The ITARA Demonstration Project Information Series
Supporting Tribal Self-Determination, Economic Growth, and Community Development

Presented by
Bureau of Indian Affairs
Trust Services
THE ITARA DEMONSTRATION PROJECT

• Welcome to the Bureau of Indian Affairs’ Information Series for the Indian Trust Asset Reform Act (ITARA) Demonstration Project.
• This Series provides guidance for Tribes who would like to participate in the ITARA Demonstration Project.
• Participating Tribes will have the opportunity to develop Indian Trust Asset Management Plans (ITAMP), as well as tribal regulations for surface leasing transactions and/or forest land management activities.
• Tribes that have adopted tribal regulations, approved by the Secretary, may also opt out of the Secretarial approval requirements for tribal leases and forest land management decisions.
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• On June 22, 2016, the Indian Trust Asset Reform Act was signed into law.
• The Helping Expedite and Advance Responsible Tribal Home Ownership (HEARTH) Act was signed into law on July 30, 2012.
• Like the HEARTH Act, provisions of ITARA promote tribal self-determination.
• Both may be used by Tribes to exercise their inherent sovereignty over their own tribal lands.
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• The HEARTH Act authorized Tribes to process and approve leases under their own leasing regulations, provided the regulations have been reviewed by the BIA and approved by the Secretary.

• ITARA authorized the same for forest land management activities.

• Tribes participating in the demonstration project may develop and implement tribal forestry regulations to specifically meet their own needs.

• To obtain approval authority for just surface leasing transactions, Tribes may use the HEARTH Act and need not join the demonstration project. The HEARTH Act is still good law.
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• To participate in the demonstration project, Tribes must:
  • Submit a written application to the Secretary.
  • Have land held in trust for the benefit of the Indian Tribe.
  • Have, or be in the process of obtaining, an approved Forest Management Plan (if the Tribe intends to include forest land management activities in their ITAMP).

• The Secretary will not consider applications that do not:
  • State that the Tribe is requesting to participate in the demonstration project and
  • Include a copy of the tribal resolution or other appropriate action by the governing body of the Tribe in support of or authorizing the application.

• Tribes should include in their applications a summary of their goals for participation and the assets they intend to include in their ITAMP to allow the Secretary to meaningfully select participants.
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• Tribes selected for participation will be notified in writing.

• Once selected, Tribes must submit a proposed Indian Trust Asset Management Plan (ITAMP) to the BIA for approval.

• Tribes may submit proposed tribal regulations for forest land management activities and / or surface leasing activities for BIA approval (or incorporate tribal surface leasing regulations approved under the HEARTH Act).
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• Under ITARA, 25 U.S.C. § 5613(a)(2), proposed ITAMPs must:
  • Identify the trust assets that will be subject to the ITAMP.
  • Establish trust asset management objectives and priorities.
  • Allocate trust asset management funding that is available.
  • Identify any functions or activities relating to the management of the trust assets that the Tribe has compacted or contracted under the Indian Self-Determination and Education Assistance Act (25 U.S.C. § 5301 et seq.).
  • Establish procedures for nonbinding mediation or resolution of any dispute between the Tribe and the United States relating to the trust asset management plan.
  • Include a process for the Tribe and the federal government to conduct evaluations to ensure that trust assets are being managed in accordance with the ITAMP.
  • Identify federal regulations that will be superseded by the ITAMP.

• Tribes are encouraged to go above and beyond these minimum requirements and to include as much information as they feel is necessary to develop a thorough ITAMP.
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• Tribes are encouraged to review the following resources prior to submitting their ITAMPs.

   **For Forestry:**
   • The Indian Trust Asset Reform Act, 25 U.S.C. § 5601, et seq.
   • 25 C.F.R. Part 163.

   **For Surface Leasing:**
   • 25 C.F.R. Part 162.
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• For Tribes interested in approving their own **forest land management activities**:  
  • The tribal resolution or other action of the governing body of the Tribe that authorized the Tribe’s participation in the project, must expressly authorize the inclusion of a tribal approval authority provision in the Tribe’s ITAMP.  
  • The Tribe must have tribal forestry regulations, approved by the Secretary, which are expressly incorporated by reference into the Tribe’s ITAMP.

• Requirements for approval of tribal forestry regulations:
  • Must be consistent with 25 C.F.R. Part 163.
  • Must provide for an environmental review process that includes:
    • Identification and evaluation of significant effects of the proposed action on the environment
    • A period for public notice and comment related to any significant impacts of the proposed activity on the environment
    • The Tribe’s response to relevant and substantive public comments on environmental impacts prior to tribal approval of the activity.
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• For Tribes interested in approving their own surface leasing transactions:
  • The tribal Resolution or other action of the governing body of the Tribe that authorized the Tribe’s participation in the Project, must expressly authorize the inclusion of a tribal approval authority provision in the Tribe’s ITAMP, AND
    o The Tribe must have tribal surface leasing regulations that have been approved by the Secretary pursuant to the HEARTH Act, and which are expressly incorporated by reference into the ITAMP, or
    o The Tribe must submit proposed tribal surface leasing regulations to the BIA under ITARA. Proposed regulations must be approved by the Secretary before they can be effective.
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• Submit documents, along with required tribal signatures, a cover letter requesting review and approval, and any applicable authorizing resolutions to:

    Ms. Johnna Blackhair, Acting Deputy Bureau Director
    BIA-Office of Trust Services 1849 C Street, NW, MS 4620-MIB
    Washington, D.C. 20240

Concurrently, email a PDF and Word version of the submission to:

Pete Wakeland, Chief, Forestry and Wildland Fire Management.
Pete.wakeland@bia.gov
The review of an ITAMP is coordinated by the BIA Central Office, Division of Forestry and Wildland Fire Management; Office of the Solicitor; and the Midwest, Northwest, and Eastern Oklahoma Regional Foresters.

Pete Wakeland, Chief, Forestry and Wildland Fire Management
1849 C St NW, MS 4642 – MIB
Washington, D.C. 20240
Phone (202) 208-6407

Roger Jensen, Forest Products Forester
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Norman Pointe II Building, 5600 American Blvd., Suite 500
Bloomington, MN 55437
(612) 725-4521

Dale Sebastian, Regional Forester, Northwest Regional Office
911 Northeast 11th Ave.
Portland, OR 97232-4169
(503)231-6802

Hollie Neighbors, Regional Forester, Eastern Oklahoma Regional Office
3100 W. Peak Blvd.
Muskogee, OK 74401
(918) 871-1138

If you have questions about submitting an ITAMP for review under the Indian Trust Asset Reform Act, please contact Pete Wakeland or the Regional Forester for your Region.