



UNITED SOUTH AND EASTERN TRIBES, INC.

USET Resolution No. 2000:66

**SUPPORTING THE EASTERN BAND OF CHEROKEE INDIANS REQUEST
REGARDING LEASES OF TRUST LAND**

- WHEREAS,** United South and Eastern Tribes Incorporated (USET) is an intertribal organization comprising twenty-four (24) federally recognized tribes; and
- WHEREAS,** the actions taken by the USET Board of Directors officially represent the intentions of each member tribe, as the Board of Directors comprises delegates from the member tribes' leadership; and
- WHEREAS,** for many years the Eastern Band of Cherokee Indians has developed a thriving tourist economy, and it is currently poised to undertake rapid economic growth which would positively impact the Tribe, its members and other local communities; and
- WHEREAS,** the Eastern Band depends on an effective and efficient system for leasing its tribal trust lands if this economy is to continue to thrive; and
- WHEREAS,** the Eastern Band has experienced significant delays in obtaining lease approvals from the Bureau of Indian Affairs for leases longer than 10 years; and
- WHEREAS,** the Department of the Interior is proposing lease regulations that will severely impact the rights of the Eastern Band and its members to receive lease payments directly from lessees of their land; and
- WHEREAS,** the Cherokee Tribal Council has passed the resolution attached as Exhibit A, and the USET Board of Directors fully supports the Eastern Band in this matter; therefore, be it
- RESOLVED** that the USET Board of Directors supports the resolution of the Eastern Band of Cherokee Indians attached as Exhibit A and requests that the Department of the Interior and United States Congress act on that urgent request as expeditiously as possible.

CERTIFICATION

This resolution was duly passed at the USET Semi-Annual Meeting, at which a quorum was present in Houston, TX on Thursday, June 8, 2000.

Keller George, President
United South and Eastern Tribes, Inc.

Beverly Wright, Secretary
United South and Eastern Tribes, Inc.

PASSED

Cherokee Council House
Cherokee, Qualla Boundary, NC

Date: _____

2000: 66

RESOLUTION NO. 343 (2000)

- WHEREAS, the Eastern Band of Cherokee Indians has a government-to-government relationship with the United States, and it is a principal goal of federal Indian policy to promote tribal economic development, tribal self-sufficiency, and strong tribal government; and
- WHEREAS, for many years the Eastern Band has developed a thriving tourist economy, and it is currently poised to undertake rapid economic growth, which would positively impact the Tribe, its members and other local communities; and
- WHEREAS, the Eastern Band depends on an effective and efficient system for leasing its tribal trust lands if this economy is to continue; and
- WHEREAS, the federal statute that provides for the leasing of tribal lands (25 U.S.C. § 415) requires the Secretary of the Interior to approve all leases of Indian lands, except for leases of Tulalip Tribes lands, which may be leased by the Tribes according to approved tribal law; and
- WHEREAS, in recent years, it has taken the Bureau of Indians Affairs many months, sometimes years, to approve a lease of more than 10 years, because it must be approved at a Regional or Central Office level rather than the Agency level;
- WHEREAS, the time it takes for the BIA to approve leases frustrates the economic growth of the Eastern Band of Cherokee Indians reservation;
- WHEREAS, the current federal regulations at 25 C.F.R. §162.5(f) permit payment on leases to be made directly to the Tribe or individual Indian lessor; and
- WHEREAS, for decades, the Eastern Band and its members have entered into leases for business and other purposes and received lease payments directly from the lessees, with the approval of the Secretary of the Interior; and

WHEREAS, the Department of the Interior is drafting new regulations that would require lease payments to be made to the Interior Department rather than to the lessor; and

WHEREAS, the Interior Department has not demonstrated that it can effectively manage such tribal assets in the past, and it should not be allowed to take from the Tribe and tribal members their right to receive lease payments directly from the lessor; and

WHEREAS, the economy of the Eastern Band will be seriously harmed if the direct lease payment system is changed by the Interior Department; and

WHEREAS, such an action is inconsistent with the government to government relationship and with the trust responsibility owed by the United States to the Eastern Band and its members.

NOW THEREFORE BE IT RESOLVED, that the Eastern Band of Cherokee Indians, in Annual Council assembled at which a quorum is present, urgently requests:

1. That the Department of the Interior issue no regulations that would impair the rights of the Eastern Band and its members to receive lease payments directly from lessees now or in the future;
2. That the United States Congress enact legislation that would permit the Tribe to issue surface leases of Tribal trust lands according to a Tribal leasing statute approved by the Secretary of the Interior. The Eastern Band requests the following language as an amendment to 25 U.S.C. §415:

The Eastern Band of Cherokee Indians may lease any lands held in trust for that Tribe for public, religious, educational, recreational, residential, or business purposes without approval from the Secretary of the Interior, where such lease is granted in accordance with a Tribal leasing statute approved by the Secretary of the Interior. Such a Tribal leasing statute shall not be disapproved by the Secretary on the ground that it includes provisions to (1) permit a lessee to make payments to a lessor directly, whether the lessor is the Tribe or a tribal member with a possessory interest in tribal trust land, if the lessor consents to hold the United States harmless for any duty to account for the payments on such lease; (2) continue to require the Secretary to enforce violations of leases, upon notification of a violation by the lessor; or (3) permit lease terms of up to ninety-nine years.
3. As an interim measure, that the Secretary of the Interior forthwith delegate responsibility for approval of all leases of less than 25 years, with an option to renew for an additional 25 years, to the Superintendent of the Cherokee Agency;

BE IT FURTHER RESOLVED that the Eastern Band of Cherokee Indians respectfully requests that the United South and Eastern Tribes, and the National Congress of American Indians pass resolutions in support of this resolution.

BE IT FINALLY RESOLVED that the Principal Chief and the Chairman of the Tribal Council are authorized to deliver this resolution to the Secretary of the Interior and the United States Congress, and to otherwise carry out the intent of this resolution.

Submitted by the Principal Chief.

The attached Resolution/Ordinance No. 343 dated June 2, 2005 was:

Passed (✓)


Killed ()

and ratified in open Council on June 2, 2005 by 81.5 voting for the act and 0 members voting against it as follows:

VOTE	FOR	AGAINST	ABSTAIN	ABSENT
Teresa McCoy	✓			
Mary Ann Thompson	✓			
Jim Owle	✓			
Brenda L. Norville	✓			
Bob Blankenship	✓			
B Ensley	✓			
Dan McCoy	✓			
Glenda Sanders				✓
Larry Blythe			✓	
Carroll Parker	✓			
Marie Junaluska	✓			
Tommye Saunooke	✓			
TOTAL	81.5	0	12	6.5


 TRIBAL COUNCIL CHAIRMAN


 TRIBAL COUNCIL ENGLISH CLERK


 PRINCIPAL CHIEF

APPROVED (✓) VETOED ()

VETO UPHOLD () VETO DENIED ()

DATE: 6-2-05

I hereby certify that the foregoing act of the Council was duly:

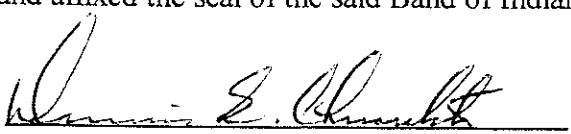
Passed ()

Killed ()

and ratified in open Council after the same has been interpreted by the Official Interpreter and has been fully and freely discussed.

In testimony, whereof, I have hereunto set my hand and affixed the seal of the said Band of Indians.
 Superintendent, Cherokee Indian Agency.

INTERPRETED ()


 OMITTED ()