

Summary: North Dakota Trust Lands Completion Act

Purpose:

To authorize the State of North Dakota, acting through North Dakota Board of University and School Lands (the State), to relinquish lands and minerals contained within Tribal Reservations, excluding sovereign lands and minerals, and select in lieu thereof equal value federal minerals within North Dakota. State lands or minerals acquired by the Secretary would be held in trust on behalf of the Tribes.

Need:

Upon statehood, North Dakota was granted 2.6 million acres of scattered lands and minerals (sections 16 and 36) with the purpose of funding education and public needs within the state. Establishment of Tribal Reservations trapped lands and minerals within these boundaries which are often very difficult for the State to access. The State currently holds over 130,000 acres of minerals and over 31,000 surface acres within Tribal Reservations alone and these are largely unable to be developed pursuant to the State's mandate to generate income for schools, universities, and other public purposes. The existing FLPMA land exchange process simply does not work—especially for exchanges of minerals.

Proposal:

Utilizing the historic tool of in-lieu relinquishment and selections, the legislation would allow the State to relinquish state lands and minerals trapped within the Tribal Reservations to the Secretary of Interior and select in-lieu thereof federal minerals located elsewhere in the State. These would be equal value transactions that would allow the State to access the lands and minerals promised upon statehood. Valuations would be determined by Uniform Appraisal Standards for Federal Land Acquisitions and the Uniform Standards for Professional Appraisal Practice.

Within the Tribal Reservations, lands or minerals received by the Secretary in these transactions would be held in trust on behalf of the Tribes. This would greatly assist in the completion of the lands and minerals for the Reservations and would provide the Tribes with greater ownership within their Reservation boundaries.

Valid existing rights will be respected in these transactions and there will be no impact on any Indian treaty rights.