

**Indian Policy**

*of the*

**Bureau of Reclamation**

## **Indian Policy of the Bureau of Reclamation**

**General Principle:** The Bureau of Reclamation will comply with both the letter and the spirit of Federal laws and policies relating to Indians; acknowledge and affirm the special relationship between the United States and Federally recognized Indian tribes; and actively seek partnerships with Indian tribes to ensure that tribes have the opportunity to participate fully in the Reclamation program as they develop and manage their water and related resources.

✳️**Government-to-Government:** The United States government has a unique legal relationship with federally recognized American Indian tribes, based on a recognition of the inherent powers of tribal sovereignty and self-government. Reclamation will uphold this special relationship and implement its activities in a manner consistent with it.

✳️**Trust Resources:** The United States government has an Indian trust responsibility to protect and maintain rights reserved by or granted to Indian tribes or Indian individuals by treaties, statutes, and executive orders. Reclamation, as a federal executive agency, shares this responsibility.

✳️**Trust Asset Protection:** Reclamation will carry out its activities in a manner that protects trust assets and avoids adverse impacts when possible. When Reclamation cannot avoid adverse impacts, it will provide appropriate mitigation or compensation.

✳️**Water Rights:** The Department of the Interior's policy is to attempt to resolve Indian reserved water rights claims through negotiated settlements rather than litigation when feasible. Reclamation actively supports and participates in the Department's settlement negotiation and implementation activities.

✳️**Tribal Trust and the Endangered Species Act:** Consistent with the June 7, 1997, Secretarial Order on "American Indian Tribal Rights, Federal-Tribal Trust Responsibility, and the Endangered Species Act," Reclamation will implement the Endangered Species Act in a manner that respects the exercise of tribal sovereignty over the management of Indian lands and tribal trust resources.

✳️**Protocol / Consultation:** Reclamation will pursue meaningful and proactive consultations with Indian tribal governments on matters of mutual interest. Reclamation will work with interested tribal governments to negotiate protocols about mutually agreed-upon principles and procedures for conducting consultations, maintaining government-to-government relationships, and entering into partnerships and collaborative efforts.

✳️**Self-Determination / Self-Governance:** Pursuant to the Federal policies of Indian tribal self-determination and self-governance, and the Indian Self-Determination and Education Assistance Act (P.L. 93-638, as amended), Reclamation will negotiate and enter into Self-Determination contracts and Self-Governance annual funding agreements for eligible programs and activities with tribes desiring to do so.

✳️**Religion / Culture:** Reclamation will provide Indian tribes the opportunity to be involved early in the process when considering actions that may affect their religion or culture. Reclamation will show respect for tribal cultural values.

✳️**Sacred Sites:** Consistent with Executive Order 13007 (EO), Reclamation will manage federal lands under its jurisdiction to: (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, and (2) avoid adversely affecting the physical integrity of such sacred sites; these actions will be carried out to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions. Compliance with the EO will be carried out in a manner consistent with Reclamation's government-to-government policy for working with Indian tribes, including consulting with tribally designated representatives whenever it appears that Reclamation activities may compromise the integrity of or access to sacred sites.

✳️**Human Remains and Cultural Items:** Reclamation is committed to treating human remains and cultural items with dignity and respect. Consultation will be conducted as appropriate with lineal descendants, Indian tribes, and traditional religious leaders to develop mutually agreed-upon avoidance, treatment and repatriation processes.

✳️**Cultural Resources:** Reclamation recognizes that cultural resources can have special importance to tribes and will seek to work with tribes to the maximum extent possible to avoid impacts to cultural resources identified by tribes as important, and to determine appropriate mitigation measures when impacts cannot be avoided. Reclamation will administer its cultural resources responsibility in a spirit of stewardship and in a positive manner.

✳️**Opportunities to Work Together:** Reclamation will ensure that Indian tribes have the opportunity to become full participants in the Reclamation program.

✳️**Partnerships to Provide Technical Assistance:** Reclamation recognizes that many Indian tribes have a critical need for water resource infrastructure, and will seek to provide assistance, through partnerships, to assist tribes in developing and managing their water resources.

✳️**Opportunities to Participate in the Reclamation Program:** Reclamation will ensure that Indian tribes have the opportunity to learn about, participate fully in, and receive the benefits of the Reclamation program.

✳️**Incorporate this Policy in Reclamation Activities:** Reclamation will incorporate this Indian policy into its activities.