



United States Department of the Interior
BUREAU OF INDIAN AFFAIRS
Washington, DC 20240

In Reply Refer To:
BIA-2018-001126

April 13, 2020

VIA Electronic Mail – Delivery Receipt Requested

Mr. David Bartecchi
P.O. Box 797
Fort Collins, Colorado 80522

Dear Mr. Bartecchi:

The Bureau of Indian Affairs, Office of Trust Services, received your Freedom of Information Act (FOIA) request dated April 27, 2018, on May 1, 2018, and is assigned FOIA control number **BIA-2018-01126**. Please cite this number in any future communications with our office regarding your request.

You are requesting for (we are identifying your request in two parts):

(Prong 1)

"I am requesting current Land Status Maps described in 25 CFR 150.9 (see below) for all lands in the United States managed by the Federal Bureau of Indian Affairs in ESRI Shapefile format. I am conducting a first-of-its-kind nationwide GIS analysis on the impact of agricultural leasing on Native American communities and economic development and require current parcel boundaries and status data (Allotted, G, Tribal, TR, Fee) for each Reservation. This GIS data should be readily available since it is provided in this format to Tribal land and realty offices on a regular basis. I do not require any personal ownership information. Ideally this data would merged into one nationwide file but I can also work with individual files for each Reservation or some other sub-grouping of the data if that's the only way it can be provided.

"25 CFR 150.9 Land status maps.

The Land Titles and Records Offices shall prepare and maintain maps of all reservations and similar entities within their jurisdictions to assist Bureau personnel in the execution of their title service responsibilities. Base maps shall be 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, shall be used to prepare land status maps. The land status maps shall reflect the individual tracts, tract numbers, and current status of the tract. Other special maps, such as plats and townsite maps, may also be prepared and maintained to meet the needs of individual Land Titles and Records Offices, Agencies, and Indian tribes."

(Prong 2):

Additionally, I am attempting to understand changes in leasing patterns over time on each Native American Reservation and nationwide and request this data for each year since 1934 (if it exists) in a format similar to what is found in this report:

<https://archive.org/details/AnnualReportOfIndianLandAndIncomeFromSurfaceAndSubsurfaceLeases>. Even though this report says "Annual" I have only been able to find copies available for the public for the years 1966, 1978, 1983, 1984 after an exhaustive search at the National Archives, Library of Congress and various government publication repositories.

Ideally this leasing information would be provided to me in a digital spreadsheet form but PDF or printed form will also work if that's all that is available. In particular I request for all lands managed by the bureau of Indian Affairs;

- the total number of leases*
- total acres leased,*
- total rents collected,*

Broken down by;

- Native American Reservation*
- County*
- Agriculture and Mining,*
- Allotted Lands and Tribal Lands*

I do not request any personal information about the land owners or leaseholders.

CFR 25 150.11a states that "The usefulness of a Land Titles and Records Office depends in large measure on the ability of the public to consult the records contained therein. It is therefore, the policy of the Bureau of Indian Affairs to allow access to land records and title documents unless such access would violate the Privacy Act, 5 U.S.C. 552a or other law restricting access to such records, or there are strong policy grounds for denying access where such access is not required by the Freedom of Information Act, 5 U.S.C. 552."

We have classified you as an educational or noncommercial scientific institution. As such, we may charge you for some of our duplication costs, but we will not charge you for our search or review costs; you also are entitled to up to 100 pages of photocopies (or an equivalent volume) for free. See [43 C.F.R. § 2.39](#). If, after taking into consideration your fee category entitlements, our processing costs are less than \$50.00, we will not bill you because the cost of collection would be greater than the fee collected. See [43 C.F.R. § 2.37\(g\)](#).

The Bureau of Indian Affairs (BIA or Agency) uses a multitrack processing system to respond to FOIA requests. The Exceptional/Voluminous track is designed for requests requiring more than sixty workdays for processing. Your request fell into the Exceptional/Voluminous, processing track because your request is national in scope and does not have a date range.

Prong 1 - Response

After a thorough search of our files, it has been determined that the Office of Land Title and Records (LTRO) has no records responsive to your request pertaining to Land Status Maps described in 25 CFR 150.9 for all lands in the United States managed by the Bureau of Indian Affairs (BIA) in ESRI Shapefile format. See 43 C.F.R. §§ 2.23, .24

The data does not exist as per this request. The LTRO does not have standardized Land Status maps in ESRI electronic format. ESRI is a commercial proprietary software used to create geographic information.

LTRO may have various handmade or printed maps prepared and maintained to meet the needs of individual LTR offices, agencies, and Indian tribes for executing their work as described in the CFR but these materials are not in ESRI format and would be impossible particularly on this scale to share electronically. The agencies, currently, do not have them in any electronic form that would allow the agency to share them electronically or to redact ownership type or other privacy protected information that may appear on the documents. Lastly, many Indian tribes do have their own GIS programs and may be willing to share this type of information. You may reach out to each Indian tribe if necessary.

The Division Chief, Land Title and Records Office, is responsible for this response.

Prong 2 - Response

After a thorough search of our records, we are providing you a partial response as follows:

Our system of record, Trust Asset and Accounting Management System (TAAMS), was established in 2006 for leasing data. Any historical information, prior to 2006, for leasing, leased acres, and rents collected from leases, are not available. We are, however, providing lease information for the last ten years. The data will have gaps of no data due to the conversion and implementation of TAAMS, which was completed location by location.

We have enclosed two spreadsheets (Microsoft Excel format) of the lease data (limited to data in TAAMS), lease types and numbers by location, acres under lease, and lease rents, entitled:

1. BIA Leases Ten Years (15,077 KB)
2. Tribal Ownership by State-County (1,040 KB)

The information regarding whether leases are tribal or allotted is not readily accessible without special programming, therefore, this information is not provided.

We cannot comply with the part of your request for annual reports entitled, *Annual Report of Indian Land and Income, Surface and Subsurface Leases*, dating back to 1934, or any previous years. We have thoroughly searched our records and have not been able to locate annual reports which may have been prepared in previous years, such as from 1934 forward. All of the annual reports were prepared manually, not generated from a data system; the annual reports are no longer prepared by the BIA.

The Division Chief, Real Estate Services, is responsible for this response.

You may appeal this response to the Department's FOIA/Privacy Act Appeals Officer. If you choose to appeal, the FOIA/Privacy Act Appeals Officer must receive your FOIA appeal **no later than 30 workdays** from the date of this letter. Appeals arriving or delivered after 5 p.m. Eastern Time, Monday through Friday, will be deemed received on the next workday.

Your appeal must be made in writing. You may submit your appeal and accompanying materials to the FOIA/Privacy Act Appeals Officer by mail, courier service, fax, or email. All communications concerning your appeal should be clearly marked with the words: "FREEDOM OF INFORMATION APPEAL." You must include an explanation of why you believe the Bureau's response is in error. You must also include with your appeal copies of all correspondence between you and the Office of Trust Services, Bureau of Indian Affairs, concerning your FOIA request, including your original FOIA request and the BIA's response. Failure to include with your appeal all correspondence between you and the BIA will result in the Department's rejection of your appeal, unless the FOIA/Privacy Act Appeals Officer determines (in the FOIA/Privacy Act Appeals Officer's sole discretion) that good cause exists to accept the defective appeal.

Please include your name and daytime telephone number (or the name and telephone number of an appropriate contact), email address and fax number (if available) in case the FOIA/Privacy Act Appeals Officer needs additional information or clarification of your appeal.

DOI FOIA/Privacy Act Appeals Office Contact Information:

Department of the Interior	Attention: FOIA/Privacy Act Appeals Office
Office of the Solicitor	Telephone: (202) 208-5339
1849 C Street, N.W.	Fax: (202) 208-6677
MS-6556 MIB	Email: FOIA.Appeals@sol.doi.gov
Washington, DC 20240	

For your information, Congress excluded three discrete categories of law enforcement and national security records from the requirements of FOIA. See *5 U.S.C. 552(c)*. This response is limited to those records that are subject to the requirements of FOIA. This is a standard notification that is given to all our requesters and should not be taken as an indication that excluded records do, or do not, exist.

The 2007 FOIA amendments created the Office of Government Information Services (OGIS) to offer mediation services to resolve disputes between FOIA requesters and Federal agencies as a non-exclusive alternative to litigation. Using OGIS services does not affect your right to pursue litigation. You may contact OGIS in any of the following ways:

Office of Government Information Services	
National Archives and Records Administration	
8601 Adelphi Road – OGIS	
College Park, MD 20740-6001	E-mail: ogis@nara.gov
Toll-free: 1-877-684-6448	Web: https://www.archives.gov/ogis
Telephone: 202-741-5770	Fax: 202-741-5769

Please note that using OGIS services does not affect the timing of filing an appeal with the Department's FOIA & Privacy Act Appeals Officer.

Contact information for the Department's FOIA Public Liaison, who you may also seek dispute resolution services from, is available at <https://www.doi.gov/foia/foiacenters>.

If you have any questions, please contact Velda M. Garcia, OTS FOIA Coordinator, at (505) 563-5276 or by email at velda.garcia@bia.gov. At this time, email is the best form of communication.

Sincerely,

Frank Holiday,
Associate Deputy Bureau Director
Office of Trust Services

Enclosures