



**COALITION OF LARGE TRIBES**

Blackfeet Nation • Cheyenne River Sioux Tribe • Crow Nation • Eastern Shoshone Tribe  
Fort Belknap Indian Community • Mandan, Hidatsa & Arikara Nation • Navajo Nation • Northern Arapaho Tribe  
Oglala Sioux Tribe • Rosebud Sioux Tribe • Sisseton Wahpeton Sioux Tribe  
Shoshone Bannock Tribes • Spokane Tribe • Ute Indian Tribe • Walker River Paiute Tribe

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March 1, 2023

VIA EMAIL: [consultation@bia.gov](mailto:consultation@bia.gov)

Hon. Bryan Newland  
Assistant Secretary – Indian Affairs  
Department of the Interior  
1849 C Street NW  
Washington, D.C. 20240

Re: Coalition of Large Tribes (“COLT”) Comments on Part 151 Land-Into-Trust  
Proposed Rule

Dear Assistant Secretary Newland:

On behalf of the Coalition of Large Tribes, an intertribal organization representing the interests of the more than 50 tribes with land bases of 100,000 acres or more controlling 95 percent of Tribal Lands, we submit the following comments in strong support of the proposed Part 151 Land-Into-Trust amendments in response to the Department’s December 5, 2022 Dear Tribal Leader Letter seeking Tribal input on the Notice of Proposed Rulemaking for the Department’s land acquisition regulations, 25 C.F.R. Part 151 (Part 151). The changes are timely, and would provide significant improvements to the often burdensome and costly process for taking fee land into trust status.

The proposed Part 151 amendments will help large land base tribes achieve our self-determination objectives and we appreciate the strong policy statement of support contained in section 151.3. COLT also has several specific comments.

First, the proposed amendments’ more narrow tailoring of “interested party” and establishment of a presumption in favor of taking on-reservation land into trust (Section 151.9) overcomes the needless bureaucratic burdens—and lengthy administrative appeals process—associated with simple land consolidation efforts. It has long been the policy of the United States to support tribes’ reacquisition of their on-reservation land base either through private transactions or federal programs. The Part 151 update aligns the regulations with the policy reality and will streamline what should be non-controversial land transactions.



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COLT appreciates removing the requirement that tribes must demonstrate our need for the land, the impact to state and local government tax rolls and any conflict in land uses due to the land being taken in trust. These things are all superfluous with respect to on-reservation lands. We also suggest that the regulation also remove any requirement to show the BIA has the capacity to carry out its responsibilities if the land was placed in trust. The requirement is unnecessary for on-reservation parcels especially since—as in many of our member tribes’ cases—it is the tribe operating under an Indian Self- Determination Act contract or self-governance compact, that is providing the BIA reservation programs and services.

Second, the proposed amendments’ burden-shifting for reservation-adjacent land-into-trust regulations is also most welcome. Section 151.10. COLT applauds requiring governments resisting land-into-trust efforts to bear the burden and cost of overcoming a presumption in favor of contiguous trust transactions. This will dramatically reduce the frequent frivolous objections to land-into-trust applications. We note too that contiguous parcels are often lands that were originally part of reservations, and their reacquisition and placement into trust should be given “great weight” because of the restorative nature of such transactions.

Lastly, COLT supports inclusion of tribes in the Payment In Lieu of Taxes (“PILT”) program to ensure equity and to make it easier to take land into trust on behalf of tribes. Many objections to land-into-trust applications are grounded in non-tribal governments’ concerns regarding potential tax revenue loss. The PILT program was created in 1976 to offset costs incurred by counties for services provided to federal employees and families, the public and to the users of public lands. Services include education, solid waste disposal, law enforcement, search and rescue, healthcare, environmental compliance, firefighting, parks and recreation and other important community services. The FY 2022 Omnibus appropriations package (P.L. 117-103), enacted in March 2022, ensured full, mandatory funding for PILT at \$549.4 million to over 1900 counties nationwide. In FY 2021, public lands counties received \$529.7 million from PILT.

Counties receive PILT monies related to reservation lands despite the fact that they provide minimal if any services on reservation lands. Counties often oppose land-into-trust applications because it cuts off the PILT monies they receive for basically doing next to nothing. New fee-to-trust and federal land transactions for tribes should be included in a separate tribal PILT program to ensure that PILT monies are continued for counties so they will be incentivized to work with tribal governments in their efforts to restore their tribal homelands instead of obstructing those efforts to protect the counties’ PILT habits. Because the Department administers the PILT program, this should be a straightforward fix. We urge the Department’s update to the final rule published December 7, 2004 as an important companion effort to the Part 151 updates.



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In summary, COLT finds the Part 151 amendments proposed by the Department are thoughtful, balanced and fair. We applaud your efforts. We will be grateful to see the Part 151 procedures better match the Department's long-time approach of supporting land-into-trust transactions as foundational to self-determination policy.

Respectfully,

Hon. Marvin Weatherwax  
Chairman, Coalition of Large Tribes  
Councilman, Blackfeet Tribal Business  
Council