

INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

DOCUMENT IDENTIFICATION NUMBER 76 IAM 11	SUBJECT	RELEASE NUMBER #07-63
FOR FURTHER INFORMATION Indian Land Consolidation Center, BIA	Purchase of Surface and Mineral Interests using Indian Land Consolidation Program Funds	DATE FEB 19 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.

Attached is a policy concerning the land consolidation program that is effective as stated in the memorandum. The attached policy 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 Gidner
Director, Bureau of Indian Affairs

FILING INSTRUCTIONS:

Remove: None

Insert: 76 IAM 11

INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** The purpose of this policy is to establish criteria for the Indian Land Consolidation Program (ILCP) to purchase interests in trust or restricted land where there has been a Title separation of surface and subsurface ownerships on title.

A landowner's inventory will indicate to the owner how title for all Indian trust and restricted land is shown in the official BIA Title Record System. If the information in TAAMS (Trust Asset Accounting Management System) indicates that a surface tract and a subsurface(mineral) tract exists for the same description, that title information will not be combined for the purposes of expedience, nor will the value of each tract be combined. The value paid for each tract, surface or subsurface (mineral) is to remain separate and recorded separately under the lien tracking system in use.

- 1.2 Scope.** This policy applies to all regions where the ILCP is acquiring fractional interests.

- 1.3 Policy.** Mineral acquisition policy for the ILCP policy as to acquisition is as follows:

A. If the tract resources are listed as "Both" for both title to surface and subsurface (mineral) interest, ILCP policy is to NOT split title through acquisition, therefore:

a) ILCP may purchase the tract if OAS (Office of Appraisal Services) has provided a value of the entire tract (where OAS has utilized either a comparable sales or income approach to value, both techniques include an assumption of nominal value for minerals)

b) ILCP may purchase the tract if OAS has utilized a mineral potential assessment or mineral appraisal report to determine mineral value.

B. If the tract's resources are listed as "Minerals" which is subsurface interest only, ILCP will not purchase until the subsurface value is determined either through OME (Office of Minerals Evaluation) or the Bureau of Land Management (BLM).

C. If the tract resources is listed as "Surface" for surface interest only, ILCP may purchase this tract utilizing a value indicated in the OAS market analysis or appraisal. Mineral information or title is not required.

- 1.4 Authority.**

A. Section 213 of P. L. 108-374, the **American Indian Probate Reform Act** of October 27, 2004 (118 Stat. 1773)

B. The Secretary of the Interior has the authority to acquire fractionated ownership interests in trust or restricted lands from individual owners. Acquired interest(s) shall

be subject to liens on any revenues accruing to those interests until the purchase price has been repaid or the Secretary provides for the removal of the liens.

1.5 Responsibilities.

- A. **Director, Bureau of Indian Affairs** 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 fractional interest in Indian lands pursuant to statutory requirements
- C. **Deputy Director, Field Operations** is responsible for overseeing the Regional Directors and disseminating policy to them.
- D. **Deputy Director, Trust Services** is responsible for assisting in the dissemination of trust resource policy and information to the regional Directors.
- E. **Regional Directors** are responsible for carrying out policy as directed and for overseeing the implementation of policy either directly or via Agency Superintendents.