

SOLICITOR'S OPINIONS

1993 to Present

| Number | Date | Subject |
|---------------|-------------|--|
| M-36975 | 1/11/1993 | Governmental Jurisdiction of Alaska Native Villages Over Land and Nonmembers |
| M-36979 | 10/4/1993 | Fishing Rights of the Yorok and Hoopa Valley Tribes |
| M-36980 | 5/2/1994 | Secretary's Authority for Creating the National Biological Survey |
| M-36981 | 11/29/1994 | Implementation of the Oil Pollution Act of 1990 by the Minerals Management Service |
| M-36982 | 3/30/1995 | Entitlement to Water Under the Southern Arizona Water Rights Settlement Act (SAWRSA) |
| M-36983 | 2/12/1996 | What are Significant Revisions in the Five-Year Outer Continental Shelf (OCS) Oil and Gas Leasing Program |
| M-36984 | 3/22/1996 | Excess Reserves Under the Mining Law |
| M-36985 | 8/16/1996 | Whether the Circle of Nations Wahpeton Indian School Campus Constitutes Indian Country |
| M-36986 | 12/5/1996 | Control of Surface Coal Mining Operations Under the Surface Mining Control and Reclamation Act |
| M-36987 | 12/5/1996 | BLM's Authority to Recover Costs of Mineral Document Processing |
| M-36988 | 9/19/1997 | Limitations on Patenting Millsites Under the Mining Law of 1872 |
| M-36989 | 11/7/1997 | Managing Areas Eligible for Protection Under the Wild & Scenic Rivers Act |
| M-36990 | 11/12/1997 | Entitlement to a Mineral Patent Under the Mining Law of 1872 |
| M-36991 | 11/12/1997 | Whether lands taken in trust for Pokagon Band of Potawatomi Indians should be considered "restored" lands under Indian Gaming Regulatory Act (IGRA) |
| M-36992 | 11/19/1997 | Section 3406(b)(2) of the Central Valley Project Improvement Act |
| M-36993 | 4/16/1998 | Options Regarding Applications for Hardrock Mineral Prospecting Permits on Acquired Lands Near a Unit of the National Park System |
| M-36994 | 5/22/1998 | Patenting of Mining Claims and Mill Sites in Wilderness Areas |
| M-36995 | 5/22/1998 | Proposed Gaming on the Hatch Tract in Lane County, Oregon, for the Confederated Tribes of Coos, Lower Umpqua and Siuslaw Indians |
| M-36998 | 6/9/1999 | Disposal of Mineral Materials from Unpatented Mining Claims |
| M-36999 | 12/27/1999 | Regulation of Hardrock Mining |
| M-37000 | 12/5/2000 | Boundary Dispute Between Santa Ana Pueblo and San Felipe Pueblo: The Secretary's Authority to Correct Erroneous Surveys, Revisiting Part IV of Solicitor's Opinion on 'Pueblo of Sandia Boundary' 96 I.D. 331 (1998) |
| M-37001 | 1/11/2001 | Proposed New Mexico Standards and Guidelines for Grazing Administration; Evaluation and Recommendations |
| M-37002 | 1/18/2001 | Eastern Boundary of the Sandia Pueblo Grant |
| M-37003 | 1/18/2001 | Binding Nature of Solicitor's M-Opinions on the Office of Hearings and Appeals |
| M-37004 | 1/18/2001 | Use of Mining Claims for Purposes Ancillary to Mineral Extraction |
| M-37005 | 1/19/2001 | Whether Public Lands Withdrawn by Executive Orders 6910 and 6964 or Established as Grazing Districts are "Reservations within the Meaning of Section 4(e) of the Federal Power Act" |

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| M-37006 | 1/19/2001 | Great Sand Dunes National Park |
| M-37007 | 10/23/2001 | Surface Management Provisions for Hardrock Mining |
| M-37008 | 5/13/2003 | Authority for the Bureau of Land Management to Consider Requests for Retiring Grazing Permits and Leases on Public Lands |
| M-37010 | 10/7/2003 | Mill Site Location and Patenting under the 1872 Mining Law |
| M-37011 | 11/14/2005 | Rescission of 2001 Ancillary Use Opinion |
| M-37012 | 11/14/2005 | Legal Requirements for Determining Mining Claim Validity before Approving a Mining Plan of Operation |
| M-37013 | 2/23/2007 | The Meaning of "In Danger of Extinction Throughout All or a Significant Portion of its Range" |
| M-37014 | 12/17/2007 | Funding to States and Indian Tribes Under the Surface Mining Control and Reclamation Act of 1977, as Amended by the Tax Relief and Health Care Act of 2006 |
| M-37015 | 5/23/2008 | Legal Implications Affecting the Importation of Sport-hunted Polar Bears from Canada Resulting from the Listing of the Polar Bear as a Threatened Species under the Endangered Species Act |
| M-37016 | 10/3/2008 | The Secretary's Authority to Exclude Areas from a Critical Habitat Designation under Section 4(b)(2) of the Endangered Species Act |
| M-37017 | 10/3/2008 | Guidance on the Applicability of the Endangered Species Act's Consultation Requirements to Proposed Actions Involving the Emissions of Greenhouse Gases |
| M-37018 | 12/12/2008 | U.S. Fish and Wildlife Service Authority under Section 4(c)(1) of the Endangered Species Act to Revise Lists of Endangered and Threatened Species to " Reflect Recent Determinations " |
| M-37019 | 1/15/2009 | Revival of Offshore Oil and Gas Leases |
| M-37020 | 1/16/2009 | The Bureau of Land Management's Authority To Issue Prospecting Permits for Energy Minerals on Bankhead-Jones Farm Tenant Act Lands |
| M-37021 | 1/16/2009 | The Meaning of "Foreseeable Future" in Section 3(20) of the Endangered Species Act |
| M-37022 | 1/16/2009 | Protest and Administrative Appeal of Biological Assessments – Livestock Grazing |
| M-37023 | 1/18/2009 | Applicability of 25 U.S.C. § 2719 to Restricted Fee Lands |
| M-37024 | 5/4/2011 | Withdrawal of M-37013 - The Meaning of "In Danger of Extinction Throughout All or a Significant Portion of its Range." |
| M-37025 | 11/4/2011 | Partial Withdrawal of M-36964 - "Proposed Installation of MCI Fiber Optic Communications Line Within Southern Pacific Transportation Co.'s Railroad Right-of Way" |
| M-37026 | 8/10/2012 | Applicability of the Indian Land Consolidation Act's Lien Provisions to the Cobell Settlement |
| M-37027 | 6/7/2013 | Boundary Dispute: Pueblo of Santa Ana Petition for Correction of the Survey of the South Boundary of the Pueblo of San Felipe Grant |

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| M-37028 | 6/21/2013 | Applicability of the New Mexico Bureau of Land Management's Riparian Policy to Lands within the Boundaries of the Santa Clara Pueblo Grant |
| M-37029 | 3/12/2014 | The Meaning of "Under Federal Jurisdiction" for Purposes of the Indian Reorganization Act |
| M-37030 | 12/23/2014 | Trinity River Division Authorization's 50,000 Acre-Foot Proviso and the 1959 Contract between the Bureau of Reclamation and Humboldt County |
| M-37031 | 5/1/2015 | Legal Status of the Red Lake Band of Chippewa Indians' Restored Lands Assessed for Drainage Works by the State of Minnesota Under the Authority of the Volstead Act of 1908 |
| M-37032 | 11/20/2015 | Opinion on the Boundaries of the Mille Lacs Reservation |
| M-37033 | 1/15/2016 | Opinion Regarding the Status of the Bed of the Clearwater River within the 1863 Treaty Boundaries of the Nez Perce Reservation (Idaho) |
| M-37034 | 1/15/2016 | Boundary of the Skokomish Reservation along the Skokomish River |
| M-37035 | 2/18/2016 | Partial Withdrawal of Solicitor's Opinion M-36974, <i>Inspector General's Report on Land Acquisitions</i> |
| M-37036 | 3/8/2016 | Twin Metals Minnesota Application to Renew Preference Right Leases (MNES-01352 and MNES-01353) |
| M-37037 | 6/8/2016 | Implementation of the Indian Child Welfare Act by Legislative Rule |
| M-37038 | 12/4/2016 | Tribal Treaty and Environmental Statutory Implications of the Dakota Access Pipeline |
| M-37039 | 12/21/2016 | The Bureau of Land Management's Authority to Address Impacts of its Land Use Authorizations through Mitigation |
| M-37040 | 12/22/2016 | Reconsideration of the Lumbee Act of 1956 |
| M-37041 | 1/10/2017 | Incidental Take Prohibited Under the Migratory Bird Treaty Act |
| M-37042 | 1/12/2017 | Authority of the U.S. Fish and Wildlife Service to Manage Non-Federal Oil and Gas Activities Underlying National Wildlife Refuges |
| M-37043 | 1/13/2017 | Authority to Acquire Land into Trust in Alaska |
| M-37044 | 1/18/2017 | Opinion Regarding the Status of Mineral Ownership Underlying the Missouri River within the Boundaries of the Fort Berthold Reservation (North Dakota) |
| M-37045 | 1/18/2017 | Reaffirmation of the United States' Unique Trust Relationship with Indian Tribes and Related Indian Law Principles |
| M-37046 | 6/30/2017 | Withdrawal of M-37039, "The Bureau of Land Management's Authority to Address Impacts of its Land Use Authorizations Through Mitigation" |
| M-37047 | 7/7/2017 | Withdrawal of M-37038, "Tribal Treaty and Environmental Statutory Implications of the Dakota Access Pipeline" |
| M-37048 | 9/1/2017 | Withdrawal of Solicitor's Opinion M-37025 issued on November 4, 2011, and Partial Withdrawal of Solicitor's Opinion M-36964 issued on January 5, 1989 |

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| M-37049 | 12/22/2017 | Reversal of M-37036, "Twin Metals Minnesota Application to Renew Preference Right Leases (MNES-01352 and MNES-01353)" |
| M-37050 | 12/22/2017 | The Migratory Bird Treaty Act Does Not Prohibit Incidental Take |
| M-37051 | 2/21/2018 | The Authority of the Secretary to Transfer Areas Within the Uncompahgre Reservation under Section 3 of the Indian Reorganization Act |
| M-37052 | 6/8/2018 | Partial Suspension and Temporary Withdrawal of Solicitor Opinion M-37044, "Opinion Regarding the Status of Mineral Ownership Underlying the Missouri River within the Boundaries of the Fort Berthold Reservation (North Dakota)" |
| M-37053 | 6/29/2018 | Partial Suspension and Temporary Withdrawal of Solicitor Opinion M37044, "Opinion Regarding the Status of Mineral Ownership Underlying the Missouri River within the Boundaries of the Fort Berthold Reservation (North Dakota)" |
| M-37054 | 3/9/2020 | Interpreting the Second Definition of "Indian" In Section 19 of the Indian Reorganization Act of 1934 |
| M-37055 | 3/9/2020 | Withdrawal of Solicitor's Opinion M-37029. "The Meaning of 'Under Federal Jurisdiction' for Purposes of the Indian Reorganization Act" |
| M-37056 | 5/26/2020 | Status of Mineral Ownership Underlying the Missouri River within the Boundaries of the Fort Berthold Reservation (North Dakota) |
| M-37057 | 8/17/2020 | Authorization of Reasonably Incident Mining Uses on Lands Open to the Operation of the Mining Law of 1872 |
| M-37058 | 12/14/2020 | Exercise of the Water Right for Black Canyon of the Gunnison National Park in the Context of Congressional Authorization for the Bureau of Reclamation's Aspinall Unit |
| M-37059 | 12/14/2020 | Secretary's Duty to Prevent Interference with Reasonable Uses of the Exclusive Economic Zone, the High Seas, and the Territorial Seas in Accordance with Outer Continental Shelf Lands Act Subsection 8(p), Alternate Energy-related Uses on the Outer Continental Shelf |
| M-37060 | 12/22/2020 | Authority of the Secretary of the Interior to Disapprove Geological and Geophysical Permit Applications Based on National Security of Defense Considerations |
| M-37061 | 1/11/2021 | Bureau of Safety and Environmental Enforcement's Obligations to Consider Applications for Permits to Drill/Modify in a Timely Manner |
| M-37062 | 1/13/2021 | Secretarial Discretion in Promulgating a National Outer Continental Shelf Oil and Gas Leasing Program |
| M-37063 | 1/15/2021 | Withdrawal of Solicitor Opinion M-36936, "Application of Eagle Protection and Migratory Bird Treaty Acts to Reserved Indian Hunting Rights;" Solicitor Opinion M-36926, "Application of the Endangered Species Act to Native Americans with Treaty Hunting and Fishing Rights;" and Solicitor Opinion M-27690, "Migratory Bird Treaty Act" |
| M-37064 | 1/19/2021 | Permanent Withdrawal of Solicitor Opinion M-37043, "Authority to Acquire Land into Trust in Alaska" |

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| M-37065 | 3/8/2021 | Permanent Withdrawal of Solicitor Opinion M-37050 "The Migratory Bird Treaty Act Does Not Prohibit Incidental Take" |
| M-37066 | 3/19/2021 | (Under Suspension Review) Permanent Withdrawal of M-37056, "Status of Mineral Ownership Underlying the Missouri River within the Boundaries of the Fort Berthold Indian Reservation (North Dakota)" |
| M-37067 | 4/9/2021 | Secretary's Duties under Subsection 8(p)(4) of the Outer Continental Shelf Lands Act When Authorizing Activities on the Outer Continental Shelf |
| M-37068 | 4/16/2021 | (Under Suspension Review) Withdrawal of M-37062, "Secretarial Discretion in Promulgating a National Outer Continental Shelf Oil and Gas Leasing Program" |
| M-37069 | 4/27/2021 | (Under Suspension Review) Withdrawal of M-37064 and Announcement of Consultation on the Department's Interpretation of the Indian Reorganization Act and the Alaska Native Claims Settlement Act in Connection with the Secretary's Land into Trust Authority |
| M-37070 | 4/27/2021 | (Under Suspension Review) Withdrawal of Certain Solicitor M-Opinions, Reinstatement of Sol. Op. M-37029 The Meaning of 'Under Federal Jurisdiction' for Purposes of the Indian Reorganization Act, and Announcement Regarding Consultation on "Under Federal Jurisdiction" Determinations (Withdraws: M-37054 and M-37055) |
| M-37071 | 10/12/2021 | (Under Suspension Review) Continuation of BSEE Inspection Fee Collection Authority during a Continuing Resolution |
| M-37072 | 1/25/2022 | (Under Suspension Review) Authority to Cancel Improperly Renewed Twin Metals Mineral Leases and Withdrawal of M-37049, "Reversal of M-37036, 'Twin Metals Minnesota Application to Renew Preference Right Leases (MNES-01352 and MNES-01353)'" |
| M-37073 | 2/4/2022 | (Under Suspension Review) Opinion Regarding the Status of Mineral Ownership Underlying the Missouri River Within the Boundaries of the Fort Berthold Reservation (North Dakota) |
| M-37074 | 2/18/2022 | (Under Suspension Review) The Scope of a Railroad's Rights under the General Railroad Right-of-Way Act of March 3, 1875 – Withdrawal of Solicitor's Opinion M-37048 and Reinstatement of Solicitor's Opinion M-37025 |
| M-37075 | 4/15/2022 | (Under Suspension Review) Withdrawal of M-37046 and Reinstatement of M-37039, "The Bureau of Land Management's Authority to Address Impacts of its Land Use Authorizations Through Mitigation" |
| M-37076 | 11/16/2022 | (Under Suspension Review) The Secretary's Land into Trust Authority for Alaska Natives and Alaska Tribes Under the Indian Reorganization Act and the Alaska Indian Reorganization Act |
| M-37077 | 5/16/2023 | (Under Suspension Review) Use of Mining Claims for Mine Waste Deposition, and Rescission of M-37012 and M-37057 |

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| M-37078 | 5/31/2023 | (Under Suspension Review) National Wildlife Refuge Land Exchanges |
| M-37079 | 2/1/2024 | (Under Suspension Review) Partial Withdrawal of Solicitor's Opinion M-36975, Governmental Jurisdiction of Alaska Native Villages Over Land and Nonmembers, and Clarification of Tribal Jurisdiction Over Alaska Native Allotments |
| M-37080 | 5/21/2024 | (Under Suspension Review) Adjudication of Alaska Native Village Corporation Land Selections Made under Section 12(b) of the Alaska Native Claims Settlement Act |
| M-37081 | 1/10/2025 | (Under Suspension Review) Resolution of Questions About the Water Rights of the Black Canyon of the Gunnison National Park and the Wayne N. Aspinall Unit of the Colorado River Storage Project |
| M-37082 | 1/16/2025 | (Under Suspension Review) Request from the Pueblo of San Felipe to Review Interior Board of Land Appeals Opinion Filed August 31, 2017, Pueblo of San Felipe, 191 IBLA 53 |
| M-37083 | 1/16/2025 | (Under Suspension Review) Trust Relationship between the United States and the Native Hawaiian Community, and Administration of the Hawaiian Home Lands |
| M-37084 | 1/17/2025 | (Under Suspension Review) Authority of the Secretary to Take Land into Trust for the United Keetoowah Band of Cherokee Indians in Oklahoma for Gaming Purposes within the Cherokee Reservation |
| Review Memo | 2/28/2025 | Memorandum suspending M-Opinions numbered M-37065 through M-37084 for review |
| M-37085 | 4/11/2025 | Withdrawal of Solicitor Opinion M-37065 "Permanent Withdrawal of Solicitor Opinion M-37050 'The Migratory Bird Treaty Act Does Not Prohibit Incidental Take'" |
| M-37086 | 5/1/2025 | Withdrawal of Solicitor Opinion M-37067 and Reinstatement of M-Opinion 37059, "Secretary's Duty to Prevent Interference with Reasonable Uses of Exclusive Economic Zone, the High Seas, and the Territorial Seas in Accordance with Outer Continental Shelf Lands Act Subsection 8(p), 'Alternate Energy-related Uses on the Outer Continental Shelf'" |