

**MEMORANDUM OF UNDERSTANDING BETWEEN
THE U.S. DEPARTMENT OF ENERGY
AND
THE U.S. DEPARTMENT OF THE INTERIOR
REGARDING RATTLESNAKE MOUNTAIN**

This Memorandum of Understanding (MOU) is entered into between the U.S. Department of Energy (DOE) and the U.S. Department of the Interior (DOI) (collectively “the Agencies”).

1. PURPOSE

This MOU is to provide a framework for the Agencies to work collaboratively to improve the protection of, and Tribal access to, the Federal portion of the Rattlesnake Mountain, (called “Laliik” in the Native Sahaptin language) as a sacred site.

2. BACKGROUND

Laliik lies within the DOE Hanford Site boundaries and within the boundaries of the Hanford Reach National Monument (Monument) in Washington State. This MOU concerns the portion of Laliik that is included within the Monument. *See* the attached map.

Most of the cultural and natural resources within the Monument are currently managed by the U.S. Fish and Wildlife Service (FWS) under permits and memoranda of understanding between the FWS and the Hanford Site Richland Operations Office. The Confederated Tribes and Bands of the Yakama Nation, the Confederated Tribes of the Umatilla Indian Reservation, and the Nez Perce Tribe and the Wanapum Band of Priest Rapids (collectively “the Tribes”) have spiritual interconnectedness to Laliik and the cultural and natural resources located there and indicate that connection has existed since time immemorial.

The Agencies are in ongoing consultations about their management of Laliik with the Tribes.

3. AUTHORITIES

The Agencies have authority to enter this MOU pursuant to Presidential Proclamation 7319, 3 CFR 7319, 3 CFR 7319 – Proclamation 7319 of June 9, 2000. Establishment of the Hanford Reach National Monument – Content Details – CFR-2001-title3-vol1-proc7319 (govinfo.gov).

DOI also has authority to enter this MOU pursuant to, and without limitation: the Organic Act of March 3, 1849, (43 U.S. Code (U.S.C.) § 1457), as amended, charging

the Secretary of the Interior with supervision of public business relating to Indians, and other authorities relating to the carrying into effect of statutes relating to Indian affairs (25 U.S.C. § 9).

DOE also has authority to enter this MOU pursuant to, and without limitation: (1) *DOE Organization Act* (Public Law 95-91, as amended; 42 U.S.C. § 7256) and (2) *Atomic Energy Act of 1954*, as amended; (42 U.S.C. 2011, et seq.).

4. JOINT OBJECTIVES

The Agencies share the following objectives:

1. To act consistent with Executive Order 13007 on Indian sacred sites, and with the 2021 interagency *Memorandum of Understanding Regarding Interagency Coordination and Collaboration for the Protection of Indigenous Sacred Sites*, to which the Agencies are parties. The Agencies recognize the importance of Agency coordination and collaboration to improve the protection of, and access to, Laliik as an indigenous sacred site, through enhanced and improved interdepartmental and intertribal coordination, collaboration, and actions.
2. To treat Laliik as a sacred site consistent with the United States' government-to-government relationships with and unique trust responsibility to federally recognized Indian Tribes.
3. To support the Tribal connections to Laliik that are essential to their spiritual interconnectedness, traditional gathering practices, and other ceremonial and cultural needs.
4. To consult and collaborate with the Tribes on key components of Federal land management at Laliik.

5. AGREEMENT

The Agencies will:

1. Work collaboratively with each other and with the Tribes to fulfill the purposes of Joint Secretarial Order No. 3403, *On Fulfilling the Trust Responsibility to Indian Tribes in the Stewardship of Federal Lands and Waters*, issued by the DOI, the U.S. Department of Agriculture, and the U.S. Department of Commerce.
2. Establish an interagency working group to enhance the Agencies' coordination and collaboration and to develop a framework for the long-term management of Laliik.
3. Consult with the Tribes about the Agencies' management of Laliik and sacred sites to determine best stewardship practices for and Tribal access to and use of Laliik.
4. Seek to enter into a co-stewardship agreement with the Tribes for the co-stewardship and use of Laliik.
5. Limitations:
 - a. This MOU is strictly for the Agencies' internal management purposes. It is not legally enforceable and shall not be construed to create any legal

obligations or create any private rights or causes of action for any third party, or create any third-party beneficiary, including that of a Federal contractor.

- b. This MOU is neither a fiscal nor a funds-obligation document. Nothing in this MOU authorizes or is intended to obligate the Agencies to expend, exchange, or reimburse funds, services, or supplies, or transfer or receive anything of value.

6. POINTS OF CONTACT

DOI: Martha Williams
 U.S. Fish and Wildlife Service
 1849 C Street, NW
 Washington, DC 20240
 (800) 344-9453

DOE: Robert Seifert
 DOE Office of Environmental Management
 19901 Germantown Road
 Germantown, Maryland 20874
 (301) 250-5239

7. EFFECTIVE DATE, AMENDMENT, AND TERMINATION

- 1. This MOU is effective upon the date of the last signature and should be reviewed every five years.
- 2. This MOU may be amended by mutual written agreement of the Agencies.
- 3. This MOU may be terminated by either Party upon 30 days written notice to the other Party.

Department of Energy Representative

Department of the Interior Representative



Jennifer Granholm
 Secretary
 Department of Energy

Deb Haaland
 Secretary
 Department of the Interior

Date: November 30, 2023

Date: December 1, 2023