

June 5, 2007, marked the 10<sup>th</sup> anniversary of the signing of Secretarial Order 3206 (Order), American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act, by the secretaries of Interior and Commerce. The purpose of the Order is to clarify the responsibilities of federal agencies when actions taken under the authority of the Endangered Species Act (ESA) may affect Indian lands, tribal trust resources, or the exercise of Indian tribal rights.

The Order has two parts. The first part enumerates five principles to achieve the objectives of the Order. These principles are:

1. THE DEPARTMENTS SHALL WORK DIRECTLY WITH INDIAN TRIBES ON A GOVERNMENT-TO-GOVERNMENT BASIS TO PROMOTE HEALTHY ECOSYSTEMS.
2. THE DEPARTMENTS SHALL RECOGNIZE THAT INDIAN LANDS ARE NOT SUBJECT TO THE SAME CONTROLS AS FEDERAL PUBLIC LANDS.
3. THE DEPARTMENTS SHALL ASSIST INDIAN TRIBES IN DEVELOPING AND EXPANDING TRIBAL PROGRAMS SO THAT HEALTHY ECOSYSTEMS ARE PROMOTED AND CONSERVATION RESTRICTIONS ARE UNNECESSARY.
4. THE DEPARTMENTS SHALL BE SENSITIVE TO INDIAN CULTURE, RELIGION AND SPIRITUALITY.
5. THE DEPARTMENTS SHALL MAKE AVAILABLE TO INDIAN TRIBES INFORMATION RELATED TO TRIBAL TRUST RESOURCES AND INDIAN LANDS, AND, TO FACILITATE THE MUTUAL EXCHANGE OF INFORMATION, SHALL STRIVE TO PROTECT SENSITIVE TRIBAL INFORMATION FROM DISCLOSURE.

The appendix to the Order provides the basis for administering the ESA in a manner that: (1) recognizes common federal-tribal goals of conserving sensitive species (including candidate, proposed, and listed species) and the ecosystems upon which they depend, Indian self-government, and productive government-to-government relationships; and (2) harmonizes the federal trust responsibility to tribes, tribal sovereignty, and the statutory missions of the Departments, so as to avoid or minimize the potential for conflict and confrontation.

For more information please visit the Secretarial Order 3206 Workgroup's webpage at <http://www.fws.gov/southwest/es/arizona/3206.html> on the Arizona Ecological Services Field Office's website. If you have further questions, please contact John Nystedt, Fish and Wildlife Biologist, USFWS, Flagstaff Field Office, at (928) 226-0614, Ext. 104; or Amy Heuslein, Environmental Protection Officer, BIA, Western Regional Office, at (602) 379-6750.