INDIAN AFFAIRS
DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER 76 IAM 4	SUBJECT **Conveyance of Indian Land Consolidation purchased interests to Indian Co-Owner**	RELEASE NUMBER #08-08
FOR FURTHER INFORMATION Indian Land Consolidation Center, BIA		DATE MAR. 13 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.

This chapter establishes policy concerning the land consolidation program, and applies only to land sale transactions involving the Indian Land Consolidation Program pursuant to the 1983 authority of The Indian Land Consolidation Act, as amended in 2000 and 2004. Please assure that the appropriate Agency Superintendent, BIA and contract staff receive a copy of the policy (policies) and implement them immediately.

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 4

1.1 Purpose. This policy establishes procedures for the conveyance of fractionated land interest(s) in trust or restricted land purchased by the Indian Land Consolidation Program (ILCP) to an Indian who owns an interest in such trust or restricted land.

1.2 Scope. This policy applies to all regions where the ILCP is acquiring or has acquired fractional land interests and for all Reservations/LAC (Land Area Code) that have established Acquisition Fund Accounts.

1.3 Policy. Effective immediately, the following policy will be implemented with regard to the conveyance of fractional interests on all ILCP sites.

A. A formal application and written request to purchase fractionated land interests is required from the Indian landowner. The request should include information sufficient for ILCC to identify the tract of land containing the fractionate land interest(s) to be conveyed.

B. The Indian Landowner must include with the application a Tribal Resolution indicating that the tribe is agreeable to the conveyance of the interests to that Indian owner.

C. The Indian Land owner must meet the definition of "*Indian*" as defined under the American Indian Probate Reform Act (AIPRA) and be a current owner of an interest in the tract of land identified in the application.

D. The Indian landowner must purchase ***all*** the interests encumbered by the ILCP with regard to the tract of land listed on the application at the price paid by the program for the interest(s).

E. If more than one landowner shows an interest in purchasing, the landowner owning the larger fractional interest will be given the first opportunity to purchase. If more than one landowner shows an interest in purchasing and their percentage of ownership interests are equal, the first landowner to provide all the information to conduct a sale will be given preference to purchase.

F. The landowner must be aware that the trust status of the interest(s) purchased will not be removed unless that interest is subject to mortgage foreclosure.

G. The ILCC will designate specific Consolidated Acquisition Centers (CACs) as the points of contact for all Individual requests for sale. CAC's are authorized to process land sale applications from within or from outside their geographic locations as directed by the ILCC.

H. The land owner has two options for payment of the purchase price:

1. In full, by certified check, within 10 days of being notified of application acceptance; or

2. Pledging future revenue from sources other than the selected tract; that will equal the purchase price within a one year period. Title remains with the tribe and revenue earned by the interest remains with the program until the purchase price is paid.

I. Deposit of the purchase price is to the acquisition account for that reservation where the trust or restricted purchased land is located.

J. Approval of the request is subject to the Secretary's discretion.

K. Sale of interests is by deed, signed by the Secretary or delegated official.

L. To help facilitate this policy, the Director, ILCC is authorized to act on behalf of the Secretary to approve land sale transactions to transfer title from the United States to an individual land owner regardless of the geographic location of the fractionated land interest. The ILCC Director will notify the appropriate Regional Directors when an individual requests ILCC to sell fractionated land interests in order to allow sufficient time for any comment.

1.4 Authority.

A. The American Indian Probate Reform Act of October 27, 2004, P. L. 108-374 (118 Stat. 1773)

B. P.L. 106-462, **The Indian Land Consolidation Act** of November 7, 2000, as amended (114 Stat. 1991). Section 213 C.1.A - At the request of any Indian who owns an undivided interest in a parcel of trust or restricted land, the Secretary shall convey an interest in such parcel acquired under this section to the Indian landowner.

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. Regional Directors, BIA are responsible for carrying out policy as directed, and for overseeing the implementation of policy either directly or via Agency Superintendents.

D. Indian Land Consolidation Program Coordinators are responsible for carrying out policy as directed, and for overseeing the implementation of policy either directly or via Agency coordinators.