

## **Department of the Army American Indian and Alaska Native Policy**

*From the Office of the Assistant Secretary of the Army for Installations, Energy and Environment*

In January 2012, the Assistant Secretary of the Army for Installations, Energy and Environment initiated consultation with federally-recognized tribes to develop a Department of the Army American Indian and Alaska Native policy. During the following months, the Department of the Army corresponded with and met with tribal representatives to develop the policy. The *Army American Indian and Alaska Native Policy* was signed by the Secretary of the Army John M. McHugh on October 24, 2012. The policy aligns with and builds on DoD's policy. The *Army American Indian and Alaska Native Policy* is a milestone for the Army. It is the first American Indian / Alaska Native policy signed by the Secretary of the Army and institutionalizes principles for Department of the Army interaction with federally-recognized tribes.

The policy recognizes the Army's responsibilities to federally-recognized tribes derived from the federal trust doctrine, treaties, and agreements. It commits the Army to build stable and enduring government-to-government relations with federally-recognized tribes, and to communicate with federally-recognized tribes on a government-to-government basis in recognition of their sovereignty. It recognizes, respects and takes into consideration the significance that federally-recognized tribes ascribe to protected tribal resources on Army-managed lands, and recognizes the importance of understanding and addressing the concerns of federally-recognized tribes prior to reaching decisions on matters that may affect tribal rights, tribal lands or protected tribal resources.

The *Army American Indian and Alaska Native Policy* commits to fully integrate these principles at all organizational levels in the Army and sets the Army's strategic direction to further improve and strengthen tribal relations. Aware that the United States Army and Indian tribes have a complex historical relationship, it's clear why this policy is truly a historic moment for Army-Indian relations. The Army's next step is to implement the policy and it will now develop implementing guidance in consultation with federally-recognized tribes. The policy memorandum is posted at: [www.asaie.army.mil/Public/ESOH/enviro\\_quality.html](http://www.asaie.army.mil/Public/ESOH/enviro_quality.html).



SECRETARY OF THE ARMY  
WASHINGTON

24 OCT 2012

MEMORANDUM FOR Principal Official of Headquarters, Department of the Army

SUBJECT: American Indian and Alaska Native Policy

1. References:

a. Department of Defense American Indian and Alaska Native Policy, 20 October 1998.

b. Department of Defense Instruction 4710.02, DoD Interactions with Federally Recognized Tribes, 14 September 2006.

2. Purpose. This memorandum establishes Department of the Army policy for interaction with Federally-recognized American Indian and Alaska Native Tribes (Federally-recognized Tribes), in accordance with references 1.a. and 1.b.

3. Policy. The Department of the Army will:

a. Meet its responsibilities to Federally-recognized Tribes as derived from the federal trust doctrine, treaties, and agreements and comply with federal statutes and regulations, presidential memoranda and executive orders governing interactions with Federally-recognized Tribes.

b. Build stable and enduring government-to-government relations with Federally-recognized Tribes in a manner that sustains the Army mission and minimizes effects on protected tribal resources. The Army will communicate with Federally-recognized Tribes on a government-to-government basis in recognition of their sovereignty.

c. Recognize, respect and take into consideration the significance that Federally-recognized Tribes ascribe to protected tribal resources when undertaking Army mission activities and when managing Army lands.

d. Fully integrate the principles of meaningful consultation and communication with Federally-recognized Tribes at all organizational levels including staff officers and civilian officials. The Army will consider the unique qualities of individual Federally-recognized Tribes when applying these principles.

4. This policy recognizes the importance of understanding and addressing the concerns of Federally-recognized Tribes prior to reaching decisions on matters that may have the potential to significantly affect tribal rights, tribal lands or protected tribal resources.

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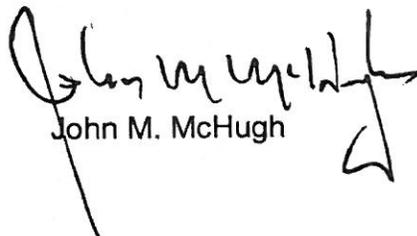
5. Definition of Key Terms:

a. Tribal rights: Those rights legally accruing to a Federally-recognized Tribe or tribes by virtue of inherent sovereign authority, unextinguished aboriginal title, treaties, statutes, judicial decisions, executive orders or agreement and that give rise to legally enforceable remedies.

b. Tribal lands: Any lands title to which is: either held in trust by the United States for the benefit of any Federally-recognized Indian tribe or individual or held by any Federally-recognized Indian tribe or individual subject to restrictions by the United States against alienation.

c. Protected tribal resources: Those natural resources and properties of traditional or customary religious or cultural importance, either on or off Tribal lands, retained by, or reserved by or for, Federally-recognized Tribes through treaties, statutes, judicial decisions or executive orders.

6. This policy is not intended to, and does not grant, expand, create or diminish any legally enforceable rights, benefits or trust responsibilities, substantive or procedural not otherwise granted or created under existing law. This policy shall not be construed to alter, amend, repeal, interpret or modify tribal sovereignty, any treaty rights or other rights of any Indian tribes or to preempt, modify or limit the exercise of any such right.

  
John M. McHugh