trust or restricted lands. It applies when: there is not a valid will, and your interest in land is less than 5% of the entire parcel, regardless of the value of that land.

The single heir rule allows a surviving spouse to retain a life estate in that ownership interest in land, if the surviving spouse resides on that interest. The remaining interest will be distributed as follows:

- Your oldest living eligible child will receive everything.
- If none of your eligible children are living, then your oldest living eligible grandchild will receive everything.
- If none of your eligible grandchildren are living, then your oldest living eligible great-grandchild will receive everything.
- If you have no living eligible children, grandchildren, or great-grandchildren, then the Indian tribe with jurisdiction over the land will receive the interest in the land.

To avoid the application of the Single Heir Rule, you must write a will or dispose of your property prior to your death.

**121. What are some Estate Planning Options for my trust and restricted property?**

You should consider various estate planning options, such as the following:

- Write a will to direct who will receive your trust or restricted property.
- Sale, exchange, or give your trust and restricted land to others during your lifetime. If the new owner will not be holding the land in trust or restricted status, the Tribe with jurisdiction over the land will have the opportunity to acquire the land by paying the new owner fair market value.
- Consider gift conveyances of trust or restricted property (must be approved by the BIA). With either a gift or sale, you may keep a life estate. You should contact your local BIA Agency for assistance and information regarding such conveyances.

## **122. Where can I get more information about estate planning tools?**

If you would like to talk with someone about your options, including the importance of creating a will, making gifts, creating life estates, or selling your property, contact your local BIA Agency to make an appointment. If you want to write a will or have a will written for you, you should contact a lawyer or a legal aid society.

If you are interested in learning more about financial awareness, you can contact the Trust Beneficiary Call Center or your local Fiduciary Trust Officer (FTO). The Office of the Special Trustee for American Indians (OST) has set up a special toll-free telephone number for Indian trust beneficiaries to ask questions. To talk with the Trust Beneficiary Call Center, call 1-888-678-6836.

Landowners can also work with one of OST's many partner organizations that provide financial education, or may visit the OST website supporting financial empowerment:  
[http://www.doi.gov/ost/individual\\_beneficiaries/financial\\_empowerment](http://www.doi.gov/ost/individual_beneficiaries/financial_empowerment).

Your BIA Agency may provide information regarding an explanation of testate and intestate provisions of AIPRA, and assist in the preparation and approval of conveyance documents where appropriate, for the transfer of trust assets during the lifetime of an individual landowner of IIM account holder.

## **123. What rules apply to lands purchased by the Program that may contain archaeological resources and/or cultural items?**

The presence or absence of archaeological resources or human remains and other cultural items does not affect whether the land is eligible for purchase by the Program but there may or may not be an adjustment to the value of the interest for such purchase. There are certain requirements for any excavation or other discovery or disturbance of those resources, remains, and objects, which do not appreciably change based on land ownership.

Under the Archeological Resources Protection Act of 1979, permits are generally required for the excavation, curation, and study of archaeological resources from lands held in trust or restricted status. Archaeological resources means any material remains of human life or activities which are at least 100 years of age and are of archaeological interest. Generally, excavation or removal of archaeological resources from lands of individual Indians may only proceed with the written permission of the individual Indian owner, or where there are multiple individuals with ownership interests, from the owners of a majority of interests in the land. In either case, written permission is also required from the tribe with jurisdiction over the land, if any. The permit will also state

whether a curatorial facility will have temporary or permanent custody of the archaeological resources or whether the landowner or landowner's representatives will retain custody, allowing a reasonable period of time for the excavator to have ready access to them at an appropriate location for study. If the curatorial facility is to have permanent custody of the archaeological resources, the consent of the tribe with jurisdiction is also required. Finally, if the Regional Director has a verifiable reason to believe that archaeological resources retained by the individual landowner(s) after being studied will be sold or exchanged other than to the tribe having jurisdiction or to a curatorial facility, the Regional Director may refuse to issue the permit

When interests of individual Indians are transferred to a tribe, the tribe is treated as an individual landowner for purposes of the consent requirements above, just as for leasing.

Under the Native American Graves Protection and Repatriation Act (NAGPRA), separate provisions apply to the disposition of Native American human remains and funerary objects excavated or removed from tribal lands (including on-reservation allotments) or from Federal lands outside the exterior boundaries of a reservation (which would include off-reservation allotments). For these cultural items, first priority for disposition is to any individual who can trace his / her ancestry directly and without interruption to the known Native American individual whose remains or funerary objects are being claimed. If a lineal descendant cannot be ascertained, disposition of Native American human remains and funerary objects, as well as sacred objects and objects of cultural patrimony, is determined by the Indian tribe on whose tribal lands (inside the exterior boundaries of the reservation) the remains or objects were discovered. If the remains or objects were discovered on Federal land, including an off-reservation allotment, the remains or items would still go to a tribe, following the priority order in the NAGPRA statute and regulations.

For additional information, see 25 C.F.R § 262.5 and 43 C.F.R. § 7.8. In addition, landowners are encouraged to talk to their local BIA office if they have questions.

## **APPENDIX B. FRACTIONATION STATISTICS**

### **Overview**

The fractionation related data and statistics used throughout this document were generated primarily from the Trust Asset and Accounting Management System (TAAMS) as of September 30, 2016. The land areas, data, and approximations in this document are subject to change. The Department will continue to refine its analysis of fractional interests and the owners thereof. Feedback is encouraged. In particular, if tribes or others have reason to believe that any of the information is inaccurate or that a reservation is excluded in error, they should provide written feedback to [buybackprogram@ios.doi.gov](mailto:buybackprogram@ios.doi.gov) or by mail (U.S. Department of Interior Land Buy-Back Program for Tribal Nations, 1849 C St. NW, MS-5552-MIB, Washington, DC 20240).

### **Definitions and Explanations**

Aggregated and Segregated – It is important to distinguish “aggregated” and “segregated” fractional interest counts. There are many instances where a single individual owns multiple fractional interests in the same tract of land. Such multiple ownership occurs when an individual inherits interests on the same tract of land at different times. For example, an individual may receive an interest in a tract of land when their father passes, and the individual may receive an additional interest in that same tract upon their mother’s passing. This document combines / adds these multiple “segregated” interests and represents them as a single “aggregated” interest. Aggregated interest counts will continue to be used going forward.

Appendix B Field Descriptions – The table below provides definitions for each field within the Appendix B report. “Levels” are used to categorize types of data. Level 1 includes data extracted before the application of policy decisions regarding which tracts and owners may receive offers. The data in Appendix B is at Level 1. Level 2 data is extracted before operating on a reservation and excludes interests that would not receive an offer based on prior policy exclusions. Level 2 data excludes interests held by non-compos mentis; interests held by minors; interests in probate proceedings; interests held by individuals whose whereabouts are unknown; and interests held in joint tenancy. The data in Appendix C is at Level 2.

**Appendix B Field Descriptions**

<b>Column</b>	<b>Definition</b>
Land Area Name	<p>A Federally Recognized Tribe with Jurisdiction. The tribe names in this appendix are from a Federal Register Notice dated May 4, 2016.</p> <p>Each tribe typically has a unique tribal code within TAAMS that corresponds to a single land area code (LAC). Due to state borders and other factors, however, some tribes may have multiple land area codes. Moreover, in a few instances, the report currently lists multiple tribes for one land area code. The report of locations seeks to group related land areas under a single tribe and additional work is necessary to identify lands to a particular recognized tribe.</p>
Land Area Code(s)	<p>LACs with “public domain” or “off reservation” in the land area name are excluded from the report. Locations that are not fractionated are also excluded.</p>
100% Tribally Owned	<p>B Land area code(s) for the tribe.</p> <p>C Number of tracts 100 percent tribally owned.</p> <p>If a tract has a surface interest (S) and separate mineral interest (M), the tract is counted as two separated tracts here.</p>
100% IIM Owned	<p>D Number of tracts 100 percent individually owned (single Individual Indian Money account holder).</p> <p>If a tract has a surface interest (S) and separate mineral interest (M), the tract is counted as two separated tracts here.</p>
Fractionated Tracts	<p>E Number of tracts held in trust or restricted status that has two or more unique owners (one of which may be the tribe). A “fractionated tract” is a tract with two or more fractional interests, each being less than a 100 percent interest (the sum of the fractional interests equals 100 percent).</p> <p>Columns C, D, and E sum to the total number of tracts held in trust or restricted status.</p>

Tract, Interest, and Acre Data

Column	Definition
Level 1 Fractionated Tracts	<p>F A subset of Column E above, this column <u>excludes</u> the following tracts:</p> <ul style="list-style-type: none"> <li>· tracts owned 100 percent by fee interests</li> <li>· tracts with 100 percent joint tenancy</li> <li>· tracts with 100 percent life estates</li> </ul> <p>The term “interest” is an aggregated fractional interest in a fractionated tract that is held in trust or restricted status (i.e., not a fee interest) where a recognized tribal government exercises jurisdiction, excluding interests owned by a tribe or the government. The criteria for this column are based on title records.</p> <p>This column <u>includes</u> the following fractionated tracts with:</p> <ul style="list-style-type: none"> <li>· interests held by non-compos mentis;</li> <li>· interests held by minors;</li> <li>· interests held by individuals in probate proceedings; and/or</li> <li>· interests held by individuals whose whereabouts are unknown.</li> </ul> <p>For example, if a tract is owned by minors (e.g., two individuals, age 16 and 15, each own 50 percent), the tract would be included in this preliminary count even though by policy, the Program will not purchase such interests. However, if the Program is implemented on the reservation in this example in four years, then these minors will have become adults and may receive offers for their interests at that time</p> <p><i>This column is one of the three data points used to calculate purchase estimates.</i></p>
Acres Associated w/ Level 1 Fractionated Tracts	<p>G Associated acres for Column F above.</p> <p>The acreage number is the sum of the acres of surface-only, mineral-only, and combined (both surface and sub-surface estate) acreages. For example, if the surface and mineral estates encompassing the same 80-acre tract of land have been severed or split, the acreage count would include them as 160 total acres.</p> <p>Not all of the acres may be purchasable because a portion may be owned by the tribe or by owners that are not eligible to participate in the Program.</p> <p><i>This column is one of the three data points used to calculate purchase estimates.</i></p>
Level 1 Fractional Interests	<p>H Number of aggregated interests within a tract. Excludes:</p> <ul style="list-style-type: none"> <li>· Interests that are owned by tribe</li> <li>· Interests owned in fee</li> </ul> <p>Includes:</p> <ul style="list-style-type: none"> <li>· Interests in joint tenancy that are less than 100 percent of the tract</li> <li>· Interests in life estates that are less than 100 percent of the tract</li> <li>· Interests held by WAU, minors, and non-compos mentis</li> </ul> <p><i>This column is one of the three data points used to calculate purchase estimates.</i></p>

Column		Definition
Individuals	<5% Level 1 Interests	I Number of interests with less than 5 percent individual ownership. AIPRA creates a "single heir rule" that applies to interests which are less than five percent of the entire undivided ownership of the parcel of land which such interest is a part. See 25 U.S.C. § 2206.
	Equivalent Acres Associated Only with Level 1 Interests	J A subset of Column G. This column includes only the acreage associated with Level 1 fractional interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
	Tracts with < 50 % Tribal Ownership	K Includes the number of Level 1 tracts with less than 50 percent tribal ownership in fractionated tracts.
	> = 50 % and < 100 %	L Includes the number of Level 1 tracts with equal to or more than 50 percent and less than 100 percent tribal ownership in fractionated tracts.
	Unique Individuals owning Level 1 Fractional Interests	M Number of distinct owners that own fractional interests for the LAC. This figure includes all types of owners (WAU, minors, etc.) for any land that is not 100 percent owned within the location. This column includes individual owners that are deceased.  This column cannot be summed across land area codes since many individuals own land on more than one land area code.  For example, a tract is owned by minors (e.g., two individuals, age 16 and 15, each own 50 percent), the tract would be included in this preliminary count even though it is not technically purchasable once the Program develops offers at a particular reservation.
	Whereabouts Unknown	N Number of owners who are whereabouts unknown (WAU).
	WAU Level 1 Fractional Interest Owners	O Number of owners who are WAU (Column N) divided by Unique Individuals owning Fractional Interests (Column M).
% of Landowners that are WAU		
Level 1 Fractional Interest Owners Under Legal Disability	P Number of individuals holding fractional interests under legal disability (e.g., non-compos mentis or minors).	

**Appendix B Data (as of September 30, 2016)**

Row	A Land Area Name	B Land Area Code(s)	C, D, E, F, G, H, I Tract, Interest, and Acre Data										J, K, L, M, N, O, P Individuals			
			C Tracts Held in Trust or Restricted Status			F Level 1 Fractionated Tracts	G Acres Associated w/ Level 1 Fractionated Tracts	H Level 1 Fractional Interests	I <5% Level 1 Interests	J Equivalent Acres Associated Only w/ Level 1 Interests	K, L Tracts with Tribal Ownership		M Unique Individuals owning Level 1 Fractional Interests	N, O WAU		P Level 1 Fractional Interest Owners Under Legal Disability
			100% Tribally Owned	100% IIM Owned	Fractionated Tracts						<50%	>=50%		WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	
<b>Eastern Oklahoma Region</b>																
1	Cherokee Nation (905)	905	205	884	1,544	1,128	37,500	5,591	1,052	23,159	1,118	10	2,432	570	23%	1
2	The Chickasaw Nation (906)	906	197	342	1,995	1,937	113,913	16,234	2,795	57,596	1,937	0	4,058	707	17%	9
3	The Choctaw Nation of Oklahoma (907)	907	58	348	1,188	953	63,293	5,785	1,293	34,812	952	1	2,550	599	23%	5
4	The Muscogee (Creek) Nation (908)	908	104	488	2,124	1,674	89,295	13,124	2,141	55,743	1,674	0	3,461	573	17%	6
5	The Seminole Nation of Oklahoma (909)	909	7	192	1,065	1,026	39,057	10,164	1,576	21,224	1,026	0	2,091	426	20%	4
6	The Quapaw Tribe of Indians (920)	920	11	53	231	223	16,511	3,464	344	9,056	215	8	387	12	3%	2
7	Eastern Shawnee Tribe of Oklahoma (921)	921	15	7	29	28	411	276	134	301	28	0	160	3	2%	0
8	Seneca-Cayuga Nation (923)	923	25	56	86	72	2,808	1,501	646	2,003	70	2	780	91	12%	15
9	The Osage Nation (930)	930	9,467	437	701	653	77,843	3,214	332	67,310	643	10	732	31	4%	26
<b>Great Plains Region</b>																
10	Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (301)	301	4,707	1,508	3,414	3,338	477,638	94,423	4,627	423,942	3,134	204	5,217	262	5%	132
11	Standing Rock Sioux Tribe of North & South Dakota (302)	302	3,071	846	6,240	6,159	748,471	164,991	18,467	245,347	1,889	4,270	19,135	2,215	12%	794
12	Spirit Lake Tribe, North Dakota (303)	303	286	108	991	953	57,079	61,542	5,677	42,034	790	163	5,891	469	8%	129
13	Turtle Mountain Band of Chippewa Indians of North Dakota (304)	304 & 324	268	822	814	785	46,407	36,297	11,909	40,735	777	8	10,475	1,259	12%	115

Row	A Land Area Name	B Land Area Code(s)	C Tracts Held in Trust or Restricted Status								D Tract, Interest, and Acre Data				E Individuals		
			C 100% Tribally Owned	D 100% IIM Owned	E Fractionated Tracts	F Level 1 Fractionated Tracts	G Acres Associated w/ Level 1 Fractionated Tracts	H Level 1 Fractional Interests	I <5% Level 1 Interests	J Equivalent Acres Associated Only w/ Level 1 Interests	K Tracts with Tribal Ownership		L Unique Individuals owning Level 1 Fractional Interests	M WAW		N Level 1 Fractional Interest Owners Under Legal Disability	
											<50%	>=50%		WAW Level 1 Fractional Interest Owners	% of landowners that are WAW		
14	Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota (340)	340 & 360	6,526	1,808	4,101	3,974	717,058	44,096	6,619	410,812	2,304	1,670	7,233	722	10%	180	
15	Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota (342)	342	591	248	943	932	99,899	44,929	8,620	76,540	769	163	8,954	749	8%	169	
16	Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota (343)	343	1,063	67	669	599	76,762	30,547	4,802	38,626	306	293	4,998	534	11%	86	
17	Oglala Sioux Tribe (344)	344	3,886	2,190	6,065	5,925	1,186,452	120,966	16,983	461,340	2,308	3,617	18,451	2,620	14%	483	
18	Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota (345)	345	3,485	368	3,341	3,244	594,202	74,761	12,204	139,245	617	2,627	12,838	1,953	15%	297	
19	Yankton Sioux Tribe of South Dakota (346)	346	184	61	788	779	45,251	39,169	6,565	27,091	544	235	6,746	434	6%	96	
20	Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (347)	347	434	261	1,328	1,316	92,733	49,925	4,712	46,828	725	591	4,941	373	8%	86	
21	Omaha Tribe of Nebraska (380)	380	141	37	425	421	22,040	22,245	2,708	20,096	394	27	2,811	293	10%	47	
22	Santee Sioux Nation, Nebraska (382)	382	59	12	74	68	3,498	3,897	1,780	2,556	56	12	1,850	162	9%	17	
23	Winnebago Tribe of Nebraska (383)	383	73	28	645	641	35,774	74,179	4,234	21,865	477	164	4,323	493	11%	59	
<b>Midwest Region</b>																	
24	Minnesota Chippewa Tribe, Minnesota - Bois Forte Band (404)	404	221	5	203	200	15,505	15,699	1,907	8,383	157	43	1,964	205	10%	23	
25	Minnesota Chippewa Tribe, Minnesota - Fond du Lac Band (405)	405	227	12	341	312	18,962	19,035	4,245	5,260	87	225	4,311	664	15%	48	

Row	A Land Area Name	B Land Area Code(s)	Tract, Interest, and Acre Data										Individuals			
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C 100% Tribally Owned	D 100% IIM Owned	E Fractionated Tracts	<50%	>=50%	O % of landowners that are WAU						WAU Level 1 Fractional Interest Owners					
26	Minnesota Chippewa Tribe, Minnesota - Grand Portage Band (406)	406	361	0	125	116	8,380	5,534	607	4,115	72	44	618	67	11%	5
27	Minnesota Chippewa Tribe, Minnesota - Leech Lake Band (407)	407	326	62	265	257	12,612	20,927	6,678	10,703	240	17	6,875	917	13%	65
28	Minnesota Chippewa Tribe, Minnesota - Mille Lacs Band (410)	410	306	4	31	29	149	811	208	134	28	1	248	22	9%	2
29	Minnesota Chippewa Tribe, Minnesota - White Earth Band (408)	408	707	4	53	41	2,511	4,562	3,338	2,385	41	0	3,430	451	13%	21
30	Upper Sioux Community, Minnesota (401)	401	14	1	2	2	52	44	36	52	2	0	44	6	14%	0
31	Red Lake Band of Chippewa Indians, Minnesota (409)	409	1,655	0	1	1	102	2	1	15	0	1	2	0	0%	0
32	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin (430)	430	482	200	641	625	29,531	21,782	5,105	9,784	250	375	5,241	952	18%	42
33	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin (431)	431	364	114	329	315	20,522	18,523	3,870	4,400	77	238	3,973	917	23%	47
34	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin (432)	432	278	30	203	199	12,364	5,083	1,225	1,600	22	177	1,293	189	15%	17
35	Oneida Nation (433)	433	335	113	41	28	236	375	271	142	26	2	346	55	16%	0
36	Forest County Potawatomi Community, Wisconsin (434)	434	66	0	10	8	400	327	168	321	8	0	187	17	9%	3

Row	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
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			100% Tribally Owned	100% IIM Owned	Fractionated Tracts	Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
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37	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin (435)	435	73	3	38	36	1,804	3,541	1,515	536	11	25	1,528	242	16%	13
38	Stockbridge Munsee Community, Wisconsin (438)	438	145	8	4	3	19	34	18	19	3	0	27	3	11%	0
39	Ho-Chunk Nation of Wisconsin (439)	439	73	45	106	105	3,135	3,274	1,506	2,369	99	6	1,643	209	13%	31
40	Menominee Indian Tribe of Wisconsin (440)	440	1,520	3	12	1	1	2	0	1	1	0	2	2	100%	0
41	Saginaw Chippewa Indian Tribe of Michigan (472)	472	95	7	25	25	723	1,062	717	674	25	0	760	79	10%	4
42	Keweenaw Bay Indian Community, Michigan (475)	475 & 476	119	25	129	119	7,135	5,907	2,474	2,129	50	69	2,449	396	16%	28
<b>Navajo Region</b>																
43	Navajo Nation, Arizona, New Mexico & Utah (780) (excludes LAC 722 statistics)	723, 724 & 790-792	1,113	584	4,278	4,169	660,025	196,267	29,557	507,234	3,611	558	31,025	2,882	9%	309
<b>Northwest Region</b>																
44	Confederated Tribes of the Colville Reservation (101)	101	3,028	959	2,498	2,205	171,458	39,320	5,383	115,555	1,508	697	6,244	624	10%	131
45	Spokane Tribe of the Spokane Reservation (102)	102	651	286	439	393	24,525	9,075	1,966	21,648	376	17	2,234	196	9%	48
46	Kalispel Indian Community of the Kalispel Reservation (103)	103	54	39	76	76	2,400	1,031	213	2,042	55	21	247	19	8%	3
47	Confederated Tribes of the Chehalis Reservation (105)	105	31	42	65	65	1,395	2,196	754	1,240	62	3	820	47	6%	10

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48	Lummi Tribe of the Lummi Reservation (107)	107	71	717	375	355	5,482	6,380	1,719	3,675	329	26	2,007	151	8%	37
49	Makah Indian Tribe of the Makah Indian Reservation (108)	108	352	94	267	258	1,968	4,785	1,028	1,320	195	63	1,207	107	9%	9
50	Muckleshoot Indian Tribe (109)	109	72	200	82	81	1,428	2,057	723	1,186	72	9	875	80	9%	14
51	Nisqually Indian Tribe (110)	110	45	5	19	17	899	1,087	677	763	15	2	710	34	5%	9
52	Nooksack Indian Tribe (111)	111	14	82	59	52	2,220	1,222	557	2,062	52	0	616	45	7%	1
53	Suquamish Indian Tribe of the Port Madison Reservation (114)	114	62	97	80	75	2,395	1,817	1,051	1,970	71	4	1,172	125	11%	28
54	Puyallup Tribe of the Puyallup Reservation (115)	115	66	80	18	16	19	94	28	17	15	1	73	5	7%	2
55	Quileute Tribe of the Quileute Reservation (116)	116	28	9	30	30	5	596	240	4	30	0	317	6	2%	5
56	Quinalt Indian Nation (117)	117	332	306	1,448	1,400	101,425	33,337	3,966	80,602	1,228	172	4,553	313	7%	55
57	Sauk-Suiattle Indian Tribe (119)	119	7	22	37	32	1,162	1,638	484	943	29	3	524	44	8%	5
58	Skokomish Indian Tribe (120)	120	37	18	84	83	2,542	3,525	1,025	2,287	81	2	1,075	69	6%	4
59	Squaxin Island Tribe of the Squaxin Island Reservation (121)	121	26	1	21	20	1,014	988	544	410	11	9	558	39	7%	5
60	Swinomish Indian Tribal Community (122)	122	38	45	84	80	3,825	3,020	1,093	3,267	76	4	1,149	62	5%	17
61	Tulalip Tribes of Washington (123)	123	122	348	178	150	3,329	1,982	740	2,835	147	3	1,009	100	10%	22
62	Confederated Tribes and Bands of the Yakama Nation (124)	124	3,160	920	2,438	2,322	182,804	61,716	4,637	141,850	1,932	390	5,111	239	5%	72
63	Confederated Tribes of the Siletz Indians of Oregon (142)	142	54	6	3	1	47	3	0	47	1	0	3	0	0%	0

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64	Confederated Tribes of the Umatilla Indian Reservation (143)	143	244	301	1,022	988	64,864	14,582	2,257	46,003	828	160	2,679	110	4%	48	
65	Burns Paiute Tribe (144)	144	4	6	76	75	11,938	1,794	210	10,200	75	0	238	12	5%	6	
66	Confederated Tribes of the Warm Springs Reservation of Oregon (145)	145	1,793	94	423	388	43,394	3,939	849	12,256	128	260	996	70	7%	28	
67	Shoshone-Bannock Tribes of the Fort Hall Reservation (180)	180	1,477	1,197	2,700	2,627	268,646	51,595	2,885	215,878	2,056	571	3,285	131	4%	109	
68	Coeur D'Alene Tribe (181)	181	803	66	311	297	38,033	2,870	840	26,110	224	73	1,024	72	7%	13	
69	Nez Perce Tribe (182)	182	197	142	654	629	44,885	12,645	1,898	31,443	499	130	2,148	92	4%	24	
70	Kootenai Tribe of Idaho (183)	183	12	0	24	23	1,821	203	59	609	20	3	60	5	8%	5	
71	Confederated Salish & Kootenai Tribes of the Flathead Reservation (203)	203	2,169	867	881	697	38,565	7,656	2,076	20,413	462	235	2,664	256	10%	48	
<b>Pacific Region</b>																	
72	Big Sandy Rancheria of Western Mono Indians of California (506)	506	4	4	4	3	31	14	8	15	3	0	14	6	43%	0	
73	Big Valley Band of Pomo Indians of the Big Valley Rancheria, California (507)	507	5	8	14	13	7	61	6	7	13	0	53	19	36%	0	
74	Cloverdale Rancheria of Pomo Indians of California (510)	510	0	0	2	2	13	8	0	13	2	0	4	4	100%	0	
75	Robinson Rancheria (516)	516	3	7	6	4	53	20	5	23	4	0	10	4	40%	0	
76	Guidville Rancheria of California (505)	520	1	0	1	1	2	3	0	2	1	0	3	2	67%	0	
77	Hopland Band of Pomo Indians, California (521)	521	7	5	13	11	44	114	54	32	11	0	84	18	21%	0	

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78	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California (525)	525	4	14	30	28	88	262	74	78	28	0	108	45	42%	1
79	Northfork Rancheria of Mono Indians of California (532)	532	2	0	1	1	80	7	0	80	1	0	7	3	43%	0
80	Picayune Rancheria of Chukchansi Indians of California (534)	534	5	0	3	1	26	6	0	17	1	0	6	1	17%	0
81	Pinoleville Pomo Nation, California (535)	535	1	4	6	4	22	12	0	22	4	0	12	2	17%	0
82	Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California (539)	539	2	2	2	2	5	38	19	3	2	0	19	2	11%	2
83	Round Valley Indian Tribes, Round Valley Reservation, California (540)	540	114	49	180	167	4,716	5,446	1,540	4,041	153	14	1,683	314	19%	14
84	Greenville Rancheria (545)	545	0	1	1	1	1	8	7	0	1	0	8	0	0%	0
85	Table Mountain Rancheria of California (551)	551	10	0	6	1	6	4	0	6	1	0	4	0	0%	0
86	Karuk Tribe (555)	555	26	0	5	1	14	7	0	14	1	0	7	1	14%	0
87	Blue Lake Rancheria, California (558)	558	12	2	7	4	7	10	0	4	4	0	10	4	40%	0
88	Elk Valley Rancheria, California (559)	559	8	4	2	2	10	7	0	10	2	0	7	2	29%	0
89	Hoopa Valley Tribe, California (561)	561	188	144	115	108	698	1,331	342	629	107	1	524	86	16%	7
90	Yurok Tribe of the Yurok Reservation, California (562)	562	37	18	169	167	4,192	5,044	1,313	3,710	167	0	1,454	428	29%	12

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91	Quartz Valley Indian Community of the Quartz Valley Reservation of California (563)	563	3	0	3	2	23	5	0	23	2	0	5	2	40%	0	
92	Tolowa Dee-ni' Nation (564)	564	16	15	16	10	27	29	0	25	10	0	29	5	17%	0	
93	Augustine Band of Cahuilla Indians, California (567)	567	3	0	3	2	80	17	4	53	1	1	17	0	0%	0	
94	Cabazon Band of Mission Indians, California (568)	568	3	10	9	9	211	134	53	182	8	1	67	3	4%	4	
95	La Jolla Band of Luiseno Mission Indians, California (576)	576	10	24	46	43	423	594	257	371	43	0	313	13	4%	1	
96	Morongo Band of Mission Indians, California (582)	582	55	468	224	199	714	3,106	806	636	198	1	1,044	65	6%	31	
97	Pala Band of Mission Indians (583)	583	47	175	259	236	866	5,885	842	811	236	0	960	61	6%	14	
98	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California (584)	584	82	214	192	188	8,370	1,333	166	8,255	188	0	270	6	2%	22	
99	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California (586)	586	15	37	111	107	1,367	3,876	828	1,065	105	2	944	78	8%	12	
100	Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California (587)	587	9	47	54	44	179	555	195	160	44	0	247	10	4%	2	
101	Sycuan Band of the Kumeyaay Nation (594)	594	11	0	20	19	321	565	158	194	14	5	175	9	5%	0	
102	Torres Martinez Desert Cahuilla Indians, California (595)	595	19	86	127	122	3,871	2,252	457	3,634	122	0	545	42	8%	14	

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103	California Valley Miwok Tribe, California (628)	628	0	0	1	1	1	2	0	1	1	0	2	0	0%	0
104	Habematolel Pomo of Upper Lake, California (636)	636	1	3	6	5	11	18	0	11	5	0	16	5	31%	0
<b>Rocky Mountain Region</b>																
105	Blackfoot Tribe of the Blackfoot Indian Reservation of Montana (201)	201	5,364	1,345	6,753	6,498	905,440	271,697	7,612	811,954	6,303	195	8,215	600	7%	136
106	Crow Tribe of Montana (202)	202 & 208	3,842	1,808	4,916	4,821	899,549	110,775	4,685	604,153	3,611	1,210	4,812	276	6%	161
107	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (204)	204	936	1,396	3,056	2,949	551,436	34,852	2,989	315,226	1,756	1,193	3,644	270	7%	98
108	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (206)	206	1,652	1,246	4,609	4,467	702,332	75,865	9,303	425,984	3,175	1,292	10,218	857	8%	278
109	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana (207)	207	1,079	511	887	873	100,860	10,549	2,397	49,098	451	422	2,819	328	12%	109
110	Arapahoe Tribe of the Wind River Reservation, Wyoming (281) & Eastern Shoshone Tribe of the Wind River Reservation, Wyoming (282)	280	1,772	882	2,695	2,592	176,349	139,712	7,108	143,180	2,321	271	7,507	538	7%	255
<b>Southern Plains Region</b>																
111	Cheyenne and Arapaho Tribes, Oklahoma	801	14	174	1,147	1,139	97,477	40,506	6,221	84,558	1,137	2	6,617	461	7%	170

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112	Kiowa Indian Tribe of Oklahoma (802), Comanche Nation, Oklahoma (808) & Apache Tribe of Oklahoma (809)	802	90	1,409	3,072	3,041	253,680	57,441	8,120	223,329	3,023	18	9,726	728	7%	193
113	Fort Sill Apache Tribe of Oklahoma (803)	803	5	22	50	49	3,017	639	219	2,426	49	0	275	11	4%	5
114	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (804), Caddo Nation of Oklahoma (806) & Delaware Nation, Oklahoma (807)	804	17	225	862	854	74,491	16,899	2,370	64,252	853	1	2,843	164	6%	50
115	Otoe-Missouria Tribe of Indians, Oklahoma(811)	811	21	83	363	363	26,128	12,669	1,901	21,835	361	2	2,089	182	9%	42
116	Pawnee Nation of Oklahoma (812)	812	2	84	370	366	26,670	10,131	1,859	22,916	365	1	2,039	163	8%	29
117	Ponca Tribe of Indians of Oklahoma (813)	813	13	80	409	405	20,888	24,154	2,716	16,929	400	5	2,837	250	9%	65
118	Tonkawa Tribe of Indians of Oklahoma (814)	814	4	0	8	7	321	277	106	251	7	0	119	12	10%	3
119	Absentee-Shawnee Tribe of Indians of Oklahoma (820)	820	20	160	270	266	15,809	8,760	2,123	14,380	266	0	2,261	192	8%	23
120	Citizen Potawatomi Nation, Oklahoma (821)	821	55	9	65	64	5,139	2,363	1,352	3,176	62	2	1,453	170	12%	4
121	Iowa Tribe of Oklahoma (822)	822	7	8	50	50	2,077	2,624	804	1,775	47	3	852	76	9%	17
122	Kickapoo Tribe of Oklahoma (823)	823	12	71	136	134	5,886	3,465	955	5,398	133	1	1,131	161	14%	21
123	Sac & Fox Nation, Oklahoma (824)	824	14	127	253	253	18,205	5,722	1,334	16,446	253	0	1,544	161	10%	18
124	Iowa Tribe of Kansas and Nebraska (860)	860	39	11	5	5	180	121	86	44	4	1	91	9	10%	0

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125	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas (861)	861	50	70	81	80	2,849	1,517	525	2,517	74	6	630	53	8%	12
126	Prairie Band Potawatomi Nation (862)	862	151	129	327	325	17,946	7,483	1,686	11,739	259	66	1,919	165	9%	32
127	Sac & Fox Nation of Missouri in Kansas and Nebraska (863)	863	8	0	2	2	62	112	106	41	2	0	112	9	8%	1
<b>Southwest Region</b>																
128	Pueblo of Acoma, New Mexico (703)	703	41	0	3	1	320	3	0	320	1	0	3	0	0%	0
129	Pueblo of Laguna, New Mexico (707)	707	36	3	30	29	3,384	734	377	3,223	28	1	443	47	11%	4
130	Pueblo of San Felipe, New Mexico (712)	712	34	0	2	1	71	48	41	71	1	0	48	2	4%	0
131	Zuni Tribe of the Zuni Reservation, New Mexico (721)	721	28	3	13	12	1,861	625	479	1,791	12	0	519	45	9%	7
132	Navajo Nation, Arizona, New Mexico & Utah (780) (only includes LAC 722 statistics)	722	34	162	234	231	32,171	3,432	775	22,116	184	47	See row 43	See row 43	See row 43	See row 43
133	Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado (750)	750	477	91	119	108	9,504	2,179	781	6,642	92	16	876	28	3%	26
134	Ute Mountain Ute Tribe (751)	754	33	8	63	58	7,818	1,035	327	7,066	54	4	369	34	9%	13
<b>Western Region</b>																
135	Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California (603)	603	212	138	546	532	5,232	8,678	1,279	4,099	445	87	1,557	134	9%	24

Row	A Land Area Name	B Land Area Code(s)	Tract, Interest, and Acre Data										Individuals			
			Tracts Held in Trust or Restricted Status			Tracts with Tribal Ownership							WAU			
			C 100% Tribally Owned	D 100% IIM Owned	E Fractionated Tracts	F Level 1 Fractionated Tracts	G Acres Associated w/ Level 1 Fractionated Tracts	H Level 1 Fractional Interests	I <5% Level 1 Interests	J Equivalent Acres Associated Only w/ Level 1 Interests	K <50%	L >=50%	M Unique Individuals owning Level 1 Fractional Interests	N WAU Level 1 Fractional Interest Owners	O % of landowners that are WAU	P Level 1 Fractional Interest Owners Under Legal Disability
136	Fort Mojave Indian Tribe of Arizona, California & Nevada (604)	604	22	0	6	2	160	18	5	145	2	0	9	0	0%	0
137	Hopi Tribe of Arizona (608)	608	15	0	11	11	220	963	505	215	11	0	527	66	13%	6
138	Tohono O'odham Nation of Arizona (610)	611	14	15	283	281	39,122	13,859	1,693	35,690	281	0	1,765	97	5%	47
139	Gila River Indian Community of the Gila River Indian Reservation, Arizona (614)	614	144	716	4,812	4,755	84,403	175,318	10,069	78,164	4,665	90	10,754	851	8%	213
140	Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona (615)	615	68	368	1,438	1,436	21,838	48,932	5,319	20,956	1,420	16	5,818	409	7%	100
141	Ely Shoshone Tribe of Nevada (644)	644	2	0	2	1	160	24	13	160	1	0	24	3	13%	0
142	Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon (646)	646	12	0	4	4	145	582	480	142	4	0	488	55	11%	4
143	Walker River Paiute Tribe of the Walker River Reservation, Nevada (656)	656	18	134	353	347	6,633	6,622	1,211	6,260	341	6	1,440	165	11%	10
144	Yomba Shoshone Tribe of the Yomba Reservation, Nevada (661)	661	4	0	5	5	352	115	96	320	5	0	109	14	13%	2
145	Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodsford Community, Stewart Community, & Washoe Ranches) (672)	672	9	69	411	409	59,310	14,140	1,208	53,904	397	12	1,282	139	11%	6

Row	A Land Area Name	B Land Area Code(s)	Tract, Interest, and Acre Data										Individuals			
			Tracts Held in Trust or Restricted Status			F Level 1 Fractionated Tracts	G Acres Associated w/ Level 1 Fractionated Tracts	H Level 1 Fractional Interests	I <5% Level 1 Interests	J Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		M Unique Individuals owning Level 1 Fractional Interests	WAU		P Level 1 Fractional Interest Owners Under Legal Disability
C 100% Tribally Owned	D 100% IIM Owned	E Fractionated Tracts	K <50%	L >=50%	N WAU Level 1 Fractional Interest Owners						O % of landowners that are WAU					
146	Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (687)	687	1,006	46	1,098	1,064	77,134	43,793	2,273	60,611	922	142	2,344	109	5%	84
147	Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona (696)	696	39	146	723	718	6,939	13,295	1,378	6,653	704	14	1,670	78	5%	38
	<b>Total</b>		<b>76,410</b>	<b>32,430</b>	<b>102,210</b>	<b>97,970</b>	<b>10,750,593</b>	<b>2,718,765</b>	<b>323,588</b>	<b>6,749,437</b>	<b>74,105</b>	<b>23,865</b>				

**APPENDIX C. RESOURCE CODE STATISTICS**

Appendix C Field Descriptions – The table below provides definitions for each field within Appendix C. “Levels” are used to categorize types of data. Level 1 includes data extracted before the application of policy exclusions (e.g., minors) regarding which tracts and owners may receive offers. The data in Appendix B is at Level 1. Level 2 data is extracted before operating on a reservation and excludes interests that would not receive an offer based on such policy exclusions. Level 2 data excludes interests held by non-compos mentis; interests held by minors; interests in probate proceedings; interests held by individuals whose whereabouts are unknown; and interests held in joint tenancy. Appendix C data is at Level 2.

*Appendix C Field Descriptions*

	<b>Column</b>	<b>Definition</b>
	Land Area Name	<p>Q Federally Recognized Tribe with Jurisdiction. The tribe names in this appendix are from a Federal Register Notice dated May 4, 2016.</p> <p>Each tribe typically has a unique tribal code within TAAMS that corresponds to a single LAC. Due to state borders and other factors, however, some tribes may have jurisdiction over multiple land area codes. Moreover, in a few instances, the report currently lists multiple tribes for one land area code. The report of locations seeks to group related land areas under a single tribe and additional work is necessary to identify lands to a particular recognized tribe.</p> <p>LACs with “public domain” or “off reservation” in the land area name are excluded from the report. Locations that are not fractionated are also excluded.</p>
Tract Resource	Land Area Code(s)	R Land area code(s) for the tribe.
	Level 2 Tracts – Surface (S)	S Number of surface (S) only resource code tracts. This is a subset of Column F in Appendix B.
	Level 2 Equivalent Acres – Surface (S)	T Number of equivalent acres associated with Level 2 interests in the tracts in Column S. This is a subset of Column G in Appendix B. Column T includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
	Level 2 Tracts – Minerals (M)	U Number of mineral (M) only resource code tracts. This is a subset of Column F in Appendix B.
	Level 2 Equivalent Acres – Minerals (M)	V Number of equivalent acres associated with Level 2 interests in the tracts in Column U. This is a subset of Column G in Appendix B. Column V includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
	Level 2 Tracts – Both	W Number of Both (S & M) resource code tracts. This is a subset of Column F in Appendix B.

<b>Column</b>		<b>Definition</b>
Level 2 Equivalent Acres – Both	X	Number of equivalent acres associated with Level 2 interests in the tracts in Column W. This is a subset of Column G in Appendix B. Column X includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
Level 2 Tracts – Other	Y	Number of Other resource code tracts. This is a subset of Column F in Appendix B.
Level 2 Equivalent Acres – Other	Z	Number of equivalent acres associated with Level 2 interests in the tracts in Column Y. This is a subset of Column G in Appendix B. Column Z includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
Level 2 Tracts – Total	AA	The sum of Columns S, U, W, and Y.
Level 2 Equivalent Acres - Total	AB	The sum of Columns T, V, X, and Z.

Appendix C Data (as of September 30, 2016)

Row	Land Area Name	Q Land Area Code(s)	Tract Resource – Level 2									
			R Surface (S)		T Minerals (M)		W Both (S & M)		Y Other Resources		AA Total	
			S Tracts	T Equivalent Acres	U Tracts	V Equivalent Acres	X Tracts	Y Equivalent Acres	Z Tracts	AA Equivalent Acres	AB Tracts	AC Equivalent Acres
<b>Eastern Oklahoma Region</b>												
1	Cherokee Nation (905)	905	25	559	150	1,296	233	2,333	1	4	409	4,191
2	The Chickasaw Nation (906)	906	161	3,250	1,051	16,902	253	9,894	1	0	1,466	30,046
3	The Choctaw Nation of Oklahoma (907)	907	66	1,646	351	8,246	162	3,733	0	0	579	13,624
4	The Muscogee (Creek) Nation (908)	908	259	5,654	823	17,546	249	7,680	1	30	1,332	30,910
5	The Seminole Nation of Oklahoma (909)	909	218	3,002	510	5,628	91	1,926	0	0	819	10,555
6	The Quapaw Tribe of Indians (920)	920	57	1,851	109	3,449	56	3,472	1	17	223	8,789
7	Eastern Shawnee Tribe of Oklahoma (921)	921	6	24	12	145	7	83	0	0	25	253
8	Seneca-Cayuga Nation (923)	923	6	14	12	171	53	1,447	0	0	71	1,633
9	The Osage Nation (930)	930	639	61,960	0	0	1	0	0	0	640	61,960
<b>Great Plains Region</b>												
10	Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (301)	301	1,113	113,130	1,139	133,048	246	25,393	833	121,193	3,331	392,763
11	Standing Rock Sioux Tribe of North & South Dakota (302)	302	932	41,282	3,340	94,376	1,715	69,769	1	40	5,988	205,467
12	Spirit Lake Tribe, North Dakota (303)	303	223	7,523	344	14,384	381	14,626	0	0	948	36,533
13	Turtle Mountain Band of Chippewa Indians of North Dakota (304)	304 & 324	255	12,297	341	15,968	186	7,486	0	0	782	35,751
14	Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota (340)	340 & 360	933	89,490	2,634	220,540	307	30,295	0	0	3,874	340,324
15	Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota (342)	342	103	6,770	531	42,441	287	16,978	0	0	921	66,189
16	Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota (343)	343	100	4,439	441	25,609	38	2,691	12	320	591	33,059
17	Oglala Sioux Tribe (344)	344	1,079	80,791	1,982	136,295	2,724	161,582	0	0	5,785	378,667
18	Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota (345)	345	692	17,340	1,452	54,611	994	34,843	0	0	3,138	106,794
19	Yankton Sioux Tribe of South Dakota (346)	346	253	4,007	385	15,860	138	3,769	0	0	776	23,636

Row	Land Area Name	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
		Land Area Code(s)	Tract Resource - Level 2										
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total		
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	
20	Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (347)	347	136	4,406	185	6,743	989	31,318	0	0	1,310	42,468	
21	Omaha Tribe of Nebraska (380)	380	44	1,150	98	3,916	277	12,462	0	0	419	17,528	
22	Santee Sioux Nation, Nebraska (382)	382	14	322	22	813	32	922	0	0	68	2,058	
23	Winnebago Tribe of Nebraska (383)	383	172	4,863	204	6,698	260	7,270	1	24	637	18,855	
<b>Midwest Region</b>													
24	Minnesota Chippewa Tribe, Minnesota - Bois Forte Band (404)	404	41	985	50	1,219	107	3,345	0	0	198	5,549	
25	Minnesota Chippewa Tribe, Minnesota - Fond du Lac Band (405)	405	90	819	92	1,020	122	869	0	0	304	2,708	
26	Minnesota Chippewa Tribe, Minnesota - Grand Portage Band (406)	406	26	728	34	1,352	55	1,427	0	0	115	3,507	
27	Minnesota Chippewa Tribe, Minnesota - Leech Lake Band (407)	407	16	415	24	977	208	5,476	0	0	248	6,867	
28	Minnesota Chippewa Tribe, Minnesota - Mille Lacs Band (410)	410	6	19	6	19	17	60	0	0	29	99	
29	Minnesota Chippewa Tribe, Minnesota - White Earth Band (408)	408	0	0	0	0	40	1,278	0	0	40	1,278	
30	Upper Sioux Community, Minnesota (401)	401	0	0	0	0	2	50	0	0	2	50	
31	Red Lake Band of Chippewa Indians, Minnesota (409)	409	0	0	0	0	1	15	0	0	1	15	
32	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin (430)	430	11	88	23	188	559	6,084	0	0	593	6,361	
33	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin (431)	431	4	49	5	120	296	3,073	0	0	305	3,241	
34	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin (432)	432	0	0	8	92	178	1,218	0	0	186	1,310	
35	Oneida Nation (433)	433	1	4	1	4	26	109	0	0	28	117	

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
			Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
Row	Land Area Name	Land Area Code(s)	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
36	Forest County Potawatomi Community, Wisconsin (434)	434	0	0	0	0	8	257	0	0	8	257
37	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin (435)	435	0	0	0	0	36	391	0	0	36	391
38	Stockbridge Munsee Community, Wisconsin (438)	438	0	0	0	0	3	8	0	0	3	8
39	Ho-Chunk Nation of Wisconsin (439)	439	2	45	7	108	93	1,783	0	0	102	1,936
40	Menominee Indian Tribe of Wisconsin (440)	440	0	0	0	0	0	0	0	0	0	0
41	Saginaw Chippewa Indian Tribe of Michigan (472)	472	0	0	1	8	24	534	0	0	25	541
42	Keweenaw Bay Indian Community, Michigan (475)	475 & 476	0	0	5	54	110	1,452	0	0	115	1,506
<b>Navajo Region</b>												
43	Navajo Nation, Arizona, New Mexico & Utah (780) (excludes LAC 722 statistics)	723, 724 & 790-792	198	15,012	279	22,341	3,595	295,825	1	8	4,073	333,187
<b>Northwest Region</b>												
44	Confederated Tribes of the Colville Reservation (101)	101	369	13,022	1,330	59,178	440	23,484	0	0	2,139	95,683
45	Spokane Tribe of the Spokane Reservation (102)	102	24	1,041	90	3,655	272	13,553	0	0	386	18,248
46	Kalispel Indian Community of the Kalispel Reservation (103)	103	0	0	0	0	76	1,851	0	0	76	1,851
47	Confederated Tribes of the Chehalis Reservation (105)	105	1	10	7	128	56	933	0	0	64	1,072
48	Lummi Tribe of the Lummi Reservation (107)	107	1	6	19	479	330	2,720	0	0	350	3,205
49	Makah Indian Tribe of the Makah Indian Reservation (108)	108	0	0	3	7	245	1,139	0	0	248	1,146
50	Muckleshoot Indian Tribe (109)	109	0	0	16	356	63	638	0	0	79	994
51	Nisqually Indian Tribe (110)	110	0	0	6	141	11	553	0	0	17	694
52	Nooksack Indian Tribe (111)	111	0	0	4	90	48	1,687	0	0	52	1,777

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
			Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
Row	Land Area Name	Land Area Code(s)	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
53	Suquamish Indian Tribe of the Port Madison Reservation (114)	114	0	0	1	121	73	1,463	0	0	74	1,584
54	Puyallup Tribe of the Puyallup Reservation (115)	115	0	0	0	0	16	15	0	0	16	15
55	Quileute Tribe of the Quileute Reservation (116)	116	0	0	0	0	30	4	0	0	30	4
56	Quinalt Indian Nation (117)	117	10	336	164	8,355	1,190	60,503	0	0	1,364	69,194
57	Sauk-Suiattle Indian Tribe (119)	119	0	0	5	53	27	719	0	0	32	773
58	Skokomish Indian Tribe (120)	120	0	0	2	16	80	1,956	0	0	82	1,972
59	Squaxin Island Tribe of the Squaxin Island Reservation (121)	121	0	0	3	43	17	287	0	0	20	330
60	Swinomish Indian Tribal Community (122)	122	1	9	17	932	62	1,868	0	0	80	2,809
61	Tulalip Tribes of Washington (123)	123	3	3	39	1,239	102	595	0	0	144	1,837
62	Confederated Tribes and Bands of the Yakama Nation (124)	124	139	5,948	323	9,613	1,810	89,654	0	0	2,272	105,215
63	Confederated Tribes of the Siletz Indians of Oregon (142)	142	0	0	0	0	1	47	0	0	1	47
64	Confederated Tribes of the Umatilla Indian Reservation (143)	143	59	2,089	202	4,227	698	30,638	0	0	959	36,954
65	Burns Paiute Tribe (144)	144	0	0	11	913	64	8,366	0	0	75	9,279
66	Confederated Tribes of the Warm Springs Reservation of Oregon (145)	145	0	0	1	38	370	9,432	0	0	371	9,470
67	Shoshone-Bannock Tribes of the Fort Hall Reservation (180)	180	311	15,120	783	37,791	1,499	140,599	0	0	2,593	193,510
68	Coeur D'Alene Tribe (181)	181	2	114	0	0	88	6,858	205	15,100	295	22,072
69	Nez Perce Tribe (182)	182	18	618	54	2,002	544	24,232	0	0	616	26,852
70	Kootenai Tribe of Idaho (183)	183	0	0	0	0	23	472	0	0	23	472
71	Confederated Salish & Kootenai Tribes of the Flathead Reservation (203)	203	69	977	374	9,637	227	5,044	0	0	670	15,659

Row	Land Area Name	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
		Tract Resource – Level 2											
		Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total			
		Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres		
<b>Pacific Region</b>													
72	Big Sandy Rancheria of Western Mono Indians of California (506)	506	0	0	0	0	0	2	4	0	0	2	4
73	Big Valley Band of Pomo Indians of the Big Valley Rancheria, California (507)	507	0	0	0	0	0	13	6	0	0	13	6
74	Cloverdale Rancheria of Pomo Indians of California (510)	510	0	0	0	0	0	0	0	0	0	0	0
75	Robinson Rancheria (516)	516	0	0	0	0	0	4	10	0	0	4	10
76	Guidiville Rancheria of California (505)	520	0	0	0	0	0	0	0	0	0	0	0
77	Hopland Band of Pomo Indians, California (521)	521	0	0	0	0	0	10	22	0	0	10	22
78	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California (525)	525	0	0	0	0	0	26	31	0	0	26	31
79	Northfork Rancheria of Mono Indians of California (532)	532	0	0	0	0	0	1	55	0	0	1	55
80	Picayune Rancheria of Chukchansi Indians of California (534)	534	0	0	0	0	0	1	15	0	0	1	15
81	Pinoleville Pomo Nation, California (535)	535	0	0	0	0	0	4	16	0	0	4	16
82	Redwood Valley or Little River Band of Pomo Indians of the Redwood Valley Rancheria California (539)	539	0	0	0	0	0	2	3	0	0	2	3
83	Round Valley Indian Tribes, Round Valley Reservation, California (540)	540	2	58	14	172	149	2,687	0	0	0	165	2,917
84	Greenville Rancheria (545)	545	0	0	0	0	0	1	0	0	0	1	0
85	Table Mountain Rancheria of California (551)	551	0	0	0	0	0	1	5	0	0	1	5
86	Karuk Tribe (555)	555	0	0	0	0	0	1	12	0	0	1	12
87	Blue Lake Rancheria, California (558)	558	0	0	0	0	0	2	3	0	0	2	3
88	Elk Valley Rancheria, California (559)	559	0	0	0	0	0	1	7	0	0	1	7
89	Hoopa Valley Tribe, California (561)	561	4	3	12	50	89	402	1	0	0	106	456

Row	Land Area Name	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
		Land Area Code(s)	Tract Resource – Level 2										
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total		
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	
90	Yurok Tribe of the Yurok Reservation, California (562)	562	9	75	66	980	82	752	1	19	158	1,826	
91	Quartz Valley Indian Community of the Quartz Valley Reservation of California (563)	563	0	0	0	0	2	21	0	0	2	21	
92	Tolowa Dee-ni' Nation (564)	564	0	0	0	0	10	21	0	0	10	21	
93	Augustine Band of Cahuilla Indians, California (567)	567	0	0	0	0	2	53	0	0	2	53	
94	Cabazon Band of Mission Indians, California (568)	568	0	0	0	0	9	173	0	0	9	173	
95	La Jolla Band of Luiseno Mission Indians, California (576)	576	0	0	0	0	43	325	0	0	43	325	
96	Morongo Band of Mission Indians, California (582)	582	14	29	28	79	153	457	0	0	195	565	
97	Pala Band of Mission Indians (583)	583	18	71	29	96	185	527	1	2	233	697	
98	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California (584)	584	1	1	18	579	168	7,206	1	30	188	7,816	
99	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California (586)	586	29	233	30	243	46	347	1	10	106	833	
100	Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California (587)	587	3	9	3	8	38	112	0	0	44	129	
101	Sycuan Band of the Kumeyaay Nation (594)	594	3	12	3	22	13	112	0	0	19	146	
102	Torres Martinez Desert Cahuilla Indians, California (595)	595	2	34	17	402	102	2,503	0	0	121	2,940	
103	California Valley Miwok Tribe, California (628)	628	0	0	0	0	1	1	0	0	1	1	
104	Habematolel Pomo of Upper Lake, California (636)	636	0	0	0	0	2	8	0	0	2	8	
<b>Rocky Mountain Region</b>													
105	Blackfeet Tribe of the Blackfeet Indian Reservation of Montana (201)	201	4,072	274,765	2,179	231,054	172	17,316	0	0	6,423	523,135	

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
Row	Land Area Name	Land Area Code(s)	Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
106	Crow Tribe of Montana (202)	202 & 208	2,414	392,820	1,699	107,835	671	44,243	0	0	4,784	544,898
107	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (204)	204	864	60,122	1,730	168,043	275	31,680	0	0	2,869	259,845
108	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (206)	206	791	42,067	2,171	171,785	1,362	105,033	15	1,599	4,339	320,485
109	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana (207)	207	843	40,546	0	0	0	0	0	0	843	40,546
110	Arapahoe Tribe of the Wind River Reservation, Wyoming (281) & Eastern Shoshone Tribe of the Wind River Reservation, Wyoming (282)	280	882	33,564	1,363	71,468	336	17,524	0	0	2,581	122,556
<b>Southern Plains Region</b>												
111	Cheyenne and Arapaho Tribes, Oklahoma	801	202	15,469	427	25,078	510	37,119	0	0	1,139	77,666
112	Kiowa Indian Tribe of Oklahoma (802), Comanche Nation, Oklahoma (808) & Apache Tribe of Oklahoma (809)	802	542	36,096	1,090	65,186	1,388	98,762	0	0	3,020	200,045
113	Fort Sill Apache Tribe of Oklahoma (803)	803	7	202	25	984	17	1,121	0	0	49	2,307
114	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (804), Caddo Nation of Oklahoma (806) & Delaware Nation, Oklahoma (807)	804	124	9,262	290	18,022	438	31,780	0	0	852	59,064
115	Otoe-Missouria Tribe of Indians, Oklahoma(811)	811	42	2,569	153	7,126	162	9,828	0	0	357	19,523
116	Pawnee Nation of Oklahoma (812)	812	45	2,475	122	6,130	198	11,706	0	0	365	20,312
117	Ponca Tribe of Indians of Oklahoma (813)	813	67	2,502	152	5,793	185	6,519	0	0	404	14,815
118	Tonkawa Tribe of Indians of Oklahoma (814)	814	0	0	1	36	6	195	0	0	7	230
119	Absentee-Shawnee Tribe of Indians of Oklahoma (820)	820	41	1,736	92	4,839	133	5,789	0	0	266	12,363
120	Citizen Potawatomi Nation, Oklahoma (821)	821	11	443	24	801	28	1,115	0	0	63	2,359
121	Iowa Tribe of Oklahoma (822)	822	10	314	15	506	25	712	0	0	50	1,532
122	Kickapoo Tribe of Oklahoma (823)	823	16	379	32	988	86	3,103	0	0	134	4,470

Row	Land Area Name	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
		Land Area Code(s)	Tract Resource – Level 2										
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total		
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	
123	Sac & Fox Nation, Oklahoma (824)	824	36	1,788	69	3,612	140	7,980	0	0	245	13,380	
124	Iowa Tribe of Kansas and Nebraska (860)	860	0	0	0	0	5	33	0	0	5	33	
125	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas (861)	861	10	384	11	392	59	1,524	0	0	80	2,300	
126	Prairie Band Potawatomi Nation (862)	862	24	715	43	1,165	253	7,999	1	32	321	9,911	
127	Sac & Fox Nation of Missouri in Kansas and Nebraska (863)	863	0	0	2	39	0	0	0	0	2	39	
<b>Southwest Region</b>													
128	Pueblo of Acoma, New Mexico (703)	703	1	320	0	0	0	0	0	0	1	320	
129	Pueblo of Laguna, New Mexico (707)	707	1	412	0	0	28	2,506	0	0	29	2,918	
130	Pueblo of San Felipe, New Mexico (712)	712	0	0	0	0	1	63	0	0	1	63	
131	Zuni Tribe of the Zuni Reservation, New Mexico (721)	721	0	0	1	145	11	1,298	0	0	12	1,443	
132	Navajo Nation, Arizona, New Mexico & Utah (780) (only includes LAC 722 statistics)	722	6	477	3	297	217	16,883	0	0	226	17,657	
133	Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado (750)	750	34	1,146	63	4,358	8	438	0	0	105	5,942	
134	Ute Mountain Ute Tribe (751)	754	3	327	3	329	52	5,427	0	0	58	6,083	
<b>Western Region</b>													
135	Colorado River Indian Tribes of the Colorado River Indian Reservation, Arizona and California (603)	603	4	20	6	21	511	3,266	0	0	521	3,307	
136	Fort Mojave Indian Tribe of Arizona, California & Nevada (604)	604	0	0	1	110	1	1	0	0	2	110	
137	Hopi Tribe of Arizona (608)	608	0	0	0	0	11	152	0	0	11	152	
138	Tohono O'odham Nation of Arizona (610)	611	0	0	0	0	281	30,279	0	0	281	30,279	
139	Gila River Indian Community of the Gila River Indian Reservation, Arizona (614)	614	2	15	1	1	4,736	64,902	0	0	4,739	64,918	
140	Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona (615)	615	0	0	0	0	1,429	17,517	0	0	1,429	17,517	

Row	Land Area Name	Q	R	S	T	U	V	W	X	Y	Z	AA	AB								
														Tract Resource – Level 2							
														Surface (S)		Minerals (M)		Both (S & M)		Other Resources	
Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres												
141	Ely Shoshone Tribe of Nevada (644)	644	0	0	0	0	0	1	135	0	0	1	135								
142	Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon (646)	646	0	0	0	0	0	4	80	0	0	4	80								
143	Walker River Paiute Tribe of the Walker River Reservation, Nevada (656)	656	5	89	9	131	331	4,858	0	0	0	345	5,078								
144	Yomba Shoshone Tribe of the Yomba Reservation, Nevada (661)	661	0	0	1	14	4	149	0	0	0	5	163								
145	Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodsford Community, Stewart Community, & Washoe Ranches) (672)	672	11	710	25	1,297	371	41,980	0	0	0	407	43,987								
146	Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (687)	687	216	4,647	730	46,049	115	4,318	0	0	0	1,061	55,014								
147	Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona (696)	696	21	164	19	143	677	5,707	0	0	0	717	6,014								
<b>TOTAL</b>			<b>20,320</b>	<b>1,450,294</b>	<b>32,877</b>	<b>1,937,609</b>	<b>40,022</b>	<b>1,859,474</b>	<b>1,078</b>	<b>138,429</b>	<b>94,297</b>	<b>5,385,807</b>									