



United States Department of the Interior

BUREAU OF RECLAMATION
Washington, D.C. 20240

IN REPLY REFER TO

W-6100

JUL 02 1993

Memorandum

To: All Employees
From: Commissioner
Subject: Indian Trust Policy

Indian trust assets are legal interests in property held in trust by the United States for Indian tribes or individuals. The Secretary of the Interior is the trustee for the United States on behalf of Indian tribes. All Department of the Interior agencies, including the Bureau of Reclamation (Reclamation) share the Secretary's duty to act responsibly to protect Indian trust assets. The attached document sets forth Reclamation's policy to protect Indian assets from adverse impacts of its actions.

By copy of this memorandum I am directing the Assistant Commissioners of Program, Budget, and Liaison and Resources Management to incorporate into existing environmental directives this policy by October 1, 1993.

Attachment

/s/ Daniel P. Beard

Bureau of Reclamation
Indian Trust Asset Policy

This document describes the Bureau of Reclamation's (Reclamation's) policy to protect Indian trust assets from adverse impacts of Reclamation programs and activities, thereby better enabling the Secretary of the Interior (Secretary) 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 (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 (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.