

T-1413

ACQUISITION AND DISPOSAL

A Training Manual in Real Property Management

Prepared by

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for

U.S. Bureau of Indian Affairs
Aberdeen Area Office
Aberdeen, South Dakota
and
U.S. Bureau of Indian Affairs
Washington, D.C.

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Chapter 4

Session Four - Regulations on Acquisition

Course Outline - Session Four

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Learning Objectives. Participant should:

1. Know and understand the limitations placed by legislative authority in the taking of land into trust status.
2. Know and understand the new regulations governing the policy and procedures to be followed in taking land into trust status.
3. Know past policies of the Bureau of Indian Affairs in limiting the taking of land in trust status.

Regulations on Acquisition

This session is a review of 25 CFR 151. These regulations set forth the authorities, policies and procedures governing the acquisition of land by the United States in trust status for individual Indians.

Reinvestment of Trust Funds. The Act of March 2, 1931, (46 Stat. 1471) as amended by the Act of June 30, 1932 (47 Stat. 474; 25 USC 409a), authorizes the Secretary to reinvest funds from the proceeds of a trust sale for the purchase of land. Land so purchased, can then be acquired in trust status and shall have the same degree of trust as the land sold.

To purchase land in trust, Form 5-5447, Deed to Restricted Indian Land Special Form, must be used. The authority to make these transactions has been affirmed by a court decision (United States v. Chinberg, et al., 224 F. 2d 177).

Indian Reorganization Act. Section 5 of the Act of June 18, 1934 (48 Stat. 984; 25 USC 465), the Indian Reorganization Act, authorizes the Secretary of Interior to purchase lands for individuals and tribes organized under the provisions of this Act. The funds for such purchase may be from any source.

FmHA Funding Limitations. Act of April 11, 1970 (24 Stat. 120; 25 USC 488-489), authorizes Farmers Home Administration loans to tribes for the purchase of land. Funds available from FMHA can be used to purchase either fee or trust lands. Fee purchases can be placed in trust. Limitations for such purchases require that land must be located within the boundary of the reservation or be bordered on two sides by trust land.

ILCA - Indian Land Consolidation Act. Act of January 12, 1983 as amended (25 USC 2202), Section 203 makes the provisions of Section 5 of the IRA applicable to all tribes unless it would contradict other federal law.

Indian Financing Act of 1974. Act of April 18, 1974 (88 Stat. 77; 25 USC 1466). Title I - Indian Revolving Loan Fund Section 101 allows the Secretary to make loans to Indian tribes for purchasing lands. Lands may be taken in trust inside the reservation boundaries or within a "tribal consolidation area".

Indian Self-Determination and Education Assistance Act. Act of January 4, 1975 (88 Stat. 2207 and 2208; 25 USC 450), Section 104(a)(3) authorizes the Secretary of the Interior at the request of the tribe, to contract or make a grant for acquisition in trust of land. Land must be within present boundaries or adjoining other trust land.

Regulations Governing Land Acquisition

The regulations for the acquisition of land are found in 25 CFR 151. The implementation of these regulations is set forth in the memorandum dated November 3, 1980, to all Area Directors from the Secretary of the Interior to provide additional guidance for land acquisition pending the drafting and release of a BIAM manual release. (Handout IV-A).

Purpose and Scope. The regulations set forth authorities, policy and procedures governing land acquisition by the United States in trust status for individual Indians and tribes. Acquisition of land by individual Indians and tribes in fee simple status is not covered by these regulations even though such land may, by operation of law (25 USC 177), be held in restricted status following acquisition. Acquisition of land in trust status by inheritance and escheat is not covered and neither is acquisition of land acquired in trust status in the State of Alaska, except Metlakatla.

The Bureau of Indian Affairs had to develop regulations to meet the demand for patents that resulted in land sales. This set the pattern for policies and procedures for the sale of trust land. These regulations had limited reference to purchasers but only to the extent that it impacted the seller. In all cases, the buyer had to be an Indian and in some cases had to have trust funds. It did not set policy for the purchaser and totally ignored fee to trust sales. It did allow, by inference, exchanges and partition. New regulations, now in effect, for land acquisition were published in the Federal Register on September 18, 1980. These new regulations provide for acquiring land in trust and are slanted to the purchaser. In trust to trust sales, both the disposal regulations in 25 CFR 152 and the acquisition regulations in 25 CFR 151 must be followed for a proper transaction. In fee trust sales, only the acquisition regulations are used.

Procedures (25 CFR 152). The procedures for trust to trust purchases have been covered in the disposal portion of this session.

Procedures (25 CFR 151). The procedure for fee to trust is listed in 25 CFR 151 (Handout IV-A) and supplemented by Implementation Instructions issued on November 3, 1980 (Handout IV-B) to all Area Directors. These regulations are summed up as follows insofar as procedure is concerned.

An application is required from the purchaser be it either tribe or individual. No special form is required, however the request should, at minimum, address the seven factors listed in 25 CFR 151.10 (p. 44). The application is submitted to the Agency which in turn will send a request for comments to the local jurisdiction (town, county, etc.). The comment period is 30 days. If comments received are of a positive nature, the request will then go forward with a recommendation from the

Superintendent to the Area Director for review and in certain instances for a final decision.

It should be noted, the Area Director is the final decision maker on all on-reservation fee to trust requests. All off-reservation requests can only be approved by the Assistant Secretary - Indian Affairs.

Policy Statement on Acquiring Land in Trust.

Land acquisition policy is specifically stated in 151.3. However, additional policy on purchasing land is included throughout the regulations in 151.4, 151.7, 151.8 and 151.10.

Policy as stated in the regulations follows:

1. Fee land can only be acquired in trust status if there is Congressional authority. The acquisition must be approved by the Secretary.

2. Tribes can acquire land inside the exterior boundaries of a reservation, adjacent thereto or within a land consolidation area, where the tribe already owns an interest, or the land is necessary for tribal self-determination, economic development or Indian housing.

3. Land purchased for an individual must be within the exterior boundaries of a reservation or adjacent thereto, or the individual must own an interest in the tract.

4. Lands owned in fee may be converted to trust.

5. To acquire fractional interests, the buyer must own an interest in the tract, or interest in the tract is in fee, or the buyer offers to purchase the remaining interest at appraised value. The owners or a majority of the non-selling owners must agree to purchase or a specific law grants the buyer this right.

6. The tribe must consent to non-member acquisitions except if the non-member owns an interest in the tract.

The factors that must be considered in an acquisition (25 CFR 151.10) are:

1. The need of the individual/tribe for additional land.

2. The purpose for which the land will be used.

3. The amount of trust or restricted land already owned by the individual and the degree to which he needs assistance in handling his affairs.

4. On fee to trust purchases, the impact on the political subdivision and the removal of the land from the tax rolls.
5. Jurisdictional problems and land use conflicts.
6. Whether the BIA is equipped to discharge the additional responsibilities resulting from a fee to trust acquisition.
7. Statutory authority is required.

Another factor which is not listed in 25 CFR 151.10 but which has increased in importance, is compliance with the National Environmental Policy Act (NEPA). Fee to trust land requests which may entail some form of future construction will require that, at a minimum, an Environmental Assessment be completed.

Note: The Central Office is presently preparing to revise 25 CFR 151 and 152 in order to conform to the Indian Land Consolidation Act.

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AUTHORITY: R.S. 161: 5; U.S.C. 301. Interpret or apply 46 Stat. 1106, as amended; 46 stat. 1471, as amended; 48 stat. 985, as amended; 49 Stat. 1967, as amended; 53 Stat. 1129; 63 Stat. 605; 69 Stat. 392, as amended; 70 Stat. 290, as amended; 70 stat. 626; 75 Stat. 505; 77 Stat. 349; 78 Stat. 389; 78 Stat. 747; 82 Stat. 174, as amended; 82 Stat. 884; 84 Stat. 120; 84 Stat. 1874; 86 Stat. 216; 86 Stat. 530; 86 Stat. 744; 88 Stat. 78; 88 Stat. 81; 88 Stat. 1716; 88 Stat. 2203; 88 Stat. 2207; 25 U.S.C. 409a, 450h, 451, 464, 465, 487, 488, 489, 501, 502, 573, 574, 576, 608, 608a, 610, 610a, 622, 624, 640d-10, 1466, and 1495, and other authorizing acts.

SOURCE: 45 FR 62036, Sept. 18, 1980, unless otherwise noted. Redesignated at 47 FR 13327, Mar. 30, 1982.

CROSS-REFERENCE: For regulations pertaining to: The inheritance of interests in trust or restricted land, see Parts 15, 16, and 17 of this title and 43 CFR Part 4; the purchase of lands under the BIA Loan Guaranty, Insurance and Interest Subsidy program, see Part 103 of this title; the exchange and partition of trust or restricted lands, see Part 152 of this title; land acquisitions authorized by the Indian Self-Determination and Education Assistance Act, see Parts 272 and 276 of this title; the acquisition of allotments on the public domain or in national forests, see 43 CFR Part 2530; the acquisition of Native allotments and Native townsite lots in Alaska, see 43 CFR 2561 and 2564; the acquisition of lands by Indians with funds borrowed from the Farmers Home Administration, see 7 CFR 1823. Subpart N, the acquisition of land by purchase or exchange for members of the Osage Tribe not having certificates of competency, see §§ 117.8 and 158.54 of this title.

§ 151.1 Purpose and scope.

These regulations set forth the authorities, policy, and procedures governing the acquisition of land by the United States in trust status for individual Indians and tribes. Acquisition of land by individual Indians and tribes in fee simple status is not covered by these regulations even though such land may, by operation of law, be held in restricted status following acquisition. Acquisition of land in trust

status by inheritance or escheat is not covered by these regulations. These regulations do not cover the acquisition of land in trust status in the State of Alaska, except acquisitions for the Metlakatla Indian Community of the Annette Island Reserve or its members.

§ 151.2 Definitions.

(a) "Secretary" means the Secretary of the Interior or his authorized representative acting under delegated authority.

(b) "Tribe" means any Indian tribe, band, nation, pueblo, community, rancheria, colony, or other group of Indians, including the Metlakatla Indian Community of the Annette Island Reserve, which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs. For purposes of acquisitions made under the authority of 25 U.S.C. 488 and 489, or other statutory authority which specifically authorizes trust acquisitions for such corporations, "Tribe" also means a corporation chartered under section 17 of the Act of June 18, 1934 (48 Stat. 988; 25 U.S.C. 477) or section 3 of the Act of June 26, 1936 (49 Stat. 1967; 25 U.S.C. 503).

(c) "Individual Indian" means:

(1) Any person who is an enrolled member of a tribe;

(2) Any person who is a descendant of such a member and said descendant was, on June 1, 1934, physically residing on a federally recognized Indian reservation;

(3) Any other person possessing a total of one-half or more degree Indian blood of a tribe;

(4) For purposes of acquisitions outside of the State of Alaska, "Individual Indian" also means a person who meets the qualifications of paragraph (c) (1), (2), or (3) of this section where "Tribe" includes any Alaska Native Village or Alaska Native Group which is recognized by the Secretary as eligible for the special programs and services from the Bureau of Indian Affairs.

(d) "Trust land" or "land in trust status" means land the title to which is held in trust by the United States for an individual Indian or a tribe.

(e) "Restricted land" or "land in restricted status" means land the title to which is held by an individual Indian or a tribe and which can only be alienated or encumbered by the owner with the approval of the Secretary because of limitations contained in the conveyance instrument pursuant to Federal law or because of a Federal law directly imposing such limitations.

(f) Unless another definition is required by the act of Congress authorizing a particular trust acquisition, "Indian reservation" means that area of land over which the tribe is recognized by the United States as having governmental jurisdiction, except that, in the State of Oklahoma or where there has been a final judicial determination that a reservation has been disestablished or diminished, "Indian reservation" means that area of land constituting the former reservation of the tribe as defined by the Secretary.

(g) "Land" means real property or any interest therein.

(h) "Tribal consolidation area" means a specific area of land with respect to which the tribe has prepared, and the Secretary has approved, a plan for the acquisition of land in trust status for the tribe.

§ 151.3 Land acquisition policy.

Land not held in trust or restricted status may only be acquired for an individual Indian or a tribe in trust status when such acquisition is authorized by an act of Congress. No acquisition of land in trust status, including a transfer of land already held in trust or restricted status, shall be valid unless the acquisition is approved by the Secretary.

(a) Subject to the provisions contained in the acts of Congress which authorize land acquisitions, land may be acquired for a tribe in trust status (1) when the property is located within the exterior boundaries of the tribe's reservation or adjacent thereto, or within a tribal consolidation area; or, (2) when the tribe already owns an interest in the land or, (3) when the Secretary determines that the acquisition of the land is necessary to facili-

tate tribal self-determination, economic development, or Indian housing.

(b) Subject to the provisions contained in the acts of Congress which authorize land acquisitions or holding land in trust or restricted status, land may be acquired for an individual Indian in trust status (1) when the land is located within the exterior boundaries of an Indian reservation, or adjacent thereto; or, (2) when the land is already in trust or restricted status.

§ 151.4 Acquisitions in trust of lands owned in fee by an Indian.

Unrestricted land owned by an individual Indian or a tribe may be conveyed into trust status, including a conveyance to trust for the owner, subject to the provisions of this part.

§ 151.5 Trust acquisitions in Oklahoma under Section 5 of the I.R.A.

In addition to acquisitions for tribes which did not reject the provisions of the Indian Reorganization Act and their members, land may be acquired in trust status for an individual Indian or a tribe in the State of Oklahoma under Section 5 of the Act of June 18, 1934 (48 Stat. 985; 25 U.S.C. 465), if such acquisition comes within the terms of this part. This authority is in addition to all other statutory authority for such an acquisition.

§ 151.6 Exchanges.

An individual Indian or tribe may acquire land in trust status by exchange if the acquisition comes within the terms of this part. The disposal aspects of an exchange are governed by Part 152 of this title.

§ 151.7 Acquisition of fractional interests.

Acquisition of a fractional land interest by an individual Indian or a tribe in trust status can be approved by the Secretary only if:

- (a) The buyer already owns a fractional interest in the same parcel of land; or
- (b) The interest being acquired by the buyer is in fee status; or
- (c) The buyer offers to purchase the remaining undivided trust or restricted interests in the parcel at not less than their fair market value; or

(d) There is a specific law which grants to the particular buyer the right to purchase an undivided interest or interests in trust or restricted land without offering to purchase all of such interests; or

(e) The owner of a majority of the remaining trust or restricted interests in the parcel consent in writing to the acquisition by the buyer.

§ 151.8 Tribal consent for nonmember acquisitions.

An individual Indian or tribe may acquire land in trust status on a reservation other than its own only when the governing body of the tribe having jurisdiction over such reservation consents in writing to the acquisition; provided, that such consent shall not be required if the individual Indian or the tribe already owns an undivided trust or restricted interest in the parcel of land to be acquired.

§ 151.9 Requests for approval of acquisitions.

An individual Indian or tribe desiring to acquire land in trust status shall file a written request for approval of such acquisition with the Secretary. The request need not be in any special form but shall set out the identity of the parties, a description of the land to be acquired, and other information which would show that the acquisition comes within the terms of this part.

§ 151.10 Factors to be considered in evaluating requests.

In evaluating requests for the acquisition of land in trust status, the Secretary shall consider the following factors:

- (a) The existence of statutory authority for the acquisition and any limitations contained in such authority;
- (b) The need of the individual Indian or the tribe for additional land;
- (c) The purposes for which the land will be used;
- (d) If the land is to be acquired for an individual Indian, the amount of trust or restricted land already owned by or for that individual and the degree to which he needs assistance in handling his affairs;

(e) If the land to be acquired is in unrestricted fee status, the impact on the State and its political subdivisions resulting from the removal of the land from the tax rolls;

(f) Jurisdictional problems and potential conflicts of land use which may arise; and

(g) If the land to be acquired is in fee status, whether the Bureau of Indian Affairs is equipped to discharge the additional responsibilities resulting from the acquisition of the land in trust status.

§ 151.11 Action on requests.

The Secretary shall review all requests and shall promptly notify the applicant in writing of his decision. The Secretary may request any additional information or justification he considers necessary to enable him to reach a decision. If the Secretary determines that the request should be denied, he shall advise the applicant of that fact and the reasons therefor in writing and notify him of the right to appeal pursuant to Part 2 of this title.

§ 151.12 Title examination.

If the Secretary determines that he will approve a request for the acquisition of land from unrestricted fee status to trust status, he shall acquire, or require the applicant to furnish, title evidence meeting the *Standards For The Preparation of Title Evidence In Land Acquisitions by the United States*, issued by the U.S. Department of Justice. After having the title evidence examined, the Secretary shall notify the applicant of any liens, encumbrances, or infirmities which may exist. The Secretary may require the elimination of any such liens, encumbrances, or infirmities prior to taking final approval action on the acquisition and he shall require elimination prior to such approval if the liens, encumbrances, or infirmities make title to the land unmarketable.

§ 151.13 Formalization of acceptance.

Formal acceptance of land in trust status shall be accomplished by the issuance or approval of an instrument of conveyance by the Secretary as is appropriate in the circumstances.

PART 152—ISSUANCE OF PATENTS IN FEE, CERTIFICATES OF COMPETENCY, REMOVAL OF RESTRICTIONS, AND SALE OF CERTAIN INDIAN LANDS

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United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

NOV 3 1980

Memorandum

To: All Area Directors, Bureau of Indian Affairs

From: The Secretary

Subject: Implementation of Land Acquisition Regulations, 25 CFR §120a.

Pending the drafting and approval of a BIAM Manual release for land acquisitions, the following general guidelines should be followed. If any questions arise regarding these guidelines or regulations, contact Wayne Nordwall in the Division of Real Estate Services at (202) 343-7738, Anita Vogt, Office of the Solicitor at (202) 343-8526, or Ray Jackson, Phoenix Area Office, at (602) 261-2310.

§120a.1 Self-explanatory

§120a.2 Self-explanatory

§120a.3(a)(1) Self-explanatory

- (2) This clause covers instances such as those where the tribe owns a fractionated interest in an off-reservation allotment, owns the minerals located off-reservation and is attempting to purchase the surface interest, and other circumstances where the tribe owns an interest in an off-reservation trust asset and is attempting to consolidate that interest.
- (3) This clause allows off-reservation fee lands to be considered for acquisition if the land is essential for tribal programs. In considering applications for off-reservation acquisitions, the factors listed in §120a.10 will be carefully balanced; in particular, the importance to the tribe of the parcel in question (including the possibility or impossibility of substitution of a closer parcel and whether or not declining to take the land in trust will materially affect the intended use of the land) will be weighed against the administrative burden on the Bureau that would result from the acquisition. §120a.10(g) In most cases, the balance can be expected to tip toward rejecting the application as distance from the reservation increases.

All applications for acquisitions that are not within or adjacent to a reservation must be forwarded, together with the complete record on the acquisition, to the Central Office for a decision by the Office of the Secretary. In addition to the information required by the other provisions of these regulations, the applicant must include in the record a justification explaining why the proposed acquisition is necessary to effectuate the purposes listed in this section. In essence, it must be shown that the proposed acquisition is essential to a tribal program and that the program will fail in the absence of the acquisition.

§120a.4 Self-explanatory

§120a.5 Self-explanatory

§120a.6 Self-explanatory

§120a.7 Self-explanatory

§120a.8 It is up to the individual or tribe seeking a consent under this section to solicit and obtain the consent. The consent should then be included in the acquisition record.

§120a.9 No specific format is required in making an acquisition request. However, in putting together the record that will be used to support an acquisition (and to defend it in case of litigation) the Agencies and Area Offices are entitled under §120a.11 to request any material necessary for inclusion in the record. Much of this additional information will be required because of §120a.10.

§120a.10(a) Under this part the specific acquisition authority(ies) being used should be identified. For IRA tribes (and individuals) the general authority is Section 5 of the IRA, 25 USC §465. Other authority(ies) can be cited if appropriate. For a non-IRA tribe, specific acquisition legislation relating to that tribe, if any, the Indian Financing Act, PL 93-638, or any other authority that is being used as a basis for the acquisition, should be noted.

The acquisition must meet the specifications of the particular statute which authorizes it in addition to the criteria of these regulations. For example, land acquired under the authority of PL 93-638 must be within reservation boundaries or adjoin trust land on at least two sides (See 25 U.S.C. §450h(3)) despite the broader provisions of 25 CFR §120a.3.

(b), (c) and (d) are all interrelated and cover information that must be supplied by the party requesting the acquisition. At this point it is difficult to specify all those things that should be considered under these sections, just as it is difficult to define precisely what should be considered when determining whether or not an applicant for a fee patent is competent. In general, information on personal income, social condition, education, and mental and physical condition can be considered. In other words, the record should answer the question -- Why should we take this particular land in trust for this person (or tribe)?

A statement of purpose (c) is necessary in order to make a determination under (f).

(e) and (f) If the land is presently in fee status, a letter (form letter attached) should be sent to the political subdivision in which the land is located asking for:

- (1) the amount of taxes currently levied on the property
- (2) whether there are any other special assessments (garbage, sewer etc.)
- (3) what services the local community provides to the land
- (4) what the current zoning of the property is, and
- (5) any other comments the political subdivision may want to make.

If no response is received within 30 days, this should be noted in the record and an assumption made that there are no adverse impacts on the local government.

A copy of the local government's response, if any, should be furnished to the applicant. Should the local government raise objections which appear to the agency to present good cause for denying the application, the applicant should be given an opportunity to respond to the local government's objections. (For follow up action, see §120a.11.)

(g) Self-explanatory.

§120a.11 Except to the extent that Central Office action is required under §120a.3(a)(3) (above), the delegated authority to decide whether to accept land in trust is vested in the Area Directors. As soon as possible after the agency has transmitted the complete record to the Area Office, it should be reviewed, a decision made, and the applicant advised of the decision. A favorable decision should be based upon the record and should clearly show that the acquisition falls within the regulations and that the factors in §120a.10 have been considered. An adverse decision should show the reason for denial. If an application is denied, the applicant must be advised of the reasons for denial and of his or her right to appeal. If the local political subdivision has submitted timely comments, it should, as a courtesy, also be notified of the decision.

§120a.12 This section does not require an applicant to provide an abstract and other title evidence until after a decision on the request is made; this was done to prevent unnecessary expenses being incurred by an applicant. Implicit in this section is the assumption that no such title evidence is needed until the completion of all appeals. After the time limit for all appeals has expired, the title package (not including the acquisition record) should be transmitted to the Regional or Field Solicitor for a preliminary title opinion. After defects which render the title unmarketable are eliminated, the land may be placed in trust. Discretion to require elimination of defects which do not cause unmarketability is also provided by this section.

§120a.13 In the past there have been instances where a party has caused deeds to be written stating that the land was transferred to "the United States in Trust for . . . ". This section makes it clear that land is not in trust until there has been a formal acceptance. The form of the acceptance is dictated by the circumstances of the transaction.

As a summary, the ~~general~~ procedures are as follows:

- 1) An application is filed with the agency. (§120a.9)
- 2) The agency acknowledges receipt and requests (§120a.11) any additional information needed, particularly for §120a.10(b), (c) and (d). If the land is presently in fee status, the agency informs the applicant that the local political subdivision will be notified of the proposed acquisition and given an opportunity to comment.
- 3) If the land is presently in fee status, the agency notifies the local government(s) of the proposed acquisition and

requests appropriate input. (§120a.10(e)(f)) If necessary, the agency obtains response of applicant to local government's objections.

- 4) The acquisition record is transferred to the Area Office for a decision and the applicant notified of the decision. (§120a.11)
- 5) Local government(s) notified of decision, if it has submitted timely comments.
- 6) Time limit for all appeals allowed to expire.
- 7) Abstracts and other title evidence secured. (§120a.12)
- 8) Title documents sent to Solicitor for title opinion. (§120a.12)
- 9) Land taken in trust. (§120a.13)
- 10) Final title opinion if appropriate.

Leibel D. Andrews

Attachment

Dear

This agency has under consideration an application for acquisition of land by the United States to be held in trust for the benefit of:

the _____ Tribe, or

_____, a member of the _____ Tribe.

The property is described as follows:

The determination whether to acquire this property in trust will be made in the exercise of discretionary authority which is vested in the Secretary of the Interior. To assist us in the exercise of that discretion, pursuant to regulations published at 45 Fed. Reg. 62034 (September 18, 1980), 25 CFR §120a, we invite your comments on the proposed acquisition. In particular, information on the following matters is requested:

- (1) The annual amount of property taxes currently levied on the property.
- (2) Any special assessments, and amounts thereof, which are currently assessed against the property.
- (3) Any governmental services which are currently provided to the property by your jurisdiction.
- (4) If subject to zoning, how the property is currently zoned.

Information and comments should be addressed to this agency, to the attention of the undersigned. Any comments received within 30 days of the date of this letter will be considered. A copy of your comments will be made available to _____ (name of applicant). A determination of whether to acquire the land in trust will be made by the Area Director, _____ Area, Bureau of Indian Affairs, (address). If you have submitted comments within 30 days of this letter, you will be notified of the Area Director's determination.

Sincerely,