

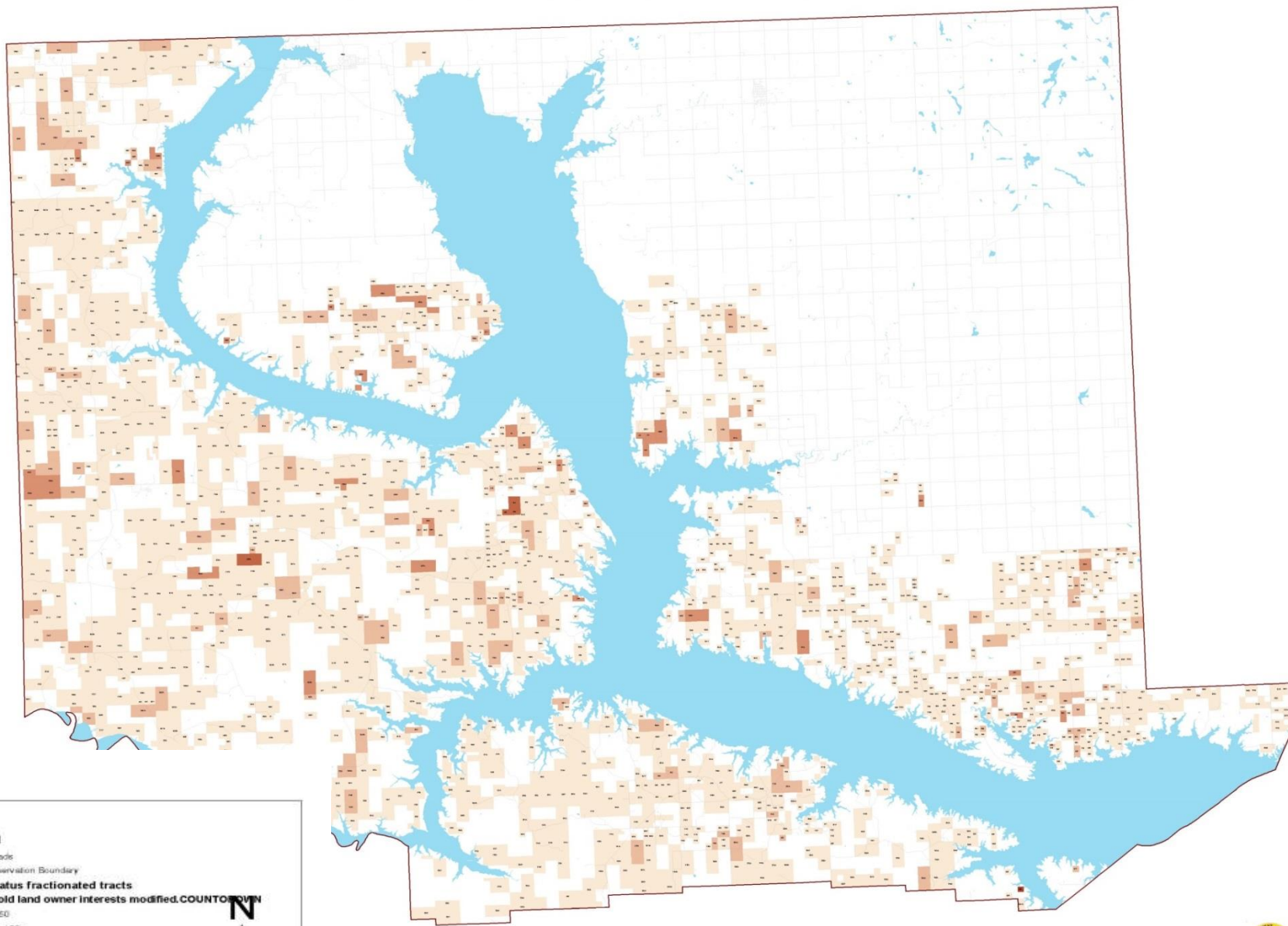
Indian Trust Land Management

**Presentation to Missouri River
Basin Interagency Roundtable**

July 2014

**Developed by
MRBIR Tribal
Federal Relations
Committee**

Land Owner Interests on Fort Berthold Reservation



Legend

- Roads
- Reservation Boundary

Land Status fractionated tracts

Ft Berthold land owner interests modified.COUNTDOWN

- 1 - 50
- 51 - 100
- 101 - 900
- 901 - 600
- Greater than 500
- Lake Sakakawea



Prepared by Great Plains Regional Office Division of Natural Resources (DPMK) on 4/12/04



General Allotment Act

- Allot tribal lands to individual Indians in designated amounts
- Public land allotment for Indians not residing on a reservation
- Trust for a period of 25 years, or otherwise deemed appropriate

INDIAN LAND FOR SALE

GET A HOME OF YOUR OWN
EASY PAYMENTS



PERFECT TITLE
POSSESSION WITHIN THIRTY DAYS

FINE LANDS IN THE WEST
IRRIGATED IRRIGABLE GRAZING AGRICULTURAL DRY FARMING

IN 1910 THE DEPARTMENT OF THE INTERIOR SOLD UNDER SEALED BIDS ALLOTTED INDIAN LAND AS FOLLOWS:

Location	Acres	Price per Acre	Location	Acres	Price per Acre
Colorado	5,211.21	\$7.77	Oklahoma	34,664.00	\$19.14
Idaho	17,013.00	24.85	Oregon	1,020.00	15.43
Kansas	1,684.50	33.45	South Dakota	120,445.00	16.53
Montana	11,034.00	9.86	Washington	4,879.00	41.37
Nebraska	5,641.00	36.65	Wisconsin	1,069.00	17.00
North Dakota	22,610.70	9.93	Wyoming	865.00	20.44

FOR THE YEAR 1911 IT IS ESTIMATED THAT 350,000 ACRES WILL BE OFFERED FOR SALE

For information as to the character of the land write for booklet, "INDIAN LANDS FOR SALE," to the Superintendent U. S. Indian School at any one of the following places:

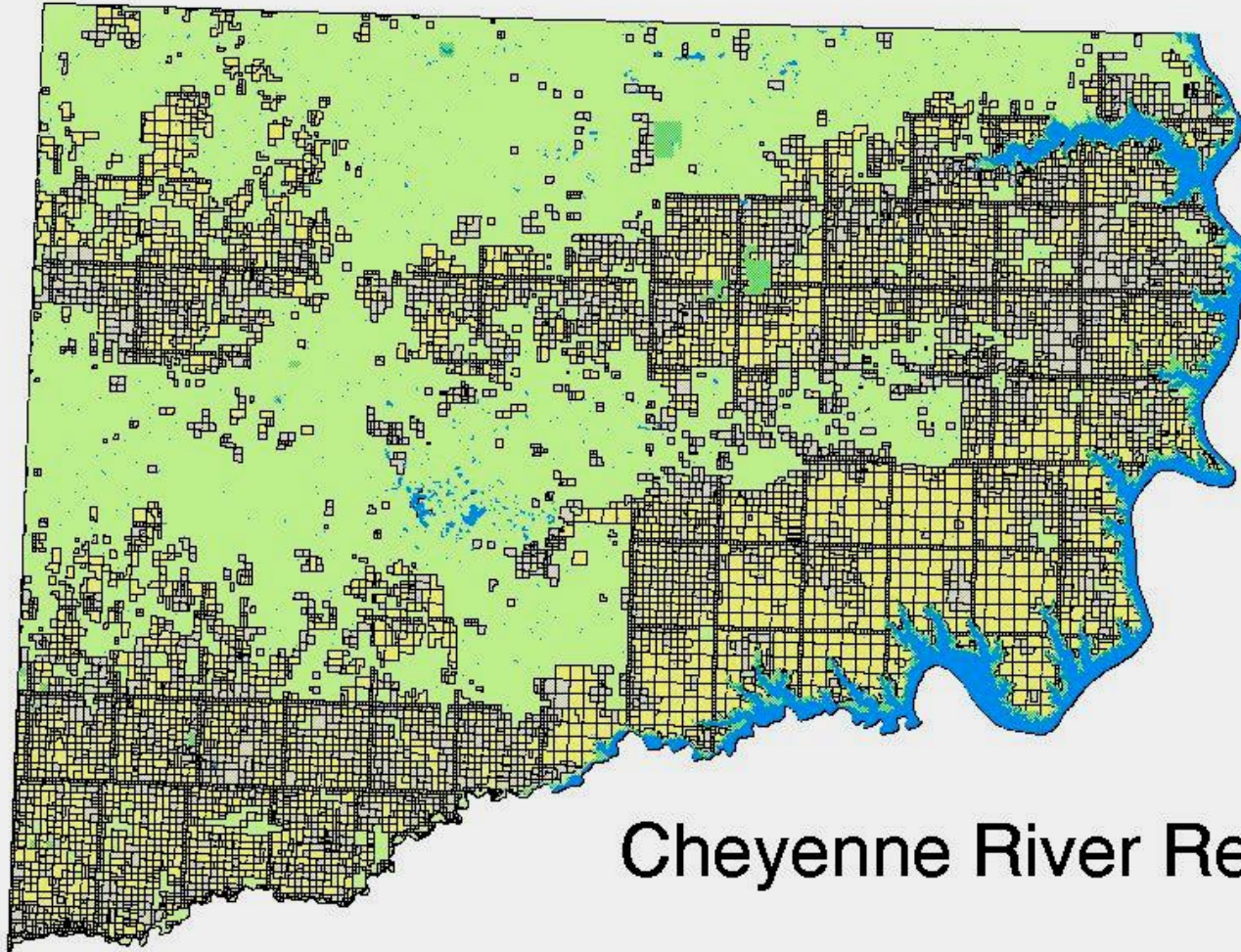
ALABAMA: Birmingham	ARIZONA: Phoenix	CALIFORNIA: San Francisco	CONNECTICUT: Hartford	ILLINOIS: Chicago	INDIANA: Indianapolis	IOWA: Des Moines	KANSAS: Topeka	LOUISIANA: New Orleans	MAINE: Portland	MARYLAND: Baltimore	MASSACHUSETTS: Boston	MICHIGAN: Lansing	MINNESOTA: Minneapolis	MISSISSIPPI: Jackson	MISSOURI: St. Louis	MONTANA: Helena	NEBRASKA: Omaha	NEVADA: Carson City	NEW YORK: New York	NORTH CAROLINA: Raleigh	NORTH DAKOTA: Bismarck	OHIO: Columbus	OKLAHOMA: Oklahoma City	OREGON: Portland	PENNSYLVANIA: Philadelphia	RHODE ISLAND: Providence	SOUTH CAROLINA: Columbia	SOUTH DAKOTA: Pierre	TENNESSEE: Nashville	TEXAS: Austin	UTAH: Salt Lake City	VIRGINIA: Richmond	WASHINGTON: Olympia	WEST VIRGINIA: Charleston	WISCONSIN: Madison	WYOMING: Cheyenne
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WALTER L. FISHER, Commissioner of the General Land Office
ROBERT G. VALENTINE, Commissioner of the Indian Affairs

Indian Reorganization Act

- Existing periods of trust extended and continued until otherwise directed by Congress
- Restore to tribal ownership the remaining surplus lands of any Indian reservation
- Acquire any interest in lands, water rights or surface rights to lands, within or without existing reservations





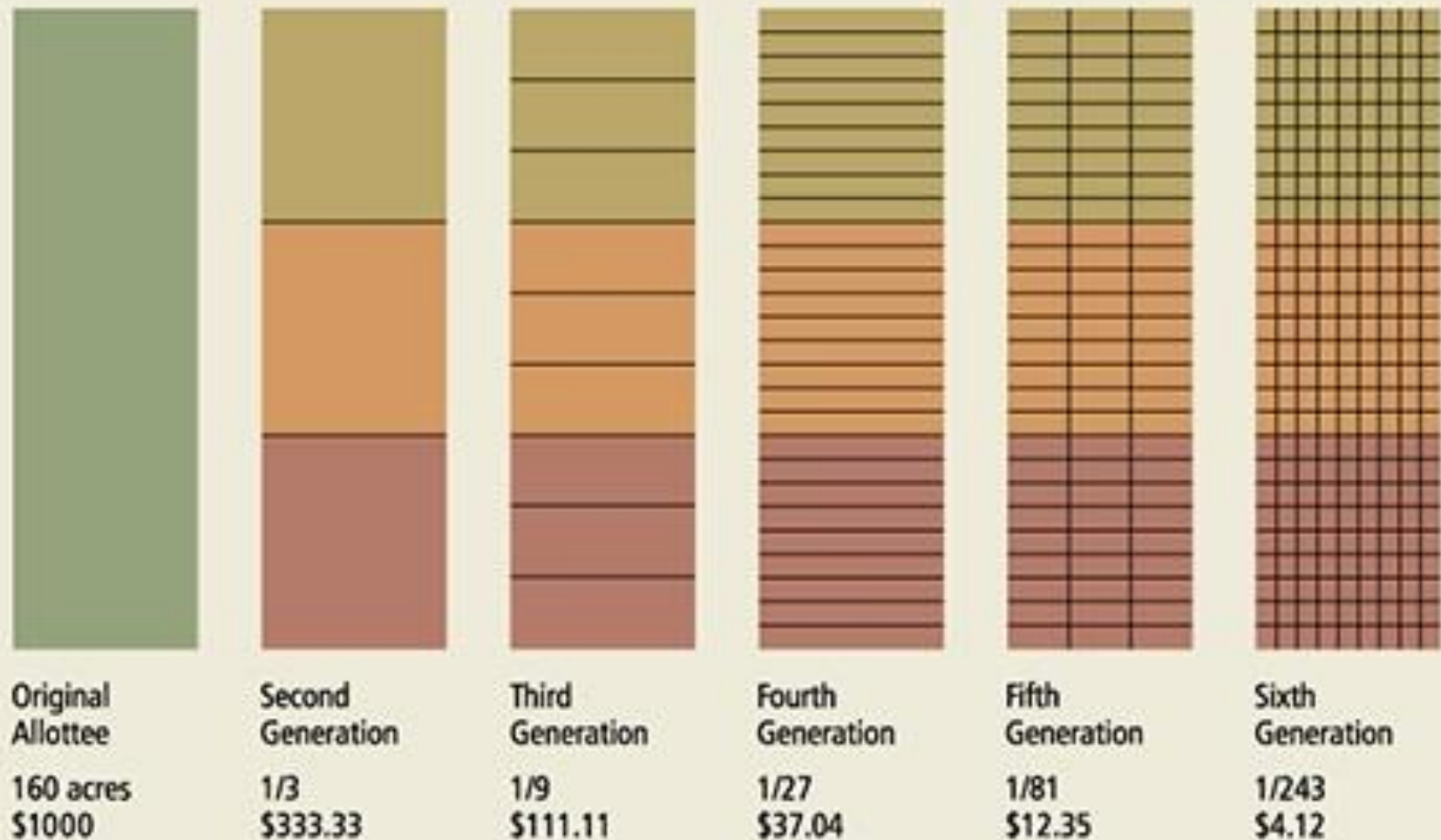
Cheyenne River Reservation

Tribal Acres: 968,500
Allotted Acres: 427,591
Total Boundary: 2,820,751

Enrollment: 13,270

A Simplified Six-Generation Example of Undivided Heirship

*Fractionated Values and Lease Payment Values of Undivided Interest**



**Presumes only three heirs per person per generation.*

Indian Reorganization Act

Section 6

- **Operation and management on the principle of sustained-yield management,**
- **Restrict the number of livestock grazed to the estimated carrying capacity,**
- **Protect the range from deterioration,**
- **Prevent soil erosion,**
- **Assure full utilization of the range**



American Indian Agricultural Resources Management Act of 1993

- Establish viable system for agricultural lands
- Enhance capability of Indian ranchers and farmers
- Affirm Indian tribal governments management and regulation of agricultural lands
- Enhance educational opportunities for Indian students in Indian natural resources management



BIA grants on behalf of Indian landowners when

- 1. An individual adjudicated to be non compos mentis;**
- 2. An orphaned minor;**
- 3. An Indian landowner granted written authority;**
- 4. The undetermined heirs of a deceased Indian landowner;**
- 5. An Indian landowner whose whereabouts are unknown;**
- 6. Indian landowners after written notice of intent (90-day notice) is provided and the land is not being used.**
- 7. The individual Indian owners of fractionated Indian land, when necessary to protect the landowner interests.**

Trust land interests, Tracts, and Acreage

Region	Ownership Interests	Tracts	Acres
Alaska	69,670	17,581	1,138,030
Eastern	689	673	463,030
Eastern Oklahoma	97,247	19,265	2,077,007
Great Plains	1,831,414	62,526	9,170,033
Midwest	316,338	10,665	1,431,579
Navajo	356,168	5,965	17,928,073
Northwest	476,384	37,339	5,792,382
Pacific	62,702	4,289	521,070
Rocky Mountain	1,053,838	44,017	10,539,338
Southern Plains	284,816	11,346	703,097
Southwest	17,830	2,066	5,456,266
Western	499,730	13,951	14,162,067
Total	5,066,826	229,683	69,381,974

American Indian Probate Reform Act (AIPRA) Consent Requirements

The Indian Land Consolidation Act Amendments of 2000 established new consent requirements for certain transactions. AIPRA amended the requirements.

These consent requirements did not supersede any prior statute that already contained consent requirements, such as the:

- American Indian Agricultural Resources Management Act (AIARMA) of December 3, 1993**
- Right-of-Way Act of February 5, 1948**
- Fort Berthold Mineral Leasing Act of July 7, 1998**

AIPRA Consent Requirements

Ownership consent required per AIPRA.

- 5 or fewer owners – 90% consent.**
- 6 – 10 owners – 80% consent.**
- 11 – 19 owners – 60% consent.**
- 20 or more owners – majority consent.**

AIPRA Consent Requirements

AIPRA consent requirements valid for:

- Residential Leases
- Business Leases
- Wind & Solar Resource Leases
- Oil & Gas leases (except for Fort Berthold)

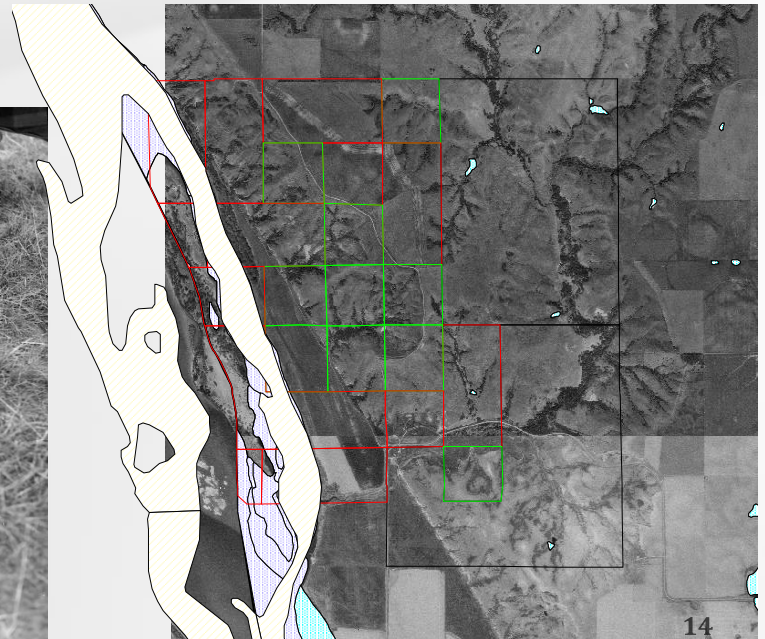
Continue to use simple majority for:

- Agricultural leases and Grazing Permits
- Rights-of-way
- Fort Berthold oil & gas leases

Who can manage Indian Trust Land?

The Indian landowner is primarily responsible for management of their Indian land.

- Indian Landowner – Individual or Tribe
- Majority interest of the Indian Landowners as long as the minority interest owners receive fair annual rental.
- BIA



Some National Statistics

- **BIA manages over 119,000 leases.**
- **BIA and Office of the Special Trustee manage approximately \$4.6 billion in trust funds.**
- **For fiscal year 2013, funds from leases, use permits, settlements and judgments, land sales, and income from financial assets, totaling approximately \$791 million, were collected for about 393,000 open Individual Indian Money (IIM) accounts.**
- **Approximately \$642 million was collected in fiscal year 2013 for about 3,000 tribal accounts (for over 250 tribes).**



Agricultural Leases versus Range Permits

Agricultural Leases

- 25 CFR Part 162
- Dry land or irrigated land farming
- Pasture or hay land
- Generally single tracts of land
- Advertisement or negotiation

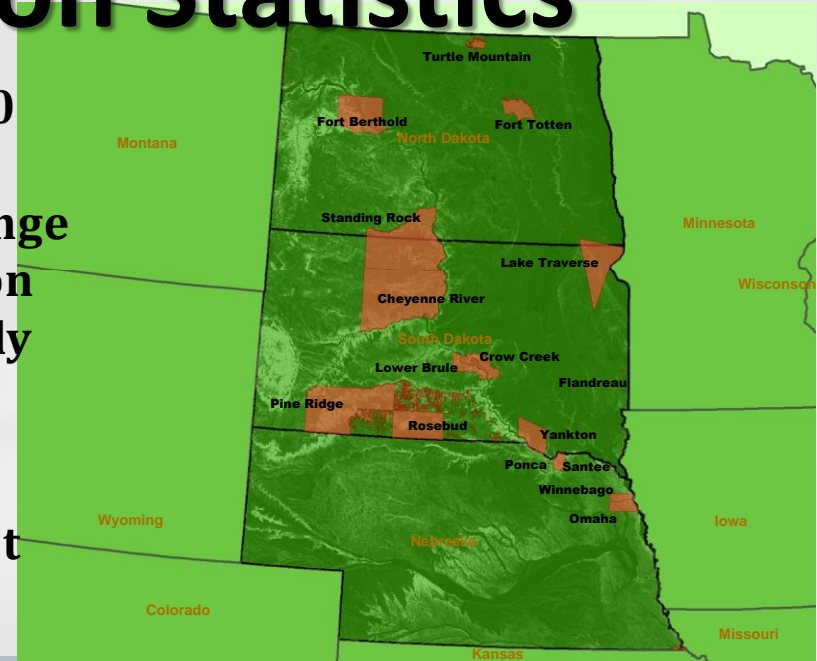
Range Permits

- 25 CFR Part 166
- Grazing pastures
- Generally multiple tracts of land with a mix of allotted and tribal trust lands
- tribal allocation, negotiation, or advertisement



Great Plains Region Statistics

- There are presently more than 42,000 tracts (more than 6.3 million acres) managed in Agricultural leases or Range permits within the Great Plains Region for an annual income of approximately \$37.5 million.
- 34,632 are in Range units (5,454,729 acres) with an annual income of about \$14 million.



- 7,366 are in Agricultural Leases (902,092 acres) with an annual income of about \$23.5 million.



Enrollment in USDA programs

- **Tribal and Allotted landowners can enter USDA Programs. The ownership permissions apply for fractionated lands.**
- **Within the Great Plains Region, Wetland Reserve and Conservation Reserve Programs have been entered into by both Tribal and Allotted landowners.**
- **There has also been use of Environmental Quality Incentive and Wildlife Habitat Incentive Programs on trust land.**



What happens to improvements constructed on Indian lands

(1) Remain on the land upon termination of the permit, in a condition that is in compliance with applicable codes, to become the property of the Indian landowner; or

(2) Be removed and the land restored within a time period specified in the permit. The land must be restored as close as possible to the original condition prior to construction of such improvements.

Failure to remove improvements within the time allowed could forfeit the right to remove the improvements and the improvements may become the property of the Indian landowner or BIA may apply the bond for the removal of the improvement and restoration of the land, at landowners request.



Regulations allow for the term of the lease or permit to be up to 25 years with substantial improvement investment.

Questions

