

INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER 76 IAM 10	SUBJECT ILCP Tracts and Timber Sale Revenue	RELEASE NUMBER #08-30
FOR FURTHER INFORMATION Indian Land Consolidation Center, BIA		DATE . MAY 09 2008

EXPLANATION OF MATERIAL TRANSMITTED:

Pursuant to the 130 DM 3.4, the Indian Land Consolidation Center is responsible for establishing land consolidation polices, providing technical advice and assistance to Regions with regard to the implementation of the land acquisition program. The Center is also responsible to provide oversight, direction, monitoring and program evaluation for the Indian Land Consolidation Program.

The purpose of this policy is to establish criteria for the Indian Land Consolidation Program (ILCP) when a timber sale is proposed and during the sale itself, when the ILCP has acquired or will be acquiring fractionated interests in tracts affected by the timber sale.

Please direct any questions to the Indian Land Consolidation Center at (715) 682-0310.



Jerry L. Gidner
Director, Bureau of Indian Affairs

FILING INSTRUCTIONS:

Remove: None

Insert: 76 IAM 10 (New)

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- 1.1 Purpose.** The purpose of this policy is to establish criteria for the Indian Land Consolidation Program (ILCP) when a timber sale is proposed and during the sale itself, when the ILCP has acquired or will be acquiring fractionated interests in tracts affected by the timber sale.
- 1.2 Scope.** This policy applies to the following seven BIA Regional Offices: Navajo, Midwest, Great Plains, Northwest, Western, Eastern Oklahoma, and Rocky Mountain.
- 1.3 Policy.** Effective immediately, if a tract listed on an individual landowner's inventory has been identified for a timber sale, the recording system(s) shall be tagged; updated values requested; Individual Indian Money (IIM) accounts processed and reported; and distribution of the proceeds of the timber sale are to be executed as described herein. When a timber sale is conducted on a tract of land in which the ILCP is purchasing interest(s) or has purchased interest(s), the date a timber sale contract is accepted by the awarding official (Superintendent or Regional Director) is the date that defines the beginning of that contract and therefore determines who (seller, ILCP, tribe) will receive the funds produced by that sale/contract.

When the signed contract is received by the Consolidated Acquisition Center (CAC), the appraised value of each tract affected by the sale contract shall be immediately flagged and a request sent to the Forestry Department and Office of Appraisal Services (OAS) for an updated appraised value. No further sales should be considered for the interest(s) on that tract(s) until a new valuation is received, except as provided below:

- 1) If a seller signs the deed of conveyance prior to the accepted abstract date, the value of the timber has been included in the sale price and all proceeds from the Timber sale will go to the ILCP to repay the purchase lien.
- 2) If the seller signs the conveyance document after the accepted abstract date, the seller will receive any and all payments associated with that contract as the selling price or appraised value of the interest(s) does not contain the value of the timber. (exception: It has been accepted practice by the Consolidated Acquisition Centers (CAC's) to consider purchasing any timbered tract interest(s) that was "flagged" if the purchase of that interest met both of the following criteria: A). the appraised value of the interest, just before the bid was accepted by the Superintendent, was less than \$100, and B). the purchase of that interest would eliminate the trust inventory of the seller. The seller would still receive any payments normally made from that contract).

One of the ILCP's goals is closure of IIM accounts. The ILCP requests the closure of an IIM account, when the acquisition of all of a person's trust inventory has been completed. If the CAC has purchased a timbered interest for the pre-abstract appraised value after the date the abstract is approved, the CAC will not close that

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IIM account until the forestry department has provided the final Journal Voucher (JV) to the CAC, that distributes all remaining proceeds expected and retires that timber sale. Upon receipt of the final JV, the CAC will review the individuals listed on the JV, identify those individuals that no longer have a trust inventory, and provide the identity of those owners to Office of the Special Trustee (OST), by Document Library, for IIM account closure. The number of accounts which are eligible for closure shall be reported by the CAC to the ILCC in their monthly report.

1.4 Authority.

- A. **The American Indian Probate Reform Act** of October 27, 2004, P. L.108-374 (118 Stat. 1773).
- B. **The Indian Land Consolidation Act** of November 7, 2000, amended P.L.106-462 (114 Stat. 1991). See Section 213-216 of the Act.

1.5 Responsibilities.

- A. Director, Bureau of Indian Affairs (BIA) is responsible for the development of National Policy affecting Indian lands.
- B. Director, Indian Land Consolidation Center is responsible for coordinating the Bureau's nationwide program to consolidate fractionated interests in Indian lands pursuant to statutory requirements.
- C. Deputy Bureau Director, Field Operations, BIA is responsible for overseeing the Regional Directors and disseminating policy to them.
- D. Deputy Bureau Director, Trust Services, BIA is responsible for assisting in the dissemination of trust resource policy and information to the Regional Directors.
- E. Regional Directors, BIA are responsible for carrying out policy as directed, and for overseeing the implementation of policy either directly or via Agency Superintendents.