

11-25-2016

Affidavit of J. McFaddin

John T. McFaddin

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John T. McFaddin
20189 S. Eagle Peak Road
Cataldo, ID 83810
Tel. (208) 689-3156
Pro Se Objector

DISTRICT COURT - CSRBA Fifth Judicial District County of Twin Falls - State of Idaho	
NOV 25 2016	
By _____	Clerk
_____	Deputy Clerk

IN THE DISTRICT COURT FOR THE FIFTH JUDICIAL DISTRICT OF
THE STATE OF IDAHO IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)
) Consolidated Subcase No. 91-7755
)
Case No. 49576)
) AFFIDAVIT OF JOHN T. MCFADDIN
)
)
)
_____)

State of Idaho)
) ss.
County of Kootenai)

I, John T. McFaddin, after being duly sworn, state the following:

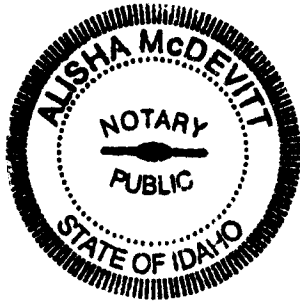
1. I am a competent adult over the age of eighteen years and the statements made herein are based on my own personal knowledge.
2. I am a Pro Se Objector in this case and have no client or personal interest in the case except for my views of right and wrong. I reside at 20189 S. Eagle Peak Road, Cataldo, ID 83810, which is outside the Coeur d'Alene Indian Reservation.
3. Attached to this Affidavit are complete and unaltered copies of the following three documents used in support of my Response to the State of Idaho's Motion for Summary Judgment.

- Exhibit 1 *CDA Ownership-Draft Report 9/21/2016* obtained from the Bureau of Indian Affairs showing ownership (beneficiary) type for allotments on the Coeur d'Alene Indian Reservation. - 16 pages plus cover letter
- Exhibit 2. *Secretarial Order 3335* dated August 20, 2014 and signed by the Secretary of the U.S. Department of the Interior, available on various web sites including *www.usbr.gov/native/policy/policy_trustresponsibility.html* under the heading Department of Interior. - 6 pages
- Exhibit 3 *Chapter 36 COEUR D'ALENE INDIAN LAND PRESERVATION AND CONSOLIDATION ACT* obtained from the National Indian Law Library. This undated copy was obtained in 2014. A verbatim copy dated February 22, 1995 was obtained from the Coeur d'Alene Tribe about 20 years ago. - 10 pages

11/21/2016
date

John T. McFaddin
John T. McFaddin

Subscribed before me this 21st day of November, 2016.



Alisha McDevitt
Notary Public
Residing at Medimont, Idaho
My commission expires 03-21-2019



United States Department of the Interior
Bureau of Indian Affairs
Northwest Regional Office
911 NE 11th Avenue
Portland, Oregon 97232-4169

SEP 26 2016

In Reply Refer To:
FOIA Office
FOIA Control Number-BIA-2016-02039

CERTIFIED MAIL 7015 1520 0000 9143 6907 – RETURN RECEIPT REQUESTED

Mr. John McFaddin
20189 South Eagle Peak Road
Cataldo, Idaho 83810

Dear Mr. McFaddin:

The Bureau of Indian Affairs (BIA), Northwest Regional Office (NWRO), received your Freedom of Information Act (FOIA) request on September 19, 2016. Our office assigned it control number BIA-2016-02039. Please refer to this number in any future communications with our office regarding your request. Within your letter, you requested the following:

The request is for a search of the BIA computer database of trust properties on the Coeur d'Alene Indian Reservation in Idaho, providing the following: 1.) The sum of the number of acres multiplied by the percentage of ownership for all property interests held in trust for the Coeur d'Alene Tribe; 2.) The same sum for all property interests held for individual members of the Coeur d'Alene Tribe; and 3.) The same sum for all property interests held for members of other tribes. It seems the sum of 1. + 2. + 3. should equal the total of acres of trust property interests on the reservation, 100 percent.

Nontrust (fee) interests in the same properties may be calculated and shown as a 4th category if convenient, but that is not a priority.

As an example, Allotment or Tract No. 415 contains 160 acres, with 50% tribal ownership, one Coeur d'Alene Tribal member holding a 16.6667% interest and one member of another (Warm Springs) Tribe holding a 33.3333% interest. Thus, the contributions of this property to the requested total would be: 1.) $160 \times 0.50 = 80$ acres; 2.) $160 \times 0.1667 = 26.67$ acres; and $160 \times 0.3333 = 53.33$ acres.

Final Determination:

Other Use Requester—43 CFR §§2.38, 2.39

We have classified you as an “other-use” requester. As such, we may charge you for some of our search and duplication costs, but we will not charge you for our review costs; you are also entitled to up to 2 hours of search time and 100 pages of photocopies (or an equivalent volume) for free. See 43 CFR §2.39.

CDA Ownership-Draft Report 9/21/2016

Tract	Acres	Owner Interest Decimal	Owner type	Acres equivalent
181 1	160	0.561447812	member	89.83164984
181 1	160	0.212962963	Nonmember	34.07407406
181 1	160	0.225589226	Tribal	36.0942761
181 1002	0.32	0.25	member	0.08
181 1002	0.32	0.75	Nonmember	0.24
181 1003 -A	0.46	1	Nonmember	0.46
181 1003 -B	0.46	1	Nonmember	0.46
181 1003 -C	0.23	1	Nonmember	0.23
181 1003	1.38	0.704545455	member	0.972272727
181 1003	1.38	0.295454545	Nonmember	0.407727273
181 1007	140.32	1	member	140.32
181 1015	0.32	1	Nonmember	0.32
181 102	133.97	1	Tribal	133.97
181 1021	160	0.071428571	member	11.42857142
181 1021	160	0.928571429	Tribal	148.5714286
181 1023	0.16	1	member	0.16
181 1025	0.48	1	member	0.48
181 1029	0.32	1	member	0.32
181 103	155.79	0.1640625	member	25.55929688
181 103	155.79	0.092075893	Nonmember	14.34450335
181 103	155.79	0.743861607	Tribal	115.8861998
181 1030 -B	1.66	1	member	1.66
181 1031	8.82	1	member	8.82
181 1032	0.16	1	member	0.16
181 1034	0.42	1	member	0.42
181 1036	0.24	1	member	0.24
181 1042	0.64	1	member	0.64
181 1044	0.16	1	member	0.16
181 1045	0.32	1	member	0.32
181 1046	2	1	member	2
181 109	173.17	1	Tribal	173.17
181 11	160	0.363636364	member	58.18181818
181 11	160	0.333333333	Nonmember	53.33333334
181 11	160	0.303030303	Tribal	48.48484848
181 111	177.33	0.158553792	member	28.11634392
181 111	177.33	0.165740741	Nonmember	29.39080557
181 111	177.33	0.675705467	Tribal	119.8228505
181 112	173.06	0.679796199	member	117.6455301
181 112	173.06	0.127057613	Nonmember	21.98859051
181 112	173.06	0.193146189	Tribal	33.42587938
181 1127	19.85	1	member	19.85
181 1128	0.16	1	member	0.16
181 1129 -A	0.48	1	member	0.48
181 1129 -B	0.48	1	member	0.48
181 1132 A	0.15	1	member	0.15
181 1139	0.97	1	member	0.97
181 1140	0.32	1	member	0.32
181 1143 A	0.32	1	member	0.32
181 1143 B	1	1	member	1
181 1152	0.8	1	member	0.8
181 118 -C	81.91	1	Nonmember	81.91
181 119 -A	49.75	1	Tribal	49.75
181 119 -B	1.25	1	member	1.25
181 119	109.3	1	member	109.3
181 122 -C	40	0.653439153	member	26.13756614
181 122 -C	40	0.195767196	Nonmember	7.830687832
181 122 -C	40	0.150793651	Tribal	6.031746032

181 123 -A	80	0.804232804	member	64.33862434
181 123 -A	80	0.195767196	Nonmember	15.66137566
181 124	161.76	0.25	member	40.44
181 124	161.76	0.75	Nonmember	121.32
181 13 -D	40	0.502645503	member	20.1058201
181 13 -D	40	0.195767196	Nonmember	7.830687832
181 13 -D	40	0.301587302	Tribal	12.06349206
181 130 -A	80	0.625	member	50
181 130 -A	80	0.375	Tribal	30
181 131	160	1	Nonmember	160
181 132	160	0.777777778	member	124.4444444
181 132	160	0.222222222	Nonmember	35.55555555
181 134	160	0.0625	member	9.999999984
181 134	160	0.9375	Tribal	150
181 136 -A	80	1	member	80
181 136 -B	80	1	member	80
181 137	161.18	1	member	161.18
181 138 -B	78.36	0.125	member	9.795
181 138 -B	78.36	0.875	Tribal	68.565
181 138	80	0.3359375	member	26.875
181 138	80	0.0390625	Nonmember	3.125
181 138	80	0.625	Tribal	50
181 142	159.78	0.5	Nonmember	79.89
181 142	159.78	0.5	Tribal	79.89
181 143	159.76	0.62654321	Nonmember	100.0965432
181 143	159.76	0.37345679	Tribal	59.6634568
181 147	160.59	0.981481481	member	157.6161111
181 147	160.59	0.018518519	Nonmember	2.973888902
181 149 -A	4.86	0.5	member	2.43
181 149 -A	4.86	0.5	Nonmember	2.43
181 149 -C	1.4	1	member	1.4
181 149	143.91	0.75	member	107.9325
181 149	143.91	0.25	Nonmember	35.9775
181 151	160.34	0.111111111	member	17.81555555
181 151	160.34	0.888888889	Nonmember	142.5244444
181 152	160	0.369791667	member	59.16666666
181 152	160	0.557291667	Nonmember	89.16666667
181 152	160	0.072916667	Tribal	11.66666667
181 153	159.95	0.083333333	member	13.32916666
181 153	159.95	0.916666667	Nonmember	146.6208333
181 162	160	0.166377315	member	26.62037037
181 162	160	0.635706019	Nonmember	101.712963
181 162	160	0.197916667	Tribal	31.66666667
181 166	80	1	member	80
181 169	160	0.5	member	80
181 169	160	0.5	Nonmember	80
181 17	160	1	Nonmember	160
181 170	164.06	0.777777778	member	127.6022222
181 170	164.06	0.222222222	Nonmember	36.45777777
181 172	160	0.17578125	member	28.125
181 172	160	0.44765625	Nonmember	71.625
181 172	160	0.3765625	Tribal	60.25
181 173 -A	5	1	member	5
181 173	0.77	1	member	0.77
181 177 -A	20	1	member	20
181 177	139.98	0.007142857	member	0.999857137
181 177	139.98	0.992857143	Tribal	138.9801429
181 178	160	0.182291667	member	29.16666667
181 178	160	0.317708333	Nonmember	50.83333333

181 178	160	0.5	Tribal	80
181 179	160.93	0.251446759	member	40.46532694
181 179	160.93	0.65306713	Nonmember	105.0980932
181 179	160.93	0.095486111	Tribal	15.36657988
181 18 -A	80	0.753333333	member	60.26666667
181 18 -A	80	0.246666667	Tribal	19.73333333
181 18 -B	80	0.5	member	40
181 18 -B	80	0.5	Tribal	40
181 180	160	1	member	160
181 181	160	1	member	160
181 182	160	0.459567901	member	73.53086418
181 182	160	0.267283951	Nonmember	42.76543213
181 182	160	0.273148148	Tribal	43.7037037
181 183	160	0.186728395	member	29.87654322
181 183	160	0.458236883	Nonmember	73.31790122
181 183	160	0.355034722	Tribal	56.80555557
181 186	160	0.217978395	member	34.87654322
181 186	160	0.319347994	Nonmember	51.09567899
181 186	160	0.462673611	Tribal	74.02777779
181 187	160	0.962962963	member	154.0740741
181 187	160	0.037037037	Nonmember	5.92592592
181 19	160	1	Nonmember	160
181 190 A	2	1	member	2
181 192	161.34	0.25	member	40.335
181 192	161.34	0.108333333	Nonmember	17.47849999
181 192	161.34	0.641666667	Tribal	103.5265
181 193	160	0.375	Nonmember	60
181 193	160	0.625	Tribal	100
181 20	160	1	Nonmember	160
181 203	161.42	1	Nonmember	161.42
181 204	163.19	0.871212121	member	142.1731061
181 204	163.19	0.083333333	Nonmember	13.59916666
181 204	163.19	0.045454546	Tribal	7.41772728
181 205	160	1	member	160
181 206	162.19	0.871212121	member	141.3018939
181 206	162.19	0.083333333	Nonmember	13.51583333
181 206	162.19	0.045454546	Tribal	7.372272735
181 207	160	0.25	member	40
181 207	160	0.75	Nonmember	120
181 208	160	0.733740741	member	117.3985185
181 208	160	0.188592593	Nonmember	30.17481483
181 208	160	0.077666667	Tribal	12.42666667
181 209	160	0.833333333	member	133.3333333
181 209	160	0.166666667	Nonmember	26.66666667
181 21	160	0.5	member	80
181 21	160	0.5	Nonmember	80
181 211	160	1	member	160
181 214	160	0.75	member	120
181 214	160	0.25	Tribal	40
181 215	160	0.790481482	member	126.477037
181 215	160	0.170685185	Nonmember	27.30962963
181 215	160	0.038833333	Tribal	6.213333328
181 222	160	1	member	160
181 223	160	0.527777778	member	84.44444445
181 223	160	0.25	Nonmember	40
181 223	160	0.222222222	Tribal	35.55555555
181 224	160	0.416666667	member	66.66666666
181 224	160	0.25	Nonmember	40.00000002
181 224	160	0.333333333	Tribal	53.33333333

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181 226 -A	80	0.416666667	member	33.33333334
181 226 -A	80	0.583333333	Tribal	46.66666666
181 226 -B	80	0.40625	member	32.5
181 226 -B	80	0.59375	Tribal	47.5
181 227	80	0.5	member	40
181 227	80	0.5	Tribal	40
181 228	160	1	member	160
181 229	160	0.666666667	member	106.6666667
181 229	160	0.166666667	Nonmember	26.66666667
181 229	160	0.166666667	Tribal	26.66666666
181 23	155	0.665625	member	103.171875
181 23	155	0.334375	Tribal	51.828125
181 230	160	0.491446258	member	78.63140128
181 230	160	0.013888889	Nonmember	2.222222208
181 230	160	0.494664853	Tribal	79.14637651
181 24	160	0.225	member	36
181 24	160	0.775	Tribal	124
181 248	160	1	Nonmember	160
181 25	160	0.50625	member	81
181 25	160	0.49375	Tribal	79
181 250	160	1	Nonmember	160
181 253 -B	80	0.875	member	70
181 253 -B	80	0.025	Nonmember	2
181 253 -B	80	0.1	Tribal	8
181 256	160	0.518518519	member	82.96296296
181 256	160	0.166666667	Nonmember	26.66666667
181 256	160	0.314814815	Tribal	50.37037037
181 259 -A	80	1	member	80
181 265 -C	40	1	member	40
181 267 -C	79.72	0.666666667	member	53.14666666
181 267 -C	79.72	0.333333333	Tribal	26.57333334
181 268	160	0.333333333	member	53.33333333
181 268	160	0.666666667	Tribal	106.6666667
181 27	160	0.5203125	member	83.25
181 27	160	0.0421875	Nonmember	6.75
181 27	160	0.4375	Tribal	70
181 271	160	0.72	member	115.2
181 271	160	0.28	Tribal	44.8
181 274 -A	80	1	member	80
181 274	80	0.888888889	member	71.11111111
181 274	80	0.111111111	Tribal	8.888888888
181 276	160	0.888888889	member	142.2222222
181 276	160	0.111111111	Tribal	17.77777778
181 28	160	0.478125	member	76.5
181 28	160	0.046875	Nonmember	7.5
181 28	160	0.475	Tribal	76
181 281	160	1	member	160
181 282	160	0.100507259	member	16.08116146
181 282	160	0.099451778	Nonmember	15.91228453
181 282	160	0.800040963	Tribal	128.006554
181 283 -A	50	0.75	member	37.5
181 283 -A	50	0.25	Nonmember	12.5
181 283 -B	110	0.95	member	104.5
181 283 -B	110	0.05	Tribal	5.5
181 284	160	0.75	member	120
181 284	160	0.25	Nonmember	40
181 285	150.91	1	member	150.91
181 286	160	0.75	member	120
181 286	160	0.25	Tribal	40

181 287	160	0.75	member	120
181 287	160	0.25	Tribal	40
181 288	160	0.75	member	120
181 288	160	0.25	Tribal	40
181 289	160.54	1	member	160.54
181 29	160.07	0.28125	member	45.0196875
181 29	160.07	0.71875	Tribal	115.0503125
181 290	160	0.25	member	40
181 290	160	0.375	Nonmember	60
181 290	160	0.375	Tribal	60
181 292	160	0.75	member	120
181 292	160	0.25	Nonmember	40
181 293 -A	40	0.473801387	member	18.95205549
181 293 -A	40	0.526198613	Tribal	21.04794451
181 295	80	0.166666667	member	13.33333333
181 295	80	0.055555556	Nonmember	4.444444448
181 295	80	0.777777778	Tribal	62.22222222
181 297	160	0.87962963	member	140.7407407
181 297	160	0.12037037	Nonmember	19.25925926
181 298	80	0.666666667	member	53.33333334
181 298	80	0.333333333	Tribal	26.66666666
181 30	160	0.40625	member	65
181 30	160	0.59375	Tribal	95
181 301	80	0.591578483	member	47.32627866
181 301	80	0.20787037	Nonmember	16.62962962
181 301	80	0.200551147	Tribal	16.04409172
181 303	160.15	0.133333333	member	21.35333334
181 303	160.15	0.422222222	Nonmember	67.61888889
181 303	160.15	0.444444444	Tribal	71.17777777
181 305	160.06	0.814285714	member	130.3345714
181 305	160.06	0.185714286	Nonmember	29.72542859
181 307	160.12	0.016666667	member	2.668666656
181 307	160.12	0.216666667	Nonmember	34.69266667
181 307	160.12	0.766666667	Tribal	122.7586667
181 308	160.28	0.374285714	member	59.99051427
181 308	160.28	0.185714286	Nonmember	29.76628573
181 308	160.28	0.44	Tribal	70.5232
181 310	164.76	1	member	164.76
181 312	160	1	member	160
181 314	165.12	0.6	member	99.072
181 314	165.12	0.4	Nonmember	66.048
181 316	160	0.796296296	member	127.4074074
181 316	160	0.037037037	Nonmember	5.92592592
181 316	160	0.166666667	Tribal	26.66666667
181 317	160.25	0.5	member	80.125
181 317	160.25	0.5	Tribal	80.125
181 318	160.33	0.916666667	member	146.9691667
181 318	160.33	0.083333333	Nonmember	13.36083333
181 319	161.15	0.645833333	member	104.0760417
181 319	161.15	0.333333333	Nonmember	53.71666668
181 319	161.15	0.020833333	Tribal	3.357291661
181 320	129.98	0.111111111	member	14.44222222
181 320	129.98	0.888888889	Nonmember	115.5377778
181 322	80	0.791666667	member	63.33333333
181 322	80	0.208333333	Tribal	16.66666667
181 326	160	1	member	160
181 327	160	1	member	160
181 329 -A	5	1	member	5
181 329	174.84	0.5	member	87.42

181 329	174.84	0.5	Tribal	87.42
181 33	160	1	member	160
181 333 -A	80	0.071428571	member	5.714285712
181 333 -A	80	0.928571429	Tribal	74.28571429
181 333 -C	5.03	1	member	5.03
181 336	160	1	member	160
181 338	160.93	0.675925926	member	108.7767593
181 338	160.93	0.157407407	Nonmember	25.33157407
181 338	160.93	0.166666667	Tribal	26.82166667
181 340	160	0.73904321	member	118.2469136
181 340	160	0.20462963	Nonmember	32.74074074
181 340	160	0.056327161	Tribal	9.01234568
181 341	160	0.303030303	member	48.48484848
181 341	160	0.166666667	Nonmember	26.66666667
181 341	160	0.53030303	Tribal	84.84848485
181 342	160	0.606060606	member	96.96969696
181 342	160	0.333333333	Nonmember	53.33333334
181 342	160	0.060606061	Tribal	9.696969696
181 345	160	0.833333333	member	133.3333333
181 345	160	0.166666667	Nonmember	26.66666667
181 35 -B	80	0.5	Nonmember	40
181 35 -B	80	0.5	Tribal	40
181 353	160	1	member	160
181 356	160.88	0.480324074	member	77.27453704
181 356	160.88	0.292824074	Nonmember	47.10953704
181 356	160.88	0.226851852	Tribal	36.49592592
181 357	160.89	0.125	Nonmember	20.11125
181 357	160.89	0.875	Tribal	140.77875
181 358	160	0.90787037	member	145.2592593
181 358	160	0.09212963	Nonmember	14.74074074
181 359	160.72	1	member	160.72
181 36 -A	80	1	member	80
181 36	80	1	member	80
181 360 -A	40	1	member	40
181 360 -D	50	0.666666667	member	33.33333334
181 360 -D	50	0.333333333	Nonmember	16.66666667
181 360 -E	5.5	1	member	5.5
181 360 -G	5	1	member	5
181 363	160	1	Nonmember	160
181 364 -B	80	0.2	member	16
181 364 -B	80	0.8	Tribal	64
181 364	80	0.95	member	76
181 364	80	0.025	Nonmember	2
181 364	80	0.025	Tribal	2
181 365	144.06	0.833333333	member	120.05
181 365	144.06	0.104166667	Nonmember	15.00625
181 365	144.06	0.0625	Tribal	9.00375
181 366	155	0.275694444	member	42.73263888
181 366	155	0.041666667	Nonmember	6.458333339
181 366	155	0.682638889	Tribal	105.8090278
181 367	152.16	0.525	member	79.88399998
181 367	152.16	0.175	Nonmember	26.62800002
181 367	152.16	0.3	Tribal	45.648
181 371	149.28	1	member	149.28
181 372	158.9	1	member	158.9
181 375	154.73	1	Tribal	154.73
181 377	171.76	1	Nonmember	171.76
181 378 -A	80	0.25	Nonmember	20
181 378 -A	80	0.75	Tribal	60

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181 378 -B	40	1	Nonmember	40
181 378	40	1	Nonmember	40
181 39	160	0.305136684	member	48.8218695
181 39	160	0.062268518	Nonmember	9.962962928
181 39	160	0.632594797	Tribal	101.2151676
181 391	166.68	0.5	member	83.34
181 391	166.68	0.5	Nonmember	83.34
181 399	160	0.593038103	member	94.88609643
181 399	160	0.002718989	Nonmember	0.435038208
181 399	160	0.404242909	Tribal	64.67886536
181 40 -A	80	0.185394621	member	14.83156966
181 40 -A	80	0.091203704	Nonmember	7.296296304
181 40 -A	80	0.723401675	Tribal	57.87213403
181 40	80	0.171505732	member	13.72045855
181 40	80	0.105092593	Nonmember	8.407407424
181 40	80	0.723401675	Tribal	57.87213402
181 400	160	0.546434083	member	87.42945323
181 400	160	0.016313933	Nonmember	2.610229296
181 400	160	0.437251984	Tribal	69.96031747
181 401	160	0.5	member	80
181 401	160	0.5	Nonmember	80
181 402 -B	106.66	1	member	106.66
181 402 -C	26.67	0.035714286	member	0.9525
181 402 -C	26.67	0.583333333	Nonmember	15.5575
181 402 -C	26.67	0.380952381	Tribal	10.16
181 403 -A	80	0.035714286	member	2.857142856
181 403 -A	80	0.583333333	Nonmember	46.66666666
181 403 -A	80	0.380952381	Tribal	30.47619048
181 404	159.82	0.5625	member	89.89875
181 404	159.82	0.4375	Nonmember	69.92125
181 407	160	0.5	member	80
181 407	160	0.5	Tribal	80
181 408	160	0.777777778	member	124.4444444
181 408	160	0.222222222	Tribal	35.55555555
181 409	160	0.75	member	120
181 409	160	0.25	Tribal	40
181 41	159	1	member	159
181 410	160	1	Nonmember	160
181 411	160	0.625	member	100
181 411	160	0.083333333	Nonmember	13.33333333
181 411	160	0.291666667	Tribal	46.66666667
181 412	160	0.083333333	member	13.33333333
181 412	160	0.666666667	Nonmember	106.6666667
181 412	160	0.25	Tribal	40
181 413 -A	80	0.37037037	member	29.62962962
181 413 -A	80	0.185185185	Nonmember	14.81481482
181 413 -A	80	0.444444445	Tribal	35.55555556
181 413	80	1	Nonmember	80
181 414	156	0.333333333	member	51.99999999
181 414	156	0.185185185	Nonmember	28.88888889
181 414	156	0.481481482	Tribal	75.11111111
181 415	160	0.166666667	member	26.66666667
181 415	160	0.333333333	Nonmember	53.33333333
181 415	160	0.5	Tribal	80
181 418	176.06	1	Nonmember	176.06
181 419	120	0.1875	member	22.5
181 419	120	0.5	Nonmember	60
181 419	120	0.3125	Tribal	37.5
181 42	160	0.333333333	member	53.33333333

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181 42	160	0.666666667	Tribal	106.6666667
181 423 -B	120	0.402699531	member	48.32394366
181 423 -B	120	0.060974178	Nonmember	7.316901408
181 423 -B	120	0.536326291	Tribal	64.35915493
181 426	144.3	0.411111111	member	59.32333333
181 426	144.3	0.475694444	Nonmember	68.64270833
181 426	144.3	0.113194445	Tribal	16.33395834
181 427	160	0.268171296	member	42.90740741
181 427	160	0.203125	Nonmember	32.5
181 427	160	0.528703704	Tribal	84.59259259
181 428 -A	40	0.372093023	member	14.88372093
181 428 -A	40	0.069767442	Nonmember	2.790697676
181 428 -A	40	0.558139535	Tribal	22.3255814
181 428 -B	120	0.202312139	member	24.27745666
181 428 -B	120	0.320809249	Nonmember	38.49710982
181 428 -B	120	0.476878613	Tribal	57.22543352
181 43 -A	40	0.4	member	16
181 43 -A	40	0.6	Nonmember	24
181 43 -B	40	0.4	member	16
181 43 -B	40	0.6	Nonmember	24
181 43	80	0.333333333	member	26.66666666
181 43	80	0.666666667	Nonmember	53.33333334
181 430	40	1	member	40
181 431	160	0.625	member	100
181 431	160	0.375	Tribal	60
181 433 -A	100	0.6	member	60
181 433 -A	100	0.4	Nonmember	40
181 433 -B	60	0.5	member	30
181 433 -B	60	0.5	Nonmember	30
181 434 A	119.84	1	member	119.84
181 434 AA	5	1	member	5
181 434 AB	34.95	1	member	34.95
181 436	160.74	1	member	160.74
181 438	159.77	0.175	Nonmember	27.95975
181 438	159.77	0.825	Tribal	131.81025
181 439	162.39	0.116666667	Nonmember	18.94550001
181 439	162.39	0.883333333	Tribal	143.4445
181 44	160	0.244830247	member	39.17283952
181 44	160	0.611419753	Nonmember	97.82716048
181 44	160	0.14375	Tribal	23
181 440	162.86	0.05	member	8.143
181 440	162.86	0.316666667	Nonmember	51.57233334
181 440	162.86	0.633333333	Tribal	103.1446667
181 443	160	0.248611111	member	39.77777778
181 443	160	0.165277778	Nonmember	26.44444445
181 443	160	0.586111111	Tribal	93.77777778
181 444	160	1	member	160
181 445 -A	40	1	member	40
181 449 -A	140	0.933333333	member	130.6666667
181 449 -A	140	0.066666667	Tribal	9.333333338
181 449 -B	20	0.903280543	member	18.06561086
181 449 -B	20	0.096719457	Tribal	1.93438914
181 451	120.36	0.903280543	member	108.7188462
181 451	120.36	0.096719457	Tribal	11.64115384
181 455	160	0.728395062	member	116.5432099
181 455	160	0.049382716	Nonmember	7.90123456
181 455	160	0.222222222	Tribal	35.55555555
181 456	160	0.5	Nonmember	80
181 456	160	0.5	Tribal	80

181 457 -B	20	1	Nonmember	20
181 457 -C	20	1	Nonmember	20
181 457	20	1	Nonmember	20
181 458	160	0.6	member	96
181 458	160	0.4	Tribal	64
181 462	160	1	member	160
181 465	160	0.77483165	member	123.973064
181 465	160	0.106481482	Nonmember	17.03703706
181 465	160	0.118686869	Tribal	18.98989899
181 466	160	0.788299663	member	126.1279461
181 466	160	0.171296296	Nonmember	27.40740742
181 466	160	0.04040404	Tribal	6.464646448
181 467 -A	10	0.25	Nonmember	2.5
181 467 -A	10	0.75	Tribal	7.5
181 47	160	0.357638889	member	57.22222222
181 47	160	0.642361111	Tribal	102.7777778
181 471 A	80	0.09375	Nonmember	7.5
181 471 A	80	0.90625	Tribal	72.5
181 471	80	0.09375	Nonmember	7.5
181 471	80	0.90625	Tribal	72.5
181 472	160	0.0625	member	10
181 472	160	0.051463638	Nonmember	8.234182144
181 472	160	0.886036362	Tribal	141.7658179
181 476	160	0.075	member	12
181 476	160	0.766666667	Nonmember	122.6666667
181 476	160	0.158333333	Tribal	25.33333333
181 477	160	0.1875	member	30
181 477	160	0.5125	Nonmember	82
181 477	160	0.3	Tribal	48
181 478	161.36	0.398148148	member	64.24518518
181 478	161.36	0.351851852	Nonmember	56.77481482
181 478	161.36	0.25	Tribal	40.34
181 479	160	1	Nonmember	160
181 480	160	1	Nonmember	160
181 485	160	0.857142857	member	137.1428572
181 485	160	0.142857143	Tribal	22.85714285
181 486 A	80	1	Tribal	80
181 486	80	1	Tribal	80
181 489	120	0.25	member	30
181 489	120	0.75	Tribal	90
181 49 -A	80	1	Nonmember	80
181 490	160	0.25	member	40
181 490	160	0.75	Tribal	120
181 495	80	0.602945902	member	48.23567219
181 495	80	0.230387431	Nonmember	18.43099447
181 495	80	0.166666667	Tribal	13.33333334
181 496	80	0.477945902	member	38.23567219
181 496	80	0.222537879	Nonmember	17.80303029
181 496	80	0.299516219	Tribal	23.96129752
181 497 -A	80	0.083333333	member	6.666666664
181 497 -A	80	0.416666667	Nonmember	33.33333334
181 497 -A	80	0.5	Tribal	40
181 497 -B	80	0.518518519	member	41.48148148
181 497 -B	80	0.481481482	Nonmember	38.51851852
181 5 -A	60	1	member	60
181 5 -C	50	1	member	50
181 50	160	1	Nonmember	160
181 500	80	0.086419753	Nonmember	6.913580248
181 500	80	0.913580247	Tribal	73.08641975

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181 502	160	0.055555556	member	8.88888888
181 502	160	0.275892857	Nonmember	44.14285712
181 502	160	0.668551588	Tribal	106.968254
181 503	160	0.055555556	member	8.888888896
181 503	160	0.630864198	Nonmember	100.9382716
181 503	160	0.313580247	Tribal	50.1728395
181 504	160	0.338888889	Nonmember	54.22222224
181 504	160	0.661111111	Tribal	105.7777778
181 505	160	0.166666667	member	26.66666666
181 505	160	0.0625	Nonmember	10
181 505	160	0.770833333	Tribal	123.3333333
181 506	74.48	0.121666667	member	9.061733336
181 506	74.48	0.025333333	Nonmember	1.886826664
181 506	74.48	0.853	Tribal	63.53144
181 507	161.48	0.333333333	member	53.82666666
181 507	161.48	0.277777778	Nonmember	44.85555556
181 507	161.48	0.388888889	Tribal	62.79777778
181 508	160	0.625	member	100
181 508	160	0.041666667	Nonmember	6.666666672
181 508	160	0.333333333	Tribal	53.33333333
181 51	160	0.481870679	member	77.09930856
181 51	160	0.222537879	Nonmember	35.60606059
181 51	160	0.295591443	Tribal	47.29463085
181 510	161.33	0.419083774	member	67.61078531
181 510	161.33	0.216178571	Nonmember	34.87608892
181 510	161.33	0.364737654	Tribal	58.84312577
181 511	156.63	0.15	Nonmember	23.4945
181 511	156.63	0.85	Tribal	133.1355
181 512	80	0.533333333	Nonmember	42.66666666
181 512	80	0.466666667	Tribal	37.33333334
181 52	160	0.541666667	member	86.66666667
181 52	160	0.236111111	Nonmember	37.77777778
181 52	160	0.222222222	Tribal	35.55555555
181 522	160	0.083333333	member	13.33333333
181 522	160	0.583333333	Nonmember	93.33333334
181 522	160	0.333333333	Tribal	53.33333333
181 527	160	1	member	160
181 53	80	0.25	member	20
181 53	80	0.6875	Nonmember	55
181 53	80	0.0625	Tribal	5
181 54 A	80	0.642176696	member	51.37413568
181 54 A	80	0.20217803	Nonmember	16.17424242
181 54 A	80	0.155645274	Tribal	12.4516219
181 54	80	0.642176696	member	51.37413568
181 54	80	0.20217803	Nonmember	16.17424242
181 54	80	0.155645274	Tribal	12.4516219
181 540	157.17	0.166666667	member	26.19500001
181 540	157.17	0.5	Nonmember	78.585
181 540	157.17	0.333333333	Tribal	52.38999999
181 551	184	1	Nonmember	184
181 552	159.45	0.408192114	member	65.08623263
181 552	159.45	0.222069545	Nonmember	35.40898893
181 552	159.45	0.369738341	Tribal	58.95477844
181 553	40	0.329046639	member	13.16186557
181 553	40	0.137345679	Nonmember	5.49382716
181 553	40	0.533607682	Tribal	21.34430727
181 554	161.08	0.6	member	96.648
181 554	161.08	0.24	Nonmember	38.6592
181 554	161.08	0.16	Tribal	25.7728

181 559 -A	39.08	1	member	39.08
181 559	115.8	1	member	115.8
181 560 -A	75.16	0.388888889	member	29.22888889
181 560 -A	75.16	0.611111111	Nonmember	45.93111111
181 560	77.8	0.151515152	member	11.78787879
181 560	77.8	0.348484849	Nonmember	27.11212121
181 560	77.8	0.5	Tribal	38.9
181 561	160.32	0.144444444	member	23.15733333
181 561	160.32	0.122222222	Nonmember	19.59466668
181 561	160.32	0.733333333	Tribal	117.568
181 562	78	0.85	member	66.3
181 562	78	0.125	Nonmember	9.75
181 562	78	0.025	Tribal	1.95
181 563	160	0.425	member	68
181 563	160	0.025	Nonmember	4
181 563	160	0.55	Tribal	88
181 566 -B	80	0.933333333	Nonmember	74.66666666
181 566 -B	80	0.066666667	Tribal	5.333333336
181 567	150.1	0.173684211	member	26.07
181 567	150.1	0.82631579	Tribal	124.03
181 569	91.1	1	member	91.1
181 570 -A	11.97	1	member	11.97
181 570 -B	36.03	1	Nonmember	36.03
181 570	72.84	1	Nonmember	72.84
181 576	160	0.666666667	member	106.6666667
181 576	160	0.333333333	Nonmember	53.33333333
181 577 -A	80	1	Nonmember	80
181 577 -B	40	1	member	40
181 577 -C	40	1	Nonmember	40
181 578	160	1	Nonmember	160
181 580	160	0.666666667	member	106.6666667
181 580	160	0.333333333	Nonmember	53.33333334
181 585	160	1	member	160
181 590	160	1	member	160
181 592	160.08	0.71875	member	115.0575
181 592	160.08	0.28125	Nonmember	45.0225
181 593	160	0.1	member	16
181 593	160	0.733333333	Nonmember	117.3333333
181 593	160	0.166666667	Tribal	26.66666667
181 599	160	0.5	member	80
181 599	160	0.5	Nonmember	80
181 60	160.52	0.25	Nonmember	40.13
181 60	160.52	0.75	Tribal	120.39
181 601	160	1	Nonmember	160
181 603	160	1	member	160
181 605	160	0.36412037	member	58.25925926
181 605	160	0.511689815	Nonmember	81.87037037
181 605	160	0.124189815	Tribal	19.87037037
181 607	160	0.378472222	member	60.55555555
181 607	160	0.621527778	Nonmember	99.44444445
181 61	159.68	0.5	Nonmember	79.84
181 61	159.68	0.5	Tribal	79.84
181 618	159.98	1	member	159.98
181 619	160.63	0.2	member	32.126
181 619	160.63	0.8	Tribal	128.504
181 62	160.51	1	Tribal	160.51
181 620	162.38	1	member	162.38
181 621 -B	52	1	member	52
181 622	160	0.996031746	member	159.3650794

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181 622	160	0.003968254	Nonmember	0.63492064
181 63	159.89	0.375	member	59.95875
181 63	159.89	0.4	Nonmember	63.956
181 63	159.89	0.225	Tribal	35.97525
181 632	157.15	0.5	Nonmember	78.575
181 632	157.15	0.5	Tribal	78.575
181 634	160.1	1	Nonmember	160.1
181 64 -A	20.05	0.5	member	10.025
181 64 -A	20.05	0.5	Nonmember	10.025
181 64 -B	20.04	1	member	20.04
181 64 -C	20.03	1	member	20.03
181 64 -D	20.05	0.5	member	10.025
181 64 -D	20.05	0.5	Nonmember	10.025
181 64 -E	80.15	0.0625	member	5.009375
181 64 -E	80.15	0.9375	Tribal	75.140625
181 640 .5	158.58	1	Nonmember	158.58
181 641 -A	53.36	0.035714286	member	1.905714285
181 641 -A	53.36	0.964285714	Nonmember	51.45428572
181 641 -C	53.35	1	member	53.35
181 65 -A	1	1	Nonmember	1
181 65	159.39	1	member	159.39
181 68 -B	80	0.05	member	4
181 68 -B	80	0.25	Nonmember	20.0000001
181 68 -B	80	0.7	Tribal	55.99999999
181 69 -A	80	0.75	member	60
181 69 -A	80	0.25	Nonmember	20
181 7	160	0.4503367	member	72.05387202
181 7	160	0.407407408	Nonmember	65.1851852
181 7	160	0.142255892	Tribal	22.76094278
181 70 -B	80	1	Tribal	80
181 70 -D	40	1	member	40
181 74	164.76	0.142698688	member	23.5110359
181 74	164.76	0.238102127	Nonmember	39.22970651
181 74	164.76	0.619199184	Tribal	102.0192576
181 75	80	0.13753858	member	11.00308642
181 75	80	0.211626433	Nonmember	16.93011463
181 75	80	0.650834987	Tribal	52.06679895
181 76	178.39	0.102998236	member	18.37385537
181 76	178.39	0.165740741	Nonmember	29.56649073
181 76	178.39	0.731261023	Tribal	130.4496539
181 78	178.8	0.619722222	member	110.8063333
181 78	178.8	0.065972222	Nonmember	11.79583333
181 78	178.8	0.314305556	Tribal	56.19783334
181 79	160	0.619722222	member	99.15555555
181 79	160	0.065972222	Nonmember	10.55555555
181 79	160	0.314305556	Tribal	50.2888889
181 8	160	0.687149271	member	109.9438833
181 8	160	0.070987654	Nonmember	11.3580247
181 8	160	0.241863075	Tribal	38.69809202
181 80 -A	80	0.090909091	member	7.272727272
181 80 -A	80	0.909090909	Tribal	72.72727273
181 80 -B	40	0.494722222	member	19.78888889
181 80 -B	40	0.065972222	Nonmember	2.638888888
181 80 -B	40	0.439305556	Tribal	17.57222222
181 80	40	0.090909091	member	3.636363636
181 80	40	0.909090909	Tribal	36.36363636
181 81	153.04	0.090909091	member	13.91272727
181 81	153.04	0.909090909	Tribal	139.1272727
181 82	153.2	0.090909091	member	13.92727273

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181 82	153.2	0.909090909	Tribal	139.2727273
181 83	160	0.111111111	member	17.77777779
181 83	160	0.888888889	Nonmember	142.2222222
181 84	173.87	0.775	member	134.74925
181 84	173.87	0.125	Nonmember	21.73375
181 84	173.87	0.1	Tribal	17.387
181 86	153.41	0.630555556	member	96.73352778
181 86	153.41	0.013888889	Nonmember	2.130694446
181 86	153.41	0.355555556	Tribal	54.54577777
181 88	160	0.464444445	member	74.311111114
181 88	160	0.013888889	Nonmember	2.222222208
181 88	160	0.521666667	Tribal	83.466666666
181 89	131.25	1	member	131.25
181 90	160	1	member	160
181 91	160.07	0.303819444	member	48.63237847
181 91	160.07	0.696180556	Tribal	111.4376215
181 92	160.02	1	member	160.02
181 93 -A	34.8	0.694444444	member	24.16666667
181 93 -A	34.8	0.256944445	Nonmember	8.941666669
181 93 -A	34.8	0.048611111	Tribal	1.691666666
181 94	156.59	0.583333333	member	91.34416668
181 94	156.59	0.291666667	Nonmember	45.67208335
181 94	156.59	0.125	Tribal	19.57374997
181 95	153.02	0.555555556	member	85.01111111
181 95	153.02	0.444444445	Tribal	68.0088889
181 96	160	0.476851852	member	76.29629629
181 96	160	0.208333333	Nonmember	33.33333334
181 96	160	0.314814815	Tribal	50.37037037
181 97	160	0.601851852	member	96.29629627
181 97	160	0.125	Nonmember	20.00000002
181 97	160	0.273148148	Tribal	43.70370371
181 98	160.17	0.340277778	member	54.50229165
181 98	160.17	0.055555556	Nonmember	8.89833334
181 98	160.17	0.604166667	Tribal	96.76937501
181 T 1004	138.34	1	Tribal	138.34
181 T 1005	0.08	1	Tribal	0.08
181 T 1008	0.26	1	Tribal	0.26
181 T 1009	120	1	Tribal	120
181 T 101	160	1	Tribal	160
181 T 1010	40.09	1	Tribal	40.09
181 T 1011	0.08	1	Tribal	0.08
181 T 1012	0.16	1	Tribal	0.16
181 T 1013	3.16	1	Tribal	3.16
181 T 1014	40	1	Tribal	40
181 T 1016	0.48	1	Tribal	0.48
181 T 1017 -A	3.23	1	Tribal	3.23
181 T 1017	226.1	1	Tribal	226.1
181 T 1019	120	1	Tribal	120
181 T 1020	0.63	1	Tribal	0.63
181 T 1030	912.34	1	Tribal	912.34
181 T 1038	0.08	1	Tribal	0.08
181 T 1040	28.6	1	Tribal	28.6
181 T 1041	0.16	1	Tribal	0.16
181 T 105	153.95	1	Tribal	153.95
181 T 107 -B	76.94	1	Tribal	76.94
181 T 1082	320	1	Tribal	320
181 T 1083	10	1	Tribal	10
181 T 1122	0.32	1	Tribal	0.32
181 T 1123	0.32	1	Tribal	0.32

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181 T 1124	0.64	1	Tribal	0.64
181 T 1125	6.85	1	Tribal	6.85
181 T 1126	80	1	Tribal	80
181 T 1129	0.97	1	Tribal	0.97
181 T 113	161.85	1	Tribal	161.85
181 T 1130	0.96	1	Tribal	0.96
181 T 1131	0.55	1	Tribal	0.55
181 T 1132	1.2	1	Tribal	1.2
181 T 1134	0.68	1	Tribal	0.68
181 T 1135	0.32	1	Tribal	0.32
181 T 1136	0.21	1	Tribal	0.21
181 T 1138	4.13	1	Tribal	4.13
181 T 1139 -A	0.48	1	Tribal	0.48
181 T 1141	0.24	1	Tribal	0.24
181 T 1142	0.065	1	Tribal	0.065
181 T 1143	3.47	1	Tribal	3.47
181 T 1145	0.22	1	Tribal	0.22
181 T 1146	9.575	1	Tribal	9.575
181 T 1148	66.2	1	Tribal	66.2
181 T 1149	739	1	Tribal	739
181 T 1150	0.48	1	Tribal	0.48
181 T 1151	5	1	Tribal	5
181 T 1153	0.11	1	Tribal	0.11
181 T 1154	0.12	1	Tribal	0.12
181 T 1155	0.65	1	Tribal	0.65
181 T 1156	36.48	1	Tribal	36.48
181 T 1157	147.6	1	Tribal	147.6
181 T 1158	1.45	1	Tribal	1.45
181 T 1159	0.55	1	Tribal	0.55
181 T 1160	86.2	1	Tribal	86.2
181 T 1161	718.15	1	Tribal	718.15
181 T 1162	7.68	1	Tribal	7.68
181 T 1163	412.45	1	Tribal	412.45
181 T 1164	640.22	1	Tribal	640.22
181 T 118 -A	37.14	1	Tribal	37.14
181 T 118 -B	40.07	1	Tribal	40.07
181 T 123	83.3	1	Tribal	83.3
181 T 130 -B	80	1	Tribal	80
181 T 133	160.68	1	Tribal	160.68
181 T 135	160	1	Tribal	160
181 T 139	160	1	Tribal	160
181 T 145	79.84	1	Tribal	79.84
181 T 148	160.74	1	Tribal	160.74
181 T 149 -B	10.01	1	Tribal	10.01
181 T 163	165.53	1	Tribal	165.53
181 T 171	160	1	Tribal	160
181 T 189	160	1	Tribal	160
181 T 190	158.17	1	Tribal	158.17
181 T 198	160	1	Tribal	160
181 T 199	160	1	Tribal	160
181 T 200	160	1	Tribal	160
181 T 202	160	1	Tribal	160
181 T 249	80	1	Tribal	80
181 T 257 -A	40	1	Tribal	40
181 T 257 -B	40	1	Tribal	40
181 T 258 -A	80	1	Tribal	80
181 T 258	42.23	1	Tribal	42.23
181 T 259	80	1	Tribal	80
181 T 261 -B	40	1	Tribal	40

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181 T 265 -B	40	1	Tribal	40
181 T 265 -D	40	1	Tribal	40
181 T 272	160	1	Tribal	160
181 T 273	160	1	Tribal	160
181 T 277	160	1	Tribal	160
181 T 291	160	1	Tribal	160
181 T 299	160	1	Tribal	160
181 T 311	82.2	1	Tribal	82.2
181 T 313	164.72	1	Tribal	164.72
181 T 330	160.39	1	Tribal	160.39
181 T 331	159.7	1	Tribal	159.7
181 T 333 -B	75.43	1	Tribal	75.43
181 T 337	160	1	Tribal	160
181 T 34 -A	80	1	Tribal	80
181 T 34 -B	80	1	Tribal	80
181 T 35 -A	80	1	Tribal	80
181 T 360 -C	59.31	1	Tribal	59.31
181 T 398 -A	40	1	Tribal	40
181 T 398	118.82	1	Tribal	118.82
181 T 423 -A	40	1	Tribal	40
181 T 445 -C	40	1	Tribal	40
181 T 457 -A	80	1	Tribal	80
181 T 457 -D	20	1	Tribal	20
181 T 46	160	1	Tribal	160
181 T 483 -A	40	1	Tribal	40
181 T 483 -B	53.8	1	Tribal	53.8
181 T 489 A	40	1	Tribal	40
181 T 491	80	1	Tribal	80
181 T 498	160	1	Tribal	160
181 T 513 -A	80	1	Tribal	80
181 T 513 -B	80	1	Tribal	80
181 T 5150	32.4	1	Tribal	32.4
181 T 5206	360	1	Tribal	360
181 T 5207	200	1	Tribal	200
181 T 5208	80	1	Tribal	80
181 T 5214	120	1	Tribal	120
181 T 5215	480	1	Tribal	480
181 T 5216	280	1	Tribal	280
181 T 5217	520	1	Tribal	520
181 T 5218	440	1	Tribal	440
181 T 5219	440	1	Tribal	440
181 T 5227	120	1	Tribal	120
181 T 5229	192.59	1	Tribal	192.59
181 T 5230	276.95	1	Tribal	276.95
181 T 5239	154.68	1	Tribal	154.68
181 T 5240	39.23	1	Tribal	39.23
181 T 5257	74.79	1	Tribal	74.79
181 T 5259	320	1	Tribal	320
181 T 5260	381.57	1	Tribal	381.57
181 T 5262	464.71	1	Tribal	464.71
181 T 5263	80	1	Tribal	80
181 T 5264	320	1	Tribal	320
181 T 5265	67.55	1	Tribal	67.55
181 T 5340	80	1	Tribal	80
181 T 5341	80	1	Tribal	80
181 T 5344	40	1	Tribal	40
181 T 5345	40	1	Tribal	40
181 T 5346	40	1	Tribal	40
181 T 5347	120.38	1	Tribal	120.38

181 T 5348	200	1	Tribal	200
181 T 5350	80	1	Tribal	80
181 T 5373	40	1	Tribal	40
181 T 5374	80	1	Tribal	80
181 T 5381	80	1	Tribal	80
181 T 5414	36.34	1	Tribal	36.34
181 T 5420	440.6	1	Tribal	440.6
181 T 5421	80	1	Tribal	80
181 T 5430	40	1	Tribal	40
181 T 5431	120	1	Tribal	120
181 T 5455	120.36	1	Tribal	120.36
181 T 5458	303.26	1	Tribal	303.26
181 T 5459	235.8	1	Tribal	235.8
181 T 5460	80	1	Tribal	80
181 T 5462	123.19	1	Tribal	123.19
181 T 5464	40	1	Tribal	40
181 T 5465	78.42	1	Tribal	78.42
181 T 5466	200	1	Tribal	200
181 T 5468	22.78	1	Tribal	22.78
181 T 5469	201.56	1	Tribal	201.56
181 T 5472	252.71	1	Tribal	252.71
181 T 5473	80	1	Tribal	80
181 T 5474	240	1	Tribal	240
181 T 5482	80	1	Tribal	80
181 T 5483	400.39	1	Tribal	400.39
181 T 5484	560	1	Tribal	560
181 T 5495	196.54	1	Tribal	196.54
181 T 5521	0.24	1	Tribal	0.24
181 T 5580	23.52	1	Tribal	23.52
181 T 5581	2.67	1	Tribal	2.67
181 T 5582	304.6	1	Tribal	304.6
181 T 5583	640	1	Tribal	640
181 T 5584	1.43	1	Tribal	1.43
181 T 5585	532.25	1	Tribal	532.25
181 T 5586	129.9	1	Tribal	129.9
181 T 5590	32.59	1	Tribal	32.59
181 T 5595	21.91	1	Tribal	21.91
181 T 5596	10.23	1	Tribal	10.23
181 T 5599	0.16	1	Tribal	0.16
181 T 5600	0.8	1	Tribal	0.8
181 T 57	159.21	1	Tribal	159.21
181 T 570 C	37.7	1	Tribal	37.7
181 T 574	150.5	1	Tribal	150.5
181 T 589 -A	2.75	1	Tribal	2.75
181 T 59	160.49	1	Tribal	160.49
181 T 621 -A	110	1	Tribal	110
181 T 633	160.16	1	Tribal	160.16
181 T 639 .5	160.12	1	Tribal	160.12
181 T 68 -A	81.07	1	Tribal	81.07

Total 67692.66

percentage

Tribal	36102.63997	53.33%
Member	20768.09404	30.68%
Nonmember	10821.92599	15.99%
Total	67692.66	100.00%



THE SECRETARY OF THE INTERIOR
WASHINGTON

ORDER NO. 3335

Subject: Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries

Sec. 1 Purpose. In 2009, Secretary's Order No. 3292 established a Secretarial Commission on Indian Trust Administration and Reform (Commission). The Commission issued its Final Report and Recommendations in December 2013, which sets forth its views and recommendations regarding the United States' trust responsibility. In response to the report, this Order sets forth guiding principles that bureaus and offices will follow to ensure that the Department of the Interior (Department) fulfills its trust responsibility.

Sec. 2 Authority. This Order is issued pursuant to the U.S. Constitution, treaties, statutes, Executive Orders, and other Federal laws that form the foundation of the Federal-tribal trust relationship and in recognition of the United States' trust responsibility to all federally recognized Indian tribes and individual Indian beneficiaries.

Sec. 3 Background. The trust responsibility is a well-established legal principle that has its origins with the formation of the United States Government. In the modern era, Presidents, Congress, and past Secretaries of the Interior have recognized the trust responsibility repeatedly, and have strongly emphasized the importance of honoring the United States' trust responsibility to federally recognized tribes and individual Indian beneficiaries.

a. **Legal Foundation.** The United States' trust responsibility is a well-established legal obligation that originates from the unique, historical relationship between the United States and Indian tribes. The Constitution recognized Indian tribes as entities distinct from states and foreign nations. Dating back as early as 1831, the United States formally recognized the existence of the Federal trust relationship toward Indian tribes. As Chief Justice John Marshall observed, "[t]he condition of the Indians in relation to the United States is perhaps unlike that of any other two people in existence ... marked by peculiar and cardinal distinctions which exist nowhere else." *Cherokee Nation v. Georgia*, 30 U.S. 1, 16 (1831). The trust responsibility consists of the highest moral obligations that the United States must meet to ensure the protection of tribal and individual Indian lands, assets, resources, and treaty and similarly recognized rights. See generally Cohen's Handbook of Federal Indian Law § 5.04[3] (Nell Jessup Newton ed., 2012); *Seminole Nation v. United States*, 316 U.S. 286, 296-97 (1942).

The U.S. Supreme Court has repeatedly opined on the meaning of the United States' trust responsibility. Most recently, in 2011, in *United States v. Jicarilla*, the Supreme Court recognized the existence of the trust relationship and noted that the "Government, following 'a humane and self-imposed policy . . . has charged itself with moral obligations of the highest responsibility and trust,' obligations 'to the fulfillment of which the national honor has been

committed.” The Court further explained that “Congress has expressed this policy in a series of statutes that have defined and redefined the trust relationship between the United States and the Indian tribes. In some cases, Congress established only a limited trust relationship to serve a narrow purpose. In other cases, we have found that particular ‘statutes and regulations . . . clearly establish fiduciary obligations of the Government’ in some areas. Once federal law imposes such duties, the common law ‘could play a role.’ But the applicable statutes and regulations ‘establish [the] fiduciary relationship and define the contours of the United States’ fiduciary responsibilities.” *United States v. Jicarilla Apache Nation*, 131 S. Ct. 2313, 2324-25 (2011)(internal citations omitted).

While the Court has ruled that the United States’ liability for breach of trust may be limited by Congress, it has also concluded that certain obligations are so fundamental to the role of a trustee that the United States must be held accountable for failing to conduct itself in a manner that meets the standard of a common law trustee. “This is so because elementary trust law, after all, confirms the commonsense assumption that a fiduciary actually administering trust property may not allow it to fall into ruin on his watch. ‘One of the fundamental common-law duties of a trustee is to preserve and maintain trust assets.’” *United States v. White Mountain Apache Tribe*, 537 U.S. 465, 475 (2003)(internal citations omitted).

b. Presidential Commitments to the Trust Responsibility. Since this country’s founding, numerous Presidents have expressed their commitment to upholding the trust responsibility. In the historic Special Message on Indian Affairs that marked the dawn of the self-determination age, President Nixon stated “[t]he special relationship between Indians and the Federal government is the result of solemn obligations which have been entered into by the United States Government . . . [T]he special relationship . . . continues to carry immense moral and legal force. To terminate this relationship would be no more appropriate than to terminate the citizenship rights of any other American.” Public Papers of the President: Richard M. Nixon, Special Message on Indian Affairs (July 8, 1970).

For more than four decades, nearly every administration has recognized the trust responsibility and the unique government-to-government relationship between the United States and Indian tribes. President Obama established a White House Council on Native American Affairs with the Secretary of the Interior serving as the Chair. President Barack Obama, Executive Order No. 13647, Establishing the White House Council on Native American Affairs (June 26, 2013). The Order requires cabinet-level participation and interagency coordination for the purpose of “establish[ing] a national policy to ensure that the Federal Government engages in a true and lasting government-to-government relationship with federally recognized tribes in a more coordinated and effective manner, including by better carrying out its trust responsibilities.” See also President Barack Obama, Memorandum on Tribal Consultation (Nov. 5, 2009); President George W. Bush, Executive Order No. 13336, American Indian and Alaska Native Education (Apr. 30, 2004); President William J. Clinton, Public Papers of the President: Remarks to Indian and Alaska Native Tribal Leaders (Apr. 29, 1994); President George H.W. Bush, Public Papers of the President: Statement Reaffirming the Government-to-Government Relationship Between the Federal Government and Indian Tribal Governments (Jun. 14, 1991); President Ronald Reagan, American Indian Policy Statement, 19 Weekly Comp. Pres. Doc. 98 (Jan. 24, 1983); President Gerald L. Ford, Public Papers of the President: Remarks at a Meeting

with American Indian Leaders (July 16, 1976); President Richard M. Nixon, Public Papers of the President: Special Message on Indian Affairs (July 8, 1970); President Lyndon B. Johnson, Public Papers of the President: Special Message to the Congress on the Problems of the American Indian: "The Forgotten American" (March 6, 1968).

c. Congress. Congress has also recognized the United States' unique responsibilities to Indian tribes and individual Indian beneficiaries. Recently, Congress passed a joint resolution recognizing the "special legal and political relationship Indian tribes have with the United States and the solemn covenant with the land we share" and acknowledged the "long history of depredations and ill-conceived policies by the Federal government regarding Indian tribes" and offered "an apology to all Native peoples on behalf of the United States." 111th Cong. 1st Sess., S.J. Res 14 (Apr. 30, 2009). Congress has expressly and repeatedly recognized the trust responsibility in its enactments impacting Indian Affairs. *See, e.g.*, Indian Education and Self-Determination and Assistance Act of 1975; Tribal Self-Governance Amendments of 2000; American Indian Trust Fund Management Reform Act of 1994; Federally Recognized Indian Tribe List Act of 1994; Tribally Controlled Schools Act of 1988 and Indian Education Act of 1972; Indian Child Welfare Act of 1978; Indian Mineral Development Act of 1982; Helping Expedite and Advance Responsible Tribal Home Ownership Act of 2012 (HEARTH Act).

d. The Department of the Interior. The Department likewise has recognized its obligations as a trustee towards Indian tribes and individual Indian beneficiaries and has been vested with the authority to perform certain specific trust duties and manage Indian affairs.

The Bureau of Indian Affairs (BIA) was transferred from the War Department to the Department in 1849. Congress delegated authority to the Department for the "management of all Indian affairs and of all matters arising out of Indian relations[.]" 25 U.S.C. § 2 (2014); *see also* 25 U.S.C. § 9 (2014); 43 U.S.C. § 1457. The BIA became the principal actor in the relationship between the Federal Government and Indian Tribes, and later Alaska Native Villages, exercising administrative jurisdiction over tribes, individual Indians, their land and resources.

The BIA has evolved dramatically over the last 185 years from an agency implementing past policies of allotment and assimilation, to a bureau charged with promoting and supporting Indian Self-Determination. In addition, several other bureaus and offices within the Department were created for or have specific duties with respect to fulfilling the trust responsibility, such as the Bureau of Indian Education, Office of the Assistant Secretary – Indian Affairs, Secretary's Indian Water Rights Office, Office of the Special Trustee for American Indians, Land Buy-Back Program for Tribal Nations, Office of Historical Trust Accounting, Office of Natural Resource Revenue, Office of Appraisal Services, and Office of Minerals Evaluations. All of these programs support and assist federally recognized tribes in the development of tribal government programs, building strong tribal economies, and furthering the well-being of Indian people. As instruments of the United States that make policy affecting Indian tribes and individual Indian beneficiaries, the Bureau of Land Management, Bureau of Reclamation, Fish & Wildlife Service, National Park Service, and the Department's other bureaus and offices share the same general Federal trust responsibility toward tribes and their members.

In an extended legal opinion regarding the meaning of the trust responsibility, former Department of the Interior Solicitor Leo M. Krulitz concluded that “[t]he trust responsibility doctrine imposes fiduciary standards on the conduct of the executive. The government has fiduciary duties of care and loyalty, to make trust property income productive, to enforce reasonable claims on behalf of Indians, and to take affirmative action to preserve trust property.” Memorandum from Department of the Interior Solicitor Leo M. Krulitz to Assistant Attorney General James W. Moorman, at 2 (Nov. 21, 1978). This opinion remains in effect today.

In exercising this broad authority, past Secretaries have acknowledged that the Department’s relationship with Indian tribes and individual Indian beneficiaries is guided by the trust responsibility and have expressed a paramount commitment to protect their unique rights and ensure their well-being, while respecting tribal sovereignty. *See e.g.*, Secretary’s Order 3317, Department of the Interior Policy on Consultation with Indian Tribes (Dec. 01, 2011); Secretary’s Order 3175, Departmental Responsibilities for Indian Trust Resources (Nov. 8, 1993); Secretary’s Order 3206, American Indian Tribal Rights, Federal Trust Responsibilities, and the Endangered Species Act (Jun. 5, 1997); Secretary’s Order 3215, Principles for the Discharge of the Secretary’s Trust Responsibility (Apr. 28, 2000); Secretary’s Order 3225, Endangered Species Act and Subsistence Uses in Alaska (Jan. 19, 2001).

The Department has also sought to build a strong government-to-government relationship with Indian tribes. The Department of the Interior Policy on Consultation with Indian Tribes, which was adopted in December 2011, sets forth standards for engaging with Indian tribes on a government-to-government basis to ensure that the decisions of the Department consider the impacts on affected Indian tribes and their members.

Sec. 4 A New Era of Trust. During the last few decades, the trust relationship has evolved. In the Era of Tribal Self-Determination, the Federal trust responsibility to tribes is often fulfilled when the Department contracts with tribal governments to provide the Federal services owed under the trust responsibility. Because tribal governments are more directly accountable to the people they represent, more aware of the problems facing Indian communities, and more agile in responding to changes in circumstances, tribal governments can often best meet the needs of Indian people. In sum, the Federal trust responsibility can often be achieved best by empowering tribes, through legislative authorization and adequate funding to provide services that fulfill the goals of the trust responsibility.

In recent decades, the trust relationship has weathered a difficult period in which Indian tribes and individual Indians have resorted to litigation asserting that the Department had failed to fulfill its trust responsibility, mainly with regard to the management and accounting of tribal trust funds and trust assets. In an historic effort to rebuild the trust relationship with Indian tribes, the Department recently settled numerous “breach of trust” lawsuits. This includes *Cobell v. Salazar*, one of the largest class action suits filed against the United States, and more than 80 cases involving Indian tribes. Resolution of these cases marks a new chapter in the Department’s history and reflects a renewed commitment to moving forward in strengthening the government-to-government relationship with Indian tribes and improving the trust relationship with tribes and individual Indian beneficiaries.

As part of the *Cobell* Settlement, the Department established a Secretarial Commission on Indian Trust Administration and Reform in 2009 through Secretary's Order No. 3292. The Commission issued its final report in December 2013. The report highlighted the significance of the Federal trust responsibility and made recommendations to the Department on how to further strengthen the commitment to fulfill the Department's trust obligations. The Commission urged a "renewed emphasis on the United States' fiduciary obligation" and asserted that this "could correct some [issues], especially with respect to ensuring that all federal agencies understand their obligations to abide by and enforce trust duties."

As a response to the Commission's recommendation, this Order hereby sets forth seven guiding principles for honoring the trust responsibility for the benefit of current and future generations.

Sec. 5 Guiding Principles. Pursuant to the long-standing trust relationship between the United States, Indian tribes and individual Indian beneficiaries and in furtherance of the United States' obligation to fulfill the trust responsibility, subject to Section 6 below, all bureaus and offices of the Department are directed to abide by the following guiding principles consistent with all applicable laws. Bureaus and offices shall:

Principle 1: Respect tribal sovereignty and self-determination, which includes the right of Indian tribes to make important decisions about their own best interests.

Principle 2: Ensure to the maximum extent possible that trust and restricted fee lands, trust resources, and treaty and similarly recognized rights are protected.

Principle 3: Be responsive and informative in all communications and interactions with Indian tribes and individual Indian beneficiaries.

Principle 4: Work in partnership with Indian tribes on mutually beneficial projects.

Principle 5: Work with Indian tribes and individual Indian beneficiaries to avoid or resolve conflicts to the maximum extent possible in a manner that accommodates and protects trust and restricted fee lands, trust resources, and treaty and similarly recognized rights.

Principle 6: Work collaboratively and in a timely fashion with Indian tribes and individual Indian beneficiaries when evaluating requests to take affirmative action to protect trust and restricted fee lands, trust resources, and treaty and similarly recognized rights.

Principle 7: When circumstances warrant, seek advice from the Office of the Solicitor to ensure that decisions impacting Indian tribes and/or individual Indian beneficiaries are consistent with the trust responsibility.

Sec. 6 Scope and Limitations.

a. This Order is for guidance purposes only and is adopted pursuant to all applicable laws and regulations.

b. This Order does not preempt or modify the Department's statutory mission and authorities, position in litigation, applicable privilege, or any professional responsibility obligations of Department employees.

c. Nothing in this Order shall require additional procedural requirements related to Departmental actions, activities, or policy initiatives.

d. Implementation of this Order shall be subject to the availability of resources and the requirements of the Anti-Deficiency Act.

e. Should any Indian tribe(s) and the Department agree that greater efficiency in the implementation of this Order can be achieved, nothing in this Order shall prevent them from implementing strategies to do so.

f. This Order is intended to enhance the Department's management of the United States' trust responsibility. It is not intended to, and does not, create any right to administrative or judicial review or any legal right or benefit, substantive or procedural, enforceable by a party against the United States, its agencies, or instrumentalities, its officers or employees, or any other person.

Sec. 7 Expiration Date. This Order is effective immediately and will remain in effect until it is incorporated into the Department Manual, or is amended, suspended, or revoked, whichever occurs first.



Secretary of the Interior

Date: August 20, 2014

**COEUR D'ALENE INDIAN LAND PRESERVATION
AND CONSOLIDATION ACT**

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**CHAPTER 36
COEUR D'ALENE INDIAN LAND PRESERVATION
AND CONSOLIDATION ACT**

36-01.01 Purpose

The purpose of this act is to insure that lands on the Coeur d'Alene Reservation are owned by the Coeur d'Alene Tribe and Coeur d'Alene Tribal members in furtherance of the strong policy of Coeur d'Alene ownership of the Coeur d'Alene Reservation as recognized in Article 5 of the 1887 Agreement between the Coeur d'Alene Tribe and the United States of America and as ratified by Congress in 1891 (26 Stat 1026).

This statute is enacted to promote the common welfare of the Tribe in retaining its trust lands which will always be considered as a whole and single resource, the loss of which threatens the political integrity, economic security, and health and welfare of the Tribe and its members.

This act is adopted pursuant to the inherent reserved sovereignty of the Coeur d'Alene Tribe over the lands of the Coeur d'Alene Reservation including the sovereign power to regulate land use and condemn lands for public purposes. To the extent any act of the Tribe pursuant to this statute is considered a taking, said taking is for the governmental or public purposes of promoting the health, safety and welfare of the Tribe and its members, maintaining the physical and political integrity of the Reservation, preventing allotments from going out of trust and consolidating fractionated shares or undivided interest of allotments on the Reservation.

36-02.00 Definitions

36-02.01 Indian Land Owner

Indian Land Owner means any person or entity who owns any interest in Indian lands held in trust on the Coeur d'Alene Reservation.

36-02.02 Indian Owned Lands

Indian Owned Lands mean all current and hereafter acquired or converted trust lands on the Coeur d'Alene Reservation in which the Coeur d'Alene Tribe, or any individual including: an enrolled member of the Coeur d'Alene Tribe; any other Indian tribe; or an enrolled member of any other Indian tribe holding an interest in said trust lands.

36-02.03 Reservation

Reservation means the Coeur d'Alene Reservation.

36-03.01 Restriction On Transfer Of Indian Owned Land

Unless prior consent has been given by the Coeur d'Alene Tribal Council, it shall be unlawful for any Indian land owner to sell, grant, gift, deed, or otherwise convey any interest in Indian owned land to anyone other than the Coeur d'Alene Tribe or an enrolled Coeur d'Alene Tribal member.

36-03.02 Restriction On Encumbrances Of Indian Owned Land

Unless prior consent has been given by the Coeur d'Alene Tribal Council, it shall be unlawful for any Indian owned land owner to encumber by mortgage, deed of trust, land purchase or sale agreement or otherwise, any Indian owned land if the terms of such encumbrances may in any way result in any person or entity other than the Coeur d'Alene Tribe or an enrolled member of the Coeur d'Alene Tribe owning or controlling in any way such Indian owned land.

36-03.03 Restriction On Removing Indian Owned Land From Trust

It shall be unlawful for any Indian land owner to apply for or obtain a patent in fee on any Indian land within the Reservation without obtaining prior approval of the Tribal Council.

36-04.01 Restrictions on Testate & Intestate Transfer Of Indian Owned Land

It shall be unlawful for any Indian land owner to will or devise any interest in Indian owned land to anyone other than the Coeur d'Alene Tribe or an enrolled Coeur d'Alene Tribal member. No Indian owned land shall pass by will or intestate succession to anyone other than the Coeur d'Alene Tribe or an enrolled member of the Coeur d'Alene Tribe.

36-05.01 Effect Of Unlawful Transfer Or Encumbrance

Any violation of this act shall be deemed unlawful and shall be null and void for all purposes. Any Indian owned land or interest therein which would otherwise transfer by testate or intestate succession in violation of this act shall vest in the Coeur d'Alene Tribe. Any existing wills which would devise Indian owned land in violation of this act are deemed null and void as against the public policy of the Coeur d'Alene Tribe to the extent they violate this act. The Coeur d'Alene Tribe shall pay fair market value to owners of said interest for any such interests that vest in the Tribe as provided herein. However, should federal law

provide for payment of a lesser amount, that amount may be paid at the Tribal Council's option.

36-06.01 Transfers Where Prior Tribal Council Not Required

No prior Coeur d'Alene Tribal Council approval shall be required regarding:

- a. farm or grazing leases of Indian owned land.
- b. the sale, grant, gift, deed or other conveyances of an interest in Indian owned land to the Coeur d'Alene Tribe or an enrolled member of the Coeur d'Alene Tribe.
- c. the encumbrance of Indian owned land by mortgage, deed of trust, land purchase or sale agreement or otherwise if the terms of such encumbrance cannot result in any person or entity other than the Coeur d'Alene Tribe or an enrolled member of the Coeur d'Alene Tribe owning or controlling in any way such Indian owned land.

36-07.01 Tribal Council Review

The Coeur d'Alene Tribal Council shall review each required request by an Indian land owner to sell, grant, gift, deed, or otherwise convey, encumber or remove lands from trust status on a case by case basis. In no event shall the Council disapprove a sale, grant, gift, deed or other conveyance of Indian owned land to a member of the Coeur d'Alene Tribe.

36-07.02 Sales to Non-Coeur d'Alene Tribal Members

Should the Council disapprove a sale, grant, gift, deed or other conveyance of trust property to a non-Coeur d'Alene Indian, the Tribal Council shall purchase said land at fair market value or, if the parties desire, approve the conveyance of a non-transferable life estate and purchase by the Tribe of the remainder at its fair market value. The fair market value of land shall be determined pursuant to §36.13.02(5) of this Chapter. The fair market value of life estates shall be determined pursuant to Section 36-12.02 of this Chapter.

36-07.03 Proposed Encumbrances, Mortgages, Deeds Of Trust

After review of a request by an Indian land owner, to encumber property, the Tribal Council may:

1. Allow the request.

2. Allow the request for the proposed encumbrance only if the encumbrance provides the Tribe with a contractual 6 month right of redemption to the property in the event of default,

3. Postpone consideration of the request to allow an investigation if there is any indication of incompetency or fraud, or

4. Deny the request if a) the contractual right of redemption in favor of the Tribe is not included in the encumbrance, b) incompetency is found or c) fraud is found.

36-07.04 Requests For Patents In Fee

The Tribal Council shall approve an Indian land owner's request for a patent in fee, and as a matter of law, the restrictions on alienation contained herein and in the Tribal Probate Code will apply to said land in perpetuity and constitute a covenant running with the land. Should the Tribal Council not approve said request, the Tribe must condemn the property pursuant to Chapter 33-5.02 of this Code and pay fair market value to the owners.

36-08.01 Descent and Distribution of Trust or Restricted Lands Eligibility for Inheritance

Non-Tribal members shall not be entitled to receive by devise or descent any interest in trust lands within the jurisdiction of the Coeur d'Alene Tribe except as provided herein.

36-08.02 Life Estates

(1) If a Tribal member dies intestate, the surviving non-member spouse or non-member children may elect to receive a life estate in as much of the trust lands as such person or persons would have been entitled absent the restrictions on inheritance by non-members and the remainder shall vest in the Tribe. Any eligible survivors may renounce their life estate in favor of such Tribal members who would have been heirs in the absence of a qualified person taking the life estate. If an intestate decedent has no heirs eligible to take a life estate in trust lands such lands shall escheat to the Tribe.

(2) If any decedent has devised by will interests in trust lands to persons who are ineligible to inherit, such devise shall be void as written and the devisee shall inherit a life estate in such lands and the remainder shall vest in the Tribe. Any ineligible devisee shall have the right to renounce his or her devise in favor of any who are eligible to inherit.

(3) Any devisee ineligible to inherit may sell to the Tribe or any tribal member at his option any life estate they would have inherited had they been

eligible. Compensation shall be determined pursuant to Section 36-12.02 of this Chapter.

36-08.03 Life Estate Limitation

The right to receive a life estate under the provisions of Section 36-07.02(1) shall be limited to:

(a) spouse, or children, who, if they had been eligible, would have inherited an ownership interest of five (5) percent or more in the tract of land;

(b) Notwithstanding the above, no individual interest in any land held in trust for any person within the Reservation or subject to the Tribe's jurisdiction shall descend by intestacy or devise but shall escheat to the Tribe pursuant to Section 36-11.02 of this Chapter, if such individual's interest represents five (5) percent or less of the total acreage in such tract.

(c) Nothing in this Section shall prohibit the devise of such an escheatable fractional interest to any other owner of an undivided fractional interest in such parcel or tract so long as said devise is to a Tribal member.

36-09.01 Intestate Succession

Any part of the estate of a decedent not effectively disposed of by his/her will shall pass to his/her eligible heirs by intestate succession pursuant to the Tribal Probate Code and limited by the provisions contained herein. For all estates passing by intestate succession, only spouses and children may inherit interests in trust allotments provided said interest comprises more than five (5) percent interest in any given allotment otherwise said interest of the decedent shall escheat to the Tribe pursuant to Section 36-11.01 of this Chapter.

36-10.01 Notice Of Escheat To Heirs

Notice shall be given to all heirs of their eligibility or ineligibility to inherit interests in trust property of the decedent's estate. Said notice shall give said heirs the opportunity to claim or renounce their interest and shall provide that failure to claim a right to trust property, or compensation therefore, within 1 year shall constitute a renunciation of said interest. Notice shall be given in accordance with Section 36-12.03 of this Chapter but shall be mailed certified mail, return receipt requested.

36-11.01 Escheat To Tribe For Want Of Heirs

Whenever any person shall die leaving property which would be subject to the jurisdiction of the Tribal Court without being survived by any person entitled to said property under the provisions of this Chapter, such property shall be designated as escheat property and title to such property shall vest in the Coeur d'Alene Tribe.

36-12.01 Payment Of Fair Market Value To devisees Of Escheatable Interests And Those Found Ineligible To Take Trust Land

The Coeur d'Alene Tribe shall pay the fair market value of all escheatable interests and any interests the Tribe acquires as remainders of life estates.

(1) The Tribe shall pay the estate the value of any remainder vesting in the Tribe. Unless it declines to do so. Should the Tribe decline to pay for a remainder, said remainder shall vest in the heirs of the deceased.

(2) Fair market value shall be determined by appraisal as set forth in 36-13.02(5) of this Chapter.

(3) Within 60 days of the adoption of this Chapter, the Tribal Council shall cause notice of the escheat provision of this Chapter and limitations on inheritance contained herein to be given to each and every owner of any interest in all allotments. Said notice shall be mailed to said owners at his or her last known address and shall be published in 1 or more news publications of local distribution for 60 days along with instructions on obtaining estate planning information regarding trust lands on the Coeur d'Alene Reservation.

36-12.02 Determination Of Value Of Life Estates

The fair market value of a life estate shall be determined by the Land Advisory Committee (Committee) established in Section 36.13.02 below. The Committee shall determine the most accurate methods of valuating such life estates and the Tribal Council shall adopt by resolution the method(s) to be employed.

36-12.03 Challenge Of Valuation

Any interest holder may challenge the value established for any land interests therein or life estates thereon by demonstrating to the Council said allotment, interest, or life estate has a value materially different than that offered.

If the matter is not resolved by Tribal Council action the interest holder may judicially challenge the valuation as provided in Section 36-13.02(9) below.

36-13.01 Trust Land Consolidation

In addition to the provisions contained in this Code regarding inheritance, the following provisions are herewith enacted to reduce further the fractionation of individual Indian trust lands within the Coeur d'Alene Reservation and to eliminate future losses of the Tribal land base.

36-13.02 Tribal Purchase or Exchange of Fractional Interests in Certain Trust Allotments

- (1) The Coeur d'Alene Tribal Council shall appoint an advisory committee to identify all trust lands within the Reservation with ownership consisting of one or more fractional undivided interests of 5 percent or less.
- (2) The Advisory Committee shall with Council Approval establish priorities for the exchange or purchase of de minimis interests of 5 percent or less in allotted lands.
- (3) The Tribal Council shall set aside by Council resolution certain tracts of Tribally owned land to offer in exchange for undivided fractional interests in allotments owned by Tribal members.
- (4) The Tribal Council shall set aside a revolving fund from which to pay individuals for Tribal purchase of undivided fractional interests in fractionated allotments. In addition, the Tribe may seek funding from Federal and private sources for the purchase of said interests.
- (5) Each tract of land identified by the advisory committee containing one or more undivided interest of 5 percent or less and being in the top priority for purchase or exchange shall be appraised for value by a competent appraiser approved by the Tribal Council. Appraisal may be made on a tract by tract basis or may be based on the fair market value of the type of property, given its use, improvements made thereon and area markets. The advisory committee shall develop a system for establishing fair market value which shall be adopted by the Tribal Council.
- (6) Upon identification and appraisal of the priority allotments, all individuals holding an undivided interest in said allotment shall be given notice that said interests are subject to consolidation.

(7) Each interest holder shall be given the option of exchanging his/her undivided interest for 100 percent ownership of a different parcel offered by the Tribe of equal value, to purchase other undivided interest holders' interests, to sell their interests to the Tribe for fair market value minus any costs incurred to partition said allotment.

(8) Any Tribal purchase or exchange of Tribal land for undivided interests in trust allotments shall be accomplished by a resolution of the Tribal Council. One resolution from the Tribal Council can be used to cover more than one purchase or exchange as the Tribal Council sees fit.

(9) An interest holder may challenge the value established and offered by the Tribe by demonstrating that the particular allotment or interest has a value materially different from the value established. If the matter is not resolved to the interest holders satisfaction he/she may seek a judicial challenge in Tribal Court of the value assigned. Said judicial challenge must be made pursuant to Chapter 33-5.02 and the Tribal Rules of Civil Procedure within 60 days of a final determination by the Tribal Council. Exclusive jurisdiction over a challenge of the value assigned by the Tribe shall be in the Coeur d'Alene Tribal Court.

36-13.03 Notice

Notice to allotment owners shall include notice of Tribe's intent to consolidate undivided fractional interests and shall include the names and addresses of each fractional interest holder, and include information on loan availability and suggestions on how individuals can consolidate their shares or partition the property thus avoiding further escheat to the Tribe.

36-14.01 Sale Of Tribally Acquired Interests To Tribal Members

The Tribal Council in its discretion may allow Tribal members to purchase any interests acquired by the Tribe pursuant to this section for fair market value. Preference shall be given: first to Tribal members who hold an interest in the allotment, first in time, first in right of possession; second to ancestors of the original allottee, first in time first in right; and after 2 years have elapsed from the date of tribal acquisition thereof, said land shall be available for purchase by any Tribal members.

36-14.02 Funds From Sales

Any funds received from the sale of any interests acquired by the Tribe pursuant to this Chapter shall be deposited in the revolving fund identified in Section 36-13.02(4) above.