Department spotlights updated leasing, rights of way provisions to give Indian landowners greater control over use, development of tribal lands

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WASHINGTON, DC – As part of President Obama's 7th annual White House Tribal Nations Conference, U.S. Secretary of the Interior Sally Jewell and Assistant Secretary-Indian Affairs Kevin Washburn today announced that the Department of the Interior has expanded leasing provisions to give Indian landowners greater control over the use and development of their land. They also announced the launch of Native One Stop, a website where tribal members can locate important federal resources they may be eligible to receive.

The expanded leasing provisions announced today make the right-of-way process on tribal lands more transparent and requires a firm timeline for approval by the Bureau of Indian Affairs and affected landowners. A right-of-way is legal permission to cross tribal land, individually owned Indian land or government land for a specific purpose, including building and operating a road, railroad, power line, telecommunications lines, waterline or pipeline.

The new rule, effective 30 days after today's publication in the federal register, makes the right-of-way process more transparent by clearly delineating when a Bureau of Indian Affairs approved right-of-way is required for access to Indian land, as well as when bureau approval and landowner consent are required for amendments, assignments and mortgages of right-of-way grants.

"Together with the forward thinking of the HEARTH Act, under which tribes may approve all surface leases on tribal lands, today's action to update rights of way regulations on Indian lands is an important part of the Administration's agenda to modernize outdated regulations that apply to Indian country," said Secretary Jewell, who delivered opening remarks at the 7th annual White House Tribal Nations Conference. "These reforms help expand opportunities for individual landowners and tribal governments to generate investment, expand economic opportunity and provide greater transparency and workability through the Bureau of Indian Affairs' leasing and right-of-way processes."

The rule also imposes timelines on the Bureau of Indian Affairs to act on requests for rights of way, increases flexibility in compensation and valuations and eliminates the requirement for applicants to obtain Bureau approval to access Indian land to survey it in preparation for a right-of-way application. The Bureau would be required to issue a decision on a right-of-way grant within 60 days of receiving an application and issue a decision on an amendment, assignment or mortgage of a right-of-way within 30 days of an application. If the Bureau does not act within those established deadlines, the parties could elevate the application to the regional director or director of bureau, as appropriate, for action.

"Leasing and right-of-way reforms are about supporting self-determination for Indian nations and were

developed in close consultation with tribal leaders," said Assistant Secretary Washburn. "The streamlined, commonsense regulations provide flexibility and certainty to tribal communities and individuals regarding decisions on the use, protection and development of their land."

The new leasing and right-of-way rules complement and help to implement the 2012 HEARTH Act (Helping Expedite and Advance Responsible Tribal Homeownership Act). Under the act, once a tribe's governing leasing regulation is submitted to, and approved by the Secretary of the Interior, they are then able to negotiate and enter into leases without further Secretarial approval. This comprehensive right-of-way reform mirrors the updated leasing regulations issued in 2012 to expedite housing, business and commercial development on Indian lands. The rule brings to date regulations (25 Code of Federal Regulations 169) that the Bureau put into effect more than 40 years ago, and updated more than 30 years ago.

For additional information on the final rule, please visit this website.

Jewell and Washburn also announced at the White House Tribal Nations Conference the launch of Native One Stop, a website for American Indians and Alaska Natives to locate resources they are eligible for in the 17 federal agencies, all of which are Benefits.gov partners. An initiative of the Interior and Labor departments and developed as part of the White House Tribal Youth Gathering, the site includes more than 80 different resources, related to education, environment, health, economic assistance, and youth needs. Web site users may also answer a series of questions on the site to determine their eligibility to apply for these resources. The number of resources is expected to grow as the site continues to include additional programs from across government.

The White House Tribal Nations Conference convenes leaders from the 566 federally recognized tribes to interact directly with high-level federal government officials and members of the White House Council on Native American Affairs. The Council, which is chaired by Secretary Jewell and includes the heads of more than 20 federal departments and agencies, works to improve interagency coordination and expand efforts to leverage federal programs and resources available to tribal communities.