|  |  |  |  |
| --- | --- | --- | --- |
| Action Step 1 | **Review GSA Policy Memorandum**  It is recommended that all parties to the transaction review the [GSA Policy memorandum](Supporting%20Documents%20for%20Toolkit%20-%20GSA%20Transfer/GSA%20Procedures%20for%20BIA%20Transfer.pdf) on procedures for Federal transfers of real property to DOI /BIA. | N/A |  |
| Action Step 1 | **Notice of Availability**  The U.S. General Services Administration (GSA) will provide the Bureau of Indian Affairs, Division of Real Estate Services (DRES) with a letter indicating property is available for acquisition by Tribes under 40 U.S.C. Section 523. The GSA Notice of Availability (NOA) shall be retained in the administrative record. | N/A | Select Date of GSA’s Notice of Availability  Click here to enter a date. |
| Action Step 2 | **GSA Control Number**  The GSA Control number will be listed in the letter under Action Step 1 and should be used as reference when communicating with GSA | Choose an item. |  |
| Action Step 3 | **Property General Description**  The property should be described in general terms | N/A |  |
| Action Step 4 | **Property Address**  The property address will be listed in the letter described in Action Step 3. | Choose an item. |  |
| Action Step 5 | **Property Legal Description**  The property legal description should be included in the GSA letter referenced in Action Step 1. | Choose an item. |  |
| Action Step 6 | **Map of Property**  GSA will include in the GSA letter referenced in Action Step 1 a map showing the general vicinity of the property. | Choose an item. |  |
| Action Step 7 | **Chief, DRES sends Notice of Availability to Region**  Chief, DRES or their designee, will provide a Notice of Availability (NOA) to the Regional Office having jurisdiction over the subject property. The NOA shall be sent to the Regional Realty Officer, with a Cc to the Regional Director and the Deputy Regional Director, Trust Services. The NOA is retained as part of the administrative record. In accordance with the [GSA policy memorandum](Supporting%20Documents%20for%20Toolkit%20-%20GSA%20Transfer/GSA%20Procedures%20for%20BIA%20Transfer.pdf), BIA must respond to the NOA within 30 days, therefore DRES will track the NOA with a 21 day follow-up. | Choose an item. |  |
| Action Step 8 | **Regional Realty Officer**  The Regional Realty Officer (RRO) is responsible for distributing the NOA to the Agency having jurisdiction over the subject property. The RRO should track the NOA for a 15 day follow-up. | Choose an item. |  |
| Action Step 9 | **Agency Superintendent**  The Agency Superintendent or their designee, generally the Agency Realty Officer, is responsible for providing the NOA to the effected Tribe(s). The Agency should track the NOA for a 10 day follow-up. | Choose an item. |  |
| Action Step 10 | **Response from Tribes to Agency Superintendent**  Within 10 days following the receipt of a NOA, Tribes should send a letter of interest or intent to the Agency Superintendent and/or a Tribal resolution. A copy of the Tribal letter and any attachments should be retained by DRES in the administrative record. | Choose an item. |  |
| Action Step 11 | **Response from Superintendent to Regional Realty Officer**  Within 15 days of receipt of the NOA, the Agency Superintendent or their designee is responsible for providing the Regional Realty Officer with a memorandum indicating if a Tribe is interested in the acquisition of the subject property. Any supporting documentation, e.g. letter from the Tribe and/or Tribal Resolution, should be included under cover of memorandum. | Choose an item. |  |
| Action Step 12 | **Response from Regional Realty Officer to DRES**  Within 21 days from receipt of the NOA, the RRO is responsible for providing the DRES with a memorandum indicating if a Tribe is interested in a of the subject property. Any supporting documentation, e.g. letter from the Tribe and/or Tribal Resolution, should be included under cover of memorandum.  The NOA process is generally expedited by all parties through the use of e-mail, therefore the 21 day timeline is suggestive only. If however, DRES has no response from the RRO within 21 days following the initial NOA; DRES should follow-up with the RRO regarding the subject property. If there is no interest in the property from a Tribe, DRES will notify GSA of the same. | Choose an item. |  |

|  |  |  |  |
| --- | --- | --- | --- |
| Action Step 13 | **Determination of Eligibility**  40 U.S.C. Section 523 allows the Administrator of General Services to transfer to the Secretary of the Interior, without compensation, excess real property located within the reservation of any group, band, or tribe of Indians that is recognized as eligible by the Bureau of Indian Affairs.  The acquisition of land under 40 U.S.C. Section 523 is considered a Mandatory Trust Acquisition and therefore must done in accordance with the April 6, 2012 and May 10, 2012, [BIA Policy Memorandum](Supporting%20Documents%20for%20Toolkit%20-%20GSA%20Transfer/2012.05.10%20Guidance%20on%20MTA's.pdf)  The October 2010 [GSA Policy Memorandum](Supporting%20Documents%20for%20Toolkit%20-%20GSA%20Transfer/Program%20Memo%20(10-03)%20-%20Procedures%20for%20Federal%20Transfers%20to%20DOI%20BIA%20v2.doc) provides guidance on action steps to be followed when transferring real property from GSA to BIA. The policy memorandum should be followed when transferring property under 40 U.S.C. Section 523 or when transferring off reservation property under another statutory authority. | Choose an item. | **ON RESERVATION**  The subject property falls within the exterior boundaries of an Indian Reservation and is therefore a mandatory acquisition under P.L.93-599.  **OKLAHOMA PROPERTY**  The subject property is within the boundaries of a former Oklahoma reservation or contiguous to an existing Oklahoma Reservation and is therefore a mandatory land acquisition under P.L. 93-599.  **OFF RESERVATION**  The subject property is not within the exterior boundaries of an Indian Reservation and is therefore not eligible under P.L. 93-599. |
| Action Step 14 | **GSA Form 1334**  As outlined in [GSA Policy Memorandum](file:///\\iiadcna001\vol1\MIB_Share\data\shared\REALTY\TRANSACTION%20TOOLKITS\TRANSFER%20OF%20GSA%20PROPERTY%20INTO%20TRUST\Supporting%20Documents%20for%20Toolkit%20-%20GSA%20Transfer\Program%20Memo%20(10-03)%20-%20Procedures%20for%20Federal%20Transfers%20to%20DOI%20BIA%20v2.doc) regarding the transfer of real property to the BIA, within 60 days after the expiration date of the Notice of Availability, the BIA will provide to GSA a transfer request using [GSA Form 1334](Supporting%20Documents%20for%20Toolkit%20-%20GSA%20Transfer/GSA%20-%2013341223006480204.doc).  The DOI Assistant Secretary of Indian Affairs must state either of the following:   1. The property requested, and the Tribe making the request, are appropriate for a transfer under 40 U.S.C. § 523; or 2. The property and Tribe are appropriate for a transfer under P.L. 93-638 (ISDEAA). A valid ISDEAA transfer requires the following: 3. The requesting Tribe is a federally-recognized Indian Tribe. 4. The requesting Tribe has a valid contract or grant or compact under P.L. 93-638 (ISDEA). 5. The Tribe's proposed use is a valid use under the P.L. 93-638 contract or grant or compact. 6. The real property being requested would assist in carrying out that valid use.   In the event a property is being requested under ISDEAA, the DOI/BIA will provide GSA a copy of the executed contract and its modifications, if any, to support the request.  3) If the written response to the NOA indicates only a potential need, then the DOI/BIA may be granted an additional 30 days (from the expiration date of the NOA) to determine whether or not it has a definite requirement for the property, and then 60 days to submit a transfer request.  4) Any request from DOI/BIA to GSA for an extension to the above timeframe for submitting a transfer request must include a strong justification. GSA will only consider such a request if it contains an agreement for DOI/BIA to provide funding for protection and maintenance until either (a) DOI/BIA determines it has no interest in acquiring the property or (b) the property is transferred to DOI/BIA. Any extension request must be approved by the GSA Regional Administrator and shall include a definitive timeframe for DOI/BIA submitting its transfer request (e.g., an additional 60 days).  5) A transfer under Section 523 is a mandatory acquisition at no cost. However, DOI/BIA is required to reimburse GSA for the fair market value (FMV) of real property transferred by GSA to the DOI/BIA under an ISDEAA request. With its submittal of the transfer request under ISDEAA, DOI/BIA has two options: 1) pay the FMV for the real property requested; or 2) request a waiver of the requirement to pay FMV. | TAB 6 |  |
|  | **Environmental Assessment**  DOI/BIA is responsible for complying with NEPA for its actions on the property (including any improvements to the property or conveyance of the property out of federal ownership)  GSA will provide DOI/BIA all available information on hazardous substances activity in the event that DOI/BIA deeds the property out of federal ownership | Choose an item. | What level of [NEPA compliance](Supporting%20Documents%20for%20Toolkit%20-%20GSA%20Transfer/Selecting%20the%20appropriate%20level%20of%20NEPA%20documentation.pdf) was completed?  Choose an item. |
|  | Indemnification for EA | Choose an item. |  |
|  | Work with property manager at region if property includes buildings for conducting a Board of Survey | Choose an item. |  |
|  | Surname process | Choose an item. |  |
|  | Send **GSA Form 1334 to ASIA for signature** | Choose an item. |  |