

Consultation Summary Sheet of Draft Revisions to 25 C.F.R. Part 151

March 28, 2022

This draft revision to 25 C.F.R. Part 151 proposes revising the existing regulations governing the process to acquire land in trust. The Department of the Interior (Department) has prepared this draft revision for purposes of Tribal consultation only. The draft revision does not constitute a formal notice of proposed rulemaking. Once Tribal consultation has concluded and the Department has considered all Tribal comments, the Department plans to release a formal notice of proposed rulemaking.

The proposed revisions are intended to implement a more efficient, less cumbersome, and less expensive process to acquire land in trust. The revisions include numerous edits to clarify the application process, ensure internal consistency, and improve readability. The revisions add six new sections that address substantive issues to make it easier for Tribes to place land in trust, provide explanations of application requirements, and identify standards the Secretary will use to evaluate requests to acquire land in trust.

§ 151.1 What is the purpose of this part?

This draft section contains clarifying edits.

§ 151.2 How are key terms defined?

This draft section reorders the terms and adds definitions for *Contiguous*, *Fee interest*, *Fractionated tract*, *Initial Indian acquisition*, *Preliminary title opinion*, *Preliminary title report*, and *Undivided interest*. This draft section revises the terms *Tribe* and *Individual Indian*.

§ 151.3 What is the Secretary's land acquisition policy?

This draft section revises the Secretary's land acquisition policy.

§ 151.4 How will the Secretary determine that statutory authority exists to acquire land in trust status?

This draft section is new. Draft subsection (a) codifies standards that implement existing case law and Departmental guidance. Draft subsections (b) – (e) identify and clarify additional sources of authority.

§ 151.5 May the Secretary acquire land in trust status by exchange?

This draft section renumbers existing section 151.6 and contains clarifying edits for readability.

§ 151.6 May the Secretary approve acquisition of a fractional interest?

This draft section renumbers existing section 151.7 and contains clarifying edits for readability.

§ 151.7 Is tribal consent required for nonmember acquisitions?

This draft section renumbers existing section 151.8.

§ 151.8 What documentation must I submit to request land be acquired in trust status?

This draft section is new and identifies the documentation needed for a complete application and the time in which the Department will issue a decision.

§ 151.9 How will the Secretary evaluate a request involving land within the boundaries of an Indian reservation?

This draft section revises existing section 151.10. Draft subsection (a) revises the criteria the Secretary will consider for requests involving land within the boundaries of an Indian reservation. Draft subsection (b) identifies factors to which the Secretary will give great weight. Draft subsection (c) identifies the Secretary's presumption involving land within the boundaries of an Indian reservation. Draft subsection (d) identifies the notice provision for state and local governments.

§ 151.10 How will the Secretary evaluate a request involving land contiguous to the boundaries of an Indian reservation?

This draft section is new. Draft subsection (a) revises the criteria the Secretary will consider for requests involving land contiguous to the boundaries of an Indian reservation. Draft subsection (b) identifies factors to which the Secretary will give great weight. Draft subsection (c) identifies the notice and comment provision for state and local governments, how the Secretary will consider the request, and the Secretary's presumptions involving land contiguous to the boundaries of an Indian reservation.

§ 151.11 How will the Secretary evaluate a request involving land outside the boundaries of an Indian reservation?

This draft section revises existing section 151.11. Draft subsection (a) revises the criteria the Secretary will consider for requests involving land outside the boundaries of an Indian reservation. Draft subsection (b) identifies factors to which the Secretary will give great weight. Draft subsection (c) identifies the notice and comment provision for state and local governments, how the Secretary will consider the request, and the Secretary's presumption involving land outside the boundaries of an Indian reservation.

§ 151.12 How will the Secretary evaluate a request involving land for an initial Indian acquisition?

This draft section is new. Draft subsection (a) revises the criteria the Secretary will consider for requests involving land for an initial Indian acquisition. Draft subsection (b) identifies factors to which the Secretary will give the greatest weight. Draft subsection (c) identifies the notice and comment provision for state and local governments and how the Secretary will consider the request.

§ 151.13 How will the Secretary act on requests?

This draft section contains clarifying edits for readability.

§ 151.14 How will the Secretary review title?

This draft section renumbers existing section 151.13 and contains clarifying edits for readability. Draft subsection (a)(2)(ii) adds the option to submit a preliminary title report in certain situations.

§ 151.15 How will the Secretary conduct a review of environmental conditions?

This draft section is new. Draft subsections (a) and (b) incorporate and clarify the requirements of existing section 151.10 (h). Draft subsection (b) identifies circumstances in which a pre-acquisition site assessment must be updated prior to the Secretary acquiring the land in trust.

§ 151.16 When is formalization of acceptance and trust status attained?

This draft section revises existing section 151.14 and provides clarifying edits.

§ 151.17 What effect does this part have on pending requests and final agency decisions already issued?

This draft section is new and identifies the effects of these revisions on pending and final agency decisions to acquire land in trust.