



## Instructions for Submitting a Tribal Expression of Interest to the Land Buy-Back Program for Tribal Nations

### Background

The Land Buy-Back Program for Tribal Nations (Buy-Back Program or Program), a component of the *Cobell* Settlement, has been purchasing fractional land interests from willing individual Indian sellers since December 2013. Working in partnership with tribal governments and their staff, the Program has so far paid nearly \$692 million to individual landowners and restored the equivalent of more than 1,423,000 acres of land in trust for tribal nations. As these results demonstrate, tribal support and involvement is essential to the success of the Buy-Back Program.

In November 2013, the Program held an open solicitation during which tribes with jurisdiction over the most fractionated locations were invited to submit cooperative agreement applications or letters of interest. The open solicitation closed on March 14, 2014. In November 2014, the Program announced 42 locations – representing 83% of all fractional interests across Indian Country – where land consolidation activities are expected to take place through the middle of 2017. For additional details, please see the Program’s most recent [Status Report](#).

**The Buy-Back Program now invites expressions of interest from those tribes that are not among the 42 scheduled for implementation through mid-2017, and that have not yet expressed interest in participation.** We invite expressions of interest from these tribes whether or not they wish to enter into a formal cooperative agreement with the Program. The Buy-Back Program recognizes that a number of tribes have already registered their interest, but have not yet been scheduled for implementation. As discussed below, these tribes may supplement their initial submissions. **The deadline for providing expressions of interest to the Program is March 11, 2016.**

### Submission Requirements



This will likely be the final opportunity for tribes to formally express interest in the Buy-Back Program, given the Program's need to plan for allocation of available resources within the 10 year timeframe established under the *Cobell* Settlement. Timely submissions will be utilized by the Program in developing its schedule beyond 2017. A formal expression of interest is one factor considered in scheduling a location for land consolidation activities. Other factors include the level of fractionation, degree of ownership overlap between locations, geographic diversity, appraisal complexity, number of owners who have indicated interest in selling fractional interests, and cost and time efficiency. The Program's next implementation schedule is planned for release in early 2016.

Based on lessons learned, the Program has established two requirements for expressions of interest: 1) an official tribal authorization, and 2) a narrative description of readiness, each of which is explained below. **Those tribes which previously submitted written expressions of interest, but did not include a tribal authorization or description of readiness, are invited to supplement their initial submissions by the March 11, 2016 deadline.**

#### 1. Official Tribal Authorization

Expressions of interest must include an official authorization from the tribe approving implementation of the Program at its location, and identifying a tribal point of contact. The authorization should take the form of whatever means by which tribal business is ordinarily conducted, such as a tribal resolution. The Program recommends the following language be included in the tribal resolution or other official authorization:

- a. [TRIBE] expresses its interest in participating in and approves the implementation of the Land Buy-Back Program for Tribal Nations at the [RESERVATION NAME].
- b. [TRIBE] designates [NAME, TITLE, CONTACT INFORMATION] as the tribal point of contact (POC) for the Land Buy-Back Program for Tribal Nations, with the authority to represent the tribe during the tribe's participation in the Program. **(IF APPLICABLE)** [TRIBE] designates [NAME, TITLE, CONTACT INFORMATION (address, phone, fax, and email)] as alternative POC in the event the primary POC becomes unable to serve (due to illness, incapacity, etc.).

- c. **(IF APPLICABLE)** Pursuant to 25 U.S.C. § 2216(e), [TRIBE] requests a list of names and mailing addresses of the owners, information on the location of the tracts, and the percentage of undivided interest(s) held by each owner.

If the tribe has determined that it supports the consolidation of fractional interests in tracts with improvements, such as residential structures, then the tribe is encouraged to include the below language in its official authorization. For additional information, see the [Program's announcement](#) on this topic.

- d. [TRIBE] acknowledges that the Land Buy-Back Program for Tribal Nations may extend offers for fractional land interests on tracts with improvements at the [RESERVATION NAME] if a lease is recorded in the Bureau of Indian Affairs (BIA) title system. While the improvements themselves will not be acquired, their existence will be considered in determining the fair market value of the underlying tract of land. [TRIBE] acknowledges that all Program transfers into tribal trust ownership are subject to the terms of existing leases and encumbrances on the land.
- e. **(IF APPLICABLE)** For tracts at [RESERVATION NAME] with improvements but without a lease recorded by the BIA, [TRIBE] requests that the Program include offers for fractional interests on such tracts. [TRIBE] will provide lease opportunities to individuals living on tracts with improvements but without a recorded lease.

## 2. Description of Readiness

In addition to an official tribal authorization, expressions of interest must include a narrative description of tribal readiness for implementation. Readiness for Buy-Back Program implementation can be demonstrated in a number of ways, including but not limited to the examples provided below. The Program will consider these and any other indications of tribal readiness as it evaluates the location for potential implementation. A tribe which can demonstrate that it has taken steps to plan and prepare for land consolidation activities may be appropriate for more immediate scheduling.



A tribe's Description of Readiness should describe or address the items below that are applicable, as well as any other indicators of readiness that the tribe wishes to note. The Program recognizes that each item below may not be applicable to a given tribe and such inapplicable items do not need to be addressed in the tribe's Description of Readiness.

- a. The activities the tribe is prepared to perform, and in the best position to carry out (e.g., educating tribal members on the Program and explaining what the tribe aims to achieve through land consolidation).
- b. The tribe's specific plans and goals for consolidated lands (e.g., economic development, additional housing, infrastructure improvements, habitat protection, or cultural preservation).
- c. If the tribe completes the Program's [Priority Ranking Worksheet](#), which describes land characteristics and other features by which a tribe could organize its priorities (e.g., prioritize by degree of fractionation, or prioritize specific tracts or areas based on the tribe's plans and goals for consolidated lands), then it should be attached to the tribe's submitted Description of Readiness.
- d. Past performance of or involvement in land consolidation activities (e.g., the tribe has a land consolidation program and staff or the tribe purchases fractional interests at probate).
- e. Whether the tribe has land and realty staff, and/or staff experienced with geographic information system (GIS) data.
- f. Whether and how the tribe has already conducted outreach to inform its members of land consolidation opportunities and activities.
- g. Any issues or complications of which the tribe is aware that may need to be addressed before Program implementation (e.g., tracts targeted for consolidation by the tribe have environmental issues, or are located outside reservation boundaries).



- h. Any timing considerations that could impact implementation (e.g., the tribe prefers that no offers be sent during tribal cultural events, or until other events, projects, or activities are completed).

## How to Submit an Expression of Interest

Tribes are encouraged to submit their expressions of interest via email to [buybackprogram@ios.doi.gov](mailto:buybackprogram@ios.doi.gov). Email submissions must be received by March 11, 2016. Expressions of interest may also be sent to the Land Buy-Back Program for Tribal Nations, 1849 C Street N.W., MS5552--MIB, Washington, D.C. 20240 via a trackable delivery method (e.g., USPS Priority Mail, FedEx, UPS), postmarked by March 11, 2016.

If you have questions, please contact Mike Estes (202-208-3187 or [Michael.Estes@ios.doi.gov](mailto:Michael.Estes@ios.doi.gov)).

**Paperwork Reduction Act Statement:** This information is collected to assist the Land Buy-Back Program for Tribal Nations' development of its next implementation schedule. It is estimated that responding to the request will take an average of:

- Official Tribal Authorization: 8 hours to complete.
- Description of Tribal Readiness: 48 hours to complete.
- Priority Ranking Worksheet: 18 hours to complete.

This includes the amount of time it takes to gather the information and prepare the response. If you wish to make comments on the form, please send them to the Land Buy-Back Program for Tribal Nations, 1849 C Street N.W., MS5552--MIB, Washington, D.C. 20240. Note: Comments, names and addresses of commentators are available for public review during regular business hours. If you wish us to withhold this Personally Identifiable Information (PII), you must state this prominently at the beginning of your comment. While you may ask us in your comment to withhold PII from public view, we cannot guarantee that we will be able to do so. In compliance with the Paperwork Reduction Act of 1995, as amended, the collection has been reviewed by the Office of Management and Budget and assigned a control number and expiration date. The number and expiration date are at the top right corner of these instructions. Please note that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless there is currently a valid OMB control number.