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## News Release

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### **Interior Announces Revised Strategy, Policies to More Effectively Reduce Fractionation of Tribal Lands**

**WASHINGTON** – Following extensive analysis and feedback received from tribal leaders and American Indian landowners, the Department of the Interior today announced a revised strategy for the consolidation of fractional land interests through the Land Buy-Back Program for Tribal Nations (Program). The strategy, which will more effectively allocate the remaining Program funds to reduce the maximum amount of fractional interests, includes a revised schedule for implementation, as well as new opportunities for tribal governments to use the Program’s tools and systems to facilitate their own land consolidation initiatives.

The Program implements the land consolidation component of the *Cobell* Settlement, which provided \$1.9 billion to purchase fractional interests in trust or restricted land from willing sellers at fair market value. Interests consolidated through the Program are restored to tribal trust ownership. Since the Program began making offers in December 2013, about \$1.2 billion has been paid to landowners at 45 locations, more than 700,000 fractional interests have been consolidated, and the equivalent of over 2.1 million acres of land has been transferred to tribal governments. As a result, tribal ownership now exceeds 50 percent in almost 14,000 tracts of land, which strengthens tribal sovereignty and self-determination, and allows for investments in tribal infrastructure and community projects.

Under the direction of new Departmental leadership, the Program has undergone a full review to determine how best to allocate the remaining \$540 million to maximize the interests consolidated – the purpose specifically set forth in the *Cobell* Settlement. That strategic analysis included how to make the most effective use of the Administrative Fund to facilitate the Program, as well as additional measures to address land fractionation.

“The revised strategy announced today maximizes the remaining dollars left for the implementation of the Buy-Back Program and seeks to achieve the greatest reduction of fractional interests, the largest number possible of landowners able to participate, and the most effective use of the Department’s resources,” said Associate Deputy Secretary James Cason.

“However, while the Department is doing what it can to improve the Program, it is clear Congress has a role as well. We continue to look to congressional leaders for long-term solutions to address the problem of fractionated lands.”

“As someone who has been involved with this Program since its inception, this significant policy shift announced today is responsive to the tribal feedback we have received over the past several years,” added Acting Assistant Secretary – Indian Affairs Michael S. Black. “Tribal input and involvement has been a cornerstone of Program implementation. I see that continuing and know that we must work together on many fronts to address the fractionation of tribal lands.”

Fractionation affects nearly 11 million acres of land across Indian Country, preventing beneficial uses of significant resources and creating an overly complicated land tenure status where single tracts of land, like those at Navajo Nation, have more than 1,200 landowners. When tracts have multiple owners, it is difficult to obtain the required approvals for leases or other uses of these lands. As a result, many tracts are unoccupied and unavailable for any purpose.

### **REVISED IMPLEMENTATION STRATEGY**

Over the past several months, the Program has undergone a thorough analysis that took into consideration tribal feedback received through the open comment period announced in the *Federal Register*, during multiple meetings the Department engaged in, and at the Program’s 2017 Listening Session (transcript and presentation available online at: <https://www.doi.gov/buybackprogram/about/past-presentations>). The analysis also reviewed opportunities to leverage government resources and reduce administrative costs in Program implementation, especially as it relates to the management of small fractional interests. This would allow more resources to be used for land consolidation.

Based on several key factors, Interior then developed a revised process for determining on which ownership interests to make purchase offers. Those factors included: severity of fractionation; appraisal complexity; degree of ownership overlap between locations or geographic proximity; tribal readiness; past response rate; and cost and efficiency (including land value).

With these factors in mind, the Department developed a revised schedule to implement the Program at the following locations (in alphabetical order):

- Blackfeet (Montana)
- Bois Forte (Minnesota)
- Cheyenne and Arapaho (Oklahoma)
- Cheyenne River (South Dakota)
- Crow (Montana)
- Fond du Lac (Minnesota)
- Fort Belknap (Montana)
- Fort Berthold (North Dakota)
- Fort Peck (Montana)
- Navajo (Arizona, New Mexico, Utah)
- Northern Cheyenne (Montana)

Pine Ridge (South Dakota)  
Rosebud (South Dakota)  
Santee Sioux (Nebraska)  
Skokomish (Washington)  
Spirit Lake (North Dakota)  
Standing Rock (North and South Dakota)  
Umatilla (Oregon)  
Warm Springs (Oregon)  
Wind River (Wyoming)

The Program will continually assess progress and may revise the schedule or add locations as capacity and resources allow, depending on the results achieved. Because effective planning and coordination take many months, the Program will begin the process to educate landowners and build cooperative working relationships with land staff. A Program representative will contact each Tribe at the initial stages of planning for implementation.

### **LEVERAGING RESOURCES FOR TRIBAL USE**

In addition to the revised schedule, Interior also announced several policies, which reflect the Department's consideration of tribal comments, to better leverage Program resources, facilitate greater efficiencies, and increase opportunities to consolidate fractional interests, including:

- **Facilitating tribal and co-owner purchases.** In response to tribal feedback, the Program is evaluating its ability to facilitate tribal and co-owners purchases. This includes working to make certain information, such as mapping and land appraisals, more readily available. This may help tribes direct their own resources to reduce fractionation and manage tribal land. It may also facilitate individual landowner purchases. The Program would look to prioritize some appraisal and other acquisition efforts on tracts where tribes will use tribal funds to make purchase offers on interests, and next on tracts where individual owners will use their funds to make purchase offers on co-owner interests. The Program anticipates announcing more information on these matters in the next few months.
- **Maximizing use of appraisals.** Initially, the Program established an appraisal validity period of up to 9 months. Many tribal leaders urged Interior to consider a period of up to 12 months. The Program will now strive to utilize mass and project appraisals for up to 12 months, as long as appropriate market conditions exist when such appraisals are issued and thereafter. This approach seeks to maximize the time available to leverage the appraisals.
- **Streamlining agreements with tribes.** The Program revised the cooperative agreement process to clarify the funding parameters for tribes and to ensure that the maximum amount of funding goes to land consolidation.
- **Revised acquisition approach.** To further maximize the remaining funding, the Program has developed an offer approach focused on acquiring: 1) ownership interests in all Mineral (M) tracts determined to have no current economically viable mineral value; and

2) interests that are less than 25 percent of the ownership in Surface (S) and Both (B) tracts. (Mineral tracts have ownership rights only to minerals or other resources below ground, while Surface tracts have ownership rights only to the land surface of tracts. Category 'Both' tracts have ownership rights to the land surface and minerals below ground.) Resources permitting, the Program will also look to give priority to those tracts or interests where tribes or individuals are committed to using their own funds to acquire fractional interests.

- **Extending purchase offer timing.** Previously, purchase offers were valid for 45 calendar days from the date of the offer cover letter. Tribes and landowners requested a longer review period. The Program has extended the due date from 45 days to 60 days to allow landowners more time to make an informed decision about their land.

### **RESOURCES FOR LANDOWNERS**

All interested landowners are encouraged to call the Trust Beneficiary Call Center (Call Center) at 888-678-6836 to indicate that they are interested in potentially selling their land and/or to update contact information. Registering as a willing seller does not commit a landowner to selling land, nor does it guarantee an offer will be extended; it merely identifies interest to help advance planning as additional locations are added to the schedule.

Landowners can also contact the Call Center or visit their local OST office to ask questions about their land or purchase offers, and learn about financial planning resources. More information and detailed frequently asked questions are available at <https://www.doi.gov/buybackprogram/FAQ> to help individuals make informed decisions about their land.

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