

INDIAN AFFAIRS MANUAL

Part 52

Real Estate Services

Chapter 1

Overview

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- 1.1 Purpose.** This chapter establishes the policy and responsibilities of the Bureau of Indian Affairs (BIA), Division of Real Estate Services (DRES) program.
- 1.2 Scope.** This policy applies to programs and offices under the authority of the Assistant Secretary – Indian Affairs (AS-IA), including the Bureau of Indian Affairs (BIA), Office of Trust Services (OTS), DRES, at central office, regional offices, agencies, or field offices involved in carrying out DRES programs. This policy may also apply to entities carrying out activities on behalf of Indian Affairs (IA) under contracts or other agreements if expressly agreed to in the contracts or agreements, or if the requirement to abide by such policy is otherwise required by law; these entities may include contractors or Tribes operating through contracts issued pursuant to Public Law (P.L.) 93-638.
- 1.3 Policy.** It is the policy of IA to ensure compliance with all applicable real estate service regulation, requirements, and standards, and to promote sustainable practices to carry out the mission of IA and DRES.
- 1.4 Authority.**

A. Statutes and Regulations.

- 1) 25 United States Code (U.S.C) 176, Survey of reservations
- 2) 25 U.S.C. 311, Opening highways
- 3) 25 U.S.C. 323-328, Rights-of-way for all purposes across an Indian land
- 4) 25 U.S.C. 393, Leases of restricted allotments
- 5) 25 U.S.C. 396 et seq., Leases of allotted lands for mining purposes
- 6) 25 U.S.C. 2201 et seq., Indian Land Consolidation
- 7) 25 U.S.C. 415(h), Tribal approval of leases
- 8) 25 U.S.C. 5108, Acquisition of lands, water rights or surface rights; appropriation; title to lands; tax exemption
- 9) 25 U.S.C. 5110, New Indian reservations
- 10) 25 U.S.C. 5101, et seq., Allotment of land on Indian reservations
- 11) 40 U.S.C. Subtitle I, Federal Property and Administration Services

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- 12) P.L. 93-638, Indian Self-Determination and Education Assistance Act (ISDEAA), as amended
- 13) 41 Code of Federal Regulation (CFR) Part 102-75.15-75.30, Real Property Disposal
- 14) 25 CFR 151, Land Acquisitions
- 15) 25 CFR 162, Leases and permits
- 16) 25 CFR 169, Rights-of-Way over Indian Land
- 17) 43 CFR 100, Waiving Departmental Review of Appraisals and Valuations of Indian Property

B. Guidance.

- 1) 59 IAM 3: National Environmental Policy Act (NEPA)
- 2) 516 Departmental Manual (DM) 10: Managing the National Environmental Policy Act (NEPA) Process – BIA
- 3) AS-IA Memorandum, Authority to Approval Leases of Lands for Gaming Purposes, April 1, 2002

C. Handbooks.

- 1) 59 IAM 3-H: NEPA Guidebook
- 2) Acquisition of Title to Land Held in Fee or Restricted Fee Status (Fee-to-Trust Handbook)
- 3) Leasing and Permitting Handbook Chapter 1 – General Information
- 4) Leasing and Permitting Handbook Chapter 2 – Agricultural
- 5) Leasing and Permitting Handbook Chapter 3 – Residential
- 6) Leasing and Permitting Handbook Chapter 4 – Business Exhibits

1.5 Responsibilities.

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- A. **Director, Bureau of Indian Affairs (DBIA)** is responsible for ensuring that appropriate organizational arrangements, resources, and personnel are available to implement and maintain the 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. The DBIA oversees the DRES program to maintain working relationships and approving agreements with other federal agencies; and negotiating with Tribes and Tribal organizations to determine areas of concern and to address conflicts.
- B. **Deputy Bureau Director (DBD), Office of Trust Service (OTS)** is responsible for ensuring that statutory and regulatory timetables are met, and that guidance is available to BIA regional and agency staff tasked with real estate services activities associated with management and protection of trust and restricted lands. The DBD-OTS is also responsible for providing oversight of the DRES program activities with other OTS programs, the BIA field offices, and supporting program budget and staffing.
- C. **Chief, DRES, OTS** is responsible for the implementation of overall guidance, developing and monitoring policies, standards, and procedures for the DRES program, 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.
- D. **Regional Directors (RDs)** serves as the Senior Accountable Official responsible for providing regional guidance and ensuring implementation of policy for the DRES program, acting on any approval or disapproval as delegated under 3 IAM 4. The RD also addresses appeals from decisions made by BIA Agency Superintendents.
- E. **Agency Superintendents** are responsible for managing and ensuring their respective organizations' DRES program activities are in compliance with all applicable statutory, regulatory, and policy requirements. Assigns and organizes BIA agency staff and resources to fulfill agency responsibilities, and serve as Approving Officials as delegated under 3 IAM 4.

Approval

Darryl LaCounte

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Darryl LaCounte
Director, Bureau of Indian Affairs

Date