

INDIAN AFFAIRS MANUAL

- 1.1 Purpose.** This chapter establishes Indian Affairs (IA) policy and procedures for timely reviewing and processing fee-to-trust land acquisitions. The accompanying handbook, 52 IAM 12-H: Fee-to-Trust Acquisitions and Reservation Proclamations Handbook, provides more details regarding the different types of fee-to-trust land acquisitions and the specific procedures the Bureau of Indian Affairs (BIA) utilizes to standardize the acquisition processes.
- 1.2 Scope.** This policy applies to all BIA management and staff involved in the processing of fee-to-trust applications. This policy may also apply to entities carrying out activities on behalf of BIA under contracts or other agreements if expressly agreed to in the contracts or agreements, or if the requirement to abide by such policy is otherwise required by law. These entities may include contractors or Tribes operating through contracts issued pursuant to Public Law (P.L.) 93-638 and P.L. 103-413.
- 1.3 Policy.** It is IA's policy to process fee-to-trust applications in a standardized, timely manner, and in compliance with all applicable regulations, laws, standards, and policies. Fee-to-trust acquisitions are essential to Tribal self-determination by protecting and restoring Tribal homelands.
- 1.4 Authority.**
- A. Statutes and Regulations.**
- 1) 25 CFR 151, Land Acquisitions
 - 2) 25 U.S.C. § 2216, Trust and restricted land transactions
 - 3) 25 U.S.C. § 5108, Acquisition of lands, water rights or surface rights, appropriation; title to lands; tax exemption
 - 4) 25 U.S.C. § 5110, New Indian reservations
 - 5) 42 U.S.C. §§ 4321-4370h, National Environmental Policy Act (NEPA)
- B. Guidance.**
- 1) 59 IAM 5, Pre-Acquisition Environmental Site Assessments
- C. Handbooks.**
- 1) 52 IAM 12-H: Fee-to-Trust Acquisitions and Reservation Proclamations Handbook

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1.5 Responsibilities.

- A. **Assistant Secretary - Indian Affairs (AS-IA)** is responsible for issuing decisions on gaming fee-to-trust acquisitions.
- B. **Director, Bureau of Indian Affairs (DBIA)** is responsible for ensuring that the appropriate organizational arrangements, resources, and personnel are available to implement and maintain the fee-to-trust program. The DBIA serves as the Senior Accountable Official for the fee-to-trust program and has primary responsibility for implementing and executing BIA programs in accordance with statute, regulation, and Departmental policy.
- C. **Deputy Bureau Director (DBD), Field Operations, BIA** is responsible for executive leadership, oversight, direction, and monitoring of the Regional Directors (RDs) and for ensuring that processes and resources are in place to disseminate policy which impacts the regions.
- D. **DBD, Office of Trust Services (OTS), BIA** is responsible for ensuring that statutory or regulatory timetables for fee-to-trust application processing are met, and that guidance is available to regional and agency staff tasked with processing fee-to-trust applications.
- E. **Division Chief, DRES, OTS** is responsible for establishing BIA's real estate services policies, guidance, and standards for complying with statutory and regulatory requirements; providing technical assistance and training to BIA regions as appropriate; managing BIA's federal reporting requirements for real estate services; initiating periodic reviews of regional and agency programs for real estate services; and assisting in the development and dissemination of trust resource policy to the RDs.
- F. **RDs, BIA** are responsible for complying with IA and Departmental policy and procedures for fee-to-trust acquisitions; ensuring his/her region meets processing deadlines; conducting program reviews; issuing decisions for non-gaming fee-to-trust acquisitions; and deciding on appeals for decisions by Agency superintendents.
- G. **Agency Superintendents, BIA** are responsible for managing and maintaining his/her respective organization's fee-to-trust program compliance, including meeting processing deadlines; interacting with federal and Tribal governments; identifying opportunities for performance and process improvements; and issuing decisions for non-gaming on-reservation and contiguous fee-to-trust acquisitions if re-delegated by the RD.

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- H. **Realty Program Staff, BIA** are responsible for reviewing FTT applications, responding to reporting requirements and providing technical assistance to the appropriate RD or Superintendent as needed.
- I. **Land Titles and Records Office (LTRO), BIA** is responsible for recording fee-to-trust acquisitions; issuing certified Title Status Reports (TSRs); and verifying any/all restrictions, encumbrances, and/or limitations.

1.6 Standards, Requirements, and Procedures.

- A. **Reports and Forms.** Each location (agency, regional or central office) processing fee-to-trust applications is responsible for providing the Tribe(s) who have jurisdiction over the lands in pending fee-to-trust applications, with quarterly reports of all pending applications (including individual Indian applications) within each Tribe's respective jurisdiction. Quarterly reports will be sent to the Tribe(s) the first week in the months of October, January, April, and July.
- B. **Procedures.** The detailed procedures to implement this policy are found in 52 IAM 12-H: Fee-to-Trust Acquisitions and Reservation Proclamations Handbook.

Approval



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Bryan Mercier
Director, Bureau of Indian Affairs

Date