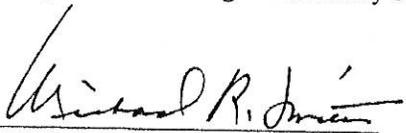


**UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF INDIAN AFFAIRS  
EASTERN OKLAHOMA REGIONAL OFFICE**

**MIAMI TRIBE OF OKLAHOMA**

Land Consolidation Plan  
and  
Tribal Consolidation Area

The within Land Consolidation Plan and Tribal Consolidation Area of the Miami Tribe of Oklahoma is hereby approved pursuant to delegated authority of 209 DM 8, 230 DM 1 and 3 IAM 4:

  
\_\_\_\_\_  
Acting Regional Director

Date: 9-12-01

# Table of Contents

	PAGE
<b>TRIBAL RESOLUTION</b>	
<b>TABLE OF CONTENTS</b>	
<b>SECTION I - LAND CONSOLIDATION PLAN</b>	
I-001    Definitions	1
I-002    Statement of Purpose	2
I-003    Operational Policy and Procedure	2
I-004    Sales or Exchanges; Terms and Conditions	3
I-005    Fair Market Value	3
I-006    Requisite Conditions	3
I-007    Conveyancing Authority/Removal Trust Status	4
I-008    Trusteeship of the United States	4
I-009    Tax Exemption	4
I-010    Priorities of the Tribe	4
<b>SECTION II - TRIBAL CONSOLIDATION AREA</b>	
Introduction - History of the Miami Tribe	4
II-001    Statutory Organization	5
II-002    Economy of the Tribe	6
II-003    Need for Additional Land	6
II-004    Proposed Tribal Consolidation Area	6
II-005    Planned Actions and Objectives	7
<b>AMENDMENTS</b>	7
<b>SECRETARIAL DISCLAIMER</b>	7
<b>EXHIBITS</b>	
A) Legal Descriptions of Existing Tribal Land	
B) Tribal Constitution	
C) Map of Land Consolidation Area	

## MIAMI TRIBE OF OKLAHOMA

### LAND CONSOLIDATION PLAN - TRIBAL CONSOLIDATION AREA

#### INTRODUCTION

This document, in two sections, is written to describe the LAND CONSOLIDATION PLAN of **The Miami Tribe of Oklahoma**, developed in accordance with the Indian Land Consolidation Act, P.L. 97-459, 96 Stat. 2517, 2518, as amended, which embraces all that area lying within the exterior boundaries of the Tribe's former reservation. The second part describes the Tribe's TRIBAL CONSOLIDATION AREA which identifies an area within which future tribal land acquisitions may be made.

Both plans involve future land acquisitions by the Tribe which will be submitted to the Bureau of Indian Affairs with the request that such lands be converted to trust status. It is understood that each such request will be evaluated by the Bureau of Indian Affairs in accordance with the land acquisition policy and the factors set forth in 25 CFR 151.

#### SECTION I

##### LAND CONSOLIDATION PLAN

The purpose of this part is to authorize the Miami Tribe of Oklahoma, with the approval of the Secretary, to adopt a land consolidation plan providing for the sale or exchange of any tribal lands or interests in lands to eliminate undivided fractional interests in Indian trust or restricted lands or to consolidate tribal landholdings. This shall be accomplished through utilization of the following methodology:

##### **Section I - 001: Definitions**

For the purpose of this part -

- a) "tribe" means the Miami Tribe of Oklahoma;
- b) "Indian" means any person who is a member of the Miami Tribe of Oklahoma;
- c) "Secretary" means the Secretary of the Interior, or his designated representative; and,
- d) "Trust or restricted lands" means lands, title to which is held by the United States in trust for an Indian or Tribe; or lands, title to which is held by Indians or an Indian Tribe subject to a restriction by the United States against alienation.

**Section I - 002: Statement of Purpose**

The purpose of this part is to authorize the Tribe, with approval of the Secretary, to reduce or eliminate undivided fractional interests in the Miami Tribe of Oklahoma's trust or restricted lands or for the purpose of consolidating its landholdings.

**Section I - 003: Operational Policy and Procedure**

A. To provide maximum flexibility in accomplishing the purposes of this plan, all tribal lands now owned, as described in **EXHIBIT A**, or hereafter acquired by the tribe are included under this plan and considered eligible for sale or exchange. The Tribal Business Committee will monitor key tracts and properties on a continual basis for identification of tracts for either sale or exchange.

The Business Committee will maintain close contact with the Bureau of Indian Affairs' Miami Field Office trust personnel to review lands identified and provide recommendations to the full Tribal Council.

B. Proposals will be developed by the Tribal Business Committee with assistance from the Miami Field Office. The Business Committee will enact resolutions authorizing the Bureau of Indian Affairs to complete the transaction on behalf of the Miami Tribe of Oklahoma;

C. The sale price or exchange value received by the tribe for land or interest in land covered by this plan shall be no less than within 10 percentum of the fair market value as determined by the Secretary;

D. If the tribal land involved in an exchange is of greater or lesser value than the land for which it is being exchanged, the tribe may accept or give cash in such exchange in order to equalize the values of the property exchanged;

E. An interest bearing account, mutually agreeable to the Secretary and to the Tribe shall be maintained for the Tribe's selling or exchanging of land(s) pursuant to this part consisting of the proceeds of the land sales and exchanges and shall be released only for the purpose of buying or exchanging lands under this part;

F. The Tribe may retain the mineral rights to sold or exchanged lands and the Secretary shall assist them in determining the value of such mineral rights and shall take such value into consideration in determining the fair market value of the lands.

G. Lands owned or acquired by the tribe may be used for tribal housing needs, when that need exists. Any such housing will be under direct supervision of the tribal Authority, whether it be mutual help or Tribally owned housing, utilizing NAHASDA Guidelines.

H. Lands identified by the Land Committee for acquisition in connection with this plan will be acquired in accordance with the provisions of 25 CFR 151 and all other applicable Federal Laws now or which may hereafter be put into effect.

**Section I - 004: Conveyancing Requirement**

The Secretary shall execute such instrument of conveyance needed to effectuate a sale or exchange of tribal lands made pursuant to this part unless he makes a specific finding that such sale or exchange is not in the best interest of the tribe or is not in compliance with this part.

**Section I - 005: Fair Market Value**

The Tribe may purchase, at no less than the Fair Market Value, part of all of the interests in any tract of trust or restricted land within the Tribe's historic reservation boundaries or otherwise subject to its jurisdiction with the consent of the owners of such interests, or otherwise, in accordance with applicable Federal law.

**Section I - 006: Requisite Conditions**

The Tribe may purchase all of the interests in such tract of trust or restricted land with the consent of the owners of over 50 percentum of the owners or with the consent of the owners of over 50 percentum of undivided interests in such tract; PROVIDED, that -

- a) any Indian owning any undivided interest, and in actual use and possession of such tract for at least three (3) years preceding the tribal initiative, may purchase such tract by matching the Tribe's offer;
- b) if, at any time within five (5) years following the date of acquisition of such land by an individual pursuant to this section, such property is offered for sale or a petition is filed with the Secretary for removal of the property from trust or restricted status, the Tribe shall have 180 days from the date it is notified of such offer or petition to acquire such property by paying to the owner the Fair Market Value as determined by the Secretary;
- c) all purchases and sales initiated under this part shall be subject to approval by the Secretary.

**Section I - 007: Conveyancing Authority Upon Sale or Exchange of Tribal Lands - Removal of Trust Status of Individually Owned Lands**

The Secretary shall have the authority to issue deeds, patents, or such other instruments of conveyance needed to effectuate a sale or exchange of tribal lands made pursuant to the terms of

the ILCA and this document, and to remove, at the request of the Indian owner, the trust and/or restricted status of individually held lands or interests therein, where authorized by law.

**Section I - 008: Trusteeship - Title in the United States for the Tribe**

Title to any land acquired under this part by the Tribe may be taken in trust by the United States for the Tribe.

**Section I - 009: Tax Exemption**

All lands or interests in land acquired by the United States for the Tribe under authority of this part shall be exempt from Federal, state, and local taxation.

**Section I - 010: Priorities of the Tribe**

The Tribe shall from time to time, acting through its governing body, prioritize the needs of the Tribe in relation to this part, types of properties best suited to those needs, and limitations which may be placed upon resources available for the purposes of this part.

This formal prioritization shall be accomplished by adoption of an Executive Committee Resolution addressing given needs and/or specific parcels of land/property and may be rescinded, amended, or added to at the pleasure of the Committee, subject to the foregoing terms and conditions.

**SECTION II**

**TRIBAL CONSOLIDATION AREA**

**INTRODUCTION - History of the Miami Tribe**

The first known origin of the Miami Tribe of Indians was near Green Bay, Wisconsin. Jacques Marquette met the Miami's at the portage of the Fox River in 1673, as he journeyed with Louis Jolliet. The tribe later migrated to an area south of Lake Michigan; bound by the Ohio, Wabash, Scioto Rivers in present-day Indiana and western Ohio at the beginning of the eighteenth century. At an annual meeting tribal lawyer, Edwin A. Rothschild, told "that the tribe had been involved in 75,000 transactions during 100 years of their history, and these were for 12 million acres of land in Indiana."

On November 28, 1840, at the Forks of the Wabash (present-day Huntington, Indiana), a treaty was signed that moved the tribe to what is now Miami County, Kansas. It took six years for this move to occur. Part of the tribe was granted special permission to remain in Indiana. Elected Chiefs and those of mixed-blood were allowed to stay.

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A treaty signed in 1867 relocated the tribe to Indian Territory now Oklahoma to lands allotted the tribe by the agency.

Once in Oklahoma, the tribe came under the supervision of the Quapaw Indian Agency of the Bureau of Indian Affairs. This was later transferred to the Miami Agency in Miami. The enabling act of Oklahoma in 1906, followed by Statehood in 1907, gave United States citizenship to the Miami people. The Oklahoma Indian Welfare Act of 1936, permitted the Indian tribes to form federal corporations with constitutions and bylaws.

The Miami Tribe of Oklahoma constitution was prepared, submitted, and ratified by the tribe on October 30, 1939. The tribe received its corporate charter on April 15, 1940. The current constitution and bylaws were approved and became effective February 22, 1996.

The tribal roll of 2,011 names is considered an open roll; since names are still being added. (The Miamis were estimated to number 4,500 in 1695. On the Quapaw Agency census of the Miami Indians taken in 1867, there were 64 names listed.)

Today the Tribe is governed by: Chief Floyd E. Leonard; Charles Wade, Second Chief, Julie Olds, Secretary-Treasurer; Judy Davis, First Councilperson; and J.O. (Otho) Downing, Second Councilperson. The annual meeting for the General Council is held on the Saturday nearest the fourth of July.

The Tribe administers numerous federal grants/programs and over \$1,500,000 in funds annually and employs 68 people, half of whom are tribal members.

Future goals for the tribe includes, according to Chief Floyd Leonard, "to maintain tribal identity, build a sense of tradition yet make forward progress and to stay solvent."

## **Section II - 001: Statutory Organization**

The Miami Tribe of Oklahoma is organized under a constitution originally approved in 1940, pursuant to the provisions of the Oklahoma Indian Welfare Act of 1936. It currently operates under a constitution and bylaws approved by the Secretary effective February 22, 1996 (**EXHIBIT B**).

The Miami Tribe is governed by the Miami General Council consisting of all Miami tribal members 18 years of age or older. A five (5) member Business Committee consisting of the officers of the tribe transacts business and acts on behalf of the Tribe in all matters of the Tribe, except as specifically reserved by the constitution.

## **Section II - 002: Economy of the Tribe**

The Miami Tribe's economic activity is based on the commitment to provide for the health, safety and general welfare of the Tribe and its members within the limit of available resources and to expand the future opportunities for economic development and tribal self-sufficiency. Tribal resources managed and directed by the Business Committee consist primarily of federal contracts and grants, federal investments of Tribal trust funds, leasing of Tribal natural resources, and income from Tribally owned businesses. Federal resources obtained by the Tribe through contracts and grants are utilized to provide programs and services directly to tribal members and can be utilized only for the administration of the federal program or service.

To enhance future growth, the Business Committee strives to increase the resources available to provide for the health, safety and general welfare of the Tribe and its members. To achieve these goals the Business Committee will emphasize the following activities (1) further development of the present Tribal land base infrastructure; (2) build an environment that encourages outside investment in tribal economic ventures, that generates viable long-term business growth, and that allows investments to flourish; (3) attract private industry and business to the tribal jurisdiction; (4) expand the Tribal land base and economic development potential; (5) reduce or eliminate undivided fractionated interests in trust or restricted lands within the Tribal jurisdiction through purchase or exchange provided that, the consent of the owners is obtained; (6) consolidate Tribal land holdings through purchases or exchanges; (7) increase the number of federal programs and services administered directly by the Tribe to tribal members through contracts and grants.

## **Section II - 003 - Need for Additional Land**

The Tribe needs a larger land base to strengthen its economic infrastructure and to facilitate tribal self-determination. Newly acquired land will comprise that which will advance the goals of the tribe.

## **Section II - 004: Proposed Tribal Consolidation Area**

The Miami Tribal Consolidation Area embraces all that area lying within the exterior boundaries of that former reservation in Oklahoma occupied by the Miami Tribe in Oklahoma as shown in the **EXHIBIT C** herein. The herein referenced Attachment shows the Miami Tribal Land Consolidation Area and the general location of existing Tribal lands within that area. The Tribe plans to purchase additional lands, and consolidate land holding through purchases and exchanges as authorized within the foregoing Land Consolidation Plan. In accordance with Section I-010 of the Land Consolidation Plan, the Tribe shall from time to time, acting through the Tribal Business Committee, re-examine and prioritize the needs of the Tribe, types of properties best suited to those needs; and limitations which may be placed upon resources available.

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This formal prioritization shall be accomplished by adoption of a Business Committee Resolution addressing given needs and/or specific parcels of land/property and may be rescinded, amended, or added to at the pleasure of the Business Committee, subject to the terms and conditions of the foregoing Land Consolidation Plan.

**Section II - 005: Planned Actions and Objectives**

1) The Miami Tribe of Oklahoma plans to use any existing lands, when feasible, for economic development projects. The major amount of land now owned by the tribe is within the exterior boundaries of the original reservation area and is agricultural land. At present there are no other plans for its use.

2) As land becomes available on the market, at a price consistent with fair market value, the Miami Tribe will acquire such land and request that the Bureau of Indian Affairs place such land in trust where the Tribe has determined that placement of that land in trust is in the best interest of the Tribe. Such lands shall be used for both cultural and economic development objectives.

**AMENDMENTS**

This document may be amended at any time by valid resolution of the Business Committee and approval by the Secretary.

**SECRETARIAL DISCLAIMER**

Approval by the Secretary of this document may not be interpreted as pre-approval to trust status of any lands proposed to be acquired within the herein described Tribal Consolidation Area. Each tract proposed to be acquired pursuant to this document is subject to the approval of the Secretary in accordance with the laws, rules, regulations, policies and procedures applicable to acquisitions of land in trust for Indian tribes.

## **EXHIBIT A**

Page 1 of 2

### **LEGAL DESCRIPTIONS - TRIBAL LANDS**

#### **Maria Christiana Reserve Number 35 Miami Princess**

Legal:

East 35 acres of the East Half of the Southwest Quarter (E1/2 of SW1/4) of Section 13, Township 19 South, Range 24 East, Miami County, Kansas, together with a 66 - foot easement over and across the North 66 feet of the West 45 acres of the East Half of the Southwest Quarter (E/2 of SW4) of Section 13, Township 19 South, Range 24 East, for the sole purpose of ingress and egress.

#### **North Miami Proper:**

Legal:

Lots 25 and 26 in Block 1, in **MARTHA KAY ADDITION** to North Miami, Ottawa County, Oklahoma, according to the recorded plat thereof,

Legal:

A tract of land in Lot 8 of Section 12, Township 28 North, Range 22 East of the Indian Meridian, Ottawa County, Oklahoma, more particularly described as *follows*:

Beginning at the NW corner of Lot 8;  
thence on a bearing of South 88 degrees 36.48' East 678.59 feet;  
thence South 01 degrees 38.97' West 413.27 feet;  
thence South 83 degrees 14.90' West 674.71 feet;  
thence North 00 degrees 24' East to the point of beginning.

#### **Long house:**

Legal:

One square acre in the Southwest corner of the Southwest Quarter of the Southwest Quarter of the Southwest Quarter of Section 4, Township 28 North, Range 22 East of the Indian Meridian, Ottawa County, Oklahoma.

#### **Farm Property:**

Legal:

120 acres located in Section 20, Township 20 North, Range 22 East of the Indian Meridian. Ottawa County, Oklahoma.

## EXHIBIT A

Page 2 of 2

### Land owned in common with area Tribes:

1/8 (.25) ownership in 2 acres, Wyandotte, Oklahoma. Council House.  
1/7 (14.25) ownership in 114 acres, Wyandotte, Oklahoma.

### ITC Land - Ottawa County - Oklahoma:

A tract of land in Ottawa County, Oklahoma, containing 40-50 acres, more or less, located in the SE 1/4 of Section 29, Township 28 North, Range 23 East, I.B.&M., described as:

Beginning at an aluminum cap on the West line of the said SE 1/4 216.13 feet N 01 degree 31 minutes 10 seconds W of the Southwest corner of the SE 1/4 of said Section 29; thence N 01 degree 31 minutes 10 seconds W along the West line of the said SE 1/4 167.78 feet to an aluminum cap on the intersection of a curve, thence along a curve to the right having a chord bearing of N 28 degrees 13 minutes 43 seconds E, a radius of 4,247.53 feet and a length of 1,457.26 feet to an aluminum cap at the point of tangency; thence N 38 degrees 03 minutes 26 seconds E 1,304.01 feet to an aluminum cap on the North line of said SE 1/4; thence N 88 degrees 01 minute E along the North line of said SE 1/4 244.70 feet to an aluminum cap that is 854.30 feet S 88 degrees 01 minute W of the Northeast corner of the said SE 1/4; thence S 18 degrees 40 minutes 16 seconds W 837.18 feet to an aluminum cap; thence S 70 degrees 19 minutes 38 seconds W 112.93 feet to an aluminum cap; thence S 21 degrees 32 minutes 08 seconds W 452.29 feet to an aluminum cap; thence S 13 degrees 15 minutes 57 seconds W 84.11 feet to an aluminum cap; thence S 27 degrees 13 minutes 03 seconds E 236.42 feet to an aluminum cap; thence S 18 degrees 05 minutes 49 seconds W 856.76 feet to an aluminum cap; thence S 89 degrees 49 minutes W 563.50 feet to an aluminum cap; thence N 0 degrees 20 minutes E 100.00 feet to an aluminum cap; thence S 89 degrees 49 minutes W 367.00 feet to the point of beginning, excepting the oil and other mineral rights.

(Currently in trust for the use of the Eight area Tribes; Eastern Shawnee, Peoria, Miami, Ottawa, Modoc, Quapaw, Seneca-Cayuga, and Wyandotte.)



REPLY REFER TO:

# United States Department of the Interior

## BUREAU OF INDIAN AFFAIRS

Miami Agency  
P.O. Box 391  
Miami, Oklahoma 74355

March 6, 1996

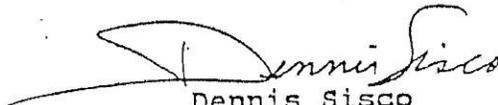
Chief Floyd Leonard  
Miami Tribe of Oklahoma  
P.O. Box 1326  
Miami, OK 74355

Dear Chief Leonard:

This office is in receipt of the original approved revised Constitution of the Miami Tribe of Oklahoma that has been returned from Central Office. We are aware that the Miami Tribe of Oklahoma has been anxiously awaiting to receive this document. The proposed constitution was duly adopted on December 4, 1995, and was approved and became effective on February 22, 1996, provided that nothing in the approval shall be construed as authorizing any action under this document that would be contrary to Federal law.

If you should have questions, please call.

Sincerely,

  
Dennis Sisco  
Superintendent

Ex. B