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The Department of the Interior is asking for public comments on proposed regulations containing additional criteria and requirements to be used in evaluating requests to take lands in trust for Indian tribes outside existing reservation boundaries.

The proposed rules were published in the July 15, 1991, edition of the Federal Register and comments must be received within 60 days.

"During recent years, the Bureau of Indian Affairs has had a number of requests by tribes to take land in trust located outside of and noncontiguous to reservations for purposes of development projects and, in particular, gaming establishments," Eddie F. Brown, Interior Assistant Secretary for Indian Affairs, said. "We have handled these requests in the past on a case-by-case basis according to need, purpose, amount of trust land currently owned, and the impact of removing the land from local government tax rolls.

"In my discussions with Secretary of the Interior Manuel Lujan, we agreed on the need for a policy review and rule change," Brown said. "We need a clearly articulated policy that allows the noncontiguous land in trust request to be reviewed in a consistent manner. The policy is intended to strengthen Indian economic development, encourage acceptance of Indian enterprises by neighbors and communities, maintain the Secretary of Interior's trust responsibilities, and be consistent with sovereignty and self-determination concepts."

Under the proposed rules, requests to take land in trust located outside of an Indian reservation must continue to meet the criteria contained in Federal law (25 CFR Part 151.10). In addition, these new guidances have been proposed:

(1) The property should be free of all hazardous and toxic materials;

(2) The land to be acquired in trust should be located within the state(s) in which the tribe presently owns trust land;

(3) The tribe must consult and attempt to resolve possible conflicts over taxation, zoning and jurisdiction with local, city, county, and state governments and demonstrate such efforts have been made;

(4) The tribe shall provide an economic development plan specifying the proposed use of the land with a cost/benefit analysis;

(5) The tribe must demonstrate that trust status is essential for the planned use of the land and the economic benefits to be realized;

(6) The tribe will adopt standards and safeguards comparable to all local ordinances.

When the acquisition of new land is to be used for gaming purposes, these additional criteria and

requirements will be considered:

(1) Request must be in compliance with the Indian Gaming Regulatory Act (P.L. 100-497);

(2) When appropriate, the request must be reviewed by the National Indian Gaming Commission;

(3) Request must include an analysis by the tribe showing that it explored all reasonable alternatives (other than gaming) which would provide equivalent economic benefits;

(4) The request must provide that the tribe agrees to withhold the appropriate portion of individual winnings from gaming activities for Federal taxes.

Written comments should be addressed to Chief, Branch of Technical Services, Division of Real Estate Services, Bureau of Indian Affairs, 1849 C St. N. W., MS 4522-MIB, Washington, D.C. 20240.

Those wishing more information about the regulations may contact Alice A. Harwood, Acting Chief, Branch of Technical Services, at the above address. She can be reached at (202) 208-4861.