



United States Department of the Interior
OFFICE OF THE SOLICITOR
Washington, D.C. 20240

January 25, 2021

Memorandum

To: Darryl LaCounte, Director, Bureau of Indian Affairs, Exercising Delegated Authority of the Assistant Secretary for Indian Affairs

From: Robert T. Anderson, Senior Counselor to the Secretary, Exercising Delegated Authority of the Solicitor

Subject: Non-application of Secretarial Order 3395 to Actions Relating to Indian Lands

[Secretarial Order 3395](#), *Temporary Suspension of Delegated Authority*, (“S.O.”) reserved some decision-making authority for a subset of Department actions to agency leadership.

The purpose of this guidance is to clarify that the temporary suspension of delegated authority for the list of actions described in the order applies to non-Indian federal lands and does not apply to actions taken with respect to Indian tribal and individual trust and restricted lands, including approval of any activities on those lands required by existing law.

This guidance is consistent with the S.O., which explicitly provides that it shall be “consistent with all legal obligations and policy goals to uphold trust and treaty responsibility to tribal nations[.]” These obligations include the consultation requirements set out in prior Executive and Secretarial Orders. Furthermore, because Indian tribal trust lands and individual trust lands are not “public lands,” the Order is not intended to apply to actions involving those lands, including but not limited to actions related to developing any resources on such lands.

Please take appropriate steps to communicate the above information to your bureaus and to tribes, as necessary.