



## **Cobell Land Consolidation Program Draft Plan**



**U.S. Department of the Interior**

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## Welcome Letter from Secretary Salazar

Thank you for your interest in the Cobell Land Consolidation Program.

The Cobell Settlement is a key priority for the Obama Administration and signals a new era in the U.S. Government's relationship with Indian Country. The Cobell Settlement not only resolves 15 years of contentious litigation, but also honorably and responsibly turns the page on an unfortunate chapter in the Department of the Interior's history.

The Cobell Settlement was approved by Congress on November 30, 2010 and signed by the President on December 8, 2010. The settlement was also approved by the U.S. District Court on June 20, 2011. We are awaiting final court approval while appeals of the Settlement are completed.

Responding to feedback from Indian Country, in April of this year, the Department of the Interior worked with the Department of Justice to file a motion with the U.S. District Court for permission to communicate with Class Members regarding Land Consolidation. We were very pleased when the motion was granted, leading us to begin government-to-government tribal consultations on the Cobell Land Consolidation Program on July 15, 2011. The Department of the Interior held seven regional tribal consultations across the country to hear from tribes, individual allottees, and interested tribal organizations.

This Draft Plan reflects the Department of the Interior's suggested path forward on implementation of the Cobell Land Consolidation Program. This Draft Plan incorporates feedback received through tribal consultations and written comments to date.

I look forward to receiving your valued input on this Draft Plan during the public comment period.

Sincerely,

Ken Salazar

## Executive Summary

### 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 “[t]he 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 not more than fifteen (15%) percent of the Trust Land Consolidation Fund shall be used for purposes (2) and (3) above”—i.e. \$285million. Additionally, up to \$60 million shall be put aside for an Education Fund, according to the Settlement Agreement.

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...” That period begins after all appeals are exhausted.

The Settlement Agreement will not be finalized until all appeals are completed.

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

Title I of the Claims Resolution Act of 2010 requires that “[t]he 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.”

### Goals for the Cobell Land Consolidation Program

**In accordance with the above provisions, the Department of the Interior has identified the following Goals for the Cobell Land Consolidation Program in no particular order:**

**Goal 1: In a manner that incorporates tribal priorities and promotes tribal participation the Department will reduce land fractionation in highly fractionated areas.**

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.

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.

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.

**Goal 2: In a manner that incorporates tribal priorities and promotes tribal participation the Department will implement a plan that is time and cost efficient.**

Strategy 4: Target Lands Requiring Minimal Preparatory 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.

Strategy 5: Target Tracts Owned by Willing Sellers: This strategy would prioritize the valuation and purchasing of those lands where the landowner has expressed a desire to sell prior to an appraisal or minerals valuation being conducted.

Strategy 6: Target Tracts with Large Interests to Gain Controlling Interest Quickly: This strategy would identify tracts with relatively low fractionation and "large" interest owners, the acquisition of which could bring a tribe to a controlling level of interest in that tract with a minimal number of acquisitions.

## Introduction

Implementation of the Cobell Land Consolidation Program pursuant to the Settlement Agreement will present a variety of unique opportunities and complex challenges. The Department of the Interior (Department) has indentified two central goals for implementation of the Cobell Land Consolidation Program. The goals of the Cobell Land Consolidation Program are to reduce land fractionation in highly-fractionated areas (Goal 1) and implement a plan that is time and cost efficient (Goal 2). Furthermore, emphasis will be placed on achieving these goals in a manner that promotes tribal participation and incorporates tribal priorities, as expressed during past and future government-to-government consultations.

### **Goals and Strategies of Cobell Land Consolidation Program**

**Goal 1:** In a manner that incorporates tribal priorities and promotes tribal participation the Department will reduce Land Fractionation in Highly Fractionated Areas

Strategy 1 – Prioritize Highly Fractionated Lands

Strategy 2 – Target Individual Indian Money (IIM) Account Owners

Strategy 3 – Target Landowners Having the Most Number of Purchasable Interests

**Goal 2:** In a manner that incorporates tribal priorities and promotes tribal participation the Department will implement a Plan that is Time and Cost Efficient

Strategy 4 – Target Lands Requiring Minimal Prep Work Prior to Offers Being Made.

Strategy 5 – Target Tracts Owned by Willing Sellers.

Strategy 6 – Target Tracts with Large Interests to Gain Controlling Interest Quickly.

This Draft Plan includes programs that build off of these two goals. These programs are the Targeted Land Fractionation Program and the Willing Seller Program. Additionally, there are opportunities for Tribes to enter into Cooperative Agreements with the Department under any Program. The Plan will allow the Department to reduce land fractionation in a time efficient and cost-effective manner, while allowing tribes to participate as appropriate, given the administrative costs limitations, and ensuring that willing sellers can sell their interests, regardless of their location. This Draft Plan will be finalized after additional input is received through the public comment period.

## Tribal Consultations

The consultation process is fundamental to the government-to-government relationship between the United States and tribes. While the Settlement Agreement will not be finalized until all appeals are completed, the Department thought it was necessary to begin government-to-government consultation on the Cobell Land Consolidation Program beforehand. On May 27, 2011, Judge Thomas F. Hogan of the U.S. District Court for the

District of Columbia, in response to a motion on behalf of the Department, granted permission for Department officials to begin communicating with class members on the land trust consolidation provisions of the Settlement Agreement. Department officials held seven regional government-to-government tribal consultations which provided valuable input in developing this Draft Plan. The Department also held a written comment period from June 13 – November 1, 2011 where tribal leaders, members of the public, and organizations were encouraged to submit comments on the Cobell Land Consolidation Program.

The regional tribal consultation meetings took place on July 15, 2011, in Billings, Montana; August 18, 2011, in Minneapolis, Minnesota; September 16, 2011, in Seattle, Washington; September 27, 2011, in Albuquerque, New Mexico; September 29, 2011, in Phoenix, Arizona; October 6, 2011, in Oklahoma City, Oklahoma; October 26, 2011 in Rapid City, South Dakota.

Below is a summary of the major themes heard during the regional consultation meetings and received through written comment, and the Department's action to respond to each major theme.



## Major Tribal Consultation Themes

### **TRIBES IMPLEMENTING LAND CONSOLIDATION – COOPERATIVE AGREEMENTS / MEMORANDA OF UNDERSTANDING (MOU) / MEMORANDA OF AGREEMENT (MOA)**

The most common theme heard during the consultations was that tribes wanted to have a direct role in the administration and implementation of the Cobell Land Consolidation Program. Many tribes have existing land consolidation offices and would like to be able to undertake a range of functions in the land consolidation process based on their interests and capacities, including prioritizing and identifying tracts and landowners, hiring or undertaking appraisals, and administering the acquisition of the land. Many tribes initially mentioned using 638 contracting to allow for this type of role. However, the Indian Land Consolidation Act does not provide for agreements subject to the provisions of the Indian Self-Determination and Education Assistance Act of 1974 in the Secretary's land acquisition program. Despite this limitation there are still a number of programs that tribes currently operate under 638 contracts or self-governance agreements, which relate to land consolidation, such as conducting appraisals and various realty functions. Therefore, tribes



have advocated using MOAs, MOUs, or other cooperative agreements to allow for tribal participation in the acquisition process.

*“There are a number of tribes that are very competent in operating their programs and we should allow them to operate it in a contract to contract manner.”* – Bud Moran, Salish and Kootenai Tribe (Billings, Montana Consultation)

*“Walker River asks that you allow tribes to develop and administer their own Land Consolidation Programs. Tribes know what is in the best interest of their tribe and tribal members. They know which fractionated lands would be priority and benefit most for agriculture, wetland preservation, protection for cultural resources and economic development.”* – Victoria Guzman, Walker River Paiute Tribe (Phoenix, Arizona Consultation)

*“We have the historical, technical and management experience to acquire fractionated interests and to put such interests to the immediate use for the improved land use and economic development activities. Through our Treaties, this is our right.”* – President Rodney Bordeaux, Rosebud Sioux Tribe. (Rapid City, South Dakota Consultation)

*“The proposal is for the Quinault Nation to enter into an agreement, whether that's an MOU or a cooperative agreement, but basically enable the Quinault Nation to administer the land consolidation program on the reservation. The Quinault Nation has [a] government that has very close relationships to land owners. It has tribal policies, priorities and stewardship obligations for the community as well as for the individual land owners. The Quinault Nation has a vested interest in ensuring that the procedures that are developed for implementation of the land consolidation program are efficient. And lastly, of course, our people, being our homeland, have local knowledge of the land and the resource values.”* – Dr. Gary Morishima, Quinault Indian Nation (Seattle, Washington Consultation)

Department Action: Utilizing this input received during tribal consultations, the Department has designed its Cobell Land Consolidation Program to be able to promote Tribal participation through cooperative agreements, as described later in this Draft Plan. The Department expects that cooperative agreements could address specific components of the land consolidation process, such as public outreach, realty work, or a combination of several components of the program. Additionally, all tribes will be asked and expected to provide input regarding land consolidation activities on their reservations.

### **EXPENDING FUNDS WITHIN TEN YEARS**

Tribal leaders voiced concern about the Department’s capacity to effectively spend the \$1.9 billion on fractionated land purchases in the ten-year timeframe provided for in the Settlement Agreement and the Claims Resolution Act. Many tribal leaders and members of

the public emphasized that they did not want to see any unused funds returned to the Treasury.

*“The other thing is we are concerned about capacity. What is the capacity of the bureau? The history of the Department of Interior is that you’ve never been able to spend more than \$30 million dollars in any given year purchasing fractionated land interests.” -Majel Russell, Crow Tribe (Billings, Montana Consultation)*

Department Action: The Department understands concerns based on past funding levels of the historical Indian Land Consolidation Program and plans to complete the major components of the Cobell Land Consolidation Program within the 10-year timeframe. As part of the Cobell Land Consolidation Program, the Department is evaluating its existing programs and resources and is working to ensure that any necessary changes will be made to increase its capacity and efficiency to successfully implement the Program. Examples of possible changes include increasing the use of mass appraisals, automating program processes and better coordinating Department offices at the regional level.

## **LIENS**

Tribal leaders and individual tribal members expressed strong dissatisfaction with the idea that liens would be placed on lands purchased under the program. Many stated that making tribes pay back the costs of the land would undermine the goal of the Settlement Agreement to empower tribes to engage in land use planning for the benefit of their members.

*“In essence, putting a lien on those properties and the forgone income from those properties is the equivalent of the tribes buying that property with a loan from the Bureau of Indian Affairs, and that certainly was not the intent of the settlement.” -Cris Stainbrook, President of Indian Land Tenure Foundation (Minneapolis, Minnesota Consultation)*

Department Action: Under the Indian Land Consolidation Act, a lien is automatically placed on acquired land; however, there are methods for removal of the lien. The Department is currently analyzing its ability to waive liens in recognition of the importance of addressing this concern.

## **APPRAISALS**

Several times it was recommended that the Department look into the use of mass appraisals to dramatically reduce the time and costs of land valuation, although there was also concern regarding whether mass appraisal techniques would be adequate. Some suggested that appraisals be more localized as needed and use comparable non-tribal lands in the area. Several tribal leaders and individuals were concerned about the costs of private appraisers and thought that there should be a limit to the amount of funds spent on

appraisals. Several tribes were also concerned with whether the appraisals would be for only the surface land, or also for minerals, such as coal and oil, beneath the surface.

*“The appraisal process, we need to have some kind of a system where we don’t have to appraise every piece of land that’s there. We can buy a piece of land on one section and then have to have the appraisal on the next section when it is identical land on our reservation... We need to streamline that process too.”* -Rick Kirn, Fort Peck Assiniboine and Sioux Tribes (Billings, Montana Consultation)

Departmental Action: The Department is actively pursuing a number of appraisal techniques, including mass appraisals, to make the process more efficient. Further discussion on the appraisal process is included later in this Draft Plan.

### **DATA REQUEST**

At every consultation, tribes requested that they be given access to up-to-date data about fractionated interests and landowners on their reservations as soon as possible so that they can develop a thorough plan and be ready to implement a program.

*“We think it’s critically important that tribes be provided with maps or lists of the lands you’ve identified as fractionated, or highly fractionated, so we can put them into maps and begin our review for upcoming acquisitions. We think this should happen now even before the plan is finalized.”* - Ryan Rusche, attorney for Assiniboine Sioux Tribe (Billings, Montana Consultation)

Department Action: The Department agrees with these comments and has included a table of fractionated tracts and fractionated interests by land area as an appendix to this Draft Plan. The Department is committed to providing further data and information to tribes in a timely manner.



### **ESTATE PLANNING and PROBATE**

Many tribes also suggested that the Department place a priority on estate planning, drafting of wills, and probate, stating that this was an opportunity to efficiently purchase interests before they were further fractionated.

Department Action: The Department understands that the Indian Land Consolidation Act includes provisions to purchase fractionated land interests at probate, and is analyzing the Department's ability to utilize those provisions in a manner consistent with the goals of the Cobell Land Consolidation Program.

### **ACQUISITION INCENTIVES**

Participants across the regions raised concerns about informing, educating, and motivating landowners to participate in the Land Consolidation Program. They noted that some landowners might not understand that the tribes will receive the purchased land, or might not understand the potential value of participating in the program. Some tribes also mentioned the potential of providing additional incentives to landowners, from the Settlement funds or from their own funds, such as minimum payments or closing bonuses. In the Great Plains and Rocky Mountain Regions, tribal leaders suggested minimum prices or transaction/closing costs for individual account holders who have low-value interests, to make it worthwhile for them to participate in the Program.

Department Action: The Department is analyzing whether it has the authority to offer a minimum value for purchase of fractionated land interests. The Indian Education Scholarship Fund in the Settlement Agreement was also envisioned as a means for encouraging individuals to convey their interests.

### **TRIBAL PARTICIPATION GOING FORWARD**

In addition to showing strong interest in administering some if not all aspects of the land consolidation programs within their own tribes, many tribal leaders suggested that the Department give them opportunities for input on the draft plan, including continued consultation in the process and also asked to stay engaged in evaluation and periodic review of the Program as the implementation takes place.

Department Action: The Department agrees with these comments and is committed to continued consultation throughout the implementation process. The Department will also incorporate feedback received during the public comment period regarding this Draft Plan before it is finalized.

### **WILLING SELLERS**

Tribes suggested targeting those owners that are ready and eager to sell their interests. While all sales under the Cobell Land Consolidation Program are voluntary, tribes emphasized that all willing sellers, regardless of the location of their interests, should be accommodated, and not limited to those areas where there is a high concentration of highly fractionated tracts.

*“In the Southwest Region, it shows that we are the smallest. Point 3 percent of our people in the Southwest are allottees. And based on that, don't forget us just because our number is small. It still impacts us just the same as everybody else, that 1.306 that's showing there, we have that same – we're at the same level of how we are – as landowners, we have the same interests as the other allottees across the nation.” – Martha Garcia, Ramah Band of Navajo (Albuquerque, New Mexico Consultation)*

Department Action: Utilizing the input received during tribal consultations, the Department has developed a strategy focused on willing sellers which targets owners of fractionated interests regardless of their location.

## Scope of Fractionation

The problem of land fractionation is a direct result of allotment era policies, such as the General Allotment Act.<sup>1</sup> As reservations were allotted in the late nineteenth and early twentieth centuries, individual Indians became sole owners (allottees) of distinct tracts of land (allotments). With each succeeding generation, however, the land was often inherited by multiple heirs, each receiving an undivided fraction of the original tract. Multiple generations of inheritances yielded extraordinary growth in the number of individual interest in each allotment. Beneficial ownership of the underlying lands is now shared among some four million interests, and the Department has recorded individual ownership interests to the 42<sup>nd</sup> decimal. H.R. Rep. No. 102-499, at 28 & n. 94 (1992). This fractionation created significant problems and challenges related to administration of allotments and limited the productive use to allottees.<sup>2</sup> The court in the *Cobell* litigation noted the administrative challenge, finding that Interior must divide each revenue receipt among what is often “dozens to more than 1,000 individual owners of a single allotment.” *Cobell v. Norton*, 283 F.Supp.2d 66, 182 (D.D.C. 2003). The result is that many account holders own interests in multiple fractionated allotments, and thousands of accounts have “little or no activity” and “balances less than \$50.” *Id.* at 28. Through estate planning or past land consolidation efforts, some allotments today are still owned by single individuals. However the majority of allotments are highly fractionated..

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<sup>1</sup> 24 Stat. 388 (Feb. 8, 1887) (formerly codified at 25 U.S.C. §§ 331-333, also known as the Dawes Act). *See also*, e.g. 38 Stat. 582 (Aug. 1, 1904 (Camp Verde Yavapai-Apache Reservation); 27 Stat. 52 (June 1892) (Hoopa Valley Rancheria); 28 Stat. 677 (Feb. 20, 1895) (Southern Ute); 34 Stat. 325 (June 21, 1906) (Couer d’Alene).

<sup>2</sup> Felix S. Cohen., Handbook of Federal Indian Law § 16.03 (2005) (“By the 1920s, federal officials acknowledged that the allotment policy had not only failed to serve any beneficial purpose for Indians, but had been terribly harmful.”).



While the problem of fractionation has grown exponentially over the past century, there are a finite number of reservations that are affected by the issue. As of October 31, 2011, there were 88,638 tracts of land that were held in trust by the United States for two or more individual Indian owners. The complete list of affected land areas that contain purchasable interests is shown in Appendix B and the following table and pie chart reflect the regional breakout of those lands and fractional interests. These lands are held in trust for the benefit of 227,331 individual Indians. Figure 1 and Table 1 below show a comparison of the level of fractionation by Bureau of Indian Affairs (BIA) Region.

The Cobell Land Consolidation Program will be focused on the acquisition of fractional interests consistent with the terms of the Settlement Agreement, the Claims Resolution Act of 2010, and the Indian Land Consolidation Act, 25 U.S.C. § 2201 et seq., define the parameters of the Cobell Land Consolidation Program. By statute, interests purchasable by the Secretary of the Interior include individually owned fractionated interests in trust or restricted lands only and do not include Government-owned interests, interests held in fee, partial interests owned by non-Indians or interests constituting 100 percent ownership of a tract by an individual.<sup>3</sup> The Indian Land Consolidation Act does not apply to land located in Alaska. 25 U.S.C. § 2219.

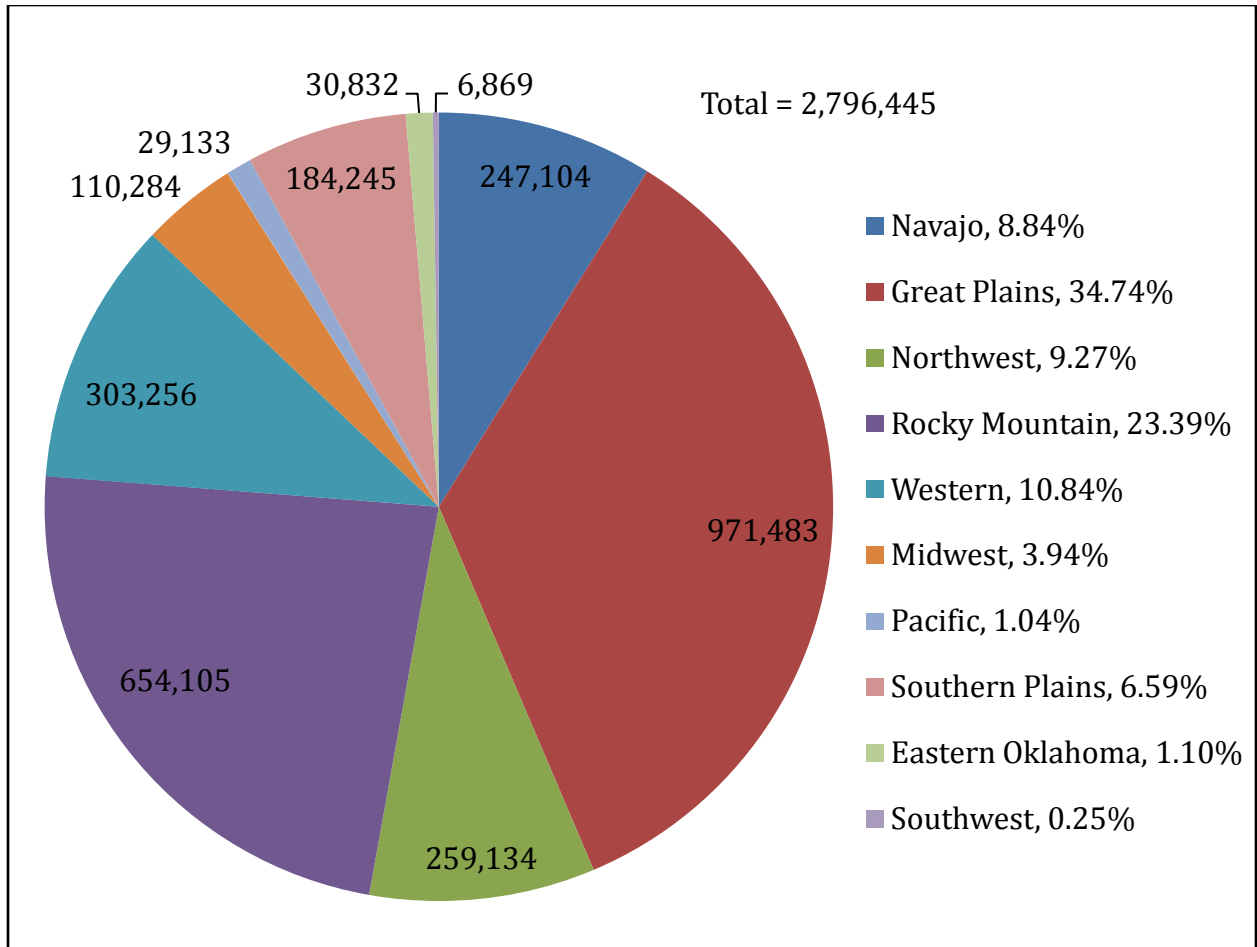
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<sup>3</sup> “Purchasable” is defined as those interests the ILCP can acquire under AIPRA (American Indian Probate Reform Act).

**Table 1.** Fractionated Interests and Fractionated Tracts by Region (As of 10/31/2011). Fractionated tracts are tracts of land with two or more different owners, aggregated fractional interests are the number of owners on those tracts. Percentages are the percent each region has of the nationwide total.

<b>Region</b>	<b>Fractionated Tracts</b>		<b>Aggregated Fractional Interests</b>	
	<b>Count</b>	<b>Percent</b>	<b>Count</b>	<b>Percent</b>
Eastern Oklahoma	3,263	3.68%	30,832	1.10%
Great Plains	28,346	31.98%	971,438	34.74%
Midwest	2,100	2.37%	110,284	3.94%
Navajo	4,123	4.65%	247,104	8.84%
Northwest	12,629	14.25%	259,134	9.27%
Pacific	1,458	1.64%	29,133	1.04%
Rocky Mountain	19,944	22.50%	654,105	23.39%
Southern Plains	6,918	7.80%	184,245	6.59%
Southwest	414	0.47%	6,869	0.25%
Western	9,443	10.65%	303,256	10.84%
<b>Total</b>	<b>88,638</b>	<b>100.00%</b>	<b>2,796,445</b>	<b>100.00%</b>





**Figure 1.** Total Number of Aggregated Fractional Interests by Region (As of 10/31/2011)

# Overview of the Land Consolidation Program

## Historical Indian Land Consolidation Program Process

The Indian Land Consolidation Program (ILCP) within the BIA has been in existence as a pilot project since 1999. The Program was made permanent by the Indian Land Consolidation Act Amendments of 2004. The main office for the Program is located in Ashland, Wisconsin, with other acquisition centers located in Aberdeen, South Dakota, Albuquerque, New Mexico, and Crownpoint, New Mexico. Since its inception the ILCP has acquired over 425,000 interests, totaling over 640,000 acres. Historically the Program has utilized the Office of Appraisal Services (OAS) and the Office of Minerals Evaluation (OME) and the BIA Division of Forestry to assist in certain aspects of the program. The OAS is part of the Office of the Special Trustee (OST) and more specifically is under the supervision of the Deputy Chief Appraiser. The OAS conducts appraisals, appraisal reviews and appraisal consulting of real property interests in support of the Secretary of the Interior's Indian trust management responsibilities. Similarly, OME performs mineral assessments and market analyses to determine the minerals contribution which supports the appraisal process for the fair market value of Indian lands. The BIA Division of Forestry appraises merchantable timber interests.

The level of activity of the ILCP Program over the past decade has been dictated by funding levels. The program only targeted approximately 20 reservations and within those reservations the ILCP targeted the most highly-fractionated tracts, and more specifically targeted those interests equal to or less than 2 percent of the whole tract. In these reservations, ILCP purchases have achieved 100 percent tribal ownership on over 440 tracts and five reservations now have majority ownership in a majority of the allotted tracts within their jurisdiction.

The appraisal process currently used by the ILCP includes similar elements comparable to real estate appraisals. Once the ILCP targets an eligible tract or a willing seller notifies the ILCP that they are interested in selling their interest, OST provides an appraisal of the tract and establishes its fair market value. The OST appraisal may consist of a surface estate appraisal, a subsurface estate appraisal, or a combined surface and subsurface estate appraisal. The appraisal assignment may also include a contributory value of timber estate as well as a mineral estate. Once the necessary appraisals are completed to provide an estimate of the fair market value of a tract, the ILCP uses the tract value to calculate the pro rata share based on the undivided fractionated interests held in common by the interest owners. An offer is sent to all co-owners of the appraised tract. After an interest owner receives an offer, he or she can decide whether to sell their fractionated interests or not.

## **Valuation and the Various Types of Estates**

Surface only (“S”) parcels: The OAS appraises the parcel, however if timber is an important component to value, a BIA timber appraisal will be necessary prior to OAS valuing the timber land parcel. The OAS works with BIA Forestry to incorporate these values in the appraisal. Once the “S” parcel is appraised, the OAS sends the appraisal report to ILCP for processing.

Minerals only (“M”) parcels: OME evaluates the parcel and sends the resulting information directly to the ILCP for processing.

Combined estate (surface and minerals) (“B”) parcels: Prior to OAS valuation, OAS needs in hand 1) the OME minerals evaluation and, 2) if timber is an important component to value, OAS must also have a BIA timber appraisal. Once OAS completes the appraisal of the total property, the appraisal report is sent to the ILCP for processing.

## **The Future of the Department’s Program for Land Consolidation**

The Department anticipates centralized management and accountability for this unique Program under the \$1.9 billion Cobell Land Consolidation Program. As part of the Cobell Land Consolidation Program, the Department is evaluating its existing programs and resources and is working to ensure that any necessary changes will be made to increase its capacity and efficiency to successfully implement the Program. Examples of possible changes include increasing the use of mass appraisals, automating program processes ensuring adequate administrative support, and better coordinating offices at the national and regional levels.

The Department’s plan includes a multi-faceted approach to land consolidation. As noted above, these include (1) a Targeted Land Fractionation Program, (2) a Willing Seller Program, and the utilization of Cooperative Agreements with Tribes. The Targeted Land Fractionation Program will target land areas where appraisals or mineral valuations have recently been completed, or where they can be completed in a short timeframe, accomplishing the Department’s goals. In these targeted land areas, the Department will target as many tracts as is timely and cost-efficient, while also incorporating tribal priorities. Understanding that many willing sellers may not be located within those initially targeted land areas, the Department has designed its Program to accommodate willing sellers, regardless of their location by regionalizing Program resources and encouraging tribal participation. To ensure efficiency of the Willing Seller Program, certain criteria (proposed below) will have to be met for individuals to qualify in the Willing Seller Program. Finally, the Department will enter into Cooperative Agreements with tribes that would allow tribes to carry out aspects of the land acquisition program and maximize participation and incorporation of tribal priorities.

## **Program 1: Targeted Land Fractionation Program**

This Program is designed to achieve both Goals 1 and 2—to reduce land fractionation in highly fractionated areas in a timely and cost-efficient manner—in a manner that incorporates tribal priorities and promotes tribal participation.

Initially, this program will target an identified set of land areas where appraisals or mineral valuations have recently been completed, or where they can be completed in a short timeframe and those regions that contain the most highly fractionated tracts. As part of the planning process, preliminary conditions and criteria for targeting land areas will be established. These factors include, but are not limited to: the number of willing sellers identified pre-appraisal, the number of highly-fractionated tracts, recent appraisal or valuation activity, and the ease of completing new assessments. Once any land area has been targeted, the Department will work closely with the affected tribe to incorporate that tribe's priorities and preferences. In order to maximize the use of resources in any one land area, the Department will utilize mass appraisal techniques where appropriate and will generate offers for all tracts appraised.

As appraisals are completed in a targeted land area, new land areas will be targeted for appraisals based on similar criteria. Land areas containing fractionated interests that are not likely to be sold by their owners will be prioritized lower, as it would not be cost effective to conduct Program activities in those areas. Land owners that are interested in selling a significant portion of their interests or that hold a large number of interests in a tract will also be targeted. Another target of the Program is to help eliminate Individual Indian Money accounts and probates by acquiring as many landowner interests as possible across numerous reservations. Indeed, throughout the consultation process, tribes expressed this as an important goal. This part of the Program would also target those tracts for which the ILCP already has willing sellers. The ILCP has kept willing seller applications on file and maintains a record of inquiries from landowners who are actively seeking to sell their interests. There are currently approximately 1,905 individual Indians who own about 59,591 fractionated interests worth an estimated \$19 million or more that want to sell their interests under the ILCA. An estimated 53,875 of those interests fall within the category of highly fractionated lands within the Great Plains and Midwest Regions.

Cost savings may be realized as many of the parcels within the most highly fractionated areas are already undergoing the process of analysis by OAS and OME, or the analysis has recently been completed. According to the Uniform Standards of Professional Appraisal Practice (USPAP), reappraisals are not always necessary. As a result, depending on when the original appraisal was completed, some parcels may only need an updating of prior analyses rather than full comprehensive analyses. Identifying areas where much of the

groundwork has been performed should result in cost savings. Because sending out offers in these regions can be done quickly, the Department will be able also to focus its efforts in other land areas that have never been targeted by the ILCP.

### Initially Targeted Land Areas

The Department anticipates, in coordination with tribal priorities, focusing on a set of land areas where there is a high degree of fractionation and where appraisals have recently been completed. As stated above, many land areas have had appraisals recently completed or are currently being conducted. The Department may also be able to utilize mass appraisal techniques (MAPS) as a result of the homogeneous nature of the land and as long as there is no significant contributory value from the mineral estate or timber estate.

As shown by Figure 3, the top 10 most highly fractionated land areas contain 52 percent of all fractionated interests. Expanding this list to the top 20 land areas yields 70 percent and expanding to the top 40 land areas yields 87 percent of the fractionated land areas. The top 40 most highly fractionated land areas and the segregated fractional interest counts are listed in Table 2. As summarized by Table 1 and Figure 1 shown on pages 16-17, the most highly fractionated lands are primarily located in the Navajo, Great Plains, and Rocky Mountain Regions. Concentrating efforts in these Regions may result in the highest number of purchasable interests being acquired.

**Table 2.** Fractional Interests for the Top 40 Most Highly Fractionated Land Areas. *Please note that these numbers and approximations are subject to change.*

<b>Land Area Name</b>	<b>Region</b>	<b>Segregated Fractional Interest</b>	<b>Percent of Total</b>	<b>Sum of Percents</b>
Bad River	Midwest	27,022	0.68%	82.02%
Blackfeet	Rocky Mtn	240,473	6.05%	26.10%
	Southern			
Cheyenne & Arapaho	Plains	53,303	1.34%	74.60%
Cheyenne River	Great Plains	82,610	2.08%	56.65%
Chickasaw (Five Civilized Tribes)	E. Oklahoma	20,028	0.50%	87.13%
Colville	Northwest	46,830	1.18%	77.01%
Crow	Rocky Mtn	222,466	5.59%	37.51%
Crow Creek	Great Plains	58,259	1.46%	67.24%
Fond du Lac	Midwest	36,307	0.91%	78.91%
Fort Belknap	Rocky Mtn	66,330	1.67%	67.24%
Fort Berthold	Great Plains	118,384	2.98%	49.14%
Fort Hall	Northwest	67,934	1.71%	65.57%
Fort Peck	Rocky Mtn	141,319	3.55%	46.17%

Fort Totten	Great Plains	78,963	1.99%	58.63%
Gila River	Western	231,340	5.82%	31.91%
	Southern			
Kiowa, Comanche, Apache	Plains	68,616	1.73%	62.15%
Lac Courte Oreilles	Midwest	23,741	0.60%	84.55%
Leech Lake	Midwest	25,131	0.63%	83.32%
Lower Brule	Great Plains	39,113	0.98%	77.99%
Navajo – New Mexico	Navajo	290,831	7.31%	7.31%
Navajo – Arizona	Navajo	26,572	0.67%	82.69%
Nett Lake-Bois Forte	Midwest	20,575	0.52%	86.11%
Omaha	Great Plains	28,380	0.71%	81.35%
Pine Ridge	Great Plains	248,783	6.26%	20.05%
	Southern			
Ponca	Plains	34,676	0.87%	79.78%
Quinault	Northwest	48,962	1.23%	75.83%
Rosebud	Great Plains	114,899	2.89%	52.03%
Salt River	Western	63,068	1.59%	70.45%
San Xavier (Tohono O’odham)	Western	20,411	0.51%	86.63%
Sisseton	Great Plains	71,206	1.79%	60.42%
Standing Rock	Great Plains	257,721	6.48%	13.79%
Turtle Mountain	Great Plains	33,890	0.85%	80.63%
Turtle Mountain PD – Fort Belknap	Rocky Mtn	20,619	0.52%	85.60%
Uintah & Ouray (w/Uncompaghre)	Western	64,526	1.62%	68.86%
Umatilla	Northwest	24,968	0.63%	83.95^
	Southern			
Wichita, Caddo, Delaware	Plains	21,046	0.53%	85.08%
Wind River	Rocky Mtn	202,952	5.10%	42.61%
Winnebago	Great Plains	100,875	2.54%	54.57%
Yakama	Northwest	68,128	1.71%	63.86%
Yankton	Great Plains	53,742	1.35%	73.26%
<b>Totals</b>		<b>3,976,744</b>	<b>100</b>	<b>--</b>

## Program 2: Willing Seller Program

The Department understands that many fractionated interest owners may not own interests on parcels in the land areas initially targeted by the Targeted Land Fractionation Program. Based on input received at tribal consultations, the Department will make every effort to purchase fractionated interests from willing sellers, regardless of the location of their parcels. In order to maximize the limited resources available for administration of the program, however, certain criteria (proposed below) must be satisfied before the Department expends the resources to conduct ILCP operations in land areas not under the Targeted Land Fractionation Program.

### Tribal Input on Willing Sellers

“...In the Southwest Region, it shows that we are the smallest. Point 3 percent of our people in the Southwest are allottees. And based on that, don't forget us just because our number is small. It still impacts us just the same as everybody else.... As landowners, we have the same interests as the other allottees across the nation.” – Martha Garcia, Ramah Band of Navajo (Albuquerque, New Mexico Consultation).

Over the past decade, the ILCP has received approximately 40,000 requests from sellers wanting the Program to purchase their interests. Due to limited capacity, the ILCP simply could not accommodate those requests. As the land consolidation program is expanded during the implementation of the Cobell Land Consolidation Program, the Department anticipates the number of willing sellers to grow as more individuals are made aware of the Program. Some of these willing sellers may own interests located in land areas outside of those targeted in the first years of operations and the interests may not have appraisals completed.

Under the Willing Seller Program, the Department will identify a list of criteria that could trigger the Department to target a particular land area earlier in the 10-year period of operations than it would otherwise do so.

Currently, the following list of criteria is being considered by the Department. Tribal input is key to prioritizing these criteria, and the Department asks for tribes to specifically respond with their priorities.

- **Willing Seller Threshold.** Once the number of interests owned by willing sellers in a given land area reach a certain percentage of the total number of interests within that land area. The Department will target that land area for consolidation.
- **Tribal Priority Tract.** The willing sellers own interests within a tribally indentified priority tract.

- **Most Highly-Fractionated Land Areas.** While many of the most highly-fractionated land areas will be targeted early in the 10-year period of operations, for those not initially targeted, the Department will re-evaluate based on the number of willing sellers.
- **IIM Account Closures.** Acquisition of 100 percent of a willing seller's interests would potentially eliminate a probate and IIM account and because of potential cost savings would provide a greater incentive for the Department to target those interests.
- **Low Administrative Costs.** Certain land areas may not be initially targeted by Program 1, but nevertheless may be relatively easy to appraise and determine land values. A threshold number of willing sellers in these land areas could make it time and cost efficient to target that entire land area.
- **Elderly Owners and Health/Financial Hardship.** The willing seller is considered a priority due to being elderly, or having severe health or financial hardship issues.
- **High Percentage of Ownership Threshold.** The willing seller owns a minimum or maximum threshold percentage in a tract. This allows for the targeting and acquisition of parcels with small fractionation issues or in obtaining larger tribal ownership in a tract.
- **Dollar Threshold.** The willing seller's interests are valued less than a certain dollar threshold.
- **Indians Who Are Not Tribal Members.** The willing sellers are Indians but not members of the tribe within whose reservation they own interests. Many tribes wish to acquire interests from owners who are not members.

Any land area targeted by the Willing Seller Program based on the above criteria would be treated as any other area targeted by the Program. These criteria simply provide the Department (and tribes) flexibility to identify targeted areas in the implementation of the Program. For instance, tribes that are not initially targeted by the Targeted Land Fractionation Program could cause the Department to target their land area sooner by satisfying some of the criteria listed above. This approach will enable the Department to acquire interests on behalf of tribes in a timely and cost effective fashion.



## Cooperative Agreements with Tribes

During the tribal consultations, one of the most consistent messages from tribes was to increase tribal participation in the work needed to carry out the Cobell Land Consolidation Program. Many tribes have existing land consolidation offices and would like to be able to undertake a range of functions in the land consolidation process based on their interests and capacities, including prioritizing and identifying tracts and landowners, hiring or undertaking appraisals, and administering acquisition of the land.

### **Tribal Input on Cooperative Agreements**

“There’s a number of tribes that are very competent in operating their programs and we should allow them to operate it in a contract to contract manner.” – Bud Moran, Salish and Kootenai Tribe (Billings, Montana Consultation).

“Walker River asks that you allow tribes to develop and administer their own Land Consolidation Programs. Tribes know what is in the best interest of their tribe and Tribal members. They know which fractionated lands would be priority and benefit most for agriculture, wetland preservation, protection for cultural resources and economic development.” – Victoria Guzman, Walker River Paiute Tribe (Phoenix, Arizona Consultation)

Under ILCA, tribes cannot utilize P.L. 93-638 contracts to operate the Land Consolidation Program. However, the Act does authorize the Secretary to enter into agreements with a tribal government or subordinate entity “to carry out some or all of the Secretary’s land acquisition program.” Through consultations, many tribes have expressed the desire to operate as much of the Program as is allowable under the law. Ongoing collaboration, consultation and the use of cooperative agreements would allow tribes a greater ability to participate in purchasing of fractionated interests to tribal priorities, but could also allow tribes to perform the work necessary for any of the Cobell Land Consolidation Program’s primary goals. Tribes currently operate various functions under P.L. 93-638 agreements including real estate, appraisals, land title and records, minerals, forestry, and probate.

The ILCP has utilized this authority to enter into agreements in the past. For example, the ILCP entered into a cooperative agreement with the Confederated Salish and Kootenai Tribes of the Flathead Nation (CSKT). The agreement authorized the CSKT to carry out many aspects of the land acquisition program, including performing appraisals to establish fair market value, communicating with willing sellers, recording and filing paperwork related to the transaction and general advertisement of the Program. Essentially, the CSKT

was able to operate the entirety of the Program, except those inherently Federal functions of verifying the appraisal and approving the sale. Under the cooperative agreement, CSKT was only provided funds for the administrative costs of the Program, and each purchase required ILCP approval to release funds for the actual purchase amount.

Similar agreements could be utilized under the Cobell Land Consolidation Program. Criteria would have to be developed to determine how tribes could carry out the program, and what specific components of the Program would be subject to the agreements. Criteria currently being considered by the Department include:

- **Tribal Capacity.** Some tribes currently operate existing land acquisition programs and could be more successful under cooperative agreements while other tribes currently have no infrastructure in place to operate these functions. For example, tribes that have self-determination, self-governance or cooperative agreements with the Department are most likely to have greater programmatic and administrative capacity.
- **Tribal Access to Trust Asset and Accounting Management System (TAAMS).** The Department anticipates much of the administrative processes to be automated through the TAAMS system. It would therefore be time and cost efficient to use TAAMS to trade and report activities funded through cooperative agreements.
- **Scope of Work.** Proposals to operate larger scale programs or more complex processes or perform work in land areas that pose difficult or complex appraisal issues would require greater details of expectations and accountability.

These are issues that must be addressed in administering ILCP through cooperative agreements. The Department also recognizes the importance of working in partnership with tribes and the benefit of sharing Federal and tribal expertise and experience in the land consolidation process. Given the time frame for expending the land consolidation funds and the need to ensure the reduction of highly fractionated lands in a comprehensive manner, it will be imperative that the tribe possesses an existing capacity to fulfill the functions required by cooperative agreements. Tribal access to the TAAMS system is also necessary, as much of the current ILCP process has been streamlined and automated through TAAMS. If tribes are not able to access TAAMS, administrative costs would be increased due to duplication of work by the tribe and the Department. Thus, it will be important to ensure that tribal and Federal efforts are not duplicative and complement each other in a streamlined and efficient manner.

With the cap on administrative costs for the Program, reporting requirements and fiscal accountability are also important considerations. The detail of reporting and accountability would have to be clearly defined. The Department strongly supports the

policy of self-determination, and utilizing these types of cooperative agreements will help build tribal capacity and maximize the incorporation of tribal priorities with regard to land consolidation. Utilizing these agreements will also avoid duplicating efforts where tribes currently operate their own consolidation programs.

## Cross-Programmatic Issues

### Appraisal Methods

The methods used for appraisals were another common theme at the tribal consultations.

#### **Tribal Input on Appraisal Methods**

“The appraisal process, we need to have some kind of a system where we don’t have to appraise every piece of land that’s there. We can buy a piece of land on one section and then have to have the appraisal on the next section when it is identical land on our reservation... ..We need to streamline that process too. .” - Rick Kirn, Fort Peck Assiniboine and Sioux Tribes (Billings, Montana Consultation).

The ILCA grants the Secretary broad authority in developing a system for determining fair market value.<sup>4</sup> The Department anticipates using various valuation methodologies, including mass appraisals (MAPS) of homogeneous parcels, market studies, project appraisal reports, reference to fee schedules where appropriate, site specific appraisals, as well as other appropriate methods and techniques as warranted. To ensure that the valuation methods and techniques meet industry standards, the Department will include a third-party review and validation of the appraisal techniques.

As described in the description of Program 1, the Department has conducted recent mineral valuations which will allow purchase offers to be submitted quickly for minerals-only tracts. The OME has previously performed mineral evaluations within the Great Plains, Midwest, Navajo, and Northwest Regions. If the areas selected for appraisal/evaluation fall within these Regions, OME, after performing a comprehensive update, can provide the needed mineral evaluations in a very cost effective and efficient manner, as shown in the provided tables. For additional regions and areas, OME will utilize the proven area-wide minerals assessment and market analysis methodology to provide the necessary mineral evaluations in a cost effective and timely manner. The OAS will also apply MAPS to the fullest extent possible to reduce the cost and time to complete the appraisals, which will depend on the strategic plan selected and identified tracts resulting from that plan.

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<sup>4</sup> 25 U.S.C. § 2214. “For purposes of this chapter, the Secretary may develop a system for establishing the fair market value of various types of lands and improvements. Such a system may include determinations of fair market value based on appropriate geographic units as determined by the Secretary. Such a system may govern the amounts offered for the purchase of interests in trust or restricted land under this chapter.”

Other valuation methods that have proven cost effective and efficient are market studies and project appraisal reports, which will also be used in conjunction with fee schedules where appropriate.

## **Liens**

Tribal leaders and members expressed strong dissatisfaction with the idea that liens would be placed on lands purchased under the program. Many stated that making tribes pay back the costs of the land would undermine the goal of the settlement.

Rather, tribes recommended that liens be waived, especially for interests purchased with Cobell Settlement funds. The ILCA statute provides for liens and waivers in several circumstances. The original intent of the lien was to create a revolving fund by which additional land could be purchased by the ILCP. In this regard, Congress intended that the revenue from the liens would serve as a source of funding for the continuation of the ILCP. In contrast, the Settlement Agreement and the Claims Resolution Act of 2010 established the Cobell Land Consolidation Program that is funded by a separate Indian Land Consolidation Fund designed to be expended within 10 years. Congress and Department of the Interior officials also indicated that the intended goal of the Cobell Land Consolidation Program was to enable tribes to use the consolidated lands for the benefit of their members and communities. The Department is currently analyzing this issue.

### **Tribal Input on Liens**

“In essence, putting a lien on those properties and the forgone income from those properties is the equivalent of the tribes buying that property with a loan from the Bureau of Indian Affairs, and that certainly was not the intent of the settlement.” -Cris Stainbrook, President of Indian Land Tenure Foundation (Minneapolis, Minnesota Consultation).

## **Appendix A – Draft Executive Summary Provided to Tribal Leaders at Consultation**

*This Draft Executive Summary was provided to tribal leaders at the seven consultations held between July and October 2011. It is provided here as a historical reference and is not meant to reflect changes to the plan that have occurred since that time.*

### **Trust Land Consolidation Fund Provisions of the Cobell Settlement**

The Cobell Class Action Settlement Agreement of December 9, 2009 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 not 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 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 Land Consolidation Program.

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

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.

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.

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.

**Goal 2: Consolidate land in areas of tribal preference (To be determined through formal government-to-government tribal consultation)**

Strategy 4: 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.

Strategy 5: 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.

**Goal 3: Implement a plan that is time and cost efficient.**

Strategy 6: Target Lands Requiring Minimal Preparatory 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.

Strategy 7: Target Tracts Which Have Landowner Consent (Willing Sellers): This strategy would prioritize the valuation and purchasing of those lands where the landowner has expressed a desire to sell prior to an appraisal or minerals valuation being conducted.

Strategy 8: Target Tracts with Largest Interest Per Owner: This strategy would identify tracts with 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.

## Appendix B – Fractionated Tracts by Land Area

The following table contains information on the number of fractionated tracts in each land area. Tracts are divided by degree of fractionation—those with 2 to 10 unique owners, those with 11 to 19 unique owners, and those with 20 or more unique owners—and totaled.

*Please note that these numbers and approximations and subject to change.*

LAND AREA	UNIQUE OWNERS PER TRACT			TOTAL
	2 - 10	11 - 19	20 +	
ABSENTEE SHAWNEE	102	47	99	248
ACOMA PUEBLO	1	0	0	1
AGUA CALIENTE	132	15	5	152
ALAMO-NAVAJO COMMUNITY	23	28	53	104
AUGUSTINE	4	0	0	4
BAD RIVER (LA POINTE)	304	74	160	538
BIG SANDY (AUBERRY)	4	0	0	4
BIG VALLEY	12	0	0	12
BLACKFEET	1,573	754	2,387	4,714
BLUE LAKE	2	0	0	2
BURNS-PAIUTE	31	12	31	74
CABAZON	6	0	2	8
CALIFORNIA VALLEY MIWOK	1	0	0	1
CAMP VERDE RES. & PUBLIC DOM	1	0	1	2
CANONCITO-NAVAJO COMMUNITY	15	13	14	42
CHEHALIS	21	8	32	61
CHEROKEE (FCT)	9	4	3	16
CHEYENNE & ARAPAHO	349	255	486	1,090
CHEYENNE RIVER	2,2194	678	973	3,845
CHEYENNE RIVER OFF RES	4	1	21	26
CHICKASAW (FCT)	1,118	242	154	1,514
CHOCTAW (FCT)	31	5	1	37
CITIZEN POTAWATOMI	15	14	33	62
CLOVERDALE	2	0	0	2
COEUR D'ALENE	208	44	42	294
COLORADO RIVER INDIAN RES.	303	89	148	540
CROW	1,910	738	2,000	4,548
CROW CEDED	25	8	20	53
CROW CREEK	370	167	346	883
DUCK VALLEY RES. & PUBLIC DOM	1	0	1	2
DUCKWATER RES. & PUBLIC DOM	1	0	1	2



**UNIQUE OWNERS PER TRACT**

<b>LAND AREA</b>	<b>2 - 10</b>	<b>11 - 19</b>	<b>20 +</b>	<b>TOTAL</b>
EASTERN NEVADA AGENCY	0	0	1	1
EASTERN SHAWNEE	11	7	1	19
ELK VALLEY (CRESCENT CITY)	1	0	0	1
FALLON RES. & PUBLIC DOM	169	50	86	305
FLATHEAD	446	98	126	670
FOND DU LAC	76	41	228	345
FORT BELKNAP	1,487	557	851	2,895
FORT BERTHOLD	1,452	508	1,155	3,115
FORT HALL	1,236	450	827	2,513
FORT INDEPENDENCE	20	5	3	28
FORT MOJAVE	0	2	0	2
FORT PECK	1,934	738	1,631	4,303
FORT SILL APACHE	25	13	7	45
FORT TOTTEN	256	150	508	918
FORT YUMA	312	166	215	693
GILA RIVER	1,573	856	2,257	4,686
GRAND PORTAGE (PIGEON RIVER)	19	11	86	116
GREENVILLE	1	0	0	1
HOOPA VALLEY	61	17	18	96
HOPI AGENCY	0	0	11	11
HOPLAND	8	2	1	11
IOWA – KS & NE	1	1	3	5
IOWA – OK	15	11	23	49
KALISPEL	43	7	13	63
KARUK	1	0	0	1
KICKAPOO	40	20	18	78
KIOWA, COMANCHE, APACHE	1,538	494	753	2,785
KOOTENAI	17	6	0	23
LA JOLLA	25	3	11	39
LAC COURTE OREILLES	118	55	139	312
LAC DU FLAMBEAU	91	32	73	196
LAGUNA	12	8	10	30
LEECH LAKE	67	29	149	245
LOWER BRULE	266	81	254	601
LUMMI	166	39	73	278
MAKAH	112	42	93	247
MEXICAN KICKAPOO	57	23	38	118
MILLE LACS	9	5	13	27
MORONGO	134	26	32	192

**UNIQUE OWNERS PER TRACT**

<b>LAND AREA</b>	<b>2 - 10</b>	<b>11 - 19</b>	<b>20 +</b>	<b>TOTAL</b>
MUSCOGEE CREEK (FCT)	78	52	23	153
MUCKLESHOOT	31	13	31	75
NAVAJO-ARIZONA	174	80	253	507
NAVAJO-NEW MEXICO	798	555	2,075	3,428
NAVAJO-UTAH	13	9	20	42
NETT LAKE – BOIS FORT	16	18	166	200
NEZ PERCE	264	146	188	598
NISQUALLY	8	0	9	42
NOOKSACK	22	6	16	44
NORTH FORK	22	6	16	44
NORTHERN CHEYENNE	461	185	213	859
OMAHA	115	64	236	415
ONEIDA	26	0	5	31
OSAGE	439	29	15	483
OTOE	119	61	156	336
PALA	137	31	74	242
PAPAGO AGENCY	0	0	2	2
PAWNEE	135	70	147	352
PECHANGA	31	10	64	105
PICAYUNE	2,579	1,030	2,243	5,852
PINE RIDGE	2,579	1,030	2,243	5,852
PINOLEVILLE	4	0	0	4
PONCA	141	41	210	392
PORT MADISON (SUQUAMISH)	33	12	17	62
POTAWATOMI	114	56	147	317
PUYALLUP	15	0	1	16
QUAPAW	130	25	59	214
QUARTZ VALLEY	3	0	0	3
QUILEUTE	14	6	9	29
QUINAULT	653	212	490	1,355
RAMAH-NAVAJO COMMUNITY	92	33	76	201
RED CLIFF	10	4	22	36
RED LAKE	1	0	0	1
REDDING (CLEAR CREEK)	2	0	0	2
REDWOOD VALLEY	0	1	0	1
RINCON	26	4	7	37
ROBINSON	4	0	0	4
ROSEBUD	1,411	499	1,090	3,000
ROUND VALLEY	66	22	99	187

**UNIQUE OWNERS PER TRACT**

<b>LAND AREA</b>	<b>2 - 10</b>	<b>11 - 19</b>	<b>20 +</b>	<b>TOTAL</b>
SAC & FOX – KS & NE	1	0	1	2
SAC & FOX – OK	110	45	75	230
SALT RIVER	433	244	694	1,371
SAN CARLOS RES. & PUBLIC DOM	4	0	6	10
SANTEE	15	3	47	65
SAUK VALLEY (SAUK SUIATTLE)	12	2	18	32
SEMINOLE (FCT)	510	141	111	762
SENECA-CAYUGA	29	12	24	65
SILETZ	1	0	0	1
SISSETON	493	236	576	1,305
SKOKOMISH	22	15	43	80
SMITH RIVER	12	0	0	12
SOUTHERN PUEBLO AGENCY	0	0	1	1
SOUTHERN UTE	66	20	22	108
SPOKANE	191	61	106	358
SQUAXIN ISLAND	4	2	14	20
STANDING ROCK	2,446	1,234	2,530	6,210
STOCKBRIDGE-MUNSEE	3	0	0	3
SUMMIT LAKE RES. & PUBLIC DOM	3	0	6	9
SWINOMISH	28	9	40	77
SYCUAN	8	4	7	19
TABLE MOUNTAIN	5	0	0	5
TONKAWA	2	0	5	7
TORRES-MARTINEZ	56	21	37	114
TULALIP	88	12	29	129
TURTLE MOUNTAIN	272	80	202	554
TURTLE MOUNTAIN OFF RES	61	29	69	150
UINTAH & OURAY (W/UNCOMPAGHRE)	276	202	565	1,043
UMATILLA	448	230	291	969
UPPER LAKE	4	0	0	4
UPPER SIOUX	1	0	1	2
UTE MOUNTAIN (ALLEN CANYON)	30	14	16	60
WALKER RIVER	172	68	102	342
WARM SPRINGS	257	62	61	380
WASHAKIE PUBLIC DOMAIN	2	1	2	5
WASHOE	124	66	217	407
WESTERN NEVADA AGENCY	0	0	4	4

**UNIQUE OWNERS PER TRACT**

<b>LAND AREA</b>	<b>2 - 10</b>	<b>11 - 19</b>	<b>20 +</b>	<b>TOTAL</b>
WESTERN NEVADA AGENCY	0	0	4	4
WESTERN NEVADA AGENCY	0	0	2	2
WHITE EARTH	5	2	34	41
WICHITA, CADDO, DELAWARE	410	145	247	802
WIND RIVER	787	350	1,335	2,472
WINNEBAGO	94	70	473	637
WISCONSIN POTAWATOMI	2	1	4	7
YAKAMA	962	376	814	2,152
YANKTON	237	119	418	774
YOMBA	3	0	2	5
YUOK	60	20	82	162
ZUNI	3	3	7	13
<b>TOTALS</b>	<b>38,658</b>	<b>15,208</b>	<b>34,772</b>	<b>88,638</b>