



TABLED

2020 Mid-Year Virtual Convention

RESOLUTION #2020 – 26

“CALLING ON THE DEPARTMENT OF INTERIOR TO COMPLY WITH THE FEE TO TRUST REGULATIONS AND PROCESS”

PREAMBLE

We, the members of the Affiliated Tribes of Northwest Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants rights secured under Indian Treaties, Executive Orders, and benefits to which we are entitled under the laws and constitution of the United States and several states, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise to promote the welfare of the Indian people, do hereby establish and submit the following resolution:

WHEREAS, the Affiliated Tribes of Northwest Indians (ATNI) are representatives of and advocates for national, regional, and specific tribal concerns; and

WHEREAS, ATNI is a regional organization comprised of American Indians/Alaska Natives (AI/AN) and tribes in the states of Washington, Idaho, Oregon, Montana, Nevada, Northern California, and Alaska; and

WHEREAS, the health, safety, welfare, education, economic and employment opportunity, and preservation of cultural and natural resources are primary goals and objectives of the ATNI; and

WHEREAS, prior to the arrival of Columbus, North America was inhabited by native people, roaming freely, hunting, and trading for subsistence; and

WHEREAS, American Indians were forcibly removed from their aboriginal territories and relocated to reservations that were repeatedly reduced in size; and

WHEREAS, tribes who resisted relocation to reservations were imprisoned in “Indian Territory”, and

WHEREAS, the dominant society determined that American Indians were to be civilized, Christianized and made into productive citizens through labor and toil, by becoming farmers, resulting in the Dawes Act of February 8, 1887 (General Allotment Act), whereby approximately 17 million acres of land were allotted; and

WHEREAS, in 1881, there were approximately 156 million acres of Indian lands and today, because of the Allotment Act, homesteading, railroads, forced fee policies, and illegal sales of Indian lands, there are only 55 million acres remaining in trust status; and

WHEREAS, in the 1950’s and 1960’s, many tribes were terminated and they are now attempting to restore their lands; and

WHEREAS, tribes, as sovereign nations, and individual Indians have applied to place property in trust for purposes of jurisdiction, cultural preservation, housing, land consolidation, and economic development; and

WHEREAS, the Federal Government maintains a fiduciary trust responsibility over tribes as well as individual tribal members and should bear responsibility for the loss of over 100 million acres of Indian land; and

WHEREAS, ATNI adopted Resolution 08-29 which recommended measures to reverse the impacts of loss of Indian lands and to reduce the existing backlog in Trust Land Acquisition, including that BIA should place a priority on trust land acquisitions for tribes as they have the authority to convert land into trust; and

WHEREAS, in 2017, the Department of the Interior (Interior) proposed radical changes to Fee to Trust Regulations at 25 CFR Part 151 curtailing Tribes' fee-to-trust rights which Tribes across the country rejected, and the Interior eventually withdrew; and

WHEREAS, Interior recently made a fee-to-trust decision denying a Tribe’s application in complete disregard of its procedural obligations under the National Environmental Policy Act (NEPA), the Council on Environmental Quality’s NEPA regulations, the Department of Interior’s fee to trust regulations, the Department’s NEPA guidance, and the Trump Administration’s NEPA streamlining policy; and

WHEREAS, this decision is an attempt to implement prior withdrawn regulations without further Tribal consultation or public comment; and

WHEREAS, this decision sets a dangerous precedent which restricts the sovereign right of all Tribes to transfer lands into trust; now

THEREFORE BE IT RESOLVED, that ATNI condemns the Department of Interior’s attempt to do administratively what they could not do via regulation and consultation; and

BE IT FINALLY RESOLVED, that ATNI calls upon the Department of Interior to reverse this decision and adhere to Federal statutes, regulations and its own internal guidance when considering fee-to-trust applications.

CERTIFICATION

The foregoing resolution was adopted at the 2020 Virtual Mid-Year Convention of the Affiliated Tribes of Northwest Indians, Portland, Oregon, on June 30 – July 2, 2020, with a quorum present.

Leonard Forsman, President

Norma Jean Louie, Secretary