



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS
Washington, D.C. 20240



IN REPLY REFER TO:

National Policy Memorandum

**Bureau of Indian Affairs
Director**

Number: NPM-TRUS-3
**Title: Acquisition Policy to Acquire Fractionated
Ownership Interests Held by Minors**

Effective: May 20, 2005
Expires: May 20, 2006

1. Purpose

The Indian Land Consolidation Act Amendments of 2004, P.L. 108-374 (the Act) made the Indian Land Consolidation Program (ILCP) permanent. In April 2003, the Bureau of Indian Affairs (BIA) established the Indian Land Consolidation Center (ILCC) to provide policy guidance, establish procedures and manage ILCP as it is expanded nationally. ILCC is to lead the effort to purchase fractional interests (both surface and subsurface) in trust or restricted lands from willing sellers at the discretion of the Secretary of the Interior (the Secretary).

Acquisition of fractional interests held by minor Indians is governed by federal law. State law does not apply. 25 CFR Section 152.18 is the appropriate regulation to follow upon receipt of an application from a minor Indian requesting to sell his/her fractionated land ownership interests to the Indian Land Consolidation Project (ILCP). The following policy will provide guidance to staff of the ILCP with regard to a minor's application to sell fractionated land interests.

2. Scope

This policy applies to the following seven BIA Regional Offices: Navajo, Midwest, Great Plains, Northwest, Western, Eastern Oklahoma, and Rocky Mountain.

3. Policy

25 CFR §152.18 authorized the Secretary to sell a minor's land interest with the consent of the natural guardian. The natural guardian is defined as the father and upon his death, the mother of the child.

Exception to this authority exists for the states of Oklahoma, Minnesota, and South Dakota. In these states a minor Indian who owns fractionated interest(s) can sell those interests only if approved by the guardian duly appointed by the proper court (this can be a tribal court). The sale may only be consummated upon the agreement of the appropriate court and approval by the Secretary.

For the purposes of the Indian Land Consolidation Project, the term “minor” shall include any one who has not reached their eighteenth birthday. Married minors are not exempt from the consent requirements stated above. Any unresolved issues or questions should be referred to ILCC for final resolution.

4. Roles and Responsibilities

Director, Bureau of Indian Affairs (BIA). The BIA Director is responsible for the development of National Policy affecting Indian lands.

Director, Indian Land Consolidation Center, The ILCC Director is responsible for coordinating the Bureau’s nationwide program to consolidate fractionated interests in Indian lands pursuant to statutory requirements.

Deputy Director, Field Operations, BIA. The BIA Deputy Director of Field Operations is responsible for overseeing the Regional Directors and disseminating policy to them.

Deputy Director, Trust Services, BIA. The BIA Deputy Director of Trust Services is responsible for assisting in the dissemination of trust resource policy and information to the Regional Directors.

Regional Directors, BIA. The BIA Regional Directors are responsible for carrying out policy as directed, and for overseeing the implementation of policy either directly or via Agency Superintendents.

5. Approvals

/sgd/

William Pat Ragsdale
Director, Bureau of Indian Affairs

5/25/05

Date