

**INDIAN AFFAIRS
DIRECTIVES TRANSMITTAL SHEET**

(modified DI -416)

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FOR FURTHER INFORMATION Office of Trust Services, Branch of Ag & Rangeland Management (Division of Natural Resources)		DATE SEP 09 2014

EXPLANATION OF MATERIAL TRANSMITTED:

These chapters establish the policies, authorities, and responsibilities for the protection, planning, administration, and monitoring of trust and restricted Indian land used for agricultural purposes under Bureau of Indian Affairs (BIA) jurisdiction.



Michael Black
Director, Bureau of Indian Affairs

FILING INSTRUCTIONS:

Remove: None

Insert: All 6 new IAM chapters

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1.1 Purpose. This chapter describes Indian Affairs (IA) policy regarding agricultural trespass on Indian lands.

1.2 Scope. This policy applies to all tribal and individually held trust and restricted Indian agricultural land under Bureau of Indian Affairs (BIA) jurisdiction, to all IA programs and staff charged with the management of these lands, and to tribal entities acting for the United States through contracts issued under Public Law (P.L.) 93-638.

Compact tribes may not be required to abide by the policies contained in this chapter (depending on individual compact language), but are encouraged to use IA policy as guidance.

1.3 Policy. It is the policy of IA:

- A.** To monitor Indian agricultural lands for unauthorized use and occupancy; to promptly investigate reported and confirmed trespass violations; and to pursue equitable remedy/resolution from first notice through assessment and collection of penalties, damages and enforcement costs.
- B.** To recognize the concurrent jurisdiction of tribes, with the United States, to enforce the provisions of 25 U.S.C. 3713 and 25 C.F.R. 166.800-819; and at the request of the tribal government, to defer to tribal prosecutions of Indian agricultural land trespass cases.
- C.** To maintain a record of agricultural trespass reports, investigations and actions in the Trust Asset Accounting and Management System (TAAMS).

1.4 Authority.

- A.** 25 U.S.C. § 3713 Indian Agricultural Lands Trespass Act, December 3, 1993
- B.** 25 CFR Part 166 Subpart I – Trespass

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1.5 Responsibilities.

- A. **Director, BIA** ensures compliance and capacity to comply with statutes, regulations, IA policy, and Department of the Interior (DOI) policy applicable to the detection, investigation and remedy/resolution of trespass on Indian agricultural lands; and determines the roll of BIA Office of Justice Services staff in agricultural trespass detection, investigation and resolution.
- B. **Deputy Director, BIA Field Operations** assigns priority to trespass detection and response and supports budget and staffing to complete these activities.
- C. **Deputy Bureau Director, BIA Office of Trust Services (OTS)** coordinates agricultural trespass detection and investigation activities among and between OTS programs; supports budget and staffing; and is responsible for policies, standards and procedures for Indian agricultural land trespass detection, investigation and remedy/resolution.
- D. **Regional Directors (RDs)** determine budget and staffing needs, justify budget levels and support requests through the budgeting process; provide regional guidance for agricultural trespass detection, investigation and remedy/resolution; and approve or remand agreements between Agencies and tribes concerning agricultural trespass responsibilities and processes.
- E. **Agency Superintendents** negotiate agreements with tribal governments to agree to and assign duties and responsibilities for the detection, investigation and remedy/resolution of agricultural trespass to either the BIA or the tribe, as appropriate; organize, train and assign Agency staff and resources to complete agricultural land trespass detection, investigation and remedy; and coordinate these activities with other Agency responsibilities.

1.6 Definitions

- A. **Agriculture/agricultural** herein refers to cultivated crops, marketable or traditionally used materials, and livestock production for commercial as well as subsistence use.