Court Ruling Paves Way for Meaningful Consultation

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WASHINGTON – A federal judge, in response to a motion on behalf of the Department of the Interior, has granted permission for Interior officials to begin communicating with class members on land trust consolidation provisions of the Cobell Settlement agreement. The Department will soon publish a Federal Register notice announcing its intent to begin formal government-to-government consultations with tribal leaders. Interior expects the land consolidation consultations to begin by late-summer.

Judge Thomas F. Hogan of the U.S. District Court for the District of Columbia granted the motion to communicate with class members on May 27, 2011. At Interior's request, the Department of Justice filed the motion with Judge Hogan on April 6, 2011 for permission to communicate with class members regarding trust land consolidation.

The Cobell settlement was approved by Congress on November 30, 2010 (Claims Settlement Act of 2010) and signed by President Obama on December 8, 2010. Interior officials have been under a longstanding court imposed prohibition from communicating with Cobell class members while the litigation continues. Judge Hogan's order allowing for communication between the parties states that, "This case has materially changed since the date of any other order that may have prohibited such communication. The case's posture now compels the Court to grant the motion."

The $3.4 billion Cobell Settlement will address the Federal Government's responsibility for trust accounts and trust assets maintained by the United States on behalf of more than 300,000 individual Indians. A fund of $1.5 billion will be used to compensate class members for their historical accounting, trust fund and asset mismanagement claims.

In addition, to address the continued proliferation of thousands of new trust accounts caused by the "fractionation" of land interests through succeeding generations, the Settlement establishes a $1.9 billion fund for the voluntary buy-back and consolidation of fractionated land interests. The land consolidation program will provide individual American Indians with an opportunity to obtain cash payments for divided land interests and free up the land for the benefit of tribal communities. Individual Indians will receive cash payments for these transfers and, as an additional incentive, transfers will trigger government payments into a $60 million Indian scholarship fund.

The court documents filed by DOJ are at http://www.doi.gov/tribes/special-trustee.cfm. More information on the Cobell Settlement, including resources for Indian Trust Beneficiaries, is available at http://www.doi.gov/ost/cobell/index.html or http://www.indiantrust.com/index