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Land Buy-Back Program for Tribal Nations Listening Session

Tulalip, Washington
April 25, 2017



www.doi.gov/buybackprogram

2017 Listening Session goals

Tribal and landowner input has been critical to making enhancements to the Buy-Back Program. Through this Listening Session, the Program hopes to:

- Gather input from Indian Country on Program implementation
- Discuss steps to continue to address fractionation
- Discuss challenges for tribal sovereignty and effective trust management
- Provide an opportunity for tribes and landowners to learn about the Program
- Receive feedback on critical issues related to [Program](#) implementation, future efforts to reduce land fractionation, and the 2016 Status Report



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Remarks



Deb DuMontier, Special Trustee for American Indians

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Remarks

Mike Black, Assistant Secretary – Indian Affairs



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Remarks

Chairman Harry Barnes, Blackfeet Nation

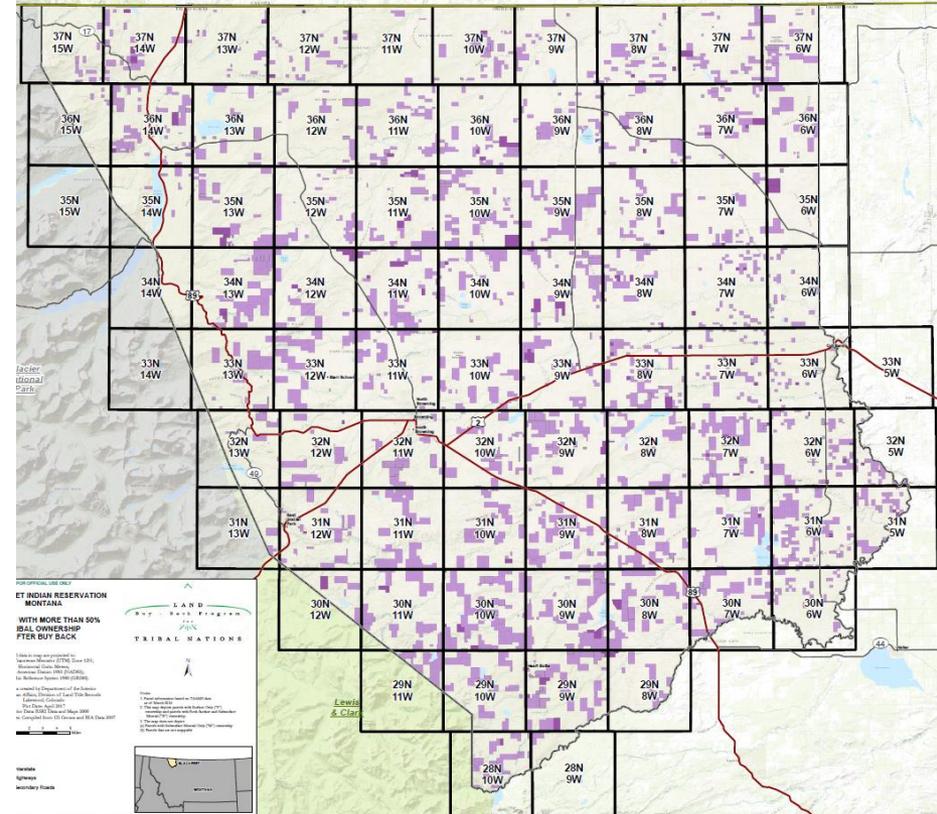
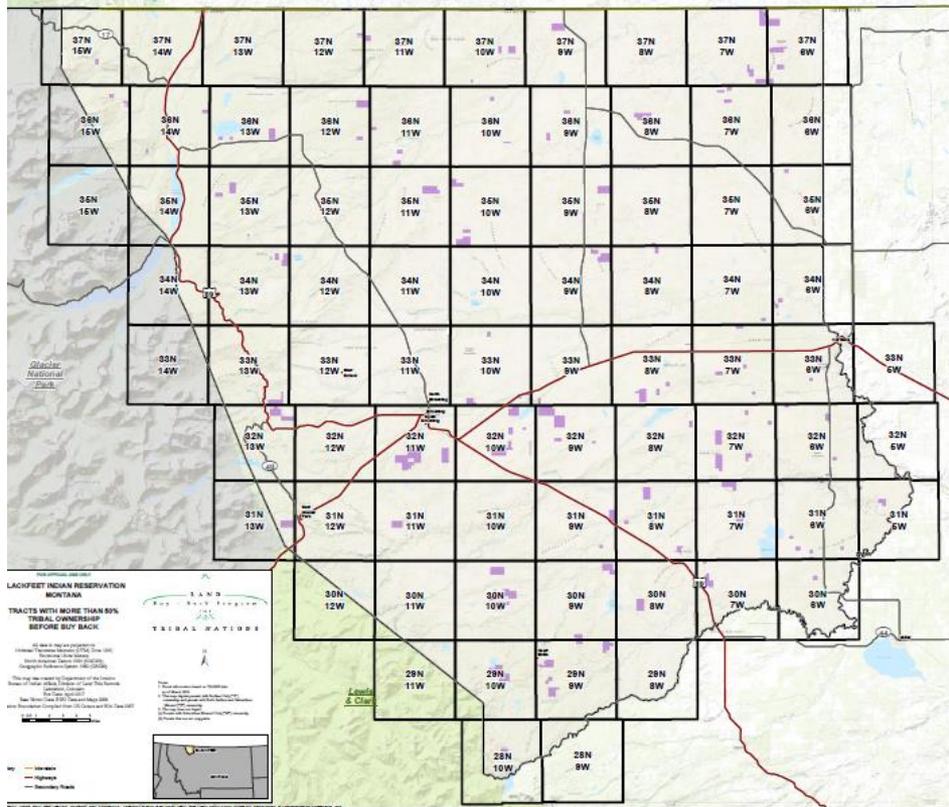


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Increases in Blackfeet Tribal Ownership

BEFORE implementation (Nov 2015)

AFTER implementation (Feb 2017)



Tribal Ownership Percent; S and B Codes Only

- >50% to <100% Tribal Ownership
- 100% Tribal Ownership

- US Forest Service
- National Park Service

- State Boundary
- Blackfeet Reservation
- Township

- Interstate
- Highways
- Secondary Roads



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Program Overview and Progress



Katy Grounds, Supervisory Senior Advisor - Tribal Relations

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What is the Buy-Back Program?

The Land Buy-Back Program for Tribal Nations implements the land consolidation component of the **Cobell Settlement Agreement**.

The Settlement provided a \$1.9 billion fund to purchase:

- fractional interests
- in trust or restricted land
- from willing sellers
- at fair market value
- within a 10-year period.

Purchased interests will be immediately held in trust for the tribe with jurisdiction over the land.



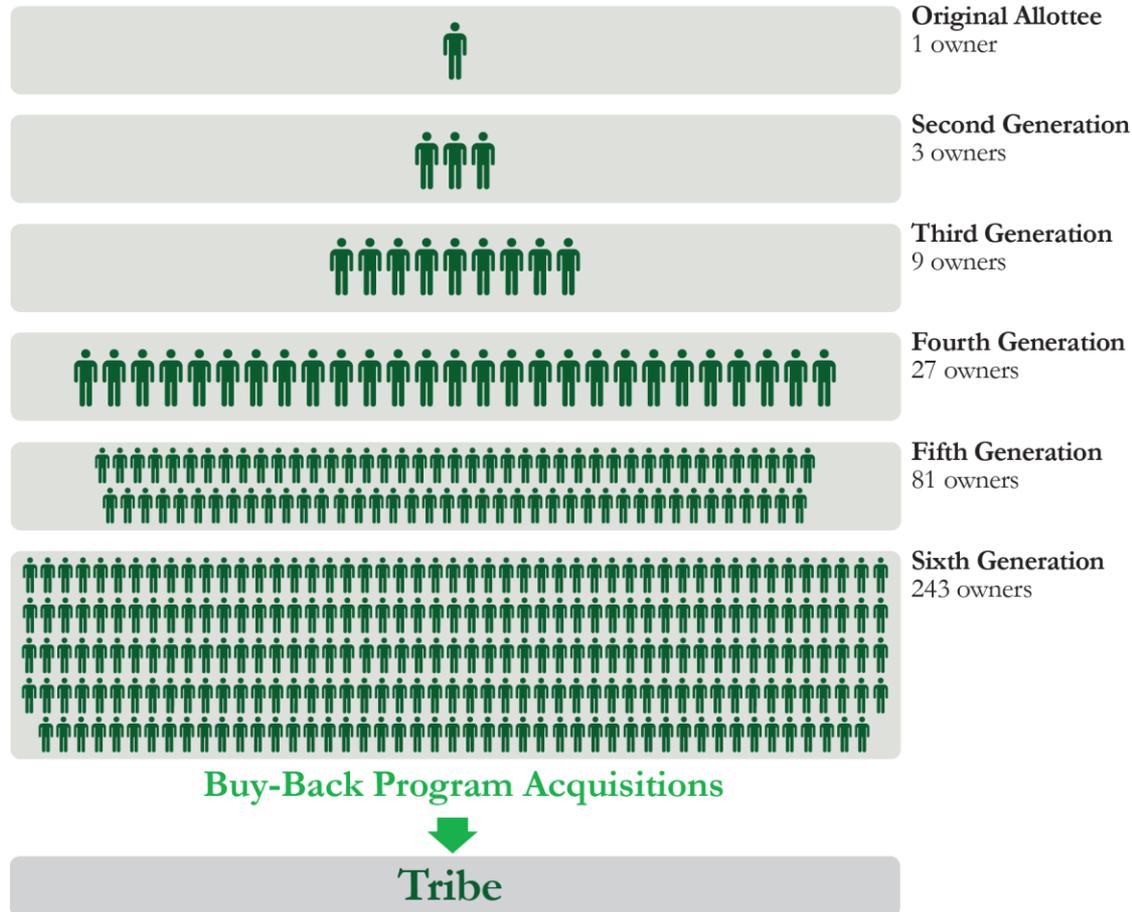
March 2016 Listening Session

What is fractionation?

304 owners on a single tract at the Yakama Reservation

233 owners on a single tract at the Skokomish Reservation

127 owners on a single tract at the Muckleshoot Reservation

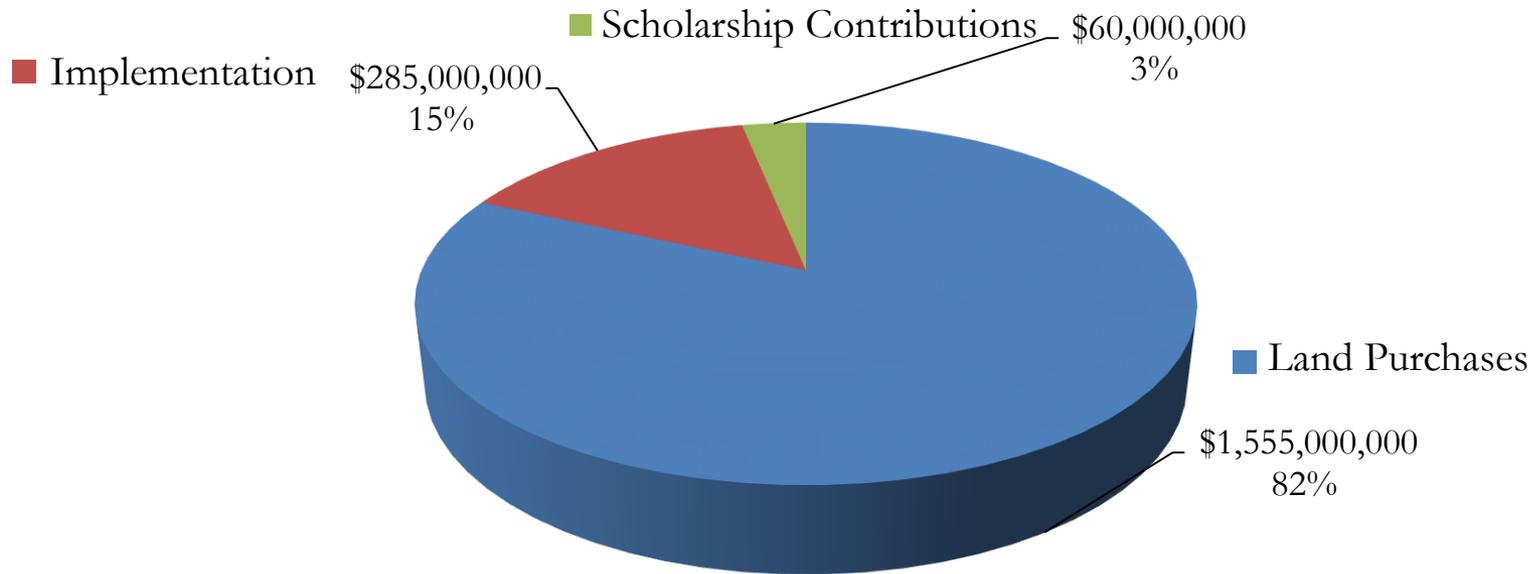


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Fractionation of a possible allotment of land over six generations, assuming only three heirs per generation

What are the components of the Trust Land Consolidation Fund?

Acquiring Fractional Interests (min. available for payment to owners)	\$1,555,000,000
Implementation/Administrative Costs (capped at 15 percent)	\$285,000,000
Scholarship Fund (max. available, keyed to interests sold)	<u>\$60,000,000</u>
Total	\$1,900,000,000



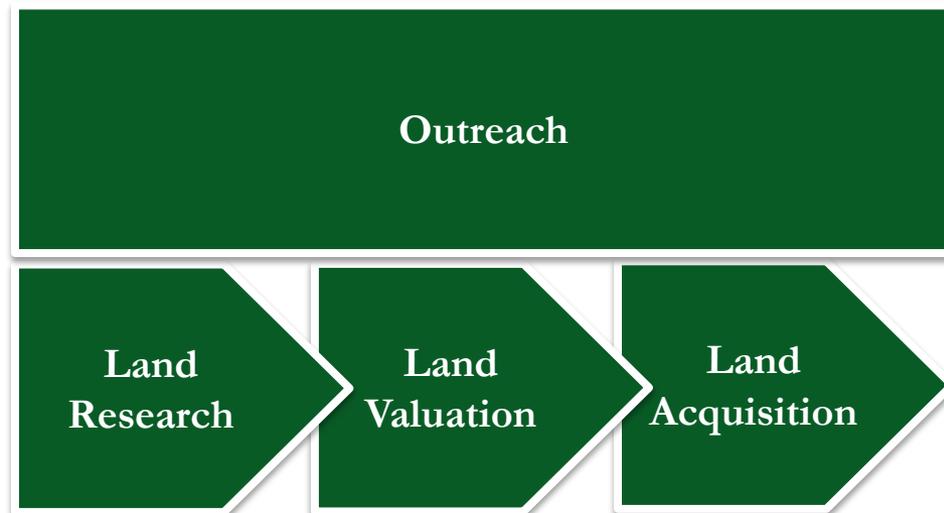
What are the major phases of the Program?

1. **Outreach** to inform landowners about the Program; answer questions; identify willing sellers; and collaborate with tribes via cooperative agreements to implement culturally specific approaches

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 may offer to buy fractional interests

4. **Land Acquisition** to purchase interests in fractionated tracts valued in the land valuation phase that individuals would like to voluntarily sell



Overall Program results

Land Consolidation

- Consolidated more than 2 million equivalent acres of fractionated land
- Purchased more than 690,000 interests on nearly 40,000 tracts (approximately a 23% reduction in fractional interests)
- Mailed offers to landowners with interests at 37 locations
- Increased tribal ownership to at least 50% on more than 13,681 tracts
- Paid more than \$1.1 billion to individuals who chose to sell

Implementation Costs

- Expended 25% of the \$285 million authorized for implementation costs (6% of payments to landowners)
- Entered into agreements with 46 tribes

Scholarship Fund

- Transferred 100% of the Scholarship Fund (\$60 million); Indigenous Education, Inc. administers the Scholarship Fund



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Future of Consolidation Work

John McClanahan, Program Director



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Key topics for input

1. Strategies to address fractionation

- Funds remaining
- Long term

2. Off-reservation lands

How can we maximize the number of interests consolidated with the funds remaining?

Leadership evaluating progress and considering factors such as:

- Land value, interest size (e.g., <25%), and control. Assume a \$5,000 budget, what is best offer to reduce fractionation?

Tract A \$9,000

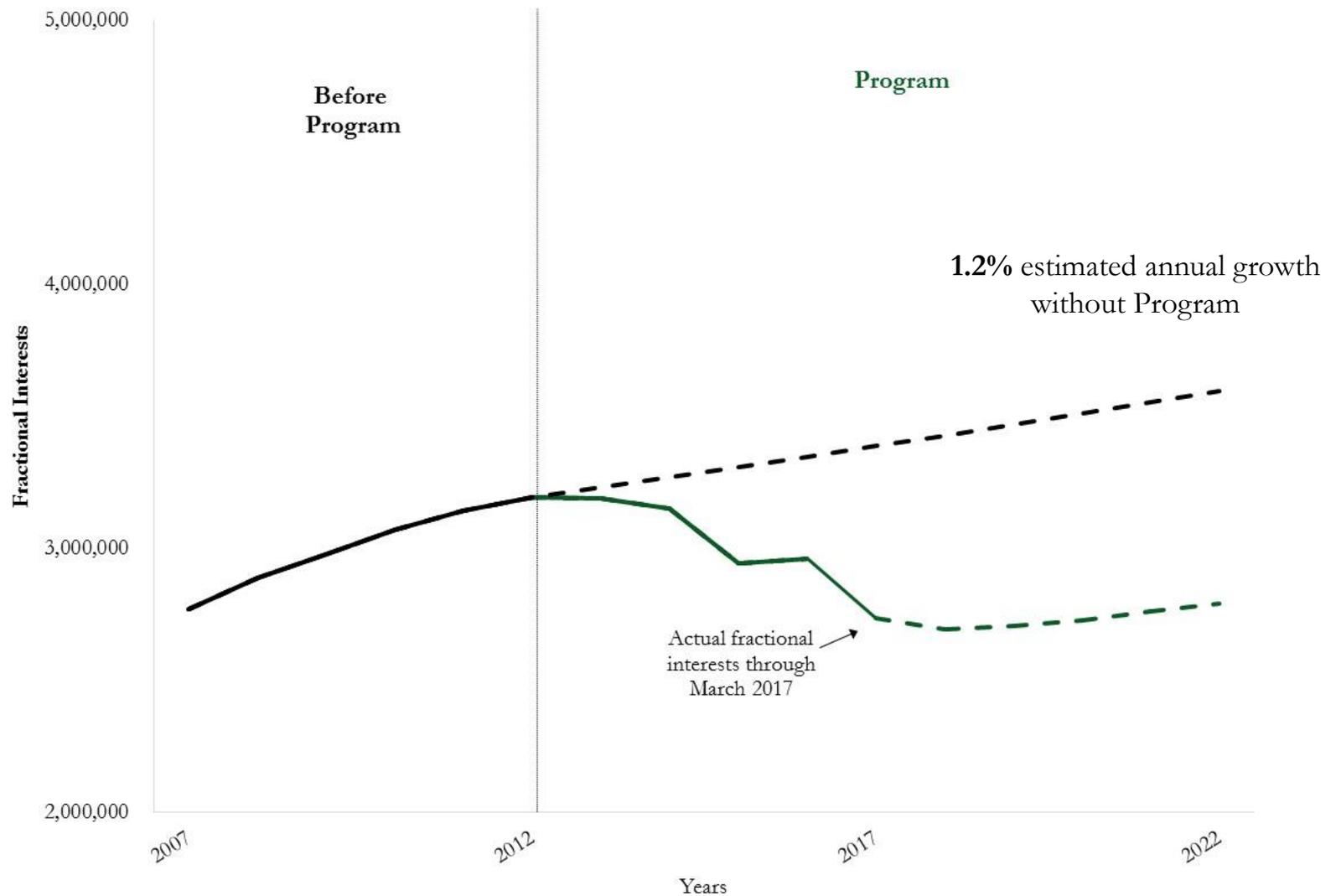


Tract B \$5,000



- Revision to the schedule of locations (add, remove, or return to locations)

Program acquired 690,000+ interests (23% reduction)



How can we best address fractionation in the long term?

- Potential ideas include:
 - Legislative and policy changes to provide opportunities for more effective probate processes
 - Additional estate planning tools
 - Expanded land consolidation

Off-reservation lands

- Given limited resources, the Program requests input on the relative priority of dedicating resources to off-reservation tracts when there is a significant amount of fractionated land located within reservation boundaries.
- Tribal jurisdiction must also exist to include off-reservation tracts. The Program also requests input on the approach for determining tribal jurisdiction as outlined in the Federal Register Notice dated April 12, 2017 (FR Doc. 2017-07417).



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Resource tables

1. Your Options: Financial Education & Planning (OST)
2. Probate & Realty (BIA Agency)
3. Social Security Administration
4. Confederated Tribes and Bands of the Yakama Nation
5. Muckleshoot Indian Tribe
6. Tulalip Tribes of Washington
7. Skokomish Indian Tribe
8. Nez Perce Tribe
9. Confederated Tribes of the Warm Springs Reservation of Oregon
10. Appraisals & Minerals (Office of Appraisal Services & Division of Minerals Evaluation)



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Break

Tribes and landowners may also submit written feedback on the Program by email to buybackprogram@ios.doi.gov or by mail to U.S. Department of the Interior Land Buy-Back Program for Tribal Nations, 1849 C Street NW, MS-3543, Washington, DC 20240. While the Program welcomes ongoing feedback, comments received by May 31, 2017, will be most helpful.

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