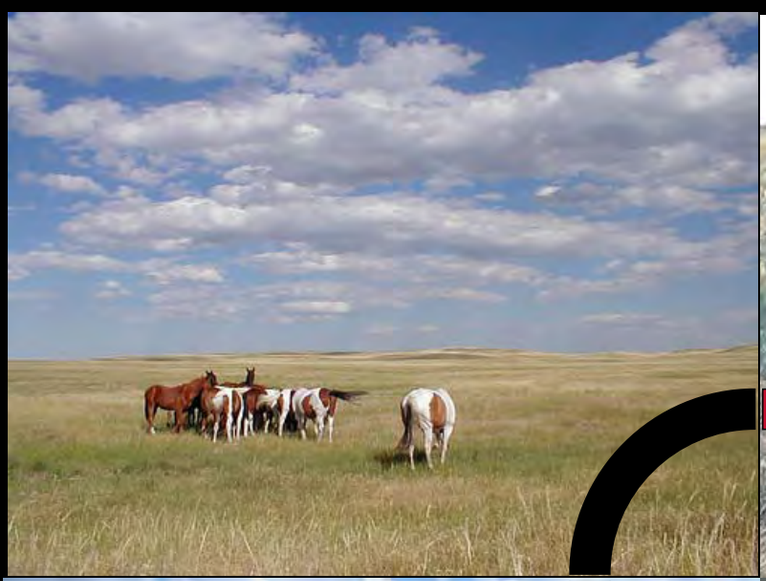
PINE RIDGE RESERVATION
ALLOTTEE LAND-PLANNING
~MAP BOOK~



"A very great vision is needed and the man who has it must follow it as the eagle seeks the deepest blue of the sky."

- Crazy Horse

VILLAGE EARTH

INTRODUCTION

ABOUT THIS BOOK

This map book was developed by Village Earth, a 501(c)(3) not-for-profit organization based in Fort Collins, Colorado in collaboration with the Oglala Sioux Tribe Land Office and made possible with a grant from the Indian Land Tenure Foundation.

The purpose of this book is to make information about reservation lands more accessible to members of the Oglala Sioux Tribe to promote greater grassroots awareness and participation in land-use planning and management of their natural resources.

DISCLAIMER

This book is intended to be used for reference purposes only. The most up-to-date and accurate map information should be obtained from the BIA and/or Tribal Land Office. Village Earth makes no representations or warranty as to the map book's accuracy, timeliness, or completeness, and in particular, its accuracy in labeling or displaying dimensions, contours, property boundaries, or placement locations of any map features thereon.

CONTACT INFORMATION

For more information about this book or for help developing a long-term vision and plan for your lands contact:

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Village Earth
PO Box 797
Fort Collins, Co 80522

"They made us many promises, more than I can remember, but they kept only one; they promised to take our land, and they did."

- Red Cloud

"Treat the earth well, it was not given to you by your parents; it was loaned to you by your children."

- Crazy Horse

"The American Indian is of the soil, whether it be the region of forests, plains, pueblos, or mesas. He fits into the landscape, for the hand that fashioned the continent also fashioned the man for his surroundings. He once grew as naturally as the wild sunflowers, he belongs just as the buffalo belonged...."

-Luther Standing Bear

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LAND USE PLANNING

BACKGROUND

The Great Sioux Reservation was established by the Fort Laramie Treaty of 1851 and has a territory that encompassed parts of South Dakota, Nebraska, and Wyoming, consisting of approximately 60 million acres. In 1876, the U.S. government violated the treaty of 1851 by illegally opening up 7.7 million acres of the Black Hills to homesteaders and private interests. With the passing of the General Allotment Act (GAA) in 1887, the Great Sioux Reservation was divided into the Cheyenne River Agency, Crow Creek Agency, Lower Brule Agency, Rosebud Agency, Sisseton Agency, Yankton Agency and Pine Ridge Agency. Pine Ridge was located in the South West corner of South Dakota on the Nebraska border and originally consisted of approximately 2.7 million acres, roughly the size of Connecticut. Over the next 45 years the reservation lost an additional 700,000 acres mostly through the process of forced fee-patenting, a practice introduced into the GAA with the 1906 Burke Act and ended with the passing of the 1934 the Wheeler-Howard Act.

Today, of the remaining 1,773,716 acres of land on Pine Ridge, nearly 1,067,877 acres (60%) is allotted to individuals. Over a century of unplanned inheritance has created a situation where lands have become severely fractioned. This created a management nightmare where, in order for a land owner to utilize their lands, they may have to get the signed approval of dozens, hundreds or even thousands of separate land owners. As a result of this complexity, most land owners on Pine Ridge have few choices besides leasing their lands out as part of the Tribal/BIA Range Unit leasing system. Nearly 65% of all lands on Pine Ridge are included in these Range units.

Naturally, this situation has had a dramatic impact on the overall economy on Pine Ridge. Like other Reservations across the United States, fractionation is a major obstacle to housing and business development but also native owned farms and ranches. According to the USDA 2002 Census of Agriculture for American Indian Reservations of Montana, North Dakota, and South Dakota, there were nearly 33 million dollars in receipts from agricultural production on Pine Ridge, yet less than 1/3rd of that income went to members of the tribe. Today, 20 people control nearly 46% of reservation lands through leasing.

According to a survey conducted by Colorado State University, it was found that most people on the reservation believe that the Lakota people should be managing reservation lands, not the non-tribal lessees, State or BIA. Despite this situation, many opportunities exist to stop and even reverse the problems created by the General Allottment Act. Below you will find simple, step-by-step instructions on how to take advantage of the various options available to you.

GAINING CONSENT TO USE UNDIVIDED LAND

While some individuals have full ownership over their allotted lands, most individuals on Pine Ridge own undivided interests. This means that they own land within a specific parcels along with tens, hundreds or even thousands of other land owners yet there is no way to say “which” piece of land you own. In order to be able to utilize your land you first have to get the approval of a majority of the other land owners. The Indian Land Consolidation Act describes how many people have to agree and “sign-off” to be considered a majority.

Majority Consent

According to the BIA “With the passage of the 2000 Indian Land Consolidation Act (ILCA) the government created a sliding scale to determine how many people a land owner had to get approval from to the use the land. The scale is as follows:

1 to 5 owners = 100%, 6 to 10 owners = 80%, 11 to 19 = 60%; and 20 or more owners = majority of the interests.

Under the ILCA, the superintendent can act on behalf of the undetermined heirs and individuals whose whereabouts are unknown to achieve the required consent,” but this is very rare.

Grant Authority

According to the BIA “Sometimes the BIA superintendent can grant on behalf of all undivided heirs without their express consent so long as they are fairly compensated and all statutory requirements are met.” For example, surface leases may be granted after a three month negotiation period if none of the owners is in possession. If the heirs cannot negotiate a lease within 90 days, the superintendent can sign a lease - usually afer advertisement - at fair market value on behalf of everyone. Many agricultural leases and grazing permits are made through grant authority.

Steps for Obtaining Consent:

1. An individual or group of co-owners contacts

the Bureau of Indian Affairs office about proposed use.

2. A land appraisal is completed to determine land value. Appraisals are done through the Office of Special Trustee (OST).

3. BIA sends out notices to all co-owners to ask for consent of proposed use.

4. The BIA Realty officer sends a recommendation to the BIA superintendent once the required number of co-owners have consented. They also provide proof that an attempt has been made to contact all co-owners.

5. The BIA superintendent makes a ruling based on the recommendation of the BIA realty officer. When appropriate, a lease is made. Non-consenting co-owners will receive fair market lease payments.

GIFT DEEDS/GIFT CONVEYANCE

A gift deed (also known as gift conveyance) is a simple way to transfer land from one owner to another. The requirement of a land appraisal is waived if the land is being gifted to a spouse, brother, sister, lineal ancestor of Indian Blood, lineal descendent, or collateral heir. For example, a mother to her 4 children, while she is still alive. The BIA superintendent must approve all gift conveyances. For more information contact the BIA Realty office in Pine Ridge.

LAND EXCHANGE/CONSOLIDATION

Land exchange can be a powerful tool for land owners to consolidate their undivided interests into a single tract of land. According to Oglala Sioux Tribal Resolution 77-11 (see Appendix 1, page 89), individuals may exchange their allotted land with the Oglala Sioux Tribe as long as the lease income is the same or greater than the lease income of the Tribal land they wish to exchange for.

There are other criteria besides lease income that may prevent a land exchange with the tribe. According to resolution 77-11 (See Appendix 1), all land exchanges must be for the best interest of the Oglala Sioux Tribe and its members. The tract of Tribal land must not be considered "non-exchangable." Lands are considered non-exchangeable if they are being set-aside for future growth and development on the edges of towns or along major roads. Tribal Ordinance 85-17 (See Appendix 2, page 91) lists the criteria for "set-asides.

1. Lands surrounding the townsite of Pine Ridge and the established villages within a radius of 3 miles of such settlements. (The tile maps in this book indicate the 3 mile radius around towns with a green circle.)

2. Commerical and industrial areas

3. Park and Recreation areas

4. Historical and Religious sites

5. Archaelogical sites

6. Potential tourist attraction sites

7. Timber Reserve lands

8. Class 1 and 2 farmlands

9. Large consolidated tracts

Procedure for Exchanging Land

If you are interested in consolidating your lands into one tract, below you will find the steps you need to follow. You can also use the flow chart on the next page to decide what information you need to complete a land exchange application.

1. Identify your lands and how many acres you own by obtaining your individual interest report (also known as your "Heirship Card") by contacting the BIA Realty office or Office of Special Trustee (OST). See the Land Exchange Decision Chart (page 13) for contact information.

2. Using this book, you can identify a piece of tribal land (yellow-hatched area on the maps) that you would like to exchange your lands for. Keep in mind that not all Tribal lands are available for exchange. Use the list of criteria above or contact the OST Land Office to determine if the Tribal land you want is exchangeable.

3. Complete a land exchange application (See Appendix 3, page 93, for a sample Land Exchange Application). You can have one mailed to you by contacting the BIA Realty office in Pine Ridge BIA Realty Office Main St. Pine Ridge, SD 57770. Phone : (605) 867-1001.

Approval Process for Land Exchanges

When the BIA Realty office recieves your land exchange application, they use the following review process to determine whether the proposed land exchange meets the criteria established in Tribal

LAND USE PLANNING

Resolution 77-11 and Tribal Ordinance 85-17 (See Appendixes 1 & 2 in the back of this book):

1. Once the application is received at the BIA Realty Office in Pine Ridge, they send it to the OST Land Office to check if the land has been previously exchanged or if the Tribal Tract is considered non-exchangeable. If the Tribal land is non-exchangeable, they inform the applicant in writing, and return the application to the BIA with a copy of the disapproval letter.

2. If the land is exchangeable, the OST Land Office sends the application back to the BIA Realty Office for lease verification.

3. The BIA Realty Office sends application and lease verification back to the OST Land Office. If the lease income on the allotted lands is less than the income on the Tribal land, they inform the applicant in writing and return the application to the BIA Realty Office with copy of disapproval letter.

4. If lease income is equal to or higher than the desired Tribal land, the OST Land Office orders a visual inspection and then files the application with a copy of the letter and field check requests in a folder. They also document the date of the request on a seperate card along with all other pending requests.

5. When the results of the field check are received, the OST Land Office creates a map of the lands to be exchanged for 1st OST Land Committee review

6. If the OST Land Committee approves, the OST Land Office is required to order an appraisal from the U.S. Office of Special Trustee. They return the application and titles to the BIA with a request letter. They then file the remaining information in a pending exchange file.

7. After appraisals and titles are recieved back from the Office of Special Trustee and BIA, The OST Land Office confirms that all information is correct. Next, they figure appraisals and review the appraisal photo, if provided, for improvements that the field check may have missed.

8. OST Land Office presents exchange proposal to the Land Committee if income values and acres are equal or greater than OST's. If not, they inform the applicant in writing and return the application and denial letter to the BIA Realty office.

9. If approved by the Land Committee, the OST Land Office types an Executive Committee Resolution, release of liens and presents it to the Executive Committee. Then they have the Trial President sign a Release of Liens.

10. If approved by the Tribal Council, they then submit the approved Resolution, release of liens, and lease income verification to the USDA Farm Service Agency (FSA) to ensure that they will not lose any lease income which is paying back loans made to the Tribal Government.

11. When FSA returns the information, the OST Land Office has the President and Secretary sign the Release of Liens then submits original release of Liens, a copy of the resolution, the lease income verification, and the BIA's file to the BIA Realty Office.

12. Finally, the deed is signed by the OST and the applicant is informed.

13. After BIA submits all copies of deeds with document numbers, the OST Land Office closes the file by removing it from the "pending" file and moves it to the "approved" file.

NOTE: OST Land Office tracts each step of this process on index cards to make it easier to inform you where your application is in this process. To ensure the fast processing of your application, it is important that you keep track of where it is at each step of this process.

PARTITIONING LANDS

Partitioning is a way to divide ownership on undivided allotted land. Say for example you own 40 acres of a 160 acre tract of land with 10 other people. While right now you may not be able to say where your 40 acres of land are located in that tract, partitioning allows you to physically divide the land and specify who owns what - giving you 100% ownership of that tract. According the Code of Federal Regulations 25 CFR 152.33 "Heirs of a deceased allottee may make written application, in the form approved by the Secretary, for partition of their trust or restricted land. If the Secretary finds the trust lands susceptible of partition, he may issue new patents or deeds to the heirs for the portions set aside to them. If the allotment is held under a restricted fee title (as distinguished from a trust title), partition may be accomplished by the heirs executing deeds approved by the Secretary, to the other heirs for their respective portions." You can find a sample Petition for partition of Inhertited

LAND USE PLANNING

Indian Lands in the back of this book (Appedix 8, page 118).

RANGE UNITS AND THE HISTORY OF LEASING LANDS ON PINE RIDGE

The leasing of Indian Lands by the Federal Government dates back the the the Act of February 28, 1891. which amended the Allotment Act to give the Secretary of the Interior the power to determine whether an allottee had the 'mental or physically qualifications" to enable him to cultivate his allotment." In such cases, the Superintendent was authorized to lease Indian lands to non-tribal members. "In 1894, the annual Indian Appropriation Act increased the agricultural lease term to 5 years, 10 years for business and mining leases, and permitted leases by allottees who "suffered" from "inability to work their land." This act dramatically increased the number of leases issued on Indian lands. The practice of forcefully leasing lands on the Pine Ridge Reservation was so widespread, that in a 1915 Superintendent's report, it was noted that over 56% of the adult males on the reservation were considered incapable of managing their lands. In 1920 the superintendent for Pine Ridge wrote, "It has been my policy to insist upon the utilization of all these lands and the grass growing upon it and this has restricted members of the tribe owning stock to their own allotments, and such land adjoining that they have leased."

The Range Units Leasing Program of today was established under the Indian Reorganization Act, which combined individualy allotted lands and tribal lands into large fenced off tracts that could be leased to both tribal and non-tribal members.

The historical legacy of forcefully alienating people from their allotted lands has contibuted to the unequal land-use patterns on Pine Ridge today, where 20 people control nearly 46% of the land base. It has also had a significant economic impact for tribal members. According to the USDA 2002 Census of Agriculture for American Indian Reservations of Montana, North Dakota, and South Dakota, in 2002 there were nearly 33 million dollars in receipts from agricultural production on Pine Ridge, yet less than 30% of that income went to members of the tribe.

REMOVING YOUR ALLOTTED LAND FROM THE RANGE UNIT LEASING SYSTEM

Individuals and groups of allottees interested in utilizing their lands can remove them from the BIA/ Tribal Range Unit Leasing program by completing a "Landowner Withdrawal Request" (See Appendix 5, page 99). In order to complete the request you will need to meet the criteria for majority consent desribed in the ILCA (see page 3). and that: 1). The land will be used by you or your immediate family only; 2). That land must be fenced by the land owners. 3.) You will not hold the BIA liable for any damages to the land while it is controlled by you. The BIA Superintendent must give the existing permittee 180 days notice of withdrawal, unless all parties concerned agree to the withdrawal. Withdrawals will be effective on the aniversary date of the Grazing Permit.

LEASING LAND

Maybe you are one of the many people who do not own any land on Pine Ridge. Or maybe, you do own land but do not want to go through the trouble of getting consent from other land owners or filing for a land exchange. Leasing land may be the option for you.

Procedure for Lease Applications

1. The applicant goes to OST Land Office for the Legal Land Description on the Tribal Land and Verification that the tract is available for lease.

2. The applicant takes the land description to BIA Realty Office and completes the Application to Lease.

3. For 100% Tribal land, Residential and Business Lease applications, the Applicant obtains the signatures of one OST Tribal Council Representative and Two District Executive Board members, in the district which they are applying for a lease.

4. The completed application is returned to the BIA Realty Office.

5. The BIA Realty Office completes the Routing Sheet and submits it along with the Application to the OST Land Office.

6. The OST Land Office Field Technician reviews the application to make sure the land description is correct. he then does the field inspection. An aerial Photo is completed.

7. If everything is in order, the Application is submitted to the OST Land committee for review and approval.

8. If the application is approved, it is sent back to the BIA for preparation of the Lease contract.

9. The lease contract is sent to the applicant by certified mail with instructions on signing and indicating the amount of money needed for the fees and lease payment. The letter also gives a time frame for completing and returning the forms.

10. After the lease contract and other documents are signed and returned to the BIA, they are routed to the OST Land Office for the signature of the Land Director and the President of the Tribe.

11. The signed lease contract is then returned to the BIA Realty Office for final approval of the Realty Officer and the Superintendent.

12. The lease contract is sent to the BIA Aberdeen Area Office for recording. When it is returned to Pine Ridge BIA Realty Office, they send a copy of it to the OST Land Office.

The BIA Branch of Realty has informed the OST Land Office that they are now requiring environmental assessments, archaelogical clearances, and certified surveys on new ground that is broken for housing and business sites, especially for long term leases.

PROTECTING LAND FROM GENERATION TO GENERATION

The problem of fractionation from generation to generation can be reversed using the tools of gift conveyances and land exchange but these tools do not stop the problem of fractionation as land passes from one generation to the next. Without a will, inheritance of your lands are determined by the American Indian Probate Reform Act (AIPRA). According to Dakota Plains Legal Services in Pine Ridge, Under AIPRA "if a trust land owner dies without a will, their spouse will only inherit a "life estate" in the land. This means that the spouse can use the land during their lifetime and collect income from the land, but when the surviving spouse passes away, the land will go the remaining eligible heirs."

Also, "unless a Will says that the land is to be divided among the heirs in equal undivided shares ("tenancy in common") AIPRA presumes that the land is to be held 'joint tenants with right of survivorship' or (JTWROS). "

"JTWROS means that the heirs share the land equally, but not in undivided shares. As each owner passes away, his or her share is divided equally among the remaining owners, until the last surviving heir owns the entire parcel of land."

"Writing a Will is very important - Without a will, you lose control over which of your heirs receives property. If a person passes away without a Will, the AIPRA provisions determine who receives your property. Once your Will is written and examined by an attorney with experience dealing with AIPRA, your property in smuch more likely to go to whom you designate."

For more information and help creating a will, contact:

Dakota Plains Legal Services
PO Box 1989
Pine Ridge, SD 57770-1989
605-867-1020

HOW TO USE THIS BOOK

HOW TO LOCATE YOUR LANDS USING THIS MAP BOOK.

In order to beging planning for your lands, you will need a basic understanding of your lands. The best way to start is to locate them in tihs book. To do this you wll need a copy of your individual interest report (heirship card) or a list of the Tract-ID numbers for your lands. If you do not have a copy of your report, you can have one mailed to you for free by contacting:

BIA Realty Office
Main St.
Pine Ridge, SD 57770.
Phone : (605) 867-1001

Or

U.S. Department of Interior
Office of Special Trustee
Trust Beneficiary Call Center
Toll-free:1-888-678-6836

Now that you have your interest report, you can use the “TRACT-ID” number to located your lands in this book. This number can be found on the left side of your report under the NAMES OR ALIASES section. Below is a sample interest report with the TRACT ID NUMBER circled.

```
REPORT-ID: TA009IR                  BUREAU OF INDIAN AFFAIRS                    PAGE:          1
REQUESTOR: JDOE                   INVETORY OF DECENDENTS REPORT                 DATE: 06/25/2008
                                       ALL TITLE HOLDINGS                  CST TIME:   03:24 PM

----OWNER----            BIRTHDATE:05/24/1954      DEATHDATE: 00/00/0000
TRB CL NUMBER

344 U 027587

---------------------------- NAMES OR ALIASES --------------------------------
LAST NAME                       FIRST NAME                    MIDDLE NAME

BLACK BEAR                      JOE                           E

 -----TRACT ID------ TITLE                                   -------DATE OF LAST-------
 LAC PFX  NUMBER  SFX  PLANT    LAND AREA     RESOURCES    EXAMINATION/VERIFICATION

 344 21    920    -C  ABERDEEN  PINE RIDGE     Surface         8/30/200  0/00/000

       RICHARD BLACK BEAR
       ** ORIGINAL ALLOTTEE **                                                SECTION  CUM
                                                                              COUNTY   SECTION
 SEC TOWNSHIP   RANGE   COUNTY     ST MERIDIAN      LEGAL DESCRIPTION        ACRES    ACRES

 25  044.00N   038.00W  SHANNON  SD Sixth Principa            SE            160.000  160.000

                                          TOTAL SECTION ACRES:              160.000  160.000

 ---OWNER--- ---DOCUMENT---    NAME IN WHICH AQUIRED  FRACTION OF TRACT  TOTAL ESTIMATE
 TYP OT INT  CLS TYP  NUMBER    (SURNAME/FIRST NAME)  (+/-)AS ACQUIRED       VALUE
 ------------------------------------------------------------------------------------
 I   T   A   11  IT  BI554C971       BLACK BEAR              1
                                                            90
```

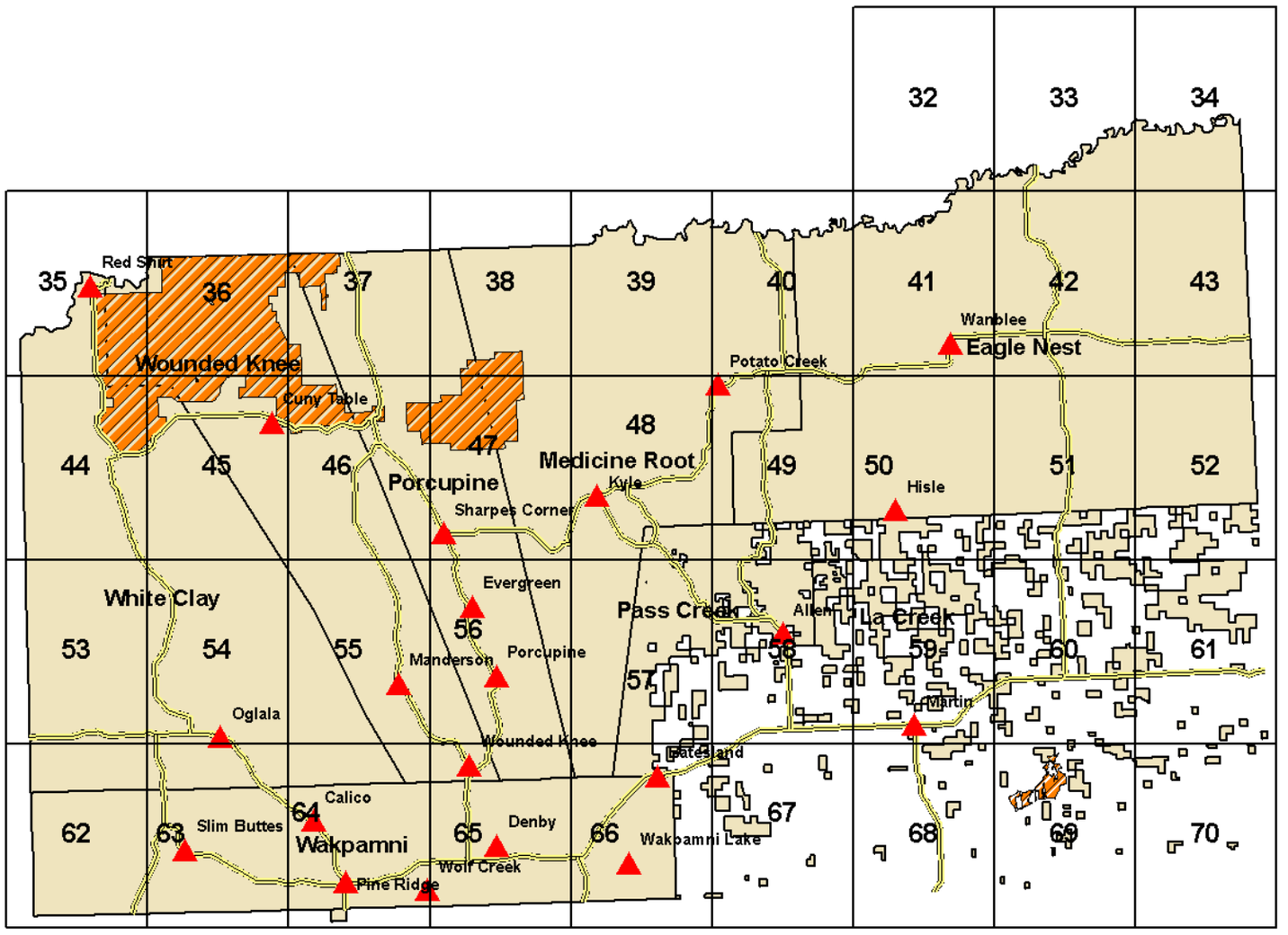
HOW TO USE THIS BOOK

You can locate your lands in this book by locating the TRACT ID NUMBER in the index in the back of this book. The index will tell you the page of this book where your lands are located. The index has all the TRACT ID NUMBERS for the entire reservation in numerical order from 1 to 4320. Below is a sample TRACT ID and Page Number taken from the index on starting on page 70. On the map tiles (starting on page 30), allotted lands are marked with a blue-hatch and tribal lands are marked with a yellow-hath.

TRACT ID	PAGE
1	64
2	63
3	64
5	64

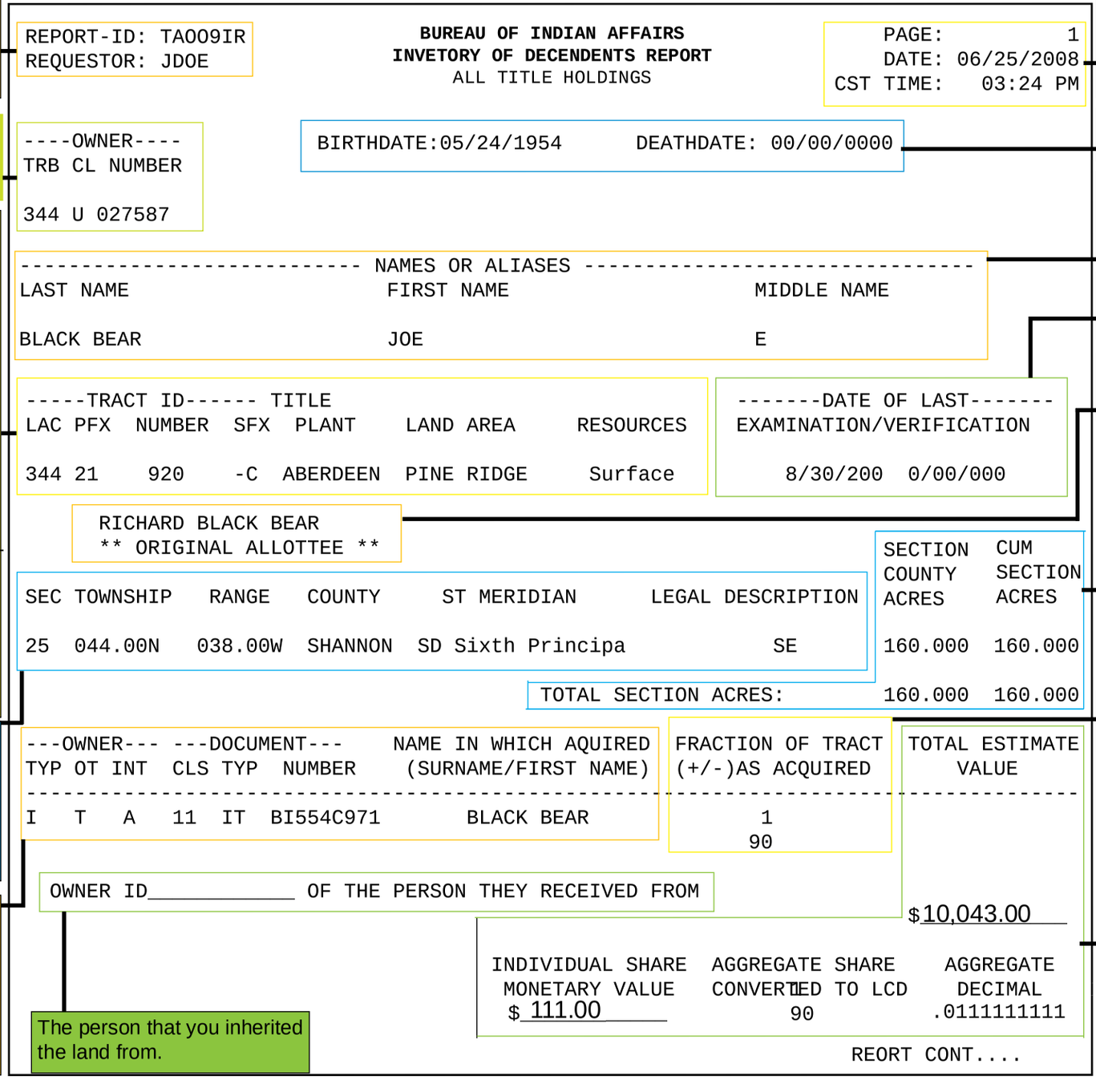
TILE MAP OF THE PINE RIDGE RESERVATION

The map below shows the tiles and the page where an enlarged version can be found in this book.



HOW TO USE THIS BOOK

HOW TO READ YOUR INDIVIDUAL TRUST INTEREST REPORT



REPORT-ID: TAOO9IR
REQUESTOR: JDOE

BUREAU OF INDIAN AFFAIRS
INVETORY OF DECENDENTS REPORT
ALL TITLE HOLDINGS

PAGE: 1
DATE: 06/25/2008
CST TIME: 03:24 PM

----OWNER----
TRB CL NUMBER

344 U 027587

BIRTHDATE:05/24/1954 DEATHDATE: 00/00/0000

---------- NAMES OR ALIASES ----------

LAST NAME	FIRST NAME	MIDDLE NAME
BLACK BEAR	JOE	E

-----TRACT ID------ TITLE

LAC	PFX	NUMBER	SFX	PLANT	LAND AREA	RESOURCES
344	21	920	-C	ABERDEEN	PINE RIDGE	Surface

-------DATE OF LAST-------
EXAMINATION/VERIFICATION

8/30/200 0/00/000

RICHARD BLACK BEAR
** ORIGINAL ALLOTTEE **

SEC	TOWNSHIP	RANGE	COUNTY	ST MERIDIAN	LEGAL DESCRIPTION	SECTION COUNTY ACRES	CUM SECTION ACRES
25	044.00N	038.00W	SHANNON	SD Sixth Principa	SE	160.000	160.000
					TOTAL SECTION ACRES:	160.000	160.000

---OWNER--- TYP	OT	INT	---DOCUMENT--- CLS	TYP	NUMBER	NAME IN WHICH AQUIRED (SURNAME/FIRST NAME)	FRACTION OF TRACT (+/-)AS ACQUIRED	TOTAL ESTIMATE VALUE
I	T	A	11	IT	BI554C971	BLACK BEAR	1 90	

OWNER ID_____ OF THE PERSON THEY RECEIVED FROM

$10,043.00

INDIVIDUAL SHARE MONETARY VALUE	AGGREGATE SHARE CONVERTED TO LCD	AGGREGATE DECIMAL
$ 111.00	90	.0111111111

REORT CONT....

Internal ID number assigned by the BIA along with the initials of the employee who generated the report.

Information about this report, including the number of pages and the date and time it was generated.

The tribal enrollment number of the land owner,

The birth and death date of the land owner.

LAC = The reservation code where the land is located
PFX = Prefix used to Identify land.
NUMBER = ID of specific tract.
SFX = Suffix used to identify subdivided areas within a tract.
TITLE PIANT = location of regional BIA office.
LAND AREA = Reservation where tract is located.
RESOURCES = indicates whether you own rights to surface, mineral or both

The name, and possible aliases on record, of the land owner.

The date of the last time the report was accessed.

The name of the originall allottee.

SECTION COUNTY ACRES = the total number of acres in this tract of land.

CUM SECTION ACRES= Total number of acres owned by all the people who own an interest in the tract of land.

Legal description of the tract of land. See next page for instructions on how to locate these coordinates on a map.

FRACTION OF TRACT (+/-) AS ACQUIRED = The fraction you own. In this example 1 out of 90 1/90th.

OWNER & DOCUMENT = letters used to classify land.
NAME IN WHICH ACQUIRED = Name used when you first acquired the land.

TOTAL ESTIMATED VALUE = The value of the entire tract of land.

INDIVIDUAL SHARE MONETARY VALUE = The value of your share or Total Value divided by Fraction acquired (90).

The person that you inherited the land from.

HOW TO USE THIS BOOK

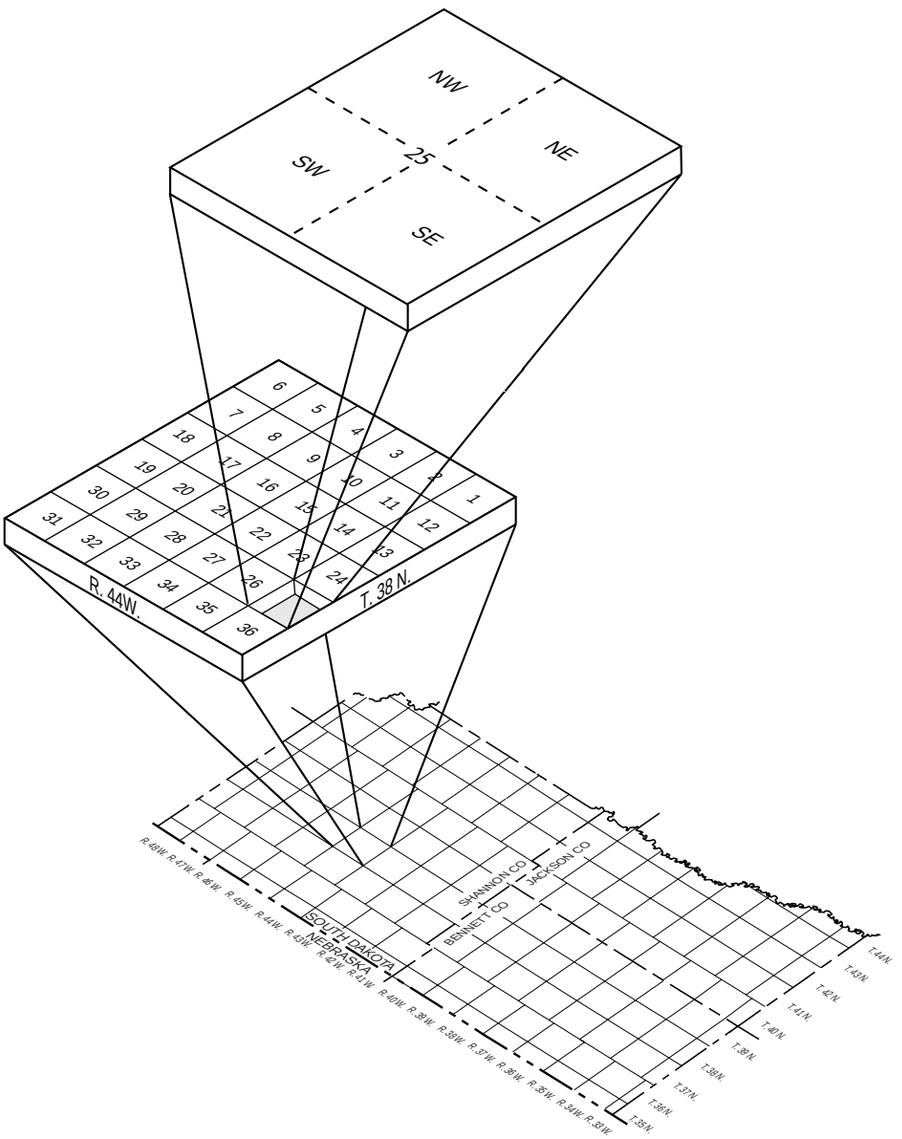
HOW TO LOCATE LANDS USING THE LEGAL DESCRIPTION

This book idexes lands using the “Tract ID” that is assigned to your land by the Bureau of Indian Affairs. However, it is may also be necessary to know how to locate or describe lands using the legal description. This number is used on legal documents and on your Individual Interest Reports. Example Below:

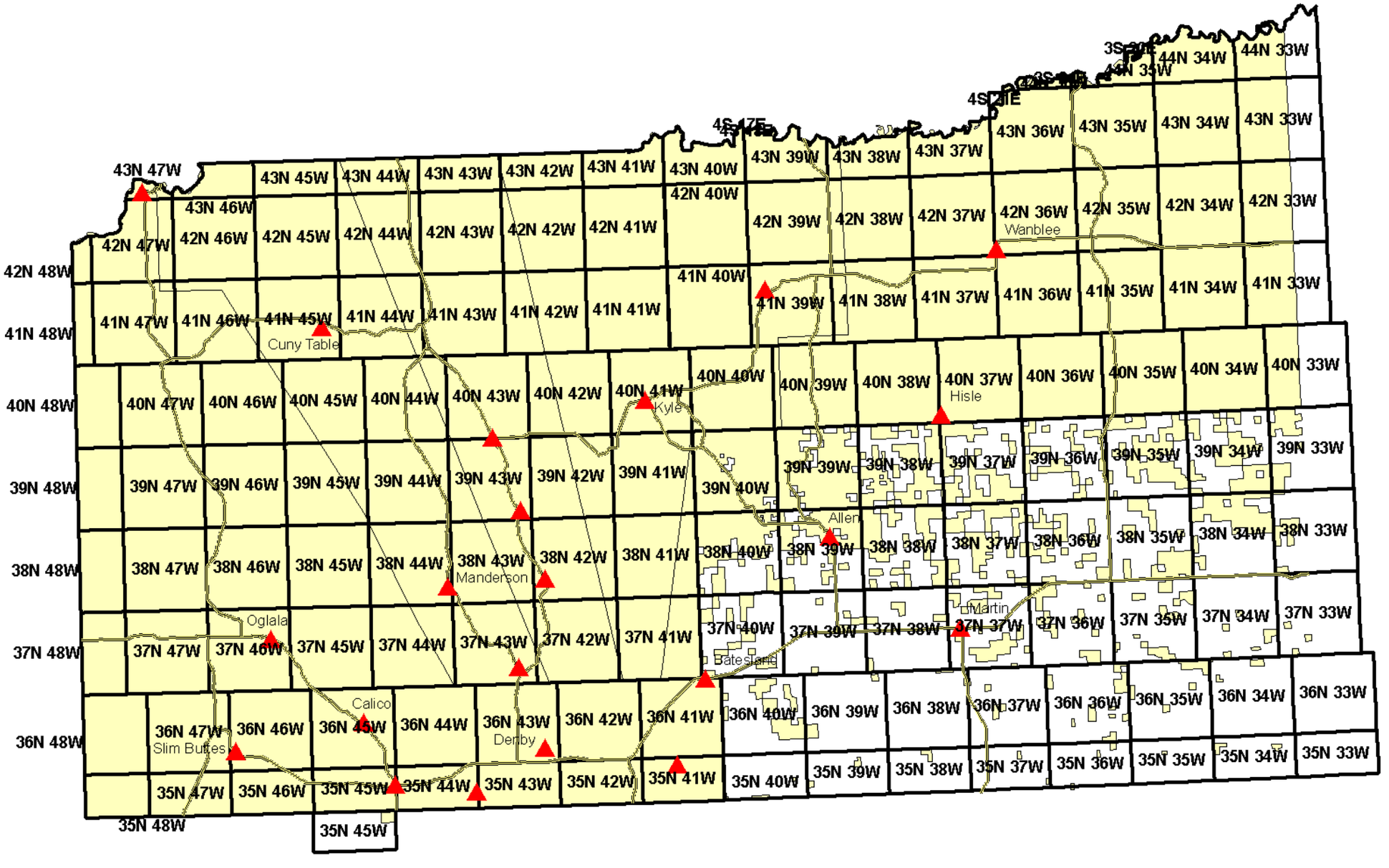
SEC	TOWNSHIP	RANGE	COUNTY	ST MERIDIAN	LEGAL DESCRIPTION
25	044.00N	038.00W	SHANNON	SD Sixth Principa	SE

The legal description is based on the Public Lands Survey System (PLSS) a system that was implemented in 1785 as a standardized way to describe lands in the United States. In this system the entire country is divided into a grid (See next page for a map of the Townships on Pine Ridge). Each square represents a TOWNSHIP with each of the four sides are 6 miles. The grids are described by their location on a North/South meridian described as the “township” and an East/West base line or “range”. In the example above, the township is located at 44N and 38W in Shannon County.

Each township is further divided into 36 equal sections with each side being 1 mile in length with a total area of 640 acres (see below). The piece of land in the description above is located in section 25 (see diagram below). Sections can be further divded into quarters described as NW, NE, SE, SW. Each quater can be further divided again and again.

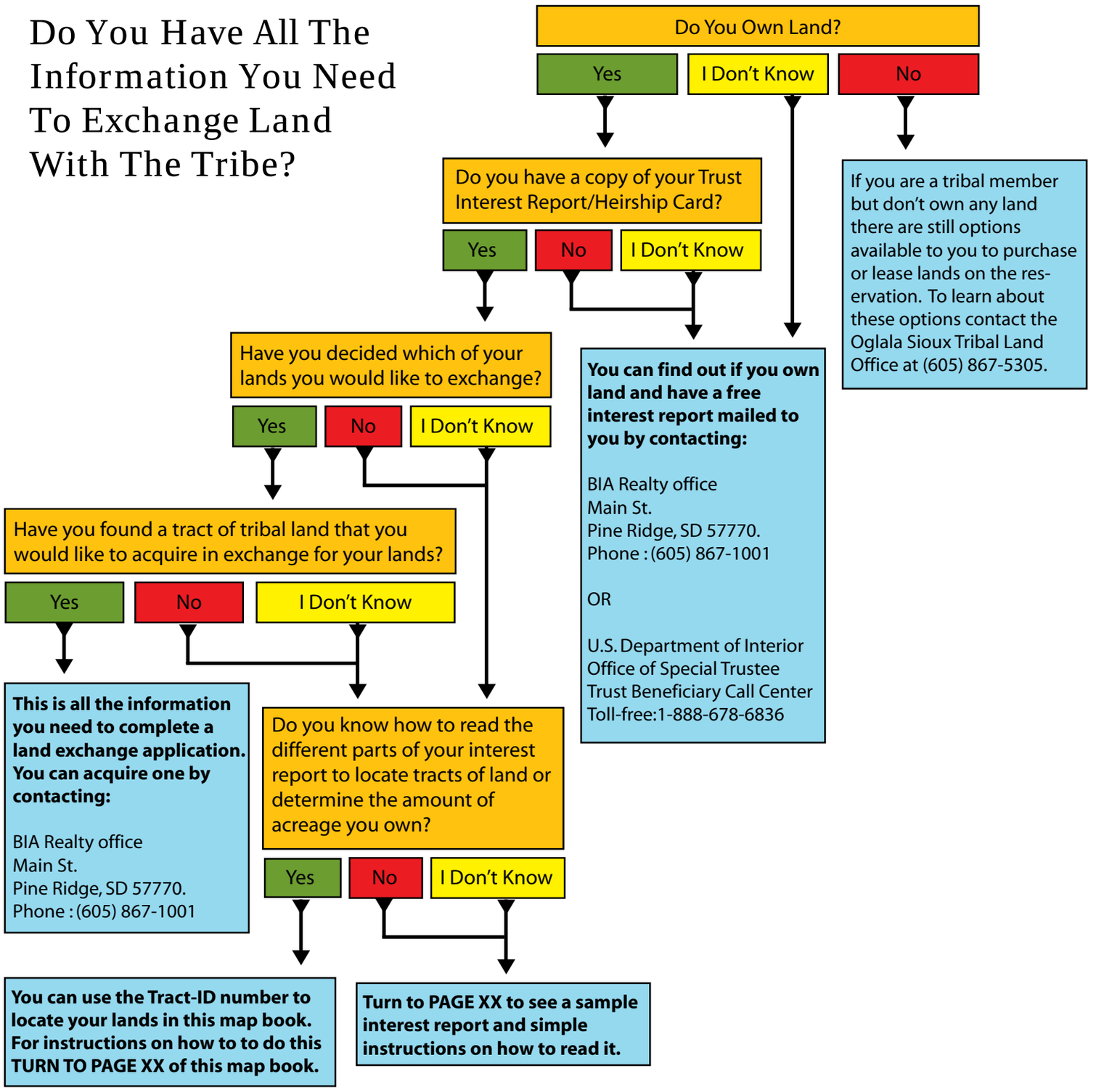


MAP OF TOWNSHIPS ON THE PINE RIDGE RESERVATION



HOW TO USE THIS BOOK

LAND EXCHANGE DECISION CHART



GLOSSARY OF COMMON TERMS

Use this glossary to learn more about commonly used tribal land terms. Compiled by the Indian Land Tenure Foundation on the web at http://www.indianlandtenure.org/ILTFallotment/glossary/terms.htm

Alienate
The transfer of a right or ownership of property to somebody.

Allottee
A person who owns or has inheritted land that was partitioned and distributed as part of the General Allottement Act of 1887.

Chain of title
A report of the ownership history from the government allotment or patent to the current owners is referred to as a chain of title.

Checkerboarding
Since the General Allotment Act allowed for a significant amount of land to pass out of tribal or individual Indian hands, lands within reservation boundaries may be in a variety of types of ownership—tribal, individual Indian, non-Indian, as well as a mix of trust and fee lands. Thus, the pattern of mixed ownership resembles a checkerboard.

Checkerboarding seriously impairs the ability of tribes or individual Indians to use land to their own advantage for farming, ranching, as a home site or for development. It also hampers access to lands that the tribe does own and uses in traditional ways. Furthermore, serious questions of jurisdiction occur on reservations as different types of owners fall under different governing authorities.

Escheat
Escheat is the reversion of the property of a deceased person to the government when there are no legal heirs. In the Indian Land Consolidation Act of 1983, the government proposed that seemingly insignificant fractional interests in allotted land—no more than 2 percent of the total acreage in an allotted tract earning less than $100 in the year prior to the owner's death—be reverted to the tribal government regardless of whether the Indian owner had a will describing his or her legal heirs. This was called "forced escheat". The Supreme Court found this type of escheat a violation of the Federal Constitution's Fifth Amendment.

Fee Simple
The most basic form of ownership. The owner holds title and control of the property. The owner may make decisions about the most common land use or sale without government oversight.

In Indian country, however, whether the owner of fee simple land is Indian or non-Indian is a factor in deciding who has jurisdiction over the land. Due to the checkerboarding of Indian reservations, different governing authorities - such as county, state, federal, and tribal governments – may claim the authority to regulate, tax, or perform various activities within reservation borders based on whether a piece of land is Indian or non-Indian owned. These different claims to jurisdictional authority often conflict. The case law relevant to jurisdiction on these lands is complex and on some points inconsistent and unsettled.

Fee-to-Trust Conversion
Original allotted trust lands that were transferred to fee status by the allottee or the BIA under the "forced fee" patent era can be returned to trust status in a fee-to-trust conversion if still owned by an Indian. Or, tribes or individual Indians can initiate the process on fee lands they already own or lands they acquire. This process usually takes more than a year and often requires an individual Indian to either declare him or herself legally "incompetent" to manage his or her lands or show other compelling reasons for reestablishing the trust relationship.

Forced Fee Patents
A forced fee patent is a trust-to-fee conversion without the request, consent, or knowledge of the landowner. This conversion was allowed by the Burke Act of 1906. Since land that was once in trust became taxable after the issuance of the forced fee patent by the Secretary of the Interior, 27,000,000 acres of allotments were lost through tax foreclosure sales. This was particularly the case with Indians who were serving in the military who were unaware that their land status had changed and taxes were due.

Fractionated land
Fractionated land is an allotment owned by more than one owner. The fractionation of land was caused by the way the General Allotment Act dictated how lands would pass from one generation to another. After an Indian allottee died, the ownership of the lands would be given to his or her heirs but the land parcel would remain intact. As these owners died, the ownership in the land would again be divided among their relatives, thus compounding over and over the

number of ownership interests in a parcel of land. These single pieces of land often have hundreds of owners, which makes it difficult for any one of the owners to use the land (i.e. for farming or building a home). By law, a majority of owners must agree to a particular use of land.

Indian Landowner
Any tribe or individual Indian who owns an interest in Indian land in trust or restricted status is a landowner.

Interest
When used with respect to Indian land, an interest is an ownership right to the surface estate of Indian land that is unlimited or uncertain in duration. This includes life estates.

Intestate
Leaving no legally valid will.

Joint Tenancy with the Right of Survivorship
If you own land with someone else as joint tenants with the right of survivorship, your right to the land lasts as long as you live. As each joint tenant dies, the surviving joint tenants get the share of the deceased joint tenant. Eventually, the last surviving joint tenant owns the entire interest in the land, and only that person can decide who gets the land after that remaining tenant dies. This is a means used to reduce fractionation, since all interests in the land are consolidated with each successive death of a tenant. However, it limits the ability to pass on an estate exclusively to the surviving tenant.

Land in Trust or Federal Trust Land
Indian-owned land, the title to which is held in trust and protected by the federal government. Indian people and tribes have use of the land, but ultimate control of the land remains with the federal government.

Land rights
Although we often speak of people "owning land", in an American legal context it is more correct to say that people have obtained rights to inhabit and use land. American jurisprudence has slowly evolved to consider property as not the physical object but as a "bundle of rights" composed as legal relationships such as the "right to sell" or "right to devise". Usually, these rights or legal relations have economic or sale value if they are allowed to be transferred.

Although native people may treat and use the land differently, the concept that people inhabit but do not own the land is also found in Native American culture. "Some of our chiefs make the claim that the land belongs to us. It is not what the Great Spirit told me. He told me that the land belongs to him, that no people owns the land…" (Kanekuk, Kickapoo Prophet)

In American law, the rights to inhabit and use land can be gained by conquest, decree, sale, lease, easement, escheat, patent, or by other agreement. The rights held by one individual may be conveyed to one or more other individuals. The rights to the surface of the earth may be held by different individuals than those who have the rights to the space above (super-surface) and the material below the surface (sub-surface) of the earth. Furthermore, the rights to the surface, subsurface, and super-surface may each be shared by many individuals.

Most rights are conveyed by a written instrument which evidences a transaction in which any interest in land is created, alienated, mortgaged, or assigned.

Life Estate
If you own a life estate in land, your right to the land lasts as long as you live, but you cannot decide who will get the land when you pass away.

Off-Reservation Trust Land
Off-reservation trust land is land outside the boundaries of reservations that is protected by the federal government for Indian use. For example, these pieces of land could be religious sites or pieces allotted to individuals out of the public domain.

Ownership in severalty
Rights to land that are owned by one individual.

Patents-in-Fee
The word "patent" means the title deed by which the federal government conveys or transfers land to people. "In fee" refers to the fee simple ownership in land. The term "patent-in-fee" describes the title document issued by the U.S. Federal Government to terminate the trust created by the trust patent issued to the allottee. The patent-in-fee operates to vest fee simple ownership in an allottee or their heirs.

Probate
Probate laws are legal rules by which property is transferred from a deceased property owner to his

or her heirs and/or beneficiaries. Under the General Allotment Act, a tribe's traditional rules of descent and property transfer were replaced by the probate laws of the territory or state in which the tribal member resided or where the property was located. This is still the case where an Indian landowner dies without having written a will or where there is no tribal probate code. The Office of Hearings and Appeals (OHA) is responsible for the probate of trust property owned by deceased Native Americans and examines federal law, federal regulations, tribal law, and state law to determine the heirs and/or beneficiaries, the validity of wills, and the validity of claims.

If an Indian dies after making out a legally valid will, then that document decides who the beneficiaries are (or who gets what during probate) once the OHA legally certifies the validity of that will.

If the deceased does not have a will, but the tribe has a probate code of its own, the property of the deceased is transferred to heirs according to that tribal probate code. (The Indian Law Consolidation Act of 1983 allowed any Indian tribe to adopt a tribal probate code to govern descent and distribution of trust or restricted lands within the tribe's reservation or lands subject to the jurisdiction of the tribe.) These codes are meant to reduce fractionation on Indian land, keep Indian land in Indian ownership, and maintain tribal sovereignty.

However, if the deceased does not have a legally valid will, and the individual does not belong to a tribe with a tribal probate code, then the administrative law judges of the Department of Interior will determine who are the beneficiaries and/or heirs of the deceased. The judge will apply the probate laws of the state in which the property is located. This usually means that the deceased Indian's trust land will fractionate among his or her heirs.

The process for probate is this: After the BIA is notified of a death, the Agency or Field Office compiles a "probate package" which consists of family information including family history, marriage, divorce, or death certificates, adoptions in or out of the family, will(s), and any other information necessary to administer the estate. OHA reviews and verifies the information and accomplishes the necessary follow-up work. This may include contacting heirs for additional documents such as birth certificates, divorce decrees, etc. After the file is ready, OHA schedules the case for hearing, sends out notices of hearing, and conducts one or more hearings to properly administer the estate.

At the hearing, the administrative law judge receives testimony on all relevant questions and issues to determine the nature and location of the deceased's trust property and identifies the heirs and beneficiaries. If the deceased wrote a will, the judge will either approve or disapprove the will. If there is not a will, the judge will determine the heirs and the estate will be divided among them based on the information submitted at the hearing.

If there are no claims or appeals against the estate, the estate is closed 60 days after the date of the final notice of decision. The agency has an additional 15-day period before they can begin the process of closing out the estate in their books. Thus, it takes at least 75 days for the agency to pay out the estate. However, due to the sometimes overwhelming backlog of probates on many reservations, the process may take much longer. After the estate is closed out, the BIA Probate Office then processes the paperwork to pay out and distribute the estate and forwards this to the local Office of Trust Funds Management (OTFM). OTFM will then forward the entire package to Albuquerque OTFM for encoding and payment.

Restricted Fee Lands

The ownership of these lands is the same as fee simple land except that there are specific government-imposed restrictions on use and/or disposition. The title of the land is held by the individual Indian or tribe but may only be alienated or encumbered by the owner with the approval of the Secretary of the Interior.

Remainder Interest

If you own a remainder interest in land, your right to the land begins when the person owning the life estate in the land dies. If an Indian has the remainder interest, the land stays in trust.

To prevent Indian lands from passing out of trust, non-Indian heirs will only receive a life estate in Indian lands. Because a non-Indian heir owns less than the full interest, a "remainder interest" is created, and this remainder interest must go to an Indian. If there are no such heirs, the remainder may be purchased by any Indian co-owner of the parcel. If no offer is made to purchase the parcel, the remainder interest passes to the tribe. The rules are applicable to both testate (with a will) and intestate (no will) Indian estates.

Tenancy in common

Tenancy in common is the most common form of ownership of rights held in trust for Native Americans. Tenants in common have unity of possession,

which means that every owner has an equal right with their co-owners to the land as long as they live. A tenant in common has an undivided interest in the whole property as if they were the sole owner, and can transfer their interest by gift, sale or will. A tenant in common can also decide who will own their interest when they pass away.

Testamentary Disposition
Property bequeathed or set out in a will.

Testate
Having made a legally valid will. Testate succession is the transfer of property according to a legally valid will.

Tribally-Owned Land
Land that is owned by a group of Indians recognized by the federal government as an Indian tribe.

Trust Patents
Individual Indian allottees were issued documents called “trust patents” to verify that their land was held in trust by the government.

Trust-to-Fee Conversion
The conversion of lands held in trust by the U.S. Government to fee simple status. With the passage of the Burke Act in 1906, Indian lands held in trust were converted to fee status if the Secretary of the Interior determined that the Indian landowner was competent. Today, trust lands can be converted to fee status in 30 days. Only individual Indian landowners can request a trust-to-fee conversion.

Undivided Interest
A share of the ownership interest in a parcel of trust land is referred to as an undivided interest. The number of interests grows with the division among heirs of these interests according to state or tribal probate laws. The income derived from the parcel is divided according to the percentage of the total interest held by an individual.

Usufruct
The legal right to use or profit from another’s property.

THEMATIC MAPS OF PINE RIDGE

"If I agree to dispose of any part of our land to the white people I would feel guilty of taking food away from our children's mouths, and I do not wish to be that mean.

- Sitting Bull

"The fire of hope almost went out; we have to rekindle it,"

- Red Cloud

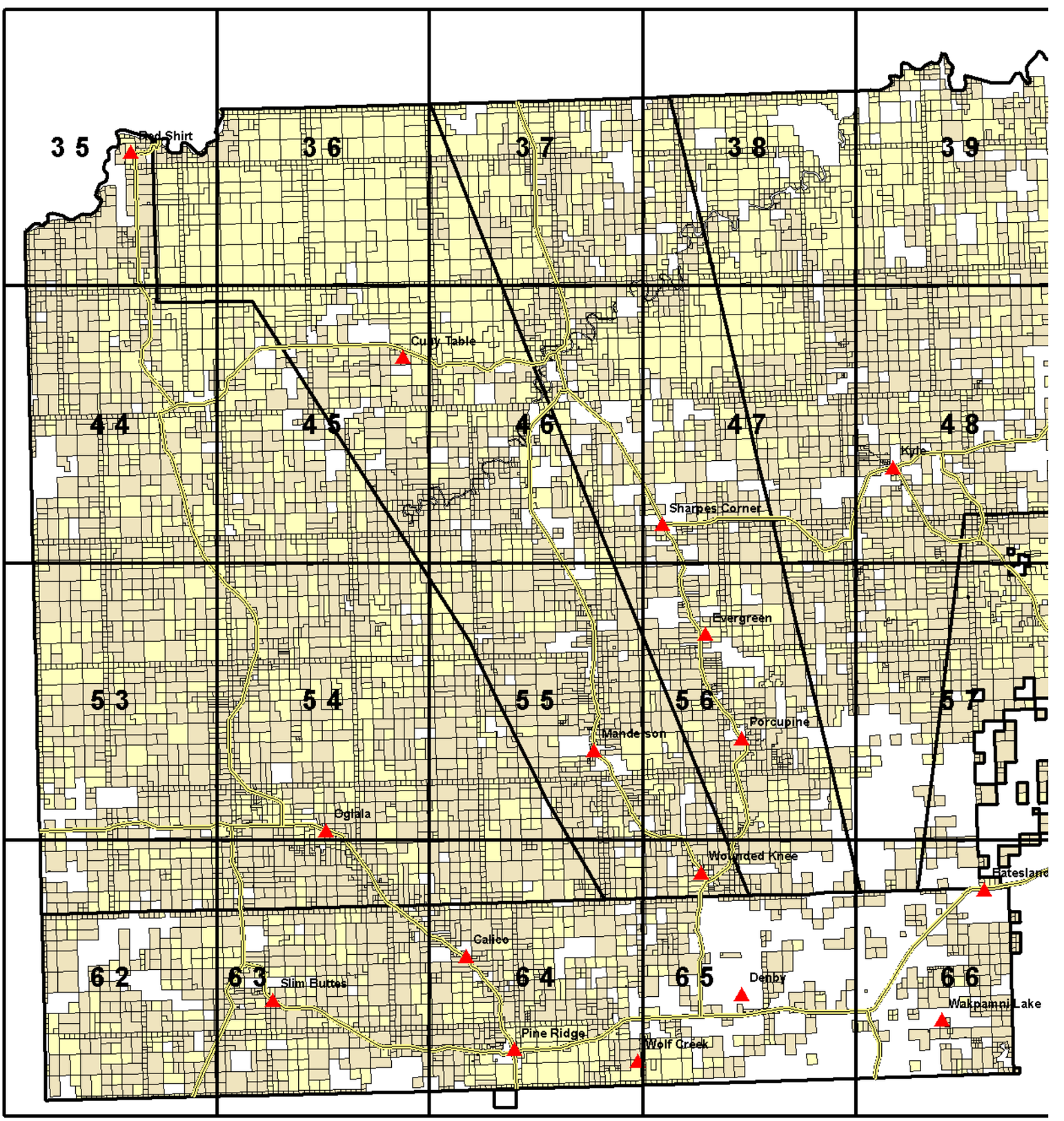
"The colonial world is a world divided into compartments Yet, if we examine closely this system of compartments, we will at least be able to reveal the lines of force it implies. This approach to the colonial world, its ordering and its geographical layout will allow us to mark out the lines on which a decolonized society will be organized."

- Frantz Fanon

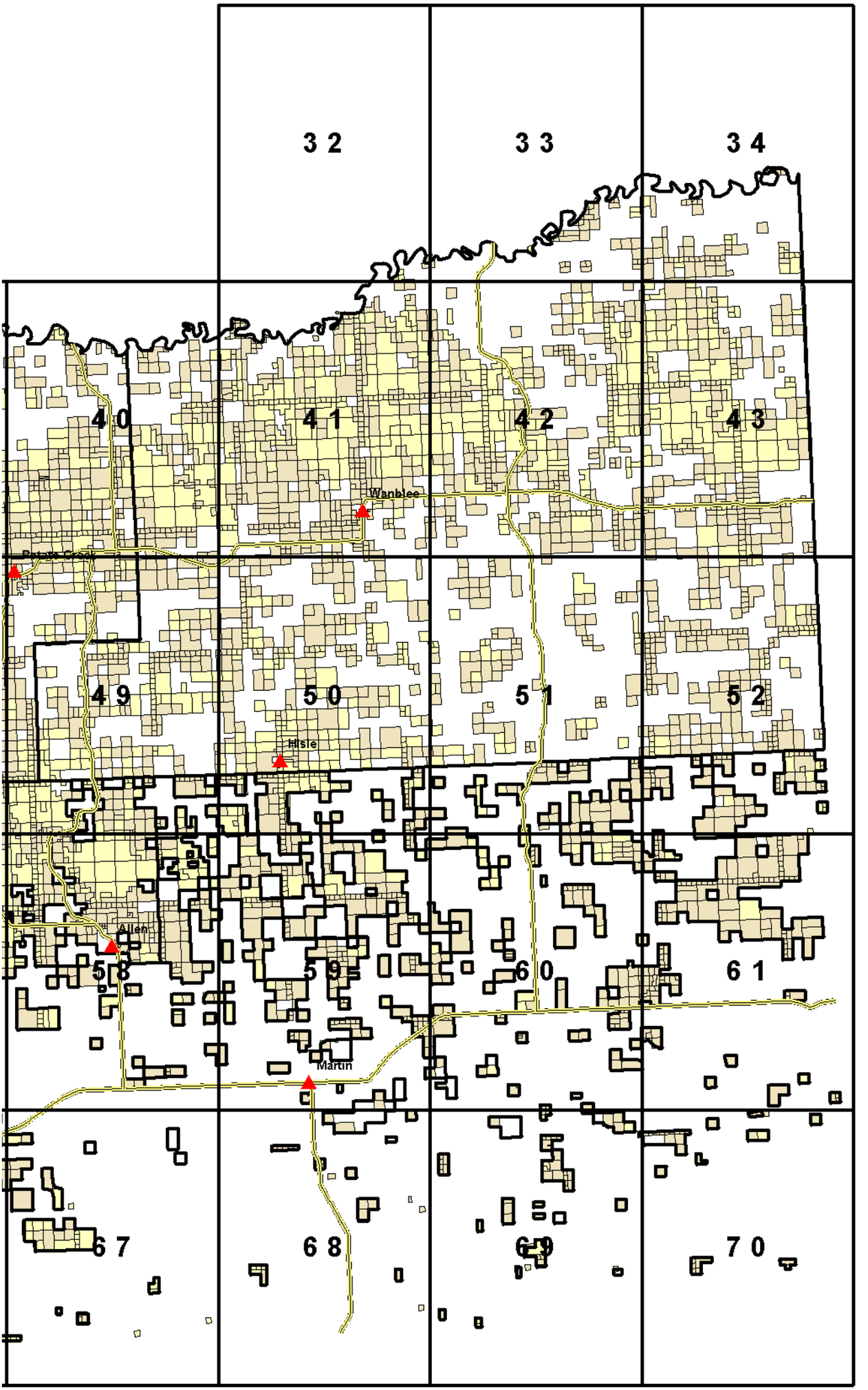
"[The] slow and often bitterly disputed recovery of geographical territory which is at the heart of decolonisation is preceded--as empire had been--by the charting of cultural territory"

- Edward Said

PINE RIDGE RESERVATION

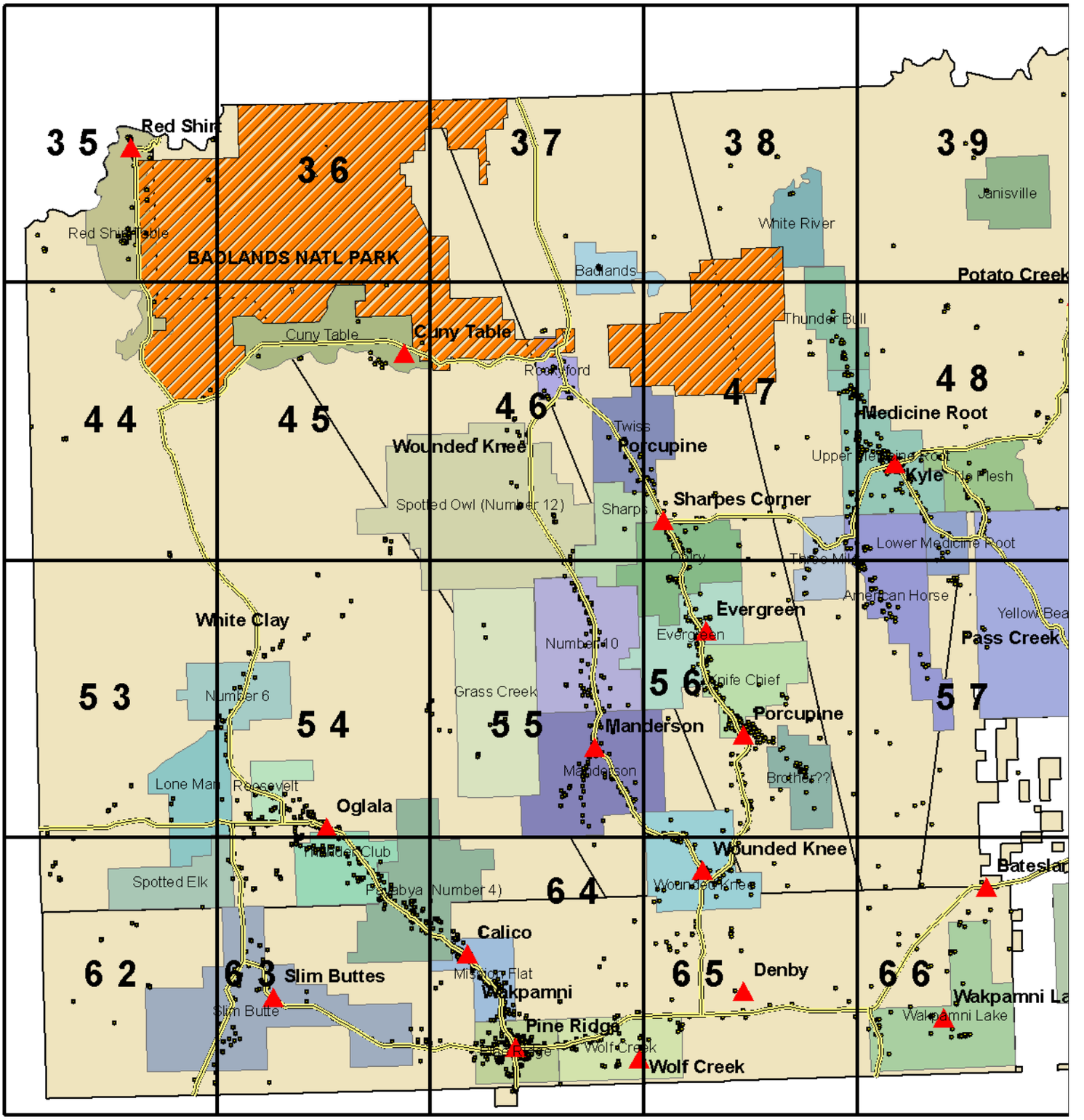


LAND CLASSIFICATIONS

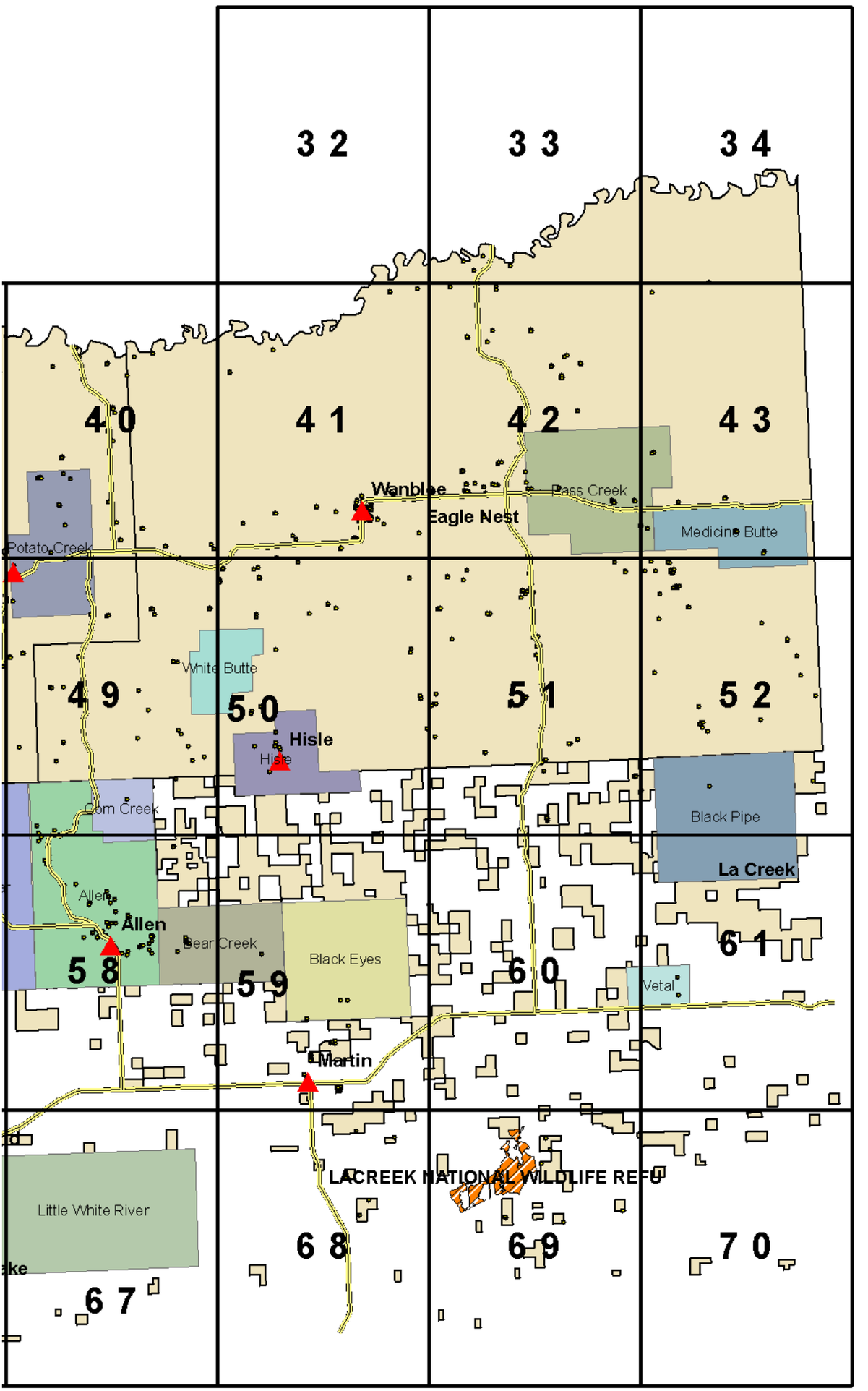


PINE RIDGE RESERVATION

Below is a map of the approximate locations of the original Tiyospaye communities on the reservation. After the establishment of the reservation system the different tiyospayes settled along the creeks, which flowed off the White River. Leadership responsibilities within the tiyospaye were centered in a camp council composed of band chiefs, headmen, war leaders, active warriors, and holy men (Price 1991). Each council recognized one or more tiyospaye chiefs who were usually people with good reputation within their tiyospaye. In addition to the chiefs, each family appointed a senior male to participate in the camp council. All tiyospaye leaders were bound by obligations of mutual aid and respect and were subject to strict sanctions for violation of these Lakota values (Cornell and Kalt 1992; Price 1991). The different tiyospayes were distributed in this way until the early 1960's, when, despite great opposition, HUD and the Tribal government at the time built housing clusters across the reservation. The housing clusters had the negative effect of breaking apart the tiyospaye communities bound by close familial connections and placed individual families in clusters with other families to with whom they shared no connection.

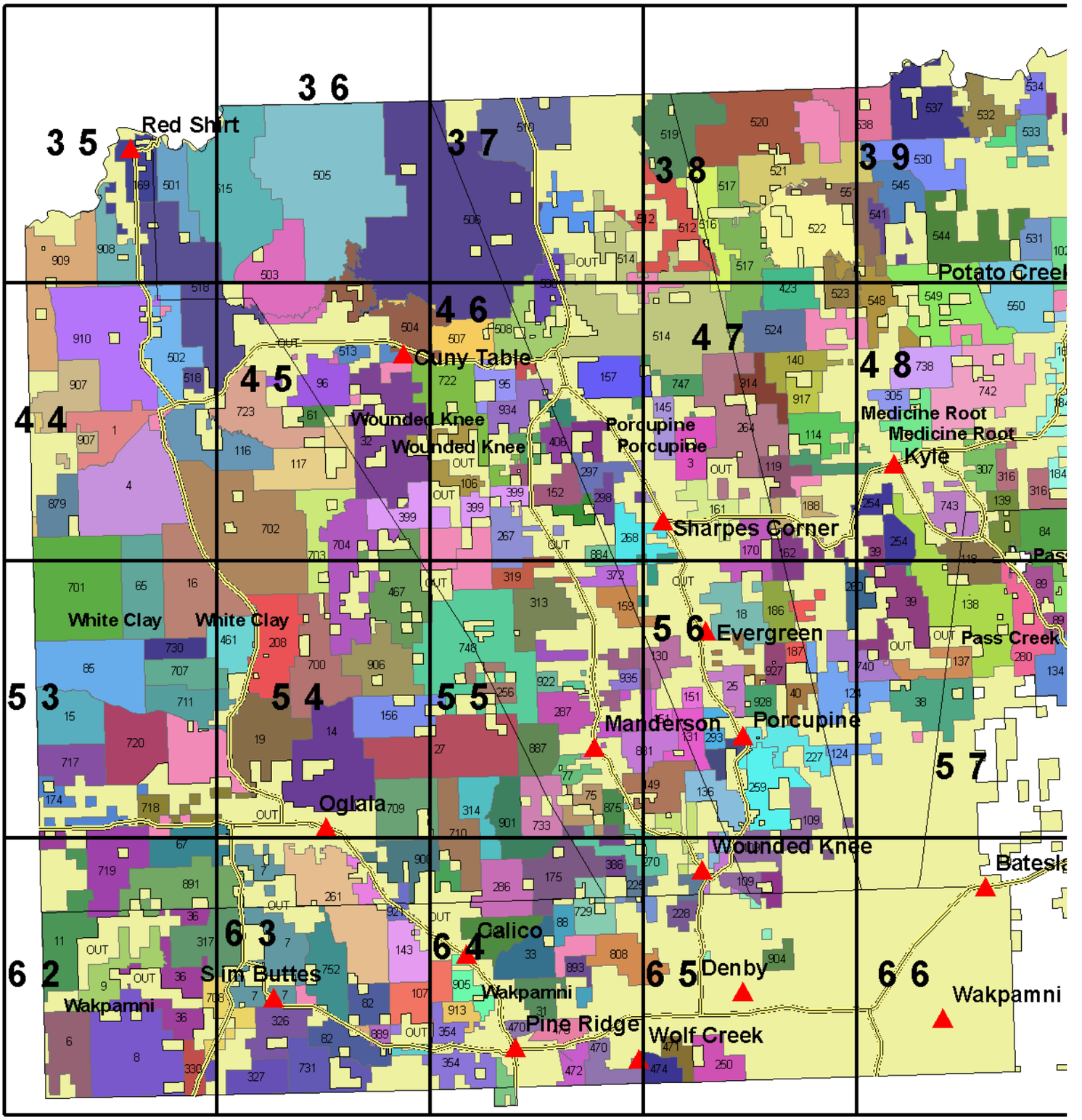


TIYOSPAYE COMMUNITY MAP

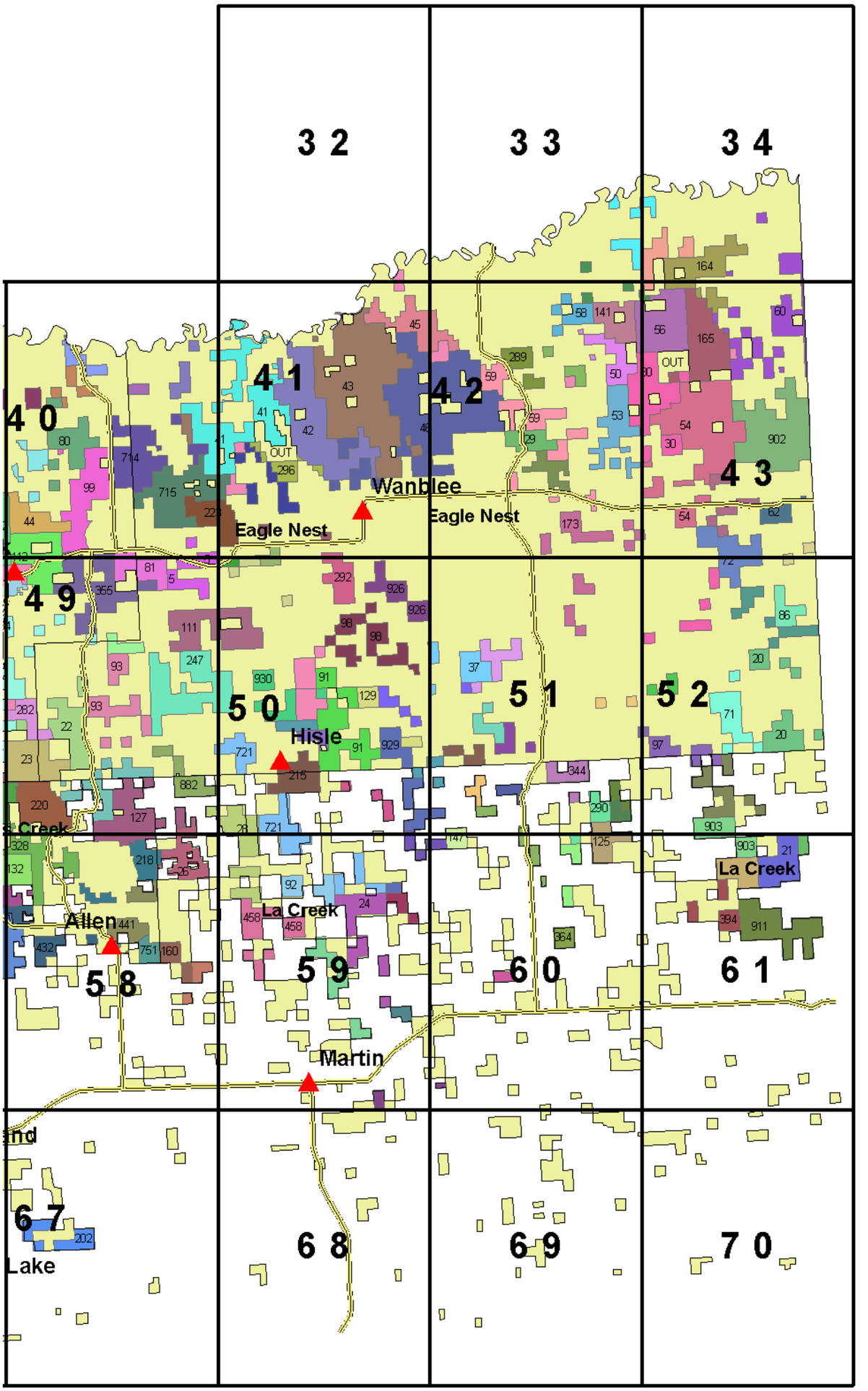


PINE RIDGE RESERVATION

According to the Federal Bureau of Indian Affairs (BIA) "Range Units" are consolidated tracts of Indian range-lands that BIA creates after consultation with the Indian landowners. 25 C.F.R. §§ 166.4, 166.302. BIA grants permits for range units, unless they consist solely of tribal lands, in which case the tribe grants the permit but BIA must approve it.



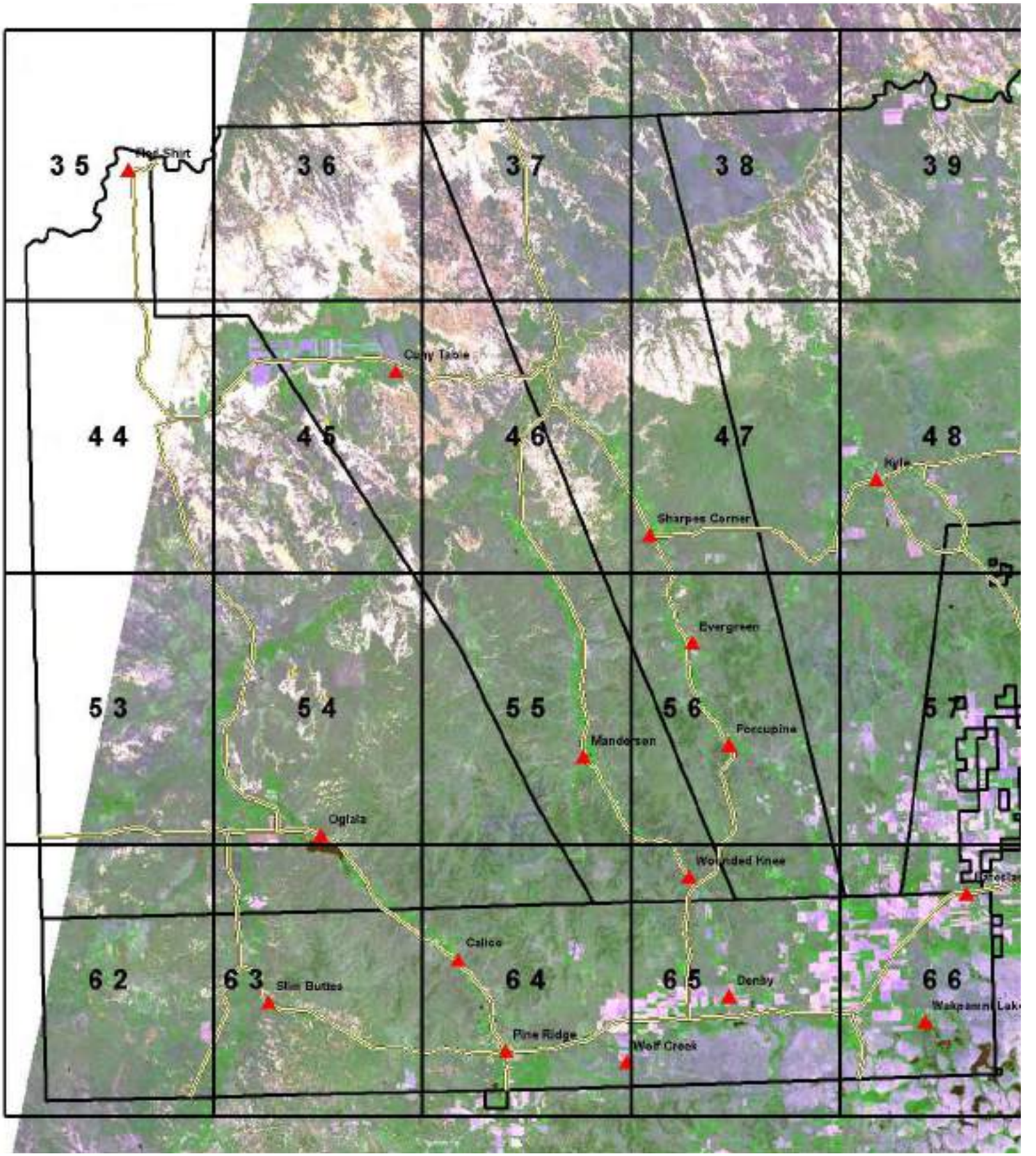
RANGE UNIT MAP

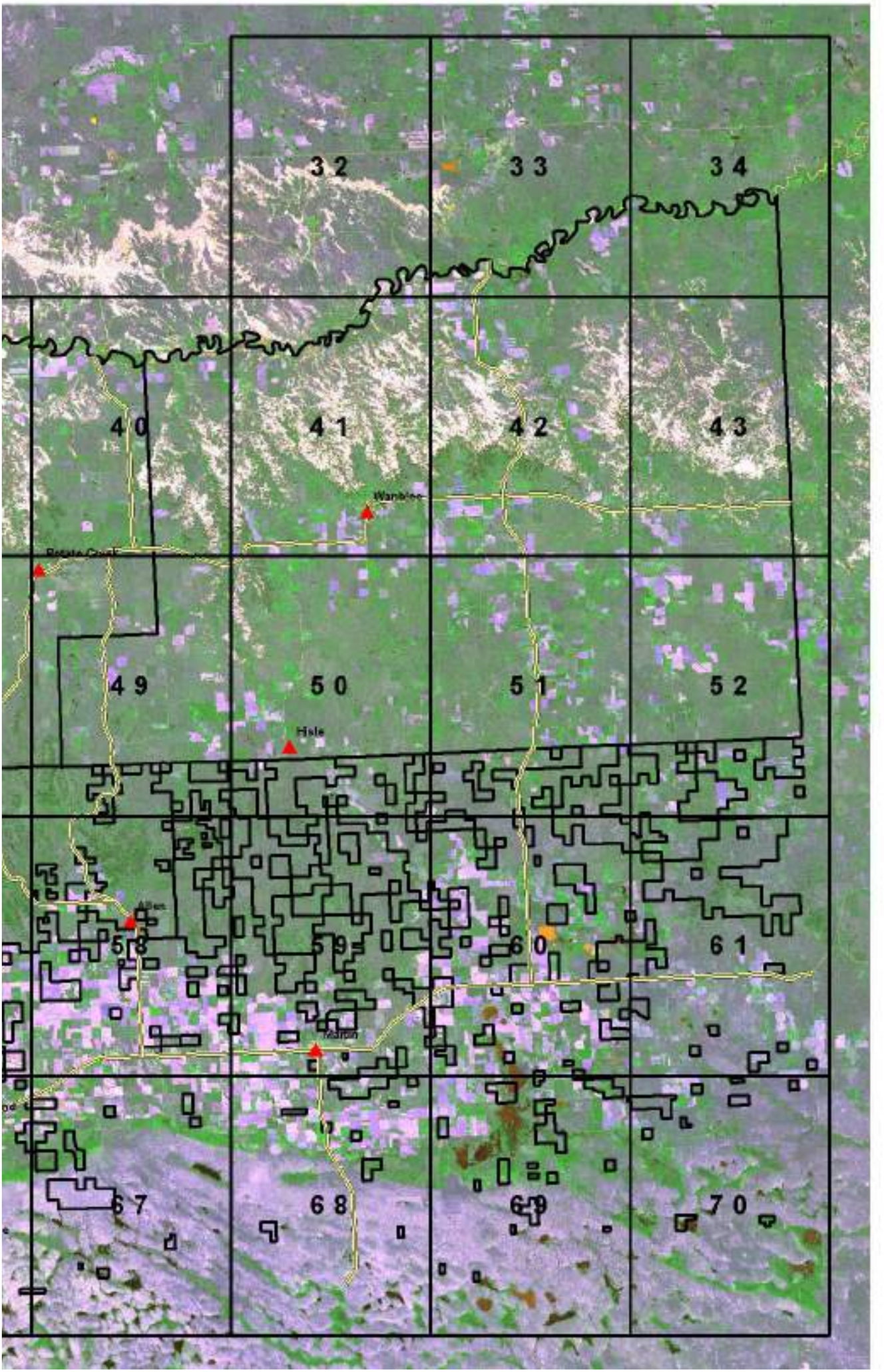


LAND USE ON THE PINE RIDGE RESERVATION

This map uses a satelite image from 2001 that illustrates different land types and land use patterns across the reservation. Below are some basic descriptions of what each color represents.

White = Hard compacted soil
Pink = Light vegetation with soil exposed
Purple = Very light vegetation
Light Green = Lush vegetation or agricultural crops

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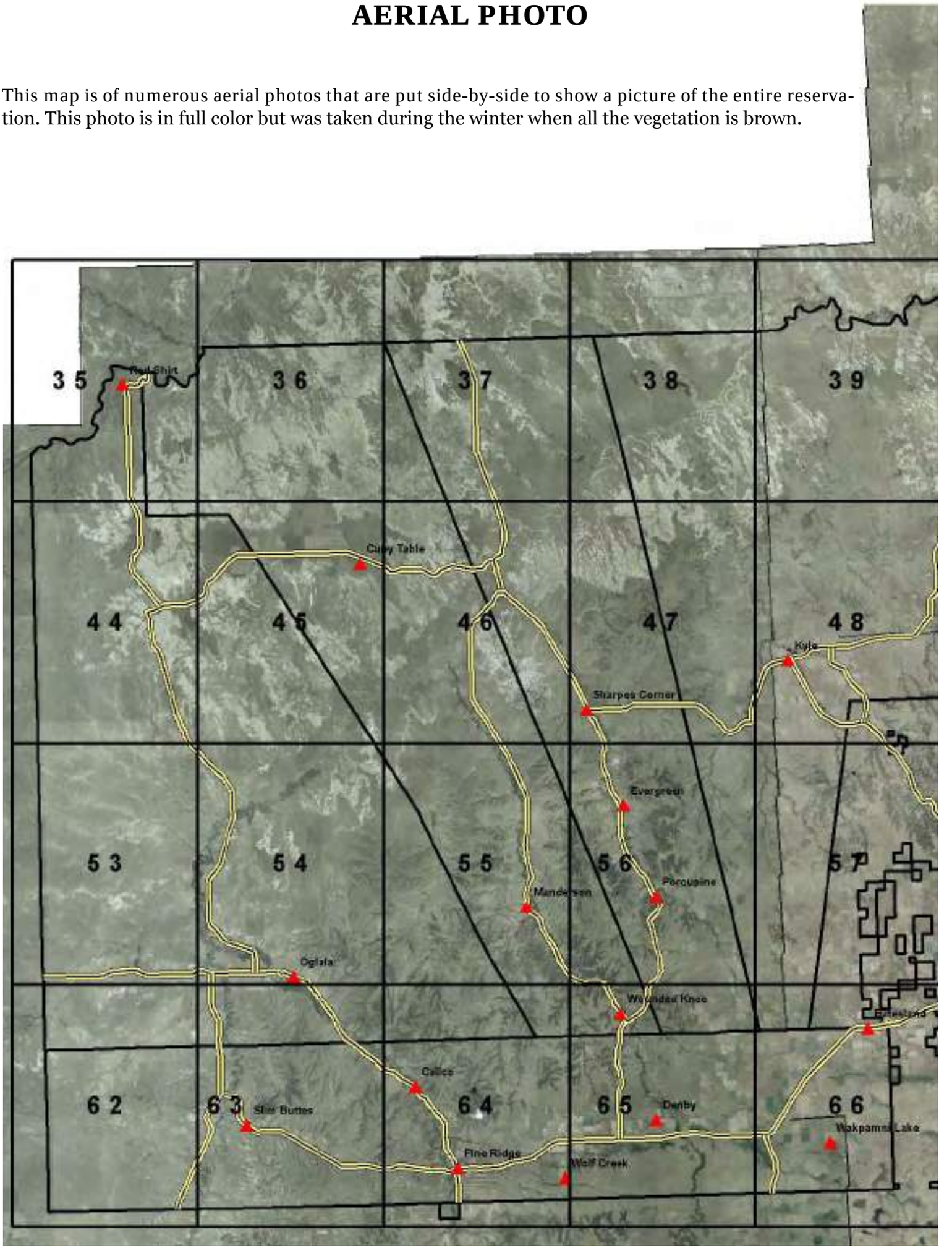
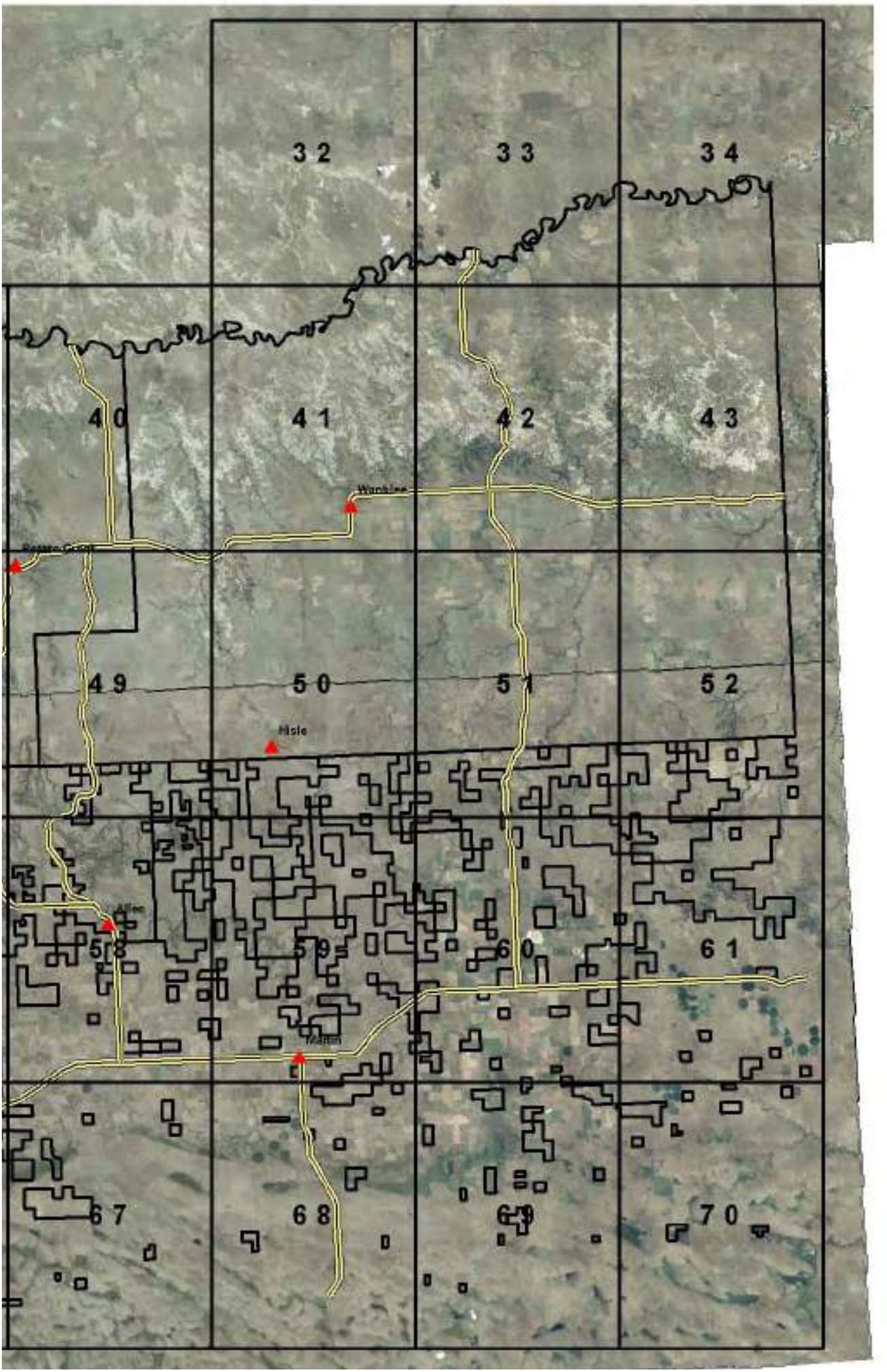
PINE RIDGE RESERVATION
AERIAL PHOTO

This map is of numerous aerial photos that are put side-by-side to show a picture of the entire reservation. This photo is in full color but was taken during the winter when all the vegetation is brown.

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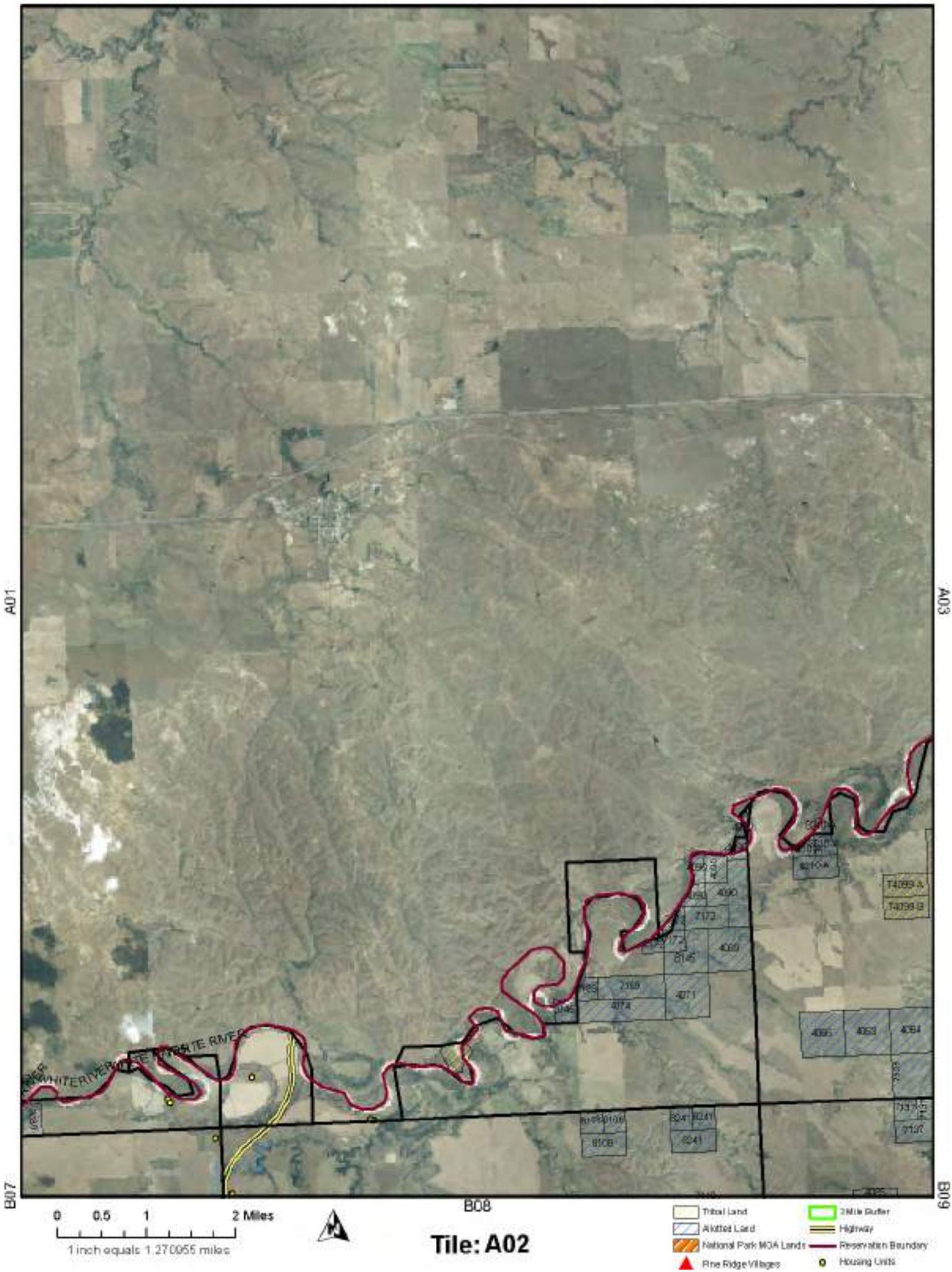
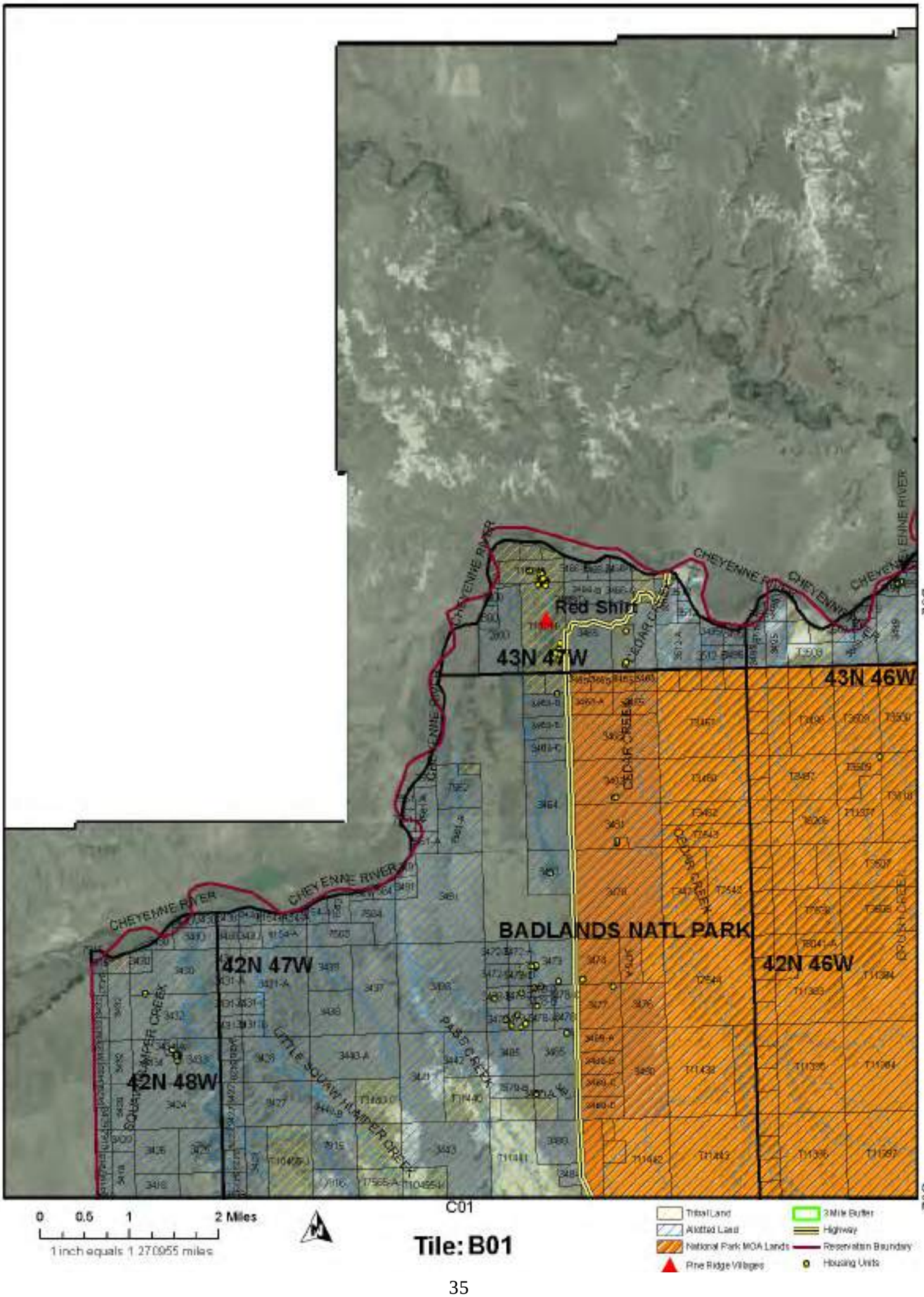
MAP BOOK TILES

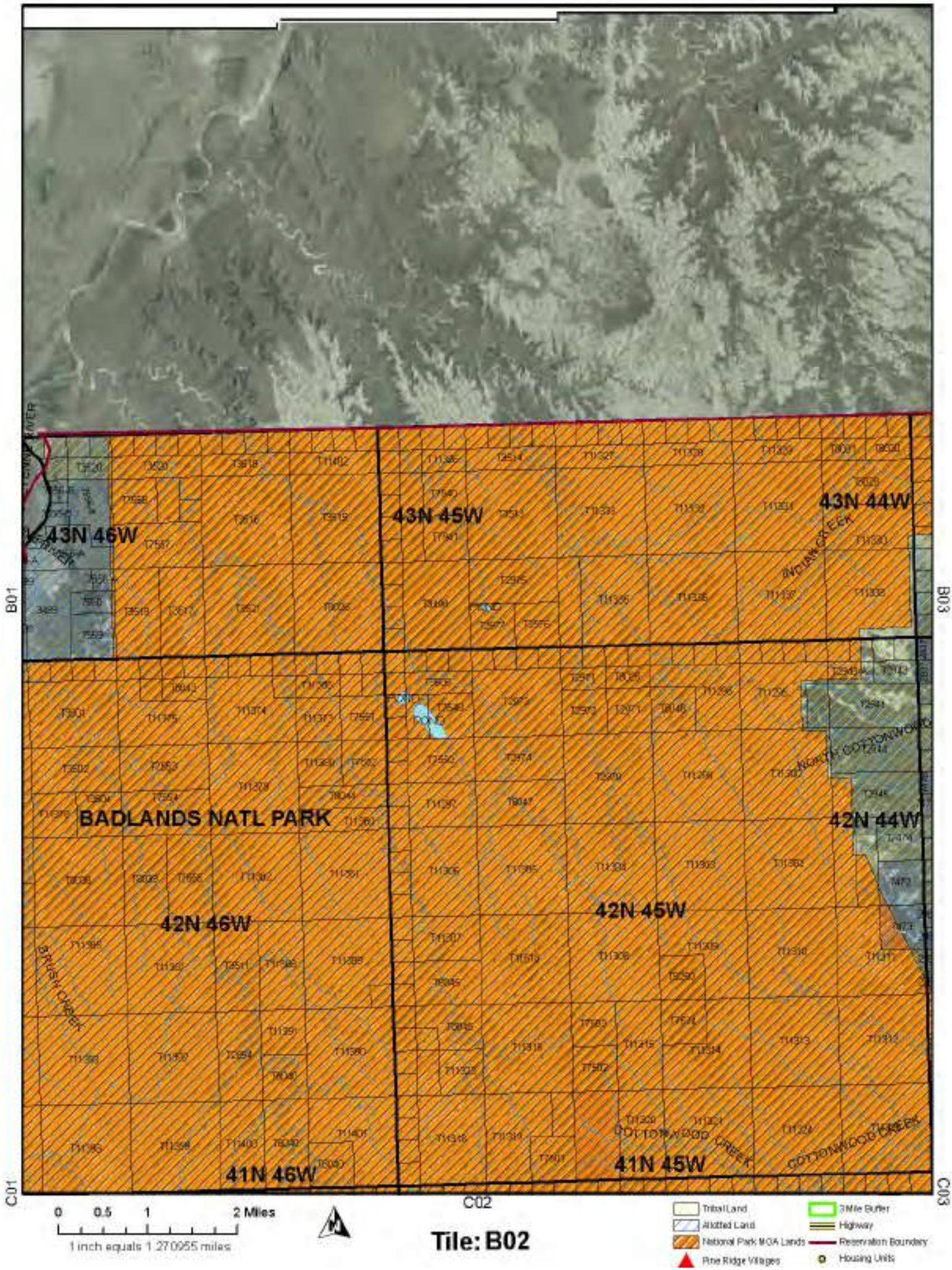
MAP BOOK TILES

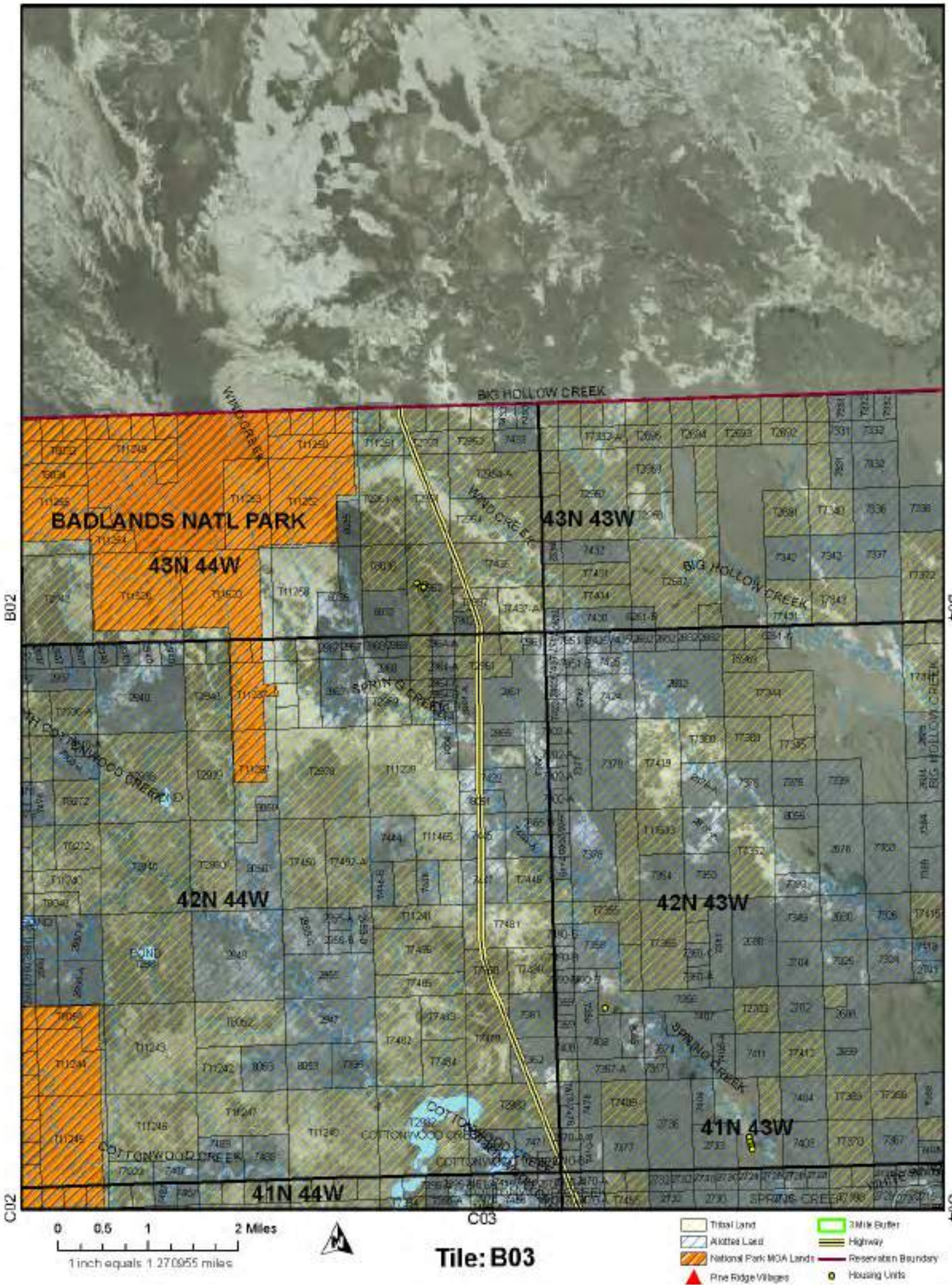
A02
B06
B07
B08
WHITE RIVER
WHITE RIVER
WHITE RIVER


A01
A03
B07
B08
B09
WHITE RIVER
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: A02
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

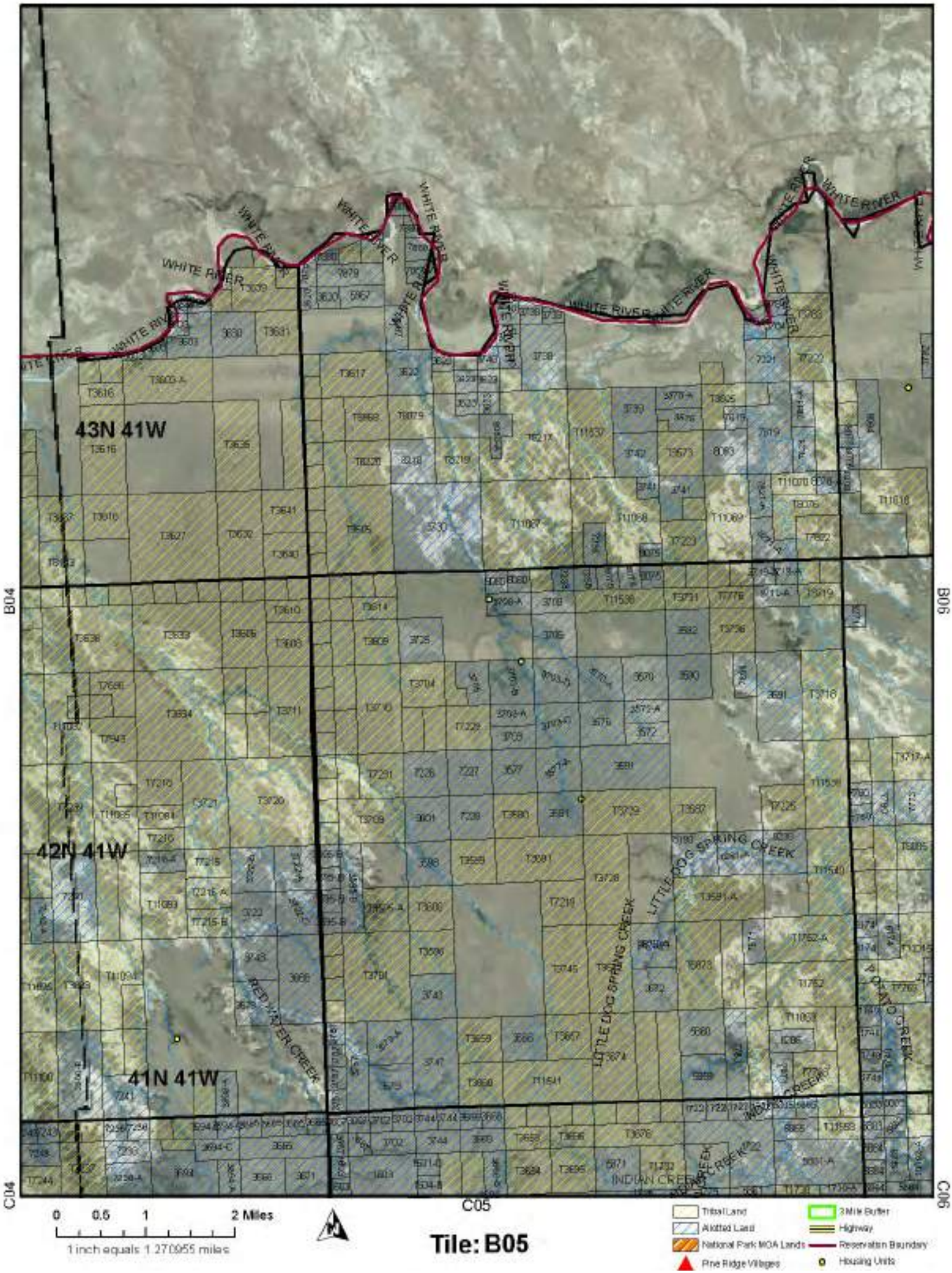
A02
B08
B09
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: A03
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
2 Mile Buffer
Highway
Reservation Boundary
Housing Units

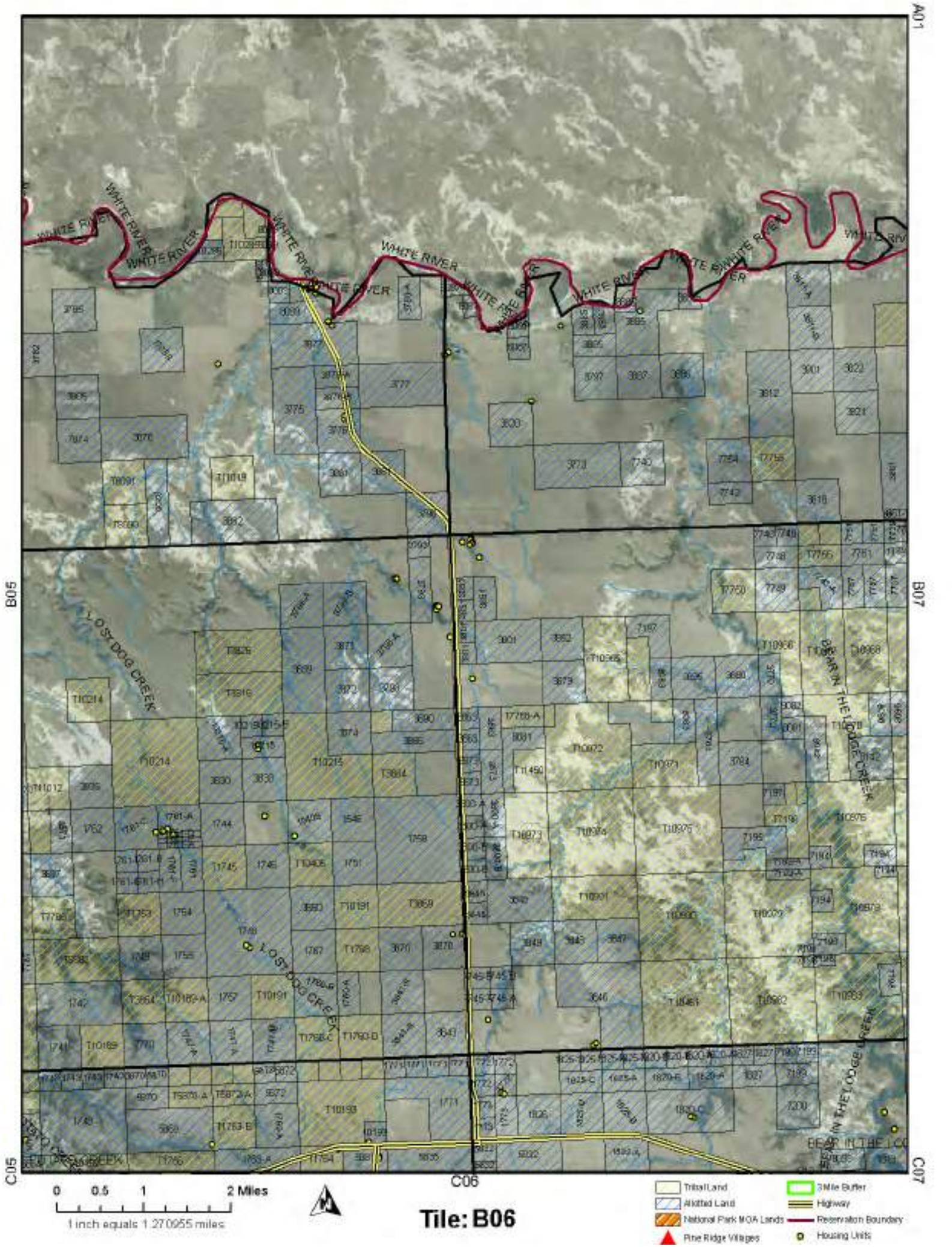

Red Shirt
43N 47W
43N 46W
42N 47W
42N 46W
42N 48W
BADLANDS NATL PARK
CHEYENNE RIVER
CEDAR CREEK
SQUAW HUMPER CREEK
LITTLE SQUAW HUMPER CREEK
ROCK CREEK
B02
C01
C02
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: B01
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
2 Mile Buffer
Highway
Reservation Boundary
Housing Units


43N 46W
43N 45W
43N 44W
42N 46W
42N 45W
42N 44W
41N 46W
41N 45W
BADLANDS NATL PARK
BRUSH CREEK
WHITE RIVER
INDIAN CREEK
NORTH COTTONWOOD CREEK
COTTONWOOD CREEK
B01
B03
C01
C02
C03
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: B02
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


BIG HOLLOW CREEK
BADLANDS NATL PARK
43N 44W
43N 43W
42N 44W
42N 43W
41N 44W
41N 43W
B02
B04
C02
C03
C04
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: B03
Tribal Land
Allottee Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

GAIN CREEK
43N 42W
43N 41W
43N 43W
42N 43W
42N 42W
42N 41W
41N 43W
41N 42W
41N 41W
BADLANDS NATL PARK
WHITE RIVER
CAIN CREEK
CLIFFORD CREEK
WIND CREEK
PALMER CREEK
MEDICINE ROOT CREEK
B03
B05
C03
C04
C05
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: B04
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


43N 41W
42N 41W
41N 41W
WHITE RIVER
WHITE RIVER
WHITE RIVER


A01
B05
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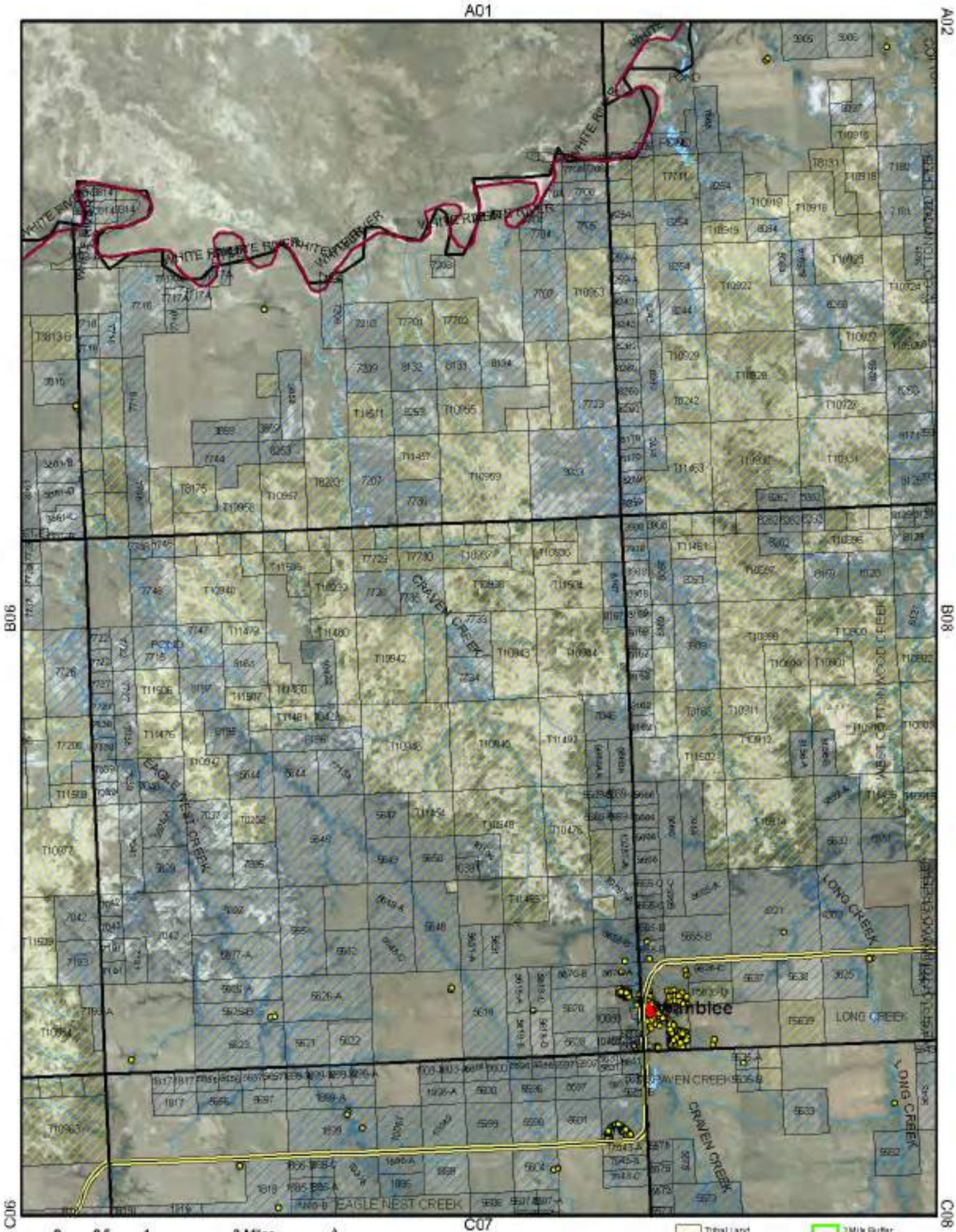
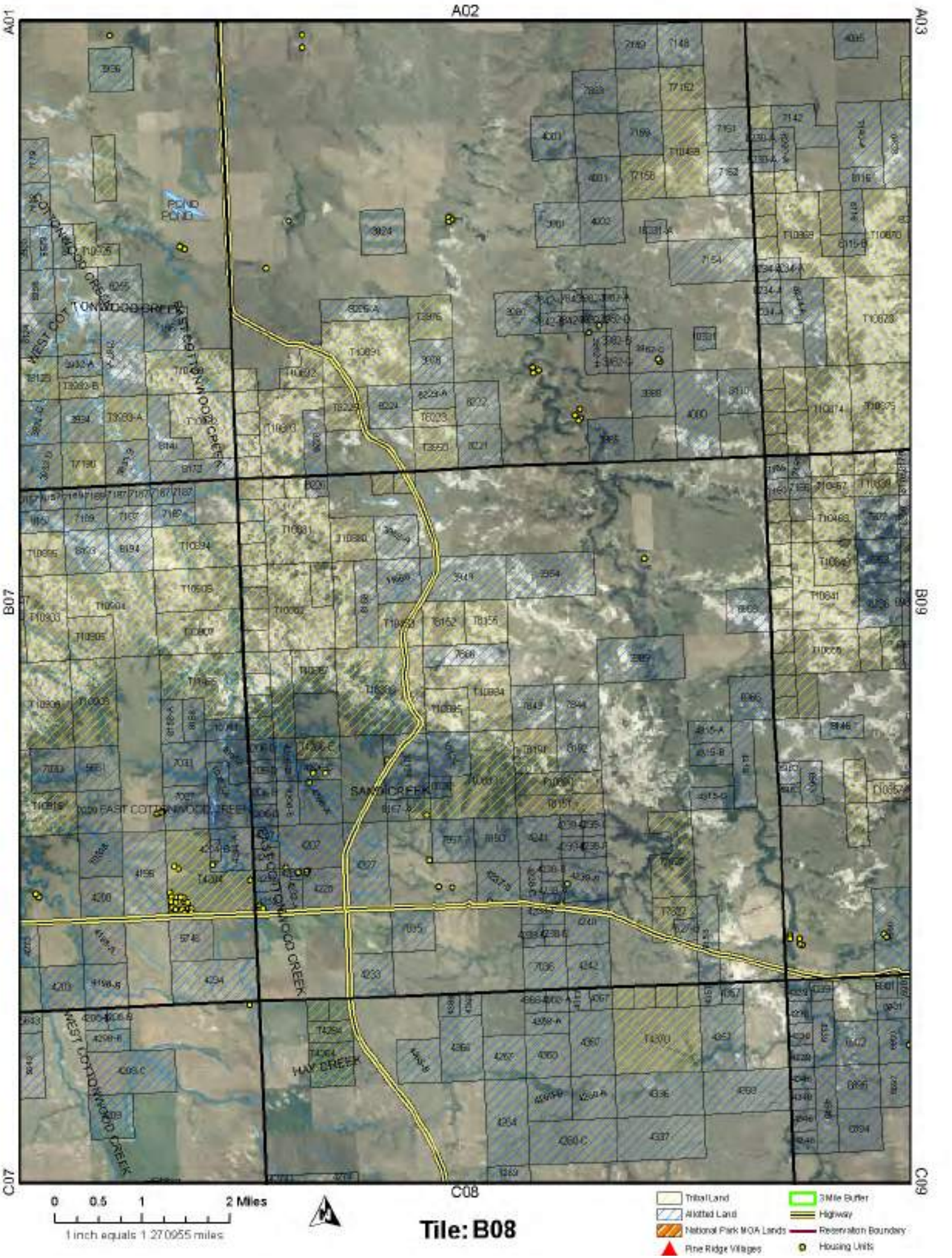
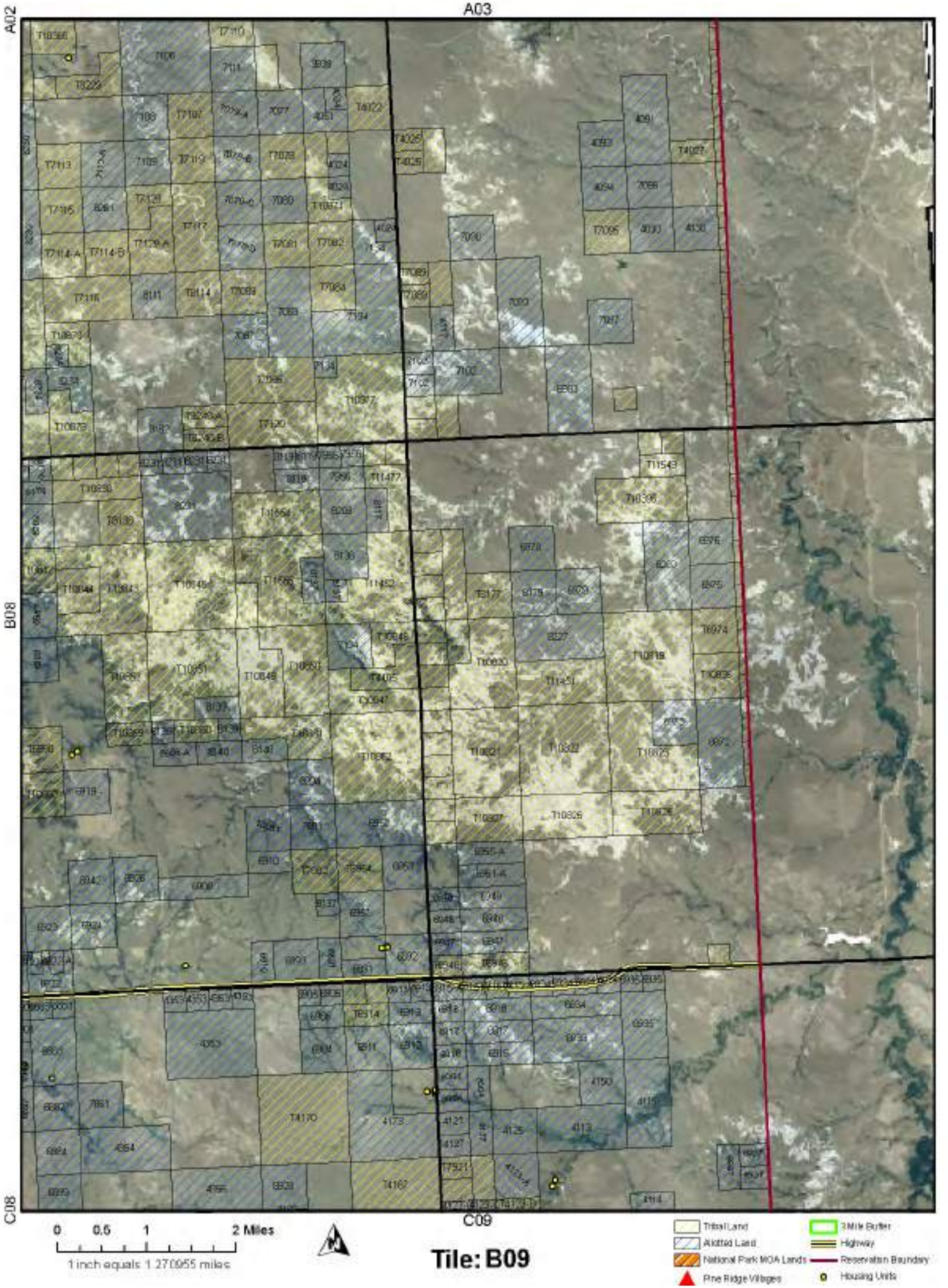
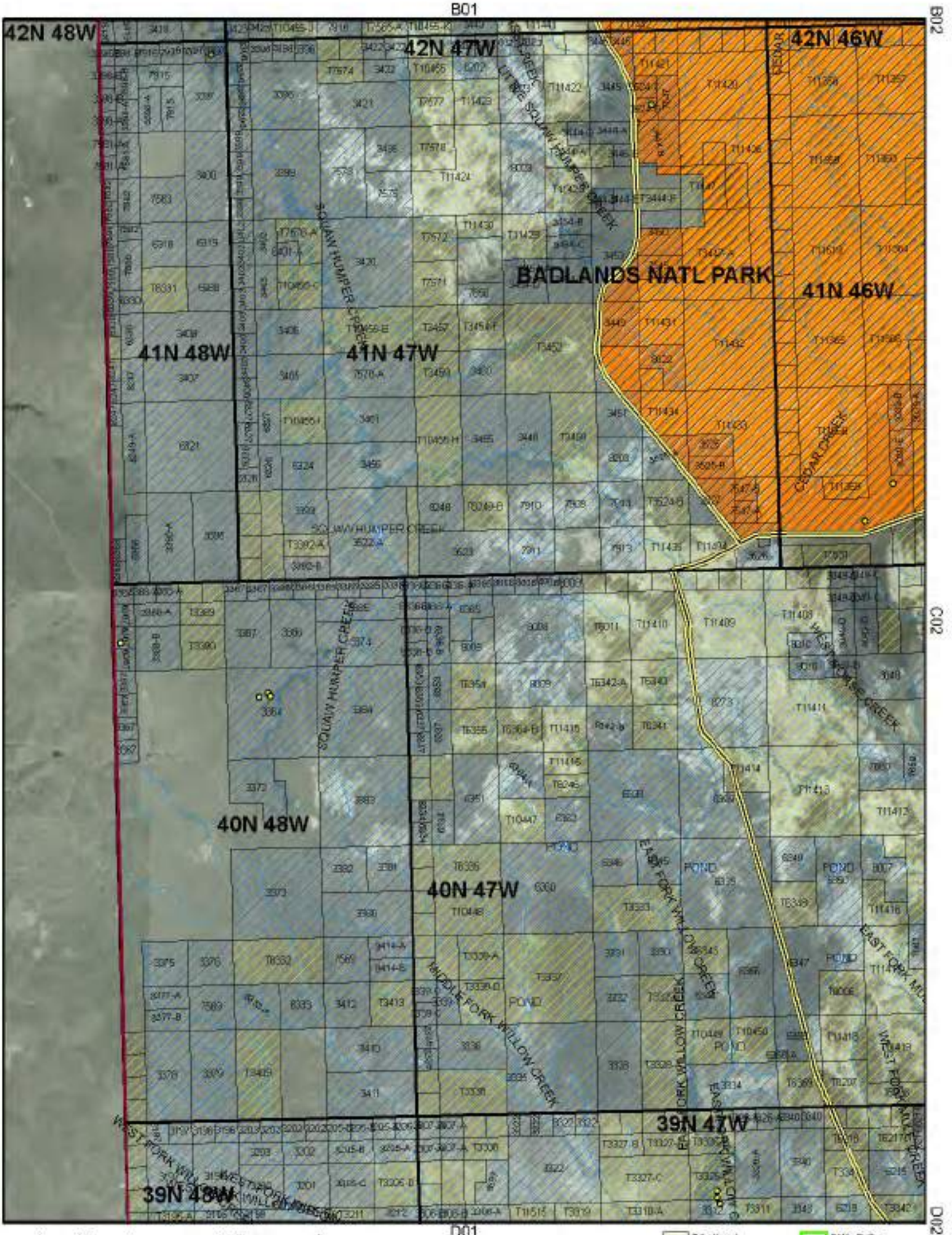
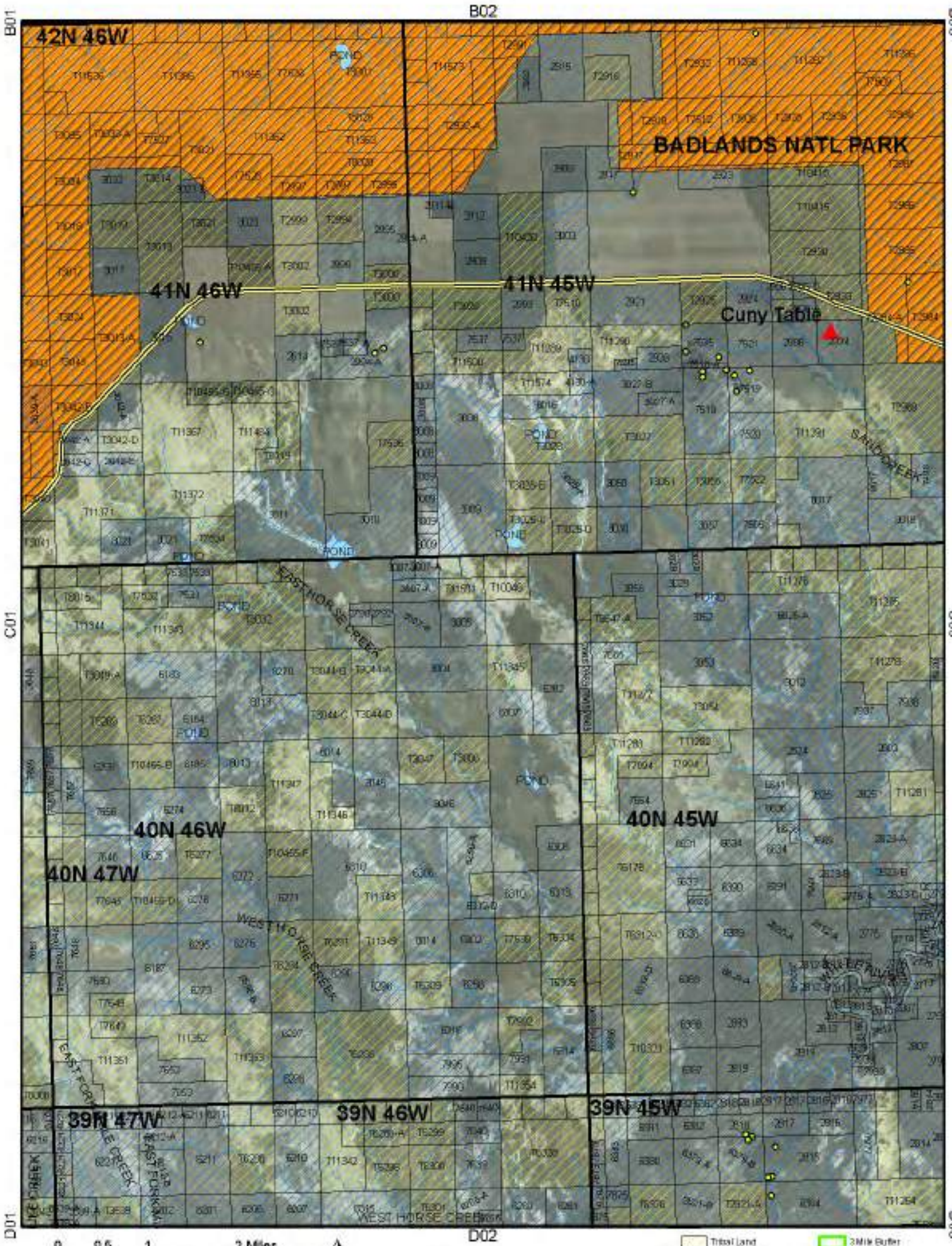
WHITE RIVER
LOST DOG CREEK
BEAR IN THE LODGE CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: B06
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

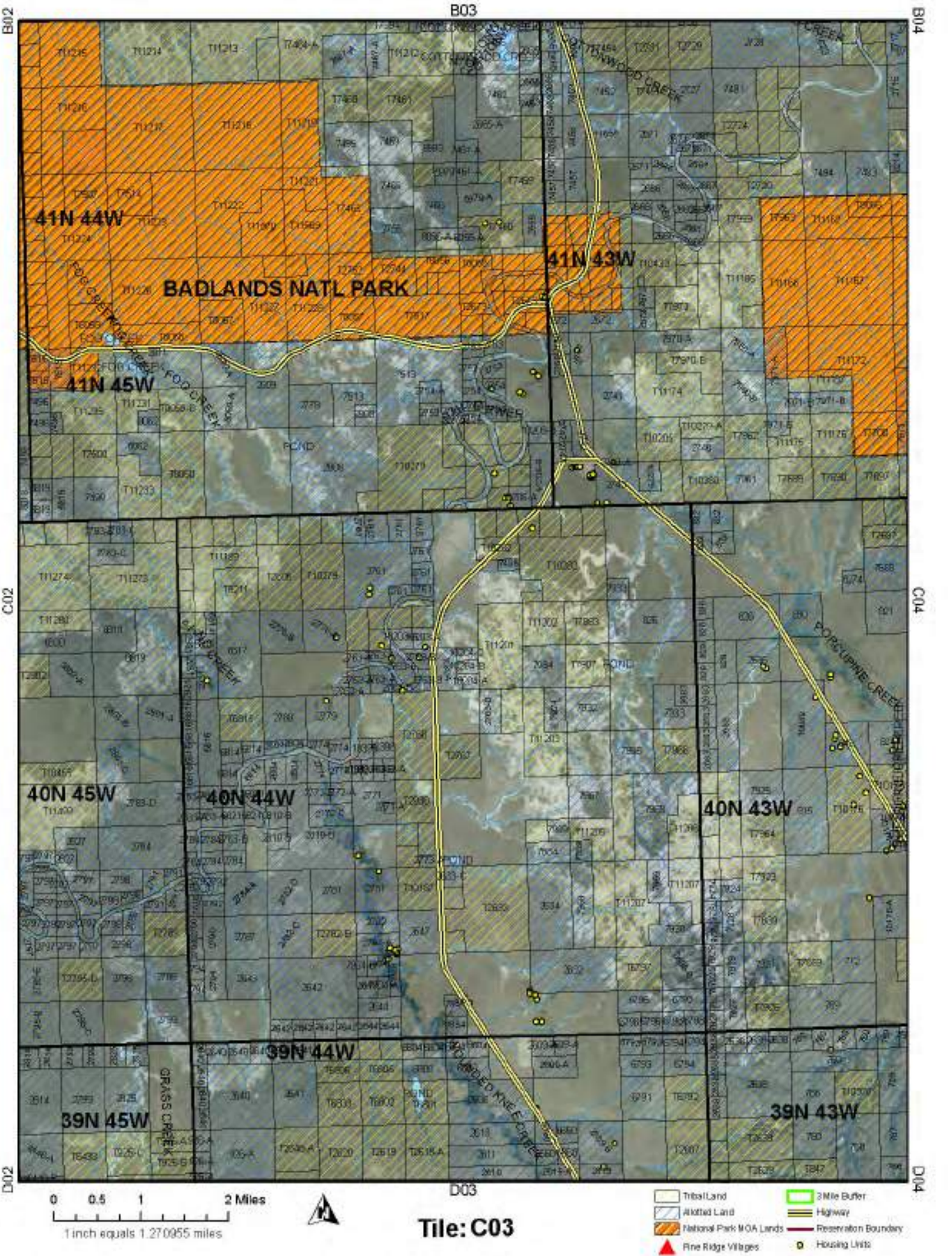

A01
A02
B06
B08
C06
C07
C08
WHITE RIVER
CRAVEN CREEK
EAGLE NEST CREEK
LONG CREEK
Wamblee
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: B07
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

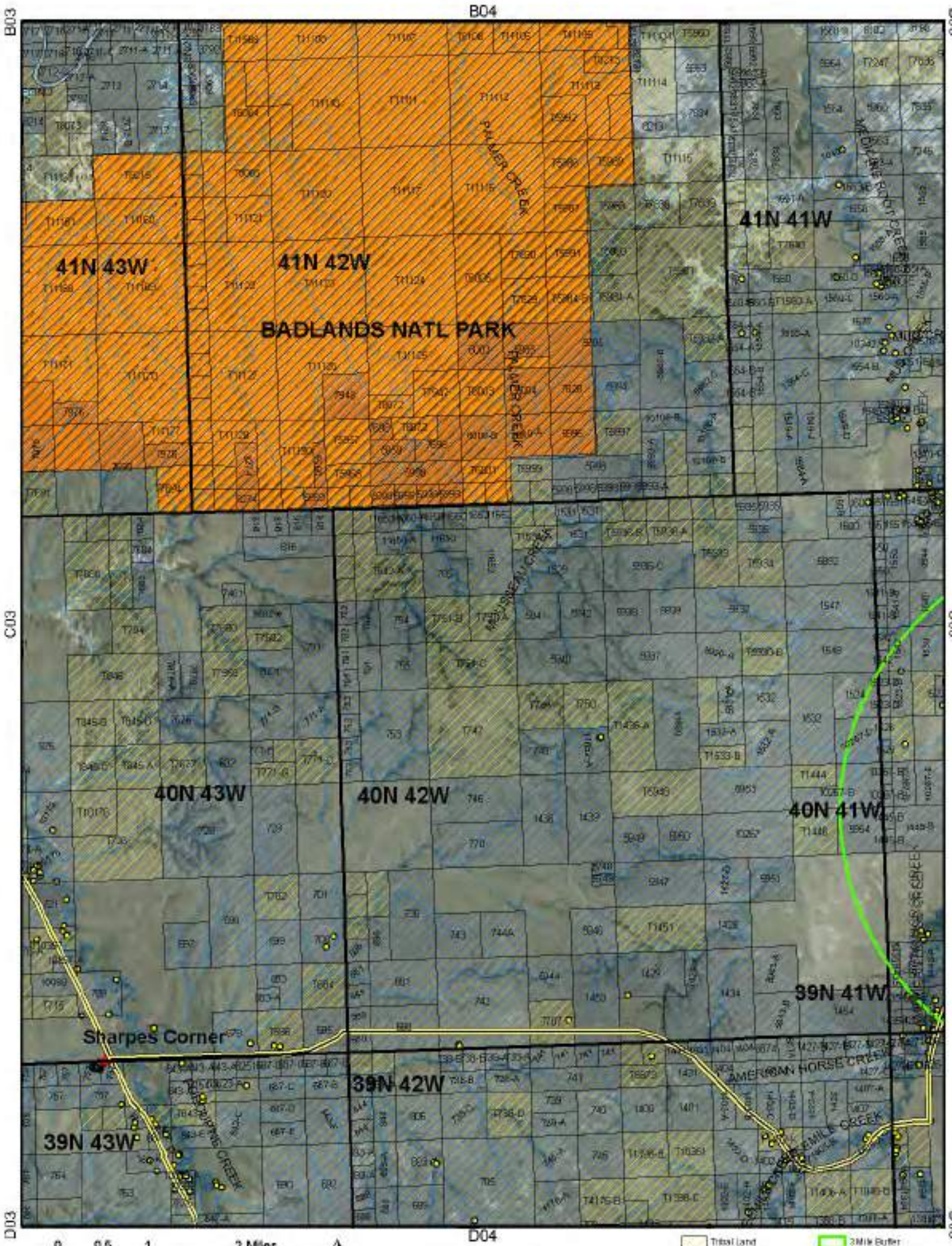

A01
A02
A03
B07
B09
C07
C08
C09
POND
POND
WEST COTTONWOOD CREEK
EAST COTTONWOOD CREEK
SAND CREEK
HAY CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: B08
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

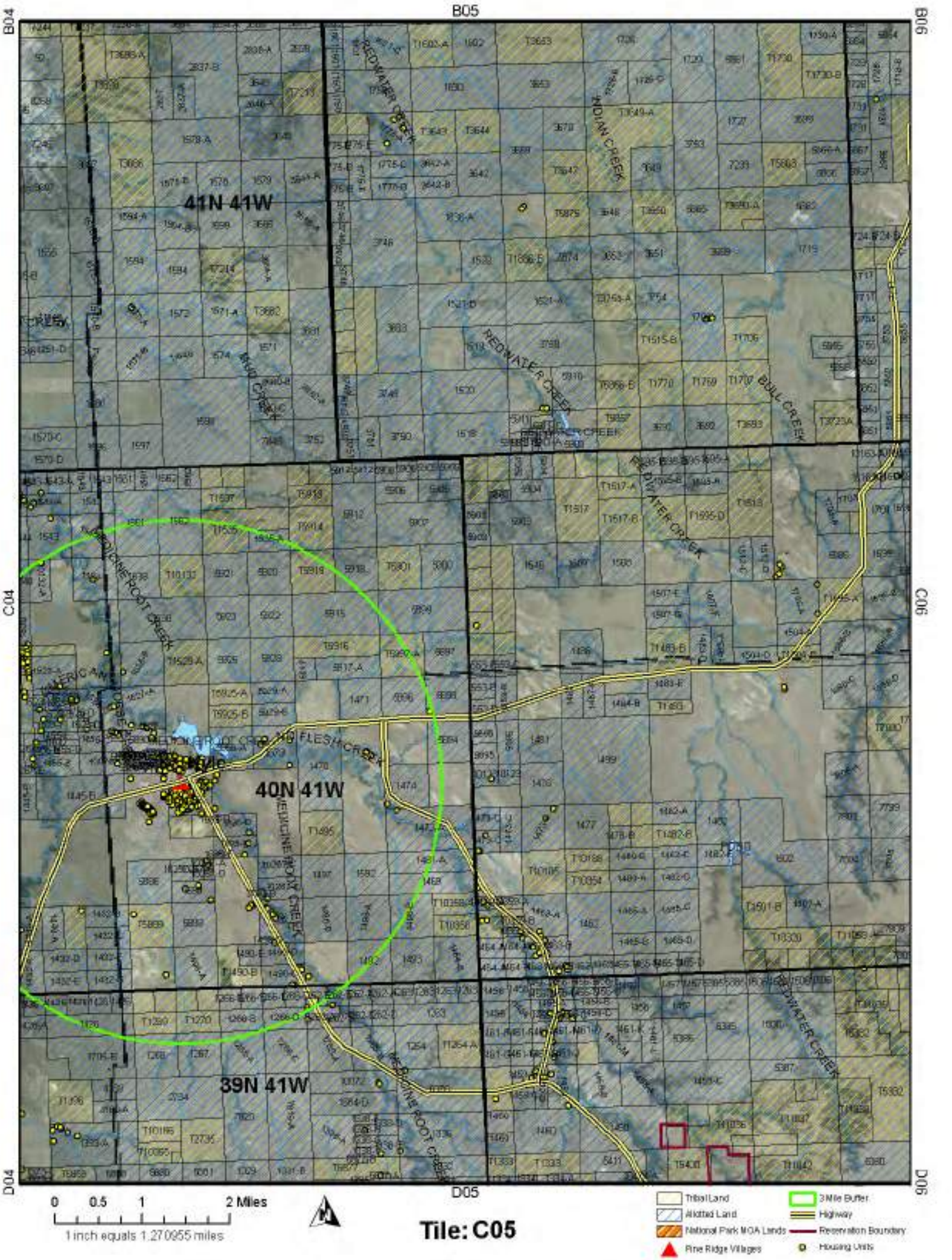

A02
A03
B08
C08
C09
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: B09
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

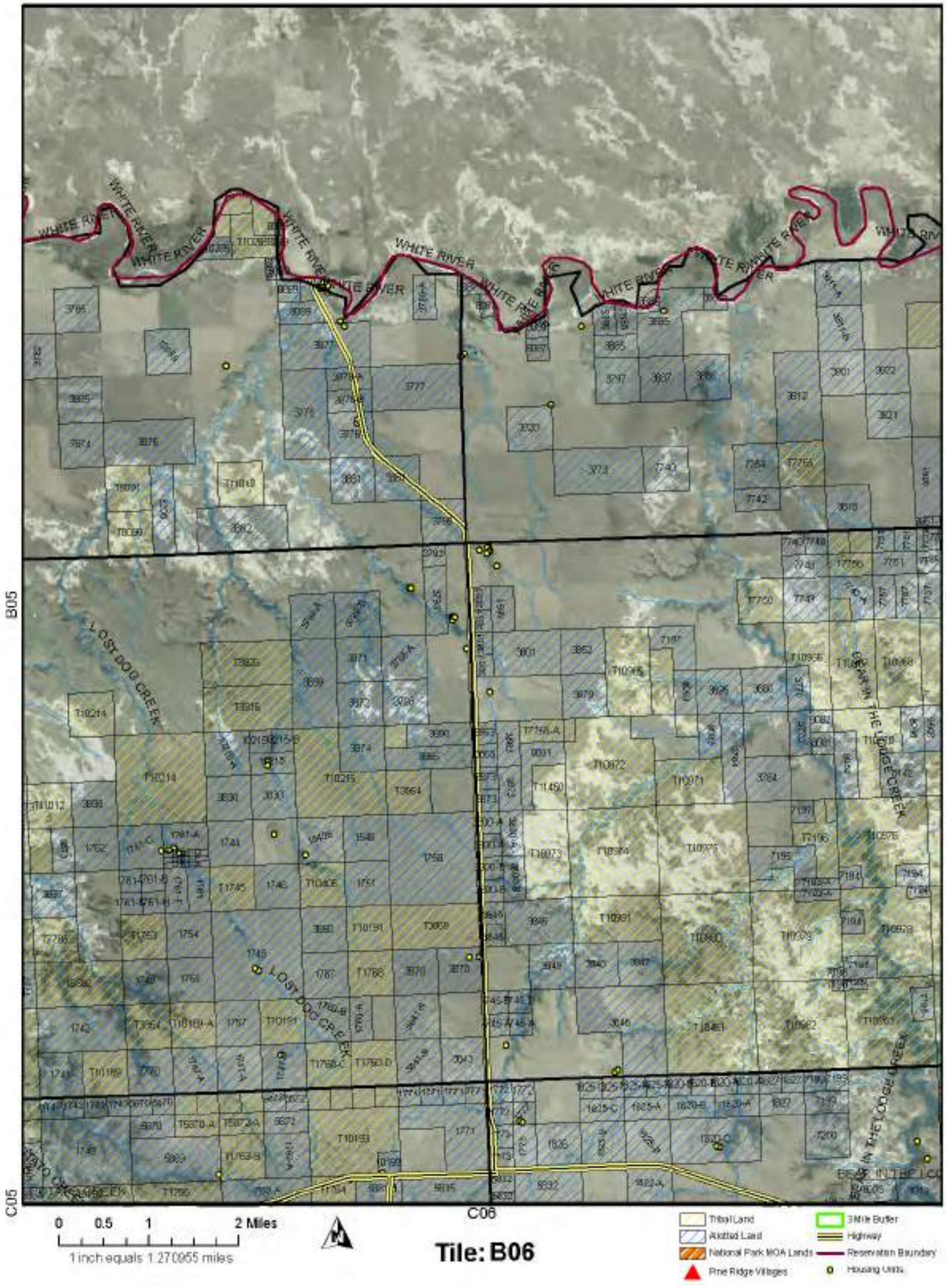

B01
B02
C02
D01
D02
42N 48W
42N 47W
42N 46W
41N 48W
41N 47W
41N 46W
40N 48W
40N 47W
39N 48W
39N 47W
BADLANDS NATL PARK
SQUAW HUMPER CREEK
LITTLE SQUAW HUMPER CREEK
CEDAR CREEK
WHITE CLAY CREEK
MIDDLE FORK WILLOW CREEK
EAST FORK WILLOW CREEK
WEST FORK WILLOW CREEK
POND
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: C01
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

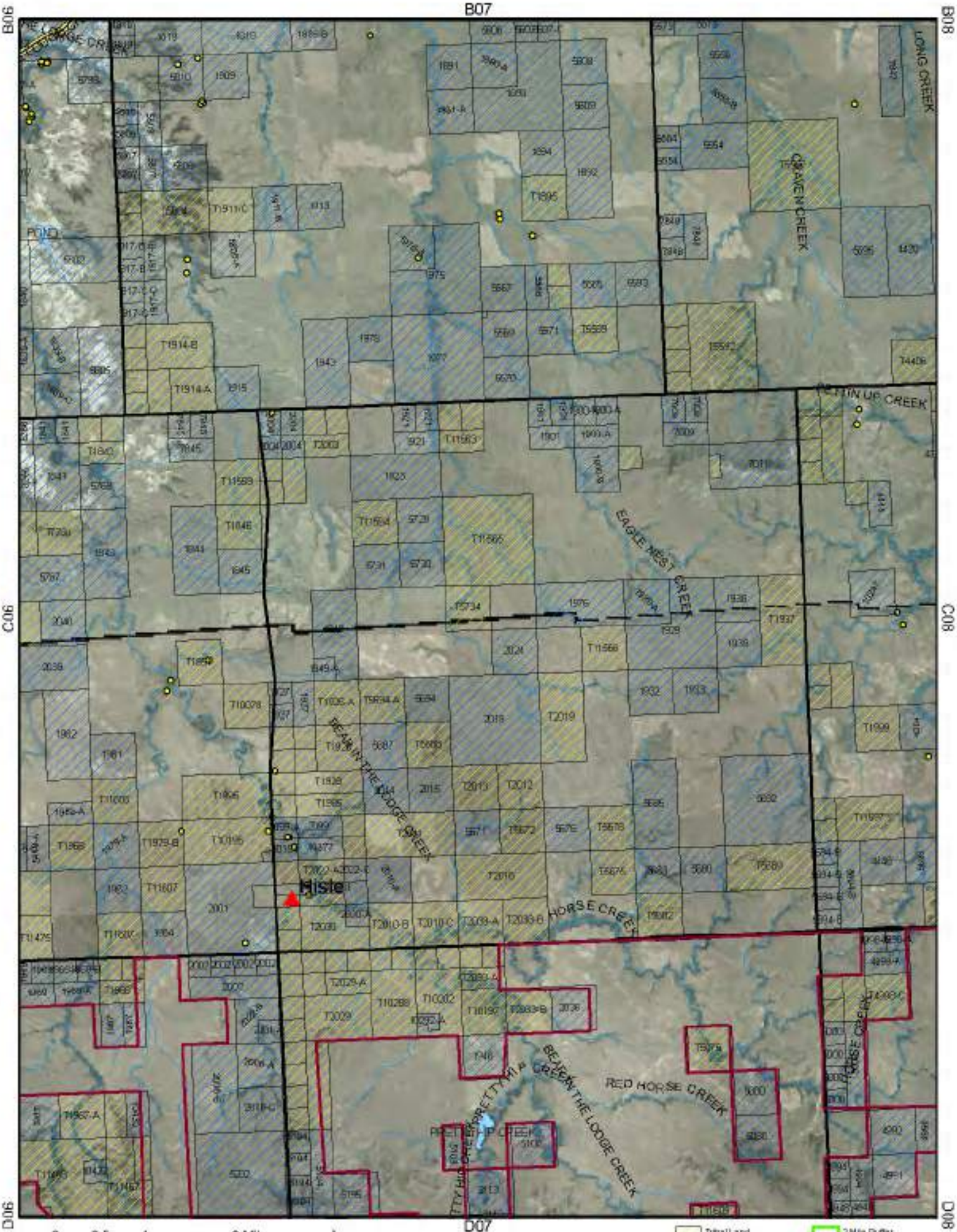

B01
B02
B03
C01
C03
D01
D02
D03
42N 46W
41N 46W
41N 45W
BADLANDS NATL PARK
Cuny Table
40N 46W
40N 47W
40N 45W
39N 47W
39N 46W
39N 45W
EAST HORSE CREEK
WEST HORSE CREEK
SAGE CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: C02
Tribal Land
Allottee Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

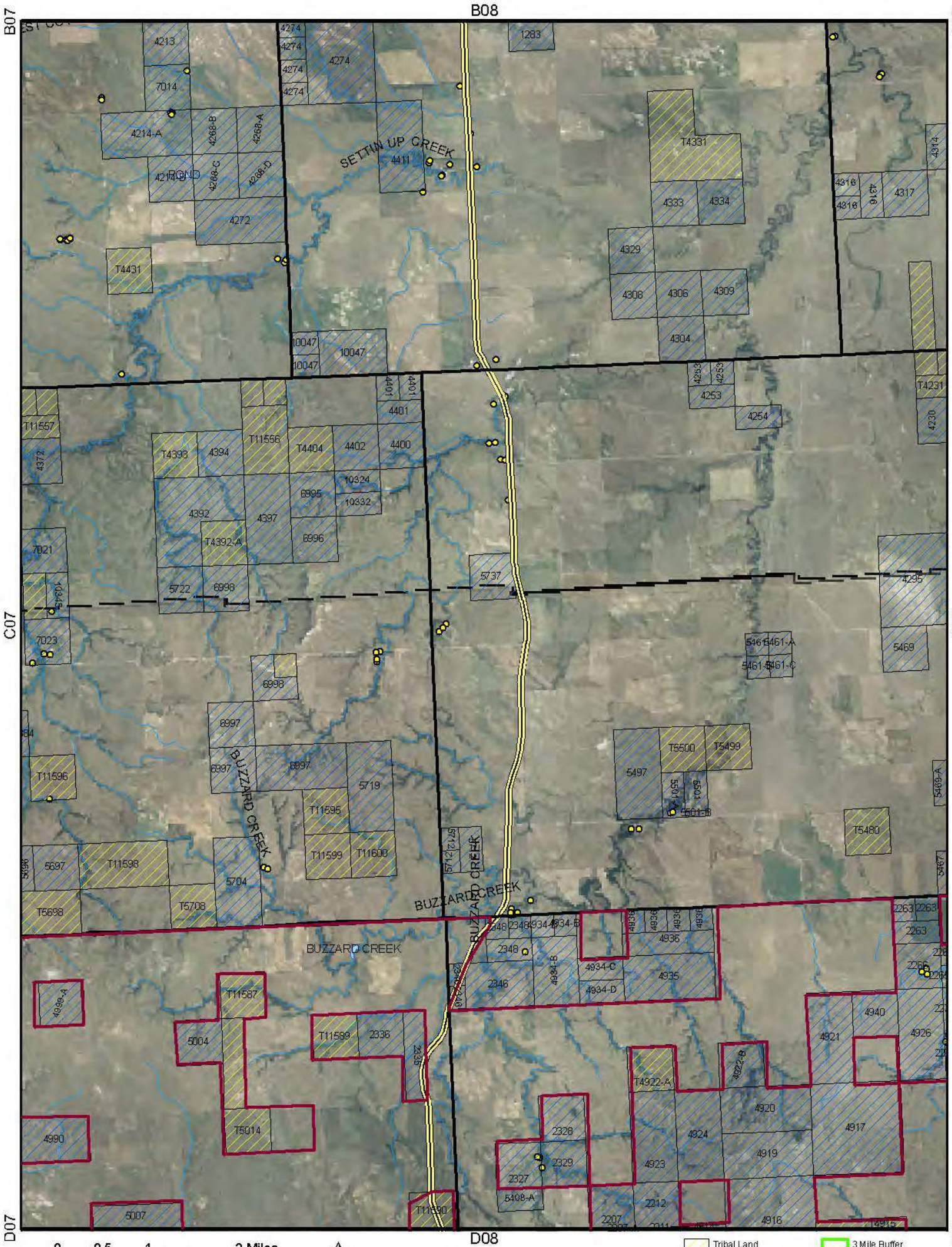

B02
B03
B04
C02
C04
D02
D03
D04
41N 44W
41N 43W
41N 45W
BADLANDS NATL PARK
40N 45W
40N 44W
40N 43W
39N 44W
39N 45W
39N 43W
FOG CREEK
COTTONWOOD CREEK
PORCUPINE CREEK
GRASS CREEK
POND
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: C03
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


B03
B04
B05
C03
C05
D03
D04
D05
41N 43W
41N 42W
41N 41W
BADLANDS NATL PARK
40N 43W
40N 42W
40N 41W
39N 43W
39N 42W
39N 41W
Sharpes Corner
PALMER CREEK
AMERICAN HORSE CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: C04
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


B04
B05
B06
C04
C06
D04
D05
D06
41N 41W
40N 41W
39N 41W
REDWATER CREEK
INDIAN CREEK
BULL CREEK
FLESH CREEK
MEDICINE ROOT CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: C05
Tribal Land
Allotted Land
National Park NOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


A01
B05
B07
C05
C06
C07
WHITE RIVER
LOST DOG CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: B06
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


B06
B07
B08
C06
C08
D06
D07
D08
LONG CREEK
CRAVEN CREEK
POND
CUTTIN UP CREEK
EAGLE NEST CREEK
BEAVER THE LODGE CREEK
Histe
HORSE CREEK
RED HORSE CREEK
PRETTY HIP CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: C07
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

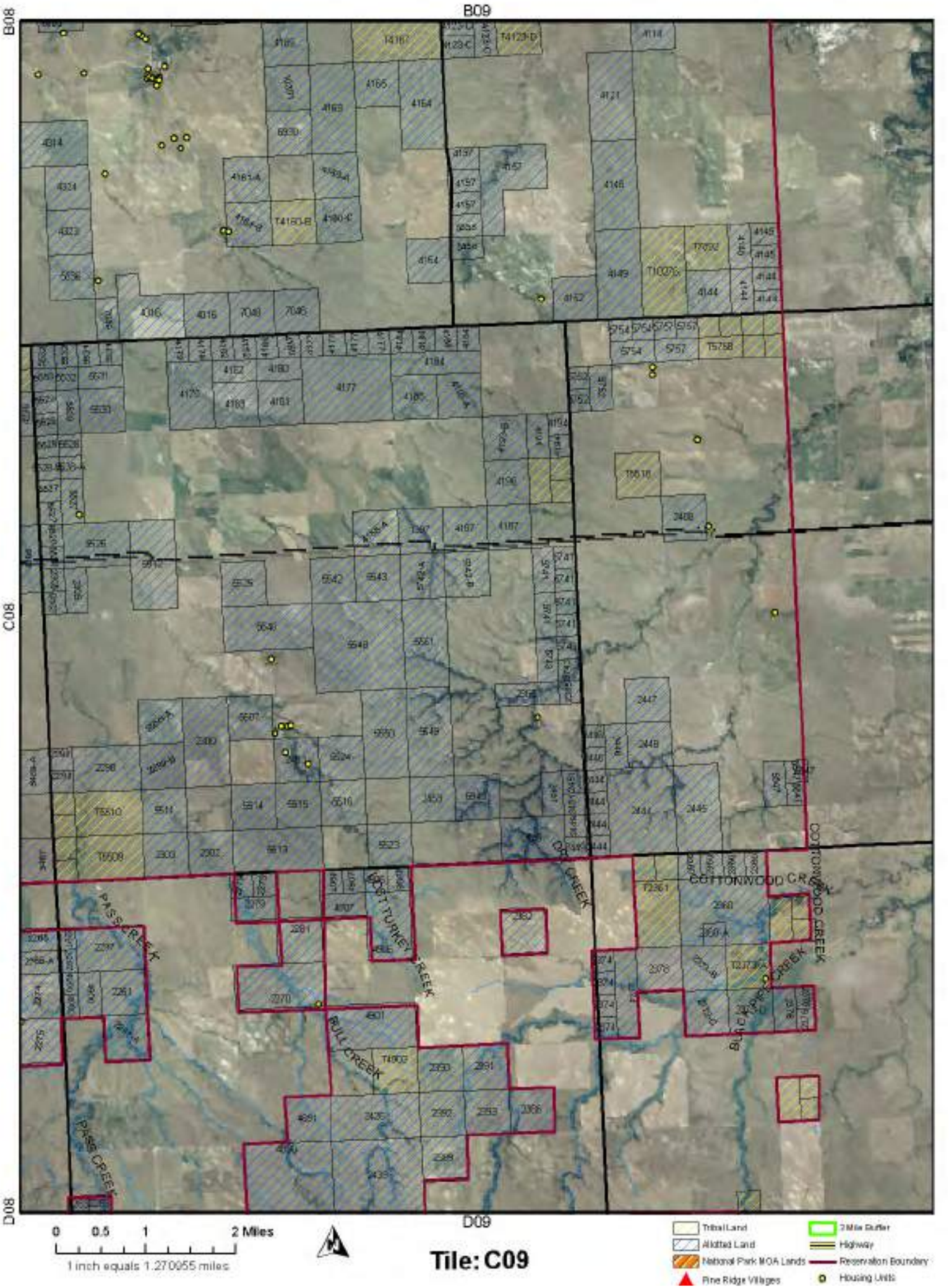


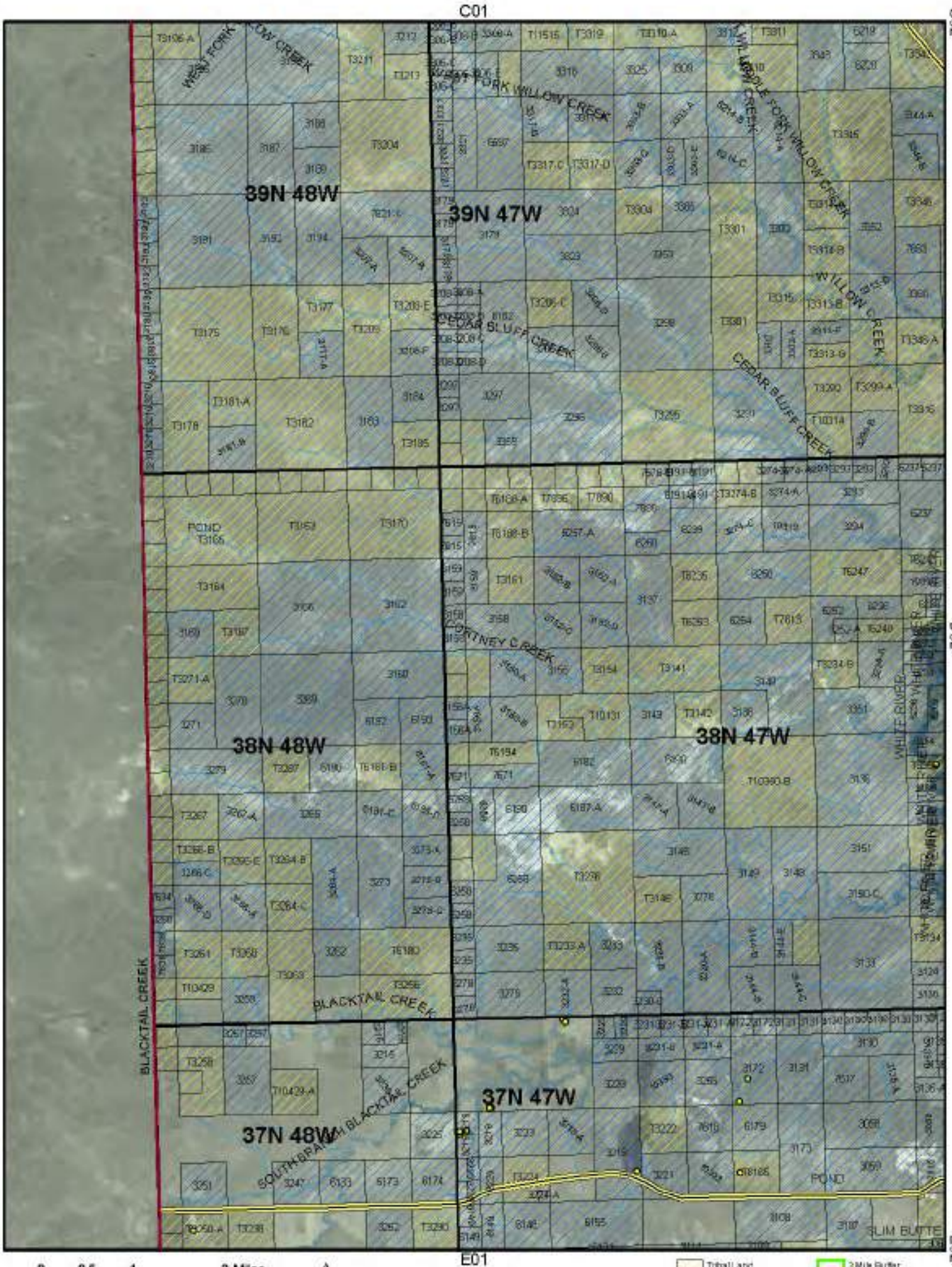
0 0.5 1 2 Miles

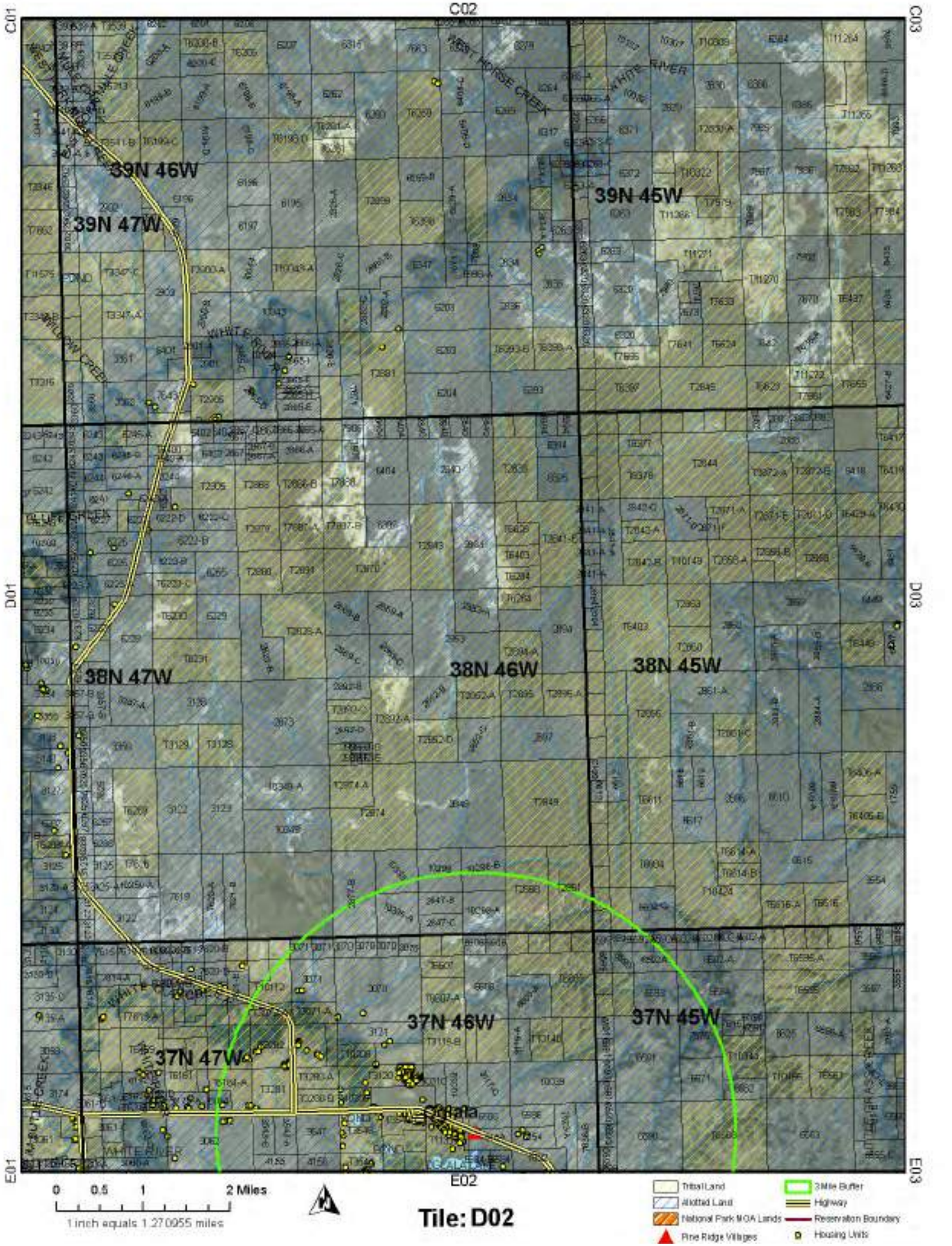
1 inch equals 1.270955 miles

Tile: C08

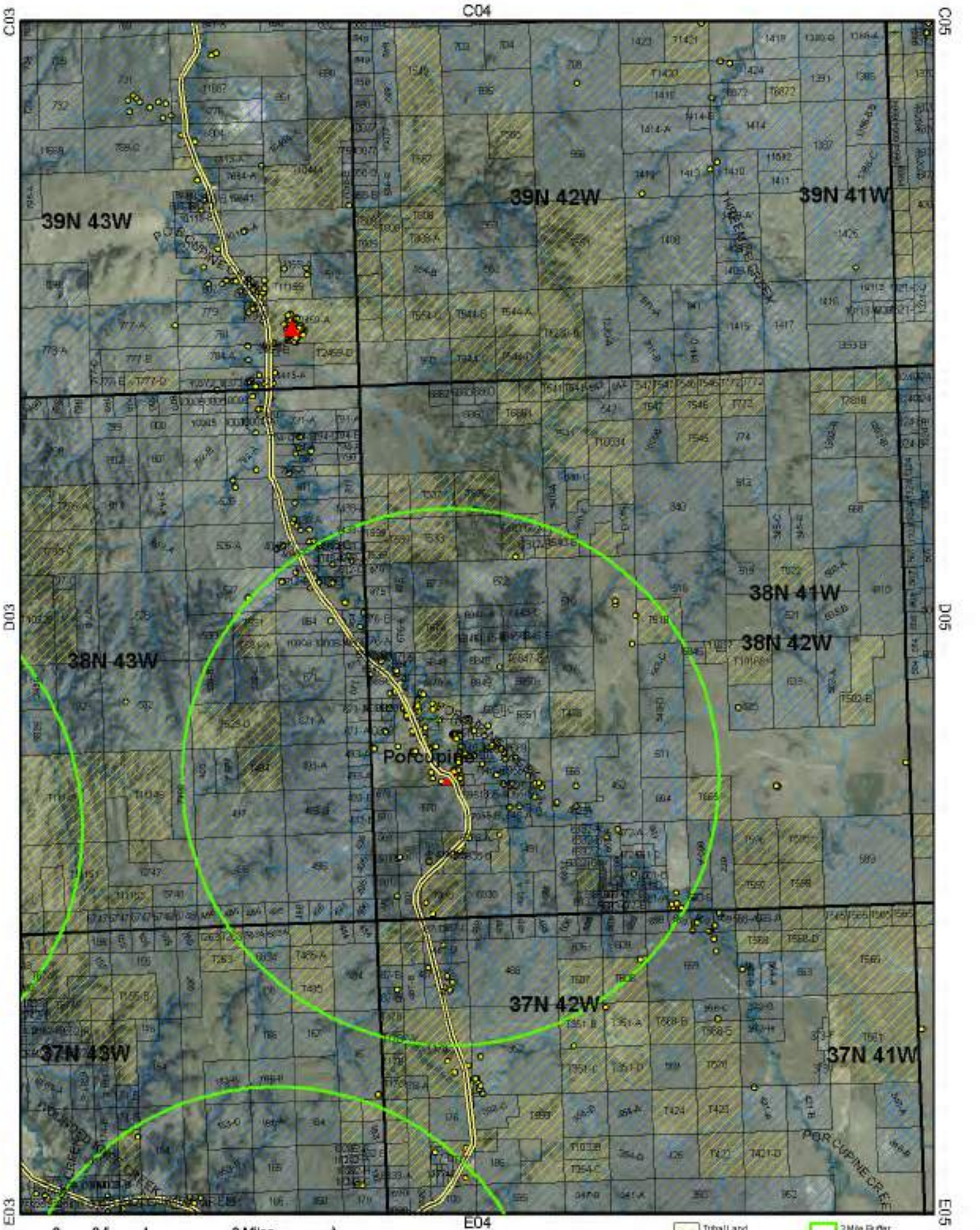
- Tribal Land
- Allotted Land
- National Park MOA Lands
- Pine Ridge Villages
- 3 Mile Buffer
- Highway
- Reservation Boundary
- Housing Units

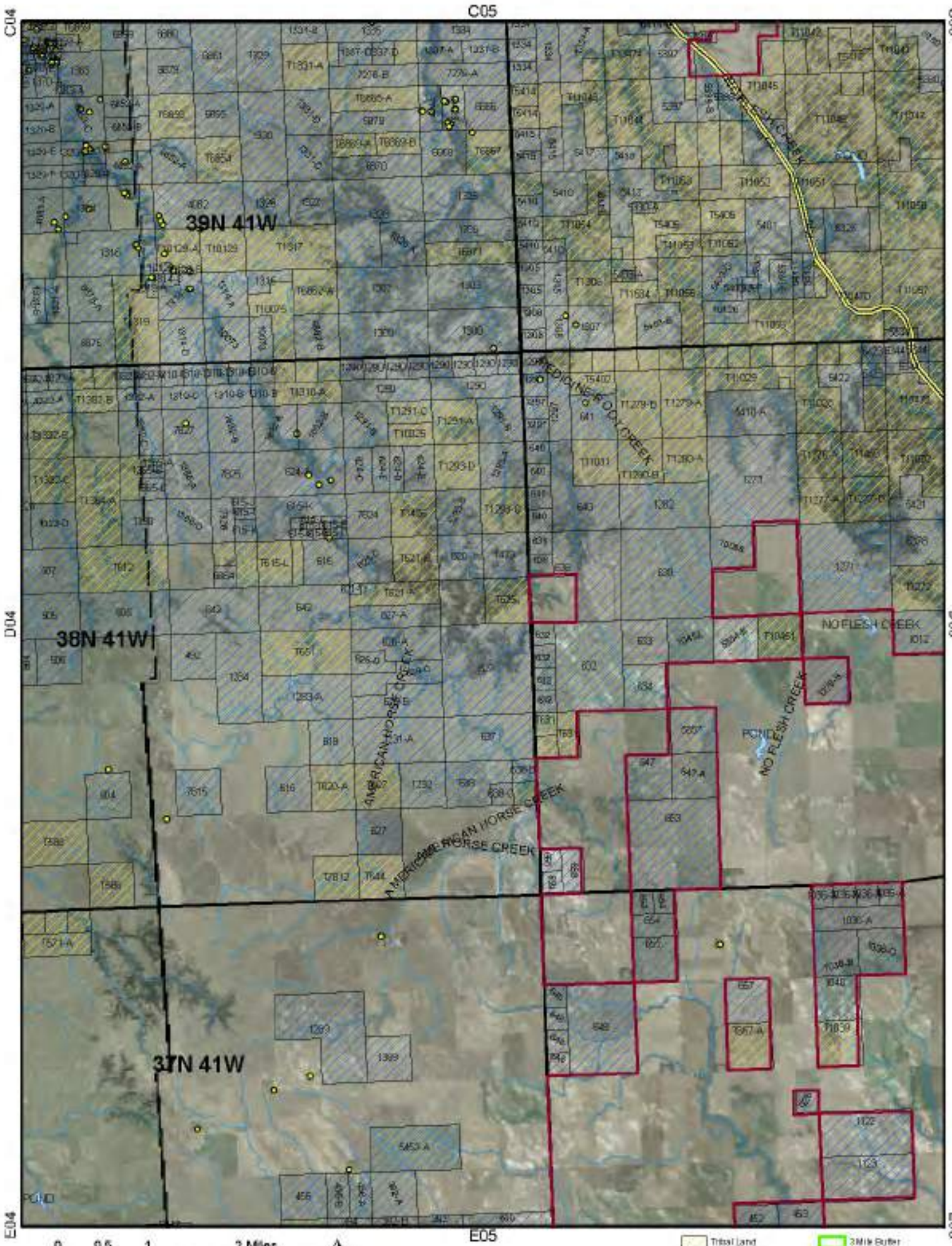

B08
B09
C08
D08
D09
PASS CREEK
BULL CREEK
WHITE CLAY CREEK
COTTONWOOD CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: C09
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
2 Mile Buffer
Highway
Reservation Boundary
Housing Units

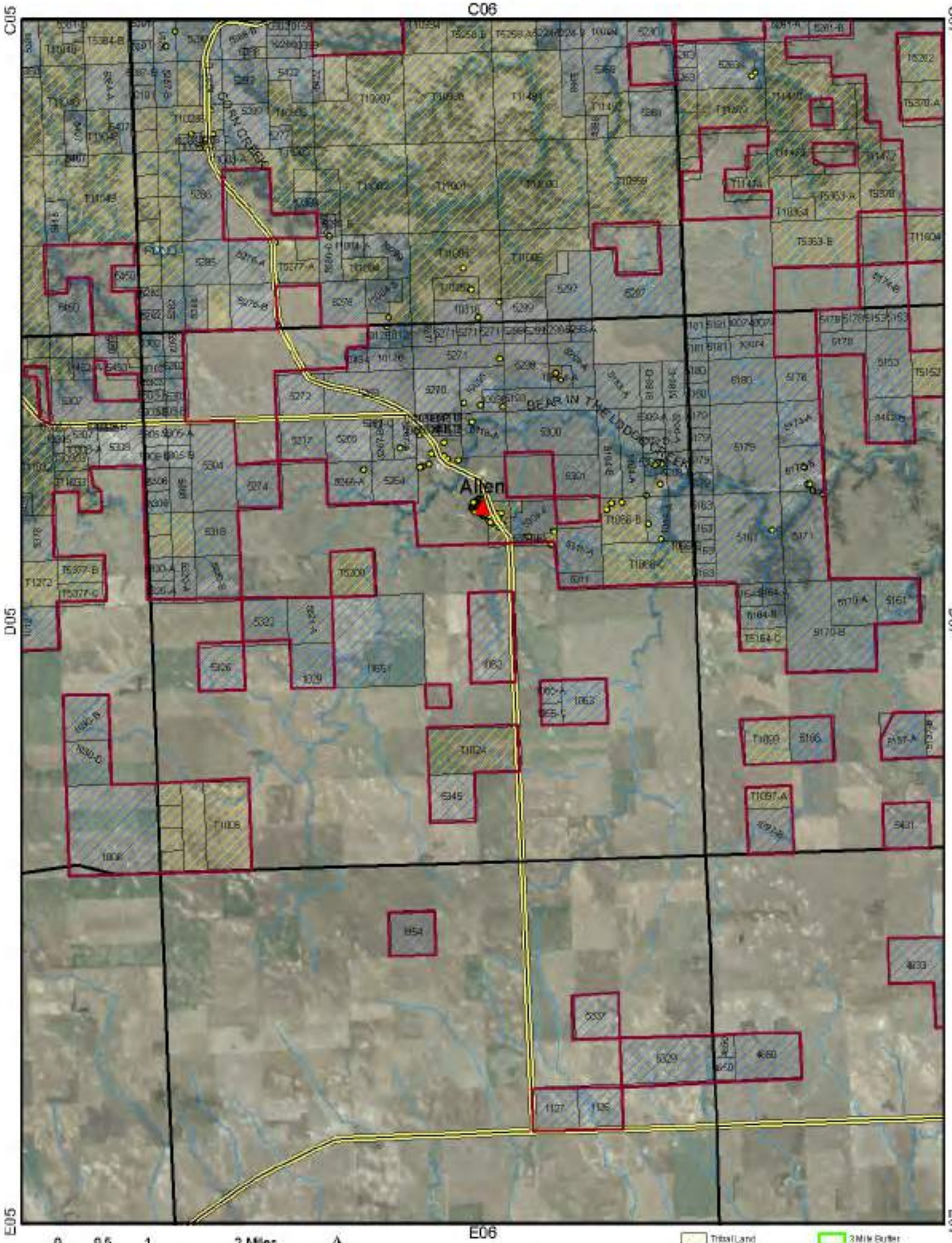

C01
C02
D02
E01
E02
39N 48W
39N 47W
38N 48W
38N 47W
37N 48W
37N 47W
WEST FORK WILLOW CREEK
EAST FORK WILLOW CREEK
MIDDLE FORK WILLOW CREEK
WILLOW CREEK
CEDAR BLUFF CREEK
CORTNEY CREEK
WHITE RIVER
BLACKTAIL CREEK
SOUTH BRANCH BLACKTAIL CREEK
POND
SLIM BUTTE
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: D01
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

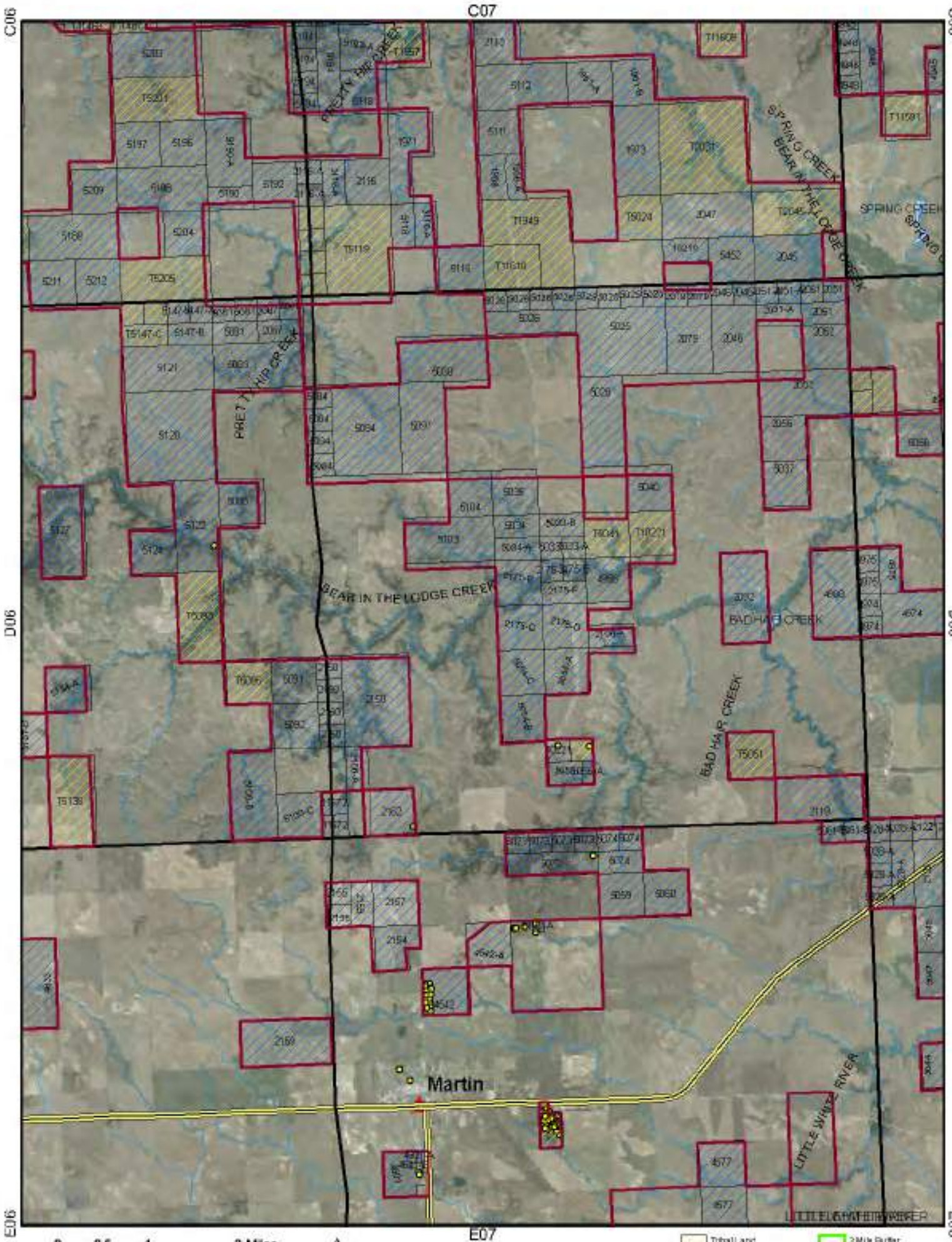

C01
C02
C03
D01
D03
E01
E02
E03
39N 46W
39N 47W
39N 45W
38N 47W
38N 46W
38N 45W
37N 47W
37N 46W
37N 45W
WEST HORSE CREEK
WHITE RIVER
WILLOW CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: D02
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

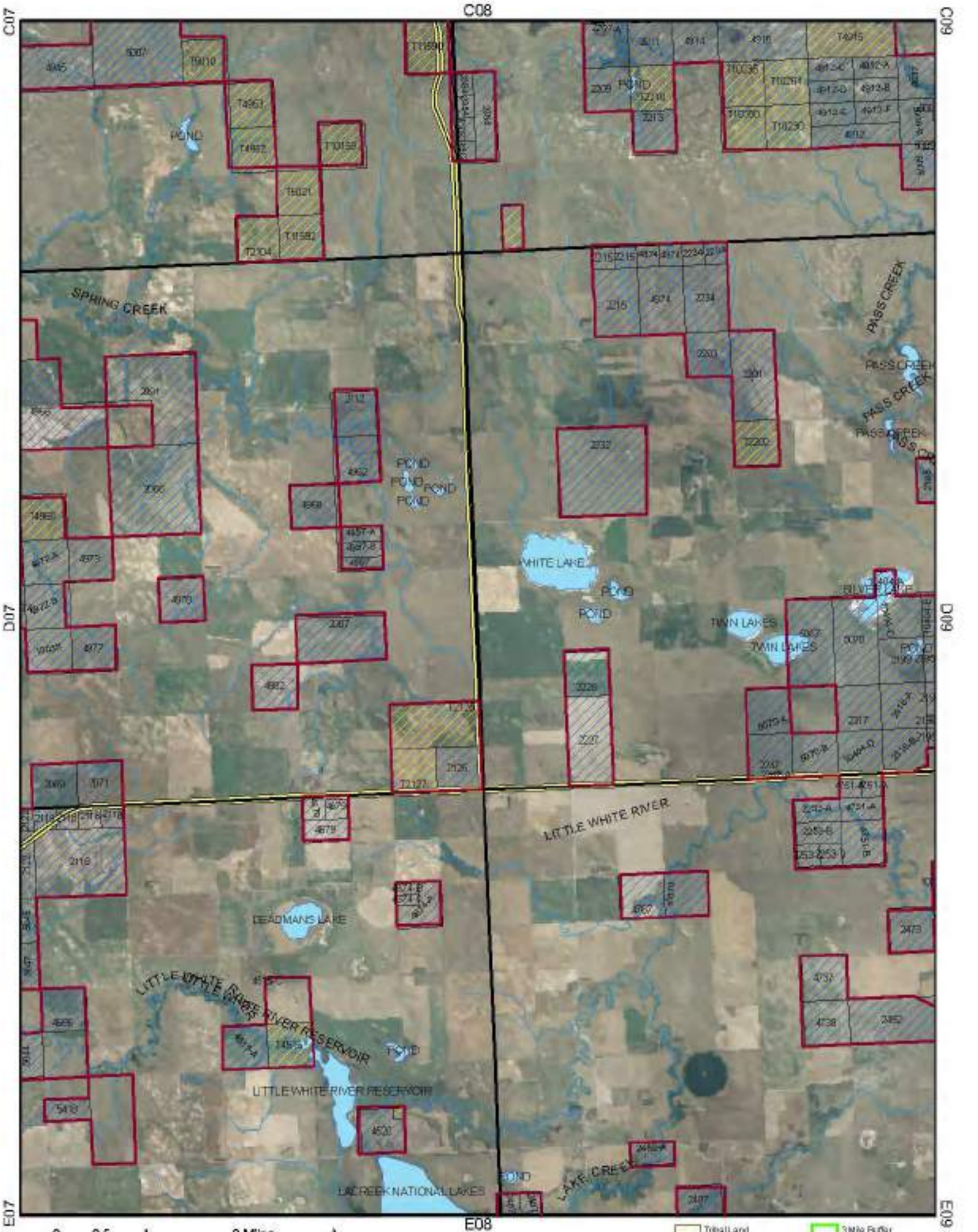
C02
C03
C04
D02
D04
E02
E03
E04
39N 45W
39N 44W
39N 43W
38N 45W
38N 44W
38N 43W
37N 45W
37N 44W
37N 43W
Manderson
LITTLE GRASS CREEK
WHITE HORSE CREEK
PEPPER CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: D03
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

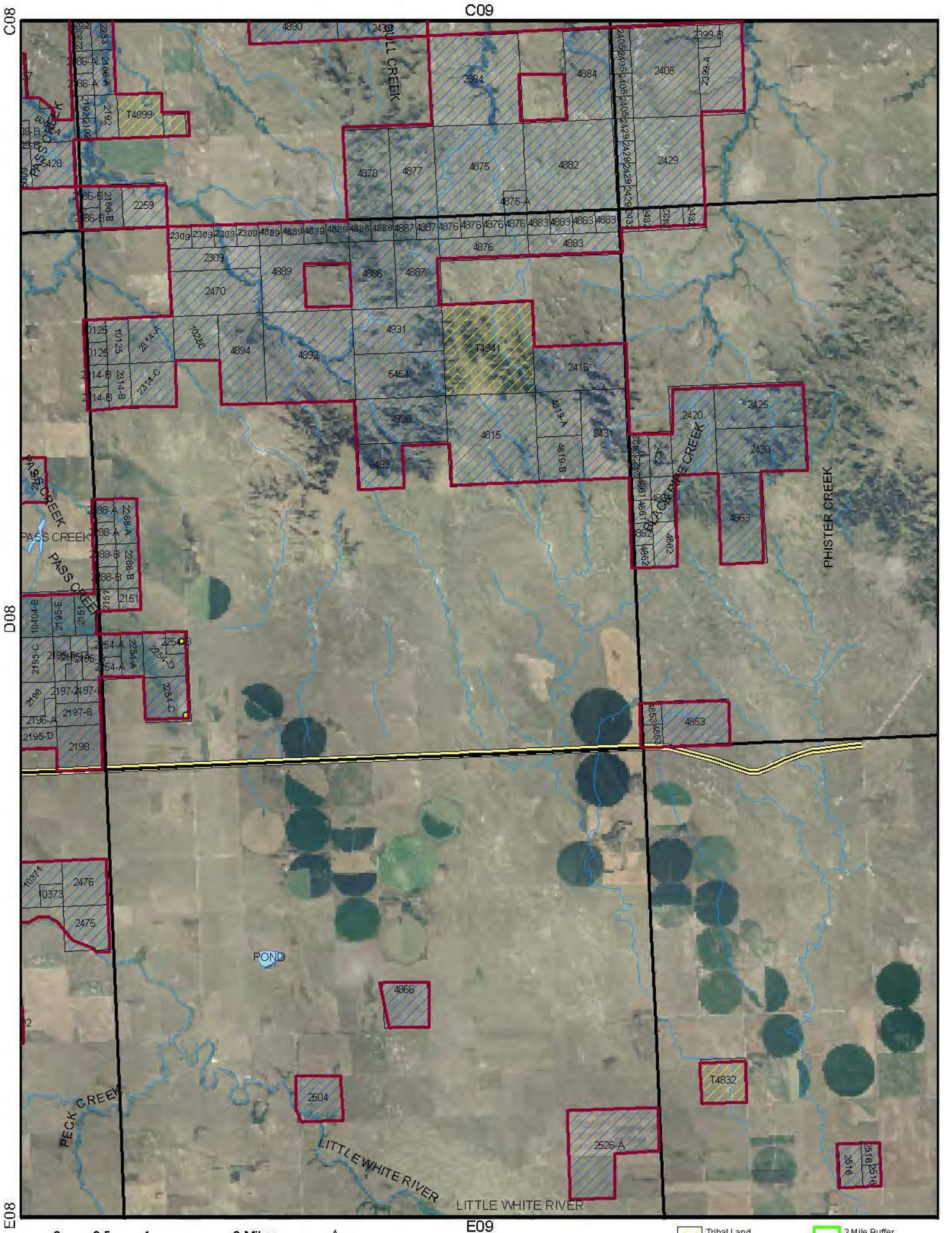

C03
C04
C05
D03
D05
E03
E04
E05
39N 43W
39N 42W
39N 41W
38N 43W
38N 42W
38N 41W
37N 43W
37N 42W
37N 41W
Porcupine
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: D04
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

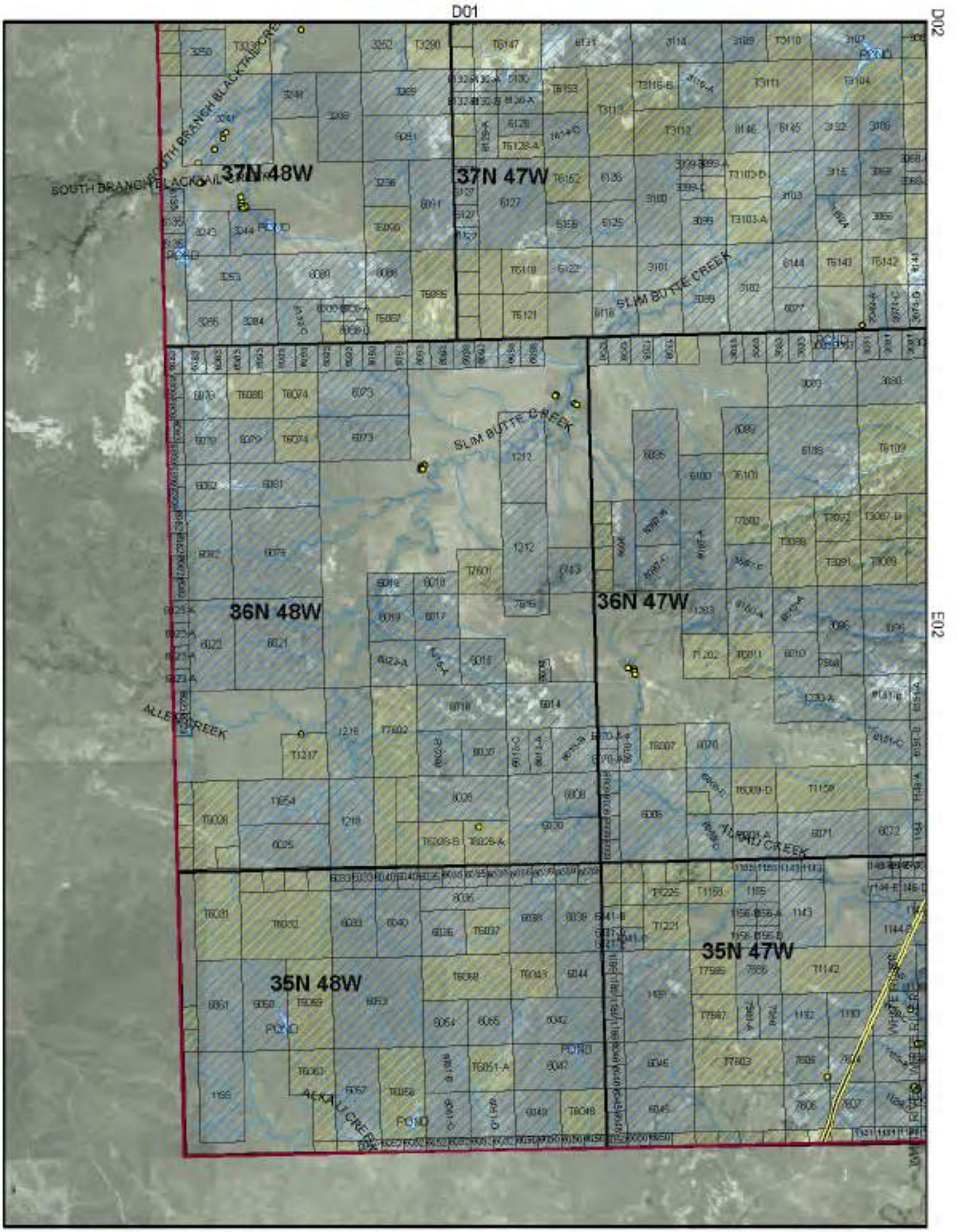

C04
C05
C06
D04
D06
E04
E05
E06
39N 41W
38N 41W
37N 41W
NO FLESH CREEK
AMERICAN HORSE CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: D05
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

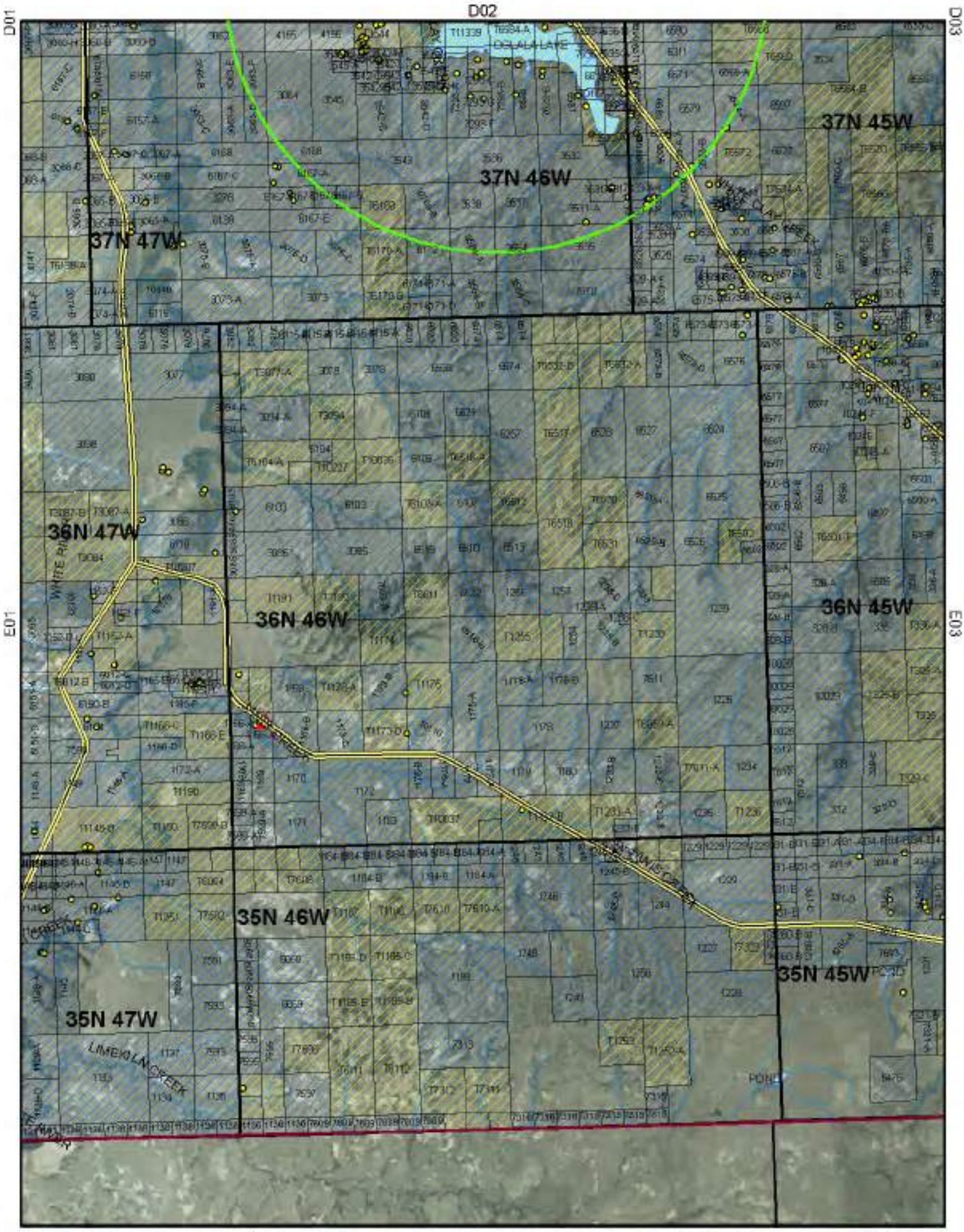

C05
C06
C07
D05
D07
E05
E06
Allen
BEAR IN THE LODGE CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: D06
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


C06
C07
C08
D06
D08
E06
E07
E08
BEAR IN THE LODGE CREEK
BAD HAIR CREEK
SPRING CREEK
Martin
LITTLE WHITE RIVER
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: D07
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

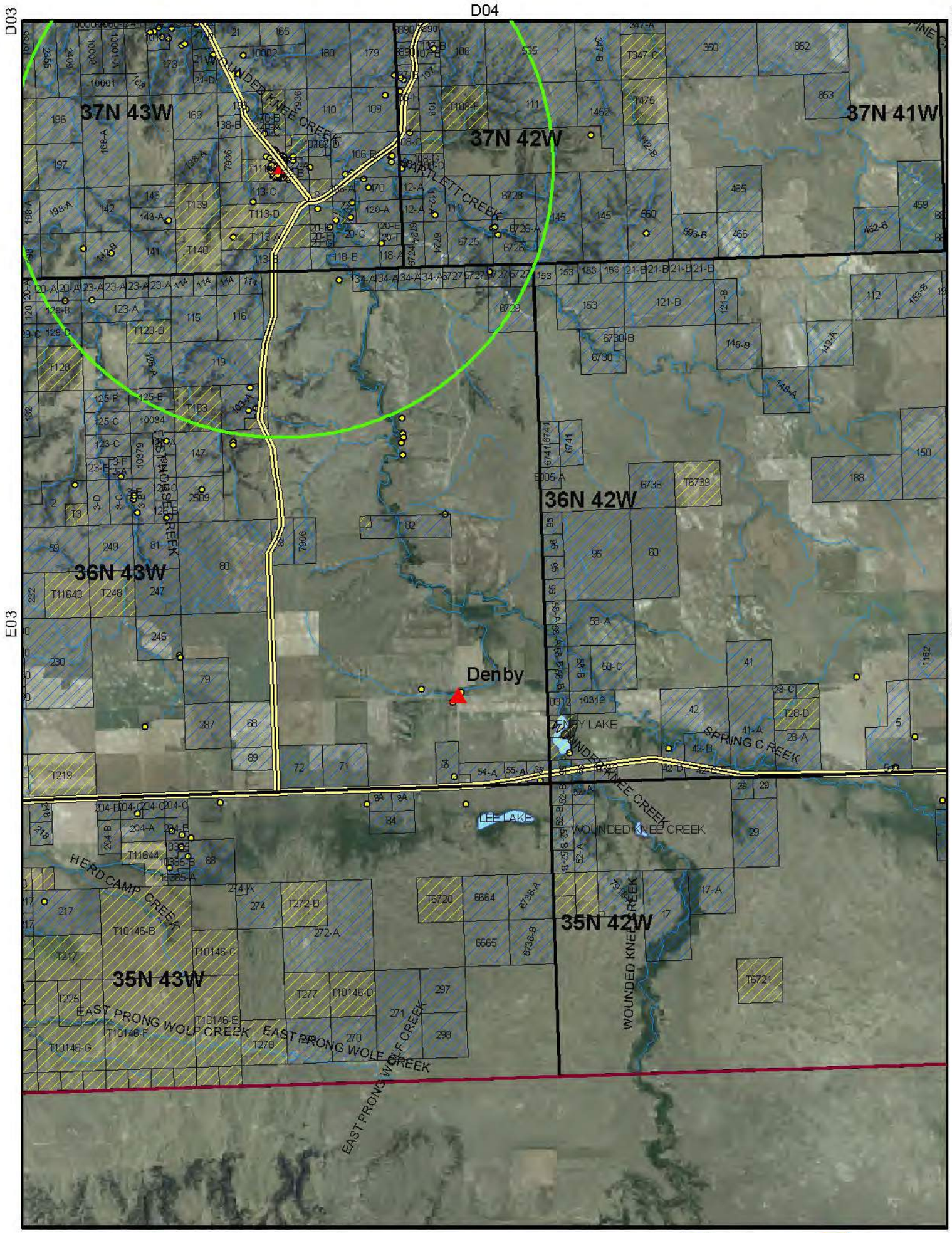

C07
C08
C09
D07
D09
E07
E08
E09
SPRING CREEK
PASS CREEK
WHITE LAKE
TWIN LAKES
LITTLE WHITE RIVER
DEADMANS LAKE
LITTLE WHITE RIVER RESERVOIR
LAC CREEK NATIONAL LAKES
LAKE CREEK
POND
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: D08
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
Strike Buffer
Highway
Reservation Boundary
Housing Units

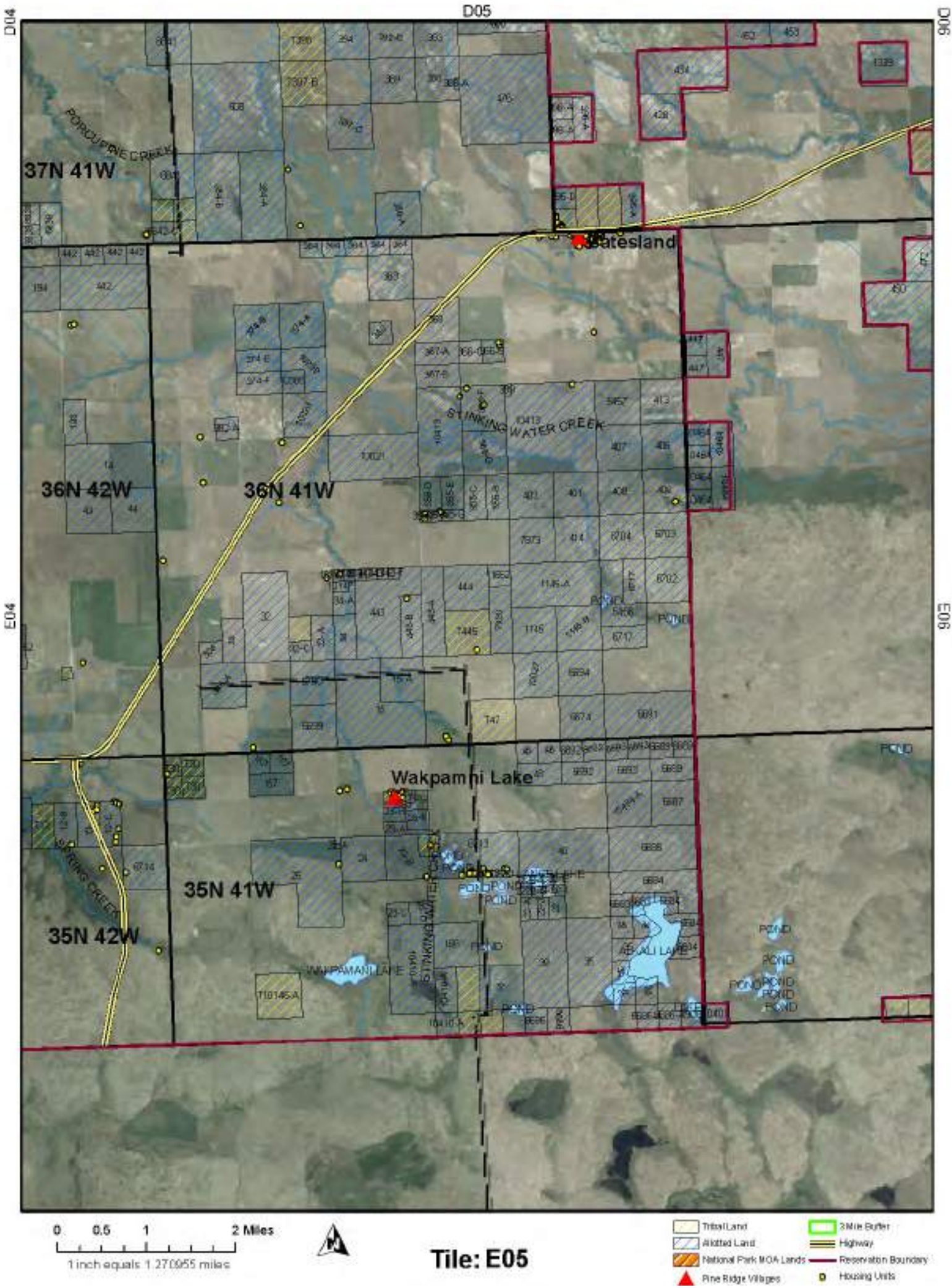

C09
C08
D08
E08
E09
PASS CREEK
BULL CREEK
PHISTER CREEK
BLACK PIPE CREEK
PECK CREEK
LITTLE WHITE RIVER
POND
T4899
T4941
T4832
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: D09
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

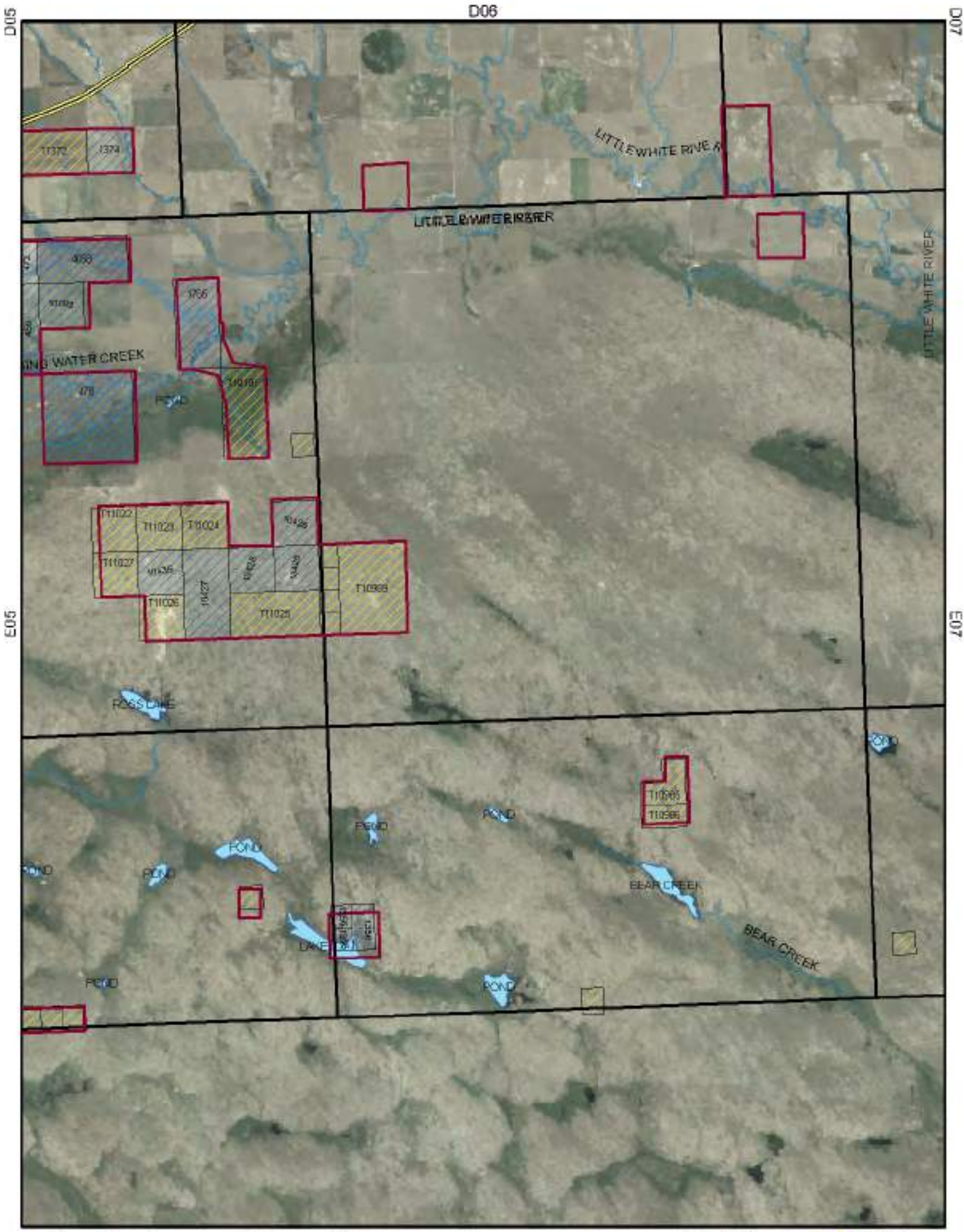

D01
D02
E02
37N 48W
37N 47W
36N 48W
36N 47W
35N 48W
35N 47W
SOUTH BRANCH BLACKTAIL CREEK
SLIM BUTTE CREEK
ALLEN CREEK
YELLOW HILL CREEK
AEKAKI CREEK
POND
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: E01
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

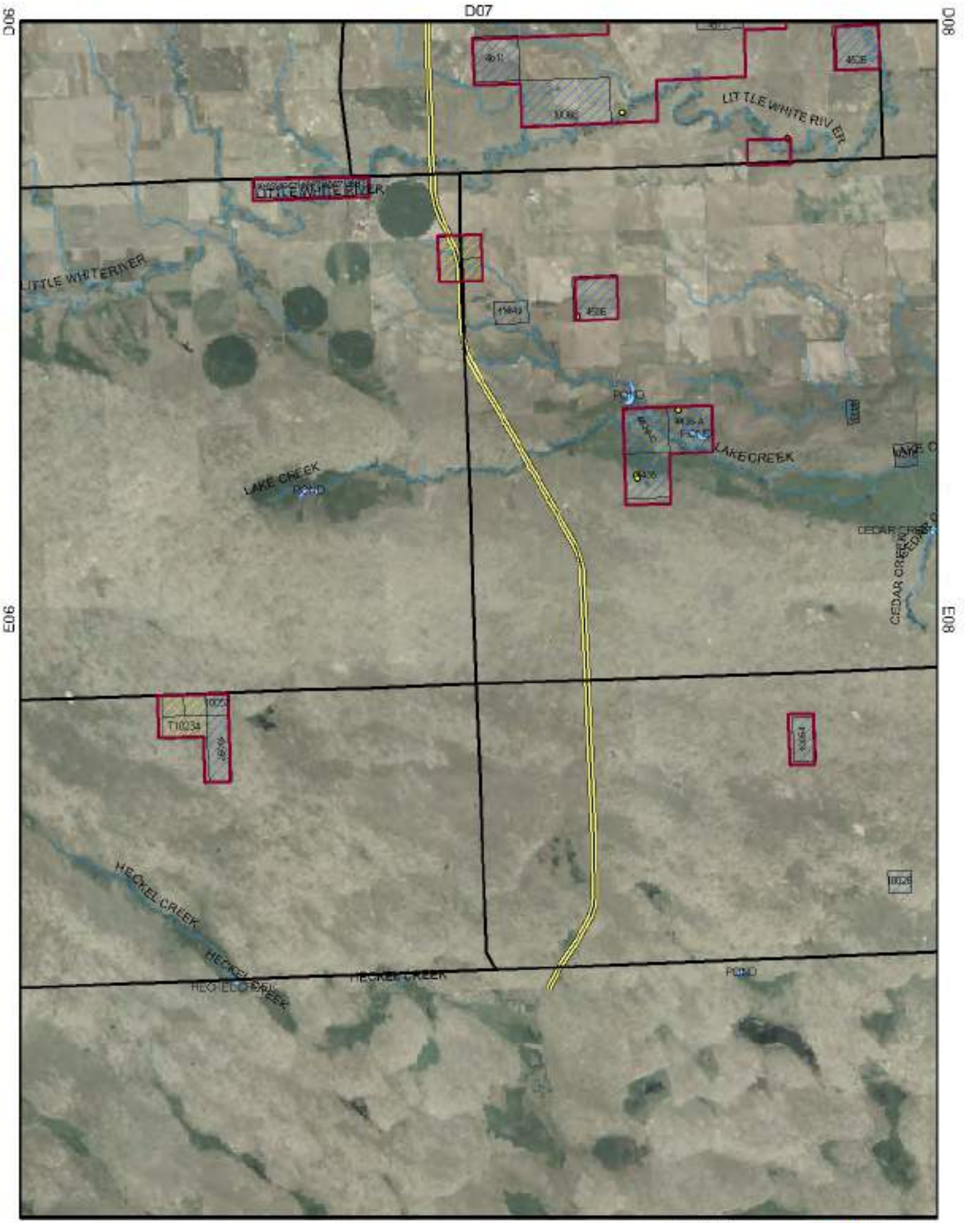

D01
D02
D03
E01
E03
37N 47W
37N 46W
37N 45W
36N 47W
36N 46W
36N 45W
35N 46W
35N 47W
35N 45W
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: E02
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units

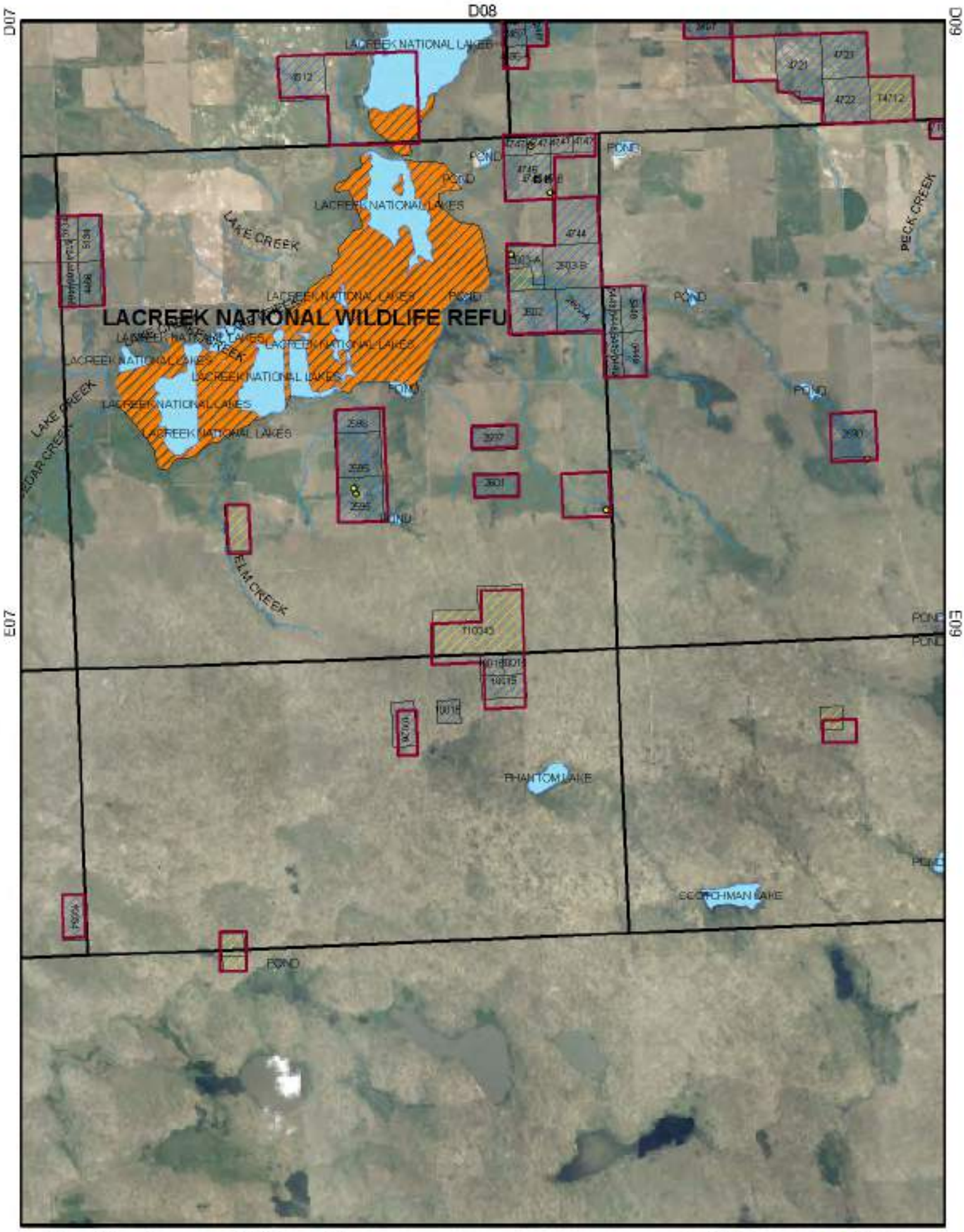
C02
C03
C04
D02
D04
E02
E03
E04
39N 45W
39N 44W
39N 43W
38N 44W
38N 45W
38N 43W
37N 45W
37N 44W
37N 43W
Manderson
LITTLE GRASS CREEK
WHITE HORSE CREEK
PEPPER CREEK
0 0.5 1 2 Miles
1 inch equals 1.270855 miles
Tile: D03
Tribal Land
Allotted Land
National Park NOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


D03
D04
D05
E03
E05
37N 43W
37N 42W
37N 41W
36N 43W
36N 42W
35N 43W
35N 42W
Denby
DENBY LAKE
LEE LAKE
WOUNDED KNEE CREEK
SPRING CREEK
HERD CAMP CREEK
EAST PRONG WOLF CREEK
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: E04
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


D04
D05
D06
E04
E06
37N 41W
36N 42W
36N 41W
35N 41W
35N 42W
PORCUPINE CREEK
STINKING WATER CREEK
Wakpamni Lake
WAKPAMANI LAKE
POND
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: E05
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


D05
D06
D07
E05
E07
LITTLE WHITE RIVER
LITTLE WHITE RIVER
LITTLE WHITE RIVER
WATER CREEK
POND
ROSS LAKE
POND
POND
POND
POND
POND
POND
BEAR CREEK
BEAR CREEK
LAKE
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: E06
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units


D06
D07
D08
E06
E08
LITTLE WHITE RIVER
LITTLE WHITE RIVER
LITTLE WHITE RIVER
LAKE CREEK
LAKE CREEK
POND
POND
CEDAR CREEK
CEDAR CREEK
HECKEL CREEK
HECKEL CREEK
HECKEL CREEK
POND
T10234
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: E07
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units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D09
E07
E09
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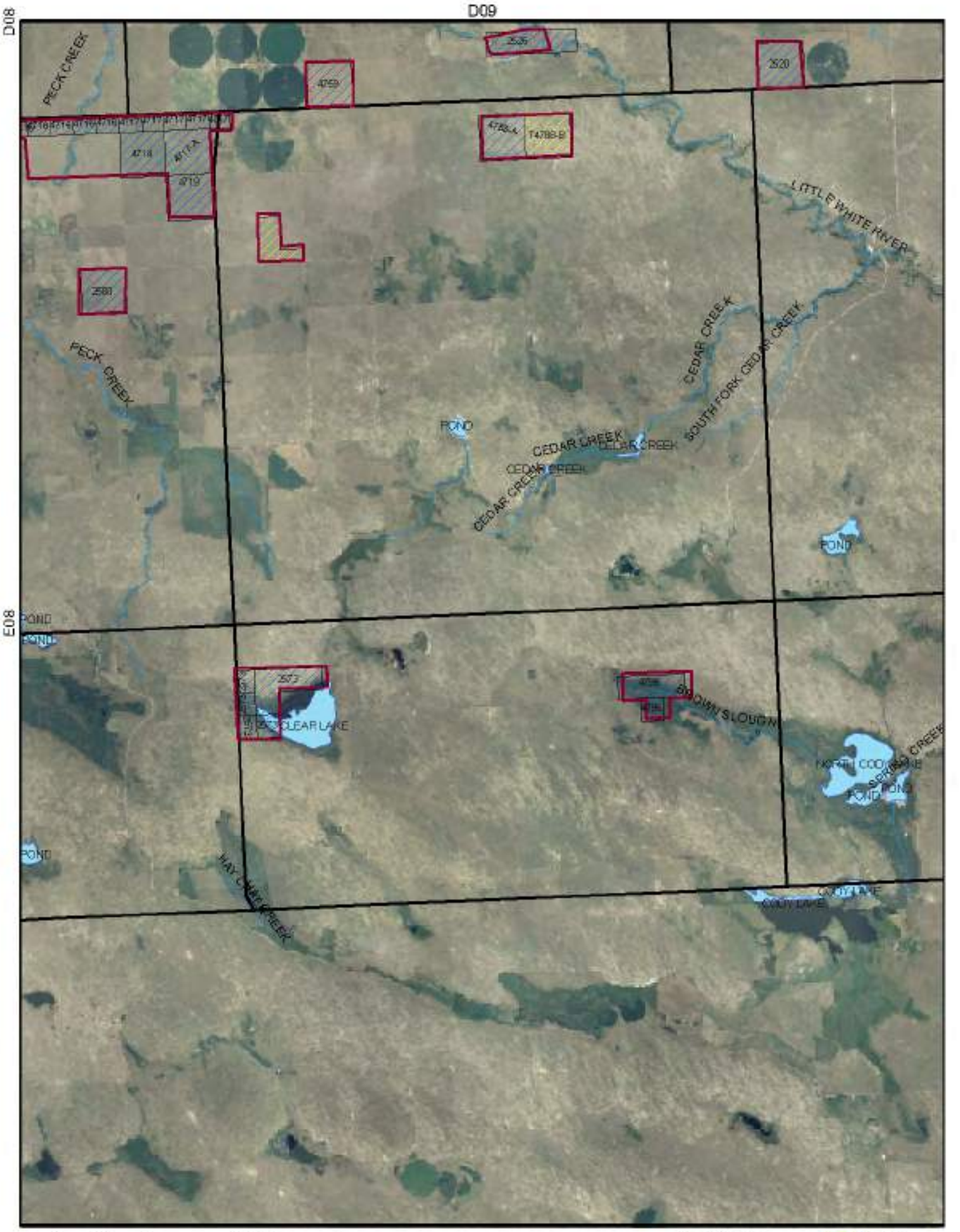
LACREEK NATIONAL LAKES
LAKE CREEK
CEDAR CREEK
ELM CREEK
PECK CREEK
POND
PHANTOM LAKE
SCORCHMAN LAKE
0 0.5 1 2 Miles
1 inch equals 1.270855 miles
Tile: E08
Tribal Land
Allotted Land
National Park MOA Lands
Pine Ridge Villages
3 Mile Buffer
Highway
Reservation Boundary
Housing Units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D09
E08
PECK CREEK
4759
2520
4718
4719
T4788-B
LITTLE WHITE RIVER
2580
PECK CREEK
CEDAR CREEK
SOUTH FORK CEDAR CREEK
POND
CEDAR CREEK
CEDAR CREEK
CEDAR CREEK
CEDAR CREEK
POND
POND
POND
2573
CLEAR LAKE
BROWN SLOUGH
NORTH COOY LAKE
SPRING CREEK
POND
POND
HAY CHAY CREEK
COOY LAKE
COOY LAKE
0 0.5 1 2 Miles
1 inch equals 1.270955 miles
Tile: E09
Tribal Land
Allotted Land
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RESOLUTION NO. 77-11

RESOLUTION OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

RESOLUTION TO ESTABLISH GUIDELINES GOVERNING THE EXCHANGE OF LAND OWNED BY THE OGLALA SIOUX TRIBE WITH ITS INDIVIDUAL MEMBERS.

WHEREAS, the Oglala Sioux Tribe and its authorized agency or agencies are in need of guidelines to govern exchanges of land owned by the Oglala Sioux Tribe at the present and in the future, and

WHEREAS, the Oglala Sioux Tribe has authority under its Constitution to manage and preserve its land base, now

THEREFORE BE IT RESOLVED, that the Oglala Sioux Tribal Council hereby adopts the following guidelines governing the exchange of land owned by the Oglala Sioux Tribe with its individual members:

LAND EXCHANGE REGULATIONS

Section 1. The provisions herein shall govern the Oglala Sioux Tribal Council, the Oglala Sioux Executive Committee, or any other duly authorized entity of the Oglala Sioux Tribe in considering applications for land exchanges with the Oglala Sioux Tribe.

Section 2. It shall be the policy of the Oglala Sioux Tribe not to accept applications for land exchanges with the Oglala Sioux Tribe except for the most pressing and justifiable reasons. All land exchanges agreed to by the Oglala Sioux Tribe must be for the best interests of the Oglala Sioux Tribe and its members.

Section 3. The provisions herein shall only govern land exchanges between an individual member of the Oglala Sioux Tribe and the Oglala Sioux Tribe.

Section 4. Before any consideration is given to any application for land exchange, a written application must be submitted on a form supplied by the Oglala Sioux Tribe or on a form substantially identical in nature. The form must show the legal description of the land proposed to be exchanged by the individual member, the land owned by the Oglala Sioux Tribe desired, the manner of utilization by the individual owner over the last five years, including whether farmed or grazed, the nature and quantity of water available for use on the land, the nature and extent of any easements or rights of ways through the land, the location of individually owned land with respect to land owned by the Oglala Sioux Tribe, the gross income produced by the land in each of the past five years, the length and duration of any leases

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Appendix 2: Ordinance No. 85-17 (Designation of Non-Exchangeable Lands)

ORDINANCE NO. 85-17

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

ORDINANCE IDENTIFYING AND DESIGNATING CERTAIN LANDS OWNED IN COMMON BY THE TRIBE AS NOT EXCHANGEABLE.

WHEREAS, the Oglala Sioux Tribe, hereafter referred to as the Tribe, has a policy of land exchange as set out in Resolution 62-6, dated March 2, 1962, and

WHEREAS, the Tribe is committed to a land exchange program which will serve to consolidate land holdings of the tribe and its members, and

WHEREAS, the Tribe in an attempt to solve the problems created by the "escheat" clause of Section 207 of the Land Consolidation Act, which it opposes, has encouraged use of the land exchange policy in order to prevent loss of land by its members through escheat, and

WHEREAS, the Tribe has become alarmed at the eroding of the consolidated areas of tribally-owned land and the possible loss to the tribe those special purpose lands which are set aside for the common use and benefit of all members of the tribe, and

WHEREAS, the Tribe believes that to exchange land with high revenue potential such as Class 1 and 2 cropland and those large blocks of consolidated tracts serves to undermine the financial security of the tribe its members, and to defeat the purpose of the Land Consolidated program, and

WHEREAS, in order to protect the interests of all members of the tribe who are beneficiaries of "tribal" Lands the Oglala Sioux Tribal Council deems it to be to the best interests of the Tribe and its members to identify those lands which are vital to the future wellbeing of the tribe and to delcare such tribal-owned properties to be unavailable for exchange under any circumstances, now

THEREFORE BE IT ORDAINED, the Oglala Sioux Tribal Council hereby declares the following tribal lands to be unavailable for exchange, to be kept intact for the common good and use of all members of the tribe:

1. Lands surrounding the townsite of Pine Ridge and the established villages on Pine Ridge Reservation within a radius of 3 miles of such settlements
2. Commercial and industrial areas
3. Park and Recreation areas
4. Historical and Religious sites
5. Archeological sites
6. Potential tourist attraction sites
7. Timber Reserve lands
8. Class 1 and 2 farmlands

ORDINANCE NO. 85-17

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OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

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7. Timber Reserve lands
8. Class 1 and 2 farmlands

APPENDIX 3: Example Land Exchange Application

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

APPLICATION FOR THE EXCHANGE OF INDIAN LAND

PINE RIDGE INDIAN Reservation DATE_____

In justification of this application, true statements are made to the following items:

1. Age:_____ 2. Date of birth:_____

3. Degree of Indian Blood:_____ Enrollment Number:_____

4. I am enrolled as a_____ Indian.
Name of Tribe

5. Single Married Widow Widower Spouse's Name _____

6. The following persons are dependent upon me for support. (Give names, ages, and relationship): _____

_____

7. Education: Years in grade school _____ High School _____College _____

8. Permanent address _____

9. The amount of my annual income is $_____

10. My income is obtained from the following sources: _____

11. PLEASE STATE WHETHER ANY PARTY INVOLVED IN THIS TRANSACTION IS EMPLOYED BY THE U.S. GOVERNMENT AND OF SO, WHERE they are employed _____

12. If receiving public assistance grants from the State or General Assistance from the Bureau of Indian Affairs, or funds from the Veterans Administration, Social Security, or any regular public benefit, state kind and amount. If none, state none._____

13. If indebted to the United States, state amount and purpose of indebtedness.

_____

14. I do/do not live on or make personal use of the land covered by this application.

15. The land is leased and the annual rent received is $_____

16. Your reason(s) for exchanging land:_____

Application is hereby made for an exchange of the following described land with the OST:

OS-_____, described as_____

Interest_____ _____equivalent to _____acres.

OS-_____, described as_____

Interest__ __. ____ _____equivalent to_____ _____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

Total acres proposed by Applicant:_____

Applicant wishes to exchange for the following OST land(s):

_____

_____

_____

_____ _____

APPLICANT'S SIGNATURE DATE

Subscribed and sworn to before me this _____ day of _____, 20_____.

_____ My commission expires:_____

NOTARY PUBLIC

SEAL

Subscribed and sworn before me this _____ day of _____, 20___. I hereby certify that the effect of this application was explained to and fully understood by the applicants.

_____

Realty Specialist/Clerk

Recommended for:_____ APPROVAL

_____ DISAPPROVAL

_____ _____

Realty Officer Date

APPLICATION IS HEREBY: _____APPROVED

_____DISAPPROVED

_____ _____

SUPERINTENDENT Date

REASONS FOR DISAPPROVAL :_____

_____

_____

_____

APPENDIX 4: Example Completed Land Exchange Application

Below is a completed land exchange application using the example Interest Report on page 13. To complete a land exchange application you will also need information on how much income you receive from the land if it is being leased out. This information can be obtained from the Office of Special Trustee by calling 1-888-678-6836.

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

APPLICATION FOR THE EXCHANGE OF INDIAN LAND

PINE RIDGE INDIAN Reservation DATE 09/15/2008

In justification of this application, true statements are made to the following items:

1. Age: 54 2. Date of birth: 05/24/1954

3. Degree of Indian Blood: 4/4 Enrollment Number: U027587

4. I am enrolled as a Oglala Sioux Tribe Indian.
Name of Tribe

5. Single Married Widow Widower Spouse's Name Emma Black Bear

6. The following persons are dependent upon me for support. (Give names, ages, and relationship): Bob Black Bear Jr., Age 25, Son; Viola Black Bear, Age 19, Daughter

7. Education: Years in grade school 8 High School 4 College 2

8. Permanent address 100 Maine Street, Porcupine SD. 57772

9. The amount of my annual income is $ $22,000.00

10. My income is obtained from the following sources: Allotted Land

11. PLEASE STATE WHETHER ANY PARTY INVOLVED IN THIS TRANSACTION IS EMPLOYED BY THE U.S. GOVERNMENT AND OF SO, WHERE they are employed N/A

12. If receiving public assistance grants from the State or General Assistance from the Bureau of Indian Affairs, or funds from the Veterans Administration, Social Security, or any regular public benefit, state kind and amount. If none, state none. None

13. If indebted to the United States, state amount and purpose of indebtedness. None

14. I do/do not live on or make personal use of the land covered by this application. [I DO NOT MAKE USE OF MY LANDS]

15. The land is leased and the annual rent received is $ $435.00

16. Your reason(s) for exchanging land: To consolidate my undivided interests.

Application is hereby made for an exchange of the following described land with the OST:

OS-920, described as 25, 044.00N, 038.00W, SE

Interest .0111111111 equivalent to 1.76acres acres.

OS-_____, described as _____

Interest_____ equivalent to_____ _____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

OS-_____, described as_____

Interest_____equivalent to_____acres.

Total acres proposed by Applicant:_____

Applicant wishes to exchange for the following OST land(s):

T4026 Sec. 003 43N 33W

_____

_____

_____

_____ _____

APPLICANT'S SIGNATURE DATE

Subscribed and sworn to before me this _____ day of _____, 20_____.

_____ My commission expires:_____

NOTARY PUBLIC

SEAL

Subscribed and sworn before me this _____ day of _____, 20___. I hereby certify that the effect of this application was explained to and fully understood by the applicants.

_____

Realty Specialist/Clerk

Recommended for:_____ APPROVAL

_____ DISAPPROVAL

_____ _____

Realty Officer Date

APPLICATION IS HEREBY: _____APPROVED

_____DISAPPROVED

_____ _____

SUPERINTENDENT Date

REASONS FOR DISAPPROVAL :_____

_____

_____

_____

APPENDIX 5: Landowner Withdrawal Request

Below is a sample Landowner Withdrawal Request for the Pine Ridge Reservation. This is the application you use to take your lands out of the Range Unit Leasing System as described in the Tribal Grazing Ordinance No. 95-05, Section 8(a) (Appendix 6 in this book).

LANDOWNER WITHDRAWAL REQUEST
PINE RIDGE RESERVATION

I (We), the undersigned, wish to withdraw the following described land _____ _____ _____ _____ _____ from Range Unit No. ___ ___.

I (We) understand and agree that this land will be used by me (us) or my (our) immediate family only, pursuant to 25 CFR 166 227

In addition, I (We) understand that the above land must be fenced out from the range unit, and that the expense of constructing the fence will be borne by me (us). This is pursuant to Oglala Sioux Tribal Grazing Ordinance No 95-05, Section 8(a).

Furthermore, I (We) and my (our) heirs will not hold the Bureau of Indian Affairs liable for any damages to this land while it is controlled by me (us).

I am (We are) also aware that the Superintendent must give the existing permittee 180 days notice of withdrawal pursuant to 25 CFR 166.228 (b), unless all parties concerned agree to the withdrawal Withdrawal will be effective on the anniversary date of the Grazing Permit

This authorization will remain in effect until it is revoked in writing by me (us).

I (We) request that these lands be removed from the Range Unit System

WITNESSES.	LANDOWNER SIGNATURE:	DATE
_____ _____	_____	_____
_____ _____	_____ _____	_____
_____	_____ _____	_____
_____	_____ _____	_____
_____	_____ _____	_____
_____	_____ _____	_____
_____	_____	_____

EFFECTIVE DATE FOR THIS WITHDRAWAL._____

Approved:

_____ _____ _____

Date Superintendent

ORDINANCE NO. 95-05

ORDINANCE OF THE OGLALA SIOUX TRIBAL COUNCIL
OF THE OGLALA SIOUX TRIBE
(An Unincorporated Tribe)

ORDINANCE OF THE OGLALA SIOUX TRIBE ESTABLISHING TERMS AND CONDITIONS FOR THE APPLICATION AND REGULATION OF GRAZING PERMIT CONTRACTS.

WHEREAS, the Oglala Sioux Tribal Council is empowered pursuant to Article IV, Section 1, (k), (m) of the Constitution and By-Laws of the Oglala Sioux Tribe to establish the terms and conditions for the application, awarding and regulation of Grazing Permit Contracts, and

WHEREAS, Grazing Permits expire on the 31st day of October of each five year permit period, and

WHEREAS, the Oglala Sioux Tribe does recognize that in order to effectively utilize grazing lands, such lands must be placed in Range Units for conservation and development purposes, now

THEREFORE BE IT ORDAINED, that the Oglala Sioux Tribe does, at the recommendation of the Allocation Committee and the Oglala Sioux Tribal Land Committee, and pursuant to 25 CFR 166, adopt the attached Ordinance.

DEFINITIONS:

(a) **"Adult Tribal Member"** means for this part, an enrolled member of the Oglala Sioux Tribe who has attained the age of eighteen (18) years.

(b) **"Allocation"** means the apportionment of grazing privileges to members of the Oglala Sioux Tribe without competitive bidding, including the determination of who may graze livestock, the number and kind of livestock, and the range unit where such livestock will be grazed.

(c) **"Allocation Committee"** means a committee appointed by the Oglala Sioux Tribal Council. The committee shall consist of five tribal members, and one appointee from Agency Superintendent's Office who is to be a Bureau Employee. The five members of the Committee shall include two members of the Oglala Sioux Tribal Council, one member of the Oglala Sioux Tribal Land Committee, one landowner and one livestock-grower. Members will meet periodically to review and determine applicant eligibility for allocation privileges. The

Allocation Committee of the Oglala Sioux Tribe shall be advised of any delinquent taxes and/or assessments owed to the Oglala Sioux Tribe and/or preparation fees owed by any permittee. The committee shall disqualify allocation applicants for grazing privileges based upon the delinquent tax, preparation fee and any outstanding bill owed to either/or the Bureau of Indian Affairs and/or the Oglala Sioux Tribe. "In the event of the incapacity of a member of the committee that results in such member missing three consecutive meetings of the committee, the incapacitated member shall forfeit his/her committee membership and the remaining members of the committee shall appoint a member to serve the unexpired term of office of the incapacitated member.

(d) "**Animal Health**" means that any herd of livestock infected with contagious or infectious disease, including brucellosis, shall not be allowed on the Pine Ridge Indian Reservation. It is the responsibility of all permittee's bringing in outside cattle and or buffalo to provide the Bureau of Indian Affairs, Branch of Land Operations with a copy of Health Certificate of the State from which the livestock originate.

(e) "**Animal Unit**" means one cow and calf less than six months of age, one buffalo cow and calf less than six months of age, or one bull, or one buffalo bull, or four sheep, yearlings shall be considered three-fourths of a animal unit, an adult horse shall be considered one and one-half of an animal unit.

(f) "**Appeals Board**" shall be the Oglala Sioux Tribal Executive Committee as official representative of the Oglala Sioux Tribal Council.

(g) "**Applicant**" means an individual, a family, a partnership, an association, or a corporation.

(h) "**Association**" means the act of a number of enrolled members of the Oglala Sioux Tribe in uniting together for the purpose of conducting an agri business livestock operation. The Association organizational documents shall be approved by the Oglala Sioux Tribal Council and shall be on file in the Office of the Secretary, Oglala Sioux Tribe. An Association shall be treated as one individual member of the Oglala Sioux Tribe for allocation privileges and shall be limited to livestock ownership of 300 head, for allocation purposes All members of the association shall meet all other eligibility requirements for allocation purposes. Members of the association shall not be eligible for an individual allocation.

(i) "**Carrying Capacity**" means the maximum stocking rate possible without inducing damage to vegetation or related resources. It may vary from year to year on the same area due to fluctuating forage production, as determined by a BIA Range Condition Survey.

(j) "**Corporation**" means if formed for the purpose of transacting business in the agri business and/or livestock growing business and where the primary purpose of the organization is pecuniary profit. All members/share holders of the corporation shall be individual enrolled members of the Oglala Sioux Tribe. The Articles of the Incorporation of Charter of the corporation shall be approved by the Oglala Sioux Tribal Council and be on file with the Secretary of the Oglala Sioux Tribe. A Corporation shall be treated as one individual member of the Oglala Sioux Tribe for allocation privileges and shall be limited to livestock ownership of 300 head for allocation purposes. All members of the Corporation shall meet all other eligibility requirements for allocation purposes. Members of the Corporation shall not be eligible for an individual allocation.

(k) "**District or Community-owned Enterprise**" means an enterprise wholly owned and operated by a district or community, the organizational documents of such enterprise shall have the approval of the Oglala Sioux Tribal Council.

(l) "**Estates**" In the event of the death of an Oglala Sioux Tribal Member who has been previously declared eligible for allocation privileges the estate of the deceased member shall be eligible to continue in possession of the allocated grazing privileges for the remainder of the contract period or until such time as the estate is settled, whichever first occurs, provided that the estate continues to meet the eligibility requirements of this Ordinance. In the event the estate is settled prior to the end of the contract period the range unit shall be made available for allocation purposes. In the event an estate is not settled by the end of a contract period the allocation privilege shall be terminated and the range unit made available for allocation privileges.

(m) "**Family Allocation**" two or more members of the same immediate family may be determined eligible for allocation privileges. However each member of the family shall meet the eligibility requirements of this Ordinance. In the event of the death, or withdrawal of family members from the range unit permit the remaining members of the family shall be required to meet allocation privilege requirements and remaining family members who were originally determined to meet allocation eligibility requirements shall have a preference on award of the range unit(s). Immediate family members not listed on the original allocation application shall not be allowed to share the family range unit(s) without the express written consent of all remaining members of the immediate family named on the original application for allocation privileges. Family allocation shall be limited to 300 head of livestock. Any/all members of a family allocation listed on a family grazing permit shall not be eligible for additional individual, partnership, association or corporation allocations.

(n) **"Governing Body"** means the Oglala Sioux Tribal Council or the tribal committee, board or other membership body recognized by the Oglala Sioux Tribal Council as having the authority to act for and on behalf of the Oglala Sioux Tribe.

(o) **"Government Land"** means land, other than tribal land acquired or reserved by the United States for Indian Bureau administrative purposes which is not immediately needed for the purpose for which it was acquired or reserved and land transferred to or placed under the jurisdiction of the Bureau of Indian Affairs.

(p) **"Grazing Permit"** means a revocable privilege granted in writing limited to entering on and utilizing forage by designated livestock on a specified tract of land.

(q) **"Immediate Family"** means the spouse, children, brothers, sisters, mother and father of an adult tribal member.

(r) **"Individual"** means an enrolled member of the Oglala Sioux Tribe.

(s) **"Individually Owned Land"** means land or any interest therein held in trust by the United States for the benefit of individual Indians and land or any interest therein held by individual Indians subject to federal restrictions against alienation or encumbrance.

(t) **"Livestock Ownership"** means that an applicant for allocation privileges shall own 1) 50% of not more than 100 head of livestock; 2) 75% of 101 to 250 head of livestock and 3) 100% of 251 to 300 head of livestock. (One animal unit is equivalent to one cow and calf less than six months of age, one buffalo and calf less than six months of age, or one bull, or one buffalo bull, yearlings shall be considered three-fourths of an animal unit, an adult horse shall be considered one and one-half of an animal unit).

(u) **"Partnership"** means an entity formed by written contract between two or more individual enrolled members of the Oglala Sioux Tribe for the mutual participation in the profits which may accrue from property, credit, skill or industry of an agri business cattle operation furnished in determined proportions by the parties. At the beginning of each five year period the members of the partnership shall file with the Allocation Committee current documentation including the partnership agreement. The partnership shall set forth the intent of the partners in the event of the death of one of the partners. A Partnership shall be treated as one individual member of the Oglala Sioux Tribe for allocation privileges and shall be limited to livestock ownership of 1) 50% of not more than 100 head of livestock; 2) 75% of 101 to 250 head of livestock and 3) 100% of 251 to 300 head of livestock. All members of the partnership shall meet all other eligibility requirements for allocation purposes. Members of a partnership shall not be eligible for an individual allocation.

(v) **"Preference Bids"** means a preference privilege extended to and exercised by an adult enrolled member of the Oglala Sioux Tribe who owns more than three hundred head of livestock to meet the non-Indian or non-member Indian high sealed bid on units necessary for their operation.

(w) **"Preparation Fee"** means the fee charged to the permittee to cover the cost of work performed in the preparation of grazing permits. Such fee shall be equal to two percent of the cost of the grazing permit. (Not to exceed three hundred dollars).

(x) **"Range Unit"** means a tract of range land designated as a management unit for administration of grazing by the Bureau of Indian Affairs. A range unit may consist of tribal, individually owned or government land or any combination thereof consolidated for grazing administration.

(y) **"Sealed Bid"** means a bid received from an advertisement for grazing privileges, and must be submitted in accordance with Sale of Grazing Privileges.

(z) **"Small Operator"** A small operator is an otherwise eligible tribal member for allocation privileges who owns 50% percent of not more than fifty head of livestock.

(aa) **"Stocking Rate"** means the number of acres necessary for an animal unit to subsist on natural feed for one month.

(bb) **"Superintendent"** means the Superintendent of the Pine Ridge Agency of the Bureau of Indian Affairs.

(cc) **"Tribe"** means the Oglala Sioux Tribe.

(dd) **"Tribal Land"** means land or any interest therein held by the United States in trust for the Oglala Sioux Tribe of Indians, subject to federal restrictions against alienation or encumbrance, and includes such lands reserved for Indian Bureau administrative purposes when it is not immediately needed for such purposes.

(ee) **"Tribally Owned Enterprise"** means all enterprises wholly owned and operated by the Oglala Sioux Tribe.

1. Tribal and tribally controlled land in established range units shall be included under grazing permits recommended by the Oglala Sioux Tribe and approved by the Superintendent for a five year period. Each grazing permit season shall be for a one year period starting the 1st day of November and ending the 31st day of October.

a. No range unit shall be reduced in size or sub-divided during the term of the permit. However, the Committee shall have the authority to recommend the subdivision of range units that are under permit to non-member Indian(s) or non-Indian(s) at the end of the grazing season in order to accommodate small operators. All procedures of (3)(a) of this Ordinance shall apply.

2. The kind of livestock which will be allowed to graze on each range unit shall be cattle, horses, and other livestock authorized by the Allocation Committee. Horses over two years old shall be counted against the total stocking of the unit, using the ratio of two horses as the equivalent to three animal units. All provisions of this ordinance shall apply to those permittees authorized to graze buffalo on the Pine Ridge Reservation.

a. BUFFALO. Buffalo may be grazed on a range unit pursuant to Section 2 at the same rental and stocking rate as is authorized for cattle, that is one cow and calf, less than six months or one bull, shall be equivalent to one animal unit. All provisions of this ordinance shall apply to those permittees authorized to graze buffalo on the Pine Ridge Reservation.

3. Allocation of grazing privileges shall be granted to tribal members without competitive bidding, in accordance with the following procedures and eligibility requirements:

a. Written applications for allocation privileges for a range unit currently under permit shall be filed no later than April 20th of the year in which the allocation is sought except for the last year of a contract period. 180 days written notice shall be given to the present permittee for allocated tribal member use. Such written application shall be filed with the Bureau of Indian Affairs, Branch of Land Operations. All applications presented to the Allocation Committee shall be for final action. All applications shall be complete for submission. The Committee shall reject and not consider incomplete applications. The Allocation Committee of the Oglala Sioux Tribe shall be advised of any delinquent taxes owed to the Oglala Sioux Tribe and/or preperation fees owed by any permittee. The committee shall disqualify allocation applicants for grazing privileges based upon delinquent tax, and/or preparation fee and any outstanding bill owed to either the Bureau of Indian Affairs and/or the Oglala Sioux Tribe.

b. No land currently under permit to an individual tribal member, family, partnership, corporation or association shall be placed in the range unit of another member during the term of the contract period without prior written consent of both parties. In the event of an application for removal of land from a range unit at the end of the contract period, factors to be considered shall include, but not limited to the following:

(1) The best interest of the competing members.

(2) Whether or not the removal of the land from a range unit would, in anyway, affect the use pattern of the unit from which the land is to be removed.

(3) Whether or not there is water or other improvements placed upon the range unit and whether these improvements are to be removed from the range unit.

(4) Any other factors deemed to be relevant by the Allocation Committee.

(5) Recommendations of Bureau of Indian Affairs, Land Operations Staff.

c. Applicants must be: 1) at least eighteen years of age: 2) an enrolled member of the Oglala Sioux Tribe: 3) the economic head of the family, and 4) physically reside within the exterior boundaries of the Pine Ridge Reservation on a day to day basis for a period of six months prior to the effective date of the grazing permit. Successful applicants shall continue to physically reside, within the exterior boundaries of the Pine Ridge Indian Reservation as defined by Constitution and By-Laws on a day to day basis for the duration of the permit period. The economic head of the family is the member who provides the main economic support of the family. In case of doubt or dispute, the Tribal Council or their authorized representative shall determine the economic head of the family, and the decision of the Oglala Sioux Tribal Council or its authorized representative shall be final and binding in all parties. In any case, the burden shall be on the applicant to prove he or she is the economic head of the family. Allocation applicants shall provide the social security numbers of both the economic head of family and the spouse of the economic head of the family. The main source of income of the economic head of the household shall be the livestock operation.

d. Livestock Ownership: Applicant ownership of livestock shall not exceed three hundred animal units. (One animal unit is equivalent to one cow and calf less than six months of age, one buffalo and calf less than six months of age, or one bull, or one buffalo bull, yearlings shall be considered three-fourths of an animal unit, an adult horse shall be considered one and one-half of an animal unit).

e. "Application shall be accompanied by documentation, satisfactory to the committee to prove individual ownership is not less than 1) 50% of not more than 100 head of livestock, 2) 75% of 101 to 250 head of livestock and 3) 100% of 251 to 300 head of livestock to be authorized for allocation privileges. The documentation shall include all of the following:

(1) Bill of Sale or any written agreement relating to the ownership of the livestock or otherwise proving ownership. Such Bill of Sale or agreement is to include Social Security Number(s) of Buyer(s).

(2) Security agreement must be executed by a duly licensed lending agency, such as a bank, FmHA, PCA, insurance company, Oglala Sioux Tribal Credit Office, etc. Security agreements between individuals shall not be accepted unless within the immediate family. All such security agreements shall be legally recorded in appropriate office of Register of Deeds.

(3) Promissory note.

(4) Financing statement (duly recorded).

(5) Affidavit attesting and sworn to by the applicant that there is no lien on livestock owned by the applicant. Affidavit must be filed with the Bureau of Indian Affairs, Branch of Land Operations

(6) Joint ownership of livestock with a non-Indian spouse shall not be recognized for requirement of livestock ownership under provisions d and e of this part.

(7) For purposes of this section, the registered brand may be either registered with the State of South Dakota or registered in accordance with appropriate Oglala Sioux Tribal Ordinances and/or Oglala Sioux Tribal Resolutions. A purported transfer of a brand and livestock branded by such transferred brand from a non-Indian to an Indian shall not be accepted by the Committee as proof of ownership of the brand and the branded livestock. Proof of livestock ownership shall be evidenced by one brand per permittee unless a second brand is authorized by the Committee.

(8) Livestock ownership shall be evidenced by all livestock bearing the brand of owner within thirty days of purchase of livestock by permittee.

(9) Copies of checks evidencing purchase of livestock.

(10) Financing or security agreements between individuals shall not be accepted unless copies of all financial transactions i.e. copies of certified checks evidencing purchase of livestock and Social Security Number of buyer(s) accompany copy of recorded agreement.

(11) Require presence of representative of Allocation Committee or Bureau of Indian Affairs, Land Operations staff to count seasonal use livestock.

(12) Other documentation that may be required by the Allocation Committee.

f. Determination of Eligibility. Upon submission of all required documentation by the allocation applicant, the Allocation Committee shall determine the applicant's eligibility in accordance with the provisions of this ordinance. The committee shall notify the applicants for allocation privileges of the decision of the committee determining applicant eligibility, including the recommendation of the committee as to the applicants request for award of a particular range unit.

(1) Any willful falsification of documents, statements and verifications necessary for eligibility shall deem the applicant ineligible for any future allocation privileges until such time that the Oglala Sioux Tribal Council shall determine the individual eligible for grazing privileges.

(2) During the permit period if an individuals allocated and/or preference eligibility becomes questionable, the Allocation Committee will meet to determine further eligibility. In the event the applicant no longer meets allocation and/or preference privileges, the unit(s) will become available for allocation applications.

g. Appeals. Any tribal members adversely affected by a decision of the Allocation Committee shall have a right to appeal. Such appeal shall be made to the Oglala Sioux Tribal Executive Committee, which shall sit as the Grazing Ordinance Appeals Board. The appeal shall give an identification of the case, statement or reasons for the appeal, along with all necessary documentation and arguments the appellant wishes to make. The notice of appeal shall be filed with the Secretary of the Oglala Sioux Tribe, no later than ten days of receipt by the appellant of the decision of the Allocation Committee. The appellant shall file his/her appeal with the Appeals Board within thirty days after filing of the notice of appeal with the Allocation Committee. No extension of time to file notice of appeal shall be granted. Notices of Appeal not timely filed shall not be considered and the decision of the Allocation Committee shall be final and binding on all parties. Decisions of the Appeals Board shall be final, conclusive and binding on all parties. The Appeal Board shall set the date for hearing on appeal no less than thirty days for receipt of Notice of Appeal and issue a decision within thirty days of hearing. Failure of the Appeals Board to act shall be construed as an affirmation of the Allocation Committees decision.

h. Animal Health. All permittees must participate in the state and federal brucellosis eradication program, or any other contagious and infectious disease eradication program. Any herd that has not been declared to be a certified brucellosis free herd or free of any other contagious or infectious disease shall be removed from the Pine Ridge Indian Reservation, in accordance with applicable federal and state laws or tribal ordinance. It shall be the responsibility of the permittee to present to the Bureau of Indian Affairs a health certificate for any/all livestock prior to moving livestock onto a range unit pursuant to a pasturing agreement.

(1) The permittee shall notify the owner of out-of-reservation livestock that the cattle and/or buffalo must be tested for contagious or infectious diseases and the permittee must provide a health certificate to the Bureau of Indian Affairs, Branch of Land Operations prior to moving livestock onto the range unit.

i. Allocation Preference: Allocation preference shall be exercised consistent with the Constitution and By-Laws of the Oglala Sioux Tribe

j. Livestock Herd Dispersal. Any permittee awarded allocated and/or preference grazing privileges who sells his/her entire herd of livestock during the grazing permit contract shall immediately forfeit his/her allocation and/or preference privileges pursuant to Item (3)(e) of this ordinance, and shall remain ineligible for the remainder of that permit period, provided that yearling operators with a range unit plan of operations with Allocation Committee approval shall not be subject to (j)(1)(2) of this Ordinance.

(1) The permittee who disperses his/her herd or otherwise forfeits his/her Range Unit shall have no voice in the allocation of his/her forfeited Range Unit grazing permit.

(2) Any permittee who forfeits his/her grazing privileges pursuant to this provision shall remain eligible for future allocation privileges.

4. Advertisement for Grazing Privileges. Grazing privileges authorized for permitting in excess of allocation needs shall be advertised for competitive public sale by the Superintendent, in accordance with the following terms.

a. In the event more than one bid is received for an advertised range unit and no Indian preference bid is received within five working days of the public sale date, an oral auction will be held. The time, date, place and terms of the oral auction shall be set by the Superintendent. Only those parties submitting a qualified bid for that specific range unit shall be allowed to participate in the oral auction.

b. Upon submission of proof of one hundred-percent ownership of their livestock, the bid deposit requirement shall be waived for tribal members participating in the bidding process.

c. Disqualified Bids: Bids shall not be accepted from bidders who are delinquent on payment of any amount of tribal tax assessment and/or penalties which have been levied by an assessment notice or bill mailed or otherwise delivered by the Tribe and/or Bureau of Indian Affairs to the bidder's last address of tribal record on or before seven working days prior to the date (not hour) set by the advertisement for the opening of sealed bids. Payment in full shall be made not less than twenty-four hours prior to the hour set for opening of sealed bids. Installment payments shall not be accepted.

d. Non-Preference: No preference shall be granted to non-Indians or non-member Indians.

e. Preference Bids: Adult enrolled members of the Oglala Sioux Tribe who qualify under the following preference shall not be required to submit a sealed bid, but shall have the privilege of meeting the high sealed bid on the units necessary for their operations within five working days after the bid opening. In the event there are two or more eligible Indian bidders for a particular advertised unit(s) an oral auction shall be held to determine the successful bidder.

(1) First Preference: Indian bidders who own the required percentage of livestock ownership as required by Section (3)(e) to be grazed on the unit(s) competed for and who was the past permittee of the unit(s).

(2) Second Preference: Indian bidders who own the required percentage of livestock ownership as required by Section (3)(e) to be grazed on the advertised unit(s). In the event there are two or more eligible Indian bidders for a particular advertised unit(s) an oral auction shall be held to determine the successful tribal bidder.

(3) All non-allocated range units shall be subject to award to members eligible for allocation privileges provided such application for allocation be submitted to the Allocation Committee in accordance with (3)(a) of this ordinance. However, non-allocated range units awarded pursuant to Indian Preference shall not be awarded for allocation privileges during the remainder of the current five year contract period.

f. Evidence of Livestock Ownership: Any tribal member exercising Indian preference shall fully comply with Section 3e (1-12) of this ordinance.

g. If, after compliance with Section (4)(b) of this ordinance, it has been established that there are no bidders for advertised grazing privileges on a particular range unit, qualified Indian bidders may negotiate grazing privileges on that particular range unit without regard to any ownership requirement. No preference shall be granted to those bidders. After evaluation of such negotiation the Superintendent shall award grazing privileges.

5. Rental Rates: The minimum annual grazing rate per year, per animal unit for Oglala Sioux Tribal land shall be established by Oglala Sioux Tribal Council Resolution. An additional forty percent shall be charged for live water computed by the forty acre tract.

a. Delinquent Grazing Fee. In the event any permittee has failed to pay his/her annual rental fee by the first day of November , such nonpayment shall constitute grounds for immediate disqualification and cancellation of grazing permits.

6. Assignments: Grazing permits shall not be assigned, or transferred without the prior written consent of all contracting parties, including surety and written approval of the Superintendent. Allocated and or Indian preference range units shall be recommended for assignment by the Allocation Committee before approval by the Superintendent. No grazing permit awarded pursuant to this ordinance shall be sub-permitted.

7. Allotment: Allottees may stipulate the minimum rental rate they will accept on their individually owned lands by signing an Authority to Grant Grazing Privileges. Landowners shall be provided information explaining the procedure for stipulating minimum rental rates. Such information shall be in written form and shall be made part of authority to grant grazing privileges on allotted land on form 5-5525.

8. Land Withdrawals: All requests for withdrawal of trust grazing lands from the range unit system shall be submitted in writing to the Superintendent no later than April 20th prior to the permitted anniversary date. No lands shall be withdrawn under the provisions of this part unless in accordance with the following provisions:

a. Grazing land withdrawn from any range unit by the landowner(s) for their own grazing or farming use shall require the landowner(s) to fence and maintain fencing of their land from the surrounding range unit with a standard three wire stock tight fence.

b. The Tribe, as landowner, may withdraw tribal land from any range unit(s) and recommend the withdrawal of individual allotments for use in a Oglala Sioux Tribal agricultural or ranching program with the consent of the individual landowners and approval by the Superintendent. Fencing under this part shall be the responsibility of the Tribe. In order to

replace withdrawn land the Tribe shall assist the permittee(s) in obtaining equal range acreage capacity if available.

c. A written request to withdraw land from any range unit or range units for housing site locations shall indicate the acreage of the development site and the road right-of-way easement. The individual applicant and the Oglala Sioux Housing Authority shall be responsible for fencing the housing site and roadways, immediately upon withdrawal approval. The Tribe shall assist the permittee in obtaining equal range acreage capacity if available. No home sites shall be approved for withdrawal from a tribal tract if the requested home site includes existing dams, dugouts, wells or running streams.

d. In the event a landowner or landowners with the consent of the permittee withdraw grazing lands from a range unit before the expiration of the contract grazing season, the landowners shall agree to assume any and all contractual obligations entered into by the permittee of the range unit for any and all improvements placed upon the land by the permittee, provided that the landowner has voluntarily given his written consent for all required easements and/or right-of-way and/or written consent to the placement of such improvements upon such grazing land.

9. Hay Cutting Fee: Hay may be cut on tribal whole tract lands at no charge to tribal member permittees, however, the permittee shall obtain approval for a hay cutting permit from the Oglala Sioux Tribal Land Office. The permit shall be issued by the Bureau of Indian Affairs and signed by the Agency Superintendent. Tribal member permittees shall be charged $1.50 per acre on all trust lands where the Tribe has an undivided interest. The permit will be issued by the Superintendent and filed in the Bureau of Indian Affairs, Branch of Land Operations. Hay cutting permits shall be available to non-tribal member permittees at a minimum rate of $1.50 per acre. All permittees shall agree that no hay will be left in windrows, unstacked bales or small shocks on the range unit. Violation of this section may result in cancellation or revocation of the grazing permit. The cutting of any hay on trust land without prior approval of the Oglala Sioux Tribe and/or Superintendent shall result in an assessment of $25.00 per acre of hay cut. It is recommended that all permittees be charged a minimum rate of $1.50 per acre for hay cutting on allotted land.

10. Pasturing Authorization Fee: Permittees with allocated and/or 1st or 2nd preference grazing privileges shall be required to obtain a pasturing authorization from the Bureau of Indian Affairs, Branch of Land Operations and pay to the Bureau of Indian Affairs an advance payment of one dollar, per head, per month for any livestock authorized in excess of the ownership requirements set forth in Paragraph (3)(e) of this ordinance. Non-payment of this fee shall result in the cancellation and/or revocation of the allocation or preference grazing privileges. This

authorization shall not be assigned or sublet without the written consent of the parties thereto and the surety, pursuant to the regulation. Any livestock pastured without an approved pasturing agreement or in violation of an authorized pasturing agreement shall be assessed a penalty of $15.00 per head, per month.

11. Waste Control: All permittees shall cooperate with the Oglala Sioux Tribe and/or Bureau of Indian Affairs to minimize waste damage, to their respective range unit(s). Violation of this section may result in the recommended cancellation or revocation of the allocation privileges.

12. Tribal Taxes and Fees: Permittees shall agree to pay any and all Oglala Sioux Tribal taxes and fees.

13. Preparation Fee: Permittees who fail to pay the preparation fee on or before the date due on the grazing permit shall be assessed a penalty at the rate prescribed by the U.S. Treasury for the period the obligation has been delinquent (42 Supplement 3 B.I.A.M.).

14. Hunting, Fishing, Wood cutting and Berry Picking: Any member of the Oglala Sioux Tribe who possesses the necessary licenses, or permits shall have the right to enter a range unit to hunt, fish, or gather dry fire wood, other food bearing plants and materials for cultural and religious purposes. Any tribal member shall also have the right to gather berries on tribal land. The cutting of green timber for fire wood shall be prohibited on tribal lands. Any tribal member entering on tribal lands for the above purposes shall comply with all relevant Oglala Sioux Tribal Council Resolutions and Ordinances.

15. Unlawful Conduct: Any unlawful conduct in violation of tribal or federal ordinances relating to land use or theft of livestock by any permittee shall subject the permit to immediate cancellation and/or forfeiture, call for immediate removal of all livestock from the range unit, and will prohibit issuance of any further grazing privileges. An appeal may be made to the Oglala Sioux Tribe for reinstatement of grazing privileges upon completion of serving sentence on the conviction. Unlawful conduct shall include, but is not limited to:

a. Conviction of a misdemeanor or felony pertaining to land and/or land use.

b. Violation of any of the provisions of this ordinance or regulations or grazing permits as a result thereof.

c. Conviction of a crime of theft of livestock.

16. Jurisdiction: All holders of a range unit grazing permit, by acceptance of such grazing permit consent to the jurisdiction of the Oglala Sioux Tribe, and further agree to the submission of any disputes arising herein to the Courts of the Oglala Sioux Tribe.

17. Range Improvements: All permanent range improvements, placed upon permitted grazing lands after November 6, 1970, shall become the property of the landowner without further consideration to the permittee unless the permittee has received the prior written approval of the Superintendent to erect such improvements as may be necessary to carry out the purposes of the permit, and providing all such improvements are made a matter of record in files at the Bureau of Indian Affairs, Branch of Land Operations. Updated Removable Range Improvement Forms shall be completed prior to each subsequent contract period, approved by the Superintendent and filed with the Bureau of Indian Affairs, Branch of Land Operations. The permittee shall have the right to remove such improvements as are capable of removal without damage to the land at any time before the expiration of the permit. All such improvements must be removed thirty days from the expiration of their permit, provided that the Superintendent may grant an extension of time upon receipt of written request for an extension of time for the permittee to remove authorized improvements.

18. Cemetery Preservation. All range unit permittees will be required to restrict livestock from cemeteries or grave yard plots which may be located within the range unit boundaries. Upkeep of fences surrounding cemeteries or grave sites is the responsibility of the permittee.

19. Land Use Tax: If during the five year contract period a range unit is taken from a non-Indian and allocated to a member of the Oglala Sioux Tribe, the Oglala Sioux Tribal member shall continue to pay the assessed land use tax for the remainder of that particular five year contract period.

20. Seasonal Use of Range Unit(s): Prior to seasonal use or removal of livestock of a range unit that has previously been yearlong use the permittees shall notify the Bureau of Indian Affairs, Branch of Land Operations, in order for a representative of that office to be present to count and confirm the number of cattle placed on such range unit(s) for seasonal use.

21. Penalty: Any and all violations of any portion of this Ordinance may result in the revocation of the award of allocated and/or preference privileges and a recommendation to the Superintendent, Bureau of Indian Affairs, that the award of a range unit awarded pursuant to the eligibility determined herein be revoked and such range unit(s) be made available to a tribal member eligible for allocation privileges.

22. Range Unit information: Range Unit information including a map of the Pine Ridge Indian Reservation with range units delineated thereon with the carrying capacity of each range unit and other information not subject to the Federal Privacy Act shall be available for review at the Land Operations Office during normal business hours.

23. Environmental Regulations: All permittees shall operate and manage their respective range units in compliance with tribal and federal environmental protection laws, regulations and policies., now

THEREFORE BE IT ORDAINED, Any and all previously adopted Ordinances and/or Resolutions of the Oglala Sioux Tribe relating to Grazing Privileges and Contracts for Grazing are hereby rescinded and repealed and made null, void and of no force or effect, and

BE IT FURTHER ORDAINED, that a full copy of this Ordinance shall be attached to and made part of each Grazing Permit awarded, pursuant to and in compliance with this Ordinance.

C-E-R-T-I-F-I-C-A-T-I-O-N

I, as undersigned, Secretary of the Oglala Sioux Tribal Council, do hereby certify that this Ordinance was adopted by the vote of: 8 for: 6 against: 0 abstain: and 0 not voting; during a REGULAR SESSION held on the 30th day of May, 1995.

THERESA IWO BULLS
Secretary
Oglala Sioux Tribe

A-T-T-E-S-T:

WILBUR BETWEEN LODGES
President
Oglala Sioux Tribe

APPENDIX 7: Application to Lease

APPLICATION TO LEASE

Date_____ RENEWAL_____ NEW LEASE_____

ALLOTMENT NO: _____ LEGAL: _____

THIS APPLICATION TO LEASE DOES NOT AUTHORIZE THE USE OF THE LAND UNTIL A LEASE CONTRACT IS APPROVED BY THE SUPERINTENDENT AND WILL NOT BE ACCEPTED UNLESS COMPLETED IN INK.

1. Please circle the Type of Lease you are applying for:
   Farm/Pasture Pasture Haying Farm/Pasture/Haying Business
   Residential (a) Standard Residential (1-5 years) or (15 years) CIRCLE ONE TERM
   (b) Oglala Sioux Lakota Housing Authority OR HUD 184
   (c) Long Term Lease for: Oglala Sioux Partnership for Housing
   NOTE: Submit the completed form to OSTPH or OSLHA
2. Length of Lease:_____ Years_____ Months:_____ Starting Date: _____
3. The information below concerning acres can e obtained from old lease contract(s).
   Farmland Acres: _____ Rental Rate Offered Per Acre: $_____

   Grassland Acres: _____ Rental Rate Offered per Acre: $_____

   Upland/Hayland Acres: _____ Rental Rate offered Per Acre: $_____

   Meadow Hayland: _____ Rental Rate Offered Per Acre: $_____

   Tame Grass Hayland: _____ Rental Rate Offered Per Acre: $_____

   Residential: _____ Rental Rate Offered Per Acre: $_____

   Business: _____ Rental Rate Offered Per Acre: $_____

   Other: _____ Rental Rate Offered Per Acre: $_____
4. The following improvements are property of the applicant and may be removed 120 days after the expiration of the lease contract (Improvements are any removable structure/objects).
   _____
5. Improvements now located on property which will remain on the property and will be maintained by the applicant:
   _____
6. Permanent Conservation Practice(s) now on the land:
   ( ) Grassed Waterways ( ) Terracing ( ) Contouring
   ( ) Contour Stripping ( ) Strip Cropping ( ) Alfalfa
7. Lessee agrees to stock the grassland included in this lease at the rate of _____ beginning _____ and ending _____.
8. It is understood and agreed that the approval of a lease does not give the lessee(s) the right to hunt or fish, nor does it give the lessee(s) the right to invite non-Indians to hunt or fish on the leased premises.
9. I further understand that in the event that there are any unpaid judgments against me as a Lessee(s) or bondsperson, or if my present leases are not in good standing, my application will not be considered. I further agree to comply with all Federal Regulations pertaining to 25 CFR 162. In the event my lease includes the use of the building, I do hereby agree to insure the said Buildings at a value satisfactory to all interested parties provided insurance can be obtained on the same.

TELEPHONE NO: _____

_____
Signature of Applicant

Are you a Government Employee:
(YES) (NO) CIRCLE ONE:

_____ _____
Printed Name

_____
Address (City, State, Zip Code

FOR 100% TRIBAL LAND ONLY – Fo: Residential and Business Lease Applications: Obtain the Signatures of One OST Tribal Council Representative and Two of the District Executive Board members Signatures (in the District for which you are applying for a lease)

APPENDIX 7: Application to Lease

I/WE, THE LANDOWNERS OF THE ALLOTMENT HEREIN DESCRIBED, DO HEREBY AGREE TO THE TERMS AND CONDITIONS WITH ALL OF THE APPLICATION AND AGREE TO COMPLY WITH ALL FEDERAL REGULATIONS CONCERNING THE LEASING OF INDIAN TRUST LANDS. FURTHERMORE, I/WE DO AUTHORIZE THE SUPERINTENDENT TO PERFORM EVERY ACT NECESSARY AND REQUISITE TO THE CONSUMMATION OF SUCH LEASE WITH THE SAME VALIDITY AS IF I/WE WERE PRESENT TO EXECUTE THE SAME:

NOTE: FOR LONG-TERM RESIDENTIAL LEASE UNDER LEASEHOLD MORTGAGES ONLY: Pertains only to Oglala Sioux Lakota Housing and Oglala Sioux Tribal Partnership for Housing Leases.

I/WE, THE LANDOWNERS, UNDERSTAND THIS APPLICATION IS FOR A TERM OF 25 OR MORE YEARS. The residence is under a mortgage. If the Lessee defaults, the lease and residence can be assigned to another eligible person for the remainder of the contract who may not be co-owner.

TWO WITNESSES FOR EACH SIGNATURE (Be sure all items on front of application are complete before signing application)

WITNESS	LESSOR (Landowner)
1. _____	_____
2. _____	
1. _____	_____
2. _____	
1. _____	_____
2. _____	
1. _____	_____
2. _____	
1. _____	_____
2. _____	
1. _____	_____
2. _____	
1. _____	_____
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1. _____	_____
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1. _____	_____
2. _____	
1. _____	_____
2. _____	
1. _____	_____
2. _____	
1. _____	_____
2. _____	
1. _____	_____
2. _____	

5-110-L
(April 1953)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS

PETITION FOR PARTITION OF INHERITED INDIAN LAND

Act of May 18, 1916 (39 Stat. 123–127)

COMMISSIONER OF INDIAN AFFAIRS:

The undersigned heirs of _____

_____

deceased Indian allottees of the Pine Ridge Reservation, respectfully represent that said allottees died, respectively, (give dates) _____

_____, possessed of allotments on said Pine Ridge Reservation, as follows:

Allotment No. _____, _____

_____, containing _____ acres,

allotted under act of _____, trust patent issued _____;

Allotment No. _____, _____

_____, containing _____ acres,

allotted under act of _____, trust patent issued _____;

Allotment No. _____, _____

_____, containing _____ acres,

allotted under act of _____, trust patent issued _____

That your petitioners are the only heirs of said deceased allottees and entitled to said lands in common, subject to the trust declared in said trust patents; and that the interests of your petitioners in said lands are as follows, respectively:

_____ entitled to an undivided _____ interest;

_____ entitled to an undivided _____ interest;

_____ entitled to an undivided _____ interest;

_____ entitled to an undivided _____ interest;

_____ entitled to an undivided _____ interest;

_____ entitled to an undivided _____ interest;

_____ entitled to an undivided _____ interest;

16—68990-1