# Appendix D: Legal and Policy Guidance

**Administrative Procedures Act of 1946**
Outlines administrative procedures to be followed by federal agencies with respect to identification of information to be made public; publication of material in the *Federal Register*; maintenance of records; attendance and notification requirements for specific meetings and hearings; issuance of licenses; and review of agency actions.

**American Indian Religious Freedom Act of 1978**
Establishes as policy of the United States the protection and preservation for American Indians of their inherent right to freedom to believe, express, and practice their traditional religions. The act directs federal agencies to evaluate their policies and procedures, in consultation with native traditional religious leaders, in order to determine changes required to protect and preserve Native American religious cultural rights and practices.

**Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008**
Prohibits discrimination of individuals based on disability. It requires that public transportation services be accessible to individuals with disabilities and prohibits discrimination in employment of qualified individuals with disabilities. It requires the Equal Employment Opportunity Commission to issue regulations relating to discrimination of disabled individuals, and requires the National Council on Disability to conduct a study of areas designated as wilderness to determine the effect of the designation on the ability of individuals to enjoy such areas. The ADA Amendments Act of 2008 restored the intent and protections of the original act.

**Antiquities Act of 1906**
Authorizes the president to designate as National Monuments objects or areas of historic or scientific interest on lands owned or controlled by the United States. The act requires that a permit be obtained for examination of ruins, excavation of archaeological sites, and the gathering of objects of antiquity on lands under the jurisdiction of the Secretaries of Interior, Agriculture, and Army; and provides penalties for violations.

**Archaeological Resources Protection Act of 1979**
Largely supplanted the resource protection provisions of the Antiquities Act for archaeological items. This act established detailed requirements for issuance of permits for any excavation for or removal of archaeological resources from federal or Indian lands. It also established civil and criminal penalties for the unauthorized excavation, removal, or damage of any such resources; for any trafficking in such resources removed from federal or Indian land in violation of any provision of federal law; and for interstate and foreign commerce in such resources acquired, transported or received in violation of any state or local law. This act also required the land managing agencies to establish public awareness programs regarding the value of archaeological resources to the Nation.

**Archeological and Historic Preservation Act of 1960, as amended**
This act carries out the policy established by the Historic Sites, Buildings and Antiquities Act of 1935 (known as the Historic Sites Act). It directs federal agencies to notify the Secretary of the Interior whenever they find a federal or federally assisted, licensed, or permitted project may cause loss or destruction of significant scientific, prehistoric, or archaeological data. The act authorizes use of appropriated, donated, and/or transferred funds for the recovery, protection, and preservation of such data.

**Archeological and Historic Preservation Act of 1974**
Directs the preservation of historic and archaeological data in federal construction projects.

**Architectural Barriers Act of 1969**
Ensures that certain buildings financed or leased by federal agencies are constructed (or renovated) so that they will be accessible to the physically handicapped.

**Bald and Golden Eagle Protection Act of 1940, as amended**
Prohibits the possession, sale, or transport of any bald or golden eagle, alive or dead, or part, nest, or egg except as permitted by the Secretary of the Interior for scientific or exhibition purposes or for the religious purposes of Indians.

**Bankhead-Jones Farm Tenant Act of 1937**
Directs the Secretary of Agriculture to develop a program of land conservation and utilization in order to correct maladjustments in land use and thus assist in such things as control of soil erosion, reforestation, preservation of natural resources, and protection of fish and wildlife. Some early refuges and hatcheries were established under authority of this act.

**Clean Air Act of 1970**
Regulates air emissions from area, stationary, and mobile sources. The act and its amendments charge federal land managers with direct responsibility to protect the “air quality and related values” of land under their control. These values include fish, wildlife, and their habitats.

**Emergency Wetlands Resources Act of 1986**
Authorized the purchase of wetlands from Land and Water Conservation Fund moneys, removing a prior prohibition on such acquisitions. Requires the Secretary of the Interior to establish a National Wetlands Priority Conservation Plan, requires the states to include wetlands in their comprehensive outdoor recreation plans, and transfers to the Migratory Bird Conservation Fund amounts equal to import duties on arms and ammunition. It established entrance fees at national wildlife refuges. It also extended the Wetlands Loan Act authorization through 1988 and required the Secretary to report to Congress on wetlands loss.
In addition, it directed the Secretary, through the U.S. Fish and Wildlife Service, to continue the National Wetlands Inventory; to complete mapping of the contiguous United States; and to produce at ten-year intervals reports to update and improve in the September 1982 "Status and Trends of Wetlands and Deepwater Habitat in the Coterminous United States, 1950s to 1970s." This act also increased the price of Duck Stamps.

**Endangered Species Act of 1973, as amended**
Directs federal agencies to take actions that would further the purposes of the act and to ensure that actions they carry out, authorize, or fund do not jeopardize endangered species or their critical habitat. The act also provides authority for land acquisition. Conservation of threatened and endangered species has become a major objective of both land acquisition and refuge management programs.

**Endangered Species Conservation Act of 1969**
This act expanded the provisions of the Endangered Species Preservation Act of 1966 to include the listing of species in danger world-wide and added mollusks and crustaceans to the animals that could be listed.

**Endangered Species Preservation Act of 1966**
This act was the predecessor to the Endangered Species Act of 1973 and directed the Secretary of the Interior to produce a list of native U.S. vertebrate species in danger of extinction for the limited protection of those animals.

**Environmental Education Act of 1990**
Established the Office of Environmental Education within the Environmental Protection Agency to develop and administer a federal environmental education program in consultation with other federal natural resource management agencies, including the U.S. Fish and Wildlife Service.

**Executive Order 11593: Protection and Enhancement of the Cultural Environment (1971)**
States that if the U.S. Fish and Wildlife Service proposes any development activities that may affect the archaeological or historic sites, the Service will consult with federal and state Historic Preservation Officers to comply with section 106 of the National Historic Preservation Act of 1966, as amended.

**Executive Order 11644: Use of Off-road Vehicles on the Public Lands (1972)**
Established policies and procedures to ensure that the use of off-road vehicles on public lands will be controlled and directed to protect the resources of those lands, to promote the safety of all users of those lands, and minimize conflicts among the various uses of those lands. EO 11989 (1977) amends section 2 of EO 11644 and directs agencies to close areas negatively impacted by off-road vehicles.

**Executive Order 11988: Floodplain Management (1977)**
Prevents federal agencies from contributing to the “adverse impacts associated with occupancy and modification of floodplains” and the “direct or indirect support of floodplain development.” In the course of fulfilling their respective authorities, federal agencies “shall take action to reduce the risk of flood loss, minimize the impact of floods on human safety, health, and welfare, and restore and preserve the natural and beneficial values served by floodplains.

**Executive Order 11990: Protection of Wetlands (1977)**
Directs federal agencies to: (1) minimize destruction, loss, or degradation of wetlands; and (2) preserve and enhance the natural and beneficial values of wetlands when a practical alternative exists.

**Executive Order 12372: Intergovernmental Review of Federal Programs (1982)**
Seeks to foster intergovernmental partnerships by requiring federal agencies to use the state process to determine and address concerns of state and local elected officials with proposed federal assistance and development programs.

**Executive Order 12898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations (1994)**
Mandates that each federal agency shall make achieving environmental justice part of its mission by identifying and addressing disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations. This order also creates an Interagency Working Group on Environmental Justice to provide guidance to federal agencies in overcoming these issues.

**Executive Order 12906: Coordinating Geographical Data Acquisition and Access: The National Spatial Data Infrastructure (1994), as amended by Executive Order 13286: Amendment of Executive Orders, and Other Actions, in Connection With the Transfer of Certain Functions to the Secretary of Homeland Security (2003)**
Recommended that the executive branch develop, in cooperation with state, local, and tribal governments, and the private sector, a coordinated National Spatial Data Infrastructure to support public and private sector applications of geospatial data. Of particular importance to Comprehensive Conservation Plans is the National Vegetation Classification System (NVCS), which is the adopted standard for vegetation mapping. Using NVCS facilitates the compilation of regional and national summaries, which, in turn, can provide an ecosystem context for individual refuges.

**Executive Order 12962: Recreational Fisheries (1995)**
Directs federal agencies to improve the quantity, function, sustainable productivity, and distribution of United States aquatic resources for increased recreational fishing opportunities in cooperation with states and tribes.

**Executive Order 12996: Management and General Public Use of the National Wildlife Refuge System (1996)**
Defines a conservation mission for the National Wildlife Refuge System, six compatible wildlife-dependent recreational activities, and four guiding principles for management of the Refuge System. Directs the Secretary of the Interior to undertake several actions in support of management and public use and to ensure the maintenance of the biological integrity and environmental health of the Refuge System. It also provides for the identification of existing wildlife-dependent uses that will continue to occur as lands are added to the Refuge System.

**Executive Order 13007: Indian Sacred Sites (1996)**
Directs federal land management agencies to accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners, avoid adversely affecting the physical integrity of such sacred sites, and where appropriate, maintain the confidentiality of sacred sites.

**Executive Order 13061: Federal Support of Community Efforts Along American Heritage Rivers (1997)**
Established the American Heritage Rivers initiative for the purpose of natural resource and environmental protection, economic revitalization, and historic and cultural preservation. The act directs federal agencies to preserve, protect, and restore rivers and their associated resources important to our history, culture, and natural heritage.

**Executive Order 13084: Consultation and Coordination With Indian Tribal Governments (2000)**
Provides a mechanism for establishing regular and meaningful consultation and collaboration with tribal officials in the development of federal policies that have tribal implications.

**Executive Order 13112: Invasive Species (1999)**
Directs federal agencies to prevent the introduction of invasive species, detect and respond rapidly to and control populations of such species in a cost effective and environmentally sound manner, accurately monitor invasive species, provide for restoration of native species and habitat conditions, conduct research to prevent introductions, to control invasive species, and to promote public education on invasive species and the means to address them. This EO replaces and rescinds EO 11987: Exotic Organisms (1977).

**Executive Order 13186: Responsibilities of Federal Agencies to Protect Migratory Birds (2001)**
Instructs federal agencies to conserve migratory birds by several means, including the incorporation of strategies and recommendations found in Partners in Flight Bird Conservation plans, the North American Waterfowl Plan, the North American Waterbird Conservation Plan, and the United States Shorebird Conservation Plan, into agency management plans and guidance documents.

**Executive Order 13443: Facilitation of Hunting Heritage and Wildlife Conservation (2007)**
Directs federal agencies that have programs and activities that have a measurable effect on public land management, outdoor recreation, and wildlife management, including the Department of the Interior and the Department of Agriculture, to facilitate the expansion and enhancement of hunting opportunities and the management of game species and their habitat.

**Farmland Protection Policy Act of 1981, as amended**
Minimizes the extent to which federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses. Federal programs include construction projects and the management of federal lands.

**Federal Advisory Committee Act of 1972, as amended**
Governs the establishment of and procedures for committees that provide advice to the federal government. Advisory committees may be established only if they will serve a necessary, nonduplicative function. Committees must be strictly advisory unless otherwise specified and meetings must be open to the public.

**Federal-Aid Highways Act of 1968**
Establishes requirements for approval of federal highways through wildlife refuges and other designated areas to preserve the natural beauty of such areas. The Secretary of Transportation is directed to consult with the Secretary of the Interior and other federal agencies before approving any program or project requiring the use of land under their jurisdiction.

**Federal Aid in Sport Fish Restoration Act (Dingell-Johnson Act) of 1950**
Authorizes the Secretary of the Interior to provide financial assistance for state fish restoration and management plans and projects. It is financed by excise taxes paid by manufacturers of rods, reels, and other fishing tackle.

**Federal Aid in Wildlife Restoration Act (Pittman-Robertson Act) of 1937**
Taxes the purchase of ammunition and firearms and earmarks the proceeds to be distributed to the states for wildlife restoration.

**Federal Cave Resources Protection Act of 1988**
Established requirements for the management and protection of caves and their resources on federal lands, including allowing the land managing agencies to withhold the location of caves from the public and requiring permits for any removal or collecting activities in caves on federal lands.

**Federal Lands Recreation Enhancement Act (REA) of 2004**
Allows the government to charge a fee for recreational use of public lands managed by the U.S. Fish and Wildlife Service and other agencies. The recreation fee program is a program by which fees paid by visitors to certain federal recreation sites are retained by the collecting site and used to improve the quality of the visitor experiences at those sites.

**Federal Noxious Weed Act of 1975, as amended**
The Secretary of Agriculture was given the authority to designate plants as noxious weeds and to cooperate with other federal, state, and local agencies; farmers associations, and private individuals in measures to control, eradicate, prevent, or retard the spread of such weeds. The act requires each federal land-managing agency, including the U.S. Fish and Wildlife Service, to designate an office or person to coordinate a program to control such plants on the agency's land and implement cooperative agreements with the states, including integrated management systems to control undesirable plants.

**Federal Records Act of 1950**
Directs the preservation of evidence of the government's organization, functions, policies, decisions, operations, and activities, as well as basic historical and other information.

**Federal Water Pollution Control Act of 1948, as frequently amended particularly by the Clean Water Act of 1977**
This act and its amendments have as their objectives the restoration and maintenance of the chemical, physical, and biological integrity of the Nation's waters and, therefore, regulates the discharge of pollutants into waters of the United States. The act protects fish and wildlife, establishes operation permits for all major sources of water pollution, limits the discharge of pollutants or toxins into water, and makes it unlawful for any person to discharge any pollutant from a point source into navigable waters unless a permit is obtained under the Clean Water Act. Section 404 charges the U.S. Army Corps of Engineers with regulating discharge of dredge or fill materials into waters of the United States, including wetlands. The "Clean Water Act" became the common name with amendments in 1977.

**Federal Water Project Recreation Act of 1965, as amended**
Declares the intent of Congress that recreation and fish and wildlife enhancement be given full consideration as purposes of federal water development projects. The act also authorizes the use of federal water project funds for land acquisition in order to establish refuges for migratory waterfowl when recommended by the Secretary of the Interior, and authorizes the Secretary to provide facilities for outdoor recreation and fish and wildlife at all reservoirs under his control, except those within national wildlife refuges.

**Fish and Wildlife Act of 1956, as frequently amended**
Establishes a comprehensive national fish, shellfish, and wildlife resources policy with emphasis on the commercial fishing industry but also with a direction to administer the act with regard to the inherent right of every citizen and resident to fish for pleasure, enjoyment, and betterment and to maintain and increase public opportunities for recreational use of fish and wildlife resources. The 1998 amendments to the act modified the powers of the Secretary of the Interior in regard to volunteer service, community partnerships, and education programs.

**Fish and Wildlife Conservation Act of 1980, as amended**
Requires the Service to monitor non-gamebird species, identify species of management concern, and implement conservation measures to preclude the need for listing under the Endangered Species Act of 1973.

**Fish and Wildlife Coordination Act of 1934**
Promotes equal consideration and coordination of wildlife conservation with other water resource development programs by requiring consultation with the U.S. Fish and Wildlife Service and the state fish and wildlife agencies where the "waters of a stream or other body of

water are proposed or authorized, permitted or licensed to be impounded, diverted . . . or otherwise controlled or modified" by any agency under federal permit or license. This act also authorized use of surplus federal property for wildlife conservation purposes and authorized the Secretary of the Interior to provide public fishing areas and accept donations of lands and funds.

**Fish and Wildlife Improvement Act of 1978**
Improves the administration of fish and wildlife programs and amends several earlier laws including the Refuge Recreation Act, the National Wildlife Refuge System Administration Act of 1966, and the Fish and Wildlife Act of 1956. It authorizes the Secretary of the Interior to accept gifts and bequests of real and personal property on behalf of the United States. It also authorizes the use of volunteers on Service projects and appropriations to carry out a volunteer program.

**Food Security Act of 1985 (Farm Bill), as amended**
Known as the Farm Bill, this act contains several provisions that contribute to wetland conservation. The Swampbuster provisions state that farmers who convert wetlands for the purpose of planting after enactment of the law are ineligible for most farm program subsidies. The act also established the Wetlands Reserve Program to restore and protect wetlands through easements and restoration of the functions and values of wetlands on such easement areas.

**Freedom of Information Act of 1966**
Requires all federal agencies to make available to the public for inspection and copying administrative staff manuals and staff instructions; official, published and unpublished policy statements; final orders deciding case adjudication; and other documents. Special exemptions have been reserved for nine categories of privileged material. The act requires the party seeking the information to pay reasonable search and duplication costs.

**Geothermal Steam Act of 1970, as amended**
Authorizes and governs the lease of geothermal steam and related resources on public lands. Section 15(c) of the act prohibits issuing geothermal leases on virtually all U.S. Fish and Wildlife Service-administered lands.

**Historic Sites, Buildings and Antiquities Act of 1935**
Popularly known as the Historic Sites Act, as amended in 1965, declared it a national policy to preserve historic sites and objects of national significance, including those located on refuges. It provided procedures for designation, acquisition, administration, and protection of such sites. Among other things, National Historic and Natural Landmarks are designated under authority of this act.

**Lacey Act of 1900, as amended**
Originally designed to help states protect their native game animals and to safeguard U.S. crop production from harmful foreign species. The act prohibits interstate and international transport and commerce of fish, wildlife, or plants taken in violation of domestic or foreign laws. It regulates the introduction to the United States of foreign species into new locations.

**Land and Water Conservation Fund Act of 1965**
Provides funding through receipts from the sale of surplus federal land, appropriations from oil and gas receipts from the outer continental shelf, and other sources for land acquisition under several authorities. Appropriations from the fund may be used for matching grants to states for

outdoor recreation projects and for land acquisition by various federal agencies including the Fish and Wildlife Service.

**Migratory Bird Conservation Act of 1929**
Establishes a Migratory Bird Conservation Commission to approve areas recommended by the Secretary of the Interior for acquisition with Migratory Bird Conservation Funds. Authorizes the Secretary of the Interior to cooperate with local authorities in wildlife conservation and to conduct investigations, to publish documents related to North American birds, and to maintain and develop refuges. The act provides for cooperation with states in enforcement. It establishes procedures for acquisition by purchase, rental, or gift of areas approved by the Commission for migratory birds. This act includes acquisition authority for purchase or rental of a partial interest in land or waters and requires the Secretary of the Interior to consult with the appropriate units of local government and with the governor of the state concerned, or the appropriate state agency, before recommending an area for purchase or rental. This provision was subsequently amended in 1983, 1984, and 1986 to require that either the governor or the state agency approve each proposed acquisition. The role of the Commission was expanded by the North American Wetland Conservation Act to include approving wetlands acquisition, restoration, and enhancement proposals recommended by the North American Wetlands Conservation Council.

**Migratory Bird Hunting and Conservation Stamp Act (Duck Stamp Act) of 1934**
Known as the Duck Stamp Act, this act requires every waterfowl hunter 16 years of age or older to carry a stamp, and earmarks proceeds of Duck Stamps to buy or lease waterfowl habitat. A 1958 amendment authorizes the acquisition of small wetland and pothole areas to be designated as “Waterfowl Production Areas,” which may be acquired without the limitations and requirements of the Migratory Bird Conservation Act.

**Migratory Bird Treaty Act of 1918**
Implements various treaties and conventions between the United States and Canada, Japan, Mexico, and the former Soviet Union for the protection of migratory birds. Except as allowed by special regulations, the act makes it unlawful to pursue, hunt, kill, capture, possess, buy, sell, purchase, barter, export, or import any migratory bird, part, nest, egg, or product.

**Mineral Leasing Act for Acquired Lands of 1947, as amended**
Authorizes and governs mineral leasing on acquired public lands.

**Minerals Leasing Act of 1920, as amended**
Authorizes and governs leasing of public lands for development of deposits of coal, oil, gas, and other hydrocarbons, sulphur, phosphate, potassium, and sodium. Section 185 of this act contains provisions relating to granting rights-of-way over federal lands for pipelines.

**Mining Act of 1872, as amended**
Authorizes and governs prospecting and mining for the so-called “hardrock” minerals (such as gold and silver) on public lands.

**National and Community Service Act of 1990**
Authorizes several programs to engage citizens of the United States in full and/or part-time projects designed to combat illiteracy and poverty, provide job skills, enhance educational skills, and fulfill environmental needs. Among other things, this law established the American Conservation and Youth Service Corps to engage young adults in approved human and natural resource projects, which will benefit the public or are carried out on federal or tribal lands.

**National Environmental Policy Act of 1969 (NEPA), as amended**
This act and the implementing regulations developed by the Council on Environmental Quality (40 CFR 1500–1508) require federal agencies to integrate the National Environmental Policy Act of 1969 (NEPA) process with other planning at the earliest possible time to provide a systematic interdisciplinary approach to decision making; to identify and analyze the environmental effects of their actions; to describe appropriate alternatives to the proposed actions; and to involve the affected state and federal agencies, tribal governments, and public in the planning and decision making process. This act requires the disclosure of the environmental impacts of any major federal action significantly affecting the quality of the human environment.

**National Historic Preservation Act of 1966**
Repeatedly amended, the act provides for preservation of significant historical features (buildings, objects, and sites) through a grant-in-aid program to the states. It established a National Register of Historic Places and a program of matching grants under the existing National Trust for Historic Preservation (16 U.S.C. 468–468d). The act established an Advisory Council on Historic Preservation, which was made a permanent independent agency in 1976 (90 Stat. 1319). That act also created the Historic Preservation Fund. Federal agencies are directed to take into account the effects of their actions on items or sites listed or eligible for listing in the National Register and afford the Advisory Council on Historic Preservation a reasonable opportunity to comment. Section 110 requires federal agencies to manage historic properties, e.g., to document historic properties prior to destruction or damage; section 101 requires federal agencies consider Indian tribal values in historic preservation programs and requires each federal agency to establish a program leading to inventory of all historic properties on its land.

**National Trails System Act of 1968**
Established the National Trails System to protect the recreational, scenic, and historic values of some important trails. National Recreation Trails may be established by the Secretaries of the Interior or Agriculture on land wholly or partly within their jurisdiction, with the consent of the involved state(s) and other land managing agencies, if any. National scenic and national historic trails may only be designated by an act of Congress. Several national trails cross units of the National Wildlife Refuge System.

**National Wildlife Refuge System Administration Act of 1966 (amended by the National Wildlife Refuge System Improvement Act of 1997)**
This act consolidates the authorities relating to the various categories of lands for the conservation of fish and wildlife administered by the Secretary of the Interior through the U.S Fish and Wildlife Service by designating all such areas part of a single National Wildlife Refuge System. Areas include wildlife refuges, areas for the protection and conservation of fish and wildlife threatened with extinction, wildlife ranges, game ranges, wildlife management areas, and waterfowl production areas. The law also prohibits knowingly disturbing any area within the system or the take of Refuge System wildlife without a permit. The act addresses the growing need for recreational opportunities by providing a decision framework for allowing appropriate and compatible uses of the Refuge System.

**National Wildlife Refuge System Centennial Act of 2000**
Establishes a commission to promote awareness by the public to develop a long-term plan to meet priority needs of the National Wildlife Refuge System, require an annual report on the needs, and improve public use programs and facilities.

**National Wildlife Refuge System Improvement Act of 1997**
This act, which amends the National Wildlife Refuge System Administration Act of 1966, serves as the "organic act" for the National Wildlife Refuge System. The act states first and foremost that the mission of the National Wildlife Refuge System is focused singularly on wildlife conservation. It establishes a unifying mission for the Refuge System, reinforces the importance of refuge purposes to guide management direction, articulates a process for determining compatible uses of refuges, identifies six priority wildlife-dependent recreation uses (hunting, fishing, wildlife observation and photography, and environmental education and interpretation), and adds a requirement for preparing comprehensive conservation plans through a public planning process. The act requires the Secretary of the Interior to maintain the biological integrity, diversity, and environmental health of the Refuge System.

**National Wildlife Refuge System Volunteer and Community Partnership Enhancement Act of 1998**
Amends the Fish and Wildlife Act of 1956 to encourage the use of volunteers to help in the management of refuges within the National Wildlife Refuge System; facilitates partnerships between the Refuge System and nonfederal entities to promote public awareness of the resources of the Refuge System and public participation in the conservation of the resources; and encourages donations and other contributions.

**National Wildlife Refuge Volunteer Improvement Act of 2010**
Maintains the current funding authorization level for the U.S. Fish and Wildlife Service's volunteer and community partnerships programs that are vital to national wildlife refuges but makes a number of important amendments. The law amends the National Wildlife Refuge Volunteer and Community Partnership Enhancement Act of 1998 to direct the Service to carry out a National Volunteer Coordination Program within the National Wildlife Refuge System. It also requires the Director of the Service to publish a national strategy for the coordination and utilization of volunteers within the Refuge System and provide at least one regional volunteer coordinator for each Service region to implement the strategy.

**Native American Graves Protection and Repatriation Act (NAGPRA) of 1990**
Requires federal agencies and museums to inventory, determine ownership of, and repatriate cultural items under their control or possession. This act imposes serious delays on a project when human remains or other cultural items are encountered in the absence of a plan.

**Neotropical Migratory Bird Conservation Act of 2000**
Establishes a matching grants program to fund projects that promote the conservation of neotropical migratory birds in the United States, Latin America, and the Caribbean.

**North American Wetlands Conservation Act of 1989**
Provides funding and administrative direction for implementation of the North American Waterfowl Management Plan and the Tripartite Agreement on wetlands between the United States, Canada, and Mexico. North American Wetlands Conservation Council is created to recommend projects to be funded under the act to the Migratory Bird Conservation Commission. Available funds may be expended for up to 50 percent of the United States' share cost of wetlands conservation projects in Canada, Mexico, or the United States (or 100 percent of the cost of projects on federal lands).

**Partnerships for Wildlife Act of 1992**
Established a Wildlife Conservation and Appreciation Fund to receive appropriated funds and donations from the National Fish and Wildlife Foundation and other private sources to assist the

state fish and game agencies in carrying out their responsibilities for conservation of non-game species. The funding formula is no more than 1/3 federal funds, at least 1/3 foundation funds, and at least 1/3 state funds.

**Refuge Recreation Act of 1962, as amended**
Requires that any recreational use on areas of the National Wildlife Refuge System be "compatible" with the primary purpose(s) for which the area was acquired or established. This act also requires that sufficient funding be available for the development, operation and maintenance of recreational uses that are not directly related to the area's primary purpose(s).

**Refuge Revenue Sharing Act of 1935**
Provides for payments to counties in lieu of taxes, using revenues derived from the sale of products from refuges. A major revision in 1964 requires all revenues received from refuge products be distributed to counties for public schools and roads (this stipulation later removed). Another revision in 1974 requires that any remaining funds be transferred to the Migratory Bird Conservation Fund for land acquisition. A 1978 amendment stated payments to counties were established as:

- on acquired land, the greatest amount calculated on the basis of 75 cents per acre, three-fourths of one percent of the appraised value, or 25 percent of the net receipts produced from the land, and
- on land withdrawn from the public domain, 25 percent of net receipts and basic payments.

This amendment also required counties to pass payments along to other units of local government within the county that suffer losses in revenues due to the establishment of U.S. Fish and Wildlife Service areas.

**Rehabilitation Act of 1973, as amended**
Prohibits discrimination on the basis of disability under any program or activity receiving federal financial assistance.

**Rivers and Harbors Appropriations Act of 1899, as amended**
Requires the authorization by the Chief of Engineers prior to any work in, on, over, or under navigable waters of the United States. The Fish and Wildlife Coordination Act provides authority for the U.S. Fish and Wildlife Service to review and comment on the effects on fish and wildlife activities proposed to be undertaken or permitted by the COE. Service concerns include contaminated sediments associated with dredge or fill projects in navigable waters.

**Secretarial Order 3289 Amendment 1: Addressing the Impacts of Climate Change on America's Water, Land, and Other Natural and Cultural Resources (2010)**
Secretarial Order 3285, issued in March 2009, made production and transmission of renewable energy on public lands a priority for the Department of the Interior. This Secretarial Order, 3289A1, issued in February 2010 establishes a Department-wide approach for applying scientific tools to increase understanding of climate change and to coordinate an effective response to its impacts on tribes and on the land, water, ocean, fish and wildlife, and cultural resources that the Department manages.

**Sikes Act of 1960, as amended**
Provides for the cooperation by the U.S. Departments of the Interior and Defense with state agencies in planning, development, and maintenance of fish and wildlife resources and outdoor recreation facilities on military reservations throughout the United States. It requires the Secretary of each military department to use trained professionals to manage the wildlife and fishery resource under his jurisdiction and requires federal and state fish and wildlife agencies be given priority in management of fish and wildlife activities on military reservations.

**Surface Mining Control and Reclamation Act of 1977**
Regulates surface mining activities and reclamation of coal-mined lands. Further regulates the coal industry by designating certain areas as unsuitable for coal mining operations.

**Transfer of Certain Real Property for Wildlife Conservation Purposes Act of 1948**
Provides that upon a determination by the Administrator of the General Services Administration, real property no longer needed by a federal agency can be transferred without reimbursement to the Secretary of the Interior if the land has particular value for migratory birds or to a state agency for other wildlife conservation purposes.

**Transportation Equity Act for the 21st Century of 1998**
Established the Refuge Roads Program, requires transportation planning that includes public involvement, and provides funding for approved public use roads and trails and associated parking lots, comfort stations, and bicycle/pedestrian facilities.

**Treasury and General Government Appropriations Act of 2000**
In December 2002, Congress required federal agencies to publish their own guidelines for ensuring and maximizing the quality, objectivity, utility, and integrity of information that they disseminate to the public (44 U.S.C. 3502). The amended language is included in section 515(a). The Office of Budget and Management directed agencies to develop their own guidelines to address the requirements of the law. The Department of the Interior instructed bureaus to prepare separate guidelines on how they would apply the act. The U.S. Fish and Wildlife Service has developed “Information Quality Guidelines” to address the law.

**Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970**
Provides for uniform and equitable treatment of persons who sell their homes, businesses, or farms to the U.S. Fish and Wildlife Service. The act requires that any purchase offer be no less than the fair market value of the property.

**Water Resources Planning Act of 1965**
Established the Water Resources Council to be composed of Cabinet representatives, including the Secretary of the Interior. The Council reviews river basin plans with respect to agricultural, urban, energy, industrial, recreational, and fish and wildlife needs. The act also established a grant program to assist states in participating in the development of related comprehensive water and land use plans.

**Wild and Scenic Rivers Act of 1968**
Established a National Wild and Scenic Rivers System and prescribes the methods and standards through which additional rivers may be identified and added to the system. Section 5(d)(1) requires that in all planning by federal agencies for the use and development of water and related land resources, consideration be given to potential wild, scenic, and recreation rivers. Rivers are added to the national system based on their free-flowing character and their outstandingly remarkable scenic, recreation, geologic, fish and wildlife, historic, cultural,

ecological, or other values. Rivers in the system are managed to maintain and protect these outstandingly remarkable values for present and future generations.

**Wilderness Act of 1964**
Defined the Wilderness resource and established the National Wilderness Preservation System. It directed the Secretary of the Interior, within 10 years, to review every roadless area of 5,000 or more acres and every roadless island (regardless of size) within National Wildlife Refuge and National Park Systems and to recommend to the president the suitability of each such area or island for inclusion in the National Wilderness Preservation System, with final decisions made by Congress. The Secretary of Agriculture was directed to study and recommend suitable areas in the National Forest System. This act also prescribes the management of new inclusions as wilderness.

**Youth Conservation Corps Act of 1970**
Established a permanent Youth Conservation Corps program within the Departments of the Interior and Agriculture. Within the U.S. Fish and Wildlife Service, YCC participants perform many tasks on refuges, fish hatcheries, and research stations.