

# INDIAN AFFAIRS DIRECTIVES TRANSMITTAL SHEET

(modified DI-416)

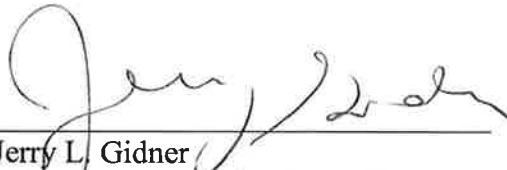
DOCUMENT IDENTIFICATION NUMBER 76 IAM 3	SUBJECT <b>Application Policy to Acquire Fractionated Interest Using ILCP Funds.</b>	RELEASE NUMBER #08-11
FOR FURTHER INFORMATION Indian Land Consolidation Center, BIA		DATE <b>MAR 13 2008</b>

**EXPLANATION OF MATERIAL TRANSMITTED:**

Pursuant to the 130 DM 3.4, the Indian Land Consolidation Center is responsible for establishing land consolidation polices, providing technical advice and assistance to Regions with regard to the implementation of the land acquisition program. The Center is also responsible to provide oversight, direction, monitoring and program evaluation for the Indian Land Consolidation Program.

The purpose of this policy is to receive and process applications from willing sellers in the most efficient and timely manner; to ensure that the appropriate agency office is notified, when applications have been received and the transaction has been completed; and to forward completed deeds to the agency office with administrative jurisdiction over the land acquired.

Please direct any questions to the Indian Land Consolidation Center at (715) 682-0310.

  
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Jerry L. Gidner  
Director, Bureau of Indian Affairs

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**FILING INSTRUCTIONS:**

Remove: None

Insert: 76 IAM 3 (New)

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- 1.1 Purpose.** The purpose of this policy is to receive and process applications from willing sellers in the most efficient and timely manner; to ensure that the appropriate agency office is notified, when applications have been received and the transaction has been completed; and to forward completed deeds to the agency office with administrative jurisdiction over the land acquired.

The Secretary of the Interior has the authority, under the Indian Land Consolidation Act as amended, to acquire fractionated ownership interests in trust or restricted lands from individual owners. Potential sellers are required to complete an Application for Land Sale (SF-5404). This application must receive Bureau of Indian Affairs (BIA) review to determine if the sale of an individual's ownership interest(s) is in the best interest of the potential seller. The Indian Land Consolidation Center (ILCC) has established Centralized Acquisition Centers (CAC's) in certain BIA Regions. In order to fully utilize the CAC's in the most efficient and effective manner, it is important to have consistent policy in place to deal with the timely acceptance of applications for sale of land ownership interests.

- 1.2 Scope.** This policy applies to the following seven BIA Regional Offices: Navajo, Midwest, Great Plains, Northwest, Western, Eastern Oklahoma, and Rocky Mountain.
- 1.3 Policy.** Effective immediately, the following acquisition policy is to be implemented with regard to approval of Applications for Land Sale (SF-5404). The following steps will be followed for the purpose of acquiring fractionated land interests utilizing ILCP funding within BIA Regions that have established ILCP's (Indian Land Consolidation Program):

- A.** All applications for sale of trust or restricted interests under the ILCP shall be referred to defined the BIA CAC (Central Acquisition Center) for review and processing. Applications for sale of fractional interests may be accepted for processing at the agency. Individual land owners may send their applications directly to the CAC.
- B.** If the sale application is received by the Agency, the Agency Superintendent will review and accept the application for processing.
- C.** The Superintendent will provide a formal request with signed and accepted application, Cobell waivers and tract value to the ILCC.
- D.** If the sale application is received by a CAC the CAC shall provide the agency superintendents, BIA Regional or Agency ILCP Coordinators with the name of the prospective seller. The superintendent of the location where the application is enrolled, or his/her designated agent, will consider the name. If there are any concerns over the competency or welfare of the identified individual relative to the sale of his/her land interests, the CAC should be promptly notified within 2 business days.

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- E. The CAC by business process will review an applicant's account in TFAS (Trust Funds Accounting System) for any recorded restriction that may apply.
- F. After comparing the name on the application against the list of Non-Compos Mentis Declaration accounts and restricted accounts in TFAS, and considering any comments received from an agency, the CAC will determine whether the application will be "accepted for administrative processing."
- G. The ILCC Director or the Regional ILCP Coordinator will determine if the acquisition conforms to ILCP Policies in place at the time of the request and whether sufficient revenue is available to complete the purchase. The ILCC will work directly with the grantor to complete the acquisition of the fractional interest(s).
- H. If an application from an individual with a restricted account is accepted and processed, the appropriate agency superintendent (s) shall be notified when payment for the sale is deposited in the sellers account.
- I. Upon completion of the transaction, a copy of the deed recorded at the Land Title and Records office for that service area, will be sent for recording/retention to the BIA agency with administrative jurisdiction over the land acquired. The sale file shall be kept with all other ILCP files at the serving CAC office.
- J. All original file documents shall be transferred to the agency/regional office with administrative jurisdiction over the land acquired or Lenexa for file retention.

## 1.4 Authority.

- A. **The American Indian Probate Reform Act** of October 27, 2004, P. L.108-374 (118 Stat. 1773).
- B. **The Indian Land Consolidation Act** of November 7, 2000, amended P.L.106-462 (114 Stat. 1991). See Section 213-216 of the Act.

## 1.5 Responsibilities.

- A. Director, Bureau of Indian Affairs (BIA) is responsible for the development of National Policy affecting Indian lands.
- B. Director, Indian Land Consolidation Center is responsible for coordinating the Bureau's nationwide program to consolidate fractionated interests in Indian lands pursuant to statutory requirements.
- C. Deputy Director, Field Operations, BIA is responsible for overseeing the Regional Directors and disseminating policy to them.
- D. Deputy Director, Trust Services, BIA is responsible for assisting in the dissemination of trust resource policy and information to the Regional Directors.
- E. Regional Directors, BIA are responsible for carrying out policy as directed, and for overseeing the implementation of policy either directly or via Agency Superintendents.