

Federal Laws, Executive Orders, and DoD Policies for Consultation and Cultural Resources Management



Federal Laws

Alaska Native Claims Settlement Act of 1971	43 U.S.C. ch. 33
American Indian Religious Freedom Act of 1978	42 U.S.C. § 1996
Archaeological Resources Protection Act of 1979	16 U.S.C. §§ 470aa—470mm
Endangered Species Act of 1973	16 U.S.C. § 1531 <i>et seq.</i>
Native American Graves Protection and Repatriation Act of 1990	25 U.S.C. § 3001 <i>et seq.</i>
National Environmental Policy Act of 1969	42 U.S.C. § 4321 <i>et seq.</i>
National Historic Preservation Act of 1966	54 U.S.C. § 300101 <i>et seq.</i>
Religious Freedom Restoration Act of 1993	42 U.S.C. § 2000bb <i>et seq.</i>

Implementing Regulations

Archaeological Resources Protection Act	43 CFR Part 7
Endangered Species Act	50 CFR Parts 17 and 402
Procedural Provisions of the National Environmental Policy Act	40 CFR Parts 1500-1508
Native American Graves Protection and Repatriation Regulations	43 CFR Part 10
Protection of Historic Properties (NHPA Section 106 regulation)	36 CFR Part 800

Executive Orders

Executive Order 13007: “Indian Sacred Sites” (1996)
Executive Order 13175: “Consultation and Coordination With Indian Tribal Governments” (2000)
Executive Order 13287: “Preserve America” (2003)

DoD Policies and Instructions

DoDI 4710.02: “DoD Interactions With Federally Recognized Tribes” (updated in 2018)
DoDI 4710.03: “Consultation Policy With Native Hawaiian Organizations” (2011)
DoDI 4715.16: “Cultural Resources Management” (2008)

DoD Guidance

“Guidelines on Maintaining the Confidentiality of Information About Indian Sacred Sites” (2018)

DoD Components’ Policies

Army AR 200-1, “Environmental Protection and Enhancement” (2007)

Army Memo, “American Indian and Alaska Native Policy” (October 24, 2012)

Department of the Navy:

- SECNAVINST 11011.14B, “Department of the Navy Policy for Consultation with Federally Recognized Indian Tribes, Alaska Native Tribal Entities, and Native Hawaiian Organizations” (2019)
- SECNAVIST 4000.35A, “Department of the Navy Cultural Resources Program” (2001)

Marine Corps: MCO P5090.2A, “Environmental Compliance and Protection Manual,” Chapter 8, (2013)

Air Force:

- AFI 90-2002, “Air Force Interactions With Federally-Recognized Tribes” (2014)
- Air Force Instruction 32-7065, “Cultural Resources Management,” (2014)
- Air Force Manual 32-7003, Environmental Conservation,” (2020)

Interagency Memoranda 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 Collaboration and Coordination for the Protection of Indian Sacred Sites” (2016)

“Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Tribal Treaty Rights Related to Natural Resources” (2016)