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Interior reverses Trump's land-into-trust actions

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Nambe Pueblo Gov. Phillip Perez, left, and Interior Secretary Deb Haaland earlier this month at a roundtable discussion at the Indian Pueblo Cultural Center in Albuquerque, N.M. Susan Montoya Bryan/AF Photo

The Interior Department today reversed several Trump administration actions that officials say impeded the department's ability to take American Indian land into trust.

Taken together, the administrative directives put muscle behind Interior Secretary Deb Haaland's oft-stated intention to improve tribal relations with the federal government. Haaland is the first Native American leader of the Interior Department ([E&E News PM](#), April 23).

"At Interior, we have an obligation to work with Tribes to protect their lands and ensure that each Tribe has a homeland where its citizens can live together and lead safe and fulfilling lives," Haaland said.

Haaland added in a statement that "our actions today will help us meet that obligation and will help empower Tribes to determine how their lands are used, from conservation to economic development projects."

An Interior official, speaking today on the condition of anonymity, noted that there are about 1,000 pending land-into-trust applications, covering about 200,000 acres.

During the four years of the Trump administration, Interior took 75,000 acres into trust. During the eight years of the Obama administration, about 560,000 acres was taken into trust.

"This is indeed a big deal in Indian Country," the Interior official said, adding that "these actions unwind the bureaucratic knot that was created by the last administration."

Haaland issued [Secretarial Order 3400](#), which re-delegates the authority to review and approve applications to place land into trust to the Bureau of Indian Affairs' regional directors. The secretarial order will not apply to gaming applications. It reverses steps taken in 2017 that pushed land-into-trust decisions to Interior's headquarters staff.

By placing lands into trust status, tribes can gain property within or near their reservations, establish a land base for their communities, and clarify jurisdiction over their lands.

"The patchwork of landholdings within existing reservation boundaries can make it difficult to develop coherent law enforcement and regulatory policies on reservations, restricting the ability to sustain community and economic development," said Principal Deputy Assistant Secretary for Indian Affairs Bryan Newland.

In addition to the secretarial order, the Interior Office of the Solicitor withdrew three previous Trump-era opinions that affected the department's ability to take land into trust for tribes. Going forward, the department pledged to "engage in meaningful and robust consultation with Tribes" to learn about the fee-to-trust process and land management challenges.

"Today's actions will lower the bar for tribes seeking to place in the trust, and they will simplify the process so that it's predictable for everybody involved," the Interior official said.

Interior today also [withdrew](#) a legal opinion that asserted the Interior secretary does not have discretionary authority to take land into trust in Alaska.

Interior's new orders follow an executive order President Biden signed in January recognizing tribal sovereignty and self-governance and directing federal agencies to establish "regular, meaningful and robust consultation" with tribes.

Interior's Bureau of Indian Affairs oversees more than 56 million acres of land in trust for both tribes and individuals. Those lands include 326 sites, known variously as reservations, pueblos and rancherias, among other names ([Greenwire](#), Feb. 4).

Twitter: [@MichaelDoyle10](#) | Email: mdoyle@eenews.net

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