

## SOLICITOR'S OPINIONS

1993 to Present

<b>Number</b>	<b>Date</b>	<b>Subject</b>
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-36987	12/5/1996	BLM's Authority to Recover Costs of Mineral Document Processing
M-36986	12/5/1996	Control of Surface Coal Mining Operations Under the Surface Mining Control and Reclamation Act
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-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-36990	11/12/1997	Entitlement to a Mineral Patent Under the Mining Law of 1872
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-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-36994	5/22/1998	Patenting of Mining Claims and Mill Sites in Wilderness Areas
M-36998	6/9/1999	Disposal of Mineral Materials from Unpatented Mining Claims
M-36999	12/27/1999	Regulation of Hardrock Mining

<b>Number</b>	<b>Date</b>	<b>Subject</b>
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-37004	1/18/2001	Use of Mining Claims for Purposes Ancillary to Mineral Extraction
M-37003	1/18/2001	Binding Nature of Solicitor's M-Opinions on the Office of Hearings and Appeals
M-37002	1/18/2001	Eastern Boundary of the Sandia Pueblo Grant
M-37006	1/19/2001	Great Sand Dunes National Park
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"
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-37012	11/14/2005	Legal Requirements for Determining Mining Claim Validity before Approving a Mining Plan of Operation
M-37011	11/14/2005	Rescission of 2001 Ancillary Use Opinion
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-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-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-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

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M-37022	1/16/2009	Protest and Administrative Appeal of Biological Assessments – Livestock Grazing
M-37021	1/16/2009	The Meaning of “Foreseeable Future” in Section 3(20) of the Endangered Species Act
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-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
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-37034	1/15/2016	Boundary of the Skokomish Reservation along the Skokomish River
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-37035	2/18/2016	Partial Withdrawal of Solicitor's Opinion M-36974, Inspector General's Report on Land Acquisitions
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

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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-37045	1/18/2017	Reaffirmation of the United States' Unique Trust Relationship with Indian Tribes and Related Indian Law Principles
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-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
M-37050	12/22/2017	The Migratory Bird Treaty Act Does Not Prohibit Incidental Take
M-37049	12/22/2017	Reversal of M-37036, "Twin Metals Minnesota Application to Renew Preference Right Leases (MNES-01352 and MNES-01353)"
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)"

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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-37054	3/9/2020	Interpreting the Second Definition of "Indian" In Section 19 of the Indian Reorganization Act of 1934
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-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-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-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"
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

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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-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-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-37071	10/12/2021	(Under Suspension Review) Continuation of BSEE Inspection Fee Collection Authority during a Continuing Resolution
M-37072	1/25/2022	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	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	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
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

<b>Number</b>	<b>Date</b>	<b>Subject</b>
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-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-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-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'"
M-37087	2/24/2026	Permanent Withdrawal of Solicitor Opinion M-37076, "The Secretary's Land into Trust Authority for Alaska Natives and Alaska Tribes Under the Indian Reorganization Act and the Alaska Indian Reorganization Act" (Nov. 16, 2022), and Reinstatement of Solicitor Opinion M-37064, "Permanent Withdrawal of Solicitor Opinion M-37043, "Authority To Acquire Land into Trust in Alaska" (Jan. 19, 2021)
M-37088	3/12/2026	Permanent Withdrawal of Solicitor's Opinion M-37073, "Opinion Regarding the Status of Mineral Ownership Underlying the Missouri River Within the Boundaries of the Fort Berthold Reservation (North Dakota)" (Feb. 4, 2022), and Reinstatement of Solicitor's Opinion M-37056, "Status of Mineral Ownership Underlying the Missouri River within the Boundaries of the Fort Berthold Indian Reservation (North Dakota)" (May 26, 2020)

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M-37089	5/22/2026	Permanent Withdrawal of Solicitor Opinion M-37084, "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" (Jan. 17, 2025)