

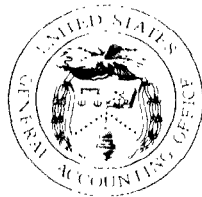
GAO

Briefing Report to the Chairman, Select  
Committee on Indian Affairs, U.S. Senate

February 1992

# INDIAN PROGRAMS

## Profile of Land Ownership at 12 Reservations



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United States  
General Accounting Office  
Washington, D.C. 20548

Resources, Community, and  
Economic Development Division

B-246894

February 10, 1992

The Honorable Daniel K. Inouye  
Chairman, Select Committee on  
Indian Affairs  
United States Senate

Dear Mr. Chairman:

You requested that we obtain information concerning the ownership of Indian land on the basis of ownership records maintained by the Bureau of Indian Affairs (BIA). Such records are maintained as part of the Department of the Interior's responsibilities as trustee of Indian land. You were particularly interested in both the extent to which land ownership is fractionated and BIA's workload in maintaining ownership records. As you are aware, fractionated ownership has occurred as the ownership interests of Indian individuals have passed on through several generations of multiple heirs.

The Indian Land Consolidation Act of 1983 was enacted to, among other things, reduce the extent of Indian land fractionation within a reservation's boundaries. A key provision of that act, as amended, generally provides that an Indian individual's ownership interest of 2 percent or less in a tract of land transfers to the tribe upon the individual's death, provided that the interest is not capable of earning \$100 or more in any of the 5 years following the individual's death.

As agreed with your office, we obtained descriptive information on (1) the ownership of Indian land administered by Interior, (2) BIA's workload in maintaining ownership records, and (3) the Indian Land Consolidation Act's effect on the degree of fractionated ownership. We focused our work on the 12 reservations cited as examples of extensive land ownership fractionation in 1984 hearings on amendments to the 1983 act. We used BIA's computerized land records data base as the source of data but, as agreed with your office, we did not verify the data or draw any conclusions from them. On January 22, 1992, we briefed your office on the results of our work. This briefing report finalizes the information presented at that briefing.

In summary, while various entities—such as tribes, Indian individuals, and non-Indian individuals—hold ownership in reservation land, over half of the 83,000 land tracts at the 12 reservations are owned in their entirety by either the tribe or an Indian individual. Over 20 percent of the tracts, however, are characterized by fractionated ownership with at least one

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small ownership interest (an interest of 2 percent or less). BIA's workload for ownership recordkeeping is substantial. The agency maintains about 1.1 million records for the 12 reservations. Over 60 percent of the records represent small ownership interests of Indian individuals—some as small as one four-hundred-thousandth of 1 percent. Finally, while over 16,400 small ownership interests have been transferred to the tribes since passage of the Indian Land Consolidation Act, the number of small interests at the 12 reservations have more than doubled, from about 305,000 to over 620,000, during the same time period.

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In conducting our work, we examined applicable legislation and BIA records and documents related to Indian land ownership. In addition, we obtained selected data from BIA's computerized land records data base maintained at BIA's National Technical Support Center in Albuquerque, New Mexico. We also obtained specific information, not available on the BIA data base, from BIA agency offices that are responsible for the land records of the 12 reservations. We discussed the information presented in this report with BIA officials. They generally concurred that the information we developed provides a good description of the fractionation at the 12 reservations. We also made changes as appropriate on the basis of their comments.

Section 1 of this report presents background information and discusses the scope and methodology of our work. Section 2 provides various tables depicting Indian land ownership. Section 3 discusses BIA's workload for land ownership recordkeeping. Section 4 discusses the effects of the Indian Land Consolidation Act.

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We are sending copies of this report to interested congressional committees; the Secretary of the Interior; and the Director, Office of Management and Budget. Copies are available to others upon request. If you or your staff have any questions concerning this briefing report, please contact me at (202) 275-7756. Other major contributors to this briefing report are listed in appendix I.

Sincerely yours,

A handwritten signature in cursive script that reads "James Duffus III". The signature is written in black ink and is positioned above the typed name.

James Duffus III  
Director, Natural Resources  
Management Issues

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**Abbreviations**

BIA Bureau of Indian Affairs

# Background

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The Secretary of the Interior administers land for Indian individuals and tribes.<sup>1</sup> This land is generally managed for the Indian owners by the Department of the Interior's Bureau of Indian Affairs (BIA). Key components of BIA's management responsibilities are maintaining land ownership records and title documents, negotiating and awarding leases and permits for use of the land, and distributing to the Indian land owners the income generated by leases and permits.

BIA's land management responsibilities were significantly affected by the Indian General Allotment Act of 1887. Under the act, as amended (25 U.S.C. 331), individual Indians were allotted tracts of land, generally in tract sizes of 40, 80, or 160 acres. Prior to this, Indian land within designated reservation boundaries was, for the most part, owned collectively by tribes. As a result of the act and the subsequent allotment process, ownership of a significant amount of a reservation's land transferred from the tribe to individual Indians; another major portion, about two-thirds of the original land, was transferred to non-Indians. With certain exceptions, the allotment of land to individual Indians ended in 1934 with the passage of the Indian Reorganization Act (25 U.S.C. 461, 478). Much of the land allotted under the 1887 act, as well as the land that remained under tribal ownership, continues to be administered by Interior.

The 1887 allotment act, as amended, provided among other things that the heirs of an Indian who had been allocated land would inherit the decedent's ownership interests in the land (25 U.S.C. 348). Because of this provision of the act, the ownership of some allotted land has continually changed and become fractionated as ownership interests have passed from generation to generation. These ownership changes have made BIA's land management activities, such as leasing of surface and subsurface resources, more complex due to the additional recordkeeping required to account for the growing number of owners and ownership interests in individual tracts of land.

Land held for individual Indians and tribes includes both surface and subsurface (oil, gas, and mineral) components. The components are accounted for as separate tracts when their ownership differs; otherwise they are treated as one tract. BIA maintains land records according to a tract identification number. In the historical pattern of changing ownership in the land, some tracts have been sold or transferred to non-Indian ownership. As this has occurred, such land has been removed from Interior's responsibility and ownership records are no longer maintained.

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<sup>1</sup>Indian land administered by Interior consists of trust land and land in restricted status.



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In the early 1980's, BIA reiterated its continuing concerns to the Congress about the extensive number of undivided ownership interests<sup>2</sup> that characterized Indian land ownership. In 1983, the Congress enacted the Indian Land Consolidation Act, 25 U.S.C. 2201, et seq., as amended. One purpose of the act was to reduce extensive fractionation of individual Indian ownership. The act authorized any tribe to establish inheritance codes to govern the inheritance of real property and develop plans to consolidate the ownership of Indian land. The act also provided that, under certain conditions, an individual Indian ownership interest of 2 percent or less in a tract would be transferred to the respective tribe upon an owner's death, instead of being transferred to the decedent's heirs. This transfer of ownership to the tribe is referred to as "escheatment". As currently specified in the act, such ownership interest will transfer, or escheat, upon the owner's death if (1) it is not willed to another owner in the same tract and (2) the interest is incapable of earning an annual income of \$100 in any one of the 5 years following the death of the owner. This provision is hereafter referred to as the small ownership escheatment provision.

BIA's computerized land records data base is its official source of ownership data for land held for Indians. The data are categorized by tract and include information such as tract identification number and resource code. The resource code identifies whether a tract's ownership applies to the surface resources, subsurface resources, or both.

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## **Objectives, Scope, and Methodology**

The Chairman of the Senate Select Committee on Indian Affairs asked us to obtain descriptive information for 12 reservations on (1) the ownership of Indian land administered by Interior, (2) BIA's workload in maintaining ownership records, and (3) the Indian Land Consolidation Act's effect on the degree of ownership fractionation.

The reservations included in our work were the same ones cited as examples of extensive land ownership fractionation in 1984 congressional hearings on amendments to the Indian Land Consolidation Act. The 12 reservations are administered by 3 different BIA Area Offices: under the Aberdeen, South Dakota Area Office were Fort Berthold and Turtle Mountain in North Dakota, Standing Rock in North and South Dakota, and Pine Ridge, Rosebud, and Cheyenne River in South Dakota; under the Portland, Oregon Area Office were Colville and Yakima in Washington; and under the Billings, Montana Area Office were Blackfeet, Crow, and Fort Peck in

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<sup>2</sup>Undivided ownership interests refers to multiple owners sharing ownership in a tract of land without dividing the actual land among the owners.

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Montana and Wind River in Wyoming. Table 1.1 shows the 12 reservations' tribal affiliations and the number of enrolled tribal members.

**Table 1.1: Tribal Membership**

Reservation	Tribal affiliation	Enrolled tribal members		Total tribal membership
		Residing on reservation	Residing off reservation	
Blackfeet	Blackfeet	7,217	6,623	13,840
Cheyenne River	Cheyenne River Sioux	3,690	5,970	9,660
Colville	Colville	4,170	3,475	7,645
Crow	Crow	6,210	2,382	8,592
Fort Berthold	Arikara, Mandan, Hidatsa	4,600	4,500	9,100
Fort Peck	Assiniboine, Sioux	5,146	4,485	9,631
Pine Ridge	Oglala Sioux	12,107	7,000	19,107
Rosebud	Rosebud Sioux	10,973	1,810	12,783
Standing Rock	Standing Rock Sioux	4,799	8,611	13,410
Turtle Mountain	Chippewa	4,420	22,080	26,500
Wind River	Arapahoe, Shoshone	5,003	2,278	7,281
Yakima	Yakima	5,585	2,514	8,099
<b>Total</b>		<b>73,920</b>	<b>71,728</b>	<b>145,648</b>

To determine the current land ownership on the 12 reservations, we obtained computerized land records information from BIA's National Technical Support Center in Albuquerque, New Mexico. The data were obtained as of April 29, 1991, for reservations under BIA's Billings Area Office, and as of May 7, 1991, for reservations under BIA's Aberdeen and Portland Area Offices. Data for each reservation included information such as the reservation and owner identification, owner type (Indian, non-Indian, tribe, etc.), ownership interest size, tract number, tract resource, and tract size. We sent the four computerized BIA tapes to the National Institute of Health Computer Center, where they were uploaded to a mainframe computer for our use.

We used DYL-280 II software to access and write programs for the files uploaded to the mainframe. We wrote programs to define the variables within the files and to produce a variety of charts and tables describing land ownership situations for the 12 reservations.

For each of the 12 reservations, table 1.2 presents information on the number of tracts, and the corresponding acreage, managed by BIA. As the

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table shows, the number of acres in a tract varies significantly. For most reservations, however, tracts are generally 40 acres or larger, and many are at least 160 acres.

**Table 1.2: Tracts and Acreage Managed by BIA<sup>a</sup>**

Reservation	No. of acres	No. of tracts	Number of tracts			Acreage of tracts		Average tract acreage
			Less than 40 acres	40-159 acres	160 acres or more	Smallest tract	Largest tract	
Blackfeet	1,238,021	7,036	792	3,434	2,810	0.001	5,365.7	176
Cheyenne River	2,004,773	10,474	449	2,830	7,195	0.001	2,800.0	191
Colville	1,233,098	5,482	1,195	2,027	2,260	0.050	6,133.0	225
Crow	1,680,246	6,810	957	2,899	2,954	0.030	23,025.0	247
Fort Berthold	1,190,544	8,708	728	4,192	3,788	0.010	827.5	137
Fort Peck	1,390,345	6,896	1,204	2,355	3,337	0.001	2,994.4	202
Pine Ridge	2,050,492	10,661	694	2,744	7,223	0.001	1,000.6	192
Rosebud	1,134,906	6,410	197	1,242	4,971	0.001	1,735.7	177
Standing Rock	1,244,016	9,267	3,018	1,854	4,395	0.010	2,290.0	134
Turtle Mountain	42,453	917	528	335	54	0.145	471.5	46
Wind River	2,158,925	4,228	1,256	2,437	535	0.310	662,515.2	511
Yakima	1,149,734	6,089	1,212	2,658	2,219	0.060	3,200.0	189
<b>Total</b>	<b>16,517,553</b>	<b>82,978</b>	<b>12,230</b>	<b>29,007</b>	<b>41,741</b>			<b>199</b>

<sup>a</sup>Because BIA maintains separate tract records for surface and subsurface resources when ownership is different, the number of acres shown in the table does not always represent surface acres.

Table 1.3 shows, for the 12 reservations, whether tract ownership applies to surface resources, subsurface resources, or both. For nearly half the tracts, ownership is the same for both the surface and subsurface resources. But the situation varies among the reservations. At Fort Berthold, for example, tract ownership for most of the reservation land is different for the surface and subsurface resources, while at Yakima, tract ownership is, for the most part, the same for those resources.

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**Table 1.3: BIA-Managed Tracts for Surface and Subsurface Use**

Reservation	Tracts			Total tracts managed <sup>a</sup>
	Surface only	Subsurface only	Both surface and subsurface	
Blackfeet	3,204	1,417	2,412	7,033
Cheyenne River	2,457	3,501	4,516	10,474
Colville	880	1,369	3,231	5,480
Crow	3,195	1,406	2,205	6,806
Fort Berthold	2,169	5,436	1,103	8,708
Fort Peck	1,717	2,405	2,774	6,896
Pine Ridge	1,282	1,713	7,666	10,661
Rosebud	870	1,375	4,165	6,410
Standing Rock	1,473	3,911	3,883	9,267
Turtle Mountain	193	168	556	917
WindRiver	1,414	1,394	1,417	4,225
Yakima	252	299	5,531	6,082
<b>Total</b>	<b>19,106</b>	<b>24,394</b>	<b>39,459</b>	<b>82,959</b>

<sup>a</sup>Excludes 19 tracts for which the BIA data base did not specify the resource type (i.e., surface, subsurface, or both).

To obtain additional information, we interviewed officials at the Aberdeen Area Office and the BIA agency office for the Standing Rock reservation. We discussed issues concerning current ownership patterns and fractionated ownership of Indian land. During our work at the Standing Rock reservation, we observed the intricate detail and accountability required for each record associated with the distribution of one decedent's land interests. We noted that the vast majority of the recordkeeping at the agency level is manual and extremely time consuming.

As agreed with your office, we did not verify the completeness, accuracy, and reliability of the data maintained in BIA's computerized land records data base. Such a verification would require a significant effort of time and resources because of the immense volume of data contained in the data base. We did, however, select 12 ownership interest records from the computerized data for one land tract and compared them to ownership records for the same tract that BIA maintains manually. This comparison showed no discrepancies.

To determine the impact of the Indian Land Consolidation Act, we identified ownership interests that had escheated and the extent to which tribes have developed plans and established inheritance codes to consolidate Indian land. We interviewed BIA officials and obtained documentation of

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any actions taken by the tribes. In examining the impact of the small ownership escheatment provision, we asked about the economic activity and land value associated with Indian land. Because records are kept manually, difficulties arose in obtaining timely responses to our inquiry. Consequently, agency officials provided us their best estimates of economic activity associated with land of the six tribes under the Aberdeen Area Office. We did not verify the estimates provided.

We conducted our work between March and December 1991. We discussed the data presented in this report with BIA officials at the Aberdeen Area Office and the BIA Central Office. They generally agreed with the data as presented and we made changes as appropriate on the basis of their comments.

# Ownership of BIA-Managed Land

Ownership of land managed by BIA can involve various entities—Indian individuals, tribes, non-Indian individuals, corporations, and federal government agencies. Individual tracts of land can be owned by one or more of these entities.

Table 2.1 provides a general profile of ownership for the 82,978 tracts of land at the 12 reservations. As the table shows, the tribes own a substantial portion of the tracts at most reservations. Most of the remaining tracts are either entirely owned by one Indian or have multiple owners, with at least one of them being an Indian.

**Table 2.1: Ownership Profile of BIA-Managed Tracts**

Reservation	No. tracts owned solely by			No. tracts with multiple owners		Total tracts
	One Indian	Tribe	Others	At least one Indian owner	No Indian owners	
Blackfeet	1,640	1,800	18	3,571	7	7,036
Cheyenne River	2,103	5,549	11	2,809	2	10,474
Colville	771	2,744	17	1,884	66	5,482
Crow	2,244	823	44	3,696	3	6,810
Fort Berthold	1,831	4,243	16	2,610	8	8,708
Fort Peck	1,928	1,232	7	3,702	27	6,896
Pine Ridge	2,409	3,435	85	4,726	6	10,661
Rosebud	629	2,766	7	2,961	47	6,410
Standing Rock	1,483	2,363	6	5,402	13	9,267
Turtle Mountain	401	101	5	409	1	917
Wind River	845	1,186	22	2,128	47	4,228
Yakima	916	2,892	15	2,236	30	6,089
<b>Total</b>	<b>17,200</b>	<b>29,134</b>	<b>253</b>	<b>36,134</b>	<b>257</b>	<b>82,978</b>

The fractionation of land ownership on Indian reservations results from the inheritance provisions of the Indian General Allotment Act of 1887, which prescribes what happens to the land ownership interests upon the death of an Indian individual. Consequently, the potential for further fractionation of ownership is limited to land with at least one Indian owner.

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Table 2.2 shows the ownership mix for those tracts characterized by multiple ownership, including at least one Indian individual. On most of the reservations, the ownership for the majority of such tracts is shared only by Indian individuals. After that, the most common arrangement has Indian individuals sharing ownership with the tribe.

**Table 2.2: Ownership Mix on Tracts with Fractionated Ownership**

Reservation	Number of tracts owned by				Total tracts
	Indians only	Indians and the tribe	Indians and non-Indians	Indians, tribe, and non-Indians	
Blackfeet	1,830	646	534	561	<b>3,571</b>
Cheyenne River	2,097	430	241	41	<b>2,809</b>
Colville	741	533	404	206	<b>1,884</b>
Crow	2,564	631	265	236	<b>3,696</b>
Fort Berthold	1,543	646	206	215	<b>2,610</b>
Fort Peck	2,265	294	826	317	<b>3,702</b>
Pine Ridge	2,546	1,672	176	332	<b>4,726</b>
Rosebud	1,120	1,168	177	496	<b>2,961</b>
Standing Rock	3,000	1,072	683	647	<b>5,402</b>
Turtle Mountain	258	23	70	58	<b>409</b>
Wind River	979	565	178	406	<b>2,128</b>
Yakima	1,141	972	42	81	<b>2,236</b>
<b>Total</b>	<b>20,084</b>	<b>8,652</b>	<b>3,802</b>	<b>3,596</b>	<b>36,134</b>

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Table 2.3 provides information on the extent ownership fractionation has already occurred. The table shows the number of tracts where varying numbers of Indian individuals share ownership.

**Table 2.3: Tracts with Fractionated Ownership, by Number of Indian Owners per Tract**

Reservation	Number of tracts with							Total tracts
	Two Indian owners	3-10 Indian owners	11-25 Indian owners	26-50 Indian owners	51-100 Indian owners	101-300 Indian owners	Over 300 Indian owners	
Blackfeet	381	1,141	960	667	351	71	0	<b>3,571</b>
Cheyenne River	535	1,416	645	177	30	6	0	<b>2,809</b>
Colville	476	753	435	163	52	5	0	<b>1,884</b>
Crow	490	1,403	933	481	261	122	6	<b>3,696</b>
Fort Berthold	352	999	675	377	174	33	0	<b>2,610</b>
Fort Peck	635	1,447	987	422	179	31	1	<b>3,702</b>
Pine Ridge	634	1,840	1,234	588	283	145	2	<b>4,726</b>
Rosebud	296	1,021	770	468	266	135	5	<b>2,961</b>
Standing Rock	411	1,958	1,640	858	414	111	10	<b>5,402</b>
Turtle Mountain	81	139	102	40	25	21	1	<b>409</b>
Wind River	169	561	611	371	270	145	1	<b>2,128</b>
Yakima	297	875	636	332	86	10	0	<b>2,236</b>
<b>Total</b>	<b>4,757</b>	<b>13,553</b>	<b>9,628</b>	<b>4,944</b>	<b>2,391</b>	<b>835</b>	<b>26</b>	<b>36,134</b>



**Section 2**  
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As previously discussed, the Indian Land Consolidation Act generally provides that ownership interests of 2 percent or less will transfer, or escheat, to the tribe upon the death of an Indian. Table 2.4 provides data on the number of tracts with individual Indian ownership interests totaling 2 percent or less, as well as the number of such interests for those tracts. Using figures provided by the table, 16,850 (36,134 less 19,284) of the fractionated tracts (about 47 percent) have ownership interests of 2 percent or less.

**Table 2.4: Tracts with Fractionated Ownership, by Number of Consolidated Indian Ownership Interests of 2 Percent or Less per Tract**

Reservation tracts	Number of tracts with Indian interests of 2 percent or less								Total
	None	One	2-10	11-25	26-50	51-100	101-300	over 300	
Blackfeet	1,722	42	602	468	453	247	37	0	<b>3,571</b>
Cheyenne River	2,055	26	381	258	68	20	1	0	<b>2,809</b>
Colville	1,237	18	306	226	69	27	1	0	<b>1,884</b>
Crow	2,013	41	690	389	280	189	91	3	<b>3,696</b>
Fort Berthold	1,501	28	394	335	236	91	25	0	<b>2,610</b>
Fort Peck	2,159	53	669	481	214	103	22	1	<b>3,702</b>
Pine Ridge	2,570	46	847	559	374	214	115	1	<b>4,726</b>
Rosebud	1,256	40	534	506	292	216	113	4	<b>2,961</b>
Standing Rock	2,594	41	1,126	787	523	240	85	6	<b>5,402</b>
Turtle Mountain	235	4	67	38	25	22	17	1	<b>409</b>
Wind River	731	64	416	360	253	212	91	1	<b>2,128</b>
Yakima	1,211	45	446	320	169	37	8	0	<b>2,236</b>
<b>Total</b>	<b>19,284</b>	<b>448</b>	<b>6,478</b>	<b>4,727</b>	<b>2,956</b>	<b>1,618</b>	<b>606</b>	<b>17</b>	<b>36,134</b>

We analyzed data for 6 of the 12 reservations to determine whether tracts with 11 or more small ownership interests were characteristic of surface, subsurface, or both. We used 4,752 tracts in our analysis. We found that about 40 percent of the tracts were subsurface tracts, about 27 percent surface tracts, and about 33 percent were both.

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To illustrate how extensive ownership fractionation can become on a single tract of land, table 2.5 shows the most extreme example of fractionation at each of the 12 reservations. Because Indian individuals can own interests in tracts on reservations that are not affiliated with their own tribes, the last column in the table shows the total number of tribal affiliations represented by the owners.

**Table 2.5: Largest Number of Owners on a Single Tract, by Reservation**

<b>Reservation</b>	<b>Indian owners</b>	<b>Other owners</b>	<b>Total owners</b>	<b>Indian interests of 2 percent or less</b>	<b>Tribal affiliations represented</b>
Blackfeet	242	43	285	240	3
Cheyenne River	223	10	233	214	9
Colville	120	18	138	112	6
Crow	345	2	347	338	4
Fort Berthold	243	23	266	229	7
Fort Peck	335	10	345	326	12
Pine Ridge	407	12	419	406	9
Rosebud	367	7	374	364	6
Standing Rock	531	11	542	523	16
Turtle Mountain	335	27	362	331	6
Wind River	317	5	322	310	5
Yakima	160	2	162	148	3

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Indian individuals can retain ownership in more than one tract. This situation has evolved as ownership interests of deceased Indians have passed on to heirs. Table 2.6 shows the extent to which Indian individuals have ownership interests in more than one tract.

**Table 2.6: Individual Indian Ownership in Multiple Tracts**

Reservation	Number of Indians with ownership in								Total Indian owners
	1 tract	2 tracts	3-5 tracts	6-10 tracts	11-25 tracts	26-50 tracts	51-100 tracts	Over 100 tracts	
Blackfeet	794	464	730	939	1,260	787	217	30	<b>5,221</b>
Cheyenne River	1,282	635	1,391	973	717	90	5	0	<b>5,093</b>
Colville	1,408	623	878	562	568	40	1	0	<b>4,080</b>
Crow	618	303	405	295	568	569	441	85	<b>3,284</b>
Fort Berthold	494	309	456	555	965	471	112	0	<b>3,362</b>
Fort Peck	1,585	1,001	1,080	860	1,392	463	50	2	<b>6,433</b>
Pine Ridge	4,346	2,056	3,229	2,791	2,597	368	13	0	<b>15,400</b>
Rosebud	3,025	2,196	2,582	2,038	1,808	373	12	0	<b>12,034</b>
Standing Rock	2,741	1,296	2,523	1,428	2,180	1,241	165	6	<b>11,580</b>
Turtle Mountain	2,120	1,314	1,052	163	1	0	0	0	<b>4,650</b>
Wind River	726	668	842	728	1,066	644	158	8	<b>4,840</b>
Yakima	962	439	599	626	798	294	15	0	<b>3,733</b>
<b>Total</b>	<b>20,101</b>	<b>11,304</b>	<b>15,767</b>	<b>11,958</b>	<b>13,920</b>	<b>5,340</b>	<b>1,189</b>	<b>131</b>	<b>79,710</b>

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To illustrate extreme cases of an Indian individual having ownership interests in many tracts, table 2.7 shows both the number of tracts and the number of separate ownership interests held by an Indian individual at each of the 12 reservations. It also shows the number of tracts where the Indian individual's interest is 2 percent or less.

**Table 2.7: Indian with the Most Ownership Interests, by Reservation**

<b>Reservation</b>	<b>No. of tracts</b>	<b>Ownership interests</b>	<b>Number of tracts with ownership of 2 percent or less</b>
Blackfeet	113	301	68
Cheyenne River	41	93	23
Colville	19	75	3
Crow	241	616	151
Fort Berthold	82	203	30
Fort Peck	73	191	2
Pine Ridge	44	199	19
Rosebud	50	150	36
Standing Rock	112	195	70
Turtle Mountain	2	58	0
Wind River	194	413	98
Yakima	95	121	34

**Section 2**  
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Table 2.8 provides data on ownership fractionation in terms of the size of ownership interests held by Indian individuals in separate tracts. In cases where an Indian individual held more than one interest in a single tract, we consolidated these interests to show the individual's total ownership in that tract. As the table shows, 431,074, or over 60 percent, of the Indian individuals' ownership is represented by interests of 2 percent or less.

**Table 2.8 Individual Indians' Consolidated Ownership Interests, by Size of Interest**

Reservation	Number of consolidated ownership interests totaling						Total
	100 percent	51-99 percent	26-50 percent	11-25 percent	3-10 percent	2 percent or less	
Blackfeet	1,709	416	1,935	6,306	20,983	48,899	80,248
Cheyenne River	2,119	194	2,188	5,386	9,402	10,257	29,546
Colville	854	249	1,066	2,093	5,787	10,180	20,229
Crow	2,189	755	2,225	6,941	18,503	48,094	78,707
Fort Berthold	1,981	340	1,384	4,813	11,890	26,494	46,902
Fort Peck	2,062	513	2,394	6,076	15,606	29,789	56,440
Pine Ridge	2,324	451	2,884	7,339	20,845	60,986	94,829
Rosebud	612	190	1,238	3,819	12,993	55,552	74,404
Standing Rock	1,444	371	3,008	9,852	32,140	70,372	117,187
Turtle Mountain	432	103	242	734	1,685	6,437	9,633
Wind River	892	255	891	3,078	11,325	46,437	62,878
Yakima	1,057	271	1,259	3,550	9,845	17,577	33,559
<b>Total</b>	<b>17,675</b>	<b>4,108</b>	<b>20,714</b>	<b>59,987</b>	<b>171,004</b>	<b>431,074</b>	<b>704,562</b>

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Table 2.9 shows extreme examples of fractionated ownership at each reservation in terms of the size of the ownership interest. For each reservation, it shows the smallest ownership interest held by an Indian individual and identifies the land equivalent of that ownership interest. In some cases, the land size equivalent is smaller than the dimensions of this page.

**Table 2.9: Smallest Indian Individual Ownership Interest, by Reservation**

Reservation	Tract acreage	Percentage ownership of tract	Land equivalent of ownership interest	
			Square feet	Inches
Blackfeet	80.00	0.0002900	10.11	38.1 x 38.1
Cheyenne River	647.21	0.0004962	139.89	142.0 x 142.0
Colville	160.00	0.0006955	48.47	83.5 x 83.5
Crow	160.00	0.0000100	.70	10.0 x 10.0
Fort Berthold	80.00	0.0002624	9.15	36.3 x 36.3
Fort Peck	40.00	0.0001200	2.09	17.4 x 17.4
Pine Ridge	474.14	0.0000047	0.97	11.8 x 11.8
Rosebud	320.00	0.0000047	0.66	9.7 x 9.7
Standing Rock	320.00	0.0000025	0.35	7.1 x 7.1
Turtle Mountain	7.50	0.0000192	0.06	2.9 x 2.9
Wind River	80.00	0.0000100	.35	7.1 x 7.1
Yakima	80.00	0.0001929	6.72	31.1 x 31.1

Note: Smallest ownership share represents the smallest share that is at least one ten-millionth of one percent. We did not attempt to identify ownership interests smaller than one ten-millionth of one percent.

# BIA's Recordkeeping Workload for Indian Land

BIA maintains land ownership records in two ways, according to BIA officials. Official records of land ownership are maintained in a computerized data base called the Land Records Information System. This data base represents BIA's current records of land ownership and is used to (1) identify land owners who must approve leasing and other land-use decisions, and (2) determine the distribution of lease and permit revenues. BIA also maintains a manual record of land ownership, which provides a chronology of owners and ownership changes and documents the basis for ownership changes.

Table 3.1 shows the number of ownership records maintained in BIA's computerized data base for the 12 reservations by surface only, subsurface only, and both surface and subsurface tract ownership.

**Table 3.1: Number of Ownership Records BIA Maintains**

Reservation	Number of records maintained for tract ownership of			Total ownership records <sup>a</sup>
	Surface only	Subsurface only	Both surface and subsurface	
Blackfeet	64,924	36,662	22,708	124,294
Cheyenne River	7,842	23,180	15,574	46,596
Colville	5,459	19,970	9,477	34,906
Crow	38,487	33,544	44,406	116,437
Fort Berthold	25,614	41,011	5,799	72,424
Fort Peck	12,239	38,090	33,424	83,753
Pine Ridge	11,521	24,206	103,015	138,742
Rosebud	19,645	37,620	64,005	121,270
Standing Rock	18,658	80,027	60,666	159,351
Turtle Mountain	3,297	3,722	7,698	14,717
Wind River	25,496	52,753	14,564	92,813
Yakima	952	6,739	46,598	54,289
<b>Total</b>	<b>234,134</b>	<b>397,524</b>	<b>427,934</b>	<b>1,059,592</b>

<sup>a</sup>Excludes 90 records where the tract resource code was not specified.

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Table 3.2 shows the number of ownership records categorized by type of owner. Nearly 90 percent of all ownership records (948,160 of 1,059,682) are maintained for Indian individual ownership interests. According to BIA, it maintains ownership records for non-Indian individuals and others in certain situations, such as when Indians and others share tract ownership. BIA's practice is to maintain complete ownership records for all tracts that stem from an original land allotment as long as there continues to be an Indian ownership interest in the tracts.

**Table 3.2: Ownership Records, by  
Owner Type**

Reservation	Number of ownership records				Total ownership records
	Tribal interests	Individual Indians	Non-Indians	Other <sup>a</sup>	
Blackfeet	5,235	115,514	2,784	789	<b>124,322</b>
Cheyenne River	9,005	37,182	377	32	<b>46,596</b>
Colville	4,949	28,471	1,381	107	<b>34,908</b>
Crow	3,120	111,825	783	724	<b>116,452</b>
Fort Berthold	7,684	64,096	582	62	<b>72,424</b>
Fort Peck	2,572	79,110	2,021	50	<b>83,753</b>
Pine Ridge	16,660	121,126	800	156	<b>138,742</b>
Rosebud	24,309	95,684	1,169	108	<b>121,270</b>
Standing Rock	9,526	147,517	2,065	243	<b>159,351</b>
Turtle Mountain	494	13,699	504	20	<b>14,717</b>
Wind River	4,548	86,128	1,245	895	<b>92,816</b>
Yakima	6,226	47,808	212	85	<b>54,331</b>
<b>Total</b>	<b>94,328</b>	<b>948,160</b>	<b>13,923</b>	<b>3,271</b>	<b>1,059,682</b>

<sup>a</sup>Corporations and government.



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Table 3.3 shows the number of individual Indian ownership records that BIA maintains for Indian individuals, categorized by the percent of ownership interest represented by the record. As shown in the table, over 620,000 (about 67 percent) of the Indian individual ownership records are for interests of 2 percent or less.

**Table 3.3: Individual Indian Ownership Records, by Size of Ownership Interest**

Reservation	Number of records with percentage ownership interest of						Total Indian records <sup>a</sup>
	100	51-99	26-50	11-25	3-10	2 or less	
Blackfeet	1,541	203	1,957	6,673	24,325	79,224	113,923
Cheyenne River	2,028	70	2,198	5,748	12,011	14,487	36,542
Colville	776	151	1,173	2,443	6,859	14,323	25,725
Crow	2,078	465	2,449	7,239	22,931	74,498	109,660
Fort Berthold	1,891	170	1,510	4,909	14,356	38,793	61,629
Fort Peck	1,932	195	2,444	6,710	19,000	47,040	77,321
Pine Ridge	2,198	209	2,855	8,212	24,559	81,881	119,914
Rosebud	566	72	1,203	4,024	14,968	73,758	94,591
Standing Rock	1,326	134	2,854	10,153	36,743	95,570	146,780
Turtle Mountain	423	43	251	795	2,250	9,760	13,522
Wind River	804	187	923	3,012	13,087	65,950	83,963
Yakima	914	226	1,302	3,622	12,174	25,228	43,465
<b>Total</b>	<b>16,477</b>	<b>2,125</b>	<b>21,119</b>	<b>63,540</b>	<b>203,263</b>	<b>620,511</b>	<b>927,035</b>

<sup>a</sup>In contrast to that shown in table 3.2, this distribution excludes historical records for original allottees no longer having any ownership interests in the land and for 24 other Indians with less than one ten-millionth of one percent ownership interests.

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Table 3.4 identifies the number of Indian individuals for whom BIA maintains the 927,035 records shown in table 3.3. This table also shows how many of these Indian owners are members of a tribe. The data contained in tables 3.3 and 3.4 together indicate that, on average, BIA maintains between 11 and 12 ownership records for each Indian individual owner. However, as previously shown in table 2.7, in some cases BIA is maintaining hundreds of ownership records for certain Indian individuals.

**Table 3.4: Profile of Individual Indian Owners**

Reservation	Indian Owners		
	Non-members	Members	Total <sup>a</sup>
Blackfeet	508	4,715	5,223
Cheyenne River	514	4,586	5,100
Colville	499	3,665	4,164
Crow	144	3,143	3,287
Fort Berthold	137	3,232	3,369
Fort Peck	728	5,743	6,471
Pine Ridge	2,490	12,910	15,400
Rosebud	2,226	9,811	12,037
Standing Rock	1,254	10,333	11,587
Turtle Mountain	126	4,524	4,650
Wind River	888	3,904	4,792
Yakima	273	3,508	3,781
<b>Total</b>	<b>9,787</b>	<b>70,074</b>	<b>79,861</b>

<sup>a</sup>Coding errors in the BIA data base led to some double counting of the Indian owners; therefore, the total number of Indian owners is slightly overstated.

## Recordkeeping Costs

We were unable to readily identify the costs incurred by BIA in establishing and maintaining land ownership records. However, in congressional hearings leading to the 1984 amendments to the Indian Land Consolidation Act, BIA expressed the view that the work of maintaining land ownership records is costly and time consuming. A BIA official estimated that maintaining each land ownership record cost BIA between \$40 and \$50 a year. On the basis of this official's estimate, maintaining the ownership records for the 12 reservations would cost BIA from \$40 million to \$50 million per year. The original estimate also suggests that maintaining more than 620,000 Indian individual ownership interests of 2 percent or less for the 12 reservations would cost between \$24 million and \$31 million annually.

In discussing the information contained in this briefing report with BIA officials, we were told that the \$40 to \$50 cost per record estimate may

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significantly understate the full cost associated with extensive ownership fractionation because it does not include the cost of the judicial process associated with resolving the inheritance of allotted land.

# Effects of the Indian Land Consolidation Act

The Indian Land Consolidation Act provides general authority for tribes to take actions to reduce the extent of fractionated ownership of Indian land. Tribes have authority to develop and carry out land consolidation plans and establish tribal inheritance codes. The act also provides that, with certain limitations, ownership interests of 2 percent or less in land escheat to tribes upon the owner's death.

Our work showed that tribes at 3 of the 12 reservations had developed plans for consolidating tribal land holdings. On the other hand, none of the 12 tribes had adopted a tribal inheritance code to govern the inheritance of real property.

Concerning the small ownership escheat provision of the act, table 4.1 shows the overall ownership fractionation condition for the 12 reservations prior to the act. The table also shows the number of escheatments that had occurred at these reservations as of May 1991. In addition to transferring the small ownership interests to the respective tribes, these escheatments also precluded the further fractionation of interests that would have occurred had the interests not escheated to the tribes.

**Table 4.1: Small Ownership Escheatments Since Passage of the Indian Land Consolidation Act**

Reservation	Status Prior to Act's Passage			Number of escheatments as of May 1991
	Total Indian ownership records	Individual interests of 2 percent or less	Percent of total	
Blackfeet	36,545	18,653	51	1,559
Cheyenne River	41,516	8,347	20	371
Colville	18,094	7,543	42	254
Crow	59,346	30,658	52	1,939
Fort Berthold	43,104	18,875	44	940
Fort Peck	43,950	19,330	44	831
Pine Ridge	95,019	48,392	51	2,342
Rosebud	89,257	50,384	56	1,929
Standing Rock	108,032	51,842	48	3,772
Turtle Mountain <sup>a</sup>	1,018	296	29	0
Wind River	51,331	34,304	67	1,943
Yakima	34,833	16,768	48	524
<b>Total</b>	<b>622,045</b>	<b>305,392</b>	<b>49</b>	<b>16,404</b>

<sup>a</sup>These data represent land located off the Turtle Mountain reservation, which according to BIA policy is not subject to the Indian Land Consolidation Act.

The more than 16,400 escheatments show some progress in limiting or reducing further ownership fractionation. However, the number of ownership interest records for Indian individuals representing 2 percent or less in a tract more than doubled as of May 1991, to over 620,000 for the 12 reservations. (See table 3.3.)

## Economic Activity

As previously discussed, the escheatment provision includes a limitation on the transfer of ownership interests given a certain level of income associated with the interests. Regarding levels of income earned for tracts of land, we asked BIA agency office officials at 6 of the 12 reservations for information on leasing and permitting activities at their respective reservations. These officials provided information based on their best estimates of (1) the number of surface and subsurface tracts for which leases and permits were in effect in fiscal year 1990 and (2) the tract owners' average annual income earned from such leases or permits.

According to the BIA officials' estimates, about 89 percent of the tracts at the 6 reservations with Indian ownership of the surface resources had leasing and/or permitting activity. However, only about 3 percent of the tracts with Indian ownership of the subsurface resources had such activity. Annual income resulting from surface leasing and permitting, according to the officials' estimates, ranged from \$11.50 to \$25 per acre for farmland and cropland leases, and from \$2.50 to \$3.90 per acre for grassland and pastureland permits (e.g., for grazing). Thus, for a 200-acre tract (the average tract size on all 12 reservations), the annual income could be expected to range from \$500 to \$5,000, depending on the type of lease or permit. Given this income range, an ownership interest of 2 percent on a 200-acre tract would earn an annual income of between \$10 and \$100. This income level suggests that the escheat of Indian ownership interests of 2 percent or less would generally not be precluded by the income limitation of the escheat provision.

To further illustrate the relationship between the percentage of ownership interests in a tract and the distribution of income earned from that tract, we reviewed BIA's records showing the distribution of fiscal year 1991 income for the tract on the Standing Rock reservation with the largest number of owners. From a permit income of \$694.23, the following income distributions were made on the basis of the ownership records for the tract as of September 5, 1990, which included 712 ownership interests:

- the 2 largest interests earned \$53.41 each, and

- 
- 518 interests, or about 73 percent, earned less than \$.25 with 92 of these earning no income because the ownership share was less than one cent.

The distribution of \$288.00 in lease income for this tract was based on ownership records as of January 19, 1991, which included 744 ownership interests. The results of the lease income distribution showed that 610 ownership interests, or about 82 percent of the interests, earned less than \$.25 in annual income.



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