



L A N D

B u y - B a c k P r o g r a m

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T R I B A L N A T I O N S

Overview

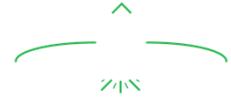


Background

Implementation Phases

Tribal Involvement

Next Steps



1. What is the Buy-Back Program?

- The Buy-Back Program is a collaborative effort - involving Interior, tribes, and individuals - to reduce the number of fractional interests in tracts of trust or restricted lands. Fractionated tracts are defined as any tract with more than one landowner.
- Cobell Settlement Agreement, approved with finality on November 24, 2012, provides for the creation of the Buy-Back Program. Program will last no longer than 10 years from November 24, 2012.
- Purchases are voluntary.
- No liens - lands will stay in trust or restricted status and be transferred to the tribe that has jurisdiction over the land, without any liens attached.

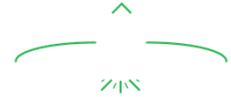
2. What funding is available?



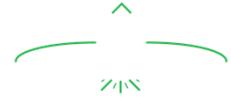
- The Settlement allocates \$1.9 Billion to Interior for land consolidation purposes – the Trust Land Consolidation Fund

Available for purchase payments	\$1,555,000,000
Administrative Costs (capped at 15%)	285,000,000
Indian Scholarship Funding	<u>60,000,000</u>
Total	\$1,900,000,000

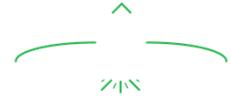
3. How will the program be implemented?



- Interior issued an **Initial Implementation Plan** on December 18, 2012, after incorporating feedback from consultation on a draft plan dated January 2012.
- This plan is available on the web at: <http://www.doi.gov/buybackprogram>.
- Incorporates previous feedback and consultations.



Confederated Tribes (Federally Recognized Tribes and Band)	BIA Region	BIA Office	Land Area (Acres)	Tribal Survey Information						Information on the Survey									
				Number of Tracts Sited	Number of Proposed Fee-Conserving Tracts	Number of B-2(b) Proposed Tracts (641 acres or more > 80% B-2(b) or 200+ acres)	Number of Fee-Conserving Tracts	Land/Total Ownership Interest Proposed To be Conserved (Number of acres and acreage)		Number of Fee-Conserving Tracts	Number of 10% Interest (B-2(b) parcels)	Number of 100% Interest (B-2(b) parcels)	Number of Began Individualizing Fee-Conserving Tracts	Withdrawals/Deletions			Number of Individualizing Fee-Conserving Tracts (Legal Description, Other Comments)	Number of Individualizing Fee-Conserving Tracts on the Fee-Conserving List	
								< 50%	> 50%					Number of Individualizing Fee-Conserving Tracts on the Fee-Conserving List	Number of Proposed Tracts Deleted by WDA	Number of Proposed Tracts Deleted by Other			
1	Confederated Tribes of the Colville Reservation, Washington (101)	Northwest	Colville (00)	101	8,235	2,059	104	185,250	1,491	800	25,259	24,207	25,259	5,941	774	2,233	1,009	159	1,019
2	Spokane Tribes of the Spokane Reservation, Washington (102)	Northwest	Spokane (12)	102	12,000	500	21	24,210	974	18	3,705	5,980	7,089	2,154	209	835	2,000	54	930
3	Kalispell Indian Community of the Kalispell Reservation, Washington (103)	Northwest	Spokane (12)	103	184	74	0	2,238	54	20	300	500	831	252	17	31	43	8	48
4	Confederated Tribes of the Chehalis Reservation, Washington (105)	Northwest	Olympic Peninsula (08)	105	1,390	82	12	1,978	81	1	2,033	1,455	1,268	738	44	114	97	19	134
5	Lummi Tribes of the Lummi Reservation, Washington (107)	Northwest	Puget Sound (10)	107	10,000	944	18	5,518	941	9	8,203	4,710	5,508	1,325	919	1,125	1,317	91	2,000
6	Klallam Indian Tribes of the Klallam Indian Reservation, Washington (109)	Northwest	Klallam (18)	109	714	258	19	1,241	228	30	5,313	4,073	4,227	1,270	141	852	145	12	217
7	Muckleshoot Indian Tribes of the Muckleshoot Reservation, Washington (109)	Northwest	Puget Sound (10)	109	235	79	11	1,441	77	2	1,912	1,183	1,543	300	35	150	97	11	114
8	Nasqually Indian Tribes of the Nasqually Reservation, Washington (110)	Northwest	Puget Sound (10)	110	70	17	9	399	15	2	1,080	949	991	890	49	87	19	14	125
9	Nisqually Indian Tribes of Washington (111)	Northwest	Puget Sound (10)	111	131	43	4	2,204	43	0	1,191	394	334	337	70	129	38	9	33
10	Squamish Indian Tribes of the Pali Nation Reservation, Washington (114)	Northwest	Puget Sound (10)	114	225	88	5	2,272	84	2	1,009	1,204	1,285	1,119	131	248	44	25	132
11	Puyallup Tribes of the Puyallup Reservation, Washington (115)	Northwest	Puget Sound (10)	115	197	18	0	19	19	1	92	9	38	89	12	33	3	5	5
12	Quileute Tribes of the Quileute Reservation, Washington (118)	Northwest	Olympic Peninsula (08)	118	85	30	9	5	30	0	545	232	403	238	18	31	15	8	43
13	Quinaltup Tribes of the Quinaltup Reservation, Washington (117)	Northwest	Columbia (17)	117	2,100	1,421	117	109,329	1,387	54	25,263	24,735	23,591	4,288	394	2,291	831	43	947
14	Sauviesse Indian Tribes of Washington (119)	Northwest	Puget Sound (10)	119	88	39	3	1,179	32	1	1,569	1,972	1,437	500	70	190	25	10	84
15	Sukomah Indian Tribes of the Sukomah Reservation, Washington (120)	Northwest	Olympic Peninsula (08)	120	1,200	79	12	2,443	79	0	9,322	2,477	9,009	1,092	75	192	50	4	229
16	Squaxin Island Tribes of the Squaxin Island Reservation, Washington (121)	Northwest	Olympic Peninsula (08)	121	44	20	8	1,014	17	9	1,971	1,252	1,911	743	88	110	13	7	120
17	Swinomish Indians of the Swinomish Reservation, Washington (122)	Northwest	Puget Sound (10)	122	188	73	11	9,342	77	1	9,197	2,427	2,308	1,181	151	302	47	28	135
18	Tulalip Tribes of the Tulalip Reservation, Washington (123)	Northwest	Puget Sound (10)	123	841	147	2	9,384	144	9	1,340	378	1,225	921	184	219	30	22	120
19	Confederated Tribes and Bands of the Yakama Nation, Washington (124)	Northwest	Yakama (11)	124	8,407	2,190	175	175,125	1,329	287	52,239	97,542	44,717	4,779	239	1,182	821	89	734
20	Confederated Tribes of the Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) (142)	Northwest	Siletz (01)	142	82	1	0	47	1	0	9	0	0	9	0	0	0	0	1
21	Confederated Tribes of the Umatilla Reservation, Oregon (143)	Northwest	Umatilla (07)	143	1,594	1,014	49	88,322	979	41	13,701	10,320	14,145	9,142	151	458	229	59	530
22	Sura Paula Tribes of the Sura Paula Indian Colony of Oregon (144)	Northwest	Warm Springs (09)	144	38	75	9	11,293	75	0	1,109	1,094	1,297	210	20	151	40	0	29
23	Confederated Tribes of the Warm Springs Reservation, Oregon (145)	Northwest	Warm Springs (09)	145	2,900	500	7	49,897	119	281	9,309	2,725	9,190	922	59	221	117	97	128
24	Shoshone-Bannock Tribes of the Fall Hill Reservation, Idaho (130)	Northwest	Fall Hill (04)	130	5,273	2,974	109	283,390	2,042	592	50,283	91,380	40,431	9,119	133	1,126	912	39	437
25	Coos D'Alene Tribes of the Coos D'Alene Reservation, Idaho (131)	Northwest	Coos d'Alene (13)	131	1,178	300	9	33,457	248	54	9,159	1,892	2,011	1,058	35	297	122	22	130
26	Nez Perce Tribes, Idaho (previously listed as Nez Perce Tribes of Idaho) (132)	Northwest	Nathan Idaho (05)	132	939	822	28	44,493	508	118	12,039	7,500	9,308	2,093	103	927	179	24	400
27	Kootenai Tribes of Idaho (133)	Northwest	Nathan Idaho (05)	133	91	29	0	1,321	21	2	220	124	184	89	5	19	9	8	1
28	Blackfoot Tribes of the Blackfoot Indian Reservation, Montana (201)	Rocky Mountain	Blackfoot (51)	201	11,739	4,799	713	392,122	4,880	127	133,394	149,543	187,948	7,872	310	19,399	2,382	105	1,385
29	Crow Tribes of Montana (202)	Rocky Mountain	Crow (52)	202	9,940	4,743	599	914,275	4,519	229	175,299	194,272	154,793	4,791	358	9,599	2,091	185	787
30	Crow Tribes of Montana (202)	Rocky Mountain	Crow (52)	203	148	55	7	3,892	55	0	1,591	1,099	1,280	914	48	85	28	30	130
31	Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana (202)	Northwest	Flathead (19)	202	9,339	899	21	33,409	541	152	9,230	9,545	8,921	2,388	551	1,412	407	41	440



. . . Initial Implementation Plan

- This plan is not a “final” plan. It will be revised as the program goes forward, based on the experience gained, continuing consultation with tribes, and input from individuals.
- Consultation will continue throughout the entire implementation of the program.
- Interior intends to respond to tribal feedback as soon as possible.



4. What lands are purchasable?

- There are about 150 reservations with 92,000 fractionated tracts containing 2.9 million fractional interests. These interests are owned by approximately 219,000 individuals.
- Ninety percent (90%) of the fractional interests are located in 40 locations.
- Under the Settlement, only fractional interests in trust or restricted lands will be purchased. (Fee lands will not be purchased.)
- **There will be NO forced sales.** The Buy-Back Program will only purchase interests from landowners willing to sell their fractional interests.

5. How much is available for purchases?



- Under the Settlement, at least \$1.555 billion will be available for purchasing fractional interests from individuals that would like to sell.
- In response to tribal feedback, preliminary purchase ceilings are proposed in the Initial Implementation Plan, based on the level of fractionation (a location's proportional amount of tracts, interests, and acres).
- Dollar amounts tentatively suggested as purchase ceilings are subject to change due to tribal feedback and as the Buy-Back Program evolves.
- Actual purchase amounts at any reservation depend on the number of individuals that decide to sell fractional interests at that location.

6. How does the Indian Education Scholarship Fund relate to the Buy-Back Program?



- Cobell Settlement Agreement also provides for an **Indian Education Scholarship Fund** to provide financial assistance to native American students attending post-secondary vocational and college institutions.
- The Scholarship Fund will be funded in part by the Trust Land Consolidation Fund (up to \$60 million) as follows:
 - For every purchase of a fractional interest costing less than \$200, \$10 will be added to the Scholarship Fund.
 - For purchases costing between \$200 and \$500, \$25 will be added to the Scholarship Fund.
 - For purchases over \$500, 5% of the purchase price will be added to the Scholarship Fund.
- The Scholarship Fund will not be managed by the Department; it will be managed by a non-profit organization.

7. Once a location is targeted, what are the major implementation steps or phases?



There are four phases to the Buy-Back Program when implementation occurs at a particular reservation:

1. **Outreach** to advertise the Buy-Back Program, find willing sellers, and get Tribal priorities as to what type of fractionated tracts they wish to have purchased.
2. **Land Research** to collect data necessary to establish fair market value for fractionated tracts that might be acquired.
3. **Land Valuation** to determine the fair market value of tracts where Interior will offer to buy fractional interests.
4. **Land Acquisition** to purchase interests in fractionated tracts valued in phase 3 that individuals would like to voluntarily sell.

Outreach Phase



The Outreach Phase will have two primary goals:

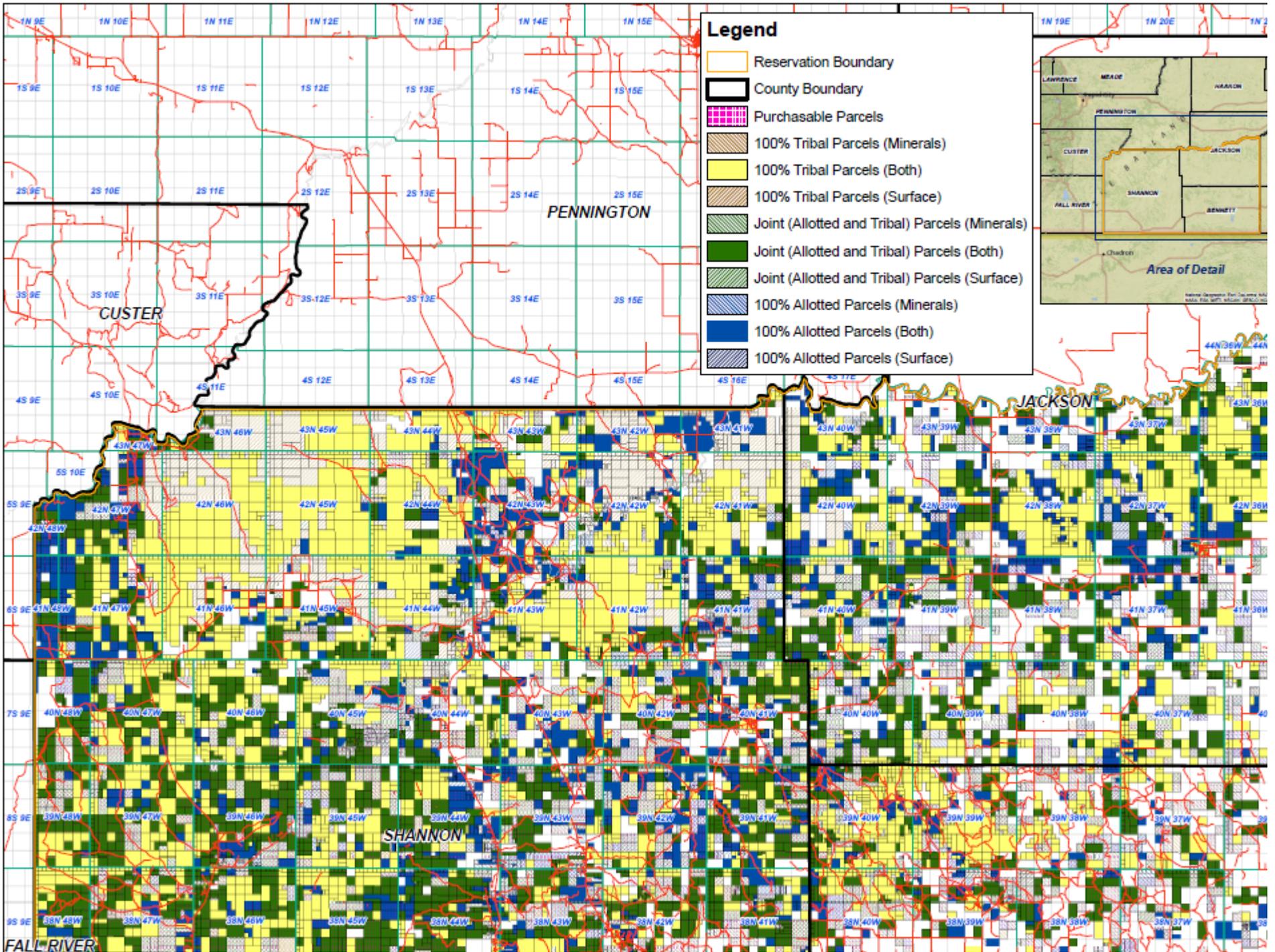
1. Interior officials will meet with tribal governments and individuals to discuss:
 - a) Tribal priorities for acquisition
 - b) How best to conduct outreach on the reservation
 - c) Tribes interest and capacity to conduct Buy-Back Program operations through cooperative agreements
 - d) Implementation timeframe at each location (goal is 18-24 months)

2. Inform individuals owning fractional interests of the details of the Buy-Back Program and how they may participate in the Program if they so desire.

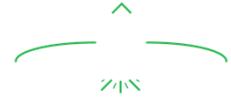
Outreach Phase: Tribal Purchase Priorities



- Interior wants to receive tribal priorities.
- Some criteria tribes may wish to use for setting priorities for purchase of fractionated tracts may include the following:
 - Specific tracts the tribe has a special interest in acquiring
 - Tracts in specific regions of the reservation
 - Tracts with a particular land use, such as range/grazing, dry farm cropping, irrigated cropping, commercial development, cultural importance
 - Tracts in which the tribe already owns a certain % interest

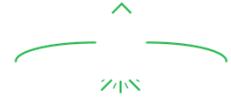


Land Research Phase



- The Land Research Phase will utilize information from the Trust Asset and Accounting Management System (TAAMS) system.
- The Land Research Phase will focus on collecting data necessary to make fair market value determinations during the Valuation Phase.
- Tract land uses or acreage types, such as range/grazing, dry farming, irrigated farming, or forestry will be noted in this phase.
- GIS capabilities will be instrumental to this phase.

Land Valuation Phase



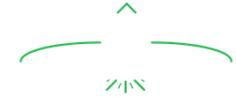
- The Office of the Special Trustee for American Indians (OST), Office of Appraisal Services (OAS) will be responsible for the appraisal of the tracts, incorporating any contributory value from timber and mineral estates.
- The Office of Mineral Evaluations will be responsible for the valuation of mineral interests.
- Land Valuation will rely heavily on mass appraisal valuation techniques.
- Mass appraisal valuation techniques will be used to reduce administrative costs, expedite the appraisal process, and enable the most offers possible.
- Certain tracts may not be amenable to mass appraisal valuation techniques, which may preclude purchase of fractional interests in these tracts.

Land Acquisition Phase



- In order to be efficient, Interior proposes a One-step Offer Process.
- Purchase offer packages will be generated & mailed to individuals owning fractional interests in tracts valued by the Program. This packet will include:
 - Cover Letter
 - Deed and Purchasable Interests Report (next page)
 - Map(s)

Land Acquisition Phase – Purchasable Interests Report



United States Department of Interior
Bureau of Indian Affairs
Exhibit A - Purchasable Interests Inventory Report

Date: (MM/DD/YYYY) Page 1 of #
Offer/Deed ID#: #####

Grantor ID: #####
Grantor Name: XXXXXXXXXXXXXXXX
Reservation/Land Area Name: XXXXXXXXXXXXXXXXXXXX

Gender: Male Female (Gather Marital Status Info?)

Restrictions: Power of Attorney Guardian

POA/Guardian Name: _____

Example: Please use black or blue ink and fill in the circle(s) completely on the individual tracts you wish to sell, or you may select the "Sell all Tracts"

Sell	Tract ID	Tract Name	Legal Description	Tract Resource ¹	Tract Acres	Aggregate Interest	Owner Value	(Barcode)	Scholarship Contribution
<input type="radio"/>	999 345	Walking Crane	S 12, T 12N, R 2W County, ST	Surface Only	80.00	.00289	\$389.20		\$10.00
<input type="radio"/>	999 650-B	Two Rivers	S 25, T 18N, R 2W County, ST	Both	40.00	.00024	\$74.50		\$10.00
<input type="radio"/>	999 780	Spotted Horse	S 32, T 21N, R 4W County, ST	Both	160.00	.00003	\$33.25		\$10.00
<input type="radio"/>	Sell All Tracts					Total Int. Value: \$496.95		Total Scholarship: \$30.00	

(Barcode) |||||
Offer/Deed ID # #####

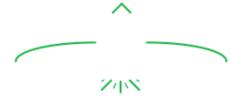
¹ Tract Resource Type: (Definitions for each type)

Land Acquisition Phase



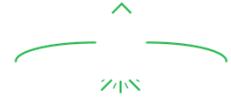
- Interior wants to send offers to as many individuals as possible.
- If the value of the tracts appraised for a particular location far exceeds the purchase ceiling amount, we will need to prioritize.
- Possible factors to determine/prioritize the offers to be made include:
 - Tribal Priority Tracts
 - Level Fractionated Ownership
 - Tract Values
 - Interested/Willing Sellers
 - Other criteria/factors (TBD)
- Interior wants input on the factors to be used.

Land Acquisition Phase



- Landowners will have a **set amount of time** to decide whether to sell some or all of their fractional interests that were valued.
- Staff at local field offices will be available to answer questions or assist with completing the packet.
- Payments will be made into the IIM account of the landowner for those who decide to sell.
- Whereabouts Unknowns (WAU's)

8. What is the organizational structure of the Buy-Back Program?



- The Buy-Back Program is headed by a **Program Manager** (John McClanahan) in the Office of the Secretary who reports to the Deputy Secretary.
- An **Acquisitions Director** will be housed in the Bureau of Indian Affairs (BIA). A **Deputy Director for Valuations** will be housed in the Office of the Special Trustee for American Indians.
- There will be three Regional Acquisition Centers within BIA:
 1. **Billings, MT** servicing Rocky Mountain and Northwest Regions.
 2. **Aberdeen, SD** servicing Great Plains and Midwest Regions.
 3. **Albuquerque, NM** servicing all other BIA Regions.
- We are adding staff to ensure existing workload of BIA and OAS staff are not affected.

9. How will tribes be involved?



- Tribal involvement will be critical to the success of the Buy-Back Program.
- Tribes will be involved in the Program in various ways:
 - Tribes will be able to identify tracts of land as priorities for acquisition. While the Department will strive to incorporate these priorities, acquisition will be dependent on the number of willing sellers.
 - Although PL 93-638 Contracts & Self-Governance Compacts contracts cannot be used (because the Indian Land Consolidation Act (ILCA) prohibits their use), **Cooperative Agreements** will be entered into with tribes to conduct some of the land consolidation activities required under the Buy-Back Program, especially in the area of outreach.

Tribal Involvement . . .



- Tribes interested in entering into cooperative agreements with Interior must submit detailed proposals to the Buy-Back Program.
- The proposals must include details such as the following:
 - Scope of work;
 - Proposed administrative cost; and
 - Schedule for delivery of the work products committed to performing.
- Address questions and send proposals to Anthony Walters.

10. What are some next steps?



- Incorporate comments from consultation.
- Ramp Up. Interior will start at a small number of initial locations to achieve early learning, refine the implementation processes, and build capacity for rapid expansion to many other locations.
- Goal is to simultaneously advance three major aspects of the Initial Implementation Plan:
 1. Reducing fractionation at **highly-fractionated reservations**,
 2. Facilitating tribal involvement through **cooperative agreements**, and
 3. Locating interested sellers and developing approaches for **less-fractionated reservations**.

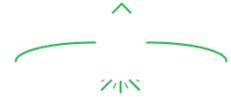
Next steps . . .



- 1. Highly-fractionated reservations.** Interior proposes to implement the Buy-Back Program at reservations in order of descending fractionation, with flexibility to make adjustments to the sequence based on other factors, such: as reservation location/adjacency; availability of staff, records, and appraisals; and tribal involvement and priorities.
- 2. Cooperative Agreements.** Early on, it will be beneficial to quickly develop good templates and achieve success to facilitate additional cooperative agreements.
- 3. Less-fractionated reservations.** Interior proposes criteria for implementation at less-fractionated locations: owners of 50% or more of the fractional interests within a reservation identify themselves as “Interested Sellers.” Potential pilot goals include the following.

Determine effective outreach practices to identify willing sellers,
Identify information needed to conduct outreach, and
Learn about administrative costs.

Questions and Comments



- Please submit comments on the Initial Implement Plan by March 4, 2013.
- Comments may be submitted by email or by mail:

buybackprogram@ios.doi.gov

U.S. Department of the Interior
MS-7323-MIB
1849 C Street NW
Washington, DC 20240

- For further information contact:

Anthony Walters
(202) 513-0897

Anthony.Walters@bia.gov