Indian Affairs - Office of Public Affairs

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(WASHINGTON, D.C.) – Assistant Secretary – Indian Affairs Neal A. McCaleb today announced the Interior Department's decision to withdraw in its entirety the final rule titled "Acquisition of Title to Land in Trust" that was published on January 16, 2001, citing the need for clear direction and processing standards for land into trust applications. "This action is consistent with the action we took 60 days ago when we asked for comment on the proposed withdrawal of the final rule," McCaleb said. "Following consultation with tribes, we will publish new regulations." Today's action will be published in the Federal Register on November 9, 2001.

The Department had published two actions on August 13, 2001, stating that it was extending the effective date of the January 16 final rule and issuing a Notice of Proposed Withdrawal of the final rule to seek comments on whether the rule should be withdrawn and a new proposed rule promulgated. The Department took the action to examine more fully the public's continued concern with the trust land acquisition procedures set out in 25 CFR Part 151, the Bureau of Indian Affairs' regulation for taking land into trust.

"All along we have recognized that a balance must be struck between the needs of the tribes to acquire land in accordance with the intent of Section 5 of the Indian Reorganization Act and the concerns of those governments, communities and individuals who are affected by land into trust requests," McCaleb said.

The decision to withdraw the final rule was based on public comments the Department had received to the August 13 notice on whether the rule should be withdrawn and a new rule promulgated. The Department received a total of 139 submissions of which 93 were from tribes, 18 were from state and local governments and federally elected officials, and 28 were from other interested groups and individuals.

In the August 13 notice the Department sought comments on specific areas of concern including individual applications for land into trust for housing or home site purposes; the requirement of land use plans for off-reservation acquisitions and as part of the designation of a Tribal Land Acquisition Area (TLAA); clarifying the standards contained in the final rule; the availability of applications for review and the use of technology to facilitate review of trust acquisition applications. The Department found that since the comments received contained various opposing views about the identified issues of concern, repealing only part of the final rule would be impracticable and inefficient.

Citing the need for the Bureau of Indian Affairs, the agency responsible for processing land into trust applications, to have clear direction and processing standards, the Department decided to withdraw the final rule in its entirety. The withdrawal of the final rule is effective immediately. The current regulation will remain in effect during the new rulemaking. It will also allow the Department to consult with tribes during this period on the areas of concern.

The Bureau provides services to and carries out the federal government's trust responsibility for the 558 federally recognized tribal governments and approximately 1.4 million American Indians and Alaska

Natives nationwide.

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