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# EXECUTIVE ACTION IMPACTING TRIBES AND TRIBAL RESOURCES

Rick Eichstaedt, Partner

Rey-Bear McLaughlin, LLP

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# EXECUTIVE ORDERS, MEMORANDA, AND PROCLAMATIONS UNDER THE TRUMP ADMINISTRATION

- According to the Pew Research Center, as of Dec. 15, 2025, Trump has issued 221 executive orders since returning to the White House - one more than he did during his first four years in office.
- From Franklin D. Roosevelt's second term through Biden's administration, recent presidents have issued a median of 200 executive orders per term. Trump surpassed that median in the first eight months of his second term.
- FDR issued 1,112 executive orders in his second term (1937-1941).
- Trump has also issued 77 memoranda and 29 substantive proclamations. In his first term, he issued 245 memoranda and 89 substantive proclamations.

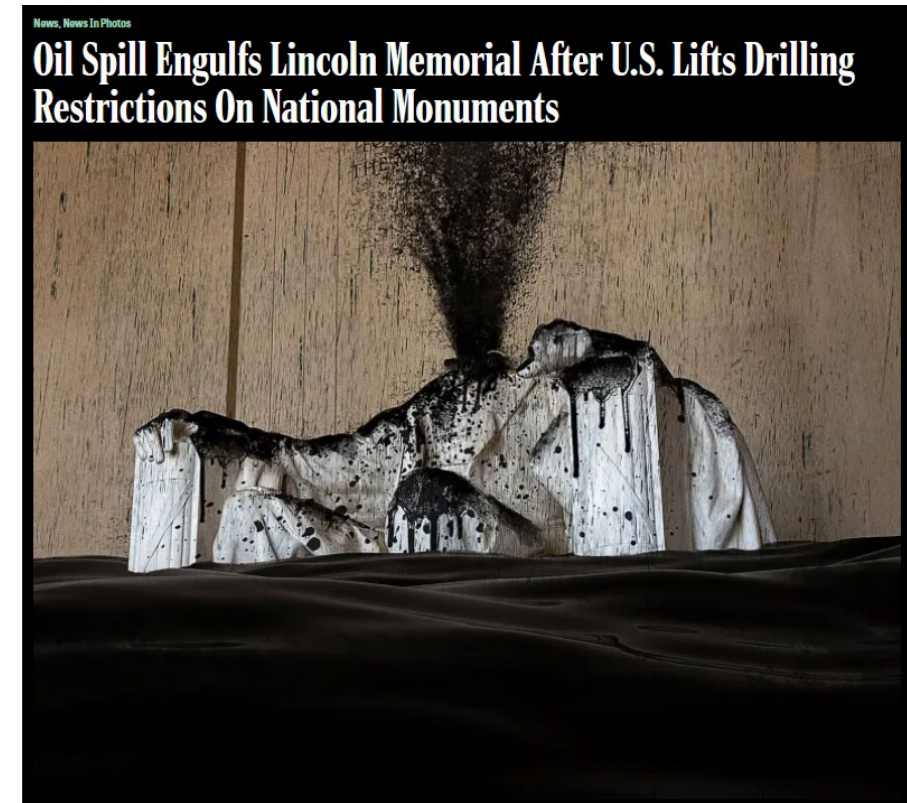
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# RECISSION OF EO 14112, EO14236, “ADDITIONAL RESCISSIONS OF HARMFUL EXECUTIVE ORDERS AND ACTIONS”(MARCH 14, 2025)

- Rescinded Executive Order 14112 (88 FR 86021), “Reforming Federal Funding and Support for Tribal Nations to Better Embrace Our Trust Responsibilities to Promote the Next Era of Tribal Self-Determination.” The rescission was deemed “necessary to advance the policy of the United States to restore common sense to the Federal Government and unleash the potential of American citizens.”
  - Executive Order 14112 instructed federal agencies to “identify potential opportunities for Federal policy reforms that would promote accessible, equitable, and flexible administration of Federal funding and support programs for Tribal Nations.”
  - Directed federal agencies to “promote compacting, contracting, co-management, co-stewardship, and other agreements with Tribal Nations that allow them to partner with the Federal Government to administer Federal programs and services.”
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# EO 14154 “Unleashing American Energy” (January 20, 2025)

- **Review of Agency Actions that Burden Domestic Energy:** The Order calls all agencies to immediately review all existing regulations, guidance, policies, and other relevant agency actions that burden the identification, development, and use of domestic energy resources—particularly fossil fuels, biofuels, hydropower, critical mineral development, and nuclear energy—or are otherwise inconsistent with the Order.
- **Expedited Permitting:** Agencies and CEQ are directed to eliminate any delays in their respective permitting processes, including through general permitting and permit by rule. For any projects any agency head deems essential for economic or national security, the agency shall use their existing authorities (including emergency authorities) to expedite adjudication of federal permits for that project.



Courtesy: The Onion

# “Unleashing American Energy”

- **Halt Funding:** The Order directs all agencies to pause the disbursement of money that was appropriated under the Inflation Reduction Act and the Infrastructure and Jobs Act that are part of the “Green New Deal” and inconsistent with the development of oil, gas, and mineral resources. A memorandum, citing this order, has temporarily paused all financial assistance from the federal government.

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EO 14153, “UNLEASHING  
ALASKA’S  
EXTRAORDINARY  
RESOURCE POTENTIAL”  
(JANUARY 20, 2025)



- The heads of all executive departments and agencies . . . shall exercise all lawful authority and discretion available to them and take all necessary steps to:”
    - Permit all necessary pipelines
    - Restart leases on Arctic Wildlife Refuge
    - Rescind environmental impact statements
    - Rescind any guidance issued by BLM for protection of subsistence resource values in special areas
    - Immediately review all Department of the Interior guidance regarding the taking of Alaska Native lands into trust
    - Direct all bureaus of the Department of the Interior to consider the Alaskan cultural significance of hunting and fishing and the statutory priority of subsistence management required by the ANILCA
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# Memorandum: Offshore Wind (January 20, 2025)

- Halts new or renewed wind energy leases in the area of the Outer Continental Shelf.
- Subjects existing leases to review by the secretary of the interior
- Halts new or renewed permits and approvals for onshore and offshore wind while a review and assessment of the federal wind leasing and permitting practices is conducted
- Places a moratorium on federal approvals for the Lava Ridge Wind Project being developed on Bureau of Land Management land in Idaho
- Orders an assessment of the environmental impact of idle and defunct "windmills"
- DOI Sec. Order 3415 (January 20, 2025)
  - Suspends "any onshore or offshore renewable energy authorization."
- BUT?? EO 14156 -"Declaring a National Energy Emergency" – There is a need for "a reliable, diversified, and affordable supply of energy."

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# E.O. 14260, “PROTECTING AMERICAN ENERGY FROM STATE OVERREACH” (APRIL 8, 2025)

- Identify “all State and local laws, regulations, causes of action, policies, and practices” (State Policies) that (a) burden “the identification, development, siting, production, or use of domestic energy resources” and (b) “are or may be unconstitutional, preempted by Federal law, or otherwise unenforceable.”
  - The Order directs the Attorney General to coordinate with the heads of appropriate executive departments and agencies and to prioritize identification of State Policies addressing climate change; carbon or greenhouse gas emissions (including carbon fees/taxes); environmental justice; or “environmental, social, and governance” initiatives.
  - Take action to stop the enforcement or continuation of such State Policies.
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# MEMORANDUM, STOPPING RADICAL ENVIRONMENTALISM TO GENERATE POWER FOR THE COLUMBIA RIVER BASIN (JUNE 12, 2025)

- Revoked Biden's September 27, 2023 Presidential Memorandum on restoring fish populations in the Columbia River Basin and directs relevant agencies to rescind a 2023 agreement that included the federal government, two states and four Columbia River tribes and funded that effort with nearly \$1 billion, which stayed litigation over the federal dams in the Columbia Basin.
  - The agreement directed nearly a billion dollars to the restoration effort, including \$530 million to fund restoration and mitigation efforts for 10 years, as well as continuing Bonneville Power Administration funding of Columbia River basin fish and wildlife mitigation programs and an additional \$100 million over 10 years for basin fish restoration efforts. Funding was also provided for wind and solar power projects for Tribes to replace the power currently generated by the lower Snake River dams.
  - Resulted in the reinitiation of litigation and the issuance of a preliminary injunction by U.S. District Court Judge Simon on Wednesday that ordered more flows releases from dams and to operate with small reservoirs.
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# MEMORANDUM, DIRECTING THE REPEAL OF UNLAWFUL REGULATIONS (APRIL 9, 2025)

- Agencies shall immediately take steps to effectuate the repeal of any regulation, or the portion of any regulation, that clearly exceeds the agency's statutory authority or is otherwise unlawful.
  - Agencies should give priority to the regulations in conflict with the United States Supreme Court decisions.
  - Builds on Executive Order 14219 (Ensuring Lawful Governance and Implementing the President's "Department of Government Efficiency" Deregulatory Initiative)(February 19, 2025).
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OMB MEMORANDUM M-25-36,  
“STREAMLINING THE REVIEW OF  
DEREGULATORY ACTIONS” (OCT 21,  
2025)

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- Establishes a strict 28-day review period for most deregulatory actions, with an even shorter 14-day period for regulations considered “facially unlawful.”
- Directs agencies to reduce or eliminate certain consultation requirements when issuing deregulatory actions or to credit public comment periods as sufficient.
- Instructs agencies to treat deregulatory actions as presumptively exempt from these consultation and analytic requirements under the listed executive orders.
- Encourages agencies to rely on the “good cause” exemption under the Administrative Procedure Act to use the “interim final rule” process for “facially unlawful regulations.”
  - Allows agencies to bypass the public notice-and-comment period.

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# IRS RULES ON THE TRIBAL GENERAL WELFARE EXCLUSION ACT AND ENTITIES WHOLLY OWNED BY INDIAN TRIBAL GOVERNMENTS (DEC. 15, 2025)

- Confirms that Tribes may provide assistance to their Tribal members and families that is excluded from federal income tax.
    - Benefits provided to a tribal program participant for their participation in a cultural or ceremonial activity or as an item of cultural significance—as determined by the Indian tribal government—do not count as compensation for services.
    - 26 CFR 1.139E-1
  - Business entities wholly owned by Tribes and chartered under their laws, including Section 17 Corporations and Section 3 Corporations, have the tax treatment of the Tribal government and are not subject to federal income tax.
    - 26 CFR § 301.7701-1
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# Eliminating CEQ's NEPA Regulations

- CEQ developed NEPA regulations as a result of an executive order (EO 11991) issued by President Carter in May 1977. CEQ's regulations remained relatively static from 1978 until the first Trump administration overhauled them in 2020.
- *Marin Audubon Society v. Federal Aviation Administration*: DC Circuit Court of Appeals ruled in a split decision that CEQ lacked rulemaking authority. The majority raised the issue *sua sponte*; the parties in the case had not even briefed it.
- *Iowa v. Council on Env'tl. Quality*: In February, the U.S. District Court for the District of North Dakota ruled that Congress had not given CEQ the power to issue regulations and struck down a Biden-era NEPA rule that had restored provisions removed by Trump during his first administration.



# CEQ's NEPA Regulations

- “Unleashing American Energy” Executive Order: Revokes previous President Carter executive order.
- Interim Final Rule (90 Fed. Reg. 10,610) issued on February 25, 2025 – effective April 11<sup>th</sup>. Rescinded CEQ regulations.
- February 19, 2025 Memorandum on Implementation of NEPA
  - Directed federal agencies to revise their agency-specific NEPA guidelines by February 2026 with an aim to prioritize simplicity and efficiency.
  - Effects: Federal agencies should analyze the reasonably foreseeable effects of the proposed action consistent with section 102 of NEPA, which does not employ the term “cumulative effects;” NEPA instead requires consideration of “reasonably foreseeable” effects, regardless of whether or not those effects might be characterized as “cumulative.”
  - Environmental Justice Considerations: E.O. 14148 revoked E.O. 14096. E.O. 14173 revoked E.O. 12898. Therefore, NEPA documents should not include an environmental justice analysis, to the extent that this approach is consistent with other applicable law.

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# DOI, NEPA REGULATIONS (FEB. 23, 2026)

- Relocated the majority of NEPA procedures from the Code of Federal Regulations to the Department of the Interior Handbook: National Environmental Policy Act Implementing Procedures
    - This change replaces agency interpretations of regulations with general guidelines that delegate significant discretion to officials for how to interpret and implement NEPA on a case-by-case basis
  - Environmental assessments (EAs) must generally be completed within one year of the triggering event, while environmental impact statements (EISs) must be completed within two years. EISs are limited to 150 pages, or 300 pages for actions of extraordinary complexity, with citations and appendices excluded from the page count.
  - Focuses analysis on effects that are “reasonably foreseeable” and have a “reasonably close causal relationship” to the proposed action. Provides that bureaus “may, but [are] not required to by NEPA, analyze environmental effects from other projects separate in time, or separate in place, or that fall outside of the bureau’s regulatory authority, or that would have to be initiated by a third party.” DOI has moved away from the terminology of “direct,” “indirect,” and “cumulative” effects, which DOI characterizes as artificial distinctions not found in the statute.
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Questions?

Rick Eichstaedt

509.251.1424

[rick@rbmindianlaw.com](mailto:rick@rbmindianlaw.com)