



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

October 31, 2024

Dear Tribal Leader:

We are requesting your comments on the Assistant Secretary – Indian Affairs’ (Assistant Secretary) proposed streamlined procedure for evaluating environmental risk before acquiring real property and land in trust.

## Background

The Department of the Interior’s (Department) Land Acquisition regulations at 25 CFR Part 151 require that the Secretary comply with the Department’s policy at 602 Departmental Manual (DM) 2 - Real Property Pre-Acquisition Environmental Site Assessments when reviewing applications to acquire land in trust.<sup>1</sup> Part 151 also requires that applicants seeking to have land taken into trust submit information to ensure compliance with 602 DM 2.<sup>2</sup>

602 DM 2 specifies Departmental policy, responsibilities, and requirements for evaluating environmental risks using environmental site assessments (e.g., Phase I) before acquiring real property.<sup>3</sup> 602 DM 2 also authorizes the Department’s bureaus to establish additional assessment procedures to meet their individual needs.<sup>4</sup> The Assistant Secretary is proposing such a procedure.

## Proposed Procedure

The Assistant Secretary is proposing a streamlined procedure to evaluate environmental risk using pre-acquisition environmental site assessments (e.g., Phase I) before acquiring real property and land in trust. The proposed procedure would apply only to programs and offices under the authority of the Assistant Secretary who would then no longer need to comply with 602 DM 2. The proposed procedure would be limited to discretionary real property and fee-to-trust acquisitions.

The proposed procedure would be codified in the Indian Affairs Manual (IAM), which sets forth the operational policies for Indian Affairs programs and employees. While we generally do not conduct

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<sup>1</sup> Section 151.15 (b) states: “The Secretary shall comply with the terms of 602 DM 2, Land Acquisitions: Hazardous Substances Determinations, or its successor policy if replaced or renumbered, so long as such guidance remains in place and binding . . . .” The Department amended 25 C.F.R. Part 151 in 2023. See <https://www.ecfr.gov/current/title-25/chapter-I/subchapter-H/part-151>; see also 88 Fed. Reg 86222 (Dec, 12, 2023) <https://www.federalregister.gov/documents/2023/12/12/2023-27077/land-acquisitions>.

<sup>2</sup> Section 151.8 (a)(5)(ii) states: “An acquisition package is not complete until a pre-acquisition Phase I environmental site assessment, and if necessary, a Phase II environmental site assessment, completed pursuant to 602 DM 2 is determined to be sufficient by the Secretary.”

<sup>3</sup> See <https://www.doi.gov/document-library/departmental-manual/602-dm-2-real-property-pre-acquisition-environmental-site>.

<sup>4</sup> See 602 DM 2.7 (B)(2).

formal government-to-government consultation on internal processes codified in the IAM, the proposed procedure will directly affect applicants seeking to have land taken into trust under 25 CFR Part 151, and, therefore, warrants formal consultation.

### Virtual Consultation Date and Registration

The Department will conduct one virtual consultation session to obtain further input on the proposed procedure. The consultation session will be open to Tribal leadership and representatives of federally recognized Indian Tribes as well as American Indians and Alaska Natives. Please join us for the following session:

<b>Date</b>	<b>Time</b>	<b>Location</b>
November 22, 2024	1:00 pm – 4:00 pm Eastern Time	Virtual on Zoom Please pre-register at: <a href="https://www.zoomgov.com/meeting/register/vJIsd-6grz0pHSyVDGNOM0nhlIxfaspvKBc">https://www.zoomgov.com/meeting/register/vJIsd-6grz0pHSyVDGNOM0nhlIxfaspvKBc</a>

We welcome your written comments on the proposed streamlined procedure. Please email them to [consultation@bia.gov](mailto:consultation@bia.gov) by 11:59 ET on December 12, 2024.

If you have questions regarding the proposed procedure, please contact Chester McGhee, Branch Chief - Environmental Services, Division of Environmental Services and Cultural Resource Management, Office of Trust Services, BIA at [Chester.McGhee@bia.gov](mailto:Chester.McGhee@bia.gov).

Sincerely,



Bryan Newland  
Assistant Secretary – Indian Affairs