

AUTHORITIES FOR THE SERVICE'S NATIVE AMERICAN POLICY

The Service relies on the list of authorities below when working with tribes as we describe in the Service's Native American Policy, 510 FW 1. The Service recognizes that these authorities are not all encompassing, and we may update this list from time to time.

Statutes:

- Alaska National Interest Lands Conservation Act of 1980, as amended (16 U.S.C. 3101-3233) (ANILCA).
- Alaska Native Claims Settlement Act, as amended (43 U.S.C. 1601-1629h) (ANCSA).
- American Indian Religious Freedom Act, as amended (42 U.S.C. 1996-1996a) (AIRFA).
- Archaeological Resources Protection Act of 1979, as amended (16 U.S.C. 470aa-470mm) (ARPA).
- Bald and Golden Eagle Protection Act, as amended (16 U.S.C. 668-668d) (BGEPA).
- Consolidated Appropriations Act of 2004, (P.L. 108-199 Div. H. sec. 161 118 Stat 3 452, as amended by Consolidated Appropriations Act of 2005 P. L. 108-447, Div. H, Title V. Sec. 518,118 Stat. 3267).
- Department of the Interior General Authorities, Duties of the Secretary (43 U.S.C. 1457).
- Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544) (ESA).
- Fish and Wildlife Act of 1956, as amended (16 U.S.C. 742a-742d and 742e-742j-2).
- Fish and Wildlife Coordination Act of 1934, as amended (16 U.S.C. 661-667d)
- Freedom of Information Act (5 U.S.C. 552) (FOIA).
- Indian Reorganization Act (Wheeler-Howard Act) (25 U.S.C. 461, *et seq.*) (IRA).
- Indian Self-Determination and Education Assistance Act of 1975, as amended (Public Law 93-638 25 U.S.C. 450 *et seq.*) (ISDEAA).
- The Lacey Act of 1900 (16 U.S.C. 3371-3378).
- Marine Mammal Protection Act (16 U.S.C. 1361-1423h) (MMPA); for ANO cooperative agreements, see 16 U.S.C. 1388.
- Migratory Bird Treaty Act, as amended (16 U.S.C. 703-712) (MBTA).
- National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*) (NEPA).
- National Historic Preservation Act of 1966, as amended (54 U.S.C. 300101, *et seq.*) (NHPA).
- National Wildlife Refuge System Administration Act of 1966, as amended by the National Wildlife Refuge System Improvement Act of 1997 (16 U.S.C. 668dd-668ee).
- Native American Graves Protection and Repatriation Act (25 U.S.C. 3001-3013) (NAGPRA).
- Religious Freedom Restoration Act of 1993 (42 U.S.C. 2000bb-2000bb-4) (RFRA).

Executive Orders (E.O.):

- E.O. 13007; Indian Sacred Sites; May 24, 1996.
- E.O. 13175; Consultation and Coordination with Indian Tribal Governments; November 6, 2000.

Presidential Memoranda:

- Government-to-Government Relations with Native American Tribal Governments; April 29, 1994.
- Government-to-Government Relationship with Tribal Governments; September 23, 2004. Tribal Consultation; November 5, 2009.

Secretary's Orders (S.O.):

- S.O. 3206; American Indian Tribal Rights, Federal Trust Responsibilities, and the Endangered Species Act; June 5, 1997.

S.O. 3225; Endangered Species Act and Subsistence Uses in Alaska; January 19, 2001.
S.O. 3335; Reaffirmation of the Federal Trust Responsibility to Federally Recognized Indian Tribes and Individual Indian Beneficiaries; August 20, 2014.

Department of the Interior Policy:

Department of the Interior Policy on Consultation with Alaska Native Claims Settlement Act Corporations (512 DM 5).

Department of the Interior Policy on Consultation with Indian Tribes and Native Corporations (512 DM 4).

Departmental Responsibilities for Protecting/Accommodating Access to Indian Sacred Sites (512 DM 3).

Rogers C. B. Morton, Secretary of the Interior, Policy Statement on Indian Use of Bird Feathers; February 5, 1975.

Department of Justice Policy:

Attorney General Memorandum: Possession or Use of Feathers or Other Parts of Federally Protected Birds for Tribal Cultural and Religious Purposes; October 12, 2012.

Interdepartmental Memorandum of Understanding:

Memorandum of Understanding Among the U.S. Department of Defense, U.S. Department of the Interior, U.S. Department of Agriculture, U.S. Department of Energy, and the Advisory Council on Historic Preservation Regarding Interagency Coordination and Collaboration for the Protection of Indian Sacred Sites, December 4, 2012.