

2016 Partners in Action Conference
BIA – Midwest Region
Sault Ste. Marie Tribe of Chippewa Indians
Kewadin Casino



LAND TITLES AND RECORDS OFFICE & 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

July 20, 2016

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. Branch of Geospatial Support Overview
2. 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

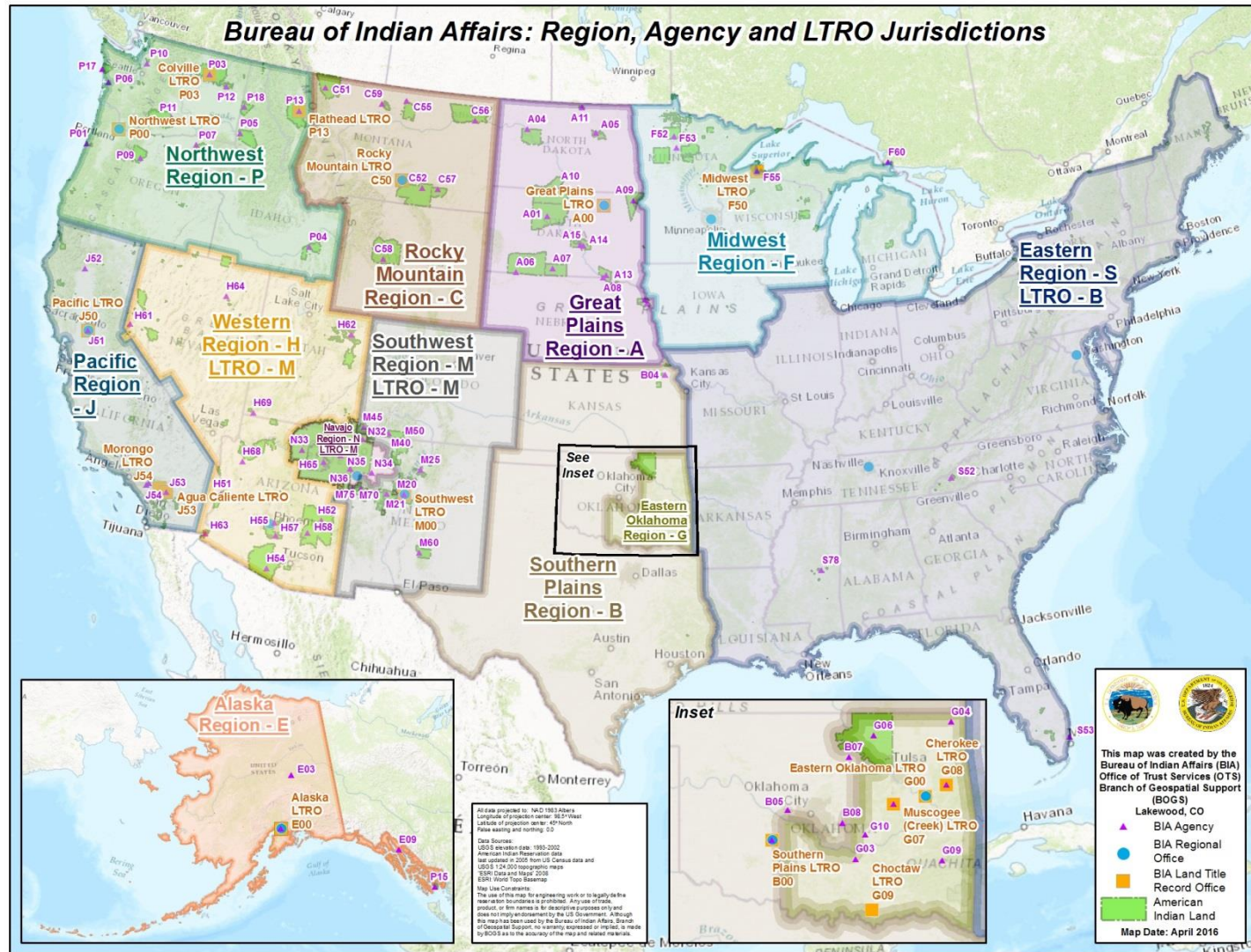
Land Title and Records Offices

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
Midwest Region	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



2016 Midwest Region



What is Land Titles?

- “LAND TITLE” documents determine 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 and copies of documents obtained at a county recorders office.
- 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. Certified copies are provided by the BIA or authorized Tribal LTRO.

Land Title Documents

Land Title Document or Title document is defined as any document that:

- 1) conveys or affects the title to Indian land (e.g., patents, deeds, probate orders) or
- 2) encumbers the ownership of Indian land (e.g., leases, rights-of-way or easements, mortgages, etc.), or
- 3) that describes or locates Indian lands or divisions thereof (e.g., Cadastral Surveys, plats, subdivisions, etc.), and is approved by a properly delegated Federal official and required to be recorded by law, regulation, or Bureau policy.



Record of Title

Record of title is the compilation of deeds and other conveyances and encumbrances recorded at the land title office of record, the Land Titles and Records Office, as required by a recording act. *See*, Act of July 26, 1892, ch. 256, Sec. 2, 27 Stat. 273, codified as 25 USC §5.



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

- **Fee Simple Ownership:** In the public sector 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

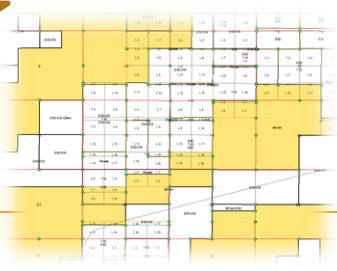
- **Indian Restricted Ownership:** refers to real property whose title is held in fee by an Indian tribe (or individual Indian), but which cannot be alienated or encumbered without the consent of the United States.
- This restriction on alienation attaches to certain Indian lands by operation of law - *i.e.*, by the operation of certain treaties, some tribe-specific statutes and, more generally, the Trade and Intercourse Act, also known as the Non-Intercourse Act. The Non-Intercourse Act was enacted by the first Congress in 1790 and remains the law today. Codified at 25 U.S.C. § 177.

Indian Restricted Ownership

- **Indian Restricted Ownership:** The Secretary of Interior does not have general authority to place or remove restrictions on lands tribes acquire in fee. The Secretary can only do that when directed to do so by a statute.
- **Example:** The Cobell Settlement Agreement, which is to be implemented in accordance with the Indian Land Consolidation Act (ILCA), 25 U.S.C. § 2201, *et seq.*, authorizes the Buy-Back Program to purchase restricted fee interests and take them into trust for the tribe with jurisdiction over the land.

Indian Trust v. Indian Restricted Ownership

- **Trust:** Depending on the duties contained in statutes, regulations, treaties, or executive orders, with regards to trust lands, the Secretary or the United States may owe certain land management duties to the Indian beneficiaries.
- **Restricted Fee:** United States has no ownership interest in restricted fee lands.
- Congress does not typically enact statutes imposing specific duties on the Secretary with respect to restricted fee lands.
- Lands held in restricted fee status are not "acquired by the Secretary" instead are acquired by Indian tribes/individuals and are owned by them, subject to a restriction on alienation that attaches by operation of law.



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.
- **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

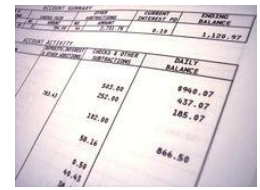
- **Fractional Interest:** Land ownership is conveyed and maintained as “fractional interests” in a tract of fee simple, trust or restricted land ($1/4$, $\frac{1}{4} + \frac{1}{4} = \frac{1}{2}$, $1/52$, etc.) Sole ownership of all interests in a tract of Indian land is stated as “ $1/1$ ” (One-Over-One) 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



DEBIT	CREDIT	BALANCE
10.40		1040.07
	102.90	437.07
	50.50	185.07
	8.50	868.50
10.40		

- ***“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)?

“Title status report means a report issued after a title examination which shows:



- 1) the proper legal description of a tract of Indian land;
- 2) current ownership, including any applicable conditions, exceptions, restrictions or
- 3) encumbrances on record; and whether the land is in unrestricted, restricted, trust, or other status as indicated by the records in a Land Titles and Records Office.” 25 CFR §150.2(o) Definition of Title Status Report.

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.

Types of Title Status Reports

- **Informational TSR** is an non-certified & non-verified report of ownership & encumbrance as shown by title data in the land title system-of-record, the Trust Asset and Accounting Management System (TAAMS) title module.
- **Certified TSR** is a report of ownership & encumbrance certified as a true, accurate & up-to-date report of title status as shown by an examination of title documents recorded at the LTRO and update of land title in TAAMS.



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.



How to Read a TSR

READING A TSR

1

United States Department of the Interior
Bureau of Indian Affairs
Title Status Report

1P Report Certification Time and Date: 09/01/2010 10:00:00 PM
Requestor: JFIELDS Date/Time: 02/07/2013 15:36:43

Land Legal Description

1A Land Area	1B Land Area Name	1C Tract Number	1D LTRO	1F Region	1E Agency	1G Resources
801	CHEYENNE & ARAPAHO	M 932 -A	ANADARKO, OK	SOUTHERN PLAINS REGIONAL OFFICE	CONCHO AGENCY	MINERAL

1H Section	1H Township	1H Range	1I State	1J County	1K Meridian	1L Legal Description	1M Acres
5	013.00N	014.00W	OKLAHOMA	CUSTER	Indian	SE NE	40.000
TOTAL TRACT ACRES:							40.000

Title Status 1N

Tract 801 M 932 -A is held by the United States of America in trust for the land owner(s) with trust interests and/or by the land owner(s) with restricted interests and/or fee simple interests, as listed in Appendix "A" attached to and incorporated in this Title Status Report.

The title to Tract 801 M 932 -A is current, complete, correct, and without defect. Ownership is in unity and interests are owned in the following title status: fee, restricted.

To tract ownership is encumbered by the title documents as listed on Appendix "B" attached to and incorporated in this Title Status Report.

No Tract Notes or Coded Remarks for this tract.

This report does not cover encroachments nor any other rights that might be disclosed by a physical inspection of the premises, nor questions of location or boundary that an accurate survey may disclose. This Report also does not cover encumbrances, included but not limited to irrigation charges, unpaid claims, not filed or recorded in this Land Titles and Records Office. This report does not state the current ownership of the interests owned in fee simple but states the ownership at the time the interest ceased to be held in trust or restricted ownership status.

This Title Status Report is a true and correct report of the status of title to the real estate described herein according to the official land records recorded and maintained in this office.

How to Read a TSR continued:

Appendix "A"

Effective Ownership as of 09/01/2010

2A -----OWNER-----					2B -----DOCUMENT-----			2C	2D	2E	2F	2
Tribal s Code	ID No. s DOB	Indian or Non- Indian	Title Status	Interest %	Class	Type	Number	SURNAME/FIRST NAME	AS ACQUIRED	CONVERTED TO LDC	AGGREGATE SHARE	AGGREGATE DECIMAL
610 TONGHO O' COAHAM NATION - AZ	U000001 01/01/1900	Indian	Restrict ed	All	Prob Qrd	INTE	0018012701	Doc Jane A	1 300	4 1200	.0033333333	
610 TONGHO O' COAHAM NATION - AZ	U000012 01/01/1901	Indian	Restrict ed	All	Prob Qrd	INTE	0018012701	Doc Sally B	1 300	4 1200	.0033333333	
610 TONGHO O' COAHAM NATION - AZ	U000123 01/01/1902	Indian	Restrict ed	All	Prob Qrd	INTE	0018012701	Doc MARK C	1 300	4 1200	.0033333333	

How to Read a TSR continued:

Appendix "B"

3

Ownership of Tract 801 M 932 -A is encumbered by the following:

3A

NO REALTY DOCUMENTS FOUND

3B

Type of Encumbrance	Encumbrance Holder	Expiration Date	Document Number	Description and Explanation
LIFE ESTATE	DOE MARY		OK236P992	A LIFE ESTATE IS VESTED IN MARY DOE AS SET FORTH IN PROBATE NO. OK236P992, BEING THE ESTATE OF BERNIE DOE. THIS LIFE ESTATE AFFECTS THE INTEREST(S) OF THE INDIVIDUALS IDENTIFIED BY THIS PROBATE AND A "T" INTEREST TYPE.
ASSIGNMENT	SMITH OIL COMPANY		010889980	ASSIGNMENT OF O&G LEASE #14-20-205-7617 APPROVED 04/01/2010 FROM JAMES OIL COMPANY TO SMITH OIL COMPANY FOR ALL ITS RIGHT, TITLE, AND INTEREST IN AND TO SAID LEASE.
LIFE ESTATE WITHOUT REGARD TO WASTE	DOE JANE		P000072265	A LIFE ESTATE WITHOUT REGARD TO WASTE IS VESTED IN JANE DOE AS SET FORTH IN PROBATE NO. P000072265, BEING THE ESTATE OF JOHN DOE. THIS LIFE ESTATE EFFECTS INTEREST(S) OF INDIVIDUALS IDENTIFIED BY THIS PROBATE & A "F" INTEREST TYPE.
ENCUMBRANCE (OTHER)	DOE ADAM	PERPETUAL	032219989	THE OWNERSHIP INTEREST(S) SHOWN AS OWNERSHIP INTEREST TYPE "F" ARE OWNED IN FEE STATUS. THIS OFFICE DOES NOT MAINTAIN RECORDS OF TITLE TRANSFERS OR ENCUMBRANCES SUBSEQUENT TO PROPERTY PASSING TO AN UNRESTRICTED STATUS.
ENCUMBRANCE (OTHER)	DOE BETTY	PERPETUAL	032219989	THE OWNERSHIP INTEREST(S) SHOWN AS OWNERSHIP INTEREST TYPE "F" ARE OWNED IN FEE STATUS. THIS OFFICE DOES NOT MAINTAIN RECORDS OF TITLE TRANSFERS OR ENCUMBRANCES SUBSEQUENT TO PROPERTY PASSING TO AN UNRESTRICTED STATUS.
ENCUMBRANCE (OTHER)	DOE EVAN	PERPETUAL	032219989	THE OWNERSHIP INTEREST(S) SHOWN AS OWNERSHIP INTEREST TYPE "F" ARE OWNED IN FEE STATUS. THIS OFFICE DOES NOT MAINTAIN RECORDS OF TITLE TRANSFERS OR ENCUMBRANCES SUBSEQUENT TO PROPERTY PASSING TO AN UNRESTRICTED STATUS.

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.

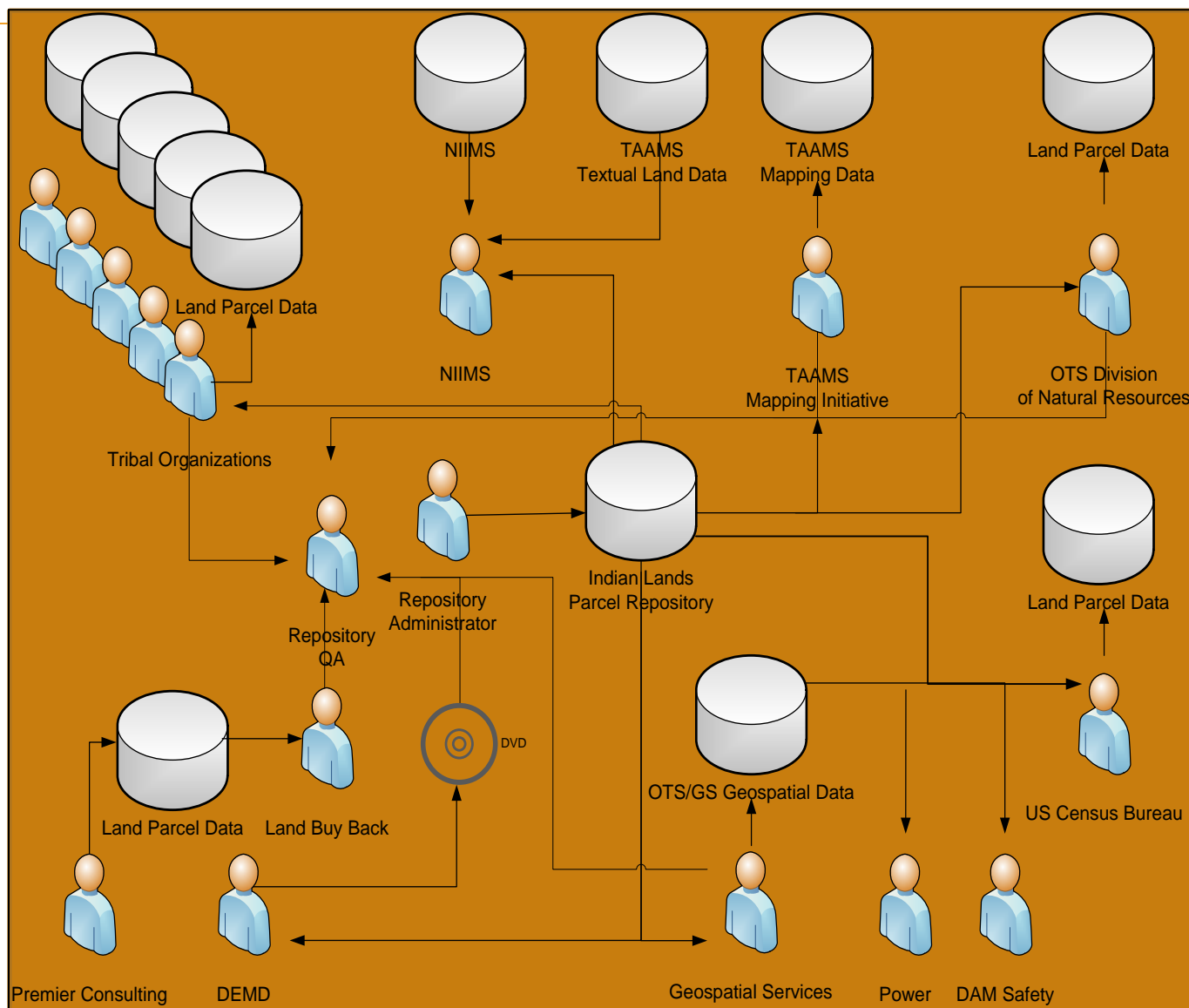


Branch of Geospatial Support Overview

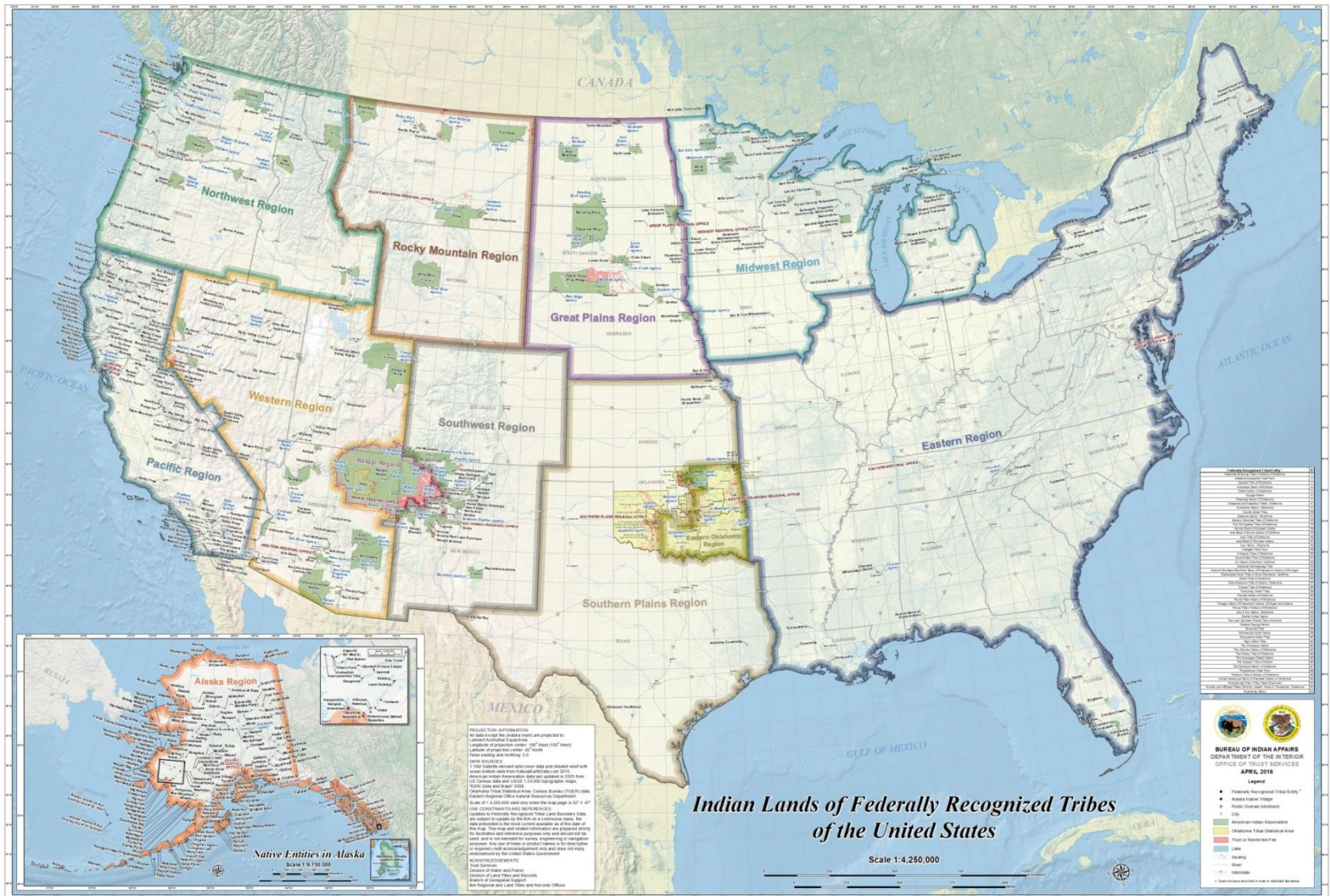
- Support Land Title and Records Offices to deliver Land Status Maps and associated products and services.
- Work with Office of Trust Services Programs, LBBP & other Federal Agencies & Tribes to Develop & Maintain a central authoritative National Indian Lands Boundary & Tract Database that is supported by TAAMS and can be shared with Tribes.
- Delivery of quality GIS software and services to users through specialized training and support.
- 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.



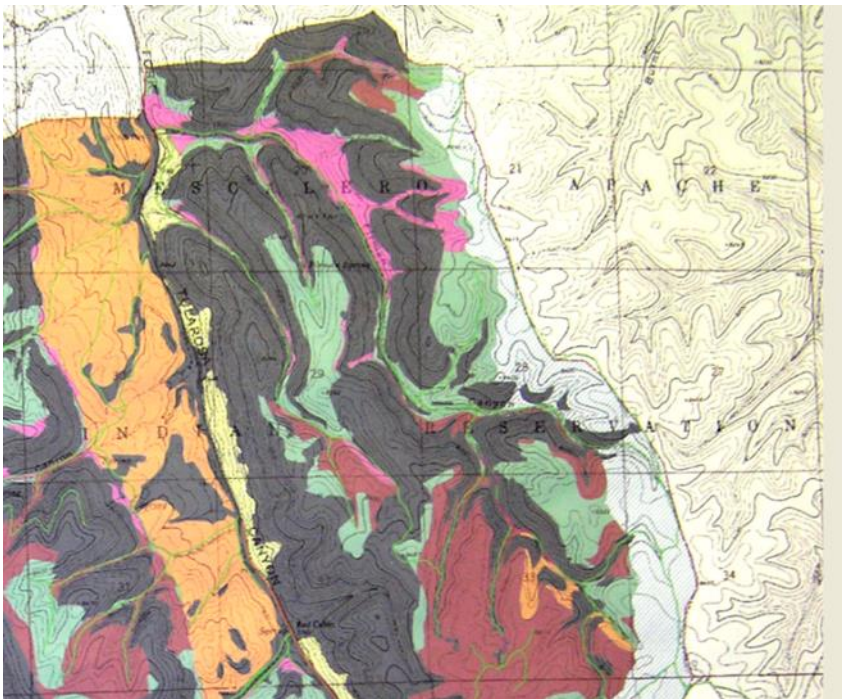
Trust and Restricted Land Ownership & Boundary Spatial Data



Nationwide Land Boundaries

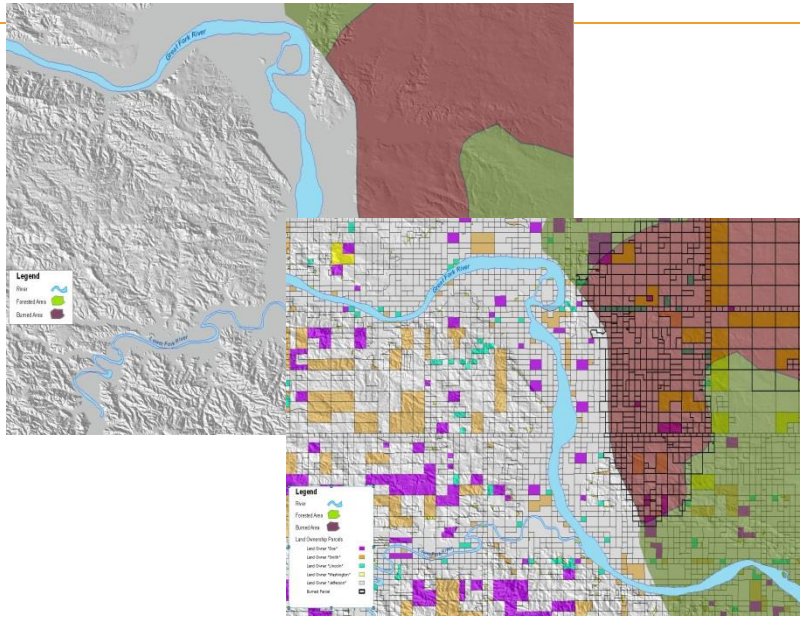


LTRO and Forestry Geospatial Connections

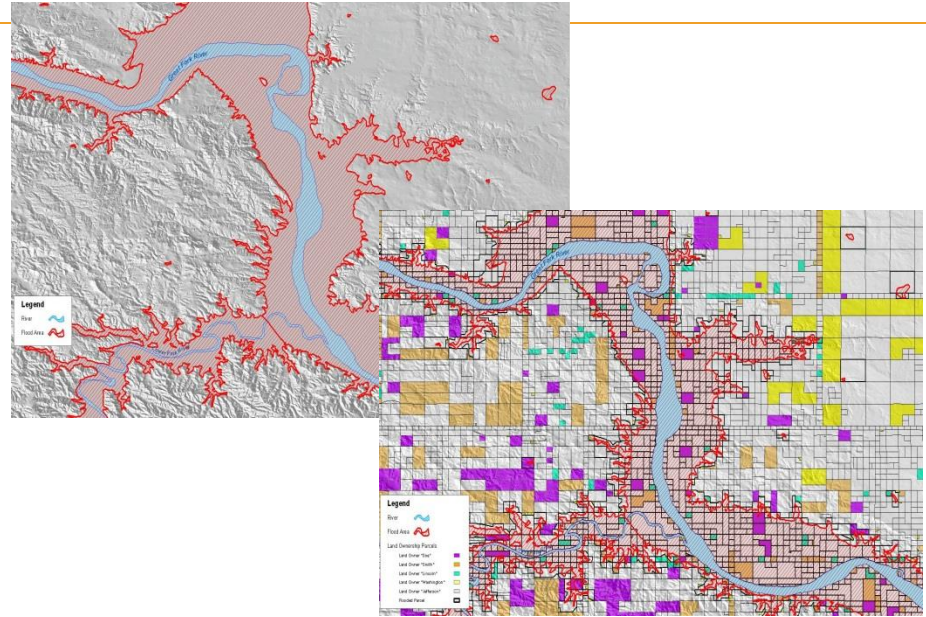


- ◆ Title Status Reports (Track Ownership Validation)
- ◆ Ownership Mapping
- ◆ Timber Sale Boundaries
- ◆ Treatment Boundaries
- ◆ Plot Locations
- ◆ Spatial Plans

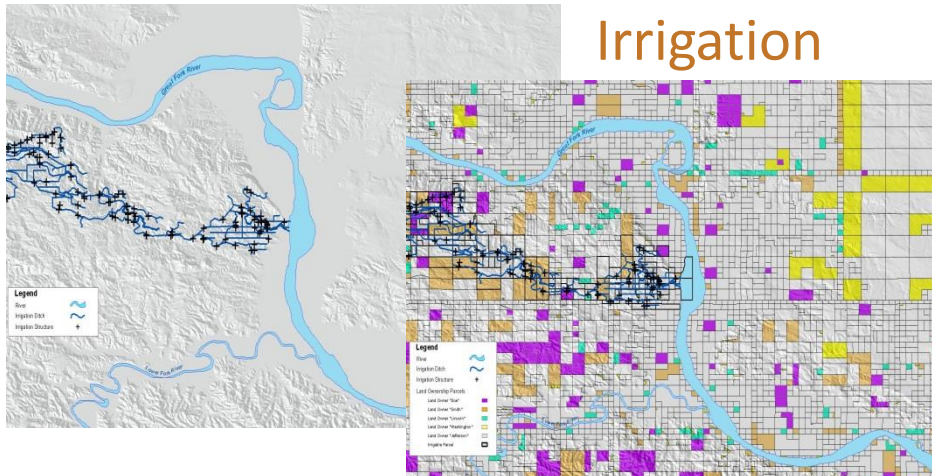
Forestry and Wildland Fire



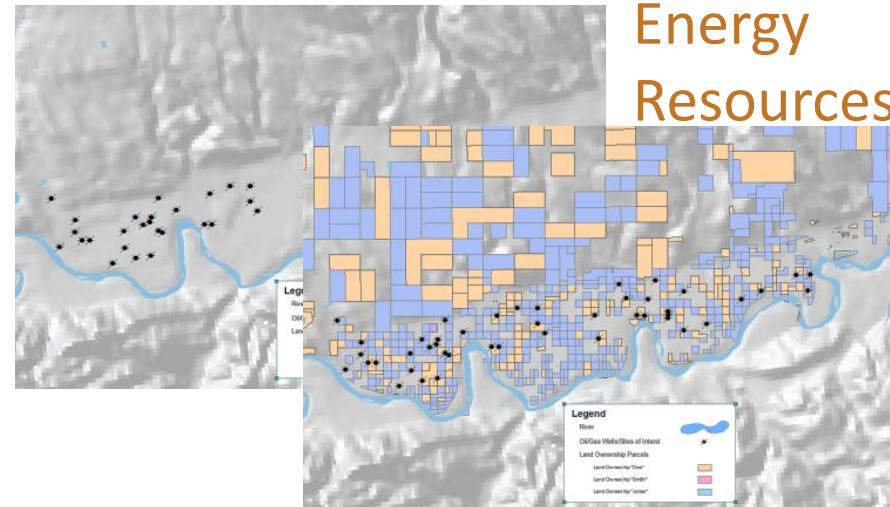
Safety of Dams



Irrigation



Energy Resources



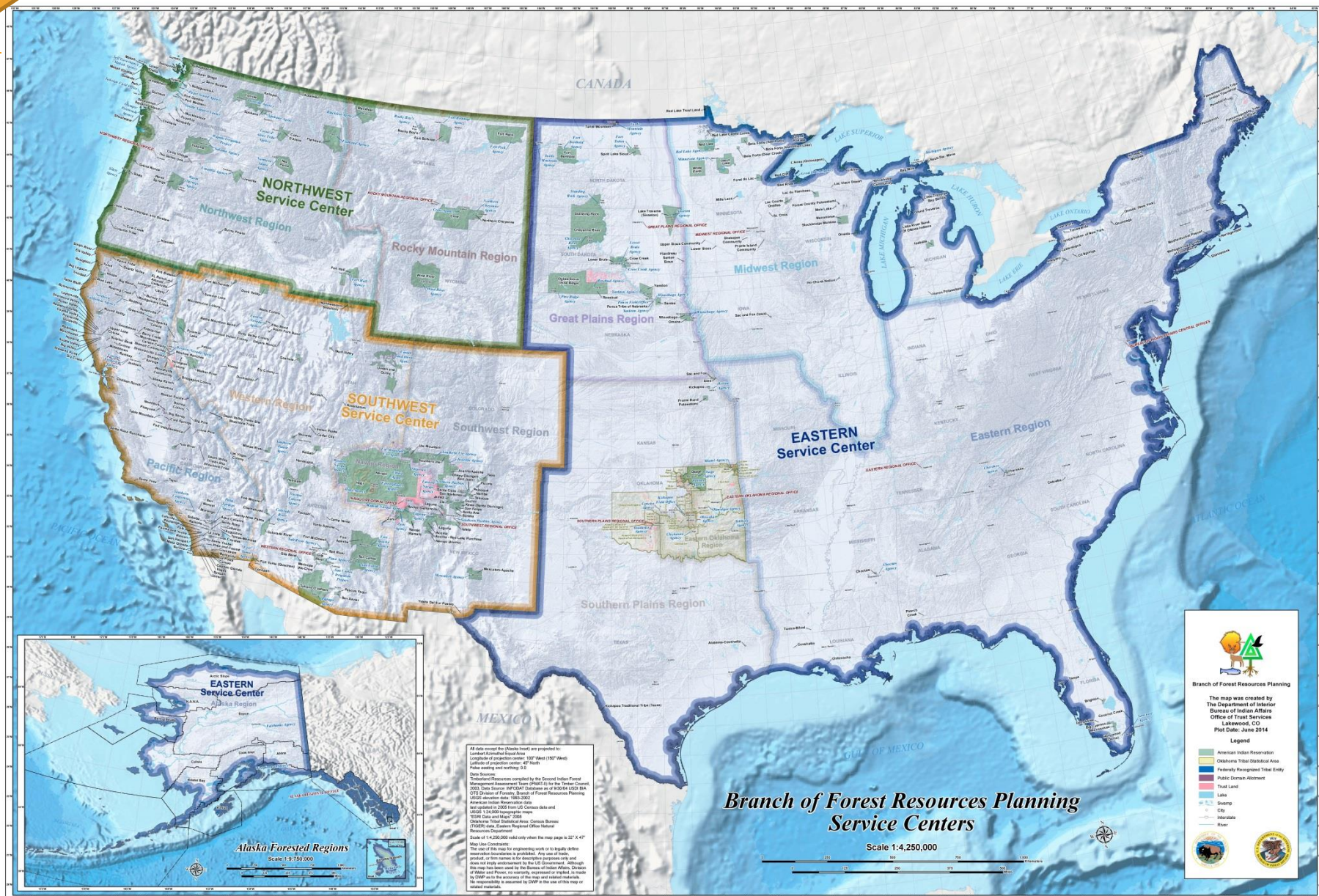
Esri Enterprise License Agreement (ELA)

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

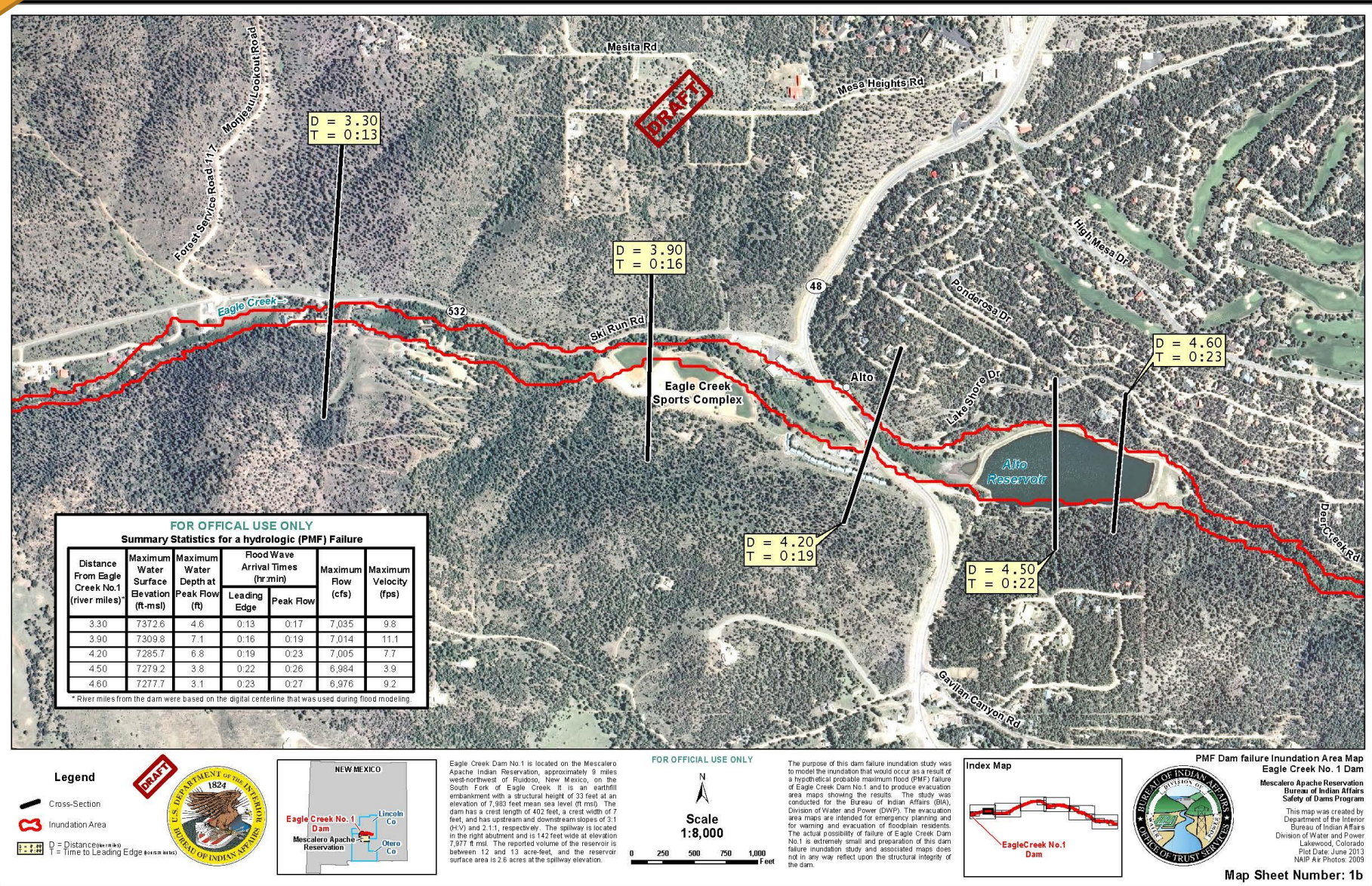
Current Extended Services

- 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)

Forest Resource Planning Service Centers



Dam Safety









Discussion, Questions?

THANK YOU