



THE SECRETARY OF THE INTERIOR
WASHINGTON

JUL 29 2010

Memorandum

To: Assistant Secretary for Land and Minerals Management
Assistant Secretary for Fish and Wildlife and Parks
Assistant Secretary – Indian Affairs
Assistant Secretary for Water and Science

From: Secretary *Ven Salaga*

Subject: Application of Standards Adopted by Federal Courts of Relevant Jurisdiction to Issues Arising Under Revised Statute 2477; Clarification of March 22, 2006, Secretarial Memorandum

On March 26, 2006, Secretary Norton signed the attached memorandum regarding R.S. 2477 (2006 Memorandum) issued in response to a 2005 Tenth Circuit decision, *Southern Utah Wilderness Alliance v. Bureau of Land Management*, 425 F.3d 735 (10th Cir. 2005). As stated in the 2006 Memorandum itself, the principles are not binding on agencies or private parties based on a 1996 statute that prohibits binding rules “pertaining to the recognition, management, or validity” of R.S. 2477 claims from taking effect unless authorized by a subsequent Act of Congress. Department of the Interior and Related Agencies Appropriations Act, 1997 (P. L. No. 104-208, Section 108 (1996)).

I am issuing this memorandum to clarify that the 2006 Memorandum does not bind the Department of the Interior or any of its bureaus so as to prevent them from advancing arguments in litigation involving R.S. 2477 claims in accordance with applicable Federal and/or state law. The Department must be able to make all appropriate arguments under the law to defend the United States’ interests, even if a particular argument may conflict with the 2006 Memorandum. Issues arising under R.S. 2477 are governed by, and should be resolved in accordance with, the legal principles and interpretations of law adopted by courts of relevant jurisdiction.

cc: Deputy Secretary
Solicitor