

4<sup>th</sup> Annual Partners in Action Conference  
Ho-Chunk Gaming and Convention Center  
Wisconsin Dells



## **LAND TITLES AND RECORDS & BRANCH OF GEOSPATIAL SUPPORT**

**PRESENTED BY: BETH A. WENSTROM, CHIEF LAND TITLES AND RECORDS**

---

United States Department of the Interior

Bureau of Indian Affairs

Office of Trust Services

Division of Land Titles and Records

June 22, 2015

# Agenda

---

## **1. PART 1 – LAND TITLES AND RECORDS**

1. Basics of Indian Land Title and Records

## **1. PART 2 – LAND STATUS BASIC MAPPING SUPPORT**

1. GIS Software - Esri Enterprise License Agreement & Services

# Part 1

## BASICS OF LAND TITLES AND RECORDS

# LTRO PROGRAM AUTHORITY

---

The Office of Trust Services, Division of Land Titles and Records (DLTR) program operates under 25 Code of Federal Regulations (CFR), Subchapter H – Land and Water, Part 150 – Land Records and Title Documents and the United States Code Service (USCS) Title 25, Indians.

# LTRO PROGRAM OVERVIEW

- Over 61,000 land and resource management transactions are conducted by Indian Affairs each year; and each requires some form of title service or product to complete the transaction.
- The Land Titles and Records Office (LTRO) program provides for the day-to-day operation and maintenance costs of **16 title program offices**.
- The mission of the LTRO program is to maintain timely and certified Federal title, encumbrance and ownership services and to provide land title services that are accurate, accountable, and efficient, and include complete title ownership and encumbrance for all Federal Indian trust and restricted lands.
- The timely delivery of title services and products facilitates the collaborative effort between Indian Affairs, tribes, Indian landowners and prospective investors to conserve, develop, or maintain Indian trust lands.

# BUREAU OF INDIAN AFFAIRS

## Office of Trust Services

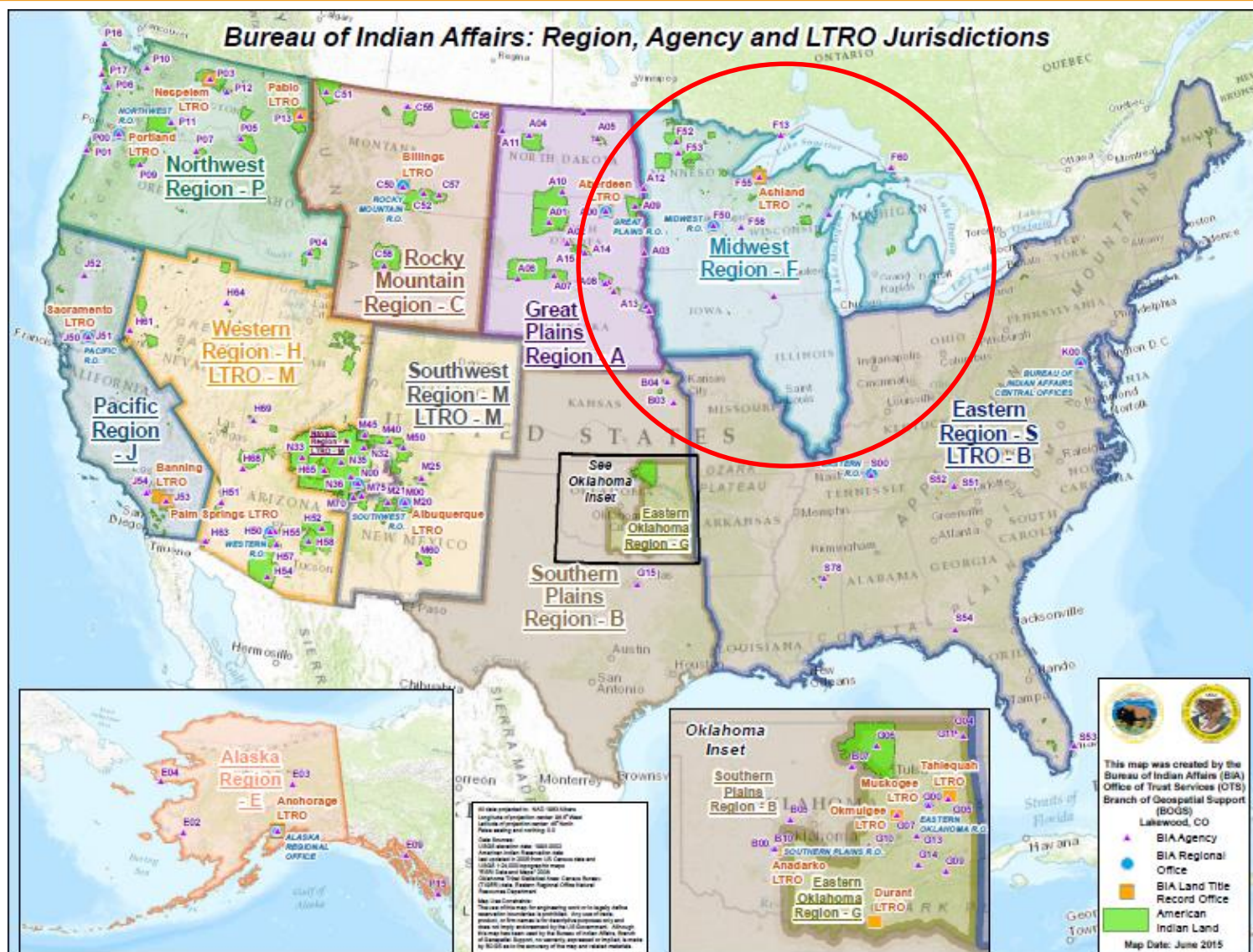
### Land Title and Records Offices

For Indian land located in the:	Go to the LTRO at:
Alaska Region	Anchorage, AK
Eastern Region	Anadarko, OK
Eastern Oklahoma Region (including the Miami Agency)*	Muskogee, OK
Great Plains Region	Aberdeen, SD
<b>Midwest Region</b>	Ashland, WI
Navajo Region	Albuquerque, NM
Northwest Region**	Portland, OR
Pacific Region***	Sacramento, CA
Rocky Mountain Region	Billings, MT
Southern Plains Region	Anadarko, OK
Southwest Region	Albuquerque, NM
Western Region	Albuquerque, NM

\*If the Indian land is located on one of the following Indian reservations, go to the LTRO listed below instead of the Region's LTRO:

For Indian land located on the:	Go to the LTRO at:
Cherokee Reservation*	Tahlequah, OK
Choctaw of Oklahoma Reservation*	Durant, OK
Muscogee (Creek) Reservation*	Okmulgee, OK
Colville Reservation**	Nespelem, WA
Flathead Indian Reservation **	Pablo, MT
Morongo Reservation***	Banning, CA
Agua Caliente Reservation***	Palm Springs, CA

# Region, Agency and LTRO Jurisdictions





# What is Land Titles?

- “LAND TITLE” documents a determination of the ownership and use of a specific area of land
- “LAND TITLE” may be in the form of a document reporting the examination of the evidence of title which consists of a chronological assemblage or “chain” of conveyance and encumbrance documents, or
- “LAND TITLE” may be in the form of a “certificate of title” reporting the “registration of title” which consist of the latest conveyance of ownership and the land registered with a government entity; title registration and certification follows the Torrens system of title and is established by a law or registration act.



# How is Land Title Determined?

---

- Title for **non-Indian land** usually follows the “evidence of title” approach and is documented in a “title insurance policy” issued by a title insurance company, or in an “abstract of title” issued by a title abstract company.
- Title for **Indian land** follows a combination of the “evidence or chain of title” approach and the “certificate of title” approach, and is documented in the “Title Status Report (TSR) issued by the BIA or Authorized Tribal Land Titles and Records Office (LTRO) pursuant to 25 CFR 150.

# Components of Land Title Ownership

- **“Land Title” must:** (1) describe a specific area of land (2) state who owns the land and the type and amount of ownership, and (3) whether the ownership is encumbered, and the type and extent of encumbrance.
- **Ownership:** Ownership of land consists of 2 types of ownership interests: the legal or title interest, and the equitable or beneficial interest. **Title and beneficial are the terms used in trust management.**
- **Title Interest:** The title interest indicates to whom the land belongs, the “ownership of record”. The title interest has limited rights in the “use” of the land or “benefits” derived from the use of the land.
- **Beneficial Interest:** The beneficial interest does not have title to the land but has full use of the land and derives the majority of benefits from the use of the land (e.g. , income derived from the use of the land).

# Fee Simple v. Indian Trust Land Ownership

- Ownership of Indian lands is the same as ownership of non-Indian lands except that the title interest is held in trust by the Federal Government.
- **Fee Simple Ownership:** Normally land is owned in fee simple, which mean that the beneficial and title interests are merged (not separate) and owned by the same owner(s).
- **Indian Trust Ownership:** For Indian trust land the title and beneficial interests have been separated by the conveyance of the United States of America “in trust” for an Indian tribe or one or more individual Indians. The ***United States owns the title interest in trust*** and the ***Indian Tribe or Individual Indian(s) own the beneficial interest.***

# Legal - Title Interest

---

- The United States **must** hold the legal or title interest in the Indian land or there is NO trust property to be managed by the Federal Government and thus no Federal Indian Trust.
- Holding the legal or title interest in trust does not create the duty to manage – the duty to manage is created by the Federal statutes and actions of the Federal Trustee. *See U.S. v. Mitchell, 463 U.S. 206 (1983) (Mitchell II).*

# Indian Restricted Ownership

---

- **Indian Restricted Ownership:** For Indian restricted land ownership the land is owned in “fee simple” by an Indian tribe or by one or more individual Indians and the fee simple ownership is subject to a restriction on alienation without the approval of the United States of America.
- **“Restricted lands”** are managed and treated the same as “trust lands” for real property and natural resource management purposes and are under the jurisdiction of the Federal or Tribal LTRO for land title purposes.

# Components of Indian Land Title: Encumbrance & Location

- **Encumbrance:** Encumbrance is not on the land but on the ownership of the land; an encumbrance is created when one or more “property rights” are granted from ownership in the land. Examples of encumbrances are a lease, a right-of-way, an easement, a covenant, etc.
- **Location:** The location of the land must be known and stated clearly and correctly as a “legal land description”. Legal land descriptions can be “metes and bounds” , “rectangular, containing references to Section, Township, Range and Aliquot Part” or can be based on “Subdivision (Lot, Block, and Subdivision Name).
- The location requirement can be met by an appended plat or Bureau of Land Management (BLM) approved cadastral survey that is incorporated by reference or by reference to a recorded plat or survey.

# Fractional Ownership in Indian Land

- **Fractional Interest:** Land ownership is conveyed and maintained as “fractional interests” in a tract of fee simple, trust or restricted land ( $1/4$ ,  $\frac{1}{4} + \frac{1}{4} = \frac{1}{2}$ ,  $1/52$ , etc. ) Sole ownership of all interests in a tract of Indian land is stated as “1/1” (One-Over-One) interest.
- **Fractionation Problem:** Unlike non-Indian land ownership, Indian land ownership is a “closed system” that required the approval of the United States to convey interests in land. As a result, most Indian ownership interests were conveyed by a testate or intestate probate order to the heirs of a decedent and Indian allotted lands became “highly fractionated”.



# Indian Land Title Examination

---

- ***“Title examination*** means an examination and evaluation by a qualified title examiner of the completeness and accuracy of the title documents affecting a particular tract of Indian land with certification of the findings by the Manager of the Land Titles and Records Office.” *25 CFR 150.2(n)*.
- ***“Title document*** is any document that affects the title to or encumbers Indian land and is required to be recorded by regulation by Bureau policy.” *25 CFR 150.2(l)*. Title documents include conveyances, such as patents, deeds, and probate documents, and encumbrances (leases, rights-of-way, easements).

# Indian Land Title Examination

- ***“Recordation or recording*** is the acceptance of a title document by the appropriate Land Titles and Records Office. The purpose of recording is to provide evidence of a transaction, event or happening that affects land titles; to preserve a record of the title document; and to give constructive notice of the ownership and change of ownership and the existence of encumbrances to the land.”
- To ***“preserve a record of the title document”*** images of the title Document are made as true and accurate representations of the titles document, and are a “duplicate original” of the title document for which a “chain of custody” is maintained by the LTRO for all legal, financial, and evidentiary purposes.

# How is Indian Land Title Processed?

---

- Trust land title documents are processed through probates, conveyance transactions, and the recording of encumbrance transactions.
- The examination and certification of Indian land title requires that all the documents affecting the title to the tract of land be recorded and examined for accuracy, and to verify each owner's interest in the tract and the encumbrances on such ownership.

# What is a Title Status Report (TSR)?

---

- The recording and analysis of title serves to prepare a Title Status Report (TSR) that is used by land owners to show asset ownership.
- The TSR should accurately reflect the ownership of the title interest and the restricted land owner(s).
- The TSR is an important economic tool used to develop leasing activity or financing of businesses or homes on trust lands.
- Depending upon the number of owners and documents and the complexity of the title issues, this status report activity may range from as little as one hour to several days.

# Title Examination Basic Requirements: TAAMS

---

- Access to the Trust Asset and Accounting Management System (TAAMS) is the most basic and essential requirement for operating the title office and for the examination of title for Indian lands.
- TAAMS is the system-of-record for all recorded title documents and the Federal repository for all image copies of recorded title documents.
- TAAMS calculates and maintains all title and beneficial ownership and chains of title, maintains all active encumbrances, and is the Indian land title system-of-record.

# Part 2

## LAND STATUS BASIC MAPPING SUPPORT TOOLS

# LTRO LAND STATUS MAPPING AUTHORITY

---

- Pursuant to 25 CFR § 150.9 The Land Titles and Records Offices are responsible for preparing and maintaining maps of all reservations and similar entities within their jurisdiction.
- Base maps are prepared from plats of official survey made by the General Land Office and the Bureau of Land Management.
- These base maps, showing prominent physical features and section, township and range lines are used to prepare land status maps.
- The land status maps reflect the individual tracts, tract numbers and current status of the tract. Other special maps, such as plats and townsites maps, are also to be prepared and maintained to meet the needs of the individual Land Titles and Records Offices and Agencies and Indian Tribes.



# Strategic GIS Support Overview

---

- Delivery of quality GIS software and services to users through specialized training and support
- Work with LBBP & other Federal Agencies & Tribes to Develop & Maintain a central authoritative National Indian Lands Boundary & Tract Database that is supported by TAAMS and can be shared with Tribes
- Provide non GIS users an interactive web based maps with the ability to overlay various program data into the map to create a more landscape/interdisciplinary approach to land and resource management
- Provide web based maps via mobile devices for field level input/maintenance

# Esri Enterprise License Agreement (ELA)

---

- GIS enterprise license agreement management (Esri - ELA)  
Tribes and BIA eligible for software licenses
- 1<sup>st</sup> tier Helpdesk GIS support
- GIS training/workshops

# Esri Enterprise License Agreement (ELA)

---

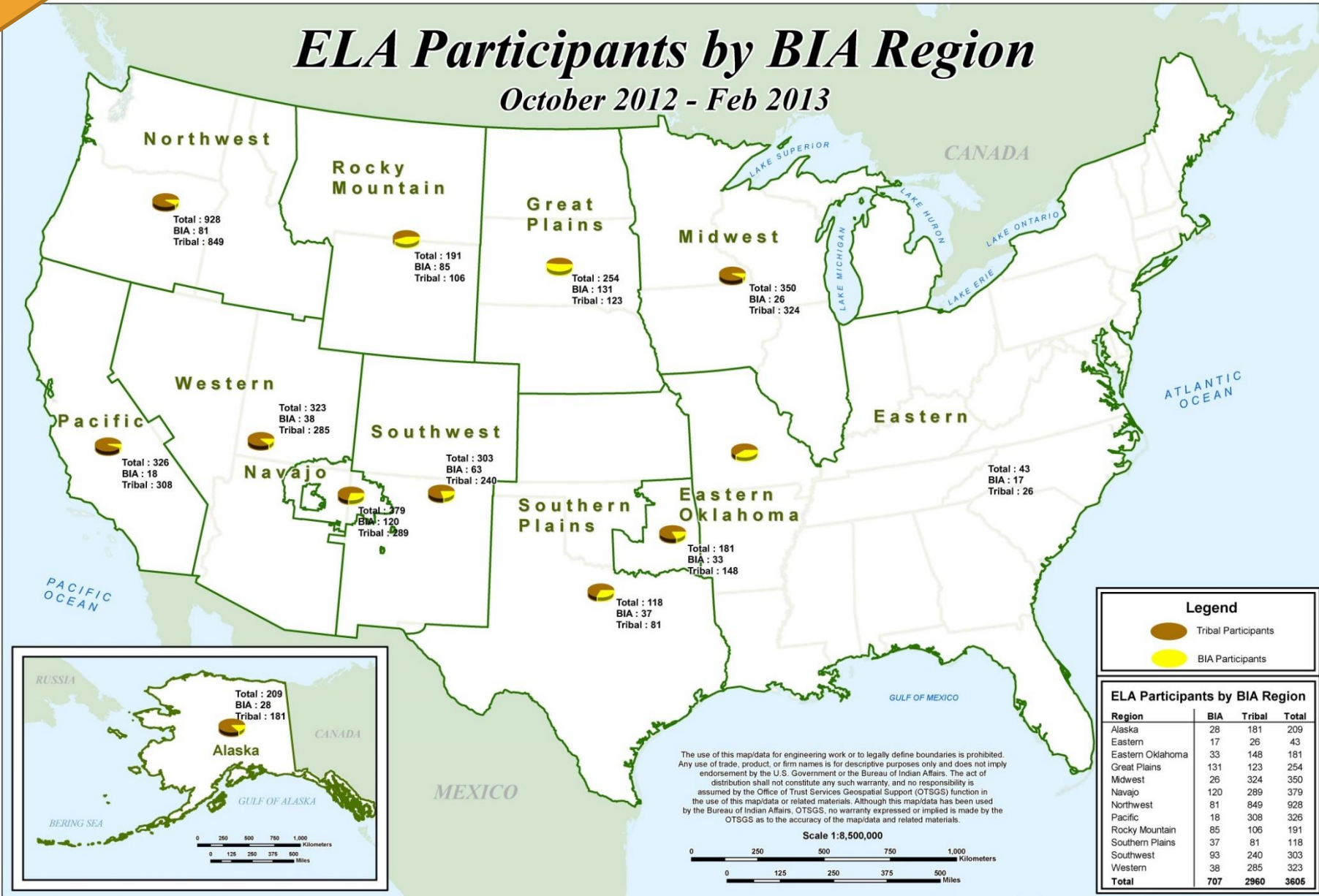
## DISTRIBUTION OF SOFTWARE LICENSES FY14

- 4387 Total GIS User Licenses
- 3510 - Tribal
- 877- BIA
  
- FY14 ELA \$1,679,706.48
- FY13 ELA \$1,295,456.00
- FY14 increase of \$330,656.00 over FY13
  
- BIA 20%      \$335,941.39
- Tribal 80%    \$1,343,765.58

# Esri Enterprise License Agreement

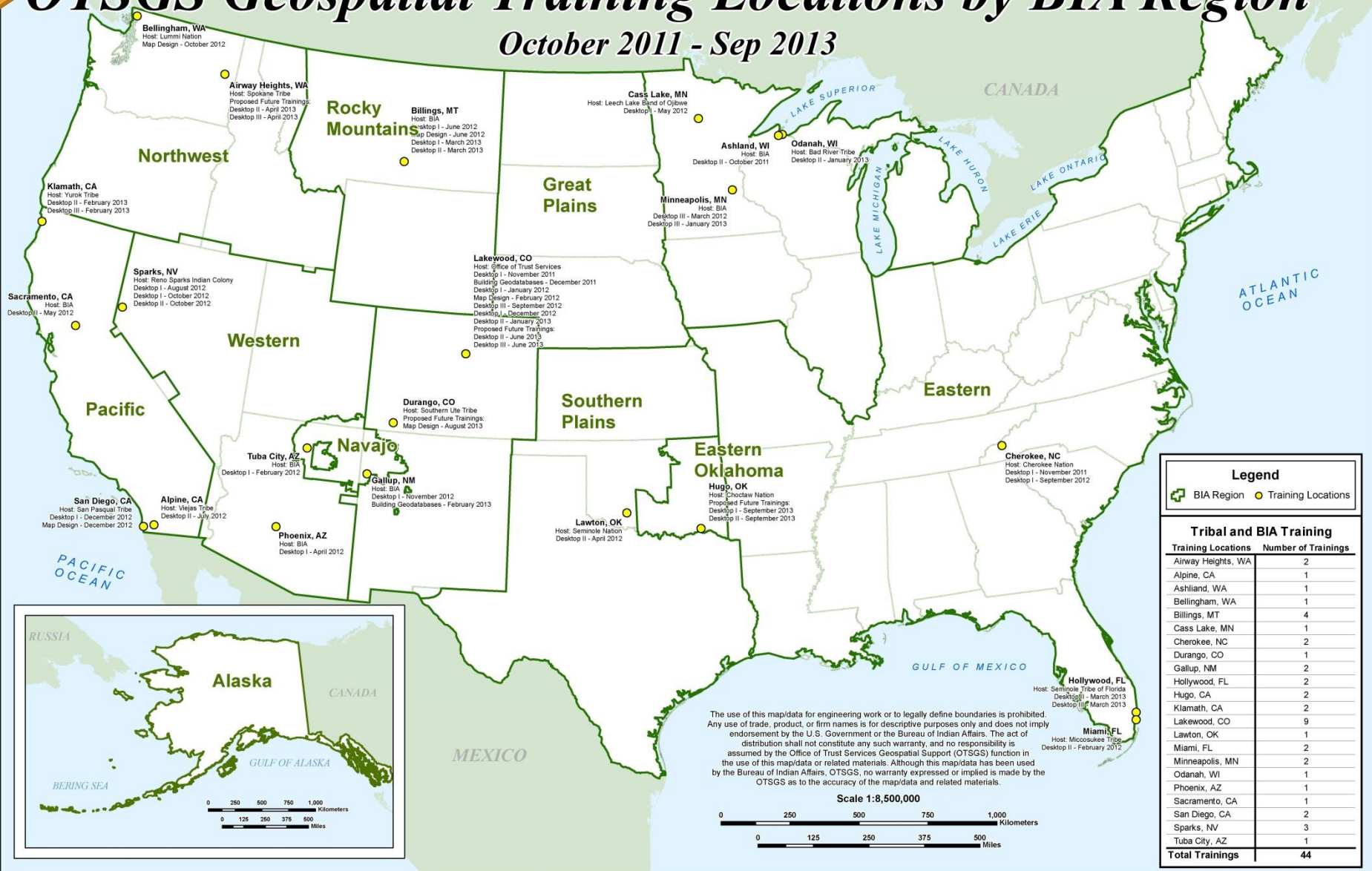
## *ELA Participants by BIA Region*

*October 2012 - Feb 2013*



# OTSGS Geospatial Training Locations by BIA Region

October 2011 - Sep 2013





# Current Extended Services

---

- GIS base data for all programs & Tribes
  - NAIP acquisition and distribution (aerial photography)
  - ESRI Nationwide Base Themes (transportation, water etc.)
  - National American Indian Reservation Dataset (Updates in progress)
  - Nationwide topographic data (USGS)
  - Nationwide elevation data (USGS)
  - High resolution imagery from NGA <1meter (in progress)

# Nationwide Land Boundaries







Discussion, Questions?

---

# THANK YOU