

DRAFT

**Pre-Consultation Preliminary Goals for the
Cobell Trust Land Consolidation Program**

These preliminary goals are for discussion purposes only and will be revised and updated following formal government-to-government tribal consultation.

Background

Trust Land Consolidation Fund Provisions of the Cobell Settlement

The Cobell Class Action Settlement Agreement of December 9, 2009 (Settlement Agreement), provides for a \$1.9 billion Trust Land Consolidation Fund to be distributed “...in accordance with the Land Consolidation Program authorized under 25 U.S.C. §§ 2201 *et seq.* ...”

Furthermore, the Settlement Agreement requires that “The Trust Land Consolidation Fund shall be used solely for the following purposes: (1) acquiring fractional interests in trust or restricted lands; (2) implementing the Land Consolidation Program; and (3) paying the costs related to the work of the Secretarial Commission on Trust Reform, including costs of consultants to the Commission and audits recommended by the Commission. An amount of up to a total of no more than fifteen (15%) percent of the Trust Land Consolidation Fund shall be used for purposes (2) and (3) above.”

Also, the Settlement Agreement mandates that “Interior defendants shall have no more than ten (10) years from the date of final approval of this Agreement to expend the Trust Land Consolidation Fund...”

The Claims Resolution Act of 2010 (P.L. 111-291)

Title I of the Claims Resolution Act of 2010 requires that “The Secretary shall consult with Indian tribes to identify the fractional interests within the respective jurisdictions of the Indian tribes for purchase in a manner that is consistent with the priorities of the Secretary.”

Pre-Consultation, Preliminary Goals for the Cobell Trust Land Consolidation Program

In accordance with the above provisions, the Department of the Interior has identified the following Pre-Consultation, Preliminary Goals for the Cobell Trust Land Consolidation Program. These preliminary goals are for discussion purposes only and will be revised and updated following formal government-to-government tribal consultation.

1. Goal 1: Reduce land fractionation in highly fractionated areas.

- A. Strategy 1: Prioritize Highly Fractionated Lands: This strategy would prioritize the valuation and purchasing of lands with the most fractionation, such as those lands with >20 owners.

- B. Strategy 2: Target Individual Indian Money (IIM) Account Owners: This strategy would target acquisition of 100 percent of a landowner's interests. All of the IIM account holder's trust or restricted land interests will be targeted for acquisition in order to close the IIM account and potentially eliminate a need to probate.
 - C. Strategy 3: Target Landowners Having the Most Number of Purchasable Interests: This strategy would rank each landowner by the number of interests they own and target acquisitions to obtain 100 percent of the landowner's interest.
 - D. Strategy 4: Target Landowners Having the Most Number of Tracts: This strategy would rank each landowner by the number of tracts in which they hold interests.
- 2. Goal 2: Implement a plan that is time and cost efficient.**
- A. Strategy 5: Target Lands Requiring Minimal Prep Work Prior to Offers Being Made: This strategy would prioritize the valuation and purchasing of lands that would require minimal preparatory work prior to an offer being made to owners.
 - B. Strategy 6: Target Tracts Which Have Landowner Consent: This strategy would prioritize the valuation and purchasing of those lands where the landowner has previously expressed a desire to sell prior to an appraisal or minerals valuation being conducted.
 - C. Strategy 7: Target Tracts with Largest Interest Per Owner: This strategy would identify tracts with both relatively low fractionation and a few "large" interest owners, the acquisition of whose interests could bring a tribe to a controlling level of interest in that tract with a minimal number of acquisitions.
- 3. Goal 3: Consolidate land in areas of Tribal preference (To be determined through formal government-to-government Tribal consultation)**
- A. Strategy 8: Target Tracts Identified by the Tribes: Through tribal consultation, this strategy would target those tracts the individual tribes identify as the tracts they most want to acquire.
 - B. Strategy 9: Target Tracts with Economic Opportunity for Tribes: Through tribal consultation, this strategy would identify and target those tracts that would be considered as having economic development potential for the tribe.