

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



Federal Laws

Alaska Native Claims Settlement Act of 1971, as amended	43 U.S.C. ch. 33
American Indian Religious Freedom Act of 1978, as amended	42 U.S.C. §1996
Archeological Resources Protection Act of 1979	16 U.S.C. 470aa—470mm
Endangered Species Act of 1973	16 U.S.C. §1531 et seq
Native American Graves Protection and Repatriation Act of 1990	25 U.S.C. 3001-3003 43CFR Part 10
National Environmental Policy Act of 1969, as amended	42 U.S.C. ch 21B §4321—4347
National Historic Preservation Act of 1966, as amended	54 U.S.C. §300101
Religious Freedom Restoration Act of 1993	42 U.S.C. ch 21B §2000 bb-4 et seq

Implementing Regulations

Archeological Resources Protection Act	43 CFR Part 7
Endangered Species Act	50 CFR Part 402
Procedural Provisions of the National Environmental Policy Act	40 CFR Part 1500-1508
Native American Graves Protection and Repatriation Regulations	43 CFR Part 10
Protection of Historic Properties Regulation (NHPA)	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 (2006; update pending 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: American Indian and Alaska Native Policy (2012)

Navy: SECNAVINST 11011.14A (2005)

Marine Corps: MCO P5090.2A (2009)

Air Force: AFI 90-2002 (2014; update pending in 2018)

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)

All resources listed are available at www.denix.osd.mil