



DEPARTMENT of the INTERIOR

news release

BUREAU OF RECLAMATION

Gertel Harris-Brace
(202) 208-4662

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BUREAU OF RECLAMATION ANNOUNCES POLICY TO PROTECT INDIAN TRUST ASSETS

Bureau of Reclamation Commissioner Daniel P. Beard today announced a new policy designed to protect Indian trust assets from adverse impacts of Bureau of Reclamation (Reclamation) programs and activities

"The Bureau of Reclamation has a shared responsibility in protecting the rights of Indian tribes," Beard said. "The new policy will help us to assess and mitigate potential impacts on Indian trust assets." Indian trust assets are legal interest in property held in trust by the United States for Indian tribes. Such assets include lands, minerals, hunting and fishing rights and water rights.

The Bureau of Indian Affairs, a sister agency of Reclamation in the Department of the Interior, has primary responsibility for Indian trust. However, the trust responsibility requires that all federal agencies take all actions reasonably necessary to protect trust assets.

The new policy announced today will be incorporated in Reclamation's environmental directives by October 1, 1993.

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EDITORS NOTE: A copy of the Indian Trust Policy is attached.

Bureau of Reclamation
Indian Trust Asset Policy

This document describes the Bureau of Reclamation's policy to protect Indian trust assets from adverse impacts of Reclamation programs and activities, thereby better enabling the Secretary of the Interior to fulfill his responsibility to Indian tribes. In furtherance of this policy, Reclamation will modify its National Environmental Policy Act (NEPA) Handbook procedures.

Background

Indian trust assets are legal interests in property held in trust by the United States for Indian tribes or individuals. Examples of things that may be trust assets are lands, minerals, hunting and fishing rights, and water rights. The United States, with the Secretary as the trustee, holds many assets in trust for Indian tribes or Indian individuals.

The United States has an Indian trust responsibility to protect and maintain rights reserved by or granted to Indian tribes or Indian individuals by treaties, statutes, and executive orders, which rights are sometimes further interpreted through court decisions and regulations. This trust responsibility requires that all Federal agencies, including Reclamation, take all actions reasonably necessary to protect trust assets.

Policy

Reclamation will carry out its activities in a manner which protects trust assets and avoids adverse impacts when possible. When Reclamation cannot avoid adverse impacts, it will provide appropriate mitigation or compensation.

To carry out this policy, Reclamation will modify its NEPA compliance procedures to require evaluation of the potential effects of its proposed actions on trust assets. Reclamation will perform interdisciplinary analyses to assess potential impacts to trust assets and the consequences of such impacts for the Indian people who beneficially own the assets. The procedure shall include format changes in all NEPA compliance documents to highlight all trust asset impacts. These changes shall include:

- a statement that no impacts to trust assets are anticipated, when such is the case;
- a clearly labeled section discussing anticipated impacts to trust assets;
- an Indian trust asset item in the Categorical Exclusion Checklist.