



United States Department of the Interior  
OFFICE OF THE SOLICITOR  
Washington, DC 20240

March 19, 2021

M-37066

Memorandum

To: Secretary  
Assistant Secretary – Indian Affairs  
Assistant Secretary – Land and Minerals Management

From: Principal Deputy Solicitor

Subject: Permanent Withdrawal of M-37056, “Status of Mineral Ownership Underlying the Missouri River within the Boundaries of the Fort Berthold Indian Reservation (North Dakota)”

To facilitate the Department’s review of actions directed by the President’s January 20, 2021 Executive Order,<sup>1</sup> specifically as enumerated in the January 20, 2021 “Fact Sheet: List of Agency Actions for Review,”<sup>2</sup> and pursuant to delegated authority, I hereby withdraw the May 26, 2020 Opinion issued by the Solicitor, M-37056. This withdrawal will enable the Solicitor’s Office to further review the opinion and any underlying decisions or positions to which it applies.

Regardless of this withdrawal, and as recently reaffirmed in M-37052, the Office of the Solicitor’s governing legal interpretation with respect to ownership and trust status of minerals beneath the flooded uplands remains the same. The flooded uplands are held in trust for the benefit of the Mandan, Hidatsa, and Arikara Nation.

The withdrawal of M-37056 is effective immediately.

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Robert T. Anderson

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<sup>1</sup> Exec. Order No. 13,990, 86 Fed. Reg. 7,037 (Jan. 25, 2021).

<sup>2</sup> THE WHITE HOUSE, BRIEFING ROOM, FACT SHEET: LIST OF AGENCY ACTIONS FOR REVIEW (Jan. 20, 2021), <https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/fact-sheet-list-of-agency-actions-for-review/> (action number 14 under DOI heading).