

Tribal Lands Workgroup

Recently, the National Congress of American Indians Land and Natural Resources Committee has facilitated discussion on several important topics. All of these issues would benefit from focused, ongoing consideration through the formation of a lands workgroup.

To maximize NCAI and tribal resources, build cohesiveness in the Land & Natural Resources Committee, and ensure broad participation, we recommend forming a general lands issues workgroup that will be composed of four subgroups to address each of the following issues. First meeting will be at NCAI Executive Council Winter Session, Monday, February 12th, 1:30pm to 5pm, in Washington, DC.

- **Part 151 Regulations:** Interior is currently holding consultations on whether to amend the Part 151 process. Most tribes oppose any amendments to the current process, especially those that would give state and local governments more of a role. However, several tribes might consider supporting changes that would provide more security for their gaming markets. Working with all tribes to find a unified solution would help prevent increased state and local influence in the land into trust process, among other unhelpful changes.
- **Infrastructure Permitting:** Standing Rock brought national attention to the importance of considering tribal interests early in the permitting process. In order to build on that momentum and provide direction to the federal government, Indian Country must put forth a proposal that will protect tribal rights and ensure Indian Country benefits from increased infrastructure deployment. The membership recognized the need for a consensus proposal when it passed Resolution MKE-17-055 to create an infrastructure proposal task force.
- **Trust Asset Management Plans:** The debate over trust reform ultimately culminated in the passage of the Indian Trust Asset Reform Act (ITARA) last Congress. Interior now needs to implement ITARA, including a provision that authorizes the Secretary to approve tribal trust asset management plans. Once approved, tribes would not need to seek subsequent approvals for activities covered by the plan. To ensure the approval process reflects the needs of Indian Country, it would be beneficial to seek a consensus proposal on how Interior could create the necessary processes.
- **Restricted Fee Lands:** Several tribal representatives are promoting H.R. 215, the American Indian Empowerment Act. The scope of work is to:
 1. Research the subject of Restricted Fee Indian land status under federal law, including a comparison to Indian trust land status;
 2. Research special purpose Acts of Congress authorizing tribal authority to lease Indian lands, or disclaiming federal authority to approve leases of Indian lands;
 3. Analyze the effects of H.R. 215, the American Empowerment Act;
 4. Recommend proposals to restore and recognize tribal Indian land title and to eliminate paternalist federal oversight of Indian land use and management; and
 5. Related matters.

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