



United States Department of the Interior

BUREAU OF INDIAN AFFAIRS

Washington, D.C. 20240

National Policy Memorandum

Office of Trust Services Division of Real Estate Services

Number: NPM-TRUS-43 A1

Effective: 4/21/2023

Expires: 4/21/2024

Title: Modernize the Land Description Review Process for Fee-to-Trust Acquisitions – Amendment 1

1. Purpose

The purpose of this memorandum is to extend NPM-TRUS-43: Modernize the Land Description Review Process for Fee-to-Trust Acquisitions, issued on April 26, 2022, for one additional year. This interim policy memorandum improves the efficiency and quality of processing fee-to-trust (FTT) acquisitions. This policy addresses the following:

- replaces the Land Description Review (LDR) requirement from the FTT handbook with a Realty Land Description Review (RLDR) or a Land Description Examination & Validation (LDEV);
- removes the LDR requirement from the Preliminary Title Opinion (PTO), Final Title Opinion (FTO), and Land Titles and Records Office (LTRO) recording in the FTT handbook for acquisitions;
- establishes required land description training for all Realty staff;
- identifies when a RLDR is required, establishes RLDR requirements and process, and creates a timeframe for completion of RLDR; and
- identifies when an LDEV is required, establishes the LDEV process, and creates timeframes for realty requests for an LDEV and GIS Strike Team completion of an LDEV.

2. Scope

This policy applies to all Bureau of Indian Affairs (BIA) employees and compact or contract employees involved in the review and process for the approval of FTT acquisitions under 25 CFR 151.

3. Policy

It is the policy of the BIA to comply with all federal laws and regulations as well as DOI policies regarding the review and process for the approval of FTT acquisitions under 25 CFR 151.

4. Procedures

This policy applies to all applications, including any pending FTT land description reviews. The RLDR and LDEV forms can be found on the Online Forms website: <https://www.bia.gov/policy-forms/online-forms/specific-forms-and-guidance>.

A. Replace BILS LDRs requirement with a RLDR or LDEV

Currently, under the Fee-to-Trust Handbook Version IV (rev. 1), issued June 28, 2016, Section 3.1.1. (On-Reservation Discretionary Trust Acquisitions), Step 2.5(e) contains the following requirement:

“A Legal Land Description Review (LDR) from a qualified individual that concurs with the validity of the legal description including acreage. The concurrence is intended to verify that the description is accurate, correctly describes the subject property, and that is consistent throughout the acquisition documents, such as commitments for title insurance, [survey], maps, deeds, etc.”

This requirement is replaced for all FTT (Discretionary, Mandatory, and Off-Reservation) acquisition processes as follows:

“A Realty Land Description Review (RLDR) from a trained individual (as described below), or a Land Description Examination & Validation (LDEV) from a BIA GIS Strike Team member that examines the validity of the land description, including an acreage calculation using industry standard, proprietary, GIS mapping software. This validation and review are intended to verify that the description is accurate, and that it is consistent throughout the acquisition documents, such as commitment for title insurance, [survey] maps, deeds, etc.”

B. Remove the LDR Requirement from the PTO, FTO, and LTRO Recording in the FTT Handbook for Acquisitions

The LDR requirement is removed and no longer needed for the PTO, FTO, and LTRO recording for FTT acquisitions.

C. Required Land Description Training for All Realty Staff

All Realty staff involved in processing FTT acquisitions must complete land description training and if available, may complete mapping software training (e.g., deed plotter, ArcGIS).

Once BIA has determined that trained Realty staff are qualified to review land descriptions that are deemed non-complex, determine if a RLDR can be performed, or determine the land description is complex and an LDEV must be requested.

Realty staff are required to complete land description training to assist with the determination of the appropriate review. BLM provides land description instructor lead courses and DOI Talent offers on-line, self-study classes for enrollment. The following classes are available:

1. Interpreting and Writing Land Descriptions BLM-TC-2000-01;
2. Writing and Plotting Legal Descriptions BLM-TC-2000-27;
3. Interpreting Land Status BLM-TC-2000-28; and
4. Informal Land Description Training provided by the Region or Regional BILS.

D. RLDR Requirements, Process and Timeframes

Realty staff must review the FTT application package and land description within 10 calendar days following Step 2: Review of Written Request to Initiate Application Process in the FTT handbook. If all required documents are received from the applicant, Realty staff must complete the RLDR within 30 calendar days of receipt of the application.

It is the duty of the Realty staff to initially review the land descriptions and documents in the FTT application for clarity, comprehensibility, and consistency. If the descriptions do not match, or if there are missing or illegible copies of documents submitted, Realty has three (3) calendar days to notify the applicant following Step 3: Responding to an Incomplete Case in the FTT handbook.

All trained Realty staff who process FTT applications will be qualified to perform a RLDR for all FTT acquisitions that are described by aliquot parts, true government lots, other parcels returned on an official survey, or locally recorded lot block subdivision (LBS) description. If all required documents are received from the applicant, Realty staff must complete the RLDR within 30 calendar days of completing Step 2 in the FTT handbook.

If complex issues are identified during the RLDR process the Realty Staff must submit an LDEV request to the GIS Strike Team within 10 calendar days from receipt of the application.

E. LDEV Requirements, Process and Timeframes

Realty staff must review the application package and land description within 10 calendar days following Step 2: Review of Written Request to Initiate Application Process in the FTT handbook. Realty staff must submit an LDEV request to the GIS Strike Team within 10 calendar days from receipt of the application.

It is the duty of the Realty staff to initially review the land descriptions and documents in the fee-to-trust application for clarity, comprehensibility, and consistency. If the descriptions do not match, or if there are missing or illegible copies of documents submitted, Realty has three (3) calendar days to notify the applicant following Step 3: Responding to an Incomplete Case in the FTT handbook.

The GIS Strike Team will perform the land description review for all LDEV requests. Realty staff will complete the LDEV request form, attach the checklist documents, and submit the package as one PDF to the GIS Strike Team POC via email at DRIS_GIS@bia.gov.

The GIS Strike Team member assigned the request will have 30 calendar days to complete their review and return the LDEV as complete, incomplete, or non-concur. If more time is needed to perform the review, the GIS Strike Team member will notify the requestor (BIA Realty staff), and an extension up to 30 days may be taken by the GIS Strike Team.

If an incomplete LDEV is received from the GIS Strike Team, the Realty POC will perfect the request or notify the applicant within three (3) calendar days following Step 3: Responding to an Incomplete Case in the FTT handbook. If a non-concur LDEV is received, the GIS Strike Team will initiate consultation with BILS as needed, and provide recommendations to the Realty POC for the applicant to resolve the non-concur LDEV.

5. Roles and Responsibilities

The following interim policy will be implemented with regard to the review and approval of all FTT acquisitions under 25 CFR 151.

- A. **Director, BIA (DBIA)** is responsible for ensuring that appropriate organizational arrangements, resources, and personnel are available to implement and maintain the Office of Trust Services (OTS) programs. The DBIA serves as the Senior Accountable Official for the trust program and has primary responsibility for implementing and executing BIA programs in accordance with statute, regulation, and Departmental policy.
- B. **Deputy Bureau Director (DBD), Field Operations** is responsible for overseeing the Regional Directors (RDs) and disseminating policy relevant to the regions.
- C. **DBD, OTS** is responsible for ensuring that that statutory and regulatory timetables for FTT acquisitions are met, and that guidance is available to regional and BIA agency staff tasked with processing FTT acquisitions; initiating periodic program reviews of regional and agency programs; and assisting in the development and dissemination of trust resource policy to the RDs.
- D. **Chief, Division of Real Estate Services (DRES), OTS** is responsible for overall policy and guidance development within the division, including establishing Realty program policies and standards to comply with statutory and regulatory requirements; day-to-day

oversight of the Realty program; ensuring technical assistance and training is provide to BIA regions as needed; conducting program reviews; and managing BIA's federal reporting requirements as they relate to the Realty program.

- E. **RD** serves as the Senior Accountable Official for the Realty program in their respective region and is responsible for reviewing and acting on any FTT acquisitions that are not otherwise delegated to the BIA agency level.
- F. **Regional Realty Program Manager** is responsible for reviewing FTT acquisitions and recommending approval; and for responding to FTT acquisition reporting requirements.
- G. **Agency Superintendent** is responsible for managing their respective organization's Realty program compliance in day-to-day operations and coordinating reviews of FTT acquisitions.
- H. **LTRO, OTS** is responsible for issuing certified Title Status Reports (TSR's) verifying ownership and any or all restrictions, encumbrances, and/or limitations.
- I. **Division of Resource Integration and Services (DRIS), OTS** facilitates the modernization of data resources communication and interface, promoting collaboration amongst programs and improve workflows throughout the Office of Trust Services in support of BIA mission objectives.
- J. **GIS Strike Team, DRIS, OTS** is responsible for examining the validity of the land description, including acreage. This validation and review are intended to verify that the description is accurate, describes the subject property, and that it is consistent throughout the acquisition documents, such as commitment for title insurance, [survey] maps, deeds, etc.
- K. **BILS** are the BLM Indian Lands Surveyors assigned to each BIA Region to assist staff and tribes with boundary issues. BILS may assist the GIS Strike Team as requested in coordination with BIA staff on land descriptions associated with FTT.
- L. **BLM** is responsible for determining the boundaries of trust land.

6. Definitions

- A. **Realty Land Description Review (RLDR)** are completed by trained Realty staff for a basic land description review.
- B. **Land Description Examination & Validation (LDEV)** are completed by the GIS Strike Team for complex legal descriptions and acreages.
- C. **Land Description Review (LDR)** are boundary risk assessments completed under the authority of a BLM State Office Chief Cadastral Surveyor in compliance with 303 DM 7.

D. Basic Land Description Review include reviews of descriptions that are true aliquot parts, government lots, other parcels returned on an official survey, or locally recorded subdivision, LBS description.

E. Complex Land Descriptions include but are not limited to: metes and bounds, ambulatory boundaries (such as rivers, lakes, tidelands, and shorelines), and parcels within city limits.

Approval

Darryl LaCounte Digitally signed by Darryl LaCounte
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4/21/23

Darryl LaCounte
Director, Bureau of Indian Affairs

Date