

**MEETING REPORT**  
**DOI REGULATORY INITIATIVE CONSULTATION**  
**PROCESS**

Albuquerque, NM Session  
February 13-14, 2006

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The Department of Interior held the first consultation on the Regulatory Initiative to reform all the Code of Federal Regulations provisions pertinent to trust administration in Albuquerque, New Mexico in February 2006. The consultation was lead by Michele Singer, Counsel to Associate Deputy Secretary of Interior, along with two contracted meeting facilitators. The consultation agenda included an overview of the Regulatory Initiative process including DOI's objectives in the proposed regulatory changes. These objectives are outlined in the "roadmaps" that have been circulated throughout Indian country and are available on the ITMA website. The Consultation agenda included New Regulations developed for Trust Fund Accounting and Appeals, Fees for Service, Unclaimed Moneys/Whereabouts Unknown, Probate and Probate Related regulations, changes to Land Titles and Records Documents and Conveyances of Trust and Restricted Land.

Approximately 250 people attended the meeting with one-third of the attendees from the Bureau of Indian Affairs, Office of Special Trustee and Department of Interior personnel. Numerous DOI personnel involved in the actual drafting of the proposed regulations were present to address questions and provide comment. Various Tribal leaders and individual Indians, including Navajo allottees were present. A court reporter was utilized to record all comments and responses and DOI had computers with detailed instructions for participants to enter written comments into the official record.

On the first day of the consultation, the comments/discussion focused primarily on concerns with the consultation and implementation process in general including:

1. A lack of tribal leaders involved in the drafting efforts leading to general suspicion regarding the proposed changes.

2. Not enough consultations scheduled to allow for meaningful input from Tribes and individuals including the short timeframes for Tribes to submit comments.
3. The proposed very short timeframe to finalize regulations; especially those specific to probate to comply with the implementation of the American Indian Probate Reform Act.
4. A lack of comprehensive information to Tribes with sufficient time for Tribes to review and consider and compose knowledgeable comments.
5. A complaint that not all Tribes were aware of the distribution of the draft regulations by CD Rom last December 2005.
6. The overwhelming volume of the draft regulations and a lack of side-by-side review to clearly illustrate the proposed revisions to existing regulations.

DOI was unable to follow the proposed agenda and revised it due to the number of questions related to the implementation of American Indian Probate Reform Act (AIPRA). John Dossett provided an overview of AIPRA to segue into the proposed regulations related to probate. Following were the most often raised comments that focused on AIPRA issues:

1. Concern about the BIA's refusal to continue will drafting and will holding efforts at a time when will drafting is critical to Indian country.
2. Concern that Tribes and individuals have not been informed about the upcoming drastic changes in probate law and have insufficient time to prepare.
3. Concern that Tribe's will be unable to complete probate codes and have codes approved prior to the June 20, 2006 implementation date of AIPRA.
4. Concern that June 20, 2006 was too soon for implementation of AIPRA and that efforts should be attempted to stall the implementation date until Tribes and individuals are more prepared.
5. Concern with limited information regarding the new rules of intestate succession in AIPRA.

6. Concerns that different laws will apply to Indian probate cases now, after June 20, 2006 and upon approval of a Tribal probate code, causing confusion for Indian country.

Following the discussion pertinent to AIPRA issues, various DOI personnel provided an overview, utilizing power point presentations, on the 25 CFR 15 and 43 CFR 4 draft regulations. Few substantive comments were made but lots of questions on the specific intention with the regulations were asked. DOI provided a quick overview of the new regulations including Fees for Service and Whereabouts Unknown. The tribes and allottees overwhelmingly disagreed with the provision to collect fees for services. This provision was attacked as a deviation from the special trustee-beneficiary relationship between the United States and Indian Tribes and individuals. The consultation concluded with a very quick overview of the proposed changes in Land Titles and Records Documents at 25 CFR 150 and Conveyances of Trust and Restricted Lands at 25 CFR 152. Again participants asked numerous questions but were unable to provide specific comment without more time to become familiar with the proposed revisions.