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	U· S· DEPARTMENT OF THE INTERIOR OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT DIRECTIVES SYSTEM	Subject Number: REG-18 Transmittal Number: 386 Date: 10/16/87

Subject: Indian Lands Outside the Exterior Boundaries of Reservations

Approval: Fred D. Christensen **Title:** Director

1. Purpose. To provide clarification as to which lands outside the exterior boundaries of Federal Indian reservations are considered Indian lands.

2. Definitions.

a. Allotted Lands or Individual Allotments. Lands allotted to an individual Indian.

b. Tribal Fee Lands. All lands where the surface and/or mineral interests are owned in fee simple by an Indian tribe but not held in trust for the tribe by the United States Government.

c. Trust Lands. All lands where the surface and/or mineral interests are held in trust for an Indian tribe by the United States Government.

3. Policy/Procedures.

a. Policy. All trust lands and all lands supervised by an Indian tribe are Indian lands in accordance with the definition in section 701(9) of the Surface Mining Control and Reclamation Act of 1977 (SMCRA). Individual allotments and tribal fee lands outside the exterior boundaries of a Federal Indian reservation which are not supervised by an Indian tribe will not be treated as Indian lands. Those lands determined to be Indian lands come under Federal regulatory jurisdiction.

b. Procedures. Regulatory activities on Indian lands are to be conducted in accordance with 30 CFR Part 750. Where questions of jurisdiction arise on tribal fee lands, representatives of the Western Field Operations are to discuss the specific circumstances with the Deputy Director, Operations and Technical Services, before acting. Western Field Operations are to presume that allotted lands or individual allotments outside the exterior boundaries of a Federal Indian reservation are not Indian lands. Whenever there is evidence to the contrary, that is, there is evidence that the allotted lands are supervised by an Indian tribe, the matter must be discussed with the Deputy Director, Operations and Technical Services, prior to a determination of whether such lands are Indian lands.

4. Reporting Requirements. None.

5. References. Section 701(9) of SMCRA.

6. Effect on Other Documents. Supersedes Memorandum dated September 27, 1985, from the Director to the Albuquerque Field Office Director.

7. Effective Date. Upon Issuance.

8. Contact. Chief, Branch of Federal and Indian Programs (202) 343-1864.