



## Affiliated Tribes of Northwest Indians

### **2008 Winter Conference Yakima, Washington**

#### **RESOLUTION #08-29**

#### **“FEE TO TRUST LAND ACQUISITIONS”**

### **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 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 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**, the Affiliated Tribes of Northwest Indians is a regional organization comprised of American Indians 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 Affiliated Tribes of Northwest Indians; and

**WHEREAS**, prior to the arrival of Columbus, North America was inhabited by native people, roaming freely, gathering, 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 was 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 sales of illegal Indian lands, there are only 55 million acres remaining in trust status. 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 Bureau of Indian Affairs has identified more than 1200 fee to trust cases pending within the Bureau system; and

**WHEREAS**, Mr. Carl J. Artman, Assistant Secretary – Indian Affairs, testified before the Committee of Indian Affairs, United States Senate Oversight Hearing, on October 4, 2007, concerning the backlog within the Department-Trust Land Acquisitions for non-Gaming Purposes; 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**, the Affiliated Tribes of Northwest Indians has identified certain problems within the Trust Land Acquisition process; now

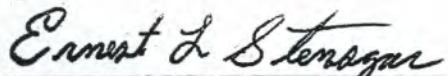
**THEREFORE BE IT RESOLVED**, that the Affiliated Tribes of Northwest Indians recommend the Assistant Secretary – Indian Affairs immediately institute the following measures to reverse the impacts of loss of Indian lands and to reduce the existing backlog in Trust Land Acquisitions:

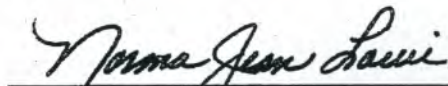
1. The Bureau of Indian Affairs (BIA) should fund Fee to Trust Positions which will result in the expedited processing of the trust land acquisition applications and partial restoration of Indian lands.
2. The BIA should place a priority on trust land acquisitions for tribes and also on Individual Indian acquisitions as they have the authority to convert land into trust.
3. BIA to define "pending" and/or "complete" fee to trust applications.
4. Tribes be provided access to the Fee-to-trust Tracking System and reports derived there from.

5. Tribes or tribal organizations have input, comments on internal BIA guidelines or policies affecting fee to trust transactions.
6. Regional Directors need to have the authority to approve off-reservation fee to trust acquisitions reinstated, thus rescinding the policy whereby BIA Central Office is to review all off-reservation decisions.
7. Concerning the adopted ASTM Standards regarding Phase 1 Environmental Site Assessments – Tribal/BIA Agency Staff (Environmental Scientists, Coordinators) need to be trained and deemed qualified to perform these Environmental Site Assessments.
8. The BIA and Department of Interior needs to communicate with tribes on all proposed actions (handbooks, regulations, policies) affecting trust acquisitions.
9. The BIA needs to endorse or implement electronic formats on processing fee to trust transactions.

**CERTIFICATION**

The foregoing resolution was adopted at the 2008 Winter Conference of the Affiliated Tribes of Northwest Indians, held at the Yakima Convention Center, Yakima, Washington, on January 25, 2008, with a quorum present.

  
Ernie L. Stensgar, President

  
Norma Jean Louie, Secretary