



# 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**

**Effective: 4/26/2022**

**Expires: 4/26/2023**

**Title: Modernize the Land Description Review Process for Fee-to-Trust Acquisitions**

### 1. Purpose

The purpose of this interim policy memorandum is to improve the efficiency and quality of processing fee-to-trust (FTT) acquisitions. This policy addresses the following:

- replaces the Bureau of Land Management (BLM) Indian Lands Surveyor's (BILS) Land on Description Review (LDR) requirement from the FTT handbook with a Realty Land Description Review (RLDR) or a Land Description Examination & Validation (LDEV). An RLDR will be completed by trained Realty staff for a Basic Land Description Review. These land descriptions may include aliquot part, lot block and government lots. An LDEV is provided by the Division of Resource Integration and Services (DRIS), GIS Strike Team for Complex Land Description Review and acreages. If the application contains both basic and complex, the review will go to the GIS Strike Team. These land descriptions would include complicated aliquot part, metes and bounds, large land bases, etc.;
- identifies when a RLDR is required, establishes RLDR requirements and process, and creates a timeframe for completion of RLDR;
- identifies when a LDEV is required, establishes the LDEV process, and creates timeframes for realty requests for a LDEV and GIS Strike Team completion of a 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; and
- establishes a land description training requirement for all Realty staff.

## 2. Scope

This policy applies to all Bureau of Indian Affairs (BIA) employees involved in the review and 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 Department of the Interior (DOI) policies regarding the review and approval of FTT acquisitions under 25 CFR 151.

**Authority.** This policy is issued under the authority of the American Indian Trust Fund Management Reform Act of 1994 (25 U.S.C. § 162a(d)(8) and 25 U.S.C. § 4001, et seq.) together with its implementing regulations, and 25 U.S.C. § 176, which states: “Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the Bureau of Land Management (BLM) and in conformity to the rules and regulations under which other public lands are surveyed.”

## 4. Procedures

This policy covers any FTT land description reviews not already submitted to BILS, unless the regional approving official or applicant requests the review be returned and sent through the GIS Strike Team. Resubmission of a non-concur BILS review should be returned to BILS for completion. All new applications received after the effective date of this NPM will follow this interim policy.

### A. Replace BILS LDRs requirement with a RLDR or LDEV

Currently, Step 2.5(e) of the Fee-to-Trust Handbook Version IV (rev. 1), issued June 28, 2016, 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 as follows:

“A Realty Land Description Review (RLDR) from a trained individual (as described below) or a Land Description Examination & Validation (LDEV) from a GIS Strike Team 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, correctly describes the subject property, and that it is consistent throughout the acquisition documents, such as commitment for title insurance, [survey] maps, deeds, etc.”

## **B. RLDR Requirements, Process and Timeframes**

Realty staff must take required land description training (defined below) to assist with the determination of the appropriate review required (RLDR or LDEV). Realty must review the application package and land description within 10 days following Step 2: Review of Written Request to Initiate Application Process in the FTT handbook. All trained Realty staff who process FTT applications will be qualified and required to perform a RLDR for all FTT acquisitions that contain an aliquot part, true government lot, or lot block subdivision (LBS) description. If all required documents are received from the applicant, Realty must complete the RLDR within 30 days of completing Step 2 in the FTT handbook.

## **C. LDEV Requirements, Process and Timeframes**

Realty must review the application package and land description within 10 days following Step 2: Review of Written Request to Initiate Application Process in the FTT handbook and determine which process of land description review is required (RLDR or LDEV). If Realty determines the land description to be too complex for a RLDR, they must complete the LDEV request form to include the checklist documents and upload the package for the GIS Strike Team POC via email. GIS Strike Team will perform the land description review for all LDEV requests.

The GIS Strike Team member assigned will have 30 days to complete their review and return the signed LDEV as complete, with remarks/comments, or incomplete. If more time is needed to perform the review, an extension may be requested. If an incomplete LDEV is returned to the requestor, Realty has three days to begin the process to notify the applicant following Step 3: Responding to an Incomplete Case in the FTT handbook.

It is the duty of the Realty staff to initially review the land descriptions and documents for general clarity and comprehensibility. The descriptions in the Tribal Resolution or other official act of the governing body of the Tribe, Title Evidence, and Fee and Trust Deeds must be examined to confirm that they match and describe the same parcel(s). Illegible copies of documents submitted, or missing documents will result in the LDEV request being returned to the requestor.

## **D. 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.

## **E. Land Description Training Requirements for All Realty Staff**

All Realty staff involved in processing FTT acquisitions are required to complete mandatory land description training and mapping software training (e.g., deed plotter, ArcGIS).

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 a LDEV must be requested.

BLM provides land description instructor lead courses and DOI Talent offers on-line, self-study classes for enrollment.

## 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, correctly describes the subject property, and that it is consistent throughout the acquisition documents, such as commitment for title insurance, [survey] maps, deeds, etc.

## 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 completed by BILS for boundary evidence, cadastral survey, review of a description and location of monuments.
- D. **Basic Land Description Review** include reviews for true aliquot parts, lots and blocks, and government lots.
- E. **Complex Land Description Reviews** include but not limited to: metes and bounds in several Sections, Townships and Ranges, property along rivers, lakes, tidelands, shorelines, and city limits.

## 7. Approval

Darryl  
LaCounte

Digitally signed by Darryl  
LaCounte  
Date: 2022.04.26 08:06:21  
-04'00'

4/26/22

Darryl LaCounte  
Director, Bureau of Indian Affairs

Date