

Indian Trust Land



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Indian Trust Land

- Origins
- Policy process
- Development goals
- Geographical influence of policy
- Fee-to-trust transfers
- Outlook

Why Trust Lands?

- Political and economic effects
- Tribal community and economic development
- Conflict between governments
- Influence of transportation planning partnerships?

Why Geography?



- Planning
- Land and resource management
- Geographic Information Systems (GIS)

1. Origins of Trust Land

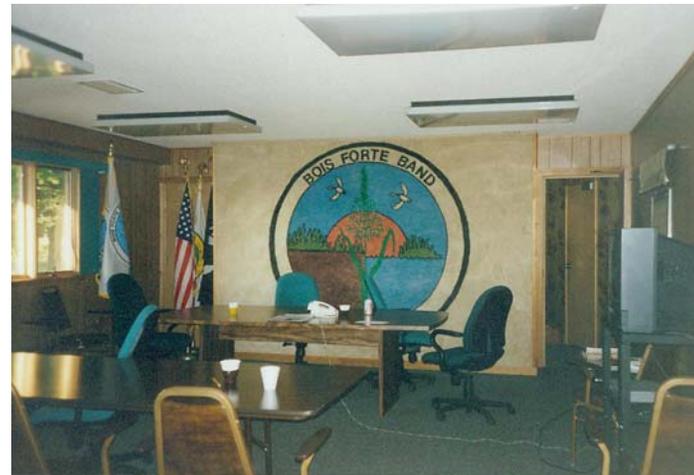
- Trust Relationship
- Legislation
 - General Allotment Act (1887)
 - Indian Reorganization Act (1934)

Historical Policy Eras

- Discovery (pre-1776)
- Separation and Removal (1776-1887)
- Assimilation (1887-1934)
- Tribal Autonomy (1934-53)
- Termination (1953-68)
- Self-determination (1968-88)
- "Confusion" (1988-present)

Tribal Sovereignty

- ❑ Treaties formalized a nation-to-nation relationship between the federal government and tribes
- ❑ Basic tenet: power of a people to govern themselves



Trust Responsibility

- The federal government's obligation to honor the trust inherent to promises in treaties
- To represent the best interests of tribes and their members

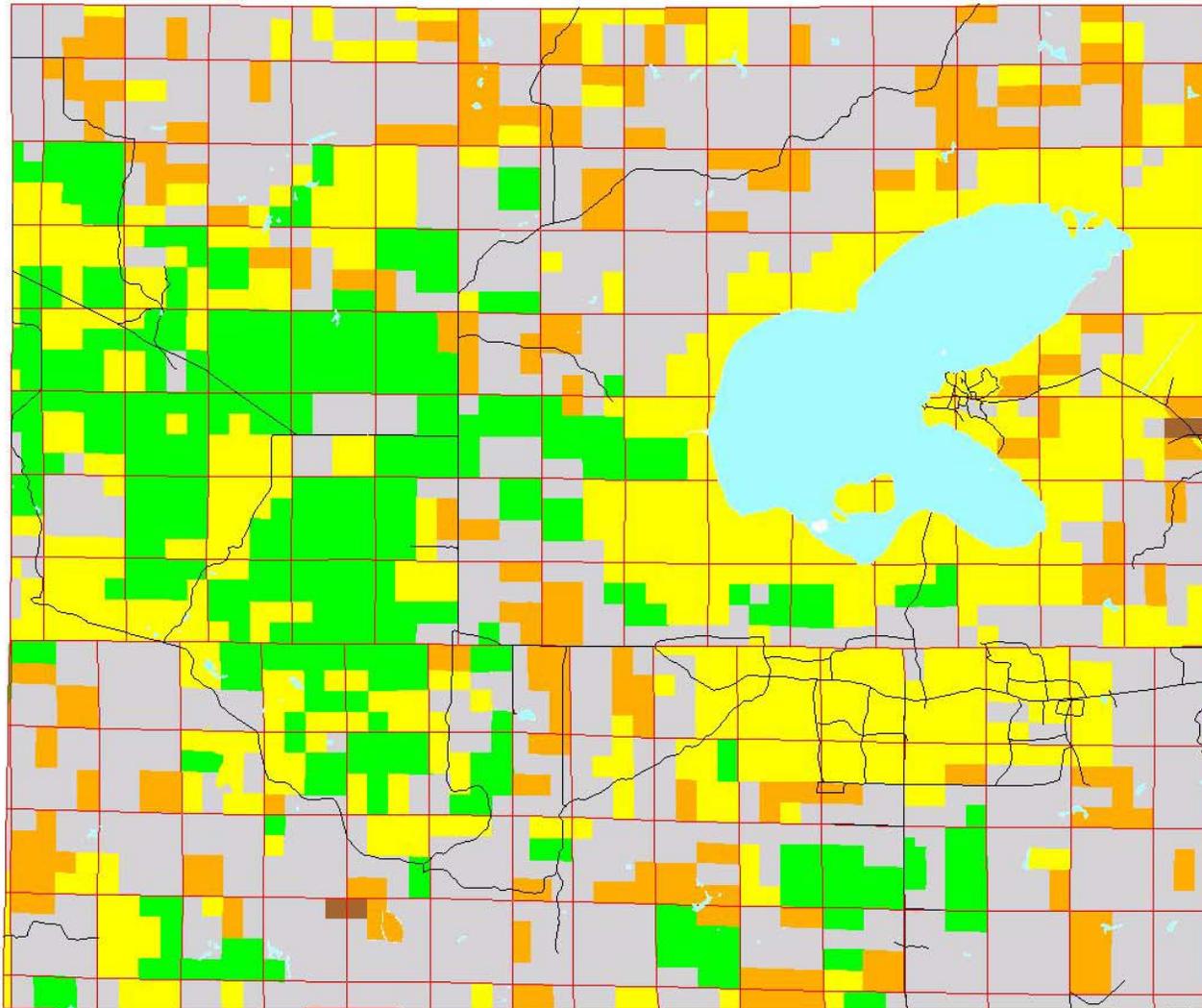
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General Allotment Act, 1887

- Individual Indian land ownership
- “Surplus” reservation lands
- Concept of **trust** period
- Loss of Indian lands

Land Ownership on Bois Forte Reservation



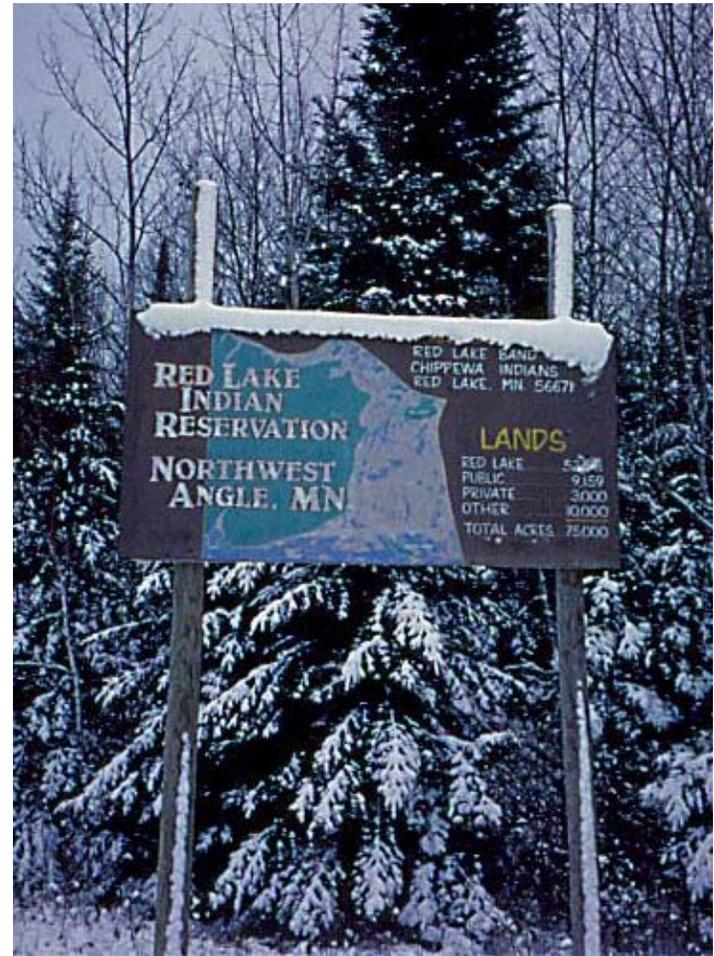
- Lakes and Ponds
- Roads
- Public Land Survey
- Allotted Trust Land
- Tribal Trust Land
- Band Trust Land
- State Land
- Private Land

Indian Reorganization Act (IRA), 1934

- End of allotment policy
- Expansion of Indian land holdings
 - Secretary of Interior may, “in his discretion,” acquire lands “within or without existing reservations” to provide land for Indians

Types of Land Ownership

- ▣ Tribal trust lands
- ▣ Allotted (individual) trust lands
- ▣ Fee (private) lands



State Real Property Taxation Authority

Property owner	Land status	Location of property	Taxation authority?
Tribe	Fee	On-reservation	Yes
		Off-reservation	Yes
	Trust	On-reservation	No
		Off-reservation	No
Individual Native American	Fee	On-reservation	Yes
		Off-reservation	Yes
	Trust	On-reservation	No
		Off-reservation	No
Non-Native American [†]	Fee	On-reservation	Yes
		Off-reservation	Yes

2. Current Policy Process

- Fee-to-trust regulations
 - On-reservation vs. off-reservation
 - Non-gaming vs. gaming

Types of Trust Land Acquisitions

Location	Original Type of Ownership	Indian Purchaser	Placement in Trust Possible?
On-Reservation	Fee	Tribe/Individual*	Yes
	Trust	Tribe/Individual	Yes
Off-Reservation	Fee	Tribe	Yes
	Fee	Individual	No†
	Trust	Tribe/Individual	Yes

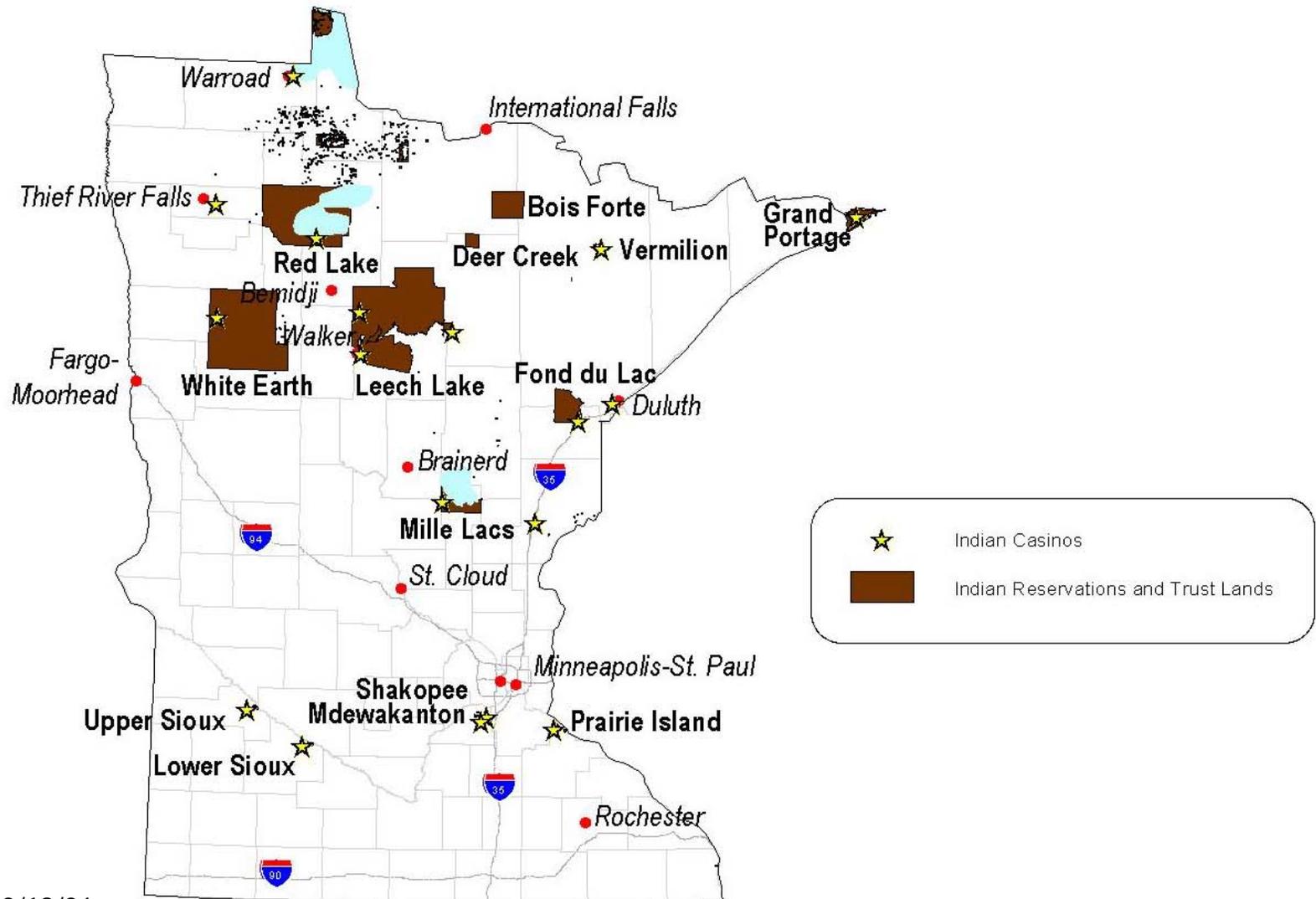
Fee-to-Trust Criteria

- Justification of need

- Description of intended uses

- Impacts on state and local governments
 - Tax revenues
 - Jurisdiction
 - Land-use compatibility
 - Provision of services

Indian Lands in Minnesota



Fee-to-Trust Criteria

- Justification of need

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Purposes of IGRA (Indian Gaming Regulatory Act, 1988)

- ❑ To provide a statutory foundation for Indian gaming operations
- ❑ To prevent the infiltration of organized crime
- ❑ To establish federal regulatory authority



IGRA Exceptions

- Gaming may be conducted on lands acquired after the Act when the lands are:
 - Within or contiguous to reservation boundaries
 - Part of a tribe's last recognized reservation
 - Part of a newly formed or restored reservation

IGRA's Off-Reservation Exception

- ▣ Gaming may be conducted on lands acquired after the Act when:

"The Secretary, after consultation with the Indian tribe and appropriate State and local officials. . . . determines that a gaming establishment on newly acquired lands would be in the best interest of the Indian tribe and its members, and would not be detrimental to the surrounding community, *but only if the Governor of the State...concurs in the Secretary's determination.*"

Proposed Amendments

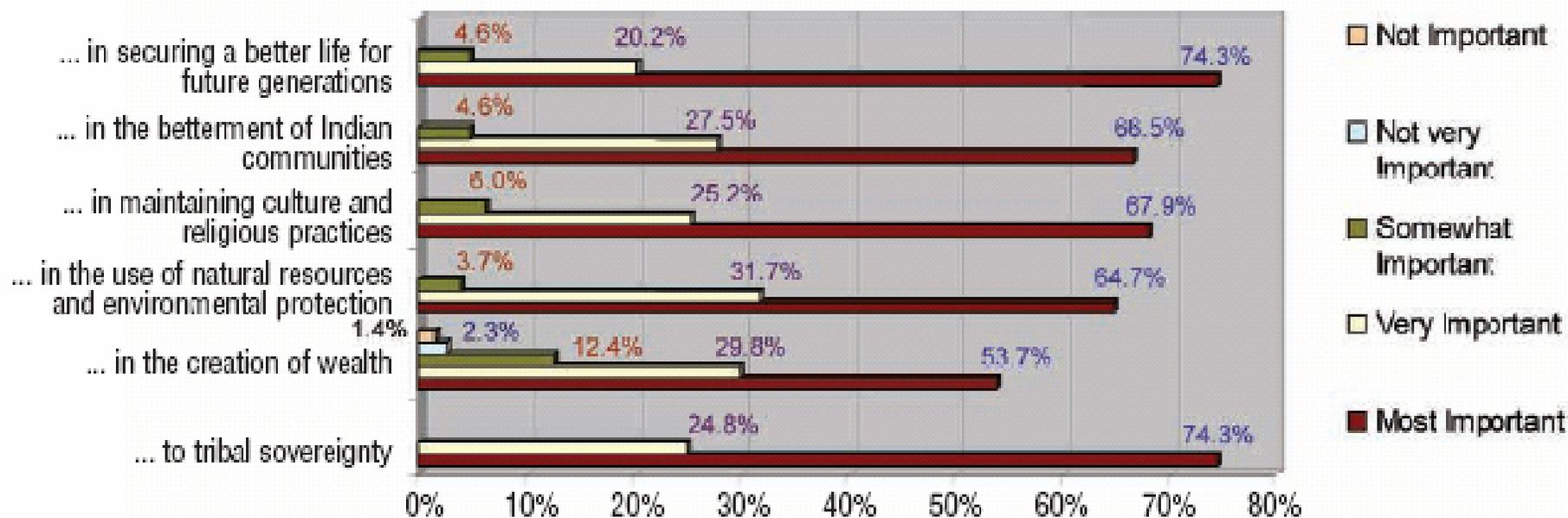
- 1992, Hoagland, NE
- 1993, Reid, NV
- 1994, Trump, Anti-Indian Gaming Bill
- 1994, Inouye, HI and McCain, AZ
- 1995, McCain, AZ and Inouye, HI
- 1997, Campbell, CO
- 1998, Campbell, CO

3. Tribal Trust Land Goals

- Tribal sovereignty
- Economic development
- Community development

Indian Land Tenure Foundation, July 2004 Community Survey

Percentages of responses (>1%) indicating perceived relative importance of Indian control and management of land



www.indianlandtenure.org

Smith 10/19/04

DeBahJiMon Online

A Publication of Leech Lake Band of Ojibwe

May 2001

Leech Lake Land Department of Fee to Trust Land Acquisitions

The Land Department staff, Tribal Council members and Legal Department have attended three meetings with the Cass County Board of Commissioners and other Cass Council Officials regarding our Fee to Trust Applications.

...

Therefore, the Land Department's first and foremost priority is rebuilding the trust land base of the Leech Lake Reservation.

Placing fee lands acquired in trust status, along with their tax exempt status reinforces the Reservation's policies of self-governance and self determination by insuring that these Indian lands are under the jurisdiction and control of the Reservation in regard to land use activities.

Bois Forte News

Bulk Rate
Permit 8
Orr, MN 55771

NETT LAKE, MINNESOTA, FEBRUARY 1999 EDITION

at Clinton, ventura Address Education



Doris Isham, Chairwoman, Bois Forte
Reservation Tribal Council

cuts in funding for Indian high school and college students. However, Indian leaders met with the governor's staff on January 26 and learned that Indian education programs will be funded in the

Constitutional Reform . . .

Pushing Hard to Put Land in Trust for Our People

Editor's note: Last month, we told you that the six member bands of the Minnesota Chippewa Tribe are considering revising the tribe's constitution. The bands are considering four major issues: land, membership, form of government, and elections.

Over the next few months, we'll bring you an in-depth look at each of these issues. This month, we begin with tribal land.

Of all the constitutional reform issues, land is probably the most important to the Bois Forte People, according to Mark Anderson, the Band's attorney.

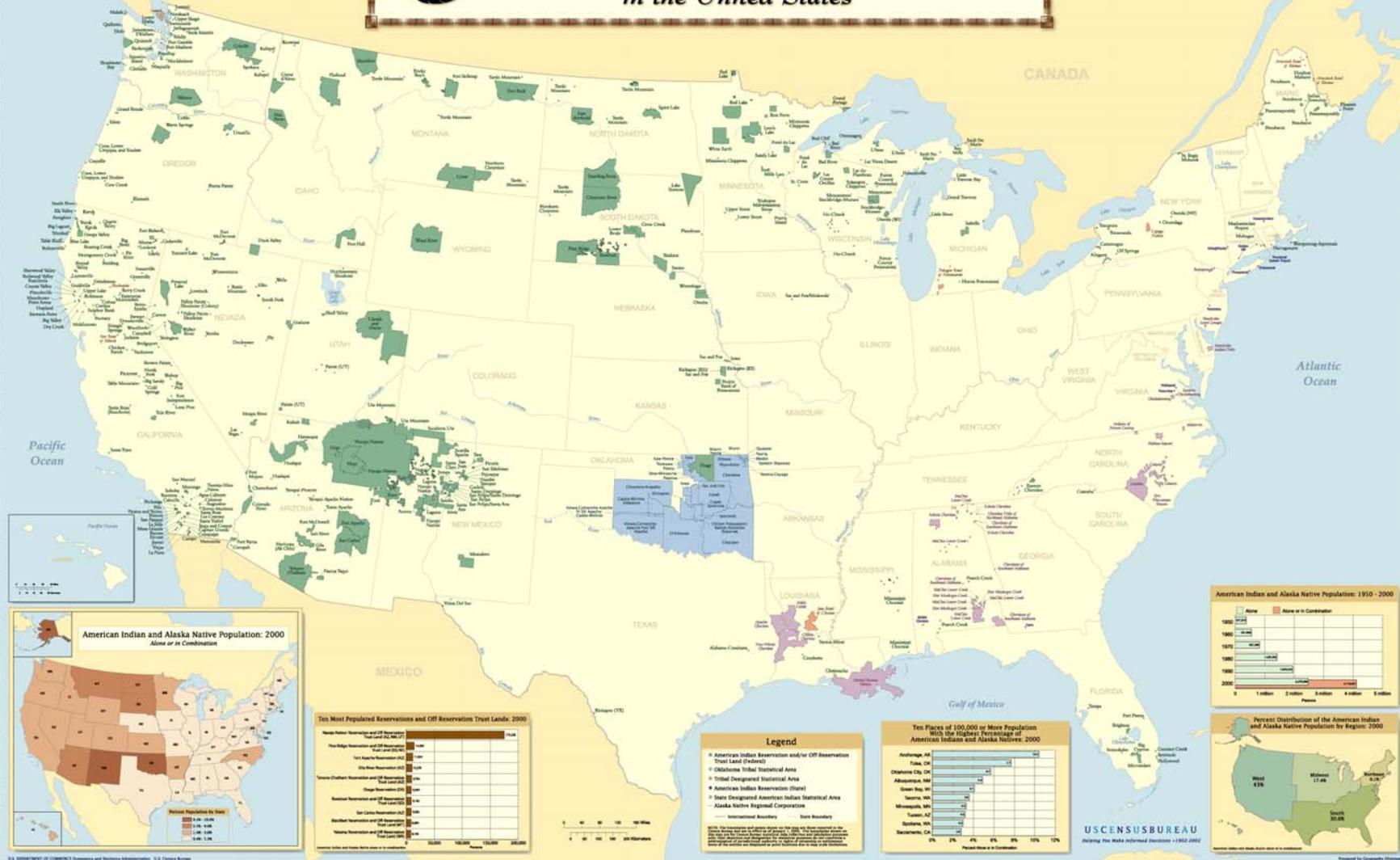
"Right now, there are about 30,000 acres in the Nett Lake Reservation – about one-third of the total reservation lands – that are held in trust by the federal government for the MCT," he said. "That means the resources on this land may be shared by all six MCT bands – Bois Forte,

Leech Lake, White Earth, Mille Lacs, Grand Portage, and Fond du Lac.



Mark Anderson, Band Attorney

American Indians and Alaska Natives in the United States



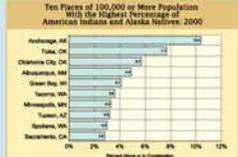
Ten Most Populated Reservations and Off-Reservation Trust Lands, 2000

Reservation Name	Population	Trust Land (Acres)
Navajo Nation	300,000	17,000,000
San Diego	100,000	1,000,000
Fort Belknap	100,000	1,000,000
Fort Hall	100,000	1,000,000
Fort Peck	100,000	1,000,000
Fort Union	100,000	1,000,000
Fort Verde	100,000	1,000,000
Fort Stanton	100,000	1,000,000
Fort Sill	100,000	1,000,000
Fort Seward	100,000	1,000,000

Legend

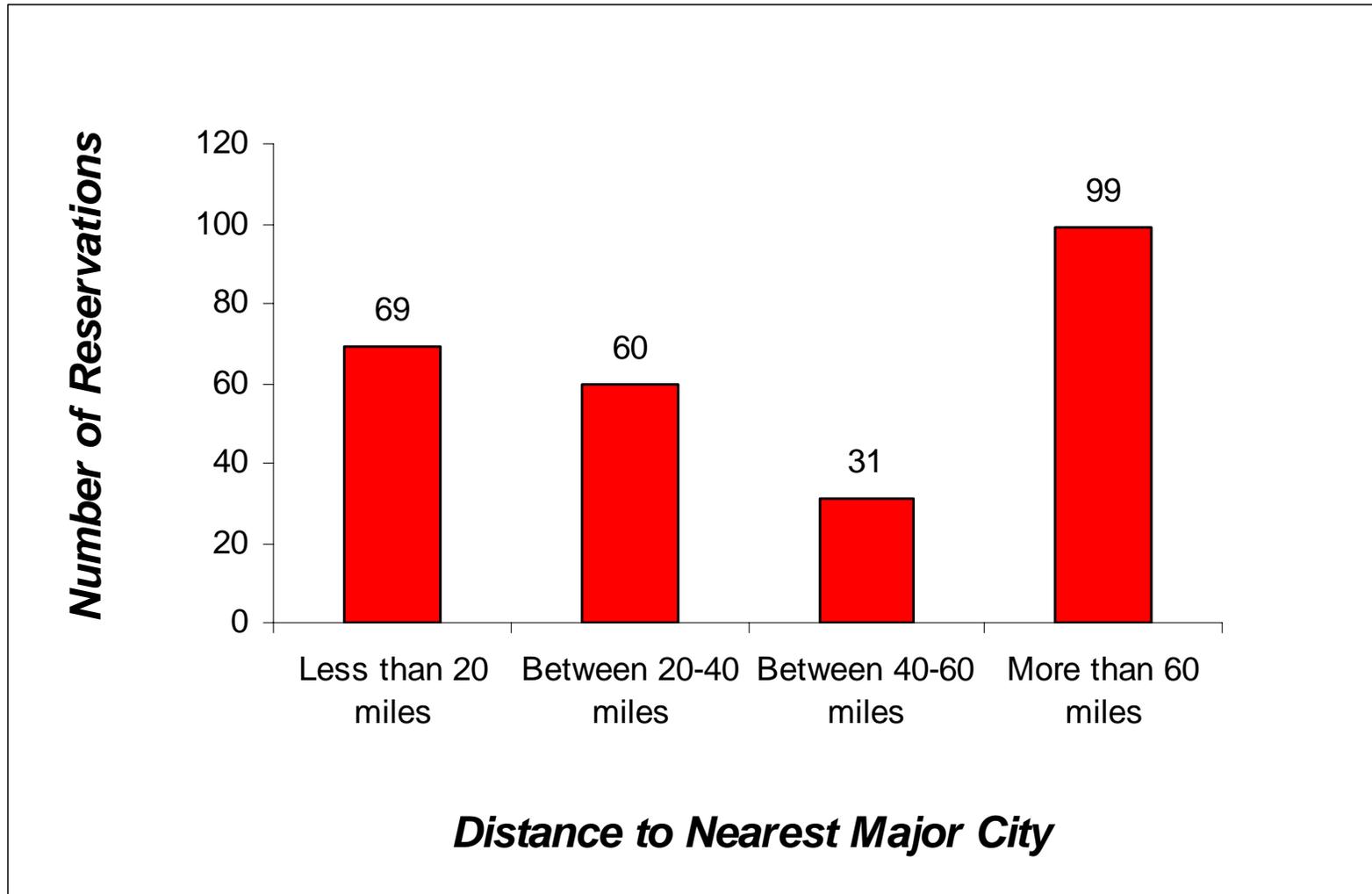
- American Indian Reservation and/or Off-Reservation Trust Land (Green)
- Occupies Tribal Statistical Area
- Tribal Designated Statistical Area
- American Indian Reservation (Star)
- State Designated American Indian Statistical Area
- Alaska Native Regional Corporation

International Boundary State Boundary

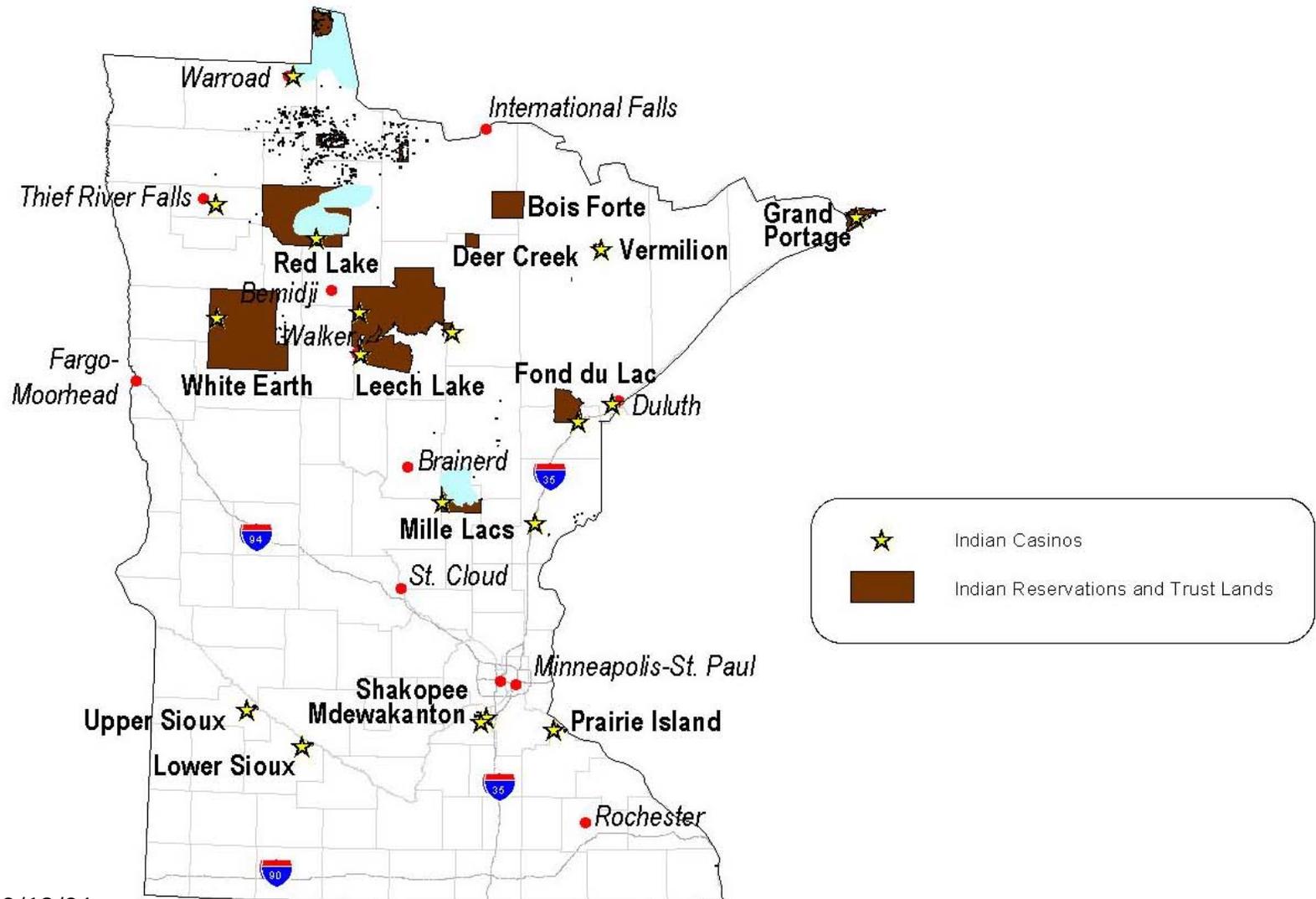


US CENSUS BUREAU
Helping the Informed Decisions © 2002 JARD

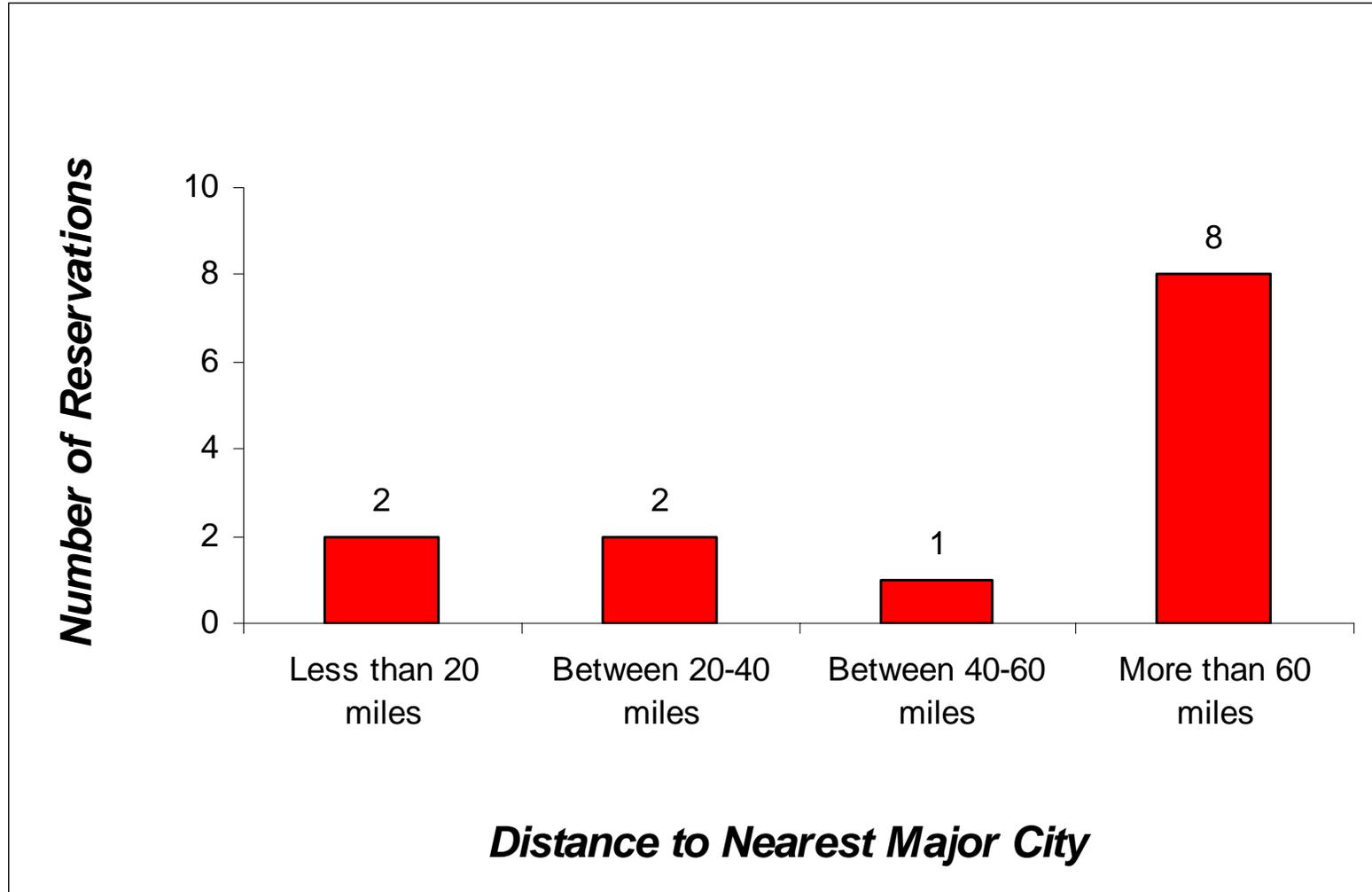
Reservations: Distance to Cities



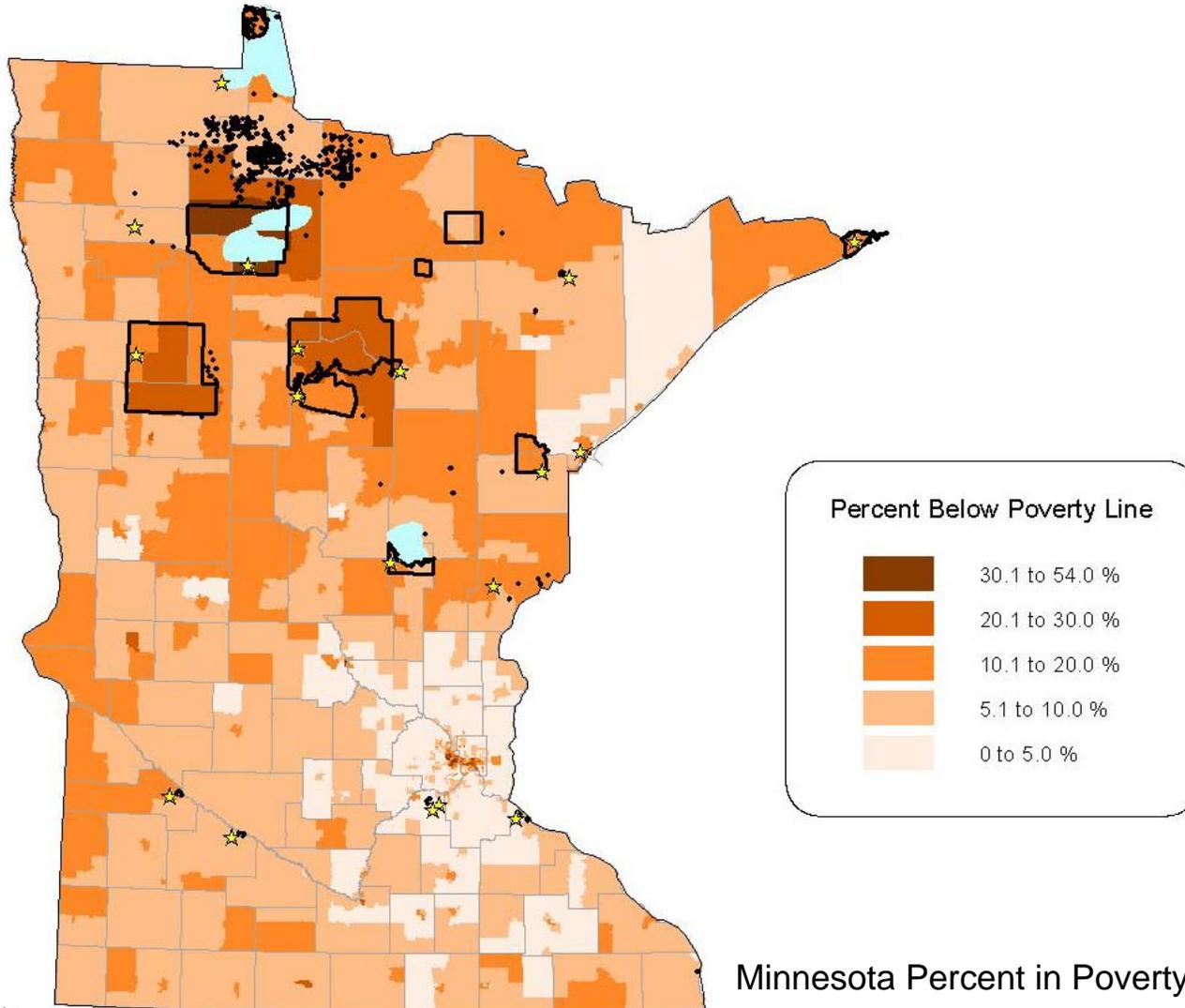
Indian Lands in Minnesota



Minnesota Reservations: Distance to Cities



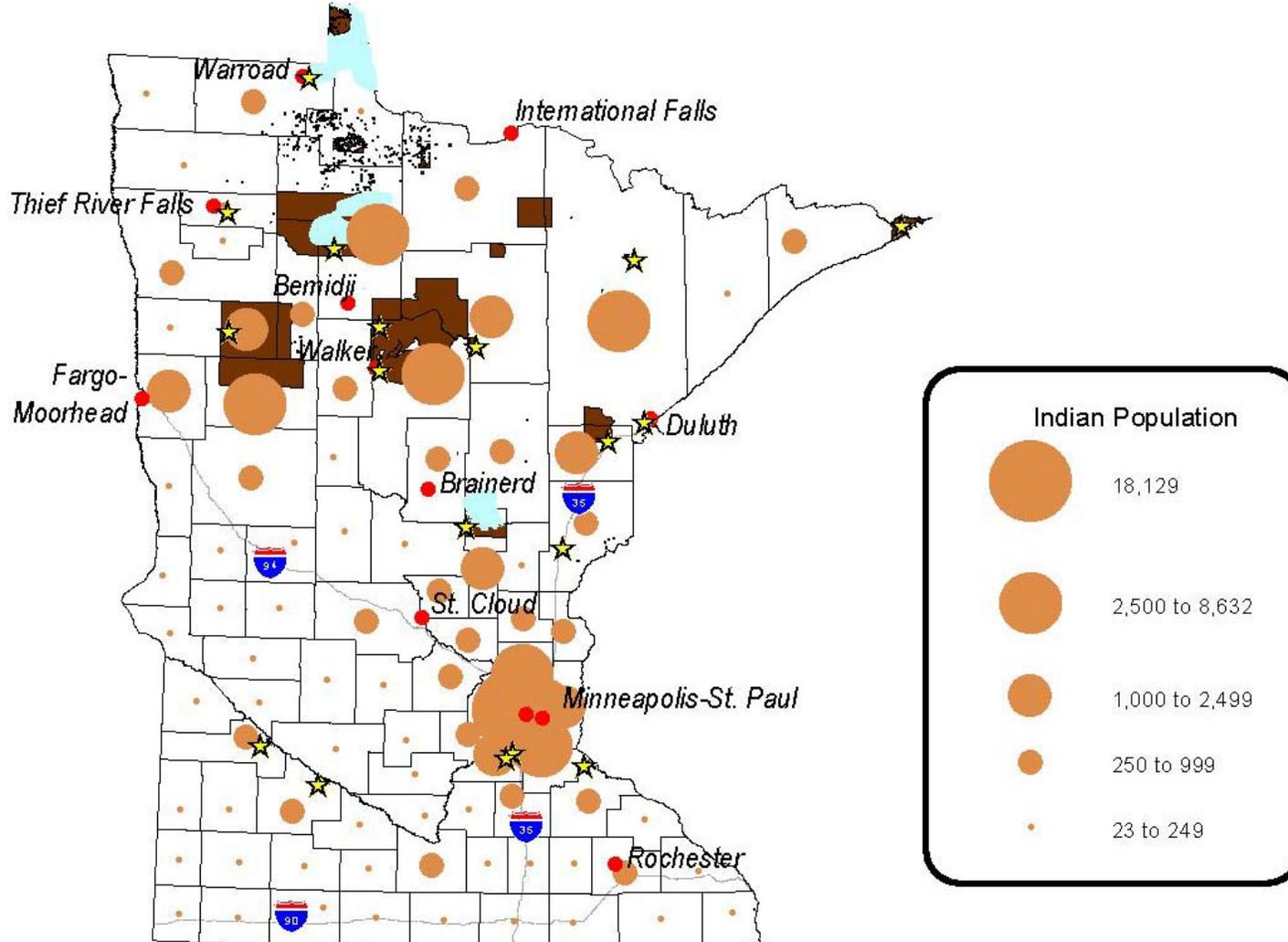
Percent of the Population below Poverty Line, 2000 (by Census Tract)





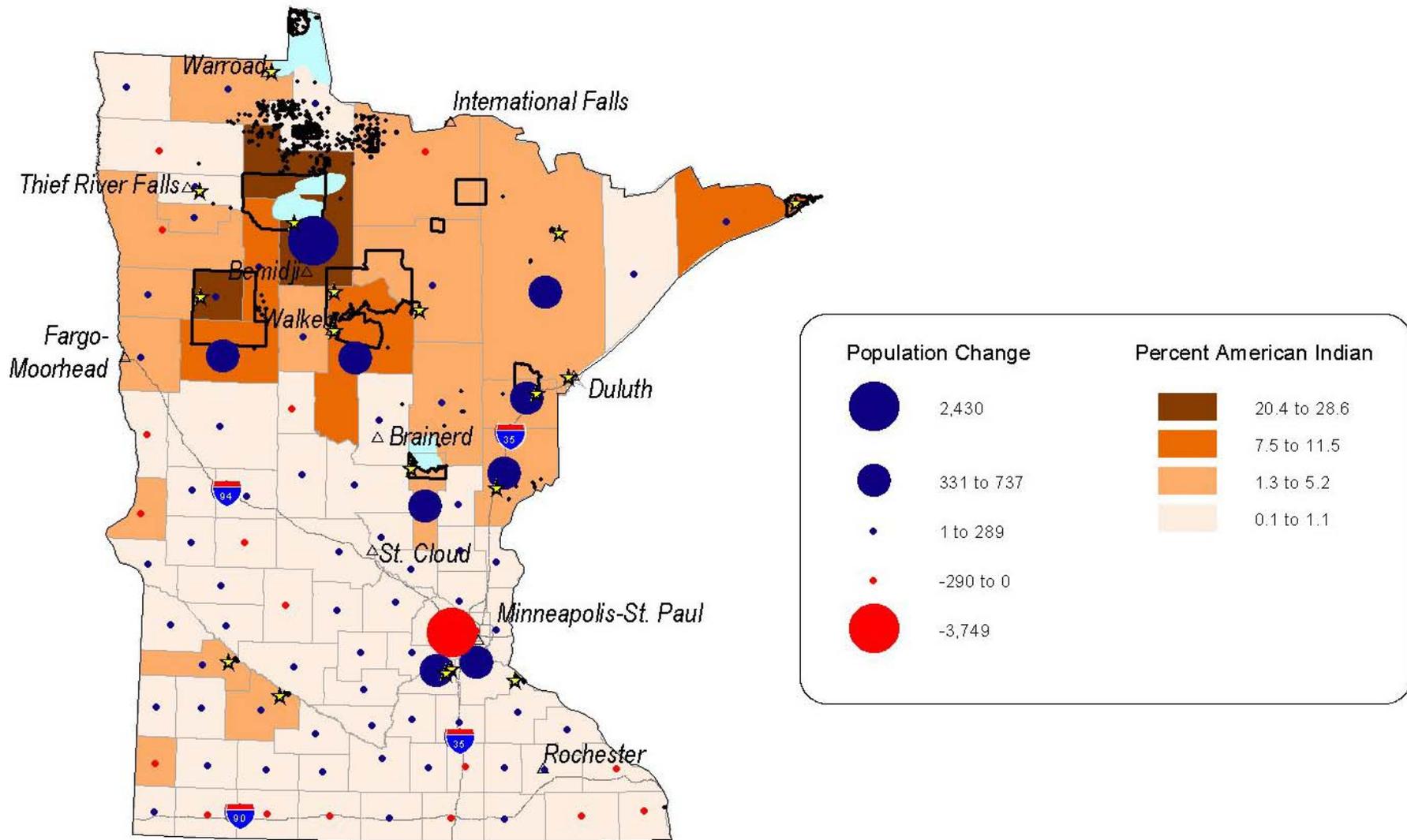
Smith 10/19/04

American Indian Population by County, 2000



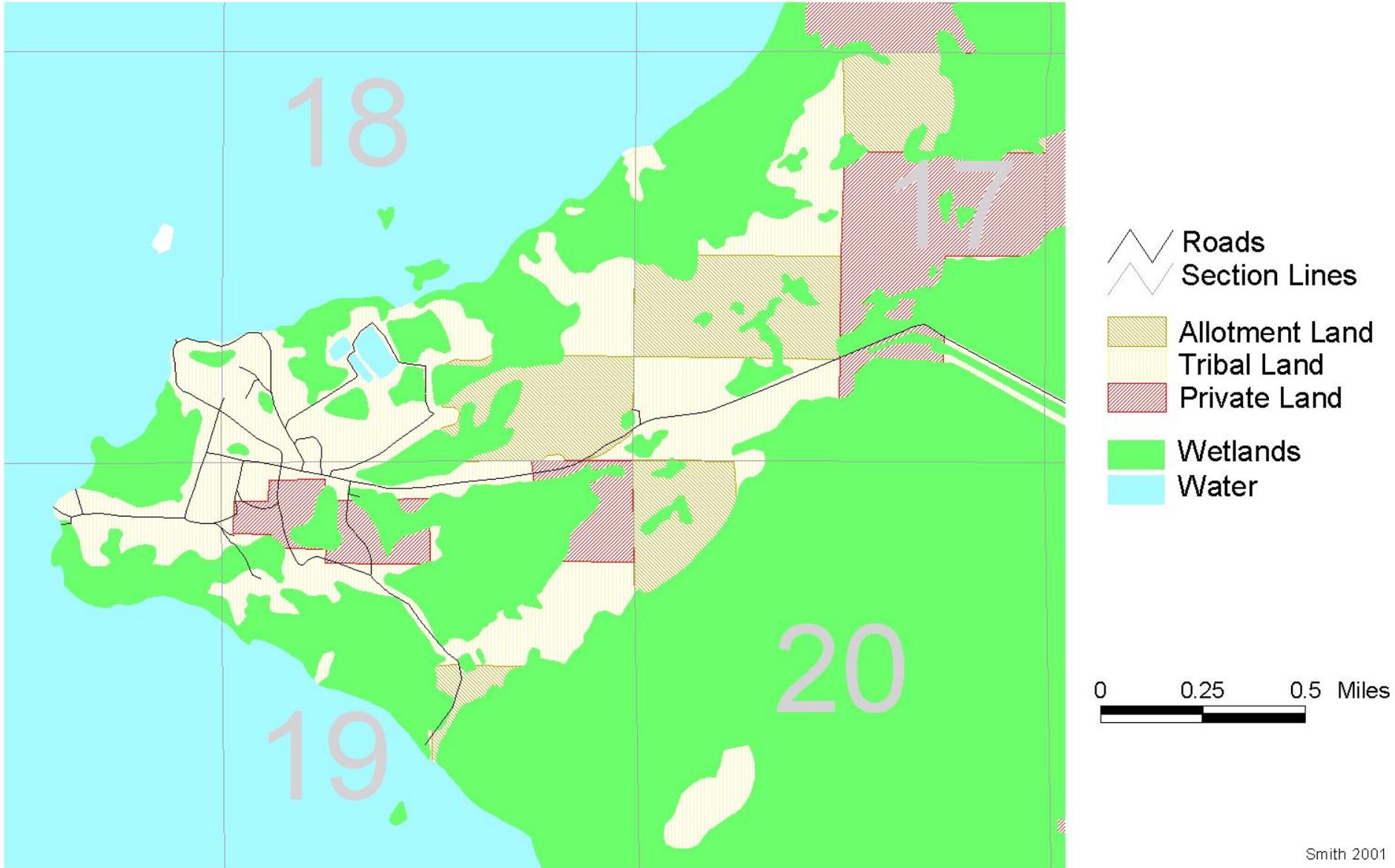
The total American Indian population in Minnesota in 2000 was 81,074 (1.65 percent).

Change in American Indian Population by County, 1990-2000





Land Ownership in Nett Lake Village



Smith 2001

Smith 10/19/04

Nett Lake Survey Priorities

1. Health and safety
2. Water quality
3. Environmental protection
4. Safe waste disposal

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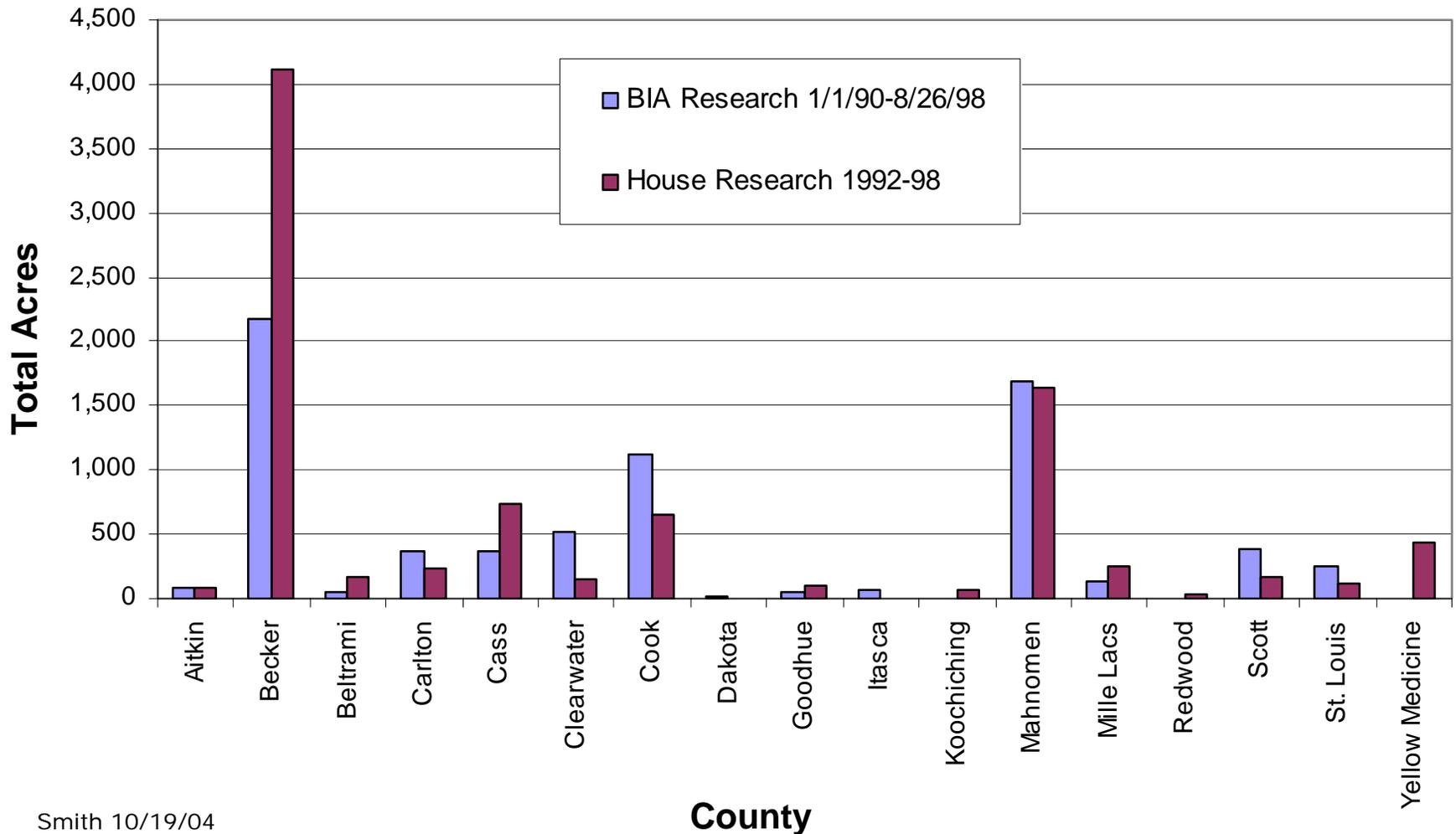
11. Economic development
12. Insuring development in best interests of reservation



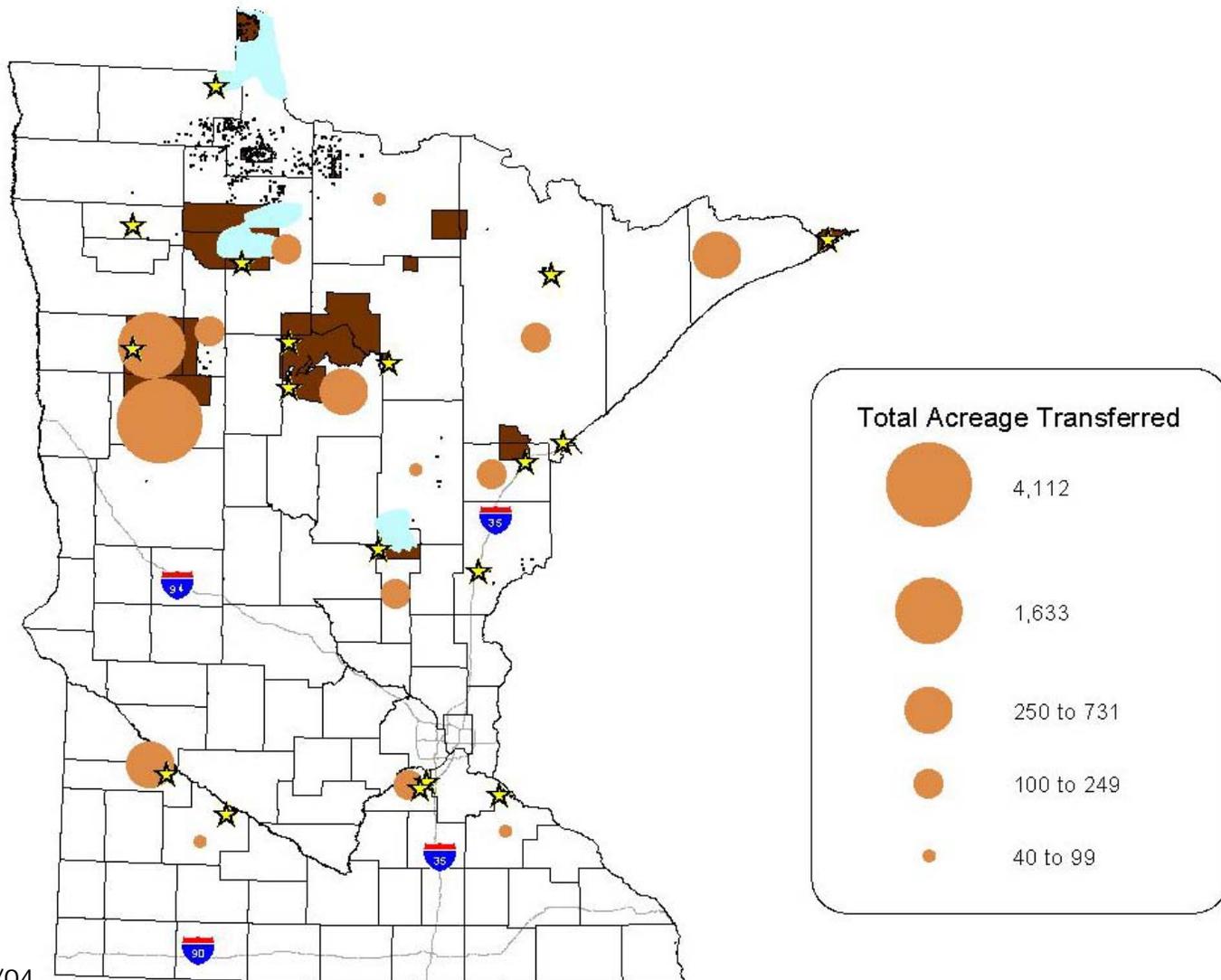
4. Geographical Influence of Policy

- Fee-to-trust transfers in Minnesota
- Off-reservation gaming transfers

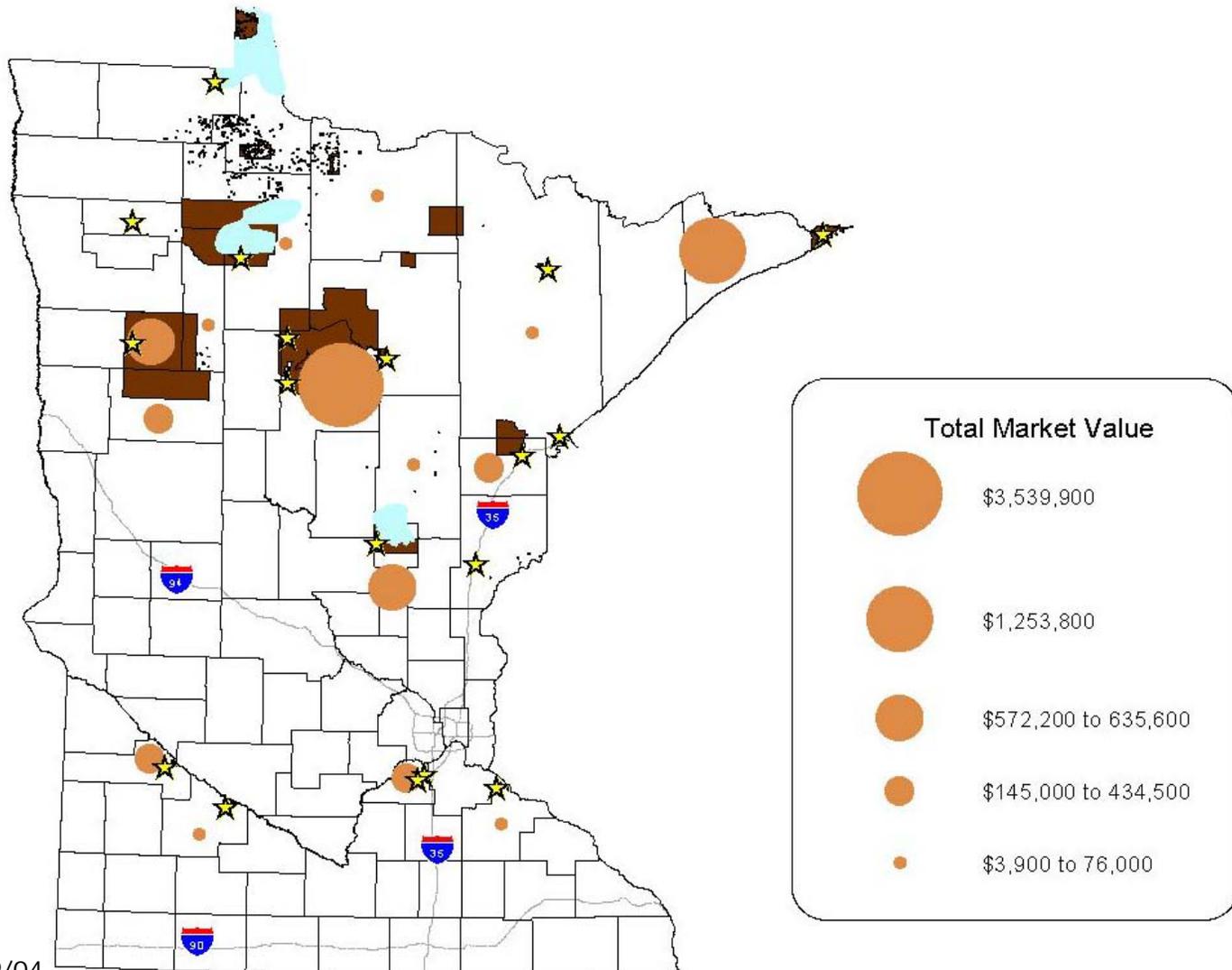
Fee-to-trust Transfers in the 1990s



Indian Trust Land Transfers by County, 1992-98



Total Market Value of Transfers by County, 1992-98



Mahnomen County



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Roseau County



Fee-to-Trust Transfers by County, 1992-98

County	Acres transferred	Total market value of land
Aitkin	80	\$26,700
Becker	4,112	\$434,500
Beltrami	166	\$40,600
Carlton	229	\$145,000
Cass	731	\$3,539,900
Clearwater	152	\$74,600
Cook	660	\$1,253,800
Goodhue	99	\$29,600
Koochiching	72	\$3,900
Mahnomen	1,633	\$635,600
Mille Lacs	245	\$572,200
Redwood	40	\$76,000
St. Louis	114	\$18,200
Scott	170	\$235,800
Yellow Medicine	437	\$385,200

Indian Gaming on Newly Acquired Lands

□ Support

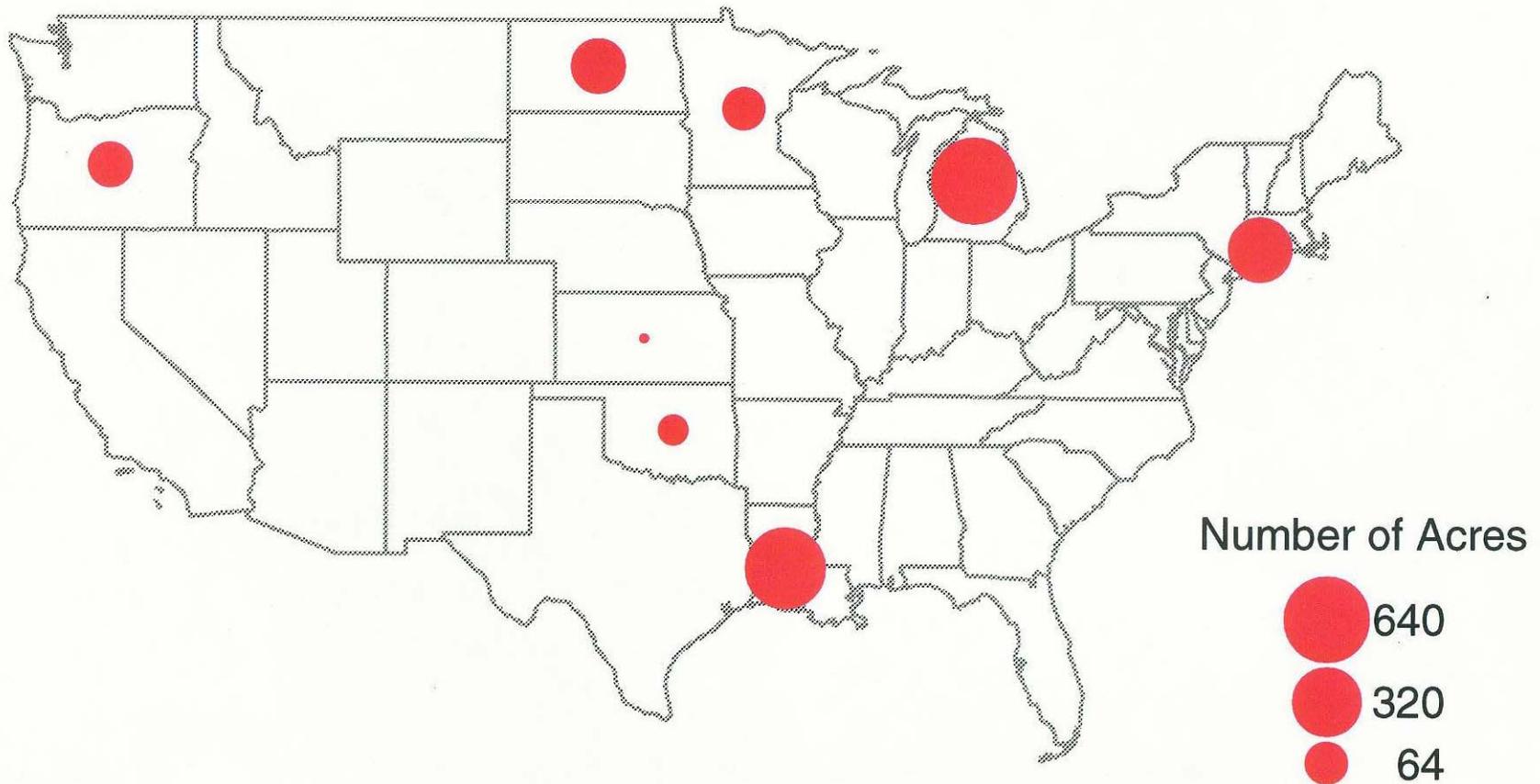
- Economic self-development
- Employment opportunities
- Improved infrastructure
- Social service provisions
- Per capita payments
- Associated business activity



□ Opposition

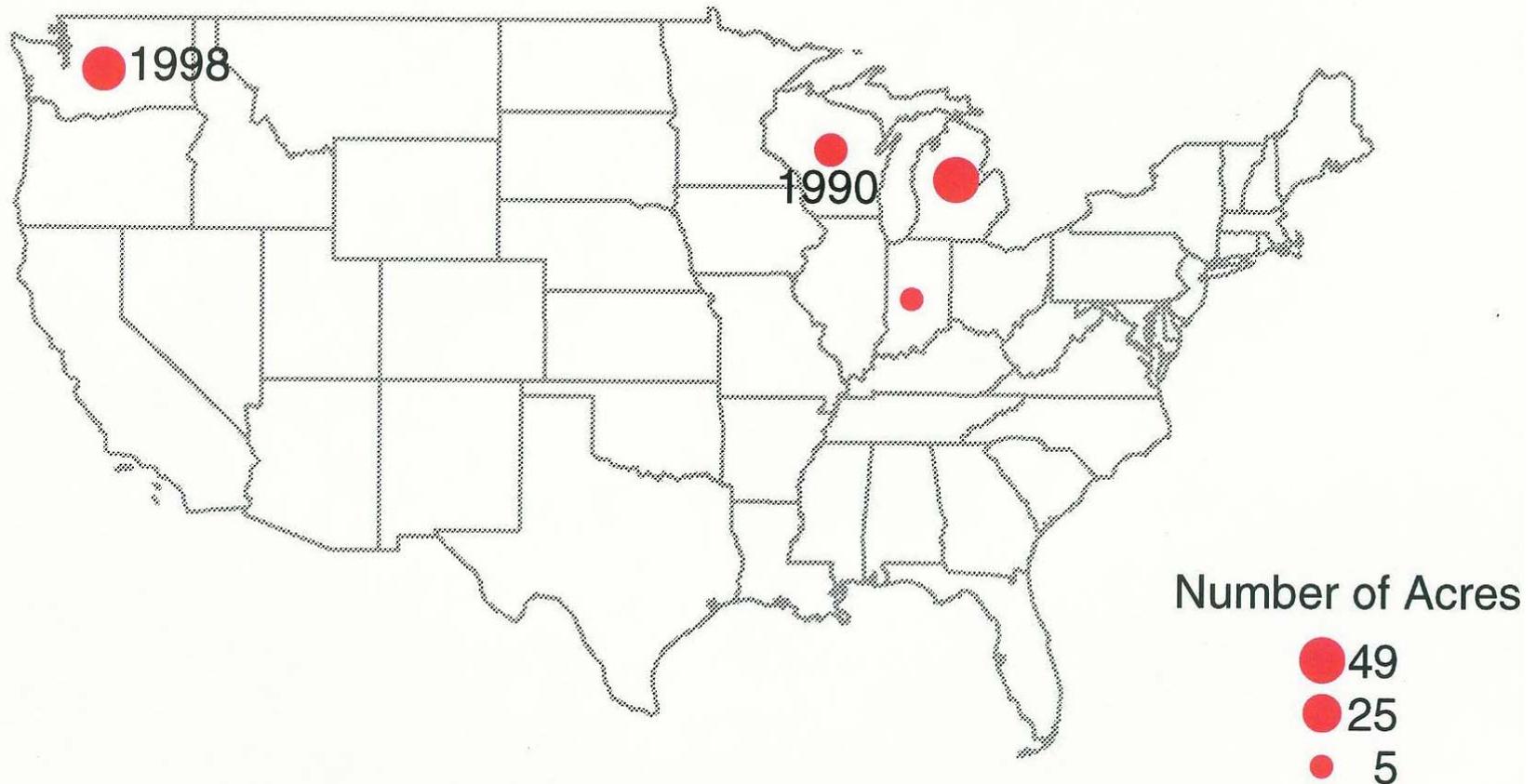
- Removal of land from tax rolls
- Lack of state and local control (zoning, land-use)
- Increased demand for services
- Competition with state gaming operations
- Infiltration of organized crime

Acquisitions Not Requiring Governor's Concurrence Approved Since IGRA



Data from General Accounting Office, 1999

Acquisitions Requiring Governor's Concurrence Approved Since IGRA



Note: The Michigan and Indiana applications are pending
Data from General Accounting Office, 1999

5. Recent Fee-to-Trust Transfers

- Shakopee
- Duluth
- International Falls

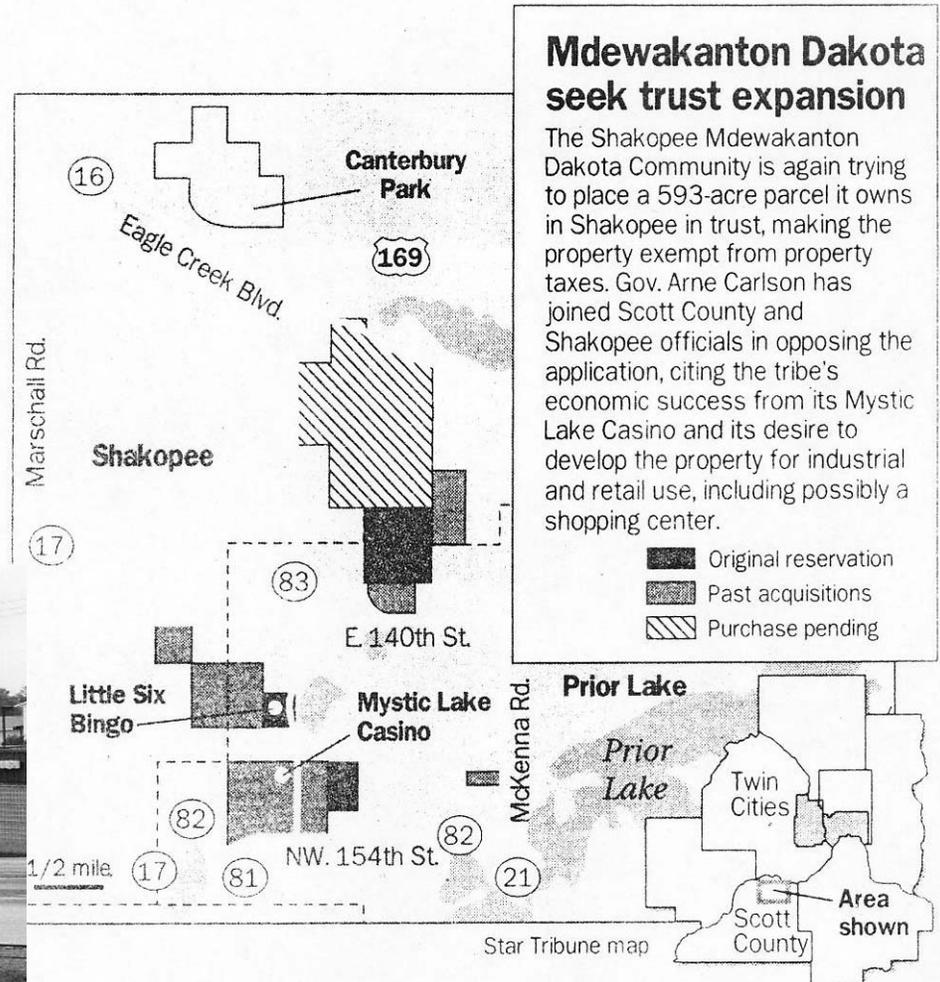
Mystic Lake Casino, Shakopee



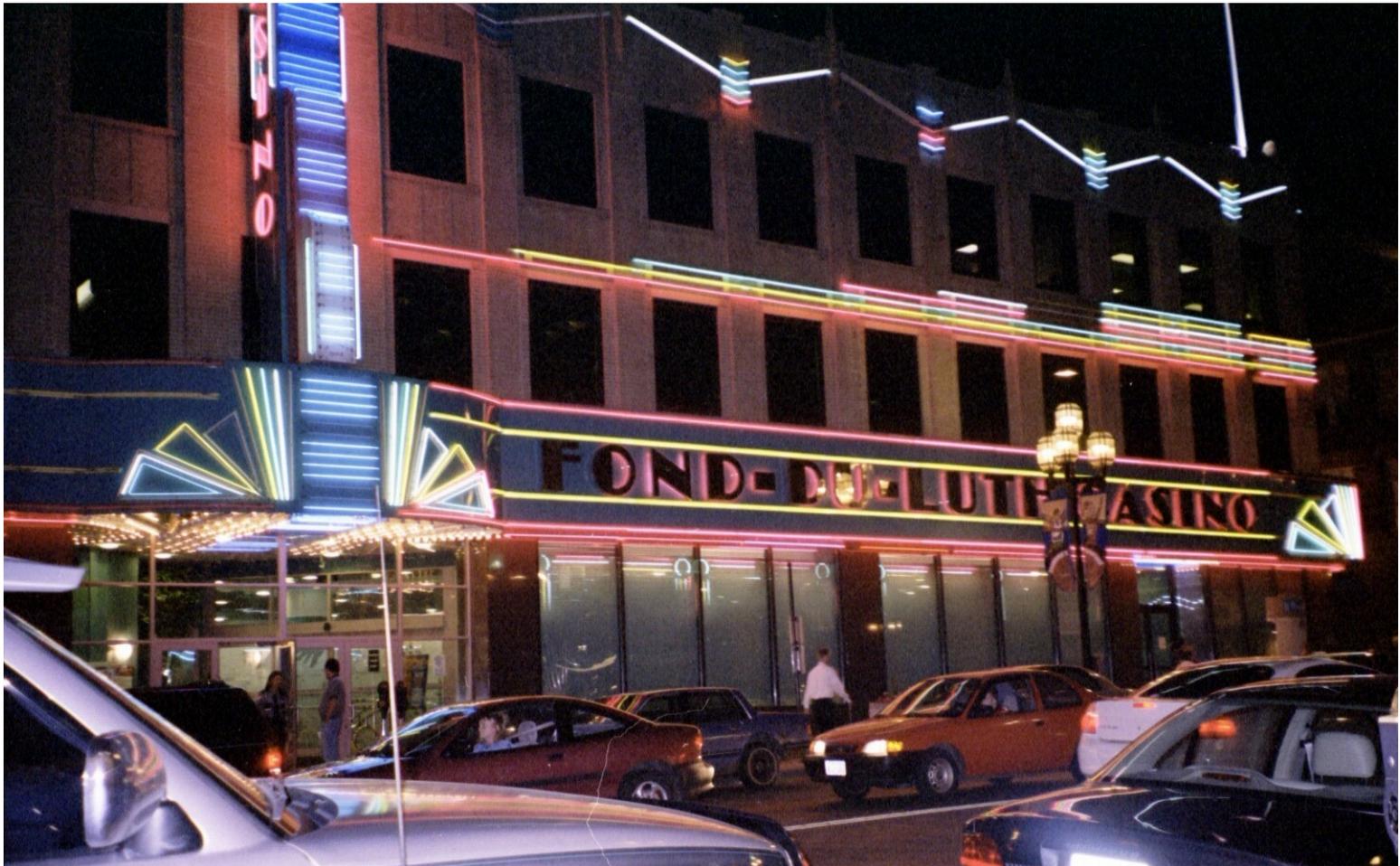
Scott County

Shakopee tribe denied tax-exempt land trust

*Dakota plan to appeal
BLA ruling on 593 acres*



City of Duluth



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City of International Falls

“

All my classmates have left. There's no jobs here ... all my friends want to come home, but they have nowhere to work. We need jobs in this community.

*- Jennifer Scholler,
International Falls*

”

International Falls debates proposed casino
by [Tom Robertson](#), Minnesota Public Radio
November 6, 2003



Twin Cities Metro Casino

Plan for a metro-area casino run by 2 tribes advances

Star Tribune

Published 03/06/2004

A bill that would allow two struggling northern Minnesota Indian tribes to open a **metro casino** passed its first hurdle on Friday, one of two gambling bills that moved forward.

6. Outlook

- ❑ Trust applications made by “economically successful” tribes
- ❑ Solicitation of Indian development by struggling communities
- ❑ Influence of transportation planning partnerships?

For more information, see also:

Smith, Laura J. Spring 2004. "Native American Trust Land Transfers in Minnesota," *CURA Reporter* 34(2): 19-25.

Available at:

<http://www.cura.umn.edu/reporter.html#archive>