




United States Department of the Interior

OFFICE OF THE SECRETARY

Washington, DC 20240

APR 06 2017

To: All Regional Directors

From: Acting Assistant Secretary – Indian Affairs 

Subject: Delegated Authority for Off-Reservation Fee to Trust Decisions

Effective immediately, the delegated authority for off-reservation land-into-trust acquisitions under 25 CFR § 151.11 will lie with the Acting Assistant Secretary – Indian Affairs (AS-IA). In addition, delegated authority for off-reservation land-into-trust decisions for gaming will lie with the Acting Deputy Secretary for the Department of the Interior. Upon receipt of an application subject to the regulations under part 151.11, Regional Directors are hereby directed to provide immediate notice to the AS-IA of such application.

After notification to the AS-IA of an off-reservation non-gaming application, Regional Directors will be responsible for completion of Steps 1 through 9 under section 3.1.2 of the Fee-to-Trust Handbook as follows:

- Step 1: Encoding the Fee-to-Trust System of Record
- Step 2: BIA Review of the Written Request or Application
- Step 3: Responding to an Incomplete Written Request or Application
- Step 4: Conducting Site Inspection and Completing Initial Certificate of Inspection
- Step 5: Preparing the Preliminary Title Opinion (PTO)
- Step 6: Preparing Notice of Application (NOA)
- Step 7: Environmental Compliance Review
- Step 8: Comments to Notice of Application
- Step 9: Clearance of PTO Objections before Notice of Decision (NOD)

Upon completion of Step 9, Regional Director shall submit the application and all work completed through Step 9 to my Office for completion of Steps 10 thru 13 as follows:

- Step 10: Preparing Analysis and Notice of Decision (NOD)
- Step 11: Preparing the Publication Notice
- Step 12: Preparing Final Certificate of Inspection and Possession (CIP)
- Step 13: Acceptance of Conveyance

If the decision is made to approve the request, it will be returned to the Regional Director for completion of Steps 14 thru 16 as follows:

- Step 14: Final Title Opinion and Recordation
- Step 15: Recording at Land Titles and Records Office
- Step 16: Completed Application Package

If the decision is made to deny the request, it will be returned to the Regional Director for archiving and notification to the applicant tribe.