



THE SECRETARY OF THE INTERIOR
WASHINGTON

JUN 18 2010

Memorandum

To: Assistant Secretary – Indian Affairs

From: Secretary *Ken Salazar*

Subject: Processing Land-into-Trust Applications for Applications Not Related to Gaming

Thank you for the enormous efforts you have made to engage tribal leaders across the Nation on critical issues facing Indian Country, from building roads and improving schools to increasing resources for public safety and economic development programs. It is vitally important that the Department of the Interior continue on a path toward rebuilding strong relationships with tribal governments. As I stated at the historic Tribal Nations Conference hosted by President Obama, "we have been working to turn the page on the Federal Government's pattern of neglect. In its place, we are building a strategy for empowerment – a strategy that helps Indian nations build a future of their choosing."

Taking land into trust is one of the most important functions that this Department undertakes on behalf of Indian tribes. Between the years of 1887 and 1934, the U.S. Government removed more than 90 million acres from the tribes; further, this practice was continued under the misguided "termination" era that continued through the 1950s and 1960s. The Secretary's authority to take land into trust is the primary means to help restore and protect Indian homelands, and the majority of the 9 million acres of tribal lands that have been reacquired to date, and taken into trust, has been within the bounds of existing reservations. Ongoing activities to establish, consolidate and, where appropriate, expand tribal homelands is an essential feature of our Nation's Indian policy and our honoring of principles of tribal self-reliance and self-governance.

Tribes use lands taken into trust for a variety of vital purposes: housing, health care, education, agriculture, energy and economic development. The large majority of land-into-trust applications processed by the Department are for these self-determination purposes, and have no connection to Indian gaming. Of the more than 1900 trust land applications currently pending before the Bureau of Indian Affairs, over 95% are for non-gaming purposes.

As you know, decisions regarding land-into-trust applications fall within your delegated authority. It is imperative that the Department process these applications in a transparent and orderly fashion. Decisions must be made in a lawful and timely manner; indecision creates frustration and uncertainty.

Land-into-trust applications must fully satisfy the requirements set forth in applicable Federal law, including but not limited to the Indian Reorganization Act, the land-into-trust application regulations (25 C.F.R. Part 151), and any applicable case precedent. Once these applications have been evaluated under all applicable legal standards, the Department should diligently and expeditiously exercise its responsibility and move forward with land-into-trust decisions.

Thank you for your outstanding work and continued commitment to serving the needs and interests of Indian tribes and their communities.

cc: Deputy Secretary
Solicitor