

# STATUS REPORT



U.S. DEPARTMENT OF THE INTERIOR

November 20, 2014

## PROGRAM MILESTONES

- 2009** Dec 7 *Cobell v. Salazar* Settlement Agreement signed
- 2010** Dec 8 Claims Resolution Act of 2010 signed into law by President Barack Obama
- 2011** July – Oct Department conducts tribal consultations (various locations)
- 2012** Jan Department publishes Draft Plan
- Nov 24 Final Approval of the Settlement after appeals exhausted to U.S. Supreme Court; ten-year period begins
- Dec 17 Department establishes Land Buy-Back Program for Tribal Nations through [Secretarial Order No. 3325](#)
- 18 Department releases Initial Implementation Plan
- 2013** Jan – Feb Department conducts tribal consultations (various locations)
- Oct 29 Department releases Valuation Plan following review by The Appraisal Foundation
- Nov 8 Department releases Updated Implementation Plan
- 14 Department hosts Program information sharing session at the White House Tribal Nations Conference
- 15 Department initiates open solicitation period for submissions of cooperative agreement applications or expressions of interest from locations representing 90 percent of all fractionated land
- Dec 11 Principal Deputy Assistant Secretary – Indian Affairs Larry Roberts testifies before the United States Senate Committee on Indian Affairs
- 18 Department mails first offers to landowners with interests at the Pine Ridge Reservation
- 2014** Jan 15 Secretary Sally Jewell announces Board of Trustee selections for the Cobell Education Scholarship Fund
- April 2 Department announces scholarship transfer (of nearly \$580,000) to the Cobell Education Scholarship Fund
- 3 Principal Deputy Assistant Secretary – Indian Affairs Larry Roberts testifies before United States House Committee on Natural Resources
- May 15 Department announces implementation schedule through the end of calendar year 2015
- 29 Deputy Secretary Mike Connor and Assistant Secretary – Indian Affairs Kevin Washburn hold Listening Session for tribal leaders and landowners in Portland, Oregon
- July 2 Department announces quarterly transfer (of nearly \$3 million) to the Cobell Education Scholarship Fund
- 16 Deputy Secretary Mike Connor testifies before the United States Senate Committee on Indian Affairs
- 29 Principal Deputy Assistant Secretary – Indian Affairs Larry Roberts testifies before the United States House Committee on Natural Resources
- Sept 8 Department reaches \$100 million in payments to American Indian landowners with fractional interests
- Oct 1 Department announces quarterly transfer (of nearly \$1 million) to the Cobell Education Scholarship Fund
- Nov 5 Department reaches \$200 million in payments to American Indian landowners with fractional interests

## LETTER FROM SECRETARY JEWELL

This has been a year of significance for our work in Indian Country and for the Land Buy-Back Program for Tribal Nations (Program). In 2014, we turned the words of the Cobell Settlement into actions. I appreciate the extensive time, effort, and teamwork that have gone into making more than \$750 million in offers to individual landowners since last December, and am proud of the hard work and accomplishments that are detailed in this report.

President Obama has a deep commitment to strengthening tribal sovereignty, and the Program is one of many steps this Administration is taking to fulfill his pledge to Indian Country. The Program reinforces the priorities set forth by the President's national policy initiative to build effective partnerships with American Indian communities that promote sustainable economic development and protect trust lands. The goals of the Program are complementary:

- (1) we are working to expand tribal homelands held in trust status by consolidating fractionated ownership interests into tribal ownership through voluntary individual transfers;
- (2) we are continually refining our Program processes so that those who participate in land consolidation receive efficient, clearly communicated services; and
- (3) we are facilitating land use planning for tribal communities and individual tribal members.

The Program – developed in partnership with Cobell plaintiffs – is a rare land consolidation opportunity that cannot be overlooked. We are committed to learning from every sale at every location and making adjustments where necessary that are transparent and fair to ensure that landowners are given every opportunity to make informed decisions about the potential sale of their land at fair market value. This report includes critical observations from tribal communities regarding our implementation activities, suggested improvements, and notes additional opportunities for increased feedback and input.

Since becoming Secretary, I have been fortunate to visit more than 20 tribal communities, thereby enhancing my understanding of the nuances across Indian Country and the need to craft policies and procedures that uplift and strengthen tribal sovereignty and self-determination. The Program remains flexible, adapting to different circumstances and needs of individual tribal communities. This is why our discussions with each tribal government are critically important and the outreach strategies for each location must be carefully and collaboratively developed.

Thank you for your interest in the Program. We look forward to our continued and productive engagement with tribal leaders and individuals. Your partnership is key to the continued success of this Program.



*Photo credit:* U.S. Department of the Interior

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## SUMMARY

The *Cobell* Settlement Agreement (Settlement) provides for a \$1.9 billion Trust Land Consolidation Fund (Consolidation Fund) to be expended over a 10-year period ending in November 2022.<sup>1</sup> The Settlement makes the Consolidation Fund available to the U.S. Department of the Interior (Department) to acquire fractional interests in trust or restricted land from individuals who are willing to sell their interests for fair market value. In 2012, the Secretary of the Interior established the Land Buy-Back Program for Tribal Nations (Buy-Back Program or Program) to implement the land consolidation aspects of the Settlement.

The principal goal of the Buy-Back Program is to reduce the number of fractional interests through voluntary land sales that will place purchased interests into trust for tribes. These transfers will consolidate trust land bases for conservation, stewardship, or other uses deemed beneficial by sovereign tribal nations.

The Buy-Back Program began land consolidation purchases in December 2013 and has thus far made offers totaling more than \$750 million for interests at 11 locations. As a result, it has paid landowners a total of more than \$209 million and created or increased tribal ownership in more than 7,500 tracts of land – with 265 of those tracts reaching 100 percent tribal ownership. The Program has transferred the equivalent of more than 350,000 acres of land to tribal trust ownership.<sup>2</sup> The Program is efficiently using the limited amount of money identified in the Settlement for implementation costs, expending approximately \$13.55 for every \$100 paid to landowners.

This Status Report, which builds on and replaces the Updated Implementation Plan released in November

***“We now have a chance to restore our land base, and with proper oversight and use, we will begin to make ourselves whole again.”***

Chuck Sams, Director of Communications,  
Confederated Tribes of the Umatilla Indian  
Reservation (High Country News, July 21, 2014)

***“By gaining development control over the land, we think that the tribe – as well as private individuals working with the tribe – will have a greater opportunity to create and build businesses or homes at many of these locations.”*** Denise Mesteth, Director, Oglala Sioux Tribe Land Office (Federal Reserve Bank of Minneapolis, June 1, 2014)

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1. The Settlement was confirmed by the Claims Resolution Act of 2010 and approved with finality on November 24, 2012, after appeals were exhausted through the U.S. Supreme Court. The 10-year period occurs from November 24, 2012 (the date of Final Approval of the Settlement) to November 24, 2022.

2. Equivalent acres purchased represents only the undivided ownership interest acquired in a tract. To illustrate, assume that the Program purchases 25 percent ownership interests in a 200-acre tract from 2 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 3 remaining individual owners have a 50 percent undivided ownership interest in the entire 200-acre tract as well.

2013, summarizes the key parameters of the Settlement and the corresponding implementation approach and processes of the Program. It also provides an overview of progress and expenditures to date, identifies a number of lessons learned, and responds to feedback from tribes and individuals through answers to frequently asked questions (See [Appendix A](#)). Moreover, the Report includes additional and updated fractionation data in response to tribal requests for more information (See [Appendix B](#)). Finally, the Report sets forth a number of key next steps including an updated schedule that includes 21 more locations and an additional tribal consultation in March 2015. The sections of the Report are summarized below:

Goals and Priorities. As noted in the Initial and Updated Implementation Plans, the Department identified the following primary goals and priorities for the Buy-Back Program:

- Reduce fractionation by consolidating interests for tribes, ensuring that land stays in trust;
- Effectively manage implementation costs;
- Maximize tribal participation; and
- Establish and maintain clear communications with tribes, landowners, and the public.

Primary Processes. There are four phases of the land consolidation process – outreach, land research, valuation, and acquisition – which are defined briefly below:

- *Outreach* refers to the process of communicating with landowners regarding the potential opportunity to sell their fractional interests and to address their questions and concerns. Outreach also includes planning, information sharing, and consultation with tribes.
- *Land research* includes the development of mapping, land use, and other data necessary to establish fair market value for the tracts containing fractional interests.
- *Valuation* is the process of appraising fractionated tracts to determine their fair market value.
- *Acquisition* is the process of extending offers to landowners in an effort to acquire interests from those interested in selling.

Lessons Learned. As the Program enters its third year, the Department continues to identify opportunities for improvement and establish lessons learned. The Department is committed to continuous assessment of Program processes and results in order to make improvements. This Report identifies lessons learned thus far in the areas of outreach, land research, valuation, and acquisition.

Measuring Program Performance. The Program developed performance metrics related to the goals and priorities outlined above. These metrics cover various aspects of Program implementation, and the Program will continue to communicate this information through status reports going forward. While the Program has already made offers exceeding \$750 million, significant work still lies ahead.

Next Steps. The Buy-Back Program continues to work with tribes to implement the Program through cooperative agreements and other arrangements (Agreements). While the primary focus of the Program over the next few years will still be to reduce fractionation in locations that hold the highest amount of purchasable fractional interests, the Program will pursue implementation activities with a limited number of tribes at locations that are less fractionated.

In May 2014, the Program identified 21 locations where work was expected to begin through calendar year 2015. The Program is working closely with tribes at these locations to conduct outreach, complete land research activities, appraise land, and plan for or process sales. In conjunction with this Status Report, the Department is now announcing 21 additional locations where it expects work will soon commence and continue through the middle of calendar year 2017. As time and capacity allow, the Program will continue to add additional locations based on severity of fractionation, degree of ownership overlap, geographic diversity, appraisal complexity, tribal interest and readiness, willing sellers, and cost and time efficiency.

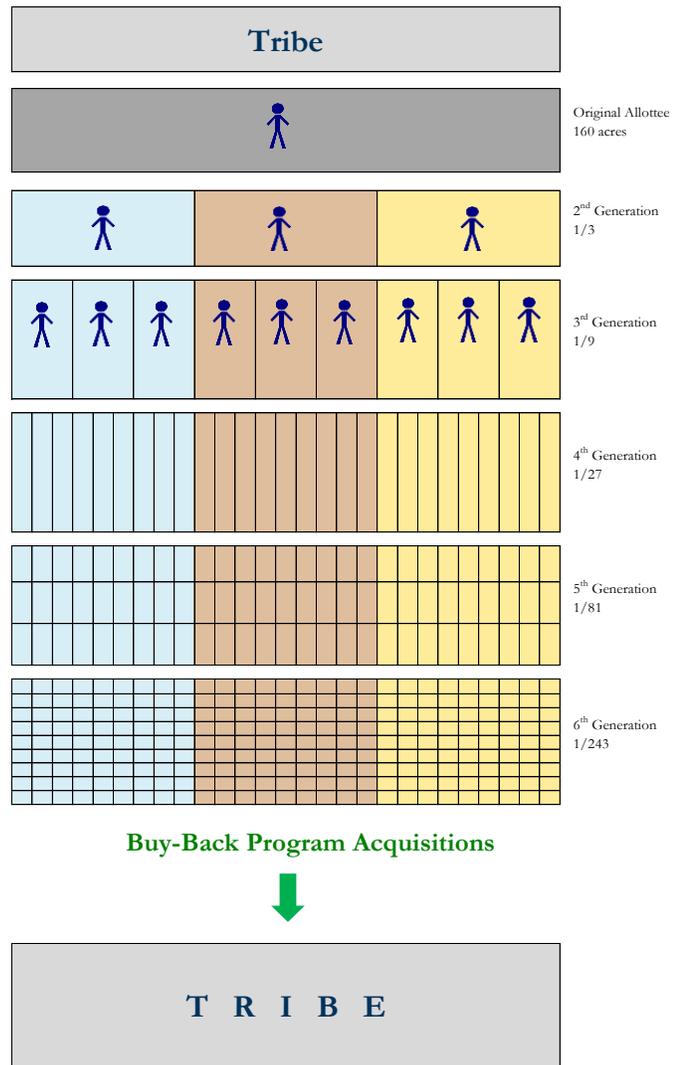
The Program continues to welcome and pursue active engagement with Indian Country. Tribes and individuals may provide feedback during the upcoming March 2015 Listening Session, tribe-specific meetings, and outreach events. Tribes, individual owners, and others may also provide written feedback by email to [buybackprogram@ios.doi.gov](mailto:buybackprogram@ios.doi.gov) or by mail (U.S. Department of the Interior Land Buy-Back Program for Tribal Nations, 1849 C Street NW, MS-5552-MIB, Washington, DC 20240). The next Listening Session will be held on March 19, 2015, at the Vee Quiva Hotel in Laveen, Arizona (outside Phoenix). Feedback received from tribes and individuals has led directly to many of the measures incorporated into this Status Report. In addition, many of the issues are covered in the Frequently Asked Questions in [Appendix A](#).



*Photo credit:* U.S. Department of the Interior

## INTRODUCTION

Fractionation results from the repudiated policy of breaking up tribal homelands into individual allotments or tracts and then the division of ownership among more and more owners after the death of the original owner or allottee. Although the land itself is not divided physically, the children, spouses, and other relatives of the original and successive landowners come to have undivided common ownership interests in the land. Fractionation has grown exponentially over generations. As a result, many allotted tracts now have hundreds or even thousands of individual owners. For example, there are more than 1,200 owners on a single tract of land on the Crow Creek Reservation in South Dakota. Lease and other income received for use of the land is divided among the owners, such that each owner often receives only a nominal amount based on his or her undivided ownership interest. More than half of the approximately 245,000 individual owners received \$25 or less in land-related income during Fiscal Year 2014.



*Figure 1. Fractionation and Restoration*

The Department holds approximately 56 million acres of land in trust or restricted status. More than 10 million acres are held for individual Indians and nearly 46 million acres are held for Indian tribes. More than 200,000 tracts are currently held in trust by the Department. Of those, approximately 95,200 tracts have multiple owners with fractional interests that are subject to purchase and consolidation through the Buy-Back

Program. Table 1 (below) shows current fractionation data for ten Bureau of Indian Affairs (BIA) regions<sup>3</sup> as of September 30, 2014; additional details are provided in [Appendix B](#).

Unless an individual or a tribe owns a controlling interest in a fractionated tract, they must obtain approval from co-owners for land transactions, including leasing or economic development.<sup>4</sup> When tracts have hundreds or thousands of co-owners, it is difficult to obtain the required approvals for leases or other uses of such lands. As a result, many highly-fractionated tracts are unoccupied and unavailable for any purpose. It is estimated that approximately 81 percent of the 95,200 fractionated tracts generated no income during Fiscal Year 2014.

As a result of the fractionated ownership of the allotted lands, combined with the checkerboarded nature of land ownership patterns on many reservations, tribes are

experiencing major challenges that impact tribal sovereignty and self-determination. For example:

- Land access issues can preclude access to sacred and cultural sites, making it harder for future generations to remain rooted in tribal culture.

**Table 1. Fractionation by Region**

<b>BIA Region</b>	<b>Fractionated Tracts</b>	<b>Fractional Interests</b>	<b>Associated Acres</b>
Great Plains	29,054	958,915	4,214,078
Rocky Mountain	20,789	701,291	3,410,879
Western	9,521	325,274	301,106
Northwest	13,359	278,193	1,025,730
Navajo	4,160	256,229	658,761
Southern Plains	7,332	196,368	567,758
Midwest	2,452	132,775	136,635
Eastern Oklahoma	6,591	49,437	395,010
Pacific	1,505	31,076	26,364
Southwest	440	11,361	55,262
<b>Total</b>	<b>95,203</b>	<b>2,940,919</b>	<b>10,791,584</b>

3. The Eastern and Alaska Regions are not represented as the Eastern Region contains no fractionated lands held in trust, and the Buy-Back Program is barred by statute from purchasing fractional interests located within the Alaska Region. See 25 U.S.C. § 2219. In addition, the tracts, interests, and acres listed in the table may not all be purchasable. The figures in this table correspond to columns F, H, and G of the Appendix B report. Refer to Appendix B for definitions and more details.

4. For applicable approval requirements, see 25 U.S.C. § 2218(b).

- The checkerboard ownership pattern also creates jurisdictional challenges and ties up land within the reservation boundaries, making it difficult to pursue much needed economic development, such as activities that require a right-of-way.
- Income received from the land, such as lease income, can be so divided that individual owners may receive just pennies based on their fractional interest share. Also, because many landowners live outside the reservation, the income is received and spent away from or outside the reservation, instead of within the Indian communities that need it most.

The Settlement provides a unique opportunity to have a substantial impact on fractionation in Indian Country. The Buy-Back Program is much more expansive than any previous land consolidation effort. It focuses on a large number of tracts and owners at once without requiring an application from owners. It also allows for efficient and effective purchases that will reduce fractionation in the locations where it is most prevalent.

All interests purchased by the Buy-Back Program will be held in trust for the recognized tribe that exercises jurisdiction over the land, increasing the tribe's ability to use or protect the land for purposes it deems appropriate for the community as a whole. For example, on the Pine Ridge Indian Reservation, Oglala Sioux Lakota Housing staff members, tribal leaders, and Department of Housing and Urban Development representatives recently broke ground on projects to add 63 new 3-bedroom homes at the reservation. With 230,000 equivalent acres of land that has been secured through the Buy-Back Program, the Tribe is pursuing efforts to build additional, much-needed housing.



*Figure 2. Pine Ridge Breaks Ground on \$9 Million Housing Project (Rapid City Journal)*

## LAND BUY-BACK PROGRAM FOR TRIBAL NATIONS

### Key Parameters

The *Cobell* Settlement guides the design and implementation of the Buy-Back Program. It establishes a \$1.9 billion Trust Land Consolidation Fund (Consolidation Fund) that will be available to the Secretary for the purchase of fractional interests in trust or restricted lands during a period of no more than 10 years, starting on November 24, 2012. The Settlement limits the use of the Consolidation Fund to acquiring fractional interests, implementing land consolidation activities, and paying the costs related to the work of the Secretarial Commission on Trust Reform.

Additionally, the Buy-Back Program will contribute up to \$60 million of the \$1.9 billion to the Cobell Education Scholarship Fund (Scholarship Fund), which will provide financial assistance to American Indian and Alaska Native students attending post-secondary vocational schools or institutions of higher education. The Scholarship Fund is administered by the American Indian College Fund in Denver, Colorado, with 20 percent allotted to the American Indian Graduate Center in Albuquerque, New Mexico. As of October 2014, the Program had contributed more than \$4.5 million to the Scholarship Fund.

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

Acquiring Fractional Interests (minimum available for purchase payments)	\$1,555,000,000
Implementation Costs (capped at 15 percent)	\$285,000,000
Scholarship Fund (maximum available, depending on interests sold)	<u>\$60,000,000</u>
<b>Total</b>	<b>\$1,900,000,000</b>

The four overarching parameters that guide the design and implementation of the Buy-Back Program are highlighted below.

First, the Department identified approximately 2.9 million fractional interests across approximately 150 locations that may be purchasable (See [Appendix B](#)) by the Buy-Back Program. These fractional interests are concentrated within a few regions in Indian Country. Nearly 90 percent of these fractional interests are located within about 40 of the approximately 150 locations (this subset is noted in [Appendix B](#)). On the other hand, a consistent theme expressed through tribal consultation and public comment is a desire for land consolidation purchases to benefit as many reservations as possible. To ensure that the Program is implemented at as many locations as possible, including less-fractionated locations, flexible purchase estimates are used to plan and protect against premature exhaustion of funds.

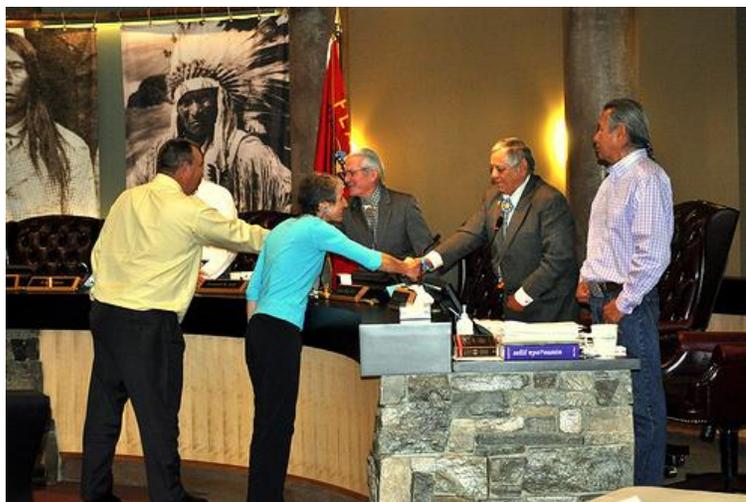
Second, as indicated above, the Settlement limits the amount of money that the Department may use for costs associated with the various phases of implementing the Program (e.g., outreach, land research, valuation, and acquisition). By law, no more than 15 percent of the Consolidation Fund (\$285 million) may be used for implementation costs in order to maximize the amount available for purchasing fractional interests. Furthermore, the Settlement requires that the Consolidation Fund be expended by November 24, 2022. The Program must achieve cost-efficiency and act expeditiously when administering the Consolidation Fund.

**Owner Spotlight: Sales Benefit Owners and Tribes**

A landowner recently sold fractional interests in order to pay off agricultural loans. In this particular tract, the Tribe went from a 1 percent ownership to a 94 percent ownership.

Given these terms, the Program is working to enter into Agreements with as many tribes as possible. These Agreements will provide funding to tribes from the implementation portion of the Consolidation Fund in order to support their active participation in implementation activities at their reservations. Implementing the Program using Agreements will minimize implementation costs and improve overall effectiveness and efficiency.

Third, despite the large size of the Consolidation Fund, it probably does not supply sufficient capital to purchase all fractional interests across Indian Country. It is likely that the value of the land corresponding to the 2.9 million fractional interests will exceed \$1.555 billion. Accordingly, the Program will focus on those acquisitions that best reduce fractionation, address the effect of allotment, promote tribal sovereignty, and facilitate economic development. It also is imperative that the Consolidation Fund be used thoughtfully and fairly, on cost-effective acquisitions, to have maximum impact. The Program will actively communicate with tribes to determine which acquisitions should be prioritized to meet these goals.



*Figure 3. Secretary Jewell and Senator Jon Tester Visit the Confederated Salish and Kootenai Tribes*

Fourth, it is unclear how many of the approximately 245,000 individual owners<sup>5</sup> will choose to sell fractional interests. Implementation at initial locations confirms that not all owners will choose to sell. Response rates thus far for completed offer sets are summarized in the following table.

*Table 2. Response Rates for Completed Offer Sets*

Number of Offers	Number of Offers Accepted	Amount of Offers Mailed	Amount Accepted
37,856	15,539	\$392,330,904	\$162,670,304

The weighted average dollar response rate thus far is approximately 41 percent. Response rates do vary from location to location. For one location, only 13 percent of the offers mailed were returned with a response to sell, while 64 percent of the offers for 2 other locations were returned with a response to sell. Additional details are provided in Table 3 on page 13, including more than \$360 million in offers with upcoming response deadlines (Crow and Lake Traverse Indian Reservations).

Full use of the Consolidation Fund depends on the number of individual owners who decide to sell their interests. The active participation of tribal leaders in explaining the Program and what land consolidation means on their reservations is a key to landowners becoming involved in the Program. The Program is still in its early stages and response rates may change over time, especially as outreach continues to expand, bringing greater awareness of the unique opportunities associated with the Program and the potential benefits to Indian Country. The Program will continue to gather and learn from response rate data. The Program also recognizes that success is dependent on effective outreach and maximizing the number of offer opportunities to individuals because landowner participation is ultimately a voluntary decision.

Given that the Consolidation Fund is a finite, time-limited resource, the Department has pursued a balanced approach that features flexibility and careful purchase planning measures. The Buy-Back Program must be implemented according to prioritized criteria that effectively utilize the purchasing power of the Consolidation Fund, while obeying the 15 percent implementation cost limit.

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5. The whereabouts of approximately 31,550 (13 percent) of these individuals is currently unknown. In addition to the approximately 245,000 individuals, there are 2 groups of owners that have 1 or more fractional interests in the 150 reservations but that are not a current focus of the Program: approximately 25,000 deceased individuals with estates and approximately 5,970 individuals under a legal disability (non-compos mentis or minors). Moreover, there are additional individual or tribal owners in allotted land with interests that will not be acquired by the Program, such as owners of fee interests or full (1/1) ownership interests.

## Operational Approach

Offer Methodology and Results. Consultations between Departmental, Program, and tribal leaders led to the policy decision to express purchase ceiling amounts within the Initial Implementation Plan (2012 Plan) and Updated Implementation Plan (2013 Plan). The underlying concept is to approximate the potential portion of the Consolidation Fund available to pay owners who choose to sell fractional interests at a given location, based on a formula that considers a location's proportional share of fractionation across Indian Country. The term purchase ceiling has proved, however, to be inaccurate description, so the Program will instead now use purchase estimate, which will better reflect the intent and use of the concept. As before, purchase estimates help achieve broad use of the Consolidation Fund and assist with the planning and development of offer sets. Key principles associated with purchase estimates:

- Seek to maximize the number of reservations that could participate in the Buy-Back Program and prevent expenditure of the available purchase funds in just a few locations.
- Reflect the need for a flexible approach, given that the effort involves hundreds of thousands of individual Indian beneficiaries across the country and that the total amount that could be paid for interests at a given location depends on various circumstances that a formula cannot easily capture. Each sovereign nation has unique lands, histories, laws, cultures, traditions, and governments. For example:
  - Per acre amounts will vary, as will the number of purchasable fractional interests and the number of individuals that are willing to sell.
  - Land consolidation programs have been operational for decades at some locations, where many individuals could have already decided to sell, while those with interests at other locations are considering land consolidation for the first time.
  - Acceptance rates may vary from location to location for various reasons, such as in the application of tribal acquisition priorities.
- Are by nature approximate calculations, which are subject to change and refinement, and do not set a final, minimum, or maximum total dollar amount for interests at any particular location.

### How are the Purchase Estimates Determined?

For each of the three data points (i.e., tracts, interests, and acres), the Program will calculate the proportion of the total for each reservation. The 3 proportions are then averaged to produce the evenly weighted proportion. That proportion is then multiplied by, e.g., the minimum purchase amount of the Trust Land Consolidation Fund (\$1.555 billion) to produce a purchase estimate amount for a location.

To illustrate, consider the Pine Ridge Reservation. The approximately 1.2 million purchasable acres associated with its fractionated tracts are 11.2 percent of all such acres across Indian Country. Its 6,028 fractionated tracts with purchasable interests are 6.4 percent of all such tracts in Indian Country, and its 195,862 purchasable fractional interests are 6.6 percent of all such interests. These proportions average out to 8.1 percent, which, once multiplied by \$1.555 billion, would provide an initial purchase estimate of \$125.4 million for the Reservation. (Note that the data in this example uses 2013 data, before the Program was implemented on the Reservation.)

For relevant definitions, see [Appendix B](#).

A location may not reach the purchase estimate due to a variety of factors, including limited appraisals or a lack of sufficient willing sellers. Consistent with the 2012 and 2013 Plans, if an entire purchase estimate cannot be timely captured, the Program will promptly make unused funds available to support offers at other locations. Moreover, it is possible that the actual sale amounts for interests at a particular location will exceed a purchase estimate. Again, flexibility in the total amount paid for interests at each location is fundamental.

To make sure the Consolidation Fund is used before November 2022, the Program will implement various other measures, including the following:

1. *Leverage Efficient Use of Mass Appraisal Efforts.* The Program will leverage mass appraisals to help ensure that a greater number of landowners with interests may have the opportunity to sell their land. Moreover, by using mass appraisals, the Program stays within the implementation cost limits of the Settlement. This increases the number of locations where the Program can be implemented.
2. *Create Opportunities for Willing Sellers.* Willing sellers may continue to register with the Trust Beneficiary Call Center (Call Center), even after Program implementation has moved to other locations. As mass appraisal values are updated and/or available, the Program will look to make offers to these landowners using unused funds from previous waves.
3. *Site-Specific Appraisals.* Some locations will not be amenable to mass appraisal. Site-specific or other appraisals may be necessary, but they are not as efficient as mass appraisal. The Program will remain open to focused site-specific appraisal work for targeted tribal acquisition priorities at locations where mass appraisal is not applicable and the purchase estimate will inform the number of appraisals to be completed. Moreover, focused site-specific appraisals may be used to appraise additional land at a given location, even those that have used mass appraisal, in order to address key tribal acquisition priorities.

### How do Purchase Estimates Work?

Purchase estimates seek to maximize the number of reservations that could participate in the Buy-Back Program and are designed to be flexible. The following example illustrates some implications of how the approach may work at a hypothetical location.

Purchase estimate	\$50 million
Mass appraisal results	\$250 million in total tract values, five times the purchase estimate
Potential offers	\$225 million (reflects application of policy criteria, such as exclusion of interests held by tribes or minors)
Actual offers	\$122 million
Actual sales	\$59 million

**Explanation.** Since mailing \$250 million in offers would likely cause the location to far exceed the \$50 million purchase estimate, the Program will use existing response rates to help determine the size of the offer mailing. Assume the expected response rate is approximately 40 percent. Therefore, the Program would seek to construct a single offer set totaling approximately \$122 million. The Program and the tribe will work together to determine which individuals will receive offers considering several factors, such as: selection of tribal priority tracts; tracts without existing tribal ownership; and tracts that are contiguous to those already owned by the tribe.

Because the Program will typically process completed offer packages returned by the due date, even after the purchase estimate has been reached, actual sales may exceed the purchase estimate. Thus, in this particular example, assume that the actual response rate within the 45-day response period exceeds 40 percent; as a result, approved sales from willing sellers reach \$59 million, and unused or unallocated purchase funds must accommodate the \$9 million more than the \$50 million purchase estimate for this location.

4. *Make a Single Wave of Offers.* The Program aims to send a single offer set (wave) to landowners. A single wave will ideally enable sales to reach a location's purchase estimate. A single wave has several advantages. It allows the tribe and the Program to conduct focused outreach and clearly communicate offer due dates. One wave also provides landowners with the ability to consider their property in a single offer rather than a series of offers, which would entail multiple visits to a notary public. From an operational perspective, a single wave is more efficient as it allows for a simpler obligation process and minimizes the period of time when regular realty transactions are paused for Buy-Back Program activities. Clear tribal acquisition priorities and carefully timed appraisal work is necessary to achieve success using a single wave. The particular offers to be included in each wave will be determined by tribal acquisition priorities, level of fractionation, and percentage of tribal ownership, among other criteria.
5. *Continually Learn from Experience and Data.* The Program will continue to use experience and data to estimate the scope of site-specific appraisal work and to determine the size of offer amounts. Total offer amounts can be based on an estimated rate of owner and offer amount acceptance that is consistent with past results. Offer results, as of November 7, 2014, are summarized in Table 3 below. The total amount offered for landowner interests in the wave will comprise a certain multiplier (based on an anticipated response rate) of the reservation's total purchase estimate. In some cases, the total offer set amount may be higher to realize a single wave or to leverage mass appraisal work. Such measures may help the Program address instances where sales fall below estimates to ensure full use of the Consolidation Fund by November 2022. This type of analysis is dynamic and will continue to evolve throughout the life of the Program.
6. *Apply Guiding Factors.* The determination of how to best expend funds will continue to be guided by the standards set forth – as a result of tribal consultations – in the Initial and Updated Implementation Plans. That includes consideration of factors such as the following: level of interested or documented willing sellers; availability of valuation related-information; tribal readiness or interest; severity of fractionation; cost and time efficiency; promotion of tribal sovereignty and self-determination; economic, spiritual, and/or cultural value for the community, as evidenced by well-articulated tribal priorities; and loss of historical reservation land as a result of allotment.

These important steps allow the Program to allocate unused dollars to tribal communities while affording additional reservations the opportunity to participate in the Program. Also, by documenting consideration of the guidelines and factors in the Initial and Updated Implementation Plans, as summarized above, the Program will determine how to best expend unused purchase estimates in a manner that is transparent, fair, flexible, and consistent with the mandates of the Settlement and the authorizing legislation.

**Table 3. Offer Data Through November 7, 2014**

Location	Number of Offers Mailed /Dollars	Number of Offers Accepted	% of Offers Accepted	Acres Purchased (equivalent)	Amount of Offers Accepted	% of Total \$ Offered Purchased
Pine Ridge Reservation (of the Oglala Sioux Tribe)	18,264 / \$227,827,000	8,742	48%	233,487	\$81,724,515	36%
Rosebud Indian Reservation	10,978 / \$49,046,759	3,006	27%	31,139	\$14,277,047	29%
Makah Indian Reservation	666 / \$1,779,281	282	42%	64	\$975,150	55%
Fort Belknap Reservation <sup>a</sup>	105 / \$186,275	25	24%	66	\$24,413	13%
Quapaw Reservation <sup>a, b</sup>	20 / \$69,486	-	-	-	-	-
Gila River Indian Reservation	1,836 / \$77,680,366	946	52%	1,011	\$49,879,464	64%
Northern Cheyenne Indian Reservation	2,296 / \$18,027,584	871	38%	13,163	\$6,525,411	36%
Flathead Reservation (of the Confederated Salish and Kootenai Tribes)	1,902 / \$8,275,532	454	24%	3,989	\$5,321,087	64%
Umatilla Indian Reservation	1,789 / \$9,438,621	573	32%	3,966	\$3,943,217	42%
Crow Reservation <sup>c</sup>	3,924 / \$298,142,376	676	17%	60,928	\$32,979,761	11%
Lake Traverse Reservation (of the Sisseton-Wahpeton Oyate) <sup>c</sup>	2,793 / \$63,551,701	611	22%	3,940	\$14,181,649	22%
<b>Total</b>	<b>44,573 / \$754,024,981</b>	<b>16,186</b>	<b>36%</b>	<b>351,753</b>	<b>\$209,831,715</b>	<b>28%</b>

Notes: <sup>a</sup> Partial implementation for existing appraisals.  
<sup>b</sup> Sales pending resolution of unique circumstances.  
<sup>c</sup> Offers are still within the 45-day window (Crow: 11/21/2014; Lake Traverse: 11/24/2014).

**Implementation Strategy.** The Program cannot make offers immediately at all locations with fractional interests. As a result, the Program will continue to focus most of its initial implementation efforts on the most fractionated locations. Proceeding in this manner ensures that the Program focuses its attention on the locations where fractionation is most prevalent, consistent with the Updated Implementation Plan.

The Department held an open solicitation period at the beginning of Fiscal Year 2014. Tribes with jurisdiction over the more fractionated reservations were encouraged to submit expressions of interest, thereby signaling readiness to participate in the Program. Less-fractionated locations also had the opportunity to signal readiness and interest in the Program. By using this approach, tribes helped determine the timing of initial Program implementation.

While the implementation strategy keeps the Program focused on the most highly fractionated locations for the next few years, the Program has involved less-fractionated locations as well. By including some less-fractionated locations in early implementation efforts, the Program has gained experience and input that helps inform implementation at future less-fractionated locations.

The Program used and will continue to use various criteria to determine the best sequence of implementation, including the following:

- Severity of fractionation (e.g., as reflected by the three factors used to determine the initial purchase estimates described above);
- Degree of ownership overlap between locations or geographic proximity;
- Diversity of geographic locations to maximize efficiency, resources, and learning opportunities, especially for initial efforts in order to facilitate learning;
- Appraisal complexity;
- Overall interest of the tribe as demonstrated through the Agreement application process and open solicitation period;
- Number of owners who have demonstrated an interest in selling fractional interests; and
- Cost and time efficiency.

In May 2014, the Department announced a schedule for continued implementation that identifies locations representing more than half of the fractional interests and half of the owners across Indian Country. The Buy-Back Program identified the following tribal communities where land consolidation activities – such as planning, outreach, mapping, minerals evaluations, appraisals, or acquisitions – were expected to begin through the end of calendar year 2015. Table 4 shows the status of work at those locations:

**Table 4. Buy-Back Program Status as of November 7, 2014**

Location	Agreement (Y/N)	Base Mapping	Minerals	Appraisals	Acquisitions	Sales to Date (\$ as of 11/7/14)
Pine Ridge Reservation (of the Oglala Sioux Tribe)	Y	Complete	Complete	Complete	Complete	\$81,724,515
Makah Indian Reservation	Y	Complete	Complete	Complete	Complete	\$975,150
Rosebud Indian Reservation	Pending	Complete	Complete	Complete	Complete	\$14,277,047
Fort Belknap Reservation <sup>a</sup>	Y	Complete	Complete	Complete	In Progress <sup>a</sup>	\$24,413
Quapaw Reservation <sup>a</sup>	Pending	Complete	Complete	Complete	In Progress <sup>a</sup>	\$0 <sup>b</sup>
Gila River Indian Reservation	Y	Complete	Complete	Complete	In Progress	\$49,879,464
Northern Cheyenne Indian Reservation	Y	Complete	Complete	Complete	In Progress	\$6,525,411
Flathead Reservation (of the Confederated Salish and Kootenai Tribes)	Y	Complete	Complete	Complete	In Progress	\$5,321,087
Umatilla Reservation	Y	Complete	Complete	Complete	In Progress	\$3,943,217
Crow Reservation	Y	Complete	Complete	Complete	In Progress	\$32,979,761
Lake Traverse Reservation (of the Sisseton-Wahpeton Oyate)	Y	Complete	Complete	Complete	In Progress	\$14,181,649
Coeur D'Alene Reservation	Y	Complete	Complete	Complete	Planning	-
Squaxin Island Reservation	Pending	Complete	Complete	Complete	Planning	-
Prairie Band Potawatomi Nation	Pending	Complete	Complete	In Progress	Planning	-
Cheyenne River Reservation	Pending	Complete	Complete	In Progress	Planning	-
Standing Rock Sioux Reservation	Y	Complete	In Progress	Planning	Planning	-
Fort Peck Indian Reservation (of the Assiniboine and Sioux Tribes)	Y	Complete	Complete	In Progress	Planning	-
Quinalt Reservation	Pending	Complete	In Progress	Planning	Planning	-
Swinomish Reservation	Pending	Complete	Planning	Planning	Planning	-
Lummi Reservation	Pending	Complete	Planning	In Progress	Planning	-
Navajo	Pending	Complete	Planning	Planning	Planning	-
Notes:						
Future offers possible where additional appraisal work is underway or for locations amenable to mass appraisal.						
<sup>a</sup> Partial implementation for existing appraisals						
<sup>b</sup> Sales pending resolution of unique circumstances.						

The Program is now adding 21 more tribal communities for implementation activities through the middle of calendar year 2017. In addition to those listed above, the Program is also beginning work at the following locations:

- Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California
- Arapaho Tribe of the Wind River Reservation, Wyoming and Shoshone Tribe of the Wind River Reservation, Wyoming
- Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin
- Blackfeet Tribe of the Blackfeet Indian Reservation of Montana
- Cabazon Band of Mission Indians, California
- Confederated Tribes and Bands of the Yakama Nation
- Confederated Tribes of the Colville Reservation
- Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota
- Fond du Lac Band of the Minnesota Chippewa Tribe, Minnesota
- Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota
- Nez Perce Tribe
- Ponca Tribe of Indians of Oklahoma
- Quechan Tribe of the Fort Yuma Indian Reservation, California & Arizona
- Round Valley Indian Tribes, Round Valley Reservation, California
- Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona
- Shoshone-Bannock Tribes of the Fort Hall Reservation
- The Osage Nation
- Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota
- Turtle Mountain Band of Chippewa Indians of North Dakota
- Winnebago Tribe of Nebraska
- Yankton Sioux Tribe of South Dakota

The 42 total locations, including those above and the 21 announced in May 2014, entail the following:

- 83 percent of outstanding fractional interests
- 67 percent of eligible landowners
- 9 of the 10 Bureau of Indian Affairs regions
- 15 of the 19 states with fractional interests

The Program plans to schedule additional locations as capacity and resources allow.

Given limited implementation funding and timing, practical considerations such as limited appraisal validity period or shelf life, efficiency, and Departmental capacity, the Buy-Back Program is unable to actively implement the Program at all locations immediately. Although the Program will be active at multiple reservations simultaneously, it will be active at each location for a limited period. As the Buy-Back Program completes land consolidation activities at initial locations, it will start operations at successive locations. The Program will regularly analyze its ability to conduct operations at additional reservations throughout implementation.

In addition to focusing implementation of the Program at reservations with approximately 90 percent of the purchasable fractional interests, the Department is also committed to working with less-fractionated locations. Currently, the Department expects that the Buy-Back Program will have an increased focus on

less-fractionated reservations beginning in 2017. The Department may use various criteria or factors to guide use of remaining purchase funds at additional less-fractionated locations, including those noted above, as well as information gathered from initial efforts. Consistent with the Updated Implementation Plan, the number of interested sellers will likely be an important factor for less-fractionated locations to ensure that the expenditure of implementation costs are well founded. The Department seeks input from tribes and landowners on the most effective way to work with these less-fractionated locations.

The Program may also pursue other strategies to fully expend the Consolidation Fund within the ten-year timeframe. In particular, the Program may be able to further tailor outreach efforts based on an examination of results thus far and future experience. In addition, depending on tribal feedback and additional planning and analysis, the Program may, for example, seek to purchase interests at probate or acquire interests owned by individuals whose whereabouts are unknown and cannot be located (See [Appendix E](#) for more information on whereabouts unknown).

Tribal Involvement – Cooperative Agreements. The Department is committed to partnering with tribes to complete Program implementation on their reservations. The Program has entered into two types of agreements with tribes. First, it has used cooperative agreements, which are legal instruments similar to a grant, that represent the relationship between the Federal Government (i.e., Buy-Back Program) and a recipient. Its principle purpose is to transfer a thing of value (e.g., funding) to a recipient to carry out a public purpose of support or stimulation, as authorized by the Federal Government. Second, the Program has entered into memoranda of agreement (also known as memoranda of understanding) with several tribes; these are used when there is an agreement to exchange information or coordinate programs but no funding is provided.

Agreements include activities associated with outreach, land research, and valuation. Cooperative agreement funding currently supports approximately 30 tribal staff (full time equivalents) in any given year. The continued use of Agreements allows tribes to carry out various aspects of the Buy-Back Program. In particular, tribes are able to perform some of the most important functions of the Buy-Back Program based on their interests and capacities, including identifying landowners and conducting outreach efforts.

There are a number of steps that tribes can take before entering an Agreement with the Program. While there are limits to the number of locations where Program activities can operate simultaneously, tribes may prepare for the Buy-Back Program by completing tasks such as the following:

- Establish a team and point of contact to plan for land consolidation, to include review of the [Program's website](#), which contains answers to frequently asked questions and guidance documents related to tribal involvement;

- Work with the Program to access geographic information system (GIS) and other data;
- Determine tribal acquisition priorities;
- Submit a formal written request to the Program for landowner name and address information, ideally through a tribal resolution;
- Reach out to leaders of tribes where the Program has started implementation to discuss lessons learned;
- Identify individual landowners who are interested in selling their fractional interests, educate them about the Program, and encourage them to update their address information by contacting the Call Center at (888) 678-6836;
- Attend general outreach meetings, webinars, or regional events; and
- Provide information to the Buy-Back Program about the tribe's land consolidation programs and current capacities, capabilities, readiness, and interest in the Program.

Agreements will not include all phases of the Buy-Back Program. For example, Agreements will not include base mapping activities because those are being performed

efficiently by BIA and Bureau of Land Management (BLM) for immediate sharing with tribes. The Program may, however, fund other GIS or mapping related work by tribes in support of land research and valuation. A second example is activities in the acquisition phase. This phase is being implemented by the Buy-Back Program due to the necessarily centralized processes in

Departmental systems of record, like the Trust Asset and Accounting Management System (TAAMS). Currently, the Program is able to print and mail up to approximately 2,000 offers in a single day and pay owners promptly that choose to consolidate their fractional interests (since December 2013, the Program has paid owners an average total of more than \$700,000 per business day). Payments for accepted offers are deposited directly into Individual Indian Money (IIM) accounts. This type of automation is necessary to stay within the implementation cost limits of the Settlement.

#### Land Consolidation for the Gila River Utility Corridor

At the Gila River Indian Reservation, tribal leaders identified acquisition priorities that focused buy-back efforts on a significant economic development project known as the Price Road utility corridor. The proposed corridor includes the development of a 230kV transmission line that would supply power for an ambulatory care facility and various tribal development projects.

The Gila River Indian Community entered into a Memorandum of Agreement with the Buy-Back Program. The Tribe completed appraisals for Program review. By identifying acquisition priorities early on in the process, appraisal work was completed quickly and efficiently. More than 1,800 individuals received offers with sales exceeding \$49 million as of November 7, 2014.

*Photo credit:* <http://www.gricua.net/>



It is important to note that Agreements are not mandatory for participation in the Program, and tribes may request the Department implement all phases of the land consolidation activities on their reservations. The Buy-Back Program will continue to coordinate closely with tribes that choose this approach to maximize tribal involvement in implementation.

## Primary Processes

The Program's planning efforts have organized land consolidation processes into four phases: outreach, land research, valuation, and acquisition. When a reservation is scheduled for implementation, the Program conducts outreach with the tribal communities so that individuals are aware of the opportunity to sell fractional interests. The outreach phase will also entail consultation with the tribe about various planning matters such as tribal priorities and tribal involvement. As outreach is occurring, research concerning reservation lands will happen simultaneously. Once the research has been completed, the Program will value as many fractionated tracts of land as possible within a reasonable amount of time using various appraisal valuation techniques (mass appraisals, project reports, or site-specific appraisals). Finally, once fair market value determinations of the land have been made, the Program will develop an offer set and mail offer packages to eligible individuals and seek to acquire those interests that individuals are willing to sell. The Program began sending offers at the end of the 2013 calendar year and as of November 7, 2014, had sent offers to landowners with interests at 11 locations.

Outreach. During this phase, the Program disseminates information to increase overall awareness of the land consolidation aspects of the Settlement. In addition to broad outreach, the Program conducts more extensive communications with tribes in the months before and during implementation.

The outreach phase has two primary functions – outreach to individuals and outreach to tribal leadership. Foremost, individuals owning fractional interests within a reservation must be informed that they may be able to sell their fractional interests. It is critical that landowner questions and concerns are addressed promptly so that owners are equipped to make informed decisions. Landowner outreach also will explain the timeframes in which the Buy-Back Program expects to complete its work for the reservation and how individuals may take advantage of the opportunity to sell their fractional interests. In addition, landowner outreach involves helping individuals understand their options, as well as promoting financial awareness to help owners make an informed decision

### Outreach by the Numbers

106,922 postcards mailed to owners

37 press releases published to build awareness of Program activities, deadlines, contact information, and other resources such as the Program's website

Over 22,000 incoming calls to the Call Center

9,915 willing sellers documented at the Office of the Special Trustee (OST) agency offices and Call Center

2 webinars held

about what they will do with the money received if they choose to sell fractional interests, especially because payments can be sizeable (e.g., there have been more than 500 individual payments exceeding \$50,000).

Communication with tribal leadership is also a part of the outreach phase. The Program is meeting with tribes to discuss tribal priorities for acquisition, decide how best to conduct tailored outreach on the reservation, and determine the tribes' interest and capacity to conduct Buy-Back Program operations through Agreements.

Tribes often have efficient methods to conduct outreach with their tribal members, many of whom own fractional interests. The Program will mail offer packages to individuals owning fractional interests in tracts that have been valued, and many individuals may receive this information without expressing a prior interest to sell. It is imperative to provide clear information about the Program and instructions on how to complete the offer package for interested landowners. Informative outreach to individual owners is often best performed by tribes. The Department has utilized Agreements with 12 tribes to conduct outreach activities.

Some successful outreach practices have included identifying a primary point of contact at the tribe, working closely with tribes to identify individuals whose whereabouts are unknown, providing landowner assistance and notaries for the completion of offer packages, interpreting materials into native languages, and developing maps that can be shared during outreach events.

Through Agreements, tribes work closely with staff from various Departmental offices. Buy-Back Program Senior Advisors for Tribal Relations serve as the first point of contact for tribes, while the Call Center within OST may be the first point of contact for landowners. The OST – Regional Trust Administrators and field operations staff, especially Fiduciary Trust Officers (FTOs), take the lead in performing pre-offer and post-offer outreach to individual landowners, in coordination with the tribe with jurisdiction. The OST will coordinate with the Program,

### Helping Landowners Make Informed Decisions

Selling land through the Program is a personal decision and completely voluntary. The OST provides individuals with information needed to make their decision including an explanation of their fraction owner interest, who tracts were inherited from, and current lease income. In addition, FTOs provide landowners with options for their property, such as gift deeds or creating a will. The OST also shares information on financial topics such as budgeting, spending plans, predatory lending, general investing information, and balancing of accounts. OST offers financial education courses [online](#) and throughout the country and has partnerships with other financial education organizations such as the Lakota Fund on the Pine Ridge Reservation, and the Seven Sisters and Four Bands on the Cheyenne River Reservation.



*Figure 4. Agreement Signing Ceremony*

BIA, and participating tribes to provide a presence and perform outreach at tribal and local events, such as powwows, urban Indian center events, and off-reservation events. The BIA will also support outreach to individual landowners, in coordination with Program Staff, OST, and the tribe with jurisdiction. In addition, the Program conducts national outreach efforts to reach landowners who do not live on or near reservations.

Once the Program schedules implementation at a location, the tribe and Program work together to gather and assess landowner information, in order to target outreach accordingly. The Program has found that roughly 35 percent of total unique owners hold about 95 percent of the dollar value of the land at the most fractionated locations. As a result, the Program is making phone calls to some landowners who own a significant amount of land. The purpose of these calls is to make sure that the landowner received his or her packet and to educate the landowner about the decision, which includes discussing other options available.

#### **Outreach Efforts at Makah**

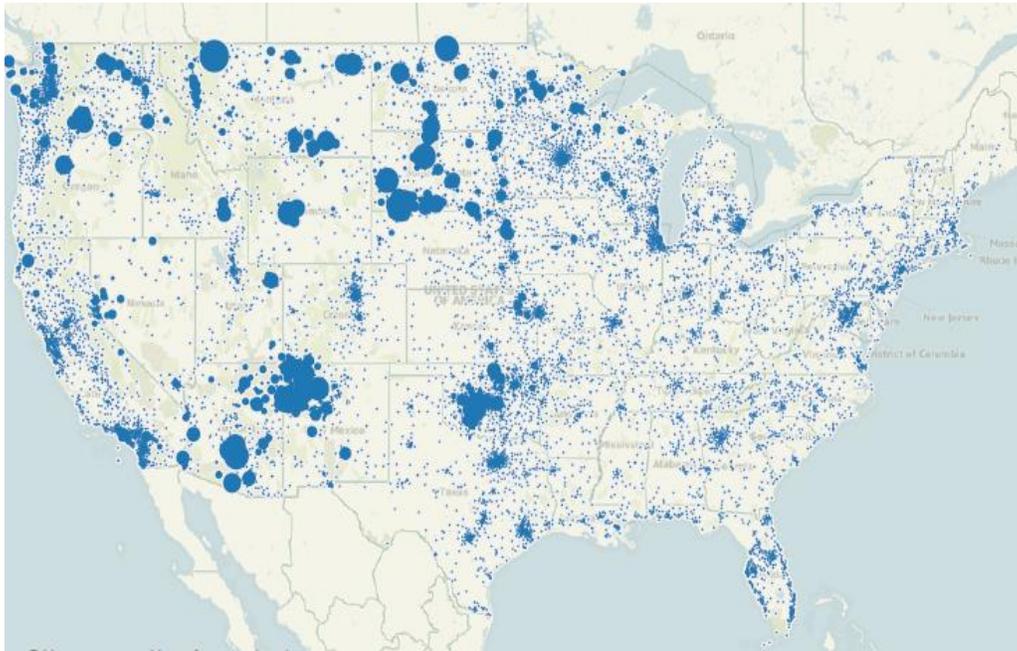
The Makah Indian Tribe held several outreach events during the winter and spring of 2014. Staff from the Makah Realty Office and OST presented an overview of the Program, answered questions from landowners, and provided informational handouts. Landowners were able to access notary services and complete their offer packages at the events.

Although Makah agreed to fund outreach costs and did not seek a cooperative agreement, the Tribe and the Program collaborated throughout the process.

Tribes play an important role in locating owners and, identifying and verifying owner name and addresses. By working together to reduce the number of owners whose whereabouts are unknown, tribes and the Program can maximize the number of individuals able to receive offers. Between 2012 and 2014, there was an approximately 50 percent reduction in the number of owners whose whereabouts are unknown. This reduction can be attributed to many factors including the *Cobell* Settlement payments and Buy-Back Program outreach efforts. (See [Appendix E](#) for more information on whereabouts unknown.)

Early implementation efforts also found that owners are often geographically dispersed. For example, landowners at the Pine Ridge Reservation were located in all 50 states, 3 territories, and 11 countries. The map below (Figure 5) illustrates the geographic distribution of landowners across the approximately 150 locations within the continental United States.

*Figure 5. Location of Owners with Fractional Interests*



As described below, the Program uses various resources and activities to support outreach efforts, including a call center, website, print materials, events, postcards, and media such as public service announcements.

*Call Center.* The OST Call Center is the primary contact responsible for receiving inquiries from landowners regarding the Program. The Call Center, located in Albuquerque, New Mexico, is a nationwide

***“...the OST staff broke down all the information and explained it in a way that I can understand...I am very satisfied with the outcome... I know the tribe will benefit...”*** Excerpt from a letter from a Pine Ridge landowner who visited the OST Office in Rapid City, South Dakota

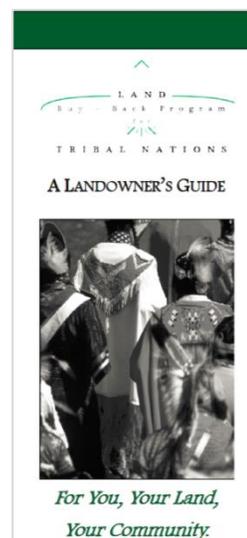
call center that provides a convenient one-stop service for beneficiary inquiries. Using a toll free telephone number, beneficiaries can easily access information regarding their trust assets as well as request updates to, or disbursements from, their IIM accounts. The Call Center also serves as the primary point of contact for the Buy-Back Program where beneficiaries can update their address information and request: a) information on purchase offers; b) assistance with completing a purchase offer package; c) replacement purchase offer packages; d) the status of a returned purchase offer package; and e) conveyed interests report.

Landowners may contact the Call Center at (888) 678-6836. If the Call Center is unable to answer questions, it will escalate issues to the BIA acquisition center or the appropriate FTO. The acquisition center coordinates with FTOs on issue resolution, as well as organizes and participates in local outreach events.

The Program's staff includes Senior Advisors for Tribal Relations who provide high-level outreach support across reservations and directly contact tribes.<sup>6</sup>

The Call Center also documents willing sellers. As of November 15, 2014, the Call Center documented 6,539 willing sellers, with an additional 3,376 documented by OST Agencies. The FTOs and tribal staff help document willing sellers and encouraging individuals to contact the Call Center. Inquiries to the Call Center increased following offer mailings, press releases, and postcards, and before offer due dates.

*Website* ([www.doi.gov/buybackprogram](http://www.doi.gov/buybackprogram)). The Program has a comprehensive website designed to provide landowners, tribes, and the public with information about the Program. The site includes a detailed list of frequently asked questions, outreach materials, instructions for completing the deed, cooperative agreement guidance and instructional documents, and Program presentations, among other items.



*Figure 6. Brochure*

*Print Materials.* The Program developed several print materials for use at outreach events and these are available in regional and local offices. Outreach materials (available at [www.doi.gov/buybackprogram/tribes/outreach-materials.cfm](http://www.doi.gov/buybackprogram/tribes/outreach-materials.cfm)) include a brochure, poster, fact sheets, sample deed, and event announcements. In addition, the Program worked with the Indian Land Tenure Foundation to develop a pamphlet, *Informing Indian Landowners on the Land Buy-Back Program*. This pamphlet serves as a resource for landowners completing their purchase offers. The Program will continue to work with partner organizations and tribes to develop new material or tailor existing material for specific locations.

*Events.* In-person interactions at conferences and other events allow landowners to learn about the Program, meet staff, ask questions, and even complete their offer packages on site. The number and locations of pre-offer and post-offer events is determined by offer set size, location of landowners, available resources, tribal outreach efforts, and other pertinent factors.

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6. Between October 1, 2012, and July 31, 2014, the Call Center responded to 181,316 beneficiary inquiries. The current responsiveness metrics for the Call Center are: an average answering speed of 1:12 (mm:ss), an abandoned rate of 9.6 percent, an average handle time of 3:45 (mm:ss), and a rate of first line resolution of 98 percent.

*Postcards.* Implementation efforts at early locations have shown that postcards are an extremely effective way of communicating with landowners. Postcard mailings frequently generated an increase in Call Center and website activity. The Program had mailed more than 100,000 postcards to landowners.



**Figure 7. Sample Postcard**

*Media Coverage.* Buy-Back Program media coverage has included articles, op-eds, press releases, public service announcements, and advertising. Public service announcements from Departmental and tribal leaders have been disseminated to tribal and local radio stations, and aired in partnership with the Indian Health Service. The Program regularly issues press releases on milestones and offer opportunities and publishes opinion editorials throughout Indian Country. Each announcement is distributed to the media and tribes eligible to participate in the Program, and to tribal and allottee organizations. The Program has also purchased advertisements in brochures for national events and in local newspapers. Senior Advisors for Tribal Relations and outreach staff have and continue to work closely with tribes to identify the most effective media outlets to reach their respective landowners and tailor communications accordingly.

### **Informed Decisionmaking**

The Program seeks to help individual landowners make informed decisions about the future of their land. By sharing information and identifying options, the Program hopes to help individuals make the best decision for themselves.

For example, in July 2014 the Palm Springs FTO met with an Oglala Sioux beneficiary who asked for help with her purchase offer. After reviewing her ownership interest in each tract, the beneficiary advised the FTO which interests she wanted to sell. The two factors that influenced her decision to sell or to retain her land interests were based on who she received the land from and the value of the land (so as not to affect the benefits she was receiving from the state). The FTO helped the beneficiary complete the deed and get it notarized.

*Contact and Tract Tool.* The Program developed a contact and tract tool (CATT), a data file that contains information that facilitates tribal involvement in outreach activities, such as the fractionated tracts on a reservation along with the contact information of owners holding an interest in each tract. Upon written request, the data file is provided to the tribe. The data file allows the user to search by various criteria including tract number, tract name, tract location, and owner name and address to locate a desired tract or owner. Once a desired tract is selected, the user will be able to view details about the tract, including the individuals that own interests within the tract and their available contact information. Address information has been aggregated from various data sources and systems including the Trust Funds Accounting System

(TFAS) and TAAMS. Additionally, the tool allows users to add new contact data for an owner if the information provided is outdated or incorrect, which can be used to facilitate official updates.<sup>7</sup> An advanced version of this tool is expected to be available to tribes in 2015.

Land Research. During this phase, the Program collects the data necessary to establish the fair market value for the tracts containing fractional interests that may be acquired.<sup>8</sup>

Implementing the Buy-Back Program on the scale established by the Settlement requires information for thousands of tracts to be generated from TAAMS and other sources to provide the necessary data for determining fair market value. The Settlement provides that the Department offer to purchase land at fair market value. Fair market value is established by the Department's Office of Appraisal Services (OAS) and is a licensed appraiser's estimate of what a property would sell for in an open and competitive market. The OAS completes appraisals of fractionated tracts by assessing the value of the tract as if it were a single-owner fee status tract, and comparing this tract to similar tracts that have recently sold in the area. Adjustments, based upon market conditions, are made to account for differences between the tract being appraised and recent sales (e.g., the presence of water on grazing land for cattle would make a tract of land more desirable and therefore have increased value). To determine fair market value, OAS compiles adequate information about the tracts that will be valued during the Land Research phase.

The land research effort includes an identification of the fractionated tracts within reservations that contain purchasable interests. In particular, using data from TAAMS and other sources, BLM creates mapping data and GIS layers to depict the tracts within the reservations. Mapping data facilitates the valuation process by

#### Land Research by the Numbers

56 maps completed and made available to tribes

20 minerals evaluations completed



*Figure 8. Program Open House during 2013 White House Tribal Nations Conference*

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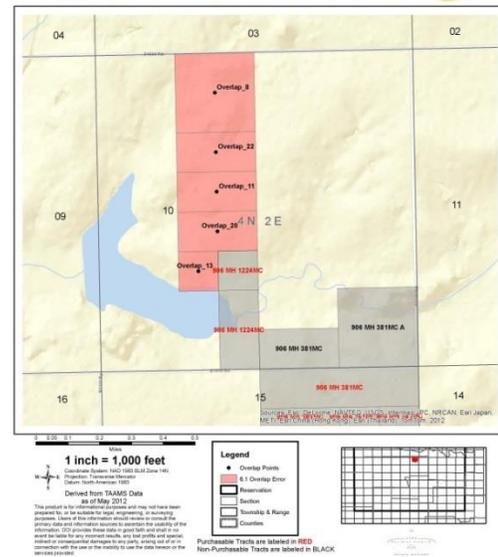
7. Changes to CATT contact information will not update the system of record. Owners should call the Call Center or their FTO to update their contact information.

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

enabling tract land use categorization (e.g., range, dry crop, and irrigated crop), geographical analysis, and comparison to surrounding uses and values.<sup>9</sup> While tribes can participate in some mapping activities, base mapping efforts will be completed by BLM for efficiency and consistency purposes.

The Department’s Office of Valuation Service’s Division of Minerals Evaluations (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. The DME examines parcels associated with the Program for a given reservation. However, some parcels requiring more detailed analysis will occur at the later stages of the Program as resources and time allow. As of September 30, 2014, the Program had completed initial mapping at 56 locations and minerals evaluations for 20 locations.

**Figure 9. Tribes should prioritize tracts that are purchasable and mappable for completion of Buy-Back appraisals.**



Some tracts may require additional information outside of TAAMS before values can be determined. For example, additional information could be required to clarify legal descriptions. Most information will be gathered during the land research phase. However, some tracts may require additional research that cannot be conducted with the rest of the reservation because it would diminish the efficiency and cost-effectiveness of the Program. The Program will work with tribes to include tribal priorities in the valuation request to the greatest extent possible.

9. In addition, mapping data may be utilized to create visual layers that will depict the status and progress of the Buy-Back Program and help identify acquisition priorities.

Valuation. The Program determines the fair market value of fractionated tracts at each reservation, which provides the primary foundation for individual offer amounts as required by the Settlement. The Program uses several types of appraisal methodologies. A mass appraisal approach is used to value properties that are similar in use and have active and consistent markets or have comparable sales data. Mass appraisals allow for greater efficiency and consistency in valuations. Individual or site-specific appraisals may be used on tracts that are difficult to value simultaneously with tracts amenable to mass appraisal. The Program relies most heavily on mass appraisal valuation techniques, such as automated valuation models using statistical analysis, market studies, and project appraisal reports. Site-specific valuations and other appropriate methods and techniques are used as warranted and as costs permit. Appraisal methods conform to the Uniform Standards of Professional Appraisal Practice (USPAP). To ensure that the valuation methods and techniques meet industry standards, the Department obtained a third-party review of its valuation techniques from The Appraisal Foundation. The Appraisal Foundation 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. The Appraisal Foundation'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](#).

### Valuation by the Numbers

10,644 tracts appraised  
13 locations  
6 mass appraisal models development  
368 site-specific appraisals completed

***“We...wanted to perform the appraisal function because we knew our land and had developed priorities. We are happy that the process has been going forward and believe we are helping the Land Buy Back Program develop sound processes for future tribes entering cooperative agreements.”***

William Tovey, Director of Economic and Community Development, Confederated Tribes of the Umatilla Indian Reservation

The Program estimates that the majority of tracts within many of the most highly fractionated reservations will be amenable to mass appraisal valuation techniques. More complicated tracts may be difficult to value simultaneously with the rest of the reservation without diminishing the efficiency and cost effectiveness of the Buy-Back Program. An inability to value certain tracts may preclude individuals from selling all of their interests or the acquisition of some tribal priorities. Tribal acquisition priorities are vitally important to achieve a foundational goal of the Program, to strengthen tribal sovereignty, and to promote consolidated trust land bases for conservation, stewardship, and beneficial use by sovereign tribal nations. Although the Program cannot guarantee that it will be able to purchase all tribal priorities given its financial and authorized operational constraints, it continues to encourage tribes to identify their priorities. The Program will actively work with tribes to accommodate those priorities to the fullest extent possible. Again, tribes should identify tribal priority tracts as soon as possible to allow the Program to assess the resources required to determine fair

market values for those tracts and plan accordingly. However, there may be instances where a particular tract cannot be valued in a timely and cost-effective manner.

Tribes seeking Agreements to determine fair market values must demonstrate the ability to perform reservation-wide valuations in a manner that is efficient and cost-effective. Tribes that currently perform valuation or appraisal work for the Department may be better positioned to provide fair market values for the Program through an Agreement. The Program must review and approve valuations performed by a tribe.

### **Appraisal Work by the Confederated Tribes of the Umatilla Indian Reservation**

The Confederated Tribes of the Umatilla Indian Reservation were among the first tribes to conduct appraisal work for the Buy-Back Program through a cooperative agreement. The Tribe worked on their priority tract list for 2 years before submitting their cooperative agreement application. When the cooperative agreement was awarded, tribal staff members, Mae Koko Hufford and Rachel Matamoros, worked diligently to prepare the Tribe's appraiser to start the valuation process. They gathered comparable sales information at the county courthouse and took photos of priority tracts. This extensive effort assisted the appraiser to determine the fair market value for each of the tracts in the Tribe's first wave of offers. The OAS reviewed the appraisals. This joint effort enabled the Program to send approximately \$9.4 million in purchase offers to nearly 1,800 landowners.

Acquisition. Once fair market value determinations are made, the Program seeks to consolidate fractional interests in those tracts that were valued by mailing purchase offer information to the eligible individual owners of the tract, including postcards, an offer package, and an informational pamphlet. To make the acquisitions process efficient, dedicated BIA personnel use TAAMS to automatically generate offer packages, which include the following documents (available on the [Program's website](#)):

- Cover Letter
- Instructions for completing inventory and deed
- Deed
- Purchasable Interests Inventory (Inventory): The Inventory lists ownership interests in each tract of trust or restricted land that is eligible for purchase under the Buy-Back Program, and the value of interests in each tract.
- Maps: Maps show the general location of the tracts of land in which you own fractional interests.
- Self-Addressed Return Envelope

### **Tracts and Parcels**

A tract of land, as referenced throughout this Report, is the real property trust asset in which an individual or tribe has an ownership interest. It is a defined area, often the boundary of an original allotment, and can include the surface estate, mineral estate, or both. A tract can be owned by one or more individuals and tribes. A tract with multiple owners is considered a fractionated tract.

A tract of land can be composed of one or more parcels. Parcels also have defined areas, but are not necessarily adjoining plots of land. In other words, a tract may be composed of just one single parcel of land, multiple adjacent parcels, and in some instances multiple non-adjacent parcels that are separated by other tracts or parcels of land. A landowner owns an interest in a tract, not in a particular parcel.

Offers for the Buy-Back Program are made at the tract level. If a tract contains a parcel that cannot be appraised, then offers for interests in the whole tract cannot be made.

Individuals have 45 calendar days to sell some or all of their fractional interests for which an offer has been made. Individuals voluntarily decide whether to sell their fractional interests.

The sale price may have up to three components: (1) appraised fair market value; (2) minimum amount for subsurface ownership; and (3) a base payment. The hypothetical example in Table 5 illustrates these components. It assumes that the owner has a 1/100 (1 percent) undivided fractional ownership interest in three distinct 160-acre tracts, each with a different bundle of ownership rights (it is further assumed the subsurface ownership rights associated with 2 of the tracts has been determined to have no economic value). The offer to the owner for his or her interest in the 3 tracts would be \$1,239 as follows:

### Base Payments and Scholarship Contributions

Offer packages provided to individual landowners include a **base payment of \$75 per accepted offer** (not per interest), regardless of the value of the land. The base payment will help to offset the time and costs that owners may incur in responding to purchase offers. The \$75 base payment paid to individuals comes out of the land purchase portion of the Consolidation Fund.

Offers also include information about **scholarship contributions**. Up to \$60 million of the Consolidation Fund will be used as contributions to the Cobell Education Scholarship Fund. For an interest purchased for less than \$200, a contribution of \$10 will be made; for an interest between \$200 and \$500, a contribution of \$25 will be made; for an interest of more than \$500, a contribution of 5 percent of the purchase price will be made. The scholarship contribution does not come out of the landowner's payment amount.

**Table 5. Sample Illustration of Offer Amount**

1. Appraised Values		
Tract 1 (Surface and Subsurface)	\$ 640	(1 percent owner of \$64,000 surface tract value; see also 2a. below)
Tract 2 (Surface only)	\$ 500	(1 percent owner of \$50,000 tract value)
Tract 3 (Subsurface only)	\$ 0	(see 2b. below)
2a. Addition for Tract 1 Subsurface	\$ 12	(1 percent of 160 acres x \$7.50/acre minimum)
2b. Addition for Tract 3 Subsurface	\$ 12	(1 percent of 160 acres x \$7.50/acre minimum)
3. Base Payment	\$ 75	(per offer, not interest)
<b>Total Offer Amount</b>	<b>\$ 1,239</b>	

The Program strives to make the offer package documents as clear and user friendly as possible. Following the first set of offers to Pine Ridge landowners, BIA made several changes to the deed to reduce common errors by landowners and notaries and increase processing speed. The Program also clarified the Cover Letter and Instructions to address frequent questions and recurring errors. Subsequent offers sets for Pine Ridge and Makah landowners indicated that the changes to the offer package documents did in fact make the process more efficient.

### Acquisition by the Numbers

44,573 offers mailed  
 \$209 million paid to individuals  
 351,753 equivalent acres consolidated

During the acquisition phase, the Program may also provide the notice required by the Settlement to purchase those interests from individuals whose whereabouts are unknown. The Program decided not to exercise this authority because it is possible that a location's purchase estimate amount may be reached by purchasing interests from individuals with a current address or that can be located and provided with an offer package. The Program may, however, reconsider this approach in light of the results achieved and exercise the authority in the time contemplated under the Settlement to ensure that the Consolidation Fund is used in its entirety. As of the release of this report, the Program has not purchased interests owned by individuals whose whereabouts remain unknown. (See [Appendix E](#) for additional information regarding whereabouts unknown.)

### Buy-Back Program Eligibility and Purchasable Criteria

What makes a **tract** eligible for the Buy-Back Program?

- Tract has more than one owner
- Tract has at least one trust or restricted interest
- Recognized tribe exercises jurisdiction over the tract
- Tract must have appraised values
- Tract must be mappable (i.e., legal description of a tract does not require further research)
- Tract must not be 100 percent owned by a combination of ineligible interests

What makes an **interest** eligible for the Buy-Back Program?

- Interest must be located within a tract eligible for the Buy-Back Program
- Interest must be individually owned in trust or restricted status

What makes an **interest** not eligible for purchase?

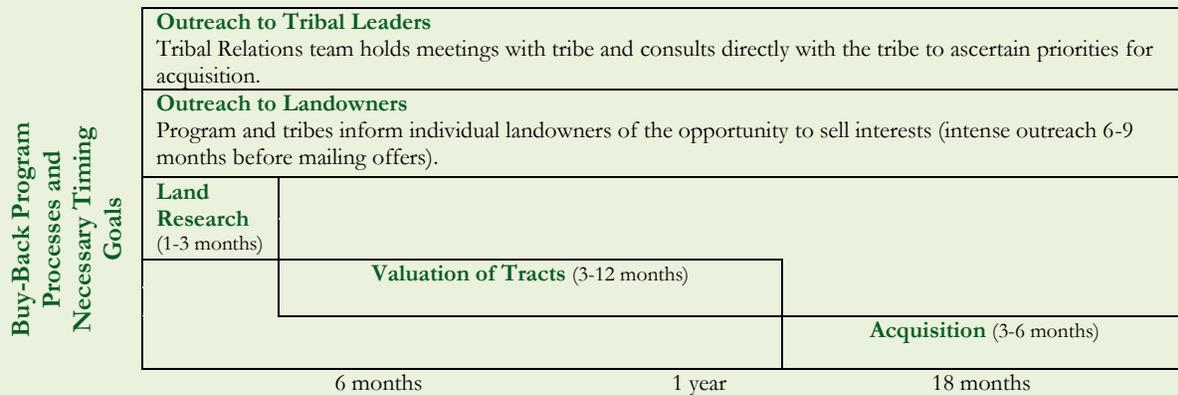
- Interest is owned in fee status or by the tribe
- Interest is subject to Life Estate or Joint Tenancy
- Interest is in probate proceedings
- Interest is owned by a minor
- Interest is owned by an individual unable to make decisions on their own behalf – under a legal disability (based on restricted status of landowner's IIM account)
- Interest is owned by an individual whose whereabouts are unknown (current policy)

## EXAMPLE OF PROGRAM PHASES

To illustrate the 4 Buy-Back Program phases, consider an example reservation with 3,000 tracts that contain 90,000 fractional interests owned by 10,000 individuals.

- 1. Outreach.** In cooperation with the tribe, outreach must occur to inform the 10,000 individuals that the Buy-Back Program will be valuing tracts and purchasing fractional interests from those who desire to voluntarily sell their interest(s). During this time, the Program will consult directly with the tribe to ascertain acquisition priorities the tribe may have. Direct tribal involvement through Agreements will be key to acquiring lands, including tribal priorities.
- 2. Land Research.** While the Buy-Back Program and tribe are conducting outreach in the communities, BIA and other Department agencies will be gathering data necessary to determine the fair market values of the 3,000 fractionated tracts within the reservation. For a number of reasons, a tract may require extensive research to determine its fair market value. For this example, assume ten percent of the tracts require extensive research that would require excessive time or cost to complete. To remain efficient and cost effective, the Buy-Back Program would simply initiate a valuation request for 2,700 tracts, omitting those 300 tracts that require further data or extensive analysis before values can be determined (it is recognized that such an omission will necessarily preclude the Program from acquiring all the interests owned by certain individuals). The Program will work with the tribe to ensure that as many tribal priorities as possible are included in the valuation request.
- 3. Valuation.** At this point, OAS will receive a request to value 2,700 tracts within the reservation. To achieve efficiency and cost-effectiveness, OAS will utilize mass-valuation techniques. The number of tracts these techniques may capture will vary between reservations, but for this example, only 80 percent of those tracts are amenable to some mass appraisal valuation technique. Thus, the Buy-Back Program can expect fair market values for 2,160 of the 3,000 tracts.
- 4. Acquisition.** Now that the Program has received the fair market value for 2,160 tracts, it can send offer packages to individuals who own interests in those tracts and who are eligible to receive offers. At most, offer packages would go to all 10,000 individuals who own fractional interests within the reservation (or a subset because some of those 10,000 individuals may own interests only in the 840 tracts that were not valued). Offer packages will have a specific response deadline date (i.e., 45 calendar days after BIA mails the package). One goal of the acquisition phase is to provide landowners with a clear set of instructions so return offers are completed correctly, avoiding the need to provide replacement packages or follow up with landowners. The acquisition phase is highly automated and centralized to reduce implementation costs and increase efficiency. This phase is carried out by the Program.

The Program, through OST and BIA utilization of TAAMS and other existing operations and systems, will mail offer packages to owners, receive and process completed offers, and post payments to IIM accounts. However, the Program welcomes tribal participation working with landowners during the acquisition phase. If too few individuals sell their interests at this reservation, the Program will seek to use the remaining purchase estimate amount at other locations. See the following diagram for an illustration of these processes.



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

## Lessons Learned

The Buy-Back Program is committed to continuous improvement. The Program encourages employees and partners to share their ideas on how to improve the Program's operations. In addition, the Program is learning a great deal through our Agreements with tribes. Tribal leaders understand the unique qualities associated with tribal homelands and landowner sentiments. Through experience at initial locations and collaboration with tribes to date, the Program has identified opportunities for improvement in all four phases and the Agreement process.

Outreach. The Program and tribal leaders will continue working together to ensure that Indian landowners are aware of this voluntary opportunity to sell their fractional interests and have the information and assistance they need to make informed decisions and complete the conveyance documents if they choose to sell. It is also important to reach landowners with information about the Program as early as possible so landowners have ample time to consider selling their land, ask questions, seek more information, and contact the Call Center.

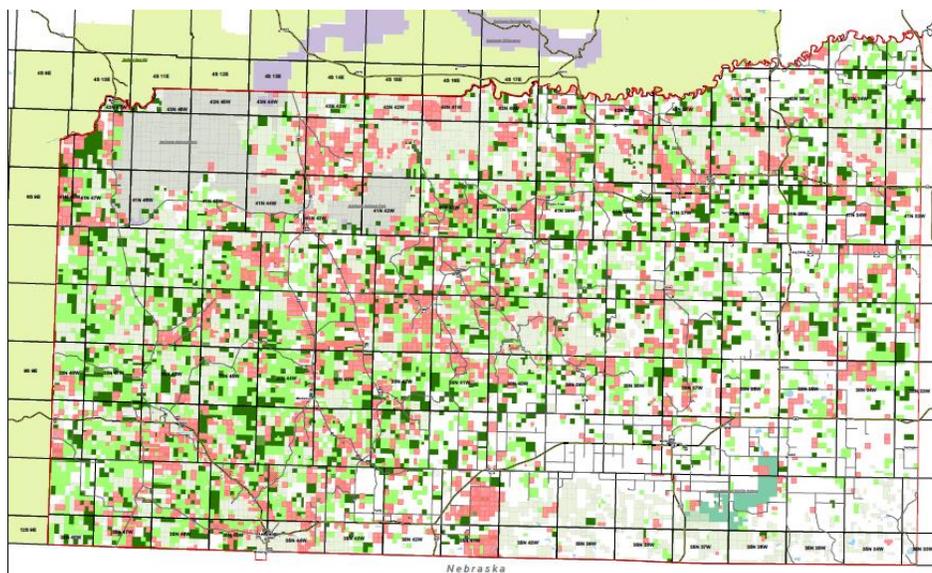
Initial implementation highlighted the importance of national, regional, and local outreach. For many locations, landowners resided all over the country. The Program learned that it needed to reach landowners through various communication methods including print advertisements, events, and mailings. One of the most effective methods of outreach has been postcards, mailed both before and after offers.

Tribal readiness, including the review of available information – such as mapping information – and the identification of priority tracts, is a critical component of outreach. Experience at initial locations has shown the importance of the tribe identifying their priorities as early as possible so the tracts can be appraised and included in the offer set. The Program will also provide tribes with a list of purchasable tracts to be appraised early in the process so tribes can tailor outreach efforts.

The Program recognizes, as tribal representatives have pointed out, that tribes need ready access to landowner information to effectively conduct outreach and other land consolidation activities. Privacy of beneficiaries is also a vital concern. 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. The Program may share (upon written request under [25 U.S.C. 2216](#)) owner name and mailing address information with tribes. The Program also may share information on the location of the land and the percentage interest owned under this authority. To share additional information, 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 an effort to facilitate sharing of information with authorized tribal

representatives, while observing legal restrictions, the Program has prioritized the publication of updated SORNs for OST and BIA. Publication of the updated SORNs, which concern OST and BIA trust fund and trust land related systems containing individuals' information, will make it easier to share information, such as individuals' offer status, with tribal governments working to help implement land consolidation activities in cooperation with the Buy-Back Program. This effort responds to comments and feedback received during government-to-government consultations, implementation of cooperative agreements thus far, and the Program's Listening Session hosted by Deputy Secretary Connor in May 2014, in which tribal representatives expressed the need for better information sharing.

Tribes also have expressed the desire for updates on sales progress and information on the tracts in which the Program has acquired interests for the tribe. For example, the Program provided the Oglala Sioux Tribe (of the Pine Ridge Reservation), one of the Nation's most fractionated locations, with a mapping product that depicts acquisition status. As shown below in Figure 10 (and at [Appendix D](#)), many tracts have seen an increase in tribal ownership (light green) and several now have 50 percent or more tribal ownership (dark green). The Program intends to provide such maps and other useful information for future locations.



*Figure 10. Increases in Oglala Sioux Tribal Ownership at the Pine Ridge Reservation*

Land Research. Land research includes collecting the data necessary to establish fair market value for the tracts containing fractional interests. This phase covers activities such as mapping and minerals analysis.

One of the key lessons learned in this area is the importance of sharing mapping information with tribes before Program implementation. This is essential for tribes that wish to participate in land research or

valuation activities, but also important for tribes to identify their priorities. Mapping also helps to identify tracts that have non-contiguous parcels. In the valuation process, it is important to ensure that all parcels associated with a tract – especially non-contiguous parcels – are considered in developing the fair market value. The identification of the non-contiguous parcels early on in the process helps to ensure that the parcels associated with a tract are valued so that as many tracts as possible can be part of the offer. To address the need for improved communication regarding mapping, the Program has developed, in coordination with BLM, a file sharing site, where large data files, such as GIS data, can be downloaded. As data becomes available, a tribal point of contact works with the Program to gain access to the data. The Program will also develop mapping training sessions, host an information session at the Tribal Land Staff Conference in March 2015, and continue to distribute available mapping data.

The Program is also reviewing its policy regarding tracts with structural improvements. Previous offer sets have excluded tracts with structural improvements, but the Program is now exploring whether fractional interests associated with some of those tracts may be included in purchase offers. The structural improvement would, however, retain non-trust status.

Valuation. The Program identified valuation lessons learned through its completion of appraisals and work with tribes interested in completing appraisals themselves. Mass appraisal is the preferred approach whenever possible because it is the most cost-effective way to appraise large amounts of land. The breadth, scale, limited funding, and limited life span of the Program necessitates the use of mass appraisal methods where appropriate. Appraisal work to date has shown that the use of mass appraisals results in greater efficiency and consistency in valuations, enabling the Program to value many acres simultaneously.

Efforts thus far have demonstrated the importance of technology. In order to deliver a large number of appraisals in a constricted time frame, OAS developed a state-of-the-art Mass Appraisal Valuation System (MAVS). The system was developed in-house through a collaborative process between OAS and OST's information technology department. The system capitalizes on GIS technologies, using aerial photography, oblique pictometry, and robust data management capabilities to gather hundreds of data points at each individual property level. Through the sharing of existing GIS data layers, OAS can acquire soil, hydrographical, topographical, utilities, and road data from various Federal, state, and local agencies to use in its analysis. To date, a total of 6 reservations have been appraised through MAVS, representing more than 10,000 tracts and close to 2 million acres of land.

## Valuation work at the Flathead Reservation (of the Confederated Salish and Kootenai Tribes or CSKT)

CSKT completed site-specific appraisals as part its cooperative agreement. CSKT expressed interest in being part of early implementation efforts and wanted to work collaboratively with the Buy-Back Program to help carry-out the Program and to share lessons learned, best practices, and other ideas and information with other tribes and landowners.

Several lessons learned as a result of cooperative efforts, include the following:

1. The effective date for tribal and third-party appraisals should be carefully planned to ensure that adequate reviewers are available and can complete the work in a timely fashion to ensure that the effective date is as close as possible to the offer date.
2. Appraisal effective dates should be as uniform as possible to achieve the goal of efficient “one offer per individual per reservation” land consolidation and to simplify application of the 9-month appraisal validity period in relation to acquisition efforts.
3. Early review of mapping information will ensure that appraisal work is focused on appropriate tracts.

Acquisition. In the Acquisition phase, BIA performs the following: examines and checks the tracts with values to confirm acreage amounts and identify which tracts meet the purchasable criteria as of that date (See [Appendix B](#)); identifies landowners with interests who are eligible to receive purchase offers; generates and mails offers; and processes returned offers. Initial implementation activities for Pine Ridge and Makah landowners identified some challenges associated with the offer letter and deed. The BIA subsequently revised [purchase offer materials](#) and worked with the Indian Land Tenure Foundation to develop a useful publication, *Informing Indian Landowners on the Land Buy-Back Program*.

During the implementation at early locations, the Program also experienced some challenges with including maps in offer packages. The Program is working to include maps in as many offer packages as possible and improve the quality of the maps. It is also important that maps be available in local offices so landowners can ask questions and view the maps on a larger scale.

Currently, fractional interests that are held in Joint Tenancy or subject to a Life Estate are excluded from purchase offers. If a tract is 100 percent Joint Tenancy or Life Estate, the entire tract is excluded from purchase offers. Landowners with interests that are in Joint Tenancy or subject to Life Estate have come forward expressing strong interest in participating in the Program. To reiterate, the Program is for willing sellers with the goal of allowing as many eligible owners to participate as possible. We continue to coordinate with BIA Agencies that may see an increase in requests from landowners to dissolve Joint Tenancy or Life Estates before the Program implements at that location.

Agreements. The Program has identified lessons learned during the Agreement process since first seeking to partner with tribes to implement land consolidation activities. For example, the Program made changes to

the cooperative agreement process in response to tribal feedback to reduce the time to create such agreements. Whenever feasible, the Program now addresses any questions about a tribe's submitted application in the terms and conditions of the cooperative agreement award, thereby eliminating the need for a tribe to make adjustments to its application and making the award process more efficient. In addition, key positions have been added to make more staff resources available to tribes during the application process. Also, recognizing that clear and helpful information about the application process and the application requirements is key, the Program has continued to improve its website and the cooperative agreement guides and instructional documents available to tribes. Finally, payment request processes have been streamlined to ensure that tribes can access agreement funds quickly and easily after the award.

Beginning outreach activities as early as possible will provide landowners ample time to consider selling their land. The Program is now seeking to enter Agreements earlier in the implementation process – six to nine months before offers are made – to ensure adequate tribal ramp-up time and to support pre-offer outreach. The Program learned that a cooperative agreement may not be appropriate in all instances (i.e., when a tribe does not request funding), and therefore has other arrangements (e.g., memoranda of agreement) with some tribes. The Program will continue to work closely with tribal leaders to ensure that the Agreement process is as streamlined as possible, while still meeting programmatic and regulatory requirements.

## **Measuring Program Performance and Progress**

The Buy-Back Program actively tracks and monitors performance to ensure that tasks performed are achieving the goals of the Program. Partner offices and tribes regularly report results and metrics, which the Program evaluates in order to make improvements. Similarly, the Program monitors funding by comparing and reconciling budgeted estimates with actuals in order to make adjustments based on outcomes achieved. This helps ensure that there is a clear correlation between funding and results. Performance results are shared regularly to continue transparency into the Program through various multiple such as this Status Report and the following occasions:

- Presentations at various conferences and events (e.g., Indian Tribal Land Staff Conference, National Congress of American Indians (NCAI), White House Tribal Nations Conferences, Coalition of Large Tribes (COLT), Montana-Wyoming Tribal Leaders Council, BIA Midwest Region Partners in Action Conference, Sovereignty Symposium in Oklahoma City);
- Listening Sessions (e.g., Portland, Oregon in May 2014); and
- Congressional Hearings.

In the Updated Implementation Plan, the Program said that it would evaluate its performance in achieving key goals. The following table summarizes progress towards those goals as of September 30, 2014 (the Program has purchased additional interests since that date as reflected elsewhere in this report).

Goal	Tracking	Value
Reduce fractionation, increasing amount of land held in trust for tribes	<p>The Program tracks this goal by dividing the number of fractional interests the Buy-Back Program purchases by the total level 1 interests (see <a href="#">Appendix B</a> for various definitions of interests, tracts, and acres). This metric reflects the reduction of fractional interests. (Formula: fractional interests purchased/level 1 interests = percent reduction in fractional interests.)</p> <p>The Program will also track:</p> <ul style="list-style-type: none"> <li>· Total number of equivalent acres purchased for tribes, and</li> <li>· Total number of tracts that experienced an increase in tribal ownership.</li> </ul>	<p>3.2 percent reduction in fractional interests</p> <p>279,381 equivalent acres purchased</p> <p>Interests in 7,553 tracts purchased (5,060 of these tracts increased to 50 plus percent tribal ownership; 265 of these tracts increased to 100 percent tribal ownership)</p>
Effectively manage implementation costs	<p>The Buy-Back Program will track this by using a modified cost performance index (Index). The Index uses the percentage of the land purchase portion of the Trust Land Consolidation Fund (\$1.555 billion) expended, divided by the percentage of implementation costs (\$285 million) expended. The resulting figure indicates how efficient the Program is purchasing land in proportion to implementation costs:</p> <ul style="list-style-type: none"> <li>· Index &gt; 1 indicates efficient performance</li> <li>· Index = 1 indicates Program is on track</li> <li>· Index &lt; 1 indicates inefficient expenditure</li> </ul> <p>Currently, the Program's index is above 1, indicating efficient performance, but is expected to trend toward 1 over the long term as sales from the larger locations are exhausted. (Formula: percent of land purchase fund expended/percent of implementation fund expended = cost performance index.)</p> <p>This goal is also measured by the percent of implementation costs expended. (Formula: expended/\$285 million.)</p>	<p>Cost Performance Index of 1.35</p> <p>6.7 percent implementation costs expended</p>
Maximize tribal participation in the Program	<p>The Buy-Back Program is structured in a manner that provides the flexibility to allow as much opportunity for tribal participation and assistance as practical at scheduled locations. This goal is tracked by the number of Agreements with tribes.</p>	<p>12 Agreements</p>

Goal	Tracking	Value
Establish and maintain clear communications with tribes, landowners, and the public	The Program will actively consult with tribes to identify and accommodate tribal priorities as much as possible. The Program will report progress and communicate with Indian Country by providing clear, concise information, options, and guidance to individual landowners about their fractional land holdings and the opportunity to participate in the Buy-Back Program at their discretion.	106,922 postcards 37 press releases Listening Session White House Tribal Nations Conference Distributed 19,387 Indian Land Tenure Brochures Fielded more than 22,735 incoming calls to the call center Made more than 250 outgoing outreach calls to landowners during the months of July, August, and September 2014

One of the Program’s goals is to effectively manage implementation costs. As of the end of Fiscal Year 2014, the Program has spent approximately \$19.2 million of the \$285 million authorized for implementation costs through November 2022. These costs are described below in the context of the other uses of the Consolidation Fund. Some of these expenditures include one-time, up-front costs such as mapping, equipment, and system updates. The acquisition implementation amount below also includes offer processing capacity for future years.

**Table 6. Consolidation Fund Expenditures as of September 30, 2014**

Category	Expended
<i>Land Sales (payments to individuals)</i>	\$141,894,362
<i>Scholarship Fund Contributions</i>	\$4,555,083
<i>Implementation Costs</i>	
Outreach	\$3,998,977
Land Research	\$2,492,748
Valuation	\$3,132,292
Acquisition	\$7,187,091
Cooperative Agreements	\$1,487,980
Other <sup>10</sup>	\$933,584
Total	\$19,232,672

10. Other expenditures authorized by the Settlement but not captured in the four phases such as Trust Commission expenditures.

## NEXT STEPS

The Program has purchased land in multiple locations and is working closely with many additional tribes to plan, share information, finalize Agreements, appraise land, and conduct pre-offer outreach. The implementation strategy this year focused on the most highly fractionated reservations while providing some less-fractionated locations with an opportunity to participate during the early years of implementation. Within the next six months, the Program expects to make offers at several additional locations.



*Figure 11. Agreement Signing Ceremony*

*Photo credit: U.S. Department of the Interior*

The Department will focus on the next steps listed below:

- Continue working with tribes with the most highly fractionated locations, which represent approximately 90 percent of the fractional interests, and work with tribes at a limited number of less-fractionated locations, to secure Agreements to the extent possible;
- Communicate with landowners to educate them on their options (update the [Program's website](#) as needed, distribute information, host workshops and events);
- The BIA will continue to process ownership transactions and update title records in TAAMS to facilitate acquisitions as part of ongoing trust operations;
- Actively access and manage risk based on results thus far and new developments or performance;
- Complete additional land mapping and valuation efforts;
- Mail offers and process sales at as many locations as possible; and
- Share performance measures and expenditure information.

The Buy-Back Program is committed to continuous consultations in compliance with the letter and spirit of Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) and Secretarial Order 3314 (Department of the Interior Policy on Consultation with Indian Tribes). Since 2011, Department officials have conducted extensive consultation with tribes across Indian Country to determine how to move forward with a process that will provide an efficient and fair way for landowners to participate in the

Program, maximize tribal involvement, and offer the greatest flexibility for each tribal nation to implement the Program in the manner that is in the best interest of its community.

Since the inception of the Program, the Department has had individual contact with more than 80 tribes, including in May 2014, when the Program held a Listening Session in Portland, Oregon. Additional tribal consultation will occur as the program plans to hold another session on March 19, 2015, near Phoenix, Arizona. In the coming months and years, the Program will continue to meet with tribes, actively seek their feedback, and welcome their involvement and participation.

While the Department welcomes feedback related to any aspect of the Program, the following areas are of particular interest:

- **Implementation at Less-Fractionated Locations.** There are about 110 less-fractionated locations that collectively contain approximately 10 percent of the outstanding fractional interests nationwide. Of the 42 locations announced, 10 are less fractionated. The Program continues to explore ways for additional less-fractionated locations to participate in efforts in an efficient and cost-effective manner. For example, the Buy-Back Program has received requests from tribes for reimbursement of past and future purchases of fractionated interests acquired under tribal or other land consolidation efforts. To date, no reimbursement requests have been awarded through the Buy-Back Program. Until the Program renders a decision on such reimbursement requests, none will be granted. The Program encourages the submission of comments or ideas on whether and how reimbursements might work.
- **Whereabouts Unknown.** Whereabouts unknown (WAU) is the term used to describe IIM account holders without current address information on file with OST. The Settlement provides for an outreach effort to locate landowners whose whereabouts are unknown as of the date of final approval of the Settlement. The Program has not exercised WAU purchases thus far and is seeking input from tribes and individuals on whether and how it should implement the provision. Since the Program's inception, the focus has been on locating WAU through outreach efforts so the individuals can receive and consider an offer.
- **Improvements.** Where structural improvements exist on a tract, a number of issues may complicate the acquisition of fractional interests in the tract. While the Program will not acquire structural improvements, which are non-trust property, the Program seeks additional feedback from landowners and tribes about acquiring interests in tracts with structural improvements, including instances in which the Program might choose to acquire interests. The Program continues to work with its Federal partners to determine the feasibility of making offers on tracts with structures.
- **Public Domain.** Under the Settlement, fractional interests acquired by the Program will be held in trust for the recognized tribe that exercises jurisdiction over the land. When identifying the locations with fractional interests that may be consolidated, the Program excludes land area names that include the term "public domain" or "off reservation" because these terms indicate that there may be no recognized tribe that exercises jurisdiction over the land. The Program has encouraged feedback, however, on the list of locations: "In particular, if tribes or others have reason to believe that any of the information is inaccurate or that a reservation is excluded in error, they should provide written feedback [to the Program]." (See Appendix B to the Initial and Updated Implementation Plans.) Since then,

the Program has received feedback from several tribes suggesting that certain land areas should be included. The Program is now seeking general 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.



*Figure 12. National Congress of American Indians:  
Secretary Jewell Meets with Southern Ute Youth*

*Photo credit:* U.S. Department of the Interior

## APPENDIX A. FREQUENTLY ASKED QUESTIONS

### *I. 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 at least 50 percent of the owners must first be obtained. 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. Approximately 64 percent of Indian landowners earn \$25 or less in annual income from their fractional interests in allotments.

There are approximately 150 reservations with fractionated tracts of land with more than 245,000 unique individual owners.

#### **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. 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. 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 Land Buy-Back Program?**

The Buy-Back Program operates from within the Office of the Secretary of the Interior. The Buy-Back Program is working 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. In addition, the Program is working with tribal representatives to ensure the best information is available to willing sellers. Tribes participating in the Buy-Back Program will have an opportunity to enter into cooperative agreements with the Program to access potential resources to assist in Program implementation.

#### **4. What lands are purchasable?**

The Buy-Back Program will only purchase interests from landowners who are willing to sell their fractional interests. There are approximately 150 reservations with 2.9 million purchasable fractional interests owned by approximately 245,000 individuals (the whereabouts of approximately 13 percent of these individuals are currently unknown). A fractionated tract is a

tract held in trust or restricted status that has two or more owners. The Program will be purchasing fractional interests in trust or restricted land. The Program will not be purchasing fee lands.

## **5. What reservations will be involved?**

There are approximately 150 reservations with fractionated tracts of land with more than 245,000 unique owners.

Following government-to-government consultations, the Department refined the key criteria that will guide initial implementation of the Program and the locations where offers will be made. The Buy-Back Program considers a number of factors as it moves forward, including severity of fractionation, degree of ownership overlap between locations, geographic location to maximize efficiency and resources, appraisal complexity, and readiness or availability of tribal staff. In particular, the Program has involved various types of tribal communities with different levels of tribal involvement at the outset of the Program – including locations with relatively fewer fractionated lands. A list of reservations where implementation has already occurred is available on the Program’s website: <http://www.doi.gov/buybackprogram>.

Once a reservation is scheduled for implementation, the Program conducts outreach (events, community meetings, Public Service Announcements, and other media engagement) on the reservation and releases further information to individuals owning interests within that reservation to ensure that individuals are aware of the opportunity to participate in the Buy-Back Program.

## **6. How is the order for implementation being determined?**

Approximately 90 percent of the purchasable fractional interests are located within about 40 of the 150 plus locations with purchasable fractional interests. For efficiency, the Department is focusing initial efforts among these highly fractionated locations. 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 for participation in the Program. The more than 50 submissions that were received helped to inform an initial implementation schedule, announced in May 2014 (<http://www.doi.gov/news/pressreleases/deputy-secretary-connor-announces-next-implementation-schedule-for-1-9-billion-land-buy-back-program.cfm>), for the Buy-Back Program through 2015. These locations represent more than half of the fractional interests and unique owners across Indian Country.

The Department will continue to pursue implementation activities with tribes at locations that represent the approximately 110 locations with the remaining 10 percent of the fractionated land. In fact, efforts are already underway at several less-fractionated locations including the Makah, Coeur d’Alene, Squaxin Island, Swinomish, Prairie Band Potawatomi, Quapaw, and Lummi Indian Reservations.

## **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 will continuously analyze and adjust 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 expected to be spent buying back fractional interests in land?**

The Claims Resolution Act of 2010 states that \$1.9 billion dollars will be placed in the Trust Land Consolidation Fund (Consolidation Fund). After implementation costs and the establishment of an Indian 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. 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 Department 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 initial, maximum amount of the Consolidation Fund that could be used to purchase fractional interests within any one reservation.

## **10. What happens to land after it is purchased?**

Interests sold will remain in trust, but ownership will be transferred to the tribe with jurisdiction over the land. This effort strengthens tribal sovereignty by unifying tribal lands for tribal benefit and use, such as economic development, housing, and cultural preservation.

## **11. When will individuals be able to sell their interests?**

The Buy-Back Program began implementing the Program and purchasing interests at a small number of reservations in late 2013, beginning with Pine Ridge, the most highly fractionated reservation in the United States. The Program has proceeded in 2014 with implementation at more than ten locations, including the Rosebud, Makah, Fort Belknap, Quapaw, Gila River, Northern Cheyenne, Flathead (Confederated Salish and Kootenai Tribes), Umatilla, Coeur d'Alene, Lake Traverse (of the Sisseton-Wahpeton Oyate) and Crow Indian Reservations.

The Buy-Back Program will continue to expand to other reservations over the next several years, and individual owners will receive information about how they can participate in the Program when a reservation in which they own fractional interests is scheduled for implementation. The Buy-Back Program will use purchase estimates to ensure that as many reservations and individuals as possible will be able to participate in the Program.

**12. How long does the Department have to implement the Buy-Back Program?**

Per the terms of the Cobell Settlement Agreement, the Department has ten years from final approval of the settlement, which occurred on November 24, 2012.

**13. What steps is the Program taking to ensure that the Program will be completed in ten years?**

The Department is committed to implementing the Program in the most efficient and cost-effective manner possible, consistent with the goals set by the Cobell Settlement Agreement.

During the first year of the Program, the Department focused on joint planning with tribes, cooperative agreements, staffing, and designing and laying out the strategy, methods, and key systems for this ten-year Program. As of mid-September 2014, transactions worth more than \$125 million were successfully concluded by the Program, restoring the equivalent of more than 270,000 acres of land to tribes.

One approach that the Department is using to expend the Consolidation Fund in a timely manner is the use of mass appraisal techniques. The breadth, scale, limited funding, and bounded life span of the Program necessitate the use of mass appraisal methods where appropriate. The Department intends to implement the Program fairly and equitably, moving quickly to reach as much of Indian Country as possible during this ten-year period. Mass appraisal is an efficient way to quickly determine fair market value for a significant number of fractionated tracts. By using the mass appraisal method where applicable, the Program can maximize the number of owners who receive offers and the number of interests consolidated under tribal ownership.

**14. How long does the Program plan to spend 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 while negotiating their cooperative agreements with the Buy-Back Program.

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

The Land 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.

## **16. How much will individuals get for selling their fractional interests?**

Willing sellers will receive fair market value for the interests they choose to sell. 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 specific fractional interests will be based on the interest's proportion to the whole tract. For example, if you own a five percent interest in a fractionated tract, then you would receive five percent of the fair market value of the whole tract if you decide to sell.

If there are mineral or timber rights associated with a property, they will be included in the valuation process. For those situations where mineral rights have a very small or no contributory value, a payment of \$7.50 per acre will be included in the total value of the land to account for the conveyance of the mineral rights.

In addition, to facilitate sales, the Buy-Back Program will provide landowners with a base payment of \$75 per offer, regardless of the value of the land, based on the estimated time and effort required for individual landowners to complete their conveyance documents. The \$75 Base Payment paid to individuals comes out of the Land Purchase portion of the Consolidation Fund.

More information is available in the Appraisal section of this document.

## **17. Why do interested sellers receive an extra base payment?**

The Buy-Back Program will provide 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.

## **18. 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 decision making. The Office of the Special Trustee for American Indians, 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 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 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 the 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, or go to the OST's financial empowerment website at:

[http://www.doi.gov/ost/individual\\_beneficiaries/financial\\_empowerment/index.cfm](http://www.doi.gov/ost/individual_beneficiaries/financial_empowerment/index.cfm).

## **19. 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 Native American students attending post-secondary vocational and college institutions. 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 over \$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 Settlement authorizes a five-member Board of Trustees to govern the Scholarship Fund, and the Scholarship Fund is administered by the non-profit organization the American Indian College Fund(AICF). The Scholarship Fund is designed to permit 20 percent of the Fund's portfolio to support directly graduate students through the American Indian Graduate Center (AIGC). Both AICF and AIGC developed an application process to begin awarding scholarships.

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

The Settlement authorizes a five-member Board of Trustees to govern the Cobell Education Scholarship Fund, which is managed separately by two non-profit organizations: the American Indian College Fund (AICF) and the American Indian Graduate Center (AIGC). These organizations are dedicated to providing financial assistance to Native American students attending post-secondary vocational and college institutions across the country. The Settlement does not direct funds back specifically to locations, but instead gives AIGF and AIGC the power to manage the solicitation for and distribution of funds for Indian students in need nationwide.

## ***II. Tribes***

### **21. What opportunity is there for tribes to play an active role 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 website at: <http://www.doi.gov/buybackprogram/tribes/agreements.cfm>.

## **22. How much funding can tribes expect to receive 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 tribal proposal before initiating Buy-Back Program 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 Department 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.

## **23. How are cooperative agreements evaluated?**

The Department has developed and posted a comprehensive cooperative agreement template and guidance documents, including a list of frequently asked questions, on the Program website (<http://www.doi.gov/buybackprogram/tribes/agreements.cfm>) to 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.

Tribal cooperative agreement applications will receive every consideration. The Department will use several criteria to evaluate cooperative agreement applications. Criteria may include:

- 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.

## **24. Which tribes have entered into agreements with the Buy-Back Program so far?**

The Department has entered into agreements with ten tribes (Coeur d'Alene Tribe, Confederated Salish and Kootenai Tribes of the Flathead Reservation, Confederated Tribes of the Umatilla Indian Reservation, Fort Belknap Indian Community of the Fort Belknap Reservation of Montana, Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Oglala Sioux Tribe of the Pine

Ridge Reservation, Sisseton-Wahpeton Oyate of the Lake Traverse Reservation, Standing Rock Sioux Tribe of North and South Dakota, and Crow Tribe of Montana). The Department also has a Memorandum of Agreement with Gila River Indian Community of the Gila River Indian Reservation and an informal working agreement with Makah Indian Tribe of the Makah Indian Reservation.

**25. 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.

**26. When will participating tribes have access to the Department's data for landowner outreach?**

Due to the limited timeframe and funding available, the Program will not be able to provide the necessary security, training and infrastructure to enable every tribe to access TAAMS. Access to TAAMS is also restricted due to security requirements mandated by the Privacy Act of 1974. Although the Program is continuing its efforts to provide access to tribes that have contracted or compacted with BIA Real Estate Services, the Program will provide other tribes that do not have TAAMS access with an owner contact and tract tool (CATT) to obtain the land ownership information needed for identifying tribal priorities and planning outreach activities. The Department is also working to make necessary updates to its tracking systems (system of record notices or SORNs) so that it can better facilitate sharing of data with tribal representatives.

**27. 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 can do to prepare for 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 register their contact information with the Trust Beneficiary Call Center. More information and resources are available on the Program website at: <http://www.doi.gov/buybackprogram/tribes/preparation.cfm>.

Please note that additional frequently asked questions specifically related to cooperative agreements can be found at <http://www.doi.gov/buybackprogram/tribes/agreements.cfm>.

### ***III. Legislative Proposals***

**28. There have been requests from Tribal Nations that the Buy-Back Program invest the money for the Program so that additional funds can be returned to Indian Country. Why is this not already being implemented?**

The Department has no authority to invest the Consolidation Fund. Under the terms of the Cobell Settlement, unexpended funds revert to the Department of the Treasury if not expended

within ten years. The Department of the Interior has no authority to utilize, disperse, retain or invest any portion of the Consolidation Fund in a manner inconsistent with the mandates of the Settlement, as ratified by the United States Congress through the Claims Resolution Act of 2010.

**29. Congress is currently considering legislation that would change the Cobell Settlement to allow tribes to contract with the Buy-Back program under the Indian Self-Determination and Education Assistance Act (using contracts or compacts). How would this change impact the Program?**

The Department strongly supports the spirit of self-determination and self-governance. Although the Cobell Settlement Agreement and the Claims Resolution Act do not allow the use of Indian Self-Determination and Education Assistance Act (ISDEAA) agreements to operate Buy-Back Program activities, the Program gains the benefit of tribal participation by entering into cooperative agreements and more informal arrangements with tribes to undertake land consolidation tasks.

The Department and the Obama Administration are strong supporters of the ISDEAA. However, any proposed changes to the Buy-Back Program must take into account the progress the Program has made thus far, and the inevitable delays that new disruptions will cause. Authorization of a new process will cause unwanted delays as the Program addresses implementation of the provisions, and such changes would necessitate additional funding for implementation.

If the ISDEAA were extended to the Buy-Back Program, the ten-year deadline established by the Settlement would likely need to be extended to provide the Program, and tribes, the additional time necessary:

- to consult with tribes to determine an appropriate method for allocating implementation costs under ISDEAA agreements;
- to provide training and conduct security clearances for tribal staff at each location that seeks to accept responsibility for the Program's acquisition phase through an ISDEAA agreement;
- for tribes that choose to use a site-specific appraisal approach rather than a mass appraisal approach; and
- for the Buy-Back Program to transition to any amendment to ensure that it has proper staff and intra-agency agreements in place to implement the law. Even if every tribe chose to utilize ISDEAA agreements, the Program would need to maintain staff to provide final approval of appraisals and land transfers.

Moreover, acquisition and payment processing time may vary from tribe to tribe under ISDEAA agreements. Currently, the Department is able to mail and print 2,000 offer packages per day and pay owners who sell their fractional interests promptly (since December 2013, the Program has paid owners an average total of more than \$700,000 per day). The process integrates land title and trust fund systems of record, which enables landowners to receive their purchase offer packages shortly after appraisal completion. Payments for accepted offers are deposited directly into their Individual Indian Money (IIM) accounts typically within an average of five days of receiving a complete, accepted offer package.

#### ***IV. Participation & Eligibility***

##### **30. What is staff doing to ensure that landowners get timely information about the Buy-Back Program?**

While the Program welcomes the active participation by tribes, staff recognize our commitment to ensure that individual landowners have the information they need to make informed decisions about their land. The Program has held outreach events, launched advertisements in national and regional media outlets, developed and aired Public Service Announcements on tribal radio stations, and worked to achieve story placement in prominent Indian and regional publications. In addition to the purchase offer package, each landowner 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.

##### **31. 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. 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 by the Program and restored to tribes will remain in trust forever.

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.

##### **32. 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 will receive a purchase offer package with the required documents and instructions for selling their interests.

Information on selling fractional interests will be 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.

**33. 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.

**34. 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.

**35. Will the Program purchase tracts with Operations and Maintenance liens?**

Yes. If a landowner's Individual Indian Money (IIM) account is restricted and has a credit hold due to outstanding irrigation Operations and Maintenance charges and the landowner chooses to sell any or all interests included in the purchase offer, the outstanding charges may be deducted from the purchase price before funds are deposited into their IIM account. To determine how outstanding O&M charges could impact a willing seller's accepted offer, the landowner should confirm whether their IIM account is restricted and has a credit hold due to outstanding irrigation O&M charges. If the landowner's account is unrestricted, there will be no deductions from the purchase offer.

**36. Can an individual who only owns mineral rights sell?**

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

**37. Can a seller retain their mineral rights while selling the surface?**

Not under this Program. The Buy-Back Program will only purchase the whole interest (mineral and surface), which supports the Program's goal of consolidating fractional interests.

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

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

**39. 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 Inventory, you don't need to do anything. Neither the deed nor the Inventory has to be returned if you decide not to sell.

**40. 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.

#### **41. 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 register as a willing seller with the Trust Beneficiary Call Center at (888) 678-6836. If you do this, you may receive a second offer package for your remaining interests if and when a subsequent wave of offers is made at your location.

#### **42. Is this income 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.

#### **43. 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.

#### **44. 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.

#### **45. 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>.

#### **46. What happens to the land interests for Whereabouts Unknowns (WAU)?**

The Cobell Settlement authorizes the purchase of these interests. However, the Buy-Back Program hopes to identify only willing sellers whose addresses are current to actively participate in the Program. The following applies to purchases of WAU interests:

- The Cobell Land 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.
- Any interests purchased from WAU individuals will be paid for at fair market value and the funds will be deposited in the individual's Individual Indian Money (IIM) account.

#### **47. How will the Buy-Back Program affect me if I have a Home Site Lease or another type of lease on any of the tracts in which I have an owner interest?**

If you are currently living on or utilizing the land in which you own an interest, and do not have a lease or permit, you should contact your local BIA Realty Office before selling your ownership interest. Existing leases will run their term.

**It is important to note:** by selling your fractional interests in income producing tracts of land (e.g., tracts with a lease, contract, or permit), you will no longer receive revenue from those tracts. Future revenue will be paid to the tribe with jurisdiction as the new interest owner.

#### **48. What happens if I own fractionated shares at several different locations?**

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

#### **49. Does selling my land impact my ability to receive individual settlement payments from the Cobell Settlement?**

No, selling your interests under the Buy-Back Program does not impact your eligibility to receive individual settlement payments from the Cobell Settlement, which are being handled by the Garden City Group. Inquiries regarding Settlement payments should be directed to (800) 961-6109, and more information is available at <http://www.indiantrust.com>.

### ***V. Willing Sellers***

#### **50. I am interested in selling my owner interests. What is required?**

Landowners do not need to wait until the Buy-Back Program begins implementation to get more information. If you are interested in registering 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 <http://www.doi.gov/buybackprogram> 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 are on file.

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.

#### **51. 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.

If these conditions are met, you will receive a purchase offer package in the mail. Please see Section VII for questions about this process.

#### **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.

### ***VI. Appraisals***

#### **53. 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 (Interagency Indian Land Acquisition Conference, Uniform Appraisal Standards for Federal Land Acquisition, 5th ed. (Appraisal Institute 2000)).

#### **54. How is the value of the land determined?**

Value estimates for the Buy-Back Program are performed by a licensed appraiser. An appraisal is the act or process of developing an opinion of value. A determination of value is developed and reported by a licensed appraiser researching 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 non-fractionated (single owner) and in fee status.

#### **55. How is the calculation determined for the purchase offer I received?**

An appraisal will determine the fair market value that will be offered for purchase of individual interests in various trust or restricted Indian lands.

#### **56. 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. Another example is that you may have two 50-acre tracts adjacent to each other and each is dry crop running at \$500 per acre. There is a high probability the value will be the same. Each property is unique and may have a different value.

#### **57. Why is the 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, and reduces the risk of being required to return some portion of the Consolidation Fund to the Treasury.

The Program will use 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 Department 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.

**58. What reviews has the Department undertaken to evaluate the appraisal method being used?**

Appraisal methods used by the Buy-Back Program will 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>.

**59. 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.

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

Because continual reassessment of market values is not feasible given the Program's 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. If the owner believes the appraisal is out of date, the owner can decline to sell.

**61. 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.

**62. Why is the amount of my offer more/less than ILCP offers made in the past?**

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. The ILCP also purchased interests from willing sellers at fair market value, but it was at the value at the time those interests were purchased. Fair market value is based on the current market and circumstances, and it changes over time. As a result, the values the Program is now offering under the Buy-Back Program for interests in a tract may not be the same as previous ILCP values for interests in the tract.

**63. 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, a 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.

**64. Will improvements be included in the valuation?**

As a general rule, the Department considers permanent improvements to be non-trust property. There may be circumstances, however, where improvements to property have a material effect on the highest and best use of a fractionated tract. Where the appraiser determines that improvements have changed the highest and best use, and there are not sufficient comparable properties to allow for mass appraisal, such properties may not be included in mass appraisal. These properties will be set aside for consideration depending upon tribal priorities, timing, and availability of funding for a site-specific appraisal or other work.

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

No, the landowner is not responsible for a separate valuation. The federal government is responsible for the valuation of the property (surface and subsurface rights). If that same person owns the combined estate (mineral and surface), then the mineral values are considered in the highest and best use scenario. The owner of any rights can confirm that they are being paid for all their rights and that all those rights were considered in the valuation by checking the purchase offer package.

**66. Can I request an appraisal?**

The Program is working with tribal representations at each location to identify which lands to appraise. If you are interested in participating in the Program, please see the answer to Question 48 on steps to take to ensure OST has your updated contact information.

**67. 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.

## VII. *Selling Your Land*

### 68. What is included in the purchase offer package?

A purchase offer package includes:

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

The Indian Land Tenure Foundation has also 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](http://www.doi.gov/buybackprogram/landowners/upload/ILTF_Pamphlet_Final.pdf).

### 69. 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 (OSTI) office to get any necessary corrections made, after which you will be provided with a new purchase offer package.

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.
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.**

**70. 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.

**71. 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.

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

The 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 by the Program once the conveyance is completed.

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

An Acknowledgement Notice will be mailed to each seller upon approval of the sale. The Notice specifies the amount deposited to the seller’s Individual Indian Money account for the interests sold, and the amount contributed by the Program to the Cobell Scholarship Fund on the seller’s behalf. The contribution is not deducted from the seller’s payment.

**74. 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.

**75. 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.

**76. 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 Bureau of Indian Affairs or Office of the Special Trustee for American Indians office for further assistance.

**77. 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.

**78. What happens if I return my package and it's 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 a second wave of offers is made for the location.

**79. 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 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 Indian Education Scholarship Fund

**80. 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 BIA approves the purchase, payment will be made to your Individual Indian Money account.

**81. I received a “reminder” postcard from DOI. What does it mean?**

Approximately half way through each 45-day window, the Program will send “reminder” postcards to landowners who already 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.

## APPENDIX B. FRACTIONATION STATISTICS

### Overview

The fractionation related data and statistics used throughout this document were generated primarily from the Trust Asset and Accounting Management System (TAAMS) as of September 30, 2014 (except for Appendix C). The land areas, data, and approximations in this document are subject to change. The Department will continue to refine its analysis of fractional interests and the owners thereof. Feedback is encouraged. In particular, if tribes or others have reason to believe that any of the information is inaccurate or that a reservation is excluded in error, they should provide written feedback to [buybackprogram@ios.doi.gov](mailto:buybackprogram@ios.doi.gov) or by mail (U.S. Department of Interior Land Buy-Back Program for Tribal Nations, 1849 C St. NW, MS-5552-MIB, Washington, DC 20240). Please refer to the [Program's website](#) to find direct contact information for the Program's Senior Advisors for Tribal Relations.

The primary difference between the figures in this document and those within the Initial and Updated Implementation Plans is the passage of time during which additional transactions have occurred. To ensure consistent reporting going forward, the Buy-Back Program will continue to utilize the definitions and data queries used to generate this document and will post updated data to the [Program's website](#) as available.

### Definitions and Explanations

Aggregated and Segregated – It is important to distinguish “aggregated” and “segregated” interest counts. There are many instances where a single individual owns multiple fractional interests in the same tract of land. Such multiple ownership occurs when an individual inherits interests on the same tract of land at different times. For example, an individual may receive an interest on a tract of land when their father passes, and the individual may receive an additional interest in that same tract upon their mother's passing. This document combines/adds these multiple “segregated” interests and represents them as a single “aggregated” interest. Aggregated interest counts will be used going forward.

Appendix B Field Descriptions – The table below provides definitions for each field within the Appendix B report. “Levels” are used to categorize types of data. Level 1 includes data extracted before the application of policy decisions regarding which tracts and owners may receive offers. The data in Appendix B is at Level 1. Level 2 data is extracted before operating on a reservation and excludes interests that would not receive an offer based on prior policy exclusions. Level 2 data excludes interests held by non-compos mentis; interests held by minors; interests in probate proceedings; interests held by individuals whose whereabouts are unknown; interests held in joint tenancy; and interests held in life estates. The data in Appendix C is at Level 2.

**Table 7. Appendix B Field Descriptions**

Column		Definition
	Land Area Name	A Federally Recognized Tribe with Jurisdiction.  Each tribe typically has a unique tribal code within TAAMS that corresponds to a single land area code (LAC). Due to state borders and other factors, however, some tribes may have multiple land area codes. Moreover, in a few instances, the report currently lists multiple tribes for one land area code. The report of locations seeks to group related land areas under a single tribe and additional work is necessary to identify lands to a particular recognized tribe.  LAC's with "public domain" or "off reservation" in the land area name are excluded from the report. Locations that are not fractionated are also excluded.
	Land Area Code(s)	B Land area code(s) for the tribe.
Tract, Interest, and Acre Data	100% Tribally Owned	C Number of tracts 100 percent tribally owned.  If a tract has a surface interest (S) and separate mineral interest (M), the tract is counted as two separated tracts here.
	100% IIM Owned	D Number of tracts 100 percent individually owned (single Individual Indian Money account holder).  If a tract has a surface interest (S) and separate mineral interest (M), the tract is counted as two separated tracts here.
	Fractionated Tracts	E Number of tracts held in trust or restricted status that has two or more unique owners (one of which may be the tribe). A "fractionated tract" is a tract with two or more fractional interests, each being less than a 100 percent interest (the sum of the fractional interests equals 100 percent).  Columns C, D, and E sum to the total number of tracts held in trust or restricted status.
	Level 1 Fractionated Tracts	F A subset of Column E above, this column <u>excludes</u> the following tracts: <ul style="list-style-type: none"> <li>· tracts owned 100 percent by fee interests</li> <li>· tracts with 100 percent joint tenancy</li> <li>· tracts with 100 percent life estates</li> </ul> The term "interest" is an aggregated fractional interest in a fractionated tract that is held in trust or restricted status (i.e., not a fee interest) where a recognized tribal government exercises jurisdiction, excluding interests owned by a tribe or the Government. The criteria for this column are based on title records.  This column <u>includes</u> the following fractionated tracts with: <ul style="list-style-type: none"> <li>· interests held by non-compos mentis;</li> <li>· interests held by minors;</li> <li>· interests held by individuals in probate proceedings; and/or</li> <li>· interests held by individuals whose whereabouts are unknown.</li> </ul> For example, if a tract is owned by minors (e.g., two individuals, age 16 and 15, each own 50 percent), the tract would be included in this preliminary count even though by policy, the Program will not purchase such interests. However, if the Program

Column		Definition	
		<p>is implemented on the reservation in this example in four years, then these minors will have become adults and may receive offers for their interests at that time</p> <p><i>This column is one of the three data points used to calculate purchase estimates.</i></p>	
Acres Associated w/ Level 1 Fractionated Tracts	G	<p>Associated acres for Column F above.</p> <p>The acreage number is the sum of the acres of surface-only, mineral-only, and combined (both surface and sub-surface estate) acreages. For example, if the surface and mineral estates encompassing the same 80-acre tract of land have been severed or split, the acreage count would include them as 160 total acres.</p> <p>Not all of the acres may be purchasable because a portion may be owned by the tribe or by owners that are not eligible to participate in the Program.</p> <p><i>This column is one of the three data points used to calculate purchase estimates.</i></p>	
Level 1 Fractional Interests	H	<p>Number of aggregated interests within a tract. Excludes:</p> <ul style="list-style-type: none"> <li>· Interests that are owned by tribe</li> <li>· Interests owned in fee</li> </ul> <p>Includes:</p> <ul style="list-style-type: none"> <li>· Interests in joint tenancy that are less than 100 percent of the tract</li> <li>· Interests in life estates that are less than 100 percent of the tract</li> <li>· Interests held by WAU, minors, and non-compos mentis</li> </ul> <p><i>This column is one of the three data points used to calculate purchase estimates.</i></p>	
<5% Level 1 Interests	I	<p>Number of interests with less than 5 percent individual ownership.</p> <p>The American Indian Probate Reform Act (AIPRA) creates a “single heir rule” that applies to interests which are less than five percent of the entire undivided ownership of the parcel of land which such interest is a part. See 25 U.S.C. § 2006.</p>	
Equivalent Acres Associated Only with Level 1 Interests	J	<p>A subset of Column G. This column includes only the acreage associated with Level 1 fractional interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.</p>	
Tracts with Tribal Ownership	< 50 %	K	<p>Includes the number of Level 1 tracts with less than 50 percent tribal ownership in fractionated tracts.</p>
	> = 50 % and < 100 %	L	<p>Includes the number of Level 1 tracts with equal to or more than 50 percent and less than 100 percent tribal ownership in fractionated tracts.</p>
Individuals	Unique Individuals owning Level 1 Fractional Interests	M	<p>Number of distinct owners that own fractional interests for the LAC. This figure includes all types of owners (WAU, minors, etc.) for any land that is not 100 percent owned within the location. This column includes individual owners that are deceased.</p> <p>This column cannot be summed across land area codes since many individuals own land on more than one land area code.</p> <p>For example, a tract is owned by minors (e.g., two individuals, age 16 and 15, each own 50 percent), the tract would be included</p>

Column			Definition
			in this preliminary count even though it is not technically purchasable once the Program develops offers at a particular reservation.
Whereabouts Unknown	WAU Level 1 Fractional Interest Owners	N	Number of owners who are whereabouts unknown (WAU).
	% of Landowners that are WAU	O	Number of owners who are WAU (Column N) divided by Unique Individuals owning Fractional Interests (Column M).
Level 1 Fractional Interest Owners Under Legal Disability		P	Number of individuals holding fractional interests under legal disability (e.g., non-compos mentis or minors).

**Table 8. Appendix B Data**

The data below is as of September 30, 2014.

Row	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
	Land Area Name	Land Area Code(s)	Tract, Interest, and Acre Data										Individuals			
			Tracts Held in Trust or Restricted Status			Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
100% Tribally Owned	100% IIM Owned	Fractionated Tracts	<50%	>=50%	WAU Level 1 Fractional Interest Owners						% of landowners that are WAU					
<b>Eastern Oklahoma Region</b>																
1	Cherokee Nation, Oklahoma (905)	905	68	589	593	538	18,747	2,553	547	11,791	535	3	1,354	347	26%	1
2	Chickasaw Nation, Oklahoma (906) *	906	176	357	1,966	1,911	113,043	15,120	2,521	58,239	1,911	0	3,793	636	17%	7
3	Choctaw Nation of Oklahoma (907) *	907	50	270	745	674	46,994	3,456	765	25,591	674	0	1,660	372	22%	3
4	Muscogee (Creek) Nation, Oklahoma (908)*	908	98	492	1,755	1,533	83,281	10,984	1,876	52,416	1,533	0	3,155	543	17%	4
5	Seminole Nation of Oklahoma (909)*	909	7	212	1,011	984	38,069	9,167	1,415	21,076	984	0	1,922	378	20%	4
6	Quapaw Tribe of Indians, Oklahoma (920)	920	11	53	228	220	16,135	3,382	346	9,038	214	6	388	16	4%	2
7	Eastern Shawnee Tribe of Oklahoma (921)	921	11	7	30	29	435	263	130	321	29	0	160	4	3%	1
8	Seneca-Cayuga Tribe of Oklahoma (923)	923	23	59	83	72	2,808	1,476	637	2,028	71	1	766	74	10%	15
9	Osage Nation, Oklahoma (formerly the Osage Tribe) (930)*	930	9,466	468	678	630	75,497	3,036	304	64,956	620	10	701	34	5%	28
<b>Great Plains Region</b>																
10	Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (301)*	301	4,668	1,561	3,345	3,260	469,014	92,709	4,458	416,851	3,057	203	5,037	271	5%	115
11	Standing Rock Sioux Tribe of North & South Dakota (302)*	302	2,803	880	6,406	6,345	773,630	232,990	20,028	434,339	3,978	2,367	20,749	2,186	11%	730
12	Spirit Lake Tribe, North Dakota (303)*	303	280	109	982	943	56,703	60,765	5,632	41,939	779	164	5,842	442	8%	118
13	Turtle Mountain Band of Chippewa Indians of North Dakota (304)*	304	116	646	623	605	33,376	27,587	8,242	30,085	598	7	8,837	902	10%	86
14	Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota (340)*	340 & 360	6,323	1,837	4,235	4,141	750,571	69,093	8,040	647,967	3,770	371	8,615	769	9%	187
15	Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota (342)*	342	588	253	932	924	100,277	44,287	8,496	77,254	762	162	8,820	676	8%	179
16	Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota (343)*	343	1,061	71	665	596	76,637	30,530	4,772	38,941	307	289	4,963	460	9%	82
17	Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota (344)*	344	3,821	2,247	5,996	5,878	1,178,792	128,328	17,493	507,005	2,594	3,284	18,999	2,331	12%	487

Row	A Land Area Name	B Land Area Code(s)	C, D, E, F, G, H, I, J Tract, Interest, and Acre Data										K, L, M, N, O, P Individuals			
			Tracts Held in Trust or Restricted Status			Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
			100% Tribally Owned	100% IIM Owned	Fractionated Tracts						<50%	>=50%		WAU Level 1 Fractional Interest Owners	% of landowners that are WAU	
			18	Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota (345)*	345	3,419	394	3,225	3,133	575,525	79,987	13,017	149,090	680	2,453	13,663
19	Yankton Sioux Tribe of South Dakota (346)*	346	184	61	786	777	45,244	38,871	6,495	27,203	545	232	6,672	474	7%	102
20	Sisseton - Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (347)*	347	405	259	1,330	1,320	92,900	53,493	4,800	55,830	959	361	5,046	370	7%	90
21	Omaha Tribe of Nebraska (380)*	380	141	37	425	422	22,062	21,856	2,645	20,138	395	27	2,757	333	12%	51
22	Santee Sioux Nation, Nebraska (382)	382	58	12	73	67	3,494	3,892	1,780	2,563	55	12	1,854	150	8%	27
23	Winnebago Tribe of Nebraska (383)*	383	71	26	647	643	35,856	74,527	4,181	21,992	480	163	4,266	404	9%	76
Midwest Region																
24	Minnesota Chippewa - Bois Forte Band	404	221	6	203	200	15,505	15,472	1,865	8,408	157	43	1,926	160	8%	20
25	Minnesota Chippewa - Fond du Lac Band*	405	221	12	378	352	21,574	28,353	4,666	9,196	195	157	4,759	692	15%	52
26	Minnesota Chippewa - Grand Portage Band	406	361	0	125	116	8,380	5,543	604	4,144	72	44	616	53	9%	5
27	Minnesota Chippewa - Leech Lake Band	407	324	59	262	253	12,533	19,670	6,431	10,687	237	16	6,633	744	11%	69
28	Minnesota Chippewa - Mille Lacs Band	410	298	4	32	30	154	763	188	143	29	1	230	23	10%	3
29	Minnesota Chippewa - White Earth Band	408	706	4	51	41	2,511	4,235	3,139	2,393	41	0	3,231	346	11%	25
30	Upper Sioux Community, Minnesota (401)	401	9	1	2	2	52	44	36	52	2	0	44	4	9%	0
31	Red Lake Band of Chippewa Indians, Minnesota (409)	409	1,549	0	1	1	102	2	1	15	0	1	2	0	0%	0
32	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin (430)	430	480	201	640	624	29,511	21,021	4,867	9,782	249	375	5,008	888	18%	50
33	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin (431)	431	363	116	327	313	20,516	18,295	3,787	4,400	75	238	3,889	894	23%	52
34	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin (432)	432	277	28	203	199	12,355	5,108	1,221	1,648	23	176	1,292	159	12%	19
35	Oneida Tribe of Indians of Wisconsin (433)	433	309	115	37	25	230	358	263	136	23	2	333	100	30%	0
36	Forest County Potawatomi Community, Wisconsin (434)	434	61	0	10	8	400	327	168	321	8	0	186	20	11%	3
37	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin (435)	435	73	3	38	36	1,804	3,522	1,511	503	11	25	1,524	208	14%	16

Row	A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P
	Land Area Name	Land Area Code(s)	Tract, Interest, and Acre Data										Individuals			
			Tracts Held in Trust or Restricted Status			Level 1 Fractionated Tracts	Acres Associated w/ Level 1 Fractionated Tracts	Level 1 Fractional Interests	<5% Level 1 Interests	Equivalent Acres Associated Only w/ Level 1 Interests	Tracts with Tribal Ownership		Unique Individuals owning Level 1 Fractional Interests	WAU		Level 1 Fractional Interest Owners Under Legal Disability
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38	Stockbridge Munsee Community, Wisconsin (438)	438	145	8	4	3	19	33	16	19	3	0	26	6	23%	0
39	Ho-Chunk Nation of Wisconsin (439)	439	68	46	105	104	3,130	3,195	1,468	2,367	98	6	1,605	142	9%	34
40	Menominee Indian Tribe of Wisconsin (440)	440	1,275	3	12	1	1	2	0	1	1	0	2	2	100%	0
41	Saginaw Chippewa Indian Tribe of Michigan (472)	472	92	7	25	25	723	1,011	687	676	25	0	732	44	6%	3
42	Keweenaw Bay Indian Community, Michigan (475)	475 & 476	119	24	129	119	7,135	5,821	2,417	2,133	50	69	2,406	363	15%	34
<b>Navajo Region</b>																
43	Navajo Nation, Arizona, New Mexico & Utah (780)*	722-724 & 790-792	1,104	781	4,504	4,391	691,083	263,059	35,017	673,402	4,378	13	33,910	3,546	10%	321
<b>Northwest Region</b>																
44	Confederated Tribes of the Colville Reservation, Washington (101)*	101	3,019	960	2,455	2,176	170,942	38,615	5,270	116,205	1,499	677	6,132	544	9%	138
45	Spokane Tribe of the Spokane Reservation, Washington (102)*	102	635	267	432	390	24,349	8,908	1,939	21,611	373	17	2,207	156	7%	47
46	Kalispell Indian Community of the Kalispell Reservation, Washington (103)	103	54	38	76	76	2,376	1,034	208	2,036	55	21	241	17	7%	4
47	Confederated Tribes of the Chehalis Reservation, Washington (105)	105	30	43	64	64	1,395	2,160	734	1,258	62	2	804	33	4%	11
48	Lummi Tribe of the Lummi Reservation, Washington (107)	107	69	709	361	346	5,449	6,961	1,753	4,296	342	4	2,025	201	10%	32
49	Makah Indian Tribe of the Makah Indian Reservation, Washington (108)	108	348	99	266	257	1,963	5,402	1,073	1,498	217	40	1,243	103	8%	13
50	Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington (109)	109	62	195	82	81	1,431	2,030	681	1,262	79	2	845	64	8%	7
51	Nisqually Indian Tribe of the Nisqually Reservation, Washington (110)	110	45	5	19	17	899	1,081	673	765	15	2	707	34	5%	11
52	Nooksack Indian Tribe of Washington (111)	111	14	82	57	50	2,214	1,212	559	2,058	50	0	614	60	10%	2
53	Suquamish Indian Tribe of the Port Madison Reservation, Washington (114)	114	51	114	71	66	2,275	1,663	1,001	1,860	62	4	1,121	107	10%	30

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54	<a href="#">Puyallup Tribe of the Puyallup Reservation, Washington (115)</a>	115	52	73	19	16	19	94	26	19	15	1	71	4	6%	3
55	<a href="#">Quileute Tribe of the Quileute Reservation, Washington (116)</a>	116	26	9	30	30	5	571	227	4	30	0	307	11	4%	6
56	<a href="#">Quinault Tribe of the Quinault Reservation, Washington (117)*</a>	117	299	345	1,473	1,430	104,352	37,053	3,965	90,499	1,361	69	4,507	304	7%	42
57	<a href="#">Sauk-Suiattle Indian Tribe of Washington (119)</a>	119	7	21	38	33	1,173	1,614	477	947	30	3	522	40	8%	10
58	<a href="#">Skokomish Indian Tribe of the Skokomish Reservation, Washington (120)</a>	120	32	20	82	81	2,528	3,489	1,014	2,279	79	2	1,058	63	6%	4
59	<a href="#">Squaxin Island Tribe of the Squaxin Island Reservation, Washington (121)</a>	121	26	1	21	20	1,014	1,337	717	566	17	3	732	36	5%	6
60	<a href="#">Swinomish Indians of the Swinomish Reservation, Washington (122)</a>	122	34	46	84	80	3,848	3,234	1,139	3,558	79	1	1,190	90	8%	22
61	<a href="#">Tulalip Tribes of the Tulalip Reservation, Washington (123)</a>	123	121	354	173	146	3,313	1,863	700	2,772	143	3	939	83	9%	24
62	<a href="#">Confederated Tribes and Bands of the Yakama Nation, Washington (124)*</a>	124	3,151	954	2,393	2,276	181,121	58,965	4,595	140,960	1,898	378	5,058	241	5%	80
63	<a href="#">Confederated Tribes of the Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) (142)</a>	142	53	6	3	1	47	3	0	47	1	0	3	0	0%	0
64	<a href="#">Confederated Tribes of the Umatilla Reservation, Oregon (143)*</a>	143	207	309	1,035	1,007	66,438	18,415	2,632	55,976	948	59	3,070	130	4%	53
65	<a href="#">Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon (144)</a>	144	4	6	76	75	11,938	1,806	208	10,285	75	0	236	8	3%	2
66	<a href="#">Confederated Tribes of the Warm Springs Reservation, Oregon (145)</a>	145	1,793	96	418	387	43,701	4,080	835	12,684	132	255	976	44	5%	28
67	<a href="#">Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho (180)*</a>	180	1,439	1,206	2,662	2,613	269,318	51,736	2,810	220,128	2,074	539	3,201	167	5%	87
68	<a href="#">Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho (181)</a>	181	796	69	313	299	38,374	3,194	864	28,853	246	53	1,064	60	6%	14
69	<a href="#">Nez Perce Tribe, Idaho (previously listed as Nez Perce Tribe of Idaho) (182)*</a>	182	196	150	644	623	44,627	12,555	1,881	31,520	495	128	2,106	103	5%	24
70	<a href="#">Kootenai Tribe of Idaho (183)</a>	183	12	0	24	23	1,821	218	62	680	20	3	63	1	2%	5

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			C 100% Tribally Owned	D 100% IIM Owned	E Fractionated Tracts									L1 <50%	L2 >=50%		N1 WAU Level 1 Fractional Interest Owners	N2 % of landowners that are WAU	
71	Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana (203)*	203	2,107	892	894	696	38,799	8,900	2,354	24,483	537	159	2,937	269	9%	48			
<b>Pacific Region</b>																			
72	Big Sandy Rancheria of Mono Indians of California (506)	506	4	4	4	3	31	15	9	15	3	0	15	5	33%	0			
73	Big Valley Band of Pomo Indians of the Big Valley Rancheria, California (507)	507	5	9	13	12	7	58	6	7	12	0	50	24	48%	0			
74	Cloverdale Rancheria of Pomo Indians of California (510)	510	0	0	2	2	13	8	0	13	2	0	4	4	100%	0			
75	Robinson Rancheria of Pomo Indians of California (516)	516	3	7	6	4	53	20	5	23	4	0	10	5	50%	0			
76	Guidiville Rancheria of California (505)	520	1	0	1	1	2	3	0	2	1	0	3	3	100%	0			
77	Hopland Band of Pomo Indians of the Hopland Rancheria, California (521)	521	7	5	13	11	44	105	48	33	11	0	74	22	30%	0			
78	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California (525)	525	4	14	30	28	88	254	72	78	28	0	106	48	45%	0			
79	Northfork Rancheria of Mono Indians of California (532)	532	1	0	1	1	80	7	0	80	1	0	7	4	57%	0			
80	Picayune Rancheria of Chukchansi Indians of California (534)	534	5	0	3	1	26	6	0	17	1	0	6	1	17%	0			
81	Pinoleville Pomo Nation, California (formerly the Pinoleville Rancheria of Pomo Indians of California) (535)	535	1	4	6	6	28	16	0	26	6	0	16	6	38%	0			
82	Redwood Valley Rancheria of Pomo Indians of California (539)	539	2	2	2	2	5	38	19	3	2	0	19	3	16%	2			
83	Round Valley Indian Tribes of the Round Valley Reservation, California (540)	540	114	49	199	186	5,023	6,987	1,545	4,560	184	2	1,671	440	26%	12			
84	Greenville Rancheria of Maidu Indians of California (545)	545	0	1	1	1	1	8	7	0	1	0	8	0	0%	0			
85	Table Mountain Rancheria of California (551)	551	10	0	6	1	6	4	0	6	1	0	4	3	75%	0			
86	Karuk Tribe (formerly the Karuk Tribe of California) (555)	555	26	0	2	1	14	7	0	14	1	0	7	1	14%	0			
87	Blue Lake Rancheria, California (558)	558	12	2	6	4	7	10	0	4	4	0	10	5	50%	0			

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88	Elk Valley Rancheria, California (559)	559	8	4	2	2	10	7	0	10	2	0	7	3	43%	0
89	Hoopa Valley Tribe, California (561)	561	187	158	102	98	622	1,029	279	579	97	1	464	63	14%	5
90	Yurok Tribe of the Yurok Reservation, California (562)	562	35	20	167	165	4,097	4,615	1,190	3,627	165	0	1,334	438	33%	10
91	Quartz Valley Indian Community of the Quartz Valley Reservation of California (563)	563	3	0	3	2	23	5	0	23	2	0	5	2	40%	0
92	Smith River Rancheria, California (564)	564	14	16	15	9	24	28	0	22	9	0	28	6	21%	0
93	Augustine Band of Cahuilla Indians, California (formerly the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation) (567)	567	2	0	4	3	120	18	4	58	1	2	18	2	11%	1
94	Cabazon Band of Mission Indians, California (568)	568	3	10	9	9	211	120	45	208	9	0	59	2	3%	4
95	La Jolla Band of Luiseno Mission Indians, California (formerly the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation) (576)	576	10	24	46	43	423	578	241	373	43	0	298	18	6%	2
96	Morongo Band of Mission Indians, California (formerly the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation) (582)	582	54	435	227	203	715	3,074	784	643	202	1	1,016	67	7%	28
97	Pala Band of Luiseno Mission Indians of the Pala Reservation, California (583)	583	47	172	259	238	870	5,672	783	813	238	0	901	64	7%	16
98	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California (584)	584	77	228	176	173	8,185	1,148	119	8,069	173	0	232	14	6%	12
99	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California (586)	586	14	38	107	105	1,353	3,833	799	1,082	104	1	913	74	8%	11
100	Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California (587)	587	4	48	52	43	171	549	193	152	43	0	248	11	4%	2
101	Sycuan Band of the Kumeyaay Nation (formerly the Sycuan Band of Diegueno Mission Indians of California) (594)	594	11	0	20	19	321	551	151	199	14	5	168	12	7%	2

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102	Torres Martinez Desert Cahuilla Indians, California (formerly the Torres-Martinez Band of Cahuilla Mission Indians of California) (595)	595	19	86	126	123	3,782	2,285	459	3,573	123	0	547	47	9%	15
103	California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California) (628)	628	0	0	1	1	1	2	0	1	1	0	2	0	0%	0
104	Habematoel Pomo of Upper Lake, California (formerly the Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California) (636)	636	1	3	6	5	11	16	0	11	5	0	16	5	31%	0
<b>Rocky Mountain Region</b>																
105	Blackfeet Tribe of the Blackfeet Indian Reservation of Montana (201)*	201	5,305	1,455	5,083	4,859	899,406	193,985	7,311	814,307	4,720	139	7,903	607	8%	116
106	Crow Tribe of Montana (202)*	202 & 208	3,690	1,831	4,993	4,907	931,954	182,617	5,121	842,737	4,678	229	4,983	224	4%	167
107	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (204)*	204	811	1,414	3,137	3,050	575,974	57,913	3,467	513,513	2,843	207	4,090	282	7%	104
108	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (206)*	206	1,492	1,345	4,644	4,535	725,358	115,391	10,153	638,408	4,340	195	11,025	898	8%	276
109	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana (207)*	207	1,049	519	888	874	102,978	13,437	2,584	59,245	553	321	2,984	273	9%	117
110	Arapahoe Tribe of the Wind River Reservation, Wyoming (281) & Shoshone Tribe of the Wind River Reservation, Wyoming (282)*	280	1,766	871	2,669	2,564	175,209	137,948	7,015	142,294	2,294	270	7,403	512	7%	265
<b>Southern Plains Region</b>																
111	Cheyenne & Arapaho Tribes, Oklahoma (801)*	801	14	173	1,147	1,138	97,517	40,191	6,145	84,719	1,136	2	6,536	441	7%	211
112	Kiowa Indian Tribe of Oklahoma (802), Comanche Nation, Oklahoma (808) & Apache Tribe of Oklahoma (809)	802	86	1,439	3,027	3,001	251,865	56,609	7,965	222,728	2,986	15	9,575	675	7%	203
113	Fort Sill Apache Tribe of Oklahoma (803)	803	4	23	50	49	3,017	637	215	2,434	49	0	274	10	4%	5

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114	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (804), Caddo Nation of Oklahoma (806) & Delaware Nation formerly Delaware Tribe of Western OK (807)	804	17	233	854	845	73,860	16,551	2,308	63,873	844	1	2,767	144	5%	46
115	Otoe-Missouria Tribe of Indians, Oklahoma(811)	811	21	81	361	361	25,890	12,649	1,890	21,717	360	1	2,072	179	9%	47
116	Pawnee Nation of Oklahoma (812)	812	2	82	368	364	26,666	10,051	1,832	23,026	363	1	2,010	142	7%	23
117	Ponca Tribe of Indians of Oklahoma (813)*	813	12	79	409	405	20,894	25,347	2,694	18,240	404	1	2,807	267	10%	68
118	Tonkawa Tribe of Indians of Oklahoma (814)	814	4	0	8	7	321	273	100	251	7	0	115	10	9%	2
119	Absentee Shawnee Tribe of Indians of Oklahoma (820)	820	20	161	267	263	15,740	8,664	2,106	14,320	263	0	2,238	163	7%	22
120	Citizen Potawatomi Nation, Oklahoma (821)	821	49	10	64	63	5,059	2,369	1,351	3,184	61	2	1,458	146	10%	6
121	Iowa Tribe of Oklahoma (822)	822	7	8	50	50	2,077	2,610	797	1,776	47	3	845	64	8%	17
122	Kickapoo Tribe of Oklahoma (823)	823	12	75	132	130	5,696	3,365	930	5,213	129	1	1,100	138	13%	23
123	Sac & Fox Nation, Oklahoma (824)	824	14	130	248	248	18,069	5,685	1,311	16,344	248	0	1,528	131	9%	17
124	Iowa Tribe of Kansas and Nebraska (860)	860	34	11	5	5	180	144	97	78	4	1	104	7	7%	0
125	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas (861)	861	50	72	79	78	2,843	1,492	523	2,507	72	6	628	30	5%	13
126	Prairie Band of Potawatomi Nation, Kansas (862)	862	141	134	325	323	18,004	9,618	1,960	15,371	310	13	2,204	144	7%	34
127	Sac & Fox Nation of Missouri in Kansas and Nebraska (863)	863	6	0	2	2	62	113	107	41	2	0	113	7	6%	1
<b>Southwest Region</b>																
128	Pueblo of Acoma (703)	703	37	0	3	1	320	3	0	320	1	0	3	0	0%	0
129	Laguna (707)	707	36	3	30	29	3,372	729	371	3,298	28	1	440	49	11%	3
130	Pueblo of San Felipe (712)	712	34	0	2	1	71	43	36	71	1	0	43	0	0%	0
131	Zuni Tribe of the Zuni Reservation, New Mexico (721)	721	28	3	13	12	1,861	566	464	1,791	12	0	500	42	8%	6
132	Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado (750)	750	478	93	117	108	9,499	2,189	776	6,916	92	16	875	24	3%	27

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133	Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah (751)	754	33	8	63	58	7,818	1,001	315	7,094	54	4	361	37	10%	12
<b>Western Region</b>																
134	Colorado River Indian Tribe of the Colorado River Indian Reservation, Arizona and California (603)	603	212	143	541	529	5,202	8,634	1,250	4,096	442	87	1,531	136	9%	23
135	Fort Mojave Indian Tribe of Arizona California & Nevada (604)	604	22	0	6	2	160	22	7	160	2	0	11	0	0%	0
136	Hopi Tribe of Arizona (608)	608	15	0	11	11	220	974	522	215	11	0	544	58	11%	5
137	Tohono O'odham Nation of Arizona (610)	611	14	17	281	281	39,097	13,971	1,695	36,095	281	0	1,762	81	5%	52
138	Gila River Indian Community of the Gila River Indian Reservation, Arizona (614)*	614	139	724	4,787	4,724	84,280	174,045	9,906	78,602	4,667	57	10,580	843	8%	243
139	Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona (615)*	615	62	362	1,430	1,428	21,828	49,200	5,325	21,193	1,421	7	5,811	359	6%	106
140	Ely Shoshone Tribe of Nevada (644)	644	2	0	2	1	160	24	13	160	1	0	24	2	8%	0
141	Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon (646)	646	12	0	4	4	145	562	458	142	4	0	468	66	14%	5
142	Walker River Paiute Tribe of the Walker River Reservation, Nevada (656)	656	18	133	354	348	6,634	6,717	1,211	6,272	342	6	1,443	169	12%	12
143	Yomba Shoshone Tribe of the Yomba Reservation, Nevada (661)	661	4	0	5	5	352	107	86	322	5	0	102	15	15%	2
144	Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodsford Community, Stewart Community, & Washoe Ranches) (672)	672	9	69	412	409	59,310	14,114	1,203	54,316	397	12	1,280	121	9%	6
145	Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (687)*	687	954	51	1,094	1,059	76,758	43,576	2,242	60,871	917	142	2,316	131	6%	85
146	Quechan Tribe of the Fort Yuma Indian Reservation, California (696)	696	26	155	725	720	6,960	13,328	1,365	6,730	708	12	1,657	79	5%	45
<b>TOTAL</b>			<b>74,010</b>	<b>32,633</b>	<b>98,419</b>	<b>95,203</b>	<b>10,791,584</b>	<b>2,940,919</b>	<b>327,354</b>	<b>8,045,501</b>	<b>79,733</b>	<b>15,470</b>				
* Most fractionated location.																

## APPENDIX C. RESOURCE CODE STATISTICS

Appendix C Field Descriptions – The table below provides definitions for each field within the Appendix C report. “Levels” are used to categorize types of data. Level 1 includes data extracted before the application of policy exclusions (e.g., minors) regarding which tracts and owners may receive offers. The data in Appendix B is at Level 1. Level 2 data is extracted before operating on a reservation and excludes interests that would not receive an offer based on such policy exclusions. Level 2 data excludes interests held by non-compos mentis; interests held by minors; interests in probate proceedings; interests held by individuals whose whereabouts are unknown; interests held in joint tenancy; and interests held in life estates. The data in Appendix C is at Level 2.

**Table 9. Appendix C Field Descriptions**

Column			Definition
	Land Area Name	Q	Federally Recognized Tribe with Jurisdiction.  Each tribe typically has a unique tribal code within TAAMS that corresponds to a single land area code (LAC). Due to state borders and other factors, however, some tribes may have jurisdiction over multiple land area codes. Moreover, in a few instances, the report currently lists multiple tribes for one land area code. The report of locations seeks to group related land areas under a single tribe and additional work is necessary to identify lands to a particular recognized tribe.  LAC's with “public domain” or “off reservation” in the land area name are excluded from the report. Locations that are not fractionated are also excluded.
	Land Area Code(s)	R	Land area code(s) for the tribe.
Tract Resource	Level 2 Tracts – Surface (S)	S	Number of surface (S) only resource code tracts. This is a subset of Column F in Appendix B.
	Level 2 Equivalent Acres – Surface (S)	T	Number of acres associated with the tracts in Column S. This is a subset of Column G in Appendix B. This column includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
	Level 2 Tracts – Minerals (M)	U	Number of mineral (M) only resource code tracts. This is a subset of Column F in Appendix B.
	Level 2 Equivalent Acres – Minerals (M)	V	Number of acres associated with the tracts in Column U. This is a subset of Column G in Appendix B. This column includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
	Level 2 Tracts – Both (S & M)	W	Number of surface and mineral (S & M) only resource code tracts. This is a subset of Column F in Appendix B.

Column			Definition
	Level 2 Equivalent Acres – Both (S & M)	X	Number of acres associated with the tracts in Column W. This is a subset of Column G in Appendix B. This column includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
	Level 2 Tracts – Other Resources	Y	Number of other tract resource codes excluding surface (S), minerals (M), and both (S & M). This includes less common resource codes such as coal (C) and is a subset of Column F in Appendix B.
	Level 2 Equivalent Acres – Other Resources	Z	Number of acres associated with the tracts in Column Y. This is a subset of Column G in Appendix B. This column includes only the acreage associated with Level 2 interests, not the acreage associated with the tract as a whole. This column excludes acreage associated with fee and tribal interests.
	Level 2 Tracts – Total	AA	The sum of Columns S, U, W, and Y.
	Level 2 Equivalent Acres - Total	AB	The sum of Columns T, V, X, and Z.

**Table 10. Appendix C Data**

The land data below is as of October 31, 2014, and the owner data is as November 14, 2014. Locations are grouped by Region and then by land area code within each Region. Land area names are hyperlinked to the tribe’s website (if available).

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
	Land Area Name	Land Area Code(s)	Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
<b>Eastern Oklahoma Region</b>												
1	<a href="#">Cherokee Nation, Oklahoma (905)</a>	905	11	328	85	785	128	1,618	0	0	224	2,732
2	<a href="#">Chickasaw Nation, Oklahoma (906)</a>	906	157	3,303	1,055	17,428	244	10,057	1	0	1,457	30,788
3	<a href="#">Choctaw Nation of Oklahoma (907)</a>	907	38	1,241	263	6,514	102	2,844	0	0	403	10,599
4	<a href="#">Muscogee (Creek) Nation, Oklahoma (908)</a>	908	221	4,790	730	15,922	234	7,056	1	20	1,186	27,788
5	<a href="#">Seminole Nation of Oklahoma (909)</a>	909	209	3,029	490	5,541	83	1,788	0	0	782	10,358
6	<a href="#">Quapaw Tribe of Indians, Oklahoma (920)</a>	920	55	1,787	105	3,238	59	3,591	1	17	220	8,633
7	<a href="#">Eastern Shawnee Tribe of Oklahoma (921)</a>	921	6	24	12	138	8	105	0	0	26	268
8	<a href="#">Seneca-Cayuga Tribe of Oklahoma (923)</a>	923	6	14	12	181	51	1,455	0	0	69	1,650
9	<a href="#">Osage Nation, Oklahoma (formerly the Osage Tribe) (930)</a>	930	613	58,808	0	0	2	183	0	0	615	58,991
<b>Great Plains Region</b>												
10	<a href="#">Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota (301) (Mandan, Hidatsa &amp; Arikara)</a>	301	1,075	111,331	1,163	138,935	252	26,226	761	113,425	3,251	389,917
11	<a href="#">Standing Rock Sioux Tribe of North &amp; South Dakota (302)</a>	302	937	71,550	3,534	182,938	1,849	132,381	0	0	6,320	386,870
12	<a href="#">Spirit Lake Tribe, North Dakota (303)</a>	303	219	7,599	338	14,621	385	15,205	0	0	942	37,424
13	<a href="#">Turtle Mountain Band of Chippewa Indians of North Dakota (304)</a>	304	202	9,818	266	11,970	135	4,852	0	0	603	26,641
14	<a href="#">Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota (340)</a>	340 & 360	967	130,857	2,772	397,286	373	52,355	0	0	4,112	580,498
15	<a href="#">Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota (342)</a>	342	103	6,549	524	43,485	294	17,624	0	0	921	67,658
16	<a href="#">Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota (343)</a>	343	95	4,256	439	25,912	36	3,091	8	164	578	33,424
17	<a href="#">Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota (344)</a>	344	1,020	82,909	1,916	139,797	2,799	188,487	0	0	5,735	411,193
18	<a href="#">Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota (345)</a>	345	576	16,130	1,361	60,008	1,089	39,604	0	0	3,026	115,741
19	<a href="#">Yankton Sioux Tribe of South Dakota (346)</a>	346	252	4,194	387	16,381	136	3,821	0	0	775	24,396

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
	Land Area Name	Land Area Code(s)	Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
20	Sisseton - Wahpeton Oyate of the Lake Traverse Reservation, South Dakota (347)	347	127	4,809	179	6,527	1,009	37,991	2	15	1,317	49,341
21	Omaha Tribe of Nebraska (380)	380	43	1,196	98	3,798	277	12,157	0	0	418	17,151
22	Santee Sioux Nation, Nebraska (382)	382	14	308	22	832	31	941	0	0	67	2,082
23	Winnebago Tribe of Nebraska (383)	383	173	4,924	206	6,830	261	7,457	0	0	640	19,211
<b>Midwest Region</b>												
24	Minnesota Chippewa - Bois Forte Band	404	41	1,064	50	1,465	105	3,599	0	0	196	6,128
25	Minnesota Chippewa - Fond du Lac Band	405	99	1,714	103	2,026	146	2,452	0	0	348	6,192
26	Minnesota Chippewa - Grand Portage Band	406	26	712	34	1,354	55	1,527	0	0	115	3,593
27	Minnesota Chippewa - Leech Lake Band	407	14	420	23	984	209	5,746	0	0	246	7,149
28	Minnesota Chippewa - Mille Lacs Band	410	6	22	6	21	18	61	0	0	30	104
29	Minnesota Chippewa - White Earth Band	408	0	0	0	0	40	1,362	0	0	40	1,362
30	Upper Sioux Community, Minnesota (401)	401	0	0	0	0	2	52	0	0	2	52
31	Red Lake Band of Chippewa Indians, Minnesota (409)	409	0	0	0	0	1	11	0	0	1	11
32	Bad River Band of the Lake Superior Tribe of Chippewa Indians of the Bad River Reservation, Wisconsin (430)	430	11	85	23	184	553	6,290	0	0	587	6,559
33	Lac Courte Oreilles Band of Lake Superior Chippewa Indians of Wisconsin (431)	431	4	49	5	120	292	3,085	0	0	301	3,254
34	Lac du Flambeau Band of Lake Superior Chippewa Indians of the Lac du Flambeau Reservation of Wisconsin (432)	432	1	1	8	89	175	1,230	(1)	0	183	1,319
35	Oneida Tribe of Indians of Wisconsin (433)	433	1	3	1	3	23	94	0	0	25	101
36	Forest County Potawatomi Community, Wisconsin (434)	434	0	0	0	0	8	264	0	0	8	264
37	Red Cliff Band of Lake Superior Chippewa Indians of Wisconsin (435)	435	0	0	0	0	36	364	0	0	36	364
38	Stockbridge Munsee Community, Wisconsin (438)	438	0	0	0	0	3	8	0	0	3	8
39	Ho-Chunk Nation of Wisconsin (439)	439	2	46	7	122	95	1,868	0	0	104	2,035
40	Menominee Indian Tribe of Wisconsin (440)	440	0	0	0	0	1	1	0	0	1	1
41	Saginaw Chippewa Indian Tribe of Michigan (472)	472	0	0	1	8	24	550	0	0	25	557
42	Keweenaw Bay Indian Community, Michigan (475)	475 & 476	0	0	5	54	112	1,515	0	0	117	1,569
<b>Navajo Region</b>												
43	Navajo Nation, Arizona, New Mexico & Utah (780)	722-724 & 790-792	208	23,830	293	32,567	3,863	437,053	1	128	4,365	493,578

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
Land Area Name	Land Area Code(s)	Tract Resource – Level 2										
		Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total		
		Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	
<b>Northwest Region</b>												
44	Confederated Tribes of the Colville Reservation, Washington (101)	101	372	14,193	1,307	59,837	430	23,190	1	29	2,110	97,250
45	Spokane Tribe of the Spokane Reservation, Washington (102)	102	22	1,059	81	3,728	267	13,515	0	0	370	18,302
46	Kalispell Indian Community of the Kalispell Reservation, Washington (103)	103	0	0	0	0	76	1,805	0	0	76	1,805
47	Confederated Tribes of the Chehalis Reservation, Washington (105)	105	1	10	7	137	55	936	0	0	63	1,083
48	Lummi Tribe of the Lummi Reservation, Washington (107)	107	1	4	19	426	312	3,174	0	0	332	3,605
49	Makah Indian Tribe of the Makah Indian Reservation, Washington (108)	108	0	0	3	12	246	1,270	0	0	249	1,282
50	Muckleshoot Indian Tribe of the Muckleshoot Reservation, Washington (109)	109	0	0	16	410	64	728	0	0	80	1,138
51	Nisqually Indian Tribe of the Nisqually Reservation, Washington (110)	110	0	0	6	141	11	549	0	0	17	690
52	Nooksack Indian Tribe of Washington (111)	111	0	0	4	112	46	1,686	0	0	50	1,799
53	Suquamish Indian Tribe of the Port Madison Reservation, Washington (114)	114	0	0	1	108	65	1,369	0	0	66	1,476
54	Puyallup Tribe of the Puyallup Reservation, Washington (115)	115	0	0	0	0	16	17	0	0	16	17
55	Quileute Tribe of the Quileute Reservation, Washington (116)	116	0	0	0	0	29	4	0	0	29	4
56	Quinalt Tribe of the Quinalt Reservation, Washington (117)	117	10	422	163	8,528	1,230	68,644	0	0	1,403	77,594
57	Sauk-Suiattle Indian Tribe of Washington (119)	119	0	0	5	52	27	702	0	0	32	754
58	Skokomish Indian Tribe of the Skokomish Reservation, Washington (120)	120	0	0	2	15	79	1,972	0	0	81	1,987
59	Squaxin Island Tribe of the Squaxin Island Reservation, Washington (121)	121	0	0	3	40	17	411	0	0	20	451
60	Swinomish Indians of the Swinomish Reservation, Washington (122)	122	1	9	16	964	62	2,015	0	0	79	2,988
61	Tulalip Tribes of the Tulalip Reservation, Washington (123)	123	3	6	42	1,087	96	589	0	0	141	1,682
62	Confederated Tribes and Bands of the Yakama Nation, Washington (124)	124	120	6,103	310	10,150	1,797	94,626	0	0	2,227	110,879

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
	Land Area Name	Land Area Code(s)	Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
63	Confederated Tribes of the Siletz Indians of Oregon (previously listed as the Confederated Tribes of the Siletz Reservation) (142)	142	0	0	0	0	1	47	0	0	1	47
64	Confederated Tribes of the Umatilla Reservation, Oregon (143)	143	56	2,558	201	4,856	719	37,430	0	0	976	44,844
65	Burns Paiute Tribe of the Burns Paiute Indian Colony of Oregon (144)	144	0	0	11	903	64	8,464	0	0	75	9,367
66	Confederated Tribes of the Warm Springs Reservation, Oregon (145)	145	0	0	1	69	375	10,396	0	0	376	10,465
67	Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho (180)	180	312	15,524	783	38,635	1,487	146,797	0	0	2,582	200,956
68	Coeur D'Alene Tribe of the Coeur D'Alene Reservation, Idaho (181)	181	1	74	0	0	5	280	292	25,540	298	25,894
69	Nez Perce Tribe, Idaho (previously listed as Nez Perce Tribe of Idaho) (182)	182	17	602	53	2,082	545	24,944	0	0	615	27,628
70	Kootenai Tribe of Idaho (183)	183	0	0	0	0	23	557	0	0	23	557
71	Confederated Salish & Kootenai Tribes of the Flathead Reservation, Montana (203)	203	67	997	394	12,241	224	4,966	0	0	685	18,204
<b>Pacific Region</b>												
72	Big Sandy Rancheria of Mono Indians of California (506)	506	0	0	0	0	2	5	0	0	2	5
73	Big Valley Band of Pomo Indians of the Big Valley Rancheria, California (507)	507	0	0	0	0	12	5	0	0	12	5
74	Cloverdale Rancheria of Pomo Indians of California (510)	510	0	0	0	0	2	13	0	0	2	13
75	Robinson Rancheria of Pomo Indians of California (516)	516	0	0	0	0	4	11	0	0	4	11
76	Guidiville Rancheria of California (505)	520	0	0	0	0	1	2	0	0	1	2
77	Hopland Band of Pomo Indians of the Hopland Rancheria, California (521)	521	0	0	0	0	10	20	0	0	10	20
78	Fort Independence Indian Community of Paiute Indians of the Fort Independence Reservation, California (525)	525	0	0	0	0	25	31	0	0	25	31
79	Northfork Rancheria of Mono Indians of California (532)	532	0	0	0	0	1	45	0	0	1	45
80	Picayune Rancheria of Chukchansi Indians of California (534)	534	0	0	0	0	1	15	0	0	1	15

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
	Land Area Name	Land Area Code(s)	Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
81	Pinoleville Pomo Nation, California (formerly the Pinoleville Rancheria of Pomo Indians of California) (535)	535	0	0	0	0	5	17	0	0	5	17
82	Redwood Valley Rancheria of Pomo Indians of California (539)	539	0	0	0	0	2	3	0	0	2	3
83	Round Valley Indian Tribes of the Round Valley Reservation, California (540)	540	3	105	14	193	167	2,712	0	0	184	3,010
84	Greenville Rancheria of Maidu Indians of California (545)	545	0	0	0	0	1	0	0	0	1	0
85	Table Mountain Rancheria of California (551)	551	0	0	0	0	1	2	0	0	1	2
86	Karuk Tribe (formerly the Karuk Tribe of California) (555)	555	0	0	0	0	1	12	0	0	1	12
87	Blue Lake Rancheria, California (558)	558	0	0	0	0	2	2	0	0	2	2
88	Elk Valley Rancheria, California (559)	559	0	0	0	0	1	7	0	0	1	7
89	Hoopa Valley Tribe, California (561)	561	4	3	9	41	79	343	1	0	93	388
90	Yurok Tribe of the Yurok Reservation, California (562)	562	10	73	66	909	79	652	1	18	156	1,653
91	Quartz Valley Indian Community of the Quartz Valley Reservation of California (563)	563	0	0	0	0	2	21	0	0	2	21
92	Smith River Rancheria, California (564)	564	0	0	0	0	9	18	0	0	9	18
93	Augustine Band of Cahuilla Indians, California (formerly the Augustine Band of Cahuilla Mission Indians of the Augustine Reservation) (567)	567	0	0	0	0	3	41	0	0	3	41
94	Cabazon Band of Mission Indians, California (568)	568	0	0	0	0	9	165	0	0	9	165
95	La Jolla Band of Luiseno Mission Indians, California (formerly the La Jolla Band of Luiseno Mission Indians of the La Jolla Reservation) (576)	576	0	0	0	0	43	333	0	0	43	333
96	Morongo Band of Mission Indians, California (formerly the Morongo Band of Cahuilla Mission Indians of the Morongo Reservation) (582)	582	15	32	28	79	156	459	0	0	199	569
97	Pala Band of Luiseno Mission Indians of the Pala Reservation, California (583)	583	20	74	27	98	189	512	1	2	237	686
98	Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California (584)	584	2	74	12	475	158	7,079	1	30	173	7,658
99	Pechanga Band of Luiseno Mission Indians of the Pechanga Reservation, California (586)	586	29	229	30	243	43	332	1	10	103	814
100	Rincon Band of Luiseno Mission Indians of the Rincon Reservation, California (587)	587	3	7	3	7	37	104	0	0	43	119

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
	Land Area Name	Land Area Code(s)	Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
101	Sycuan Band of the Kumeyaay Nation (formerly the Sycuan Band of Diegueno Mission Indians of California) (594)	594	3	13	3	24	13	108	0	0	19	145
102	Torres Martinez Desert Cahuilla Indians, California (formerly the Torres-Martinez Band of Cahuilla Mission Indians of California) (595)	595	2	32	18	356	102	2,656	0	0	122	3,044
103	California Valley Miwok Tribe, California (formerly the Sheep Ranch Rancheria of Me-Wuk Indians of California) (628)	628	0	0	0	0	1	1	0	0	1	1
104	Habematolel Pomo of Upper Lake, California (formerly the Upper Lake Band of Pomo Indians of Upper Lake Rancheria of California) (636)	636	0	0	0	0	5	7	0	0	5	7
<b>Rocky Mountain Region</b>												
105	Blackfeet Tribe of the Blackfeet Indian Reservation of Montana (201)	201	2,808	379,635	1,847	324,555	197	29,460	0	0	4,852	733,649
106	Crow Tribe of Montana (202)	202 & 208	2,480	529,263	1,707	144,683	695	56,727	0	0	4,882	730,674
107	Fort Belknap Indian Community of the Fort Belknap Reservation of Montana (204)	204	941	115,197	1,770	290,449	317	65,629	0	0	3,028	471,275
108	Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana (206)	206	808	82,816	2,240	284,902	1,473	218,004	2	291	4,523	586,013
109	Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana (207)	207	845	46,196	0	0	0	0	0	0	845	46,196
110	Arapahoe Tribe of the Wind River Reservation, Wyoming (281) & Shoshone Tribe of the Wind River Reservation, Wyoming (282)	280	862	34,102	1,339	74,319	353	19,120	0	0	2,554	127,541
<b>Southern Plains Region</b>												
111	Cheyenne & Arapaho Tribes, Oklahoma (801)	801	202	15,540	427	25,543	509	37,763	0	0	1,138	78,847
112	Kiowa Indian Tribe of Oklahoma (802), Comanche Nation, Oklahoma (808) & Apache Tribe of Oklahoma (809)	802	521	36,153	1,075	65,741	1,384	101,525	1	19	2,981	203,437
113	Fort Sill Apache Tribe of Oklahoma (803)	803	7	202	25	975	17	1,067	0	0	49	2,244
114	Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma (804), Caddo Nation of Oklahoma (806) & Delaware Nation formerly Delaware Tribe of Western OK (807) <sup>d</sup>	804	120	9,290	286	18,075	435	32,162	0	0	841	59,527
115	Otoe-Missouria Tribe of Indians, Oklahoma (811)	811	40	2,390	152	7,122	167	10,075	0	0	359	19,587
116	Pawnee Nation of Oklahoma (812)	812	45	2,613	122	6,336	197	12,413	0	0	364	21,361

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
	Land Area Name	Land Area Code(s)	Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
117	Ponca Tribe of Indians of Oklahoma (813)	813	68	3,447	151	5,930	184	7,099	0	0	403	16,477
118	Tonkawa Tribe of Indians of Oklahoma (814)	814	0	0	1	36	6	194	0	0	7	230
119	Absentee Shawnee Tribe of Indians of Oklahoma (820)	820	40	1,731	91	5,031	132	6,100	0	0	263	12,862
120	Citizen Potawatomi Nation, Oklahoma (821)	821	11	489	23	793	28	1,324	0	0	62	2,605
121	Iowa Tribe of Oklahoma (822)	822	10	332	15	522	25	721	0	0	50	1,575
122	Kickapoo Tribe of Oklahoma (823)	823	14	288	31	852	85	3,242	0	0	130	4,382
123	Sac & Fox Nation, Oklahoma (824)	824	34	1,822	70	3,767	140	8,530	0	0	244	14,119
124	Iowa Tribe of Kansas and Nebraska (860)	860	0	0	0	0	5	73	0	0	5	73
125	Kickapoo Tribe of Indians of the Kickapoo Reservation in Kansas (861)	861	10	383	11	390	57	1,536	0	0	78	2,310
126	Prairie Band of Potawatomi Nation, Kansas (862)	862	24	962	46	1,865	251	10,779	0	0	321	13,606
127	Sac & Fox Nation of Missouri in Kansas and Nebraska (863)	863	0	0	2	38	0	0	0	0	2	38
<b>Southwest Region</b>												
128	Pueblo of Acoma (703)	703	1	320	0	0	0	0	0	0	1	320
129	Laguna (707)	707	1	406	0	0	28	2,465	0	0	29	2,870
130	Pueblo of San Felipe (712)	712	0	0	0	0	1	65	0	0	1	65
131	Zuni Tribe of the Zuni Reservation, New Mexico (721)	721	0	0	1	145	11	1,249	0	0	12	1,394
132	Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado (750)	750	34	1,153	63	4,647	9	461	0	0	106	6,262
133	Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah (751)	754	3	323	3	326	52	5,565	0	0	58	6,214
<b>Western Region</b>												
134	Colorado River Indian Tribe of the Colorado River Indian Reservation, Arizona and California (603)	603	4	20	6	21	510	3,359	0	0	520	3,400
135	Fort Mojave Indian Tribe of Arizona California & Nevada (604)	604	0	0	1	117	1	1	0	0	2	118
136	Hopi Tribe of Arizona (608)	608	0	0	0	0	11	172	0	0	11	172
137	Tohono O'odham Nation of Arizona (610)	611	0	0	0	0	281	31,521	0	0	281	31,521
138	Gila River Indian Community of the Gila River Indian Reservation, Arizona (614)	614	2	13	1	1	4,714	66,814	0	0	4,717	66,829
139	Salt River Pima-Maricopa Indian Community of the Salt River Reservation, Arizona (615)	615	0	0	0	0	1,425	18,444	0	0	1,425	18,444
140	Ely Shoshone Tribe of Nevada (644)	644	0	0	0	0	1	138	0	0	1	138

	Q	R	S	T	U	V	W	X	Y	Z	AA	AB
	Land Area Name	Land Area Code(s)	Tract Resource – Level 2									
			Surface (S)		Minerals (M)		Both (S & M)		Other Resources		Total	
			Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres	Tracts	Equivalent Acres
141	Fort McDermitt Paiute and Shoshone Tribes of the Fort McDermitt Indian Reservation, Nevada and Oregon (646)	646	0	0	0	0	4	75	0	0	4	75
142	Walker River Paiute Tribe of the Walker River Reservation, Nevada (656)	656	5	89	9	131	332	5,033	0	0	346	5,253
143	Yomba Shoshone Tribe of the Yomba Reservation, Nevada (661)	661	0	0	1	14	4	135	0	0	5	149
144	Washoe Tribe of Nevada & California (Carson Colony, Dresslerville Colony, Woodsford Community, Stewart Community, & Washoe Ranches) (672)	672	11	723	25	1,433	371	43,519	0	0	407	45,675
145	Ute Indian Tribe of the Uintah & Ouray Reservation, Utah (687)	687	210	4,235	728	46,384	112	4,445	0	0	1,050	55,064
146	Quechan Tribe of the Fort Yuma Indian Reservation, California (696)	696	20	164	18	143	678	5,861	0	0	716	6,168
<b>TOTAL</b>			<b>18,787</b>	<b>1,870,202</b>	<b>32,441</b>	<b>2,600,308</b>	<b>40,334</b>	<b>2,317,699</b>	<b>1,075</b>	<b>139,708</b>	<b>92,637</b>	<b>6,927,916</b>



## APPENDIX E. WHEREABOUTS UNKNOWN

Whereabouts Unknown (WAU) is the term used to describe IIM account holders without current address information on file with the Office of the Special Trustee for American Indians (OST). The whereabouts of approximately 31,550 (13 percent) of the 245,000 individuals unique owners is currently unknown. The Settlement provides for an outreach effort to locate landowners whose whereabouts are unknown as of the date of final approval of the Settlement. According to the Settlement:

Whereabouts Unknown. For those owners of fractional interests in trust or restricted land whose whereabouts are deemed unknown by Interior Defendants as of the date of Final Approval of this [Settlement] Agreement, Interior Defendants shall undertake the following additional efforts to attempt to locate such owners:

- a. Additional Service. In addition to the class notice requirements under this [Settlement] Agreement, the Interior Defendants shall use due diligence to provide all owners whose whereabouts are unknown with actual notice of the opportunity to convey their fractionated interests through the best means available.
- b. Notice. The Notice shall contain a general description of the Land Consolidation Program, the fractionated interests that the Interior Defendants wish to acquire, the proposed purchase price for such interests, the mailing address and a toll-free number for inquiries and clarifications regarding the Land Consolidation Program, and the process for responding to the offer to purchase.
- c. Returned Notice. In the event the written notice to an owner is returned undelivered, the Interior Defendants shall attempt to obtain a current address for such owner by conducting a reasonable search (including a reasonable search of records maintained by local, State, Federal and tribal governments and agencies) and by inquiring with the Indian tribe with jurisdiction over the subject parcel, and, if different from that tribe, the Indian tribe of which the owner is a member, if applicable, and, if successful in locating any such owner, send written notice in accordance with subparagraphs (a) and (b) above.
- d. Notice by Publication. The Interior Defendants shall give notice to all owners that the Secretary was unable to provide notice pursuant to subparagraphs (a) thru (c) above, by publication of the opportunity to convey fractionated interests as follows:
  - (1) at least two (2) times in a newspaper of general circulation in the county or counties where the subject parcel of land is located or, if there is an Indian tribe with jurisdiction over the parcel of land and that tribe publishes a tribal newspaper or newsletter at least once every month, one (1) time in such newspaper of general circulation and one (1) time in such tribal newspaper or newsletter for a period of six (6) months;
  - (2) posting such notice in a conspicuous place in the tribal headquarters or administration building (or such other tribal building determined by the Interior Defendants to be most appropriate for giving public notice) of the Indian tribe with jurisdiction over the parcel of land, if any; and
  - (3) in addition to the foregoing, in the Interior Defendants' discretion, publishing notice in any other place or means that the Interior Defendants determine to be appropriate.

If owners are not located after the Department undertakes the outreach effort and the passage of five years, the landowners shall be deemed to have consented to the conveyance of fractional interests that are located on a parcel of highly fractionated Indian land. This provision relates to WAU as to the date of final approval of the Settlement, not individuals that become WAU after final approval. In the event such WAU purchases are made, they will be for fair market value with the money deposited into an IIM account as detailed in the Settlement Agreement. Landowners may find out if they have an account on the WAU list by visiting the OST website. It is important to note that the WAU provisions are not applicable to a non-WAU landowner who receives an offer and chooses not to respond.

The Program has not exercised WAU purchases thus far, and is seeking input from tribes and individuals on whether and how it should implement the provision. Since the Program's inception, the focus has been locating WAU through outreach efforts so the individuals can receive offers and make informed decisions. The table below depicts WAU reduction by region between October 2012 and August 2014. Tribes are encouraged to help locate WAU as part of their outreach activities.

<b>BIA Region</b>	<b>Individuals owning Fractional Interests who are WAU (10-10-12)</b>	<b>Individuals owning Fractional Interests who are WAU (8-31-14)</b>	<b>WAU Reduction*</b>	<b>Percent Reduction</b>
Northwest	7,484	2,949	4,535	61%
Midwest	9,938	4,485	5,453	55%
Western	4,142	1,946	2,196	53%
Eastern Oklahoma	5,246	2,543	2,703	52%
Southern Plains	5,011	2,573	2,438	49%
Southwest	7,504	3,938	3,566	48%
Great Plains	22,143	11,784	10,359	47%
Pacific	2,466	1,412	1,054	43%
Rocky Mountain	5,098	2,958	2,140	42%

\* WAUs who own fractional interests at more than one location may be counted more than once.