Frequently Asked Questions

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Background and Overview Information

1. What is fractionation? Why is it an issue?

Fractionation refers to divided ownership of Indian lands and is the result of land parcels (allotments) passing to numerous heirs over generations. The land itself is not physically divided; rather, the heirs of an original allottee own undivided interests in the allotment. Many allotments now have hundreds and even thousands of individual owners.

Divided ownership makes it difficult, if not impossible, to use the land for any beneficial purpose because consent from 50-90 percent of the owners must first be obtained (level of consent depends on the number of owners on a tract). As a result, fractionated allotments often lie idle rather than being utilized for agricultural, recreational, cultural, commercial or even residential purposes. Even when consent can be obtained to lease an allotment, highly divided ownership often results in individual owners receiving only nominal lease returns. A significant portion of landowners earn $25 or less in annual income from their fractional interests in allotments.

At the start of the Program, there were approximately 150 reservations with 2.9 million purchasable fractional interests owned by approximately 245,000 individuals outlined in Appendix B of the 2015 Status Report (as of August 2015, the whereabouts of approximately 23 percent of these individuals were unknown).

2. What is the Land Buy-Back Program for Tribal Nations?

The Secretary of the Interior established the Land Buy-Back Program for Tribal Nations (Buy-Back Program) to give individual landowners an opportunity to help address the problem of fractionation, as part of the *Cobell* Settlement. The Program has $1.9 billion available to purchase fractional interests in trust or restricted land from willing sellers at fair market value within a 10-year period, which ends in November 2022. Individuals who choose to sell their interests receive payments directly into their Individual Indian Money (IIM) accounts. Consolidated interests are then immediately restored to tribal trust ownership for uses benefiting the reservation community and tribal members.

3. Who is involved in the Buy-Back Program?

The Buy-Back Program is an office within the Office of the Secretary, U.S. Department of the Interior. The Program works closely with the Office of the Special Trustee for American Indians (OST), the Bureau of Land Management (BLM), and the Bureau of Indian Affairs (BIA) to implement the Program across Indian Country.

An Oversight Board, chaired by the Deputy Secretary, also works to ensure the Program is carried out effectively and efficiently. The Board is comprised of key Departmental leadership, including the Solicitor, the Assistant Secretary - Indian Affairs, and the Director for the Bureau of Indian Affairs.

In addition, the Program is working with tribes to ensure the best information is available to landowners. Tribes participating in the Buy-Back Program have an opportunity to enter into cooperative agreements, when feasible and practical, or other arrangements with the Program to access potential resources to assist in Program

implementation. For more information, see the Tribal Government section of these FAQs.

4. How is the implementation schedule being determined?

The Buy-Back Program held an open solicitation from November 8, 2013, through March 14, 2014, during which tribes with jurisdiction over the most fractionated locations were invited to submit letters of interest or cooperative agreement applications to express their interest in participating in the Program. In November 2014, the Department announced 42 locations where land consolidation activities such as planning, outreach, mapping, mineral evaluations, appraisals, or acquisitions are expected to take place through the middle of 2017. Details are available in the Program's 2014 Status Report.

In November 2015, the Program announced a Planning Initiative to assist in the development of the implementation schedule announced in May 2016. Through discussions with tribal leaders and events with landowners, the two-pronged Planning Initiative gathered input from tribal governments and landowners. From that review, the Department added another 63 locations to its schedule.

The 105 locations planned for Program implementation represent the vast majority of the total landowners and fractionated land across the Program-eligible locations, representing more than 96 percent of all landowners; and more than 98 percent of both purchasable fractional interests and equivalent acres.

5. Why is the Buy-Back Program not acquiring fractional interests located in Alaska?

The *Cobell* Settlement requires the Program to operate in accordance with the Indian Land Consolidation Act (ILCA). 25 U.S.C. 2201. The language in ILCA specifically excludes lands located within Alaska. 25 U.S.C. 2219. Consequently, fractional interests located in Alaska are not eligible to be included in the efforts of the Buy-Back Program.

6. Will the Program return to any of the locations where implementation has already occurred?

The Program plans to reevaluate its resources and progress by November 2018 to determine if remaining resources exist so that they might be utilized at additional locations or locations where purchase offers have already been sent. In the meantime, interested landowners should call the Trust Beneficiary Call Center at (888) 678-6836 and indicate that they are a willing seller and/or to update contact information. Registering as a willing seller does not commit you to selling your land, nor does it guarantee an offer will be extended; it merely identifies your desire to receive an offer and provides an opportunity for advance outreach and information to be shared with you at the earliest possible time.

7. How does the Program determine what interests it will seek to acquire?

The Buy-Back Program will send offers to as many individuals as possible considering the following purchase factors to identify tracts:

- Completed appraisal;
- Tribal priority tracts;
- Level of fractionated ownership;
- Tract values; and/or
- Interested/willing sellers.

There is no fixed formula. The purchase factors and associated values/rates will be different for each reservation. The Buy-Back Program continuously analyzes and adjusts the purchase factors during the time it spends at each reservation to obtain the most benefit for both the willing seller and the tribe.

8. How much money is available to purchase fractional interests in land?

The Claims Resolution Act of 2010 provides for a $1.9 billion Trust Land Consolidation Fund. After implementation costs and the establishment of the Cobell Education

Scholarship Fund, a minimum of $1.555 billion will be available to pay individual owners fair market value for the fractional interests they voluntarily decide to sell.

9. What happens to land after it is purchased?

When landowners choose to sell their trust or restricted fee interests through the Program, those interests will remain in trust, but ownership will be transferred to the tribe with jurisdiction over the land. Landowners should review their offer packets, including the deed, which will indicate the tribe with jurisdiction over the land. This effort strengthens tribal sovereignty by unifying lands for tribal benefit and use, such as economic development, housing, and cultural preservation.

10. How is the Program ensuring efficient use of the Consolidation Fund?

The Program is using flexible purchase estimates to help make sure that the Program will be implemented at as many locations as possible and that all available funds are not expended at just a few locations. These purchase estimates fairly and flexibly target available dollars for paying owners at each reservation based on the proportional degree of fractionation. These estimates are only guidelines, which are subject to change and do not set a final or minimum total dollar amount for offers at any particular location.

Some locations may not reach their purchase estimate due to a variety of factors, including lack of sufficient willing sellers. If that occurs, the Program will make unused funds available to support offers at other locations. At other locations, it is possible that the actual sale amounts for interests will exceed a purchase estimate.

11. How are reservation purchase estimates determined?

To maximize the number of reservations participating in the Buy-Back Program, the Department uses initial purchase estimates at each reservation where the Program is active. In particular, the Program will apply a formula that considers three factors relevant to fractionation, including: 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 establishes an estimated amount of the Consolidation Fund that could be used to purchase fractional interests within any one reservation.

12. How long does the Program plan to be at each location?

Due to limitations on implementation costs as set forth by the *Cobell* Settlement Agreement, the Program cannot support a long-term presence at each location. The Program plans to spend 12 to 18 months at each location; however, this timeframe may be adjusted. Tribes may work with the Department to determine an appropriate timeframe based on their individual needs.

13. Is the Indian Land Consolidation Program still reaching out to landowners?

The Buy-Back Program is a separate program from the Indian Land Consolidation Program (ILCP). As of October 2013, the ILCP is no longer acquiring fractional interests.

14. How much will landowners be offered for selling their fractional interests?

Willing sellers will receive fair market value for the interests they choose to sell. Fair market value is a type of value, stated as an opinion, of what a property would sell for in an open and competitive market and what a ready, willing, and able buyer might pay for a property in the current market. The Office of the Special Trustee for American Indians (OST) - Office of Appraisal Services (OAS) will conduct an appraisal to determine the fair market value for each tract of land that meets the criteria for purchase by the Program. The value of timber and mineral estates will be incorporated. Tribal nations may also perform valuations upon agreement with the Program and satisfactory review of appraisal reports by OAS. The value of specific fractional interests will be based on the interest’s proportion to the whole tract. More information is available in the Land Appraisals section of these FAQs.

15. What is the Program doing to protect landowners – particularly elderly landowners – who may receive large amounts of money from sales?

It is important that landowners think strategically about how to use the funds they receive from selling their fractional interests as these are one-time large payments and lease income generated from these lands will no longer be received by the seller. The Program encourages landowners to understand their options and provides resources to assist with decisionmaking.

The Office of the Special Trustee for American Indians (OST), in collaboration with First Nations Development Institute (FNDI), provides financial training that includes but is not limited to budgeting, investing, planning for the future, fraud scams, power of attorney risks, and what landowners can do on day one with a large payment, which empowers individuals to grow and sustain personal wealth. In addition, this financial training encourages landowners to confirm the status of their Individual Indian Money (IIM) account (e.g., voluntary hold or unrestricted/auto-disburse, check or debit card or direct deposit, names and addresses are proper and current) before Buy-Back Program funds are posted to the account and held on deposit or disbursed.

For more information on financial awareness, landowners can visit their nearest OST office, call the Trust Beneficiary Call Center at (888) 678-6836, find more information at http://www.doi.gov/buybackprogram/landowners/financial-awareness.cfm or go to the OST's financial empowerment website at: http://www.doi.gov/ost/individual_beneficiaries/financial_empowerment/index.cfm.

16. What happens to fractionated interests owned by individuals who are Whereabouts Unknown (WAU) landowners?

Whereabouts Unknown (WAU) is the term used to describe Individual Indian Money (IIM) account holders without current address information on file. The *Cobell* Settlement authorizes the purchase of interests from WAU landowners. However, the Department

hopes to implement the Program only through the active participation of willing sellers whose addresses are current. The following applies to purchases of WAU interests:

- The *Cobell* Settlement Agreement and enacting legislation require the Department to make stringent notifications and undertake efforts to locate WAU landowners of trust or restricted property.
- If after five years these owners cannot be located, they shall automatically be deemed to have consented to the conveyance of fractionated interests that are located on a parcel of highly-fractionated land.
- Interests purchased from WAU individuals will be paid at fair market value and the funds will be deposited in the individual's IIM account.

See the *Cobell* Settlement Agreement at ¶ F(6) and Claims Resolution Act of 2010 § 101(e)(5) for more information.

The Program has not exercised WAU purchases thus far, and based on current offer acceptance rates it does not anticipate making WAU purchases in the future. Rather, the Department works in several different ways to identify and locate WAUs. If WAUs who own fractional interests are identified during an offer set, and the identified WAU owns interests on a tract that received offers, the Program will send the identified individual an offer for those interests.

17. What does *equivalent acres purchased* mean?

The Program uses *equivalent acres purchased* as an important metric for our progress. Equivalent acres purchased represents the undivided ownership interest acquired in a tract. To illustrate, assume that the Program purchases two 25 percent ownership interests in a 200-acre tract from two different individual owners and that the remaining three individual owners choose not to sell. The equivalent acres purchased would be 100 acres, and the tribe has a portion of the undivided ownership in the entire 200-acre tract (a 50 percent undivided ownership interest), not a separate 100-acre tract wholly owned by the tribe. The three remaining individual owners have a 50

percent undivided ownership interest in the entire 200-acre tract as well. As the Program works to transfer ownership of sold interests to the tribe of jurisdiction, it is transferring the equivalent acres purchased. Refer to page 11 in the Status Report for more information.

Cobell Education Scholarship Fund

18. How does the Cobell Education Scholarship Fund relate to the Buy-Back Program?

The *Cobell* Settlement provides for a Scholarship Fund that will make financial assistance available to American Indian and Alaska Native students wishing to pursue post-secondary and graduate education and training. Transfers to this fund are made according to the following formula:

- For every purchase of a fractional tract interest costing less than $200, $10 will be added to the Scholarship Fund.
- For every purchase of a fractional tract interest costing between $200 and $500, $25 will be added to the Scholarship Fund.
- For purchases of a fractional tract interest more than $500, five percent of the purchase price will be added to the Scholarship Fund.

Funds placed into the Scholarship Fund do not come from the purchase amount paid to landowners and will not reduce the amount that an owner will receive on a purchase.

The Cobell Board of Trustees is responsible for the oversight and supervision of the activities of the fund's administering organization. For more information, go to: http://cobellscholar.org.

19. Why are scholarship funds not being returned specifically to the location where the land was purchased?

The Settlement envisioned the Scholarship Fund as an opportunity for tribal youth across Indian Country. It does not direct funds back specifically to locations, but instead gives the Board of Trustees the power to manage the solicitation for and distribution of funds for American Indian and Alaska Native students in need nationwide.

Engagement with Tribal Nations

20. What role can tribal nations have in the implementation of the Buy-Back Program?

The success of the Program hinges on tribal leadership, tribal participation, and tribal facilitation. The Buy-Back Program is interested in partnering with tribes to gain their direct participation in land consolidation efforts. Tribes have the opportunity to actively participate in the process, including identifying acquisition priorities, conducting appraisals, and leading owner outreach and education. Tribes are encouraged to become involved in the Program and funds are available to support tribal involvement through cooperative agreements.

Tribes are not required to enter into cooperative agreements to participate in the Program. In certain cases, such as when a tribe is not seeking funding to partner with the Department on land consolidation efforts, it may be unnecessary and other vehicles, such as memorandums of agreements (MOA), may be used. More information is available on the Program's website at: http://www.doi.gov/buybackprogram/tribes/agreements.cfm.

21. Why isn't a formal consultation occurring before the implementation process on each reservation?

The Department held seven tribal consultations in the summer and fall of 2011 that were open to tribal leaders, landowners, and the general public to provide an overview of the *Cobell* Settlement, introduce concepts for land consolidation, and solicit feedback from Indian Country on strategies that could be used to drive program

performance. The criteria used to develop the Program's schedule were discussed at these consultations and is a product of those discussions. The criteria were further outlined in the Program's Initial Implementation Plan in December 2012. In an effort to seek feedback on this Plan from Indian Country, the Program held three additional tribal consultations in early 2013, which were open to tribal leaders, landowners and the general public. The Program also held a Listening Session in May 2014 and another in March 2015. The Program will hold an additional Listening Session in March 2016.

The Buy-Back Program has engaged on a one-on-one basis with more than 80 tribes regarding the Program to discuss mapping information, answer questions, collaborate on implementation and tribal priorities, receive feedback on progress, and detail how the Department will further engage landowners. These discussions often covered scheduling, tribal acquisition priorities, strategies for utilizing purchase estimate amounts, and appraisal processes, among other topics.

22. How much funding is available to a tribal nation through a cooperative agreement?

The Department recognizes the uniqueness of each location and tribe. The Program will continue to consult with tribes individually, and will continue to evaluate each proposal before initiating activities on the respective reservations. The Program's Tribal Relations Advisors are responsible for working closely with each tribe to understand its concerns and goals.

Each cooperative agreement between the Program and individual tribes is unique in time, scope, and responsibilities based on the expressed interests of the tribe. Amounts provided to tribes under a cooperative agreement will be based on approved budgets that estimate the costs associated with the specific services, products, and deliverables to be provided by the tribe. The Program will partially advance or fully reimburse cooperative agreement funds to the tribe for costs incurred in accordance with the tribe's submitted application and the applicable award terms and conditions.

Cooperative agreements present an opportunity for tribes and the Program to move forward together by providing funding for tribes to perform certain tasks, such as outreach to the landowners. While much can be accomplished through these agreements, cooperative agreement funding should be viewed as a short-term resource to achieve the much larger and more valuable goal of land consolidation. These awards should not be viewed as programmatic or long-term initiatives.

23. Will tribes be reimbursed for pre-cooperative agreement activities?

The Buy-Back Program is limited by regulation as to what pre-award costs, or costs that are incurred by tribes prior to the award of the cooperative agreement, it can pay for. Regulations limit allowable pre-award costs to the following:

1. Those directly pursuant to the negotiation of the award;
2. Those necessary to comply with performance timeframe;
3. Those that would be allowable if they were incurred after the award; and
4. Those approved by the awarding agency.

Because of the regulatory limitations on the payment of pre-award costs, and because the Buy-Back Program would prefer that tribes engage with it before beginning any land consolidation activities, the Program will only consider pre-award costs on a very limited, case-by-case basis. Tribes seeking to incur pre-award costs must obtain prior written approval from the Buy-Back Program Manager. Tribal requests to incur pre-award costs must establish that the requested costs are in full compliance with the applicable regulatory language governing pre-award costs.

24. Can tribal nations conduct appraisals?

All appraisals conducted under the Buy-Back Program must comply with the Uniform Standards of Professional Appraisal Practice (USPAP). The Office of Appraisal Services (OAS), with the support of the Division of Minerals Evaluation (DME), will be the primary responsible party for completing valuation work necessary to determine the

fair market values of trust tracts. Tribal nations may seek to perform one or more of the tasks related to the valuations. Project requirements must be carefully planned and coordinated with the Buy-Back Program and OAS. Tribes that currently perform valuation work for the Department may be better positioned to provide fair market values for the Program through an Agreement.

25. Why are indirect costs capped at 15 percent despite the fact that some tribal indirect cost rates have been negotiated to much higher rates?

The Department considered extensive tribal input on this issue and explored various options to determine which indirect costs rates might be charged to implement the Buy-Back Program. The *Cobell* Settlement limits the amount of funding that may be used for implementation and other expenses (up to 15 percent) in order to maximize the amount of funds available for purchase of fractional interests. While some tribes may have previously negotiated higher indirect cost rates for other financial assistance awards, existing policy circulars recognize that agencies may establish different rates to address specific program needs or circumstances. Thus, to help ensure that the Program limits implementation expenditures consistent with Settlement requirements, it has capped the amount of indirect costs that will be paid by both external as well as internal partners.

26. How does the Program evaluate cooperative agreement applications submitted by tribal nations?

The Program has developed comprehensive cooperative guidance documents, including a list of frequently asked questions, which is posted on the website at: http://www.doi.gov/buybackprogram/tribes/agreements.cfm. These documents will assist tribes with the cooperative agreement application process. These documents also describe the land consolidation phases and tasks that tribes may elect to participate in through cooperative agreements.

The Program will use several criteria to evaluate cooperative agreement applications including:

- Completeness of the application package;
- The tribe's capacity to perform the tasks and meet the task-specific requirements outlined in the Scope of Work;
- The tribe's proposed budget; and
- Other considerations as appropriate.

27. What is the typical duration for Agreements?

Agreement lengths will vary and depend on the unique needs of each location. In general, Agreements will be made for a period of approximately twelve months; however, some may be for a longer period. Program implementation and Agreement awards should not be viewed as programmatic or long-term awards. The limited resources and timeframe of the Program requires it to operate temporarily at each location.

28. Will liens be imposed on interests acquired and transferred to tribes?

No, unlike fractional interests previously acquired under the Indian Land Consolidation Program, no liens are placed on interests that are acquired and transferred to tribal ownership under the Buy-Back Program.

29. What data does the Program have to aid in decisions about tribal acquisition?

Tribal representatives have pointed out that they need greater and simpler access to landowner information to effectively conduct outreach and other land consolidation activities. However, in order to release names and addresses of landowners, as well as other data pertinent to an owner, the Program must follow Federal information and privacy laws that restrict the disclosure of certain information. For example, the Privacy Act requires that the Department publish a System of Record Notice (SORN) in the Federal Register. In early FY 2015, the Department published two updated SORNs associated with key systems related to Buy-Back Program efforts. The Department also

developed a Privacy Act training and non-disclosure agreement (NDA) in compliance with Federal regulations and began distributing this training and the NDA to tribes in July 2015. In order to receive landowner information from the Department beyond what may be disclosed in accordance with 25 U.S.C. § 2216, tribal staff must make a written request under 25 U.S.C. § 2216, complete the Privacy Act training issued by the Department, and sign the Program's NDA. As a result of these measures, the Department may now share more detailed landowner information to assist the tribe with Program outreach.

The Program also works with tribes to provide them with two ArcGIS geodatabases. There are tables within these databases that include tract characteristics such as acreage, tribal ownership percentage, individual ownership percentage, fee ownership percentages, number of owners, resource code, and legal description for tribal and allotted trust tracts.

30. What mapping content may tribes receive to help determine tribal priorities?

Two ArcGIS geodatabases are available to tribal staff. One of the geodatabases contains a digital representation of the Public Land Survey System (PLSS) derived from the Bureau of Land Management's official survey records. The other geodatabase contains polygons of all mappable tribal and allotted trust tracts derived from legal descriptions in the Bureau of Indian Affair's Trust Asset and Accounting Management System (TAAMS). These two geodatabases, along with the tracts' associated data, allow a tribe to develop unique maps to help determine tribal priorities for land acquisition.

Also available are large wall maps depicting tribal and allotted trust surface tracts and their associated tribal ownership percentage to further assist in determining tribal priorities for land acquisition.

31. After Program implementation and consolidation, why are tribal governments not getting the land deeds?

In order to effectively implement the Program within the allotted time period and in a large scale manner, the Department made an administrative decision to automate the conveyance process to include the review and approval of conveyances. The approved deeds are stored electronically in the Bureau of Indian Affair's Trust Asset and Accounting Management System (TAAMS) and information contained within the deeds may be provided to the tribe as requested.

32. What can our tribal nation and/or staff do now until the Buy-Back Program is implemented on our reservation?

There are several things that tribal leaders may do to prepare for participation in the Buy-Back Program. One important activity is to become familiar with the four land consolidation phases. In particular, tribal staff can be identifying tribal participation activities they would like included in a cooperative agreement, determining tribal acquisition priorities, and encouraging interested and willing sellers to update their contact information with the Trust Beneficiary Call Center. More information and resources are available at: http://www.doi.gov/buybackprogram/tribes/preparation.cfm. Additional information related to cooperative agreements can be found at: http://www.doi.gov/buybackprogram/tribes/agreements.cfm.

Landowner Participation & Eligibility

33. What is Interior doing to ensure that landowners get timely information about the Buy-Back Program?

While the Program welcomes the active participation by tribes, we recognize our commitment to ensure that individual landowners have the information they need to make informed decisions about their land.

The Program is holding outreach events, running advertisements in national and regional media outlets, developing and airing Public Service Announcements on tribal

radio stations, and working to achieve story placement in prominent Indian and regional publications. In addition to the purchase offer package, each landowner typically receives two postcards — one prior to receiving the package and one after — to alert them to the upcoming opportunity. The Program has also partnered with tribal and allottee organizations on events, publications and speaking opportunities to reach as many landowners as possible.

34. Do I have to sell my land to the Buy-Back Program?

No. Participation in the Buy-Back Program is completely voluntary.

35. Why should I sell my fractional land interests?

It is your choice whether to sell some, all, or none of your fractional land interests. If you choose to sell any portion of your interests, you will be paid fair market value for your interests – interests which may be of little or no economic benefit to you now. Selling your interests results in land consolidation, which enables tribes to manage and use reservation lands for the benefit of the tribal community and generations to come. Tribes are able to utilize consolidated lands for purposes consistent with the values and needs of their members, whether for housing, community centers or businesses, or for recreational or cultural purposes. Reducing fractionation reinforces the cultural and economic future of tribes, and every interest you choose to sell reduces fractionation.

Many individuals have a strong personal and cultural connection to land which transcends economic value. By selling your interests through the Buy-Back Program, you help to preserve the Indian land base because interests purchased and restored to tribes will remain in trust forever.

36. What is the process for individuals to be able to sell their fractional interests in land?

Once a reservation is scheduled for Buy-Back Program implementation and fair market values have been determined, individuals owning fractional interests in purchasable tracts on the reservation may receive a purchase offer package with the required documents and instructions for selling their interests.

Information on selling fractional interests is distributed through outreach events and local media outlets prior to and during the actual Buy-Back Program implementation at each reservation. Each landowner will also receive at least two postcards alerting them to the purchase offer and pending deadline.

A step-by-step video is available at http://www.doi.gov/buybackprogram/tribes/the-purchase-offer-process.cfm to help assist individuals with identifying critical information included in their offer package and completing the necessary forms. Additional information is also available in the Selling Your Land portion of this document.

37. Do I have to sell everything?

No. You may decide to sell some, none, or all of your interests. If you decide not to sell any of the tracts listed on the Purchasable Interests Inventory included with your offer package, you don't need to do anything (neither the deed nor the Inventory need to be returned).

If you choose not to sell your land, it is important to consider how to best utilize the property during your lifetime and how to most efficiently pass it to your intended beneficiaries upon your death. There are certain Federal rules and tribal codes that govern the estate planning options that may be available to you and some of these options cannot be rescinded or changed after a decision is made. Thus, it is critically important to get as much information as possible to make careful and informed decisions about your land interests and estate planning options.

The Office of the Special Trustee for American Indians (OST) has partnered with a number of tribal organizations, legal aid services, and law schools to help provide Indian

trust beneficiaries with resources to assist with estate planning. For more information, go to: http://www.doi.gov/buybackprogram/landowners/financial-awareness.cfm.

38. I share ownership of my fractional tracts with additional landowners. Do we all have to share in the purchase amount and/or do we all have to agree to sell?

No. Each landowner who receives a purchase offer is being offered a specific amount for his/her shares of fractional land only. The offer amount listed on the Purchasable Interest Inventory page is not split with any additional owners. Each landowner makes his/her own decision about whether or not to sell.

39. What if I change my mind about selling?

Be sure to carefully consider your decision before returning your documents for processing. Selling your owner interests in tracts of land that produce lease income means that you will no longer receive that income. Once your documents are processed, the conveyance is approved, and funds are transferred into your Individual Indian Money (IIM) account, the sale is final.

40. If I sell some of my interests, can I later decide to sell more of them?

Be sure to carefully consider your decision before returning your documents for processing. If you choose to sell only some of your interests, you may not be able to sell the rest at a later date. Once you submit your offer package to the Program for processing, you cannot submit a duplicate set of documents for additional interests that may have been included in the Purchasable Interest Inventory that is part of your package. The Program cannot process multiple sales for a landowner under the same offer set.

However, if you have already sold some of your interests by returning your offer package and later wish to sell more, you can identify yourself as a willing seller with the Trust Beneficiary Call Center at (888) 678-6836. If you do this, you may receive an additional offer package for your remaining interests if and when a subsequent wave of

offers is made at your location. Registration in no way commits you to sell your land, nor does it guarantee another offer will be extended; it merely identifies your desire to receive an additional offer.

41. I am interested in selling my fractional interests. What is required?

Landowners do not need to wait until the Buy-Back Program begins implementation on their reservation to get more information. If you are interested in identifying yourself as a willing seller, learning more about how the Program works, understanding the appraisal process, or receiving financial training and resources to think strategically about how to use funds you may receive, please visit https://www.doi.gov/buybackprogram/landowners or call the Trust Beneficiary Call Center at (888) 678-6836.

When you call the Call Center, you should make sure your Individual Indian Money (IIM) account information is current and let the operator know that you are interested in selling your interests. The Call Center will need your name, Social Security Number, IIM account number, and current address. The Call Center can then identify you as an interested seller and will make sure your current name and contact information (address, phone number(s), and email address) are on file. Registering as a willing seller does not commit you to selling your land, nor does it guarantee an offer will be extended; it merely identifies your desire to receive an offer and provides an opportunity for advance outreach and information to be shared with you at the earliest possible time.

Owners will not receive a purchase offer until:

- The reservation containing their fractional owner interests is scheduled for implementation;
- Appraisal work has been completed; and
- The analysis of the purchase criteria for the Buy-Back Program on the reservation is completed.

42. How can I change my address, name and/or payment instructions?

Landowners should contact the Trust Beneficiary Call Center at 888-678-6836 or visit their OST Office to update their contact information, and to provide any special instructions for payment, such as direct deposit. Changes should not be made on the offer package documents themselves, as this can delay or prevent processing. Landowners are encouraged to set up direct deposit, so payment is securely transferred to a bank account and available more quickly.

43. When and how will I receive a purchase offer?

You will only receive a purchase offer if: (1) the reservation on which you own fractional interests is scheduled for implementation; (2) you have been identified as owning an interest in a fractionated tract of land (defined as a tract in trust or restricted status with two or more owners); (3) the tract has been appraised; and (4) your interests meet the purchase criteria for the reservation (for more detail, see Question 6). If these conditions are met, you will receive a purchase offer package in the mail.

44. The Program is not currently scheduled to come to my location – is there any way I can participate?

The Program plans to reevaluate its resources and progress by November 2018 to determine if remaining resources exist so that they might be utilized at additional locations. In the meantime, interested landowners should call the Trust Beneficiary Call Center at (888) 678-6836 and indicate that they are a willing seller and/or to update contact information. Registering as a willing seller does not commit you to selling your land, nor does it guarantee an offer will be extended; it merely identifies your desire to receive an offer and provides an opportunity for advance outreach and information to be shared with you at the earliest possible time.

45. Are funds from the sale taxable?

No. Under the Internal Revenue Service Ruling 57-407, income derived by an Indian from the sale of trust property is not subject to Federal Income Tax.

46. Will funds from the sale be considered a source of income that affects my ability to participate in assistance and social service benefit programs?

Individuals participating in any type of government assistance program should find out how funds received from the sale of their trust or restricted land interest may be counted by the assistance program. Each state and Federal program sets forth its own eligibility requirements. Please refer your case worker to the relevant part of the Claims Resolution Act of 2010, P.L. 111-291 (Section 101(f)) (http://www.gpo.gov/fdsys/pkg/PLAW-111publ291/pdf/PLAW-111publ291.pdf) that discusses impacts on assistance programs.

47. Will the sale affect my Social Security Income?

Under the *Cobell* Settlement, funds received from Program sales are excluded from impacting Social Security Income for a period of one year from the date of receipt. Funds retained in an IIM or bank account longer than one year will be counted as a resource when income is verified for the Social Security Income benefit. Landowners may contact the Trust Beneficiary Call Center at 888-678-6836 to receive more information about Social Security Income reporting responsibilities, or their local OST Office for assistance.

48. What happens to my Individual Indian Money (IIM) account after I sell?

If you sell all interests that you hold, then your Individual Indian Money (IIM) account may be closed because selling your owner interests in tracts of land that produce revenue means that you will no longer receive revenue from those tracts. Please note that the account may only be closed after you receive payment for the sale of all of your interests and there are no other reasons that your IIM account should remain active. You will receive one final Statement of Performance showing the transaction of

sale to the tribe. If you inherit new interests and your account was closed, your IIM account will be re-opened with the same account number. If you retain some of your interests, your IIM account will remain open and you will continue to receive your Statement of Performance showing the land interests you retain and any income generated as a result of those interests.

49. If I choose not to sell my interests, how do I make sure my heirs get this land?

The Office of the Special Trustee for American Indians (OST) can provide more information on estate planning options under the American Indian Probate Reform Act. Information is also available on their website: http://www.doi.gov/ost/index.cfm.

Information is also available from the Division of Probate at http://www.bia.gov/WhoWeAre/BIA/OTS/Probate/index.htm.

OST has partnered with a number of tribal organizations, legal aid services, and law schools to help provide Indian trust beneficiaries with resources to assist with estate planning. For more information, go to: http://www.doi.gov/buybackprogram/landowners/financial-awareness.cfm.

50. What happens if I own land at several different locations?

Offers are generated by location. If you own land on more than one reservation, you may receive multiple offer packages over the course of the 10-year Buy-Back Program.

51. Why do interested sellers receive a base payment?

The Buy-Back Program provides landowners with a base payment of $75 per offer, regardless of the value of the land, to reflect the estimated time and effort required for individual landowners to complete their conveyance documents.

52. Can you tell me if my relative is going through with the sale or how much they received? Can my husband or other relative call in for me?

No. The Privacy Act of 1974 prevents us from sharing personal information without written permission from the individual landowner.

53. Will the Buy-Back Program purchase land interests that I own in fee status?

No, the Buy-Back Program may only purchase interests held in trust or restricted status.

54. Will the Buy-Back Program purchase life estate or joint tenancy interests?

No. Life estate and joint tenancy interests are not purchasable interests under the Buy-Back Program. Joint tenancy is a form of ownership by two or more persons of the same property who share equal ownership of the property and have the equal, undivided right to keep or dispose of the property. Land is not purchasable under the Program if joint tenancy applies to 100 percent of the tract.

55. Can the Program make offers to landowners whose Individual Indian Money (IIM) accounts are restricted due to an encumbrance?

Yes. If your Individual Indian Money (IIM) account is restricted due to an encumbrance and you choose to sell any or all interests included in the purchase offer, the outstanding amount on the encumbrance may be deducted from the purchase price per the encumbrance plan before funds are disbursed from your IIM account. To determine how an encumbrance could impact an accepted offer, you should confirm whether your IIM account is restricted due to an encumbrance. If your account is unrestricted, there will be no deductions from the purchase offer.

56. How will I receive my funds if I sell my land?

Landowners who choose to sell their fractional land receive payments directly into their IIM accounts. Once an unrestricted IIM account's balance reaches $15 (or $5 for oil

and gas payments), OST automatically sends the funds to the landowner using one of the following means:

- Electronically transfers the funds to the landowner's account at a financial institution;
- Electronically transfers the funds to the landowner's personal debit card account at J.P. Morgan/Chase Bank; or
- Mails a check to the landowner's address on file.

Alternatively, a landowner may also place a voluntary hold on his/her IIM account, and funds in the IIM account will continue to earn interest. A landowner may then provide instructions for disbursement of funds or electronic fund transfer to an account at a financial institution, set up a debit card account, or remove the voluntary hold on his/her account.

The Program encourages landowners to utilize electronic fund transfers from their IIM account to an account at a financial institution. This approach is a fast, efficient, and safe payment option that avoids the risk of lost or stolen checks, or delays through the postal service. If a check is lost or stolen, it may take up to 15 months to receive a replacement check. The simplest way to utilize electronic fund transfers is to set up a deposit directly from a landowner's IIM account to their account at a bank, credit union, or other financial institution. Landowners may also receive their funds electronically through automatic transfers to a personal debit card account at J.P. Morgan/Chase Bank, even if they do not have an account at another financial institution. Landowners with a debit card may use the card to make purchases at locations that accept the debit card and withdraw cash at ATMs (certain fees may apply). More information on the debit card program is available at: https://www.doi.gov/ost/individual_beneficiaries/debit.

Landowners may provide instructions for electronic fund transfers to their account at a financial institution or enroll in the debit card program by calling the Call Center at (888)

678-6836, or by contacting their local OST Agency office. More information is available at: https://www.doi.gov/ost/individual_beneficiaries/signup.

Land Appraisals

57. How is the value of the land determined?

An appraisal is the act or process of developing an opinion of value. Fair market value determinations for the Buy-Back Program are performed by a licensed appraiser. A determination of value is developed and reported by a licensed appraiser who researches many factors, including location, local market values and sales patterns, condition of the property, and zoning. One of the methods to calculate an accurate value is to use sales of comparable properties located near the subject property, which have recently sold. The subject property is compared to the sales to see how it aligns or differs with the comparable sales in many factors which may include size, location, access, utilities, etc. The appraiser then analyzes and makes adjustments to compensate for differences between the comparable sales and the subject property, and reconciles for a final opinion of value.

The appraiser values land as if it is not fractionated (i.e., held by a single owner), vacant, and in fee status. The amount offered for purchase of individual interests in trust or restricted lands is based on the fair market value of the tract.

58. What is fair market value?

Fair market value is the amount in cash, or on terms reasonably equivalent to cash, for which in all probability the property would have sold on the effective date of the appraisal, after a reasonable exposure time on the open market, from a willing and reasonably knowledgeable seller to a willing and reasonably knowledgeable buyer, with neither acting under any compulsion to buy or sell, giving due consideration to all available economic uses of the property at the time of the appraisal.

59. Is the fair market value the same for each tract in which I have an owner interest?

The fair market value may vary for each tract depending on a variety of factors, including land use, location, acreage, access and local market conditions. For example, you may own an interest in a 50-acre agriculture tract that is planted in dry crop (wheat). You might also own an interest in another tract that is a 50-acre agricultural tract, but this tract is an irrigated apple orchard. Upon researching the market, the appraiser may find comparable sales of irrigated orchards in the area running at $3,000 per acre and dry crop running at $500 per acre.

60. Why is the Buy-Back Program using mass appraisal techniques?

The breadth, scale, limited funding, and limited life-span of the Program necessitates the use of mass appraisal methods where appropriate. Such use will result in greater efficiency and consistency in valuations, enabling the Program to value many acres simultaneously. It will also assist in ensuring effective, efficient, and expeditious use of the Consolidation Fund.

The mass appraisal technique used by the Program entails detailed consideration of each tract of land.

The Program uses market studies or mass appraisal techniques to appraise homogeneous, non-complex, vacant lands that have comparable land sales available. In many highly-fractionated Indian ownership areas, it is common to have agricultural properties that are similar in use and have active/consistent markets or comparable sales data that the Program can use in its appraisals. The Program will use the mass appraisal approach in these situations as appropriate.

The Program will not use mass appraisals for commercial or other lands within urbanized zones where greater variation may exist.

61. What reviews has the Program undertaken to evaluate its appraisal methods?

Appraisal methods used by the Buy-Back Program conform to the Uniform Standards of Professional Appraisal Practice. This ensures that there is no subjective analysis or conflicts of interest in the Program's appraisal process.

To ensure that the valuation methods and techniques meet industry standards, the Department also obtained a third-party review of its valuation techniques from The Appraisal Foundation (TAF). TAF is a non-profit, non-partisan organization, authorized by Congress, dedicated to the development of appraisal standards in the United States and to establishing qualifications criteria for appraisers. TAF's analysis, the Department's response to specific recommendations, and the plan outlining the Program's appraisal methodologies, are available on the Program's website at: http://www.doi.gov/buybackprogram/appraisals.cfm.

In FY 2015, the Department worked with TAF again to evaluate and update the independent review and analysis of the Department's Valuations Methodologies Plan for the Buy-Back Program. This second review focused on the implementation of the methods reviewed in FY 2014. TAF found that the Department had done an outstanding job managing the mass and site specific appraisal processes.

62. What is the shelf life of the fair market value for my tracts?

Because continual reassessment of market values is not feasible given the limited time frame and limited implementation funds, the Program has established an administrative appraisal validity period of up to nine months from the date of valuation. Each offer will explicitly identify the appraisal date, and the owner can obtain information about how the fair market value was assessed at that time.

63. When are the appraisals for the Buy-Back Program completed?

Appraisals are completed as close to the offer date as can be reasonably managed for each location. The appraisal completion dates will vary for each reservation depending on the schedule.

64. Where can I find out what the fair market value is for each tract in which I hold an owner interest?

This information can be found within the Purchasable Interests Inventory, which is included with the purchase offer package.

65. How can I receive a copy of the appraisal report?

By calling the Trust Beneficiary Call Center (888-678-6836) or any OST field office, and upon land ownership status confirmation, an appraisal report will be sent to you.

66. Will individuals be able to negotiate the value of the land?

No. Due to implementation time and cost constraints as set forth by the *Cobell* Settlement Agreement, the Program does not have the time or resources to negotiate each sale price. If an owner is not satisfied with the amount offered for the sale of their interests, they may decline to sell. Additionally, individuals can sell some of their interests but keep others.

67. How does the Buy-Back Program define improvements?

Improvements are buildings or structures located on or attached to the land. Improvements may include, but are not limited to, buildings (including residential homes), structures, sidewalks, sewers, and utilities. Please see the Tracts with Improvements section of these FAQs for further details.

68. Will improvements be included in the valuation?

All tracts of land, regardless of whether there may be an improvement located on it, are appraised as vacant. Improvements are not valued or included for purchase in Program

offers, but are considered in determining the fair market value of the underlying tract of land. Improvements are taken into consideration in determining the highest and best use of the land. For example, it is possible that the existence of the improvements (like the availability of utilities or roads) might alter its categorization (residential v. agriculture).

69. What does “highest and best use” mean?

“Highest and best use” refers to the most probable and legal use of vacant land or an improved property that is physically possible, financially feasible, and appropriately supportable from the market to yield the highest possible value.

70. Will my offer amount be increased if I own an improvement?

Not necessarily. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land. Offers for fractional interests will not include any separate amount for the improvement because the improvement is non-trust property, and the Buy-Back Program is not acquiring such property.

Mineral Rights & Tracts with Improvements

71. Can an individual who only owns mineral rights sell?

Yes, a landowner who owns only mineral rights may sell those rights through the Buy-Back Program to the tribe with jurisdiction.

72. Can a seller retain fractional interests in mineral rights while selling the surface interest?

No. The Buy-Back Program will only purchase the whole ownership interest (mineral and surface), which supports the Program’s goal of consolidating fractional interests. The Program is not severing mineral rights from the surface rights.

73. Will my mineral and timber rights be included in the valuation?

Yes, if there are mineral or timber rights associated with a property, they will be included in the valuation process. Please note, these rights may have very small or no contributory value if there are no minerals or timber present or if there is no market for the minerals or timber. For those situations where the mineral rights have a very small or no contributory value, an administrative payment of $7.50 per acre will be included with the total value of the land to account for the conveyance of the mineral rights.

In particular, the Department's Office of Valuation Service's Division of Minerals Evaluation (DME) conducts minerals assessments in three stages. Stage 1 parcels are located in areas with no viable economic mineralization or within viable economic mineralization zones where an estimated commodity value can be readily established. Stage 2 parcels require more research, data, and time to estimate; and Stage 3 parcels are associated with demonstrable commodity reserves, requiring intensive analysis. Currently, the Program only makes offers on Stage 1 tracts (it typically does not value tracts that contain Stage 2 or Stage 3 minerals or make offers on these tracts).

74. Why is the administrative payment for Stage 1 mineral tracts set at $7.50 per acre? Why not as a percentage of surface value, or increased over time?

The $7.50 per acre amount continues the past practice of the Indian Land Consolidation Program (ILCP), in which an administrative payment of $7.50 per acre was provided for mineral rights determined to not have a current economic value contribution to the overall value of the property. The payment is not based on the value of the commodity (because the tract is determined not to have minerals of current economic value), but instead is intended as a payment to compensate for conveying mineral rights. While the minerals, if any exist, may have no current economic value, it is still important that the right be transferred so that the Program has clear title to all rights associated with the property.

The market for surface land rights and subsurface minerals are unique. Each one is driven by different factors and the relationship between surface and minerals markets may vary widely. Mineral markets depend on many factors, such as the type of mineral (sand and gravel, oil & gas, etc.), the infrastructure to support mineral development, closeness to markets, etc. It would be inequitable to compensate for minerals based on surface values. For example, grazing land with access to water may be valued much higher than adjacent grazing land without water. If minerals existed, the value of the surface would have no bearing on the value of the minerals. Consequently, there is no basis to support a percentage of surface value.

75. Why might a tract be determined to have minerals with no economic contribution to overall value?

A tract with mineral rights (including either both surface and mineral rights, or mineral rights already separate from the surface) may not have minerals of economic value, or may have minerals of such low value that the contribution to overall tract value is negligible. In order for a mineral deposit to add contributory value to the property, there needs to be a market for the mineral(s) (i.e., demand), and the market price for the mineral(s) needs to be higher than the cost of extracting and delivering the mineral to the market. The drivers for determination of value include: (a) existence of the mineral(s); (b) market for the mineral(s); (c) the market price of the mineral(s); (d) cost of extracting the mineral(s), and (e) costs associated with delivery of the minerals(s) to the market.

For example, a tract may have sand and gravel but may not be close enough to markets (e.g., major highway construction, or large metropolitan areas) to make it economic to transport the material. In some cases, there may be other existing sand and gravel operations which are closer to those markets.

As an additional example, there may be a tract that has a one foot thick coal seam that is 200 feet below the surface. In order to market that coal, the owner would need to remove the overburden, and transport the coal to market. In this case the cost of

extracting the coal (e.g. the additive costs of purchasing and/or maintaining equipment to remove the overburden, the cost of building new rail line or trucking the coal to an existing rail line), is much greater than the market value for that coal.

In summary, if a mineral exists, but no market exists, or the cost of extraction is high, or the location is so distant from the markets that delivery costs are prohibitive, then the mineral may have no contributory value to the property. However, to ensure conveyance of mineral rights as a part of full title to the tract, the Program is offering $7.50 per acre for those rights.

76. Who makes the determination of whether minerals of current economic value exist?

The Division of Minerals Evaluation (DME), part of the Office of Valuation Services in the Department, is responsible for evaluating the existence of economically viable minerals. The professional geologists, minerals economists, and engineers in DME extensively review the known geology of a location to determine if minerals are known to exist, evaluate mining activity in the area of that tract, identify markets for any known minerals and whether extraction of any minerals can be completed cost effectively. Most tracts will not have minerals of current economic value; where tracts are identified that may have current economic mineral value, those tracts are set aside because further analysis would be required to begin to estimate the economic value of the minerals.

In addition, the valuation approach employed by the Office of Appraisal Services (OAS) also considers how mineral rights are traded in the local market. As part of its approach, OAS searches for current and historical land sale data to see what similar land has actually sold for in the pertinent locale (commonly known as “comparable sales” data). The comparable sales gathered include properties where surface and subsurface rights are sold together. Using these comparable sales is another way in which the Program’s offer amount is able to properly reflect the fair market value associated with the transfer of the surface as well as any subsurface minerals.

77. If a person believes there is something valuable beneath the surface of their land, are they responsible for obtaining a separate valuation?

No, the landowner is not responsible for obtaining a separate valuation. The Federal Government conducts a detailed analysis to ensure that the offer amount reflects fair market value the tract (surface and subsurface rights). Mineral values are considered in the highest and best use scenario for tracts with a combined estate (mineral and surface) and through the analysis of past and current land sales of similar properties. The owner of any mineral rights may also perform whatever analysis they would like to determine whether they agree with the offer amount.

Owners must make a decision over whether they think the mineral rights will eventually have value. The Buy-Back Program relies upon the best data available to evaluate mineral economics, and a determination that no current economic value exists for minerals interests is based on solid research and analysis. It is up to interest owners to determine whether to accept their purchase offer, or take a chance on future discoveries or changes to the market.

78. Will the Buy-Back Program make offers on fractionated tracts that contain improvements?

Yes. Offers on tracts with improvements may be made if a lease (including a residential lease, sometimes referred to as a homesite lease) is recorded by BIA or, in the case of tracts without a recorded lease, if the tribe provides a resolution requesting offers on tracts with improvements and indicating that the tribe will provide lease opportunities to individuals living on the land. The Program will be acquiring fractional interests only in the land, not in the improvements themselves. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

79. Will the Buy-Back Program purchase interests located outside reservation boundaries, including Public Domain allotments?

Under the Settlement, fractional interests acquired by the Program will be held in trust for the tribe with jurisdiction over the land. Tribal jurisdiction over off-reservation or Public Domain allotments may be unclear or even disputed. In the 2014 Status Report, the Program requested feedback on whether and if so how the Program should incorporate Public Domain or off-reservation land areas into the Program, including any suggested standards or processes that could be applied. As of October 2015, the Program is still researching the issue and is open to additional feedback from tribes and landowners on this topic.

80. Will the Buy-Back Program make offers on fractionated tracts of land held in restricted fee status that contain improvements?

The Program is considering whether to make offers on fractionated tracts held in restricted fee status that contain improvements and may update landowners in the event that a decision is made to make such offers.

81. Are improvements located on trust land considered trust property?

No, the Department considers improvements to be non-trust property. Improvements are not included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

82. May I sell my improvements to the Buy-Back Program?

No, the Program will be acquiring fractional interests only in land, not in the improvements themselves. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

83. How will the Buy-Back Program affect me if I have a lease on any of the tracts in which I have an owner interest?

Any purchases or transfers of fractional interests are subject to the terms of existing leases and encumbrances on the land. Existing leases on fractionated tracts will run their term. If you are currently living on or utilizing the land in which you own a fractional interest and you do not have a lease or permit, you should contact the local BIA Realty Office before selling your ownership interest.

84. Is a lease required for a Buy-Back Program sale to occur?

No, although tribes must have approved a tribal resolution that provides a leasing opportunity to those individuals living in un-leased residences on allotted tracts. Landowners who do not have a lease should contact their local BIA Realty Office to inquire about the process before accepting their purchase offer.

85. If I live in or own an improvement on trust or restricted land, should I have a lease?

Yes, a lease provides clarity on the use of the land and any improvements. You may obtain a lease from the co-owners of the trust and restricted interests in the land, unless all of the owners have given you permission to take or continue in possession without a lease. The Code of Federal Regulations provides detailed leasing requirements. See Title 25, Part 162, of the Code of Federal Regulations, especially the general lease provisions (at Subpart A) and those regarding residential leases (at Subpart C).

86. If I want to obtain a residential lease, how many of the landowners on the tract(s) must consent?

As indicated in the below table, the answer depends on the number of individual owners who have an undivided ownership interest in the allotted tract of land. For additional details, see 25 U.S.C. § 2218.

Number of undivided interest owners	Required percentage of ownership that must consent in writing
5 or fewer	90 percent
6-10	80 percent
11-19	60 percent
20 or more	50 percent

87. How do I contact the co-owners of the land in which I have an interest?

By submitting a written request to the local BIA office, you may obtain the names and mailing addresses of the owners of any interest in trust or restricted lands on a particular reservation, including the percentage of undivided interest owned by each individual.

88. Will I receive an offer if I have outstanding debt on improvements that are located on the land that I want to sell?

The Department does not maintain nor conduct any inventory on improvements, as they are non-trust property. Therefore, any debt or any other existing agreements regarding improvements will not be considered when making any offers. Any outstanding debt or contractual agreements for improvements will remain the responsibility of the improvement's individual owner.

89. What if an improvement is not inhabited?

The Program's policy for improvements is the same regardless of whether or not they are inhabited. Improvements are not valued or included for purchase in Program offers, but are considered in determining the fair market value of the underlying tract of land.

90. Are water rights considered for agriculture or other purposes of the land?

The availability and accessibility to water is evaluated when determining the fair market value of a property. For example, there may be two adjacent properties, one with irrigation and the other without any water infrastructure. The property with availability and access to water, plus the infrastructure, would have a land use of irrigated farmland, while the other might be classified as dry farmland or range.

Selling Your Land

91. What is included in the purchase offer package?

A purchase offer package includes the following:

1. **Cover Letter**
2. **Instructions:** The instructions explain how to fill out the documents necessary for the sale of your fractional ownership interests.
3. **Deed:** The deed is the legal document for the conveyance of any fractional ownership interests you choose to sell, as reflected on the Purchasable Interests Inventory included in the offer package. Completing and returning the deed and Purchasable Interests Inventory signifies your acceptance of the Purchase Offer in whole or in part. If you decide to sell some or all of your interests, you must sign your name exactly as it is typed on the deed in front of a Notary Public, and the Notary must completely fill out and place their seal on the lower portion of the deed.
4. **Purchasable Interests Inventory (Inventory):** The Inventory lists your ownership interests in each tract of trust or restricted land that is eligible for purchase under the Buy-Back Program, and the value of your interests in each tract. There are two parts to the Inventory: a SUMMARY and a DETAIL section. Additional information, including a legal description of each tract and the Scholarship Fund contribution for each of your interests, is included in the DETAIL section. Use the “Item” number for cross reference between the SUMMARY and the DETAIL section. If you decide to sell some or all of your interests, all pages of both sections of the Inventory must be returned.

5. **Map(s):** Maps show the general location of the tracts of land in which you own fractional interests.
6. **Self-Addressed Return Envelope:** The Package includes an envelope to allow you to return the completed Purchase Offer free of charge for processing by the Bureau of Indian Affairs (BIA).

The Buy-Back Program's website has a section to help landowners become familiar with offer package materials at http://www.doi.gov/buybackprogram/landowners/offer-docs.cfm. A step-by-step video is available at http://www.doi.gov/buybackprogram/tribes/the-purchase-offer-process.cfm to help assist individuals with identifying critical information included in their offer package and completing the necessary forms.

The Trust Beneficiary Call Center is also available to assist you if you have any questions at (888) 678-6836.

The Indian Land Tenure Foundation has produced a useful brochure to help landowners walk through offer package documents, which is available at: http://www.doi.gov/buybackprogram/landowners/upload/ILTF_Pamphlet_Final.pdf.

92. What do I do when I receive a purchase offer package?

There are four key steps to take when considering your purchase offer:

1. First, review the deed and Purchasable Interests Inventory (Inventory) to assure your name and personal information are correct, and then determine whether to sell any or all of your ownership interests listed on the Inventory. If your name or other personal information is not correct, do not complete and return the deed and Inventory. Instead, contact the Trust Beneficiary Call Center at (888) 678-6836 or visit your local Office of the Special Trustee for American Indians (OST) office to get any necessary corrections made, after which you will be provided with a new purchase offer package. **Do not make handwritten corrections,**

use white-out, or place any other marks on the deed or Inventory, as this will delay or prevent processing of your sale.

2. If opting to sell, use the Inventory to fill in the bubble adjacent to each ownership interest you wish to sell, or select the “Sell All Tracts” bubble if you wish to sell all interests.
3. In front of a Notary Public, sign the deed exactly as your name is typed. A Notary Public is required in order to validate the signature and to serve as the official witness. Make sure the Notary completely fills out and places a visible seal on the lower portion of the deed. You can contact your local BIA or OST office for information about how to find a notary.
4. Return the original signed and notarized deed, along with all pages of the Inventory (both the SUMMARY and the DETAIL sections), in the self-addressed, postage paid envelope provided. You must return the original documents in order for the sale to be processed.

93. Does my deed need to be notarized in the state in which my ownership interests are being sold?

No, the deed may be notarized in any state. You can contact your local BIA or OST office for information about how to find a notary.

94. Can I make changes to the deed?

No. The deed is a legal document. It must be filled out neatly and completely. White out, cross outs, or stray markings will void the document. If necessary, a new deed may be requested. The Trust Beneficiary Call Center can assist with fulfilling this request at (888) 678-6836.

95. Will I get a copy of the deed that I returned?

A seller may make a copy of the signed, notarized deed and Purchasable Interests Inventory before returning them. You must return the original documents in order for

the sale to be processed. A copy of the deed can be requested from any BIA Realty Office but will not be provided once the conveyance is completed.

96. Will I be contacted when the sale/conveyance is complete?

An Acknowledgement Notice will be mailed to each seller upon approval of a sale. The Notice specifies the amount deposited to the seller's Individual Indian Money (IIM) account for the interests sold, and the amount contributed by the Program to the Cobell Education Scholarship Fund on the seller's behalf. The Scholarship Fund contribution is not deducted from the seller's payment. For more details about the Scholarship Fund, see the above section in these FAQs.

97. Will the tracts listed on my Purchasable Interest Inventory be the same as those listed on my Statement of Performance?

Not all of the tracts on your Statement of Performance may be listed on your Purchasable Interests Inventory. The Inventory will only list those tracts that the Program is offering to purchase.

98. I need more specific information about my land ownership interests. Where can I obtain additional assistance?

Individuals may contact the Trust Beneficiary Call Center at (888) 678-6836 for more information about their interests, or visit the local BIA or OST office for further assistance.

99. Who did I inherit interests from?

Individuals may contact the Trust Beneficiary Call Center at (888) 678-6836 for assistance in determining who their interests were inherited from.

100. How long do I have to decide whether to sell all or some of my interests?

Purchase offers are valid for 45 calendar days from the date of the Cover Letter in the offer package. Signed and notarized deeds and the corresponding Purchasable Interests Inventory must be post-marked by the deadline indicated in the Cover Letter. Landowners are strongly encouraged to review their land interests and consider if they are interested in participating in the Buy-Back Program prior to receiving their purchase offer.

101. What happens if I return my package and it is incomplete?

In order for your package to be processed, the required documents must be filled out correctly and returned to the Program within 45 days. Required documents include the Purchasable Interests Inventory (both the SUMMARY and DETAIL sections) and the signed and notarized deed. If any of the required documents are missing, or if the documents are filled out incorrectly, the Program may provide you with new documents to complete if time and resources allow. If time and resources don't allow, your sale will be declined, but you may receive a new offer if an additional wave of offers is made for the location.

102. I returned my purchase offer package and have received an Acknowledgement of Conveyance Letter. What does it mean?

An Acknowledgement Notice is mailed to each seller upon closing of the Sale/Conveyance. The Notice will list the amount deposited into the seller's Individual Indian Money (IIM) account for the purchase of the owner interests that the seller selected on the Purchasable Interests Inventory. The letter lists:

- Base Payment of $75;
- Total Payment Amount; and
- Amount disbursed to Cobell Education Scholarship Fund

103. When and how will I be paid?

When your completed purchase package is received by the Program within the established timeframe, the Buy-Back Program has 60 days to process your payment. When the purchase is approved, payment will be made to your Individual Indian Money (IIM) account.

104. I received a "reminder" postcard from the Department of the Interior. What does it mean?

Approximately halfway through each 45-day window, the Program will send "reminder" postcards to landowners who received a purchase offer package. If you have already returned your purchase offer package, you do not need to do anything further. If you received a postcard, but did not receive a purchase offer package, please contact the Trust Beneficiary Call Center at (888) 678-6836 immediately so they can help you receive a replacement package.

105. Why did I receive a postcard before my location is scheduled for offers?

You received a postcard because the Program has launched a nationwide recruitment drive to identify and engage landowners who are interested in participating. This is in addition to the events, advertising and news stories that have appeared throughout Indian Country over the past three years. The level of interest – or willing sellers – registered with the Department has always been one of the determining factors as the Program develops its implementation schedules. In fact, the Program is currently compiling its next implementation schedule, and interest from individuals will be a factor in the locations chosen. Registration in no way commits you to sell your land and is no guarantee that you will receive an offer; it merely identifies your desire to receive an offer.

106. What if I miss the 45-day deadline to accept my offer?

If you own fractional land interests on a reservation and missed the 45-day deadline to accept your offer, you may:

- Return your offer (including a signed, notarized deed) even though it is past the deadline. This late submission will be reviewed based on capacity, appraisal expiration, and the availability of funds. We cannot guarantee acceptance of late submissions.
- Call the Trust Beneficiary Call Center at (888) 678-6836 and indicate you are a Willing Seller. As resources allow, the Buy-Back Program may send offers to landowners who are interested in selling their interests after the Program's offer response deadline for a particular location provided there is a current appraisal and funds are available.

107. What will my tribal government do with consolidated land?

If you chose to sell some or all of the fractional interests described in your purchase offer packet, the interests sold are immediately transferred to, and held in trust for, the federally-recognized tribe that exercises jurisdiction over the land involved. The tribe becomes a co-owner with the other remaining individual owners of the tract(s) involved, if any. A tribe's ability to use the consolidated land depends on several factors, including the number of owners on a tract. A reduction in the number of owners, even if the tribe does not gain controlling ownership, may help current landowners more efficiently use and manage the land because there are fewer owners to work with. Depending on the number of owners and the percent of ownership held, tribes are able to utilize consolidated lands for purposes consistent with the values and needs of their members, such as housing, community centers or businesses, or for recreational or cultural purposes.

Each tribal nation has different plans and goals for land consolidated through the Buy-Back Program, just as every landowner has unique intentions for the use of the funds they receive from the sale of their interests. We encourage you to seek information from your tribal leadership on the plans and goals for consolidated lands.

We're already seeing the difference this Program is making. For example, the Oglala Sioux Tribe of the Pine Ridge Reservation is embarking on a major housing program,

aided by the recent acquisition of land through the Program. As a result of Program purchases, the Squaxin Island Tribe is now better able to protect its world-class oyster beds.