Administration unveils new rules for tribal lands

SUZANNE GAMBOA - Associated Press - Associated Press

Ahead of a meeting Friday between President Barack Obama and hundreds of Native American leaders, the administration unveiled new rules for tribal lands that officials say will expedite home building and energy development.

The proposed changes — the first of its kind in 50 years — would open the door to badly-needed housing development on reservations, and for wind and solar energy projects that tribes have been eager to launch.

The plan gives Obama another boasting point for this week's meeting with leaders of the 565 federally-recognized tribes at the White House.

"We have for three years worked very hard to change the relationship between the administration and the nation's first Americans," Interior Secretary Ken Salazar said Monday. He said Obama tasked him with changing the federal government's relationship with tribes "in a very complete way."

Obama has been winning high praise among Native Americans. The president has appointed Native Americans to high level positions in his administration, signed laws to improve health care and law enforcement for Native Americans and resolved a long running lawsuit over royalties for minerals on tribal lands.

"We've had more access to federal officials to speak about these important issues in Indian Country," said Mellor Willie, a Navajo tribe member and executive director of the National American Indian Housing Council.

That was the case on the land leasing rules. Willie said the council asked the administration to consider reforming the rules during the transition between the Bush and Obama administrations. He said the Obama administration has held a number of meetings with tribes on the subject and provided draft proposals to leaders as the rules were being rewritten.

Land on American Indian reservations cannot be bought and sold because it is held in trust by the federal government on behalf of the tribes. If a tribe or tribe member wants to build a house on it or use it for multifamily housing, a business or industry, the Interior Department must approve a "lease" of the land or mortgages.

The proposed changes would set time limits for the Bureau of Indian Affairs to approve such leases. Residential leases, subleases and mortgages would have to be approved in 30 days; leases for commercial or industrial development must be approved in 60 days. If the bureau does not meet the deadlines, leases would automatically be approved. Currently, there are no time limits.

The proposed rules apply only to land development and not to oil and gas and

mining leases.

Larry Echo Hawk, the Interior Department's assistant secretary for Indian affairs, said the current rules, which date back to 1955, are paternalistic. The federal government through the proposed changes is no longer trying to exercise as much federal authority over the leasing process, he said.

Although tribes have been leasing property for years for agricultural and other reasons, the process has become slow and cumbersome.

"It is not unusual to hear tribes talk about waiting two or three years for approval of a lease," said John Dossett, attorney for the National Congress of American Indians.

In recent years, Dossett said, it has been particularly frustrating for tribes applying for more complex leases like those for wind farms, which can take two to three years to review. "By that time, the tribes lose the deal. The business partner doesn't want to wait that long," Dossett said.

The administration has been pushing for renewable energy projects and working to advance solar and wind projects on public lands. It has given priority to 18 projects, including the Moapa Solar Project, which will be built mostly on Moapa Band of Paiutes tribal lands in Nevada.

Developing wind and solar energy projects has drawn interest from tribes around the country, Dossett said. Tribes can partner with companies and sell the energy produced back to power grids.

Willie said the changes should also help tribal members get mortgages more quickly. Under the current rules, government approval of mortgages can take two months to two years. With that kind of delay, getting the banking industry to see tribal members as a profitable market can be difficult, Willie said.

The rules will be open for public comment for 60 days beginning Tuesday. The administration also plans additional meetings with tribes on the proposed changes.

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Department of the Interior: http://www.doi.gov

National Congress of American Indians: http://www.ncai.org/

National American Indian Housing Council: http://www.naihc.net/

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