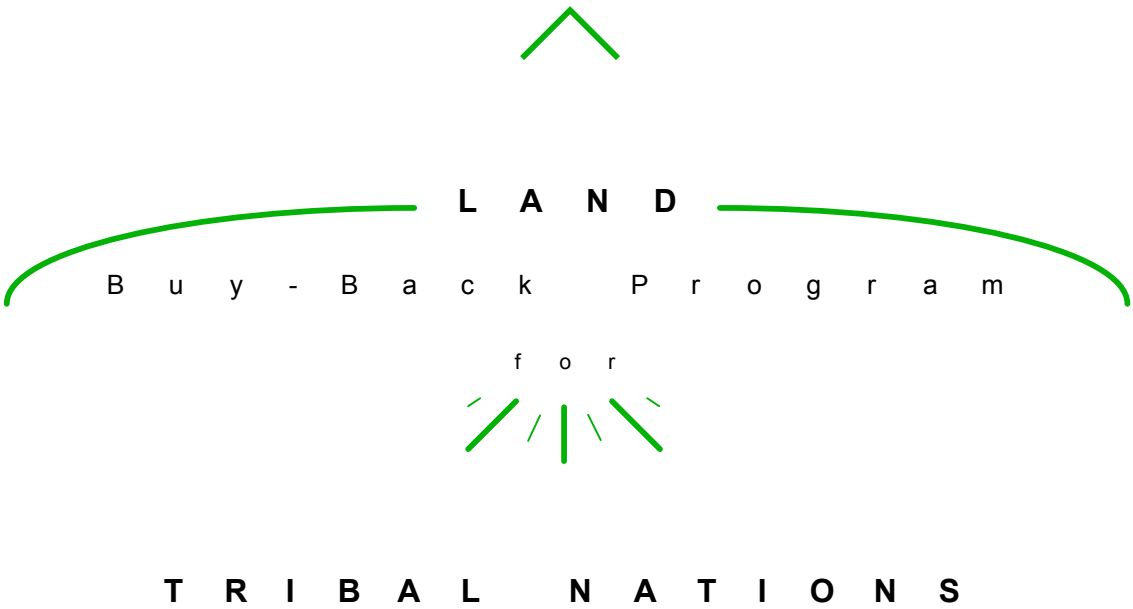
INITIAL IMPLEMENATION PLAN



U.S. DEPARTMENT OF THE INTERIOR

December 18, 2012

LETTER FROM SECRETARY SALAZAR

To unify sovereign lands across Indian Country, we are launching the Buy-Back Program to fairly compensate individuals who willingly transfer fractional land interests to tribal nations. A $1.9 billion Trust Land Consolidation Fund from the *Cobell* Settlement enables these payments.

The Buy-Back Program is designed to help individuals unlock lands from the failures of past policies, to benefit tribal nations and the American Indian populations they serve. By transferring fractional interests, which will be retained in trust or restricted status for tribes, individuals can honor their ancestors and preserve the legacy of traditional land use tenures.

The Settlement also allows for a substantial educational trust fund that will help American Indians and Alaska Natives gain access to higher education for years ahead.

Recognizing the size and importance of the Settlement, I have established an organizational structure in the Department that will provide high-level attention and accountability for the Buy-Back Program, including an oversight board that I chair. We are bringing together a dynamic, dedicated team of experienced staff from across the Department to see this effort through.

This plan is our initial path forward. It incorporates feedback received during consultation in the summer and fall of 2011 and subsequent input on a draft plan published earlier this year. We want to work closely with tribes to go ahead as soon as possible, with the flexibility necessary to adapt to the unique priorities, needs, and circumstances of the various tribal nations having jurisdiction over lands impacted by allotment. The Department will refine the approach in response to the input and direct involvement I hope tribal leaders will provide during the continued tribal consultation efforts we propose in the coming months and throughout the life of the program.

Leadership and support from tribal leaders are instrumental to the success of the program. Thank you for your interest in this effort.

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SUMMARY

The Cobell Settlement, as 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, provides for a $1.9 billion Trust Land Consolidation Fund (Fund). The Settlement charges the U.S. Department of the Interior (Department) with the responsibility to use the Fund within a 10-year period[1] to acquire, at fair market value as define in the Indian Land Consolidation Act (ILCA), fractional interests in trust or restricted land that individuals are willing to sell to the Department. Acquired interests will remain in trust or restricted status through transfer to tribes. As an additional incentive, when individuals sell fractional interests, up to $60 million from the Fund will go to an Indian Education Scholarship Fund for American Indian and Alaska Native students. The Secretary has established the Land Buy-Back Program for Tribal Nations (Buy-Back Program) to implement the land consolidation aspects of the Settlement.

There are approximately 150 reservations with 2.9 million purchasable fractional interests owned by more than 219,000 individuals (the whereabouts of approximately 18% of these individuals are currently unknown). The number of fractional interests grew by about 12.5% from 2007 to 2011. While the American Indian Probate Reform Act of 2004 appears to be slowing the growth of fractionation, the number of fractional interests remains high. The overall goal of the Program is to reduce the number of fractional interests through voluntary land transfers to tribes. Individuals' transfers will reclaim consolidated trust land bases for conservation, stewardship, and beneficial use by sovereign nations.

This Initial Implementation Plan (Plan), which is based on preliminary planning and tribal consultation thus far, has six purposes:

- Address comments received on the Draft Plan dated January 31, 2012, and during the public comment period through March 15, 2012;
- Outline initial goals and priorities;
- Summarize key parameters and operational concepts for the Buy-Back Program;
- Facilitate tribal participation in the Buy-Back Program;
- Describe the primary land consolidation processes – outreach, land research, valuation, and acquisition; and
- Lay out next steps for additional tribal consultation, public comment, and continued program planning and implementation, including pilot efforts that will allow for improvement of the Buy-Back Program.

[1] The 10-year period began on the date of Final Approval of the Settlement, which was November 24, 2012.

To provide context for planning efforts and to respond to tribes' requests for more complete information, this Plan also includes additional data about fractionation.

This Plan is intended to be flexible and will be subject to change based on continuing consultation. As the Buy-Back Program is implemented, the Department expects to update its plans to reflect lessons learned, best practices, and tribal feedback and involvement.

The following sections briefly summarize the Plan.

Tribal Comments. With court approval, the Department held tribal consultations regarding land consolidation in the summer and fall of 2011. That period of consultations led directly to the publication of the Department's Draft Plan in January 2012. The Department received comments on that plan from 38 tribes, various organizations, and individuals, and this Plan incorporates that feedback. For example, it clarifies Buy-Back Program processes and potential allocation of the purchase portion of the Fund among reservations with fractional interests. It reiterates the Department's decision to not place liens on Buy-Back Program purchases.[2] This Plan also responds to tribes' requests for additional information about fractionation; to further respond to this request, the Department is creating mapping data that depicts fractionated tract boundaries and ownership status. The maps, which will be shared with tribes, will accelerate valuation efforts and facilitate tribal consultation and the tribes' identification of acquisition priorities. A summary of the comments received and Departmental responses are provided in Appendix A. The Department will pursue continued consultation on this Plan.

Goals and Priorities. The Secretary has identified primary goals and priorities for the Buy-Back Program. First and foremost, the Buy-Back Program will seek to reduce the number of fractional interests in trust or restricted lands, using reasonable efforts to prioritize the consolidation of the most highly fractioned tracts of land as required by the Settlement. The Buy-Back Program will structure acquisitions to maximize the number of tracts in which the tribe gains a controlling ownership interest in order to unlock the land for beneficial use or conservation by tribal nations. Reducing fractionation will increase the number of acres in tribal land bases, thereby promoting tribal sovereignty and self-determination. In order to best achieve this goal, the Buy-Back Program will target fractionated tracts that are amenable to cost-efficient, mass valuation techniques. The Program also includes the corollary benefit of providing educational scholarship funds to Native American students with each land transaction.

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2. See Applicability of the Indian Land Consolidation Act's Lien Provisions to the Cobell Settlement, M-37026 (August 10, 2012).

The Buy-Back Program must also manage administrative expenses in the most cost-efficient manner possible, in a way that facilitates effective long-term trust management and systems integration. The Buy-Back Program will be structured in a manner that provides the flexibility to allow as much opportunity for tribal participation and assistance as practical at targeted locations. Finally, the Buy-Back Program will seek to maintain and establish clear communications throughout its operation. The Buy-Back Program will actively consult with Indian tribes to identify and accommodate their acquisition priorities to the fullest extent possible. The Buy-Back Program will report progress and communicate with Indian Country throughout the life of the Buy-Back Program. And, the Buy-Back Program will provide clear, concise information and guidance to individual Indian land owners about their fractional land holdings and the opportunity to participate in the Buy-Back Program at their discretion.

Key Parameters and Concepts. The Buy-Back Program described in this Plan is designed to successfully achieve these goals and priorities. Flexible purchase ceilings are proposed to achieve as broad a use of the Fund as possible, and to ensure that the Fund is not expended in a limited number of locations. Such ceilings are established using a formula based on the proportional number of fractionated tracts, interests, and associated acres at each reservation.

A significant portion of the fractionated tracts, interests, and acres are located within the Great Plains and Rocky Mountain Regions. Moreover, approximately 90% of the purchasable fractional interests are located within 40 of the 150 reservations with purchasable fractional interests. The Department intends to focus its initial efforts among these 40 reservations while exploring the purchase of fractional interests at additional locations, especially where specific criteria or conditions are met, such as a critical mass of interested sellers. After the Department obtains additional information and experience, the Department will be expanding its effort to determine whether and how it can cover additional reservations.

Tribal Involvement. The Department is interested in partnering with tribes to gain their direct participation in the Buy-Back Program, as the Buy-Back Program will best succeed with tribal leadership. The Secretary and Deputy Secretary recently assured tribal leaders that the Department is committed to working with tribes to identify tribal acquisition priorities and involve them in outreach efforts. This Plan provides additional information about how tribes can become involved. In particular, the Department requests information about individual tribal acquisition priorities and it will work with tribes to ensure that tribal acquisition priorities are targeted for priority attention. In addition, tribes may wish to participate actively in certain aspects of the Buy-Back Program. The Department hopes to enter into cooperative agreements with many tribes and take advantage of tribes' ability to minimize administrative costs and improve overall effectiveness and efficiency of the Buy-Back Program.

Processes and Organization. There are four basic phases involved in land consolidation: outreach, land research, valuation, and acquisition. The size of the Fund will allow the Buy-Back Program to utilize economies of scale to gain efficiencies while minimizing administrative costs. High-level involvement within the Department will improve coordination between various Departmental offices and bureaus involved in the land consolidation processes. The Buy-Back Program is building on the best practices of past land consolidation efforts and, where possible, streamlining the land consolidation process to purchase fractional interests effectively and efficiently at the scale provided for by the Settlement.

Next Steps. The Buy-Back Program will pursue additional tribal consultations regarding this Initial Implementation Plan. A major next step will be to consult with individual tribes to secure their involvement in initial pilot efforts. If they have not done so already, tribes are encouraged to plan for and identify their specific acquisition priorities as soon as possible. The Department anticipates that general outreach to individual land owners will begin this spring. Now that the Settlement has reached Final Approval, the Department will begin to add the additional staff and resources necessary to further plan and implement the Buy-Back Program.

Future updates and additional information relevant to the Buy-Back Program will be made available at www.doi.gov/buybackprogram.

INTRODUCTION

Fractionation of Indian land stems primarily from the General Allotment (or "Dawes") Act of 1887, which allowed tribal lands to be allotted to individual tribal members, often in 80 and 160-acre parcels. The expectation was that the United States would hold the resulting allotments in trust for individual Indian owners for no more than 25 years, after which the Indian owner would own the land in fee. These time frames were extended by various acts of Congress. As a result, the heirs of original allottees of tribal lands received increasingly diffuse ownership interests in the allotments that have remained in trust. Such fractionation has been repeated over successive generations, causing the number of fractional interests to grow exponentially. As a result, many allotted tracts now have hundreds and even thousands of individual owners.

Currently, the Department holds approximately 56 million acres of land in trust. More than 10 million acres are held for individual Indians and nearly 46 million acres are held for Indian tribes. More than 200,000 tracts are held in trust by the Department, including tracts wholly owned by tribes. Of those, approximately 92,000 tracts have multiple owners with fractional interests that are subject to purchase and consolidation through the Buy-Back Program. Many of these tracts are severely fractionated. For example, there are more than 2.2 million fractional interests of 2% or less contained in over 32,500 tracts. The table (at right) shows current fractionation data for ten Bureau of Indian Affairs (BIA) Regions as of November 2012.[3]

BIA Region	Fractionated Tracts	Fractional Interests	Fractional Acres
Great Plains	28,784	1,006,052	4,173,763
Rocky Mountain	20,487	687,054	3,381,057
Western	9,425	322,621	300,341
Northwest	13,071	267,181	1,012,884
Navajo	4,355	255,472	685,949
Southern Plains	7,237	193,161	564,272
Midwest	2,437	128,997	136,063
Eastern Oklahoma	5,088	38,967	320,593
Pacific	1,484	30,154	26,314
Southwest	206	4,372	22,768
Total	**92,574**	**2,934,031**	**10,624,004**

Unless an individual or a tribe owns a controlling interest in a fractionated tract, they must seek and obtain approval from co-owners to lease or otherwise use the tract for economic development or other purposes. When tracts have hundreds or thousands of co-owners, there is no practical way to obtain the required approvals to lease or otherwise use such lands. As a result, highly-fractionated tracts lie idle, unable to be used for any economically beneficial purpose or for direct use by tribal nations for the benefit of their

3. For additional information about the data in this Plan, see Appendix B. The Eastern and Alaska Regions are not represented as the Eastern Region contains no fractionated lands held in trust, and the Buy-Back Program is barred by statute from purchasing fractional interests located within the Alaska Region. 25 U.S.C. § 2219.

members. It is estimated that more than half of the 92,000 fractionated tracts containing purchasable interests generated no income during 2006-2011. All interests purchased by the Buy-Back Program will remain in trust or restricted status and be transferred to tribal ownership, increasing the tribe's ability to put the land to better use for the community as a whole.

Recognizing that the Settlement provides a unique opportunity to have a substantial impact on fractionation in Indian Country, the Department is working to learn from past efforts to reduce fractionated ownership of land. Previous land consolidation efforts were underfunded and focused on purchasing only the smallest of fractional interests in a limited number of tracts. The Buy-Back Program will be much more expansive. It will be able to target a large number of tracts and owners at once, allowing efficient and effective purchases that will reduce fractionation in the locations where it is most prevalent. The Department is identifying best practices developed by past land consolidation efforts and is seeking to incorporate those processes, as appropriate, into the planning, implementation, and overall management of the new Buy-Back Program.

This Plan provides a basis for moving forward with implementation as soon as possible. Additional planning and continued consultations are necessary, and the Department will continue to seek additional input from tribes and individuals as it moves forward. The Department looks forward to a cooperative implementation of the Buy-Back Program with active tribal involvement.

White House Tribal Nations Conference, Breakout Panel on Strengthening and Advancing the Government-to-Government Relationship (December 5, 2012). Pictured above are tribal leaders from among 566 Federally Recognized Tribes. Pictured above right (center) is Deputy Secretary David J. Hayes, U.S. Department of the Interior, Panel Co-Chair.

LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS

Key Parameters

The terms of the Settlement are the primary guide for the design and implementation of the Buy-Back Program. The Settlement establishes a $1.9 billion Trust Land Consolidation Fund that will be available to the Secretary to purchase fractional interests in trust or restricted fee lands for a period of no more than 10-years, beginning upon Final Approval of the Settlement, which occurred on November 24, 2012. The Settlement limits the use of the Fund to the following purposes:

> (1) acquiring fractional interests in trust or restricted lands; (2) implementing the Land Consolidation Program; and (3) paying the costs related to the work of the Secretarial Commission on Trust Reform, including costs of consultants to the Commission and audits recommended by the Commission. An amount of up to a total of not more than fifteen (15%) percent of the Trust Land Consolidation Fund shall be used for purposes (2) and (3) above.

Additionally, as an incentive to individuals to choose to sell their individual interests, the Settlement provides that up to $60 million of the $1.9 billon can be transferred to the Indian Education Scholarship Fund to provide financial assistance to Native Americans to facilitate attendance at both post-secondary vocational schools and institutions of higher education.

Thus, the Trust Land Consolidation Fund has various components, summarized as follows:

Acquiring Fractional Interests (minimum available for purchase payments)	$1,555,000,000
Administrative Costs (capped at 15%)	$285,000,000
Education Fund (maximum available, depending on interests sold)	$60,000,000
Total	**$1,900,000,000**

In particular, there are several overarching parameters that influence or control design and implementation of the Buy-Back Program. Five such parameters are highlighted below.

First, not all reservations across Indian Country contain fractional interests. The Department has identified more than 2.9 million fractional interests across approximately 150 reservations that are purchasable by the Buy-Back Program. Moreover, these fractional interests are concentrated within a few regions within Indian country. Nearly 90% of these purchasable fractional interests are located within 40 of the 150 reservations (even so, individuals who own fractional interests can be living on other reservations and still benefit from the Buy-Back Program).

Second, as indicated above, the Settlement limits the amount of money that can be used for administrative expenses. By law, no more than 15% of the Fund ($285,000,000) may be used for administrative expenses in order to maximize the amount available for purchasing fractional interests. Furthermore, the Settlement requires that that Fund be used within 10 years after Final Approval (i.e., by November 24, 2022); therefore, the Department must act expeditiously and focus on acquisitions that can be completed in a timely manner. A goal is to expend a majority of the Fund within the next 4 years.

Third, despite the size of the Fund, the Fund may not supply sufficient capital to purchase all fractional interests across Indian country. More specifically, it is likely that the value of the land corresponding to the 2.9 million purchasable fractional interests would exceed $1.55 billion. Accordingly, the Department will focus on those acquisitions that best reduce fractionation and promote economic development. It is imperative that the fund be used thoughtfully to have maximum impact.

Fourth, a consistent theme expressed through tribal consultation and public comment is a desire for land consolidation purchases to benefit as many reservations as possible. This request presents a major challenge because increasing the number of reservations, tracts, individuals, etc., encompassed by the Buy-Back Program will increase the administrative costs. Moreover, given that 40 of the 150 fractionated reservations contain approximately 90% of the total fractional interests, it is possible that the Fund could be fully expended by purchasing interests at only a small number of those highly-fractionated reservations (assuming that numerous individuals decide to sell their interests).

Fifth, it is not clear how many of the 219,000 individual owners[4] will be interested in selling their fractional interests. Except for the specific provisions contained in the Settlement for purchasing interests from land holders whose whereabouts are unknown,[5] participation in the Buy-Back Program is strictly voluntary. The success of the Buy-Back Program will depend upon the number of individual owners who decide that they would like to sell their interests. If the rate of participation is too low, the Department will need to increase the number of targeted locations. The hope is that the ability to contribute to the Indian Education Scholarship Fund, and the active assistance of tribal leaders in promoting the program, will incentivize individuals to sell their interests.

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4. The whereabouts of approximately 40,000 (18%) of these individuals is currently unknown. In addition, there are currently approximately 20,000 deceased individuals with estates that have one or more fractional interests in the 150 reservations.

5. The Settlement provides for an outreach effort to locate individual owners whose whereabouts are unknown. If those owners are not located after the Department undertakes the outreach effort and the passage of 5 years, the owners shall be deemed to have consented to the conveyance of fractional interests that are located on a parcel of highly fractioned Indian land.

Given that the Fund is a finite, time-limited resource with competing and uncertain demands, the Department has sought to develop a balanced approach that features flexibility and reflects careful purchase planning measures. That is why the Buy-Back Program needs to be implemented according to prioritized criteria that effectively utilize the purchasing power of the Fund, while obeying the administrative cost limit. Accordingly, the Department proposes the following concepts to guide the Buy-Back Program, which are described in greater detail below:

- Use flexible purchase ceilings for each reservation where the Buy-Back Program is active in order to maximize the number of reservations that could participate in the Buy-Back Program and prevent expenditure of the entire Fund in just a few locations.
- Focus implementation among the 40 reservations with a significant portion (about 90%) of the fractional interests and allocate a significant percentage of the minimum purchase amount of the Fund for those reservations.
- Allocate the remaining percentage of the minimum purchase amount of the Fund for possible use at other reservations where certain criteria have been met.
- Utilize cooperative agreements to allow tribes to carry out Buy-Back Program processes within their reservation to maximize effectiveness of the Buy-Back Program and avoid unnecessary duplication or reinvention of efforts.

Operational Concepts

Purchase Ceilings. In order to maximize the number of reservations that have the opportunity to participate in the Buy-Back Program, the Department is planning to utilize initial purchase ceilings at each reservation where the Buy-Back Program is active. In particular, the Department expects to apply a formula that takes into account three factors relevant to fractionation: 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 would establish an initial, maximum amount of the Fund that could be used to purchase fractional interests within any one reservation. Table 1 below lists the 40 most-highly ranked reservations according to the formula and illustrates initial purchase ceilings, assuming a pro rata application to the minimum purchase dollars available for compensating individual owners.[6]

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6. For each of the three data points (i.e., tracts, interests, and acres), the Department will calculate the proportion of the total for each reservation. The three proportions are then averaged to produce the evenly weighted proportion. That proportion is then multiplied by, e.g., the minimum purchase amount of the Trust Land Consolidation Fund ($1.555 billion) to produce a purchase ceiling amount for each reservation. To illustrate, consider Pine Ridge Reservation as an example. The 1,194,669 acres associated with it fractionated tracts are 11.24% of all such acres across Indian Country. Its 5,982 fractionated tracts with purchasable interests are 6.46% of all such tracts in Indian Country, and its 194,401 purchasable fractional interests are 6.63% of all such interests. These proportions average out to 8.11%,

Table 1 – For Illustrative Purposes – Subject to Change[7]

Rank	Land Area Name	BIA Region	Number of Fractionated Tracts	Associated Acres	Number of Purchasable Fractional Interests	Weighted Proportion	Estimated Initial Purchase Ceiling
1	**Pine Ridge**	Great Plains	5,982	1,194,669	194,401	8.11%	$126,110,500
2	**Standing Rock**	Great Plains	6,268	761,758	214,947	7.09%	$110,249,500
3	**Blackfeet**	Rocky Mountain	4,793	892,122	188,894	6.67%	$103,718,500
4	**Crow**	Rocky Mountain	4,803	922,907	177,530	6.64%	$103,252,000
5	**Navajo**	Navajo	4,355	685,949	255,472	6.62%	$102,941,000
6	**Fort Peck**	Rocky Mountain	4,481	718,048	113,183	5.15%	$80,082,500
7	**Cheyenne River**	Great Plains	4,026	730,114	64,833	4.48%	$69,664,000
8	**Gila River**	Western	4,669	83,840	172,551	3.90%	$60,645,000
9	**Rosebud**	Great Plains	3,068	560,021	90,734	3.89%	$60,489,500
10	**Fort Berthold**	Great Plains	3,208	464,106	90,976	3.64%	$56,602,000
11	**Fort Belknap**	Rocky Mountain	3,007	570,883	55,329	3.50%	$54,425,000
12	**Wind River**	Rocky Mountain	2,514	172,503	136,834	3.00%	$46,650,000
13	**Fort Hall**	Northwest	2,574	268,830	50,968	2.35%	$36,542,500
14	**Yakama**	Northwest	2,190	175,135	53,239	1.94%	$30,167,000
15	**Colville**	Northwest	2,039	165,298	35,939	1.66%	$25,813,000
16	**Sisseton - Wahpeton**	Great Plains	1,316	93,018	52,882	1.37%	$21,303,500
17	**Minnesota Chippewa**	Midwest	979	60,213	71,139	1.35%	$20,992,500
18	**Quinault**	Northwest	1,421	103,823	35,838	1.24%	$19,282,000
19	**Spirit Lake**	Great Plains	932	56,261	60,075	1.19%	$18,504,500
20	**Chickasaw Nation**	Eastern Oklahoma	1,882	111,219	14,297	1.19%	$18,504,500
21	**Winnebago**	Great Plains	642	35,888	74,105	1.19%	$18,504,500
22	Cheyenne Arapaho	Southern Plains	1,129	96,787	39,264	1.16%	$18,038,000
23	**Salt River**	Western	1,403	21,673	48,562	1.12%	$17,416,000
24	**Crow Creek**	Great Plains	902	98,139	43,217	1.12%	$17,416,000
25	**Ute**	Western	1,058	76,738	43,547	1.12%	$17,416,000
26	**Yankton**	Great Plains	778	45,248	38,730	0.86%	$13,373,000
27	**Northern Cheyenne**	Rocky Mountain	889	104,594	15,284	0.82%	$12,751,000
28	**Lower Brule**	Great Plains	594	76,257	30,242	0.80%	$12,440,000
29	**Umatilla**	Northwest	1,014	66,832	18,701	0.79%	$12,284,500
30	**Turtle Mountain**	Great Plains	582	32,924	25,806	0.61%	$9,485,500
31	**Seminole**	Eastern Oklahoma	952	37,627	8,022	0.55%	$8,552,500
32	**Bad River**	Midwest	617	29,440	20,382	0.55%	$8,552,500
33	**Nez Perce**	Northwest	622	44,498	12,083	0.50%	$7,775,000
34	**Ponca**	Southern Plains	403	20,882	25,149	0.50%	$7,775,000
35	**Washoe**	Western	409	59,310	14,073	0.49%	$7,619,500
36	**Muscogee (Creek)**	Eastern Oklahoma	780	45,130	5,528	0.49%	$7,619,500
37	**Osage**	Eastern Oklahoma	609	73,434	2,988	0.48%	$7,464,000
38	**Salish & Kootenai**	Northwest	693	38,409	9,250	0.48%	$7,464,000
39	**Omaha**	Great Plains	421	22,022	21,374	0.46%	$7,153,000
40	**Fort Yuma**	Western	708	6,879	13,060	0.42%	$6,531,000
	Total Top 40		79,712	9,823,427	2,639,428	89.51%	1,391,569,500
	Remaining Reservations		12,862	800,577	294,603	10.49%	$163,430,500
	Overall Total		92,574	10,624,004	2,934,031	100.00%	$1,555,000,000

which, once multiplied by $1.555 billion, would provide an initial purchase ceiling of $126,110,500 for the Pine Ridge Reservation. For relevant definitions, see Appendix B.

7. The Initial Purchase Ceilings shown are estimates and are subject to change due to tribal consultations and corrections to underlying data. Amounts shown are meant to illustrate how purchase ceilings will be determined, but do not reflect final amounts.

The purchase ceiling amounts are not fixed allocations, nor are they irrevocably dedicated to any one reservation. Rather, they are initial planning ceilings to provide guidance on when land acquisitions within a reservation must be halted to ensure that funds are available to purchase interests at other locations. If acquisitions at one location reach that reservation's purchase ceiling, the Buy-Back Program would cease acquiring fractional interests within that reservation unless more funding becomes available. For those reservations where the response from willing sellers falls below that location's purchase ceiling, the excess funds will be used to purchase interests at a different location where individuals are willing to sell.

Order of Implementation. The Department cannot immediately implement land consolidation at all locations at once. In general, the Department proposes to implement the Buy-Back Program at the 40 reservations listed in Table 1 in descending order of fractionation. Proceeding in this manner is objective and ensures that the Buy-Back Program focuses its attention in the places where fractionation is most prevalent. While the formula will generally guide the order of implementation, the Buy-Back Program also will consider other factors to determine the best sequence, such as location,[8] status of title records, availability of valuation related-information, staffing, and tribal priorities and involvement.

While the Department expects that the Buy-Back Program will be active at multiple reservations at once, it is likely that the Buy-Back Program will only be active at each location for a limited period of time. As the Buy-Back Program completes land consolidation activities at initial locations, it will start operations at successive locations within the 40 most-highly ranked reservations. The Department will regularly analyze its ability to conduct operations outside of the 40 most-highly ranked reservations throughout implementation.

The scope of the Buy-Back Program is by far the largest endeavor ever undertaken by the Department to address land consolidation in Indian country. Because the potential challenges, issues, and opportunities that may be encountered have not yet been fully identified, the Department believes that the most effective approach is to conduct initial land consolidation efforts at pilot locations. This approach will allow the Buy-Back Program to gauge the effectiveness of its initial operating processes and procedures. Additionally, pilot

8. The Department's order of implementation will consider a reservation's location in that it will consider simultaneous implementation for nearby or adjacent reservations, regardless of their ranking within Table 1. For example, when the Buy-Back Program targets the Crow Indian Reservation, the Department will also conduct land consolidation activities on the Northern Cheyenne Indian Reservation because it is contiguous with the Crow Indian Reservation. There are various reasons why the Department plans to use location as an implementation factor. First, the Department expects administrative costs to be minimized by conducting activities on nearby locations concurrently, rather than adhering to an order of implementation based strictly on level of fractionation. Second, many individuals own fractional interests on multiple reservations. By conducting operations on adjacent or proximate reservations at once, the Buy-Back Program will increase the likelihood that individuals are able to sell more, if not all, of their ownership interests at the same time. By grouping reservations the Department can minimize the number of transactions and leverage deployment of staff in the field, which should reduce administrative costs.

efforts will allow the Department to begin operations soon while steps are taken to hire additional staff, direct existing resources, build capacities, and test processes.

Thus, the Department will focus initially on a small number of pilot locations within the 40 reservations listed in Table 1. Ideally, the pilots will include locations with strong tribal support and varying levels of direct tribal involvement. Through these pilot efforts, the Department expects to learn valuable information about the planned processes, the time required for reservation-wide valuations, the level of willing sellers, etc. The experience gained at these pilot locations will be adopted as the Buy-Back Program expands further into Indian Country. To make the Buy-Back Program as efficient and effective as possible, the Department will continue to refine the Buy-Back Program as challenges are identified and addressed.

Remainder of Fund. Based on input received through tribal consultation, the Department's objective is to maximize the number of reservations where fractional interests can be purchased within the administrative cost limitations. Using pro rata purchase limits at the forty reservations listed in Table 1 still leaves approximately $130,000,000 to purchase fractional interests at other reservations. Currently, the Department does not expect that the Buy-Back Program will target all of these less-fractionated reservations due to the administrative cost limitations found in the Settlement. More particularly, the economies of scale expected to be realized at reservations with higher degrees of fractionation (e.g., through the use of mass appraisal valuation techniques) may not apply at many of the remaining reservations.

The Department may use various criteria or factors to guide use of the remaining purchase funds at locations outside the 40 most-highly ranked reservations, including the following.

> *Interested Sellers*. If a tribe, or the individuals themselves, demonstrate that 50% or more of the fractional interests within a reservation are owned by interested sellers, the Department would include such reservations in the Buy-Back Program, cost permitting. For example, a reservation with 1,000 purchasable fractional interests would be targeted if 500 of those interests are owned by individuals who have expressed the desire to sell.
>
> *Owner Age*. For those individuals 65 years of age or older who identify themselves as interested sellers, the Buy-Back Program could seek to value and acquire those interests, regardless of their location.
>
> *High Percentage of Ownership in a Tract*. The Buy-Back Program could seek to acquire those interests which are greater, e.g., than 10%, or more, of the tract. Acquiring larger interests would prevent further fractionation of that interest and provide tribes a larger ownership in the tract more quickly than focusing solely on smaller interests.

If the response from tribes and/or individuals within these less-fractionated reservations is not sufficient to exhaust the remaining percentage of the Fund, the Department will pursue other options to make sure that

the Fund is fully expended within the 10-year timeframe. The Department may, for example, use the remaining amounts to purchase interests in locations that have reached their purchase ceiling or acquire interests owned by individuals whose whereabouts are unknown. Future adjustments or refinements to the Plan will be the subject of further consultation throughout the duration of the Buy-Back Program.

The Department seeks additional input from tribes and others to develop criteria and details for this aspect of the Buy-Back Program. Moreover, the Department will continue to explore whether fair market values can be developed in a time- and cost-efficient manner for tracts within a significant number of reservations beyond the 40 listed in Table 1, which would provide greater, overall flexibility and could allow additional reservations to participate.

In summary, a primary planning challenge is balancing a broad utilization of the Fund within the timeframe and administrative cost limitations found in the Settlement. The Buy-Back Program outlined in this Plan will target the most highly-fractionated reservations while reserving funds for those locations where, for example, a significant number of interested sellers come forward. This approach will efficiently achieve the goal of reducing fractionation while providing all affected tribes and individuals an opportunity to participate. Overall, these proposals will effectively and efficiently target fractional interests across Indian Country while minimizing administrative costs.

Alternatives Considered. As part of its planning, the Department identified other alternatives to implement the Buy-Back Program. First, the Department considered the possibility of using no purchase ceilings or thresholds for any reservation. But under this approach, based on the number of interested sellers, all of the Program's funds could be exhausted after purchasing interests at a small number of reservations. The Department decided against this approach because the majority of feedback received through tribal consultation favored the incorporation of as many reservations as possible.

The Department also considered but rejected the idea of guaranteeing implementation on all reservations affected by fractionation. This concept is not proposed because the administrative cost limitations preclude implementation at all reservations. The Department will remain open, however, to finding ways that increase overall participation.

The Department also could have proposed to implement the Buy-Back Program at a set number of locations (20, 30, 40, etc.) without the possibility of other locations participating. This idea was rejected in favor of providing the potential opportunity for broader participation in the Buy-Back Program by all affected

reservations. There may also come a point at any location where the effectiveness of fractional interest purchases is diminished, such that purchase dollars can be spent more effectively at a different location.

Tribal Involvement - Cooperative Agreements. The Department is interested in partnering with tribes. The Department recognizes that a number of tribes have existing land consolidation programs, including some that have outstanding, proven track records. Also, tribes currently operate various Departmental programs and functions under P.L. 93-638 agreements, including some that address relevant issues such as realty, appraisals, land title and records, forestry, and probate. Unfortunately, the Indian Land Consolidation Act prohibits tribes from utilizing P.L. 93-638 contracts to operate Buy-Back Program activities.

However, the Department strongly supports the spirit of self-governance and hopes to utilize cooperative agreements with tribes, as done in the past. The continued use of cooperative agreements will allow tribes to carry out various aspects of the Buy-Back Program. In particular, tribes may be able to perform some of the most important functions of the Buy-Back Program, based on their interests and capacities, including prioritizing tracts, identifying landowners, and administering the acquisition of fractional interests through Department systems.

Cooperative Agreements might be utilized in two ways. First, as the Department targets a specific reservation, the Department will consult with the tribe to ascertain whether the tribe wishes and has the capacity to conduct any of the land consolidation activities within its reservation. Additionally, as the Department will be active only at a limited number of reservations at any one time, tribes not initially targeted by the Buy-Back Program may be able to utilize cooperative agreements to begin activities within their reservation. Utilizing a cooperative agreement that includes valuation-related work might, for example, allow for Buy-Back Program activities to begin before the time initially scheduled by the Department.

As described in greater detail below, the Department has broken down the land consolidation process into four basic phases. Most cooperative agreements will not include all phases of the Buy-Back Program. But the Department expects many tribes to participate in the Buy-Back Program through the use of cooperative agreements, especially with respect to outreach. Cooperative agreements to conduct land consolidation activities should follow the reservation-wide model that the Department will utilize in order to maintain consistency and cost-effectiveness of the Buy-Back Program. The use of cooperative agreements may also be limited in recognition that much of the land consolidation process will be automated in Departmental systems of record, like the Trust Asset and Accounting Management System (TAAMS). This type of automation is necessary to achieve efficiencies in order to meet the administrative cost limits set forth by the Settlement.

Tribes should submit formal proposals for cooperative agreements to the Buy-Back Program as specified in the Next Steps section below. The proposals should include a scope of work, proposed administrative costs, and a schedule for the steps necessary to complete the work. The Department will compare the tribes' proposals against the Department's expected performance of the same functions and approve only those cooperative agreements that result in an equally or more efficient and cost-effective process. When evaluating tribal proposals, the Department will consider various factors, including tribal capacity (established tribal programs, certified staff, etc.) and access to TAAMS (where relevant):

> *Tribal Capacity*. The Department will consider the tribe's capability to conduct outreach through in-person meetings, print advertisements, and other forms of media outreach. Capacity to conduct appraisals will include a tribe's current certified staffing levels and/or hiring ability. No single factor will determine whether a cooperative agreement is approved or disapproved, as many factors will be relevant in comparing tribal and Departmental capacities.
>
> *Tribal Access to Department systems of records*. In order to implement the Buy-Back Program as efficiently as possible, the Department anticipates that much of the administrative processes will be automated through various systems of record. It will therefore be difficult for a tribe to conduct land consolidation activities (except for outreach or valuations) in a more efficient and cost-effective manner than the Department without access to these systems. Many of the comments the Department received on the initial Draft Plan stated that access to these systems should not be a limiting criteria, because not all tribes have been granted access by the Department. While the Department understands this concern, administrative costs would increase significantly if the Department approved cooperative agreements with tribes utilizing processes that differ significantly from or are less efficient than those found in Departmental systems.

Primary Processes

The Department's planning efforts have broken down the land consolidation process into four phases: outreach, land research, valuation, and acquisition. Initially, once a reservation is targeted by the Buy-Back Program, the Buy-Back Program will conduct extensive outreach with the tribal community so that individuals are aware of the opportunity to sell fractional interests. The outreach phase will also entail consultation with the tribe about various planning matters such as tribal priorities and tribal involvement. As outreach is occurring, research concerning reservation lands will occur, with the goal of maximizing the number of fractionated tracts that can be valued within the reservation, including those identified as tribal priorities. Once the research has been completed, the Buy-Back Program will value as many fractionated tracts of land as possible within a reasonable amount of time using mass appraisal valuation techniques. Finally, once fair market value determinations have been made, the Department will mail application packets to individuals with ownership interests in those valued tracts and seek to acquire those interests that individuals are willing to sell voluntarily.

Outreach. The Department will disseminate information about the Buy-Back Program to increase overall awareness of the land consolidation aspects of the Settlement. Outreach will include land consolidation information and notices along with regular communications that the Department provides to individual land owners. The Department recognizes that significant outreach is necessary given that communication restrictions in place during the Cobell litigation have been lifted only recently as part of the Settlement. Outreach will also be vital in contacting those individuals owning fractional interests who no longer reside on a reservation or near a field office.

In addition to broad outreach concerning the Buy-Back Program, the Department will conduct more extensive communications with a tribe and its community once a particular reservation is targeted by the Buy-Back Program. The outreach phase has two primary functions.

Foremost, individuals owning fractional interests within a reservation will need to be informed that the Buy-Back Program will be actively valuing fractionated tracts of land within the reservation and that they may be able to sell some or all of their fractional interests. This outreach will explain the timeframes in which the Buy-Back Program expects to complete its work for the reservation and how individuals may take advantage of the opportunity to sell their fractional interests.

In addition, the Department will meet with the tribe to discuss tribal priorities for acquisition, how best to conduct tailor outreach on the reservation, and to determine the tribe's interest and capacity to conduct Buy-Back Program operations through cooperative agreements. Tribal priorities could be identified in a number of ways, such as by specific tract identification; geographic regions within the reservation (i.e., county; chapter; district; specific section, township, and range designations; or aliquot parts); tract type (e.g., tracts that fall within a certain land use planning area or zone); or ownership status (e.g., tracts in which the tribe already has some ownership interest regardless of location); or other factors. An exchange of maps – both tribal and Departmental - will often be instrumental in working with tribes to identify their acquisition priorities. The Department is mapping tract boundaries and looks forward to sharing such data with tribes if necessary.

Because the Buy-Back Program expects to value as many fractionated tracts as possible, many tracts identified by the tribe as priorities for acquisition will automatically be included in the valuation phase of the Buy-Back Program. The Department will work with tribes to develop methods to maximize the acquisition of tribal priorities.

The Department understands that tribes often have efficient methods to conduct outreach with their tribal members. The Buy-Back Program expects to send information to individuals owning fractional interests in tracts that have been valued, and many individuals will receive this information in the mail without expressing a prior interest to sell. It is imperative that individuals are made aware of Buy-Back Program activities, incentives, and benefits. So, too, they must understand that their decision to sell is voluntary, and know how to complete the Application Packet if they want to participate. This type of informative outreach is often best performed by tribes. The Department has utilized cooperative agreements in the past for this type of outreach and, to the extent possible, will continue to do so. In addition to discussing cooperative agreements regarding outreach, the initial meetings will determine how extensive tribes will be involved in other phases of the Buy-Back Program process.

Land Research. During this phase, the Department will collect the data necessary to establish fair market value for the tracts containing fractional interests that might be acquired.[9] In order to determine fair market value, adequate information about the tracts to be valued must be compiled. The land research effort will include an identification of the fractionated tracts within a reservation that contain purchasable interests. In particular, using data from TAAMS and other sources, the Department will create a map that depicts fractionated tracts within a reservation. Maps will facilitate the valuation process by enabling tract acreage categorization (range, dry crop, irrigated crop, etc.), geographical analysis, and comparison to surrounding uses and values.[10]

It is anticipated that some tracts may require additional information outside of TAAMS before values can be determined. Additional information could be required, for example, to clarify metes and bounds descriptions or other legal descriptions. Most information will be gathered during the land research phase. However, some tracts may require additional information such that valuations cannot be requested contemporaneously with the remainder of the reservation without diminishing the efficiency and cost-effectiveness of the Buy-Back Program. The Department will work with tribes to ensure that tracts identified as tribal priorities are included in the valuation request to the greatest extent practicable.

Implementing the Buy-Back Program on the scale established by the Settlement requires information for thousands of tracts to be generated from TAAMS and other sources in order to provide the necessary data for determining fair market value. Additionally, valuation requests will be automated through TAAMS and

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

10. In addition, maps will be utilized to create visual layers that will depict the status and progress of the Buy-Back Program. Maps can also help identify acquisition priorities.

the Department's Office of Appraisal Services Information System (OASIS). Due to limited access to TAAMS and other databases, some tribes may not be able to perform this step as efficiently or in as cost-effective a manner as the Department. This situation may preclude many tribes from utilizing cooperative agreements for this phase of the process. However, a tribe that can provide the necessary information for a reservation-wide valuation request may include such capability in its cooperative agreement proposal.

Valuation. After the reservation-wide valuation request is generated (containing the necessary land related data and information), the Department will determine the fair market value of those fractionated tracts. The Settlement provides that the Department "shall offer fair market value in accordance with 25 U.S.C. § 2214 to owners" of fractional interests in trust or restricted lands.[11] The Department anticipates using various valuation methodologies, relying most heavily on mass appraisal valuation techniques such as market studies, cost estimates, and project appraisal reports. Site specific valuations, and other appropriate methods and techniques, may be used as warranted and as cost permits. To ensure that the valuation methods and techniques meet industry standards, the Department will obtain third-party substantiation, review, and/or validation of its valuation techniques, while recognizing the unique fair market value standards set forth in the ILCA.

TRACTS, PARCELS, AND INTERESTS

A tract of land, as referenced throughout this Plan, is the trust asset in which an individual and/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 the surface and mineral estate. A tract can be owned by one or more individuals and tribes. A tract with multiple owners is considered a fractionated tract.

An interest refers to an individual's ownership in a tract of land. If a tract of land is owned by only one individual or a tribe, the ownership interest is 100%. Fractionated tracts have more than one owner – often tens or hundreds of different owners, all with varying levels of interests.

A tract of land can be composed of one or more parcels. Parcels also have defined areas, but are not necessarily adjoining plots of land. 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.

While sales will be based on fractional interests, fair market values are determined at a parcel level. If a tract contains a parcel that cannot be evaluated for whatever reason, offers for interests in the whole tract cannot be made.

The Department estimates that the majority of tracts within many of the most highly-fractionated reservations will be amenable to mass appraisal valuation techniques. Non-homogenous or more complicated tracts may be difficult to value contemporaneously with the remainder of the reservation without diminishing the efficiency and cost-effectiveness of the Buy-Back Program. The Department understands that an inability to value certain tracts may preclude individuals from selling all of their interests and it may preclude acquisition of some tribal priorities. The Buy-Back Program will work with tribes to ensure, to the greatest extent possible, that tracts identified as tribal priorities are valued, regardless of the valuation methodology required. Tribes should identify tribal priority tracts as soon as possible so that the Department

11. See Cobell Settlement Agreement at ¶ F(3), p. 35 and supra note 8.

can assess the resources required to determine fair market values for those tracts. This information will enable the Buy-Back Program to plan accordingly. However, there may nevertheless be instances where a particular tract may not be able to be valued in a timely and cost-effective manner.

The Department anticipates using mass appraisal valuation techniques as much as possible in order to comply with the administrative cost limitations. Tribes seeking cooperative agreements to determine fair market values must demonstrate the ability to perform reservation-wide valuations in a manner that is as efficient and cost-effective as those performed by the Department. Valuations performed by a tribe may be reviewed or verified by the Department. Given these constraints, it is unlikely that many cooperative agreements will include valuations within the scope of work. Tribes that currently perform valuation or appraisal work for the Department through a P.L. 93-638 agreement or self-governance compact may be better positioned to provide fair market values for the Buy-Back Program through a cooperative agreement.

To the extent possible, a tribe could use its own resources to provide valuations to the Buy-Back Program that, once verified by the Department, could be used to begin acquisitions within the reservations. Tribes not initially targeted by the Buy-Back Program could provide valuations which would allow for acquisitions. In these cases, the Department would be able to conduct acquisitions at reservations not initially identified for inclusion in the Buy-Back Program. Any acquisitions made by the Buy-Back Program based on tribally-provided valuations would count towards the purchasing ceiling established for that reservation.

Acquisition. Once fair market value determinations are made, the Buy-Back Program will seek to acquire fractional interests in those tracts that were valued. Information will be sent to individual owners as part of an Application Packet to sell their fractional interests. To make the acquisitions process more efficient, TAAMS will automatically generate Application Packets. The Application Packet will include:

- Cover Letter;
- Sale Application;
- Deed (including a legal description of the valued interests that the individual may elect to sell);
- Reservation-wide map(s) depicting the spatial location of the valued tracts, cost permitting;
- As an incentive, information about contributions to Indian Education Scholarship Fund when individuals sell fractional interests under the Program (contributions are made from the Fund and are not deducted from payments to individuals);
- Information about how selling one's fractional interests may affect their eligibility to receive benefits such as Social Security, BIA General Assistance, etc.; and
- Return envelope, postage prepaid, if the individual wants to return the deed and sale application.

Individuals will then have a set amount of time to apply to sell some or all of their fractional interests that have been valued. It is up to individuals to voluntarily decide whether to sell their fractional interests, with

the exception of individuals who are not locatable. The fair market value of the interests as stated in the Deed will be the sale price.[12]

Individuals can return the sale application and deed by mail, and Buy-Back Program staff will process those items for approval. In addition, the Buy-Back Program will have staff at local field offices to answer questions or assist any individuals wishing to complete the Application Packet in person. There will be a specified timeframe in which to complete and submit the Application Packet, whether by mail or in person.

Depending on the number of willing sellers within a reservation, the Department may not be able to approve all sale applications without exceeding the location's purchase ceiling. The Department has identified two different approaches for approving applications and deeds, the choice of which becomes more important in the event that the value of the interests that individuals seek to sell greatly exceeds the available purchase ceiling. First, the Department could review and approve sale applications and deeds as they are received until that location's purchase ceiling is reached. This method would be efficient, but it may not fully capture or satisfy tribal or Departmental priorities as it assumes that all sales carry equal merit.

Second, applications and deeds could be gathered and analyzed as a group, with approval going to those that best achieve the goals and objectives of the Buy-Back Program, such as acquisitions that maximize the number of tracts with majority ownership and/or those that relate to a tribal priority. This second approach recognizes that not all acquisitions are equal; certain sales may best achieve acquisition goals. This method would allow the Department to make more effective purchases for the tribe (e.g., by getting the tribe to majority control for economic development purposes), as well as incorporate tribally-identified priority tracts. But it may also extend the acquisition (and payment) period because applications would be finally acted upon only after the Department receives a critical mass of applications, which it would then review judiciously to identify an optimal mix of acquisitions. The Department is considering utilizing the latter method, but is open to feedback from tribes on both options, as well as other ideas.[13]

Regardless of the approval approach used, completed Application Packets would be scanned and loaded into TAAMS as received. If an application is approved, TAAMS will automatically update title and trigger the process of posting payments to Individual Indian Money (IIM) accounts. Because these processes are heavily

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12. The Department does not expect to utilize incentive payments, but a tribe would be free to offer some incentive of its own to encourage sales of fractional interests in priority tracts.

13. While the Department could send Application Packets and/or offers only to those individuals owning fractional interests in tracts identified as tribal priorities, it could diminish efficiency. The Buy-Back Program is striving to use procedures designed to quickly accommodate the voluntary sale of interests through the elimination of duplicate conveyance documents and transactions.

automated and centralized, the efficiency of generating and processing Application Packets by tribes is not advisable. Accordingly, the Department does not envision cooperative agreements for the acquisition phase.

During the acquisition phase, the Department will also carry out the notice requirements provided by the Settlement in order to purchase those interests from individuals whose whereabouts are unknown. But it is possible that a location's purchase ceiling amount may be reached by purchasing interests from individuals actively engaged in the Buy-Back Program. In those instances, the Buy-Back Program may not utilize the authority to purchase those fractional interests from individuals whose whereabouts are unknown. The Department may, however, purchase those interests in order to ensure that the Fund is used in its entirety.

EXAMPLE OF PROGRAM PROCESSES

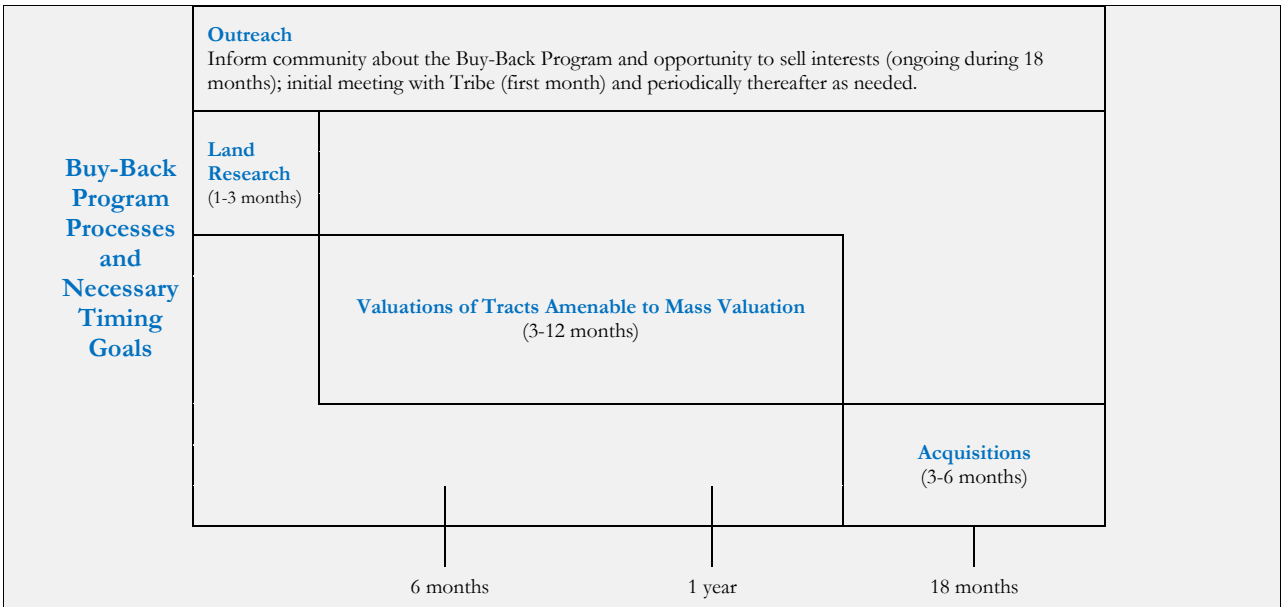
To illustrate the four Buy-Back Program processes, consider an example reservation with 3,000 tracts that contain 90,000 fractional interests owned by 10,000 individuals.

1. Outreach. In cooperation with the tribe, outreach must occur to inform the 10,000 individuals that the Buy-Back Program will be valuing tracts and purchasing fractional interests from those who desire to voluntarily sell their interest(s). During this time, the Department will consult directly with the tribe to ascertain any priorities the tribe may have for acquisition. However, because all purchases will be made from willing sellers at this phase, the Buy-Back Program cannot force acquisition of interests even for tracts identified as tribal priorities. Direct tribal involvement through cooperative agreements will be key to generating interest in selling lands that are tribal priorities alone. Partnerships with tribes will be key to generating interest in selling lands that are tribal priorities.

2. Land Research. While the Buy-Back Program and/or tribe is conducting outreach in the communities, the BIA and other Departmental agencies will be gathering 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 to determine its fair market value. For this example, assume 10% of the tracts require extensive research that would require excessive time or cost to complete. In order to remain efficient and cost effective, the Buy-Back Program would simply initiate a valuation request for 2,700 tracts, omitting those 300 tracts that require further data or extensive analysis before values can be determined (it is recognized that such an omission will necessarily preclude the Department from acquiring all the interests owned by certain individuals). At this stage, the Department will work with the tribe to ensure that as many tribal priorities as possible are included in the valuation request.

3. Valuation. At this point, the OST Office of Appraisal Services (OAS) will receive a request to value 2,700 tracts within the reservation. In order to achieve efficiency and cost-effectiveness, OAS will primarily utilize mass-valuation techniques. The number of tracts these techniques may capture will vary between reservations, but for this example, only 80% 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. The Buy-Back Program will work with the tribe to ensure that as many tribal priority tracts as possible are valued.

4. Acquisition. Now that the Buy-Back Program has received the fair market value for 2,160 tracts, it can send Application Packets to individuals who own interests in those tracts. At most, Application Packets would go to all 10,000 individuals who own fractional interests within the reservation (or some subset because some of those 10,000 individuals may own interests only in the 840 tracts that were not valued). Application Packets will have a specific response deadline date (i.e., 30 or 60 days after they are mailed). If too few individuals sell their interests at this reservation, the excess purchase amount will be used at other locations where individuals are willing to sell. If the Buy-Back Program receives too many applications, it will approve applications until the location's purchase ceiling is exhausted, and any remaining applications will be held and processed only if more funds become available.



The Buy-Back Program will be active at any one location only for as long as it takes to complete the four phases of the process. Once the four phases haves been completed at the reservation, the Buy-Back Program will focus its efforts on the next targeted location.

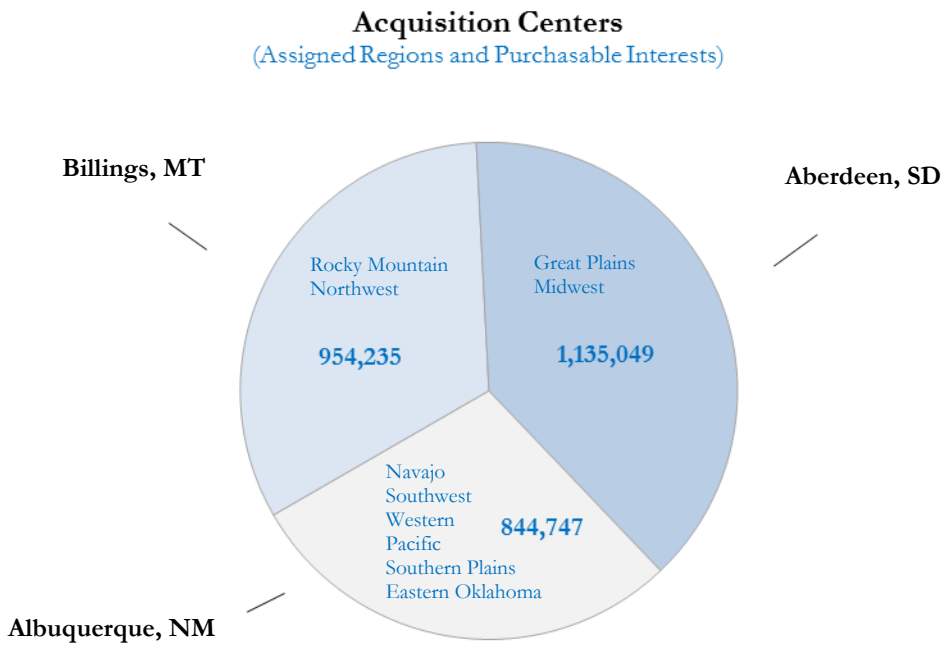
Organizational Structure

The Buy-Back Program is a high priority of the Department, and acquiring land at the scale and in the limited timeframe provided by the Settlement poses an unprecedented challenge. The effort will require strong, centralized leadership to ensure effective coordination among the various offices and bureaus involved. It will also require substantial leadership from the tribes targeted by the Buy-Back Program.

The Department's proposed organizational structure is being designed to meet these challenges and to conduct land consolidation activities effectively and efficiently, with significant communication and collaboration. The Secretary has established the Buy-Back Program within the Office of the Secretary. See *Land Buy-Back Program for Tribal Nations* (Secretarial Order No. 3325) at Appendix C. The Buy-Back Program is headed by a Program Manager that reports directly to the Deputy Secretary. There will be staff in the Office of the Secretary that will provide expertise and support in areas such as budget, performance management and reporting, systems integration, program analysis, communications, cooperative agreements, and administrative records. Extensive expertise and services within the Department, primarily in the BIA and the OST, will be utilized to implement the Buy-Back Program. An oversight board also has been established, to include the Solicitor, Director of the BIA, and the Special Trustee for American Indians.

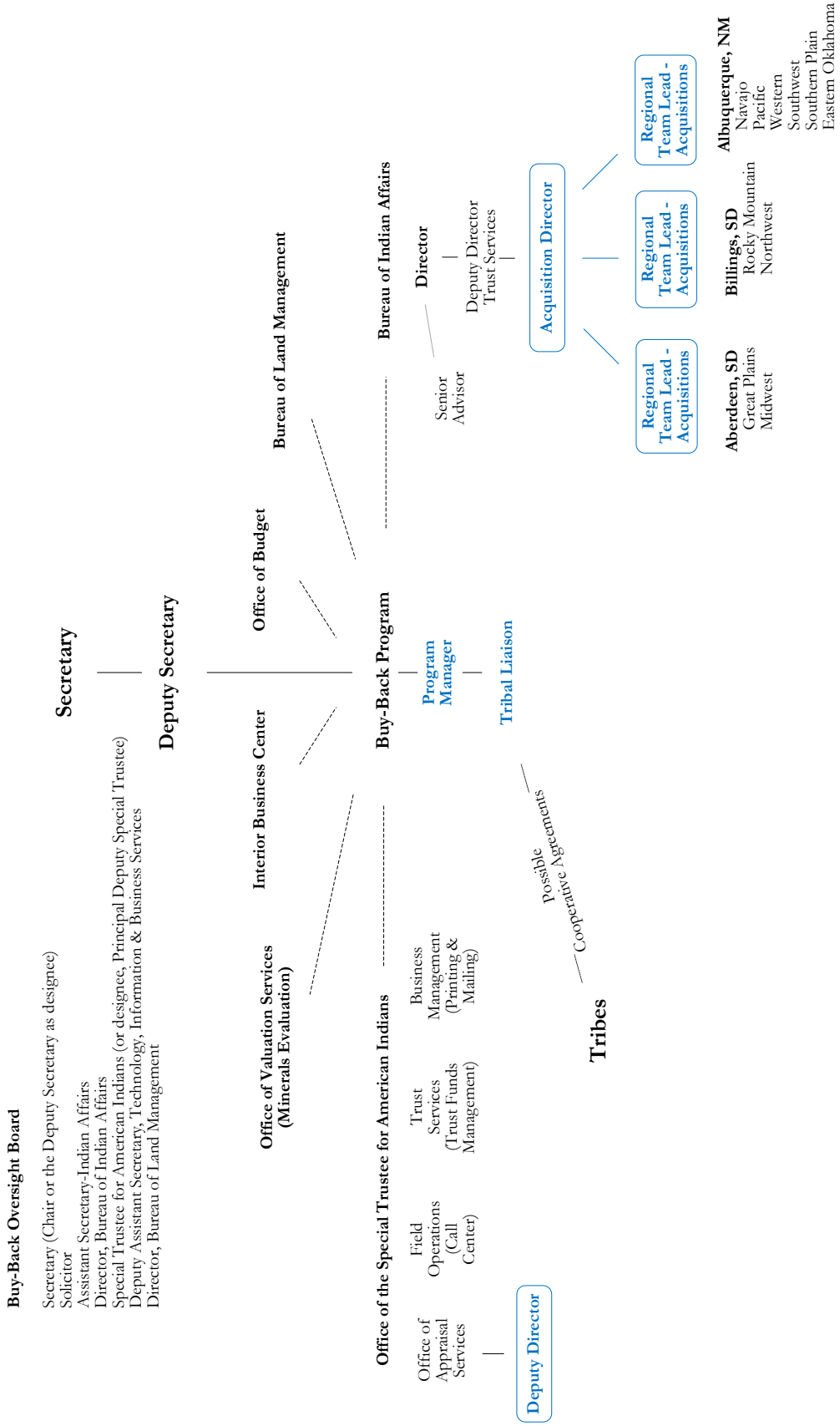
An Acquisitions Director, housed within the BIA, will lead operations in the field. Field operations will be conducted primarily out of three regional Acquisition Centers, located in Aberdeen, South Dakota; Billings,

Montana; and Albuquerque, New Mexico. The centers will focus on reservations within the BIA Regions indicated in the charts above and below. Each center covers roughly one-third of the fractional interests throughout Indian Country. One or more teams at each center will be dedicated to particular reservations as targeted by the Buy-Back Program. Once a team completes activities at one reservation, it will move to the next targeted location.



The three Acquisition Centers will request fair market value determinations for the locations targeted by the Buy-Back Program and conduct acquisitions once those values are obtained. Fair market value determinations will be carried out by the OST Office of Appraisal Services (OAS) and mineral interests will be evaluated by the Office of Valuation Service's Office of Minerals Evaluation (OME). Timber values may also be supplied to OAS where applicable by the BIA Forestry Division. The Department will utilize Reimbursable Service Agreements (RSAs) with Departmental offices and bureaus to track administrative costs, increase accountability, and ensure that work is completed in a timely manner. The Buy-Back Program will also utilize existing Department resources and functions including, but not limited to, Information Technology, the BIA Land Title and Records Offices, and the OST Call Center.

The following chart illustrates the overall structure, including some new positions shown in blue.



NEXT STEPS

Efforts thus far have focused on planning for the Buy-Back Program, including tribal consultation and public input. The Department intends to continue such efforts. In particular, the Department proposes continuing consultation, including the following sessions:

January 31, 2013	Minneapolis, Minnesota
February 6, 2013	Rapid City, South Dakota
February 14, 2013	Seattle, Washington

The Department encourages comments on this Plan and will incorporate tribal input and public comments to improve plans for the Buy-Back Program. Written comments should be submitted by March 4, 2013. Comments should be submitted in accordance with a notice that will be published in the *Federal Register*, which will include the ability to submit comments electronically via following email address: buybackprogram@ios.doi.gov. Comments will be addressed by the Department either in a published addendum or in conjunction with other regular reports.

Additionally, the Department will immediately pursue consultations with individual tribes to determine initial pilot locations. The Department will likely select 4-8 pilot reservations from among the 40 reservations listed in Table 1 above (page 10) so pilot work can begin at each of the three intended acquisition centers.

As soon as possible, the Department hopes to receive specific tribal input so that planning efforts can reflect the nature, extent, and location of tribes' acquisition priorities. In particular, because the Department anticipates extensive use of mass appraisal valuation techniques, the Department wishes to assess whether the tracts that tribes identify as priorities will be captured through mass valuation processes. The Department is interested in learning about tribes' specific acquisition priorities now so those may be incorporated into planning efforts and inform pilot selection. Some tribes have already provided information related to priorities. Tribes that have not already done so should send their priorities and their formal proposals for cooperative agreements to the U.S. Department of the Interior, attention: Mr. Anthony Walters, 1849 C St. NW, MS-7328-MIB, Washington, DC 20240. Mr. Walters can also be reached via telephone: (202) 513-0897; or via e-mail: Anthony.Walters@bia.gov.

While tribal consultation efforts are ongoing, the Department will pursue general preparatory work and take other important next steps. For example, it will:

- Conduct general outreach by providing individuals with information about the Buy-Back Program along with regularly-scheduled account statement mailings, such as the following

March	Rocky Mountain and Great Plains
April	Eastern, Southwest, Midwest, and Southern Plains
May	Western, Pacific, and Northwest

- Continue to process ownership transactions and update title records in TAAMS to ensure that acquisitions are as complete as possible;

- Complete additional land mapping to facilitate tribal consultations, valuation efforts, and the identification of tribal priorities;

- Automate processes to enable the Buy-Back Program to efficiently and consistently process a high volume of transactions;

- Develop activity plans, milestones, performance measures, reporting mechanisms,[14] and operating budgets in light of additional tribal feedback and program analysis; and

- Secure the additional staff and other resources needed to further plan for, implement, and operate the Buy-Back Program now that the Department may access the Fund. The Department had no ability to use the Fund until after the Settlement was finally approved and monies were apportioned.

14. Successful completion of specific steps within the Buy-Back Program process will be reported externally through regular progress reports, which will provide various, often-localized data points such as the number of tracts valued; the number of Application Packets sent, returned, and accepted; the number of interests acquired; the costs incurred by the Buy-Back Program (both administratively and for acquisitions); and other relevant data. Additionally, the Buy-Back Program may prepare special or annual reports to describe overall progress and outline plans for future years.

Appendix A – Summary of Tribal Consultation Thus Far

The consultation process is fundamental to the government-to-government relationship between the United States and tribes. Although the Settlement was not yet final, the Department recognized the benefit of early stakeholder engagement. In June 2011, the Department initiated tribal consultations, with permission from the court, regarding the land consolidation component of the Settlement that included seven regional consultation meetings and a public comment period (for written submissions) from June 13 through November 1, 2011, where tribal leaders, members of the public, and organizations could provide input on the Department's proposed land consolidation program.

On January 31, 2012, the Department published the Cobell Land Consolidation Program Draft Plan. The Draft Plan incorporated feedback received through tribal consultations and suggested two primary areas of potential focus: targeted locations for land consolidation activities and accommodating interested sellers regardless of their location. To achieve success in these areas, the Draft Plan described the Department's intention to reduce land fractionation in a time-efficient and cost-effective manner given the administrative cost limitations, while allowing tribes to participate through cooperative agreements and affording individuals an opportunity to voluntarily sell interests.

The Department received additional input on the Draft Plan from tribal leaders, tribal organizations, individuals, and members of the public through the 45-day public comment period that followed publication of the Draft Plan (January 31 – March 15, 2012). The Department received comments from 38 tribes, organizations and individuals. The following summarizes the common themes expressed within those comments.

Acquisitions

Tribal comments ranged from focusing on reducing the number of small interests in trust lands to stating that the Department should authorize purchases of fractional interests regardless of size, status, or type of interest. Further, comments received mentioned that fee interests within trust property should also be purchased, acquisitions should be made from any fractional interest owner, even if non-Indian, and that acquisitions should include improvements on the property. Finally, comments stated that local businesses and persons be involved in the acquisition process.

Department Action. As stated within this Plan, to maximize the number of fractional interests acquired, the Department is largely focusing on efficient and effective land consolidation, relying on mass appraisal valuation techniques. This process should capture the majority of fractional interests held in trust or restricted status, though the Department cannot utilize the Fund to purchase fee interests. Despite tribal comments urging otherwise, the Department maintains that it does not have the legal authority to take improvements into trust although improvements may be part of the land valuation approach. The Department will utilize the local workforce as appropriate, which may include federal, tribal, and/or contract employees.

Valuations

Many comments stated support for the Department's use of mass appraisal valuation techniques where appropriate, but demanded greater clarity in what exactly is included in an appraisal and purchase by the Tribal Communities Land Buy-Back Program (Buy-Back Program). Tribes also stated that tracts identified as priorities should still be included as tracts to be valued, even if the mass valuations are not applicable. Many comments expressed concern with the Department's valuation process and the ability to conduct as many valuations as will be needed. Comments also stated that tribes should be able to produce appraisals, and the role of the Department or a third party should be clarified as it pertains to approval or verification of appraisals.

Department Action. As described in this Plan, the Buy-Back Program will seek to utilize mass appraisal valuation approaches. While this determination has been made, in part, to comply with the administrative cost limitations and maximize the number of fractional interests acquired, the Department does expect to determine values through other means as appropriate and to incorporate tribal priorities to the extent feasible. The Plan does provide for tribal participation, including in the valuation process, through cooperative agreements. The Department is considering the principles relevant to the review of valuations.

Communication

Comments received reiterated the importance of ongoing communication between the Department and tribes throughout the planning process and implementation of the Buy-Back Program.

Department Action. The Department is committed to maintaining open communication with tribes regarding the Buy-Back Program. This Plan is just one step in the overall planning and implementation of the Buy-Back Program, and the Department expects to conduct continuing consultations regarding overall progress of implementation and improvement of the Buy-Back Program, especially as the Buy-Back Program is being established. Further, the Department expects to continue close collaboration and direct consultation with every tribe that becomes specifically targeted by the Buy-Back Program.

Cooperative Agreements

Similar to the comments received during consultation prior to the release of the Draft Plan, the majority of written comments urged the Department to use cooperative agreements and rely on tribal participation to the greatest extent possible. Many comments also stated the need for clarity on how cooperative agreements would be utilized and the roles carried out by the Department agencies versus the tribes.

Department Action. As discussed in this Plan, the Department is committed to working with tribes, in the spirit of self-governance, to utilize cooperative agreements to the greatest extent possible while staying within the administrative limitations provided by the Settlement. The Plan outlines the

various phases of the land acquisition process and how tribes could implement some of those processes under a cooperative agreement.

Data

Most comments received stated the need for the Department to provide complete, accurate, and detailed data of fractional interests across Indian Country. Comments also emphasized the importance of tribal access to the Trust Asset and Accounting Management system (TAAMS).

Department Action. The Department understands the need for sharing accurate and detailed information with tribes regarding the level of fractionation on their reservation. As such, updated and extensive data has been provided in Appendix B of this Plan. Additionally, the Department will develop maps of fractionated reservations as they are targeted by the Buy-Back Program to further assist tribes in determining their priorities for acquisition.

Allocation of Funds

Many comments suggested that the Department develop a way to allocate both the purchase and administrative components of Trust Land Consolidation Fund (Fund). Several comments suggested a distribution formula based on specific criteria such as the number of fractional interests, fractionated tracts, historical allotments, etc. The majority of tribes requested that any distribution be done transparently and that all reservations affected by fractionation should be included. Other comments suggested that the Department commit to releasing periodic reports regarding the amount of administrative costs expended.

Department Action. As described in this Plan, the Department suggests an initial planning formula - based on fractional interests, fractionated tracts, and acreages. The Department wants to make clear that such a formula does not result in or guarantee a particular distribution or allocation to any one reservation, but rather acts as an initial purchase ceiling amount that will be available to acquire fractional interests within a particular reservation. The actual amount of funds required or available may depend, for example, on the number of willing sellers. Not all reservations will necessarily be targeted by the Buy-Back Program, but as described in this Plan, the Department intends to establish an approach where all affected reservations might have the opportunity to participate. The Department is committed to conducting the Buy-Back Program in a transparent manner and the data used for the formula is provided in Appendix B. The Department has also committed to quarterly newsletters or periodic reports that will contain such information as administrative costs, as well the location and quantity of acquisitions.

Estate Planning and Probate

A number of comments suggested that the Department should devote resources to estate planning and utilize the purchase at probate provisions within the Indian Land Consolidation Act (ILCA) and the American Indian Probate Reform Act (AIRPA).

Department Action. While the Department understands the importance of estate planning, and dedicates some annual appropriations to carry out its obligations under AIPRA, the Trust Land Consolidation Fund provided by the Settlement cannot be utilized for these services. Accordingly, this Plan does not address issues pertaining to estate planning. The Department may, however, consider utilizing the purchase at probate authority where appropriate and when requested by a tribe.

Incentive Payments

Several comments stated that incentive payments should be utilized to increase the rate of sales. One comment stated that the Department should prioritize acquisitions on reservations where the tribe has pledged to provide some incentive payment.

Department Action. The Settlement does create an incentive for individuals to sell their interests by providing funds to a scholarship fund for American Indian and Alaska Native students for each fractional interest purchased by the Buy-Back Program. The Settlement does not provide for any further incentive payments, though tribes themselves would be able to provide additional incentives as a means to drive sales of tribal priority tracts. Further tribal feedback, and the rate of acquisitions, may affect the Department's determination of whether incentive payments are needed.

Liens

The large majority of comments received by the Department stated that liens should not be placed on fractional interests acquired with the Trust Land Consolidation Fund. Most comments stated that the lien provisions found in the Indian Land Consolidation Act (ILCA) contradicted the intent of the Cobell Settlement Agreement and that liens should be waived. As a result of this determination, liens will not be placed on interests acquired with the Fund.

Department Action. After reviewing the provisions of the Settlement and applicable law, the Solicitor reviewed the specific question of whether the lien provisions in ILCA apply and determined that the lien provisions of ILCA do not apply to the land consolidation program established under the Settlement. See Applicability of the Indian Land Consolidation Act's Lien Provisions to the Cobell Settlement, M-37026 (August 10, 2012).

Scholarship Program

Many comments regarding the scholarship component of the Settlement stated that the scholarship fund should be administered at a local level and tied to the reservations from which acquisitions were made. One comment stated that the scholarship fund should not be used for administrative costs incurred by the non-profit organization administering the fund.

Department Action. Decisions regarding the management of the scholarship fund are specifically addressed by provisions of the Settlement, which provide for a five member Board of Trustees to oversee the management of the scholarship fund. Accordingly, this Plan does not address issues pertaining to the administration of the scholarship fund.

Staff/Training

Comments ranged from calling for the Department to begin the hiring process immediately to suggesting the Department utilize contract workers and refrain from hiring extra full-time staff. Other comments suggested that any staff hired should be located at the regional and tribal area level.

Department Action. The Department's ability to hire has been limited because the Fund was not available to the Department until the Settlement received Final Approval from the courts. The Department believes that the organization structure described in this Plan, which includes staff at several field locations, will be able to effectively implement the Buy-Back Program. Existing staff have been extensively involved in the planning process and will be utilized to some extent to begin operations while new staff is hired.

Targeting Land Fractionation Program

Comments received on the "Targeted Land Fractionation Program" varied widely, ranging from assertions that the Department should terminate this program because it does not target all reservations to requests that the Department should target the 25 most highly-fractionated areas. Other comments stated that the Department should not limit which reservations are targeted based on past activity, size of reservation, or minimal preparatory work, and other various factors.

Department Action. As described in this Plan, the Department is not ruling out targeting any specific reservation. However, due to the limitations on administrative costs, the Department is targeting reservations relatively in order of fractionation over the life of the Buy-Back Program. The Department is proposing to set aside some portion of the Trust Land Consolidation Fund to conduct acquisitions in locations not initially targeted by the Buy-Back Program.

Timeframe

Many Tribes raised concerns with the Department's ability to effectively spend $1.9 billion on purchasing fractional interests in land within the 10-year timeframe. Many comments requested specific information on DOI's plan to utilize the Trust Land Consolidation Fund within the 10-year timeframe.

Department Action. The Department understands these concerns based on past funding levels of the historical Indian Land Consolidation Program. However, the Department plans to move with urgency to address the problem and complete sufficient acquisitions to exhaust the Trust Land Consolidation Fund within the 10-year timeframe. The Department will accomplish this goal by utilizing the processes outlined in this Plan, as amended by tribal feedback, consultation throughout the duration of the Buy-Back Program, and continuous program analysis.

Willing Seller Program

Many comments regarding the Cobell Land Consolidation Program Draft Plan called for clarification of the "Willing Seller Program." Comments stated preferences regarding which criteria should be utilized over others. The comments also stated that the Department should make clear that the willing seller component of the program should be operational immediately. One comment mentioned that any acquisition under this program should be approved by the tribe. There were a number of comments that also expressed confusion about a 'Willing Seller Program' which implies that some acquisitions are not from willing sellers.

Department Action. First, the Department wishes to clarify that all acquisitions by the Buy-Back Program will involve willing sellers, with the limited exception of unlocatable individuals. As described above, the concept has been modified to emphasize individuals who have expressed interest in selling their fractional interests. Understanding the number and location of these "interested sellers" will help the Department estimate the level of acquisitions that might occur in any given reservation. The Department listed several criteria that might trigger valuation efforts. For example, if sufficient interest is demonstrated in a reservation, the reservation could be added to the list of targeted locations. As described above, the Buy-Back Program expects to set aside a percentage of the Trust Land Consolidation Fund to purchase fractional interests in locations satisfying "interested seller" or other criteria.

Appendix B – Fractionation Statistics by Reservation

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 November 30, 2012. The following table lists the data in further detail by land area codes within TAAMS, which generally results in a grouping of trust lands by BIA Region. An electronic version of the data will be published at www.doi.gov/buybackprogram, where additional data points and future corrections or updates may be included.

The 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 contact: U.S. Department of the Interior, attention: Mr. Anthony Walters, 1849 C St. NW, MS-7328-MIB, Washington, DC 20240. Mr. Walters can also be reached via telephone: (202) 513-0897; or via e-mail: Anthony.Walters@bia.gov.

Definitions and Explanations

It is important to distinguish "aggregated" and "segregated" 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 in 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 be used going forward.

The following table begins by listing the "Total Number of Tracts Held in Trust" within a specific land area code. This column includes both 100% tribal tracts as well as allotted tracts with multiple undivided ownership interests. The next column narrows those tracts down to only those "Number of Fractionated Tracts Containing Purchasable Interests." The term "fractionated tract" is defined as a tract held in trust or restricted status that has two or more unique owners (one of which may be the tribe). A "fractionated tract" is defined as a tract with either of two or more fractional interests, each being less than a 100% interest (the sum of the fractional interests equals 100%). The term "purchasable 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 and excluding beneficial interests such as life estates.

The "Number of Fractionated Tracts with corresponding Levels of Tribal Ownership" lists the number of purchasable tracts by whether the tribe already has or does not have majority ownership. The "Number of Highly Fractionated Tracts" is a statutory definition found within the Indian Land Consolidation Act (ILCA) at 25 U.S.C. § 2201(6). The "Number of Acres" column lists the amount of acreage within the "Fractionated Tracts Containing Purchasable Interests." This number does not remove the acreage corresponding to non-purchasable interests.[1] The acreage number is the sum of the acres of surface-only, mineral-only, and combined 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 separately.

The next section of the table describes fractional interest information. The "Number of Purchasable Fractional Interests" follows the definition described above. The "Number of <2% Interests" is a data point listed as a discretionary priority within ILCA. The "Number of <5% Interests" also has statutory significance; such interests should not be further fractionated by intestate succession as a result of the "single heir" rule enacted as part of the American Indian Probate Reform Act of 2004.

The final section of the table provides information about unique or individual owners. First, the "Number of Unique Individuals owning Purchasable Fractional Interests" identifies the total number of people that own fractional interests at a given reservation. This column includes individual owners that are deceased. The sum of this column exceeds the total number of unique individuals owning fractional interests because this column counts individuals

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1. For example, if there was an 80 acre tract with two distinct owners (i.e., with a tribe owning 40% and an individual owning the remaining 60%) the purchasable acres is 48 acres.

multiple times, i.e., for each reservation in which they own fractional interests. The final columns are the number of individuals who are currently identified as whereabouts unknown and the number of individuals who are over 65 years of age.

A primary difference between the figures in this document and the figures published within the Draft Plan released in January of 2012 is that latter sometimes used segregated interest counts (e.g., at Table 2 therein) rather than aggregated interest counts as is used in this document. Segregated interests counts increase the number of fractional interests, as well as the number of the number of highly-fractionated tracts and the number of <2% and <5% fractional interests. The following table also includes several reservations that had been omitted inadvertently from the January 2012 Draft Plan. Other differences include the passage of time during which additional transactions have occurred. To ensure consistent reporting going forward, the Buy-Back Program will continue to utilize the definitions and data queries used to generate this document.

	Land Area Name [Federally Recognized Tribe with Jurisdiction]	BIA Region	BIA Agency	Land Area Code(s)	Tract & Acreage Information						Information on Individuals								
					Number of Tracts Held in Trust	Number of Fractionated Tracts Containing Purchasable Interests	Number of Highly Fractionated Tracts [50-99 owners w/ no interest >10%; 100+ owners (25 USC 2201(6))]	Number of Acres Associated with Fractionated Tracts Containing Purchasable Interests	Level of Tribal Ownership Interest in Fractionated Tracts Containing Purchasable Interests		Number of Purchasable Fractional Interests	Number of <2% Interests [25 USC 2212(b)(2) priority]	Number of <5% Interests [AIPRA Intestate Descent Rule 25 USC 2006]	Number of Unique Individuals owning Fractional Interests	Whereabouts Unknown			Number of Individuals owning Fractional Interests who are under Legal Disability (Non-Compos Mentis, Minors, etc.)	Number of Individuals owning Fractional Interests over 65 Years of Age
									<50%	>=50%					Number of Individuals owning Fractional Interests who are WAU	Number of Fractional Interests owned by WAUs	Number of Fractionated Tracts w/ at least one WAU owner		
1	Confederated Tribes of the Colville Reservation, Washington (101)	Northwest	Colville (03)	101	6,295	2,039	104	165,298	1,431	608	35,939	24,287	29,336	5,941	774	3,288	1,009	153	1,013
2	Spokane Tribe of the Spokane Reservation, Washington (102)	Northwest	Spokane (12)	102	1,265	390	21	24,276	374	16	8,765	5,960	7,063	2,154	203	685	200	54	355
3	Kalispell Indian Community of the Kalispell Reservation, Washington (103)	Northwest	Spokane (12)	103	164	74	0	2,296	54	20	968	508	681	232	17	81	48	6	46
4	Confederated Tribes of the Chehalis Reservation, Washington (105)	Northwest	Olympic Peninsula (06)	105	139	62	12	1,376	61	1	2,088	1,455	1,856	786	44	114	37	13	134
5	Lummi Tribe of the Lummi Reservation, Washington (107)	Northwest	Puget Sound (10)	107	1,096	344	16	5,516	341	3	6,858	4,710	5,536	1,935	373	1,125	187	31	266
6	Makah Indian Tribe of the Makah Indian Reservation, Washington (108)	Northwest	Makah (16)	108	714	256	13	1,941	226	30	5,818	4,078	4,837	1,270	141	652	145	12	217
7	Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington (109)	Northwest	Puget Sound (10)	109	295	79	11	1,441	77	2	1,912	1,168	1,548	800	85	138	37	11	114
8	Nisqually Indian Tribe of the Nisqually Reservation, Washington (110)	Northwest	Puget Sound (10)	110	70	17	3	893	15	2	1,060	949	991	690	43	67	13	14	125
9	Nooksack Indian Tribe of Washington (111)	Northwest	Puget Sound (10)	111	151	48	4	2,204	48	0	1,191	834	984	587	70	123	26	3	89
10	Suquamish Indian Tribe of the Port Madison Reservation, Washington (114)	Northwest	Puget Sound (10)	114	225	66	5	2,272	64	2	1,683	1,204	1,365	1,113	181	246	44	35	192
11	Puyallup Tribe of the Puyallup Reservation, Washington (115)	Northwest	Puget Sound (10)	115	137	16	0	19	15	1	92	9	26	69	12	28	8	5	5
12	Quileute Tribe of the Quileute Reservation, Washington (116)	Northwest	Olympic Peninsula (06)	116	65	30	3	5	30	0	545	292	408	286	16	31	15	6	48
13	Quinault Tribe of the Quinault Reservation, Washington (117)	Northwest	Taholah (17)	117	2,103	1,421	117	103,823	1,367	54	35,838	24,785	29,591	4,366	394	2,231	631	48	947
14	Sauk-Suiattle Indian Tribe of Washington (119)	Northwest	Puget Sound (10)	119	66	33	8	1,173	32	1	1,593	1,372	1,487	508	70	190	25	10	64
15	Skokomish Indian Tribe of the Skokomish Reservation, Washington (120)	Northwest	Olympic Peninsula (06)	120	128	79	12	2,448	79	0	3,322	2,477	3,003	1,032	75	192	50	4	223
16	Squaxin Island Tribe of the Squaxin Island Reservation, Washington (121)	Northwest	Olympic Peninsula (06)	121	44	20	6	1,014	17	3	1,371	1,252	1,311	748	66	110	18	7	120
17	Swinomish Indians of the Swinomish Reservation, Washington (122)	Northwest	Puget Sound (10)	122	163	78	11	3,842	77	1	3,157	2,427	2,806	1,161	151	302	47	26	155
18	Tulalip Tribes of the Tulalip Reservation, Washington (123)	Northwest	Puget Sound (10)	123	641	147	2	3,384	144	3	1,840	876	1,225	921	164	279	90	22	120
19	Confederated Tribes and Bands of the Yakama Nation, Washington (124)	Northwest	Yakama (11)	124	6,407	2,190	175	175,135	1,823	367	53,239	37,542	44,717	4,779	289	1,162	621	63	784
20	Confederated Tribes of the Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) (142)	Northwest	Siletz (01)	142	62	1	0	47	1	0	3	0	0	3	0	0	0	0	1
21	Confederated Tribes of the Umatilla Reservation, Oregon (143)	Northwest	Umatilla (07)	143	1,534	1,014	43	66,832	973	41	18,701	10,520	14,145	3,142	151	456	223	53	530
22	Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon (144)	Northwest	Warm Springs (09)	144	86	75	3	11,938	75	0	1,709	1,034	1,357	210	20	151	40	0	29
23	Confederated Tribes of the Warm Springs Reservation, Oregon (145)	Northwest	Warm Springs (09)	145	2,300	380	7	43,697	119	261	3,809	2,725	3,150	922	53	221	117	37	128
24	Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho (180)	Northwest	Fort Hall (04)	180	5,278	2,574	108	268,830	2,042	532	50,968	31,880	40,481	3,119	188	1,735	912	89	457
25	Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho (181)	Northwest	Coeur d'Alene (18)	181	1,176	300	3	38,457	246	54	3,159	1,392	2,011	1,056	95	237	122	22	190
26	Nez Perce Tribe, Idaho (previously listed as Nez Perce Tribe of Idaho) (182)	Northwest	Northern Idaho (05)	182	989	622	26	44,498	506	116	12,083	7,900	9,806	2,038	108	327	173	24	400
27	Kootenai Tribe of Idaho (183)	Northwest	Northern Idaho (05)	183	31	23	0	1,821	21	2	220	124	164	63	5	19	9	6	1
28	Blackfeet Tribe of the Blackfeet Indian Reservation of Montana (201)	Rocky Mountain	Blackfeet (51)	201	11,799	4,793	718	892,122	4,666	127	188,894	143,548	167,946	7,672	810	13,833	2,882	105	1,385
29	Crow Tribe of Montana (202)	Rocky Mountain	Crow (52)	202	9,940	4,748	599	914,275	4,519	229	175,939	134,272	154,798	4,791	358	5,590	2,031	165	767
34	Crow Tribe of Montana (202)	Rocky Mountain	Crow (52)	208	146	55	7	8,632	55	0	1,591	1,093	1,360	914	46	65	28	30	155

	Land Area Name [Federally Recognized Tribe with Jurisdiction]	BIA Region	BIA Agency	Land Area Code(s)	Tract & Acreage Information						Information on Individuals								
					Number of Tracts Held in Trust	Number of Fractionated Tracts Containing Purchasable Interests	Number of Highly Fractionated Tracts [50-99 owners w/ no interest >10%; 100+ owners (25 USC 2201(6))]	Number of Acres Associated with Fractionated Tracts Containing Purchasable Interests	Level of Tribal Ownership Interest in Fractionated Tracts Containing Purchasable Interests		Number of Purchasable Fractional Interests	Number of <2% Interests [25 USC 2212(b)(2) priority]	Number of <5% Interests [AIPRA Intestate Descent Rule 25 USC 2006]	Number of Unique Individuals owning Fractional Interests	Whereabouts Unknown			Number of Individuals owning Fractional Interests who are under Legal Disability (Non-Compos Mentis, Minors, etc.)	Number of Individuals owning Fractional Interests over 65 Years of Age
									<50%	>=50%					Number of Individuals owning Fractional Interests who are WAU	Number of Fractional Interests owned by WAUs	Number of Fractionated Tracts w/ at least one WAU owner		
30	Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana (203)	Northwest	Flathead (13)	203	3,889	693	21	38,409	541	152	9,250	5,545	6,921	2,966	551	1,412	407	41	440
31	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (204)	Rocky Mountain	Fort Belknap (55)	204	5,325	3,007	106	570,883	2,808	199	55,329	31,913	42,090	3,889	386	4,070	1,333	102	647
32	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (206)	Rocky Mountain	Fort Peck (56)	206	7,443	4,481	346	718,048	4,289	192	113,183	76,547	93,741	10,727	1,104	7,850	2,228	301	1,543
33	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana (207)	Rocky Mountain	Northern Cheyenne (57)	207	2,432	889	39	104,594	622	267	15,284	10,029	12,335	2,995	387	1,983	545	109	373
35	Arapahoe Tribe of the Wind River Reservation, Wyoming (281), Shoshone Tribe of the Wind River Reservation, Wyoming (282)	Rocky Mountain	Wind River (58)	280	5,223	2,514	480	172,503	2,248	266	136,834	116,105	126,763	7,242	657	8,448	1,443	270	897
36	Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (301) (Mandan, Hidatsa & Arikara)	Great Plains	Fort Berthold (04)	301	9,551	3,208	304	464,106	3,005	203	90,976	63,705	76,802	4,821	326	3,722	1,276	100	660
37	Standing Rock Sioux Tribe of North & South Dakota (302)	Great Plains	Standing Rock (10)	302	10,042	6,268	857	761,758	3,985	2,283	214,947	177,345	196,850	19,593	3,028	30,583	4,261	727	2,308
38	Spirit Lake Tribe, North Dakota (303)	Great Plains	Fort Totten (05)	303	1,366	932	232	56,261	768	164	60,075	52,504	56,869	5,790	625	5,890	621	142	771
39	Turtle Mountain Band of Chippewa Indians of North Dakota (304)	Great Plains	Turtle Mountain (11)	304	1,310	582	80	32,924	575	7	25,806	21,607	23,405	8,607	1,419	4,005	420	93	1,833
40	Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota (340)	Great Plains	Cheyenne River (01)	340	12,303	4,026	119	730,114	3,685	341	64,833	35,168	47,545	7,983	1,099	7,256	2,062	179	1,222
41	Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota (342)	Great Plains	Crow Creek (14)	342	1,767	902	130	98,139	741	161	43,217	36,269	39,726	8,649	1,113	5,448	606	192	1,110
42	Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota (343)	Great Plains	Lower Brule (15)	343	1,795	594	119	76,257	308	286	30,242	26,780	28,840	4,848	757	4,141	372	103	636
43	Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota (344)	Great Plains	Pine Ridge (06)	344	11,975	5,982	775	1,194,669	4,195	1,787	194,401	158,423	175,936	22,346	3,956	28,088	3,800	574	2,907
44	Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota (345)	Great Plains	Rosebud (07)	345	6,896	3,068	430	560,021	888	2,180	90,734	80,086	85,822	14,992	2,979	19,623	2,277	384	1,745
45	Yankton Sioux Tribe of South Dakota (346)	Great Plains	Yankton (08)	346	1,028	778	163	45,248	546	232	38,730	33,376	36,488	6,632	762	4,057	548	126	994
46	Sisseton - Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (347)	Great Plains	Sisseton (09)	347	1,979	1,316	226	93,018	980	336	52,882	44,662	49,129	5,096	529	5,072	798	79	1,040
47	Omaha Tribe of Nebraska (380)	Great Plains	Winnebago (13)	380	603	421	74	22,022	394	27	21,374	17,261	19,613	2,695	428	2,627	322	61	321
48	Santee Sioux Nation, Nebraska (382)	Great Plains	Winnebago (13)	382	138	65	19	3,338	53	12	3,730	3,139	3,502	1,809	265	499	49	36	294
49	Winnebago Tribe of Nebraska (383)	Great Plains	Winnebago (13)	383	732	642	291	35,888	488	154	74,105	69,768	72,421	4,208	625	10,458	545	98	722
50	Upper Sioux Community, Minnesota (401)	Midwest	Midwest Region (50)	401	10	2	0	52	2	0	44	21	36	44	8	8	2	0	15
51	Minnesota Chippewa Tribe, Minnesota (400) (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band	Midwest	Minnesota Agency (53)	404	429	200	87	15,505	157	43	15,152	13,916	14,754	1,859	289	2,091	188	18	277
52	Minnesota Chippewa Tribe, Minnesota (400) (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band	Midwest	Minnesota Agency (53)	405	587	347	151	21,372	193	154	26,818	25,304	26,214	4,562	1,242	6,225	311	66	618
53	Minnesota Chippewa Tribe, Minnesota (400) (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band	Midwest	Minnesota Agency (53)	406	486	116	40	8,380	72	44	5,536	4,856	5,340	609	93	1,001	103	5	126
54	Minnesota Chippewa Tribe, Minnesota (400) (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band	Midwest	Minnesota Agency (53)	407	645	247	64	12,303	231	16	19,140	17,044	18,160	6,429	1,543	4,730	217	86	750
55	Minnesota Chippewa Tribe, Minnesota (400) (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band	Midwest	Minnesota Agency (53)	408	724	41	11	2,511	41	0	3,770	3,365	3,594	3,000	631	781	39	31	352

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57	Minnesota Chippewa Tribe, Minnesota (400) (Six component reservations: Bois Forte Band (Nett Lake); Fond du Lac Band; Grand Portage Band; Leech Lake Band; Mille Lacs Band; White Earth Band	Midwest	Minnesota Agency (53)	410	334	28	0	144	27	1	723	411	601	199	41	189	26	2	22
56	Red Lake Band of Chippewa Indians, Minnesota (409)	Midwest	Red Lakes Agency (52)	409	1,548	1	0	102	0	1	2	0	0	2	0	0	0	0	0
58	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin (430)	Midwest	Great Lakes Agency (55)	430	1,321	617	94	29,440	245	372	20,382	18,440	19,384	4,845	1,733	7,659	506	77	514
59	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin (431)	Midwest	Great Lakes Agency (55)	431	808	312	81	20,477	75	237	18,309	17,530	17,915	3,843	1,454	6,195	264	72	450
60	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin (432)	Midwest	Great Lakes Agency (55)	432	485	199	29	12,355	23	176	5,148	4,857	5,008	1,301	344	1,295	166	25	182
61	Oneida Tribe of Indians of Wisconsin (433)	Midwest	Great Lakes Agency (55)	433	431	23	1	217	21	2	321	239	247	297	120	130	19	0	31
62	Forest County Potawatomi Community, Wisconsin (434)	Midwest	Great Lakes Agency (55)	434	68	7	1	360	7	0	309	256	279	181	48	82	6	3	24
63	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin (435)	Midwest	Great Lakes Agency (55)	435	114	37	14	1,806	12	25	3,411	3,307	3,363	1,469	475	1,091	34	20	170
64	Stockbridge Munsee Community, Wisconsin (438)	Midwest	Great Lakes Agency (55)	438	157	3	0	19	3	0	33	8	14	26	10	16	3	0	3
65	Ho-Chunk Nation of Wisconsin (439)	Midwest	Great Lakes Agency (55)	439	210	100	12	3,105	94	6	3,145	2,365	2,741	1,582	249	478	72	42	251
66	Menominee Indian Tribe of Wisconsin (440)	Midwest	Midwest Region (50)	440	1,321	14	0	63	14	0	22	0	0	22	21	21	13	0	1
67	Saginaw Chippewa Indians of Michigan (472)	Midwest	Michigan Agency (60)	472	97	25	5	723	25	0	1,006	781	903	734	145	193	20	5	100
68	Keweenaw Bay Indian Community, Michigan (475)	Midwest	Michigan Agency (60)	475	260	116	31	6,968	47	69	5,469	5,080	5,320	2,188	743	1,881	104	39	276
69	Keweenaw Bay Indian Community, Michigan (475)	Midwest	Michigan Agency (60)	476	4	2	2	160	2	0	257	234	255	231	41	48	2	4	46
70	Big Sandy Rancheria of Mono Indians of California (506)	Pacific	Central California (51)	506	12	3	0	31	3	0	7	0	0	7	3	3	2	0	0
71	Big Valley Band of Pomo Indians of the Big Valley Rancheria, California (507)	Pacific	Central California (51)	507	27	12	0	7	12	0	57	4	6	49	25	27	12	0	1
72	Cloverdale Rancheria of Pomo Indians of California (510)	Pacific	Central California (51)	510	2	2	0	13	2	0	8	0	0	4	4	8	2	0	0
73	Robinson Rancheria of Pomo Indians of California (516)	Pacific	Central California (51)	516	16	4	0	53	4	0	20	0	5	10	7	13	4	0	0
74	Guidiville Rancheria of California (???)	Pacific	Central California (51)	520	2	1	0	2	1	0	3	0	0	3	3	3	1	0	0
75	Hopland Band of Pomo Indians of the Hopland Rancheria, California (521)	Pacific	Central California (51)	521	25	11	0	44	11	0	105	40	48	74	32	37	6	0	10
76	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California (525)	Pacific	Central California (51)	525	47	28	0	88	28	0	240	73	134	99	61	156	28	0	8
77	Northfork Rancheria of Mono Indians of California (532)	Pacific	Central California (51)	532	2	1	0	80	1	0	7	0	0	7	5	5	1	0	0
78	Picayune Rancheria of Chukchansi Indians of California (534)	Pacific	Central California (51)	534	8	1	0	26	1	0	6	0	0	6	6	6	1	0	0
79	Pinoleville Pomo Nation, California (formerly the Pinoleville Rancheria of Pomo Indians of California) (535)	Pacific	Central California (51)	535	11	6	0	28	6	0	14	0	0	14	7	7	3	0	1
80	Redwood Valley Rancheria of Pomo Indians of California (539)	Pacific	Central California (51)	539	6	2	0	5	2	0	38	26	32	19	2	4	2	2	6
81	Round Valley Indian Tribes of the Round Valley Reservation, California (540)	Pacific	Central California (51)	540	362	185	22	5,018	183	2	6,806	5,192	6,049	1,595	600	2,347	168	10	208
82	Greenville Rancheria of Maidu Indians of California (545)	Pacific	Central California (51)	545	2	1	0	1	1	0	8	0	7	8	0	0	0	0	0
83	Table Mountain Rancheria of California (551)	Pacific	Central California (51)	551	16	1	0	6	1	0	4	0	0	4	3	3	1	0	0
84	Karuk Tribe (formerly the Karuk Tribe of California) (555)	Pacific	Northern California (52)	555	22	1	0	14	1	0	7	0	0	7	1	1	1	0	0
85	Blue Lake Rancheria, California (558)	Pacific	Northern California (52)	558	20	4	0	7	4	0	6	0	0	6	5	5	3	0	0
86	Elk Valley Rancheria, California (559)	Pacific	Northern California (52)	559	13	1	0	2	1	0	4	0	0	4	3	3	1	0	0

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87	Hoopa Valley Tribe, California (561)	Pacific	Northern California (52)	561	447	101	0	657	100	1	1,080	428	649	450	86	192	56	7	45
88	Yurok Tribe of the Yurok Reservation, California (562)	Pacific	Northern California (52)	562	220	168	8	4,113	168	0	4,554	3,145	3,851	1,369	584	1,763	159	8	112
89	Quartz Valley Indian Community of the Quartz Valley Reservation of California (563)	Pacific	Northern California (52)	563	6	2	0	23	2	0	5	0	0	5	2	2	1	0	0
90	Smith River Rancheria, California (564)	Pacific	Northern California (52)	564	44	8	0	23	8	0	25	0	0	25	11	11	5	0	3
91	Augustine Band of Cahuilla Indians, California (formerly the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation (567)	Pacific	Southern California (54)	567	6	3	0	120	1	2	17	0	4	17	0	0	0	3	0
92	Cabazon Band of Mission Indians, California (568)	Pacific	Southern California (54)	568	22	9	0	211	9	0	114	57	74	56	1	1	1	5	9
93	La Jolla Band of Luiseno Mission Indians, California (formerly the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation) (576)	Pacific	Southern California (54)	576	79	38	0	380	38	0	542	288	396	275	27	57	19	5	40
94	Morongo Band of Mission Indians, California (fomerly the Morango Band of Cahuilla Mission Indians of the Morongo Reservation) (582)	Pacific	Southern California (54)	582	698	199	7	715	198	1	2,979	1,834	2,229	971	112	309	66	30	120
95	Pala Band of Luiseno Mission Indians of the Pala Reservation, California (583)	Pacific	Southern California (54)	583	479	237	10	866	237	0	5,467	3,908	4,480	851	131	709	115	21	109
96	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California (584)	Pacific	Palm Springs (53)	584	481	175	0	8,205	175	0	1,117	166	390	219	5	10	8	14	15
97	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California (586)	Pacific	Southern California (54)	586	157	104	6	1,373	102	2	3,685	2,853	3,255	881	221	729	95	9	114
98	Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California (587)	Pacific	Southern California (54)	587	103	38	0	159	38	0	494	246	351	223	52	115	31	3	24
99	Sycuan Band of the Kumeyaay Nation (formerly the Sycuan Band of Diegueno Mission Indians of California) (594)	Pacific	Southern California (54)	594	28	19	2	321	14	5	525	421	451	158	33	92	18	4	20
100	Torres Martinez Desert Cahuilla Indians, California (formerly the Torres-Martinez Band of Cahuilla Mission Indians of California) (595)	Pacific	Southern California (54)	595	229	114	4	3,712	114	0	2,193	1,272	1,654	523	74	212	63	22	52
101	Colorado River Indian Tribe of the Colorado River Indian Reservation, Arizona and California (603)	Western	Colorado River (51)	603	896	528	5	5,192	444	84	8,564	5,138	6,632	1,507	195	1,003	296	28	246
102	Fort Mojave Indian Tribe of Arizona California & Nevada (604)	Western	Colorado River (51)	604	28	2	0	160	2	0	22	0	14	11	1	2	2	0	0
103	Hopi Tribe of Arizona (608)	Western	Hopi (65)	608	25	11	5	220	11	0	934	773	886	539	98	162	11	5	123
104	Tohono O'odham Nation of Arizona (610)	Western	Papago (54)	611	310	279	64	39,037	279	0	13,958	10,838	12,762	1,729	189	929	178	59	221
105	Gila River Indian Community of the Gila River Indian Reservation, Arizona (614)	Western	Pima (57)	614	5,627	4,669	581	83,840	4,653	16	172,551	127,426	150,092	10,381	1,423	19,662	3,205	291	1,287
106	Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona (615)	Western	Salt River (55)	615	1,826	1,403	161	21,673	1,395	8	48,562	34,286	41,467	5,770	788	6,653	1,107	144	665
107	California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California (628)	Pacific	Central California (51)	628	1	1	0	1	1	0	3	0	0	3	0	0	0	0	0
108	Habematolel Pomo of Upper Lake, California (formerly the Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California) (636)	Pacific	Central California (51)	636	9	4	0	11	4	0	14	0	0	14	10	10	4	0	0
109	Ely Shoshone Tribe of Nevada (644)	Western	Eastern Nevada (64)	644	4	1	0	160	1	0	24	7	13	24	3	3	1	0	6
110	Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon (646)	Western	Western Nevada (61)	646	16	4	3	145	4	0	561	495	545	466	92	111	4	5	66
111	Walker River Paiute Tribe of the Walker River Reservation, Nevada (656)	Western	Western Nevada (61)	656	505	348	11	6,634	342	6	6,656	3,893	5,070	1,423	263	904	219	14	246
112	Yomba Shoshone Tribe of the Yomba Reservation, Nevada (661)	Western	Western Nevada (61)	661	9	5	0	352	5	0	109	69	89	104	31	32	5	2	18

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113	Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodsford Community, Stewart Community, & Washoe Ranches) (672)	Western	Western Nevada (61)	672	490	409	39	59,310	400	9	14,073	10,231	12,211	1,264	195	1,875	324	7	236
114	Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (687)	Western	Uintah & Ouray (62)	687	2,101	1,058	182	76,738	916	142	43,547	33,796	39,323	2,297	194	2,615	644	82	295
115	Quechan Tribe of the Fort Yuma Indian Reservation, California (696)	Western	Fort Yuma (63)	696	903	708	7	6,879	701	7	13,060	7,348	9,610	1,592	118	586	233	39	245
116	Pueblo of Acoma (703)	Southwest	Southern Pueblos (20)	703	40	1	0	320	1	0	3	0	0	3	1	1	1	0	2
117	Laguna	Southwest	Laguna (21)	707	69	29	2	3,372	28	1	686	416	547	407	65	106	17	3	96
118	Pueblo of San Felipe (712)	Southwest	Southern Pueblos (20)	712	36	1	0	71	1	0	43	31	36	43	0	0	0	0	10
119	Zuni Tribe of the Zuni Reservation, New Mexico (721)	Southwest	Zuni (70)	721	44	12	1	1,861	12	0	515	412	466	457	52	54	7	6	55
120	Navajo Nation, Arizona, New Mexico & Utah (780)	Southwest	Ramah (75)	722	429	211	16	29,975	211	0	6,325	4,490	5,276	1,229	304	1,444	181	16	181
121	Navajo Nation, Arizona, New Mexico & Utah (780)	Navajo	Navajo (00)	723	133	104	19	16,455	104	0	5,443	4,394	4,901	1,079	287	1,372	93	16	158
122	Navajo Nation, Arizona, New Mexico & Utah (780)	Navajo	Navajo (00)	724	75	44	3	6,874	44	0	1,030	538	778	529	140	259	39	4	83
125	Navajo Nation, Arizona, New Mexico & Utah (780)	Navajo	Navajo (00)	790	1,281	508	74	73,767	508	0	20,605	15,119	18,073	5,605	1,843	6,324	413	26	963
126	Navajo Nation, Arizona, New Mexico & Utah (780)	Navajo	Navajo (00)	791	4,299	3,446	812	552,489	3,435	11	220,811	184,089	205,270	26,469	4,188	24,446	2,673	335	4,830
127	Navajo Nation, Arizona, New Mexico & Utah (780)	Navajo	Navajo (00)	792	178	42	2	6,389	42	0	1,258	789	1,053	736	150	242	39	1	138
123	Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado (750)	Southwest	Southern Ute (40)	750	686	106	13	9,487	90	16	2,180	1,587	1,785	861	48	123	41	26	107
124	Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah (751)	Southwest	Ute Mountain Ute (45)	754	104	57	2	7,658	53	4	945	454	654	348	61	158	43	13	28
128	Cheyenne & Arapaho Tribes, Oklahoma	Southern Plains	Concho Agency (05)	801	1,326	1,129	145	96,787	1,129	0	39,264	28,439	34,039	6,436	526	2,159	595	221	721
129	Kiowa Indian Tribe of Oklahoma (802), Comanche Nation, Oklahoma (808), Apache Tribe of Oklahoma (809)	Southern Plains	Anadarko Agency (06)	802	4,519	2,939	116	249,506	2,925	14	55,123	32,434	41,587	9,323	837	3,794	1,275	218	1,546
130	Fort Sill Apache Tribe of Oklahoma (803)	Southern Plains	Anadarko Agency (06)	803	76	50	1	3,097	50	0	634	274	412	271	19	29	12	6	47
131	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (804), Caddo Nation of Oklahoma (806), Delaware Tribe of Western OK (807)	Southern Plains	Anadarko Agency (06)	804	1,105	839	38	73,604	839	0	16,552	9,964	12,810	2,700	185	958	364	59	447
132	Otoe-Missouria Tribe of Indians, Oklahoma(811)	Southern Plains	Pawnee Agency (07)	811	461	356	45	25,689	355	1	12,426	9,595	10,984	2,037	190	902	201	50	354
133	Pawnee Nation of Oklahoma (812)	Southern Plains	Pawnee Agency (07)	812	452	362	29	26,625	361	1	9,991	6,661	8,357	2,003	185	597	181	31	374
134	Ponca Tribe of Indians of Oklahoma (813)	Southern Plains	Pawnee Agency (07)	813	498	403	91	20,882	402	1	25,149	21,341	23,324	2,797	355	2,661	260	81	350
135	Tonkawa Tribe of indians of Oklahoma (814)	Southern Plains	Pawnee Agency (07)	814	10	7	0	321	7	0	273	204	239	115	17	34	6	2	17
136	Absentee Shawnee Tribe of Indians of Oklahoma (820)	Southern Plains	Southern Plains (00)	820	437	258	30	15,726	258	0	8,590	6,381	7,457	2,191	234	854	138	17	464
137	Citizen Potawatomi Nation, Oklahoma (821)	Southern Plains	Southern Plains (00)	821	110	63	11	5,059	61	2	2,378	1,902	2,161	1,465	194	316	51	8	436
138	Iowa Tribe of Oklahoma (822)	Southern Plains	Southern Plains (00)	822	65	50	11	2,077	47	3	2,616	2,169	2,427	843	82	227	35	23	154
139	Kickapoo Tribe of Oklahoma (823)	Southern Plains	Shawnee Agency (08)	823	218	127	7	5,647	127	0	3,293	2,171	2,697	1,073	162	465	80	30	150
140	Sac & Fox Nation, Oklahoma (824)	Southern Plains	Southern Plains (00)	824	391	245	15	18,057	245	0	5,558	3,680	4,333	1,491	218	555	122	21	283
141	Iowa Tribe of Kansas and Nebraska (860)	Southern Plains	Horton Agency (04)	860	45	5	1	180	5	0	153	114	136	108	9	13	5	0	28
142	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas (861)	Southern Plains	Horton Agency (04)	861	198	78	4	2,843	72	6	1,467	906	1,136	616	50	102	36	15	110

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143	Prairie Band of Potawatomi Nation, Kansas (862)	Southern Plains	Horton Agency (04)	862	577	324	39	18,110	316	8	9,581	6,749	8,194	2,169	240	932	217	37	374
144	Sac & Fox Nation of Missouri in Kansas and Nebraska (863)	Southern Plains	Horton Agency (04)	863	8	2	1	62	2	0	113	101	107	113	7	7	1	0	22
145	Cherokee Nation, Oklahoma (905)	Eastern Oklahoma	Cherokee Nation (08)	905	367	135	0	4,621	134	1	689	120	228	441	120	186	95	0	66
146	Chickasaw Nation, Oklahoma (906)	Eastern Oklahoma	Chickasaw Agency (03)	906	2,436	1,882	4	111,219	1,882	0	14,297	5,307	8,475	3,593	784	2,271	896	7	681
147	Choctaw Nation of Oklahoma (907)	Eastern Oklahoma	Talihina (09)	907	626	407	0	28,938	407	0	2,213	760	1,037	1,087	222	394	229	3	237
148	Muscogee (Creek) Nation, Oklahoma (908)	Eastern Oklahoma	Okmulgee (07)	908	1,216	780	0	45,130	780	0	5,528	1,534	2,823	1,975	283	748	344	2	446
149	Seminole Nation of Oklahoma (909)	Eastern Oklahoma	Wewoka (10)	909	1,217	952	4	37,627	952	0	8,022	3,220	5,030	1,708	507	2,046	637	4	237
150	Quapaw Tribe of Indians, Oklahoma (920)	Eastern Oklahoma	Miami Agency (04)	920	295	222	9	16,337	216	6	3,477	2,275	2,897	388	23	162	63	2	112
151	Eastern Shawnee Tribe of Oklahoma (921)	Eastern Oklahoma	Miami Agency (04)	921	47	30	1	485	30	0	283	162	199	160	18	29	12	1	56
152	Seneca-Cayuga Tribe of Oklahoma (923)	Eastern Oklahoma	Miami Agency (04)	923	162	71	1	2,803	70	1	1,470	1,033	1,217	751	131	267	52	18	156
153	Osage Nation, Oklahoma (formerly the Osage Tribe) (930)	Eastern Oklahoma	Osage (06)	930	10,616	609	1	73,434	606	3	2,988	488	968	700	47	121	69	28	121
	Total				**200,539**	**92,574**	**10,136**	**10,624,004**	**79,339**	**13,235**	**2,934,031**	**2,243,475**	**2,577,807**			**319,759**	**52,425**		

Number of LACs = 153

Appendix C – Secretarial Order No. 3325

THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3325

Subject: Land Buy-Back Program for Tribal Nations

Sec. 1 **Purpose**. This Order establishes the Land Buy-Back Program for Tribal Nations (Buy-Back Program) in the Office of the Secretary to ensure implementation of all land consolidation aspects of the Settlement Agreement in *Cobell v. Salazar*, No. 96-CV-1285-JR.

Sec. 2 **Background**. The *Cobell* Settlement Agreement (as confirmed by the Claims Resolution Act of 2010 (Pub. L. No. 111-291) and approved with finality after appeals were exhausted to the U.S. Supreme Court (Settlement)), provides for a $1.9 billion Trust Land Consolidation Fund (Fund). The Settlement charges the Department of the Interior (Department) with the responsibility to expend the Fund within a 10-year period to acquire, at fair market value, fractional interests in trust or restricted land that individuals are willing to sell to the Department. Acquired interests will remain in trust or restricted status and be consolidated for beneficial use by tribal communities. As an additional incentive to participate in the Buy-Back Program, the Settlement provides that a portion of the Fund will be contributed to an Indian Education Scholarship Fund for American Indian and Alaska Native students when individuals sell fractional interests under the Buy-Back Program. As provided in the Settlement, administrative costs, including support for the Secretarial Commission on Trust Reform, must not exceed 15 percent of the Fund. Given the size, limited duration, and importance of the Fund and Buy-Back Program, the Buy-Back Program will be established in the Office of the Secretary, subject to the oversight of the Deputy Secretary, to facilitate coordinated engagement and accountability within the Department and streamlined projects and the prioritization of resources.

Sec. 3 **Authority**. This Order is issued under the authority of Reorganization Plan No. 3 of 1950 (64 Stat. 1262), as amended; and the Settlement.

Sec. 4 **Consultation**. The Department recognizes its obligation to engage in government-to-government consultation with Tribal Nations in connection with the Settlement. Consultation has been underway since 2011, before final approval of the Settlement, and the Department will continue consultations regarding the implementation of the Buy-Back Program.

Sec. 5 **Goals and Priorities of the Buy-Back Program**. The Buy-Back Program is a collaborative endeavor that will depend upon the expertise and direct involvement of all relevant bureaus and offices of the Department, as well as tribes, in order to realize the historic

opportunities afforded by the Settlement. The Buy-Back Program has the following goals and priorities:

a. Reduce the number of fractional interests in trust or restricted lands, giving priority to the most highly fractionated tracts of land in accordance with the Settlement;

b. Increase the number of trust or restricted acres in tribal land bases by focusing on cost-effective acquisitions, which will promote tribal sovereignty and self-determination;

c. Increase the number of trust or restricted tracts in which the tribe has majority ownership in order to facilitate economic development or other uses;

d. Target fractionated tracts that are amenable to cost-efficient valuation techniques;

e. Actively consult with tribes to realize opportunities for tribal participation and assistance and to identify and accommodate their acquisition priorities to the fullest extent practicable consistent herewith;

f. Actively report progress and communicate with Indian country throughout the life of the Buy-Back Program;

g. Provide clear, concise information and guidance to individual Indian land owners concerning their fractional interests and the opportunity to voluntarily participate in the Buy-Back Program; and

h. Manage administrative expenses in the most cost-efficient manner possible, in a way that facilitates effective, long-term trust management and systems integration.

Sec. 6 **Responsibilities and Functions**. The Buy-Back Program will draw on the expertise and capabilities throughout the Department, including, in particular, the Assistant Secretary – Indian Affairs; Bureau of Indian Affairs; Office of the Special Trustee for American Indians; Assistant Secretary – Land and Minerals Management; Office of the Solicitor; the Assistant Secretary – Policy, Management and Budget; and the Office of the Secretary. New positions, including those referenced herein, will be established to ensure accountability. The high-level board described in Section 6.b will provide oversight.

a. **Buy-Back Program Manager and Tribal Liaison**. The Buy-Back Program is headed by a Program Manager in the Office of the Secretary who reports to the Deputy Secretary. The Program Manager provides leadership, coordination, communication, management, reporting, and oversight; maintains strong, collaborative government-to-government relationships with tribes, in part by establishing cooperative agreements with tribes

and by active consultation, which will be managed by a Tribal Liaison; manages the Fund in accordance with the Settlement; and establishes performance-based reimbursable support agreements or memorandums of understanding to facilitate Fund expenditures by bureaus and offices.

b. **Tribal Nations Land Buy-Back Oversight Board (Board)**. A Board is hereby established to provide policy guidance, ideas for improvement, oversight, and other assistance to the Buy-Back Program. The Secretary, or the Deputy Secretary as designee, shall chair the Board, which shall include the following members: Solicitor; Assistant Secretary – Indian Affairs; Special Trustee for American Indians (or the Principal Deputy Special Trustee as designee); Director, Bureau of Indian Affairs; Deputy Assistant Secretary – Technology, Information & Business Services; and Director, Bureau of Land Management.

c. **Bureaus and Offices**. The Buy-Back Program will be accomplished with the direct participation and full cooperation of the bureaus and offices reporting to the Assistant Secretary – Indian Affairs; Special Trustee for American Indians; the Assistant Secretary – Policy, Management and Budget; and the Assistant Secretary – Land and Minerals Management. Bureaus and offices will implement the Buy-Back Program in a manner that ensures tracking and accountability for use of the Fund.

(1) Bureau of Indian Affairs will have an Acquisition Director with primary responsibility for planning and executing land acquisition and title related functions of the Buy-Back Program.

(2) Office of the Special Trustee for American Indians will have primary responsibility for determining fair market values for trust or restricted tracts with fractional ownership interests, which will be managed by a Deputy Director for Valuations; and developing an accountable process to post payments from the Fund to individual Indian money accounts for the acquisition of fractional interests.

Sec. 7 **Buy-Back Program Requirements**.

a. In coordination with the Program Manager, the heads of all bureaus and offices identified in Section 6.c will ensure that performance measures and standards regarding the Buy-Back Program are included in employee performance appraisal plans for the employees that directly support the Buy-Back Program and that ratings reflect input received from the Program Manager.

b. Each bureau and office with primary responsibility will coordinate with and report regularly to the Program Manager regarding their implementation of the Buy-Back Program as may be further outlined in written agreements or memorandums of understanding.

c. Bureaus and offices will provide the Program Manager or a designee with access to all records, systems, documents, files, and other material, as well as to any officer and employee or contractor thereof, as the Program Manager deems necessary for Buy-Back Program implementation.

d. The Program Manager, bureaus, and offices will ensure that proper internal controls are in place, funds are expended appropriately, and auditors have access to all pertinent records and financial reports.

Sec. 8 **Delegations**. All of the authority necessary to carry out the responsibilities and functions of the Buy-Back Program is delegated to the Program Manager. This authority may be further delegated. Officials in the bureaus and offices described in Section 6 are delegated the authority necessary to carry out the responsibilities and functions herein.

Sec. 9 **Expiration Date**. This Order is effective immediately. It will remain in effect until its provisions are converted to the Departmental Manual or until it is amended, superseded, revoked, or until the Fund is fully expended or the time period expires, whichever occurs first.

Ken Salazar
Secretary of the Interior

Date: DEC 17 2012