

**Fee-to-Trust  
Step-by-Step process for  
On-Reservation (Mandatory  
AIPRA Undivided Interests)**

<b>STEP 1</b> Encode into the Fee-to-Trust System of Record
<b>STEP 2</b> Initiate Mandatory Acquisition
<b>STEP 3</b> Respond to an incomplete written request
<b>STEP 4</b> Applicant certifies ownership
<b>STEP 5</b> Conduct County Records Search to Verify Ownership
<b>STEP 6</b> Acceptance of Conveyance
<b>STEP 7</b> Recording at Land Titles and Records
<b>STEP 8</b> Recording at County Records Office
<b>STEP 9</b> Completed Application Packet

Contact Information 

**UNDERSTANDING  
THE**

**Fee-to-Trust  
Process  
For Mandatory  
AIPRA Undivided  
Interest  
Acquisitions**



**DEPARTMENT OF  
THE INTERIOR**

**BUREAU OF INDIAN  
AFFAIRS**

For more information about this  
process contact:  
the Division of Real Estate Services,  
(Local Agency)  
(Ph#)

## Frequently Asked Questions

- 1. What is a fee-to-trust land acquisition?** A fee-to-trust land acquisition is a transfer of land title from an eligible Indian Tribe or eligible Indian individual(s) to the United States of America, in trust, for the benefit of the eligible Indian Tribe or eligible Indian individual(s).
- 2. Who is eligible to apply for a fee-to-trust land acquisition?** Indian Tribes and individual Indian people who meet the requirements established by federal statutes and further defined in federal regulations are eligible to apply for a fee-to-trust land acquisition. See 25 Code of Federal Regulations (CFR) § 151.2; 25 United States Code (USC) § 479 and § 2201.
- 3. If you are eligible, how do you submit an application?** All applications for a fee-to-trust acquisition must be in writing and specifically request that the Secretary of the Interior take land into trust for the benefit of the applicant. If you are an eligible Indian Tribe, the request may be in the form of a Tribal Resolution. See 25 CFR § 151.9.
- 4. Where should an eligible applicant submit an application to?** Applications shall be submitted to the Bureau of Indian Affairs (BIA) office that has jurisdiction over the lands contained in the application. If the applicant does not know what BIA office has jurisdiction over the lands the applicant should contact the Division of Real Estate Services at (202) 208-7737 or at <http://www.bia.gov/WhoWeAre/RegionalOffices/index.htm>
- 5. What information is the applicant required to provide to accompany the application for a fee-to-trust acquisition?** The applicant must provide a legal description of the land to be acquired, the legal name of the eligible Indian Tribe or individual, proof of an eligible Indian Tribe or eligible individual(s), the specific reason the applicant is requesting that the United States of America acquire the land for the applicant's benefit, and verification of ownership of the land to be placed into trust status.
- 6. What laws, regulations and standards apply to a**

**mandatory AIPRA fee-to-trust acquisition?** There are different laws that must be satisfied. The acquisition described in this brochure is authorized in accordance with the Indian Land Consolidation Act of 1983, as amended by the Act of November 7, 2000, also known as the American Indian Probate Reform Act (AIPRA), pursuant to the provisions of 25 U.S.C. Section 2216(c), which is a mandatory authority.

**7. What are the applicant's responsibilities if they receive a written request from the Bureau of Indian Affairs requesting additional information to process an application?** The applicant must reply back to the BIA within the time frames identified in the written correspondence requesting additional information. All correspondence from the BIA requesting additional information will include each specific document needed to proceed with processing the application and will include the specific time the applicant has to provide the requested information. It is very important that applicant maintains written communication with the BIA throughout the process when the applicant is contacted by the BIA. If applicant needs additional time to respond to a request from the BIA for additional information, they must contact the BIA as soon as possible and make the request for an extension of time in writing. The BIA will reasonably accommodate requests from applicant for additional time to provide information, and will notify the applicant in writing of the decision regarding the applicant's request.

**8. What happens if I do not respond?** If the applicant does not respond in the time stated in the letter or any extension, BIA will either return the application or take into consideration failure to provide the information. If the applicant has failed to provide information on a non-critical title issue, BIA will take into consideration that there is insufficient or negative information in forming BIA's decision on your application and may result in a denial of your application.

**9. Are there entities that will be provided notice of an application for a fee-to-trust acquisition?** No. A Mandatory trust acquisition is directed by Congress or a judicial order that requires the Secretary to accept land into trust, or hold title to certain lands in trust by the United States for an Individual Indian or Tribe.

The Secretary does NOT have discretion to deny the request to accept title of land into trust.

**10. Will all applications from eligible Indian Tribes and eligible Indian Individuals result in a fee-to-trust acquisition?** No. Each application will be evaluated to determine if the applicable criteria defined in the CFR has been addressed (25 CFR § 151), and the official authorized to accept the fee-to-trust acquisition will decide whether to accept the fee-to-trust acquisition. All decisions to accept or deny a fee-to-trust acquisition shall be in writing. If the acquisition is denied, the applicant will be advised of the reasons for the denial and will be notified of the right to appeal the decision and where the applicant's appeal must be filed.

**11. How long does the process take?** The length of time to complete the process varies depending on the required steps. The required steps differ for on-reservation or off-reservation trust acquisitions and mandatory or discretionary acquisitions.

**12. Can I get a report on the progress of my application?** Yes. BIA tracks the steps and progress of applications. BIA will provide you a report upon your request.