Acknowledgment Process

25 CFR PART 83

PRIOR TO ACTIVE CONSIDERATION TIME SCHEDULE	Description	Time	Citation
Letter of Intent	AS-IA shall acknowledge receipt of letter of intent.	30 days (one month)	§83.9(a)
	The AS-IA shall have published in the **Federal Register** a notice of receipt of a letter of intent.	60 days (two months)	§83.9(a)
Documented Petition	After an Indian group has filed a letter of intent requesting Federal acknowledgment as an Indian tribe and until that group has actually submitted a documented petition, the AS-IA may contact the group periodically and request clarification, in writing, of its intent to continue with the petitioning process.	(no specified time)	§83.5(e)
Technical Assistance (TA) Review	Prior to active consideration, the AS-IA shall conduct a preliminary review of the documented petition for purpose of technical assistance.	90 days (three months)	§83.10(b)
Expedited Finding	After the group responds to the TA review and before active consideration, AS-IA can issue a proposed finding declining to acknowledge a petitioner based on any one of 3 criteria: (e), (f), or (g).		§83.10(e)
Ready, Waiting for Active Consideration	The order of consideration of documented petitions shall be determined by the date of the Department's notification to the petitioner that it considers that the documented petition is ready to be placed on active consideration.	(no time specified)	§83.10(d)

ACTIVE CONSIDERATION TIME SCHEDULE	Description	Time	Citation
Active consideration and Proposed Finding	Within one year after notifying the petitioner that active consideration has begun, the AS-IA shall publish a proposed finding in the **Federal Register.**	365 days (twelve months)	§83.10(h)
Extension of active consideration	The AS-IA has discretion to extend that period up to an additional 180 days.	180 days (six months)	§83.10(h)
Public Comment period	Upon publication of the proposed finding, the petitioner and any third party has 180 days to submit arguments or evidence to the AS-IA to rebut or support the proposed finding.	180 days (six months)	§83.10(i)
Extension for Public Comment	The period for comment on a proposed finding may be extended at the AS-IA's discretion upon a finding of good cause.	180 days (six months)	§83.10(i)
Response to Public Comment by the Petitioner	The petitioner shall have a minimum of 60 days to respond to any submissions made by third parties during the response period.	60 days (two months)	§83.10(k)
Extension to Respond to Public Comment by the Petitioner	This reply period may be extended at the AS-IA's discretion if warranted by the extent and nature of the comments.	(no time specified)	§83.10(k)
Consultation	At the end of the period for comment on a proposed finding, the AS-IA shall consult with the petitioner and interested parties to determine an equitable time frame for consideration of written arguments and evidence submitted during the response period.	(no time specified)	§83.10(l)
Final Determination	A summary of the final determination shall be published in the **Federal Register** within 60 days from the date on which the consideration of the written arguments and evidence concerning the proposed finding begins.	60 days (two months)	§83.10(l)(2)
Extension of Final Determination	The AS-IA has the discretion to extend the period for the preparation of a final determination if warranted by the extent and nature of evidence and arguments received during the response period.	(no time specified)	§83.10(l)(3)
Effective date	The determination will become effective 90 days from publication unless a request for reconsideration is filed pursuant to §83.11.	90 days (three months)	§83.10(l)(4)

IBIA REVIEW TIME SCHEDULE	Description	Time	Citation
Request for reconsideration	A petitioner's or interested party's request for reconsideration must be received by the Board no later than 90 days after the date of publication of the AS-IA's determination in the **Federal Register**. This request is considered the opening brief.	Within 90 days (three months)	§83.11(2)
Grounds for review by IBIA	If the request for reconsideration is filed on time, then the Board shall determine, within 120 days after publication of the AS-IA's final determination in the **Federal Register**, whether the request alleges any of the grounds in paragraph (d) of this section and shall notify the petitioner and interested parties of this determination.	Within 120 days (four months)	§83.11(c)(2)
	AS-IA forwards documents from the administrative record pertinent to request for reconsideration to IBIA in time frame determined by IBIA.	(no time specified)	§83.11(e)(8)
Opposing request for reconsideration	Party opposing request for reconsideration has 30 days to respond to opening brief	30 days	43 CFR 4.311
Petitioner's reply brief	If interested party requested reconsideration, then petitioner may file a reply brief.	Within 15 days	§83.11(e)
Revised briefing schedule	IBIA may revise briefing schedule.	(no time specified)	43 CFR 4.310(d)
IBIA hearing	IBIA may conduct a hearing.	(no time specified)	§83.11(e)(4)
	IBIA renders a decision affirming or vacating the Final Determination. The IBIA can affirm and send other grounds to the Secretary as possible grounds for reconsideration.	(no time specified)	§83.11(e)(9) §83.11(e)(10) §83.11(f)(2)
Comments to Secretary, if IBIA affirms and sends other grounds to the Secretary as possible grounds for reconsideration	If the Board affirms the Final Determination but sends the Secretary grounds for possible reconsideration under paragraph (f)(2), then the petitioner and interested parties shall have 30 days from receiving notice of the Board's decision to submit comments to the Secretary.	30 days (one month)	§83.11(f)(4)
Response to Comments by Petitioner	If materials are submitted to the Secretary opposing a petitioner's request for reconsideration, then the interested party shall provide copies to the petitioner and the petitioner shall have 15 days to file a response with the Secretary.	15 days	§83.11(f)(4)
Secretary's Determination of Reconsideration	The Secretary shall make a determination to request reconsideration of the AS-IA's determination within 60 days of receipt of all comments and shall notify all parties of the decision to decline to request reconsideration or to request the AS-IA to reconsider.	60 days (two months)	§83.11(f)(5)

IBIA REVIEW TIME SCHEDULE (continued)	Description	Time	Citation
Reconsidered Determination, if IBIA affirmed	The AS-IA shall issue a reconsidered determination within 120 days of receipt of the Secretary's request for reconsideration and publish notice of it in **Federal Register.**	120 days (four months)	§83.11(g)(1)
Reconsidered Determination, if IBIA vacates	If the IBIA vacates the Final Determination, then the AS-IA shall issue a reconsidered determination within 120 days.	120 days	§83.11(h)(1)
Effective and Final for the Department	If the Board finds that no petitioner's or interested party's request for reconsideration is timely, then the AS- IA's determination shall become effective and final for the Department.	120 days from publication of the final determ. in the **Federal Register** (4 mos)	§83.11(g)(1), publish notice of it in **Federal Register**.
	If a reconsidered decision is issued, then it is final and effective on date notice of it is published in **Federal Register.**		§83.11(h)(3)
	If Secretary declines to request reconsideration, then the Final Determination is effective and final as of date of notification to parties of Secretary's decision.		§83.11(h)(2)

AFTER ACKNOWLEDGMENT	Description	Time	Citation
Needs and Recommended Budget	Within six months after acknowledgment, the appropriate Area Office shall consult with the newly acknowledged tribe and develop, in cooperation with the tribe, a determination of needs and a recommended budget.	6 months	§83.12(d)