

**§ 224.57**

The TERA takes effect upon the 271st day after the Secretary's receipt of a complete application from a qualified Tribe, unless the Secretary approves the TERA to take effect on an earlier date, or the Secretary disapproves the application before that date.

[84 FR 69611, Dec. 18, 2019]

**§ 224.57 What must the Secretary do upon receipt of an application?**

(a) Upon receiving an application for a TERA, the Secretary must:

(1) Promptly notify the Designated Tribal Official in writing that the Secretary has received the application and the date it was received;

(2) Within 30 days from the date of receiving the application, determine whether the application is complete; and

(3) Take the following actions:

If the Secretary determines that . . .	Then the Secretary must . . .
(i) The application is complete.	(A) Issue a written notice and a request for an application consultation meeting to the Designated Tribal Official; and (B) Identify in the written notice any financial assistance available from the Secretary to assist in implementing the TERA, including environmental review of individual projects; and (C) If appropriate, notify other Departmental bureaus and offices of receiving the application and provide copies.
(ii) The application is not complete.	(A) Issue a written notice to the Designated Tribal Official that the application is not complete; (B) Specify the additional information the Tribe is required to submit to make the application complete; and (C) Start the 270-day review period only when the Secretary receives a complete application.

(b) Unless the Secretary notifies the Designated Tribal Official during the 30-day review period that the application is not complete, the application is presumed to be complete and the 270-day review period under 25 U.S.C. 3504(e)(2)(A) of the Act will begin as of the date that the application was received.

[73 FR 12821, Mar. 10, 2008, as amended at 84 FR 69611, Dec. 18, 2019]

**25 CFR Ch. I (4–1–23 Edition)**

**APPLICATION CONSULTATION MEETING**

**§ 224.58 What is an application consultation meeting?**

An application consultation meeting is a meeting held at the Tribe's headquarters between the Secretary and the Tribal governing body and any other representatives that the Tribe may designate to discuss the TERA application. The Secretary will designate representatives of appropriate Departmental offices or bureaus to attend the application consultation meeting, as necessary. The Tribe may record the meeting. The meeting will:

(a) Be held at the earliest practicable time after the Secretary receives a Tribe's complete application;

(b) Include a thorough discussion of the Tribe's application;

(c) Identify the specific services consistent with the Secretary's ongoing trust responsibility and available resources that the Department would provide to the Tribe upon the approval of a TERA;

(d) Include a discussion of the relationship of the Tribe to other Federal agencies with responsibilities for implementing or ensuring compliance with the terms and conditions of leases, business agreements, or rights-of-way and applicable Federal laws;

(e) Include a discussion of the relationship of the Tribe to its members, to State and local governments, and to non-Indians who may be affected by approval of a TERA or by leases, business agreements, or rights-of-way that the Tribe may enter into or grant under an approved TERA;

(f) Include a discussion of the Tribal administrative, financial, technical, and managerial capacities needed to carry out the Tribe's obligations under a TERA; and

(g) Include a discussion of the form of the TERA and the timing and relative responsibilities of the parties for its preparation.

**§ 224.59 How will the Secretary use the results of the application consultation meeting?**

The Secretary will use the information gathered during the application consultation meeting in conjunction with information provided through