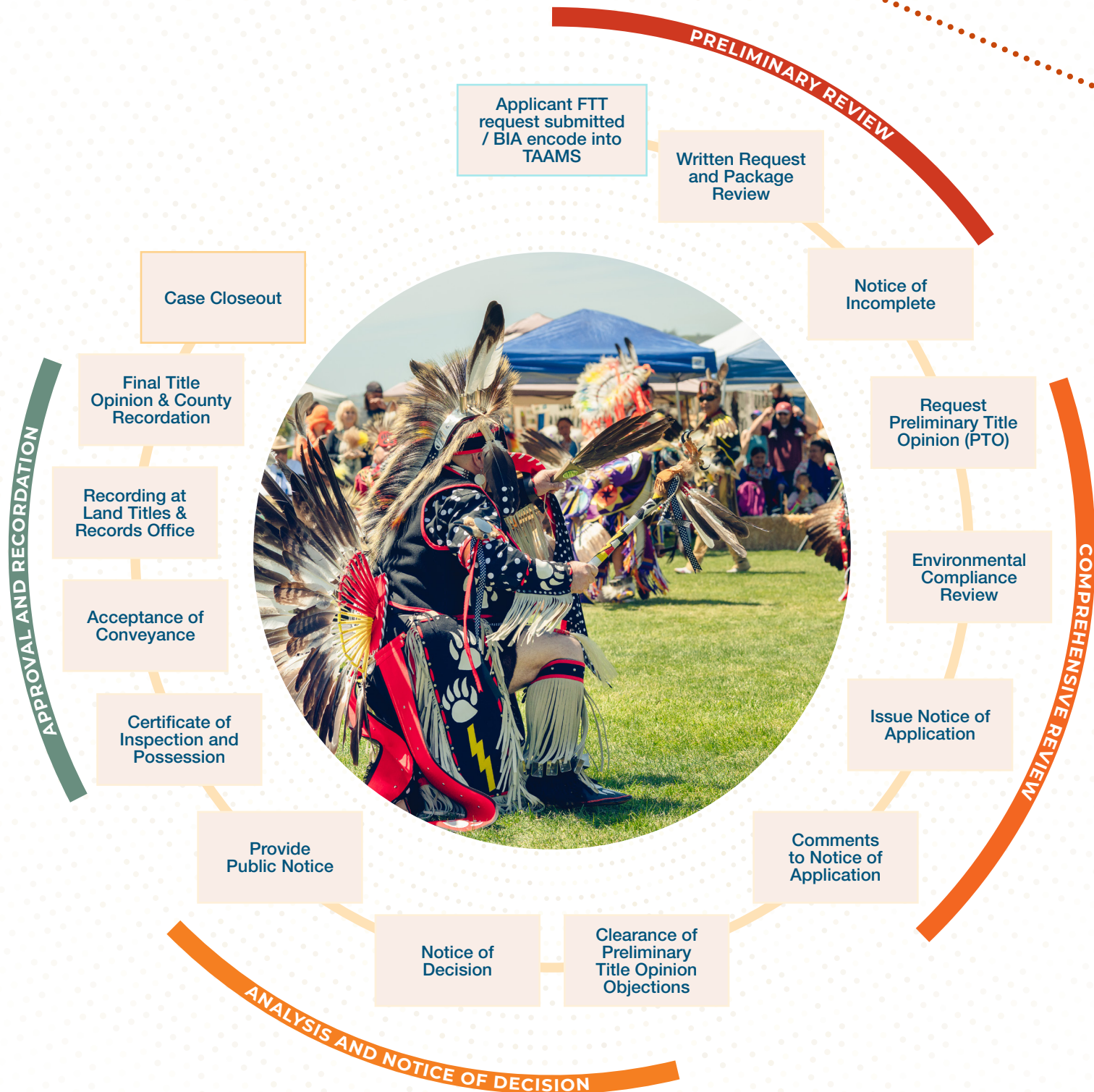




# UNDERSTANDING THE FEE-TO-TRUST PROCESS FOR DISCRETIONARY TRUST ACQUISITIONS



Additional Resources:

- [Fee to Trust Land Acquisitions / Indian Affairs](#)
- [BIA 52 IAM 12-H: Fee-to-Trust Land Acquisitions and Reservation Proclamations Handbook \(Jan 2025\)](#)
- [25 CFR Part 151 - Land Acquisitions](#)



## Frequently Asked Questions

### 1. What is a Fee-to-Trust (FTT) land acquisition?

A FTT land acquisition is a transfer of land title from a Federally Recognized 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 Individual Indian(s). The federal regulations for land acquisitions may be found at Title 25 Code of Federal Regulations (CFR) Part 151, link: [eCFR:: 25 CFR Part 151 -- Land Acquisitions](#).

### 2. Who is eligible to apply for a FTT land acquisition?

Indian Tribes and Individual Indians who meet the requirements established by federal statutes and further defined in federal regulations are eligible to apply for a FTT land acquisition. *Code of Federal Regulations (CFR) § 151.3; 25 U.S.C. § 5129 and 2201.*

### 3. If you are eligible, how do you submit a request?

All requests for a FTT 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 must be supported by a Tribal Resolution or other act of the governing body.

### 4. Where should an eligible applicant submit a written request?

Written requests shall be submitted to the Bureau of Indian Affairs (BIA) office that has jurisdiction over the land. If the applicant does not know which BIA office has jurisdiction over the lands the applicant should view the map of the regions at <https://www.bia.gov/regional-offices>

### 5. What information should be included in the written request?

Written request should include the following information: (1) A signed statement that the applicant is requesting approval of a trust acquisition by the United States of America for their benefit; (2) Identification of applicant(s). If the applicant is a Tribe, the written request must state the Tribal name as it appears in the list of *Indian Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs* as published in the Federal Register, or as it appears in a federally approved Tribal Constitution and include support by tribal resolution or other act of the governing body of the Tribe; (3) A statement identifying the existence of statutory authority for the acquisition; (4) Legal land description. This is a description of real property in legally acceptable terms that is definite, legally defensible, and susceptible to only one interpretation; (5) If the applicant is an individual, the need of the applicant for additional land the amount of trust or restricted land already owned by or for that individual, and the degree to which the individual needs assistance in handling their affairs; and (6) The purpose for which the property is to be used, and the current use of the property.

### 6. What information is the applicant required to provide to accompany the written request for a FTT acquisition?

The following information must accompany all requests: (1) a Tribal resolution or other act of the governing body of the Tribe, if the applicant is a Tribe; (2) A map depicting the boundary and general location of the subject property; (3) A draft Deed for the acquisition that conforms to local statutory recording requirements; (4) Vesting deed or conveyance instrument; (5) Title evidence meeting the requirements of 151.14; and (6) Copies of any documents cited in the title evidence, the land description, and on a Record of Survey; and if the applicant is a Tribe who is not the Tribe with jurisdiction and does not already own an undivided trust or restricted interest in the parcel of land to be acquired, written consent from the tribe with jurisdiction must be provided for the acquisition by the applicant tribe.

The following information must accompany individual requests: (1) Evidence of eligible Indian status of the applicant; (2) Amount of trust or restricted Indian land already owned by the applicant; (3) Information or a statement from the applicant addressing the degree which the applicant needs assistance in handling their affairs; and (4) Written Tribal consent for nonmember acquisitions must be provided when the applicant is an individual who is not a member of the Tribe with jurisdiction and does not already own an undivided trust or restricted interest in the parcel of land to be acquired.

The following information may accompany tribal requests: (1) Any information in support of the Tribal applicant being "under Federal jurisdiction" in 1934; (2) Any documentation describing efforts taken to address identified jurisdictional problems and potential conflicts of land use that may arise as a result of the FTT acquisition; (3) Any signed cooperative agreements relating to the FTT acquisition. Examples include utilities, fire protection, and solid waste disposal; (4) Agreements that have been negotiated with the State or local government. An example is payment in lieu of taxes (PILT); and (5) Description of those services not required of the state or local government(s) to the property because they are provided by the Tribal government.

### 7. What laws, regulations and standards apply to a FTT acquisition?

There are different laws and statutes that must be satisfied. Most acquisitions are authorized under 25 USC § 5108, Section 5 Indian Reorganization Act (1934) and reviewed under 25 CFR § 151. However, the Department of the Interior must comply with all applicable federal laws and statutes including any amendments thereto. Additionally, compliance with NEPA, 59 IAM 5, National Historical Preservation Act (NHPA), . In addition, US Department of Justice Title Standards if requested by the applicant,

### 8. What happens after the written request has been received by BIA?

Within 10-days of receipt BIA will complete a comprehensive review of the written request and formally acknowledgement receipt of the request. If the request is incomplete, BIA will identify the missing documents and notify the applicant.

### 9. What are the applicant's responsibilities if they receive a notice of an incomplete request from the Bureau of Indian Affairs requesting additional information?

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 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 the 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 the applicant for additional time to provide information and will notify the applicant in writing of the decision regarding the applicant's request.

### 10. 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 return the written request as incomplete and close the case.

### 11. Are there entities that will be provided notice of a FTT acquisition?

Yes. State and local governments, including Tribal governments having regulatory jurisdiction over the land contained in the written request, will be provided notice of the acquisition request. The notice will inform the entities that each will be given 30-days in which to provide written comments as to the acquisition's potential impacts on regulatory jurisdiction, real property taxes and special assessments.

### 12. How long does the acquisition process take?

The length of time to complete the process varies depending on the required steps and complexity of the request. The required steps differ for on-reservation, contiguous, off-reservation, and initial Indian trust acquisitions as well as mandatory or discretionary trust acquisitions. BIA will provide you an update upon request.

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